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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

J.N

SEP 23 2005

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
PAUL SCHIRO, )  
)  
Defendant. )

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

No. 02 CR 1050-6

Judge James B. Zagel

Second Superseding Indictment

DEFENDANT SCHIRO'S MOTION  
FOR DISCLOSURE OF OTHER ACTS  
EVIDENCE PURSUANT TO RULE 404(B)

DEFENDANT PAUL SCHIRO, by his attorney, PAUL A. WAGNER, and pursuant to Rule 12 of the Federal Rules of Criminal Procedure and Rule 404(b) of the Federal Rules of Evidence, respectfully requests reasonable notice before trial of the government's intention to use at trial, either in its direct case, during cross-examination, or in rebuttal, the evidence of "other crimes, wrongs, or acts" of the defendant, as that phrase is used in Rule 404(b).

In regard to such notice, the government should identify and describe the following:

- (a) The dates, times, places and persons involved in any such crimes, wrongs, acts, or instances of conduct;
- (b) The statements of each participant in any such crimes, wrongs, acts, or instances of conduct;
- (c) Any documents which contain or evidence any such crimes, wrongs, acts, or instances of conduct, including when the documents were

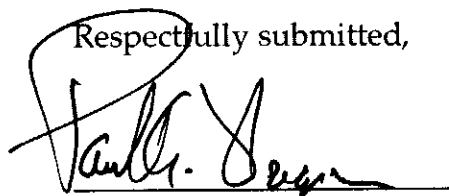
prepared, who prepared the documents, and who has possession of the documents; and

(d) The issue(s) to which the government believes any such crimes, wrongs, acts, or conduct evidence is relevant under the Rule.

The 1991 Amendment to Rule 404(b) expressly provides for "notice in advance of trial." As the Advisory Committee Notes explain, "[t]he amendment requires the prosecution to provide notice, regardless of how it intends to use the extrinsic act evidence at trial, *i. e.*, during its case-in-chief, for impeachment, or for possible rebuttal."

WHEREFORE, for the reasons stated above, defendant PAUL SCHIRO respectfully requests this Honorable Court to grant his Motion.

Respectfully submitted,



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