

[CAPTION]

**MOTION FOR COURT ORDER TO COMPEL INDIANA DEPARTMENT
OF CORRECTIONS TO PRODUCE RECORDS**

The Defendant, by counsel, respectfully requests this Court order the Indiana Department of Corrections to produce the entire file on [insert name and DOC #]. In support of the request, the Defendant would show the Court as follows:

1. [Name of offender] is currently incarcerated at [institution], and will be called to testify at trial in the above-captioned cause.
2. Pursuant to DOC policy as explained by DOC attorneys, DOC will not release records of inmates other than public information such as conviction and sentence.
3. The entire file of [offender] is necessary for discovery purposes, as [offender] is an informant the State intends to use at the trial of this matter. Disclosure of the informant's complete DOC record is necessary for counsel to investigate whether [offender name] has informed on other inmates in the past, his relationship with staff and correctional officers, his disciplinary actions and conduct since incarcerated, and any other materials which could reasonably lead to admissible evidence in any trial or hearing of this cause.
4. Indiana Trial Rule 26, defining the scope of discovery, is extremely broad, and indicates that the "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense...It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Indiana Trial Rule 26(B)(1). Because the credibility and bias of [offender name] will be an issue at trial, and because 404(b) evidence is admissible against witnesses at trial, discovery of the informant's entire DOC file is necessary. See Garland v. State, 788 N.E.2d 425 (Ind. 2003).

5. Specifically, the Defendant seeks this Court's Order to compel the DOC to produce the following: Any and all records, including but not limited to, dates of incarceration; county and charges from which incarcerated; places of incarceration, including location at the various institutions with specific units, cell houses, blocks, and cells where incarcerated; identity of cellmates; identity and location of jobs held to include identity of supervisor; nicknames utilized; psychological testing provided and results therein; reasons why individuals are/were incarcerated in any protective custody unit; copies of any and all disciplinary write-ups or infractions for [offender's name].

WHEREFORE, the Defendant, by counsel, respectfully requests this Court order the Indiana Department of Corrections to produce [offender name] entire file, including but not limited to matters not considered public records, to undersigned counsel by [insert reasonable date], and for all other relief just and proper in the premises.

(Signature)