

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA *
* CR 117-34
v. *
*
REALITY LEIGH WINNER, *
*
Defendant. *
*

GOVERNMENT’S REQUEST TO EXTEND MOTION RESPONSE DEADLINE

COMES NOW the United States of America, by and through James D. Durham, Acting United States Attorney for the Southern District of Georgia, and asks the Court to allow it three additional days to file its response to Defendant’s Motion to Suppress Defendant’s Statements, doc. 63, and in support shows as follows:

PROCEDURAL BACKGROUND

1. On June 7, 2017, a grand jury in the Southern District of Georgia returned a one-count indictment charging the Defendant with violation of Title 18, United States Code, Section 793(e) (Willful Retention and Transmission of National Defense Information). Doc. 13. On June 8, 2017, the Defendant entered a plea of not guilty to the charge. Doc. 26. The Court has scheduled trial of the case to commence on March 19, 2018. Doc. 66. On August 29, 2017, the Defendant filed a Motion to Suppress Defendant’s Statements. Doc. 63. The Government’s response is due on Tuesday, September 12, 2017.

FACTS IN SUPPORT OF GOVERNMENT'S REQUEST

2. Given the subject matter of the Defendant's motion, the Government's response is fact-intensive. The Government intends to include, as an attachment to its response, an audio recording of the challenged interview. The audio file must first be redacted, however, to remove classified information and must be confirmed unclassified by the agency whose information is to be protected. Specialists are currently working to redact the audio file.

3. In the meantime, Hurricane Irma is expected to land in the Savannah area on or about Monday, September 11, as a Category 3 Hurricane. For that reason, the U.S. Attorney's Office in Savannah will be closed on Friday, September 8 through Tuesday, September 12. The office closure includes shutting down computer servers. The U.S. Attorney's Office in Augusta is expected to be closed on Monday, September 11. Projections for the Augusta office on Tuesday, September 12, 2017, are uncertain. The Savannah U.S. Attorney's Office security managers have informed employees that a mandatory evacuation of Chatham and surrounding counties will begin on Saturday, September 9.

4. Undersigned counsel communicated with defense counsel via email on September 7, 2017. Defense counsel have expressed they have no objection to the Government's request for an extension of its response deadline to Friday, September 15, 2017.

GOVERNMENT'S REQUEST AND LEGAL CITATION

5. Based upon the foregoing information, the Government respectfully requests the Court extend its deadline for response to Defendant's Motion to Suppress Defendant's Statements, doc. 63, until Friday, September 15, 2017. Such delay should provide sufficient time

for undersigned counsel to return to the U.S. Attorney's Office, finalize the Government's response, and receive a redacted, unclassified version of the Defendant's interview.

6. Pursuant to 18 U.S.C. § 3161(h)(7), the Government asks that the Court find the ends of justice served by granting the requested extension outweigh the best interest of the public and the Defendant in a speedy trial. In particular, failure to grant the requested extension would deny counsel for the Government reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

Respectfully submitted,

JAMES D. DURHAM
ACTING UNITED STATES ATTORNEY

//s// Jennifer G. Solari

Jennifer G. Solari
Assistant United States Attorney

//s// David C. Aaron

David C. Aaron
Trial Attorney
U. S. Department of Justice
National Security Division

//s// Julie Edelstein

Julie Edelstein
Trial Attorney
U. S. Department of Justice
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

This 7th day of September, 2017.

JAMES D. DURHAM
ACTING UNITED STATES ATTORNEY

//s// Jennifer G. Solari

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