

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

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 May 4, 2021 discovery letter in this case, which is 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 4th 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 4, 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:

Today, the Government supplemented its three prior discovery productions by uploading the following to your USAfx files:

1. CCTV video depicting your clients inside of the Capitol.
 - a. This video is deemed "**Highly Sensitive**" under the protective order and should be handled accordingly;
2. An image of you clients inside of the Capitol;
3. A Facebook warrant dated 4/15/21;
4. A Twitter warrant dated 4/15/21;
5. Two Applications for Nondisclosure Order under 18 U.S.C. § 2705(b) and to Seal Warrant and Related Documents, and accompanying Orders, dated 4/15/21
6. Warrant returns for the defendants' Facebook account
7. Warrant returns for Jason Gerding's Twitter account

- a. **This was only uploaded to Mr. Gerding's USAfx account. Please let me know if the parties agree that it also should be accessible to Mrs. Gerding.**

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