

- 1 4. The names and addresses of every person the state intends to call as a witness at any
2 stage of trial, together with all relevant written or recorded statements or
3 memorandum of any oral statements of such person, including but not limited to
4 police officers' notebook entries and statements made to any representatives, agents,
5 or employees of the Multnomah County District Attorney's Office;
- 6 5. Any statement that the state intends to introduce as hearsay evidence together with the
7 means by which the statement would be introduced;
- 8 6. Any written or recorded statements or memoranda of any oral statements made by
9 Defendant, co-defendant if the trial is to be a joint one, or any witnesses;
- 10 7. All inconsistent statements of witnesses;
- 11 8. Any reports of statements made by any expert witness in connection with the above-
12 captioned case, including results of any physical or mental examinations and of
13 scientific tests, experiments, or comparisons which the state intends to offer as
14 evidence at trial;
- 15 9. Any documents, statements, or audio recordings pertaining to Defendant's appearance
16 in court or the conditions of Defendant's release from custody and which the State
17 intends to introduce at trial;
- 18 10. Any books, papers, documents, photographs or tangible objects which: (a) the state
19 intends to offer into evidence at trial or at any other hearing associated with this case;
20 (b) have been provided to the court to justify any charges or release decisions; (c)
21 were obtained from or belong to Defendant; and/or (d) were introduced as evidence
22 before the grand jury in this case;
- 23 11. Any and all contracts or cooperation agreements entered into between law
24 enforcement and any and all informants, including but not limited to "Testifying
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1 Reliable Informants,” whom the state intends to call as witnesses at any stage in the
2 above-captioned case;

3 12. Copies of any applications or affidavits in support of any search warrant related to the
4 above-captioned case;

5 13. Copies of any search warrants and any other relevant material or information obtained
6 by search or seizure relating to the above-captioned case, including the circumstances
7 of the search or seizure and the circumstances of the acquisition of any statements
8 allegedly made by Defendant;

9 14. Copies of any audio or video recordings made by any law enforcement officer in
10 connection with the above-captioned case;

11 15. Any evidence concerning other crimes, wrongs, or acts (“other acts evidence”)
12 attributable to the Defendant and which the state intends to introduce at trial;

13 16. Any evidence concerning the other crimes, wrongs or acts (“other acts evidence”) of
14 any person the state intends to call as a witness at trial;

15 17. Any notes, documents, statements, or other relevant material or information
16 concerning potential restitution;

17 18. All grand jury recordings; and

18 19. Any information or material described above and pertaining to criminal charges that
19 the State anticipates: (a) filing in this case; or (b) joining with this case.

20 **REQUEST FOR BRADY MATERIAL**

21 Defendant requests that the State make a specific and detailed effort to determine whether
22 any government agency has information that must be revealed pursuant to *Brady v. Maryland*,
23 373 US 83 (1963), including but not limited to:

24 1. Information that would tend to impeach the credibility of any person whom the state
25 intends to call as a witness or any individual upon whom the state has relied in the

1 investigation and prosecution of this case. *See Kyles v. Whitley*, 115 SCt 155, 131 L
2 Ed2 490 (1995) (The *Brady* obligation to disclose impeachment evidence extends to
3 non-witnesses as well as witnesses);

4 2. Any facts or allegations concerning criminal or other misconduct of a witness that is
5 not reflected in the witness's criminal record, including information from police
6 reports, probation files, personnel files, pending investigations of the witness, or
7 business entities with which the witness is connected. *See United States v. Strifler*,
8 851 F2d 1197 (9th Cir 1988), *cert. denied*, 489 US 1032 (1989);

9 3. Information relating to a witness that tends to reflect adversely on the reliability of the
10 witness, including but not limited to any information about a motive to testify, a bias
11 against Defendant or a defense witness, or an inability to accurately perceive, recall,
12 or understand events;

13 4. Information that tends to contradict the anticipated testimony of a witness. *See*
14 *McDowell v. Dixon*, 858 F2d 945 (4th Cir 1988), *cert. denied*, 489 US 1033 (1989)
15 (state witness misidentified the defendant before trial and it should have been
16 revealed);

17 5. Information that would render a search or seizure illegal;

18 6. Information concerning promises, agreements, deals, rewards, special treatment,
19 immunity, or other incentives offered by the government to witnesses or others
20 involved in this case. *Bagley v. United States*, 473 US 667 (1985);

21 7. Information concerning a witness requesting, receiving, or being offered a benefit
22 from the Multnomah County Victim's Assistance Office, the State Department of
23 Justice Crime Victim's Compensation Fund, or any other unemployment benefit,
24 priority housing consideration, financial assistance, or immigration assistance (e.g.
25 eligibility for work permits, lawful permanent residency, and U or T visas);

- 1 8. Information concerning any confession made by Defendant but unknown to defense
2 counsel. *See Prosecutor of Virgin Islands v. Martinez*, 780 F2d 302 (3d Cir 1985);
3 9. Information about any eyewitness for whom the government has a name and/or
4 address but whom the State does not intend to call as a witness. *Kyles v. Whitley*, 514
5 US 419 (1995);
6 10. Any expert's statement or testimony that would tend to corroborate Defendant's
7 theory of defense. *People v. Johnson*, 38 Cal App 3d 228 (1974); and
8 11. Any information which would lessen the impact of the sentencing guidelines of
9 Defendant in the event of conviction, including but not limited to Defendant's role in
10 the offense, lesser quantities, ignorance of the scope of a conspiracy, and evidence of
11 acceptance of responsibility.

12 **REQUEST TO PRESERVE EVIDENCE**

13 Defendant demands that the prosecution, the police, and all agents thereof preserve
14 evidence in this case for later examination and/or testing by Defendant.

15 **REQUEST FOR SPEEDY TRIAL**

16 Defendant requests a speedy trial pursuant to ORS 135.747, the Oregon Constitution, and
17 the United States Constitution.

18 **NOTICE OF INTENT TO CHALLENGE CRIMINAL HISTORY AND**
19 **VALIDITY OF PRIOR CONVICTIONS**

20 Defendant gives notice of intent to challenge Defendant's criminal history pursuant to
21 ORS 137.079(5)(c) and OAR 213-004-0013. Defendant gives notice of intent to challenge the
22 validity of prior convictions alleged in any count of felony driving under the influence of
23 intoxicants pursuant to ORS 813.328.

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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that either I or an agent acting on my behalf served the foregoing

4 **DEFENDANT’S REQUEST FOR DISCOVERY, BRADY MATERIAL,**
5 **PRESERVATION OF EVIDENCE, AND SPEEDY TRIAL; NOTICE OF**
6 **INTENT TO CHALLENGE CRIMINAL HISTORY, NOTICE**
7 **REGARDING CONTROLLED SUBSTANCE TESTING; OBJECTION TO**
8 **JOINDER**

9 on:

10 Multnomah County District Attorney’s Office
11 1200 SW 1st Ave, Suite 5200
12 Portland, OR 97204

13 on the date set forth below via the Oregon File & Serve system or via facsimile at (503) 988-
14 3304 or (503) 988-3643 when no service contact is attached in the Oregon File & Serve system.

15 DATED: March 26, 2021.

16 /s/ Joseph Westover
17 Joseph Westover, OSB #141275
18 jwestover@multnomahdefenders.org
19 Attorney for Defendant
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