

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

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' JOINT MOTION FOR
NOTICE OF GOVERNMENT'S
INTENT TO USE RESIDUAL
HEARSAY EXCEPTION UNDER
RULE 807**

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 to order the Government to provide adequate notice of its intent to offer any statement, not specifically covered by the hearsay exceptions set forth in Rules 803 and 804, but having equivalent circumstantial guarantees of trustworthiness, and to provide notice of the particulars of the statement, including the name and address of the declarant.

As a prerequisite for admitting a statement under Rule 807, a proponent is required to do the following:

[A] statement may not be admitted under this exception unless the proponent of it makes known to the adverse party

sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant.

Fed. R. Evid. 807.

By this motion, the defense puts the Government on notice that it seeks advance notice of any such statements, and the defense requests that this Court require the Government to provide at least thirty (30) days pretrial notice of any such evidence, including the name and address of the declarant. *United States v. Musal*, 421 F.Supp.2d 1153, 1161 (S.D. Iowa 2006). The defense would need adequate notice of the testimony and the name and address of the claimed declarant in order to investigate the statement and declarant and marshal evidence to challenge it, as permitted by Fed.R.Evid. 806.

WHEREFORE, the defendants' respectfully request the Court grant their motion.

Respectfully submitted,

Dated: August 6, 2015

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