

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA	)	
	)	Criminal No. 20-074-MSM
v.	)	
	)	
DAVID STAVELEY	)	
Defendant.	)	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO
SHOW PROSECUTION FAILED TO PROVIDE EXCULPATORY EVIDENCE**

On August 29, 2022, defendant David Staveley (“Staveley”) filed a motion claiming, in part, that the United States failed to disclose exculpatory evidence to the defense. Much of this motion repeats the argument defendant makes in his petition for relief under 18 U.S.C. § 2255, namely that his counsel was ineffective in failing to provide him with certain portions of the discovery that had been produced by the Government. The Government will address that aspect of defendant’s argument in its later response to defendant’s petition under 18 U.S.C. § 2255.

At the end of defendant’s motion, however, he makes the allegation that the United States Attorney’s Office intentionally failed to disclose to the defense certain Bureau of Prisons documentation concerning his allegation of being a victim of a sexual assault while in BOP custody. This allegation is utterly baseless as the United States disclosed to the defense each and every document it received from the BOP concerning defendant’s medical history and allegation of sexual assault.¹

¹ It is unclear why documentation concerning a prior sexual assault would in any event be exculpatory as it immaterial to defendant’s guilt or innocence and the allegation was brought to the Court’s attention at sentencing.

In or about February 2021, counsel for defendant contacted the undersigned and requested that the Government seek to obtain defendant's medical records from the BOP, including those that may have referenced his sexual assault allegation. Attached as Exhibit A is a series of emails between the Government and defense counsel in which the Government is repeatedly providing the defense with all the records it received from the BOP concerning defendant's medical history. As these emails indicate, records from Wyatt and numerous records from the BOP were disclosed to the defense on March 2, 2021 and March 10, 2021. On March 10, 2021, defense counsel requested records from defendant's 2015 stay at MDC Brooklyn. As provided in the Government's responsive email, the Government contacted the BOP and requested these documents as well. The Government was advised that these records were placed in a central archive and would be difficult to locate. The Government never received these records, although defendant himself apparently received them while at FMC Devens.

In summary, there was absolutely no failure on the part of the Government to disclose any exculpatory evidence to the defense. At the request of the defendant, the Government voluntarily reached out to the BOP to obtain defendant's medical records. Upon receipt of these records, the Government immediately disclosed them to the defense.

For the foregoing reasons, defendant's motion should be denied.

Respectfully submitted,

ZACHARY A. CUNHA
UNITED STATES ATTORNEY



LEE H. VILKER
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2022, I caused the within Government's Opposition to be filed electronically and it is available for viewing and downloading from the ECF system. I also certify that this Opposition has been mailed to:

David Staveley
Reg. No. 04230-049
FMC Devens – Camp
P.O. Box 879
Ayer, MA 01432

/s/ Lee H. Vilker

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