

STATE OF WISCONSIN,

Plaintiff,

-vs-

Case No.

.....,

Defendant.

DEFENDANT’S DEMAND FOR SPECIFIC DISCOVERY

In addition to the standard discovery request, the defendant, through his attorney 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 a complete copy of the Wisconsin State Crime Lab fingerprint analysis file in this case. This includes, but is not limited to:

1. Case file: A complete copy of the case file including all records made by the laboratory in connection with this case. If the file includes photographs, please include photographic quality copies. If there are separate files for collection, evaluation and comparison, please provide all files (including but not limited to RAW, JPEG, and .TIF). This includes but is not limited to any and all latent prints as well as any exemplars (i.e., suspect prints from fingerprint cards, etc. and any and all other prints that were used for comparison). In addition, the defendant requests copies of any and all photographs with examiner notes.
2. Bench notes: A copy of all bench notes recorded by latent print examiners in the course of analyzing, uploading and comparing all print evidence in this case. If such notes do not exist, please provide a written statement on Wisconsin State Crime Lab official letterhead acknowledging that such bench notes do not exist.
3. Protocols: A copy of all Fingerprint Technician Quality Assurance and Training Guidelines and Protocols (Standard Operating Procedure Manuals) used in the laboratory that analyzed the fingerprint evidence. To minimize any burden of duplicating these items, electronic copies, if available, will suffice.
4. Chain of custody and current disposition of evidence: Copies of all records that document the collection, handling and storage of fingerprint evidence in this case, from the initial point of collection up to the current disposition. This includes latent prints and exemplars.

5. Software: A list of all Automated Fingerprint Identification systems (AFIS) used in this case, including the name of software program, manufacturer and version used in this case.
6. Data files: If AFIS was used in any way in this case, please provide the following:
 - a. Latent prints: All electronic images of any and all “latent” prints (prints recovered as evidence in this case) entered into AFIS in this case in standard (.eft or .wsq) format.
 - b. Encoding: Please provide the encoding record, indicating the ridge details (or “minutiae”) marked by laboratory personnel prior to any and all AFIS searches.
 - c. Search results: Hard copy printout or electronic output in easily readable format of the results of any and all AFIS searches run in connection with this case. Information provided should include, but is not limited to:
 - i. Ranked list of “candidate matches”
 - ii. Identification numbers of all images appearing on the “candidate list”
 - iii. “Match scores” of all images appearing on the “candidate list”
 - iv. Candidate matches: Electronic images of all items appearing on the candidate list in standard (.eft or .wsq) format.
 - v. Client’s records: Electronic images of any and all ten-print records associated with or identified to our client in standard (.eft or .wsq) format.

These files should include all data necessary to, (i) independently re-analyze the raw data and (ii) reconstruct the analysis performed in this case.

7. Digital enhancement: If the fingerprint evidence in this case was digitally enhanced at any time for any reason, please provide copies of all images. If the digital enhancements were not saved, please provide a written statement on official Wisconsin State Crime Lab letterhead acknowledging that such images were not saved.
8. Documentation of corrective actions for discrepancies and errors:

Any and all laboratory records of erroneous individualizations, erroneous verifications, clerical or administrative errors, or missed individualizations committed by the laboratory. Please provide the names(s) of the case(s), the name(s) of the examiner(s) involved, the reported cause(s) of the error(s), the resolution(s) of the case(s), and any corrective action(s) taken. According to SWGFAST, Standard for a Quality Assurance Program in Friction Ridge Examinations, version 5.0 (Sept. 11, 2012), §4.11, Quality Assurance Programs Policy and Procedures Shall: “Document corrective actions and preventative actions.” Please provide a copy of all documentation of any errors of any type and of all corrective actions taken in connection with any errors of any kind made by the print examiners and peer reviewers that performed fingerprint analysis or review in this case. If the laboratory or agency does not comply with the SWGFAST requirement that it maintain this documentation, it is sufficient to respond, on official Wisconsin State

Crime Lab letterhead, "The laboratory does not comply with the SWGFAST requirement that it document corrective actions."

9. Accreditation: Copies of all licenses or other certificates of accreditation in fingerprint analysis held by the laboratory as well as a copy of the lab or agency's most recent external audit report.
10. Laboratory personnel: Background information about each person involved in conducting or reviewing the testing performed in this case, including:
 - a. Current résumé or CV
 - b. A summary of all proficiency test results for the past 5 years.
11. Validation studies: Copies of all validation studies conducted by the lab or agency and/or relied on by the lab or agency in connection with fingerprint evaluation or analysis. If there are none, it is sufficient to acknowledge such a fact on official Wisconsin State Crime Lab letterhead.
12. Quality assurance: A copy of the quality assurance manual for the fingerprint unit. If feasible, an electronic copy will suffice.
13. Training manual: A copy of the training manual for fingerprint examination and comparison. If feasible, an electronic copy will suffice.
14. Testimony reviews: All documentation prepared in connection with the review of prior testimony by print examiner and examiner who will testify in this case.
15. Communication: All communication (oral or in writing) between the La Crosse County District Attorney, latent print unit and law enforcement including but not limited to what the latent print examiner knew about the case and the suspect prior to the examination in the case.
16. A copy of the Unit Policy Manual.
17. A copy of the unit Training Materials and Manual and/or a description of what is required prior to a determination of competency to perform casework.

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.

Moreover, if any of the requested items do not exist, the defendant, through his attorneys, requests a letter on official Wisconsin State Crime Lab letterhead stating that the requested item(s) do not exist.

For the further 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