

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**CASE NO: 1260049-KMW**

**vs.**

**ROGERIO CHAVES SCOTTON,**

**Defendant,**

\_\_\_\_\_/

**NOTICE OF SUPPLEMENTAL RECORD IN SUPPORT  
OF RULE 41(g) MOTION AND NON-RESPONSE TO  
FORMAL DEMAND**

**COMES NOW** the Defendant, Rogerio Chaves Scotton, pro se, and respectfully submits this Supplemental Notice in further support of his pending Motion for Return of Property under Federal Rule of Criminal Procedure 41(g), and to formally notify the Court that a direct demand for the return or accounting of seized property was submitted to the United States Attorney's Office and has been met with no response.

## **I. BACKGROUND**

On or about [insert date email was sent], the Defendant submitted a formal written demand via email to Assistant U.S. Attorney Bertha Mitrani, requesting the return or full accounting of all property seized in connection with the above-captioned case. Said correspondence was copied to this Honorable Court and included demands for:

Return of all 27 boxes referenced at trial;

Accounting for all additional pretrial evidence and property;

Inventory and chain of custody documentation;

Records from all third-party carriers, including FedEx, UPS, and DHL;

Any destruction or disposition records, including names of officials and legal authorizations.

A true and correct copy of that correspondence is attached hereto as Exhibit A.

## **II. NO RESPONSE FROM GOVERNMENT**

As of the filing of this notice, the United States has failed to respond to the Defendant's demand, provide any documentation, or offer any legal justification for its continued unlawful retention, destruction, or concealment of property.

The government's silence is especially troubling in light of its affirmative duty to return property not subject to lawful forfeiture and to provide documentation when such property has been transferred or destroyed.

## **III. LEGAL BASIS FOR RELIEF**

The government's non-response, combined with its failure to notify or return property since the conviction in 2014, amounts to a continuing violation of Rule 41(g) and the Fifth Amendment's Due Process Clause. The Defendant reiterates his reliance on: *Wilson v. U.S.*, 540 F.2d 1100 (D.C. Cir. 1976); *United States v. Obi*, 100 F. App'x 498 (6th Cir. 2004); *United States v. Francis*, 646 F.2d 251 (6th Cir. 1981). These authorities confirm the Defendant's continuing right to the return or full accounting of property where no forfeiture, consent, or legal destruction has been shown.

## **IV. REQUEST FOR RELIEF**

Defendant respectfully requests this Honorable Court to:

Take judicial notice of the Government's failure to respond to formal demand;

Compel the United States to produce:



A complete inventory;

All chain-of-custody and destruction records;

Documentation of any third-party transfer (FedEx, UPS, DHL);

Order an evidentiary hearing on the status and disposition of the property;

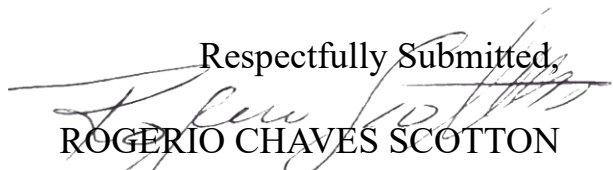
Grant any additional relief the Court deems just and proper.

Respectfully submitted,  
Rogerio Chaves Scotton  
Pro Se Defendant  
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## **CERTIFICATE OF SERVICE**


I hereby certify that a true and correct copy of the foregoing DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EVIDENCE, DISCOVERY MATERIALS, AND RETURN OF SEIZED PROPERTY was served upon AUSA Bertha Mitrani at [bertha.mitrani@usdoj.gov](mailto:bertha.mitrani@usdoj.gov) on this Marc 28, 2025.

Respectfully Submitted,

  
ROGERIO CHAVES SCOTTON  
7797 GOLF CIRCLE DRIVE 204  
MARGATE, FLORIDA 33432  
[rogerioscotton50@gmail.com](mailto:rogerioscotton50@gmail.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EVIDENCE, DISCOVERY MATERIALS, AND RETURN OF SEIZED PROPERTY was served on government, at his e-mail [bertha.mitrani@usdoj.gov](mailto:bertha.mitrani@usdoj.gov), on this 28 day of March of 2025.

  
ROGERIO CHAVES SCOTTON  
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