

Edwin S. Wall, A7446
ATTORNEY AT LAW
8 East Broadway, Ste. 405
Salt Lake City, Utah 84111
Telephone: (801) 746-0900
Facsimile: (801)953-1706
Electronic Notice: edwin@edwinwall.com

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
)	NOTICE OF
Plaintiff,)	REQUEST FOR DISCOVERY
)	
v.)	
)	Case No. 2:16-cr-56 RJS
LINDA SELSA JARMILLO,)	
)	Hon. Robert J. Shelby
Defendant.)	

COMES NOW the Defendant, Linda Selsa Jarmillo, by and through her attorney Edwin S. Wall and submits to the United States (hereinafter "Government") her Request for Discovery; this Request for Discovery is a specific request for particular evidence relevant to the defense in the above named matter;

NOW THEREFORE: The Defendant hereby:

DISCOVERABLE MATERIAL

REQUESTS the State provide the Defendant with all discoverable material pursuant to any City, State, Tribal and/or Federal Law, such discoverable material to be provided as soon as practicable, said discoverable material including but not limited to:

(A) Discoverable Material under the Federal Rules of Criminal Procedure: material pursuant to Utah Rules of Criminal Procedure 16, to wit:

- (1) written or recorded statements of the defendant or any codefendant;
- (2) the criminal record of the defendant;
- (3) physical evidence seized from the defendant or any codefendant;
- (4) evidence known to the prosecutor that tends to negate the guilt of the accused, mitigate the guilt of the defendant, or mitigate the degree of the offense for reduced punishment; and
- (5) any other item of evidence which should be made available to the defendant in order for the defendant to adequately prepare a defense;

(B) The Defendant's or Codefendant's Statements: all copies of any written or recorded statements made by the defendant or any codefendant; the substance of any statements made by the defendant or any codefendant; any response by the defendant or any codefendant to interrogation; the substance of any oral statements which may be introduced at trial, and any written summaries of the defendant's or any codefendant statements contained in the handwritten notes of any law enforcement officer, or an officer for the Government and its agents; any response to any Miranda warnings which may have been given to the defendant or any codefendant; and any other statements by the defendant or codefendant that are otherwise discoverable;

(C) Arrest Reports, Notes and Dispatch Tapes: all arrest reports, notes and dispatch, video or any other tapes that relate to the circumstances surrounding the defendant's or any codefendant arrest and any questioning which may have occurred; such reports, notes and tapes being produced in their entirety and including, but not limited to, any rough notes, records, reports, transcripts or other documents in which statements of the defendant or any codefendant, any other discoverable material; and further, disclosure of all arrest reports, investigator's notes, memos from arresting officers, dispatch tapes, sworn statements, and prosecution reports pertaining to the defendant or any codefendant;

(D) Reports of Scientific Tests or Examinations: the substance, nature and reports of all tests and examinations conducted upon or in connection with the evidence in this case, including but not limited to tests conducted upon finger prints taken from the defendant or any codefendant, identification line-ups of the defendant or any codefendant, bodily fiber, fluid or tissue samples of defendant or any codefendant, the existence of which is known, or by the exercise of due diligence may become known to the Government, any law enforcement agency involved in the investigation of the above-named case, or any other investigative resource associated or connected with the prosecution of the above-named case and its agents and which are material to the preparation of the defense or which are intended for use as evidence at trial;

- (E) Brady Material: all documents, statements, agents' reports, and tangible evidence favorable to the defendant or capable of favorable interpretation for the defendant on the issue of guilt and/or which affects the credibility of any person who may be called as a witness by the Government; specifically including impeachment as well as exculpatory evidence which falls within Brady's definition of evidence favorable to the accused, including information about out-of-court identifications of the defendant or any codefendant by percipient witnesses to the offense that may cast doubt on their reliability;
- (F) Evidence Seized: evidence seized as a result of any search, either warrantless or with a warrant, including but not limited to blood samples and the tests thereof which were taken from the defendant or any codefendant;
- (G) Evidence of Bias, Prejudice, Undue Influence or Motive to Lie: any evidence that any prospective witness is biased or prejudice against the defendant or any codefendant, is subject to undue influence or has a motive to falsify or distort their testimony;
- (H) Impeachment Evidence: any evidence that any prospective witness has engaged in any criminal act, whether or not resulting in a conviction, and whether any witness has made a statement favorable to the defendant or any codefendant;
- (I) Evidence of Criminal Investigation of Any Witness: any evidence that any prospective witness is under investigation by federal, state, tribal, or local authorities for any criminal conduct;
- (J) Evidence Affecting Perception, Recollection, Ability to Communicate, or Truth and Veracity: evidence, including any medical or psychiatric report, evaluation, evidence or documentation, tending to show that any prospective witness's ability to perceive, remember, communicate, or tell the truth is impaired; and any evidence that a witness has ever lied under oath, used narcotics or other controlled substance, or has ever been an alcoholic;
- (K) Witnesses Favorable to the Defendant: the name, address and other information regarding the identity and location of any witness who make an arguably favorable statement concerning the defendant or any codefendant;
- (L) Statements Relevant to the Defense: disclosure of any statement that may be "relevant to any possible defense or contention" that the defendant or any codefendant might assert; including in particular any statements made by percipient witnesses about identifications of the perpetrators of any charged offense in general or the defendant or any codefendant in particular;
- (M) Material Relevant to Testimony: all material to which the defendant or any codefendant

is entitled pursuant to Utah Rules of Evidence 612; including but not limited to such evidence producible after a witness testifies, such evidence being requested so that the court may avoid unnecessary recesses and delays for defense counsel to properly use such statements and prepare for cross-examination;

(N) Assurances for Testimony: all statements and/or promises, express or implied, made to any witness in exchange for their testimony in this case, and all other information which could arguably be used for the impeachment of any witnesses;

INSPECTION AND OPPORTUNITY TO COPY

FURTHER REQUESTS the opportunity to inspect and copy as well as test all physical evidence, other documents, and tangible objects, including photographs, books, papers, documents, building or places or copies of portions of the same which are in the possession of the Government or its agents, or as may be acquired by the Government or its agents with the exercise of due diligence, are material to the defense of this case, are intended for use by the Government in the Government's case-in-chief, or were obtained from or belong to the defendant or any codefendant;

PRESERVATION OF DISCOVERABLE MATERIAL

FURTHER REQUESTS all dispatch tapes, video tapes, audio tapes, notes or other physical evidence that may be destroyed, lost or otherwise put out of the possession, custody, or care of the Government or its agents and which relate to the arrest or the events leading to the arrest of the defendant or any codefendant in this case be preserved; including but not limited to any samples used or which may be used to run scientific tests and any evidence seized from any third

party; it is further requested that the Government or its agents determine if such evidence exists, if it does exist to preserve such evidence and give the defendant notice of said evidence, and if it does not exist to inform the defendant of the circumstances, parties, and subject matter associated with such loss, destruction or other lack of access to said evidence.

Please respond to this Discovery Request by delivery of your response to:

Edwin S. Wall, A7446
ATTORNEY AT LAW
8 East Broadway, Ste. 405
Salt Lake City, Utah 84111
Telephone: (801) 523-3445
Facsimile: (801) 746-5613
Electronic Notice: edwin@edwinwall.com

DATED this February 11,

 2016.

Edwin S. Wall
Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Edwin S. Wall, hereby certify that on February 11, 2016, I served a copy of the attached NOTICE OF REQUEST FOR DISCOVERY upon the counsel for the Plaintiff in this matter, by mailing it by first class mail with sufficient postage prepaid to the following address:

Michael Gadd, SAUSA
United States Attorneys Office
185 South State Street, Ste. 300
Salt Lake City, Utah 84111

348 East South Temple
Salt Lake City, Utah 84111



Edwin S. Wall,
Attorney for the Defendant