

EXHIBIT RR

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

VS.

CR NO. 92-099P

HAROLD F. CHORNEY

MOTION FOR PRODUCTION OF EVIDENCE FAVORABLE TO THE ACCUSED

Now comes the defendant in the above-entitled matter by and through his attorney and hereby moves this Honorable Court pursuant to the rule of Brady v. Maryland, 373 U.S. 83 (1963) to issue an order requiring the government to produce and to make available for inspection or copying by the accused any and all evidence which is favorable to the accused or is of an exculpatory nature including but not limited to:

1. Any and all documents, questionnaires, proof of claim forms or correspondence with addressee shown, received from redemption clients of Cumberland Investment Corporation who are not identified in the Indictment pending against the defendant.

2. All reports, memoranda, or correspondence from persons who had invested with the defendant through any company that he was associated with and made a profit or were satisfied clients, or who responded in a positive or neutral fashion to questionnaires sent to them by the United States Postal Inspector.

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3. Any report, correspondence, or statement of a person who was interviewed by the government in connection with the subject matter of this case and whom the government does not intend to call as a witness at trial, which may tend to cast the defendant in a favorable light or tend to negate any element of the government's proof.

4. All records, including financial reports and business records in the possession or control of the government or its agents or of which the government or its agents or of which the government or its agent is aware, which tends to prove that the defendant or Cumberland Investment Corporation lived up to and honored its guaranteed investment return of 15% per annum.

5. Any and all records or documents in the possession or control of the government or its agents or of which the government or its agents are aware which would tend to show that the defendant and Cumberland Investment Corporation honored its contractual obligations with clients and lived up to its full 12 month return privilege.

6. Any memoranda, correspondence, or document concerning information presented to the Grand Jury prior to the return of the instant Indictment which may have been divulged to persons other than the government's counsel or agents including but not limited to the U. S. Bankruptcy Court, its officers or agents, attorneys for Eastland Bank, the United States Trustee, any court appointed examiners or their counsels, the

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Internal Revenue Service or any other private or governmental person or agency in violation of Federal Rule of Criminal Procedure 6(e).

7. Any and all documents or correspondence between the offices of the United States Attorney and the United States Trustee, John Cullen, which would tend to show that the United States Trustee was acting in a law enforcement capacity, or would be evidence of communication of Grand Jury information by the United States Attorney in violation of Rule 6(e) of the Federal Rules of Criminal Procedure. Any other writings between the United States Attorney who presented the instant case to the Grand Jury and any other members of the United States Department of Justice.

8. Any and all documents, correspondence, or memoranda which would tend to show that officers, agents, employees or individuals, other than the defendant had committed the criminal acts alleged in the instant Indictment.

9. Any and all evidence of any nature whatsoever, including the name of any witness, the statement of any potential witness, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government, which would tend to exculpate the defendant or affect the punishment of the charges contained in the instant Indictment. The request in this paragraph shall include but not be limited to any and all evidence and transcripts before the Grand Jury relating to this case.

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10. Any and all photographs, videotapes, negatives, motor picture films, or any other photographic reproduction of any nature, which may tend to impeach or effect the credibility of any witnesses whom the government intends to call at trial.

11. A list of any and all prior convictions both felony and misdemeanor of potential government witnesses, including but not limited to a list of all criminal charges, felony or misdemeanor pending against any potential government witnesses, in any jurisdiction at any time subsequent to the beginning of the acts charged in the instant Indictment.

12. A statement of any and all benefits which may accrue to any prosecute witnesses by virtue of their cooperation.

13. Any and all express or implied statements made to potential witnesses or their attorneys by the prosecution or agents of the government, that certain benefits would be obtained by cooperating with or testifying for the government, or that prosecution of any witness may be deferred or obviated by virtue of their cooperation.

14. Any and all evidence tending to show that a government agent or informer induced or suggested to a potential witness the content of their anticipated testimony, or suggested or induced said witness to refrain from any communication with the defendant and/or his counsel.

15. Any and all correspondence between Eastland Bank, or officers of the Bankruptcy Court, its agents or attorneys and

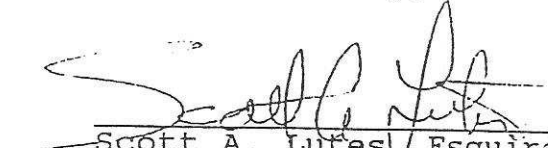
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the United States Attorney, the U. S. Postal Service, FBI, or any other federal, or state law enforcement agency, suggesting or prompting said law enforcement agency to conduct a criminal investigation of the defendant and/or Cumberland Investment Corporation.

16. Copies of any and all written orders, memoranda, letters, notes, or writings, requiring the postal authorities to divert, interrupt, intercept and/or open United States mail addressed to the defendant and/or Cumberland Investment Corporation, and Financial Privacy Consultants, Inc.

WHEREFORE, the defendant respectfully prays his Motion for the Production of Evidence Favorable to the Accused be granted. In support of this Motion your defendant relies upon the reasoning as set form in the attached Memorandum of Law.

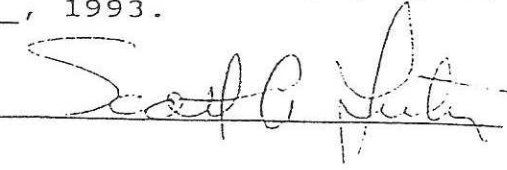
Harold F. Chorney,
By his Attorney,



Scott A. Lutes, Esquire
127 Dorrance Street
Providence, RI 02903
401-861-1142

CERTIFICATION

I, the undersigned, do hereby certify that I ^{had delivered} mailed a true and accurate copy of the within Motion to Seymour Posner, Esquire, Assistant United States Attorney, 10 Dorrance Street, Providence, RI 02903, by regular mail, postage prepaid, this 11th day of March, 1993.



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