

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

UNITED STATES OF AMERICA

v.

JARED KASTNER, ET AL.,

Defendants.

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: CASE NO. 21-CR- 725 (RDM)

JOINT STATUS REPORT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendants Luke Faulkner, Jared Kastner, and Kenneth Massie, by and through their attorneys, Kira Anne West, John Pierce, and Stephen Brennwald, respectively, now submit this joint status report, requested by the Court on August 22, 2022.

1. In the last joint status report, the government discussed the state of global discovery and case-specific discovery in this matter. Since then, case-specific discovery was produced via USAfx on September 15, 2022, to Mr. Pierce. At this point, all case-specific discovery has been produced to the defense. The government is prepared to share any case-specific discovery again upon request of counsel.
2. The government has made all global productions available on the defense instances of Relativity and Evidence.com. Global productions were made on August 24, 2022, and September 28, 2022. At this juncture, approximately over 3.37 million files (over 3.76 terabytes of information) have been provided to the defense Relativity workspace. These files include (but are not limited to) the results of searches of 642 digital devices and 182 Stored Communications Act accounts; 1,693 FBI FD-302s and related attachments (FD-302s generally consist of memoranda of interviews and other

investigative steps); 316 digital recordings of subject interviews; and 82,084 (redacted or anonymous) tips. Over 30,000 files consisting of body-worn and hand-held camera footage from five law enforcement agencies and surveillance-camera footage from three law enforcement agencies and the Hilton Garden Inn have been shared to the defense Evidence.com video repositories. Corresponding indexes have been made available via USAfx.

3. The government expects to make additional global productions, which should include, *inter alia*, the scoped results of search warrants conducted on other Capitol riot defendant's electronic devices and social media accounts, recorded custodial interviews of Capitol riot defendants, and additional materials in the custody and control of the FBI that may be relevant to the defendants.
4. On May 23, 2022, plea offers were made to all defendants and delivered via email to counsel. As detailed in the last joint status report, the government agreed to hold all plea offers open until the date of the next joint status report, today, September 29, 2022.
5. Ms. West has communicated to the government that Mr. Faulkner accepts the government's plea offer and she intends to schedule a plea hearing with the Court's deputy clerk.
6. Mr. Brennwald has communicated to the government that Mr. Massie accepts the government's plea offer and he intends to schedule a plea hearing with the Court's deputy clerk.
7. Mr. Pierce has communicated to the government that Mr. Kastner does not accept the government's plea offer.

8. The government requests a status conference for Mr. Kastner to confirm his rejection of the government's plea offer with the Court and to establish a pretrial briefing schedule in anticipation of trial.
9. The parties are in agreement that the ends of justice would be served by exclusion of time under the Speedy Trial Act until the proposed next status conference before this Court. The defendants waive their rights under the Speedy Trial Act and agree to the exclusion of time for the period from today's status report through the date of the next status conference.

Respectfully submitted,

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