

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA, v.: CR No. 1:21-CR-00287 (TNM) KEVIN SEEFRIED,; NOTICE OF FILING Undersigned counsel, on behalf of Kevin Seefried, respectfully submits the attached letter for filing in the docket. Respectfully submitted, A.J. KRAMER FEDERAL PUBLIC DEFENDER, EUGENE OHM Assistant Federal Public Defender 625 Indiana Ave., NW Suite 550 Washington, DC 20004 (202) 208-7500 eugene_ohm@fd.org FEDERAL PUBLIC DEFENDER DISTRICT OF COLUMBIA

625 Indiana Ave. NW. Washington, DC 20004 (202) 208-7528 FAX (202) 208-7515 FEDERAL PUBLIC DEFENDER A. J. KRAMER June 1, 2022 Assistant U.S. Attorney Brittany Reed 650 Poydras Street, Ste. 1600 New Orleans, Louisiana 70130 Assistant U.S. Attorney Benet Kearney 1 Saint Andrew's Plaza New York, New York 10007 Dear Counsel: Thank you for your letter dated June 1, 2022. In that letter, your state that Counts 1, 2, 3 and 4 allege Mr. Kevin Seefried acted "through his individual actions and by joining with and encouraging others" to prevent the Certification proceeding and to act in a disorderly or disruptive manner. I would like to make some follow up discovery requests pursuant to Rule 16, the Due Process Protections Act, Local Rule 5.1 and Brady v. Maryland. First, I assume that by "individual actions" you are referring to the information provided in your video discovery. If there are additional actions to which you are referring, please provide me with all alleged actions not referenced in the video you have identified. In addition, as it relates to your aiding and abetting theory, please:

- 1) Identify the individuals whom you allege Mr. Kevin Seefried was aiding and abetting, that is, those individuals that you allege committed obstruction of an official proceeding;
- 2) Identify the individuals whom you allege Mr. Kevin Seefried was aiding and abetting, that is, those individuals that you allege committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building;
- 3) Provide any statements that those individuals have made to law enforcement regarding both: a) their own intent to obstruct an official proceeding; b) their own intent in committing Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building; and c) Mr. Kevin Seefried's actions of joining with and encouraging them;
- 4) Provide any information that Mr. Kevin Seefried did not know or did not have the same intent as any of those individuals that you allege he joined (and therefore aided and abetted);
- 5) Provide any information that Mr. Kevin Seefried knew that obstruction of Congress would be committed by those persons at any time before they committed obstruction;
- 6) Provide any information that Mr. Kevin Seefried knew that committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building would be committed by those persons at any time before they committed those offenses;
- 7) Provide any information that Mr. Kevin Seefried did not know about individuals' intent on obstructing Congress or did not know that the certification process was occurring in Congress on January 6th;
- 8) Provide any information in the possession of law enforcement that undermines the theory that Mr. Kevin Seefried joined and encouraged others, including all statements made by individuals who you either believe encouraged by Mr. Kevin Seefried or were physically near and thus would have been encouraged by Mr. Kevin Seefried if that were his intent;
- 9) Provide information of any acts Mr. Kevin Seefried allegedly performed in furtherance of obstruction of an official proceeding;
- 10) Provide information of any acts Mr. Kevin Seefried allegedly performed in furtherance of committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building;
- 11) Provide any information the Mr. Kevin Seefried did not act in furtherance of obstruction of an official proceeding or acted in a disorderly or disruptive manner;
- 12) Identify any information that Mr. Kevin Seefried acted with the intent to do anything other than to obstruct an official proceeding; and
- 13) Any materials in the possession of law enforcement that demonstrate that Mr. Kevin Seefried was merely present or a knowing spectator. With respect to any of the information requested above, I hereby request any reports, records or other documents containing such information that are in the custody, control or possession of the government. Possession of the government includes: a. All members of the prosecution team; b. All employees of the United States Attorney's Office of the Department of Justice or U.S. Capitol Police or the Metropolitan Police Department who were involved with the case; c. All police investigators, including FBI investigators who handled the case; d. All case files maintained by your office, not just concerning the instant case but any related case; e. All criminal record databases to which you have access for criminal records concerning any potential witnesses in this case; f. All relevant files from the Capitol Police, FBI, Violent Crime Enforcement and Response Team, the National Guard, All disciplinary files from any relevant law enforcement officials; g. All statements made related to this offense by all officers involved in this offense; and h. All statements of offense, statements to law enforcement, pre-sentence reports and probation files relevant to individuals that you are alleging were aided and abetted by Mr. Kevin Seefried. If you disagree with the legality of any of these requests, please let me know soon so that we can litigate the matter before the Court. Please let me know if you have any questions. My phone number is 202 480 0434 and my email is Eugene_ohm@fd.org. Best,

Dear Counsel:
Thank you for your letter dated June 1, 2022. In that letter, you state that Counts 1, 2, 3 and 4 allege Mr. Kevin Seefried acted through his individual actions and by joining with and encouraging others to prevent the Certification proceeding and to act in a disorderly or disruptive manner. I would like to make some follow up discovery requests pursuant to Rule 16, the Due Process Protections Act, Local Rule 5.1 and Brady v. Maryland. First, I assume that by "individual actions" you are referring to the information provided in your video discovery. If there are additional actions to which you are referring, please provide me with all alleged actions not referenced in the video you have identified.

In addition, as it relates to your aiding and abetting theory, please identify those individuals that you allege committed obstruction of an official proceeding, that is, those individuals that you allege committed obstruction of an official proceeding, what is, those individuals that you allege committed obstruction of an official proceeding, that is, those individuals that you allege committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building;

- 3) Provide any statements that those individuals have made to law enforcement regarding both: a) their own intent to obstruct an official proceeding; b) their own intent in committing Disorderly and Disruptive Conduct in a Restricted Building or Disorderly

Conduct in a Capitol Building; and c) Mr. Kevin Seefried's actions of joining with and encouraging them;

- 4) Provide any information that Mr. Kevin Seefried did not know or did not have the same intent as any of those individuals that you allege he joined (and therefore aided and abetted);
- 5) Provide any information that Mr. Kevin Seefried knew that obstruction of Congress would be committed by those persons at any time before they committed obstruction;
- 6) Provide any information that Mr. Kevin Seefried knew that committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building would be committed by those persons at any time before they committed those offenses;
- 7) Provide any information that Mr. Kevin Seefried did *not* know about individuals' intent on obstructing Congress or did *not* know that the certification process was occurring in Congress on January 6th;
- 8) Provide any information in the possession of law enforcement that undermines the theory that Mr. Kevin Seefried joined and encouraged others, including all statements made by individuals who you either believe encouraged by Mr. Kevin Seefried or were physically near and thus would have been encouraged by Mr. Kevin Seefried if that were his intent;
- 9) Provide information of any acts Mr. Kevin Seefried allegedly performed in furtherance of obstruction of an official proceeding;
- 10) Provide information of any acts Mr. Kevin Seefried allegedly performed in furtherance of committed Disorderly and Disruptive Conduct in a Restricted Building or Disorderly Conduct in a Capitol Building;
- 11) Provide any information the Mr. Kevin Seefried did *not* act in furtherance of obstruction of an official proceeding or acted in a disorderly or disruptive manner;
- 12) Identify any information that Mr. Kevin Seefried acted with the intent to do anything *other than* to obstruct an official proceeding; and
- 13) Any materials in the possession of law enforcement that demonstrate that Mr. Kevin Seefried was merely present or a knowing spectator.

With respect to any of the information requested above, I hereby request any reports, records or other documents containing such information that are in the custody, control or possession of the government. Possession of the government includes:

- a. All members of the "prosecution team";
- b. All employees of the United States Attorney's Office or the Department of Justice or U.S. Capitol Police or the Metropolitan Police Department who were involved with

- the case;
- c. All police investigators, including FBI investigators who handled the case;
 - d. All case files maintained by your office, not just concerning the instant case but any related case;
 - e. All criminal record databases to which you have access for criminal records concerning any potential witnesses in this case;
 - f. All relevant files from the Capitol Police, FBI, Virginia law enforcement MPD, the National Guard;
 - g. All disciplinary files from the relevant law enforcement officials;
 - h. All statements made related to this offense by all officers involved in this offense; and
 - i. All statements of offense, statements to law enforcement, pre-sentence reports and probation files relevant to individuals that you are alleging were aided and abetted by Mr. Kevin Seefried.

If you disagree with the legality of any of these requests, please let me know soon so that we can litigate the matter before the Court.

Please let me know if you have any questions. My phone number is 202 480-0434 and my email is Eugene_ohm@fd.org.

Best,

/s

Eugene Ohm