



United States Attorney
District of Columbia

Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530

Date: 5-23-03

United States v. ELENA SASSOWER, M-4113-03

Dear Counsel:

This letter contains both a plea offer and discovery for the above-captioned case. This discovery is, to the best of our knowledge, current and comprehensive. If we learn of any additional discoverable information or evidence, we will disclose that to you as quickly as possible.

PLEA OFFER

_____ If your client pleads guilty to _____, the United States will agree to:

___ Dismiss _____

___ Waive ___ Reserve Stepback (the right to allocute as to whether your client should be incarcerated pending sentencing¹)

___ Waive ___ Reserve Repeat/release papers

___ Waive ___ Reserve Allocation (the right to allocute at the time of sentencing)

___ Not oppose: ___ Probation ___ 904.01(e) Probation ___ Youth Act

___ Limit allocation to: _____

¹ Should your client fail to appear for any proceeding, fail to obey any condition of release, or be rearrested following the entry of a guilty plea, the government will reserve its right to request that your client be incarcerated pending sentencing.

- This offer is "wired," that is, contingent upon the acceptance of the plea offers by all of your client's co-defendants.
- This offer is not wired to any plea offer made to your client's co-defendants, but is contingent upon the providing of an insulating statement by your client, made under oath, and acceptable to the United States.
- Your client may be eligible for diversion. See the attached letter.

At this time, we are not making a plea offer. Please contact the AUSA assigned to the case for additional information. To find out which AUSA is assigned to the case, you may call (202) 514-7700 on the third business day after arraignment.

Your client must undergo a debriefing before any offer will be extended. If, within 5 days, you have not heard from the AUSA who will conduct the debriefing, please contact the AUSA assigned to the case. If you have not scheduled a debriefing within 2 weeks from the date of this letter, we will assume that your client is not interested in debriefing and is likewise not interested in receiving a plea offer.

Note: This plea offer expires 7 days before trial, or upon your client's rearrest or violation of any condition of release, whichever comes first. If you are seeking an extension of this expiration date, for any reason, you must contact the assigned AUSA to further discuss the matter prior to the formal expiration date. If you accept this offer, you must contact the assigned AUSA (and then the judge's chambers) so that the trial date will be converted to a status hearing. The government reserves the right to withdraw this plea offer at any time prior to acceptance.

DISCOVERY

I. Police Documents/Materials

Copies of the following are attached:

- CP-04
 ~~PD-47~~ PD-95 PD-81(drugs) PD-81(property) PD-119
- PD-123 PD-163 PD-251 PD-252 PD-668
- DEA-7 Gun Certs Photo(s) (de/luce) Videotape(s) Diagram(s)
- Search warrant seizure list Affidavit in support of warrant
- Notes of Officer BROWN²

² While these notes are not discoverable under Rule 16, we have included them for your convenience. Any additional Jencks will be provided at trial.

Other: PD 778

Copy of def's ^{hand} written statement from which she was reading during disruption (1 page)

II. Defendant's Criminal History

According to our records, your client has the following convictions and/or pending cases:

~~Ø~~

Please also refer to the Pretrial Services Report that you received at arraignment for further information about your client's record. If your client takes issue with any of these convictions/pending cases, please notify the assigned AUSA before the trial date.

III. Statements

Your client made the following oral statement(s) to the police:

1. "I want to testify"

When this statement was made, your client was:

Pre-arrest Post-arrest Pre-rights Post-rights

This statement was made:

In response to question(s) Spontaneously

2. I sent an email to the committee
saying she wanted to testify

When this statement was made, your client was: ^{both}
 Pre-arrest Post-arrest Pre-rights Post-rights

This statement was made:
 In response to question(s) Spontaneously

Your client made a written statement to the police. A copy is attached.

At this time, we know of no statements made by your client to law enforcement officers.

Codefendant statements. The following is the substance of any co-defendant statements regarding your client's actions:

IV. Tangible Evidence³

At trial, the government may seek to introduce the physical evidence that is described on the attached police reports (including/as well as) those items listed below:

Drugs Drug paraphernalia Money Gun Ammunition

Gun Certs Clothing Photo array 911 call/radio run⁴

Photo(s): _____ Video(s): of committee hearing

Documents: _____

Other: _____

Fingerprint(s):

Attempted [Recovered Not recovered Unknown at this time]

Not attempted

V. Identification

Lineup Second sighting Showup Photo array

None

³ Upon request, you are entitled to inspect and copy or photograph certain books, papers, documents, photographs, tangible objects, buildings or places that are within the possession, custody or control of the government. See Super. Ct. Crim. R. 16(a)(1)(C). If you would like to view any of the evidence listed above or described on the attached police reports, please contact the assigned AUSA immediately and we can make arrangements for you, or your certified investigator, to inspect the evidence. These arrangements will include a condition that you not raise any objection to the admissibility of such evidence at trial because of the break in the chain-of-custody occasioned by your inspection.

⁴ These items will be provided to you at trial consistent with our Jencks obligations.

VI. Drew/Toliver Notice

~~X~~ We are currently aware of no such evidence.

We expect to use the following *Drew/Toliver* evidence:

Def is known to Capitol ~~Police~~ Police
for being disruptive in the past,
Def was arrested in 1996 for
disorderly conduct on Capitol grounds.

VII. Brady

~~X~~ We are currently aware of no such evidence.

The United States informs you of the following *Brady* information:

VIII. Miscellaneous Discovery

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IX. Government's Discovery Requests

1. Alibi Demand

X The United States is not making an alibi demand.

___ The United States is making an alibi demand pursuant to Super. Ct. Crim. R. 12.1. In accord with Rule 12.1, the government hereby notifies you that the time, date and place of the offense are indicated on the accompanying police paperwork. Pursuant to Rule 12.1, in the event you intend to offer an alibi defense, please direct the appropriate notice to the assigned AUSA within ten days.

2. Other Requests

The United States hereby makes the following discovery requests:

- a) notice of documents and tangible objects the defendant expects to introduce pursuant to Super. Ct. Crim. R. 16(b);
- b) a Jencks request for all prior statements of any defense witness (excluding the defendant) pursuant to Super. Ct. Crim. R. 26.2;
- c) a Lewis request (for which we request the name, date of birth, sex, and social security number of each defense witness); and
- d) a request for information pertaining to any expert or scientific testimony or evidence pursuant to Rule 16(b)(1)(B) and (C).

Pursuant to Super. Ct. Crim. R. 16(b)(2), we note our continuing request to receive any material pursuant to Rule 16(b) as the case proceeds.

If you have any questions, or need additional information, please contact the assigned AUSA. Again, you may learn who is handling the case by calling the number below, three business days after arraignment.

Sincerely,

ROSCOE C. HOWARD, JR.
United States Attorney

By:

Leah Belane
Assistant United States Attorney
Misdemeanor Section - (202) 514-7700