

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 01-30173

**UNITED STATES OF AMERICA,
Plaintiff-Appellee**

v.

**JAMES HARVEY BROWN, also known as Jim Brown
Defendant-Appellant**

On Appeal from the United States District
Court for the Middle District of Louisiana
Crim. Docket No. 99-151-B-M2

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

James Harvey Brown

William H. Jeffress, Jr.

Attorney of Record for Defendant-Appellant

James Harvey Brown

STATEMENT PURSUANT TO FRAP 35(b)(1)

The undersigned counsel for appellant states that with respect to its conclusion under the Confrontation Clause, the panel's decision conflicts with decisions of the Fifth Circuit in Wilkerson v. Cain, 233 F.3d 886 (5th Cir. 2000), and United States v. Landerman, 109 F.3d 1053 (5th Cir. 1997), and consideration by the full Court is necessary to secure and maintain uniformity of the Courts decisions. With respect to the panel's interpretation of Rule 16 (a)(1)(A), FRCrim.P, the issue is a novel one in this Circuit, but the question is one of exceptional importance in that it arises frequently in criminal cases and the panel's ruling is contrary to those of every court that has actually considered the 1991 amendment to the Rule, including the Third Circuit in United States v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that two copies of Appellant's Petition for Rehearing En Banc were sent by first class mail, postage prepaid, this 4th day of September, 2002, to Stephen A. Higginson, Assistant United States Attorney, 501 Magazine Street, Room 210 New Orleans, LA 70130.

William H. Jeffress, Jr.