

**OFFICE OF THE FEDERAL PUBLIC DEFENDER
DISTRICT OF MARYLAND**

NORTHERN DIVISION
TOWER II, SUITE 1100
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2705
TEL: (410) 962-3962
FAX: (410) 962-0872

JAMES WYDA
FEDERAL PUBLIC DEFENDER

SARAH S. GANNETT
ASSISTANT FEDERAL PUBLIC DEFENDER

September 14, 2007

Ms. AUSA, Esquire
Assistant United States Attorney
6625 United States Courthouse
101 West Lombard Street
Baltimore, MD 21201

Re: (Case Name)
Criminal Case No.: (Number)

Dear Ms. AUSA:

Enclosed is an executed copy of the discovery agreement in this case. I wish to clarify two provisions of the agreement.

First, as you are aware this office takes the position that, pursuant to *Spicer v. Roxbury Correction Institute*, 194 F.3d 547 (4th Cir.1999), prior inconsistent statements of government witnesses must be disclosed immediately, as they constitute *Brady* material. This includes inconsistent statements by cooperators, as well as inconsistent attorney proffers in cooperation cases. Please do not wait until “two weeks before trial” to disclose this information.

Second, it has been my practice to ask that the government not respond to the motions I file until it becomes clear that the case will proceed to a motions hearing, to preserve the possibility of the government stipulating to a three-level reduction in offense level if a guilty plea is entered. Most Judges and Assistant United States Attorneys have approved of this practice. Please let me know if you feel differently. I will, of course, make every effort to resolve the case quickly, if my client is interested in a guilty plea.

Ms. AUSA, Esquire
May 20, 2003
Page 2

I appreciate your cooperation, and I look forward to receiving discovery at your earliest convenience.

Very truly yours,

Sarah S. Gannett
Assistant Federal Public Defender

SSG/jps

Enclosure