

and must be suppressed. *State v. Samuel*, 2002 WI 34, 252 Wis. 2d 26, 643 N.W.2d 423, 99–2587.

Although there is no place in a criminal prosecution for gratuitous references to race, the state may properly refer to race when it is relevant to the defendant's motive. A racial remark is improper if it is intentionally injected into volatile proceedings when the prosecutor has targeted the defendant's ethnic origin for emphasis in an attempt to appeal to the jury's prejudices. *State v. Chu*, 2002 WI App 98, 253 Wis. 2d 666, 643 N.W.2d 878, 01–1934.

Cases addressing the pretrial destruction of evidence and a defendant's due process rights apply to posttrial destruction as well. A defendant's due process rights