

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CRIM. NO. 15-CR-49(MJD/FLN)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DEFENDANTS' JOINT MOTION
FOR DISCLOSURE OF
RULE 404(b) EVIDENCE**

HAMZA NAJ AHMED (1),
ADNAN ABDIHAMID FARAH (3),
ABDURAHMAN YASIN DAUD (4),
ZACHARIA YUSUF ABDURAHMAN (5),
HANAD MUSTOFE MUSSE (6),
GULED ALI OMAR (7),

Defendants.

Defendants Hamza Naj Ahmed, Adnan Abdihamid Farah, Abdurahman Yasin Daud, Zacharia Yusuf Abdurahman, Hanad Mustofe Musse and Guled Ali Omar, by and through their undersigned counsel, hereby move the Court for an order directing the Government to immediately disclose any “bad act” or “similar course of conduct” evidence it intends to offer at trial pursuant to Rule 404 of the Federal Rules of Evidence and further directing the Government to identify the witnesses through whom such evidence will be presented at trial.

This motion is based on the indictment, the file and record in the above-entitled action, any and all other matters which may be presented prior to or at the time of the hearing of said motion, which is hereby requested, and on 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.”

This District regularly issues orders requiring the Government to disclose proposed Rule 404(b) evidence well in advance of trial. *See, 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).

Because of the nature of the charges and potential penalties thereto, as well as the defendants’ current states of confinement, it is crucial that all relevant disclosures be made well in advance of trial.

WHEREFORE, the defendants’ request that the Government be compelled to make its disclosures at least sixty days prior to trial.

Respectfully submitted,

Dated: August 6, 2015

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