



**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE LEGAL OPERATIONS AGENCY (HQ AFLOA)**

14 September 2011

MEMORANDUM FOR TRIAL COUNSEL

FROM: AFLOA/JAJD (Capt Ranae Doser-Pascual)  
Mr. Neal Puckett, Esq. and Mr. Haytham Farraj, Esq

SUBJECT: Response to Government Discovery Requests

1. In response to your Discovery Requests in the matter of U.S. v. 1Lt Patrick T. Burke, please find below the Defense's responses to your request, numbered in accordance with the numbers in your request. The Defense will provide discovery and notices in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.

Discovery Request 1

- a. The Defense is unaware of any information in response to this request at this time. If the Defense intends to introduce any such evidence at trial, notice and access to such evidence will be provided to Trial Counsel in accordance with the rules.
- b. If the Defense intends to introduce any such evidence at trial, notice and copies of such evidence will be provided to Trial Counsel in accordance with the rules.
- c. The Defense's witness list will be filed in accordance with the timelines outlined in the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- d. The Defense's witness list will be filed in accordance with the timelines outlined in the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- e. The Defense will provide any such information as required in accordance with the rules if the Defense intends to introduce any such evidence.
- f. The Defense does not intend to present an alibi defense at this time.
- g. The Defense will provide notice in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- h. The Defense is unaware of any information in response to this request at this time.
- i. The Defense will provide any such information as required if the Defense intends to introduce any such evidence.

- j. The Defense will provide any such information as required if the Defense intends to introduce any such evidence.
- k. The Defense will file motions in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- l. The Defense is unaware of any information in response to this request at this time.
- m. The Defense is unaware of any information in response to this request at this time, but will provide notice if necessary in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- n. The Defense is unaware of any information in response to this request at this time.
- o. The Defense will file motions in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules. If hearings on any such motions are requested or required, appropriate witness information will be provided as necessary.
- p. The Defense will file notice of pleas and forum in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.
- q. Omitted from Government's discovery request
- r. The Defense will notify you of any inaccuracies in 1Lt Burke's information on the Charge Sheet and the personal data sheet if necessary.

#### Discovery Request 2

- a. The Defense will provide notice in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.

#### Discovery Request 3

- a. The Defense will provide notice in accordance with the Military Judge's Case Management Order, adjusted for the new trial date, and in accordance with the rules.

2. If you have any questions regarding this response, the Defense can be reached individually at [ranae.doser-pascual@pentagon.af.mil](mailto:ranae.doser-pascual@pentagon.af.mil) or 240-612-4792, Mr. Neal Puckett at 703-706-9566 or [neal@puckettfaraj.com](mailto:neal@puckettfaraj.com), or Mr. Haytham Faraj at 703-706-9566 or [haytham@puckettfaraj.com](mailto:haytham@puckettfaraj.com).

For the Defense,



RANAE L. DOSER-PASCUAL, Capt, USAF  
Defense Counsel