

**Excerpt from the Juvenile Defender Delinquency Notebook:
A Case Preparation System for New Juvenile Defenders**

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FORM F6. DISCOVERY & INVESTIGATION WORKSHEET

<p>Basic Information:</p> <p>Client's Name: _____</p> <p>Case Number: _____</p> <p>Prosecutor's Name: _____</p> <p>Supervising Attorney's Name: _____</p> <p>Judge: _____</p> <p>Courtroom: _____</p> <p>Trial Date: _____</p>

- Have you formally started the discovery process with the prosecutor in your case?** If your jurisdiction requires a motion to initiate this process, you may refer to the sample Motion for Discovery <motdis.doc/rtf>.
- Have you obtained copies of the petition and the police reports?** The prosecutor may provide you with these documents when you first appear in court. They are critical sources of information for subsequent discovery requests.
- Have you completed and issued subpoenas for all witnesses you may want to call in your case?**
- Have you checked the court file for any additional information about your client and her case?**
- Have you obtained a print-out of the client's prior record from the court?**
- Have you submitted a signed Form F3. Authorization for Release of Information on page 145 (and subpoena, if appropriate) for the client's school records?**

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- Have you visited the scene of the alleged offense and taken pictures, measured distances, and made diagrams?
- Have you attempted to interview all prosecution witnesses and, if possible, taken statements from them?
- Have you noted on your calendar your requests for discovery (both formal and informal) and subpoenas *duces tecum* were served and when you need to file a Motion to Compel Discovery if the prosecution is not forthcoming with your requests?

Discovery Tracking Chart

Date Requested (motion for discovery or subpoena?)	Requested Information (be specific)	Name of Prosecutor (and date of conversation)	Date Due (as indicated)	Date Received	Notes

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Investigation Questions

Background information

1. What are the elements of the charged offense(s)?
2. Of these elements, which are most favorable to the defense?
3. What is your working theory of the case?

Investigative facts

4. What facts are necessary to substantiate your theory of the case?
5. Which facts have been substantiated? By what evidence?
6. Of these facts, which remain to be established through investigation?
7. What facts can hurt your theory of the case and assist the prosecution's theory of the case?
8. Have these facts been substantiated? How?
9. Of these facts, which remain to be disproved through investigation?
10. Referring to the above key facts for guidance, complete this chart.

What do we need to show?	Why do we need to show it?	Who can show it?	How can we show it?	Where can we find witnesses/ exhibits to show it?

Investigation Priorities

11. Which areas of investigation require **top priority**?
12. Is there any **physical evidence that may be lost, moved, altered, or destroyed**?
13. Are there **alibi witnesses** that need to be contacted?
14. Are there **eyewitnesses** that need to be contacted?
15. Are there other **witnesses** that need to be contacted?
16. Are there any **witnesses** who may forget what they witnessed over time?
17. Are there any **mobile or transient witnesses** whose current location is known or easily ascertainable?
18. Now list the key facts that you must demonstrate through investigation again *in order of priority*:

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Investigation timeline

19. Please fill in the following dates on the timeline:

- Today's date and the trial date.
- The date(s) discovery requests and any accompanying motions were submitted to the prosecutor.
- The date(s) subpoena(s) / *duces tecum* were or shall be served and to whom.
- The date pre-trial coordination must be completed (witness lists submitted, witnesses subpoenaed).
- All court dates, to include pre-trial and motions hearings (if you do not have an exact date, place an estimated date).
- All dates when you or your investigator will be unavailable.
- Any dates that will affect the availability of witnesses or evidence .

20. Once you have filled in these days, go through your investigative priority list above and block off periods of time on the timeline to investigate each fact in order of priority, specifying **who** will conduct the investigation.

Today's date: _____



Trial date: _____

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Investigative Assignments

21. List available investigators below and the times they are available.

Investigator	Time Available

22. Give each investigator a specific assignment with specific instructions of *what, where, when, why, and how they should investigate specific tasks*:

Investigator	What fact to investigate	Why are you investigating this fact?	Where are you investigating this fact?	When are you investigating this fact?	How are you investigating this fact?

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