



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*

May 27, 2021

Via ECF

Michelle Gelernt
Deputy Attorney-in-Charge
Federal Defenders of NY, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201

Re: *United States v. Sara Carpenter*
Case No. 21-CR-305

Dear Counsel:

I will be sharing a third production of preliminary discovery in this case today by link from Evidence.com. You should receive an email from Evidence.com containing a link when the materials are ready to download. Once you have received the link, please download the materials as soon as possible, as the link will expire in five days. If you have any questions regarding the provided discovery or are missing something, feel free to call or email me. Please note that this discovery does not include protective-order materials.

This production of preliminary discovery contains the following:

- One body-worn camera video recorded on January 6, 2021 at 2:44 pm -05:00 by Metropolitan Police Department Officer J. Love.
- One body-worn camera video recorded on January 6, 2021 at 2:42 pm -05:00 by Metropolitan Police Department Officer J. Mendoza.
- One body-worn camera video recorded on January 6, 2021 at 2:42 pm -05:00 by Metropolitan Police Department Officer K. Gatewood.
- One Table of Contents for the video downloads.

You should find relevant footage on each video beginning at or around date/time stamp 2021-01-06 14:46:00.

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.

The discovery is unencrypted. 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.

Sincerely,

/s/ Katherine Nielsen
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