

From: Axelrod, Matthew (ODAG)
To: Burton, Faith (SMO); Gaston, Molly (SMO)
Sent: 3/31/2011 9:08:04 PM
Subject: FW: Fast and Furious Discovery Request: [ATF] 2:11-CR-00126-PHX-JAT-19

Here's the filing from Arizona.

[DP]

From: Cunningham, Patrick (USAAZ)
Sent: Thursday, March 31, 2011 4:33 PM
To: Axelrod, Matthew (ODAG)
Cc: Hurley, Emory (USAAZ); Morrissey, Mike (USAAZ); Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Kelly, Kristen (USAAZ) 6
Subject: Fast and Furious Discovery Request: [ATF] 2:11-CR-00126-PHX-JAT-19

Matt:

[DP]

[DP]

[ATF]

[DP]

[ATF]

[ATF]

[ATF]

Thanks! PJC

From: Hurley, Emory (USAAZ)
Sent: Thursday, March 31, 2011 1:25 PM
To: Cunningham, Patrick (USAAZ)
Subject: FW: [ATF] 2:11-CR-00126-PHX-JAT-19

See [DP]

From: [ATF]
Sent: Monday, February 07, 2011 11:51 AM
To: Hurley, Emory (USAAZ)
Subject: [ATF] 2:11-CR-00126-PHX-JAT-19

Please be advised that I have received no disclosure in this case. Pursuant to Rule 16(a), please accept this as a Defense request for the following:

1A: Please disclose the substance of any relevant oral statement by Defendant.

1B: Please disclose and make available any written or recorded statement by Defendant.

1D: Please furnish a copy of Defendant's prior criminal record.

1E: Please disclose and make available items the government intends to use in its case-in-chief or which were obtained from or belong to Defendant or which are material to preparing the defense. Please be advised that the defense is entrapment by estoppel by personnel at [ATF]

[ATF] or alternatively entrapment by estoppel simply on the basis that [ATF]. Specifically, it is alleged that personnel at [ATF] that he did not need any sort of license in order to purchase firearms intended for eventual resale, and that the meaning of form 4473 is such that [ATF] answers were truthful even if he intended to resell the firearms he was purchasing. Thus, information relevant to the defense includes:

- a. any Government training of [ATF] personnel regarding entrapment;
- b. any Government monitoring [ATF] personnel regarding entrapment;

- c. any Government communications or training with **ATF** personnel regarding how to answer customer inquiries concerning licensing requirements or form 4473;
- d. any knowledge the Government has regarding inaccurate advice given to anyone by **ATF** and/or J&G personnel on the subject of licensing or form 4473;
- e. the terms under which **ATF** or their personnel were cooperating with the Government, particularly what benefits were promised to **ATF** or their personnel, and what was necessary in order to earn such benefits.

1F: Please disclose and make available any examinations and tests.

1G: Please furnish a written summary of any expert witness testimony.

The Defense also requests disclosure pursuant to Rule 404(b).

The Defense also requests disclosure pursuant to Brady.

Sincerely,

ATF
phone: **ATF**
fax: **ATF**
cell: **ATF**

Sincerely,

ATF
ATF
phone: **ATF**
fax: **ATF**
cell: **ATF**