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STATE OF ILLINOIS        )  
  )SS  
COUNTY OF McHENRY    )

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
McHENRY COUNTY ILLINOIS

PEOPLE OF THE STATE,

*Plaintiff,*

v.

No.:       20 CM 1337  
          20 CM 1338

COLIN SCOTT and MICHAEL PENKAVA

*Defendants*

**MOTION IN LIMINE**

NOW COME the Defendants, COLIN SCOTT and MICHAEL PENKAVA, by and through their attorneys, EKL , WILLIAMS & PROVENZALE, LLC, and PHILIP PROSSNITZ, and respectfully request this Honorable Court to bar the prosecution from introducing, during the trial of this case, any evidence of sexual abuse which occurred to XX subsequent to July 27, 2006. In support of this motion the Defendants state as follows:

1. The Defendants are charged with the offense of Abused and Neglected Child Reporting Act in violation of 325 ILCS 5/4(a)(9).
2. The offense is alleged to have taken place on July 27, 2006.
3. It is alleged in the instant complaint that the Defendants, while in their professional capacity as a member of the clergy, became aware of the existence of reasonable cause to believe that XXX was sexually abused by a parent.

4. It is further alleged that the Defendants knowingly failed to report this information to law enforcement.
5. On information and belief, XX was subjected to various forms of sexual abuse committed by her father subsequent to July 27, 2006. The most serious of these acts of sexual abuse are believed to have taken place starting in approximately 2013 and continuing to 2018.
6. Any sexual abuse which XX was subjected to subsequent to July 27, 2006 is irrelevant to whether the Defendants knowing failed to report sex abuse by a parent which they became aware of on July 27, 2006.

WHEREFORE the Defendants pray that this Honorable Court issue an order limiting the evidence concerning sexual abuse which XX was subjected to acts which occurred on or before July 27, 2006.

Respectfully submitted by:

s/ Terry A. Ekl  
*Attorney for Defendant, Colin Scott*  
s/ Philip A. Prossnitz  
*Attorney for Defendant, Michael*  
*Penkava*

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