

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 19-20693-CR-UNGARO

UNITED STATES OF AMERICA

Plaintiff,

vs.

PETER SOTIS and
EMILIE VOISSEM,

Defendants.

_____ /

GOVERNMENT'S RESPONSE TO THE STANDING DISCOVERY ORDER

The United States of America, in response to the Standing Discovery Order issued in this case, files this response as to defendants Peter Sotis and Emilie Voissem that is alphabetized and numbered to correspond to that original order.

- A. 1. Audio recordings of a confidential source's meeting with defendant Peter Sotis on or about December 12, 2016, and with defendant Emilie Voissem on or about December 16, 2016, are included in compact discs that are being sent as part of this response. The emails of the defendants, some of which were obtained through administrative subpoena and others which were obtained by email search warrants, are included in this response. A thumb drive with the defendants emails will be sent separately. A filter review for potential attorney-client privilege contained in emails obtained through the search warrants is currently being conducted by a filter AUSA. Once the process is completed, the filter AUSA will separately send any material that may include attorney-client privilege material to the respective defense counsel.
2. The portion of the written record containing the substance of oral statements made by the defendants before or after arrest in response to interrogation by a person then known to the defendant to be a government agent is attached.
3. No defendant has testified before a grand jury.

4. The NCIC record of the defendants are attached. In a separate email, the undersigned AUSA will email defense counsel for Peter Sotis with a copy of Sotis' presentence investigation report from his prior federal conviction for armed robbery.
5. The books, papers, documents, photographs, tangible objects, buildings or places which the government intends to use as evidence at trial to prove its case in chief, or were obtained or belonging to the defendant may be inspected by calling the undersigned to set up a date and time that is convenient to both parties.

The attachments to this discovery response are not necessarily copies of all books, papers, documents, and other evidence that the government may intend to introduce at trial.

6. There were no physical or mental examinations of the defendant made in connection with this case.
- B. DEMAND FOR RECIPROCAL DISCOVERY: The United States requests the disclosure and production of those items described and listed in paragraph B of the Standing Discovery Order, and as provided by Federal Rule of Criminal Procedure 16(b).
- C. The only information or material known to the United States which may be favorable to the defendant on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963) or United States v. Agurs, 427 U.S. 97 (1976) are enclosed in the documents attached to this response.
- D. The government will disclose any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective government witnesses, within the scope of Giglio v. United States, 405 U.S. 150 (1972), or Napue v. Illinois, 360 U.S. 264 (1959).
- E. The government will disclose any prior convictions of any alleged co-conspirator, accomplice or informant who will testify for the government at trial.
- F. No defendant was identified in a lineup, show up, or photo spread. To the extent that the defendant's photo was shown to witnesses to confirm their familiarity with the defendant, that has been noted in the attached reports.
- G. The government agents and officers involved in this case have been advised to preserve all rough notes they may have taken.
- H. The United States will advise the defendant, prior to trial, of its intent to introduce during its case in chief, evidence of other crimes, wrongs or acts as provided by Federal Rule of Evidence 404(b). Any evidence made available for inspection

may be offered in the government's case in chief under Federal Rule of Evidence 404(b) or otherwise.

- I. The defendants are not aggrieved persons, as defined in Title 18, United States Code, Section 2510(11), of any electronic surveillance.
- J. The United States has ordered transcripts of the grand jury testimony of all witnesses who will testify for the government at the trial of this case. The transcripts will be provided as required by Title 18, United States Code, Section 3500.
- K. The government has possession of the four rebreathers that are at issue in this Case.
- L. The government does not know of any automobile, vessel, or aircraft allegedly used in the commission of this offense that is in the government's possession.
- M. The government is not aware of any latent fingerprints or palm prints which have been identified by a government expert as those of the defendant.
- N. To date, the government has not received a request for disclosure of the subject-matter of expert testimony that the government reasonably expects to offer at trial.
- O. The government will make every possible effort in good faith to stipulate to all facts or points of law the truth and existence of which is not contested and the early resolution of which will expedite trial.

The government is aware of its continuing duty to disclose such newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, Brady, Giglio, Napue, and the obligation to assure a fair trial.

In addition to the request made above by the government pursuant to both Section B of the Standing Discovery Order and Rule 16(b) of the Federal Rules of Criminal Procedure, in accordance with Rule 12.1 of the Federal Rules of Criminal Procedure, the government hereby demands Notice of Alibi defense; the approximate time, date, and place of the offense was:

Date and Place: See Indictment

The attachments to this response are Bates numbered GOV 00001-GOV 003597, which are on a compact disc (CD), along with four additional CDs that include (1) an audio recorded meeting with a confidential source (CS1) regarding the case on or about December 12, 2016; (2) an audio recorded meeting with Peter Sotis on or about December 12, 2016, (3) an audio recorded meeting with Emilie Voissem on or about December 16, 2016, and (4) subpoena returns. Additional discovery, as noted above, is forthcoming, including a thumb drive containing the contents of emails of the defendants and others obtained through search warrants.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court using CM/ECF this 15th day of November 2019, and that the foregoing document is being served this day on all counsel of record via Notices of Electronic Filing generated by CM/ECF.

s/ Michael Thakur
MICHAEL THAKUR
Assistant United States Attorney