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STATE OF ILLINOIS)
)SS
COUNTY OF KANE)

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

No.: 2018 CM 2743

PAXTON SINGER,

Defendant.

Thomas M. Hartnett
Clerk of the Circuit Court
Kane County, IL

AUG 29 2019

FILED 104
ENTERED

MOTION IN LIMINE TO BAR STATEMENT DATED JANUARY 7, 2018
TENDERED BY THE STATE

NOW COMES the Defendant, PAXTON SINGER, by and through his attorney, Ekl, Williams & Provenzale LLC, and moves this Honorable Court to enter an order barring the State from using a Statement signed by Defendant and members of Harvest Bible Church dated January 7, 2018, as being irrelevant, and in support thereof states as follows:

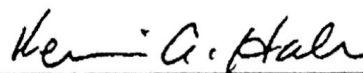
1. The Defendant is charged in this case with the offenses of Sexual exploitation of a child-remove clothing, alleging defendant knowingly enticed a person under 17 to remove their clothing for the purpose of sexual arousal or gratification of the defendant or child, in violation of 720 ILCS 5/11-9.1(a-5), a class A misdemeanor; and 1 count of Disorderly conduct in violation of 720 ILCS 5/26-1(a)(1), a class C misdemeanor.
2. Based upon discovery received from the State and the State's prior motion in limine, the Defendant believes that the State will seek to introduce into evidence a certain document, the statement, which they indicate is signed by Defendant and dated January 7, 2018, and further referenced in the "Facts" paragraph of the State's Motion in Limine to Introduce Evidence regarding other crimes wrongs or acts. Based upon the State's discovery, the statement in question was written by and witnessed by members of Harvest Bible Church (hereinafter "Church"). The Defendant was terminated that same day on January 7, 2018. The Church was meeting that day with Defendant regarding text messages concerning T.N., messages that this Court has ruled to be inadmissible in this trial.
3. Based upon the discovery tendered by the State, J.S's father went to the Church in

late January after learning from both his daughter and J.S. that Defendant was no longer working for the Church. J.S.'s father reported the contact between J.S. and Defendant to Pastor Craig several weeks after Defendant's release from employment at the Church. Pastor Craig did not indicate to J.S.'s father what he would do with the information since Defendant was no longer working at the Church. Further, based upon discovery tendered by the State, Pastor Craig told Inv. Mullarkey of the Kane County Children's Advocacy Center that he believes that J.S.'s father came to him in February or March. A text message tendered to Defendant by the State indicates that Pastor Craig learned about J.S. on January 31, 2018. It was clearly after January 7, 2018, the date of the statement in question, that the parents of J.S. contacted the Church regarding the text messages that are the subject matter of this pending case.

4. "Relevant evidence' means evidence having any tendency to make the existence of a fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Illinois Rule of Evidence 401. Irrelevant evidence is inadmissible. Illinois Rule of Evidence 402. "Relevancy is not an inherent characteristic of any item of evidence but exists only as a relation between an item of evidence and a matter properly provable in the case." People v. Monroe, 66 Ill. 2d 317, 322 (1977)
5. The State has charged defendant with indecent solicitation of a minor based upon some text messages sent by Defendant to J.S. There is no relation between the statement tendered by the State that is dated January 7, 2018 and J.S. The statement was drafted and signed several weeks prior to the Church or Defendant learning of any allegations by made regarding J.S. The use of this statement dated January 7, 2018, by the State is clearly an attempt to confuse the issues and mislead or influence the trier of fact, in this case the Court, to consider as evidence, a statement that has no relation to the allegations made by J.S. The context of the meeting at the Church with Defendant and signing of the statement on January 7, 2018, was solely related to messages between the Defendant and T.N. There is no relation between the statement and the allegations regarding J.S.
6. Defendant submits that the statement dated January 7, 2018, is irrelevant and therefor inadmissible in the trial of this case.

WHEREFORE, Defendant respectfully requests this Honorable Court enter an order barring the State from using the resignation letter dated July 7, 2018, in its case in chief.

Respectfully submitted,



Kevin A. Halverson

One of Defendant's Attorneys