

STATE OF MAINE
Washington, ss.

WASHINGTON COURT
Criminal Action
Docket No. PENCDCR-22-20121

STATE OF MAINE)
)
v.)
)
KAILIE BRACKETT)
)
Defendant)

DEFENDANT'S MOTION FOR DISCOVERY

NOW COMES Defendant, Kailie Brackett, by and through counsel, David W. Bate, and moves the Court to order the State to produce discovery regarding a \$10,000 reward, State expert raw data, and footprint expert reports to date. If such discovery is not produced in a timely manner, Ms. Brackett moves that the Court sanction the State by limiting the evidence the State can use at trial and/or dismissing the State's case. See Me. R. Crim. 16(e).

\$10,000 Reward

On February 23, 2023, undersigned counsel served on the State a discovery request regarding a reward that was offered by the Passamaquoddy Tribe for information regarding this murder. Counsel requested the following:

1. Information regarding any rewards relating to the investigation of Kimberly Neptune's death that are or have been offered by the government of the Passamaquoddy Tribe, Pleasant Point Tribal Government, the Pleasant Point Police Department, or any other government entity, tribal or otherwise, including but not limited to the following:
 - A. The names and contact information of persons and/or entities responsible for administering such rewards;
 - B. The conditions and cash value of such rewards;
 - C. The manner in which such rewards were publicized;
 - D. The names and contact information of persons who applied for such rewards, including copies of their applications;

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MAINE

E. The names and contact information of persons who received any such reward, including the amount of the reward received.

In April, 2023, undersigned counsel received a report by Lt. Darrin Crane (discovery P1175) indicating that on April 23, 2022, Chief Roger Newell of the Point Pleasant Police Department had informed him that Passamaquoddy Tribal leadership would be "posting a reward of \$10,000 for information on the current homicide investigation of Kimberly Neptune." Lt. Crane became involved in the drafting of the reward as did AAG Meg Elam, Esq.

Counsel has not received any other discovery relating to this \$10,000 reward by Tribal authorities.

The discovery sought is relevant because a \$10,000 reward obviously could affect a State witness's credibility. Ms. Brackett requires knowledge of who applied for the reward and the substance of their applications and any other information submitted to and considered by the Tribe to determine what credibility issues may exist.

Raw data

Also on February 23, 2023, undersigned counsel requested

All raw data associated with expert opinions sought by the State, including but not limited to experts in computer data, cell phone data, fingerprints, DNA, and foot impressions.

Some, perhaps even all, raw data relating to cell phones has been produce by the State. However, raw data has not been produced regarding computers (including the IP address used by Ms. Brackett's phone during the time of the murder), fingerprints, DNA, and foot

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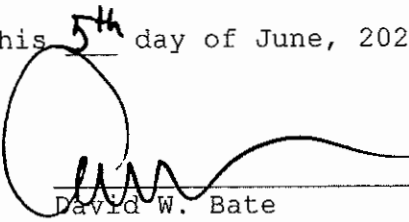
impressions.

Footprint analysis

On June 2, 2023, Ms. Brackett requested discovery relating to the State expert's analysis of the footprint impressions detectives took from Ms. Brackett in the days following this murder. This issue arose in relation to the State's motion for discovery in terms of follow-up foot impressions and measurements, argued June 2, 2023. This is a very recent request and the State may produce that footprint analysis discovery before this Motion is heard by the Court.

WHEREFORE, Ms. Brackett respectfully requests that the Court order the State to produce such discovery or sanction the State pursuant to Rule 16(e).

Dated in Bangor, Maine this 5th day of June, 2023.



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