

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-MJ-596 (RMM)
v.	:	
	:	
GARY WILSON,	:	
	:	
Defendant.	:	

NOTICE OF FILING

The government requests that the attached discovery letter be made part of the record in this case.

Respectfully submitted,

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

By: *Elizabeth Kelley*
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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 29, 2021

Peter Cooper, Esq.
Via Email

Re: *United States v. Gary Wilson*
Case No. 21-MJ-596

Dear Counsel:

On September 29, 2021, we uploaded additional discovery materials to a new case-specific folder in USAF_x. Specifically, we uploaded 26 videos, mostly from U.S. Capitol Police CCTV, marked highly sensitive:

- 7029 USCS 02 Rotunda Door Interior-2021-01-06_14h36min41s000ms
- 7029 USCS 02 Rotunda Door Interior - 2021-01-06_19h35min54s
- 7216 USCH 02 Rotunda Lobby East Stairs - 2021-01-06_19h38min38s
- 7218 USCH 03 Gallery Stairs-2021-01-06_14h39min50s000ms
- 0686 USCH 02 Rotunda Door Interior - 2021-01-06_19h37min05s
- 0204 USCS 02 Room 224 - 2021-01-06_19h40min01s
- 0205 USCS 02 West Stairs near S221 - 2021-01-06_19h40min01s
- GP010391
- CAP04_000016130
- 2021_01_06_ISOCAM5_SENFL_1
- 2021_01_06_ISOCAM6_SENFL_1
- Movies & TV 2021-04-23 10-26-46
- CAP04_000015718
- CAP04_000015713
- CAP04_000015711
- CAP04_000015672
- CAP04_000015712
- 1553269707567464026

- CAP04_000015235
- CAP04_000015230
- CAP04_000015229
- CAP04_000015228
- 0303USCS03SenateGallerySEnearS309_2021-01-06_14h34min02s513ms
- 0304 USCS 03 Senate Gallery SW near S324 - 2021-01-06_19h40min02s
- 0304 USCS 03 Senate Gallery SW near S324 - 2021-01-06_20h00min02s
- 0303 USCS 03 Senate Gallery SE near S309-2021-01-06_14h41min53s000ms

We also uploaded 13 Metropolitan Police Department body-worn camera videos along with a roster of officers who were associated with Officer D.H.'s CDU on January 6, 2021:

- Combined Roster - Hodges - CDU - 42 - Squad 1
- Duckett - 20210106-FELONYRIOT-FIRSTSTSE
- Hodges, Daniel - 20210106 - Rioting - United States Capitol Building
- Hackerman_Clip_2_1__20210106-FELONYRIOT-FIRSTSTSE
- 20210107-FIRST_AMENDMENT-US_CAPTIAL - Whelan
- 20210106 - FIRST_AMENDMENT - US_CAPITOL - Curtice - Chaos
- 20210106- Felony Riots- First St SE - Chasten
- 20210106-FELONYRIOT-US_CAPITOL_NW - Ishakwue
- Assault_on_a_Police_Officer - Stokes
- 20210106 - Rioting - United States Capitol Building Hodges
- 20210106 - FELONY RIOT - US CAPITOL - Shipmon II
- 20210106 - FIRST_AMENDMENT - FIRST_ST_SE_Boyle
- 20210106 - FELONY RIOT - US CAPITOL - Shipmon
- 20210106-FELONYRIOT-FIRSTSTSE - Peake

Further, we uploaded a timeline of your client's actions at the Capitol on January 6, 2021 that should help you navigate the videos provided. Finally, we uploaded the following documents:

- Arrest warrant, Complaint, and Statement of Facts for Patrick Montgomery
- Arrest warrant, Complaint, and Statement of Facts for Brady Knowlton

Manner of Production. Please be sure to download the entire USAFx folder, including all subfolders and files contained within the subfolders exactly as it was provided **immediately** upon receipt to your own storage media. **The USAFx materials will be deleted automatically in 60 days.**

Technical Assistance. Assistant Federal Public Defenders with technical discovery questions or those who are in need of assistance managing the discovery in this case can contact Kelly Scribner (kelly_scribner@fd.org) with the Defender Services Office - National Litigation Support Team.

Voluminous Materials. 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, body worn camera footage, 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 of any specific information that you believe is particularly relevant to your client.

Protective Order. This material is subject to the terms of the Protective Order issued in this case. *Certain materials are designated Sensitive or Highly Sensitive and these designations are clearly noted on the sub-folders.*

Timing of Disclosures. 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.

Reciprocal Discovery. 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 defendant with materials relating to government witnesses.

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

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

Sincerely,



Elizabeth Kelley
Assistant United States Attorney