

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :  
 :  
 : Case No. 21-cr-00040 (TNM)  
 :  
 v. :  
 :  
 PATRICK E. McCAUGHEY III et al., :

NOTICE OF FILING

The government requests that the attached discovery letter, dated October 1, 2021, be made part of the record in this case.

Respectfully submitted,

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October 1, 2021

VIA Email and USAfX

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Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, David Judd, Robert Morss, Geoffrey Sills, David Mehaffie, Steven Cappuccio, and Federico Klein, 21-CR-40 (TNM) - Production 14*

Dear Counsel:

## **Production 14**

Pursuant to our discovery obligations, we are providing the following files via USAfX on October 1, 2021. (We will provide access to these files for counsel for Defendants Mehaffie, Cappuccio, and Klein once the Protective Order is in place.):

- Grand Jury Transcripts and Exhibits from August 4, 2021
- Files from the FBI case file for Defendant Cappuccio
- Files from the FBI case file for Defendant Mehaffie
- New Files from the FBI case file for Defendant Klein
- New Files from the FBI case file for Defendant Judd
- New Files from the FBI case file for Defendant Sills
- New Files from the FBI case file for Defendant Quaglin
- New Files from the FBI case file for Defendant Morss
- Unscoped text messages from Morss - Morss Only\*\*
- New Files from the FBI case file for Defendant Stevens
- New Files from the FBI case file for Defendant McCaughey

A detailed index for each set of files is included as an attachment to this letter.

*(As with all files uploaded to USAfX, they automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)*

Note that all these files and their related attachments are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

We have indicated whether the files are Sensitive or Highly Sensitive pursuant to the Protective Order in the index and in the corresponding sub-folder.

Note that even though a file may be listed as being part of only one particular defendant's file – each of these cases are inter-related and the evidence is often relevant to all defendants. Please review accordingly.

In addition, we are providing the following information: During an interview with government officials and after being shown a photo of the person whom the government has identified as KLEIN in the video footage, a witness (who was present in the Lower West Terrace and has pending federal felony charges for the witness' conduct on the Lower West Terrace on January 6 ) indicated that the witness thought the person in the photo was somehow connected to the Navy Seals. The witness did not know why the witness thought the person in the photo was connected to the Navy Seals.

## **Upcoming Discovery:**

Once the Protective Order is in place, we will provide access to all prior productions in this case to counsel for Defendants Mehaffie, Cappuccio, and Klein.

Our understanding is that BWC and USCP surveillance footage will be made available once the formal FPD January 6, 2021 discovery platform is online. In addition, a database for documents in this and other January 6 cases will also become available. Please see the recent discovery status updates for more information.

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(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 us.

Sincerely,

By:   
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