



U.S. Department of Justice

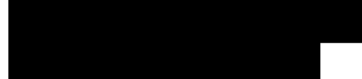
Office of Professional Responsibility

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

August 31, 2026

By Email

CREW



foia@citizensforethics.org

Re: OPR FOIA No. F24-00095 5th Interim Response

Dear CREW:

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 fifth interim response, OPR processed a total of 500 pages responsive to your request. Enclosed please find 118 pages of responsive records. Of the 118 pages, 37 pages (Bates-numbered F24-00095 02049 to 02085) are appropriate for release without excisions. Eighty-one pages (Bates-numbered F24-00095 02086 to 02166) are appropriate for release with excisions made pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C), and 122 pages (Bates-numbered F24-00095 02167 to 02288) are being withheld in full pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. 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 23 pages (Bates-numbered F24-00095 02289 to 02311) contained information of interest to the Executive Office for U.S. Attorneys (EOUSA); five pages (Bates-numbered F24-00095 02312 to 02316) contained information of interest to EOUSA and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); 12 pages (Bates-numbered F24-00095 02317 to 02328) contained information of interest to EOUSA, ATF, and the U.S Marshals Service (USMS). We will send these pages for consult to EOUSA, OIP, and USMS pursuant to 28. C.F.R. § 16.4(d).

Because 20 pages originated with EOUSA (Bates-numbered F24-00095 02329 to 02348), OPR will refer these pages to EOUSA for processing and direct response to you.

Because 200 pages originated with USMS (Bates-numbered F24-00095 02349 to 02548), OPR will refer these pages to USMS for processing and direct response to you.

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

Attachment: F24-00095 Processed Page Count Chart

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

Nikhel Sus
[REDACTED]

Lauren Bingham
[REDACTED]

Attachment to OPR's August 2026 Interim Response (F24-00095 Processed Page Count Chart)			
Monthly Interim Responses	Bates Nos.	Release in Full to CREW=RIF Release in Part to CREW=RIP Consult=C Referral=R Withheld in Full=WIF	No. of Pages Processed
April 2026	1-502	RIF=6 RIP=11 C=485 (EOUSA, DEA, ATF, USMS)	502
May 2026	503-1003	RIF=2 RIP=22 C=450 (EOUSA, DEA, ATF, USMS) R=27 (OIG, EOUSA, CRM)	501
June 2026	1004-1539	RIF=4 RIP=127 C=87 (EOUSA, OIG, OIP, USMS, ATF, DEA) R=311 (EOUSA, OIG, CRM, USMS, DEA) WIF=7	536
July 2026	1540-2048	RIF=7 RIP=117 C=84 (EOUSA, OIP, USMS) R=301 (EOUSA, USMS)	509
August 2026	2049-2548	RIF=37 RIP=81 WIF=122 C=40 (EOUSA, ATF, USMS) R=220 (EOUSA, USMS)	500
		Total Processed	2548

From: [Ragsdale, Jeffrey \(OPR\)](#)
To: [Robertson, Jacqueline T \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Cc: [Drouet, Suzanne \(OPR\)](#); [Ingersoll, Laura \(OPR\)](#)
Subject: Terra Morehead 201800202
Date: Tuesday, March 12, 2019 5:22:37 PM

Jackie and Shamelle,

Please toll this investigation. The case is on appeal and we will wait, at least for the time being for the Circuit Court's decision.

Thank you.

Jeff

**INVESTIGATION OF ALLEGED VIOLATION OF DEFENDANT'S SIXTH
AMENDMENT RIGHT TO PRESENT A DEFENSE; WITNESS COERCION; AND
UNPROFESSIONAL STATEMENTS**

A district court found that an Assistant U.S. Attorney (AUSA) violated a defendant's Sixth Amendment right to present a defense by intimidating a defense trial witness through a conversation with the witness's attorney, after which the witness declined to testify. OPR conducted an investigation and concluded that the preponderance of the evidence did not establish that the AUSA made the impermissible or threatening statements that the trial judge inferred or that the AUSA's actions proximately caused the witness to decline to testify. However, OPR concluded that in his interactions with the attorney regarding the witness's prospective testimony, the AUSA exhibited poor judgment by failing to conduct himself in a more measured and less aggressive manner and to more carefully consider whether it was necessary to convey to the attorney the potential consequences the witness might face should the witness not truthfully testify.

201800202
#456573

AUSA Terra Morehead, District of Kansas

Opened by OPR: February 28, 2013
(Converted to an investigation: July 12, 2013)

#201300382 SCIORTINO

On February 27, 2013, U.S. Attorney Barry R. Grissom referred to OPR the following allegations against AUSA Terra Morehead:

- 1) Morehead allegedly abused her official position by initiating and pursuing a grand jury investigation against a private citizen who had filed a civil suit against a purported friend of hers, a DEA agent;
- 2) Morehead allegedly abused her official position by disparaging the honesty and competence of a police detective who provided testimony favorable to the plaintiff in state criminal and federal civil proceedings, and by stating that future cases involving the detective would not be accepted for federal prosecution;
- 3) Morehead allegedly coerced drug defendants into waiving their rights to a detention hearing by threatening to file a notice of sentencing enhancement against any defendant with a prior qualifying conviction who contested the prosecution's detention request; and
- 4) Morehead may also have violated the Department's "*Petite Policy*" by indicting a defendant who had been previously acquitted of a related state offense, without first seeking a waiver as required by USAM § 9-2.031.

OPR initiated an investigation, requested and received a written response from Morehead, and conducted interviews. ~~The investigation is continuing.~~ **A draft report is being reviewed and will be revised and then circulated to Morehead and the USAO for comment this quarter.**

From: [Birney, William J \(OPR\)](#)
To: [Lyles, Shamelle \(OPR\)](#); [Robertson, Jacqueline T \(OPR\)](#)
Subject: Newly Assigned Matter - Neil TBA
Date: Friday, March 1, 2013 3:22:51 PM

Please note that the following matter has been assigned to Neil Hurley TBA:

201300382-Q AUSA Terra Morehead, D. Ks.

Thanks.

WJB.

ERRATA**ERRATA**

DEPOSITION/TESTIMONY OF:		Terra D. Morehead	
IN THE MATTER OF:		Terra D. Morehead	
DOCKET NO.:		TAKEN ON:	06/14/2022

INSTRUCTIONS:

1. Review the transcript for any corrections. Please make NO marks on the transcript itself.
2. On this form only, at places you feel ought to be looked at: List page number, line number, proposed alternative version and reason for change.
3. Sign the signature page before a notary public and have the page notarized.
4. Return the notarized signature page and completed errata sheets to the designated officer.

PAGE #	LINE #	CHANGE	REASON
8	1	OR (omitted)	Surplus notation
9	12	"in" replaced with "and"	Incorrect
14	25	"voracity" replace with "veracity"	Incorrect
15	17	"scenes" replace with "scene"	Incorrect
29	19	"whey" replace with "why"	Incorrect
30	13	"voracity" replace with "veracity"	Incorrect
46	19	"voracity" replace with "veracity"	Incorrect
51	8	"inured" replace with "injure"	Incorrect
52	4	"wasn't" replace with "was"	Incorrect
84	16	"voracity" replaced with "veracity"	Incorrect
86	19	"*6 – 20:43* strike	Surplus notation
103	17	"disciple" replace with "discipline"	Incorrect

From: [McCarty, Margaret S \(OPR\)](#)
To: [Lyles, Shamelle \(OPR\)](#)
Subject: LM update
Date: Tuesday, October 9, 2018 2:32:35 PM

Please update LM to reflect that Mark Fraase is the second attorney on Morehead, 201800202.

Thanks,

Peggy

From: [Sciortino, John \(OPR\)](#)
To: [Robertson, Jacqueline T \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Cc: [Hurley, Neil \(OPR\)](#)
Subject: AUSA Terra Morehead, 201300382
Date: Friday, July 12, 2013 11:48:42 AM

Hi Jacqueline and Shamelle,

Would you please upgrade this one from "inquiry" to "investigation?" OPR management approves.

Thanks!

John

ASSIGNMENT FOR INTERN, from Laura Ingersoll

FACTS:

Defendant goes to trial in firearms trafficking conspiracy case in District 1. At trial, a government witness (an unindicted coconspirator, “Buddy”) testified that he knew Defendant and has sold illegal firearms to him for re-sale. (Note: several other government witnesses also described providing drugs to Defendant.) To illustrate how well Buddy knew Defendant, and to bolster Buddy’s credibility, the AUSA has Buddy described several interactions with Defendant. One was a transaction in which Buddy described, in some detail, “purchasing” a motorcycle in exchange for drugs, and then selling it to Defendant for cash. On cross-examination, DcsC asked whether it wasn’t in fact, Buddy’s friend Fred “that had the motorcycle that transferred it to” Defendant. Buddy replied: “That was me.”

The next day, near the end of the government’s case, defense counsel (DseC) informed the judge and the AUSA that the defense would call a witness – Buddy’s friend Fred – who would testify that the motorcycle belong to him, Fred, and it was he, Fred, who sold it to Defendant. (This testimony would obviously undercut Buddy’s credibility about the transaction, and consequently put into question his truthfulness about having sold firearms to Defendant.) DseC stated this was the limited extent of Fred’s anticipated testimony. DseC notes that Fred’s attorney, WitC, had agreed Fred could testify on this “limited basis.”

AUSA was aware that Fred (who was in custody), was one of a large number of defendants charged in a neighboring district, District 2, with a wide-scale firearms trafficking conspiracy (not involving Defendant or Buddy).

Shortly after DseC informed the judge and AUSA about Fred prospective testimony, there was a recess. AUSA and WitC spoke privately. AUSA told WitC that AUSA was aware of Fred’s pending case in District #2, and that Fred could face perjury charges if he testified in Defendant’s ongoing trial. WitC then went into lockup to speak with Fred. A short time later, WitC returned from lockup and told the judge that Fred was didn’t want to testify and would invoke his 5th Amendment right to not testify. Fred was brought into the courtroom and did invoke. Neither the judge nor AUSA nor DseC questioned Fred about the basis for his invocation, or about the scope of matters about which Fred believed he had a basis for invoking. Fred was not called to testify.

AUSA later said that AUSA did not believe Fred’s prospective testimony was about a subject material to the trial.

ISSUE:

Does a witness have a right to invoke his 5th Amendment right against self-incrimination at the trial of a defendant charged with a crime in which the witness is not involved, and where the subject matter of the witness’s prospective testimony is not directly related to the crime with which the defendant has been charged, but where any lie told by the witness could be used

against him in a separate case, in a separate judicial district, in which the witness has been charged with a conspiracy similar to that charged against the defendant?

If this witness is told that a previous witness has testified contrary to the prospective testimony by this witness,

AUSA Terra Morehead, District of Kansas

Opened by OPR: February 28, 2013
(Converted to an investigation: July 12, 2013)
Closed by OPR: June 17, 2014

#201300382 SCIORTINO

On February 27, 2013, U.S. Attorney Barry R. Grissom referred to OPR the following allegations against AUSA Terra Morehead:

- 1) Morehead allegedly abused her official position by initiating and pursuing a grand jury investigation against a private citizen who had filed a civil suit against a purported friend of hers, a DEA agent;
- 2) Morehead allegedly abused her official position by disparaging the honesty and competence of a police detective who provided testimony favorable to the plaintiff in state criminal and federal civil proceedings, and by stating that future cases involving the detective would not be accepted for federal prosecution;
- 3) Morehead allegedly coerced drug defendants into waiving their rights to a detention hearing by threatening to file a notice of sentencing enhancement against any defendant with a prior qualifying conviction who contested the prosecution's detention request; and
- 4) Morehead may also have violated the Department's "*Petite Policy*" by indicting a defendant who had been previously acquitted of a related state offense, without first seeking a waiver as required by USAM § 9-2.031.

OPR initiated an investigation, requested and received a written response from Morehead, and conducted interviews. ~~A draft report has been drafted and is under review.~~

In a report dated June 17, 2014, OPR concluded that the first and by far most serious allegation was unsupported by any evidence. OPR found that during the entire calendar year 2005 when the grand jury investigation was an open criminal file within the USAO, Morehead and the DEA agent had no relationship whatever, let alone one close enough to create a conflict of interest, and in fact the evidence indicated that the two had not even met each other. OPR further found that the matter was presented to Morehead for a prosecution decision in the normal course of business, that there were substantial facts to support a felony charge, that Morehead pursued the case in the same manner she pursued her other cases, and that the DEA agent had no direct influence or significant input into the USAO's decision to open the matter.

OPR concluded that the second allegation was also unsupported by a preponderance of the evidence. Morehead's comments regarding the detective's credibility and competence had a legitimate purpose directly related to her role as the USAO's Project Safe Neighborhoods prosecutor, and her comments were not inaccurate or unfairly or improperly disparaging of the detective.

Third, OPR concluded that Morehead did not engage in professional misconduct by using 21 U.S.C. § 851 notices of sentencing enhancement as an inducement for recidivist drug defendants to waive their right to seek pretrial release. OPR's investigation determined that Morehead made no secret of her practice, and that her supervisors were fully aware of her practice and either expressly or tacitly approved it. Under such circumstances, OPR concluded that Morehead did not violate any clear and unambiguous policy or rule prohibiting her practice.

Finally, OPR concluded that Morehead did violate the *Petite* Policy. Morehead informed two USAO supervisors of the defendant's prior acquittal on factually-related state charges, and neither supervisor raised the potential *Petite* Policy issue as a bar to federal prosecution. In any event, because a retroactive waiver was later obtained, a prospect expressly contemplated and allowed by the *Petite* Policy, there was ultimately no violation of Department policy.

From: [Birney, William J \(OPR\)](#)
To: [Lyles, Shamelle \(OPR\)](#); [Robertson, Jacqueline T \(OPR\)](#)
Cc: [Hurley, Neil \(OPR\)](#); [Sciortino, John \(OPR\)](#)
Subject: FW: New Inquiry - AUSA Terra Morehead, D. Ks. - 201400436-Q
Date: Friday, April 4, 2014 3:52:13 PM
Attachments: [OPR-#371356-v1-AUSA Terra Morehead D Ks - Intake Memo.DOCX](#)

Please note that this matter has been assigned to John Sciortino.

From: Birney, William J (OPR)
Sent: Friday, April 04, 2014 2:56 PM
To: Lyles, Shamelle (OPR); Robertson, Jacqueline T (OPR)
Subject: New Inquiry - AUSA Terra Morehead, D. Ks.

Please open this as an inquiry and assign it to me TBA. Thanks.

Investigation of Alleged Failure to Provide Timely Discovery and Lack of Candor to the Court and Others

An AUSA self-reported a court's ruling granting the defendant a substantial reduction from the sentencing guidelines as a sanction for the AUSA's failure to timely disclose impeachment material to the defense and lack of candor with defense counsel and the court.

Based on its investigation, OPR concluded that the AUSA recklessly failed to provide the defense prior to trial with evidence that could have been used by the defense to impeach an essential government witness and knowingly failed to correct the witness's false trial testimony. OPR's investigation showed that after trial but prior to sentencing, the AUSA received additional records containing exculpatory and impeachment information regarding the witness. OPR concluded that although the additional records were inconsistent with the witness's trial testimony and had been specifically requested by the defense, the AUSA intentionally failed to provide the defense with the impeachment evidence pertaining to the government witness prior to sentencing; knowingly misled defense counsel concerning the content of the records; and knowingly and intentionally made false or misleading statements, at two separate hearings, concerning the existence of the impeachment evidence contained in the records. OPR also concluded that the AUSA intentionally misled OPR during its investigation.

OPR further concluded that the AUSA 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 referred its findings to the Professional Misconduct Review Unit. The subject resigned following the issuance of OPR's report of investigation. The PMRU subsequently upheld OPR's findings and conclusions and authorized OPR to refer the matter to the appropriate state bar disciplinary authority, which OPR has done.

#202100630

From: [Ingersoll, Laura \(OPR\)](#)
To: [Lyles, Shanelle \(OPR\)](#); [Boykin, Evonne \(OPR\)](#)
Subject: OPR-#456570-v1-Morehead_Case_Closing_Form
Date: Tuesday, September 29, 2020 5:09:32 PM
Attachments: [OPR-#456570-v1-Morehead_Case_Closing_Form.docx](#)

OOOOPS. Disregard the one I just sent you; it had the incorrect case #. The attached is correct.

From: [Birney, William J \(OPR\)](#)
To: [Lyles, Shamelle \(OPR\)](#); [Robertson, Jacqueline T \(OPR\)](#)
Cc: [Ashton, Robin \(OPR\)](#); [Hurley, Neil \(OPR\)](#)
Subject: New Inquiry - AUSA Terra Morehead, D. Ks.
Date: Thursday, February 28, 2013 12:57:23 PM
Attachments: [FW Request for OPR Investigation---District of KansasAUSA Terra Morehead.msg](#)
[FW Addendum--Request for OPR Review--District of KansasAUSA Terra Morehead.msg](#)

Please open this as an inquiry and assign it to me TBA. Thanks.

U.S. Department of Justice
Office of Professional Responsibility

CASE CLOSING FORM

(Revised May 2020)

Case Number: 201800202

Date of Final Report or Closing Letter/Memo: 9/29/2020

Instructions: Provide complete information for each subject and each allegation per subject. Resolve each allegation with a corresponding closing code.

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE: Terra D. Morehead, AUSA, USAO-DKS, Kansas City Division

Allegation Code: <u>4</u> <u>1</u> <u>2</u>	Closing Code: <u>0</u> <u>9</u>	Refer to State Bar? Check One: Yes ___ No <u>X</u>
Allegation Code: <u>0</u> <u>6</u> <u>1</u>	Closing Code: <u>0</u> <u>9</u>	Subject Resigned/Retired? Check One: Yes ___ No <u>X</u>
Allegation Code: <u>5</u> <u>3</u> <u>9</u>	Closing Code: <u>0</u> <u>5</u>	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	Subject Notified? Yes <u>X</u> No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE:

Allegation Code: ___ ___ ___	Closing Code: ___ ___	Refer to State Bar? Check One: Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	Subject Resigned/Retired? Check One: Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	Subject Notified? Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE

Allegation Code: ___ ___ ___	Closing Code: ___ ___	Refer to State Bar? Check One: Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	Subject Resigned/Retired? Check One: Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	Subject Notified? Yes ___ No ___
Allegation Code: ___ ___ ___	Closing Code: ___ ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

Primary Attorney/Signature and Date: **Laura A. Ingersoll – s/s – 9/29/2020**

Secondary Attorney or Co-Counsel/Signature and Date:

Associate or Deputy Counsel/Signature and Date:

(Over for complete list of OPR allegation codes)

OPR ALLEGATION CODES AND DESCRIPTIONS - COMPLETE LIST**ABUSE OF AUTHORITY**

001 Abuse of authority or misuse of official position
 002 Abuse of prosecutive or investigative authority
 005 Failure to comply w/ Principles of Fed Prosec
 009 Abuse of grand jury or indictment process
 010 Selective prosecution
 011 Overzealous prosecution
 012 Improper assistance by/to a private party in lit
 150 Failure to honor plea agreement
 370 Interference with a criminal investigation
 750 Interference with a criminal prosecution
 412 Improper coercion/intimidation of a witness
 414 Improper use of peremptory strikes during jury selection
 415 Improper coercion of a guilty plea
 418 Ex parte communication
 419 Improper introduction of evidence
 540 Improper use of official information
 701 Failure to honor immunity/non-prosec agreement
 703 Improper threats to prosecute defense witnesses
 707 Failure to disclose terms of plea to court
 751 Recommendation of illegal/improper sentence

LEAK OR DISCLOSURE

530 Unauth disclosure to media: classified info
 531 Unauth disclosure to media: 6(e) material
 532 Unauth disclosure to media: other - including Privacy Act and sensitive info
 752 Unauth disclosure to media: tax info
 533 Unauth disclosure (non-media): classified info
 534 Unauth disclosure (non-media): 6(e) - including misuse of grand jury material in a civil proc
 535 Unauth disclosure (non-media): other - including Privacy Act and sensitive info
 753 Unauth disclosure (non-media): tax info

MISREPRESENTATION

400 Lack of candor to OPR
 404 Misrepresentation/misleading the court
 405 Misrepresentation to opposing counsel
 462 Suborn perjury/failure to correct false testimony

IMPROPER REMARKS

409 Improper opening argument
 410 Improper closing or rebuttal argument
 411 Improper examination of a witness
 413 Improper statement to a grand or petit jury
 416 Improper voir dire examination
 417 Overzealous allocution/request for harsh sentence

CONFLICT OF INTEREST

062 Conflict: General, including appearance
 063 Conflict of interest or violation of post-employ restrictions - criminal (18 USC §§ 203-209)
 064 Conflicting financial interests
 065 Conflicting personal interests
 066 Conflicting outside activities
 067 Conflict: improperly seeking outside employ
 068 Conflict: compensation from non-government source

FITNESS TO PRACTICE LAW/REPRESENT THE GOVERNMENT

536 Unprofessional or unethical behavior
 539 Unprofessional statements or comments

LATENESS

422 Lateness (missed deadlines, etc.)

WHISTLEBLOWER

722 Whistleblower allegations
 723 Retaliation for protected disclosure

UNAUTHORIZED PRACTICE OF LAW

537 Inside unauthorized practice of law
 538 Outside unauthorized practice of law

FAILURE TO PERFORM

152 Failure to report misconduct
 253 Failure to competently represent the interest of the client
 341 Failure to diligently represent the interest of the client
 631 Failure to properly supervise a non-attorney
 632 Failure to properly supervise another attorney
 754 Failure to keep the client informed

FAILURE TO COMPLY WITH DISCOVERY

406 Discovery - Rule 16
 407 Discovery - Brady/exculpatory info
 408 Discovery - impeachment/Jencks
 424 Discovery - civil
 630 Failure to comply with Congressional discovery requests, including subpoenas

FAILURE TO COMPLY W/ DOJ POLICIES, RULES AND REGULATIONS

008 Failure to comply w/ legal requirements or policies re search warrant
 420 Failure to comply w/ plea agreement policies
 425 Failure to comply w/ sent recommendation policy
 529 Failure to comply w/ DOJ press guidelines
 541 Failure to cooperate in an administrative inquiry
 542 Failure to comply w/ DOJ policy, rule or reg.
 600 Failure to comply w/ policies re wiretaps and electronic surveillance
 702 Failure to comply w/ policies re immunity or non-prosecution agreement
 711 Failure to comply w/ guidelines re OEO or Tax Division approval
 712 Failure to comply w/ death penalty protocol
 713 Failure to comply w/ USAM provision (specify)
 714 Failure to abide by DOJ investigative guidelines
 715 Failure to comply w/ Petite Policy
 716 Failure to comply w/ EEO policies
 717 Failure to comply w/ sexual harassment policies

FAILURE TO COMPLY WITH FEDERAL LAW

220 Failure to comply with Hatch Act
 633 Failure to comply with Speedy Trial Act
 721 Failure to comply with other fed law (specify)

FAILURE TO COMPLY WITH COURT ORDERS, FEDERAL RULES

421 Failure to comply w/ court order
 742 Failure to comply w/ Fed Rules of Criminal Proc
 743 Failure to comply w/ Fed Rules of Evidence
 744 Failure to comply w/ Fed Rules of Civil Proc
 745 Failure to comply w/ Fed Rules of Appellate Proc

INTERFERENCE WITH DEFENDANT'S RIGHTS

061 Constitutional or Civil Rights violations
 252 Improper contacts with represented party or interference with attorney-client relationship
 423 Interference with defendant's right to counsel

IMMIGRATION JUDGE

724 IJ - General
 725 IJ - Violation of right to counsel
 726 IJ - Improper remarks
 727 IJ - Bias, appearance of partiality
 728 IJ - Failure to follow proper procedures
 729 IJ - Failure to recuse, conflict of interest
 730 IJ - Demeanor
 731 IJ - Violation of alien's due process rights

BAR RELATED

543 Failure to maintain active bar membership
 800 Possible bar referral of finding(s) by other DOJ component
 997 Proposed referral of Judge to the bar
 998 Proposed referral of non-DOJ attorney to the bar

OTHER

999 Other (Specify)

INVESTIGATION CLOSING CODES

SUBSTANTIATED FOR PROFESSIONAL MISCONDUCT

01. Substantiated - Intentional Misconduct.
02. Substantiated - Reckless Disregard Misconduct.

SUBSTANTIATED FOR POOR JUDGMENT

05. Substantiated for Poor Judgment. Report of inquiry referred to management.

UNSUBSTANTIATED

09. Unsubstantiated. Allegation not sustained for Professional Misconduct.
12. Unsubstantiated. Allegation not sustained for Poor Judgment.
13. Unsubstantiated. Allegation not sustained for Poor Judgment or Prof. Misconduct.
14. Unsubstantiated. Allegation not sustained. Subject made a mistake.
15. Unsubstantiated. Allegation not sustained. Subject acted appropriately.
16. Unsubstantiated. Allegation sustained for _____ (Specify).

CLOSED ADMINISTRATIVELY

19. Closed Administratively. Issues previously addressed. No further action required by OPR.
20. Closed Administratively. Referred to Criminal Division/Public Integrity Section (PIN).
21. Closed Administratively. Referred to the FBI.
22. Closed Administratively. Referred to the DEA.
23. Closed Administratively. Referred to the OIG.
24. Closed Administratively. Referred. More appropriately handled by _____ (Specify).
25. Closed Administratively. No merit to allegation based on review. Improvidently opened.
26. Closed administratively. Case consolidated with another open matter.
27. Closed administratively. Complaint withdrawn.
28. Closed Administratively. Allegation code improvidently assigned.
29. Closed administratively. Other. Specify.
30. Investigation tolled with OPR Counsel or Deputy Counsel approval.
40. ODAG approved OPR recommendation to terminate investigation of a former DOJ employee.
41. Source of unauthorized disclosure could not be determined.

NON-SUBJECT

31. Non-subject. Referred to Management.

FBI WHISTLEBLOWER CLAIM

36. Non-cognizable.
37. Reviewed by OPR. Referred to OIG for handling.
38. OPR Investigation completed. No retaliation found.
39. OPR Investigation completed. Retaliation found. Referred to _____.

INQUIRY CLOSING CODES (and Non-DOJ Attorney Bar Referrals)

10. Performance or management matter. Refer to employing component.
11. Referred. More appropriately handled by another component or agency. _____.
12. Issues previously addressed. No further action required by OPR at this time.
13. No merit to allegation based on review of matter.
14. No merit to matter based on preliminary inquiry.
15. Consolidated with already open matter. Give Case# _____.
16. Convert to an investigation.
17. FBI or DEA matter - resolved administratively.
18. Preliminary inquiry completed. Further inquiry not warranted.
19. Other. Specify. _____.
20. Matter being monitored. Log code. (Return file to Assistant Counsel. Yes ___ No ___)
21. FBI Employee Whistleblower Claim.
 - 21A - Non-cognizable
 - 21B - Reviewed by OPR. Referred to OIG for handling.
 - 21C - OPR Inquiry. No retaliation found.
 - 21D - OPR Inquiry. Retaliation found. Referred to _____.

Records Management and Retention Disposition

Instructions

Please review this record in its entirety and use the sections below to circle the record type and disposition.

Record Type

Inquiry

Investigation

Whistleblower Matter

Other

Record Disposition

Temporary – Retain record for 15 years from date of closing, then destroy.

Permanent – Retain record for 15 years from date of closing, then transfer to National Archives and Record Administration (NARA). Permanent records must have a **historical value, Congressional or Executive Branch interest, or attract national media attention.**

Comments:

Approving Supervisor

I have reviewed this record in its entirety and concur with the record type and disposition identified.

(Print name)

(Signature)

(Date)

AUSA Terra Morehead, District of Kansas

Opened by OPR: February 28, 2013
(Converted to an investigation: July 12, 2013)

#201300382 SCIORTINO
[New summary needed.]

By letter dated March 4, 2013 copied to OPR, and in related follow-up e-mails, U.S. Attorney Barry R. Grissom referred to OPR the following allegations regarding AUSA Terra Morehead:

1) AUSA Morehead allegedly abused her official position and had a conflict of interest by initiating and pursuing a grand jury investigation against a private citizen who had filed a civil suit against a purported friend of hers, a Special Agent with the Drug Enforcement Administration; *[allegation codes 002, 065]*

2) AUSA Morehead allegedly abused her official position by disparaging the honesty and competence of a Kansas City, Kansas Police Department detective who provided testimony favorable to the plaintiff discussed above in state criminal and federal civil proceedings, and by indicating that future cases involving the detective would not be accepted for federal prosecution; *[allegation codes 001, 065]*

3) AUSA Morehead allegedly coerced drug defendants into waiving their rights to a detention hearing and possible pretrial release pursuant to 18 U.S.C. § 3142 by threatening to file a notice of sentencing enhancement pursuant to 21 U.S.C. § 851 against any defendant with a prior qualifying conviction who contested the prosecution's detention request; and *[allegation codes 542, 001]*

4) AUSA Morehead may have violated the Department's so-called "*Petite Policy*" by indicting a defendant who had been previously acquitted of a factually-related state offense, without first seeking a waiver as required by USAM § 9-2.031. *[allegation code 715]*

OPR initiated an investigation and requested and received a written response to the allegations from AUSA Morehead. Factual investigation, including subject and witness interviews, will continue this quarter.

201300382 AUSA Morehead (D. Kansas)

Abuse of Prosecutive or Investigative Authority, Abuse of Authority or Misuse of Official Position, Violation of DOJ Policy

A DOJ supervisor referred to OPR the following four allegations against a DOJ Attorney:

- 1) The DOJ attorney allegedly abused his official position by initiating and pursuing a grand jury investigation against a private citizen who had filed a civil suit against a purported friend of his, a federal law enforcement agent;
- 2) The DOJ attorney allegedly abused his official position by disparaging the honesty and competence of a police detective who provided testimony favorable to the same private citizen in state criminal and federal civil proceedings, and by stating that future cases involving the detective would not be accepted for federal prosecution;
- 3) The DOJ attorney allegedly coerced drug defendants into waiving their rights to a detention hearing by threatening to file a notice of sentencing enhancement against any defendant with a prior qualifying conviction who contested the prosecution's detention request; and
- 4) The DOJ attorney may also have violated the Department's "*Petite Policy*" by obtaining the federal indictment of a defendant who had been previously acquitted of a related state offense, without first seeking a waiver as required by USAM § 9-2.031.

OPR conducted an investigation and concluded that the first, and most serious, allegation was unsupported by any evidence. OPR found that, during the pendency of the grand jury investigation, the DOJ attorney and the federal law enforcement agent had no relationship whatever, let alone one close enough to create a conflict of interest. On the contrary, the evidence indicated that the two had not even met one another at the time. OPR further found that the grand jury investigation was presented and assigned to the DOJ attorney in the ordinary course of business, that there were substantial facts to support the charges contemplated, that the DOJ attorney pursued the investigation in the same manner he pursued his other investigations, and that the federal law enforcement agent had no direct influence or significant input into the decision to open the investigation.

OPR concluded that the second allegation was also unsupported by a preponderance of the evidence. The DOJ attorney's comments regarding the police detective's credibility and competence had a legitimate purpose directly related to the DOJ attorney's specific duties, and his comments were not inaccurate or unfairly or improperly disparaging.

Third, OPR concluded that the DOJ attorney did not engage in professional misconduct by using 21 U.S.C. § 851 notices of sentencing enhancement as an inducement for recidivist drug defendants to waive their right to seek pretrial release. OPR's investigation determined that the DOJ attorney made no secret of his use of the enhancement notices, and that his supervisors were fully aware of the practice and either expressly or tacitly approved it. Under such circumstances,

OPR concluded that the DOJ attorney did not violate a clear and unambiguous policy or rule prohibiting the practice.

Finally, although OPR concluded that the DOJ attorney appeared to violate the *Petite* Policy, he informed two of his supervisors of the defendant's prior acquittal on factually-related state charges, and neither supervisor raised the potential *Petite* Policy issue as a bar to federal prosecution. In any event, because a retroactive waiver was later obtained, which is expressly contemplated and allowed by the *Petite* Policy, there was no violation of Department policy.



U.S. Department of Justice

Office of Professional Responsibility

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

February 18, 2026

MEMORANDUM

TO: Stephanie Kemper

FROM: Lyn Hardy
Senior Counsel

SUBJECT: Travel Reimbursement
For travel on investigation in 201300382

I am requesting reimbursement for the following travel costs to Kansas City Missouri, and Kansas City and Topeka, Kansas for interviews in investigation 201300382.

Monday, January 13, 2014 leave at 11:00 am:

Aifare to/from Kansas City, MO:	\$448.00
Hotel January 13, 14, 15, 16 2014	\$502.48
Personal car travel from home to BWI	
28 miles:	\$-----

Wednesday, January 14, 2014:

Parking in Topeka KS USAO parking lot:	\$10.00 (no receipt)
Toll on freeway to Topeka	\$2.75 (no receipt)

Friday, January 17, 2014 arrive home 1:30 pm:

Return home, personal car 28 miles	\$-----
Airport Parking	\$51.00 (no receipt)

Thank you.

U.S. Department of Justice
Office of Professional Responsibility

CASE CLOSING FORM

(Revised May 2020)

Case Number: 202100479

Date of Final Report or Closing Letter/Memo: 2/1/2022

Instructions: Provide complete information for each subject and each allegation per subject. Resolve each allegation with a corresponding closing code.

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE: AUSA Terra Morehead USAO-KS

Allegation Code: 412 ____	Closing Code: 018 ____	Refer to State Bar? Check One: Yes ____ No ☒
Allegation Code: ____	Closing Code: ____	Subject Resigned/Retired? Check One: Yes ____ No ☒
Allegation Code: ____	Closing Code: ____	If YES, check one: During Inv. ____ After Inv. ____
Allegation Code: ____	Closing Code: ____	Subject Notified? Yes ____ No ☒
Allegation Code: ____	Closing Code: ____	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE:

Allegation Code: ____	Closing Code: ____	Refer to State Bar? Check One: Yes ____ No ____
Allegation Code: ____	Closing Code: ____	Subject Resigned/Retired? Check One: Yes ____ No ____
Allegation Code: ____	Closing Code: ____	If YES, check one: During Inv. ____ After Inv. ____
Allegation Code: ____	Closing Code: ____	Subject Notified? Yes ____ No ____
Allegation Code: ____	Closing Code: ____	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE

Allegation Code: ____	Closing Code: ____	Refer to State Bar? Check One: Yes ____ No ____
Allegation Code: ____	Closing Code: ____	Subject Resigned/Retired? Check One: Yes ____ No ____
Allegation Code: ____	Closing Code: ____	If YES, check one: During Inv. ____ After Inv. ____
Allegation Code: ____	Closing Code: ____	Subject Notified? Yes ____ No ____
Allegation Code: ____	Closing Code: ____	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

Primary Attorney/Signature and Date: /s/ John Cummings 02/01/2022

Secondary Attorney or Co-Counsel/Signature and Date:

Associate or Deputy Counsel/Signature and Date: /s/ Suzanne Drouet 2/1/2022

(Over for complete list of OPR allegation codes)

OPR ALLEGATION CODES AND DESCRIPTIONS - COMPLETE LIST**ABUSE OF AUTHORITY**

001 Abuse of authority or misuse of official position
 002 Abuse of prosecutive or investigative authority
 005 Failure to comply w/ Principles of Fed Prosec
 009 Abuse of grand jury or indictment process
 010 Selective prosecution
 011 Overzealous prosecution
 012 Improper assistance by/to a private party in lit
 150 Failure to honor plea agreement
 370 Interference with a criminal investigation
 750 Interference with a criminal prosecution
 412 Improper coercion/intimidation of a witness
 414 Improper use of peremptory strikes during jury selection
 415 Improper coercion of a guilty plea
 418 Ex parte communication
 419 Improper introduction of evidence
 540 Improper use of official information
 701 Failure to honor immunity/non-prosec agreement
 703 Improper threats to prosecute defense witnesses
 707 Failure to disclose terms of plea to court
 751 Recommendation of illegal/improper sentence

LEAK OR DISCLOSURE

530 Unauth disclosure to media: classified info
 531 Unauth disclosure to media: 6(e) material
 532 Unauth disclosure to media: other - including Privacy Act and sensitive info
 752 Unauth disclosure to media: tax info
 533 Unauth disclosure (non-media): classified info
 534 Unauth disclosure (non-media): 6(e) - including misuse of grand jury material in a civil proc
 535 Unauth disclosure (non-media): other - including Privacy Act and sensitive info
 753 Unauth disclosure (non-media): tax info

MISREPRESENTATION

400 Lack of candor to OPR
 404 Misrepresentation/misleading the court
 405 Misrepresentation to opposing counsel
 462 Suborn perjury/failure to correct false testimony

IMPROPER REMARKS

409 Improper opening argument
 410 Improper closing or rebuttal argument
 411 Improper examination of a witness
 413 Improper statement to a grand or petit jury
 416 Improper voir dire examination
 417 Overzealous allocution/request for harsh sentence

CONFLICT OF INTEREST

062 Conflict: General, including appearance
 063 Conflict of interest or violation of post-employ restrictions - criminal (18 USC §§ 203-209)
 064 Conflicting financial interests
 065 Conflicting personal interests
 066 Conflicting outside activities
 067 Conflict: improperly seeking outside employ
 068 Conflict: compensation from non-government source

FITNESS TO PRACTICE LAW/REPRESENT THE GOVERNMENT

536 Unprofessional or unethical behavior
 539 Unprofessional statements or comments

LATENESS

422 Lateness (missed deadlines, etc.)

WHISTLEBLOWER

722 Whistleblower allegations
 723 Retaliation for protected disclosure

UNAUTHORIZED PRACTICE OF LAW

537 Inside unauthorized practice of law
 538 Outside unauthorized practice of law

FAILURE TO PERFORM

152 Failure to report misconduct
 253 Failure to competently represent the interest of the client
 341 Failure to diligently represent the interest of the client
 631 Failure to properly supervise a non-attorney
 632 Failure to properly supervise another attorney
 754 Failure to keep the client informed

FAILURE TO COMPLY WITH DISCOVERY

406 Discovery - Rule 16
 407 Discovery - Brady/exculpatory info
 408 Discovery - impeachment/Jencks
 424 Discovery - civil
 630 Failure to comply with Congressional discovery requests, including subpoenas

FAILURE TO COMPLY W/ DOJ POLICIES, RULES AND REGULATIONS

008 Failure to comply w/ legal requirements or policies re search warrant
 420 Failure to comply w/ plea agreement policies
 425 Failure to comply w/ sent recommendation policy
 529 Failure to comply w/ DOJ press guidelines
 541 Failure to cooperate in an administrative inquiry
 542 Failure to comply w/ DOJ policy, rule or reg.
 600 Failure to comply w/ policies re wiretaps and electronic surveillance
 702 Failure to comply w/ policies re immunity or non-prosecution agreement
 711 Failure to comply w/ guidelines re OEO or Tax Division approval
 712 Failure to comply w/ death penalty protocol
 713 Failure to comply w/ USAM provision (specify)
 714 Failure to abide by DOJ investigative guidelines
 715 Failure to comply w/ Petite Policy
 716 Failure to comply w/ EEO policies
 717 Failure to comply w/ sexual harassment policies

FAILURE TO COMPLY WITH FEDERAL LAW

220 Failure to comply with Hatch Act
 633 Failure to comply with Speedy Trial Act
 721 Failure to comply with other fed law (specify)

FAILURE TO COMPLY WITH COURT ORDERS, FEDERAL RULES

421 Failure to comply w/ court order
 742 Failure to comply w/ Fed Rules of Criminal Proc
 743 Failure to comply w/ Fed Rules of Evidence
 744 Failure to comply w/ Fed Rules of Civil Proc
 745 Failure to comply w/ Fed Rules of Appellate Proc

INTERFERENCE WITH DEFENDANT'S RIGHTS

061 Constitutional or Civil Rights violations
 252 Improper contacts with represented party or interference with attorney-client relationship
 423 Interference with defendant's right to counsel

IMMIGRATION JUDGE

724 IJ - General
 725 IJ - Violation of right to counsel
 726 IJ - Improper remarks
 727 IJ - Bias, appearance of partiality
 728 IJ - Failure to follow proper procedures
 729 IJ - Failure to recuse, conflict of interest
 730 IJ - Demeanor
 731 IJ - Violation of alien's due process rights

BAR RELATED

543 Failure to maintain active bar membership
 800 Possible bar referral of finding(s) by other DOJ component
 997 Proposed referral of Judge to the bar
 998 Proposed referral of non-DOJ attorney to the bar

OTHER

999 Other (Specify)

INVESTIGATION CLOSING CODES

SUBSTANTIATED FOR PROFESSIONAL MISCONDUCT

- 01. Substantiated - Intentional Misconduct.
- 02. Substantiated - Reckless Disregard Misconduct.

SUBSTANTIATED FOR POOR JUDGMENT

- 05. Substantiated for Poor Judgment. Report of inquiry referred to management.

UNSUBSTANTIATED

- 09. Unsubstantiated. Allegation not sustained for Professional Misconduct.
- 12. Unsubstantiated. Allegation not sustained for Poor Judgment.
- 13. Unsubstantiated. Allegation not sustained for Poor Judgment or Prof. Misconduct.
- 14. Unsubstantiated. Allegation not sustained. Subject made a mistake.
- 15. Unsubstantiated. Allegation not sustained. Subject acted appropriately.
- 16. Unsubstantiated. Allegation sustained for _____ (Specify).

CLOSED ADMINISTRATIVELY

- 19. Closed Administratively. Issues previously addressed. No further action required by OPR.
- 20. Closed Administratively. Referred to Criminal Division/Public Integrity Section (PIN).
- 21. Closed Administratively. Referred to the FBI.
- 22. Closed Administratively. Referred to the DEA.
- 23. Closed Administratively. Referred to the OIG.
- 24. Closed Administratively. Referred. More appropriately handled by _____ (Specify).
- 25. Closed Administratively. No merit to allegation based on review. Improvidently opened.
- 26. Closed administratively. Case consolidated with another open matter.
- 27. Closed administratively. Complaint withdrawn.
- 28. Closed Administratively. Allegation code improvidently assigned.
- 29. Closed administratively. Other. Specify.
- 30. Investigation tolled with OPR Counsel or Deputy Counsel approval.
- 40. ODAG approved OPR recommendation to terminate investigation of a former DOJ employee.
- 41. Source of unauthorized disclosure could not be determined.

NON-SUBJECT

- 31. Non-subject. Referred to Management.

FBI WHISTLEBLOWER CLAIM

- 36. Non-cognizable.
- 37. Reviewed by OPR. Referred to OIG for handling.
- 38. OPR Investigation completed. No retaliation found.
- 39. OPR Investigation completed. Retaliation found. Referred to _____.

INQUIRY CLOSING CODES (and Non-DOJ Attorney Bar Referrals)

- 10. Performance or management matter. Refer to employing component.
- 11. Referred. More appropriately handled by another component or agency. _____.
- 12. Issues previously addressed. No further action required by OPR at this time.
- 13. No merit to allegation based on review of matter.
- 14. No merit to matter based on preliminary inquiry.
- 15. Consolidated with already open matter. Give Case# _____.
- 16. Convert to an investigation.
- 17. FBI or DEA matter - resolved administratively.
- 18. Preliminary inquiry completed. Further inquiry not warranted.
- 19. Other. Specify. _____.
- 20. Matter being monitored. Log code. (Return file to Assistant Counsel. Yes ___ No ___)
- 21. FBI Employee Whistleblower Claim.
 - 21A - Non-cognizable
 - 21B - Reviewed by OPR. Referred to OIG for handling.
 - 21C - OPR Inquiry. No retaliation found.
 - 21D - OPR Inquiry. Retaliation found. Referred to _____.

Records Management and Retention Disposition

Instructions

Please review this record in its entirety and use the sections below to circle the record type and disposition.

Record Type

Inquiry

Investigation

Whistleblower Matter

Other

Record Disposition

Temporary – Retain record for 15 years from date of closing, then destroy.

Permanent – Retain record for 15 years from date of closing, then transfer to National Archives and Record Administration (NARA). Permanent records must have a **historical value, Congressional or Executive Branch interest, or attract national media attention.**

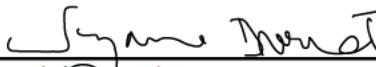
Comments:

Approving Supervisor

I have reviewed this record in its entirety and concur with the record type and disposition identified.

Suzanne Drouet

(Print name)


(Signature)

2/1/2022

(Date)

MISCELLANEOUS MATTERS: DOJ Attorney

ROUTING SLIP

(Please route as marked)

1. Originator

Robertson

Initial JR Date 3/15

2. Review

Birney/Kemper

Hurley/Boykin

MB

3/22

McCarty/Barbour

Comments:

Date letter

Scan in system, Marry with LM #

201800321

Under STATUS pulldown list in LM, select Letter (s) mailed (misc.) then save.

Under PHASE pulldown list in LM, select CLOSED, Tab to Closed Select date.

Under STATUS (Closed populates automatically after typing or selecting date), SAVE again.

***** Return folder(s) for re-use (enclose the routing form with number for LM recheck)

Thank you,

Jaqueline

January 22, 2014

To Stephanie

From John

Kansas City Trip (Jan. 13-17, 2014) Receipts and Expenses

OPR Matter # 201300382

Hotel:	\$542.98
Airfare:	\$448.00
Rental car:	\$298.45
Parking (DKS Courthouse):	\$10 (no receipt)
Interstate tolls:	\$2.75
Parking (BWI airport):	\$48
Hotel valet tips:	\$10 (no receipt)
Parking (KCK Courthouse):	\$1.50

U.S. Department of Justice
Office of Professional Responsibility

CASE CLOSING FORM

(Revised May 2020)

Case Number: 202200070

Date of Final Report or Closing Letter/Memo: 10/22/21

Instructions: Provide complete information for each subject and each allegation per subject. Resolve each allegation with a corresponding closing code.

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE: Terra Morehead, AUSA, District of Kansas

Allegation Code: 404, 407	Closing Code: 018	Refer to State Bar? Check One: Yes ___ No ☒
Allegation Code: ___	Closing Code: ___	Subject Resigned/Retired? Check One: Yes ___ No ☒
Allegation Code: ___	Closing Code: ___	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___	Closing Code: ___	Subject Notified? Yes ___ No ☒
Allegation Code: ___	Closing Code: ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE:

Allegation Code: ___	Closing Code: ___	Refer to State Bar? Check One: Yes ___ No ___
Allegation Code: ___	Closing Code: ___	Subject Resigned/Retired? Check One: Yes ___ No ___
Allegation Code: ___	Closing Code: ___	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___	Closing Code: ___	Subject Notified? Yes ___ No ___
Allegation Code: ___	Closing Code: ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE

Allegation Code: ___	Closing Code: ___	Refer to State Bar? Check One: Yes ___ No ___
Allegation Code: ___	Closing Code: ___	Subject Resigned/Retired? Check One: Yes ___ No ___
Allegation Code: ___	Closing Code: ___	If YES, check one: During Inv. ___ After Inv. ___
Allegation Code: ___	Closing Code: ___	Subject Notified? Yes ___ No ___
Allegation Code: ___	Closing Code: ___	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

Primary Attorney/Signature and Date: John Cummings 1/6/2022

Secondary Attorney or Co-Counsel/Signature and Date:

Associate or Deputy Counsel/Signature and Date: Suzanne Drouet, 1/6/22

(Over for complete list of OPR allegation codes)

OPR ALLEGATION CODES AND DESCRIPTIONS - COMPLETE LIST**ABUSE OF AUTHORITY**

001 Abuse of authority or misuse of official position
002 Abuse of prosecutive or investigative authority
005 Failure to comply w/ Principles of Fed Prosec
009 Abuse of grand jury or indictment process
010 Selective prosecution
011 Overzealous prosecution
012 Improper assistance by/to a private party in lit
150 Failure to honor plea agreement
370 Interference with a criminal investigation
750 Interference with a criminal prosecution
412 Improper coercion/intimidation of a witness
414 Improper use of peremptory strikes during jury selection
415 Improper coercion of a guilty plea
418 Ex parte communication
419 Improper introduction of evidence
540 Improper use of official information
701 Failure to honor immunity/non-prosec agreement
703 Improper threats to prosecute defense witnesses
707 Failure to disclose terms of plea to court
751 Recommendation of illegal/improper sentence

LEAK OR DISCLOSURE

530 Unauth disclosure to media: classified info
531 Unauth disclosure to media: 6(e) material
532 Unauth disclosure to media: other - including Privacy Act and sensitive info
752 Unauth disclosure to media: tax info
533 Unauth disclosure (non-media): classified info
534 Unauth disclosure (non-media): 6(e) - including misuse of grand jury material in a civil proc
535 Unauth disclosure (non-media): other - including Privacy Act and sensitive info
753 Unauth disclosure (non-media): tax info

MISREPRESENTATION

400 Lack of candor to OPR
404 Misrepresentation/misleading the court
405 Misrepresentation to opposing counsel
462 Suborn perjury/failure to correct false testimony

IMPROPER REMARKS

409 Improper opening argument
410 Improper closing or rebuttal argument
411 Improper examination of a witness
413 Improper statement to a grand or petit jury
416 Improper voir dire examination
417 Overzealous allocution/request for harsh sentence

CONFLICT OF INTEREST

062 Conflict: General, including appearance
063 Conflict of interest or violation of post-employ restrictions - criminal (18 USC §§ 203-209)
064 Conflicting financial interests
065 Conflicting personal interests
066 Conflicting outside activities
067 Conflict: improperly seeking outside employ
068 Conflict: compensation from non-government source

FITNESS TO PRACTICE LAW/REPRESENT THE GOVERNMENT

536 Unprofessional or unethical behavior
539 Unprofessional statements or comments

LATENESS

422 Lateness (missed deadlines, etc.)

WHISTLEBLOWER

722 Whistleblower allegations
723 Retaliation for protected disclosure

UNAUTHORIZED PRACTICE OF LAW

537 Inside unauthorized practice of law
538 Outside unauthorized practice of law

FAILURE TO PERFORM

152 Failure to report misconduct
253 Failure to competently represent the interest of the client
341 Failure to diligently represent the interest of the client
631 Failure to properly supervise a non-attorney
632 Failure to properly supervise another attorney
754 Failure to keep the client informed

FAILURE TO COMPLY WITH DISCOVERY

406 Discovery - Rule 16
407 Discovery - Brady/exculpatory info
408 Discovery - impeachment/Jencks
424 Discovery - civil
630 Failure to comply with Congressional discovery requests, including subpoenas

FAILURE TO COMPLY W/ DOJ POLICIES, RULES AND REGULATIONS

008 Failure to comply w/ legal requirements or policies re search warrant
420 Failure to comply w/ plea agreement policies
425 Failure to comply w/ sent recommendation policy
529 Failure to comply w/ DOJ press guidelines
541 Failure to cooperate in an administrative inquiry
542 Failure to comply w/ DOJ policy, rule or reg.
600 Failure to comply w/ policies re wiretaps and electronic surveillance
702 Failure to comply w/ policies re immunity or non-prosecution agreement
711 Failure to comply w/ guidelines re OEO or Tax Division approval
712 Failure to comply w/ death penalty protocol
713 Failure to comply w/ USAM provision (specify)
714 Failure to abide by DOJ investigative guidelines
715 Failure to comply w/ Petite Policy
716 Failure to comply w/ EEO policies
717 Failure to comply w/ sexual harassment policies

FAILURE TO COMPLY WITH FEDERAL LAW

220 Failure to comply with Hatch Act
633 Failure to comply with Speedy Trial Act
721 Failure to comply with other fed law (specify)

FAILURE TO COMPLY WITH COURT ORDERS, FEDERAL RULES

421 Failure to comply w/ court order
742 Failure to comply w/ Fed Rules of Criminal Proc
743 Failure to comply w/ Fed Rules of Evidence
744 Failure to comply w/ Fed Rules of Civil Proc
745 Failure to comply w/ Fed Rules of Appellate Proc

INTERFERENCE WITH DEFENDANT'S RIGHTS

061 Constitutional or Civil Rights violations
252 Improper contacts with represented party or interference with attorney-client relationship
423 Interference with defendant's right to counsel

IMMIGRATION JUDGE

724 IJ - General
725 IJ - Violation of right to counsel
726 IJ - Improper remarks
727 IJ - Bias, appearance of partiality
728 IJ - Failure to follow proper procedures
729 IJ - Failure to recuse, conflict of interest
730 IJ - Demeanor
731 IJ - Violation of alien's due process rights

BAR RELATED

543 Failure to maintain active bar membership
800 Possible bar referral of finding(s) by other DOJ component
997 Proposed referral of Judge to the bar
998 Proposed referral of non-DOJ attorney to the bar

OTHER

999 Other (Specify)

INVESTIGATION CLOSING CODES

SUBSTANTIATED FOR PROFESSIONAL MISCONDUCT

- 01. Substantiated - Intentional Misconduct.
- 02. Substantiated - Reckless Disregard Misconduct.

SUBSTANTIATED FOR POOR JUDGMENT

- 05. Substantiated for Poor Judgment. Report of inquiry referred to management.

UNSUBSTANTIATED

- 09. Unsubstantiated. Allegation not sustained for Professional Misconduct.
- 12. Unsubstantiated. Allegation not sustained for Poor Judgment.
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- 15. Unsubstantiated. Allegation not sustained. Subject acted appropriately.
- 16. Unsubstantiated. Allegation sustained for _____ (Specify).

CLOSED ADMINISTRATIVELY

- 19. Closed Administratively. Issues previously addressed. No further action required by OPR.
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- 21. Closed Administratively. Referred to the FBI.
- 22. Closed Administratively. Referred to the DEA.
- 23. Closed Administratively. Referred to the OIG.
- 24. Closed Administratively. Referred. More appropriately handled by _____ (Specify).
- 25. Closed Administratively. No merit to allegation based on review. Improvidently opened.
- 26. Closed administratively. Case consolidated with another open matter.
- 27. Closed administratively. Complaint withdrawn.
- 28. Closed Administratively. Allegation code improvidently assigned.
- 29. Closed administratively. Other. Specify.
- 30. Investigation tolled with OPR Counsel or Deputy Counsel approval.
- 40. ODAG approved OPR recommendation to terminate investigation of a former DOJ employee.
- 41. Source of unauthorized disclosure could not be determined.

NON-SUBJECT

- 31. Non-subject. Referred to Management.

FBI WHISTLEBLOWER CLAIM

- 36. Non-cognizable.
- 37. Reviewed by OPR. Referred to OIG for handling.
- 38. OPR Investigation completed. No retaliation found.
- 39. OPR Investigation completed. Retaliation found. Referred to _____.

INQUIRY CLOSING CODES (and Non-DOJ Attorney Bar Referrals)

- 10. Performance or management matter. Refer to employing component.
- 11. Referred. More appropriately handled by another component or agency. _____.
- 12. Issues previously addressed. No further action required by OPR at this time.
- 13. No merit to allegation based on review of matter.
- 14. No merit to matter based on preliminary inquiry.
- 15. Consolidated with already open matter. Give Case# _____.
- 16. Convert to an investigation.
- 17. FBI or DEA matter - resolved administratively.
- 18. Preliminary inquiry completed. Further inquiry not warranted.
- 19. Other. Specify. _____.
- 20. Matter being monitored. Log code. (Return file to Assistant Counsel. Yes ___ No ___)
- 21. FBI Employee Whistleblower Claim.
 - 21A - Non-cognizable
 - 21B - Reviewed by OPR. Referred to OIG for handling.
 - 21C - OPR Inquiry. No retaliation found.
 - 21D - OPR Inquiry. Retaliation found. Referred to _____.

Records Management and Retention Disposition

Instructions

Please review this record in its entirety and use the sections below to circle the record type and disposition.

Record Type

Inquiry

Investigation

Whistleblower Matter

Other

Record Disposition

Temporary – Retain record for 15 years from date of closing, then destroy.

Permanent – Retain record for 15 years from date of closing, then transfer to National Archives and Record Administration (NARA). Permanent records must have a **historical value, Congressional or Executive Branch interest, or attract national media attention.**

Comments:

Approving Supervisor

I have reviewed this record in its entirety and concur with the record type and disposition identified.

Suzanne Drouet



(Print name)

(Signature)

1/6/22

(Date)

U.S. Department of Justice
Office of Professional Responsibility

CASE CLOSING FORM

(Revised May 2022)

Case Number: 202100630

Date of Final Report or Closing Letter/Memo: 6/21/23

Instructions: Provide complete information for each subject and each allegation per subject. Resolve each allegation with a corresponding closing code.

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE: AUSA Terra Morehead – District of Kansas

Allegation Code: <u> 404 </u>	Closing Code: <u> 01 </u>	Refer to State Bar? Check One: Yes ☒ No ☐
Allegation Code: <u> 405 </u>	Closing Code: <u> 01 </u>	Subject Resigned/Retired? Check One: Yes ☐ No ☒
Allegation Code: <u> 400 </u>	Closing Code: <u> 01 </u>	If YES, check one: During Inv. ☐ After Inv. ☐
Allegation Code: <u> 407 </u>	Closing Code: <u> 01 </u>	Subject Notified? Yes ☒ No ☐
Allegation Code: <u> 408 </u>	Closing Code: <u> 01 </u>	
Allegation Code: <u> 462 </u>	Closing Code: <u> 01 </u>	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE:

Allegation Code: <u> </u>	Closing Code: <u> </u>	Refer to State Bar? Check One: Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	Subject Resigned/Retired? Check One: Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	If YES, check one: During Inv. ☐ After Inv. ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	Subject Notified? Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	

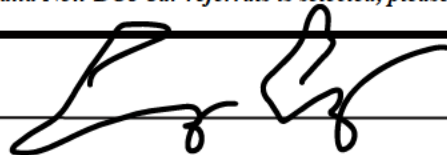
**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

SUBJECT NAME, TITLE, AND DISTRICT/OFFICE

Allegation Code: <u> </u>	Closing Code: <u> </u>	Refer to State Bar? Check One: Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	Subject Resigned/Retired? Check One: Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	If YES, check one: During Inv. ☐ After Inv. ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	Subject Notified? Yes ☐ No ☐
Allegation Code: <u> </u>	Closing Code: <u> </u>	

**** If Closing Code 24 or 29 for investigations, or Code 19 for inquiries and Non-DOJ bar referrals is selected, please give specifics below.**

Primary Attorney/Signature and Date: Greg Gonzalez 6/22/23



Secondary Attorney or Co-Counsel/Signature and Date:

Associate or Deputy Counsel/Signature and Date: /s/ Suzanne Drouet 6-22-23

(Over for complete list of OPR allegation codes)

OPR ALLEGATION CODES AND DESCRIPTIONS**ABUSE OF AUTHORITY**

001 Abuse of authority or misuse of official position
002 Abuse of prosecutive or investigative authority
005 Failure to comply w/ Principles of Fed Prosec
009 Abuse of grand jury or indictment process
010 Selective prosecution
011 Overzealous prosecution
012 Improper assistance by/to a private party in lit
150 Failure to honor plea agreement
370 Interference with a criminal investigation
750 Interference with a criminal prosecution
412 Improper coercion/intimidation of a witness
414 Improper use of peremptory strikes during jury selection
415 Improper coercion of a guilty plea
418 Ex parte communication
419 Improper introduction of evidence
540 Improper use of official information
701 Failure to honor immunity/non-prosec agreement
703 Improper threats to prosecute defense witnesses
707 Failure to disclose terms of plea to court
751 Recommendation of illegal/improper sentence

LEAK OR DISCLOSURE

530 Unauth disclosure to media: classified info
531 Unauth disclosure to media: 6(e) material
532 Unauth disclosure to media: other - including Privacy Act and sensitive info
752 Unauth disclosure to media: tax info
533 Unauth disclosure (non-media): classified info
534 Unauth disclosure (non-media): 6(e) - including misuse of grand jury material in a civil proc
535 Unauth disclosure (non-media): other - including Privacy Act and sensitive info
753 Unauth disclosure (non-media): tax info

MISREPRESENTATION

400 Lack of candor to OPR
404 Misrepresentation/misleading the court
405 Misrepresentation to opposing counsel
462 Suborn perjury/failure to correct false testimony

IMPROPER REMARKS

409 Improper opening argument
410 Improper closing or rebuttal argument
411 Improper examination of a witness
413 Improper statement to a grand or petit jury
416 Improper voir dire examination
417 Overzealous allocution/request for harsh sentence

CONFLICT OF INTEREST

062 Conflict: General, including appearance
063 Conflict of interest or violation of post-employ restrictions - criminal (18 USC §§ 203-209)
064 Conflicting financial interests
065 Conflicting personal interests
066 Conflicting outside activities
067 Conflict: improperly seeking outside employ
068 Conflict: compensation from non-government source

FITNESS TO PRACTICE LAW/REPRESENT THE GOVERNMENT

536 Unprofessional or unethical behavior
539 Unprofessional statements or comments

LATENESS

422 Lateness (missed deadlines, etc.)

WHISTLEBLOWER

722 Whistleblower allegations
723 Retaliation for protected disclosure

UNAUTHORIZED PRACTICE OF LAW

537 Inside unauthorized practice of law
538 Outside unauthorized practice of law

FAILURE TO PERFORM

152 Failure to report misconduct
253 Failure to competently represent the interest of the client
341 Failure to diligently represent the interest of the client
631 Failure to properly supervise a non-attorney
632 Failure to properly supervise another attorney
754 Failure to keep the client informed

FAILURE TO COMPLY WITH DISCOVERY

406 Discovery - Rule 16
407 Discovery - Brady/exculpatory info
408 Discovery - impeachment/Jencks
424 Discovery - civil
630 Failure to co[mply with Congressional discovery requests, including subpoenas

FAILURE TO COMPLY W/ DOJ POLICIES, RULES AND REGULATIONS

008 Failure to comply w/ legal requirements or policies re search warrant
420 Failure to comply w/ plea agreement policies
425 Failure to comply w/ sent recommendation policy
529 Failure to comply w/ DOJ press guidelines
541 Failure to cooperate in an administrative inquiry
542 Failure to comply w/ DOJ policy, rule or reg.
600 Failure to comply w/ policies re wiretaps and electronic surveillance
702 Failure to comply w/ policies re immunity or non-prosecution agreement
711 Failure to comply w/ guidelines re OEO or Tax Division approval
712 Failure to comply w/ death penalty protocol
713 Failure to comply w/ USAM provision (specify)
714 Failure to abide by DOJ investigative guidelines
715 Failure to comply w/ Petite Policy
716 Failure to comply w/ EEO policies
717 Failure to comply w/ sexual harassment policies

FAILURE TO COMPLY WITH FEDERAL LAW

220 Failure to comply with Hatch Act
633 Failure to comply with Speedy Trial Act
721 Failure to comply with other fed law (specify)

FAILURE TO COMPLY WITH COURT ORDERS, FEDERAL RULES

421 Failure to comply w/ court order
742 Failure to comply w/ Fed Rules of Criminal Proc
743 Failure to comply w/ Fed Rules of Evidence
744 Failure to comply w/ Fed Rules of Civil Proc
745 Failure to comply w/ Fed Rules of Appellate Proc

INTERFERENCE WITH DEFENDANT'S RIGHTS

061 Constitutional or Civil Rights violations
252 Improper contacts with represented party or interference with attorney-client relationship
423 Interference with defendant's right to counsel

IMMIGRATION JUDGE

724 IJ - General
725 IJ - Violation of right to counsel
726 IJ - Improper remarks
727 IJ - Bias, appearance of partiality
728 IJ - Failure to follow proper procedures
729 IJ - Failure to recuse, conflict of interest
730 IJ - Demeanor
731 IJ - Violation of alien's due process rights

BAR RELATED

543 Failure to maintain active bar membership
800 Possible bar referral of finding(s) by other DOJ component
997 Proposed referral of Judge to the bar
998 Proposed referral of non-DOJ attorney to the bar

OTHER

999 Other (Specify)

INVESTIGATION CLOSING CODES

SUBSTANTIATED FOR PROFESSIONAL MISCONDUCT

- 01. Substantiated - Intentional Misconduct.
- 02. Substantiated - Reckless Disregard Misconduct.

SUBSTANTIATED FOR POOR JUDGMENT

- 05. Substantiated for Poor Judgment. Report of inquiry referred to management.

UNSUBSTANTIATED

- 09. Unsubstantiated. Allegation not sustained for Professional Misconduct.
- 12. Unsubstantiated. Allegation not sustained for Poor Judgment.
- 13. Unsubstantiated. Allegation not sustained for Poor Judgment or Prof. Misconduct.
- 14. Unsubstantiated. Allegation not sustained. Subject made a mistake.
- 15. Unsubstantiated. Allegation not sustained. Subject acted appropriately.
- 16. Unsubstantiated. Allegation sustained for _____ (Specify).

CLOSED ADMINISTRATIVELY

- 19. Closed Administratively. Issues previously addressed. No further action required by OPR.
- 20. Closed Administratively. Referred to Criminal Division/Public Integrity Section (PIN).
- 21. Closed Administratively. Referred to the FBI.
- 22. Closed Administratively. Referred to the DEA.
- 23. Closed Administratively. Referred to the OIG.
- 24. Closed Administratively. Referred. More appropriately handled by _____ (Specify).
- 25. Closed Administratively. No merit to allegation based on review. Improvidently opened.
- 26. Closed administratively. Case consolidated with another open matter.
- 27. Closed administratively. Complaint withdrawn.
- 28. Closed Administratively. Allegation code improvidently assigned.
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FBI WHISTLEBLOWER CLAIM

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- 11. Referred. More appropriately handled by another component or agency. _____.
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- 13. No merit to allegation based on review of matter.
- 14. No merit to matter based on preliminary inquiry.
- 15. Consolidated with already open matter. Give Case# _____.
- 16. Convert to an investigation.
- 17. FBI or DEA matter - resolved administratively.
- 18. Preliminary inquiry completed. Further inquiry not warranted.
- 19. Other. Specify. _____.
- 20. Matter being monitored. Log code. (Return file to Assistant Counsel. Yes ___ No ___)
- 21. FBI Employee Whistleblower Claim.
 - 21A - Non-cognizable
 - 21B - Reviewed by OPR. Referred to OIG for handling.
 - 21C - OPR Inquiry. No retaliation found.
 - 21D - OPR Inquiry. Retaliation found. Referred to _____.
 - 21E - OPR Inquiry. Settlement. Mediation Program.
- 22. Preliminary review completed. Matter should/could be raised in litigation.

Records Management and Retention Disposition

Instructions

Please review this record in its entirety and use the sections below to circle the record type and disposition.

Record Type

Inquiry

Investigation

Whistleblower Matter

Other

Record Disposition

Temporary – Retain record for 15 years from date of closing, then destroy.

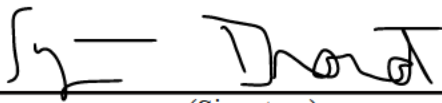
Permanent – Retain record for 15 years from date of closing, then transfer to National Archives and Record Administration (NARA). Permanent records must have a **historical value, Congressional or Executive Branch interest, or attract national media attention.**

Comments:

Approving Supervisor

I have reviewed this record in its entirety and concur with the record type and disposition identified.

Suzanne Drouet



6-22-23

(Print name)

(Signature)

(Date)

From: [Ingersoll, Laura \(OPR\)](#)
To: (b) (6)
Cc: (b) (6); [Fraase, Mark \(OPR\)](#)
Subject: RE: OPR Interviews - AUSAs Morehead and (b) (6), (b) (7)(C)
Date: Tuesday, August 7, 2018 12:54:00 PM

(b) (6) —

Following up on our phone conversation of a moment ago, this will confirm that we will interview AUSA Morehead on Tuesday, August 28, from 1 to no later than 5 pm, and will interview AUSA (b) (6), (b) (7)(C) on Wednesday, August 29, from 8:30 am to approximately 12:30 pm. We'll arrange for the use of a conference room at the U.S. Attorney's Office in Kansas City; your clients can arrange for your access. As is OPR's practice, we will have a court reporter present for both of these subject interviews. The interviews themselves, however, are relatively informal and not governed by rules of evidence or civil procedure.

Mark is lead on the (b) (6), (b) (7)(C) matter, and I am lead on the Morehead matter, although we will both be present for each interview.

As I explained to you, I will need to briefly interview (b) (6), (b) (7)(C) as a witness in the Morehead matter. You've advised that you do not represent her in that capacity and would not be present for that witness interview. I will contact her separately to schedule it.

Don't hesitate to let us know if you have any further questions.

With regards,
Laura

Laura Ingersoll
Assistant Counsel
Office of Professional Responsibility
U.S. Department of Justice
Washington, D.C.

(b) (6)

From: (b) (6)
Sent: Thursday, August 02, 2018 1:11 PM
To: Fraase, Mark (OPR); (b) (6); Ingersoll, Laura (OPR)
Cc: (b) (6)
Subject: OPR Interviews - AUSAs Morehead and (b) (6), (b) (7)(C)

Mr. Fraase and Ms. Ingersoll,

I will plan to travel to Kansas City to attend both interviews. Monday through Wednesday are best for both AUSAs (AUSA Morehead is unavailable Thursday and Friday, and the district apparently has meetings scheduled for both days).

On Monday the 27th and Tuesday the 28th, AUSA Morehead is available the entire day (she has to leave by 5pm), and AUSA (b) (6), (b) (7)(C) has hearings in the morning but is free in the afternoon. On Wednesday the 29th, both AUSAs are available the entire day (with AUSA Morehead having to leave by 5pm).

What would work best with your schedule?

(If you would prefer me to have two different email chains – one for each matter – I would be happy to do so. I figured it would be easiest to handle this in one email chain.)

Sincerely,

(b) (6)

(b) (6)

Brownell Landrigan, PC
1818 N Street, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
www.brolanlaw.com

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From: (b) (6)
To: [Ingersoll, Laura \(OPR\)](#); (b) (6)
Subject: RE: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)
Date: Monday, March 19, 2018 12:00:16 PM

Understood. Thank you for the update, Ms. Ingersoll.

Sincerely,

(b) (6)

(b) (6)

Brownell Landrigan, PC
1818 N Street, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
www.brolanlaw.com

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From: Ingersoll, Laura (OPR) [mailto:(b) (6)]
Sent: Monday, March 19, 2018 11:21 AM
To: (b) (6)
Cc: McCarty, Margaret S (OPR) (b) (6)
Subject: RE: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Counsel –

I am back in the office, so going forward you may address your communications to me rather than to Ms. McCarty.

Thank you,

Laura Ingersoll

Assistant Counsel

Office of Professional Responsibility

U.S. Department of Justice

(b) (6)

From: McCarty, Margaret S (OPR)
Sent: Thursday, March 15, 2018 1:05 PM
To: (b) (6)

Cc: Ingersoll, Laura (OPR) (b) (6)

(b) (6)

Subject: RE: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Thank you.

From: (b) (6)

Sent: Thursday, March 15, 2018 1:03 PM

To: McCarty, Margaret S (OPR) (b) (6)

Cc: Ingersoll, Laura (OPR) (b) (6)

(b) (6)

Subject: RE: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Hello Ms. McCarty,

Thank you for your consideration of our request. We will be able to provide a response by April 16th.

(b) (6)

Brownell Landrigan, PC
1818 N St, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
www.brolanlaw.com

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From: McCarty, Margaret S (OPR) [[mailto:](#) (b) (6)]

Sent: Thursday, March 15, 2018 12:44 PM

To: (b) (6)

Cc: Ingersoll, Laura (OPR) (b) (6)

Subject: RE: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Mr. (b) (6)

Thank you for forwarding your request on behalf of AUSA Morehead for a stay of OPR's inquiry or an

extension of time in which to respond. I have read and carefully considered your request.

It is OPR's general policy, absent extraordinary circumstances not present here, not to stay matters pending an appeal. Accordingly, OPR will not stay its consideration of this matter while the appeal is pending in (b) (6), (b) (7)(C) .

While I am willing to grant a reasonable extension of the March 16 deadline for AUSA Morehead to respond to OPR's request for a written response, it is unusual for OPR to grant an extension longer than 30 days. Would AUSA Morehead be able to provide a response by April 16? If not, can you please explain the circumstances that require a longer extension?

Thank you,

Peggy McCarty
Associate Counsel
Office of Professional Responsibility
U.S. Department of Justice
(b) (6)

From: (b) (6)
Sent: Thursday, March 15, 2018 12:32 PM
To: McCarty, Margaret S (OPR) (b) (6)
cc: (b) (6)
(b) (6)
Subject: FW: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Hello Ms. McCarty,

Thank you for speaking with me earlier. Please find our request attached.

(b) (6)
Brownell Landrigan, PC
1818 N St, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
www.brolanlaw.com

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or the taking of any action in reliance on the contents of this email is strictly prohibited. If you have received this email in error, please immediately delete and destroy all copies of the original email and its attachments, and notify the sender or Brownell Landrigan at 202-822-1701.

From: (b) (6)

Sent: Wednesday, March 14, 2018 5:17 PM

To: (b) (6)

Cc: (b) (6)

(b) (6)

Subject: Request to Stay or Extend Deadline to Respond to Office of Professional Responsibility Inquiry (Terra Morehead)

Ms. Ingersoll,

Please see the attached correspondence from Brownell Landrigan, PC.

Sincerely,

(b) (6)

Office Manager

Brownell Landrigan, PC

1818 N Street NW, Suite 520

Washington, DC 20036

202-822-1701

202-822-1914 (fax)

www.brolanlaw.com

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From: [Ingersoll, Laura \(OPR\)](#)
To: [Kemper, Stephanie \(OPR\)](#)
Subject: FW: Your Esquire Deposition Solutions Files Are Now Available! Witness: Terra Morehead, Date: 08/28/2018
Date: Tuesday, September 18, 2018 7:41:13 AM

From: Connect, Esquire <esquireconnect@esquiresolutions.com>
Sent: Monday, September 17, 2018 7:13 PM
To: Ingersoll, Laura (OPR); (b) (6)
Subject: Your Esquire Deposition Solutions Files Are Now Available! Witness: Terra Morehead, Date: 08/28/2018

This email provides links to the proceeding files you ordered, including transcript, exhibit and video files. To ensure you get your files as quickly as possible, they may be sent over multiple email messages. Your hardcopy will follow unless you have requested paperless-only delivery.

Click on the links below to download your files – for batch downloading of transcripts and exhibits, go to www.esquireconnect.com.

To ensure the security of your files, **these links will expire after eight weeks**. Once the links have expired, you can still access your files on www.esquireconnect.com.

If you haven't used EsquireConnect or have forgotten your password, [click here](#) and enter your email address to reset it.

If we can assist you in any way, please contact the Client Support Department at clientcare@esquiresolutions.com.

Witness: **Terra Morehead**

Setting Attorney: **Laura Ingersoll**

Setting Attorney **US Department Of Justice - Office Of Professional Responsibility -**
Firm: **Washington**

Scheduling Contact: **Stephanie Kemper Webb**

Case: **OPR INVESTIGATION; (b) (6), (b) (7)(C) (AUSA TERRA MOREHEAD)**

Date: **08/28/2018**

Time: **1:00 pm**

Esquire Job Number: **J2534987**

File/Matter Number:

Available Files for Download

(To batch download the files, go to REPOSITORY in your EsquireConnect account.)

[ASCII - more0828.txt.txt](#)

[Transcript - 2534987 Morehead.Terra 082818.full.pdf](#)

[Transcript - 2534987 Morehead.Terra 082818.fullprint.pdf](#)

[Word index - 2534987 Morehead.Terra 082818.index.pdf](#)

[Condensed Transcript - 2534987 Morehead.Terra 082818.miniprint.pdf](#)

[PTX - 2534987 Morehead.Terra 082818.ptx](#)

[Read and sign - 2534987 Morehead.Terra 082818.RSLETTER.pdf](#)

[ASCII - 2534987 Morehead.Terra 082818.txt](#)

[Amicus - 2534987 Morehead.Terra 082818_AMICUS.txt](#)

Thank you very much for your business. Please let us know if there is anything additional we can assist you with. [Client Care](#) | [Reset your password](#)

From: [Drouet, Suzanne \(OPR\)](#)
To: [Robertson, Jacqueline T \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Cc: [Ragsdale, Jeffrey \(OPR\)](#); [Cummings, John M. \(OPR\)](#); [Fenn, Stephen \(OPR\)](#); [Pfleger, Stephen \(OPR\)](#); [Gonzalez, Gregory \(OPR\)](#)
Subject: assignments
Date: Friday, December 10, 2021 8:02:53 AM

Please make the following up dates to LM:

202200097 (b) (6), (b) (7)(C) add Stephen Pfleger as the second

202000776 (b) (6), (b) (7) add John as the second

202100479 Morehead add Greg as the second

Thanks.

From: [Ragsdale, Jeffrey \(OPR\)](#)
To: [Ingersoll, Laura \(OPR\)](#); [McCarty, Margaret S \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Subject: RE: Status of appeal in [REDACTED] case (AUSA Terra Morehead) -- our matter 201800202
Date: Tuesday, May 15, 2018 11:47:14 AM

Shamelle,

Can you toll this case in DM because we are waiting for an appellate brief to be filed?

Thank you.

From: [Ingersoll, Laura \(OPR\)](#)
To: [McCarty, Margaret S \(OPR\)](#); (b) (6) [Ragsdale, Jeffrey \(OPR\)](#)
Subject: RE: Status of appeal in (b) (6), (b) (7)(C) case (AUSA Terra Morehead) -- our matter 201800202
Date: Tuesday, May 15, 2018 11:11:00 AM

Peggy & Jeff –

Do I need to do something to “toll” this matter, or should we wait until we see the USG/Appellant brief next month?

Laura

From: Ingersoll, Laura (OPR)

Sent: Friday, May 11, 2018 3:27 PM

To: McCarty, Margaret S (OPR) (b) (6)

(b) (6); Ragsdale, Jeffrey (OPR) (b) (6)

Subject: Status of appeal in (b) (6), (b) (7)(C) case (AUSA Terra Morehead) -- our matter 201800202

Jeff & Peggy –

The 10th Circuit has granted an extension until June 11 for the government’s appellate brief. (It had been due today.) No further extensions to be granted “absent extraordinary circumstances.”

Should I keep sitting on this, until then?

Laura

From: [Ingersoll, Laura \(OPR\)](#)
To: [McCarty, Margaret S \(OPR\)](#) (b) (6); [Ragsdale, Jeffrey \(OPR\)](#)
Subject: Status of Appeal in (b) (6), (b) (7)(C) case (Morehead)
Date: Wednesday, October 3, 2018 1:11:00 PM

Jeff & Peggy –

The government has until 10/5 to file its reply brief with the 10th Circuit. Oral argument is set for Wednesday, (b) (6), (b) (7)(C) a recording of the argument will be available 48 hours later.

I'll be working on the Report once I finish (b) (6), (b) (7)(C) (soon!) and receive Morehead's comments on the OPR interview transcript (by 10/15).

Laura

From: [Birney, William J \(OPR\)](#)
To: [Robertson, Jacqueline T \(OPR\)](#)
Cc: [Drouet, Suzanne \(OPR\)](#); [Ingersoll, Laura \(OPR\)](#)
Subject: FW: (b) (6), (b) (7)(C)
Date: Saturday, April 10, 2021 5:01:00 PM

Please convert # 202100479, which is assigned to Laura Ingersoll, from a correspondence matter to an inquiry. Thanks.

From: Birney, William J (OPR)
Sent: Saturday, April 10, 2021 4:57 PM
To: Morehead, Terra (USAKS) (b) (6)
Cc: Drouet, Suzanne (OPR) (b) (6); Ingersoll, Laura (OPR)
(b) (6)
Subject: RE: (b) (6), (b) (7)(C)

This is to let you know that OPR has initiated an inquiry in this matter, which is under review by OPR Counsel Laura Ingersoll. If you have any questions about it, please don't hesitate to contact Laura or Principal Deputy Counsel Suzanne Drouet.

Thank you for bringing this matter to our attention.

William J. Birney

Deputy Counsel
Office of Professional Responsibility
U.S. Department of Justice
Washington, D.C. 20530

From: Morehead, Terra (USAKS) <(b) (6)>
Sent: Wednesday, March 24, 2021 9:52 AM
To: Birney, William J (OPR) (b) (6)
Subject: (b) (6), (b) (7)(C)

Mr. Birney –

This email is being sent for the purpose of self-reporting allegations of misconduct in the above referenced case that were lodged against me through a newspaper article that appeared in the Kansas City Star on (b) (6), (b) (7)(C). I adamantly deny any and all allegations of misconduct outlined in this article, and I will be prepared to address any specific allegations during any investigation by your office. I have substantial evidence and extensive information available for review concerning this prosecution, which involved a large scale drug trafficking investigation, including files specifically related to the witness, (b) (6), (b) (7)(C), and the defendant, (b) (6), (b) (7)(C), as well as the transcript from the six week jury trial. There were witnesses to the entirety of my contact with (b) (6), (b) (7)(C), to include the case agents, and his attorney. I am attaching a link to the newspaper article as a reference. Please let me know if you have any questions, and please know that I am readily available to respond to any agency inquiry.

(b) (6), (b) (7)(C)

Terra D. Morehead

Assistant U.S. Attorney

500 State Avenue, Suite 360

Kansas City, Kansas 66101

(b) (6)

From: [Birney, William J \(OPR\)](#)
To: [Ragsdale, Jeffrey \(OPR\)](#)
Cc: [Drouet, Suzanne \(OPR\)](#); [Ingersoll, Laura \(OPR\)](#); [Leiner, Frederick C \(OPR\)](#); [Porada, Mark \(OPR\)](#)
Subject: FW: (b) (6), (b) (7)(C)
Date: Wednesday, March 24, 2021 3:03:00 PM
Attachments: [OPR-#462456-v1-News Article \(3 23 2021\) about Morehead misconduct.DOCX](#)

Jeff:

In the email below, AUSA Terra Morehead, of the U.S. Attorney's Office for the District of Kansas, self-reported misconduct allegations in a newspaper article that appeared yesterday in the *Kansas City Star*. The article, which is attached, recounts a host of allegations that have been made against AUSA Morehead during her career as a federal and state prosecutor, and includes a new allegation by a former cooperating witness who was only recently released from prison and who now alleges that Morehead pressured him to falsely testify that (b) (6), (b) (7)(C), one of several defendants in a drug trafficking case, was present during a drug deal.

Our investigation into allegations that (b) (6), (b) (7)(C) has not disclosed any evidence that Morehead listened to such calls. In addition, as you know, this is not the same matter that Laura Ingersoll recently investigated involving the alleged intimidation of a defense witness by Morehead. However, according to Laura, (b) (6), (b) (7)(C) made similar allegations against Morehead during the proceedings in the drug trafficking case.

In her email, AUSA Morehead states that she has "substantial evidence and extensive information" available for our review that refutes these new misconduct allegations against her. ■

(b) (5)

Bill

From: Morehead, Terra (USAKS) (b) (6)
Sent: Wednesday, March 24, 2021 9:52 AM
To: Birney, William J (OPR) (b) (6)
Subject: (b) (6), (b) (7)(C)

Duplicate of BN 02098

From: [Ragsdale, Jeffrey \(OPR\)](#)
To: [Drouet, Suzanne \(OPR\)](#)
Cc: [Cummings, John M. \(OPR\)](#)
Subject: RE: (b) (6), (b) (7)(C), 202100479
Date: Tuesday, February 1, 2022 12:41:49 PM

Seems appropriate to me as well.

From: Drouet, Suzanne (OPR) (b) (6)
Sent: Tuesday, February 1, 2022 12:20 PM
To: Ragsdale, Jeffrey (OPR) (b) (6)
Cc: Cummings, John M. (OPR) (b) (6)
Subject: FW: (b) (6), (b) (7)(C), 202100479

(b) (5)

From: Cummings, John M. (OPR) (b) (6)
Sent: Tuesday, February 1, 2022 12:14 PM
To: Drouet, Suzanne (OPR) (b) (6)
Cc: Ragsdale, Jeffrey (OPR) (b) (6)
Subject: (b) (6), (b) (7)(C), 202100479

Suzanne,

Following up on our conversation this morning, I am recommending that (b) (5)
(b) (6), (b) (7)(C)
On March 24, 2021, AUSA Morehead self-reported to OPR an allegation contained in a March 23, 2021 article in the Kansas City Star. In her email to OPR, Morehead denied the allegation. In that article, a former cooperator named (b) (6), (b) (7)(C) alleged that Morehead had “pressured him to identify a woman . . . [and] to testify he had seen the woman at a drug deal — even though he never did.” That woman was (b) (6), (b) (7)(C), who in 2009 was convicted for her involvement in a drug conspiracy that was spearheaded by her boyfriend, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) made his accusation regarding Morehead after he had completed serving his federal sentence, after (b) (6), (b) (7)(C) had filed for relief under § 2255, and after (b) (6), (b) (7)(C) had completed serving her sentence. As a result, there was no litigation to further develop the record in this matter.

As I described in my email of September 23, 2021, (b) (5)
(b) (6), (b) (7)(C) so much so that Morehead did not rely on his testimony during her closing arguments. However, another cooperator, (b) (6), (b) (7)(C), placed (b) (6), (b) (7)(C) at the scene of several drug and or cash transactions between himself and (b) (6), (b) (7)(C).

After our last discussion, I contacted USAO-KS to obtain materials regarding (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) from the cooperator files. The materials USAO-KS provided included debriefing notes and investigative summaries regarding (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). These materials indicate that (b) (6), (b) (7)(C) was not an early focus of the debriefings, and that neither (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) mentioned (b) (6), (b) (7)(C) until they were asked about her shortly before trial. However, there is nothing in the

records to suggest that either man was coerced into identifying (b) (6), (b) (7)(C). In particular, (b) (6), (b) (7)(C) counsel was present for all of the debriefings, and there is a reasonable inference that (b) (6), (b) (7)(C) counsel was present when (b) (6), (b) (7)(C) first identified (b) (6), (b) (7)(C). Unlike (b) (6), (b) (7)(C) has not recanted his testimony.

(b) (5)

John M. Cummings
Assistant Counsel
United States Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W.
Washington, DC 20530

(b) (6)

From: [Cummings, John M. \(OPR\)](#)
To: [Birney, William J \(OPR\)](#)
Subject: RE: New matter involving Terra Morehead
Date: Wednesday, October 6, 2021 4:29:00 PM
Attachments: [Timeline.docx](#)
[Morehead Amended Affidavit.pdf](#)
[03082012 death threat Email.pdf](#)
[064 Order denying motion supplement 2255.pdf](#)

Bill, attached is a rough timeline for the (b) (6), (b) (7) case as well as some of the key documents. Look forward to speaking with you.

John

From: Birney, William J (OPR) (b) (6)
Sent: Wednesday, October 6, 2021 11:58 AM
To: Cummings, John M. (OPR) (b) (6)
Subject: RE: New matter involving Terra Morehead

I do have time tomorrow, but I'll be otherwise occupied for a period of time. I'll let you know when I'm available, as soon as I know. Thanks.

From: Cummings, John M. (OPR) (b) (6)
Sent: Wednesday, October 6, 2021 11:27 AM
To: Birney, William J (OPR) (b) (6)
Subject: New matter involving Terra Morehead

Bill,

Let me know if you have some time tomorrow to have a preliminary discussion regarding the judge's criticism of AUSA Morehead in the (b) (6), (b) (7) case. I will get you a brief chronology later today to aid in the conversation.

Thanks,
John

John M. Cummings
Assistant Counsel
United States Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W.
Washington, DC 20530

(b) (6)

From: (b) (6), (b) (7)(C)
To: [Ingersoll, Laura \(OPR\)](#)
Cc: (b) (6), (b) (7)(C)
Subject: Re: Department of Justice Office of Professional Responsibility matter
Date: Tuesday, August 21, 2018 4:35:54 PM

Thanks, (b) (6), (b) (7)(C) I will talk with you all Thursday morning at 8:30 a.m., our time.

On Tue, Aug 21, 2018 at 3:24 PM, Ingersoll, Laura (OPR) <(b) (6)> wrote:

Thank you.

From: (b) (6), (b) (7)(C)
Sent: Tuesday, August 21, 2018 4:15 PM
To: Ingersoll, Laura (OPR) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Subject: RE: Department of Justice Office of Professional Responsibility matter

All:

Here are the call-in numbers for Thursday.

888-204-5987

Access Code 9183048

Thanks, call the work number below if you are having difficulty getting in.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

BATH & EDMONDS, P.A.

[7944 Santa Fe Drive](#)

[Overland Park, KS 66204](#)

[\(913\)](#) 652-9800

Fax (913) 649-8494

(b) (6), (b) (7)(C)

E-mail: (b) (6), (b) (7)(C)

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From: Ingersoll, Laura (OPR) [[mailto:](#)(b) (6)]

Sent: Tuesday, August 21, 2018 2:58 PM

To: (b) (6), (b) (7)(C)

Subject: RE: Department of Justice Office of Professional Responsibility matter

That works for us, as well. We'll phone you then, at the number you provide.

From: (b) (6), (b) (7)(C)

Sent: Tuesday, August 21, 2018 3:53 PM

To: Ingersoll, Laura (OPR) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Subject: Re: Department of Justice Office of Professional Responsibility matter

Laura,

Thursday morning works. How about 8:30 am my time?

I've copied (b) (6), (b) (7)(C), he represented me on the underlying subpoena and testimony. He will set up a call-in number for us.

On Tue, Aug 21, 2018 at 1:00 PM, Ingersoll, Laura (OPR) (b) (6) wrote:

Hello, (b) (6), (b) (7)(C) I'm thinking that we should just go ahead and do this by phone, without video, as it won't be a lengthy conversation.

Could you spare up to about 20-30 minutes either tomorrow (Wednesday 8/22) or Thursday (8/23)? We can be available pretty much any time from 7:30 am to 5:00 pm, your time (we're an hour ahead of you, so that's 8:30 am to 6:00 pm, our time).

Thank you very much,

Laura

From: (b) (6), (b) (7)(C)

Sent: Tuesday, August 07, 2018 2:32 PM

To: Ingersoll, Laura (OPR) (b) (6)

Subject: Re: Department of Justice Office of Professional Responsibility matter

Yeah, I don't mind that. I'm going to admit that I'm not very tech savvy so I am going to have to check with my office and see what capabilities we have.

On Tue, Aug 7, 2018 at 1:27 PM, Ingersoll, Laura (OPR) (b) (6)

wrote:

Would you consider talking with us via VTC? If your office has a video conferencing capability we can easily connect, I think, and we could do that during the week of August 13 or 20. (I feel it's better to see one another as we talk.)

Sent from my iPhone

On Aug 7, 2018, at 2:21 PM, (b) (6), (b) (7)(C) > wrote:

I wish, but the Honor flight has us on a strict schedule. It's the craziest thing. We are just there long enough to see the memorials and then have to immediately fly out, they don't give the veterans any room to sight-see past the memorials. We actually fly out on the evening of the 29th and I have to spend the 30th traveling back to Kansas City from Southern Missouri.

We had to book this trip back in January because they only do a few flights a year and because my trial schedule is crazy. But it is volunteer-run so it has been quite a nightmare getting everything organized. I'm sorry they don't allow more flexibility in the schedule for us to meet up.

On Tue, Aug 7, 2018 at 1:16 PM, Ingersoll, Laura (OPR)

(b) (6) wrote:

That sounds like an exciting trip! We'll be back in Washington late on the 29th. Is there any chance we could meet up with you on the 30th while you're still in the Washington area, wherever would be convenient for you?

Sent from my iPhone

On Aug 7, 2018, at 1:48 PM, (b) (6), (b) (7)(C) > wrote:

I am happy to meet with you both, however, I am leaving that week to take my grandfather on an Honor Flight to Washington, D.C. and will be gone August 27-August 30. Would there be any other availability you might have?

On Tue, Aug 7, 2018 at 12:42 PM, Ingersoll, Laura (OPR)

(b) (6) wrote:

(b) (6), (b) (7)(C), Esq.

The Gordon Law Firm

[4240 Blue Ridge Boulevard, Suite 600](#)

[Kansas City, Missouri 64133](#)

Dear Ms. (b) (6), (b) (7)(C)

The U.S. Department of Justice's Office of Professional Responsibility (OPR) is conducting an investigation into allegations of professional misconduct by Assistant U.S. Attorney (AUSA) Terra Morehead, of the U.S. Attorney's Office for the District of Kansas, arising from the court's adverse findings and criticism of AUSA Morehead in (b) (6), (b) (7)(C). As you know, those findings particularly relate to a brief conversation between AUSA Morehead and you during a break in court proceedings on (b) (6), (b) (7)(C), regarding potential testimony of a witness in that case, (b) (6), (b) (7)(C), whom you represented. OPR has obtained and reviewed the public and sealed filings in the (b) (6), (b) (7)(C) case, and we are very sensitive to the attorney-client privilege issues presented in this matter. It would be helpful to the OPR investigation for us to be able to speak with you about the incident, without, of course, implicating attorney-client privileged communications.

I and my colleague Mark Fraase will be in Kansas City from midday on Monday, August 27, until the afternoon of Wednesday, August 29. We hope you might be willing and able to meet with us briefly during that time. We would be happy to come to your offices for that purpose.

Please don't hesitate to let me know if you have any questions about our request. Thank you for considering it.

With regards,

Laura Ingersoll

Assistant Counsel

Office of Professional Responsibility

U.S. Department of Justice

[950 Pennsylvania Avenue, N.W.](#)

[Washington, D.C. 20530](#)

(b) (6)

--

Thanks,

(b) (6), (b) (7)(C)

The Gordon Law Firm, LLC

[4240 Blue Ridge Blvd., Ste. 600](#)

[Kansas City, Missouri 64133](#)

T: 816-569-6925

F: 816-886-0570

(b) (6), (b) (7)(C)

CONFIDENTIALITY NOTICE: The contents of this electronic mail communication, all attachments, all accompanying documents, and the identity of all recipients contain and/or

From: [Birney, William J \(OPR\)](#)
To: [Ingersoll, Laura \(OPR\)](#)
Cc: [McCarty, Margaret S \(OPR\)](#)
Subject: FW: Self referral
Date: Tuesday, March 20, 2018 2:35:44 PM
Attachments: [Sept 19 transcript.pdf](#)

Laura, the email below apparently never made it into the file before this matter was assigned. I'm passing it along to you for whatever it's worth.

From: Morehead, Terra (USAKS) [mailto:(b) (6)]
Sent: Wednesday, January 10, 2018 5:11 PM
To: Birney, William J (OPR) (b) (6)
Subject: Self referral

I wanted to send a copy of a transcript of an exchange that I encountered with Judge Robinson on (b) (6), (b) (7)(C). The exchange occurred beginning on page 394. This is the same judge that was involved in the (b) (6), (b) (7)(C) case that I self-referred a few weeks ago. I am in the process, through my supervisor, of trying to get a copy of the audio recording of this hearing from the court reporter, as I think it will add insight into the tone and demeanor of the conversation from the court towards me, which is obviously not revealed in a transcript. I also intend to get an affidavit from the case agent about his observations of the encounter. I have never had a judge speak to me in this tone or in this manner, and I felt that my legs were going to buckle, which is why I turned to leave the podium to sit down. Please let me know if you have any questions about this.

Terra D. Morehead
Assistant United States Attorney
District of Kansas

From: [Robertson, Jacqueline T \(OPR\)](#)
To: [McCarty, Margaret S \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Cc: [Birney, William J \(OPR\)](#)
Subject: RE: LM update
Date: Friday, January 12, 2018 7:33:04 AM

Peggy,

The system has been updated with new assignment. Thanks,

Jacqueline

From: McCarty, Margaret S (OPR)
Sent: Thursday, January 11, 2018 3:58 PM
To: Lyles, Shamelle (OPR) (b) (6); Robertson, Jacqueline T (OPR)
(b) (6)
Cc: Birney, William J (OPR) (b) (6)
Subject: LM update

Please note that 201800202, previously assigned to Jim Vargason, is now assigned to Laura Ingersoll.
Thank,
Peggy

From: [Lyles, Shamelle \(OPR\)](#)
To: [Ingersoll, Laura \(OPR\)](#)
Cc: [Boykin, Evonne \(OPR\)](#)
Subject: RE: 201800202-V OPR Report of Investigation of AUSA Terra D. Morehead
Date: Tuesday, September 29, 2020 4:30:00 PM
Attachments: [OPR-#452670-v1-OPR Case Closing Form \(Revised May 2020\).DOCX](#)
Importance: High

Hi Laura,

Please complete the attached closing form for #**201800202-V**, and return to me via email for processing in LM. Evonne is copied on this email because she needs the records retention information on the closing form. Thank you.

Shamelle

From: Boykin, Evonne (OPR) (b) (6)
Sent: Tuesday, September 29, 2020 3:38 PM
To: OPR ALL <OPRALL@opr.usdoj.gov>
Subject: 201800202-V OPR Report of Investigation of AUSA Terra D. Morehead

Hello,

Attached is the OPR's Report of Investigation into the conduct of Assistant U.S. Attorney Terra D. Morehead in (b) (6), (b) (7)(C) Thank you.

Evonne M. Boykin
Legal Administrative Specialist
Office of Professional Responsibility
Department of Justice
950 Pennsylvania Ave., NW
Room 3266
Washington, DC 20530

From: [Drouet, Suzanne \(OPR\)](#)
To: [Gonzalez, Gregory \(OPR\)](#); [Cummings, John M](#)
Subject: RE: Witness Attorney Conflict Issue
Date: Friday, December 9, 2022 11:39:12 AM
Attachments: [image001.png](#)

My suggested changes. (b) (5)

. Let
me know if you guys disagree though.

(b) (5), (b) (6), (b) (7)(C)

From: Gonzalez, Gregory (OPR) (b) (6)
Sent: Friday, December 9, 2022 11:25 AM
To: Drouet, Suzanne (OPR) (b) (6); Cummings, John M
(b) (6)
Subject: RE: Witness Attorney Conflict Issue

Suzanne,

Here is a draft of the clarification email I was planning to send:

(b) (6)

(b) (5), (b) (6), (b) (7)(C)

Greg Gonzalez
Assistant Counsel

U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave. NW,
Washington, D.C. 20530

(b) (6)

202-514-5050 fax



From: Gonzalez, Gregory (OPR)
Sent: Friday, December 9, 2022 9:44 AM
To: Drouet, Suzanne (OPR) (b) (6) Cummings, John M
(b) (6)
Subject: Witness Attorney Conflict Issue

Suzanne,

As you know John and I have been finishing up on Morehead case interviews.
We interviewed (b) (6), (b) (7)(C) regarding the attached email and are planning to interview Ms.
(b) (6), (b) (7)(C) as well.

When I reached out to (b) (6), (b) (7)(C) she informed us that she was represented by counsel, (b) (6)
When I reached out to (b) (6) I learned that he was away and that (b) (6) was going to be
involved in the interview.
(b) (6) also represents Morehead in OPR's investigation.

I have an email in to (b) (6) to ask if he has resolved the conflicts issue.

I also want to make sure that, if he clears the conflicts, it is OK for us to let him in to the interview.

This should be about a 15-20 min interview, solely to ask (b) (6), (b) (7)(C) what she knows about the
representations in the attached email.

Greg Gonzalez
Assistant Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave. NW,
Washington, D.C. 20530

(b) (6)

202-514-5050 fax



From: [Cummings, John M. \(OPR\)](#)
To: (b) (6), (b) (7)(C)
Subject: Request for Interview in (b) (6), (b) (7)(C) Matter
Date: Monday, January 31, 2022 9:28:00 AM

Mr. (b) (6), (b) (7)(C),

Gregory Gonzalez and I are Assistant Counsels with the United States Department of Justice's Office of Professional Responsibility (OPR), we received your contact information from (b) (6). We would like to speak with you as a witness regarding your interactions with Assistant United States Attorney Terra Morehead in connection with the proceedings in (b) (6), (b) (7)(C). This should be a brief conversation lasting no more than an hour.

We would like to interview you remotely using Microsoft Teams, WebEx, or by phone if you prefer. We are available most of this week, with the exception of this afternoon and Wednesday morning, so please let us know what would be the best time for you. You will not be placed under oath, but OPR uses a digital recorder to record its interviews.

Please let us know if you are willing to participate in an interview, and if so, what your available dates are this week. Of course, we also would be happy to respond to any questions you might have.

We would ask that you keep this interview (and what we will discuss at the interview) confidential in order to maintain the integrity of the investigation.

Thank you in advance for your cooperation.

Sincerely,

John M. Cummings
Assistant Counsel
United States Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W.
Washington, DC 20530

(b) (6)

From: [Dickinson, Lisa \(USMS\)](#)
To: [Cummings, John M. \(OPR\)](#)
Subject: (b) (6), (b) (7)(C)
Date: Monday, December 20, 2021 4:05:53 PM
Attachments: [IMG_0008.jpg](#)



(b) (6), (b) (7)(C)

UNITED STATES MARSHAL
RECEIVED

2018 MAY 10 AM 9:14

KANSAS CITY, KS

Terra D. Morehead Chronology (201300382)

Date	Event	Notes
(b) (6), (b) (7)(C)	Car accident between (b) (6), (b) (7)(C) and DEA SA (b) (6), (b) (7)(C) arrests and strikes (b) (6), (b) (7)(C) KP Det. (b) (6), (b) (7)(C) arrived and put (b) (6), (b) (7)(C) in police car; (b) (6), (b) (7)(C) charged with "felony criminal damage to property" for intentionally ramming (b) (6), (b) (7)(C) car, and also misdemeanor possession of marijuana paraphernalia	
Unk.	AUSA Morehead attends (b) (6), (b) (7)(C) civil trial, as show of support for SA (b) (6), (b) (7)(C)	
06-29-2009	Morehead sends some email to (b) (6), (b) (7)(C) attaching 11-year-old district court opinion regarding (b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	US District Judge Julie A. Robinson memorandum and order in civil case finding that (b) (6), (b) (7)(C) was not credible, that (b) (6), (b) (7)(C) used excessive force; finding witness Det. (b) (6), (b) (7)(C) "credible," and treatment against him "shameful"; awarding damages of \$833,000	
Unk.	In deposition in (b) (6), (b) (7)(C) civil trial, Chief Deputy Whitby says Morehead informed him that (b) (6), (b) (7)(C) had a Giglio problem and that cases involving him would not be accepted for federal prosecution; Morehead denies in her deposition, either to Whitby or (b) (6), (b) (7)(C)	
Feb or Mar 2010	Morehead tells Gorman that (b) (6), (b) (7)(C) has a Giglio problem	

AUSA Terra Morehead, District of Kansas

(b) (6), (b) (7)(C)

Opened by OPR: December 14, 2017
(Converted to an investigation: August 7, 2018)

#201800202 INGERSOLL

Allegation: 412 – Improper Coercion/Intimidation of a Witness
061 – Constitutional Violation

On December 8, 2017, Assistant U.S. Attorney (AUSA) Terra Morehead self-reported to OPR adverse judicial findings against her that were made by the district court in its (b) (6), (b) (7)(C) memorandum and order vacating the convictions, and dismissing the charges with prejudice, in (b) (6), (b) (7)(C)

Morehead prosecuted (b) (6), (b) (7)(C) at his trial on drug trafficking and firearm offenses. During the trial, (b) (6), (b) (7)(C) counsel informed Morehead that he would seek to impeach a government witness by calling as his only defense witness an individual who Morehead learned faced unrelated federal drug charges in another district. Morehead spoke with the witness' attorney, acknowledging his pending case and expressing concern that the witness might commit perjury if the witness testified as expected. Soon thereafter, the witness' attorney spoke privately with the witness and then announced that her client was no longer willing to testify and would invoke his Fifth Amendment privilege. (b) (6), (b) (7)(C) attorney told the court that he believed that the witness' (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Morehead told the court that (b) (6), (b) (7)(C)

The witness' attorney declined the court's invitation to comment on her client's decision. The next morning, (b) (6), (b) (7)(C) informed the court that when he and the witness were transported together to the detention center at the end of the previous day, the witness told (b) (6), (b) (7)(C) that Morehead had told the witness' attorney that (b) (6), (b) (7)(C) and that the witness was then advised by his attorney, (b) (6), (b) (7)(C) then testified in his own behalf. The jury found (b) (6), (b) (7)(C) guilty of the two drug trafficking charges and acquitted him on the two firearm charges.

(b) (6), (b) (7)(C) moved for a new trial, claiming that Morehead's statements to the witness' attorney led the witness to decide not to testify, thereby interfering with (b) (6), (b) (7)(C) Sixth Amendment right to a fair trial. The court held evidentiary hearings during which (b) (6), (b) (7)(C), the witness, and the witness' attorney testified. The government did not deny the incident, nor the general content of Morehead's statements to the witness' attorney, but argued that there was no violation of the defendant's Sixth Amendment rights. In its memorandum and order, the court made factual findings as to the content of Morehead's statements, concluding that they (b) (6), (b) (7)(C)

in degree and kind. The court also found that Morehead (b) (6), (b) (7)(C)

Accordingly, the court found that Morehead violated the defendant's Sixth Amendment right to present a defense by substantially interfering with the witness' decision to testify, and that this interference prejudiced the defendant both (b) (6), (b) (7)(C) and by leading the defendant to feel compelled to testify, which exposed him to cross-examination about the nature of his multiple prior convictions. Concluding that a new trial would not be an adequate remedy, the court vacated the convictions on both counts and then dismissed the charges with prejudice.

OPR initiated an inquiry, which it later converted to an investigation. OPR requested and received a written response from Morehead, and obtained and reviewed the trial transcript and court filings. OPR interviewed Morehead and her supervisors, and the defense witness' attorney. A report is being drafted.

AUSA Terra Morehead, District of Kansas**(b) (6), (b) (7)(C)**

Opened by OPR: December 14, 2017
(Converted to an investigation: August 7, 2018)

#201800202 INGERSOLL

On December 8, 2017, AUSA Terra Morehead self-reported to OPR judicial criticism of her in a **(b) (6), (b) (7)(C)** memorandum and order vacating the defendant's conviction and dismissing the charges with prejudice in **(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C), the defendant, was charged with drug trafficking and firearm offenses. During the trial, **(b) (6), (b) (7)(C)** counsel informed AUSA Morehead, the assigned prosecutor, that he would seek to impeach a government witness by calling a witness who faced unrelated federal drug charges in another district. AUSA Morehead spoke with the witness' attorney and expressed concern that the witness might commit perjury if the witness testified as expected. The witness' attorney spoke privately with the witness and then announced that her client was no longer willing to testify and would invoke his Fifth Amendment privilege. **(b) (6), (b) (7)(C)** attorney told the court that he believed the witness' **(b) (6), (b) (7)(C)**

AUSA Morehead advised the court that **(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C) The witness' attorney declined the court's invitation to comment further on her client's decision.

The next morning **(b) (6), (b) (7)(C)** informed the court that when he and the witness were transported together to the detention center at the end of the day, the witness said that AUSA Morehead told the witness' attorney that **(b) (6), (b) (7)(C)** and that the witness was advised by his attorney to **(b) (6), (b) (7)(C)**. Because another witness **(b) (6), (b) (7)(C)** planned to call also invoked his Fifth Amendment privilege, **(b) (6), (b) (7)(C)** elected to testify on his own behalf and was significantly impeached by numerous drug related convictions. The jury found **(b) (6), (b) (7)(C)** guilty of the two drug trafficking charges and acquitted him on the two firearm charges.

(b) (6), (b) (7)(C) moved for a new trial, claiming that AUSA Morehead's statements to the witness' attorney led the witness to decide not to testify, thereby interfering with **(b) (6), (b) (7)(C)** Sixth Amendment right to a fair trial. After conducting evidentiary hearings, the court found that AUSA Morehead's statements **(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C) and that AUSA Morehead acted in bad faith and intimidated the witness, whose testimony **(b) (6), (b) (7)(C)**

Accordingly, the court found that AUSA Morehead violated the defendant's Sixth Amendment right to present a defense by substantially interfering with the witness' decision to testify, and that this interference prejudiced the defendant by **(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C) and by leading the defendant to feel compelled to testify, which exposed him to cross-examination about his prior convictions. The court concluded that a new trial was not an adequate remedy and vacated the defendant's convictions and dismissed the charges with prejudice. The court's ruling has since been appealed by the USAO.

OPR has requested and received a written response from AUSA Morehead, obtained and reviewed the trial transcript and court filings, interviewed AUSA Morehead, her supervisors, and the defense witness' attorney. A report is being drafted.

OPR Response Index of Attachments

Attachment No.	Description
1	Doc. 1, Indictment filed (b) (6), (b) (7)(C)
2	Criminal Docket Sheet, Case No. (b) (6), (b) (7)(C)
3	Doc. 29, Transcript of Motions Hearing (b) (6), (b) (7)(C)
4	Doc. 30, Dist. Ct.'s Mem. & Order filed (b) (6), (b) (7)(C)
5	Handwritten Notes 07/05/16
6	Doc. 33, Superseding Indictment filed (b) (6), (b) (7)(C)
7	Handwritten Notes 12/01/16
8	Doc. 51, Government's Proposed Witness List (b) (6), (b) (7)(C)
9	Doc. 57, Defendant's Proposed Witness List (b) (6), (b) (7)(C)
10	Email Exchange 12/07/16
11	Handwritten Notes 12/07/16
12	Sheri Catania Voicemail 02/06/17 at 10:09 a.m. with corresponding ECF notation
13	Email Exchange 02/06/17 9:30 a.m.
14	Terra Morehead Voicemail 02/06/17 at 11:11 a.m. with corresponding ECF notation
15	Phone call log of (b) (6), denoting call to (816)426-3122 (main number for Western District of Missouri)
16	Copy of handwritten yellow note
17	Criminal Docket Sheet, Case No. (b) (6), (b) (7)(C) dated (b) (6), (b) (7)(C)
18	AT&T phone log (b) (6) 02/01/17 – 02/28/17
19	Doc. 88, (b) (6), (b) (7)(C) Trial Tr. (partial)
20	Doc. 89, (b) (6), (b) (7)(C) Trial Tr. (partial)
21	Doc. 97, (b) (6), (b) (7)(C) Trial Tr. (partial)
22	Doc. 98, (b) (6), (b) (7)(C) Trial Tr. (partial)
23	Doc. 90, (b) (6), (b) (7)(C) Trial Tr. (partial)
24	Doc. 99, (b) (6), (b) (7)(C) Trial Tr. (partial)
25	Doc. 111, (b) (6), (b) (7)(C) Trial Tr. (Part 1) & (Part 2)
26	Doc. 87, (b) (6), (b) (7)(C) Sealed Excerpt of Trial Tr.
27	Doc. 92, Motion for New Trial for Violations of Defendant's Sixth Amendment Right to Fair Trial filed (b) (6), (b) (7)(C)
28	Doc. 91, Trial Tr. of Def.'s Testimony, dated (b) (6), (b) (7)(C)
29	Doc. 95, Government's Response to Defendant's Motion for New Trial filed (b) (6), (b) (7)(C)
30	Doc. 112, Tr. of (b) (6), (b) (7)(C) Hearing
31	Def.'s Ex. 300, (b) (6), (b) (7)(C) Affidavit
32	Doc. 118, Tr. of (b) (6), (b) (7)(C) Hearing
33	Doc. 119, Defendant's Memorandum of Law on Proper Remedies Should the Court Grant Defendant's Motion for New Trial, filed (b) (6), (b) (7)(C)
34	Doc. 120, Government's Memorandum of Law, filed (b) (6), (b) (7)(C)
35	Doc. 121, Dist. Ct.'s Mem. & Order filed (b) (6), (b) (7)(C)

December 17, 2010 (b) (6), (b) (7)(C) killed and (b) (6), (b) (7)(C) helps dispose of body

January 2012 (b) (6), (b) (7)(C) arrested and held in drug conspiracy case

February 2012, CI tells officers that he was threatened by (b) (6), (b) (7)(C) and that he believes (b) (6), (b) (7)(C) was acting at (b) (6), (b) (7)(C) direction. (b) (6), (b) (7)(C) orders (b) (6), (b) (7)(C) calls for (b) (6), (b) (7)(C) and others.

During review of calls (b) (6), (b) (7)(C) comes across (b) (6), (b) (7)(C) complaining about his ex-wife, says “It's okay, because I'm going to take this shit to trial, and when I get there and I get my discovery and I find out all the people that are participants in why I'm sitting in prison, I guess I'll know then, won't I. . . . And then when all the bullshit gets settled, then we'll fucking know who all the no good, back stabbing piece of shit are.”

March 8, 2012 (b) (6), (b) (7)(C) sends email to Morehead entitled Death Threat stating that review of calls “dispelled any threats coming from (b) (6), (b) (7)(C).” While this phrase in isolation is ambiguous, in context it is a clear reference to dispelling the CI's claim that (b) (6), (b) (7)(C) was targeting the CI on (b) (6), (b) (7)(C) behalf.

April 18-19, 2012 codefendant (b) (6), (b) (7)(C) tells officers about (b) (6), (b) (7)(C) role in the disposal of (b) (6), (b) (7)(C) body

April 20, 2012 body recovered/search warrants executed

April 23, 2012, (b) (6), (b) (7)(C) requests (b) (6), (b) (7)(C) jail calls using a DEA administrative subpoena

September 13, 2012, Proffer with co-defendant (b) (6), (b) (7)(C). Confirms details about (b) (6), (b) (7)(C) death and says that (b) (6), (b) (7)(C) stated “that if he found out that (b) (6), (b) (7)(C) was the one that gave the information up about (b) (6), (b) (7)(C), that he wanted to kill all of (b) (6), (b) (7)(C) kids, parents, and then make (b) (6), (b) (7)(C) watch him do that” before killing (b) (6), (b) (7)(C) also claimed that “Mr. (b) (6), (b) (7)(C) told him that he will find out who snitched on him by going to trial and wait 20 years if he has to get out and kill those snitches' whole families by slicing their throats.”

(b) (6), (b) (7)(C) (during trial) subpoenas (b) (6), (b) (7)(C) calls for (b) (6), (b) (7)(C) and codefendant after witness changes testimony during trial.

(b) (6), (b) (7)(C) Jury finds defendant guilty

(b) (6), (b) (7)(C) sentenced

(b) (6), (b) (7)(C) testifies at sentencing and repeats (b) (6), (b) (7)(C) statement that he was going to trial to find out who was cooperating against him so that he could retaliate.

(b) (6), (b) (7)(C) then called to testify, and referencing (b) (6), (b) (7)(C) testimony, Morehead asks, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) then testifies about about February 2012 (b) (6), (b) (7)(C) phone call highlighting (b) (6), (b) (7)(C) statement to his sister that he was going to go to trial so that he could identify the witnesses against him.

Morehead plays the February 2012 call for the court and there is no objection from counsel regarding the failure to produce the call prior to sentencing.

(b) (6), (b) (7)(C) files 2255 motion based on (b) (6), (b) (7)(C) litigation.

May 29, 2020 Morehead completes amended affidavit

During my involvement in this case there were several requests made for audio recordings of telephone calls the defendant made from (b) (6), (b) (7)(C) due to concerns of threats to Government witnesses. I know calls were reviewed by agents in February 2012 regarding possible threats, which was conformed during the review of telephone calls. There was one recorded call introduced and played at the defendant's sentencing hearing, where he spoke to several individuals on February 3, 2012. On or about April 19, 2012, it was discovered that the defendant and others may have been involved in a homicide in December 2010, in Johnson County, Kansas, in connection with the charged drug trafficking activities. On or about April 24, 2012, Johnson County Sheriffs Office personnel obtained (b) (6), (b) (7)(C) calls of the defendant and two other codefendants in connection with their homicide investigation. Reports regarding the obtaining and review of these calls were made by the agents, and provided during discovery. There was some inquiry by defense counsel about these calls, and calls of the defendant from (b) (6), (b) (7)(C) were produced to Mr. (b) (6), (b) (7)(C). On May 24, 2013, the Government issued a subpoena to (b) (6), (b) (7)(C) staff and requested calls by the defendant made between (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), which would have coincided with the jury trial, because there were concerns that the defendant was communicating with Government witnesses. I was never made aware by agents who reviewed the (b) (6), (b) (7)(C) calls that there were any recordings of communications between the defendant and defense counsel or any individual working for defense counsel.

(b) (6), (b) (7)(C) Government produces discovery including Morehead affidavit and (b) (6), (b) (7)(C) March 8, 2012 email

(b) (6), (b) (7)(C) evidentiary hearing

Morehead believes she produced February 2012 call because they used it in sentencing (but no documentation)

Defense counsel claims that based on his review of his records he did not receive that call (conflicting statements)

During cross examination Morehead explains that her affidavit referred to (b) (6), (b) (7)(C) statement to his sister that could be perceived as a threat (along with (b) (6), (b) (7)(C) testimony), not the alleged threat against the CI involving (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) Defendant moves to amend his 2255 motion on Brady grounds

Claims Morehead's declaration was false because while she said "(b) (6), (b) (7)(C)

March 8, 2012 email contradicted that claim.

AUSA Terra Morehead, District of Kansas

(b) (6), (b) (7)(C)

Opened by OPR: May 25, 2021
(Converted to an investigation: December 9, 2021)

#202100630 CUMMINGS

On May 11, 2021, AUSA Terra Morehead self-reported a judicial finding in **(b) (6), (b) (7)(C)**, that she had failed to timely disclose impeachment material to the defense and that she had not been candid with defense counsel and the court. During trial and sentencing, Morehead relied on the testimony of an incarcerated cooperator, **(b) (6), (b) (7)(C)** who testified that he had supplied **(b) (6), (b) (7)(C)** with methamphetamine. Before trial, Morehead learned that **(b) (6), (b) (7)(C)** had "fallen" from the second floor of the jail. The fall was captured on surveillance video, which Morehead viewed before trial. The video showed that **(b) (6), (b) (7)(C)** intentionally jumped from the second floor, and in a written report, jail officials concluded that **(b) (6), (b) (7)(C)** had attempted **(b) (6), (b) (7)(C)**. Although **(b) (6), (b) (7)(C)** denied attempting **(b) (6), (b) (7)(C)** jail officials intercepted a letter and a call between **(b) (6), (b) (7)(C)** and his wife in which **(b) (6), (b) (7)(C)** implied that he planned to kill himself. Morehead failed to disclose the video and report to the defense prior to trial.

Before sentencing, after being ordered to do so by the court, Morehead allowed defense counsel to view the video and purportedly provided some additional information about the incident. At sentencing, defense counsel provided the video to the court, and Morehead made statements indicating that there was no evidence supporting the defendant's claim that **(b) (6), (b) (7)(C)** had attempted **(b) (6), (b) (7)(C)**. The original sentencing judge, after viewing the video, stated that he had no way of knowing **(b) (6), (b) (7)(C)** state of mind at the time of the fall, and neither Morehead nor defense counsel submitted the jail's report to the court or referred to the investigation's findings. Following a remand for sentencing based on an erroneous jury instruction, an AUSA newly assigned to the matter located the jail report in the file and disclosed it to the defense, who in turn provided the records to the new sentencing judge. At resentencing, the judge granted a substantial reduction from the sentencing guidelines calculation based on his finding that Morehead had engaged in misconduct. The court explained that after watching the surveillance video, it had **(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C)

OPR initiated an inquiry, which it later converted to an investigation. OPR requested and received a written submission from Morehead. OPR interviewed several witnesses and Morehead. OPR is preparing a draft report of investigation.

AUSA Terra Morehead, District of Kansas

(b) (6), (b) (7)(C)

Opened by OPR: May 25, 2021

#202100630 GONZALEZ

(Converted to an investigation: December 9, 2021)

On May 11, 2021, AUSA Terra Morehead self-reported a judicial finding in (b) (6), (b) (7)(C) that she had failed to timely disclose impeachment material to the defense and that she had not been candid with defense counsel and the court. During trial and sentencing, Morehead relied on the testimony of an incarcerated cooperator, (b) (6), (b) (7)(C) who testified that he had supplied (b) (6), (b) (7)(C) with methamphetamine. Before trial, Morehead learned that (b) (6), (b) (7)(C) had “fallen” from the second floor of the jail. The fall was captured on surveillance video, which Morehead viewed before trial. The video showed that (b) (6), (b) (7)(C) intentionally jumped from the second floor, and in a written report, jail officials concluded that (b) (6), (b) (7)(C) had attempted (b) (6), (b) (7)(C). Although (b) (6), (b) (7)(C) denied attempting (b) (6), (b) (7)(C), jail officials intercepted a letter and a call between (b) (6), (b) (7)(C) and his wife in which (b) (6), (b) (7)(C) implied that he planned to kill himself. Morehead failed to disclose the video and report to the defense prior to trial, despite a specific request by defense counsel.

Before sentencing, after being ordered to do so by the court, Morehead allowed defense counsel to view the video and purportedly provided some additional information about the incident. At sentencing, defense counsel provided the video to the court, and Morehead made statements indicating that there was no evidence supporting the defendant’s claim that (b) (6), (b) (7)(C) had attempted (b) (6), (b) (7)(C). The original sentencing judge, after viewing the video, stated that he had no way of knowing (b) (6), (b) (7)(C) state of mind at the time of the fall, and neither Morehead nor defense counsel submitted the jail’s report to the court or referred to the investigation’s findings. Following a remand for sentencing based on an erroneous jury instruction, an AUSA newly assigned to the matter located the jail report in the file and disclosed it to the defense, who in turn provided the records to the new sentencing judge. At resentencing, the judge granted a substantial reduction from the sentencing guidelines calculation based on his finding that Morehead had engaged in misconduct. The court explained that after watching the surveillance video, it had (b) (6), (b) (7)(C)

OPR initiated an inquiry, which it later converted to an investigation. OPR requested and received a written submission from Morehead and interviewed her, as well as numerous witnesses. **On March 3, 2023, OPR provided the United States Attorney’s Office for the District of Kansas (USAO) and Morehead, through counsel, a draft report preliminarily concluding that Morehead committed professional misconduct. On March 6, 2023, the USAO informed OPR that it had no comment on the draft report. Thereafter, OPR reviewed comments Morehead provided.**

In a final report dated June 21, 2023, OPR concluded that 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 Rule 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 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. The matter is now pending before the PMRU.

AUSA Terra Morehead, District of Kansas

(b) (6), (b) (7)(C)

Opened by OPR: May 25, 2021

#202100630 GONZALEZ

(Converted to an investigation: December 9, 2021)

On May 11, 2021, AUSA Terra Morehead self-reported a judicial finding in (b) (6), (b) (7)(C) that she had failed to timely disclose impeachment material to the defense and that she had not been candid with defense counsel and the court. During trial and sentencing, Morehead relied on the testimony of an incarcerated cooperator, (b) (6), (b) (7)(C) who testified that he had supplied (b) (6), (b) (7)(C) with methamphetamine. Before trial, Morehead learned that (b) (6), (b) (7)(C) had “fallen” from the second floor of the jail. The fall was captured on surveillance video, which Morehead viewed before trial. The video showed that (b) (6), (b) (7)(C) intentionally jumped from the second floor, and in a written report, jail officials concluded that (b) (6), (b) (7)(C) had attempted (b) (6), (b) (7)(C). Although (b) (6), (b) (7)(C) denied attempting (b) (6), (b) (7)(C), jail officials intercepted a letter and a call between (b) (6), (b) (7)(C) and his wife in which (b) (6), (b) (7)(C) implied that he planned to kill himself. Morehead failed to disclose the video and report to the defense prior to trial, despite a specific request by defense counsel.

Before sentencing, after being ordered to do so by the court, Morehead allowed defense counsel to view the video and purportedly provided some additional information about the incident. At sentencing, defense counsel provided the video to the court, and Morehead made statements indicating that there was no evidence supporting the defendant’s claim that (b) (6), (b) (7)(C) had attempted (b) (6), (b) (7)(C). The original sentencing judge, after viewing the video, stated that he had no way of knowing (b) (6), (b) (7)(C) state of mind at the time of the fall, and neither Morehead nor defense counsel submitted the jail’s report to the court or referred to the investigation’s findings. Following a remand for sentencing based on an erroneous jury instruction, an AUSA newly assigned to the matter located the jail report in the file and disclosed it to the defense, who in turn provided the records to the new sentencing judge. At resentencing, the judge granted a substantial reduction from the sentencing guidelines calculation based on his finding that Morehead had engaged in misconduct. The court explained that after watching the surveillance video, it had (b) (6), (b) (7)(C)

OPR initiated an inquiry, which it later converted to an investigation. OPR requested and received a written submission from Morehead and interviewed her, as well as numerous witnesses. On March 3, 2023, OPR provided the United States Attorney’s Office for the District of Kansas (USAO) and Morehead, through counsel, a draft report preliminarily concluding that 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 Rule 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 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.

On March 6, 2023, the USAO informed OPR that it had no comment on the draft report. Morehead's comments on the draft report are due on April 28, 2023.

From: [Birney, William J \(OPR\)](#)
To: [Ragsdale, Jeffrey \(OPR\)](#)
Subject: RE: Potential OPR case in Clips
Date: Wednesday, December 13, 2017 4:13:00 PM

Will do. Thanks.

From: Ragsdale, Jeffrey (OPR)
Sent: Wednesday, December 13, 2017 4:01 PM
To: Birney, William J (OPR) (b) (6)
Subject: RE: Potential OPR case in Clips

(b) (5) I think we should open this up and start looking at it.

Thanks. Jeff

From: Birney, William J (OPR)
Sent: Wednesday, December 13, 2017 3:21 PM
To: Ragsdale, Jeffrey (OPR) <(b) (6)>
Subject: FW: Potential OPR case in Clips

Today I spoke with FAUSA Emily Metzger, who told me that the USAO has decided not to file a motion asking the district court to reconsider, but that the USAO is in the process of seeking authority to appeal the district judge's order. (b) (5)

However, you may want to continue to hold this matter in abeyance until we learn whether the SG will authorize an appeal.

From: Birney, William J (OPR)
Sent: Friday, December 8, 2017 5:24 PM
To: Ragsdale, Jeffrey (OPR) <(b) (6)>
Cc: Ashton, Robin (OPR) (b) (6)
Subject: RE: Potential OPR case in Clips

AUSA Terra Morehead called this afternoon to self-report. She said her office is in the process of deciding whether to file a motion to reconsider or to appeal judge's order. I told her to keep me posted and promptly advise me when her office make a decision. Please let me know if you'd like me to open this matter as a (preliminary) inquiry. Otherwise, I'll hold it in abeyance until after the USAO makes a decision as to how it wants to proceed.

From: Ragsdale, Jeffrey (OPR)
Sent: Friday, December 8, 2017 1:09 PM
To: Birney, William J (OPR) (b) (6)
Subject: FW: Potential OPR case in Clips

Bill

Hopefully they will report this to us. If we don't hear by early next week, we should ask them for a copy of the transcript and any written order/findings the court may have made.

Thanks.

Jeff

From: Ashton, Robin (OPR)
Sent: Friday, December 08, 2017 11:06 AM
To: Ragsdale, Jeffrey (OPR) <(b) (6)>
Subject: FW: Potential OPR case in Clips

We'll need to look at this one.

From: Gonzalez, Gregory (OPR)
Sent: Friday, December 08, 2017 10:01 AM
To: Ashton, Robin (OPR) (b) (6)
Cc: Ragsdale, Jeffrey (OPR) (b) (6); Birney, William J (OPR)
(b) (6)
Subject: Potential OPR case in Clips

Robin,

FYI. I attached the court's opinion. Also, we received a correspondence matter that may be related to this at #201800012.

Citing Prosecutor's Misconduct, Judge Dismisses Kansas Drug Case.

The [AP](#) (12/7) reports from Kansas City, KS that "a federal judge in Kansas has dismissed a man's drug indictment, citing misconduct by a prosecutor who was criticized earlier this year for her handling of case in the 1990s that caused a man to be imprisoned for nearly 23 years for a crime he didn't commit." US District Court Judge Julie Robinson on Tuesday "ordered the release of (b) (6), (b) (7)(C) on two drug charges." In her order, Judge Robinson "said federal prosecutor Terra Morehead, who works in the U.S. Attorney's Office in Kansas, intimidated a witness and belatedly disclosed evidence that could have helped (b) (6), (b) (7)(C) case." According to the AP, "in the 1990s, Morehead was accused of witness intimidation and prosecutorial misconduct when, as Wyandotte County assistant prosecutor, she prosecuted (b) (6), (b) (7)(C) in a double killing." (b) (6), (b) (7)(C) "was released from prison in October, when the current Wyandotte County attorney dropped all charges."

Greg Gonzalez
Assistant Counsel
U.S. Department of Justice

Office of Professional Responsibility
950 Pennsylvania Ave. NW,
Washington, D.C. 20530

(b) (6)

202-514-5050 fax

From: [Lyles, Shamelle \(OPR\)](#)
To: [Yun, Jun B. \(OPR\)](#)
Cc: [Ingersoll, Laura \(OPR\)](#); [Ragsdale, Jeffrey \(OPR\)](#); [Robertson, Jacqueline T \(OPR\)](#); [McCarty, Margaret S \(OPR\)](#)
Subject: RE: Terra Morehead 201800202
Date: Tuesday, August 7, 2018 8:44:00 AM
Importance: High

Jun,

Please change #201800202 from inquiry to **INVESTIGAT** in DM. LM has been updated. Thanks!

Shamelle

From: Ingersoll, Laura (OPR)
Sent: Tuesday, August 07, 2018 8:40 AM
To: Lyles, Shamelle (OPR) <(b) (6)>; Ragsdale, Jeffrey (OPR)
(b) (6); Robertson, Jacqueline T (OPR)
(b) (6); McCarty, Margaret S (OPR)
(b) (6)
Subject: RE: Terra Morehead 201800202

Shamelle –
Please also have this matter converted to an Investigation
Thank you!
Laura

From: Lyles, Shamelle (OPR)
Sent: Friday, August 03, 2018 7:37 AM
To: Ragsdale, Jeffrey (OPR) (b) (6); Robertson, Jacqueline T (OPR)
(b) (6)
Cc: Ingersoll, Laura (OPR) (b) (6)
Subject: RE: Terra Morehead 201800202

Jeff,

As requested, this matter is no longer tolled and LM has been updated.
Thanks.

Shamelle

From: Ragsdale, Jeffrey (OPR)
Sent: Friday, August 03, 2018 7:32 AM
To: Lyles, Shamelle (OPR) (b) (6); Robertson, Jacqueline T (OPR)
(b) (6) >
Subject: Terra Morehead 201800202

Shamelle and Jackie,

This investigation no longer needs to be tolled. You can re-activate it.

Thanks.

From: [Birney, William J \(OPR\)](#)
To: [Robertson, Jacqueline T \(OPR\)](#)
Cc: [Ragsdale, Jeffrey \(OPR\)](#); [Vargason, James \(OPR\)](#); [Gonzalez, Gregory \(OPR\)](#); [Lyles, Shamelle \(OPR\)](#)
Subject: FW: Potential OPR case in Clips
Date: Thursday, December 14, 2017 8:14:41 AM
Attachments: [dismissal.pdf](#)

Please see the emails below, open this as an inquiry, and note that it has been assigned to Jim Vargason. Thanks.

From: Gonzalez, Gregory (OPR)
Sent: Friday, December 8, 2017 10:01 AM
To: Ashton, Robin (OPR) (b) (6)
Cc: Ragsdale, Jeffrey (OPR) (b) (6); Birney, William J (OPR)
(b) (6)
Subject: Potential OPR case in Clips

Duplicate of BN 02133

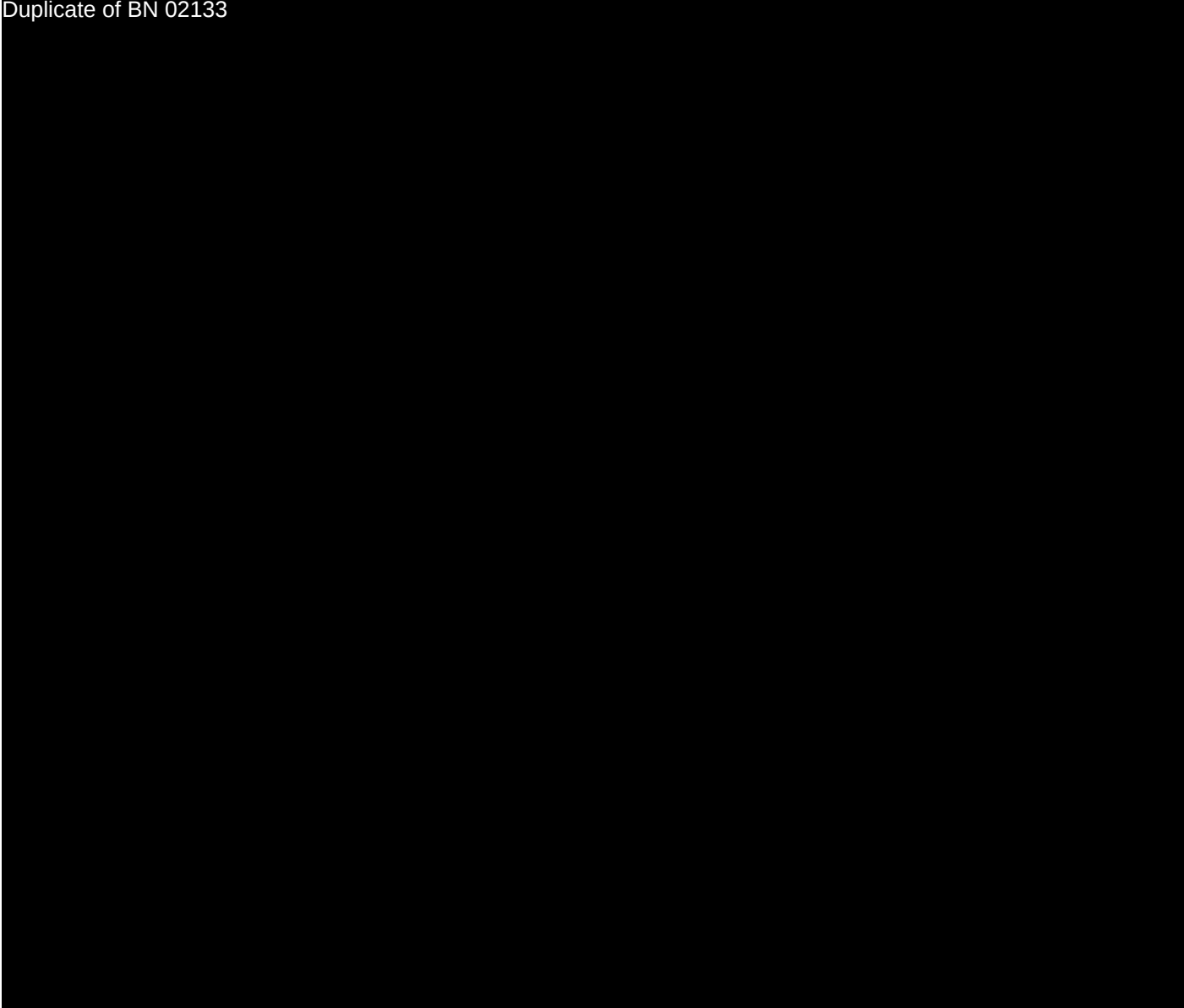


Chart of prior Terra Morehead matters in OPR (DM #429438)

DM #429438

5/11/2018

12 referrals involving Terra Morehead (2003-2018):

4 Correspondence Matters

5 Miscellaneous Matters

1 Inquiry

2 Investigations

OPR#/Date/ Type/Atty(s)	Subject(s)	Complainant(s)	Case/Matter (Judge)	Allegation(s)	OPR work	Outcome	Comments
C03-0090 N Aug 2003 Jas. Duncan	TM + AUSA (b) (6), (b) (7)(C)	USAtty referral of "possible judicial criticism"	(b) (6), (b) (7)(C) USDJ John Lungstrum	Improper <i>Batson</i> challenge (Dse obj. sustained by court)	Investig'n/ <i>no</i> int'views	NO PM/PJ – AUSAs acted appropriately	Closed 12/15/03
15595 CORR July 2008	TM	(b) (6), (b) (7)(C) (Leavenworth inmate)	(b) (6), (b) (7)(C)	Bad-faith prosecution; wit tampering, obstruction	None	None	Closed [Note: there's some rel'n w/ Neighbors]
15564 CORR Mar 2009	TM	(b) (6), (b) (7)(C) (Leavenworth inmate)	(b) (6), (b) (7)(C)	Malicious/selective pros'n (only D pros'd out of 5 involved in drug incident)	None	"Matter for the court. No action warranted."	Closed
15337 CORR Nov 2009	TM	(b) (6), (b) (7)(C) (forwarded by EOUSA)	(b) (6), (b) (7)(C)	Improper disclosure of GJ testimony	None	None	Closed
201100635 M Jan 2011 & Aug 2011	TM	(b) (6), (b) (7)(C) (Leavenworth inmate) – via DOJ OIG	(b) (6), (b) (7)(C)	TM disregarded his mental illness, disparaged him, inter- fered w/ custody mediation, falsely alleged his prison mis- conduct to prevent him fm attending mother's funeral, reneged on plea terms	None	None	Closed
201100922 M July 2011	TM	(b) (6), (b) (7)(C) (Leavenworth inmate)	(b) (6), (b) (7)(C)	Incoherent complaint about being prosecuted by TM	None	None	Closed 8/17/11

201300382 N Feb. 2013 Sciortino (Hardy)	TM	USA Barry Grissom FAUSA (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) USDJ Robinson	Abuse of position & COI in initiating/conducting GJ investigation against (b) (6), (b) (7)(C) (who USDJ found not credible)	Investig'/ interviews	Not substantiated (TM didn't know (b) (6), (b) (7)(C) at the time)	Closed 6/17/14 "Investigation did reveal instances in which [TM's] interactions w/ opposing counsel were needlessly contentious and exhibited a lack of civility and professional courtesy." These perf issues referred to EOUSA & USAO mgmt."
			n/a	Abuse of position by disparaging, during PD training, KC Det (b) (6), (b) (7)(C), who testified for (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) local trial on chgs arising fm incident, and at civil trial	Investig'n/ interviews	Not substantiated (remarks re (b) (6), (b) (7)(C) were legitimate)	
			n/a	Use of 851 sentc'g enhancement threat to coerce recidivist drug Ds into waiving rts to DetHrg & poss PT release	Investig'n/ interviews	No PM – no viol of clear/ unamb rule (supervisors fully aware of her practice & OKd it)	
			(b) (6), (b) (7)(C)	Petite policy viol by indicting state-acquitted D w/out AAG/CRM waiver	Investig'n/ interviews	No PM – no viol (supervisors knew + retro-active waiver obtained)	
201400436 Q April 2014 Sciortino	TM	Atty (b) (6), (b) (7)(C) (forwarded by USA Barry Grissom)	(b) (6), (b) (7)(C)	W/holding evidence favorable to D at D's sentencing (i.e., cooperation)	Inquiry w/out formal written response	Further investig'n not likely to result in PM finding (TM had erroneous info)	Closed 10/16/14 TM "certainly cld have used better judgment in the matter." As in 201300382, "more cordial & professional relations w/ the Dse bar cld have resolved the allegations w/out any need for OPR or EOUSA involvement."

15337 CORR Aug 2016	TM	(b) (6), (b) (7)(C) (forwarded by EOUSA)	(b) (6), (b) (7)(C)	Improper use by TM of forced agreements w/ DseC prohibit-ting them fm sharing PT disco w/ client or others (example given is in unrelated case)	None	None	Incoherent complaint
201700210 M Jan 2017	TM	Judicial criticism, via FAUSA (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) USDJ Julie Robinson	(b) (6), (b) (7)(C) in late pretrial disclosure of <i>Jencks</i> material and	Review of transcript & court order	Declined on intake; referred back to USAO (<i>Brady</i> info not prev. known to AUSA; no <i>Jencks</i> viol]	Closed 2/2/17 Referral back to USAO, noted court was “justi- fiably troubled by [TM] failure to promptly produce the proffers of certain G wits in compliance w’ a court order.”
201800202 M Oct 2017	TM	FAUSA (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) USDJ Julie Robinson	Falsely questioning the inte- grity of a judge (Robinson) by referring to judge, in an email inadvertently sent to “all office,” as a third FPD (Robinson), <i>contra</i> Rule 8.2	None	Declined on intake; referred back to USAO w/out comment	Closed 10/10/17
201800202 N Jan 2018 Ingersoll	TM	Judicial criticism, via FAUSA (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) USDJ Julie Robinson	Viol of D’s 6 th amendment rts by intimidation of DseW (verdict overturned; case dismissed; now on appeal)			

AUSA Terra Morehead, D.
Kansas

(b) (6), (b) (7)(C)

Opened: May 25, 2021
Closed: June 21, 2023

#202100630 GONZALEZ

In a final report dated June 21, 2023, OPR concluded that 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 to and misleading the court during two hearings; and (6) intentionally misleading OPR, all in violation of her obligations under *Brady* and *Giglio*, the Kansas Rules of Professional Conduct, Department policy, the court's discovery order, and an attorney's general duty of candor to the court. **Morehead retired from federal service on August 31, 2023. On September, 26, 2023, the PMRU authorized OPR to report Morehead's misconduct to Kansas disciplinary authorities.**

Morehead (b) (6), (b) (7)(C) **CHRON – DM #426562** (last updated 8/11/2020)

2013

Feb 23 USMSs seeking (b) (6), (b) (7)(C) get tip re: drug deal at CVS. (b) (6), (b) (7)(C) (aka (b) (6), (b) (7)(C)) is driver of maroon truck, w/ (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) as passengers, parked outside KC CVS. AS goes into CVS, exits & approaches a silver truck, receives something from driver; silver truck leaves. USMS approach maroon truck & detain 3. Gun/magazine & meth & cash found inside truck. (b) (6), (b) (7)(C) says truck belongs to friend (b) (6), (b) (7)(C)."

Mar USAtty & FAUSA refer to OPR "multiple allegations of professional misconduct" by TM. Opened as OPR # 201300382. Two are base on complaints fm Dsec (b) (6), (b) (7)(C).

Apr 17 (b) (6), (b) (7)(C) is admitted to Missouri Bar.

2014

Apr 25 (b) (6), (b) (7)(C) is admitted to Kansas Bar.

Date??? Judge Robinson moves from Topeka to Kansas City.

Jun 17 In 201300382, OPR issues report on PM allegations against TM, finding no PM on the 4 allegations, but noting that "OPR's investigation did reveal instances in which [TM's] interactions with opposing counsel were needlessly contentious and exhibited a lack of civility and professional courtesy." OPR refers to EOUSA & USAO management "the performance issue of [TM's] communications and dealings with the defense bar."

2015

Aug 11 (b) (6), (b) (7)(C) (as (b) (6), (b) (7)(C)) is appointed to represent (b) (6), (b) (7)(C) in WDMO.

"Fall" Morehead is assigned to (b) (6), (b) (7)(C) case. (Actually "late Summer")

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) indicted on charges of Meth conspiracy (Dec. 2012 to 7/2/13) and weapon possession + PWID + felon-in-possession charges arising from 2/23/13 incident. Case assigned to J. Robinson.

Oct 05 (b) (6), (b) (7)(C) arrested. HWOB.

2016

Feb Atty for (b) (6), (b) (7)(C) (prosecuted by DKx AUSA Dave Zabel, and cooperated) contacts Morehead to report (b) (6), (b) (7)(C) had useful info about (b) (6), (b) (7)(C).

May 16 Suppression hearing.

June 15 Morehead debriefs (b) (6), (b) (7)(C), who says that in prison (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C) and both had supplied (b) (6), (b) (7)(C) w/ meth.

Morehead is told by AUSA Tris Hunt, who prosecuted (b) (6), (b) (7)(C), who had cooperated and received substantially reduced sentence, that (b) (6), (b) (7)(C) was "extremely credible."

June 28 Judge denies (b) (6), (b) (7)(C) pretrial motions.

July 05 Morehead debriefs (b) (6), (b) (7)(C) Debrief notes → (b) (6), (b) (7)(C) bought (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) – didn't pay for"

(b) (6), (b) (7)(C) Superseding indictment, expanding conspiracy back to February 2012, based on (b) (6), (b) (7)(C) debrief. (b) (6), (b) (7)(C) files motion to continue trial; granted; trial set for (b) (6), (b) (7)(C).

July 12 (b) (6), (b) (7)(C) -hired counsel for (b) (6), (b) (7)(C) files Memorandum of Fact and Law in Support of Motion to Vacate, Set Aside, or Correct Sentence.

Nov 29 Government trial witness list includes (b) (6), (b) (7)(C),

Dec 01 Morehead does pretrial interview of (b) (6), (b) (7)(C) Debrief notes → "bought (b) (6), (b) (7)(C) from him \$1,500 – Color? – (b) (6), (b) (7)(C) got chrome Dayton's wheels too → from \$1,500-\$2,000 separate transaction – gotten them in trade for dope"

Dec 06 Defense trial witness list includes (b) (6), (b) (7)(C)

Dec 07 Morehead email to DseC asking, among other things, what (b) (6), (b) (7)(C) . . . will be testifying to"

Per Morehead notes, DseC in telcon tells Morehead that (b) (6), (b) (7)(C) will testify he sold car to (b) (6), (b) (7)(C) → (b) (6), (b) (7)(C) – he sold the car to (b) (6), (b) (7)(C) "

Per Morehead to OPR: "I thought this was the same (b) (6), (b) (7)(C) whom I had already noticed up in the Government's witness list, because of the reference to the vehicle. [DseC] never explained that the individual he was expecting to subpoena was not (b) (6), (b) (7)(C) and in fact was his brother who had the same first and last name, who was being prosecuted in the [WDMO], or that he had an attorney."

(b) (6), (b) (7)(C) M Jury trial date. DseC reports to court that he just that morning received SIM card search warrant and 200-250 photos obtained in search. TM says they're not gov't evidence. DseC claims they're exculpatory; seeks continuance, which US does not oppose and is granted. Court issues Memorandum & Order noting (b) (6), (b) (7)(C)

2017

Feb 02 H FAUSA Emily Metzger refers court's Memorandum & Order – w/ its criticism of TM discovery – to OPR; it is opened & closed as correspondence matter (OPR # 201700210).

(b) (6), (b) (7)(C) M Jury selection; Batson challenge hearing; jury sworn; opening statements.

9:30 am – WDMO AUSA Bruce Rhoades emails DKS AUSA asking why (b) (6), (b) (7)(C) is being writted in to DKS.

10:09 am – Catania V/M to Morehead: Rhoades asks why DKS issued writ for (b) (6), (b) (7)(C) to trial testimony.

Morehead leaves V/M for Catania saying she doesn't know that person and didn't issue writ for anyone from WDMO.

At lunch, Morehead calls Rhoades from Catania's office (b) (5) (b) (6), (b) (7)(C) He advises (b) (6), (b) (7)(C) is D in WDMO drug conspiracy case & writ was for (b) (6), (b) (7)(C) trial. Morehead says it would have been done by DseC and she was unaware of it. Rhoades advises (b) (6), (b) (7)(C) atty is (b) (6), (b) (7)(C) w/ whom Morehead is unfamiliar. Rhoades is surprised (b) (6), (b) (7)(C) would be testifying in KS.

Catania obtains (b) (6), (b) (7)(C) docket & writes (b) (6), (b) (7)(C) office # & email.

1:12 pm – Morehead calls (b) (6), (b) (7)(C), goes to V/M but doesn't leave message.

DseC confirms to Morehead that he issued writ for (b) (6), (b) (7)(C).

Per Morehead to OPR, this "is the first time I was informed or recognized that there were two (b) (6), (b) (7)(C), who were brothers – (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) T Trial.

(b) (6), (b) (7)(C) W Trial. (b) (6), (b) (7)(C) testifies about his interactions with (b) (6), (b) (7)(C), supplying him with meth. Describes selling to (b) (6), (b) (7)(C) in around August 2012 a chameleon-colored convertible (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had bought for an ounce of meth. Also sold to (b) (6), (b) (7)(C) some (b) (6), (b) (7)(C). On cross-examination, admits he has brother (b) (6), (b) (7)(C) but when asked whether "in fact, your brother was the one that had the convertible that transferred it to Mr. (b) (6), (b) (7)(C)?" he answers: "That was me."

(b) (6), (b) (7)(C) H Trial.

In bench conference just before lunch break, DseC informs court he planned to call 2 witnesses, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) – both incarcerated and represented – but counsel for (b) (6), (b) (7)(C) (facing charges in WDMO) said he'd invoke 5th. DseC reports that (b) (6), (b) (7)(C) atty agreed (b) (6), (b) (7)(C) – who is (b) (6), (b) (7)(C) brother – could testify "on a limited basis." They'll take up the issue after lunch. Per Morehead, she realizes (b) (6), (b) (7)(C) = the (b) (6), (b) (7)(C) that DseC told her on 12/7 would testify he sold the car to (b) (6), (b) (7)(C).

Per Morehead, at end of lunch break she sees (b) (6), (b) (7)(C) in courtroom and they speak for <5 mins in vestibule betw courtroom and hallway. (b) (6), (b) (7)(C) was in holding cell behind courtroom.) [SEE MOREHEAD'S RESPONSE FOR DETAILS OF CONVERSATION.] Seeing judge is about to enter courtroom, they return to courtroom.

1:45 pm – after lunch break, DseC raises issue of (b) (6), (b) (7)(C) testimony; TM discusses impeachment w/ pending drug charges. (b) (6), (b) (7)(C) attorney (b) (6), (b) (7)(C) asks court to explain how to respond w/out invoking 5th Amendment. (b) (6), (b) (7)(C) is brought into court & says he understands what the court instructs him to do/say. (NOTE: He does not explicitly say he wants to is willing to testify, but he doesn't say he doesn't/isn't.) After (b) (6), (b) (7)(C) leaves, TM advises court that DseC interviewed (b) (6), (b) (7)(C) in his attorney's presence & she wants the same opportunity: (b) (6), (b) (7)(C) Court says: "All right." (TR [111] at 735-746)

Testimony resumes; gov't rests; court takes MJOA under advisement. Defense tells court (b) (6), (b) (7)(C)

(TR [111] at 3)

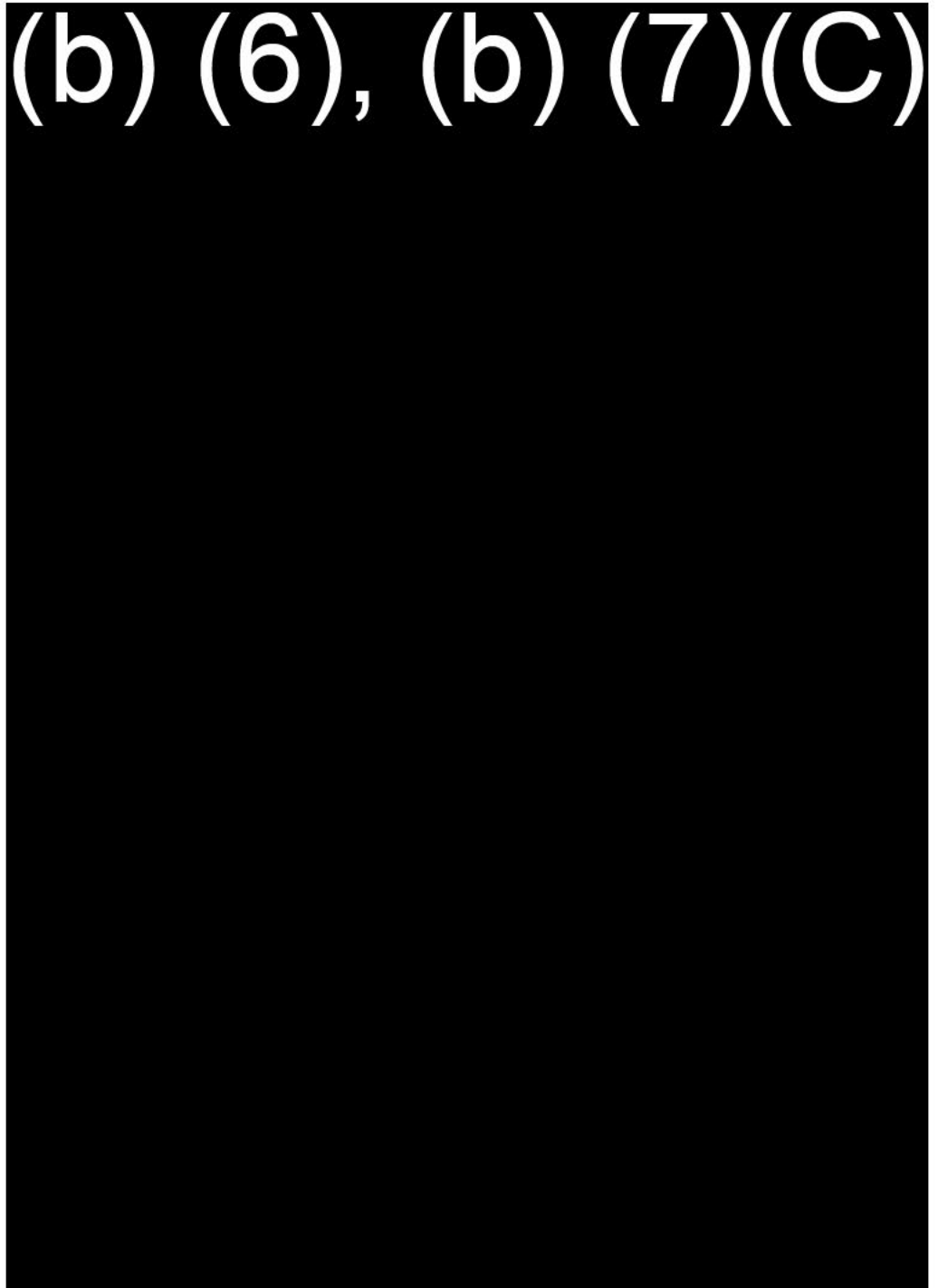
Break from c. 3:00 to 3:10 pm. (TR [111] at 11)

Per Morehead, she and ATF agent prepare to enter holding cell area w/ (b) (6), (b) (7)(C), to speak w/ (b) (6), (b) (7)(C) says she wants to speak with (b) (6), (b) (7)(C) first. Morehead and agent wait in courtroom. After a few moments, (b) (6), (b) (7)(C) returns and says (b) (6), (b) (7)(C) has changed his mind and he has decided not to testify.

Court returns to the bench:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



Further unrelated legal argument.

(b) (6), (b) (7)(C) F (b) (6), (b) (7)(C) & DseC *ex parte* bench conference: (b) (6), (b) (7)(C) tells Court (b) (6), (b) (7)(C) was ready to testify but Marshal told him he wouldn't, and (b) (6), (b) (7)(C) decided after to talking to (b) (6), (b) (7)(C) not to testify. (b) (6), (b) (7)(C)



Court says he can raise misconduct claim on appeal.

This bench conference is transcribed under seal [87]; after Motion for New Trial is filed, referencing the bench conference. Upon motion of the government [94] the transcript is ordered [94] unsealed but only to be provided to the government.

Defendant testifies; says he bought car from (b) (6), (b) (7)(C), not (b) (6), (b) (7)(C). Cross-examination doesn't address (b) (6), (b) (7)(C) or car incident.

Trial ends; jury instructions/deliberations.

(b) (6), (b) (7)(C) M Verdict → Guilty on drug counts; not guilty on firearm counts.

(b) (6), (b) (7)(C) W Dse Motion for New Trial [92] states that on (b) (6), (b) (7)(C) D told court that,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) F Gov't response to Motion for New Trial [95]:

(b) (6), (b) (7)(C)

May 01 Robinson becomes Chief Judge.

(b) (6), (b) (7)(C) F Hearing [112] on Motion for New Trial. US is represented by AUSA Scott Rask, with Morehead present.

(b) (6), (b) (7)(C) testifies that during the van ride (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

No further questions about this on direct. No questions by the government.

(b) (6), (b) (7)(C) attorney argues scope of attorney-client privilege; Court orders her to testify as to non-privileged conversations w/ Morehead; attorney offers an already-prepared affidavit which he

says (b) (6), (b) (7)(C)

(TR at 11)

Court states: (b) (6), (b) (7)(C)

(TR at 15) (b) (5), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) testifies: Affirms DseC statement that the affidavit (b) (6), (b) (7)(C)

(Tr at 21) (b) (5)

Affidavit (admitted under seal) states:

(b) (6), (b) (7)(C)

[NOTE: After (b) (6), (b) (7)(C) & her atty leave, DseC says he wants to call (b) (6), (b) (7)(C). After discussion about having (b) (6), (b) (7)(C) brought to testify, Rask tells court (b) (6), (b) (7)(C) but all agree they can't proceed w/out (b) (6), (b) (7)(C) trial in WDMO is "in a couple of weeks" so hearing will be after that.]

(b) (6), (b) (7)(C)

W

Continued hearing [118] on Motion for New Trial. Morehead appears solo. (b) (6), (b) (7)(C) testifies, answering 8 written questions previously submitted to (b) (6), (b) (7)(C) by DseC (Exh. #1000). States he never spoke with Morehead. (TR [118] at 53) Is not asked what (b) (6), (b) (7)(C) told him. Affirms DseC statement that (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C)

Answers "yes" to DseC question: (b) (6), (b) (7)(C)

(TR [118] at 49-51, 55)

(b) (6), (b) (7)(C)

* * * *

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Court requests further briefing on whether new trial should be only on Count 1 or on all remaining counts.

Oct 12 Evidentiary hearing on Lamonte McIntyre motion begins in Wyandotte County District Court.

Oct 13 McIntyre hearing continues. At request of DA, judge vacates McIntyre conviction. McIntyre is freed, as “actually innocent” and freed after 23 years in prison on 2 life sentences for 1994 murders.

(b) (6), (b) (7)(C) T Court Memorandum and Order [121] finds TM “substantially interfered with a defense witness’s decision to testify,” thereby “violated Defendant’s rights under the Sixth Amendment.” (SEE OPINION AT 16-19 FOR SPECIFIC FINDINGS AGAINST TM.) Vacates convictions and dismisses charges w/ prejudice.

USAO undertakes internal review to determine whether to seek reconsideration or to appeal.

(b) (6), (b) (7)(C) H (b) (6), (b) (7)(C) case dismissal & finding against TM are reported by AP.

Dec 08 F TM self-reports to OPR by phone & email, and advises she has self-reported to her state bar.

Dec 11 M FAUSA Emily Metzger reports matter to OPR.

Dec 14 H OPR opens inquiry, assgd to Vargason.

2018

(b) (6), (b) (7)(C) Government appeals. Appellate brief is due 5/11.

Jan 10 W TM sends OPR the transcript of (b) (6), (b) (7)(C) exchange w/ (b) (6), (b) (7)(C) in US v. (b) (6), (b) (7)(C) noting “I have never had a judge speak to me in this tone or in this manner.”

Jan 11 Reassigned to Ingersoll.

Feb 09 F Ingersoll requests certain docs fm Metzger, who notes she is no longer FAUSA but is PRO; FAUSA is Tom Beall.

Feb 15 H Metzger provides OPR with requested docs.

Mar 01 H OPR Request for Written Response by 3/16.

Mar 05 M TM designates (b) (6), Brownell Landringan, WDC, as counsel re: OPR.

Mar 14 W (b) (6) asks OPR to stay inquiry pending USAO appeal that has been “initiated”, or grant 45-day extension. USAtty asks if OPR has responded to TM request for stay or extension.

Mar 15 H OPR declines stay, grants extension to 4/16.
OPR tolls case pending filing of appellate brief.

Mar 16 OIG refers to OPR prisoner complaint that TM applied for phone intercept on wife of Leavenworth inmate. (OPR # 201800321) Declined 3/28/2018 on grounds that complaint could

be or are being addressed in the course of litigation.

Mar 19 M OPR informs USAtty he can have extension to 4/16 also; asks if appeal was “initiated.” USAtty responds he will not make submission to OPR. Advises USAO asked DOJ Criminal Division Appellate for leave to appeal; Appellate will shortly forward recommendation to SG.

Apr 16 M TM submits written response to OPR, w/ copies to USAtty and to Kansas Disciplinary Inquiry counsel.

May 11 F USCA 10th Circuit grants extension to US for appellate brief., to be filed 6/11.

May 15 T OPR case tolled.

Jun 6 Online “publication” The Root publishes “‘Evilest White Woman on Earth’: The Criminal Injustice of Terra Morehead” by Michael Harriot re: allegedly wrongful 1994 conviction of Lamonte McIntyre after prosecution by TM as Wyandotte County ADA, and recent (b) (6), (b) (7)(C) ruling, alleging TM “pttern of using little white lies to intimidate witnesses and suppress evidence.”

(b) (6), (b) (7)(C) US appellate brief filed.

Aug 02 H TM & counsel (b) (6)) sign OPR Confidentiality Agreement.

Aug 03 OPR lifts tolling on case.

Aug 07 Inquiry is converted to Investigation.

(b) (6), (b) (7)(C) Defendant appellee brief filed.

Aug 28 OPR interview of Morehead (w/ (b) (6)).

(b) (6), (b) (7)(C) F USCA 10th Circuit grants US request for extension to file reply brief by (b) (6), (b) (7)(C).

Sept 18 T OPR transmits interview transcript to (b) (6) .

Oct 18 H Morehead comments on interview transcript; notes only one typo.

(b) (6), (b) (7)(C) W USCA 10th Circuit Oral Argument in (b) (6), (b) (7)(C) appeal. Carrie Capwell argues for US.

Dec 21 F [US GOVERNMENT SHUTDOWN BEGINS.](#)

[2019](#)

Jan ??? (b) (6), (b) (7)(C) pleads guilty to Wyandotte County offense.

Jan 25 F [US GOVERNMENT SHUTDOWN ENDS.](#)

(b) (6), (b) (7)(C) UCA 10th Circuit panel AFFIRMS in part, REVERSES in part, and REMANDS for new trial.

- ➔ Cannot conclude court clearly erred in finding D’s 6th Amendment rights violated
- ➔ Cannot conclude court abused discretion in granting motion for new trial & vacating convictions
- ➔ Cannot conclude 6th Amendment error harmless BARD
- ➔ BUT court abused discretion in dismissing w/ prejudice

Dissent would remand for balancing analysis but w/out precluding court from being able to conclude that dismissal w/ prejudice was warranted.

Mar 12 OPR tolls case.

(b) (6), (b) (7)(C) USCA 10th Circuit panel (2-1) DENIES US petition for rehearing; petition for rehearing en banc also DENIED.

(b) (6), (b) (7)(C) USCA 10th Circuit Mandate issues.

Apr 11 OPR lifts toll on case.

Oct ??? (b) (6), (b) (7)(C) is sentenced on Wyandotte County offense.

(b) (6), (b) (7)(C) M (b) (6), (b) (7)(C) sentencing. USDJ Robinson accepts 11(c) plea and sentences him to 70 months (concurrent w/ county sentence). AUSA Carrie Capwell appears to US. Court recaps case history, noting:
 (b) (6), (b) (7)(C)
 [Tr. At 7-8]

Nov 12 T USAtty McAllister refers to OPR the 11/4 sentencing transcript w/ court's reiteration of PM findings against TM

Nov 14 H EOUSA deputy GC Carol Shea advises OPR that Robinson is making life difficult for TM in court, and USAO is thinking of reassigning her to another office in the District. Want to ensure it's justified for business reasons (i.e., not adverse action). Notes that if OPR report is about to issue, they want to know that. (OPR demurs.)

2020

Feb 24 M Lamonte McIntyre is awarded \$1.5 in settlement of wrongful conviction lawsuit against Kansas.

Opened as inquiry 12/14/2017
 TOLLED 5/15/2017-8/3/2017
 Converted to investigation 8/17/2018
 TOLLED 3/12/2019-4/11/2019

Court Reporter Service Request

Please fill in all the information below and send to Stephanie Kemper

Job Date: January 16, 2014

Case Name: In re: ALUSA Terra D. Morehead

Case Number: 201300382

Deponent: Terra D. Morehead

Attorney: John Sciortino and Lyn Hardy

Start/End Time: 1:00 p.m. / 6:00 p.m.

Hours Estimated: 5 hours

Location: U.S. Attorney's Office, 500 State Avenue, Suite 360, Kansas City, KS 66101

Contact person at Location: (b) (6)

Is grand jury material involved? Rule 6(e): YES XX NO

Transcription type: Original

Transcript Due: 10 Business days.

FOR RECORD KEEPING ONLY

DO NOT WRITE BELOW

Transcript Received _____

Original, one copy
condensed concordance
disk

Invoice Amount \$ _____

Sent to CEO _____

Spreadsheet updated _____

Comments _____

Court Reporter Service Request

Job Date: Tuesday, June 14

Case Name: Morehead

Case Number: 202100630

Interviewee: AUSA Terra Morehead

Attorneys: John Cummings and Gregory Gonzalez

Start/End Time: 9:00 am

Hours Estimated: 3-4

Will Not Include Grand Jury Material/Information

Location: by WebEx; everyone will be separate and remote

Contact person at Location: there is no location.

John's cell: (b) (6)

"Dry run" date/time: Monday, June 13 at 11 am

Transcription type: Original plus one copy, condensed concordance & disk.

Transcript Due: 10 Business days

Comments: _____

DO NOT WRITE BELOW FOR RECORD KEEPING ONLY

Transcript Received _____

Invoice Amount \$ _____

Sent to CEO _____

Spreadsheet updated _____

From: [Hardy, Lyn \(OPR\)](#)
To: [Lyles, Shanelle \(OPR\)](#); [Robertson, Jacqueline T \(OPR\)](#)
Subject: Secondary counsel
Date: Wednesday, November 6, 2013 11:19:11 AM

Can you put me down as secondary counsel on Morehead, 201300382 (with John S. as lead).
Thanks.

Lyn Hardy
Senior Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W. Suite 3266
Washington, D.C. 20530

(b) (6)

202-514-5050 (fax)

From: (b) (6)
To: [Ingersoll, Laura \(OPR\)](#)
Cc: (b) (6)
Subject: RE: Terra Morehead
Date: Thursday, October 18, 2018 4:49:43 PM

Laura,

The only correction Ms. Morehead notes is a typographical error on Page 6, Line 22, which should read "I **did** note one typo" as opposed to "I **didn't** note one typo." She is noting this correction on the errata sheet, signing the document, and mailing it to you.

(If you would prefer the errata and signature page simply faxed or emailed to you, just let me know.)

Thank you again for your patience.

Sincerely,

(b) (6)

(b) (6)

Shareholder
Brownell Landrigan, PC
1818 N Street, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
www.brolanlaw.com

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From: (b) (6)
Sent: Tuesday, October 16, 2018 6:03 PM
To: 'Ingersoll, Laura (OPR)' (b) (6)
Cc: (b) (6)
Subject: RE: Terra Morehead

Thank you, Laura. We will try to return it earlier than the weekend.

(b) (6)

(b) (6)

Shareholder
Brownell Landrigan, PC
1818 N Street, NW, Suite 520
Washington, DC 20036
202-822-1701
202-822-1914 (fax)
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From: Ingersoll, Laura (OPR) (b) (6)
Sent: Tuesday, October 16, 2018 12:48 PM
To: (b) (6) (b) (6)
Subject: RE: Terra Morehead

(b) (6) on a one-time basis, we'll grant your request for an extension. We'll look for your comments, and any additional submission, by the weekend.

Regards,
Laura

From: (b) (6)
Sent: Tuesday, October 16, 2018 12:20 PM
To: Ingersoll, Laura (OPR) (b) (6)
Cc: (b) (6)
Subject: RE: Terra Morehead

Laura,

We had an unexpected delay in reviewing this transcript. Would it be possible to return any comments by the end of this week? After an initial review, we do not anticipate substantial edits/comments (if any) and understand and appreciate OPR's interest in completing the investigation in a timely manner.

Sincerely,

(b) (6)

(b) (6)
Shareholder
Brownell Landrigan, PC
1818 N Street, NW, Suite 520

Washington, DC 20036
202-822-1701
202-822-1914 (fax)
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From: Ingersoll, Laura (OPR) <(b) (6)>
Sent: Tuesday, September 18, 2018 9:09 AM
To: (b) (6)
Subject: Terra Morehead

(b) (6)
Brownell Landrigan
Washington, D.C.

(b) (6) —

Attached are a transmittal letter, the transcript of AUSA Morehead's OPR interview, and a copy of the Confidentiality Agreement that governs use of the transcript by you and AUSA Morehead.

With regards,
Laura

Laura Ingersoll
Assistant Counsel
Office of Professional Responsibility
Washington, D.C.

(b) (6)

Morehead_Unsigned_NDA

Final Audit Report

2022-06-23

Created:	2022-06-23
By:	(b) (6)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAIIkrdTXhXtd6AEuPXtOrWpn-Q1ZnH0c

"Morehead_Unsigned_NDA" History

-  Document created by (b) (6)
2022-06-23 - 5:42:32 PM GMT
-  Document emailed to (b) (6) for signature
2022-06-23 - 5:43:01 PM GMT
-  Email viewed by (b) (6)
2022-06-23 - 5:43:10 PM GMT
-  Document e-signed by (b) (6)
Signature Date: 2022-06-23 - 5:44:30 PM GMT - Time Source: server
-  Document emailed to (b) (6) for signature
2022-06-23 - 5:44:32 PM GMT
-  Email viewed by (b) (6)
2022-06-23 - 5:44:39 PM GMT
-  Document e-signed by (b) (6)
Signature Date: 2022-06-23 - 5:45:08 PM GMT - Time Source: server
-  Document emailed to (b) (6) for signature
2022-06-23 - 5:45:11 PM GMT
-  Email viewed by (b) (6)
2022-06-23 - 5:55:14 PM GMT
-  Document e-signed by Terra D Morehead (b) (6)
Signature Date: 2022-06-23 - 5:59:27 PM GMT - Time Source: server
-  Agreement completed.
2022-06-23 - 5:59:27 PM GMT

AUSA Terra Morehead, District of Kansas

(b) (6), (b) (7)(C)

Opened by OPR: May 25, 2021

**#202100630 CUMMINGS
AND GONZALEZ**

(Converted to an investigation: December 9, 2021)

Allegation Codes: 404, 405, 407, 408.

On May 11, 2021, AUSA Terra Morehead self-reported a judicial finding which found that in the case of **(b) (6), (b) (7)(C)** Morehead had failed to timely disclose *Brady/Giglio* material to the defense and that she had not been candid with defense counsel and the court. Morehead obtained a guilty verdict against **(b) (6), (b) (7)(C)** on narcotics and firearms charges. During trial and sentencing Morehead relied on the testimony of an incarcerated cooperator, **(b) (6), (b) (7)(C)**, who testified that he had supplied **(b) (6), (b) (7)(C)** with methamphetamine. Before trial, Morehead learned that **(b) (6), (b) (7)(C)** had “fallen” from the second floor of the jail. The fall was captured on surveillance video, which Morehead viewed before trial. The video showed that **(b) (6), (b) (7)(C)** had intentionally jumped from the second floor, and in a written report, jail officials concluded that **(b) (6), (b) (7)(C)** had attempted **(b) (6), (b) (7)(C)**. Although **(b) (6), (b) (7)(C)** denied attempting **(b) (6), (b) (7)(C)** jail officials relied on an intercepted letter and call between **(b) (6), (b) (7)(C)** and his wife in which **(b) (6), (b) (7)(C)** inferred he was going to kill himself. Morehead failed to produce the video and report before trial. Before sentencing, after being ordered to do so, Morehead provided defense counsel with a copy of the video. Morehead claims that she then first learned about the jail’s report and provided it to the defense, but that issue remains unresolved. The original sentencing judge, after viewing the video, stated that he had no way of knowing **(b) (6), (b) (7)(C)** state of mind, and neither Morehead, nor defense counsel, pointed the court to the jail’s report. Following a remand for sentencing based on an erroneous jury instruction, a new AUSA located the jail report in the file and turned it over to the defense, who in turn provided the records to the new sentencing judge. At resentencing, the judge granted a substantial variance based on his finding that Morehead engaged in misconduct. The court explained that after watching the surveillance video, it had **(b) (6), (b) (7)(C)**

OPR initiated an inquiry, which it later converted to an investigation. OPR requested and received a written submission from Morehead. OPR is currently scheduling witness interviews.

Allegation Codes: 404, 405, 407, 408.

From: [Ragsdale, Jeffrey \(OPR\)](#)
To: [Cummings, John M. \(OPR\)](#); [Drouet, Suzanne \(OPR\)](#)
Subject: RE: (b) (6), (b) (7)(C)
Date: Friday, September 24, 2021 9:19:47 AM

Sure, I will defer to Suzanne as to a good time. Do we have the USAO file?

Jeff

From: Cummings, John M. (OPR) (b) (6)
Sent: Thursday, September 23, 2021 5:07 PM
To: Drouet, Suzanne (OPR) (b) (6)
Cc: Ragsdale, Jeffrey (OPR) (b) (6)
Subject: (b) (6), (b) (7)(C)

Jeff and Suzanne,

Below is a summary of my review of the trial materials related to (b) (6), (b) (7)(C) and an allegation of misconduct against AUSA Terra Morehead. After you have reviewed this summary, let's find some time to discuss next steps.

OPR's investigation stems from a March 2021 article in the Kansas City Star newspaper which reported that a witness in a criminal case, (b) (6), (b) (7)(C), claimed that AUSA Terra Morehead had compelled him to provide false testimony. The allegations stemmed from (b) (6), (b) (7)(C) testimony in a drug conspiracy case involving his cousin, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) girlfriend, (b) (6), (b) (7)(C). In the article, (b) (6), (b) (7)(C) claimed that Morehead showed him pictures of (b) (6), (b) (7)(C) who he had never seen before, and told (b) (6), (b) (7)(C) to identify her at trial. (b) (6), (b) (7)(C) identified (b) (6), (b) (7)(C) at trial, and claimed he had seen her on several occasions when he was exchanging drug-money with (b) (6), (b) (7)(C). As discussed below, the evidence against (b) (6), (b) (7)(C) was relatively scant, and there are reasons to doubt (b) (6), (b) (7)(C) testimony regarding (b) (6), (b) (7)(C) at trial.

The (b) (6), (b) (7)(C) prosecution was a garden-variety drug conspiracy case involving multiple defendants, surveillance, wiretaps, search warrants, and ultimately coconspirators entering cooperation agreements and testifying against their former coconspirators at trial. There was no dispute that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were dating, and that although they maintained separate residences, (b) (6), (b) (7)(C) occasionally would stay at (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) played an integral role in the drug conspiracy by introducing (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), who went on to supply the (b) (6), (b) (7)(C) organization with cocaine. Like (b) (6), (b) (7)(C) entered into a cooperation agreement and testified against (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at trial.

I have reviewed the trial transcripts which reveal that compared to other defendants, the evidence against (b) (6), (b) (7)(C) seems thin, and (b) (6), (b) (7)(C) testimony was likely critical to the government's case against (b) (6), (b) (7)(C). For example, officers executed a search warrant at (b) (6), (b) (7)(C) home, finding only a large roll of shrink wrap, but no drugs, scales, packaging materials, currency or other indicia of drug trafficking. Indeed the lead case agent testified that he was unaware of any evidence that (b) (6), (b) (7)(C) was engaged in trafficking cocaine.

(b) (6), (b) (7)(C) testified that he and (b) (6), (b) (7)(C) would exchange drugs and money in parking lots, and that (b) (6), (b) (7)(C) drove (b) (6), (b) (7)(C) to several of those meetings, although the transactions generally occurred in (b) (6), (b) (7)(C) car, and (b) (6), (b) (7)(C) would remain in her car. (b) (6), (b) (7)(C) also testified that on other occasions, he and (b) (6), (b) (7)(C) would drive down the same street, stop, quickly exchange bags of drugs and money, and then leave. According to (b) (6), (b) (7)(C) was also present for several of these exchanges. On cross-examination, (b) (6), (b) (7)(C) admitted that when he was first debriefed and asked to identify (b) (6), (b) (7)(C) "people," he did not identify (b) (6), (b) (7)(C). He also failed to identify (b) (6), (b) (7)(C) in several subsequent debriefings, before finally identifying her shortly before trial in April 2009. According to (b) (6), (b) (7)(C), he did not identify (b) (6), (b) (7)(C) earlier because Morehead and the agents did not ask him about (b) (6), (b) (7)(C) until April 2009.

(b) (6), (b) (7)(C) testified he knew several of his cousin's girlfriends, including (b) (6), (b) (7)(C). According to (b) (6), (b) (7)(C), prior to his arrest in (b) (6), (b) (7)(C), he would see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) white Mercedes SUV. (b) (6), (b) (7)(C) claimed that (b) (6), (b) (7)(C) was present on several occasions when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) exchanged cash, and that (b) (6), (b) (7)(C) was operating the white Mercedes. However, during cross examination (b) (6), (b) (7)(C) had no explanation when he was confronted with the fact that (b) (6), (b) (7)(C) did not own the white Mercedes until after (b) (6), (b) (7)(C) was arrested and held pending trial. Morehead did not rely on (b) (6), (b) (7)(C) testimony during her closing argument.

(b) (6), (b) (7)(C) testified in her own defense and denied any knowledge of (b) (6), (b) (7)(C) drug-trafficking activities. The jury convicted her of being a member of a drug conspiracy to distribute more than 50 grams of cocaine. At sentencing, the judge credited (b) (6), (b) (7)(C) testimony and sentenced (b) (6), (b) (7)(C) to 151 months in prison. There was extensive post-trial litigation, but (b) (6), (b) (7)(C) had not yet made an allegation regarding Morehead, so his claim has never been litigated.

It appears from (b) (6), (b) (7)(C) testimony that shortly before trial the government was conducting debriefings in preparation for trial, and during those April 2009 debriefings Morehead and her team asked more pointed questions regarding specific members of the conspiracy. In this regard, (b) (6), (b) (7)(C) claim that Morehead presented him with photographs of (b) (6), (b) (7)(C) shortly before trial is plausible. However, it appears unlikely that (b) (6), (b) (7)(C) had never seen (b) (6), (b) (7)(C) before given his active involvement with his cousin and his cousin's relationship with (b) (6), (b) (7)(C). Further, (b) (6), (b) (7)(C) trial testimony where he claimed that he had seen (b) (6), (b) (7)(C) in a white Mercedes SUV appears to be demonstrably false, casting doubt on his overall credibility.

John M. Cummings
Assistant Counsel
United States Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave., N.W.
Washington, DC 20530

(b) (6)

Declaration of (b) (6), (b) (7)(C)

1. My name is (b) (6), (b) (7)(C). I have been a practicing attorney since 1990. My Kansas Bar number is (b) (6), (b) (7)(C).

2. I was appointed to represent (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The case proceeded to jury trial commencing (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). This Declaration has been prepared in response to a request from (b) (6), (b) (7)(C) current counsel.

3. One of the government's witnesses at trial was (b) (6), (b) (7)(C). Prior to Mr. (b) (6), (b) (7)(C) testimony at trial, government counsel disclosed to me the existence of those prior convictions about which he was questioned on direct examination.

4. At the time that Mr. (b) (6), (b) (7)(C) testified, he had not yet entered a guilty plea in (b) (6), (b) (7)(C). He did enter a guilty plea, pursuant to a written plea agreement, approximately one month later. To the best of my recollection, prior to Mr. (b) (6), (b) (7)(C) trial, I received no information from the government regarding plea negotiations in Mr. (b) (6), (b) (7)(C) case.

5. In July 2015, Mr. (b) (6), (b) (7)(C) was injured in an incident at (b) (6), (b) (7)(C) in which he went over an upper-tier railing. Based on information informally provided by the government, my understanding at the time of Mr. (b) (6), (b) (7)(C) trial was that the fall was accidental.

6. Prior to Mr. (b) (6), (b) (7)(C) sentencing hearing scheduled for (b) (6), (b) (7)(C) I inquired of government counsel whether any video or investigative or disciplinary records

existed pertaining to the incident. To the best of my recollection, AUSA Morehead advised me informally that she did not have the video and that there were no investigative or disciplinary records.

7. On January 24, 2017, following up on a suggestion from Ms. Morehead, I emailed AUSA (b) (6), (b) (7)(C), the prosecutor on Mr. (b) (6), (b) (7)(C) case, to ask whether Mr. (b) (6), (b) (7)(C) had a copy of the video. He responded that he and Ms. Morehead had reviewed the video together in the USMS office when the incident occurred but he did not have a copy.

8. On January 29, 2017, I sent an email to both prosecutors, stating my understanding that the video had not been saved and requesting confirmation as to whether this understanding was correct. I also asked for confirmation as to whether there had been any investigation at (b) (6), (b) (7)(C) regarding the incident, and if so whether it had reached a conclusion as to whether Mr. (b) (6), (b) (7)(C) fall was intentional or accidental. I did not receive a response to this email.

9. At Mr. (b) (6), (b) (7)(C) sentencing hearing on (b) (6), (b) (7)(C), I requested a continuance in order to investigate whether the video was still available. Government counsel stated that while the US Attorneys Office did not have the video, it did exist. After the Judge granted my continuance request, government counsel agreed to obtain the video for my review prior to the next hearing.

10. On March 15, 2017, I met with the prosecutor in her office to review the (b) (6), (b) (7)(C) video. After viewing the video, I asked that it be forwarded to Judge Murguia's chambers

for his review prior to Mr. (b) (6), (b) (7)(C) sentencing hearing. During this meeting, the prosecutor informed me that Mr. (b) (6), (b) (7)(C) had not been disciplined by (b) (6), (b) (7)(C) as a result of the incident. She advised that he had subsequently been placed in segregation, but only during a period of time when no Tier 1 housing was available. She provided me a copy of an email from (b) (6), (b) (7)(C) to the USMS dated March 8, 2017, which confirmed that Mr. (b) (6), (b) (7)(C) was given a single tier restriction after the incident and that, beginning December 3, 2015, he had been placed in segregation and then in medical while the Tier 1 housing pods were closed. I believe the prosecutor showed me other documents from (b) (6), (b) (7)(C) regarding Mr. (b) (6), (b) (7)(C) at this meeting, but I did not receive copies of them and cannot recall whether they contained any information pertaining to the incident.

The foregoing is true and correct to the best of my knowledge and belief.

DATE: February 23, 2021

(b) (6), (b) (7)(C)

OPR Confidentiality Agreement

The United States Department of Justice Office of Professional Responsibility (OPR) conducted an investigation into professional misconduct allegations against Assistant United States Attorney Terra Morehead arising from the prosecution of (b) (6), (b) (7)(C)

I understand that OPR has issued a final report of investigation concluding that Ms. Morehead committed professional misconduct in (b) (6), (b) (7)(C), and that the report is currently under review by the Professional Misconduct Unit, who may, upon conclusion of the review, authorize OPR to notify the Kansas bar disciplinary authorities of the Department's findings.

I understand that OPR's report concerns facts and events related to ongoing disciplinary proceedings concerning Ms. Morehead's conduct in the (b) (6), (b) (7)(C) case that are currently pending before the Kansas bar disciplinary authorities. I represent Ms. Morehead in the pending disciplinary matter, and I request access to OPR's report of investigation in order to aid my representation of my client in these proceedings.

In the event that OPR provides such materials to me, I understand, acknowledge, and agree that:

1. OPR materials are confidential and may contain sensitive information protected by law, including the Privacy Act, grand jury secrecy rules, and the attorney-client privilege;
2. OPR materials may be used solely in connection with the pending disciplinary proceeding and neither the materials nor their contents will be disclosed to anyone else, without OPR's express written authorization; and
3. OPR materials will not be copied without OPR's authorization and will be returned to OPR, or otherwise disposed of, at OPR's direction.

I agree to be bound by the terms described above. Specifically, I agree that I will use OPR materials only in connection with my representation in the bar disciplinary matter; I will not copy OPR materials without authorization; and I will return, or otherwise dispose of, OPR materials at OPR's direction.

(b) (6)

w Firm

Date

OPR Confidentiality Agreement

The United States Department of Justice Office of Professional Responsibility (OPR) conducted an investigation into professional misconduct allegations against Assistant United States Attorney Terra Morehead arising from the prosecution of (b) (6). I understand that OPR has issued a final report of investigation concluding that Ms. Morehead committed professional misconduct in (b) (6) and that the report is currently under review by the Professional Misconduct Unit, who may, upon conclusion of the review, authorize OPR to notify the Kansas bar disciplinary authorities of the Department's findings.

I understand that OPR's report concerns facts and events related to ongoing disciplinary proceedings concerning Ms. Morehead's conduct in the (b) (6) case that are currently pending before the Kansas bar disciplinary authorities. I represent Ms. Morehead in the pending disciplinary matter, and I request access to OPR's report of investigation in order to aid my representation of my client in these proceedings.

In the event that OPR provides such materials to me, I understand, acknowledge, and agree that:

1. OPR materials are confidential and may contain sensitive information protected by law, including the Privacy Act, grand jury secrecy rules, and the attorney-client privilege;
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(b) (6)

(b) (6)

Morris Laing Law Firm

Date

9-15-23