

FILED

AUG 16 2011

BRENDA A. UMSTATTO
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STATE OF MISSOURI,)
Plaintiff)
)
v.)
)
ALYSSA D BUSTAMANTE,)
Defendant)

Cause No. 09AC-CR03516-01F

Division No. 4

**ACCUSED'S SECOND MOTION TO COMPEL A FORMAL, WRITTEN
RESPONSE TO REQUESTS FOR DISCOVERY**

COMES NOW the Accused, Alyssa Bustamante, by and through counsel, pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 10, 18(a), 19, and 21 of the Missouri Constitution and Supreme Court Rule 25, and, for the second time, respectfully requests this Court to enter its Order directing the State to respond to the defendant's Request for Discovery as required by Rule and case law. In support of this motion, counsel states the following:

1. The defense filed Alyssa's first *Motion to compel a formal, written response to requests for discovery* (hereinafter *Motion to Compel*) on May 26, 2011. The facts, law and arguments contained within the first *Motion to Compel* remain the same, except as noted below, and are fully incorporated herein by reference.

2. The *Motion to Compel* was argued and heard on June 21. The Court did not rule on the Motion, but took it under advisement. Defense counsel were led to believe, based on the State's arguments, that a formal, written response to the Alyssa's requests for

discovery would be forthcoming, and that the written response would include an endorsement of the State's witnesses.

3. In late July and early August, 2011, the State disclosed approximately 400 additional pages of investigative reports and other documents. The State has yet to endorse any witnesses for its case in chief other than the one law enforcement officer endorsed on the original indictment. The State has yet to provide a written response to any of Alyssa's requests for discovery as itemized in paragraph 2 of the *Motion to Compel*.

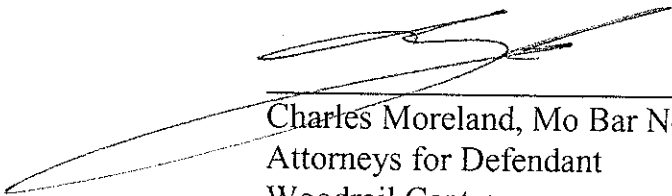
4. The State's failure to both endorse its witnesses and provide written responses to the defense Requests for Discovery in a timely manner deprives Alyssa of her rights to a fair trial, due process, effective assistance of counsel, to fairly confront the witnesses against her, to compulsory process of witnesses, and would render any resulting punishment cruel, unusual and capricious in violation of the 5th, 6th, 8th and 14th Amendments to the United States Constitution and Article I, Sections 10, 18(a) and 21 of the Missouri Constitution.

WHEREFORE, and for the further reasons stated within her first *Motion to Compel*, Alyssa Bustamante respectfully requests that this Court order the State to provide a formal, written response to her Requests for Discovery.

Respectfully submitted,




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Certificate of Service

I certify that a true copy of the above and foregoing was served on all parties by regular US Mail, postage prepaid, to their address of record, all on this 18th day of August, 2011.



Donald Catlett