

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARILYN MULERO,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 23-cv-4795
REYNALDO GUEVARA; GERI LYNN)	
YANOW, as Special Representative for the)	Honorable Judge Thomas Durkin
Estate of ERNEST HALVORSEN;)	
STEPHEN GAWRYS; ANTHONY)	
RICCIO; ROBERT BIEBEL; and CITY)	
OF CHICAGO, a municipal)	
corporation,)	
)	
Defendants.)	
)	

PLAINTIFF MARILYN MULERO'S RULE 26(a)(1) DISCLOSURES

Plaintiff, Marilyn Mulero, by and through her attorneys, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, makes the following disclosures:

Plaintiff is disclosing this information based on the information presently known and reasonably available to Plaintiff as of the date of these disclosures and which Plaintiff reasonably believes Plaintiff may use to support Plaintiff's claims. Continuing investigation and discovery may cause Plaintiff to supplement and/or amend these disclosures, including, but not limited to, by identifying other potential witnesses, documents and disclosing any other pertinent information. Plaintiff reserves the right to supplement and/or amend these disclosures.

These disclosures are made without Plaintiff in any way waiving her right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy, materiality, hearsay, undue burden, confidentiality or any other appropriate grounds. Furthermore, these disclosures are not an admission by Plaintiff regarding any matter.

Each and every disclosure set forth below is subject to the above qualifications and limitations.

Rule 26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

1. Marilyn Mulero – c/o Plaintiff's Counsel

Ms. Marilyn Mulero may be contacted through counsel for the Plaintiff. She is the Plaintiff in the aforesaid matter and is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences and the damages proximately caused by the subject occurrences. She is expected to testify as to her background. Plaintiff is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants. She is expected to testify as to the allegations in the Complaint at issue, as well as the damages sustained therefrom. She is expected to testify that she was framed by multiple Chicago police officers, including disgraced Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, resulting in being incarcerated for nearly 28 years (including five on death row) for a crime she did not commit. It is anticipated that Plaintiff will testify consistent with her deposition in this matter.

2. Madeline Mendoza – c/o Plaintiff's Counsel

**Kenneth N. Flaxman, P.C.
200 S Michigan Ave, Suite 201
Chicago, IL 60604**

Ms. Madeline Mendoza may be contacted through her counsel in case number 23-cv-2441. She is the Plaintiff in said matter and is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences. She is expected to testify as to her background. Plaintiff is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants. She is expected to testify as to the allegations in the Complaint at issue, as well as the damages sustained therefrom. She is expected to testify that she was framed by multiple Chicago police officers, including disgraced Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, resulting in being incarcerated for nearly 17 years for a crime she did not commit. It is anticipated that Plaintiff will testify consistent with her deposition in this matter.

3. Jacqueline Montanez – c/o Counsel

Alison Flaum

Northwestern University Pritzker School of Law
375 East Chicago Avenue
Chicago, Illinois 60611

Ms. Jacqueline Montanez may be contacted through her counsel. Ms. Montanez is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences and the damages proximately caused by the subject occurrences. She is expected to testify as to her background. She is expected to testify as to her recollection of the events alleged in the Complaint, her deposition, and her multiple confessions to the murders of Jimmy Cruz and Hector Reyes, including:

- On May 22, 1994, Montanez had her roommate write a letter on her behalf (which Montanez signed) in which Montanez confessed to shooting both Jimmy Cruz and Hector Reyes: “I’m writing this letter to help Marilyn Mulero to come off death row. I’m confessing to both the murders. I killed Jimmy Cruz and Hector Reyes. Marilyn Mulero did not shoot anyone.”
- On January 29, 2017, Jackie Montanez again admitted to shooting both Jimmy Cruz and Hector Reyes, and that Mulero had nothing to do with the crime: “[Marilyn Mulero and I] have been locked up for 24 years and 8 months, and I think it’s time that the truth be told . . . I honestly don’t think it’s right that I walk out of these gates in 6 years and 6 months and leave Mulero here with a life sentence when she “DID NOT KILL ANYONE.” I have been saying this since 1994 when I had my roommate write a letter for me and I signed it saying you have an innocent woman on death row. I Jacqueline Montanez alone killed James Cruz and Hector Reyes with my gun. Once again please believe me when I say Mulero really didn’t kill anyone.”
- On February 22, 2017, Jackie Montanez gave a videotaped interview to the Chicago Tribune, and – again – confessed to shooting both Jimmy Cruz and Hector Reyes: “I pulled my gun out and shot him [Hector Reyes] once in the back of the head. As he [Hector Reyes] dropped, I came out the bathroom and ran towards the other one [Jimmy Cruz]. The other one had a gun and he, my co-defendant, Mendoza was scared cause you could tell that he [Jimmy Cruz] was about to do something to her cause I’m sure he [Jimmy Cruz] heard the gunshot, so I grabbed the gun and just shot, and when I shot, it hit him [Jimmy Cruz], and he hit the floor.”

Ms. Montanez is expected to testify consistent with the multiple additional admissions she has made that she killed Hector Reyes and Jimmy Cruz.

It is anticipated that Jackie Montanez will testify consistent with these statements and her deposition in this matter. She is expected to testify that she alone murdered Jimmy Cruz and Hector Reyes, and

that neither Marilyn Mulero nor Madleine Mendoza did anything to solicit, aid, abet, agree, or attempt to aid in the murders.

She is expected to testify about the conduct of the Defendants. She is expected to testify as to the allegations in the Complaint at issue. She is expected to testify to the actions of the multiple Defendant Chicago police officers, including disgraced Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, who framed Marilyn Mulero for a crime she did not commit.

4. Yvette (Ivette) Rodriguez – contact info unknown at this time

Ms. Yvette (Ivette) Rodriguez contact information is unknown at this time. Ms. Rodriguez is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences. She is expected to testify as to her background. She is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants.

She is expected to testify that Ms. Jacqueline Montanez confessed to murdering both Jimmy Cruz and Hector Reyes, and that she reported this to the Chicago Police. She is expected to testify that Chicago police officers, including Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, manipulated her into changing her story to implicate Marilyn Mulero by promising her leniency on her pending drug charges and, at the same time, threatening her with severe consequences if she did not change her story. She is expected that she did in fact change her story as a result of this manipulation to say that Jacqueline Montanez, Marilyn Mulero, and Madeline Mendoza all bragged about the shootings, and that Montanez only admitted to shooting one of the victims. She is expected to further testify that she then changed her story again, as a result of manipulation, to say Jacqueline Montanez, Marilyn Mulero, and Madeline Mendoza all asked her to participate in the murders but that she refused. She is expected to testify that these changes to her original statement were false and only made after CPD officers manipulated her into making them.

5. Jackie Serrano – contact info unknown at this time

Ms. Jackie Serrano's contact information is unknown at this time. Ms. Serrano is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences. She is expected to testify as to her background and her relationship with Jimmy Cruz and Hector Reyes. She is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants.

She is expected to testify that Chicago police officers, including Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, manipulated her into stating that she witnessed the murders of Jimmy Cruz and Hector Reyes and providing statements that implicated Marilyn Mulero. She is further

expected to testify that – in fact – she did not witness the murders and her statements implicating Marilyn Mulero were false and only made after she manipulated into making them.

6. Marilyn Serrano – contact info unknown at this time

Ms. Marilyn Serrano's contact information is unknown at this time. Ms. Serrano is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences. She is expected to testify as to her background. She is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants.

She is expected to testify that Chicago police officers, including Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, manipulated her into stating that she witnessed the murders of Jimmy Cruz and Hector Reyes and providing statements that implicated Marilyn Mulero. She is further expected to testify that – in fact – she did not witness the murders and her statements implicating Marilyn Mulero were false and only made after she manipulated into making them.

7. Michael Deppe – contact info unknown at this time

Michael Deppe's contact information is unknown at this time. Mr. Deppe is expected to testify as to his education, background, and experience as a law enforcement officer. He is expected to testify consistent with his June 30, 1999 affidavit. He is expected to testify that he investigated the Jimmy Cruz and Hector Reyes murder scene, including mapping and measuring the scene and investigating the Serrano apartment and its vantage point of the murder scene. He is further expected to testify that it was physically impossible for someone to witness the murders from the Serrano apartment due to the elevation differences, visual / audio obstructions, distance between the Serrano apartment and the murder scene, and the weather on the night of the murders.

It is anticipated that Michael Deppe will testify consistent with these statements and his deposition in this matter.

8. Joseph T. Kirk – contact info unknown at this time

Joseph T. Kirk's contact information is unknown at this time. Mr. Kirk is expected to testify as to his education, background, and experience as a law enforcement officer. He is expected to testify consistent with his June 30, 1999 affidavit. He is expected to testify that he investigated the Jimmy Cruz and Hector Reyes murder scene, including mapping and measuring the scene and investigating the Serrano apartment and its vantage point of the murder scene. He is further expected to testify that it was physically impossible for someone to witness the murders from the Serrano apartment due to the elevation differences, visual / audio obstructions, distance between the Serrano apartment and the murder scene, and the weather on the night of the murders.

It is anticipated that Joseph T. Kirk will testify consistent with these statements and his deposition in this matter.

9. Joan Roberts – contact info unknown at this time

Ms. Joan Roberts contact information is unknown at this time. Ms. Roberts is expected to have discoverable information regarding the facts and circumstances prior to, during, after and surrounding the subject occurrences. She is expected to testify as to her background and her relationship with Detective Ernesto Halvorsen. She is expected to testify as to her recollection of the events alleged in the Complaint and her deposition. She is expected to testify about the conduct of the Defendants.

She is expected to testify that she was incarcerated on charges of armed robbery in the Cook County Jail with Mulero during her pre-trial detention. She is expected to testify that Chicago police officers, including Chicago police detectives Reynaldo Guevara and Ernest Halvorsen, manipulated her into providing statements and testimony implicating Marilyn Mulero in the murders of Jimmy Cruz and Hector Reyes in exchange for a quick release from jail. She is expected to further testify that she agreed to the terms and provided false statements and testimony implicating Marilyn Mulero in the murders of Jimmy Cruz and Hector Reyes, and, in-turn, was released from jail.

Ms. Roberts is further expected to testify that she only provided these statements and testimony after being manipulated by Chicago police officers, including Chicago police detectives Reynaldo Guevara and Ernest Halvorsen. It is anticipated that she will testify consistent with her subsequent statement, recanting on her prior statements and testimony, stating:

They came and said I had to testify against Marilyn Mulero. I said she never told me anything and [Detective Halvorsen] said I had to testify and say something that could show the jury she had no remorse for what she did or the deal of me getting four years probation to armed robberies was off . . . there was no way I was going back to [Cook County Jail] . . . I was gonna do or say whatever I had to to make sure I was free.”

It is anticipated that Ms. Roberts will testify consistent with this statement and her deposition in this matter.

10. Michael D. Kovar, Ph.D.

**Registered Clinical Psychologist
30 North Michigan Avenue, Suite 1126
Chicago, Illinois 60602**

Dr. Kovar's contact information is identified above. Dr. Kovar is expected to testify as to his education, background, and professional experience as a clinical psychologist. He is expected to testify

consistent with his December 4, 1994 report. He will testify to his review of records relating to Marilyn Mulero, his psychological examination and testing of Ms. Mulero, and the three interviews he conducted of Ms. Mulero. Dr. Kovar will testify to his ultimate conclusions and diagnoses as laid out in his December 4, 1994 report, including that Marilyn Mulero: possessed intellectual deficits; was quite suggestible at the time of her arrest and at the entering of her guilty plea; possessed psychological deficits which predisposed her to being suggestible; had mild memory deficits; manifested signs of anxiety and apprehension, self-doubt, and impaired self-esteem; had suffered a past history of emotional and physical abuse; possessed a tendency towards acquiesce; and exhibited signs of confusion, dependency, helplessness, and isolation.

It is anticipated that Dr. Michael Kovar will testify consistent with these statements and his deposition in this matter.

11. Reynaldo Guevara – c/o Defense Counsel

Reynaldo Guevara has information regarding his investigation and interrogation of Ms. Mulero; his investigation and interrogation of all witnesses; his communications with other law enforcement officers and prosecutors; his reports and other documents relating to his investigation; his practices and procedures interrogating suspects and documenting his interrogations; his investigation, interrogations, and testimony in other cases wherein he testified under oath that the defendant had confessed; his investigation, interrogations and testimony in other cases wherein defendants have been acquitted or convictions overturned.

12. Stephen Gawrys – c/o Defense Counsel

Stephen Gawrys has information regarding his investigation and prosecution of Ms. Mulero; his investigation and interrogation of all witnesses; his communications with other law enforcement officers and prosecutors; his reports and other documents relating to his investigation; his practices and procedures interrogating suspects and documenting his interrogations; his practices and procedures relating to evidence handling, disclosure, and communication; his investigation, interrogations, and testimony in other cases; his investigation, interrogations and testimony in other cases wherein defendants have been acquitted or convictions overturned.

13. Anthony Riccio – c/o Defense Counsel

Anthony Riccio has information regarding his investigation and prosecution of Ms. Mulero; his investigation and interrogation of all witnesses; his communications with other law enforcement officers and prosecutors; his reports and other documents relating to his investigation; his practices and procedures interrogating suspects and documenting his interrogations; his practices and procedures relating to evidence handling, disclosure, and communication; his investigation,

interrogations, and testimony in other cases; his investigation, interrogations and testimony in other cases wherein defendants have been acquitted or convictions overturned.

14. Robert Biebel – c/o Defense Counsel

Robert Biebel has information regarding his investigation and prosecution of Ms. Mulero; his supervision of other officers and detectives in their investigation and prosecution of Ms. Mulero; his investigation and interrogation of all witnesses; his communications with other law enforcement officers and prosecutors; his reports and other documents relating to his investigation; his practices and procedures interrogating suspects and documenting his interrogations; his practices and procedures relating to evidence handling, disclosure, and communication; his investigation, interrogations, and testimony in other cases; his investigation, interrogations and testimony in other cases wherein defendants have been acquitted or convictions overturned.

15. Any person identified during discovery, including responses to written discovery and depositions.

16. Any witness necessary to identify or authenticate any document or other item of evidence.

17. Any witness necessary to impeach or rebut witnesses call by other parties.

18. Any and all individuals disclosed by Plaintiff Madeline Mendoza (Case No. 23-cv-02441) and all Defendants through their respective Rule 26 disclosures.

Rule 26(a)(1)(A)(ii): A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

Plaintiff identifies the following documents, which she will produce in conjunction with her response to Defendants' previously served Requests for Document Production:

- Police Reports;
- Medical Examiner's Report;
- Transcripts;
- Psych Evaluations;
- Affidavits and Sworn Statements;
- Cook County, District Court, Appellate, and Supreme Court Briefs and Rulings;
- Clemency Materials;

- Witness Statements and Letters
- News Media;
- Correspondence;
- Admissions by Ms. Montanez;
- United Nations Materials; and
- Photos

Investigation continues. Plaintiff will supplement its disclosures herein in accordance with Fed. R. Civ. P. 26(e) and orders of the Court.

Rule 26(a)(1)(A)(iii): A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

Plaintiff has experienced and will be claiming the following categories of damages in an amount to be determined by a jury: (a) compensatory damages against all Defendants, including for Marilyn Mulero's loss of freedom, loss of time, pain and suffering, mental and emotional distress, psychological distress and damage, reduced life expectancy, loss of wages and economic opportunity, physical injury, loss of time with and affection of loved ones, and all other damages recoverable due to the wrongful arrest, prosecution, and imprisonment of Marilyn Mulero for nearly 28 years, including five on death row; (b) punitive damages against all individual (non-entity/municipality) Defendants; (c) attorney's fees and expenses (attorney, vendor, expert expenses) against all Defendants pursuant to Plaintiff's federal constitutional claims; (d) costs against all Defendants; and (e) pre-judgment and post-judgment interest.

Plaintiffs have not yet determined the amount they will request from the jury at trial, but Plaintiff anticipates that it will be substantially in excess of \$60,000,000.00.

Investigation continues. Plaintiff will supplement its disclosures herein in accordance with Fed. R. Civ. P. 26(e) and orders of the Court.

Dated: March 26, 2024

Respectfully Submitted,

/s/ Carter Grant

One of the Attorneys for Plaintiff

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