



# FEDERAL PUBLIC DEFENDER NORTHERN DISTRICT OF OHIO

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*Stephen C. Newman*  
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*Thomas D. Lambros Federal Building and  
United States Courthouse*  
125 Market Street  
Youngstown, Ohio 44503-1780  
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(By Appointment Only)

April 10, 2023

Brendan Ballou  
Assistant U.S. Attorney  
DOJ-OIG  
950 Constitution Avenue NW  
Washington, DC 20530

Re: United States v. Kyle Mlynarek  
Case No. 1:23CR114

Dear Mr. Ballou:

To insure protection of Kyle Mlynarek's rights to due process of law and effective assistance of counsel in accordance with the United States Constitution, I am seeking to provide my client with a basis upon which to make informed and intelligent decisions regarding the possible or probable consequences of pleading guilty or requesting a trial in the above-captioned case. See: United States v. Cronin, 466 U.S. 648 (1984); Santobello v. New York, 404 U.S. 257 (1971); McMahon v. Richardson, 397 U.S. 759 (1970); Avery v. Alabama, 308 U.S. 444 (1940); Scott v. Wainwright, 698 F.2d 427 (11th Cir. 1983); Mason v. Balcom, 531 F.2d 717 (5th Cir. 1976). For these reasons, and pursuant to Title 18 U.S.C. § 3551, et seq., Title 28 U.S.C. § 991, et seq., and United States Sentencing Commission Guidelines, I request that you promptly advise me of any facts and circumstances presently known to the government or reasonably discoverable, which would be germane to sentencing-related issues under the guidelines, or to calculation of the applicable sentencing guideline range, should the defendant be convicted of any one or more of the charges set forth in the instant indictment.

More specifically, I am requesting that as soon as possible you provide me with the following information with its documentary support:

1. What guideline does the government contend is applicable in this case?

EXHIBIT B

Office of the  
FEDERAL PUBLIC DEFENDER  
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2. What aggravated offense characteristic, if any, does the government contend are applicable to this case?
3. What adjustments, if any, does the government contend are applicable to this case?
4. Upon what grounds, if any, will the government be seeking a departure from the guidelines in this case?
5. With regard to the defendant's prior criminal record, what is the date, location, and court docket number of each conviction upon which the government will rely to aggravate the defendant's sentence; and what criminal history category does the government contend is applicable in this case?

Please also forward to me any other information which would bear upon an understanding or computation of the following sentencing and guideline factors: base offense levels, specific offense characteristics, relevant conduct, adjustments, criminal history, offender characteristics, plea agreements, departures, probation and supervised release.

These requests are of a continuing nature which presume that you will keep me immediately advised of any further information that comes to your attention which might in any way alter or modify your response to the inquiries set forth above.

If I may be of service with regard to this matter, please feel free to contact me.

Sincerely,

/s/ Darin Thompson  
DARIN THOMPSON  
Assistant Federal Public Defender  
Supervisor, Cleveland Trial Unit

DT:mb