

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

RANDALL L. CHUMLEY (6),

Defendant.

CRIMINAL ACTION FILE
NO. 1:25-CR-00079-TRJ-JEM-6

UNITED STATES MAGISTRATE JUDGE'S ORDER AND
NON-FINAL REPORT AND RECOMMENDATION

Pending before the Court are three motions filed by Defendant Randall L. Chumley: (1) a motion for a bill of particulars, (Doc. 78); (2) a motion for disclosure of confidential informants, along with any deals, promises, or inducements involving each cooperating source and potential witness, (Doc. 80); and (3) a motion for leave to file under seal his replies in support of these motions, (Doc. 116). For the following reasons, the Court **RECOMMENDS** that Chumley's motion for a bill of particulars, (Doc. 78), and his motion for disclosure of confidential informants, along with any deals, promises, or inducements involving each cooperating source and potential witness, (Doc. 80), be **DENIED**. Additionally, Chumley's motion to seal, (Doc. 116), is **GRANTED IN PART**.

I. BACKGROUND

A. Procedural History

On March 4, 2025, a federal grand jury sitting in the Northern District of Georgia returned a 39-count indictment, charging six defendants with wire fraud offenses. (Doc. 1.) Chumley was charged with one substantive wire fraud count. (*Id.*) Specifically, Count 39 charged Chumley, along with codefendants Holcombe and Venable, with wire fraud stemming from the allegation that he participated in a scheme to fraudulently obtain Unemployment Insurance benefits from the Georgia Department of Labor, in violation of 18 U.S.C. §§ 2 and 1343. (*Id.*) After Chumley filed the two pending substantive motions, (Docs. 78, 80), the government responded on January 2, 2026, (Docs. 110, 111), and Chumley replied on January 20, 2026, (Docs. 117-120). Chumley moved to seal the unredacted versions of his replies, (Doc. 116), which the government did not oppose, (*see* Dkt.). The matters are now fully briefed and ripe for review.

B. Factual Allegations

Unemployment Insurance (“UI”) was a joint state and federal program that provided monetary benefits to eligible beneficiaries. (Doc. 1 at 2.) UI payments were intended to provide temporary financial assistance to lawful workers who were unemployed through no fault of their own. (*Id.*) In Georgia, the Department of Labor (“GA DOL”), based in Atlanta, Georgia, administered the UI program. (*Id.*) Those seeking UI benefits submitted online applications via the internet. (*Id.*) Applicants had to answer specific questions to establish eligibility to receive UI benefits, including providing the applicant’s name, Social

Security number, and bank account information for the direct deposit of the approved benefits. (*Id.*) To obtain and to continue to obtain UI benefits, applicants had to self-certify that they were available to work. (*Id.*) Incarcerated individuals were thus not eligible to receive UI benefits. (*Id.*) The GA DOL relied on the information provided in the applications to determine UI benefits eligibility. (*Id.*) Once an application was approved, the GA DOL typically distributed state and federal UI benefits electronically to a bank account designated by the claimant. (*Id.* at 2-3.)

Two of Chumley's co-defendants, Holcombe and Venable, are alleged in Count 1 to have conspired with "others unknown to the Grand Jury" to fraudulently obtain UI benefits from the GA DOL. (*Id.* at 1.) Specifically, for a fee, Holcombe and Venable submitted fraudulent UI applications to the GA DOL for individuals, including incarcerated people who were not eligible to receive UI benefits. (*Id.* at 3.) Individuals who wished to apply provided Holcombe and Venable with their name, date of birth, and Social Security number, among other information. (*Id.*) Pursuant to the scheme, Holcombe and Venable electronically submitted an application for UI benefits for Chumley on July 24, 2020. (*Id.* at 3-4.) In that application, defendants stated that Chumley was available to work. (*Id.* at 16.) At all relevant times, however, Chumley was incarcerated. (*Id.*)

II. DISCUSSION

A. Chumley's Motion to Seal

Chumley filed both redacted and unredacted versions of his replies in support of his two pending substantive motions. (Docs. 117-120.) According to

Chumley, the redacted versions conceal the names of specific cooperating sources, and Chumley seeks to seal the unredacted versions because they mention those sources. (Doc. 116.) The government did not oppose this request. (See Dkt.) Ordinarily, “[m]aterial filed in connection with any substantive pretrial motion, unrelated to discovery, is subject to the common law right of access.” *Romero v. Drummond Co.*, 480 F.3d 1234, 1245 (11th Cir. 2007). However, the common law right of access “may be overcome by a showing of good cause.” *Lee v. Ocwen Loan Servicing, LLC*, No. 1:14-CV-99-TCB-LTW, 2014 U.S. Dist. LEXIS 190195, at *3 (N.D. Ga. June 17, 2014) (granting the defendant’s motion to file under seal a settlement agreement relevant to the case) (citing *Romero*, 480 F.3d at 1245). To determine whether good cause exists to seal a document, courts must balance “the right of access against the interest in keeping the information confidential.” *Id.* (citing *Romero*, 480 F.3d at 1246). Courts in the district are generally interested in sealing only the very specific portions of documents that contain or refer to confidential information; a mere reference or discussion of confidential information does not warrant sealing an entire document and all its attachments. *See, e.g., Crea v. Krzyzanski*, No. 1:18-CV-00861-JPB, 2020 U.S. Dist. LEXIS 259796, at *5 (N.D. Ga. June 19, 2020). The Court finds that the information Chumley wishes to seal – the names of specific cooperating sources – should be kept confidential because the harm of its exposure outweighs the public’s interest in it. However, only Chumley’s reply in support of his motion for a bill of particulars, (Docs. 117, 119), identifies specific cooperating sources by name; in

contrast, Chumley's reply in support of his motion to disclose confidential informants does not identify any cooperating sources by name. (Docs. 118, 120.)

Accordingly, Chumley's motion to seal, (Doc. 116), is **GRANTED IN PART**. Document 119, which is the unredacted version of Defendant's reply in support of his motion for a bill of particulars, shall remain under seal, but the Clerk is **DIRECTED** to **UNSEAL** Document 120.

B. Chumley's Motion for a Bill of Particulars

In this motion, Chumley seeks the following information:

- What he specifically said or did (and the dates of each such statements or actions) in support of the allegations that he personally intended to defraud the DOL, and took steps to accomplish the same;
- The name(s) of the alleged co-conspirator(s), or any unindicted co-conspirator(s), with whom he supposedly collaborated with respect to each instance provided; and
- Any and all documentation that supports any of these allegations.

(Doc. 78 at 1-2.) The government responds that this motion should be denied because (i) the indictment sufficiently informs Chumley of the allegations against him, and (ii) the government has provided discovery that contains the information necessary for Chumley to prepare a defense, minimize surprise at trial, and plead double jeopardy. (Doc. 110 at 2.) Chumley replies that the information revealed in discovery (specifically, information from two cooperating sources) may be sufficient for him to prepare his defense if the government does not present any other cooperating sources against him at trial.

(Doc. 119 at 2.) Therefore, Chumley asserts, the government should either (a) “disclose these sources, or other indicia of Chumley’s supposed knowing involvement, and provide the requested Bill of Particulars” by February 19, 2026, or (b) “submit discovery reflecting the identity of these sources, and any new information supporting Chumley’s alleged involvement in the scheme, no later than 30-45 days before trial.” (*Id.* at 2-3.) This argument about cooperating sources appears irrelevant to the requests Chumley makes in his motion for a bill of particulars. Rather, it is relevant to his motion for disclosure of confidential informants, which the Court addresses below. Regardless, the ultimate goal of Chumley’s motion for a bill of particulars appears to be that he receive any evidence the government has not already produced but intends to introduce against him at trial.

Based on Chumley’s assertions that he has sufficient discovery now to properly prepare his defense, his motion for a bill of particulars is moot. *See United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985) (affirming trial judge’s denial of request for bill of particulars where defendant did not show information was necessary to prepare defense). The government is reminded, however, that full discovery was due at the time of arraignment. To the extent any additional discovery has been located, the government is **ORDERED** to produce it to Chumley **immediately**. *See* Fed. R. Crim. P. 16. The government is further reminded of its obligation to disclose *Brady/Giglio* material pursuant to the relevant statutes, governing case law, and the Federal Rules of Criminal

Procedure. Given this, the Court **RECOMMENDS** that Chumley's motion for a bill of particulars, (Doc. 78), be **DENIED**.

C. Chumley's Motion for Disclosure of Confidential Informants, along with Any Deals, Promises, or Inducements Involving Each Cooperating Source and Potential Witness

1. Chumley has not shown that he is entitled to the disclosure of confidential informants that the government does not intend to call at trial.

In this motion, Chumley asks the Court to compel the government to disclose certain information to him. First, he wants the government to disclose, no later than 45 days before trial, the identity of and contact information for any "cooperating source," which he defines as "any individual who has provided, or will provide, information of any kind to the Government, or to any law enforcement agency working with or assisting the Government, in furtherance of or assistance with the Government's prosecution of Chumley." (Doc. 80 at 1, 6-7.) Alternatively, he asks the Court to conduct an *in camera* hearing with the attorneys and cooperating source(s) so he may "investigate their allegations, dispute all false statements, and otherwise take steps for properly impeaching them at trial." (*Id.* at 3.)

It is unclear whether Chumley is asking for (i) information about undisclosed confidential informants that the government intends to call at trial, (ii) information about undisclosed confidential informants that the government does not intend to call at trial, or (iii) both. To the extent he is asking for information about undisclosed cooperating sources that the government intends

to call at trial, it is unclear whether they exist. According to Chumley, he learned “through recent discussions[that] the Government has not ruled out presenting other sources against [him].” (Doc. 117 at 2.) But the government does not address this assertion head-on. (See Docs. 110, 111.) To the extent they exist, the government is reminded of its obligation to disclose that information in a timely manner pursuant to the relevant statutes, governing case law, and the Federal Rules of Criminal Procedure.

To the extent Chumley is asking for the disclosure of any confidential informant that the government does not intend to call at trial, it is unclear from the parties’ briefs whether those sources exist and, if they do, whether they are revealable. When it comes to confidential informants that the government does not intend to call at trial, the government has a limited privilege to withhold their identities from disclosure. *Roviaro v. United States*, 353 U.S. 53, 59-61 (1957); *Banks v. Dretke*, 540 U.S. 668, 697 (2004) (“The issue of evidentiary law in *Roviaro* was whether (or when) the Government is obliged to reveal the identity of an undercover informer the Government does *not* call as a trial witness.”) (emphasis in original). When “the disclosure of an informer’s identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way.” *Id.* at 59. To determine whether that privilege must give way to a defendant’s right to prepare his defense, courts must balance three factors: (1) the extent of the informant’s participation in the criminal activity; (2) the directness of the relationship between the defendant’s asserted defense and the probable

testimony of the informant; and (3) the government's interest in nondisclosure.

United States v. Gutierrez, 931 F.2d 1482, 1490 (11th Cir. 1991) (citations omitted).

As to the first factor, the government initially asserts that the specific offense with which Chumley is charged did not include the participation of any cooperating source. (Doc. 111 at 4.) Confusingly, the government then "agrees to disclose the identity of cooperating sources relevant to [Chumley's] defense at least 30 days before trial" if he subsequently satisfies his burden under *Roviaro*. (*Id.* at 4 n.2.) This assertion indicates that there are, in fact, undisclosed cooperating sources. The Court ordered briefing precisely so that factual questions like these would not remain unanswered. And yet, they do.

As to the second factor, which the defendant bears the burden of establishing, *Gutierrez*, 931 F.2d at 1491, Chumley asserts that he "adamantly denies the allegations made against him" and that "any statements made by confidential sources as inaccurate or untrue as motivated by personal benefit or profit[,]" (Doc. 80 at 2-3). These vague assertions are not enough to show that Chumley is entitled to the privileged information he seeks. Indeed, as the government argues, "[m]ere conjecture or supposition about the possible relevancy of the informant's testimony is insufficient to warrant disclosure." *United States v. McDonald*, 935 F.2d 1212, 1217 (11th Cir. 1991) (citations and footnote omitted). See *United States v. Moore*, 611 F. App'x 572, 575 (11th Cir. 2015) ("The defendant has the burden of showing that a CI's testimony 'would significantly aid in establishing an asserted defense.'" (citation omitted); *United States v. Degaule*, 797 F. Supp. 2d 1332, 1384 (N.D. Ga. 2011) ("The burden is on

the defendant to establish that the *Roviaro* criteria in a particular case counsel in favor of disclosure by way of sufficiently specific demonstration of the relevancy and potential helpfulness of each of the informers' testimony."); *United States v. Rooks*, 1:15-CR-380-SCJ-CMS, 2016 WL 8710421, at *3 (N.D. Ga. March 25, 2016) (finding that the defendant failed to meet his burden under *Roviaro* where he stated only that early disclosure would help him "prepare a defense," but he did not indicate what defense that might be or why the CI's testimony would significantly assist in developing that defense).

As to the third factor, the government argues that it has a substantial interest in protecting the identities of confidential source(s), primarily to protect their safety and prevent possible retaliation against them because of their assistance to the government. (Doc. 111 at 5.)

Despite the muddy waters here, it is clear that Chumley has not satisfied his burden under *Roviaro*, so he is not at this time entitled to information about any cooperating source that the government does not intend to call at trial.

2. Chumley has not shown that he is entitled to early disclosure of *Brady/Giglio* evidence.

In this portion of his motion, Chumley asks the Court to compel the government to disclose, no later than 45 days before trial, all exculpatory evidence regarding every witness the government might call at trial. (Doc. 80 at 4-7.) He asserts that the disclosure of this information no later than 45 days before trial "is necessary to ensure [his] rights to due process and a fair trial." (*Id.* at 7.) To support his motion, he cites, *inter alia*, *Brady v. Maryland*, 373 U.S. 83

(1963), and *Giglio v. United States*, 405 U.S. 150 (1972). (*Id.* at 5.) The government responds that Chumley has not made a particularized showing to support why this information must be provided 45 days before trial and that his motion instead constitutes a “back-door attempt” to obtain a witness list from the government that it is not required to produce. (Doc. 111 at 5-6.) The Court agrees.

A defendant’s due process rights require the government to disclose information that is favorable to a defendant and that is material either to guilt or punishment. *Brady*, 373 U.S. at 87. Favorable evidence includes both exculpatory and impeachment evidence. *See Giglio*, 405 U.S. at 153-54. “Exculpatory or impeachment evidence is material for the purpose of *Brady* ‘if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.’” *Breedlove v. Moore*, 279 F.3d 952, 961 (11th Cir. 2002) (quoting *United States v. Bagley*, 473 U.S. 667, 676, 682 (1985) (a “reasonable probability” is a probability sufficient to undermine confidence in the outcome.)). Certainly, any “deal” between the government and a witness could be subject to disclosure under *Brady* and *Giglio*.

Incorporating *Brady* and *Giglio*’s disclosure obligations, this Court’s Scheduling Order directs the government “to disclose to the defendant all exculpatory evidence – that is, evidence that favors the defendant or casts doubt on the United States’ case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny[.]” (Doc. 18 at 6.) Regarding *Giglio* material, the Scheduling Order references the *Jencks* Act, which mandates that certain witness statements be provided to the defense after the witness has testified on direct examination.

(*Id.* at 9) (citing 18 U.S.C. § 3500.) The Order provides, though, that the government is “strongly encourage[d] . . . to disclose” impeachment evidence prior to the pretrial hearing or trial in which the witness who may be impeached is scheduled to testify. (*Id.*) The Order further explains that “[n]o party is required to provide a list of its witnesses in advance of trial unless otherwise compelled by law or ordered by the Court.” (*Id.* at 10.)

Here, the government “acknowledges its obligations pursuant to *Brady* . . . , *Giglio* . . . , and the Due Process Protections Act” and it “intends to timely provide such information.” (Doc. 111 at 5.) At this time, the Court has no reason to discredit these representations.¹

The Court thus **RECOMMENDS** that Chumley’s motion for disclosure of confidential informants, along with any deals, promises, or inducements involving each cooperating source and potential witness, (Doc. 80), be **DENIED**.

III. CONCLUSION

For the foregoing reasons, the Court **RECOMMENDS** that Chumley’s motion for a bill of particulars, (Doc. 78), and his motion for disclosure of confidential informants, along with any deals, promises, or inducements involving each cooperating source and potential witness, (Doc. 80), be **DENIED**. Additionally, Chumley’s motion to seal, (Doc. 116), is **GRANTED IN PART** such

¹ Chumley alternatively requests that the government provide the requested information to the Court *in camera*, and that the Court either (a) provide all potentially helpful information to Chumley, or (b) file it under seal “in the event of subsequent review.” (Doc. 80 at 7.) Because Chumley has not shown why early disclosure of this information is warranted, the Court sees no need for these alternative actions.

that Document 119 shall remain under seal, but the Clerk is **DIRECTED** to **UNSEAL** Document 120.

Chumley has no other motions pending before the undersigned, and all other named defendants' cases have previously been certified. Accordingly, the entire case is **CERTIFIED READY FOR TRIAL**.

SO RECOMMENDED, ORDERED, and DIRECTED February 19, 2026.



J. ELIZABETH McBATH
UNITED STATES MAGISTRATE JUDGE