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February 7, 2013

FILED & SERVED ELECTRONICALLY

Honorable Dennis M. Cavanaugh
United States District Judge
U.S. Post Office & Courthouse Building, Rom 451
P.O. Box 999
Newark, NJ 07101-0999

Re: United States v. Paul W. Bergrin
Criminal No. 09-369 (DMC)

Dear Judge Cavanaugh:

Enclosed please find the parties' correspondence from December 3, 2012 and December 14, 2012 regarding discovery in this matter that Mr. Levy offered to provide the Court on February 1, 2013 with respect to Mr. Bergrin's application for a mistrial. Tr. (2/1/13) at 1984, 1994. Thank you for your kind consideration of this submission.

Respectfully submitted,

s/ Amanda B. ProtesS

Amanda B. ProtesS
Standby Counsel for Defendant Paul W. Bergrin

cc: John Gay, Assistant U.S. Attorney (via ECF)
Joseph N. Minish, Assistant U.S. Attorney (via ECF)
Steven G. Sanders, Assistant U.S. Attorney (via ECF)
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LAWRENCE S. LUSTBERG
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December 3, 2012

VIA E-MAIL AND REGULAR MAIL

John Gay, Assistant U.S. Attorney
United States Attorney's Office
970 Broad Street, Suite 700
Newark, NJ 07102

Re: United States v. Bergrin
Case No. 09-369

Dear Mr. Gay:

As you know, this firm serves as standby counsel to defendant Paul W. Bergrin in the above-captioned matter. During the defense investigation of the pending charges, Mr. Bergrin has become aware of certain potentially exculpatory documents material to preparing his defense that the government has not yet provided. Pursuant to Federal Rule of Criminal Procedure 16, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972) and their progeny, Mr. Bergrin now requests, in lieu of immediately proceeding by way of motion, the following discovery:

1. During the 2011 Kemo murder trial, Federal Bureau of Investigation (FBI) Special Agent Shawn Brokos testified that she "asked sources whether or not they had seen" Mr. Bergrin's vehicle in the vicinity of Avon Avenue and 17th Street in Newark, New Jersey during the period of November 26, 2003 to November 30, 2003. Tr. (10/19/11) at 161. Mr. Bergrin now requests all documents and information related to those queries, including the names of any individuals who were questioned in this regard, as well as any reports, notes or statements taken with respect thereto, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder alleged as substantive offenses in Counts Twelve and Thirteen of the Second Superseding Indictment ("Indictment").

2. During the 2011 Kemo murder trial, Special Agent Brokos also testified that an eyewitness to Kemo McCray's shooting indicated that the shooter was positioned behind Mr. McCray. Tr. (10/20/11) at 39-40. Mr. Bergrin now requests all documents and information related to this potential witness, including the identity of that individual, as well as any statements taken from him or her, and any reports or notes concerning this potential witness, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder.

3. In that trial, Special Agent Brokos also testified that she took a statement from Stacey Webb Williams, an eyewitness to Mr. McCray's shooting, subsequent to the March 4, 2004 statement taken during an interview with Newark Police Department Detective Rashid Sabur (see J-04470-J-04473). Tr. (10/19/11) at 180-81. Agent Brokos testified that during this interview with Mr. Williams, she may have shown him photographs of potential suspects. *Id.*

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 2

Mr. Bergrin now requests all documents and information concerning this interview, including any and all reports, interview notes, statements taken, or photographs presented in connection with interviewing Mr. Williams, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder.

4. Finally, Special Agent Brokos testified that some time after June 14, 2006, she spoke with the assistant prosecutor in Rashida Tarver's aggravated assault case against Anthony Young in Essex County, and that she may have memorialized those conversations. Tr. (11/9/11) at 131-133. Mr. Bergrin now requests any existing documentation with respect to those conversations, as well as any reports, notes or memoranda prepared with respect to Special Agent Brokos's June 14, 2006 interview with Ms. Tarver, which information is likely to support the defense theory that Anthony Young's testimony is fabricated, thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

5. During the 2011 Kemo murder trial, government witness Ramon Jimenez testified that he took notes to memorialize his meetings with the FBI, which he relied upon in drafting an Attorney Ethics Grievance form against his attorney alleging that the government pressured him to produce inculpatory information about Mr. Bergrin. Tr. (11/21/11) at 21-22, 55-57, 79, 93, 139, 142, 155, 157, 159-162. He further testified that he may have retained some of these notes. *Id.* at 21-22, 55-5, 79, 93, 139. Mr. Bergrin now requests a copy of any notes that Mr. Jimenez took with respect to his interactions with the FBI and the United States Attorney's Office tending to indicate that he was pressured or enticed to provide information against Mr. Bergrin. These documents are likely to exculpate Mr. Bergrin of involvement in the Kemo murder case and the drug conspiracy alleged as a substantive offense in Count Five ("drug conspiracy"). Should these notes not be in the possession of the government, Mr. Bergrin respectfully submits that the government should request them of Mr. Jimenez.

6. Documentation of several FBI interviews that the government provided in accordance with the Jencks Act, 18 U.S.C. §3500, shows that unidentified subjects made statements supporting defense theories that may exculpate him of involvement in the Kemo murder case. As a result, Mr. Bergrin now seeks the identity of the informants specifically described in J-02840, J-02866, and J-03126.

7. An FBI report, also provided in accordance with the Jencks Act, states that an unidentified individual reported that on the day Mr. McCray was killed, "the barber from the barber shop on the corner of 19th and South Orange allegedly ran out and tackled the shooter. He also witnessed four males across the street who appeared to be involved in the shooting." J-02707. Accordingly, Mr. Bergrin now requests all documents and information related to this barber, including the barber's identity and any additional reports, statements taken, interview notes, or photographs presented in connection with this potential witness, who is in a position to

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 3

provide a first-hand account of the shooter's appearance consistent with the defense theory, and exculpate him of involvement in the Kemo murder case.

8. An FBI report from December 1, 2004, also provided in accordance with the Jencks Act, states that an unidentified individual recorded Horatio Joines discussing William Baskerville's federal drug case. J-02616. Mr. Bergrin seeks that recording, as well as any and all written or recorded statements made by Mr. Joines concerning William Baskerville's federal drug case or the Kemo murder, which Mr. Bergrin believes may contain evidence consistent with defense theories and exculpate him of involvement in the Kemo murder case.

9. In the Essex County Prosecutor's Office "File Preparation Checklist" for the Kemo murder case, provided in accordance with the Jencks Act, there are notations that a "C. Spruil" identified "Lattimore" from a photographic array, and that "C. Spruill" stated "Shawn McPhall for pulling gun on him. Susp. mentioned prior shooting." J-04455-56. To date, Mr. Bergrin has not received any materials related to these notations, which, consistent with the defense theory that Malik Lattimore and not Anthony Young was the shooter in the Kemo murder case and that Young's testimony is fabricated, tend to exculpate him of involvement in the Kemo murder. *See* Tr. (10/19/11) at 81. Accordingly, Mr. Bergrin requests all documents and information related to the identifications made by C. Spruil (or Spruill), including any reports, notes, statements taken, or photographic arrays presented with regard thereto.

10. On March 4, 2004, Drug Enforcement Administration (DEA) agents seized a 9 millimeter handgun and 9 millimeter ammunition from Lachoy Walker, which Walker stated had been given to him by Hakeem Curry. *See* J-04320, J-04324-25. DEA agent George Snowden also seized Winchester 9 millimeter Luger ammunition from 353 South Center Street, Orange, New Jersey, a/k/a "the Dungeon." *See* J-06679-80. The ammunition used to kill Mr. McCray were also Winchester 9 millimeter Luger bullets. *See* J-04441. Mr. Bergrin seeks all documents and information pertaining to these weapons, including any statements, ballistics or fingerprint records, or other reports comparing the weapons and ammunition seized from these three crime scenes, as such material is likely to be consistent with defense theories that Anthony Young's testimony is fabricated, thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

11. Likewise, during the 2011 Kemo murder trial, DEA Agent George Snowden testified that in February 2004, DEA agents installed a GPS tracking device on a white Range Rover belonging to Hakeem Curry. *See* Tr. (10/26/11) at 104-05. Mr. Bergrin now seeks all documents and information pertaining to any tracking devices placed on any vehicle owned or driven by a member of the Curry drug gang, from any time between November 2003 through March 2004, as such material is likely to contain evidence confirming the defense theory that

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 4

Anthony Young's testimony is fabricated, and thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

12. Mr. Bergrin requests the following additional information with respect to Anthony Young, all of which is likely to contain evidence that is consistent with the defense theory that Mr. Young's testimony is fabricated, and thereby tending to exculpate Mr. Bergrin of involvement in the Kemo murder:

a. The financial affidavit accompanying the appointment of counsel for Mr. Young in 2005 under the Criminal Justice Act, 18 U.S.C. § 3006A.

b. Any psychological records of Anthony Young in the government's possession.

c. Documentation of any additional benefits received by Anthony Young. This material includes any information pertaining to whether Special Agent Shawn Brokos used her influence as a federal agent to facilitate Mr. Young's release from jail when, in around January 2005, he violated a restraining order against him by threatening Rashida Tarver and her sister with a gun. *See* Tr. (11/9/11) at 43.

d. Any recordings of telephone calls between Anthony Young and the FBI, including those that took place on January 14, 2005 to Deputy Agent William F. Gale and Special Agent Brokos, *see* J-02933; Tr. (11/28/11) at 68- 71, as well as the voicemail message Mr. Young left for Special Agent Brokos claiming Jamal McNeil shot Mr. McCray. *See* Tr. (10/28/11) at 37-38.

13. An FBI report, also provided in accordance with the Jencks Act, *see* J-04978-05042, documents that government witness Yolanda Jauregui informed the government that at some time between May 20, 2009 and November 20, 2009, she and Alejandro Barraza-Castro had multiple telephone conversations with Abdul Williams while he was incarcerated at the Hudson County Correctional Center to set up a cocaine transaction with Williams's family members. J-05029-30. Such conversations were certainly recorded in accordance with the policy of the company that administers inmate telephone calls at that facility. *See* Hudson County Department of Corrections, "Visiting, Records, Services and Links," <http://www.hudsoncountynj.org/visiting-records-services-and-links.aspx> (last visited November 30, 2012); *see also* Global Tel*Link, <http://www.gtl.net/familyandfriends/index.shtml> ("Global Tel*Link has a policy of recording incoming customer calls to its Customer Service Call All inmate telephone calls are likely to be monitored and recorded.") (last visited November 30, 2012). Although the government has provided the defense with, for example, the recordings of Abdul Williams's jailhouse calls from the Essex County Correctional Facility in discovery letters dated May 4, 2011 and August 24, 2011, the defense has not received the recordings that

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 5

Jauregui references in J-05029. Accordingly, Mr. Bergrin now requests these recordings, which are likely to impeach the credibility of Abdul Williams and Yolanda Jauregui at the next trial, and which are likely to demonstrate their motives for providing testimony against Mr. Bergrin, thereby tending to exculpate him of involvement in the Kemo murder case, the drug conspiracy, and the drug and bribery schemes alleged as substantive offenses in Counts 17 through 19. *See United States v. Risha*, 445 F.3d 298, 303-06 (3d Cir. 2006) (federal prosecutors have duty to obtain and disclose exculpatory evidence possessed by state agents).

14. Mr. Bergrin requests the attorney visitation records of Anthony Young, Yolanda Jauregui, and Alberto Castro at Essex County and Hudson County correctional centers, which the defense investigation has led him to believe contain evidence supporting the defense theory that the testimony of these witnesses is fabricated, tending to exculpate him of the Kemo murder and the drug conspiracy.

15. Mr. Bergrin requests any and all interviews between the United States Attorney's Office and Abdul Williams that were surreptitiously recorded by his attorney, Wanda M. Akin, which will enable Mr. Bergrin to impeach the testimony of Mr. Williams and which will tend to exculpate Mr. Bergrin of involvement in the drug conspiracy and the drug trafficking and bribery schemes alleged against him in Counts 17 through 19 of the Indictment.

16. Mr. Bergrin requests the following additional information with respect to Thomas Moran, all of which is likely to contain evidence that is consistent with the defense theory that Mr. Moran's testimony is fabricated, and which would therefore tend to exculpate Mr. Bergrin of involvement in the pending charges:

a. Any psychological records of Thomas Moran in the government's possession

b. Any additional documentation of benefits received by Thomas Moran, including: i) any correspondence, telephone contacts, memoranda, or other communication between the United States Attorney's Office and the Hudson County Prosecutor's Office with respect to Mr. Moran's January 4, 2010 guilty plea in *State v. Moran*, Indictment No. 09-04-00914; and ii) any materials pertaining to the fact that Mr. Moran's father was not arrested after contacting members of the New Jersey State Policemen's Benevolent Association who worked in Thomas Moran's correctional facility.

17. Mr. Bergrin requests additional documents and information, including surveillance recordings, criminal records, plea and cooperation agreements, sentencing materials, and FBI and other investigative reports, with respect to the following witnesses expected to testify for the government at the upcoming trial against Mr. Bergrin: Richard Pozo, Shelton Leverett, Rondre Kelly, and Oscar Cordova.

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 6

a. In addition to the materials the government has already provided with respect to Richard Pozo, Mr. Bergrin now also seeks any existing information concerning any orders of protection placed against Mr. Pozo, or violations of such an order, including any information related to whether Mr. Pozo was permitted to remain on supervised release after violating an order of protection against him. Mr. Bergrin also requests any existing information pertaining to government debriefings of Mr. Pozo in Texas, statements other individuals have made against him, and any additional recordings or wiretaps featuring Mr. Pozo.

b. In addition to the materials the government has already provided with respect to Rondre Kelly, Mr. Bergrin now additionally seeks all transcripts of recordings featuring Mr. Kelly, his grand jury testimony in *United States v. Kirkland*, as well as any recordings, testimony, statements -- by either Mr. Kelly or by other witnesses against him, or documents pertaining to any debriefings in the Pittsburgh investigation, *see* J-03917.

18. Mr. Bergrin requests all documents and information with respect to Tito Cepeda which tend to exculpate Mr. Bergrin of the murder-for-hire plot alleged as substantive offenses in Counts 20 through 26 of the Indictment, including any reports, notes, or statements demonstrating that Mr. Cepeda was not contacted by Mr. Bergrin, or anyone working for Mr. Bergrin, to obtain a weapon.

19. Mr. Bergrin requests all documents and information with respect to Dennis Kousos, which tend to exculpate Mr. Bergrin of the murder-for-hire plot alleged as substantive offenses in Counts 20 through 26 of the Indictment, including any reports, notes, or statements demonstrating that their relationship in the Vicente Esteves case was cordial and professional.

20. Mr. Bergrin requests a transcript of the November 18, 2008 meeting between himself, Oscar Cordova, Nelson Esteves, Jason Nieves and Michael Lopez at the Law Office of Paul Bergrin, which contains exculpatory statements with respect to the charges related to the murder-for-hire plot. *See* CW1-000022.

21. Mr. Bergrin seeks all documents and information pertaining to statements made by Gregory Smith, including his testimony in *State v. Peoples*, Indictment No. 06-08-2643, and any government benefits he may have received.

22. The government has provided documentation of certain records obtained through subpoenas *duces tecum*, *see, e.g.*, Discovery Letter of June 21, 2011, PBTMOBL-000002, however Mr. Bergrin requests the date of every subpoena the government has issued seeking records of Mr. Bergrin's telephone and EZPass use, which information is material to Mr. Bergrin's defense that government delays resulted in losses of exculpatory evidence material to his innocence.

GIBBONS P.C.

John Gay, Assistant U.S. Attorney
United States Attorney's Office
December 3, 2012
Page 7

23. Mr. Bergrin requests all documents and information pertaining to communications between the New York Police Department, the New York District Attorney's Office, the FBI, and the United States Attorney's Office for the District of New Jersey concerning Paul W. Bergrin from about November 2011 through May 2009 coordinating when to arrest and charge Mr. Bergrin, including any shared emails, reports, or memoranda, which information is material to Mr. Bergrin's defense that government delays resulted in losses of exculpatory evidence material to his innocence.

24. Mr. Bergrin also seeks the results of any polygraph examinations administered to any witnesses as well as a list of the questions asked, which Mr. Bergrin believes will support the defense theory that the testimony of the government's witnesses is fabricated.

Please feel free to call me if you would like to discuss these requests further. In the meantime, your prompt attention and cooperation with respect to this request will be very much appreciated.

Sincerely yours,
Gibbons P.C.



By:

Lawrence S. Lustberg
Bruce A. Levy
Amanda B. Protes

Standby counsel for Paul W. Bergrin

cc: Paul W. Bergrin



U.S. Department of Justice

United States Attorney
District of New Jersey

Organized Crimes/Gangs Unit

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December 14, 2012

Lawrence Lustberg, Esq.
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Re: United States v. Paul Bergrin
Criminal Number 09-369

Dear Mr. Lustberg:

The following constitutes the Government's response to the discovery requests contained in your letter of December 3, 2012. The Government provides these responses (1) without conceding that Rule 16, Brady v. Maryland, 373 U.S. 83 (1963), or Giglio v. United States, 405 U.S. 150 (1972), requires the Government to produce the information requested, and (2) without accepting as true the factual premises embedded in your discovery requests. Further, "Brady . . . does not require the government to act as a private investigator and valet for the defendant, gathering evidence and delivering it to opposing counsel." United States v. Tadros, 310 F.3d 999, 1005 (7th Cir. 2002); accord United States v. Merlino, 349 F.3d 144, 154-55 (3d Cir.2003) (Government had no duty to acquire from Bureau of Prisons and listen to 200 jailhouse recordings to determine if they contained exculpatory information). Thus, the Government is not required to acquire potentially exculpatory information in the hands of parties who are not part of the prosecution team, especially where the defendant can obtain the information with reasonable diligence.

1. There are no additional reports, notes, or other documents responsive to this request.
2. Stacey Webb Williams was the eye witness about whom Federal Bureau of Investigation ("FBI") Special Agent Shawn Brokos referred. You were provided previously with a copy of the Newark Police Department statement made by Stacey Webb Williams.
3. Enclosed is an FBI report (J-12040) related to your inquiry. As noted above, you were provided previously with a

copy of a Newark Police Department statement made by Stacey Webb Williams. The report does not exculpate Mr. Bergrin.

4. Enclosed are notes taken by Agent Brokos related to your inquiry (J-12441 through J-12443). The notes do not exculpate Mr. Bergrin.

5. The Government is not in possession of the requested notes. As you are aware, Mr. Jimenez is represented by counsel. The Government has made a request through Mr. Jimenez's counsel for any such notes that may exist. Based upon the testimony at trial and the documents already disclosed related to the subject, there is no reason to believe any such notes would contain exculpatory information. Nevertheless, should the Government obtain any such notes, the Government will comply with its obligations under Brady, Giglio, and the Jencks Act.

6. The individual referred to in J-02840 is Shelton Leverett. The individual referred to in J-03126 is Anthony Young. The Government will not identify the individual referred to in J-02866. None of those individuals can provide information which may exculpate Mr. Bergrin.

7. The Government is not in possession of any information other than what was provided previously. Nevertheless, the Government is providing you with a copy of all documents received from the Essex County Prosecutor's Office for your review. Although much of this file was provided previously, we have included all of the documents received from the Essex County Prosecutor's Office related to this file. (J-12041 through J-12440). There is no additional information contained in the file that is responsive to your request or exculpates Mr. Bergrin.

8. Enclosed is a copy of the requested recording (Bates # 000001). The recording contains no information exculpating Mr. Bergrin of the Kemo Murder.

9. The Government has previously provided all documents in its possession related to the identification made by C. Spruill. Nevertheless, the Government is providing you with a copy of all documents received from the Essex County Prosecutor's Office for your review. Although much of this file was provided previously, we have included all of the documents received from the Essex County Prosecutor's Office related to this file. (J-12041 through J-12440). There is no additional information contained in the file that is responsive to your request or exculpates Mr. Bergrin.

10. The Government is making appropriate inquiries and will provide any relevant documents if and when such documents are received.

11. The Government does not understand how the requested information may exculpate Mr. Bergrin. Please provide additional

details explaining how the requested information is likely to contain information confirming the defense theory that Anthony Young's testimony is fabricated.

12. The Government is not in possession of any documents consistent with the theory that Anthony Young's testimony is fabricated. The Government responds to Mr. Bergrin's specific requests as follows:

- a. This is a Court document. The document is not in the Government's possession.
- b. You are not entitled to any psychological report except to the extent such report contains Brady or Giglio material. The Government does not intend to produce any such report. The Government has and will continue to comply with its Brady and Giglio obligations.
- c. The Government has and will continue to comply with its Giglio obligations relating to Anthony Young.
- d. Anthony Young's conversation with FBI Special Agent William Gale was not recorded. The recording of Anthony Young's voice mail was previously provided to Mr. Bergrin - see Exhibit # 2316a. Nevertheless, enclosed is an additional copy (AYVM-CD-1).

13. The Government is not in possession of any of the requested recordings, and the Hudson County Correctional Center is not a member of the prosecution team. If Mr. Bergrin uses a trial subpoena to obtain the information he seeks, the Government requests copies of any information Mr. Bergrin may obtain.

14. The Government repeats and incorporates herein its response to request Number 13.

15. The Government neither has possession nor is aware of any such recordings.

16. The Government has and will continue to comply with its Giglio obligations relating to Thomas Moran. The Government is not aware of any information that would tend to exculpate Mr. Bergrin of involvement in the pending charges. The Government provides the following additional responses:

- a. You are not entitled to any psychological report except to the extent such report contains Brady or Giglio material. The Government does not intend to produce any such report. The Government has and will continue to comply with its Brady and Giglio obligations.

- b. (i) It is the Government's understanding that the case to which you refer has not been resolved.
(ii) The Government does not understand this request, and therefore cannot respond. Please provide additional information regarding this request.

17. The Government has and will continue to comply with its obligations under Giglio and the Jencks Act.

- a. The Government has already provided the relevant information regarding Mr. Pozo's prior bad acts. The Government does not intend to provide additional materials regarding those acts. The Government has provided all reports in its possession relating to Mr. Pozo's debriefings in Texas. As you are aware, all materials relating to Mr. Pozo's case in Texas were destroyed in a terrorist attack. Other than what was provided previously, the Government is not in possession of any of the requested materials.
- b. The Government does not believe the requested materials relating to the substance of Mr. Kelley's cooperation in an unrelated investigation in another District is discoverable. The Government does not intend to produce the requested materials. The Government is aware of and will comply with its obligations under Giglio and the Jencks Act.

18. The Government has no information or documents beyond what has already been or will be timely provided pursuant to Giglio and the Jencks Act.

19. All information provided to the Government by the Monmouth County Prosecutor's Office pertaining to its case against Vicente Esteves was provided previously. To the extent that any of those materials may exculpate Mr. Bergrin, they are already in his possession.

20. The Government has satisfied its obligations by providing the recording of this conversation. In event Mr. Bergrin intends to use a transcript of this conversation at trial, the Government requests that he provide a copy of the transcript to the Court and the Government sufficiently in advance of his intended use so that it can be reviewed for accuracy.

21. The Government is aware of and will comply with its obligations under Giglio and the Jencks Act.

22. The Government is not obligated to produce the requested materials. The Government does not intend to produce such materials.

23. The Government has and will continue to comply with its Brady obligations. However, the Government does not understand how the information sought "is material to Mr. Bergrin's defense that government delays resulted in losses of exculpatory evidence material to his innocence." The Government requests that Mr. Bergrin explain how the requested information is exculpatory.

24. No polygraph tests have been administered to any Government witness pertaining to the subject matter of their testimony.

The Government has requested previously reciprocal discovery under Fed. R. Crim. P. 16(b). The Government renews that request. Specifically, we request that you allow inspection and copying of: (1) any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items that are in the defendant's possession, custody, or control and which the defendant intends to use in the defendant's case-in-chief at trial; and (2) any results or reports of any physical or mental examination and of any scientific test or experiment that is in the defendant's possession or control and which the defendant intends to use in the defendant's case-in-chief at trial or which was prepared by a witness whom the defendant intends to call at trial. We further request that you disclose a written summary of testimony you intend to use under Fed. R. Evid. 702, 703 and 705 as evidence at trial. This summary should describe the opinions of the witness, the bases and reasons therefore, and the witness's qualifications.

Pursuant to Fed. R. Crim. P. 26.2, the Government also renews its request that the defendant disclose prior statements of witnesses the defendant will call to testify. We request that such material be provided on the same basis upon which we agree to supply the defendant with Section 3500 material relating to Government witnesses.

Very truly yours,

Paul J. Fishman
United States Attorney



By: John Gay
Assistant U.S. Attorney