

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

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 1999-CF-68
)
ROBERT M. WOODALL,)
)
Defendant.)

SECOND AMENDED SUCCESSIVE PETITION
FOR POST-CONVICTION RELIEF

EXCERPT OF REPORT OF PROCEEDINGS of the hearing
before CIRCUIT JUDGE JOEL J.C. POWLESS, on the 26th day
of September, 2023.

APPEARANCES:

MR. ROBERT T. HANLON,
State's Attorney of Shelby County, by
MS. ELIZABETH J. DOBSON,
Special Assistant State's Attorney,
for the People of the State of Illinois;

MR. MIKE FRAZIER,
Attorney at Law/Standby Counsel,
with the Defendant;

Defendant also present pro se in custody of the
Illinois Department of Corrections.

Jaclyn K. Getz, CSR
CSR #084004781
Official Court Reporter
301 East Main Street
Shelbyville, Illinois 62565

1 (The following is an excerpt of the
2 report of proceedings.)

3 THE DEFENDANT: Thank you, Judge. In my written
4 amended motion to vacate, which I filed on December
5 the 1st of 2022, I asked the Court to overturn my
6 conviction based off of discovery violations, fraud
7 upon this Court, and the inordinate delay which has
8 been caused by the State's actions. The United States
9 Supreme Court has established the law regarding any
10 discovery violations in *Brady versus Maryland*, 373 U.S.
11 83. The Illinois Supreme Court has reached similar
12 conclusions in *People versus Beaman*, 229 Ill.2d 56;
13 *People versus Harris*, 206 Ill.2d 293; and with the
14 Illinois Supreme Court rules.

15 That law is that in order to prove that a
16 violation occurred, I do not have to show bad faith on
17 the part of the State. All I must prove is that that
18 evidence existed and it was suppressed by the State.
19 That evidence may be exculpatory or impeaching, and I
20 would be prejudiced by any nondisclosure where that
21 evidence is material to the question of guilt or
22 innocence.

23 I would like to call the Court's attention to
24 the response which was filed by Assistant State's

1 Attorney, Jay Scott, on December the 30th of 2022.
2 Attached to that pleading is a forensic lab report. It
3 was the sixth page of the attached exhibit, which I
4 have made a copy of that page for Your Honor and for
5 the State just as a convenience as it is already in the
6 record.

7 MR. FRAZIER: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 THE DEFENDANT: I have marked that as Defendant
10 Exhibit Number 1, Your Honor.

11 This forensic fingerprint report names an
12 alternative suspect to this crime, Mr. James D. Cannon,
13 and states that his fingerprints were at the crime
14 scene. That report was dated February 22nd of 2000.
15 My jury trial commenced approximately three months
16 later on May the 1st of 2000.

17 I would next ask Your Honor to take notice of
18 the appellate record in this case, which was filed in
19 August of 2000 for my direct appeal. This record on
20 appeal began with an index, which I have made copies of
21 that for Your Honor and for the State also.

22 This index actually shows every single piece
23 of paper that was filed in this case prior to trial.
24 It is in chronological order with no page number

1 skipped or missing. If you would turn to page A-16,
2 about halfway down that page is when the record gets to
3 the filing of February of 2000. You will notice that
4 the forensic lab report, which was disclosed by
5 Assistant State's Attorney, Jay Scott, 23 years after
6 my trial, is contained nowhere in this index. There
7 are no disclosures at all listed in the index from
8 February 22nd of 2000, when that lab report was
9 generated, until April 17th of 2000, which is when the
10 State's eighth supplemental discovery was filed. That
11 is page C 1334 through 1337 of the record.

12 Then on April the 24th of 2000, the ninth
13 supplement, which is page C 1360; and the tenth
14 supplement, which is page C 1349 through 1356 were
15 filed.

16 Then on April the 27th, the eleventh
17 supplement, which is page 1368 through 1369 was filed.
18 And there was an additional disclosure, which is page C
19 1370 through 1371.

20 And the twelfth supplement, which is page C
21 1372 were filed on Friday, April 28th of 2000; and my
22 trial began the following Monday, on May the 1st of
23 2000. Which I have made copies of each those
24 disclosures for Your Honor and the State for your

1 convenience.

2 Not only does that index list the contents of
3 those disclosures, but there is also a cover page
4 listing the contents therein, which was signed by the
5 then prosecutor, Mr. Allan Lolie. If Your Honor
6 advances this motion to the third stage evidentiary
7 hearing, I could subpoena Lolie to authenticate all of
8 these records and also to question him about the
9 nondisclosure of Defendant Exhibit Number 1 I tendered
10 here today.

11 A careful examination of the pretrial
12 disclosure clearly shows that the State had a forensic
13 report that identified James D. Cannon as a suspect
14 whose fingerprints were at the crime scene, and this
15 report was suppressed until over 23 years after my
16 trial. This exculpatory evidence would have been
17 material to my defense; and that had I known of this
18 alternative suspect, I could have been investigated him
19 as the true perpetrator of this crime. The federal
20 courts have deemed that evidence is exculpatory if it
21 suggests an alternative perpetrator according to
22 *Boyette versus Lefevre*, 246 F.3d 76.

23 If Your Honor examines the record, you will
24 notice that the police never even interviewed James D.

1 Cannon after this lab report named him as a suspect.
2 What is in the record is that there was a semen stain
3 on the comforter, which was covering the victim's body.
4 Pretrial the State filed a motion to collect samples
5 from me and ran DNA testing on that stain, which I have
6 a copy of those results for Your Honor and the State.

7 Those results clearly show that there was a
8 mixed stain of the victim, Heather Lynch; her estranged
9 husband, Matthew Lynch; and a third unidentified
10 person. The unidentified profile did not match me.
11 Later the State filed a motion in limine to attempt to
12 hide that fact from the jury. And had I known of James
13 D. Cannon pretrial, I could have tested his DNA against
14 that stain; and if that was a match, that evidence
15 could be reasonably concluded to cast this case in an
16 entirely different light in the eyes of the jury. This
17 evidence would not only be exculpatory, but it could
18 also be used to impeach another possible suspect, the
19 estranged husband, Matthew Lynch, who testified at
20 trial that his DNA was on the comforter from him
21 masturbating.

22 My fingerprints are nowhere at this crime
23 scene, my DNA is nowhere at the crime scene, and there
24 were no eyewitnesses linking me to this crime. Yet,

1 James D. Cannon's fingerprints are at the scene; and
2 his name was not disclosed until decades after my trial
3 was concluded.

4 If given the opportunity at a third stage
5 evidentiary hearing, I could also show this Court how
6 over the past 24 years of my incarceration, I have
7 repeatedly attempted to get DNA testing, not only on
8 the comforter, but on many other items. I have done so
9 through filings in court, FOIA requests, and any other
10 means available, all to no avail. Had I known of these
11 alternative suspects, I could have ran this testing
12 pretrial to prove my actual innocence.

13 Therefore, according to binding federal and
14 state precedence, that one piece of paper, Defendant
15 Exhibit Number 1, is actually enough for Your Honor to
16 overturn my conviction based off of a discovery
17 violation. The law states that once I have proven the
18 existence of non-disclosed evidence, it cannot be held
19 as harmless error. And that I may raise that issue at
20 any time and Your Honor may act.

21 That one piece of paper also proves a second
22 issue of my written pleading, and that second claim is
23 that the State committed fraud upon this Court. This
24 claim is a result of the fact that over the past

1 24 years that this case has been litigated, there have
2 been a number of different people which represented the
3 State's Attorney's Office. And every single one of
4 them people have made conflicting statements, either
5 orally in open court, or has filed conflicting reports
6 and pleadings. The fact is very simple that when Allan
7 Lolie, Marvin Hanson, Gina Vonderheide, Nichole
8 Kroncke, and Jay Scott all worked for the State's
9 Attorney's Office and every one of them had a different
10 story about the evidence, all of those stories cannot
11 be true. Any untrue statement, whether it is oral or
12 written, is fraud upon the Court where the State's
13 Attorneys have a duty to ensure that all statements are
14 true.

15 The fraud upon the Court and discovery issues
16 are in the law separate violations. However, they are
17 very much intertwined where these lies set forth by the
18 State's Attorney's Office were made in bad faith to
19 attempt to mask the fact that the evidence of this case
20 was not properly preserved nor was it properly
21 disclosed.

22 A couple examples of that would include, first
23 and foremost, the fingerprint situation. Pretrial,
24 Allan Lolie filed a crime scene report, which is page C

1 457 through 467 of the record; and a forensic report
2 with fingerprint testing, which is page C 315 through
3 316. These are the only reports that are contained in
4 the record as being disclosed prior to my trial.

5 Those reports conclusively state that
6 Exhibit 35 had one fingerprint on it which was suitable
7 for comparison. And that fingerprint was a non-match.
8 And Exhibit 36 had a fingerprint on it, but they were
9 not suitable for comparison. Which I have copies of
10 those reports for Your Honor and the State.

11 14 years later I filed a motion for DNA
12 ballistic and fingerprint testing in July of 2013. The
13 record will show that my attorney at that time,
14 Mr. Walter Lookofsky, obtained permission from the
15 Court. He personally visited the state police evidence
16 vault and reported back to the Court that all evidence
17 and chain of custody was in tact, and all of the
18 evidence identification numbers were correct.

19 The Assistant State's Attorney at that time,
20 Mr. Marvin Hanson, conceded and agreed to all of those
21 facts. So in 2013 and 2014, we are still in agreement
22 with the pretrial that there is one unidentified
23 fingerprint on Exhibit 35, which is suitable for
24 comparison; and there are no suitable for comparison on

1 Exhibit 36. And also that those prints were lifted
2 from inside the victim's apartment. And Exhibit
3 Numbers 105 and 106 were off the victim's vehicle. So
4 it takes approximately five years to run testing.

5 Then in August of 2018, State's Attorney, Gina
6 Vonderheide, discloses a forensic lab report, which I
7 have made copies of that for Your Honor and the State.

8 This report states that Exhibit 35 is now
9 magically three fingerprints instead of one that was
10 disclosed pretrial. Two of which are said to be
11 unmatched prints, and one previously matched print. It
12 does not say who the one matched belongs to, but it
13 does explicitly state in that report that the prints do
14 not belong to Mr. James D. Cannon. This was the first
15 time James D. Cannon's name is ever mentioned in the
16 record of this case.

17 And Exhibit 36 is now magically two
18 unidentified prints, and also Exhibit 35 and 36 are now
19 off the victim's vehicle instead of from inside the
20 apartment. This testing was conducted by lab
21 technician, John E. Carnes.

22 Four years later, on May the 2nd of 2022, the
23 State files another report. Now the prints off
24 Exhibit 35 are said to match Dylan Lynch. There is no

1 mention at all of James D. Cannon in this lab report,
2 and Exhibit 36 is still a non-match. This testing was
3 conducted by the same forensic scientist as the 2018
4 testing, John E. Carnes, and he got different test
5 results. This report was filed by a different
6 Assistant State's Attorney, Mr. Jay Scott, which I have
7 copies of that report for Your Honor and the State.

8 Months later, on December 30th of 2022,
9 Assistant State's Attorney, Jay Scott, filed another
10 response where he attempts to explain the discrepancies
11 in the test results. That response has Defendant
12 Exhibit 1, which names James D. Cannon as the match to
13 35 attached to it.

14 In the written argument of this filing, Scott
15 admits that the 2018 and May of 2022 testing did not
16 reveal a match to James D. Cannon. And some or just
17 the fingerprints on those two exhibits could be all of
18 the following: Exhibit 35 could be one unmatched
19 fingerprint. That's according to Allan Lolie pretrial;
20 and my own attorney, Walter Lookofsky; and the State's
21 Attorney, Marvin Hanson, in 2013. It could be three
22 fingerprints, two of which are unidentified and one
23 which is identified, but does not match James D. Cannon
24 according to Gina Vonderheide in 2018. It could be two

1 fingerprints that match Dylan Lynch according to Jay
2 Scott in May of 2022; or it could be three
3 fingerprints, two of which match Dylan Lynch, one
4 matches James D. Cannon, according to Assistant State's
5 Attorney Scott in December of 2022.

6 Exhibit 36 could be no fingerprints suitable
7 for comparison according to Lolie pretrial and
8 Lookofsky and Hanson in 2013; or it could be two
9 unidentified prints according to the 2018 and 2022
10 testing.

11 Where all of this conflicting information has
12 been introduced by the State, it proves my second claim
13 of fraud upon this Court, or it proves the first
14 constitutional violation that the State did not
15 disclose the number of prints nor the names of any
16 alternative suspects, namely, James D. Cannon or Dylan
17 Lynch, prior to trial.

18 If Your Honor advances these proceedings to
19 the third stage evidentiary hearing, I could subpoena
20 and question the state police lab tech about the
21 different results he gets every time that he does any
22 type of testing, or even subpoena the different State's
23 Attorneys about the ever changing facts of this
24 evidence. I could also subpoena James D. Cannon or

1 Dylan Lynch to question them about their fingerprints
2 at the crime scene.

3 Another great example of the intertwining
4 fraud upon the Court and discovery constitutional
5 violations is the inventory list, which was filed by
6 Gina Vonderheide in February of 2019, which I have
7 copies of that for Your Honor and the State.

8 This inventory list states that there was
9 unmatched fingerprints on the 7UP can, the drinking
10 glass, and the mustang; however, pretrial reports,
11 which I've tendered here today, being Defendant Exhibit
12 Number 5, indicated that the fingerprints on the 7UP
13 can and the drinking glass match the victim, Heather
14 Lynch. And also this inventory list has different
15 exhibit numbers off of the vehicle than the other
16 reports do. So, therefore, this inventory list is
17 either admitting further discovery violations that
18 there is additional prints on those items or it is
19 accusing Allan Lolie of lying pretrial that those
20 prints matched the victim's. Either one of those
21 avenues should overturn my conviction due to a
22 constitutional violation. Not only did Vonderheide
23 file this written inventory list, but the record will
24 indicate that she stated in a hearing in February of

1 2019, that she had sent those items to the state police
2 lab to be tested.

3 I would next like to call Your Honor's
4 attention to the answer of a subpoena, which was filed
5 by the same lab technician who did that 2018 and 2022
6 testing, Mr. John E. Carnes, which I have a copy of
7 that for Your Honor and the State.

8 This answer was a result of a subpoena which
9 was actually issued by the State's Attorney's Office,
10 Mr. Jay Scott, on May the 13th of 2022. The answer
11 shows the chain of custody of all of the evidence in
12 this case. You will notice that there is no transfer
13 of evidence documented in 2019, so basically Jay Scott
14 is admitting that Gina Vonderheide lied to the Court
15 when she said she sent those items to be tested. This
16 answer to the subpoena introduced into the record by
17 the State also shows another fascinating fact. The
18 first four items collected from the crime scene are
19 never checked into any evidence vault. In my written
20 pleading and orally, I have repeatedly stated that a
21 trial crime scene investigator, Bob Collier, and the
22 lead detectives testified that there was unmatched
23 fingerprints inside the victim's apartment off of a
24 doorknob and a notebook. The State's Attorneys have

1 fought me for over a decade about running those tests
2 on those unmatched fingerprints and now I know why.
3 The notebook and print off the doorknob testified to at
4 trial were either lost or destroyed, which would be a
5 violation of my right to due process. Federal law
6 established in *Kyles v. Whitley*, 514 U.S. 419, states
7 that the State's Attorney's Office cannot blame the
8 police for this destroyed evidence. Even if the
9 destruction of that evidence was inadvertent, it would
10 still violate due process according to *People versus*
11 *Newberry*, 652 N.E.2d 288. And I do not even have to
12 show that that evidence is material pursuant to *People*
13 *versus Koutsakis*, 627 N.E.2d 388. All I have to show
14 is that the evidence existed and now it is gone, which
15 this answer to the subpoena which the State introduced
16 into this record clearly shows.

17 My allegations are actually admitted by
18 Assistant State's Attorney Scott in his responses where
19 Scott attempts to sugarcoat these lies by stating that
20 Gina Vonderheide was simply mistaken when in fact he is
21 admitting fraud upon this Court. Scott also proves the
22 third point of my pleading, which is the inordinate
23 delay which has been caused by the State's actions.
24 Federal and state courts have deemed that any

1 unjustifiable delay of over 18 months is a violation of
2 my constitutional right to due process.

3 I filed this original motion for testing in
4 2013. The State immediately conceded to test all of
5 the unmatched fingerprints from the victim's apartment,
6 and that testing was ordered by the Court.

7 Then the State's Attorney's Office realized
8 that the exhibits from the apartment -- the notebook
9 and the print off the doorknob -- have been either lost
10 or destroyed so it took five years to then test the
11 wrong exhibits. The State then admitted on the record
12 that the wrong exhibits were tested and filed an
13 inventory list and lied about sending those items to be
14 tested. So then they wait another four years and get a
15 different test result on the wrong exhibits again.

16 So here we are, over a decade later, not
17 knowing how many exhibits actually have matched or
18 unmatched fingerprints on them, how many prints are
19 contained on each one of those exhibits, and which
20 suspect actually match which prints. The 18-month
21 threshold has been surpassed by the State not properly
22 preserving the evidence, then lying to the Court to
23 attempt to cover up any discovery violations or the
24 fact that they have lost or destroyed the evidence. So

1 now the testing that the State conceded to do and the
2 testing that was ordered by the Court is still not
3 done.

4 And, in addition, it is pretty much impossible
5 to do that testing because you cannot sort through all
6 the lies and misrepresentations to even know what
7 evidence is there to test. These are only a couple
8 examples of the unethical and deceitful actions which
9 have been perpetrated by the different people
10 representing the State.

11 There are many other examples which I
12 described in my written pleadings. And if Your Honor
13 examines the record, you will see that the cumulative
14 effect of all of these issues has deprived me of my
15 constitutional rights. And my conviction should not
16 only be overturned, but it should be overturned with
17 prejudice, as the facts in evidence are now so
18 corrupted that the truth is impossible to determine.
19 The United States Supreme Court authorizes Your Honor
20 to take that action in *U.S. v. Chapman*, 524 U.S. 1073,
21 which states in pertinent part the case may be
22 dismissed in its entirety with prejudice where the
23 State's actions are flagrant and if it fails to produce
24 any exculpatory evidence.

1 In conclusion, it appears that, pretrial, the
2 State had on horse blinders and made me the sole focus
3 of the investigation of Heather Lynch's death. Any
4 evidence or suspects that were contrary to that theory
5 were unconstitutionally suppressed. Decades later none
6 of the police, the lab technicians, or State's
7 Attorneys were knowledgeable of this original cover up
8 so they began providing me with all sorts of previously
9 undisclosed information. After realizing the
10 conflicts, the post-trial individuals then tried to
11 clean up the contradicting facts. Had all this
12 post-trial information been disclosed pretrial, it
13 would have cast this case in an entirely different
14 light and we would not be here today. There was no
15 eyewitnesses, no physical or forensic evidence linking
16 me to this crime, and the State buried any exculpatory
17 evidence and committed fraud upon the Court to obtain a
18 conviction. This conviction was only obtained by the
19 State using a coerced false confession using jailhouse
20 informants who received reduced sentence plea deals for
21 their testimony, and witnesses who admitted on the
22 stand that they were paid cash sums by the state
23 police. There are so many lies and the evidence is so
24 corrupted that the real truth is now impossible to

1 know. I would love nothing more to be able to get
2 accurate fingerprint and DNA test results to prove that
3 I am actually innocent of this crime. Not only for my
4 own freedom, but also for the fact the victim of this
5 crime, Heather Lynch, was a very good friend of mine
6 and her true murderer should be exposed. It appears
7 that the State's reckless actions have denied both
8 Heather and me of this justice forever. Therefore I
9 ask Your Honor to dismiss this case with prejudice or
10 to grant me an evidentiary hearing to further prove
11 these constitutional violations occurred.

12 Also included in my written pleadings was
13 asking for forensic testing. Clearly James D. Cannon
14 and Dylan Lynch should be investigated as possible
15 perpetrators. There is nothing in the law to prevent
16 me from filing multiple motions according to 116-3.
17 And if given an evidentiary hearing, I could present
18 further evidence and argument to show how DNA testing
19 could prove my actual innocence.

20 At the last hearing when we were here on
21 August the 22nd, Your Honor granted leave to Ms. Dobson
22 to file amended pleadings. She filed a response to the
23 successive post-conviction, but declined to file an
24 additional response in this cause and stated that she

1 agreed with Assistant State's Attorney Scott's
2 response, which was filed on December the 30th of 2022.

3 In that response, Scott does not object at all
4 to any DNA testing, therefore, Your Honor should grant
5 that request by default. Scott presented no argument
6 to dispute the inordinate delay claim; and any claim I
7 make that is undisputed, Your Honor should take as true
8 and grant relief. Scott and Ms. Dobson, by agreeing
9 with him, proved my fraud upon the Court claim by
10 stating that Gina Vonderheide lied to the Court
11 concerning the inventory list.

12 And, finally, Scott admitted in the last
13 paragraph of the first page that there was additional
14 fingerprints that were not disclosed, but attempted to
15 justify that fact by saying that they were discovered
16 post-trial. Scott continued in the last paragraph of
17 this response by stating that identification of latent
18 prints years after trial cannot be construed as
19 pretrial discovery violation and that that allegation
20 is -- is asinine. The truth is that the only thing
21 that is -- in this case that is asinine is the State's
22 Attorney's interpretation of the facts and of the law.
23 The law explicitly states that the State is responsible
24 to disclose what they know, and they are also

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

CERTIFICATE OF REPORTER

I, Jaclyn K. Getz, CSR#084004781, an Official Court Reporter for the Circuit Court of Shelby County, Fourth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same by Computer Aided Transcription, which I hereby certify to be a true and accurate excerpt of the transcript of the proceedings had before Circuit Judge Joel J.C. Powless.



Official Court Reporter

DATED this 19th day of February, 2024.