

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF WHITESIDE, STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS }
vs. } No. 2025 CF 57
KYLE M. COOPER, } Honorable James F. Heuerman,
Defendant. } Judge Presiding.
}

DEFENDANT'S SIXTH MOTION *IN LIMINE*:
LEAD HOMICIDE INVESTIGATOR NOT CERTIFIED AS REQUIRED BY LAW

The Defendant, Kyle M. Cooper, by and through his attorneys, The Mertes Law Firm, P.C., moves that the Court shall determine that Detective Autumn Day was not certified to act as a lead homicide/death investigator as required by law and contemplated by section 10.11 of the Illinois Police Training Act, during the dates of February 14, 2025 until February 28, 2025, and shall enter an Order *in Limine* allowing for the issuance of an adverse-inference jury instruction and/or imposing any such sanction that the Court determines to impose under the circumstances. In support of this Motion *in Limine*, the Defendant states as follows:

1. On February 18, 2025, the People of the State of Illinois filed an Amended Information charging the Defendant with one count of First Degree Murder and two counts of Aggravated Battery.
2. The charges stem from an incident that is alleged to have occurred on February 14, 2025.
3. During the time period from February 14, 2025 until February 28, 2025, and thereafter, Detective Autumn Day acted as the lead death and homicide investigator of this case.
4. During the time period from February 14, 2025 until February 28, 2025, Detective Day was not a law enforcement officer who had successfully completed an approved training program of the Illinois Law Enforcement Training Standards Board in death and homicide investigation. Detective Day did not successfully complete such a training program until February 28, 2025.

5. Under Illinois law, home rule units, such as the City of Rock Falls (City), derive their powers to impose local government and to regulate “public health, safety, morals and welfare” from Article VII, Section 6 of the Illinois Constitution. Ill. Const. 1970, art. VII, § 6.

6. In part, the City exercises its home rule powers through the establishment and sustainment of its police department.

7. The grant of governing power bestowed upon the City is not unlimited, however, as the Illinois General Assembly may limit those powers granted to home rule units and their arms of local government, evidenced by the following passage:

“ ‘The Illinois Constitution allows the State to retain the exclusive power to exercise any power or function of a home rule unit, other than the power to tax, or a home rule unit may exercise or perform a home rule power concurrently with the State unless the General Assembly specifically limits the concurrent exercise by the home rule unit. Article VII, section 6(h), states [t]he General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power. [Citation]. Article VII, section 6(i), provides that [h]ome rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive. [Citation]. Thus, the General Assembly may * * * preempt the exercise of a municipality's home rule powers by expressly limiting that authority. [Citation]. If the legislature intends to limit or deny the exercise of home rule powers, the statute must contain an express statement to that effect. [Citation]. In summary, the Illinois Constitution provides home rule units with the same powers as the sovereign, except when those powers are expressly limited by the General Assembly. [Citations].’ ” (Internal quotation marks omitted.) *In re Mathias H.*, 2019 IL App (1st) 182250 ¶ 27; see also *Palm v. 2800 Lake Shore Drive Condominium Association*, 2013 IL 110505.

8. An express limit to the power granted to home rule units exists within section 8 of the Illinois Police Training Act (Act), which states that “[a]ll home rule local governmental units shall comply with...any...mandatory provisions of this Act. This Act is a limitation on home rule powers under subsection (i) Section 6 of Article VII of the Illinois Constitution.” 50 ILCS 705/8 (West 2024).

9. Section 10.11 of the Act then sets forth the following mandatory provision:

“Training; death and homicide investigation. The Illinois Law Enforcement Training Standards Board shall conduct or approve a training program in death and homicide investigation for the training of law enforcement officers of local law enforcement agencies. Only law enforcement officers who successfully complete the training program may be assigned as lead investigators in death and homicide investigations. Satisfactory completion of the training program shall be evidenced by a certificate issued to the law enforcement officer by the Illinois Law Enforcement Training Standards Board.

10. Prior to the enactment of section 10.11 of the Act, the Chief House of Representatives Sponsor of the Bill, Representative Jim Sacia, described the statute as “common sense” and further stated that “[l]aw enforcement and the legal community to my knowledge are completely, solidly behind the legislation.” 96th Ill. Gen. Assem., House Proceedings, April 22, 2010, at 83-84 (statements of Representative Jim Sacia). Representative Sacia summarized that the bill “simply states that if a law enforcement officer is going to investigate a homicide, the lead investigator must be trained in homicide investigations.” *Id.* Representative Sacia argued that the proposed statutory requirement represented “very necessary legislation.” *Id.* The relevant portion of the Illinois House Transcript, 2010 Reg. Sess. No. 129, has been identified as Exhibit 1 to this Motion, and Exhibit 1 is attached and incorporated herein.

11. Indeed, due to the clear societal importance of homicide investigations, it makes good sense that only those law enforcement officers who have completed a training program in death and homicide investigation that has been approved by the Illinois Law Enforcement Training Standards Board may be assigned as a lead investigator in a death or homicide investigation. 50 ILCS 705/10.11 (West 2024).

12. Since Detective Day had not completed an approved training program of the Illinois Law Enforcement Training Standards Board in death and homicide investigation during the time period from February 14, 2025 until February 28, 2025, she was not empowered under Illinois law to act as lead investigator in relation to this case’s death and homicide investigation.

13. Detective Day therefore unlawfully exercised home rule power in derogation of the Act, resulting in the unlawful procurement of evidence in a violation of the Defendant’s Constitutional Rights.

14. When police conduct results in the violation of constitutional rights, evidence obtained as a result of the violation must be excluded at trial. *People v. McCauley*, 163 Ill. 2d 414, 448 (1994).

Wherefore, the Defendant moves that the Court shall determine that Rock Falls Police Detective Autumn Day was prohibited by law from acting as a lead death or homicide investigator from February 14, 2025, until February 28, 2025. The Defendant further moves that the Court shall enter an Order permitting the issuance of a jury instruction to be given before testimony is elicited from Detective Day, allowing an adverse inference to be attached to the results of her investigation, and/or imposing any such other restriction or sanction that the Court determines to be proper.

KYLE M. COOPER, Defendant

By: /s/ James W. Mertes
The Mertes Law Firm, P.C.
Mr. James W. Mertes, Esq.
Attorneys for Defendant

Certificate of Electronic Service

James W. Mertes, Attorney for the Defendant, certifies that he served the foregoing Defendant's Sixth Motion *in Limine*: Lead Homicide Investigator Not Certified as Required by Law, on May 2, 2025, by transmitting through an approved Electronic Service Provider and by e-mail to the following:

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STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

129th Legislative Day

4/22/2010

Clerk Mahoney: "Senate Bill 3491, a Bill for an Act concerning government. Third Reading."

Speaker Mautino: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 3491 is very commonsense legislation. It simply states that if a law enforcement officer is going to investigate a homicide, the lead investigator must be trained in homicide investigations. It has a institute date of... it must be instituted by January 1 of 2012 to give the next calendar year an opportunity to ensure that all officers that would be so involved will be trained. I would appreciate your support and I am prepared to answer questions."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3491. On that, the Gentleman from Cook, Representative Dunkin is seeking recognition."

Dunkin: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Dunkin: "Representative, just curious, at least according to my analysis, we have the, in your opponent section, we have the Illinois Law Enforcement Training and Standards Board against or as opponents of this legislation. Why is that?"

Sacia: "That... that's a huge, huge mistake, Sir. They're the driving force behind it."

Dunkin: "Okay. Well, I guess our analysis is... Are there any opponents... on this..."

Sacia: "There... there are no opponents. Law enforcement and the legal community to my knowledge are completely, solidly behind this legislation."

STATE OF ILLINOIS
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Dunkin: "So, how much will this cost us?"

Sacia: "There... in our analysis it says there could be a fiscal impact; it is not known at this time. As a practical matter from a former life, I know that trained law enforcement officers will go from one department to another and... and I suppose you could make an argument that while that police officer or special agent has left one agency and is training at another agency that there could be a cost involved, but I would say it would be very, very minimal. And I think this is, again, very necessary legislation."

Dunkin: "Sure. I don't... doubt that and I respect... certainly respect your... your experience in your previous life. Thank you."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3491. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Durkin, Feigenholtz, Mendoza, do you wish to be recorded? Mr. Clerk, take the record. 112 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 3491, having received the Constitutional Majority, is declared passed. Representative Flider, Senate Bill 3503. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3503, a Bill for an Act concerning criminal law. Third Reading."

Speaker Mautino: "Representative Flider."

Flider: "Yes. Thank you, Mr. Speaker, Ladies and Gentleman of the House. This legislation creates the new offense of bringing a popper into a penal institution. And this is an initiative of the Illinois Sheriffs' Association. I know of