

**IN THE DISTRICT COURT OF TULSA COUNTY,  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,

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Plaintiff,

)

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v



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**MOTION FOR DISCOVERY, INSPECTION, AND  
PRODUCTION OF EXCULPATORY EVIDENCE**

The Defendant in the above-entitled matter, NAME, hereby respectfully requests the State voluntarily to disclose the below-described matters, and moves the Court, also in accordance with his rights of due process, confrontation, and effective assistance of counsel under the Fifth, Sixth and Fourteenth amendments of the United States Constitution and Article II Sections 17, 18, 19, 20, 21 and 30 of the Oklahoma Constitution and Titles 12, 21 and 22 of the Oklahoma Statutes, to order the disclosure in writing, and the existence of and allow the Defendant to inspect, copy, photograph and have reasonable tests made of the following relevant materials which are material to the preparation of the Defendant's defense, and are within the possession, custody, control or knowledge of the State and/or its agents.

1. All relevant, written, or recorded statements signed or unsigned statements, confessions, or written summaries of oral statements of confessional, or admissions against interest or statements relating to this case made by the Defendant.

2. All books, papers, documents, photographs, sound or video recordings, tangible objects, building, or places which are intended for use by the State as evidence at the trial or were obtained from or belong to the Defendant.

3. A written list of the names and addresses of all persons including police officers whom the attorney for the State expects to call as witnesses at the trial in support of the State's direct case or on rebuttal.

4. All relevant written or recorded verbatim statements, both signed or unsigned, of any witnesses known to the State. If the State has no such written or recorded statements, the Defendant requests a summary of the testimony each witness is expected to give at trial.

5. All reports or records of prior convictions, if any, of the Defendant, and reports or records of prior convictions or arrest records of persons whom the attorney for the State expects to call as witnesses.

6. All warrants which have been executed in connection with the case and papers accompanying them including affidavits, transcripts of oral testimony, returns and inventories.

7. All documents, records or other evidence which relate to the charges brought

against the Defendant.

8. Copies of any writings executed or audio or video tapes recorded by any police official or other interested party dealing with the incident under which the Defendant stands charged including but not limited to (a) police reports; (b) alcohol influence reports; (c) witness statements; (d) notes made by police officer to be used at trial; and (e) all documents, tape recordings, reports relating to the Oklahoma State Bureau of Investigation.

9. Names and addresses of any witnesses who may have information regarding the guilt or innocence of Defendant arising out of the incident under which the Defendant stands charged.

10. The results of all chemical and field tests administered to Defendant whether or not the results have been recorded, together with the name of the person who administered the test and the time, location and circumstances under which the test was given.

11. The Defendant requests any and all exculpatory information or material relating to the guilt or innocence including the following: (a) all information of whatever form, source, or nature which tends to exculpate the Defendant either through an indication of his innocence of this charge or through the potential impeachment of any State witness or which would lead to a reduction of the offense against him, and all information of whatever form, source, or nature which may lead to evidence which tends to exculpate the Defendant whether by indicating his innocence or impeaching the credibility of any potential prosecutor witness, and all information which may be of or become of benefit to the Defendant preparing for or presenting the merits of his defense of innocence at the trial; (b) any physical evidence, information, statements or notes which are evidence that the accused may have a defense to the crime alleged or may have committed a lesser offense than that which he is charged, or that someone else may have committed the alleged crime; (c) a list of names and addresses of anyone known by the State whom might give favorable testimony on behalf of the Defendant if those person were called to testify; (d) the full nature and extent of all understandings, agreements, promises, deals or indications of immunity, favorable consideration, favorable disposition, review, etc., granted any witnesses or potential witnesses in this case, including the nature and details of all such understandings, agreements, deals, etc.; (e) all statements, notes, interviews, recorded statements and memorandums which indicated that one person having knowledge of purported facts of the alleged incident has made a statement that is inconsistent with, contradictory with, or more complete where other details have been admitted in a statement given by another person who had purported knowledge or facts of this case together with any statement, note, incident report, tape recording or memorandum by a person which is inconsistent or contradictory or less than complete with that person's own subsequent statement

whether under oath, in writing, or orally to a third party; (f) any evidence of bad act, misconduct on the part of any prosecution witness or anything reflecting on his or her credibility as a witness or which would aid the Defendant in cross-examination or would impeach his/her testimony; and (g) all doctor and hospital reports concerning the examination of the alleged victim, including all hospital records.

12. The nature, date and place of any criminal offense or act of misconduct other than that charged in the present Information which the State will offer for impeachment purposes or attempt to disprove good character or reputation for same that the Defendant may enjoy.

13. Copies of all alleged waiver of rights, waiver of issuance of search warrant, etc., executed or purported to be executed by the Defendant.

14. All sworn statements of witnesses whether acknowledged before a notary public or denominating "voluntary statement" wherein the witness asserts the truth of the matter being stated. These statements are sought whether the person would be endorsed or is endorsed as a witness or not.

15. All laboratory test, reports and laboratory submittal form concerning any examination or scientific test used in this case.

16. Copies of the results or reports of scientific tests, experiments, demonstrations, models or comparisons made in connection with this particular case which are known to and obtainable by the Plaintiff, State of Oklahoma, and within the possession, custody or control of any agency of the Plaintiff and which are material to the preparation of the defense or are intended for use by the prosecuting attorney as evidence in the trial or which may be exculpatory. Specifically, but without limitation, Defendant requests copies of the material with respect of any scientific reconstruction or attempted reconstruction of the accident scene or the circumstances leading to the accident.

17. All electronic recordings taken from any witness in this case.

18. All photographs taken by agents of the Plaintiff, and the Defendant specifically requests the permission to inspect and copy all photographs.

19. A copy of any and all scientific reports and examinations made of exhibits or persons herein, conducted by the Oklahoma State Bureau of Investigation, Federal Bureau of Investigation, \_\_\_ City Police Department, \_\_\_ County Sheriff's Department, any other law enforcement laboratory or any hospital or doctor.

20. All diagrams, sketches and pictures which have been named by any witnesses or prospective witnesses in the case.

21. A detailed description of all physical items including documents and pictures, which the prosecutor anticipate using in the trial and the exact place and under whose custody such items are being held and the right to inspect such items.

22. Any and all consideration or promises of consideration given to any witness for the State including, but not limited to, immunity, witness fees, assistance to members of witness' family, favorable treatment with respect to criminal action, and anything else which could arguably create an interest or bias in a witness' favor of the State.

23. The complete inventory of all articles or items in possession of the State relating to the charges against the Defendant.

24. All reports concerning fingerprints.

25. In the event the State and/or any of its agents have released information to the press concerning this incident, defense counsel requests to be informed of the information, pictures, etc. released and a distribution list of to whom such information was revealed.

26. All photographs made of the alleged victim.

27. A list of all persons interviewed by any law enforcement agency concerning this crime, their address and the summary of their statement.


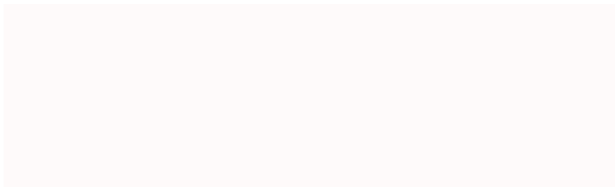

28. The right to inspect and copy the Defendant's initial arrest record, booking record, jail register, and police blotters and radio logs on the evening of the alleged crime.

It is further requested that should the Court sustain in whole or part this Motion, that it set forth a period of time by which the Plaintiff must comply with the order respecting the disclosure of exculpatory evidence, and it is further requested that the Court order that the relief granted be considered a continuing order so that in the event additional information comes to the attention of the Plaintiff or any of its subdivisions, that there will be a continuing obligation to disclose. Further, Defendant requests that it be made clear that this order to be entered reaches not only knowledge held by the office of the District Attorney of \_\_\_ County, but also the \_\_\_ Police Department, County Sheriff's Office, and the Oklahoma State Bureau of Investigation. Further, the Defendant requests that the State be required to submit a response in writing of specific information given in compliance with the Court's order, and that following the submission of such response filed with the Clerk of the Court, a hearing be held to determine whether the State has in fact complied with the Court's order.

Respectfully

submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on March \_\_\_\_\_, \_\_\_\_\_ a true and exact copy of the foregoing was delivered to the office of the \_\_\_\_\_ District Attorney.

