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To: [JOSEPH MAGATS \(States Attorney\)](#)
Subject: Fw: memo
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Attachments: [Baker Final Memo.docx](#)

By the way, this is what I had to work from....

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From: CELESTE STACK (States Attorney)
Sent: Tuesday, December 22, 2015 6:08 AM
To: FABIO VALENTINI (States Attorney)
Subject: memo

Attached is work product memo-sorry for delay

December 22, 2015

Review of New Documents

People v. Ben Baker 05CR-8982

14 Years for 41 Grams Heroin & 13 grams Crack Cocaine

Bench, June 9, 2006: Judge Toomin ASA Bill Laskaris & Mary Bregenzer

Defense attorney: Matt Mahoney

06CR-810-arrested with Clarissa Glenn in a car with drugs PG 2 years;

05CR-25580-01- UUW -2 yrs. IDOC

Consecutive combined total: 20 years IDOC

Parole date June 2016 -Robinson CC

Relevant History:

¹Pre-Trial Discovery:

- a. Defense requested records of IAD investigations re Watts. There was an ongoing ATF/IAD investigation that ended right before Baker's trial and Toomin released IAD docs one month before trial.
- b. Two other drug dealers (Moore and Gadie) complained about Watts
- c. ATF/IAD believed that Baker and two other complainants were unaware of the others' complaints.
- d. 4-14-2005- Wilbert Moore told ATF/IAD that white officers were not aware of/or part of Watts' shakedowns. Watts, Jones and Mohammed did the shakedowns. A dealer named Shock had been shaken down. Watts and company took a total of \$7000 and two rifles from Moore and \$10,000 from Shock
- e. September 2004-Another dealer from Wells, later referred to as Willie Gadie, stated that officers were shaking down drug dealers and that Gadie ran away from one officer and the officer fired a weapon at him. The officer was revealed to be Watts.
- f. Defense attorney and Baker met with IAD & SAO in May of 2005 per R23.²

*Appellate Court reviewed the above facts in detail in rejecting defense claims on appeal.

Trial:

SAO Case: ASA's Laskaris and Bregenzer//Defense Attorney: Matt Mahoney

At trial, Nichols testifies he and his partner Leano stop Baker—who is holding a bag of dope—on 3rd floor. Baker runs down stairs, Nichols gives chase.

Nichols gets on radio asking for help with runner. Baker, still carrying the bag, arrested on first floor by Gonzalez and the bag is recovered (more dope and \$ in pockets).

¹ The reports and investigation were acknowledged by both trial and appellate court

² Loevy has included a Brady violation in successive PC.

Watts and Alvin Jones arrive as Baker is being put in squad car.

According to Baker, it is Alvin Jones, not Watts who says: I told you that we were going to get you.

After Nichols testifies, there's a stip to Leano's testimony about the chain of custody and the lab. The lab stip states Baker had 41 grams of heroin; 13.9 grams of crack cocaine.

Defense Case

Baker testifies that:

- in June of 2004, a friend tells Baker that Watts found Baker's dope hidden in mailbox;
- in a phone conversation set up by Watts' snitch, Watts tells Baker that he is going to get Baker, demands \$1000, but states Baker is going to jail whether he pays or not;
- Baker refuses to pay;
- 3 weeks later, Baker is arrested when Watts and 3 unnamed men break into his apartment, they find no drugs but arrest Baker anyway;
- Baker serves 4.5 months in CCJail and is released in November/December of 2004;
- A week after release, Jones tells Baker that the next arrest will stick;
- Nothing happens for about 4 months when Baker is arrested by Nichols & company in this case; and
- Baker claims that Jones taunts him after arrest near squad.

Baker's version of March 2005 arrest:

March 23, 2005:

- Baker entered 3rd floor hallway (known area for drug sales) in Ida B. Wells;
- Immediately encountered two guys (Greg Young-"Bay Bay" and "Twanie");
- Young was carrying a bag of dope;
- Ofcr. Nichols (also immediately) burst into hallway, with gun drawn (no mention of Leano);
- Ofcr. Nichols tells the 3 men to line up against wall;
- Baker and Young run away;
- Officer Leano (not Gonzales) catches Baker;
- Nichols comes down stairs, now carrying two bags of drugs;
- Nichols makes phone call;
- Watts and Jones arrive;
- Jones tells Baker that Jones had warned him that they would get Baker;
- At the station, Watts tells Baker that it's too bad that Watts did not know earlier that Baker was related to someone on CPD;

- Watts could not undo the arrest, but would give Baker money while Baker was locked up.

Rebuttal: Officers Jones, Gonzalez and Watts all testify in rebuttal that Jones never spoke to Baker. Gonzales made the arrest.

Finding Guilty: Judge Toomin finds that Baker's testimony is self-serving and uncorroborated.

Baker complains about Watts through sentencing and a motion to reconsider.

On 7-7-2006, Toomin sentences Baker to 18 years.

On 7-28-2006, after a Motion to Reconsider, Toomin reduces sentence to 14 years and makes the comment that if Baker had offered corroboration, the result may have been different.

Toomin's comment is basis of appeal: ineffectiveness of trial counsel for failing to bring in corroboration.

Appeal: Mandate filed 11-9-2009 (06-3352)

Appellate Court examined Baker's claim that counsel was ineffective for failing to call Moore and Gadie. Ultimately, it found that these witnesses only accused Watts and Jones.

It examined IAD/ATF materials and found them lacking as Baker had no proof that arresting officers were part of shakedown crew. Appellate Court noted that other complaints were directed at Watts primarily and Nichols, Gonzales and Leano had not been named.

Also, it noted that Moore stated that white cops were not part of Watts' crew.

Prior PC and 1401 petition:

Baker has filed various petitions, PC and 1401, pro se and with Attorney John Heidersheidt.

First PC

On March 16, 2009, Baker filed a PC and on May 1, 2009, Judge Ford denied it summarily. PC petition. Late appeal was denied in March of 2011.

1401 Petition- Filed 11-16-12.

Two, 1401 petitions are filed.

One is a pro se 1401 petition and one filed by John Heidersheidt.

Present PC July 31, 2014- Loevy filed an appearance.

Loevy filed motion to withdraw 1401 and file successive PC based upon new info and indictment of Watts.

September 18, 2014-Loevy files Leave to file Successive Petition

December 15, 2015 Request for Leave to File-Supplemental Successive PC filed:

****Judge Ford has yet to rule on whether Baker can have “leave to file” a successive PC. Technically, Loevy has not yet been given leave to litigate another PC.**

Present Issue: Does New Evidence Show that Baker was Framed by Watts’ Partners?

Defense contends that arrest was frame by Watts, perpetrated by Nichols & company *upon Watts’ request*.

Watts was not arresting officer. Therefore, Baker has to show Officers Nichols, Officer Leano, Officer Gonzales & Burton framed Baker for Watts.

Judge Toomin and Appellate Court rejected defense at trial and on direct appeal.

Both trial and appellate court were aware of other, independently alleged IAD complaints against Watts for shaking down two other drug dealers (Moore & Gadie).

In 2012 Watts and Mohammed were indicted, they pled guilty in 2013.

Nichols, Gonzales, Leano & Bolton (Gonzales’ partner) are all on duty and have not been charged with any wrongdoing.

New Evidence from Loevy-Attached as Exhibits to Supplemental, Successive Petition

Loevy received redacted copies of Watts’ federal investigation documents and other materials. They contend the new documents show the arresting officers in Baker’s case were implicated in Watts’ corruption.

Watts: 4 investigations over 6-7 years by IAD, SAO, DEA, ATF and FBI.

- In 2005, SAO & IAD met with Baker and his defense attorney re ongoing investigation by IAD.
- Watts was investigated four times over 6 years before he was indicted in 2012 for stealing from drug courier who was already working as CI for FBI. Pled for 22 months prison in 2013.
- Officer Mohammed also indicted for stealing from courier. Pled and got 18 months in prison in 2013.
- No other indictments against Watts and Mohammed.
- No one else indicted.

Watts finally indicted when Watts asked a homeless guy and known drug courier to do a scam with Watts to steal money the courier was transporting. Courier agreed. Courier was already wearing wire for feds.

Officer Mohammed assisted Watts with theft of drug money from courier/CI.

Both Mohammed and Watts were convicted based upon this incident only.

SEPTEMBER 2014-CLAIMS MADE IN “LEAVE TO FILE SUCCESSIVE PC:”

- Watts’ convicted on July 19, 2013 of FBI operation with CI in 2011.
 - Fed pleading (not specified) claims misconduct went back to at least 2007.
 - Factual basis for Watts 2013 plea:
 - September 2011 CI told Watts that would be transporting money.
 - November 2011, CI let Watts know details of money transport;
 - Watts contacted Mohammed asked for help & Mohammed agreed to meet CI and take money. The same day that Mohammed took money, CI met with Watts who paid CI \$400 of \$5200 taken by Mohammed.
 - Fed sentencing memorandum included admissions by Mohammed that beginning in December of 2007 and through May of 2008, the two men extorted protection payoffs from dealers in a total amount of between \$20-25,000.
 - Other claims from that time period included falsely arresting the CI and stealing another courier bag of money from same CI
 - As to Brady claim: * SAO, IAD and Baker and Matt Mahoney all met with IAD and were aware of IAD investigation into complaints of Moore and Gadie. ASA Dave Navarro followed case for a while.
 - * Nothing in 2014 Petition indicated that Nichols, Leano, or Gonzales were implicated in federal proceedings.
-

DECEMBER 15, 2015: NEW EVIDENCE ALLEGATIONS

New Information collected by Loevy and filed in Supplemental, Successive PC:

1. Watts investigated by FBI and IAD for years.
2. Loevy requested records of additional investigations re Watts.
3. FBI sent many redacted documents
4. Loevy obtained documents from CPD officers’ whistleblower lawsuit wherein two officers claimed that they reported Watts, worked with IAD to expose him, and were demoted and pushed out of CPD. Civil Case still pending.
5. Loevy obtained info from 3 federal civil suits against Watts and assorted officers-all occurred several years after Baker’s arrest.
6. Loevy obtained CRs from new public database.
7. Claims: actual innocence; ineffective assistance of both trial and appellate counsel; and “cumulative error.”

FEDERAL FOIA DOCUMENTS. (Supp. @ Para. 23-30.) Loevy is still litigating with FBI over redaction of FBI documents produced.

Watts was target of two FBI investigations. The first was initiated in **2004** with CPD Internal Affairs and U.S. Attorney and shut down in February **2006**, with input from **SAO**. Investigation reopened in early 2007

1. EX. O= 9 PAGES, FBI 302'S 2004-2006

CLAIM: Para. 24 states:

“Watts would send other members of his eight officer tactical team to collect the bribes “with instructions” to tell the drug dealers that “they needed to pay WATTS [] if they wanted to continue to sell drugs. (Ex. O at p.5)”.

There is no support in EX. O for this statement.

The only reference to the 002 TAC team is found on page 1 of Exhibit O which is a 2-page FBI 302 dated 9/24/2004, describing an interview with an unnamed source. The document actually states:

“WATTS’ police assignment is IBW. WATTS has approximately eight other CPD police officers that report to him on this assignment.”

The rest of the page discusses Officer Muhammad and how Watts and he extorted payments from drug dealers. (Ex. O, p.1)

Group O ends with a 302 on February 10, 2006, stating that “shortly after the investigation was initiated, the unit that Watts was assigned to *was disbanded*. Watts was transferred to another area.” Nothing in Group O offers relevant, new evidence.

2. EX. P. Paragraphs 27-30 “Second Federal Investigation” January 2007- November 2011.

Claim: “Watts, *along with other members of his team, routinely used their positions as Police Officers to extort individuals at Ida B. Wells.*”(Ex. P, p.1)

Exhibit P, page 1 is a January 2007 request to reopen the investigation into Watts’ corruption. It states that in 2004, an anonymous source: “began hearing rumors circulating through Ida B. Wells that Chicago Police Department Sergeant Ronald Watts was a corrupt

Police Officer and that Watts, along with other members of his team, routinely used their positions as Police Officers to extort individuals at Ida B. Wells.” (Ex. P. p.1)

- The quoted portion of Exhibit P openly states it is based upon rumor and hearsay, with no evidence implicating arresting officers in Baker’s case.
- Similarly, there is another reference to a complaint against Watts and “his subordinates” that fails to name the subordinate;
- or the year in which the complained of activity occurred.
- The reports in Exhibit P were created two *years after Baker’s arrest*.
- The officers who arrested Baker may not have been assigned to Watts unit during the time period covered by the documents in Exhibit P.

The remainder of Exhibit P refers to Watts and Mohammad exclusively.

3. Exhibit Q. Certified Copy Baker’s Conviction and Clerks’ Office print out

4. Exhibit R-2012 Whistleblower Lawsuit-Spalding & Echeverria Complaint.

The lawsuit brought by CPD officers who were penalized for reporting Watts to IAD begins with events in **2007** and was filed nearly **10 years after Baker’s arrest. Ex R. para. 18**

- The complaint states that while working undercover in 2007, the plaintiff-officers became aware of Watts’ corruption and went to the FBI about Watts. In 2008, the officers met with the head of IAD and the FBI and began a highly confidential investigation. In August of 2010, their Unit Commander discovered they were working with FBI to investigate corruption and a campaign of harassment began and resulted in both officers being effectively forced active assignments and/or out of CPD itself.
- The plaintiff-officers continued to work on the Watts-Mohammed investigation until they were indicted in February of 2012.
- The complaint does not mention any of the arresting officers in Baker’s case.

5. Exhibit S. Deposition of Plaintiff Shannon Spaulding

More references to unnamed officers who were not indicted in 2012 with Watts, but were allegedly corrupt. A few references exist to “Watts’ crew” as well as assertions that other, unnamed officers on the TAC team were corrupt. However, no details are given, no names named, no complainants come forward and no time frame is specific.

6. Exhibit T. Deposition of Plaintiff Echeverria.

Same: no details- made a reference to unnamed corrupt officers (“others”) without any details such as the time frame, assignment of officers, or their identities. Described Watts as dangerous and “a gangster”

7. Exhibit U. IAD LT Juan Rivera deposition.

Confirms Watts was investigated as far back as 2004. Lt Rivera testified that he was told that a sergeant and another officer were being investigated. Baker contends that Rivera “confirmed that there were other officers involved in the illegal activity, calling it a “team of officers.” (Citing Ex. U; p.28)

Rivera was actually asked these questions and gave the following answers:

Q. Were you aware of who all the targets of the investigation were?

A. I was told it was a sergeant and a police officer.

Q. Did you ever learn that other individuals were identified as potential other—other officers were potentially identified as people who may have been involved with Watts and Mohammed?

A. Obviously, its from—From what I can recall, it was a team of officers. But at the point in time where I was involved, the FBI and US Attorney were targeting just the sergeant and the PO.

Q. You were never told that the other team members weren’t involved in potential drug operations, correct?

A. I was not told. (Ex. U p 28)

Baker also claims that Rivera “demurred on all questions related to the names of other officers” under investigation.

Rivera repeatedly explained that he was not apprised of those details as the FBI and US Attorney had these details as they were conducting the investigation.

Q. During your briefings, were you aware that several team members of Ronald Watts through the years had been suspected of being part of Watts’ team that was extorting drug dealers?

A. Again, I wouldn’t have any detailed information on that. That’s something, again, that the FBI is the lead investigative agency and the US Attorney is the prosecutor. It was their investigation.

Q. Were you given any names of active police officers including the current police officers in addition to Ronald Watts and Kallatt Mohammed?

A. I personally was not given any names, but again the FBI was the lead investigative agency.

...

Q. Were you given the name Alvin Jones by the FBI?

A. By the FBI, no. I don't recall the name.

Q. Anyone in connection with Brass Tacks ever tell you about Alvin Jones being involved with Ronald Watts?

A. Again, I don't recall, so...

Q. Robert Gonzalez?

A. Again, I don't recall.

Q. Doreen Smith?

A. Again, I don't recall that name.

Q. Brian Bolton?

A. Again, I don't recall.

...

Q. Did you ever get any other names besides Watts and Mohammed? I mean Sgt Watts and Mohammed?

A. Again, when I was involved the targets were Watts and Mohammed.

Q. In terms of that (sic) were suspects at least, were you given any other names?

A. Again, I would have to defer to the FBI. They had the lead on the investigation.

Q. But did they ever apprise you of any other officers that were suspected for being involved?

A. I'm sure that if they suspected them they would have targeted them. I would have been aware of it.

...

Q. Will IAD make any attempts to obtain FBI information now that the Watts investigation and Mohammed investigation resulted in convictions to see what other information existed against other officers?

A. That was a question that was posed to the FBI and US Attorney's Office and they basically stated there no additional targets. (Rivera dep, Ex. U pp.141-144)

Lt Rivera's actual testimony unequivocally states that no other targets were identified. This is totally at odds with Baker's interpretation that Lt. Rivera "confirmed" other team officers were investigated or involved.

8. Exhibit V: Affidavit of Michael Spaargaren submitted in whistleblower suit.

The affidavit adds nothing to the Baker case, other than to place Watts' corruption as far back as 2000.

9. Exhibit W is barely legible copy of Second City Blog which reprints several comments from a news article on Watts' 2012 arrest. Comments appear to be from officers who say their complaints about Watts were ignored.

10. Exhibit MM: Affidavit of Retired Officer Pete Koconis

Koconis' affidavit is the *only* document that comes close to stating that Baker's arresting officers were participants in Watts' corruption schemes. Retired CPD officer Pete Koconis' affidavit allegedly states he was in IAD for 18 years until "2004 or 2005". In 1999, Koconis "became aware" of corruption in CHA and 002 District, passed the info along claims that, as a result, the FBI conducted a "detailed investigation" for many years that was still ongoing when he left IAD.

Koconis was not involved in the 002 investigation, but was consulted by colleagues due to his years of experience. Watts and Mohammed were the targets, but according to Koconis, they were not the only targets. "There were multiple members of Watts' tactical team that were also targets...and that were *allegedly involved* in criminal activity. I am aware that Officers Brian Bolton, Robert Gonzales, Alvin Jones, and Douglas Nichols worked *in consort* with Sergeant Watts and were being investigated by the FBI." (Ex. MM, paras. 6, 7) Officer Leano is not mentioned.

IAD reports from time of arrest and trial were produced at the time of trial without any complaints against Nichols, Leano, Gonzales or Burton. The SAO and Baker met with the IAD over Baker's allegations. If IAD possessed complaints or evidence against these officers, it should have been turned over to Judge Toomin.

Web search shows Koconis has opinion videos online (i.e. “Touch Vision”) offering his expertise as a former cop on topics from the increasing murder rate to the charging decision in Ferguson, MO.

10. Miscellaneous Other Allegations and Lawsuits against Watts

Exhibit X: FBI Report of Bernard Brown’s Allegations in August 14, 2009.

Baker claims that Brown’s allegations against Watts include “his team” and “upon information and belief” states that Brown saw a photo lineup of 9 officers and that “some, if not all” of the arresting officers from Baker’s case were in photo array.

Brown “was familiar” with Watts who was a street gang member that became a cop and continued his criminal activity.

*Brown avoided Watts and got his info from drug dealers and gave 5 street names and one legit name. In 2000, Watts ran a drug line with Big Shorty who was murdered. Watts continued by shaking down dealers. Brown saw Watts once in 2007 and left area. Brown said Watts works for a white sergeant with “box” hair and he is sergeant of Watt’s team.

Brown was shown a series of 9 unidentified photos and recognized 2 as cops but knew nothing else including whether they worked with Watts. Brown recognized one officer as running a gun scam. Brown did not recognize the other 6 photos. Extremely bad photocopies of photos are provided with no info and the gun scam cop is not identified, nor is any other info re gun scam given.

11. Exhibits Y& Z- Complaint of Sondra Cartwright v. City, Watts, Jones, Nichols, and Lamonica Lewis. November 3, 2007 Incident.

Cartwright was arrested for drug possession and beat the criminal case in a pro se jury. She claimed Watts put case on her because she was afraid to inform on the gangs. Watts was the main actor. Nichols was chasing two other guys who ran to Cartwright’s door and handed her dope. Jones and Watts entered her apartment found dope under floorboards. In pro se civil jury, the jury found for the city and police.

12. Exhibit AA-Civil Complaint of Leroy McCambry against Officers Bailey, Nichols, Leano, & Watts. October 2009 incident.

Facts: Ofcr Bailey chased McCambry “for grabbing a purse from a motor vehicle.” Bailey was in marked car and McCambry on foot. The chase continued from 47th and Prairie to 47th and Calumet where Bailey struck McCambry with squad. Bailey beat the seriously wounded

McCambry and then dragged him 8 feet to squad. Nichols and Leno arrived-all ignored pleas for ambulance. At 002 District, Watts ignored request for medical help. After few hours, suspect taken to hospital had multiple fractures.

*Claims Nichols testified falsely in grand jury about injuries and cause of injuries.

Case was dismissed with prejudice and no award of attorney's fees on August 26, 2013. Settlement, if any not disclosed.

13. Exhibit CC* October 2009 -Charles Rogers IPRA Complaint made in December 2009.

Rogers bought heroin and PO Alvin Jones attempted to stop him, Rogers ran. Jones struck him with car. Officers called ambulance, when one officer who was in charge, said "if you go to hospital, we got you when you come back." Baker claims that Watts made threat but Rogers didn't know name. Nothing alleged about rest of officers.

Baker claims (para. 46) that allegations by Baker against Watts take on new level of credibility. Baker cites comments by Milan that when cops are engaged in misconduct every case they've worked is suspect.

14. Exhibit BB: Series of emails between Loevy and Paul Castiglione-

Paul states Spec Pros has nothing on relevant officers from 2005 and 2006. However, Baker and attorney met with IAD and SAO during trial pendency. Dave Navarro-ASA Public Integrity appeared twice then case went back to courtroom ASA's.

15. Exhibits DD through HH: CR'S of relevant officers from public database.

- a. Watts-23 CRs (6 with Jones)
- b. (Now Sgt) Alvin Jones-17 CRs
- c. Nichols-5 –all illegal search complaints, except for 2011 false arrest.
- d. Gonzales-12

16. Shooting of Christin Green on 4th of July, 2013 by 002 tactical team. Green had a handgun and pointed at police while running from them. 002 officer Robert Gonzales may be officer who shot and killed Christin Green, a 17 year old. Per Baker's petition, NBC did a story on how Gonzales was "reportedly present" at 3 other shootings.

17. Miscellaneous Exhibits II& JJ.

II is the CR tally for Jerome Finnegan, convicted CPD officer. JJ is a transcript from his trial. Not sure why included or what relevance is.

18. Miscellaneous Exhibits KK, LL & MM

- a. KK is an IPRA Report Initiated in August of 2008 and closed in August of 2010 naming Watts. Jones and 3 other officers whose names have never come up in Baker's case from 2005. No details are legible other than findings for three of officers (Watts, Jones & Stegmiller) of unsustained or unfounded.
- b. LL is Appellate Court affirmance from December 2008 in Baker case
- c. MM is affidavit of Pete Koconis

Summary

The issue is whether new evidence exists, especially in light of Watts' conviction, to support the defense that Nichols and company framed Baker at the behest of Watts. There is no doubt that Watts was brazenly corrupt and was the target of investigations for years. In the end, he was only convicted of a single act of corruption. There is no new evidence arising from investigations or elsewhere that the officers who made this arrest are corrupt or that they falsely arrested Baker and framed him.

The exhibits to both the 2014 and the 2015 filings by Loevy have been reviewed twice in detail. These exhibits fail to implicate or incriminate Nichols, Leano, Gonzales, or Burton or incriminate them as partners in Watts' corruption. In deposition of IAD Chief Juan Rivera, Rivera states that no other policemen were targets in the FBI/IAD investigation that led to Watts' indictment. The officers are still on job, were not disciplined or part of Watts' criminal indictment, and there is no evidence that they were involved in Watts' criminal schemes.

Baker's claims about Watts were taken seriously at trial. IAD complaints were tendered before trial, the SAO met with Baker and IAD. There simply was no evidence that Baker was falsely arrested. The officers went to the 3rd floor of the 527 Browning building as it was a known area for drug sales. Baker was caught red-handed and ran with very large amounts of two different drugs.

Baker's story is that he just happened to step into the 3rd floor drug market when Greg Young was standing there with a bag of dope and when Nichols charged the men with his gun drawn. Baker claims that Leano caught him on the 1st floor (as opposed to Gonzales and Burton) and evidence was planted on him. Baker claims that the subsequent arrival of Watts shows that he ordered the frame up.

When Baker ran, however, Nichols radioed for help and several other officers arrived including Watts and Jones. Baker claims he quit dealing drugs in 2004. He had drug arrests going back to 1993. Yet, Baker also claims that Watts had been threatening him for nine months at the time of his March 2005 arrest. Four months before the arrest, Watts and Jones told Baker that he was going to be arrested and it would “stick.”

If Baker was not dealing, Watts would not target and threaten him. There was a long delay between the threats and the alleged frame. Baker admitted he saw multiple members of the TAC team numerous times in those four months and had no problems with the officers.

If Watts framed Baker, he gave up 41 grams of heroin and 14 grams of crack in order to do so. A lesser amount of either drug would have resulted in a significant sentence for Baker. It makes no sense that someone as greedy as Watts would “waste” such a large amount of drugs to frame one man who was not even dealing drugs.

Also, Baker was on probation and picking up curfew violations when he was arrested on this case. First, he is arrested on this case, and then he picked up another drug case while in a car with his wife. Finally, he was arrested for UUV by a felon.

Baker did not complain that he was framed for those cases, he pled guilty after losing the trial on the case with the significantly longer sentence.

Judge Toomin did not treat Baker as if his story was outlandish. Matt Mahoney was allowed to subpoena IAD records and IAD confirmed that they had a relevant ongoing investigation. A month before trial, when the investigation of complaints against Watts by Moore and Gadie were complete, the IAD materials were disseminated to both sides. Baker and his attorney met with IAD and an ASA.

In finding Baker guilty, Toomin noted Baker’s story was self-serving and uncorroborated. Mahoney fought hard for Baker. A Motion to Reconsider was filed and resulted in a sentence reduction and in Toomin’s comments that if there had been some corroboration, “there might have been a different story.”

The Appellate Court reviewed the Watts’ corruption evidence in detail. The sole issue on appeal was based upon Toomin’s comment and Mahoney’s alleged incompetence in not putting on corroborating evidence. The Appellate Court affirmed the conviction noting that allegations against Watts were disturbing.