

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

UNITED STATES OF AMERICA

v.

**ERIC MUNCHEL and
LISA EISENHART,**

Defendants.

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Case No. 1:21-cr-00118-RCL

GOVERNMENT’S NOTICE OF FILING

The United States of America, through its attorney, the United States Attorney for the District of Columbia, respectfully files a copy of the Government’s third informal discovery letter (without attachments) provided to defense counsel on April 7, 2021.

Respectfully submitted,

Channing D. Phillips
Acting U.S. Attorney
D.C. Bar No. 415793

By: /s/ Leslie A. Goemaat
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon all parties of record.

/s/ Leslie A. Goemaat

LESLIE A. GOEMAAT

Assistant United States Attorney



U.S. Department of Justice

Channing Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
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April 7, 2021

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BY EMAIL

Re: *United States v. Eric Munchel and Lisa Eisenhart*
Case No. 21-cr-118
Volume 3 of Informal Discovery

Dear Counsel:

Please find enclosed a USAFx file entitled "Volume 3 – April 7, 2021" containing Volume 3 of Informal Discovery, which includes the following 73 files:

Highly Sensitive:

(1) Capitol Police Surveillance Videos (14 videos)

Sensitive:

(2) MPD Body Worn Camera (4 videos)

- (3) Hotel Surveillance Video Stills (16 files)¹
- (4) MPD Body Worn Camera and Photos from January 6, 2021 encounter with MPD at Hotel (2 videos, 7 photos)
- (5) 302 Interview Reports (15 files)

Other:

- (6) Subpoena return – Apple (1 file)
- (7) Subpoena return – Google (2 files)
- (8) Subpoena return – Grand Hyatt (1 file)²
- (9) Background reports (5 files)
- (10) Social Media Public Research (2 PowerPoints, 2 videos, 2 photos)

Phone Extractions: I also have two forensic images of two phones seized from defendant Munchel ready to provide in discovery. After the USAO encountered technical difficulty with the FPD hard drive, a copy of the USAO hard drive was shipped with the FPD hard drive back to the FPD so that FPD could burn a copy of the image. The USAO is prepared to provide these forensic images to counsel for Defendant Eisenhart as soon as it receives a hard drive that is at least 100 GB. Please contact me if you need more information as to where to ship the hard drive.

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.

The materials are provided to you pursuant to the protective order entered in this case, ECF No. 68.

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

¹ Please note that video footage related to these video stills is available. Please contact me if you would like the video surveillance footage in discovery.

² Please note the Grand Hyatt subpoena returned items that were not related to the defendants or underlying charges. Please contact me if you would like to discuss the additional items that were returned pursuant to the Grand Hyatt subpoena but have not been provide in this discovery production.

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.

Sincerely,

/s/ Leslie A. Goemaat
Leslie A. Goemaat
Assistant United States Attorney
202-803-1608

Enclosure(s)