

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	CRIMINAL NO. 10-225 (CKK)
)	
v.)	
)	
STEPHEN JIN-WOO KIM,)	
also known as Stephen Jin Kim,)	
also known as Stephen Kim,)	
also known as Leo Grace,)	
)	
Defendant.)	

JOINT NOTICE

Defendant Stephen Kim and the United States of America (collectively, the “parties”), through their undersigned counsel, submit this Joint Notice pursuant to the Court’s December 5, 2013 Minute Order.

I. Joint Notice of Protocol for Phone Number Filter Process

As the Court is aware, a filter team has been established to search commercial toll records of certain government employees against data provided to the filter team by the defense. The parties have conferred regarding the protocol for “hits” generated through this process. The parties have agreed that for any such “hits,” the filter team shall: (1) inform the United States of the USG employee number; and (2) inform the defense of the USG employee number, the phone number that produced the hit, and the date, time, and duration of the call. The parties will meet and confer regarding any requests for further information about the USG employee or employees at issue. The United States also believes it should receive disclosure of whether the “hit” occurred before or after the “cut-off” time, and will raise that issue at the December 10, 2013 status hearing.

II. Defendant's Notice of Outstanding Issues

Presently briefed and pending before the Court is the parties' dispute over the adequacy of defendant's Second CIPA Section Five notice. In light of this, the defense will seek a continuance of the current schedule for the filing of its next (third) CIPA Section Five notice, which is currently due on Tuesday, December 10, 2013 (the same day as the status hearing). The United States does not oppose a continuance.

In addition, at the last status hearing the defense requested the early production of Jencks materials to allow those materials to be included in the CIPA process. The government asked for an opportunity to review that request and respond to the Court. The defense will renew its request that the Court set a date for the production of Jencks materials.

III. The Government's Notice of Outstanding Issues

At the status hearing, the United States will have a matter to discuss ex parte with the Court, regarding its Second Ex Parte, In Camera Addendum to Its Fifth Ex Parte, In Camera Under Seal Motion and Memorandum of Law for a Protective Order Pursuant to CIPA Section 4 and Fed. R. Crim. P. 16(d)(1), filed on November 27, 2013.

Respectfully submitted,

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UNITED STATES ATTORNEY

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Certificate of Service

I hereby certify that on December 9, 2013, I caused a true and correct copy of the foregoing Joint Notice to be served via the Court's ECF filing system to all counsel of record in this matter.

_____/s/ Tom Bednar
Thomas A. Bednar