

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DEFENDANTS' JOINT
MOTION TO COMPEL
DISCLOSURE OF EVIDENCE
FAVORABLE TO DEFENDANT**

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 compelling disclosure of evidence favorable to the defendant, pursuant to the authority of *Brady v. Maryland*, 373 U.S. 83 (1963); *Miller v. Pate*, 386 U.S. 1 (1967); *Giles v. Maryland*, 386 U.S. 66 (1967); *Moore v. Illinois*, 408 U.S. 786 (1972); *Giglio v. United States*, 405 U.S. 150 (1972), and the United States Constitution. Such evidence should include information in the possession of the prosecution or any of its agents, or other evidence the existence of which is known, or by the exercise of due diligence may become known to the prosecution, which: (1) may be favorable to these defendants, (2) could reasonably weaken or affect any evidence that may be introduced against these defendants, (3) is

otherwise relevant to the subject matter of this case and may in any manner aid any of the defendants in the investigation or preparation of their case for trial or sentencing.

Defendants moves that this Order direct the prosecution to review the files of all agencies involved in the case to determine whether any additional exculpatory material exists and to disclose such material to the defense, and that it further direct all law enforcement agencies involved in any way with this case and its underlying investigation disclose all exculpatory materials.

Defendants further move that this disclosure is to be made without regard to whether the evidence may be admissible and that it shall include, but not be limited to, the following:

1. Any identification of persons other than the defendants by eyewitnesses to the crime.
2. Any failure to identify any of the defendants by any eyewitnesses to the crime.
3. Any statements of witnesses whether indicted or not, exculpating any of the defendants.
4. Any statements of witnesses, whether indicted or not, which contradict statements of other witnesses.
5. Any reports of interviews relating to Nos. 3 and 4.
6. Any fingerprints, handwriting or other scientific evidence which was not identified with any of these defendants.
7. Any items seized from parties not charged which tend to identify them rather than the defendants with commission of the crime.
8. Any prior convictions of prospective government witnesses.

9. Any offers or promises made to prospective government witnesses to induce their cooperation against these defendants whether or not the government intends to call those persons as witnesses.
10. Any photographs used by the government agents in their investigation to identify any of these defendants.
11. All pieces of identification bearing any of defendants' names in combinations different than that appearing on the caption of the indictment.
12. Permission of the defendants to inspect and copy the results of any physical or mental examinations or scientific tests or experiments, including but not limited to fingerprint, blood, tissue, fluid or chemical analyses.

WHEREFORE, the defendants respectfully request an Order granting this motion.

Respectfully submitted,

Dated: August 6, 2015

GASKINS, BENNETT, BIRRELL, SCHUPP,
LLP

By: s/Andrew S. Birrell

Andrew S. Birrell, #133760

Paul C. Dworak, # 391070

Ian S. Birrell, #0396379

333 South Seventh Street, Suite 3000

Minneapolis, Minnesota 55402

Telephone: (612) 333-9500

Facsimile: (612) 333-9579

abirrell@gaskinsbennett.com

pdworak@gaskinsbennett.com

**ATTORNEYS FOR HANAD MUSTOFE
MUSSE**

Dated: August 6, 2015

MURRAY LAW, LLC

By: s/JaneAnne Murray

JaneAnne Murray, #384887

The Flour Exchange Building

310 Fourth Avenue South, Suite 5010

Minneapolis, Minnesota 55415

Telephone: (612) 339-5160

jm@mlawllc.com

ATTORNEY FOR HAMZA NAJ AHMED

Dated: August 6, 2015

PAUL ENGH LAW OFFICE

By: s/Paul C. Engh

Paul C. Engh, #134685
220 South Sixth Street, Suite 1225
Minneapolis, Minnesota 55402
Telephone: (612) 252-1100
engh4@aol.com

**ATTORNEY FOR ADNAN ABDIHAMID
FARAH**

Dated: August 6, 2015

DELEON & NESTOR, LLC

By: s/Bruce D. Nestor

Bruce D. Nestor, #0318024
3547 Cedar Avenue South
Minneapolis, Minnesota 55407
Telephone: (612) 659-9019
Facsimile: (612) 436-3664
nestor@dnestlaw.com

**ATTORNEY FOR ABDURAHMAN YASIN
DAUD**

Dated: August 6, 2015

FELHABER LARSON

By: s/Jon M. Hopeman
Jon M. Hopeman, #47065
Marnie E. Fearon, #305078
220 South Sixth Street, Suite 2200
Minneapolis, Minnesota 55402
Telephone: (612) 339-6321
Facsimile: (612) 338-0535
jhopeman@felhaber.com
mfearon@felhaber.com

**ATTORNEYS FOR ZACHARIA YUSUF
ABDURAHMAN**

Dated: August 6, 2015

MITCHELL, BRUDER & JOHNSON

By: s/Glenn P. Bruder
Glenn P. Bruder, #148878
7505 Metro Boulevard, Suite 325
Edina, Minnesota 55439
Telephone: (952) 831-3174
Facsimile: (951) 831-3176
gbruder@bruderlaw.com

ATTORNEY FOR GULED ALI OMAR