



I don't have a lawyer. What is discovery and how do I get it?

This information will help you get the discovery on your case.

The Prosecutor

Prosecutor: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

IMPORTANT:

- ∞ The prosecutor is NOT your lawyer or your employee.
- ∞ Anything you say to the prosecutor about your case could be used against you at your trial.

What is discovery?

- ∞ Evidence is sometimes called discovery.
- ∞ You and the prosecutor must give each other the evidence on your case.

- ∞ You must write the prosecutor and request the evidence. Write the prosecutor as soon as possible. Be sure to keep a copy of your letter.
- ∞ The prosecutor must give you the evidence that tends to show you are not guilty and the evidence that tends to show you are guilty.
- ∞ The more serious your case, the more evidence there will be. Here are some examples of evidence the prosecutor may have:
 - The complaint or ticket
 - Police reports
 - Witness statements
 - Your driving and criminal records
 - Audio or video recordings
- ∞ There is a law that lists the type of evidence you may get on your

case. You can find this law at § 46-15-322, M.C.A.

- ∞ You must give the prosecutor certain evidence in your case.
- ∞ There is a law that lists the type of evidence you must give the prosecutor. You can find this law at §46-15-323, M.C.A.

Write a letter to the Prosecutor to ask for the evidence.

- ∞ Complete the attached letter.
- ∞ Send the letter by regular mail, fax, or hand-deliver it to the prosecutor's office.
- ∞ Keep a copy of the letter.

Your Name _____

Address: _____

City, State Zip _____

Your phone number _____

Date: _____

Prosecutor's Name _____

Address: _____

City, State Zip _____

Dear (prosecutor's name) _____

My case: ^{State} ~~People~~ vs. (your name) _____

Case no: _____

I am asking you to give me the discovery or evidence on my case. I am asking you to follow §46-15-322, M.C.A. I am asking that you make available for examination or give me:

1. The names, addresses, and statements of all persons who you may call as a witness at my trial;
2. All written or oral statements made by me or someone else charged in my case;
3. All written reports or statements of experts, and the results of any physical examinations, scientific tests, experiments, or comparisons;
4. All papers, documents, photographs, or other items that either you may use at my trial, were taken from me, or might belong to me;

5. All material or information that tends to show I am not guilty or lessen my guilt or that if I were convicted might lessen my sentence;
6. All investigation notes, including hand-written notes, any videotapes, audiotapes, recordings, photographs, DNA, fingerprints, or other items relating to my case.
7. Whether there was any electronic recordings of any conversation I made;
8. Whether a judge issued an investigative subpoena in my case;
9. Whether an informant was involved in this case. And, if yes, whether I am entitled to know their identify;
10. All evidence of other crimes, wrongs, or acts the State intends to introduce at trial. All documents, materials, objects, reports, recordings, photographs, or statements supporting or containing evidence of other crimes, wrongs, or acts.

WITNESS NOTICE: I may call as a witness at my trial or other hearing, any person listed in any document or other item in the evidence you gave me. I may use as an exhibit any items listed or document you gave me at my trial.

I will notify you of any other witness, items, or documents, not listed in the evidence you gave me when I become aware of their existence and intend to use them at my trial.

Please let me know if I need to do something else to get the evidence on my case.

Sincerely,

(Your Signature) _____

(Your Name) _____

On (date of sending) _____, I sent this letter to the

Prosecutor by: United States Postal Service
 ~~fax~~ FAX
 hand-delivery to the prosecutor's office

(Your Signature) _____

(Your Name) _____