

Sample Form 28

**MOTION TO COMPEL DISCOVERY, CONTINUANCE
AND/OR, TO IMPOSE SANCTIONS FOR NONCOMPLIANCE**

State of Alabama

Case Number

v.

Defendant

STATE OF ALABAMA
In the _____
court of _____
County

The defendant (or the State), having duly demanded of the State (or the defendant) on the _____ day of _____, 20____, to inspect and copy or photograph certain items in possession, custody or control of the State (or the defendant) and the state (or the defendant) having failed in whole (or in part) to comply with the demand, now, the defendant (or the State), pursuant to rule 16.5 (a) of the Alabama Rules of criminal Procedure, requests that this Court issue an order requiring the district attorney (or the defendant) to produce and permit the defendant (or the State) to inspect and copy or photographs the items requested the attached demand marked Exhibit _____,

_____ (where the opposing party has complied with part of the demand, but has omitted producing some items, list the materials not produced).

The defendant (or the State) further moves the Court

- [] for a continuance
- [] for an order prohibiting the State or the defendant)from introducing at the trial of this cause any material not disclosed pursuant to the demand attached herewith, specifically: _____

[list items sought to be precluded]

and for such other order as the court may deem proper under the circumstances.

Each of the items sought to be discovered is properly discoverable under Rule 16 of the Alabama Rules of Criminal Procedure.

Date Attorney for Defendant(or District Attorney)

Certificate of Service

I certify that I served a copy of the foregoing motion on the District Attorney (Defendant/Defendant's Attorney) by mailing/delivering a copy of same to him this date.

Date Attorney for Defendant (District Attorney)

Rule 16.5