

## Blog4HR

The United States Constitution requires a fair trial but not a perfect one. Scott Alan Heimermann, who the Wisconsin Department of Corrections (WDOC) presently incarcerates with placement at the maximum-security prison in Waupun, Wisconsin (a.k.a. "the Walls") received neither, for the Milwaukee prosecutors assigned to his case in 1991, Deputy District Attorney Robert Donohoo, Deputy District Attorney Jon Reddin and assistant District Attorney Karen Christenson (who is currently a Judge on the Milwaukee County Circuit Court), failed to disclose to Scott's <sup>Lawyers</sup> material exculpatory information that showed his factual innocence in the August 19, 1989 murders of Mohammad Binwalee and Dion Russell. The Constitution requires the government in a criminal prosecution to disclose exculpatory information to the defense.

The United States Supreme Court rule of Brady v Maryland is founded upon the most basic Constitutional guarantee to a person accused of a crime: the right to due process <sup>of Law</sup> and a fair trial. The government is not entitled to convict a person and send him or her to prison while it conceals from him or her material exculpatory evidence that shows the he or she is innocent. Scott's case illustrates both the importance of this principle and the successful righting of a terrible injustice.

The Milwaukee Police Department explains in a letter addressed to Scott dated September 6, 2012, that "there are approximately 250 pages of potentially responsive records" with respect to the "Itinerary of the 'as-yet-undisclosed-state-evidence'". The attached 10-pages of the Itinerary of the as-yet-undisclosed-state evidence then sheds light on how this is sufficient exculpatory material evidence that exonerates Scott in the 1989 homicides; actually, it sheds more sunshine and transparency on what *really* happened in the days immediately before and after the August 19, 1989 murders of Binwalee and Russell. Led by Detectives Barry Debraska Jr. and Thomas Gorecki of the Milwaukee Police Department vice-squad, Milwaukee police were tracking drugs and guns to Binwalee and his notorious Black Gangster Disciples street gang instead of making their arrests and confiscating the drugs and guns in an undercover operation, is what enabled the 1989 homicides. The Milwaukee police knew about the homicides in real time. They saw what Scott saw, but Milwaukee police did not intervene, even though Scott had actually forewarned the Milwaukee police about the murders through witnessing the violent tendencies of Edward Piscitello, who was a career Milwaukee police informant in the drugs-for-guns operations against Binwalee and his gang and who was also one of the men charged with the August 19, 1989 murders of Binwalee and Russell. Therefore, the Milwaukee police Department could not launch a criminal investigation against Scott in March 1991 without first disclosing the 'As-Yet-Undisclosed-State Evidence' to a jury, which disclosure of such material exculpatory evidence would have impeded any successful prosecution of Scott.

Additionally Scott has written a detailed 4-page letter dated October 18, 2012 to Milwaukee's FBI's office Special Agent Teresa Carlson asking that the FBI and U.S. Department of Justice also look into the Milwaukee Police being responsible for the August 19, 1989 murder of Binwalee and Russell in which he was scapegoated, as part of the Fed's current preliminary "pattern and practices" investigation into ongoing civil rights violations by Milwaukee police. Subsequently, on November 5, 2012, Scott mailed a 2-page proposed "Motion to Vacate Defendant's Conviction, Grant a New Trial, and Admit Defendant to Bail" along with a 4-page letter dated November 2, 2012 to Milwaukee County District Attorney John Chisholm asking that he take a new look at his 1991 murder convictions and immediate release from prison based upon

the noted above granted "250 pages" of "Itinerary of the 'as-yet-undisclosed-state-evidence'". That motion is currently pending at the time of this blog posting.

This is the information that Scott has to share with the Human Rights Day, in the successful righting of a terrible injustice.