

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
)
 v.) CRIMINAL CASE NO.
) 1:21-CR-00346-BAH-1
GLEN MITCHELL SIMON)

DEFENDANT’S RESPONSE TO THE COURT’S ORDER REGARDING THE
PUBLIC RELEASE OF VIDEO EVIDENCE

COMES NOW the Defendant, GLEN MITCHELL SIMON, by and through undersigned counsel and files this report as directed by the Court. On August 3, 2022, the Court entered a minute order directing the government to identify and make available to the Court any video evidence that was used as a basis for factual statements in the government’s sentencing memorandum, and state its position regarding whether such video may be made publicly available without restriction, by 4 p.m. August 4, 2022. The Court ordered Mr. Simon to file a notice of his position on the release of the video by 12 p.m. on August 5, 2022. The government has filed its response. (Doc. 61).

Defense counsel has communicated with counsel for the government, AUSA Barry Disney. Counsel is aware that Mr. Disney has attempted to produce to Mr. Simon the video evidence identified in its response to the Court’s order. Counsel, in her capacity as a federal public defender, is currently out of her home district, serving as lead counsel for an ongoing federal trial taking place this week in district

court in the Western District of Oklahoma. Counsel has not been able to confirm whether she has received the video evidence the government has attempted to produce, and has not been able to review it.¹

Because counsel is unable to make an informed decision or advise her client without reviewing the evidence at issue, Mr. Simon preserves an objection to the release of the video evidence.

Dated: This 5th day of August, 2022.

Respectfully Submitted,

/s/ Rebecca Shepard

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¹ Additionally, counsel is unable to access any of the previously produced discovery in Mr. Simon's case while in trial outside of the district.