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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,

12 v.

13 Janice Sue Taylor,
14 Defendant.

No. CR-10-0400-PHX-MHM
**GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION TO
COMPEL**

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16 The United States, through undersigned counsel, opposes Defendant’s motion to compel
17 production of discovery. She articulates no basis for demanding the additional material, and no
18 reason why the United States must bear the cost of producing it.

19 The United States has already provided expansive discovery to Defendant, beyond what
20 is required by caselaw, statute, or rule. On April 20, 2010, the United States produced 819 pages
21 of discovery, including a copy of the case agent’s summary report, copies of many of the
22 anticipated trial exhibits, a list of likely trial witnesses, and reports of witness interviews. Then,
23 on August 5, 2010, and August 18, 2010, the United States produced discovery numbered 820-
24 3505, which consists primarily of Defendant’s prior written statements and additional potential
25 trial exhibits.

26 The United States also invited Defendant to inspect and copy additional material related
27 to the case. Defendant reviewed the material on September 22, 2010, and requested copies of
28 over 1300 pages of material. As a courtesy, the United States agreed to make copies at its own

1 expense, and, on November 15, 2010, it provided Defendant with discovery numbered 3506-
2 4822.^{1/}

3 Discovery is an ongoing process, and the United States will continue to identify, copy,
4 and produce additional material to fulfill its discovery obligations. Defendant’s blanket demand
5 for a copy of everything the United States possesses, however, has no basis in law. To the extent
6 Defendant believes she is entitled to copies of the material under Rule 16(a)(1)(E)(i) to prepare
7 her defense, “A showing of materiality . . . is ‘not satisfied by a mere conclusory allegation that
8 the requested information is material to the preparation of the defense.’” *United States v. Cadet*,
9 727 F.2d 1453, 1466 (9th Cir. 1984). Here, Defendant does not even identify anything in
10 particular that she needs, much less explain why she needs it.

11 Furthermore, Defendant fails to show why she is entitled to copies of the additional
12 material, even if she had shown that it was discoverable. Federal Rule of Criminal Procedure
13 16(a) permits a defendant “to inspect and to copy or photograph” various objects, but it “does
14 not require the government to copy or otherwise expend government funds in order to supply
15 criminal defendants with their requested material.” *United States v. Freedman*, 688 F.2d 1364,
16 1366 (11th Cir. 1982). “Rule 16 gives the defendants access to the documents so that they may
17 copy the documents should they desire to do so.” *Id.* The Court has the discretion to order the
18 United States to produce copies of material discoverable under Rule 16(a), but a criminal
19 defendant is not entitled to it as a matter of course. *See id.* (holding that trial court abused its
20 discretion in ordering government to produce copies under Rule 16(a)(1)(E) because, among
21 other reasons, documents were voluminous).

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27 ^{1/} At the time, the United States notified Defendant that approximately 50 pages of the
28 November 15, 2010, production were being withheld because they contain third-party tax
information. Undersigned counsel has moved the Court for permission to disclose this
information under a protective order.

1 Accordingly, her motion should be denied.

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3 Respectfully submitted this 19th day of November, 2010.

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6

s/ James Knapp

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9 Certificate of Service

10 I hereby certify that on 11/19/2010, I electronically transmitted the attached document to the
11 Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic
Filing to the following CM/ECF registrants:

12 Susan Anderson

13 In addition, I mailed copies of the attached document to the following:

14 Janice Sue Taylor
3341 Arianna Ct.
15 Gilbert, AZ 85298

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