

CERTIFICATE OF SERVICE

On this 16th day of August, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Alexis J. Loeb
Alexis J. Loeb
Assistant United States Attorney
Detailee



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*

August 16, 2021

Lori Ulrich, Assistant Federal Public Defender
Federal Public Defender for the Middle District of Pennsylvania
100 Chestnut Street, Third Floor
Harrisburg, PA 17101

Eugene Ohm, Assistant Federal Public Defender
Federal Public Defender for the District of Columbia
625 Indiana Avenue NW
Washington, D.C. 20004
Via ECF

Re: *United States v. Joseph Fischer*
Case No. 21-CR-234-CJN

Dear Counsel:

I will be sharing further preliminary discovery in this case using the government's USAfx File Exchange System. Although you may review the USAfx discovery on the shared drive, in order to retain access to the discovery, you must download it immediately. Once all uploaded materials are available for download, I will alert you via email. This seventh production of preliminary discovery contains three FBI-302 reports relating to items previously produced. One report describes the review of Capitol surveillance footage (0176-PH-3381000_0000036.pdf) from Camera 7216. We produced video footage from Camera 7216 to you, as described in my letter of June 14. Another report describes the execution of the search warrant for the defendant's cell phone (0176-PH-3381000_0000037.pdf). We provided a copy of defendant's cell phone on May 12, and I also previously produced selected items from the phone to you, as described in my letter of June 10. A third report documents the review of the defendant's Facebook account (0176-PH-3381000_0000038.pdf). We previously produced the results of the search of the Facebook account to you, as described in my letter of March 11.

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. Additional materials will be provided after the entry of a Protective Order 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.

Sincerely,

/s/ Alexis J. Loeb

Alexis J. Loeb
Assistant United States Attorney
Detailee