

U.S. 105 (1972), Brady v. Maryland, 373 U.S. 83 (1963), as well as statutory and jurisprudential authorities cited below, and all other applicable constitutional, statutory, treaty, customary international law, evolving international standards, and jurisprudential authority to order the State to disclose information necessary for a fair adjudication of sentence.

In support of this motion, counsel states:

Jerry Jones is on trial for his life. The State, through the District Attorney, has announced its intention to kill Jerry Jones, a human being, by lethal injection.

2. The United States Supreme Court has repeatedly emphasized that because of the exceptional and irrevocable nature of the death penalty, "extraordinary measures" are required by the Eighth and Fourteenth Amendments to ensure the reliability of decisions regarding both guilt and punishment in a capital trial. Eddings v. Oklahoma, 455 U.S. 104, 118 (1982) (O'Connor, J., concurring). See also Beck v. Alabama, 447 U.S. 625, 637-38 (1980); Lockett v. Ohio, 438 U.S. 586, 604 (1978); Gardner v. Florida, 430 U.S. 349, 357-58 (1977); and Woodson v. North Carolina, 428 U.S. 280, 305 (1976).

3. The prosecution should be ordered to disclose all information necessary to a fair adjudication of sentence. This information includes, but is not limited to, the following:

4. All statements, written or oral, allegedly made by Jerry Jones to any person, at any time, before or after his arrest in this case, including the names and addresses of the person(s) to whom the statement(s) were made, including but not limited to those relevant to:

the alleged crimes;

the investigation of those crimes; and

any condition of Jerry Jones, including but not limited to his mental or physical state:

- (i) at the time of the alleged crime;
- (ii) at the time of any statements of Jerry Jones; and
at any other time subsequent to the alleged crime.

5. All statements, written or oral, made by any other charged or uncharged co-defendant or alleged co-conspirator, at the time of or subsequent to their arrests in this case, including the names and addresses of the person(s) to whom the statement(s) were made, including but not limited to those relevant to:

- (a) the alleged crimes;
- (b) the investigation of those crimes; and
- (c) any condition of the alleged co-defendants or co-conspirators, including but not limited to their mental or physical state:
 - (i) at the time of the alleged crime;
 - (ii) at the time of any statements made by them; and
at any other time subsequent to the alleged crime.

6. The names and addresses of all persons the prosecution suspects or knows to have knowledge of any facts and circumstances surrounding the crime or Jerry Jones.

7. The names and addresses of all persons who have given recorded statements to the prosecution or to any law enforcement officer.

8. The names and addresses of all persons who have given oral statements to the prosecution or to any law enforcement officer.

9. Copies of all written and/or oral statements, including memoranda, summaries, or recordings of such statements, as well as any record whatsoever of any grand jury testimony.

10. All memoranda, documents and reports to, from, and between law enforcement

officers connected with the subject matter of this case.

11. All memoranda, documents and reports to, from, and between the investigative staff of the prosecution, excluding those portions, if any, which contain the opinions, theories, or conclusions of the prosecuting attorney or members of his legal staff.

12. The criminal records and any list or summary reflecting the criminal records of all persons whom the prosecution intends to call as a witness at trial.

13. The criminal record of any co-conspirator or unnamed co-defendant, indicted or unindicted, charged or uncharged, including all convictions for felonies and misdemeanors, and all arrests or charges for felonies and misdemeanors.

14. All evidence in the prosecutor's possession or available to the prosecution which is favorable to Jerry Jones on the issue of guilt, including but not limited to:

unfavorable evidence with respect to any possible prosecution witnesses;

any and all evidence, letters, memoranda or material of any nature disclosing bias and/or prejudice or prejudgment by citizens of this county, or any county to which this case may ultimately be moved, against Jerry Jones and/or his codefendant, and the identity of the persons making statements indicating such views;

- (c) any and all other information in the possession of the prosecution, in the possession of any state agency, or which could come into the hands of any state agency if the agency exercised reasonable care in developing it, which is favorable to the defense with respect to any pre-trial motion which is filed in this case; provided that this obligation of disclosure should be continuing as the pre-trial litigation of this case develops; and

Statements made by any persons which are exculpatory with respect to Jerry Jones, including all statements made by prospective prosecution witnesses.

All evidence the prosecution possession reasonably available to the prosecution which favorable to Jerry Jones on the issue of punishment, including but not limited to evidence disc osing

- (i) that the offense committed while Jerry Jones under the influence any mental emotional disturbance
- (b) that the victim was participant Jerry Jones conduct, provoked anger frustra Jerry Jones in any manner wittingl unwittingly
- (c) that Jerry Jones accompli the crime, and another person involved in the crime has not been charged, has not been convicted, has not been sentenced to die, has been sentenced die and had more involvement in the crime than Jerry Jones,
- (d) that Jerry Jones acted under duress under the domination of another person,
- (e) that the capacity of Jerry Jones to appreciate the criminality of his conduct to conform his conduct to the requirements of law was impaired any whatsoever
- (f) that persons who could hav helped prevent the crime did not do
- (g) that Jerry Jones has good reputation for hard work any community that there other facets of Jerry Jones's character background, surrounding the circumstances of the offense that militate in favor of lesser sentence; and any eviden partial total gati of any eviden that may be offered by the State support of any alleged aggravating circumstance.

6. All physical documentary evidence, including diagrams, sketches, photographs, books, papers doc ents tangible bjects the possessi of the prosecutio that obtained from or belong to Jerry Jones, any member of Jerry Jones family;

- (b) the prosecution intends to offer at any trial or hearing of this case;
- (c) the prosecution is retaining for potential use in evidence at any trial or hearing in this case;
- (d) any law enforcement official is retaining for potential use in evidence at any trial or hearing in this case; and
- (e) the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case.

7. All physical or documentary evidence, including diagrams, sketches, photographs, books, papers, documents or tangible objects which have been made by or shown to any witnesses or prospective witnesses in this case, as well as the identity of each witness to whom this material was shown.

18. All records and reports of every kind reflecting the conduct or results of any medical, pathological, toxicological, chemical, biochemical, criminalistic, laboratory, forensic or scientific examinations, investigations and analysis undertaken in connection with the investigation or preparation of this case.

19. Any and all reports, memoranda, notes, or other matter which might assist in demonstrating that the testing procedures used in this case were flawed in any manner whatsoever.

Any and all reports, memoranda, notes, or other matter which might assist in demonstrating that the testing procedures used by the Georgia Crime Laboratory or anyone else involved in this case have ever been performed inadequately or imperfectly in any other case.

All records and reports relating to Jerry Jones including:

all juvenile detention, jail, prison, parole, probation and presentence investigation

records;

- (b) all arrest, conviction, and adult and juvenile criminal offense records;
- (c) all records of any law enforcement authority;
- (d) all records of any detention or court authority; and
- (e) all records the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case.

22. All records and reports relating to any witness, including:

- (a) all juvenile detention, jail, prison, parole, probation and presentence investigation records;
- (b) all arrest, conviction, and adult and juvenile criminal offense records;
- (c) all records of any law enforcement authority;
- (d) all records of any detention or court authority;
- (e) all records of any prosecuting authority;
- (f) all psychiatric, psychological and mental health records;
- (g) all education records; and
- (h) all other records and reports.

23. A statement as to whether the prosecution will rely on any of Jerry Jones's prior acts or any convictions of a similar nature for proof of knowledge or intent, or for any other reason whatsoever, including a description of each act or conviction to be relied upon, if any.

24. A list of all expert witnesses the prosecution intends to call or is considering calling at trial, along with each expert's qualifications, a copy of each expert's curriculum vitae (which should include every publication by the expert, as well as the schools and courses that the expert has attended), the subject of expertise, and a description of his or her contemplated testimony, his or her report, the name of any prior cases in which that person has been offered as

an expert witness, and any information tending to lessen that witness' credibility.

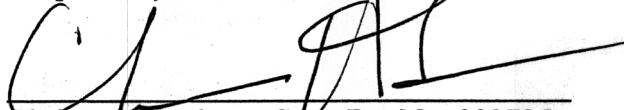
25. A statement as to whether the prosecution will use any felony convictions or any evidence of alleged bad acts for impeachment of Jerry Jones if he testifies, along with the date of conviction and a description of each offense, if any.

26. A statement as to whether the prosecution will use any prior statements or testimony by Jerry Jones if he testifies in this case, including a description of the statement or testimony, and the circumstances under which the prosecution contends the statement or testimony would be admissible.

WHEREFORE, for the foregoing reasons and any others that may appear to this Court after a hearing, counsel for Jerry Jones, respectfully requests this Court to order production of the foregoing information and evidence.

DATED this 12 day of May, 20 05.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been mailed to The Office of the District Attorney for Gordon County via first-class United States Postal Service this 19th day of May, 2005.



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IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
) Indictment No. 16471
)
)
 v.)
)
 JERRY WILLIAM JONES,)
)

ORDER

Upon consideration of Jerry Jones’s *Motion for Discovery of Information Necessary for a Fair Adjudication of Sentence*, the Court being otherwise sufficiently advised, and good grounds appearing therefore,

IT IS HEREBY ORDERED AND DECREED, that the State shall produce the evidence and information requested in this motion.

SO ORDERED this day of _____, 20_____.

The Honorable G. Carey Nelson
Judge, Gordon County Superior Court
State of Georgia

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