Health & Law Resource

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EXHIBIT 4

May 13, 2024

Ms. Kelly Olivier
Hale & Monico
53 W. Jackson Blvd., Suite 334
Chicago, IL 60604

Dear Ms. Olivier

At your request, I reviewed materials relating to the guilty plea and case of Mr. Ben Baker and Ms. Clarissa Glenn. The specific materials that I have reviewed in connection with the preparation of this report are listed in the *Sources of Information* section.

Opinion

It is my opinion held with a reasonable degree of forensic medical and psychiatric certainty that on 09/18/06 Mr. Baker and Ms. Glenn entered a guilty plea knowingly, intelligently, and voluntarily.

Reasoning

Review of the 09/18/06 Plea Proceedings

The court proceeding during which Mr. Baker and Ms. Glenn plead guilty to various charges occurred on 09/18/06 before Judge Michael Toomin. Attorney Michael Mahoney represented Mr. Baker and Ms. Glenn. Mr. William Laskaris and Mr. Todd Dombrowski were the Assistant State's Attorneys.

At the beginning of the hearing, Mr. Mahoney and ASA Laskaris appraised Judge Toomin as to the available information regarding potential illegal activities by Seargent Watts and other CPD officers on his team. ASA Laskaris informed the court that all the officers were present and ready to testify at Mr. Baker's and Ms. Glenn's jury trial set for later in the day on 09/18/06. Judge Toomin ruled that the provided information regarding police misconduct was "idle speculation," "blanket allegations," and did not constitute a reason not to go ahead with the

trial. Mr. Mahoney stated that he could offer no further information regarding the alleged illegal activities by Watts and others on his team.

Mr. Mahoney then informed the court that the ASA made a "very concrete offer… and I tentatively discussed those with him (i.e., Mr. Baker) this morning and they involved a reduction in class of offenses." The defense counsel and the judge discussed Alfred [sic] plea, with Judge Toomin stating that there is no need for Alfred [sic] plea, because

> You know it's like black and white [reports of illegal actions by the Seargant Watts and his team]. One is probably right, and one is probably wrong. I don't know which one. But I can't conceive of a situation where if things should develop down the line where it turned out that your [i.e., Mr. Mahoney's] suspicions are correct and that this guy [police Sergeant Watts] is tagged at some point that there is a judge in the building I can't conceive the state would object to vacating pleas and even convictions. It just would not be right to allow convictions to if they were based upon outlaw police.

Judge Toomin continued,

> And so, I don't see that it's a problem post-conviction wise or if it was 30 days after the plea or whatever. There is procedures in force that address the specific things should it develop, you know. That's my impression of the law.

Mr. Mahoney agreed with the judge as to the law, and stated further

> And I wanted to double check on it my belief is that stipulation at a plea that that, in fact, would be the testimony and that if that testimony were believed that it would be sufficient to convict and basically is tantamount to an Alfred plea.

Judge Toomin replied,

> There is all the court has to have to support a valid plea is the admonishments that he [i.e., Mr. Baker] is giving up his right to a trial and all the appurtenances of a trial and that there is a factual basis. He doesn't have to agree to the factual basis as long as the state reads it into records and said that's what their evidence will show and you stipulate not to the voracity of it but simply that's what their evidence will show, that's a factual basis for a plea, Alfred or not. It is a

> factual basis. I believe that's all that's required for a valid plea of guilty.

Mr. Mahoney replied, "That was my understanding. I just wanted to make sure."

Subsequently, ASA Laskaris informed the court as to the details of the 12/11/05 arrest of Mr. Baker and Ms. Glenn for an alleged Class X offense of possession of controlled substance with intent to deliver ("PCSI") within a thousand feet (. Mr. Baker was 33 years old and Ms. Glenn 34 years old at the time of this arrest.

Briefly, according to ASA Laskaris, police received information that Mr. Baker will be transporting "some blows." Police set up surveillance. Mr. Baker drove a car with Ms. Glenn as a passenger, Mr. Baker ran the stop sign, they were stopped by police. Ms. Glenn handed Mr. Baker a bag, which Mr. Baker puts in the driver's side console. The bag contained 50 blows, no money, and defendants offered no statements. Total weight was 14.1 grams, of which 5.2 grams were tested.

ASA Laskaris informed the court that Mr. Baker had previous 1994 felony conviction for attempted murder, a 2002 Class 4 conviction for possession of a controlled substance ("PCS"), for which he received probation, and a 2005 Class X PCSI, for which he was initially sentenced to 18-years but was reduced to 14 years by Judge Toomin on 03/01/06.

ASA Laskaris offered to reduce the current charge of Class X PCSI to a Class 1 PCS for both defendants, offering Mr. Baker specifically a sentence of 4 years, served consecutively with the prior 14 yearlong sentence. Mr. Baker faced another charge stemming from a 10/05/05 bullet found in his apartment, for which the ASA offered 2 years.

The ASA then considered that Ms. Glenn had "no background" and offered to reduce Ms. Glenn's charge (to less than 5 grams) to allow for probation.

After some back and forth between Mr. Mahoney and Judge Toomin, Judge Toomin gave Mr. Mahoney either an hour or half hour to discuss the state's offer with the defendants.

When 09/18/06 court proceedings resumed, Mr. Mahoney informed the court that he reached an agreement with the state. The sides agreed to Mr. Baker's sentence of two years on the 10/12/05 gun charge and four years on the 12/11/05 possession of intent to deliver charge that would run consecutive to the prior sentence for a total of 14 years. Mr. Baker stated that this was his understanding when asked by the judge. Ms. Glenn agreed that she understood that she plead guilty to a charge in return to one year probation. Judge Toomin went through the questioning of both defendants.

Matt Mahoney Deposition

During his deposition on 09/28/22, Mr. Mahoney testified that he represented Mr. Baker on three (3) and Ms. Glenn on one (1) drug criminal case. Mr. Mahoney testified that he has an independent recollection of Mr. Baker and Ms. Glenn.

Mr. Mahoney recalled that the first "mailbox case" stemmed from 06/17/04 arrest for drugs discovered in a mailbox. Mr. Baker claimed he was innocent.

The case was dismissed when Judge Toomin granted the defense motion to suppress evidence.

Mr. Mahoney represented Mr. Baker on a second case stemming from 03/23/05 arrest on a stairwell. Mr. Mahoney testified at deposition,

> Because he had beaten the first case and the·-- it was Watts and his team- not necessarily Watts himself.· But Watts or one of the guys on his team.· And it -- because Ben had won the motion to suppress in the first case that Watts had put on him, Watts was putting another case on him and telling him that somehow he wasn't going to get away with this one.
>
> I knew I was taking a risk because, you know, I was basically telling the prosecutor's office, having my client, you know, admit to certain things that might not be in his best interest.· But I had told him that he needed to tell the truth, the whole truth, and nothing but the truth because they wouldn't believe him if he lied.

Mr. Baker and Ms. Glenn hired Mr. Mahoney to represent them after their arrest on 12/11/05. According to Mr. Mahoney, his clients alleged that Sergeant Watts came up to them while they were in a car and "put a case on them," i.e., Sergeant Watts planted drugs on them.

The trial for 03/23/05 arrest ("the stairwell case") took place in May 2006. On 05/23/06, Mr. Mahoney gave an opening statement. In this statement, Mr. Mahoney presented his theory of the case, that Seargent Watts planted evidence because Mr. Baker refused to pay a bribe to Seargent Watts.

Mr. Mahoney testified at his 2022 deposition,

> I remember that despite the fact that Ben was a convicted felon, that I put him on the stand and had him detail Watts' conduct.· The judge was Judge Michael·Toomin.· I knew Judge Toomin when I had been a State's Attorney in the Organized Crime Unit.· I was responsible for getting court orders for wire taps.· Judge Toomin·was one of the four

> supervising judges in the building who could sign orders for wire taps.· So I'd had a lot of contact meeting with him in private, in his chambers, discussing -- giving him the probable cause necessary to sign an order for a -- an overhear.· And so I knew him to be an intelligent guy, a law guy, and a guy who knew basically, how the world worked.·

Mr. Mahoney also testified,

> And in this case, I knew that if·Toomin didn't believe what he was hearing, that there was no way I was going to be successful.· And I had to present it in the same way it had been presented to me, so that he would see the truth of it as well.· It was my only shot, was -- was the truth.· Nothing else was going to work.· And I wasn't interested in doing it any other way.

Mr. Mahoney put Mr. Baker on a stand to testify as to Seargent Watts' conduct. Mr. Mahoney testified,

> And I thought that maybe, maybe I had a shot with him (i.e., Judge Toomin), if we just told the truth and he saw that it was the truth.· That maybe we had a shot.· Because otherwise, we didn't have much of a shot.· Police officer's word against the convicted felon's word, not going anywhere with that.

Mr. Mahoney testified that in September 2006, he plead out Mr. Baker and Ms. Glenn on the charges from the 12/11/05 arrest ("the car case"), in part because Judge Toomin had previously found Mr. Baker guilty from the March 2006 arrest, and Mr. Baker was serving his 14-year sentence. Mr. Mahoney testified,

> There -- Ben was already in prison, and Clarissa was facing mandatory jail time, prison time. ·And I worked out a deal where Ben would basically take, I think another four or five years, and Clarissa would get·probation on a straight possession class 4.

Mr. Mahoney testified that he recommended the plea deal to Mr. Baker and Ms. Glenn. He stated,

> Hey look, Toomin·didn't buy the -- the truth, so what are we going to do now, tell it to him again?· He would be contradicting himself if he bought it a second -- you know, if he didn't buy it the first time, and bought it the second time, so we got nowhere to go. And Clarissa was looking at time if we went to trial and lost, so there was no option but

> to take the deal, which would guarantee her to be home with her kids.

According to Mr. Mahoney's testimony, Mr. Baker's occupation was that of a drug dealer. Ms. Glenn was a nurse's aide. Ms. Glenn knew Mr. Baker was a drug dealer.

When Mr. Baker and Ms. Glenn had to decide whether to take the plea for 12/11/05 arrest, the thinking went

> It was, "Hey look, Toomin didn't buy the -- the truth, so what are we going to do now, tell it to him again?· He would be contradicting himself if he bought it a second -- you know, if he didn't buy it the first time, and bought it the second time, so we got nowhere to go."· And Clarissa was looking at time if we went to trial and lost, so there was no option but to take the deal, which would guarantee her to be home with her kids.

Mr. Mahoney testified that Judge Toomin was one of the judges who did [impose trial tax].

Analysis of Dr. Redlich's Opinions
Alleged Risk Factors Leading to Baker's and-Glenn's False Guilty Pleas
Dr. Redlich testified that her opinions in this case are based on her research on false guilty pleas. This research is focused on identifying various factors, risks, and hallmarks common to false guilty pleas. Yet the same factors are present in true guilty pleas, which raises the issue as to whether these factors, risks, and hallmarks are practical and effective tools to differentiate between true and false guilty pleas.

Dr. Redlich's testimony offers an example of an 'affirming the consequent' logical fallacy. For example,

- After the rain, the ground is wet.
- The ground is wet.
- Therefore, it must have rained.

The conclusion is not necessarily correct; the ground could be wet for reasons other than it rained. Here's Dr. Redlich's logical error,

- False guilty pleas share situational characteristics, such as a package plea deal, futility of going to trial, and extreme plea discounts, among others.
- A package plea deal, futility of going to trial, and extreme plea discounts were present during this plea.
- Therefore, this guilty plea is false.

No, the conclusion that a particular guilty plea is false does not follow from the premises. Such elements as package plea deal, futility of going to trial, and extreme plea discounts are not limited to false guilty pleas. These elements present in all or most guilty pleas because these elements are the sine qua non of any plea deal. Why would anyone plead guilty if not for some benefit?

Dr. Redlich is aware of this fact. She testified,

> Q. Are there hallmarks of a [true] guilty plea?
> A. A true guilty plea. Yes, and I've said before that in some ways they overlap with the risk factors of false guilty pleas because the key factor -- the key differentiating factor is whether the person is factually innocent or factually guilty. But there's a lot of other factors that would affect why a person, either guilty or innocent, would plead guilty. And so, it could be things like the discount, the leniency that they receive. It could be factors that they are – don't understand. Or it could be that they got a package plea deal. It could be that, you know, they don't perceive their chances of winning at trial.
>
> But what I was saying is that there's a lot of overlap between true and false guilty pleas…
>
> So, as I said earlier, there are -- is overlap between the factors that would lead a guilty person to plead guilty and that would lead an innocent person to plead guilty. This (i.e., package plea deal) is a good example.

The presence or absence of any dispositional or situational characteristic offers no reliable evidence as to a plea being true or false. Dr. Redlich testified,

> What I was trying to say earlier is that those factors are almost like a given in truly guilty cases, that they are going to raise the likelihood of a guilty person pleading guilty.

The "almost a given" presence of such factors, risks, and hallmarks as package plea deal, futility of going to trial, and extreme plea discounts in true guilty pleas, makes these factors impractical and ineffectual as a tool to differentiate between true and false guilty pleas.

In other words, if almost all guilty pleas share the same factors, risks, and hallmarks as do false guilty pleas then these factors, risks, and hallmarks do not offer any practical and effective procedure to differentiate between true and false guilty pleas.

Dr. Redlich admits as much during her deposition,

> I've said before that in some ways they (i.e., characteristics of true guilty pleas) overlap with the risk factors of false guilty pleas because the key factor -- *the key differentiating factor is whether the person is factually innocent or factually guilty* (emphasis added).

Dr. Redlich opined that the only way to establish if the plea was true or false is whether the defendant is in fact innocent or guilty. What is the way to decide if defendant is in fact innocent or guilty? Through the established legal processes including trial and plea bargaining.

The presence of any one or a combination of guilty plea "risk" factors are of no probative value in any one particular criminal case as to whether the defendant is in fact innocent or guilty. Whether any particular plea was true or false cannot be established by considering various "risk factors" identified by Dr. Redlich's research. She admits as such when she testified,

> If there was some magic way of saying that this is objectively a true guilty plea, which this is just a hypothetical. But, yes, my opinion is that these are consistent with false guilty pleas. And if you're telling me, it's a true guilty plea, then, no, it would no longer be consistent with the false guilty plea cases because you're telling me it's true.

Indeed, there is no "magic way" to know objectively whether any defendant is guilty or innocent but by going through trial or plea bargaining. The standard is not some Platonic Form called "innocence" or "guilt," but what can be achieved through the legal process. Dr. Redlich's factors, risks, and hallmarks do not offer an objective way to differentiate true from false guilty pleas.

Dr. Redlich acknowledged that the presence of "risk factors" for a guilty plea does not establish that the guilty plea was false. Yet, she opines that the presence of the "risk factors" helps establish that the plea was false. Dr. Redlich does so through the use of the term "consistent with." Yet, "consistent with" does not establish causation. To return to the above example, the fact that the ground is wet is consistent with recent rain. But it does not establish that it rained.

Furthermore, Dr. Redlich testified that she did not specifically study the characteristics of true guilty pleas. She testified,

> …I'm just saying that I did not do the same study with -- that specific study with people who were truly guilty and people who were rightly convicted at trial. So, when I'm talking about true guilty pleas, I'm just talking more generally.

> When I'm talking about the hallmarks of false guilty pleas, which is what I'm talking about in my report, I'm talking -- some of what I'm talking about are the situational and dispositional risk factors, and the information that I learned from that very specific study that only focused on people who were wrongly convicted and false guilty pleas.

Dr. Redlich testified that she does not know as to how many guilty pleas occur in the United States. She testified, "I don't know [how many guilty pleas occurred in Illinois in 2006]. I don't even know the denominator of how many guilty pleas there were as I've already mentioned." Without knowing the total number of guilty pleas, one cannot calculate the frequency of false guilty pleas. This further undermines the utility of the Dr. Redlich's factors, risks, and hallmarks in separating true from false guilty pleas.

Dr. Redlich further testified that she studies "the validity of guilty plea decisions. So are they knowing, intelligent, and voluntary." To decide whether the plea was knowing, intelligent, and voluntary requires an analysis as to whether a particular defendant suffered from a condition of mental or physical ill-being that interfered with one's abilities to make knowing, intelligent, and voluntary decisions. In this case there is no evidence that Mr. Baker or Ms. Glenn experienced any condition of mental or physical ill-being that interfered with their cognitive and emotional decisional functioning.

Dr. Redlich stated that "there are three primary risk factors present in Mr. Baker's and Ms. Glenn's cases that are consistent with proven false guilty pleas." She listed these risk factors as well as her opinion that defendants may not have had sufficient time to think through the plea offer. The factors she identified are

- Insufficient time to consider the plea offer
- Package plea deal
- Futility of going to trial
- Extreme plea discounts

Dr. Redlich wrote,

> *it would appear* (emphasis added) that Mr. Baker and Ms. Glenn *may have had* (emphasis added) insufficient time to consider the State's plea offers. The Plea Hearing Transcript makes clear that the plea offers came in that morning. To my understanding the pleas were entered the same day, and that there may have only been a 30-minute break to consider the pleas. This would leave little time to weigh the plea…

Dr. Redlich's opinion that defendants may not have had sufficient time to consider the plea deal is without factual foundation. Dr. Redlich offered no factual evidence that Mr. Baker and Ms. Glenn were given insufficient time to consider the plea offer, consult with their attorney, Mr. Mahoney, and make the decision whether to accept the plea.

Dr. Redlich's opinion that defendants may not have had sufficient time to consider the plea deal is without factual foundation. Dr. Redlich offered no factual evidence that Mr. Baker and Ms. Glenn were given insufficient time to consider the plea offer, consult with their attorney, Mr. Mahoney, and make the decision whether to accept the plea.

In addition,

1. Dr. Redlich neglected the fact that Mr. Mahoney discussed the State's offer with Mr. Baker before the start of the 09/18/06 hearing.
    a. A review of the 09/18/06 court transcript indicates that Mr. Mahoney discussed the State's plea offer with Mr. Baker before the hearing. He stated,

> This morning the state made to me a very concrete offer… in Mr. Baker's remaining cases. And I tentatively discussed those with him this morning and they involve a reduction in class of offenses… Mr. Baker appears to be with the program...

    b. Thus, Mr. Baker did not raise any issue as to whether he was provided insufficient time to consider the State's offer, and it appears he was, in fact, given ample time to consider the State's offer.

2. Dr. Redlich did not take into consideration that Mr. Baker and Ms. Glenn were not in the courtroom during the morning part of the 09/18/06 hearing, i.e., before the break. Mr. Baker had more than 30 minutes to consider the state's offer.

3. Dr. Redlich did not offer any data that either Mr. Baker or Ms. Glenn experienced any cognitive and/or emotional impairments that indicate they needed or would have needed a specific amount of time in order to evaluate and reach the decision whether to accept the plea offer.
    a. Dr. Redlich testified that Mr. Baker did not experience any cognitive impairment or learning disability.
    b. Dr. Redlich testified,

> This is not a case where I think there are dispositional risk factors inherent to either Clarissa or Ben themselves that would make their plea either involuntary or unreliable… I

> did not see anything about Mr. Baker or Ms. Glenn in terms of cognitive impairments.

4. Dr. Redlich did not consider the effect Mr. Baker's prior trial testimony in front of Judge Toomin had on his decisional capacity on 09/18/06.
    a. Mr. Baker had tried and failed to persuade Judge Toomin as to alleged police misconduct.
    b. Mr. Baker had this experience to consider in making his decision whether to accept State's offer.
    c. Ms. Glenn was aware of the 2006 trial strategy and outcome in considering whether to accept the State's offer.

5. Dr. Redlich did not note that during the 09/18/06 morning hearing, Judge Toomin stated that the allegations that were made against the police officers were "idle speculations."
    a. Judge Toomin's opinion undermined Mr. Mahoney's theory of the case.
    b. Without evidence of police misconduct, it was unreasonable to expect Judge Toomin to disbelieve police officers' testimony.

6. Dr. Redlich ignored Mr. Baker's prior experiences with plea bargaining. Dr. Redlich testified,

> …I don't know what crimes he committed. I mean -- and I don't think I have his rap sheet, so I don't even really have a good sense of what crimes he was convicted of. …I don't put any weight really on his prior experiences… because she "does not feel that it –I don't feel that it's relevant to the case at hand."
>
> A person's criminal history is not allowed at trial because it's prejudicial and it doesn't feed into my analysis of that specific case of why they're saying that they chose to plead guilty on that specific day, or if it was a reliable plea in that specific case because every case stands alone.

This is a rather peculiar approach to forming an understanding of defendant's thinking processes at the time they plead. Dr. Redlich says that she does not consider that individuals learn and become more adapt in managing situations with practice.

Yet, Dr. Redlich testified that she does not interview defendants years after the plea, because "I make it a point to try and ask these questions very soon after the plea. Not 17, 18 years later. I don't see the utility in that." Dr. Redlich does not find interviewing defendants years after the plea because

> I'm speaking specifically about the plea comprehension and the ability to define the plea vocabulary words. So, you know, I don't know what happened in the past 18 years in terms of, you know, what they knew and understood then as opposed to what they understand now.

Contrary to statements above, Dr. Redlich appears to think that defendants do learn from their past experiences. She testified,

> Mr. Baker has utilized plea bargaining on several occasions, starting at age 18 when he plead guilty to possession of other controlled substance in 1989. He used plea bargaining again in 1994 when he was charged with unlawful use of a weapon by felon and attempted murder. Then in 2003 he plead guilty to possession of a controlled substance.

Defendants do learn from their prior court experience including participation in plea bargaining.

Therefore, there is no factual support for Dr. Redlich's opinion that Mr. Baker and Ms. Glenn apparently "may have had insufficient time to consider the State's plea offers" (emphasis added).

Package Plea Deal with Ms. Glenn

Dr. Redlich testified that the package plea deal was "coercive." She affirmed that package plea deal could be part of a true guilty plea. She stated, "I'm not talking about the reliability" of the guilty plea.

Dr. Redlich wrote

> ...the package plea deal offered to Mr. Baker and Ms. Glenn was a primary reason for his pleading guilty, despite his repeated claims of innocence. More specifically, if Mr. Baker agreed to plead guilty, his wife, Ms. Glenn, would receive a plea offer in which she would not receive a carceral sentence, but rather serve one year on probation...
>
> Mr. Baker testified, "I only pled guilty to protect my wife and our children from the risk of my wife's imprisonment and upon the agreement that she would only be sentenced to 1 year probation."
>
> Ms. Glenn testified, "I only pled guilty at Ben's urging and upon the agreement that I would be sentenced to 1 year probation. Our children could not have both parents in prison."

Dr. Redlich testified that this package plea deal was coercive. She wrote,

> Thus, when this body of research is applied to the present case, Baker and Glenn, as they have stated in their affidavits and depositions, only accepted the pleas, despite their claims of actual innocence, because of their relationship and shared children. More specifically, for his part, Baker "only pled guilty to protect my wife" and "pleaded and begged" Glenn to accept the state's plea offer so that she would avoid prison time and be able to stay home with their children. For her part, Glenn "only pled guilty at Ben's urging" with the understanding that she would not serve carceral time and thus be able to parent their children.
>
> In my expert opinion, these packaged deals greatly influenced the voluntariness of their guilty pleas.

Dr. Redlich further clarified her opinion,

> And here I'm talking about the coerciveness of the situation, and that why this package deal would lead an innocent person to plead guilty. Yes, it would lead a guilty person [to plead guilty also]. But even – it's so, so tempting and such a good deal, and they get to raise -- you know, Clarissa gets to raise her children, that it would lead an innocent person to accept that deal rather than go to trial.

Thus, the presence of the package plea deal does not separate false from true guilty pleas.

Dr. Redlich argues that the package plea deal was "enticing" and thus coercive. Indeed, this offer was attractive to both defendants for a variety of reasons. The plea was attractive given the totality of the circumstances faced by Mr. Baker and Ms. Glenn. Mr. Baker and Ms. Glenn swore under oath that neither was threatened or coerced to accept the plea. They testified that each accepted the plea on their own free will. Thus, the pleas were voluntary as articulated by the current legal standards.

Furthermore, there is no evidence that either Mr. Baker or Ms. Glenn were cognitively or emotionally unable to exercise their reason. There is no evidence that either one suffered from a mental illness that negatively affected their decision-making capacity. Indeed, under the totality of the circumstances, accepting the plea deal was the most reasonable decision to be made. Ms. Glenn received probation, Mr. Baker received a reduced prison sentence, and they were aware of additional avenues to address and potentially vacate their respective guilty pleas, if they so chose. Thus, Mr. Baker and Ms. Glenn accepted their respective pleas voluntarily.

Futility of Going to Trial

Dr. Redlich identified several reasons why Mr. Baker and Ms. Glenn would judge going to trial as futile. These reasons are,

1. Mr. Baker's previous conviction during the 2006 trial.
2. Inadmissibility of the police misconduct allegations based upon Judge Toomin's rulings.
3. Reasonable expectation that police officers' testimony would be judged more credible than that of Mr. Baker and Ms. Glenn.

Dr. Redlich testified,

> So, it's like a given that they (i.e., futility to go to trial) induce guilty people to plead guilty.
>
> Standing alone [the factor of futility to go to trial], it wouldn't be [a] definitive [factor to identify true vs false guilty plea], no. It [the futility to go to trial], would be a factor in the totality of circumstances.

Dr. Redlich testified that both guilty and innocent defendants calculate their chances of conviction at trial. Significantly, Dr. Redlich testified that

> Well, it's very consistently that guilty people are pleading guilty at higher rates. ...that's why I presume that most defendants who plead are guilty.

Dr. Redlich's testified that the presence of the futility of going to trial does not help to separate true from false guilty pleas.

The fact that Mr. Baker and Ms. Glenn took into account the outcome of the prior trial and the significance of the inadmissibility of testimony regarding police misconduct indicates that both defendants exercised good judgment. There is no evidence that either of the defendants were cognitively or emotionally impaired. There is no evidence that either of the defendants experienced metal illness.

Extreme Plea Discount

Dr. Redlich argues that the plea discount offered to Mr. Baker and Ms. Glenn during the plea negotiation was extreme and coercive. State's plea offer was attractive to both defendants for a variety of reasons. The plea was attractive given the totality of the circumstances faced by Mr. Baker and Ms. Glenn.

According to Mr. Baker's deposition testimony,

> I pled guilty so that Clarissa wouldn't get any jail time. I didn't want to run the risk of her

> getting jail time, because I would have fought it. And that's why I believe they charged her, so -- But that's just my belief. But I pleaded guilty so that Clarissa wouldn't have to do any time and she'll be there to raise our kids.
>
> I had just got found guilty, and they gave me eighteen years. And I didn't want to risk -- Well, yes, to answer your question. They offered me four years. The State offered me four years. Yes [for 12/11/05]. And they offered Clarissa probation. She, to her testament, didn't want to take the plea. But I pleaded with her because I didn't want to see her in jail, albeit for something she didn't do, but in jail nonetheless. And then where would that leave our children? So, I said I'll plead guilty and do the four years. Yes [it was negotiated plea. [I take the four, and they guarantee you that they're going to give Clarissa probation.]

Mr. Baker did not testify that he was swayed to accept the plea because he calculated that he was receiving an extreme discount.

Mr. Baker and Ms. Glenn swore under oath that neither was threatened nor coerced to accept the plea. They testified that each accepted the plea on their own free will. Thus, the plea was voluntary as articulated by the current legal standards.

Furthermore, there is no evidence that either Mr. Baker or Ms. Glenn were cognitively or emotionally unable to exercise their reason. There is no evidence that either one suffered from a mental illness that negatively affected their decision-making capacity. Indeed, under the totality of the circumstances, accepting the plea deal was the most reasonable decision to be made. Ms. Glenn got probation, Mr. Baker got a reduced prison sentence, and they could wait to have circumstances change so that police statements became unreliable as evidence for defendants' guilt. Thus, Mr. Baker and Ms. Glenn accepted the plea knowingly, intelligently, and voluntarily.

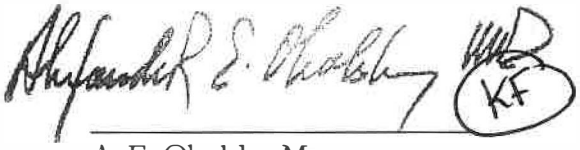
The presence of the "extreme plea discounts" does not separate true from false guilty pleas. The presence of "extreme plea discounts" does not make the plea involuntary according to the current legal standards.

Signature

The data identified in the sources of information and this examining physician's education, experience, and research are the basis for the above proffered opinions. This examiner reserves the right to modify his opinions if further data becomes available for review and analysis.

Unless otherwise specified, this examiner holds the opinions expressed in this report with a reasonable degree of forensic medical and psychiatric certainty.

Respectfully submitted,
Health and Law Resource, Inc.



A. E. Obolsky, M.

Sources of Information

#	Record Type	Record Source	From	To
1	Complaint	Chicago Police Department	04/26/01	
2	Medical	Northwestern Medicine	11/14/01	11/21/01
3	Complaint	Chicago Police Department	11/03/05	
4	Legal	Report of Proceedings	09/18/06	
5	Medical	Illinois Department of Corrections	03/12/07	05/13/14
6	Legal	Affidavit of Ben Baker	03/06/09	
7	Legal	First Judicial Circuit, Cook County State of Illinois-Affidavit of Ben Baker	10/31/12	
8	Legal	State of Illinois County of Cook-Affidavit of Ben Baker	06/13/14	
9	Legal	Circuit Court of Cook County, Illinois County Department-Criminal Division Affidavit of Ben Baker	02/04/16	
10	Legal	Circuit Court of Cook County, Illinois County Department-Criminal Division Affidavit of Clarissa Glenn	02/04/16	
11	Legal	Circuit Court of Cook County, Illinois County Department-Criminal Division Affidavit of Leonard Gipson	04/27/17	
12	Legal	Transcript of the Testimony of Officer Miguel Cabrales	10/17/17	
13	Medical	Mercy Hospital and Medical Center	12/20/17	12/20/17
14	Legal	Copa-Investigation Reports	11/28/18	12/20/18
15	Legal	The Northern District of Illinois, Eastern Division-Second Amended Complaint	12/30/20	
16	Legal	Transcripts of the Deposition of Clarissa Glenn	08/26/21	02/24/24

Sources of Information

#	Record Type	Record Source	From	To
17	Legal	Transcript of the Testimony of Kenneth Young Junior	12/15/21	
18	Legal	Transcript of the Testimony of Manuel Leano	01/26/22	
19	Legal	Transcript of the Testimony of Robert Gonzalez	03/10/22	
20	Legal	Transcript of the Testimony of Officer Brian Bolton	03/14/22	
21	Legal	Transcript of the Testimony of Douglas Nichols	04/18/22	
22	Legal	Transcript of the Testimony of Leonard Gipson	07/18/22	
23	Legal	Transcript of the Deposition of Matthew Mahoney	09/28/22	
24	Legal	Transcript of the Testimony of Ronald Watts	10/07/22	
25	Legal	Transcript of the Testimony of Debra Kirby	10/13/22	
26	Criminal History Report	Chicago Police Department	02/09/23	
27	Legal	Transcript of the Deposition of Alvin Jones	07/18/23	
28	Legal	Transcripts of the Deposition of Ben Baker	08/09/23	08/10/23
29	Legal	Transcript of the Testimony of Kallatt Mohammed	11/15/23	
30	Legal	Transcript of the Testimony of Philip Cline	12/08/23	

Sources of Information

#	Record Type	Record Source	From	To
31	Legal	Transcript of the Testimony of Elsworth Smith	03/05/24	
32	Legal	George Mason University College of Humanities and Social Sciences-Alison D. Redlich Ph.D.	03/27/24	
33	Legal	Transcript of the Testimony of Allison D. Redlich, Ph.D.	04/25/24	
34	Other	Podcast of Joshua Tepfer		
35	Date of Initial Contact (Intake) with Health & Law Resource, Inc.	Health and Law Resource, Inc.	04/15/24	