PEOPLE OF THE STATE OF ILLINOIS, )

)

Plaintiff, )

)

v. ) No. 09 CF 926

)

MARNI YANG, )

)

Defendant, )

**MOTION TO CONDUCT A FORENSIC EXAMINATION AND TESTING OF AUDIO EVIDENCE IN PREPARATION OF A POST CONVICTION PETITION ADVANCING**

**MARNI YANG’S CLAIMS OF ACTUAL INNOCENCE**

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

1. MARNI YANG is in the process of preparing a post-conviction petition advancing her claim of actual innocence.
2. To do so she must examine the evidence obtained by the state in advance of her trial. We are examining the record, not merely for evidence adduced at trial, but also for Brady material in possession of the state but never disclosed to the trial lawyers.
3. One category of such evidence is audio recorded material. In particular, there are Title III overheard telephone conversations and taped conversations between Ms. YANG and an alleged confederate which post-conviction defense counsel needs to examine and subject to forensic testing.
4. We have retained the services of Michael Primeau, a forensic audio authentication inspection specialist. Mr. Primeau’s letter is attached and incorporated herein to describe his need to examine tape recorded evidence and his proposed method of doing so.
5. The state has provided third or fourth generation copies of the material sought to be forensically examined.
6. While appreciated, this is unhelpful for obtaining a forensic evaluation of the evidence.

WHEREFORE, MARNI YANG prays that this court allow Michael Primeau to have direct access to the original recordings as outlined in his appended letter at time convenient to Mr. Primeau and the Cook County State’s Attorney who is in possession of the recorded evidence. Additionally, Mr. Primeau has asked to examine the original tapes of the YANG/PASSION conversations.

Respectfully submitted,

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Attorneys for MARNI YANG

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