

STATE OF ILLINOIS)
)
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
vs.) Case No.: 20CM001338
)
MICHAEL M PENKAVA)

PEOPLE’S MOTION IN LIMINE #4 (REGARDING PRIVILEGE UNDER 735 ILCS 5/8-803)

NOW COME the People of the State of Illinois, by their attorney, **PATRICK D. KENNEALLY**, State's Attorney for McHenry County, Illinois, through one of his duly appointed Assistants, **ASHUR Y. YOUASH**, and moves this Honorable Court for a pretrial ruling regarding privilege, and in support thereof states as follows:

1. That the above captioned case is scheduled for hearing on defendant’s motion to quash subpoena, on September 23, 2021.
2. That upon information and belief the defendant will be arguing that subpoenaed materials are privileged under 735 ILCS 5/8-803.
3. That upon information and belief the defense will again raise the issue of privilege during trial in this cause as to other testimony and exhibits.
4. That this Honorable Court has previously expressed its desire to see this case moved along in an expeditious manner.
5. That the best interests of judicial economy would be served if rather than conducting piecemeal litigation on the issue of privilege, this court were to conduct one pretrial hearing on the issue of clergy-penitent privilege and its application to the evidence that the People plan to offer at trial.

6. That an offer of pretrial diversion has been made and rejected in this cause and it appears that a bench trial date will need to be set as plea negotiations have failed.

WHEREFORE, the People suggest and request that this court conduct a pretrial hearing to completely resolve the issue of privilege and its application under 735 ILCS 5/8-803.

Respectfully submitted,

/s/ Ashur Y. Youash

ASHUR Y. YOUASH

Assistant State's Attorney

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