

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.)
)
MARNI YANG,)
)
Defendant,)

No. 09 CF 926

FILED

JUL 27 2018

Eric Cantagut Weinstein
CIRCUIT CLERK

NOTICE OF MOTION

TO: ASA Ken LaRue
klarue@lakecountyil.gov

PLEASE TAKE NOTICE that on August 1, 2018, at 9:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Christopher Stride or any other Judge sitting in his stead, in Courtroom T611 usually occupied by him in Lake County, Illinois and then and there file the following **MARNI YANG'S MOTION TO COMPEL A RULE 417 DISCLOSURE OF DNA EVIDENCE** in the above-entitled case number:

One of the attorneys for MARNI YANG

PROOF OF SERVICE

The undersigned certifies that I caused to be served the foregoing Notice and stated documents via **EMAIL** to the person named above on July 27, 2018.

STONE & ASSOCIATES, LTD.
415 West Washington St., Ste 107
Waukegan, IL 60085
847-336-7888
jstone@jedstone.com

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**MARNI YANG's MOTION TO COMPEL A RULE 417 DISCLOSURE OF DNA
EVIDENCE**

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and moves this court as follows:

1. The State introduced into evidence DNA evidence collected during the investigation of the homicide of Rhoni Rueter and presented by the state at the trial of MARNI YANG.
2. As such the state is considered the "proponent" of the DNA evidence in this cause for the purpose of Ms. YANG's post-conviction review of her conviction on the basis of her claim of actual innocence.
3. To comply with Supreme Court Rule 417, the state shall make available to Stone & Associates, Ltd. all relevant DNA materials including, but not limited to the following:
 - a. Copies of the case file including all reports, memoranda, notes, phone logs, contamination records, and data relating to the testing performed in the case.
 - b. Copies of any autoradiographs, lumigraphs, DQ Alpha Polymarker strips, PCR gel photographs and electropherograms, tabular data, electronic files and other data needed for full evaluation of DNA profiles produced and an opportunity to examine the originals, if requested.

- c. Copies of any records reflecting compliance with quality control guidelines or standards employed during the testing process utilized in the case.
 - d. Copies of DNA laboratory procedure manuals, DNA testing protocols, DNA quality assurance guidelines or standards, and DNA validation studies.
 - e. Proficiency testing results, proof of continuing professional education, current curriculum vitae and job description for examiners, or analysts and technicians involved in the testing and analysis of DNA evidence in the case.
 - f. Reports explaining any discrepancies in the testing, observed defects or laboratory errors in the particular case, as well as the reasons for those and the effects thereof.
 - g. Copies of all chain of custody documents for each item of evidence subjected to DNA testing.
 - h. A statement by the testing laboratory setting forth the method used to calculate the statistical probabilities in the case.
 - i. Copies of the allele frequencies or database for each locus examined.
 - j. A list of all commercial or in-house software programs used in the DNA testing, including the name of the software program, manufacturer and version used in the case.
 - k. Copies of all DNA laboratory audits relating to the laboratory performing the particular tests.
4. The above identified Rule 417 disclosures shall be provided to the defense without unnecessary delay.

WHEREFORE, MARNI YANG prays that this Court order the state to comply with Supreme Court Rule 417 as outlined herein above.

Respectfully submitted,

Attorney for MARNI YANG

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