

[CAPTION]

MOTION FOR COURT ORDER DIRECTING [LAW ENFORCEMENT AGENCY] TO PRODUCE THE ENTIRE PERSONNEL FILES OF [INSERT POLICE OFFICERS' NAMES]

The Defendant, by counsel, respectfully requests this Court enter an Order requiring the [insert law enforcement agency] to produce personnel records of [insert officer's names]. In support of the Motion, the Defendant states the following:

1. [Specify the possible relevance of the information within the personnel records, such as bias for the State or against the Defendant or reputation for truthfulness].
2. Because the personnel files of the officers may reasonable lead to admissible evidence, they are discoverable under Trial Rule 26.
3. The fact that a witness has a special motive to exaggerate or falsify testimony is material. "Bias, prejudice or ulterior motive are always relevant because such facts may discredit him or affect the weight of his testimony. Doubt as to the legitimacy of cross examination designed to show bias should be resolved in favor of the questioner." McKinley v. State, 465 N.E.2d 742, 746 (Ind.Ct.App. 1984) (citations omitted) (evidence of excessive force of testifying police officer was admissible). Thus, the denial of the Defendant's right to discover the personnel files could ultimately lead to a denial of the Defendant's Sixth Amendment and Article I, Section 11 right to cross-examine.

WHEREFORE, the Defendant, by counsel, respectfully requests this Court order [insert law enforcement agency] to produce the entire personnel file of [insert officers], and for all other relief just and proper in the premises.

(Signature)