



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*

October 12, 2021

VIA EMAIL

A. Eduardo Balarezo, Esq.
Former Counsel for Michael Curzio

**Re: Supplemental Disclosure in
*United States v. Michael Curzio, 2:21-CR-41 (CJN)***

Dear Counsel:

I write to disclose additional information about your former client, Michael Curzio, that I had not disclosed before he was sentenced in the above-referenced case on July 12, 2021.

During the late evening of October 10, 2021, while I was drafting a sentencing memorandum for one of Mr. Curzio's codefendants in this case, Douglas Sweet, I re-watched Sweet's post-arrest interview with the Federal Bureau of Investigation ("FBI"), recorded on January 13, 2021. I had not reviewed the video in several months. During that interview, Sweet stated he was "dishearten[ed]" by individuals engaging in disorderly conduct inside the Capitol, such as littering, kicking trashcans, and throwing chairs. He further stated that he, Mr. Curzio, and another codefendant, Thomas Gallagher, had "screamed at" other rioters not to "tear up stuff" before heading down the stairs to the Capitol Visitor Center ("CVC"), and that some rioters "got up and left" after that.

I know of no other evidence corroborating Sweet's assertion; however, the evidence or lack of evidence for the assertion may be depicted in the voluminous swath of Capitol surveillance footage the government is in the process of providing to all defense counsel, the overwhelming majority of which I have not reviewed.

Throughout the pendency of Mr. Curzio's case, I endeavored to promptly disclose evidence that could be helpful to the defense at all phases of the case, including: the video of Mr. Curzio's arrest in the CVC, which, during the second detention hearing in this case, I argued did not show him being violent or destructive in the CVC; an FBI 302 of an interview with a U.S. Capitol Police officer who stated Mr. Curzio was compliant following his arrest, which I emailed to you several days before the second detention hearing; and a disclosure following the second detention hearing

regarding Mr. Curzio's characterization of his Thor's hammer pendant as a religious symbol, an issue the Court explored during the hearing. Before he entered his guilty plea, I also attempted to fairly characterize Mr. Curzio's overall conduct in the Statement of Offense supporting his guilty plea; my co-counsel and I stated he "was compliant following his arrest, and later cooperated with law enforcement by providing the [FBI] his swipe code so the FBI could search his phone."

On October 10, 2021, I also disclosed Sweet's statement to the counsel for Thomas Gallagher, who is due to be sentenced on October 13, 2021. I will also file this letter with the Court. If you have any questions, please feel free to contact me.

Sincerely,

/s/ Seth Adam Meinero
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