

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-221-C

JAMES V. FRAZIER,

Defendant.

On June 13, 2007, this court received from pro se defendant James Frazier a letter demanding discovery and inspection aimed toward allowing Frazier to suppress “statements made by all parties.” *See* dkt. 43. Frazier also stated his intent to file a motion to dismiss and to quash the indictment based on new information regarding false testimony. *Id.*

I surmise that one reason Frazier drove three appointed attorneys off of his case is because he refused to accept their advice on what sort of pretrial motions to file. Apparently, Frazier now intends to follow through on his own.¹ Frazier faces some major obstacles: the deadline to file pretrial motions has passed, Frazier apparently does not have the government’s discovery disclosures, Frazier is not a lawyer, and some of his claims, as best I can decipher them, are not grounds for the relief he will be requesting.

We will start by requiring the government forthwith to provide to Frazier a fresh copy of its Rule 16 disclosures, expert reports (for instance, fingerprint analyses if there are any) as well as all *Brady* and *Giglio* material (namely, evidence that might exculpate Frazier or impeach the government’s witnesses) and other disclosures that it is willing to make, such as *Jencks*

¹ I remain hopeful that Frazier’s family will retain an attorney for trial, or that Frazier will agree to let CJA attorney Robert Ruth represent him at trial, but at this point Frazier is pro se and is entitled to have the court consider his submissions.

material (witness statements and transcripts of grand jury testimony). This will provide Frazier with the material he thinks will help him frame his motions to suppress and to quash. I am putting this burden on the government rather than the erstwhile defense attorneys because they no longer are associated with this case and I doubt Frazier would trust their thoroughness or diligence, so why ask for avoidable trouble?

Frazier must keep in mind that the court is not guaranteeing that it will consider his motions, but it is willing to provide him the information that he is requesting so that he can draft his motions and ask permission to file them with the court. The sooner Frazier files and serves his motions (which requires him to provide to the prosecutor a copy of everything he files with the court), the more likely the court is to accommodate Frazier as best it can. In other words, there is no time to waste, so speed matters.

Before Frazier files a motion to dismiss or quash the indictment he should be aware that federal law does not require the government to present exculpatory or impeaching evidence to a grand jury when seeking an indictment, and that in most circumstances, the government's presentation of illegally-obtained evidence to the grand jury is not a reason to quash the indictment. *See United States v. Puglia*, 8 F.3d 478 (7th Cir. 1993), a copy of which I have attached to Frazier's copy of this order.

The next step is up to Frazier.

Entered this 14th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge