

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 4-726-Cr-EATON

UNITED STATES OF AMERICA

v.

KENNETH BRYANT

FILED BY [Signature]  
1984 DEC -5 PM 4:27  
D.C.  
ROBERT M. LIPMAN  
ASSISTANT UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

GOVERNMENT RESPONSE TO STANDING DISCOVERY ORDER

Pursuant to the Standing Discovery Order issued in the above-captioned case, the following is attached hereto: Discovery Letter No. 1

Respectfully submitted,

STANLEY MARCUS  
UNITED STATES ATTORNEY

BY: [Signature] FOR  
ROBERT M. LIPMAN  
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this response was mailed this 5th day of December, 1984, to persons listed on the attached letter.

[Signature] FOR  
ROBERT M. LIPMAN  
ASSISTANT UNITED STATES ATTORNEY

REGISTERED DOCKETING	12/6	SEARCHED	12/6	INDEXED	HL
* 6		TO STARS		COMPLETED BY	



United States Attorney  
Southern District of Florida

RML: mm

155 South Miami Avenue, Suite 700  
Miami, Florida 33130

Federal Public Defender  
301 North Miami Avenue  
Room 321  
Miami, FL 33128

Re: United States v. Kenneth Bryant  
Case No. 84-726-Cr-EATON

Dear Counsel:

This is Discovery Letter No. 1 in this matter.

This letter is in response to the Standing Discovery Order issued in this case and is numbered to correspond to that Order.

A. 1. At the present, the government is aware of the following written or recorded statements made by defendant:

(a) Tape recording: Bryant speaking over City of Miami Police frequency (on Sept. 17, 1984);

(b) Tape recording: Bryant speaking over telephone to Detective Austin of the City of Miami Police Dept. (on Sept. 17, 1984).

2. At the present, the government is aware of oral statements made by defendant before or after arrest to a then known to be government agent [in response to interrogation] which the government may choose to offer in evidence at trial:

Defendant's statements as reflected in the following documents (attached hereto):

(1) 5009 to 5010 (June 20, 1984 interview);

(2) 5066 to 5068 (defendant's statements (not necessarily made in response to interrogation) as reflected in complaint/affidavit for warrant);

- (3) 5075 to 5076 (defendant's statements (not necessarily made in response to interrogation) as reflected in the affidavit for search warrant);
- (4) 5081 to 5082 (defendant's statements incident to his arrest).

The Government will also introduce the substance of statements made by defendant to then known to be law enforcement personnel, but which the Government contends were not made in response to "interrogation" as that term is used in the Standing Discovery Order (and, therefore, are not required to be disclosed pre-trial). If the defendant contends such statements were made in response to "interrogation" or otherwise seeks pre-trial disclosure of these statements, upon the filing of an appropriate defense motion, the Government will be prepared to comply with any judicial request that the Government submit them to the Court for in camera review under seal to determine whether they must be disclosed pre-trial. These documents reflecting the substance of such defendant's statements are as follows:

- (5) Doc. Nos. 5057 to 5060 (concerning statements over FBI radio);
  - (6) Doc. Nos. 5061 to 5062 (concerning statements to Secret Service employee John Allen);
  - (7) Doc. Nos. 5039 to 5040 (concerning statements to Detective Osmond Austin);
  - (8) Doc. Nos. 5042 to 5043 (concerning statements to Secret Service Agent Race);
  - (9) Doc. Nos. 5005 to 5006 (concerning statements to FIU Police Officer Bustamonte);
  - (10) Doc. Nos. 5090 to 5091 (concerning statements to Florida State Investigator Edward Wallace);
  - (11) Doc. No. 5096 (concerning statements to DEA Special Agent Kenneth Goodman).
3. At the present, the government is not aware of any grand jury testimony by defendant relating to the offenses charged.

4. The arrest and conviction record of defendant, if any, will be made available to defense counsel upon receipt by this office.
5. Books, papers, documents, etc., which the government may choose to use as evidence at trial to prove its case in chief, or which were obtained from or belong to defendant, include:
  - (a) Tapes referred to in item A above; and transcripts thereof;
  - (b) Doc. Nos. 5020 to 5023 (application for investigator's license) (attached hereto);
  - (c) Doc. Nos. 5033 to 5037 (tape transcripts) (attached hereto);
  - (d) Doc. Nos. 5001 to 5003 (letter to Ernest Neal) (attached hereto);
  - (e) Document seized by the FBI from defendant's residence pursuant to search warrant (available for inspection);
  - (f) Certificate (to be obtained) reflecting that the FCC did not issue any license to Bryant or anyone in his household;
  - (g) Evidence of Bryant's home phone no.;
  - (h) Photos taken during execution of search warrant (available for inspection);
  - (i) See documents reflecting items seized pursuant to search warrant (Doc. Nos. 5078 and 5079, attached hereto);
  - (j) Radio frequency list (Doc. No. 5099) (attached hereto).

Books, papers, documents, etc., which the government may choose to use as evidence at trial to prove its case in chief, or which were obtained from or belong to defendant, may be inspected or copied.

To inspect or copy these items, please make an appointment with me. My telephone number is set forth below.

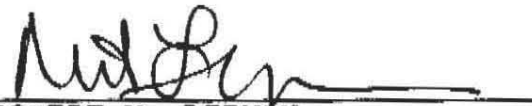
6. The results and reports of any physical or mental examination or scientific experiment or test (including laboratory analysis of any substance) made in connection with this case, will be made available to you upon receipt by this office.
- B. The United States requests the disclosure and production of both the material and information described in Rules 12.2 and 16(b) of the Federal Rules of Criminal Procedure and the material and information described in items 1, 2 and 3 of Section B of the Standing Discovery Order.
- [As further specified in the Standing Discovery Order and the Federal Rules of Criminal Procedure, the disclosure required of the defense includes defense (in chief) exhibits, results of certain examinations (mental and physical) and experiments and tests, and written notice of intention to rely on a defense involving insanity or expert testimony of mental disease, defect, or other condition bearing on mental state. Please refer to the Rules of Criminal Procedure directly because such rules, particularly Rule 16(b), require greater disclosure by a defendant than that required by the Standing Discovery Order.]
- C. At the present, the government is unaware of any information or material which may be favorable on the issues of guilt or punishment within the scope of Brady and Agurs. However, a psychiatric examination of defendant should be undertaken.
- D. At the present, the government is unaware of any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective government witnesses, within the scope of Giglio or Napue.
- E. At the present, the government is unaware of any alleged informant -- with a record of prior conviction -- who will testify for the government at trial. [If this situation changes, or should we hereafter learn of a conviction required to be disclosed, the appropriate conviction record will be made available to defense counsel].
- F. Based on present information, with respect to each defendant, the Government states: the defendant was not identified in any line-up, show-up, photo-spread or similar identification proceeding. [Should this change, the Government will advise counsel for the relevant defendant(s) and produce any pictures utilized or resulting from such procedure].

- G. The Government has taken steps to advise its agents and officers involved in this case to preserve all rough notes.
- H. Except as noted in the documents and evidence referred to above (or made available for defense inspection), the Government does not presently intend to introduce, during its case in chief, evidence pursuant to Rule 404(b), Federal Rules of Evidence. [If this situation changes, the Government will provide the required notice].
- I. Except as noted, according to the information presently known, no defendant in this matter is an aggrieved person, as defined in Title 18, United States Code §2510(11), of any electronic surveillance. [If the situation is determined to be otherwise, the Government will set forth in detail the circumstances of such surveillance].
- J. The Government has ordered transcribed the grand jury testimony of all witnesses who will testify for the government at the trial of this cause.
- M. The Government will provide the defense, for independent expert examination, copies of any latent fingerprints or palm prints which have been identified by a government expert as those of the defendant. At the present there are none.

The government is aware of its continuing duty to disclose such newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, Brady, Giglio, Napue, and the obligation to assure a fair trial.

Sincerely yours,

STANLEY MARCUS  
UNITED STATES ATTORNEY

By:   
ROBERT M. LIPMAN  
ASSISTANT UNITED STATES ATTORNEY  
Room 700, 155 South Miami Avenue  
Miami, Florida 33130-1693  
Telephone: (305) 350-6821

Attachments

cc: Clerk of the Court  
(without enclosures)