

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

UNITED STATES OF AMERICA

v.

KEVIN SCOTT FAIRLAMB

Defendant.

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Case No. 1:21-cr-120-RCL

GOVERNMENT'S NOTICE OF FILING

The United States of America, through its attorney, the United States Attorney for the District of Columbia, respectfully files a copy of the Government's first preliminary discovery letter (without attachments) provided to defense counsel on April 14, 2021.

Respectfully submitted,

Channing D. Phillips
Acting U.S. Attorney
D.C. Bar No. 415793

By:



LESLIE A. GOEMAAT
MA Bar No. 676695
Assistant United States Attorney
Fraud Section
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing notice to be served by electronic means, through the Court's CM/ECF system, upon all parties of record.

/s/ Leslie A. Goemaat

LESLIE A. GOEMAAT

Assistant United States Attorney



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

April 14, 2021

THE LAW OFFICE OF HARLEY D. BREITE
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harleydbreite@aol.com

BY EMAIL

Re: *United States v. Scott Kevin Fairlamb, Volume 1 of Preliminary Discovery*
Case No. 21-cr-00120-RCL

Dear Counsel:

Please find enclosed Volume 1 of Preliminary Discovery in this matter, which is a USAFx¹ file that contains the following materials (2,867 files):

- (1) Redacted Police Reports of prior Fairlamb arrests (4)
- (2) NCIC Report of Scott Fairlamb (1)
- (3) Search Warrant Return from Facebook and Instagram (2,694 files)
 - i. Facebook PDF and linked media (1,574 files)
 - ii. Instagram PDF and linked media (1,108 files)
- (4) Body Worn Camera (2)
- (5) Capitol Police Surveillance Video (2)
- (6) Video Screenshots (22)
- (7) Videos (15)
 - a. JaydenX Video and Clips (4 files)
 - b. Cops v. The American People!! (1 file)
 - c. Facebook Storm The Capitol Video (1 file)
 - d. Instagram scaffolding video (3 versions) (3 files)
 - e. Facebook "South Bound & Down" video (1 file)
 - f. Protest Video (2 versions) (2 files)

¹ On April 13, 2021, I created a USAFx account for Attorney Harley Breite and offered to create an account for Officer Manager Laura Ramirez upon receipt of her cell phone number.

- g. Capitol door video (1 file)
- h. Fairlamb Fit montage video (1 file)
- i. Assault video (no audio) (1 file)
- j. Fairlamb Speaking to Four Capitol Police Officers (1 file)
- (8) Photos (3)
 - a. Photo of Fairlamb with Pepper Ball in mouth
 - b. Photo of Fairlamb facing four Capitol Police Officers
 - c. Photo of Fairlamb walking with five Capitol Police Officers
- (9) Search Warrants (5)
- (10) Search Warrant Photos (103)
- (11) A screenshot of an Instagram post directed at @CoriBush
- (12) Interview Reports and Attachments (Form 302s) (13)
- (13) Appendix A – Description of Citizen Tips, C-1 through C-5 (1 file)

We are currently reviewing FBI tips related to your client and will provide you with the FBI records relating to those tips in future formal discovery. In lieu of those records, I am providing a summary of the citizen tips relied upon in the complaint, search warrants, or detention proceedings in a document entitled “Appendix A,” attached to this letter and contained in Volume 1.

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.

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

This material is subject to the terms of the Protective Order issued in this case, Doc No. 27. If you have any questions as to whether certain material is covered by the terms of the protective order, please contact me prior to providing copies to your client.

Additionally, please provide a hard drive of 500 GB or a thumb drive of at least 250 GB to the FBI to the address provided to you by email so that we may provide you with the full image and extraction report of the iPhone seized from your client during the execution of the search warrant.

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.

Sincerely,

/s/ Leslie A. Goemaat

Leslie A. Goemaat

Gauri Gopal

Assistant United States Attorneys

U.S. Attorney's Office for the
District of Columbia