IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,		Case No. 00 CF 1920
Plaintiff, v.	h_{i}^{m}	Hon. Daniel Shanes, Presiding
MARVIN WILLIFORD,	Eac }	
Defendan	t)	

MOTION FOR LEAVE TO CONDUCT LIMITED DISCOVERY

Now comes Defendant, Marvin Williford, by his attorneys, and hereby seeks leave to conduct additional post-conviction discovery pursuant to 725 ILCS 116/3 and this Court's inherent power, to pursue limited post-conviction discovery as described below.

Motion

- I. As this Court has been apprised, ongoing DNA-related investigation and testing has occurred in the last year. Currently pending is Williford's motion to compel from the State discovery to which Williford believes he is entitled as a result of 725 ILCS 116/3 and Rule 417. Part of that investigation has involved a
- 2 This Court can, for good cause, permit additional discovery to be sought in a postconviction case.
- Here, Williford seeks leave to subpoena directly for information (1) related to the reports it has issued related to the DNA hit and investigation in this case; (2) all of its communications with agents of the State concerning those reports (including but not limited to (a) the Waukegan Police Department, (b) the North Chicago Police Department, and (c) the Lake County Major Crimes Task Force, and (d) the Lake County State's Attorney's Office.

- 4. Each of these agencies may have information related to Williford's ongoing postconviction efforts and his anticipated motion for leave to file a successive postconviction petition.
- 5. In addition, Williford seeks any and all communications between the Northern Illinois Regional Crime Laboratory regarding work done under the current case number, 00 CF 1920, under NIRCL number 14-4780, under NIRCL No. 92-55313, or any other matter associated with the home invasion of Delwin Foxworth, the rape and murder of Holly Staker, and/or Marvin Williford.
- 6. Williford also seeks leave to require the State to provide any and all evidence otherwise discoverable and compelled to be disclosed by the State as matter of due process per Brady v. Maryland, 373 U.S. 83 (1963), Giles v. Maryland, 386 U.S. 66 (1967), and U.S. v. Bagley, 473 U.S. 667 (1985).
- 7. Good cause has been shown here. Williford's conviction rests upon a thin reed: a single eyewitness identification at trial years after the crime and that was the result of repeated and undisputedly suggestive identification procedures long after the crime. Significant DNA evidence excludes Williford and links to the person who raped and killed Holly Staker. Since this Court last heard evidence about this case, significant DNA results and investigation has occurred, leading to the identification of potential alternative suspects. Williford—who has steadfastly maintained his innocence—merely seeks all of the material evidence that exists that could exculpate him or provide further insight into his wrongful conviction.

WHEREFORE, for all the reasons stated above, Mr. Williford respectfully requests that this Court permit Williford to conduct limited post-conviction discovery, as described above.

Dated: November 22, 2022

Respectfully Submitted,

David B. Owens

THE EXONERATION PROJECT

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