

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,

Plaintiff, v.

Chandler P. Pappas Defendant.

Case No.21CN02356

FORMAL DEMAND TO DISCLOSE
DISCOVERY, REQUEST TO PRESERVE
EVIDENCE, NOTICE OF INTENT TO
CHALLENGE CRIMINAL HISTORY AND
OBJECTION TO ANALYTICAL REPORT

Defendant demands the Multnomah County District Attorney disclose the following information within its possession or control, **BEFORE CALL:**

1. Any and all restitution information. Defense also demands any and all memorialized communications regarding restitution between the State and any complaining witness. Defendant demands any and all receipts, bills, insurance plans, insurance deductibles, copies of any settlement agreements or checks and any other kind of proof as to economic damages and restitution.
2. All written or recorded statements or memoranda of any oral statements made by the above named defendant, by any co-defendant(s) or by any witnesses, and any amendments or changes made to prior witness statements, whether written or oral.
3. Any record of prior criminal convictions of any person the State intends to call as a witness following a good faith effort to determine whether any such convictions exist.
4. Any prior criminal record of the defendant.
5. A list of any potential expert witnesses, along with any corresponding résumés or curricula vitae. All reports of statements made by any expert witness in connection with the above-captioned case, including the results of any physical or mental examination or scientific test, experiment, or comparison which the State intends to offer as evidence at trial.
6. Any books, papers, documents, photographs, video images, other digital images, or tangible objects which are intended to be offered at trial, or were obtained from or belong to the above named defendant.

- 1 7. All original notes and reports of the arresting officer in this case.
- 2 8. Copies of any audio or video recordings made or recovered by any law enforcement officer in
- 3 connection with the above-captioned case.
- 4 9. The occurrence of a search or seizure, the circumstances of those activities, any relevant
- 5 material or information obtained thereby, and the precise circumstances surrounding the
- 6 acquisition of any statements made to any member of any law enforcement agency, or to any
- 7 personnel of the District Attorney's office. Copies of any search warrants and any other relevant
- 8 material or information obtained by search or seizure relating to the above-captioned case.
- 9 10. Any and all contracts or cooperation agreements entered into between law enforcement and any
- 10 and all informants, including but not limited to "Testifying Reliable Informants," whom the
- 11 State intends to call as witnesses at any stage in the above-captioned case.
- 12 11. Any statement the State intends to introduce as hearsay evidence together with the means by
- 13 which the state intends to offer as evidence at trial.
- 14 12. Any evidence concerning other crimes, wrongs, or acts ("prior bad acts") attributable to the
- 15 Defendant which the State intends to introduce at trial.

16 If information remains outstanding at call, Defendant may ask the court to set over the
17 case for such discovery to be provided, so the accused can be afforded due process and a fair trial
18 pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution:
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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 U.S. 83 (1963), including but not limited to:
24

- 25 1. Information that would tend to impeach the credibility of any person whom the State intends
26 to call as a witness or any individual upon whom the State has relied in the investigation and
prosecution of this case. *See Kyles v. Whitley*, 514 U.S. 419 (1995) (*Brady* obligation to
disclose impeachment evidence extends to non-witnesses as well as witnesses).
2. Any facts or allegations concerning criminal or other misconduct of a witness that is not
reflected in the witness's criminal record, including information from police reports, probation

1 files, personnel files, pending investigations of the witness, or business entities with which the
2 witness is connected. *See United States v. Strifler*, 851 F.2d 1197 (9th Cir. 1988).

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

6 4. Information that tends to contradict the anticipated testimony of a witness. *See McDowell v.*
7 *Dixon*, 858 F.2d 945 (4th Cir. 1988) (a state witness's pre-trial misidentification of the
8 defendant should have been disclosed).

9 5. Information that would render a search or seizure illegal.

10 6. Information concerning promises, agreements, deals, rewards, special treatment, immunity, or
11 other incentives offered by the government to a witness or other individual involved in this
12 case. *Bagley v. United States*, 473 U.S. 667 (1985).

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

18 8. Information about any eyewitness for whom the government has a name and/or address but
19 whom the State does not intend to call as a witness. *Whitley*, 514 U.S. at 419.

20 9. Any expert's statement or testimony that would tend to corroborate Defendant's theory of
21 defense.

22 10. Any information which may lessen the impact of the sentencing guidelines in the event of
23 conviction, including but not limited to Defendant's role in the offense, lesser quantities,
24 ignorance of the scope of a conspiracy, and evidence of acceptance of responsibility.
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26

REQUEST TO PRESERVE EVIDENCE

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

REQUEST FOR SPEEDY TRIAL

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

NOTICE OF INTENT TO CHALLENGE CRIMINAL HISTORY
AND VALIDITY OF PRIOR CONVICTIONS

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

NOTICE REGARDING CONTROLLED SUBSTANCE TESTING

Defendant objects, pursuant to ORS 475.235(5), to the admission of a certified copy of any analytical report pertaining to controlled substances, and requests that the prosecution call and make available for confrontation and cross-examination any criminalist(s) who conducted any tests and/or produced any reports that the State intends to use at trial.

If a presumptive test was used, Defendant requests laboratory analysis pursuant to ORS 475.235(5).

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1 OBJECTION TO JOINDER OF CHARGES AND CONSOLIDATION OF CHARGING
2 INSTRUMENTS

3 Defendant objects to any addition to the charging instrument of any charges not permitted
4 under ORS 132.560(1), and to the consolidation of any charging instruments not permitted under
5 ORS 132.560(2), and hereby reserves his or her right to a hearing where the state must establish
6 the permissibility of joinder in every instance it seeks to add charges or consolidate charging
7 instruments.

8 CERTIFICATE OF SERVICE

9 I certify that I served a copy of the Request for Discovery to Multnomah County District
10 Attorney’s Office via the Oregon File & Serve system or via email.

11 DATED: June 3, 2021

12 Thomas Dwyer
13 OSB# 193541
14 Attorney for Defendant
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