**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. )

**AMENDED**

**MOTION FOR NEW TRIAL**

NOW COMES the defendant, SKYLER M. CHAMBERS, by his attorney, Robert A. Miller, pursuant to Illinois Compiled Statutes, Chapter 725, Section 5/116-1, and moves the Court for the entry of an order setting aside the verdict of the jury returned on April 22, 2005, and granting a new trial for the following reasons:

1. That the verdict is contrary to the law and to the evidence.

2. That the State did not prove the guilt of the defendant beyond a reasonable doubt.

3. That the Court erred in denying defendant's motions for a directed verdict of not guilty at the close of the State's evidence, and at the close of all the evidence, as procedurally identified in 725 ILCS 5/115-4(k).

4. That the Court erred in allowing the State to publish State's Exhibit 2, which was the post-mortem photograph of the victim, as the probative value was outweighed by the prejudicial effect.

5. That the Court erred in allowing the State to publish State's Exhibits 17-21, which depicted post-arrest photos of Skyler Chambers. The photos showed purported

scratches, however, no evidence was presented to provide age or source of those scratches. Therefore, said photos were irrelevant, and the probative value was outweighed by the prejudicial effect.

6. That the Court erred in allowing the State to publish State's Exhibit 31, which was the photograph of the bedroom of the Turner Reeves. The photo showed a "Certificate of Recognition" in the bedroom which could have been interpreted as character evidence of Turner Reeves in violation of the Defendant's constitutional rights under the Sixth Amendment to the Constitution of the United States.

7. That the Court erred in allowing the State to publish State's Exhibit 40-47, which were photos depicting the alleged path taken by Skyler Chambers and Turner Reeves at the Long Grove burial site. No testimony was presented to prove that said pathway was actually used by Skyler Chambers.

8. That the Court erred in allowing the State to publish State's Exhibit 48-56, and 58G which were selected post-mortem photos of the victim in the grave, as the probative value was outweighed by the prejudicial effect.

9. That the Court erred in allowing the State to publish State's Exhibit 64-76, 78-80, and 82-83, which were selected autopsy related photos of the victim, as the probative value was outweighed by the prejudicial effect.

10. That the Court erred in allowing the State to publish State's Exhibit 35, 57, 61 which were the Miranda Waivers of Skyler Chambers, as outlined in the Defendant's previously litigated Motion To Suppress Statements and Motion To Quash Arrest, and were in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

11. That the Court erred in allowing the State to publish State's Exhibits 59, 60, 62 and 63 which were the videos and transcripts of interviews conducted with Skyler Chambers for the reasons outlined in the Defendant's previously litigated Motion To Suppress Statements and Motion To Quash Arrest and were in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

12. That the Court erred in allowing the State to publish State's Exhibits 59, 60, 62 and 63 which were the videos and transcripts of interviews conducted with Skyler Chambers as the transcript and video contained "inaudible" portions. Since the videos were copies and not the original recording, the Best Evidence Rule would apply to bar their use.

13. That the Court erred in allowing the State to publish State's Exhibits 84-87 which were evidence of other crimes, as well as the testimony relating to State's Exhibits 84-87 for the reasons outlined in Defendant's Response to People's Motion Regarding Evidence of Other Crimes.

14. That the Court erred allowing the jury to take an onsite tour of the burial scene. The State in arguing for the visit stated it was for reasons of establishing spatial distances. Said evidence could have easily been accomplished via in court testimony. The probative value of this onsite visit was outweighed by the prejudicial effect.

15. That the Court erred allowing the jury to take an onsite tour of the burial scene, while limiting access to the press and the public. Testimony was actually taken at the grave site, in addition to the ongoing jury view. Limiting the press and public from the scene was a function of the property owner not the Court, and hence, the Defendant was deprived of his right to a public trial, in violation of the Sixth Amendment to the United States Constitution and by section 9 of Article II of the Illinois Constitution.

16. That the Court erred in allowing the State to introduce the Defendants post arrest statements to the police for all reasons outlined in the Defendant's previously litigated Motion To Suppress Statements and Motion To Quash Arrest, and were in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

17. The Court erred in allowing Deputy Dunklau to render testimony regarding the finding of “tool mark evidence” being found on trees at the burial scene during his at the burial scene testimony and his testimony following the burial scene visit.

18. The Court erred in denying the Defendant’s Motion to Strike DNA testimony, as said testimony was based on incompetent and untrustworthy measurements and interpretation.

19. The Court erred in denying the Defendant’s request to call Lisa Solorio as a witness, and in granting the State’s Motion to Bar Lisa Solorio from testifying in violation of the Due Process Clause of the Fourteenth Amendment..

20. The Court erred in denying the Defendant’s Motion in Limine based upon hearsay, leading question and the introduction of inadmissible evidence objections to bar the admission of 59, 60, 62, and 63, then the renewal of the same objections during the testimony of Jeff Kendall during the introduction of exhibits 59, 60, 62, and 63.

21. The Court erred in denying the Defense Motion in Limine to bar testimony regarding Skyler Chambers having “fresh scratch marks”. No evidence was presented to provide age or source of those scratches. Therefore, said testimony was irrelevant, and the probative value was outweighed by the prejudicial effect.

22. That the Court erred in sending the exhibits and transcripts back to the jury during deliberations over objections of the defendant.

23. That the Court erred in denying the Defendant's previously litigated pre-trial Motion to Suppress Statements and permitted said statements to be introduced in evidence at the Defendant's trial in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

24. That the Court erred in allowing the admission of each and every exhibit that was

introduced by the State that was introduced over the continuing objection of the Defendant for those reasons preserved in the record.

25. That the verdict is the result of insufficient deliberation.

26. That the verdict is the result of the passion, bias and prejudice of the jury against the defendant

27. That the Court erred when it sustained objections made by the prosecutors to questions asked by defendant's counsel.

28. That the Defendant renews, and incorporates by reference, all pre-trial motions which were denied by the Court.

29. The Court erred when it overruled objections made by defendant's counsel to questions asked by the prosecution.

30. The Court erred in providing the jury with jury instruction 5.03A, defining Accountability, as well as including Accountability in all definition and issues instructions.

31. The Court erred in allowing the State to argue in closing argument the issue of Accountability without including the element of "Intent."

Such other grounds and each and every error as may appear from the report of

proceedings of the trial, which is not presently available to defendant or his counsel.

SKYLER M. CHAMBERS, Defendant

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

Robert A. Miller, His attorney

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