**STATE OF ILLINOIS**

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

**COUNTY OF DU PAGE**

PEOPLE OF THE STATE OF ILLINOIS )

PLAINTIFF, )

)

) CRIMINAL

VS ) No. 05 CF 3216

)

)

ERIC HANSON )

DEFENDANT. )

**MOTION TO SUPPRESS STATEMENTS**

NOW COMES the Defendant, ERIC HANSON, by his attorney, Robert Miller, and moves this 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 to, at the time of, or subsequent to his arrest in the above-entitled cause. In support of this motion, defendant states as follows:

1. That the defendant was arrested on September 30, 2005 in Columbus County, Wisconsin.

2. That the above arrest was effected without probable cause by the Police Officer to believe that the defendant had committed a crime and that said subsequent detention of the defendant was a period of illegal detention during which the defendant was questioned.

2a. That a warrant had been issued on September 29, 2005, for his arrest, alleging the commission of the offense of Intimidation (See Discovery Page 307)

2b. That a sworn complaint had been made by Detective Timothy Jones, against the

defendant alleging the offense of Intimidation. (See Discovery Page 308)

2c. That the offense of Intimidation was based on hearsay information provided by witness Jennifer Williams.(See Discovery Page 44)

2d. Jennifer Williams received said information regarding the alleged Intimidation from Katherine Hanson-Tsao, who was deceased at the time the warrant was issued.

2e. That the offense allegedly occurred several weeks before the issuance of the warrant.

2f. Although the threat was allegedly made to Katherine Hanson-Tsao, with Mary Hanson as a witness, neither Katherine Hanson-Tsao, nor Mary Hanson ever contacted the police.

2g. At the time of the issuance of the Intimidation warrant for the Defendant's arrest, the Defendant was wanted for questioning regarding the death of Mary Hanson, Terrance Hanson, Katherine Hanson-Tsao, and Jimmy Tsao, but no warrant had yet issued regarding those deaths.

2h. That the Defendant was arrested and held outside the geographical scope of the issued warrant.

2i. That the Complaint submitted in order to procure the arrest warrant contained conclusions, misrepresented facts, and deprived the issuing judge from making an independent evaluation as to whether an arrest warrant should issue.

2j. The Complaint used to apprise the issuing judge deliberately omitted material facts, and contained information which was the result of a reckless disregard for the truth. (See People v. Hothersall, 103 Ill.App.3d 183, 430 N.E.2d 1142, 58 Ill.Dec. 891 (1981)

2k. The actual need for the warrant was to question the Defendant about a pending homicide investigation as evidenced by the NIC report. (See Discovery Page 312)

3. That any and all confessions, statements, admissions, or tests executed by the Defendant at the time of, prior to and after his formal arrest were, therefore, elicited in violation of his constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States, and Article 1, Section 10 of the Constitution of the State of Illinois.

4. That on October 2, 2005, in "the evening hours" the Defendant expressed a desire to remain silent. (See Discovery, page 1306)

5. Despite the Defendant's assertion that he did not want to talk to the Aurora Police Department, the Defendant was immediately questioned by law enforcement personnel as to the reasons that he wished to remain silent. (See Discovery, page 1306)

6. On October 3, 2005 at 1:50 p.m. the Extradition Transcript from Columbia County, Wisconsin reflects that the Defendant was represented by Attorney Liz Mitchell.

(See Discovery, page 1228, and page 1229)

7. On October 5, 2005, the Defendant executed an "Invocation Of Fifth And Sixth

Amendment Rights," (See Discovery, page 1215)

8. The Invocation Of Fifth And Sixth Amendment Rights" was received by the Columbia County Sheriff's office on October 6, 2005. (See Discovery, page 1215)

9. The Invocation Of Fifth And Sixth Amendment Rights" was sent to Illinois Law enforcement personnel on October 14, 20050 (See Discovery, page 1214)

10. The Defendant was interviewed on September 30, 2005. (See Discovery, page 101)

11. The Defendant again expressed a desire to remain silent October 1, 2005 at 11:54 p.m., but questioning resumed 20 minutes later. (See Discovery, page 108)

12. On 10/2/05 at 8:55 P.M. the Defendant stated that he wanted an attorney. (See Discovery, page 112)

13. On 10/7/05 at 13:00 p.m., the Defendant was again questioned despite, an invocation of Fifth and Sixth Amendment Rights. (See Discovery, page 1293)

14. On 10/13/05 at 11:00 a.m., the Defendant was again questioned despite an invocation of Fifth and Sixth Amendment Rights. (See Discovery, page 980)

WHEREFORE, the defendant asks that this court suppress as evidence herein any and all confessions, statements, admissions, or tests, inculpatory, made by him at about the time of and subsequent to his formal arrest, as said statement were made after an illegal arrest, and after the Defendant had invoked his Fifth and Sixth Amendment Rights .

ERIC HANSON, Defendant

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

Robert A. Miller,

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