

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STATE OF MISSOURI,)	
Plaintiff)	
)	
v.)	Cause No. 09AC-CR03516-01F
)	
ALYSSA D BUSTAMANTE,)	Division No. 4
Defendant)	

MOTION FOR ADDITIONAL TIME FOR THE DEFENSE TO ENDORSE FURTHER WITNESSES

COMES NOW the Accused, Alyssa Bustamante, by and through counsel, and moves this Honorable Court to extend the time within which she was ordered to endorse further witnesses. In support of this motion, the Accused states:

1. On April 13, 2011, this Honorable Court directed Alyssa "to endorse witnesses by May 16, 2011."
2. The *State's Request for Discovery* was filed on February 24, 2011. Alyssa's counsel mailed formal *Answer* on March 7, 2011. The Court's records reflect that the *Answer* was filed on March 11. On March 10, 2011, Alyssa's counsel mailed to the State a letter, listing names of witnesses who may be called at hearing or trial, along with certain documents referenced in the *Answer*.
3. On November 19, 2009, Alyssa's predecessor counsel filed a *Request for Discovery* pursuant to Supreme Court Rule 25.03. On December 17, 2009, Alyssa's present counsel filed a *Supplemental Request for Discovery* pursuant to Missouri

Supreme Court Rules and constitutional provisions of both the United States and the State of Missouri. Both *Requests* sought, inter alia "1. The names and last known addresses of persons whom the State intends to call as witnesses at any hearing or trial . . ."

4. Despite the passage of some 18 months since the filing of the first *Request for Discovery*, the State has yet to provide defense counsel with its list of proposed witnesses, as required by Supreme Court Rule 25.03 (A) (1). The name of one witness for the State is gratuitously listed on the Indictment: "Sgt. David Rice, MSHP."

5. Before defense counsel can finalize or supplement their earlier list of witnesses, they must first know what witnesses the State intends to call. If the State truly only intends to call one witness -- Sgt. Rice -- at trial, defense counsel need some verification, by way of a formal response to Alyssa's previously filed discovery requests.

6. On May 11, 2011, defense counsel received from the State a bundle of approximately 300 pages, plus digital media, purporting to be "a copy of the MSHP Crime Laboratories Report" received by the State on May 6, 2011. After cursory review of the recently received materials, it appears that the records will need reviewed by a yet-to-be retained DNA consultant. Whether the defense will need to endorse an expert on DNA will depend, at least in part, on whether the State chooses to endorse a DNA expert.

7. Whether or not defense counsel need to endorse other expert witnesses will depend, in part, on whether the State chooses to endorse any witnesses.

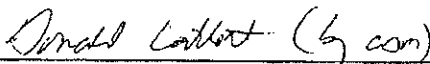
8. Alyssa's counsel request an extension of time within which to finalize or

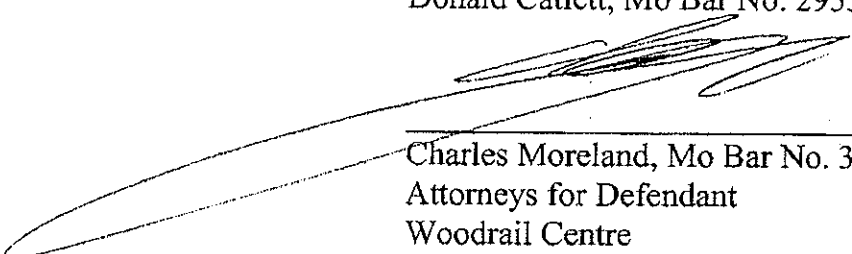
supplement their list of witnesses until ten (10) days after the State files a formal response to Alyssa's Request(s) for Discovery, which will include "the names and last known addresses of persons whom the State intends to call as witnesses at any hearing or trial . . ." or a written confirmation that the only witness the State intends to call is, indeed, Sgt. Rice.

9. This motion is sought pursuant to Alyssa Bustamantes's rights as guaranteed by the 5th, 6th and 14th Amendments to the United States Constitution and Article I, Sections 10 and 18(a) of the Missouri Constitution.

WHEREFORE, Alyssa's counsel requests additional time to endorse witnesses.

Respectfully submitted,


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Certificate of Service

I certify that a true copy of the above and foregoing was served to all parties by fax transmission to Mr. Mark Richardson at 573-634-7797 on this 16th day of May, 2011.


~~Donald Catlett~~ Charles Moreland