



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 23, 2023

BY EMAIL

~~SUBMITTED EX PARTE~~
~~REQUEST FILING UNDER SEAL~~

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

**Re: United States v. Joshua Adam Schulte,
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully submits this letter pursuant to the Court's sealed order dated January 18, 2023, providing an update on the Government's investigation of the defendant's possession of child sexual abuse materials ("CSAM") on his discovery laptop at the Metropolitan Detention Center ("MDC"), including the review of materials seized pursuant to warrants issued in July and September 2022. *See also* September 23, 2022 sealed, *ex parte* letter; January 17, 2023 sealed, *ex parte* letter.

The Government expects to provide the Court with a supplemental status letter in approximately one week. With respect to assertions that Joshua Schulte, the defendant, has made about the discovery laptop—that the laptop does not contain CSAM, that any CSAM appears only in thumbnails, or that the CSAM was maliciously or inadvertently loaded onto the laptop by the Government. *See, e.g.,* D.E. 998 at 3 (pro se letter to the Court dated Dec. 21, 2022), 5 (pro se letter to the Court dated Jan. 5, 2023)—the Government is able to confirm the following: at least approximately 2,400 files on the laptop have been identified to date as likely containing CSAM. Those files include full images, and are not limited to thumbnail images. Moreover, the Government did not copy discovery materials onto the defendant's laptop. In 2021, former defense counsel copied discovery and trial materials onto the laptop, which was then reviewed by personnel from the U.S. Attorney's Office for security compliance before making a file index and providing the laptop to the Metropolitan Correctional Center ("MCC"), where the defendant was then in custody. The CSAM on the laptop was not provided by the Government or the result of Government action.

Because this letter describes an ongoing criminal investigation of the defendant, the Government respectfully requests that the Court maintain this letter *ex parte* and under seal at this time. *See, e.g., United States v. Smith*, 985 F. Supp. 2d 506, 532 and n.13 (S.D.N.Y. 2013) (noting

that “[c]ourts routinely consider these types of *ex parte* submissions” concerning ongoing investigative actions where disclosure “could alert the targets of the investigation and could lead to efforts by them to frustrate the ongoing investigations”).

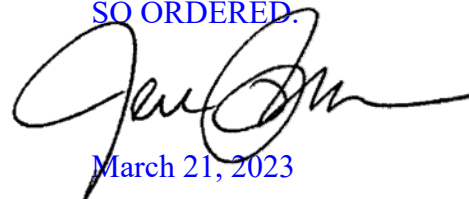
Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: _____ /s/
David W. Denton, Jr. / Michael D. Lockard
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Given that Mr. Schulte is well aware of the ongoing investigation, that the laptop is already in the Government's possession, and that this letter responds directly to assertions by Mr. Schulte, the Court sees no basis to keep this letter under seal. Unless the Government shows good cause for why the letter should be maintained *ex parte* and under seal by noon tomorrow, the Court will docket it with this endorsement.

SO ORDERED.



March 21, 2023