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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,)	CR. NO. 3:23-00117-JFA-1
)	
v.)	
)	MOTION FOR COURT TO DIRECT
STEVEN CLARK LEFEMINE,)	CERTAIN DISCOVERY ITEMS OR
)	COPIES THEREOF BE GIVEN
DEFENDANT.)	TO DEFENDANT
_____)	

**MOTION FOR COURT TO DIRECT CERTAIN DISCOVERY ITEMS
OR COPIES THEREOF BE GIVEN TO DEFENDANT**

NOW COMES the pro se defendant, Steven Clark Lefemine, and respectfully moves the Court to direct either the Columbia Federal Public Defender’s Office, or the Government (US Attorney’s Office), to provide certain items of discovery to the Defendant, which items have been provided by the Government previously, but which were not at the time, nor since, provided in their entirety to the Defendant for his possession; specifically: 1) Copies of videos from November 15, 2022, and 2) Copy of unredacted FBI documentation/report pertaining to the arrest of Defendant on November 15, 2022.

Pursuant to Defendant Motion for Discovery and Inspection (ECF #25, filed March 22, 2023), the Government (US Attorney’s Office) provided discovery, including several videos related to the arrest of the Defendant on November 15, 2022, as well as I believe an audio file, and documentation provided by the Federal Bureau of Investigation [Unclassified, Electronic Communication].

On March 28, 2023, Defendant was permitted to view, but not possess, videos and the content of the unredacted FBI documentation/report at the Columbia Federal Public Defender’s Office. The FBI documentation/report was presented to the Defendant as a booklet with plastic binding. Defendant was not allowed to take possession of the FBI documentation/report, labelled on each page as “RESTRICTED_ACCESS”.

Pursuant to Defendant Motion to Disclose Discovery (ECF #27, filed April 12, 2023), the Court Order granting the request of the Motion (ECF #28, filed April 13, 2023), stated in part, “the court finds it appropriate to allow counsel for the defendant to provide a copy of the redacted discovery to the defendant in this case.”

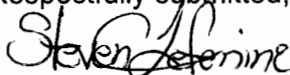
[Standing Order Governing Discovery (ECF #6, filed February 22, 2023) stated in part, defense counsel ***shall not provide to his or her client or any other person, copies of "Restricted Material," ... without the express permission of the Government or further order of this court.*** [FN2]"]

Defendant was provided with a redacted version of the FBI documentation/report, in the form of a booklet comprised of 46-sheets, bound with plastic binding. Defendant was not given any copies of discovery videos or audio. Defendant requests an unredacted version of the FBI documentation/report and copies of the November 15, 2022 discovery videos be given to him.

Request Judicial Notice be taken that this request by pro se Defendant is subsequent to the request for discovery and inspection of documents and videos included in ECF #75 (filed February 7, 2024) "Motion for Discovery and Inspection; and for Government's Witness List; and for Subpoena of Copy of Lease in Effect on November 15, 2022 for Planned Parenthood Facility located at 2712 Middleburg Drive, Suite #107, Columbia, SC 29204", in which items pro se Defendant moved the Court for discovery and inspection of included: "All books, papers, documents, photographs, videos or tangible objects which are in the possession, custody, or control of the Government, and which are relevant to this case, ...".

Since the unredacted version of the FBI documentation/report and copies of the videos were not made available to the Defendant at least ninety-six (96) hours prior to trial (as per ECF #75, Item 10., filed February 7, 2024), Defendant respectfully moves the Court to either: 1) Dismiss this case for denial of Defendant's constitutional right of Due Process under the Fifth Amendment, and of Defendant's constitutional right to be confronted with the witnesses against him under the Sixth Amendment, and of Defendant's constitutional right of Compulsory Process under the Sixth Amendment; or, in the alternative, 2) To grant continuance of the bench trial date sufficiently to provide for a period of at least ninety-six (96) hours prior to trial for provision of the discovery videos and unredacted FBI documentation/report requested.

Respectfully submitted,



/s/ **Steven C. Lefemine**

STEVEN C. LEFEMINE

Defendant

PO Box 12222, Columbia, SC 29211

(803) 760-6306 * CP@spiritcom.net

Columbia, South Carolina
February 19, 2024