

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 TO INSPECT, EXAMINE, AND TEST
ALL PHYSICAL EVIDENCE

Joe Client respectfully moves this Court to order the State to produce physical evidence in its possession and control that was collected during the investigation into the alleged murder of Mr. Victim, for inspection and testing by experts designated by defense counsel. In support of this motion, Mr. Client submits the following:

1. The inspection, examination, and testing of the specific items set out below is essential to ensure Mr. Client his rights to a fair trial, confrontation, prepare a defense in his own behalf, effective assistance of counsel, and due process of law as guaranteed by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Alabama law.

2. In Ex parte Monk, 557 So. 2d 832, 836-37 (Ala. 1989), the Alabama Supreme Court held that “[t]he hovering death penalty is the special circumstance justifying broader discovery in capital cases.”

3. Mr. Client requests that this Court order the State¹ to produce the physical evidence specified herein, with such production to be arranged with undersigned counsel within thirty (30) days from the day that discovery is ordered, and set a reasonable time and place for the inspection, testing, photographing, filming, or other documenting or replicating

¹The “State” as defined in this motion means any and all of the following organizations: the District Attorney for the 55th Judicial District of Alabama, the Maycomb Police Department, the Alabama Bureau of Investigation, and the Maycomb County Sheriff’s Department and (a) all present and former agents, officers, investigators, consultants, employees, and staff members of organizations or officials of these organizations; (b) any other person or entity acting on the behalf of any of these organizations or officials or on whose behalf such person or entity has acted in the past; or (c) any other person or entity otherwise subject to the control of any of these organizations or officials.

of the evidence by experts for the defense.

4. Joe Client respectfully requests that this Court order the State to produce:
 - a. All clothing taken as evidence in the course of investigating this case, including but not limited to the clothing taken from Joe Client, Henry Cousins, Stan Bridge, Mr. Victim, and any other person;
 - b. All weapons and dangerous instruments taken from the scene of the alleged crime, or from the vehicle, home, or person of Joe Client or any of his co-defendants, or related in any way to the investigation in this case;
 - c. All fingerprints taken as part of the investigation in this case;
 - d. All notes, writings, memoranda, and letters taken by the State as part of the investigation in this case;
 - e. All physical evidence taken by the State from the scene of the crime, including but not limited to corporeal matter (such as blood, hair, and saliva), footprints, tire tracks, and dirt samples;
 - f. All physical evidence seized during any search incident to the investigation in this case;
 - g. All blood samples taken as part of the investigation of this case; and
 - h. All other physical evidence taken by the State that relates in any way to the investigation of the murder of Mr. Victim, including but not limited to all the photographs and video footage taken by the State during the investigation of the murder, the credit ticket from the victim's store corresponding to the purchase of goods by Henry Cousins on the day of the crime, the two tennis shoes received from Henry Cousins, the items found during the search of the Pinto station wagon, and the Pinto station wagon itself.

5. If any piece of evidence that is responsive to a request was but is no longer in the possession, custody, or control of the State, please state whether such evidence: (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, explain the circumstances surrounding such disposition, identify each person who authorized such disposition, indicate the dates of such authorization and disposition, and identify the evidence and each person or entity that may

presently have custody or control of such evidence.

6. Pursuant to Alabama Rule of Criminal Procedure 16.3, each request is continuing in nature and additional responsive evidence that is obtained or discovered before, during, or after trial should be produced as soon as it is obtained or discovered.

For these reasons, Mr. Client moves this Court to:

- (1) order the State to produce all the items of physical evidence described herein;
- (2) allow Mr. Client the right to have an expert examine, inspect, conduct scientific tests on, and photograph, film, or copy the items produced;
- (3) set a time and place for the inspection, testing, and photographing, filming, documenting, or other replicating of the items at a reasonable time after the hearing on this motion; and
- (4) order the State to make continuing disclosure of all additional items of physical evidence obtained concerning the investigation of this case.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 09/29/17]