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

JERMAINE WILSON and)
DAMEON SANDERS,)
)
Plaintiffs,)
-vs-) No. 14-cv-08347
)
CITY OF EVANSTON,)
)
Defendant.)

The deposition of JERMAINE WILSON, taken for the purpose of discovery, before SILVANA R. TURANO, C.S.R., and Notary Public within and for the County of Cook and the State of Illinois, at 2100 Ridge Avenue, Evanston, Illinois, commencing on September 21, 2016, at the hour of 10:00 o'clock a.m.

[2]

1 PRESENT:

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LAW OFFICE OF KENNETH FLAXMAN,

4

BY: MR. KENNETH FLAXMAN

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200 South Michigan Avenue

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Suite 201

7

Chicago, Il 60604

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(312) 427-3200

9

10 Appeared on behalf of the Plaintiff;

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12

CITY OF EVANSTON - LAW DEPARTMENT,

13

BY: MR. HENRY J. FORD, JR.

14

2100 Ridge Avenue, 4th floor

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Evanston, Illinois 60201

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(847) 448-8091

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Appeared on behalf of the Defendant.

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WITNESS

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JERMAINE WILSON

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By Mr. Ford

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5 Deposition Exhibit No.

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7 Deposition Exhibit Number 1

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8 Deposition Exhibit Number 2

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9 Deposition Exhibit Number 3

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10 Deposition Exhibit Number 4

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[5]

1 (Whereupon the documents were
2 marked as Deposition Exhibit
3 Nos. 1 - 4
4 for identification as of
5 9-21-16.)

6 (Whereupon, the witness was
7 first duly sworn.)

8 MR. FORD: Let the record reflect that this
9 is the deposition of plaintiff, Jermaine Wilson in
10 the case of Wilson et al versus City of Evanston.

11 This deposition has been noticed up
12 pursuant to notice.

13 And can you state your full name for the
14 record, Mr. Wilson?

15 THE WITNESS: Jermaine Deshawn Wilson,
16 D-e-s-h-a-w-n.

17 MR. FORD: All right. Let me just go over
18 some ground rules so we can make this go by pretty
19 quickly, okay.

20 We have a court reporter here. You see
21 the court reporter here, Mr. Wilson?

22 THE WITNESS: Yes.

23 MR. FORD: Okay, so she is taking down
24 everything that I'm saying, everything that you're

[6]

1 saying, everything that your attorney may say
2 during this proceeding, you understand?

3 THE WITNESS: Yes.

4 MR. FORD: And you understand that you're
5 under oath, correct?

6 THE WITNESS: Right.

7 MR. FORD: Okay. I need all answers to be
8 verbal answers, okay?

9 THE WITNESS: Okay.

10 MR. FORD: All right. I need you to speak
11 up, okay?

12 THE WITNESS: Sure.

13 MR. FORD: So that we can hear you and that
14 way I can understand your answers and I'll do the
15 same so you can understand my question, okay?

16 THE WITNESS: Okay.

17 MR. FORD: If you do not understand any of my
18 questions please let me know, okay?

19 THE WITNESS: All right.

20 MR. FORD: And I will rephrase them for you,
21 all right?

22 THE WITNESS: All right.

23 MR. FORD: And it's understood or it's
24 assumed that if you answer my question you

[7]

1 understood it, is that fair?

2 THE WITNESS: Right.

3 MR. FORD: All right.

4

5 JERMAINE WILSON,

6 called as a witness herein, having been first duly

7 sworn, was examined upon oral interrogatories and

8 testified as follows:

9 EXAMINATION

10 By Mr. Ford:

11 Q So you've already given your full name.

12 Do you, Mr. Wilson, do you go by any

13 **aliases?**

14 A No.

15 Q Any nicknames?

16 A Lenny.

17 Q Lenny?

18 A Shoe Shine Lenny.

19 Q How long have you had that nickname, Shoe

20 **Shine Lenny?**

21 A 15 years.

22 Q 15 years. Have you been shining shoes

23 **for 15 years?**

24 A Yes.

1 Q All right. That's how you got the name
2 Shoe Shine Lenny?

3 A Right.

4 Q Give us your date of birth?

5 A [REDACTED].

6 Q All right. What is your social security
7 number?

8 A [REDACTED]-5074.

9 Q Okay. Where do you currently live?

10 A I be living at [REDACTED] Chicago Avenue.

11 Q Where is that, in Evanston?

12 A Yes.

13 Q Is that an apartment, is it a house, what
14 is it?

15 A It's a shelter basically.

16 Q Okay. How long have you been at that
17 shelter?

18 A Off and on every six months, nine days,
19 every year.

20 Q All right. You understand that you
21 previously lived at an address [REDACTED] Sherman
22 Avenue?

23 A Yes.

24 Q Okay. How long did you -- and that's in

1 **Evanston as well?**

2 A For a year there. Yes.

3 **Q Okay, so it's in Evanston, yes?**

4 A Yes. It's an apartment building.

5 **Q Apartment building for a year.**

6 So from when to when, to the best of your
7 **knowledge?**

8 A 2012 -- no, 2011 is middle of that to
9 like 2013.

10 **Q Okay. So after the address at [REDACTED]**
11 **Sherman did you immediately start living at [REDACTED]**
12 **Chicago, where did you live in between there?**

13 A In between there I moved with my aunty.
14 She stayed on 78th and Evans, that's
15 Chicago.

16 **Q What's your aunty's name?**

17 A Jessie, Jessie Benson.

18 **Q Benson?**

19 A Yes, Jessie.

20 **Q How long has Jessie Mae Benson been**
21 **living at that 78th address?**

22 A She doesn't live there now.

23 She moved out of town and that's what
24 brought me to [REDACTED] Chicago Avenue in Evanston.

[10]

1 Q In July, 2013 was your aunt Jessie Mae,
2 was she living in Chicago at the time?

3 A Yes, at that address.

4 Q And you said that address at 78th and
5 Evans?

6 A [REDACTED] South Evans.

7 Q Okay. In July, 2013 where were you
8 living?

9 Did you have a residence?

10 A [REDACTED] Sherman.

11 Q So one of the reasons why you're here is
12 based off of an arrest that took place in Evanston
13 on July 10, 2013, is that correct?

14 A Yes.

15 Q So at the time of that arrest in Evanston
16 you were living at [REDACTED] Sherman?

17 A Right.

18 Q Okay. In [REDACTED] Sherman did you live with
19 anyone there?

20 A My girl -- girlfriend.

21 Q What's your girlfriend's name?

22 A Sheri Thompson.

23 Q Thompson?

24 A Yes.

[11]

1 Q Does Sheri Thompson live with you now?

2 A No.

3 Q Is she still your girlfriend?

4 A No.

5 Q All right. Anyone else that you lived
6 with at [REDACTED] Sherman Avenue?

7 A No.

8 Q And at [REDACTED] Sherman Avenue you said that
9 was an apartment?

10 A Right.

11 Q Are you currently married?

12 A No.

13 Q Have you ever been married?

14 A No.

15 Q You were born in '73.

16 How old are you now.

17 A 43.

18 Q 43. Do you have any children?

19 A No.

20 Q Prior to living at the [REDACTED] Sherman
21 Avenue address in Evanston where did you live
22 before that time, to the best of your knowledge?

23 A [REDACTED] South Cottage Grove.

24 Q That's in Chicago?

[12]

1 A Right.

2 Q With whom did you live there with?

3 A My mother Vanessa Wilson.

4 Q Does your mother still live at that [REDACTED]
5 Cottage Avenue address?

6 A She's deceased.

7 Q Sorry to hear that.

8 When did she pass away?

9 A December 11 -- December 7, 2011.

10 Q December 7?

11 A 2011.

12 Q Got it. Any other address prior -- any
13 other residence prior to [REDACTED] South Cottage Grove?

14 A No.

15 Q How long did you live at that [REDACTED] South
16 Cottage Grove address?

17 A Quite a few years, about -- maybe about
18 two years.

19 Q Two years?

20 A Yes.

21 Q Okay. So what years give or take, to the
22 best of your knowledge?

23 A 2009 or 2010, something like that.

24 Q Okay. Did you go to high school?

[13]

1 A South Shore.

2 Q South Shore?

3 A Yes.

4 Q Did you graduate?

5 A I dropped out and got a GED.

6 Q What were the years you that you went to
7 South Shore?

8 A I can't remember right now.

9 Q When did you get your GED?

10 A I got in the penitentiary.

11 Q In the penitentiary?

12 A Yes.

13 Q Do you recall the year you received the
14 GED in the penitentiary?

15 A Like 2007 - 2008, something like that.

16 Q Where were you serving time in the
17 penitentiary? Where?

18 A Pinckneyville.

19 MR. FLAXMAN: P-i-n-c-k-n-e-y-v-i-l-l-e.

20 BY MR. FORD:

21 Q We'll get to that later.

22 Okay. Did you go to college at all?

23 Did you take any college courses?

24

1 BY THE WITNESS:

2 A No.

3 Q No. Did you go to like any sort of trade
4 schools, vocational schools --

5 A No.

6 Q -- like electrician, cooking, that sort
7 of thing?

8 A No.

9 Q No?

10 A No.

11 Q Have you ever been in the military?

12 A No.

13 Q Are you on any medications that -- are
14 you currently on any medication that may affect
15 your memory?

16 A No.

17 Q Let's go through briefly your work
18 history.

19 Are you currently employed?

20 A Yes.

21 Q Okay. What's your employment?

22 A Batova (phonetic), and it's a warehouse
23 called Sun Cast where they make all type of
24 cabinets and they make -- they build cabinets and

[15]

1 brooms and, you know, house -- I mean garden
2 utensils and things like that.

3 Q That's in Beethoven?

4 A Beethoven, Illinois.

5 Q Got you. When did you start working at
6 that warehouse?

7 A Seems like about the end of 2008.

8 Q And you currently work there now?

9 A No.

10 Q When did you stop working at the
11 warehouse that you just mentioned?

12 A I can't even remember that.

13 Q Do you know why you stopped working at
14 that warehouse?

15 A Yes, lack of transportation.

16 Q So the job that you had at this warehouse
17 in Beethoven, that's the last job that you've had?

18 A Yes.

19 Q Do you do any sort of self-employment,
20 odd jobs, that sort of thing?

21 A I'm Shoe Shine Lenny.

22 Q Okay. Where do you shoe shine -- well,
23 strike that. Let me rephrase that question.

24 So you work shining shoes, correct?

1 A Right.

2 Q Okay. You currently do that?

3 A Yes.

4 Q Okay, where do you do it? Where is your

5 --

6 A Well, Maple and Davis. Excuse me.

7 Maple and Davis at a shoe repair.

8 Q All right. How long have you worked at
9 that Maple and Davis shoe repair shop?

10 A That's been off and on any time I'm
11 there, that's when I make money.

12 Q Okay. When did you start working off and
13 on at the Maple and Davis shoe repair shop -- I'm
14 sorry, shoe repair shop?

15 A I can't remember. I can't remember
16 really.

17 Q How long have you been in Evanston?

18 A I've been here 25 years, about.

19 Q Has it been all the entire 25 years
20 you've been in Evanston that you've been shining
21 shoes?

22 A Yes, and Chicago too.

23 Q And the entire 25 years that you've been
24 in Evanston have you been working off and on at

1 that Davis shoe repair shop?

2 A Yes.

3 Q Okay. Well, the Davis shoe repair shop,
4 who do you report to there?

5 Is there anyone that owns the spot or --

6 A No. Both businessmen, business partners.

7 Q Who are the business partners?

8 A Paco. He owns the place basically.

9 Q Paco. You got a last name for him?

10 A No, I don't know all that.

11 Q So 25 years, you don't know Paco's last
12 name?

13 A I mean he's -- I mean no, I don't know
14 Spanish names like that.

15 Q Okay.

16 A I don't know.

17 Q Okay. Paco, that's a nickname or --

18 A No.

19 That's his real name. I don't know his
20 last name. Something else too but --

21 Q All right. Anyone else at that Davis
22 shoe repair shop other than Paco?

23 A No. No, that's it.

24 Q All right. So Maple and Davis, how much

[18]

1 do you charge for your shoe shines, does it kind
2 of change?

3 A \$7 depending on what we have to do to the
4 shoe.

5 If we have to cover the cuffs and things
6 like that, do the heels over, make sure the heel
7 is shined and everything.

8 Q On July 10th, 2013 were you working at
9 this Davis shoe repair shop?

10 A Uh-hum.

11 Q Is that a yes?

12 A Yes.

13 Q Okay. How much money -- you already told
14 me how much you would charge per shoe.

15 Did you get a paycheck? How were you
16 paid in 2013?

17 A Cash.

18 Q Cash. Was it every day, was it weekly,
19 was it biweekly?

20 A Every day.

21 Q And the July 10, 2013 time frame were you
22 working at this Davis shoe repair shop every day?

23 A Yes.

24 Q What sort of hours were you working

[19]

1 there, a few hours, one hour a day?

2 A I be there a full day, full day.

3 Q All right. What's a full day? What
4 time?

5 A From 7:00 to 4:45.

6 Q All right. Any other jobs that you
7 worked at -- well, were you working at this Sun
8 Cast Cabinet warehouse --

9 A Uh-hum.

10 Q Hold on, Sun Cast Cabinets warehouse on
11 July 10, 2013?

12 A No.

13 Q No?

14 A No.

15 Q Let's start from -- so you told me about
16 Sun Cast in 2008 till you don't remember the time
17 you stopped working, correct?

18 A No. Uh-uh.

19 MR. FLAXMAN: You have to say yes or no.

20 BY THE WITNESS:

21 A No, no, no, no, no.

22 MR. FORD: Yes, you need to be verbally.

23 Q Okay, so what employment did you have
24 other than shining shoes before the warehouse for

1 **Sun Cast warehouse?**

2 A I can't even remember. I can't remember.
3 I can't.

4 Q Okay. What sort of jobs do you recall
5 doing in your life time other than shining shoes
6 and working at the warehouse?

7 A Car wash, that's about it.

8 Q Okay. When did you work at a car wash?

9 A Detail, detail. I used to work for Carl
10 Honda Grossman in Chicago on -- what's that, 6600
11 West -- I forgot. He did details cars there.

12 Q What date, do you recall, for that?

13 A That was way back when -- oh, '04 - '05,
14 something like that.

15 Q Okay. Did you receive like any sort of
16 disability benefits in July, 2013?

17 A No.

18 Q Were you on public aid in July of 2013?

19 A No.

20 Q Why did you stop working at the car
21 wash -- or detailing cars, I'm sorry.

22 A They went out of business. They went out
23 of business.

24 Q Okay. Have you ever been a party to a

1 lawsuit, civil lawsuit, not a criminal case, other
2 than this case here today?

3 A Yes.

4 Q Okay. What civil lawsuit have you been
5 involved in other than today's case?

6 A A lock-out case.

7 Q Lock-out case?

8 A Yes.

9 Q Okay. Can you tell us what about the
10 lock-out?

11 Were you a plaintiff in the lock-out
12 case?

13 A Yes.

14 Q Do you recall the attorney that
15 represented you in that lock-out case?

16 A Yes.

17 Q What's the name of the attorney?

18 A John Mount.

19 Q John who?

20 A John Mount.

21 Q Mount?

22 A Yes.

23 Q And for the lock-out case, who did you
24 sue?

[22]

1 Did you sue the County of Correction or
2 the County?

3 A No. Apartment building where my mother
4 was staying.

5 Q That's the 7701 South Cottage Grove
6 address?

7 A Yes. Yes.

8 MR. FLAXMAN: Don't be sneezing on us here.

9 BY MR. FORD:

10 Q All right. What happened with that case?
11 Was it settled?

12 BY THE WITNESS:

13 A Yes, they settled it for a thousand
14 dollars.

15 Q When did that case take place, to the
16 best of your knowledge?

17 A I can't remember.

18 Q You said your mom passed away in 2011,
19 right?

20 A Yes.

21 Q Well, you mom passed away in 2011,
22 correct, yes or no?

23 A Right.

24 Q Okay. And the lock-out lawsuit involved

1 the apartment building at [REDACTED] South Cottage
2 Grove?

3 A Right.

4 Q Okay. So it would have to be sometime
5 prior to 2011?

6 A I can't remember exactly, sir, to be --
7 I'm trying to be exact with you.

8 Q Okay. Did you ever have to testify in
9 court in that case, the lock-out case?

10 A No.

11 Q Did you ever give a deposition in the
12 lock-out case?

13 A No.

14 Q Were there any other persons that were
15 let's say a plaintiff, same party as you in that
16 lawsuit?

17 A No.

18 Q Do you recall what court that this lock-
19 out case took place?

20 A The Daley Center.

21 Q Okay. Any other civil lawsuits that
22 you've been a part of?

23 A No.

24 Q Okay. What about have you filed like any

1 sort of administrative complaints, filed
2 complaints against police officer charges, that
3 sort of thing?

4 A No.

5 Q No?

6 A If I did I don't remember.

7 Q Okay. Have you ever filed for
8 bankruptcy?

9 A No.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED].

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q What's your understanding of the
18 circumstances of why you were arrested on July 10,
19 2013?

20 A Yes.

21 Q Tell me why you were arrested, based on
22 your knowledge?

23 A Oh, intoxicated, drinking.

24 Q Anything else?

1 A No. That's what I was arrested for.

2 Q Do you remember what happened that night,
3 that morning of your arrest?

4 A No.

5 I just woke up in jail the next day
6 waiting to go to court.

7 Q Do you recall what police officer
8 arrested you on July 10, 2013?

9 A Uh-hum.

10 Q Is that a yes or no?

11 You have to give a verbal response, I'm
12 sorry.

13 A Well, like I'm saying, I was intoxicated
14 that day so I really can't remember.

15 I just woke up in jail. I didn't really
16 know why I was even in there.

17 Q Okay. Do you recall when you were
18 arrested on July 10, 2013 what personal property
19 you had on you when the police department arrested
20 you, the Evanston police department arrested you?

21 A I remember what I left out of the house
22 that day. I remember what I had --

23 Q What did you leave?

24 A -- that I don't have now.

1 Q Okay, so tell me the things that you left
2 out of the house with that you no longer have now?

3 Well, how many things had you left out of
4 the house with on July 10, 2013 that you no longer
5 had after the arrest?

6 A Oh, you know what, I meant to tell about
7 another job that I had when I was doing the
8 building maintenance, when I was -- when I had all
9 my keys.

10 Q Okay.

11 A I never received my keys. I never
12 received my clothes. I never received my cell
13 phone. I never received my rings.

14 I never received anything.

15 Q Okay. We're going to go through that.

16 A Right.

17 Q Wait.

18 A I got to go back, back about the job site
19 as --

20 Q I'll ask the questions.

21 MR. FLAXMAN: Okay, you can ask the questions
22 but please don't interrupt him when he's helping
23 you --

24 MR. FORD: No problem.

1 MR. FLAXMAN: -- when he's helping you
2 understand.

3 MR. FORD: Okay, no problem. Let me clarify.

4 Q You mentioned a janitorial job that you
5 had some keys, right?

6 BY THE WITNESS:

7 A Right.

8 Q Okay, where was that janitorial job?

9 A This was south side, 71st and Euclid.
10 It's an apartment building that I had
11 keys to.

12 And matter of fact that was around the
13 time -- July 10th, 2013 too. I had that job.

14 Q Okay.

15 A That was the job I had every Saturday.

16 I had to go clean all the hallway, vacuum
17 the rugs, wipe the walls, clean the glasses, and
18 I'd go to the back stairs and sweep all the trash
19 and stuff down.

20 Q Okay.

21 A Yes. I forgot about that job, yes.

22 Them keys, that's the reason why I lost
23 that job because I never did get none of my
24 property back from Cook County or Evanston, these

1 keys.

2 Q Anything else regarding the janitorial
3 job and property regarding the janitorial job that
4 you want to add?

5 A I mean I lost everything.

6 They didn't give me nothing back, man.

7 I wound up with somebody else's clothes
8 on me.

9 Q I'm going to get into all that, what your
10 understanding of all that is. I'm going to get
11 there. I'm going to get there.

12 A All right.

13 Q So for the 71st and Euclid janitorial
14 job --

15 A Yes.

16 Q -- when did you start that job?

17 You said you lost it because of losing
18 the keys?

19 A I was working for Carl's Construction
20 Company.

21 Q When did you start working for that
22 construction company?

23 A I don't know. It's a family business.

24 In other words my sister's husband's

1 business.

2 Q Okay. My question is when did you start
3 working for them?

4 A I can't remember, sir.

5 It's been off and on. I can't give you
6 exact date.

7 MR. FLAXMAN: Just answer the question.

8 BY MR. FORD:

9 Q All right. Let's do this.

10 I'm handing you what's been marked as
11 Defendant's Exhibit Number 1.

12 Mr. Wilson, take a look at that document.

13 BY THE WITNESS:

14 A Right here?

15 Q Just take a look at the entire document
16 and I'll ask you a question about it.

17 Have you ever seen this document before?

18 A I don't know.

19 Q You don't know?

20 A No.

21 Q If I represent to you that this is the
22 current lawsuit that's pending in the court
23 between you and the City of Evanston, okay?

24 A Right.

1 Q All right. So go to Page 4.

2 A Okay.

3 Q All right. Paragraph 15, do you see
4 that, number 15?

5 A Right.

6 Q All right. And you see that statement
7 there in paragraph 15?

8 A Yes.

9 Q All right. Says Plaintiff, Jermaine
10 Wilson was that plaintiff. Jermaine Wilson was
11 arrested by the members of the Evanston, Illinois
12 police department on or about July 10th, 2013 and
13 transferred to the custody of the sheriff of Cook
14 County?

15 A Yes.

16 Q Do you see that?

17 A Yes.

18 Q And you agree with that statement,
19 correct?

20 A Yes.

21 Q And going down to Paragraph 16, do you
22 see Paragraph 16?

23 A Yes.

24 Q And it states -- well, why don't you read

1 it. Read it out loud.

2 A Okay, says at the time of his arrest,
3 Wilson was in lawful possession of a wallet, a
4 cell phone, a belt and a backpack.

5 This property was inventoried and
6 retained by the City.

7 Q Okay. And you agree with that statement
8 there, correct?

9 A Right.

10 Q That's what -- that's the wallet, cell
11 phone, belt and backpack are things that you had
12 in your possession, correct?

13 A Right.

14 Q Let's put that to the side.

15 A I'm trying --

16 MR. FLAXMAN: Wait for a question.

17 MR. FORD: I'm going to ask you a question,
18 okay.

19 Q So you had property collected by the City
20 of Evanston on the July 10, 2013 arrest, right?

21 BY THE WITNESS:

22 A Right.

23 Q You identified some of them based on the
24 complaint that you just --

[32]

1 A Right. But there's more stuff than that.

2 Q Well, okay, we'll get into that.

3 All right. I'm handing to you what has
4 been premarked as Defendant's Exhibit Number 3.

5 Take a look at the document and let me
6 know when you're ready.

7 A Okay, see they never --

8 MR. FLAXMAN: Wait for the question.

9 He's good at asking questions.

10 BY MR. FORD:

11 Q Okay. Now Mr. Wilson, this is a document
12 that I represent -- well, what is this document?

13 BY THE WITNESS:

14 A This is my property slip here.

15 Q Okay. And you recall receiving this
16 property slip when you were arrested on or about
17 July 10, 2013?

18 A Right.

19 Q Okay. Now you see that there's certain
20 check marks or X marks --

21 A Right.

22 Q -- and brackets on that document?

23 A Yes.

24 Q Okay. Does this accurately reflect the

1 property that you had in your possession to the
2 best of your recollection on July 10th, 2013?

3 A Yes.

4 Q Okay. Do you see your signature anywhere
5 on this document?

6 A Yes, right there where the police put the
7 X there and circled and told me what to sign.

8 That's where they say I was supposed to
9 sign.

10 Q And you signed in that location?

11 A I signed exactly where they said sign by
12 the X.

13 Q Is there anything in the section up
14 there, Notification Regarding Your Property, do
15 you see that section?

16 A Yes.

17 Q Okay. And you see owner's
18 acknowledgement in bold underneath?

19 Says I have read this notice and
20 understand I must retrieve my belongings --

21 A Right.

22 Q -- by a blank date?

23 A Yes.

24 Q Okay. Your signature is not in that

1 **section, correct?**

2 A No.

3 **Q Okay. Do you recall any reason why you**
4 **did not identify --**

5 MR. FLAXMAN: Why don't you ask that question
6 so it's clear.

7 THE WITNESS: No. I don't understand --

8 MR. FLAXMAN: Wait. He's going to reask the
9 question so it's understandable.

10 Did you sign that or is your signature
11 there?

12 BY THE WITNESS:

13 A My signature is signed where the X is,
14 where the police signed and put the X in and
15 circled it that's where my name is, the signature.

16 BY MR. FORD:

17 **Q Okay. So you did not sign the**
18 **notification regarding your property?**

19 A I don't know what you're talking about
20 here.

21 MR. FLAXMAN: He's asking you did you sign
22 there where it's blank where --

23 THE WITNESS: They didn't told me -- they
24 told me to sign right there where the X there.

1 BY MR. FORD:

2 Q And you see beneath where it says officer
3 receiving property and there's a notation there
4 and it looks like a signature?

5 BY THE WITNESS:

6 A Yes. Yes, I don't whose signature --

7 Q And we're talking about the area that
8 says sign with a blank line above that area that
9 says officer receiving property, understood?

10 A Yes.

11 Q Okay. Can we put that off to the side
12 and come back to it later.

13 All right. So we know the wallet, the
14 backpack, cell phone, the keys, two wedding rings,
15 a hat, two shoe laces, okay.

16 A Another Cub's hat like the same one that
17 I got on.

18 Q Okay. So the wallet, okay, let's take it
19 item by item.

20 All right. The wallet that you had in
21 your possession at the time of the July 10, 2013
22 arrest, do you know what type of wallet it was?

23 A Yes.

24 Q Okay. Tell me what was it? What type of

1 wallet was it?

2 A There's just a regular, casual wallet,
3 leather.

4 Q Well, the wallet, when did you purchase
5 that wallet, to the best of your knowledge?

6 A I don't know.

7 Q Do you know what brand it was?

8 A No.

9 Q Did you receive the wallet as a gift from
10 someone?

11 A I can't remember.

12 Q Do you know how long you had that wallet
13 in your possession?

14 A Can't remember.

15 Just those are things I just don't keep
16 focus every day, how long that I had this or
17 whatever, you know. I don't --

18 Q Do you have like any documents, any
19 receipts, invoices, anything showing when you
20 purchased the wallet, how much the wallet cost?

21 A No, I don't remember.

22 Q You don't remember?

23 A No.

24 Q Okay. And you don't know how much the

[37]

1 wallet is worth or how much you value the wallet
2 to be?

3 A No, I don't remember.

4 Q You don't remember.

5 So at one time you remembered what the
6 value was?

7 A I don't remember, man, I just don't.

8 Q The cell phone, what type of cell phone?

9 A A Samsung T-mobile.

10 Q Did you obtain or purchase that Samsung
11 T-mobile phone?

12 A I don't remember. I had it for a few --
13 quite a few years.

14 Q Was it a prepay phone? Was it a phone
15 you were paying?

16 A No, I pay a monthly bill on it.

17 Q You get paper monthly bills?

18 A What?

19 Q How do you get your monthly bills, in
20 paper form in the mail, do you go on line, what do
21 you do?

22 A No. I go to the T-mobile store and pay
23 them.

24 Q Okay. You go to the T-mobile store,

1 where, the one in Evanston?

2 A Yes.

3 Q Do you still use T-mobile as a provider?

4 A No.

5 Q No?

6 A Metra. No, Metra PTF now not then --

7 Q Got you. The Samsung T-mobile phone that
8 you had in your possession on the day of the
9 arrest in this lawsuit, you don't have any sort of
10 documents showing how much you paid to purchase
11 that phone?

12 A No, I don't. I have none of those
13 documents, man.

14 Q No receipts, no invoices, no credit card
15 statements, nothing?

16 A Lost everything.

17 Q I hand you what's been marked as
18 Defendant's Exhibit Number 2.

19 Take a look at that document.

20 A All right.

21 Q Mr. Wilson, you've seen Defendant's
22 Exhibit Number 2 before, correct?

23 Plaintiff's interrogatory answers?

24 A Wait. Show me what you're talking about.

[39]

1 Q You've seen this entire document before?

2 A Yes.

3 Q Okay. And on Page 5 of this document
4 there's your signature, correct?

5 A That's my signature.

6 Q Okay. So you've seen this document
7 before, correct?

8 A Yes.

9 Q Okay. Now, my understanding based on
10 going to Page 2 -- go to Page 2, please.

11 All right. Looking at Number 3.

12 A Yes.

13 Q That you identify the actual damages and
14 you see the response there where you identify a
15 phone, correct?

16 MR. FLAXMAN: Here.

17 MR. FORD: You can take your time and read
18 it.

19 BY THE WITNESS:

20 A Oh, okay. Okay. Yes, it says phone.

21 BY MR. FORD:

22 Q Now, can you identify that?

23 What do you identify the replacement
24 value of this phone?

1 A Yes, \$200.

2 Q How did you come to that \$200 value for
3 the replacement of the phone?

4 A That's what the phone cost.

5 Q Okay. Now, other than your recollection
6 what documents do you have to show that the phone
7 is worth \$200?

8 A I have no documents now.

9 That's been past -- all that stuff has
10 been gone away and sat out and, you know, I lost
11 everything.

12 Q Okay, Samsung T-mobile phone. Samsung
13 makes many types of phones, right?

14 A Yes.

15 Q Do you recall what type of Samsung phone
16 it was?

17 A It was an Android Dart.

18 Q Do you know how long you had it? How
19 long you owned that Samsung Android Dart?

20 A Oh, it's been -- I really can't answer
21 the question because I can't remember. But I had
22 it for a nice, long time. Basically when they
23 first come out with the phone.

24 Q A nice long time, is that, to the best of

1 your recollection, more than three years, less
2 than three years?

3 A About that yes. About that, about three.

4 Q Okay. The rings, the wedding rings, my
5 understanding that you had some rings in your
6 possession when you were arrested on July 10th,
7 2013. That's the ring?

8 A This is one of them.

9 Q Okay.

10 A One of them.

11 I had another chrome ring.

12 Q Okay, so let the record reflect that
13 plaintiff Jermaine Wilson is showing me his left
14 hand --

15 A Right.

16 Q And I'll just take a photo of it, of the
17 rings that he had in his possession.

18 A This is what the ring looked like.

19 Q All right. Wait a minute. Give me one
20 second.

21 So one of the rings that you had in your
22 possession is a ring that's currently with the
23 diamonds on your left hand?

24 A Right.

1 Q Okay. Now the other ring that was in
2 your possession, what type of ring --

3 A Same, same ring, same ring.

4 Q Okay.

5 A It's not the same. The same kind but
6 it's not the same ring.

7 Q Okay. Describe the ring to me?

8 When did you first purchase or receive
9 that ring?

10 A It was a gift.

11 Q Who gave it to you?

12 A A gift from my aunty.

13 Q Which aunty?

14 A Jessie Benson.

15 Q When did you receive the other gift?

16 A Been about -- quite a few years.

17 Q Okay, I'm looking at the time frame of
18 July 10, 2013, so how many years did you own it,
19 from that date going --

20 A It's been -- it's been awhile.

21 Q Okay. One year, two years, three years,
22 four years, five years, to the best of your --

23 A I mean to be exact I can't be exact and
24 give, you know, a number so I can tell you I just

1 don't remember.

2 Q Okay. So you received it as a what, type
3 of gift, a Christmas gift, birthday gift was it?

4 A A birthday gift.

5 But I didn't get it July the 10th, 2013.

6 Q Your aunt Jessie Benson, is she still
7 alive?

8 A Yes, she is.

9 Q Where does she live right now?

10 A She stays at [REDACTED] and Princeton Park.
11 That's south, south of 95th where you get off the
12 triangle, walk down.

13 Q In Chicago?

14 A Yes.

15 Q All right. So kind of give me, [REDACTED],
16 is that the address?

17 A On, the door it has -- she stays on 94th
18 Street, 94th Place, [REDACTED] 94th Street.

19 Q So Miss Benson, since she's the one that
20 gave it to you --

21 A Yes.

22 Q -- would most likely know how much she
23 paid for that ring, correct?

24 A Yes.

1 Q To the best of your knowledge?

2 A A thousand dollars.

3 Q How do you know that it's a thousand
4 dollars?

5 A Because she showed it to me.

6 Q What did she show you?

7 A She -- she knows that's what she told me.

8 Q You said she showed it to you, what is
9 it --

10 A No, she didn't show me. She told me.

11 Q She told you. When did she tell you it
12 was a thousand dollars.

13 A That's what she said.

14 Q Okay, my question is when --

15 A I don't know when, I don't know where, I
16 don't know nothing.

17 I just said that's what she said.

18 Q Okay. And you don't recall the date that
19 she told you that?

20 A No.

21 Q Okay. Did you ask her how much it was
22 worth and because of this lawsuit?

23 A Yes. Yes.

24 Q So you recently asked her how much the

1 rings were?

2 A Right.

3 Q Okay. How did this conversation take
4 place?

5 A I don't know.

6 Q Well, you just mentioned a conversation.
7 You don't know how -- was it face-to-face, was it
8 over the phone?

9 A No. It was face-to-face, whatever,
10 whatever. I don't know.

11 Q Evanston, Chicago, where?

12 A No, it was Chicago.

13 Q Does anyone else live with your aunt
14 Jessie Benson?

15 A Her husband.

16 Q Who's her husband? What's his name?

17 A Albert Benson.

18 Q Anyone else reside with Miss Benson other
19 than Albert?

20 A No.

21 Q All right. You also had a backpack with
22 you?

23 A Yes.

24 Q Okay. Now, the backpack, do you recall

1 what type of backpack it was, what brand?

2 A Yes.

3 Q What was the backpack brand?

4 You can take this away. Thank you.

5 A It was Aosis.

6 Q What?

7 A Aosis backpack.

8 Q Can you spell it? Can you spell it to
9 the best of your knowledge?

10 A Let me see. A-o-s-i-s, something like
11 that.

12 Q When did you obtain that backpack?

13 A I don't know, man.

14 Q Did you receive that backpack as a gift?

15 A No.

16 Q Okay, so you purchased, you personally --

17 A Right.

18 Q -- bought that backpack?

19 A Right. But I don't know when and how
20 long it's been, none of that.

21 Q Okay. Do you know what store you
22 purchased the backpack from?

23 A No, I can't remember.

24 Q Do you know how much you paid for the

1 **backpack?**

2 A Can't remember.

3 Q You don't have any documents or receipts,
4 any sort of paper sort of material showing how
5 much the backpack was purchased for?

6 A No.

7 Q What sort of stuff did you have in the
8 backpack?

9 A I had a lot of gear, shoe shine --
10 basically the shop --

11 Q When you say a lot of gear what sort of
12 gear?

13 A Dye, sprays, brushes, polishes, all types
14 of stuff, man, for shoes, glues, everything.

15 Q How did you obtain that, the shoe shine
16 gear?

17 A One can of polish, one can of polish,
18 then the next can of polish and then the next can
19 of polish and the next can. And it builds up.

20 Q Okay, where did you buy your cans of shoe
21 polish?

22 A Oh, I get them at the shoe store.

23 Q What shoe store?

24 A Jim Shoe store or I can get it free at

1 the store where I'm at.

2 Q Jim Shoe store?

3 A Yes.

4 Q Can you spell that?

5 A Jim Shoe repair. It's on Chicago Avenue
6 before you get to Dempster. Jim.

7 Q Jim's like the name, J-i-m --

8 A Right.

9 Q Some of the items that you buy from Jim
10 Shoe repair?

11 A Yes.

12 Q And some items you get free from the
13 Davis Shoe repair shop?

14 A Yes.

15 Q Do you agree that some of the items in
16 your backpack, shoe shine materials, some of those
17 were free items you received?

18 A Yes. Yes.

19 Q Do you have any receipts or any other
20 documents showing how you much you paid for the
21 materials --

22 A No.

23 Q Wait, let me finish the question.

24 MR. FLAXMAN: Let him finish.

1 BY MR. FORD:

2 Q -- for the materials purchased from Jim's
3 Shoe repair?

4 BY THE WITNESS:

5 A No.

6 Q And based on your interrogatory response
7 you place a replacement value of the shoe shine
8 and backpack of \$200, is that correct?

9 A Exactly.

10 Q But you don't have any documents showing
11 proof of that amount, correct?

12 A No.

13 Q Okay.

14 MR. FLAXMAN: Do you want to take a break to
15 go to the washroom?

16 MR. FORD: Do you need a break?

17 THE WITNESS: Yes, I need to check my bike.
18 I ain't got no lock on it.

19 MR. FLAXMAN: We're taking a break.

20 MR. FORD: We'll take a break, yes.

21 (WHEREUPON, there was a short
22 break.)

23 MR. FORD: Back on the record.

24 Q Mr. Wilson, let me just go back to some

1 of the items that you had in your possession when
2 you were arrested by the City of Evanston on July
3 10, 2013.

4 So going back to the two wedding rings,
5 the two wedding rings you had in your possession
6 --

7 BY THE WITNESS:

8 A Yes.

9 Q -- you identified and we took a photo of
10 a ring on your left ring finger?

11 A Right.

12 Q Is that correct?

13 A Yes.

14 Q Okay. Now, the ring that you are
15 claiming that you never received back to you --

16 A Right.

17 Q -- is it the same exact -- is it the same
18 exact style and look of the ring that's currently
19 on your left ring finger, the diamond ring?

20 A Yes. Yes.

21 Q So it was two of the same exact rings?

22 A Right.

23 Q Now, and both of those rings you received
24 them from your aunt Jessie Benson?

1 A Yes.

2 Q Okay. When she told you that the ring
3 was worth a thousand dollars, was she mentioning
4 both of the rings or one of the rings or you don't
5 know?

6 A Both of them, this one too.

7 Q Okay. So a thousand dollars each?

8 A Yes.

9 I wanted to state one thing too --

10 Q Go ahead.

11 A Far as the shoe shine equipment, I mean
12 it was free but I had to work for it.

13 So it's like it really wasn't free. I
14 didn't pay no cash, some of them I paid cash and
15 some of them I didn't.

16 Q Okay. So my understanding is that for
17 the shoe shine gear you paid no cash for it?

18 A Well, I had to do some work for my man
19 and the appliance that I used he let me have them.

20 Q So Paco let you do work and he let you
21 keep the supplies?

22 A Right, and paid me.

23 I mean I still free-lancing and make
24 money on the side which I have customers, clients

1 too. They either come there or I go to them.

2 Q Now the shoe shine equipment, you got
3 polish, you got rags --

4 A Right.

5 Q -- spray?

6 A Spray, brushes.

7 Q -- the sole -- hold on, the sole, the
8 repair sort of stuff?

9 A The glue, yes.

10 Q Anything else?

11 A No.

12 Q Now another item that had you said you
13 had in your possession which you did not
14 receive -- well, you got a hat with you, correct?

15 A That's irrelevant. I ain't worried about
16 it.

17 Q Okay. What type of hat was it though?

18 A A Cub's hat. The same thing as this one.

19 Q You got it backward. You've got to turn
20 it forward.

21 All right. If you don't mind me taking a
22 picture of the hat though. You're not claiming
23 any sort of value of that.

24 Got it.

[53]

1 A I mean you can get a hat like this for
2 about 20 bucks, man.

3 MR. FLAXMAN: Wait for a question.

4 BY MR. FORD:

5 Q All right. Now, after you're arrested
6 from the Evanston police department you were
7 transferred over --

8 BY THE WITNESS:

9 A To Cook County --

10 MR. FLAXMAN: Let him finish.

11 BY MR. FORD:

12 Q You were transferred over to Cook County,
13 correct?

14 A Yes.

15 Q For a bond hearing, correct?

16 A Yes.

17 Q Okay. Do you remember what items of your
18 personal property was transported with you from
19 the Evanston police department to Cook County to
20 your bond hearing, to the best of your
21 recollection?

22 A My clothes and my wallet and my shoe
23 laces, yes.

24 That's what I had, everything, everything

1 else was inventoried.

2 Q Clothes, wallet, shoe laces, yes?

3 A Yes.

4 Q Okay. What about your keys?

5 A And my keys, yes.

6 Q Your keys transported with you to County?

7 A Yes.

8 Q Okay. Then at your bond hearing, were
9 you represented by an attorney at the bond
10 hearing?

11 A Yes.

12 Q Okay. Do you recall how much your bond
13 was for the Evanston arrest of July 10th, 2013
14 arrest?

15 A No.

16 Q Did you post bond?

17 A No.

18 Q The bond hearing attorney that you had,
19 did you have any conversations with him concerning
20 your property that was retained by the City of
21 Evanston?

22 MR. FLAXMAN: Objection, that's
23 attorney/client communication if there was such.

24

1 BY MR. FORD:

2 Q Okay, do you recall mentioning to the
3 court that you had personal property still at the
4 City of Evanston?

5 MR. FLAXMAN: My objection is that, which he
6 can answer, is that that question assumes that
7 people represented by counsel are permitted to
8 address the court, but you can answer the
9 question.

10 BY THE WITNESS:

11 A No.

12 BY MR. FORD:

13 Q Do you recall your attorney ever making a
14 request to the court to release to the City of
15 Evanston, release your personal property --

16 A No.

17 Q -- at the bond hearing?

18 A No. Wasn't no --

19 MR. FLAXMAN: Just answer the question.

20 BY MR. FORD:

21 Q No?

22 BY THE WITNESS:

23 A No.

24 Q Okay. So you did not post bond.

[56]

1 Where did you go to after failing to post
2 bond?

3 A 26th and California.

4 Q At 26th and California what took place
5 there?

6 MR. FLAXMAN: Objection.

7 MR. FORD: I'll rephrase that. Sorry.

8 Q Were you then, after your bond hearing,
9 were you then released to the custody of the
10 sheriff of Cook County?

11 BY THE WITNESS:

12 A Yes.

13 Q Okay. Did you have to stay at the Cook
14 County Department of Correction?

15 A Yes.

16 Q Okay. Where did you stay at the Cook
17 County Department of Correction?

18 A Division 2.

19 Q Division 2?

20 MR. FLAXMAN: You're answering a little bit
21 too quickly.

22 Let him finish it first.

23 BY MR. FORD:

24 Q Okay. During the criminal case against

[57]

1 you in connection with the Evanston arrest on July
2 10th, 2013 you had an attorney representing you
3 for some time, right?

4 A Yes.

5 Q Okay. And then at some point in time
6 during the criminal case against you in connection
7 to the July 10th, 2013 Evanston arrest you were
8 representing yourself in court, correct?

9 A Yes.

10 Q Do you recall how long you stayed in the
11 custody of the Cook County Department of
12 Correction in relationship to the July 10, 2013
13 Evanston arrest?

14 A A year and a half.

15 Q Were you ever released out on bond during
16 that time period?

17 A No.

18 Q During your stay at Cook County
19 Department of Correction in connection to the July
20 10, 2013 arrest in this case, did you have access
21 to a telephone and make a telephone call?

22 A No.

23 Q Were you able to communicate with any
24 family or your girlfriend at the time?

1 A No.

2 Q You were able to write letters, correct?

3 A Yes.

4 Q While you were in custody of the Cook
5 County for the criminal case in relation to the
6 July 10, 2013 arrest did you work with any sort of
7 social workers at County during that time?

8 A Yes.

9 Q What did you work with the social
10 workers, what were the reasons you worked with the
11 social workers?

12 A To write-outs, maybe personal hygiene.

13 Q When you say write-out, what's that?

14 A Like they give you a write-out when you
15 write a letter.

16 Q So it's like an example for you to how to
17 write a letter?

18 A No. They give you an envelope and a
19 piece of paper that you write it out and you just
20 send it out --

21 MR. FLAXMAN: One at a time.

22 BY MR. FORD:

23 Q Okay. Any other things that you worked
24 with the social workers at County for during your

1 stay in connection to the July 10th, 2013 arrest?

2 A No.

3 Q Did you work with any social workers in
4 an attempt to retrieve your personal property that
5 was held by the City of Evanston police
6 department?

7 A No. I just got a write-out.

8 Q Okay. The write-out that you received
9 from the social workers, what did you use the
10 write-out for?

11 A I wrote Evanston concerning my property.

12 Q Okay. So from the date of your bond
13 hearing to the date that you wrote the City of
14 Evanston you were in the custody of the Cook
15 County Department of Correction?

16 A Yes.

17 Q Okay. And I hand you what's been marked
18 as Defendant's Exhibit Number 4.

19 Mr. Wilson, do you see this document?

20 A Yes.

21 Q What is it?

22 A This is a -- this thing I wrote them a
23 letter and they sent me this back.

24 Q Okay. So you were personally seeing the

1 letter that's on Exhibit 4, correct?

2 A Yes.

3 Q And you saw that when you were in the
4 custody of Cook County, correct?

5 A Yes.

6 Q Okay. And when you reference a write-
7 out, was this Exhibit 4 in relationship to the
8 write-out that you were talking about?

9 A Yes.

10 Q Okay. So from the time of your bond
11 hearing on some date after July 10, 2013 through
12 February 13, 2014 -- strike that. Let me strike
13 that question.

14 The property receipt, the property
15 receipt that we had, Exhibit Number 3 when you
16 went to County --

17 A Yes.

18 Q -- okay, where was this property sheet?

19 Did you have it in your possession?

20 A I had it but it got torn up what
21 happened. That's why I had made a request for
22 another one.

23 Q So you had Exhibit Number 3 in your
24 possession while you were at County, correct?

1 A Right.

2 Q Okay. You then sent out a FOIA request
3 to the City of Evanston sometime in February of
4 2014 --

5 A Right.

6 Q -- that the response is identified in
7 Exhibit Number 4, correct?

8 A Yes.

9 Q Let me go back. So the Exhibit Number 3
10 that you had in your possession at County got torn
11 up some time --

12 A Yes.

13 Q -- on or before February, 2014?

14 A Yes.

15 MR. FLAXMAN: Wait.

16 MR. FORD: Let me rephrase the question for
17 the clarity of the record.

18 Q On or before February 2014, sometime
19 before February 2014 Defendant's Exhibit Number 3,
20 the property receipt that you had in your
21 possession at County got torn up?

22 BY THE WITNESS:

23 A Right.

24 Q Okay. And that's the reason why you then

1 sent a FOIA to the City of Evanston that's
2 reflected in the City's response in Exhibit Number
3 4?

4 A Yes.

5 Q Now, a what steps between your bond
6 hearing and the date of you submitting this FOIA
7 to the City of Evanston did you take to attempt to
8 retrieve the personal property that the City of
9 Evanston held?

10 A Yes.

11 Q Tell me what steps did you take?

12 A I was trying to write letters out to my
13 kin folk to go to retrieve the property that they
14 had here inventoried here in Evanston.

15 Q So you wrote letters to --

16 A A friend.

17 Q Where are those copies of those letters?

18 A I don't have no copies of the letters.

19 That piece of paper for them to go pick
20 it up for me I give them that piece.

21 Q What was your understanding of what you
22 needed to pick up your property from the City of
23 Evanston?

24 A I need all of my belongings.

1 Q No, what is your understanding of what
2 you needed to present to the City of Evanston to
3 retrieve your personal property that was
4 inventoried on July 10th, 2013?

5 A I don't understand.

6 Q Okay. You -- for you or someone else,
7 your girlfriend, mother, aunt or someone to pick
8 up your property let's say from the City of
9 Evanston --

10 A Right.

11 Q -- what did you believe that they needed
12 to show the City to pick up the property for you?

13 A That slip.

14 Q So the slip in Exhibit Number 3?

15 A Right.

16 Q Okay. And but then you had the slip in
17 your possession, at times during your custody --

18 A Right.

19 Q -- at the Cook County Department of
20 Correction, right?

21 A Right.

22 Q Yes?

23 A Yes. Right.

24 Q The slip that you had then got torn and

1 you received another copy from the City of
2 Evanston, correct?

3 A No, no, I never did get that. I got this
4 paper back.

5 Q So the only thing that you're
6 representing that you received was just a letter
7 but no attached property sheet when it said see
8 attached information?

9 A No. Sort of see it here.

10 Q Why is it that you never attempted to
11 contact the Evanston police department when you
12 had a clean copy of your personal property receipt
13 that's identified in Exhibit 3?

14 A Because the Evanston police department --

15 Q Why didn't you do that?

16 A I did. That's the receipt.

17 Q But you did it in February of 2014.

18 Why didn't you contact the City of
19 Evanston police department prior to February,
20 2014?

21 A I just -- there's no phone.

22 You have to wait on the social worker.

23 It's not like you just get it from the
24 social worker when you go for it.

1 Q So you waited months to get access to a
2 social -- well, let me ask you this.

3 When you first were in custody at the
4 Cook County Department of Corrections let's say in
5 August of 2014, were you in custody of Cook County
6 Department of Corrections in 2014?

7 MR. FLAXMAN: 14?

8 MR. FORD: I'm sorry, 2013.

9 BY THE WITNESS:

10 A Yes, '13.

11 MR. FORD: I'm sorry, 2013.

12 Q Did you request any services from the
13 County social worker to help you retrieve your
14 property from the City of Evanston police
15 department?

16 A Yes, I spoke to them about it.

17 All they said all we can do is give you a
18 write-out.

19 Q But you didn't write anything to the City
20 of Evanston police department in August of 2013,
21 is that correct?

22 A Yes, I sent them a letter.

23 Q In August of 2013?

24 A Yes.

1 Q What record, do you have a letter that
2 you sent to the --

3 A I don't know. I can't remember what
4 date.

5 But I remember sending them a letter
6 concerning the property and that I needed another
7 slip so I could try to get someone on the outside
8 world to retrieve whatever they had here for me to
9 retrieve that.

10 Q And that was in February of 2014 that you
11 submitted that letter?

12 A Yes.

13 Q To the City of Evanston?

14 A That was -- I don't know quite naturally
15 about the dates but I do know that I tried to get
16 what I needed from these people.

17 Q Identify any persons, friends, family
18 members that you attempted to contact to help you
19 retrieve your personal property from the City of
20 Evanston while were you in custody at the
21 Department of Correction?

22 A Right. I never did get one of those when
23 I send out to them.

24 I feel they probably need that paper to

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1 take to the police station to retrieve whatever
2 was there.

3 Q But you had a copy of that paper when you
4 were at County, correct?

5 A Yes.

6 Q Okay. So my question is identify any
7 friends or family members that you attempted to
8 contact or contacted to assist you in retrieving
9 your personal property from the City of Evanston
10 police department?

11 A Right.

12 Q Okay, that's the question. So now it's
13 for you to answer.

14 A Did I contact them?

15 Q Yes.

16 A No. Cause they did not send me this form
17 that I was asking for. They sent me this back, I
18 don't know why.

19 Q Did you contact your girlfriend or
20 attempt to contact your girlfriend to help you
21 retrieve your personal property from --

22 A Yes. I wrote her a letter.

23 Q When did you write her a letter?

24 A I don't know, prior to me being in

1 custody.

2 Q Prior to you being in custody for the
3 July 10, 2013 arrest?

4 A Yes.

5 Q Okay, I understand that you wouldn't have
6 had any property in custody prior to July 10, 2013
7 arrest?

8 A Say that again.

9 Q You would not have had personal property
10 in the City of Evanston's possession before your
11 July 10, 2013 arrest?

12 A Oh, yes, they did took a lot of property
13 from me.

14 Every time I get arrested I never get all
15 my stuff back, but I get my clothes and whatever
16 they send me to the County with but whatever is
17 there they dispose of it.

18 Q Okay, so my question is in relationship
19 to your arrest for July 10, 2013 --

20 A Yes.

21 Q -- the property that you identified, the
22 one ring, the wallet, I mean the one ring --

23 A All that stuff. No, I ain't received
24 nothing.

1 Q That's not my question.

2 My question is who of your family members
3 or girlfriends, friends, any other person you
4 worked with or attempted to work with to help you
5 retrieve your property while you were in custody
6 of County, that's the question.

7 A A-hum. I couldn't.

8 I mean I wrote my girlfriend a letter.
9 But I couldn't send her one of these.

10 I feel she would need one of these. So I
11 wrote Evanston to contact property, because the
12 one I had was damaged, was ruined so --

13 Q Let's look at Exhibit Number 4.

14 Do you see the bold portion there?

15 A Yes.

16 Q Could you read that for me?

17 A Says, "I, Jermaine Wilson, was arrested
18 on July 10, 2013, Wednesday night at 11:45. At
19 the time I was there at the station being charged
20 with drinking on a public way, also confrontation.
21 Officer charged me with aggravated battery. I
22 left there early morning for court with
23 transportation police officer to Skokie courthouse
24 on date July 11, 2013. My request is, I am asking

1 my" -- well --

2 MR. FLAXMAN: Just read.

3 BY THE WITNESS:

4 A -- asking for personal property slip.

5 BY MR. FORD:

6 Q Okay, does that bold portion that you
7 just read --

8 A No.

9 Q -- accurately reflect what you requested
10 from the City of Evanston in February of 2014, to
11 the best of your knowledge?

12 A What do you mean?

13 Q Well, you wrote the City of Evanston for
14 information.

15 I'm asking you what you just read --

16 A Right.

17 Q -- did that represent what you requested
18 from the City of Evanston?

19 A They didn't send me that.

20 Q That's not my question.

21 My question is the language that you just
22 read in Exhibit 4 --

23 A Uh-huh.

24 Q Okay -- whether that accurately

1 represented what you requested in writing from the
2 City of Evanston?

3 A That I request that, yes.

4 Q Okay. Once you received this response
5 from the City of Evanston in Exhibit Number 4,
6 what did you do to attempt to retrieve your
7 property from the City after receiving Exhibit
8 Number 4?

9 A Nothing because there's that -- that's
10 not what I'm asking for --

11 MR. FLAXMAN: Just answer the question.

12 BY MR. FORD:

13 Q You didn't do anything?

14 BY THE WITNESS:

15 A No.

16 Q So you didn't write another letter to the
17 City saying hey, I didn't receive what I asked
18 for?

19 A No.

20 Q Okay. You didn't write a letter to the
21 City saying hey, hold my property, I'm going to
22 have my girlfriend or my mother, my aunt or
23 someone pick up the property for me?

24 You didn't do that, correct?

1 A No. Because I mean --

2 Q You didn't do that, correct?

3 MR. FLAXMAN: Just answer the question.

4 BY THE WITNESS:

5 A No.

6 BY MR. FORD:

7 Q Okay. Did you write any letters to see
8 whether the City even still had your property at
9 any time from the bond hearing to the time that
10 you got the letter in February of 2014 --

11 A No.

12 Q -- or wrote a letter in February of 2014?

13 A No.

14 Q Okay. In March of 2014 did you attempt
15 to contact the City of Evanston in any manner
16 available to you regarding the personal property
17 retained by the police department in July 10,
18 2013?

19 A No.

20 Q Why didn't you attempt to contact the
21 City at that time?

22 A I sent this request out. That was it.

23 Q The only thing that you did was send a
24 FOIA request on or before February 13, 2014?

1 A Yes.

2 Q That's the only thing you did in the
3 entirety of the time that you were in custody of
4 the County to attempt to retrieve the property
5 that you claim that the City held on to following
6 your arrest, correct?

7 A Yes.

8 Q Did you have any people visit you when
9 you were in custody at County other than your
10 attorney?

11 A (Nodding.)

12 MR. FLAXMAN: Well, since his attorney --
13 BY MR. FORD:

14 Q Did you have anyone visit you at County
15 while you were in custody there concerning --

16 A No.

17 Q -- in relationship to the criminal case
18 from the July 10, 2013 arrest?

19 A No.

20 Q No. Were you still dating your girl
21 friend at that time?

22 A No.

23 Q But you wrote a letter to -- you claim
24 that you wrote a letter to her for help, to help

1 you?

2 A Right.

3 I'm incarcerated --

4 MR. FLAXMAN: Let him finish. Let him finish
5 the question.

6 BY MR. FORD:

7 Q All right. While in custody of County in
8 relationship to the arrest from July 10, 2013,
9 other than the FOIA request, the response which is
10 identified in Exhibit 4, did you write any letters
11 to the property bureau, the police department
12 property bureau in an attempt to retrieve your
13 personal property?

14 A This is the letter.

15 Q Okay, so outside of this, anything, any
16 other letter?

17 A No.

18 Q Okay, when you say this is the letter
19 you're pointing to Defendant's Exhibit 4?

20 A Right.

21 Q Would Exhibit 4 be chief of police' FOIA
22 response to you, correct?

23 A Yes.

24 Q For the battery arrest, the aggravated

1 battery arrest that's the subject or part of the
2 subject of this lawsuit, you pled guilty in that
3 case, correct?

4 A Yes.

5 Q Okay, and how much time -- what was your
6 sentence?

7 A They gave me a year and a half that I sat
8 a year.

9 Q Okay. So you didn't have to go serve any
10 time in penitentiary, correct?

11 A No.

12 Q So you didn't have to go to the Illinois
13 Department of Correction facility?

14 A No.

15 Q Okay. Were you ever arrested for any
16 instances in Evanston by the police department any
17 time after July 10, 2013?

18 A No.

19 Q Okay. So go back to Exhibit Number 1.

20 Mr. Wilson, turn to page Number 5. Do
21 you see Paragraph 18?

22 A Yes.

23 Q Okay. That the City did not provide
24 plaintiff Wilson with any notice, other than the

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1 property inventory slip referred to above, that it
2 would sell or destroy his personal property after
3 30 days.

4 Do you see that, correct?

5 A Right.

6 Q And these are your allegations, correct?

7 A Right.

8 Q So you agree these are -- strike that.

9 Those are your allegations?

10 A Yes.

11 Q All right. And there's nothing that you
12 would change about those allegations in Paragraph
13 18, correct?

14 A No.

15 Q You see there's an exhibit number -- I'm
16 sorry, there's an Exhibit Number 1 that's attached
17 to Defendants's Exhibit Number 1.

18 So it's the exhibit to the complaint, the
19 second amended complaint.

20 Okay. And it's referencing a City of
21 Evanston city code section ordinance Chapter 7.

22 Are you familiar with this ordinance?

23 A No.

24 Q No?

1 A No.

2 Q You don't have any personal knowledge
3 about this ordinance, correct?

4 A Uh-hum.

5 Q So you wouldn't be able to testify at
6 trial about the purpose of this ordinance,
7 correct?

8 A (Nodding.)

9 Q Is that a no? Yes or no?

10 A No.

11 Q Okay, the property that the City police
12 department inventoried, that was your personal
13 property, correct?

14 A Yes.

15 Q Okay. That wasn't property that you
16 found somewhere, that was your property, yes?

17 A Yes.

18 Q Okay. That wasn't property that you
19 stole from someone, that was your property,
20 correct?

21 A Yes.

22 Q You have no question as to ownership of
23 the items identified in Defendant's Exhibit Number
24 3?

1 A Yes, those are my items.

2 Q Okay. You've been arrested by the City
3 of Evanston before July 10, 2013, correct?

4 A Yes.

5 Q Okay.

6 A I can't remember when.

7 Q That's fine. I'll help you remember some
8 things.

9 Going back to Defendant's Exhibit Number
10 2, that's the interrogatory answers.

11 So on the bottom of Page 3 continuing at
12 the top of Page 4, Paragraph 9.

13 Does reviewing your response to Paragraph
14 9 of the City of Evanston's interrogatories
15 refresh your memory as to some of your prior
16 arrests in the City?

17 A Okay, where are we reading here?

18 Q Sorry. But there's a response at the top
19 of Page 4.

20 And read down to -- stop at Paragraph 10.
21 You only need to go to Paragraph 10, so end there.

22 A It says objection on grounds of --

23 MR. FLAXMAN: Do you want him to read it?

24 MR. FORD: No.

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1 MR. FLAXMAN: What?

2 MR. FORD: A through C, items A through C.

3 THE WITNESS: Okay.

4 MR. FORD: Sorry, items A through C.

5 Read it.

6 THE WITNESS: Yes.

7 BY MR. FORD:

8 Q Do those items refresh your memory as to
9 some of your prior arrests in Evanston?

10 A What items are we looking at?

11 MR. FLAXMAN: Do you remember being
12 arrested --

13 BY MR. FORD:

14 Q Let me ask. Do you recall being arrested
15 on February 9th, 2007 for burglary?

16 BY THE WITNESS:

17 A Yes.

18 Q Do you recall being arrested by the
19 Evanston police department on or about November
20 3rd, 2015 for possession of drug paraphernalia?

21 A Yes.

22 Q Do you recall being arrested on or about
23 October 19, 2005 for disorderly conduct?

24 A Right.

1 Q So those are some of your prior arrests
2 that you have identified?

3 A Right.

4 Q Okay. Now, do you ever recall being
5 arrested by the City of Evanston police department
6 on or about -- strike that, for the disorderly
7 conduct arrest in October 19, 2005, you stated
8 that you pled guilty to that charge, correct?

9 A Right.

10 Q Do you recall what personal property the
11 City of Evanston inventoried when they arrested
12 you in relationship to that disorderly conduct?

13 A I can't remember.

14 Q Do you recall ever retrieving that
15 property that was inventoried, if any, by the
16 department, the Evanston police department on or
17 about October 19, 2005?

18 A I can't remember. I don't know. I can't
19 remember.

20 Q Okay. So from what's stated on Defendant
21 Exhibit Number 2, Paragraph 9-C, you stand by
22 what's represented there in terms of not recalling
23 documents or property that you had arrested at the
24 time, do you see that?

1 A A-hum.

2 Q That's your representation, correct?

3 9-C?

4 A Wait, wait, I see it. I can't remember.

5 Q Okay, you don't recall, you don't
6 remember, okay.

7 Do you recall ever being arrested by the
8 City of Evanston on or about June 15, 2006 for
9 retail theft?

10 A What year was that?

11 MR. FLAXMAN: 2006.

12 BY MR. FORD:

13 Q 2006.

14 BY THE WITNESS:

15 A I don't remember.

16 Q These are items that were produced in
17 discovery by City of Evanston Bates stamped EV-54,
18 EV-55, 56, EV-60, 62 and EV-6.

19 Have you finished reviewing it?

20 MR. FLAXMAN: Well, I finished reviewing it.
21 I don't know about him.

22 What's your question?

23 MR. FORD: I wanted to ask him if that
24 refreshes his memory and I'll ask him some

1 questions.

2 MR. FLAXMAN: He's asking -- yes, his
3 question is does that refresh your recollection of
4 2006 for retail theft.

5 BY THE WITNESS:

6 A I don't know what for.

7 BY MR. FORD:

8 Q 1128 Chicago Avenue, is it Jewel?

9 A Oh, yes.

10 Q Okay, so you remember?

11 A Yes.

12 Q Okay. Now you should be at page
13 number -- it will be on the bottom right hand
14 corner, EV-60.

15 Do you see that? Do you see the
16 document?

17 A A-hum.

18 MR. FLAXMAN: Yes or no?

19 MR. FORD: Yes?

20 BY THE WITNESS:

21 A Yes.

22 BY MR. FORD:

23 Q Okay. Now, you see, at least this
24 document represents that you got property

1 inventoried by the police --

2 A Yes.

3 Q -- at the time of your arrest for retail
4 theft?

5 A Right.

6 Q Do you see that?

7 A Yes.

8 Q Okay. Does that refresh your memory as
9 to property that you had at the time of that
10 arrest?

11 A I can't remember at that time.

12 Q Okay. Do you have any dispute as to
13 whether you received that property back from the
14 City of Evanston and that's identified on EV-60?

15 A No, I can't remember them days.

16 Q You can't remember?

17 A No.

18 I remember getting arrested though.

19 Q I got you.

20 MR. FLAXMAN: Wait for a question.

21 MR. FORD: There's no question pending.

22 Q Go to EV-62. Do you see this document
23 here?

24

1 BY THE WITNESS:

2 A Yes.

3 Q Okay. Do you see that on the left
4 corner, middle left corner there's a description
5 of items?

6 A Yes.

7 Q Appears to be property inventory sheet
8 from the department?

9 A Right.

10 Q Okay. Does this refresh your memory as
11 to items that you may have had in your possession
12 at the time of the retail theft arrest?

13 A Yes.

14 Q Now, on EV-62 is your signature anywhere
15 on that page?

16 A Right here.

17 Q Okay. And when you say right there, by
18 the X?

19 A Right.

20 Q Okay. And it's in the column that says
21 item released to signature and date?

22 A Right.

23 Q Okay. So based on this document that's
24 your signature there, correct?

1 A Yes.

2 Q And this appears to show that the
3 property that's identified was turned over to you,
4 right?

5 A Right.

6 Q So prior to July 10, 2013 you had at
7 least an instance of retrieving your property --

8 A Right.

9 Q -- from the police department?

10 A Right.

11 Q Okay.

12 THE WITNESS: Can I say something?

13 MR. FLAXMAN: No, no, no.

14 MR. FORD: There's no question pending. Hold
15 on.

16 MR. FLAXMAN: Do you want to go out and talk
17 to me?

18 MR. FORD: I should be done very soon so --

19 THE WITNESS: Yes.

20 MR. FLAXMAN: Take a break.

21 MR. FORD: All right. Off the record.

22 (WHEREUPON there was a
23 discussion had off the record.)

24 MR. FORD: Back on the record after

1 consultation with counsel. We'll move forward.

2 Let's do this.

3 Q Did you ever attempt to contact your aunt
4 or contact -- involving custody of the Cook County
5 Department of Corrections for the July 10, 2013
6 arrest to discuss your personal property that was
7 at the Evanston police department?

8 BY THE WITNESS:

9 A I wrote a letter. I wrote a --

10 Q You wrote a letter?

11 A I wrote a letter.

12 Q When did you write your aunt a letter?

13 A I don't remember.

14 Q Was it after you submitted the FOIA
15 request to the City of Evanston in 2014 or before?

16 A Yes. Yes, after.

17 Q Was your aunt your only aunt, that's
18 Jessie Mae Benson?

19 A Yes.

20 Q Jessie Mae one word or two word?

21 A Jessie Mae.

22 Q Two words?

23 A Jessie Mae Benson.

24 Q All right. Mae, M-a-e?

1 A Right.

2 Q Okay. What did the note say?

3 A Just telling about what's going on.

4 What I'm trying to do, you know, things
5 like that.

6 Q What specific about what was going on
7 with your criminal case or what?

8 A My case in the court and my property
9 situation.

10 Q Did you ever hear from your aunt in
11 response to the note that you wrote to her?

12 A No, I don't know if it made it to -- if
13 it got to her.

14 Q You don't know?

15 You don't have any knowledge of when she
16 received the letter?

17 A Right. Exactly.

18 Q Did you write my notes or letters to any
19 other persons while you were in custody at the
20 County in relation to the July 10, 2013 arrest at
21 Evanston?

22 A Sheri Thompson.

23 Q That was your girlfriend?

24 A Right.

1 Q Do you recall when you wrote -- to what
2 address did you send that note?

3 A That was soon -- I think that was right
4 away. Had to be soon.

5 But I don't -- specific date, but it had
6 to be soon after my arrest, you know, while I was
7 in custody.

8 Q At County?

9 A Yes.

10 Q So soon after, soon after your arrest?

11 A Yes.

12 Q Okay, so soon after July 10, 2013?

13 A A-hum.

14 Q Yes?

15 A Right.

16 Q Okay. Did you ever receive a response
17 from Sheri?

18 A No.

19 Q The note that you wrote to Sheri, what
20 did it state?

21 A Same thing wrote to my aunty.

22 Q What's the same thing?

23 A Sharing my case in court and my property.

24 Q What about your property, what did you

1 state in the letter to Sheri or your aunt
2 regarding your property?

3 A That I was waiting to get the slip back,
4 to send the slip so they can take this and
5 retrieve what I needed --

6 Q Okay.

7 A -- to the City of Evanston but --

8 Q Isn't it true that you already had a copy
9 of the slip when you were in custody at County?

10 A Yes, it got ruined. It got tore up so I
11 had to get another one.

12 Q But that was close to February, 2014?

13 A Right.

14 Q Correct?

15 A Yes.

16 Paper was going to get ruined, I mean it
17 don't take no time for that.

18 Q Okay. Do you know a person by the name
19 of Dameon Sanders?

20 A No, not really.

21 Q When you say not really what does that
22 mean, you know or you don't know?

23 A I know -- I don't know the guy unless he
24 goes by another nickname or something.

1 MR. FLAXMAN: Just answer the question.

2 BY MR. FORD:

3 Q What nickname do you think Dameon goes by
4 if he goes --

5 BY THE WITNESS:

6 A I don't even know how he look.

7 In other words I don't know who you --
8 who you talking about.

9 Q Okay, got you.

10 MR. FLAXMAN: Just answer no to the first
11 question.

12 How are we doing?

13 MR. FORD: I'm almost done.

14 Q But you never had any conversation with a
15 Dameon Sanders concerning this lawsuit?

16 BY THE WITNESS:

17 A I can't remember.

18 I can't remember who you talking about or
19 what.

20 Q Have you had any other -- and I don't
21 want to know what you spoke to with your attorney,
22 so let me make that qualification.

23 Have you had any conversations with other
24 individuals who have been arrested

1 by the police department who have had their
2 property inventoried and never retrieved them?

3 A No.

4 Q No? In terms of this lawsuit here, do
5 you know, tell me in your own words what class you
6 would be representing to the best, if you know?

7 A No, I don't know.

8 Q Okay. Do you know a Sean Rattray?

9 Is that a yes or no?

10 A No.

11 Q I need a verbal response.

12 I'm going to show you a subpoena that
13 your attorney submitted to County requesting
14 information.

15 I just want you to look at the pages of
16 names just to see if you recognize any of these
17 individuals.

18 MR. FLAXMAN: Read the names and then turn
19 the page.

20 MR. FORD: And it's last name and first name.

21 BY THE WITNESS:

22 A I don't know none of those people.

23 BY MR. FORD:

24 Q All right. Go to the next page.

1 A No. No, none of them.

2 Q Okay. So the subpoena that's dated
3 September 9, 2016, that was submitted by
4 plaintiff's counsel to the Cook County sheriffs's
5 office, the list of names, I believe it's 82
6 names -- 81 names, sorry, that you reviewed, you
7 don't know any of those individual?

8 A Uh-uh.

9 Q Yes or no?

10 MR. FLAXMAN: Just yes or no.

11 BY THE WITNESS:

12 A No.

13 BY MR. FORD:

14 Q Have you had any conversations with any
15 of those individuals identified in that subpoena
16 concerning this lawsuit?

17 A No.

18 Q Okay. And you never worked for the Cook
19 County Department of Corrections, right?

20 A No.

21 Q You never worked for the Cook County
22 Sheriff's office, correct?

23 A No.

24 MR. FORD: Okay. I don't think I have

1 anything else.

2 Do you have any follow-up?

3 MR. FLAXMAN: No.

4 We'll reserve signature.

5 MR. FORD: All right. Thank you.

6 MR. FLAXMAN: Are you ordering or thinking
7 about it?

8 MR. FORD: I'll order.

9 MR. FLAXMAN: Okay. I want a copy, e-tran
10 copy.

11

12 (AND FURTHER DEPONENT SAITH NOT)

13

14

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