

Exhibit 1

Filed Under Seal

A. Scott Bolden

Direct Phone: +1 202 414 9266

Email: abolden@reedsmith.com

Reed Smith LLP
1301 K Street, N.W.
Suite 1000 - East Tower
Washington, D.C. 20005-3373
+1 202 414 9200
Fax +1 202 414 9299
reedsmith.com

February 8, 2022

Confidential

By Electronic Mail

Leo Wise

Assistant United States Attorney

36 S. Charles Street, Suite 400

Baltimore, MD 21201-3119

Re: United States v. Mosby, Criminal Case No. 22-cr-00007-LKG

Dear Mr. Wise:

This letter constitutes the initial discovery request on behalf of our client Marilyn J. Mosby, State's Attorney for Baltimore City ("State's Attorney Mosby"). We intend to supplement this letter as necessary.

We request that the Government provide discovery pursuant to the Fifth and Sixth Amendments to the United States Constitution, *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, the Court's Order issued on February 4, 2022,¹ *Giglio v. United States*, 405 U.S. 150 (1972), Federal Rule of Criminal Procedure 16, Federal Rule of Evidence 404(b), and under the applicable rules of prosecutorial ethics.² We ask that you advise us of any specific requests with which the government declines to comply.

The documents³ and information requested include not only documents and information in the possession, custody, or control of your office, but also documents and information in the possession, custody, or control of any agency allied with the prosecution, including the Federal Bureau of

¹ See Order Pursuant to Fed. R. Crim. P. 5(f), *United States v. Mosby*, No. 1:22-CR-00007-LKG-1 (D. Md. Feb. 4, 2022), ECF No. 14 (ordering the Government to adhere to disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny and to produce in a timely manner all exculpatory evidence).

² See Maryland Rule 19-303.8(d) "Special Responsibilities of a Prosecutor" ("[t]he prosecutor in a criminal case shall . . . (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal").

³ The word "documents" includes all books, papers, letters, correspondence, e-mails, notebooks, reports, memoranda, studies, diaries, notes, messages, computer facilitated or transmitted materials, images, photographs, information in any computer database, audio and video tapes, recordings, transcripts, ledgers, printouts and all copies or portions thereof, and any other written, recorded, or memorialized material of any nature whatsoever, including FBI reports of interviews and/or interview notes.

Investigation (“FBI”), the Internal Revenue Service (“IRS”), and the U.S. Department of the Treasury (collectively “the government”).

A. Rule 16 Discovery Requests

1. The substance of any oral statement made by the State’s Attorney Mosby in response to the interrogation by any person then known by her to be a government agent if the government intends to use that statement at trial. Fed. R. Crim. P. 16(a)(1)(A).
2. Any relevant written or recorded statements made by State’s Attorney Mosby within the possession, custody, or control of the government, the existence of which is known, or by exercise of due diligence could be known, to the attorneys for the government. Fed. R. Crim. P. 16(a)(1)(B)(i).
3. That portion of any written record containing the substance of any relevant oral statement made by State’s Attorney Mosby in response to interrogation by any person then known to him to be a government agent. Fed. Crim. P. 16(a)(1)(B)(ii).
4. All books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions thereof (collectively “materials”) that are material to preparing the defense and are within the government’s possession, custody, or control. Fed. R. Crim. P. 16(a)(1)(E)(i).
5. All books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions thereof that the government intends to use at trial as evidence in chief and are within the government’s possession, custody, or control. Fed. R. Crim. P. 16(a)(1)(E)(ii). This includes not only those materials that will be relied on or referred to in any way by any witness (including any expert witness) called by the government during its case-in-chief. We ask that any materials that the government intends to use at trial as evidence in chief be specifically identified, both to enable counsel to prepare effectively for trial at to afford State’s Attorney Mosby an opportunity to move to suppress any such evidence. *See* Fed. R. Crim. P. 12(b)(3)(C) and 12(b)(4)(B). In addition, we ask that you identify the source for all materials produced pursuant to Fed. R. Crim. P. 16(a)(1)(E) or *Brady*.
6. All books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions thereof that were obtained from or belong to State’s Attorney Mosby and that are within the government’s possession, custody, or control. Fed. R. Crim. P. 16(a)(1)(E)(iii).
7. All written summary of testimony the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. The summary should describe the witnesses’ opinions, the bases and reasons therefore, and the witnesses’ qualifications. Fed. R. Crim. P. 16(a)(1)(G).

B. Brady, Kyles, and Giglio Requests

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny including *Kyles v. Whitley*, 514 U.S. 419 (1995) and *Giglio v. United States*, 405 U.S. 150 (1972), State’s Attorney Mosby requests prompt disclosure of all documents and information, in whatever form, that would tend to exculpate her with respect to the charges in the Indictment, or that would tend to reduce any sentence. The documents and information that we request under *Brady* and its progeny include:

8. All documents or information, in whatever form, tending to establish that any of the allegations in the Indictment are not true; or that would tend to contradict or mitigate either the government's theory of its prosecution or arguments at sentencing. This request includes, but is not limited to any and all reports, memoranda, notes or other written, recorded, or digitally preserved memorializations in the government's possession or control pertaining to the following:

- a. All documents pertaining to State's Attorney Mosby's knowledge or lack thereof of the tax lien identified in the Indictment;
- b. All documents pertaining to communications between State's Attorney Mosby's and her husband and the IRS;
- c. All documents pertaining to State's Attorney Mosby's eligibility or ineligibility for the CARES Act benefit which she received; and
- d. All documents pertaining to "adverse financial consequences" experienced by State's Attorney Mosby stemming from the COVID-19 pandemic.

9. All documents or information, in whatever form, that may be used to impeach any potential prosecution witnesses, including both witnesses whom the prosecution intends to call to the witness stand and declarants whose out-of-court statements the prosecution intends to present as non-hearsay or pursuant to a hearsay exception. *See* Fed. R. Evid. 806. The impeachment information we request includes:

- a. All documents or information, in whatever form, relating to any conviction or arrest for any potential prosecution witness;
- b. All documents or information, in whatever form, relating to promises, consideration, or inducements made to any potential prosecution witness, whether directly to the witness or indirectly to the witness' attorney. "Consideration" means anything of value or use, including without limitation immunity grants, whether formal or informal, witness fees, transportation assistance, money, or assurance of favorable treatment with respect to any criminal, civil, or administrative matter;
- c. All documents or information, in whatever form, relating to known but uncharged criminal conduct, which may provide a motive to cooperate with the government;
- d. All documents or information, in whatever form, that would tend to impeach the credibility of any potential prosecution witness;
- e. All documents or information, in whatever form, bearing adversely on the character or reputation for truthfulness of any potential prosecution witness;
- f. All documents or information, in whatever form, relating to any psychological or psychiatric treatment or condition of any potential prosecution witness that could affect the witness' memory, perception, veracity, or credibility;

- g. All documents or information, in whatever form, relating to any drug or alcohol use by any potential prosecution witness that could affect the witness' memory, perception, veracity, or credibility;
- h. Any written or oral statements, whether or not reduced to writing, made by any person which in any way reasonably or conceivably contradicts or is inconsistent with or different from the testimony or expected testimony of such person or any other person the government intends to call as a witness or trial, or which otherwise reflect upon the credibility, competency, bias, or motive of any prosecution witness.
- i. All documents or information, in whatever form, relating to any physical or organic condition of any potential prosecution witness that could affect the witness' memory, perception, veracity, or credibility; and
- j. Each specific instance of conduct from which it could be inferred that any potential prosecution witness is untruthful.

C. Jencks Material

For the purpose of meeting the government's obligation to produce certain "statements" under 18 U.S.C. § 3500 (Jencks Act), Federal Rule of Criminal Procedure 26.2, and *Brady v. Maryland*, 373 U.S. 83 (1963), we request that any and all handwritten or informal notes of witness interviews be preserved. In order to move this case as expeditiously as possible, it is requested that the required "statements" be provided as far in advance of trial as possible.

D. Fed. R. Evid. 1006 Requests

10. Pursuant to Fed. R. Evid. 1006 and Fed. R. Crim. P 12(b)(4), State's Attorney Mosby requests that she be advised whether the prosecution will seek to offer any chart, summary, or calculation in evidence, and if so, (1) that such charts, summaries, and calculations be produced, and (2) that all writings, recordings, or other information on which such charts, summaries, or calculations are based be made available for inspection and copying.

E. Fed. R. Evid. 104 Requests

11. Pursuant to Fed. R. Evid. 104 and Fed. R. Crim. P. 12(b)(4), State's Attorney Mosby requests that the prosecution disclose whether it intends to offer in its case-in-chief as a statement any of the following, and that it provide the substance of any such statement:

- a. Any statement by State's Attorney Mosby in either an individual or representative capacity. Fed. R. Evid. 802(d)(2)(A);
- b. Any statement as to which State's Attorney Mosby allegedly manifested her adoption of belief in its truth. Fed. R. Evid. 802(d)(2)(B);
- c. Any statement made by another which was purportedly authorized by State's Attorney Mosby. Fed. R. Evid. 801(d)(2)(C); or

- d. Any statement made by an agent or employee of State's Attorney Mosby concerning a matter within the scope his or her agency or employment made during the existence of such a relationship. Fed. R. Evid. 801(d)(2)(D).

F. Fed. R. Evid. 807(b) Requests

12. Similarly, pursuant to Fed. R. Evid. 807(b), we request that the prosecution advise whether it intends to offer a statement under the residual hearsay exception. If so, State's Attorney Mosby requests that statement, as well as the name and address of the declarant. Fed. R. Evid. 807(b).

G. Fed. R. Evid. 404(b) Requests

13. State's Attorney Mosby requests that the prosecution disclose all evidence of uncharged misconduct, similar crimes, wrongs, or acts allegedly committed by her, upon which the prosecution intends to rely to prove motive, scheme, opportunity, intent, preparation, knowledge, or absence of mistake or accident either in its case-in-chief or in rebuttal. Fed. R. Evid. 404(b). We further request that this disclosure be made with at least the degree of particularity required in an indictment and should identify any witnesses or documents that the prosecution will offer with respect to the uncharged misconduct. The disclosure should identify the purpose for which the uncharged misconduct is offered and include any "reverse 404(b)" evidence that may tend to negate State's Attorney Mosby's alleged guilt regarding the uncharged misconduct.

H. Rule 12 Requests

As a predicate to motions pursuant to Federal Rule of Criminal Procedure 12, the government is requested to turn over and disclose:

14. From 2020 to present, each and every instance where any United States citizen has been charged by the government with violating 18 U.S.C. § 1621 and/or 28 U.S.C. § 1746, for allegedly making a withdrawal from a 457(b) or 401(k) plan pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act while not meeting the qualifying criteria to make such a withdrawal.

We are available to confer with you with a view to completing the discovery aspect of this case in an efficient and expeditious manner.

Sincerely, I am,



A. Scott Bolden

CC: Rizwan A. Qureshi, Esq.
Kelley Miller, Esq.

Exhibit 2

Filed Under Seal



U.S. Department of Justice

*United States Attorney
District of Maryland*

Leo Wise
Assistant United States Attorney
Leo.Wise@usdoj.gov

Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119

DIRECT: 410-209-4909
MAIN: 410-209-4800

February 17, 2022

A. Scott Bolden
Reed Smith LLP
1301 K Street, N.W.
Suite 1000 - East Tower
Washington, D.C. 20005-3373

Re: *United States v. Marilyn Mosby*
Criminal No. LKG-22-0007
Discovery Production 1 – USAfx

Dear Counsel:

Pursuant to Rules 16 and 16.1 of the Federal Rules of Criminal Procedure, and Local Standing Order 2020-01, the United States is providing initial discovery in the above-referenced matter. You have been added to a folder on our file sharing site, USAfx. Please download the materials off of the site and on to a hard drive or computer as the files will expire in the future. The government will continue to provide additional discovery on a rolling basis.

- Documents (717) , **USA-000001 - 016060**
 - ‘Manifest’ listing the type and description of each document (.csv file)
- Recordings
 - Nick Mosby Interview
 - Nationwide Calls
- Subpoena Responses (Native)
 - 013 Mr Cooper GJ Subpoena Response 12-21-20
 - 054 Sharif Small GJ Subpoena Response 3-16-21
 - 054 Sharif Small GJ Subpoena Response 4-12-21
 - 140 Council President Office GJ Subpoena Response 4-8-21
 - 142 Department of Finance GJ Subpoena Response 4-8-21

Please note that the discovery materials we are providing are of a private nature and contain personal information that the government and the defendants have a responsibility to protect from unneeded disclosure. As we have discussed, these particular materials relate only to the defendant, and therefore we do not object to you sharing them with your client. However, additional materials may contain information related to other individuals, and we will notify you if there is a need to keep those materials in your possession and not provide copies to the Defendant. In addition, you agree that the enclosed materials are provided on the condition that all discovery “may be used only in connection with the defense of this case and may not be provided to any other person except by agreement of the Government or order of the Court,” with the exception of expert witnesses and other persons directly involved in the defense. Standing Order 2020-01, ¶ 2.c.

I. DISCOVERY ENCLOSED

A description of the items within this production, organized according to the provisions of Rule 16, may be found below.

Rule 16(a)(1)(A), (B) - Defendant's Oral & Written Statements

- Nationwide Recordings (produced in native format)
- USA-001255 through USA-001268
- USA-005781 through USA-005986
- USA-010954 through USA-010988

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

- n/a

Rule 16(a)(1)(E) - Documents & Objects

- All other records contained in this discovery production.
- If you wish to review any physical evidence in person, please contact me and we will see if arrangements can be made for an evidence inspection.

Rule 16(a)(1)(F) - Reports of Examinations & Tests

- n/a

Rule 16(a)(1)(G) – Expert Witnesses

- Expert disclosures will be made at a later date.

II. REQUEST FOR DISCLOSURE OF EVIDENCE BY THE DEFENDANT

The United States hereby requests disclosure, pursuant to Federal Rule 16(b) of the Federal Rules of Criminal Procedure and Standing Order 2020-001 ¶ 3, of the following:

Pursuant to Rule 16(b)(1)(A), we request disclosure of any and all books, papers, documents, data, photographs, tangible objects, or copies or portions thereof, which are in the possession, custody, or control of the defendant and which the defendant intends to introduce as evidence in her case-in-chief.

Pursuant to Rule 16(b)(1)(B), we request disclosure of any and all reports or results of physical or mental examinations and of scientific tests or experiments made in connection with the above-captioned case, or copies thereof, which are within the possession, custody, or control of the defendant and either the defendant intends to introduce as evidence or which were prepared by a witness whom the defendant intends to call when the results of the reports relate to the witness' testimony.

Pursuant to Rule 16(b)(1)(C), and in light of your request for disclosures pursuant to Rule 16(a)(1)(G) the United States requests a summary of any testimony that the defense intends to use under Rule 702, 703, or 705 of the Federal Rules of Evidence.

Please do not hesitate to contact me should you have any questions regarding any of these matters.

Sincerely,

Erek L. Barron
United States Attorney

_____/s/_____
Leo Wise
Sean Delaney
Aaron Zelinsky
Assistant United States Attorneys

Encl.

CC:

Daniel Zev Herbst
Reed Smith LLP
1301 K St NW Ste 1100 East Tower
Washington, DC 20005

Anthony R Todd
Reed Smith LLP
10 South Wacker Drive 40th Floor
Chicago, IL 60606

Kelley C Miller
Reed Smith LLP
7900 Tysons One Place Ste 500
McLean, VA 22102

Rizwan Qureshi
Reed Smith LLP
1301 K St. NW Ste. 1000 East Tower
Washington, DC 20005

Exhibit 3

Filed Under Seal

A. Scott Bolden

Direct Phone: +1 202 414 9266

Email: abolden@reedsmith.com

Reed Smith LLP
1301 K Street, N.W.
Suite 1000 - East Tower
Washington, D.C. 20005-3373
+1 202 414 9200
Fax +1 202 414 9299
reedsmith.com

March 7, 2022

Confidential

By Electronic Mail

Leo Wise

Assistant United States Attorney

36 S. Charles Street, Suite 400

Baltimore, MD 21201-3119

Re: United States v. Mosby, Criminal Case No. 22-cr-00007-LKG

Dear Leo:

This letter constitutes the second discovery request on behalf of our client Marilyn J. Mosby, State's Attorney for Baltimore City ("State's Attorney Mosby"), as our initial discovery request was made by letter dated February 8, 2022 (the "Initial Discovery Request").

Although our review of the voluminous discovery continues, there are several requests in the Initial Discovery Request for which the Defense received no response or discovery. These requests include:

- Request B(8)(a) – All documents pertaining to State's Attorney Mosby's knowledge or lack thereof of the tax lien identified in the Indictment. *See Brady v. Maryland*, 373 U.S. 83 (1963).
- Request C – For the purpose of meeting the government's obligation to produce certain "statements" under 18 U.S.C. § 3500 (Jencks Act), Federal Rule of Criminal Procedure 26.2, and *Brady v. Maryland*, 373 U.S. 83 (1963), we request that any and all handwritten or informal notes of witness interviews be preserved and please provide confirmation that your office has communicated this preservation request to all individuals who may possess handwritten or informal notes of witness interviews. In order to move this case as expeditiously as possible, it is requested that the required "statements" be provided at least two weeks in advance of trial.
- Request G – State's Attorney Mosby requests that the prosecution disclose all evidence of uncharged misconduct, similar crimes, wrongs, or acts allegedly committed by her, upon which the prosecution intends to rely to prove motive, scheme, opportunity, intent, preparation, knowledge, or absence of mistake or accident either in its case-in-chief or in rebuttal. Fed. R. Evid. 404(b). We further request that this disclosure be made with at least the degree of particularity required in an indictment and should identify any witnesses or documents that the prosecution will offer with respect to the uncharged misconduct. The

disclosure should identify the purpose for which the uncharged misconduct is offered and include any “reverse 404(b)” evidence that may tend to negate State’s Attorney Mosby’s alleged guilt regarding the uncharged misconduct.

We also request that the Government immediately produce the Baltimore City OIG’s investigation documents that the Government referenced at the status conference held on February 23, 2022.

We request that the Government provide this missing discovery pursuant to Federal Rule of Criminal Procedure 16, Federal Rule of Evidence 404(b), *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, the Court’s Order issued on February 4, 2022,¹ and under the applicable rules of prosecutorial ethics.² In the alternative, we ask that the Government confirm in writing that it does not intend to introduce 404(b) evidence at trial or that the Government is not in possession of evidence in any of the aforementioned categories. If the Government contends that it has already produced 404(b) evidence, we ask that the Government identify such evidence by bates number and produce any “reverse 404(b)” evidence in the Government’s possession.

Identification of *Brady* Evidence

Additionally, we request that the Government specifically designate the *Brady* material it has produced or will produce. Courts in the Fourth Circuit have found that given the constitutional nature of the government’s *Brady* obligation, designation is appropriate to the extent possible. *See United States v. Blankenship*, 2015 U.S. Dist. LEXIS 76287, at *16 (S.D.W. Va. June 12, 2015) (requiring the government to specifically designate any known *Brady* material to defense counsel).

Alternatively, we ask that the Government identify the material it knows in good faith that it does not intend to use at trial, under the “negative identification approach” established by courts in this Circuit. *See United States v. Cason*, No. 1:15-CR-30, 2015 U.S. Dist. LEXIS 110444, at *7 (N.D.W. Va. Aug. 7, 2015) (require the government to identify what evidence the government would consider using at trial where a voluminous production was made); *United States v. Contech Engineered Sols. LLC*, 2021 U.S. Dist. LEXIS 35069, at *15 (E.D.N.C. Feb. 18, 2021) (requiring the government to use the negative identification approach established in *Cason* to identify the evidence it in good faith did not intend to use at trial to facilitate the defendant’s review of voluminous discovery); *see also United States v. Skilling*, 554 F.3d 529, 577 (5th Cir. 2009) (holding that where the government had taken additional measures to facilitate review including identifying hot documents that were relevant to its case-in-chief or the defense, specifically identifying *Brady* material was not necessary).

¹ *See* Order Pursuant to Fed. R. Crim. P. 5(f), *United States v. Mosby*, No. 1:22-CR-00007-LKG-1 (D. Md. Feb. 4, 2022), ECF No. 14 (ordering the Government to adhere to disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny and to produce in a timely manner all exculpatory evidence).

² *See* Maryland Rule 19-303.8(d) “Special Responsibilities of a Prosecutor” (“[t]he prosecutor in a criminal case shall . . . (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal”).

At the status conference on February 23rd the Government indicated that it is not its practice to identify *Brady* material because *Brady* material is in the “eye of the beholder” and dependent upon a defendant’s specific defenses. This runs contrary to the standard set forth in *Brady*. The Government is obligated to disclose evidence favorable to an accused, upon request, where the evidence is material either to guilt or punishment. *See Brady v. Maryland*, 373 U.S. 83, 87 (1963); *see also United States v. Caro*, 597 F.3d 608, 619 (4th Cir. 2010). Evidence is favorable to the defendant where it is exculpatory or it could be used to impeach a prosecution witness. *See United States v. Leigh*, 61 Fed. Appx. 854, 856 (4th Cir. 2003). Evidence is material under *Brady* if there exists a reasonable probability that had the evidence been disclosed, the result at trial would be different. *See Wood v. Bartholomew*, 516 U.S. 1, 5 (1995). These standards are not based upon the “eye of the beholder” or the specific defenses of a defendant. The Government is required to turn over exculpatory evidence in its possession and failing to do so is a due process violation. *See Brady*, 373 U.S. at 87.

Specific *Brady* Requests

The Government further stated at the status conference that, in its view, that there is no “objective” *Brady* material in the Government’s possession that has not been turned over. The Defense is aware of several such examples, however, and is therefore seeking *Brady* material it knows to exist.

First, there are several additional phone calls between State’s Attorney Mosby and Nationwide that are exculpatory in nature and that were not included in the Government’s production. Please provide all recordings of phone calls between State’s Attorney Mosby and Nationwide **or confirm in writing** that the Government has produced all audio recordings of this nature.

Second, there are several witnesses that the Defense knows the Government spoke with, yet the Defense has received no discovery with respect to these interviews. These interviews include those of Carlton Saunders, several donors to State’s Attorney Mosby’s campaigns, several pastors and churches in Baltimore, several former employers of State’s Attorney Mosby, State’s Attorney Mosby’s hairdresser, the dance instructor of State’s Attorney Mosby’s children, and several former employees of State’s Attorney Mosby and Baltimore City Council President Nick Mosby. To the extent it is the Government’s position that State’s Attorney Mosby is not entitled to these interviews, please provide a basis **in writing** for why they are being withheld and why you are not agreeing to their disclosure given Government’s representation at the last status hearing that your office intends to provide “fulsome” and “open file discovery”.

Third, given your commitment to providing “fulsome” discovery, please produce all grand jury transcripts related to the investigation into State’s Attorney Mosby. Given the Government’s representation at the last status hearing that what constitutes exculpatory material is “in the eye of the beholder”, we demand the production of all grand jury transcripts so that we may be able to determine whether they are in fact exculpatory in nature.

Fourth, as you are aware, we remain convinced that this is an animus-driven prosecution and evidence of the Government’s animus could impact the jury’s verdict. For these reasons, pursuant to *Brady* and its progeny, State’s Attorney Mosby demands disclosure of all documents, including internal DOJ communications, related to the Government’s decision to charge State’s Attorney Mosby, including

Leo Wise
March 7, 2022
Page 4

ReedSmith

any communications with certain third parties who may have referred this matter to the Government. In that same regard, we demand disclosure of all documents and communications relating to any consideration given to State's Attorney Mosby's request to appear before the grand jury and relating to the timing of the return of the Indictment. To the extent the Government refuses to produce this information, **please confirm the basis for such refusal in writing.**

Accordingly, the Defense again requests that this *Brady* material and any other *Brady* material in the Government's possession be turned over immediately. Failing to turn over discoverable evidence would violate the Court's Order of February 4, 2022, this District's standing order on criminal discovery, and the government's obligations under well-established law.

We are available to confer with you to discuss the aforementioned discovery so that we may resolve these issues without Court intervention and prepare for trial as expeditiously as possible.

Sincerely, I am,



A. Scott Bolden

CC: Rizwan A. Qureshi, Esq.
Kelley Miller, Esq.

Exhibit 4

Filed Under Seal

A. Scott Bolden

Direct Phone: +1 202 414 9266

Email: abolden@reedsmith.com

Reed Smith LLP
1301 K Street, N.W.
Suite 1000 - East Tower
Washington, D.C. 20005-3373
+1 202 414 9200
Fax +1 202 414 9299
reedsmith.com

March 21, 2022

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By Electronic Mail

Leo Wise

Assistant United States Attorney

36 S. Charles Street, Suite 400

Baltimore, MD 21201-3119

Re: United States v. Mosby, Criminal Case No. 22-cr-00007-LKG

Dear Leo:

As you know, Reed Smith LLP represents State's Attorney Marilyn Mosby in connection with the above-referenced matter. This letter is in response to your requests in your letter, dated February 17, 2022, for disclosures under Rule 16(B)(1)(a), Rule 16(B)(1)(b) and Rule 16(B)(1)(c). In addition, this letter contains additional Rule 16 discovery requests.

A. Disclosures Under Rule 16

With regard to your request for reciprocal discovery pursuant to Rule 16(b)(1)(a), as of this time, we have not identified any such documents. As our review of the relevant discovery propounded by the government continues (including discovery that is not yet in our possession), we will update these disclosures as necessary.

With regard to your request for the results of tests or analyses pursuant to Rule 16(b)(1)(b), at this time, we have no such reports or results to disclose. To the extent any such examinations and tests come within the Ms. Mosby's possession, custody, or control, and Ms. Mosby intends to use any such examinations and tests in her case-in-chief at trial, disclosures will be made.

With regard to your request for expert materials pursuant to Rule 16(b)(1)(c), we note that the government has failed to comply with Rule 16(a)(1)(c)(i). By letter dated, February 8, 2022, Ms. Mosby requested, pursuant to Rule 16(a)(1)(G), that the government produce "[a]ll written summary of testimony the government intends to use under Rule 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial." *See* Letter from A. Scott Bolden to Leo Wise, dated February 8, 2022, at ¶ 7. In your response letter dated, February 17, 2022, you stated that the government would provide expert disclosure "at a later date."¹ Nearly 30 days have passed since your letter, and the government has still not made its expert disclosure. At this time, your expert disclosure is well past due the 21 days following

¹ It should be noted that this is inconsistent with the government's representation to the Court on February 23, 2022, where the government represented that it did not anticipate calling any expert witnesses at trial.

our discovery demand of February 8, 2022. *See* Standing Order at ¶ 2.b (requiring the government to provide the defense with an expert disclosure within 21 days of the defense’s demand). We continue to ask that you comply with our expert disclosure demand.

As a result of your continuing failure to provide an expert disclosure (much less a timely disclosure), the defense is under no obligation at this time to provide the government with a reciprocal expert disclosure. Under Rule 16(B)(1)(c)(i) and ¶ 3.b of the Standing Discovery Order of the District of Maryland, our obligation to provide an expert disclosure is not triggered until the government satisfies its expert disclosure obligations imposed by FRCP 16(a)(1)(G) and Standing Order ¶ 3.b. *See also* FRCP 16(b)(1)(C)(i) (a defendant is not required to provide an expert disclosure until the government “complies” with its expert disclosure obligations).

However, in light that the trial is just over six weeks away, the defense may call one or more experts to provide testimony concerning topics that include, but are not limited to, the following:

- a forensic analysis of State Attorney Mosby’s personal and business finances;
- the CARES Act, including its legislative history and intent, as it relates to 457(b) withdrawals for unforeseeable emergencies; and
- federal tax liens and the role they play in the mortgage application process.

II. Additional Discovery Requests

State’s Attorney Mosby re-incorporates the outstanding discovery requests made in her Second Discovery Request, dated March 7, 2022. On behalf of State’s Attorney Mosby, we request the additional discoverable materials described below. We intend to supplement this letter as necessary.

Pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, we hereby request that the Government provide a Bill of Particulars in response to the requests set forth below, originating from the new information contained in the Superseding Indictment filed on March 10, 2022.

1. Particulars of how State’s Attorney Mosby “falsely represented” that she had spent 70 days living in Florida and working remotely.
2. Particulars of State’s Attorney Mosby’s intent to “lock in a lower interest rate” by submitting a “false gift letter.”

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Please provide the government's position on the above outstanding discovery requests, including whether the government intends to call an expert as part of its case-in-chief, by **no later than close of business on March 22, 2022**. By March 22, 2022, please provide your position on the above or provide your availability to meet and confer on Wednesday (3/23), Thursday (3/24) and Friday (3/25) of this week to discuss all outstanding issues. Given that we are just over six weeks away from trial, we expect that the government will respond expeditiously to our requests, including to meet and confer.

We look forward to hearing from you.

Sincerely, I am,



A. Scott Bolden

CC: Rizwan A. Qureshi, Esq.