

IN THE IOWA DISTRICT COURT FOR LEE (SOUTH) COUNTY

STATE OF IOWA, vs. BENJAMIN G. TRANE,	Plaintiff, Defendant.	NO. FECR009152 RECIPROCAL DISCOVERY AGREEMENT
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COME NOW the State of Iowa, the Defendant, and Defendant's attorney and jointly enter into the following stipulation regarding discovery in this case:

1. The State shall either provide one copy of or permit the Defendant to inspect and copy or photograph the following:
 - a. Any relevant written or recorded statements made by the Defendant or copies thereof, within the possession, custody, or control of the State and/or the substance of any oral statement made by the Defendant, which the State intends to offer in evidence at trial (unless the same shall have been included in the minutes of evidence);
 - b. Any written or recorded statement of any co-defendant, if any, which the State intends to offer in evidence at trial, whether made before or after arrest in response to interrogation by any person known to the co-defendant to be a state agent;
 - c. The Defendant's prior criminal record, as is then available to the State;
 - d. All tangible items seized by the State in connection with the alleged crime, and where appropriate, subject to scientific tests. Where tangible items are to

be sent for scientific testing and by whom shall be determined at a later time subsequent to this agreement either by further agreement of the parties or as ordered by the Court, should the parties be unable to agree and court intervention is required;

e. Any books, papers, documents, statements, photographs, or tangible objects which are within the possession, custody, or control of the State, and which are material to preparation of her defense, or are intended for use by the State as evidence at the trial, or were obtained from or belonged to the Defendant;

f. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody, or control of the State;

g. Any police reports prepared by law enforcement officers which concern the investigation of the charges presently pending against the Defendant (unless the same shall have been included in the minutes of evidence).

2. The State is not required to disclose any physical evidence, document, statement, report, or witness to be used in its rebuttal case unless disclosure is otherwise required by the Iowa Rules of Criminal Procedure. The State agrees to disclose its intent to call rebuttal witnesses at such time, if ever, during trial as it decided to present such evidence.

3. The Defendant shall either provide one copy of or permit the State to inspect and copy or photograph the following:

a. Any books, papers, documents, statements other than those of the accused, photographs, video or audio recordings, charts, diagrams, data compilations or

tangible objects which are not privileged and are within the possession, custody, or control of the Defendant and which the Defendant intends to introduce in evidence at trial. This notice requirement shall continue during trial if an exhibit, not previously disclosed, becomes known to the defendant, the defendant shall notify the State as soon as practicable. The defendant is not required to disclose to the State any exhibit it intends to offer at trial if said exhibit was produced by the State to the defendant.

b. Any results or reports of physical or mental examinations of the defendant and/or of any scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant in which the Defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial when such results or reports relate to such witnesses' testimony. This includes providing a copy of the substance of any report whether oral or written of any expert hired by the defendant that is to testify at trial;

c. Any reports by defense investigator(s) (excluding investigator's personal assessment of witnesses' credibility) which concern the investigation of the charges presently pending against the Defendant for only those witnesses the defense intends to call at trial. If the investigator provides an oral report, then the defense will provide the State with a written summary of said oral report.

4. Neither the State nor the defense is required to disclose any tangible item to be solely used at trial as demonstrative evidence.

5. It is a continuing duty of both parties to disclose additional evidence that is subject to discovery under this reciprocal discovery agreement.

6. The State and the Defendant both agree that they shall not serve any subpoena upon any person or entity except under the following circumstances: (1) by express subsequent agreement of the parties; (2) to secure the attendance of a witness at a deposition, on notice to all parties, by the Defendant pursuant to I.R.Crim.P. Rule 2.13(1) or (2), or by the State pursuant to I.R.Crim.P. Rule 2.13(3) or 2.5 and 2.14(1), or by either the Defendant or the State pursuant to I.R.Crim.P. Rule 2.13(2)(b); or (3) to secure the attendance of a witness at trial or other court hearing authorized under the Iowa Rules of Criminal Procedure.

Approved as to form and content:



Lisa K. Schaefer
Attorney for Defendant

Date 9/28/17



Benjamin G. Trane
Defendant

Date 9/27/17

Denise Timmins

Denise Timmins
Assistant Attorney General

Date 10/12/2017