

STATE OF NORTH CAROLINA  
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE NO. \_\_\_\_\_

STATE OF NORTH CAROLINA

v.

RITCHIE MOTION FOR PRODUCTION  
OF RECORDS

JOHN DOE,

Defendant.

NOW COMES the Defendant, by and through the undersigned counsel, and makes this motion for production of material that is or may be in the possession and control of third parties and that contains exculpatory or impeaching evidence for the Defendant's use at trial in the above case ("third party records").

This motion includes, but is not limited to, the following records concerning prosecuting witness JANE DOE: 1) the records of all health care providers who provided any type of health care to the prosecuting witness for injuries allegedly resulting from the incident occurring in the above case, and 2) the records of any domestic violence group providing counseling or guidance to the prosecuting witness since the alleged offense date, including but not limited to the Center for Family Violence Prevention, the REAL Crisis Center, or any other similar organization.

This motion is also made pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as Article I, §§ 19 and 23, of the North Carolina Constitution.

In support of the motion, the Defendant shows the following:

1. The Defendant contends said records and files are reasonably likely to contain material exculpatory and/or impeaching information which must be constitutionally provided to the Defendant as discovery materials pursuant to the Defendant's federal and state constitutional rights to due process of law under the Fifth and Fourteenth Amendments to the United States Constitution, as well as Article I, § 19, of the North Carolina Constitution. *See Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972); *see also Pennsylvania v. Ritchie*, 480 U.S. 39, 58 (1987) (criminal defendant entitled to receive portions of state social service agency files that contain material information); *see also State v. Johnson*, 165 N.C. App. 854 (2004) (“[i]n the instant case, we have reviewed the DSS file sealed by the trial court in order to determine if information contained within the file is favorable and material to defendant's case. After reviewing the sealed documents, we conclude that there is favorable and material evidence in the file that should have been provided to defendant for review prior to trial”).

2. The Defendant further contends he is entitled to production of said records and files so that he will have the ability to confront and cross-examine the witnesses against him. The Defendant contends that denial of this motion would violate his federal and state constitutional rights to confront and cross-examine the witnesses against her, in violation of the Sixth and Fourteenth Amendments to the United States Constitution, as well as Article I, § 23, of the North Carolina Constitution.

3. In the event the court finds that said records and files should not be produced directly to the Defendant, the Defendant requests that the court order that said materials be produced to the court for an *in camera* review, with the court providing the materials to the Defendant to which the court believes the Defendant is constitutionally entitled.

4. The Defendant requests that the court seal the remainder of the materials in the court's file for appellate review. *See Ritchie* at 58 (the defendant "is entitled to have the [social service agency] file reviewed by the trial court to determine whether it contains [material] information"); *see also State v. Thompson*, 139 N.C. App. 299, 307 (2000) (requiring *in camera* review of records where Defendant has "substantial basis" for inquiry). *See also State v. Webb*, 197 N.C. App. 619, 622 (2009) (regarding DSS records, "[t]he sealed records contain potentially exculpatory evidence; at the very least, they contain information that might cast doubt on the veracity of one or more State witnesses, including the victim and the victim's mother. The State is obligated by statute to turn over such evidence, and it was error for the trial court to seal the evidence without allowing defendant to inspect it *in camera*")

WHEREFORE, the Defendant moves the court:

1. To order production of the above-described records to the Defendant
2. Alternatively, the Defendant prays the court to compel the production of said materials to the court under seal and then to review *in camera* all of the materials, giving the Defendant information which, in the court's view, must be produced to the Defendant pursuant to her constitutional rights as listed above.
3. In the event the court conducts an *in camera* review and produces some, but not all, of the materials to the Defendant, the Defendant prays the court to seal for appellate review all such materials which are not provided to the Defendant.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

LAW OFFICES OF KEITH A. WILLIAMS, P.A.

By:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, he delivered a copy of the foregoing document to Assistant District Attorney \_\_\_\_\_ by leaving it at the front desk of the Pitt County District Attorney's Office with an employee of the office in the Pitt County Courthouse, Greenville, North Carolina, in compliance with N.C. Gen. Stat. § 15A-951.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

LAW OFFICES OF KEITH A. WILLIAMS, P.A.

By:

\_\_\_\_\_  
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## **Sample Motions on IDS Website**

### **Defendant's Records**

[Ex parte motion and order for jail records](#)

[Ex parte motion for production or records of Dorothea Dix Hospital](#)

[Ex Parte Motion and Order to Provide Defendant's Medical, Mental Health, and School Records to Defense Counsel](#)

[Request for release of juvenile records](#)

### **Confidential Witness Records**

[Motion to obtain mental health records](#)

[Motion for production and inspection of confidential records](#)