



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

June 22, 2021

By E-mail

John L. Machado
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Re: United States v. Troy Faulkner
Criminal No.: 21-cr-126 (BAH)

Dear Counsel:

I write to provide you with notice that additional discovery in the above-referenced case was previously provided on June 16, 2021 pursuant to Rule 16 of the Federal Rules of Criminal Procedure. The flash drive was available for pick-up at the United States Attorney's Office for the District of Columbia on June 16, 2021.

<i>Platform</i>	<i>Quantity</i>	<i>Description</i>	<i>Production Date</i>
Flash Drive	1	The flash drive contains forensic image of Evidence Item 1B2, TMobile T090Z REVVL 5, IMEI: 015729000126786, seized on 01/29/2021, pursuant to a federal search warrant issued in the Southern District of Ohio.	2021-06-16

Please be advised that we anticipate providing additional discovery in this case.

A. Government's Discovery Requests

The government hereby makes a reverse discovery request pursuant to Fed. R. Crim. P. 16(b), including, but not limited to the following:

- (1) notice of documents and tangible objects the defendant expects to introduce;
- (2) a Jencks request for all prior statements of any defense witness (excluding the defendant);
- (3) a Lewis request (for which we request the name, date of birth, sex, and social security number of each defense witness prior to trial); and
- (4) a request for information pertaining to any expert or scientific testimony or evidence.

Pursuant to Fed. R. Crim. P. 16, we note our continuing request to receive any material pursuant to Rule 16(b) as the case proceeds.

B. Upcoming Discovery

The government anticipates providing numerous files related to the Faulkner casefile in the coming weeks. Some of it will be duplicative, but will be provided nonetheless. Like the files being provided in connection with this letter, all the files will be re-disclosed once processed and bates-stamped by the discovery team.

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 provide the government with the appropriate written notice if defendant 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.

II. Contact Information

If you have any questions about the information provided above, you may contact me by telephone, fax, or mail as provided below.

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Respectfully,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY

By: /s/ Emory V. Cole
Emory V. Cole
Assistant United States Attorney