

**CIRCUIT COURT OF COOK COUNTY ILLINOIS  
CRIMINAL DIVISION**

People of the State of Illinois,	)	
	)	
Respondent,	)	
v.	)	
	)	
David Kruger,	)	87 CR 07912(01)
	)	
Petitioner.	)	
	)	

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**PETITION FOR RELIEF FROM JUDGEMENT AND TO VACATE CONVICTIONS  
PURSUANT TO 735 ILCS 5/2-1401**

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The above-captioned Petitioner files this consolidated petition for relief from judgement and to vacate his convictions pursuant to 735 ILCS 5/2-1401. In support of this request, Petitioner states as follows:

**INTRODUCTION**

1. After decades of advocacy and litigation in Illinois Courts, there is no longer a viable dispute: Former Chicago police detective Reynaldo Guevara was a corrupt police officer who routinely violated citizens constitutional rights when conducting homicide investigations.

2. Courts and juries alike have concluded that during his lengthy career Guevara engaged in a range of abhorrent and unconstitutional misconduct, including manipulating, threatening, and psychologically and physically coercing witnesses and accused suspects; perjury; and the outright fabrication of statements, police reports, and other evidence. *See People v. Martinez*, 2021 IL App (1st) 190490, ¶ 47 (“Given the staggering breadth of the materials regarding Detective Guevara’s involvement in other cases, we succinctly state that those materials reflected a penchant for manipulating witness identifications. Many of his victims were eventually

exonerated.”); *see id.* at ¶¶ 64, 80 (“Detective Guevara is a malignant blight on the Chicago Police Department and the judicial system” whose “toolbox of coercion was well-stocked with a wide variety of tools”); Ex. 2 (*People v. Demetrius Johnson*, 21 CC 3482 (July 27, 2021)), at 1 (“Mr. Johnson’s conviction was based upon evidence both fabricated and concealed by notorious homicide detective Reynaldo Guevara,” which at the time the court noted was the “21<sup>st</sup> conviction vacated owing to the misconduct of Guevara.”); Ex. 3 (*People v. Solache/Reyes*, 98 CR 12440, Dec. 13, 2017), at 40-46 (Judge Obbish, the last judicial officer to hear substantive testimony from Guevara after the State granted Guevara immunity in 2017, concluding that Guevara’s testimony was replete with “bald faced lies” and his “weak” general denials of physically coercing the Defendants confessions and feigned lack of memory were “not the testimony of a credible witness”); Ex. 4 (*Jacques Rivera v. Reynaldo Guevara et al.*, 12 C 4428) (civil jury finding Guevara liable for violating Jacques Rivera’s due process rights, conspiracy in doing so, and intentional inflicting of emotional distress and awarding \$17 million in compensatory damages and an additional \$75,000 in punitive damages against Guevara).

3. Since 2017, Guevara himself refuses to defend his own investigations, asserting his Fifth Amendment rights not to incriminate himself when asked any questions relating to his police work. Following well-established legal principles, courts, in turn, routinely have drawn adverse inferences against him and concluded Guevara did, in fact, do what he refused to deny. *See People v. Gibson*, 2018 IL App (1st) 162177, ¶ 5 (courts must draw an adverse inference when a police officer pleads the Fifth and refuses to defend his investigation unless there is a credible reason not to do so). *See e.g.*, Ex. 5 (*People v. David Gecht*, May 25, 2022), at 27 (“The fact that Guevara refused to answer and was nonresponsive to questions, suggests that his investigation in this case

was infected with the same pattern and practice of misconduct. Otherwise, he would have provided substantive answers to deposition questions regarding his investigation.”).

4. In turn, as a matter of due process, courts have repeatedly vacated convictions or granted other relief where Guevara-led investigations led to the ultimate convictions. *See e.g.*, *id.* at 15, 24, 27 (Judge Kenworthy finding that “Detective Guevara engaged in a pattern and practice of intimidating, threatening, and influencing witnesses in prior homicide investigations, . . . [and Guevara’s] pattern and practice of misconduct demonstrates [petitioner’s] due process claim”); Ex. 6 (*People v. David Colon*, July 8, 2022), at 31-32 (Judge Atcherson holding that relief was required as a matter of due process because “[i]t is now undisputed that former Detective Guevara, motivated by a desire to close cases regardless of whether he had found the actual perpetrator, engaged in multiple and repeated instances of police misconduct which took various forms”); Ex. 7 (*People v. Juan & Rosendo Hernandez*, 97 CR 21329, July 14, 2022) at 3-13 (Judge Rosado finding that Guevara conspired with Joseph Miedzianowski to violate the Hernandez brothers due process rights in a multitude of ways, including by manipulating witness identifications, fabricating police reports by intentionally misreporting alibi and other police statements, and committing perjury by falsely testifying about those same alibi statements); Ex. 8 (*People v. Gabriel Solache and Arturo Reyes*, 98 CR 122440, June 29, 2016), at 36 (Judge Obbish finding that “petitioners have made a substantial showing they were denied their constitutional right to due process”).

5. In total, Petitioner is aware of 44 individuals whose overturned convictions were tied to Guevara. Courts have granted relief from convictions in trials and pleas, alike, and whether the claims invoked the Post-Conviction Hearing Act or section 2-1401 of the Code of Civil Procedure, 735 ILCS 5/2-1401. *See e.g.*, Exs. 9-10 (*People v Marilyn Mulero & Madeline*

*Mendoza*, 92CR13088(02), (03) (Orders vacating convictions and pleas, including Mendoza’s via section 2-1401); Ex. 11 (*People v. Daniel Rodriguez*, 91 CR 13938. April 25, 2022) (Order granting section 2-1401 petition following trial conviction based on new evidence of Guevara’s misconduct); Ex. 13 (*People v. Thomas Kelly & Jose Tinajero*, 99 CR 06197, Jan. 31, 2024) (most recent Orders granting relief to Guevara victims, one of which was via 2-1401 and one via the Post-Conviction Hearing Act).

6. Since August 2022, the Cook County State’s Attorney’s Office has agreed that convictions tied to Guevara’s investigations are unreliable and should be vacated.<sup>1</sup> Petitioner is unaware of a single Guevara-related collateral petition the State has contested since August 2022, or that any court has ultimately refused to overturn. Well over a majority of those individuals were later awarded certificates of innocence. *See* Exs. 12, 14 (identifying 25 COIs in Guevara-related overturned convictions).

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<sup>1</sup> On August 9, 2022, the Cook County State’s Attorney appeared in court and withdrew their objection to eight pending post-conviction matters in cases Guevara investigated. State’s Attorney Foxx noted as follows:

“[W]e cannot stand by these convictions based on the serious allegations of misconduct and findings of credibility against Detective Guevara.” *See* Dana Kozlov, Marissa Parra, *7 murder convictions linked to disgraced CPD Det. Reynaldo Guevara thrown out*, CBS2, Aug. 9, 2022, at <https://www.cbsnews.com/chicago/news/eight-murder-convictions-vacated-chicago-police-detective-reynaldo-guevara-cook-county-states-attorney-kim-foxx/>

“Even in cases where we still have questions about guilt, where we are not affirming actual innocence, the taint of detective Guevara is such that we cannot stand behind them any further.” *See* Melissa Segura, *Seven People Who’ve Served Decade In Prison Had Their Murder Convictions Over Alleged Abuse By a Chicago Cop*, BuzzFeed News, Aug. 9, 2022, at <https://www.buzzfeednews.com/article/melissasegura/guevara-chicago-murder-exoneration>.

“When it became clear that the allegations of misconduct against Guevara had significant merit, we could no longer stand behind these convictions where individuals spent decades incarcerated, devastating families and communities in Chicago. The Cook County State’s Attorney’s Office . . . will continue to address and investigate claims of wrongful convictions based on the evidence and the law.” *See* Press Release, *Cook County State’s Attorney Kimberly Foxx Announces Dismissal of Murder Cases Tied to Former Chicago Police Detective Reynaldo Guevara*, Aug. 9, 2022, at <https://www.cookcountystatesattorney.org/news/cook-county-state-s-attorney-kimberly-foxx-announces-dismissal-murder-cases-tied-former-chicago>

7. Like the others before him, Petitioner, too, deserves the same relief, as his arrest and subsequent conviction is clearly tied to a Guevara-led corrupt investigation. Guevara's role in securing the inculpatory testimony is clear from the police reports and testimony, yet Guevara now refuses to defend this very same investigation, asserting the Fifth Amendment. Ex. 1.

8. Given the supporting facts of this case, Petitioner is entitled to relief as a matter of due process like the dozens of Guevara-victims before them. This Court should vacate Petitioner's conviction.

## **FACTUAL BACKGROUND**

### **A. Brief overview of the evidence of Guevara's pattern of misconduct**

9. Many of the court decisions cited above document the conclusions about Guevara's range of misconduct. These conclusions, of course, are not in the abstract and are based upon overwhelming documentary and testimonial evidence, a portion of which is attached as exhibits to this pleading.

10. Guevara manipulates, threatens, coerces, and physically harms witnesses and accused suspects to give false statements and testimony. Exs. 15-41 (sworn testimony and affidavits alleging precisely that).

11. Guevara creates false police reports out of whole cloth and hides the real, accurate ones. *See* Ex. 42 (various materials in the Demetrius Johnson matter, showing that Guevara literally drafted a fake/false lineup report and hid the true, exculpatory lineup report to frame the 15-year-old Johnson, who has since been certified innocent).

12. Guevara fabricates witness and suspect statements, particularly as it relates to alibi evidence so that accused defendants cannot later defend against the false allegations in court. *See* Exs. 42-48 (examples of witness testimony and supporting materials showing that Guevara

fabricated police reports by purposefully mis-documenting alibi or other statements, thereby ensuring the accused cannot defend against Guevara's false charges—each of these examples are in cases of individuals who have been exonerated).

13. Guevara uses fake informants. Ex. 49 (statement and testimony of Francisco Vicente, who has now sworn under oath multiple times that Guevara manipulated and forced him to falsely implicate five different innocent individuals (Geraldo Iglesias, Robert Bouto, Jose Montanez, Armando Serrano, and George Pacheco), each of whom has been exonerated and/or received certificates of innocence).

14. Guevara conspires with notorious corrupt police officers like Joseph Miedzianowski, Ex. 7, or his long-time partner Ernest Halvorsen—the latter of which courts have also found has his own pattern of misconduct—to frame perceived threats to his corrupt police activities. Ex. 11; *see also* Ex. 64 (*People v. Reynaldo Munoz*, 85 C 12403, Feb. 22, 2022) (Judge Atcherson finding that Halvorsen has his own pattern of unconstitutional misconduct in a case Guevara is otherwise uninvolved). *See also* Exs. 50-51 (testimony from Fred Rock and Jondalyn Fields showing how Guevara conspired with Miedzianowski to frame Juan and Rosendo Hernandez, both of whom have been certified innocent); Ex. 52 (FBI Report documenting statement of Mohamed Omar, connecting Guevara and Miedzianowski); Ex. 53 (testimony of George Laureano, describing Guevara conspiring with Miedzianowski in a criminal conspiracy).

15. Accused suspects have repeatedly asserted these horrific allegations. *See e.g.* Exs. 15-21 (sworn testimony from seven men—all wrongfully convicted and six of whom have certificates of innocence—describing Guevara coercing their false confessions).

16. Victims and innocent third party witnesses corroborate it. *See* Exs. 22-32 (various sworn statements and testimony showing Guevara's manipulation of witness identifications, all in

cases where the accused was later exonerated, including, for example, Jose E. Melendez (Ex. 24), who was a crime victim yet contemporaneously insisted Guevara repeatedly tried to force him to implicate an innocent person); Exs. 33-41 (various other sworn statements corroborating Guevara's coercive questioning, threats, manipulation, and unconstitutional investigations in other cases).

17. Respected defense attorneys have witnessed it. Ex. 54 (testimony of attorney Kent Brody describing Guevara's manipulation and lies during lineup procedures in the Juan and Rosendo Hernandez matter—both certified innocent); Ex. 55 (testimony of James Saltouros indicating the same in the matter of John Martinez, who has been exonerated); Ex. 56 (testimony of John Deleon describing the lies and manipulation of Guevara in the Iglesias and Martinez matters—both of whom have been exonerated).

18. Felony review prosecutors' testimony has confirmed it. *See* Ex. 7, at 12 (court ruling in Hernandez case describing how felony review ASA testimony contemporaneously confirmed Guevara fabricated reports regarding the accused's alibis).

19. Whistleblowing police officers have testified and spoken up about it. Ex. 57 (testimony of former CPD detective Bill Dorsch describing Guevara's manipulation of witness identifications that he personally witnessed); Ex. 58, at 194-96 (testimony of Ron Malczyk confirming that Guevara fabricated or lied in a report).

20. City of Chicago investigations have confirmed it. Ex. 59 (three reports by former U.S. Attorney Scott Lassar commissioned by the City of Chicago concluding that Guevara fabricated evidence and committed misconduct in multiple cases).

21. The Office of Professional Standards (OPS) has concluded Guevara lies. Ex. 60-63 (a series of OPS reports and sustained findings against Guevara spanning from 1986-2000

concluding that Guevara's denials of allegations of various forms of misconduct were not credible).

22. Judges and juries have adjudicated it. Exs. 2-14; *Martinez*, 2021 IL App (1st) 190490; *People v. Gomez*, 2021 IL App (1st) 192020, ¶ 58; *People v. Gonzalez*, 2016 IL App (1st) 141660, ¶¶ 34, 57; *People v. Serrano*, 2016 IL App (1st) 133493, ¶ 18; *People v. Montanez*, 2016 IL App (1st) 133726; *People v. Almodovar*, 2013 IL App (1st) 101476; *People v. Reyes*, 369 Ill. App. 3d 1, 21 (1st Dist. 2006) (all commenting on Guevara's pattern of unconstitutional misconduct).

23. And Guevara never denies it. *See, e.g.*, Ex. 1 (Guevara asserting the Fifth Amendment when questioned about his investigations).

#### **B. Factual Background of Petitioner's Case<sup>2</sup>**

24. Initially, Guevara has been asked direct and pointed questions about his investigation of Petitioner's case and allegations of his misconduct in this investigation: Guevara has refused to answer the questions, invoking his Fifth Amendment privilege against self-incrimination. Ex. 1.

25. A shooting occurred at Keystone and Cortland on May 23, 1987. Kruger testified at his bench trial that he was present hanging out on a porch in the area with Cheo (Jose Claudio) and Moises Perez. Shortly after Cheo left the porch, Cheo and a Mexican man (victim Fernando Delgado) got in a scuffle, which ended with Delgado shooting and wounding Cheo. Startled, Kruger ran to the home of three sisters: Carmen, Evelyn, and Maria Rivera to take cover. While knocking on the door, he heard two more gunshots, and he later learned Moises had been shot as

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<sup>2</sup> The appellate record is included on a jump drive attached to this petition.



well. The Rivera family eventually let Kruger in the door and stay for an hour. At some point, Evelyn told him that she learned the Mexican man got shot and was dead. Ex. 101a.

26. Statements from Cheo and Perez in initial, non-Guevara police reports within a day of the shooting largely corroborate this testimony. Exs. 101b, 101c. Perez, too, testified at Kruger's trial consistent with these events. R. 120-36. Cheo was deceased by the time of trial. R. 145.

27. Weeks later, after Guevara became involved in the investigation, each of the three Rivera sisters gave police statements indicating that Kruger confessed to the shooting at the Rivera home, Ex. 101d, 101e, and Carmen and Evelyn testified to the same. R. 43, 91. Unlike the Guevara police report, Maria did not testify to Kruger confessing, but did claim that Kruger gave her a medallion—which she subsequently lost. R. 106-08. The police report documenting this exchange claims that Guevara told Maria the medallion was stolen from the victim. Ex. 101f, at 2 (noted, in all caps, that Maria believed the charm belong to Kruger UNTIL GCSP GUEVARA INFORMED HER DIFFERENTLY"). Kruger denied confessing and maintains his innocence of shooting or robbing Delgado. Ex. 101a.

28. The only occurrence witness, Edgardo DeValle, also supposedly implicated Kruger weeks later once Guevara got involved in the investigation; the report claims Del Valle was sitting on the front porch of Victor Resto's house with Victor and "Carmen" when he witnessed the events unfold, beginning with the argument between the Cheo and Delgado, followed by the chase with Delgado and Moises Perez, and culminating with Kruger shooting Delgado. Ex. 101g. However, in the initial police report in the day after the shooting—when Guevara was *not* involved in the case—Victor Resto was interviewed and said he was watching television inside his home when they heard the gunshots and looked out the front window, but they did not see any shooting. Ex. 101b. Two other individuals, Luis Resto, and Maria Rodriguez, said the same, and none of them

mentioned Edgar Del Valle was present with them. Ex. 101b. The Guevara-inclusive report also claims Del Valle told police that Kruger confessed to the killing days later and then, in a different conversation, told him he sold the gun. Ex. 101g.

29. Ultimately Del Valle also testified he witnessed Kruger shoot the victim. However, before his testimony inculcating Kruger, DeValle testified that the police “forced [him] to come to court,” Supp. R. 4, and he denied that he told investigators at the police station that he saw Kruger shoot the victim. Supp. R. 8-14. Indeed, Del Valle denied he was out on the street at all or witnessed any part of the events, Supp. R. 3-4, which is more consistent the initial police investigation. However, in the middle of the Friday direct examination, the court, *sua sponte*, suspended the case and admonished Del Valle he could be prosecuted for perjury if he did not tell the truth. Supp. R. 14-18. The court instructed Del Valle to consult with a lawyer over the weekend, and Del Valle’s testimony was suspended and picked up after a weekend break.

30. The following Monday the court learned that Del Valle never spoke to a lawyer, but the prosecutor instructed the court that Del Valle was no longer going to be testifying inconsistently with his prior statements. R. 52-53. Only then did Del Valle resume his testimony on Monday morning and switch his testimony to coincide with his statements in police custody and implicate Kruger. R. 57-86. However, even then, he denied certain aspects of the police report, such as ever saying he was with “Carmen” on the porch at the Resto residence. R. 71, 84; *see also* Ex. 101g, at 2.

31. All of the Rivera sisters, [REDACTED], are deceased. [REDACTED] told investigator Cindy Chekingo that prior to May 1987, [REDACTED]  
[REDACTED] She was terrified and paralyzed of Guevara. She remembers the day she heard a series of gunshot, a knock on the door, and letting Kruger in. [REDACTED] denied that

Kruger ever made any admissions to her or even talking to him substantively that night. [REDACTED] recalls Guevara coming to her home at times after the shooting; she recalls little of these interactions, nor even testifying in court, but noted that she was absolutely terrified of Guevara and would have done anything he told her to do. Ex. 101e (redacted in part).

## ARGUMENT

**In light of the extraordinary evidence of the corruption of Reynaldo Guevara and his tactical team, this Court must vacate Petitioner’s conviction pursuant to 735 ILCS 5/2-1401**

### A. Legal Standard

29. A petition filed pursuant to 735 ILCS 5/2-1401 seeks to bring facts to the attention of the trial court that would have precluded entry of a final judgment had the facts been known at the time of entry of the judgment. *People v. Haynes*, 192 Ill. 2d 437 (2000).

30. Although the petition must be filed in the same proceeding as the original judgment, the petition is a separate action. 735 ILCS 5/2-1401(b).

31. The burden of proof for a section 2-1401 petition is a preponderance of the evidence. *Smith v. Airoom, Inc.*, 114 Ill. 2d 209, 221 (1986).

32. Although section 2-1401 is a civil remedy, its remedial powers extend to criminal matters. *People v. Pinkonsly*, 207 Ill. 2d 555, 562 (2003).

33. A section 2-1401 petitioner is entitled to relief if (1) a meritorious defense or claim exists, and (2) the petitioner exercised due diligence in both presenting the defense or claim the original action and in filing the section 2-1401 petition. *Smith*, 114 Ill. 2d at 221. Ultimately, “[r]elief should be granted under section 2-1401 when necessary to achieve justice.” *People v. Lawton*, 212 Ill. 2d 285, 298 (2004). It is a “versatile and effective means of pursuing justice” for criminal defendants where the Post-Conviction Hearing Act is unavailable. *Id.* at 299.

34. Illinois law recognizes that a conviction may be vacated under 2-1401 as a result of a claim of actual innocence based on newly discovered evidence. 730 ILCS 5-5-4(c).

35. Applying *Lawton*, the Illinois Appellate Court has held that a section 2-1401 petition is the proper vehicle for a petitioner to seek to vacate an unconstitutional conviction if he has already completed his sentence or the interests of justice demand relief. *People v. Mathis*, 357 Ill. App. 3d 45, 50 (1st Dist. 2005).

36. In practice, and in the context of blatant and systemic issues of police misconduct, Illinois courts have routinely granted section 2-1401 petitions filed more than two years after conviction—both at the request of the petitioner and the State. For example, section 2-1401 has been the vehicle used to vacate more than 230 convictions connected to the misconduct of former Chicago Police Sergeant Ronald Watts and his team. It has also been used to vacate convictions of Guevara’s victims. *See E.g., People v. Demetrius Johnson*, 91 CR 19833 (Ex. 42); *People v. Rodriguez*, 91-CR-13938 (Ex. 11); *People v. Rios*, 89-CR-16525; *People v. Kelly*, 99 CR 06197(03) (Ex. 13).

#### **B. Petitioner’s pleading is timely**

37. While a section 2-1401 petition normally must be filed within two years of the conviction in a criminal case, time during which the opposing party (or the police) fraudulently conceal the claim tolls the limitation period. *See People v. McLaughlin*, 324 Ill. App. 3d 909, 918-19 (1st Dist. 2001); 735 ILCS 5/2-1401(c). Time limitations in both post-conviction and civil matters are affirmative defenses that can and should be waived by the State or opposing party when justice warrants. *People v. Bocclair*, 202 Ill. 2d 89, 101 (2002); *Dever v. Simmons*, 292 Ill. App. 3d 70, 73 (1st Dist. 1997); *see also supra* page n.1 (State’s Attorney Foxx’s noting her commitment to rectifying Guevara-related wrongful convictions). Moreover, irrespective of timeliness, section 2-1401 is “versatile and effective means of pursuing justice.” *Lawton*, 212 Ill. 2d at 299. It has

been repeatedly used to vacate convictions—even those secured by guilty plea—in the interests of justice or when circumstances change long after the statute of limitations ran. *See Davis*, 145 Ill. 2d at 244.

38. It is now widely accepted and understood that Guevara engaged in decades of corruption, but that corruption was hidden from criminal defendants, like the Petitioner herein. Accordingly, any and all of the allegations detailed in the attached exhibits that pre-dated the Petitioner’s trial in this case were *Brady* material that was required to be disclosed. *See People v. Mitchell*, 2012 IL App (1st) 100907, ¶¶ 71-72 (explaining that under *Kyles v. Whitley*, 514 U.S. 419 (1995), knowledge by any agents of the State, such as police officers, is imputed to the State). This is particularly true of the adverse credibility findings by the Office of Professional Standards (OPS) that predate any of the Petitioner’s trials. *See People v. Martinez*, 2021 IL App (1st) 190490, ¶¶ 90-92 (explaining that undisclosed, material documents relating to police misconduct that predate the cases are *Brady* material); *People v. Mack*, 2018 IL App (2d) 170641-U, ¶ 15 (highlighting the “analytical link” between *Brady* and section 2-1401 fraudulent concealment).

39. All of this information, however, was never provided to the Petitioner and therefore fraudulently concealed from them. *See McLaughlin*, 324 Ill. App. 3d at 918-19; 735 ILCS 5/2-1401(c). Any delay in filing, therefore, is tolled. Petitioner cannot be penalized for failing to present these claims in the original action where the facts were withheld from him.

40. Petitioner, moreover, is bringing this petition not long after the State has publicly announced it no longer stands by Guevara-related convictions. This information provides a new basis to bring a claim.

### **C. Petitioner has a meritorious defense in the original action**

41. When the Petitioner's case was adjudicated decades ago, Guevara successfully concealed his corruption. It has now come forth, making Petitioner eligible for relief under 735 ILCS 5/2-1401(c). *See People v. McLaughlin*, 324 Ill. App. 3d 909, 918-19 (1st Dist. 2001).

42. Similarly, Guevara's acts of coercing false statements and fabricating evidence in Petitioner's case made it impossible for Petitioner to fairly present evidence of their innocence.

43. The new evidence affixed to this Petition—particularly Guevara's pattern of similar misconduct, demonstrated acts of misconduct in this individual case (such as the horrific misconduct described by [REDACTED] and the contemporaneous allegations that by Del Valle that police "forced him" to implicate Kruger), and Guevara's assertion of the Fifth Amendment when asked about this investigation—provide a meritorious defense.

44. In addition, the suppression of the evidence violated Petitioner's rights to due process of law pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). The rule of *Brady* "encompasses evidence known to police investigators, but not to the prosecutor," and withheld impeachment evidence. *People v. Beaman*, 229 Ill. 2d 56, 73 (2008) (citing *Kyles v. Whitley*, 514 U.S. 419, 438 (1995)).

45. A *Brady* violation is a constitutional error that is never harmless, *People v. Beaman*, 229 Ill. 2d 56, 74 (2008), and a Section 2-1401 petition may "be used to challenge judgments claimed to be defective for legal reasons." *People v. Lawton*, 212 Ill. 2d 285, 297 (2004).

46. All of the pattern exhibits attached to this Petition is impeachment of Guevara, and the scope of it would more likely than not have led to a different result in all of these cases.

## CONCLUSION

For these reasons, Petitioner respectfully requests this Court grant this petition and vacate his conviction.

Respectfully Submitted,

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