

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

UNITED STATES OF AMERICA :
 :
 :
 v. : **Case No.: 21-CR-382 (PLF)**
 :
CHRISTOPHER WARNAGIRIS, :
 :
 :
 Defendant. :

UNITED STATES RESPONSE TO DEFENSE MOTION ECF No. 61

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia and undersigned counsel, respectfully opposes Defendant Christopher Warnagiris’ motion to compel the government to produce an exhibit list immediately, three weeks before the date set by the Court in its scheduling order: October 7, 2023. *See* ECF No. 59.

Warnagiris argues that the Court’s timeline is insufficient because he needs more time “to determine if there are any pieces of discovery that call for the filing of a Motion to Suppress.” ECF No. 61. The defendant disregards the Court’s trial experience, which the Court undoubtedly drew upon in setting pre-trial deadlines, and asks the government to do his work for him. There is no reason that the defendant must wait to receive the government’s exhibit list before deciding whether there is any evidence he wants to try to get suppressed.

There are no surprises here. First, pursuant to Rule 16, the government provided case-specific discovery soon after he was indicted. Warnagiris has had ample opportunity to review that case-specific evidence and evaluate whether any of it is subject to a viable, good faith motion to suppress. Meanwhile, the government has provided Warnagiris and every other January 6

defendant with general discovery on an ongoing basis, as the government obtains that general evidence. .¹

Across January 6-related cases and trial, the government often relies on the same set of general exhibits to establish that the Capitol grounds and building were a restricted area on that date and that the mob's actions constituted a civil disorder. The government not only provided those exhibits in general discovery but has also published them to the public. Should counsel wish to review those common foundational exhibits and file any pre-trial motions concerning them, counsel already has the means to do so. Rule 16 requires nothing further from the government. Meanwhile, the Court set an October 7, 2023, deadline for the parties to exchange exhibit lists and exhibits. *See* ECF No. 59. The government will comply with the Court's scheduling order. In addition, The Court's Order, ECF No.64, permitting parties to move for leave to file new motions cures any concerns Defendant Warnagiris may have about filing timing.

The government intends to go beyond complying with the Court's scheduling order. Though the Court does not direct the government to do so, prior to October 7, 2023, the government will begin an early and rolling production of the exhibits themselves to the defense. For the foregoing reasons, the Court should deny ECF No. 61, the defendant's motion to compel the government to produce its exhibit list earlier than required by the Court's scheduling order.

Respectfully submitted,

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¹ Both the case-specific and general January 6 discovery productions have identified and itemized the evidence for Defendant Warnagiris and his counsel via discovery letters. The government will reproduce each letter and production if counsel has failed to maintain the letters and evidence as apart of the Defense case file.

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