

STATE OF WISCONSIN,

Plaintiff,

-vs-

Case No.

.....,

Defendant.

DEFENDANT’S DEMAND FOR SPECIFIC DISCOVERY

In addition to the standard discovery request and request for the complete copy of the Wisconsin State Crime Lab fingerprint analysis file, the defendant, through his attorneys and pursuant to Wis. Stat. § 971.23, the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and article I, sections 1, 7, and 8 of the Wisconsin Constitution, is specifically requesting all DNA analysis performed for this case. This request includes, but is not limited to, the following:

1. A complete record of the manner in which all evidence items, whether or not attributed to the defendant, were located, developed and obtained and by whom, including but not limited to evidence items used in “DNA” extraction and/or analysis.
2. A complete hard copy of the raw data, including but not limited to the sample files, project files, injection lists, sample sheets and injection logs.
3. Color copies of the DNA typing results.
4. Copies of all real-time, slot blot or other quantitation data.
5. Copies of all serology reports.
6. A complete record of all bench notes, including handwritten bench notes, chain-of-custody record, and descriptions of evidence, maintained by DNA evidence collectors and DNA examiners in the course of analyzing any and all evidence in this case.
7. Copies of any and all quality assurance and training guidelines and protocols used in the laboratories that collected and/or analyzed the DNA evidence.
8. A complete record of chain of custody, including time and date of collection, name and affiliation of custodian personnel, treatment and handling of all DNA evidence, including

but not limited to any DNA collection kits from point of sample collection up to and including current disposition of the evidence.

9. A complete list of all automated and/or manual DNA extractions, DNA purification, amplification (PCR), electrophoresis kits, reagent expiration dates, testing and analysis hardware and software used in this case, including the name of the software program, manufacturer and version used, and laboratory equipment calibration and validation as per the prescribed guidelines for each instrument and lab procedure used.
10. A copy of all licenses or other certification of accreditation in DNA sample collection and analysis held by the laboratory(ies) or clinics involved in any DNA evidence collection and/or DNA analysis in the present case.
11. The complete résumé or curriculum vitae of each individual involved in the collection, preservation, and analysis of the DNA evidence, including but not limited to job description, education and training, proficiency and competency testing and results, and testimony reviews.
12. Copies of certification exam results for each analyst, technician and reviewer responsible for preparation or analysis of subject specimens or review of analysis.
13. Copies of all documentation related to corrective actions for each analyst and technician responsible for preparation of analysis of subject specimens.
14. Copies of the corrective action report and corrective action tracking, quality assurance review tracking and non-conformity tracking for the DNA Section of the State Crime Lab.
15. A copy of the Unexpected Results Log and instances of unintended DNA transfer or sample contamination. Copies of all records maintained in the laboratory that document instances of unintended transfer of DNA or sample contamination, such as instances of negative controls that demonstrated the presence of DNA or the detection of unexpected extra alleles in the control or reference samples, and any corrective measures taken.
16. Correspondence between lab personnel and any law enforcement, prosecutorial or other state/county/jurisdictional officials.
17. All documents routinely kept in the type of case file referenced.
18. Any documents related to the case that were referenced regularly but are kept in a place other than the case file.

These records should include all the data necessary to conduct an independent analysis of the raw data and to reconstruct the analysis performed in the present case.

For the specific purpose of avoiding confusion, the defendant, through his attorneys, respectfully requests a copy of this document be forwarded to the Wisconsin State Crime Lab to facilitate complete discovery.

For the specific purpose of avoiding a possible violation of the Rules of Evidence and to avoid any allegation of *Brady* violations, please inform the scientist or scientists involved that it is not up to their discretion to determine what is and is not important.

Dated this _____ day of _____, 20_____.

Respectfully submitted:

ATTORNEY FOR DEFENDANT