

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 379
v.)
)
) Judge Ruben Castillo
JAMES C. BREWER)

MOTION FOR IMMEDIATE DISCLOSURE OF FAVORABLE EVIDENCE

Defendant JAMES C. BREWER, by the Federal Defender Program and its attorney, ROBERT D. SEEDER, pursuant to Rule 16(a)(1) of the Federal Rules of Criminal Procedure and the principles enunciated in *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1976), moves the Court to require the government to disclose immediately any previously undisclosed evidence or information in its possession, custody, or control, the existence of which is known, or by the exercise of due diligence may become known, which is favorable to the defendant and is material to the issues of his guilt, innocence, or sentencing. This request includes evidence which bears upon the credibility of a government witness, or which consists of documents or tangible objects which are material to the preparation of the defense. The information requested includes, but is not limited to, the following:

1. Any documentary evidence or information which is favorable to the defendant's presentation of a defense. In particular, Mr. Brewer requests the following information:
 - A history of any previous "bot" computer programs discovered on computers operated by the Cook County Bureau of Health Services (CCBHS).

- A history of computer problems or “bugs” at the CCBHS computer network prior to October, 2006 that caused computers to repeatedly freeze or reboot without notice.
- Records kept by information technology (IT) employees or contractors of CCBHS. reflecting installation of new computer programs in or about October, 2006.
- Any “bug lists” kept by IT personnel of CCBHS.
- Installation logs kept by IT personnel of CCBHS.
- Any records of modifications made to the CCBHS computer network in or about October, 2006.

2. Any prior statements of a witness for the government which are inconsistent with his or her expected trial testimony.

3. Any grants of immunity, favors, or promises of any kind made to a witness in connection with obtaining his or her testimony, whether bargained for or not. This includes any plea agreement entered into between the government and the witness pursuant to which, or as a result of which, the witness is testifying against the accused in this case or on behalf of the government at any other trial, grand jury or other proceeding or is furnishing data or information to the government.

4. An accounting of any money paid to any witness by the government including, but not limited to, rewards, subsistence payments, expenses or payments made for specific information supplied to the government.

5. Any assistance provided by any attorney or agent of the government to a witness for

any reason, including assistance with the witness' customers, a licensing agency, law enforcement or parole agency, or any other agency of federal, state or local government.

6. The criminal identification and history sheet of each government witness.

7. Any criminal charges pending against any government witness which have not been disposed of either by conviction or acquittal.

8. Any criminal activity in which a government witness has engaged which has not resulted in prosecution or conviction.

9. The name, last known address and statement, grand jury testimony, or memorandum of interview, if any, of any individual whose testimony would be favorable to the defendant in any way or consistent with his innocence.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/Robert D. Seeder
Robert D. Seeder

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CERTIFICATE OF SERVICE

The undersigned, Robert D. Seeder, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CIV.P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

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was served pursuant to the district courts ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on August 17, 2007, to counsel/parties that are non-ECF filers:

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