

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

**UNITED STATES OF AMERICA,**            )  
  )  
  )  
  )  
  )  
  )  
**JARRELL W. WALKER, JR.**            )

**CR. NO. 2:10cr186-MHT**

**UNITED STATES’ RESPONSE TO DEFENDANT JARRELL WALKER’S SPECIFIC  
BRADY REQUESTS PERTAINING TO JARROD MASSEY  
AND OTHER COOPERATING WITNESSES**

The United States of America, through undersigned counsel, hereby responds to defendant Jarrell Walker’s motion for specific Brady requests pertaining to defendant Jarrod Massey and other witnesses cooperating with the United States (i.e., defendant Jennifer D. Pouncy).

Notwithstanding defendant Walker’s requests, the United States has already complied in full with its discovery obligations under the law (e.g., Brady v. Maryland, 373 U.S. 83 (1963)), the Federal Rules of Criminal Procedure, the Court’s Order on Criminal Discovery issued February 4, 1999, and the Local Rules for the United States District Court for the Middle District of Alabama. The United States nevertheless responds to defendant Walker’s requests for additional, specific information relating to cooperating witnesses as follows:

With respect to benefits provided in exchange for cooperation, the defense has received all plea agreements, proffer letters, and Federal Bureau of Investigation FD-302 interview memoranda (“302s”) written to date relating to defendants Massey and Pouncy. Furthermore, the cooperators’ plea colloquies are publicly available. This material discloses the full scope of any commitments

made to defendants Massey and Pouncy under their respective plea agreements. Neither defendant has received any additional promises of special privileges, benefits, or payments to themselves, family members, or friends in exchange for entering plea agreements except as memorialized in these documents.<sup>1</sup> Nor has the United States sought to motivate the cooperators through threats.

Defendant Walker further seeks information relating to the cooperators' (1) misconduct; (2) polygraph testing; (3) physical, emotional, or psychological impairment; and (4) use of controlled substances or excessive alcohol use. The 302s already disclosed to the defense contain all information known to the United States regarding defendant Massey and Pouncy's misconduct, and the United States is unaware of any information responsive to defendant Walker's other requests. Should such information or new information regarding the cooperators' misconduct come to light, however, the United States will continue to fulfill its ongoing discovery obligations through supplementary disclosures.

### CONCLUSION

For the foregoing reasons, the United States has fully complied with its discovery obligations as to cooperating witnesses. No additional discovery is warranted.

Respectfully submitted,

LANNY A. BREUER  
Assistant Attorney General, Criminal  
Division  
Attorney for the United States  
Acting Under Authority of 28 U.S.C. § 515

---

<sup>1</sup> During meetings with the United States, the United States has purchased fast food on defendant Massey's behalf when he has missed prison mealtimes (he is currently incarcerated pending sentencing).

JACK SMITH, Chief  
Public Integrity Section

By: /s/ Barak Cohen  
Barak Cohen  
Trial Attorney  
Public Integrity Section  
U.S. Department of Justice  
1400 New York Ave., NW, Suite 12100  
Washington, DC 20005  
(202) 514-1412

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on counsel of record through the Court's electronic filing system this 2d day of March, 2011.

/s/ Barak Cohen  
Barak Cohen  
Trial Attorney  
Public Integrity Section  
U.S. Department of Justice  
1400 New York Ave., NW, Suite 12100  
Washington, DC 20005  
(202) 514-1412