

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
ROCKINGHAM DIVISION

UNITED STATES OF AMERICA

v.

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No. [REDACTED]

MOTION TO REQUIRE NOTICE OF INTENTION TO  
USE OTHER CRIMES, WRONGS, OR ACTS EVIDENCE

The defendant, [REDACTED] by and through his attorney, Gregory Davis, and pursuant to Rule 12(d)(2), Federal Rules of Criminal Procedure, and Rule 104(a) and (c), Federal Rules of Evidence, moves for an Order requiring the government to give notice of its intention to use at the trial of the instant matter, either in its case in chief, during the cross-examination of a defendant or in its rebuttal case, the following:

1. Evidence of "other crimes, wrongs, or acts" of any defendant, as that phrase is used in Federal Rule of Evidence 404(b).

a. In regard to said notice, the government should identify and describe:

1) The dates, times, places and person involved in said other crimes, wrongs, or acts;

2) The statements of each participant in said other crimes, wrongs or acts;

3) The documents which contain or evidence said other crimes, wrongs or acts, including when the documents were prepared, who prepared the documents, and who has possession of the documents.

2. Evidence of "specific instances of conduct" of any defendant as that phrase is used in Federal Rule of Evidence 608(b):

a. In regard to said notice, the government should identify and describe:

1) The dates, times, places and persons involved in said specific acts of misconduct;

2) The statements of each participant in said specific acts of misconduct;

3) The documents which contain or evidence said specific acts of misconduct, including when the documents were prepared, who prepared the documents, and who has possession of the documents.

Should the government indicate that it intends to offer evidence of the type described above, the defendant objects to the introduction of such evidence and requests a hearing be held, prior to such evidence being offered, to determine its admissibility. This request is being made pursuant to Rules 403 and 404(b) of the Federal Rules of Evidence.

Respectfully submitted this the \_\_\_\_\_ day of October, 1994.

\_\_\_\_\_  
Federal Public Defender

\_\_\_\_\_  
Assistant Federal Public Defender  
North Carolina State Bar \_\_\_\_\_  
Post Office Box 400  
Greensboro, NC 27402  
(910) 333-5455

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon:

KEYBOARD( )

Assistant United States Attorney  
324 West Market Street  
Greensboro, North Carolina 27401

by hand delivery on this the \_\_\_\_\_ day of October, 1994.

\_\_\_\_\_  
Assistant Federal Public Defender  
NCSB # \_\_\_\_\_  
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