



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 19, 2021

Via Email

Don Flanary
Counsel for Samuel Montoya
Flanary Law Firm, PLLC
214 E. Ashby Place
San Antonio, Texas 78212
donflanary@hotmail.com

Re: *United States v. Samuel Montoya*
Case No. 1:21-cr-336

Dear Counsel:

The enclosed memorializes the provision of the following additional discovery in this case, via filesharing:

1. FBI Serials (65 files):
 - a. Serial 1 from 1/12/2021
 - b. Serial 2 from 1/15/2021
 - c. Serial 4 from 1/20/2021 with 12 attachments
 - d. Serial 6 from 1/29/2021 with 2 attachments
 - e. Serial 7 from 2/1/2021 with 2 attachments
 - f. Serial 8 from 2/3/2021 with 1 attached video
 - g. Serial 10 agent notes from 2/26/2021
 - h. Serial 11: 302 from 3/16/2021 with attached notes
 - i. Serial 12 with 1 attachment
 - j. Serial 13 from 4/12/2021
 - k. Serial 14 from 4/13/2021
 - l. Serial 15 ERT photographic log
 - m. Serial 16: 302 from 4/14/2021
 - n. Serial 17: 302 from 4/14/2021
 - o. Serial 19 from 4/19/2021 with 4 attachments
 - p. Serial 20: 302 from 4/19/2021

- q. Serial 21 from 4/19/2021 with 6 attachments
 - r. Serial 23 from 4/22/2021
 - s. ELA Serial 1
 - t. FISUR documents 2-8 and 10-11 (17 files)
2. HIGHLY SENSITIVE: Additional USCP CCTV videos (4 files)
 3. Video from other Capitol investigations obtained through legal process:
 - a. SENSITIVE: D-12 videos (4 files)

The materials are provided pursuant to the Protective Order entered in this case. Please adhere to sensitivity markings.

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 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 the defendant disclose prior statements of any witnesses the defendant 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 the defendant with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that the defendant provide the government with the appropriate written notice if the 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.

If you have any questions, please feel free to contact me.

Sincerely,



Candice C. Wong
Assistant United States Attorney
202-252-7849
Candice.wong@usdoj.gov