

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.06-60130-CR-MORENO
Magistrate Judge Simonton

UNITED STATES OF AMERICA

Plaintiff,

v.

Robert W. Parker,
a/k/a Bob Parker,
Gary N. Parker,
Hope Rocillo,
a/k/a Hope Wiseman, and
Edward J. Annis,
a/k/a Jason Annis, et. al.,

Defendants.

GOVERNMENT'S SECOND REQUEST FOR RECIPROCAL DISCOVERY

The United States of America, in response to the Standing Discovery Order issued in this case makes its **second** formal Request for Reciprocal Discovery from the defense pursuant to Rule 16 of the Federal Rules of Criminal Procedure and Section B of the Standing Discovery Order and states as follows:

1. This case was indicted April 27, 2006 and entered with the Court May 23, 2006 after being originally sealed (CM/ECF docket entries #1, #4).
2. A superceding indictment was returned July 11, 2006 and entered with the Court July 12, 2006 (CM/ECF docket entries #57, #58).
3. The government's initial discovery response was filed June 15, 2006 (CM/ECF docket entry #46).
4. The government filed its first formal Request for Reciprocal Discovery November 2, 2006 (CM/ECF docket entry #92).
5. To date, the government has filed ten supplemental responses to the Standing Discovery Order (including a draft exhibit list January 8, 2006) in a continuing, good-faith attempt to comply with that Order to the best of the government's ability and is currently in full compliance

thereof.

6. Since filing its initial Request for Reciprocal Discovery November 2, 2006, the defendants have filed, *inter alia*, requests for additional funds to support the hiring of expert witnesses, as well as funds to support the investigation and interviewing of additional fact witnesses necessary to an adequate defense (CM/ECF docket entries #77, #109-1, #110-1). Despite these (unopposed) requests being granted by the Court, and despite over two months having passed since the government's initial Request for Reciprocal Discovery, the government has received nothing by way of discovery from the defendants in this case.

7. Trial in this matter is scheduled to commence in approximately three weeks (Monday, February 5, 2007) and is expected to last approximately 3-4 weeks due to the complexity of the facts involved, the seriousness of the allegations, and the number of witnesses and exhibits the government expects to introduce in its case-in-chief.

8. The allegations in this case allege a national and international advance fee scam giving rise to conspiracies to launder money, to commit mail and wire fraud, and to commit tax evasion, in addition to substantive charges relating to the same. The government's proof will necessitate flying in (and housing) victims and witnesses from not only around the country, but indeed from around the world who will testify to the defendants' actions in this case. The embarkation points of these individuals include Austria, India, the United Kingdom, California, Massachusetts, Pennsylvania, West Virginia, Virginia, New York, Georgia, and other locations.

9. Due to the physical location of these individuals, the Government will be greatly prejudiced if faced with defense discovery obtained on the eve of trial that would likely necessitate the choice between having to request a continuance pursuant to Rule 16(d)(2)(A) of the Federal Rules of Criminal Procedure (in order to adequately investigate the discovery), proceeding to trial without such investigation in order to preserve the availability of the victims' and witnesses' testimony while they are present in court, or asking this Court to prohibit the defense from introducing the discovery entirely pursuant to Rule 16(d)(2)(c). Accordingly, and in the best interest of justice for all parties, the government now ask this Honorable Court to order any and all defense discovery to be turned over within 7 days from the date of this filing so that such a scenario can be avoided.

10. It is the government's contention that although significant amounts of discovery have been turned over in various stages to the defense in this case during the past six months, ample time to inspect and investigate that discovery has taken place. The government now makes its second formal request pursuant to Rule 16 to be afforded the same courtesy if any reciprocal discovery is to be forthcoming.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that all parties to this matter are authorized to receive filings in that manner. The undersigned further acknowledges that all parties to this matter were contacted and apprised of this Second Request for Reciprocal Discovery. Thomas Almon, Esq. (counsel for Edward Annis), and David Tucker, Esq. (counsel for Hope Rocillo, who has already pleaded Guilty) have no objections to this Request. William Barzee, Esq. (counsel for Robert Parker) could not be reached after a phone call to his office. Greg Prebish, Esq. (counsel to Gary Parker) did object to this Request based on the fact that he currently has no reciprocal discovery in his possession, and the fact that the few records that have been subpoenaed by him (bank records) are not expected to arrive within the seven day window contained in the government's Request.

s/ Mitchell S. Bober
Special Attorney
U.S. Department of Justice