

IN THE
CIRCUIT OF THE THIRD JUDICIAL
CIRCUIT, MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,)
v.)
James A. Evans)
Defendant)

Case No. 98-CF-2131 & 99-CF-634

FILED
SEP 27 2006

PROOF/CERTIFICATE OF SERVICE

CLERK OF CIRCUIT COURT #42
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

TO: Matt Melucci-Circuit Clerk TO: _____
Madison County Courthouse _____
155 N. Main St. _____
Edwardsville, IL 62025 _____

TO: William A. Mudge TO: _____
States Atty of Madison County _____
157 N Main St - 402 _____

PLEASE TAKE NOTICE that on September 25th, 2006, I have placed the documents listed below in the institutional mail at Menard Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: Matt Melucci- Circuit Clerk and William A. Mudge-States Attorney of Madison County

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 9/25/06

/s/ James A. Evans
NAME: James A. Evans
IDOC#: K-90499
Menard Correctional Center
P.O. BOX 711
Menard, IL 62259

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff.,

vs.

JAMES EVANS,
Petitioner.,

FILED

SEP 27 2006

CLERK OF CIRCUIT COURT #42
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

) PETITIONER'S REQUEST FOR DISCOVERY
) IN POST-CONVICTION RELIEF PROCEEDINGS.

) In Re: Post-Conviction Relief
) Petition.

) Criminal Case No. 98 CF 2131
) 99 ~~13~~ CF 634

PETITIONER'S REQUEST FOR DISCOVERY
IN POST-CONVICTION RELIEF PROCEEDINGS

NOW COMES, THE Petitioner, James Evans, through and by his attorney, and respectfully moves this Honorable Court pursuant to 725 ILCS 5/122-1, of the Post-Conviction Hearing Act, in Good Cause, pursuant to Supreme Court Rule 412, to order the State Prosecution to tender to the defense in this Collateral Relief Proceedings the following Discovery material and documents thereof:

In Support thereof, the Petitioner states as follows:

1. The Petitioner is currently incarcerated at the Menard Correctional Center in Menard, Illinois 62259.
2. The Petitioner was found guilty by jury for Murder, Solicitation of Murder before the Honorable Judge James Hackett, presiding judge on August 13, 1999 and November 12, 1999.
3. In which the petitioner is now serving a sentence of 107 years in the Illinois Department of Corrections.
4. That he is an indigent person within the statute and believes he has a meritorious cause for review before this court.

5. The Petitioner requests original audio tapes, People's Exhibit #34, Defendant's Exhibit C, and Common Law Records pertaining to case at bar.
6. These original audio tapes and Common Law Records is evidence that proves the Prosecution, in the above case, knowingly committed a discovery violation pertaining to these tapes introduced against the Petitioner; as well as the audio tapes in the State's possession, that was not introduced at trial.
7. The Petitioner requests the make and model number of all recording devices used to overhear or eavesdropping/telephone overhear material.
8. The Petitioner additionally requests the State tender to the defense all police reports pertaining to the above case, for the reason that the trial counsel withheld and failed to disclose all of the State's discovery to the Petitioner, which would be necessary to raise the issue of ineffective assistance of counsel.

WHEREFORE, Petitioner respectfully request and prays that this Honorable Court grant the Petitioner's Request for Discovery in Post-Conviction Relief Proceedings.

Respectfully Submitted,

James A Evans

James Evans, Petitioner
Reg #K-90499
Menard Correctional Center
P.O. Box 711
Menard, IL 62259

AFFIDAVIT OF SERVICE

I, James A. Evans, state that I served a copy of the document to which this affidavit is attached upon each party, or, if represented by counsel, upon the attorney of record for said party by enclosing the same in a sealed envelope plainly addressed as is disclosed by the pleadings of record herein and by depositing each of such envelopes in the box designated for United States mail at Menard Correctional Center, Menard Illinois, Together with the appropriate request to the prison official responsible to affix fully prepaid postage thereon, on this 25th day of September, 2006.

James A Evans
Signature

VERIFICATION

I, James A. Evans, the undersigned, certify and state that:

1. I am the Petitioner in the above captioned legal matter.
2. I have read the foregoing application and have knowledge of its contents;

and

3. Under penalties as provided by law pursuant to sec. 1-109 of the Code of Civil Procedure, I certify that the statements set forth in the foregoing motion and this affidavit are true and correct except as to matters therein stated to be on information and belief, and as to such matters I certify that I believe the same to be true.

James A Evans
Signature