

Exhibit 3

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Via Email

Talia Bucci
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Re: USA v. Brown
Case No. 3:19-cr-50016

Dear Counsel:

Pursuant to Rule 16(a)(1)(A)-(F) of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *Agurs v. United States*, 427 U.S. 97 (1976), *United States v. Bagley*, 473 U.S. 667 (1986), and the ABA Guidelines for the Appointment and Performance of Defense Counsel in Capital Cases, Guideline 10.7 Commentary (2003) (requiring that counsel "make efforts to secure information in the possession of the prosecution or law enforcement authorities"), I am writing to request additional discovery material, specified below.

I. United States Marshals Service ("USMS") Training Materials

- a. Any and all documentation of the findings of the Fugitive Risk Mitigation Assessment Team ("FARMAT"); established by former USMS Director Stacia Hylton in 2011 to study risks associated with the agency's performance in apprehending violent fugitives, that led to the creation of the High Risk Fugitive Apprehension ("HRFA") Training Program.
- b. Manuals, syllabuses, Powerpoint presentations, reading assignments and any other training materials associated with the HRFA Training

- c. Any and all documentation of the performance of SDUSM Jacob Keltner; SDUSM Daniel Kramer; SDUSM Michael Flannery; DUSM Anthony Catenacci; and DUSM Michael Schulte during the HRFA Training Program(s) they attended, including certificates, grades, performance reviews, critiques, honors and awards.
- d. Personnel and Internal Affairs files for all Tactical Training Officers ("TTOs") who participated in the HRFA Training Program(s) attended by SDUSM Jacob Keltner; SDUSM Daniel Kramer; SDUSM Michael Flannery; DUSM Anthony Catenacci; and DUSM Michael Schulte, including application forms for appointment as TTO, the criteria for appointment as TTO and all documentation relating to the vetting process.
- e. Manuals, syllabi, Powerpoint presentations, reading assignments and any other training materials associated with the first stage HRFA Training and Certification of the TTOs who participated in the HRFA Training Program(s) attended by SDUSM Jacob Keltner; SDUSM Daniel Kramer; SDUSM Michael Flannery; DUSM Anthony Catenacci; and DUSM Michael Schulte.
- f. Any and all complaints or other communications regarding the operation of the HRFA Training Program in general received by the USMS Office of Professional Responsibility - Internal Affairs ("OPR-IA") or any other component of the USMS or the United States Department of Justice ("DOJ").
- g. Any and all documentation of warnings to USMS leadership that the shortcomings in the HRFA Training Program were/are aggravated by the lack of sufficient staff to oversee the training's deployment and correct mistakes.
- h. Any and all records or documentation of other training received by SDUSM Jacob Keltner; SDUSM Daniel Kramer; SDUSM Michael Flannery; DUSM Anthony Catenacci; and DUSM Michael Schulte in connection with their membership of the USMS Great Lakes Regional Fugitive Task Force or involvement in service of warrants and fugitive apprehension for the USMS.

authorization letter, correspondence and/or supporting documentation, training and firearms certificates, deputy attorney general approval and background investigation details

b. Personnel and Internal Affairs files for DUSMs Catenacci and Schulte.

III. USMS Policy Directives, Standing Operating Procedures, Rules, Regulations and Codes of Conduct

- a. A list of all USMS Policy Directives, including name and number.
- b. Any and all USMS Policy Directives, Standard Operating Procedures, Guidelines, Rules, Regulations and Codes of Conduct regarding: Service of arrest warrants, including, but not limited to: building approach and entry, breaching, preplanning, required equipment, communication, use of firearms, command and control, specific tactics and reporting requirements, including reporting Significant Incidents; including but not limited to:

USMS Policy Directive 2.1 - Shooting Incidents

USMS Policy Directive 8.1 - Managing Fugitive Investigations

USMS Policy Directive 8.2 - Investigative Case Files, Reports and Record Retention

USMS Policy Directive 8.9 - Arrests

USMS Policy Directive 8.18 - Fugitive Task Force

USMS Policy Directive 14.11 - Firearms

USMS Policy Directive 14.13 Law Enforcement Safety Program Tactical Training Officer

USMS Policy Directive 14.15 - Use of Force

- c. The versions of any and all USMS Policy Directives, Standard Operating Procedures, Guidelines, Rules, Regulations and Codes of Conduct regarding: Service of arrest warrants, including building approach and entry, breaching, preplanning, required equipment, communication, use of firearms, command and control, specific tactics and reporting requirements that were in effect on March 7, 2019, and any revised versions that have been created since that date.
- d. All other USMS publications relevant to the events of March 7, 2019 and subsequently revised versions, including but not limited to:

Situational Operational Planning Checklist

Steps to Follow After a Shooting Incident

USMS National Task Force Policy

Investigative Operations Division ("OID"), Investigation and Tactical Equipment Recommendations

OID Duty Officer Shooting Incident Checklist

IV. DOJ Policy Directives, Standard Operating Procedures, Memoranda, Rules, Regulations and Codes of Conduct Applicable to USMS Investigative Operations

- a. Any and all DOJ policy directives, standard operating procedures, memoranda, rules, regulations and codes of conduct applicable to USMS Investigative Operations, including but not limited to:

8/11/88 Memorandum from Attorney General to Deputy Attorney General et al, Policy on Fugitive Apprehension in FBI and DEA Cases.

DOJ Office of Investigative Agency Policies ("OIAP") Resolution 2.

DOJ Office of Investigative Agency Policies ("OIAP") Resolution 15.

V. Policy Directives, Standard Operating Procedures, Memoranda, Rules,

memoranda, rules, regulations and codes of conduct applicable to GLRFTF investigative operations, including but not limited to:

State or municipal case selection procedures

Service of arrest warrants, including building approach and entry, breaching, preplanning, required equipment, communication, use of firearms, command and control, specific tactics and reporting requirements that were in effect on March 7, 2019, and any revised versions that have been created since that date.

b. Memorandum of Understanding Between GLRFTF and McHenry County Sheriff's Department

c. Documentation relating to any compliance review of the GLRFTF by the OPR-Compliance Review section

VI. USMS and/or DOJ Investigative Reports and Other Materials Related to the Attempted Arrest of Floyd Brown and the Death of SDUSM Keltner

a. Any and all investigative reports and/or other materials related to investigations, inquiries, after action reviews or inspections of the attempted arrest of Floyd Brown and the death of SDUSM Keltner conducted by any component of DOJ, including but not limited to the DOJ Office of Inspector General, DOJ Office of General Counsel, the USMS Investigative Operations Division ("IOD"), the USMS Office of Professional Responsibility ("OPR"), the USMS Office of General Counsel, the USMS Shooting Review Board, the FARMAT and/or the USMS Chief's Investigatory Advisory Board.

b. Any and all forms or other documents completed in connection with the attempted arrest of Floyd Brown and the death of SDUSM Keltner, including but not limited to:

USMS-11 - Report of Investigation

USMS-11-A - Report of Investigation - Continuation

USMS-311 - Prosecution Report of Investigation

USMS - Significant Incident Reports

c. If an investigation was conducted by the USMS OPR - Internal Affairs ("OPR-IA"), all documentation thereof, including but not limited to:

Complete OPR-IA Investigative File, including evidentiary materials gathered by OPR-IA, internal documents prepared by OPR-IA, internal communications between OPR-IA and DOJ and OPR-IA communications with witnesses or potential witnesses.

OPR-IA Case Summary on Investigation.

d. Any complaints received by OPR-IA from third parties relating to any aspect of the attempted arrest of Floyd Brown and the death of SDUSM Keltner.

e. Any report and related documentation resulting from any examination conducted by the USMS' Office of Professional Responsibility's Compliance Review of the attempted arrest of Floyd Brown and the death of SDUSM Keltner.

f. If GLRTF has a Task Force Advisory Committee, any and all documentation of any investigation, inquiry, review or communications relating to this incident by that Committee or any of its members.

g. Any and all documentation of any investigation, inquiry, review or communications relating to this incident by the IOD Chief Inspector for the GLRTF.

VII. USMS Documentation of the Attempted Arrest of Floyd Brown and the Death of SDUSM Keltner

a. Additional reports, notes or other documentation regarding the attempted

Documentation of review of case by Supervisory Inspector/SDUSM to verify that it met criteria and was in line with the Presidential Threat Protection Act mandate to target violent offender

Records of issuance of USMS radios, telephones or other communication devices to SDUSMs Keltner, Flannery and Kramer

Documentation relating to the selection of the Team Leader for the operation

Written pre-operational plan

Report of designated Point of Contact to USMS Communications Center

VIII. McHenry County Sheriff's Office Documents and Records

- a. Any and all records or documentation of training received by Deputy Jacob Keltner, Deputy Daniel Kramer and Deputy Michael Flannery relating to fugitive apprehension and service of arrest warrants.
- b. Complete personnel and internal affairs files for Deputies Kramer and Flannery
- c. Any and all McHenry County Sheriff's Office ("MCSO") Policy Directives, Standard Operating Procedures, Guidelines, Rules, Regulations and Codes of Conduct regarding: Service of arrest warrants, including, but not limited to: building approach and entry, breaching, preplanning, required equipment, use of firearms, communication, command and control, specific tactics and reporting requirements, including reporting Significant Incidents.
- d. Any and all MCSO Fugitive Apprehension Unit Policy Directives, Standard Operating Procedures, Guidelines, Rules, Regulations and Codes of Conduct regarding: Service of arrest warrants, including, but not limited to: building approach and entry, breaching, preplanning, required equipment, communication, use of firearms, command and control, specific tactics and reporting requirements, including reporting Significant Incidents.
- e. Any and all investigative reports and/or other materials related to