

**IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
CRIMINAL DIVISION**

STATE OF KANSAS,
Plaintiff,

vs

Case No.: _____

_____,
Defendant.

**MOTION AND ORDER FOR DISCOVERY
AND PRODUCTION OF RECORDS**

COMES NOW, the above named Defendant, by and through _____, of _____, and pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and K.S.A. 22-3212, moves the Court for an Order directing the Plaintiff to produce for examination and inspection by defense counsel the following:

1. Any confessions or statements, whether written or oral, made by the Defendant to any and all law enforcement officers or private citizens, whether written, summarized in writing, recorded or otherwise transcribed and whether such confessions or statements are inculpatory or exculpatory in nature;
2. All results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, or copies thereof, the existence of which is known, or by the exercise of due diligence may become known, to the

- prosecuting attorney;
3. Recorded testimony of the defendant before a grand jury or at an inquisition;
 4. Memoranda of any oral confession made by the defendant and a list of the witnesses to such confession, the existence of which is known, or by the exercise of due diligence may become known to the prosecuting attorney;
 5. Whether or not any relevant material or information has been furnished to law enforcement agencies by an informant or police agent.
 6. Any tangible objects which the prosecution tends to use at trial whether obtained from or belonging to the Defendant or another.
 7. Any material or information that would tend to negate the guilt or reduce the punishment of the Defendant as to the crime(s) charged.
 8. Defendant further specifically requests that Defendant's counsel be provided with a copy of any video or audio tape or tapes in the possession of the prosecution or any tape or tapes known to the prosecution that have been made concerning the facts of this case or which form the basis of the charge(s) against the Defendant, ***including, but not limited to, any recorded interviews, interrogations or questioning of defendant by any law enforcement personnel or office.***
 9. The Defendant further specifically requests that Defendant's counsel be provided with all copies of all reports, memoranda or notes concerning this case prepared by agents of the prosecution or any other investigative agency or law enforcement personnel.
 10. The Defendant further requests that if the prosecution discovers additional material or information encompassed within the scope of this motion subsequent to a ruling on this motion, then the prosecution be held under the continuing duty to notify defense counsel

of the existence of such material and to make such material available to Defendant's counsel for inspection, copying or independent testing.

As a basis of the Motion, Defendant states to the Court that Defendant is without the opportunity prior to trial to discover on his/her own, the requested material. Without this pretrial discovery, Defendant will be denied the right to effective assistance of counsel, the right not to be deprived of his/her life or liberty without due process of law and further, Defendant states he/she will be unable to obtain and use in his/her defense, evidence favorable to him/her or exculpatory in nature either on the issue of guilt or punishment.

WHEREUPON, the Court FINDS AND ORDERS that the above motion is hereby granted and that all items requested in paragraphs 1 through 8 thereof shall be made available to the Defendant forthwith. Reasonable costs of copying said items shall be at Defendant's expense.

JUDGE OF THE DISTRICT COURT

APPROVED:

COUNTY ATTORNEY

By _____

Attorney for Plaintiff

By _____

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 2011, I placed a true and correct copy of the above and foregoing Motion and Order for Discovery and Production of Records by:

____ Hand delivering same to the Office of the Prosecutor; or

____ By first class mail, postage prepaid and properly addressed to:

County Attorney

and filed the original with the Clerk of the District Court.

Attorneys for the Defendant