

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Crim. No. 99-1417 JP

WEN HO LEE,

Defendant.

ORDER

The Court has completed an *in camera* review of files produced in response to the Court's Order entered on July 13, 2000 (Doc. No. 107). The Court has determined that the reviewed files contain certain information that is exculpatory under *Brady v. Maryland*, 373 U.S. 83 (1963). In making this determination the Court was guided by representations by the Defendant's counsel as to what they believe, based on all information within their knowledge, would tend to exculpate the Defendant. The Court has determined that the reviewed files contain the following categories of exculpatory information:

2. The Defendant's cooperation with and provision of information to Government agencies;
3. The Government agencies' assessments of cooperation by and reliability of Sylvia Lee and the Defendant;
4. The Defendant's actions that may be perceived to be inconsistent with an intent to secure an advantage for a foreign nation; and

5. The Government agencies' conclusions about the Defendant's motives.

Documents reflecting or containing exculpatory information will be identified in a classified list filed under seal that will be provided to the Government attorneys for the purpose of consideration with respect to §4 of the Classified Information Procedures Act (CIPA).

IT IS ORDERED that the Government must review the documents identified in the classified list and make a request of the Court under CIPA §4 by August 25, 2000.



UNITED STATES DISTRICT JUDGE