

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NUMBER: CR422-0084
	)	
BERNARD OKOJIE,	)	
Defendant	)	
	)	

**DEFENDANT BERNARD OKOJIE'S
CO-CONSPIRATORS' HEARSAY EXCEPTIONS**

COMES NOW, BERNARD OKOJIE, Defendant in the above-styled action, by and through his counsel of record, and moves this Court for the substance of any and all statements that the government alleges are admissible as statements of a co-conspirator made during the course and in furtherance of the conspiracy. Federal Rule of Evidence 801(d)(2)(E); Federal Rule of Criminal Procedure 16(a)(1)(A)

The rationale underlying the above-stated rule is that each co-conspirator is the “agent” of the other once a conspiracy is shown to exist. As a defendant’s agent, statements made by co-conspirators within the scope of that agency and in furtherance of same are said to be impliedly authorized by the defendant as principal and are therefore admissions by the defendant. Given that such co-conspirator’s statements are admissible because they are treated as statements of or adopted by the defendant, then such statements should be discoverable as the defendant’s own pursuant to Rule 16(a)(1)(A) on the same theory. *United States v. Bradshaw*, 2002 WL 243731 (1st Cir. 2002); *United States v. Tyler*, 281 F.3d 84(3rd Cir. 2002); *United States v. Martinez-Medina*, (1st Cir. 2002)

Accordingly, Mr. Okojie requests that this Court order the government to disclose to the undersigned counsel such statements as the government intends to introduce in the above-styled action as relate to hearsay statements made by Mr. Okojie's alleged co-conspirators.

Respectfully submitted, this 15th day of September, 2022.

/s/John J. Ossick, Jr.
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CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”), which was generated as a result of electronic filing.

This 15th day of September, 2022.

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