

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 20-MJ-03237-JB

UNITED STATES OF AMERICA

vs.

DAVID TYLER HINES,

Defendant.

**UNITED STATES RESPONSE TO
THE STANDING DISCOVERY ORDER**

The United States hereby files this response in anticipation of the filing of the Standing Discovery Order. This response also complies with Local Rule 88.10 and Federal Rule of Criminal Procedure 16, and is numbered to correspond with Local Rule 88.10.

A.

1. The government is unaware of any written statement made by the defendant to law enforcement other than certain emails sent by the defendant to the undersigned.
2. The government is unaware of any oral statement made by defendant to any person known by the defendant to be law enforcement other than biographical statements.
3. No defendant testified before the Grand Jury.
4. A copy of the defendants' NCIC is attached.
5. 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 at a mutually convenient time at the Office of the United States Attorney, 99 Northeast 4th Street, Miami, Florida. In particular, the government is including copies of pertinent materials from the search warrants in this response. Additional material from the search warrant (e.g., records from computers and other electronic devices) may be reviewed by contacting the undersigned to set up a date and time that is convenient to both parties. Please call the undersigned with 48-hours notice if you intend to review the evidence at this date and time.

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

6. There were no physical or mental examinations or scientific tests or experiments made in connection with this case.
- B. DEMAND FOR RECIPROCAL DISCOVERY: The United States requests the disclosure and production of materials enumerated as items 1, 2 and 3 of Section B of the Standing Discovery Order. This request is also made pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure.
- C. The government will disclose any information or material which may be favorable on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and United States v. Agurs, 427 U.S. 97 (1976).
- 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.
- G. The government has advised its agents and officers involved in this case to preserve all rough notes.
- H. The government will timely advise the defendant of its intent, if any, to introduce during its case in chief proof of evidence pursuant to F.R.E. 404(b). You are hereby on notice that all evidence made available to you for inspection, as well as all statements disclosed herein or in any future discovery letter, may be offered in the trial of this cause, under F.R.E. 404(b) or otherwise (including the inextricably-intertwined doctrine).
- I. The defendant is not an aggrieved person, as defined in Title 18, United States Code, Section 2510(11), of any electronic surveillance.
- J. The government will order transcribed the Grand Jury testimony of all witnesses who will testify for the government at the trial of this cause.
- K. No contraband is involved in this indictment.
- 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 other than the Lamborghini purchased with the funds at issue in the complaint.

- M. The government is not aware of latent fingerprints or palm prints which have been identified by a government expert as those of the defendant(s).
- N. 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. The government does not intend to offer any expert testimony 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. These stipulations will be discussed at the discovery conference.
- P. At the discovery conference scheduled in Section A.5, above, the government will seek written stipulations to agreed facts in this case, to be signed by the defendant and defense counsel.

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.

Please find attached to this response an index with a production log setting forth the documents being produced.

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the attached was filed using CM/ECF on October 20, 2020 and a copy of the discovery will be mailed to counsel of record:

Counsel for David Tyler Hines
Elizabeth Blair
Assistant Federal Public Defender
150 West Flagler Street
Miami, FL 33130

s/Michael N. Berger
Assistant United States Attorney

Index of Documents

Folder	Documents
Bank Analyses	Spreadsheet with inflow and outflow of records
Grand Jury Productions	Responses from Bank of America, Match, Prestige Imports
Hines Cell Phone	Key documents from cell phone of Hines
NCIC	NCIC report of Hines
SBA Documents	SBA Loan
Warrants	Search and Seizure Warrants and Complaint