

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

This document relates to Case No. 16-cv-8940

**CITY OF CHICAGO'S RESPONSE TO BEN BAKER'S APRIL 28, 2023  
REQUESTS TO ADMIT TO DEFENDANT CITY OF CHICAGO**

Defendant, the City of Chicago (“City”), by its attorneys, Reiter Burns LLP, for its response to Plaintiff Ben Baker’s April 28, 2023 Requests to Admit to Defendant City of Chicago, states:

## REQUESTS TO ADMIT

## March 23, 2005 Arrest

1. The City did not request that the Illinois State Police conduct any analysis, examination, or testing to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on March 23, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request the Illinois State Police to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State's Attorney's Office, Ben Baker, Ben Baker's criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the large ziplock bag containing 110

smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 and inventoried under Property Inventory No. 10503356 before Ben Baker, who was represented by counsel, was convicted on June 9, 2006, or thereafter.

2. The City did not request that the Illinois State Police conduct any analysis, examination, or testing to detect fingerprints on the narcotics, or its packaging, that formed the basis of the prosecution against Plaintiff Ben Baker in Case No. 05CR0898201.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request the Illinois State Police to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State's Attorney's Office, Ben Baker, Ben Baker's criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the large ziplock bag containing 110 smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 and inventoried under Property Inventory No. 10503356 before Ben Baker, who was represented by counsel, was convicted on June 9, 2006, or thereafter.

3. The Illinois State Police did not analyze, examine, or test the narcotics or packaging that were allegedly recovered from Plaintiff Ben Baker on March 23, 2005, for the detection of fingerprints.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the Illinois State Police had a duty to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State's Attorney's Office, Ben Baker, Ben Baker's criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the large ziplock bag containing 110 smaller ziplock

baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 and inventoried under Property Inventory No. 10503356 before Ben Baker, who was represented by counsel, was convicted on June 9, 2006, or thereafter. Further responding, the City admits it has no information that the Illinois State Police conducted such fingerprint analysis, examination, or testing on the large ziplock bag containing 110 smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine Ben Baker was convicted of possessing with intent to deliver.

4. The City did not request any third-party agency or entity to conduct any analysis, examination, or testing to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on March 23, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request any “third-party agency or entity” to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State’s Attorney’s Office, Ben Baker, Ben Baker’s criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police or any “third-party agency or entity” conduct fingerprint analysis testing on the large ziplock bag containing 110 smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 and inventoried under Property Inventory No. 10503356 before Ben Baker, who was represented by counsel, was convicted on June 9, 2006, or thereafter.

5. The City did not conduct its own analysis, examination, or testing, to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on March 23, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that

someone at the City had a duty to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, the City admits that it did not conduct an “analysis, examination, or testing, to detect fingerprints” on the large ziplock bag containing 110 smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 and inventoried under Property Inventory No. 10503356, and, upon information and belief, that the Cook County State’s Attorney’s Office, Ben Baker, and Ben Baker’s criminal defense attorney, did not conduct or caused to be conducted fingerprint analysis testing on the large ziplock bag containing 110 smaller ziplock baggies of heroin and large ziplock bag containing 68 smaller ziplock baggies of cocaine recovered on March 23, 2005 before Ben Baker, who was represented by counsel, was convicted on June 9, 2006, or thereafter.

#### **December 11, 2005 Arrest**

6. The City did not request that the Illinois State Police conduct any analysis, examination, or testing to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on December 11, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request the Illinois State Police to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State’s Attorney’s Office, Ben Baker, Ben Baker’s criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 and inventoried under Property Inventory No. 10659055 before Ben Baker, who was represented by counsel, freely and voluntarily pleaded guilty on September 18, 2006, or thereafter.

7. The City did not request that the Illinois State Police conduct any analysis, examination, or testing to detect fingerprints on the narcotics, or its packaging, that formed the basis of the prosecution against Plaintiff Ben Baker in Case No. 06CR0081001.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request the Illinois State Police to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State's Attorney's Office, Ben Baker, Ben Baker's criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 and inventoried under Property Inventory No. 10659055 before Ben Baker, who was represented by counsel, freely and voluntarily pleaded guilty on September 18, 2006, or thereafter.

8. The Illinois State Police did not analyze, examine, or test the narcotics or packaging that were allegedly recovered from Plaintiff Ben Baker on December 11, 2005, for the detection of fingerprints.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the Illinois State Police had a duty to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State's Attorney's Office, Ben Baker, Ben Baker's criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police conduct fingerprint analysis testing on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 and inventoried under Property Inventory No. 10659055 before Ben Baker, who was represented by counsel, freely and voluntarily pleaded guilty on September 18, 2006, or thereafter. Further responding, the City admits it has no information that the Illinois

State Police conducted such fingerprint analysis, examination, or testing on the plastic bag with 50 ziplock bags containing heroin Ben Baker pleaded guilty to possessing.

9. The City did not request any third-party agency or entity to conduct any analysis, examination, or testing to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on December 11, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to request any “third-party agency or entity” to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, upon information and belief, the City admits that the Cook County State’s Attorney’s Office, Ben Baker, Ben Baker’s criminal defense attorney, and the Chicago Police Department did not request that the Illinois State Police or any “third-party agency or entity” conduct fingerprint analysis testing on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 and inventoried under Property Inventory No. 10659055 before Ben Baker, who was represented by counsel, freely and voluntarily pleaded guilty on September 18, 2006, or thereafter.

10. The City did not conduct its own analysis, examination, or testing, to detect fingerprints on the narcotics or its packaging that were allegedly recovered from Plaintiff Ben Baker on December 11, 2005.

**RESPONSE:** The City objects to this request because it is compound, vague and ambiguous. The City also objects to the extent this request assumes facts not in evidence that someone at the City had a duty to conduct any such analysis, examination, or testing to detect fingerprints. Subject to and without waiving the objections, the City admits that it did not conduct an “analysis, examination, or testing, to detect fingerprints” on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 and inventoried under Property Inventory No. 10659055, and, upon information and belief, that the Cook County State’s Attorney’s Office, Ben Baker, and Ben Baker’s criminal defense attorney, did not conduct or caused to be conducted

fingerprint analysis testing on the plastic bag with 50 ziplock bags containing heroin recovered on December 11, 2005 before Ben Baker, who was represented by counsel, freely and voluntarily pleaded guilty on September 18, 2006, or thereafter.

Respectfully submitted,

By: /s/ Paul A. Michalik  
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**CERTIFICATE OF SERVICE**

I, Paul A. Michalik, hereby certify that I served the foregoing **City of Chicago's Response to Plaintiff Ben Baker's April 28, 2023 Requests to Admit** on all counsel of record via electronic mail on March 22, 2024.

/s/ Paul A. Michalik