**STATE OF ILLINOIS**

**IN THE CIRCUIT COURT OF THE COUNTY OF COOK**

PEOPLE OF THE STATE OF ILLINOIS )

 PLAINTIFF, )

 )

 ) CRIMINAL

 VS ) No. 02 CF 1618

 ) (DuPage County)

 )

SKYLER M. CHAMBERS )

 DEFENDANT. )

 **MOTION IN LIMINE**

**(Re: Polygraph)**

 NOW COMES the Defendant, SKYLER M. CHAMBERS, by one of his attorneys, Robert A. Miller, DuPage County Public Defender, and moves the Court to enter an Order prohibiting the State from introducing into evidence or using as exhibits, through direct testimony, cross examination or any other means whatsoever, any information that the Defendant was offered a polygraph examination. In support hereof, it is stated as follows:

1. That the Defendant is charged with the Murder, Aggravated Criminal Sexual Assault, Criminal Sexual Assault, Aggravated Kidnapping, Kidnapping, Child Abduction, and Concealment of a Homicidal Death, allegedly occurring on May 31, 2003.

2. That the Discovery provided (Page 310) states that Officer John Glos stated "I then asked Skyler if he would be willing to take a polygraph test to prove all of the above information he provided to me."

 3. The rule against admitting polygraph evidence is premised on two concerns: (1) such evidence is unreliable and infringes on the integrity of the judicial process; and (2) such evidence may appear to a jury as being completely determinative of guilt. People v. Montgomery, 302 Ill.App.3d 1, 704 N.E.2d 816, 235 Ill.Dec. 243 (1 Dist, 1988).

 4. "Testimony that a defendant was offered a polygraph test, or that he refused one, interjects into the case inferences which bear directly on his guilt or innocence: either he failed the test--as the State presumably would not pursue charges against an innocent--or he refused to submit to testing in fear that his guilt would be shown. That which may not be accomplished directly by evidence of polygraph test *results* may not be accomplished indirectly by references to whether a defendant sought, declined, or was offered a polygraph test." (Emphasis in original.) People v. [Eickhoff, 129 Ill.App.3d at 103, 84 Ill.Dec. 300, 471 N.E.2d 1066](http://web2.westlaw.com/find/default.wl?DB=578&SerialNum=1984157440&FindType=Y&AP=&mt=Illinois&fn=_top&sv=Split&vr=2.0&rs=WLW5.0). (Cited by People v.Eaton, 307 Ill.App.3d 397, 718 N.E.2d 1020, 241 Ill.Dec. 166 (1 Dist., 1999).

 WHEREFORE, the Defendant asks that this Court to enter an Order prohibiting the State from introducing into evidence, or using as exhibits, through direct testimony, cross examination or any other means whatsoever, any information that the Defendant was offered a polygraph examination.

 SKYLER M. CHAMBERS, Defendant

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Robert A. Miller, One Of His Attorneys

Robert A. Miller

DuPage Co. Public Defender's Office

503 N. County Farm Road

Wheaton, IL 60187

Phone: AC 630/407-8300