





U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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

May 14, 2021

Stephen F. Brennwald, Esq.  
Brennwald & Robertson, LLP  
922 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
*Attorney for Thomas Sibick*

G. Nicholas Wallace  
Assistant Federal Defender  
Federal Defender Services of Eastern Tennessee, Inc.  
219 West Depot Street, Suite 200  
Greeneville, Tennessee 37743  
*Attorney for Albuquerque Head*

Re: *United States v. Thomas Sibick, Albuquerque Head, Kyle Young*  
Case No. 21-CR-291

Dear Counsel:

We have provided preliminary discovery in this case via a shared folder on USA File Exchange, that contains the following materials:

1. BOLO and POI (4 items)
  - a. bricksuit2BLUESUITMODE.PNG
  - b. bricksuitcapitol.PNG
  - c. Capitol Violence AFO MPD Ofc Fanone 1172021.jpg
  - d. Capitol Violence AFO MPD Ofc Fanone 1172021.pdf
2. MPD Paperwork (4 items)
  - a. 1 Internal\_Report\_Packets\_-  
Event\_\_21002679\_Event\_Report\_Redacted.pdf (21 pages)
  - b. 46\_Case\_\_APO-2021-000003\_Case\_Packet\_Redacted.pdf (75 pages)
  - c. Cobalt Attachments\_Combined\_Redacted.pdf (83 pages)
  - d. PD 42\_Fanone\_Michael - 21002679\_Redacted.pdf (7 pages)

3. Photographs (3 folders)
  - a. *Photos from Officer Albright* (4 photographs)
  - b. *Photos of Injuries* (2 folders)
    - i. Evidence.com (7 photographs)
    - ii. From Officer M.F. (2 photographs)
  - c. *DIMS* (3 photographs)
4. Video Footage (3 folders, 5 items)
  - a. Combined videos of assault.mp4
  - b. Mel Cole BBC.mp4
  - c. Screenshot youtube.JPG
  - d. wusa9\_Fanone.mp4
  - e. Twitter video.mp4
  - f. *Go Pro* (7 items)
    - i. *Screenshots* (6 items)
      1. 4minutes46seconds1stStrikeWithCircle.jpg
      2. 5minutes01seconds.jpg
      3. 5minutes12seconds.jpg
      4. 21-002679 Still #1.jpg
      5. 21-002679 Still #2 .jpg
      6. 21-002679 Still #3.jpg
    - ii. *Videos* (4 items)
      1. RSBN Video.mp4
      2. 21-002679 Video.mp4
      3. Capture.mp4
      4. Raw360clip in mp4 format.mp4
      5. Raw360clip.360
        - a. **Note:** This is the same video as the item named “Raw360clip in mp4 format.mp4” before it was converted from a .360 file to a .mp4 file; for a description of how to download a free player to view this video as a .360, see page 18 of the file entitled “Cobalt Attachments\_Combined\_Redacted.pdf”
    - iii. *Players* (1 items)
      1. DG1\_DS\_DIR\_HDR
  - g. *Officer M.F. BWC* (2 videos)
    - i. 20210106-ROBBERY\_APO-U.S.\_CAPITOL\_GROUNDS--2.mp4
    - ii. 20210106-ROBBERY\_APO-U.S.\_CAPITOL\_GROUNDS-.mp4
  - h. *YouTube Videos* (6 videos)
    - i. 1\_UNBELIEVABLE Footage \_ Trump Supporters Battle Cops Inside the Capitol.mp4

- ii. 2\_FULL FOOTAGE\_ Patriots STORM U.S. Capitol (4K60fps).mp4
- iii. 3\_POLICE OFFICER ENGULFED IN CROWD \_ THE STORM ARRIVED PT. 5.mp4
- iv. 4\_WARNING GRAPHIC CONTENT\_RAW FOOTAGE OF THE CAPITOL YESTERDAY - THIS IS WHAT REALLY HAPPENED.mp4
- v. 5\_'I Suffered a Heart Attack'\_ DC Officers Describe Defending the Capitol on the Front Line.mp4
- vi. 6\_'Kill him with his own gun' rioters chanted as a DC police officer fought for his life at Capitol.mp4

Please note that some of these items may be duplicative (e.g., the same BOLO may be produced twice). Please also note that these files will be being formally processed at a later date by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

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 us know if there are any categories of information that you believe are particularly relevant to your client.

You will receive a separate email with a link to the folder. Please contact us 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 each of these cases.

We recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. We will provide timely disclosure if any such material comes to light. Consistent with *Giglio, Ruiz*, and 18 U.S.C. § 3500, we will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

We 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. We also request that defendants disclose prior statements of any witnesses defendants intend 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). We

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, we request that defendants provide the government with the appropriate written notice if defendants plan 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.

We will forward additional discovery as it becomes available. If you have any questions, please feel free to contact us.

Sincerely,

TARA RAVINDRA  
CARA GARDNER  
Assistant United States Attorneys

Enclosures



U.S. Department of Justice

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*District of Columbia*

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May 17, 2021

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Katrina Young, Esq.  
Assistant Federal Defender  
Federal Community Defender Office for  
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601 Walnut Street, Suite 540W  
Philadelphia, PA 19106  
*Attorney for Kyle Young*

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