

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:04-CR-165

vs.

JEFFERY ALAN VISSER,
Defendant.

GOVERNMENT'S RESPONSE
TO DISCOVERY ORDER

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Now comes the United States of America by and through Margaret M. Chiara, United States Attorney for the Western District of Michigan and Thomas J. Gezon, Assistant United States Attorney, and states as follows:

Introduction

1. The defendant, along with seven co-defendants, is charged in a Superseding Indictment. The Defendant is charged with thirty-nine counts of mail fraud, one count of conspiracy to commit mail fraud, one count of conspiracy to commit money laundering, one count of conspiracy to defraud the United States, 18 counts of money laundering and one forfeiture count.

2. The defendant has chosen to represent himself and has refused the assistance of standby counsel, although the court has continued to appoint standby counsel.

3. On December 23, 2004, Magistrate Judge Ellen S. Carmody issued a pretrial Discovery Order, to which the government responds as follows:

The defendant has made no request for discovery. The government has informed the defendant, in writing, of the obligation to make such a request and of the reciprocal obligation to provide discovery to the government, if the defendant requests discovery under Fed. R. Crim. P. 16 (see attached correspondence).

Response to Discovery Order

(Responses correspond to Discovery Order of December 23, 2004)

- A.
1. The government has written and/or recorded statements made by the defendant as defined in Fed. R. Crim. P. 16.
 2. The government's search found no evidence of a prior criminal record.
 3. The government has no results or reports of tests or examinations.
- B.
1. The government has memoranda of oral interviews to agents or law enforcement.
 2. The government has grand jury testimony of defendant.
 3. The government has records, documents, relating to the charges in the Indictment and Access Financial Group.
- C. The defendant has made no discovery request which would call for reciprocal discovery, but should the defendant request discovery, the government will ask for reciprocal discovery.
- D. The defendant has given no notice of a diminished capacity defense.
- E. The government acknowledges its obligation to disclose under Brady v Maryland 373 U.S. 83 (1963) and United States v Agurs, 427 U.S. 97 (1976).
- F. The government will provide Jencks Act and Brady material one week prior to trial.
- G. The defendant was not subjected to a line-up procedure.
- H. The government will advise agents to preserve notes.
- I. The government will introduce evidence pursuant to Fed. R. Evid. 404(b) involving defendant Janet Mavis Marcusse and her involvement in a previous investment fraud

