



U.S. Department of Justice

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By Electronic Mail

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Re: *United States v. Ghislaine Maxwell, 20 Cr. 330 (AJN)*

Dear Counsel:

We write in response to your letter of October 13, 2020 setting forth “requests for discovery, inspection, and copying, in accordance with the guarantees of the Fourth, Fifth, and Sixth Amendments, Rule 16 of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and such other laws and rules as may be applicable.” The letter lists 22 specific requests (the “Requests”). The letter also makes a general request for materials pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and *Kyles v. Whitley*, 514 U.S. 419 (1995), followed by 10 “specific *Brady* requests.”

As an initial matter, we take seriously our disclosure obligations, including those arising under Rule 16, *Brady* and its progeny, and *Giglio v. United States*, 405 U.S. 150 (1972) and its progeny, and we intend to comply fully with those obligations. We intend to do so irrespective of whether you specifically request such material, or how you characterize that material. Indeed, as you are aware, we have already made substantial productions pursuant to Rule 16 and otherwise in this case. The Government will continue to fulfill all of its obligations going forward.

However, your unilateral assertion that particular items constitute “*Brady* materials” does not itself render those materials subject to disclosure, let alone immediate disclosure some nine months before trial. To the contrary, a substantial amount of the materials sought in the Requests are plainly material to which you are entitled, if at all, solely pursuant to Title 18, United States

Code, Section 3500 (hereinafter “3500 material”) or *Giglio v. United States*, 405 U.S. 105 (1972) and its progeny (hereinafter “*Giglio* material”). As you are aware, it is the standard practice in this District that such material is produced shortly in advance of trial, a practice that has been widely held to be sufficient to satisfy the requirement that *Giglio* be produced “in sufficient time that the defendant will have a reasonable opportunity to act upon the information efficaciously.” *United States v. Rodriguez*, 496 F.3d 221, 226 (2d Cir. 2007). Immediate disclosure of such material is not warranted simply because the defendant prefers it. *See, e.g., United States v. Wey*, 15 Cr. 611 (AJN), 2017 WL 237651, at *23 (S.D.N.Y. Jan. 18, 2017) (denying defendant’s motion for immediate disclosure of *Giglio* material as defendant “fails to articulate any persuasive reason why immediate disclosure is required in this case, and the Court otherwise sees no basis to deviate so substantially from the typical practice”); *United States v. Thompson*, 13 Cr. 378 (AJN), 2013 WL 6246489, at *9 (S.D.N.Y. Dec. 3, 2013) (denying request for early production of Jencks Act material); *United States v. Hernandez*, No. 09 Cr. 625 (HB), 2010 WL 26544, at *6 (S.D.N.Y. Jan. 6, 2010) (declining to order immediate disclosure of *Giglio* material, because the Government stated it would provide both *Giglio* and Jencks Act material “shortly before trial”); *United States v. Davis*, No. 06 Cr. 911 (LBS), 2009 WL 637164, at *14 (S.D.N.Y. March 11, 2009) (“The Second Circuit has held that a request for immediate or early disclosure [of *Giglio* material] has no basis in the law.”).

Consistent with that well-established practice, we intend to begin producing any 3500 and *Giglio* material substantially closer to trial. As we have indicated in prior letters to you and the Court, the Government is prepared to produce all statements and impeachment material for witnesses it expects to call at trial as early as four weeks prior to trial. Additionally, the Government is prepared to produce any statements by witnesses who it does not expect to call at trial as early as eight weeks prior to trial, subject to restrictions to protect those individuals’ privacy to be negotiated by the parties. We note that, to date, the parties have not engaged in any discussions about a schedule for pretrial disclosures, but we are prepared to discuss such a schedule at your convenience.

In return, we reiterate our request that the defendant disclose prior statements of any witnesses she will call to testify. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with such material relating to Government witnesses, and we are amenable to discussing a schedule for all parties’ pretrial disclosures. We also reiterate our request for reciprocal discovery under Fed. R. Crim. P. 16(b).

With respect to your remaining requests, we endeavor to respond directly to those below. By voluntarily providing this information, the Government is not limiting its evidence, arguments, or legal theories at trial in any way. If you have any questions or would like to confer further, please let us know and we will be happy to arrange a call or meeting to confer further at a mutually convenient time.

Request 1 – Any Oral, Written, or Recorded Statements Made by the Defendant: As noted in your request, the Government has produced statements made by the defendant in prior civil proceedings, as well as statements made at the time of her arrest. The Government is not aware of any other statements the defendant has made to law enforcement.

Request 2 – Statements of Alleged Co-Conspirators: To the extent that your request seeks disclosure and identification of any statements of alleged co-conspirators that the Government intends to introduce at trial, this request is premature and without legal basis. To the extent the materials the defendant seeks may fall within the Jencks Act, the Jencks Act provides that “[i]n any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.” 18 U.S.C. § 3500(a). In addition, Rule 16 exempts from production, prior to trial, the materials the defendant seeks: “[T]his rule does not authorize the discovery or inspection of reports, memoranda, or other internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case. Nor does this rule authorize the discovery or inspection of statements made by prospective government witnesses except as provided in 18 U.S.C. § 3500.” Fed. R. Crim. P. 16(a)(2). In light of these provisions, requests for discovery of Jencks Act materials in advance of trial are uniformly denied in this District. Indeed, there is no legal basis to order the disclosure of statements of Government witnesses before their direct testimony at trial. *See In re U.S.*, 834 F.2d 283, 284-87 (2d Cir. 1987) (issuing a writ of mandamus reversing District Court’s order directing the Government “to produce all oral statement made by the defendants and coconspirators that the Government planned to offer at trial as admissions of a defendant” under Fed. R. Evid. 801); *United States ex rel. Lucas v. Regan*, 503 F.2d 1, 3 n.1 (2d Cir. 1974); *United States v. Sebastian*, 497 F.2d 1267, 1268-69 (2d Cir. 1974); *United States v. Percevault*, 490 F.2d 126, 132 (2d Cir. 1974).

Further, disclosure of any statements of alleged co-conspirators would necessitate the identification of co-conspirators. You identify no authority for the proposition that the Government is required to identify all known co-conspirators in connection with the charged conspiracy that the Government may seek to prove at trial, and to the contrary, courts in this district routinely deny similar requests. *See, e.g., United States v. Castro*, No. 08 Cr. 268 (NRB), 2008 WL 5062724, at *2 (S.D.N.Y. Nov. 25, 2008) (“An indictment need not identify all alleged co-conspirators, nor specify the nature, time and place of every overt act the defendant or others allegedly took in furtherance of a conspiracy, nor must it set forth all the evidence the government intends to introduce.”); *United States v. Trippe*, 171 F. Supp. 2d 230, 240 (S.D.N.Y. 2001) (“[D]emands for particular information with respect to where, when, and with whom the Government will charge the defendant with conspiring are routinely denied.”); *United States v. Fruchter*, 104 F. Supp. 2d 289, 313 (S.D.N.Y. 2000) (denying “Defendants’ request for names of all aiders, abettors, unindicted co-conspirators, and confidential informants” as “nothing more than a request for a witness list”).

That said, as previously stated, we intend to produce all Jencks Act and *Giglio* material in advance of trial and remain available to confer generally regarding a mutual schedule for pretrial and trial-related disclosures, including witness statements or *Giglio* material.

Request 3 – Prior Criminal Records of the Defendant: The Government is not aware of any prior convictions or arrests of the defendant.

Request 4 – Any Books, Papers, Documents, Data, Photographs, Tangible Objects, Buildings, or Places, or Copies or Portions of Any of These Items: The Government did not seize any documents or tangible items from the defendant, including through a search warrant. As you are aware from discovery, the Government has obtained a number of tangible items during its investigation through various means, including search warrants executed at properties of Jeffrey Epstein. We have already produced copies of many of those items in discovery, and, as we previously advised in August 2020, if you wish to inspect any of the physical evidence referenced in the produced materials, including items listed on search inventories, please let us know, and we will make arrangements for you to do so.

Request 5 – Results or Reports of Any Physical or Mental Examination and of Any Scientific Test or Experiment: The Government is unaware of any physical or mental examination or scientific tests or experiments to which you are entitled. The Government is continuing to review files and will produce such materials to which you are entitled at the appropriate time.

Request 6 – A Written Summary of Any Testimony the Government Intends to Introduce at trial under Federal Rules of Evidence 702, 703, or 705: To the extent the Government intends to call any expert to testify at trial, the Government will provide appropriate notice reasonably before trial, as is the standard practice in this District. The Government is prepared to engage in good faith discussions with you about a mutual schedule for pretrial and trial-related disclosures, including expert notice.

Request 7 – The Identities of Minor Victim-1, Minor Victim-2, and Minor Victim-3 (the “Minor Victims”): Such disclosure would be entirely premature nine months before trial. Indeed, in August, after the defendant sought an order directing the Government to disclose to defense counsel the identities of the Minor Victims, Judge Nathan ruled that the request was premature, noting that production of discovery had just begun and the “parties have not yet engaged in discussions regarding an appropriate schedule for pretrial disclosures, including witness lists and § 3500 material.” (Dkt. 49 at 1). Judge Nathan ordered that the parties “meet and confer on an appropriate schedule” “[f]ollowing the close of discovery.” (*Id.* at 2). The deadline for the production of Rule 16 discovery set by the Court is November 9, 2020. (Dkt. 25). The Government is prepared to engage in good faith discussions with the defense about an appropriate schedule for disclosure of 3500 material.

Request 8 – The Complete Birthdays of the Minor Victims: In our discovery transmittal letter dated August 13, 2020, the Government included the months and years of birth for each of the Minor Victims so as to enable the defendant to evaluate whether she will make any motions or legal arguments relating to the ages of the victims. You have not identified why you need additional information regarding each of the Minor Victims at this time, the relevance of such information to this case, or the basis under which such information would be subject to disclosure or discovery at this time. Such information will be included in 3500 material for the Minor Victims which will be produced reasonably in advance of trial.

Request 9 – All Written and Oral Communications Concerning the Negotiations Relating to the Non-Prosecution Agreement (“NPA”) Signed by Epstein on September 24,

2007: Your request does not articulate a basis in law for your assertion that you are entitled to the materials listed in Request 9—including communications between various Government and law enforcement entities and Epstein’s attorneys and communications between and among “any government employees”—or that such materials fall within the scope of Rule 16 or any other disclosure obligation. Nor is the Government aware of any basis in law for this request. We note, in this respect, that neither the defendant nor the U.S. Attorney’s Office for the Southern District of New York is a party or signatory to the NPA, nor is the defendant or this Office named therein.

As noted in the Government’s letter of October 7, 2020 (Dkt. 63), although the Government does not believe it has any obligation to gather or review emails sent or received by attorneys at the United States Attorney’s Office for the Southern District of Florida (“USAO-SDFL”) as part of its separate, prior investigation and prosecution of Jeffrey Epstein, as set forth in greater detail in that letter, the Government intends to gather certain materials from USAO-SDFL and conduct targeted searches of that material aimed at identifying potential *Giglio* or 3500 material for victims or witnesses relevant to this prosecution. *See* Dkt. 63 at 7. To the extent that review reveals such material, it will be produced at the appropriate stage in the litigation and according to any schedule set for pre-trial disclosures.

Request 10 – A Complete Copy of the Diary: The Government has produced all pages of the diary in the Government’s possession. The Government has never reviewed or possessed any other portions of the diary. To the extent this request calls for information that is not currently in the Government’s possession or which is not subject to disclosure, you identify no legal basis or authority for this request, and we are not aware of any authority requiring us to obtain and/or disclose this information.

Request 11 – A Complete, Unredacted Copy of FBI 302 Bearing Bates Numbers SDNY_GM_00114982-00114993: The Government has produced this particular version of the document in the form in which it received the document in response to a subpoena, which included redactions. To the extent the Government separately has access to an unredacted version of the same FBI 302, the Government will produce that unredacted version, as well as all other statements and impeachment material for witnesses, at the appropriate time, as discussed herein.

Request 12 – All Versions and Drafts of “The Billionaires Playboy Club”: The Government has produced all versions of “The Billionaires Playboy Club” in the Government’s possession of which we are currently aware. The Government has produced these materials in the form in which it received those materials in response to a subpoena. To the extent this request calls for information that is not currently in the Government’s possession or which is not subject to disclosure, you identify no legal basis or authority for this request, and we are not aware of any authority requiring us to obtain and/or disclose this information.

Request 13 – Documents and Materials Related to the Minor Victims: As to your requests for documents and materials under Requests 13(a) through (f), the Government has produced any such materials relating to the Minor Victims listed in the Indictment that are in the Government’s possession and that fall within the scope of Rule 16. As noted in the Government’s October 7, 2020 letter (Dkt. 63), the Government is continuing to review files created and maintained by other offices for material that may be responsive to these requests and will produce

any material identified through that review as appropriate. Additionally, as you know, the Government is preparing a production of responsive materials from electronic devices seized during searches of Epstein's New York and Virgin Island residences. To the extent the Government identifies any additional materials that it intends to introduce at trial, the Government will promptly produce such materials.

With regard to your many requests for material that might fall within the scope of the Government's *Giglio* obligations, as you know and as set forth above, the uniform practice in this District, which the Government intends to follow, is to produce *Giglio* and Jencks Act materials simultaneously and shortly before trial. As noted above, this practice has been widely held to be sufficient to satisfy the requirement that *Giglio* be produced "in sufficient time that the defendant will have a reasonable opportunity to act upon the information efficaciously." *Rodriguez*, 496 F.3d at 226. Immediate disclosure of such material is not warranted simply because the defendant prefers it. *See, e.g., Hernandez*, 2010 WL 26544, at *6; *Davis*, 2009 WL 637164, at *14. As noted above, the Government is prepared to produce all statements and impeachment material for witnesses it expects to call at trial as early as four weeks prior to trial, and statements for witnesses who it does not expect to call at trial as early as eight weeks prior to trial.

The Government notes that, in response to your request for any submissions to the Epstein Victims' Compensation Program made by the Minor Victims or any other witness who has alleged that the defendant engaged in or facilitated improper sexual conduct at any time, the Government plays no role in administering that program. As such, the Government is not in possession of any submissions to this program. To the extent this request calls for information that is not currently in the Government's possession or which is not subject to disclosure, you identify no legal basis or authority for this request, and we are not aware of any authority requiring us to obtain and/or disclose this information.

You have also requested under Request 13(i) "[a]ll communications between or among [the Minor Victims or other witnesses who allege that the defendant engaged in or facilitated improper sexual conduct], or between these individuals and counsel for any other such individual, including but not limited to, emails, text messages, social media posts, and other correspondence." The Government does not understand the basis for this request, and you identify none. To the extent this request calls for materials that are not currently in the Government's possession or which are not subject to disclosure, you identify no legal basis or authority for this request, and we are not aware of any authority requiring us to obtain and/or disclose this information.

As to your request for "public statements made by these individuals concerning" Epstein or the defendant, the Government is unaware of any authority that such material falls within the scope of Rule 16 or that the Government is otherwise required to collect and provide materials that are publicly available.

As to your request for records or reports of any physical, medical, mental, or psychological examinations of these individuals, to the extent any such materials exist and are in the Government's possession, they will be produced as part of the Government's production of Jencks Act and *Giglio* material at the appropriate stage in the litigation.

As to your request for all “written and oral communications between the government and the attorneys for those individuals [certain victims],” the Government is unaware of any authority that entitles you to these materials. To the extent such materials constitute *Giglio* or Jencks Act materials, the Government will produce such materials at the appropriate time. Your request does not articulate a basis in law for your assertion that you are entitled to such material at this time, or that you are entitled to any such communications that do not constitute *Giglio* or Jencks Act material.

Request 14 – All Written and Oral Communications and Other Documents Concerning Meetings between the United States Attorney’s Office for the Southern District of New York and Specified Attorneys for the Minor Victims and Other Witnesses: Your request does not articulate a basis in law for your assertion that you are entitled to such material. The Government is unaware of any authority that entitles you to these materials.

Request 15 – Complete FBI Case File Regarding the Investigation of [REDACTED] for Obstruction of Justice: As noted in our discovery transmittal letter dated August 21, 2020, this file has no relation to your client and has no bearing on the charges in this case. The Government is not aware of the relevance of such records to the conduct at issue in this case, and you have not identified the relevance of such records, although we are willing to discuss the basis for any such request at your convenience.

Request 16 – Copies of the Prosecution Memo and Indictment Drafted as Part of the United States Attorney’s Office for the Southern District of Florida (“USAO-SDFL”): The Government is unaware of any authority that entitles you to the documents that you seek under this request. To the contrary, Rule 16 exempts from disclosure “internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case.” Fed. R. Crim. P. 16(a)(1)(F)(2); *see also United States v. Armstrong*, 517 U.S. 456, 463 (1996) (“[U]nder Rule 16(a)(2), [a defendant] may not examine Government work product in connection with his case.”); *United States v. Ghailani*, 687 F. Supp. 2d 365, 369 (S.D.N.Y. 2010) (concluding that an internal government memorandum fell within Rule 16(a)(2) of the Federal Rules of Criminal Procedure and was therefore “protected against disclosure regardless of its materiality.”).

Request 17 – E-mails, Text Messages, Letters, or Other Written Communications To or From the Defendant: To the extent the Government identifies material that is discoverable under Rule 16 and responsive to this request, the Government will promptly produce such materials. In particular, the Government has seized and worked to extract data from approximately 62 electronic devices in connection with search warrants executed at Epstein’s properties. As noted in the Government’s discovery transmittal letter dated October 20, 2020, we anticipate producing only the materials designated responsive to the terms of the search warrants. The Government has directed its vendor to download these materials from the electronic database on which they are stored and to have those materials ready for production to you by November 9, 2020.

Request 18 – Medical Records or Reports Concerning Epstein: The Government is not aware of the relevance of such records to the conduct at issue in this case, and you have not

identified the relevance of such records. The Government is unaware of any authority that entitles you to these materials, and you provide none.

Request 19 – Subpoenas and Voluntary Requests for Production of Documents Issued in Connection with or Related to this Case, and All Evidence Obtained By Subpoena or Voluntary Production: The Government is unaware of any authority that entitles you to the grand jury subpoenas and voluntary requests for documents that you seek under this request, and you provide none. To the extent you seek evidence obtained by the Government “by subpoena or from voluntary production (to the extent it has not already been produced),” the Government has produced all subpoena returns that fall within the scope of Rule 16 that the Government has received through the date of the indictment. The Government has also endeavored to make clear in its productions which materials were obtained pursuant to subpoena. To the extent the Government identifies or receives additional subpoena returns, the Government will promptly turn over materials that fall within the scope of Rule 16. To the extent such subpoena returns contain *Giglio* material or 3500 material, the Government will produce that material at the appropriate time as agreed to by the parties and the Court. Similarly, the Government has produced and will continue to produce materials obtained by voluntary production to the extent such materials fall within Rule 16. To the extent such materials contain *Giglio* material or 3500 material, the Government will produce such materials closer to trial on the agreed upon schedule.

Request 20 – Evidence the Government Intends to Introduce Pursuant to Federal Rule of Evidence 404(b) or as Background of the Conspiracies: With respect to any evidence the Government may seek to offer pursuant to Rule 404(b), as you are aware, Rule 404 requires only that “reasonable notice of the general nature of any such evidence” be provided sometime “before trial.” Fed. R. Evid. 404(b)(2)(A)-(B). In this Circuit, that provision typically is construed to require notice several weeks before trial. *See United States v. Giffen*, 379 F. Supp. 2d 337, 345 (S.D.N.Y. 2004) (in the “absence of any threat to the safety of prospective witnesses and the . . . Rule 404(b) evidence [is important to] th[e] action,” courts in this District have generally found that disclosures made approximately 30 to 45 days prior to trial constitute “reasonable notice” to defendants) (quoting *United States v. Nachamie*, 91 F. Supp. 2d 565, 577 (S.D.N.Y. 2000); *Giffen*, 379 F. Supp. 2d at 344 (Rule 404 does not obligate the Government to provide “unduly early notice” because “early disclosure presents a significant burden on preparation of the Government’s case.”)).

Here, and consistent with the requirements of Rule 404, the Government intends to identify such evidence and provide notice substantially closer to trial. As noted throughout, the Government is amenable to a discussion about a joint schedule for pretrial disclosures, including 404(b) notice, at your convenience.

Requests 21 and 22 – Information about the Grand Jury that Indicted this Case: A grand jury sitting in White Plains, New York that was empaneled in November 2019 returned Indictment 20 Cr. 330 (AJN) and Superseding Indictment S1 20 Cr. 330 (AJN). No grand jurors participated remotely in any session relevant to this case. To the extent your request seeks “a list of grand jurors, their attendance dates, [or] the reasons for any absence,” as well as information on persons present during grand jury proceedings, the Government is not aware of any authority that entitles you to the information you seek under these requests. Grand jury proceedings are not

governed by Rule 16 and therefore are not discoverable. Disclosure of information related to grand jury proceedings is not authorized by Rule 16 and is permitted only when “ordered upon a showing of particularized need.” *See United States v. Sells Engineering*, 463 U.S. 418, 443 (1983) (“[w]e have consistently construed [Rule 6(e)] . . . to require a strong showing of particularized need for grand jury materials before any disclosure will be permitted”); *see also Dennis v. United States*, 384 U.S. 855, 869-870 (1966). This is because grand jury proceedings are afforded a “presumption of regularity” that may be dispelled only by particularized proof of irregularities in the grand jury process. *United States v. Leung*, 40 F.3d 577, 581 (2d Cir. 1994).

“[S]pecific *Brady* requests”: The Government recognizes its obligations under *Brady* and its progeny and will provide timely disclosure if and when such material comes to light. With respect to your requests under the section titled “Exculpatory Evidence,” the Government is not aware of any evidence suggesting that Maxwell was not involved in or aware of the conduct alleged in the Indictment. The Government will provide timely disclosure if it learns of any such material. Certain of your requests suggest your view that any evidence that Epstein sexually abused or assaulted a victim, but without the knowledge or participation of the defendant, is somehow exculpatory. We note that your request is neither limited in time to the period charged in the Indictment nor limited to victims who claim to have been minors at the time of their abuse. You identify no basis in law for such a broad request, nor is the Government aware of one. Your request fails to explain how, for example, evidence that a witness alleges that she was sexually abused by Epstein, “with or without the involvement” of the defendant, but who was not a minor at the time of the alleged sexual abuse, or who claims to have been abused years after the conduct charged in the Indictment, is somehow exculpatory. As noted in the Government’s letter of October 20, 2020, the well-established law of this Circuit generally precludes a defendant from offering evidence that a defendant did not participate in criminal conduct on a particular occasion—or of their law-abiding conduct during uncharged periods or uncharged events—to rebut the Government’s evidence with respect to the charged crimes or events. Dkt. 65; *see, e.g.*, *United States v. Scarpa*, 897 F.2d 63, 70 (2d Cir. 1990) (“A defendant may not seek to establish his innocence . . . through proof of the absence of criminal acts on [other] specific occasions.”). To the extent that you wish to provide us grounds or any authority as to why such information would be exculpatory, please do so.

You also request evidence concerning witnesses who contacted the Government or law enforcement about sexual abuse by Epstein or the defendant who were determined not to be credible, as well as “negative” investigative efforts to verify information provided by any and all witnesses. We are unaware of any authority requiring the production of such information. If you would like to clarify your request, and the authority for it, we will consider it further.

Many of your additional specific requests for material appear to fall within *Giglio* and Jencks Acts materials, rather than *Brady*, including, for example, the requests for impeachment evidence, *Giglio* information, evidence of bias or motive to lie, contradictory statements of any prospective government witness, and evidence of criminal investigations or misconduct of any government witness. As described above, the Government intends to follow the uniform practice in this District, and produce before trial *Giglio* and Jencks Act materials for witnesses it expects to call at trial, as well as any statements by witnesses who it does not expect to call at trial. The Government has noted a proposed schedule in this letter. We are amenable to discussing an

alternative schedule for mutual pretrial disclosures. We also reiterate our request that the defendant disclose prior statements of witnesses she will call to testify. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with such material relating to Government witnesses.

To the extent you are requesting that the Government produce items beyond its *Brady* and Rule 16 obligations, the Government has no such obligation at this time. *See Weatherford v. Bursey*, 429 U.S. 545, 559 (1977). As you know, in all federal criminal cases, it is Rule 16 that principally governs pretrial discovery. Rule 16 is not “intended to provide the defendant with access to the entirety of the government’s case against him.” *See, e.g., Percevault*, 490 F.2d at 130. Nor does Rule 16 “entitle a criminal defendant to a broad and blind fishing expedition among items possessed by the Government on the chance that something impeaching might turn up.” *United States v. Delacruz*, No. 14 Cr. 815 (KBF), 2015 WL 2211943, at *1 (S.D.N.Y. May 12, 2015) (internal quotation marks omitted).

If there are any specific anticipated defenses that would bear upon the Government’s ongoing review for items that may be material to preparing the defense, you are welcome to outline such defenses.

Conclusion

The Government remains available to confer further on any of the topics outlined above. The Government also requests that the defendant confirm whether she has, to date, met her reciprocal disclosure obligations under Rule 16(b) and we renew our request for reciprocal disclosure from the defendant.

Very truly yours,

[REDACTED]
Acting United States Attorney

By: *s/*

[REDACTED]
Assistant United States Attorneys