

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

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-00040 (TNM)
v.	:	
	:	
PATRICK E. McCAUGHEY III,	:	
TRISTAN STEVANS,	:	
	:	
Defendants	:	

NOTICE OF FILING

The government requests that the attached discovery letter, dated April 8, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Melissa Jackson
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U.S. Department of Justice

Channing D. Phillips
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District of Columbia

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

April 8, 2021

VIA USAFX and Email
Lindy Urso, Esq.
lindy@lindyursolaw.com
Counsel for Defendant McCaughey

Dani Jahn, Esq.
Dani_Jahn@fd.org
Counsel for Defendant Stevens

Re: *United States v. Patrick McCaughey, Tristan Stevens 21-CR-40 (TNM) -
Production 2*

Dear Counsel:

Pursuant to our discovery obligations, we are providing the following files via USAfX:

- All of the files listed on the attached index, which are part of the McCaughey case file.

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

Note that all 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, 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.

Some of these files include PII for Defendant McCaughey. Those files are all included in a folder labeled "PII of McCaughey- Sensitive to codefendants." We will provide those files to Defendant Stevens once the protective order is in place.

You will notice that some of the files being produced refer to physical attachments that were burned to a disk. Where those physical attachments were small enough to be produced this round, we have included them. (Specifically, the physical attachments listed in 089B-WF-3368293-62_AFO_0000054_1A0000028_0000001_PHYSICAL.pdf and 089B-WF-3368293-62_AFO_0000065_1A0000037_0000001_PHYSICAL.pdf were included, as referenced in the index below.) If the physical attachments were too large to send via USAFfx, they will instead be provided with the formal discovery round after being processed.

Other reports mention particular body worn camera (“BWC”) footage, which have not been included here due to space limitations. BWC footage that we have identified as potentially being relevant to activity at the Lower West Terrace will be provided separately in short order.

Some of the files also reference particular USCP surveillance footage. We will provide those files to once the protective order is in place. In the meantime, to the extent you wish to view those videos, I am happy to arrange for a time for you to come to the office and view them in a secured setting.

Finally, three of the files, listed below, include material that is currently sealed. Those are being placed in a separate folder on USAfx and will be provided once the court issues the order allowing us to provide sealed materials for discovery purposes.

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089B-WF-3368293-62_AFO_0000059_1A0000032_0000004.pdf
089B-WF-3368293-62_AFO_0000067_1A0000039_0000001.pdf

Prior Discovery

- In addition, on March 4, 2021, the government provided a copy of the PDF of the full download of the phone of Defendant Stevens to his counsel via USAFfx. If you would like a copy of the full phone extraction, including all of the underlying electronic files, please provide a thumb drive or flash drive that is at least 10 GB large.

Upcoming Discovery

In addition to the BWC files mentioned, the government anticipates providing numerous files related to the Stevens casefile in the next week. Some of it will be duplicative, but will be provided nonetheless. 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 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.

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: 
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Assistant United States Attorney

Enclosure(s):

cc:

EXHIBIT A:

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<i>SENSITIVE - CONTAIN PII OF THE DEFENDANT</i>
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