

FOR ARGUMENT



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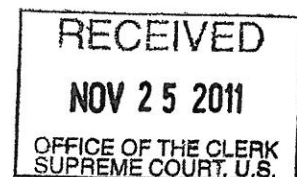
WILLIAM K. SUTER
Clerk of the United States Supreme Court
Supreme Court Building
1 First Street NE
Washington, D.C. 20543

RE: SANDY WILLIAMS - Petitioner v. ILLINOIS - Respondent,
NO. 10-8505

Dear Mr. Suter,

In a letter dated November 2, 2011, Petitioner Sandy Williams requested to lodge with the Clerk pursuant to Rule 32.3, "a written report of laboratory examination produced by Cellmark Diagnostics on February 15, 2001, setting forth the results and conclusions of its forensic DNA analysis . . . in this case." Petitioner further describes that report as consisting of three documents: "a summary of Cellmark's results; allele charts for the blood standard, the epithelial cell fraction of the vaginal swab, the sperm fraction of the vaginal swab, and a possible male donor; and an electropherogram for the sperm fraction of the vaginal swab."

However, as petitioner acknowledges in his letter, none of these documents were admitted into evidence at petitioner's trial. As such, the documents could not be included in the record on appeal under Illinois law. See Illinois Supreme Court Rule 329; *People v. Patterson*, 735 N.E.2d 616, 635 (Ill. 2000) ("Rule 329 is not a vehicle through which a party may supplement a record with evidence that was not presented in the lower court."). Thus, when the constitutional issue presently before this Court was addressed by the Illinois Appellate Court and the Illinois Supreme Court, these documents were not considered. Moreover, considering the report in this Court's ultimate opinion would suggest that such extra-record material is relevant to the Sixth Amendment inquiry, sowing confusion in the lower courts.



Accordingly, Respondent submits that these case-specific documents are not appropriate "non-record material" for lodging under Rule 32.3. See E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, Supreme Court Practice §13.11(k), p. 728, (9th ed. 2007) (noting that the Court "has stricken improper lodged material").

Sincerely,



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