

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

STATE OF ARKANSAS

VS.

JACK W. GILLEAN

CASE NO.: 23 CR 12-1044

FILED
PLAINTIFF
2013 FEB 28 PM 2 31
LISA BEARTON, CLERK
DEFENDANT
BY DC

MOTION FOR DISCOVERY

Comes now the Defendant, Jack W. Gillean, by and through counsel, pursuant to the provisions of Rule 17 of the Arkansas Rules of Criminal Procedure, hereby requests that the prosecutor disclose to counsel for the defendant, and permit them to inspect, copy, test, and photograph any evidence within the possession or control of the State and its agents that is inculpatory, exculpatory, mitigating, aggravating, or otherwise subject to disclosure and discovery as a matter of law, including, but not limited to:

1. All statements, written or oral, made by this defendant to any persons, at any time, before or after his arrest in this case, including the name and address of the persons to whom the statements were made, including but not limited to those relevant to:
 - a. The crime;
 - b. The investigation of the crime; and
 - c. Any condition of the defendant, including but not limited to, his mental or physical state:
 - i. At the time of the alleged crime;
 - ii. At the time of any statements of the defendant described in paragraphs 1(a) through 1(c); and
 - iii. At any other time subsequent to the alleged crime.
2. The names, addresses, and telephone numbers of all persons whom the Prosecuting Attorney intends to call as witnesses at any hearing or trial, and any persons with knowledge of any facts and circumstances surrounding the crime or the defendant.
3. A short, plain statement of the expected testimony of persons whom the Prosecuting Attorney intends to call as witnesses at any hearing or trial.

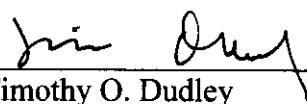


4. The names and addresses of all persons who have given recorded statements to the prosecution or any law enforcement officer.
5. The names and addresses of all persons who have given oral statements to the prosecution or any law enforcement officer.
6. Copies of all written and/or oral statements referred to in paragraphs 4 and 5 above, including memoranda, summaries or recordings of such statements, as well as statements taken pursuant to the prosecutor's subpoena power.
7. All memoranda, documents, and reports to, from and between law enforcement officers connected with the subject matter of this case, including but not limited to, handwritten notes of law enforcement officers.
8. All memoranda, documents and reports to, from and between the investigative staff of the prosecution, excluding those portions, if any, which contain the opinions, theories, or conclusions of the prosecuting attorney or members of his legal staff.
9. The criminal records and any list or summary reflecting criminal records of all persons who the prosecution intends to call as a witness at trial.
10. All physical or documentary evidence, including diagrams, sketches, books, papers, documents photographs, or tangible objects in the possession of the prosecution that:
 - a. Were obtained from or belong to the defendant;
 - b. The prosecution intends to offer at any trial or hearing of this case;
 - c. The prosecution is retaining for potential use in evidence at any trial or hearing in this case;
 - d. Any law enforcement official is retaining for potential use in evidence at any trial or hearing in this case; and
 - e. The prosecution or any law enforcement official has submitted to any professional personnel for examination of analysis in connection with this case.
13. All diagrams, sketches and photographs which have been made by or shown to any witnesses or prospective witnesses in this case, as well as the identity of each witness to whom this material was shown.

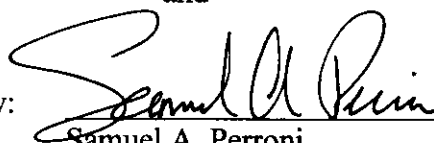
14. All records and reports of every kind reflecting the conduct or results of any medical, pathological, toxicological, chemical, biochemical, criminalistic, laboratory, forensic or scientific examinations, investigations and analysis undertaken in connection with the investigation or preparation of this case.
15. All records and reports relating to the defendant, including:
 - a. All jail, prison, parole, probation and pre-sentence investigation records;
 - b. All arrest, conviction, and adult criminal offense records;
 - c. All records of any law enforcement authority;
 - d. All records of any detention or court authority; and
 - e. All the records the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case.
16. All records and reports relating to any witness, including:
 - a. All jail, prison, parole, probation, DHS and pre-sentence investigation records;
 - b. All arrest, conviction, and adult criminal offense records;
 - c. All records of any law enforcement authority;
 - d. All records of any detention or court authority;
 - e. All records of any prosecuting authority; and
 - f. All psychiatric, psychological and mental health records.
17. A list of all expert witnesses the prosecution intends to call at trial, along with each expert's qualifications, the subject and description of his or her contemplated testimony, and his or her report.
18. Any other evidence of the circumstance of the crime or the character and records of another party to the crime that would tend to show the other party was more culpable than Defendant.

WHEREFORE, Defendant, respectfully requests that the Motion for Discovery be granted and that the prosecution produce the aforementioned materials in sufficient time for him to use them in the preparation of his defense and for any and all other just and proper relief to which he may be entitled.


Respectfully submitted,

By: 
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and

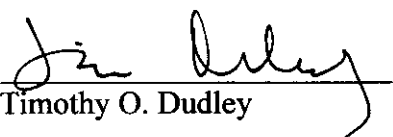
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CERTIFICATE OF SERVICE

I, Timothy O. Dudley, do hereby certify that a true and correct copy of the foregoing has been served upon the Prosecuting Attorney, Cody Hiland, via hand delivery this 28th day of February 2013.


Timothy O. Dudley