

UNITED STATES DISTRICT COURT  
DISTRICT OF DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,

v.

CAUSE NUMBER 21-cr-28

MICHAEL GREENE,

Defendant

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**DEFENDANT MICHAEL GREENE'S  
MOTION TO REQUIRE THE GOVERNMENT TO REVEAL ANY AGREEMENT  
ENTERED INTO BETWEEN THE GOVERNMENT AND ANY WITNESS**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MICHAEL GREENE, Defendant in the above styled and numbered cause, and moves the Court to issue an order requiring the Government to reveal any agreement entered into between any co-defendant, co-conspirator or any other person in this case and any officer or agent of the Federal or State Government. An agreement of this nature could conceivably influence said witnesses' testimony.

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Defendant's request includes, but is not limited to,

- (1) All writings, recordings, and photographs which relate in any way to offers, inducements or consideration made to any persons in an effort, whether successful or not, to obtain testimony in this case.
- (2) All writings, recordings, and photographs relating to offered "bargains," whether consummated or not, with persons connected directly or indirectly with this case.
- (3) All writings, recordings, and photographs relating to an offer of immunity or other special

consideration made to persons directly or indirectly connected with this case.

(4) Without limiting the generality of the foregoing, defendant specifically requests that the Government disclose any bargains reached with any witness or prospective witness in this case, including but not limited to:

- a. The substance of any “deal” or understanding reached between agents or officers of the Government and potential witnesses in this case;
- b. The date that the bargains were reached;
- c. The date on which the negotiation of such “deals” were undertaken;
- d. The proffer, if any, made by the witness as to information he could provide the Government, including the date the proffer was made;
- e. Any debriefing notes and summaries obtained by the Government as a result of such negotiations; and
- f. The results of any polygraph examination given to witnesses, pursuant to such agreements.

(5) Defendant further requests all of the same information as requested in the above paragraph regarding any deal which was discussed with, or offered, to any individual by the Government, but for whatever reason not consummated.

(6) Defendant further requests the same information as requested in paragraph (4) above with regard to any bargain reached between the Government and any person connected with this case but for some reason ultimately voided prior to this date.

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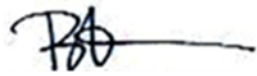
In *Brady v. Maryland*, the Supreme Court of the United States interpreted the due process clause of the Fifth and Fourteenth Amendments to the Constitution of the United States as

establishing that the defendant in a criminal case has a right to obtain evidence favorable to the accused. *Brady v. Maryland*, 373 U.S. 83 (1963). The United States Supreme Court has further held that the Government may not suppress favorable evidence that is material to the credibility of one of its witnesses. *Giglio v. United States*, 405 U.S. 150 (1972). In addition, this circuit has found that such agreements can be helpful and relevant to a Defendant's defense, independent of any impeachment value they might also have. *In Re: Sealed Case, et al*, No. 99-3096 (D.C. Cir. 1999).

The Defendant has the right to information regarding bargains and agreements between the Government and co-defendants, co-conspirators, or any other persons in this case to assist in his defense, as well as for impeachment use. The trial jury is also entitled to know of such bargains and agreements.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will grant this Motion and instruct the Government in accordance with this Court's ruling on this motion.

Respectfully Submitted,

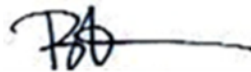


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Michael Greene

**CERTIFICATE OF SERVICE**

On the 16<sup>th</sup> day of December 2022, I filed the foregoing document electronically with the Clerk of the Court for the United States District Court for the District of Columbia by using the Court's CM/ECF system, which will provide electronic service on all counsel of record.

A handwritten signature in black ink, appearing to read 'BRD', followed by a horizontal line.

Britt Redden