

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE,

Plaintiff,

VS.

GAILE K. OWENS,

Defendant,

No.: 85-01174
Division 8

FILED 9-30-85
J. A. BLACKWELL, CLERK
BY [Signature] D. A.

MOTION FOR EXCULPATORY EVIDENCE

Defendant, Gaile K. Owens, through counsel, and by the authority of Brady v. Maryland moves for an order requiring the State of Tennessee to turn over to ~~counsel~~ ^{COUNSEL} all exculpatory ~~material~~ ^{MATERIAL} relating to guilt and punishment in its possession, or in the possession of its agents, or which through due diligence could be found.

Under the doctrine of Aguir v. United States the defendant makes the following allegations and specific request.

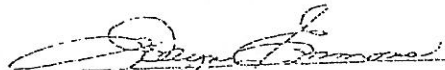
Counsel for defendant has learned through its investigation and has good reason to believe that the deceased husband of the defendant had numerous girl friends, extra marital sexual affairs possible involving unusual sexual proclivities and/or perversions and that these proclivities, perversions, and affairs were flaunted and visited upon defendant with such regularity and in such ways as to contribute to her state of mind and mental condition and that proof of such is material to issues of guilt and punishment and further counsel believes that the State of Tennessee has in its possession or under its control information that would prove the above allegations.

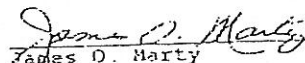
More specifically there was a search of the entire house of the deceased after the defendant was in custody; his personal possessions at his office were inventoried and seized and

numerous friends and business acquaintances were interviewed by officers. Counsel believes that at the house and office were found numerous items that would verify the above allegations including but not limited to names, addresses, and correspondence to and from "lovers" which would be of great benefit to the defense.

Defendant moves the Court to order the state to seek out these items through its agents and to make available to the defense the entire contents of the house seized and the contents of the office of the deceased.

Respectfully submitted,


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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of this Motion has been hand delivered to the Attorney General on this the 30 day of September, 1985.


Wayne Emons and or James O. Marty