

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-CR-00192-6

DAMISHA BROWN, ET AL.

RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S STANDARD DISCOVERY REQUESTS,
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY,
AND NOTICE OF THE UNITED STATES INTENT TO OFFER
EVIDENCE OF RECORDS OF REGULARLY CONDUCTED ACTIVITY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case, the United States of America, by counsel, herewith responds to each of defendant's Standard Discovery Requests as follows:

Request A: Disclose to defendant the substance of any relevant oral statement made by defendant, whether before or after arrest, in response to interrogation by a person the defendant knew was a government agent if the government intends to use the statement at trial. [Fed. R. Crim. P. 16(a)(1)(A)]

Response: On March 20, 2025, the government provided recorded statements in the production folders labeled "USAO-00000002 - Recorded Statements" and "USAO-00014051."

Request B: Disclose to defendant and make available for inspection, copying or photographing, all of the following:

(i) Any relevant written or recorded statement by the defendant if the statement is within the government's possession, custody, or control; and the attorney for the government knows--or through due diligence could know--that the statement exists. [Fed. R. Crim. P. 16(a)(1)(B)(i)]

Response: On March 20, 2025, the government provided:

1. Defendant Damisha Brown's CashApp/Block records, which are included in Bates Number USAO-00004684.

(ii) The portion of any written record containing the substance of any relevant oral statement made before or after arrest if the defendant made the statement in response to interrogation by a person the defendant knew was a government agent. [Fed. R. Crim. P. 16(a)(1)(B)(ii)]

Response: Not applicable.

(iii) The defendant's recorded testimony before a grand jury relating to the charged offense. [Fed. R. Crim. P. 16(a)(1)(B)(iii)]

Response: Damisha Brown did not appear before the Grand Jury.

Request C: Where the defendant is an organization, e.g., a corporation, partnership, association or labor union, disclose to the defendant any statement described in Fed. R. Crim. P. 16(a)(1)(A) and (B), if the government contends that the person making the statement (i) was legally able to bind the defendant regarding the subject of the statement because of that person's position as the defendant's director, officer, employee, or agent; or (ii) was personally involved in the alleged conduct constituting the offense and was legally capable to bind the defendant regarding that conduct because of that person's position as the defendant's director, officer, employee, or agent. [Fed. R. Crim. P. 16(a)(1)(C)]

Response: Not applicable.

Request D: Furnish the defendant with a copy of defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows--or through due diligence could know--that the record exists. [Fed. R. Crim. P. 16(a)(1)(D)]

Response: On March 20, 2025, the government provided Damisha Brown's criminal history record, which begins at Bates Number USAO-00013340.

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: On March 20, 2025, the government disclosed its production of discovery materials to counsel for defendant, Damisha Brown, Bates Numbered USAO-00000001 through USAO-00013613, USAO-00013656-USAO-00014209. This production includes a full Bates index and the following general categories of documents:

1. Jail Calls of Lydia Spencer, Bates Numbered USAO-00000001 and USAO-00014162,
2. Recorded Statements of Cylena Sutton, Damisha Brown, Jasmine Spencer, Lydia Spencer, Myrtle Brown, Rahmel Meekins, and Satanisha Miller, Bates Numbered USAO-00000002,
3. Additional recorded interviews of E.B. and Damisha Brown, Bates Numbered USA-00014051,
4. Investigative materials, including, inter alia, reports of interviews and criminal histories, Bates Numbered USAO-00006706 - USAO-00013612,
5. Reports and arrest records Bates Number beginning at USAO- 00014163, and

6. Documents from various entities as detailed in the chart below, and as further detailed in the included Bates Index.

Entity	Bates Range
Harvest	USAO-00000003 - USAO-00000010; USAO-00000957 - USAO-00001627; USAO-00005957 - USAO-00006589; USAO-00004392 - USAO-00004469
Benworth	USAO-00000678 - USAO-00000820; USAO-00005877 - USAO-00005956
Greendot	USAO-00000011 - USAO-00000022; USAO-00000049 - USAO-00000061
AT&T	USAO-00000023 - USAO-00000037
Verizon	USAO-00000038 - USAO-00000046; USAO-00001795 - USAO-00001806; USAO-00004248 - USAO-00004258; USAO-00004470 - USAO-00004491; USAO-00006597 - USAO-00006647
Block	USAO-00000047 - USAO-00000048; USAO-00000589 - USAO-00000590; USAO-00001825 - USAO-00001850; USAO-00004237 - USAO-00004247; USAO-00004682 - USAO-00004773
Bank of America	USAO-00000062 - USAO-00000578; USAO-00004774 - USAO-00005726
FreeTaxUSA	USAO-00000579
Jackson Hewitt	USAO-00000580 - USAO-00000587
Liberty Tax Charleston	USAO-00000588
Bancorp	USAO-00000591 - USAO-00000677
Fountainhead	USAO-00000821 - USAO-00000956; USAO-00013656 - USAO-00014050
Stride	USAO-00001628 - USAO-00001637; USAO-00004202 - USAO-00004205; USAO-00006666 - USAO-00006674
Wells Fargo	USAO-00001638 - USAO-00001794
Womply	USAO-00001807 - USAO-00001824
Sutton Bank	USAO-00001851 - USAO-00001858
Intuit	USAO-00001859 - USAO-00004131
HR Block	USAO-00004132 - USAO-00004201
Zelle	USAO-00004206 - USAO-00004236
J&J Auto Glass	USAO-00004259
Dutch Miller	USAO-000004260 - USAO-00004380
Todd Judy Ford	USAO-00004381 - USAO-00004391
T-mobile	USAO-00004492 - USAO-00004523;

	USAO-00006675
Suddenlink	USAO-00004524 - USAO-00004544
Google	USAO-00004545 - USAO-00004678
Comcast	USAO-00004679 - USAO-00004680
Charter	USAO-00004681
Chase	USAO-00005727
Docusign	USAO-00005728 - USAO-00005774
Amazon	USAO-00005779 - USAO-00005783; USAO-00006593 - USAO-00006596
Grubhub	USAO-00005784 - USAO-00005803
Fountainhead	USAO-00005804 - USAO-00005876
National Grid	USAO-00006648 - USAO-00006656
California Dept of Financial Protection and Innovation	USAO-00006657 - USAO-00006660
Garrett Tire	USAO-00006661 - USAO-00006665
Vivid Seats	USAO-00006676 - USAO-00006684
Walmart	USAO-00006685 - USAO-00006690
Yahoo	USAO-00006691 - USAO-00006692
Delta	USAO-00006693 - USAO-00006705

Of note, the government has disclosed documents with the following Bates Numbers: USAO-0000004 7-USAO-00000048; USAO-00000589-USAO-00000590 ;USAO-00001825-USAO-00001850; USAO-00004237-USAO-00004247;USAO-00004682-USAO-00004773,USAO-00004243 (CashApp/Block records), USAO-00001795-USAO-00001806 (Verizon Subscriber Account Information), and USAO-00001814, (Womply Records of IP address information related to submitted loan applications).

Request F: Permit the defendant to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific tests or experiment if (i) the item is within the government's possession, custody, or control; (ii) the attorney for the government knows--or through due diligence could know--that the item exists; and (iii) the item is material to preparing the defense or the government intends to use the item in its case-in-chief at trial. [Fed. R. Crim. P. 16(a) (1) (F)]

Response: Not applicable.

Request G: For any testimony the government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief, or during rebuttal to counter testimony that the defendant has timely disclosed under reciprocal discovery, give to the defendant, in writing, the following information:

- (i) a complete statement of all opinions that the government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under reciprocal discovery;
- (ii) the bases and reasons for them;
- (iii) the witness's qualifications, including a list of all publications authored in the previous 10 years; and
- (iv) a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition.

If the government requests discovery under the second bullet point in Federal Rules of Criminal Procedure 16(b)(1)(C)(i) and the defendant complies, the government must, at the defendant's request, disclose to the defendant, in writing, the information listed above in (i) through (iv) for testimony that the government intends to use at trial under Rules 702, 703, or 705 of the Federal Rules of Evidence on the issue of the defendant's mental condition.

The witness must approve and sign the disclosure, unless the government states in the disclosure why it could not obtain the witness's signature through reasonable efforts, or the government has previously provided a report, signed by the witness that contains all the opinions and the bases and reasons for them.

[Fed. R. Crim. P. 16(a)(1)(G)]

Response: This case involves a significant amount of financial information, and the government may need a witness with special skills to introduce summary charts or explain the accounting behind the calculated financial loss at trial. If needed at trial, a person will be so designated. However, at this time, the government believes that it can present this information

through a lay witness, and that this topic does not require expert testimony. The government expressly reserves the right to supplement its Response.

Request H: Disclose to defendant all evidence favorable to defendant, including impeachment evidence, and allow defendant to inspect, copy or photograph such evidence.

Response: The government is unaware of any such evidence other than that which has already been provided.

Request I: Notify defendant of all evidence the government intends to introduce pursuant to Rule 404(b) of the Federal Rules of Evidence.

Response: At this time, the government does not intend to present 404(b) evidence. However, the government reserves the right to supplement this response.

Request J: Disclose to defendant all reports of government "mail cover," insofar as the same affects the government's case against the defendant or any alleged aiders and abettors or co-conspirators.

Response: Not applicable.

Request K: Disclose to defendant any matter as to which the government will seek judicial notice.

Response: The government will seek judicial notice that Charleston, Kanawha County, West Virginia, is within the Southern District of West Virginia.

Request L: Disclose to defendant and make available for inspection, copying or photographing, the results of any interception of a wire, oral or electronic communication in the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence could become known, to the attorney for the government, which contains any

relevant statement made by the defendant or which is material to the preparation of the defendant's defense or which is intended for use by the government as evidence in its case-in-chief at the trial. For each such interception, disclose (1) any application for an order authorizing the interception of a wire or oral communication; (2) any affidavits filed in support thereof; and (3) any court order authorizing such interception.

Response: The government provided has the CashApp/Block records which disclose not only financial transactions but also includes communications between the defendants in this case, including Damisha Brown.

Request M: Provide notice to defendant of the government's intention to use evidence pursuant to Rule 12(b)(4)(B) of the Federal Rules of Criminal Procedure.

Response: The government reserves the right to use all information and evidence disclosed herein or made available for inspection and copying pursuant to this Response and such information and evidence which may be discovered and finally provided to defendant.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 14 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

NOTICE OF THE UNITED STATES'S INTENT TO USE SUMMARY CHARTS

Pursuant to Federal Rules of Evidence 1006, notice is hereby given of the United States's intent to offer a summary chart of the financial information in this case, the underlying documentation of which is included in the United States's production of documents. The summary chart can be found at Bates Number USAO-00013249.

**NOTICE OF THE UNITED STATES'S INTENT TO OFFER
EVIDENCE PURSUANT TO FEDERAL RULE OF EVIDENCE 902**

Pursuant to, Federal Rules of Evidence 902, notice is hereby given of the United States intent to offer into evidence certified domestic records of regularly conducted activity. The records are referred to more specifically in the chart included in Response E above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY, AND NOTICE OF THE UNITED STATES INTENT TO OFFER EVIDENCE OF RECORDS OF REGULARLY CONDUCTED ACTIVITY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 31st day of March, 2025, to:

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