



U.S. Department of Justice
United States Attorney - Western District of Texas

Richard L. Durbin, Jr.
United States Attorney

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Sent by Federal Express

March 27, 2017

Honorable Abel Reyna
McLennan County District Attorney
219 North 6th St., Suite 200
Waco, Texas 76701

Dear Mr. Reyna:

During the last few months your office has made several requests for access to information/evidence obtained by this office and federal agencies that you believe might be relevant to the Twin Peaks criminal litigation pending in McLennan County. We understand that your office is prosecuting members of the Bandidos and Cossacks Outlaw Motorcycle gangs based on events that occurred at the Twin Peaks Restaurant in Waco on May 17, 2015. The federal information/evidence you seek relates to the case of United States v. John Portillo, et al., Cause No. SA-15-CR-820. As you know, the defendants in our case include national officers of the Bandidos Outlaw Motorcycle Club. The information in the possession of the Federal Bureau of Investigation and this office was obtained through court-authorized wire intercepts in the San Antonio Division of the Western District of Texas, and remains under seal and protective order entered by the U.S. District Court.

During a telephone conversation on March 20, 2017, you asked me if we would disclose to your office at this time the evidence and information in our case. I declined. I advised you that we would not request the district court for permission, and I would not agree to disclose this evidence and information until we concluded the federal trial. As I explained, we and federal investigators have invested considerable time to obtain evidence through complex and expensive techniques to reach the highest levels of the Bandidos organization. Because of the significance of this prosecution, I have no choice except to maintain control over litigation relating to that information and evidence until we have completed our prosecution. Trial is currently scheduled in August 2017, but we believe the Court could continue that setting until later in the year or early next year.

We are not familiar with the details of your cases, and our offices have not coordinated or collaborated on our respective prosecutions. Based on our conversations during the last few days,

we believe that our evidence includes information that relates to the events of May 17. Because of our limited knowledge of your cases, we cannot express an opinion on whether our information would be admissible in your prosecutions, nor whether it is clearly incriminating to some of your defendants or exculpatory of others. It is possible that there may be some of both given the number of defendants charged in your cases.

As I represented to you on March 20, at the conclusion of our trial we will take steps necessary to provide you with access to the information gathered during our investigation and prosecution if you desire it. Until then, we will maintain control over that information through the federal trial proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Durbin, Jr.", with a stylized flourish at the end.

Richard L. Durbin, Jr.
United States Attorney

Cc: AUSA Eric Fuchs