

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

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
LALLAN TODD HOLT <i>et al</i> ,	)	Case No. CF-02-5666
	)	Judge Thornbrugh
Defendants.	)	
	)	

**DEFENDANT 'S MOTION FOR DISCOVERY AND INSPECTION AND BRIEF IN SUPPORT**

COMES NOW \_\_\_\_\_, the Defendant herein, through counsel, who moves this Court, pursuant to *Allen v. District Court of Washington County*, 803 P.2d 1164 (Okla.Cr.1990), to order the State to produce for inspection and copying the following, which are known to, or in the possession of, the State or any of its agents, or which through due diligence would become known from the investigating officers or witnesses or persons having knowledge of this case.

The Defendant respectfully requests the State to disclose the following information:

1. (a) The names, addresses and telephone numbers for persons having knowledge of the facts or relevant information concerning this case.
- (b) The names and addresses of witnesses, whether called in the State's case-in-chief or in rebuttal, together with their relative oral, written and/or recorded statement, or summaries of the same;
- (c) The names and addresses of any and all persons having knowledge of the circumstances of this case, or who were interviewed by the State or its agents in connection with this case.
- (d) The identity, all known aliases, and the whereabouts of any person who supplied the State with confidential information which was based on his or her participation in the investigation or arrest of defendant.
- (e) The names and addresses of all identification witnesses in this case.
- (f) The time and place of any photographic and/or corporal identification by identification witnesses.
2. (a) Any and all written and/or recorded statements made by or purported to be made by the defendant, either before or after the defendant's arrest, either to State agents or to third parties, whether or not the State intends to introduce such statement at trial, and the substance of any oral statements made by the accused or made by co-defendants.
- (b) The substance of any oral statement attributed to the defendant, whether made before or after the defendant's arrest, whether or not the State intends to introduce evidence of such statement at trial.
- (c) The substance of any and all statements which the State alleges are admissible as statements of a co-conspirator, made during the course of and in furtherance of an alleged conspiracy which are intended to be offered in evidence at trial.
- (d) Any and all tape recordings of telephone conversations including transcripts, to which the defendant is purported to be a party.

(e) Any and all documents, instruments or forms of any kind signed or purported to have been signed by the defendant.

(f) The original of any and all tape-recordings of conversations (telephonic, live, radio transmitted or by other means) between any of the defendants and any law enforcement agent investigating the defendants in this matter or any other matter since September 1, 1992.

3. (a) Any and all written statements of (1) any witnesses concerning the subject matter of this case, the transaction in question, the defendant, any co-conspirator (charged or uncharged), and/or (2) the condition and situation existing at the scene of the alleged offense.

(b) Any and all offense reports.

(c) Any reports or statements made by experts in connection with the particular case, including the results of physical or mental examinations and of scientific tests, experiments, or comparison, and any and all memoranda, reports, summaries, records or documents reflecting the results of laboratory tests performed, whether or not the State intends to utilize the results of same at trial, where the foregoing results are in the possession, custody or under the control of the State.

(d) Any results of fingerprint tests conducted which relate to the subject matter of the instant case, whether or not the State intends to utilize the test results at the time of trial, where the foregoing results are in the possession, custody or under the control of the State. Such information or results should include any reports or statements made by experts in connection with the particular case, including the results of physical examinations and of scientific tests, experiments, or comparison, and any and all memoranda, reports, summaries, records or documents reflecting the results of laboratory tests performed, whether or not the State intends to utilize the results of same at trial, where the foregoing results are in the possession, custody or under the control of the State.

(e) A copy of each search warrant and each affidavit in support thereof, each arrest warrant and each affidavit in support thereof, and/or other process utilized in the present case.

(f) Any and all oral statements or memoranda, summaries, recordings, stenographic recordings, telephonic recordings and/or transcriptions of the foregoing of any witnesses or persons, whether or not the oral statements (in whatever form) are admissible at trial and/or relate to the testimony of the witnesses at trial (if called to testify).

(g) An inventory of all items seized in relation to the investigation of this matter. (This request shall include but not be limited to all original inventories, drafts of inventories, and notes taken by all law enforcement officers during *each* and *every* search of the defendants' automobiles, person, residences, shops, garages, or at the scenes of arrest or curtilages of residences, shops, garages, or scenes of arrest.)

(h) Any and all waivers signed by the defendant, including but not limited to a waiver to search the residence shops, garages, or curtilage; or automobiles; or for questioning pursuant to *Miranda*.

(i) All items seized during *any* search of the defendants' automobile; persons; residences, shops, garages, or curtilages; or scenes of arrest between September 1992 and the present. (Such items shall include but not be limited to all items noted on the inventory and any other items seized by law enforcement agents and/or any other person on the scene during the various searches of the defendants' persons; automobiles; residences, shops, garages or curtilages; and scenes of arrest.)

(j) Any and all contraband (including but not limited to controlled dangerous substances, chemicals, drug paraphernalia, glassware, and any other contraband) and all containers seized from the defendant's person; automobiles; residences, shops, garages, or on the curtilages; or at the scenes of arrest in regard to this investigation.

(k) All law enforcement reports, charts, diagrams, photographs, or other written documents (including

computer tapes, graphic information, and other electronically stored or recorded information) made pursuant to this investigation on which attorney work product is not claimed.

4. (a) Any and all books, papers, documents, written statements, accounts, letters, photographs, tapes (including but not limited to audio and video), films, weapons, bullets, or any tangible object or thing, building or places, whether exculpatory or inculpatory for the defendant, that were solicited, obtained or seized by any person or agency from the defendant or belonged to defendant, whether or not said tangibles are utilized by the State during any aspect of the investigation of this case, where said tangible objects or things are in the possession, custody or control of the State.

(b) Any and all books, papers, documents, written statements, accounts, letters, photographs, tapes (including but not limited to video and audio), films, or any other tangible object or thing, whether exculpatory and inculpatory for the defendant, that were solicited, obtained or seized by any person or agency from any complainant or witness to this case or belonged to witness, whether or not said tangibles are utilized by the State during any aspect of the investigation of this case, where said tangible objects and things are in the possession, custody or control of the State.

(c) Any and all books, documents, written statements, accounts, letters, photographs, tapes (including but not limited to video and audio), films, weapons, bullets, or any other tangible object or thing, whether exculpatory or inculpatory to the defendant, that were solicited or seized by any person or agency from the scene of the alleged offense, whether or not said tangibles are used by the State during any aspect of the investigation of this case where said tangibles and things are in the possession, custody or control of the State.

5. A copy of pictures, photographs, snapshots, mug shots, movies, films, video tapes or any other replicas or likenesses of the defendant made at the time of arrest or any time subsequent to the arrest of defendant back to 199\_\_.

6. Any and all evidence in the form of tapes (including but not limited to video and audio) and or wire recordings or transcriptions of conversations to which defendant, complaining witness or any other witness, or defendant, was a party, which recordings were obtained as a result of bugging, electronic eavesdropping or wire tapping, including conversations overheard or evidence secured as a result of such conversations from \_\_\_\_ 19\_\_ to the present.

7. Any record of prior criminal convictions of the defendant, or any co-defendant including but not limited to OSBI or FBI rap sheets/records check.

8. OSBI or FBI rap sheets/records check on any witnesses listed by the State or the defense as possible witnesses who will testify at trial, including confidential informants.

9. Any material or information within the State's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment of the accused. The Defendant hereby requests all favorable information or exculpatory information in the possession or control of the State. This request for favorable information and/or exculpatory information (whether or not admissible) includes but is not limited to:

(a) Distinctions between testimony at the preliminary hearing or material points and statements given to police or other law enforcement officers or the District Attorney's Office;

(b) Any and all books, papers, documents, statements, results of scientific or forensic tests, photographs, video or audio tapes, films or movies, or tangible objects, which are in the possession, custody or control of the State which are material to the preparation of the defendant's defense including but not limited to all currency, documents, instruments or other writing obtained from the defendant.

(c) Any evidence that someone else may have been involved;

(d) Any and all exculpatory or inculpatory written and or oral confessions or statements or admissions (whether or not reduced to writing) presently in the possession, custody or under the control of the State, its agents or agencies, made by the defendant to an agent of the federal government and/or any state, county or municipal government, said statements, confessions or admissions being made at any time.

(e) Any and all statements of defendants and State's witnesses, including statements which are in conflict with each other and in conflict with other information known to State prosecutors and/or investigative agents, or which are exculpatory as to the moving defendant.

(f) Previous convictions or bad reputation of any of the State's witnesses, including confidential informants;

10. Pursuant to 22 O.S. § 749, the Defendant requests that the State produce all sworn statements taken by law enforcement agencies.

11. Pursuant to *White v. State*, 498 P.2d 421, the Defendant requests that the State produce all unsworn statements of the Defendant, recorded or written.

12. Pursuant to 12 O.S. § 2613, the Defendant respectfully requests all statements of witnesses, including but not limited to unsworn statements by witnesses.

13. The Defendant respectfully requests the State to identify any promises of leniency or offers of leniency made to any witnesses or confidential informants in exchange for their testimony, including the substance of any and all statements or discussions had with any informant in this case or with any such persons' counsel indicating an offer or a promise or suggestion of leniency, compensation, assurance not to prosecute, agreement to proceed only on certain counts of an indictment or information, representations with respect to yet uncharged misconduct, or any benefit whatsoever occurring to said individuals in exchange for their cooperation, assistance or testimony at the trial of this case. Any promises or suggestions relating to tax returns or tax benefits (state or federal) are included in this request.

14. Records of any payment or compensation or reimbursement of expenses to any confidential informant or witness, including all information set forth in paragraph 13 above.

15. All records relating to the arrests and/or convictions of confidential informants or witnesses. Such records shall include but are not limited to all records, offense reports, arrest reports, insurance reports or any other record describing or reporting the charges or offense.

16. Any and all examination reports prepared by any State agency including but not limited to the Oklahoma State Bureau of Investigation and the Oklahoma Bureau of Narcotics and Dangerous Drugs.

17. The discovery requests outlined above shall extend to material information in the possession or control of the State, members of the prosecutor's staff and any others who regularly report or, with reference to the particular case, have reported to the prosecutor's office. See *Allen*, 803 P.2d at 1168.

#### **PRAYER FOR RELIEF**

WHEREFORE, premises considered, defendant prays that this Court (1) grant this Motion For Discovery and Inspection and order the State, or all agents, associates, and assistants of the aforesaid and any and all such authorities who investigated the alleged offense made the basis of the complaints and/or Information against the defendant herein to appear; and (2) compel the production of any and all items, material and evidence and to disclose any and all witnesses and their statements material to the defense of the defendants as set forth in and specified herein; and (3) to enter any and all orders necessary to effectuate the discovery of the matters requested in this Motion for Discovery and Inspection; and (4) for such other and further relief as the Court may deem proper and appropriate.

DATED this \_\_\_\_\_ day of October, 2005.

Respectfully submitted,

\_\_\_\_\_  
G. Donald Haslam, Jr., OBA #17873

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Counsel for Defendant LALLAN TODD HOLT

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of October, 2005 I mailed a true and correct copy of the above and foregoing document, by depositing same in the United States Post Office, first-class postage prepaid thereon, to:

\_\_\_\_\_  
G. Donald Haslam, Jr.