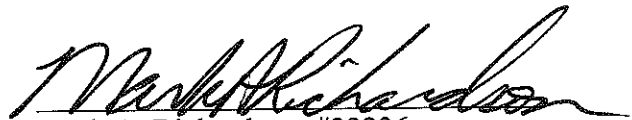


the defense intends to call.

3. The defense did not endorse a mental health professional by the Court-ordered date of May 16, 2011 but rather asked this court for more time to file the endorsement. The defense cited as a reason for the delay that they must “first know what witnesses the State intends to call”.
4. The State has previously responded to the defense’s request for discovery by providing them with every written report, photograph and video connected to this case. The name and last known address of every potential witness has been disclosed in these reports. In fact, the defense has taken approximately 20 depositions of State’s witnesses. To argue now, that they have no idea who the State’s potential witnesses are, is disingenuous at best.
5. Further, as the defense is well aware, the State was under no obligation to disclose our final list of endorsed witnesses by any specific date, so long as the endorsement isn’t so late as to prove a “surprise” to the defense. And, as all witness names and addresses have been previously disclosed, they cannot be surprised by any witness the State endorses. Conversely, the State has **nothing** in discovery from the defense listing the name or reports of any mental health professional that may be a witness.
6. The defense is well aware that should they produce a “doctor” who is planning on testifying to the Defendant’s mental capacity at the time of the murder, the State will likely require our own experts to rebut their findings. The defense knows that the longer they go without giving the State any indication as to who this witness might be, the greater chance they have at delaying the trial on the matter. The pleading filed

by the defense asking for more time was a transparent attempt to deflect attention away from their own discovery violation. Further, the motion was misleading, at best, by implying that the State, and not the defense, is causing delays in the case, a fact the defense knows not to be the true.

WHEREFORE, the State prays that the defendant be compelled to immediately disclose the name of the mental health expert or experts retained by them to testify in this matter, together with the written reports of said professional(s) and for any further sanctions for violating the order of this Court as the Court deems proper in these premises.



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Attorney for Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing had been handed /mailed/faxed/ to Donald Catlett, Woodrail Centre, 1000 W. Nifong, Bldg 7, Suite 100, Columbia, MO 65203, attorney for defendant, on the *23rd* day of May, 2011.



Mark A. Richardson #32236