

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
 §
 §
V. § **CRIMINAL NO. 06-296**
 §
PRINCE ARTMAN LATOYA §

**MOTION TO DISCOVER
EXCULPATORY EVIDENCE WITH
MEMORANDUM IN SUPPORT**

TO THE HONORABLE JUDGE WERLEIN:

PRINCE ARTMAN LATOYA, Defendant, requests that this Court instruct the Assistant United States Attorney to reveal all exculpatory evidence or evidence which might mitigate punishment in this cause. Further, Defendant would ask the Court to require the United States Attorney or his assistant to thoroughly question all law enforcement agents who participated in the investigation and preparation of this case to determine if there exists any exculpatory or mitigating evidence

The Defendant would assert that he has the right to discover exculpatory evidence and evidence in mitigation by virtue of his rights to effective assistance of counsel, to cross-examine, due process and equal

protection. United States Constitution Amendments V, VI, and XIV Section 2. This right would include the right to discover all notes or statements acquired or prepared by the Government in this case which contain or would lead to exculpatory evidence.

Defendant requests that this Motion be granted.

Respectfully submitted,

_____/s/_____

JAMES R. ALSTON
Attorney for Defendant
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CERTIFICATE OF CONFERENCE

Counsel and Assistant United States Attorney Jay Hileman have briefly conferred and have agreed all attempts will be made to resolve motions without necessitating the intervention of the court. The Government does not object to the extent the motion seeks information discoverable under the Constitution and Federal Rules of Criminal Procedure, but reserves the right to object to requests that go beyond those requirements.

_____/s/_____
James R. Alston

CERTIFICATE OF SERVICE

I, James R. Alston, hereby certify that a true and correct copy of the foregoing instrument was delivered to the Assistant U.S. Attorney in this matter at the United State’s Attorney’s Office, P.O. Box 61129, Houston, Texas 77028 on December 15, 2006.

_____/s/_____
James R. Alston

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V.

CRIMINAL NO. 06-296

PRINCE ARTMAN LATOYA

ORDER

Defendant's Motion to Discover Exculpatory Evidence is:

GRANTED _____.

DENIED _____.

SIGNED on _____, 2006.

EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE