

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

UNITED STATES OF AMERICA

v.

**CRAIG MICHAEL BINGERT,
ISAAC STEVE STURGEON, and
TAYLOR JAMES JOHNATAKIS,**

Defendants.

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Case No. 21-cr-91

NOTICE OF LETTER PROVIDED TO DEFENSE COUNSEL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the United States gave to counsel of record in the above-captioned case via USAfx file exchange the discovery listed in the attached letter on the dates set forth in the letter. The government requests that the attached discovery letter, dated August 4, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Angela N. Buckner
Angela N. Buckner
DC Bar #1022880
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (202) 252-2656

CERTIFICATE OF SERVICE

On August 4, 2021, a copy of the foregoing notice and attached discovery letter were served on defendants' counsel through the Court's Electronic Filing System with the listed attachments provided to counsel through the means described in the discovery letter.

By: /s/ Angela N. Buckner
Angela N. Buckner
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*

August 4, 2021

By e-mail

Allen H. Orenberg
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Maria Jacob
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Christopher Black
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Re: *Craig Bingert, Isaac Sturgeon, and Taylor Johnatakis
Preliminary Discovery for Case Number 21-cr-91*

Dear Counsel:

I have uploaded preliminary discovery to USAfx. As we receive and review additional discovery, it will be uploaded to USAfx. When our investigation and review is complete, I will provide a more formal, bates stamped production which will include items such as serialized 302s and responsive search warrants returns.

For now, I have included below most (if not all) of the warrant affidavits we have sought thus far so that you have an idea of the universe of discovery. Returns will not be provided until they've been properly reviewed for responsive materials. If, however, the search warrant return belongs to your client, then you will receive a full copy. The difference is that I will only provide co-defendants with a copy of what is responsive.

To protect identities and privacy, I have redacted the following: day and month of birthdays, street addresses, names of witnesses and tipsters. Because some tipsters misidentify the "BOLO" photographs, and because co-defendants will have copies of information pertaining to other co-defendants, I believe this is especially prudent.

Additionally, law enforcement officers and agents sometimes use sensitive and confidential databases for searches, such as CLEAR and NCIC. Where the documents involve law enforcement search results utilizing these databases (such as CLEAR or NCIC), I have marked those items “highly sensitive” (**HSI**). Where the information is obviously personal (such as family, employment, or vehicle information), I have marked those items “highly sensitive” (**HSI**).

Similarly, where the documents involve sensitive internal FBI databases, such as documentation involving “TTK” and/or “FACES” (facial recognition) searches, I have marked those items “highly sensitive” (**HSI**). This is an important distinction. There are many instances where witnesses and tipsters were interviewed. In general, I’ve made efforts to redact and provide that information without marking it “sensitive” or “highly sensitive.” However, if the report was uploaded into “TTK” or involved a facial recognition hit, I have marked that information “sensitive.”

I have organized the folders by Defendant. Where items are “sensitive” or “highly sensitive,” I have placed those files in a separate folder, also organized by defendant.

You will see that there were several tipsters. I’ve labeled with “misidentification” any tip that did not resolve to a defendant in this case. I’ve heavily redacted all information for any witness or tipster (regardless of accuracy of information provided). My intent with redactions is to protect identities and is to avoid “sensitive” and “highly sensitive” designations where possible. Please note that the tipster designations (such as “Tipster 3”) aren’t necessarily the same tipsters that you’ll see in warrant affidavits. The numbering convention is different.

Documents uploaded include the serial number (“[3],” for example). Where the serial includes several attachments, I have marked those attachments with an “A” (so the attachment will be labeled “[3A]”). Hopefully this will help you both check what you’ve got against the list below and also know what you already have when the more formal bates stamped discovery is ready.

If you have any questions, issues, or concerns with how I’ve marked (or not marked) documents, please let me know and I’m happy to revisit.

The following items were uploaded to USAfx on or about August 4, 2021¹:

CRAIG BINGERT

Phone extraction	Cellebrite report (606 pages)
Historical Cell Cite Records	2 PDFs, 2 emails, and 2 excel sheets

¹ These items have not been fully reviewed for responsiveness and therefore are only being provided to counsel for the specific defendant to which the discovery relates.

ISAAC STURGEON

Facebook and Instagram Accounts	Isaac.lawncare PDF file (7984 pages), along with zip file containing all linked media.
	Isaac.sturgeon.58 PDF file (239 pages), along with zip file containing all linked media.
	Isaac.lawncare (Instagram) PDF file (3094 pages), along with zip file containing all linked media.
Historical and Prospective Cell Site Records	Location data (two excel sheets and one weblink) Call detail records (9 PDF files and 8 text files)
Phone extraction	Full copy of extraction and report provided via external hard drive

TAYLOR JOHNATAKIS

Facebook and Instagram Accounts	peasantpod PDF file (228 pages), along with all linked media.
	Taylor-johnatakis PDF file (3771 pages), along all linked media.
	taylorjohnatakis (Instagram) PDF file (4905 pages), along with zip file containing all linked media.
Historical and Prospective Cell Site Records	Location data (two excel sheets and one weblink) Call detail records (9 PDF files and 8 text files)
Parler Account	21 chat logs, 207 photos, and 119 videos
Twitter Account	Gone4months (changed from peasantsPod) Text files, along with all linked media.
Historical Cell Cite Records	2 PDFs and 3 text files

The following items were uploaded to USAfx on or about May 4, 2021:

CRAIG BINGERT

Serial 1	Case Opening (2 pages)
Serial 2	Documents Associated with BOLO 105 (1 page) Attachment: Criminal History (5 pages) IHSL Attachment: Screenshot of Work History (1 photo) IHSL Attachment: PA Department of Labor Employment Report (1 page) IHSL Attachment: Bingert DMV Information (1 page) IHSL Attachment: Screenshot of LinkedIn (1 photo) IHSL
Serial 3	Criminal Complaint and Arrest Warrant (1 page) Attachment: Statement of Facts (6 pages) Attachment: Complaint (1 page) Attachment: Arrest Warrant (2 pages)
Serial 4	Seeking Information BOLO 105 (1 page) Attachment: Collage (1 page)
Serial 5	MPD BWC Related to Bingert (2 pages) Attachment: BWC Export Documentation (1 page)
Serial 6	Open and Assign Case (1 page)
Serial 7	Phone Seized (1 page)
Serial 8	TTK FACE Search (1 page) ISL Attachment: FACE Search Report (2 pages) ISL
Serial 9	Arrest of Bingert (3 pages) Attachment: Executed Arrest Warrant (11 pages)

	Attachment: Consent to Search (1 page)
Serial 10	Indictment (2 pages)
	Attachment: Indictment (5 pages)
Serial 11	Phone Transfer to WFO (2 pages)
Serial 12	TTK FACES Search (3 pages) ^{LSI}
	Attachment: FACES Report - Misidentification (10 pages) ^{LSI}
	Attachment: FACES Report (1 page) ^{LSI}
Serial 13	T-Mobile Search Warrant (1 page)
	Attachment: Application to Seal Search Warrant (8 pages)
	Attachment: Search Warrant (41 pages)
	Attachment: Search Warrant Served (10 pages)
Serial 14	TTK FACES Search (3 pages) ^{LSI}
	Attachment: FACES Report (1 page) ^{LSI}
	Attachment: FACES Report – Misidentification (6 page) ^{LSI}
Serial 15	T-Mobile Search Warrant Served (2 pages)
	Attachment: Search Warrant (10 pages)
	Attachment: T-Mobile Rejection (1 page)

ISAAC STURGEON

Serial 1	Case Opening (2 pages)
Serial 2	Seeking Information BOLO 104 (1 page) Attachment: Collage (1page)
Serial 3	TTK FACES Request (1 page) <u>ISI</u> Attachment: TTK FACES Request (2 pages) <u>ISI</u>
Serial 4	Records and Social Media Checks (1 page) Attachment: Records Check (4 pages) <u>HSI</u> Attachment: Instagram (1 photo) Attachment: Facebook – Guns (1 photo) Attachment: Passport Application (1 page) <u>HSI</u> Attachment: Sturgeon NCIC (3 pages) <u>HSI</u> Attachment: Scroll Through Instagram (1 video)
Serial 5	Preservation Requests (2 pages)
Serial 6	Tip Received and Entered into TTK (2 pages) <u>ISI</u> Attachment: TTK Report for Tip Received (4 pages) <u>ISI</u>
Serial 7	Anonymous Tip 1 (4 pages) Attachment: Tip 1 Report (5 pages)
Serial 8	Interview of Tipster 2 (3 pages)
Serial 9	Interview of Tipster 3 (1 page) Attachment: Instagram Screenshot From Tipster 3 (1 page)
Serial 10	Database Searches (3 pages) <u>HSI</u> Attachment: Social Media Screenshot – Officer Hurt (1 photo)

Attachment: Social Media Screenshot – Instagram (1 photo)

Attachment: Social Media Screenshot – Refused to Reject (1 photo)

Attachment: Sturgeon NCIC (3 pages) HSI

Attachment: Social Media Screenshot – Grid of Instagram Photos (1 photo)

Attachment: Social Media Screenshot – No Shirt with Gun (1 photo)

Attachment: Social Media Screenshot – Madness (1 photo)

Attachment: Social Media Screenshot – WW2 (1 photo)

Serial 11 Tip 4 -Misidentification (4 pages)

Attachment: Tip 4 Report (4 pages)

Serial 12 Interview with Witness (2 pages)

Serial 13 Tip 5 – Misidentification (2 pages)

Attachment: Tip 5 Report (4 pages)

Serial 14 Indictment (2 pages)

Attachment: Indictment (5 pages)

Serial 15 Interview - Misidentification of Same Individual in Tip 5 (1 page)

Serial 16 Arrest Warrant Enter into NCIC (2 pages)

Attachment: Arrest Warrant (2 pages)

Serial 17 Facebook Post Indicating Kenya (1 page)

Attachment: Screenshot of Facebook Post Indicating Kenya (1 photo)

TAYLOR JOHNATAKIS

Serial 1	Case Opening (2 pages)
Serial 2	CD containing two videos depicting BOLO-103 (1 page)
Serial 3	Tip 1 Received (3 pages) <u>LSI</u> Attachment: TTK Report for Tip 1 (4 pages) <u>LSI</u>
Serial 4	Interview of Tipster 1 (2 pages) Attachment: Video of Woman Shot (1 video) Attachment: Video – Break Down Door (1 video) Attachment: Email from Tipster 1 re BOLO – Misidentification (1 page) Email from Tipster 1 re Podcast (1 photo) Attachment: Screenshot – Bricks (1 photo) Attachment: Screenshot – Crime Complete (1 photo) Attachment: Screenshot – Saw Johnatakis in DC (1 photo) Attachment: Screenshot – Sardines (1 photo) Attachment: Screenshot – Lin Wood Pence Goes First (1 photo) Attachment: Screenshot – Rumble 1 st Hand Account (1 photo) Attachment: Screenshot – Parler (1 photo) Attachment: Screenshot – Encouraged to Take Down (1 photo) Attachment: Screenshot – KD 1 (1 photo) Attachment: Screenshot – KD 2 (1 photo) Attachment: Screenshot – KD 3 (1 photo) Attachment: Screenshot – KD 4 (1 photo) Attachment: Screenshot – FB (1 photo)

Attachment: Video – 1st Hand Podcast (1 video file)

Serial 5 CD Containing Podcast Download

Serial 6 Tip 2 Received – Misidentification (3 pages) LSI

Attachment: Report for Tip 2 - Misidentification (4 pages) LSI

Serial 7 TTK (2 pages) LSI

Attachment: TTK Report (4 pages) LSI

Serial 8 Johnatakis Phone Interview (2 pages)

Serial 9 Twitter Preservation (1 page)

Serial 10 Google Preservation (1 page)

Serial 11 Gab AI (1 page)

Serial 12 TTK Reveals Tip 3 – Misidentification (3 pages) LSI

Attachment: TTK Report for Tip 3 - Misidentification (3 pages) LSI

Serial 13 Search Warrant to Seize Phone (1 page)

Attachment: Search Warrant for Phone (55 pages)

Serial 14 Tip 4 Received (1 page)

Serial 15 Interview of Tip 5 (2 pages)

Serial 16 Interview of Tip 1 (2 pages)

Serial 17 Interview of Tip 4 (2 pages)

Attachment: Facebook Screenshot (1 page)

Attachment: Facebook Screenshot – Bricks (1 photo)

Attachment: DMV Information (2 pages) HSI

Attachment: Facebook Screenshot – Antifa (1 photo)

Attachment: NCIC (8 pages) HSI

Attachment: Vehicle Information (2 pages) HSI

- Attachment: Woman Being Shot (1 video)
- Attachment: Various Social Media Screenshots (21 pages)
- Attachment: DL Info (1 page) HSI
- Attachment: We Were Violent (1 video)
- Attachment: Guardian (10 pages) HSI
- Serial 18 Johnatakis Phone Seized (1 page)
- Serial 19 Search Warrant Return – Phone (1 page)
 - Attachment: Search Warrant Return (2 pages)
- Serial 20 Cell phone search warrant signed (1 page)
 - Cell phone search warrant (55 pages)
- Serial 21 Email from Johnatakis About BOLO (1 page)
 - Email (1 page)
- Serial 22 Phone Transfer to WFO (2 pages)
- Serial 23 Phone Seized (2 pages)
- Serial 24 TTK FACES Request (1 page) LSI
 - Attachment: FACES Request (2 pages) LSI
- Serial 25 TTK FACE Search for BOLO 103 (1 page) LSI
 - TTK FACES Report (66 pages) LSI
- Serial 26 Tip 6 Received – Misidentification (3 pages)
 - Attachment: Report for Tip 6 - Misidentification (4 pages)
- Serial 27 Tip 7 Received – Misidentification (2 pages)
 - Attachment: Tip 7 Report – Misidentification (4 pages)
 - Attachment: Tip 7 Report – Misidentification Update (4 pages)
- Serial 28 Interview of Johnatakis (3 pages)

Serial 29	Tip 8 Received – Misidentification (3 pages) Attachment: Tip 8 Report – Misidentification (5 pages)
Serial 30	Tip 9 Received – Misidentification (4 pages) Attachment: Tip 9 Report – Misidentification (5 pages)
Serial 31	Tip 10 Received – Misidentification (4 pages) Attachment: Tip 10 Report – Misidentification (5 pages)
Serial 32	Tip 11 Received – Misidentification (3 pages) Attachment: Tip 11 Report – Misidentification (4 pages)
Serial 33	Tip 12 Received – Misidentification (2 pages) Attachment: Tip 12 Report – Misidentification (4 pages)
Serial 34	Tip 13 Received – Misidentification (3 pages) Attachment: Tip 13 Report – Misidentification (4 pages)
Serial 35	Tip 14 Received – Misidentification (3 pages) Attachment: Tip 14 Report – Misidentification (4 pages)
Serial 36	Indictment (2 pages) Attachment: Indictment (5 pages)
Serial 37	Tip 15 Received – Misidentification (3 pages) Attachment: Tip 15 Report – Misidentification (4 pages)
Serial 43	Surrender Arrangements (2 pages)
Serial 45	Podcast Review – 1 st Hand Account...”
Serial 46	Tip 16 Received – Misidentification (2 pages) Attachment: Tip 16 Report – Misidentification (4 pages)
Serial 47	Twitter Search Warrant (1 page) Attachment: Twitter Sealing Order (11 pages)

	Attachment: Twitter Search Warrant (40 pages)
Serial 48	Facebook Search Warrant (1 page)
	Attachment: Facebook Sealing Order (11 pages)
	Attachment: Facebook Search Warrant (50 pages)
Serial 49	Parler Search Warrant (1 page)
	Attachment: Parler Sealing Order (11 pages)
	Attachment: Parler Search Warrant (45 pages)
Serial 50	ATT Search Warrant (1 page)
	Attachment: ATT Sealing Order (11 pages)
	Attachment: ATT Search Warrant (43 pages)
Serial 51	Tip 17 Received – Misidentification (3 pages)
Serial 52	Tip 18 Received – Misidentification (4 pages)
Serial 53	Tip 19 Received – Misidentification (2 pages)
Serial 59	Search Warrant Return Review (2 pages)
Serial 62	Information Received from Tipster 1 (1 page)
Serial 63	Information Received from Tipster 4 (1 page)
Serial 64	Guardian (1 page) <u>HSI</u>
	Attachment: Guardian (9 pages) <u>HSI</u>

The discovery is unencrypted. 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.

As indicated in my April 15, 2021 email, you should have received a link to download the BWC in this case.

Attached to that email and uploaded to USAfx is a list of the BWC by officer. Thus far, we've located 15 separate videos that capture your clients. The videos are quite lengthy, so I've included some time stamps below to get you started.

The most helpful videos will be from the following officers' cameras:

1. Livezey (starting at beginning of video, with assault occurring at minute 8:45),
2. Militar (starting at beginning of video, with assault occurring at minute 8),
3. Ishola (starting at minute 23), and
4. Toussaint (starting at beginning of video, with assault occurring at minute 10).

I recommend starting with Officer Livezey at minute 8:00 so that you can identify each of your clients. Watching the remainder of the footage is much easier once you know who you're looking for. Along those lines, I've also attached a photo (Sturgeon (left), Bingert (middle), Johnatakis (right)).

Time stamps for other videos:

Officer: McCloskey
Advance to: 20:49, 22:09

Officer: Lombardini
Advance to: 30:03, 30:10, 49:55

Officer: Jefferson
Advance to: 03:24, 04:38

Officer: Mullen
Advance to: 01:35:45, 01:37:06

Officer: Yarosis
Advance to: 01:35:45, 01:37:02

Officer: Tong
Advance to: 01:35:17, 01:36:49

Officer: 6DLOANER, BWC
Advance to: 25:39, 52:13

Officer: Roth
Advance to: 02:59

Officer: Jimenez
Advance to: 08:11

Officer: Davis
Advance to: 01:27:05

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.

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 defendants disclose prior statements of any witnesses defendants 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 defendants with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that defendants provide the government with the appropriate written notice if defendants 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,

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Acting United States Attorney

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