

“If the People have failed to offer evidence within its power to produce, you may infer that the evidence would be adverse to the People if you believe each of the following elements:

1. The evidence was under the control of the People and could have been produced by the exercise of reasonable diligence.
2. The evidence was not equally available to the defendant.
3. A reasonable prudent person under the same or similar circumstances would have offered the evidence if he believed it to be favorable to him.
4. No reasonable excuse for this failure has been shown.”

**People v. Sykes,
341 Ill. App. 3d 950, 793 N.E.2d 816, (2003)**