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FILE NO.: 53155-002

October 11, 1006

Eugenia Cowles AUSA  
US ATTORNEY'S OFFICE  
402 East State Street, Room 430  
Trenton, NJ 08608

Re: USA v. Albert Poet

Dear Ms. Cowles:

I am in receipt of your recent letter in which you state that you have provided all documents in your possession and I thank you for the discovery you have provided me thus far. It is appreciated. However, *Brady v. Maryland* and its progeny extends your duty to provide discovery beyond those documents that you have actually received and includes documents in the possession of other government entities assisting your investigation. Hence, to the extent that other divisions of the government in relation to the investigation have knowledge of more documents, you have a duty to provide such documents to me immediately.

The law clearly creates a duty for the government to provide all discovery to the accused, especially any exculpatory discovery. "The suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Further, your office may be deemed to have "constructive possession" of some materials where there is a joint investigation with other government entities. *United States v. Risha*, 445 F.3d 298, 304-305 (2006). See also, *United States v. Brooks*, 296 U.S. App. D.C. 219 (1992) (stating that the prosecution must search files of other branches of government if they are "closely aligned with the prosecution" or have a "close working relationship"). I therefore demand the immediate production of any exculpatory evidence of which you have knowledge or constructive possession.

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COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.

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Again, thank you for your continued cooperation in this matter and I look forward to your next production of discovery.

Very truly yours,

William J. Hughes, Jr.

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