

DISCOVERABILITY - When in doubt, err on

Type of Evidence	Duty to Disclose
<i>Brady Material</i>	Yes - Any evidence favorable to the accused and/or material to guilt or
Impeachment Material	Yes - same rule as Brady material above.
New Evidence Subject to Prior Discovery Order	Yes
Evidence Known to Defense	No
Evidence not in State's Possession	No
Evidence Equally Accessible to Defense	No
Intangible Evidence	No
Defendant's Extraneous Acts	Yes, on defense request
Extraneous Material Evidence	Yes, on defense request
Witness Extraneous Material Evidence	Yes
Character or Reputation Evidence	No
Witness List	Yes, on court order
Expert Witness List	Yes
Grand Jury Testimony	Yes, on court order for impeachment purposes
Written Witness Statements	Yes
Written Defendant Statement	Yes
Oral Defendant Statement	No
Work Product	No
Police Reports	Yes
Photographs and Videos	Yes
Recordings and Interview Transcripts	Yes
Medical Records	Yes
Victim Contact Information	Yes, on court order
Victim Impact Statement	Yes, on court order

Ethics Rule 3.8 Requirements of Prosecutors: (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.	

the side of disclosure!

Significant Law

Brady v. Maryland, 373 U.S. 83 (1963); *Tillman v. State*, 2005 UT 56, 128 P.3d 1123.

United States v. Ruiz, 536 U.S. 622 (2002); *State v. Pinder*, 2005 UT 15, 114 P.3d 551.

State v. Carter, 707 P.2d 656 (Utah 1985); *Parsons v. Galetka*, 57 F. Supp. 2d 1151 (D. Utah 1999).

State v. Whittle, 1999 UT 96, 989 P.2d 52.

State v. Pliego, 1999 UT 8, 974 P.2d 279; *Utah R. Crim. P. 16(a)*.

State v. Pinder, 2005 UT 15, 114 P.3d 551.

State v. Knill, 656 P.2d 1026 (Utah 1982).

Utah R. Evid. 404(b)(2); *State v. Mickelson*, 848 P.2d 677 (Utah Ct. App. 1992).

Utah R. Evid. 404(b)(2)

Utah R. Crim P. 16(a)(5); Utah R. Evid. 609; *State v. Mickelson*, 848 P.2d 677 (Utah Ct. App. 1992).

State v. Tennyson, 850 P.2d 461 (Utah Ct. App. 1993); *Utah R. Crim P. 16(a)(5)*.

U.C.A. § 77-17-13(1)(a); *State v. Mills*, 2012 UT App 367, 293 P.3d 1129.

State v. Faux, 9 Utah 2d 350, 345 P.2d 186 (1959); *State v. Harries*, 118 Utah 260, 221 P.2d 605 (1950).

Utah R. Crim P. 16(a)(5); *State v. Knight*, 734 P.2d 913 (Utah 1987).

Utah R. Crim P. 16(a)(1); *State v. Thomas*, 1999 UT 2, 974 P.2d 269.

United States v. Nobles, 422 U.S. 225 (1975).

State v. Martinez, 2002 UT App 126, 47 P.3d 115.

Utah R. Crim P. 16(a)(5).

Utah R. Crim P. 16(a)(5).

State v. Cramer, 2002 UT 9, 44 P.3d 690.

Utah R. Crim P. 16(a)(5).

Utah R. Crim P. 16(a)(5).

