

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

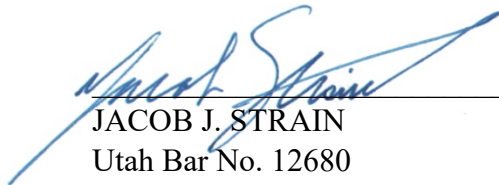
UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 1:21-cr-00453-JDB
	:	
SEAN MICHAEL MCHUGH,	:	
	:	
Defendant.	:	

NOTICE OF FILING

The Government requests that the attached discovery letter, dated August 18, 2021, be made part of the record in the above-captioned case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY



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U.S. Department of Justice

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*Judiciary Center
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August 18, 2021

Maria Jacob
Assistant Federal Public Defender
maria_jacob@fd.org

RE: U.S. v. SEAN MICHAEL MCHUGH (1:21-cr-00453-JDB)

Dear Counsel,

Pursuant to our discovery obligations, we have provided the following files via USAfx on August 18, 2021. Note that many of these files and their related physical attachments are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, some of the same files will be re-produced with bates-stamps at a later date. The following files have all been designated as "Sensitive" pursuant to the terms of the Protective Order:

1. 089B-WF-3368293-59_AFO_0000001_1A0000001_0000002.png
2. 089B-WF-3368293-59_AFO_0000001_1A0000001_0000003.png
3. 089B-WF-3368293-59_AFO_0000001_1A0000001_0000004.png
4. 089B-WF-3368293-59_AFO_0000001_1A0000001_0000005.pdf
5. 089B-WF-3368293-59_AFO_0000001_Redacted.pdf
6. 089B-WF-3368293-59_AFO_0000002_Redacted.pdf
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15. 089B-WF-3368293-59_AFO_0000007.pdf
16. 089B-WF-3368293-59_AFO_0000007_1A0000003_0000001_PHYSICAL.pdf

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21. 089B-WF-3368293-59_AFO_000009_1A000005_000003.JPG
22. 089B-WF-3368293-59_AFO_000009_1A000005_000004.jpg
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164. 089B-WF-3368293-59_AFO_0000062.pdf
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176. 089B-WF-3368293-59_AFO_GJ_0000002_1A0000002_0000001.pdf
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209. 089B-WF-3368293-59_AFO_GJ_0000008_1A0000011_0000009.pdf
210. BR Screenshot.jpg
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213. BWC DC (11).mp4
214. BWC DC (12).mp4
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216. BWC DC (14).mp4
217. BWC DC (2).mp4
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226. BWC Screenshots (2).jpg
227. BWC Screenshots (3).jpg
228. BWC Screenshots (4).jpg
229. BWC Screenshots (5).jpg
230. BWC Screenshots (6).jpg
231. BWC Screenshots (7).jpg
232. BWC Screenshots (8).jpg
233. DLL_0005.JPG
234. DLL_0009.JPG
235. DLL_0010.JPG
236. DLL_0011.JPG
237. DLL_0012.JPG
238. DLL_0014.JPG
239. Email re Rape Offense - Fw_ report request.pdf
240. Open Source - January 6 DC Riot RAW Video _ Capitol building insurrection_ clashes with police.mp4
241. Open Source - NY Times Video.mp4
242. Open Source - Police under attack at the US Capitol ____ _4K_ .mp4
243. Open Source - Whose House.mp4
244. Open Source Screenshots (1).jpg

245. Open Source Screenshots (2).jpg
246. Open Source Screenshots (3).jpg
247. SW Pictures (Spray) (1).JPG
248. SW Pictures (Spray) (2).JPG
249. SW Pictures (Spray) (3).JPG
250. SW Pictures (Spray) (4).JPG
251. SW Pictures (Spray) (5).JPG
252. SW Pictures (Spray) (6).JPG
253. SW Pictures (Spray) (7).JPG
254. SW Pictures (Spray) (8).JPG
255. SW Pictures (Spray) (9).JPG

The following files have all been designated as “Highly Sensitive” pursuant to the terms of the Protective Order:

256. DSC_0001.MOV
257. DSC_0002.MOV
258. DSC_0003.MOV
259. DSC_0004.MOV
260. DSC_0006.MOV
261. DSC_0006.MOV
262. DSC_0007.MOV
263. DSC_0008.MOV
264. DSC_0013.MOV
265. DSC_0015.MOV
266. DSC_0016.MOV
267. DSC_0017.MOV
268. DSC_0035.MOV

I am also hereby notifying you that we will make devices (in their entirety) seized in the search warrant available for your review upon request. The search of these devices is ongoing. Relevant evidence within the scope of the warrant will be extracted and provided to you in future discovery rounds. However, the entire devices will not be provided as part of discovery, and they will only be made available for your review should you desire. The devices seized in the warrant are as follows:

- Gold-colored Motorola phone with no serial number
- Grey Motorola phone with no serial number
- Samsung tablet model SM-T337A
- Black data traveler 100 G3 64 GB with sticker that stated Tails Linux 4.10 64 GB Shoplinuxonline.com
- Razer Laptop S/N BY1949A82004356
- Rexing body cam, 2070U00694
- Olympus digital camera, D-560 Zoom
- Three USB thumb drives

Additional evidence seized in the search warrant of Defendant's residence includes:

- Pair of white shoes, Nike
- Olive Green backpack
- Plaid long sleeved shirt
- Gray ball cap
- Caliphone megaphone, red/white
- Two cans frontiersman bear attack deterrent spray, 9.02 oz
- Belt holster for bear spray
- Black long sleeve shirt "Million Man March"

I am also hereby notifying you that significant surveillance, including aerial surveillance, was conducted by the FBI of Defendant and his residence. This first round of discovery includes the surveillance reports and a few photographs. However, the FBI has gigabytes of data comprised of pictures and videos taken of Defendant and his residence. Because this data has no evidentiary value in establishing the guilt or innocence of the Defendant related to his actions on January 6, 2021, this surveillance data will not be produced as part of discovery; however, it is available for your review upon request.

Due to the extraordinary nature of the January 6, 2021 Capitol Attack, the government anticipates that a large volume of materials may contain information relevant to this prosecution. These materials may include, but are not limited to, surveillance video, statements of similarly situated defendants, forensic searches of electronic devices and social media accounts of similarly situated defendants, and citizen tips. The government is working to develop a system that will facilitate access to these materials. In the meantime, please let me know if there are any categories of information that you believe are particularly relevant to your client.

This material is subject to the terms of the Protective Order issued in this case.

I recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. I will provide timely disclosure if any such material comes to light. Consistent with *Giglio, Ruiz*, and 18 U.S.C. § 3500, I will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

I request reciprocal discovery to the fullest extent provided by Rule 16 of the Federal Rules of Criminal Procedure, including results or reports of any physical or mental examinations, or scientific tests or experiments, and any expert witness summaries. I also request that defendant(s) disclose prior statements of any witnesses defendant(s) intends to call to testify at any hearing or trial. *See Fed. R. Crim. P. 26.2; United States v. Nobles*, 422 U.S. 255 (1975). I request that such material be provided on the same basis upon which the government will provide defendant(s) with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that defendant(s) provide the government with the appropriate written notice if defendant(s) plans to use one of the defenses referenced in those rules. Please provide any notice within the time period required by the Rules or allowed by the Court for the filing of any pretrial motions.

I will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

By: /s/ Jacob J. Strain
JACOB J. STRAIN
Assistant United States Attorney