

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

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 ) Plaintiff, )  
 )  
 v. ) No. 09 CF 926  
 )  
 MARNI YANG, )  
 )  
 ) Defendant, )

**NOTICE OF FILING**

TO: ASA Jason Humke  
Via Hand Delivery

FILED  
NOV 9 9 2020  
Eric Conroy, Clerk  
CIRCUIT CLERK

PLEASE TAKE NOTICE that on November 9, 2020, I have caused to be filed with the Clerk of the Circuit Court of Lake County **DEFENSE RESPONSE TO STATE'S OMNIBUS DISCOVERY MOTION, DEFENSE MOTION FOR ADDITIONAL DISCOVERY, and RECENT ANALYSIS OF THE LeROY'S BABERSHOP VIDEO DEMONSTRATES THAT SHAUN GAYLE DOES NOT HAVE AN ALIBI DEFENDANT MOVES TO RE-OPEN THE MURDER INVESTIGATION** in the above-entitled case number.

\_\_\_\_\_  
Attorney for MARNI YANG

**PROOF OF SERVICE**

The undersigned certifies that I caused to be served the foregoing Notice and stated documents via **HAND DELIVERY** to the person stated above on November 9, 2020.

\_\_\_\_\_  
  
STONE & ASSOCIATES, LTD.  
325 Washington St., Ste 400  
Waukegan, IL 60085  
847-336-7888  
jstone@jedstone.com

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

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09 CF 926
	)	
MARNI YANG,	)	
	)	
Defendant,	)	

**DEFENSE RESPONSE TO STATE’S OMBIBUS DISCOVERY MOTION**

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and answers the State’s Omnibus Discovery Motion as follows:

1. The People have requested the videotape of the interview with Jessie Delgado, a witness who told defense investigators that he had told police investigators that the suspected Beretta firearm had been stolen from the Yang home well before the Reuter homicide. A copy of that video is appended to this Response.
2. The People requested disclosure of any written or recorded statements of defense witnesses. The only video in addition to the Delgado video, see paragraph 1 above, is a video of Emily Yang. It too is appended to this Response.
3. Investigator Perry Myers’ notes of the interview of Christi Paschen are appended to this disclosure response.
4. At the state’s request, Art Borchers has disclosed his video and photographs that supplement his reports attached to Marni Yang’s Post-Conviction Petition—Actual Innocence.
5. At the state’s request, John Larsen tenders his complete report and support for his forensic conclusion that Marni Yang was not the shooter in the Reuter homicide.

6. The complete video analysis of the Shell video, debunking the state's assertion that a car rented by Marni Yang was seen near the murder scene, proceeding through the intersection of Waukegan Road and Osterman, Deerfield, IL.
7. The state additionally requested the polygraphs and testing reports of Lee McCord asserting the truthfulness of Marni Yang, Francine Merar, Larry Merar, Andrew Yang, and Emily Yang. We are awaiting Mr. McCord's production.

Respectfully submitted,

---

Attorney for MARNI YANG

**STONE & ASSOCIATES, LTD.**  
**325 Washington St., Suite 400**  
**Waukegan, IL 60085**  
**(847)336-7888**  
**jstone@jedstone.com**

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  
NOV 09 2020  
Emil Centogut Weinstein  
CIRCUIT CLERK

**DEFENSE MOTION FOR ADDITIONAL DISCOVERY**

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and moves this court for an order seeking additional discovery. In support thereof, MARNI YANG states as follows:

1. In an effort to respond to the State's motion to dismiss her Post-Conviction Petition-Actual Innocence, Ms. Yang's attorneys require additional discovery.
2. After some delay, largely occasioned by the COVID-19 pandemic, the defense finally received the LeRoy's Barber Shop surveillance video. This will be the subject of an additional motion to be filed today.
3. But many open and unanswered questions remain. For this reason, the defense seeks additional disclosures.

**THE STATE CLAIMED IN THE TRIAL COURT THAT SHAUN GAYLE'S COMPUTER AND HIS EMAIL ACCOUNT HAD BEEN HACKED OR MANIPULATED, ALL WITHOUT PROOF TO SUPPORT THIS CLAIM AND THE IMPERMISSIBLE INFERENCE THAT MS. YANG HAD DONE SO.**

4. In a pretrial hearing, the State had backed away from the false claim that "key-stroke" software had been surreptitiously installed on Gayle's computer. Transcript of pre-trial hearing of February 28, 2011, p. 70, lines 3-7.



5. A review of Major Crime Task Force reports claims that the task force received a seven-page fax from AT&T Internet Services regarding Shaun Gayle's internet account. See report of Investigator Scott Frost of the Major Crime Task Force, dated March 10, 2009, attached to this motion as Defense Exhibit 1.
6. This seven-page fax has never been disclosed to the defense.
7. Ms. Yang demands that it be tendered without delay.
8. Additionally, an undisclosed thirteen-page fax from Yahoo regarding the State's search for evidence that Marni Yang had somehow accessed Gayle's account. On information and belief, this thirteen-page fax also exonerates Ms. Yang. A copy of this investigative report is attached to this motion as Exhibit 2.
9. Ms. Yang demands that it, too, be tendered without delay.

**PREVIOUSLY REFERRED TO EVIDENCE MUST BE NOW DISCLOSED.**

10. The defense seeks all cell phone tower reports on Marni Yang, Andrew Yang, Shaun Gayle, and all "drop phone" records of a phone purporting to be used by Marni Yang at or around the time of the Reuter homicide.
11. Andrew Yang, a minor, was interrogated by the police on several occasions. The police investigators considered Andrew, a 16-year-old child, a suspect in the death of Rhoni Reuter.
12. The defense demands production of all video interrogations conducted by the Major Crimes Task Force or any other police or law enforcement agency of Andrew Yang.
13. Shaun Gayle handled magazines from LeRoy's Barber Shop on the morning of the murder of Ms. Reuter. These magazines were collected by investigators, placed into evidence, and turned over to an evidence technician. See reports found at Exhibit 3.

14. The defense has never seen forensic testing reports on those magazines. Defense demands production of such reports without delay
15. Additionally, gunshot residue testing was done by the police investigators in the homicide investigation of Ms. Reuter's death. No such GSR testing reports or results have been disclosed to the defense.
16. Ms. Yang demands production of such reports without delay.
17. When defense expert Michael Primeau went to the State's Attorney's Office in an effort to locate the original Denny's tapes in this cause, nine boxes of evidence and documents were produced by the prosecution to locate the tapes. The boxes contained relevant material never disclosed, but not the Denny's tapes. A photograph of those boxes is attached as Exhibit 4.
18. Defense seeks complete disclosure of the contents of those boxes.

**RULE 417 DNA DISCLOSURE FROM BODE TECHNOLOGY OF THE BRACELET IS INCOMPLETE**

19. On September 9, 2020, this court ordered 417 reports on the DNA examination of the bracelet found in the empty lot over a year after the murder of Ms. Reuter. The State must file Bode Technology's 417 disclosure without further delay.

**ADDITIONAL WORK MUST BE DONE ON THE DEFENSE ANALYSIS OF THE WIRETAP EVIDENCE.**

20. As the court may recall, there are essential, material phone calls between Ms. Yang and her parents. These phone calls are logged into the wiretap room records, but the recording of those conversations remains elusive.

21. Michael Primeau, the defense recording expert, has been unable to examine and authenticate the wiretap recordings. See his letter of November 2, 2020, attached as Exhibit 5.

22. Based on his professional assessment of the status of the disclosed evidence, Ms. Yang requests that the People disclose “installation records” from the wireroom.

WHEREFORE, MARNI YANG demands production of the sought material, information, and documents identified hereinabove.

Respectfully submitted,

---

Attorney for MARNI YANG

**STONE & ASSOCIATES, LTD.**  
**325 Washington St., Suite 400**  
**Waukegan, IL 60085**  
**(847)336-7888**  
**jstone@jedstone.com**

# LAKE COUNTY MAJOR CRIME TASK FORCE

## Investigative Report

Case No. 2007-15329	Reporting Date: 03/10/2009	Reporting Officer: Investigator S. Frost #2125 <i>Snf</i>	
Subject of Case: Homicide Investigation	Typed By: Scott Frost	Date: 03/10/09	Lead No. #15

On 03/26/2008 I, Investigator Scott Frost, received a 7 page fax from AT&T Internet Services reference the Lake County Grand Jury subpoena I had filed for any and all records pertaining to Shaun Gayle's Internet account.

I had subpoenaed the account at Gayle's request since he felt that unknown persons were still accessing his computer or email account ([sgayle@ameritech.net](mailto:sgayle@ameritech.net)) from another location other than his residence. Gayle believed the person accessing his account was Marni Kay Yang, suspect in this investigation.

I subsequently reviewed those records and spoke with Gayle about my findings. He confirmed that all of his personal information on the account was accurate and the two screen names assigned to his account were generated by him. These screen names are "sgayle" and "8123g". I have attached the records to this report.

I have nothing further to report.

Copy #1

000043

Page 1 of 1

Approved By: *[Signature]*



# LAKE COUNTY MAJOR CRIME TASK FORCE

## Investigative Report

Case No.	Reporting Date:	Reporting Officer:	
2007-15329	03/10/2009	Investigator S. Frost #2125 <i>Smf</i>	
Subject of Case:	Typed By:	Date:	Lead No.
Homicide Investigation	Scott Frost	03/10/09	#15

On 04/27/2008, I, Investigator Scott Frost, received a 13 page fax from Yahoo reference the Lake County Grand Jury subpoena I had filed for any and all records pertaining to Shaun Gayle's email account.

I had subpoenaed the account at Gayle's request since he felt that unknown persons were still accessing his computer or email account ([sgayle@ameritech.net](mailto:sgayle@ameritech.net)) from another location other than his residence. Gayle believed the person accessing his account was Marni Kay Yang, suspect in this investigation.

I subsequently reviewed those records and spoke with Gayle about my findings. He confirmed that all of his personal information on the account was accurate and generated by him. However, due to other obligations at my host agency (Lake Zurich Police Department), I was never able to research the origin of every IP Address captured on the Yahoo Login Tracker from 03/08/2008 to 04/10/2008. I have attached the records to this report. Also attached are the same records that I had received via the U.S. Mail at a later date.

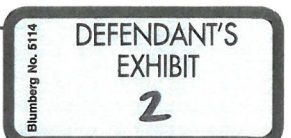
I have nothing further to report.

Copy #1

Page 1 of 1

Approved By: *[Signature]*

000044





# LAKE COUNTY MAJOR CRIME TASK FORCE

## Investigative Report

Case No. 07-15329	Reporting Date: 10/04/07	Reporting Officer: Detective G. Giamberduca #2049	
Subject of Case: Death Investigation	Typed By: Sue Lesnak	Date: 10/09/07	Lead No. 17

On Thursday, 10/04/07, at approximately 1:00PM, I (Detective G. GIAMBERDUCA #2049), along with Detective NILLES and Detective BURKE of the Lake County Major Crime Task Force, conducted an interview at Leroy's Barber Shop, located at 2401 MLK, North Chicago, Illinois 60064.

Upon arrival at Leroy's Barber Shop, I met with Leroy ROGERS, DOB: 07/06/39, TX: 847/689-3045, who is the store owner. I advised Leroy that we were conducting a death investigation and asked him if we could speak with him. He agreed.

In summary and not verbatim, I asked Leroy if he cut Shaun GAYLE's hair today. ~~Leroy stated he did and that Gayle arrived sometime around 8:30AM or 10:00AM this morning, but could not give me an exact time.~~ I asked Leroy if Gayle came in with anyone. He stated Gayle came in alone. I asked Leroy to tell me what else had occurred while Gayle was getting his hair cut.

Leroy went on to say he has been cutting Gayle's hair for the past 17 years. He said normally Gayle comes in the afternoon, usually around 1:00PM, and calls an hour before coming to the shop to make sure they were not busy. Leroy said ~~one~~ day he received a phone call ten minutes prior to Gayle arriving and again Gayle arriving sometime between 8:30AM and 10:00AM. Leroy said when Gayle got there he did not seem to be acting unusual. Leroy said that Gayle, when he comes in, grabs a magazine to read while he gets his hair cut. However, this time he grabbed two (2) magazines and just held them in his hand and did not open them.

Leroy said that he began cutting Gayle's hair, at which time Gayle received a phone call from a guy named John (unknown last name). Gayle got up out of the barber chair to take the call. Leroy said that Gayle was on the phone for approximately five to six minutes, after which Gayle got off the phone and sat back into the barber chair. Gayle then told Leroy that he just received a phone call stating that a girl that he knew was shot and they (referring to law enforcement) think that he was responsible for it. Gayle said he needed to go and straighten things out, however he got back into the barber chair and continued to get his hair cut. Leroy said he did not seem too emotional about the news he received.

I asked Leroy how long after the phone call, the haircut took. Leroy stated it took an additional five to ten minutes, at which time Gayle left. I asked Leroy how Gayle paid for his haircut and Leroy said Gayle does not pay for his haircuts, but they barter for them. Leroy explained that in exchange for haircuts, he will get stuff like trips to Hawaii or tickets or the like. I asked Leroy what Gayle drove to the shop. He stated it was a newer gold Lexus.


I asked Leroy who else was at the barber shop when Gayle came in. He stated that only his other two (2) co-workers (Curry BALL and Omar LONG).

I asked Leroy if there was anything else he could think of that would assist us in our investigation. He stated there were surveillance tapes in the parking lot. Leroy also gave me the two (2) magazines that Gayle had picked up and held. The

*[Signature]*  
00

# LAKE COUNTY MAJOR CRIME TASK FORCE

## Investigative Report

 07-15329	Reporting Date: 10/04/07	Reporting Officer: Detective G. Giamberduca #2049	
Subject of Case: Death Investigation	Typed By: Sue Lesnak	Date: 10/09/07	Lead No. 17

magazines were collected by this investigator and turned over to Evidence Technician DERKEN.

I thanked Leroy for his time and concluded the interview.

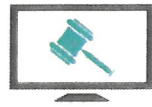
End of Report.

/sml









# PRIMEAU FORENSICS

IDENTIFY - CLARIFY - TESTIFY

Michael Primeau

[Mike@primeaucompanies.com](mailto:Mike@primeaucompanies.com)

November 2<sup>nd</sup>, 2020

Jed Stone  
Stone & Associates, Ltd.  
415 Washington St Ste 107  
Waukegan, IL 60085

RE: Requests for further investigation

Dear Mr. Stone,

I am audio, video, and image forensic expert and have been practicing for over 8 years. I have expert witness testimony experience in courts at the state level. I have also performed several successful investigations in various international cases. My forensic practices for audio investigation include digital audio authentication, clarification, and comparison. As a video forensic expert, my practices include video authentication, clarification, analysis, and recovery. As an image forensic expert, my practices include image clarification, image authentication, and image comparison.

As a video forensic expert, I follow standard operating procedures outlined by the Scientific Working Group for Digital Evidence (SWGDE) the National Institute of Standards and Technology (NIST), The Law Enforcement and Emergency Service Video Association (LEVA), The Scientific Working Group on Imaging Technology (SWGIT), ASTM International and also the standard operating procedures at Primeau Forensics. These procedures outline the protocols and procedures for the intake, extraction, and handling of digital media evidence which requires documentation of clarification processes and methodology applied to the evidence. This ensures that the quality and integrity of digital media evidence is maintained throughout the handling and clarification process.

Statement of Duty: I understand that my duty as an expert witness is to assist the court by providing impartial, objective, unbiased and independent opinions uninfluenced by the party who has retained me or called me as a witness.

I was asked by Tammy Koelling to provide an update in regards to the current forensic investigation of audio and video recordings from the Wiretap Room as well as the North Chicago Liquor store. In addition, she also asked that I include my requests for information from the court in order to complete my investigation of the wiretap recordings as well as the North Chicago Liquors VHS Cassette Examination. The updates and requested information for both is as follows:

1. **Wiretap Room Recordings:** To properly examine and authenticate the original storage devices (magnetic optical disks) that contain the wiretap recordings, I recommend that we request the installation records from the wiretap room. These records would provide the necessary make/model information for the read/write equipment that was used to create the original magnetic optical disks. I mentioned over the phone that another expert could be retained to examine the disks and determine what deck would be best to examine them. However, that would require the expert to examine the disks in person. This option would be both timely with the current restrictions of COVID19 as well as expensive. Therefore, it is my recommendation that we request this information from the court to properly and accurately examine the dated evidence.
2. **North Chicago Liquors VHS Cassette Examination:** Throughout the course of our investigation of the VHS cassette tape, we determined that there is evidence to support that this tape is a copy (lay off) of the original video evidence. There are indications that at the time the cassette was recorded that the operator was shuttling time using the fast forward and play commands. In addition, the cassette has a 90-minute total recording capacity, however, there are only approximately 32 minutes of recorded evidence contained on the tape. The write signatures on the tape do not contain timecode information past this 32-minute mark, therefore the tape was likely new when this evidence was recorded to it. In conclusion, it is my opinion that this cassette tape is not an original, nor an authentic original-copy. Furthermore, had the original video evidence recordings been produced, there may be additional video events relevant to this investigation.

I have followed all procedures accordingly while performing the forensic video authentication investigation. I reserve the right to amend my conclusions and opinions as additional materials are provided in conjunction with future oral testimony. Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing report is true and correct.

Please feel free to contact me with any additional questions or concerns.

Respectfully,



Michael Primeau, CFVT  
Audio & Video Forensic Expert

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  
NOV 09 2020  
Eric Cantagut-Warren  
CIRCUIT CLERK

**RECENT ANALYSIS OF THE LeROY'S BARBERSHOP VIDEO DEMONSTRATES  
THAT SHAUN GAYLE DOES NOT HAVE AN ALIBI  
DEFENDANT MOVES TO RE-OPEN THE MURDER INVESTIGATION**

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and moves this court seeking an order directing the prosecution to re-open its investigation into the murder of Rhoni Reuter. In support, Ms. Yang states as follows:

1. On October 4, 2007, Rhoni Reuter was murdered in her condominium in Deerfield, Illinois. Ms. Reuter was pregnant, and the girlfriend of Chicago Bears player Shaun Gayle.
2. Assistant State's Attorney Patricia Fix questioned police detective Juan Mazariegos before the Grand Jury on March 25, 2009.
3. There she and Mazariegos falsely claimed that Gayle had an alibi.
4. Answering questions put to him by Fix, Mazariegos told the Grand Jury, under oath, that Gayle was at LeRoy's Barbershop between 8:30 and 9:00 a.m. on October 4, 2007. See redacted Grand Jury minutes, p. 7536, lines 19 to 24. Redacted Grand Jury minutes are appended to this motion.
5. The murder of Ms. Reuter occurred a few minutes before 8:00 a.m.
6. Ms. Yang has long sought the videotape of Gayle's entrance and exit of LeRoy's Barbershop on the day of the Reuter murder.

7. Contrary to ASA Fix's misleading question before the Grand Jury, the tape demonstrates that Gayle arrived at the barbershop at 10:32 a.m. and left at 10:57 a.m.
8. Whether ASA Fix intentionally misleads the Grand Jurors or just got it wrong, Gayle's alibi falls apart.
9. In the interest of justice and due process under the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the Constitution of the United States, the investigation of the murder of Rhoni Reuter must be re-opened.

WHEREFORE, MARNI YANG prays for the above-mentioned relief.

Respectfully submitted,

---

Attorney for MARNI YANG

**STONE & ASSOCIATES, LTD.**  
**325 Washington St., Suite 400**  
**Waukegan, IL 60085**  
**(847)336-7888**  
**jstone@jedstone.com**

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF L A K E )

4  
5 IN THE MATTER OF THE DECEMBER TERM 2008  
6 GRAND JURY, OF THE CIRCUIT COURT OF THE  
7 NINETEENTH JUDICIAL CIRCUIT COURT OF THE  
8 COUNTY OF LAKE IN THE STATE OF ILLINOIS  
9

10 TRANSCRIPT of PROCEEDINGS of the  
11 PEOPLE OF THE STATE OF ILLINOIS versus  
12 MARNI K. YANG, 09 CF 926  
13 on March 25, 2009, 10th Floor, County Board Room,  
14 18 N. County Street, Waukegan, Illinois, 60085.  
15

16 PRESENT:

17 MS. PATRICIA FIX Assistant State's Attorney

18 MR. KEVEN TEEHAN Foreperson

19 MR. MICHAEL SMITH Clerk  
20

21 REPORTED BY: Lynn Buchmeyer, C.S.R., R.P.R.  
22  
23  
24

11 Q. The Deerfield police department as well as  
12 the Lake County Major Crimes Task Force both then began  
13 intensively investigating this homicide, is that correct?

14 A. That's correct.

15 Q. And one of the first -- it was discovered  
16 that Rhoni Reuter was the girlfriend of an individual by  
17 the name of Shaun Gayle, is that correct?

18 A. That's correct.

19 Q. Mr. Gayle's whereabouts were looked at  
20 regarding where he was on October 4, 2007?

21 A. Yes.

22 Q. And it was discovered that he had been at a  
23 barber shop in North Chicago called Leroy's Barber Shop at  
24 approximately nine, 8:30 to nine in the morning?

12:07:40P

12:07:43P

12:07:49P

12:07:53P

12:07:53P

12:07:58P

12:08:02P

12:08:04P

12:08:04P

12:08:09P

12:08:12P

12:08:13P

12:08:17P

12:08:21P

1 A. Correct.

12:08:25P

2 Q. In fact that's where he received the news of  
3 Ms. Reuter's shooting, is that correct?

12:08:25P

12:08:29P

4 A. Correct.

12:08:31P

5 Q. Subsequent to receiving the news at Leroy's  
6 Barber shop, he then went to the Deerfield police  
7 department where various investigators spoke with him?

12:08:32P

12:08:36P

12:08:38P

8 A. Correct.

12:08:41P