

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

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-00040 (TNM)
v.	:	
	:	
PATRICK E. McCAUGHEYIII et al.,	:	
	:	
	:	
	:	
	:	
Defendants	:	

NOTICE OF FILING

The government requests that the attached discovery letters, dated June 14, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Melissa Jackson
Melissa Jackson
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U.S. Department of Justice

Channing D. Phillips
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*Judiciary Center
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June 14, 2021

VIA USAFX and Email
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Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, and David Judd 21-CR-40 (TNM) - Production 6*

Dear Counsel:

Production 6:

Pursuant to our discovery obligations, we provided the following files via USAfX on June 14, 2021:

- All of the files listed on the attached index (Exhibit A), which are part of the Judd case file.

- All of the files listed on the attached index (Exhibit B), which are part of the Quaglin case file
- Grand Jury Transcripts and Exhibits for all four defendants, as listed in the attached index. (Exhibit C).

(As with all files uploaded to USAfX, they automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)

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 have indicated whether the files are Sensitive or Highly Sensitive pursuant to the Protective Order in the index and in the corresponding folder on USAfx.

QUAGLIN -ONLY

In addition, we have uploaded the un-scoped search warrant returns from Defendant Quaglin's Instagram, Facebook, and Google accounts. These are only being provided to Defendant Quaglin. The files are listed in Exhibit D.

Upcoming Discovery:

The government anticipates providing additional files related to the Stevens and McCaughey casefiles in the next week. These are additional files added to the casefile since the last production. Like the files being provided in connection with this letter, all the files will be re-disclosed once processed and bates-stamped by the discovery team.

In addition, the government anticipates providing another set of BWC footage related to the Lower West Terrace cases within the next week. Again, our understanding is that all of this BWC will be made available once the formal January 6, 2021 discovery platform is online. However, we wanted to provide you what we have identified as being potentially relevant in the meantime.

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.

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.

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: 

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Carlos Diaz-Cobo
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Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, and David Judd 21-CR-40 (TNM) - Production 7*

Dear Counsel:

Pursuant to our discovery obligations, we provided the following files via USAfX on June 14, 2021:

- All the files listed on the attached index.

Most of these files were already previously provided in Production 2 as documented in the April 8, 2021 letter. (They are now being re-provided with bates-labels. Specifically, this production includes: **CAP02_000009137 - CAP02_000010201**.)

As referenced in the cover letter for Production 2, there were a few physical attachments (files that had been stored on a disk) that were not included in Production 2 but are being included now.

The production includes both a PDF and Native folder. The PDF folder contains discovery in searchable Adobe format. The NATIVE folder provides native files for the items that cannot be processed, such as audio/video recordings. Files not processed will have a "placeholder" that references the native file. The placeholder will indicate the Bates number so that you can easily find the native at the same number in the NATIVE folder.

Second, the production also includes a DATA, IMAGE, and TEXT folder.

Some defense counsel prefer to just use the index mentioned above and the PDF and NATIVE folders. Other defense counsel will prefer to build a document review database. We are providing you with both formats so that you can determine what works best for you.

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.

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.


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.

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Counsel for Defendant Quaglin

Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, and David Judd 21-CR-40 (TNM) - Production 8*

Dear Counsel:

Pursuant to our discovery obligations, we are providing download links to an additional 103 body worn camera (BWC) files listed in the tab called "Round 2" in the attached Excel spreadsheet. The links should last for a year, please download before then. This should include any BWC videos mentioned in the discovery recently provided.

(This list is *over-inclusive*, as it includes all additionally potentially relevant BWC videos that I have seen during the review for this and other Lower West Terrace related cases. Out of an

abundance of caution, we are making all of these BWC videos accessible to the defense so that you can analyze whether they might be relevant to your defense.)

My understanding is that the office is working to develop a system to make BWC available on a broader level in the coming months – along with additional files. We continue to identify additional BWC related to the Lower West Terrace and will provide an additional round of potentially relevant BWC in the next few weeks – assuming that the database or system that the office is putting in place is not available by then. In the meantime, to the extent you identify other officers with BWC that you believe might be relevant to the case, please let us know and we will do what we can to provide that BWC if it exists.

If you have any questions, please feel free to contact me.

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