

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	Case No. 10-40078-01-RDR
)	
ALLEN S. BENSON,)	
)	
Defendant.)	
_____)	

ORDER

NOW ON THIS 8th day of December, 2010, the above-entitled matter comes before the Court upon the defendant's Motion for Discovery. The government appears by Duston Slinkard, Assistant United States Attorney. The defendant appears by his counsel, Thomas W. Bartee, Assistant Federal Public Defender for the District of Kansas.

WHEREFORE, the parties inform the Court that the government has agreed to provide the following materials and information requested in the defendant's Motion for Discovery:

1. The case file relating to the KBI DNA testing in this case, i.e., KBI lab case # T10-01419, including but not limited to the following:

- evidence custody receipts
- correspondence with agencies involved in the investigation or prosecution of this case
- notes of any contact relating to this case with agents of such agencies
- electropherograms
- bench notes or worksheets for all laboratory procedures, including extraction, quantitation, amplification, and analysis

- curriculum vitae of anyone involved in the analysis in this case, including Carey R. Sisson, a forensic scientist in the biology section of the Kansas Bureau of Investigation forensic laboratory, who performed the DNA analysis in this matter

2. Results of any proficiency tests of Carey R. Sisson or any other scientist involved in the DNA analysis in this case.

Furthermore, the parties agree that the Kansas Bureau of Investigation laboratory report, which the government has previously provided to the defendant, will be considered a sufficient expert summary at this point in time to meet the requirements of Fed.R.Crim.P. 16(a)(1)(G). However, the parties reserve the right to revisit the issue of the expert summary in the future should the need arise.

THEREFORE, the Court finds that the parties have resolved the discovery motion between themselves, and the defendant's Motion for Discovery is now moot.

IT IS SO ORDERED.

s/Richard D. Rogers
United States District Judge

Approved:

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