

EXHIBIT A



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

December 14, 2012

Elliot R. Peters
Keker & Van Nest LLP
633 Battery Street
San Francisco, CA 94111-1809
Via hand delivery

Re: U.S. v. Aaron Swartz

Dear Mr. Peters:

Enclosed you will find an e-mail which I came across while collecting supplemental discovery materials for you in the Swartz case. (The e-mail has been redacted, eliminating my communication to the agent and contact information. Mike Halsall, David Newman and Jay Perault, as with other MIT employees in this case, may be contacted through their counsel, Robert Ullman.) Because I thought you might find it useful in light of arguments in your recently filed reply brief, I am providing it to you early while I continue to go through the remainder of the materials.

Very truly yours,

CARMEN M. ORTIZ
United States Attorney

By:


STEPHEN P. HEYMANN
Assistant U.S. Attorney

From: MICHAEL PICKETT (BOS) <Michael.Pickett@uss.s.dhs.gov>
Sent: Friday, January 7, 2011 3:25 PM (GMT)
To: Heymann, Stephen (USAMA) <Stephen.Heymann@usdoj.gov>
Subject: RE: Swartz Case

The laptop and external hard drive have been logged into evidence with MIT police. Cambridge Police will take the laptop and hard drive to process them for prints this morning. I am prepared to take custody of the laptop anytime after it has been processed for prints or whenever you feel is appropriate. As far as I know no one has sought a warrant for the examination of the computer, the cell phone that was on his person or the 8gb flash drive that was in his backpack. FYI the laptop and external hard drive were not on his person when he was arrested. They were traced by the laptop MAC address on the network, in a computer room in the MIT student center.

Mike Halsall has already provided me with a copy of the flow traffic. David Newman has made the packet capture available for download. I will download it today.

I will ask Mike Halsall for a copy of the surveillance.

Jay A Perault is the Captain from MIT Police that has been working with me during this investigation and was present during the arrest of Aaron Swartz.

Michael S. Pickett
U.S. Secret Service
Boston Field Office