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## Lawyer alleges federal prosecutor said he could listen to attorney-prisoner phone calls

Defense attorney claims U.S. Attorney's Office wrongfully seized written communications

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An attorney for an inmate at the Leavenworth Detention Center believes prosecutors listened to her client's phone calls.

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An attorney for an inmate at the Leavenworth Detention Center alleges federal prosecutors not only obtained recordings of her client's phone calls with a lawyer, but also listened to them.

Melanie Morgan said in court documents filed Wednesday that an assistant U.S. attorney indicated that he could "freely listen" to calls between her client, Michelle Reulet, and another defense lawyer. Morgan, a Kansas City-based attorney, charges the prosecutor defended his actions, saying the lawyer no longer represents Reulet. Morgan said that wasn't the case.

Disclosures in the ongoing saga over the surveillance of detainees at the detention center, run by Corrections Corporation of America, had slowed after U.S. District Court Judge Julie Robinson appointed a special master earlier this month to examine the situation. Prisoner phone calls with attorneys have been recorded and videos were made of attorney-client meeting rooms.

The U.S. Attorney's Office in Kansas has maintained it "would not knowingly seek to obtain privileged attorney/client information."

In the filing, Morgan writes that during an Aug. 5 meeting between her and Assistant U.S. Attorney Anthony Mattivi, he referenced the subject matter of discussions between Reulet and Andino Reynal, one of Reulet's lawyers, while Reulet had been incarcerated. Reulet is charged in a drugs and money laundering case.

"When confronted on the spot by the undersigned about the impropriety of the government procuring and listening to these communications, Mr. Mattivi replied that he could freely listen because Mr. Reynal was no longer Ms. Reulet's lawyer," Morgan said.

But Reynal hadn't yet withdrawn from the case, Morgan wrote. Reynal also continued to represent Reulet in a related civil forfeiture case.

Morgan's filing also alleges that the U.S. Attorney's Office "wrongfully seized and read attorney-client written communications" in addition to phone calls. She wrote that follow-up communications with Assistant U.S. Attorney Tanya Treadway lead to prosecutors turning over Reulet's recorded phone calls, mail and commissary logs — though Morgan asserts prosecutors still have their copy.

"Additionally, government counsel was aware, at least as early as the end of May, that Ms. Reulet was also represented by legal counsel in connection with a driving under the influence charge in Texas as well as a child custody matter involving the father of her child, a witness cooperating with the government," Morgan said. "Counsel believes those communications were also seized."

The controversy over the recordings emerged in the background of a sprawling investigation of drug and contraband trafficking within Leavenworth Detention Center. A handful of people have been charged, but prosecutors indicate they believe upwards of 90 inmates may be involved as well as a number of workers.

Defense attorneys representing inmates have said the recordings violate the inmates' Sixth Amendment rights. But prosecutors have argued the phone recordings are not privileged because the facility warned inmates their calls may be recorded.

Robinson has chastised prosecutors for their actions, and has accused an assistant prosecutor of improperly trying to access her chambers — where video evidence from CCA has been impounded — after hours while the judge was on vacation.

Robinson appointed a special master on Oct. 11 to look into the recordings issue. David R. Cohen, who recently served as a special master in a federal class-action lawsuit against Sprint Nextel Corp, will examine the audio and video recordings from the Leavenworth facility and identify any confidential information contained in them.

The Cleveland lawyer will be compensated at a rate of \$500 an hour, which the judge ordered the federal government to pay.

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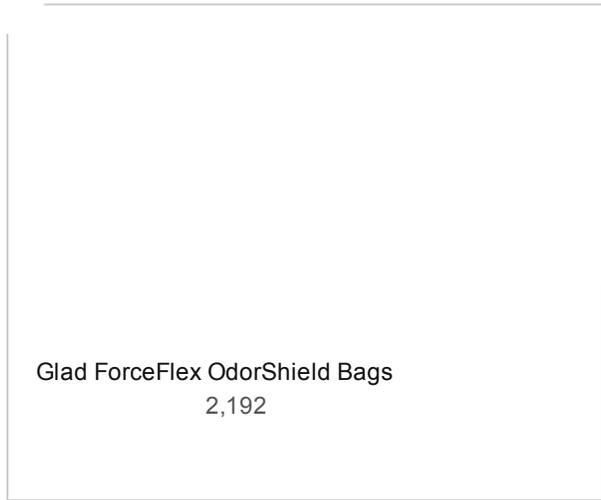
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