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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

FILED

MAR 02 1990

ROBERT H. SHENWELL, CLERK

BY
DEPUTY

UNITED STATES OF AMERICA
VERSUS
GEORGE S. ACKERSON
: :
: :
: CRIMINAL NO. 90-20003-01
: JUDGE VERON
: MAGISTRATE TRIMBLE

GOVERNMENT'S CONSOLIDATED RESPONSE TO
DEFENDANT'S VARIOUS PRE-TRIAL MOTIONS

NOW INTO COURT, comes the United States of America through and by the undersigned Assistant United States Attorney and in response to defendant's pre-trial motions answers as follows:

I.
MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE

1. (a) Defendant is not entitled to information sought. This request should be denied.
- (b) If any of the government witnesses have criminal records, such information will be provided to defendant along with other Jencks material, if any exist. Any other request in this paragraph should be denied as defendant is not entitled to such information under any case law or theory.
- (c) Same response as to paragraph 1.(b) above.
- (d) Same response as to paragraph 1.(b) above.
- (e) If any information sought in this paragraph is known or made known to the government, it will be provided to defendant.
- (f) Same response as to Paragraph 1.(e) above.
- (g) Same response as to Paragraph 1.(e) above.

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(h) Defendant is not entitled to said information. This request should be denied.

(i) Same response as to Paragraph 1.(h) above.

(j) Same response as to Paragraph 1.(h) above.

(k) Same response as to Paragraph 1.(h) above.

(l) Same response as to Paragraph 1.(h) above.

(m) Same response as to Paragraph 1.(h) above.

(n) If exculpatory information exists as to defendant, it will be provided as Brady material. Any other request in this paragraph should be denied.

(o) Any plea agreement reached with any other defendant in this matter is in the case file in the Clerk of Court's Office where defendant can obtain a copy.

(p) None of the information sought in this paragraph exists.

2. (a) through (m) Defendant is not entitled to any of information sought regarding grand jury testimony. Defendant was given opportunity to appear in grand jury and he asked to be allowed to appear, and time was allotted for him. He failed to appear. Grand Jury testimony of a witness or witnesses the government will call at trial will be provided as Jencks material and given to defendant on the eve of that witness' anticipated testimony. All other requests in these paragraphs should be denied.

3. The government has no objection to this request. Items sought are covered by Rule 16 of Federal Rules of Criminal Procedure.

4. Insofar as the government interprets this request as being a request for Giglio material, if any exists, it will be provided.

5. This request should be denied. Defendant is not entitled to this information under any law, rule or theory and Rule 16 specifically provides an exception to discovery of this type information.

6. No objection to providing this information, if any exists.

7. This request is identical to defendant's request in paragraph 4 and the response of the government is the same.

8. Government objects to this request. One, this is not a tax case and two, defendant is not entitled to such information. This request should be denied.

9. Same response basically as to request in paragraph 8 above insofar as it requests records defendant is not entitled to.

10. If this request is in relation to documents that will be introduced at trial, the government has no objection, any other requests should be denied.

11. If documents sought in this request are not going to be introduced at trial or are not covered by Rule 16, the government objects to providing them.

12. The government objects to this in globo request. If the government has documents which are exculpatory, it will provide

them. The government does not intend to pursue a study of all documents which might lead to what defendant wants.

13. (1-4) The defendant is aware of the identity of the two individuals that he was directly dealing with in the Lake Charles, Louisiana area. One is his co-defendant, the other is the gentlemen at the business at Prien Lake Mall. Defendant will be provided with any information as to the individual that is not his co-defendant and to which he is entitled by case law or Rule 16. All other parts of his request should be denied.

II.

MOTION FOR INFORMATION REGARDING PRIOR BAD ACT

The government as of this time does not intend to offer any Rule 404(b) material against the defendant at trial. If this changes, the government, prior to the start of trial, will follow the procedure normally followed in this division of the court. That would be by written or oral Motion in Limine.

III.

MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE

The government's response to the above request for exculpatory evidence is that it is aware of the dictates of Brady and a continuing obligation to furnish throughout pendency of this matter and it will comply, if any such material exists. As to the defendant's Motion for Early Production of Various Types of Information found in paragraphs 1-13 of this request, it should be denied.

The government, if it has exculpatory information, will provide it as soon as it comes into its possession. As to the

other material, if any exists, that material will be provided as to each witness on the eve of the day of the anticipated testimony of the witness, following this court's usual practice.

IV.

MOTION FOR DISCOVERY AND INSPECTION

1. The government has no objection to this request as to items defendant is entitled to pursuant to Rule 16.

2. Same response as to Paragraph 1 above.

3. Same response as to Paragraph 1 above.

4. Same response as to Paragraph 1 above.

5. Same response as to Paragraph 1 above except as to documents government relied on in returning indictment because defendant is not entitled to certain records of government and certainly not items which are not evidence in this matter.

6. The government is not obligated by Rule 16 to turn over material relating to a co-defendant, but following the court's normal procedure will provide the information, if it exists.

7. This request should be denied. Defendant is not entitled under Rule 16 or case law of the names and addresses of government witnesses.

8. Same response as to Paragraph 7 above.

9. No objection to this request.

10. Same response as to Paragraph 7 above at this time because defendant is not entitled to any statements of witnesses not called unless said statement is clearly exculpable.

11. Government objects to this request. Defendant is not entitled to grand jury transcripts of anyone but himself unless

the witnesses testify at trial and defendant will get a copy of that transcript at time of ~~Jancks~~ material disclosure.

12. This request should be denied to the extent it ask for Brady material which the government has already responded that it will provide, if any exists. The government has told no witnesses that they could not speak with defense counsel. The government has made it's witnesses aware that defense counsel has the right to ask them questions if they wish to speak to defense counsel and that the witnesses have the right to refuse on their own volition not to speak to defense counsel if they choose not to do so.

13. Any plea agreement that has been reached with a co-defendant is a matter of public record and is in the case file in the Clerk of Court's Office.

WHEREFORE, the government respectfully prays for an order of this Honorable Court deeming the Government's consolidated response to the defendant's various pre-trial motions as sufficient and proper.

Respectfully submitted,

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