

February 7, 2014

Jorge Dopico, Esq.
Chief Counsel
First Judicial Department Disciplinary Committee
61 Broadway
New York, NY 10006

Re: Status of Complaint against Andrew Weissmann

Dear Mr. Dopico:

I am writing to enquire about the status of a disciplinary complaint that Sidney Powell and I filed in July 2012 against the then General Counsel and Assistant Director of the FBI, Andrew Weissmann.

The gravamen of our 30-plus page complaint, as I am sure you will recall, was that Mr. Weissmann (along with other members of the Enron Task Force that he directed) suppressed evidence favorable to the defense in the Nigerian Barges Case that involved Merrill Lynch executives.

As Ms. Powell and I pointed out (and backed up with over a dozen exhibits), although the Fifth Circuit ruled that there was no *Brady* violation, because of its finding that what was suppressed was "not material" in the *Brady* sense, that court also ruled that favorable evidence *was* "plainly suppressed." Indeed, the district court's contrary finding that there was *no* suppression of favorable evidence was reversed as "clearly erroneous."

So far as I am aware, it is only in Ohio and Colorado that the Rule of Professional Conduct requiring prosecutors to make timely disclosure to the defense of *all* evidence or information that tends to negate guilt is read,

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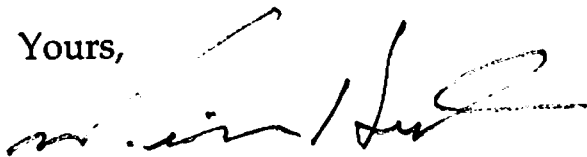
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contrary to its plain meaning, to encompass only such evidence and information as is also "material." In New York and in Texas, where the underlying case was tried in federal court, "all" still means "all."

Since we last communicated about this matter, Mr. Weissmann has left the FBI and become a Senior Fellow at the NYU School of Law Center on the Administration of Criminal Law, among other posts there. This has the advantage of removing him from a position where he can continue his abuse of the awesome powers of a lawyer for the federal government, but it gives him alarming access to large numbers of impressionable law students, especially those looking towards a career in the criminal justice system.

Can you tell me where your process stands? I know that you referred the matter to the Office of Professional Responsibility in the Department of Justice, but that OPR declined to take any action last October. (That was predictable, of course, because the DOJ has long taken the position "No Brady; No Violation," despite the command of the McDade Act.)

Yours,

A handwritten signature in black ink, appearing to read "W. William Hodes". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping underline.

W. William Hodes
Attorney at Law

c.c. Sidney K. Powell, Esq.