

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

UNITED STATES OF AMERICA :
 : **CRIMINAL NO. 21-cr-642 (JDB)**
 v. :
 :
 DARRELL NEELY, :
 :
 Defendant. :

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION 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, respectfully submits this response to Defendant Darrell Neely’s Motion To Retain Rough Notes and Emails (the “Motion”) (ECF No. 32).

The Motion, in essence, seeks a Court order imposing on the Government its obligations under *Brady* and the Jencks Act. Such an order is unnecessary, as these obligations are imposed on the Government via the Constitution and Acts of Congress. A court order would be superfluous. Notably, the Government’s practice already is to retain notes from witness interviews. Indeed, the Government produced such notes in discovery. Accordingly, the Motion should be denied.

CONCLUSION

The Motion should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Response was served on all counsel of record via the Court's electronic filing service.

/s/ Joseph McFarlane
JOSEPH MCFARLANE
Trial Attorney

Date: August 21, 2022