

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

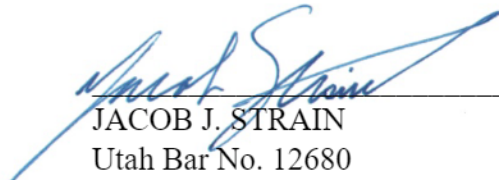
UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 1:21-cr-00453-JDB**
 :
SEAN MICHAEL MCHUGH, :
 :
 Defendant. :

NOTICE OF FILING

The Government requests that the attached discovery letter, dated November 4, 2021, be made part of the record in the above-captioned case.

Respectfully submitted,

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November 4, 2021

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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 November 4, 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. These files consist mainly of relevant materials extracted from devices seized from McHugh's person and residence pursuant to warrant:

1. [EXTERNAL] Re_Name of assaulter_Redacted.pdf
2. 089B-WF-3368293-59_AFO_0000066.pdf
3. 089B-WF-3368293-59_AFO_0000066_1A0000041_0000001.pdf
4. 089B-WF-3368293-59_AFO_0000067.pdf
5. 089B-WF-3368293-59_AFO_0000068.pdf
6. 089B-WF-3368293-59_AFO_0000069.pdf
7. 089B-WF-3368293-59_AFO_0000069_1A0000042_0000001.pdf
8. 089B-WF-3368293-59_AFO_0000069_Import.pdf
9. 089B-WF-3368293-59_AFO_0000070.pdf
10. 089B-WF-3368293-59_AFO_0000070_1A0000043_0000001.pdf
11. 089B-WF-3368293-59_AFO_0000070_1A0000043_0000002.pdf
12. 089B-WF-3368293-59_AFO_0000070_1A0000044_0000001_PHYSICAL.pdf

13. 089B-WF-3368293-59_AFO_0000071.pdf
14. 089B-WF-3368293-59_AFO_0000072.pdf
15. 089B-WF-3368293-59_AFO_0000072_1A0000045_0000001_PHYSICAL.pdf
16. 089B-WF-3368293-59_AFO_0000073_Redacted.pdf
17. 089B-WF-3368293-59_AFO_0000074_1A0000046_0000001.mp4
18. 089B-WF-3368293-59_AFO_0000074_1A0000046_0000003_Redacted.pdf
19. 089B-WF-3368293-59_AFO_0000074_Redacted.pdf
20. 089B-WF-3368293-59_AFO_0000075_1A0000047_0000001_Redacted.pdf
21. 089B-WF-3368293-59_AFO_0000075_1A0000047_0000002.mp4
22. 089B-WF-3368293-59_AFO_0000075_Redacted.pdf
23. 089B-WF-3368293-59_AFO_0000076.pdf
24. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000001.mp4
25. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000002.mp4
26. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000003.mp4
27. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000004.mp4
28. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000005.mp4
29. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000006.mp4
30. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000007.pdf
31. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000008.mp4
32. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000009.mp4
33. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000010.mp4
34. 089B-WF-3368293-59_AFO_0000076_1A0000048_0000011.mp4
35. 20210108_102222.jpg
36. 20210108_102235.jpg
37. 20210108_102343.jpg
38. 20210108_122344.jpg
39. 20210125_200358.jpg
40. 2nd Officer.jpg
41. chat-1.txt
42. chat-2.txt
43. chat-3.txt
44. chat-4.txt
45. chat-5.txt
46. IMG_20200515_195545_01.jpg
47. IMG_20200716_195133770.jpg
48. IMG_20210105_070044980_HDR.jpg
49. IMG_20210105_070052875_HDR.jpg
50. IMG_20210105_081859656.jpg
51. IMG_20210105_081909037.jpg
52. IMG_20210105_081929320.jpg
53. IMG_20210105_141535680.jpg
54. IMG_20210105_142345137.jpg
55. IMG_20210105_142345366.jpg
56. IMG_20210105_142349284.jpg
57. IMG_20210105_153008083.jpg
58. IMG_20210105_153433220.jpg

59. IMG_20210105_153445493.jpg
60. IMG_20210105_153523483.jpg
61. IMG_20210105_153646472.jpg
62. IMG_20210105_183336388.jpg
63. IMG_20210105_185055692.jpg
64. IMG_20210106_093544351_HDR.jpg
65. IMG_20210106_093556640_HDR.jpg
66. IMG_20210106_093558253_HDR.jpg
67. IMG_20210106_093614013_HDR.jpg
68. IMG_20210106_093622854_HDR.jpg
69. IMG_20210106_093624831_HDR.jpg
70. IMG_20210106_093639678_HDR.jpg
71. IMG_20210106_094524336.jpg
72. IMG_20210106_094940700_HDR.jpg
73. IMG_20210106_094941853_HDR.jpg
74. IMG_20210106_094943461_HDR.jpg
75. IMG_20210106_095702180_HDR.jpg
76. IMG_20210106_095709719_HDR.jpg
77. IMG_20210106_095712694_HDR.jpg
78. IMG_20210106_112355579.jpg
79. IMG_20210106_112356745.jpg
80. IMG_20210106_112429977_HDR.jpg
81. IMG_20210106_113806890_HDR.jpg
82. IMG_20210106_113810906_HDR.jpg
83. IMG_20210106_115914372.jpg
84. IMG_20210107_132152582_HDR.jpg
85. IMG_20210107_132153126_HDR.jpg
86. IMG_20210107_132157039_HDR.jpg
87. IMG_20210107_132158636_HDR.jpg
88. IMG_20210107_132202315.jpg
89. IMG_20210107_133623812_HDR.jpg
90. IMG_20210107_133624620_HDR.jpg
91. IMG_20210107_134929933.jpg
92. IMG_20210107_134940163.jpg
93. IMG_20210107_135444078.jpg
94. IMG_20210207_174439436.jpg
95. IMG_20210207_174441555.jpg
96. IMG_20210207_174442823.jpg
97. IMG_20210408_144111379.jpg
98. IMG_20210408_144123543.jpg
99. IMG_20210408_150541686.jpg
100. IMG_20210408_151133669_HDR.jpg
101. IMG_20210408_151145184.jpg
102. Report.docx
103. Report.pdf
104. U_Interview_of_USCP_Officer 2_Redacted.pdf

105. U_Interview_of_USCP_Officer_1_Redacted.pdf
106. U_Replacement_of_1A45.pdf

I am also reminding you that we will make devices (in their entirety) seized in the search warrant available for your review upon request. 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 reminding 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