

NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NOS. XX CRS XXXXX
XX CRS XXXXX

STATE OF NORTH CAROLINA

VS.

XXXXXXXXXX,
DEFENDANT

)
)
)
)
)
REQUEST FOR VOLUNTARY
DISCOVERY & DISCLOSURE
AND, ALTERNATIVELY,
MOTION TO COMPEL
DISCOVERY & DISCLOSURE

NOW COMES Defendant in the above-captioned criminal action, by and through his attorney of record, pursuant to North Carolina General Statutes sections 15A-902 and 15A-903, and hereby requests that the office of the District Attorney for Judicial District 15B voluntarily provide the following discovery:

- (1) Copies of all electronic mail (e-mail) messages sent by Dr. Karen St. Claire and Scott Snider related to this case whether to each other or others involved in the investigation and the development of opinions in this case. Such electronic messages constitute matters subject to discovery pursuant to sections 15A-903(a)(1) and 15A-903(a)(2).
- (2) Copies of all medical records created or produced upon the alleged victim's admission into the Duke University Medical Center Emergency Department on May 19, 2010.

WHEREFORE Defendant requests that the State voluntarily provide the foregoing items of discovery and disclosure within seven (7) days; and if the office of the District Attorney for Judicial District 15B fails or refuses to provide the requested voluntary discovery herein within this said time period, then Defendant respectfully prays that the Court treat this request for voluntary discovery as a motion for the Court to issue an order compelling the State to provide the foregoing items of discovery pursuant to N.C.G.S. § 15A-902.

This, the ____ day of _____, 2014.

Glenn Gerding
Attorney for Defendant
Gerding Blass, PLLC
210 N. Columbia St.
Chapel Hill, NC 27514
Telephone: (919) 338-0836
Fax: (919) 338-0912

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned attorney served a copy of the foregoing Request and Motion on the State of North Carolina by hand-delivering the same to the Office of the District Attorney, Hillsborough, NC.

Glenn Gerding

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
02 CRS 238864, 65, 66, 67, 68, 69

STATE OF NORTH CAROLINA

V.

[REDACTED]
Defendant

FILED #60
JAN 15 2003
CLERK
MOTION REOMESTING VIDEOTAPE

NOW COMES the defendant, [REDACTED] by and through counsel and moves this court pursuant to its inherent authority and N.C.G.S. 8-53 to order Northeast Medical Center, Children's Advocacy Center to release to defense counsel and Assistant District Attorney Barry A. Cook a copy of the videotaped interview that was conducted with the Center and the prosecuting witness, [REDACTED] on August 22, 2002.

In support of this Motion, the Defendant shows unto the Court the following:

1. The defendant is an indigent charged with 2 counts of First-Degree Rape, 2 counts of Felonious Incest and 2 counts of Taking Indecent Liberties With Children.
2. The defendant is accused of molesting [REDACTED]. Pursuant to her allegations, she was taken to Northeast Medical Center -- Children's Advocacy Center on August 22, 2002.
3. As part of the examination protocol, an interview was conducted with [REDACTED]. The interview was videotaped.
4. Assistant District Attorney Barry A. Cook has not been provided with a copy of the August 22, 2002 videotaped interview.
5. That the release of said interview to counsel is necessary for a proper administration of justice.

WHEREFORE, counsel requests that the Court order Northeast Medical Center -- Children's Advocacy Center to send to defense counsel and Assistant District Attorney Barry A. Cook a copy of the videotaped interview of [REDACTED] conducted on August 22, 2002.

This the 15 day of January, 2003.

Susan J. Weigand
Susan J. Weigand
Assistant Public Defender

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

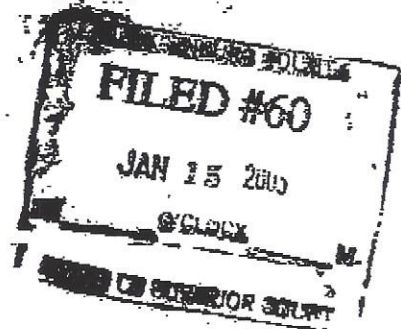
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
02 CRS 238864, 65, 66, 67, 68, 69

STATE OF NORTH CAROLINA)

v.)

██████████)
Defendant)

ORDER



THIS MATTER came on before the undersigned Judge presiding in the Superior Court for Mecklenburg County North Carolina on Defendant's Motion "Requesting Videotape".

Based upon matters before the Court, the Court makes the following FINDINGS OF FACT:

1. The defendant is an indigent and is charged in these cases with First-Degree Rape, Felonious Incest and Taking Indecent Liberties With Children.
2. That defense counsel an Assistant District Attorney Barry A. Cook are in need of a copy of the videotaped interview conducted at the Northeast Medical Center - Children's Advocacy Center on August 22, 2002 with ██████████ (date of birth: ██████████). That the release of said videotape is necessary to the proper administration of justice.

IT IS HEREBY ORDERED THAT:

1. Northeast Medical Center - Children's Advocacy Center provide to defense counsel:

Susan J. Weigand
Assistant Public Defender
720 East 4th Street, Suite 308
Charlotte, NC 28202

And to:

Barry A. Cook
Assistant District Attorney
Mecklenburg County Courthouse
700 East Trade Street - 2nd Floor
Charlotte, NC 28202

A copy of the videotaped interview that was conducted at the Northeast Medical Center - Children's Advocacy Center on August 22, 2002 with ██████████ (date of birth: ██████████).

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
00CRS 29474, 29475, 29476, 29477

STATE OF NORTH CAROLINA)
)
 V.)
)
 [REDACTED])
 Defendant)

MOTION FOR INDEPENDENT
PSYCHOLOGICAL EVALUATION
OF [REDACTED]

NOW COMES the defendant, by and through counsel and moves the Court pursuant the Confrontation Clause and Due Process Clause of the United States Constitution and the Confrontation Clause and Due Process Clause of the North Carolina Constitution to issue an order allowing the defendant to conduct an independent psychological and mental examination of the prosecuting witness, Qwadaissha Hester.

In support of this Motion, the undersigned shows unto the court the following:

1. The defendant is an indigent accused of three counts of First Degree Rape and one count of Second Degree Kidnapping, all arising out of a single incident.
2. The defendant is accused of molesting [REDACTED]. The date of the indictments allege that these acts occurred between August 1, 1999 and November 30, 1999. Hester told no one about these allegations until March 23, 2000.
3. That on June 27, 2001, defense counsel filed and served on Assistant District Attorney Barry A. Cook, "Motion For Written Report By State's Expert Witnesses." The motion was calendared for a hearing on July 13, 2001 in courtroom 2201.
4. That a hearing on defense's "Motion For Written Report By State's Expert Witnesses" began on July 13, 2001 before the Honorable Shirley L. Fulton. Because Mr. Cook's potential expert witness was on vacation, the hearing was continued until July 23, 2001 in Courtroom 2201.
5. That on July 23, 2001, defendant's motion for a "Written Report By State's Expert Witnesses" was heard by the Honorable Timothy L. Patti. After hearing the arguments of counsel Judge Patti ordered that, defense counsel was entitled to a written report prepared by Julia Adams-Davis, MA, LPC if the State intended to call Ms. Adams-Davis as an expert witness. Judge Patti further ordered that a written report prepared by the State's expert witness was to be given to defense counsel no later than 2:00pm on Friday, July 27, 2001.
6. That counsel received the written report on July 27, 2001 before 2:00pm and a copy of the report is attached to the motion.

7. That in the report prepared by Julianna Hamilton, she concludes that in her opinion: "[REDACTED] appeared to meet all the criteria for Post Traumatic Stress Disorder (DSM-IV).
8. That in order to provide effective assistance of counsel and to protect the defendant's right to meaningful access to justice and a fundamentally fair trial, the defendant must be allowed to conduct an independent examination of [REDACTED]

WHEREFORE, counsel respectfully requests the Court to:

1. Issue an order allowing the defendant to conduct an independent psychological and mental examination of the prosecuting witness, [REDACTED]
2. In the alternative, deny the admission of the State's psychological evidence;
3. In the alternative dismiss the case with prejudice.
4. For such other and further relief as the Court deems just and appropriate.

Respectfully submitted, this the 30 day of July, 2001.