

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 October 31, 2002, "at the time of the alleged offense," and the names and addresses of the witnesses<sup>1</sup> upon whom he intends to rely to establish his whereabouts, the Defendant states as follows:

1. The Defendant claims that, around noon on October 31, 2002, he, his girlfriend, [REDACTED], and their three-year-old daughter traveled from [REDACTED], to

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<sup>1</sup> 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.

[REDACTED], to visit a friend, [REDACTED]. The Defendant further claims that, in early afternoon, prior to reaching [REDACTED] residence, and following an argument with [REDACTED], he asked her to let him out of the car, at or near [REDACTED], with the intention of finding another way home. The Defendant further claims that he placed a call to [REDACTED] [REDACTED] [REDACTED], whom the Defendant believed would be traveling that day from [REDACTED] [REDACTED] [REDACTED], and asked [REDACTED] to pick him up on [REDACTED]. The Defendant further claims that he then waited on [REDACTED] until [REDACTED] and [REDACTED] came by in a red Ford Expedition driven by [REDACTED] 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 October 31, 2002: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] does not have telephone service at her residence, but can be reached via her mother at [REDACTED]. The Defendant may also call [REDACTED] [REDACTED]. However, undersigned counsel has not yet interviewed [REDACTED], and does not yet know her 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 December, 2002.

[REDACTED]  
Federal Public Defender

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[REDACTED]  
Assistant Federal Public Defender  
Arkansas State Bar No. [REDACTED]  
North Carolina State Bar No. [REDACTED]  
101 S. Elm Street, Suite 210  
Greensboro, NC 27402  
(336) 333-5455

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].

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[REDACTED]  
Assistant Federal Public Defender



