



U.S. Department of Justice

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August 9, 2011

The Honorable Leonie M. Brinkema
United States District Judge
401 Courthouse Square
Alexandria, Virginia 22314

Re: *United States v. Jeffrey Sterling*, No. 1:10cr485

Dear Judge Brinkema:

We are delivering to you tomorrow by separate package, appropriately marked, the following:

- (1) a set of approximately forty proposed trial exhibits with proposed redactions and substitutions as discussed in our CIPA motion; if the motion is granted, these documents would be unclassified and used by the government at trial. Behind each numbered tab, you should find a proposed exhibit in the following order: (a) the classified document in its original, unredacted form (if produced to the government in that way); (b) a classified copy of the same document as produced in classified discovery; and (c) the proposed trial exhibit.
- (2) a proposed exhibit list of the potentially classified documents only; and
- (3) the government's CIPA motion.

We had hoped to have a second (and final) set of proposed trial exhibits with proposed redactions and substitutions (again, approximately forty in number) ready to produce tomorrow. However, some last minute classification issues and approvals have delayed that production. We anticipate having that production ready Thursday or Friday.

The *ex parte* CIA declaration to accompany the CIPA motion has not been completed. There are a few issues relating to redactions and substitutions in a few additional documents that have not yet been resolved, and, as a result, the declaration has not been finalized. We expect to have a final declaration by Friday, August 12, 2011.

Finally, the expert notice has been submitted to the CIA for classification review. Because of the time and effort necessary to complete the process relating to the proposed trial exhibits, the CIA has not had time to complete its review of this document. We anticipate the expert notice will be completed and provided to defense counsel by Friday, August 12, 2011.

Copies of the same proposed trial exhibits with the proposed redactions and substitutions and proposed exhibit list have been made available for defense counsel. If the Court desires a formal motion and proposed order, the government would be happy to comply.

Respectfully,

Neil H. MacBride
United States Attorney

By: /s/
James L. Trump
Assistant U.S. Attorney

cc: Defense Counsel

CISO