

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Case No. 21-CR-00123 (PLF)  
 :  
 :  
 VITALI GOSSJANKOWSKI, :  
 :  
 Defendant. :

NOTICE OF FILING

The government requests that the attached discovery letter, dated June 7, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney

By: /s/ Cara A. Gardner

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**U.S. Department of Justice**

**Channing D. Phillips**  
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*District of Columbia*

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*Judiciary Center*  
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June 7, 2021

VIA USAFX and Email  
Celia Goetzl, Esq.  
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Ubong Akpan, Esq.  
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Re: *United States v. Vital GossJankowski, 21-CR-123 (PLF)*

Dear Counsel:

Pursuant to our discovery obligations, we are writing to document previous discovery provided as well as discovery that the government is providing with this letter:

- On **May 12, 2021**, the government provided the following items:
  - Electronic images of the following devices that were seized from your client pursuant to a search warrant:
    - Android phone
    - iPad
    - MacBook Air Laptop
    - Lenovo Laptop

- With this letter, the government is also provided the following files via USAfx:
  - Items related to the individual who recorded the GoPro Video (6 files)
    -  [EXTERNAL EMAIL] - FW\_ New Text Tip\_Redacted.pdf
    -  0176-WF-3366759\_0010373\_Redacted.pdf
    -  0176-WF-3366759-Intake\_0007752\_Redacted.pdf
    -  0176-WF-3366759-Intake\_0011414\_Redacted.pdf
    -  FBI San Diego - Lead Coverage EC\_Redacted.pdf
    -  Telephone\_Call\_from\_Defense\_Attorney\_Lee\_Stapleton\_Redacted.pdf
  - Two videos related to an interview of your client's roommate
    -  837\_FLORIDA\_AVENUE\_NE (roommate Interview).mp4
    -  Interview of Gossjankowski roommate (ASL Translator).MTS
  - One video file entitled "UNVELIEVABLE Footage"
    -  UNBELIEVABLE Footage \_ Trump Supporters Battle Cops Inside the Capitol.mp4
  - Seventeen photos from the execution of the search warrant
    -  1 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  2 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  3 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  4 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  5 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  6 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  7 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  8 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  9 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  10 (Search Warrant Photo 837 Florida Ave NE).jpg
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    -  12 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  13 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  14(Search Warrant Photo 837 Florida Ave NE).jpg
    -  15 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  16 (Search Warrant Photo 837 Florida Ave NE).jpg
    -  17 (Search Warrant Photo 837 Florida Ave NE).jpg

- The following files are designated **HIGHLY SENSITIVE** under the Protective Order entered in this case:
  - 3 files of surveillance footage
    -  0074 USCH BA Lower W Terrace Door Exterior-2021-01-06\_14h30min00s000ms.asf
    -  0074 USCH BA Lower W Terrace Door Exterior-2021-01-06\_14h49min00s000ms.asf
    -  0074 USCH BA Lower W Terrace Door Exterior-2021-01-06\_15h30min00s000ms.asf
  
- The following files are designated **SENSITIVE** under the Protective Order entered in this case:
  - Four files related to Officer M.M.
    -  089B-WF-3373679\_0000160\_1A0000093\_0000001\_Redacted.pdf
    -  089B-WF-3373679\_0000160\_Redacted.pdf
    -  Officer\_MM\_Interview\_notes\_Redacted.pdf
    -  US\_Capitol\_Officer\_M\_Interview\_302\_Redacted.pdf
  
  - Six files related to Serial 44 (only the PDF files are sensitive; the photos are not sensitive)
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_1A0000038\_0000001.png
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_1A0000038\_0000002.json\_Redacted.pdf
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_1A0000038\_0000003.png
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_1A0000038\_0000004\_Redacted.pdf
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_Import\_Redacted.pdf
    -  0176-WF-3366759-GOSSJANKOWSKI\_0000044\_Redacted.pdf

***(As with all files uploaded to USAfX, they may automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)***

Note that all these files will be being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

#### *Upcoming Discovery*

The government will continue to provide additional discovery on a rolling basis. Like the files being provided in connection with this letter, all the files will be re-disclosed once processed and bates-stamped by the discovery team.

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 us know if there are any categories of information that you believe are particularly relevant to your client.

Please contact us if you have any issues accessing the information, and to confer regarding pretrial discovery as provided in Fed. R. Crim. P. 16.1.

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

We 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. We 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). We 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, we 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.

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

/s/ Cara Gardner

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*/s/ Michael J. Romano* \_\_\_\_\_

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