**IN THE STATE COURT OF CHATHAM COUNTY**

**STATE OF GEORGIA**

STATE OF GEORGIA )

)

)

VS. ) case number R 154-341

)

)

David Sutherland ) EXHIBIT”2”

)

Defendant )

)

**MOTION FOR DISCOVERY AND FOR PRODUCTION OF**

**EXCULPATORY MATERIAL UNDER BRADY**

COMES NOW, the Defendant in the above-styled case, and moves this

Court to require the prosecutor and its agents, assistants, and investigators,

And all law enforcement agencies, whether city, county, state or federal who

are involved in this matter in any way, to produce within a reasonable time

Prior to trial of the above-captioned matter, the following documents, articles,

And evidence which may be favorable or arguable favorable to the defendant

Or may lead to evidence that is favorable or arguable favorable to the

Defendant, either as a direct or impeaching evidence, insofar as it may bear

On the issues of guilt or sentencing, and to permit the Defendant to inspect

And copy the same. This motion is made pursuant to the directives of

Brady v. Maryland, 373 U. S. 83.

1.

All oral, written or recorded statements and all oral statements or

Confessions or admissions made by or adopted by the defendant and

Subsequently reduced to writing or summarized by any law enforcement

Agency or personnel, within the possession, custody or control of the State

Or its agents or employees, the existence of which is known by, or in the

Exercise of due diligence could become known by attorney for the State.

This request includes statements made to persons other than law enforcement

Officials, but which have come into the hands of the State ot its agents.

2.

Statements of all persons, including memoranda, summaries, recordings

Of such statements, made to any law enforcement officers, or any prosecutor,

or to the investigative staff of the prosecutor’s office, which may be

Considered exculpatory or advantageous, or thet may lead to evidence that is

Exculpatory or advantageous to the Defendant for any purpose or as to any

Issue in this case.

3.

All statements of any witness that contradicts in any way, the statements

Of other witnesses or that contradicts other statements made by that witness.

In addition to the above statements, Defendant demanda statements that

Contradict facts or evidence developed in the investigation of the above-

Referenced case.

4.

The names, addresses, telephone numbers, dates of birth and the where

Abouts of all persons, whether or not the State intends to call them as

Witnesses, who may have some knowledge of facts of the present case which

Might be exculpatory, arguable favorable, or may lead to evidence that is

Exculpatory or arguably favorable to the Defendant.

5.

There may be other items and matters of evidence or information in

Existence that are not enumerated herein and of which the Defendant is

Unaware, do to the secrecy surrounding the investigation. Defendant requests

And demands that he be afforded knowledge of any such matters which are

Arguable favorable to the defendant whether admissible in evidence or not,

Within the meaning of Brady v Maryland, supra; Giles v Maryland, 386 U.S.

66; or United States v Giglio, 405 U. S. 150 or their progeny.

6.

Defendant’s requests in this motion are to be considered continuing in

Nature, up until and through the trial and post judgement proceedings, and

Should any information come into the hands of the State or its agents at any

Time in the future which is discoverable, then the State should be ordered

To reveal such information to the Defendant and/or turn said information

Over to the court for inspection **in camera**. Likewise, should it appear to

The court during any proceeding in this matter that material encompassed

In the court’s **in camera** inspection is, on further reflection, favorable or

Arguably favorable to the Defendant or may lead to evidence , that is favor-

Able or arguable favorable to the Defendant, then such information ought

Be revealed to the Defendant.

Defendant avers that the aforesaid document and information are in the

Possession of the State or are available to the District Attorney through

Enforcement officers involved in the investigation of this case and are

Favorable to the Defendant, or may lead to evidence that is favorable to the

Defendantas to the issue of innocence.

Defendant avers that all of said documents,articles are relevant, significant

And constitue substantial material evidence andwill be useful to the named

Defendant as evidence upon his trial under said accusation.

The named Defendant cannot safely go to trial in this case without the

Production of sais document and in their absence will be denied the due

process of law as guaranteed by Article I, Section I, Paragraph I of the

Constitutionof the State of Georgia and the Fifth Amendment of the

Constitution of the Untited States of America, as made applicable to the

States through the Fourteenth Amendment to the Constitution of the United

States .

WHEREFORE, The Defendant prays:

(a). That the Defendant be allowed to inspect the State’s files in their

Entirety, including the files of any law enforcement officer or agency, for

Thr purpose of determining whether or not such files contain exculpatory

statements reports from any witness or person concerned with this case.

(b). that if any part of said documentary is not made available to the

Named defendant ptior to the cmmencement of his trial, the Defendant

Respectfully moves the court for an order directing the District Attorney

To produce all such documents and evidence and to submit the same to

Defendant at the close of State’s evidence. In the event a Appeal should

Become necessary.

This 29th day of December, 2015.

Respectfully submitted

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David Sutherland

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