



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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October 21, 2016

Ms. Diane M. Fremgen
Clerk of Supreme Court
110 East Main Street, Suite 215
Post Office Box 1688
Madison, WI 53701-1688

Re: *State v. Jeffrey C. Denny*
No. 15AP0202

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Dear Ms. Fremgen:

In preparing for oral argument in this case, I noticed that a footnote in the State's reply brief contains an error. The footnote says that "Section 974.07 does not mention the State Crime Laboratory." Reply Br. 5 n. *. The footnote should have said: "Section 974.07(7) does not mention the State Crime Laboratory." As explained in the State's opening brief, Section 974.07(8) and Section 974.07(12) mention the State Crime Lab as one option available to the circuit court. Opening Br. 10--11.

Sincerely,

Misha Tseytlin
Solicitor General
State Bar #1102199

MT:sed

cc: Keith A. Findley
Steven D. Grunder



**WISCONSIN
INNOCENCE PROJECT**
University of Wisconsin Law School

November 10, 2016

Ms. Diane M. Fremgen
Clerk of the Supreme Court of Wisconsin
Post Office Box 1688
Madison, WI 53701

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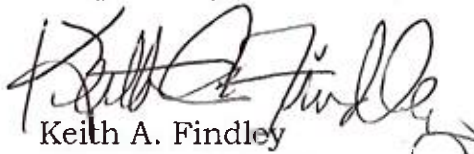
Re: *State of Wisconsin v. Jeffrey C. Denny*
Case No. 2015AP000202-CR

Dear Ms. Fremgen:

I write to correct an error I have discovered in the brief filed in the above-referenced case on behalf of the Defendant-Appellant, Jeffrey C. Denny. At page 7, Mr. Denny's brief asserts: "The Wisconsin legislature unanimously adopted 2001 Wisconsin Act 16, which included Wis. Stat. §974.07, the postconviction DNA testing statute." However, 2001 Wisconsin Act 16 was the entire Budget Bill, which ultimately included the postconviction DNA testing provisions. The Budget Bill, of course, did not pass unanimously. What the brief should have said, and what would have been accurate, is that the postconviction DNA testing statute, introduced by then-Representative Scott Walker as AB 291, passed the Assembly unanimously (by a vote of 99-0). See <http://docs.legis.wisconsin.gov/2001/proposals/ab291>. In the Senate, the bill was then rolled into the Budget Bill and enacted along with the full Budget.

I apologize for any confusion this error may have caused. Thank you for your consideration.

Respectfully submitted,



Keith A. Findley
Bar No. 1012149
Attorney for Defendant-Appellant Jeffrey Denny

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