

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

UNITED STATES

v.

MICHAEL CURZIO,

Defendant.

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Crim. No. 21-00148 (JEB)

NOTICE

Defendant Michael Curzio, by and through undersigned counsel, respectfully requests that the attached Defendant’s First Request for Discovery be made part of the record in this case.

Dated: Washington, DC
March 16, 2021

Respectfully submitted,

BALAREZO LAW

/s/

By:

A. Eduardo Balarezo
DC Bar # 462659
400 Seventh Street, NW
Suite 306
Washington, DC 20004
Tel. (202) 639-0999
Fax. (202) 639-0899
E-mail: aeb@balarezolaw.com

Counsel for Michael Curzio

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March 2021 I caused a true and correct copy of the foregoing Defendant's Notice of Filing and First Request for Discovery to be delivered via Electronic Case Filing to the Parties in this case.

/s/

A. Eduardo Balarezo



BALAREZO LAW
CRIMINAL DEFENSE

March 16, 2021

Seth Adam Meinero, Esq.
Assistant United States Attorney
Office of the United States Attorney
555 Fourth Street, NW
Washington, DC 20530

Re: *United States v. Michael Curzio*
Criminal No. 21-00041 (CJN)

Dear Mr. Meinero:

On behalf of the defendant, Mr. Curzio, I request that the government provide discovery in this case pursuant to Rules 5(f) and 16 of the Federal Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963). Additionally, I would like to schedule a discovery conference in accordance with Rule 16.1 of the Federal Rules of Criminal Procedure. Please let me know your earliest availability for a discovery conference.

This request encompasses documents¹ and information in the possession, custody, or control of, or that have been reviewed by, the Department of Justice's Criminal Division, the U.S. Attorney's Office for the District of Columbia, and any federal, state, or local agency allied with the prosecution or involved in any way in investigating the activities alleged in the Indictment or related conduct. As used in this letter, the words "government" and "you" include your office and the above-referenced federal, state or local agencies. All of these requests are continuing in nature, requiring supplementation in accordance with Rule 16(c).

Mr. Curzio requests that the government comply with all its discovery obligations under federal law, including, but not limited to, the items listed below.

¹ The word "documents" includes, but is not limited to, all books, papers, letters, correspondence, reports, memoranda, studies, calendars, appointment books, diaries, notes, messages, e-mail, text messages, other computer-facilitated or transmitted materials, images, photographs, audio and video tapes, recordings, transcripts, ledgers, receipts, printouts, and any other written, recorded, or memorialized material of any nature whatsoever.

Statements of the Defendant

Pursuant to Rule 16(a)(1)(A) & (B), Mr. Curzio requests the following:

- (1) Any written or recorded statement or admission made by Mr. Curzio that is within the government's possession, custody, or control, the existence of which is known, or by the exercise of due diligence may become known, to the government. *See* Fed. R. Crim. P. 16(a)(1)(B)(i).
- (2) The portion of any written record containing the substance of any oral statement made by Mr. Curzio in response to interrogation by any person then known to the defendant to be a government agent. *See* Fed. R. Crim. P. 16(a)(1)(B)(ii). This request includes without limitation all documents, including notes, prepared by any government employee or agent that contain the substance of any relevant statement made by Mr. Curzio.
- (3) The substance of any other oral statement made by Mr. Curzio in response to interrogation by any person then known by Mr. Curzio to be a government agent if the prosecution intends to use that statement at trial. *See* Fed. R. Crim. P. 16(a)(1)(A).

Defendant's Prior Record

Pursuant to Rule 16(a)(1)(D), Mr. Curzio requests a copy of his prior criminal record, if any. *See* Fed. R. Crim. P. 16(a)(1)(D).

Documents and Tangible Objects

Pursuant to Rule 16(a)(1)(E), Mr. Curzio requests the following:

- (1) All books, papers, documents, data, photographs, or tangible objects, or copies or portions thereof, that were obtained from or belong to Mr. Curzio. *See* Fed. R. Crim. P. 16(a)(1)(E)(iii).
- (2) All books, papers, documents, data, photographs, or tangible objects, or copies or portions thereof, that the government intends to use at trial in its case-in-chief. *See* Fed. R. Crim. P. 16(a)(1)(E)(ii).
- (3) All books, papers, documents, data, photographs, or tangible objects, or copies or portions thereof, that are material to Mr. Curzio's defense. *See* Fed. R. Crim. P. 16(a)(1)(E)(i).

Reports of Examinations and Tests

Pursuant to Rule 16(a)(1)(F), Mr. Curzio requests the results or reports of any physical or mental examinations, scientific tests, or experiments that were conducted in connection with the investigation of the charges contained in the Indictment.

Expert Notice and Disclosure

Pursuant to Rule 16(a)(1)(G), Mr. Curzio requests a written summary of any testimony the government plans to use under Rules 702, 703, or 705 of the Federal Rules of Evidence in its case-in-chief. *See* Fed. R. Crim. P. 16(a)(1)(G). Further, should the government request discovery under Rule 16(b)(1)(C)(ii), and Mr. Curzio complies, the government must, at Mr. Curzio's request, provide a written summary of testimony that the government intends to use

as evidence at trial on the issue of Mr. Curzio's mental condition and describe the witness's opinions, bases, and reasons for such opinions, as well as the witness's qualifications. *See* Fed. R. Evid. 702(a)-(e), 703, & 705.

Other Crimes Evidence

Pursuant to the Fifth and Sixth Amendments to the U.S. Constitution and Rules 403 and 404(b) of the Federal Rules of Evidence, Mr. Curzio requests that the government disclose all evidence of similar crimes, wrongs, or acts allegedly committed by Mr. Curzio (or any person alleged to have been acting pursuant to his instructions), upon which the government intends to rely to prove motive, scheme, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. Additionally, Mr. Curzio requests, consistent with the recent amendment to Rule 404, that the government identify in its Rule 404 notice "the permitted purpose for which [it] intends to offer the evidence and the reasoning that supports the purpose."

Brady Materials

Pursuant to the United States Constitution and relevant case law interpreting its provisions, including *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giles v. Maryland*, 386 U.S. 66 (1967), the Due Process Protections Act and Fed. R. Crim. P. 5, Mr. Curzio requests immediate identification and disclosure of all documents and information (in whatever form) that are favorable to the defense or that would tend to exculpate Mr. Curzio with respect to the charges in the Indictment or that are relevant to the issue of sentencing.

Jencks Materials

Pursuant to 18 U.S.C. § 3500, I request that you produce, at the earliest possible date, any statements of prospective government witnesses that are in the government's possession and that relate to the subject matter concerning which the witness will testify. Should you intend to produce Jencks materials later than one week before trial is scheduled to begin, I request that you provide me and the Court with written notice by no later than the date the government is required to make its disclosures.

Please let me know promptly whether there are any requests set forth in this letter with which you decline to comply. I am available to discuss any of the above requests at your convenience. I reserve the right to supplement these requests as I review the discovery materials and prepare for trial.

Sincerely,

/s/

A. Eduardo Balarezo