

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

UNITED STATES OF AMERICA

v.

SYDNEY REID

Defendant.

Case: 1:25-cr282 (SLS)

MS. REID’S PROPOSED CURATIVE INSTRUCTION

The Court has found that the government violated Sydney Reid’s rights. The government is required to provide the defense with all exculpatory or potentially exculpatory information in I law enforcement’s possession. The prosecution, at minimum, grossly neglected its obligations to provide the defense with material information in a timely manner. Some of the government’s disclosures were made during the trial, in violation of procedural rules and constitutional rights. You should in no way fault the defense for your wasted time or for any aspect of the defense’s presentation. You may, however, hold such weight against the government, who I have found to be singularly responsible.¹

¹ “Where the district court concludes that the government was dilatory in its compliance with Brady, to the prejudice of the defendant, the district court has discretion to determine an appropriate remedy, whether it be exclusion of the witness, limitations on the scope of permitted testimony, instructions to the jury, or even mistrial.” *Burke*, 571 F.3d at 1054. Indeed, “[t]he choice of remedy is in the sound discretion of the district court.” *United States v. Pasha*, 797 F.3d 1122, 1141 (D.C. Cir. 2015). “Putting all this together, we think that following conviction, the applicable remedy analysis for a *Brady* violation is as follows: (1) a *Brady* violation requires a remedy of a new trial; (2) such new trial may require striking evidence, a *special jury instruction*, or other additional curative measures tailored to address persistent prejudice; and (3) if the lingering prejudice of a *Brady* violation has removed all possibility that the defendant could receive a new trial that is fair, the indictment must be dismissed.” (emphasis added) *Pasha*, 797 F.3d at 1139.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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