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Date: 9.11.23

Thomas A. Klein
Clerk of the Circuit Court

By [Signature] Deputy MCF429
Winnebago County, IL

THE HONORABLE JUDGE WILT

YOUR HONOR, FIRST AND FOREMOST I WOULD LIKE TO THANK YOU FOR TAKING THE TIME TO READ THIS. AS I FEEL THIS LETTER IS ESSENTIAL IN THE PURSUIT OF JUSTICE. I WANT TO BE CLEAR STATING THAT I SEEK NO SYMPATHY, NO PITY AND NO ADVORS. I WRITE ONLY WITH THE INTENTION TO STATE FACTS FOR THE PURPOSE OF BRINGING MY WRONGFUL CONVICTION TO LIGHT. IT TO BE FOUND INNOCENT, AS I TAKE RESPONSIBILITY FOR MY OWN DOING. BUT INSTEAD TO BE PROPERLY CONVICTED OF VOLUNTARY MANKSLAUGHTER AS I BELIEVE YOU WILL AGREE WITH THE CONCLUSION OF THIS LETTER.

A SIGNIFICANT FACTOR IN ME REACHING OUT IN THIS MATTER IS DUE TO IMPORTANT ISSUES THAT WERE MISSED IN MY MOTION FOR A NEW TRIAL AS A RESULT OF INEFFECTIVE ASSISTANCE OF COUNSEL. THAT WHICH YOU YOURSELF HAVE WITNESSED AND MONISHED MULTIPLE TIMES.

I FIRST BRING FORTH AN ADDITION TO PROSECUTORIAL MISCONDUCT DUE TO COMMENTS MADE IN CLOSING ARGUMENTS SIMPLY TO INFLAME THE FEELINGS OF THE JURY. THOSE BEING WHEN MR. LARUE STATED MULTIPLE TIMES WITH HARD EMPHASIS, THAT I HAD MADE DEATH THREATS TO COURTNEY DAUGHENBAUGH (WITNESS) AND HER MURDERER. THESE STATEMENTS ARE A COMPLETE FABRICATION & THERE ARE NO REPORTS, NO TESTIMONY AND NO PROOF IN ANY WAY THAT THIS EVER OCCURED. THESE COMMENTS WERE EXTREMELY PREJUDICIAL AND MY ATTORNEY NEVER OBJECTED TO THEM, YET IT WAS STATED MULTIPLE TIMES AS IF FACT. THESE COMMENTS, AS WELL AS THE FALSE STATEMENT THAT I HAD CONFESSED TO MY AUNT, AMY DEFRAY (WHICH NEVER CAME

OUT IN TESTIMONY) PAINT A FALSE NARRATIVE IN FRONT OF THE JURY THAT WHICH RESULTED IN A MATERIAL FACTOR IN THE OUTCOME OF THIS CASE, SUCH AS IN (PEOPLE V. WHEELER 226 IL 2D 92) WHERE IT STATES "MISCONDUCT IN CLOSING ARGUMENTS SUBSTANTIAL AND WARRANTS REVERSAL AND A NEW TRIAL IF THE IMPROPER REMARKS CONSTITUTED A MATERIAL FACTOR IN THE DEFENDANT'S CONVICTION, IF THE JURY COULD HAVE REACHED A CONTRARY VERDICT HAD THE IMPROPER REMARKS NOT BEEN MADE, OR IF THE REVIEWING COURT CAN NOT SAY THAT THE PROSECUTOR'S REMARKS DID NOT CONTRIBUTE TO THE DEFENDANT'S CONVICTION" ACCORDINGLY A NEW TRIAL WAS APPROPRIATE IN THIS MATTER PURSUANT TO U.S. CONST. AMEND. XIV ILL. CONST. ART 8, 1, 2.

I NOW ADDRESS FURTHER EVIDENCE TO EFFECTIVE ASSISTANCE OF COUNSEL, THE FIRST OF WHICH BEING THE DEASTEROUS MOTION FOR A NEW TRIAL WITH MULTIPLE ERRORS LITTERED THROUGHOUT, ESSENTIAL POINTS THAT WERE MISSED (EVEN THOUGH I ADAMANTLY RAISED THESE ISSUES WITH MR. KULKARNI) AND QUITE FRANKLY THE FACT THAT IT APPEARS TO BE WRITTEN BY A RUSHED, ILL PREPARED STUDENT RATHER THAN A SKILLED ATTORNEY. THIS IN FACT HAS RESULTED IN MYSELF DOING MASSIVE AMOUNTS OF RESEARCH AND MY BEST EFFORT IN FILING MY OWN HANDWRITTEN MOTION FOR A NEW TRIAL THAT WAS SUBMITTED WITH THE CIRCUIT CLERK ON FEB. 2, 2023.

AS YOU WILL SEE IN MY AMENDED MOTION FOR A NEW TRIAL, PARAGRAPH (79) STATES A FEW KEY ISSUES WITH MR. KULKARNI. BEGINNING WITH THE FACT THAT HE DID NOT PROTECT MY PHONE FOR VITAL PICTURE EVIDENCE. THAT WHICH

CLUDES PHOTOGRAPHS THAT PROVE THE WHEELER RD HOUSE WAS COMPLETELY UNINHABITABLE FROM NOVEMBER 2016 UNTIL THE END OF APRIL 2017. I BELIEVE THIS CONSTITUTES AS MISREPRESENTATION OF EVIDENCE AS THE STATES ENTIRE NARRATIVE WAS THAT THIS INCIDENT OCCURE FEB 2017 IN THE WHEELER RD HOUSE WHERE THEY FALSELY CLAIM I HAD BEEN LIVING. AND THE PICTURES THEY PRESENTED AT TRIAL WERE FROM AUGUST 2017 WHEN MOST OF THE CONSTRUCTION HAD BEEN FINISHED. NOT ONLY DID I HAVE THESE PHOTOGRAPHS, BUT ALSO MULTIPLE WITNESSES WHO EITHER HELPED WITH CONSTRUCTION OR HAD WITNESSED THE CONDITION OF THE HOUSE AT SAID TIMES. THESE INCLUDE, BUT ARE NOT LIMITED TO: TODD MATTESON, DANIEL MIELL, ARIE KAMLAGER, RONNIE DAVIS, AMY DEFAY AND CARL V. DEFAY. THESE PEOPLE WERE AT TRIAL, READY TO TESTIFY, YET UNABLE TO BE USED AS MR. KULKARNI DID NOT INCLUDE THEM ON THE WITNESS LIST.

MR. KULKARNI ALSO FAILED TO INCLUDE CHARACTER WITNESSES THAT SHOWED UP TO TRIAL AND WERE ALSO UNABLE TO BE USED. THEY INCLUDE: JENNIFFER WRAHES, LACEY HONBERG, TANIA BROWN, TIFFANY LESCHNER, RIKA KUNDERT AND SHERRI VIVES. ALL BUT ONE OF THESE IS A PAST RELATIONSHIP, MOST OF WHICH ENDED BADLY. SAVING EACH OF THESE WOMEN WITH A BAD TASTE, CHOMPING THE BIT TO ATTEST TO MY WOMANIZING WAYS. YET THERE TO TESTIFY ON MY BEHALF, THAT DESPITE THEIR FEELINGS TOWARD ME, SPEAKING THE TRUTH TO DISPROVE THE STATES NARRATIVE OF ME BEING A VIOLENT MONSTER TOWARD WOMEN.

MR. KULKARNI ALSO DID NOT REVIEW THE

INTERROGATION VIDEO OF COURTNEY DAUGHENBAUGH BEFORE
PLAYING IT AT THE START OF MY DEFENSE. IF I HAD BEEN
ABLE TO REVIEW THIS FOOTAGE, OR HAD KNOWN THAT MR.
KULKARNI DID NOT REVIEW ITS ENTIRETY. BEING FILLED WITH
USELESS ACCUSATIONS AND BLATANT LIES, I NEVER WOULD HAVE
AGREED ON ITS ADMISSION INTO TRIAL. IT WAS SO BAD
A FACT THAT THE STATE EVEN ADMITTED THEY WOULD NOT
USE IT, AND QUESTIONED MR. KULKARNI'S REASONING. TO MAKE
MATTERS WORSE, 30 MINUTES INTO THE PLAYING OF THIS TAPE
MR. KULKARNI LEANED OVER TO ME AND SAID WORD FOR WORD,
"YEAH, I [REDACTED] UP, BUT YOU HAVE YOUR APPEALS."

MR. KULKARNI ALSO DID NOT ATTACK THE FACT
THAT THE STATES WITNESS, MADONNA MCLAUGHLIN WAS
UNDER THE INFLUENCE OF DRUGS DURING HER TESTIMONY, WHICH
WAS WITNESSED BY MICKIE WILLIAMS WHO WAS THERE TO
SEE THE TRIAL AND BROUGHT THIS TO HIS ATTENTION. MR.
KULKARNI ALSO ADMITTED THAT HE "FORGOT" TO SUBPOENA
COURTNEY DAUGHENBAUGH AND AMY DEFAV, AS WELL AS EXPERT
TESTIMONY FOR OUR DEFENSE. ALL OF WHICH, IN FACT WOULD
HAVE GREATLY CHANGED THE OUTCOME OF THIS TRIAL. AS THESE
FACTORS WOULD HAVE DISPROVEN THE STATES NARRATIVE AND
RAISED MASSIVE AMOUNTS OF REASONABLE DOUBT. ON TOP OF
ALL THESE ISSUES, THE MOST ALARMING IS THE FACT THAT
AFTER TRIAL MR. KULKARNI ADMITTED TO ME AND MY
OTHER, THAT HE PERSONALLY KNEW SAMANTHA SWAN BEFORE
PLAYING ON THIS CASE. IF I WOULD HAVE KNOWN THESE FACTS, I
NEVER WOULD HAVE HIRED MR. KULKARNI. AS THIS IS A

MAJOR CONFLICT OF INTEREST ISSUE WHICH GREATLY PREJUDICES
E IN BEING PROPERLY REPRESENTED. I STRONGLY BELIEVE THIS
IS A MAJOR FACTOR IN THE POOR, ILL PREPARED, DISASTEROUS
DEFENSE THAT WAS PRESENTED. IT IS VERY OBVIOUS THAT
R. KULKARNI'S REPRESENTATION FELL WAY BELOW AN
OBJECTIVE STANDARD OF REASONABLENESS AND THAT HIS
EFFICIENT PERFORMANCE GREATLY PREJUDICED MY CASE
RESULTING IN INEFFECTIVE ASSISTANCE OF COUNSEL.

FURTHERMORE IT IS MY UNDERSTANDING THAT
THE COURTS REVIEW THE EVIDENCE IN A LIGHT MOST
FAVORABLE TO THE STATE. WITH THAT, REGARDLESS OF WHICH
DEFENSE IS BELIEVED TO BE TRUE. THE STATE STILL DID NOT
GO BEYOND A REASONABLE DOUBT THE CRIME OF FIRST
DEGREE MURDER, KNOWINGLY COMMITTING AN ACT THAT MAY
CAUSE GREAT BODILY HARM OR DEATH. I REFER BACK TO THE
NO ALLEGATIONS USED BY THE STATE FOR PRIOR BAD ACTS,
RECKLESSNESS, INTENT AND M.O. THE FIRST BEING THE UNCHARGED
DEFENSE IN AN ORDER OF PROTECTION AGAINST MADONNA
CLAUGHALN, WHERE IF BELIEVED TO BE TRUE, DID NOT RESULT
IN GREAT BODILY HARM OR DEATH. THE SECOND IS THE DOMESTIC
VIOLENCE CONVICTION AGAINST COURTNEY DAUGHENBAUGH THAT
LEGIS STRANGULATION, YET DOES NOT RESULT IN GREAT BODILY
HARM OR DEATH. AT BEST THE STATE HAS PROVEN INVOLUNTARY
MANSLAUGHTER, AS ANY EVIDENCE SUBMITTED POINTS TO AN
UNINTENTIONAL, UNLAWFUL ACT WHICH RESULTED IN THE
TRAGIC DEATH OF SAMANTHA SWAN. BOTH SIDES ADMITTED TO
THE AMOUNTS OF DRUGS AND ALCOHOL INVOLVED, DURING THE

COURSE OF SEXUAL ACTS. ALL OF WHICH ONLY PROVES RECKLESS
DIFFERENCE TO HUMAN LIFE, SUCH AS IN (PEOPLE V. SCHICKEL 34:
L. APP 3D 889) WHERE EVIDENCE WAS INSUFFICIENT TO
SUSTAIN A MURDER CONVICTION AND THE DEFENDANT WAS
FOUND GUILTY OF INVOLUNTARY MANSLAUGHTER AFTER
INTENTIONALLY CHOKING THE VICTIM WHICH CAUSED DEATH. I ALSO
WENT TO (PEOPLE V. ROBINSON 232 ILL 2D 98) WHERE AGAIN THE
TRIAL COURT FOUND THAT EVIDENCE WAS INSUFFICIENT TO SUSTAIN
A CONVICTION FOR MURDER AND THUS CONVICTED DEFENDANT OF
INVOLUNTARY MANSLAUGHTER FOR THE SHOOTING DEATH OF HIS
WIFE FRIEND.

I NOW ALSO BRING YOUR
ATTENTION BACK TO (PEOPLE V. WHEELER 220 ILL 2D 92)
HERE THE CASE WAS OVERTURNED DUE TO HEAVILY RELYING ON
THE CREDIBILITY OF THE TESTIFYING POLICE WITNESSES, AS
WELL AS THE PROSECUTOR'S UTILIZATION OF CLOSING ARGUMENTS
2 INFLAME THE PASSIONS OF THE JURY. ALL THREE OF THESE
CASES CARRY STRONG ELEMENTS AND SIMILARITIES OF MY
CASE. AS WELL AS FURTHER MY PROOF THAT EVEN THOUGH THIS
CASE IS AN ABSOLUTE TRAGEDY, IT IS NOT MURDER. AND THE
STATE HAS NOT PROVEN ME GUILTY OF MURDER BEYOND A
REASONABLE DOUBT. EVEN THE STATE'S OWN EXPERT TESTIMONY
WLD NOT DEFINITELY PROVE TIME NOR CAUSE OF DEATH, THIS
WLD ITSELF DEFINES REASONABLE DOUBT.

YOUR HONOR, I THANK YOU FOR YOUR TIME AND PATIENCE IN
THIS MATTER. AND IN GIVING ME THIS OPPORTUNITY TO
EXPRESS MY CONCERNS AS I KNOW MR. KULKARNI WILL NOT
RAISE THESE IMPORTANT ISSUES. AS I BELIEVE WILL BE PROVEN

UPON THE HEARING OF MY MOTION FOR A NEW TRIAL AS THE
REQUIREMENTS WITHIN, AS WELL AS THE LACK THERE OF WILL
NEITHER SUPPORT ALL THAT I HAVE STATED IN THIS LETTER
AND MY HANDWRITTEN MOTION FOR A NEW TRIAL. YOUR
HONOR I TAKE RESPONSIBILITY FOR MY PART IN THIS TRAGIC
INCIDENT AND ASK ONLY FOR PROPER JUSTICE IN OVERTURNING
MY CONVICTION OF FIRST DEGREE MURDER, AND TO BE CONVICTED
OF INVOLUNTARY MANSLAUGHTER AND CONCEALMENT OF DEATH.
A CRIME WHICH HAS BEEN PROVEN BEYOND A REASONABLE DOUBT
IN THE LIGHT MOST FAVORABLE TO THE EVIDENCE PROVIDED
BY THE STATE.

CARL DEFAM

