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Attorney for Defendant, JAMES SPRINGER

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES A. SPRINGER,

Defendant.

No. CR18-722 (BGM)

**MOTION TO AMEND
PLEADING PURSUANT
TO RULE 15
(Defendant Out of Custody)**

It is expected that excludable delay under Title 18, U.S.C. § 3161(h)(1)(D) may occur as a result of this motion or from an order based thereon.

COMES NOW the Defendant, JAMES A. SPRINGER, by and through his counsel undersigned, and hereby requests the Court allow the Defendant to amend his Motion to Dismiss now pending before this Court, pursuant to Rule 15(a)(2).

Defendant submits that there has been newly discovered factual evidence made available to the Defendant, and had that information been available to the Defendant at the time his Motion to Dismiss was filed, those facts would have been incorporated into that pleading.

On August 30th, 2019, counsel received disclosure from the Assistant US Attorney's Office. In that discovery, was information that the Government's key witness in this case, Officer William J. Fisher, Jr., was terminated by the Fort Huachuca Director of Emergency Services on September 18th, 2018. This termination took place virtually a year ago, however was only disclosed to undersigned counsel in the last two days.

Defendant submits that the disclosure regarding the termination of Officer Fisher is critical in this case, due to the fact the Defendant specifically references Officer Fisher and his conduct, on Page 9, Paragraph 1, of Defendant's Motion to Dismiss. The Government also places the observations of Officer Fisher as the factual basis for the arrest of the Defendant.

It was also Officer Fisher who actually places the Defendant, which was arguably incorrect, on the Fort Huachuca Base property. The Defendant disputes this fact, and now has information that Officer Fisher was terminated, in part as a result of misconduct and being overzealous in his prosecution of matters on the base at Fort Huachuca.

Attached hereto is a portion of the termination packet that was disclosed to undersigned counsel by the Government. This contains facts that are relevant to the Defendant's Motion to Dismiss. **(Exhibit 1)**.

Defendant is requesting the Court grant this motion to allow the attached factual information to be considered by the Court, relative to the Defendant's now pending Motion to Dismiss.

RESPECTFULLY SUBMITTED this 31st day of August, 2019.

BARTON & STORTS, P.C.

s/ Brick P. Storts, III

Brick P. Storts, III

Attorney for Defendant

Copy to:

Jasmine Little
Special Assistant US Attorney