STATE OF WISCONSIN :

CIRCUIT COURT : COUNTY OF DANE BRANCH 7

STATE OF WISCONSIN,

Plaintiff,

v.

Case Nos. 2016TR

2017CT

Defendant.

PROCEEDINGS:

2016TR

2017CT

DATE:

March 14, 2017

BEFORE:

The Honorable Judge WILLIAM E. HANRAHAN

APPEARANCES:

The State of Wisconsin appeared by Assistant District

Attorney WILLIAM L. BROWN; Madison, Wisconsin.

Defendant appeared in person and with

Attorney CHARLES K. KENYON JR.; 5555 Odana Road, Suite 101;

Madison, Wisconsin 53719.

PATRICK A. WEISHAN, RPR Official Court Reporter Branch 7

1 PROCEEDINGS

- 2 (Commencing at approximately 1:39 p.m.)
- THE COURT: Calling 16TR31179, State of Wisconsin v.
- 4 Kimberly M. Holt. Appearances, please.
- 5 ATTORNEY BROWN: William Brown for the State of
- 6 Wisconsin.
- 7 THE COURT: I'm calling also, I guess, 17CT69, same
- 8 caption.
- 9 ATTORNEY BROWN: I'll appear for that case too.
- 10 ATTORNEY KENYON: And the defendant appears in
- 11 person and by Counsel Charles Kenyon.
- THE COURT: And what's the status here?
- ATTORNEY BROWN: Your Honor, the defense filed a
- 14 motion for suppression of the traffic stop. Along the same time
- 15 that that motion was filed, I provided to the defense some
- 16 information that I consider Brady/Giglio information in my
- 17 office that we received. The sole officer involved in this
- 18 traffic stop has been terminated from his job or resigned, I
- 19 don't recall which, but the basis of that action was that he was
- 20 writing fraudulent traffic tickets to folks, and that was
- 21 substantiated by quite a bit of evidence. That being said, he's
- 22 the sole officer at issue here. I would need to call him at the
- 23 suppression hearing and at trial. I find his testimony to be
- 24 totally not credible any longer. So I would move to dismiss the
- 25 entire case, both cases.

- 1 THE COURT: All right. So there was not any
- 2 physical evidence or videotapes or anything to corroborate the
- 3 testimony?
- 4 ATTORNEY KENYON: There was not. As a matter of
- 5 fact, we were going to use the videotape in our motion to
- 6 suppress. The reason for the stop was a faulty brake light, and
- 7 there was no faulty brake light shown on the video, and my
- 8 client took pictures and had it checked out.
- 9 THE COURT: All right.
- 10 ATTORNEY BROWN: And I'll add to that that that's
- 11 correct, that there's not sufficient -- I mean, to the extent
- 12 there is any physical evidence here, it wouldn't be sufficient
- 13 for me to prove this case beyond a reasonable doubt.
- 14 THE COURT: All right. And, the evidence of the
- 15 inconsistency here between the officer's report and the physical
- 16 evidence of the videotape, I'm sure you're going to turn that
- 17 over to the powers that are potentially investigating.
- 18 ATTORNEY BROWN: Yes.
- 19 THE COURT: Yeah. Okay. Upon those
- 20 representations, I find that the State has acted honorably and
- 21 consistent with its obligations to dismiss this matter, and I do
- 22 grant that request.
- 23 ATTORNEY KENYON: Thank you.
- 24 (Proceedings concluded at approximately 1:41 p.m.)

CERTIFICATE

I, PATRICK A. WEISHAN, do hereby certify that I am the Official Court Reporter for the Circuit Court, Branch 7, Dane County, Wisconsin; and that I have carefully compared the foregoing document with the stenographic notes taken in conjunction with this proceeding by me on March 14th, 2017; and that the same is a true and correct transcript of those notes.

Electronically signed by Patrick A. Weishan, RPR, Official Court Reporter for Branch 7 of the Dane County Circuit Court, on April 19th, 2017.