

JAMES A. EVANS

SEPTEMBER 26, 2008

REG. NO K-90499

MENARD CORRECTIONAL CENTER

P.O. BOX 711

MENARD, ILLINOIS. 62259

JEFFERY WIESHAUPT

ATTORNEY AT LAW

29 E. AIRLINE DR.

EAST ALTON ILLINOIS

Dear Mr. Wieshaupt:

We last spoke to one another at the Criminal Justice center in Edwardsville Illinois August 28, 2008. During our meeting you mentioned that you expected to receive copies of my transcripts and police discovery from 98-CF-2131 & 99-CF-634 within the next 14 days of the date mention above.

If you have successfully obtained those copies of the aforementioned materials and you have not had the time to bring them to me (as you said during our last visit) I would be okay with sending someone to pick them up from your office in East Alton. I am willing to pay for postage if that is a issue.

I would like to have those materials so that I may be able to study them thouroughly and research for further post conviction relief.

I would also like for you to arrange for the court or state to turn over the exhibits (particularly the recourdings) placed in evidence in trial 99-CF-634 a.s.a.p.

I am looking forward to seeing you and further discussing our approach to my post-conviction at our next schedualled meeting 10/30/08.

Respectfully,

James A. Evans K-90499

James A. Evans

FILE COPY

JAMES A. EVANS
REG NO. K-90499
MENARD CORRECTIONAL CENTER
P.O. BOX 711
MENARD ILLINOIS
62259

NOVEMBER 20, 2008

JEFFREY WIESHAUPT
82 EAST AIRLINE DRIVE
P.O. BOX 329
EAST ALTON, ILLINOIS. 62024

FILE COPY

Dear Mr. Wieshaupt:

During the last meeting we had at Madison County Criminal Justice Center you suggested that I write to you and give you some background on the audio tapes that we need to obtain to have analyzed. I gave you a brief verbal description at our last meeting October 30 2008, but if you want a detailed account you can read page 6 of the supplemental brief mailed to the Circuit Clerks Office of Madison County Illinois dated 4/14/2008. I will attach a four page section of that petition that will assist you in understanding the direction I am pursuing.

I also cite some of the same information in a plea for disvory petition stamped filed September 27, 2006 in the Circuit Court no. 42 (clerk) Madison County Illinois. I will resubmit this information to you also.

Please review this information and upon our next schedualed meeting (12/16/08) I am hoping we can discuss this in greater detail.

Respectfully, *James A. Evans*
James A. Evans K-90499

JAMES A. EVANS
REG. NO. K-90499
MENARD CORRECTIONAL CENTER
MENARD ILLINOIS 62259

MARCH 17, 2009

JEFFERY C. WEISHAAPT
82 EAST AIRLINE DRIVE
P.O. BOX 329
EAST ALTON, IL 62024

Dear Mr. Weishaupt:

We had a meeting at the Madison County Criminal Justice Center 2-26-09. At the conclusion of our meeting you mentioned that the order you submitted pertaining to gaining access to my discovery materials and transcripts was being honored and you would pick them up from the Madison County Jail the next coming Monday (March 2, 2009)

You also said that you would mail me a letter confirming attainment of the legal materials mentioned earlier. I have not recieved any mail from you to date. I hope that does not mean that your attempts were unsuccessful.

I am unsure if you mailed to me the update you spoke of because this place has a tendency to lose mail. I am contacting you now to check to see if everything is or is not moving in the right direction as far as what we discussed during our last meeting 2-26-09.

Sincerely,

James A. Evans
James A. Evans
Reg. No. K-90499
P.O. Box 711
Menard Il. 62259

Jeffery C. Weishaupt

Attorney at Law

*82 E. Airline Drive
P.O. Box 329
East Alton, IL 62024
618-259-2000
618-259-2196 fax*

April 22, 2009

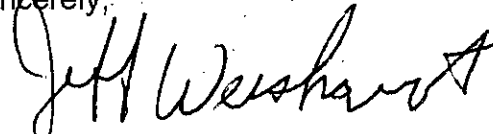
Mr. Calvin Fuller
State's Attorney's Office
157 N. Main Street, Suite 402
Edwardsville, IL 62025

RE: People vs. James Evans
NO: 89-CF-2131 and 99-CF-634

Dear Calvin:

With reference to the enclosed Order, I have yet to receive said compliance with said Order. Detective Wells indicated that compliance would be forthcoming. Could you please advise as to when I would expect to receive compliance? Thank you for your cooperation herein.

Sincerely,



Jeffery C. Weishaupt

JCW/jmd
Enclosure

cc: James Evans

Jeffery C. Weishaupt
Attorney at Law

82 E. Airline Drive
P.O. Box 329
East Alton, IL 62024
618-259-2000
618-259-2196 fax

July 2, 2009

Mr. Jim Buckley
State's Attorney's Office
157 N. Main Street, Suite 402
Edwardsville, IL 62025

RE: People vs. James Evans
NO: 98-CF-2131 and 99-CF-634

Dear Jim:

I have spoken to Calvin Fuller several times regarding this matter. I have also spoken to Detective Wells at the Madison County Sheriff's Department who has indicated that all of the tapes are available. I cannot do anything further until I receive the audio tapes of the phone conversations and the jail overhears. With that being said, Mr. Evans has directed me to file the enclosed pleading.

Sincerely,


Jeffery C. Weishaupt

JCW/jmd
Enclosure

cc: James Evans
Calvin Fuller

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES A. EVANS,)
)
 Defendant,)

Case No: 98-CF-2131
99-CF-634

PETITION FOR RULE TO SHOW CAUSE

Now comes the Defendant, JAMES A. EVANS, by and through his attorney, Special Public Defender, Jeffery C. Weishaupt, and for his Petition for Rule to Show Cause states to the Court as follows:

1. That an Order was entered in December 2008 directing the State to provide audio tapes of certain phone conversations and jail overhears.
2. That said documents have not been received by the Defendant or his attorney.
3. That the State is in violation of the December 2008 Order.
4. That the State should be ordered to appear and show cause why they have not complied with the December 2008 Order.

WHEREFORE, the Defendant, JAMES A. EVANS, prays that the Court an Order as aforesaid.

Jeffery C. Weishaupt

Attorney at Law

*82 E. Airline Drive
P.O. Box 329
East Alton, IL 62024
618-259-2000
618-259-2196 fax*

September 3, 2010

Mr. James Buckley
Asst. State's Attorney
Madison County Courthouse
157 N. Main Street, Suite 402
Edwardsville, IL 62025

RE: People vs. James A. Evans
NO: 98-CF-2131

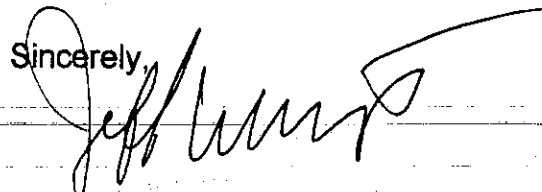
Dear Jim:

Please find enclosed the Court's Order whereby the State is to turn over the undisclosed items. The tapes were not provided to Mr. Evans' defense counsel at the time of trial. I believe the Order is self explanatory. As I indicated to you, I spoke to Detective Wells and he indicated the tapes were ready for mailing as soon as the State's Attorney's Office gives their okay.

I have reviewed the file and in the Defendant's Motion for Discovery which appears to be filed stamped March 9, 1999 paragraphs 1 and 2 apply to this situation. There seems to be a report from Alton Police Department namely report 95-11627, which should have been disclosed; or alternatively, Detective Cooley should have been disclosed to be in compliance with the Supreme Court Rule/Motion for Discovery.

Please review these Orders and reports. I am now in the process of reviewing the statute to determine if I can file a Petition for the Immediate Release of the Defendant herein.

Sincerely,



Jeffery C. Weishaupt

JCW/jmd
Enclosure

Jeffery C. Weishaupt

Attorney at Law

82 E. Airline Drive
P.O. Box 329
East Alton, IL 62024
618-259-2000
618-259-2196 fax

September 29, 2010

Mr. James A. Evans #K90499
Menard Correctional Center
711 Kaskaskia Street
P.O. Box 711
Menard, IL 62259

RE: People vs. James Evans
NO: 98-CF-2131

Dear Mr. Evans:

I appeared in out Monday, September 27, 2010 regarding this matter. Assistant State's Attorney Buckley advised the Court that he has spoken to the Sherriff's Department regarding the tapes. On this date I also met with Captain Wells and had a lengthy discussion with him about the tapes,. He went through the evidence sheet and determined there were approximately 20 tapes to be copied and produced. He will let me know the status in approximately 1 week.

With that being said, he has indicated that all of the tapes and the report regarding the missing person report of Nekemar Pearson were disclosed to Attorney Shaw. I am going to review your Court file once again for the compliance of discovery.

Sincerely,



Jeffery C. Weishaupt

JCW/jmd