

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
N.D. OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
 -v-) CR 00-S-422-S
)
 ERIC ROBERT RUDOLPH)
 _____)

RESPONSE TO DISCOVERY REQUEST

Comes now the United States of America, by and through its counsel, Alice H. Martin, United States Attorney for the Northern District, and William R. Chambers, Jr., Assistant United States Attorney, and responds to Defendant's Initial Request for Disclosure as follows:

1. Any and all statements of the defendant are either included in the materials that were provided to the defendant on November 3, 2003, and/or will be provided as additional materials are converted to electronic format.
2. Information related to the defendant's prior criminal record was provided to defendant on November 3, 2003.
3. On June 5, 2003, the defendant was provided with digital copies of approximately 15,000 FBI 302s from the Birmingham office of the FBI. On June 11, 2003, this production was supplemented with an additional 250 302s from the Birmingham FBI. On August 19, 2003, the defendant was provided with two (2) sets of forty (40) notebooks containing photographs, reports, and memoranda cataloging and outlining the physical evidence in this case. On November 3, 2003, the defendant was provided with twenty (20) compact discs containing scanned images in optical character recognition (OCR) form. Attached hereto as Attachment A is a copy of the transmittal

letter which accompanied the discovery; an index of the discovery provided; and a signed receipt for those discovery materials. Counsel for the defendant have been advised that the original documents, materials and physical evidence continue to be available for inspection, review and copying upon request. The defendant and the United States are aware that discovery in this case is ongoing, and the government recognizes its continuing duty to disclose any additional evidence properly discoverable under Rule 16.

4. Copies of all reports of tests, experiments, and examinations related to the Birmingham bombing were provided to the defendant on November 3, 2003. See Attachment A.

5. The government acknowledges its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972) and Federal Rule of Criminal Procedure 16, and it will continue to comply with them.

6. Title 18, United States Code, Section 3500 material will be provided to the defendant at a time prior to trial that will allow the defense adequate time in which to prepare and make use of the material.

RECIPROCAL DISCOVERY REQUEST

The United States requests that the defendant provide the following:

1. Books, papers, documents, tangible objects, or copies or portions thereof, which are in the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial, in accordance with Fed.R.Crim.P. 16(b)(1)(A).

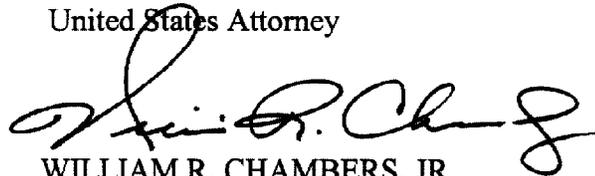
2. Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at trial or which were

prepared by a witness the defendant intends to call at trial when the results or reports relate to his testimony, in accordance with Fed.R.Crim.P. 16(b)(1)(B).

3. Any and all written summaries of any testimony which the defendant intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence as evidence at trial. The United States also requests that the defendant describe any witnesses' opinions, the bases and reasons for those opinions and the witnesses' qualifications in accordance with Fed.R.Crim.P. 16(b)(1)(C).

Respectfully submitted this the 13th day of November, 2003.

ALICE H. MARTIN
United States Attorney

A handwritten signature in black ink, appearing to read "William R. Chambers, Jr.", written in a cursive style.

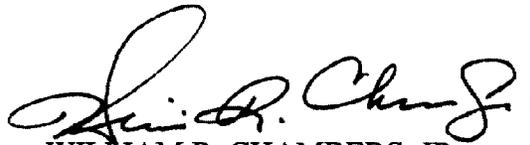
WILLIAM R. CHAMBERS, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on the defendant by mailing a copy of same this date, November 13, 2003, by First Class, United States mail, postage prepaid, to his attorneys of record:

Mr. Richard Jaffe
Jaffe, Strickland & Drennan
The Alexander House
2320 Arlington Avenue
Birmingham, Alabama 35205

Mr. William M. Bowen, Jr.
White, Arnold, Andrews & Dowd
2902 21st Street North, Suite 600
Birmingham, Alabama 35203


WILLIAM R. CHAMBERS, JR.
Assistant United States Attorney



U.S. Department of Justice

Alice H. Martin
United States Attorney
Northern District of Alabama

William R. Chambers
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1801 Fourth Avenue North
Birmingham, AL 35203-2101

(205) 244-2001
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November 3, 2003

Mr. Richard S. Jaffe
Mr. J. Derek Drennan
Mr. H. Hube Dodd, II
Jaffe, Strickland & Drennan
2320 Arlington Avenue
Birmingham, Alabama 35205

Mr. William M. Bowen, Jr.
White, Dunn & Booker
2025 3rd Avenue North
Suite 600
Birmingham, Alabama 35203

RE: Discovery in United States v. Eric Robert Rudolph CR 00-S-422-S

Dear Mr. Jaffe, Mr. Drennan, Mr. Dodd, and Mr. Bowen:

Pursuant to your request for discovery, enclosed please find discovery in the case referenced above pursuant and in addition to Rule 16 of the Federal Rules of Criminal Procedure. I hereby request you to provide reciprocal discovery as provided by the Federal Rules. Specifically, please provide all material covered by Rules 16(b) and (c), and 12.1 (Notice of Alibi), 12.2 (Notice of Defense Based Upon Mental Condition), and 12.3 (Notice of Defense Based Upon Public Authority) of the Federal Rules of Criminal Procedure.

I have attached an inventory of the discovery, which provides a general description of the category of documents being produced, the corresponding Bates numbers, and the form of discovery, such as electronic or hard copy form. In addition, the discovery chart lists discovery which has not been copied and Bates numbered, but which is available for your review and inspection at your request. If you wish to examine those materials or any other original or physical evidence, please contact me at (205)244-2189. I have also attached a receipt for the enclosed discovery, which includes the disc numbers and Bates numbers and ranges.

Please note that the enclosed discovery includes consecutively numbered pages in the Bates ranges specified on the receipt, with no omitted numbers. Please notify me if the enclosed materials do not include all of the consecutively numbered pages or if the documents are not legible. Absent notice from you, I will assume that you have received all of the materials referenced above and that you are able to read and view them without difficulty.

As you know, the discovery in this case is ongoing. With respect to the categories of discovery identified in the discovery chart, it is possible that additional materials in those categories will be identified after the date of this letter. The government recognizes and will

honor its continuing duty to disclose any additional evidence properly discoverable under Rule 16.

If you have any questions, please do not hesitate to call me.

Sincerely,

ALICE H. MARTIN
United States Attorney


WILLIAM R. CHAMBERS, Jr.
Assistant United States Attorney

Re: United States v. Eric Robert Rudolph
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RECEIPT FOR DISCOVERY

Received this 3rd day of November, 2003, from the United States Attorney's Office,
Northern District of Alabama, discovery material contained on twenty (20) "Imation" CD-R
compact discs labeled FR001 through FR009, FR011 through FR017, FR_OCR001, and
FR_OCR003 through FR_OCR005, Bates numbered as follows:

BH-EC-000001 through BH-EC-044472

Disc FR001: BH-EC-000001 through BH-EC-015808 (.tif)

Disc FR002: BH-EC-015809 through BH-EC-026167 (.tif)

Disc FR003: BH-EC-026168 through BH-EC-039763 (.tif)

Disc FR004: BH-EC-039764 through BH-EC-044472 (.tif)

Disc FR_OCR001: BH-EC-000001 through BH-EC044472 (.txt)

BH-1A-000001 through BH-1A-000329 - Disc FR004 (.tif)

BH-1A-000001 through BH-1A-000329 - Disc FR_OCR001 (.txt)

BH-1D-000001 through BH-1D-000336 - Disc FR004 (.tif)

BH-1D-000001 through BH-1D-000336 - Disc FR_OCR001 (.txt)

BH-MIS-000001 through BH-MIS-001015 - Disc FR004 (.tif)

BH-MIS-000001 through BH-MIS-001015 - Disc FR_OCR001 (.txt)

BH-OLE-000001 through BH-OLE-000260 - Disc FR004 (.tif)

BH-OLE-000001 through BH-OLE-000260 - Disc FR_OCR001 (.txt)

BH-FBL-000001 through BH-FBL-000231 - Disc FR004 (.tif)

BH-FBL-000001 through BH-FBL-000231 - Disc FR_OCR001 (.txt)

BH-ABL-000001 through BH-ABL-000459 - Disc FR004 (.tif)

BH-ABL-000001 through BH-ABL-000459 - Disc FR_OCR001 (.txt)

BH-CWA-000001 through BH-CWA-000186 - Disc FR004 (.tif)

BH-CWA-000001 through BH-CWA-000186 - Disc FR_OCR001 (.txt)

BH-302-000001 through BH-302-046702

Disc FR004: BH-302-000001 through BH-302-004086 (.tif)

Disc FR005: BH-302-004087 through BH-302-018512 (.tif)

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Receipt for Discovery

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Disc FR006: BH-302-018513 through BH-302-032169 (.tif)
Disc FR007: BH-302-032170 through BH-302-046041 (.tif)
Disc FR008: BH-302-046042 through BH-302-046702 (.tif)
Disc FR_OCR001: BH-302-000001 through BH-302-032169 (.txt)
Disc FR_OCR003: BH-302-032170 through BH-302-046702 (.txt)

BH-IN-000001 through BH-IN-018275

Disc FR008: BH-IN-000001 through BH-IN-015895 (.tif)
Disc FR009: BH-IN-015896 through BH-IN-018275 (.tif)
Disc FR_OCR003: BH-IN-000001 through BH-IN-018275 (.txt)

BH-RS-000001 through BH-RS-009317

Disc FR011: BH-RS-000001 through BH-RS-002727 (.tif)
Disc FR009: BH-RS-002728 through BH-RS-009317 (.tif)
Disc FR_OCR003: BH-RS-000001 through BH-RS-009317 (.txt)

BH-SUS-000001 through BH-SUS-003548 - Disc FR009 (.tif)

BH-SUS-000001 through BH-SUS-003548 - Disc FR_OCR003 (.txt)

BH-1C-000001 through BH-1C-001875 - Disc FR011 (.tif)

BH-1C-000001 through BH-1C-001875 - Disc FR_OCR003 (.txt)

BH-AM-000001 through BH-AM-006501 - Disc FR011 (.tif)

BH-AM-000001 through BH-AM-006501 - Disc FR_OCR003 (.txt)

BH-1B-000001 through BH-1B-020780

Disc FR012: BH-1B-000001 through BH-1B-005673 (.tif)
Disc FR013: BH-1B-005674 through BH-1B-012330 (.tif)
Disc FR014: BH-1B-012331 through BH-1B-015499 (.tif)
Disc FR015: BH-1B-015500 through BH-1B-018158 (.tif)
Disc FR016: BH-1B-018159 through BH-1B-019834 (.tif)
Disc FR017: BH-1B-019835 through BH-1B-020780 (.tif)
Disc FR_OCR004: BH-1B-000001 through BH-1B-012330 (.txt)
BH-1B-013596 through BH-1B-015499 (.txt)
Disc FR_OCR005: BH-1B-012331 through BH-1B-013595 (.txt)
BH-1B-015500 through BH-1B-020780 (.txt)

6/13/03
Date



Attorney(s) for ERIC ROBERT RUDOLPH

U.S. v. Eric Robert Rudolph
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 Northern District of Alabama

No.	Discovery Category	Description	Prefix	Beginning Bates Number	Ending Bates Number	Date Produced	Date Made Available	Form of Production
999901	FBI ECs	Summary reports and electronic communications	BH-EC	000001	044472	11/3/2003		CD
999902	FBI 302s	Interview memos, including statements of defendant	BH-302	000001	046702	11/3/2003		CD
999903	FBI 1As	Items/documents provided by or used with witnesses; photographs	BH-1A	000001	000329	11/3/2003		CD
999904	FBI 1Bs	Bulky evidence; notebooks of cataloged physical evidence	BH-1B	000001	020780	11/3/2003		CD & Hard Cpy
999905	FBI 1Cs	Grand Jury and related documents; Court ordered documents	BH-1C	000001	001875	11/3/2003		CD
999906	FBI 1Ds	Electronic recordings	BH-1D	000001	000336	11/3/2003		CD
999907	FBI Inserts	Memos of non-testimonial agent action	BH-1N	000001	018275	11/3/2003		CD
999908	Rapid Start	FBI lead sheets;	BH-RS	000001	009317	11/3/2003		CD
999909	ASCME	ATF lead sheets	BH-AM	000001	006501	11/3/2003		CD
999910	Suspect Files	FBI files organized by persons of interest	BH-SUS	000001	003548	11/3/2003		CD
999911	Sketches	Materials relating to sketches	BH-SKE	000001				
999912	FBI Lab Reports	FBI lab reports	BH-FBL	000001				
999913	ATF Lab Reports	ATF lab reports	BH-ABL	000001	000231	11/3/2003		CD
999914	National Response	National Response Team reports (included in BHM FBL)	BH-NRT	000001	000459	11/3/2003		CD
999915	Other Law Enforcement	Non-FBI law enforcement reports	BH-OLE	000001	000260	11/3/2003		CD
999916	Technical Analysis	Technical Analysis Group (TAG) reports (included in BHM ECs)	BH-TAG	000001				
999917	Rule 5 Materials	Complaints, warrants and affidavits	BH-CWA	000001	000186	11/3/2003		CD
999918	Grand Jury Transcripts	Grand Jury witness transcripts	BH-GJT	000001				
999919	Experts	Outside Experts	BH-EXP	000001				
999920	Demonstrative Exhibits	Demonstrative government exhibits	BH-DE	000001				
999921	Miscellaneous	Miscellaneous documents	BH-MIS	000001	001015	11/3/2003		CD
1								
2								
3								