

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

No. 06-50064-001

HOLLIS WAYNE FINCHER

DEFENDANT

MOTION FOR DISCOVERY

Comes now the defendant, Hollis Wayne Fincher, by and through his attorney, David L. Dunagin, and moves the Court to require the United States to provide the following, in accordance with Rule 16 and 12 of the Federal Rules of Criminal Procedure:

1. The defendant requests the following material and information that is or may come within the possession, control or knowledge of the prosecuting attorney:
 - (a) The names and addresses of persons the prosecuting attorney intends to call as witnesses at any hearing or at trial;
 - (b) Any written or recorded statements and the substance of all oral statements made by the defendant or a co-defendant;
 - (c) Any reports or statements of experts made in connection with this case, including results of scientific tests, experiments or comparisons;
 - (d) Any books, papers, documents, photographs or tangible objects the prosecuting attorney intends to use in any hearing or at trial or that were obtained from or belong to the defendant or co-defendant;
 - (e) Any record of prior criminal convictions of persons the prosecuting attorney intends to call as witnesses at any hearing or at trial, if the prosecuting attorney has such information or it can be readily obtained by him;
 - (f) Whether there has been any electronic surveillance of the defendant's premises or of conversations to which the defendant was a party;

(g) The transcript of any relevant prior testimony, whether before a grand jury or in any other proceedings That may have been held in this case, including, but not limited to, municipal court testimony.

2. The prosecuting attorney should disclose and permit inspection and copying of any relevant material regarding:

(a) Any search and seizure of defendant or a co-defendant;

(b) The acquisition of any statements from the defendant;

(c) Any police reports made in connection with this case that relate to potential testimony of any police officers or other witnesses;

(d) Any physical, documentary, scientific, demonstrative or photographic evidence the United States intends to introduce or use at any hearing or at trial.

3. The prosecuting attorney shall disclose to defense counsel any material or information within his knowledge, possession or control or in the hands of any law enforcement agency that could negate the guilt of the defendant of the offense charged or could reduce the punishment therefore.

4. The prosecuting attorney should disclose the name and address of any informant that led to or assisted in making the arrest in this case.

5. The prosecuting attorney should disclose whether any requests for or offers of immunity, leniency, sentence or charge concessions, or other inducements have been made by or to any co-defendant, potential witness or informant.

The defendant requests this information as soon as possible before trial. The United States should consider this a continuing motion, with all information received by the United States to the date of trial to be furnished to the defendant in compliance with the Rules of Criminal Procedure.

Respectfully submitted,

By: s/s David L. Dunagin
David Dunagin
Attorney for Defendant
PO Box 41
Fort Smith, Arkansas 72902
ABA #84040
(479) 573-0299

CERTIFICATE OF SERVICE

I, David L. Dunagin, Attorney for Defendant, do hereby certify that on November 20, 2006, I electronically filed the foregoing with the Clerk of the court using the CM/ECF System which will sent notification of such filing to the following:

Ms. Wendy Johnson, Assistant U.S. Attorney

s/s David L. Dunagin
David L. Dunagin