

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	No. 22-cr-74-PB-01/02
PIERRE ROGERS and	)	
JOSHUA LEAVITT,	)	
	)	
Defendants	)	

Assented-to-Motion for Protective Order Pursuant to Fed. R. Crim. P. 16(d)(1)

The United States of America respectfully requests the Court endorse and issue the attached Protective Order under Fed. R. Crim. P. 16(d)(1).

1. For purpose of this motion, the term “defense team” means defense counsel, defense counsel’s staff, and anyone directly engaged by defense counsel to assist in preparing and presenting a defense, including sentencing arguments, in this case. The term “defendants” mean Pierre Rogers and Joshua Leavitt.
2. The government is producing discovery materials to defense counsel in accordance with Rule 16 of the Federal Rules of Criminal Procedure (and referred to here as “Discovery Material”). This material includes sensitive financial information, including bank statements and tax filings, and personal identifying information. This information is voluminous and would be burdensome to redact.
3. In addition, the information may be relevant to issues in this case and it may be helpful to the defense if produced without redactions.
4. In order to provide the defendant required discovery and protect sensitive information, the government requests that the Court enter a protective order with respect to the Discovery

Material pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure. That rule provides, in pertinent part, that:

[T]he court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief.

5. The government has conferred with defendant Rogers through his counsel, Diane Bass, Esq. and Jaye Rayncourt, Esq., and defendant Leavitt through his counsel, Brian Quirk, Esq.

The parties agree that it is appropriate in this case and in the interests of all parties for Discovery Material to be disclosed to the defense pursuant to the attached proposed Protective Order that restricts the defense from using any of the materials for any purpose not related to the defense of this case.

6. The Government, with the defendants' assent, requests an order under Rule 16(d)(1) that provides as follows:

- a. The Discovery Material shall be used by the defendants and their defense teams only as necessary to prepare and present a defense in this case.
- b. Defense counsel shall maintain custody of the Discovery Material and shall not make copies of the Discovery Material unless necessary to provide them to their clients or other member(s) of the defense teams who will use the copies only to assist in the defense of this case. All copies of Discovery Material, including those provided to the defendants and member(s) of the defense team, are subject to and protected by this Order.
- c. Defense counsel may show and provide copies of Discovery Material only to the defendants and members of the defense teams. In showing or providing copies of Discovery Material, defense counsel must take steps that reasonably assure that the Discovery Material will not be viewed by any other person who is not a defendant or a member of the defense teams.
- d. Defense counsel shall collect and destroy any and all copies of the Discovery Material when it is no longer needed by the defendants or members of the defense teams to prepare and present a defense in this case.
- e. At the conclusion of this matter, defense counsel shall either return all Discovery Material and remaining copies of Discovery Material (including, but not limited to all copies in the possession of the defendants or any member of the defense teams) to the United States Attorney's office or destroy all such material. If defense counsel

destroys the Discovery Material, defense counsel shall certify to the United States within 30 days of conclusion of this matter that the Discovery Material and all copies of the Discovery Material (including, but not limited to all copies in the possession of any member of the defense team) have been destroyed. The term “conclusion of this matter” shall include the exhaustion of appeals and collateral review.

7. Defendant Rogers, through his counsel Diane Bass, Esq. and Jaye Rancourt, Esq., and defendant Leavitt, through his counsel Brian Quirk, Esq., have assented to the relief sought in this motion.

8. A supporting memorandum of law has not been submitted because it is unnecessary in light of the nature of the relief requested.

Therefore, the United States respectfully requests that this Court enter a protective order containing the provisions specified above. For the Court's convenience, a proposed Protective Order is enclosed with this motion.

Respectfully submitted,

JANE E. YOUNG
United States Attorney

Dated: July 11, 2022

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