



THE LAW FIRM OF PUCKETT AND FARAJ, PC

August 31, 2010

From: Haytham Faraj, Esq. (Defense Counsel)
To: Trial Counsel

Subj: REQUEST FOR DISCOVERY SSGT WUTERICH, FRANK, XX XX 3221, USMC

Ref: (a) R.C.M. 701, MCM (2005 ed.)
(b) Article 46, UCMJ
(c) 18 U.S.C. § 3500
(d) Brady v. Maryland, 373 U.S. 83 (1963)
(e) United States v. Webster, 51 C.M.R. 76 (1975)

1. Pursuant to the above references and in light of the motion to dismiss for loss of counsel now before the court, the defense requests production of the following:

- a. All correspondence produced or generated by trial counsel, senior trial counsel, supervisory trial counsel, Staff Judge Advocates, or other personnel seeking to extend the assignment period, active duty period, time on station period, or grant of permanent active duty status of any trial counsel, assistant trial counsel, legal clerk, or other associated personnel assigned to the Haditha trial counsel team including but not limited to Maj Nick Gannon, Maj Donald Plowman, LtCol Sean Sullivan and LtCol Paul Atterbury.
- b. Any endorsement along with all justifying correspondence in support of any request listed in paragraph 1.b. above whether or not the request was ultimately approved.
- c. All correspondence related to keeping LtCol Sean Sullivan and LtCol Paul Atterbury on active duty, including but not limited to emails, letters, faxes, electronic form, online forms, and the any justification provided in support of the request to keep these officers on active duty.
- d. All correspondence related to keeping Maj Nick Gannon on station at Camp Pendleton and any justification in support of that request.

2. The defense requests the production of the following witnesses to testify on the motion:

- a. LtCol Sean Sullivan.
- b. Maj Nick Gannon.
- c. Mr. Greg Yetter, Assistant requirements OIC, Manpower and reserve affairs. 703-432-9177. (Telephonically).

3. If the Government opposes production of any of the above evidence or witnesses, the defense requests immediate notification along with basis for the denial.

Respectfully submitted,



Waynam Faraj, Esq.