

- iii. Motion to Produce Grand Jury Instructions and Strike Special Findings [DE 288 (D), 317 (G)]
- iv. Motion to Strike Duplicative Aggravating Factors [DE 289 (D), DE 320 (G)]
- v. Motion for Outline of Aggravating Evidence [DE 290 (D), 316 (G)]
- vi. Motion Preserving Constitutional Challenges to Death Penalty [DE 291 (D), 318 (G)]
- vii. Government Motion for List of Mitigating Factors [DE 294 (G), 315 (D)]
- viii. Motion to Suppress Statements [DE 295 (D), 319 (G), 359 (D)]
- ix. Motion to Strike Betrayal Aggravating Factor [DE 279 (D), 320 (G), 356 (D)]
- x. Motion for Disclosure of Jury Records [DE 305 (D), 337 (G)]

The defense has sought leave to file a reply brief to the following motions on or by June 20, 2014 [DE 362]:

- xi. Motion to Suppress Physical Evidence [DE 297 (D), 343/350 (G)]
- xii. Motion to Suppress Electronically Stored Evidence [DE 303 (D), 343/350 (G)]

2. Evidentiary Hearings for Pending Motions.

The parties agree that an evidentiary hearing is required for the motion to suppress statements (see viii, above). The defense also seeks evidentiary hearings on the

Motions to Suppress Physical and Electronically Stored Evidence (see ix and xi above), as well as the Motion Concerning Leaks (see ii, above).

3. Scheduling.

The parties were unable to reach agreement regarding the scheduling of expert disclosures or reciprocal discovery, and filed separate pleadings re scheduling. [DE 276 (D), 278 (G)]

4. Agreement to Protect Defense Information.

The parties have reached agreement as to all but one provision of a proposed “Agreement to Protect Defense Information and Work Product.” The defense is reviewing the government’s position. The parties will advise the Court if the parties are unable to reach agreement and need the Court to resolve the issue.

5. Waltham/Todashev.

On April 25, 2014, the government provided an in camera submission to the Court. [DE 266]. The defense provided a supplemental filing regarding this issue on June 13, 2014. [DE 367]

6. Discovery.

The parties continue to exchange letters regarding discovery. The defense anticipates that additional discovery motions will need to be filed. The defense has now inspected the various items of physical evidence made available by the FBI in Boston and Quantico, Virginia. Disputes also remain regarding the production of approximately 80 digital items.

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 17, 2014.

/s/Judy Clarke