

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS
AND FILES NECESSARY TO A FAIR TRIAL**

Pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Alabama Constitution, Brady v. Maryland, 373 U.S. 83 (1963), Ex parte Monk, 557 So. 2d 832 (Ala. 1989), Alabama Rule of Criminal Procedure 16, and applicable state law, Joe Client respectfully moves this Court to order the production of the materials specified below. In support of this motion, Mr. Client submits the following:

1. Mr. Client is charged with capital murder and the State is seeking the death penalty. Under state and federal law, capital cases are “sufficiently different” to justify broadened discovery. Ex parte Monk, 557 So. 2d 834, 836 (Ala. 1989); see also Giles v. Maryland, 386 U.S. 66, 81 (1967); Davis v. Alaska, 415 U.S. 308, 320 (1974); Napue v. Illinois, 360 U.S. 264, 269 (1959).

2. Mr. Client requests that this Court order the agencies and organizations named below to produce for inspection and copying the documents specified herein, wherever such documents may be located, with such production to be arranged within thirty (30) days after discovery is ordered:

- a. All records pertaining to Joe Client and generated or maintained by the Maycomb County Jail, including but not limited to all disciplinary, medical, psychological, psychiatric, and mental health records;
- b. All records pertaining to Joe Client and generated or maintained by the Alabama Department of Corrections, including but not limited to disciplinary records, medical records, psychological, psychiatric, and mental health records, and any other records generated or maintained by any prison, medical facility, or any other entity associated with the Alabama Department of Corrections;
- c. All records pertaining to Joe Client and generated or maintained by the Alabama Department of Human Resources;

- d. All records pertaining to Joe Client and generated or maintained by the Alabama Department of Mental Health and Mental Retardation;
- e. All records pertaining to Joe Client and generated or maintained by the Taylor Hardin Secure Medical Facility in Tuscaloosa, Alabama; Bryce Hospital in Tuscaloosa, Alabama; or any other state mental health facility in Alabama;
- f. All documents pertaining to Joe Client and generated or maintained by the Alabama Board of Pardons and Paroles; and
- g. Any and all medical, psychological, psychiatric, and mental health records of any kind pertaining to Joe Client and generated or maintained by any hospital, psychological, psychiatric, or mental health facility of any kind as well as any such records generated or maintained by any physician, psychologist, psychiatrist, or medical or mental health provider of any kind.

3. Mr. Client further requests that if any document or portion of any document covered by these requests is withheld from production, that the individual or agency please furnish a list identifying each such document or portion of document, providing the following information with respect to each such document or portion:

- a. the reason(s) for withholding;
- b. the date of the document;
- c. the name, job, title, and the last known business and home address of each person who wrote, drafted, or assisted in the preparation of the document;
- d. the name, job, title, and the last known business and home address of each person who received or has had custody of the document or copies thereof;
- e. a brief description of the nature and subject matter of the document;
- f. the length of the document; and
- g. a statement of the facts that constitute the basis of any claim of privilege, work product, or other grounds for nondisclosure.

4. Pursuant to Alabama Rule of Criminal Procedure 16.3, each request is continuing in nature and additional responsive documents that are obtained or discovered

before, during, or after trial should be produced as soon as they are obtained or discovered.

5. If any document responsive to a request was but is no longer in the agency's possession, custody, or control, Mr. Client requests that the agency be required to state whether such document: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; or (d) has otherwise been disposed of. For each instance, the agency must explain the circumstances surrounding such disposition, identify each person who authorized such disposition, indicate the dates of such authorization and disposition, and identify the document and each person or entity that may presently have custody or control of such document or any copy thereof.

For these reasons, Mr. Client respectfully requests that this Court order the production of the materials listed above.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 09/29/17]