

FILED

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

DEC 17 2009

BRENDA A. UMSTATTO  
CLERK CIRCUIT COURT  
COLE COUNTY, MISSOURI

STATE OF MISSOURI, )  
Plaintiff )

v. )

ALYSSA D BUSTAMANTE, )  
Defendant )

Cause No. 09AC-CR03516-04F

Division No. 4

ACCUSED'S SUPPLEMENTAL REQUEST FOR DISCOVERY

Comes now the Accused, by and through counsel, and hereby requests the following discovery pursuant to Missouri Supreme Court Rules 25.01, 25.02, 25.03, 25.04, 25.07, 25.08, 25.16, §565.005 RSMo, and the Accused's rights to a fair trial, due process, equal protection, reliable sentencing, effective assistance of counsel, confrontation, impartial jury from a fair cross section of the population, against self incrimination, against unreasonable searches and seizures, and against cruel and unusual punishment guaranteed under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I Sections 2, 10, 15, 18(a), 21 and 22(a) of the Missouri Constitution:

1. The names and the last known addresses of persons whom the State intends to call as witnesses at any hearing or trial, together with their written or recorded statements and existing memoranda reporting or summarizing part or all of their oral statements;
2. Any and all written or recorded statements and the substance of any oral

statements made by the Accused, a list of witnesses to the making, and a list of witnesses to the acknowledgment of such statements and the last known addresses of such witnesses;

3. Those portions of any existing transcript of grand jury proceedings which relate to the offense with which Accused is charged containing testimony of Accused, persons whom the State intends to call as witnesses at any hearing or trial, and any other persons who offered information related to the above cause before the grand jury that was transcribed;

4. Any existing transcript and recording of the preliminary hearing or any prior trial in Accused's case if such is in the possession of the State or available to the State;

5. Any reports, notes, recordings of statements of experts made in connection with this case, including, but not limited to, the results of any type of physical, mental, scientific, forensic and/or DNA testing conducted regarding this case or the Accused and all underlying data, notes, correspondence and reports of such experts;

6. Any books, papers, documents, photographs or objects which the State intends to introduce into evidence at any time or which were obtained from or belong to the Accused;

7. Any record of any prior criminal convictions of persons the State intends to call as witnesses at any hearing or the trial;

8. A written statement by counsel for the State setting forth all facts relating to the time, place and persons conducting any type of photographic or electronic

surveillance relating to this charged offense;

9. Any material or information within the possession or control of the State or its agent which tends to negate the guilt of the Accused as charged, mitigate the degree of the offense charged, or reduce punishment;

10. Should the Accused notify the State of its intent to rely upon any mental disease or defect defense or mitigation, or the defense of alibi, the Accused specifically requests the names and addresses of all witnesses the State intends to call as rebuttal witnesses, together with copies of any of their notes, memoranda, recordings, correspondence, documentation, anything upon which they relied in their analysis or conclusion, anything they obtained for review in connection with this case, any protocols pertaining to their work in this case, any training materials upon which they rely in their work in this case;

11. The statements of all persons who have been interviewed by an agent of the State in connection with the subject matter of this cause and whom the State does not presently intend to call at trial together with their names and last known addresses;

12. The memoranda, notes and summaries of any oral statements made to an agent of the State by any person in connection with the subject matter of this cause whether or not the statement is in writing, has been signed or approved by the witness.

13. The statements of persons, notes, memoranda and recordings of any oral statements pertinent to the subject matter of this case whether or not made to an agent of the State;

14. Any memoranda, documents, notes and statements used by the State during the investigation of this case;

15. The names and addresses of all persons who may have some knowledge of the facts of the present case;

16. All reports, notes, memoranda and documents prepared on behalf of the State or otherwise used in connection with the investigation of this case;

17. All reports, notes, documents, memoranda and any other data in the hands of the State and its agents in connection with the subject matter of this case and the Accused;

18. Statements of any person or persons which were shown, read, played or paraphrased to the Accused during any interrogation or interview conducted by any member of any law enforcement agency;

19. Current or most recent addresses and telephone numbers, known to law enforcement agencies, of all persons interviewed in the course of the investigation of the incident;

20. Copies of booking slips of the Accused prepared pursuant to her arrest;

21. All press releases prepared by any law enforcement agencies relating to the Accused, this case, the incident and the investigation;

22. Copies of all 911 tapes, and other police radio calls or dispatches reflecting the initial call for assistance to and through those reflecting the arrest of the Accused;

23. Notice of the State's intent to use DNA evidence and the name of the lab conducting any DNA testing, and the type of DNA testing which was conducted;

24. All memoranda, notes, documents, e-mails and reports to, from and between law enforcement officers connected with the subject matter of this case;

25. All memoranda, notes, documents, e-mails 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/her legal staff, unless such opinions, theories or conclusions are otherwise discoverable;

26. The criminal records, including but not limited to, prior arrests and any list or summary reflecting criminal records of all persons whom the prosecution intends to call as a witness at trial;

27. All evidence in the prosecutor's possession or available to the prosecution which is favorable to the Accused on the issue of guilt, including but not limited to:

- a. Unfavorable evidence with respect to prosecution witnesses;
- b. Any and all evidence, letters, memoranda, documents, notes, e-mails or other material of any nature disclosing bias and/or prejudice or pre judgment by citizens of this county against the Accused, and the identity of the persons making statements indicating such views;
- c. Any and all other information respecting any prosecution witness which is favorable to the Accused on the issue of guilt;
- d. Statements made by any persons which are exculpatory with respect to the Accused including all statements made by prospective prosecution witnesses;

28. All evidence in the prosecution's possession or available to the prosecution which is favorable to the Accused on the issue of punishment;

29. 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;

30. All records and reports relating to the Accused, including, but not limited to:

a. All juvenile, juvenile detention, juvenile social file, jail, prison, parole, probation and presentence investigation records;

b. All arrest, conviction, and adult and juvenile criminal offense records, including but not limited to, copy of arrest and charging documents, police reports, laboratory reports and all other discovery in connection with each case;

c. All records of any law enforcement authority;

d. All records of any detention or court authority;

e. All records the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case;

31. All records and reports relating to any witness, including, but not limited to:

a. All juvenile detention, jail, prison, parole, probation and presentence investigation records;

b. All arrest, conviction, and adult and juvenile 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;
- f. All psychiatric, psychological, drug and alcohol treatment and mental health records;
- g. All education records;
- h. All medical records pertaining to the ability of the witness to see, hear, perceive, judge and communicate;

32. A statement as to whether the prosecution will rely on prior acts or convictions of a similar nature for proof of knowledge or intent, including a description of each act or conviction to be relied upon, if any;

33. A list of all expert witnesses the prosecution intends to call at trial and those whom the State does not intend to call who did any work in connection with this case, along with each expert's qualifications, the subject and a description of his/her work in connection with this case, the subject and a description of his/her contemplated testimony, his/her notes, memoranda, documents and recordings in connection with this case, his/her data created and/or used in connection with this case, his/her testing done or reviewed in connection with this case along with all raw test data, all information and materials reviewed by the expert in connection with this case and his/her report;

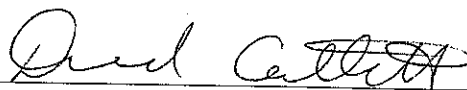
34. Notice of all circumstances, evidence, witness names and addresses the

prosecution will rely upon and any material or information within the possession or control fo the State which the prosecution intends to use as evidence in any sentencing phase in this cause;

37. Notice of any pending charges and/or deals made with any potential State's witnesses;

38. Any and all other information which may be of use to the defense in the preparation and/or trial of this case.

Respectfully submitted,



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#### **Certificate of Service**

I certify that a true copy of the above and foregoing was served on all parties by regular US Mail, postage prepaid, to their address of record, all on this 15th day of December, 2009.



Donald Catlett