

George Isham  
Regional Manager Region – B  
Office of State Public Defender  
Conflict Defender Division  
77 Discovery Drive  
Bozeman, MT 59718

## IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA, Plaintiff and Appellee, v. ROBERT MICHAEL ARELLANO, Defendant and Appellant.	Cause No. DA-22-401  NOTICE OF ASSIGNMENT AND REQUEST FOR DISCOVERY
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The State of Montana, Office of State Public Defender has been appointed to represent Robert Michael Arellano, the above-named Defendant. This NOTICE is to inform the Court that Rufus Peace is currently assigned as attorney of record in this matter. All future pleadings, discovery, or other documents should be directed to

**Rufus Peace**  
**Attorney at Law**  
**7643 Gate Parkway**  
**Suite 104-1267**  
**Jacksonville, FL 32256**  
**(406) 600-6647**  
**rufus.peace@outlook.com**

FURTHER the defendant, by and through counsel makes the following discovery request pursuant to the authority of §§46-15-322 and 327, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland*, 373 U.S. 83 (1963), and *Kyles v. Whitley*, 514 U.S. 419 (1995). The defendant hereby requests that the State produce for inspection and copying, or provide copies of:

1. Any and all law enforcement agency reports concerning these charges.
2. All written or recorded statements signed or unsigned confessions, written summaries of oral statements of confessions made by defendant and/or witnesses to these offenses, including all informants and/or potential informants or cooperating witnesses who provided any information relevant to the charges against defendant.

3. All books, papers, documents, photographs, sound or video recordings and tangible objects which are intended for use by the prosecution as evidence at the trial or were obtained from or belong to defendant.

4. Copies of any writings, audio or videotapes recorded by any law enforcement official or other interested parties cooperating with investigating authorities dealing with all incidents out of which the charges arose, including but not limited to:

- a. law enforcement reports;
- b. law enforcement logs and detention facility logs;
- c. booking sheets;
- d. mug shots or photographs;
- e. witness statements;
- f. notes made by law enforcement officials to be used at trial; and
- g. all police reports relating to the other individuals acting in concert with the defendant.
- h. all audio or video recordings of in custody phone calls, video calls, 911 audio or transcripts or other conversations involving the defendant.
- i. all emails, letters, texts messages, or any other written statement made by the defendant including any electronic communications, and/or handwritten communication.

5. If photographs, sound or video recordings were taken of any matter relevant in this case:

- a. the name of the person who took the photographs or acted as the technician for sound or video recordings;
- b. the time the photographs, sound or video recordings were taken;
- c. the location at which they were taken;
- d. the present location of any photographs, sound or video recordings; and
- e. whether any photographs, sound or video recordings taken of the victim were subsequently altered, edited, destroyed or discarded and, if so, at whose direction or request was this action taken and, was it taken pursuant to any policy, procedure, guideline, or written direction.

6. Copies of any and/or all scientific reports in this matter, and all other related matters involving co-defendants, including but not limited to any notes, documents, raw test data, testing protocols and procedures, and any or all reports/rough drafts of reports produced by all experts, lab technicians or their employees who were or are involved in any manner with scientific testing,

evaluation, observation or analyzing; and directing the preparation of reports by such individuals if in fact no identifiable reports were ever produced of the same; directing the state to provide immediate advance notice of any testing or analysis to be performed; directing that no expert or other scientific personnel be allowed to testify to any matter not covered in the documentation provided to defendant counsel; and directing that no expert whose complete notes, reports and any other files and documentations of their work that was not timely provided to the defense be allowed to testify for the state for any purpose whatsoever at any proceedings to be held in this matter.

7. To produce for inspection and copying, when feasible, all items of physical evidence in its possession and control relevant in this matter, which include but are not limited to the following:

- a. all clothing, photographs, personal articles, and/or writings taken from the defendant; and
- b. any other items seized pursuant to any investigation performed in this matter.

8. Any other evidence obtained by observation of law enforcement or witnesses intended to be used against Defendant at trial that is not part of a written police report furnished to defendant counsel.

9. A written list of the names and addresses of all persons (including law enforcement officers) whom the prosecution expects to call as witnesses at the trial, together with the last known telephone numbers for all such individuals. Names of any law enforcement officers or any other persons who informed the defendant of his Miranda rights and/or implied consent rights, including the times and places where the rights were given.

10. Names and addresses of any persons the prosecution intends to call as witnesses at the trial of this matter that may have information regarding the guilt or innocence of the defendant.

11. All reports or records of prior convictions of defendant, and reports or records of prior convictions of persons whom the prosecution expects to call as witnesses, including any informant referenced in this matter, and records of any youth court referrals of adjudications for, or any witnesses who are youths under the age of 18, or for adult witnesses who had such juvenile records.

12. Any and all material now known to the prosecution, or which may become known, or which through due diligence may be learned from the investigating officers or the witnesses in this case which is exculpatory in nature or favorable to defendant or which may lead to exculpatory material. This request includes any evidence that would tend to negate the guilt of defendant, mitigate the degree of the offense, or reduce the punishment. It also includes any and all evidence tending to

cast doubts on the veracity, bias and/or interest whatsoever of any witness in these proceedings, as so-called "impeachment" evidence, including any and all favors extended to any informants and/or state's witnesses by the state, federal authorities, or any agent of the state or other law enforcement authorities cooperating with the prosecution or agents of the government.

13. Any and all records and information revealing any defect or defects of the capacity of any of the state's witnesses to perceive, observe, recall or recount events, specifically including, but not limited to, all such records and information in any way related to or connected with the mental capacity, competency, alcohol or drug addiction, disease, mental disorder, diagnosis, counseling and/or prognosis of any such witnesses, which are known to the state or its agents, or which should have been discovered under the exercise of reasonable diligence. Specifically, and as to any informants, it is requested that any drug and/or alcohol addiction, or pattern/habit of taking illegal drugs of such individuals be disclosed.

14. Any and all other records of any witness and/or informant, available to the prosecution, including criminal investigative and/or court convictions, arrest, probation and/or parole, medical, psychiatric, psychological or social service records, files and/or information which arguably could be useful to the defendant in impeaching or otherwise detracting from the probative force/value of the State's evidence or which arguably could lead to such records or information, specifically including, but not limited to:

- a. anything which tends to indicate a defect or deficiency of character for truthfulness and/or to show partiality (prejudice, bias, motive, interest, and/or corruption) on the part of the witnesses;
- b. all statements, written or verbal, relative to the charges, made by the witnesses and/or informants, to law enforcement officers, probation or parole officers, licensed mental health professionals, or any other agents of the state or federal government involved in this case; and
- c. any and all information regarding personal relationships or acquaintances any law enforcement officer involved in these cases previously had, or currently has with any witness and/or informant, or any favor, benefit, or act of non-prosecution or failure to investigate any potential criminal act such law enforcement officers have extended or are extending to such witnesses and/or informants.

### **MEMORANDUM OF AUTHORITY**

Defendant's Request for Discovery is based upon § 46-15-322 through §46-15-329, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland, supra*, and *Kyles v. Whitley, supra*. The requests made are done so with the intention of fully seeking all information discoverable under the above cited authority, and extends to information within the knowledge, possession and control of the state and federal authorities and all other agents, officers and/or informers who have participated in the investigation of this case.

Further, it is specifically requested that the State and its agents update this information as they receive new information, documents and evidence in this matter.

Dated this 25th day of August, 2023.

/S/George Isham

## **CERTIFICATE OF SERVICE**

I, George Snow Isham, hereby certify that I have served true and accurate copies of the foregoing Notice - Appearance to the following on 08-25-2023:

Chad M. Wright (Attorney)  
P.O. Box 200147  
Helena MT 59620-0147  
Representing: Robert Michael Arellano  
Service Method: eService

Austin Miles Knudsen (Govt Attorney)  
215 N. Sanders  
Helena MT 59620  
Representing: State of Montana  
Service Method: eService

Kevin Downs (Govt Attorney)  
228 E. Broadway  
Helena, MT MT 59601  
Representing: State of Montana  
Service Method: eService

Rufus I. Peace (Attorney)  
7643 Gate Parkway  
Suite 104-1267  
Jacksonville FL 32256  
Representing: Robert Michael Arellano  
Service Method: eService

Electronically signed by Hannah Nordling on behalf of George Snow Isham  
Dated: 08-25-2023