

IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

JAN 3 1996
7:00 AM

The State of Oklahoma,)
Plaintiff,)
vs.) Case No. CF-95-104
Joshua Daniel Stump,)
Defendant.)

MOTION TO PRODUCE

COMES NOW the State of Oklahoma and moves the Court, pursuant to 22 O.S. Sec. 2001 et seq and Allen v. District Court of Washington County, 803 P.2d 1164 (Okl.Cr. 1990) for an Order requiring the defendant, Joshua Daniel Stump, to produce for discovery, inspection and copying all material and information within the defense attorney's possession or control as set forth by the following items and information:

a. The names and addresses of all defense witnesses together with their relevant oral, written or recorded statement, if any, or if none, summaries of any oral statements;

b. The names and address of any witness, other than the defendant, who will be called to show that the defendant was not present at the time and place specified in the information (or indictment), together with the witness's statement to that fact;

c. The names and addresses of any witness the defendant will call, other than himself, for testimony relating to any mental disease, mental defect, or other condition bearing upon his mental state at the time the offense was allegedly committed, together with the witness's statement of that fact, if the statement is redacted by the Court to preclude disclosure of privileged communication;

d. The names and addresses of any witness, other than the Defendant, whom the Defense intends to call to offer testimony in mitigation during the second phase of trial together with their relevant oral, written or recorded statement, if any, or if none, summaries of any oral statements.

The State of Oklahoma further moves the Court for an Order requiring that said defendant shall allow the State access at any reasonable time and in any reasonable manner to inspect, photograph, copy, or have reasonable tests made upon any book, paper, document, photograph, or tangible object which is within the defendant's possession or control and which:

(a) The defendant intends to offer in evidence, except to the

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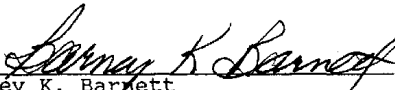
extent that it contains any communication of the defendant, or

(b) Is a report or statement as to a physical or mental examination or scientific test or experiment made in connection with the particular case prepared by and relating to the anticipated testimony of a person whom the defendant intends to call as a witness, including but not limited to any examination of the Defendant, provided that report or statement is redacted by the Court to preclude disclosure of privileged communication.

State of Oklahoma further moves this Honorable Court that any and all orders entered herein relative to discovery in this matter shall be deemed continuing and impose the appropriate continuing obligation upon defense counsel to furnish the information sought in this Motion as soon as the same can reasonably be furnished to the State of Oklahoma.

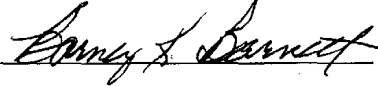
MILES C. ZIMMERMAN
District Attorney

By:


Barney K. Barnett
Assistant District Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of JAN., 1996, that a true and correct copy of the above Motion was mailed/delivered to James Rowan, Oklahoma Indigent Defense System, Capital Litigation Division, Norman, Oklahoma and David T. Ball, 503 W. 4th, Stroud, Oklahoma, Attorneys for Defendant.



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