

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CRIMINAL NO. 08-00026-01-CR-W-FIG
	§	
DELMON L. JOHNSON,	§	
	§	
Defendant.	§	

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**DEFENDANT DELMON L. JOHNSON'S  
MOTION FOR DISCOVERY**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DELMON L. JOHNSON, Defendant in the above-entitled and numbered cause, and respectfully moves this Court for an order pursuant to Rule 16 of the Federal Rules of Criminal Procedure directing the government to furnish Mr. Johnson with discovery items necessary for counsel for the Defendant to prepare for trial of this matter. In support of this Motion, Delmon Johnson would show the Court as follows:

1. Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Delmon Johnson hereby requests that the government:
  - a. disclose to the Defendant the substance of any oral statement made by the Defendant, before or after arrest, in response to interrogation by a person the Defendant knew was a government agent if the government intends to use the statement at trial;
  - b. disclose to the Defendant and make available for inspection, copying, or photographing the following:
    - (i) any written or recorded statement by the Defendant;
    - (ii) the portion of any written record containing the substance of any oral statement made before or after arrest if the Defendant made the statement in response to interrogation by a person the Defendant knew was a government agent; and,

- (iii) the Defendant's recorded testimony before a grand jury related to the charged offense;
  - c. furnish the Defendant a copy of the Defendant's prior criminal record that is within the government's possession, custody, or control;
  - d. permit the Defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items if the item is within the government's possession, custody, or control and:
    - (i) the government intends to use the item in its case-in-chief at trial; or
    - (ii) the item was obtained from or belongs to the Defendant;
  - e. permit the Defendant to inspect and copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if the item is within the government's possession, custody, or control;
  - f. provide the Defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial; and
  - g. provide the Defendant any items or access to any items requested herein that the government discovers subsequent to the date of this request.
2. The Defendant hereby requests that the government provide the Defendant a copy of any recording of intercepted conversation of the Defendant and a written transcript of any recording.
  3. The Defendant hereby requests that the government disclose to the Defendant any evidence of the Defendant's character it intends to introduce at trial.
  4. The Defendant hereby requests that the government disclose to the Defendant any reports, photographs, images, or statements regarding eyewitness identification of the Defendant, including any lineup, show-up, or photo spread.
  5. The Defendant hereby requests that the government disclose to the Defendant any sentencing guideline calculation material used by the government to calculate the appropriate sentence if the Defendant is found guilty as charged.

WHEREFORE, DELMON L. JOHNSON requests that this Honorable Court order the United States Attorney to provide Mr. Johnson with the information requested herein. Delmon Johnson prays for such other and further relief to which he is justly entitled.

Respectfully submitted,

BANNWART & ASSOCIATES, P.C.

By: 

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ATTORNEYS FOR DEFENDANT  
DELMON L. JOHNSON

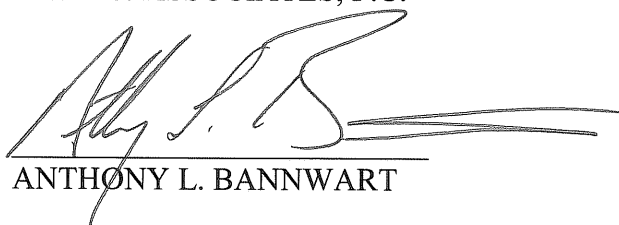
**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing Defendant Delmon Johnson's Motion for Discovery has this day been caused to be served on Assistant United States Attorney Rudy Rhodes for the Western District of Missouri, and other ECF listed counsel through use of the Electronic Court Document Filing System.

SIGNED this 16<sup>th</sup> day of August, 2008.

BANNWART & ASSOCIATES, P.C.

By:



ANTHONY L. BANNWART

ATTORNEYS FOR DEFENDANT  
DELMON L. JOHNSON