

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) v. CR. NO. 07-10289-MLW
)
DARWIN JONES,)
 Defendant)

ORDER

WOLF, D.J.

October 26, 2009

Attached are an August 14, 2009 letter to the court from Mary Patrice Brown, Acting Counsel to the Department of Justice Office of Professional Responsibility, and the court's October, 26, 2009 response to that letter, without the attachments which are part of the public record in this case.


UNITED STATES DISTRICT JUDGE

United States District Court

Boston, Massachusetts 02210

MARK L. WOLF
CHIEF JUDGE

October 26, 2009

Mary Patrice Brown, Acting Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W. Room 3266
Washington, D.C. 20530

Dear Ms. Brown:

Thank you for your August 14, 2009 letter asking if I would meet privately with members of the Department of Justice Office of Professional Responsibility ("OPR") who are investigating the failure of Assistant United States Attorney Suzanne Sullivan to disclose important exculpatory information during the prosecution of United States v. Darwin Jones. As I expect you know, the public record includes my decisions in this matter, the submissions which preceded them, and the transcripts of court proceedings, including a May 12, 2009 hearing to address whether sanctions should be imposed on Ms. Sullivan and/or the United States Attorney.¹ However, the educational program I ordered for the fall of 2009 on discovery in criminal cases is still being planned and will not be held until December 16, 2009. See Jones, 620 F. Supp. 2d at 167, 185; October 23, 2009 Order. Therefore, I have extended to January 11, 2010 the date by which the United States Attorney and Ms. Sullivan must supplement their submissions seeking to show cause why sanctions should not be imposed on them. See October 23, 2009 Order. As you anticipated in your letter, because I still must decide whether to sanction Ms. Sullivan and/or the United States Attorney, I prefer not to discuss this matter with OPR at this time. If asked, after this matter is concluded I will consider further whether it is permissible and appropriate to have the meeting you request.

¹Enclosed are: my published decisions in this matter, United States v. Jones, 620 F. Supp. 2d 163 (D. Mass. 2009), United States v. Jones, 609 F. Supp. 2d 132 (D. Mass. 2009), United States v. Jones, 609 F. Supp. 2d 113 (D. Mass. 2009); an October 23, 2009 Order; and the transcript of the May 12, 2009 hearing. Other relevant materials may be obtained electronically from the case file.

In any event, my decisions and my statements at the May 12, 2009 hearing should provide OPR with information in which you express interest. Therefore, I hope and trust that my unavailability to discuss this matter will not delay the Department of Justice's response to Ms. Sullivan's admitted failure to satisfy the requirements of the constitution and court orders by not disclosing material exculpatory information to Darwin Jones.

In April, 2009 Attorney General Eric Holder promised the Chief Judges of the United States District Courts that the Department of Justice would improve the performance of OPR and make the Department of Justice's disciplinary process much more transparent. See Jones, 620 F. Supp. 2d at 168. Thus, I request that you send me any report concerning this matter issued by OPR and a description of any disciplinary action taken.

With best wishes,

Sincerely yours,



Mark L. Wolf

cc: Michael K. Loucks, Acting United States Attorney
Suzanne Sullivan, Assistant United States Attorney
Joseph Savage, Esq. (Counsel to Ms. Sullivan)