

FILED

MAR 30 2007

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON,
COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff,

No. 07-1-00508-1

vs.

OMNIBUS APPLICATION

JAYCE L. PIRTLE,

Defendant.

TO: THE STATE OF WASHINGTON: AND
TO: EUGENE CRUZ, DEPUTY PROSECUTING ATTORNEY:

JAYCE PIRTLE, by and through his attorney, JOHN P. NOLLETTE,
hereby makes demand for the following Discovery:

- 1) Produce the names, addresses, and phone numbers of all persons the prosecutor intends to call as witnesses at the time of hearing or trial, together with copies of any notes, written or recorded statements, and the substance of any oral statements made by any of those witnesses or by any third parties communicated to those witnesses bearing on any issue in this case;
- 2) Produce any statements, written or recorded, and the substance of

JOHN P. NOLLETTE
ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201

(509) 701-0566
Fax (509) 324-9029

1 3) Produce any reports or statements, oral or written, by any
2 witness, including expert witnesses, regarding the results of
3 any scientific, chemical, physical, or mental examination,
4 comparison, or tests performed in connection with this case;
5

6 4) Produce any books, papers, documents, photographs, or
7 tangible objects which the State intends to use at trial or
8 which were are alleged to have been obtained from or to have
9 belonged to defendant, together with a synopsis of the
10 alleged relevance of each item connection to the crime
11 charged;
12

13
14 5) Produce all records relating to defendant's prior criminal
15 convictions;
16

17 6) Produce any evidence of an exculpatory nature pursuant to
18 Brady v. Maryland, 373 U.S. 93 (1963), or relevant to
19 impeachment pursuant to United States v. Bagley, 473 U.S. 667
20 (1985);
21

22 7) Produce all information and documents pertaining to any
23 searches of defendant, his vehicles, storage units or
24 residence and items or fruits seized as a result of the
25

26 **JOHN P. NOLLETTE**
27 ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201
28 (509) 701-0566
Fax (509) 324-9029

1 search;

2
3 8) Produce all evidence relating to any electronic
4 surveillance, including wiretapping, of defendant's premises
5 or conversations to which defendant was a participant;

6
7 9) Disclose all evidence in the State's possession that may
8 be favorable to defendant on the issue of guilt or mitigation
9 as to degree;

10 10) Identify: (a) if there was an informant involved; (b)
11 whether the informant will be called as a witness at trial;
12 and (c) the informant's name and address;

13
14 11) Produce the criminal record of any witness who the State
15 may call at trial;

16
17 12) Identify whether any expert witness will be called by the
18 State to testify at trial, and if so, to supply (a) the name
19 of the expert witness; (b) his qualifications and the subject
20 of his testimony; and (c) a copy of any report that the
21 witness has prepared for trial;

22
23 13) Disclose the nature and substance of any agreement,
24 immunity, promise or understanding between any potential

25
26 **JOHN P. NOLLETTE**
27 ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201

28 (509) 701-0566
Fax (509) 324-9029

1 witness, informant or cooperating individual and the State or
2 any of its agents;

3
4 14) Disclose the nature and substance of any preferential
5 treatment given at any time by the State or any of its agents
6 to any potential witness, informant or cooperating
7 individual;

8
9 15) Disclose whether any money, compensation or other
10 tangible benefit has been paid or promised to any potential
11 witness, informant or cooperating individual by the State or
12 any of its agents;

13
14 16) Disclose any information regarding the mental condition of
15 any potential witness, informant or cooperating individual
16 that would reflect upon or bring into question the witness'
17 credibility, including the results of any polygraph tests;

18
19
20 17) Identify all statements, amendments to statements or
21 retracted statements of any individuals who have given
22 statements incriminating defendant and later retracted all or
23 a portion of those statements;

24
25
26 **JOHN P. NOLLETTE**
27 ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201

28 (509) 701-0566
Fax (509) 324-9029

1 18) Produce all interview notes, transcripts, investigative
2 memoranda or reports that contain any information that might
3 fairly be said to contradict or be inconsistent with any
4 evidence that the State intends to introduce at trial;

5
6 19) Produce the statement of any individual who has given a
7 description of a person alleged by the State to be defendant
8 which does not match or is inconsistent with defendant's
9 actual height, weight, body build, complexion, hair color,
10 eye color or other distinguishing physical traits;

11
12 20) Identify the name and address of any individual who has
13 been asked to make an identification of defendant in
14 connection with this case, but has failed to do so; and

15
16 21) Identify the results of any examinations, tests,
17 experiments or analyses done on any person or item of
18 physical evidence in connection with this case. And to
19 identify all subpoenas issued to third parties based on the
20 decision in State v. White (Div. I - 02.28.2005)

21
22
23 **B. Written Response Requested.**

24 Defendant requests a written response from the State

25
26 **JOHN P. NOLLETTE**
27 ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201
28 (509) 701-0566
Fax (509) 324-9029

1 of Washington to each of these discovery requests.

2 The United States Supreme Court has made clear that
3 requests for information pursuant to Brady v. Maryland, 373
4 US 83 (1963), are favored and has declared: "When the
5 prosecutor receives a specific and relevant request, the
6 failure to make any response seldom, if ever, excusable."
7 U.S.v. Bagley, 473 US 667 (1985).
8

9
10 C. Certification of Inquiry.

11 Defendant further requests that the State certify in its
12 responses that it has complied with its obligations under
13 Kyles v. Whitley, 514 US 419 (1995), and specifically sought
14 the requested information from all law enforcement
15 organizations involved in this case.
16

17
18 D. Objections to Production.

19
20 If the State objects to producing any information or
21 documents requested in this pleading, defendant requests that
22 the State: (a) identify with particularity the basis for its
23 objection; and (b) produce the information or documents to
24 the court for *in camera* inspection and determination of the
25

26 **JOHN P. NOLLETTE**
ATTORNEY-AT-LAW
1408 W. Broadway
Spokane, WA 99201
27
(509) 701-0566
28 Fax (509) 324-9029

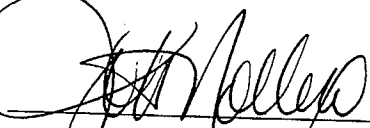
1 validity of the objection.

2
3 E. Continuing Request.

4
5 This demand is intended to be continuing in nature and
6 the State is requested to provide, within a reasonable time,
7 any of the above requested materials which come into its
8 possession, or the possession of its agents, subsequent to
9 the receipt of this demand.

10 Respectfully Submitted on this 21st day of March, 2007.

11
12 LAW OFFICE OF JOHN P. NOLLETTE
13 WSBA #5474

14 

15
16 JOHN P. NOLLETTE #5474
17 Attorney for Defendant
18 SPECIAL PUBLIC DEFENDER

19
20
21
22
23
24
25
26 **JOHN P. NOLLETTE**
27 ATTORNEY-AT-LAW
28 1408 W. Broadway
Spokane, WA 99201

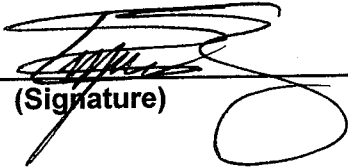
(509) 701-0566
Fax (509) 324-9029

EUGENE M. CRUZ states that he is a Deputy Prosecuting Attorney in and for Spokane County, Washington, and as such is in charge of the above matter; That the defendant violated the terms and conditions of the release granted him pending trial for the crime(s) of CT I: KIDNAPING IN THE FIRST DEGREE-DOMESTIC VIOLENCE, CT II: HARASSMENT- DOMESTIC VIOLENCE, CT III: SECOND DEGREE ASSAULT-DOMESTIC VIOLENCE, CT IV: SECOND DEGREE ASSAULT, and CT V: UNLAWFUL IMPRISONMENT-DOMESTIC VIOLENCE by failing to comply with his release conditions by committing a new offense on July 20, 2007, therefore, it is submitted that a Superior Court Bench Warrant should be issued for his immediate apprehension.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

073007
(Date)

Spokane, WA
(Place)


(Signature)