

U.S. Courts  
Rec'd \_\_\_\_\_ Filed \_\_\_\_\_

NOV 02 2004

Cameron S. Burke  
Clerk, Idaho

1 Samuel Richard Rubin  
2 FEDERAL DEFENDERS OF EASTERN  
3 WASHINGTON AND IDAHO  
4 350 North 9th Street, Suite #301  
5 Boise, ID 83702  
6 Phone: (208) 388-1600  
7 Fax: (208) 388-1757

8 Attorney for Defendant  
9 KENNETH PUGH

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF IDAHO

12	UNITED STATES OF AMERICA,	)	
13		)	CR-02-114-S-BLW
14	Plaintiff,	)	
15		)	MEMORANDUM IN SUPPORT OF
16		)	MOTION FOR DISCLOSURE OF
17		)	EVIDENCE RE REVOCATION OF
18	KENNETH PUGH,	)	SUPERVISED RELEASE
19	Defendant.	)	
20		)	

21 The procedural requisites for supervised release proceedings are set forth in  
22 Federal Rules of Criminal Procedure 32.1.

23 Fed.R.Crim.P. 32.1 is titled "Revoking or Modifying Probation or Supervised  
Release." Revocation hearings are governed by 32.1 and section (b)(2)(B) states that  
the person "is entitled to"... disclosure of the evidence against the person" (emphasis  
added).

The advisory notes to the Rule elaborate on the extent of the rights set forth  
and the intent of the drafters. This right to disclosure is not qualified: ...Under this rule  
the disclosure of all the evidence against the probationer is required. This expansive  
right was recognized by the First Circuit in United States v. Ramos-Santiago, 925 F.2d

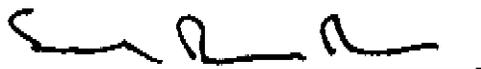
1 15, 17, n. 3 (1st Cir. 1991). The court noted that the supervised releasee is entitled  
2 to "full disclosure of the evidence against him."

3 The Defendant herein has a clear and unequivocal right to disclosure of all the  
4 evidence against him, and its disclosure is therefore mandated.

5 RESPECTFULLY SUBMITTED this 2 day of March, 2004.

6

7



8

Samuel Richard Rubin  
FEDERAL DEFENDERS OF EASTERN  
WASHINGTON AND IDAHO  
Attorney for Defendant  
KENNETH PUGH

9

10

11

350 North 9th, Suite #301  
Boise, ID 83702  
(208) 388-1600

12

13

14

15

16

17

18

19

20

21

22

23