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Huntsville, Alabama defense contractor's lawyers want prosecutors held in contempt for withholding evidence

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ROBERT K. GORDON

News staff writer

Lawyers for a former Huntsville defense contractor who beat federal arms export charges are accusing prosecutors of knowingly withholding evidence that would have helped prove Alex Latifi's innocence.

Attorneys for Latifi filed a motion Monday in U.S. District Court asking that the prosecutors, investigators and a government witness show why they should not be held in contempt.

Latifi was prosecuted in 2007, charged with sending drawings of an Army helicopter to a Chinese subcontractor. The charges were dismissed because a judge found problems with the government's case.

Henry Frohsin and Jim Barger, Latifi's attorneys, said they learned of evidence that would have helped clear their client through documents recently filed in a civil lawsuit.

"We were shocked and disappointed that evidence which was exculpatory in nature had to be presented to us through third party civil litigation,"Frohsin said.

U.S. Attorney Joyce White Vance said her office will respond within two weeks.

Latifi's Axion Corp. had a contract with the Army to build a counterweight for Black Hawk helicopter rotors. Among other things, Latifi was accused of attempting to mislead the Army by filing false documents. Prosecutors alleged that records showing a test of a prototype performed Jan. 13, 2004, could not have been accurate because parts used in making the counterweight weren't delivered until Jan. 9, 2004.

Records filed Monday seem to contradict that. In one affidavit, a sales manager for a parts supplier said he told investigators weeks before the trial that it was possible Latifi could have been given a partial order in December 2003.

E-mail: rgordon@bhamnew.com

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