

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

UNITED STATES OF AMERICA

v.

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RESPONSE TO DEMAND FOR NOTICE OF ALIBI, AND DEMAND FOR
RECIPROCAL DISCLOSURE OF INFORMATION AND WITNESSES

Introduction

In accordance with Rule 12.1(a) of the Federal Rules of Criminal Procedure, the Defendant, [REDACTED] by and through undersigned counsel, hereby gives notice of his intent to offer a defense of alibi with respect to the charges in the Indictment.

Notice of Alibi and Witnesses

In response to the Government's demand for notice of the specific places the Defendant claims to have been on [REDACTED] [REDACTED] "at the time of the alleged offense," and the names and addresses of the witnesses¹ upon whom he intends to rely to establish his whereabouts, the Defendant states as follows:

1. The Defendant claims that, around noon on [REDACTED]

[REDACTED]
[REDACTED], North Carolina, to

¹ Consistent with the amendments to Rule 12.1 which took effect December 1, 2002, the Defendant will also supply the telephone numbers for those witnesses.

██████████, North Carolina, to visit ██████████. The Defendant further claims that, in early afternoon, prior to reaching ██████████ residence, and following an argument with ██████████, he asked ██████████ to let him out of the car, at or near ██████████, North Carolina, with the intention of finding another way home. The Defendant further claims that he placed a call to ██████████ ██████████ ██████████ ██████████, whom the Defendant believed would be traveling that day from ██████████, North Carolina, to ██████████, North Carolina, and asked ██████████ to pick him up on ██████████. The Defendant further claims that he then waited on ██████████ ██████████ came by in a red Ford Expedition driven by ██████████ and picked him up, and that they then drove only a short distance before they were stopped by the police, and arrested in connection with the bank robbery alleged in the Indictment.

2. The Defendant intends to rely on the following witness to establish his whereabouts at the time of the alleged offense on ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ does not have telephone service at ██████████ residence, but can be reached via ██████████ mother at ██████████. The Defendant may also call ██████████ ██████████ North Carolina. However, undersigned counsel has not yet interviewed ██████████, and does not yet know ██████████ address and telephone number. In accordance with Fed. R. Crim. P. 12.1(c), the Defendant will, as appropriate, supplement this

response with respect to [REDACTED].

Demand for Reciprocal Disclosure of Information and Witnesses

In accordance with Rule 12.1(b) of the Federal Rules of Criminal Procedure, the Defendant here demands notice of "(A) the name, address, and telephone number of each witness the [G]overnment intends to rely on to establish the [D]efendant's presence at the scene of the alleged offense; and (B) each [G]overnment rebuttal witness to the [D]efendant's alibi defense." Fed. R. Crim. P. 12(b)(1).

Respectfully submitted this the 30th day of [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Mr. [REDACTED], Assistant United States Attorney for the Middle District of North Carolina, 101 South Edgeworth Street, Suite 400, Greensboro, North Carolina 27401, by hand-delivering a copy of the same.

This the 30th day of [REDACTED]

[REDACTED]
[REDACTED]

