

LAW OFFICE OF

DANIEL K. DORSEY

400 Seventh Street, N.W.
SUITE 306-D
WASHINGTON, D.C. 20004

(202) 347-9000 (TEL)

(202) 783-2503 (FAX)

dorseylaw@icloud.com

Dorseylaw@gmail.com

January 7, 2021

Assistant United States Attorney
United States Attorney for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
By Case File Xpress

Re: *United States v. William Leary*

Case No.: 2021 CMD 000194

Lock-up No. 42 Date: January 7, 2021

Dear Assigned AUSA:

This letter is served to request that you preserve all physical evidence material to the preparation of my client's defense, including but not limited to all property allegedly belonging to all complaining witnesses and my client, unless such property is released directly to my client or his/her authorized designate. This preservation request is served in part to ensure that I, as counsel for the defendant, my investigator or other duly appointed representative for the defendant, has an opportunity to conduct tests and examinations on any physical property that I, as counsel for the defendant, deems appropriate and necessary.

Also, pursuant to Superior Court Rule of Criminal Procedure 16 and *Brady v. Maryland*, 373 U.S. 83 (1963), I hereby request the production of all discovery and all other evidence that tends to exculpate my client, or material to the success of a pretrial motion to suppress, *Biles v. United States*, 101 A.3d 1012 (D.C. 2014). Rule 16 explicitly provides that upon request, "the government must disclose" and "shall permit" inspection and copying of all material covered by the Rule. As such, I request that all discoverable material be disclosed immediately, but in no event later than the preliminary hearing or status hearing in this case.

Thank you in advance for your prompt attention to these matters.

Very truly yours,
/s/Daniel K. Dorsey

INITIAL DEFENSE DISCOVERY REQUEST

United States v. William Leary Case No.: 2021 CMD 000194

Lock-up No. 42 Date: January 7, 2021

1. **STATEMENTS:** I request that you disclose to me and make available for inspection, copying, or photographing, any relevant written or recorded statements made by the 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. Also, I request that portion of any written record containing the substance of any relevant oral statement made by the Defendant whether before or after arrest in response to interrogation by any person then known to the Defendant to be a government agent, and any recorded testimony of the Defendant before a grand jury which relates to the charged offense. In addition, I request that you disclose the substance of any other oral statement made by the Defendant whether before or after arrest in response to interrogation by any person then known to the Defendant to be government agent if the government intends to use that statement at trial.

2. **PRIOR RECORD:** I request that you furnish me with a copy of the Defendant's prior record, if any, as is 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 prosecutor.

3. **DOCUMENTS AND TANGIBLE OBJECTS:** I request that you preserve and permit me to inspect and copy or photograph any and all 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 defense, or are intended for use by the government as evidence in chief at trial, or were obtained from or belong to the Defendant. Also, I request that you give me a viewing letter within 15 (fifteen) days of this date, if one is needed, to inspect and copy or photograph any of the above-listed items.

4. **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 trial.

5. **EXPERT WITNESSES:** I request that you disclose to me a written summary of expert testimony the government intends to use during its case in chief at trial. This summary must describe the expert witnesses' opinions, the bases and the reasons therefore, and the witnesses' qualifications.

6. **IDENTIFICATION PROCEDURES:** I request information of any identification procedure followed relating to this offense.

7. **EVIDENCE OF UNCHARGED MISCONDUCT:** I request notice in advance of trial concerning uncharged misconduct that the government will seek to introduce against the Defendant. Please provide specifics regarding the alleged prior bad act or inextricably linked activity, including exact time and place of occurrence.

8. **EXCULPATORY INFORMATION:** Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), I request any and all information which is likely to exculpate the Defendant.

9. **SUPER. CT. R. 26.2 MATERIAL:** I request early disclosure of all *Jencks* material, so that any issues concerning disclosure may be resolved in advance and proceedings will not be delayed while I review the material and prepare to use it in cross-examination, or consider any discovery or *Brady* ramifications. I also request that you diligently preserve all *Jencks* material.

10. **PHYSICAL EVIDENCE:** I request that you preserve all physical evidence material to the preparation of my client's defense, including but not limited to all property allegedly belonging to all complaining witnesses and my client, unless such property is released directly to my client or his/her authorized designee. This preservation request is served in part to ensure that counsel has an opportunity to conduct tests and examinations on any physical property that counsel deems appropriate and necessary.

PLEA OFFER: I would like to discuss a plea in this case. Please call me at your convenience at (202) 347-9000 or e-mail at DorseyLaw@icloud.com or DorseyLaw@gmail.com or write me at 400 Seventh Street, N.W. #306-D, Washington, D.C. 20004.

Thank you in advance for your prompt attention to this matter.

/s/Daniel K. Dorsey
Counsel for the Defendant