

STATE OF ILLINOIS  
 IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL COURT  
 COUNTY OF MC LEAN

JAMES SNOW,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
THE PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
Respondent.	)	

NO. 99 CF 1016

**FILED**  
 MAY 16 2016  
 MCLEAN COUNTY  
 CIRCUIT CLERK

**STATE'S RESPONSE TO PETITIONER'S REQUEST  
 FOR ADDITIONAL DISCOVERY RELATED TO  
 CRIME SCENE PHOTOGRAPHS**

RESPONSE

NOW COMES The People of the State of Illinois, by Assistant State's Attorney Adam W. Ghrist, and replies to Petitioner's request for general crime scene photos *relevant* to his motion for DNA and fingerprint testing under 725 ILCS 5/116-3. State responds to as follows:

1. The convicted Petitioner has found himself in a position to receive discovery under 725 ILCS 5/116-3. This statute is a vehicle by which the convicted may test genetic material or fingerprints by means that were not available at trial, and was "designed for [that] singular case where modern testing methods, not available when a conviction was obtained. *People v. Urioste*, 316 Ill. App. 3d 307, 313, 736 N.E.2d 706, 712 (5th Dist. 2000).

2. This statute "does not provide a general means to discover evidence, but rather an avenue to test *targeted items* that have the potential to prove materially relevant evidence

as to the defendant's claim of actual innocence. *People v. Barrow*, 2011 IL App (3d) 100086, ¶ 30, 954 N.E.2d 895, 905 (emphasis added).

3. The posture the defendant finds himself in is very narrow indeed. The sole purpose of this discovery is to allow the defendant to show proper chain of custody on those *targeted items*. *People v. Henderson*, 343 Ill. App. 3d 1108, 1116, 799 N.E.2d 682, 690 (1st Dist. 2003), *as modified on reh'g* (Sept. 25, 2003). The law is clear that this discovery is limited to those purposes. *Id.*

4. The defendant Petitioner has, under this limited vehicle, sought to test various DNA and fingerprints; and in support of those requests has provided this court with various *targeted items* that they wish to ultimately test. All of those items are within the gas station where the victim was killed by the Petitioner.

5. In the original request under this statute Petitioner told this court "limited discovery is appropriate to resolve Section 116-3 motions." (Pet. Mot. For DNA Testing Par. 17). " In their request for discovery, Petitioner made three specific requests of this court; 1) "the complete forensic file from the Illinois State Police" (*Id.* at Par. A.); 2) "any records reflecting the origin and/or collection of 'exhibit 2A'" (*Id.* at Par. B.); 3) "any records clarifying the collection of latent fingerprint and fingerprint cards" (*Id.* at Par. C.).

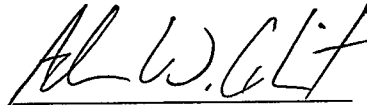
6. Now that this court has granted 'limited discovery' as Petitioner first requested they now seek to widen the scope to *un-targeted items*. The court will recall that originally pictures were needed of the "crime scene" to identify 1) where the blood standard was collected from; and 2) where fingerprints were collected from. Both represented to be within the gas station. In the Petitioner's argument's in support of this new request they very clearly wish to discover and re-litigate the facts in this case. To that end, they have tried to tie these immaterial and unrelated photographs to the forensic testing. They have done so by claiming that they have a "crime scene expert" that will make some connection between gas pumps and license plates to chair that has fallen over in the gas station. The question the court should ask here is "aren't we here to test blood and finger prints?" What purpose would a "crime scene expert" have to serving the purpose of 725 ILCS 5/116-3? This is further proof that Petitioner only seeks to re-litigate issues beyond the posture of this case.

7. This request should be denied as it is well beyond the limited purpose of this statute, well beyond what was ordered in this case and certainly well beyond what the Petitioner's told this court it wanted in the original request.

8. The People have complied with the discovery relevant to the testing so we can move these matters forward consistent with the purpose of this statute.

WHEREFORE, the People of the State of Illinois, hereby respectfully request that discovery ordered under 725 ILCS 5/116-3 be kept to the purpose of the legislature as that purpose has been interpreted by the courts.

Dated this 16 day of May, 2016  
Respectfully submitted,



Adam W. Ghrist  
First Assistant State's Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney's of record of all parties to the above cause by:

Depositing a true and correct copy of the same in the U.S. Post Office or post office box in the City of Bloomington, Illinois, enclosed in an envelope with postage fully prepaid on the 10 day of May, 2016.

Hand delivering a true and correct copy of the same on the \_\_\_ day of \_\_\_\_\_, 2016.

*Tullio Orlisberg*

Subscribed to and sworn before me this 10 day of May, 2016.

*Barbara Anne Rutledge*  
Notary Public

