

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,) Criminal
8 Plaintiff,) No. 05-08982
9 vs.) Charge: Mfg/Del Heroin,
10 BEN BAKER,) etc.
11 CLARISSA GLENN,)
12 Defendants.)

13 REPORT OF PROCEEDINGS had of the hearing
14 in the above entitled cause, before the Honorable
15 MICHAEL P. TOOMIN, Judge of said court, on the
16 23rd day of May, 2006.

17 APPEARANCES:

18 HONORABLE RICHARD A. DEVINE,
19 State's Attorney of Cook County, by:
20 MR. WILLIAM LASKARIS,
21 MS. MARY BREGENZER,
22 Assistant State's Attorneys,
23 for the People of the State of Illinois;
24 MR. MATTHEW MAHONEY,
for the defendants.

25 J. D. Williams, CSR #084-001757
26 Official Court Reporter
27 2650 S. California Ave.-4C02
28 Chicago, Illinois 60608

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OFFICER NICHOLS,

a witness called on behalf of the People of the State
of Illinois, being first duly sworn, was examined and
testified as follows:

DIRECT EXAMINATION

BY MR. LASKARIS:

THE COURT: Be seated, please.

MR. LASKARIS:

Q Officer, would you please state your name,
star number, current unit of assignment, please.

A Name is Officer Nichols, N-i-c-h-o-l-s.
Star No. 12415, currently assigned to the
2nd District, Chicago Police Department tac.

Q And, directing your attention to
March the 23rd of 2005 were you working as a Chicago
police officer on that date?

A Yes, I was.

Q And where were you assigned?

A C.H.A. housing complex area, Ida B. Wells.

Q And what were your duties.

You were a Chicago housing police at that
time?

A Yes, I am.

Q And what were your duties as a Chicago

1 housing police officer?

2 A Control the Ida B. Wells housing projects.
3 Conduct premise checks at each and every building.

4 Q And are you familiar with the Ida B. Wells
5 housing complex?

6 A Yes.

7 Q And is that located at 527 East Browning
8 Avenue, Chicago, Cook County?

9 A That's correct.

10 Q And is that C.H.A. property residential at
11 that location?

12 A Yes, it is.

13 Q And based on your experience as a police
14 officer that building is managed by the C.H.A.,
15 correct?

16 A Correct.

17 Q Directing your attention to again
18 March the 23rd, 2005, did you go to the location of
19 527 East Browning Avenue?

20 A Yes, I did.

21 Q And why did you go to that location?

22 A We conducted a premise check for high
23 narcotics activity directed by Sergeant Watts.

24 Q And did you go to that location with anyone?

1 A Yes, I did.

2 Q And who did you go to that location with?

3 A My partner Officer Leano, Star No. 4303.

4 Q Now, you said you went to look for narcotics
5 sells, when you went to that location can you describe
6 the building at 527 East Browning?

7 A There is two stairwells, one sort of to the
8 front and another stairwell to the back but they are
9 all interior.

10 Q And you said you went there, how were you
11 dressed?

12 A Plain clothes.

13 Q And how was Officer Leano dressed?

14 A Plain clothes.

15 Q Now, you went to the location
16 approximately --

17 Did you arrive there approximately 3:45 p.m.
18 in the afternoon?

19 A That's correct.

20 Q And you said you would do a premise check how
21 did you do that?

22 A We start at the bottom and work our way up.
23 We conducted by each floor.

24 Q Let me stop you there.

1 You said you started at the bottom and worked
2 your way up?

3 A That's correct.

4 Q Who was with you at this time?

5 A My part another Officer Leano.

6 Q You said there were two stairwells?

7 A That's correct.

8 Q Interior stairwells?

9 A That's correct.

10 Q Which is the back stairwell and the front
11 stairwell?

12 A That's correct.

13 Q Where did you begin your search of the
14 premise or check of the premise, back stairwell or
15 front stairwell?

16 A Back stairwell.

17 THE COURT: You were in the back stairwell?

18 THE WITNESS: Yes, my partner and I was.

19 MR. LASKARIS:

20 Q And what happened?

21 A As we conducted we went up to the second
22 floor, and didn't see anyone up on the second floor,
23 so we approached the third floor and we saw the
24 defendant.

1 Q Okay. Now, can you describe the, what you
2 saw when you got to the third floor?

3 A As we entered the third floor we went through
4 the back stairwell and you have to make a turn,
5 right-hand turn to get to the front stairwell, and
6 that's where we saw the defendant standing in the
7 hallway.

8 Q From the spot where you made the turn and saw
9 the defendant until the time --

10 How far was the defendant away from you at
11 that time?

12 A Approximately five feet.

13 Q And is there any lighting in that area?

14 A Artificial.

15 Q Now, you said you saw the defendant do you
16 see that person here in court today?

17 A Yes, I do.

18 Q Can you point to him and identify a clothing
19 that he is wearing for the Court?

20 A The defendant left of counsel wearing a white
21 button-down shirt.

22 Q Now, besides the defendant were there any
23 other individuals at that location?

24 A Yes, there were.

1 Q How many other individuals?

2 A Two.

3 Q Now, when you said you saw the defendant what
4 else, what, if anything, happened next?

5 A As we saw the defendant he was holding a
6 clear plastic bag containing numerous smaller Ziploc
7 baggies containing white powder substance suspect
8 narcotics.

9 THE COURT: He is holding what now?

10 THE WITNESS: Clear plastic bag, sandwich bag.

11 THE COURT: And it had what other bags?

12 THE WITNESS: Small Ziploc bags.

13 THE COURT: All right.

14 MR. LASKARIS:

15 Q Now, again when you saw this approximately
16 how many feet away from him were you at this time?

17 A Five.

18 Q And what happened next?

19 A We announced our office. After we announced
20 our office the defendant looked at us and fled down
21 the stairs.

22 Q What did you do at that time?

23 A Gave chase.

24 Q And what happened next?

1 A As we were running down the stairwell I said
2 that we were in a foot chase over the radio. Beat
3 264 Boy, Officer Gonzalez, Star No. 12152, and Officer
4 Bolton, Star No. 15903, detained him in the lobby.

5 Q Let's stop there for a moment.
6 Did you chase the defendant down the
7 staircase?

8 A Yes, I did.

9 Q Approximately how many feet behind him were
10 you at this time?

11 A Probably the same distance, probably three
12 feet I was catching up on him.

13 Q Did you ever lose sight of the defendant in
14 the stairwell?

15 A Within seconds because it wraps around the
16 stairs so within seconds I just lost him.

17 Q And did you chase him down into the lobby?

18 A Yes, I did.

19 Q And when he arrived at the lobby what did you
20 see?

21 A 264 Boy detaining him and him holding a clear
22 plastic bag.

23 Q You saying him holding, who had the clear
24 plastic bag?

1 A The defendant.

2 Q What happened next?

3 A I recovered the bag and placed him in
4 custody.

5 Q Can you describe what was in this bag?

6 A It was 110 clear Ziploc baggies containing
7 white powder substance suspect heroin.

8 Q And you said you placed him into custody.
9 After the defendant was placed into custody did you do
10 anything?

11 A Yes, I performed a custodial search.

12 Q And how did you do that?

13 A I searched him, I went in his pocket and
14 recovered one clear plastic bag containing sixty-eight
15 smaller plastic baggies containing white rock like
16 substance suspect crack cocaine.

17 Q Was anything else recovered as a result of
18 this search?

19 A Yes, it was, \$819 suspect U.S.C. suspect
20 narcotics proceeds.

21 Q And where was that recovered?

22 A In his left pants pocket.

23 Q Now, was the defendant taken back to the
24 police station?

1 A Yes, he was.

2 Q And what station would that be?

3 A The 2nd District.

4 Q And was the defendant interviewed regarding
5 narcotics that were recovered from his person?

6 A Yes, he did.

7 Q And where was he interviewed?

8 A In the tac office in the 2nd District.

9 Q And was the defendant Mirandized at that
10 time?

11 A Yes, he was.

12 Q And did you ask the defendant questions
13 regarding the narcotics that were recovered from his
14 person?

15 A Yes.

16 Q And did the defendant make any statement
17 regarding the narcotics that were recovered?

18 A Yes, he did.

19 Q What, if anything, did the defendant say
20 regarding the narcotics that were recovered from his
21 person?

22 A He stated: Them blows are mine but those
23 rocks ain't.

24 THE COURT: He said what?

1 THE WITNESS: Them blows are mine but the rocks
2 ain't.

3 MR. LASKARIS:

4 Q And you are familiar with narcotics, narcotic
5 transactions, correct, officer?

6 A Correct.

7 Q And what are blows?

8 A Blows are heroin.

9 Q And what are rocks?

10 A Crack cocaine.

11 Q Now, those plastic bags that you recovered
12 from the defendant were they kept in your constant
13 care and custody until you turned them over to Officer
14 Leano?

15 A That's correct.

16 MR. LASKARIS: One moment, Judge.

17 (Whereupon, a brief pause was had:)

18 MR. LASKARIS: Nothing further.

19 THE COURT: You may inquire, Mr. Mahoney.

20 MR. MAHONEY: Thank you, your Honor.

21 CROSS-EXAMINATION

22 BY MR. MAHONEY:

23 Q Mr. Nichols, you stated that when you got
24 back to the 2nd District you gave Mr. Baker his

1 Miranda warnings?

2 A That's correct.

3 Q And after you gave him his Miranda warnings
4 you asked him if he would like to speak to you, is
5 that correct?

6 A That's correct.

7 Q And he said he would, is that correct?

8 A That's correct.

9 Q And he stated: Them blows are mine but the
10 rock ain't. Is that correct?

11 A That's correct.

12 Q Well let's just back up a second here.
13 The blows you said is a street term for
14 heroin, is that correct?

15 A That's correct.

16 Q And rocks is a street term for crack cocaine,
17 is that correct?

18 A That's correct.

19 Q All right. Where did you testify that you
20 recovered the blows, the heroin from?

21 A In his right hand.

22 Q And where did you testify that you recovered
23 the rock, the cocaine from?

24 A In his right pants pocket.

1 Q So, it is your testimony here today that he
2 stated, that Mr. Baker stated to you the stuff in my
3 hand is mine but I don't know nothing about that stuff
4 in my pocket?

5 A That is what he stated.

6 Q Now, you say that on March the 23rd, 2005,
7 you were told to go to 527 East Browning, is that
8 correct?

9 A Yes.

10 Q Who told you to go there?

11 A Sergeant Watts.

12 Q Do you work for Sergeant Watts?

13 A Yes, I do.

14 Q Did Sergeant Watts tell you why he wanted you
15 to go there?

16 A There is high narcotics activity in that
17 building.

18 Q Did he tell you to look for anybody in
19 particular?

20 MR. LASKARIS: Objection, hearsay.

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 MR. MAHONEY:

24 Q Just told you to go there and check that?

1 A That's correct.

2 Q Did Sergeant Watts tell you where to go once
3 you got inside?

4 A No.

5 Q Now, Sergeant Watts is your supervisor,
6 correct?

7 A That's correct.

8 Q How long have you known Sergeant Watts?

9 A I got on his team in November of 2004.

10 Q Did you know him prior to getting on his
11 team?

12 A No.

13 Q And now as your supervisor Sergeant Watts
14 writes your performance reviews?

15 A That's correct.

16 Q Which determines whether or not you are
17 promoted or may get raises or things like that?

18 A No.

19 Q Your performance reviews don't have any
20 effect on that?

21 A We have to take a test to get promoted and
22 our raises are annual.

23 Q Now, does Sergeant Watts approve your time
24 off?

1 A He puts it in but he doesn't approve -- he
2 puts it in.

3 Q And he can choose to put it in or not put it
4 in, correct?

5 A It can get denied not by him by others, by
6 our tac lieutenant.

7 Q Now, do you know from your knowledge if
8 Sergeant Watts that he grew up in Ida B. Wells housing
9 project?

10 MR. LASKARIS: Judge, I object to that question.

11 THE COURT: Overruled.

12 THE WITNESS: I am not -- I don't know, I can't
13 say yes, I can't say no.

14 MR. MAHONEY:

15 Q You say that when you first encountered
16 Mr. Baker there were two other individuals present, is
17 that correct?

18 A Correct.

19 Q Okay. Did you have your gun holstered or
20 drawn at that point?

21 A It was holstered.

22 Q Now, these three individuals did you tell
23 them to do anything?

24 A I announced my office.

1 Q Okay. So you said I'm police?

2 A That's correct.

3 Q And did you tell them to do anything?

4 A No.

5 Q You didn't tell them to get up against the
6 wall?

7 A No.

8 Q Now, at that point what happened next?

9 A As I announced my office I saw the defendant
10 run down the stairs.

11 Q What did the other two individuals do?

12 A I don't know, my attention was to the
13 defendant.

14 Q You weren't looking to see if these other two
15 guys had a gun or anything?

16 A I don't believe they did.

17 Q Well how do you know you weren't look at
18 them?

19 MR. LASKARIS: Objection, argumentative.

20 THE COURT: Sustained.

21 MR. MAHONEY:

22 Q Did you look at these other two individuals
23 to see if they had a gun?

24 A I saw them.

1 Q And then you just started chasing Mr. Baker?

2 A Correct.

3 Q Now, you say that you chased Mr. Baker down
4 the stairs and that another unit took Mr. Baker into
5 custody, is that correct?

6 A No, not into custody.

7 Q Okay, they detained him?

8 A That's correct.

9 Q Okay. When they detained him did they
10 tackle him?

11 A No.

12 Q Did they handcuff him?

13 A No.

14 Q Was he fighting with them?

15 A No.

16 Q He was just simply standing there?

17 A That's correct.

18 Q So he run from you but he stopped for the
19 other officers?

20 A Yes.

21 Q Okay. Now, and you say Mr. Baker, how far
22 is Mr. Baker from these officers who he stopped for?

23 A Excuse me?

24 Q How far was Mr. Baker from the officers that

1 he had stopped for when you had first got down to the
2 first floor?

3 A They were right in front of each other.

4 Q So they were within two to three feet?

5 A That's correct.

6 Q And Mr. Baker wasn't fighting them?

7 A No.

8 Q Wasn't trying to run?

9 A No.

10 Q Did they have their gun on him?

11 A I don't believe so, no.

12 Q But these officers --

13 Mr. Baker has a bag of narcotics in his hands
14 that you could readily detect from five feet away back
15 up on the third floor?

16 A That's correct.

17 Q And they hadn't removed it from his hand?

18 A I was within seconds.

19 Q Now, the state's attorney asked you some
20 questions about your experience, did you go to the
21 police academy?

22 A Yes, I did.

23 Q And were you trained to observe and detect
24 crime?

1 A Not in the police academy but in my field of
2 experience I am.

3 Q So you have experience observing and
4 detecting and looking for criminals, correct?

5 A Yes.

6 Q And you're pretty good at it, aren't you?

7 A I would say so.

8 Q Have you seen Sergeant Watts engage in
9 anything that you think was criminal activity?

10 MR. LASKARIS: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: Excuse me?

13 MR. MAHONEY:

14 Q Have you ever seen Sergeant Watts engage in
15 anything that you might suspect was criminal activity?

16 A No.

17 Q Never?

18 A No.

19 Q And you've worked how long with Sergeant
20 Watts?

21 A Since November of 2004.

22 Q So that would be about a year and-a-half?

23 A A year and-a-half.

24 Q Now, as Mr. Baker was running down the stairs

1 he never tried to throw this bag that was in his hand?

2 A No.

3 MR. MAHONEY: I have nothing further, your Honor.

4 THE COURT: Very well.

5 Any Redirect, Mr. Laskaris?

6 MR. LASKARIS:

7 REDIRECT EXAMINATION

8 BY MR. LASKARIS:

9 Q Sergeant Watts, he is your sergeant?

10 A That's correct.

11 Q And you report to Sergeant Watts, correct?

12 A Yes.

13 Q And you testified what your duties are as a
14 C.H.A. officer?

15 A C.H.A. officer, Ida B. Wells.

16 Q In Ida B. Wells.

17 And Sergeant Watts, is it unusual for
18 Sergeant Watts to direct you to a spot to search for
19 narcotics?

20 A Not at all.

21 MR. LASKARIS: I have nothing further.

22 MR. MAHONEY: Nothing based on that, your Honor.

23 THE COURT: Thank you, sir, you may step down.

24 (Witness excused.)