

FILED
02-26-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CF002481

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No: 2022CF002481

MARK WAGNER,

Defendant.

DECLARATION OF DANIEL H. SANDERS

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Attorney Daniel H. Sanders, declares and states as follows:

1. I am one of the attorney representing Mark Wagner in the above-titled case.
2. The attached Exhibits A-R and V are reports and photographs gathered from the discovery materials provided by the State to date.
3. Attached hereto as Exhibit A is Detective William Hendrickson’s Report 54, pp. 113-116, regarding his initial observations at the scene on February 3, 2022.
4. Attached hereto as Exhibit B is Deputy James Plenty’s Report 160, pp. 756-761, regarding his initial observations at the scene on February 3, 2022, collection of evidence and photographs taken.
5. Attached hereto as Exhibits C, D, and E, are photographs taken by Deputy Plenty of the shield and Halligan tool collected on February 3, 2022.

6. Attached hereto as Exhibit F is Detective William Hendrickson's Report 17, pp. 34-35, regarding the search of the Hyundai Tucson on February 3, 2022.
7. Attached hereto as Exhibit G is Deputy Greg Leatherberry's Report 218, pp. 1663-1665, regarding his initial observations at the scene on February 3, 2022, collection of evidence and photographs taken.
8. Attached hereto as Exhibit H is Detective Chris Grunewald's Report 25, p. 51, regarding the scene walkthrough with DCI SA Mike Mansavage.
9. Attached hereto as Exhibit I is Detective Dan Feeney's Report 137, pp. 613-614, regarding his February 3, 2022, interview of DCI SA Jeff Berkley.
10. Attached hereto as Exhibit J is Detective Greg Leatherberry's Report 235, 1713-1720, regarding his search of the Hyundai Tucson on February 4, 2022, collection of evidence, and photographs taken.
11. Attached hereto as Exhibit K is Detective William Hendrickson's Report 20, pp. 39-40, regarding his review of Trooper Lorbekie's squad video recording of the incident on February 3, 2022..
12. Attached hereto as Exhibit L is Detective Dan Feeney's Report 130, p. 564, regarding his February 6, 2022, interview of DNR Warden Nicolas King.
13. Attached hereto as Exhibit M is Detective Chris Grunewald's Report 119, p. 510, regarding his February 8, 2022, interview of DCI SA Mike Mansavage.
14. Attached hereto as Exhibits N and O are Deputy James Plenty's Reports 185 and 187, regarding the continued sear and examination of the Hyundai Tucson.

15. Attached hereto as Exhibit P is Detective Cheryl Patty's Report 205, p, 938, regarding the owner of the Hyundai Tucson giving consent on February 24, 2022, for further window analysis, video, measurements, and towing as need to complete processing.
16. Attached hereto as Exhibit Q is Deputy James Plenty's Report 190, pp. 853-854, regarding his February 25, 2022, examinations of the tire on the Hyundai Tucson.
17. Attached hereto as Exhibit R is Detective George Mayerhofer's Report 267, pp. 2189-2190, regarding vehicle viewings subsequent to February 26, 2022.
18. Attached hereto as Exhibit S, is a photograph taken by Defense Investigator Ray Gibbs on January 4, 2024.
19. Attached hereto as Exhibit T, is a photograph taken by Defense Expert Emmanuel Kapelsohn on January 4, 2024.
20. Attached hereto is Exhibit U is p. 3 of a Defense Investigator's February 2, 2024, interview of retired Deputy Greg Leatherberry.
21. Attached hereto in Exhibit V, an overhead photograph taken of the Hyundai Tucson depicting defects on the outside of the driver's side, including defect 18. This photograph was provided in digital discovery under DM06/Images/220041819-AD/IMG_4221.JPG.

Dated at Milwaukee, Wisconsin, this 26th day of February 2024.

HART & POWELL SC

Electronically Signed By:

DANIEL H. SANDERS
Attorney for Mark Wagner
State Bar No. 1092309

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