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January 8, 2021

Michael R. Sherwin
United States Attorney
United States Attorney's Office
555 4th Street, NW
Washington, DC 20530

Re: *United States vs. Chris Georgia*
Case No.: 2021 CMD 000186

Dear Mr. Sherwin:

Pursuant to the District of Columbia Court of Appeals' suggestion in *Rosser v. United States*, 381 A.2d 598 (D.C. 1977), as well as Superior Court Rule of Criminal Procedure 16, and the Fifth and Sixth Amendments to the United States Constitution, I write to memorialize the discovery received to date and to make additional requests for additional discoverable material with regard to this case.

If the requested materials exist but the government declines to provide them based on a theory that they are not discoverable, please let me know of that position as well, so that I might file appropriate motions in a timely manner. Please let me know if my understanding of the discovery provided to date conflicts with yours in any way. In connection with the following requests, I additionally request that the government take steps immediately to preserve any and all evidence to which Defendant is entitled access under Rule 16, *Brady*, or any other applicable law.

Eyewitnesses to the Incident

I request the names and contact information for any eyewitnesses to the alleged incident. The primary basis for this request is my client's well-settled constitutional guarantees to due process, a fair trial, confrontation of government witnesses, and effective assistance of counsel. Our Court of Appeals noted in *Gregory v. United States*, 369 F.2d 185, 188 (D.C. Cir. 1966): "Witnesses, particularly eye witnesses, to a crime are the property of neither the prosecution nor the defense. Both sides have an equal right, and should have an equal opportunity, to interview them." Similarly, in *United States v. Holmes*, 343 A.2d 272 (D.C. 1975) (hereinafter *Holmes I*), *reh'g denied*, 346 A.2d 517 (1975) (hereinafter *Holmes II*), our Court of Appeals upheld a trial court order that compelled the government to provide defense counsel with the identities of witnesses to an alleged murder. Moreover, interviews of such witnesses are likely to produce evidence that comes within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972): in other words, such witnesses will likely have some information that is either directly

exculpatory for my client or diminishes the witnesses' own credibility and reliability. Defense interviews of these witnesses are also germane to constitutional issues that may arise with regard to their participation in identification procedures. Counsel for Defendant cannot adequately confront the testimony of these witnesses without the opportunity to interview them and use the information from the interviews to fully investigate the case.

If you believe that identification of government witnesses raises legitimate safety and security concerns, please advise me of such and we can craft a protective order to address these concerns. If you are not willing to disclose the names of these eyewitnesses, please advise and provide your reasons for denying this request so that this matter may be litigated in a timely fashion.

Rule 16 Discovery Requests

A. Defendant's Statements (Rule 16(a)(1)(A) &(B))

I request that any statements made by Defendant be provided immediately. Please disclose and make available for inspection, copying, or photographing: (1) any relevant written or recorded statements made by Defendant or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government; and (2) that portion of any written record containing the substance of any relevant oral statement made by Defendant whether before or after arrest in response to interrogation by any person then known to Defendant to be a government agent. I also request that you disclose the substance of any other oral statement made by Defendant, whether before or after arrest, in response to interrogation by any person then known to Defendant to be a government agent, if the government intends to use that statement at any factfinding hearing.

Also, please inform me of the circumstances surrounding Defendant's alleged making of any statements, including: where they were made, to whom they were made, when they were made, and the context of the conversation or interview in which any statements were allegedly made.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

I am requesting any prior record against Defendant in this or any other jurisdiction that the government intends to use against him for any purposes in the above-captioned case. I request full disclosure, based on an NCIC search with an FBI identification number and production of any arrests/convictions/adjudications of Defendant that the government intends to use against him for any purposes in the above-captioned case. Unless provided with a copy of the pertinent records prior to trial, I will assume the government does not intend to use any of Defendant's arrests/convictions/adjudications against him, if any, for any purposes in the above-captioned case, and will prepare for trial accordingly. See *Drew v. United States*, 118 U.S. App. D.C. 11, 331 F.2d 85 (1964); *Toliver v. United States*, 468 A.2d 958 (D.C. 1983).

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

Pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(E), I request documents and tangible objects. I request that you permit the defense to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody or control of the government, and which are material to the preparation of the Defendant's defense, or are intended for use by the government as evidence in their case in chief at the trial, or were obtained from or belong to the Defendant.

I request immediate disclosure of all other documents in the possession, custody, or control of the government, which are encompassed by Sup. Ct. R. Crim. Pro. 16(a)(1)(E), including but not limited to (i) PD-252 supplement report(s) relating this incident, (ii) all PD-81s and other documents relating to the recovery of any physical evidence, (iii) all PD-668s, -669s, and other documents relating to the examination and search of the alleged crime scene and of any area in which physical evidence was recovered, (iv) any documents relating to the lifting of fingerprints at the alleged crime scene and from any items seized in relation to this case, (v) all PD-118 and PD-119 witness statements, (vi) any PD-854, and (vii) any videos or additional photographs taken in relation into this case. I further request all Watch Commander and CIC Reports.

To the extent that you intend to introduce any recorded out of court statements at trial as an exception to the rule against hearsay, I request immediate disclosure of those statements pursuant to Rule 16(a)(1)(E).

To the extent that any of these documents are not discoverable because they are statements made by prospective government witnesses, pursuant to Rule 16(a)(2), I am requesting that these documents be provided if, and when, it is determined that the author or witness is not going to be a government witness.

Please provide me, as soon as possible, with a viewing letter so that the defense can view the evidence in this case. **The letter should permit undersigned or undersigned investigator** to view the evidence.

D. Photographs (Rule 16(a)(1)(E))

I request any photographs taken in connection with this case, including any photographs of the alleged crime scene, Defendant, any other suspects, and/or any evidence. If the photographs are in color, please provide color copies.

I have received thirty photographs to date.

E. Tape Recordings (Rule 16(a)(1)(E))

I request that the government provide any and all radio and phone communications and furnish me with a copy of all tape recordings of scout runs, ambulance runs, 911 calls, radio transmissions, TAC communications, police and ambulance recordings in connection with the incident and Defendant's arrest, which are within the possession, custody, or control of the government, and which is material to the preparation of the defense or are intended for use by the government as evidence in chief as trial

Until I have been provided with a copy of any such communications, I ask that they be preserved. If they do exist, please provide them as soon as possible. It is my position that recorded communications are discoverable in advance of trial under Rule 16(a)(1)(C) because the evidence is material and relevant to the preparation of Defendant's defense. I understand that it may be the government's position that certain radio communications constitute *Jencks*, pursuant to Sup. Ct. Crim. Pro. R. 16(a)(2). Accordingly, I request that the government provide me with any radio communications being held as *Jencks* material as soon as the government determines that it will not call that witness in its case-in-chief.

F. Results/Reports of Examination and Tests (Rule 16(a)(1)(F))

I request any reports of examinations and tests. I request that you permit me to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are in the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the prosecutor, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial.

I request all results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, relating to this matter that are in the government's possession, custody or control. If such material exists, please provide it immediately. If it comes into existence at a later time, please provide me with all such material as soon as it is completed, and in sufficient time for us to incorporate the material into my preparation for trial, including the possible need to seek alternate testing and/or the assistance of experts to examine the material provided or to testify concerning the material provided.

G. Identification

I request information of any identification procedure followed relating to this offense.

With respect to the identification(s), I am requesting the following information: the name and address of any other person identified by the witness(es); the lapse of time between the alleged incident and the identification; whether any witness(es) failed to identify Defendant; the specific words of identification by the witness(es); the date and location of the identification, including but not limited to the witness(es)' opportunity to observe, distance, lighting, what kind of lighting and any other circumstances relating to the reliability of the alleged identifications. *See Clemons v. United States*, 133 U.S. App. D.C. 27, 408 F.2d 1230 (1968). I am also requesting the defense be provided with any refreshment procedures used in the identification. *See Patterson v. United States*, 384 A.2d 663, 668 (D.C. 1978).

H. Other Crimes Evidence

I request notice and detailed information in advance of trial concerning all uncharged misconduct the government will seek to introduce. Please provide all such information in sufficient time for the defense to incorporate the material into its preparation for trial and to litigate admissibility in advance of trial. Pursuant to the cases on uncharged misconduct, other crimes, and their progeny, please include in your notice the specific dates, times, places, and

detailed narratives of your proposed other crimes evidence. Also, please provide the specific other-crimes theory under which you will seek admission of this evidence. Unless informed otherwise, I will prepare for trial with the understanding that your Office will not be seeking to introduce any such other bad-acts evidence. *See Drew, supra; Toliver v. United States*, 468 A.2d 958 (D.C. 1983).

I. Expert Witnesses (Rule 16(a)(1)(G))

I request a written summary of expert testimony the government intends to use during its case in chief at trial, including a description of the expert witness's opinions, the bases and the reasons therefore, and the witness's qualifications. *See Murphy-Bey v. United States*, 982 A.2d 682, 688 (D.C. 2009)

Please also note that Defendant does not waive his Sixth Amendment right to confrontation with regard to any expert or scientific evidence. *See Thomas v. United States*, 914 A.2d 1, 19 (D.C. 2006).

Importantly, please provide contact information for your expert witness and advise the witness that someone from the defense in this case will be contacting the witness in order to interview him or her about the anticipated testimony, the reasons and bases for any opinions to be offered, the expert's qualifications and the current state of the expert's discipline vis-à-vis the opinions this expert is going to offer.

The letter provided indicates the government may call a narcotics expert, a fingerprint expert, and possibly a mobile crime evidence technician. The generic notice provided, listing multiple possible experts and overly general topics of testimony with no basis in the specific facts of this case, is insufficient under Rule 16. If I do not receive expert disclosure consistent with Rule 16, *Ferguson*¹, and *Murphy-Bey*², I will be unable to prepare adequately to confront the expert and will move the Court to preclude the government from calling the expert.

1. Drug Analysis-Related Discovery

To the extent that the government pursues an indictment for any controlled substance-related offenses, I make the following requests. **At this point, I have no intention of stipulating to the alleged results of the drug analysis.** If the government intends to introduce any evidence or testimony relating to laboratory analysis of the alleged controlled substance, I ask that you please provide the following in addition to the four page DEA Report provided thus far:

- **Full Chemist Case file.** Please provide a complete copy of the chemist's case file, including all records created by the Drug Enforcement Agency ("DEA"), the Metropolitan Police Department ("MPD"), or any other agency that participated in the testing of the alleged controlled substances in this case. These materials should

¹ *Ferguson v. United States*, 866 A.2d 54 (D.C. 2005)

² *Murphy-Bey v. United States*, 982 A.2d 682, 688 (D.C. 2009)

include bench notes, including that of the drug extraction process, memoranda, DEA-7 reports, DEA-113 reports, chemist worksheets, evidence reports, chain-of-custody reports, reports of equipment calibration checks, negative and positive control data, chromatographs, mass spectra, infrared spectra, communication logs, contamination logs, diagrams, and photographs of evidence and results of any color tests and microchemical crystal tests.

- **Chain of custody.** Please provide copies of all records that document the collection and handling of physical evidence, from the initial point of collection to the current disposition.
- **Statistical information.** Please provide the ranges of “expected results,” including any gas and/or liquid chromatography retention times and peak heights, mass spectroscopy mass-to-charge ratios, UV-Vis and IR absorption peaks and shoulders, thin layer chromatography retention factors of, drug standards, internal standards, solvents, and any other analytes used to interpret the data from each of the tests performed in this case.
- **Protocols.** Please provide a copy of all handbooks, guidelines, protocols and training materials used by each laboratory that conducted testing in this case. These materials should include:
 - Quality control procedures governing the handling and examination of evidence samples.
 - Quality assurance procedures employed by the laboratory to monitor and document its performance, including but not limited to internal and external auditing, proficiency testing, and document control procedures.
 - Standard operating procedures for each of the methods used to examine the substances in the above-captioned case (e.g., organic extractions, gas chromatography (GC); mass spectrometry (GC/MS); infrared spectrometry (IR)), including procedures for collection of analytical samples from evidentiary materials, i.e., for collection of representative aliquots.
- **Validation studies.** Please provide the results of validation studies and calibration curves for each method used to analyze evidence. (If the laboratory did not perform a formal validation study for the determination of controlled substances using the subject methods, provide a copy of empirical results verifying the laboratory’s ability to meet the desired performance characteristics for each testing method that was externally validated, including explicit reference to the original validation record used by the laboratory.)
- **Reagents and materials.** Please provide source, preparation, and usage records for any and all reagents or other materials used during testing, including but not limited to the quality control test results of the certified standard on the day the testing for this

case was done; the date each reagent was made; HPLC graphs and UV spectra for all reagents; “as prepared” and “as determined” values for all negative and positive controls; records that demonstrate traceability for standards and reference materials used for calibration and quality-control purposes during casework testing.

- **Instruments and equipment.** Please provide the make and model of any instruments or equipment used during testing of the alleged controlled substances in this case, as well as manuals and instructions provided by the manufacturer, validation studies pertaining to laboratory equipment, documentation of maintenance of laboratory equipment, and corrective action logs pertaining to laboratory equipment.
- **Laboratory production data.** Please provide laboratory production data for the tests performed in the subject case (gas chromatography (GC); mass spectrometry (GC/MS); infrared spectrometry (IR)), including specifics of the instruments and columns, temperature ramping programs, solvent gradient programs, internal and external controls and solvents that were used, the total spectral ranges observed, the total chromatography run times, and the number of tests performed.
- **Audits and accreditation.** Please provide copies of any audit reports for the period beginning one year prior to the testing performed in the above-captioned case to the present, as well as copies of all certificates of accreditation for the laboratory where the testing was conducted.
- **Personnel.** Please provide background information about each person involved in conducting or reviewing the controlled substance analysis in this case, including a job description, current resume, copies of all proficiency examinations and their results, and any performance evaluations.
- **Field test kit.** I request that you allow me to inspect and photograph the field test kit that was used in this case, and any material that was tested in the kit.

Given the technical complexity of drug analysis and the need for undersigned counsel to consult with at least one, and potentially multiple experts, I request that you disclose drug analysis and full reports well in advance of trial.

K. Brady Material

I request any information discoverable pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and demand that this information be provided to the defense immediately. I am requesting that any such information be turned over as soon as it is known to the government, so that it is not lost to the defense. *See Vaughn v. United States*, 93 A.3d 1237 (D.C. 2014); *Miller v. United States*, 14 A.3d 1094 (D.C. 2011); *Sykes v. United States*, 897 A.2d 769 (D.C. 2006).

In addition to the above *Brady* request, I specifically request that I be provided with:

1. Identification. The names and addresses of any person(s) who:

- a. Identified some person other than Defendant as a perpetrator of the alleged offense, *see Johnson v. United States*, 136 A.3d 74, 85 (D.C. 2016); *see also Cannon v. Alabama*, 558 F.2d 1211 (5th Cir. 1977); *Grant v. Alldredge*, 498 F.2d 376 (2d Cir. 1974).
 - b. failed to identify Defendant as a perpetrator of the alleged offense when asked to do so in any identification procedure, including any voice identification procedures, *see United States ex rel. Meers v. Wilkins*, 326 F.2d 135 (2d Cir. 1964);
 - c. gave any description(s) of the perpetrator of the alleged offense which in some material respect, e.g., height, weight, clothing, race, complexion, age, etc., differs from Defendant. *See Frezzell v. United States*, 380 A.2d 1382, 1385 (D.C. 1972); *see also Jackson v. Wainwright*, 390 F.2d 288 (5th Cir. 1968).
2. The names and addresses of all persons who would contradict or impeach any government testimony or other evidence. *See Gibson v. United States*, 566 A.2d 473 (D.C. 1989).
 3. Any evidence or information that would support a motion to suppress statements, physical evidence, and/or identifications. *See Biles v. United States*, 201 A.3d 1012 (D.C. 2014).
 4. Any other information in the possession of the government which is favorable to the defense, whether or not technically admissible in court, and which is material to issues of guilt and/or punishment.

L. Impeachment and Bias Material (*Brady*)

I request:

1. All prior convictions and juvenile adjudications of all government witnesses. *See Lewis v. United States*, 393 A.2d 109 (D.C. 1978), *aff'd on reh.* 408 A.2d 303 (D.C. 1979). Pursuant to *Lewis*, I am specifically requesting that you obtain an FBI rap sheet for all government witnesses.
2. All information in the possession of the government indicating that (a) any government witness has had a pending juvenile or criminal case on or since the offense in this case; (b) any government witness has had an arrest, guilty plea, trial, or sentencing on or since the date of the offense in the present case; (c) any government witness has been on juvenile or criminal parole or probation on or since that date of the offense; and (d) any government witness now has or has had any other liberty interest which the witness could believe or could have believed might be favorably affected by government action. With respect to this information, I request docket number, dates and jurisdictions for all such cases. *See Davis v. Alaska*, 415 U.S. 508 (1974); *Washington v. United States*, 461 A.2d 1037 (D.C. 1983).
3. Any prior inconsistent, non-corroborative, or other witness's statements that will not reflect the witness's trial testimony. *See United States v. Enright*, 579 F.2d 980, 989 (6th Cir. 1978).

4. All information in the government's possession indicating that the mental state of any government witness is below normal or in any way abnormal.
 5. All information that any government witness was under the influence of alcohol, narcotics, or any other substance, including medication, at the time of the observations about which the witness will testify, or that the witness's faculties of observation or recall were impaired in any way at any relevant time, or that the witness habitually uses or is addicted to alcohol or drugs. *See Robinson v. United States*, 50 A.3d 508, 520 (D.C. 2012); *see also United States v. Kearney*, 136 U.S. App. D.C. 328, 410 F.2d 170 (1969); *Jackson v. United States*, 377 A.2d 1151 (D.C. 1977). Please also disclose any information that any government witness was under the influence of drugs, alcohol, or medication at the time such witness testified in the grand jury.
 6. All information that any government witness has been or is a police informant either at the time of the offense and/or through the day of trial; if any witness is, or has been, an informant, then:
 - (a) disclosure of the length and extent of the witness's informant status;
 - (b) the amounts paid to the informant;
 - (c) non-monetary assistance also provided to the informant, including, but not limited to, assistance in avoiding or minimizing harm from charges pending against the informant, such status having existed either at the time of the offense and/or any other time through the day of trial;
 - (d) All benefits, or promises of benefit, or statements that benefit would not be provided without cooperation, that were made to the informant in connection with this case, whether or not fulfilled. "Benefits" refers to any monetary compensation, assistance of the prosecutor or a court concerning pending charges against the informant, any promises (express or implied) that any government agent will or may assist the witness with immigration issues, or any other sort of consideration of value;
 - (e) The nature of assistance provided in the past, including the number of occasions and form of help.
- See United States v. Bagley*, 473 U.S. 667 (1985); *Springer v. United States*, 388 A.2d 846 (D.C. 1978).
7. All deals, benefits, or promises of benefit, threats, or statements that benefit would not be provided without cooperation that were made to any government witness in connection with this case. *See Giglio v. United States*, 405 U.S. 150 (1972); *Springer*, 388 A.2d 846. "Benefits" is defined in Section 6(d), *supra*.
 8. Any failures by any witness to provide the police or the government with information testified to at trial.
 9. Any information which tends to show a government's witness's corruption. *See In re C.B.N.*, 499 A.2d 1215 (D.C. 1985). This request includes police officers. *See Vaughn v. United States*, 93

A.3d 1237, 1255 (D.C. 2014); *Longus v. United States*, 52 A.3d 836 (D.C. 2012); *Martinez v. United States*, 982 A.2d 789, 795 (D.C. 2009).

10. Police bias and credibility information, including source documents, about any lawsuits against, findings of misconduct or complaints sustained against (including information and source documents about any discipline imposed against) any officers involved in the investigation and prosecution of this case, and all adverse credibility findings and findings of constitutional violations (including but not limited to Fourth and Fifth Amendment violations) involving any of the officers involved in the investigation or prosecution of this case. Given the repeated occurrence of the USAO denying such information exists only for it to be later uncovered by defense investigation, I request a proffer of the steps the USAO has taken to locate this information, as well as all source documents. I also request that the USAO consult the Office of the Attorney General for DC, which maintains an independent database of this information.

11. Police bias and credibility information, including source documents, about whether any of the officers involved in the investigation and prosecution of this case had any complaints, intervention plans, lawsuits, or investigations of conduct pending at any point during the pendency of this case, including but not limited to the officers mentioned above. Given the repeated occurrence of the USAO denying such information exists only for it to be later uncovered by defense investigation, I request a proffer of the steps the USAO has taken to locate this information. I request that the USAO consult the Office of the Attorney General for DC, which maintains an independent database of this information.

12. All intervention plans that were in place as of DATE OF INCIDENT, or which have been imposed since that date for all officers involved in this case.

13. Any evidence of bias for the government or against Defendant for all civilian and police witnesses, pursuant to *Giglio v. United States*, 405 U.S. 150 (1972);

14. Perjury by any government witness at any time, whether or not adjudicated and whether or not in connection with this case. *See Mooney v. Holohan*, 294 U.S. 103 (1935); *Bennett v. United States*, 797 A.2d 1251, 1258 (D.C. 2002); *Sheer v. United States*, 479 A.2d 732 (D.C. 1983).

15. All information that any government witness has made prior false accusations, including but not limited to prior complaints to the police or enforcement agencies that did not result in a conviction. *See Lawrence v. United States*, 482 A.2d 374 (D.C. 1984).

16. Any information regarding any prior “bad acts” of a government witness which may bear upon the veracity of the witness with respect to issues involved in the trial. *See Andre v. United States*, 482 A.2d 374 (D.C. 1984); *see also Kitchen v. United States*, 95 U.S. App. D.C. 277, 221 F.2d 832 (1955).

17. Any other information which tends to show a witness’s bias or which otherwise impeaches a witness’s testimony. *See United States v. Bagley*, 473 U.S. 667 (1985).

18. Any other information in the possession of the government which is favorable to the defense, whether or not technically admissible in court, and is material to the issues of guilt and/or punishment.

With respect to any of the information requested above, I hereby request any reports, records or other documents containing such information. If such reports, records or other documents are in the custody, control or possession of the government, they must be disclosed to the defense.

In carrying out your constitutionally mandated *Brady* obligations, you should:

1. Speak to all members of the “prosecution team”;
2. Speak to all employees of the United States Attorney’s Office involved with the case;
3. Speak with all police investigators who handled the case;
4. Speak to all Victim Advocates;
5. Review all case files maintained by your office, not just concerning the instant case but any related case;
6. Search all criminal record databases to which you have access for criminal records concerning any potential witnesses in this case;
7. Ask the FBI, DEA, and Metropolitan Police Department if they have any relevant files; and
8. Examine any pre-sentence reports and probation files relevant to this case.

The foregoing requests are made pursuant to *Brady* and its progeny. If you disagree with the legality of any of these requests, please let me know in writing so that we can litigate the matter before the Court.

M. Rule 26.2 Jencks Requests

Pursuant to the *ABA Standards for Criminal Justice*, 11-2.2 (Discovery and Procedure Before Trial), and the practice enunciated in *United States v. Hinton*, 203 U.S. App. D.C. 187, 197-98, 631 F.2d 769 (1980), I request early disclosure of all *Jencks* material, so that any issues involving disclosure may be resolved in advance, counsel will have adequate time to review the material, and there will be no delay in court proceedings while counsel reviews the material, considers any discovery or *Brady* ramifications, and prepares to use the material in cross-examination. I also request that you diligently preserve all *Jencks* material.

N. Plea Offer

At this time, I am not aware of a plea offer being extended to Defendant. I am obliged to relay to my client any plea offer the government may want to extend. Please call me at your convenience at 301-277-2333.

O. Conclusion

For purposes of this letter and any related litigation, “information” refers to all documentary, tangible, or oral material, including but not limited to, statements by witnesses,

whether recorded or otherwise memorialized or not, and reports of investigation or notes of investigators. Such information is “known” to the government if known to you personally or known to any other prosecutor or government agent, including law enforcement. Finally, as you know, the duty to disclose is a continuing one, stretching until the final disposition of the case, including any post-conviction litigation should we get to that point.

It is my belief that the requested material is discoverable under the Superior Court Rules of Criminal Procedure and/or under pertinent case law. In the event that you are unable or unwilling to provide the requested material or if you disagree with any of the foregoing representations, please let me know promptly so that I may properly file any necessary pretrial motions. If I do not hear from you regarding the requests in this letter, I will assume that the requested material does not exist or that you are refusing the request, and will rely on these representations in preparation for trial.

Thank you for your prompt attention in this matter.

Very truly yours,

/s/ Marnitta L. King
Marnitta L. King
Attorney at Law