

CLARKE & RICE, APC
1010 Second Avenue, Ste. 1800
San Diego, California 92101
(619) 308-8484

FEDERAL PUBLIC DEFENDER OFFICE
DISTRICT OF MASSACHUSETTS
51 Sleeper Street, Fifth Floor
Boston, Massachusetts 02210
(617) 223-8061

DAVID I. BRUCK
220 Sydney Lewis Hall
Lexington, VA 24450
(540) 458-8188

July 9, 2014

Mr. Brendan Garvin
Courtroom Deputy
United States District Court
District of Massachusetts
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210
Via email: brendan_garvin@mad.uscourts.gov

Re: United States v. Dzhokhar Tsarnaev
Criminal No. 13-10200- GAO

Dear Mr. Garvin:

We recently learned that you were present at the Forum Restaurant on April 15, 2013 when an explosive device was detonated in front of the restaurant during the running of the Boston Marathon. We can only imagine how distressing this experience must have been, and we are sorry to have to contact you about it.

Nevertheless, as you can understand, we have an obligation to follow up, given your role as Judge Bowler's courtroom deputy. We have advised Judge O'Toole of the potential significance of your presence at the bombing site in our Reply to the Government's Opposition to our Motions to Suppress Physical and Digital Evidence.¹

By this letter, we ask for an opportunity to interview you about topics including:

- whether, when, and how you notified the Court that you were present at the scene of one of the explosions,
- the specific information you provided to the Court, and

¹ [DE 387, fn. 6: "The government notified the defense after the filing of this motion of facts that may further bear on the question of whether the good-faith exception is even arguably available in this setting. The defense will seek leave to supplement the factual record upon completion of its investigation. See attached correspondence, filed under seal."]

- whether and when you were interviewed by government counsel or by law enforcement about your observations, and if you were interviewed, what you told government counsel or law enforcement personnel.

Unless we hear otherwise from you, we will plan to contact you the week of July 14, 2014 to schedule a convenient time to meet.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Clarke" or similar, written in a cursive style.

David I. Bruck
Judy Clarke
Miriam Conrad
William Fick
Timothy Watkins

Counsel for Dzhokhar Tsarnaev

cc: Hon. Marianne B. Bowler (by mail)