
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYLE STEED JEFFS, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER FINDING AS MOOT
DEFENDANT LYLE JEFFS' REQUEST
FOR DISCLOSURE OF EVIDENCE TO
BE USED AT TRIAL

Case No. 2:16-CR-82 TS

District Judge Ted Stewart

This matter is before the Court on Defendant Lyle Jeffs' Request for Disclosure of Evidence to be Used at Trial. The other Defendants have joined the Request. Defendants request the government give notice of the evidence it intends to use in its case-in-chief in order for Defendants to have an opportunity to move to suppress evidence under Federal Rule of Criminal Procedure 12(b)(3)(C).

Fed. R. Crim. P. 12(b)(4)(B) provides that "the defendant may, in order to have an opportunity to move to suppress evidence under Rule 12(b)(3)(C), request notice of the government's intent to use (in its evidence-in-chief at trial) any evidence that the defendant may be entitled to discover under Rule 16." "The rule provides a mechanism to insure that the defendant knows of the government's intention to use evidence to which the defendant may want to object."¹ "The purpose of the rule is not to reveal the government's trial strategy, but merely to provide the defendant with sufficient information to file the necessary suppression motions."²

¹ *United States v. Lujan*, 530 F. Supp. 2d 1224, 1244 (D. N.M. 2008).

² *Id.*

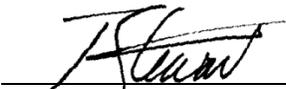
In response to Defendants' request, the government has stated that "Defendants and their counsel should proceed under the assumption that the United States will use evidence obtained from the Title III and search warrant seizures."³ Defendants previously sought and received an extension to file motions to suppress related to search warrants, affidavits in support of search warrants, and Title III requests and authorizations.⁴ Thus, it appears that Defendants have been made aware of the evidence the government intends to use in its case-in-chief that may be subject to a motion to suppress.

It is therefore

ORDERED that Defendants' Request for Disclosure of Evidence to be Used at Trial (Docket No. 275) is MOOT.

DATED this 22nd day of August, 2016.

BY THE COURT:



Ted Stewart
United States District Judge

³ Docket No. 456, at 2.

⁴ Docket No. 465.