
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN JOE KATO,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

2:16-cr-00361-RJS-PMW

District Judge Robert J. Shelby

Magistrate Judge Paul M. Warner

The Court **GRANTS** the United States' Motion for Reciprocal Discovery and for Notice of Alibi Defense.¹

Defendant is hereby **ORDERED** to provide reciprocal discovery as required under rules 16(b)(1)(A) (Documents and Objects), 16(b)(1)(B) (Reports of Examinations and Tests), and 26.2 (Witness Statements) of the Federal Rules of Criminal Procedure. Reciprocal discovery already in Defendant's possession must be produced on or before 5:00 p.m. on September 30, 2016, with a continuing duty to disclose after-acquired discovery within a reasonable time after receipt.

If Defendant intends to rely upon an alibi defense, based on rule 12.1 of the Federal Rules of Criminal Procedure and good cause appearing, this Court further **ORDERS** that Defendant serve written notice by 5:00 p.m. on September 30, 2016, of each specific place where Defendant claims to have been on December 20, 2015, and on January 13, 2016, and the name, address, and telephone number of each alibi witness on which Defendant intends to rely. If no alibi defense is to be

asserted, then no discovery is necessary under this paragraph of this order. If Defendant intends to rely on an alibi defense and fails to disclose the requested discovery by the close of business on September 30, 2016, Defendant will be precluded from asserting said defense.

SO ORDERED this 29th day of September, 2016.

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge

¹ Docket no. 62.