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8 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
9 IN THE COUNTY OF WASHINGTON

10 STATE OF OREGON,)
11 PLAINTIFF,) No: C 962556 CR
12 vs.) MOTION FOR DISCLOSURE OF ANY
13 BILLY LEE OATNEY,) IMPEACHMENT INFORMATION
14 DEFENDANT.)

15 COMES now the defendant, Billy Lee Oatney, by and through his attorneys, John
16 Manning and William S. Brennan, and moves this court for an order requiring the District
17 Attorney to produce and make available to defendant the following:

18 (1) Any and all records and information, such as any convictions, by way of
19 trial or plea, be they adult or juvenile adjudications, including but not limited to "rap
20 sheets" presentence reports and transcripts of former proceedings (if the state has such
21 transcripts in their possession) concerning any witness the state intends to call at time
22 of trial; and

23 (2) Any and all records an information revealing prior misconduct or bad acts
24 attributed to the witness; and

25 (3) Any and all consideration or promises of consideration given to or on behalf
26 of a witness, or expected or hoped for by the witness:

Consideration refers to: (a) any thing expected or hoped for by the witness.

1 or which could arguably lead to such information.

2 9. The same request as made in items 1 through 7 is hereby made with regard
3 to each witness declarant whose statements are to be or are offered into evidence.

4 10. This request is made applicable to all stages of this case including all pretrial
5 matters, the penalty phase.

6 This motion is based upon the attached memorandum , which by this reference
7 is incorporated herein as if fully set forth.

8 Dated this 24 day of October, 1997.

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10 William S. Brennan, OSB 79019

11 Of Attorneys for Defendant

12 POINTS AND AUTHORITIES:

13 United States Constitution, Amendments V, VI, VIII, and XIV

14 Oregon Constitution, Article 1, Sections 10, 11, 13, 15, 15, 16, 20, and 40

15 Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963)

16 State ex rel Dooley v. Connall, 257 Or. 94, 475 P.2d 582 (1970)

17 State v. Kull, 298 Or. 38, 688 P.2d 1232 (1984)

18 State v. Hartfield, 290 Or. 583, 624 P.2d 588 (1981)

19 State v. Konnecke, 274 Or. 169, 545 P.2d 127 (1976)

20 State v. Fritz, 72 Or. App. 409, 695 P.2d 972 (1985)

21 Hanson v. Cupp, 5 Or. App. 312, 484 P.2d 847 (1981)

22 State v. Warren, 81 Or. App. 463, 726 P.2d 387 (1986)

23 United States v. Agurs, 427 U.S. 97, 96 S. Ct. 2392, 49 L.Ed.2d 215 (1976)

24 Alcorta v. Texas, 355 U.S. 28, 78 S. Ct. 103, 2 L.Ed2d 9 (1957)

25 ORS 135.805, 135.815, 135.825, 135.845 and 135.855

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