_____ MAYOR'S COURT
HAMILTON COUNTY, OHIO

_____	:	CASE NO.:
Plaintiff,	:	JUDGE:
-vs-	:	
_____	:	**DEMAND FOR DISCOVERY**
Defendant.	:	

Now comes Defendant, _____,
and hereby respectfully demands all discovery pursuant to Rule 16 of the Ohio Rules of Criminal Procedure and the Sixth and Fourteenth Amendments to the United States Constitution. These items include those that are material to the preparation of a defense or are intended for use by the prosecuting attorney as evidence at the trial or were obtained from or belong to the defendant, and are within the possession of or reasonably available to the Prosecution, including but not limited to the following:

1. **STATEMENT OF THE DEFENDANT AND CO-DEFENDANT – Crim. R. 16(B)(1)**

All relevant written or recorded statements made by the Defendant or a co-defendant, including copies and police summaries of such statements as well as grand jury testimony of the defendant or co-defendant. This includes any and all statements made by the Defendant via conversations conducted on the jail house telephone during the Defendant's incarceration.

2. **CRIMINAL RECORD(S) OF DEFENDANT, CO-DEFENDANT(S), AND WITNESS(ES) – Crim. R. 16(B)(2)**

A copy of the criminal record of the Defendant and Co-defendant as well as the record of prior convictions that would be admissible under Rule 609 of the Ohio Rules of Evidence of a witness in the Prosecution's case-in-chief, or that it reasonably anticipates calling as a witness in rebuttal or surrebuttal. For purposes of this request, a "witness" shall include any person who has or claims to have knowledge or is believed to have knowledge concerning a fact or facts about the issue(s) involved in this criminal action or proceeding or about the credibility of another

witness, irrespective of whether the Prosecution intends to call such person as a witness at trial. See generally 4 O.J.I.§ 521.04.

3. <u>DOCUMENTS AND TANGIBLE OBJECTS</u> – Crim. R. 16(B)(3)

Copies of all laboratory or hospital reports, books, papers, tangible objects, photographs, including photographs of buildings or places or copies or portions, subject only to Crim. R. 16(D)(4) and Crim. R. 16(E).

4. <u>REPORTS OF EXAMINATIONS AND TESTS</u> – Crim. R. 16(B)(4)

Copies of any results or reports of physical or mental examinations and of experiments or scientific tests, made in connection with the above-captioned case, subject only to Crim. R. 16(D)(4) and Crim. R. 16(E).

5. <u>EVIDENCE FAVORABLE TO DEFENDANT</u> – Crim. R. 16(B)(5), U.S. Const. Amends. VI and XIV

All evidence or information known or which may become known to the Prosecution which may be favorable to Defendant and material to guilt or punishment. This includes information or evidence which could be used to obtain evidence that would diminish the credibility of any Prosecution's witness as well as material being relevant to either guilt or punishment. Evidence that would diminish the credibility of any Prosecution's witness includes any plea bargains, pardons, grants of clemency, grants of immunity, informal or formal promises to speak on behalf of another in a legal proceeding, whether such accommodations have been extended on behalf of the witness or on behalf of a family member, friend or associate of the witness. Favorable evidence also includes any and all video recordings, with audio if applicable, whether related to the initial encounter between the defendant and police or to defendant's subsequent transport or processing at the police station as well as any audio radio transmission prior to, during and after the stop of the Defendant.

6. <u>POLICE REPORTS</u> – Crim. R. 16(B)(6)

All reports (including but not limited to police narratives, CAD reports, radio transmissions, incident reports, domestic violence reports, investigator notes, use of force

reports, and crash reports) from peace officers, the Ohio State Highway Patrol, and federal law enforcement agents, both original and supplemental, the existence of which may be known or may become known to the Prosecution and that are related to the above-captioned case.

7. WITNESS STATEMENTS – Crim. R. 16(B)(7)

All written or recorded statements, (including any statements made on the jail house telephone), or copies thereof, made by a witness in the Prosecution's case-in-chief, or that it reasonably anticipates calling as a witness in rebuttal or surrebuttal. For purposes of this request, a "witness" shall include any person who has or claims to have knowledge or is believed to have knowledge concerning a fact or facts about the issue(s) involved in this criminal action or proceeding or about the credibility of another witness, irrespective of whether the Prosecution intends to call such person as a witness at trial. See generally 4 O.J.I.§ 521.04.

8. WITNESS NAMES AND ADDRESSES – Crim. R. 16(I)

A written list of the names and addresses of all witnesses that the Prosecution intends to call in its case-in-chief, or reasonably anticipates calling in rebuttal or surrebuttal.

9. EXPERT WITNESSES; REPORTS – Crim. R. 16(K)

A copy of all written reports summarizing an expert witness's testimony, findings, analysis, conclusion, or opinion, and which shall include a summary of the expert's qualifications.

10. EXCULPATORY EVIDENCE – Prof. Cond. R. 3.8

All evidence or information known to the prosecuting attorney that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, all unprivileged mitigating information known to the prosecuting attorney.

This demand is continuing in nature. If subsequent to compliance with this request, the Prosecution discovers additional responsive materials, those materials shall promptly be transmitted to Defendant. In the event the Prosecution refuses to transmit such materials, the Prosecution shall advise Defendant of its noncompliance so as to allow for a determination of the

discoverability of the withheld material, pursuant to Crim.R. 16(C) and/or Crim.R. 16(D)(1)-(5) and/or Crim.R. 16(E)(1) and (2).

Respectfully Submitted,

_____
Signature of Defendant

Address:_____

_____

Phone:_____

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon the (Circle One) City/Village of _____ Prosecutor on _____ by:

☐ Ordinary Mail ☐ Fax ☐ Personal Service ☐ Dedicated Drop Box ☐ Email

_____
Signature of Defendant