

**IN THE DISTRICT COURT OF LOVE COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
 Plaintiff,)
vs.)
MARION JOE RUSSELL,)
 Defendant.)

Case No. CF-2016-194

STATE OF OKLAHOMA, ex. rel.)
THE FIFTEENTH OKLAHOMA)
MULTI-COUNTY GRAND JURY,)
 Plaintiff,)
vs.)
MARION JOE RUSSELL,)
 Defendant.)

Case No. CV-2016-23

Filed in District Court
Love County, OK
AUG 30 2016
Kim Jackson, Court Clerk
By _____ Deputy

**STATE OF OKLAHOMA'S MOTION FOR
ORDER DIRECTING DISCLOSURE AND PRODUCTION**

COMES NOW, the State of Oklahoma, by and through its duly elected and acting Attorney General E. Scott Pruitt, through his Assistant Attorney General Justin Kemp, moves the Court for an order pursuant to the Oklahoma Criminal Discovery Code, *22 OSA 2001 et seq.*, and *Allen vs. District Court of Washington County, et al*, 803 P 2.d 1164 (1991), directing the Defendant to disclose and produce the following, to wit:

- 1) Names and address of witnesses the Defendant intends to call at trial, together with their relevant written or recorded statements and significant summaries of any oral statements;
- 2) Name and address of any witness who will be called to show that the Defendant was not present at the time and place specified in the indictment, together with the witnesses' statement to the fact;
- 3) Names and addresses of any witness the Defendant will call for testimony relating to any mental disease, mental defect, or other condition bearing upon his mental state at the time the offense was committed, together with the witnesses' statement of fact;
- 4) Any evidentiary item which the Defendant may use or intend to offer, that the same be produced for inspection, photographing, copying and reasonable testing any book, paper, document, photograph, or other tangible object within his/her possession or control at any reasonable time and manner;


- 5) Any 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 anticipated testimony of a person whom Defendant intends to call as a witness.

WHEREFORE, Plaintiff prays the Court enter an order directing disclosure and production of the above specified material and information by the Defendant and counsel for Defendant not less than ten (10) days prior to trial, providing that the duty to disclose and produce is continuing in nature upon subsequent ascertainment of possession or control of material and information so specified, for sanctions against the Defendant upon failure to comply with the order including requiring Defendant to comply, granting the Plaintiff additional time or continuance, prohibiting the Defendant from introducing specified evidence or calling specified witnesses, granting a mistrial based on manifest necessity due to acts of Defendant, and for any and all further orders the Court deems proper.

DATED this 26TH day of August, 2016.

**E. SCOTT PRUITT
ATTORNEY GENERAL**


by:



JUSTIN KEMP
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF MAILING

I do hereby certify that on the 26th day of August, 2016 I delivered a true and correct copy of the above and foregoing **MOTION FOR ORDER DIRECTING DISCLOSURE AND PRODUCTION** to: Gary Brown, Attorney for the Defendant via electronic mail at: gary.brown1190@gmail.com



JUSTIN KEMP
ASSISTANT ATTORNEY GENERAL

Frizell, Camille

From: Kathryn Savage <kathryn.savage@oag.ok.gov>
Sent: Monday, August 29, 2016 2:48 PM
To: Frizell, Camille
Cc: Justin Kemp; Sean Hill
Subject: State v. Marion Russell - CF-2016-194 & CV-2016-23
Attachments: Response.Production.Appendix.II.pdf; State.Mtn.Discovery.pdf;
State.Response.Exculpatory.Evidence.pdf

Camille,

Pursuant to our telephone conversation today, I've attached the State's responses to Defendant Russell's motions. In addition, we've prepared a Motion for Discovery. Thank you for getting these matters filed for us.

Kathryn R. Savage
Assistant Attorney General

Multicounty Grand Jury Unit
Oklahoma Office of the Attorney General
313 NE 21st Street | Oklahoma City, OK | 73105
Direct: [405] 522-2972 | Fax: [405] 522-2795