

EXHIBIT C

(Redacted)

FLORIDA

400 N. Tampa Street
15th Floor
Tampa, Florida 33602
P. 813.222.8990
F. 813.222.8991

1101 Brickell Avenue
South Tower, 8th Floor
Miami, FL 33131
P. 813.222.8990

NEW YORK

250 E. 53rd Street
Suite 1701
New York, New York 10022
P. 646.746.8659

WWW.LAURoSINGER.COM

November 15, 2023

Via Email: MGG@usdoj.gov; TPW@usdoj.gov

Molly Gaston
Thomas P. Windom
Senior Assistant Special Counsels
950 Pennsylvania Avenue NW
Room B-206
Washington, D.C. 20530

Re: United States v. Donald J. Trump, No. 23 Cr. 257 (TSC)

Dear Ms. Gaston and Mr. Windom:

Your recent filings indicate that you plan to present evidence regarding the activities of protesters on January 6, 2021, at the Capitol and matters related thereto. We do not believe that such evidence is relevant to the charges and is extremely prejudicial, serving only to inflame and confuse the jury. See, e.g., Dkt. No. 115. Nonetheless, we must be prepared to defend these uncharged accusations so additional clarification and discovery is needed. Please do not take this request as an indication that we believe any evidence or argument related to the protest or violence on January 6th is relevant and admissible, but in the interest of expediency, we must better understand your position on these subjects and resolve discovery issues prior to any admissibility determination.

As an initial matter, please let us know what aspects of the January 6th events you assert are relevant and what you intend to offer into evidence at trial. Because most actions at the Capitol on January 6th are outside of the Indictment, we ask that you identify the scope of your trial presentation so that we may conduct discovery accordingly.

In our October 23, 2023 discovery letter, we requested information related to some aspects of the January 6th protests, including identification of informants and other undercover operatives and the details of their participation, prior bids for security and National Guard assistance, 302s and other memoranda regarding January 6th investigations, foreign interference or involvement with January 6th activities, and querying of FISA databases related to January 6th. Below, we have some additional requests for January 6th related materials. These are subject to change based on explanation of the scope of your trial presentation.

As our motion to compel deadline is approaching, we must get your position on these issues and unresolved discovery disputes straightaway. Given that both parties will be in Washington, D.C. next Monday for oral argument, we propose having

a meet and confer meeting on Tuesday, November 21, 2023. We have set forth the additional requests below for your consideration prior to the meeting.

I. Background

Each of the Requests set forth below calls for production of documents irrespective of their classification level. As used herein, the term “documents” includes (i) all communications, including memoranda, reports, letters, notes, emails, text messages, videos, and other electronic communications; (ii) hard copies and electronically stored information, whether written, printed, or typed; and (iii) all drafts and copies.

As used herein, the term “foreign influence” is broader than the definition of the term “foreign interference” in Executive Order 13848 and includes any overt or covert effort by foreign governments and non-state actors, as well as agents and associates of foreign governments and non-state actors, intended to affect directly or indirectly a US person or policy or process of any federal, state, or local government actor or agency in the United States.

The Requests call for specified documents in the possession of the prosecution team, as we defined that term in our October 15, 2023 letter to you.

II. Requests

1. Your response to our October 23, 2023 letter provided numerous objections but did not clarify your position on relevancy with respect to each request. Therefore, regarding our October 23 requests and each of the specific requests below, please specifically indicate whether you will produce the documents requested, and, if not, whether you contend: (1) the documents are not relevant to this case; (2) the documents are relevant, but the prosecution team, as you define it, does not have possession, custody, or control of the documents; or (3) the documents are relevant, and are in the possession custody, or control of the prosecution team, but you nonetheless believe the government is not required to produce the requested documents. Additionally, for any documents you contend are not relevant, please confirm that you will not present any evidence on the identified subject in your case in chief at trial.

2. If you intend to introduce evidence at trial of any injuries sustained to law enforcement or anyone else at the Capitol on January 6, 2021, please provide all documents regarding those injured during the protest at the Capitol, including medical records.

3. Please provide all prior law enforcement and military intelligence regarding the Ellipse rally and the protest at the Capitol on January 6th, including the distribution and briefings of the intelligence.

4. Please provide all memoranda regarding interviews of law enforcement officers regarding the Ellipse rally and the protest at the Capitol on January 6th.

5. Please provide all documents regarding law enforcement, security, or National Guard preparations for the Ellipse rally and the protest at the Capitol on January 6th.

6. Please provide all documents regarding the Sergeant at Arms of the United States House of Representatives' preparations for the Ellipse rally and the protest at the Capitol on January 6th.

7. Please provide all law enforcement operations plans to include operational control, reporting structure, and distribution for the Ellipse rally and the protest at the Capitol on January 6th.

8. 

9. Please provide all documents regarding the Washington, D.C. Mayor's preparations for the Ellipse rally and the protest at the Capitol on January 6th, including discussion regarding law enforcement and National Guard presence.

10. Please provide all documents regarding the Washington, D.C. Metro Police Department's preparations for the Ellipse rally and the protest at the Capitol on January 6th.

11. Please provide all documents regarding preparations by members of Congress for the Ellipse rally and the protest at the Capitol on January 6th, including instructions to Capitol Police, law enforcement, and the National Guard.

12. Please provide all documents relating to permits issued and applications for permits submitted for any protest, rally, or gathering in the vicinity of the Capitol on January 6th, including communications regarding such permits (or permit applications), protests, rallies, or gatherings.

13. Please provide all video of the January 6th protest inside and outside the Capitol that you intend to introduce at trial. We reserve the right to request additional video once you have identified the video you intend to introduce.

14. Please provide all documents relating to efforts by foreign actors, whether state or non-state, to "undermine public faith in the US democratic progress" referenced in the 2016 Election ICA, including all documents that provided the basis for that language in the ICA.

15. Please provide all documents regarding the investigation into alleged pipe bombs or other explosives found near the Democratic National Committee and Republican National Committee buildings.

16. Please provide all documents regarding offers of immunity, forgoing of prosecution, diversion, USSG 5K1.1 reductions, or any other consideration to persons under investigation or charged regarding activities related to January 6th.

17. Please provide all intelligence regarding the presence and activities of persons associated with Antifa at the Ellipse rally and the protest at the Capitol on January 6th.

18. Please provide all documents regarding Antifa or persons associated with law enforcement who encouraged or participated in any illegal activities on January 6th.

19. Please provide all documents regarding Ray Epps, the “scaffold commander,” John Nichols, or any similar persons who encouraged or participated in any illegal activities on January 6th.
20. Please provide all intelligence assessments or the Daily Intelligence Report for the Make America Great Again rallies on November 14, 2020 and December 12, 2020.
21. Please provide any transcripts of videos of the Congressional debates regarding the certification on or about January 6th.
22. Please provide all documents regarding the effect of the December 20, 2021 protests in Washington, D.C. on the preparations for the Ellipse rally and the protest at the Capitol on January 6th.
23. Please provide all documents regarding the Norfolk memo (Norfolk Situational Information Report) including the memo itself and its distribution.
24. Please provide all documents from the Joint Terrorism Task Force regarding the Ellipse rally and the protest at the Capitol on January 6th.
25. Please provide all documents from LEAP regarding the Ellipse rally and the protest at the Capitol on January 6th.
26. Please provide all training manuals and standard operating procedures regarding crowd and riot control for the Capitol Police, Washington, D.C. Metro Police, Federal Bureau of Investigation, and Department of Homeland Security.
27. Please provide all documents relating to militias planning to gather, or gathering, at the Capitol on January 6th.
28. Please provide all communications between Yogananda Pittman and Nancy Pelosi, Nancy Pelosi’s staff, or representative of Nancy Pelosi.
29. Please provide all documents regarding any threats to state or local employees or officials who alleged they were threatened as a result of their role in any state or local election for the 2020 election.
30. Please provide all documents related to Steven Sund’s statements that he “believed officials were aware of the January 6 U.S. Capitol insurrection before it happened and covered it up.”
31. Please provide all communications between Steven Sund and members of Congress and Congressional staff related to January 6th.
32. Please provide all communications between Steven Sund and other law enforcement agencies, Department of Defense, and National Guard related to January 6th.

33. Please provide all intelligence provided to Steven Sund related to January 6th.
34. Please provide all documents regarding all government sources who were queried and / or provided information regarding the events of January 6th. Production should include, but not be limited to, FBI CHS and PCHS queries and resulting 1023 reports. Production should also include, but not be limited to, all source reporting from individuals or sources associated with any law enforcement agency and any agencies in the intelligence community.
35. Please provide all documents related to investigations into the “gallows” which were placed in front of the Capitol in the early morning hours of January 6th.
36. Please provide all documents regarding the individual dubbed “fence cutter bulwark” who was captured on video removing fencing in advance of the crowd moving from the Ellipse toward the Capitol.
37. Please provide all documents provided by Capitol Police Officers and whistleblowers to the Inspector General regarding January 6th.
38. Please provide all testimony, statements, and memoranda of all witnesses you expect to call at trial regarding the protest or violence at the Capitol on January 6th.

Sincerely,



John F. Lauro

cc: Todd Blanche, Esq. (toddblanche@blanchelaw.com); Emil Bove, Esq. (emil.bove@blanchelaw.com)