



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION  
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001  
[www.archives.gov](http://www.archives.gov)

***Sent Via Email. No Hard Copy to Follow.***

March 1, 2019

Michelle Thomas  
Department of Justice  
Executive Office for United States Attorneys  
950 Pennsylvania Avenue, NW  
Washington DC 20530  
[michelle.thomas@usdoj.gov](mailto:michelle.thomas@usdoj.gov)

Dear Ms. Thomas:

The National Archives and Records Administration has become aware of a potential unauthorized disposition of federal records by the United States Attorney Southern District of New York. In a letter dated February 12, 2019, featured in a cyberscoop magazine article, U.S. Attorney Geoffrey Berman stated that hard drives containing discovery materials associated with an ongoing federal case were “misplaced”.

Per 36 CFR 1230.14, an agency must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in the custody of that agency to NARA. Please provide a report compliant with 36 CFR 1230.14 requirements within 30 days of receiving this letter.

Sincerely,

LAURENCE BREWER  
Chief Records Officer  
for the U.S. Government

CC  
Jeanette Plante  
Agency Records Officer  
Department of Justice  
[jeanette.plante@usdoj.gov](mailto:jeanette.plante@usdoj.gov)



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March 29, 2019

Mr. Mark Fleshman  
Chief Information Officer  
Executive Office for United States Attorneys  
175 N Street, NE  
Washington, DC 20530

Dear Mr. Fleshman:

The National Archives and Records Administration(NARA) received your letter dated March 19, 2019 responding to the allegation of a potential unauthorized disposition of federal records pertaining to discovery materials associated with ongoing litigation, *United States v. Joshua Adam Schulte* , S2 17 CR. 548 (PAC), based on a February 13, 2019 article featured in the online magazine cyberscoop.

EUOSA determined that no unauthorized disposition of federal records occurred. Rather, discovery materials were copied to a hard drive and sent to the Metropolitan Correctional Center (MCC), to be provided to the defendant. MCC misplaced the hard drive of copied materials and those copied materials were not received by the defendant. In response to the loss of copied discovery materials, the US Attorneys Office made new copies from the original documents and those copied materials were sent to the defendant.

NARA accepts this report and considers this matter closed.

Thank you for your cooperation.

Sincerely,

LAURENCE BREWER  
Chief Records Officer  
for the U.S. Government