

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) CR. NO. 2:10cr186-MHT
)
v.)
)
THOMAS E. COKER)

UNITED STATES' OPPOSITION TO DEFENDANT COKER'S
MOTION TO COMPEL PRODUCTION OF COMPLETE 302S OF JARROD MASSEY

Comes now the United States of America, through undersigned counsel, and hereby opposes defendant Coker's Motion to Compel Production of Complete 302s of Jarrod Massey. As defendant Coker notes, the United States disclosed to all defendants six FBI 302 interview reports for Massey. Five of the FBI 302s were redacted. Defendant Coker contends that the redacted portions of Massey's interview reports must be disclosed so that defendant Coker can challenge defendant Massey's credibility should he testify for the government at trial. However, defendant Coker has provided no justification for the immediate disclosure of unredacted interview reports over three months prior to trial. The content of the contested redactions pertains to an ongoing criminal investigation involving facts beyond the scope of the Indictment in this matter. Disclosure of the unredacted FBI 302s, which the United States previously has provided to the Court, at this juncture would risk exposing the details of such investigation. To be sure, the United States does not seek to withhold this material indefinitely; rather, absent a sufficient ex parte showing to justify additional withholding, the government will provide unredacted copies of the FBI 302s to all defendants no later than January 31, 2011, over two months in advance of trial. As such, the Court should deny defendant Coker's motion to compel immediate production.

Respectfully submitted,

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Acting Under Authority of 28 U.S.C. § 515

JACK SMITH, Chief
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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Eric G. Olshan
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