

**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 August 3, 2021 and August 4, 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  
Assistant United States Attorney  
United States Attorney's Office  
555 Fourth Street, N.W.  
Washington, DC 20530  
Phone: (202) 252-7786  
Melissa.jackson@usdoj.gov



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*

August 3, 2021

VIA USAFX and Email

John Kiyonaga  
[john@johnckiyonaga.com](mailto:john@johnckiyonaga.com)  
Counsel for Defendant SILLS

Elizabeth Toplin  
[Elizabeth\\_Toplin@fd.org](mailto:Elizabeth_Toplin@fd.org)  
Kathleen Gaughan  
[Kathleen\\_Gaughan@fd.org](mailto:Kathleen_Gaughan@fd.org)  
Counsel for Defendant Morss

Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, David Judd, Robert Morss, and Geoffrey Sills 21-CR-40 (TNM) - Production 2 - 8*

Dear Counsel:

We have uploaded Productions 2- 8 (and the August Viewing letter) and all the related files to USAfx. (This includes files and the related letters for Discovery Letter 2- 4-8-21; Discovery Letter 3 – 4-13-21; Discovery Letter 4 and 5- June 9, 2021; Discovery Letter 6- June 14, 2021; Discovery Letter 7- June 14, 2021; and Discovery Letter 8- 6-14-21).

As with all files on USAfx, they auto-expire after 60 days. Please download them before they auto-expire.

I will forward additional discovery soon. If you have any questions, please feel free to contact me.

By:

  
**MELISSA JACKSON**

Assistant United States Attorney

D.C Bar Number 996787

United States Attorney's Office

555 Fourth Street, N.W.

Washington, D.C. 20530

Telephone: (202) 815-8585

Email: [Melissa.Jackson@USDOJ.GOV](mailto:Melissa.Jackson@USDOJ.GOV)

**Jocelyn Bond**

Assistant United States Attorney

Enclosure(s):

cc:



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*

August 4, 2021

VIA USAFX and Email

VIA USAFX and Email

Lindy Urso, Esq.

[lindy@lindyursolaw.com](mailto:lindy@lindyursolaw.com)

Counsel for Defendant McCaughey

Lauren Cobb, Esq.

[Lauren\\_Cobb@fd.org](mailto:Lauren_Cobb@fd.org)

Counsel for Defendant Stevens

Elizabeth Mullin

[Elizabeth\\_Mullin@fd.org](mailto:Elizabeth_Mullin@fd.org)

Counsel for Defendant Judd

Carlos Diaz-Cobo

[info@cdcesq.com](mailto:info@cdcesq.com)

Counsel for Defendant Quaglin

John Kiyonaga

[john@johnckiyonaga.com](mailto:john@johnckiyonaga.com)

Counsel for Defendant SILLS

Elizabeth Toplin

[Elizabeth\\_Toplin@fd.org](mailto:Elizabeth_Toplin@fd.org)

Kathleen Gaughan

[Kathleen\\_Gaughan@fd.org](mailto:Kathleen_Gaughan@fd.org)

Counsel for Defendant Morss

Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, David Judd, Robert Morss, and Geoffrey Sills 21-CR-40 (TNM) - Production 9*

Dear Counsel:

**Production 9:**

Pursuant to our discovery obligations, we provided the following files via USAfX on August 4, 2021:

- All of the files listed on the attached index (Exhibit A), which are part of the McCaughey case file.
- All of the files listed on the attached index (Exhibit B), which are part of the Morss case file
- All of the files listed on the attached index (Exhibit B), which are part of the Sills case file
- All of the files listed on the attached index (Exhibit B), which are part of the Stevens case file

*(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.

Note that even though a file may be listed as being part of only one of particular defendant's file – each of these cases are inter-related and the evidence is often relevant to all defendants. Please review accordingly.

**Upcoming Discovery:**

The government anticipates providing another set of BWC footage related to the Lower West Terrace cases within the next few weeks. Again, our understanding is that all of this BWC will be made available once the formal FPD 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:   
**MELISSA JACKSON**  
Assistant United States Attorney  
D.C Bar Number 996787  
United States Attorney's Office  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
Telephone: (202) 815-8585  
Email: Melissa.Jackson@USDOJ.GOV

**Jocelyn Bond**  
Assistant United States Attorney

Enclosure(s):  
cc: