

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 Plaintiff,)
)
 vs.) Case No. **0XCR-XXXX**
)
 JULIE DOE/MARY SMITH,)
)
 Defendants.)

**MOTION FOR COURT REPORTED AND VIDEOTAPED
EVIDENCE DEPOSITION OF A WITNESS**

Now come the PEOPLE OF THE STATE OF ILLINOIS, by their Attorney, **ANITA ALVAREZ**, State's Attorney of Cook County, Illinois, through her Assistant, **Jane Lawyer**, and move this Honorable Court to allow the State to take a court reported and videotaped Evidence Deposition of one of its witnesses, Mrs. Victim. In support of the motion, the People state the following:

1. Illinois Supreme Court Rule 414(a) allows the taking of an evidence deposition if it appears to the court in which a criminal charge is pending that the deposition is necessary for the preservation of relevant testimony because of the substantial possibility it would be unavailable at the time of trial.
2. The witness, Mrs. Victim, is the victim in this cause and is 73 years of age. As a result of the acts alleged to be caused by defendants Julie

Doe and Mary Smith in this case, Mrs. Victim suffered serious injuries. In addition, Mrs. Victim has a number of pre-existing health conditions which causes a substantial possibility that she would be unavailable at the time of hearing or trial. The injuries Mrs. Victim suffered include blunt facial trauma and multiple fractures and lacerations. Mrs. Victim's pre-existing health conditions include diagnoses of diabetes; chronic kidney disease, stage 4; hypertension; dyslipidemia; coronary artery disease; severe degenerative joint disease; chronic renal failure; and obesity. Mrs. Victim had been continually hospitalized or in a nursing care facility from February 25, 2009 through April 15, 2009. For these reasons, it is reasonable to allow the taking of his deposition to insure that the vital evidence she can offer of this crime is preserved and available for trial.

3. The People will provide the opportunity for confrontation and cross-examination of the witness to the defendants and their attorneys.
4. Pursuant to Illinois Supreme Court Rule 206, the People hereby indicate that if its Motion for an Evidence Deposition is granted, it intends to record the deponent's testimony by use of stenographic and/or audiovisual recording device.

Wherefore, the People of the State of Illinois pray that the court allow the evidence deposition of Mrs. Victim by stenographic and audiovisual recording device and pursuant to order of this Court within (30) days.

ANITA ALVAREZ
State's Attorney of Cook County

BY: _____
Jane Lawyer
Assistant State's Attorney
Seniors and Persons with Disabilities Unit
69 W. Washington, Suite 3130
Chicago, Illinois 60602
312-603-8600