

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

**UNITED STATES OF AMERICA**

v.

**LEO CHRISTOPHER KELLY,**

**Defendant.**

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**Case No. 1:21-cr-00708-RCL-1**

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION  
FOR AN ORDER TO RETAIN ROUGH NOTES AND EMAILS**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this response to defendant Leo Christopher Kelly’s (“the defendant”) motion seeking an order compelling the preservation of emails and rough notes of agents and police officers involved in this case. In his motion, the defendant’s also asks this Court to compel “all government law enforcement officers who investigated the charges in this and related cases to retain and preserve all rough notes, memoranda, emails and writing of any form taken as part of their investigation of the above-captioned matter [sic] notwithstanding whether or not the contents of the said notes are incorporated in official records.” ECF No. 55. The defendant further states that the motion is made “so that the trial court can determine whether disclosure of the said notes is required under *Brady v. Maryland*, 373 U.S. 83 (1963), or the “Jencks” Act (Title 18, United States Code, Section 3500).” *Id.*

The government is well aware of its *Brady* obligations, as well as its obligations pursuant to the Jencks Act, and the government intends to fulfill all of its obligations. As such, there is no need for the Court to enter the requested order, nor has the defendant demonstrated a need for such an order. Accordingly, the defendant’s motion (ECF No. 55) should be denied as moot.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that on November 29, 2022, I, the undersigned Assistant United States Attorney, served on copy of the foregoing response to the defendant's motion via CM/ECF on the counsels of record in this action.

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