



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*

March 23, 2021

Via Email

Steven Kiersh
Counsel for John Earle Sullivan
5335 Wisconsin Avenue, N.W., Suite 440
Washington, D.C. 20015
skiersh@aol.com

Re: *United States v. John Earle Sullivan*
Case No. 1:21-cr-00078-EGS

Dear Counsel:

The enclosed memorializes the provision of the following preliminary discovery in this case, via filesharing (unless otherwise indicated):

1. Indictment (emailed on 2/3/2021)
2. Signed Complaint (emailed on 2/18/2021)
3. Signed Affidavit Supporting Complaint (emailed on 2/18/2021)
4. 302 from Defendant's Interview 1/7 (emailed on 2/18/2021)
5. 302 from Defendant's Interview 1/9 (emailed on 2/18/2021)
6. Signed Redacted Complaint
7. Signed Arrest Warrant, and Arrest Warrant Return
8. 9 Screenshots of Defendant from Affidavit
9. Criminal History Report
10. Video of Defendant's Interview 1/11
11. Videos Provided by Defendant 1/11 (10 files)
12. CenturyLink Subpoena Production (2 files)
13. Beehive Broadband Subpoena Production (2 files)
14. Defendant's Molotov Cocktail Video and Jayden X screenshot
15. Defendant's InsurgenceUSA Instagram post "How to Take Down A Monument"
16. Defendant's Periscope video "Let's Explore DC"
17. Defendant's Facebook post "Let's start a riot"

18. Defendant's Facebook post "Insurgence Defense Fund"
19. Defendant's Youtube videos (7 files)
20. Defendant's Youtube screenshots (11 files)
21. Defendant's Twitter videos (9 files)
22. Defendant's Tweets (6 posts)
23. Open-Source Videos (10 files, zipped)
24. Open-Source Articles (5 files)
25. Video of Defendant's Infowars Interview

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

The discovery is unencrypted. 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.

Additional materials will be provided after the entry of a Protective Order in this case.

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 me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Candice", with a horizontal line extending to the right from the end of the signature.

Candice C. Wong
Assistant United States Attorney
202-252-7849
Candice.wong@usdoj.gov