

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	CIVIL ACTION NO. 5:17-cr-22-16 (MTT)
)	
DEMOND MONTERIO DENNIS,)	
)	
Defendant.)	
_____)	

ORDER

Defendant Demond Dennis has moved to dismiss the indictment, alleging that the Government willfully violated this Court's discovery orders. Doc. 345. On April 18, 2018 the Court convened a hearing on that motion. For the reasons stated at the hearing, it seems apparent that the Government has not complied with this Court's discovery orders.¹ Whether those breaches were the result of misunderstanding, miscommunication, negligence or willful disregard is not yet clear. It is clear, however, that the circumstances surrounding the violations are not as egregious as the Defendant's motion and the Government's response to the Defendant's earlier motion to reveal the deal suggest. Fortunately, the violations were discovered well in advance of trial, and thus it is extremely unlikely that the Defendant can demonstrate prejudice.

Accordingly, the motion to dismiss the indictment (Doc. 345) is **DENIED without prejudice**. The Defendant may renew the motion if, after the production of the withheld information, he believes he can meet his heavy burden to demonstrate prejudice.

¹ The Court's Standard Pretrial Order, which is entered in all criminal case, requires the production of *Brady* and *Giglio* information within thirty days of the entry of the order. Doc. 101 at 1. To the Court's knowledge, the Government has not had difficulty complying with that order in other cases.

As ordered at the hearing, the Government will produce the withheld information by April 27, 2018. If the Government believes the existing protective order is insufficient to minimize risk to confidential informants, the Government may seek appropriate relief.

SO ORDERED, this 19th day of April, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT