

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

UNITED STATES OF AMERICA

v.

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

COMES NOW THE DEFENDANT, by and through his undersigned counsel, pursuant to Rule 12(b)(4)(B), Federal Rules of Criminal Procedure, and Rule 404(b), Federal Rules of Evidence, and moves the Court for an order requiring the Government to give notice of its intention to use at the trial in this 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 the Defendant, as that phrase is used in Rule 404(b), Federal Rules of Evidence.
 - a. In regard to said notice, the Government must identify and describe:
 - (1) The dates, times, places and persons involved in said other crimes, wrongs or acts;
 - (2) The statements of each participant in the other crimes, wrongs or acts;
 - (3) Documents which contain evidence of the other crimes, wrongs or acts, including information

concerning when the documents were prepared, who prepared the documents and who has possession of the documents.

2. Evidence of "specific instances of conduct" of the Defendant as that phrase is used in Rule 608(b), Federal Rules of Evidence.

a. In regard to said notice, the Government must 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 evidence of 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 that a hearing be held, prior to such evidence being offered, to determine its admissibility. This request is made pursuant to Rules 403 and 404(b), Federal Rules of Evidence.

Respectfully submitted, this the 22nd day of January, 2010.

LOUIS C. ALLEN
Federal Public Defender

/s/ WILLIAM C. INGRAM
First Assistant Federal Public Defender
North Carolina State Bar No. 9884
Attorney for Defendant
301 N. Elm St., Suite 410
Greensboro, NC 27401
Telephone: (336) 333-5455
E-Mail: william_ingram@fd.org

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following:

Paul A. Weinman, AUSA
P. O. Box 1858
Greensboro NC 27402

Respectfully submitted, this the 22nd day of January, 2010.

LOUIS C. ALLEN
Federal Public Defender

/s/ WILLIAM C. INGRAM
First Assistant Federal Public Defender
North Carolina State Bar No. 9884
Attorney for Defendant
301 N. Elm St., Suite 410
Greensboro, NC 27401
Telephone: (336) 333-5455
E-Mail: william_ingram@fd.org

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