

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	No.: 21-CR-131 (PLF)
	:	
v.	:	
	:	
JASON GERDING,	:	
CHRISTINA GERDING,	:	
Defendants.	:	

NOTICE OF FILING DISCOVERY CORRESPONDENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files its April 16, 2021, April 22, 2021, and May 3, 2021 discovery letters in this case, which are hereby served as an attachment via ECF on counsel for the Defendants.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: /s/ Anthony L. Franks
ANTHONY L. FRANKS
Missouri Bar No. 50217MO
Assistant United States Attorney
Detailee – Federal Major Crimes
United States Attorney’s Office
for the District of Columbia
Telephone No . (314) 539-3995
anthony.franks@usdoj.gov

CERTIFICATE OF SERVICE

On this 3rd day of May, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court’s Electronic Filing System.

/s/ Anthony L. Franks
Anthony L. Franks
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*

May 3, 2021

Eugene Ohm
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF COLUMBIA
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004

and

Jerry Ray Smith , Jr.
JERRY RAY SMITH, JR., ATTORNEY AT LAW
717 D Street, NW, Suite 310
Washington, DC 20004

Re: *United States v. Jason and Chrisine Gerding*
Case No. 1:21-cr-00131-PLF

Dear Mr. Ohm and Smith:

On April 17, 2021, the Government supplemented its two prior discovery productions by uploading the GoPro video from your clients electronic device to USAfx along with their respective criminal histories. We will continue to supplement the discovery 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 disclose prior statements of any witnesses defendant 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 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/ Anthony L. Franks
Anthony L. Franks
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 22, 2021

By e-mail

Eugene Ohm

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF COLUMBIA
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004

and

Jerry Ray Smith , Jr.

JERRY RAY SMITH, JR., ATTORNEY AT LAW
717 D Street, NW, Suite 310
Washington, DC 20004

Re: *United States v. Jason and Chrisine Gerding*
Case No. 1:21-cr-00131-PLF

Dear Mr. Ohm and Mr. Smith:

The U.S. Capitol Police have arranged five dates for crime scene tours of the Capitol. The tour dates and times are listed below:

- Monday, May 3rd at 9:00 a.m.
- Saturday, May 8th at 9:00 a.m.
- Sunday, May 9th at noon
- Monday, May 31st at 9:00 a.m.
- Saturday, June 5th at 5:00 p.m.

If you wish to participate in a tour, please email me at Anthony.franks@usdoj.gov **and** paralegal Mariela Andrade at Mariela.Andrade@usdoj.gov, and provide the following information:

- Names, phone numbers and email contact information for any counsel who will be participating in the tour.
- Case(s), Case number(s), and AUSA assigned to each case.
- Tour date selected.

The conditions of the U.S. Capitol Police for participating in the tour are as follows:

- The tours are restricted to **counsel**. You may not bring **any** guests, including investigators or paralegals.
- No cameras are permitted but if you would like photographs of specific areas, you will be able to submit your requests to the General Counsel for the U.S. Capitol Police after the tour.
- The tours will be led by officers and questions about the events of January 6 will not be permitted. If you have such questions, you may direct them to me.
- If you drive there, you will need to find your own parking.

The tour will encompass the following areas of the Capitol:

- Speaker's Lobby
- Speaker's Office
- House Chamber
- Senate Chamber
- Senate Gallery
- Statuary Hall
- Crypt
- West Front of Capitol
- East Front of Capitol
- East Grand staircase – Senate
- Rotunda including the East Front Lobby area and steps to the Crypt
- Rotunda West staircase to the Crypt Rotunda Door exterior
- Upper West Terrace/ Upper West Terrace Door (interior and exterior)
- Lower West Terrace
- West Terrace Steps and staircase and wall
- Senate Wing Door
- Parliamentarian's Office (and adjacent fire door)
- Lower West Terrace Door specifically (interior and exterior)
- Offices ST2 – ST10
- Exterior HT2M window
- S140 & S145
- North and South Doors of Capitol
- House Wing (near House Wing Door) and Hall of Columns
- Memorial Door and interior steps to Second Floor adjacent to Memorial Door
- Capitol Visitors Center (main level and Emancipation Hall)
- Area of the House Majority Leader's Office (Hoyer)

Maps of the grounds and floor plans are attached to assist you.

I look forward to hearing from you.

Sincerely,

CHANNING PHILLIPS
Acting United States Attorney

By: /s/ Anthony L. Franks
ANTHONY F. FRANKS
Assistant United States Attorney
111 South 10th Street, 20th floor
314 539-3995
Anthony.franks@usdoj.gov



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 16, 2021

Eugene Ohm
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF COLUMBIA
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004

and

Jerry Ray Smith, Jr.
JERRY RAY SMITH, JR., ATTORNEY AT LAW
717 D Street, NW, Suite 310
Washington, DC 20004

Re: *United States v. Jason and Chrisine Gerding*
Case No. 1:21-cr-00131-PLF

Dear Mr. Ohm and Smith:

The Government is supplementing its two prior discovery productions today with a significant number of investigative matter as well as material that has been under seal and subject to Rule 6(e). We will continue to supplement the discovery in this case. Enclosed in this discovery production are the following materials that have been served via **USAFx**:

- a. Christina Gerding recorded interview with the FBI.
- b. Jason Gerding recorded interview with the FBI.

FBI Serials and other documentation that have been provided in this discovery production have been produced in 3 PDF batches as listed below with documents regarding the investigation of both defendants in this case. To assist in your review of the data, please note that the documents with file numbers that end in 093 generally emanate from Christina Gerding's file, while the documents that end in 095 generally emanate from Jason Gerding's file, although some files are cross-referenced each file. I anticipate that additional investigative material will be

produced pursuant to our “fast track” discovery process within the next couple of weeks to supplement the items below, and they will be deduplicated and correspond specifically to each defendant’s investigation. However, you have now been provided with the vast majority of FBI Serials. Our investigation continues and additional material will be provided along with that investigation.

Please note that the documents produced have been redacted to protect the identity of “tipsters” and their personal information. Also, the “highly sensitive” designations correspond mainly with material processed through the FBI’s TTK database. If you have any questions, please contact me.

Here is a summary of the items produced:

A) Batch 1 of 3

Serial 1 - Christina Gerding identified as being unlawfully inside the U.S. Capitol during civil unrest and opening document
Serial 2 -- noting mages obtained of Christina Gerding at US Capitol
Serial 3 -- noting Open Source photos of Jason Gerding at the U.S. Capitol
Serial 4 -- documenting communication with Central District AUSA regarding forthcoming legal process.
Serial 5 -- to cover lead to Springfield Field Office (SI)
Serial 6 -- documenting approval of a prosecution packet submitted for Christina Gerding.
Serial 7 -- scrape of Twitter account: @Gerding_Jason
Serial 8-- interview of tipster
TTK Report generation date March 31, 2021
Serial 9 -- TTK Reports 012021-1631/1739 JASON/CHRISTINE GERDING
Serial 10 -- Arrest Affidavit final draft has been submitted for AUSA approval in DC Federal Court.
Serials 11 and 12 Arrest Warrant(s) and Complaint(s) for Jason and Christina Gerding.
Serial 13 -- TTK review -- Public Tip
Serial 14 -- noting issuance of warrant by USDC for the Central District of Illinois - These documents follow Serial 14 in this production -- Criminal Complaint re Christina Gerding, Sealing Order
Serial 16—Search of 2418 N. 12 th , Quincy, IL
Serial 17 -- Evidence collected at 2418 North 12 th St., Quincy, IL
Serial 18 --TTK review of public tip
Serial 19 Booking forms for Gerdings

Serial 20 -noting Christina Gerding arrest and search warrant completed
<ul style="list-style-type: none"> - these documents follow Serial 20 in this production - Criminal Complaint re Jason Gerding, - Affidavit in Support of Criminal Complaint and Arrest Warrant regarding Christina Gerding and Jason Gerding -Sealing Order -Criminal Complaint and Arrest Warrant documentation regarding Christina Gerding -TTK records
Serial 21 – noting Christina Gerding arrest and search warrant completed
Serial 22—Child victim/witness information
Serial 24 documenting return of property
Serial 25 –Child victim/witness information <ul style="list-style-type: none"> • -these documents follow Serial 25 in this production ADVICE OF RIGHTS on 1/28/2 Receipt of Property
Serial 26 – Interview of Christine Gerding <ul style="list-style-type: none"> - these documents follow Serial 26 in this production --CRIMINAL COMPLAINT and ARREST WARRANT regarding Jason Gerding, and TTK Report
Serial 27 – Operation plan
Serial 28 –noting extraction files
Serial 29 – Digital Evidence Lab Report Examination
Serial 30 – FD-302 -Jason Gerding interview
Serial 31 -TTK review public tip
Serial 32 -TTK review public tip
Serial 33 - noting arrest and search warrant re C. Gerding
Serial 34 -TTK review of public tip
Serial 35 TTK review of public tip
Serial 35 – TTK review of public tip
Serial 36 – documenting uploading of images from C. Gerding’s Apple Iphone to USAfx
<p>These documents follow in sequence after Serial 36 in this production although not associated with Serial 36—</p> <ul style="list-style-type: none"> • Receipt of property • TTK Report generation date March 10, 2021 • Search Warrant Execution Log • Evidence Collected Item Log • Photographic Log

<ul style="list-style-type: none"> Application for warrant for search of Gerding residence
Serial 40 -- Fw MPDC TipFw MPD Tips
TTK Report generation date March 31, 2021
Serial 41 --noting conducting social media searches on 10 January 2020, Springfield
Serial 42 -- noting tip on 01/07/2021
Serial 43 -- noting telephonic interview of tipster
Serial 44 -- TTK review of public tip submitted through http://www.fbi.gov/USCapitol
Serial 45 -- Images from Twitter
Serial 45 --noting review of Twitter account
Serial 46 -- FD-930 Christina L Gerding
Serial 48 -- TTK review of public tip
Serial 49 -noting completion of manifest
TTK Report generation date March 8, 2021
1A/1C -- noting video of the @Gerding_Jason Twitter account
Images of defendants and social media

B) Batch 2 of 3

Physical 1A/IC Cover Sheet created from Serial 30 referencing interview notes and recorded interview
TTK Report generation date February 26, 2021
Serial 2 includes arrest warrants and, orders to seal, and criminal complaints for Gerdings
Serial 8 -- Interview of tipster
Serial 10 nothing Arrest Affidavit final draft
Serials 11 Arrest Warrant(s) and Complaint(s) for Jason and Christina Gerding.
Physical 1Z/1C Cover Sheet fo regarding video of @Gerding_Jasopn Twitter
Serial 13 TTK review public tip
Serial 14-- noting issuance of warrant by USDC for the Central District of Illinois - Application for a Warrant by Telephone, Sealing Order
Serial 15 noting issuance of arrest warrant for the Gerdings
Noting 1A - warrants and associated documents -- Criminal Complaints, Arrest Warrants,
Serial 17 -- Evidence collected at 2418 North 12 th St., Quincy, IL
TTK Report -- generation date January 29, 2021
Serial 18 --TTK review of public tip
Serial 19 Booking forms for Gerdings
Serial 20 -noting Christina Gerding arrest and search warrant completed
Serial 21 noting Christina Gerding arrest and search warrant completed

Serial 22—Child victim/witness information
-Receipt of property Search Warrant Execution Log -Evidence Collected Item Log
Serial 23 CART request regarding electronic evidence recovered during search of 2418 N. 12th, Quincy, Illinois
Serial 24 documenting return of property
Serial 25 –Child victim/witness information -receipt for property
Serial 26 Interview of Chrisina Gerding Advice of Rights Form
Serial 27 Operational plan
Serial 28 noting extraction files
Serial 29 – Digital Evidence Lab Report Examination
Serial 30 – FD-302 -Jason Gerding interview
Serial 31 - TTK review public tip
Serial –33 noting C. Gerding was arrested and a search warrant was completed
Serial 35 – TTK review public tip
Serial 36 –documenting uploading of images from C. Gerding’s Apple Iphone to USAfx
Serial 37 – TTK review public tip
IA/1C Cover Sheet for referencing photograph taken during the seach of 2418 N.12 th Street, Quincy, Illinois -Photographic Log
Serial 38 – noting DEL REX -Digital Evidence Lab Report of Examination -These materials follow Serial 38 in this production – TTK report regarding tip
Serial 39 – TTK Review of Tip
Serial 40 – Subfile Opening Document regarding Christina Gerding
Serial 41 – notes social media searches
Serial 42 -notes tip provided, TTK report on tip

Serial 43 – FD 302 note tip provided
TTK report – generation date January 19, 2011 regarding public tip
Serial 44 -- TTK review of public tip submitted through http://www.fbi.gov/USCapitol
Serial 45 noting review of Twitter account
Serial 47 FD-930 validated by TREX (Terrorist Member Entry Form)
Serial 48 – TTK review of public tip
Serial 49 -noting completion of manifest

C) Batch 3 of 3

Serial 1 - Christina Gerding identified as being unlawfully inside the U.S. Capitol during civil unrest and opening document
Serial 2 – noting mages obtained of Christina Gerding at US Capitol
Serial 3 – noting Open Source photos of Jason Gerding at the U.S. Capitol
Serial 4 – documenting communication with Central District AUSA regarding forthcoming legal process. - These materials follow Serial 4 in this production-- - Report of Examination by FBI Digital Evidence Laboratory -email regarding MPDC tips
Serial 5 – to cover lead to Springfield Field Office These materials follow Serial 5 in this production-- - Report of Examination by FBI Digital Evidence Laboratory - Unclassified/LES
Serial 6 -- documenting approval of a prosecution packet submitted for Christina Gerding. These materials follow Serial 6 in this production -schematic of evidence collection -warrant by Telephone or Other Reliable Electronic Means
Serial 7 -- scrape of Twitter account: @Gerding_Jason
Serial 38 – noting DEL REX -Digital Evidence Lab Report of Examination -These materials follow Serial 38 in this production – TTK report regarding tip
Serial 39 – TTK Review of Tip
Serial 40 – Subfile Opening Document regarding Christina Gerding
Serial 41 – notes social media searches
Serial 43 – FD 302 note tip provided

TTK report – generation date January 19, 2011 regarding public tip
Serial 44 -- TTK review of public tip submitted through http://www.fbi.gov/USCapitol
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