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STATE OF WISCONSIN,

Plaintiff,

vs.

DEFENDANT'S DEMAND  
FOR DISCOVERY  
AND INSPECTION

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant,

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TO: \_\_\_\_\_, ADA  
La Crosse County Courthouse  
La Crosse, WI 54601

The defendant, appearing specially by his/her attorney and reserving his/her right to challenge the Court's jurisdiction, demands that the State provide disclosure, inspection, and copying of the items listed below. This demand is made pursuant to sec. 971.23, Stats.; the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution; and Article I, Sections 1, 7, and 8 of the Wisconsin Constitution.

1. All written or recorded statements made by the defendant concerning the alleged crime that are made within the State's possession, custody, or control, including the defendant's testimony in any John Doe proceeding under sec. 968.26, Stats., or before any grand jury, and the names of witnesses to the defendant's written statements. Sec. 971.23(1)(a), Stats.
2. A written summary of all oral statements of the defendant that the State plans to use at trial, and the names of witnesses to the defendant's oral statements. Sec. 971.23(1)(b), Stats.
3. The addresses of all witnesses to any written or oral statements made by the defendant, identified in paragraphs 1 and 2 above.
4. A copy of the defendant's criminal record, if any. Sec. 971.23(1)(c), Stats.
5. A list of all witnesses and their addresses whom the State intends to call at trial. Sec. 971.23(1)(d), Stats.
6. Any and all relevant written or recorded statements of a witness named on a list under paragraph 5, including any and all videotaped oral statements of a child under sec. 908.08, Stats., and any reports or statements of experts made in connection with the case. Sec. 971.23(1)(e), Stats; Brady v. Maryland, 373 U.S. 83 (1963); State v. Simmons, 57 Wis. 2d 285, 203 N.W.2d 887 (1973); and Nelson v. State, 59 Wis. 2d 474, 208 N.W.2d 410 (1973)
7. If an expert does not prepare a report or statement, a written summary of the expert's findings or the subject matter of the expert's testimony. Sec. 971.23(1)(e), Stats.
8. The results of any physical or mental examination, scientific test, experiment, or comparison that the State intends to offer in evidence at trial. Secs. 971.23(1)(e) and 906.09(1), Stats; Brady v. Maryland, 373 U.S. 83 (1963); State v. Simmons, 57 Wis. 2d 285, 203 N.W.2d 887 (1973); and Nelson v. State, 59 Wis. 2d 474, 208 N.W.2d 410 (1973)
9. The criminal record of any and all prosecution witness(es) known to the State. Sec. 971.23(1)(f), Stats., and Jones v. State, 69 Wis. 2d 337, 230 N.W.2d 677 (1975)
10. Any and all physical evidence that the State intends to offer in evidence at the trial, pursuant to sec. 971.23(1)(g), Stats., as well as all other physical evidence within the possession, custody, or control of the State or its investigative agencies or agents.
11. Any exculpatory evidence pursuant to sec. 971.23(1)(h), Stats., including but not limited to the following:

a. All evidence and/or other information that would tend to negate the guilt of the defendant, including laboratory reports, hospital records or reports, police reports, or any other information within the State's possession, knowledge, or control. Brady v. Maryland, 373 U.S. 83 (1963); State v. Stanislawski, 62 Wis. 2d 730, 216 N.W.2d 8 (1974); and Nelson v. State, 59 Wis. 2d 474, 208 N.W.2d 410 (1973)

b. All evidence and/or other information that would tend to affect the weight or credibility of the evidence against the defendant, pursuant to Giglio v. United States, 405 U.S. 150 (1972); Ruiz v. State, 75 Wis. 2d 230, 249 N.W.2d 277 (1977); and State v. Stanislawski, 62 Wis. 2d 730, 216 N.W.2d 8 (1974), including but not limited to the following:

(i) Any statements by any individual that may be inconsistent, in whole or in part, with any other statement relevant to the charge by the same individual;

(ii) Any statements that are inconsistent, in whole or in part, with any statements made by other individuals who have given statements relevant to the charge against the defendant;

(iii) Any statements or findings by any expert(s) that are inconsistent, in whole or in part, with the statement of any other witness or with any other evidence relevant to the charge against the defendant;

(iv) Laboratory reports and notes, hospital records or reports, police reports, or any other information within the State's possession, knowledge, or control, that would tend to affect the weight and credibility of evidence used against the defendant.

c. Any evidence and/or other information that would tend to mitigate, extenuate, or affect the degree of the offense charged, or the disposition (including sentencing) of the charge against the defendant. Ruiz v. State, 75 Wis. 2d 230, 249 N.W.2d 277 (1977); and State v. Stanislawski, 62 Wis. 2d 730, 216 N.W.2d 8 (1974)

d. Any evidence and/or other information that would form the basis for further investigation by the defense. Brady v. Maryland, 373 U.S. 83 (1963); Ruiz v. State, 75 Wis. 2d 230, 249 N.W.2d 277 (1977); and State v. Stanislawski, 62 Wis. 2d 730, 216 N.W.2d 8 (1974)

12. Notice of any conduct of the defendant the State intends to introduce as an implied admission or as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. Secs. 904.04, 908.03, or 908.045, Stats. and Whitty v. State, 34 Wis. 2d 278, 149 N.W.2d 557 (1967), cert. denied, 390 U.S. 959 (1968)

13. The names and addresses of all persons known to the State to have witnessed any matter related to this case, whether or not the State intends to call them as witnesses at any hearing or trial in this case. Brady v. Maryland, 373 U.S. 83 (1963); State v. Simmons, 57 Wis. 2d 285, 203 N.W.2d 887 (1973); and Nelson v. State, 59 Wis. 2d 474, 208 N.W.2d 410 (1973)

14. Copies of all written, recorded, or videotaped statements and a summary of any oral statements made by witnesses, including but not limited to copies of all police reports, showups, notebooks, memo books, and all other documents prepared by the witnesses, whether or not the State intends to call them to testify at any hearing or trial in this case. State v. Groh, 69 Wis. 2d 481, 230 N.W.2d 745, cert. denied, 423 U.S. 986 (1975); State v. Van Ark, 62 Wis. 2d 155, 215 N.W.2d 41 (1974); and Simos v. State, 53 Wis. 2d 493, 192 N.W.2d 877 (1972)

15. Copies of any written or recorded statements and a summary of any oral statements made by any accomplice, coconspirator, or codefendant in connection with this case. Bruton v. United States, 391 U.S. 123 (1968); Brady v. Maryland, 373 U.S. 83 (1963); State v. Groh, 69 Wis. 2d 481, 230 N.W.2d 745, cert. denied, 423 U.S. 986 (1975); State v. Van Ark, 62 Wis. 2d 155, 215 N.W.2d 41 (1974); Nelson v. State, 59 Wis. 2d 474, 208 N.W.2d 410 (1973); and Simos v. State, 53 Wis. 2d 493, 192 N.W.2d 877 (1972)

16. Disclosure of any promises, rewards, or inducements made in connection with this case, either explicitly or implicitly, directly or indirectly, to any person or persons by the State or its agents or by any other person or group, including but not limited to hot lines, crime lines, and tip lines. Giglio v. United States, 405 U.S. 150 (1972) and Ruiz v. State, 75 Wis. 2d 230, 249 N.W.2d 277 (1977)

17. Copies of any testimony at any grand jury proceeding or any John Doe proceeding pursuant to sec. 968.26, Stats., of any person whom the State intends to call as a witness at any hearing or trial in this case. Sec. 971.23(1)(e), Stats.

18. Copies of all photographs of the defendant and any other persons used in any identification or attempted identification procedure in this case, including photographs of all persons picked out by witnesses in this case; photographs of any lineup or showup in this case, whether or not the defendant took part; the names and addresses of any witnesses to any lineup or showup; and the names and addresses of any person identified in those identification procedures. Simmons v. United States, 390 U.S. 377 (1968)

19. Any inventory and copies of all books, papers, documents, photographs, and tangible objects related to this case that the State has within its possession, knowledge, or control or that were obtained from or belong to the defendant, together with the date, time, place, and manner in which these items were obtained. Sec. 968.17, Stats.

20. Any relevant material or information that has been provided by any informant, including the informant's identity. McCray v. Illinois, 386 U.S. 300 (1967) and Roviaro v. United States, 353 U.S. 53 (1957)

21. All information concerning any electronic surveillance of the defendant's person or premises. Secs. 968.27-37 and 971.23(1)(bm), Stats.

22. Any evidence of "other acts" the State intends to offer at trial. Sec. 904.04, Stats.

WHEREFORE, the defendant prays that this Court enter an Order granting the foregoing Motion and Demand for Discovery.

DATED: \_\_\_\_\_.

Respectfully submitted,

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(608)785-9531

Attorney for the Defendant