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CRIMINAL DIVISION

In re :	)	Case No.:
James Wright,	)	
	)	<b>MOTION FOR PRE-TRIAL</b>
Petitioner/Defendant,	)	<b>DISCOVERY AND INSPECTION</b>
	)	<b>UNDER RULES 17 et. sq., OMNIBUS</b>
and	)	<b>PRE-TRIAL MOTION FOR BILL OF</b>
	)	<b>PARTICULARS,</b>
Commonwealth of Pennsylvania,	)	
Bankrupt Legal Fiction	)	
Respondent/Plaintiff	)	

**MOTION FOR PRE-TRIAL DISCOVERY AND INSPECTION UNDER RULE et. sq., OMNIBUS PRE-TRIAL MOTION FOR BILL OF PARTICULARS,**

**Whereas:** I am not a member of the Bar, therefore I do not hold the title of nobility known as "Esquire", I am not schooled in law, nor am I being represented by an Attorney, Esquire, or a Bar member, so therefore, I am to be held to less than stringent standards than bar attorneys, and the court must employ so despite my failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, and/or the unfamiliarity of pleading requirements. See **Simmons v. Abruzzo**, 49F3d (2d Cir. 1995); **Ferran vs. Town of Nassau**, 11F3d (2d Cir. 1993); **Bong vs. MacDougall** 454 US 364, 70 Led2d 551, 102 S. Ct 700 (1982); **Baker v Cuomo**, 58 F3d 814 (2d Cir. 1995); and **Curtis v. Bembeneck**, 48 F3d 281 (7<sup>th</sup> Cir. 1995); and,

COMES NOW James Wright, *Sui Juris*, Petitioner/Defendant in the instant matter (hereinafter "Defendant"), to provide formal Notice to all interested parties, and to move this honorable Court for a stay of further proceedings, pending formal discovery of properly requested information, as follows:

1. Information is requested in the instant motion under Rule 305. Pretrial Discovery and Inspection; defendant demands the following as is defendant's right:

1 (A) Informal discovery as is defendant's right per rule 7

2 Before any disclosure or discovery can be sought under these rules by either party,  
3 counsel for the parties shall make a good faith effort to resolve all questions of  
4 discovery, and to provide information required or requested under these rules as to  
5 which there is no dispute. When there are items requested by one party, which the  
6 other party has refused to disclose, the demanding party may make appropriate motion  
7 to the court. Such motion shall be made within 14 days after arraignment, unless the  
8 time for filing is extended by the court. In such motion the party must set forth the fact  
9 that a good faith effort to discuss the requested material has taken place and proved  
10 unsuccessful. Nothing in this provision shall delay the disclosure of any items agreed  
11 upon by the parties pending resolution of any motion for discovery.

12 (B) Disclosure by the Commonwealth.

13 (1) Mandatory. In all court cases, on request by the defendant, as is defendant's right  
14 and subject to any protective order which the Commonwealth might obtain under this  
15 rule, the Commonwealth shall disclose to the defendant's attorney all of the following  
16 requested items or information, provided they are material to the instant case. The  
17 Commonwealth shall, when applicable, permit the defendant's attorney to inspect and  
18 copy or photograph such items.

19 (a) Any evidence favorable to the defendant which is material either to guilt or to  
20 punishment, and which is within the possession or control of the attorney for the  
21 Commonwealth; as is defendant's right.

22 (b) any written confession or inculpatory statement, or the substance of any  
23 oral confession or inculpatory statement, and the identity of the person to whom the  
24 confession or inculpatory statement was made, which is in the possession or control of  
25 the attorney for the Commonwealth; as defendant's right.

- 1 (c) the defendant's prior criminal record;
- 2 (d) the circumstances and results of any identification
- 3 of the defendant by voice, photograph, or in-person identification;
- 4 (e) any results or reports of scientific tests, expert opinions, and written or recorded
- 5 reports of polygraph examinations or other physical or mental examinations of the
- 6 defendant, which are within the possession or control of the attorney for the
- 7 Commonwealth; as is defendant's right.
- 8 (f) any tangible objects, including documents, photographs, fingerprints, or other
- 9 tangible evidence; as is defendant's right.
- 10 (g) the transcripts and recordings of any electronic surveillance, and the authority by
- 11 which the said transcripts and recordings were obtained, as is defendant's right.
- 12 (2) Discretionary with the Court as is defendant's right.
- 13 (a) In all court cases, except as otherwise provided in Rule 263 (Disclosure of
- 14 Testimony Before Investigating Grand Jury), if the defendant files a motion for
- 15 pretrial discovery the court may order the Commonwealth to allow the defendant's
- 16 attorney to inspect and copy or photograph any of the following requested items, upon
- 17 a showing that they are material to the preparation of the defense, and that the request
- 18 is reasonable, as is defendant's right.
- 19 the names and addresses of eyewitnesses; as is defendant's right.
- 20 all written or recorded statements, and substantially verbatim oral statements, of
- 21 eyewitnesses the Commonwealth intends to call at trial; as is defendant's right.
- 22 (iii) all written or recorded statements, and substantially verbatim oral statements,
- 23 made by co-defendants, and by co-conspirators or accomplices, whether such
- 24 individuals have been charged or not; as is defendant's right, and
- 25

1 (iv) any other evidence specifically identified by the defendant, provided the  
2 defendant can additionally establish that its disclosure would be in the interests of  
3 justice, as is defendant's right.

4 (b) If an expert whom the attorney for the Commonwealth intends to call in any  
5 proceeding has not prepared a report of examination or tests, the court, upon motion,  
6 may order that the expert prepare, and that the attorney for the Commonwealth  
7 disclose, a report stating the subject matter on which the expert is expected to testify;  
8 the substance of the facts to which the expert is expected to testify; and a summary of  
9 the expert's opinions and the grounds for each opinion.

10 (D) Continuing Duty to Disclose.

11 If, prior to or during trial, either party discovers additional evidence or material  
12 previously requested or ordered to be disclosed by it, which is subject to discovery or  
13 inspection under this rule, or the identity of an additional witness or witnesses, such  
14 party shall promptly notify the opposing party or the court of the additional evidence,  
15 material, or witness.

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18 (E) Remedy as is defendant's right.

19 If at any time during the course of the proceedings it is brought to the attention of the  
20 court that a party has failed to comply with this rule, the court may order such party to  
21 permit discovery or inspection, may grant a continuance, or may prohibit such party  
22 from introducing evidence not disclosed, other than testimony of the defendant, or it  
23 may enter such other order as it deems just under the circumstances.

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1 (G) Work Product.

2 Disclosure shall not be required of legal research or of records, correspondence,  
3 reports, or memoranda to the extent that they contain the opinions, theories, or  
4 conclusions of the attorney for the Commonwealth or the attorney for the defense, or  
5 members of their legal staffs.

6 2. Information is requested in the instant motion under Rule 304. Bill of  
7 Particulars.

8 (a) A request for, a bill of particulars shall be served in writing by the defendant  
9 upon the attorney for the Commonwealth within 7 days following arraignment. The  
10 request shall promptly be filed as provided in Rule 9022 subsequent to service upon  
11 the attorney for the Commonwealth. This is the defendant's request for his Bill of  
12 Particulars in the instant case.

13 (b) The request shall set forth the specific particulars sought by the defendant and  
14 the reasons why the particulars are requested, to give to the defendant to know the  
15 nature and cause of the action against him as is defendant's right.

16 (c) Upon failure or refusal of the attorney for the Commonwealth to furnish, a bill of  
17 particulars after service of a request, the defendant may make written motion for relief  
18 to the court within 7 days after such failure or refusal. If further particulars are desired  
19 after an original bill of particulars has been furnished, a motion therefor may be made  
20 to the court within 5 days after the original bill is furnished. Defendant prays that this  
21 is not necessary.

22 (d) When a motion for relief is made, the court may make such order as it deems  
23 necessary in the interests of justice.

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1 Information is requested in the instant motion under Rule 306. Omnibus Pretrial  
2 Motion for Relief. Unless otherwise required in the interests of justice, all pretrial  
3 requests for relief shall be included in one omnibus pretrial motion.

4 Types of relief appropriate for the omnibus pretrial motion include the following  
5 requests each of which is and all of which, are the defendant's right:

6 (1) for a stay or continuance; to await defendant's request which is vital, necessary and  
7 imperative to defendant's defense.

8 (2) for severance and joinder or consolidation; as is defendant's right.

9 (3) for suppression of evidence; as defendant deems necessary.

10 (4) for psychiatric examination; as is defendant's right.

11 (5) to quash this information; as is defendant's right.

12 (6) for change of venue or venire; as is defendant's right.

13 (7) to disqualify a judge, if it may be vital, necessary and imperative to defendant's  
14 defense.

15 (8) for appointment of investigator; to assist defendant and this honorable court in the  
16 instant matter, as is defendant's right.

17 (9) for a pretrial conference.

18 4. Information is requested in the instant motion under Rule 318. Waiver of  
19 Counsel as is defendant's right

20 (d) Standby counsel as is defendant's right.

21 When the defendant's waiver of counsel is accepted, standby counsel may be  
22 appointed for the defendant. Standby counsel shall attend the proceedings and shall be  
23 available to the defendant for consultation and advice. Defendant demands standby  
24 counsel as is defendant's right.

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1 5. The defendant hereby requests a change of venue per Rule 312. Motion for  
2 Change of Venue or Change of Venire as is defendant's right.

3 (a) All motions for change of venue or for change of venire shall be made to the  
4 court in which the case is currently pending. Venue or venire may be changed by that  
5 court when it is determined after hearing that a fair and impartial trial cannot  
6 otherwise be had in the county where the case is currently pending. Defendant has no  
7 means of if the defendant would not be prejudiced against, and would be exhausted  
8 and distracted from his defense.

9 (b) An order for change of venue or venire shall be certified forthwith to the  
10 Supreme Court. The Supreme Court shall designate and notify the county of transfer  
11 or the county, from which the jury is to be empanelled. Unless otherwise ordered by  
12 the Supreme Court, a judge from the county in which the complaint was filed shall  
13 preside over all proceedings in the trial court.

14 6. The defendant demands a Jury trial, as is defendant's right.  
15 Defendant is not requesting these Motions for any improper purposes.

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17 **WHEREFORE** the defendant requests this Honorable Court to Grant the Defendant's  
18 instant Motion.

19 Date:

/s/ \_\_\_\_\_

P.O.Box 3781  
Easton, PA. 18045

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22 PROOF OF SERVICE

23 A true and correct copy of the foregoing Motion was hand delivered/  
24 mailed to below named party(s).

25 DATE:

/s/ \_\_\_\_\_