

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-CR-41 (CJN)
	:	
CINDY FITCHETT,	:	
MICHAEL CURZIO,	:	
DOUGLAS SWEET,	:	
TERRY BROWN,	:	
BRADLEY RUKSTALES, and	:	
THOMAS GALLAGHER,	:	
<i>Defendants.</i>	:	

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 a March 29, 2021, preliminary-discovery letter in this case, which was served as an attachment to this notice via the Court’s electronic case files system (ECF) on counsel for the defendants.

Respectfully submitted,

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

By: /s/ Seth Adam Meinero
SETH ADAM MEINERO
Trial Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 29, 2021, I served a copy of this pleading on defendants' counsel through ECF.

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

Detaillee

United States Attorney's Office

for the District of Columbia



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*

March 29, 2021

VIA EMAIL

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David Benowitz, Esq.
Shawn Sukumar, Esq.
Rammy Barbari, Esq.
Counsel for Bradley Rukstales

Sebastian Marks Norton, I
Counsel for Thomas Gallagher

Re: *United States v. Cindy Fitchett, Michael Curzio, Douglas Sweet, Terry Brown, Bradley Rukstales, and Thomas Gallagher, 21-CR-41 (CJN)*

Dear Counsel:

This memorializes that the United States Attorney's Office for the District of Columbia provided you preliminary discovery comprising the following materials transmitted on the following dates:

March 27, 2021 (via USAfx to counsel for Fitchett only)

- One folder of cellphone evidence comprising:
 - 1,218 files (including videos, photos, and data reports)
 - 1 additional .mp4 (20210106_142457.mp4, created 2:25:17pm on Jan. 6, 2021)
- Two FBI 302s related to search of cellphone
- One .mp4 of Fitchett's consent interview with FBI (5.8 GB)

March 16, 2021 (via email to all counsel)

- 6 U.S. Capitol Police (USCP) arrest packets (one for each defendant) (redacted)
- USCP offense report (redacted)
- USCP public incident report (redacted)
- USCP traffic crash report #1
- USCP traffic crash report #2
- 6 “*Gerstein*” affidavits in support of complaints (one for each defendant)
- 5 .pdfs of notes and an email from USCP Ofc. Bruno (redacted)

March 17, 2021 (via email to all counsel)

- 1 pdf. of 218 pages of USCP police paperwork and notes (some duplicative of materials disclosed on March 16, 2021), including citations for each defendant (redacted)

March 29, 2021 (via USAfx to counsel for Sweet only)

- 13.6 GB of cellphone evidence

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.

The preliminary discovery provided 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.

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 the defense provide the government with the appropriate written notice if the defense plans to use one of the defenses referenced in those rules. Please provide any notice within the 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/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

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