

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) | <b>CRIMINAL ACTION NO.</b> |
|                                  | ) |                            |
| <b>Plaintiff,</b>                | ) | <b>3:99-CR-112-G</b>       |
|                                  | ) |                            |
| <b>V.</b>                        | ) |                            |
|                                  | ) |                            |
| <b>XXXX XXXX,</b>                | ) |                            |
|                                  | ) |                            |
| <b>Defendant.</b>                | ) |                            |
| <hr/>                            |   |                            |

**DEFENDANT S REQUEST TO HAVE THE COURT REVIEW THE PRESENTENCE  
REPORTS OF THE GOVERNMENT S WITNESSES IN CAMERA FOR BRADY AND  
GIGLIO MATERIAL**

Defendant XXXX XXXX requests this Court to review, in camera, the presentence reports, (and the addendums to the presentence reports), of the government s witnesses for *Brady* and *Giglio* material. This request is made pursuant to the Fifth Circuit opinion in *United States v. Carreon*, 11 F.3d 1225 (5th Cir. 1994). In this case the Court relied on it previous decision in *United States v. Jackson*, 978 F.2d 903, 908-09 (5th Cir. 1992).

In order to assist this Court in its determination of what might be *Brady* and *Giglio* material in these documents, counsel for XXXX XXXX, specifically requests that the Court look for the following evidence:

1. evidence that the witness used controlled substances during the time period of the alleged conspiracy;
2. evidence that the witness has recently used controlled substances, particularly evidence that the witness violated his conditions of pretrial release by using a controlled substance;
3. evidence that the witness has been untruthful, particularly if it resulted in a denial of the reduction for acceptance of responsibility or an enhancement for obstruction of justice;

4. evidence that the witness suffers from a mental disease or defect;
5. evidence that the witness attempted to minimize his role in the alleged conspiracy in contradiction of the preponderance of the evidence;
6. the entire criminal history as reflected in the presentence report, particularly where the witness is confronted with pending charges, or the possibility of charges being brought;
7. any other indications within the report or the addendum which would tend to show that the witness is unreliable.

Respectfully submitted,

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Attorney for  
XXXX W. XXXX

**CERTIFICATE OF SERVICE**

I, Franklyn Mickelsen, certify that on September 30, 1999, I caused a copy of the above document to be hand delivered to the United States Attorney s Office, 1100 Commerce Street, Third Floor, Dallas, Texas to the attention of Bill McMurrey, the Assistant United States Attorney assigned to this case.

\_\_\_\_\_  
Franklyn Mickelsen

**CERTIFICATE OF CONFERENCE**

I, Franklyn Mickelsen, hereby certify that on September 30, 1999, I conferred with Bill McMurrey, the Assistant United States Attorney assigned to this case, and was unable to reach him.

\_\_\_\_\_  
Franklyn Mickelsen

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|   | ) |                            |
| <b>Plaintiff,</b>                         | ) | <b>3:99-CR-112-G</b>       |
|   | ) |                            |
| <b>V.</b>                                 | ) |                            |
|   | ) |                            |
| <b>XXXX XXXX,</b>                         | ) |                            |
|   | ) |                            |
| <b>Defendant.</b>                         | ) |                            |
| <hr style="width: 45%; margin-left: 0;"/> |   |                            |

**ORDER**

Upon consideration of Defendant s request that the Court review the presentence reports and addendums of the government s witnesses, the said motion is GRANTED. The government is ordered to provide the Court a list of it s witnesses who have had a presentence report made as soon as practicable. The Court will then direct the United States Probation Office to provide the presentence reports and addendums to the Court. The Court will review the presentence reports and addendums for *Brady* and *Giglio* material and forward such information to defense counsel at least twenty-four hours prior to trial.

So ORDERED.

DATED

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**A. JOE FISH**  
**UNITED STATES DISTRICT JUDGE**