

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-CR-35 (EGS)
	:	
JEFFREY SABOL,	:	
PETER FRANCIS STAGER,	:	
MICHAEL J. LOPATIC SR.,	:	
CLAYTON RAY MULLINS,	:	
JACK WADE WHITTON,	:	
	:	
Defendants.	:	

NOTICE OF DISCOVERY

The United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, hereby informs the Court and defense that the attached discovery letter of July 12, 2021, has been provided to the defense in this matter.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
DC Bar No. 415793

By: /s/ Colleen D. Kukowski
COLLEEN D. KUKOWSKI
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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Notice of Discovery was served on all counsel of record via the Court's electronic filing service.

/s/ Colleen D. Kukowski
COLLEEN D. KUKOWSKI
Assistant United States Attorney

Date: July 12, 2021



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

July 12, 2021

VIA Email and USAfx

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Counsel for Jack Wade Whitton

Re: *United States v. Sabol et al*
Case No. 21-CR-35 (EGS)

Dear Counsel:

We are writing to provide you with preliminary discovery in this case through USAFx. This material is subject to the terms of the Protective Order issued in this case. The discovery is unencrypted. 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.

The files listed below are available for download on USAfx at:
<https://usafx.box.com/s/foh10zm3zshgpdllkx6jzxpwy1fh3besm>

Bodyworn Camera

We continue to identify additional BWC related to the Lower West Terrace and will provide an additional round of potentially relevant BWC. 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. In the meantime, we have identified the two BWC files listed below that are relevant to *U.S. v. Sabol et al.*

- Bittner BWC (starting at 16:41:09 hours)
 - This video shows a known individual, Witness-2, escorting Officer B.M. back to the police line after Officer B.M. was assaulted and dragged into the crowd.
- Foulds BWC (starting at 13:27:50 hours)
 - This video shows defendant Jeffrey Sabol engaging in additional assaults of law enforcement officers prior to arriving at the Lower West Terrace. Out of an abundance of caution, we are making this BWC video accessible to all defendants so that you can analyze whether they might be relevant to your defense.

Officer B.M. Interviews

- r_089B-WF-3376964_0000002.pdf (Interview of Officer B.M., 3 pages)
- 089B-WF-3376964_0000002_1A0000002_0000001.pdf (2 pages handwritten notes)
- 089B-WF-3376964_0000003.pdf (documenting emails from Officer B.M., 1 page)
- 089B-WF-3376964_0000003_1A0000003_0000001.PNG (1 image of U.S. Capitol)
- 089B-WF-3376964_0000003_1A0000003_0000002.PNG (1 image of U.S. Capitol)
- 089B-WF-3376964_0000003_Import.msg (email from Officer B.M. to FBI)
- 089B-WF-3376964_0000018.pdf (documenting emails from MPD Det. Savoy, 1 page)
- 089B-WF-3376964_0000018_1A0000018_0000001.msg (email from MPD Det. Savoy to FBI)
- 089B-WF-3376964_0000018_Import.msg (email from MPD Det. Savoy to FBI)

Officer C.M. Interviews

- r_089B-WF-3368293-130_AFO_0000014.pdf (Interview of Officer C.M., 4 pages)
- 089B-WF-3368293-130_AFO_0000014_1A0000019_0000001.msg (email to Ofc. C.M.)
- 089B-WF-3368293-130_AFO_0000014_1A0000019_0000002.PNG (1 image)
- 089B-WF-3368293-130_AFO_0000014_1A0000019_0000003.PNG (1 image)
- 089B-WF-3368293-130_AFO_0000014_1A0000019_0000004.PNG (1 image)
- r_089B-WF-3368293-130_AFO_0000014_1A0000020_0000001.pdf (handwritten notes, 2 pages)
- 089B-WF-3368293-130_AFO_0000014_1A0000021_0000001.pdf (handwritten notes, 1 page)
- r_089B-WF-3368293-130_AFO_0000014_1A0000022.pdf (Text message from Officer B.M., 1 page)

Witness 2 Interview:***These materials are designated as sensitive pursuant to the Protective Order***

- r_089B-WF-3376964_0000035.pdf (Witness 1 interview, 3 pages)
- r_089B-WF-3376964_0000035_1A0000004_0000001.pdf (handwritten notes, 1 page)
- r_089B-WF-3376964_0000035_1A0000004_0000002.pdf (handwritten notes, 1 page)
- r_089B-WF-3376964_0000035_1A0000004_0000003.pdf (image)
- 089B-WF-3376964_0000035_1A0000004_0000004.pdf (hand drawn diagram, 1 page)

Lower West Terrace Law Enforcement Interviews

- **Officer S.S.:** Officer S.S. was standing in the immediate proximity of Officers A.W., B.M. and C.M. when they were assaulted. He discussed this assault in statements he made to MPD investigators. Additionally, Officer S.S. was assaulted by individuals who are charged separately from the defendants in this case. We are providing you with the MPD case packet from MPD investigators. ***These materials are designated as sensitive pursuant to the Protective Order.***
 - r_17_Case__OTHE-2021-000193_Case_Packet.pdf (36 pages)
 - 1_PD_42_SAJUMON.JPG (1 page)
 - 2_PD_42_[S.S.]_2_.JPG (1 page)
 - 3_APO_SPEAKER_VIDEO.mov (1 video)
 - 4_TIK_TOK_VIDEO.MOV (1 video)
 - 5_Screen_shot_from_BWC_for_Officer_[S.S.].PNG (1 image)
 - 6_S-1_2.PNG (1 image)
 - 7_S-1.PNG (1 image)
 - 8_Riot_BOLO_21-003-672_APO.pptx (BOLO, 1 page)
 - 9_APO_w_Baseball_Bat.msg (email between MPD Investigators)
 - 10_BOLO_ID_21.003.672__H_.pptx (1 page)
 - 11_BOLO_ID_21.003.672__F_.pptx (1 page)
 - 12_BOLO_ID_21.003.672__E_.pptx (1 page)
 - 13_BOLO_ID_21.003.672__F_.pptx (1 page)
 - 14_BOLO_ID_21.003.672__I_.pptx (1 page)
 - 15_ID_OF_SUSPECT_BY_FBI__LUKE_COFFEE_BOLO_.docx (6 pages)
 - 16_MALE_INJURING_OFC. HAND.mov (1 video file)
- **Other Officers Assigned to the Lower West Terrace:** We continue to identify interviews of law enforcement officers who were assigned to the Lower West Terrace on the afternoon of January 6, 2021. While the law enforcement personnel listed below may not have been eyewitnesses to the assaults of Officers B.M., A.W., and C.M., many of them were located at the same area of Officers B.M. A.W, and C.M. at points in the afternoon of January 6, 2021. Accordingly, we are providing you with their statements out of an abundance of caution. We expect to provide you with additional interviews; however, to the extent you identify other officers whose interviews might be relevant to the case, please let us know and we will attempt to locate the interview and provide it to you as appropriate.

- MPD Sgt. P.R. Interview Memorandum (8 pages)
- USCP Officer C.W. and D.C. Interview Memorandum (8 pages)
- MPD Officers D.T., T.T., O.F. and J.M. Interview Memorandum (3 pages)
- MPD Capt. JB Interview Memorandum (6 pages)
- USCP Officer M.G. Interview Memorandum (2 pages)
- MPD Officer D.T. Interview Memorandum (3 pages)
- MPD Officer D.C. Interview Memorandum (3 pages)
- USCP Officer C.W. Interview Memorandum (3 pages)

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

/s/ Colleen D. Kukowski
COLLEEN D. KUKOWSKI
Assistant United States Attorney

BENET KEARNEY
Assistant United States Attorney