**Fight Back: How to Win Your Cannabis Possession Case – January 5, 2021**

**List of Materials Included & Instructions (fields for case-specific information highlighted)**

**Request for Discovery and Inspection**

* Input name and return address
* Choose who to send the request to. For Justice of the Peace and Alderman’s Court cases, send to the arresting officer at their police agency. For Court of Common Pleas cases, send to the Department of Justice in the county where the arrest occurred.
* Input the case name and number in the subject line
* In the salutation line, use “Officer” for Justice of the Peace and Alderman’s Court cases and “Deputy” for cases where the request is sent to the Department of Justice
* Input your name on the signature line on the last page
* Print and sign the request
* Make a copy for your records
* Send the request and notice (see below) to the Deputy Attorney General or Officer prosecuting the case

**Chain of Custody Demand Letter**

* Choose who to send the request to. For Justice of the Peace and Alderman’s Court cases, send to the arresting officer at their police agency. For Court of Common Pleas cases, send to the Department of Justice in the county where the arrest occurred.
* Input the case name and number in the subject line
* In the salutation line, use “Officer” for Justice of the Peace and Alderman’s Court cases and “Deputy” for cases where the request is sent to the Department of Justice
* Input your name on the signature line
* Print and sign the request
* Make a copy for your records
* Send the request to the Deputy Attorney General or Officer prosecuting the case

**Notice of Service – Request for Discovery and Inspection**

* There are two forms included, one for Justice of the Peace and Alderman’s Court and one for Court of Common Pleas cases. Complete the appropriate form for the Court where the case is pending
* Identify the Justice of the Peace Court number of the county of the Court of Common Pleas court in the case heading.
* Input the case name and number in the case heading
* Identify who you sent the discovery request to. For Justice of the Peace and Alderman’s Court cases, send to the arresting officer at their police agency. For Court of Common Pleas cases, send to the Department of Justice in the county where the arrest occurred. The name and address you indicate on this form should match the name and address on the Request for Discovery and Inspection you delivered
* Input your name, address, and phone number on the signature block
* Print and sign the request
* Make a copy for your records and a copy for the prosecuting agency
* File the original Notice with the Court
* Attach to the request for discovery and inspection and send the request and notice to the Deputy Attorney General or Officer prosecuting the case

YOUR NAME

 STREET ADDRESS

 CITY, STATE, ZIP

January 5, 2021

Name of Officer

Department or Agency Name

Street Address

City, State, Zip

Delaware Department of Justice

Deputy Attorney General

102 West Water Street

Dover, DE 19904

Delaware Department of Justice

Deputy Attorney General

820 North French St.

Wilmington, DE 19801

Delaware Department of Justice

Deputy Attorney General

114 East Market Street

Georgetown, DE 19947

**Re: State of Delaware v. FIRST LAST NAME**

 **Case No.: CASE NUMBER**

Dear Deputy/ Officer:

 Please be advised that I am representing myself, pro se, in the above-captioned matter. This letter is written to request the following materials and information be produced pursuant to Rule 16 of the Criminal Rules of Procedure:

1. Copies of any and all written statements, confessions or admissions of the Defendant, or any co- Defendant, transcripts of recorded statements, (including notes recorded by any police officer or other state agent), indicating the date, time and location where the statement was made and the names of the police officers who were present.
2. Any written statement incorporating the substance of any oral statements made by the Defendant not recorded as set forth in paragraph 1 above, in the possession of the State or any of its agents, indicating the date, time and location where the statement was made, and the names of the police officers who were present
3. Reports of any and all forensic or scientific tests with respect to this case or related investigations conducted by the police, medical examiner, FBI, DEA, prosecution or experts retained for these purposes, including but not limited to autopsies, ballistics, fingerprint and handwriting analysis, blood, urine and breath tests, hair and fiber analysis, toxicology reports, and polygraph tests.
4. Reports of physical or mental examinations of the Defendant or of the alleged victim by a physician, dentist, psychiatrist or psychologist, including the medical records of the alleged victim(s).
5. A listing of and the opportunity to inspect any and all books, papers, documents, and any other physical evidence, which were seized from the Defendant or any co-Defendant or which the State intends to use against the Defendant at trial.
6. An opportunity to review all photographs, maps, diagrams, charts, and all other physical objects or items in the possession of the State relating to this matter, and a copy of all photos used in the photo line-up.
7. An opportunity to review all audio and video recordings captured by in-car police cameras and audio recording devices.
8. Copies of all applications for, returns from, and affidavits in support of all search warrants, (whether executed or unexecuted) in this matter.
9. Copies of all arrest warrants in this matter, including supporting affidavits, and disclosure of the date, time, place and arresting officer(s) with respect to any warrant less arrests.
10. Disclosure of any and all uses of pen register (dialed number recorder), and of interception of telephone communications, and the evidence derived therefrom, including recordings, logs and other transcripts of communications, plus any and all other electronic and other extraordinary surveillance device or investigative techniques.
11. Disclosure of the identity of any and all informants, past or present, paid or unpaid, who participated in the investigation of this matter.
12. A statement as to whether any evidence or testimony has been produced or compelled pursuant to Attorney General Subpoena under 29 Del.C. 2508(a).
13. The date, time, and location of each and every alleged offense.
14. Information with respect to the prior arrest and conviction record of the Defendant, including specifically any prior convictions which would trigger enhanced or mandatory penalties or potential habitual offender status, in the event of conviction of the pending charges, and information on any other criminal charges or investigations now pending with respect to the Defendant.
15. A written statement as to the date, the approximate time and the location of any photographs, show-up or line-up identification of the Defendant and the circumstances relating thereto.
16. Disclosure as mandated by Brady v. Maryland, 373 U.S.83(1963) of any and all of exculpatory information, evidence, or witnesses known to the State or any State agency, including any such information which is favorable or significant to the defense, might create a reasonable doubt as to guilt, or which relates to motions to suppress evidence or dismiss the indictment. Pierson v. State Del. Supr.,351 A.2d 860 (1976).
17. Disclosure of any and all agreements, in any form, between any agent of the State and any witness or co-Defendant, including whether such individual has been or will be promised immunity from prosecution or any other consideration in return for testimony.
18. Disclosure as mandated by Boyer v. State Del. Supr., 436 A.2d 1118 (1981) of any criminal record accessible to the State of any prosecution witnesses.
19. Disclosure of statements, interviews, reports, or other information relating to the credibility of any prosecution witness, including but not limited to inconsistent statements, reports or prior testimony.
20. An opportunity pursuant to Jencks v U.S., 353 U.S. 657 (1957), to review reports and statements, whether oral, written or recorded, made by persons who will testify at trial, regardless of whether the individual used the statement or report to prepare for examination.
21. Any evidence which the State may present at trial under Rules 702, 703 or 705 of the Delaware Uniform Rules of Evidence. Please provide the identity of the witness(es) and the substance of the opinion(s) to be expressed.

Kind Regards,

 YOUR NAME

January 5, 2021

Name of Officer

Department or Agency Name

Street Address

City, State, Zip

Delaware Department of Justice

Deputy Attorney General

102 West Water Street

Dover, DE 19904

Delaware Department of Justice

Deputy Attorney General

820 North French St.

Wilmington, DE 19801

Delaware Department of Justice

Deputy Attorney General

114 East Market Street

Georgetown, DE 19947

**Re: State of Delaware v. FIRST LAST NAME**

 **Case No.: CASE NUMBER**

Dear Deputy/ Officer:

 This letter is the Defendant’s demand pursuant to 10 Del.C. § 4332 (a)(1) for all persons involved in the chain of custody of any evidence to be presented in Court. Please subpoena the Medical Examiner personnel who prepared the M.E. Report or any person in the chain of custody.

 Kind Regards,

 YOUR NAME

IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

 COURT NO. \_\_\_\_\_\_

STATE OF DELAWARE, )

)

v. )

) Case No.: CASE NUMBER

DEFENDANT NAME, )

)

Defendant. )

**NOTICE OF SERVICE**

I hereby certify that copies of Defendant’s **Request for Discovery and Inspection** were placed in the U.S. Mail, postage pre-paid, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the following:

Name of Officer

Department or Agency Name

Address

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

YOUR NAME

ADDRESS

PHONE NUMBER

DATE:

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE

 IN AND FOR KENT COUNTY

STATE OF DELAWARE, )

)

v. )

) Case No.: CASE NUMBER

DEFENDANT NAME, )

)

Defendant. )

**NOTICE OF SERVICE**

I hereby certify that copies of Defendant’s **Request for Discovery and Inspection** were placed in the U.S. Mail, postage pre-paid, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the following:

Department of Justice

102 West Water Street

Dover, DE 19901

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

YOUR NAME

ADDRESS

PHONE NUMBER

DATE: