

EXHIBIT B



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 29, 2016

By Email

Owen C. Pell
Scott Hershman
Daniel Levin
White & Case LLP
1155 Avenue of the Americas
New York, NY 10036

**Re: United States v. Evgeny Buryakov, a/k/a "Zhenya,"
S1 15 Cr. 73 (RMB)**

Dear Counsel:

This letter provides discovery, pursuant to Rule 16 of the Federal Rules of Criminal Procedure and seeks reciprocal discovery. All of the information and materials enclosed with this letter are being produced to you pursuant to the Stipulated Protective Order issued by the Court in this case.

Disclosure by the Government

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the Government hereby provides notice and a written summary of testimony that it intends to offer at trial from the following witnesses:

I. The SVR

We expect to elicit testimony from one or both of the witnesses named below that:

- When the Russian Federation came into existence in 1991, there were two intelligence agencies that principally took over the functions of the KGB, which was the principal intelligence agency of the Soviet Union: the FSB and the SVR. The function of each is, generally speaking, gathering and analyzing domestic intelligence (FSB) and foreign intelligence (SVR) for the leaders of the Russian Federation. A separate agency, the GRU, handles military intelligence.
- The SVR's headquarters are in Moscow, and are sometimes referred to as Moscow Center or the Center.

- The SVR is organized into directorates and lines. Different parts of the SVR focus on different aspects of intelligence. For example, line PR focuses on political intelligence, line KR on counter-intelligence, line OT on operational and technical support, line X (which falls within Directorate T) on science and technology, line ER on economic intelligence, directorate S and line N on “illegals” and line MS, which has also been known as line A, on active measures, which include efforts to further Russia’s interests by various means, including by spreading propaganda.
- Worldwide, the SVR employs thousands of people.
- The SVR’s offices abroad are known as “residenturas.”
- The SVR’s residentura in New York City is located in the Russian Federation’s Mission to the United Nations, which is on East 67th Street in Manhattan.
- SVR officers receive training in Russia of a year or more. Among the subjects of their training are source development and recruitment, and tradecraft.
- SVR officers enter the United States under diplomatic or official cover, as “illegals” who generally adopt false identities, or under non-official cover. The last category is sometimes referred to as “NOCs.” The Russian Federation has sent NOCs to the United States as journalists and as employees of businesses, including banks. Those working under official cover or as NOCs are expected to work both their cover jobs and for the SVR.
- Ten “illegals” were arrested in the United States in 2010 for conspiring to act as unregistered agents of the Russian Federation and to launder money.
- The SVR views the United States as the chief intelligence target, or “enemy,” of Russia.
- The SVR’s intelligence-gathering priorities often reflect world events.
- In New York, the SVR generally focuses on gathering intelligence related to financial and business matters, including the oil, gas and renewable energy industries in light of the importance of oil and gas to Russia, as well as intelligence that can be obtained through the United Nations.
- The SVR gathers information from both public and non-public sources and gathers both classified and unclassified information.
- When developing a human source of information the SVR often attempts to gain detailed personal information about the source, and will sometimes pay for information with money or gifts. But SVR officers will also gather information that is distributed freely, for example, at conferences.

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- Assignments for SVR officers generally come from SVR headquarters. Assignments and responses to them generally are communicated through the residentura.
- Certain terms are used by SVR officers, including “IO” to refer to an intelligence officer, “clean” to refer to someone or something not involved in intelligence work, “open” to refer to sources of information that are publicly accessible, a “legend” to refer to information that supports a false identity or other false information, “cover” to refer to the non-intelligence job that an intelligence officer officially holds, “impulse post” or “post impulse” to refer to a Russian surveillance system and the “White House” to refer to the residential complex for Russian Federation employees in the Riverdale section of the Bronx.

This testimony will be presented through one or both of the witnesses below. For each of the witnesses described below, this testimony will be based on many years of working on Russian counterintelligence for the FBI, during which time each witness was, among other things, trained about the SVR and spent substantial amounts of time debriefing defectors from the Russian intelligence services, reviewing surveillance of Russian intelligence operatives in the United States, reviewing intelligence case files and communicating with other intelligence agencies.

Alan E. Kohler, Jr. is a current employee of the FBI. After obtaining an undergraduate degree in ceramic engineering in 1992 and a master’s degree in ceramic science and engineering in 1994, both from Rutgers University, Mr. Kohler joined the FBI as a special agent in 1996. He worked on Russian counterintelligence matters in Washington, D.C. and New York from 1996 until 2012, as both an agent and a supervisor, including as unit chief of the SVR Unit at FBI headquarters. He also has attended the Middlebury College language school, where he studied Russian. From 2012 through the present Mr. Kohler has worked as an assistant legal attache in London, where he is the principal FBI liaison with the U.K. security and intelligence agencies.

Robert N. Sama is a former employee of the FBI. After obtaining an undergraduate degree from Lafayette College in 1974, where he was a Russian major, and a master’s degree in Slavic languages and literature from Florida State University in 1976, Mr. Sama worked for the FBI, first, from 1977-78 as a Russian language specialist. Mr. Sama became an FBI special agent in 1978 and worked on Russian counterintelligence matters, both as an agent and a supervisor. From 2002 to 2007 he was a program manager, overseeing the FBI’s Russian and Chinese counterintelligence program in New York. Mr. Sama retired from the FBI in 2007 and is now a vice president at the Federal Reserve Bank of New York and director of its federal law enforcement unit.

II. Analysis of Electronic Devices

We also expect to elicit testimony from one or more of the witnesses listed below regarding forensic analysis of electronic devices, including computers, cellphones, and hard drives, that were searched in connection with this investigation:

- FBI Supervisory Special Agent/Forensic Examiner Michael Petronella
- FBI Computer Analysis Response Team (“CART”) Senior Examiner Stephen Flatley
- FBI CART Senior Examiner John Chan
- FBI CART Examiner William Murray
- FBI CART Examiner Ramiro Mendez

Resumes for these witnesses are attached.

III. Russian Language

In addition, we expect to elicit testimony from one or more of the witnesses listed below regarding English translations of certain Russian-language materials, including documents, e-mails, and recordings, as well as certain aspects of Russian vernacular, slang terminology, and idioms used in those materials.

- Marina Weinstein
- Irina Barskova
- Konstantin Garnov
- Alex Lisitsyn
- Lasha Gegechkori

Resumes for these witnesses are attached.

Disclosure By the Defendant

In light of your request for the foregoing discovery, the Government reiterates its prior requests for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. Specifically, the Government requests that you:

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- Allow inspection and copying of: (1) any books, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial; and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.
- Disclose prior statements of witnesses the defendant will call to testify. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with 3500 material relating to Government witnesses.
- Provide notice pursuant to Rule 16(b)(1)(C), of any expert witness that the defendant intends to rely upon, including a written summary of any testimony that the defendant intends to elicit under Rules 702, 703, or 705 of the Federal Rules of Evidence. Any such summary should include the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

Sincerely,

PREET BHARARA
United States Attorney

By: 

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Enclosures