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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,
 Plaintiff,
 v.
 MART ELLIOTT MCADAMS,
 Defendant.

Case No.: CR07-0340-TUC-JMR(CRP)
 DEFENDANT'S NOTICE OF
 ANTICIPATED PRETRIAL MOTIONS

It is expected that excludable delay under Title 18, U.S.C § 3161(h)(1)(F) may occur as a result of this motion or from an order based thereon.

Defendant, by and through counsel undersigned, submits the following list of motions:

A. GRAND JURY/INDICTMENT

1. **Motion to Inspect Grand Jury Records.** United States v. Bennett, 445 F.2d 628 (9th Cir. 1971) cert. denied, 404 U.S. 1023 (1972).
2. **Motion for Production of Grand Jury Transcripts.** Rule 6(e)(3)(C)(i) and (ii), 12(i), 16(a)(1)(A), and 26.2(a) and (b) of the Federal Rules of Criminal Procedure; Pittsburgh Plate Co. v. United States, 360 U.S. 395, 400 (1959); United States v. Bennett, 702 F.2d 833 (9th Cir.1983).

1 3. **Motion for Bill Particulars.** Sixth Amendment, United States Constitution;
2 Rule 7(f), Federal Rules of Criminal Procedure.

3 4. **Motion to Dismiss Indictment or Information as Insufficient.** Sixth
4 Amendment, United States Constitution.

5 **B. DISCOVERY**

6 1. **Motion for Discovery Pursuant to Brady v. Maryland.** Brady v. Maryland
7 373 U.S. 83, 83 S.Ct. 1194 (1963); Kyles v. Whitley, 115 S.Ct. 1555 (1995).

8 2. **Motion for Discovery of Documents and Tangible Objects.** Rule 16(a)(1)(C),
9 Federal Rules of Criminal Procedure.

10 3. **Motion for Discovery Pursuant to Jencks Act.** Rule 12(i), 16(a)(1)(A), and
11 26.2, Federal Rules of Criminal Procedure; 18 U.S.C §3500.

12 4. **Motion for Disclosure of Rule 404(b) Material and for Notice to specifically
13 identify each alleged prior act by time, place, date, witnesses, and any other
14 relevant information.** Rule 404(b), Federal Rules of Evidence

15 5. **Motion for Preservation and Production of Rough Notes.** 16(a)(1)(C),
16 Federal Rules of Criminal Procedure United States v. Harris, 543 F.2d 1247 (9th
17 Cir. 1976).

18 6. **Motion for Review of Internal Records of Law Enforcement Agents.** United
19 States v. Henthorn, 931 F.2d 20 (9th Cir.1991).

20 7. **Motion to Disclose Name of Expert Witness, their expert qualifications, and
21 a written summary of their opinions and reasons therefor.** Rule 16(a)(1)(e),
22 Federal Rules of Criminal Procedure.

23 8. **Motion for Disclosure of Guideline Sentencing Information.** Rule 16,
24 Federal Rules of Criminal Procedure.

25 9. **Motion to Disclose Statements of Alleged Co-conspirators (if applicable).**
26 Rule 801(d)(2)(E), Federal Rules of Evidence; Rule 16, Federal Rules of
27 Criminal Procedure.

28 10. **Motion to Reveal the Identity and Whereabouts of the Confidential**

1 **Informant(s) and Background Information (if applicable).** Rovario v.
2 United States, 353 U.S. 53 (1957); United States v. Ordonez, 737 F.2d 793 (9th
3 Cir. 1984); Lopez-Hernandez v. United States, 394 F.2d. 820 (9th Cir., 1968).

4 11. **Motion for Discovery of Reports of Examinations and Test.** Rule
5 16(a)(1)(D), Federal Rules of Criminal Procedure.

6 12. **Motion for Discovery of Summaries of Expert Witness' Testimony,**
7 **including Opinions, Bases and Reasons Therefor, and Witness'**
8 **Qualifications.** Rule 16(a)(1)(E), Federal Rule of Criminal Procedure.

9 13. **Motion to Exclude Bad Acts Or Convictions.** Huddleston v. United States,
10 108 S.Ct. 1496 (1988).

11 14. **Motion for Disclosure of Material Evidence, Impeachment Evidence and**
12 **Exculpatory Evidence, as to Guilt or Sentencing.** Brady v. Maryland, 373
13 U.S. 83 (1963); USA v. Bagley, 473 U.S. 667 (1986); Pennsylvania v. Ritchie,
14 480 U.S. 39 (1987); Giglio v. USA, 405 U.S. 150 (1972); Napue v. Illinois, 360
15 U.S. 264 (1959); USA v. Kennedy, 890 F.2d. 1056 (9th Cir., 1989).

16 15. **Motion for Production of Personnel Files of Testifying Officers.** USA v.
17 Cadet, 727, F.2d. 1453 (9th Cir., 1988).

18 16. **Motion for Production of Pre-Sentence Report of Government Witness.**
19 United States v. Alvarez-Lopez, 559 F.2s. 1155 (9th Cir. 1977); United States v.
20 Strifler, 851 F.2d. 1197 (9th Cir. 1988).

21 **C. SUPPRESSION OF EVIDENCE**

22 1. **Motion to Suppress Evidence Based on Lack of Reasonable Suspicion to**
23 **Stop.** Fourth Amendment, United States Constitution; O'Connor v. Ortega, 480
24 U.S. 709 (1987).

25 2. **Motion to Suppress Evidence Obtained as a Result of an Improper Arrest**
26 **(Lack of warrant, lack of probable cause, exigent circumstances, hot**
27 **pursuit, or plain view – if applicable).** Fourth Amendment, United States
28 Constitution; United States v. Ricardo D., 912 F.2d 337, 342 (9th Cir. 1990).

3. **Motion to Suppress Evidence (Illegal Search and Seizure) and the Fruits**

1 **Thereof.** Fourth Amendment, United States Constitution; United States v.
2 Pollock, 726 F.2d 1456 (9th Cir 1984); United States v. Robertson, 606 F.2d
3 853 (9th Cir. 1979). United States v. Broadhurst, 805 F.2d 849 (9th Cir. 1986);
4 United States v. Perkins, 166 F.S.2d 1125 (W.D. Texas 2001).

- 5 4. **Motion to Suppress Evidence Seized After an Unlawful Search Without a**
6 **Warrant and Lack of Consent.** Fourth Amendment United States Constitution;
7 Bumper v. North Carolina, 391 U.S. 543, 548 (1968).

8 **D. SUPPRESSION OF STATEMENTS**

- 9 1. **Motion to Suppress Statements for Lack of Voluntariness.** Fifth Amendment,
10 United States Constitution; 18 U.S.C. §3501; Oregon v. Elstad, 437 U.S. 298
11 (1985); Mincey v. Arizona, 437 U.S. 385 (1978); United States v. Wolf, 813
12 F.2d 970, 974 (9th Cir. 1987).
13 2. **Motion to Suppress Statements Under Miranda v. Arizona.** Fifth
14 Amendment, United States Constitution; Miranda v. Arizona, 384 U.S. 436
15 (1966); Edwards v. Arizona, 451 U.S. 477 (1981); Arizona v. Robertson, 486
16 U.S. 675 (1988); Minnick v. Mississippi, 111 S.Ct. 486 (1990); United States v.
17 Beraun-Panez, 812 F.2d 578 (9th Cir. 1987).
18 3. **Motion to Preclude Evidence and Testimony** of witnesses due to police
19 misconduct.
20 4. **Motion to Suppress Statements Taken in Violation of Defendant's Sixth**
21 **Amendment Right to Counsel.**
22 5. **Motion to Dismiss for Lack of Probable Cause.** Albright v. Oliver, 114 S.Ct.
23 807 (1994).

24 **E. SEVERANCE/JOINDER**

- 25 1. **Motion to Sever Defendants.** Rule 14, Federal Rules of Criminal Procedure;
26 Burton v. United States, 391 U.S. 123, 8 S.Ct. 1620 (1968); Cruz v. New York,
27 481 U.S. 186, 107 S.Ct. 2078 (1987); United States v. Vaccaro, 816 F.2d 443
28 (9th Cir., 1987).
2. **Motion to Sever Counts.** United States v. Bronco, 597 F.2d. 1300 (9th Cir.
1987); United States v. Armstrong, 621 F.2d 951 (9th Cir. 1980).

1 **F. DISMISSAL**

- 2 1. **Motion to Dismiss for Prosecutorial Misconduct (if applicable).** United
3 States v. Basurto, 497 F.2d 781 (9th Cir. 1974).
- 4 2. **Motion to Dismiss for Loss of Testimonial Evidence (if applicable).** United
5 States v. Valenzuela-Bernal, 458, U.S. 858 (1982).
- 6 3. **Motion to Dismiss for Lack of Probable Cause.** United States Constitution.
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- 8 4. **Objections to Grand Jury/Grand Juror(s) and Motion to Dismiss therefore.**
9 Rule 6(b), Federal Rules of Criminal Procedure.
- 10 5. **Motion to Dismiss for Police Misconduct.**
- 11 6. **Motion to Dismiss Indictment or Information as Insufficient.** Sixth
12 Amendment, United States Constitution.

13 **G. MISCELLANEOUS**

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- 15 1. **Motion to Preclude Evidence of Other Bad Acts.** Rule 404(b), Federal Rules
16 of Evidence.
- 17 2. **Motion to Admit Other Acts of Witness.** Rule 404(b), Federal Rules of
18 Evidence.
- 19 3. **Motion to Determine Admissibility of Alleged Co-Conspirator's Statements.**
20 Rules 104(a) and 801(d)(2)(E), Federal Rules of Evidence.
- 21 4. **Motion to Preserve Evidence.** United States v. Griffin, 659 F.2d 932 (9th Cir.
22 1981), cert.denied, 456 U.S. 949 (1982).
- 23 5. **Motion to Produce for Inspection and Re-Weighing of Alleged Marijuana**
24 **(if applicable).**
- 25 6. **Motion for Appointment of Expert Witnesses.** 18 U.S.C. §3006(A)(e)(1) and
26 United States v. Fields, 722 F.2d. 549 (9th Cir. 198).
- 27 7. **Motion to Appoint Investigator and/or Paralegal.** 18 U.S.C.
28 §3006(A)(e)(1); Sixth and Fourteenth Amendments to United States
 Constitution.

