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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	NO. 1:17-cr-0031-DLH
)	
Plaintiff,)	
)	
vs.)	
)	DEFENDANT’S MOTION TO
MICHAEL GIRON a/k/a/)	COMPEL GOVERNMENT TO
MICHAEL GERON.)	PRODUCE REQUESTED
)	DISCOVERY.
Defendant.)	

Defendant Michael Giron, by his attorneys Timothy Lohraff and Peter Schoenburg, hereby move this Court for an order to compel the government to produce the following items. These items have been previously requested from the government by letters dated April 19, 2017; May 31, 2017 and June 20, 2017.

The items the defendant seeks the Court to order produced are: 1) any and all videos and photographs of the October 27, 2016 incident of a road blockage of Highway 1806 consisting of two manmade barricades, including but limited to, of a fire reported to have set at approximately 12:38 p.m. that day of one or both of the barricades. The defense requests that the photographs be provided in the form of actual photographs and not xeroxed copies of photographs; 2) reports and documents concerning which police personnel and government personnel who were present at or near the barricades on Highway 1806 during the protest and fire and/or authored by police personnel and federal agents who were at the

1 scene and observed the barricades and fire; 3) any and all photographs, videos and
2 downloaded content from www.inforum.com, mentioned at Bates stamped page 00007
3 provided in discovery concerning Michael Giron as well as any and all photographs
4 gathered by the North Dakota State and Local Intelligence Center (SLIC) from
5 www.inforum.com and any other websites and social media sites (as detailed in Discovery
6 produced to the defense dated April 24, 2017, Bates stamped pages 000015-16); 4) a
7 xeroxed copy of the entire “notebook” taken from Mr. Giron on November 17, 2016, upon
8 his arrest on a Santa Barbara warrant; 5) a report of the examination of the contents of the
9 computer and the actual contents of any reports or documents actually recovered from the
10 computer and a mirror image of the hard drive of the seized computer provided on a
11 portable hard drive; and 6) any and all results of the any testing performed on the computer,
12 the backpack and the notebook recovered from my client; the recovered fuel can viewable
13 in the photograph reproduced at Bates page number 00097; and the lighter viewable in the
14 photographs reproduced at Bates page numbers 00105 & 00106, including testing for
15 fingerprints and DNA. Additionally, defendant requests any and all trace evidence,
16 including chemical analysis, burn pattern analysis, and any other arson related scientific
17 testing performed on Mr. Giron’s clothes, the fuel can, and the actual physical evidence at
18 Highway 1806 (tires, wood, asphalt, etc.).

19 This motion is supported by the Due Process Clause of the United States
20 Constitution, Federal Rule of Criminal Procedure 16, and *Brady v. Maryland*, 373 U.S. 83
21 (1963) and *Kyles v. Whitley*, 514 U.S. 419 (1995).

22 It is further requested that the Court order the government to respond promptly and
23 fully with defendan’t request.

24 DATED this 5th day of September, 2017.

25 Respectfully submitted,

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s/Timothy R. Lohraff
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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties associated with this case.

s/Timothy R. Lohraff

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