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| IN THE SEPARATE JUVENILE COURT FOR #### COUNTY, NEBRASKA | | |
| IN THE INTEREST OF  CHILD NAME  A juvenile. | )  )  )  )  )  ) | CASE ####  MOTION FOR DISCOVERY |

COMES NOW, the minor child, by and through counsel, ###, and moves this court to enter an Order directing the State of Nebraska to disclose and produce certain evidence which is essential and material to the preparation of the defense.

The minor child requests that such disclosure and production include the following:

1. A list of the names and last known addresses of persons whom the State may call as witnesses, or who are known to the State as occurrence witnesses, together with:

a) any written or recorded statements by these persons including those written or recorded statements of police officers;

b) any memoranda containing substantially verbatim reports of these persons' oral statements;

c) a list of memoranda reporting or summarizing these persons' oral statements; and

d) any and all police cruiser video and audio recordings.

2. Any written and recorded statements and the substance of any oral statements or confessions made by the accused, or by a co‑respondent, co‑indictee, or co‑arrestee to include:

a) a list of all witnesses to the making and acknowledgment of such statements; and

b) the date, time and place of the making of such statements.

4. Any and all reports, including but not limited to arrest reports, case reports, and all supplementary case reports, made by any police department or security agency or any member thereof in regard to the alleged offense, in the possession of the State.

5. An itemization and indication with particulars, and an opportunity to inspect, any and all physical property, including but not limited to books, papers, documents, photographs or tangible objects, which is in the State's possession or control pertaining to this case, and/or that the State may use in any hearing or trial of this cause, or which were obtained from or belong to the accused, including but not limited to:

a) date and time the property was acquired;

b) location from which property was acquired;

c) what person or persons first took the property into their possession; and

d) reports made by law enforcement authorities pertaining to this property, including but not limited to inventory and scientific reports.

6. Any and all photographs related to the investigation or processing of the case, including but not limited to photographs taken of the respondent (*i.e.*, any “mug shots”) and/or photographs taken of the scene of the arrest or incident.

7. Any and all medical reports, statements and results of any and all scientific, technical and laboratory tests, experiments, comparisons and physical or mental examinations made by experts or others in connection with this cause, including but not limited to fingerprints and ballistic tests, regardless of whether such items or reports will be introduced into evidence, and the names and addresses of persons who conducted such tests, experiments, comparisons or examinations.

8. The prosecution shall inform defense counsel of an elec­tron­ic surveillance, including but not limited to any wiretapping of conversations to which the accused was party, or of his premises.

9. Full and timely evidence, items or information which may be material to the guilt or innocence of the accused, or would tend to mitigate against his punishment or is favorable to the defense at trial, *Brady v. Maryland*, 373 U.S. 83 (1963), must be tendered to defense or, for cause shown, to the Court, *United States v. Agurs*, 427 U.S. 97 (1976). Such includes:

a) names, addresses or other identifying information, of persons known whose testimony may be favorable to the defense;

b) physical property or scientific evidence known by the State that aids the defense; and

c) all items set forth in the preceding paragraphs of this motion.

WHEREFORE, the minor child requests that the State comply with the aforesaid Motion, and that this Court so Order.

CHILD’S NAME,

*\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COUNSEL NAME, BAR #

Attorney for the Minor Child

Business Name

Business Street Address

Business C/S/Z

Business Phone

email

**CERTIFICATE OF SERVICE**

The following motion to continue was delivered by hand to the following persons this DATE:

|  |  |
| --- | --- |
| Prosecutor  Address | Other legal party |
| GAL, if applicable | Other legal party |

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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| IN THE SEPARATE JUVENILE COURT FOR ### COUNTY, NEBRASKA | | |
| IN THE INTEREST OF  Child Name  A Juvenile. | )  )  )  )  )  ) | Case #  ORDER FOR DISCOVERY |

This matter came before the Court on the motion of the minor child ##. The Court finds that the relief sought should be granted.

IT IS THEREFORE ORDERED the following items be delivered to counsel for the minor child in accordance with the [LOCAL COURT RULE/COURT’S CASE PROGRESSION ORDER/REASONABLE TIME/SPECIFIC DATE]:

1. A list of the names and last known addresses of persons whom the State may call as witnesses, or who are known to the State as occurrence witnesses, together with:

a) any written or recorded statements by these persons including those written or recorded statements of police officers;

b) any memoranda containing substantially verbatim reports of these persons' oral statements;

c) a list of memoranda reporting or summarizing these persons' oral statements; and

d) any and all police cruiser video and audio recordings.

2. Any written and recorded statements and the substance of any oral statements or confessions made by the accused, or by a co‑respondent, co‑indictee, or co‑arrestee to include:

a) a list of all witnesses to the making and acknowledgment of such statements; and

b) the date, time and place of the making of such statements.

4. Any and all reports, including but not limited to arrest reports, case reports, and all supplementary case reports, made by any police department or security agency or any member thereof in regard to the alleged offense, in the possession of the State.

5. An itemization and indication with particulars, and an opportunity to inspect, any and all physical property, including but not limited to books, papers, documents, photographs or tangible objects, which is in the State's possession or control pertaining to this case, and/or that the State may use in any hearing or trial of this cause, or which were obtained from or belong to the accused, including but not limited to:

a) date and time the property was acquired;

b) location from which property was acquired;

c) what person or persons first took the property into their possession; and

d) reports made by law enforcement authorities pertaining to this property, including but not limited to inventory and scientific reports.

6. Any and all photographs related to the investigation or processing of the case, including but not limited to photographs taken of the respondent (*i.e.*, any “mug shots”) and/or photographs taken of the scene of the arrest or incident.

7. Any and all medical reports, statements and results of any and all scientific, technical and laboratory tests, experiments, comparisons and physical or mental examinations made by experts or others in connection with this cause, including but not limited to fingerprints and ballistic tests, regardless of whether such items or reports will be introduced into evidence, and the names and addresses of persons who conducted such tests, experiments, comparisons or examinations.

8. The prosecution shall inform defense counsel of an elec­tron­ic surveillance, including but not limited to any wiretapping of conversations to which the accused was party, or of his premises.

9. Full and timely evidence, items or information which may be material to the guilt or innocence of the accused, or would tend to mitigate against his punishment or is favorable to the defense at trial, *Brady v. Maryland*, 373 U.S. 83 (1963), must be tendered to defense or, for cause shown, to the Court, *United States v. Agurs*, 427 U.S. 97 (1976). Such includes:

a) names, addresses or other identifying information, of persons known whose testimony may be favorable to the defense;

b) physical property or scientific evidence known by the State that aids the defense; and

c) all items set forth in the preceding paragraphs of this motion.

IT IS SO ORDERED.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME OF JUDGE, Juvenile Court Judge

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prepared and submitted by:

COUNSEL NAME, BAR #

Business Name

Business Street Address

Business C/S/Z

Business Phone

email