

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CR. NO. 2:10cr186-MHT-001
)	
MILTON E. McGREGOR, et al.)	
)	
Defendants.)	

**DEFENDANT MILTON E. MCGREGOR'S REQUEST FOR DISCLOSURE
(INCLUDING DISCLOSURE OF EXCULPATORY, IMPEACHING,
OR OTHERWISE FAVORABLE INFORMATION)**

Defendant, Milton E. McGregor requests the Government to produce, and/or to permit Defendant to inspect, copy or photograph, the following:

1. All statements of Mr. McGregor as provided in Fed. R. Crim. P. 16(a)(1)(A) and (B).
2. Any prior criminal record as provided in Fed. R. Crim. P. 16(a)(1)(D).
3. All documents and tangible objects as provided in Fed. R. Crim. P. 16(a)(1)(E). This includes but is not limited to any and all documents, items or things that the Government intends to introduce into evidence at trial in its case in chief. United States v. Turkish, 458 F.Supp. 874, 882 (S.D.N.Y. 1978), *aff'd*, 623 F.2d 769 (2nd Cir. 1980).
4. All results or reports of examinations, tests, and experiments as provided in Fed. R. Crim. P. 16(a)(1)(F).

5. A written summary of any expert testimony which the Government intends to use as provided Fed. R. Crim. P. 16(a)(1)(G).

McGregor notes, with regard to the following requests, that some of the requested information below will overlap with the specific parts of Rule 16 invoked above. To the extent that these requests below go beyond what is mandatory for disclosure under Rule 16, McGregor notes that the Rule “leaves intact a court's discretion to grant or deny the broader discovery requests of a criminal defendant.” *U.S. v. Jordan*, 316 F.3d 1215, 1249 n.69 (11th Cir. 2003) (internal quotation marks omitted). Furthermore, the Government has the inherent authority to provide this information without court order. (McGregor notes, furthermore, that there is no “discretion” to deny a valid request for the disclosure of exculpatory, impeaching, or otherwise favorable information.)

6. Any and all charts, summaries, or calculations that the Government may seek to use or introduce into evidence, and any writing, recording, photograph, or other information on which such charts, summaries and calculations are based, pursuant to Fed. R. Evid. 1006.

7. All search warrants, affidavits, and returns served or executed in connection with the matters charged in the indictment.

8. All tape recordings or any other recordings, and any transcripts thereof, made of any and all conversations between the Defendant and any other person.

9. Any and all documents, of any type, which the Government contends were used in any way in the commission of the acts alleged in the indictment, or which are

directly or indirectly referred to in the indictment.

10. All notes taken by each and every federal or state agent, investigator, or employee during conversations, interviews, or investigations of this Defendant or any alleged accomplice, regardless of whether such alleged accomplice is identified in the indictment.

11. Any and all applications for wiretaps or other electronic monitoring of any sort or type submitted by the United States of America or any agency thereof, and any and all wiretap or other authorizations obtained by the United States of America or any agency thereof, pertaining to the matters charged in the indictment.

12. Recordings and/or transcripts of each and every conversation or communication recorded by wiretaps or other electronic monitoring pertaining to the matters charged in the indictment.

13. Each and every report or memorandum which summarizes, describes, or otherwise relates to any surveillance of the Defendant or any alleged accomplice, regardless of whether such alleged accomplice is identified in the indictment.

14. All audio or video recordings of any surveillance of the Defendant or any alleged accomplice, regardless of whether such alleged accomplice is identified in the indictment.

15. Any written or recorded statement and the substance of any oral statement made by any co-defendant that inculpates Defendant, the use at trial of which may raise issues under Bruton v. United States, 391 U.S. 123 (1968).

16. Any correspondence, telephone logs, message sheets, memoranda, diaries, calendars, transcripts, recordings (audio, video or otherwise), or the like that reflect meetings or conversations alleged to have occurred in furtherance of the alleged criminal conduct as stated in the indictment.

The following requests primarily seek information that is exculpatory and/or impeaching, or otherwise favorable as provided in cases such as Brady v. Maryland, United States v. Agurs, Giles v. Maryland, Giglio v. United States and Williams v. Dutton. Defendant seeks *all* such exculpatory, impeaching, or otherwise favorable information that is in the possession, custody or control of the United States, the existence of which is known or by the exercise of due diligence may become known to the government, including but not limited to those documents, statements, etc. identified in the following paragraphs. This demand for the disclosure of all potentially favorable or exculpatory evidence includes any evidence which is material to guilt or to the mitigation of punishment of defendant, and all evidence which may serve to impeach the testimony or credibility of a prosecution witness.

17. Information concerning the existence and contents of any deals, promises, offers, understandings or agreements made by the Government or any of its agents or agencies, with or to any individuals who may serve as witnesses, consultants or sources of information to any law enforcement agency relating to this case, whereby the said individual may receive immunity or other favorable treatment of any sort whatsoever. This would include but not be limited to any treatment in terms of sentencing, parole,

probation, sentence reduction, or reduction in charge(s), or any favorable treatment of any other sort whatsoever, influenced by such person's cooperation or testimony in this or any proceeding. This would, furthermore, include favorable treatment not only of the person who was the potential witness or source of information, but also treatment of any such person's relatives. This information sought includes, but is not limited to a copy of any indictment or information, written plea agreement and conditions, and judgment in a criminal case.

18. Information concerning the existence and contents of any and all promises, understandings, or agreements with any prospective Government witness; any and all actions, promises, or efforts on the part of the prosecution to aid, assist, or obtain benefits for the witness or members of the witness' family; and a list of any and all crimes disclosed by such prospective witness.

19. Information concerning any threats or statements made by any Government officer or agent, to any prospective witness or source of information regarding this case, regarding consequences that might ensue to such person to any of his or her relatives if such person did not provide information or otherwise cooperate with the Government. This request would include but not be limited to any and all threats, express or implied, direct or indirect, or other coercion directed against any person, or anyone related by blood or marriage to any person, whom the Government intends to call as a witness at trial; any and all criminal prosecutions, investigations or potential prosecutions pending or which could be brought against any such witness or anyone related by blood or

marriage to the witness; any probationary, parole, or deferred prosecution status of any such witness or anyone related by blood or marriage to the witness; and any civil, tax court, court of claims, administrative, or other pending or potential legal disputes or transactions involving any such witness, or anyone related by blood or marriage to the witness, over which the state or federal government has any degree of real, apparent, or perceived influence.

20. All Grand Jury testimony, notes, written statements, summary of oral statements, oral recordings or video recordings in which the Government has at any time contended to a witness that he or she is or will be a subject or target related to the charges made in the indictment, that such person has testified falsely, that such person may be or will be indicted for not changing his or her story to comport with the Government's view of a prior statement or testimony, or that such person may or will be indicted.

21. A list of any and all requests, demands, or complaints made to the Government by a prospective Government witness that arguably could be developed on cross-examination to demonstrate any hope or expectation on the part of the witness for favorable governmental action on his behalf or on behalf of his relatives (regardless of whether or not the Government has agreed to provide any favorable action).

22. Any requests prepared by the prosecution for permission to grant immunity or leniency to any Government witness in this case – or any request by the prosecution asking any other person or entity to grant immunity or leniency to any Government witness in this case – regardless of whether such request was granted.

23. All documents and other evidence regarding drug and alcohol usage and/or dependency by any individual the Government intends to use as a witness at trial, including but not limited to records relating to treatment of such individual in any drug or detoxification program.

24. All documents and other evidence regarding any physical or mental disease, disability or disorder affecting any individual the Government intends to use as a witness at trial, or any member of the immediate family of any such witness, including but not limited to records of hospitalization or to his or her treatments for such physical or mental disease, disability, or disorder.

25. Any material not otherwise listed that reflects or evidences the motivation of any witness to cooperate with the Government, or reflects or evidences any potential question regarding the competency or credibility of any of the Government's witnesses, or any such witness's bias or hostility against the defendant.

26. For each potential Government witness in this case, a list of all other criminal proceedings in which such person participated as a witness, or in which such person was a defendant, an unindicted alleged co-conspirator, or an alleged aider or abettor. Also, any and all records or documents which reflect criminal convictions of any Government witness or prospective witness.

27. Any statements or documents, including but not limited to grand jury testimony and/or trial testimony, made by any potential prosecution witness which the prosecution knows, or through reasonable diligence should have reason to know, is false.

28. Identification of each occasion on which any prospective Government witness in this case has testified before any court or other tribunal or body, or otherwise has given an official statement of any sort, relating to the Defendant, to the investigation giving rise to this case, or to the facts of this case.

29. Any written statements or oral statements (whether or not reduced to writing) made by any potential prosecution witness, which in any way contradicts or is inconsistent with or different from any other written statement or oral statement (whether or not reduced to writing) made by that person or any other person.

30. Any exculpatory testimony or other evidence or information given before the grand jury.

31. The names and addresses of all persons whom the prosecution, its agents and representatives believe to have relevant knowledge or information with reference to the charges contained in the indictment but whom the prosecution does not intend to call as witnesses at trial.

32. Any written statement or recounting of comments made by any person who has been interviewed by an agent of the Government in connection with the subject matter of this case whom the Government presently does not intend to call at trial, regardless of whether such statement has been signed or otherwise adopted or approved by said person, where such statement constitutes either exculpatory or impeaching material or information.

33. The names and addresses of any other persons who might have favorable evidence as to defendant.

34. Any information tending to indicate that information supplied by a particular document or witness contradicts or is contradicted by a different document or witness.

35. Copies of any and all records reflecting disciplinary action taken against any persons who will participate or testify in these proceedings, including all such records from any governmental agency for which the person previously worked.

36. Copies of all documents, statements, records, memoranda, reports, or any other information or evidence, including but not limited to a written summary of all oral evidence and statements, that are exculpatory in nature or favorable to defendant or may lead to material that is exculpatory in nature or favorable to defendant, or tend to negate or mitigate the guilt of the defendant, as to the offenses charged, or would tend to reduce the punishment thereof. This request includes all such materials and information now known to the United States, along with any such matter that may become known to the United States or that through due diligence may be learned from the investigation,

37. Names, addresses and telephone numbers of all persons who know or may know of any such favorable or exculpatory material or who may lead to persons or material which may be favorable or exculpatory.

38. All written or recorded statements or the substance of oral statements by any person that are in any way inconsistent or arguably inconsistent with the testimony or expected testimony any witness will give at trial.

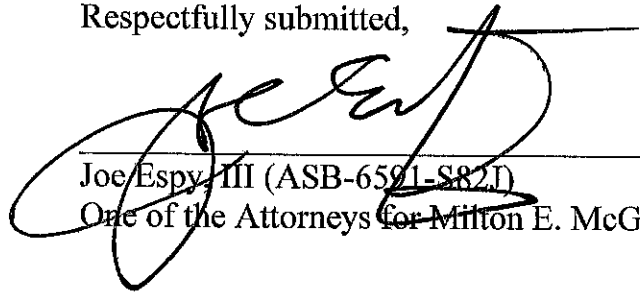
39. Any written or recorded statements, admissions, or confessions made by any witness or alleged co-conspirator (whether indicted or unindicted), which may be exculpatory, non-incriminating, or otherwise favorable to defendant, or any summaries, notes, memoranda, or resumes thereof, regardless of whether such statements are reduced to writing and regardless of whether the Government intends to use such statements at the trial herein.

40. Any notes, memoranda, summaries, reports, or statements of any kind prepared in connection with the investigation of this case which are in any way favorable to the defense including notes prepared by the Government or any of its agents in connection with either the review of documents or the interview of or other conversation(s) with witness(es) or other individuals contacted in connection with this case.

41. Any and all statements, memoranda or other similar notations or information which would in any way reflect inconsistent statements made by any witness(es) contacted by the Government, or any such individual(s) engaged in untruthful conduct or other conduct calculated to conceal the truth or improperly reflect facts.

42. Any other evidence that otherwise reflects upon the credibility, competence, bias, or motive of the United States' witnesses.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following electronically and via regular mail, postage prepaid and properly addressed on this the 5 day of October, 2010.

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