

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

2019 AUG 21 PM 4:45  
CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE FLORIDA

UNITED STATES OF AMERICA

V.

Case No. 3:18-cr-89-J-34JRK

KATRINA BROWN  
REGINALD BROWN

**PRO SE DEFENDANT'S MOTION TO DISMISS INDICTMENT/BRADY VIOLATIONS**

The Defendant, Katrina Brown, Pro Se, respectfully moves this Honorable Court to dismiss this case for egregious prosecutorial misconduct. As grounds for this motion, Defendant states the following:

1. Katrina Brown and Reginald Brown are charge in a multi-count Indictment returned May 23, 2018.
2. One of the rules the Ethics 2000 Commission examined was Model Rule 3.8, which addresses the "Special Responsibilities of a Prosecutor." Rule 3.8 requires a Prosecutor in a criminal trial to disclose evidence that is favorable to the defendant, a requirement similar to the constitutional disclosure requirements established by the Supreme Court in Brady v. Maryland. On or about April 16, 2018, Mr. Curtis S. Fallgatter addresses the issue with the prosecutor "Mr. Tysen Duva of being personally aware of substantial evidence that directly negates the guilt of the subject of the investigation. Mr. Tysen Duva intentionally failed to present Exculpatory Evidence to the Grand Jury. Unfortunately, Mr. Curtis Fallgatter's efforts fell upon death ears of the U.S Prosecutor Mr. Tysen Duva, regarding his failure to provide the Grand Jury with the three items enumerated:
  - A. Our July 17, 2017 letter (43 pages) with 24 exhibits and the evidence

- B. September 26, 2017 letter (7) pages to then acting U.S. Attorney W. Stephen Muldrew (with 3 enclosures) and all content therein; and
  - C. January 18, 2018 letter (8 pages) the U.S. Attorney Maria Chapa Lopez and all contents therein along with 3 enclosures.
3. It's held by the Highest Court that the suppression of evidence by the prosecution favorable to an accused upon request violates "Due Process". The prosecutor must disclose evidence which might have led the jury to entertain a reasonable doubt about Defendant's guilt. *Levin v. Clark*, *United States v. Bryant*, *supra* note, and *Griffin v. United States*
  4. I respectfully request the court require the Government to produce and turn over all material received from Mr. Curtis Fallgatter during but not limited to the investigation period conducted by the prosecutor, FBI, or any government agency.
  5. Information provide shall be allowed to serve as evidence in the case at bar. Hence, there is reasonable probability that the outcome of the grand jury would have been different had the prosecutor disclosed all evidence within his possession.
  6. Subsequently Supreme Court decisions have held that the government has a constitutionally mandated, affirmative duty to disclose exculpatory evidence to the defendant and the grand jury to help ensure the defendant's right to a fair trial under the Fifth and Fourteenth Amendments' Due Process Clause.

**WHEREFORE**, THE Defendant, Katrina Brown, for the above-mentioned reasons respectfully moves this Honorable Court to require the information be provided as requested.

Respectfully submitted,

s/Katrina Brown  
Pro Se Defendant Katrina Brown  
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**CERTIFICATE OF SERVICE**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 21, 2019, I electronically filed the foregoing with the clerk of the Court and will file notice with A. Tysen Duva, AUSA.

S:// Katrina Brown