



FILED - 8-18-22

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
V.)
)
ROBERT M. WOODALL)

Case No. 99-CF-68

FILED
AUG 18 2022

MOTION FOR LEAVE TO AMEND

Now comes Defendant, Robert M. Woodall, pro-se. and for this Motion for Leave To Amend States:
Clerk of the Circuit Court, Fourth Judicial Circuit
Shelby County, IL

- 1.) That Defendant has filed multiple pleadings in this cause including:
 - a) Motion to Vacate filed 9-20-18
 - b) Motion to Comply with previous Court Orders on Fingerprint Testing filed 1-18-19
 - c) Motion for Forensic Testing filed 3-15-19
 - d) Motion to Dismiss Conviction Due to Inordinate Delay filed 12-16-21
 - e) Notice of Disclosure and Memorandum in Support of Motion to Dismiss filed 4-26-22

- 2.) That the State has filed multiple pleadings that have direct consequences on the filings of the Defendant including:
 - a) Forensic Lab report filed 8-16-18
 - b) Inventory List filed 2-25-19
 - c) Response to Defendant's Motions for Fingerprint Testing with Forensic Lab Report attached filed 5-3-22.
 - d) Subpoena Duces Tecum filed 5-13-22; return mailed to defendant 7-11-22.

The pleadings filed by the State have direct consequences on the Defendant's filing, raising some additional issues, and making some issues moot or answered.

Therefore Defendant requests Leave of the Court to combine, simplify and Amend his previous filings in the following manner:

- A) Motion to Vacate--based on discovery violations, Fraud upon the Court (from lab report filed by State 8-16-18 facts disclosed therein disclosed 20 years after trial
 - Defendant Motion originally filed 9-20-18
 - denied by trial court 1-3-19
 - defendant appealed
 - Fifth Dist. Appellate Court dismissed appeal Nov. 2020, appeal not a final appealable order when Fingerprint testing still pending and State had not provided a "full and complete" inventory list pursuant to Trial Court Orders.

AMENDMENT REQUESTED

- * Defendant requests to add additional issues and argument that when States Attorney Gina Vanderheide filed inventory list on 2-25-19, she admitted further discovery violations by disclosing more fingerprints off victims vehicle (exhibits 74 & 75) and disclosed that there was a second set of unidentified fingerprints on 7-up can/ drinking glass--or State lied pre-trial that those prints matched the victim.

- * Defendant wishes to add additional issue and argument that Assistant States Attorney Jay Scott admitted further discovery violation when he filed Response on 5-3-22 by disclosing a new suspect (Dylan Lynch) was present at the crime scene 22 years after trial. Assistant States Attorney Scott also accuses States Attorney



Gina Vonderheide of committing Fraud upon the Court. Vonderheide filed the inventory list 2-15-19, and stated in open Court on 2-27-19 that the exhibits listed on the inventory were sent to the Forensic lab for testing. Scott states in his Response filed 5-3-22 that Vonderheide was "in error" that those exhibits do not exist at all. Thereby accusing Vonderheide of filing a bogus document and lying in open court.

OR another explanation would be that Vonderheide was being truthful and Scott is attempting to explain the exhibits being lost/destroyed. Either scenerio is a violation of the Defendant's right to Due process of Law.

- Defendant wishes to Amend the Motion to Vacate based off the answer to Subpoena filed by ASA Jay Scott on 5-13-22 in that:

The subpoena states nothing about the 2018 testing, nothing about 2019 inventory list or testing, and nothing about the 2022 testing. Therefore either this return on the subpoena was incomplete or the state lied about doing these tests.

The subpoena revealed that EC88 Exhibit numbers F1 thru F4 are missing--exhibit F3 is the notebook that CSI Collier testified to at trial had fingerprints on it that Woodall is seeking testing on.

The subpoena indicates that the spent projectile collected from the victim's skull was fingerprinted, no results appear anywhere in the lab reports.

Defendant wishes to litigate these discrepancies revealed by the State's subpoena.

- B) Motion to Comply with previous Court Orders regarding Fingerprint Testing.

- That on 5/3/22 ASA Scott took the position that the only fingerprints that exist in this case were collected off the victim's vehicle, none from apartment, and that testing has been completed.

Defendant disagrees with this conclusion based off pre trial reports, trial testimony and all other aspects of the record, however if the State is taking the position that no other fingerprints exist to test, then defendant requesting further testing is a moot point. Issue of Evidence being lost or destroyed by the State litigated in Motion to Vacate listed above.

Defendant withdraws Motion to Comply with Previous Court Orders on Fingerprint testing.

- C) Motion For Forensic Testing filed 3-15-18

- Defendant wishes to Amend this Motion by adding the Name Dylan Lynch to suspects to be tested by comparing their DNA Profile to evidence collected during the investigation of the Death of Heather Lynch. The State only disclosed Dylan Lynch was present at the Crime Scene on 5-3-22, 22 years after trial and 4 years after Defendant filed Motion for Forensic Testing.

- D) Motion to Dismiss Conviction due to inordinata Delay filed 12-16-21

- Defendant wishes to amend and add issue and argument regarding ASA Scott scenerio v. Gina Vonderheide scenerio of what fingerprints exist, filing of bogus conflicting reports, and making false statements in open Court as further unnecessary delay in these proceedings caused by the State depriving the Defendant of his constitutional right to Due Process.

- E) Notice of Disclosure and Memo in Support of Motion to Dismiss filed 4-26-22

- With ASA Scott taking the position in Response filed 5-3-22 that all fingerprint testing is complete, Defendant admits there is no reason for the Court to issue sanctions against the State for not Complying--Defendant withdraws this request to sanction the State.

For the foregoing reasons, Defendant asks Leave of the Court to Amend his previous filings, and file Amended Motion to Vacate/Dismiss his conviction. (Attached)

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Defendant has incorporated all previous filings into this combined Motion.

Wherefore, Defendant prays this Court accept this Amended Motion to replace all previous filings, Order the State to respond in a timely manner, and set this matter for a evidentiary hearing at the Court's earliest convience.

8-10-32
DATE

RESPECTFULLY SUBMITTED,

Robert M. Woodall

ROBERT M. WOODALL, pro-se.

K91132

ILLINOIS RIVER C.C.

PO BOX 997

CANTON, IL 61520

FILED 8-18-22



IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

v.)

CASE NO. 99-CF-68

ROBERT M. WOODALL)

AMENDED MOTION TO VACATE AND
MOTION FOR FORENSIC TESTING

NOW COMES the Defendant, Robert M. Woodall, pro-se, pursuant to 735 ILCS 5/2-1401; 735 ILCS 5/122-1; and 725 ILCS 5/116-3, and prays this Honorable Court for an Order Vacating his conviction/ sentence, and for Forensic testing. In support thereof Defendant states:

PROCEDURAL HISTORY

- On July 18, 2013 Defendant filed a Motion for Fingerprint, Ballistic and Forensic testing regarding actual innocence. The Motion was granted in regards to fingerprint testing, but Ballistic and DNA testing was denied.
- That on August 16, 2018 the State filed a laboratory report with results of fingerprint testing.
- On September 20, 2018 the Defendant filed a Motion to Vacate his conviction based off discovery violations that were disclosed in the August 16, 2018 lab report
- A hearing was conducted on January 3, 2019 in which all parties agreed the wrong exhibits were tested (8-16-18), the trial Court Ordered the State to provide defendant a "full and complete inventory list" of all exhibits and to submit the unmatched fingerprints for testing. Motion to Vacate was denied--Defendant timely appealed. Defendant was granted leave from the Court to file additional pleadings.
- On February 25, 2019 States Attorney Gina Vonderhiede filed an incomplete inventory list.
- On February 27, 2019 in open Court Vonderheide stated she had submitted the items on the inventory list for tasting.
- Defendant filed a Motion for the State to Comply with previous Court orders on Fingerprint testing, and a Motion for Forensic testing on March 15, 2019
- In November of 2020 the Fifth District Appellate Court dismissed the appeal on Motion to Vacate, as this was not a final appealable Order when the State had not provided a full and complete inventory, nor had the State completed fingerprint testing.
- On December 16, 2021 Defendant filed a Motion to Dismiss his conviction due to the unreasonable delay in the State not complying with Court orders regarding testing.
- Defendant filed a Notice of Disclosure and Memorandum in Support of the Motion to Dismiss on April 26, 2022.
- On May 3, 2022 Assistant States Attorney Jay Scott filed a Response taking the position that the only fingerprints that exist in this case are the ones lifted off the Victim's Vehicle, and testing was complete.
- On May 9, 2022 Jay Scott subpoena the lab records, return mailed to Defendant July 11, 2022.

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JURISDICTION

This Court has jurisdiction to decide this matter pursuant to Supreme Court Rules, 735 ILCS 5/2-1401 provides a 2 year time table for Defendant to file after the State provides "newly discovered evidence", and there is no time limitation pursuant to 725 ILCS 5/116-3.

RELEVANT FACTS

The post-trial Disclosure by the State has revealed numerous violations of the Defendant's constitutional rights guaranteed by both the State and Federal Constitution. Including discovery violations, Fraud upon the Court, and Due process of law.

Prior to trial the State generated a crime scene report(c457-467), a Fingerprint laboratory report(c315-316), and a list of elimination prints.(c361)

At trial Crime Scene Investigator Bob Collier (Rc 2730-43); Detective Snyder (Rc 3000-3020), and Detective McUlearin (Rc3100-3118) testified fingerprints were lifted from the victims apartment that were unmatched.

Defendant filed a Motion for fingerprint, ballistics and DNA testing to attempt to match this evidence and ultimately prove Defendant's actual innocence.

The State's Attorneys office conceded to test the unmatched fingerprints from the victims apartment, but objected to testing the exhibits off the vehicle. (Vonderheide in open court on 9-25-13; Marvin Hansen in Answer 3-14-14 and amended answer filed 8-5-16) Hansen also conceded to test apartment and opposed vehicle at hearing on 9-27-16.

Defendant's Court appointed Counsel Walter Lookofsky was granted a oral Motion to view all evidence (10-24-14)and reported to the Court, Defendant, and the State that all evidence was present and chain of custody was intact on 2-17-15. (page R 2503 or record on appeal filed 2017. The State conceded that all exhibits existed and chain of custody was intact.

issues presented for review

- I) If the State committed a discovery violation prior to trial based on the contradictory information revealed by post trial testing; and/or if the State committed Fraud upon the Court by filing bogus reports and making conflicting comments and false claims in open Court.
- II) If the State's actions changing their position, filing conflicting documents, and other inexcusable actions deprived the defendant of his constitutional right to due process of law as a result of the inordinate delay in these proceedings.
- III) If the Defendant is entitled to Forensic testing of evidence collected at the crime scene, compared to 3 new suspects that wer disclosed by the State almost 20 years after trial.

I) DISCOVERY VIOLATIONS AND FRAUD UPON THE COURT

The State failed in it's duty to disclose evidence to the defendant pursuant to Supreme Court Rule 412, and Brady V. Maryland 373 U.S. 83. Where post trial filings revealed 3 new suspects, a higher quantity of unmatched fingerprints, and contradicting facts that were not disclosed prior to trial.

In this case all police reports, lab reports, and discovery were included with the Record on Appeal. This Court can take Judicial notice of records in the same case. (Kendrick v. Patti 109 Ill. 188)

The crime scene report pre-trial and the subpoena return post trial both indicated that police lifted fingerprints from the items collected inside the Victim's

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opportunity. Total testimony of CSI Collier and Lead Detectives indicated those prints included unmatched prints from a doorknob and notebook. Those documents also indicated a total of two prints lifted off vehicles (1 from passenger door, one from the driver door)

The lab report pre-trial indicated one set of prints on the 7-up can/ drinking glass matched the victim. This lab report 8-12-99 also stated that the prints on exhibit 35 (1 print off passenger door of vehicle) was unsuitable for comparison. exhibit 36 was 1 print suitable for comparison but did not reveal an identification.

The lab report post-trial 8-16-18 indicated exhibit 35 was now 3 fingerprints, 2 unidentified, and one previously identified--did not disclose name. The 8-16-18 report also stated exhibit 36 was now 2 unidentified prints. This report also disclosed for the first time James d. Cannon was a suspect, 19 years after trial.

In filing this report the State has admitted to discovery violations pretrial as to:
The number of unmatched prints
That an identification was made to exhibit 35
That James d. Cannon was a suspect.
That the fingerprints on ex. 35 pre-trial were not suitable for comparison, 19 years later they were suitable for comparison.

Clearly the pre-trial and 8-16-18 reports are in direct conflict on these points. Either admitting to a discovery violation and/or the State brought Fraud upon the Court post-trial by filing false bogus reports. Violating Supreme Court Rule 137.

By not disclosing the name of the person matching ex. 35 and James d. Cannon pre-trial the State violated Defendant's right to due process of law by not allowing Defendant to investigate these two suspects. (See people v. Beaman 229 Ill.2d 56 Murder conviction overturned for State failing to disclose exculpatory evidence)

Then on 5-3-99 Assistant States Attorney Scott filed a Response with another lab report attached. This new Lab report disclosed Dylan Lynch as a suspect. That Dylan matched the fingerprints on ex. 35. This new report made no mention of James d. Cannon nor did it mention the identity of the previously matched individual to ex. 35. Once again the State has filed a report that contradicts everything previously filed. Admitting further discovery violations and Fraud upon the court.

When Defendant raised the discrepancies from the 2018 report the State told the Court the wrong items were tested. The trial Court amended it's Order and the State was to provide a full and complete inventory list and submit all unmatched prints for testing. (January 3, 2019 hearing).

On February 26, 2019 States Attorney Vonderheide filed an incomplete inventory list. In which she disclosed additional fingerprints on the vehicle ex. 74 and 75, and additional fingerprints on the 7-up can and drinking glass--exhibit 78. Admitting to another pre-trial Brady violation. An allegation in a written pleading is conclusively established and binding. (Laegeler v. Bartlett 10 Ill.2d 478)

In open Court on February 27, 2019 Vonderheide informed the Court about the inventory list and that she submitted the items on the list for testing. A clear admission in open Court is also binding. (See People v. Green 17 Ill. 2d 35)

ASA Scott's response 5-3-22, and subpoena 5-13-22 both accuse Vonderheide of not submitting any evidence for testing and 2019 and that Vonderheide was wrong and the inventory list and those exhibits do not even exist. Essentially, ASA Scott is admitting that Vonderheide committed Fraud upon the Court.

Arguing arguando. That Vonderheide was correct, then those exhibits have been lost or destroyed violating Defendant's rights to Due process of law and 725 ILCS 5/116-4.

Believing Vonderheide, the first item on the inventory list was exhibit 74--unmatched prints from the passenger door of Mustang. As mentioned above the lab report 8-16-18 stated ex 35 was 1 identified, 2 unidentified prints off passenger door of mustang. pre-trial reports indicated 1 fingerprint only on ex 35 was unsuitable for comparison. Therefore the inventory list, admitted to further pre-trial discovery violations for not reporting exhibit 74.

The second item on the inventory list was ex. 75--unmatched prints off driver's door of the Mustang. The 8-16-18 report stated ex. 35 was 2 unmatched prints off driver's

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door, and pre-trial reports indicated only one fingerprint ex. 105 on driver's door. Yet, another discovery violation not reporting ex. 75 pre-trial.

The final item on the inventory list (2-25-19) was exhibit 78 which was reported to be fingerprints off the the 7-up can and drinking glass. These prints were not addressed at all in the 8-16-18 report, and all pre-trial reports indicated only 1 set of prints on those items that matched the victim. Thereby the State either did not disclose a second set of prints pre-trial, or lied that those prints matched the victim.

As mentioned ASA Scott's response, lab report (5-3-22) and subpoena accuse Vonderheide of committing Fraud upon the Court filing the inventory list and commenting in open Court concerning resting on items that Scott claims do not exist.

Trial testimony indicated prints were lifted in the apartment from a doorknob and Notebook. That fact is not addressed in any post trial filings by the State. The Subpoena (5-13-22) does indicate that CSI Collier collected a notebook from the crime scene (ex F3) however after being collected from the crime scene ex. F1 thru F4 all mysteriously disappear from all records.

The State at trial conceded there were unmatched fingerprints lifted from inside the apartment (Rc 3620)

Clearly all pre-trial discovery, trial testimony, and post-trial filings contradict one another. The State is guilty of discovery violations, Fraud upon the Court, and not properly preserving material evidence that could be used to prove the Defendant's actual innocence.

For all the foregoing reasons the State has proven that it failed in it's duty pre-trial to disclose the quantity of unmatched fingerprints, what those prints were lifted off of, and the names of 3 possible suspects. Post trial State's Attorneys file conflicting reports and accuse each othe of committing Fraud upon the Court by filing bogus reports and making false claims in open Court.

The Discovery violation has clearly occurred pursuant to Brady v. Maryland 373 U.S. 83, Illinois Supreme Court Rule 412 governs the disclosure of materials within the State's possession. (People v. Koutsakis 255 Ill.App. 306) Rule 412 (f) states:

"The State should ensure that a flow of information is maintained between the various investigation personel and it's office sufficient to place within its control all material and information relevant to the accused and the offense charged" (People v. Carbadillido 2011 Ill.App.2d 090340--characterizing Rule 412 (f) as imposing an affirmative obligation on the State)

Rule 415 (g) further States:

"If at any time during the proceedings it is brought to the Court's attention that the State has failed to comply, the Court may institute sanctions against the State."

Rule 415 requires only that a party demonstrate an opposing party failed to Comply with discovery rules. (People v. Cunningham 2018 Ill.App. (1st) 153367) Additionally, rule 415 sanctions can be imposed for inadvertant discovery violations with NO showing of bad faith. (Koutsakis 255 Ill.App.3d at 312) An array of sanctions are available including DISMISSING DEFENDANT'S CONVICTION.

In this case, the State did not disclose 3 possible suspects pre-trial, all post trial filings and statements in Court regarding fingerprints contradict pre-trial reports, Trial testimony and one another. Thereby severely prejudicing the Defendant in the preparation of a trial defense. Had the State disclosed these suspects Woodall would have had the opportunity to investigate them as the true murderer, and/or ran forensic testing to prove Woodall's actual innocence.

This failure by the State to fulfill its duty in discovery also violates the Defendant's Right to Due Process of Law under the 14th Amendment of the United States Constitution.

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"A defendant has a constitutionally protected privilege to request and obtain from the prosecution any evidence that is material to the guilt of the Defendant" (California v. Trombetta 467 U.S. 479) The State is constitutionally required to turn over exculpatory evidence that would create reasonable doubt. When the State fails to do so, the good or bad faith in doing so is irrelevant to determining whether a Due Process violation occurred." (Illinois v. Fisher 540 U.S. 544)

FRAUD UPON THE COURT

By filing these multiple reports that contradict one another and making conflicting statements in open Court the State is admitting that some of the filings are false. Assistant State's Attorney Scott attempts to sugar coat this point in his Response filed 5-9-22, by stating it was an "error". When in fact it was blatant Fraud Upon the Court.

The Federal Courts have defined what constitutes Fraud Upon the Court in Desjannak v. Petrovsky 10 F.3d 338. (filing bogus reports or making false statements in open Court) A claim of Fraud may be attacked at any time. (Barnard v. Michael 63 NE2d 838) and this Court has discretion to set aside Defendants conviction based on this blatant Fraud. (Ill.Sup.Ct. Rule 137 and F.R.Civil.proc. 60)

In this case the State is guilty of both--filing bogus reports and making false statements in open Court. (see People v. Fuller 187 Ill.2d 1) When State's Attorney Gina Vonderheide filed an inventory list (2-25-19) and stated in open Court (2-27-19) that there existed unmatched fingerprints on 7-up can and drinking glass, and that she sent those items to be tested, then 3 years later ASA Scott filed a response (5-3-22) that states those prints do not exist--both theories can not be true. Then weeks later Scott filed a subpoena that the return also contradicts other statements made and reports filed. When every single time the State files a report or makes a comment in Court it is different than previous filings all can not be true, thereby by making these contradictory statements and filing these bogus reports the State is guilty of committing Fraud upon this Court.

If the reason for these discrepancies is that the State has failed in its duty to properly preserve the evidence in this case, that is also a violation of Due Process. (735 ILCS 5/116-4; U.S. ex rel Raymond v. Illinois 455 F.2d 62) Especially if the evidence could play a role to show the presence of another individual at the crime scene. (People v. Walker 628 N.E. 2d 971) It is a substantive requirement to preserve the integrity of material evidence (Thomas v. Bombardier 869 F.Supp. 351) Defendants right to Due Process would be violated even for an inadvertent destruction of the evidence. (People v. Newberry 652 N.E. 2d) Defendant is not required to show that destroyed evidence is material. (People v. Koustas 627 N.E.2d 388) or that evidence was destroyed in bad faith. (People v. Cole 2017 Ill.App.(4th) 150722; People v. Wall 2014 Ill.App.2d 130552)

The fact that the evidence has been destroyed is all that is necessary to overturn the Defendant's conviction for a Due Process violation. In this case the crime scene investigator, lead Detectives testified at trial there was unmatched fingerprints in the victim's apartment. Gina Vonderheide stated there was unmatched fingerprints from the victims apartment. Now ASA Scott says they do not exist. The only logical explanation is the evidence has been lost/ destroyed.

In Addition the return on the Subpeona filed 5-13-22 shows in the evidence logs that CSI Collier collected exhibits P1 thru P4. (P3 is the notebook with unidentified fingerprints Defendant is seeking testing on) The evidence logs show nowhere that Ex. P1-P4 were ever logged into a vault, the lab or anything. This evidence magically disappears from the evidence log chain of custody.

Defendant's conviction should be overturned based on the destruction of this

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explanatory evidence. (Arizona v. Youngblood 488 U.S. 51; People v. Hobley 182 Ill.2d 205)

II) INORDINATE DELAY

The State has violated the Defendant's constitutional right to Due Process by causing an inordinate delay in these proceedings. There are 2 distinct scenarios in this case concerning fingerprint evidence.

Scenario 1--There are unmatched fingerprints from inside the victims apartment and on the victims vehicle.

Scenario 2-- There is only unmatched fingerprints on the victims vehicle.

If scenario 1 is correct, Defendant filed for testing in July 2013, the State conceded to run the tests, the testing was ordered by Trial and Appellate Court and yet over 9 years later it still is not completed.

According to binding Federal precedent set forth in *Dozie v. Cadie* 430 F.2d 637; *Garner v. Vannatta* 2005 US Dist Lexis 6173, if a delay by the State in excess of 17 months occurs then a hearing should be conducted to determine if the delay is justifiable, and if the State process is ineffective, or the State has no good reason for the delay, the the delay itself amounts to a violation of defendant's constitutional right to Due process. (*Lowe v. Duckworth* 663 F.2d 42)

The instant case has well exceeded the 17 month timetable and the State has offered absolutely no explanation why.

The Illinois Appellate Courts have overturned convictions due to an inordinate delay of 15 months, where the State has no justifiable reason for the delay. (*People v. White* 693 N.E.2d 426; *People v. Powell* 412 N.E.2d 47; *People v. Jones* 4 Ill. App.3d 907; *People v. Crawford* 406 N.E.2d 861)

In the instant case Vonderheide/Hanson never offered a reason for the delay in Comply with Court Orders to run fingerprint testing.(scenario 1) Then when ASA Scott was assigned the case, he waited almost a year to reveal he had no file, claimed he could not get reports that were part of the appellate records, then claims the exhibits to test do not exist.(scenario 2)

In *People v. Crawford* 406 N.E.2d 861 the Appellate Court explicitly states that the fact a States Attorney is new to office and has no knowledge of his predecessor is of no avail--and not a justifiable excuse for a delay.

Due Process of law is applied equally to all criminal proceedings, so even though the instant case deals with fingerprint testing the precedents cited herein would still be applicable.

A review of the record shows a delay by Vonderheide/Hanson from 2013-2020, and a delay by ASA Scott from 2020 until now.

Overturning a Murder conviction may seem like an extreme sanction, However if the Court examines the record it is clear that dismissal is appropriate and the only sanction possible. Where there are so many conflicting reports and theories it is now impossible to discover the truth and for justice to be served.

The Illinois Supreme Court in *re Weinberg* 166 Ill.Dec. 216 stated that a more severe discipline of sanctions are appropriate, in criminal cases.

III) MOTION FOR FORENSIC TESTING

Post trial filings by the State have revealed 3 previously undisclosed suspects James D. Hanson and a person matching fingerprints on exhibit 35 (8-16-18 lab report) and Dylan Lynch (5-3-22 Response). None of these suspects are mentioned anywhere in the record prior to these filings 20 years after trial.

Defendant is seeking Forensic testing pursuant to 725 ILCS 5/116-3 for an Order for performance of Forensic Testing of specific evidence secured during the investigation of the death of Heather Rose Lynch, resulting in the wrongful conviction and sentence of 35 years imprisonment upon Robert M. Woodall, in support thereof

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Defendant states:

- 1) That on July 16, 2013 Defendant filed a Motion for Fingerprint, Integrated Ballistic Identification System and Forensic Testing not available at Trial regarding Actual Innocence. This Motion was Denied in part--Ballistic and Forensic testing, and granted in part--fingerprint testing, on August 15, 2017.
- 2) That on August 16, 2018 the State filed a laboratory report pursuant to the Trial Courts Order, which introduced 2 unknown facts. First, that James D. Cannon was a suspect the State tried to match fingerprints to, and Second the State disclosed that a fingerprint match had previously been made to exhibit 35, no persons name was disclosed in the report.
- 3) That on 5-3-22 the State filed a Response with another lab report attached that disclosed Dylan Lynch matched fingerprints from the crime scene.
- 4) That none of these 3 suspects were disclosed by the State pre-trial or at any point prior to the filings listed above.
- 5) That the appeal on the denial of Forensic and Ballistic testing for database search on all items of evidence was denied in the Fifth District Appettata Court. Case no. 5-17-0336
- 6) That timeliness of this instant pleading is not at issue as there is no time limitation for filing a Motion pursuant to section 116. (People v. Schutz 344 Ill.App.3d 87; People v. Manderson 343 Ill.App.3d 1108)
- 7) That the Statute contains no language to prevent Defendant from filing a second Motion pursuant to section 116. (People v. Pursley 983 N.E.2d 98; People v. Kines 2015 11.App.2d 140518)
- 8) That pursuant to 725 ILCS 5/116-3, Defendant is clearly entitled to file this pleading with this Court that entered Judgment of conviction and sentence of 55 years in the case sub judice, for an order for performance of Forensic testing of specific items of evidence to be compared to the DNA profiles of the 3 newly disclosed suspects. This testing was not available at the time of Defendant's trial, when the State just disclosed the 3 suspects involvement 20 years after trial. (see People v. Shelton 813 N.E.2d 755) evidence that was secured in relation to the trial, was not tested, now subject to testing.
- 9) That Defendant must meet 2 criteria of section 116-3 by presenting a prima facie case that identity was at issue at his trial, and that the evidence to be tested has been subjected to a chain of custody to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect. Both of these criteria were conceded to by the State on Defendant's first Motion. In addition Defendant states that the evidence has been in the State's possession the entire time.
- 10) With both criteria met, the only question for this Court is deciding whether the evidence at issue for Forensic testing is "materially relevant" to Defendant's assertion of Actual Innocence. This Court must consider the evidence introduced at trial and assess the evidence Defendant is seeking testing on.
- 11) That if the State or any of it's agents have failed to follow the law and fulfill their duty to preserve the requested evidence, Defendant asserts that their conduct was done in bad faith. Thereby violating Defendant's right to Due Process.
- 12) That the results of the requested testing has the scientific potential to produce new non-cumulative evidence materially relevant to Defendant's assertion of actual innocence, even though the results may not completely exonerate Defendant.
- 13) That the Court should Order the requested testing as set forth infra, under

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reasonable conditions which protect the State's interest in the integrity of the evidence, and the testing process, in the interest of justice, and under the purpose of the legislature in enacting this statute, which, in fact, is to provide an avenue for convicted Defendant's who maintain their innocence to test available genetic material capable of providing new and dramatic evidence materially relevant to the question of actual innocence. (People v. Grant 48 N.E.3d 802) Even if evidence at trial was strong or compelling, a claim of actual innocence can still be advanced by a positive test. (People v. Roza 970 N.E.2d 544)

14) The State presented no physical evidence against Defendant at trial. Defendant was convicted based off of an untrue coerced confession, and the perjured testimony of jailhouse informants, and the testimony of State witnesses that the State Police admitted to paying cash sums to.

There are many precedents to allow for Forensic testing even when a defendant has confessed. (People v. Bailey 897 N.E.2d 378; People v. Smith 2-14 Ill.App. (1st) 113265) and the strength of the States evidence is not a hurdle the Defendant must overcome in order to be granted Forensic testing (People v. Urioste 736 N.E.3d 706)

15) That the Defendant requests an Order to collect DNA samples from these 3 newly disclosed suspects and compare those profiles to the following pieces of evidence that were secured during the investigation of the death of Heather Rene Lynch:

- a) 7-up can in the kitchen trash
- b) 4 drinking glasses from kitchen
- c) bud light can from master bedroom trash
- d) blue/green Mamez boxer shorts from master bedroom
- e) hi-c drink box on nightstand next to bed
- f) quilted pillow with sooting around defect
- g) charcoal colored comforter covering victim
- h) Red fitted sheet under victim
- i) sexual assault kit
- j) green e.n.u.f. shirt worn by victim

16) That said evidence as set forth in para 15 be submitted for testing including

- DQ-Alpha test
- short tandem repeats
- polymorphism chain reaction
- restriction fragment length polymorphism
- agcatcctcctcctc
- mitochondrial analysis
- "touch" transfer DNA

The seven stated tests were not available at the time of Defendant's trial or were not used to test said evidence. DNA comparison was impossible at trial when the State did not disclose these 3 suspects until 20 years later.

Wherefore, Defendant prays this Court to enter an Order for the State to secure a DNA Sample from James D. Cannon, Dylan Lynch, and the person who matched fingerprint on exhibit 35, and compare those profiles to the evidence listed herein.

CONCLUSION

For the foregoing reasons Defendant, Robert M. Woodall prays this Court to:

- 1) Vacate his Conviction/ Sentence
- 2) Order Forensic Testing
- 3) Any other action this Court deems Just.

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[Handwritten mark]

RESPECTFULLY SUBMITTED.

Robert M. Woodall

ROBERT M. WOODALL, K91132
Illinois River Correctional Center
1300 West Locust St.
PO Box 999
Canton, IL 61820

CERTIFICATION OF VERIFICATION

I, Robert M. Woodall, analyze and certify under the penalty of perjury as prescribed by law pursuant to 735 ILCS 5/1-109. I am the defendant in the above entitled cause. I have read the foregoing Motion for Forensic Testing, and the information contained therein is true and correct in substance and in fact to the best of my knowledge, except as to matters stated upon information and belief and as to such matters further certify that I believe the same to be true.

Robert M. Woodall

ROBERT M. WOODALL

COPY

AFFIDAVIT

I, Robert M. Woodall, being duly sworn do repose and state that the attached Motion For Leave to Amend is true and correct in substance and fact to the best of my knowledge.

by Robert M. Woodall

Petitioner

1591132

Bl. River Correctional Center

P.O. Box 999

Carbon, Illinois 61520

Subscribed and sworn to before me this

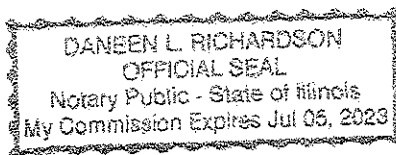
12 day of August, 2022

[Signature]

Notary Public

July 5, 2023

Expiration of Commission



NOTICE OF FILING

TO: <u>Keri Ann Kingston (Clerk)</u>	TO: <u>State's Attorney Office</u>	TO: <u>Judge Poulos</u>
<u>301 E Main St</u>	<u>301 E Main St</u>	<u>cto circuit clerk's office</u>
<u>Shelbyville, IL 62565</u>	<u>Shelbyville, IL 62565</u>	<u>301 E Main St.</u>
<u>(original)</u>	<u>in (copy)</u>	<u>(copy)</u>

Please take notice on August 12, 2022, I filed with Shelby County Circuit Court the attached Motion for Leave to Amend copy(ies) of which are served on you.

by Robert M. Woodall

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)

COUNTY OF)

F I L E D
AUG 18 2022

I, Robert M. Woodall, being sworn state that I delivered the attached Motion for Leave to Amend notice on the above named person(s) by placing a true and correct copy in an envelope(s) addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in the U.S. Mail at Bl. River P.O., Carbon, Illinois, 61520, on or about the hour of 9:30 AM on Aug. 12, 2022.

by Robert M. Woodall

COPY

To: Kari-Ann Kingston
Circuit Clerk

8-12-22

From: Robert Woodall, K91132
Illinois River Correctional Center
PO Box 999
Canton, IL 61520

Re: Motion Filing
case # 99-CF-68

FILED
AUG 18 2022

Dear Ms. Kingston,

Kari-Ann Kingston
Clerk of the Circuit Court, Fourth Judicial Circuit
Shelby County, IL

Could you please:

1) File the enclose Motion for Leave to Amend, with Amended Motion to Vacate and Motion For Forensic Testing attached thereto in my criminal case # 99-CF-68.

2) Forward a copy of filing to Judge Powell - I included an extra copy for him.

3) Send me a copy of my docket sheet for the past year, with the new filing included.

Thank you for your continued assistance.

Robbie Woodall

COPY

1999CF68

FILED 5.3.22

FILED
Shelby Co. Circuit Court
4th Judicial Circuit
Date: 5/3/2022 11:51 AM
Kari Ann Kingston
By: RB

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS
SHELBY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

Plaintiff,

vs.

ROBERT WOODALL,

Defendant.

NO. 99-CF-68

RESPONSE TO DEFENDANT'S MOTIONS FOR FINGERPRINT TESTING

NOW COME the People of the State of Illinois, by Jay Scott, Assistant State's Attorney of Shelby County, Illinois, and for this Response to Defendant's Motions for Fingerprint Testing state as follows:

1. That on February 25, 2019 an inventory of unidentified latent prints was filed in this cause by the Shelby County State's Attorney's Office which listed three items.
2. That the above-mentioned inventory included a latent print discovered on a 7-UP can/drinking glass as being unidentified. A review of the Crime Scene and Crime Lab Reports reveals that a 7-UP can and four drinking glasses were seized from the victim's apartment and were submitted to the lab for latent print analysis. That analysis discovered latent prints suitable for comparison on the 7-UP can and on one of the drinking glasses. Those latent prints were identified as having been made by the victim, Heather Lynch. The inventory previously filed is in error.
3. That at the time of filing the Motions for Fingerprint testing in this cause there were four unidentified latent prints from this investigation - two latent prints lifted from the exterior passenger door of a vehicle and two latent prints lifted from the exterior drivers door of a vehicle, which are Crime Lab Exhibits # 35 and 36. This vehicle, a 1995 Ford Mustang, was located at the victim's residence, and contained, among other things, the wallet of Matthew Lynch, the victim's husband.
4. That defendant claims additional unidentified latent prints exist and provided copies of the trial transcript and crime scene investigation reports as support. A review of the transcripts

COPY

and agents reveals, however, no support for defendant's claim. Crime Scene Investigator Collier did not testify that latent prints were lifted from a doorknob or a notebook as defendant suggests. His report does not reference any latent prints being lifted at the scene. The correct unidentified prints (Lab Exhibits #35 and 36) were submitted to the lab for reexamination in 2018. The defendant is mistaken in his belief that additional unidentified latent prints exist. Lab Exhibits #35 and 36 were the only unidentified prints in existence at the time the original motion was filed in this cause.

5. That this office recently contacted Forensic Scientist John Carnes, who performed the reexamination of Lab Exhibits #35 and 36 in 2018. He resubmitted the unidentified latent prints from these exhibits to ABIS/NGI which resulted in an association of two of the prints from Lab Exhibit # 35 (the exterior passenger door) to Dylan J. Lynch. John Carnes subsequently confirmed the identity of the maker of the prints as being Dylan J. Lynch. The other two unidentified latent prints from Lab Exhibit # 36 (the exterior drivers door) did not result in an association when searched in ABIS/NGI. A comparison by John Carnes of the latent prints from Lab Exhibit #36 to the known prints of Dylan J. Lynch did not result in an identification. These unidentified prints from Lab Exhibit #36 have been registered in the ABIS and NGI unsolved latent print databases. That a copy of John Carnes' report is attached as Exhibit # 1.

6. That this office has been advised that Dylan J. Lynch is the younger brother of Matthew Lynch. Dylan J. Lynch was fourteen years old at the time of the murder of Heather Lynch.

May 7, 2022
DATE

THE PEOPLE OF THE STATE OF ILLINOIS,

BY: Jay Scott
Jay Scott, Assistant State's Attorney

Jay Scott
Assistant State's Attorney
Shelby County, Illinois
301 E. Main Street
Shelbyville, IL 62968
jbscote@shelbycounty-il.com



CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing instrument was served upon the parties of record in the above-captioned cause by mailing the same in an envelope addressed to said parties of record and deposited in a letter box at the United States Post Office on the 3rd day of May, 2022.

Kelly R. Tallman

To: Robert M. Woodall—K91132
Illinois River Correctional Center
P. O. Box 999
Canton, IL 61820

Nathan A. Frisch
Attorney at Law
221 W. Main Cross, P. O. Box 320
Taylorville, IL 62568

By Sent
Shelby County Assistant State's Attorney
Shelby County Courthouse
301 East Main Street, Suite 11
Shelbyville, Illinois 62568
Telephone: (317)774-4311

FILED 12-30-22

1999CF68



FILED
Shelby Co. Circuit court
4th Judicial Circuit
Date: 12/30/2022 3:26 PM
Kari Ann Kingston
By: SEA

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS
SHELBY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

Plaintiff,

-vs-

ROBERT WOODALL,

Defendant.

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NO. 99-CF-68

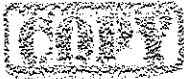
RESPONSE TO DEFENDANT'S AMENDED MOTION TO VACATE AND
MOTION FOR FORENSIC TESTING

The defendant is mistaken and confused, and misstates numerous items in the record. He alleges a discovery violation based upon the August 16, 2018 lab report, that an incomplete inventory list was filed on February 27, 2019, that three police officers testified that latent prints were obtained from within the victim's apartment that remain unidentified, and that three new suspects were not disclosed prior to trial. These accusations are in error.

All latent print reports from this case are attached hereto as Exhibit 1. Hopefully these will aid defendant in his understanding of the facts.

First of all, as stated previously in the Response to Defendant's Motions for Fingerprint Testing, at no point did any of the three police officers testify that there were latent prints lifted from the victim's apartment that had not been identified. Whether defendant is confused, or through wishful thinking is attempting to twist the officers' responses to support his claims, they did not testify as defendant asserts.

Second, the latent prints that were identified were discovered during additional testing in the post conviction stage. Clearly these do not constitute discovery violations.



Third, contrary to defendant's assertion, an incomplete inventory list was not filed by the People on February 27, 2019. This list added an item from which no unidentified latent prints were found. The May 13, 1999 included in Exhibit 1 is a complete list of all items submitted to the Illinois State Police Crime Lab for latent print examination in this case. As stated previously, latent prints suitable for comparison were identified on an empty 7-Up can, a drinking glass, a box fan, the exterior drivers door of the 1995 Ford Mustang, and the exterior passenger door of the Mustang. As the report states, all of the suitable latent prints were identified as having been made by the victim except for those on the Mustang. One latent print from Exhibit 35, lifted from the exterior passenger door, was determined to be suitable for AFIS processing. The February 22, 2000 report revealed that, through an AFIS search and subsequent comparison, the AFIS suitable print from Exhibit 35 was made by James Cannon. The August 16, 2018 report reveals that two unidentified latent prints from Exhibit 35 and two from Exhibit 36, from the exterior passenger door, were not made by James Cannon. This report, made by a different examiner than the previous reports, reveals that a determination was made that the remaining unidentified latent prints were suitable for AFIS/NGI processing, and that a search at that time did not reveal any identifications. These prints were registered in the AFIS database. Finally, the May 2, 2022 report states that an ABIS/NGI search identified Dylan Lynch as the maker of one print in Exhibit 35. The examiner then examined both previously unidentified latent prints from Exhibit 35 and determined they were both made by Dylan Lynch. ABIS/NGI did not reveal any identifications, and the examiner determined the latents were not made by Dylan Lynch. The February 27, 2019 inventory listed three items - the prints from the 1995 Mustang passenger door, the 1995 Mustang driver's door, and the 7-Up can and drinking glass, which are Crime Lab exhibit numbers 1, 3, 35 and 36. It is not known why the 7-Up can and drinking glass

COPY

were included in this inventory, as the latent prints discovered on these items were identified as having been made by the victim. Far from being incomplete, the inventory erroneously added two items, the 7-Up can and drinking glass, on which there were no unidentified latent prints.

Fourth, defendant claims that these reports disclose three new suspects that were not disclosed prior to trial. It can hardly be claimed that latents on the exterior of a motor vehicle outside the crime scene, one of which was made by the fourteen-year-old brother of the victim's husband, qualify as disclosing suspects to the crime of murder. Moreover, the identification of latent prints years after the trial cannot be construed as pretrial discovery violations. This allegation is asinine. In addition, the previously identified latent print on Exhibit 35 refers to the latent print identified in the February 22, 2000 report.

The defendant's motion is without merit and should be denied.

December 30, 2022
DATE

THE PEOPLE OF THE STATE OF ILLINOIS,

BY: 
Jay Scott, Assistant State's Attorney

Jay Scott
Assistant State's Attorney
Shelby County, Illinois
301 E. Main Street
Shelbyville, IL 62565
jscoss@shelbycounty-il.gov
217-774-5511

COPY

ILLINOIS STATE POLICE
Division of Forensic Services
Springfield Forensic Science Laboratory
2040 HILL MEADOWS DRIVE
SPRINGFIELD, Illinois 62702-4696
(217) 782-4975 (Voice) * 1-(800) 255-3323 (TDD)

George H. Ryan
Governor

May 13, 1999

Sam W. Nolen
Director

SPECIAL AGENT TONY SNYDER
ISP INV DISTRICT 10
2125 SOUTH FIRST
CHAMPAIGN, IL 61820

Laboratory Case #S99-003018
BCSS Case #F99-0407-9-1
Agency Case # 99-155/99-L-3114

OFFENSE Murder
VICTIM Heather Rene Lynch

The following evidence was received from Crime Scene Investigator Bob Collier by the Springfield Forensic Science Laboratory on May 7, 1999:

<u>EXHIBIT</u>	<u>ITEM SUBMITTED</u>
1	Empty 7-UP can
1A	Latent print lift from Exhibit 1
2	Drinking glass
3	Drinking glass
3A	Latent print lift from Exhibit 3
4	Drinking glass
5	Drinking glass
6	Empty Bud Light can
10	Box fan
10A	Latent print lifts from Exhibit 10
11	Empty Hi-C drink box
20	Casing
28	Inked fingerprints and palmprints of Heather Rene Lynch
30	Inked fingerprints of Matthew T. Lynch
35	Inked fingerprints of Robert T. Woodall
36	Latent print lift
36	Latent print lift

EXAMINATION AND RESULTS:

Examination of Exhibits 1 through 6, 10, 11, 20, 35 and 36 revealed latent prints suitable for comparison on Exhibits 1, 3, 10, 35 and 36. Comparison revealed that all of the suitable latent prints from Exhibits 1, 3 and 10 were made by the person whose inked prints appear on the cards marked Heather Rene Lynch. Comparison of the remaining suitable latent prints from Exhibits 35 and 36 to the submitted inked prints did not reveal an identification.

EXHIBIT 1

COPY

ILLINOIS STATE POLICE
Division of Forensic Services
Springfield Forensic Science Laboratory
2040 HILL MEADOWS DRIVE
SPRINGFIELD, Illinois 62702-4696
(217) 782-4975 (Voice) * 1-(800) 255-3323 (TDD)

George H. Ryan
Governor

July 14, 1999

Sam W. Nolen
Director

SPECIAL AGENT TONY SNYDER
ISP INV DISTRICT 10
2125 SOUTH FIRST
CHAMPAIGN, IL 61820

Laboratory Case #S99-003018
BCSS Case #F99-0407-9-1
Agency Case # 99-L-3114
SUPPLEMENTAL REPORT

OFFENSE Murder
SUSPECTS Robert Woodall/Allan R. Lutz/Matthew T. Lynch
VICTIM Heather Rene Lynch

The following evidence was received from Michael Atkinson by the Springfield Forensic Science Laboratory on July 12, 1999:

<u>EXHIBIT</u>	<u>ITEM SUBMITTED</u>
40	Inked fingerprints and palmprints of Raunda R. Rader
41	Inked fingerprints and palmprints of Scott A. Rader
42	Inked fingerprints and palmprints of Mike T. Ballance
43	Inked fingerprints and palmprints of Jeanne L. Ballance
44	Inked fingerprints and palmprints of Patricia L. Sorrell
45	Inked fingerprints and palmprints of Patricia M. Ballance
46	Inked fingerprints and palmprints of Lester Raymond Roberts
47	Inked fingerprints and palmprints of Aurbery Silotto
48	Inked fingerprints and palmprints of Phillip Dale Cole
49	Inked fingerprints and palmprints of Timm Rodman
50	Inked fingerprints and palmprints of William England
51	Inked fingerprints and palmprints of Todd Shadwell

EXAMINATION AND RESULTS:

Comparison of the previously reported suitable latent prints from Exhibits 35 and 36 to the submitted inked prints did not reveal an identification.

REMARKS:

The evidence will be returned at the laboratory. Exhibits 35 and 36 should be resubmitted in the event additional inked prints, including those for elimination purposes, are submitted.

Respectfully submitted,

Bradley M. LeBar
Forensic Scientist

cc: Crime Scene Investigator Bob Collier - 401 Industrial Ave, Suite A103, Effingham IL 62401
SHERIFF RANDY SIMS-SHELBY COUNTY SHERIFF'S OFFICE
BOB BROVERMAN-SHELBY COUNTY STATE'S ATTORNEY

COPY

ILLINOIS STATE POLICE
Division of Forensic Services
Springfield Forensic Science Laboratory
2040 Hill Meadows Drive
Springfield, Illinois 62702-4696
(217) 782-4975 (Voice) * 1-(800) 255-3323 (TDD)

George H. Ryan
Governor

February 22, 2000

Sam W. Nolen
Director

SPECIAL AGENT TONY SNYDER
ISP INV DISTRICT 10
2125 SOUTH FIRST
CHAMPAIGN, IL 61820

Laboratory Case #S99-003018
BCSS Case #F99-0407-9-1
Agency Case # 99-L-3114
SUPPLEMENTAL REPORT

OFFENSE Murder
SUSPECTS Robert Woodall/Allan R. Lutz/Matthew T. Lynch
VICTIM Heather Rene Lynch

EXAMINATION AND RESULTS:

An AFIS search and subsequent comparison revealed that the previously reported AFIS suitable print from Exhibit 35 was made by the person whose fingerprints appear on a copy of the fingerprint card marked:

Name:	James D. Cannon
SID Number:	IL44200610
Sex/Race:	Male/White
DOB:	03/25/1980

REMARKS:

If the subject is taken into custody, please submit a current set of the subject's inked fingerprints to the laboratory for comparison.

Respectfully submitted,

Bradley M. LeBar
Forensic Scientist

cc: CRIME SCENE INVESTIGATOR BOB COLLIER
SHERIFF RANDY SIMS-SHELBY COUNTY SHERIFF'S OFFICE
BOB BROVERMAN-SHELBY COUNTY STATE'S ATTORNEY

COPY

ILLINOIS STATE POLICE
Division of Forensic Services
Springfield Forensic Science Laboratory
825 North Rutledge, 4th Floor
Springfield, Illinois 62702-4958
(217) 782-4973 (Voice) * 1-(800) 255-3323 (TDD)

Bruce Ranner
Governor

Leo P. Schmitz
Director

August 16, 2018

LABORATORY REPORT

LIEUTENANT THOMAS HOUSER
ISP DCQ ZONE 5, CHAMPAIGN
2125 SOUTH FIRST
CHAMPAIGN, IL 61830

Laboratory Case #S99-003018
CSSC Case #F99-0407-9-1
Agency Case # 99-L-3114
SUPPLEMENTAL REPORT

OFFENSE Murder
SUSPECTS Robert Woodall/Allen R. Lutz/Mathew T. Lynch
VICTIM Heather Rene Lynch

The following evidence was submitted to the Springfield Forensic Science Laboratory by Steven Trapp on July 5, 2018:

<u>EXHIBIT</u>	<u>ITEM SUBMITTED</u>
35	Latent print lift marked "Exterior Passenger Door"
36	Latent print lift marked "Exterior Drivers Door"

EXAMINATION AND RESULTS:

A copy of a fingerprint card marked James D. Cannon was available from the Bureau of Identification. Examination revealed two previously reported unidentified latent prints suitable for comparison on Exhibit 35 and two previously reported unidentified latent prints suitable for comparison on Exhibit 36. Comparison of the unidentified suitable latent prints to the fingerprint card marked James D. Cannon did not reveal an identification.

An AFIS evaluation revealed the four unidentified latent prints are suitable for AFIS/NGI processing. AFIS and NGI searches did not reveal any identifications.

Digital images of the latent prints from Exhibits 35 and 36, including the previously reported identified latent print from Exhibit 35 are retained on file.

REMARKS:

The unidentified AFIS latent prints were registered in the AFIS unresolved latent print database. Please advise this laboratory when the case is closed so that the latent prints can be deleted from AFIS.

The evidence will be returned at the laboratory.

August 16, 2018

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI-ASQ National Accreditation Board (ANAB). Refer to certificate #AT-1703 and associated Scope of Accreditation.

Respectfully submitted,

John E. Carnes
Forensic Scientist

cc: SHELBY CO SA
SHELBY CO SO

COPY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing instrument was served upon the parties of record in the above-captioned cause by mailing the same in an envelope addressed to said parties of record and deposited in a letter box at the United States Post Office on the 30th day of December, 2022.

Kelly R. Tallman

To: Robert M. Woodall--891132
Illinois River Commercial Center
P. O. Box 999
Canton, IL 61820

Nathan A. Fritch
Attorney at Law
231 W. Main Cross, P. O. Box 320
Taylorville, IL 62368

By: Scott
Shelby County Assistant State's Attorney
Shelby County Courthouse
301 East Main Street, Suite 11
Shelbyville, Illinois 62365
Telephone: (217)774-5311