EXHIBIT J

EXHIBIT J, Page 140 EXHIBITS TO DEFENDANTS' MTD THE INDICTMENT WITH PREJUDICE DUE TO THE GOVERNMENT'S REPEATED AND INTENTIONAL MISCONDUCT



U.S. Department of Justice

Criminal Division
United States Attorney
Central District of California

1300 United States Courthouse 312 North Spring Street Los Angeles, CA 90012



May 3, 2011

Via Email

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Re: <u>United States v. Enrique Faustino Aguilar Noriega, et al.</u>

CR 10-1031 (A)-AHM

Dear Counsel:

Pursuant to your request for discovery and the Court's order, attached is a supplemental discovery production of documents and the contents are detailed below:

- 1. Federal Bureau of Investigation (FBI) Memorandum of Interview (Form 302) for Martin Lavergne dated 04/29/11. (Bates stamped Lindsey_DOJ_025654-025655). Notes for this 302 were previously turned over on 04/30/11.
- 2. FBI Memorandum of Interview (Form 302) and attachments for Martin Lavergne dated 04/30/11. (Bates stamped Lindsey_DOJ_025656-025719). Notes for this 302 were previously turned over on 04/30/11.

In addition, please find attached an April 4, 2011 discovery letter and attachments. The government recently noticed that six pages of discovery appear to have the same bates numbers as other materials in the government's productions. Because of this duplication, the government cannot be absolutely certain that the April 4 production was actually made. Therefore, the government is disclosing them now with new bates numbers.

- 3. Federal Bureau of Investigation (FBI) Memorandum of Interview (Form 302) for Greg Heath dated 03/31/11. (Originally bates stamped Lindsey DOJ 025644, now Lindsey Replace 000001).
- 4. FBI Memorandum of Interview (Form 302) for Allen Giswein dated 03/30/11. (Originally bates stamped, Lindsey DOJ 025645, now Lindsey Replace 000002).
- 5. FBI Memorandum of Interview (Form 302) for Patrick Rowan dated 03/30/11. (Originally bates stamped Lindsey DOJ 025646- Lindsey DOJ 025647, now Lindsey Replace 000003-000004).
- 6. FBI Memorandum of Interview (Form 302) for Danny Fonseca dated 03/31/11. (Originally bates stamped Lindsey DOJ 025648, now Lindsey Replace 000005).
- 7. FBI Memorandum of Interview (Form 302) for Fernando Maya Basurto dated 04/4/11. (Originally bates stamped Lindsey DOJ 025648, now Lindsey Replace 000006).

The enclosed materials and any future discovery provided to you, which may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute or relevant case law, is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the ambit of its legal obligations.

With this letter the government renews requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure.

Very truly yours,

ANDRÉ BIROTTE JR. United States Attorney

Assistant United States Attorney

Senior Trial Attorneys

Fraud Section United States Department of Justice

Enclosures