

11. Any exculpatory evidence, sec. 971.23(1)(h) Stats., including but not limited to the following:
 - a. All evidence and/or other information which 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. Harris*, 2004 WI 64, 272 Wis. 2d 80, 680 N.W.2d 737; *State v. Ruiz*, 118 Wis. 2d 177, 347 N.W.2d 352 (1984); *Nelson v. State*, 59 Wis. 2d 474, 208 N.W.2d 410 (1973).
 - b. All evidence and/or other information which would tend to affect the weight or credibility of the evidence against the defendant, *Giglio v. United States*, 405 U.S. 150 (1972); *State v. Harris*, 2004 WI 64, 272 Wis. 2d 80, 680 N.W.2d 737; *Ruiz v. State*, 75 Wis. 2d 230, 249 N.W.2d 277 (1977); including but not limited to the following:
 - i. Any statements by any individual, which may be inconsistent in whole or in part, with any other statement relevant to the charge by the same individual;
 - ii. Any statements which 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) which 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, 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 which would tend to mitigate, extenuate, or affect the degree of the offense charged, or the disposition (including sentencing) of the charge against the defendant; *State v. Harris*, 2004 WI 64, 272 Wis. 2d 80, 680 N.W.2d 737; *Ruiz v. State*, 75 Wis. 2d 230, 249 N.W.2d 277 (1977).
 - d. Any evidence and/or other information which would form the basis for further investigation by the defense. *Brady v. Maryland*, 373 U.S. 83 (1963); *State v. Harris*, 2004 WI 64, 272 Wis. 2d 80, 680 N.W.2d 737; *Ruiz v. State*, 75 Wis. 2d 230, 249 N.W.2d 277 (1977).
12. Notice of any conduct of the defendant the state intends to introduce as an implied admission, including performance tests ordered by law enforcement or as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident pursuant to sec. 904.04, 908.03, or 908.045, Stats., *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); *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); *Simos v. State*, 53 Wis. 2d 493, 192 N.W.2d 877 (1972) and additionally, any and all correspondence, notes or memoranda created pursuant to § 971.095, including statements of "victim(s)" or witness(es) and any statements concerning possible outcomes, including potential plea agreements and sentencing recommendations. Wis. Stat. § 971.095.

15. Copies of any written or recorded statements and a summary of any oral statements made by any accomplice, co-conspirator, or co-defendant in connection with this case, sec. 971.23(1)(e), (h), Stats.; *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); *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, and communications to "victims" and witnesses under Wis. Stat. § 971.095, *Giglio v. United States*, 405 U.S. 150 (1972); *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 name and address of any person identified in those identification procedures, *Simmons v. United States*, 390 U.S. 377 (1968).
19. An 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); *Roviaro v. United States*, 353 U.S. 53 (1957).
21. All information concerning any wire, electronic, or oral communications, surveillance, or geolocation of the defendant's person or premises, secs. 968.27-37, 971.23(1)(bm), (11) Stats. This request includes but is not limited to transcripts, "body wire" recordings, including pre-surveillance testing and checkout and post-surveillance debriefing, the use of GPS devices, mobile phone tracking, whether known as Stingray, Kingfisher, or any other brand name, ShotSpotter, and other wire, electronic, or oral surveillance information. This request also includes the following:
 - a. Copies of any and all reports from any officers who used mobile phone or other tracking devices during the investigation of this case, specifically outlining which tracking devices were used in connection with this case by law enforcement, and, if law enforcement has a non-disclosure agreement with the manufacturer of said device, that the existence and a copy of any such agreement be disclosed to the court and defense counsel.
 - b. Specifically, copies of any and all records of training and/or certification and training materials those officers have for the use of the mobile phone or other tracking devices that were used in connection with this case by law enforcement.
 - c. Copies of any and all policies, including policies on the application for a warrant and on non-disclosure of the use of mobile phone or other tracking devices, for the law enforcement agencies involved in this case.
 - d. Copies of any and all warrants applied for by law enforcement, and granted to law enforcement, during the investigation of this case, regarding using a mobile phone or other tracking device, as well as the returns on all such warrants.

- e. Copies of any and all subpoenas used by law enforcement during the investigation of this case, regarding mobile phone or other tracking devices.
22. Continue to disclose to the defendant, prior to or during trial, any additional material or the names of additional witnesses discovered by the plaintiff which are subject to discovery, inspection, or production under paragraphs 1 through 21 above, pursuant to sec. 971.23(7), Wis. Stats.

Dated:

Respectfully submitted,

Attorney for the Defendant
Assistant State Public Defender
Wisconsin State Bar No.