

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

VS.

MICHAEL PENKAVA

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20 CM 1338

Katherine M. Keefe
Clerk of the Circuit Court
Electronically Filed
Transaction ID: 17111232473
20CM001338
11/19/2020
McHenry County, Illinois
22nd Judicial Circuit

DEFENDANT’S MOTION FOR MISDEMEANOR DISCOVERY

Now comes the defendant, Michael Penkava, by and through one of his attorneys, Philip A. Prossnitz, and pursuant to People vs. Schmidt, 56 Ill.2d 572, 309 N.E.2d 557 (1974) and People vs. Kladis, 2011 IL 110920 (2011) and seeks production of the following evidence material to the preparation of the defense:

1. Any police reports prepared in this case.
2. The names and addresses of any witnesses the prosecutor intends to call together with any statements obtained from those witnesses.
3. Any exculpatory evidence of which the prosecutor has knowledge pursuant to Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215.
4. Any video tapes in the possession of law enforcement pursuant to People vs. Kladis, 2011 IL 110920 (2011) which provides, in part:

“In sum, we conclude that the routine video recording of traffic stops has now become an integral part of those encounters, objectively documenting what takes place by capturing the conduct and the words of both parties. We therefore hold that this important and relevant evidence falls within the scope of materials held to be discoverable under Schmidt. We therefore clarify that under Schmidt, these video recordings are discoverable in misdemeanor DUI cases.”

Wherefore, the defendant, Michael Penkava, prays for the entry of an Order from this Court requiring the disclosure of the following evidence material to the preparation of the defense: any police reports prepared in this case, the names and addresses of any witnesses the State intends to call together with any statements obtained from those witnesses, any exculpatory evidence of which the prosecutor has knowledge, any video tapes in the possession of law enforcement and such other relief as this court deems just and appropriate.

Law Office of Philip A. Prossnitz

By: Philip A. Prossnitz
/Philip A. Prossnitz, ARDC 6185116
/Philip A. Prossnitz

CERTIFICATE OF SERVICE BY EMAIL

I Philip A. Prossnitz, an attorney, hereby verify that I served this Motion for Discovery by email to Ashur Youash at AYYouash@mchenrycountyil.gov on or before 12:00 PM on November 19, 2020.

Law Office of Philip A. Prossnitz

By: Philip A. Prossnitz
/Philip A. Prossnitz, ARDC 6185116
/Philip A. Prossnitz

Philip A. Prossnitz
Attorney-at-Law
454 W. Jackson St
Woodstock, IL 60098
Attorney ID number 6185116
815-206-2969 (phone)
815-337-3813 (fax)
paprossnitz@aol.com