UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA	)	Criminal No.: H-97-93
	)	
v.	)	Violations:
	)	
MARK ALBERT MALOOF,	)	15 U.S.C. §1
	)	18 U.S.C. § 371
Defendant.	)	FILED 6/23/97

UNITED STATES' RESPONSE TO DEFENDANT'S MOTION FOR PRODUCTION OF ORIGINAL TAPE RECORDINGS FOR ANALYSIS BY DEFENDANT'S EXPERT

The United States of America, through its undersigned attorney, hereby responds to Defendant's Motion for Production of Original Tape Recordings for Analysis by Defendant's Expert ("Defendant's Motion").

The United States will produce to defendant copies of tape recordings containing statements of the defendant pursuant to Rule 16(a)(1)(A). See United States' Combined Response to Defendant's Motion for Production and Disclosure and Defendant's Supplemental Motion for Production and Disclosure.

The United States also will produce to defendant the original tape recordings he requests in Defendant's Motion ¶ 1, on the condition that they be returned to the government at least 30 days prior to trial.

Respectfully submitted,

/s/

MARK R. ROSMAN
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U.S. Department of Justice
Antitrust Division
1601 Elm Street, Suite 4950
Dallas, Texas 75201-4717
(214) 880-9401

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the United States' Response to Defendant's Motion for Production of Original Tape Recordings for Analysis by Defendant's Expert was sent via Federal Express this __ day of June, 1997, to:

J. Mark White, Esq.
White, Dunn & Booker
1200 First Alabama Bank Building
Birmingham, AL 32503

Albert C. Bowen, Esq.
Beddow, Erben & Bowen, P.A.
Second Floor - 2019 Building
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/s/

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ORDER

Upon consideration of the Defendant's Motion For Production of Original Tape Recordings for Analysis by Defendant's Experts,

The Defendant's Motion is hereby DENIED as moot.

DONE AND ENTERED THIS ____ day of _____, 1997.

_____

United States District Judge