

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ARTHUR JACKMAN,

Defendant.

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Case No: 21-CR-378 (TJK)

NOTICE OF FILING OF DISCOVERY CORRESPONDENCE

The United States of America, by and through the United States Attorney for the District of Columbia, hereby files its September 13, 2021 discovery letter, memorializing discovery sent on that same day, which is served as an attachment via ECF on counsel for Defendant.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY

By: /s/ Nadia E. Moore

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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*

September 13, 2021

By e-mail

Eugene Ohm
Federal Public Defender for the District of Columbia
625 Indiana Ave. NW
Washington D.C. 20004
Email: Eugene_Ohm@fd.org

Re: *United States v. Arthur Jackman*
Case No. 21-CR-378 (TJK)

Dear Mr. Ohm:

We have uploaded to your account in USAFx the following discovery:

0176-TP-3379197_0000020.pdf
0176-TP-3379197_0000020_Import.pdf
0176-TP-3379197_0000021.pdf
0176-TP-3379197_0000021_Import.pdf
0176-TP-3379197_0000022.pdf
0176-TP-3379197_0000022_1A0000013_0000001.pdf
0176-TP-3379197_0000022_1A0000013_0000003.pdf
0176-TP-3379197_0000022_1A0000013_0000004.pdf
0176-TP-3379197_0000022_1A0000013_0000005.pdf
0176-TP-3379197_0000042.pdf
0176-TP-3379197_0000042_1A0000029_0000001.pdf

The following materials are designated as HIGHLY SENSITIVE under the protective order in this case:

0176-TP-3379197_0000020_Import.pdf
0176-TP-3379197_0000021_Import.pdf
0176-TP-3379197_0000022_1A0000013_0000005.pdf
0176-TP-3379197_0000042_1A0000029_0000001.pdf

All files uploaded to USAFx will automatically be deleted after 60 days per the automatic retention policy in place. Please download the files before then. This material is subject to the terms of the Protective Order issued in this case.

Note that all 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, 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.

We are also writing to give you an opportunity to obtain copies of your client's electronic devices and to view physical evidence in this case. I have attached a list of evidence seized from your client. The government will also produce in discovery reports for all accounts and electronic devices related to your client. Generally, that discovery will include a forensic report documenting the portions of the account or device that were deemed responsive to a warrant, and not the entirety of the device or account.

In the meantime, if you would like a copy of the government's extraction from any of the electronic devices on the attached list, please place an "X" in the cell next to the device(s) and return the spreadsheet to me. Extractions for computers will be E01 files that are not readily viewable without forensic software. For mobile devices, we will generally provide a Cellebrite reader report which is an executable file and will open on any Windows machine.

I will contact the FBI to determine the location of any requested device(s) and to obtain a recommendation for the size and type of hard drive that will be required. I will then provide you a name and address where you can send (or have a vendor send) a hard drive to have the images loaded. The FBI will return your hard drive directly to the address you specify. Accordingly, please ensure that the hard drive is clearly labeled with the defendant's name and case number as well as a point of contact to receive the drive including, name, firm, address, and telephone number.

Generally, depending on the location and number of devices at issue, the government estimates that it could take approximately thirty days to complete this process.

Please let us know if there are additional seized accounts or devices that you seek because they belong to your client. Finally, if you would like to inspect any of the physical evidence seized in this case, please let me know.

Some defense counsel in the Capitol Breach cases have requested information that they claim suggests a member (or members) of law enforcement allowed people to enter or remain in the Capitol or on restricted grounds, acted friendly or sympathetic to the rioters, or otherwise failed to do their jobs. As an initial matter, we do not believe that such information is exculpatory as to guilt or punishment within the meaning of Brady v. Maryland, 373 U.S. 83 (1973). Nevertheless, the government possesses some information that arguably could be responsive to these

requests. Out of an abundance of caution, the government will be making such information available to you, if it has not done so already.

Sincerely,

Nadia E. Moore
Assistant United States Attorney

Enclosure(s)
cc: