

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION**

UNITED STATES OF AMERICA	)	3:22-CR-9
	)	
v.	)	
	)	
GLADYS HARUN	)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S PRETRIAL MOTIONS

Now comes the United States of America, by and through David H. Estes, United States Attorney for the Southern District of Georgia, and files the Government's Response to Defendant's Pretrial Motions.

PRELIMINARY STATEMENT

The Government has provided expanded and voluminous discovery in this case. The discovery materials previously provided consist of the following: bank records, agent reports, loan applications, grand jury transcripts, IRS reports, Yahoo search warrant results, checks and deposit tickets, emails, tax records, defendant's criminal history, and court hearing transcripts.

The government is providing additional discovery today, provided via USAfx, that it recently received from the State of Georgia pursuant to an independent investigation the State. While it does not directly relate to this case, out of an abundance of caution, and as there may be Rule of Evidence 404(b) material and/or other impeachment material, the government is providing this additional material. These materials include: medical records of the defendant, a dissertation by the defendant, a 2016 class action lawsuit, court records, agent reports, disability claims,

attorney representation letters, emails, letters from the defendant claiming identity theft, a claim for worker's compensation, and a NIPR report.

Given this production of material, which constitutes the Government's current and complete evidentiary file, the Government submits that its discovery obligations have been fully satisfied. The Government will continue to meet its discovery obligations and will provide Defendant with notice and copies of any additional reports or evidence coming into the Government's possession without delay.

The discovery in this case has been produced to defense counsel on removable hard drives and CDs that counsel has provided to the United States Attorney's Office. If defense counsel has difficulty downloading or locating any particular discovery item, please contact the undersigned Assistant United States Attorney. If defense counsel wishes to view physical evidence in the Government's possession, please contact the undersigned Assistant United States Attorney to make the necessary arrangements.

The Government responds to Defendant's pretrial motions as follows:

I. MOTIONS FOR BRADY AND GIGLIO MATERIAL (Doc. 78)

The Government is aware of its obligation to produce *Brady* and *Giglio* material. The Government has and will continue to provide all materials of an exculpatory or arguably favorable nature, together with all information pertaining to its witnesses of an arguably impeaching nature, as soon as practicable after they are received by the U.S. Attorney's Office, but in any event not later than 7 days prior to

trial. This will include “RAP” sheets for witnesses, plea agreements, promises of leniency, or grants of immunity to any witness, prior bad acts of witnesses to the extent they are known to the Government, prior inconsistent statements, misidentifications, or the like. The Government recognizes its continuing duty to provide such materials as they become available.

The Government’s intention to provide exculpatory, arguably favorable, or impeaching information on an immediate and continuing basis should not be construed so as to relieve Defendants of making particularized demands and showings of materiality and need for specifically identified items. While the Government fully intends a good faith effort to identify and produce materials under its obligation as defined by *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *United States v. Agurs*, 427 U.S. 97 (1976), and their progeny, characterizations of particular items or information as falling within that obligation may differ, and a Defendant may find exculpatory or impeaching use of an item of information in a manner not apparent to or anticipated by the Government. Likewise, nothing herein should be construed to relieve a Defendant of the obligation to acquire on his own matters of public record.

II. MOTIONS FOR NOTICE OF GOVERNMENT’S INTENT TO RELY ON EVIDENCE UNDER FEDERAL RULE OF EVIDENCE 404(b) (Doc. 79)

The Government is aware of and will comply with the requirements of Federal Rule of Evidence 404(b) and Local Rule 16.2. The government previously provided notice of its intent to use Rule 404(b) evidence on August 08, 2022, and October 11,

2022. (Documents 32 and 68). The government recently obtained new evidence that is being provided in discovery. Should there be any additional Rule 404(b) material, the government will file a supplemental notice with the Court.

Respectfully submitted,

DAVID H. ESTES
UNITED STATES ATTORNEY

/s/ L. Alexander Hamner

L. Alexander Hamer
Assistant United States Attorney
IN Bar No. 31996-41

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,

DAVID H. ESTES
UNITED STATES ATTORNEY

/s/ L. Alexander Hamner

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