

**ORDER FOR DISCOVERY AND PRODUCTION  
DISCOVERY BY THE DEFENDANT**

This Court ex mero motu and in accord with Rule 16 of the Rules of Criminal Procedure sets forth said Rules as follows:

- (A) **Statements of Defendant:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion for good cause shown:
  - (1) Permit the defendant to inspect and to copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are within the possession, custody or control of the state/municipality, the existence of which is known to the prosecutor; and
  - (2) Disclose the substance of any oral statements made by the defendant, before or after arrest, to any law enforcement officer, official or employee which the state/municipality intends to offer in evidence at the trial.
- (B) **Statements of Co-Defendant or Accomplice:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown:
  - (1) Permit the defendant to inspect and to copy any written or recorded statements made by a co-defendant or accomplice to any law enforcement officer, official or employee which are within the possession, custody or control of the state/municipality, the existence of which is known to the prosecutor and which the state/municipality intends to offer in evidence at the trial; and
  - (2) Disclose the substance of any oral statements made by any such co-defendant or accomplice, before or after arrest, to any law enforcement officer, official or employee which the state/municipality intends to offer in evidence at the trial.
- (C) **Documents and Tangible Objects:** Upon written request of the defendant, the prosecutor shall within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown, permit the defendant to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, controlled substances, buildings or places, or portions of any of these things, which are within the possession, custody, or control of the state/municipality and:
  - (1) Which are material to the preparation of the defendant's defense; provided, however, that the defendant shall not be permitted to discover or inspect reports, memoranda, witness lists, or other internal state/municipality documents made by the prosecutor or the prosecutor's agents, or by law enforcement agents in connection with the investigation or prosecution of the case, or statements made by state/municipality witnesses or prospective state/municipality witnesses;
  - (2) Which are intended for use by the state/municipality as evidence at the trial; or
  - (3) Which were obtained from or belong to the defendant.

Upon motion of the state/municipality, the court shall impose such conditions or qualifications as may be necessary to protect the chain of custody of evidence, or the prosecutor's, law enforcement officer's, or investigator's work product, or to prevent loss or destruction of such documents or objects.
- (D) **Reports of Examinations and Tests:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown, permit the defendant to inspect and to copy any results or reports of physical or mental examinations or scientific tests or experiments, if the examinations, tests or experiments were made in connection with the particular case, and the results or reports are within the possession, custody or control of the state/municipality, and their existence is known to the prosecutor.
- (E) **Information Not Discoverable:** Except as provided in (a), (b), and (d), the discovery or inspection of reports, memoranda, witness lists, or other internal state/municipality documents made by the prosecutor or the prosecutor's agents, or by law enforcement agents, in connection with the investigation or prosecution of the case, or of statements made by state/municipality witnesses or prospective state/municipality witnesses, is not authorized.
- (F) **Discovery under Other Provisions of Law:** Nothing in Rule 16.1 shall be construed to limit the discovery of exculpatory material or other material to which a defendant is entitled under constitutional provisions or other provision of law.

**DISCOVERY BY THE STATE/MUNICIPALITY**

- (A) **Documents and Tangible Objects:** Upon written request of the state/municipality, the defendant shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion for good cause, permit the state/municipality to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings, places, or portions of any of these things which are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial.
- (B) **Personal Physical Evidence:** Upon motion of the state/municipality and solely in connection with the particular offense with which the defendant is charged, the court shall order the defendant to:
  - (1) Appear in a line-up;
  - (2) Speak for identification by witnesses;
  - (3) Be fingerprinted, palm-printed, foot-printed, or voice-printed;
  - (4) Pose for photographs not involving reenactment of an event;
  - (5) Try on clothing;
  - (6) Permit the taking of samples of defendant's hair, blood, saliva, urine, or other specified materials which involve no unreasonable intrusions into the body;
  - (7) Provide specimens of defendant's handwriting; or
  - (8) Submit to a reasonable physical inspection or medical examination of defendant's body, but such inspection will not include a psychiatric or psychological examination unless such psychiatric or psychological examination is authorized under the provisions of Rule 11.2(a)(1) and (2), Rule 25.4 or Rule 26.4.

The defendant shall be entitled to the presence of counsel at the taking of such evidence. This section shall supplement and not limit any other procedures established by law.

- (C) **Reports of Examinations and Tests:** Upon written request of the state/municipality, the defendant shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion for good cause shown, permit the state/municipality to inspect and to copy any results of reports or physical or mental examinations, and of scientific tests or experiments made in connection with the particular case which are in the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial, if the results or reports relate to the witness's testimony.
- (D) **Information not Discoverable** Except as to scientific or medical reports, this rule does not authorize the discovery or inspection of reports, memoranda, or other internal defense documents made by the defendant or the defendant's attorneys or defendant's agents in connection with the investigation or defense of the case; nor shall this rule authorize discovery or inspection of statements made by the defendant's attorneys or agents, or statements made by state/municipality or defense witnesses or prospective state/municipality or defense witnesses to the defendant, the defendant's attorneys or agents.

**CONTINUING DUTY TO DISCLOSE**

If prior to or during trial a party discovers additional evidence or decides to use additional evidence, which evidence has been subject to discovery under this rule, that party shall promptly notify the court and the opposing party of the existence of the additional evidence.

**PROTECTIVE ORDERS AND CONDITIONS OF DISCOVERY**

- (A) **Showing:** Upon a sufficient showing, the court shall at any time order that the discovery, examination, or inspection permitted by this rule be denied, restricted, or deferred or make such other order as is appropriate. Upon motion by a party, the court may permit a party to make such showing, in whole or in part, in the form of a written statement to be inspected by the judge alone.
- (B) **Effect of Protective Order:** If the court enters an order granting relief following such a showing, the entire text of the party's statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.
- (C) **General and Special Conditions of Discovery:** Whenever a written request for discovery is required by this rule, a copy of the request shall be filed with the court.

ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

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CIRCUIT JUDGE