

EXHIBIT 9



U.S. Department of Justice

Special Counsel's Office

October 16, 2023

Todd Blanche, Esq.
Emil Bove, Esq.
Stephen Weiss, Esq.
Blanche Law
Via email

Chris Kise, Esq.
Chris Kise & Associates, P.A.
Via email

Re: *United States v. Donald J. Trump, et al.*, Case No. 23-CR-80101(s)

Dear Counsel:

We write in response to your discovery letter, dated October 9, 2023, which makes 39 discovery requests, some of which include multiple sub-parts. Many of your requests call for information that has already been produced, and in instances where they call for specific documents that we have already produced, we identify the documents for you by Bates number. Many other requests are follow-up questions regarding documents that we have produced far in excess of our discovery obligations. *See, e.g.*, USA-0000941498-00941509 (documents related to the FBI's review of CCTV footage; defense has equal access to the footage); USA-00940248 (documenting the conversion of the FBI's investigation into what the FBI terms a "full investigation"); USA-0090483-USA-00940484 (documenting a request from FBI to DOJ for assistance); USA-00941747-USA-00941749 (email chain regarding overtime approval for FBI agents); USA-00941912-USA-00941913 (report and notes regarding a conversation with counsel to discuss compliance with a grand jury subpoena that issued the same day). That we have exceeded our discovery obligations by no means obligates the Government to produce additional information that is not discoverable. To the extent that we are producing any additional information to you in response to the discovery requests in your October 9, 2023 letter, we do so notwithstanding the Government's belief that such production exceeds its current discovery obligations.

Regarding the query at the outset of your letter, we disagree with how you define the prosecution team. Your definition is overly broad. The prosecution team consists of the prosecutors of the Special Counsel Office and law enforcement officers of the Federal Bureau of Investigation (FBI) who are working on this case, including members of the FBI's Washington Field Office and Miami Field Division. The prosecution team does not include agencies and components whose personnel are not working on this case. For that reason, as we stated in response to your prior question about the scope of the prosecution team, the National Archives and Records Administration (NARA), the U.S. Secret Service, and the White House are not part of the

prosecution team. (*See* Letter dated September 22, 2023.) Likewise, and in response to the specifics of your query in this letter, the prosecution team does not consist of the components of the Department of Justice you have listed; the components of NARA you have listed; members of the Intelligence Community (IC), as that term is defined in 50 U.S.C. § 3003(4), including the Office of the Director of National Intelligence and the IC's Office of the Inspector General; nor the White House Counsel's Office.

We respond to your requests below using the numbering from your letter.

1. The Government has already produced all responsive material to which the defense is entitled.
2. The Government has already produced all responsive material to which the defense is entitled. For example, the Government produced photographs from the search warrant (*see* USA-00042639-USA-00043193 and Classified Discovery Production 3) and sketches from the search (USA-00042655-USA-00042656). Nonetheless, we are producing with this letter at USA-0128517-USA-01285194 and USA-01285286-USA-01285306 two additional documents relating to the planning of the search warrant and a photo log.
3. The Government provided as Exhibit A to its October 6, 2023 classified letter accompanying Classified Discovery Production 3 a spreadsheet that provides information related to this request.
4. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
5. This information has been provided to counsel in the source logs the Government has attached to each of its unclassified discovery productions. Nonetheless, the Government provides below the Bates range for the scoped returns provided to the defense in this case:
 - Carlos De Oliveira Google
 - USA-01117024 – USA-01122372
 - USA-01125563 – USA-01125896
 - Carlos De Oliveira Mobile
 - USA-00402920 – USA-00413873
 - Carlos De Oliviera Verizon
 - USA-01115989 – USA-01116024
 - **Per. 10** Adobe Cloud
 - USA-00413874 – USA-00415925
 - **Per. 10** Laptop
 - USA-00415926 – USA-00416468
 - USA-00950779 – USA-00958027
 - Mar-a-Lago
 - USA-00337507 – USA-00359428
 - **Per. 34** Laptop

- USA-00416469 – USA-00447955
 - Per. 34 Microsoft
 - USA-00447956 – USA-00492117
 - Per. 34 Mobile
 - USA-00492118 – USA-00509692
 - Save America Thumb Drive
 - USA-00509693 – USA-00513545
 - Walt Nauta Google
 - USA-00513546 – USA-00544136
 - Walt Nauta iCloud
 - USA-00544137 – USA-00637698
 - Walt Nauta Microsoft
 - USA-00637699 – USA-00650801
 - Walt Nauta Verizon
 - USA-00788381 – USA-00788430
 - Walt Nauta iPhone 12
 - USA-00792879 – USA-00798834
 - USA-01125897 – USA-01208507
 - Walt Nauta iPhone 13
 - USA-00798835 – USA-00800019
 - USA-01208508 – USA-01260871
6. The request for “steps” taken by law enforcement does not call for material that is discoverable under Rule 16 of the Federal Rules of Criminal Procedure. The Government has produced all CCTV obtained in its investigation (in unclassified Productions 1 & 3) and certain information concerning the processing of CCTV. *See, e.g.*, USA-00940440-USA-00940441; USA-00940610-USA-00940611; USA-00941377- USA-00941382; USA-00950299-USA-00950301; and USA-01116828.
7. The request for “steps” taken by Deloitte does not call for material that is discoverable under Rule 16. The Government has produced all material to which the defense is entitled in this regard.
8. The referenced documents were produced to you at the following Bates ranges:
- 1B1: USA-00042144
 - 1B3: USA-00042197-USA-00042199
 - Although this form indicates it is for 1B23, the item at issue was referred to as 1B3 prior to the form being declassified.
 - 1B13: USA-00042152-USA-00042154
 - 1B14: USA-00042155-USA-00042157
 - 1B16: USA-00042160-USA-00042162
 - 1B12: USA-00042149-USA-00042151
 - 1B2: USA-00042176-USA-00042179
 - 1B64: USA-00042583-USA-00042585

9. Your request does not call for material that is discoverable under Rule 16. Nonetheless, we hereby inform you that pursuant to FBI policy, certain documents were classified due to their association with this case and/or file type, although the contents of the documents themselves were not classified. The FBI declassified such documents in anticipation of the Government seeking an indictment in this case to facilitate the production of the documents in discovery.
10. The request calls for material that is not discoverable under Rule 16, such as a “description” of and the “purpose” of documents. The Government has produced all material to which the defense is entitled regarding these documents. Nonetheless, we hereby inform you that documents referenced in 10a. through 10h. relate to inventories of the boxes seized at Mar-a-Lago on August 8, 2022, pursuant to a court-authorized search warrant. On June 21, 2023, the Government informed defense counsel that they could contact the Government to arrange for inspection of unclassified items seized at Mar-a-Lago on August 8, 2022. *See* ECF No. 30. The Government hereby further informs you that the documents referenced in 10.i. through 10.j. are draft documents related to the FBI’s review of CCTV footage.
11. The responses to the multiple sub-parts of your request are provided below.
 - a. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability. We have conducted a review of notes from meetings with the Intelligence Community. All discoverable information was provided to you with Classified Discovery Production 3, and no information from these notes was deemed discoverable.
 - b. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability. We have conducted a review of notes from meetings with the Intelligence Community. All discoverable information was provided to you with Classified Discovery Production 3, and no information from these notes was deemed discoverable.
 - c. The attachments were provided to you at USA-00816009-USA-00816126 and USA-00825340-USA-00825476.
 - d. We are producing with this letter at USA-01285201-USA-01285206 the inventory of the documents the Government obtained on June 3, 2023, in response to a May 11, 2023 grand jury subpoena. The documents themselves were provided to you in Classified Discovery Production 1.
 - e. The referenced letter was provided to you at USA-00944017-USA-00944020. It is also publicly available at

[REDACTED]

f. The inventory was provided to you at USA-00940767-USA-00940822. The subset of the NARA inventory was provided to you at USA-00940823-00940826. We are producing with this letter at USA-01285223-USA-01285282 unredacted versions of both inventories.

g. The referenced enclosed items were provided to you at:

1. Item 33 Box A-33: USA-00940156-USA-00940163
2. Item 32 Box A-13: USA-00940166-USA-00940171
3. Item 31 Box A-43: USA-00940311-USA-00940315
4. Item 30 Box A-26: USA-00940131-USA-00940135
5. Item 28 Box A-73 and Item 29 Box A-14: USA-00940152- USA-00940155
6. Item 27 Box A-71: USA-00940140-USA-00940141
7. Item 26 Box A-42: USA-00940317-USA-00940349
8. Item 25 Box A-41: USA-00940164-USA-00940165
9. Item 24 Box A-40: USA-00940301-USA-00940302
10. Item 23 Box A-39: USA-00940357-USA-00940361
11. Item 20 Box A-22: USA-00940306-USA-00940310
12. Item 19 Box A-23: USA-00940173-USA-00940176
13. Item 18 Box A-35: USA-00940303-USA-00940305
14. Item 17 Box A-32: USA-00940350-USA-00940351
15. Item 16 Box A-30: USA-00940123-USA-00940128
16. Item 15 Box A-28: USA-00940352-USA-00940356
17. Item 14 Box A-27: USA-00940368-USA-00940373
18. Item 13 Box A-18: USA-00940142-USA-00940151
19. Item 12 Box A-17: USA-00940295-USA-00940300
20. Item 11 Box A-16 USA-00940374-USA-00940383
21. Item 10 Box A-15: USA-00940116-USA-00940122
22. Item 9 Box A-12: USA-00940177-USA-00940186
23. Item 8 Box A-1: USA-00940362-USA-00940367
24. Item 5: USA-00940136-USA-00940139
25. Item 4: USA-00940187-USA-00940198
26. Item 2: USA-00940199-USA-00940212
27. Item 1, 3, 6, 7: USA-00940316
28. Evidence Report for Case: USA-00940234-USA-00940235

h. The referenced enclosure is duplicative of g above.

i. The enclosure was provided to you at USA-00940839-USA-00940841.

j. The enclosed logs were provided to you at USA-00042642-USA-00042647 and USA-00042649. The enclosed sketches were provided to you at USA-00042655-USA-00042656. The enclosed CD contents were provided to you at USA-00042657 and USA-00042658-USA-00042659.

- k. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
- l. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
- m. We are producing with this letter at USA-01285209-USA-01285215 the enclosure.
- n. We are producing with this letter at USA-01285307-USA-01285309 the scanned versions of the hard-copy documents that were attached to the specified form.
- o. The attachments were provided to you at USA-00940423-USA-00940441.
- p. The enclosures were provided to you at USA-00940472 and USA-00940823-USA-00940826. We are producing with this letter at USA-01285216-USA-01285219 an unredacted version of the subset of the inventory.
- q. We are producing with this letter at USA-01285220-USA-01285222 the referenced notes.
- r. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
- s. The enclosures were provided to you at USA-00940487-USA-00940489 and USA-00800183-USA-00800201.
- t. The referenced recording was provided to you at USA-00815949.
- u. The referenced notes were provided to you at USA-00800202-USA-00800209.
- v. The brief inventory was provided to you at USA-00940823-00940826. The detailed inventory was provided to you at USA-00940767-USA-00940822. We are producing with this letter at USA-01285223-USA-01285282 unredacted versions of both inventories.
- w. We are producing to you in classified discovery at classified Bates Numbers 5372-5386 the notes.
- x. The referenced notes were produced to you at USA-00814513-USA-00814520.
- y. The email relaying the classified document counts was provided to you at USA-00940953-USA-00940958. We are producing with this letter the spreadsheet at USA-01285283.

- z. The referenced maps/diagrams were produced to you at USA-00042657 and USA-00042658-USA-00042659.
- aa. It is unclear what you are seeking in this request, but to the extent that you are seeking the boxes seized during the search warrant, they are available for your inspection.
- bb. The referenced recording was provided to you at USA-00819446.
- cc. The referenced documents were provided to you in classified discovery at classified Bates numbers 0220-0225.
- dd. The items provided to the Government by Trump's attorney on January 5, 2023, are available for inspection.
- ee. We are producing with this letter at USA-01285207 the referenced email.
- ff. The inventory was provided to you at USA-00940767-USA-00940822. The subset of the NARA inventory was provided to you at USA-00940823-00940826. We are producing with this letter at USA-01285223-USA-01285282 unredacted versions of both inventories.
- gg. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
- hh. The contents of the referenced logbooks were provided to you at USA-00788281-USA-00788364.
- ii. The referenced certification was provided to you at USA-00805544.
- jj. The referenced interview materials were provided to you at USA-00820233-USA-00820236 and USA-00824954-USA-00824957.
- kk. The agents notes and the recording from this interview were provided to you at USA-00815848-USA-00815855 and USA-00815677, respectively.
- ll. We are producing with this letter at USA-01285208 the referenced notes.
- mm. The referenced notes were provided to you at USA-00826230-USA-00826237.
- nn. We are producing with this letter at USA-01285195-USA-01285199 the enclosed email.

oo. The enclosures were provided to you at USA-00941453 and USA-941454. The referenced "Google Map Print Out" was provided to you at USA-00750358-USA-00750359. As explained in the letter accompanying unclassified Production 2, the relevant contents of the referenced hard drive were provided to you at USA-00958032-USA-01115988.

pp. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.

qq. The referenced email correspondence was provided to you at USA-00942009-USA-00942010.

rr. The referenced materials provided by Per. 18 were provided to you at USA-00041491-USA-00041510.

ss. The enclosed certification and exhibits were provided to you at USA-00387555-USA-00387566; USA-00651017-USA-00651020; USA-00651021-USA-00651044; USA-00651045-USA-00651050; and USA-00651051-USA-00651065.

tt. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.

uu. The referenced transcript was provided to you at USA-00810700-USA-00810803. The remainder of your request does not appear to call for the production of information to which the defense is entitled. Please explain the defense's theory of discoverability.

vv. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.

ww. We are producing with this letter at USA-01285171-USA-01285172 the referenced email correspondence.

12. The Government has already produced all responsive material to which the defense is entitled. As we have conveyed, NARA is not part of the prosecution team, and we have produced all discoverable materials the Government obtained from NARA in its investigation of this matter. (*See* Letter dated September 22, 2023.)
13. The request for "identif[ication]" of NARA referrals does not call for material that is discoverable under Rule 16. We have produced all materials to which you are entitled regarding NARA and this matter. Please explain your theory of discoverability regarding NARA referrals in connection with other matters.
14. The Government has already produced all responsive material to which the defense is entitled.

15. The Government has already produced all responsive material to which the defense is entitled.
16. The responses to the multiple sub-parts of your request are provided below.
 - a. We are producing with this letter at USA-01285284-USA-01285285 the document with the first paragraph unredacted.
 - b. The Government has provided to you the materials at USA-00383394-USA-00383403, USA-00383404, USA-01261484-USA-01261485, USA-01261486-USA-01261487, USA-01261498, USA-01261548-USA-01261550, and USA-00383405-464.
17. The Government has already produced all responsive material to which the defense is entitled.
18. The responses to the multiple sub-parts of your request are provided below.
 - a. The documents at issue are the same documents provided to you listed at 16.b., above.
 - b. The Government has already produced all responsive material to which the defense is entitled.
19. The Government has already produced all responsive material to which the defense is entitled.
20. The Government has already produced all responsive material to which the defense is entitled.
21. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
22. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
23. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
24. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.
25. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense's theory of discoverability.

26. The Government has already produced all responsive material to which the defense is entitled.
27. Your request for a “description” of the FBI investigation addressed at USA-00941747-USA-00941749 and USA-00941750-USA-00941752 does not call for material that is discoverable under Rule 16. In any event, you are not entitled to material about other FBI investigations.
28. The Government has already produced all responsive material to which the defense is entitled.
29. The Government has already produced all responsive material to which the defense is entitled.
30. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability.
31. The Government has already produced all responsive material to which the defense is entitled.
32. Your request does not call for material that is discoverable under Rule 16.
33. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability.
34. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability.
35. As you know, an FBI FD-302 report memorializes an interview. The December 9, 2022 conversation was not an interview, but a conversation with counsel related to a grand jury subpoena that issued the same day. The Government was not under any obligation to memorialize the conversation because no discoverable information was provided, yet the FBI did so, and even though not discoverable, the Government provided to counsel the memorialization (USA-0041912-USA-0041913). The responses to the multiple sub-parts of your request are provided below.
 - a. The request does not call for material that is discoverable under Rule 16.
 - b. The Government has already produced all responsive material to which the defense is entitled.
 - c. The Government has already produced all responsive material to which the defense is entitled.

36. Your request for “other instances” does not call for material that is discoverable under Rule 16. In any event, the Government has already produced all material to which the defense is entitled relating to this request.
37. Your request does not appear to call for the production of material to which the defense is entitled. Please explain the defense’s theory of discoverability.
38. As we have stated, we are in compliance with our discovery obligations. We are also aware of, and will comply with, our continuing duty to disclose newly discovered additional information required by this Court’s Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, *Brady*, *Giglio*, *Napue*, and the obligation to assure a fair trial.
39. As we have stated, we are in compliance with our discovery obligations. We are also aware of, and will comply with, our continuing duty to disclose newly discovered additional information required by this Court’s Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, *Brady*, *Giglio*, *Napue*, and the obligation to assure a fair trial.

Yours truly,

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