



U.S. Department of Justice

Executive Office for United States Attorneys

Strategic Communications Staff

*Room 2261, RFK Main Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530*

(202) 252-5490

August 7, 2019

Walter Tuvell
836 Main St.
Reading, MA 01867

Dear Mr. Tuvell,

This responds to your letter dated July 23, 2019, to the Office of the Inspector General. Your letter was forwarded to the Executive Office for United States Attorneys for response.

It appears the issues you have raised can be addressed by the attached document, which contains information on common requests for assistance. We hope this is helpful in addressing your concerns.

Regards,

Strategic Communications Staff

Enclosure

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

Common Requests for Assistance

REGARDING FEDERAL CASES WHICH HAVE BEEN/ARE BEING PROSECUTED

If you are contending that you should receive a reduction in your sentence for providing substantial assistance to the government:

The United States Attorney has exclusive jurisdiction to file a Rule 35(b) motion for downward departure of a sentence based upon, but not limited to, such factors as the defendant providing substantial assistance, his or her criminal conduct in the instant case, and the defendant's role in the alleged offense. If you believe your cooperation warrants a reduction in your sentence, a private attorney familiar with this area of the law would be in the best position to represent your interests in this matter.

If you believe your sentence is too long or unfair:

Although the sentence may seem harsh to you, the Department of Justice and the courts are bound by law and must impose a sentence as established by law, taking into consideration the sentence guideline range fixed for that offense. The guideline ranges have been established to ensure that the sentences for similar offenses or similar defendants will usually be uniform throughout the country. If you believe your sentence was calculated incorrectly an attorney familiar with this area of the law would be in the best position to represent your interests.

If you are requesting a review of your motion to vacate your sentence or other court filing or appeal:

The United States Department of Justice, as the federal agency representing the United States Government, is generally limited by law to giving legal advice only to federal officials and agencies. If you have any questions regarding the status of the case or how to properly file your motion you should contact the Clerk of the Court who will be able to advise you on the proper procedures.

If you are contesting your federal conviction:

The appropriate venue for appealing your conviction is a court of law. A private attorney would be in the best position to determine what, if any, possible recourse exists for you at this time. If you have any questions regarding the status of the case or how to properly file your motion you should contact the Clerk of the Court who will be able to advise you on the proper procedures.

If you are requesting a pardon for yourself or on behalf of someone else:

You should contact the Office of the Pardon Attorney for information on eligibility and procedures for applying for Executive Clemency. Additional information can be found at: <http://www.justice.gov/pardon/>

If you believe you were a victim of a federal crime:

You should contact the Victim-Witness Coordinator at the United States Attorney's Office for the District in which the crime was prosecuted, who will be able to provide information and assistance within the law. You can find your U.S. Attorney's Office through our website at: <http://www.justice.gov/usao/about/offices.html>

REGARDING CRIMINAL INVESTIGATIONS & VIOLATIONS OF LAW

If you believe you have credible evidence of a violation of federal law:

You should contact your local FBI office for information or assistance. You can find your local FBI office through their website at: <http://www.fbi.gov/contact-us/field> or by calling 202-324-3000.

If you believe you have evidence of a violation of state or local law:

If you believe you have credible evidence of violations of state or local law, you should contact your state or local law enforcement agencies, as appropriate.

If your inquiry is regarding an unindicted criminal investigation:

Longstanding Department practice prevents the Executive Office for United States Attorneys from confirming or denying the existence of particular matters or investigations, and cannot discuss the status of any matter that may be pending in a United States Attorney's Office. Please be assured that all allegations of federal law violations are taken very seriously by all United States Attorneys' offices.

If a case has been declined:

The United States Attorneys' offices carefully review potential cases in light of the guidelines set forth in the *Principles of Federal Prosecution*. Consistent with longstanding Department practice, we do not discuss the specific reasons a case is declined. As a general matter, federal prosecutions may be declined for a variety of reasons including, but not limited to, situations in which a person is subject to prosecution in another jurisdiction or another adequate alternative to prosecution is available.

If you believe you were a victim of a civil rights violation:

Executive branch attorneys generally do not investigate these types of allegations or provide legal assistance or advice to private citizens. However, if you believe you were a victim of a civil rights violation, you may direct your complaint and supporting evidence to the Department of Justice's Civil Rights Division: U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, N.W., Office of the Assistant Attorney General, Main, Washington, DC 20530.

REGARDING REQUESTS FOR LEGAL ASSISTANCE

If you are requesting legal assistance or advice:

The United States Department of Justice, as the federal agency representing the United States Government, is generally limited by law to giving legal advice only to federal officials and agencies. We suggest that you consult private legal counsel, contact a local law school that has a legal clinic program, or contact a legal aid society regarding your rights and any remedies that may be available to you in this matter.

If you believe you have received ineffective assistance of counsel:

If your attorney was appointed by the court and is not effectively representing your interests, you should raise this issue with the court, which can address any considerations you have and may be able to appoint a different attorney. If you hired a private attorney to represent you and you are unsatisfied with their services, you should raise your concerns with your state bar association.

If you are requesting assistance in obtaining a ruling from a court:

The Department of Justice as part of the executive branch of the United States Government has no authority over the judiciary's handling of its cases.

REGARDING YOUR STATUS AS AN INMATE

If you have complaints regarding prison conditions or conflicts with inmates or Bureau of Prison officials:

Typically, the Federal Bureau of Prisons (BOP) has primary responsibility for addressing these types of complaints. You should first consider raising your complaints through your facility's Administrative Remedy Program. That program provides for a formal and graduated process for bringing complaints, starting with a Request for Administrative Remedy Informal Resolution, and escalating all the way to a BP-11 national appeal. We suggest you review your Admissions and Orientation Handbook, which explains the Administrative Remedy Program in detail.

If you are a federal inmate requesting a prison transfer:

All requests for transfers or re-designations must originate with the inmate's Unit Team at his or her current facility. The Designation and Sentence Computation Center (DSCC) then evaluates referrals submitted by institution staff and makes decisions based on the information provided by the institution to determine if transfer to a facility closer to the inmate's family and friends is possible. The Bureau of Prisons attempts to designate inmates to facilities commensurate with their security and program needs within a 500-mile radius of their release residences. If an inmate is placed at an institution more than 500 miles from his or her release residence, generally it is due to specific security, programming or population concerns.

If your letter pertains to a non-federal prison:

State prisons do not fall under the jurisdiction of the U.S. Department of Justice. Inquiries regarding prison conditions, conflicts with inmates or officials, or other complaints should be directed to the appropriate local or state office which oversees your state's prisons.

REGARDING ALLEGATIONS OF MISCONDUCT

Allegations of judicial misconduct:

If you believe that the federal judge who presided over your case engaged in judicial misconduct, the appropriate course of action for you is to file your complaint and any supporting documents with the Clerk of the Court for the United States District Court in which your case was handled. The Court Clerk can advise you of the proper procedures to follow. In addition you may file your complaint with the Administrative Office of the United States Courts at: One Columbus Circle, NE, Washington, DC 20544.

Allegations of misconduct by an Assistant United States Attorney:

The United States Attorneys' offices (USAOs) seek in all their proceedings to maintain the utmost ethical and professional conduct. It is the goal of the USAOs to guarantee a fair trial to all citizens who come under federal prosecution. If you believe that the Assistant United States Attorney handling your case engaged in misconduct in connection with his or her official duties, you may contact the Department's Office of Professional Responsibility at 950 Pennsylvania Avenue, NW, Room 3266, Washington, DC 20535-0001. That office is responsible for investigating allegations that Department attorneys have engaged in misconduct in connection with their duties.

Allegations of misconduct by FBI agents or other federal law enforcement officials:

You may report such allegations to the Department of Justice's Office of Inspector General, which conducts independent investigations into allegations of misconduct by Department employees. You should direct your complaint to the Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, NW, Room 4706, Washington, DC 20530.

If the matters you have raised in your letter pertain to issues not covered elsewhere in this document, please note:

The Department of Justice has no authority to intervene in matters of state law. The Department of Justice can assume jurisdiction only when there has been a violation of federal law. Accordingly, you may want to consider consulting with local law enforcement agencies, your state's Attorney General's Office, or the appropriate state or local officials. Administrative members of the court with jurisdiction over your matter or private counsel may also be useful in addressing your concerns.