

Attorney Codes

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, CRIMINAL DIVISION**

STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	No.
vs.)	
)	
,)	
)	
Defendants)	

MOTION FOR DISCOVERY

NOW COMES the above Defendant, XXXXXXXXXXXX, by and through his attorney, JANINE L. HOFT and BRAD THOMSON, and pursuant to the authority granted in 725 ILCS § 5/114-2, 725 ILCS § 5/114-9, 725 ILCS § 5/114-10, 725 ILCS § 114-13, Supreme Court Rule 412, *People v. Kladis*, 960 N.E.2d 1104 (Ill. 2011) and *People v. Schmidt*, 56 Ill.2d 572, 309 N.E.2d 557 (1974) move this Honorable Court for an order directing the State's Attorney to disclose and produce certain evidence which is essential and material to the preparation of the defense.

The Defendants requests that such disclosure and production include, but not be limited to, the following:

1. A bill of particulars containing:
 - a) the exact time and date of the occurrence;
 - b) the exact street address and physical description of the location of the occurrence. (725 ILCS § 5/114-2).
2. A list of witnesses to the occurrence, persons who have knowledge of the incident, and identify any person the State intends to call at any hearing or trial, including their addresses, and:

a) any written or recorded statements by these witnesses including those written or recorded statements of police officers, including any and all injury on duty reports, supplemental reports, memoranda, photographs, video tapes [including in-car video and BWC (body worn camera)], flash messages, PCAD and FCAD transmissions; specifically including any document, audio, video, photographs or images taken of any Defendant or identified police officer;

b) any memoranda reporting or summarizing oral statements by such witnesses. (725 ILCS § 5/114-9).

3. Any written or recorded statement or statements and the substance of any oral statements made by the accused or co-defendant, including:

- a) a list of witnesses to the making and acknowledgment of such statements;
 - b) the time, place and date of the making of such statements;
 - c) any written or recorded memoranda containing the substance of any oral statements.
- (725 ILCS § 5/114-10).

4. A list of all physical property that the State intends to use at the time of trial, including:

- a) A list of all physical property in the possession of law enforcement officials;
- b) Date and time the property was acquired;
- c) Location from which the property was acquired;
- d) What person or persons first took the property into their possession;
- e) Reports made by law enforcement authorities pertaining to this property, including scientific reports, etc.
- f) that such property be made available to the defense for inspection before trial.

(See *People v. Buzan*, 351 Ill. 610, 184 N.E. 890 (1933)).

5. Any reports or statements of experts made in connection with this case, including the results of physical or mental examinations and of scientific tests, experiments, or comparisons.

6. Any books, papers, documents, photographs or tangible objects which the prosecution intends to use in any hearing or at trial or which were obtained from or belong to the accused or a co-defendant. [See *People v. Gerold*, 265 Ill. 448, 107 N.E. 165 (1914)].

7. Any and all photographs, video or audio recordings taken at the scene of the arrest, including, but not limited to, any and all video from in car cameras located at or near the scene as well as any or all video from body worn cameras (BWC) of officers present at the scene.

8. Prior criminal records of State's witnesses.

9. Whether the prosecution intends to use certified copies of convictions of the accused for purposes of impeachment during trial, and if so, a list of these convictions.

10. That the prosecution disclose any evidence in its possession as to whether it will rely on prior acts or convictions of a similar for proof of knowledge, intent or motive.

11. The names and addresses of the witnesses the State intends to call at the time of trial for identification of the defendant as the perpetrator of a crime, including:

- a) time, date and place of identification;
- b) if photographic identification were used, production of any photos used, whether of the defendant or of other persons;
- c) all persons present at such viewing;
- d) any pictures taken of any line-up;
- e) names of any persons who confronted the accused and made no identification or

identified him for other crimes.

12. That the prosecution inform defense counsel of any electronic surveillance (including wiretapping) of conversations to which the accused was a party, or which occurred on his/her premises, or which the prosecution intends to use in prosecution of a conspiracy.

13. That the prosecution inform defense counsel whether any evidence was acquired as a result of the execution of any legal process. If so, a copy of this to be supplied to the defense for inspection.

14. That the prosecution disclose to the defense the names and addresses of any witness or witnesses that may be or would be favorable to the defense, and any physical evidence or scientific evidence that might be or would be favorable to the defense. (See Brady v. Maryland, 373 U.S. 83 (1963)).

15. That the prosecution be ordered to compel any informants whom the State intends to keep the identity of a secret, to be brought into the Court at any time, date or place out of the presence of the Defendant and defense counsel to ascertain whether or not this informant does exist. Further, that informants who are to be produced at any hearing or trial be named and disclosed on the list of witnesses.

16. That the prosecution be ordered to provide any and all information concerning the credibility or potential impeachment of the individual complainant police officers, including but not limited to, any citizen complaints, statements or memoranda from any judicial official, state's attorney or any other individual.

17. Any and all police reports containing information relevant to this case.

ACCORDINGLY, Defendant respectfully requests this Honorable Court to enter an order requiring the prosecution to fulfill the aforesaid requests at the earliest reasonable time.

Respectfully submitted,

JANINE L. HOFT
Attorney for Defendant

Dated: August 6, 2018

**JANINE L. HOFT
BRAD THOMSON
PEOPLE'S LAW OFFICE
1180 North Milwaukee Avenue, 3rd Floor
Chicago, IL 60642
773/235-0070, Ext. 115
janinehoft@gmail.com**

Attorney Code: 55091