

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA,

v.

REALITY LEIGH WINNER,

Defendant.

CASE No. 1:17-CR-34-JRH-BKE

MOTION FOR DISCLOSURE OF ALL 404(B) EVIDENCE

NOW COMES Defendant **Reality Leigh Winner**, by and through his counsel, and hereby moves this Court for an order requiring the Government to disclose to Defendant its intentions with respect to any similar or extrinsic acts relating to evidence, not previously disclosed to Defendant, that the Government anticipates attempting to introduce against him pursuant to the provisions of Rule 404 (b) of the Federal Rules of Evidence. In support of said motion, Defendant shows unto the Court the following:

Rule 404 (b) of the Federal Rules of Evidence generally excludes the evidence of other crimes, wrongs, or acts to show character unless offered for another purpose for another purpose such as proof of motive, opportunity, etc. This “open door” policy, however, may permit the Government to refer to prior crimes, wrongs, or acts to rebut the defense evidence. *U.S. v. Allain*, 671 F.2d 248 (7th Cir. 1982).

The Government’s production of the evidence relating to Rule 404 (b) of the Federal Rules of Evidence prior to the beginning of a trial is within the inherent supervisory power of the Court. It is clear that the production and delivery to the Defendant of this material will promote fair administration of justice by enabling the Defendant to better investigate the truth of any such allegations prior to trial and minimize the risk of surprise to the Defendant. *United States v. Baum*, 482 F.2d 1325 (2d Cir. 1973) and *United States v. Stofsky*, 409 F. Supp. 609 (S.D.N.Y. 1973).

WHEREFORE, Defendant, based upon the foregoing, respectfully request that this Court order the Government to disclose to him that evidence which it attempts to introduce pursuant to Rule 404 (b) of the Federal Rules of Evidence, or alternative, if all such evidence has been produced, to state to the Court that no 404 (b) information exists which has not been provided to the Defendant.

Respectfully submitted this 7th day of June, 2017.

TITUS T. NICHOLS
John C. Bell, Jr.
BELL & BRIGHAM
457 Greene Street
Augusta, GA 30901
706-722-2014 / Fax: 706-722-7552
Titus@BellBrigham.com
John@BellBrigham.com

/s/Titus T. Nichols
Georgia Bar No. 870662

/s/John C. Bell, Jr.
Georgia Bar No. 048600

CERTIFICATE OF SERVICE

I hereby certify that on the date entered above I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all interested persons.

/s/Titus T. Nichols
/s/ John C. Bell, Jr.
Counsel for Defendant
