

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : **Crim. No. 21-CR-567 (RCL)**  
 :  
 MARSHALL NEEFE and :  
 CHARLES BRADFORD SMITH, :  
 also known as Brad Smith, :  
 *Defendants.* :

**NOTICE OF FILING DISCOVERY CORRESPONDENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files the attached letter detailing initial discovery it has provided to the defense as of September 27, 2021. The United States has filed this notice and the attached discovery letter via the Court's electronic case files system (ECF) on counsel for the defendants.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney  
D.C. Bar No. 415793

By: /s/ Seth Adam Meinero  
SETH ADAM MEINERO  
Trial Attorney  
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/s/ Courtney Lee  
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United States Attorney's Office for the  
District of Columbia  
555 4<sup>th</sup> Street, N.W. – Room 10-118  
Washington DC 20530

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 27, 2021, I served a copy of this pleading on all parties to this matter as indicated in ECF.

*/s/ Seth Adam Meinero*  
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SETH ADAM MEINERO  
Trial Attorney  
Detailee



U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

September 27, 2021

**VIA EMAIL**

Joseph R. Conte, Esq.  
*Counsel for Marshall Neeffe*

Peter L. Cooper, Esq.  
*Counsel for Charles Bradford Smith*

Re: *United States v. Marshall Neeffe and Charles Bradford Smith (a.k.a. Brad Smith),  
21-CR-567 (RCL)*

Dear Counsel:

This memorializes the initial discovery the United States Attorney's Office for the District of Columbia has provided you via USAfx on the following dates:

September 16, 2021

- Facebook search-warrant return for Neeffe (to counsel for Neeffe only)
- Facebook search-warrant return for Smith (to counsel for Smith only)
- "Video Evidence" *containing*:
  - 14 .mp4s: 12 bodyworn camera videos and 2 open source videos
- "Material Evidence (incl. Facebook Return Screenshots, Video Clips, and Other Evidence)" *containing*:
  - Six .mp4s
  - Four screenshots of video depicting Neeffe's participation in assault of officers with large metal sign frame
  - 46 .jpgs (including screenshots from Facebook returns, evidence related to Smith's KA-BAR knife, and screenshot of body-worn-camera footage depicting Neeffe inside Capitol Rotunda)

September 21, 2021

- Two Capitol surveillance videos (cams 7029 and 0686) depicting Neefe's exit of the Capitol (**highly sensitive under protective order**)
- FBI 302s of custodial interviews of Neefe and Smith

September 23, 2021

- Signed advice-of-rights forms for Neefe and Smith
- Residence search warrant returns
- 630 photos of search of Neefe's residence (counsel for Neefe only)
- 186 photos of search of Smith's residence (counsel for Smith only)

September 27, 2021

- Document indicating time stamps for Neefe's appearances in the videos shared on September 16, 2021 (list of time stamps is not exhaustive)
- Reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021

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 us know if there are any categories of information that you believe are particularly relevant to your client.

The discovery provided is unencrypted. Please contact us if you have any issues accessing the information, and to confer regarding pretrial discovery as provided in Fed. R. Crim. P. 16.1.

We recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. We will provide timely disclosure if any such material comes to light. Consistent with *Giglio, Ruiz*, and 18 U.S.C. § 3500, we will provide information about government witnesses prior to trial and in compliance with the court's trial-management order.

We 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. We also request that defendants 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). We

request that such material be provided on the same basis upon which the government will provide defendants with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, we request that the defense provide the government with the appropriate written notice if the defense plans to use one of the defenses referenced in those rules. Please provide any notice within the period required by the Rules or allowed by the Court for the filing of any pretrial motions.

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

Sincerely,

/s/ Seth Adam Meinero  
SETH ADAM MEINERO  
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