

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

People of the State of Illinois,)
Plaintiff)

vs..)

Wayne Weinke, Jr.,)
Defendant)

NO. 06CR-24436

MOTION TO ADMIT

Now come the PEOPLE OF THE STATE OF ILLINOIS by their attorney, RICHARD A. DEVINE, State's Attorney of Cook County, by his assistant, Sherie L. DeDore, and move this Honorable Court to admit victim Gloria Weinke's out of court statements into evidence pursuant to the hearsay exception regarding prior statements when witness is deceased (725 ILCS 5/115-10.4). In support thereof, the People state the following:

1. Gloria Weinke is the victim in this murder case and is deceased.
2. On July 21, 2006, an evidence deposition was taken of the victim Gloria Weinke in compliance with Supreme Court Rules 206 and 414. The testimony of Gloria Weinke was taken under oath and was subject to cross-examination.
3. The videotaped and court reported evidence deposition has been filed with this Court in compliance with Supreme Court Rules 206 and 207.
4. The statements are offered as evidence of material facts.
5. The statements are more probative on the points for which they are offered than any other evidence which the People can procure through reasonable efforts.
6. The general purposes of Section 115-10.4 and the interests of justice will best be served by admission of the statements into evidence.

WHEREFORE, the People of the State of Illinois respectfully request that a hearing be held and that these prior statements of the victim, Gloria Weinke, be admitted into evidence at trial. The People maintain that the victim's prior statements should be admitted under the hearsay exception regarding a deceased witness (725 ILCS 5/115-10.4).

Respectfully submitted,
RICHARD A. DEVINE
State's Attorney of Cook County

By: _____
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Assistant State's Attorney

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