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FILED

5-26-10
MAY 26 2010

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE JOAN H. LEFKOW
UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 v.)
)
 JON BURGE)

No.: 08 CR 846
Judge Joan Humphrey Lefkow

**MOTION TO QUASH SUBPOENA OR
TO ALLOW WITNESS TO CLAIM THE FIFTH AMENDMENT PRIVILEGE**

Now comes the subpoenaed witness, FRANK GLYNN, by his attorney, GEORGE E. BECKER and moves this Court to quash the subpoena of said witness based on his Fifth Amendment Right against self incrimination. In support of this motion the Movant states:

1. The Movant has received a subpoena to testify as a witness for Defendant Jon Burge in the above captioned case.
2. According to police reports the Movant was involved in the arrest of Shadeed Mumin and Stanley Howard, two cases involving Defendant Burge.
3. That Movant has previously given testimony to a grand jury under a grant of immunity.
4. On information and belief there are at least 2 government witnesses who have given testimony before a grand jury or in other related civil matters which conflicts with Movant's grand jury testimony.
5. That the statute of limitations on perjury or obstruction of justice is five years and Movant's sworn testimony is within said time period.
6. The Movant is a retired Chicago Police detective and submits that there is now a grand jury sitting which is hearing evidence on matters involving detectives who worked with and under Jon Burge in Area 2 in the 1970s and 1980s.

7. The Movant submits that he has a right to claim the Fifth Amendment privilege against self incrimination and not testify in this matter because his statements will make him vulnerable to prosecution. The Movant submits that he should be allowed to invoke the privilege and refuse to testify. Gleason v. Welborn, 42 F.3d 1107, 1109 (7th Cir.1994)

8. On information and belief the Movant submits that his prior grand jury testimony could be construed as materially false and he could be subject to both obstruction of justice and perjury charges.

9. In addition, Movant submits that he could be construed as joining a conspiracy to violate civil rights which included putting people in jail through police misconduct. A criminal conspiracy continues for statute of limitations purposes so long as any action is taken in furtherance of the conspiracy. Movant submits that assuming arguendo a conspiracy exists and he joined same, any deposition statement would continue the statute of limitation and subject him to potential prosecution.

Wherefore the subpoenaed witness, FRANK GLYNN, prays that this Court either quash his subpoena or in the alternative rule that he can claim the Fifth Amendment privilege against self incrimination and refuse to testify.

Respectfully submitted,



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NOTICE OF FILING

TO:

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PLEASE TAKE NOTICE that on May 26, 2010, I caused the attached **Motion to Quash Subpoenas or to Allow Witness to Claim the Fifth Amendment Privilege** to be filed under seal with the Clerk for the U.S. District Court for the Northern District of Illinois, Eastern Division.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing notice and any attached pleadings were hand delivered and directed to the addresses set forth above before 4:00 p.m. on May 26, 2010.

Respectfully submitted,



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