

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-20112-Cr-Gold/McAliley

UNITED STATES OF AMERICA :  
 :  
vs. :  
 :  
ALI SHAYGAN :  
\_\_\_\_\_ :

**DEFENDANT’S MOTION TO COMPEL DISCLOSURE OF  
ALL DEA INTERVIEW REPORTS AND ALL DOJ MEMOS  
RELATING TO THE RECORDING OF THE DEFENSE TEAM**

Defendant ALI SHAYGAN, through counsel, and pursuant to the Due Process Clause of the Fifth Amendment and the Court’s supervisory power, respectfully moves this Court for an Order compelling the government to disclose to the defense all interview reports (e.g., DEA-6 reports) that have been prepared in this case relating to witnesses Courtney Tucker, Carlos Vento, Trinity Clendening, and any other witness that DEA communicated with regarding the possibility of recording the defense team , all interview reports or DEA memos relating to the recording of the defense team and the “witness tampering” investigation, and all internal memos prepared by the United States Attorney’s Office relating to that investigation and the tape-recording of the defense team.

Dr. Shaygan is filing a motion to dismiss the indictment or for an evidentiary hearing, raising serious and substantiated allegations of governmental misconduct surrounding the surreptitious tape-recording of the defense team by government witnesses Carlos Vento and Trinity Clendening, at the government’s behest. According to the government, the decision

to record the defense team was prompted by a complaint of witness tampering by government witness Courtney Tucker. The allegations set forth in the motion demonstrate that there are reasons to doubt the veracity of the government's explanation and justification for the recordings. Moreover, the government presented these witnesses to the jury as neutral fact witnesses without disclosing to the defense that they were cooperating informants and without disclosing any benefits that these convicted felons received in exchange for their cooperation. Accordingly, Dr. Shaygan respectfully requests that the Court compel the government to disclose all of the reports set forth above so that the defense team (and the Court) can have a complete picture of what happened, and why.

Undersigned counsel conferred with AUSA Sean Cronin about this motion on Friday, and Mr. Cronin advised that he passed our request for these materials on to his supervisors. We have not received a response, requiring the filing of this motion.

Respectfully submitted,

DAVID OSCAR MARKUS, PLLC  
1200 Alfred I DuPont Building  
169 E. Flagler Street  
Miami, FL 33131  
Tel: (305)379-6667  
Fax: (305)379-6668  
[www.markuslaw.com](http://www.markuslaw.com)

By: /s/ David Oscar Markus  
DAVID OSCAR MARKUS  
Fla. Bar No. 119318  
/s/Robin E. Kaplan  
ROBIN E. KAPLAN  
Fla. Bar No. 773751

/s/ Marc Seitles  
Marc Seitles  
Marc Seitles, PA  
Fla. Bar No. 0178284

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-filed this 1st day of March, 2009, and served on all appropriate parties through that system.

/s/ David Oscar Markus  
David Oscar Markus