

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	Case No.: 21-CR-083 (TNM)
v.	:	
	:	
BRANDON FELLOWS,	:	
	:	
Defendant.	:	
	:	

UNITED STATES’ DISCOVERY UPDATE

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully provides this update and additional information to the Court as to ongoing efforts to comply with its discovery obligations in the context of this case.

Background

At the Final Pre-trial Conference in this case on July 21, 2023, the Court sought information about the defendant’s access to and receipt of discovery as it considered the merits of a motion for continuance filed by the defendant. The Court solicited information not only from the United States, but also from a representative from District of Columbia Department of Corrections [hereinafter, “DOC”] General Counsel’s office (Andrew Mazzuchelli) and from a representative from the U.S. Marshals Service (Supervisory Deputy United States Marshal Leodus Brown), both of whom were present at the hearing.

At the hearing, the Court learned that, on July 19, 2023, the defendant refused a laptop computer offered to inmates in connection with the electronic discovery review program at the DOC. The program is offered as a courtesy to inmates in connection with discovery which may be voluminous and contain a large quantity of video evidence. The defendant, who had previously

participated in the program and utilized DOC laptops without issue, declined to accept the “D.C. Department of Corrections Inmate Acknowledgment and Release” as written. Specifically, he declined to accept a waiver of rights included in the form, choosing instead to preserve his ability to sue the DOC at some future time in connection with a past grievance concerning the alleged loss and/or destruction of some of his case-related materials when he was transferred to another facility. An inmate who does not accept the terms of the Acknowledgment and Release is deemed by the DOC to have refused the laptop offered to him in connection with the program. The Court instructed the DOC to continue prioritizing the defendant’s receipt of and access to discovery.

The United States – with facilitation provided by Defense Counsel and, later, by Standby Counsel - has made considerable efforts to ensure that this defendant has access to the discovery materials in this case throughout the pendency of this case. These efforts have been complicated by the defendant’s *pro se* status, by the defendant’s several transfers between correctional facilities, by the internal policies of the facilities, as well as by the defendant’s own choices.

Update

On July 24, 2023, the defendant was again offered a laptop on which to review discovery and participate in the electronic discovery review program. He refused the same.

On July 25, 2023, the United States hand-delivered a box of hard copies of the July 14, 2023, case-specific production to the Jail.¹ It should be noted that these are hard copies of material previously received by the defendant in digital format.

¹ This is not the first time that the defendant has received a box of hard copy materials. Correspondence suggests that he also received at least one box in late April and a box in late June through the efforts of Defense Counsel and/or Standby Counsel.

Respectfully submitted,

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