



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530*

June 17, 2022

Via email

Nicholas Smith
David Smith
Counsel for Ethan Nordean

J. Daniel Hull
Norman A. Pattis
Counsel for Joseph Biggs

Carmen D. Hernandez
Counsel for Zachary Rehl

Steven Metcalf II
Counsel for Dominic Pezzola

Nayib Hassan
Sabino Jauregui
Counsel for Enrique Tarrío

Re: *United States v. Ethan Nordean et al.*, No.: 21-cr-175 (TJK)

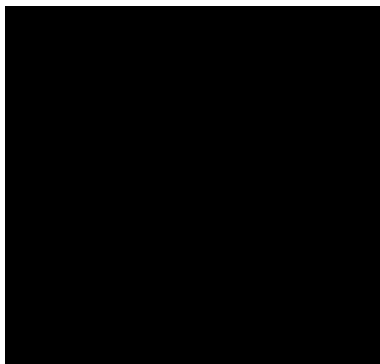
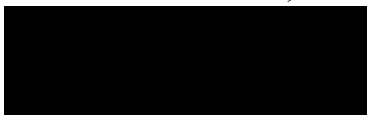
Dear Counsel:

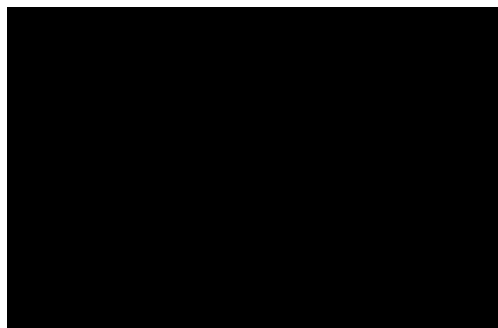
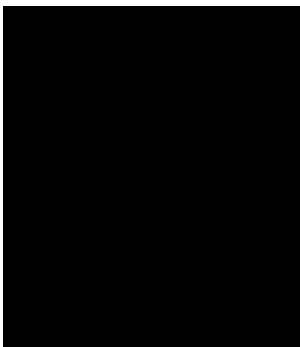
We write to memorialize discovery productions in the above-captioned case.

Productions via Relativity

As of today, the FPD Relativity Database has been updated with additional materials, including items from the FBI case files of the following individuals:

- Ethan Nordean;
- Joseph Biggs;
- Zachary Rehl;
- Charles Donohoe;
- Enrique Tarrío;
- Dominic Pezzola;



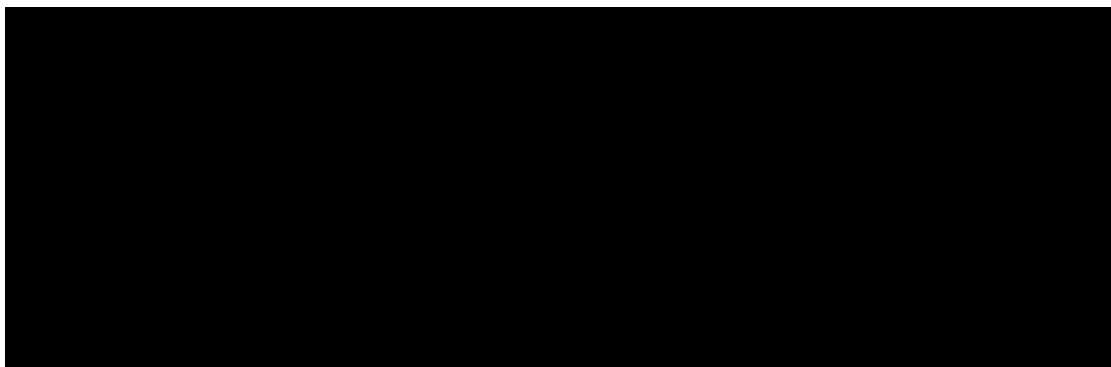


As with other materials in Relativity, these items are fully searchable and can be filtered using the “CODE_Individual Defendant” field. We note, however, that items coded to one individual may also contain information relevant to another individual. You should therefore not limit your review to those materials with your client’s name in the “CODE_Individual Defendant” field.

Productions Via USAfx

We have separately uploaded to USAfx a set of materials that is not presently loaded to the FPD Relativity database. Those materials, which are all designated highly sensitive under the Court’s protective orders, are sorted into the following folders:

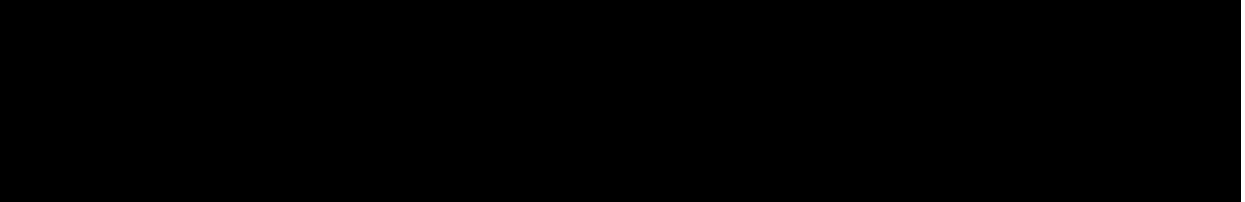
- FBI Files: A collection of reports and attachments from the FBI case files of the defendants in this case and from other relevant case files. The files marked “Grand jury related” are not eligible for inclusion in Relativity. We anticipate that the other files will be available in the FPD Relativity database in the near future, and we are providing advance copies here to facilitate your timely access. An index of these items is enclosed with this letter. Please note that the materials contain:



- Grand jury subpoena returns: Certain materials obtained by grand jury subpoena, additional to those produced elsewhere.
- Grand jury transcripts: Transcripts of testimony from case agents and certain lay witnesses.
- MXU Reports: Reports generated by the FBI based on facial-recognition and name searches.
- Media for face searches: Image and video files where potential facial-recognition matches were identified. While some of these media files are available in the FPD

Relativity database, others may not yet have been loaded there. We are producing them separately for your timely access and convenience.

- Pezzola Verizon records: Records supplied by Verizon in response to a search warrant.
- Body-worn camera footage from 12/12/21: Footage from body-worn cameras related to the altercation described in paragraph 16 of the Third Superseding Indictment.



- Architect of the Capitol: Materials related to damage estimates for the window broken in furtherance of the conspiracy.
- Additional Tarrío communications: Messages between Tarrío and other parties, obtained by the government in a separate investigation. We identified these records in the course of responding to a request from Mr. Jauregui on June 7, 2022, and we are continuing our efforts to identify any additional discoverable materials responsive to that request.
- Scott footage and images: Media from a seized device containing depictions of, among other things, Daniel Lyons Scott interacting with others on the west plaza of the Capitol.

As a reminder, USAfx is a file transfer system and is not meant for storing data indefinitely. We ask, as always, that you make every effort to download and save these files promptly.

Productions via Hard Drive

Finally, we have shipped to you via FedEx a hard drive containing evidence from the FBI. These items will ultimately be available in Relativity, but we are providing them to you today via hard drive to facilitate your timely access.

Like the items in our previous hard drive production of May 12, 2022, these items are sorted according to the FBI case files in which they are stored. We encourage you to review the letter that accompanied the May 12 production for an explanation of that filing system, including the use of “1A-,” “1B-,” and “1D-“ numbers. An index of items on the hard drive is enclosed with this letter.

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Please advise us immediately if you are unable to access any of the materials or if you discover any discrepancies between the indices and the items provided. To assist in any future productions that may be necessary, we again request that you return any external hard drives that we have supplied, once you have had an opportunity to copy the materials. We greatly appreciate those of you who have already returned hard drives from prior productions. Please note that our office has moved, and our new address appears below.

We understand that our discovery obligations are ongoing. As the government continues its investigation into this matter, we intend to supplement our disclosures as necessary. If you have any questions, please do not hesitate to contact us.

Sincerely yours,

MATTHEW M. GRAVES  
UNITED STATES ATTORNEY

By:                                           /s/                                            
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