

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

UNITED STATES OF AMERICA)

v.)

GLADYS HARUN, a/k/a “GLADYS
CHEGE”)
_____)

CASE NO. 3:22-CR-09

**MOTION FOR DISCOVERY PURSUANT TO BRADY V. MARYLAND AND ITS
PROGENY**

COMES NOW Defendant Gladys Harun, a/k/a “Gladys Chege”, (hereinafter, the “Defendant”), by and through counsel; pursuant to the authority of Brady v. Maryland, 373 U.S. 83 (1963), Giles v. Maryland, 386 U.S. 66 (1967), and subsequent cases; and files this her, Motion for Discovery, moving the Court to require the United States of America, (hereinafter, the “Government”), to produce for Defendant’s inspection, any and all evidence exculpatory in nature within the meaning of the foregoing cases, including but not limited to:

1. Any statements made by any witness regarding this matter in any medium, including but not limited to written statements, typed statements, audio recordings and video recordings;

2. Any written reports, documents, memoranda, summaries, communications or any other file, correspondence or document created by or at the behest of law enforcement or the investigative staff of any prosecutor in any way connected with the above-styled case;

3. The results of any chemical tests, scientific tests, analyses, experiments or studies performed by or at the behest of the Government; arresting law enforcement officer or agent; other officers or agents; state or federal Crime Labs; the Department of Justice or any state Department of Public Safety (or comparable law enforcement division); or any other government or private

entity in conjunction with the investigation or prosecution of this case, including any raw data created and any reports made interpreting said data;

4. All photographs, tape, digital or other recordings, whether audio or video, that contain any of the underlying events of this case, the moments leading up to or shortly thereafter, or any of the parties involved in this case; and if any such recordings are allegedly unavailable due to malfunctioning equipment or faulty tape/recording media, the Defendant demands that the Government produce repair or replacement orders or other evidence supporting their unavailability;

5. All fingerprint documents and reports related to the crime alleged to have been committed by the Defendant;

6. The names, addresses and telephone numbers of all witnesses to be called by the Government in any hearing or the trial of the Defendant and any other defendants in the above-styled case, as well as the witnesses' current whereabouts;

7. The names, addresses and telephone numbers of all persons not included in item 6 above, who may have some knowledge of any of the facts of the above-styled case, and if names, addresses and/or telephone numbers are unavailable, all information available to the Government which could possibly assist Defendant in locating said person;

8. All booking slips, prisoner intake forms or other processing sheets used to obtain or record information about the Defendant, including any photographs taken of the Defendant;

9. The full names, addresses and telephone numbers of all informers and other persons who gave information used to request search warrants in the above-styled case;

10. The full names, addresses and telephone numbers of all persons who gave information to the Government or Law Enforcement, or any public or private organization working

therewith, relating to the arrest of the Defendant and the charges against her;

11. All reports, statements, document, audio, video or other object used to request a search warrant, or used as a basis for an affidavit for a search warrant;

12. The criminal records, and any list or summary reflecting criminal records of all persons whom the Government intends to call as a witness in the trial of the Defendant;

13. All written and recorded statements, as well as all summaries or memoranda of any oral or written statements made by the Defendant and all other defendants named in the above-styled case;

14. All diagrams, sketches, pictures or other images or documents which have been made by or shown to any witness or prospective witness in the above-styled case;

15. A detailed description of all physical items other than documents and pictures which the prosecutor anticipates using in the trial of the Defendant and the exact place where and under whose custody such items are being held;

16. Any other evidence of any kind or character discovered by, known by or available to the prosecution or any State law enforcement agency or official that might be favorable to the Defendant as to issues of guilt or innocence or punishment.

The Defendant cannot go safely to trial, nor can the Defendant's counsel adequately prepare for trial, without production of this evidence within a reasonable time prior to trial or any pre-trial hearings in this case; in the absence of such production, the Defendant will be denied due process of law.

WHEREFORE, Defendant prays:

(a) That the Government be required to produce for the Defendant said evidence within a reasonable time prior to trial or any pre-trial hearing;

- (b) That the Government's duty to disclose pursuant to this motion be continuing up to and throughout the trial in the above-styled case and all subsequent proceedings therein;
- (c) That a hearing be held on this motion for the Court to conduct an inspection of all such evidence and of the Government's entire file in order for the Court to determine all evidence which may be favorable to the Defendant as to guilt or innocence, punishment or to be useful by Defendant in cross-examining or impeaching any of the Government's witnesses against the Defendant;
- (d) That an exact copy be made of each and every such item not made available to the Defendant, and that same be sealed and included in the record of this case in order to insure proper review of the Court's denial of the Defendant's requests for lawful disclosure.

RESPECTFULLY SUBMITTED this 24th day of January, 2023.

By: /s/ D. Robert Busbee

D. Robert Busbee, Esq.

Georgia Bar No. 186336

Attorney for Defendant Gladys Harun, a/k/a "Gladys Chege"

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CERTIFICATE OF SERVICE

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

RESPECTFULLY SUBMITTED this 24th day of January, 2023.

By: /s/ D. Robert Busbee

D. Robert Busbee, Esq.

Georgia Bar No. 186336

Attorney for Defendant Gladys Harun, a/k/a “Gladys Chege”

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