



Downstate Illinois Innocence Project
Institute for Legal and Policy Studies
University of Illinois at Springfield
Public Affairs Center Office 429
One University Plaza, Springfield, Illinois 62703-5407
(217) 206-6569

September 19, 2006

Director Robert Davis
Springfield Crime Lab
Illinois State Police
2040 Hill Meadows Drive
Springfield, Illinois 62702

RE: Illinois Freedom of Information Act Request
People v. Slover
BCSS # B96-3706-9-1
Laboratory Case # S96-6147
Agency Case # 96-L-7238

Dear Director Davis:

The following is a request pursuant to the Illinois Freedom of Information Act, 5 ILCS 140:

- 1) Please provide all information, reports, receipts and results pertaining to Exhibit 2 (the latent fingerprint taken from the Findley Bridge); and
- 2) Please provide a written response as to whether Exhibit 2 has ever been entered into the Automated Fingerprint Identification System (AFIS), and if so, please provide the dates when this print was entered into AFIS.

I request of waiver of all fees for this request. Disclosure of the requested information to me is the public's interest in that it supports a Project at a publicly funded institute of higher education and I do not seek the requested information for commercial purposes.

If any records of portions of records are withheld, please state the exemption on which you rely, the basis which the exemption is invoked and the address to which an appeal should be addressed.

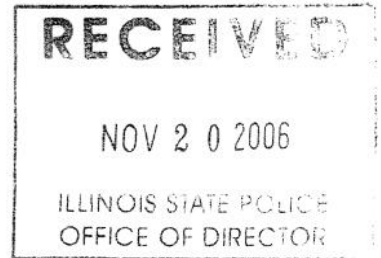
Thank you for your prompt consideration of my request. If you have any questions or if I can be of any assistance, please contact me at the above-identified mailing address and/or contact phone number for the Downstate Illinois Innocence Project.

Sincerely,

Bethany Krajelis



Downstate Illinois Innocence Project
Institute for Legal and Policy Studies
University of Illinois at Springfield
Public Affairs Center Office 429
One University Plaza, Springfield, Illinois 62703-5407
(217) 206-6569



November 18, 2006

Director Larry Trent
Illinois State Police
125 E. Monroe St. Room 103
P.O. Box 19461
Springfield, IL 62794-9461

RE: Freedom of Information Act Appeal

Dear Director Trent,

This is an appeal under the Freedom of Information Act.

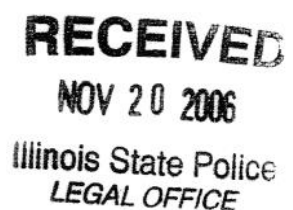
On September 19, 2006, I requested information under the Freedom of Information Act. A copy of my FOIA request, which was addressed to Robert Davis, is attached for your convenience. I did not receive a written response in regards to my request, which is a violation of FOIA. On November 13, nearly two months after I sent out my request, I called Mr. Davis at the ISP Springfield Crime Lab to ask about the status of my request. He informed me that my request would not be able to be fulfilled. I appeal the denial of my request and ask for you to respond to my appeal in a prompt matter.

Thank you for your consideration of this appeal. If you have any questions or if I can be of any assistance, please contact me at the above-identified mailing address and/or contact phone number for the Downstate Illinois Innocence Project.

Sincerely,

Bethany Krajelis

Downstate Illinois Innocent Project



Affirmation of denial as follows:

7)1)c)i) interfere with pending or actually and reasonably contemplated law enforcement proceedings;

7)1)c)iii) deprive a person of a fair trial or an impartial hearing; and

7)1)c)viii) obstruct an ongoing criminal investigation.

The Illinois State Police has been advised that a Notice of Leave to Appeal to the Supreme Court has been filed with respect to *People v. Slover*. Therefore, the case is considered pending, and no information can be released without a valid subpoena or court order.



FREEDOM OF INFORMATION APPEAL
STATE OF ILLINOIS (2)

#6285

Date Appeal Received in State Agency

INSTRUCTIONS:

Requestor should fill out sections — DESCRIPTION OF RECORDS, and REASONS FOR APPEALING. Send copies 1 and 2 to the Director of the Agency which original request was sent to. Unless notified otherwise the Agency's response will be within 7 working days after receipt of appeal.

Requestor's Name (Or business name if applicable) Bethany Krajelis/Downstate IL Innocence			Send Appeal To: (Director and Agency) Director Larry G. Trent, IL State Police		
Street Address One University Plaza			Street Address 125 East Monroe, Room 103, P.O. Box 19461		
City Springfield	State IL	Zip 62703-5407	City Springfield	State IL	Zip 62794-9461

DESCRIPTION OF RECORDS THAT APPEAL IS BEING MADE FOR:

- 1) Please provide all information, reports, receipts and results pertaining to Exhibit 2 (the latent fingerprint taken from the Findley Bridge); and
- 2) Please provide a written response as to whether Exhibit 2 has ever been entered into the Automated Fingerprint Identification System (AFIS), and if so, please provide dates when this print was entered into AFIS.

REASONS FOR APPEALING

See Attached

DIRECTOR'S RESPONSE TO APPEAL

Noted below is the action I have taken on your appeal from the denial of your request for the above captioned records

I hereby approve your appeal to the following extent and for the following reasons:

I affirm the denial of your request made by the Freedom of Information Officer. (See Attached)

Note: You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

The information required by this form is MANDATORY in order to comply with P.A. 83-1013. Failure to so provide may result in this form not being processed. This form is approved by the Forms Management Center.	Director's Signature <i>Larry G. Trent</i>	Date of Reply 12-11-06
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DOWNSTATE ILLINOIS INNOCENCE PROJECT

INSTITUTE FOR LEGAL AND POLICY STUDIES
UNIVERSITY OF ILLINOIS AT SPRINGFIELD
Public Affairs Center, Room 429
One University Plaza Springfield, Illinois 62703-5407
Phone: 217-899-4353

Oct. 10, 2008

Bridget DePriest
Freedom of Information Officer
Illinois State Police
801 S. 7th Street, Suite 1001A
PO Box 19461
Springfield, IL 62794

Re: *People v. Slover* Macon County case # 00-CF-140
BCSS# B96-3706-9-1
Laboratory Case # S96-6147
Agency Case # 96-L-7238

Dear Ms. DePriest:

This is a request to inspect and photocopy 1) any and all laboratory bench notes from the ISP crime lab in the above described case, including but not limited to the fingerprint evidence, and hair and fiber evidence; and 2) any and all manuals regarding the Automated Fingerprint Identification System AFIS, including but not limited to the criteria for the determination of a lifted latent fingerprint's suitability for submission to AFIS; and 3) any and all emails, and memorandums or notes of communication regarding inquiries to have the fingerprint evidence in this case submitted into AFIS.

I would ask that you expedite a time within the next 7 business days to facilitate the inspection of the requested records. Our Project is working with Springfield attorney Peter Wise on a pending motion for fingerprint or forensic testing not available at trial regarding actual innocence pursuant to 725 ILCS 5/116-3. This matter is set before Judge Steadman in Decatur for hearing on Nov. 6, 2008 at 1:30 p.m. We would appreciate compliance with this request in a reasonable period prior to Nov. 6th.

Sincerely,

Bill Clutter
Director of Investigations

Cc: D. Peter Wise
Robert Davis



FREEDOM OF INFORMATION REQUEST

STATE OF ILLINOIS

(1)

7689

INSTRUCTIONS:

Requestor should fill out the REQUEST portion (the top half) and sign the Requestor's Signature Block. Send copies 1 and 2 to the Agency. Keep the 3rd copy for reference. Send no money at this time. Unless notified otherwise the Agency's response for APPROVED, DENIED or DEFERRED will be sent back within 7 working days after receipt of the form.

Name of Agency: Illinois State Police City: Springfield

Address: Freedom of Information Office 801 S. 7th St., Ste 1001-A PO Box 19461 IL 62794-9461

Requestor's Name (Or business name if applicable): Bill Clutter Downstate Illinois Innocence Project

Street Address: Public Affairs Center, Room 429 One University Plaza

City: Springfield State: Illinois Zip: 62703-5407

Date of Request: 10/10/2008 Phone Number: 899-4353

CERTIFICATION REQUESTED: [] YES [X] NO

Requestor's Signature: (NOT REQUIRED)

DESCRIPTION OF RECORDS REQUESTED:

Copies of 1) any and all laboratory bench notes from the ISP crime lab in the case of People v. Slover, including but not limited to the fingerprint evidence, and hair and fiber evidence; and 2) any and all manuals regarding the Automated Fingerprint Identification System AFIS, including, but not limited to the criteria for the determination of a lifted latent fingerprint's suitability for submission to AFIS, and 3) any and all e-mails, and memorandums or notes of communication regarding inquiries to have the fingerprint evidence in this case submitted into AFIS.

[X] REQUESTING COPIES [] TO INSPECT RECORDS

AGENCY RESPONSE (REQUESTOR DOES NOT FILL IN BELOW THIS LINE)

APPROVED

- [] The documents requested are enclosed.
- [] The documents will be made available upon payment of copying costs \$ _____
- [] You may inspect the records at _____ on the date of _____

DENIED

- [] The request creates an undue burden on the public body in accordance with Section 3(f) of the Freedom of Information Act, and we are unable to negotiate a more reasonable request.
- [X] The materials requested are exempt under Section 7 see below of the Freedom of Information Act for the following reasons:
 - 1)c)i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency.
 - g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

INDIVIDUAL(S) THAT DETERMINED REQUEST TO BE DENIED
Colonel Scott Giles - DFS

RIGHT TO APPEAL
If desired, submit the attached APPEAL form (No. 2) along with copies of this original REQUEST and DENIAL and reasons for appeal to:
Director Larry G. Trent
801 S. 7th St., Suite 1100-S, PO Box 19461
Springfield IL 62794-9461

DEFERRED

[] Request delayed, for the following reasons (in accordance with 3(d) of the FOIA):
You will be notified by the date of _____ as to action taken on your request.

FOIA Officer: *[Signature]* Date of Reply: 10/22/2008
Bridget DeFries

The information required by this form is MANDATORY in order to comply with P.A. 83-1013. Failure to so provide may result in this form not being processed. This form is approved by the Forms Management Center.



DOWNSTATE ILLINOIS INNOCENCE PROJECT

INSTITUTE FOR LEGAL AND POLICY STUDIES
UNIVERSITY OF ILLINOIS AT SPRINGFIELD
Public Affairs Center, Room 429
One University Plaza Springfield, Illinois 62703-5407
Phone: 217-899-4353

Oct. 22, 2008

Larry Trent, Director
Illinois State Police
801 S. 7th Street
PO Box 19461
Springfield, IL 62794

Re: FOIA APPEAL
People v. Slover Macon County case # 00-CF-140
BCSS# B96-3706-9-1
Laboratory Case # S96-6147
Agency Case # 96-L-7238

Dear Director Trent:

Our Project is working with Springfield attorney Peter Wise on a pending motion for fingerprint or forensic testing not available at trial regarding actual innocence pursuant to 725 ILCS 5/116-3. This matter is set before Judge Steadman in Decatur for hearing on Nov. 6, 2008 at 1:30 p.m.

In order to adequately resolve the issues surrounding our request for AFIS testing of the fingerprint evidence in this case, we need your Agency's compliance with our FOIA request that was submitted on Oct. 10. We are asking to have copies of all laboratory bench notes relating to the above case. Specifically, we need prior to the Nov. 6th hearing date the bench notes relating to the fingerprint evidence.

Your legal department has denied this request citing 1)c)i) "interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency." I am appealing the denial. There is no pending "law enforcement proceedings" by any law enforcement or correctional agency.

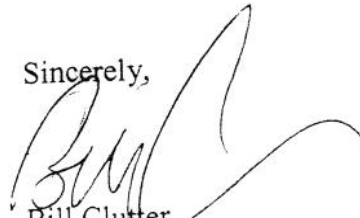
There is however, a pending action in the Circuit Court of Macon County that was filed on behalf of the Slovers in the matter of *People v. Slover* Macon County case # 00-CF-140 a MOTION FOR FINGERPRINT TESTING PURSUANT TO 725 ILCS 5/116-3. This is the matter that is set before Judge Steadman on Nov. 6.

I will be seeking an opinion from the Illinois Attorney General on this matter if we can not resolve the FOIA denial. Our Project should not be obstructed in its investigation of

an indigent inmate's claim of actual innocence by a misapplication by your legal counsel of the FOIA exemptions.

I look forward to your prompt consideration of this appeal. Thank you for reviewing this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clutter", with a long, sweeping flourish extending to the right.

Bill Clutter
Director of Investigations

Cc: D. Peter Wise