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IN THE CIRCUIT COURT OF SEARCY COUNTY, ARKANSAS
1ST DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

NO. CR 98-9

JERRY F. KIRK

DEFENDANT

** This was never (turned-in) clocked.*

MOTION FOR DISCOVERY

Comes now the Defendant, by and through his/her attorney, Stephen D. Ralph, and for his/her Motion for Discovery, requests the following materials pursuant to A.R.Cr.P. 17.1, Brady vs. Maryland, 373 U.S. (1963); United States vs. Agurs, 427 U.S. 97 (1976); and United States vs. Bagley, 473 U.S. 6667 (1985):

1. The names, residence addresses, telephone numbers and employment of all persons that the Prosecuting Attorney intends to call as witnesses at the trial of this cause, and nature, substance and source of their information and testimony.
2. All statements, both the written transcriptions and the tape or videotape recordings from which said statements came and the substance of all oral statements made by any defendant or co-defendants or any person named in Paragraph 1 above. (Hamm vs. State, 296 Ark. 388 (1988).
3. A copy of the police notes and case file in the case.
4. All reports or statements of experts made in connection with this cause, including the results of scientific tests, physical or mental examinations, experiments, or comparisons.
5. Any record of prior criminal convictions of the defendant, co-defendant, or any persons whom the Prosecuting Attorney intends to call as witnesses at any hearing or at the trial of this cause.

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6. Any books, papers, documents, photographs or tangible objects which the Prosecuting Attorney intends to use in any hearing or at the trial, or which were obtained from or belong to defendant or any co-defendant.

7. Any and all records and information showing prior misconduct or bad acts committed by any state witness.

8. The exact nature and substance of any and all considerations or promises of leniency, immunity, or any other consideration given to or made on behalf of any state witness or person providing information to the authorities herein.

9. Any and all prosecutions, investigations, or possible prosecutions pending, which could be brought against any state witness or person providing information to the authorities herein, and any probation, parole, or deferred prosecution status of any such witness or person.

10. Any psychological, psychiatric or mental evaluation of any state witness or any evidence of any psychological, psychiatric or mental treatment of any such witness.

11. Any information that any of the state's witnesses had consumed alcohol and/or drugs prior to witnessing the events that gave rise to their respective testimony.

12. The names and addresses of any individuals who were at any time considered suspects in this matter, and the basis of such suspicion, together with the nature of any resultant charges derived therefrom.

13. Any hypnosis given to any state's witness to assist that witness' memory or recollection of the facts to which same will testify.

14. Any relationship to the prosecuting authorities or police officers involved in this cause, of persons whom the Prosecuting Attorney intends to call as witnesses or who provided information to the authorities herein.

15. All transcripts, summaries or other information concerning electronic surveillance of the defendant, the defendant's premises or automobile, or conversations to which the defendant was a party.

16. The names, addresses, telephone numbers and employment of all persons who have any knowledge of any material facts in connection with this cause, including any informants, who have supplied any information to the police or the Prosecuting Attorney. (This request is made in addition to the individuals named in Number 1 hereinabove).

17. Any polygraph tests taken by or offered to the accused or any witness herein relating in any manner to the facts alleged in the crime charged.

18. All information, testimony, statements, reports, books, papers, documents or tangible objects which may be material in nature with respect to the defendant.

19. All affidavits and transcripts of any recorded oral testimony given in support of application for search and seizure warrants or arrest warrants in this case.

20. All search and seizure or arrest warrants issued in this cause, together with the returns thereof.

21. All tape recordings, tapes still photographs, motion picture and video tape recordings made in connection with this cause.

22. The exact nature, method and manner of the defendant's alleged participation in this crime.

23. The transcripts of all preliminary hearings, probable cause hearings, hearings on affidavits or applications for search and seizure warrants or arrest warrants, and any other hearing in connection with this case.

24. The transcripts of all Grand Jury testimony by defendant, co-defendants, or witnesses

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in this or any connected case(s).

25. Any information tending to show that other persons excluding the accused were involved in the crime alleged.

26. Any material or information within the knowledge, possession or control of the Prosecuting Attorney or authorities, which would tend to negate the guilt of the defendant, or mitigate any punishment therefore, or which could reasonably be expected to help the defendant in the preparation of his defense.

27. Any information that tends to show that the accused had consumed alcohol and/or drugs prior to the commission of the alleged offense.

28. Any internal documents or other evidence of any law enforcement official's misfeasance, malfeasance or negligence, whether by acts of omission or commission, in the performance of his or her duties concerning this specific case, specifically including whether the arrests herein were made in hope of furthering of any other criminal prosecutions.

29. Any training guides, manuals or other similar materials utilized by each law enforcement agency involved herein, which provide information relative to an investigation or arrest in this type of crime.

30. Any evidence of periodic destruction of any evidence by any law enforcement agency involved herein, such as the periodic destruction of documents, officer's case notes and the like, and whether any such evidence, documents or officer's case notes were destroyed in this case.

31. Any statement of any individual which presents or indicates a doubt as to the identity of the accused, the location of the crime, or the description of any tangible item relevant to the charge.

32. All information concerning the qualifications of the police officer(s) involved in this