



U.S. Department of Justice

Joshua S. Levy
Acting United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

January 12, 2024

VIA EMAIL AND OVERNIGHT DELIVERY

Hon. Beverly J. Cannone
Superior Court Justice
Norfolk County Superior Court
650 High Street
Dedham, MA 02026

Re: *Commonwealth v. Karen Read*
Norfolk County Superior Court No. 2282-CR-0117

Dear Justice Cannone:


With respect to the above-captioned matter, we received notice via letter dated January 9, 2024 from counsel for the defendant regarding the Commonwealth's Motion for Protective Order Pertaining to "Commonwealth's Notice of Discovery Pursuant to Mass. R. Crim. P. 14(A)(1)(E)(i)" with Associated Six Attachments. We additionally received copies of the motion, the defendant's opposition, and related filings, including copies of the eight letters at issue. We also are aware of the upcoming hearing scheduled for January 18, 2024.

We appreciate the opportunity to be heard on this issue. Having reviewed all of the materials referenced above, the Department of Justice and the U.S. Attorney's Office for the District of Massachusetts do not object to public disclosure of the correspondence at issue in the pending motion.

Very truly yours,

JOSHUA S. LEVY
Acting United States Attorney

By:


Adam W. Deitch
Assistant U.S. Attorney

cc: Adam Lally and Laura McLaughlin,
Assistant District Attorneys
David Yannetti and Alan Jackson,
Counsel for the Defendant



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

45 SHAWMUT ROAD
CANTON, MA 02021
(781) 830-4800
FAX (781) 830-4801

May 18, 2023

Office of Professional Responsibility
U. S. Department of Justice
950 Pennsylvania Ave., N.W., Suite 3266
Washington, DC 20530-0001

Re: Investigation by the Office of the United States Attorney for the District of Massachusetts

Dear Sir or Madam:

I write to formally request that an ongoing investigation being conducted by the United States Attorney's Office for the District of Massachusetts be examined by the Office of Professional Responsibility and, should the investigation continue, that it be transferred to another office without history of conflict, bias, and abuse of prosecutorial discretion as outlined below.

The Norfolk District Attorney's office has undertaken an extensive investigation into the facts and circumstances of the death of John O'Keefe in Canton, Massachusetts on January 29, 2022.

The facts and evidence gathered, including more than 40 individuals testifying before the Norfolk County grand jury, led to the second-degree murder indictment of Karen Read. Read was the operator of the vehicle that, the evidence demonstrates, struck her boyfriend, Boston Police Officer John O'Keefe. O'Keefe was then left to die in the snow on the side of Fairview Road, Canton, during the evening of January 29, 2022. The case has been systematically making its way through Norfolk Superior Court with ongoing discovery still active and open, including motions under advisement and motions not yet heard.

The defendant, through counsel, has been raising specious issues of a third party culprit and complaints of witness and police misconduct as they attempt to confuse by offering not *different* interpretations of Commonwealth statements, evidence, and positions, but *inventing* them-out of whole cloth. No actual substantiated evidence supporting police misconduct or any federal violations have been identified by the defendant, the District Attorney's Office, or the Massachusetts Superior Court during the ongoing discovery process. (See exhibit A: Defendant filings and Commonwealth's response.)

Approximately three weeks ago, multiple state witnesses who have been brought before the state grand jury notified the Norfolk District Attorney's office that they were contacted by the FBI and

subsequently received subpoenas to appear before a Federal Grand Jury. Shortly after those notifications to the Norfolk District Attorney's office, Joshua Levy, First Assistant in the Boston office of the United States Attorney's Office contacted Norfolk First Assistant District Attorney Lynn Beland to suggest that they were conducting an investigation that may involve a number of witnesses in the Commonwealth v. Read murder case. At that time, Attorney Beland expressed some concerns about both the jurisdiction and the timing of any actions being taken by the United States Attorney's Office, as they could imprudently impact the ongoing murder prosecution of Karen Read.

Based on the collective experience of several of my colleague Massachusetts District Attorneys and a former federal prosecutor, it appears to be unprecedented for the federal government to step into the middle of an ongoing state murder prosecution prompted only by inflammatory and ethically dubious defense strategy.

In the conversation with First Assistant Norfolk District Attorney Lynn Beland, Assistant United States Attorney Joshua Levy declined to identify what jurisdiction the federal government had in this murder case. In what appears to be a highly unusual and possibly abusive exercise of power, Attorney Levy indicated that the U.S. Attorney's Office was still proceeding ahead with an investigation that would involve individuals who were active participants in events and/or witnesses in the state case. Attorney Beland reminded AUSA Joshua Levy that any statements and or testimony taken in such an investigation that pertain to any of the witnesses in the ongoing state murder trial may create an ongoing obligation for state prosecutors to provide defense with access to all information and statements gathered or recorded as a result of the federal investigation. The United States Attorney's Office offered the opinion that, "you can't turn over information that you don't have." This position leaves state authorities potentially unable to meet the Constitutional mandate expressed in Brady v. Maryland and corresponding Massachusetts State Rules.

Since that call concluded, we have confirmed that witnesses have testified before the Grand Jury. Rule 6 of the Federal Rules of Criminal Procedure allows that under certain compelling circumstances, information may be provided to all counsel, including those not before the federal grand jury (See exhibit B - letter). Recent court filings and statements by defense counsel in the Read matter suggest that defense attorneys were the source of the initial complaint and allegations prompting this action by the U.S. Attorney's Office (See exhibit C: Report in the Boston Herald); Read's defense counsel's recent court filings raise – out of thin air and apparently purposeful misstatement of fact – unsupported claims of a cover-up by investigators and witnesses including municipal, state, and federal law enforcement. As shown in attached documents, many or all of these unsupported allegations can be vetted and reviewed by the judges of the Massachusetts Superior Court during the discovery and motion sessions or available appellate review.

I am unaware and strongly doubt any prosecutor or State Police misconduct in Commonwealth v. Karen Read. The only allegations to that effect have been in unsupported news claims or defense

filings that had not even been answered at the time AUSA Levy confirmed the existence of a federal grand jury.

It raises the question why the apparatus of the DOJ would intervene – even as such issues are still being assessed by a justice of the Massachusetts Superior Court – without some additional impetus on the part of the United States Attorney's Office.

Without dismissing the important role of the DOJ in investigating allegations of police misconduct and federal violations, we bring to your attention what appears to be additional concerns concerning motive, conflict or appearance of conflict, and potential bias by the Office of the United States Attorney for Massachusetts – which might explain these unprecedented proceedings.

I predicate the following information with the fact that it has been the policy of the Norfolk District Attorney's Office during my 12-year tenure as District Attorney to maintain a close working relationship with the United States Attorney for Massachusetts. Notable in that relationship was the cooperation of the Norfolk District Attorney's office in the prosecution of a 35-year old murder case that was committed in Sharon, Mass, which involved the Whitey Bulger gang in United States v. Flemmi.

The Norfolk District Attorney's Office had statutory jurisdiction to pursue the case, but in the interest of cooperation acceded to the request of the United States Attorney at the time to allow federal prosecutors to proceed with the case. As a result of that agreement, the Norfolk District Attorney's Office and Massachusetts State Police assigned to the Norfolk District Attorney's office worked closely with the US Attorney's Office on the case. During this period, AUSA Dustin Chao, without nexus to that prosecution, asked a Massachusetts State Police detective involved in the matter if he had any kind of damaging information on the district attorney, first assistant, or the Norfolk District Attorney's Office.

This sua sponte question was not without context. Laura G. Chao, Dustin's wife, had been an employee of the Norfolk District Attorney's Office prior to the case mentioned above. Not long into her tenure, it became apparent to her supervisors that she required more seasoning and legal experience if she was to succeed in a superior court role. She was offered the chance to gain more trial experience in the district court without any loss of compensation. Instead, she resigned and filed an ethics violation complaint with the Mass. Board of Bar Overseers against the First Assistant in the Norfolk District Attorney's Office. The complaint before the Board was summarily dismissed in short order. Laura G. Chao was, instead, cited for a violation of her ethical obligation to provide accurate address information for her practice – long after separation, she was misrepresenting her address as the Norfolk DA's Office. (See exhibit D.)

I began composing this letter well before the May 17, 2023 publication of the DOJ Office of the Inspector General report 23-071, which has apparently prompted the resignation of the current United States Attorney of the District of Massachusetts. My attention is drawn to several portions of Section II, particularly as they pertain to the weaponization of the US Attorney's Office for

personal, political, and retributive purposes. (P. 46 "Hayden 'Will regret the day he did this to you. Watch.'"; P. 66 "We asked Rollins whether her disclosure ...was retribution for the wrongs she believed Hayden had committed...."; P. 69 "Additionally, we determined that days after Hayden prevailed in the September 6 primary election, Rollins sought to damage Hayden's reputation."; P. 70 "The evidence demonstrated...she used her position as U.S. Attorney...in an ultimately unsuccessful effort to create the impression publicly...that DOJ was or would be investigating Hayden for public corruption.")

These DOJ findings and questions reinforce my belief that the United States Attorney's Office for the District of Massachusetts must be removed from whatever investigation is being conducted into the Read matter. I believe that a reasonable person could conclude that the same type of tactics are being employed against the Norfolk District Attorney's Office in the Read investigation. The outgoing United States Attorney has made no secret of her personal animosity toward me, including repeated crude, outlandish personal and professional attacks against me in the media during her time as Suffolk District Attorney. (See exhibit E.) The head of the public corruption unit has raised the specter of personal retaliation for his wife's departure from the Norfolk District Attorney's Office. The public has the right to a US Attorney's Office that is fair and unbiased as it executes its responsibilities.

Weaponizing the United States Attorney's Office to conduct an unprecedented intervention into an open state murder case appears to raise the same concerns outlined in the DOJ's report.

I submit that the pattern of using the USAO for personal purposes established in Report 23-071, coupled with the obvious conflict of AUSA Chao, make it impossible to conclude that a fair evaluation of the unprecedented Read intervention can be conducted by any party within the Massachusetts office. It is impossible to determine how far the tentacles of bias have spread out from the Chief of the relevant unit and the titular head of the office.

I formally request that an impartial federal official unaffiliated with the US Attorney's Office for Massachusetts review and investigate the steps and actions that are being taken by current members of the Massachusetts office, exploring this apparent bias and whether it predisposed them to abuse their prosecutorial discretion in this matter. In the unlikely case that an impartial review finds that a DOJ investigation into the Karen Read matter is appropriate – even before the issues at hand have been vetted by the Norfolk Superior Court Judge hearing the case – I request that the investigation be re-assigned from parties with clearly stated and documented bias against members of the Norfolk District Attorney's Office to attorneys entirely outside the office of the United States Attorney for Massachusetts.

Sincerely,



Michael W. Morrissey
District Attorney for the Norfolk District



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530

June 1, 2023

The Honorable Michael W. Morrissey
District Attorney
Office of the District Attorney for the Norfolk District
45 Shawmut Rd.
Canton, MA 02021

Dear Mr. Morrissey:

The Office of Professional Responsibility (OPR) received your May 18, 2023 letter requesting that OPR investigate the decision by the United States Attorney's Office for the District of Massachusetts (USAO) to subpoena individuals who are witnesses in your pending state prosecution, *Commonwealth v. Read*, No. 2282cr00117, to testify before the grand jury in an ongoing federal investigation. You stated that the USAO's investigation is "possibly [an] abusive exercise of power" and likely based "only" on defendant Karen Read's "specious" claims of "witness and police misconduct." In addition to an investigation of the USAO's investigative decision, you requested that OPR transfer the USAO's pending investigation to another office "without a history of conflict, bias, and abuse of prosecutorial discretion."

OPR has jurisdiction to investigate allegations of misconduct involving Department of Justice (DOJ) attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice, as well as allegations of misconduct by law enforcement personnel that are related to allegations of attorney misconduct within the jurisdiction of OPR. However, it is the policy of this Office to refrain from investigating such issues or allegations if an active investigation is ongoing or litigation is pending.

With regard to your request that another office be assigned to the pending grand jury investigation, a matter outside of OPR's jurisdiction, OPR forwarded your complaint to the Executive Office for United States Attorneys (EOUSA) for whatever action it deems appropriate. Further inquiry regarding that issue may be directed to EOUSA General Counsel Jay Macklin at Jay.Macklin@usdoj.gov.

Thank you for advising OPR of your concerns.

Sincerely,

Jeffrey R. Ragsdale

Jeffrey R. Ragsdale
Counsel

cc: Jay Macklin
General Counsel
EOUSA



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

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May 9, 2023

Joshua S. Levy
First Assistant United States Attorney
United States Attorney Office
District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210

Dear First Assistant Levy:

I write to follow up on our conversations regarding the issuance of federal grand jury subpoenas to at least two witnesses to the Commonwealth's investigation into the death of John O'Keefe. As you know, indictments have issued in Norfolk Superior Court and the prosecution is ongoing. See Commonwealth v. Karen Read, No. 2282CR00117.

As a prosecuting agency, the Norfolk District Attorney's Office has the constitutional duty to provide the defendant with exculpatory evidence. The obligation in Massachusetts to provide exculpatory information pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963), and its progeny means "not only the constitutional obligation to disclose exculpatory information but also the broad obligation under our rules to disclose any facts that would tend to exculpate the defendant or tend to diminish his or her culpability." *In the Matter of a Grand Jury Investigation*, 485 Mass. 641, 649 (2020). Under the Massachusetts Rules of Criminal Procedure, mandatory discovery includes all facts of an exculpatory nature and all statements of witnesses. See Mass. R. Crim. P. 14(a)(1)(ii), (iii) & (vii).

To effectuate our discovery obligations, we are requesting, at the earliest possible opportunity, discovery of all statements of witnesses to the investigation of the death of John O'Keefe, and resulting prosecution, including both statements to investigators and grand jury minutes. The Commonwealth also has the duty, at the time we become aware that statements of witnesses exists, to notify the defendant of items under Rule 14 that the prosecutor knows to exist but are not within the care, custody, or control of the prosecution, and to provide all information known as to the item's location and the identity of the persons possessing that item.¹

¹ While at this time, given the limited disclosure of information, this office is aware only that your investigation is likely to produce statements of witnesses through their grand jury testimony and through any interviews of those

See Mass. R. Crim. P. 14(a)(1)(E)(i); *Commonwealth v. Mitchell*, 444 Mass. 786, 796 n.16 (2005). We appreciate the sensitivity and need for discretion as to any ongoing federal investigation. While we are unaware of the parameters of federal activity, we cannot forgo our constitutional or state duties. We are willing to file a motion for a protective order under Mass. R. Crim. P. 14(a)(6) to request limitation of the disclosure of the information to defense counsel only; any decision of such request, of course, is solely within the authority of the Norfolk Superior Court judge.² Similarly, we are willing to facilitate the process or to a request under Fed. R. Crim. P. 6(e)(3)(E)(i) or (iv) for authorization from a federal district court judge for production of the grand jury minutes and related material, if any.

Additionally, this Office has constitutional and state obligations to provide exculpatory information of which we are aware in all cases, including exculpatory information relating to all witnesses and or members of the prosecution. *Committee for Public Counsel Services v. Attorney General*, 480 Mass. 700, 730-733 (2018); *Commonwealth v. McFarlane*, 102 Mass. App. Ct. 264 (2023), *petitions for further appellate review pending*. This would include any investigations into misconduct related to professional duties. *Id.* at 275 & n.16. If any such information exists, it is imperative that we learn of it in a timely manner.

In sum, while we appreciate the notification that subpoenas issued, it is imperative that at the earliest opportunity we are able to provide discovery to the defendant.

Sincerely,



Lynn Beland
First Assistant District Attorney

witnesses, the duty of notification in Mass. R. Crim. P. 14(a)(1)(E)(i) also applies to: statements by Karen Read, the defendant in this state criminal homicide prosecution; statements of any person who testified before a grand jury; facts of an exculpatory matter; and material and relevant police reports, photographs, reports of physical examinations of any person, and scientific tests and experiments.

² Under Mass. R. Crim. P. 14(a)(1)(E)(ii), a party to the state criminal proceeding may move for an order for any individual, agency, or other entity in possession, custody, or control of items relating to the state criminal case, to preserve such items for a specified time.



U.S. Department of Justice

Joshua S. Levy
Acting United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Munkley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

June 12, 2023

Lynn Beland
First Assistant District Attorney
Norfolk County District Attorney's Office
45 Shawmut Road
Canton, MA 02021

Dear First Assistant Beland,

Thank you for your letter dated May 9, 2023. My apologies for the delay in responding, but I have been tied up with transition issues. We understand your office has important discovery obligations in any criminal prosecution. At this juncture, we have no issue with you advising defense counsel about the contact we have had with your office and the information we have shared if you determine such a disclosure is warranted under Mass. R. Crim. 14.

We are mindful of the important concerns raised in your letters and will be back in touch with you as circumstances dictate.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. S. Levy", written over a horizontal line.

Joshua S. Levy
Acting United States Attorney

cc: Adam Deitch, AUSA



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

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October 12, 2023

Joshua S. Levy
First Assistant United States Attorney
United States Attorney Office
District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210

Dear First Assistant Levy:

This is to follow up on our previous communication dated May 9, 2023 and your June 12, 2023 response. On September 15, 2023, the Norfolk Superior Court set a trial date of March 12, 2024 in Commonwealth v. Karen Read, No. 2282CR00117, on the indictments for second-degree murder, manslaughter while operating under the influence, and leaving the scene of personal injury and death.

Under the Massachusetts Rules of Criminal Procedure, mandatory discovery includes items and information within the Commonwealth's possession, custody or control relevant to the case including: statements by the defendant Karen Read; statements of persons who testified before a grand jury and grand jury minutes; facts of an exculpatory matter; material and relevant police reports, photographs, tangible objects, reports of physical examinations of any person, and scientific tests and experiments, and statements of persons intended to be called as witnesses; and disclosure of promises, rewards or inducements made to witnesses the party intends to present at trial. See Mass. R. Crim. P. 14(a)(1)(A)(i)-(iii), (vii) & (ix). The Commonwealth also has the duty to notify the defendant of items under Rule 14(a)(1)(A)(i)-(viii) that are known to exist but are not within its care, custody, or control, and to provide all information known as to the item's location and the identity of the persons possessing that item. See Mass. R. Crim. P. 14(a)(1)(E)(i); *Commonwealth v. Mitchell*, 444 Mass. 786, 796 n.16 (2005).¹

To effectuate our discovery obligations, we are requesting statements to investigators and grand jury minutes of witnesses in your investigation, as well as, to the extent they may exist,

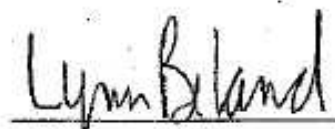
¹ Under Mass. R. Crim. P. 14(a)(1)(E)(ii), a party to the state criminal proceeding may move for an order for any individual, agency, or other entity in possession, custody, or control of items relating to the state criminal case, to preserve such items for a specified time.

any of the other above described items or materials. Given the impending trial date, prompt disclosure is critically important. If there is need for limited disclosure of such items, please include such a request. We are willing, with the appropriate foundation, to file a motion for a protective order under Mass. R. Crim. P. 14(a)(6) to request limitation of the disclosure of the information to defense counsel only; any decision of such request, of course, is solely within the authority of the Norfolk Superior Court judge. Similarly, we are willing to facilitate the process or to a request under Fed. R. Crim. P. 6(e)(3)(B) for authorization from a federal district court judge for production of the grand jury minutes and related material, if any, and to discuss, per that rule, under what conditions that material may be released for use in the state judicial proceeding.

Additionally, this Office has constitutional and state obligations to provide exculpatory information of which we are aware in all cases, including exculpatory information relating to all witnesses and or members of the prosecution. *Committee for Public Counsel Services v. Attorney General*, 480 Mass. 700, 730-733 (2018); *Commonwealth v. McFarlane*, 102 Mass. App. Ct. 264 (2023), *petitions for further appellate review pending*. This would include any investigations into misconduct related to professional duties. *Id.* at 275 & n.16. If any such information exists, it is imperative that we learn of it in a timely manner.

It is imperative that at the earliest opportunity we are able to provide discovery to the defendant. If the investigation remains ongoing, we request notice of that status and information as to when the investigation may be concluded, in particular whether the investigation is anticipated to conclude prior to the March 2024 trial date.

Sincerely,



Lynn Beland

First Assistant District Attorney



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

45 SHAWMUT ROAD
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FAX (781) 830-4801

November 22, 2023


The Federal Bureau of Investigation
Boston Office
Jodi Cohen, Special Agent in Charge
201 Maple Street
Chelsea, MA 02150

Dear SAC Cohen:

It was a pleasure to meet you at the State House for the Governor's Press Conference on Hate Crime Enforcement. I wanted to again extend my welcome and best wishes to you in your role as the Boston Special Agent in Charge and look forward to working with you in the future. I also wanted to renew this office's offer for your agents to speak to the State Police who were involved in the John O'Keefe, Canton murder investigation. My First Assistant District Attorney also mentioned our willingness to talk to the FBI to the Acting US Attorney in a recent phone conversation.

If you would like to have your investigators talk to the State Police, they can contact Detective Lieutenant Brian Tully at 781-830-4800.

Sincerely,


Michael W. Morrissey
Norfolk District Attorney

cc: Colonel John E. Mawn, Jr.
Dt. Lt. Brian Tully



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

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June 21, 2023

BY EMAIL: Jay.Macklin@usdoj.gov
Jay Macklin
General Counsel
Executive Office for United States Attorneys
United States Department of Justice
950 Pennsylvania Ave., NW, Room 2242
Washington, DC 20530-0001

Re: June 1, 2023 Letter from OPR regarding review of conflict of interest

Dear General Counsel Macklin:

This letter is to inquire about the status of a request for a transfer of investigation due to a conflict of interest. On May 18, 2023, the Office of the Norfolk District Attorney sent to the Department of Justice Office of Professional Responsibility (OPR) a letter raising concerns as to a potential investigation by the United States Attorney Office for the District of Massachusetts involving witnesses relating to a pending state criminal matter, *Commonwealth v. Karen Read*, and the death of John O'Keefe in Canton, Massachusetts on January 29, 2022. This office has subsequently received a June 1, 2023 letter from Jeffrey R. Ragsdale, Counsel for OPR, reflecting that to the extent that the letter indicated that the pending grand jury investigation should be reassigned, the appropriate office to address that request was the Executive Office for United States Attorneys (EOUSA).

This is to inquire about the status of this request and to provide contact information for any further information you may require. If you have any questions or are looking for any additional information, I may be contacted as set out above.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Beland".

Lynn Beland
First Assistant District Attorney
781-830-4826



U.S. Department of Justice

Executive Office for United States Attorneys

General Counsel

Three Constitution Square
175 N Street, NE, Ste 5.200
Washington, DC 20530

(202) 252-1550

August 3, 2023

Lynn Beland
First Assistant District Attorney
Office of the District Attorney
for the Norfolk District
45 Shawmut Road
Canton, MA 02021

Dear Ms. Beland:

This responds to your June 21, 2023, letter concerning your putative request for a recusal of the United States Attorney's Office for the District of Massachusetts from the pending state criminal matter, *Commonwealth v. Karen Read*. As you indicate, the Department of Justice Office of Professional Responsibility (OPR) informed you that they had referred your May 18, 2023, letter to my office for whatever action I deem appropriate.

Consistent with the terms of the referral from OPR, I contacted Acting United States Attorney Joshua Levy. Based on my understanding from that discussion with USA Levy, his office has a very different opinion of the circumstances in this case than as presented in Mr. Morrissey's letter. His office has not reached any official determination whether prosecution is warranted, but they believe it is essential to continue their investigation given the information of which they are aware. At this time, we see no basis for a recusal in this investigation.

Thank you for your contact information and willingness to provide additional information as needed.

Sincerely,

Jay Macklin
General Counsel