

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

EDWARD LEWIS BROWN, and
ELAINE A. BROWN,

Defendants.

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Criminal No.: 06-071-SM

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S NOTICE AND MOTION
FOR WITNESSES’ JENCKS ACT STATEMENTS IN ADVANCE OF TRIAL
(DOC. NO. 93)**

The United States, by and through its undersigned attorney, hereby opposes the defendants’ Motion for Disclosure of Witnesses’ Jencks Act Statements in Advance of Trial. (Doc. No. 93). In support of its opposition, the government states as follows:

1. With the exception of the transcripts of certain non-witnesses which contain no exculpatory information, the government has provided open file discovery to the defendants.
2. Accordingly, the defendants already have all witness statements to which they are entitled under the Jencks Act.
3. There is no basis for the defendants’ request that they be allowed the opportunity to interview each of the government’s prospective witnesses before trial. In any event, the government’s Jencks Act disclosures and other discovery materials contain identifying information sufficient to allow the defendants to locate the governments’ prospective witnesses and thus the defendants already have had an opportunity to obtain pre-trial interviews from those witnesses.

For the above-mentioned reasons, the United States respectfully requests that the defendants' motion be denied.

Dated: January 7, 2006

Respectfully submitted,

THOMAS P. COLANTUONO
United States Attorney

By: /s/William E. Morse
William E. Morse
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Certificate of Service

I hereby certify that a copy of the foregoing was forwarded this date by overnight delivery to Elaine Brown and Edward Brown, defendants, 401 Center of Town Road, Plainfield, New Hampshire 03781.

/s/William E. Morse