

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : Criminal No. 3:14CR227(AWT)  
 :  
 v. :  
 :  
 EARL O'GARRO, JR. : August 25, 2015

GOVERNMENT'S MOTION TO CLARIFY

While the government does not object to the granting of the defendant's Third Motion to Continue Jury Selection (Docket No. 47), it respectfully seeks to clarify the chain of events referenced in the defendant's motion in which the defendant states that "[t]he government has recently provided defense counsel with more than 27,000 pages of discovery."

On June 22, 2015, the government produced to defense counsel 23,461 pages of discovery on two CDs. These documents all were in .pdf format and Bates stamped. At the same time, the government produced a flash drive containing the results of a forensic examination run on the computer hard drive of the defendant's company, Hybrid Insurance Agency, LLC. The forensic examination was not in .pdf format and was not Bates stamped.

On August 5, the Court held a teleconference with the parties, during which defense counsel stated that there was no reason the defendant's trial could not proceed as scheduled with jury selection on October 2, 2015. Also during the conference, the government alerted the Court and defense counsel that another, smaller discovery production was forthcoming. Two days later, on August 7, 2015, the government produced 1,598 pages of discovery on a single CD.

On August 24, 2015, the government produced 168 pages of new documents on a CD. For defense counsel's convenience, the government also re-produced the forensic report (previously produced on June 22, 2015) in .pdf format and with Bates stamps. Thus, since the August 5, 2015 teleconference at which defense counsel indicated trial could proceed as scheduled, the government has produced a total of 1,766 pages of new discovery.

In full disclosure, the government anticipates that it will make a small production within approximately the next week resulting from the government's ongoing investigation and continuing review of its files to ensure complete compliance with its discovery obligations. The government anticipates that this final production will include about 50 pages of new materials.

The government does not withdraw its consent to the defendant's motion for a continuance, but wishes the Court to understand the sequence of events. The government further asks that, if the Court grants the defendant's motion, trial be set

for the earliest practicable date.

Respectfully submitted,

DEIRDRE M. DALY  
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*/s/ Michael J. Gustafson*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2015, a copy of the Government's Motion to Clarify was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ Michael J. Gustafson*

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