

**RECOMMENDED FOR USE IN NORFOLK, VIRGINIA ONLY
FOR CRIMINAL AND TRAFFIC MATTERS**

VIRGINIA: IN THE NORFOLK COURT
CITY / COUNTY GENERAL DISTRICT OR CIRCUIT

COMMONWEALTH OF VIRGINIA) Case Number(s): _____
) _____
) _____
 v.) _____
) _____
) _____
 _____,)
Accused's Name)
 _____)

MOTION FOR DISCOVERY AND EXCULPATORY EVIDENCE

THIS DAY, came _____, pursuant to Rule 7C:5 and/or 3A:11 of the
Accused's Name

Rules of the Virginia Supreme court, and MOVES this Honorable Court to enter an Order for **DISCOVERY AND INSPECTION UNDER RULE 7C:5 and/or 3A:11** of the Rules of the Supreme Court of Virginia governing in this matter;

THEREFORE, THE ACCUSED MOVES this Honorable Court to:

ORDER that the Commonwealth and/or law enforcement, provide the following discovery:

- (1) Any relevant written or recorded statements made by the accused, any confession made by the accused, and the substance of any oral statements and/or confession made by the accused to any law enforcement officer;
- (2) The full name and title of all police officers that participated in this incident in any way;
- (3) The disciplinary records of any and all police officers that participated in this incident in any way (*Brady Material*).
- (4) Any and all body worn camera and/or dashboard video recordings of police encounters with the accused;
- (5) Any criminal records of the accused and any and all witnesses for the Commonwealth; and
- (6) Any and all other materials the Commonwealth is required to turn over pursuant to RULE 7C:5 and/or 3A:11 of the Rules of the Supreme Court of Virginia governing in this matter

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(Name of the Accused), further moves the Court for an Order requiring the Commonwealth to provide all information and/or evidence in the possession of the Commonwealth which is favorable to the accused and material to either guilt or to punishment, including but not limited to, any information that is known to the law enforcement officer or other agents of the Commonwealth that is exculpatory, mitigating, or would serve as impeachment for any witness, including but not limited to, any and all officers testifying in this matter, pursuant to Brady v. Maryland, 373 U.S. 83(1963), United States v. Agurs, 427 U.S. 97 (1976) and Giglio v. United States, 405 U.S. 150 (1972);

RESPECTFULLY REQUESTED,

By: _____
Signature of the Accused

Printed Name of the Accused: _____

Address to Send Discovery to: _____

Address to Send Discovery to: _____

Telephone Number of the Accused: _____

Email to Send Discovery to: _____

CERTIFICATE OF SERVICE

I hereby certified that I delivered a copy of this MOTION to:

Ramin Fatehi, Norfolk Commonwealth Attorney

Office of the Norfolk Commonwealth Attorney

800 E. City Hall Avenue, Suite 600; Norfolk, Virginia 23510

Tel.: 757.664.4444; Fax: 757.

Email: ramin.fatehi@norfolk.gov

Website: <https://www.norfolk.gov/3907/Meet-Your-Commonwealths-Attorney>

Norfolk Chief of Police

Norfolk Police Department

3661 E. Virginia Beach Blvd.

Norfolk, Virginia 23502

Tel.: 757-664-7016

Email: police@norfolk.gov

Norfolk Public Information Officer

100 Brooke Avenue

Norfolk, Virginia 23510

Tel.: 757-664-3277

Email: npdpio@norfolk.gov

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on: _____.
Today's Date

Signature of the Accused

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) _____
_____)
Accused's Name)
_____)

ORDER FOR DISCOVERY AND EXCULPATORY EVIDENCE

WHEREAS, the Accused in this case, has **MOVED** this Honorable Court to **ORDER** Discovery pursuant to Rule 7C:5 and/or Rule 3A:11 of the Rules of the Supreme Court of Virginia;

It is **ORDERED** that the Commonwealth or any representative of the Commonwealth, provide the accused with the following:

- (1) Any relevant written or recorded statements made by the accused, any confession made by the accused, and the substance of any oral statements and/or confession made by the accused to any law enforcement officer;
- (2) The full name and title of all police officers that participated in this incident in any way;
- (3) The disciplinary records of any and all police officers that participated in this incident in any way (*Brady Material*).
- (4) Any and all body worn camera and/or dashboard video recordings of police encounters with the accused;
- (5) Any criminal records of the accused and any and all witnesses for the Commonwealth; and
- (6) Any and all other materials the Commonwealth is required to turn over pursuant to **RULE 7C:5** and/or **3A:11** of the Rules of the Supreme Court of Virginia governing in this matter.

It is further **ORDERED** that the duties imposed upon both parties by this **ORDER** are continuing in nature.

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ENTER:

Honorable Judge

DATE: _____

I ASK FOR THIS:

Signature of the Accused

Telephone Number of the Accused: _____

SEEN AND _____ :
LEAVE BLANK

LEAVE BLANK