

This court has repeatedly held that it is improper for a party to call a witness whom it has reason to believe will invoke his fifth amendment privilege before the jury; therefore, a trial judge does not err when he precludes calling such a witness.

In *People v. Cedillo*, 142 Ill.App.3d 849, (1986), over the defendant's objection, the court barred a witness from testifying because the witness indicated that, if called to testify, he would invoke his privilege against self-incrimination. The appellate court affirmed the ruling of the trial court.

Similarly, in *People v. Hammond*, 196 Ill.App.3d 986 (1990), the trial court judge instructed the jury to disregard any testimony given by a witness who stated that he would invoke his fifth amendment privilege if he was asked certain questions. The Hammond court found no material difference between striking testimony involving the invocation of the fifth amendment right and barring such testimony beforehand.

The case law of the State of Illinois clearly indicates that in a situation such as the one at bar, the witness should not be called to testify if he is going to invoke his fifth amendment privilege against self-incrimination. Inviting such a witness to testify before the jury only serves to mislead the jury. Thus, we hold that since Eric plainly stated that he would invoke his fifth amendment right if called to testify, the trial court did not err in barring him from testifying.

*People v. Human*, 331 Ill. App. 3d 809, 819–20, 773 N.E.2d 4, 13–14 (2002)