

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS JOSEPH PETTERS,

Defendant.

**DEFENDANT'S MOTION FOR
DISCLOSURE OF INFORMATION
REGARDING STATUS OF
INFORMANTS, COOPERATING
WITNESSES, AND/OR ALLEGED
CO-CONSPIRATORS IN
WITNESS SECURITY PROGRAM**

Defendant Thomas Joseph Petters, by and through his undersigned attorneys, hereby moves the Court for an order compelling the Government to disclose whether any informant, cooperating witness, and/or alleged co-conspirator is or has been enrolled in the DOJ's Witness Security Program ("WITSEC"). We speak of Larry Reynolds, and possibly others.

This motion is based upon Rule 16, Federal Rules of Criminal Procedure, the United States Constitution, Brady v. Maryland, 375 U.S. 83 (1963) and its progeny. The defense further bases this motion on the following:

1. The DOJ administers the WITSEC program for the protection of certain cooperating witnesses and Government informants. Under the WITSEC program, cooperating witnesses and informants receive certain Government benefits in exchange for testimony. See U.S. Attorneys Manual § 9-21.000 et seq.

2. The Government monitors enrollees in the WITSEC program, and also restricts their activities. See id.

3. The defense has reason to believe that certain Government cooperating witnesses, informants, and/or alleged co-conspirators in this case are enrolled in the WITSEC program. That information must be disclosed so that the defense may use the information for impeachment purposes, and also to find and develop evidence to assist Mr. Petters' defense.

Dated: February 25, 2009

s/ Jon M. Hopeman

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