

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

STATE OF INDIANA)
)
vs.)
)

CAUSE NUMBER. 45G02-9802-CF-000034

VERNON BATEMAN

**STATE'S RESPONSE TO DEFENDANT'S REPLY IN SUPPORT OF
MOTION FOR POST-CONVICTION DNA TESTING AND REQUEST FOR HEARING**

Come now the State of Indiana, Bernard Carter, Prosecuting Attorney for the 31st Judicial Circuit, by Deputy Prosecuting Attorney Tara M. Villarreal, and for its State's Response to Defendant's Reply in Support of Motion for Post-Conviction DNA Testing and Request for Hearing, now states as follows:

1. That on September 30, 2025, Defendant filed a Motion for Post-Conviction DNA Testing.
2. That the State filed its Response on November 21, 2025.
3. That Defendant filed his Reply in Support of Motion for Post-Conviction DNA Testing and Request for Hearing.
4. That on December 10, 2025, the Court issued an Order directing the State to (1) make further diligent efforts to determine whether the Gary Police Department has property receipts or other documentation regarding where the sexual assault kits in question were stored and/or moved to; and (2) make further diligent efforts to determine whether the Prosecutor's office case files in this matter pertaining to both the Defendant and Saron Foley contain the sexual assault kits themselves, or other documentation regarding the location of the sexual assault kits in question, and to thereafter file a response with the Court indicating the results of these inquiries.
5. That the State, by DPA Villarreal, reached out to Commander J. Clark at the Gary Police Department in regards to their property receipts or other documentation regarding where the sexual assault kits in question were stored and/or moved to for both Gary Case No. 98-1690 and Gary Case No. 98-1674. The State was then contacted by Lieutenant B. Farrow at the Gary Police Department, who stated that he has personally searched for both sexual assault kits in every area possible within the Gary Police Department where the sexual assault kits may be located and has been unable to locate either sexual assault kit. He also contacted the Gary Police Records Division in attempt to locate property receipts or other documentation and they were unable to locate any documents pertaining to either sexual assault kit. The Gary Police Records Division indicated there are no files related to this case in the Defendant's file, Saron Foley's file, or the victim's file.
6. The State also attempted to locate the Prosecutor's office files for both the Defendant and Saron Foley. The State searched the two areas where its disposed files are kept, including a storage basement and

storage rooms located at the Westwind Building. The State was able to locate Box #587, which is the miscellaneous box of disposed files that both the Defendant's file and Saron Foley's file should be located in, but was unable to locate these files. The Prosecutor's office has searched every area where its disposed files are located and is unable to locate these files.

7. The State was able to locate the Clerk's official file for this case, but did not find any relevant evidence relating to the sexual assault kits pertaining to the Defendant or Saron Foley's case.

8. That the State has exhausted every possible avenue in locating the sexual assault kits and has been unsuccessful in locating them. The Gary Police Department has searched every area possible for the physical sexual assault kits. The Gary Police Department attempted to locate any property receipts or other documentation regarding where the sexual assault kits were stored and/or moved to and was unable to locate any such documentation. The State searched every area of the Prosecutor's office to locate its files regarding both cases. The State contacted the Indiana State Laboratory multiple times in the past and the laboratory was unsuccessful in locating any type of paperwork, rape kit submission, or any evidence linked to Gary Case No. 98-1690 and Gary Case No. 98-1674.

9. The State has made numerous diligent efforts to search for the physical sexual assault kits and/or any documentation regarding their whereabouts and has been unsuccessful in finding any evidence that the State ever had them in its possession. The State tried and convicted the Defendant without admission of the physical sexual assault kits, which supports the assertion that the State did not have the physical sexual assault kits in its possession back in 1998. Therefore, State is not in possession of the sexual assault kits to even send for post-conviction DNA testing.

Wherefore, the State of Indiana, respectfully requests the Court deny the Defendant's Motion for Post-Conviction DNA Testing and Request for Hearing.

Respectfully submitted,

BERNARD A. CARTER
PROSECUTING ATTORNEY

/s/ TARA M. VILLARREAL _____

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CERTIFICATE OF SERVICE

I certify that on January 13, 2026, a true and correct copy of the above and foregoing pleading or paper was filed using the Indiana E-Filing System and served via first class mail upon:

Jimmy Gurulé and Kevin J. Murphy

/s/ TARA M. VILLARREAL _____
Tara M. Villarreal
Deputy Prosecuting Attorney