



Tsarnaev brothers and Matanov in the hours after the bombings. It is written by Michele McPhee, the same reporter whose *Newsweek* article was at issue in the Defendant's Third Motion, and who seems to have ready access to law enforcement sources and documents. *See* DE 616 at pp. 3-5.

Although yesterday's Order denied the defense request for a hearing at this time, it directed government counsel to require appropriate supervisory personnel in any law enforcement agency that has or is working on matters related to this case to communicate to those under their command that disclosure of non-public information must be avoided on pain of sanction. [DE 676]. Now, however, the stakes have increased. It appears that actual confidential FBI interview reports have been released, at least to *Boston Magazine* and/or journalist Michele McPhee. As a result, defense counsel seek reconsideration of the Court's November 25, 2014 Order denying a hearing, and in addition, request that the Court amend its Order to require government counsel to obtain affidavits from each of the relevant law enforcement supervisory personnel advising whether they or those under their command provided non-public investigative materials (including but not limited to the Matanov FBI interview reports), or other non-public investigative information, to any unauthorized persons or organizations, including Boston Magazine or other news outlets.

Respectfully submitted,  
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By his attorneys

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*/s/ Judy Clarke*