**STATE OF ILLINOIS**

 **IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT**

 **COUNTY OF DUPAGE**

PEOPLE OF THE STATE OF ILLINOIS )

 PLAINTIFF, )

)

) CRIMINAL

VS ) No. 01 CF 1864

)

)

MICHAEL ALPHONSO )

 DEFENDANT. )

 **MOTION IN LIMINE 1**

 **REGARDING FITNESS ISSUES**

NOW COMES the Defendant, MICHAEL ALPHONSO, by Defendant's attorneys, Robert A. Miller, and moves this Court to suppress as evidence herein any and all statements and opinions made or developed as a result of the fitness examination of the defendant. In support of this motion, Defendant states as follows:

1. The Defendant was arrested for the offense of Murder, among other offenses.

2. That on August 23, 2005, defense counsel filed a Motion For Appointment Of Clinical Psychologist To Examine The Defendant Regarding Fitness To Stand Trial.

3. That Dr. John Murray, a licensed Psychologist was appointed to examine the defendant.

4. That Dr. Murray prepared a report dated October 20, 2005 which was submitted to the Court and to the parties.

5. That a hearing was held to consider the issue of the Defendant's fitness, with a ruling from the Court that the Defendant was fit to stand trial.

6. That Dr. Murray's findings, which were included in his report, including a conclusion that the Defendant was malingering, as well as Bipolar Disorder, Polysubstance Abuse by History, and Antisocial Personality Disorder.

7. That the Defendant has not filed any affirmative defenses of insanity, nor has he indicated that he was drugged or intoxicated at the time of the offense.

8. Per 725 ILCS 5/104-14 "Statements made by the defendant and information gathered in the course of any examination ordered pursuant to 104-13, 104-17 or 105-20 shall not be admissible against the defendant unless he raises the defense of insanity or the defense of drugged or intoxicated condition, in which case they shall be admissible only on the issue of whether he was insane, drugged, or intoxicated.

WHEREFORE, the Defendant asks that this Court prohibit the State from introducing any statements and opinions made or developed as a result of the fitness examination of the defendant.

MICHAEL ALPHONSO, Defendant

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

 Robert A. Miller, His Attorney

 Public Defender

OFFICE OF THE PUBLIC DEFENDER

503 N. County Farm Road

Wheaton, Illinois 60187

Phone: AC 630.407.8300