

Kevin O'Connor, #15698  
Deputy District Attorney  
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Eighteenth Judicial District  
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FILED

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CLERK OF DIST. COURT  
18TH JUDICIAL DISTRICT  
WICHITA, KANSAS

**IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CRIMINAL DEPARTMENT**

*Km*

**THE STATE OF KANSAS,**  
**Plaintiff,**

vs.

**DENNIS L. RADER,**  
**Defendant.**

Case No. 05CR498

**MOTION TO COMPEL DISCOVERY**

**COMES NOW**, the State of Kansas, by and through Kevin O'Connor, Deputy District Attorney, and requests an order that defendant provide discovery pursuant to K.S.A. 22-3212(c).

In support of its motion, the State would show the following:

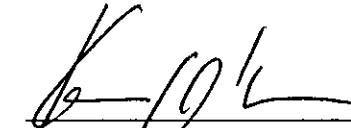
- 1. K.S.A. 22-3212(c) provides, "[I]f defendant seeks discovery and inspection under [K.S.A. 22-3212] subsection (a)(2) or subsection (b), the defendant shall permit the attorney for the prosecution to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at any hearing, and which are material to the case and will not place an unreasonable burden on the defense."
- 2. Defendant has requested and received discovery pursuant to K.S.A. 22-3212(a) and (b).
- 3. On May 11, 2005, the Court sustained the State's motion for reciprocal discovery.
- 4. An interview and/or evaluation of defendant was done by Dr. Robert Mendoza. The website of Dr. Mendoza, Cambridge Forensic Consultants, touts his evaluation of "accused BTK killer Dennis Rader." At least, one interview and/or evaluation was conducted after the plea. The NBC television show "Dateline" is currently promoting the airing of the interview on Friday, August 12, 2005.

The interview was purportedly produced to present mitigation evidence at the time of sentencing but will air on national television before sentencing. The interview may contain evidence favorably to the State of Kansas.

5. The State specifically requests production of the following: a) Dr. Mendoza's bench notes b) a copy of Dr. Mendoza's report and any drafts c) copies of psychological and/or psychiatric tests administered and the results of such testing d) Dr. Mendoza's current curriculum vitae e) all of the original information provided to Dr. Mendoza by counsel, paralegal, or investigator including any and all correspondence between Dr. Mendoza and counsel, paralegal, or investigator (f) a copy of Dr. Mendoza's contract and fee with counsel or any other entity or letter of engagement that defines the scope of employment (g) any document or a copy of any document used, prepared, referenced, or relied upon by Dr. Mendoza in performing neurological, psychiatric, psychological, and/or medical tests or in forming and/or expressing an opinion (h) a list of all criminal cases that Dr. Mendoza has been hired to perform an evaluation and/or testify (i) a copy of any and all interview tapes.

6. Several requests of counsel for the above information have been rejected or ignored

WHEREFORE, these premises considered, the State respectfully requests that the Court order defendant to provide discovery pursuant to K.S.A. 22-3212(c), specifically, the information requested above. The State requests that the Court order that defendant produce the information forthwith. In addition, the State requests the Court to order defendant to "promptly notify [the State] or the Court" if defendant "discovers additional material previously requested or ordered which is subject to discovery or inspection." K.S.A. 22-3212(g).

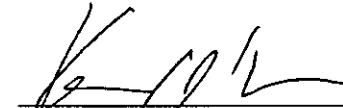
  
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Kevin O'Connor, #15698  
Deputy District Attorney

**NOTICE OF HEARING**

Please take notice and be advised that the above motion will be heard in Division No. 5 of the Eighteenth Judicial District on the 11th day of August, 2005, at 4:00 p.m.

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing motion was hand-delivered to the office of Steve Osburn, Chief Public Defender, 604 N. Main Ste. D, Wichita, KS 67203 on the 10th day of August, 2005.



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Kevin O'Connor, #15698  
Deputy District Attorney