**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. )

 **FIRST AMENDED**

 **MOTION TO SUPPRESS STATEMENTS**

 NOW COMES the Defendant, SKYLER M. CHAMBERS, by one of his attorneys, Robert A. Miller, DuPage County Public Defender, and moves the Court to suppress as evidence herein any and all confessions, statements, admissions, whether inculpatory or exculpatory, and whether written or oral, made by the Defendant prior, at the time of, or subsequent to Defendant's arrest in the above-entitled cause. In support of this motion, Defendant states as follows:

1. That the Defendant was arrested near the intersection of Aspen and Church Street at approximately 8:00 P.M. on June 3, 2002. ( Discovery Page 205).

 2. That the Defendant was questioned by Detective Polly and Detective LoVerde at approximately 9:20 p. on June 3, 2002, and as a result, the Defendant made certain statements. (Discovery Page 307).

 3. That the Defendant was questioned by Detective Polly and Detective LoVerde at approximately 4:00 p. on June 4, 2002, and as a result, the Defendant made certain statements. (Discovery Page 308).

 4. That he Defendant was re-questioned on June 6, 2002 at 10;40 a.m. during which he allegedly provided additional inculpatory statements. (Discovery page 316)

5. That the Defendant did not knowingly and intelligently waive his constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

6. That any and all confessions, statements, admissions, or tests executed by the Defendant at the time of, prior to and after Defendant's formal arrest were, therefore, elicited in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

 7. That the Defendant was held in custody for more than 48 hours without an independent

determination of probable cause, and said unlawful detention contributed to the involuntary nature of Defendant's statements. (See Gerstein v. Pugh (1975), 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54) (Discovery Page 454)

 8. That an ARREST WARRANT was not issued until June 6, 2002, exact time unknown.

 9. That the Defendant was not brought before a judge until June 6, 2002 at approximately 5:00 p.m.

10. That the Defendant further states that any statement or confessions or test elicited from him was the direct result of mental coercion, promises, or threats, and was, therefore, involuntary, to wit:

 a. During the interrogation of June 3, and June 4, 2004, an officer believed to be Detective Polly knocked a soda can from the Defendants's hands and yelled repeatedly at the Defendant.

 b. The aforesaid interrogation lasted for several hours with intermittent periods of time during which the Defendant was handcuffed in a holding cell.

 c. During the aforesaid interrogation, the Defendant was driven by the police to various locations in an attempt to retrace events, he was thrown against the wall of the interrogation room, and then thrown into a chair.

 d. During the aforesaid interrogation, Detective Polly promised the Defendant that if he spoke to the police, that he would not be charged.

 WHEREFORE, the Defendant asks that this Court to suppress as evidence herein any and all confessions, statements, admissions, or tests, inculpatory or exculpatory, made by him at about the time of and subsequent to his formal arrest.

 SKYLER M. CHAMBERS, Defendant

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

 Robert A. Miller, One Of His Attorneys

 Public Defender

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