

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
No. 08-CR-364 (RHK/AJB)

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS JOSEPH PETTERS,

Defendant.

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**DEFENDANT’S MOTION  
FOR DISCLOSURE OF  
RULE 404(b) EVIDENCE**

Defendant Thomas Joseph Petters, by and through his undersigned attorneys, hereby moves the Court for an order directing the Government to disclose any evidence of other crimes, wrongs, bad acts, or similar course of conduct which it intends to offer at trial.

This motion is based upon Fed. R. Evid. 404(b), which provides in relevant part: “upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial . . . of the general nature of any such evidence it intends to introduce at trial.” The undersigned also relies on the Declaration of C. Tom Fisher, filed separately.

This District regularly issues orders requiring the Government to disclose proposed Rule 404(b) evidence well in advance of trial. E.g., United States v. Crown, No. 07-CR-431, 2008 WL 783405 at \*2 (D. Minn. Mar. 24, 2008); United States v. Rodriguez, No. 07-CR-288, 2007 WL 3312310 at \*2 (D. Minn. Nov. 6,

2007); United States v. Jorgensen, No. 04-CR-169, 2004 WL 1630789 at \*2 (D. Minn. July 19, 2004).

In this complex and document-intensive case, it is crucial that all relevant disclosures be made well in advance of trial. [Fisher Decl., passim.] Accordingly, the defense requests that the Government be compelled to make its disclosures at least sixty days prior to trial.

Dated: February 25, 2009

**s/ Jon M. Hopeman**

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