



**DANE COUNTY  
DISTRICT ATTORNEY  
ISMAEL R. OZANNE**



July 26, 2017

The Honorable Judge William Hanrahan  
Dane County Circuit Court, Branch 7  
215 S. Hamilton St.  
Madison, Wisconsin 53703

**RE: State of Wisconsin [REDACTED]  
Court Case No. 2017TR005332; 2017TR005333**

Dear Judge Hanrahan:

I write regarding your dismissal of the above captioned case at the Court Trial last Monday. As you may know, I was in another jury trial at the time and the hearing was covered by another Assistant District Attorney.

I recently obtained a transcript of that hearing. In that transcript you said "discovery that had been requested has not been provided." That is not true. I regret that I was not there to inform you at the hearing, however, I do wish to correct the record at this time.

The defendant, Ms. [REDACTED], was represented by Attorney Glenn Avena beginning at the initial appearance on April 7<sup>th</sup>. On April 21<sup>st</sup>, still represented by Mr. Avena, the defendant attended a pre-trial conference with my office. I have reviewed the case file notes from that conference and see a note from ADA Allison Cogbill that indicates the defense counsel was provided discovery, including an authorization to obtain video evidence, at approximately 9:40 AM that morning. I have reviewed the file and viewed a copy of the discovery that was provided to the defendant at that time and can confirm this was a complete set of discovery.

On May 4<sup>th</sup>, Attorney Avena withdrew from the case and Ms. [REDACTED] proceeded *pro se*. At the final pre-trial conference after the withdrawal of Mr. Avena, Ms. [REDACTED] said she was going to obtain her case file from Mr. Avena. At this time, I provided Ms. [REDACTED] my business card to keep a line of communication open. On June 22, Ms. [REDACTED] emailed me and asked for help obtaining the police squad video in her case. Within hours, I forwarded the request to my traffic paralegal. At that time, my traffic paralegal requested the video. When we obtained the video in early July, my paralegal attempted to call Ms. [REDACTED] to pick up the video from my office. We were unable to reach her.

I have complied with my discovery obligations in this case. I have gone above and beyond what is normally provided to defendants represented by counsel by attempting

to obtain the video for Ms. [REDACTED]. As you know, in the hundreds of traffic cases before you at this moment, and the thousands you have presided over, the State provides authorizations for the defense to obtain visual evidence. I do not keep squad videos for police agencies, nor do I request such videos prior to the defense obtaining them. In the small segment of cases where I have a need to review the video before charging or in my own preparation, I provide copies to the defendant.

In Ms. [REDACTED] case, I was making efforts to obtain the video for her because she was having trouble negotiating the process of obtaining it herself. If you review the Court minutes, you will see that Ms. [REDACTED] requested the set-over of the first trial because she was in the process of obtaining the video (Hearing on July 3, 2017). As soon as Ms. [REDACTED] told me she was having trouble getting the video, I assigned a staff member to get it for her. When we finally obtained it, my paralegal could not contact her by phone. At this point, my paralegal likely had no other contact information for Ms. [REDACTED]

Again, my wish here is to correct the record. I take my discovery obligations seriously and I believe I complied with those obligations in this case. I believe the Court's statement regarding discovery not being provided to be untrue. Discovery was provided within 14 days of Ms. [REDACTED]'s initial appearance and she has had the discovery since April 21<sup>st</sup>.

I also believe the Court was mistaken when you stated the trial had been set for "well over a month" at the time you dismissed the case. In fact, the trial had been set for only 15 days. As I mentioned, the Defendant requested the trial on July 3 to be set-over to allow more time to obtain the video. The new trial dates were provided by the Court on July 5. In the 15 days following the scheduling of the trial, the State was unable to secure the presence of a blood analyst from the State Crime Lab. This is regrettable, however, is not out of the ordinary considering the aggressive workload and schedule of the scientists at the State Lab.

I have instructed my staff to re-file the dismissed charges against Ms. [REDACTED]

Sincerely,

William L. Brown  
Assistant District Attorney  
Dane County, Wisconsin

Date Signed: 07/26/17  
Electronically Signed By:  
William L. Brown  
Assistant District Attorney  
State Bar #: 1085130

