

**STATE OF MINNESOTA
COUNTY OF HENNEPIN****DISTRICT COURT
FOURTH JUDICIAL DISTRICT**

State of Minnesota,
Plaintiff,
vs.

Court File: 27-CR-21-8412
Case Type: Criminal

Stephone Ahmad Gammage,
Defendant.

**DEMAND FOR DISCLOSURE
AND
DISCLOSURE OF EVIDENCE**

Defendant, by and through counsel, hereby demands preservation of, disclosure of, and access to all evidence related to the above-entitled case.

DEMAND FOR PRESERVAION AND DISCLOSURE OF EVIDENCE

Defendant demands that the State preserve all information and evidence within the reach of the disclosures required under Rule 9.04 of the Minnesota Rules of Criminal Procedure and applicable case law.

Defendant further demands that the State disclose all such information and evidence, and that it make all disclosures required by Rule 9.04.

Defendant demands access to all items subject to disclosure, and this access shall include, as appropriate, the opportunity to inspect, reproduce, photograph, test, interview, or otherwise document the matters discussed.

These demands apply to:

1. **Investigative reports** prepared by state agents or employees in the investigation or evaluation of the case, together with the original notes of the arresting officers.
2. **Statements.** This request includes any written or recorded statement made by the Defendant or any alleged accomplice, regardless of when made, and the substance of any non-recorded oral statements by the Defendant or accomplices. This request includes recorded statements by any other person and any written record containing the substance of statement by them, regardless of whether they will be used at trial. This request includes statements made to any member of prosecution's staff, victim advocates, and any other person of which the

government is aware or should be aware. *State v. Adams*, 555 N.W.2d 310 (Minn. App. 1996). It also includes disclosure of the fact that an interview with a witness took place, regardless of whether it was transcribed or whether written statements or written summaries were prepared. *State v. Kaiser*, 486 N.W.2d 384, 386-87 (Minn. 1992). This request also encompasses copies of recorded statement made pursuant to *State v. Scales*, 518 N.W.2d 587 (Minn. 1994) and any attempted recording that for whatever reason are inaudible or unavailable.

3. **Audio or video records** produced regarding this case, including squad video, 911 calls, radio runs, police radio communications, scout runs, police transcript recordings, and record checks.
4. **Reports related to examinations, tests, or expert testimony.** In addition to disclosure, Defendant also demands the in-person testimony of all analysts who performed tests, the results of which the state intends to introduce into evidence at any hearing related to this case. Further, Defendant hereby provides notice that Defendant retains the right to cross-examine the analysts under *State v. Caulfield*, 722 N.W.2d 304 (Minn. 2006).
5. **Documents and other tangible objects, including any and all photographs.**
6. **Search warrants** obtained and executed regarding the case, including inventories and items seized.
7. **Identification procedures** including, but not limited to, lineups, show-up identifications, photo arrays, or the like, and details on the nature and circumstances of any and all identification procedures that become known to the government in the future.
8. **Witnesses and other persons.**
9. **Conviction records** for all witnesses and other persons.
10. **Prior convictions** of the Defendant or defense witnesses, to be provided as certified copies. In addition to disclosure, Defendant also demands notice if the state intends to use a conviction to impeach any defense witness, including the Defendant.
11. **Alleged but uncharged misconduct, prior bad acts, or relationship evidence** that the state intends to introduce at trial in this matter, disclosure to include police reports and any other documentation.
12. **Evidence related to an enhanced or aggravated sentence.** In addition to disclosure, Defendant also demands notice if the state intends to seek an aggravated or enhanced sentence.

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, Defendant demands disclosure of all audio or video files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the state after the state has begun complying with discovery rules, orders or defense requests. Minn. R. Crim. P. 9.03, subd. 2.

**DEMAND FOR PRESERVATION AND DISCLOSURE OF EVIDENCE TENDING TO
NEGATE OR REDUCE THE DEFENDANT'S GUILT**

Defendant demands that the State preserve and disclose all evidence and information known to the State which tends to negate or reduce the guilt of the Defendant, together with all evidence and information which might tend to mitigate or reduce potential punishment, as required under Minn. R. Crim. P. 9.04. This demand includes but is not limited to the following:

1. Evidence of bias of government witnesses or any consideration given a witness in return for cooperation with the government, including any information regarding pre-existing hard feelings, arguments, grudges, and disputes between the complainant and the Defendant.
2. Information that a government witness and/or informant was under the influence of alcohol, narcotics, or any other drug at the time of the observations about which the witness will testify and/or the informant informed.
3. Information tending to show the unreliability of a government witness, or which would tend to discredit the testimony of a government witness, including a request for any prior inconsistent, non-corroborative, or other witness statements that the witnesses' trial testimony will not reflect.
4. Information – including docket numbers, dates, and jurisdictions – indicating that:
 - a. A government witness has a pending juvenile or criminal case on or since the alleged offense in this case;

- b. A government witness was arrested, pleaded guilty, had a trial, or was sentenced on or since the date of the offense in this case;
 - c. A government witness was on juvenile or criminal parole or probation on or since the date of the alleged offense; and
 - d. A government witness now has or has had any other liberty interest that the witness could believe or could believe or could have believed might be favorably affected by government action.
- 5. Information that any government witness is or has been a police informant either at the time of the offense and/or through the day of trial, including the kind of assistance or benefits provided. “Benefit” refers to any monetary compensation, assistance of the prosecutor or the court concerning pending charges against the informant, or any other sort of consideration of value. Here, the demanded disclosure includes, but is not limited to:
 - a. The length and extent of the witness’ information status;
 - b. The amounts that have been paid to the informant in connection with this case;
 - c. Non-monetary assistance provided or promised to the information, including, but not limited to, assistance in avoiding or minimizing harm from charges pending against the informant either at the time of the alleged offense and/or any other time through the day of trial;
 - d. All statements made to the informant that promised benefits would not be provided without cooperation in connection with this case;
 - e. The nature of assistance provided to the informant prior to this case, including the number of occasions and form of help.
- 6. Information tending to show a government witness’ corruption including anything in police officers’ personnel files indicative of corruption.
- 7. Perjury by any government witness at any time, whether or not adjudicated and whether or not in connection with this case.
- 8. Information that any government witness has made prior false accusations, including but not limited to prior complaints to the police or law enforcement agencies that did not result in a conviction.
- 9. Information regarding any prior “bad act” of a government witness that may bear upon

the veracity of the witness with respect to the issues involved in the trial, including but not limited to the issues of self-defense or defense of others.

10. Any other information tending to show a government witness' bias in favor of the government or against the Defendant or which otherwise impeaches a witness' testimony, including civilian review board complaints against police officers involving facts similar to those of this case, whether resolved for or against the officer.
11. Names and addresses of all witnesses who do not fully corroborate the government's case or would serve to contradict or impeach the government's evidence.
12. Any indication of threats or acts of aggression toward the Defendant by the complainant or decedent, and any information that the complainant had possession of any weapons at the time of the incident. Also, any other information that would indicate that the complainant was the first aggressor and/or that the Defendant acted in self-defense.
13. Names and addresses of any person who:
 - a. Identified some person other than the Defendant as a perpetrator of the alleged offense;
 - b. Failed to identify the Defendant as a perpetrator of the alleged offense when asked to do so in any identification procedure;
 - c. Gave any description(s) of the perpetrator(s) of the alleged offense that in any material respect differs from the Defendant.
14. Information known to the government which is favorable to the defense, whether or not technically admissible in court, and which is material to the issues of guilt and/or punishment. This includes all information that the Defendant was not involved in the alleged offense and/or that the requisite elements required to prove any of the charged offenses cannot be met.

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, the Defendant demands disclosure of all video or audio files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view, or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the prosecutor, staff, or anyone investigating this case after the State begins its compliance with discovery rules, orders, or defense request. Minn. R. Crim. P. 9.03, subd. 2.

May 5, 2021
Date

Respectfully Submitted,

MARTINE LAW, PLLC,

/s/ XAVIER MARTINE
Xavier Martine, Esq. (#0400471)
Martine Law PLLC
310 S 4th Ave
Suite 1050
Minneapolis, MN 55415
T: (612) 208-8076
F: (651) 333-4660
xavier@xmartinelaw.com
Attorney for Defendant

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