



# CITY OF TOPEKA

Legal Department  
215 SE 7<sup>th</sup> St., Room 170  
Topeka, KS 66603-3914  
Tel: (785) 368-3910  
Fax: (785) 368-3104

## DISCOVERY REQUEST

(To be returned to the City of Topeka Prosecutor's Office)

City of Topeka v. \_\_\_\_\_  
(Defendant's Name)

Court Case No: \_\_\_\_\_

Police Report No: \_\_\_\_\_

☐ Represented      ☐ Pro Se (Check one)

Citation No: \_\_\_\_\_

Attorney: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

By making this discovery request, I agree to the following:

1. I am the Defendant or have been appointed or retained to represent the Defendant in the above-listed case.
2. I, the Defendant or Attorney for the Defendant, agree that I will be responsible for and pay the cost of document and/or audio and video reproduction.
3. I agree to provide reciprocal discovery to the City Prosecutor's Office as specified in the discovery information sheet.
4. I will not share with or disclose to the Defendant or any other persons not agents of the undersigned attorney any personal information (address, phone number, SSN, date of birth, etc.) of any victim or witness contained in the reports.

### ITEMS REQUESTED

☐ Police Report  
☐ Citation Notes

☐ Photographs  
☐ Written Statements

☐ Video  
☐ Audio

☐ Other (Specify) \_\_\_\_\_

\_\_\_\_\_  
Defendant or Attorney for Defendant

\_\_\_\_\_  
Date Requested

\_\_\_\_\_  
Date Received & Initials

### Poverty Waiver

Due to my indigence, I am unable to pay the fees for the discovery materials.

\_\_\_\_\_  
Defendant or Attorney for Defendant

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(For City Prosecutor's Office use only)

Reviewed by: \_\_\_\_\_

Notes:

Date: \_\_\_\_\_

☐ Photos    ☐ Axon    ☐ Audio    ☐ Other:



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## **DISCOVERY INFORMATION SHEET**

### **OPEN FILE POLICY**

The City of Topeka Prosecutor's Office maintains an open file discovery policy. Any defense attorney or pro se defendant may make an appointment to view the case file regarding their pending case subject to established evidentiary privileges and confidentiality. Requests for copies of documents in the case file should follow the discovery request procedure.

### **DISCOVERY PROCEDURES**

The defense shall file a written request for discovery and supply the request to the City of Topeka Prosecutor's Office. A Discovery Request form is available either at our office or online at <http://www.topeka.org>. All defendants and their attorneys are encouraged to use this form when requesting discovery. Once the request for discovery has been delivered to the City of Topeka Prosecutor's Office, the request will be reviewed by a prosecutor and all discoverable materials will be collected. Charges for discovery material will apply at the following rates: **\$0.25 per page for written materials, \$25.00 for audio or video recordings, and \$1.00 per page for color photographs.**

When all discoverable materials have been collected, the requesting party will be notified by phone or email that the materials are ready to be picked up. If a Defendant believes that more materials exist than have been provided, a motion may be filed with the Topeka Municipal Court stating the information sought and the basis for believing such items exist.

### **POLICE EQUIPMENT CERTIFICATIONS**

Copies of certifications for police equipment such as radars, lasers, window tint meters, breath testing instruments, etc. are not normally provided in the discovery materials. However, copies of these certifications are kept on file in the City Prosecutor's Office and are available for inspection. A defendant or defense counsel wishing to obtain their own copies of these certifications should indicate on the discovery request form which documents are being requested.

### **RECIPROCAL DISCOVERY**

The City Prosecutor's Office requests that any defendant or defense counsel who receives discovery through this office to provide reciprocal discovery of any photograph, scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at any hearing, and which are material to the case and will not place an unreasonable burden on the defense.

### **RESTRICTIONS ON DISCLOSURE**

Pursuant to KSA 22-2312(b), personal identifying information such as birthdates, social security numbers, taxpayer identification numbers, driver's license numbers, account numbers of active financial accounts, home addresses and personal telephone numbers of any victims or material witnesses may be redacted in discovery materials. If un-redacted personal identifying information is provided, the defendant's counsel shall not further disclose the un-redacted numbers or identifiers to the defendant or any other person, directly or indirectly, except as authorized by order of the court.

### **EXCULPATORY MATERIAL**

This procedure does not apply to any exculpatory material that this office is obligated to provide under the *Brady / Giglio* decisions.

### **POVERTY**

Any defendant who is unable to pay the fees for discovery as set forth above may obtain discovery free of charge by signing the statement on the discovery request form acknowledging their inability to pay due to poverty.