

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

DEC 15 2021

Erin Canty at Weinstock
CIRCUIT CLERK

**MARNI YANG'S FIRST AMENDED POST-CONVICTION PETITION
PERSISTING IN HER CLAIMS OF ACTUAL INNOCENCE**

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and persists in her assertions of actual innocence in the following First Amended Post-Conviction Petition. In support thereof, MARNI YANG states as follows:

1. MARNI YANG re-states and incorporates by reference paragraphs 1 through 160 of her October 1, 2019 Post-Conviction Petition as well as the Post-Conviction Petition Exhibits that accompanied the October 1, 2019 filing.
2. It must be noted that at the conclusion of the October 1, 2019 filing is a Verification in which MARNI YANG stated upon her oath, and subject to the penalties for perjury, that the facts contained in that pleading were true and correct. Ms. YANG affirmed that her statements contained therein, including her claims of innocence are true, correct and accurate. Ms. YANG's notarized affidavit is appended to this First Amended Post-Conviction Petition.

NEW FORENSIC EVIDENCE REQUIRES A STAGE 3 HEARING

3. On May 17, 2021, Ms. YANG filed with this court a pleading, "Compelling new forensic evidence advances Marni Yang's Post-Conviction Petition for Actual Innocence." It is attached as Exhibit A and incorporated herein by reference.

4. On that same, in that same submission an investigative report from Arthur Borchers and John Larsen, dated May 3, 2021, was also filed with the court. It too is appended as Exhibit B and incorporated herein by reference, along with their May 6, 2021 report which appears as Exhibit C and is also incorporated herein by reference.
5. This amended post-conviction petition contains the affidavit of Arthur Borchers. Exhibit D to the First Amended Post-Conviction Petition. Its contents are referenced and incorporated herein.
6. Mr. Borchers noted that eight canisters containing previously undeveloped 35 mm film were not previously disclosed to the defense. While the existence of these film canisters was noted in the volumes of police reports, the undeveloped contents of the film remained unknown until the photographs were developed. Those photographs on the undeveloped film contain critical evidence of the bullet trajectories at the Reuter crime scene. In one of those photographs, Borchers found a nick on the kitchen cabinet from one of the projectiles fired at Ms. Reuter. It was this discovery that led to Borchers, Larsen and now Dr. Wecht's understanding that Ms. Reuter was shot while standing erect.

FAILURE OF THE STATE TO DISCLOSE THESE 35mm FILM PHOTOGRAPHS IS A VIOLATION OF *BRADY V. MARYLAND*

7. As such, those photographs, as Borchers explains, are clear, exculpatory evidence. Such evidence was in the exclusive control of the state and was not provided to the trial defense team. Indeed, but for Borchers' pursuit of these undeveloped photographs, they would not have been discovered at all.

8. Our courts have consistently reminded prosecutors (even prosecutors from the Lake County State's Attorney's Office) that discovery is not a game of hide and go-seek. See *People v. Garth Collins*, 333 Ill. App. 3d 20, 775 N.E.2d 268, 2002.
9. These undeveloped photos were in the exclusive control of the state. They contain exculpatory evidence withheld by the state from disclosure. The photos were indeed hidden, and this defense team had to seek them.
10. The photographs value is described in detail in Borchers affidavit, Exhibit D.
11. The YANG claim of actual innocence is at Stage 2 of the Post-Conviction process.
12. As such, the facts contained in the petition, and this first amended petition must be taken as true. Well-pleaded factual allegations must be taken as true for purposes of a state's motion to dismiss at Stage 2.

THE FACTS CONTAINED IN MARNI YANG'S PETITIONS FOR POST-CONVICTION RELIEF REQUIRE AN EVIDENTIARY HEARING

13. The Borchers' report, demonstrating that MARNI YANG is not the killer of Ms. Reuter contains such well pled facts that demand a Stage 3 hearing.
14. Additionally, the state's assertion that Mr. Borchers and Mr. Larsen are "self-professed experts" is without merit. Both have provided *curriculum vitae*. Both are well qualified to testify to their finding. Both establish to a reasonable degree of scientific certainty that MARNI YANG is not the killer of Rhoni Reuter.
15. The state notes in paragraph 199 of their motion to dismiss that neither Borchers nor Larsen are forensic pathologists.
16. Dr. Cyril H. Wecht is. His report is incorporated herein by reference and included with this First Amended Post-Conviction Petition along with Dr. Wecht's affidavit in support. Dr. Wecht is a highly regarded and well experienced forensic pathologist. It is his

opinion to a reasonable degree of medical certainty that MARNI YANG could not have fired the shots that killed Ms. Reuter. See Exhibit E.

17. MARNI YANG is innocent.

MARNI YANG IS ENTITLED TO AN EVIDENTIARY HEARING ON FACTS THAT DEMONSTRATE SOMEONE OTHER THAN HER KILLED RHONI REUTER

18. In addition to advancing Ms. YANG's innocence, this First Amended Post-Conviction Petition seeks to advance evidence that someone other than YANG committed this murder.

19. Moreover, Dr. Wecht noted in his April 21, 2021 report that facial wounds noted on Ms. Reuter preceded the date of her death by 2 to 4 days.

20. Rhoni Reuter was the victim of a domestic battery several days before someone killed her.

21. The police records show that Ms. Reuter did not report to work in the days before her murder.

22. She also did not report being the victim of a domestic battery.

23. Ms. Reuter was pregnant at the time of her death. The father of that child was Shaun Gayle.

24. Mr. Gayle was questioned by the police following the death of Ms. Reuter.

25. His hands were examined by an Illinois State Police Trooper for the presence of gunshot residue

26. Although no photographs of this examination were taken, the Trooper did record on his report that he observed abrasions on the back of Gayle's hands. See Exhibit F.

27. Additionally, on March 25, 2009, Assistant State's Attorney Patricia Fix presented Detective Juan Mazariegos as a Grand Jury witness on the Reuter homicide.
28. There, ASA Fix suborned perjury by allowing Mazariegos to falsely testify that Gayle was at LeRoy's Barbershop between 8:30 a.m. and 9:00 a.m. giving Gayle a false alibi.
29. Ms. YANG's post-conviction lawyer had long sought previously undisclosed video tape of Gayle's entrance and exit of LeRoy's Barbershop on the morning of the Reuter homicide.
30. When that video was finally produced by this court's order, in November 2020, the video demonstrated that Gayle arrived at the barbershop at 10:32 a.m. and left at 10:57 a.m.
31. This video further shows Gayle talking on a cell phone as he walks to his car. The significance of this new discovery is that police reports of cell phone information show no such call. The inference to be drawn by this is that Gayle owned a phone unknown to law enforcement.
32. The murder of Rhoni Reuter occurred a few minutes before 8:00 a.m. on October 4, 2007.
33. Ms. Fix's aiding and abetting in the false testimony of Det. Mazariegos created a false alibi for Gayle. See YANG's pleading "Recent analysis of the LeRoy's Barbershop video demonstrates that Shaun Gayle does not have an alibi." Exhibit G.
34. The Grand Jury perjury allowing a false alibi to be inserted into this record, combined with the subornation of the testimony of Emily Yang by ASA Fix compel this court to conduct an evidentiary hearing.

THE PROSECUTOR’S USE OF FALSE TESTIMONY BOTH AT GRAND JURY AND TRIAL REQUIRE A STAGE 3 HEARING

35. Taking the current allegations as true, which this court must at this stage in the proceeding, Ms. YANG has presented sufficient evidence to show that ASA Fix suborned perjury in the presentation of a false alibi for Shaun Gayle at the Grand Jury and further suborned perjury in compelling Emily Yang to give false testimony against her mother.
36. The state inducing witnesses to testify falsely, in violation of Ms. YANG’s right to due process.
37. Ms. YANG is entitled to a Stage 3 hearing on this issue as well. See *People v. Regis Woods*, 2016 IL App (3rd) 140224-U.
38. Factual and credibility determinations must be made at the evidentiary stage of the post-conviction proceeding, not at the dismissal stage. *People v. Coleman*, 183 Ill.2d at 385, 389 (2013).

NEW EVIDENCE EMERGES

39. On December 11, 2021, a new witness emerged.
40. The affidavit of this witness is filed under seal.
41. The witness overheard Shaun Gayle admit to killing Rhoni Reuter.
42. The witness was present on October 4, 2007, at LeRoy’s Barbershop, when Shaun Gayle said “I did it. She’s gone.”
43. This witness has a failure to appear warrant against him. He is distrustful of law enforcement.
44. As such, the witness’ affidavit was not readily available until December 13, 2021, when he decided he was ready to speak.

45. There is no evidence in the police investigation reports or trial counsels' file that this witness was available and willing to testify at trial.
46. This witness' evidence is material and not cumulative.
47. Evidence will show that Shaun Gayle, the putative father of an unwanted baby, fought with Rhoni Reuter about the pregnancy. Exhibit 51 of the Post-Conviction Petition.
48. Dr. Wecht will testify that Rhoni Reuter had 2-4 day old facial wounds, abrasions unrelated to her shooting death. Exhibit E.
49. An Illinois State Trooper will testify that on the day of Rhoni Reuter's death, he noticed abrasions on Shaun Gayle's hands. Exhibit F.
50. Gayle has always claimed he first heard of the shooting from an ESPN reported who called him.
51. Oddly, when Gayle called 911 he asked "Was it my girlfriend? Was she found in a pool of blood?" Exhibit H.
52. We now know that Gayle arrived at LeRoy's Barbershop a mess, agitated, and sweaty.
53. The witness' testimony is newly discovered, material and noncumulative evidence.
54. Taken as true, it requires a Stage 3 hearing on Ms. YANG's petitions.

CONCLUSIONS

55. This petition and its first amended petition, along with supporting documents and affidavits, demonstrate that there is a substantial showing that the evidence is newly discovered; that this material is not merely cumulative; and that the evidence is of a nature that it would probably change the result on retrial.
56. The photographic evidence, withheld by the state from the original trial team, and discovered only by Arthur Borchers, a forensic crime scene analyst retained by post-

conviction counsel, is newly discovered evidence of bullet marks on the kitchen cabinetry of the victim's home, which once viewed by our experts, conclusively establishes the bullet path of the first shot fired by the killer.

57. This evidence, combined with John Larsen's trajectory analysis and Dr. Cyril Wecht's pathology report demonstrate that MARNI YANG is not, can could not have been, the shooter.
58. This evidence renders the jury's verdict unreliable.
59. The allegations in Ms. YANG's petition and first amended petition, liberally construed in favor of the petitioner, and taken as true, are sufficient to invoke relief under the Post-Conviction Act. See *People v. Sanders*, 2016 IL 118123.
60. Certainly, Ms. YANG has set forth evidence that is relevant and probative of her innocence. Newly developed evidence presents scientific and medical evidence that Ms. YANG is not the killer of Rhoni Reuter.
61. This evidence makes a substantial showing that is of such a conclusive character that it would probably change the result on retrial.
62. While the state did present at her trial the conversation between Ms. YANG and Christie Paschen (the so-called Denny's tapes), the reliability of such tape-recorded statements is challenged by the newly developed forensic evidence showing that what the state claims is a confession is in actuality a false confession.

WHEREFORE, MARNI YANG moves this court to consider the prejudicial impact of each of the above-described deprivations of her constitutional rights, individually and in combination with one another. She therefore prays for vacation of her conviction following an evidentiary hearing in which proof may be offered concerning the allegations contained in her

post-conviction petition and her first amended post-conviction petition, alleging actual innocence.

Respectfully submitted,

Attorney for MARNI YANG

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LAKE COUNTY, ILLINOIS

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


AFFIDAVIT

MARNI YANG, being first duly sworn, deposes and states upon her oath, as follows:

I have reviewed the contents of my Post-Conviction Petition and my First Amended Post-Conviction Petition. The facts contained therein are true and correct.

I offer this affidavit under penalty of perjury.




Marni Yang

Sworn and signed before me
on this 14th of December, 2021


Notary Public

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 962

FILED

MAY 17 2021

Eva Cantagut Weinstein
CIRCUIT CLERK

COMPELLING NEW FORENSIC EVIDENCE
ADVANCES MARNI YANG'S POST-CONVICTION PETITION
FOR ACTUAL INNOCENCE

NOW COMES the Defendant, MARNI YANG, by her attorney, Jed Stone, and presents to this court compelling new forensic evidence advancing her claim of actual innocence. In support thereof, Ms. Yang makes the following additions to her post-conviction petition:

1. Marni Yang has filed a post-conviction petition asserting her actual innocence.
2. In that petition, Ms. Yang demonstrated that because of the trajectories of the various bullets that struck the victim, she could not be the shooter, to a reasonable degree of scientific certainty.
3. As the defense investigation continued beyond the filing of Ms. Yang's petition, new evidence was uncovered that supports her claim of actual innocence.
4. Photographs of the crime scene taken by evidence technicians and other investigating police officers revealed bullet paths. These photographs were not discovered until, based on an order from this court, the Deerfield police provided previously undisclosed pictures.
5. Art Borchers and John Larsen of Larsen Forensics have prepared two new investigative memoranda. They are appended to this submission.



6. It must be noted that the defense has filed a motion seeking leave to take measurements from the crime scene. That motion remains unanswered by the state and unresolved by the court. While access to the crime scene and actual measurements are optimal, Mr. Larsen and Mr. Borchers have rendered opinions regarding the trajectory of “bullet wound B.” This wound was the initial shot that entered the body of Rhoni Reuter as she was upright in her kitchen and the killer shot her at near contact wound range.
7. In addition to the memoranda by Larsen and Borchers, the defense team has brought on board Dr. Cyril H. Wecht, M.D., J.D. As the court well knows, Dr. Wecht is a world-renown forensic pathologist. Dr. Wecht’s CV is appended to this submission.
8. Both Dr. Wecht and Borchers/Larsen demonstrate that “gunshot wound B” is the first shot fired. It was fired at near or contact wound distance by the shooter. Rhoni Reuter was standing when she was shot. The shooter must have been taller than Ms. Reuter. Gunshot B entered her chest and her left arm at a downward trajectory. The projectile exited her arm striking the underneath side of a kitchen cabinet and resting on a rug near the kitchen sink. Subsequent gunshots forced her standing body into a leftward spiral. The killer inched into the kitchen and continued to fire shots at Ms. Reuter. The weapon misfired several times between discharges of bullets. At the moment of the final shot to her head, exiting her chin, Ms. Reuter was still upright. All of this is contained in Dr. Wecht’s letter, also appended. Dr. Wecht’s opinions are stated to a reasonable degree of medical certainty.
9. But Dr. Wecht, looking at the autopsy photographs and the written materials that supported the autopsy, noted (for the first time) compelling additional evidence of Ms. Yang’s innocence.

10. Rhoni Reuter sustained facial injuries days before her fatal encounter with her killer. Dr. Wecht explains how the state's medical expert, Dr. Montez, missed this clear evidence of an earlier battery. Dr. Wecht documents that the facial contusions on Ms. Reuter's face were "sustained within a couple to a few days before her death" and were "sustained from an impact separate from the gunshot wounds."
11. Dr. Montez is not a board-certified pathologist and never was. Attached is a copy of a recent letter from the American Board of Pathology that confirms this.
12. Someone beat this woman a few days before she was killed. It wasn't Marni Yang.
13. Days before her death, friends overheard Ms. Reuter argue with Shaun Gayle about her pregnancy and her soon delivery of Gayle's baby. We know that Gayle opposed buying baby furniture for the baby. "Let's see if the baby makes it," were words attributed to Gayle. See Ms. Yang's filed post-conviction petition and documents appended thereto.
14. Ms. Reuter told no one about the beating she took. We know that she did not go to work after being battered. Police investigators spoke to Ms. Reuter's supervisor at Macy's department store who reported that Ms. Reuter did not appear at her scheduled work-day on October 2, 2007. Gayle told the police that was the last day he saw Ms. Reuter.
15. Inexplicably, Assistant State's Attorney Patricia Fix submitted a patently false alibi for Mr. Gayle to the grand jury. See an earlier submission by the defense on the viewing of the recently produced surveillance video of the barber shop.
16. On the day of the murder, Shaun Gayle submitted to a gunshot residue test to his hands. The Illinois State Police trooper who conducted the examination of Gayle's hands noted abrasions and scabs on both hands. This documented recent injuries to both hands of Mr. Gayle. A copy of this report is appended to this submission. Curiously, the Deerfield

police did not take photos of his hands. Fortunately, we have documented observations of the abrasions in the ISP report.

17. Someone beat Rhoni Reuter several days before she was killed.
18. It was not Marni Yang.
19. The evidence is clear that Marni Yang did not and could not have shot Rhoni Reuter.
20. Further it is clear that there is mounting compelling evidence of an alternative suspect.

Respectfully submitted,

Jed Stone
Attorney for Marni Yang

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INVESTIGATIVE MEMORANDUM

To: Jed Stone, Attorney at Law
From: Arthur H. Borchers
John Louis Larsen
Date: May 3, 2021
Subject: **0620 Koelling 17 – People v. Marni Yang:
Reuter Shooting Sequence & Crime Scene Analysis**

Mr. Stone:

As the credentials of the Larsen Forensics & Associates (LFA) authors have been established in prior reports, this document will be presented in memorandum format and be confined to a discussion of relevant crime scene details and review of Marni Yang's "confession" in context of the known evidence. The detection of the bullet impact site on the east kitchen wall has allowed significant progress on the shooting sequence in the October 4, 2007 murder of Rhoni Reuter and her unborn child. We will detail many of the factors that are now clearer.

In a quick review of Ms. Reuter's wounds as detailed in Dr. Montez's postmortem report and augmented by the report of Dr. Cyril Wecht and the scene reconstruction. There were a total of seven gunshot wounds inflicted on Ms. Reuter, the result of six gunshots. The letter sequence is in order of distance down the body from the top of the head.

- A) A perforating wound to the head that traveled through the skull and exited below the chin to impact the floor near the refrigerator.
- B) A perforating wound to the upper left chest that traveled through the soft tissue of the shoulder and exited the upper left arm to impact the east wall below the upper cabinets and bounce to rest near the sink cabinets.
- C) A penetrating wound to the upper central abdomen that traveled downward and came to rest in the left central pelvis.
- D) A perforating wound to the right abdomen that traveled across and exited the left abdomen then continued to strike her left forearm as Wound "G."
- E) A penetrating wound to the right back and came to rest just under the skin of the left lower abdomen.
- F) A penetrating wound to the right buttock that lodged in the right pelvis.
- G) A penetrating wound to the inner left forearm that came to rest just under the outer forearm skin but created a laceration to the skin. This wound is a continuation of Wound "D."

Our endeavor began with reconciling the recovered bullets, their locations, and the Northern Illinois Regional Crime Lab (NIRCL) findings.

Location	Evid. Marker	Inventory #	Crime Lab #	Measurements ^{1,2}
Dining area	2	JY002	NIRCL #4	1.5N, 3.16E
Sink mat	9	JY009	NIRCL #11	7.04S, 0.83E

The physical location of points not measured including Reuter's head, her left and right heels, cartridge case #7 by Reuter's foot, the garbage can, the refrigerator bullet and its impact point on the floor were calculated using both the digital crime scene images and the scanned photographic prints using the floor tile pattern as an aid. These locations are estimated as:

Location	Evid. Marker	Inventory #	Crime Lab #	Measurements
Garbage Can	None	JY023	NIRCL #18	1.0S, 3.33E
Refrigerator Bullet	None	JY012	NIRCL #14	#14) 2.52S, 7.3E
Refrigerator Impact	None	-	-	2.95S, 7.5E
Cartridge Case #7	None	Unk.	Unk.	7.1S, 3.0E
Reuter Head	-	-	-	2.0S, 6.5E
Reuter L-heel	-	-	-	6.66S, 2.75E
Reuter R-heel	-	-	-	6.25S, 2.33E

The Illinois State Police Division of Forensic Services (ISP) report detailed examining their Item #3, a fired bullet from the dining area outside the kitchen door, and Item #7, a fired bullet from the kitchen floor. Item #7 was found to have head hair fragments. A later ISP report detailed examinations of Items #8, 9, 10, 11, and 12. Item #9 was reported to be from the victim's back but contained no trace materials. Biological material was found on Items #8, 10, 11, and 12. Item #12, a fired bullet, is reported to have come from the kitchen floor. The report also indicates that examination of Item #13, the bullet from the garbage can, was requested but was held by NIRCL and was not present in the original packaging. The ISP Evidence Receipt was not included with the over 7,000 pages of discovery material. This Evidence Receipt would have displayed the agency inventory number corresponding with the ISP Item number but since it was not included, it cannot be positively determined if Item #7 or Item #12 corresponds with LCMCTF inventory JY009 or JY012. The head hair found on Item #7 supports that it is JY012 (refrigerator floor bullet – Figure 1 #14) and Shot "A." Shot "A" struck the tile floor and bounced coming to rest a few inches away to the north. ISP Item #12 then corresponds to JY009 (sink mat bullet – Figure 1 #9) and Shot "B."

One troubling aspect of this incident which has been a concern since the start of LFAs involvement, is that a total of eight bullets have been recovered but only seven cartridge cases. No mention or acknowledgement of this disparity has been made in the various police reports. There is no indication of investigators checking with the Deerfield Fire Department paramedic who entered the condominium to check Reuter for signs of life. Similarly, there was a ring of keys dropped into the scene by an unidentified person. There was no log of personnel entering or leaving the scene or their purpose for being present.

¹ The measurement convention used in the Lake County Major Crimes Task Force (LCMCTF) report was converted to follow a north-south and east-west configuration with a primary reference point origin (0,0) in the northwest corner of the kitchen.

² All measurements are given in decimal feet.

The NIRCL and Rosati firearm reports connects the seven fired cartridge cases, four scene bullets, and four bullets recovered at autopsy, to a common firearm origin: a 9mm pistol with general rifling characteristics like a Beretta style pistol or clone made by Taurus, Danshway, Al-Qadissiya as well as SWD or Intratech pistols. The five live 9mm cartridges found on the kitchen floor were also cycled through the involved firearm. As no additional information is known about the firearm, no significance will be assigned to these cartridges nor will an effort made to explain their presence or potential meaning. The only consideration to those cartridges was made while attempting to approximate the time duration for the shooting.

On January 13, 2021 we went to the Aurora Sportsman's Club range with a Sig Sauer P-226 9mm pistol. The pistol was blind loaded with eight rounds of live ammunition and five dummy cartridges. The person shooting did not know the loading order and was required to conduct a malfunction drill when the pistol failed to fire. Both authors performed the exercise with a total of three repetitions that resulted in times of 13.5, 14.5 and 17 seconds. If no firearm malfunctions are involved, the time required to fire eight shots rapidly is significantly faster. In a recent Chicago event, the Civilian Office of Police Accountability released Shotspotter audio of approximately eight shots being fired prior to a police-involved shooting. Using a stopwatch, the approximate time for the shots to be fired is just over three seconds. The time needed to manually eject five cartridges would be dependent on the individual involved. Based on this, we estimate that the time of this shooting event to be as fast as between three and seventeen seconds. This does not rule out a physical and/or verbal confrontation prior to the shooting itself.

The Kitchen of the Reuter condominium was approximately ten feet by ten feet in size with a counter, cabinets, and a refrigerator along the east wall. There was an electric stove, counter, dish washer and sink along the south wall. There was a large window in the south exterior wall over the sink. The north wall was of drywall / sheetrock construction with both an open doorway and a pass through opening to a dining area. The kitchen exit door was in the west wall (See Figure 1). The cabinets and appliances reduced the kitchen floorplan to approximately eight feet by eight feet of open space.

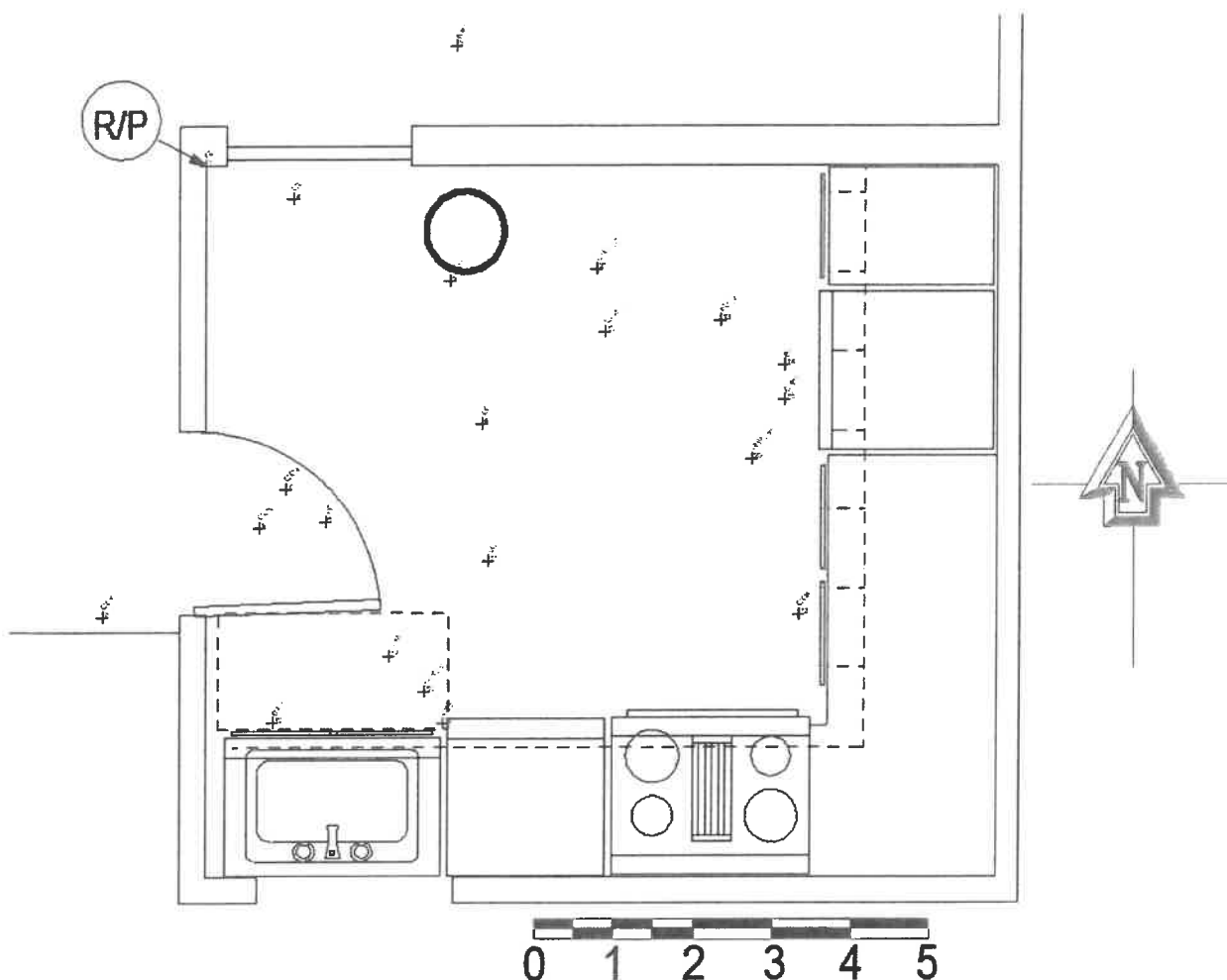


Figure 1 – LFA Kitchen diagram with evidence locations
Not to Scale

No measurements were provided for the location of a bullet hole entry (BHE) in the north kitchen wall. No crime scene photographs show the BHE at a perpendicular angle, image Roll 7_008.jpg³ where a scale was held against the wall was rectified in Adobe Photoshop using accepted forensic techniques to allow measurements of its width and length to approximate a trajectory angle. That trajectory angle is approximately 59° with a ±5° margin of error. The radial angle of the entry path is approximately 68° left of vertical with the same margin of error.

The location of the BHE was estimated using the rectified photograph and the standard dimensions of the nearby electrical outlet. The BHE is estimated to have been between twelve and thirteen inches above the floor and six feet nine inches east of the R/P origin.

The corresponding bullet hole exit (BHX) on the dining area side of the kitchen wall, the impact mark on the dining area floor and the impact mark on the east wall were not reported. Using measurements extrapolated from the width of the wood floor boards, the BHX is estimated to

³ Image numbering based on the scan order of the tendered film prints. This may not be the actual negative number on the original film strip.

be between 2.25 and 2.5 feet from the east wall, the impact point on the floor is estimated to be one foot north of the six inch thick kitchen/dining area wall. The bullet itself was located on the dining area floor near the kitchen doorway and localized with tent marker #2.

We know that an attempt was made to use a laser equipped trajectory rod placed in the north wall BHE based on People's Trial Exhibit #180 and scanned film prints (See Figures 2 and 3). The trial exhibits were examined and photographed by LFA on March 22 and 23, 2018 at the Lake County Court Clerk's Office.

The LCMCTF did little more than stick the trajectory rod into the BHE/BHX combination and take some photographs. Significantly more information can be obtained if the equipment is used properly. Students in our Suburban Law Enforcement Academy / Homeland Security Training Institute Bullet Trajectory Reconstruction class receive twenty-four hours of instruction and practice on the proper documentation of bullet holes, how to measure the angles associated with either the holes or trajectory rods, calculating the angles based on their size, and how to measure the terminus of the beam should that apply as it does in this case. This valuable information can be used to estimate shooter height and location for a particular shot. No documented effort was made to fully resolve this evidence.



Figure 2 – Photograph of People's Exhibit # 180 / LFA IMG_0443.jpg

Trajectory laser extending across kitchen through open kitchen door and ending on hallway wall



Figure 3 – Scanned image IND_0014.jpg
Trajectory laser across the kitchen and ending on the exit door

Shot "B" fired was within a few inches of Reuter's upper left chest and caused characteristic stretching and tearing of her shirt. The bullet traveled through her shoulder and exited her left upper arm slightly below the entry wound. Autopsy image 07-15329 (78).jpg shows a trajectory rod through this wound (See Figure 4). The skin around the BHE is stretched by the trajectory rod due to the angle of the arm at the side of the body as indicated by the added yellow arrow. Had Reuter's left arm been manipulated into a slightly increased angle away from her torso, this stretching would have been minimized and would accurately convey the true arm angle at the time of the shot. A perpendicular photograph looking down on the body, would have allowed the actual angle to be easily calculated. It is unknown if the arm was manipulated to a position above Reuter's head as Dr. Montez later testified to or the effect of such manipulation had on the rod and wound.

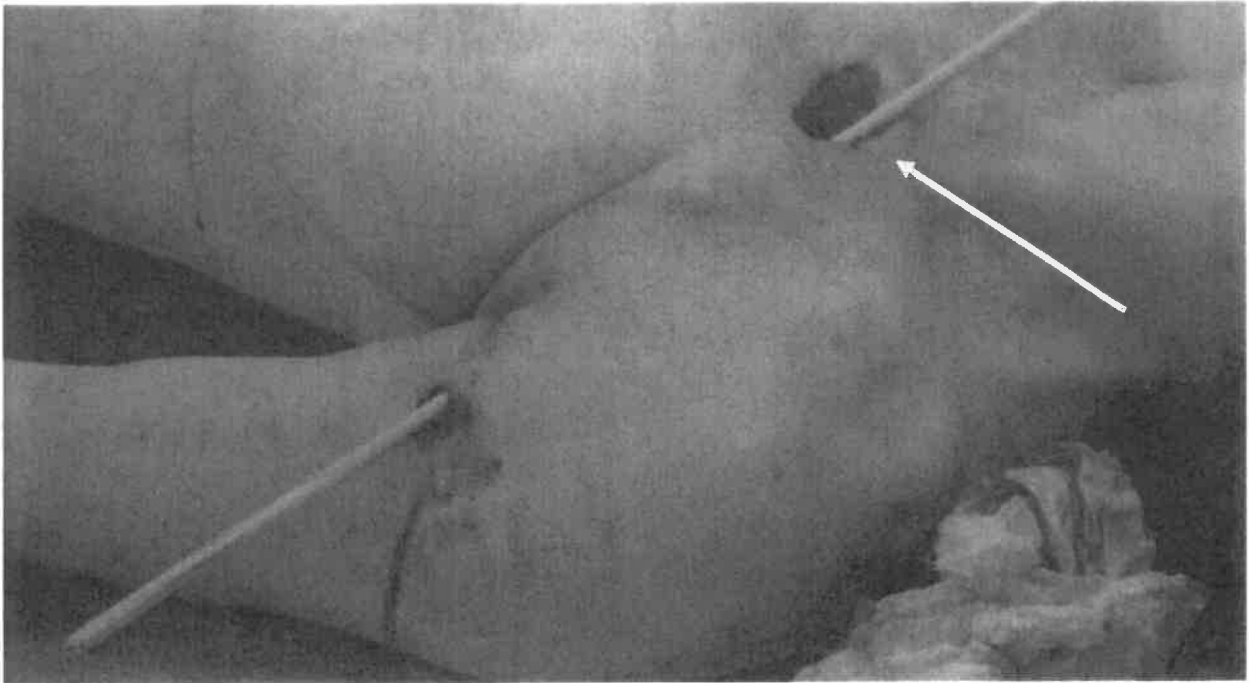


Figure 4 – Autopsy Image 07-15329 (78).jpg

Trajectory rod through wound “B” and distortion of the entry site by the trajectory rod.
(cropped & enlarged)

We now know with reasonable certainty that bullet “B” then struck the east wall just below the cabinets and bounced off coming to rest on the floor mat near the kitchen sink cabinets. The bullet could not penetrate the east wall as it is a solid firewall dividing the Reuter residence and the adjoining unit.

Reuter’s position at shot “B” is bladed at an angle away from the doorway, more facing the kitchen door itself (See Figure 5).

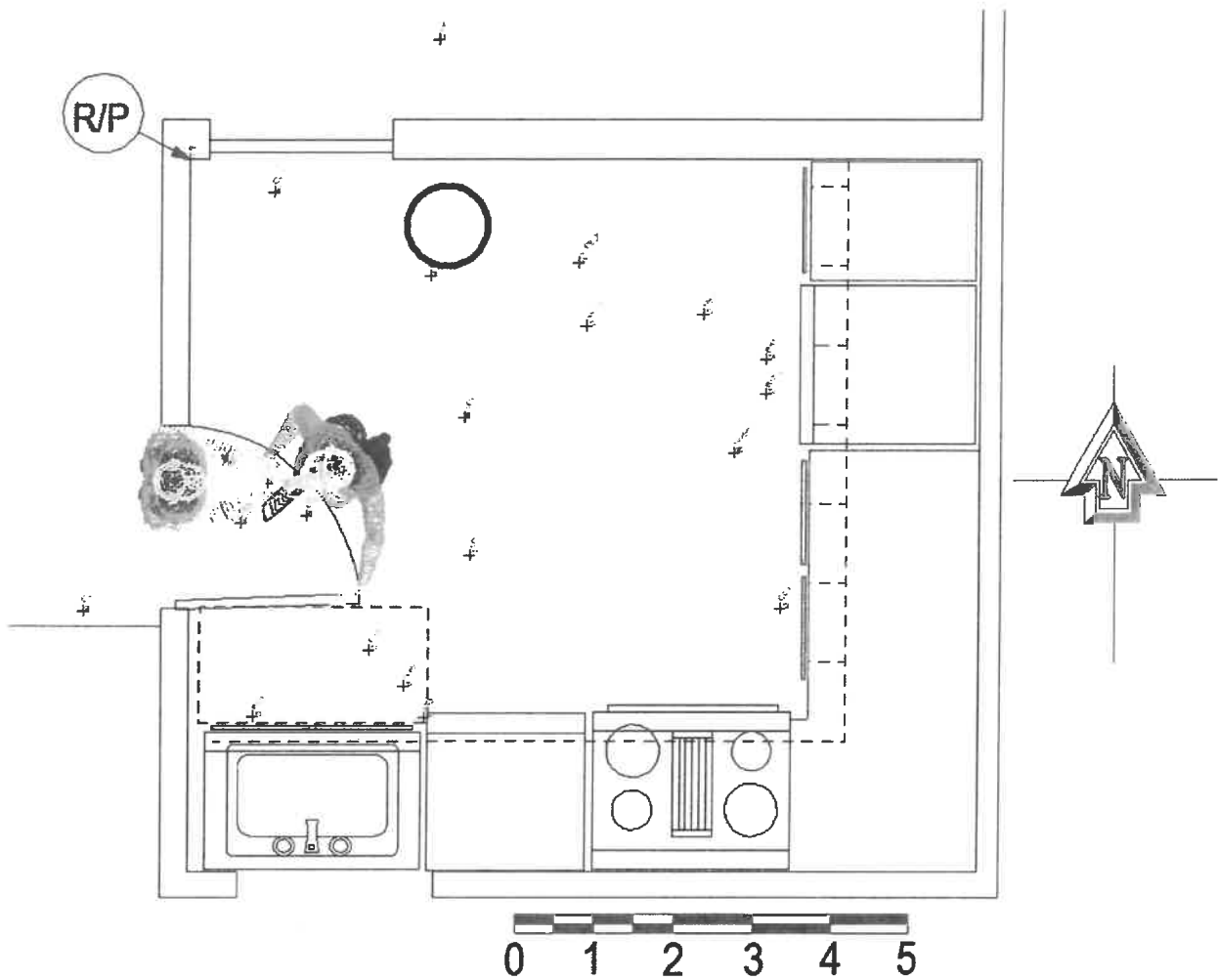


Figure 5 – Estimated positions for shot “B”

The shooter’s position for shot “B” is within the kitchen doorway with the gun raised inside the doorway to be near Reuter’s left chest as described. Being so close to the doorway, and with most semi-automatic firearms ejecting cartridge cases to the right and rear, the cartridge case in the hallway outside the kitchen (tent marker #1) is therefore logically connected to shot “B”.

Observing the east wall bullet impact site is difficult. In fact, only one crime scene photo appears to show the site at a distance (See Figure 13). Figure 6 illustrates the angles and figures from our February 23, 2021, Investigative Memorandum which explains how the bullet impact location can be hidden from view but only a partially appear in any images. The actual dimensions for the cabinets are unknown. The dimensions given in the calculations are based on standard construction materials and building practices. Access to the former Reuter condominium is still necessary for a complete examination.

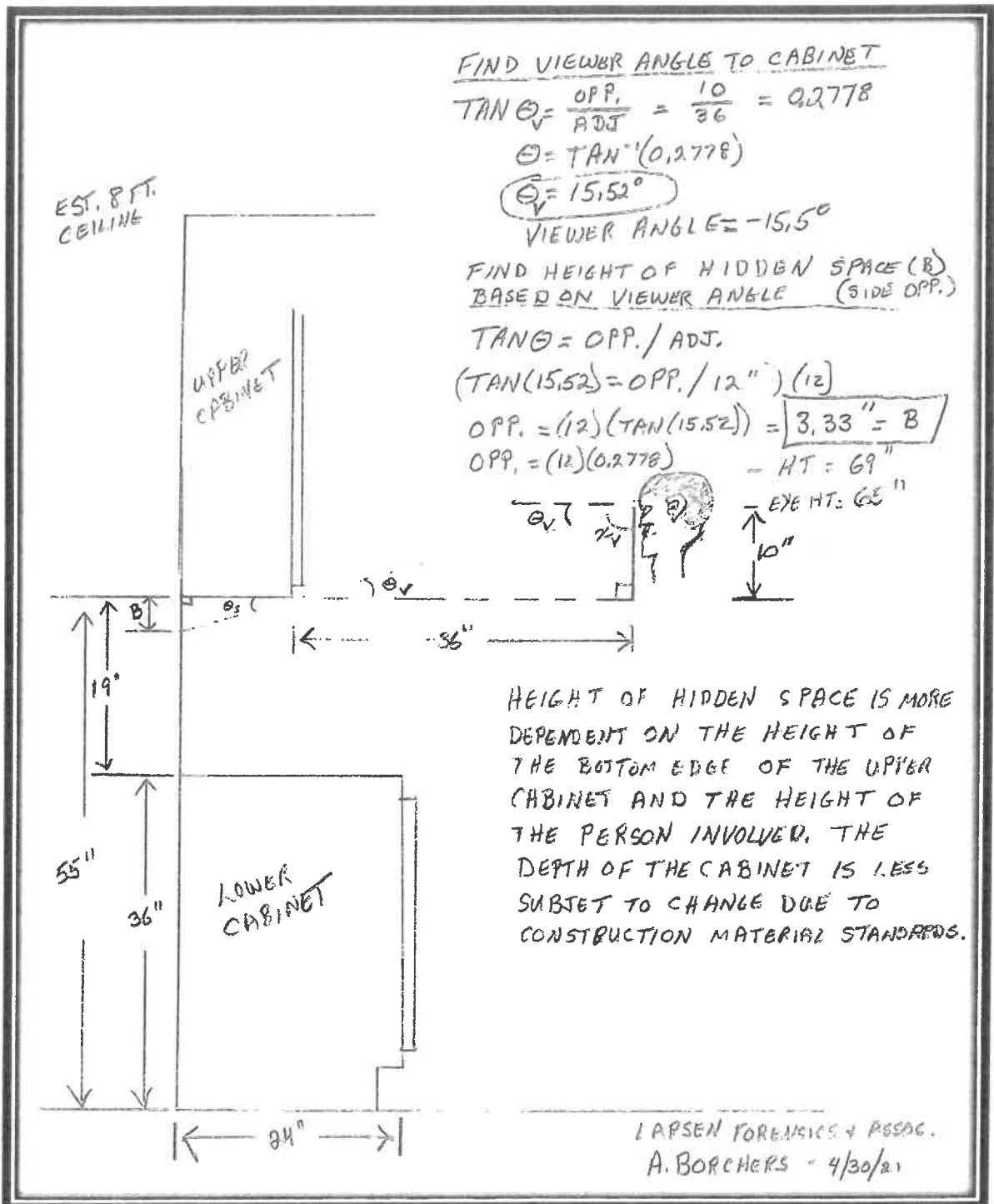


Figure 6 – Estimated view angles related to east wall bullet impact and vertical height of hidden section.

Reuter and the assailant's positions for Shot "A" are rather limited given the instantly incapacitating brain stem injury cited by Dr. Wecht, therefore, this is the final wound inflicted. Shot "A" struck Reuter behind her left ear. The bullet traveled down and right through her skull, exiting under her chin then impacting the floor in front of the refrigerator (See Figure 7).

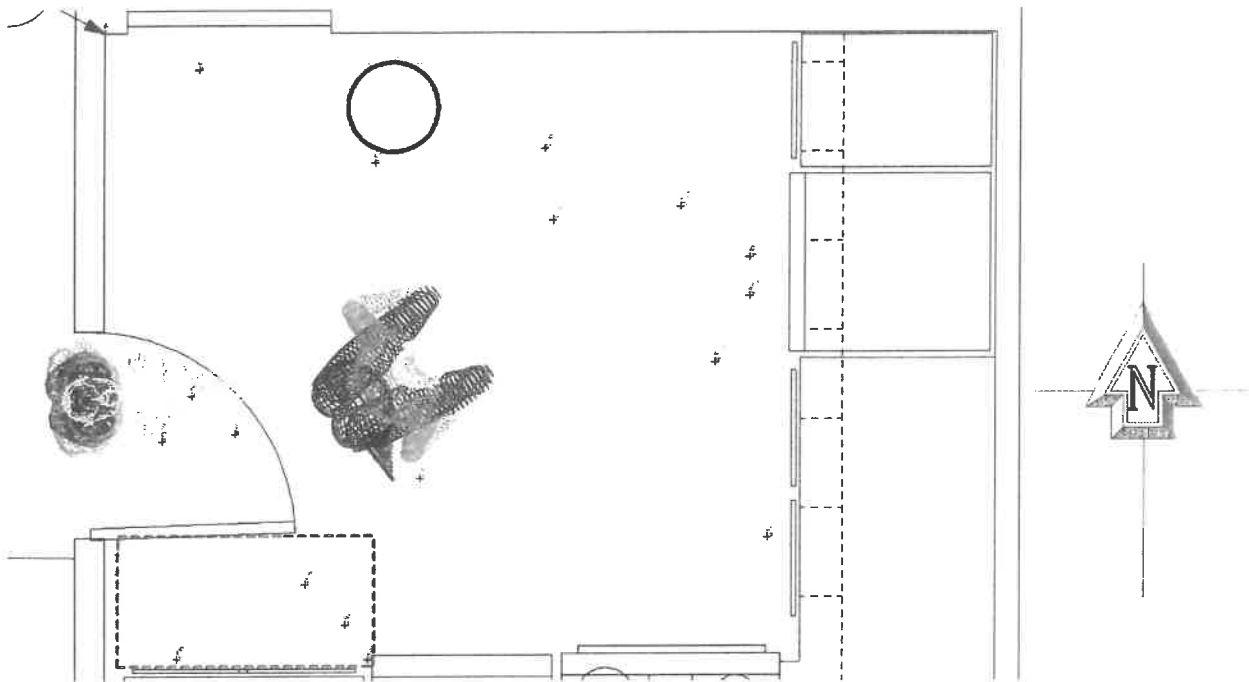


Figure 7 – Estimated positions for shot “A”

The bullet for wound “A” passed through Reuter’s hair potentially left gunshot residue and damaging strands of hair. Detecting the hair damage would be difficult. However, in examining 07-15329 (57).JPG, evidence of stippling and unburned gunpowder grains are visible on the exposed skin (See Figure 8). This would tend to support that the distance between the gun and Reuter’s head is less than three feet. Wound “A” was fired on a significant downward angle. With the identified the bullet impact location on the kitchen floor in front of the refrigerator and by tying that point with the approximate position of Reuter’s head, it becomes clear that Reuter was collapsing to the floor. Her and head were body generally facing northeast at the time she was shot. Once shot, Reuter fell to the floor with the left side of her head on the floor.

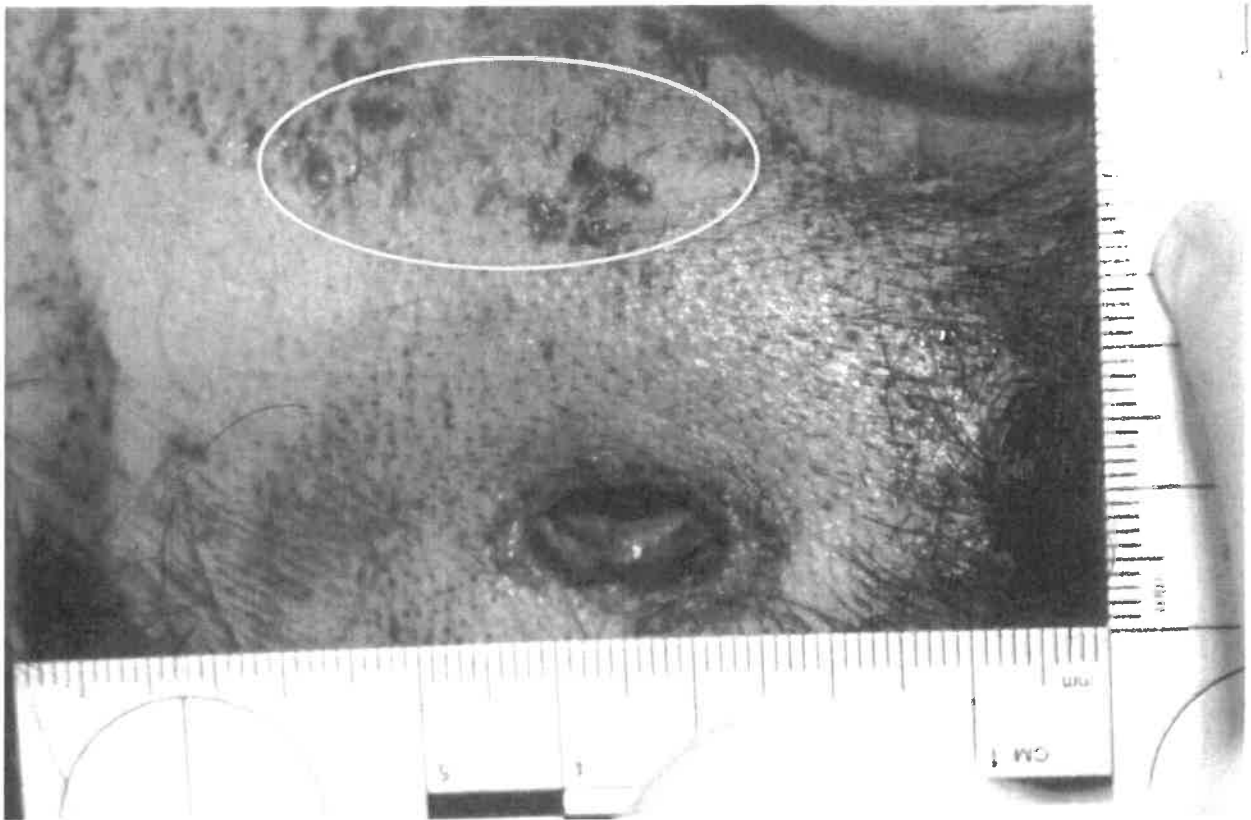


Figure 8 – 07-15329 (57).JPG

All shots are fired within relatively close quarters with minimal movement of the shooter from the kitchen doorway. Shot “B” is the closest as indicated by the tearing and stretching of Reuter’s shirt and indications of soot around the wound. Shot “A” is the last shot fired. Reuter’s movement prior to Shot “A” is also minimal. Reuter’s fall forward to her discovery position accounts for most of her overall movement.

Reuter’s position on the floor in a large pool blood pool left the front of her clothing soaked, requiring drying before storage and any potential examination. When the clothing was examined by LFA in 2018, no evidence of gunshot residue was identified. According to tendered NIRCL reports no forensic examinations of Reuter’s clothing was conducted for gunshot residue.

Marni Yang’s recorded overhear statements of entering the kitchen and delivering a final shot to Reuter’s head is not possible given the known severity of wound “A,” the position of Reuter’s head on the floor and the bullet impact site by the refrigerator. Yang’s statement of Reuter kicking at her legs, Reuter’s legs extending out into the hallway and having to move Reuter’s legs out of the way to close the door are also impossible.

Concerning the bullet recovered from the plastic garbage can, there are no photos of the can in the kitchen showing the BHE damage. Only after the can was moved into the dining area was it documented and the bullet inside recovered. This would tend to indicate that this damage was not detected until the can was moved.

The LCMCTF paid minimal attention to the southeast area of the kitchen during this crime scene investigation. With less evidence in this area and nothing obvious above the floor level, the area

seems to have been ignored. The area did not appear in many images unless the area was adjacent to something else of interest. Complete and overlapping images of the entire kitchen should have been taken from more than one height.

These overall photographs should also include the entire ceiling which would demonstrate that the area was examined and nothing of value was detected. In reviewing the scene images, only one image, Roll 2 Image #13, captures a majority view of the ceiling (See Figure 9).

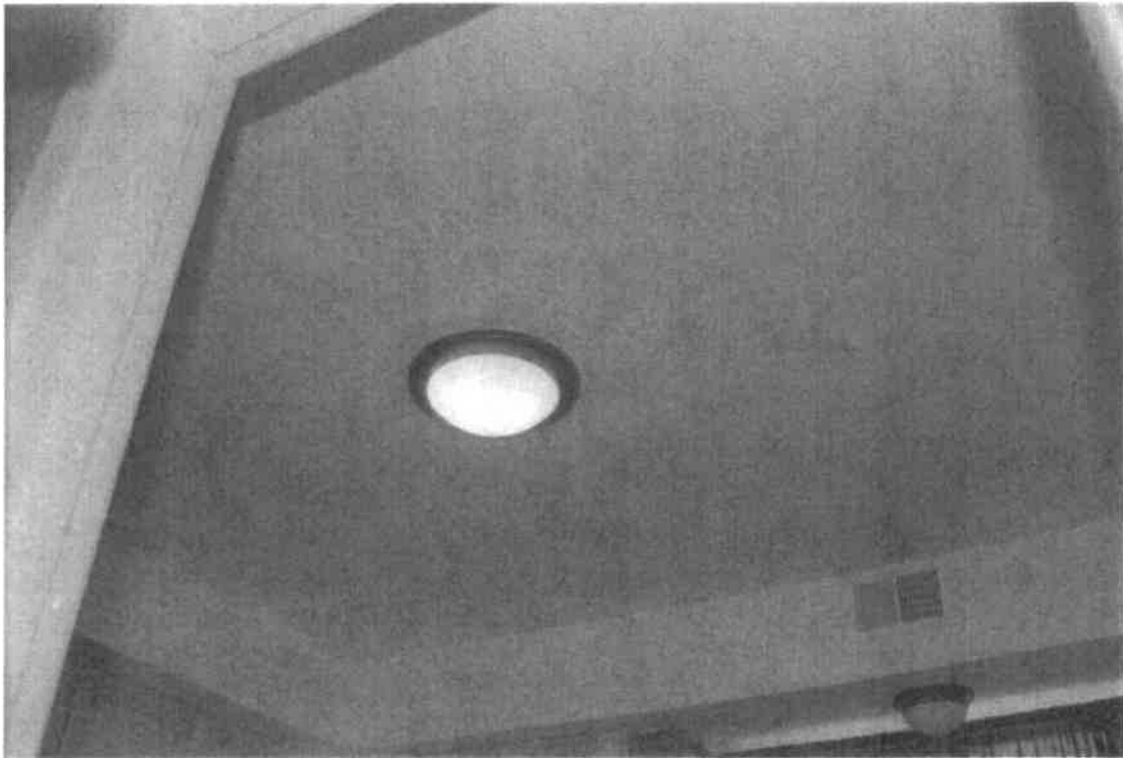


Figure 9 – Roll 2, Image #13
LCMCTF ceiling image

Our February memorandum mentioned several images but did not include them for space considerations. They will follow here for clarity purposes:



Figure 10 – IMG_2256.jpg
Stovetop debris



Figure 11 – IMG_2234.jpg
Southeast kitchen counter debris (enlarged and cropped)

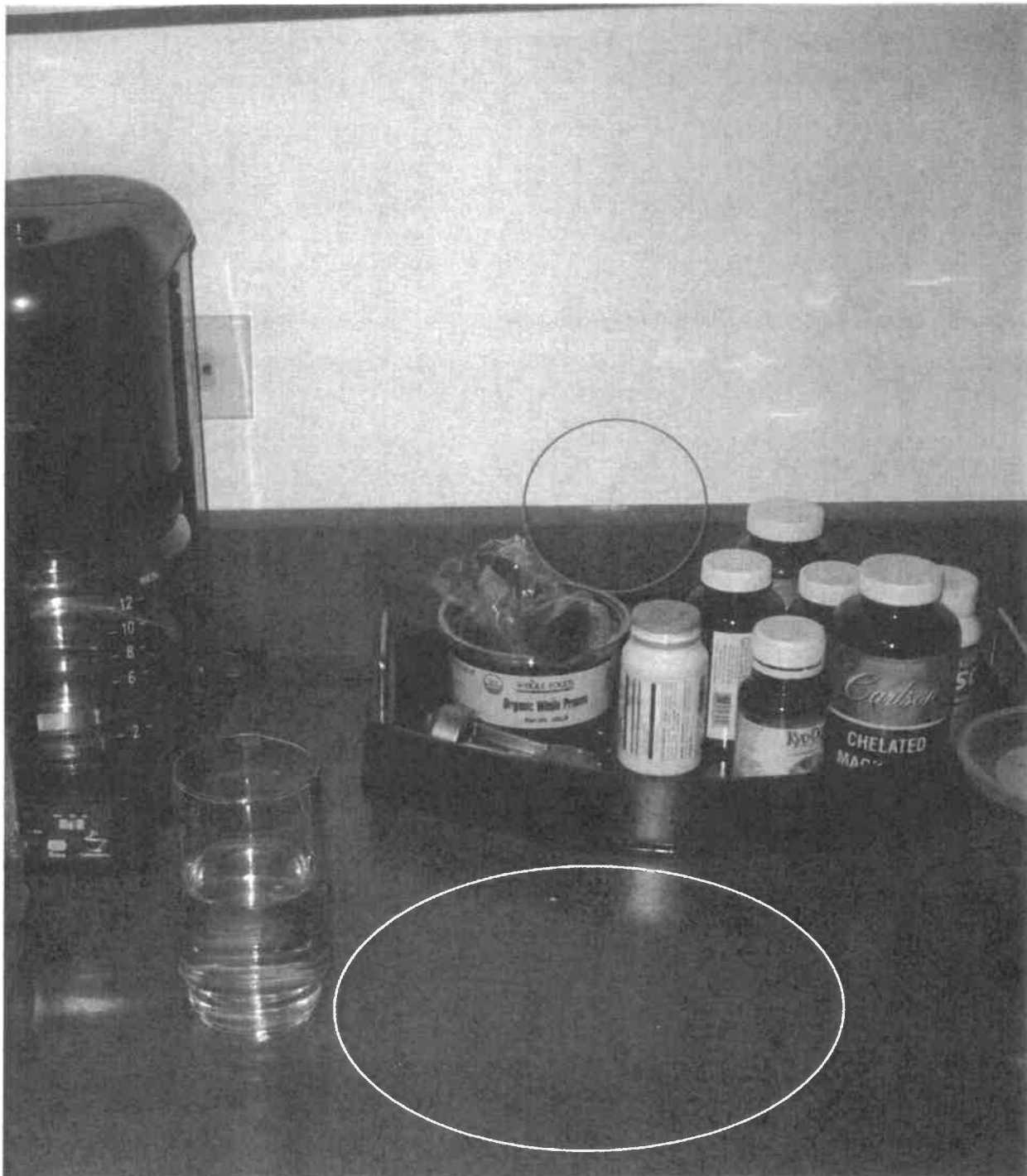


Figure 12 – IMG_2255.jpg
East counter debris (yellow), Ledge debris (red)

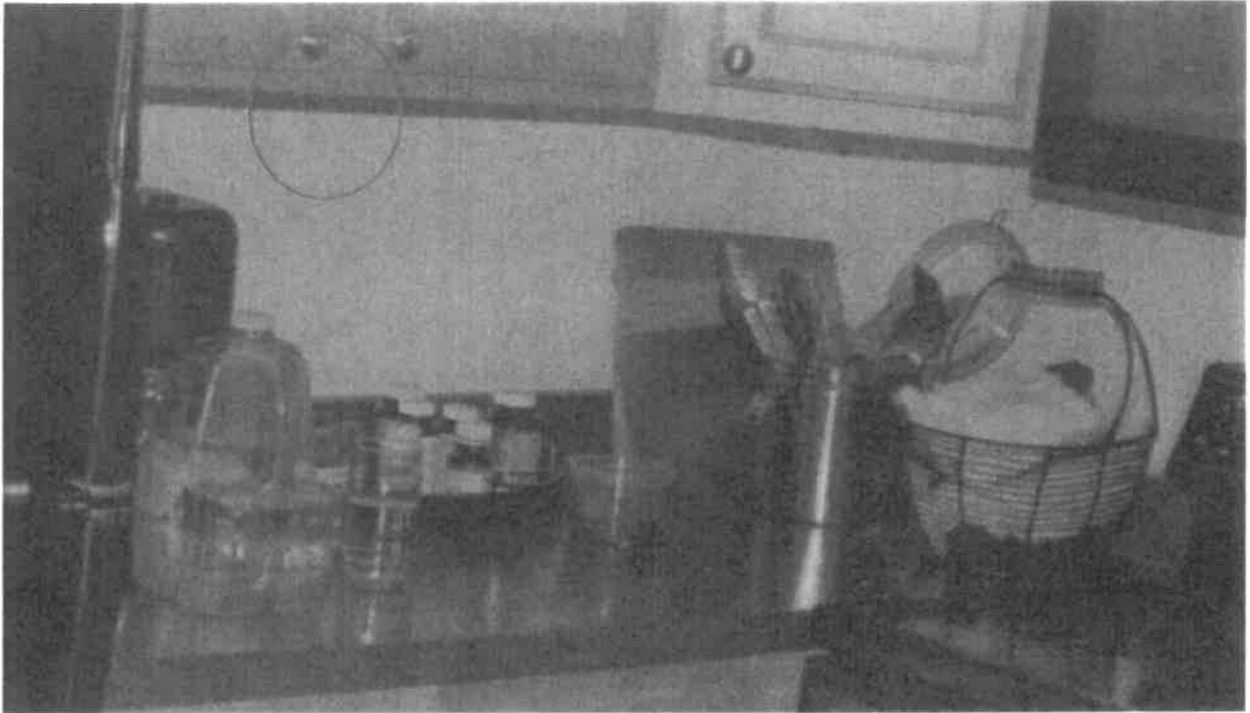


Figure 13 – Roll 2 Image #11

East counter with possible impact site visible (cropped & enlarged)

The camera used for the digital images is a Canon A340. This is a point and shoot camera with integral zoom lens and an 8 megapixel sensor. There is no indication in the photo identification frame (IMG_2180.jpg) by Evidence Technician Thomas what time he began taking photos at the scene. However, image IMG_2211.jpg depicts a “Magic Stat” digital thermostat displaying the time of 10:30 AM. The “Date/Time Original” EXIF metadata field for this image reveals that it was taken on “10/4/2006 9:36:02 AM.” Whether the time on the thermostat or the time on the camera was incorrect is unknown. However, the year in the camera was not set correctly.

While researching prior to the shell gas station report, the historical weather conditions for the morning of October 4, 2007 were obtained from www.weatherunderground.com. The information obtained revealed that sunrise occurred at approximately 6:52 AM. According to the police report, the 9-1-1 call was received at about 8:00 AM.

The kitchen window faced south and had a sheer black fabric curtain for covering. The initial photographs taken by the officers (See Figures 14 and 15) show the outside of the property as brightly lit while the interior hallway outside the condominium door is noticeably darker. Therefore, when Reuter opened the kitchen door, the shooter would be confronted by a reasonably lit room (See Figure 16).

This contradicts Yang’s statement that it was too dark to see inside the kitchen. Yang also states that she was wearing sunglasses implying that contributed to her seeing things darkly. In moving from bright to darkened environments, the human eye adapts to lower light vision in approximately 15 to 20 minutes. The reverse, adapting to bright conditions takes only a few seconds. This known physiological effect supports that Yang’s statement is a smokescreen justification for an inability to provide exact details about the shooting event.

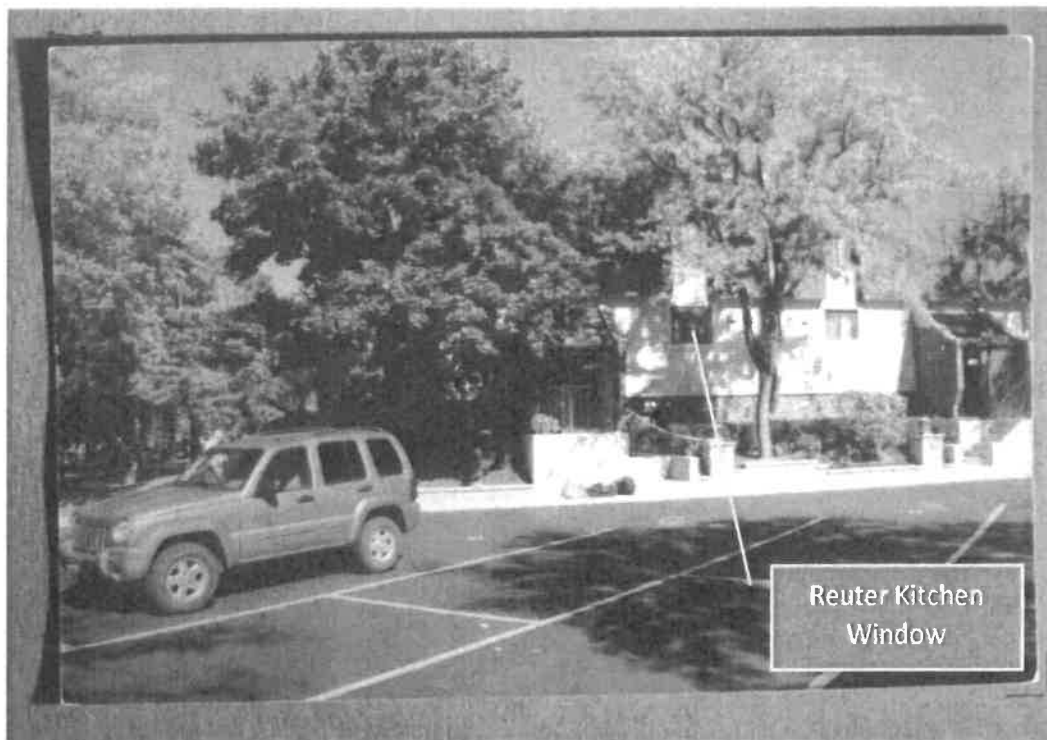


Figure 14 – People’s Exhibit #133 / LFA IMG_0352.jpg
Outside of Reuter condominium building (cropped & enlarged)



Figure 15 – IMG_2195.jpg
Hallway outside of Reuter condominium.
(Note the added light due to the electronic flash at left and upper section of kitchen door.)



Figure 16 – IMG_2218.jpg
Kitchen window and lighting conditions

Yang also made a statement that Reuter moved across the room and bumped into one of the counters during the shooting. Based on the wounds around the waist high circumference of Reuter's body it is likely that some sort of blood evidence would have been left behind had this contact occurred. There is no such evidence documented or visible in the scene photographs.

Throughout this document positions are discussed for Reuter and the shooter. We have assumed both individuals to use normal body motions rather than some contorted gymnastics to perform the actions required by some theorized scenario. Our intent is to keep the natural and simple: the evidence explains the event versus a desired outcome explains the evidence.

While it is possible for actions to occur in different ways, all indications support this attack was a sudden, rapidly evolving incident involving two people. One person is clearly an assailant with expectations and purpose. The other, a victim, taken unawares by an unexpected attack. In this circumstance, both would have had to respond to the instant situation revealed by the opening of the kitchen door.

The assailant would have had to determine if the person in the doorway was Reuter or some other person. It is highly unlikely that an armed assailant randomly chose this building in this doorway on random chance that someone would just decide to leave at 8:00 AM. Reuter was known to friends to regularly leave home at about 7:45 in the morning. There is no evidence that Yang had ever met Reuter let alone was a friend.

This assailant was there with violent purpose as evidenced by the near immediate firearm presentation and use. The assailant expected Reuter to be on the other side of the door. The assailant had to have reasonable assurance that no one other than Reuter would be at home or would be leaving at a relatively predetermined time. It is unknown how the assailant would have come by this prior knowledge. Perhaps sounds of an imminent departure could be heard from inside the residence and the opening of the door was anticipated but the assailant had no certainty as to when the door would open.

Reuter had no expectation that danger awaited. She was planning to go to work and the gym. Instead, when Reuter opened the door, she was confronted by a grave threat. Whether Reuter was immediately aware the person outside the door was armed or not is unknown. However, the gun was soon presented and used. Reuter had to recognize at least one threat, direct her attention toward the threat, decide how to respond to that threat and then act upon her decision. That decision process takes time.⁴ If a person is unprepared, inaction and indecision are the frequent but less than optimal response. Reuter is faced with another decision loop when the assailant starts and continues violent acts. Reuter continues to be stuck in a delayed reaction loop until the final shot is fired.

In summary, the LCMCTF failed to conduct a thorough and proper crime scene investigation of this incident. Little effort was made to document the entire kitchen and dining area. Evidence markers were not placed by some items of evidence. Measurements of every piece of evidence observed and collected were not made. The crime scene processing reports are minimal and lack detail. There is no indication that any of the crime scene evidence was used in attempting to understand the entirety of the event or compare the evidence against Yang's "confession." Had due care and diligence been followed, evidence would not have been missed and a proper analysis of the shooting sequence could have been conducted. It is clear the personnel involved had a basic knowledge of crime scene investigation but did not know how to apply that knowledge in a manner that would reveal facts crucial to support a proper investigation and finding.

These failures led to erroneous speculation while attempting to fill information voids. The proper use of a forensic scene investigation is to gather and analyze all crime related physical evidence to learn more about the offender and how a crime took place. The documentation of the scene investigation must be detailed and exhaustive to wring out the maximum amount of information possible. Once a scene is released, the chances of obtaining additional information of value are significantly reduced. In this incident it is by the merest of chance that minute details were observed and correlated into a reconstruction of the incident.

LFA reserves the right to review, amend and supplement this document if additional information or evidence is presented.

Respectfully submitted,

⁴ This decision loop theory was developed by U.S. Air Force Colonel John Boyd and is known as the OODA Loop. OODA stands for Observe, Orient, Decide, Act.



Arthur H. Borchers
Forensic Associate



John Louis Larsen
President, Larsen Forensics & Associates

I N V E S T I G A T I V E M E M O R A N D U M

To: Jed Stone, Attorney at Law

From: Arthur H. Borchers
John Louis Larsen

Date: May 6, 2021

Subject: **0620 Koelling 17 – People v. Marni Yang:**
Need for Homicide Scene & Deerfield PD Film Scan Access - UPDATE

Mr. Stone:

The contents of this investigative memorandum should not be considered either a preliminary or final report or evidence of a complete investigation on the part of Larsen Forensics & Associates, Inc. (LFA) into the case of People v. Marni Yang. On behalf of LFA, I am writing to express the necessity for access to the kitchen and dining room area of the Reuter crime scene and to digitally scan several frames of the DPD film documenting that scene.

With the examination of wound "B" to Reuter's upper left chest, the use of a silencer was effectively eliminated. The damage to Reuter's clothing, gunpowder soot and debris around the wound "B" margins established both that it was a near contact wound and the result of the first shot fired in this terrible incident. Another review of Dr. Montez's postmortem examination report confirmed that he failed to recognize basic and obvious facts about wound "B." A review of Montez's trial testimony that despite Judge Stride's ruling that he was not to testify about bullet trajectory, he did so and gave information that violates the laws of motion.

Montez's statement the wound "B" exited in an upward direction, contradicts of his own report. Montez testified that Reuter's arm was somehow positioned over her head. That would require the bullet to impossibly change direction within the soft tissue of her shoulder. Figure 1 illustrates the approximate arm position at the time of wound "B." Figure 3 illustrates the impossible direction change purported by Mr. Montez.

Montez also testified that he dissected out the Wound "B" channel to confirm the direction change yet the last image of Reuter during the autopsy, 07-15329 (135).jpg, displays a trajectory rod through Reuter's head but the visible portion of her left upper arm shows no evidence of dissection of the bullet "B" exit wound and no mention of this dissection is made in his postmortem report. What is evident is that Dr. Montez's "Y" internal exam incision was made through the bullet "B" wound track.

People's Exhibit #260, the female body diagram, drawn by Montez during his testimony is markedly similar to the positions and directions shown in Figure 2 (See Figure 1).



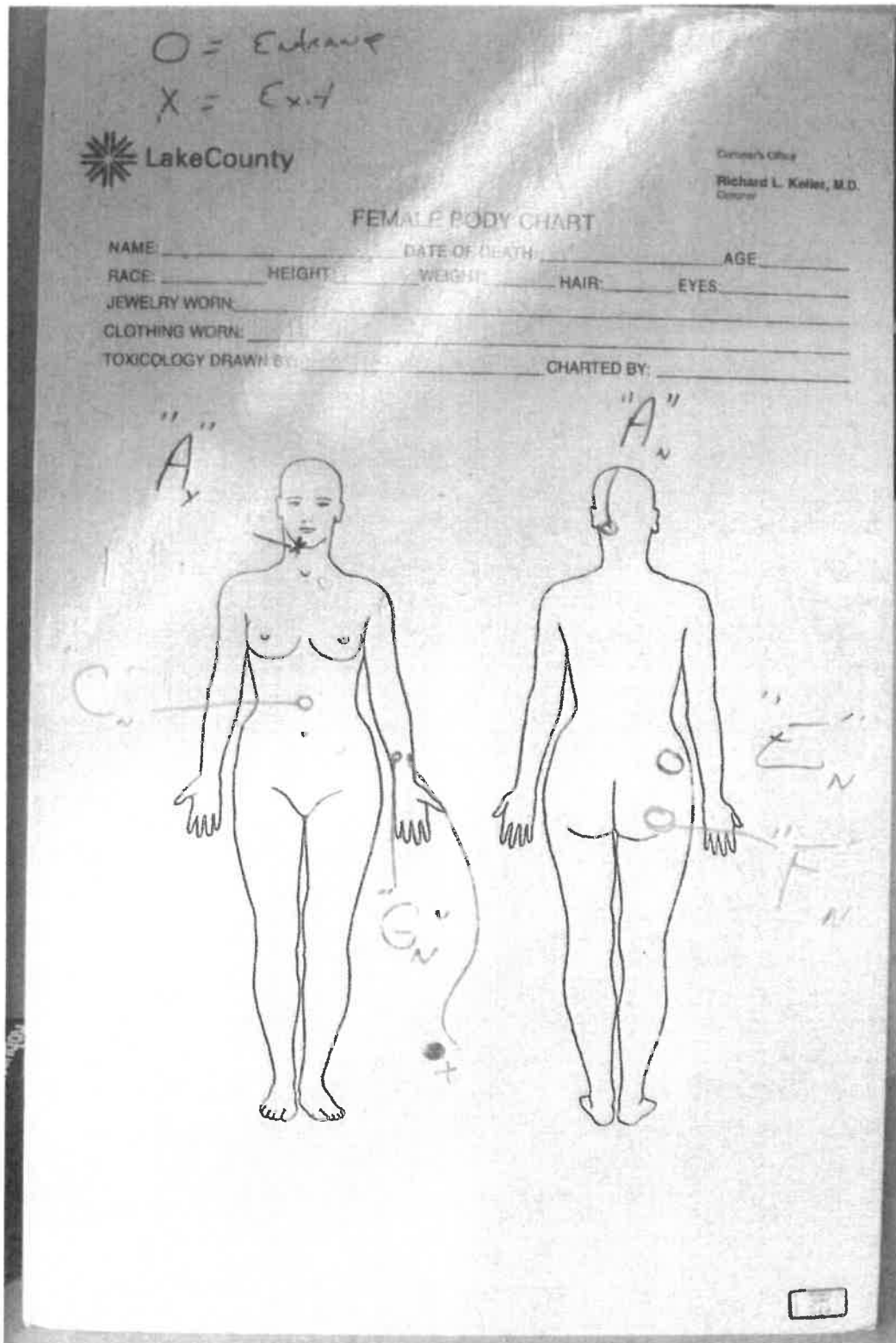


Figure 1 – People’s Exhibit #260 drawn by Dr. Montez

Dr. Montez also testified that once he completed Ms. Reuter’s autopsy, he then began the examination of Baby Girl Reuter. The film photographs taken by the Lake County Major Crimes Task Force members present at the autopsy have never been turned over but potentially may contain better or different

evidentiary views. There is no indication in the Lake County Coroner documents that any photographs were taken by an employee other than the police.



Figure 2 – Approximate arm position for Wounds “B” and “D”→”G”

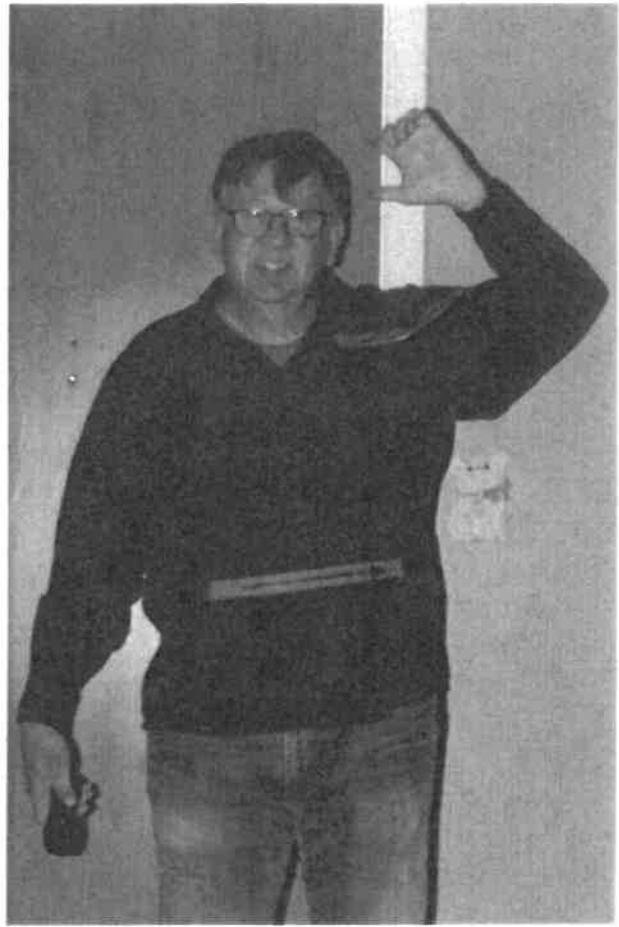


Figure 3 – Montez testimony position

LFA's analysis shows that Reuter's left arm was likely splayed out from her body when shot “D” was fired (See Figure 2). Two pieces of tape were applied to the front and back of my forearm representing the same path from both sides of the arm. Figure 2 illustrates the wound path of bullet “G” entering the left forearm and coming to rest under the skin of the outer left forearm and closer to the wrist. Montez's testimony regarding wound “D” across Reuter's abdomen and then entering her left forearm while she had her hand positioned on her abdomen would require the bullet to reverse direction in flight. Figure 4 is consistent with Dr. Montez's sworn trial testimony and graphically illustrates the impossibility of his scenario.

LFA is still requesting access to all remaining photographs, film, digital, instant, and otherwise, related to the investigation of the murder of Rhoni Reuter.

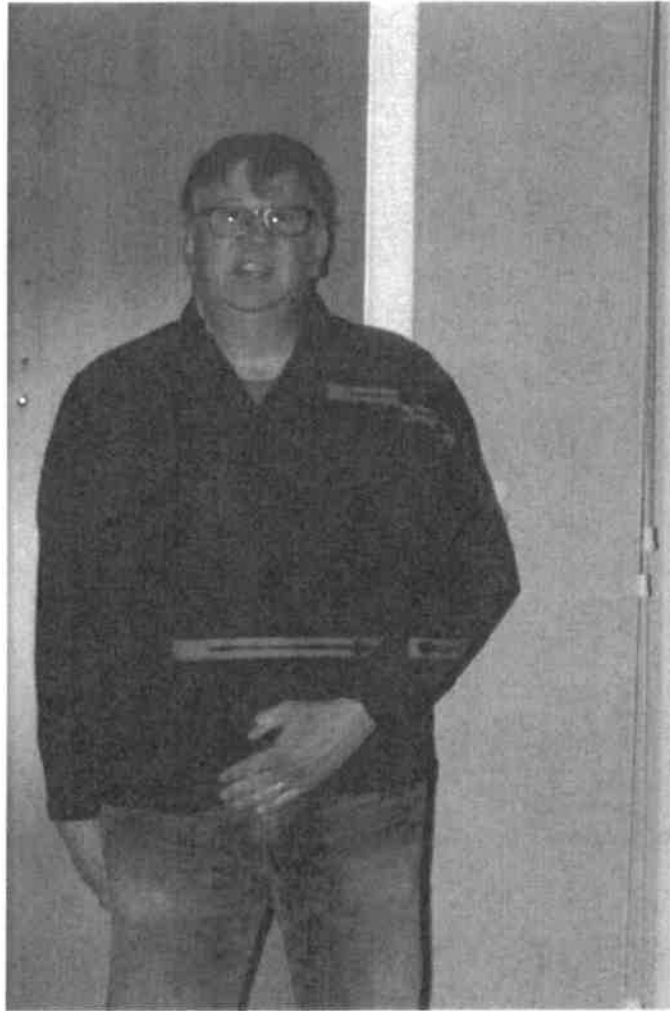


Figure 4 – Impossible bullet path change espoused by Mr. Montez's testimony.

Returning to wound "B," the question has now become, 'Where did this bullet go?' Evidence bullet #9 was found on the small rug in front of the kitchen sink cabinets, which would place it behind an open kitchen door. Photo IMG_2256.jpg shows the top of the stove littered with white particulate debris. IMG_2234 shows the southeast corner of the kitchen where the stove debris is also present. The DPD/MCTF crime scene video also shows particulate debris on the counter above the dishwasher, on the stove and on the east counter. IMG_2255.jpg shows at least three debris particles on the east counter plus what might be a debris pile on the raised ledge behind the vitamin tray. Barely visible in the shadow of the upper cabinet above this pile are two darker marks. One of the marks is above the debris pile. However, there are reflected flash artifacts from the tops of the items in the tray that may be hindering accurate depiction and visualization. These marks are slightly more visible in scanned DPD photo prints from roll #2 in what was numbered image 11. A review of the documented police investigation of the crime scene fails to resolve the issues we have developed by our recent examinations of the clothing worn by Ms. Reuter, gunshot residue on her clothing and wound site, and bullet trajectory. LFA needs access to the kitchen at the crime scene to make accurate measurements that were not made as part of the initial investigation.

The reason these marks are crucial and require immediate investigation is again related back to wound "B." At the postmortem, Montez reported Reuter's height to be 69 inches. The "B" entry was measured at 13-1/2 inches below the top of Reuter's head. The "B" exit was measured at 15 inches below the top

of Reuter's head. This translates to the entry being approximately 55-1/2 inches above the floor and the exit being approximately 54 inches above the floor. In standard kitchen construction, the floor to counter or appliance top height is approximately 36 inches. The bottom of the upper cabinets is approximately 18 to 20 inches above the counter or 54 to 56 inches above the floor. The actual height of the upper cabinets in the Reuter home is undocumented in any of the police reports but should conform to standard construction practices.

When a 69 inch tall person stands 36 inches from a 12 inch depth upper cabinet (48 inches total distance from the wall) approximately 3 inches of wall below the cabinet is effectively hidden from view. This concealed wall area diminishes as the viewer moves back but it never goes away unless the viewer's height is reduced to less than the upper cabinet height above the floor, i.e., 54 to 56 inches.

Shot "B" struck the east wall at a near perpendicular angle and bounced off coming to rest on the rug (bullet #9) behind the kitchen door that was open during the shooting incident. This is supported by the fact that no evidence of a bullet impact site was found on any of the cabinet faces, refrigerator, small appliances, or the counter area yet there is debris clearly indicating an impact site in that area. The only remaining area for the bullet impact site to be is in what I would call the "shadow space" below the upper cabinets.

LFA is also still requesting access to the former Reuter home to search and document this hidden wall area under the upper cabinets to obtain corroborating data confirming that Marni Yang was not the shooter, in Mr. Stone's effort to advance her claim of actual innocence.

If granted access to examine the east wall and counter area, we would also respectfully request permission to locate, measure and document the bullet trajectory through the north kitchen / dining room wall, floor, and impact area on the east dining room wall for evidence bullet #2. Our intent is to document the entire kitchen and dining room area with digital photographs and with a DotProduct 3D scanning system to obtain complete and accurate room measurements. This scene examination will allow us to accurately position Reuter at each shot as well as narrowly focus the shooter height and position issue.

Respectfully submitted,



Arthur H. Borchers
Forensic Associate



John Louis Larsen
President

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS,)
PLAINTIFF)
)
v.) No. 09 CF 926
)
MARNI YANG,)
DEFENDANT)

AFFIDAVIT OF ARTHUR H. BORCHERS

Arthur H. Borchers, being first duly sworn, states under oath and subject to the penalty for perjury, as follows:

1. When Larsen Forensics & Associates (LFA) became involved the investigation and reconstruction of the Rhoni Reuter homicide we were required to take a comprehensive look at an event that took place in a matter of seconds but with consequences that are still playing out. In brief, at about 8:00 am on the morning of October 4, 2007, Rhoni Reuter was shot and killed in the kitchen of her residence at 441 Elm Street, Unit #3B, Deerfield, Illinois. The offender was not actually seen committing the crime.
2. A witness reported an unknown black male being seen leaving the area shortly afterwards. This person was described as a 13 to 14 years of age with curly hair running to a black mid-size sedan. The witness could not recall anything about his clothing or build. In a later interview this description became more expressive.
3. Deerfield Police officers responded to the scene based on a neighbor's 9-1-1 call. The officers clearly had no trouble accessing the Reuter residence and finding her body on the floor. The police reports fail to document if the kitchen door was found slightly ajar or wide open. In either case, Deerfield Fire Department personnel soon confirmed that Rhoni Reuter was deceased. The Lake County Major Crimes Task Force (LCMCTF) was mobilized to start an investigation.



4. In simple terms, the scene revealed that Reuter was carrying a large black tote bag over her right shoulder, her car keys were in her right hand and a plastic "Whole Foods" bag was found nearby.
5. Seven fired 9mm cartridge cases were scattered about the kitchen floor.
6. Five live 9mm jacketed hollow point cartridges were also found on the floor and under the tote bag. This indicates that the live cartridges were on the floor before Reuter fell.
7. Two fired bullets were found on the kitchen floor. One bullet was within the blood pool near Reuter's head in front of the refrigerator. The other bullet was found on a floor mat in front of the kitchen sink but behind the exit door. Another fired bullet was found inside the kitchen's black plastic garbage can. A fourth and final fired bullet was found on the dining room floor just outside the kitchen doorway.
8. Exhibit 1 is a scene diagram compiled by LFA from police reports and scene photographs. It is drawn to rough scale and represents the positions of items as best as can be determined. Exhibit 1 also records the positions of items and evidence not included in the police diagram.

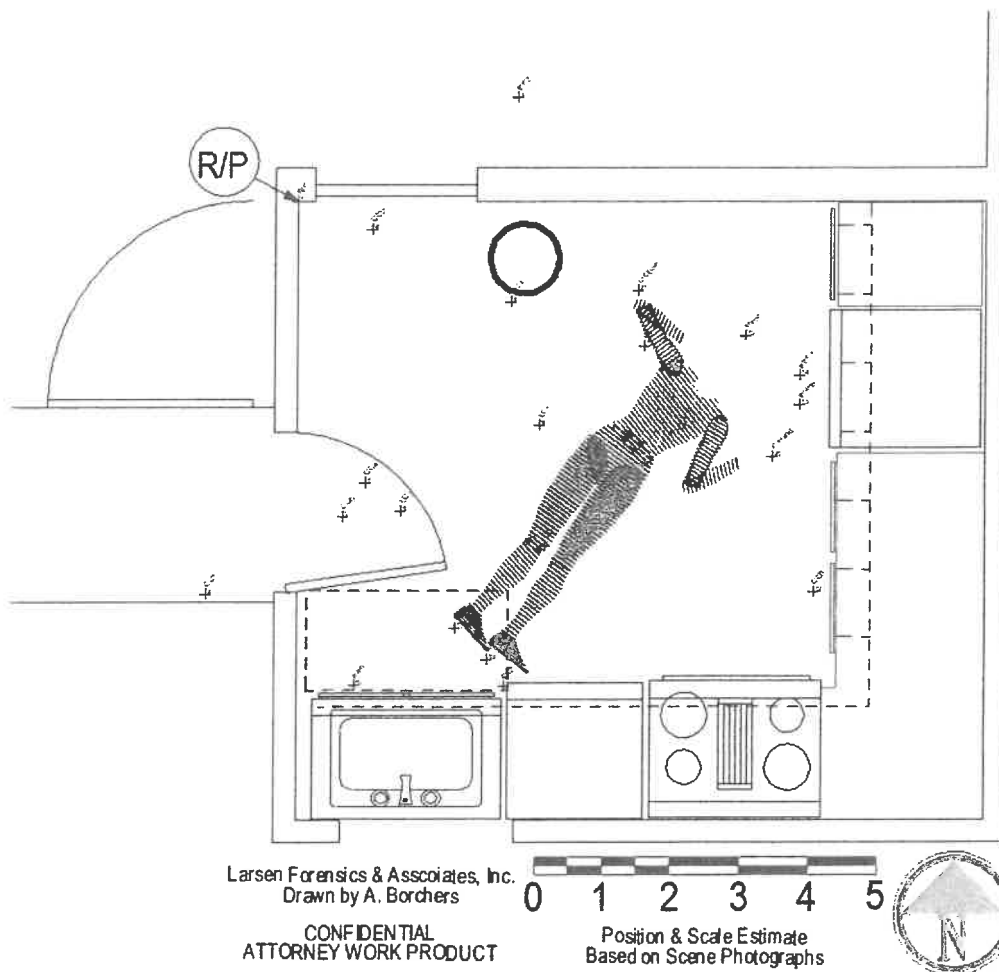


Exhibit 1 – LFA Scene Diagram

9. During the LFA scene analysis, anomalies were noted that were not explained in the police reports. These include particulate debris on the top of the stove and nearby counters in the southeast area of the kitchen. The locations of a bullet hole in the north kitchen wall with corresponding exit in the south dining room wall, an impact point on the dining room floor and an impact point on the east dining room wall were not measured and included in the police reports (See Exhibits 2, 3, and 4). These locations were determined through detailed photographic analysis as detailed herein.



Exhibit 2 – IMG_2243.jpg depicting the bullet hole in the north kitchen wall

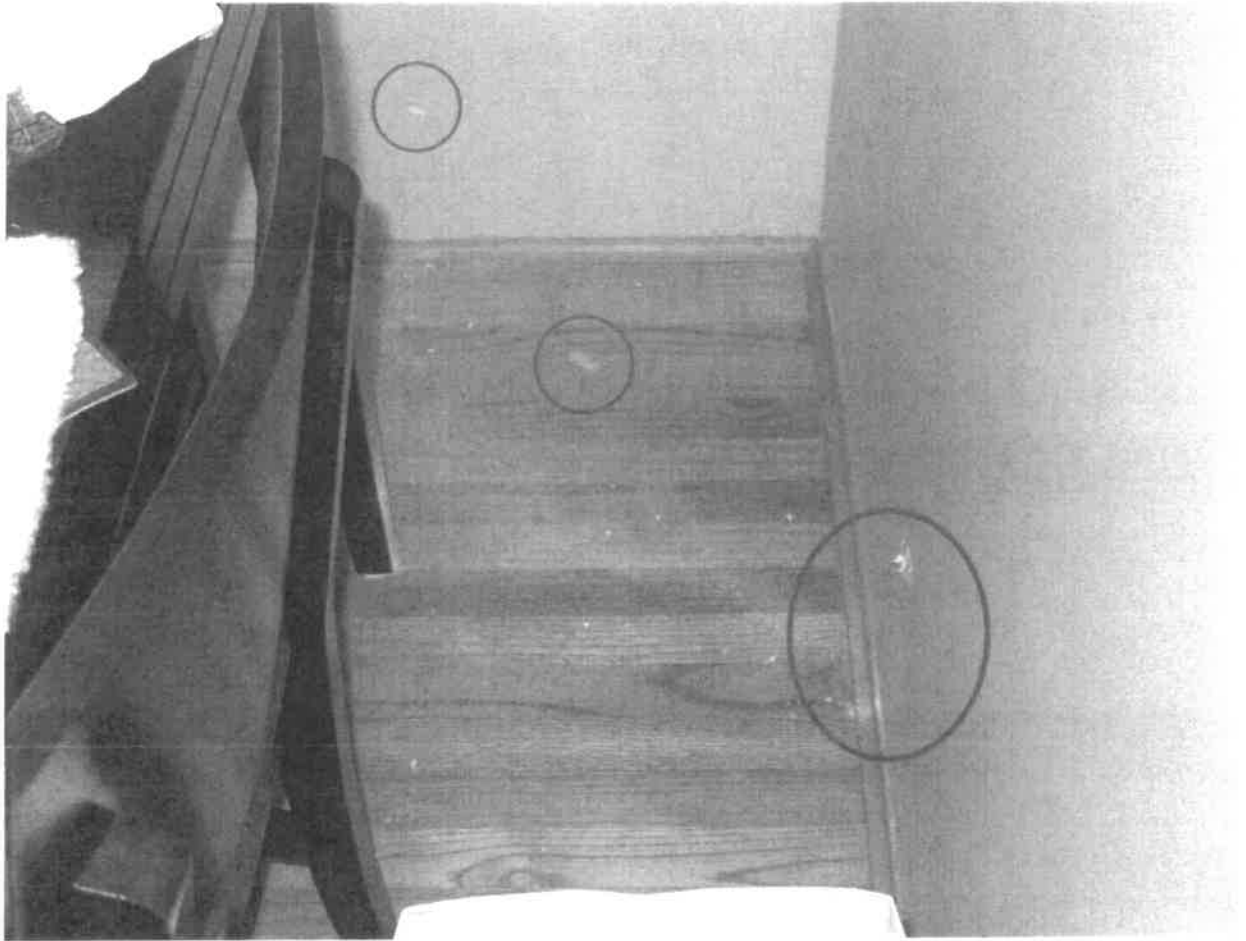


Exhibit 3 – IMG_2222.jpg: Dining room floor and walls



Exhibit 4 – IMG_2223.jpg: Dining room walls and floor

10. Another anomaly is the bullet impact and fired projectile recovery from the black plastic garbage can within the kitchen. Prior to this writing, no police image of the bullet hole in the can in its original location had been identified. However, a careful review of police images searching for this evidence located two images taken during the initial stages of their scene investigation (See Exhibits 5, and 6).



Exhibit 5 – IMG_2240.jpg with arrows highlighting both the hole and broken plastic debris.

////////



Exhibit 6 – IMG_2251.jpg with arrow highlighting the hole

11. The only specific evidence images taken by the police of this hole and the recovery of the fired bullet inside the can were taken after the can was moved from the kitchen into the dining room (See Exhibit 7). No explanation for this discovery / oversight was included in any police report.

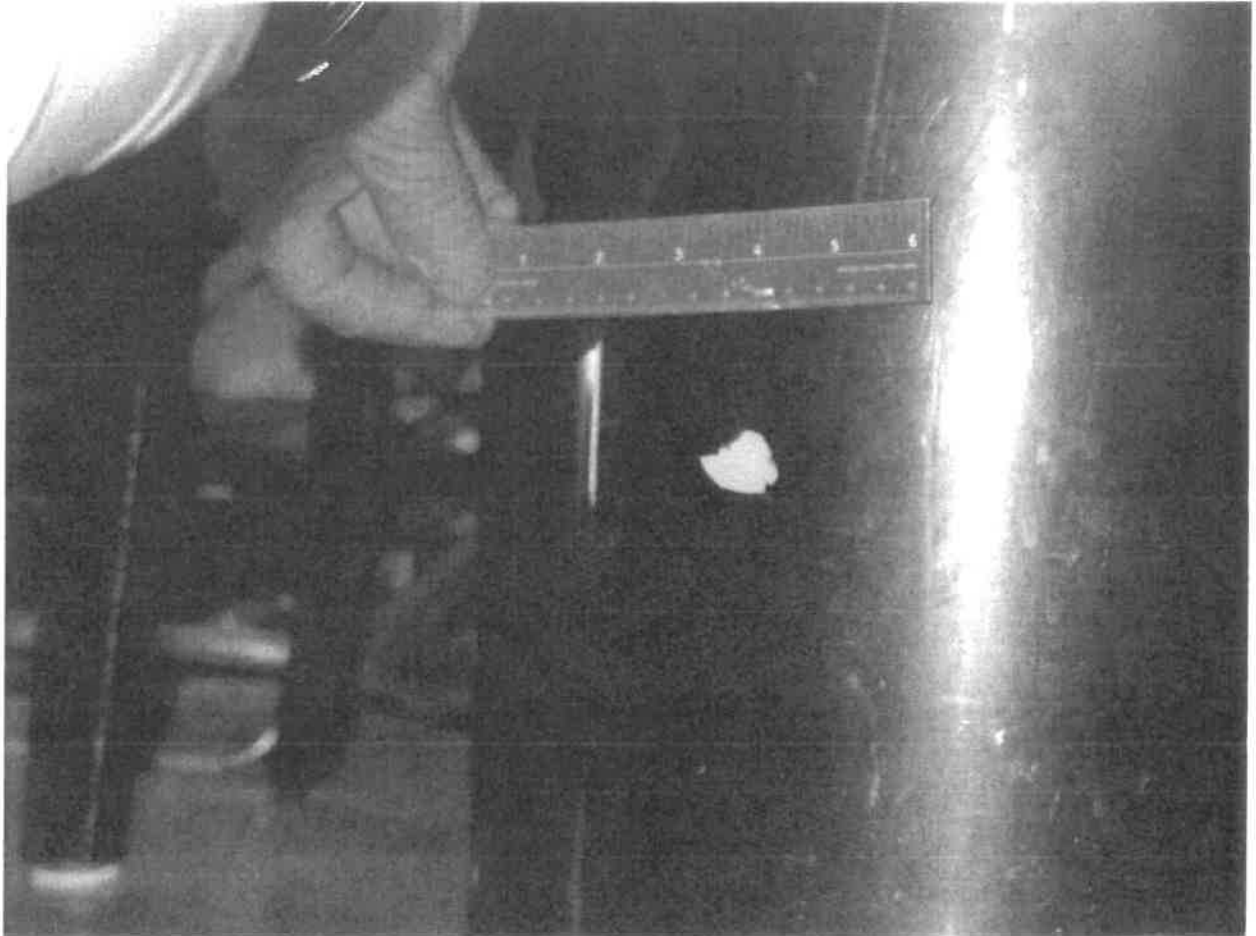


Exhibit 7 – IMG_2368.JPG: First specific police image of garbage can bullet hole

12. Review of LCMCTF evidence reports, NIRCL Lab Reports and Illinois State Police (ISP) Forensic Lab Reports all use different item numbers for the four scene bullets. The item numbers correspond as follows:

LCMCTF	NIRCL	ISP	Location
JY002	4	3	Dining Room Floor
JY009	11	7	Kitchen Floor Mat
JY012	14	12	Floor near refrigerator
JY023	18	13	Inside garbage can

13. Northern Illinois Regional Crime Lab (NIRCL) examination of this bullet, Item #18, revealed that the bullet was fired from the same pistol as other bullets.
14. The ISP analyzed Item #12 from the kitchen floor revealed biologic material.
15. The ISP analyzed Item #7 and found Caucasoid hair fragments stating some may be suitable for microscopic examination.

16. The ISP analyzed Item #3 and found paint and fibrous debris.
17. The ISP stated that Item #13, the bullet from the garbage can was retained by NIRCL and was not present in the original packaging.
18. Based on this, the garbage can bullet (Item #JY023, NIRCL #18 and ISP #13) was never examined for biological or other physical evidence.
19. The location of the garbage can was not measured or recorded in police reports or their diagram. The physical location of the bullet within the blood pool and the impact site to the floor in front of the refrigerator were also not recorded in police reports or their diagram. All these items are included in the LFA diagram.
20. Four fired bullets were recovered from Reuter's body during the autopsy. With the four fired bullets from the scene, we have a total of eight shots fired during this incident. A total of seven fired cartridges cases were recovered from the scene. No comment on the discrepancy is made in the police reports, nor was any effort documented to check the footwear of scene personnel, or was the scene itself reexamined, i.e., looking under the stove or dishwasher, in effort to find the missing cartridge case.
21. When LFA examined the court exhibits held by the Lake County Court Clerk's Office in March 2018, we found photographs documenting the use of lasers and rods to investigate the trajectory of the bullet perforating the north kitchen wall. There is no police report documenting who engaged in this effort, when it occurred, and what if any results were found. Digital images involved with this case had been turned over previously, but they did not include these images. Prints of some film based photographs were made available in October 2018. Police reports document additional film based photographs being taken but have yet to be turned over.
22. LFA continued to examine the scene photographs and made note of the plaster debris on the backsplash ledge of the east kitchen wall. Comparing IMG-2256.jpg, (See Exhibit 8), with Exhibits 2 and 3 above, similar debris piles can be seen under and near known bullet damaged areas. LFA then realized that there was a previously unidentified bullet impact site on the east kitchen wall that was hidden from view below the bottom of the upper cabinets.



Exhibit 8 – IMG_2256.jpg: Particulate debris on stovetop

23. Access to the former Reuter residence is currently unavailable, the actual height of these cabinets above the floor is unknown. However, accepted construction practice and building standards would predict the bottom edge of the upper cabinets would be 18 to 20 inches above the countertop and 54 to 56 inches above the floor. The construction standard height for lower countertop height is typically 36 inches.
24. LFA analysis of Reuter's wounds as documented in the Lake County Coroner's Office autopsy report discounted the trial testimony of Dr. Manuel Montez. Montez asserted that the first shot fired was wound "C" down into Reuter's abdomen. LFA's analysis showed that wound "B" to Reuter's upper left chest was in fact a contact wound. Wound "B" travelled right to left, front to back, and down before exiting Reuter's upper left arm.
25. Montez testified at trial that this wound was in fact going up because Reuter's left arm was raised above her head at the time she was shot. This is not physically possible as the bullet would have been required to change direction within Reuter's body. No effort was made to explain where the bullet from wound "B" went after exiting. Had the bullet in fact been going up, it would have impacted the upper cabinets themselves. A bullet

impact to the cabinets would have been in plain sight. No bullet impact above the height of the north wall hole has been previously identified.

26. Evidence bullet #9 from the floor mat in front of the sink tested positive for the presence of blood. While photographs of the bullet in situ do not clearly exhibit the presence of blood or plaster dust, the ISP finding of hair supports that this bullet corresponds to wound "B" and the east wall impact site after which the bullet rebounded to its recovered position on the floor (See Exhibit 9).

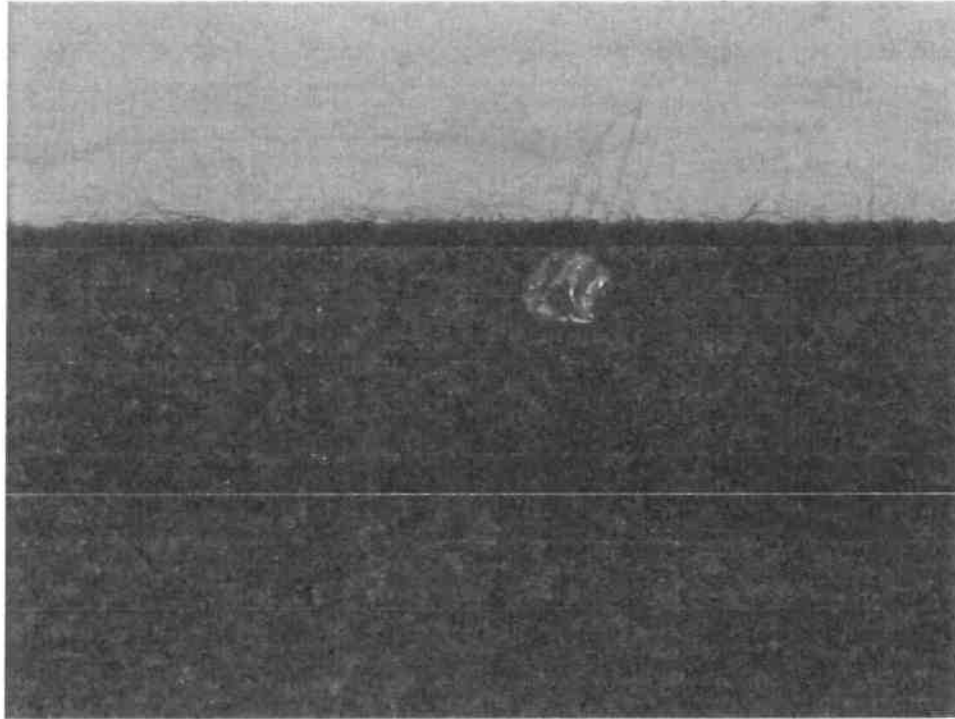


Exhibit 9 – IMG_2231.jpg: Photo of Bullet on mat

27. The LCMCTF eventually pursued Marni Yang and Andrew Yang as their primary suspects due to Marni's sexual relationship with Shaun Gayle, the reported father of Rhoni Reuter's unborn child. Marni Yang is a 4 foot, 11 inches to 5 foot tall woman. Based on the fired bullets and cartridge cases, NIRCL reported that firearms with matching known rifling characteristics included the Beretta 92, various Beretta clones including Taurus, plus the Intratec Tec-9 and SWD Mac-11 pistols.
28. Yang was known to own a Beretta 92FS pistol prior to this incident. Yang's Beretta could not be located after the incident. Affidavits are on record that LCMCTF officers were told that Yang's pistol had been stolen from her home prior to the murder and by whom. No record of these assertions is included in the police investigation reports.
29. During the investigation, books were found in Yang's home detailing how to make a handgun silencer. This became an issue at trial with the fact that the shots fired during the murder were not as loud as people expected.

30. LFA conducted live-fire testing with a suppressor equipped 9mm pistol and with the suppressor removed. Based on that testing and the readily apparent charring and tearing characteristics around wound "B," a suppressor was not used in this homicide.
31. The design of a standard Beretta 92F pistol will not allow the attachment of a suppressor without replacing the barrel. If one were attached by other means, i.e., hose clamp, the pistol would not function in a normal manner. An attempt to construct a suppressor using the same materials the LCMCTF identified, purchased at Home Depot, and proposed at trial could not be mounted on a standard Beretta 92F pistol (See Conidi report).
32. Had a silencer like the book design been used, trace amounts of steel wool would have been expelled by each shot fired. No trace of steel wool was found when LFA had the opportunity to examine Reuter's shirt.
33. Having worked in a police station where a shooting range is located on the same level as the rest of the facility, I can personally attest that a closed or partially closed door as well as distance and hallway corners have a significant effect on the sound of shots of all types being fired, e.g., handgun, rifle, and shotgun. I have also been present within 50 to 75 feet when two different negligent firearm discharge incidents occurred just outside of the range. While the sound was not as distinct as being within a short distance of actual shots being fired but were still obvious shots.
34. LFA has no evidence to explain the reason five live cartridges were found on Reuter's kitchen floor. NIRCL and Rosati confirmed that these rounds were cycled through the pistol used to fire all the other cartridges from this incident. To suggest any explanation here would be unsupportable speculation.
35. To reiterate, the wound "B" characteristics, the bullet travelled right to left, front to back, and slightly down. The entry was 13 ½ inches below Reuter's head. The exit was 15 inches below her head. Reuter was recorded as being 5 feet, 9 inches or 69 inches tall. At the time of the shooting, she was wearing ballet flat style shoes which would add no appreciable amount to her overall height. Therefore, using subtraction, the wound "B" entry wound was 55 ½ inches above the floor, and the wound "B" exit was 54 inches above the floor. Recall that the cabinets would be between 54 and 56 inches above the kitchen floor meaning that the bullet had unimpeded flight to the wall under the cabinets.
36. The approximate overall dimensions of the Reuter kitchen are 9 feet by 10 feet. The counters and stove would extend 24 inches out from the walls. Based on the visible floor tile pattern, the open kitchen floor space is approximately 7 feet by 8 feet. Using the 12 inch square floor tile pattern as a guide, the kitchen exit door is approximately thirty inches wide. There is about forty inches of wall space to the south of the doorway and about 40 inches of wall space to the north. It should be noted that this north section

of wall forms the foyer wall for the primary residence entry door which is immediately adjacent and perpendicular to the kitchen door (See Exhibit 1). Due to the proximity of the doors to one another, an assailant waiting in the hallway would be able to act whichever door Reuter exited.

37. The reconstruction process takes a complex event and breaks it down into smaller and smaller segments to allow examination of each portion. LFA's live fire testing of shooting seven live rounds and clearing five dummy cartridges established that this shooting could have occurred in as little as 13 to 15 seconds. The actual time would be dependent on the assailant's skill level with a firearm.
38. With the identification of the previously unknown bullet impact site on the east wall, the sequence of shots can now be discerned with higher confidence. Each shot can be logically tied into the scene and evidence:
39. **Shot 1:** When Reuter opens her kitchen door, the assailant raises a pistol and pushes it forward through the doorway opening into contact with Reuter's left upper chest and fires. The bullet travels through Reuter's chest and shoulder muscles exiting her upper left arm. The bullet travels across the kitchen and impacts the east wall under the cabinets. Since this wall is of solid firewall construction, the bullet does not penetrate but rebounds back coming to rest on the mat in front of the sink (See Exhibit 10).

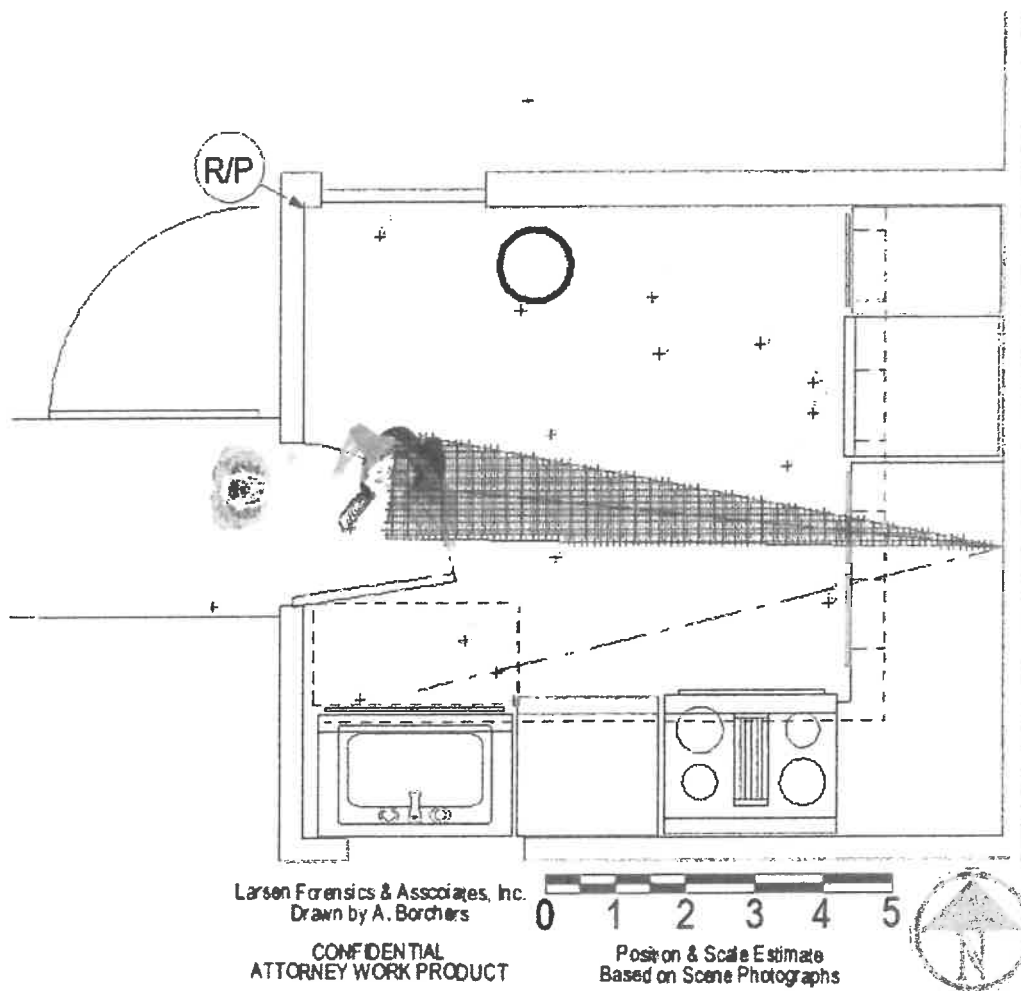


Exhibit 10 – Shot 1 / Wound “B” trajectory

- 08 40. Before continuing, issues regarding the assailant must be addressed. The police and prosecution contention at trial were that Marni Yang is the assailant and is responsible for the death of Rhoni Reuter. Recall that Yang is 4 feet, 11 inches or 59 inches tall and Reuter was 5⁰⁸ feet, 9 inches or 69 inches tall. The “B” entry wound was about 55 ½ inches above the floor, the exit wound was 54 inches above the floor and the estimated bullet impact site is about 54 to 56 inches above the floor. This allows the bullet impact site to remain out of plain view for taller standing persons.
41. For Yang to fire this shot, her hand(s) holding the gun would be at a height of about 56 inches which is slightly above her eye height. This is not a standard firing position or one where a shooter can be sure that his/her shots are going to hit their intended target.
42. Given the intent involved, i.e., murder followed by fleeing the scene, and the limited time constraint, it is more reasonable to believe that a normal point-shoulder firing

position was used. LFA has previously declared our opinion that the shooter was 5 feet 10 inches or taller in height.

- 43. The firing position presumption is evident in Dr. Montez’s trial testimony where he contended that Reuter’s left arm was raised up in the air making the “B” wound an upward trajectory based on the height disparity of the two women.
- 44. The included body measurement charts generated by the PEDBIKE 2000 Plus software program reveals that Yang’s shoulder height is about 48 inches. Reuter’s shoulder height is about 56 inches. A 5 foot 10 inch assailant’s shoulder height is about 57 inches. (See Exhibits 11, 12, and 13)

Body Segment Calculations:

This screen allows the user to enter a person’s body height in - INCHES or CENTIMETERS- and the program will calculate several “approximate” body segment lengths. Calculations are based on references from R. Drillis and R. Contini - “Body Segment Parameters.”

Q1: What is the subject’s height (Inches or cm) =	59	
Ground to Eye =	55.22 In	Length of Hand = 6.37 In
Ground to Chin =	51.33 In	Length of Forearm = 8.61 in
Ground to Shoulder =	48.26 In	Length of Upperarm = 10.97 In
Ground to Elbow =	37.17 In	Length of Head = 7.67 In
Ground to Hip =	31.27 In	Length of Foot = 8.97 In
Ground to Wrist =	28.62 In	Width of Foot = 3.25 In
Ground to Fingertip =	19.29 In	Width at Hips = 11.27 In
Ground to Knee =	16.82 In	Width at Shoulders = 15.28 In
Ground to Ankle =	2.30 In	

Exhibit 11 – Body Measurement chart for 59 inch person

Body Segment Calculations:

This screen allows the user to enter a person's body height in - INCHES or CENTIMETERS- and the program will calculate several "approximate" body segment lengths. Calculations are based on references from R. Drillis and R. Contini - "Body Segment Parameters."

Q1: What is the subject's height (inches or cm) =	69		
Ground to Eye =	64.58 in	Length of Hand =	7.45 in
Ground to Chin =	60.03 in	Length of Forearm =	10.07 in
Ground to Shoulder =	56.44 in	Length of Upperarm =	12.83 in
Ground to Elbow =	43.47 in	Length of Head =	8.97 in
Ground to Hip =	36.57 in	Length of Foot =	10.49 in
Ground to Wrist =	33.47 in	Width of Foot =	3.80 in
Ground to Fingertip =	22.56 in	Width at Hips =	13.18 in
Ground to Knee =	19.67 in	Width at Shoulders =	17.87 in
Ground to Ankle =	2.69 in		

Exhibit 12 – Body Measurement chart for 69 inch person

Body Segment Calculations:

This screen allows the user to enter a person's body height in - INCHES or CENTIMETERS- and the program will calculate several "approximate" body segment lengths. Calculations are based on references from R. Drillis and R. Contini - "Body Segment Parameters."

Q1: What is the subject's height (inches or cm) =	70		
Ground to Eye =	65.52 in	Length of Hand =	7.56 in
Ground to Chin =	60.90 in	Length of Forearm =	10.22 in
Ground to Shoulder =	57.26 in	Length of Upperarm =	13.02 in
Ground to Elbow =	44.10 in	Length of Head =	9.10 in
Ground to Hip =	37.10 in	Length of Foot =	10.64 in
Ground to Wrist =	33.95 in	Width of Foot =	3.85 in
Ground to Fingertip =	22.89 in	Width at Hips =	13.37 in
Ground to Knee =	19.95 in	Width at Shoulders =	18.13 in
Ground to Ankle =	2.73 in		

Exhibit 13 – Body Measurement chart for 70 inch person

45. Given that the physical evidence shows that the "B" wound was the first shot fired after Reuter opened her door to leave, and had car keys in her right hand, it is logical that Reuter opened the kitchen door with her left hand leaving that hand in proximity of the doorknob to pull the door closed behind her. Therefore, it is unreasonable to believe that immediately after opening the kitchen door, Reuter raised her left arm over her head.
46. **Shot 2:** After wound "B," Reuter backs away slightly from the threat and is slightly bent at the waist. She is then struck by shot "C" to the center of her abdomen. The bullet travels down through intestines, the edge of her uterus and embeds in her left pelvic bone. At trial, it was presented that shot "C" was the first shot fired with the intent of targeting Reuter's unborn child.
47. After receiving wounds "B" and "C," Reuter begins to turn to her left presenting the right side of her body to the shooter. Moving and turning an injury away from the injury cause is a natural human response.
48. **Shot 3:** Wound "D" is created when Reuter is shot in the right side of her pregnant abdomen. The bullet tracks through her intestines, fetus, and exits the left side of her abdomen to penetrate her extended left forearm creating wound "G." At autopsy wound "B" is described as traveling right to left and upward. Given the circumstances, it is reasonable that Reuter would be leaning to her left, with her arm extended to break a fall, which would account for the actual downward shot angle. The trial contention that Reuter's left arm was protectively over her abdomen was previously ruled out due to an impossible in-flight change of trajectory.
49. **Shot 4:** Reuter continued to turn to her left and receives wound "F" in the right buttock/hip/pelvis area with the bullet embedding in the right pelvic bone.
50. **Shot 5:** Reuter then receives wound "E" in her right back that perforates the right pelvic bone, her abdominal cavity, intestines, placenta, fetus, and the front of her uterus. The bullet lodges below the skin in the front left abdomen. The entry and rest positions are both 29 inches below the head (40 inches above the floor), so it is likely that Reuter was still in a bent position when struck.
51. **Shot 6:** The fatal shot was fired with Reuter on her knees or in a low crouch and her head turned to her left. I find it probable that Reuter would be glancing or looking to her left towards the assailant's threat as shot "A" was fired into the left back of her skull. Shot "A" travelled through the skull, the soft tissues of the neck, mouth, tongue, and floor of the mouth before exiting under the chin. The bullet then penetrated the side of the black plastic garbage can and remained inside.
52. Close examination of the autopsy photographs reveals gunshot residue in Reuter's hair around the wound "A" entry (See Exhibits 14 and 15). No mention of this is made in

either the autopsy protocol or the police reports. Examination photos of Wound "A" with the hair removed does not reveal any evidence of soot or charring on the skin. This indicates that the gun was fired within 1 to 3 feet of Reuter's head.



Exhibit 14 – 07-15327 (12).jpg: Gunshot residue in Reuter's Hair

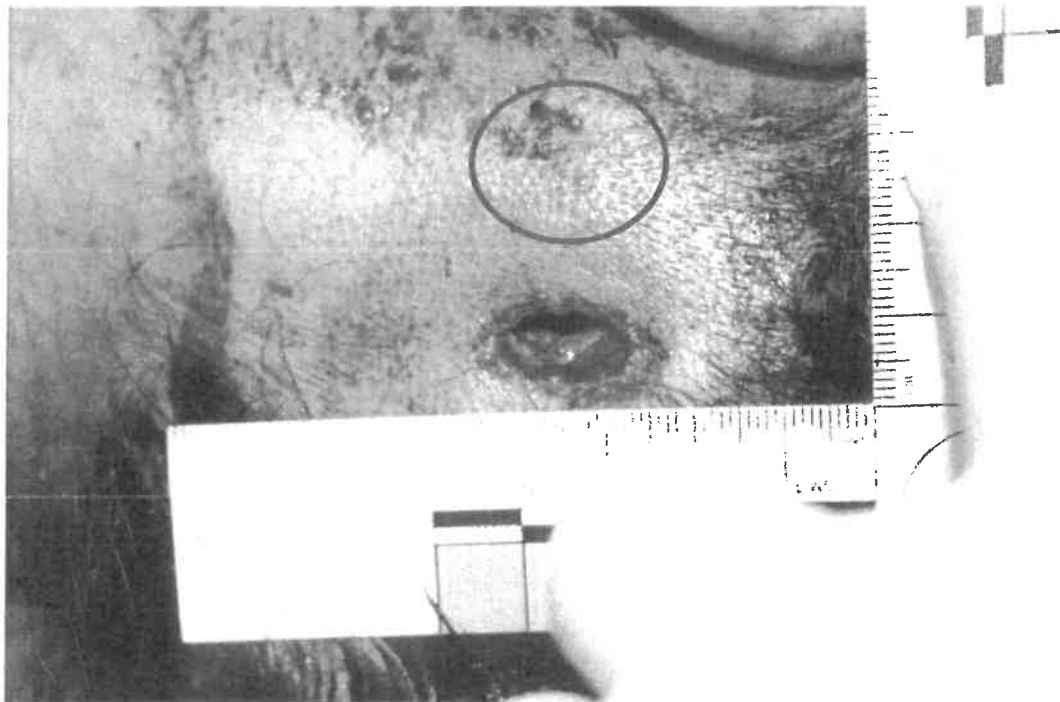


Exhibit 15 – 07-15327 (56).jpg: Gunshot residue (circled) on Reuter's head

53. Close review of the early crime scene photographs has identified two images of the can in place where the bullet hole can be seen as well as a fragment of black plastic on the floor.
54. The trajectory of this shot, based on the wound angle, probable head, body, and garbage can positions the trajectory to within ± 5 degrees of uncertainty. Exhibit 16 includes this estimated trajectory information.

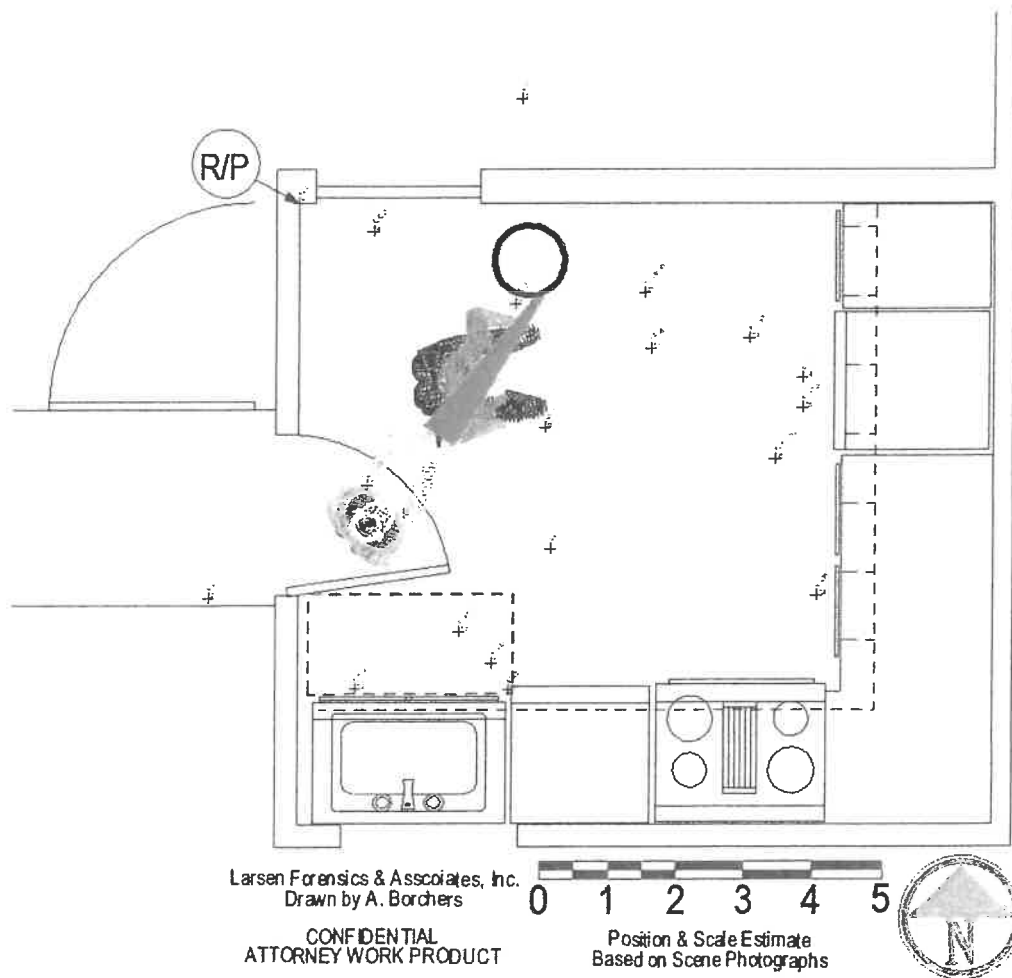


Exhibit 16 – LFA Diagram with Shot 6 / Wound “A” Trajectory

55. **Shot 7:** Reuter then began to fall right and forward to her ending position on the floor with her head turned to the right and her hands on either side of her head. It is apparent that as Reuter fell, the assailant continued to fire, and the next shot struck and perforated the north kitchen wall.
56. The trajectory of this shot can be mathematically determined based on extensive mathematical analysis of scene photographs within ± 5 degrees of uncertainty. The horizontal impact angle to the north wall is about 29 degrees away from the wall with a

downward trajectory angle of about 20 degrees (both ± 5 degrees). Exhibit 17 includes this bullet trajectory information.

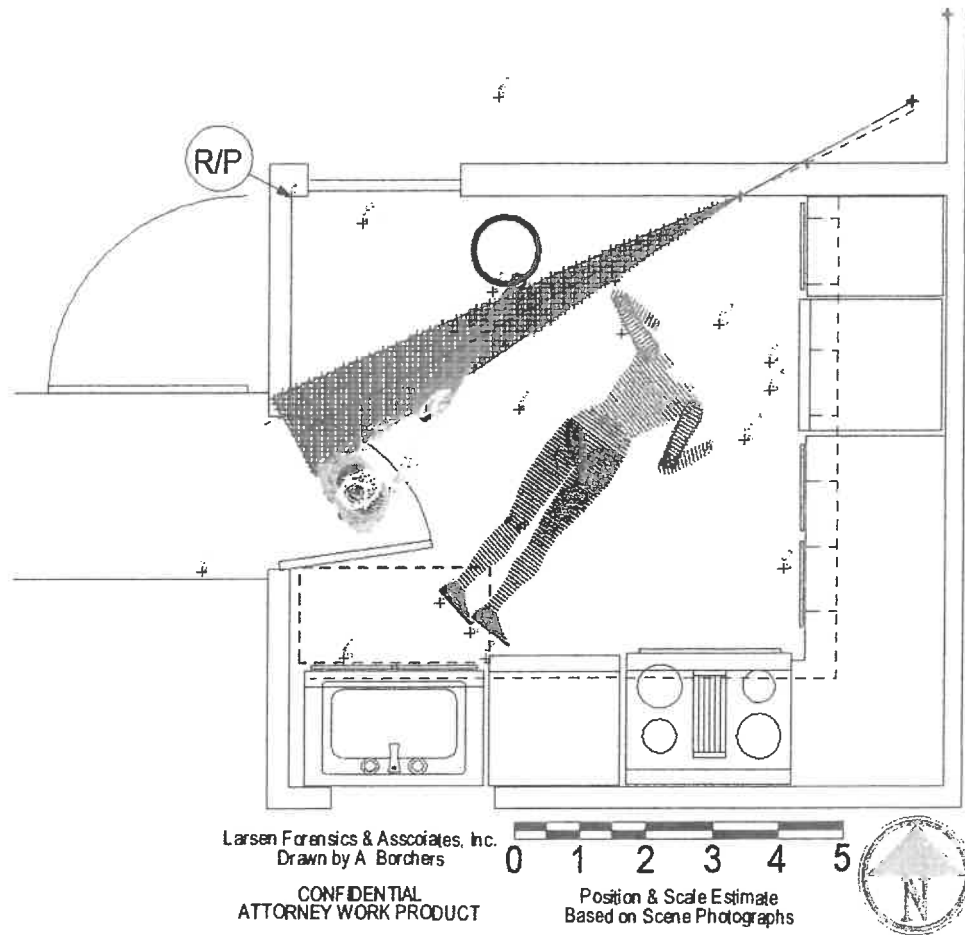


Exhibit 17 – LFA Diagram with Shot 7 trajectory

57. **Shot 8:** The final round fired occurred just as Reuter landed on the kitchen floor with the bullet striking the floor near her head and rebounding to a few inches away.
58. The police investigation became centered on Marni Yang and her son, Andrew, as the primary suspects. I will not detail the tactics and methods used by the LCMCTF as they are covered in the police reports and by others. Eventually the LCMCTF obtained a court order authorizing a consensual overhear (COH) with a covert recording device to be worn by Christie Paschen.
59. Two separate conversations were recorded on March 2, 2009, and March 3, 2009. At the start of the first conversation, Paschen stated to the recording device and to officers listening that she thought Yang had seen the recording device come out of her clothing.
60. Yang also had previously told her parents that she was going to “make shit up” and lie to the police to protect her son from charges by the LCMCTF. The telephone wiretap

recordings of Yang's statements are lost or no longer exist. During the Paschen recordings, Yang makes the following summary statements as to how her version of the shooting occurred:

- a. Yang stated she stood outside in the hallway outside the kitchen.
- b. Yang stated that she wore a hoodie, wig, dark makeup, gloves, and big sunglasses.
- c. When Reuter opened the door, Reuter started screaming and Yang "let her have it."
- d. Yang said that she did not touch anything or take anything.
- e. Yang stated that the gun was placed in a bucket of cement and thrown into a dumpster in Chicago.
- f. Yang stated that after being shot, Reuter went across the kitchen bumped into a counter.
- g. Yang stated the kitchen was dark and the floor was all in shadows.
- h. Yang stated she never went far enough inside to see how the kitchen was laid out.
- i. Yang said that when Reuter was down, she kicked at Yang's legs.
- j. Yang said that she took one or two steps in and fired one last shot into Reuter's head.
- k. Yang said that one of Reuter's legs was sticking out into the hall preventing her from closing the door, so she kicked it inside and slammed the door.

61. Reviewing these statements against the evidence of the scene and incident as known:

- a. it is unlikely that the initial witness statement describing a black male of undetermined height would miss the big sunglasses. The fact that this witness later revised his initial statement under subsequent police questioning is outside of the purposes of this report.
- b. Yang made no mention of the live rounds or any weapon malfunction. 'Letting her have it' implies speed and no firearm malfunctions.
- c. Yang stating the pistol was disposed of in a bucket of cement mirrors the LCMCTF presenting Andrew Yang with a bucket of cement during a prior interrogation where they stated they knew his mother had put the gun inside.

- d. Yang stated that Reuter bumped into a counter across the kitchen, but the most likely countertop had an undisturbed glass of liquid and other objects on it with no sign of blood or disturbance.
- e. Yang's statement that the kitchen was dark and the floor in shadows does not reflect the actual conditions at the time of the event.
 - i. On October 4, 2007, the sun rose at 6:52 a.m. as evidenced by the images from the Shell Gas Station video used at trial. Exhibits 18, 19, and 20 depict a Deerfield Police squad car, a Deerfield ambulance, and a Deerfield fire engine crossing the intersection of Waukegan Road and Osterman Avenue responding to this incident scene with the sun shining brightly. The time stamp of the Shell video has previously been shown to be incorrect by approximately 9 to 10 minutes. The police were called at approximately 8:00 a.m.



Exhibit 18 – Shell video frame #1



Exhibit 19 – Shell video frame #2



Exhibit 20 – Shell video frame #3

- ii. The building entry hallway and the Reuter kitchen window both had south facing glass. The lattice window covering in the kitchen may restrict some light but not enough to throw the room into darkness sufficient to restrict vision.
- iii. The sunglasses Yang purportedly wore may restrict light transmission, but the eyes also adapt to varying lighting conditions such that when entering a darker environment from outside, any difficulty in seeing only lasts seconds. There is no permanent vision restriction while wearing sunglasses.
- f. Yang states that she slammed the door when leaving but the initial responding police were easily able to access the Reuter condominium and find their victim. That would suggest that the door was ajar.
- g. Yang states that she fired one last shot into Reuter's head while she was on the floor, but Reuter's head wound was to the back of the left side of her head which was turned down to the floor and inaccessible.
 - i. The exit for wound "A" was through the chin was adjacent to Reuter's right shoulder on the floor.
 - ii. The wound "A" bullet was inside the plastic garbage can in the opposite direction of the wound "A" trajectory.
 - iii. Wound "A" was instantly fatal so Reuter could not have moved on her own accord afterwards, i.e., turn her head away after the shot.
- h. None of the physical evidence supports Reuter being on the floor until after the infliction of the fatal shot "A" to Reuter's head.
- i. Yang's statement that Reuter's legs extended into the hall is not physically possible. If Reuter's legs were outside of the door, the remainder of her body

would have been substantively closer to the door and would have to be dragged into the position found. The earlier outline of the shooting reconstruction shows that neither Reuter nor the assailant made significant moves within the kitchen.

62. The fact that Yang said that she only took one or two steps inside, when taken in context of the entire statement, fails to prove any involvement in this incident. Every other of Yang's statements have been substantively rebutted based on the physical evidence from the scene.
63. The LCMCTF failed to make a comprehensive study of the scene evidence into account as a preventive measure for a false confession. Instead, the LCMCTF persisted in the belief that they would solve this through sheer investigative will. Their inane actions during various interviews and interrogations demonstrated a blind bias and predisposition in the guilt of their preferred suspect over an independent search for the truth.
64. LFA has been involved in this matter for over four years. During that time, we have worked on a dozen or more significant matters such that our investigation of this matter has not been worked on full-time.
65. In contrast, the LCMCTF personnel certainly began with significant staffing resources and individuals who were assigned to do nothing else but work this case.
66. LFA only gained access to some scene film photographs in October 2018. We only became aware of the evidence suggesting the bullet impact under the cabinets in early 2021. To date, LFA has never had access to the actual incident scene.
67. In contrast, the LCMCTF had access to the Reuter home for at least two days, conducted scene examinations, bullet trajectory analysis and still failed to detect the east wall bullet impact site. They failed to measure or document the kitchen / dining room walls, floor, and other evidence items. They appear to have failed to detect the bullet impact in the garbage can until after they moved it out of the kitchen.
68. LFA has created an actual-size kitchen floor mockup by use of a plastic tarp and painter's tape. The floor contains representations and locations of all the pictured evidence items, Reuter's approximated body position, and the kitchen door swing. Recently, we added an additional tarp to represent the hallway area outside the kitchen. This addition includes the solid wall on the south and the closed front door for Reuter's residence. This addition highlights the restricted movement within the space and has potentially highlighted a previously not considered factor.
69. To this time, the presumption has been that the assailant was right handed as is most of the general population. Testing of the various hypotheses and positions in developing this shooting sequence in this deadly assault appear to favor a left handed offender.

While we cannot state this as definitive fact, there is strong enough evidence that the possibility cannot be ruled out and must be presented as part of our findings.


- 70. Despite the fact Yang made overhear statements, she has steadfastly denied any involvement in this matter. The statements that she made about the crime do not match the facts or evidence.
- 71. The police and prosecution have failed to exercise any due diligence to evaluate the veracity of statements and stop the waste of government resources by a false confession. Their eagerness to clear a high profile case overcame commonly accepted procedures in their zeal for an arrest and conviction instead of a search for the truth.

Further Affiant sayeth not.

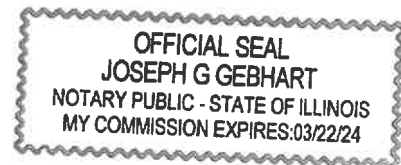


Arthur H. Borchers

Signed this 30TH day of NOVEMBER 2021 before me.



Notary Public



CYRIL H. WECHT, M.D., J.D.

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FORENSIC PATHOLOGY
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PRIVILEGED & CONFIDENTIAL

ATTORNEY WORK PRODUCT

April 21, 2021

Jed Stone, Esquire
JED STONE & ASSOCIATES, LTD
415 West Washington Street – Ste 107
Waukegan, IL 60085

Re: People of the State of Illinois v. Marni Yang

Dear Mr. Stone:

Pursuant to your request, I have reviewed the following materials provided to me in the matter referenced above:

1. Coroner's Office Data Sheet Narrative
2. Autopsy Report
3. Autopsy Photographs
4. Scene Photographs
5. Marni Yang's Post Conviction Petition of Actual Innocence
6. Lake County Major Crime Task Force Records
7. Northeastern Illinois Regional Crime Laboratory Report (Defendant's Exhibit 2)
8. Independent Forensics Test Report (Defendant's Exhibit 3)
9. Shell Video Analysis Report (Defendant's Exhibit 4)
10. Primeau Forensics Report (Defendant's Exhibit 5)
11. Report from Daniel J. Conidi (Defendant's Exhibit 10)
12. Suppressor Forensic Analysis Report (Defendant's Exhibit 11)
13. Expert Report from Larsen Forensics & Associates, Inc. (Defendant's Exhibit 44)



- 14. Statement of Sal Devera
- 15. Primeau Forensics Report (Defendant's Exhibit 21)

On October 4, 2007, Rhoni Reuter, a 42-year-old white pregnant female, was shot and killed in her apartment at 441 Elm Street in Deerfield, Illinois. After a jury trial, Marni Yang was convicted of the murders of Rhoni Reuter and Ms. Reuter's unborn child.

Manuel Montez, M.D., performed an autopsy on Rhoni Reuter for the Lake County Coroner's Office on October 4, 2007, at 4:15 PM, which documented the following:

Anatomic Diagnoses:

- I. Multiple gunshot wounds (7):
 - a. Perforating gunshot wound of head:
 - i. Perforations of scalp, subgaleal tissues, mouth, tongue, concussive skull fractures, laceration of brainstem, atlanto-occipital joint fracture dislocation, and concussive contusions of brain.
 - b. Perforating gunshot wound of chest and left shoulder:
 - i. Perforations of soft tissue and muscle.
 - ii. Concussive contusion of left lung.
 - c. Penetrating gunshot wound of abdomen:
 - i. Perforations of small intestines, gravid uterus, and muscle.
 - ii. Hemoperitoneum (500 mL).
 - d. Perforating gunshot wound of abdomen:
 - i. Perforations of small intestines, gravid uterus, and fetus:
 - 1. Intrauterine fetal demise of normally developed 6-7 months gestation female fetus, 1385 gm
 - ii. Hemoperitoneum.
 - e. Penetrating gunshot wound of back and abdomen:
 - i. Perforations of pelvic bone, small intestines, gravid uterus, placenta, and fetus:
 - 1. Intrauterine fetal demise of normally developed 6-7 months gestation female fetus, 1385 gm.
 - ii. Hemoperitoneum.

- f. Penetrating gunshot wound of right buttock:
 - i. Perforations of muscle and pelvic bone.
- g. Penetrating gunshot wound of left forearm:
 - i. Perforations of muscle and soft tissues.

- II. Intrauterine pregnancy:
 - a. Normally developed female fetus, 6-7 months gestation, 1385 gm.
 - b. Normally developed placenta and umbilical cord.

The body was that of a well-developed white female, weighing approximately 145 pounds and measuring approximately 5 feet 9 inches in length, appearing the recorded age of 42 years. There were multiple blunt force injuries of the head. There were seven gunshot wounds of the body: four penetrating wounds and three perforating wounds, subsequently labeled A through G. The entrance wounds were not associated with any stippling or fouling of the adjacent skin. Powder residue was not present in any wound tracks.

Wound A: the entrance wound of the left occipital region of the head was just behind the ear, at the level of the earlobe, above the hairline, 5 inches below the top of the head and 2.5 inches left of the midline. It was a $\frac{3}{4}$ inch diameter oval perforation with a $\frac{1}{16}$ to $\frac{1}{4}$ inch circumferential rim of abrasion, greatest along the one o'clock to three o'clock margin. There was a 2.5 inch x 2 inch blue contusion between the ear and the anterior margin of the entrance wound. After perforating the scalp, the bullet perforated the subgaleal tissues deep to the left posterior fossa floor, soft tissues of the left side of the neck, mouth, tongue, and floor of the mouth before exiting. The exit wound was a $\frac{3}{4}$ inch stellate laceration with dried edges just under the chin, right of midline. It was 8.5 inches below the top of the head and $\frac{1}{2}$ inch right of midline. No bullet was recovered. The direction of the bullet was back to front, left to right, and downward. The wound track was associated with marked hemorrhage. There were concussive fractures of the floor of the left posterior fossa which propagated to the left side of the wall of the foramen magnum. The brainstem was partially lacerated just inside the foramen magnum. There was a complete fracture dislocation of the atlanto-occipital joint. There was crepitus upon movement of the head. There were multiple concussive cerebral cortical contusions of the inferior aspects of the occipital poles and left side of the cerebellum. There was moderate hemorrhage associated with the tongue perforation and minimal blood in the mouth.

Wound B: a gunshot entrance wound of the left side of the chest was present in the infraclavicular region, 13.5 inches below the top of the head and 2.5 inches left of midline. It was a 1.25 inch diameter oval horizontal perforation with a $\frac{3}{4}$ inch abrasion along the medial margin. The entrance wound was centered in a 5 inch x 4 inch blue contusion. After perforating the skin, the bullet perforated soft tissues and muscle of the left anterior chest wall, left shoulder and left upper arm before exiting. The exit wound was a $\frac{1}{2}$ inch torn defect on the anterior aspect of the

proximal left upper arm, 15 inches below the top of the head and 7.5 inches left of midline. No bullet was recovered. The direction of this bullet was front to back, right to left, and downward. The wound track was associated with moderate hemorrhage. The left chest cavity was without perforation but there was a large concussive contusion of the upper lobe of the left lung.

Wound C: a gunshot entrance wound of the abdomen was in the mid upper quadrant, 23.75 inches below the top of the head and ½ inch left of midline. It was a ¼ inch diameter, circular perforation with a 1/32 inch circumferential rim of abrasion. After perforating the skin, the bullet entered the abdominal cavity and perforated multiple loops of small intestine, left superior edge of the uterus, left psoas muscle and musculature of the left lower back, deep to the left pelvic bone, before lodging. The bullet was deformed, jacketed, and of medium caliber. It traveled front to back, downward, and right to left. The wound track was associated with moderate subcutaneous hemorrhage. There was approximately 400 mL of liquid bloody fluid in the abdominal cavity. There was moderate hemorrhage associated with the uterine perforation. The wound track did not involve the fetus.

Wound D: a gunshot entrance wound of the abdomen was in the right upper quadrant, 27 inches below the top of the head and 4 inches right of midline. It was a ¼ inch diameter round perforation with a 1/16 to ¼ inch circumferential rim of abrasion, greatest along the eight o'clock to eleven o'clock margin. After perforating the skin, the bullet entered the abdominal cavity and perforated multiple loops of small intestine, anterior wall of the uterus, creating a 10 cm x 5 cm perforation, and a 6-7 months gestation female fetus, before exiting the abdominal cavity through the left upper quadrant. The exit wound was a ½ inch oval torn defect, centered in a 3 inch x 3 inch pink contusion. The exit wound was 26.5 inches below the top of the head and 4 inches left of midline. No bullet was recovered. The bullet traveled right to left and slightly upward. The wound track was associated with moderate subcutaneous hemorrhage. There was approximately 500 mL of liquid bloody fluid in the abdominal cavity. There were multiple perforating injuries of the fetus.

Wound E: a gunshot entrance wound of the lateral right lower back was 29 inches below the top of the head and 6 inches right of midline. It was a 3/16 inch diameter circular perforation with a 1/8 inch circumferential rim of abrasion. After perforating the skin and soft tissues of the back, the bullet perforated the right pelvic bone and entered the abdominal cavity, perforating multiple loops of small intestine and lower right posterior wall of the uterus, near the cervix, creating a 1 inch perforation. As the bullet entered the uterus, it perforated the placenta, fetus, and then the left anterior wall of the uterus, creating a 1 cm perforation. The bullet continued through the abdominal cavity and lodged in the left anterior abdominal wall. The subcutaneous bullet lodgment site was identified as a 1 inch faint contusion in the left lower quadrant of the abdomen, centered 29 inches below the top of the head and 2.75 inches left of midline. The bullet was deformed, jacketed, and of medium caliber. The bullet traveled back to front and right to left. The wound track was associated with moderate subcutaneous hemorrhage. There was approximately 500 mL of bloody fluid in the abdominal cavity. There were multiple perforating injuries of the fetus and placenta.

Wound F: a gunshot entrance wound of the lateral lower right buttock was 35.5 inches above the right heel and 7 inches right of midline. It was a ¼ inch diameter oval perforation with a 1/16 inch to 1/8 inch circumferential rim of abrasion, greatest along the posterior margin. After perforating the skin and muscle of the right buttock, the bullet lodged in the posterior aspect of the top of the right pelvic bone. The bullet was deformed, jacketed, and of medium caliber. The bullet traveled back to front, upward, and right to left. The wound track was associated with mild hemorrhage.

Wound G: a gunshot entrance wound of the anterior aspect of the left mid-forearm is 30 inches below the top of the head and approximately 10 inches left of midline. It was a 1 inch diameter oval perforation with a 1/16 inch to ½ inch circumferential rim of abrasion, greatest along the superior margin. After perforating the skin, the bullet created a 1.5 inch subcutaneous wound track through the soft tissues and muscle of the forearm before creating an incomplete exit wound, located over the anterior medial aspect of the distal left forearm. The incomplete exit wound was a ½ inch stellate laceration located 31.5 inches below the top of the head and approximately 9 inches left of midline. Just inside the exit wound was a deformed, jacketed, medium caliber bullet. There was a ½ inch contusion of the skin between the entrance and exit wounds. The bullet traveled downward and left to right. The wound track was associated with mild hemorrhage. Manipulation of the left upper extremity permitted gunshot wound G of the left forearm to be aligned with the exit wound from gunshot wound D, suggesting that the two wound tracks were caused by the same bullet.

There was an ill-defined, faint contusion of the medial aspect of the left lower eyelid, measuring approximately ¾ inch. There was a ¼ inch red dried abrasion of the right upper lip. There was a ½ inch red dried abrasion of the right lower lip. There was a 1 inch dried faint abrasion overlying the lower lateral orbital ridge of the left eye. There were two dried red abrasions over the right side of the chin, 1/8 inch and ¼ inch, respectively.

The fetus sustained two gunshot wounds that resulted in multiple perforating injuries that caused her intrauterine demise. The fetus was autopsied separately and given its own autopsy report.

Cause of death: multiple gunshot wounds (7).

Review of Autopsy and Scene Photographs findings: similar to those discussed in the autopsy report.

Coroner's Office Data Sheet Narrative revealed the following:

On October 4, 2007, Deputy Coroner Michael Reid was contacted by the police and reported to a condominium complex in Deerfield at approximately 11:15 AM. The decedent had been identified as Rhoni Reuter and was found in the kitchen of her residence. She was lying face

down in a pool of blood, with her feet pointing towards the sink area and her head closer to the refrigerator. There were numerous shell casings and unspent rounds on the floor, as well as one shell casing outside the kitchen door in the outer hallway. There was no indication of a struggle or any apparent missing items in the upstairs areas. The coroner noted that Ms. Reuter's appearance was consistent with pregnancy. There were several gunshot wounds noted on the body.

Lake County Major Crime Task Force Records revealed the following:

On October 4, 2007, around 8:00 AM, police responded to 441 Elm Street in Deerfield, Illinois for a report of homicide. Officers found Ms. Reuter, who had been shot approximately 7 times, in her home. Forensic evidence indicated that a 9 mm handgun was used. Both Ms. Reuter and her unborn child were pronounced dead at the scene. Investigation revealed that Shaun Gayle was the father of Ms. Reuter's unborn child. Mr. Gayle had also dated Marni Yang. Police believed that Ms. Yang was upset upon learning that Ms. Reuter was pregnant with Mr. Gayle's child. They discovered that on October 3, Ms. Yang rented a 2008 Volkswagen Rabbit and returned the car on October 4 at approximately 9:24 AM.

On October 4, Manda Cameron called the police after learning of the homicide that afternoon. She reported seeing a suspicious subject earlier in the morning as she left for work. She lived in the 433 building and left for work around 7:52 AM when she saw a black male, wearing a dark-colored velour sweat suit, walking at a fast pace. He was approximately 5'7" to 5'8" tall and appeared to be in his mid-twenties. On January 1, 2008, police returned to show Ms. Cameron a photo of Marni Yang. Ms. Cameron indicated that Ms. Yang's jaw line, neck, and skin were the same as the subject she reported seeing on October 4, 2007.

Police noted that on August 4, 2007, Ms. Yang purchased tools from Home Depot including a hacksaw, duct tape, and utility knife. She also purchased a book titled "How to Make Disposable Silencers" on that same day.

On February 27, 2009, police took a statement from Christi Paschen, who reported she had known Ms. Yang for several years. She knew that Ms. Yang had been in a relationship with Shaun Gayle. On October 4, 2007, Ms. Yang called her to come to her residence in Arlington Heights. Ms. Yang told Ms. Paschen that she put on a black wig, disguised her face with makeup, and drove a rented car to Ms. Reuter's apartment. She shot Ms. Reuter several times, ran out of the building through the parking lot to her car, and disposed of the gun.

On February 28, Ms. Paschen gave another statement. She reported that on October 3, 2007, Ms. Yang came to her apartment in Arlington Heights and told her she was going to kill Ms. Reuter. When Ms. Paschen woke up at 8:15 AM the next morning, Ms. Yang had left the apartment.

Independent Forensics Test Report (Defendant's Exhibit 3) revealed the following:

Rhoni Reuter was assumed to be a potential contributor to DNA data generated from the 9 mm live rounds and kitchen door knobs. Marni Yang was excluded as a contributor to the DNA profiles generated from the 9 mm live rounds. Ms. Yang was also excluded as a contributor of the single reproducible allele generated from the kitchen door knob from outside.

Shell Video Analysis Report (Defendant's Exhibit 4) revealed the following:

Arthur H. Borchers, a specialist in forensic investigation, reviewed the video from the Shell gas station at 655 Waukegan Road, which police used to positively identify Ms. Yang's rental car. He concluded that the resolution of the gas station video rendered it useless in making any identification of the Yang rental vehicle as actually driving through the intersection. The images captured were visually distorted and did not contain sufficient detail that could allow an actual identification. Visual details of the Yang rental car did not correspond to the images captured where taillights would be expected to be read and the VM emblem on the back of the car was not visible. Based on the Deerfield Fire Department response captured on the video, there seemed to be an error between the actual time of events and the displayed time on the video of approximately 99 minutes.

Primeau Forensics Report (Defendant's Exhibit 5) revealed the following:

Michael Primeau, an audio and video forensic expert, performed a forensic video enhancement investigation and concluded that the methodology used to identify the vehicle in the digital video evidence titled "Cam01[07_00_00-08_30_01].avi" was not accurate and not an acceptable method in the scientific community. In creating his own clarified version of the evidence image titled "475crop.jpg," Mr. Primeau was able to reproduce the enhancements and arrived at the same conclusion. The vehicle displayed in the image was not a 2008 Volkswagen Rabbit GTI.

Report from Daniel J. Conidi (Defendant's Exhibit 10) revealed the following:

Daniel J. Conidi, a firearms expert, investigated whether the specific parts purchased by Marni Yang could possibly be made into a workable suppressor (silencer) for a firearm previously owned by her identified as a Beretta 92FS semi-automatic pistol. He was ultimately unable to find a method to attach a suppression device to the Beretta in a manner that would be practical or usable because there was not enough barrel material extending past the slide that would allow this.

Suppressor Forensic Analysis Report (Defendant's Exhibit 11) revealed the following:

Arthur H. Borchers, a forensic reconstructionist, concluded that a standard Beretta 92 barrel was incapable of accepting an improvised suppressor of any design like those illustrated in the *How to Make Disposable Silencers: A Complete Guide* recovered from Marni Yang. Based on the appearance of Ms. Reuter's shirt and the appearance of the gunshot wounds, he concluded that there was no forensic evidence to support the theory that a suppressor or silencer was used on the firearm that was used to kill Ms. Reuter.

Expert Report from Larsen Forensics & Associates, Inc., (Defendant's Exhibit 44) revealed the following:

John Louis Larsen, a specialist in forensics investigation, reviewed materials related to the shooting incident of Rhoni Reuter and concluded that the shooter was approximately 5 feet 10 inches or more in height. He stated that Marni Yang, at a height of 5 feet, could not have been the shooter. Based on the placement of wound B (as labeled per the autopsy report), Mr. Larsen concluded that Ms. Reuter was slightly turned away from the door entrance to her left side. As the shooter stepped into the kitchen, the shooter discharged the first shot (wound B) striking her in the upper left chest. The force of this shot, along with Ms. Reuter's attempt to turn away from the shooter, sent her body into a counter-clockwise turning motion, which exposed her right side for the next series of gunshot wounds. The next gunshot wounds were D and G, followed by E and F. Wound F caused Ms. Reuter to buckle and bend, followed by wound C, and finally wound A. Throughout Ms. Reuter's movement, the shooter was also moving deeper into the kitchen in a northeasterly direction, as seen by the projectile recovered from the kitchen garbage can. Based on Mr. Larsen's laser studies, the first shot (wound B) could only have been generated by someone who was at least 5 feet 10 inches tall.

Statement of Sal Devera revealed the following:

Sal Devera was in a relationship with Marni Yang from 2002 to 2005. On October 4, 2007, he received a phone call from Ms. Yang about her car battery. He originally taught her how to shoot on an amateur level at a firing range. He believed that she was sufficiently proficient to use a gun but not proficient enough to clear jams in a rapid manner.

Primeau Forensics Report (Defendant's Exhibit 21) revealed the following:

Michael Primeau, an audio and video forensic expert, performed an audio investigation of recordings preserved in evidence lockup to determine the authenticity of the events that transpired as they were originally recorded. He concluded that the wire tap room recordings were mishandled and were not an authentic representation of the events as they occurred. He opined that the Denny's recordings displayed inconsistencies with what he would expect to see from an original recording created on the Olympus DS 30 recorder.

MEDICOLEGAL QUESTIONS

1. What was the cause of Rhoni Reuter's death?

Rhoni Reuter died from multiple gunshot wounds.

2. What position was Rhoni Reuter in when she was shot in the chest (wound B from coroner's report)?

One bullet entered the body at the left infraclavicular region, 13.5 inches below the top and exited on the anterior aspect of the proximal left upper arm, 15 inches below the top of the head. The bullet travelled 1.5 inches downward. The bullet traveled front to back, right to left, and downward. The large rim of abrasion indicates that the bullet grazed along the skin as it entered the body and traveled toward the left.

The angle that this bullet traveled downward is consistent with Ms. Reuter being in a standing position when she was shot.

3. What position was Rhoni Reuter in for the last shot (wound A from the coroner's report)?

The bullet entered the left occipital region of the head behind the ear at the level of the earlobe, 5 inches below the top of the head. The bullet exited the body just under the chin to the right of midline, 8.5 inches below the top of the head. The direction of the bullet was back to front, left to right, and downward. The location of the entrance and exit wound as well as the bullet track is consistent with Mr. Reuter having her body facing away from the shooter with her head turned toward the left toward the shooter.

4. What were the ages of the blunt force injuries on Rhoni Reuter's face?

The contusion of the medial aspect of the left lower eyelid measured approximately $\frac{3}{4}$ inch and had a blue to purple color. Inasmuch as there was no injury to the orbital plates associated with the gunshot wound of the head, this injury is indicative of a separate blunt force impact. The color of the hemorrhage indicates that the injury was recent and was sustained within a couple to a few days before her death. The $\frac{1}{4}$ inch red dried abrasion of the right upper lip, the $\frac{1}{2}$ inch red dried abrasion of the right lower lip, and the two dried red abrasions over the right side of the chin measuring $\frac{1}{8}$ inch and $\frac{1}{4}$ inch, respectively, were consistent with blunt force injuries sustained while the decedent was alive and were injuries that were sustained from an impact separate from the gunshot wounds. The features of the injuries indicate that they were recent injuries and were sustained within hours to a couple of days before her death. The 1 inch dried faint abrasion overlying the lower lateral orbital ridge of the left eye had a translucent appearance and was consistent with a postmortem change related to the positing of her body when she died.

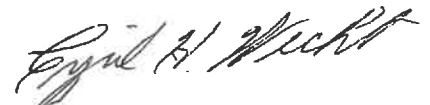
Jed Stone, Esquire
April 21, 2021
Page 10

**PRIVILEGED & CONFIDENTIAL
ATTORNEY WORKPRODUCT**

OPINION

Following my review of the materials provided, it is my opinion, expressed with a reasonable degree of medical certainty, that Rhoni Reuter died from multiple gunshot wounds. The locations of the gunshot wounds A and B, the paths the bullets traveled, and the angles of the bullet tracks are consistent with Ms. Reuter being in a standing position when she was shot. Furthermore, the features of gunshot wound A are consistent with Ms. Reuter having her back toward the shooter and having her head turned toward the left and toward the shooter. The features of the hemorrhage beneath her left eye and the abrasions on her face were indicative of recent blunt force injuries that were sustained before death and are consistent with having been sustained within a couple to a few days before her death. The subcutaneous hemorrhage beneath her left eye is consistent with a blunt force impact not related to the gunshot wound of her head.

Very truly yours,



Cyril H. Wecht, M.D., J.D.

CHW/srw

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS,)	
PLAINTIFF)	
)	
v.)	No. 09 CF 926
)	
MARNI YANG,)	
DEFENDANT)	

AFFIDAVIT OF CYRIL H. WECHT, M.D., J.D.

Cyril H. Wecht, M.D., J.D. being first duly sworn, states under oath and subject to the penalty for perjury, as follows:

1. I have reviewed the documents presented to me in the matter of the murder of Rhoni Reuter.
2. I have prepared the attached report and will testify under oath that all of the opinions and conclusions are true and accurate based on a reasonable degree of medical certainty.
3. Rhoni Reuter had injuries to her face that preceded the date of her death by 2 to 4 days. These injuries were the result of blunt force trauma.
4. Rhoni Reuter was in an upright position when she was shot in the head and chest.
5. The bullet trajectory of wound "B" was created by a shooter that was taller than Rhoni Reuter who was 5'10".

6. Marni Yang who is 5' tall could not have created the trajectory path of wound "B".

In furtherance affiant sayeth not.

DECEMBER 09, 2021

Date



Cyril H. Wecht M.D., J.D.

DECEMBER 09, 2021

Date



Notary Public

Commonwealth of Pennsylvania - Notary Seal
Brian I. Cynamon, Notary Public
Allegheny County
My commission expires December 21, 2024
Commission number 1034183
Member, Pennsylvania Association of Notaries

EVIDENCE
Ulybrai MW

EVIDENCE
IBNDCS SPORT TOOLS

07-10980 219
07-15329 JI 005

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ILLINOIS STATE POLICE FORENSIC SCIENCE LABORATORY
GUNSHOT RESIDUE ANALYSIS INFORMATION FORM

Case No. 07-15329 JI 005
Date 07-15-09

Subject's Name: Steve L. Galt
Address: 1111 S. 1st St. Chicago, IL 60607

Weapon: 02 Glock
Type of Ammunition: 02 Glock

Subject's Occupation: Self-Employed

Police Agency: Chicago Police Dept.

Officer's Name: Det. [Name]
Officer's ID: [ID]

Case Description: [Detailed description of the incident]

Number of Shots Fired: 02

Direction of Fire: [Direction]

Weather Conditions: [Weather]

Time of Day: [Time]

Location: [Location]

Signature of Collector: [Signature]
Date: [Date]



ILLINOIS STATE POLICE
GUNSHOT RESIDUE
EVIDENCE COLLECTION KIT

Case No. 07-15329

Collector's Name: [Name]
Collector's ID: [ID]

Officer's Name: [Name]
Officer's ID: [ID]

Case Description: [Description]

Number of Shots Fired: [Number]

Direction of Fire: [Direction]

Weather Conditions: [Weather]

Time of Day: [Time]

Location: [Location]

Signature of Collector: [Signature]
Date: [Date]

RECEIVED BY	DATE
<u>[Name]</u>	<u>[Date]</u>
<u>[Name]</u>	<u>[Date]</u>
<u>[Name]</u>	<u>[Date]</u>
<u>[Name]</u>	<u>[Date]</u>

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,)

F 11-10
NOV 09 2020
Eric Cantor and Associates
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 5th and 14th 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 12:07:40P
12 the Lake County Major Crimes Task Force both then began 12:07:43P
13 intensively investigating this homicide, is that correct? 12:07:49P
14 A. That's correct. 12:07:53P
15 Q. And one of the first -- it was discovered 12:07:53P
16 that Rhoni Reuter was the girlfriend of an individual by 12:07:58P
17 the name of Shaun Gayle, is that correct? 12:08:02P
18 A. That's correct. 12:08:04P
19 Q. Mr. Gayle's whereabouts were looked at 12:08:04P
20 regarding where he was on October 4, 2007? 12:08:09P
21 A. Yes. 12:08:12P
22 Q. And it was discovered that he had been at a 12:08:13P
23 barber shop in North Chicago called Leroy's Barber Shop at 12:08:17P
24 approximately nine, 8:30 to nine in the morning? 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

LAKE COUNTY MAJOR CRIME TASK FORCE

Investigative Report

Case No. 2007-15329	Reporting Date: 10/04/2007	Reporting Officer: Investigator S. Frost #2125 SMF
Subject of Case: Homicide Investigation	Typed By: Investigator S. Frost	Date: 10/15/07
		Lead No. #15

Gayle said he was confused on what to do or where to go, he contacted his longtime friend, Emery Moorehead while exiting onto Deerfield Road from southbound I-94. Gayle said that Moorehead knew the victim and sold her the condo she currently owned in Deerfield. Gayle said knowing that Moorehead's business was in Deerfield, he asked him if he would go with him to the victim's residence to find out what was going on. Gayle said he learned from Moorehead that he was in Evanston, Illinois and unavailable to assist. Gayle said that Moorehead felt it was best he contact the police immediately versus driving to the victim's residence. Gayle said he agreed and terminated the call.

Gayle said he contacted the Deerfield Police Department and learned that the victim had been shot. Gayle said he "lost it" at that point and continued driving towards the victim's residence. Gayle said he changed directions shortly thereafter because the police officer he was speaking with told him to drive to the police department. Gayle said he complied and drove his vehicle to the library at the instructions of the officer. Gayle said that according to the officer, the press or media was waiting for his arrival outside the police department. Gayle said he remained inside the library until he was met by police officers from the Deerfield Police Department.

Learned from Gayle that from the time he left his residence and arrived at the barbershop in North Chicago, he made no other stops. From the barbershop to the Deerfield Police Department, he made no stops as well. The interview was concluded at approximately 1515 hours. It was at that point we informed Gayle that we needed to speak with command to ascertain if new information had surfaced. He said he understood, but again was persistent with wanting to know what had happened to the victim.

After having already consulted with Task Force Command, I informed Gayle that the victim was in fact deceased and she had died due to a gunshot wound. I made it clear to Gayle that without family notification, I would not confirm beyond a reasonable doubt it was his girlfriend, Rhoni Reuter. However, based on the information I had I believed it was her. Gayle's reaction did not change at that point and he immediately wanted to know how she was found. I stressed to Gayle that I was not sure what he was looking for but I could not provide specifics. Gayle asked, "Was she found in a pool of blood? Did someone break into her apartment?" I stopped Gayle at that point and told him that I was sympathetic to his loss, however I didn't know how he would benefit to know that information. Gayle explained that no one was telling him anything and he just wanted to know. I told Gayle that if I knew and was able to tell him, I don't know if I would tell him any horrific details. He said he understood.

I asked Gayle at that point if he owned any firearms. He replied yes and told me that he owned an H&K 9mm handgun and an assault rifle. I learned from Gayle that he had purchased the weapons sometime around 1990 and they were currently at his residence. I asked Gayle if he had been to a firing range within the past few days, but he said no. I learned from Gayle that the last time he shot either weapon was when he originally purchased them in 1990. For



Page 3 of 5

Approved By:

[Signature]

000033

Blumberg No. 5114
 DEFENDANT'S EXHIBIT
 H