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IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

STATE OF UTAH Plaintiff, vs. DAVID LEE HAMBLIN, Defendant.	STATE'S RESPONSE TO DEFENDANT'S SECOND REQUEST FOR DISCOVERY Case No. 121101477 Judge: Christine Johnson
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Comes now the State by and through counsel, David Sturgill, Deputy Utah County Attorney, hereby responds to Defendant's "Second Request for Discovery.

1. Provo City Police Report No. 9906053, has been forwarded to Defendant by the State.
2. The State does not possess, intend to use, or have knowledge of the contents of DCFS records from the year 2000 related to Rachel, Eliza, Katie, Miriam, Rosalie and David Hamblin. That being the case, the State should not be compelled to secure these records and forward them to Defendant. *See State v. Pliego*, 974 P.2d 279 (Utah 1999)(holding Rule 16(a) does not require the prosecutor to disclose or produce to the defense, victims' records where the prosecutor does not possess or have knowledge of the materials or the

evidence contained therein). Moreover, the defendant has the right to subpoena these items, if they exist, pursuant to Rule 14 of the Utah Rules of Criminal Procedure.

3. All letters of declination authored by former Deputy Utah County Attorney John Allen relevant to this case have been, or will be, forwarded to Defendant by the State.
4. The State does not possess, intend to use, or have knowledge of the contents of therapy records and/or notes prepared by Hugh Allred or any other therapist related to Katie Baxter. That being the case, the State should not be compelled to secure these records and forward them to Defendant. *See Id.* Moreover, the defendant has the right to subpoena these items, if they exist, pursuant to Rule 14 of the Utah Rules of Criminal Procedure. The State has forwarded to Defendant the names of several therapists with which Ms. Baxter has visited.

Dated this 26th day of September, 2013.

A handwritten signature in black ink, appearing to read 'D. Sturgill', written over a horizontal line.

David Sturgill
Deputy Utah County Attorney

CERTIFICATE OF MAILING

I hereby certify that I delivered a true and correct copy of the foregoing Response to Defendant's Second Request for Discovery this 26th day of September, 2013, to the following:

Michael D. Esplin
ESPLIN / WEIGHT
Attorneys for Defendant
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P.O. Box "L"
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