



THE MCBRIDE LAW FIRM, PLLC

JOSEPH D. MCBRIDE, ESQ.

Attorney and Counselor at Law

99 PARK AVENUE, 6TH FLOOR

NEW YORK, NY 10016

February 27, 2022

Via Email

Douglas Burton Brasher

Assistant U.S. Attorney

DOJ-USAO Northern District of Texas 1100 Commerce Street Third Floor

Dallas, TX 75242

214-659-8604; douglas.brasher@usdoj.gov

Sarah Wilson Rocha

Assistant U.S. Attorney

DOJ-CRM 219 S. Dearborn Street 5th Floor

Chicago, IL 60604

202-330-1735; sarah.wilsonrocha@usdoj.gov

Re: Rule 16 Discovery Request

United States v. Ryan Nichols, Case No. 21-0117

Dear Mr. Brasher and Ms. Rocha:

Pursuant to the Government's discovery obligations under Rule 16 of the Federal Rules of Criminal Procedure, the Jencks Act, Federal Rule of Evidence 404(b), Title 9 of the Justice Manual, and the Brady/Giglio line of cases, we make the following discovery requests:

Request that you provide the following discovery by March 1, 2023:

1. Please provide the US Secret Service emails and texts sent on January 6 as related to the Vice President's location and status.
2. From on or about December 1, 2020, through February 1, 2021, for Chief Steven A Sund and Assistant Chief Yogananda Pittman, any documents that refer or relate to:
 - a. any and all communications made by and/or received by either individual
 - b. notes, minutes from meetings, reports
 - c. calendars
 - d. documents referring to orders given
 - e. any documents that refer or relate to their locations on January 6
 - f. intelligence briefings prior to and on January 6

3. Please provide USCP command/control center logs and rosters and all documents that refer or relate to:
 - a. The list of people in the center, including liaisons from the FBI, MPD, and other agencies, and their post-January 6 internal interviews and statements regarding their performance.
 - b. Correctly transcribed USCP radio communications for OPS 1, OPS 2, Senate, and House USCP radio communications and USCP radio communications entering and leaving the USCP communications center and emergency center where each transmission made by different people is labeled with the call-sign for who made it, along with the time the transmission began and its duration.¹
 - c. Records and logs regarding subject and decisions for all cell phone calls to the landlines in the center
 - d. Reports received before January 6 from the FBI and any agency
 - e. Identification of who gave the order to start use of non-lethal weapons around 1:05 p.m.
 - f. Identification of how many resources and under what authority the USCP diverted squads to handle the pipe bombs; and then why no instructions were ever given to search and clear the US Capitol grounds prior to 1pm. when the grounds had not been closed in the morning to joggers, walkers, and others.
 - g. The record of who gave command and control of the west side of the US Capitol to LT. Glover from the MPD.
 - h. How many sworn law enforcement officers (USCP, FBI, DCPD, Secret Service, etc....) were assigned duty to guard the entire perimeter as of noon on Jan 6.
 - i. How many National Guard personnel were assigned to the US Capitol on Jan 6th between 12:00 PM and 4:00 PM and what were their assignments
 - j. How many National Guard personnel were assigned to the US Capitol on Jan 6th between 4:01pm and 11:59 PM and what were their assignments
 - k. Organizational structures/positions describing the organization of USCP units and Capitol Security Officials on OPS1 and any Chamber-related Security networks, to include Sergeant-at- Arms for both Chambers, Units 1 and 2, and all ranks down to Inspector.

4. We require the release of the US Capitol Police Standard Operating Procedures/Policies related to: "demonstrator/riot/civil disobedience procedures, evacuation policies and procedures, emergency management and use of force policies and procedures as well as:

¹ It has recently come to our attention that the transcript of Ops 1 that was provided has glaring omissions and inaccuracies when compared to the underlying tape.

- a. Training and certification records on the use of non-lethal weaponry by the USCP and MPD who employed such weapons
 - b. USCP Command staff who are trained and certified in emergency management, demonstrator/riot control and critical incident management and who they were certified by and how were they trained.
5. All camera lists that show all cameras. This includes all cameras in front of the Columbus Doors, in the Mini-Rotunda, approaching the Speaker's Lobby and/or in the hallways beyond the glass partition in the Speaker's hallway
6. All video or information or communications with or from:
 - a. Nick Quested
 - b. Marcus DiPaola
 - c. Daniel Donovan (“#RedFace45,” “Rally Runner”)
 - d. James Randall Taylor (“1% Watchdog”)
7. Please provide full names of the individuals associated with the call signs and/or partial names below:
 - a. 11 Henry, 14F Frank, 22G, 51B, 61, 61J John, 70, 102, 105, 122, 123 Brown, 123 Sam, 130, 175P, 223B, 250C, 292B, 300, 322G, 400, 403, 405 Frank, 412 Adam, 413, 418 Frank, 421, 422A, 422P, 453, 467, 471, 485, 489, 494, 522V, 4352A Adam, 6690, 7187, , Captain Patton, CD41 and 42, CDU-13, CDU-60, CDU-61, CDU61G, CDU-70, CDU-71I Ida, CDU Squad 72, CDU-73, CDU-74, CDU-90, , ICF-31, IGF-35, IGF-38, IGF-43, Lt. Serrier, Motor 12, Sgt. Nichols, ST-22, SVC-316, Unit 2, Unit 6, Unit 7, Unit 14, Unit 31, Unit 60, Unit 90.
8. Please identify the personnel assigned to Capitol Alpha Bravo Teams (that may also be referred to interchangeably as House Alpha Bravo Teams) and FRU.

Any and all assignment lists, inventories, and accountability regarding all non-lethal weapons.
9. Any and all records regarding any big voice system internal to the Capitol and/or external to the Capitol. Any and all documents and logs referring or relating to the use of the intercom system internal to the Capitol prior to 6:00 pm instructing protestors to leave.

10. USCP and/or MPD mic keys spreadsheet showing all microphone key activations on a timeline.
11. Any and all documents and logs referring or relating to any use of any external speaker system “(sometimes referred to as “big voice”) used to warn people during daylight hours to move away from the building and/or grounds. Any and all documents and logs referring or relating to any use of any external speaker system “(sometimes referred to as “big voice”) used to warn people after daylight hours to move away from the building and/or grounds. This announcement may have also referenced the Mayor’s curfew. If such warnings were made by the MPD over an LRAD (Long-Range Acoustic Device) or similar system, each warning should be identified as to when it was made and the content thereof.
12. Any and all documents and logs referring or relating to discussions or communications regarding reconvening the House and/or Senate. Please provide a description of who made the decisions to evacuate each Chamber/Gallery (there may be several people who made that decision), when they made that decision, and what factors they took into account for making that decision. Any and all documents and logs referring or relating to discussions or communications about these issues. As several of the court documents state that the decision to evacuate was made at approximately 2:20 p.m., some explanation needs to be included as to why that time was identified in such documents as being when the decision to evacuate was made.
13. Identity of the officer who says at 2:29 p.m. that can be clearly heard on the ops 1 tape: “Lock the doors, fuck ‘em” in reference to Senators and staffs.
14. Please provide a description of what the security requirements were that had to be satisfied before the Certification of the Electoral Votes could be resumed in each Chamber as well as a discussion of what organizations were responsible for satisfying those requirements. Any and all documents and logs referring or relating to discussions or communications about these issues.

The above-mentioned requests are made in good faith. We believe that each one of these requests contains a combination of relevant, exculpatory, and highly probative evidence related to multiple charges.

While recognizing that these requests require coordination between your office and prosecution team members, such as the Federal Bureau of Investigation and its affiliates, the United States Capitol Police and its affiliates, the D.C. Metropolitan Police and its affiliates, and the Central Intelligence Agency and its affiliates, we respectfully ask that these requests be fulfilled by March 1, 2023.

Thank you for your time and attention to this matter. I can be reached by phone or text at (917) 757-9537 or by email at jmcbride@mcbridelawnyc.com.

Dated: New York, NY
February 27, 2023

Respectfully submitted,

/s/ Joseph D. McBride, Esq.

Bar ID: NY0403

THE MCBRIDE LAW FIRM, PLLC

99 Park Avenue, 6th Floor

New York, NY 10016

p: (917) 757-9537

e: jmcbride@mcbridelawnyc.com

Counsel for the Defendant