

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

UNITED STATES OF AMERICA

v.

ROBERT FLYNT FAIRCHILD, JR.,

Defendant.

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Case No. 21-cr-551-TFH

NOTICE OF FILING

The government requests that the two attached redacted discovery letters, both dated September 28, 2021, be made a part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Alison B. Prout
Alison B. Prout
Georgia Bar No. 141666
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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*

September 28, 2021

VIA EMAIL

James Skuthan
Federal Defenders Office, Florida Middle District
201 South Orange Avenue
Seaside Plaza, Suite 300
Orlando, FL 32801
Jim_Skuthan@fd.org

Re: *United States v. Robert Flynt Fairchild, Jr.*
Case No. 21-cr-551-TFH

Dear Counsel:

As part of our ongoing discovery production in this case, you will receive an invitation via USAF_x to a folder named "[REDACTED]" to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021 along with an index to assist in your review. Officer names, witness names, and complainant names have been redacted. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still ongoing, and we will provide reports of those investigations on a rolling basis as they are concluded.

You will also receive an invitation via USAF_x to a folder named "[REDACTED]" to download twenty files that are exhibits to the produced USCP OPR reports, and a corresponding index. Any applicable sensitivity designations are reflected in the index. Additional exhibits will be provided on a rolling basis as we continue to ingest and quality-check them.

You will also receive an invitation via USAF_x to a folder named “[REDACTED]” to download a zip file containing forty-two files that consist of MPD internal investigation reports and exhibits, and a corresponding index. These reports and exhibits are unredacted and thus designated Highly Sensitive under the protective order.

As a further part of our ongoing discovery production in this case, we produced the following information on September 24, 2021: 4,044 files (over one terabyte) consisting of U.S. Capitol Police (“USCP”) Closed Circuit Video (“CCV”) footage from 118 cameras has been shared to the defense instance of evidence.com. The contents of footage being shared includes video from the interior of the U.S. Capitol Visitor Center and from the Capitol grounds. These files are designated Sensitive under the protective order. Additional footage will be provided on a rolling basis, as we ingest it into our own instance of evidence.com.

The Federal Public Defender for the District of Columbia (“FPD”) has agreed to serve as the Discovery Liaison for defense counsel in Capitol Breach cases. FPD is currently reviewing the various features of evidence.com and testing out the capabilities of the program with sample data. Within the next two weeks, FPD will be sending out information to defense counsel that includes a point-of-contact for discovery-related inquiries, the procedures to follow for obtaining a license to access evidence.com, and a quick start guide for defense counsel to use with evidence.com.

It has come to our attention that there are sensitivities that must be addressed prior to large scale disclosure of body-worn-camera footage. We are working diligently to resolve these issues and in the interim we have produced a sample of fifty body-worn-camera files to FPD’s instance of evidence.com. This sample will allow our technological teams to discuss the necessary infrastructure and workflows that need to be implemented. Ultimately, we intend to produce the majority of body-worn-camera footage with the least restrictive applicable sensitivity designations, if any, in order to facilitate defendant review.

In the near future, we expect to provide tools that will assist your review of the voluminous video footage described above, to include:

1. Camera maps for USCP CCV;
2. Our work product, consisting of a spreadsheet and related zone maps, identifying body-worn-camera footage by agency, officer, video start time, a summary of events, and location of the camera in 15-minute increments; and
3. Global Positioning Satellite information for Metropolitan Police Department radios, which may be of some assistance in identifying officers whose body-worn-cameras were recording at a particular time and location.

I will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,

/s/ Alison B. Prout

Alison B. Prout

Assistant United States Attorney

cc: Ken Morris



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*

September 28, 2021

VIA EMAIL AND USAFX

James Skuthan
Federal Defenders Office, Florida Middle District
201 South Orange Avenue
Seaside Plaza, Suite 300
Orlando, FL 32801
Jim_Skuthan@fd.org

Re: *United States v. Robert Flynt Fairchild, Jr.*
Case No. 21-cr-551-TFH

Dear Counsel:

Files are being made available to you today via the USAFx portal in a folder named "[REDACTED]". Within that folder is a subfolder named "2021-09-27 Production" that contains the following materials:

- A folder named "Fairchild SW Photos" that contains 68 .jpg files.
- A folder named "Sensitive" that contains the following 18 documents that are designated Sensitive under the September 27, 2021 protective order:

File Name	Designation
089B-WF-3368293-237 AFO 0000002.pdf	Sensitive
089B-WF-3368293-237 AFO 0000002 1A0011702 0000001.pdf	Sensitive
089B-WF-3368293-237 AFO 0000002 1A0011702 0000002.pdf	Sensitive
089B-WF-3368293-237 AFO 0000002 Import.pdf	Sensitive
089B-WF-3368293-237 AFO 0000004 1A0000002 0000001.pdf	Sensitive
089B-WF-3368293-237 AFO 0000010.pdf	Sensitive
089B-WF-3368293-237 AFO 0000010 Import Redacted.pdf	Sensitive

089B-WF-3368293-237 AFO 0000014 Import Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000014 Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000018.pdf	Sensitive
089B-WF-3368293-237 AFO 0000018 Import Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000019 1A0000014 0000001 PHYSICAL Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000019 1A0000014 0000002 Redacted.pdf	Sensitive
089B-WF-3368293-237_AFO_0000019_1A0000014_0000003 - photo one Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000019 Redacted.pdf	Sensitive
089B-WF-3368293-237_AFO_0000024 Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000026 Redacted.pdf	Sensitive
089B-WF-3368293-237 AFO 0000027 Redacted.pdf	Sensitive

- A folder named “Highly Sensitive” that contains the following 9 items that are designated Highly Sensitive under the September 27, 2021 protective order:

File Name	Designation
CCTV Folder containing [REDACTED] USCS 01 Senate Wing Door near S139-2021-01-06 15h09min00s000ms.asf	Highly Sensitive
089B-WF-3368293-237 AFO 0000008.pdf	Highly Sensitive
089B-WF-3368293-237 AFO 0000008 1A0000007 0000001.pdf	Highly Sensitive
089B-WF-3368293-237_AFO_0000008_Import.zip (containing multiple subfiles)	Highly Sensitive
089B-WF-3368293-237 AFO 0000009.pdf	Highly Sensitive
089B-WF-3368293-237 AFO 0000009 1A0000008 0000001 Redacted.pdf	Highly Sensitive
089B-WF-3368293-237_AFO_0000009_Import.zip (containing multiple subfiles)	Highly Sensitive
089B-WF-3368293-237_AFO_0000025.pdf	Highly Sensitive
089B-WF-3368293-237 AFO 0000025 1A0000018 0000001 PHYSICAL.pdf	Highly Sensitive

- A folder named “Serials” that contains the following 2 items:

File Name	Designation
089B-WF-3368293-237 AFO 0000007.pdf	None
089B-WF-3368293-237_AFO_0000007_1A0000006_0000001.zip (containing multiple subfiles)	None

I will forward additional discovery as it becomes available. If you have any questions or if you fail to receive USAFx invitation in connection with this production, please feel free to contact me.

Sincerely,

/s/ Alison B. Prout

Alison B. Prout

Assistant United States Attorney

cc: Ken Morris