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VALERIE WYANT, CLERK

2020 JUN 29 PM 12:10
FILED

**IN THE SUPERIOR COURT
IN AND FOR THE COUNTY OF COCONINO, STATE OF ARIZONA**

STATE OF ARIZONA,
Plaintiff,

vs.

SAMUEL D. GOOCH,
Defendant.

Case No. **CR 2020-00476**

REQUEST FOR DISCOVERY

(Hon. Cathleen Brown Nichols- Div. 5)

Pursuant to Rule 15.1, Arizona Rules of Criminal Procedure, Defendant through undersigned counsel, asks the prosecutor to make available to the defendant for examination and reproduction the following material and information within the prosecutor's possession or control:

1. The names, addresses and phone numbers of all persons whom the prosecutor will call as witnesses in the case-in-chief together with their relevant written or recorded statements.
2. All statements of the Defendant and any person who will be tried with the Defendant.
3. All original and supplemental reports prepared by any law enforcement agency in connection with this case.
4. The names and addresses of experts who personally have examined the Defendant or any evidence in this case, together with the results of any

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physical examinations or scientific tests, experiments or comparisons that have been conducted, including any and all written reports or statements made by any such expert.¹ This request includes the results of any kind of examination performed on any witness or other person contacted in the course of this investigation, as well as any laboratory tests conducted on behalf of the state, including, but not limited to, DNA, fingerprints, blood spatter, ballistics, polygraphs, and drug examinations or tests.

5. A list of all papers, documents, photographs or tangible objects which the prosecutor will use at trial or which were obtained from or purportedly belong to the Defendant, and any exhibits presented to the grand jury, whether marked or admitted, or unmarked and not admitted.
6. A list of all prior felony convictions of the Defendant which the prosecutor intends to use at trial, and the means by which the prosecutor intends to prove such prior convictions. This request includes, but is not limited to, all information pertaining to the alleged act or crime, including where it occurred, when it occurred and the name, address and phone number of any witness who will be called to testify about it.
7. A list of all prior acts of the Defendant which the prosecutor will use to prove motive, intent, character or knowledge or otherwise use at trial, including for Rule 404(b) purposes, the names and addresses of all witnesses which the prosecutor will use to prove the act, the legal basis upon which the State believes the other act is admissible, and the issue at trial to which it is

¹ The work product exception of Rule 15.4(b)(1) does not apply to the opinions, theories and conclusions of experts contained in reports to be disclosed under this section. See Comment; Ariz. R. Crim. Pro. Rule 15.1(a)(3).

1 purported to be relevant. See, *State v. Lee*, 189 Ariz. 590, 599, 944 P.2d 1204,
2 1213 (1997).

3 8. Any material or information, whether or not in recorded form, in the
4 possession or knowledge of the State or its agents, including the investigating
5 police agency, county attorney' s investigators and victim witness advocates,
6 which tends to mitigate or negate the Defendant's guilt as to the offense
7 charged, or which would tend to reduce Defendant's punishment², including,
8 but not limited to:

- 9
- 10 a. All prior adult or juvenile felony convictions of witnesses which the
 - 11 prosecutor expects to call at trial³;
 - 12 b. Any adult or juvenile charges against witnesses which are pending or
 - 13 were dismissed after the commission of the offense⁴;
 - 14 c. Whether or not the witnesses are now on adult or juvenile probation or
 - 15 parole or were on probation or parole at the time of the incident⁵;
 - 16 d. Copies of the witnesses' N.C.I.C., LEGIS, and F.B.I. sheets;
 - 17 e. Evidence of any and all proffers of cooperation from or to co-
 - 18 defendants, including notes from meetings related to the proffers, the
 - 19 number of meetings held, who was present, the testimony that was
 - 20 proffered at the initial meeting and the final proffer presented by the
 - 21 witness along with any materials that suggest a variation in the witnesses
 - 22 testimony. See, *U.S. v. Sudikoff*, 36 F.Supp.2d 1196 (C.D. Cal. 1999).
 - 23
 - 24 f. A copy of the entire plea agreement or contract of cooperation between
 - 25

26
27 ² *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194 (1963), *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995).

³ *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763 (1972); *State v. Morales*, 120 Ariz. 517, 587 P.2d 236 (1978); *Davis v. Alaska*, 415 U.S. 308, 94 S.Ct. 1105 (1974).

⁴ *State v. Swinburne*, 116 Ariz. 403, 569 P.2d 833 (1977); *State v. Torres*, 97 Ariz. 364, 400 P.2d 843 (1965).

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the state and any witness, whether or not under seal, and/or any written contract of cooperation between a state' s witness and any law enforcement agency, including promises or things of value not contained in the document itself. Things of value include, but are not limited to, money, housing, protection for themselves or their families, cars, transportation of any kind, drugs or medicines (prescribed or not), special treatment while in custody (e.g., phone calls, meals, conjugal or other visits, etc., which are not ordinarily permitted for other inmates) and any other consideration toward charges or sentencing which do not appear in their plea agreement or contract of cooperation.

- g. Whether any witness has any history of mental illness or drug addiction, and whether the state has had any witness examined by any type of expert, medical or otherwise.
- h. Whether the witness has taken a polygraph or has refused a polygraph examination. If a polygraph examination has been taken, the defense asks the State to disclose the results of that examination, including the questions asked, any questions determined not to be truthful or equivocal, and the name and address of the person administering the examination.
- i. All information regarding anything of value given or promised to any friend or relative of any witness noticed by the State.

9. Whether there has been any electronic surveillance of any conversations to which the Defendant was a party, or of their business or residence.

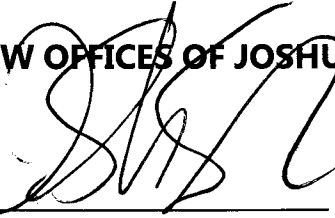
⁵ State v. Van Den Berg, 161 Ariz. 192, 791 P.2d 1075 (1990).

- 1 10. Whether a search warrant has been executed in connection with the case.
- 2 11. Whether this case involved an informant; and if so, his identity if the Defendant
- 3 is entitled to know either or both of these facts under Rule 15.4(b)(2).
- 4 12. Any "911" calls made in connection with or that relate to this case.
- 5 13. A list of the prior felony convictions of any and all witnesses the State intends
- 6 to call at trial.
- 7
- 8 14. A list of the prior felony convictions that the State intends to use to impeach
- 9 any witness that the defense has disclosed or may disclose.
- 10 15. Audio and video recordings of any contact between Defendant and law
- 11 enforcement officers.
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1 16. Audio and video recordings of any witness, victim or suspect interviews.
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3 RESPECTFULLY SUBMITTED this 26th day of June, 2020.
4

5 **LAW OFFICES OF JOSHUA S. DAVIDSON, PLC**

6 
7

8 By _____
9 Joshua S. Davidson
10 Attorney for Defendant

11 ORIGINAL mailed via first class mail
12 this same date to:

13 Clerk of the Coconino County Superior Court
14 200 N. San Francisco St.
15 Flagstaff, AZ 86001

16 COPY of the foregoing emailed
17 this same date to:

18 Christal Stump
19 Judicial Assistant to Hon. Cathleen Brown Nichols
20 200 N. San Francisco St.
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22 cstump@courts.az.gov

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26 Flagstaff, Arizona 86001 4627
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By: 
