

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

Case No.: 2:10-CR-20005

vs.

Hon: NANCY G. EDMUNDS

UMAR FAROUK ABDULMUTALLAB

Defendant .

**MOTION FOR DISCOVERY/RELEASE OF PRIOR COUNSEL'S FILE
INCLUDING EXPERT REPORTS**

NOW COMES, the Defendant UMAR FAROUK ABDULMUTALLAB, (herein “Defendant ABDULMUTALLAB”), along with stand-by counsel Anthony T. Chambers, and moves this Honorable Court to issue an Order requiring the Federal Defenders Office to release their complete file to stand-by counsel Anthony T. Chambers and his staff. In support of said Motion, Defendant further states as follows:

- 1) That Defendant ABDULMUTALLAB is charged with a multiple count indictment with various offenses including Conspiracy to Commit an Act of Terrorism Transcending National Boundaries, Possession of a Firearm/Destructive Device in Furtherance of a Crime of Violence, Attempted Murder within the Special Aircraft Jurisdiction of the United States, Use and Carrying of a Firearm/Destructive Device During and in Relation to a Crime of Violence, Attempted use of a Weapon of Mass Destruction in violation of 18 U.S.C. §§ 2332b(a)(1) & 2332b(a)(2), 18 U.S.C. §§ 924(c)(1)(A) & 924(c)(1)(B)(ii) & 924(c)(1)(C)(ii), 18 U.S.C. § 1113, 49 U.S.C. § 46506 and 18 U.S.C. §2332a(a)(2).

- 2) That Defendant was previously represented by a team of attorneys from the Federal Defenders Office.
- 3) That the file of the Federal Defenders Office, containing information which is essential and critical to the defense of the case must be turned over to protect the constitutional rights of Defendant ABDULMUTALLAB.
- 4) That counsel herein has reason to believe that the file contains expert witnesses information which was developed to present a defense.
- 5) That counsel herein further believes that the file contains expert information which disputes the governments allegations and furthermore, that the alleged attempt to “destroy an aircraft” was impossible!
- 6) That Defendant respectfully requests that the complete file from the Federal Defenders Office be provided to Attorney Anthony T. Chambers and his staff.

WHEREFORE, Defendant Umar Farouk Abdul Mutallab, respectfully requests that this Honorable Court issue an Order requiring the discovery and production of the file including any and all expert reports.

Respectfully submitted,

/s/Anthony T. Chambers P38177
Standby Counsel for Defendant
535 Griswold, Suite 1330
Detroit, Michigan 48226
(313) 964-5557
achamberslaw@gmail.com

Dated: January 10, 2011

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Plaintiff,

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Defendant .

**BRIEF IN SUPPORT OF MOTION FOR DISCOVERY/RELEASE OF PRIOR
COUNSEL'S FILE INCLUDING EXPERT REPORTS**

The facts in this case are simply and specifically stated. Defendant UMAR FAROUK ABDULMUTALLAB, (herein "Defendant ABDULMUTALLAB"), was previously represented by attorneys from the Federal Defenders Office. The file contains information gathered for the purpose of preparing a defense.

Counsel has reason to believe that the file contains various expert reports and/or opinions. That included in those reports are exculpatory information which refutes the governments allegations in the Indictment and Superseding Indictment. That the defendant and current stand-by counsel are entitled to the disclosure and inspection of the information.

The Court has the discretion to order the Discovery/Inspection of prior counsel's file, as with any case. The allegations are significant and specific in this case. Any expert reports and/or opinions which suggest among other things impossibility directly refute the government's allegations and are critical to the defense.

WHEREFORE, Defendant Umar Farouk Abdulmutallab's stand-by counsel herein respectfully requests that this Honorable Court issue an Order consistent with this opinion.

Respectfully submitted,

/s/Anthony T. Chambers P38177
Standby Counsel for Defendant
535 Griswold, Suite 1330
Detroit, Michigan 48226
(313) 964-5557
achamberslaw@gmail.com

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Defendant .

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CERTIFICATION

I hereby certify that the forgoing papers were electronically filed this date, served electronically or by mail to the following:

AUSA CATHLEEN CORKEN
United States Attorney's Office
211 West Fort Street, Suite 2001
Detroit, MI 48226
Cathleen.Corken@usdoj.gov

Date: January 10, 2011

By: s/ Anthony T. Chambers