

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES	)	
	)	
v.	)	
	)	INDICTMENT NO.
CARLA JACKSON,	)	1:20-CR-00296-JPB-CMS-05
Defendant	)	
_____	)	

**MOTION FOR DISCLOSURE OF GOVERNMENT COOPERATING
WITNESSES' SEALED PLEA AGREEMENTS AND PRESENTENCE
INVESTIGATION REPORTS TO DEFENDANT**

COME NOW Defendant CARLA JACKSON, by and through undersigned counsel, and hereby moves the Court to order the unsealing of certain co-defendants' (cooperating witnesses') plea agreements and the disclosure of such plea agreements to undersigned counsel, as well as the disclosure of certain cooperating witnesses' presentence investigation reports ("PSR's") to undersigned counsel. In support thereof, Defendant states as follows:

1.

The Court has scheduled Defendant's case for jury trial on Monday, February 5, 2024. It is anticipated that the Government will call during its case-in-chief certain "cooperating" witnesses to testify against Defendants at trial. The names of the specific cooperating witnesses to be

called to testify have not – as yet – been disclosed to undersigned counsel. Certain co-defendants or defendants have entered guilty pleas before the Court where the plea agreements, on information and belief, have been ordered by the Court to be filed under seal.

2.

So that Defendant may properly prepare her defense to the testimony of these potential (as-yet unnamed) cooperating witnesses, Defendant requests that the Court order the unsealing and disclosure to Defendant Carla Jackson and her attorney of any such sealed plea agreements. Defendant further requests that the Court order the disclosure of any cooperating witnesses' presentence investigation reports ("PSR") to undersigned counsel so that any possible exculpatory and/or impeachable information be made available to defense counsel for Defendant's use during trial.

3.

Impeachment of a witness during trial has generally been regarded as meeting the "compelling needs" test addressed in other Circuits when determining whether PSR's should be disclosed to third parties. *See, e.g., United States v. Corbitt*, 879 F.2d 224, 239-40 (7th Cir. 1989); *see also United States v. Gomez*, 323 F.3d 1305, 1307-1308 (11th Cir. 2003)

(discussing *Corbitt* 7th Circuit case, *supra*, and “compelling needs” test for PSR disclosure). An in-camera inspection of the requested PSR is normally conducted by the Court before disclosure. *Id.*

3.

WHEREFORE, because the sealed plea agreements and PSR’s of anticipated Government cooperating witnesses could possibly provide exculpatory and impeachment evidence for her use during jury trial, Defendant requests that the Court order the unsealing of such plea agreements (and disclosure to Defendant) and the disclosure to Defendant of any cooperating witness’ PSR for use at her trial.

Respectfully submitted this 26th day of December, 2023.

/s/ David D. Marshall
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CERTIFICATE OF SERVICE

This is to certify that the foregoing was formatted in 14-point Times Roman, in accordance with Local Rule 5.1C, and was electronically filed

this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following:

All defense counsel; All AUSA's of record

This 26th day of December, 2023.

/s/ David D. Marshall
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