

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>Criminal No. 1:21-CR-00214-JDB</b>
<b>v.</b>	:	
	:	
<b>JOSEPH LINO PADILLA,</b>	:	
	:	
<b>Defendant.</b>	:	

**NOTICE OF FILING**

The Government requests that the attached discovery letter, dated **January 27, 2022**, be made part of the record in the above-captioned case.

Respectfully submitted,

MATTHEW GRAVES  
United States Attorney

By: /s/ Jacob J. Strain  
JACOB J. STRAIN  
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**U.S. Department of Justice**

MATTHEW GRAVES  
United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St. N.W.  
Washington, D.C. 20530*

**January 27, 2022**

Michael Cronkright  
[michael@cronkrightlaw.com](mailto:michael@cronkrightlaw.com)

Re: *United States v. Joseph Padilla*, Case No. 1:21-cr-00214-JDB

Dear Counsel:

Pursuant to our discovery obligations, we have provided the following files via USAfx on January 27, 2022. 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. Files #1-3 are designated as "Highly Sensitive" pursuant to the terms of the Protective Order. File #4-8 are designated as "Sensitive." These files consist of recently discovered videos of the incident with the large metal sign. The produced files are named as follows:

1. 0903\_USCD\_LA\_Dome\_West\_-\_2021-01-06\_18h32min36s.mp4
2. 0943\_USCH\_RF\_West\_Roof\_-\_2021-01-06\_18h39min17s.mp4
3. 0944\_USCS\_RF\_West\_Roof\_-\_2021-01-06\_18h39min40s.mp4
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4. vlc-record-2022-01-26-17h53m37s-IMG\_0753.MOV-.mp4
5. \_Axon\_Body\_3\_Video\_2021-01-06\_1319.mp4
6. Video of Assault with Sign.mp4
7. VIDEO4 sign from front and side.mp4
8. View from behind sign push.mp4

I am also hereby notifying you that we will make devices (in their entirety) seized in the search warrant available for your review upon request. Relevant evidence within the scope of

the warrant has already been extracted and provided to you in past discovery rounds. However, the entire devices will not be provided as part of discovery, and they will only be made available for your review should you desire. The devices seized in the warrant are as follows:

- Imaged copy of desktop computer tower (the actual computer was returned to defendant Padilla's wife)
- Black Samsung cellphone (seized from defendant's nightstand)

Additional evidence seized in the search warrant of Defendant's residence includes:

- Men's XL Polar Edge blue jacket
- Black Northface backpack with contents
- Physical paperwork (seized from defendant's desk)

I am also hereby notifying you that surveillance was conducted by the FBI of Defendant and his residence. Previous rounds of discovery included surveillance reports and a few photographs. However, the FBI likely has additional 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