

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
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- v. -	:	17-CR-722 (VSB)
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SAYFULLO HABIBULLAEVIC SAIPOV,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VERNON S. BRODERICK, United States District Judge:

I have reviewed the Defense’s letters regarding the Government’s alleged *Brady* and *Giglio* violations, (Docs. 503, 510, 525), and the Government’s opposition, (Doc. 521 at 23-44).

Accordingly, it is hereby

ORDERED that, on or before September 28, 2022, the Government provide affidavits of individuals with personal knowledge related to or containing the following:

1. A detailed description of the individuals and entities involved in prosecuting and investigating this case, including but not limited to:
 - a. Which Federal Bureau of Investigation (“FBI”) office(s), squad(s), group(s), and/or task force(s) were charged with the investigation of this case, and what efforts were made within these entities to search for *Brady/Giglio* information;
 - b. Every FBI squad, group, office, and/or task force otherwise involved in the investigation of this case, and whether that involvement was group-wide or limited to specific individuals, including any entity or individuals who conducted forensic analysis of any physical or electronic evidence;

- c. Every FBI field office that conducted any interview(s) on October 31, 2017 or thereafter related to this case; whether any of the interviews were conducted pursuant to any instruction, directive, or communication sent by the New York field office or other FBI component regarding Mr. Saipov; and any processes in place to transmit the information obtained through those interviews to the FBI New York field office;
 - d. The name of every prosecutor involved in the case, even if just on the day of Mr. Saipov's arrest, and whether each prosecutor's files were reviewed for *Brady/Giglio* information;
 - e. Any other individual or entity involved in the investigation on the day of the arrest and/or thereafter, aside from those already discussed.
2. A detailed description of the "FBI Saipov Casefile" ("Casefile"), including how the Casefile was compiled, whether the Casefile is electronic or hardcopy or both, what kind of information and/or material is contained in the Casefile (i.e., all 302s, all materials generated during an FBI investigation, etc.), who can input information into the Casefile, who has access to the Casefile, and who manages the information contained in the Casefile.
3. A detailed description of the "FBI agency-wide electronic casefile" ("Agency-wide Casefile"), including how the Agency-wide Casefile is compiled, who can input information into the Agency-wide Casefile, who has access to the Agency-wide Casefile, who manages the information contained in the Agency-wide Casefile, and what kind of information and/or material is contained in the Agency-wide Casefile (i.e., all 302s, all materials generated during an FBI investigation, etc.).

4. A detailed explanation of what actions the Government took to search the FBI Saipov Casefile for *Brady* and *Giglio* information prior to finding the 28 reports in its possession which had not been produced to the Defense, including but not limited to when those actions were taken; whether the Government employed any search parameters or protocols in responding to the Defense's demands, and if so, what those were; and whether any member of the Government reviewed any of the 28 reports and decided not to produce them, and if so, why.
5. A detailed explanation of what actions, if any, the Government took to search the Agency-wide Casefile for *Brady* and *Giglio* information.
6. A summary chart listing the 71 reports identified in the review of the FBI Saipov Casefile and the search results from the FBI's Agency-wide Casefile, the date each report was created, what entity created each report, where each report was stored and/or found, when each report was produced to the Government (if obtained from another entity), and when each report was produced to the Defense.

IT IS FURTHER ORDERED that, on or before September 28, 2022, the Government provide me with copies of the 71 reports.

IT IS FURTHER ORDERED that to the extent the Government believes that certain portions of the affidavits and/or information should be redacted from public filings and/or filed under seal, the Government is directed to make an application to me.

This Order does not amend the existing trial schedule, and I make no finding with regard to the applications made by the Defense. The above requests are meant to gather additional information so that I can determine whether an evidentiary hearing is necessary and whether the

belated disclosures constitute a *Brady* or *Giglio* violation. The parties are to proceed under the operative trial schedule, with individual *voir dire* beginning on October 11, 2022.

SO ORDERED.

Dated: September 14, 2022
New York, New York

A handwritten signature in black ink that reads "Vernon Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge