



U.S. Department of Justice

Office of Professional Responsibility

*950 Pennsylvania Avenue, N.W., Suite 3266
Washington, DC 20530
(202) 514-3365*

April 30, 2026

By Email

[REDACTED]
CREW
[REDACTED]
Washington, DC 20004
[REDACTED]

Re: OPR FOIA No. F24-00095 First Interim Response

Dear Mr. Tsoi:

This letter is in response to your April 24, 2024, Freedom of Information Act (FOIA) request to the Office of Professional Responsibility (OPR) seeking the following records from January 1, 1994 to the date this request is processed:

1. All records relating to former Assistant United States Attorney Terra Morehead (AUSA Morehead) at the Office of the United States Attorney for the District of Kansas (USAO Kansas), that pertain to proven or alleged violations by AUSA Morehead of any provisions of law or constitution, any provisions of the United States Attorney's Manual adopted by the Department of Justice, any ethical duties imposed upon AUSA Morehead in her capacity as a government prosecutor as set forth in the Kansas Rules Relating to Discipline of Attorneys, or any other professional misconduct.
2. All records relating to AUSA Morehead's conduct as a prosecutor for the State of Kansas or any political subdivisions thereof, that pertain to proven or alleged violations by Morehead of any provisions of law or constitution, any ethical duties imposed upon Morehead in her capacity as a government prosecutor as set forth in the Kansas Rules Relating to Discipline of Attorneys, or any other professional misconduct.
3. All records relating to any DOJ investigations, actions (including but not limited to case reassignments and disciplinary measures), or decisions not to take action, in regard to AUSA Morehead's conduct as an AUSA or prosecutor for the State of Kansas, including those relating to proven or alleged violations by AUSA Morehead of any provisions of law or constitution, any provisions of the United States Attorneys' Manual adopted by the Department of Justice, any ethical duties imposed upon AUSA Morehead in her capacity as a government prosecutor as set forth in the Kansas rules Relating to Discipline of Attorneys, or any other professional misconduct.

OPR received your request on April 25, 2024, and has assigned to it request number **F24-00095**. Please refer to that number in any correspondence pertaining to this matter.

For this first interim response, OPR processed a total of 502 pages responsive to your request. Enclosed please find 17 pages of responsive records. Of the 17 pages, six pages (Bates-numbered F24-00095 00001 to 00006) are appropriate for release without excisions, and 11 pages (Bates-numbered F24-00095 00007 to 00017) are appropriate for release with excisions made pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(C). Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to information compiled for law enforcement purposes which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

OPR determined that 93 pages (Bates-numbered F24-00095 00018 to 00110) contained information of interest to the Executive Office for U.S. Attorneys (EOUSA), Drug Enforcement Administration (DEA), and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); 388 pages (Bates-numbered F24-00095 00111 to 00498) contained information of interest to EOUSA and the U.S. Marshals Service (USMS), and 4 pages (Bates-numbered F24-00095 00499 to 000502) contained information of interest to EOUSA. OPR will send these pages for consult to EOUSA, DEA, ATF, and USMS pursuant to 28 C.F.R. § 16.4(d).

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal with the Office of Information Policy.

Sincerely,



Margaret McCarty
Senior Associate Counsel

cc: AUSA Sam Escher
U.S. Attorney's Office for the District of Columbia



U.S. Department of Justice Office of Professional Responsibility Policies and Procedures

Introduction

The Office of Professional Responsibility (OPR) was established by order of the Attorney General to ensure that Department of Justice (DOJ) attorneys and law enforcement personnel perform their duties in accordance with the highest professional standards expected of the nation's principal law enforcement agency. Pursuant to 28 C.F.R. § 0.39a, the Counsel for OPR reports directly to the Attorney General and Deputy Attorney General. OPR is staffed by a Deputy Counsel, three Associate Counsels, and between 20-25 Assistant Counsels.

The Role and Authority of OPR

OPR has jurisdiction to investigate allegations of professional misconduct against Department attorneys that relate to the exercise of their authority to investigate, litigate or provide legal advice, including allegations of professional misconduct against Department immigration judges. OPR also has jurisdiction to investigate allegations of misconduct against Department law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of OPR. The Office of the Inspector General has jurisdiction over all allegations of misconduct against Department attorneys that do not fall within OPR's jurisdiction.

In addition to reporting its findings and conclusions in investigative reports, OPR provides advice to the Attorney General and Deputy Attorney General concerning the need for changes in policies and procedures that become apparent during the course of OPR's investigations.

Reporting Allegations of Misconduct

Pursuant to Chapter 1-4.100 of the United States Attorneys' Manual (USAM), all Department employees have a duty to report allegations of professional misconduct against a Department attorney that relate to the exercise of the attorney's authority to investigate, litigate, or provide legal advice, as well as allegations of misconduct against Department law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of OPR.

Department employees must report “any evidence or non-frivolous allegation of misconduct” to their supervisor. An employee may also refer the allegation directly to OPR. Supervisors are required, in turn, to report any evidence or non-frivolous allegation of serious misconduct to OPR. If the supervisor participated in the alleged misconduct, however, he or she must refer the matter to a higher-ranking official for review. Employees and supervisors are encouraged to contact OPR for assistance in determining whether a matter should be referred to OPR.

Reporting Allegations of Misconduct During the Course of Judicial Proceedings

All judicial findings of attorney misconduct must be reported to a supervisor and to OPR, regardless of whether an attorney or supervisor agrees with the findings or considers them to be serious. Any statement by a judge or magistrate judge indicating that a Department attorney has engaged in professional misconduct, and any indication by a judge or magistrate judge that the court is taking under consideration an allegation of professional misconduct, must be reported to a supervisor. The supervisor must, in turn, report to OPR “any evidence or non-frivolous allegation of serious misconduct.”

Except in extraordinary cases, judicial findings of misconduct are investigated by OPR without awaiting the outcome of further judicial proceedings. Thus, findings of misconduct must be reported to OPR regardless of whether an appeal is contemplated or has already been taken.

The Review of Misconduct Allegations

OPR receives allegations against Department attorneys from a variety of sources, including U.S. Attorneys’ Offices and DOJ litigating components, private individuals and attorneys, defendants and civil litigants, other federal agencies, state and local government agencies, judicial and congressional referrals, media reports, and self-referrals. OPR also regularly conducts searches of legal databases to identify opinions containing judicial findings of misconduct against Department attorneys.

OPR reviews each allegation and determines whether further review is warranted. The determination whether to close the matter or to obtain more information about the allegation is a matter of investigative judgment and involves many factors, including the nature of the allegation, its apparent credibility, its specificity, its susceptibility to verification, and its source. The majority of complaints received by OPR are determined not to warrant further review because, for example, the complaint is frivolous on its face, is outside OPR’s jurisdiction, or is unsupported by any evidence. In such cases, OPR will close the matter without informing the subject attorney of the complaint.

When OPR needs more information to resolve a matter, OPR will initiate an inquiry. In such cases, OPR may request additional information from the complainant or from the subject attorney. Most inquiries are closed with no misconduct findings.

In cases that cannot be resolved based solely on the written record, OPR ordinarily initiates an investigation, which includes requesting and reviewing relevant documents and conducting interviews of witnesses and the subject attorney. The decision to conduct an investigation does not give rise to a presumption of professional misconduct. OPR makes misconduct findings only after conducting a full investigation.

Even if the subject attorney resigns or retires from the Department during the course of an investigation, OPR ordinarily completes the investigation in order to better assess the litigation impact of the alleged misconduct and to permit the Attorney General and Deputy Attorney General to assess the need for changes in Department policies or practices. In certain cases, however, the Office of the Deputy Attorney General will approve termination of such investigations if it is in the best interest of the Department.

The Investigative Process

OPR's inquiries and investigations involve a wide range of allegations, and the investigative methods used vary accordingly. In many cases, OPR initiates an inquiry because more information is needed to resolve the matter. In such cases, the first step is usually to request a written response from the attorney against whom the allegation has been made. Requests for written responses must be answered promptly and thoroughly. Supporting documentation and other relevant material should be included with responses, and other individuals with relevant information should be identified. However, the subject attorney should not interview other witnesses or ask them to prepare affidavits or written statements. In addition, the subject attorney's written response should not be edited or revised by any other Department attorney or official. If an attorney's trial schedule or other commitments preclude a timely response, an extension of time may be obtained by contacting OPR.

In requesting a written response, OPR asks the subject attorney to provide pertinent information regarding his or her professional background and experience, including his or her length of service and positions held with the Department. In order to determine what state bar rules may apply, OPR also asks the subject attorney to list each jurisdiction in which he or she maintains bar membership, regardless of his or her category of membership (*e.g.*, active, inactive, associate, or some other membership category).

If OPR determines based on its review of the record that there is no reasonable likelihood of a professional misconduct finding, the subject attorney and the United States Attorney or component head are notified that further inquiry is unwarranted, and the matter is closed.

In cases that cannot be resolved based on a review of the written record, OPR initiates an investigation of the alleged misconduct. Interviews are ordinarily conducted by two OPR attorneys. The interview of the subject attorney is transcribed by a court reporter, and the interviews of other witnesses are digitally recorded. Neither the subject nor a witness is permitted to record the interview. Co-workers are not permitted to attend interviews.

Following preparation of the transcript, the subject attorney will be given an opportunity, pursuant to a confidentiality agreement, to review the transcript and, if necessary, submit a

supplemental written response. A confidentiality agreement signed by the subject attorney requires that all copies of the transcript be returned to OPR.

All Department employees have an obligation to cooperate with OPR investigations and must respond to questions posed during the course of an investigation upon being informed that their statements will not be used to incriminate them in a criminal proceeding. Employees who refuse to cooperate with OPR investigations may be subject to formal discipline, including removal. *See* Attorney General's April 12, 2002 Memorandum, "Duty to Report Misconduct and Cooperate with Investigations."

Assistance of Counsel

The majority of OPR investigations are administrative in nature, and employees are not entitled to counsel as a matter of law. However, counsel may be permitted if counsel does not interfere with or delay the interview. Counsel must be actually retained by the employee as a legal representative, not as an observer. Counsel is not permitted access to certain confidential criminal investigative information and may not be permitted access to grand jury information.

Post-Investigation Procedures

At the conclusion of the investigation, OPR prepares a report of investigation in which it makes findings of fact and reaches conclusions as to whether the subject attorney committed professional misconduct. OPR may find the subject attorney committed professional misconduct by: (1) **intentionally** violating a clear and unambiguous obligation or standard imposed by law, applicable rule of professional conduct, or Department regulation or policy; or (2) **recklessly disregarding** his or her obligation to comply with that obligation or standard. OPR may also find that the attorney exercised poor judgment, made a mistake, or acted appropriately. A poor judgment finding may lead to disciplinary action; a mistake finding does not.

Once OPR completes its report of investigation, the subject attorney and the United States Attorney or component head are officially notified of the results of the investigation. If OPR determines that the subject attorney committed professional misconduct, prior to issuing a final report, the subject attorney, pursuant to a confidentiality agreement, and the United States Attorney or component head may review the draft report, comment on the factual findings, and offer arguments as to why OPR should alter its conclusions. OPR will consider the comments and incorporate them into the final report, to the extent OPR considers it appropriate.

OPR may include in its report information relating to management and policy issues noted in the course of the investigation for consideration by Department officials.

Pursuant to 28 C.F.R. § 0.39a and OPR's routine uses under the Privacy Act, OPR also notifies the complainant of the results of the investigation.

Departmental Review of OPR Misconduct Findings

In December 2010, the Department established the Professional Misconduct Review Unit (PMRU) to review OPR misconduct findings in matters involving Assistant United States Attorneys and Criminal Division attorneys. In 2015, the Department extended the jurisdiction of the PMRU such that it now reviews OPR's misconduct findings relating to nearly all Department attorneys. The PMRU does not review poor judgment findings, which are referred to the United States Attorney or component head for appropriate action. The PMRU will review poor judgment findings, however, if they are closely related to a misconduct finding made by OPR.

When OPR determines that an attorney who falls within PMRU's jurisdiction has committed professional misconduct, OPR provides its report of investigation directly to the PMRU for review without making a disciplinary recommendation. OPR also will provide the report of investigation to the subject attorney and the United States Attorney or the component head.

If the PMRU determines that OPR's misconduct findings are not supported by the evidence, it refers the matter to the United States Attorney or component head for action consistent with the PMRU's determination. The PMRU's determination is the Department's final ruling on the matter.

If the PMRU determines that OPR's misconduct findings are supported by the evidence, the PMRU makes a disciplinary proposal. The PMRU seeks input from the United States Attorney, and the Executive Office for United States Attorneys, or the head of the Criminal Division regarding any applicable *Douglas* factors, which must be considered in determining the appropriate disciplinary action.¹ The subject attorney then has an opportunity to provide an oral and written response contesting the proposal for discipline and its basis to the PMRU deciding official before discipline is imposed.

In matters resulting in the issuance of a reprimand, a PMRU attorney issues the reprimand, and the Chief of the PMRU serves as the grievance official. In matters resulting in a suspension of 14 days or less, a PMRU attorney generally serves as the proposing official; the PMRU Chief serves as the deciding official; and the Office of the Deputy Attorney General serves as the grievance official. In matters resulting in a suspension of more than 14 days, a PMRU attorney generally serves as the proposing official; the PMRU Chief serves as the deciding official; and the subject attorney may appeal the decision to the Merit Systems Protection Board (MSPB).

When OPR concludes that a subject attorney engaged in professional misconduct but the attorney is not employed in a component that falls under the jurisdiction of the PMRU, OPR recommends a range of discipline. The recommendation is not binding on the management

¹ The *Douglas* factors are all of the mitigating and aggravating factors, as set forth in *Douglas v. Veterans Administration*, 5 M.S.P.R. 313 (1981).

officials responsible for imposing discipline. However, if an official decides to impose discipline that is outside the range of discipline recommended by OPR (whether harsher or more lenient), the management official must notify the Office of the Deputy Attorney General before implementing that decision.

Referral of Misconduct Findings to Bar Disciplinary Authorities

At the conclusion of the disciplinary process, OPR will notify state bar authorities of misconduct findings that involve the violation of a bar rule. When the PMRU upholds an OPR finding of professional misconduct based on the violation of a state bar rule, OPR will, at the PMRU's request, notify state bar authorities of the misconduct finding within 30 days of the final disposition of the matter by the PMRU.

Routine Uses of Investigative Information

In addition to the internal uses by Department officials, OPR's findings may be disseminated for the routine uses published at 76 Fed. Reg. 66752 (10/27/11). These uses include disclosure to other government agencies and officials for law enforcement purposes; to individuals or agencies in order to elicit information relevant to the investigation or another pending proceeding; to a court, grand jury, or regulatory or administrative agency; to other federal agencies when requested in connection with the hiring or retention of an employee, the issuance of a security clearance, or the investigation of an employee; to complainants to inform them of the results of OPR's review of their complaints; and to the subjects of an inquiry or investigation.

OPR Review of Proposals to Refer Non-DOJ Attorneys to Bar Disciplinary Authorities

Pursuant to Section 1-4.150 of the USAM, allegations of misconduct by non-DOJ attorneys and judges must be reported to OPR for a determination of whether to report the allegations to appropriate disciplinary officials. The Department has established a protocol that accommodates the Department attorney's obligation to report the unethical conduct of an attorney to state bar disciplinary authorities, and the interest of the Department in protecting confidential information. *See* USAM § 1-4.150; 28 C.F.R. § 0.39(a) (9); ABA Model Rule 8.3(a). OPR will determine, in conjunction with the Department component that referred the matter to OPR, whether to report the allegations of unethical conduct of the non-Department attorney or judge to the appropriate disciplinary authorities.



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
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(b) (6)

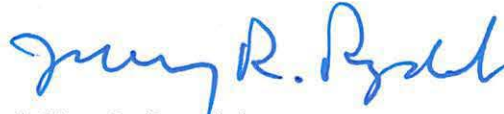
Dear **(b) (6)**:

The Office of Professional Responsibility (OPR) has completed its investigation into the conduct of your client Assistant U.S. Attorney (AUSA) Terra Morehead in **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)**. As you know, on **(b) (6), (b) (7)(C)**, the Honorable Julie A. Robinson, U.S. District Judge for the District of Kansas, found that AUSA Morehead violated the defendant's Sixth Amendment rights by substantially interfering with his ability to present a witness in his defense at trial. Judge Robinson consequently granted the defendant's motion to vacate the jury's guilty verdict and dismiss the indictment with prejudice. The court's finding was based upon its assessment that a brief conversation between AUSA Morehead and the witness' attorney resulted in actual intimidation of the witness, who thereafter declined to testify for the defendant. Being unable to present the witness' testimony, the defendant elected to testify in his own behalf and was found guilty.

Based on the results of its investigation, OPR concluded that AUSA Morehead did not commit professional misconduct. Based on a careful review of the court record, multiple interviews, and your client's written response, OPR's investigation did not establish by a preponderance of the evidence that AUSA Morehead's actions violated the defendant's Sixth Amendment rights or related rules of professional misconduct. In particular, OPR concluded that a significant part of the district court's finding was based on multiple hearsay statements. OPR concluded instead that AUSA Morehead exhibited poor judgment in her interactions with the witness' attorney regarding the witness' prospective testimony. AUSA Morehead should have approached the witness's attorney, who was significantly less experienced, in a more measured and less aggressive manner, and more carefully considered the need to convey to the attorney the potential consequences the witness might face should he not truthfully testify. In failing to do so, AUSA Morehead chose a course of action that was in marked contrast to the action that the Department reasonably expects an attorney exercising good judgment to take.

OPR has advised Corey Frazier Ellis, Senior Official, Executive Office for U.S. Attorneys, and U.S. Attorney Stephen R. McAllister of the results of this investigation. If AUSA Morehead has any questions about this matter, she should contact U.S. Attorney McAllister. OPR appreciates AUSA Morehead's and your cooperation with its investigation.

Sincerely,



Jeffrey R. Ragsdale
Director and Chief Counsel



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530

OCT 16 2014

CONFIDENTIAL

Terra D. Morehead
Assistant United States Attorney
United States Attorney's Office
for the District of Kansas
500 State Avenue, Suite 360
Kansas City, KS 66101-2433

Dear Ms. Morehead:

By letter dated March 31, 2014, attorney (b) (6) alleged that you improperly withheld favorable evidence material to the sentencing of his client in (b) (6). In his letter, (b) (6) specifically alleged that, in a March 18, 2014 e-mail to him, you affirmatively misrepresented that (b) (6) had not provided valuable evidence to a Kansas City, Missouri Police Department (KCPD) detective and a Jackson County, Missouri, prosecutor regarding an unsolved 2009 homicide -- when in fact (b) (6) had provided substantial assistance in that investigation -- in effect falsely and wrongfully rendering him ineligible for a sentencing reduction based on his cooperation. OPR initiated an inquiry into the allegations, which is now complete.

Based on the results of its inquiry, OPR determined that further investigation of this matter is not warranted, because there is no reasonable likelihood that further investigation would result in a professional misconduct finding. The evidence indicates that your assessment of (b) (6) cooperation in your March 18, 2014 e-mail to (b) (6) was based on inaccurate information you received from the Jackson County prosecutor indicating that (b) (6) was not a useful witness in the state case, and that he had not even heard of (b) (6). The Jackson County prosecutor's memory was faulty, because, in fact, (b) (6) had credibly identified the shooter and the vehicles involved in the state homicide, and the state prosecutor intended to use (b) (6) at trial. Moreover, the Jackson County prosecutor suffered a second memory lapse when he subsequently told defense attorney (b) (6) that he had never spoken to you on the topic of (b) (6) cooperation. USAO telephone and e-mail records corroborate that you did in fact communicate with the Jackson County prosecutor, and he now has conceded that he indeed had a conversation with you.

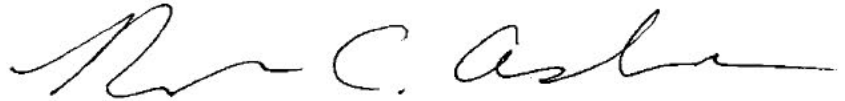
Although a finding of professional misconduct is unlikely, OPR must note that you should have used better judgment in your handling of the matter. By the time you spoke with the Jackson County prosecutor, you had significant, detailed information from the KCPD detective that (b) (6) cooperation had in fact been useful in the state homicide investigation, and you also knew that a defendant had been indicted in the case. Moreover, you apparently recognized that your brief cellular telephone conversation with the Jackson County prosecutor was not definitive, because you followed up with him later by e-mail, an inquiry to which you received no timely response. Under the circumstances, the responsible approach would have been to wait until you could connect and have a more detailed discussion with the Jackson County prosecutor before relaying to (b) (6) your decision regarding (b) (6) cooperation. The court had not set a date for (b) (6) sentencing at that point, so you were under no time pressure to make a final decision. Instead, you sent (b) (6) a seemingly definitive e-mail indicating that you would not be filing a motion to afford (b) (6) any benefit in his federal sentencing for his state cooperation. (b) (6) replied to your e-mail, reemphasizing the credible and conflicting information he had received from the KCPD detective and requesting a meeting with you, but you did not timely arrange the requested meeting. But for (b) (6) diligence in investigating the matter without your participation, your miscommunication with the Jackson County prosecutor might never have been discovered and remedied.

In a recent, separate OPR investigation, although OPR did not find that you committed professional misconduct, OPR nonetheless noted that your interactions with opposing counsel were often "needlessly contentious and exhibited a lack of civility and professional courtesy." The allegations relating to the (b) (6) matter could have been avoided altogether if you enjoyed a more effective relationship with the defense bar and took steps to ensure productive communication. Faced with detailed, conflicting information about (b) (6) cooperation from credible law enforcement sources, you prematurely and seemingly definitively rejected the value of (b) (6) cooperation in the state case. Thereafter, you failed to timely meet and discuss the issue with (b) (6), as he reasonably requested, or make any additional effort to obtain further information from the Jackson County prosecutor or the KCPD detective. Under the circumstances, (b) (6) had little choice but to rely on the Jackson County prosecutor's mistaken assertion that you and he had never spoken, and (b) (6) mistakenly -- but not unreasonably -- concluded that you were acting in bad faith.

In sum, the allegations contained in (b) (6) March 31, 2014 letter appear to be the result of a miscommunication that was based on faulty information from the state prosecutor on which you prematurely relied, a situation aggravated by your underlying lack of cordial, professional relations and effective communication with defense counsel.

Because there is little reasonable likelihood that further investigation would result in a professional misconduct finding, OPR considers this matter to be closed. However, OPR is referring this matter to your U.S. Attorney and the Executive Office for United States Attorneys to deal with as a management and performance issue. Thank you for your cooperation with OPR's inquiry.

Sincerely,



Robin C. Ashton
Counsel

cc:

(b) (6)
The **(b) (6)** Firm, PC



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, NW, Suite 3266
Washington, DC 20530
(202) 514-3365

September 28, 2023

CONFIDENTIAL
VIA EMAIL ONLY

Gayle Larkin
Disciplinary Administrator
Kansas Disciplinary Administrator Office
701 SW Jackson, 1st Floor
Topeka, KS 66603

Dear Ms. Larkin:

On May 10, 2021, U.S. District Judge Daniel Crabtree granted the defendant a downward sentencing variance in (b) (6), (b) (7)(C), a prosecution for possession with intent to distribute methamphetamine and related offenses, (b) (6), (b) (7)(C)

In particular, the court concluded that former Assistant United States Attorney Terra Morehead (b) (6), (b) (7)(C)

Pursuant to Department policy, Ms. Morehead reported the matter to the Office of Professional Responsibility (OPR), which initiated an investigation.

OPR completed its investigation and summarized its findings in a Report of Investigation (Report), dated June 21, 2023. Under the "routine use" exception to the Privacy Act, 5 U.S.C. § 552a(b)(3), and the notice published in the Federal Register, 76 Fed. Reg. 66,752 (Oct. 27, 2011), OPR may disclose information "to professional organizations or associations . . . such as state bar disciplinary authorities, to meet their responsibilities in connection with the administration and maintenance of standards of conduct and discipline." Pursuant to Department policy, OPR is notifying you of the results of its investigation.

As set forth in its Report, OPR concluded that Ms. Morehead committed professional misconduct by (1) recklessly failing to provide the defense with impeachment evidence of an essential government witness prior to trial; (2) knowingly failing to correct the government witness's false trial testimony; (3) intentionally failing to provide the defense with impeachment evidence of the government witness prior to sentencing; (4) knowingly misleading defense counsel concerning the content of investigative records; (5) knowingly and intentionally making false statements at and misleading the court during hearings on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C);

and (6) intentionally misleading OPR, all in violation of her obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972); Kansas Rules of Professional Conduct 3.3(a)(1) and (a)(3), 3.4(c) and (d), 3.8(d), 4.1(a), and 8.4(c),(d), and (g); Department policy; the court's (b) (6), (b) (7)(C) discovery order; and an attorney's general duty of candor to the court. OPR also concluded that Ms. Morehead did not violate her disclosure obligations with regard to the production of the complete criminal histories of two government witnesses, but rather exercised poor judgment by failing to re-run the criminal histories prior to the trial and failing to document her disclosures of criminal record information to the defense.

Pursuant to Department policy, OPR submitted its Report to the Department's Professional Misconduct Review Unit (PMRU). On September 26, 2023, the PMRU authorized OPR to notify the Kansas state attorney disciplinary authority of OPR's findings for whatever action it deems appropriate.

OPR understands that the Kansas Disciplinary Administrator Office has previously initiated a review of Ms. Morehead's conduct in (b) (6), (b) (7)(C). If you would like to obtain a redacted copy of OPR's report for use in your review, please advise me in writing of your request and of your agreement to keep the OPR report confidential to the extent consistent with your office's policies and procedures. OPR would appreciate learning the results of any investigation your office conducts in this matter.

If you have any questions or need further information, please do not hesitate to contact OPR Associate Counsel Greg Gonzalez at (b) (6) or (b) (6).

Sincerely,



Jeffrey Ragsdale
Counsel

cc: Kate Brubacher
U.S. Attorney for the
District of Kansas

Mark Masling
Chief, Professional Misconduct Review Unit

(b) (6)
(b) (6)
(b) (6)
Counsel for Ms. Morehead



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
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June 21, 2023

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(b) (6)

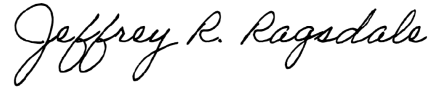
Dear **(b) (6)**:

Enclosed is the Office of Professional Responsibility's (OPR) Report of Investigation regarding the conduct of your client, Assistant U.S. Attorney (AUSA) for the District of Kansas Terra Morehead, in **(b) (6), (b) (7)(C)**. As you are aware, OPR has redacted references to material under seal contained therein.

OPR previously made available to you a redacted draft report of its investigation that preliminarily concluded that AUSA Morehead committed professional misconduct by (1) recklessly failing to provide the defense with impeachment evidence of an essential government witness prior to trial; (2) knowingly failing to correct the government witness's false trial testimony; (3) intentionally failing to provide the defense with impeachment evidence of the government witness prior to sentencing; (4) knowingly misleading defense counsel concerning the content of investigative records; (5) knowingly and intentionally making false statements at and misleading the court during the **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** hearings; and (6) intentionally misleading OPR, all in violation of her obligations under *Brady* and *Giglio*; Kansas Rules of Professional Conduct 3.3(a)(1) and (a)(3), 3.4(c) and (d), 3.8(d), 4.1(a), and 8.4(c),(d), and (g); Department policy; the court's **(b) (6), (b) (7)(C)** discovery order; and an attorney's general duty of candor to the court. OPR also preliminarily concluded that AUSA Morehead did not violate her disclosure obligations with regard to the production of the complete criminal histories of two government witnesses, but rather exercised poor judgment by failing to re-run the criminal histories prior to the trial and failing to document her disclosures of criminal record information to the defense. OPR carefully considered AUSA Morehead's comments on the draft report and revised its draft report as appropriate but did not change its conclusions.

OPR has provided its Report of Investigation to Kate Brubacher, U.S. Attorney for the District of Kansas; Monty Wilkinson, Director of the Executive Office for U.S. Attorneys; and Mark Masling, Chief of the Professional Misconduct Review Unit. For further information regarding this matter, please contact Mr. Masling at (b) (6).

Sincerely,



Jeffrey R. Ragsdale
Counsel

Enclosure



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530

MEMORANDUM

CONFIDENTIAL

DATE: June 21, 2023

TO: Kate Brubacher
United States Attorney, District of Kansas

Monty Wilkinson
Director, Executive Office for U.S. Attorneys

Mark Masling
Chief, Professional Misconduct Review Unit

FROM: *Jeffrey R. Ragsdale*
Jeffrey R. Ragsdale
Counsel

SUBJECT: OPR's June 21, 2023 Report of Investigation into Allegations of Professional Misconduct concerning Assistant U.S. Attorney Terra Morehead in (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Enclosed is the Department of Justice Office of Professional Responsibility's (OPR) Report of Investigation regarding the conduct of Assistant U.S. Attorney Terra Morehead in (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

OPR has provided Ms. Morehead's counsel with a redacted copy of OPR's Report of Investigation and has advised him to contact Mark Masling, Chief of the Professional Misconduct Review Unit, for further information regarding this matter. OPR's report may be shared with the U.S. Attorney's Office management team, who should treat the report as confidential. Please do not disseminate the report to others without OPR's prior approval.

OPR appreciates the cooperation of the U.S. Attorney's Office with OPR's investigation.

Enclosure

cc: G. Bradley Weinsheimer
Associate Deputy Attorney General

Jay Macklin
General Counsel, Executive Office for U.S. Attorneys