

1 The final motion is a motion also brought under
2 Rule 33, and it is based on the claim that the government
3 has failed to disclose Brady material.

4 The Court has read and considered all of the
5 papers submitted in this matter, as it has in all of the
6 other motions, and tentatively concludes as follows: The
7 failure to disclose Brady material requires reversal only
8 if there is a reasonable probability that had the evidence
9 been disclosed to the defense, the result of the proceeding
10 would have been different. The reasonable probability is a
11 probability sufficient to undermine confidence in the
12 outcome of the trial.

13 Looking at the evidence provided to the defendant
14 by the disclosure of documents ordered by the Court, the
15 Court is unable to find that there is any such probability
16 that the result would have been different.

17 First, I have to note, that the Court's main
18 impetus in providing the discovery at the time that it did
19 was to enable the defendant to see based on that discovery
20 whether or not they could during the two months that have
21 passed, two and a half months since the defendant was
22 convicted, whether indeed investigation of those factors
23 set forth in those reports could produce some new evidence
24 or some evidence that might have been available and is
25 found at this time.