

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ENOCH CLARK, III,**

**Defendant.**

**Case No. 14-CR-20130-02-JAR**

**ORDER TO PRODUCE MATERIALS TO DEFENDANT AND FOR COURT'S  
FURTHER INSPECTION**

On April 25, 2016, this Court entered a Memorandum and Order (Doc. 172) granting Defendant Enoch Clark's Motion to Compel Discovery (Doc. 148) of certain manuals and materials, and directing the Government to produce the same to the Court for an *in camera* review. Specifically, the Government was ordered to produce to the Court, "the portions of the ATF manual, including the Home Operations Bulletin, that discusses phony stash house operations, the way the ATF is supposed to conduct those operations, and portions of the ATF manual dealing with the use of confidential informants." The Court limited the production to versions of those documents that were in use at the time of the events in this case.

On May 2, 2016, the Government produced to the Court, for *in camera* review, a few pages of the Bureau of Alcohol, Tobacco, Firearms and Explosives' manual or bulletin entitled "Home Invasion Operations, FY 2013- 1<sup>st</sup> Edition." The pages tendered were: page iii, the Table of Contents; and pages 11-13, from "Section 4: Current Home Invasion Protocols." Upon review, the Court has determined that these materials are discoverable, and orders the Government to provide Defendant Clark with access to these materials, by allowing his counsel to inspect these materials at the United States Attorney's Office, during business hours.

Notably, these pages from Section 4 include information about the use of confidential informants in the undercover investigation of home invasion cases. But, the Table of Contents indicates that there may be other information, not submitted to the Court for *in camera* review, that falls within the description of the materials this Court ordered the Government to produce. Namely, three appendices, entitled, “Home Invasion Investigation Considerations,” “Home Invasion Technique, Operational Checklist,” and “ATF 0 3250.1B, Undercover Operations, have not been produced for this Court’s *in camera* review, despite their apparent relevance to the scope of information this Court ordered produced. The Court is mindful that these appendices may reveal deliberative processes or information that is not properly within the scope of the discoverable information. But that is precisely why it should be nonetheless submitted to this Court for an *in camera* review and determination if it is discoverable, discoverable subject to redaction, or not discoverable at all. Thus, the Court orders the Government to *forthwith* submit to the Court for *in camera* review, the above-described appendices.

**IT IS THEREFORE ORDERED BY THE COURT** that the Government shall immediately provide Defendant Clark with access to the following materials, by allowing his counsel to inspect these materials at the United States Attorney’s Office, during business hours: The Bureau of Alcohol, Tobacco, Firearms and Explosives’ manual or bulletin entitled “Home Invasion Operations, FY 2013- 1<sup>st</sup> Edition,” and specifically pages iii, the Table of Contents; and pages 11-13, from “Section 4: Current Home Invasion Protocols.”

**IT IS FURTHER ORDERED BY THE COURT** that the Government shall **by May 4, 2016**, produce to this Court for *in camera* inspection three appendices to The Bureau of Alcohol, Tobacco, Firearms and Explosives’ manual or bulletin entitled “Home Invasion Operations, FY 2013- 1<sup>st</sup> Edition,” to wit, the appendices entitled “Home Invasion Investigation Considerations,”

“Home Invasion Technique, Operational Checklist,” and “ATF 0 3250.1B, Undercover  
Operations

**IT IS SO ORDERED.**

Dated: May 2, 2016

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE