



U.S. Department of Justice

Criminal Division

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(overnight mail only)*

October 22, 2010

By FedEx or Hand Delivery

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Re: United States v. Milton E. McGregor, et al. – 2:10-CR-186-MHT

Dear Counsel:

Pursuant to Rule 16(a), Fed. R. Crim. P., the Standing Order on Criminal Discovery

issued February 4, 1999, and as otherwise required by law (e.g., Brady v. Maryland, 373 U.S. 83, United States v. Giglio, 405 U.S. 150), the United States hereby provides additional disclosures to you as defendants' counsel of record. Today's production includes, among other things, additional financial and non-financial grand jury productions, additional grand jury transcripts, filings in connection with sealed wiretap proceedings, additional details pertaining to intercepted SMS text messages, and additional FBI-302s. With the exception of counsel for Mr. McGregor, Mr. Means, and Mr. Crosby, who have indicated that they will pick up the production at the Federal Bureau of Investigation in Montgomery, counsel for the remaining defendants will receive such discovery via Federal Express overnight delivery. In addition, accompanying this letter you will find indices for all Bates-stamped financial and non-financial materials produced to date.

The United States also wishes to address the following issues:

- (1) In response to grand jury subpoenas, certain entities have provided electronic media that appear corrupted, resulting in the government's inability to access the produced data. If and when these technical matters are resolved, the United States will provide copies of such material pursuant to its ongoing discovery obligation.
- (2) The majority of defendants have provided external hard drives for reproduction of two imaged computers in the government's possession. The United States is in the process of duplicating the computers. However, although the United States anticipated that it would begin producing the copied images today, the government has decided to withhold production until resolving certain threshold issues with Judge Capel. In the meantime, the FBI will continue duplicating the computers so that they are ready for production upon approval of the Court.
- (3) The United States is providing a disk containing all individually Bates-numbered financial documents produced to date. This disk replaces the disk produced initially on October 15, 2010, labeled "US-FIN-00000001 to US-FIN-00054734," which a number of defendants had difficulty accessing.
- (4) The government is providing a replacement copy of the disk labeled "Disk 1 of 5," which was originally produced on October 15, 2010. Please contact us if accessibility issues persist.
- (5) The United States is working to resolve accessibility issues with the disk labeled "Disk 4 of 5," which was initially produced on October 15, 2010. When these technical matters are resolved, the United States will either provide new disks or instructions for accessing the ones in your possession.
- (6) The disk labeled "Disk 5 of 5," which was produced initially on October 15, 2010, contains .pst e-mail files, which can only be accessed after they are copied from the disk

to a hard drive and loaded in Microsoft Outlook. For those defendants who have had trouble viewing this data, please contact the government if the problem persists.

- (7) The United States is aware of a media report, available at http://blog.al.com/spotnews/2010/10/alabama_bingo_bill_was_pressur.html, in which Alabama Representative Mac McCutcheon makes statements regarding topics also covered in his grand jury appearance.
- (8) On the disk Bates-stamped US-FIN-00050701, there is an empty folder labeled "FRBNY4129," which is the password to the password-protected data file that is also on the disk. In addition, the disk labeled US-00071980 contains two folders, labeled "Audio" and "Video." The "Audio" folder is empty.

The United States is aware of and will continue to comply with its ongoing discovery obligations. The government requests reciprocal discovery.

Please feel free to contact any attorney of record for the government if you have any questions.

Sincerely,

/s/ Peter J. Ainsworth
Senior Deputy Chief
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U.S. Department of Justice
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