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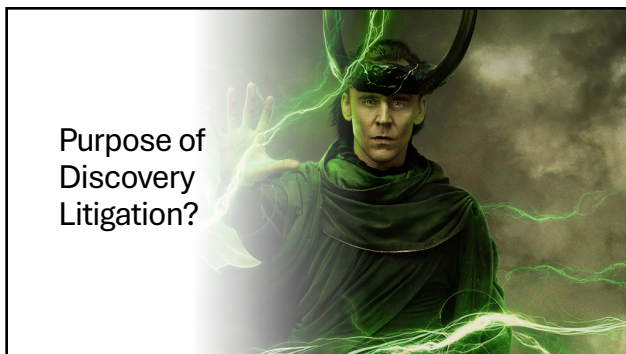
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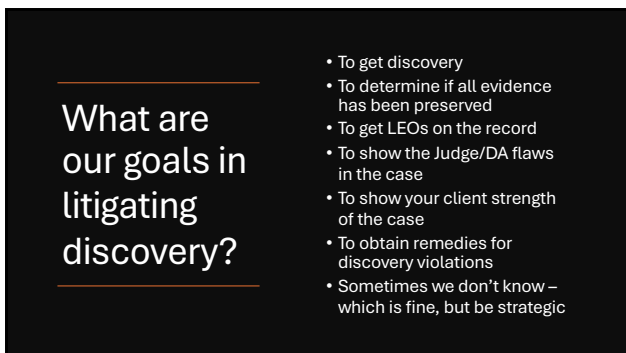
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### Early Actions in the Case

- Request for Discovery
- Motion to Preserve Evidence
  - GET AN ORDER!
- Review the Discovery as soon as possible and figure out what is missing

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## Request for Discovery

- Include specific items often excluded – underlying tests, raw cellbrite data, text messages, emails, communications with investigators, department policies etc.
- Timing: File as soon as you are assigned this case (and within 10 days of indictment or appointment)
  - File in District Court too
- Request a deadline for the State to provide discovery

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## What to do with your discovery

- Review it as soon as possible
- Review it again
- Create a running list of what is missing or what may be missing
- Begin communicating with the State



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## Document EVERYTHING in WRITING

- Memorialize in person meetings and phone calls with investigators or DAs with an email
- Document to the DA what you have received
- Keep emails professional and specific because you might be attaching them to motions later
- File all specific requests
- Ask for transcripts of early hearings in the case



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## Motion to Compel

- Needs to be timely (preceded by a request)
- Request and alternative motion
- Include attachments of communications with DA's office
- Be as specific as possible
- Constitutionalize your motion

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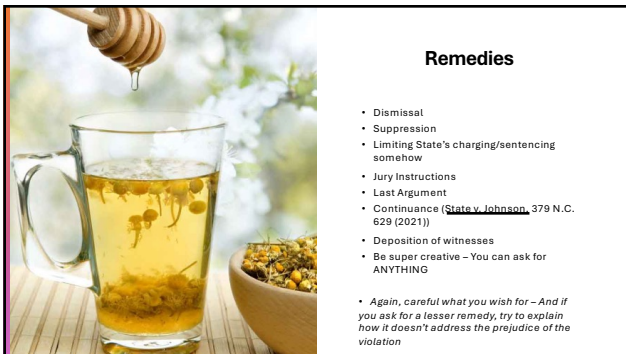
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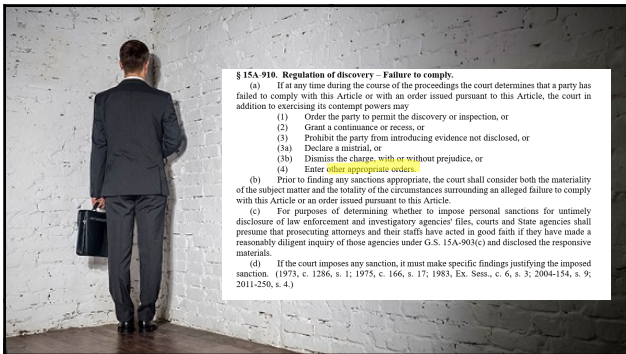
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- Discovery violation + Irreparable Prejudice (Adams)
- Destruction of exculpatory evidence (Williams, Absher)
- Destruction of potentially useful evidence + Bad faith (Youngblood)
- Interference with the opportunity to present a defense (Knoll, Hill)

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McLain v. Taco Bell Corp., 137 N.C. App. 179 (2000)  
NCPJI Civil 101.39



The image shows the Taco Bell logo, which consists of a stylized bell shape with a face, and the text 'TACO BELL' below it. To the right of the logo is a small, light brown Chihuahua dog with large, upright ears, looking towards the camera. Below the logo and dog, the text '¡Yo Quiero Taco Bell!' is written in a stylized font.

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What is the Court most likely to give you?



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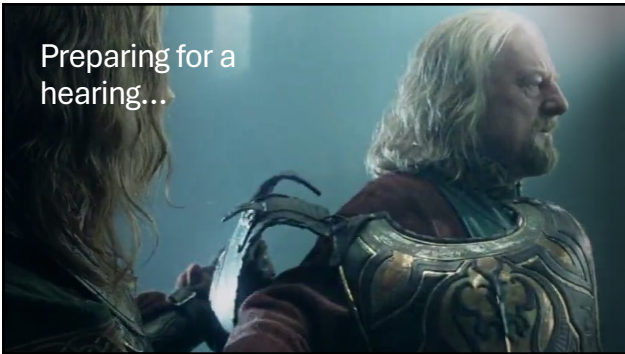
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Preparing for a hearing...



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## Hearing Prep

- Collect your documentation
- Game out your goals
- Prepare Exhibits
- Consider alternative remedies
- Subpoena witnesses

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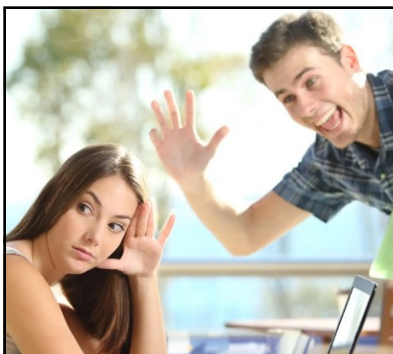
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### Post-Hearing Follow-up

- Draft Orders and make sure they get signed
- Continue to pester, er, communicate with the DA
- More motions, more hearings
- Subpoena/Court orders for third party records (Love v. Johnson)

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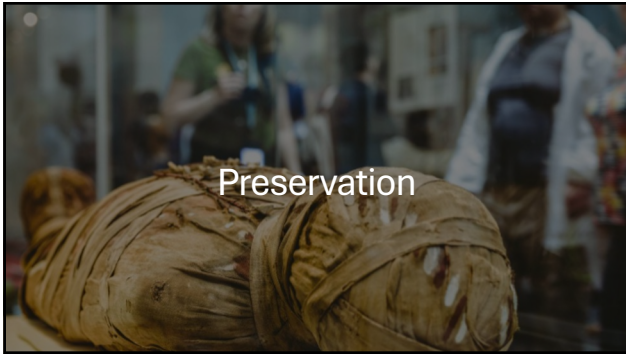
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### Preservation Issues

- Be sure to be specific in your requests
- If the remedy requested is a continuance – include the discovery in the record (see Johnson)
- GET RULINGS ON YOUR MOTIONS – And get them in writing
- Get transcripts of hearings
- Renew throughout the trial as appropriate (when in doubt, object in front of the jury)

A photograph showing a human brain specimen inside a clear plastic container. The brain is submerged in a clear liquid. Two hands wearing blue nitrile gloves are holding the container. The background is dark and out of focus.

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