



~~SECRET~~ EXT# 4

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July 12, 2002

James Evans
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FILED

MAR 17 2003

CLERK OF CIRCUIT COURT #41
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

Re: People v. James Evans
App. Ct. No. 5-00-0178
Cir. Ct. No. 98-CF-2131 & 99-CF-634

Dear Mr. Evans:

I have received your letter of July 8, 2002. The Appellate Court has not yet issued a decision in your case. While it is six months since the oral argument, that is not unusual. I know of cases that a decision was not issued for more than a year after oral argument. Since it is the Appellate Court's natural inclination to affirm, it does not make very much sense for a defendant to demand an immediate decision. I will send you a copy of the decision when it is issued. I will not be informed in advance of the Court's decision, I will simply get the decision in the mail. If you receive an envelope from the Appellate Court before you receive one from me, that will almost always mean that the Appellate Court has affirmed your conviction. The Appellate Court is required to send you a copy of their decision only if it affirms. If the Appellate Court reverses it does not send you a copy of the decision.

I believe I found that police report about the missing person report of Nekemar Pearson in the Larry Greer record.

Yes, I believe that putting the newspaper article into your petition for post-conviction relief would be possible. But, if it is not contained in the trial transcript, it will be difficult to get the circuit court judge, as the finder of fact, to accept. I also believe that you should put everything that you want to into your petition for post-conviction relief and then hope that the circuit court appoints you an attorney and does not dismiss the petition for post-conviction relief as "frivolous or patently without merit". The Velton Wood case is the law and a petition for post-conviction relief must be filed within three (3)