STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
MCHENRY COUNTY

PEOPLE OF THE STATE OF ILLINOIS, Plaintiffs, v. MICHAEL M. PENKAVA, Defendant.	Case No. 20CM1338

PEOPLE'S RESPONSE TO DEFENDANT'S MOTIONS IN LIMINE #3 THROUGH #6

NOW COME the People of the State of Illinois, by and through Patrick D. Kenneally, State's Attorney for McHenry County, and his duly appointed assistant, ASHUR Y. YOUASH, and respectfully request that this Court deny Defendant's Motions in Limine #3 through #6. In support of said motion, the People state as follows:

Background

On July 27, 2006, Defendant, in his capacity as an elder of the Kingdom Hall Crystal Lake – Spanish Congregation was made aware of a possible child sexual abuse occurrence. Defendant, a mandated reporter as defined in 325 ILCS 5/4 as a member of the clergy, did not report this matter to the Agency or authorities. Rather, the defendant engaged in a number of discussions with others regarding what he had been told. For failing to report to the proper agency and authorities, Defendant was charged with a violation of Failure to Report, a Class A Misdemeanor.

Defendant states that the discussions occurred as part of the "confessional process" of the Jehovah's Witnesses, and seeks, through its motions in limine #3 through #6, to have this

court rule these discussions to be privileged pursuant to the clergy-penitent privilege afforded members of the clergy.

Specifically, in its motions in limine, the defense is asking this court to:

1) Motion in limine 3: Where a conversation between Arturo Hernadez-Pedraza and three elders, one being the named Defendant, on July 27, 2006 was part of the Jehovah's Witnesses confessional process, privileged under Section 8-803, and privilege not being waived by both parties, the Defendant asks that it be ruled inadmissible.
2) Motion in limine 4: By granting motion in limine 3, the court should also rule that the conversation, and any information Defendant received during the "confessional", be exempt from mandated reporting pursuant to the Abused and Neglected Child Reporting Act 325 ILCS 5/4(g), which incorporates the privilege outlined in Section 8-803.
3) Motion in limine 5: Where a conversation between Eloina Hernandez, the wife of Arturo Hernandez-Pedraza, during a meeting in late July of 2006 and the elders, one being the named Defendant, was part of the Jehovah's Witnesses confessional process, privileged under Section 8-803, and privilege having not been waived by both parties, the Defendant asks that it be ruled inadmissible.
4) Motion in limine 6: By granting motion in limine 5, the court should therefore rule that the conversation, and any information Defendant received during the "confessional", be exempt from mandated reporting pursuant to the Abused and Neglected Child Reporting Act 325 ILCS 5/4(g), which incorporates the privilege outlined in Section 8-803.

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Argument

The issues before the court are two-fold: 1) whether to consider the conversations mentioned in motion in limine 3 and motion in limine 5 are privileged communications pursuant to 735 Section 8-803, and therefore inadmissible without waiver by both parties, and 2) whether any information received during these conversations is exempt from mandated reporting pursuant to 325 ILCS 5/4(g) which incorporates the clergy-penitent privilege.

There are a number of locations that "clergy" are referenced in the Abused and Neglected Child Reporting Act. Specifically, 325 ILCS 5/4 reads in a pertinent part:

> **(a)** The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:
>
> ...
>
> **(9)** Any member of the clergy.
>
> **(e)** Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.
>
> **(g)** The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.
>
> The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

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A member of the clergy may claim the privilege under Section 8-803 [735 ILCS 5/8-803] of the Code of Civil Procedure.
325 ILCS 5/4

I. By adding members of the clergy to the list of mandated reporters, the legislature intended that clergy report instances of child sexual abuse of which they are made aware.

In 1975, the Illinois legislature passed the Abuse and Neglected Child Reporting Act as 325 ILCS 5/1 ("the Act"). The Act has been amended numerous times, but relevant to this matter is the amendment that went into effect on August 16, 2002, through P.A 92-801. The 2002 amendment re-designated subsections a. through g. as (a) through (g); inserted "members of the clergy" in the paragraph defining "'Person responsible for the child's welfare' "; and added the last paragraph. *325 ILCS 5/3* Amendment Notes. P.A. 92-801 also added the second paragraph; in the third paragraph inserted "or as a member of the clergy", inserted "or church, synagogue, temple, mosque, or other religious institution" in two places; inserted the third paragraph; in the third-to-last paragraph substituted "is" for "shall be", inserted "for a first violation and a Class 4 felony for a second or subsequent violation", and made stylistic changes. *325 ILCS 5/4,* Amendment Notes.

Statutory interpretation, amendments to statutes, and case law aid the Court in its determination of the issues raised by the Defendant. It is well established that a statute must be interpreted by the courts with its purpose in mind, as a whole, giving no weight to one section over another. Furthermore, a statute cannot be interpreted to allow for absurdities. The court in *People v. Phagan* stated, "Certainly, we must interpret statutes to give every section its intended effect. *People v. Stoecker*, 2014 IL 115756, ¶ 25, 381 Ill. Dec. 434, 10 N.E.3d 843 ("every clause of a statute must be given a reasonable meaning, if possible, and should not be rendered meaningless or superfluous"). Additionally, we interpret statutes as a whole,

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rejecting an interpretation that exalts one provision of a statutory scheme over another. *People v. Miles*, 2017 IL App (1st) 132719, ¶ 25, 416 Ill. Dec. 925, 86 N.E.3d 1210 ("When interpreting a statute, we do not read a portion of it in isolation; instead, we read it in its entirety, keeping in mind the subject it addresses and the drafters' apparent objective in enacting it.")." People v. Phagan, 2019 IL App (1st) 153031, P95, 130 N.E.3d 396, 417, 2019 Ill. App. LEXIS 604, *45, 432 Ill. Dec. 854, 875.

With respect to statutory amendments, the *Phagan* court held "when we interpret amended statutes, we presume that the General Assembly knows of appellate and supreme court decisions interpreting those statutes at the time of the amendment." *People v. Gliniewicz*, 2018 IL App (2d) 170490, ¶ 38, 427 Ill. Dec. 648, 119 N.E.3d 28. *Id.* at 50. Adding, "if the legislature leaves the statute unchanged in spite of our decision, we presume that the legislators acquiesced in our interpretation. See *Bruso v. Alexian Brothers Hospital*, 178 Ill. 2d 445, 458-59, 687 N.E.2d 1014, 227 Ill. Dec. 532 (1997)." *Id.*

In *Landis v Marc Realty, L.L.C.*, the Illinois Supreme Court stated, "The fundamental rule of statutory construction is to ascertain and give effect to the intent of the legislature. *King v. First Capital Financial Services Corp.*, 215 Ill. 2d 1, 26, 828 N.E.2d 1155, 293 Ill. Dec. 657 (2005). The best indicator of the legislature's intent is the language in the statute, which must be accorded its plain and ordinary meaning. *King*, 215 Ill. 2d at 26. Where the language in the statute is clear and unambiguous, this court will apply the statute as written without resort to extrinsic aids of statutory construction. *In re R.L.S.*, 218 Ill. 2d 428, 433, 844 N.E.2d 22, 300 Ill. Dec. 350 (2006). Landis v. Marc Realty, L.L.C., 235 Ill. 2d 1, 6-7, 919 N.E.2d 300, 303, 2009 Ill. LEXIS 390, *5-6, 335 Ill. Dec. 581, 584. In *People ex rel. Sherman v Cryns*, the Illinois Supreme Court held,

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"In construing the meaning of a statute, the primary objective of this court is to ascertain and give effect to the intention of the legislature. *In re Detention of Lieberman*, 201 Ill. 2d 300, 307, 776 N.E.2d 218, 267 Ill. Dec. 81 (2002); *Michigan Avenue National Bank v. County of Cook*, 191 Ill. 2d 493, 503-04, 247 Ill. Dec. 473, 732 N.E.2d 528 (2000). All other rules of statutory construction are subordinate to this cardinal principle. *Sylvester*, 197 Ill. 2d at 232; *Henrich v. Libertyville High School*, 186 Ill. 2d 381, 387, 238 Ill. Dec. 576, 712 N.E.2d 298 (1998). We ascertain the intent of the legislature by examining the language of the statute, which is "the most reliable indicator of the legislature's objectives in enacting a particular law." *Michigan Avenue National Bank*, 191 Ill. 2d at 504; see also *Yang v. City of Chicago*, 195 Ill. 2d 96, 103, 253 Ill. Dec. 418, 745 N.E.2d 541 (2001). The language of the statute must be afforded its plain, ordinary and popularly understood meaning (*Lieberman*, 201 Ill. 2d at 308; *Bubb v. Springfield School District 186*, 167 Ill. 2d 372, 381, 212 Ill. Dec. 542, 657 N.E.2d 887 (1995)), and we are to give the statutory language the fullest, rather than the narrowest, possible meaning to which it is susceptible (*Lake County Board of Review v. Property Tax Appeal Board*, 119 Ill. 2d 419, 423, 116 Ill. Dec. 567, 519 N.E.2d 459 (1988)). This court will not depart from the plain language of a statute by reading into it exceptions, limitations or conditions that conflict with the express legislative intent. *Petersen v. Wallach*, 198 Ill. 2d 439, 446, 261 Ill. Dec. 728, 764 N.E.2d 19 (2002); *Yang*, 195 Ill. 2d at 103. All provisions of a statutory enactment are viewed as a whole. *Michigan Avenue National Bank*, 191 Ill. 2d at 504; *Bubb*, 167 Ill. 2d at 382. Therefore, words and phrases must be interpreted in light of other relevant provisions of the statute and must not be construed in isolation. *Sylvester*, 197 Ill. 2d at

232; *Michigan Avenue National Bank*, 191 Ill. 2d at 504. Each word, clause and sentence of the statute, if possible, must be given reasonable meaning and not rendered superfluous. *Sylvester*, 197 Ill. 2d at 232. Accordingly, in determining the intent of the General Assembly, we may properly consider not only the language of the statute, but also the purpose and necessity for the law, the evils sought to be remedied, and goals to be achieved. *In re Detention of Lieberman*, 201 Ill. 2d at 308; *People v. Pullen*, 192 Ill. 2d 36, 42, 248 Ill. Dec. 237, 733 N.E.2d 1235 (2000). "Legislative intent can be ascertained from a consideration of the entire Act, its nature, its object and the consequences that would result from construing it one way or the other." *Fumarolo v. Chicago Board of Education*, 142 Ill. 2d 54, 96, 153 Ill. Dec. 177, 566 N.E.2d 1283 (1990). In construing a statute, we presume that the General Assembly, in its enactment of legislation, did not intend absurdity, inconvenience or injustice. *In re Lieberman*, 201 Ill. 2d at 309; *Burger v. Lutheran General Hospital*, 198 Ill. 2d 21, 40, 259 Ill. Dec. 753, 759 N.E.2d 533 (2001).

People ex rel. Sherman v. Cryns, 203 Ill. 2d 264, 279-280, 786 N.E.2d 139, 150-151, 2003 Ill. LEXIS 450, *23-26, 271 Ill. Dec. 881, 892-893

The Defendant, in its motion, states that Defendant acquired information in his capacity as a member of the clergy of the Kingdom Hall Spanish Congregation – Crystal Lake of allegations of child sexual abuse from Mr. Hernandez-Pedraza. Defendant is, therefore, by definition a mandated reporter. *People v. Burnidge*, which the defendant relies so heavily on in its support of clergy-penitent privilege, and asks this court to do the same, was decided in 1996, prior to the 2002 Amendment to the Act through P.A. 92-801. The *Burnidge* court ruled that the clergy privilege was applicable only because at the time clergy were not mandated reporters. That court held, "Section 4 of the Abused and Neglected Child Reporting Act lists

the various categories of professionals who must immediately make a report to the DCFS when they have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. 325 ILCS 5/4 (West 1994). Section 4 further provides that the privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children. 325 ILCS 5/4 (West 1994). The statute, however, does not list members of the clergy as persons required to report under the statute. See 325 ILCS 5/4 (West 1994). Thus, the clergy privilege is applicable." *People v. Burnidge*, 279 Ill. App. 3d 127, 131, 664 N.E.2d 656, 659, 1996 Ill. App. LEXIS 247, *8, 216 Ill. Dec. 19, 22.

Based on this clear language, the State would argue had the matter come before the *Burnidge* court after August 16, 2002, after members of clergy were added to the list of mandated reporters, the court would not have held the clergy privilege to be applicable. The State would argue that the purpose of 325 ILCS 5/4, and the terms used within it were done with intent and purpose by the Illinois legislature. Any legislative amendments made to it were made, as the *Phagan* court suggests, "...with knowledge of appellate and supreme court decisions interpreting the statute at the time of the amendment". The Court should look no further than the Act's title for the clear purpose: to protect children from abuse and neglect by requiring reporting by certain members of society. The statute refers to these individuals as mandated reporters. *Merriam-Webster's Dictionary* defines the word 'mandated' as an adjective, meaning "require (something) to be done; make mandatory". The Act's intended effect is to protect children from abuse and neglect by making it a requirement that mandated reporters report allegations of child sexual abuse to the proper agency and authorities to investigate.

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II. This Court should hold that only confessions or admissions made for spiritual counseling be privileged communications.

Defendant asks this court to deem inadmissible any and all portions of the conversations between Defendant and Mr. Hernandez-Pedraza and between the Defendant and Eloina Hernandez pursuant to the clergy-penitent privilege defined in the Code of Civil Procedure 735 ILCS 5/8-803, which is incorporated in the last sentence of 325 ILCS 5/4(g). The State again asks that this Court interpret this statute in its entirety, not giving weight to one section or portion over another, and with their purpose in mind. 735 ILCS 5/8-803 states:

> A clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs, shall not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or as such spiritual advisor.
> 735 ILCS 5/8-803

In determining the purpose and scope of the clergy-penitent privilege the State asks the court to consider case law. First, in a holding in *Snyder v. Poplett*, the Fourth District stated "A Caveat: This court does not believe that *all* communications made to clergymen are necessarily protected from disclosure under the Illinois statute, and we do not so hold. But the reasonable scope of the statute does protect those communications that originate in a confidence that they will not be disclosed. *Snyder v. Poplett*, 98 Ill. App. 3d 359, 363-364, 424 N.E.2d 396, 400, 1981 Ill. App. LEXIS 2993, *9, 53 Ill. Dec. 761, 765. More recently, the Second District ruled on the scope of the clergy privilege when it held, in *People v. Campobello*, "the Diocese suggests that section 8--803 of the Code not only specifically protects "admissions" or "confessions" made to a clergy member in his capacity as "spiritual advisor in the course of the discipline enjoined by the rules or practices of [the] religious body

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or of the religion which [the clergy member] professes"; it also contains a catchall phrase protecting not only such "admissions" or "confessions" but also "any information" obtained by a clergy member in his "professional character." Accordingly, the Diocese argues that "it matters not whether those whom the Intervention Team or Misconduct Officer interviewed made confessions or admissions; so long as the Diocese's clergy and practitioners obtained 'any information' from witnesses or others in either their 'professional capacities' or as 'spiritual advisers,' the information is statutorily protected against compelled disclosure.". People v. Campobello, 27-29. The court in *Campobello* added, "The primary purpose of statutory construction is to determine and give effect to the legislature's intent. *In re B.L.S.*, 202 Ill. 2d 510, 514-15, 782 N.E.2d 217, 270 Ill. Dec. 23 (2002). The primary indicator of the legislature's intent is the statutory language itself. *Carver v. Sheriff of La Salle County*, 203 Ill. 2d 497, 507, 787 N.E.2d 127, 272 Ill. Dec. 312 (2003). We do not read section 8--803 as broadly as the Diocese. In our view, the clergy member privilege extends only to information that an individual conveys in the course of making an admission or confession to a clergy member in his capacity as spiritual counselor." *Id.* (the court ultimately required the Diocese to turn over the documents sought by the State.)

Defendant cites *People v. Burnidge* and *People v. Diercks*, two cases decided prior to 2002 and prior to when clergy were added to the list mandated reporters. Both these cases speak to the scope of the clergy-penitent privilege. "Before evidence is excluded as privileged the party asserting the privilege must establish all of the privilege's constituent elements. (8 Wigmore, Evidence § 2192, at 73 (McNaughton rev. 1961).)" People v. Diercks, 9. As stated earlier, the one who asserts a privilege must establish all elements before it can be successfully invoked. Thus, the defendant's position improperly requires the State to disprove the existence

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of one element of the privilege. As with the attorney-client privilege, the priest-penitent privilege only attaches when the communication is made in confidence. *Cf. People v. Werhollick* (1970), 45 Ill. 2d 459, 259 N.E.2d 265 (no attorney-client privilege when information is disclosed to non-privileged third party); see also Annot., 71 A.L.R.3d 794, 808-09 (1976). *Id.* at 101. The court in *Burnidge* held, "We see no reason why the clergy privilege should be extended to exclude testimony offered by others who are not subject to the privilege. The defendant's attempt to place the statutory privilege on the same plane as the exclusionary rule fashioned for violations of the fourth amendment is clearly erroneous." *People v. Burnidge*, at 11.

More recently, in *People v, Campobello*, the Second District affirmed the limitations of Section 8-803 from *Dierks* stating, "We agree with these authorities and hold that the "discipline" referred to in section 8--803 is limited to the set of dictates binding a clergy member to receive from an individual an "admission" or "confession" for the purpose of spiritually counseling or consoling the individual. Therefore, to fall under the protection of section 8--803, a communication must be an admission or confession (1) made for the purpose of receiving spiritual counsel or consolation (2) to a clergy member whose religion requires him to receive admissions or confessions for the purpose of providing spiritual counsel or consolation. *People v. Campobello*, at 32. The *Campobello* court continued, "We note, however, that the privilege extends only to admissions or confessions made in confidence. *People v. Diercks*, 88 Ill. App. 3d 1073, 1078, 411 N.E.2d 97, 44 Ill. Dec. 191 (1980). Thus, an admission or confession is not privileged if made to a clergy member in the presence of a third person unless such person is "indispensable" to the counseling or consoling activity of the clergy member." *Diercks*, 88 Ill. App. 3d at 1078. *Id.* at 34.

This Court is being asked by the Defendant to make rulings on conversations and information contained therein of which it knows nothing. The very nature of the charge against the Defendant requires that something have been divulged to the mandated reporter. Without a determination that the conversation or information shared was an "admission or confession" from Mr. Hernandez-Pedraza made to the Defendant for "spiritual counseling", this Court should not blindly rule this conversation to be privileged under Section 8-803. Similarly, without a determination that the conversation or information shared was an "admission or confession" from Ms. Hernandez made to the Defendant for "spiritual counseling", this Court cannot rule this conversation to be privileged pursuant to Section 8-803. Defendant is attempting to "place the statutory privilege on the same plane as the exclusionary rule". *Burnidge*, at 659. Defendant states that rulings made by the Honorable Judges Coppedge and Meyer deemed these conversations to be part of the Jehovah's Witnesses confessional process. Therefore, this court should find the same. Defendant is attempting to extend the limited and specific decisions made by prior judges to cover any and all conversations had by Defendant. Defendant relies on testimony of a Jehovah's Witness to tag any and all conversations had with any members as part of their internal confessional process, and therefore, privileged. This interpretation of the statute would lead to absurdities.

III. Interpreting the statutes as the Defendant suggests would lead to absurdities.

Defendant suggests that this court look only to the last line of Section 5/4(g) and extend that to be blanket to hide all their conversations with Mr. Hernandez-Pedraza and Ms. Hernandez under. By having this court consider these communications part of an internal "confessional process", Defendant asks this court to deem them inadmissible pursuant to the

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clergy-penitent privilege incorporated in 325 ILCS 5/4(g). The statutory interpretation the Defendant seeks this court to make would lead to absurdities.

Established case law suggests that this court do the exact opposite. In *Landis v. Marc Realty, L.L.C.*, the Illinois Supreme Court stated, "Moreover, it is appropriate to consider the consequences that would result from construing a statute one way or the other. *People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 280, 786 N.E.2d 139, 271 Ill. Dec. 881 (2003). In doing so, we presume that the legislature did not intend absurd, inconvenient, or unjust results. *Cryns*, 203 Ill. 2d at 280. Landis v. Marc Realty, L.L.C., 235 Ill. 2d 1, 12, 919 N.E.2d 300, 306, 2009 Ill. LEXIS 390, *14-15, 335 Ill. Dec. 581, 587. The court in *Campobello* was faced with a similar request as the one Defendant makes of this court. There, a Diocese, challenged a subpoena by the State seeking records for the purpose of gathering evidence in a criminal prosecution against defendant under the laws of Illinois. The *Campobello* court stated, "We reject the Diocese's attempt to conjure a right to secrecy, and with it immunity from the State's subpoena power, simply by pointing to the veil it has cast over itself. "Merely because Canon 489 is controlling in the internal operation of the affairs of the Church does not mean that it permits evidence pertaining to sexual molestation of children by priests to be secreted and shielded from discovery which is otherwise proper." *Hutchison*, 414 Pa. Super. at 145, 606 A.2d at 908. Notably, the Diocese's use of Canon 489 as a shield against disclosure of records pertaining to criminal allegations against Church clergy is difficult to reconcile with the lofty civic spirit of the Charter, in which the Church promises to "comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question." People v. Campobello, at 38.

Here, similar to *Campobello*, the State seeks to explore the conversations as evidence in a criminal prosecution against the Defendant under the laws of Illinois. The purpose of the statute is to protect some of the most vulnerable members of our society: children. Conversations and information about child sexual abuse are required to be reported by mandated reporters. If this court were to rule that all information discovered during conversations between the Defendant and Mr. Hernandez-Pedraza and Ms. Hernandez are part of the internal "confessional process" of the Jehovah's Witnesses, without knowing the contents, is not only absurd, but would lead to further absurdities. It would open the door to any church – or any organization – to stretch the limitations placed on Section 8-803, attaching them to some "internal confessional process", and therefore preclude any member of the clergy from having to report allegations of child sexual abuse. This would undermine the legislature's intent when it amended the Act to include members of the clergy to the list of mandated reporters. Allowing a church to define what are "confessions" or "admissions" would allow it to hide all such conversations under an umbrella it itself creates.

The State asks that this Court not interpret the Abused and Neglected Child Act to allow for such absurdities. Both the intent of the legislature and the purpose of the statute would be undermined in so doing. Defendant should be required to prove to this Court that the conversations it is asking this Court to deem inadmissible are confessions or admissions, and made only for spiritual counseling. The State would contend, especially with respect to conversations had with Ms. Hernandez, the Defendant will not be able to do so. After all, Ms. Hernandez had nothing to admit to, nothing to confess to, and did not seek spiritual counseling from the Defendant. Rather, Defendant admits it was he who sought out to speak with Ms.

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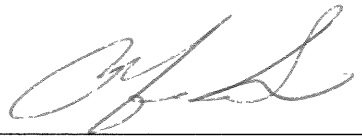
Hernandez after learning of the possible child sexual abuse of her child from Mr. Hernandez-Pedraza.

Conclusion

WHEREFORE, for the reasons stated above, the People pray that this Honorable Court deny Defendant's Motion in Limine #3 through #6, and for such other remedies as the Court deems just.

Respectfully submitted,



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