

# Exhibit B



**KENTUCKIANA**  
— COURT REPORTERS —

**MASTER DOCKET CASE NO. 19-CV-01717**

**IN RE: WATTS COORDINATED  
PRETRIAL PROCEEDINGS**

**DEPONENT:  
KEVIN HUGHES**

**DATE:  
June 03, 2024**



✉ [schedule@kentuckianareporters.com](mailto:schedule@kentuckianareporters.com)

☎ 877.808.5856 | 502.589.2273

[www.kentuckianareporters.com](http://www.kentuckianareporters.com)

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF  
3                   ILLINOIS EASTERN DIVISION  
4                   JUDGE FRANKLIN U. VALDERRAMA  
5                   MAGISTRATE JUDGE SHEILA M. FINNEGAN  
6                   MASTER DOCKET CASE NO. 19-CV-01717

7  
8                   IN RE: WATTS COORDINATED  
9                   PRETRIAL PROCEEDINGS  
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23   DEPONENT:   KEVIN HUGHES

24   DATE:        JUNE 3, 2024

25   REPORTER:   TAYLOR R. WELSH

APPEARANCES

ON BEHALF OF THE PLAINTIFFS, BEN BAKER AND CLARISSA  
GLENN:

Scott Rauscher, Esquire

Loevy & Loevy

311 North Aberdeen Street

Third Floor

Chicago, Illinois 60607

Telephone No.: (312) 243-5900

E-mail: scott@loevy.com

APPEARANCES (CONTINUED)

ON BEHALF OF THE DEFENDANTS, KEVIN HUGHES, ROBERT  
GONZALEZ, MANUEL LEANO, DOUGLAS NICHOLS, JR., CALVIN  
RIDGELL, GEROME SUMMERS, JR., LAMONICA LEWIS, JOHN  
RODRIGUEZ, ELSWORTH SMITH, ALVIN JONES, DARRYL EDWARDS,  
REBECCA BOGARD, BRIAN BOLTON, MIGUEL CABRALES, FRANKIE  
LANE:

Anthony Zecchin, Esquire

Hale & Monico, LLC

Monadnock Building

53 West Jackson Boulevard

Suite 334

Chicago, Illinois 60604

Telephone No.: (312) 870-6924

E-mail: azecchin@halemonico.com

APPEARANCES (CONTINUED)

ON BEHALF OF THE DEFENDANT, RONALD WATTS:

Lisa McElroy, Esquire

Johnson & Bell Ltd.

33 West Monroe Street

Suite 2700

Chicago, Illinois 60603

Telephone No.: (312) 984-3422

E-mail: mcelroyl@jbltd.com

(Appeared via videoconference)

ON BEHALF OF THE DEFENDANT, KALLAT MOHAMMED:

Sean Sullivan, Esquire

Mohan Groble Scolaro

55 West Monroe Street

Suite 1600

Chicago, Illinois 60603

Telephone No.: (312) 422-9999

E-mail: ssullivan@mohangroble.com

(Appeared via videoconference)

APPEARANCES (CONTINUED)

ON BEHALF OF THE CITY OF CHICAGO:

Dhaviella Harris, Esquire

Burns Noland

311 South Wacker Drive

Suite 5200

Chicago, Illinois 60606

Telephone No.: (312) 878-1297

E-mail: dharris@burnsnoland.com

(Appeared via videoconference)

ON BEHALF OF THE DEFENDANTS, MATTHEW CADMAN, MICHAEL

SPAARGAREN:

Michael Schalka, Esquire

Leinenweber Baroni & Daffada LLC

120 North LaSalle Street

Suite 2000

Chicago, Illinois 60602

Telephone No.: (866) 786-3705

E-mail: mjs@ilesq.com

(Appeared via videoconference)

APPEARANCES (CONTINUED)

ON BEHALF OF THE FLAXMAN PLAINTIFFS:

Kenneth Flaxman, Esquire

Joel Flaxman, Esquire

Kenneth N. Flaxman, P.C.

200 South Michigan Avenue

Suite 201, Chicago Illinois 60604

Telephone No.: (312) 427-3200

E-mail: knf@kenlaw.com

jaf@kenlaw.com

(Appeared via videoconference)



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## STIPULATION

The deposition of KEVIN HUGHES was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS 60607, via videoconference in which some parties attended remotely, on MONDAY the 3RD day of JUNE 2024 at 10:06 a.m. (CT); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that TAYLOR R. WELSH, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the deponent is not waived.

## PROCEEDINGS

THE REPORTER: All right. We are now on record. My name is Taylor Welsh. I am the video technician and court reporter today representing Kentuckiana Court Reporters, appearing from the offices of Loevy & Loevy in Chicago, Illinois. Today is the 3rd day of June 2024, and the time is 10:06 a.m. Central Standard [sic] Time. We are convened by videoconference to take the deposition of Kevin Hughes in the matter of Watts Coordinated Pretrial Proceedings, pending in the United States District Court for the Northern District of Illinois, Eastern Division, case number 19-CV-01717. Will everyone but the witness please state your appearance, how you are attending, and the location you are attending from, starting with the plaintiff's counsel?

MR. RAUSCHER: Scott Rauscher on behalf of Loevy & Loevy plaintiffs. I'm attending from our offices in Chicago.

MR. ZECCHIN: Anthony Zecchin from Hale & Monaco on behalf of the individual defendant officers and Mr. Hughes, attending at the Loevy & Loevy office in Chicago.

1 MR. SULLIVAN: Sean Sullivan for Kallatt  
2 Mohammed, attending via Zoom from Chicago.

3 MR. SCHALKA: Michael Schalka on behalf of  
4 Defendants Spaargaren and Cadman, appearing  
5 remotely from Chicago.

6 MS. MCELROY: Lisa McElroy from Johnson and  
7 Bell, appearing remotely from Lake County for  
8 Defendant Watts.

9 MS. HARRIS: And Dhaviella Harris on behalf of  
10 the City of Chicago, appearing remotely from  
11 Chicago.

12 THE REPORTER: And, Mr. Hughes, will you  
13 please say your name for the record?

14 THE WITNESS: Kevin Hughes.

15 THE REPORTER: Awesome. And please raise your  
16 right hand. Do you solemnly swear or affirm that  
17 the testimony you're about to give will be the  
18 truth, the whole truth, and nothing but the truth?

19 THE WITNESS: I do.

20 THE REPORTER: Great. Before we begin, I do  
21 have a -- another person in the Zoom.

22 MR. RAUSCHER: Okay.

23 THE REPORTER: I have a Ken Flaxman.

24 MR. RAUSCHER: Okay.

25 THE REPORTER: Good?

MR. RAUSCHER: Okay.

THE REPORTER: Counsel, you may begin.

DIRECT EXAMINATION

BY MR. RAUSCHER:

**Q. Are you a lawyer?**

A. I am a retired lawyer now, Scott.

**Q. Okay. Are you authorized to practice law now?**

A. I don't believe that I am as a retired lawyer,  
no.

**Q. You were a criminal lawyer for a long time,  
right?**

A. Correct.

**Q. Okay. But did you work on civil cases?**

A. I -- I did. At the beginning of my career, I  
was in a plaintiff's personal injury law firm and they  
did a little defense work as well. And for a brief  
period of time in the State's Attorney's Office, I was  
in the labor and employment division.

**Q. Okay. How many civil lawsuits have you  
participated in?**

A. I tried one jury when I was just out of law  
school, and I think that is about it. I mean, I  
obviously had a caseload when I was an attorney as well,  
but nothing went to trial.

**Q. How many depositions did you think you've**

1 participated in in litigation?

2 A. There were maybe two when I was in private  
3 practice, and was deposed as well recently by your  
4 office. And that's about it. I think those three.

5 Q. What kind of case did you try in the civil?  
6 What was the civil case you tried?

7 A. It was a personal injury traffic accident.

8 Q. And was that in Cook County?

9 A. Yes.

10 Q. In the case where you were deposed -- which  
11 case were you deposed in by my office?

12 A. I -- it's the Rey Guevara case, so I -- you  
13 know, there's a handful of defendants in there, I think,  
14 as well. But essentially that was it.

15 Q. Do -- are you a defendant in that case?

16 A. I am.

17 Q. Do you know the status of the case?

18 A. I -- I don't. I've reached out to the lawyers  
19 who are representing me, but they -- you know,  
20 obviously, it's kind of like this case where it's --  
21 there's a lot of moving parts and it's going to take a  
22 long time. So I was deposed and -- about a year-and-a-  
23 half ago. And that's all I know so far.

24 Q. As far as you know, it's still pending?

25 A. Yes.

1 Q. Who's representing you in that case?

2 A. A gentleman by the name of Cunningham. I -- I  
3 can't remember his first name. I know that you guys  
4 have that information, but...

5 Q. What did you do to prepare for today's  
6 deposition?

7 A. To prepare for today's deposition, I reviewed  
8 all of the transcripts -- deposition transcripts for Ben  
9 Baker, as well as all of the police reports surrounding  
10 the Ben Baker incidents, I guess we'll call them. And  
11 in addition, reviewed Sin City -- documents from Sin  
12 City, the criminal drug conspiracy investigation.

13 Q. Do you remember which documents you reviewed  
14 from the Sin City investigation?

15 A. Basically they were just an overview of the --  
16 of the individuals who were arrested and prosecuted as a  
17 consequence of that. I had participated in Sin City  
18 when it was originally prosecuted, so it was a brief  
19 overview of those documents just to kind of ensure that  
20 they were the same documents that I was familiar with.

21 Q. We'll get to more in detail about Sin City as  
22 we go on, but did the documents you reviewed in  
23 preparation for your deposition refresh your  
24 recollection?

25 MR. ZECCHIN: Object to the form. Go ahead.



THE WITNESS: Yeah. To a certain degree. I mean, it's been a long time since I prosecuted these cases, over ten years or more. So yes and no. I mean, it -- I -- it did look familiar to me, but I can't say that I would have an independent recollection of these things.

BY MR. RAUSCHER:

**Q. When -- were you prosecuting Sin City cases in the mid-2010s, like 2014?**

A. No.

**Q. It was, like, a lot longer then? I just want -- I'm trying to get the time frame because you said ten or more. I think it was a lot longer than ten, right?**

A. Ten years?

**Q. From now, from today?**

A. Oh, yeah, yeah. For me, this was early 2000s, so it would have probably been more like the early 2000s.

**Q. Like 20 years or so?**

A. Correct.

**Q. Okay.**

A. Yeah.

**Q. How many Sin City documents did you look at in preparation for today's deposition?**

A. Oh, I -- I'd say maybe 20. Not very many.

1 Q. Did you -- 20 pages or...

2 A. Yes.

3 Q. Okay. Did you meet with any lawyers?

4 A. Other than Mr. Zecchin, no.

5 Q. Okay. How long did you meet with Mr. Zecchin  
6 for?

7 A. I -- well, I met with him via Zoom on -- on  
8 one occasion where we were initially just discussing the  
9 case and whether or not I was going to be working  
10 alongside of him in this case, and then two hours for  
11 dep prep on Friday.

12 Q. What does -- what's your understanding of your  
13 role in this case?

14 A. My understanding of my role in this case is  
15 just that I'm here to kind of explain how narcotics  
16 cases were prosecuted in the early 2000s. What types of  
17 measures that the State's Attorney's Office took, as  
18 well as the Chicago Police Department took, in  
19 preparation for these -- these cases to be, you know,  
20 tried and prosecuted -- investigated, tried, and  
21 prosecuted.

22 Q. Do you see yourself more as a fact witness or  
23 an expert witness, or both?

24 A. I'm sorry. Did you say a fact witness?

25 Q. Yeah. Do you see yourself as a fact witness

1 or an expert, or both?

2 A. More of a fact witness, I would say, than an  
3 expert witness. I've never been an expert witness  
4 before, so I'm just here to testify to what it is that  
5 we did at the State's Attorney's Office throughout that  
6 period of time.

7 Q. And with respect to the Sin City investigation  
8 specifically, your knowledge comes from observing  
9 working on the case and just being there, right?

10 A. That's correct.

11 THE REPORTER: I apologize. Counsel, can we  
12 go off the record really quick?

13 MR. RAUSCHER: Yeah.

14 THE REPORTER: Great. We're off the record.

15 (OFF THE RECORD)

16 THE REPORTER: We're now back on record.

17 BY MR. RAUSCHER:

18 Q. How long did you work on the Sin City  
19 investigation?

20 A. Well, there were three of them, so I -- I'm  
21 not -- my understanding was there was Sin City 1, 2, and  
22 3. I know that I was participating in, I think the vast  
23 majority of them. So I would say maybe three or four  
24 years.

25 Q. How much of your time did it take up during

1 **those three or four years?**

2 A. Not a significant amount of time. Obviously,  
3 we were working a number of other cases in conjunction  
4 or in addition to this one. So on a weekly basis, on a  
5 yearly basis, or...

6 **Q. Either one. Both.**

7 A. I'd say on a weekly basis -- I mean, obviously  
8 it used up more time when we were working with the  
9 police and -- and trying to assist them with any  
10 judicial needs that they may have. And so obviously  
11 when -- while the -- while the police were investigating  
12 and I was assisting them, it would take more time. And  
13 I would say probably five hours in a week, and maybe,  
14 over the course of the year, 40 or 50.

15 **Q. So five hours in, like, a busy week? Total,**  
16 **40 to 50 hours a year?**

17 A. Exactly. And that includes, you know, not  
18 only, as I mentioned, assisting police officers with any  
19 judicial needs that they may have, but also being in  
20 court and trying cases because there were individuals  
21 that were being prosecuted and -- while other  
22 individuals were being investigated.

23 **Q. You know there are a lot of Watts related**  
24 **cases, right?**

25 A. Yes. That's what I've been told, yeah.

1 Q. Do you know which one or ones you were  
2 disclosed as an expert in?

3 A. I -- again, I've never been an expert witness  
4 before, so zero.

5 Q. And so what about today? Are you here as an  
6 expert, fact, both?

7 A. Well, I --

8 MR. ZECCHIN: Objection to form, foundation.

9 THE WITNESS: Yeah. Obviously you're not an  
10 -- it's my understanding that you're not an expert  
11 witness until the Court deems you such. So right  
12 now, I'm here as a fact witness, and when I'm  
13 declared an expert witness, I suppose then I could  
14 -- I'll be testifying as an expert witness.

15 BY MR. RAUSCHER:

16 Q. Declared an expert witness by the Court?

17 A. By the Court. Yes.

18 Q. Are you trying to be an expert witness?

19 A. Not really, no.

20 MR. ZECCHIN: I'm going to just -- a belated  
21 objection to form from -- on that question.

22 BY MR. RAUSCHER:

23 Q. What's your objection to the form of that  
24 question? I'm asking you. I think you were agreeing  
25 with him. I'm just curious if there's something I

1 don't --

2 A. No, no. I -- I have no objection to the --

3 Q. Yeah.

4 A. No.

5 Q. All right. Have you disclosed opinions in any  
6 of the Watts cases?

7 A. No.

8 Q. A number of people were prosecuted as a result  
9 of the Sin City investigations, right?

10 A. That's correct.

11 Q. Ben Baker was not one of those people,  
12 correct?

13 A. Yes. It's my understanding, correct. After  
14 reviewing the documents, that's what I've come to  
15 understand.

16 Q. And you worked on the case and didn't  
17 prosecute him, right?

18 A. I worked on --

19 Q. You worked on Sin City?

20 A. -- Sin City. Yes.

21 Q. You did not prosecute Ben Baker?

22 A. Correct.

23 Q. Clarissa Glenn also not arrested as part of  
24 Sin City?

25 A. Correct.

1 Q. You did not prosecute Clarissa Glenn?

2 A. Correct.

3 Q. How does the Sin City investigation fit into  
4 Ben Baker's case?

5 A. I just think it's geographic more than  
6 anything, in light of the fact that he was in the Ida B.  
7 Wells complex, and that was the focus of the Sin City  
8 investigation on behalf of the Chicago Police  
9 Department.

10 THE REPORTER: I have a Joel Flaman?

11 MR. RAUSCHER: Flaxman.

12 THE REPORTER: Flaxman.

13 BY MR. RAUSCHER:

14 Q. Okay. Do you know if there are any  
15 substantive claims or defenses relating to the Sin City  
16 investigation in the Ben Baker civil case?

17 A. I am not aware of any of that, no.

18 Q. Do you know what types of claims Ben Baker is  
19 making about the police officers?

20 A. I -- I haven't read the indictment, but I -- I  
21 -- I have a vague understanding of the fact that he  
22 believes that the officers set him up in some shape or  
23 form.

24 Q. When you say indictment, you mean the civil  
25 complaint?

1 A. Oh, well, yes, I do.

2 Q. You're just -- a --

3 A. Thank you.

4 Q. -- slight different terms.

5 A. Exactly. Yes, correct. The civil complaint.

6 Q. And do you know what claims Clarissa Glenn is  
7 bringing?

8 A. I -- I presume they're identical.

9 Q. Do --

10 A. I -- I don't, though. I -- I've not read the  
11 complaint or --

12 Q. Do you know who Clarissa Glenn is?

13 A. Yes. It's my understanding from reading the  
14 transcripts that she is the girlfriend and the mother of  
15 at least one of Ben Baker's children, but I've never met  
16 her.

17 Q. Did you read any of her deposition  
18 transcripts?

19 A. I did not.

20 Q. How come?

21 A. They weren't provided to me, and I --

22 Q. Why did you want to -- or did you want to read  
23 Ben's transcripts?

24 A. No. They were provided to me and -- and  
25 recommended that I read them, so I did.



1 Q. Did they help you in any way?

2 A. Just develop an understanding of what it is  
3 that he is claiming, yeah.

4 Q. Does it matter for your testimony in this case  
5 whether Ben and Clarissa are telling the truth of what  
6 happened to them?

7 A. No, that's -- on that my -- my testimony is  
8 completely separate and apart from what it is that  
9 they're attempting to accomplish.

10 Q. Does it matter for your testimony if the  
11 police reports are accurate?

12 A. I'm not sure. I -- it is not going to make  
13 any difference in my testimony if the police reports are  
14 accurate or inaccurate. I'm here to tell the truth and  
15 that's what I'm going to do.

16 Q. What exactly are you planning to do at trial?  
17 If you get a -- you know, if the judge doesn't put  
18 limits on it, what would you be testifying about?

19 MR. ZECCHIN: Objection. Form. Foundation.

20 THE WITNESS: Whatever anyone asks me. I  
21 mean, I'm essentially here as a witness and to  
22 provide my expertise, such as it is, with respect  
23 to narcotics prosecutions cases, and that's pretty  
24 much it. Yeah.

25 BY MR. RAUSCHER:

1           **Q.    I mean, you're not sure how that fits into**  
2 **these cases?**

3           A.    Quite frankly --

4           MR. ZECCHIN:  Objection to form.  Foundation.

5           THE WITNESS:  No, I'm not.  You know, I -- I  
6 realize that these are narcotics-related  
7 investigations, so that's how it kind of fits into  
8 the grand scheme of things here.

9 BY MR. RAUSCHER:

10          **Q.    Are you being paid to be here?**

11          A.    Yes.

12          **Q.    In your experience, do fact witnesses**  
13 **typically get paid?**

14          A.    I -- I have no idea.  I mean, it's my  
15 understanding -- I -- again, I've very limited  
16 experience with civil law, so I -- I know that there are  
17 a lot of expert witnesses even in criminal law and they  
18 get paid.  Yes.  So that is my --

19          **Q.    Well, expert witnesses or fact witnesses?**

20          A.    Well, again, you know, this -- right now I'm  
21 here as a fact witness because I've never really been  
22 declared an expert witness in a court of law.  So I --  
23 in my understanding of the way things work, Scott, is  
24 that I -- I can't declare myself an expert witness until  
25 that's actually occurred.  So I'm here to give my

1 expertise with respect to what it is that I did for the  
2 30 years in the State's Attorney's Office, but I don't  
3 know how you want to characterize that.

4 **Q. I'm trying to understand how you're trying to**  
5 **characterize, and what you would be planning to do if**  
6 **this case went to trial.**

7 A. If this case went to trial and I were called  
8 as a witness, I'd sit on a witness stand and truthfully  
9 answer questions. So I have no agenda with respect to  
10 whether or not the plaintiffs prevail or -- or not in  
11 this case.

12 **Q. Would you be planning to ask the judge to**  
13 **declare you an expert?**

14 MR. ZECCHIN: Objection to form. Foundation.

15 THE WITNESS: That is -- it is my  
16 understanding that's not my role here. That's for  
17 the attorneys.

18 BY MR. RAUSCHER:

19 **Q. You don't -- do you know if the attorneys will**  
20 **be planning to ask the judge to declare you as an**  
21 **expert?**

22 MR. ZECCHIN: Objection. Just let me make my  
23 objection. Form. Foundation.

24 THE WITNESS: I presume that they will.

25 BY MR. RAUSCHER:

1 Q. Because they're paying you, right?

2 A. Correct.

3 MR. ZECCHIN: Objection. Argumentative.

4 BY MR. RAUSCHER:

5 Q. Did you ever pay a fact witness in a civil  
6 case?

7 A. I don't know. Not that I'm aware of, no.  
8 Yeah. No is the answer to the question.

9 Q. I mean, have any of the fact witnesses in the  
10 case where you're a defendant been paid by your side?

11 MR. ZECCHIN: Objection to form. Foundation.

12 THE WITNESS: Yeah. Again, I don't know.

13 BY MR. RAUSCHER:

14 Q. Would you be surprised if your counsel was  
15 paying fact witnesses?

16 A. Yeah. That would be problematic, I would  
17 imagine. Yes.

18 Q. You -- did you prepare a report in this case?

19 A. I did.

20 Q. What was the purpose of you preparing a  
21 report?

22 A. It's my understanding that I -- I was asked to  
23 prepare the report just to, one, outline what my prior  
24 experience was with the State's Attorney's Office, and  
25 specifically with the narcotics related cases, and also

render opinions with respect to those reports.

**Q. You said earlier that you thought Sin City was related to Ben Baker's arrest because it was in the same geographic location, Ida B. Wells.**

MR. ZECCHIN: Objection. Misstates his testimony.

BY MR. RAUSCHER:

**Q. Is that all? Did I misstate your testimony?**

A. Well, you -- I -- again, I can't remember what the question was, but you asked why you think that if Ben Baker's case was related to Sin City and my answer was that it was all occurring in the same general location. So I don't know if that answers your question or not, but...

**Q. Well, yeah. I just want to -- I don't want to misstate what you said.**

A. No -- no. Yeah.

**Q. It sounds like I didn't, right?**

A. No, I think it is a -- it -- it -- you know, again, I'm merely speculating as to why Ben Baker's case, but it -- I know that it all occurred in the same location, so I'm speculating that it was a geographic thing.

**Q. But you -- that's you're speculating. That's why you're going to try to talk about it at this trial?**

1 A. I -- I'm not sure I understand.

2 Q. Are you going to try to talk about the Sin  
3 City?

4 A. I'm going to talk about whatever I'm asked  
5 about, and that's, you know, I'm -- I'm obviously the  
6 witness here, Scott, so I -- I talk about whatever  
7 questions are posed to me and the Court wants me to  
8 answer.

9 Q. Well, you -- but you did something in this  
10 case, right? You're not just showing up as someone who  
11 witnessed a car accident?

12 A. No. Yeah, I understand.

13 Q. Right?

14 A. Yeah.

15 Q. And one of the things you did was write a  
16 report that talked about Sin city.

17 A. Correct.

18 Q. Right?

19 A. Yes.

20 Q. Okay. Why did you do that?

21 MR. ZECCHIN: Objection -- stop. Objection to  
22 the extent it calls for any attorney-client or  
23 attorney-witness discussions. If you can answer  
24 without revoke -- revealing that, go ahead.

25 THE WITNESS: Again, it was to outline -- it's

1 my understanding that this is material that needs  
2 to be presented to Defense Counsel. And they  
3 wanted an overview of what, you know, one, why I  
4 would be testifying, which relates to my years of  
5 experience and the amount of time I spent  
6 prosecuting narcotics cases and -- and to outline,  
7 you know, my review of the reports, and if I saw  
8 anything unusual, untoward, in those reports.

9 BY MR. RAUSCHER:

10 Q. But substantively, as you sit here today, you  
11 can't say how Sin City is related to Ben Baker's case,  
12 other than same geographic location?

13 A. Correct. Yeah. They -- he was not prosecuted  
14 as a consequence of the Sin City indictments, so --  
15 yeah.

16 Q. How much are you being paid for this case?

17 A. \$350 an hour.

18 Q. How much have you billed so far?

19 A. I haven't submitted a bill yet, but the bill I  
20 will -- I will be submitting will be for about ten hours  
21 so far.

22 Q. Not including today?

23 A. Correct.

24 Q. But including your dep prep?

25 A. Yes.

1 Q. So you said that was about two hours?

2 A. Two hours and then another hour meeting. So  
3 essentially seven hours reviewing documents, if that's  
4 the term.

5 Q. And what about report writing?

6 A. Maybe another hour.

7 Q. So maybe six hours reviewing documents?

8 A. Something like that. Yeah.

9 Q. I am going to mark Exhibit 1, which was a -- I  
10 believe an attachment to the subpoena response titled  
11 Documents Provided to Expert Kevin Hughes for Review.  
12 Have you seen this document before?

13 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

14 A. I have not.

15 BY MR. RAUSCHER:

16 Q. There are 278 documents listed. Do you see  
17 that?

18 A. I do.

19 Q. How many of those documents did you review?

20 A. Probably a handful of them.

21 Q. Tell me which of the documents you reviewed.

22 A. Okay. Well, obviously by just looking at  
23 their descriptions, I know I -- I reviewed all of Ben  
24 Baker's depositions. I don't know if that's what  
25 they're alluding to in these first -- is that what that



1 is? These first five exhibits?

2 **Q. So it's not my document. I'm just asking you.**

3 MR. ZECCHIN: You can't answer the question.

4 THE WITNESS: Yeah. I can't answer the  
5 question. I -- I don't know quite frankly because  
6 most of them, I did not. I can tell you that much.  
7 They were provided I can tell you, Scott, to me,  
8 but I was - - because they were provided in such a  
9 large format, I was unable to open most of these  
10 documents. So I did not review the vast majority  
11 of those documents.

12 BY MR. RAUSCHER:

13 **Q. So you see you did get Clarissa Glenn's**  
14 **deposition?**

15 A. Again, I may have received it, but I did not  
16 read it.

17 **Q. Okay.**

18 A. And I could not open it. So that is for the  
19 vast majority. Anything relating to Elgin Moore,  
20 Gregory Young, or -- yeah.

21 **Q. Do you do you know who those people are? Elgin**  
22 **Moore, Gregory Young.**

23 A. I don't.

24 **Q. So you know you read Ben Baker's depositions?**

25 A. Yes.

1           **Q.    What else?**

2           A.    And the police reports, as I mentioned, that  
3 relate to Mr. Baker. The ones from -- I have to see  
4 them again, but the arrests that were made, the arrests  
5 that were, I -- I believe, in contention in this suit.

6           **Q.    All right. Then you get to Sin City**  
7 **documents, subcategory 2.**

8           A.    Correct.

9           **Q.    There's a lot of those.**

10          A.    Right. I, again, couldn't open the vast  
11 majority of those documents, so I did not review those  
12 documents.

13          **Q.    Can you tell me which ones you did review?**

14          A.    Well, again, because of the voluminous nature  
15 of this list. I mean, I can -- I can tell you that I  
16 reviewed -- I did a quick overview of just the Sin City  
17 documents themselves and -- but not all. You know, one,  
18 two, three, I just looked over them to ensure that they  
19 were the kind of documents that I was familiar with  
20 throughout the years I was the prosecutor. And -- and  
21 again, just the ones that specifically dealt with  
22 Mr. Baker. The --

23          **Q.    Wait, sorry. The Sin City documents didn't**  
24 **deal with Mr. Baker though, right?**

25          A.    Correct. Yeah.

1 Q. So you're saying --

2 A. I mean the ones that I reviewed. I just  
3 reviewed the ones with respect to the arrests of  
4 Mr. Baker.

5 Q. You reviewed -- so you're -- let's -- I'm  
6 going to just try to be clear. You reviewed arrest  
7 reports relating to Mr. Baker?

8 A. Yeah. One of those arrest reports, as well as  
9 supplemental reports or vice case report.

10 Q. Vice case reports, right?

11 A. Yeah.

12 Q. Separately, you reviewed some overview  
13 documents relating to the Sin City operation.

14 A. Correct.

15 Q. Those that do not relate to Mr. Baker.

16 A. Correct.

17 Q. And I was way underneath -- under the count of  
18 documents actually. I said 270 and I was wildly under.

19 A. Yeah. Well, however many they are. Yeah.

20 Q. Because it starts over. Subcategory 1 has 149  
21 documents.

22 A. Okay.

23 Q. It starts recounting.

24 A. Right. I -- I didn't review the vast majority  
25 of these documents, like I said earlier.

1 Q. And as you go through -- if you look through  
2 number 2 of Sin City documents, you can't tell me which  
3 ones you reviewed?

4 A. No, I really can't. Based on this list, no.

5 Q. How many -- do you think you reviewed about  
6 20 pages of Sin City documents in total?

7 A. Yes. Yes. Just -- and -- and again, just to  
8 review them. They were not, again, related to Mr. Baker  
9 or Ms. Glenn, but...

10 Q. How did you decide which ones to -- that you  
11 needed to review and which ones you didn't?

12 A. Well, I -- I -- in light of the fact that this  
13 case was dealing with Ben Baker and Clarissa Glenn,  
14 those are the documents I tried to focus on.

15 Q. Was the Sin City stuff kind of like a side  
16 issue to you?

17 A. It is an ancillary investigation, so...

18 Q. Not as important to what you're trying to do  
19 here?

20 A. Again, what I'm trying to do here is relate  
21 what I -- what I had done for the last 30 years and how  
22 narcotics cases were investigated by the police and then  
23 prosecuted by the State's Attorney's Office, and the  
24 role that I played in assisting Chicago Police  
25 Department.

1 Q. But it is narrower, though. It's not --  
2 you're -- you are not here to just talk about what you  
3 did for 30 years, right?

4 A. Well, it is my -- no, I -- obviously not. I  
5 mean, obviously there's more specifics to it than that,  
6 but yeah.

7 Q. Right. So let's get to the specifics.

8 A. Okay.

9 Q. And let's talk about what is the specific  
10 reason or specific reasons you would be trying to talk  
11 about the Sin City operation?

12 MR. ZECCHIN: Objection to the extent calls  
13 for a conversation with the attorneys. If you can  
14 answer without disclosing that, go ahead.

15 THE WITNESS: Yeah, I'm not sure I really  
16 understand the question. I mean, specifically, I'm  
17 here to answer your questions. So I have no  
18 specific agenda with respect to my testimony. I'm  
19 just here to answer questions.

20 BY MR. RAUSCHER:

21 Q. Do you have an understanding of what the  
22 purpose of your report is in a civil case?

23 A. Other than to apprise the other side of, one,  
24 what my experience was, and what I gathered from my  
25 review of the documents. Yeah. No, I don't have any

1 other purpose.

2 Q. You don't know what purpose a report from a  
3 someone who's trying to be an expert witness serves in a  
4 civil case?

5 A. Other than what I just mentioned, no.

6 Q. Okay.

7 A. Yeah.

8 Q. There's a category additional documents at the  
9 end.

10 A. Uh-huh.

11 Q. Those have -- those list some vice case  
12 reports, arrest reports. Did you review all of those or  
13 are you not sure?

14 A. Those were the ones that I looked like I  
15 reviewed. Yes. Those last -- oh, well, definitely  
16 number one in additional documents. Baker, Glenn, 2004,  
17 July 11th and the December 11th of '05, and I believe I  
18 reviewed the Baker arrest report from 11 as well, number  
19 four. And did a Baker arrest report from March of 20 --  
20 March 23rd of '05. So I think one, two, three, four. I  
21 think I reviewed most of these reports.

22 Q. One through nine --

23 A. In the -- in the -- yes. In the additional  
24 documents.

25 Q. Is it fair to say that you're -- I know you're

1 -- today, you're saying you are here to answer my  
2 questions, which is, of course what you are doing in a  
3 deposition, but you -- purpose in the case. Is it fair  
4 to say that you see your main purpose as to bring your  
5 experience as a prosecutor to discuss the arrest reports  
6 and vice case reports from Ben Baker and Clarissa  
7 Glenn's arrests?

8 A. Yes. That's part. Yeah. Part of the  
9 purpose.

10 Q. Well, -- all right. What's the rest of the  
11 purpose?

12 A. Well, I mean, again, that's up to you as to  
13 what questions you would like me to answer and --

14 Q. I'm not talking about today, though. Okay.

15 A. Oh, okay. Well, yeah.

16 Q. I mean, in the case. So you have a purpose in  
17 the case?

18 A. My purpose in the case, once again, is just to  
19 as you alluded to, respond to police reports and  
20 basically establish for you or anyone else in court as  
21 to what the those items mean, and -- and how they would  
22 be handled by a prosecutor in court.

23 MR. ZECCHIN: Scott, can we take a two-minute  
24 break?

25 MR. RAUSCHER: Sure.

1 MR. ZECCHIN: Thanks.

2 (OFF THE RECORD)

3 THE REPORTER: We are back on record at  
4 10:43 a.m.

5 MR. RAUSCHER: Would you mind reading back the  
6 last question?

7 THE REPORTER: Sure. Apologies, you guys.

8 (REPORTER PLAYS BACK REQUESTED QUESTION)

9 THE REPORTER: Counsel, you want me to read  
10 back the last answer or your last question?

11 MR. RAUSCHER: Was the last answer yes?

12 THE REPORTER: The last answer was with -- he  
13 is basically saying he's going to respond to the  
14 police reports and he's going to answer your  
15 questions or whoever answers the questions.

16 MR. RAUSCHER: Okay. All right. I'm ready  
17 when you are.

18 THE REPORTER: Sure. Yeah. We're on record.  
19 BY MR. RAUSCHER:

20 Q. Is your role in this case to talk about the  
21 arrest reports and the vice case reports and Ben Baker  
22 and Clarissa Glenn's arrests?

23 A. That is part of my role, yes.

24 Q. What's the rest of your role?

25 A. The rest of my role is to testify honestly to



1 whatever questions that are asked.

2 Q. By either side?

3 A. Correct.

4 Q. Any other issues that you are planning to talk  
5 about?

6 A. Not that I'm aware of, no.

7 Q. And when I say any other issues, I should  
8 clarify. Any other issues beyond the arrest reports and  
9 vice case reports for Ben and Clarissa?

10 A. No.

11 Q. That's the only issue?

12 MR. ZECCHIN: Object to form. Foundation. His  
13 report speaks for itself. You can answer.

14 THE WITNESS: Again, I'm here to answer  
15 whatever questions that are asked of me. I don't  
16 know what issues the parties have. So that's more  
17 of your side of the ball than my side of the ball.

18 BY MR. RAUSCHER:

19 Q. All right. Well, I didn't hire you. At the  
20 risk of sounding glib --

21 A. No, no, I understand.

22 Q. Would you agree to not be a witness in this  
23 case if I agree not to call you at trial?

24 A. If -- if -- whoever wants to call me at trial.  
25 Yeah. If they don't want to call me at trial, I won't

1 be a witness. Yeah. That's pretty much how it works.

2 MR. RAUSCHER: All right. Well, I will make a  
3 -- an offer right now. I won't call him at trial  
4 if he won't testify.

5 MR. ZECCHIN: I will reject the offer, but  
6 thank you.

7 MR. RAUSCHER: Okay. I assumed as much.

8 MR. ZECCHIN: Understood.

9 MR. RAUSCHER: But I thought it was worth  
10 asking.

11 MR. ZECCHIN: Sure. You sure can.

12 BY MR. RAUSCHER:

13 Q. I -- I'm asking you to, I think you were hired  
14 by the defense, right? And I'm asking you to identify  
15 the issues. And I think we've -- I don't want to keep  
16 rehashing this if we've already covered it, but other  
17 than Ben Baker and -- other than bringing your  
18 experience to bear and talking about the written reports  
19 of Ben Baker and Clarissa Glenn's arrests, there are no  
20 other issues that you are aware that you're going to be  
21 testifying about?

22 MR. ZECCHIN: Objection. Other than what is  
23 in his report.

24 MR. RAUSCHER: Well, that's not -- I mean,  
25 that's not a proper objection. I'm asking the

1 witness.

2 THE WITNESS: Yeah, I am here to -- again,  
3 could you repeat the question?

4 MR. RAUSCHER: Could you read that question  
5 back, please?

6 (REPORTER PLAYS BACK REQUESTED QUESTION)

7 THE WITNESS: No.

8 BY MR. RAUSCHER:

9 Q. You're agreeing with me?

10 A. Yes.

11 Q. Okay. How did you arrive at the rate that you  
12 were going to be paid in this case?

13 A. I essentially reviewed what other expert  
14 witnesses would charge for their testimony, and that's  
15 pretty much how I arrived at it.

16 Q. Which other witness -- expert witnesses did  
17 you look at?

18 A. I got online and looked, so I can't remember  
19 exactly what I was looking at, but...

20 Q. Why did you decide to look at expert  
21 witnesses?

22 A. Well, again, that is the objective here. I'm  
23 here to testify as an expert witness. And so that's why  
24 I reviewed that.

25 Q. Was the idea -- was the -- you just testified

1 that you are here to testify as an expert witness. Was  
2 that something you discussed with your Counsel at the  
3 last break?

4 A. Well, again, you and I have gone ahead --

5 MR. ZECCHIN: I'm going to object to anything  
6 that we discussed about a testimony, but go ahead  
7 and you can answer.

8 THE WITNESS: Again, as we discussed earlier,  
9 it -- yes. I'm here to be an expert witness, and  
10 yes, I did discuss that at the break. Obviously,  
11 there's a difference of opinion here. I mean, I've  
12 never been formally declared an expert witness, but  
13 that is my objective. Yes.

14 BY MR. RAUSCHER:

15 Q. Okay. Do you think 350 is a fair rate for  
16 your services here?

17 A. Yes.

18 Q. Same rate -- is it the same rate for reviewing  
19 documents, report writing, testifying?

20 A. Yes.

21 Q. Okay. Is there a different rate for any of  
22 your activities?

23 A. No.

24 Q. Okay. After you left the State's Attorney's  
25 Office, did you practice law at all?

1 A. No.

2 Q. Do you currently have a job?

3 A. Yes.

4 Q. What do you do?

5 A. I have my own real estate business in the  
6 suburbs. Real estate brokerage.

7 Q. What's it called?

8 A. Hughes Realty.

9 Q. Like just buying and selling properties for --

10 A. Correct. Yeah. Yeah. Residential,  
11 development, things like that.

12 Q. Do you have any licenses for that?

13 A. I have a managing broker's license with the  
14 State of Illinois.

15 Q. When did you first learn or hear the name Ben  
16 Baker?

17 A. When I was contacted by the attorneys at Hale  
18 & Monaco. I may have heard it before then, but I have  
19 no idea.

20 Q. You don't remember if --

21 A. I don't remember that. Yeah.

22 Q. Like you were --

23 A. Hearing it before.

24 Q. Like when you were working at the State's  
25 Attorney's office --

1 A. Correct.

2 Q. -- you don't remember seeing his name? Had  
3 you worked with any of the Hale Monaco attorneys before?

4 A. No. Well, strike that. Kelly Olivier, who  
5 was one of the attorneys who reached out to me, she  
6 recognized -- recognized my name in the reports. And I  
7 had worked with her, and I also worked in the office  
8 with Mr. Zecchin well, but we were never what you would  
9 call partners or in the office or never worked together  
10 in the office.

11 Q. Got it. You overlapped?

12 A. Yes. Yes. Yes. Yeah. That would be, I  
13 guess, the right way to say it.

14 Q. What context had you worked with Ms. Olivier?

15 A. I was her supervisor when she was in the  
16 special grand jury unit.

17 Q. How long were you her supervisor for?

18 A. I -- somewhere between a year and two years.  
19 That was the --

20 Q. What year -- what time period was that?

21 A. I -- I'll be guessing, but somewhere in 2015,  
22 2016, I'm going to say.

23 Q. Did you remember her?

24 A. Yes.

25 Q. Do you all keep in touch?

1 A. No.

2 Q. Are -- do you socialize together?

3 A. No.

4 MR. RAUSCHER: All right. Let's mark a report  
5 with your name on it as Exhibit 2.

6 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

7 BY MR. RAUSCHER:

8 Q. Do you recognize this document?

9 A. I do.

10 Q. If you look at the last page, there's a -- you  
11 can call it electronic signature. Do you see that?

12 A. I do.

13 Q. Did you put that signature in there?

14 A. I did.

15 Q. It's your signature?

16 A. Yes. For -- I mean, it's not my signature.

17 It's electronic, but yes.

18 Q. It is your electronic signature?

19 A. Yes. Yes.

20 Q. And if you look at the second full paragraph  
21 in here.

22 A. On the last page or...

23 Q. No. No. Sorry. The first. Go back to the  
24 first page.

25 A. Yeah, sure.

1 Q. It says, "A list of materials reviewed as  
2 being provided as a Dropbox links -- link." Do you see  
3 that?

4 A. Yes.

5 Q. Would you rewrite that sentence today if you  
6 were doing it again?

7 A. I would because I -- I was unable to open up  
8 most of those -- that Dropbox link and consequently was  
9 unable to review most of the documents.

10 Q. Do you have any way to identify which  
11 documents you actually did review?

12 A. If I see them, I can identify them, but yeah.  
13 Other than the ones that I've already mentioned. Yeah.

14 Q. The arrest reports mainly?

15 A. Correct. Yeah. That's pretty much it.

16 Q. Did you take -- did you print out any  
17 documents?

18 A. No.

19 Q. Did you take notes on the -- any documents?

20 A. Yeah, I think it was -- I was going through  
21 the deposition, I made notes.

22 Q. And where are those notes today?

23 A. They're at home.

24 Q. Okay. I'm going to ask to --

25 A. Sure.



1 Q. -- get those notes. Do you have notes on  
2 anything other than the deposition? Did you take notes?  
3 So any notes at all. I did say on the document. Did  
4 you have any notes at all other than notes you wrote on  
5 the deposition?

6 A. Nope.

7 Q. Okay. And that was Ben Baker's dep, correct?

8 A. Correct.

9 Q. About how many notes or how, you know, if you  
10 know, do you have an idea?

11 A. Yeah. There a couple of pages, I think. Yeah.  
12 Legal pages.

13 Q. Did you write them separately or were they,  
14 like, in the margins or how -- what did that look like?

15 A. Separately. Yeah. As I was reviewing the  
16 document.

17 Q. And were there -- was there -- were there  
18 things in particular that you were trying to highlight  
19 when you were writing your notes?

20 A. Nothing in particular. Just things that would  
21 help me kind of keep track of the testimony.

22 Q. Ultimately, it doesn't really matter what Ben  
23 Baker has to say for your opinion, right?

24 A. That's correct.

25 Q. Well, maybe I shouldn't say opinion, but it

1 doesn't matter to you what he has to say for what you're  
2 trying to do?

3 A. Correct. Yeah.

4 Q. Do you think that Ben Baker's arrests were  
5 part of drug conspiracy investigations?

6 A. In light of the fact that he was not charged  
7 with the drug conspiracy, I don't know that his arrests  
8 were necessarily in conjunction with that.

9 Q. I mean, there's nothing on the reports that  
10 say they are, right?

11 A. That's correct.

12 Q. Have you read anything anywhere that says that  
13 they were part of a drug conspiracy?

14 A. No. No.

15 Q. And would you agree that you are not going to  
16 speculate about things at trial?

17 A. I would.

18 Q. Do you know what COPA is?

19 A. Yeah.

20 Q. What --

21 A. I mean, I have a vague understanding of what  
22 COPA is. It's a citizens review board, it's my  
23 understanding, of police misconduct.

24 Q. Civilian Office of Police Accountability. Do  
25 you know what COPA does?

1 A. Again, they -- they investigate police  
2 misconduct, is my understanding.

3 Q. Do you understand that it's part of the City  
4 of Chicago?

5 A. I did not, but -- no.

6 Q. Do you know if COPA did any investigations in  
7 this case?

8 A. Well, I know from reviewing the document  
9 marked as Exhibit 1 that there's a great deal of COPA  
10 information in there. And I know from talking to Kelly  
11 and Anthony that --

12 MR. ZECCHIN: Don't talk about anything we  
13 talked about.

14 BY MR. RAUSCHER:

15 Q. Are you going to follow that instruction?

16 A. Yes.

17 Q. Did Kelly or Anthony or any other lawyers ask  
18 you to assume the truth of any facts?

19 A. No.

20 Q. When you said you know there's a lot of COPA  
21 material, is that just because you're looking at the  
22 documents and you --

23 A. Correct.

24 Q. -- see it says COPA Watts?

25 A. That's correct, yeah.

1 Q. But you don't know what any of those documents  
2 say?

3 A. No.

4 Q. Do you know that COPA wrote reports about the  
5 December 11, 2005 arrest?

6 A. I have no knowledge of that.

7 Q. Okay. What about in one of the earlier ones?

8 A. Yeah. I have no knowledge of any COPA  
9 reports.

10 Q. Do you know Al Jones?

11 A. No.

12 Q. Do you know who that is?

13 A. It's my understanding he's one of the police  
14 officers that worked with Sergeant Watts.

15 Q. You don't remember working with Jones in any  
16 cases?

17 A. No.

18 Q. Do you know -- did you know Watts?

19 A. No.

20 Q. Never met him?

21 A. I may have. Again, I was in the office for 30  
22 years and ran across a lot of police officers, but I  
23 have no independent recollection of meeting him.

24 Q. Which officers, if any, did you work with on  
25 the Sin City operations?

1           A.    I had to review the reports and -- but I --  
2 off the top of my head, I can't -- I could not tell you.  
3 I work with many different teams and lots of police  
4 officers, so...

5           Q.    In looking at the -- whatever Sin City  
6 documents you've looked at, that didn't refresh your  
7 recollection about it?

8           A.    Well, it -- it -- it -- no, because I was  
9 concentrating really on the reports, not the individuals  
10 that wrote them.

11          Q.    And when you say the reports, do you mean like  
12 arrest reports or what do you mean?

13          A.    Well, there were -- I mean, with now --

14          Q.    Sin City.

15          A.    With respect to the Sin City documents, there  
16 are surveillance reports, there are case reports, as  
17 well as buy reports and things like that. So those are  
18 the reports I'm alluding to.

19          Q.    Buy reports, meaning a report saying someone  
20 bought drugs?

21          A.    Correct. Police officers, usually undercover  
22 police officers, purchasing narcotics.

23          Q.    You say on the first page of your report you  
24 reviewed over a thousand police reports in your night  
25 narcotics and felony trial division experience, and many

1 of them were drafted in connection with narcotics  
2 related arrests?

3 A. That's correct.

4 Q. About how many would you say were related to  
5 narcotics?

6 A. I mean, again, I'm ballparking figures, so I  
7 would say I reviewed at least a thousand narcotics  
8 related arrests --

9 Q. Okay.

10 A. -- or reports.

11 Q. Reports or arrests?

12 A. Arrest reports as well as police reports.

13 Q. So -- yeah. So I guess I want to -- you  
14 reviewed over a thousand arrests, some had multiple  
15 reports or --

16 A. So obvious -- it -- while I was working in the  
17 complex narcotics unit, you would be assigned to a team.  
18 That team would investigate a particular area. You would  
19 assist them with whatever judicial means that they might  
20 need a search warrant or an over here or something along  
21 those lines. And so there are a variety of reports that  
22 are generated with respect to every eventual arrest.

23 Q. How -- and so I was just trying to understand.  
24 When you said a thousand, were you talking about number  
25 of reports or number of arrests?

1 A. Again, I -- I think both. I feel safe saying  
2 both, yes.

3 Q. Okay. What -- you took -- you gave an  
4 overview in here about it, but what was your -- as a  
5 prosecutor, you get an arrest report in a narcotics  
6 case. What's the process from there?

7 A. Well --

8 Q. Or I shouldn't say arrest report. So you get  
9 someone who's arrested.

10 A. Okay.

11 Q. Right? What's the process from your end for a  
12 narcotic case?

13 A. Oh, they go to bond court. Obviously the  
14 individual who's been arrested goes to bond court. After  
15 bond court, we have 30 days on a narcotics case to  
16 either indict or have that case go through preliminary  
17 hearings based on the state law in Illinois. And then  
18 usually about three weeks after that, the case goes to  
19 trial -- or it goes to trial court.

20 Q. The first step in that, the bond court, that  
21 happens based just on the reports, right?

22 A. That's correct, yeah.

23 Q. So, again, a case a few weeks later gets  
24 assigned to a trial court, right?

25 A. After a preliminary hearing or indictment,

1 yes.

2 Q. What's the prosecutor's role in the  
3 preliminary hearing or indictment?

4 A. Basically, it is to establish probable cause  
5 for the arrest and present evidence to that effect.

6 Q. And how is that done in a narcotics case?

7 A. Usually through the witnesses.

8 Q. Which witnesses?

9 A. Police officers.

10 Q. So how do you decide which police officers  
11 will testify?

12 A. You read the reports, you ascertain whose name  
13 is on those reports. A lot of times you're contacting  
14 the teams that I worked with as well, and speaking to  
15 the officer.

16 Q. What do you mean contacting the teams you work  
17 with?

18 A. Well, you -- you would reach out to Chicago  
19 Police Department and speak to the individuals who were  
20 part of, as I mentioned, the investigations all took  
21 part in -- in teams, I should say, the Chicago Police  
22 Department teams. And so after becoming familiar with  
23 the members of the teams, you would reach out to those  
24 members to -- if you had any questions with respect to  
25 the reports or to find out who would be the best person



1 to testify.

2 Q. When you say investigations, what do you mean?

3 A. Narcotics investigations.

4 Q. Does that include any and all narcotics  
5 arrests?

6 A. I -- I'm not sure I understand your question.

7 Q. Well, so there is -- you know, there is Sin  
8 City. That was like -- that was an investigation,  
9 right?

10 A. Right.

11 Q. And then we have separately, so we know Ben  
12 Baker wasn't arrested as part of that, right?

13 A. Right.

14 Q. He was arrested on a particular day, or very  
15 different stories of what would happen. Do you consider  
16 Ben Baker's arrest an investigation?

17 A. Well, no. It wasn't part of a longer term  
18 investigation. Usually when I use the term  
19 investigation, it's something that occurs more than just  
20 a day.

21 Q. So what I'm trying -- so then I would like to  
22 understand the process in a case like Ben Baker's, that  
23 isn't an investigation. So tell me what that process  
24 looks like.

25 A. It is identical after the arrest. I'm

1 assuming it was -- that -- that's what you're alluding  
2 to.

3 Q. Well, right. You wouldn't have anything to do  
4 with the pre-arrest stage, right?

5 A. Correct, yeah.

6 Q. So -- right. I would like to know from the  
7 prosecutor's standpoint. So the police make the arrest.

8 A. Right.

9 Q. Based on that report, you go to bond court,  
10 right?

11 A. Uh-huh.

12 Q. Not you, the --

13 A. I understand. Collective you.

14 Q. -- the defendant. The defendant, Ben Baker or  
15 whoever, goes to bond court, right? Three weeks or so,  
16 then there's a preliminary hearing or indictment. So  
17 tell me what happens at that stage.

18 MR. ZECCHIN: Well, you -- when you answer,  
19 just you have to say yes or no, not uh-huh or uh-  
20 uh.

21 BY MR. RAUSCHER:

22 Q. Yes, thank you. So just -- let's do this.  
23 After bond court in an arrest like Ben Baker's, it's not  
24 an investigation.

25 A. Correct.

1           **Q.    Tell me what happens from the prosecution**  
2 **side.**

3           A.    They make a determination as to whether or not  
4 it's going to go through a preliminary hearing or  
5 through an indictment. And in which case, if it goes  
6 either way, officers will be called to testify either in  
7 front of the grand jury or in front of a judge at a  
8 preliminary hearing. And if there's a finding of  
9 probable cause, the case then moves to a trial court  
10 within usually about three weeks.

11           **Q.    How is it -- how does the prosecutor determine**  
12 **whether it will be preliminary hearing or indictment?**

13           A.    That's something that it -- it -- it depends  
14 upon usually the availability of witnesses and things  
15 like that. So I -- I'm not exactly sure how those  
16 determinations were made, but obviously some cases were  
17 set for prelim and some for indictment.

18           **Q.    What do you mean, it depends on the**  
19 **availability of --**

20           A.    If the officers for some, you know, for some  
21 reason -- so in an indictment, hearsay is admissible. So  
22 the officers can testify to what it is that the other  
23 officers on their team have done. In a preliminary  
24 hearing, you would want the officer who actually was on-  
25 scene.

1 Q. So if the officer with firsthand knowledge  
2 wasn't available, then you might go indictment versus  
3 preliminary hearing?

4 A. Correct.

5 Q. Were those decisions that you ever made as a  
6 prosecutor?

7 A. Sometimes, yes.

8 Q. And are there any other reasons that you know  
9 of that would determine which cases go to preliminary  
10 hearing versus indictment?

11 A. Usually if the amount of the narcotics was  
12 substantial, that would be something that would more  
13 likely be indicted as opposed to go through a  
14 preliminary hearing process.

15 Q. In the mid-2000s, 2005 -- 2004, 2005, 2006,  
16 what amount would be considered substantial enough that  
17 would make it likely go to indictment?

18 A. Yeah, probably over a hundred grams.

19 Q. So you'd get up, you'd get some police reports  
20 for an arrest like Ben Baker's. How do you decide which  
21 officer or officers will testify?

22 A. You look at Box 1 and Box 2, and then usually  
23 would reach out, try and reach out, to one of those  
24 officers and ascertain whether or not they're available.

25 Q. You expect Box 1 and Box 2 to have personal

1 knowledge?

2 A. I -- I -- again, not necessarily, no.

3 Q. All right. So why do you start with Box 1 and  
4 Box 2?

5 A. Because those are the individuals whose names  
6 are on the police report. So that's the place to start.

7 Q. What is the -- so let's -- Box 1 and Box 2,  
8 those are those are slots on police reports, right?

9 A. Correct, yeah.

10 Q. For the first and second arresting officer or  
11 reporting officer?

12 A. That's correct.

13 Q. What is the significance to you as a  
14 prosecutor of seeing a name in Box 1 or Box 2?

15 A. The significance of is that those officers  
16 were working that arrest or investigation or whatever  
17 the case may be.

18 Q. So let's stick to arrest for now because  
19 that's what we're talking about for Ben Baker and  
20 Clarissa Glenn. What does it mean to be working an  
21 arrest to you?

22 A. Well, usually that they were part of the  
23 arrest, that they were present when the individual was  
24 arrested.

25 Q. So that would include having firsthand

1 knowledge of what happened, right?

2 A. Correct. Not all the time, I mean.

3 Q. What are their -- but do you expect Box 1 and  
4 Box 2 to be people who have firsthand knowledge?

5 A. Yeah, I'd say that would be fair.

6 Q. And when you say not always, what do you mean  
7 by that?

8 A. Well, officers don't always, you know, the --  
9 especially with the teams that I've worked with, you  
10 have a group of officers working in a particular  
11 investigation. And so while those officers may be part  
12 of the overall investigation and they're working with  
13 their partners, they may not have been present at the  
14 actual time of the arrest.

15 Q. That applies to investigations, not to arrests  
16 like Ben Baker's.

17 A. Correct.

18 Q. For Ben Baker's type arrest, you expect Box 1  
19 and Box 2 to be people with personal knowledge.

20 A. Correct.

21 Q. Do you -- would you -- do you ever bring in  
22 the assisting officers at the same time as the Box 1 and  
23 Box 2 people?

24 A. Not -- I mean, when you say bring them in,  
25 bring them in for what purpose?

1 Q. To talk to them and see what they know.

2 A. Absolutely, yes.

3 Q. Do you do that as a matter of course?

4 A. Primarily, yes.

5 Q. So you not only reach out to Box 1 and Box 2,  
6 but you reach out to everybody else in the report?

7 A. Yes.

8 Q. And why do you do that?

9 A. Well, a lot of times the officers who are  
10 involved -- because I want to know who the inventorying  
11 officers are, I want to be able to maintain the chain of  
12 custody on these items. So a lot of times these -- as I  
13 mentioned, these officers work in groups and one guy  
14 will do one thing and one person will do the other thing  
15 and --

16 Q. And so for each of these questions, I'm only  
17 asking about arrests, not investigations.

18 A. Okay.

19 Q. Is that how you were answering that?

20 A. Yes. Yeah. That holds true for, yeah,  
21 arrests as well as investigations. Yeah.

22 Q. What's the significance to you as a prosecutor  
23 of seeing an officer listed as an assisting arresting  
24 officer?

25 A. Again, that that officer was there on-scene.

1 Q. And is that based on your 30 years or so  
2 experience?

3 A. Yes.

4 Q. On-scene during the arrest?

5 A. Correct.

6 Q. Would you have a good estimate for how many  
7 arrest reports versus vice case reports you reviewed  
8 over the years?

9 A. Again, in the thousands.

10 Q. For each of them probably?

11 A. Yes.

12 MR. RAUSCHER: All right. We're going to mark  
13 Exhibit 3.

14 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

15 BY MR. RAUSCHER:

16 Q. This is a vice case report from December 11,  
17 2005. It's Bates stamped City BG 29 to 30. I will  
18 represent that, although there's a ton of documents, I  
19 didn't see this one listed in the documents that you  
20 were provided.

21 A. I don't --

22 Q. Do you think you reviewed this one?

23 A. I thought that was part of the -- yeah. Isn't  
24 this right here on number 4 on the additional documents?

25 Q. I don't think so. That's an arrest report.



1 A. Oh, that's -- I'm sorry. That's an arrest  
2 report. Not a vice case report.

3 MR. ZECCHIN: Scott, this -- if you could look  
4 at number 2. It's a different Bates number, but  
5 it's -- if you look at the description.

6 MR. RAUSCHER: That's the -- okay. You're  
7 right. Thanks.

8 BY MR. RAUSCHER:

9 Q. All right. I think you did have a version of  
10 the -- same document, different stamp.

11 A. Okay. I have seen that.

12 Q. You've seen this document before?

13 A. Yes.

14 Q. What is this document?

15 A. It is a vice case report for Clarissa Glenn  
16 and Ben Baker, prepared by Officers Jones and Watts. Or,  
17 excuse me, Jones and Mohammed.

18 Q. And why do you think it's prepared by Jones  
19 and Mohammed?

20 A. Their names are indicated in 45 and 46 as the  
21 reporting officers.

22 Q. And when you see someone listed as a reporting  
23 officer, you assume they helped to prepare the report?

24 A. No. I would not make that assumption.

25 Q. All right. So then what is this document?

1           A.     Well, this is a vice case report that's  
2 prepared by one of these police officers. I wouldn't  
3 say that all of the police officers on the report  
4 prepare the report usually. My understanding is that  
5 it's usually just one officer that prepares the report.

6           **Q.     Okay. You're not sure who prepared this**  
7 **report?**

8           A.     I have no idea.

9           **Q.     As a prosecutor, how would you go about**  
10 **determining who prepared this report?**

11          A.     Usually Box 1 is the individual that prepares  
12 it. That's my understanding. So -- but by and large, I  
13 would reach out to these individuals and find out, that  
14 is Jones, Mohammed, Smith, Watts, Gonzalez, whomever.  
15 And who's ever on the report -- whatever officers are on  
16 the report, try and reach out to those officers to find  
17 out who prepared the report, as well as who saw what.

18          **Q.     Do you -- would you reach out to them one by**  
19 **one or altogether?**

20          A.     It varied.

21          **Q.     What was -- did you have a practice?**

22          A.     Yeah. Primarily what I -- I'm get -- you are  
23 wanting to concentrate on --

24          **Q.     Arrests.**

25          A.     -- arrest reports. So on arrest reports --

1 Q. Sorry, just to clarify. When you say arrest  
2 reports, are you including vice case reports?

3 A. Yeah. This is -- yeah.

4 Q. So --

5 A. This is a report in conjunction -- prepare --  
6 prepared in conjunction with the arrest.

7 Q. Versus an investigation?

8 A. Correct.

9 Q. We're -- right. Let's concentrate on the  
10 arrests, like Ben Baker's --

11 A. Right.

12 Q. -- and Clarissa's case.

13 A. So a situation like this, if it were going to  
14 prelim or an indictment, we'd reach out to -- usually  
15 Box 1 was the first officer that we'd reach out to. And  
16 then we'd ask Box 1 officer, what roles the other  
17 officers played, if they recall. If not, and then I'd  
18 make a determination as to who we would then subpoena  
19 for court.

20 Q. Based on what Box 1 officer told you?

21 A. Correct.

22 Q. You are relying on them to tell you the truth,  
23 right?

24 A. Of course.

25 Q. Would it have been helpful for you as a

1 prosecutor to have more detail in the narrative section  
2 of this report?

3 A. It -- obviously, from a prosecutor's  
4 perspective, more detail is -- is preferential.

5 Q. And let -- let's drill down a little bit even  
6 more. It says, the -- you know, I don't know, probably  
7 second sentence, "ROs received information from a  
8 concerned citizen that a subject named Ben  
9 Baker/offender 2 was en route to get a supply of  
10 'blows.'" Would it have been helpful for you to,  
11 instead of saying ROs, have an explanation of who the  
12 ROs meant?

13 A. That would be clearer.

14 Q. Would it have been helpful as a prosecutor to  
15 know that?

16 A. Yes.

17 Q. What does ROs mean to you as a former  
18 prosecutor?

19 A. Reporting officers.

20 Q. Would -- so would that mean Jones and  
21 Mohammed?

22 A. Correct. In this instance, yes.

23 Q. So in this instance, what this report says to  
24 you as a prosecutor, is that Jones and Mohammed received  
25 information from a concerned citizen?

1           A.     My understanding, a lot of times with respect  
2 to police officers, was not that they collectively  
3 received information, but usually it was just one of the  
4 officers that received some sort of information.

5           **Q.     And why would they write it plural?**

6           MR. ZECCHIN:   Objection to form, foundation.

7           THE WITNESS:   All right.   This -- this was the  
8 format that was followed almost, you know, to the T  
9 by every officer in every report I've ever read.

10          BY MR. RAUSCHER:

11          **Q.     Would you agree it leaves a lot of room for**  
12 **dishonest officers to decide who's going to say what**  
13 **later?**

14          MR. ZECCHIN:   Objection to form.

15          THE WITNESS:   Again, I expect the police  
16 officers to tell the truth.   So I -- I -- that's a  
17 matter of opinion.   I suppose it could be looked at  
18 that way.

19          BY MR. RAUSCHER:

20          **Q.     I mean, you understand this case involves**  
21 **hundreds of people alleging that they were framed by**  
22 **this group of police officers?**

23          A.     Yeah.

24          **Q.     If they're telling the truth, would you agree**  
25 **that these kinds of reports that just say ROs did**

1 something, leaves a lot of room for them to come in  
2 later and say, well, you know what, actually it was  
3 Smith or it was Gonzalez or it was whoever, and they  
4 can --

5 A. That's entirely possible. Yes.

6 Q. Would it have been preferable for you to have  
7 it say Jones received information or Mohammed received  
8 information?

9 A. That would be clearer.

10 Q. Would you have preferred that?

11 A. Sure.

12 Q. When -- if you're prosecuting a case based on  
13 -- like this arrest that we're looking at, you are  
14 relying entirely on the narrative that the police are  
15 telling you, right?

16 A. Yeah. Well, not entirely on it, but that is  
17 certainly the -- the first step.

18 Q. What else would you be relying on, like the  
19 recovery of evidence, that sort of thing?

20 A. That sort of thing. In addition to, as these  
21 are just summaries, I would want to talk to the officers  
22 to get more of a -- a detailed description of what  
23 happened.

24 Q. You're relying on the officer, what the  
25 officers say, though, whether it's all in this report or

1 not yet. You're relying on them to tell you the truth?

2 A. Yes.

3 Q. You don't have any other way really to know?

4 A. Correct.

5 Q. When you would call Officer Jones or Mohammed  
6 or Smith or Gonzalez or whoever to talk about this  
7 report or just talk about this arrest, what would you  
8 -- would you go through the report with them?

9 A. Absolutely.

10 Q. And was that the practice in the office?

11 A. I believe so. It was certainly my practice,  
12 yeah.

13 Q. Do --

14 A. But I -- I saw other ASA's that were doing it  
15 as well, yes.

16 Q. Did you train anyone on that sort of issue?

17 A. On reviewing police -- no. They were trained  
18 pretty much by the time they got to me, so...

19 Q. Was that the -- did you receive training on  
20 that?

21 A. Receive training on?

22 Q. On sort of how to go through an arrest with an  
23 officer, like a narcotics arrest?

24 A. I can't recall.

25 Q. Okay.

1 A. I think it was more, yeah, just --

2 Q. You saw it and --

3 A. Right.

4 Q. -- just how you did it?

5 A. Right.

6 Q. Would you get to the -- so you said you --  
7 you'd try to reach out to all the officers, I think,  
8 depending on the circumstances?

9 A. Correct. Yeah.

10 Q. And if we're looking up here at Box 18, that's  
11 -- that lists, it's two rows, but that lists a bunch of  
12 other officers?

13 A. Right.

14 Q. I think -- well, one of them is Mohammed,  
15 who's also listed as the reporting officer.

16 A. Correct. Yeah.

17 Q. Would you get to them only if Jones said, "I  
18 don't remember," or, "You need to talk to someone else,"  
19 or would it -- would you always end up talking to more  
20 than one officer or...

21 A. I think it was safe to say that I usually  
22 ended up talking to more than one officer. But clearly  
23 in this instance, I would've reached out to Jones first.

24 Q. If Jones would've said to you, "While we were  
25 making this arrest, we were also making another arrest



1 in a different location at the same time," do you think  
2 you would have prosecuted this case?

3 MR. ZECCHIN: Objection to form, foundation,  
4 incomplete hypothetical.

5 THE WITNESS: I -- I'd have to review the  
6 documents in that case and determine if there was  
7 some sort of a -- a conflict.

8 BY MR. RAUSCHER:

9 Q. Okay. What if you said there was a conflict?

10 A. Obviously our -- our objective is to make sure  
11 that we can prove each case beyond a reasonable doubt.  
12 If there's anything that would infringe on that ability,  
13 that could cause a complication with the prosecution.

14 Q. It would be kind of strange for him to come to  
15 you and say, "I was arresting two people at the same  
16 time at different locations," right?

17 A. Yeah. I can't say I've ever seen that  
18 situation. So, you know, that would be very unusual.

19 Q. And if he would've said to you, "You know  
20 what, we actually made this whole narrative up," it's  
21 not what happened, probably safe to say you wouldn't  
22 have prosecuted that case?

23 A. That's very safe to say.

24 Q. And same for any of the other officers on  
25 here, if they would've come forward and said, "This is

1 not what happened"?

2 A. That's correct.

3 Q. What is the -- Watts here is listed as a  
4 supervisor approving. What does that mean to you based  
5 on your experience as a prosecutor?

6 A. It's my understanding that the Chicago Police  
7 Department general orders require that officers review  
8 or that a supervising officers review and sign off on  
9 any police report. So that's why the sergeant's name is  
10 there.

11 Q. And do you know what he is doing as -- to sign  
12 off?

13 A. Again, I -- I don't know what the general  
14 orders are for the Chicago Police Department, but yeah.  
15 So I'm assuming he's reviewing the report and just  
16 signing it to make sure it's up to his standards, I  
17 suppose.

18 Q. Does it mean anything to you as a prosecutor  
19 that the supervisor has signed off?

20 A. It -- not really, no.

21 Q. There's a court date listed on here if you  
22 look at Box 28 and box -- and couple rows below, January  
23 4, 2006.

24 A. Yep.

25 Q. Do you know how those court dates are

1 generated?

2 A. I don't.

3 Q. Do you know what their court date's for?

4 A. I don't. I -- I presume it's the next court  
5 date, but I don't. I -- I believe he's arrested when,  
6 in December. Looks like a month later. I -- yeah,  
7 that's probably the prelim date or, you know, the  
8 indictment date.

9 Q. That's a date that gets set without the  
10 State's Attorney's Office?

11 A. That's correct.

12 Q. Just the police department sets that based on  
13 the arrest?

14 A. Correct.

15 Q. Okay. If -- for a narcotics arrest, like the  
16 one we just looked at, do you typically get both the  
17 arrest reporting and the vice case report as the  
18 prosecutor?

19 A. Do I get them?

20 Q. Yes.

21 A. Yeah. I want every document that's prepared  
22 with respect to any investigation if I'm prosecuting it.

23 Q. And you review both of them?

24 A. Oh, absolutely.

25 MR. RAUSCHER: Okay. We're going to mark

Exhibit 4 as the -- this is the March 23, 2005 vice case report.

(EXHIBIT 4 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

Q. Did you review this document?

A. I did.

Q. Before today?

A. Yes.

Q. Okay. Can you tell me what this is?

A. Again, a vice case report that was prepared on March the 23rd of 2005.

Q. Now, this one, it's got some references to ROs. And who would the ROs be for you based on this report?

A. Nichols and Leann -- Leano.

Q. Do you know them?

A. No.

Q. If you look at the second page of the narrative, this one has some -- a couple of specific things that were done by a reporting officer, right? So it says, "PO Nichols recovered said bag from his right hand and found it to be a clear zip up bag." Do you see that?

A. Yes.

Q. And then PO Nichols performed a custodial

1 search?

2 A. Yeah.

3 Q. Was that unusual that it would list one of the  
4 specific officers doing a specific task?

5 A. No.

6 Q. Was it -- this says -- you'd agree that's more  
7 detail than the one we looked at previously, right?

8 A. Yes.

9 Q. But in your experience, both of those are  
10 common?

11 A. Exactly.

12 Q. No practice?

13 A. No.

14 Q. And --

15 A. It -- it -- it would depend upon the  
16 individual officer writing the report. Some of them are  
17 more thorough than others.

18 Q. Is this report more helpful to you as a  
19 prosecutor than the last one or are they the same?

20 A. Well, as I indicated, it would -- it allows  
21 me, by reading the report, to identify who performed the  
22 search, who recovered those things. But I'd still want  
23 to speak to all the other officers.

24 Q. And why would you want to speak to all the  
25 other officers?

1           A.     Because a lot of times, depending upon what  
2     had occurred, they may have a different vantage point  
3     from where they were. And consequently, I want to  
4     develop a full picture of what went on.

5           Q.     So to do that, you'd talk to all of the  
6     assisting arresting officers?

7           A.     Try to.

8           Q.     And so let me make sure that I'm understanding  
9     because I -- I've heard it both ways, and that --  
10    sometimes that happens with these things. Do you always  
11    try to talk to all of the officers after a narcotics  
12    arrest?

13          A.     No.

14          Q.     Okay.

15          A.     Not all of them. But all of the officers on  
16    the reports, I'm assuming you're alluding to?

17          Q.     Yeah.

18          A.     Yes. As soon as -- again, I would reach out  
19    to Box 1, primarily.

20          Q.     All right. But then you also just told me you  
21    also want to talk to everyone else?

22          A.     I want to talk to as many officers as I feel  
23    like I need to in order to make sure I have a full  
24    picture. Some of the officers may not have performed a  
25    significant role in the arrest or in the event.

1 Q. So do you always get past Box 1?

2 A. Oh, absolutely. Yeah.

3 Q. How far do you go?

4 A. Again, it depends upon each case. And once I  
5 feel like my ability to prosecute the case has been  
6 satisfied, that is, I have all the officers that I need  
7 and I address all the facts that I think that will be  
8 relevant in the prosecution, that's when I would not  
9 talk to probably any of the officers who may have been  
10 on the team.

11 Q. So looking at this report in front of you, who  
12 else do you want to talk to other than Nichols? If  
13 anyone.

14 A. Yeah. I always want to talk to at least a  
15 couple of the other officers because I know that most of  
16 the officers -- or any of the officers could be called  
17 as defense witnesses. So I would like to talk to as  
18 many of them as I can.

19 Q. And what would the reasons be why you couldn't  
20 talk to them, if any?

21 A. There -- there is no reason I couldn't talk to  
22 them.

23 Q. So he would always try to talk to all the  
24 officers?

25 A. Again, I would talk to the officers that I

1 felt gave me a complete picture of -- if Officer Nichols  
2 -- after talking to Officer Nichols, said that, "Hey,  
3 this was my arrest and my investigation, and I did  
4 everything," I'd still want to talk to the other  
5 officers just to verify that everything is in order.

6 Q. So I think the answer to the question is yes,  
7 then, right? You would always like to talk to all the  
8 officers listed on the arrest reports and vice case  
9 reports?

10 A. Yeah. No, it's not a yes. It's a -- it's a  
11 no.

12 Q. Okay.

13 A. I would talk to the officers that I felt were  
14 instrumental in prosecuting the case.

15 Q. What about that point you just made how any of  
16 them could be called as defense witnesses?

17 A. Correct. And that -- you know, obviously, if  
18 the officers that I -- I found out were not part of the  
19 investigation and were not necessarily a vital part of  
20 this particular arrest, then I wouldn't speak to them  
21 because I knew if they were called by the defense, they  
22 wouldn't have anything to offer either.

23 Q. You didn't feel the need to verify that with  
24 the officers?

25 A. No.



1 Q. You just -- you basically take the word of one  
2 of the police officers for that?

3 A. Yeah. Well, not just one, but after talking  
4 to a group of officers or the -- you know, a few of the  
5 officers on the report, yes, that would be sufficient.

6 Q. So in an arrest like this one, not an  
7 investigation, but an arrest like this one, you'd always  
8 talk to at least three officers?

9 A. Two or three, yes.

10 Q. And you -- would it always start with Box 1  
11 and box --

12 A. Yes.

13 Q. Well -- sorry, let me -- always start with  
14 Box 1?

15 A. Yes.

16 Q. Would it always then be Box 2 or would it be  
17 based on what Box 1 told you?

18 A. Both Box 1 and based on what he told me, and  
19 then take it from there.

20 Q. And then you'd get to the second one and at  
21 least a third and then --

22 A. Correct. As long as I felt like I had a full  
23 picture and all the relevant officers interviewed, then  
24 I would proceed.

25 Q. Would you expect the narrative section to have

1 the major parts of the arrest listed?

2 MR. ZECCHIN: Objection to form. Go ahead.

3 THE WITNESS: Yeah. Major, I don't know what  
4 that means. But yes, I would -- I would expect the  
5 report to have all the details of the arrest or --  
6 or the case.

7 BY MR. RAUSCHER:

8 Q. If there was -- like, if it had been based on  
9 surveillance, you'd expect the report to say, we were  
10 conducting surveillance, we saw X, Y, Z?

11 A. That's correct.

12 Q. Okay. Looking at this report, this vice case  
13 report, which is Exhibit 4, is there any information  
14 you'd like to see in here that you don't see in here?

15 A. No, it seems pretty detailed.

16 Q. Let's go back to Exhibit 3, and I want to ask  
17 you the same question. That was the previous vice case  
18 report. Anything you'd like to see in here that you  
19 don't?

20 A. Well, as is distinguishable between the two  
21 reports, Officer Nichols' reports indicate specifically  
22 what it was that he observed it, and this report does  
23 not as the more -- I mean, both reports have ROs on  
24 them, but Officer Nichols' report does a better job of  
25 identifying who did what and where.

1 Q. You'd prefer to see that in this report as  
2 well?

3 A. Yes.

4 Q. Back to Exhibit 4. It says toward the end of  
5 that narrative, "Post Miranda in 002. Above subject  
6 stated to ROs, 'Them blows were mine, but them rocks  
7 ain't.'" Do you see that?

8 A. I do.

9 Q. Is that type of, say, partial confession  
10 common in your experience?

11 A. It is.

12 Q. Okay. How often do you see something like  
13 that in a police report?

14 A. Very -- I saw it very often.

15 Q. Like, pretty specific, just like that?

16 A. Yeah. In quotes, things like that. Yeah.

17 Q. Like, saying, you know, some of these drugs  
18 that you got were mine, but some of them weren't?

19 A. Well, obviously, that's a -- are you asking me  
20 how many times I've seen that particular --

21 Q. Was it common for someone to say, "Some of the  
22 drugs that you got were mine, some of them weren't"?

23 A. Not common, but it happened.

24 Q. Yeah, no. I wasn't asking was it common that  
25 officers would write things in quotes.

1 A. Right.

2 Q. I was asking is it common for a -- someone  
3 who's arrested to say -- in your experience, to say,  
4 okay, the cocaine was mine, but the heroin wasn't,  
5 something like that?

6 A. It happened on occasion, yes.

7 Q. Not commonly?

8 A. Not commonly.

9 Q. Would you agree that you can't tell what  
10 really anybody did, other than Nichols, for either of  
11 these two reports based on just looking at the reports,  
12 or do you have a different take?

13 A. Well, I mean, it would be my understanding  
14 that the officers were with the -- in Box 1. That is,  
15 the Box 1 officer is the officer who prepared the  
16 report, so -- but -- so I know that he prepared the  
17 report, but...

18 Q. That -- you know that just based on your  
19 experience?

20 A. That's -- yes.

21 Q. It doesn't say that on here, right?

22 A. No.

23 Q. And you're looking at 3 and 4?

24 A. Correct. Yeah. 4 particularly right now.

25 Q. Okay. So yeah, let's -- we can do it one by

1 one.

2 A. Okay.

3 Q. Other -- on 4, other than Nichols, can you  
4 tell what anybody did -- any of the officers did? With  
5 -- sorry, with respect to the arrest?

6 A. Well, on Exhibit 4, it does indicate that  
7 Leano inventoried the items.

8 Q. Right.

9 A. So it does tell us that he did that.

10 Q. Yeah. I was -- I was talking about up to the  
11 point of the arrest.

12 A. Oh, up to the point of the arrest. I'm sorry.

13 Q. No, that's okay. I tried distinguish, but  
14 maybe not clearly.

15 A. Yeah.

16 Q. So -- well, sorry. Before you move back  
17 to 3 --

18 A. Oh, okay. Yeah. On 4, other than Leano and  
19 Nichols, no.

20 Q. All right. And Leano, we just know that he  
21 did the inventory?

22 A. Right.

23 Q. Okay. All right. Let's go to 3.

24 A. It does not identify -- 3 does not identify  
25 which officers did what.

1 Q. Would you know as a prosecutor who the  
2 purported concerned citizen is that is listed on the  
3 narrative?

4 A. Usually no.

5 Q. Okay. Would you want to know that information  
6 or need to?

7 A. Usually, it's -- yes. Obviously, that's  
8 something I would question the officers with respect.  
9 But a lot of times, it was just a confidential informant  
10 or a concerned citizen.

11 Q. And what's the difference between a  
12 confidential informant or a concerned citizen?

13 A. Confidential informant is somebody that is  
14 usually signed up by either the state's attorney's  
15 office and/or the Chicago Police Department, and they  
16 provide information to the Chicago Police Department.  
17 That's a confidential informant. A concerned citizen is  
18 somebody who's just tired of watching illegal activity  
19 and contacting the police to let them know something's  
20 going on.

21 Q. And why do you -- why would you question the  
22 officers about references to either a confidential  
23 informant or a concerned citizen?

24 A. To make sure that they haven't conflated the  
25 two. To make sure that they haven't listed a concerned

1 citizen when, in fact, it is a confidential informant  
2 and vice versa.

3 **Q. But not to make sure that that person actually**  
4 **exists, right?**

5 A. Well, obviously, we want to question them with  
6 respect to the fact that they did receive that  
7 information. But I, you know, again, believe that these  
8 reports are the truth. And so when the officers tell me  
9 that they had a concerned citizen that gave them  
10 information, that's as far as I would go in that query.

11 **Q. So you would or would not ask them?**

12 A. I -- I would ask them about the concerned  
13 citizen or the confidential informant, but that was  
14 essentially where it would end.

15 **Q. Where -- what would you ask them about?**

16 A. Just who was the -- vaguely who was the  
17 individual, and have you worked with the individual in  
18 the past, things like that.

19 **Q. When you say who was the individual, what kind**  
20 **of answer would you expect?**

21 A. I -- I wasn't expecting any answer. I was  
22 just looking for the answers from the police officers to  
23 make sure that, you know --

24 **Q. What kind of answer was acceptable to you as a**  
25 **prosecutor?**

1           A.    You know, there was somebody in the  
2 neighborhood who was tired of this -- you know,  
3 witnessing this type of activity, and then -- where they  
4 live, and consequently reached out to the police and --  
5 and gave information to the police.

6           **Q.    And you would expect that the officers would**  
7 **know that level of detail about concerned citizens?**

8           A.    Well, it -- sometimes they do, and sometimes  
9 they don't. Sometimes it's just a call that comes in.

10          **Q.    And you said, "I believe the reports are**  
11 **true"?**

12          A.    Yes.

13          **Q.    You mean you believe these reports are true or**  
14 **do you mean as a prosecutor, you had to believe they**  
15 **were true because that was your job?**

16          A.    The latter. I mean, I believe that they're --  
17 they're true. I -- you know, that's my understanding of  
18 what the Chicago Police Department is supposed to do.  
19 It's supposed to be truthful and honest, and make good  
20 arrests, and put true information in the report.

21          **Q.    Well, let me -- so you -- let's try -- I'm**  
22 **going to try to make sure that I understand that answer.**

23          A.    All right.

24          **Q.    Are you saying to me today, I -- Mr. Hughes, I**  
25 **believe -- I -- I'm going to -- let's try that a**



1 different way. Are you saying today, "I have looked at  
2 this vice case report from the December 11, 2005 arrests  
3 of Ben Baker and Clarissa Glenn and I believe this  
4 report to be true"?

5 A. Yes.

6 Q. Okay. What are you basing that on?

7 A. Again, that these are sworn reports, people  
8 are going to testify in court to these reports, they're  
9 -- it's illegal to draft an improper report. So, you  
10 know, those kinds of things.

11 Q. You are aware that Mohammed and Watts both  
12 pled guilty to federal crimes for police corruption,  
13 right?

14 A. I am not aware of that, but yeah.

15 Q. You didn't know that before today?

16 A. No.

17 Q. Okay. To --

18 A. I didn't know that they pled guilty.

19 Q. Did you know they had a conviction?

20 A. I -- I know that Watts did. I did not know  
21 about Mohammed.

22 Q. All right. Does the fact that they're  
23 convicted felons for being corrupt police officers  
24 change -- cause you to question in any way whether the  
25 reports they were preparing are true?

1 A. Well, if we had that knowledge ahead of time,  
2 sure.

3 Q. I'm asking you today. What's your -- I'm -- I  
4 want to understand what you're testifying to today.

5 A. Okay.

6 Q. Are you saying to me today, "I believe this  
7 report is true"?

8 A. Based on the fact that both of the officers in  
9 the report have pled guilty to misconduct?

10 Q. So I --

11 A. Is that -- is that your question? I'm just --

12 Q. No, I --

13 A. -- make sure I understand.

14 Q. I understand. I will try to clarify. So I  
15 believe you've already testified, unless I  
16 misunderstood, that you -- today, you believe this  
17 report is accurate. Did I understand that correctly?

18 A. Again, I would look at any police report that  
19 has been sworn to by the officers as being factual and  
20 truthful.

21 Q. Including this one today?

22 A. Obviously, without the information that you  
23 just alluded to about them, both pleading guilty, yes.

24 Q. Okay. And I'm not suggesting they pled guilty  
25 because they falsified this document. You understand

1 that, right?

2 A. Yes.

3 Q. Okay. But knowing that they pled guilty, does  
4 that cause you to question this report in any way?

5 A. Okay. Now, that's a different question  
6 because obviously if I'm reviewing this and I -- I mean,  
7 that would never be the case where we've had convicted  
8 police officers preparing the reports. But if I knew  
9 that there was misconduct on behalf of the police, I  
10 would not -- on behalf of these two officers, we would  
11 not proceed on this case.

12 Q. You do know it, though. You know it?

13 A. Now I know it.

14 Q. Okay.

15 A. Right.

16 Q. Yeah. So now that you know it --

17 A. Right. Yeah. We would not proceed on these  
18 cases.

19 Q. Okay.

20 A. Had we had that information.

21 Q. And if you knew that the Chicago -- the agency  
22 charged with investigating the police was recommending  
23 that Jones be fired for falsifying reports relating to  
24 this arrest, obviously you wouldn't proceed on it,  
25 right?

1 A. Correct.

2 MR. ZECCHIN: Objection. Incomplete  
3 hypothetical. Form. Foundation.

4 MR. RAUSCHER: Let's mark it Exhibit 5. This  
5 is a COPA report. I'm sorry, wrong one. This is  
6 the COPA Summary Report of Investigation for Log  
7 1087742, which was in that group of exhibits we  
8 circulated.

9 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

10 MR. ZECCHIN: You circulated exhibits for this  
11 deposition?

12 MR. RAUSCHER: Oh, right before the dep,  
13 sorry.

14 MR. ZECCHIN: Okay.

15 MR. RAUSCHER: Just for the remote people.

16 BY MR. RAUSCHER:

17 Q. Take a look. Take your time looking through  
18 this. You -- you've never seen this before?

19 A. I have never seen this document. No.

20 Q. And I can point out that Footnote 1 will  
21 describe COPA to you.

22 A. Oh, great. I mean, did you want me to read  
23 all 33 pages?

24 Q. Just take as much time as you need to become  
25 familiar with it. I think the first handful of pages

1 will give you some good background.

2 A. Okay. I reviewed the first couple pages.

3 Q. Take a look at the allegations, the parties,  
4 the sustained allegations.

5 A. All right.

6 Q. All right. Now, just flip to the last couple  
7 pages. There's a "Recommendation for Discipline"  
8 section. Pretty short.

9 A. Last couple pages?

10 Q. Yeah. There starts on --

11 A. Oh recommendation, yes.

12 Q. Okay.

13 A. All right.

14 Q. So now you've seen that Jones lied in  
15 falsified reports and was recommended to be fired for  
16 this arrest, right?

17 MR. ZECCHIN: Objection. Objection to the  
18 form, foundation of that question.

19 BY MR. RAUSCHER:

20 Q. As a 30-year employee of the Cook County  
21 State's Attorney's Office, you're not going to stand  
22 behind these reports, are you?

23 A. Not going to stand behind Exhibits 3 and 4?

24 Q. Right.

25 A. Based upon this?

1 Q. Based on what you know now?

2 A. Yeah. No.

3 Q. Do you agree --

4 A. I would not prosecute those cases.

5 Q. Right. Not -- they're not -- you wouldn't --  
6 you're not going to stand up and say, "You know what?  
7 These are good police reports, nothing wrong with them?"

8 A. I mean, I don't see anything wrong with the  
9 police reports in general. But, you know, obviously,  
10 other than the things we've addressed, that they could  
11 be a little more specific. But, you know, obviously if  
12 the officer's integrity is in a dispute, that would be a  
13 significant reason for why we wouldn't proceed on those  
14 cases.

15 Q. If -- so the Mohammed and Watts, that's a  
16 general integrity issue, right?

17 A. I'm sorry?

18 Q. Mohammed and Watts, you're talking about their  
19 general integrity, right?

20 A. Correct. Yeah.

21 Q. Jones, these are findings by a city of Chicago  
22 -- by the City of Chicago saying he lied and wrote the  
23 false reports about the ones you just --

24 A. Uh-huh.

25 Q. -- one you just looked at, correct?

1 A. Right.

2 Q. Right. That is a problem with the report,  
3 obviously?

4 MR. ZECCHIN: Objection to form. Foundation.

5 THE WITNESS: It -- it is a problem with  
6 respect to prosecuting the report.

7 BY MR. RAUSCHER:

8 Q. But the report itself is just fine?

9 A. Based upon my review of the reports, they're  
10 identical to the thousands of other reports that I've  
11 read. So there's nothing glaringly wrong with the  
12 reports.

13 Q. The form of the report is okay, the substance  
14 obviously is not?

15 MR. ZECCHIN: Objection. Form. Foundation.  
16 Go ahead.

17 THE WITNESS: And again, the substance doesn't  
18 look to me to be out of the ordinary in any way,  
19 shape, or form. The only thing that's out of the  
20 ordinary is, obviously, the officer's conduct.

21 BY MR. RAUSCHER:

22 Q. That they made it up?

23 A. Again, I don't know that that's the case. You  
24 know, I -- I couldn't speculate with respect to that.  
25 But I'm just saying that they -- the reports in and of

1 themselves are fine. Obviously, I wouldn't proceed as a  
2 prosecutor based on this COPA report.

3 **Q. You might prosecute Jones, right?**

4 MR. ZECCHIN: Objection. Form. Foundation.  
5 Incomplete hypothetical.

6 THE WITNESS: And again, I -- yeah, I would  
7 have to see whatever evidence that they have. So  
8 based upon these -- these are just summaries. And  
9 -- as I understand them, so as a prosecutor, you  
10 want much more detail than that.

11 BY MR. RAUSCHER:

12 **Q. You want more detail than the 33-page report**  
13 **from COPA?**

14 A. Well --

15 MR. ZECCHIN: Objection. Argumentative.

16 THE WITNESS: -- the -- the items that I read.  
17 They're allegations, obviously. And so these  
18 allegations, you know, are things that we would  
19 take into consideration when deciding whether or  
20 not to proceed on the charges.

21 BY MR. RAUSCHER:

22 **Q. Do you have any reason to believe that COPA's**  
23 **investigation was wrong?**

24 MR. ZECCHIN: Objection. Form. Foundation.  
25 You can answer.



1 THE WITNESS: No.

2 BY MR. RAUSCHER:

3 Q. If the Exhibit 3 -- if the narrative is made  
4 up, do you consider that to be a problem with the form  
5 of the report?

6 A. Well, again, I -- I -- you know, it's my  
7 understanding that police officers are always sworn to  
8 tell the truth, and they're going to -- they'd be sworn  
9 to tell the truth in -- in any court of law to these  
10 reports. So if they made up the items in the report,  
11 that would be problematic.

12 Q. That would be pretty offensive to you as a  
13 prosecutor, right?

14 A. Very much so.

15 MR. ZECCHIN: When you're -- if you have a  
16 good break, I'd just like to use the bathroom.

17 MR. RAUSCHER: Okay. Yeah, we can take that  
18 now.

19 MR. ZECCHIN: Okay.

20 THE REPORTER: You-all want a break?

21 MR. RAUSCHER: Yeah, let's take five, ten  
22 minutes.

23 MR. ZECCHIN: Sure. Five is fine.

24 MR. RAUSCHER: Five. So let's come back at  
25 12:00 then or just after it.

(OFF THE RECORD)

THE REPORTER: All right. We are back on record at 12:04 p.m.

BY MR. RAUSCHER:

**Q. Take a look at Page 14 of that COPA report.**

A. Okay.

**Q. All right. You reviewed that chart?**

A. Uh-huh. I was just reading a narrative, but...

MR. ZECCHIN: He just said Page 14.

THE WITNESS: Yeah, yeah, yeah.

BY MR. RAUSCHER:

**Q. There's a chart on --**

A. Yes.

**Q. -- Page 14, too.**

A. Okay.

**Q. Can you tell what the general context is and of what the -- you know, what that chart is talking about?**

A. Yes. I believe they're trying to outline that the officers were in a certain area, conducting two different investigations around the exact same time.

**Q. Two different arrests at the same time.**

A. Two -- two different arrests. Yes.

**Q. Right. Which is obviously not possible?**

1           A.    I -- I -- I mean, if it were the exact same  
2 time and the exact same people, I would say yes.

3           **Q.    Okay.  If you want to read on, Jones says yes**  
4 **also.**

5           MR. ZECCHIN:  Is that a question?

6           THE WITNESS:  Yeah.  I mean --

7 BY MR. RAUSCHER:

8           **Q.    Well, do you have any reason -- you know what?**  
9 **Go ahead and read on.**

10          A.    All right.

11          **Q.    Read on for a few pages.**

12          A.    All right.  Down to the end of 16, or...

13          **Q.    You can go all the way to the start of 19.**

14          A.    Okay.  All right.  I got up to Page 19-2, COPA  
15 interview of Ellsworth?

16          **Q.    Right.  So it -- now you've seen a more**  
17 **fulsome explanation for what COPA said.  You're not**  
18 **prosecuting this case as a prosecutor, right, December**  
19 **11, 2005?**

20          MR. ZECCHIN:  Objection.  Form.  Foundation.  
21 Incomplete hypothetical.

22          THE WITNESS:  And again, the report is from  
23 2017 and the prosecution was at '05.  So I wouldn't  
24 have had that information available when I  
25 prosecuted the case.

1 BY MR. RAUSCHER:

2 Q. Well, you would -- you didn't prosecute it at  
3 all, so...

4 A. Right. But neither was -- the prosecutors  
5 wouldn't have had that information, so...

6 Q. And -- right. And they did prosecute the  
7 case, so...

8 A. Right.

9 Q. It's a hypothetical.

10 A. Right.

11 Q. With the information you've seen, you would  
12 not, as a prosecutor, prosecute this case?

13 A. No.

14 Q. No, you would not?

15 A. I would not.

16 Q. Okay. You would expect that if the police had  
17 been saying they were arresting two people in different  
18 places at the same time, they would tell you that?

19 MR. ZECCHIN: Objection to form.

20 THE WITNESS: Yes. I would expect that that  
21 would -- would be the case. That would obviously  
22 be some -- a conflict in the case that I was trying  
23 to prosecute. Based on -- if they told me that,  
24 yes.

25 BY MR. RAUSCHER:

1 Q. Right. Based on you have seen, you wouldn't  
2 rely on Jones or Mohammed as witnesses at all, would  
3 you?

4 A. After the COPA finding?

5 Q. After you -- if you knew the information in  
6 this COPA finding --

7 A. Right.

8 Q. -- in 2005, your office wouldn't keep calling  
9 them as witnesses, would they?

10 A. No.

11 MR. ZECCHIN: Object to form. Foundation.  
12 Incomplete hypothetical.

13 MR. RAUSCHER: I'll mark Exhibit 6 the arrest  
14 report from December 11, 2005.

15 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

16 BY MR. RAUSCHER:

17 Q. And then just to clarify, the last question  
18 you said no. I mean, you meant your office -- you are  
19 agreeing your office would not call those officers to  
20 testify in any case?

21 A. I am agreeing to that. Yes.

22 Q. Okay. This is City BG-3807 to 3811. Oh, so  
23 you know what? Sorry. I said this was December. This  
24 is the March 2005 arrest report. Is this one of the  
25 documents you reviewed?

1 A. It is.

2 Q. And do you see any issues with this document?

3 A. No. It looks like a standard police -- arrest  
4 report. Excuse me.

5 Q. Has all the information that you'd expect?

6 A. By and large, yes.

7 Q. What's -- what else? When you say by and  
8 large, what else would you like to see?

9 A. Again, it's just -- at times, it's a little  
10 unclear as to which officers did what, so...

11 Q. You'd like there to be more detail on that?

12 A. Yeah.

13 Q. So you could know who to talk to?

14 A. Exactly.

15 Q. Right.

16 A. Who to call as a witness.

17 Q. If there are holes in the story, to make sure  
18 that you know them before you get to court?

19 A. Yeah. I -- I don't know about holes in the  
20 story, but I -- I would just be talking to these  
21 officers to figure out who did what. Yeah.

22 Q. If there were problems with the arrest, you  
23 would like to know that? Maybe that's a better way to  
24 say it.

25 A. Yes. I -- I -- you know, not so much problems

1 with the arrest, but more, again, as to who performed  
2 what function.

3 Q. Well, would you agree that, as a prosecutor,  
4 you would like to know if there are problems relating to  
5 the arrest or the case before you get to trial?

6 A. Oh, absolutely. Yes.

7 Q. One way to do that would be to have a detailed  
8 arrest report that you could look at and identify  
9 potential problems, right?

10 A. Yes. That would help.

11 Q. There's a -- Officer Nichols is identified as  
12 the attesting officer on Page 3 of 5 --

13 A. Uh-huh.

14 Q. -- City BG-3809?

15 A. All right.

16 Q. Do you know what an attesting officer is?

17 A. I don't.

18 Q. Do you recall ever looking at reports that had  
19 an attesting officer on them?

20 A. I -- I -- I don't. I always thought that that  
21 was arresting. I don't know if that's a typo. It  
22 doesn't look like it is. I -- yeah.

23 Q. So in the --

24 A. Yes.

25 Q. In the thousands of reports you looked at, you

1 don't remember ever seeing "attesting officer"?

2 A. That may -- no, I don't. And I may have just  
3 confused it for arresting officer, quite frankly. I  
4 don't know, but -- you know. I don't ever recall seeing  
5 "attesting officer."

6 MR. RAUSCHER: Now we're going to mark  
7 Exhibit 7.

8 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

9 BY MR. RAUSCHER:

10 Q. This is the December 11, 2005 arrest report of  
11 Ben Baker. This is City BG-3812 to 3816.

12 MR. ZECCHIN: Say 12-11-05, Scott?

13 MR. RAUSCHER: Yes.

14 BY MR. RAUSCHER:

15 Q. So this is the December 11, 2005 arrest. We  
16 looked at the COPA report about that a little bit ago.

17 A. Correct.

18 Q. All right. Any issues with the way this  
19 report is written?

20 A. I mean, there's some typos in it and whatnot,  
21 but no.

22 Q. So if you look at the narrative on Page 2 --

23 A. Uh-huh.

24 Q. It says, "This is an arrest by 002 Tag Units  
25 BTS 264D and 264C." Do you see that?



1 A. I do.

2 Q. What does that mean?

3 A. That usually mean -- that there were other  
4 units on-site that were assisting in the arrest.

5 Q. So looking at the report, tell me who was on-  
6 site assisting with the arrest?

7 A. Again, I would have to determine who were the  
8 officers on those beats.

9 Q. All right. How would you do that?

10 A. I would reach out to the officers on this  
11 report.

12 Q. Any other way that you know of based on your  
13 review of thousands of reports over the years?

14 A. I think you can reach out to the Chicago  
15 Police Department and find out specifically who were  
16 assigned to those beats at that point --

17 Q. All right.

18 A. -- point in time.

19 Q. What about just looking at the last page of  
20 the report?

21 A. It does not allude to who those beat officers  
22 may have been.

23 Q. What's your understanding of what beat means  
24 under arrestee processing personnel?

25 A. Where are you --

1 Q. The last page.

2 A. Where are you looking at here? I'm -- I'm  
3 sorry. I'm not --

4 Q. So you -- you're in the -- there's a -- you're  
5 on 3816, right?

6 A. Correct.

7 Q. Do you see --

8 MR. ZECCHIN: You want me to point it out to  
9 him?

10 MR. RAUSCHER: Yeah, I can point it out.

11 What --

12 MR. ZECCHIN: Right here.

13 THE WITNESS: Yeah.

14 BY MR. RAUSCHER:

15 Q. Just look right here.

16 A. Oh. Oh, I'm sorry. Yeah, yeah, yeah, yeah.  
17 Okay. Those beat officers, yes. That tells you who  
18 some of those beat officers may have been.

19 Q. What is that -- what is -- do you have any  
20 understanding of what "beat" means looking at this  
21 report?

22 A. I really don't, no.

23 Q. Okay. Which parts matter to you -- which  
24 parts of the arrest report matter to you as a  
25 prosecutor?

1 A. Obviously, the individuals who are going to be  
2 -- whoever wrote the report and the individuals that  
3 observed the facts contained in the report.

4 Q. Do you ever recall going through an arrest  
5 report with anybody at the Chicago Police Department and  
6 saying, hey, what does this part mean? What does this  
7 part mean?

8 A. Oh, absolutely. Yeah.

9 Q. And you just -- you never did that with the  
10 attesting officer section, though?

11 A. Again, I just assumed that those were  
12 arresting officers and, consequently, those were the  
13 officers that were on-scene. And so those -- that --  
14 that would be the only reason that would be important to  
15 me.

16 Q. And you never asked what the beat means?

17 A. Well, I know that beat -- beat officers are  
18 just officers assigned to a specific area at a specific  
19 time. They're on this beat, and it -- the beat has a  
20 number and a -- and a letter attached to it.

21 Q. So you think that the letter -- does the  
22 letter have -- does -- I'm sorry. Let me ask that  
23 again. Does the letter attached to the beat signify  
24 that the officers are attached to a certain area?

25 A. I don't know.

1 Q. You don't know if 264D and 264C are assigned  
2 to different areas?

3 A. I don't.

4 Q. Okay. What is -- look at Page 3 of this  
5 report again, and it's --

6 A. Uh-huh.

7 Q. -- lists the arresting officers as Jones and  
8 Mohammed. You see "Beat 264D" there, right?

9 A. I Do.

10 Q. Okay. What does that mean to you as a  
11 prosecutor?

12 A. That those were the officers assigned to that  
13 beat.

14 Q. And do you know what that -- what a beat is?  
15 What's the letter attached to it?

16 MR. ZECCHIN: Objection. Asked and answered.  
17 BY MR. RAUSCHER:

18 Q. Hang on. All right.

19 A. Yeah. Right.

20 Q. I -- nothing more than you've already said?

21 A. Correct. Yeah.

22 Q. This says -- back to the narrative, "This is  
23 an arrest by 002 Tag Units, Beats 264D and 260" -- I'm  
24 sorry. Yeah. 264D and 264C, right?

25 A. Uh-huh.

1 Q. So it says Jones and Mohammed -- on the next  
2 page, it says Jones and Mohammed were assigned to 264D  
3 that day. Do you read that report, based on your  
4 experience reviewing thousands of reports, to mean Jones  
5 and Mohammed made this arrest along with 264C?

6 A. Yeah, that's how I would read the report.

7 Q. And I asked if that was based on your  
8 experience, but is it based on your experience or just  
9 based on kind of common sense looking at it today?

10 A. Well, no, based on my experience, that would  
11 be -- and it also indicates --

12 Q. I mean, that's what --

13 A. Common sense. Yeah. They're listed as the  
14 arresting officers.

15 Q. And then Gonzalez and Leano are listed as  
16 264C --

17 A. Correct.

18 Q. -- as you looked, at 2-5, so --

19 A. Uh-huh.

20 Q. -- you'd also read this as --

21 A. They were assigned to that beat.

22 Q. One, and they were involved -- they  
23 participated in the arrest?

24 A. Yes.

25 Q. That is literally what it says, right?

1 A. Yeah. They were assisting arresting officers.

2 Q. Well, right, but if you look at the  
3 narrative --

4 A. Right. Right, right, right. Yes.

5 Q. It says --

6 A. They are based on --

7 MR. ZECCHIN: Hold on, Kevin.

8 MR. RAUSCHER: Let me finish --

9 MR. ZECCHIN: He's going to ask the  
10 question --

11 THE WITNESS: Okay.

12 MR. ZECCHIN: -- and then you answer it.

13 BY MR. RAUSCHER:

14 Q. The sentence says, "This is an arrest by 002  
15 Tag Units Beats 264D and 264C," right?

16 A. Uh-huh.

17 Q. Does that, to you, indicate that at least  
18 those four officers made this arrest?

19 A. Were present during the arrest, yes.

20 Q. What does "this is an arrest by" mean to you  
21 in a police report?

22 A. It means that those officers were present for  
23 the arrest.

24 Q. But it could have been made by someone totally  
25 different?

1 A. That was not -- that's not how I understand  
2 that.

3 Q. Okay. So tell me again how you understand  
4 what "made an arrest" means?

5 A. I'm sorry?

6 Q. So this says, "This is an arrest by."

7 A. "Made by," yes.

8 Q. Actually, it doesn't say "made by," so I want  
9 to be --

10 A. Okay.

11 Q. I don't want to suggest there are words in  
12 here that aren't.

13 A. All right.

14 Q. It says, "This is an arrest by," and it  
15 identifies two beats.

16 A. Uh-huh.

17 Q. Right?

18 A. Right.

19 Q. Okay. How do you understand that sentence?

20 A. That those beats were present for the arrest.

21 Q. Okay. And --

22 A. At some point.

23 Q. Why do you think that the sentence "This is an  
24 arrest by two beats" means that they were present at  
25 some point?

1 A. Because they're saying that they arrested  
2 them. So I assume, common sense is, that they were  
3 present for that arrest.

4 Q. Who would you say is conducting the deposition  
5 today?

6 A. You.

7 Q. All right. What if I said this deposition was  
8 conducted by Scott and Josh Tepfer? Would you think  
9 that was a little strange?

10 A. Yes.

11 Q. All right. What if I said it was conducted by  
12 him because he helped me prepare for it and he popped in  
13 for a second to say hi today?

14 A. Again, that -- you know, I have no issue with  
15 that.

16 Q. So you would say, all right, yeah. That makes  
17 sense. Scott and Josh did the -- conducted the  
18 deposition today?

19 A. Well, if he was present in helping you prepare  
20 it or in some way, shape, or form and was -- popped in,  
21 you know, I -- I wouldn't take any issue with it.

22 Q. Okay. Do you -- based on this report, do you  
23 think you'd need to talk to anyone other than the  
24 officers who were assigned to 264D and 264C that day?

25 A. I'd want to talk -- you know, if after



1 speaking to any of these officers I found out that there  
2 were other officers that performed some function, then  
3 yes, I would want to speak to them, such as inventory or  
4 things like that.

5 Q. Or what about Watts? He's listed on the vice  
6 case report, but...

7 A. What about what?

8 Q. What about Ronald Watts? He's listed on the  
9 vice case report, but not the arrest report.

10 A. And what -- I -- I'm sorry, what --

11 Q. You'd want to talk --

12 A. Would I want to talk to Ronald Watts? Probably  
13 not because he's the sergeant. And the fact that he's  
14 on the vice case report is just usually -- my  
15 understanding was that officers just -- certainly  
16 sergeants just sign off on these reports after they  
17 review them.

18 Q. But look back at the vice case report --

19 A. Right.

20 Q. -- because that's not how he's actually listed  
21 on this one.

22 A. Right.

23 Q. It's Exhibit 3.

24 A. Right.

25 Q. So you'd want to talk to Watts in this

1 instance?

2 A. Sure.

3 Q. Even though he is not listed on the arrest  
4 report?

5 A. Absolutely.

6 Q. That's because he is listed as being involved  
7 in the arrest?

8 A. Correct. Being present. Oftentimes,  
9 sergeants are not necessarily present when individuals  
10 are arrested.

11 Q. The only way to know is to look at the reports  
12 and to ask, right?

13 A. That's correct.

14 Q. Do you know what the 264 tact team is?

15 A. I don't.

16 Q. Do you know what it was in the mid 2000s?

17 A. No.

18 Q. Do you know who was on that tact team?

19 A. I do not.

20 Q. Do you know what that tact team did?

21 A. I do not.

22 Q. You gave -- you talked a little bit about  
23 another one of Ben Baker's arrests in your reports. Do  
24 you recall that?

25 A. Yes.

1 Q. What do you know about that one?

2 A. Which one are you alluding to?

3 Q. The other arrest that you talked about in your  
4 report?

5 A. Can I -- I -- which -- which arrest and --

6 Q. Well, how many did you talk about in your  
7 report?

8 A. I -- I cannot recall off the top of my head.

9 Q. Okay. Can you -- let's look back your report,  
10 which I believe is Exhibit 2.

11 A. All right.

12 Q. If you look at the bottom -- starting at the  
13 bottom of Page 3 --

14 A. Okay.

15 Q. -- you -- there is a description of -- I guess  
16 I'll say it's four paragraphs of descriptions of arrests  
17 and that -- of Ben Baker.

18 A. Okay.

19 Q. Do you see that?

20 A. Yes.

21 Q. Those descriptions -- well, where do those  
22 descriptions come from? Where are they based on?

23 A. So specifically, what are you referring to?

24 Q. Well, you've described arrests here, right?

25 A. Right.

1 Q. Okay. What did you -- how were those  
2 descriptions created? What are the source of the  
3 information?

4 A. Police reports.

5 Q. Nothing else?

6 A. Correct.

7 Q. And when we say police reports, at least for  
8 the ones we've looked at so far, those are the reports  
9 we're talking about, right?

10 A. Yes.

11 Q. You talk about a July 11, 2004 arrest here?

12 A. All right.

13 MR. ZECCHIN: Scott, if I may?

14 MR. RAUSCHER: Yeah.

15 MR. ZECCHIN: It's the next page.

16 THE WITNESS: Oh. Is that on 3?

17 MR. ZECCHIN: Yes. Is it July 11, 2004?

18 MR. RAUSCHER: Yeah.

19 BY MR. RAUSCHER:

20 Q. That -- that's the same thing as that, that is  
21 based solely on reports?

22 A. Correct.

23 Q. Is it based on anything that the lawyers told  
24 you?

25 MR. ZECCHIN: Objection. And don't answer

1 anything -- objection. Attorney-client or  
2 attorney- witness. Don't answer it unless you can  
3 do it without revealing any discussions you had  
4 with myself or any other attorney in case.

5 THE WITNESS: Everything that I prepared in  
6 this report was based on my experience. So nothing  
7 that the attorneys would've told me.

8 BY MR. RAUSCHER:

9 Q. When you say your experience, you mean  
10 reviewing the reports?

11 A. Correct. Yeah.

12 Q. Not based on knowing it from your experience?

13 A. From -- well, I mean, from a -- yeah. From my  
14 experience, as well as my experience in reviewing  
15 reports.

16 Q. The factual summary is just based on the  
17 report, though?

18 A. Correct.

19 Q. You didn't add anything to it?

20 A. No.

21 Q. There's a footnote here, Footnote 1 on Page 4.  
22 You see that?

23 A. Yes.

24 Q. That says, "My understanding is that a motion  
25 to quash and suppress was heard and granted regarding

1 these narcotics."

2 A. Uh-huh.

3 Q. "I have not reviewed any transcripts from that  
4 hearing, and I'm not offering any opinion as to the  
5 propriety of that search."

6 A. Uh-huh.

7 Q. You see that?

8 A. I do.

9 Q. How do you know that there was a motion to  
10 quash and suppress heard and granted?

11 MR. ZECCHIN: I'm going to --

12 THE WITNESS: Reviewing --

13 MR. ZECCHIN: I'm advising you not to answer  
14 the question unless you can do so without revealing  
15 any communication with myself or any of other  
16 attorneys in the case.

17 THE WITNESS: Reviewing Ben Baker's  
18 deposition.

19 BY MR. RAUSCHER:

20 Q. Okay. Ben said it, and you're taking it from  
21 there?

22 A. Correct.

23 Q. Okay. Why are you not offering opinions on  
24 the propriety of the search?

25 A. Because I don't know anything about the search

1 in particular, or the way that the case was tried in  
2 court.

3 Q. Did it matter to you, looking at the reports,  
4 whether the search was valid or not valid?

5 A. Whether the judge threw the evidence out or  
6 not, is that what you're asking?

7 Q. Well whether it was a good search or not a  
8 good search?

9 A. You know, whether it's a good search --  
10 search, or not a good search, it's depending upon the  
11 individual, the trier of fact, and in that case, it's  
12 the judge and he made that determination. So I -- I --  
13 different judges could make different determinations  
14 based on the same facts.

15 Q. So it doesn't matter to you?

16 A. Not much, no.

17 Q. Okay. It would matter, presumably, if they  
18 were making up the facts of that arrest also, right?

19 A. Yes.

20 Q. You haven't seen COPA's report on that arrest?

21 A. No, I haven't.

22 MR. RAUSCHER: We are going to mark Exhibit 8,  
23 which is a summary of an administrator --  
24 administrative closure from COPA for the arrest we  
25 were just talking about. This is shorter.

(EXHIBIT 8 MARKED FOR IDENTIFICATION)

MR. ZECCHIN: I'm sorry. Scott, did you ask him to read this?

MR. RAUSCHER: I want him to look it over, yeah.

MR. ZECCHIN: All right. Yeah.

THE WITNESS: Did you want me to read the entire report?

BY MR. RAUSCHER:

Q. Well, just enough to get familiar with the findings. You can probably skip ahead to the last couple pages.

A. Okay. Do you want me to start with a justification narrative? Is that --

Q. I mean, that's where they -- that's where COPA --

A. That's the bit I mean.

Q. -- reached their conclusion, right?

A. Okay. Okay.

Q. So this is a -- this is COPA, again, saying that the Box 1 and Box 2 and a Ben Baker arrest, they made it up, right?

A. That was their conclusion.

Q. You would not -- you're not going to prosecute that case, if you knew this information?



1 MR. ZECCHIN: Objection. Assumes facts not in  
2 evidence. Incomplete hypothetical.

3 MR. RAUSCHER: All right. I'm going to mark  
4 Exhibit 9 as the vice case report, Bates stamped  
5 City BG 21 to 22. Make sure you just do one of  
6 these.

7 THE WITNESS: Okay.

8 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

9 BY MR. RAUSCHER:

10 Q. Is this one of the documents you reviewed to  
11 prepare your report?

12 A. It is.

13 Q. And any issues you see with the way this  
14 report is written up?

15 A. No.

16 Q. What about the fact that it says "ROs" --  
17 doesn't refer specifically to what Jones or Young did?

18 A. It is common, if not almost ubiquitous, that  
19 police reports are prepared with the RO statement. So  
20 that, in and of itself, wouldn't -- I wouldn't consider  
21 problematic.

22 Q. Seeing what COPA did here in having Jones and  
23 Young, say -- I'll say take credit for -- say they did -  
24 - both of them say they did the same things, would you  
25 agree that writing "ROs" lends itself to that issue, as

1 opposed to saying Young did this, Jones did this?

2 A. I don't think writing "ROs," and then lying in  
3 your police report are related.

4 Q. You don't think it leaves open room for them  
5 to lie?

6 A. I --

7 MR. ZECCHIN: Object to form.

8 THE WITNESS: I -- I think if somebody's going  
9 to lie, they're going to lie and it doesn't matter  
10 what is in the reports.

11 BY MR. RAUSCHER:

12 Q. Do -- would you agree it gives them more  
13 flexibility to lay -- to lie later, or decide who's  
14 going to say what by being vague in the report?

15 A. Possibly.

16 Q. Well, I mean, let's play it out a little bit.  
17 The report could have said, hypothetically, Young  
18 observed Ben Baker standing at the mailboxes, Young  
19 recovered drugs.

20 A. Uh-huh.

21 Q. Right? If it said that, and they later came  
22 to you and said, "Jones recovered all the drugs and  
23 Jones saw this," you would say, huh, that's not what it  
24 says in the reports, and you'd ask them questions about  
25 that, right?

1 A. Of course.

2 Q. That is different than if it says ROs did it,  
3 and they came to you and say Jones did all this, right?

4 A. Yes.

5 Q. It doesn't let -- the way they wrote it lets  
6 them -- lets either of them come in and say, "I'm  
7 available. I'll be the one that stands up in court and  
8 testify."

9 A. That's -- that's possible, yes.

10 Q. And the way that -- the other way, which is in  
11 part the way they did that March 2005 one, doesn't leave  
12 that possibility open?

13 A. Correct.

14 Q. You wouldn't go into a criminal court and try  
15 to go in front of a jury and say, "We're prosecuting  
16 this case, the officers haven't told the truth, but the  
17 report -- the form of the report is okay, so we are  
18 still prosecuting the case."

19 MR. ZECCHIN: Object to the form.

20 THE WITNESS: No.

21 BY MR. RAUSCHER:

22 Q. You would not do that?

23 A. I would not.

24 Q. Why would you not do that?

25 A. I would not do that because the reports are

1 supposed to be truthful and accurate, and if they're --  
2 if the officers are telling me that the reports are not  
3 truthful and inaccurate, I am not going to proceed.

4 **Q. What -- what's your responsibility as a**  
5 **prosecutor?**

6 A. My responsibility?

7 **Q. What's your goal? What's your responsibility?**

8 A. Basically, our -- our mantra is that we are  
9 there to help the citizens of Chicago, basically. We're  
10 there to basically follow the law, and we're ministers  
11 of justice. We are there to see to it that justice is  
12 done.

13 **Q. And it's probably not controversial to say**  
14 **justice is not done by prosecuting cases based on false**  
15 **police reports?**

16 A. I would say that is an accurate statement.

17 **Q. You had a little bit in your report about**  
18 **fingerprinting or DNA testing --**

19 A. Uh-huh.

20 **Q. -- of narcotics materials, and I think you**  
21 **basically say, "I've never seen it done." Is that**  
22 **accurate?**

23 A. So for the vast majority of the narcotics  
24 cases that I was involved in, that would be accurate,  
25 yes. There were instances, but they were rare.

1 Q. And you said -- I think you said if there was  
2 more than a kilogram involved, or there may be an issue  
3 concerning identification as to possession --

4 A. Right.

5 Q. -- you may have done it.

6 A. Yes.

7 Q. And what -- how often did that happen?

8 A. With respect to the kilos, we -- I was working  
9 with one team that almost did that exclusively. So  
10 whenever those officers would seize kilograms, I would -  
11 - but it was a rarity. I would say it would be once or  
12 twice a year.

13 Q. Okay. And then what about -- was that  
14 something that you asked for or the officers asked for?

15 A. Usually, they would do it.

16 Q. Okay.

17 A. But I would ask for it as well if it -- it had  
18 not been done prior to the inventorying of the items.

19 Q. And what's the reason for asking for it, in a  
20 case where it involved more than a kilo of drugs?

21 A. So in the vast majority of those cases too,  
22 the narcotics are -- are recovered out of trucks, and  
23 things like that, where the individual driving the truck  
24 is claiming that they had no knowledge that there were  
25 narcotics in there. And so that would be an instance if

1 it were to happen.

2 Q. Okay. And then what about "issue concerning  
3 identification as to possession," what did that mean?

4 A. So obviously, if it wasn't clear there is  
5 actual possession and constructive possession in  
6 criminal law, so if officers seize narcotics from an  
7 area where there are a number of individuals present as  
8 they seize the narcotics, if it's not recovered from any  
9 specific one of those individuals, that would be an  
10 instance there.

11 Q. How often did you see testing in those cases?

12 A. Not very often. Rarely.

13 Q. Do you remember ever having that happen?

14 A. Once or twice, maybe. But, again, no, it was  
15 a -- it was a rarity.

16 Q. Okay. In the middle of that paragraph, there  
17 is -- I think it's probably just a track changes mark,  
18 but I want to make sure that report is complete.

19 A. Okay.

20 Q. So if you look at the middle of Page -- the  
21 last paragraph on Page 4, I think it's the last full  
22 sentence, starts, "Indeed, under such evidence."

23 A. Hold on. I have the report, the official one  
24 over here.

25 Q. Okay. Okay.

1 A. Oh, yeah. Here, you do Page 4 now. I'm  
2 sorry. Where are you pointing?

3 Q. So if you look on right there. There's a  
4 little mark before "indeed."

5 A. Little mark? Oh, right.

6 Q. Is that just an editing thing or are you  
7 missing something in there?

8 A. Yeah, that -- that's I think just an editing  
9 thing.

10 Q. Okay. It's not missing something that's  
11 supposed to be in there?

12 A. No, no. It's just a typographical error.

13 Q. Then you go on to talk about some methods of  
14 identification during prosecution of narcotics cases,  
15 right? On the next page? Do you recall writing  
16 something about that?

17 A. Yeah, absolutely. Yeah.

18 Q. You list the primary methods of  
19 identification, second full paragraph on that page. What  
20 did you mean by that?

21 A. That when individual -- when I was prosecuting  
22 individuals, the primary method of identifying them was  
23 the officer's testimony.

24 Q. Identifying them in what way?

25 A. As the individuals who possess the narcotics.

1 Q. Okay. So the primary one is officer's  
2 testimony?

3 A. Yes.

4 Q. Which of any of the things you list in that  
5 paragraph apply to Ben Baker, Clarissa Glenn's arrests?

6 A. It would just be the officers' testimony.

7 Q. Okay. The arresting officers?

8 A. Yes.

9 Q. Including assisting arresting officers?

10 A. Correct. Yeah.

11 Q. All right. Let's keep -- look at the next  
12 paragraph.

13 A. All right.

14 Q. We'll talk a little bit about Dr. John Chain's  
15 report and then I think -- well, tell me -- just tell me  
16 at a high level, what are you saying in the next  
17 paragraph?

18 MR. ZECCHIN: I'm just going to object to  
19 form.

20 THE WITNESS: Well, essentially what I'm  
21 saying is that the police reports that I reviewed  
22 do not appear problematic to me.

23 BY MR. RAUSCHER:

24 Q. So there's a sentence in there that says, "The  
25 courtroom ASAs would then identify all officers listed



1 in the reports and notify the Chicago Police Department  
2 to have all officers listed on the police reports  
3 present in court for the first court date, which would  
4 typically be approximately six weeks after the arrest of  
5 a defendant. At the first court date, the ASAs would go  
6 over the reports with the officers present." You see  
7 that?

8 A. Yeah, I do.

9 Q. That sounds different than what you told me  
10 earlier, what your process was.

11 A. So, again, I'm talking -- you're talking about  
12 just straight out arrests as well as the investigation  
13 work that I did. So --

14 Q. So I --

15 A. -- I was doing two types of -- of work.

16 Q. So this is -- you -- you're responding to  
17 something John Chain said in this paragraph, right?

18 A. Well, yes, initially, yes.

19 Q. Okay. About reports relating to Baker and  
20 Glenn's arrest and how those specific reports wouldn't  
21 be a useful aid to prosecutors, right?

22 A. Right.

23 Q. So purportedly this paragraph is talking about  
24 arrests and not investigations?

25 A. Correct.

1 Q. Okay. So earlier you didn't tell me that you  
2 would call all of the arresting -- all the officers who  
3 were on the arrest reports to court the first day?

4 A. And again, all of the -- on -- a lot of times,  
5 we would speak to the officers even before the date of  
6 arrest for a preliminary hearing or for indictment. So  
7 the first court date I'm alluding to, or I'm referring  
8 to, in this is the first time it's in a trial courtroom.  
9 So we have a lot of opportunities prior to that to talk  
10 to the officers. But primarily I would talk to, as I  
11 alluded to earlier, all of the officers that formed the  
12 relevant picture of the events that occurred.

13 Q. Well, would you agree that the way this is  
14 written in the report is not accurate?

15 A. Well, it's -- I would not agree with that. I  
16 think it's just a -- a -- a way of phrasing it.

17 Q. Well, how is -- I mean, it's very specific. It  
18 says you did a certain thing.

19 A. Right.

20 Q. You brought all the officers to the courtroom  
21 on the first court hearing and you talked to all of  
22 them.

23 A. So we --

24 Q. That's very specific, right?

25 A. We would -- right. We would subpoena all of

1 the officers for the first court date and not everyone  
2 was able to make it on the first court date. So  
3 depending upon who I was able to speak with, I would  
4 then, you know, determine which officers I would need in  
5 order to prosecute the case.

6 Q. You did that on the first court date or you  
7 did it before?

8 A. It varied.

9 Q. Why didn't you say that in your report?

10 A. Again, these are just alluding to arrests and  
11 not investigations. So in an investigation, that is a  
12 situation a lot of times where I would -- I have been  
13 talking to the officers in great detail prior to the  
14 arrest.

15 Q. Earlier, we were talking about arrest during  
16 the deposition, you said something different than what  
17 you were saying in the report.

18 A. Okay. I -- yeah.

19 Q. So I guess I want to know which one is  
20 accurate.

21 A. Well, again, I would attempt to notify all of  
22 the officers for the first court date.

23 Q. Okay. Why did you do that?

24 A. Because I wanted to ascertain -- well, a lot  
25 of times the judges in the courtrooms that you were

1 working in, wanted these cases resolved as quickly as  
2 humanly possible. So you would be ready as soon as  
3 humanly possible for trial.

4 Q. So when you talked earlier about reaching out  
5 to specific officers before court dates and talking to  
6 them, that we should disregard that or no?

7 A. No.

8 Q. So you would reach out to specific officers,  
9 talk to them, find out which ones are involved, and then  
10 subpoena all of the officers for the first court date?

11 A. So again, it varied. Sometimes I had an  
12 opportunity to talk to the officers and sometimes I  
13 didn't. And if I was going to be conducting the  
14 preliminary hearing, usually, to conduct a preliminary  
15 hearing, you don't need all of the officers. I would  
16 try and develop an understanding of who were the  
17 relevant police officers by talking to one or two of the  
18 officers on the team.

19 Q. So you'd indict? There'd be a finding of  
20 probable cause or an indictment. And after that, you  
21 would then call all the officers to the next court date?

22 A. The first court date.

23 Q. After that?

24 A. Yes.

25 Q. All of them?

1           A.     Yeah. I would -- again, I would do an  
2 officer's request. There is a request that we would  
3 submit. Yes.

4           **Q.     And you -- again, tell me the reasons why you**  
5 **would need all of them at the next court date?**

6           A.     Because if we're going to trial, I want to  
7 make sure I have everybody, if for some reason they  
8 answer ready for trial and the judge wants to move the  
9 case along and I've got as many of people present that I  
10 need. And also in the event that -- which was more  
11 often than not the case, the defense was requesting a  
12 continuance that I had an opportunity to review the case  
13 with the officers so that, moving forward, I only  
14 subpoena those officers that were necessary to prove the  
15 case.

16          **Q.     Didn't you already review the case with the**  
17 **officers before the preliminary hearing or indictment?**

18          A.     So again, I was not. So, as an ASA, you're  
19 assigned to preliminary hearings or bond court or the  
20 grand jury and/or a trial courtroom. So each and every  
21 one of those steps is usually done by a different ASA.

22          **Q.     And --**

23          A.     So I don't want to rely on my colleagues. I  
24 want to rely on my work.

25          **Q.     And the police reports?**

1 A. Correct.

2 Q. So you basically are doing it all over again  
3 when you get to the first court date?

4 A. I don't know what's been done a lot of the  
5 times, you know, depending upon where I was in that  
6 chain, so to speak. I don't know what had been done a  
7 lot of times previously or which officers had been  
8 called. Sometimes we don't have the prelim or  
9 indictment transcripts on the first court date. So  
10 those are other logistical issues as well.

11 Q. How often would all the officers show up as  
12 opposed to Box 1 or Box 2 or both?

13 A. If I sent notifications for all the officers,  
14 I'd say 60 percent of the time, 70 percent of the time,  
15 something along those lines.

16 Q. And it was -- you said if I send notifications  
17 for all the officers. What are there any times when you  
18 wouldn't send it for all the officers?

19 A. No.

20 Q. So 60 to 70 percent of the time, all of the  
21 officers would show up?

22 A. Correct.

23 Q. You might have ten people there for -- on the  
24 first court day?

25 A. Yes.

1 Q. And you talk to all of them?

2 A. Yes.

3 Q. Would you do that separately or together?

4 A. Usually together.

5 Q. No issues with that, people getting stories  
6 together that may not be true?

7 A. No. I -- I never encountered an issue with  
8 that.

9 Q. Did you ever prep them separately?

10 A. Yes. But that was usually because the other  
11 officers weren't present, or, you know -- but yes, I did  
12 speak to officers individually.

13 Q. If the officers weren't present, would you  
14 just ask for another court date so you could get them  
15 there?

16 A. So, again, if we're talking about the first  
17 court date, if I, after talking to the officers that  
18 were present, realized that I didn't have all of the  
19 officers I needed in order to establish the case beyond  
20 a reasonable doubt -- doubt, I would request a  
21 continuance. Yes.

22 Q. Did it ever happen where officers would come  
23 in and say, you know what? I don't really remember  
24 exactly what happened. Well, let's look at the report.

25 A. Yes. I think there were times that that

1 happened.

2 Q. Did you typically give -- when you had these  
3 meetings with the officers, would you give them the  
4 police reports and go over with them?

5 A. Yes.

6 Q. So you wouldn't necessarily know if they were  
7 saying it's something based on their memory versus just  
8 looking at the reports?

9 A. Yeah. Again, sometimes they said, as you  
10 indicated, that they weren't familiar. They make a lot  
11 of arrests and so not all -- every detail is, you know,  
12 written in stone in their mind.

13 Q. Right. You wouldn't expect them to remember  
14 everything from every arrest?

15 A. I wouldn't, no.

16 Q. Which is why you need complete and accurate  
17 reports, right?

18 A. They're helpful.

19 Q. You wouldn't agree that you need complete and  
20 accurate reports if people don't remember what happened?

21 A. No. I -- I would agree that accurate reports  
22 are helpful.

23 Q. I know, but I guess what I'm saying, are you  
24 drawing a distinction between helpful and necessary?

25 A. No, I'm not.



1 Q. Okay. The last paragraph, your concluding  
2 sentence says, "There was nothing about the reports or  
3 the officer's activities throughout the investigation  
4 and prosecution of this case I would consider unusual or  
5 out of the ordinary." Do you still stand by that?

6 A. Based on, again, so you're going back and  
7 forth, based upon what COPA -- what I know the COPA has  
8 said now or based upon the review of those reports back  
9 in 2005?

10 Q. I -- it doesn't say that based on the -- that  
11 -- that's not what this says.

12 A. Oh, no, I'm just asking what you're asking me.

13 Q. Well, I'm asking if you stand by the sentence  
14 that's written in this report that I think you authored.

15 A. Yes, I did author it and yeah, I do stand by  
16 it.

17 Q. So there is nothing throughout the  
18 investigation or prosecution of Ben Baker or Clarissa  
19 Glenn's case that is unusual or out of the ordinary?

20 A. Yes, that's correct. Based upon my  
21 experience.

22 Q. Are you limiting that to the reports? Are you  
23 saying it was not unusual to lie and accuse people of  
24 crimes they didn't commit?

25 A. Okay. So --

1 MR. ZECCHIN: Objection. Form, foundation,  
2 argumentative.

3 THE WITNESS: So once again, we're going back  
4 to having the COPA knowledge, right? So are you  
5 asking me these questions based upon me reviewing  
6 these case reports in 2005 or reviewing them with  
7 the COPA report in my hand?

8 BY MR. RAUSCHER:

9 Q. Did you review the reports in 2005?

10 A. I didn't review any of these reports in 2005.

11 Q. Right. So no, I'm not asking you about  
12 something that you didn't do.

13 A. Okay.

14 Q. I'm asking you about the thing you did do.

15 A. Right.

16 Q. Which is write a report and write a sentence  
17 that says, "There was nothing about the report or the  
18 officer's activities throughout the investigation and  
19 prosecution of this case I would consider unusual or out  
20 of the ordinary," right?

21 A. That's correct. Yes.

22 Q. You wrote that present day?

23 A. Correct.

24 Q. Okay. Do you stand by that?

25 A. Yes.

1 Q. Okay. Why?

2 A. Because these reports reflect the reports that  
3 I have reviewed for 30 years. They are virtually  
4 identical to all of the police reports that I've worked  
5 with over the years.

6 Q. So I think that sounds like it covers the  
7 first half of that sentence. There was nothing about  
8 the reports, right?

9 A. Right.

10 Q. There's another part of it that says, "There  
11 was nothing what's bracketed about the reports," okay,  
12 because I think I can -- you can read them as  
13 independent clauses.

14 A. No, that's -- yeah.

15 Q. "There was nothing about the officer's  
16 activities throughout the investigation or prosecution  
17 of this case I would consider unusual or out of the  
18 ordinary," right?

19 A. Right.

20 Q. Do you stand by that?

21 A. I do.

22 Q. How?

23 A. Because there's nothing in the report. Now,  
24 again, are you asking me based upon the fact that I'm  
25 aware that Sergeant Watts and Sergeant Mohammed have

1 pled guilty or are you asking me based on my review of  
2 these reports today, as I sit here today?

3 Q. Well, you said two things in here, reports or  
4 officer's activities.

5 A. Correct.

6 Q. What did you mean by officer's activities?

7 A. The activities that are described in the  
8 police report.

9 Q. So, really, is it fair to say that is  
10 redundant and what you meant was there's nothing about  
11 the reports that's out of the usual, out of the  
12 ordinary?

13 MR. ZECCHIN: Form. Foundation.

14 THE WITNESS: Yeah. I mean, it -- it -- it --  
15 to me, it's the officer's activities in the report  
16 as well as the way the report is prepared.

17 BY MR. RAUSCHER:

18 Q. So there's nothing unusual in the description  
19 of the officer's activities in the reports, that's what  
20 it should say.

21 A. Again --

22 MR. ZECCHIN: I'm sorry. Could you have it  
23 read back? I didn't hear what you said, so if you  
24 could read it back.

25 THE REPORTER: Okay. Sure.

(REPORTER PLAYS BACK REQUESTED QUESTION)

THE WITNESS: That would probably be a better sentence. Yes.

BY MR. RAUSCHER:

Q. It -- you do know now you have been here today, you know that Watts and Mohammed had convictions. You know that COPA has determined multiple officers have lied about the reports that you are testifying about?

A. Right.

Q. Yes? Okay. Knowing that, do you stand by the conclusion that there was nothing unusual or out of the ordinary about the officer's activities and connection with these arrests?

A. No.

Q. Okay. Turn to Page 3 again, please. And then right in the middle of that page, you talk about, you say, "Ben Baker was identified as the building manager of 527 East Browning along with Elgin Moore during the course of Sin City. As the building manager, Baker had a significant role in the sale of narcotics in that building." So earlier you told me you don't know who Elgin Moore is?

A. Well, I get -- I guess I sit here today, I don't know who Elgin Moore is. Yeah.

Q. Okay.

1           A.     And I -- I prosecuted thousands of  
2 individuals. I don't know them all.

3           Q.     You said, "As a building manager, Baker had a  
4 significant role in the sale of narcotics in that  
5 building." What are you basing that on?

6           A.     I'm basing that on the officer's intelligence  
7 in the Sin City investigation.

8           Q.     So you're just reading the reports?

9           A.     Correct.

10          Q.     And what does it mean to be a building  
11 manager?

12          A.     Building managers are essentially the guy  
13 that's in charge of the narcotics in that particular  
14 location. They're the ones that are usually  
15 distributing it to the individuals who are selling it.

16          Q.     In charge in what way?

17          A.     In charge in that they are the ones that  
18 provide the narcotics to the individual distributors and  
19 that those individual distributors then bring the money  
20 back to him. So, you know, I -- I mean it in the  
21 colloquial term of a manager. Somebody who is in charge  
22 of other people.

23          Q.     And you know that Ben -- you -- how do you  
24 know what a building manager is? And where does that  
25 knowledge come from?

1 A. That comes from being in the complex narcotics  
2 unit and working comp -- the criminal drug conspiracy  
3 cases.

4 Q. All right. And if Ben Baker had such a  
5 significant role as a building manager, why was he not  
6 prosecuted?

7 A. Because there was not enough direct evidence  
8 to establish that. So that was what was purported and  
9 believed. But that was nothing that we could prove in  
10 court beyond a reasonable doubt, which is why he was not  
11 prosecuted.

12 Q. And then do you remember ever talking about  
13 potentially prosecuting Ben Baker in connection with Sin  
14 City?

15 A. I don't.

16 Q. Did you see any documents talking about  
17 potentially prosecuting him in connection with Sin City?

18 A. I don't.

19 Q. So when you just said --

20 A. I -- I mean, I may have. I don't know.

21 Q. I'm asking if you remember.

22 A. Yeah, I don't --

23 Q. Or if you saw documents?

24 A. No, I don't remember.

25 Q. When you said that he wasn't prosecuted for

1 that investigation because you couldn't prove it beyond  
2 a reasonable doubt, what are you basing that on?

3 A. I'm basing that on the police reports that I  
4 received from the Chicago Police Department.

5 Q. Which police reports?

6 A. The police reports in the Sin City  
7 investigation.

8 Q. What did they say?

9 A. Again, I -- I -- I can't remember to this day.  
10 I -- I don't know what -- I mean, essentially, they  
11 would not have provided me with any information that  
12 would've been enough to charge him with any crime based  
13 on that investigation.

14 Q. You're saying there was -- and the -- what  
15 you're relying on is the lack of information about Ben  
16 Baker in those arguments?

17 A. Correct. Yes, yes. Lack of information that  
18 regarded criminal activity.

19 Q. Well, what else would they have been providing  
20 you --

21 A. Correct. Yes. --

22 Q. -- nothing, right?

23 A. Right.

24 MR. FLAXMAN: I -- I'm sorry to interrupt. But  
25 somebody on Zoom needs to let Ken Flaxman in for



the Zoom meeting.

THE REPORTER: Let me go ahead and --

MR. FLAXMAN: Thank you. Sorry about that.

THE REPORTER: No worries.

BY MR. RAUSCHER:

**Q. All right. Pages 2 to 3. I think you describe a number of things that in your experience, police officers do to conduct investigations. What are -- what is -- where does your knowledge to make these statements come from?**

**A.** It comes from my experience in the State's Attorney's Office over 30 years. I worked in the night narcotics unit. I worked in the trial division. I also worked in the complex narcotics unit and then as a supervisor of the narcotics preliminary hearing in courts and the grand jury.

**Q. And so are these things you learned from talking to police officers?**

**A.** Yes.

**Q. Are there any other sources of your knowledge other than talking to police officers over the years?**

**A.** Maybe discussing things with my colleagues, but other than that, no.

**Q. You list a number of things in this paragraph. A number of tactics, techniques. Which one, if any,**

1 apply to the arrest of Ben Baker and Clarissa Glenn?

2 A. Well, the reports indicate that they were  
3 conducting surveillance. My report indicates that  
4 that's one of their tools that they use in order to  
5 investigate. There's also reference to concerned  
6 citizens. That's also mentioned in one of the police  
7 reports as well.

8 Q. When you -- sorry, just look on the  
9 surveillance point. You've got a couple specific types  
10 of surveillance, right? Not just generally. Which of  
11 those apply to the Baker, Glenn arrests, if any?

12 A. I -- I was not part of the arrest, so I really  
13 can't -- can't tell you. I -- I don't see in their  
14 reports that other than the concerned citizen, or with  
15 respect to surveillance, how that surveillance was  
16 conducted.

17 Q. Okay. So you don't know if anything you've  
18 said about conducting surveillance here applies to  
19 Baker, Glenn arrests?

20 A. Well, they did indicate in the arrest that  
21 they were conducting surveillance.

22 Q. Right. But I'm saying you don't know if any  
23 of the specific methods that you've described here  
24 apply?

25 A. No.

Q. Okay. No, you agree you don't know?

A. Correct.

Q. Okay. There's a lot of confusion in that one, but I think we got it. Okay. What else in your opinion --

A. Oh.

Q. -- to Baker Glenn?

A. Nothing else I can see.

Q. There was no talk of a hiding drugs inside potato chip bags?

A. No.

Q. Why did you include that? Just --

A. That was, again, part of the invest -- the things that we saw while investigating or while the police officers were investigating these long-term investigations.

Q. So does that whole paragraph apply to long-term investigations?

A. By and large, yes.

Q. Okay. The next paragraph has some more information, I believe, about Sin City, right?

A. Yes.

Q. That is talking about one -- that long-term investigation, Sin City?

A. Correct.

1 Q. You said, "Level of drug sales is believed to  
2 be around 10,000 to 15,000 a day in Ida B. Wells." Do  
3 you see that?

4 A. I do.

5 Q. Did you get that from reading the documents?

6 A. No, I did not.

7 Q. You remember that?

8 A. Yes.

9 Q. Okay. Where did that information come from at  
10 the time?

11 A. Chicago Police Department.

12 Q. Do you know which officer or officers told  
13 you?

14 A. I don't.

15 Q. Did you get it in the form of a report or an  
16 oral conversation or both?

17 A. I think it was more an oral conversation.

18 Q. Did you see a summary in connection with your  
19 work on this case that had that figure in it?

20 A. I believe that there was, yes. I -- I -- I  
21 didn't review one, but my memory serves me correctly  
22 that -- that was often con -- included in the summaries  
23 of the investigation.

24 Q. You started work on this case I think like May  
25 3rd. May 2nd, May 3rd, something like that, of this

1 year?

2 A. Yes.

3 Q. Right before that, would you have been able to  
4 identify anybody who was prosecuted in the Sin City  
5 investigation?

6 A. No.

7 Q. Okay. And having now gone through it, can you  
8 identify people who were prosecuted?

9 A. No.

10 Q. Let's mark Exhibit -- I'm on 10. 10. This is  
11 -- do you have Joint Hughes 2? I think there's a blank  
12 third page of this e-mail, which I didn't print out or  
13 blank next page, which I didn't print, but this is a  
14 full e-mail string.

15 (EXHIBIT 10 MARKED FOR IDENTIFICATION)

16 A. Okay.

17 BY MR. RAUSCHER:

18 Q. There's a reference -- this is an e-mail  
19 string with you and then the attorneys at the Hale  
20 Monico firm, right?

21 A. Right. Yes, it is.

22 Q. And you were sent some materials in April, you  
23 reviewed them and then responded, right?

24 A. Well, as I alluded to at the beginning, I was  
25 sent a Dropbox full of all of the information and I had

1 a great deal of difficulty opening all of that up. And  
2 so I reached out to Mr. Zecchin and asked him to send me  
3 documents in a different format.

4 **Q. Which documents did he send you?**

5 A. Again, the -- the police reports that we've  
6 reviewed today, as well as the transcripts for Mr. Baker  
7 and Alvin Jones.

8 **Q. Did that happen before or after you sent them**  
9 **e-mail on May 2nd at 10:25 a.m.?**

10 A. That was after.

11 **Q. So when you said in here, "Hey Kelly, I've had**  
12 **an opportunity to briefly review the material you sent.**  
13 A narcotics operation Sin City as a textbook example of  
14 a type of cases I worked for over ten years of the  
15 State's Attorney's Office." What did you mean?

16 A. Again, that those were, Sin City, was an a  
17 typical investigation in the complex narcotics unit. And  
18 the reports that I reviewed were and, again, I just  
19 scanned, were the types of reports that I was accustomed  
20 to seeing all the time.

21 **Q. So in that e-mail, you're not talking about**  
22 **Ben Baker's case?**

23 A. Correct.

24 **Q. And when you said you had an opportunity to**  
25 **briefly review the material that --**

1 A. Right.

2 Q. -- Ms. Olivier had sent, what did you mean by  
3 that?

4 A. So there were just a few items that I could  
5 open up as a consequence of this Dropbox. And so those  
6 are the items that I reviewed.

7 Q. Do you remember which items those were?

8 A. I don't, no. But they -- they were briefly  
9 regarding Sin City, though, and not regarding  
10 Ben Baker --

11 Q. Okay.

12 A. -- or Clarissa Glenn.

13 MR. RAUSCHER: I am going to mark Exhibit 11  
14 is a retainer agreement in the resume.

15 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

16 BY MR. RAUSCHER:

17 Q. Do you recognize --

18 A. I do.

19 Q. -- these two documents?

20 A. I do.

21 Q. What are they?

22 A. They are the retainer agreement and my resume.

23 Q. First two pages are the retainer agreement,  
24 the third is your resume?

25 A. That's correct.

1 Q. The scope of services on here says you're  
2 providing legal services and representation?

3 A. I think that's just a boilerplate language in  
4 the retainer agreement.

5 Q. You're not actually doing either of those  
6 things, right?

7 A. Correct.

8 Q. Are you providing consulting services as in  
9 court testimony?

10 A. Yes.

11 Q. Are you just behind on the invoicing?

12 A. Yes.

13 Q. I'm just looking at Paragraph 2, it says you  
14 can do it every -- after ten days?

15 A. Right.

16 Q. All right. Let's look at the resume page of  
17 this.

18 A. Okay.

19 Q. From -- tell me what you did, if you can add  
20 just some detail, in the supervisor of the Special Grand  
21 Jury and Narcotics Preliminary Hearing Unit from 2010 to  
22 2020.

23 A. Part of my duties and responsibilities was to  
24 select the special grand jury once a month and also  
25 manage and supervise ten ASAs, who some of which worked



1 in the Special Grand Jury unit and would prosecute, or I  
2 should say indict, cases in front of the special grand  
3 jury. And other ASAs were working in the preliminary  
4 hearing units or a -- also another unit that was being  
5 developed that was a alternative prosecutions unit.

6 **Q. What's the alternative prosecutions unit?**

7 A. That was a unit where individuals who were  
8 arrested and have a history of narcotics related arrests  
9 would sign up to get into a program. And that program  
10 would be monitored by a judge, as well as a number of  
11 other people from social services, who would try and  
12 assist the individuals, one. Get -- keep them out of  
13 jail, which was the original objective, and to - - to  
14 try and get them clean.

15 **Q. Did -- were you a supporter of that unit?**

16 A. Very much so.

17 **Q. What did you do to select and manage the**  
18 **special grand jury?**

19 A. I -- well, the chief judge's office sent out a  
20 summons for about 400 people, and whoever showed up was  
21 -- I would give a -- a brief speech to, outlining why it  
22 is that they were there and what it is that we were  
23 looking for them to do. And by -- and then we would  
24 personally interview each and every -- that is, myself  
25 and a number of other of the ASAs that I supervise,

1 would personally interview each prospective juror and  
2 then select the special grand jury. Once they were  
3 selected, I would try and make them comfortable, and  
4 explain to them what their duties and responsibilities  
5 are going to be.

6 **Q. What does a special grand jury do?**

7 A. A special grand jury was -- it's -- it's  
8 pretty much just like a regular grand jury. The only  
9 reason I think they gave it the special grand jury  
10 designation is because we have one grand jury already  
11 that is selected. So that grand jury primarily dealt  
12 with murder cases, rape cases, in the City of Chicago.  
13 The special grand jury was there to primarily indict  
14 narcotics cases, but also any other criminal offenses  
15 that occurred throughout Cook County. So in the  
16 afternoons -- mornings was primarily narcotics cases  
17 that the ASAs that I supervised would be presenting to  
18 the grand jury, and then in the afternoon, ASAs from all  
19 the outlying districts would come in and indict whatever  
20 criminal offenses that they have. It could be narcotics  
21 or -- or anything, murder or what have you.

22 **Q. When you were supervising 15 assistant state's**  
23 **attorneys in narcotics related offenses and conducting**  
24 **preliminary hearings, were you the person deciding**  
25 **whether to indict versus do a preliminary hearing or was**

1 that left to the individual ASAs?

2 A. Left to the individual ASAs primarily.

3 Q. Would they ever consult with you?

4 A. Yes.

5 Q. And what advice would you give them?

6 A. Depends upon the case.

7 Q. What are the types of things you'd be looking  
8 at if we haven't already talked about them?

9 A. You know, about which officers. If there was  
10 anything problematic about the report or something that  
11 they read in the report that they were unfamiliar with,  
12 they would come to me because I had more experience. And  
13 -- but, I mean, I -- I can't identify anything in  
14 particular. It's just, you know, if they -- if, for  
15 some reason, they thought that there was something that  
16 was problematic.

17 Q. Do you remember any examples of things that  
18 they found problematic?

19 A. I -- I really can't say off the top of my  
20 head.

21 Q. Did it happen commonly or uncommonly?

22 A. It was once a week maybe. Yeah. I -- I --  
23 and in light of the volume of the cases that we have, it  
24 was pretty uncommon.

25 Q. Once a week for about ten years?

1 A. Yeah.

2 Q. But you can't -- can you remember even a  
3 category of a problematic thing they'd bring you?

4 A. I -- I mean, it was a variety of situations.  
5 Like, we had one case where one of our main witnesses  
6 was on the television news and acting in a very aberrant  
7 behavior, and so they were wondering about the viability  
8 of the case based on -- based on that. It could be a  
9 variety of different things, but yeah.

10 Q. Do you remember any other kind of categories?

11 A. I really -- as I sit here today, I can't, no.

12 Q. All right. Tell me what you did for the ten  
13 years you were in the complex narcotics unit in the  
14 felony criminalization.

15 A. In complex narcotics, primarily, we dealt with  
16 long-term investigations with the Chicago Police  
17 Department, as well as Cook County sheriffs and police  
18 departments from all over the county, where we primarily  
19 were involved in long-term narcotics investigations.

20 Q. And that's -- during that time, that's when  
21 you worked on Sin City?

22 A. Correct.

23 Q. Which other ASAs worked on Sin City?

24 A. I -- I don't know.

25 Q. Were you in charge of the investigation?

1 A. No, I don't investigate. I am a prosecutor.

2 Q. Were you the lead prosecutor --

3 A. Yes.

4 Q. -- on Sin City?

5 A. Yes.

6 Q. Okay. For how long?

7 A. Again, I can't recall the -- you know, I was  
8 there for ten years. I'm fairly certain I handled most  
9 of it.

10 Q. Did you try any cases stemming from Sin City?

11 A. I -- I -- I don't know.

12 Q. You don't remember?

13 A. I don't remember.

14 Q. Was it one of your bigger cases?

15 A. No, I wouldn't describe it -- they're all  
16 relatively the same, by and large.

17 Q. When you say they were all, you mean during --  
18 in the complex narcotics unit?

19 A. Correct. Yeah. These types of operations,  
20 that is, the narcotics operations that occurred in Ida  
21 B. Wells, were very similar to narcotics operations that  
22 were occurring all over the city.

23 Q. When you write "evaluated police reports,  
24 documents, and evidence pertaining to the prosecution of  
25 narcotics related offenses," what did -- what do you

1 mean by that?

2 A. That those are the things that I would review  
3 in order to prosecute a case.

4 Q. Is this a resume you put together for this  
5 case specifically?

6 A. It is a resume I just put together. Not for  
7 this case specifically, but yeah.

8 Q. Are you going to be doing other expert work?

9 A. I may.

10 Q. Would you like to?

11 A. Yes.

12 Q. Maybe like to wasn't the right way to say it,  
13 but are you trying to -- are you going to try to build a  
14 business where you do some expert work?

15 A. No.

16 Q. But if it comes to you, you'd be happy to take  
17 it?

18 A. Yes.

19 Q. Have you gotten any other inquiries?

20 A. No.

21 Q. Do you recall ever looking at a police report  
22 relating to a narcotics arrest and seeing the problem  
23 with it?

24 A. Yes.

25 Q. All right. What sort of problems? Can you

1 talk about --

2 A. Again, some of those things that we reviewed  
3 today, like the fact that it doesn't identify  
4 specifically who did what, and so -- also, anything that  
5 seemed out of the ordinary.

6 Q. Like, what sort of things?

7 A. Again, I can't remember.

8 Q. What does a second chair in the felony trial  
9 division do?

10 A. Primarily a trial lawyer and you prosecute  
11 cases, everything from class four felonies to class X  
12 felonies.

13 Q. What's a class four felony?

14 A. A class four felony is possession of  
15 narcotics.

16 Q. And what's the -- if you know, what's the  
17 sentence that you can get for that type of --

18 A. Probationable, and I think one to three years.

19 Q. And what about class X?

20 A. Class X is -- I'm trying to remember the  
21 sentencing range for class X, the number. One to 15 was  
22 for class one, and then for class X, six to 30.

23 Q. And that -- that's the most serious, right?

24 A. Correct.

25 Q. What does it mean to say you've vertically

1 prosecuted over 1,000 criminal cases pertaining to  
2 narcotics related offenses?

3 A. So, again, that relates to the complex  
4 narcotics unit probably. And that when I say vertical  
5 prosecution, vertical prosecution is where you're there  
6 at the beginning of the police officer's investigation,  
7 you were with them throughout the course of the  
8 investigation, you were there to secure arrest warrants  
9 for them, and then to take the case to eventual trial.

10 Q. That's like the Sin City, but not the Baker  
11 Glenn arrests?

12 A. Correct.

13 Q. "Collaborated with federal and state law  
14 enforcement to provide support for electronic  
15 surveillance orders, consensual overhear orders, search  
16 warrants, and arrest warrants." Same type of thing, you  
17 did that in connection with the longer investigations?

18 A. Correct.

19 Q. What years -- and I'm sorry if I asked you  
20 this already, but what years were you assigned to the  
21 Sin City case?

22 A. You did, and I'm not quite sure. I -- I'm  
23 going to -- you know, obviously, it was around the time  
24 of these reports. So in the 2004 through 2006 time  
25 frame.



1 Q. Do you know whether Watts, Mohammed, or anyone  
2 else on that team was under investigation by the federal  
3 government during that time?

4 A. I was not aware of that.

5 Q. Nobody ever came and told you that?

6 A. No.

7 Q. Would you have wanted to know that?

8 A. That would be important information as a  
9 prosecutor.

10 Q. And why would that be important information as  
11 a prosecutor?

12 A. Because if one of my witnesses in the case is  
13 having integrity issues, shall we say, that's something  
14 that I would like to be aware of.

15 Q. Well --

16 A. And that could potentially harm the case.

17 Q. Watts and Al Jones were involved in some  
18 capacity in Sin City, right?

19 A. I -- I believe so. I -- I can't tell you. I  
20 don't know.

21 Q. No memory of it, but you think so based on  
22 seeing their names maybe, or just maybe me saying it?

23 A. Yeah. I'm guessing. I -- I have no knowledge  
24 of that.

25 Q. You don't even -- you don't remember even

1 seeing their names on it as we sit here right now?

2 A. That's correct.

3 Q. Okay. What about Kenneth Young?

4 A. Again, yeah. No idea.

5 Q. Do you remember any officers who were  
6 involved?

7 A. In the Sin City investigation, no.

8 Q. Okay. What's the night narcotics unit do?

9 A. So that was a narcotics unit that was  
10 developed early on in my career. Essentially, we worked  
11 at night. We worked from 2:00 in the afternoon to 10:00  
12 at night. And the judges were assigned to night  
13 narcotics as well. And we primarily prosecuted  
14 narcotics cases.

15 Q. When you said low level felony narcotics  
16 cases, what kind of cases are those?

17 A. Correct. Those would be class -- usually  
18 class four and class two.

19 Q. Were class -- were cases handled differently  
20 by your office based on the charge? So let me be more  
21 specific. Were narcotics cases handled differently by  
22 your office based on the class of felony that was  
23 charged?

24 A. Well, as I alluded to earlier, yes. If an  
25 individual was arrested with more than 100 grams of

1 narcotics, it was more inclined that that case would go  
2 through an indictment phase as opposed to a preliminary  
3 hearing phase. But after that, no, it would just end up  
4 in a felony. Now, the larger cases, you know, with  
5 thousands of grams, kilo cases, those would probably  
6 then be diverted to the complex narcotics unit. So in  
7 addition to these long-term investigations, we also  
8 worked large narcotics seizures as well. That --

9 Q. That -- go ahead.

10 A. That wouldn't affect the way it was  
11 prosecuted, just who prosecuted it.

12 Q. Still a matter of looking at the reports,  
13 talking to the police officers?

14 A. Absolutely.

15 Q. In the Baker Glenn case, that's not the kind  
16 of case that gets diverted to the complex narcotics  
17 unit?

18 A. That's correct.

19 Q. Were you ever disciplined as a lawyer?

20 A. No.

21 Q. Neither internally nor by, like, the ARDC  
22 or --

23 A. Correct.

24 Q. -- any other governing board?

25 A. That's correct.

1 Q. When you resigned, was that voluntary?

2 A. Yes.

3 Q. Retired, I should say.

4 A. Yes. It was -- it was retired.

5 Q. I said that wrong. It was retired. I did not  
6 mean to --

7 A. No worries.

8 Q. And when you -- did you give up your law  
9 license when you retired, or let it lapse?

10 A. I -- I -- I let it -- I -- I put myself in  
11 retired status as an attorney.

12 Q. Okay. That's a choice? This is a question.

13 A. Yes. That was a choice, yes. One of the best  
14 ones.

15 MR. RAUSCHER: I think I can't comment on  
16 that. All right. We're going to mark Exhibit 12.  
17 It's got a couple different stamps. We'll use City  
18 BG 028592 through City BG 028609.

19 (EXHIBIT 12 MARKED FOR IDENTIFICATION)

20 BY MR. RAUSCHER:

21 Q. I don't need you to look at the whole thing.

22 A. Okay.

23 Q. But if you could just flip through the first  
24 few pages, maybe the first four, five. The first  
25 question is just whether you recognize the document?

1 A. I have never seen this document, to my  
2 knowledge.

3 Q. Okay. Not something you reviewed in  
4 connection with this case?

5 A. Right.

6 Q. And you didn't write it?

7 A. Nope.

8 Q. So there's this summary of operation and  
9 totals --

10 A. Correct.

11 Q. You see the table of contents, right? It's  
12 got lots of things.

13 A. Yes, yes, yes, yes.

14 Q. An introduction, which is a narrative  
15 description of the operation. You didn't draft that?

16 A. I did not.

17 Q. All right. Do you know -- you don't know who  
18 did?

19 A. I do not.

20 Q. Do you know who Willie Gaddy is?

21 A. Willie Daddy, no.

22 Q. Gaddy, G-A-D-D-Y.

23 A. I don't know -- I don't know Willie Gaddy.

24 Q. What about Wilbert Moore?

25 A. No.

1 Q. Big Shorty?

2 A. Doesn't ring a bell. Yeah.

3 Q. Roderick Smith, Cha Chi?

4 A. No. Again, it's thousands of individuals over  
5 the years.

6 Q. Was Sin City a joint operation?

7 A. No, it was conducted by the Chicago Police  
8 Department.

9 Q. Okay. Not -- no federal agents involved?

10 A. Not that I'm -- I remember. No.

11 Q. What's the narcotic and gang investigation  
12 section, if you know?

13 A. That is a section of the Chicago Police  
14 Department. So how -- how they make that determination,  
15 I don't -- don't know.

16 Q. Do you -- does it have an acronym? Like do  
17 people refer to it as something else?

18 A. I -- I don't know.

19 Q. NAGIS. I mean, those are the initials, but  
20 have you seen it written that way?

21 A. I -- I do believe I have. Yes. That does  
22 sound familiar.

23 Q. Do you know -- but you don't know what that  
24 unit did?

25 A. Well, they primarily did narcotics and gang

1 investigation pretty much.

2 Q. Is that going forward because of the -- are  
3 you answering that based on the name or do you have  
4 personal knowledge of that?

5 A. No, I re -- I do remember that the unit that I  
6 worked with was the organized crime division and that  
7 they worked in the same building at Homan Square with  
8 some of the gang investigators as well. And a lot of  
9 times these investigations overlap and that the  
10 individuals who were involved in distributing narcotics  
11 were also part of the gang.

12 Q. And as you sit today, you don't know whether  
13 that's true for the Sin City and people arrested in  
14 connection with Sin City?

15 A. If -- if what?

16 Q. If they were involved in gangs?

17 A. Correct. I -- yeah, I can't speak to that.

18 Q. You see -- if you look at third -- actually,  
19 no. It's the fourth page of the document.

20 A. Yes.

21 Q. You see there's a, "The members of squad A6  
22 would like to thank the following individuals who have  
23 assisted throughout the duration of operations Sin City  
24 1 to 5." First, do you know what operation -- do you  
25 know what squad A6 is?

1 A. I don't.

2 Q. Above it, it says H-I-D-T-A. Do you see that?

3 A. Yeah. HIDTA.

4 Q. What's that?

5 A. It is another task force that was developed. I  
6 cannot remember what the acronym actually stands for.  
7 I'd be guessing, but it was essentially another group of  
8 individuals that would sometimes assist Chicago Police  
9 Department in an investigation.

10 Q. And where did that group come from?

11 A. Yeah, that's a good question. I don't know.

12 Q. Were they involved in Sin City?

13 A. Based on -- I -- I don't know.

14 Q. Okay. You were going to say based on this?  
15 Yes? But you don't remember; is that right?

16 A. Correct.

17 Q. What about DEA HIDTA? What's that?

18 A. I'm sorry. Give me that again.

19 Q. Right under the first one, it says DEA/HIDTA.  
20 Do you know what that is?

21 A. Oh. Yeah. The drug enforcement  
22 administration.

23 Q. Is that different than the just HIDTA above  
24 it?

25 A. I -- yes. It's my understanding that it is.



1 Q. How is it different?

2 A. Well, the DEA is a -- is an arm of the federal  
3 government is my understanding. I'm not entirely  
4 certain. And HIDTA was a -- kind of a task force that  
5 was assembled by local state law enforcement.

6 Q. So HIDTA does not federal, but combined with  
7 DEA it --

8 A. I don't know.

9 Q. You don't know? Okay.

10 A. I don't know, so...

11 Q. And you don't know what either of their roles  
12 were in the Sin City case?

13 A. I don't. No.

14 Q. And then down at the bottom it says, U.S.  
15 Marshal Service and it lists a named John Ambrose. Do  
16 you see that?

17 A. Yes.

18 Q. Do you know who that is?

19 A. I don't.

20 Q. Do you know what his involvement was?

21 A. I do not.

22 Q. All right. Do you recognize any of the names  
23 on this page other than yours?

24 A. Nick Spanos I remember.

25 Q. Okay. What was Nick Spanos' role in Sin City?

1 A. I have no idea. I just remember him as a  
2 police officer.

3 Q. Okay.

4 A. That's the only officer of whose name on this  
5 report that I can remember.

6 Q. Okay. You don't know Walter Green or what his  
7 role was?

8 A. Nope.

9 Q. We've already covered you don't remember  
10 Watts, Jones, or Young working in Sin City?

11 A. Correct.

12 Q. So we obviously already confirmed that you  
13 didn't look at this document?

14 A. That's correct.

15 Q. Can you describe in any more detail than you  
16 than you have already done what Sin City documents you  
17 did look at?

18 A. Yeah, they were primarily police reports as  
19 well. There was another, you know, diagram like this on  
20 Page 1 where the individuals were identified and listed.  
21 The one that I had reviewed was more of a flow chart of  
22 who we believe the players were. And -- and again, just  
23 police reports in general.

24 Q. And when you say police reports, do you mean  
25 arrest reports?

1 A. Arrest reports and primarily the case reports  
2 and the surveillance reports and things like that. There  
3 would be usually three groups of individuals.

4 Q. What do you mean by that?

5 A. The -- you know, a lot of times in these  
6 investigations, you have the buy officer. So we'd have  
7 the buy officer's report. We'd have the surveillance  
8 officers that were out there. So you would have the  
9 surveillance officer's report and you'd have enforcement  
10 officers out there. And sometimes there would be an  
11 enforcement officer's report.

12 Q. And you looked at some reports from all of  
13 those before?

14 A. Correct.

15 Q. Take a look at the Bates stamp -- going to be  
16 hard for me to give you one because it's almost entirely  
17 covered up, but where the closest is -- I mean, I can't  
18 even really read it. There's a flow chart, I'll say.  
19 Well, there's another few chart -- oh, actually, I think  
20 I will. So COPA Watts 130781. It's the page after this  
21 one.

22 A. Page after that one.

23 Q. Yeah, because it's super -- it's totally  
24 covered up.

25 A. Yeah. This one?

1 Q. Yep. Have you seen that picture before?

2 A. No.

3 Q. Okay. What about the page before it?

4 A. I did not see that. I mean, I'm -- again, I  
5 prosecuted these cases, so I'm sure I had seen these  
6 charts before, but I have no recollection of it.

7 Q. Which charts? The ones at the end?

8 A. Yes.

9 Q. Where --

10 A. The 130780 and 781.

11 Q. Oh, the pictures of the --

12 A. Yeah. I'm sorry. Yeah.

13 Q. You think you've seen those before, but you  
14 just don't know?

15 A. Correct. I have no recollection of it, but  
16 these were the types of things that I -- I would've  
17 reviewed.

18 Q. During the investigation?

19 A. Correct.

20 Q. And then what would you do with them once you  
21 review them?

22 A. Once I reviewed these photograph charts, I  
23 mean, they were relatively inconsequential to me because  
24 they -- this is just the officer's view of who was in  
25 charge and who -- what roles that they did, but I

1 wouldn't really use these in any way, shape, or form  
2 throughout the prosecution.

3 Q. You're waiting for the reports that document  
4 what's happening on the ground so you can decide whether  
5 to prosecute?

6 A. Correct.

7 Q. What about the next page which is like a map  
8 with some things marked on it?

9 A. Yes.

10 Q. Does that look familiar to you?

11 A. It does not.

12 Q. Okay. Then look at the last four or so --  
13 three -- or three pages of this document. Did you look  
14 at this to prepare for today or in connection with the  
15 work on this case?

16 A. No.

17 Q. But do you recognize it?

18 A. I do. These are the types of reports that  
19 used to be attached to, as I mentioned, when you'd see  
20 these photograph layouts that we just alluded to in the  
21 last question, these would be attached to them. And  
22 these would kind of outline each individual's activity  
23 in the conspiracy.

24 Q. What does UCO mean on the far right?

25 A. Undercover officer.

1 Q. Do you know why the top one was redacted?

2 A. I do not.

3 Q. Would that have been redacted when you saw it  
4 as a prosecutor?

5 A. I don't think so. No.

6 Q. Okay. Do you know any -- can you identify any  
7 officers as you sit here today who worked on their  
8 narcotic and gang investigation section of the Chicago  
9 Police Department?

10 A. I -- I've worked with hundreds of them over  
11 the years, but could I identify them? Probably not.

12 Q. Like, you couldn't name them today?

13 A. I'm sorry?

14 Q. You couldn't name any today?

15 A. No, I couldn't. I only saw one name in here  
16 that rings a bell other than Nick Spanos.

17 Q. And what was that?

18 A. And that was Sergeant Tony Di Cristofano.

19 Q. And that -- would --

20 A. He was the person I worked with primarily on  
21 this investigation.

22 Q. Okay. And what -- how did you work with  
23 Sergeant Tony Di Cristofano?

24 A. Sergeant Di Cristofano was the head of one of  
25 the organized crime division teams that I worked with.

1 Q. And --

2 A. He was sergeant of one of the teams.

3 Q. And was he the sergeant on the team in charge  
4 of Sin City?

5 A. I -- I can't remember.

6 Q. But you do remember working with him on Sin  
7 City?

8 A. Again, I -- I can't remember specifically if I  
9 worked with him on Sin City. I just know you asked me  
10 if I recognized any of the names --

11 Q. I misunderstood your answer. That's why I  
12 was --

13 A. That's all right. Yeah.

14 Q. So you remember working with him. You do not  
15 know if you worked with him on Sin City --

16 A. Correct.

17 Q. Sin City? And you don't -- so safe to say you  
18 don't remember anything specific you may have worked  
19 with him about on Sin City?

20 A. Correct.

21 Q. Or otherwise?

22 A. Correct.

23 MR. RAUSCHER: Okay. All right. We're going  
24 to mark Exhibit 13 is Defendant Officer's Rule 26A  
25 disclosures in Henry Thomas' case. It starts COPA

1 Watts 00239.

2 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

3 BY MR. RAUSCHER:

4 Q. Have you seen this document before?

5 A. I have not.

6 Q. All right. It was in your -- in the list of  
7 things that were provided to you. I understand you  
8 haven't looked at a lot of them, but that's why I'm  
9 asking --

10 A. Couldn't open the vast majority of them, so  
11 yeah.

12 Q. Right. Did you ask for another version of  
13 those documents you couldn't open?

14 A. The ones that I asked, that is what I alluded  
15 to earlier that Mr. Zecchin had tendered to me because  
16 they were so voluminous and I couldn't open them. I  
17 said, "Please just send me the reports that you think I  
18 should review."

19 Q. So you really needed the Baker Glenn stuff not  
20 the Sin City documents?

21 A. Correct. Well, again, briefly went over the  
22 Sin City stuff, but in more -- in depth, the Baker  
23 documents, yes.

24 Q. I mean, you'd agree that you don't need the  
25 Sin City documents to testify about Baker and Glenn's



1 case or reports?

2 A. Yes.

3 Q. So I want you to look starting on Page 2 at  
4 the bottom. There are a lot of names of -- pages of  
5 names of people who are supposedly involved in Sin City.  
6 Be 20 or so names concluding at the end of yours. And I  
7 -- I'd like you to tell me if you can what, if anything,  
8 you remember about these people's involvement in Sin  
9 City starting at number 22.

10 A. Starting at Elias Voulgaris?

11 Q. Yeah.

12 A. I -- I do recall. He's just -- I don't know  
13 what his status is, but he was Sergeant Voulgaris.

14 Q. Okay. Did he have anything to do with Sin  
15 City?

16 A. I -- I can't remember.

17 Q. Okay.

18 A. Robert Cer- -- or do you want me to continue?

19 Q. I don't need you to name every name. I just  
20 want you -- if you look down the list and tell me if you  
21 know whether any of them were involved in Sin City and  
22 if so, what they did.

23 A. I recognize some of the names, but I, to this  
24 day, can't tell you if -- if they were involved in Sin  
25 City or not without reviewing the reports in greater

1 detail.

2 Q. Right. But so based on the -- based not only  
3 on your personal knowledge, but the work you've done in  
4 this case, you can't tell me whether any of the people  
5 starting at 22 ending at 44 were involved? I'm sorry,  
6 43 were involved in the Sin City or what capacity?

7 A. I can't remember what their involvement was or  
8 what their capacity was.

9 Q. If any?

10 A. If any.

11 MR. RAUSCHER: Okay. All right. Exhibit 14  
12 is the document titled Ben Baker v. City of Chicago  
13 Comprehensive Index of Document Production.

14 (EXHIBIT 14 MARKED FOR IDENTIFICATION)

15 BY MR. RAUSCHER:

16 Q. Have you seen this document before?

17 A. I have not.

18 Q. All right. You're not sure what it is?

19 A. I have no idea.

20 Q. You did not go through it and say, "I'd like  
21 to see this document or that document?"

22 A. I did not.

23 Q. Were there any documents that you thought  
24 might be helpful to you or any types of documents that  
25 might be helpful that you didn't have?

1 A. I -- I can't think of anything off the top of  
2 my head.

3 Q. Would you have preferred to have the COPA  
4 reports before today?

5 A. Not necessarily, no.

6 Q. All right. You're okay seeing them for the  
7 first time today?

8 A. Sure. Yeah.

9 Q. Okay was a poor way of asking that question,  
10 but would it have been helpful in your review and  
11 preparation of your report to have the COPA reports  
12 before today?

13 A. I am not quite sure I understand the -- the  
14 question. Are you asking me if those reports would've  
15 been helpful in order to come and testify here today?

16 Q. Would it have been helpful for you in your  
17 capacity as someone who is seeking to be designated as  
18 an expert in this case to prepare your report, would it  
19 have been helpful to have those COPA reports?

20 A. More information is always better.

21 Q. And how would, in that specific instance, more  
22 information have been better?

23 A. Well, I -- you know, obviously I'm here to  
24 testify with respect to, my understanding was, the way  
25 that these investigations were conducted. So the COPA

1 report doesn't really assist me in that regard. It's  
2 obviously something that happened well after the fact, I  
3 think. So I don't know that it would necessarily have  
4 helped me with respect to what I understood my testimony  
5 to be.

6 Q. Your testimony, in your view, is about how  
7 reports were supposed to be prepared?

8 A. Correct.

9 Q. Not about whether these officers did anything  
10 wrong or were framing people or anything like that?

11 A. Right.

12 Q. And so would the -- did the -- what -- did  
13 what you learned about the COPA reports inform how you  
14 think about the way the reports were prepared?

15 MR. ZECCHIN: I'm going to object to form,  
16 foundation, incomplete hypothetical.

17 THE WITNESS: As I -- I think I've stated  
18 earlier, the reports were -- no. This is just a  
19 simple answer to your question. Yeah.

20 BY MR. RAUSCHER:

21 Q. It -- they did make you think, though, maybe  
22 there could have been some more detail in those reports,  
23 right? Or no?

24 A. Yes. That's usually the case.

25 Q. What do you mean?

1           A.    Well, police officers have a high school  
2 education. They have a very rudimentary understanding  
3 of grammar and English. And consequently, you know,  
4 their reports were not written as thoroughly as an  
5 attorney would like, but they were very customary. You  
6 know, that was the way we did -- the way it was done,  
7 the way they did the reports.

8           Q.    You don't actually know what kind of education  
9 anyone on the Watts team had, right?

10          A.    I don't.

11          Q.    You don't know if Jones or Mohammed went to  
12 college?

13          A.    I don't.

14          Q.    You don't need a college education to be able  
15 to say, "I did this, my partner did that"?

16          A.    No, you don't.

17          Q.    So that's not really all that relevant to what  
18 you're talking about, is it?

19          A.    Well, it's relevant to the fact that they're  
20 not as accustomed to being as detailed and as thorough,  
21 I think.

22          Q.    Okay.

23          A.    That was my experience anyway.

24          Q.    Not -- but not with this specific team? You  
25 don't know what their education is?

1 A. No.

2 MR. RAUSCHER: Can we go off for, like, five  
3 minutes?

4 MR. ZECCHIN: Yeah, that's fine.

5 THE REPORTER: Sure. We are now off record at  
6 1:51 p.m.

7 (OFF THE RECORD)

8 THE REPORTER: We are now back on record at  
9 2:12 p.m.

10 BY MR. RAUSCHER:

11 Q. Do you know who Roy Bennett is?

12 A. I do not.

13 Q. A guy named Shock?

14 A. I do not.

15 Q. What about Kelly Freeman?

16 A. No.

17 Q. What about Eric Phillipson?

18 A. No.

19 Q. Are you a -- would you consider yourself an  
20 expert on police practices?

21 A. Yes, I would.

22 Q. In what way?

23 A. I -- in -- in the way that most experts -- in  
24 -- in order to be declared an expert, you just have to  
25 have more knowledge than the average individual with

1 respect to the subject matter. And I think I have a --  
2 a lot of -- you know, other than the average individual,  
3 I have a lot. I don't know the general orders for the  
4 Chicago Police Department by heart, but yes, I would say  
5 that I -- I -- I could be declared an expert with  
6 respect to police activity.

7 Q. And is that based on your experience as a  
8 prosecutor?

9 A. Yes.

10 Q. And you just give -- beat me to the next  
11 question, which is, knowledge of CPD general or special  
12 orders?

13 A. Yeah. I really have no knowledge of their  
14 general orders.

15 Q. Special orders?

16 A. Or special orders.

17 Q. Or regulations?

18 A. All that stuff.

19 Q. Okay. Including about how to prepare police  
20 reports?

21 A. Correct.

22 Q. Are you aware of any generally accepted  
23 standards for producing police reports?

24 A. I am not.

25 Q. And so when you're testifying about the, you

1 know, whether the reports were prepared appropriately,  
2 you're basing that on your experience?

3 A. Correct.

4 Q. Not based on some broader sort -- group of  
5 sources or source?

6 A. That's correct.

7 Q. Are there any -- other than the notes that we  
8 talked about earlier that I think your Counsel will  
9 produce, are there any other documents that you created  
10 in connection with this case?

11 A. No.

12 Q. Any other documents that you are aware of that  
13 haven't been turned over to us?

14 A. No.

15 Q. Do you have any drafts of the report?

16 A. Of?

17 Q. The report that you issued?

18 A. I don't. I just incorporated it into the  
19 report. And then -- yeah. So no.

20 Q. Have you -- other than being deposed as a  
21 defendant, have you ever testified in any case?

22 A. Yes.

23 Q. Which -- what -- in what context?

24 A. So as an assistant state's attorney, you go  
25 out and take statements from individuals who have been



1 arrested and/or witnesses to criminal offenses. And you  
2 would be called to testify in court with respect to  
3 those statements at times.

4 Q. Like as a rebuttal witness or impeachment?  
5 Something like that?

6 A. Yeah. Presumably, yes.

7 Q. Did you do that in narcotics cases?

8 A. Or a -- or as a direct witness as well. No.

9 Q. What kinds of cases did you go out and take  
10 statements and then testify?

11 A. Those were usually more serious. Violent  
12 felonies, murder cases, aggravated assaults, things like  
13 that.

14 Q. Cases where there'd be more investigation  
15 beyond just the initial police reports?

16 A. Sometimes yes. Sometimes not. Yeah.

17 Q. But the more -- well, if you're -- there must  
18 be if you're going out and taking a statement, right?

19 A. Of course. Well, I mean, at the time that I'm  
20 out there taking the statement, I don't have access to  
21 the police reports a lot of times. This is in the midst  
22 of the officer's investigation.

23 Q. Right. But it must mean there was more  
24 investigation than just a police report. That's what I  
25 -- you agree with that, right?

1 A. Sure. Yeah.

2 Q. It -- unlike in a narcotics case?

3 A. Right. The reports are a little lengthier  
4 usually in a violent case report than in a narcotics  
5 case report.

6 Q. Are you -- maybe you're taking issue with the  
7 way I'm asking the question. Maybe you're not, but I  
8 just --

9 A. I'm not. I'm just not sure I understand it.

10 Q. That's what I --

11 A. Yeah.

12 Q. I'm maybe not clear. So it may be a timing  
13 issue of when you're doing the statements. At what  
14 point in the investigation would you be taking  
15 statements?

16 A. So -- and when I would end up testifying in  
17 court, I'd be taking those statements as the officers  
18 were conducting their investigation. They either  
19 brought individuals -- witnesses into the police station  
20 and/or individuals that have been charged with offenses  
21 into the police station. And it would be my duty and  
22 responsibility to try and document their statements.

23 Q. Okay. And so that would presumably be  
24 incorporated in a later report, but --

25 A. Yes.

1 Q. -- there are earlier ones and --

2 A. Most likely later, because there are really no  
3 reports generated maybe other than our arrest report --

4 Q. Right.

5 A. -- at this point.

6 Q. Okay.

7 A. If that someone's been arrested. A lot of  
8 times, they had yet to be arrested.

9 Q. Right. Understood. Okay. I am going to  
10 mark, I think probably the last, Exhibit 15 is a  
11 subpoena response.

12 (EXHIBIT 15 MARKED FOR IDENTIFICATION)

13 A. Thank you.

14 BY MR. RAUSCHER:

15 Q. Sure. I just want you to flip through this  
16 and tell me if there are any -- I know you've answered  
17 more generally, but with this document, if there are any  
18 -- anything you see on here where there may be relevant  
19 responsive documents that haven't been produced?

20 A. Yeah. Go on.

21 Q. Yeah.

22 A. Okay.

23 Q. Yeah. There's -- just the question is, is  
24 there anything you see on your answer --

25 A. I don't see anything in here yet. I -- I -- I

1 don't have any documents other than the things that  
2 we've discussed.

3 Q. Have you conducted any research on the areas  
4 that you are, you know, prepared to testify about?

5 A. No.

6 Q. Okay. Have you read any standards or looked  
7 at any other outside sources other than your own  
8 experience?

9 A. No.

10 Q. Okay. You haven't published anything on these  
11 topics?

12 A. No.

13 Q. How many times do you think you testified when  
14 you worked for the Cook County State Attorney's Office?

15 A. In court?

16 Q. In court?

17 A. Oh, not often. I would say four times.

18 Q. In total?

19 A. Yeah. In the -- in the 30 years.

20 Q. And you said -- you asked in court. Where --  
21 did you testify outside of court?

22 A. No.

23 Q. Okay.

24 A. Yeah.

25 MR. RAUSCHER: Okay. I'll make sure we're

1 clear. All right. I think I'm done.

2 MR. ZECCHIN: Okay. You know, I do have  
3 questions of course, but if anybody else wants to  
4 go first, then maybe we can take a break so I can  
5 look at my notes and make it expeditious. Does Ken  
6 or Joel have any questions?

7 MR. RAUSCHER: Oh, I doubt it because -- yeah,  
8 I would be surprised.

9 MR. ZECCHIN: True.

10 MR. RAUSCHER: So you want to take a break?

11 MR. ZECCHIN: Yeah. Let's take a break. I'll  
12 go first.

13 MR. RAUSCHER: Okay.

14 THE REPORTER: Sure. We are off the record at  
15 2:19 p.m.

16 (OFF THE RECORD)

17 THE REPORTER: We are now on record at  
18 2:36 p.m.

19 MR. ZECCHIN: Could you finish officially?

20 CROSS-EXAMINATION

21 BY MR. ZECCHIN:

22 Q. Mr. Hughes, I'm going to ask -- be asking you  
23 some questions, and then the other attorneys might have  
24 some questions for as well. Your report that you issued  
25 in this case, was that based on your training,

1 experience, and education as an assistant state's  
2 attorney for 30 years?

3 A. Yes.

4 Q. And is it fair to say that experience and  
5 training you had is what allows you to provide expert  
6 testimony on the way narcotics related arrest reports  
7 are drafted?

8 A. Yes.

9 Q. Okay. Do you believe that any attorney would  
10 be able to pick this up as quickly?

11 A. No. I think you'd have to have experience --

12 MR. RAUSCHER: I'm just -- sorry. I'm just  
13 going to object to that being outside of the scope  
14 of what he's disclosed.

15 BY MR. ZECCHIN:

16 Q. Okay. You can answer.

17 A. No. I don't think any attorney would be able  
18 to opine on these matters.

19 Q. Without having the requisite experience?

20 A. Correct.

21 Q. Okay. And Counsel had asked you if these --  
22 you were saying, well, you believe these reports -- the  
23 arrest reports and vice case reports were true. Now,  
24 when you're saying they're true, is that for purposes of  
25 determining if they contain proper language and proper

1 information from your perspective as a prosecutor?

2 A. Correct, yes.

3 Q. You're not vouching for whether or not they're  
4 true in fact, are you?

5 A. No.

6 Q. And in your opinion -- and it's your -- and  
7 based on your knowledge, that's for the jury to decide  
8 if they're truth or not, correct?

9 A. Absolutely.

10 Q. And we -- you were asked a bunch of questions  
11 about talking to police officers who are involved in  
12 arrest. Even if you talked to one officer and that  
13 officer provided you with the roles of the individuals  
14 who were part of the arrest, would you still want to  
15 talk to each person who was involved in that arrest?

16 A. Absolutely.

17 Q. Okay. Would you ever put a witness on the  
18 stand -- oh, I'll strike that. Would you ever put an  
19 officer on the stand that you haven't talked to and  
20 prepared for trial?

21 A. No.

22 Q. And so even if an officer is Box 1 or Box 2,  
23 would you, as a matter of course, always want to talk to  
24 the other officer to determine what role they may have  
25 had in the investigation?

1 A. Yes.

2 Q. And would you want to make sure that you talk  
3 to everybody that you would need to put on at trial in  
4 order to prove your case?

5 A. Correct. Yes.

6 Q. And you were asked some questions about if  
7 it'd be better if you had more detail in those reports,  
8 and you said it would, correct?

9 A. Yes. I did.

10 Q. Okay. But even if it wasn't there, you're  
11 still -- would it be the case that you'd still get that  
12 information from speaking to the officers when you'd  
13 bring them in?

14 A. Yes.

15 Q. I'm just --

16 MR. RAUSCHER: We have a delayed objection to  
17 foundation and non-disclosed opinion.

18 BY MR. ZECCHIN:

19 Q. Okay. Have you ever had a case where you  
20 simply submit reports to a judge and the judge makes a  
21 ruling based on that?

22 A. No.

23 Q. And you were asked questions about the COPA  
24 report. Do you remember those questions?

25 A. I do.



1 Q. And that was a report, you could look at it if  
2 you want, but that was from 2017, correct?

3 A. Correct.

4 Q. So that's probably 12 years after Ben Baker's  
5 arrest, correct?

6 A. That's correct.

7 Q. Okay. And you were provided a summary to look  
8 at today, correct?

9 A. Yes.

10 MR. RAUSCHER: I'll object to form.

11 BY MR. ZECCHIN:

12 Q. Okay. Do you have -- do you know who the  
13 investigators were who investigated these cases?

14 A. No.

15 Q. Do you know their background or the work  
16 experience of the investigators who worked up these  
17 cases?

18 A. I do not.

19 Q. Do you know if -- who the witnesses were that  
20 were interviewed by COPA to come to those conclusions?

21 A. I -- I do not.

22 Q. And do you know what evidence they looked at  
23 in order to come to those conclusions?

24 A. I do not.

25 Q. Did you see anything in the summary you were

1 provided that gave the officers' response to what COPA  
2 was saying they had did?

3 A. Well, I -- I know with respect to reviewing  
4 Alvin Jones' transcript, I think, as well as the COPA  
5 reports that he -- he is contesting the findings of  
6 COPA.

7 Q. And if Sergeant -- now retired Sergeant Jones  
8 had -- is challenging those findings and if COPA is  
9 agreeing that the inquiry they made was improper and  
10 incorrect, would that be something that you would find  
11 would be concerning to you?

12 MR. RAUSCHER: Object --

13 MR. ZECCHIN: About relying on it?

14 MR. RAUSCHER: Object to foundation. Misstates  
15 or assumes facts not in evidence.

16 THE WITNESS: Could you ask that again? I'm  
17 not --

18 MR. ZECCHIN: Sure. Can you please read that  
19 one back?

20 THE REPORTER: Okay.

21 (REPORTER PLAYS BACK REQUESTED QUESTION)

22 THE REPORTER: Was that okay?

23 MR. RAUSCHER: I maintain the object to  
24 foundation of that question.

25 THE WITNESS: Yes.

1 BY MR. ZECCHIN:

2 Q. And do you have any opinion or do you receive  
3 any information as to the quality of the COPA  
4 investigation?

5 A. I have no opinion and have received no  
6 information with respect to the quality of their  
7 investigation.

8 Q. And when you're putting on a preliminary  
9 hearing or when as ASAs work with you on a preliminary  
10 hearing, is -- what is the sole purpose of that  
11 proceeding?

12 A. The sole purpose of that proceeding is so that  
13 the judge who can make a determine -- well, from a  
14 prosecutor's perspective, it's from establishing that  
15 there was legitimate probable cause for the arrest,  
16 putting the officer on the stand, having him testify to  
17 the events that established probable cause and then  
18 having the judge make a finding of probable cause so the  
19 case can proceed to a felony trial court.

20 Q. Is that less intensive then when it gets to  
21 the trial courtroom in the case of being prepared for  
22 motion or for trial?

23 A. Much less, yes.

24 Q. And when you would have these conversations  
25 with officers on arrests, would they be typically much

1 closer in time to the actual arrest itself?

2 A. Yes.

3 MR. ZECCHIN: That may be all I have for now.  
4 I'm reserving the right to call -- to ask more  
5 questions once I get that information, please.

6 REDIRECT EXAMINATION

7 BY MR. RAUSCHER:

8 Q. Okay. If -- the way that I heard one of those  
9 questions was that COPA is agreeing with Jones  
10 contesting the investigation. Is that how you heard the  
11 question?

12 A. I -- I -- no, the way I understood the  
13 question was that if COPA had indicated that their  
14 investigation was improper, would that affect your  
15 decision or the way you evaluated the conclusion.

16 Q. And you said yes, it would?

17 A. Yes, I did.

18 Q. Would that hypothetical be relevant if COPA  
19 didn't agree?

20 A. Well, I mean, would it be relevant if they --  
21 if an investigative body said that they performed some  
22 task improperly?

23 Q. Let me ask it a different way.

24 A. Okay.

25 Q. If there -- if COPA has agreed with what Jones

1 is saying, would you like to see that in writing?

2 A. Sure.

3 Q. Okay. I would encourage you to ask the  
4 lawyers to show you something like that in writing, and  
5 I would like to see it also.

6 MR. ZECCHIN: Object to the question. It's  
7 argumentative.

8 MR. RAUSCHER: That probably is argumentative  
9 actually. The last one isn't. And so we can --

10 MR. ZECCHIN: I don't even think it was a  
11 question.

12 MR. RAUSCHER: -- take that back. The  
13 question -- there -- I think the question before  
14 that was a question, and that didn't have one at  
15 the end, and I didn't do that verbally. So we can  
16 strike that last statement.

17 MR. ZECCHIN: Okay.

18 MR. RAUSCHER: That's it.

19 MR. ZECCHIN: I'm -- everyone, I'm getting a  
20 document sent over. And I'm -- if Scott is kind  
21 enough, he's going to let me print it out. I'll  
22 provide you the Bates range and just a few follow-  
23 up questions for Mr. Hughes. So if you could bear  
24 with us for maybe five minutes now we can get back  
25 on and I think it'll wrap up shortly. Does that

1 work for everyone?

2 (OFF THE RECORD)

3 THE REPORTER: We are back on record at  
4 2:51 p.m.

5 RECROSS-EXAMINATION

6 BY MR. ZECCHIN:

7 Q. Mr. Hughes, I have a couple more questions.  
8 You were shown a -- the COPA summary regarding the  
9 arrest of Ben Baker on December 11, 2005 and there was a  
10 chart on it referred to two arrests that took place on  
11 that day, correct?

12 A. Correct.

13 Q. And one of the dates -- one of the times was  
14 12:08 and one time was 12:12. Do you remember that?

15 A. I do.

16 Q. Okay. So that's not the exact time, correct?

17 A. Correct.

18 Q. And if the distance between those two  
19 locations of arrest was approximately a block, would  
20 that cause you -- would that put you on alerts that  
21 there might be something wrong if it was that close in  
22 proximity in that much time?

23 MR. RAUSCHER: Object to foundation.

24 MR. ZECCHIN: Okay.

25 THE WITNESS: Not necessarily wrong, but

1 something I would want to look into.

2 BY MR. ZECCHIN:

3 Q. Okay. And if they had different roles at each  
4 of -- if an officer had different roles at each of those  
5 sites, it's certainly possible that he could have been  
6 at one and four minutes later, been at the other a block  
7 away, right?

8 A. Yes.

9 Q. Now I'm going to show you what's being marked  
10 as Exhibit number 16. And I'm going to ask you to take  
11 a look in particular, the second paragraph.

12 (EXHIBIT 16 MARKED FOR IDENTIFICATION)

13 A. All right. Yeah.

14 MR. RAUSCHER: And I'm going to object that  
15 this document wasn't provided to the witness and  
16 there hasn't been anything disclosed about it.

17 THE WITNESS: Okay.

18 BY MR. ZECCHIN:

19 Q. Now the date of this memo I showed you is 28th  
20 June of '05, correct?

21 A. Correct.

22 Q. And it appears to be a memo from police agent  
23 Calvin Holliday. Is that correct?

24 A. That is correct.

25 Q. And that paragraph, the second paragraph on

1 this page, does it indicate that Assistant State  
2 Attorney David Navarro was part of an interview with CPD  
3 personnel as well as Mr. Baker's private attorney and  
4 Mr. Baker himself and his wife regarding his allegations  
5 he was making in this case?

6 A. Yes.

7 MR. RAUSCHER: I'm just going to have a  
8 continuing objection to use or questions relating  
9 to this document, which you didn't give him.

10 BY MR. ZECCHIN:

11 Q. Understood. So when you were asked earlier by  
12 Counsel today, if you would like to have known about an  
13 investigation that was ongoing, would this memo seem to  
14 indicate that the State Attorney's Office did in fact  
15 know about an ongoing investigation?

16 A. Yes, it did. And this was also mentioned in  
17 Mr. Baker's deposition as well.

18 MR. ZECCHIN: Okay. I have no other questions  
19 of this witness.

20 FURTHER DIRECT EXAMINATION

21 BY MR. RAUSCHER:

22 Q. Do you think this document, this paragraph in  
23 this document, gives a complete overview of the  
24 investigation into Watts and his subordinates?

25 A. No.



1 Q. Does it say who was involved in the  
2 investigation?

3 A. Law enforcement agents. Yeah.

4 Q. Which one?

5 A. I mean, no, it doesn't allude to any specific  
6 one. I haven't read the entire report, but --

7 Q. Okay.

8 A. -- assuming the author of it -- let's see  
9 here. Holliday. It's a summary of what I -- what I put  
10 together.

11 Q. Right. But you can't look at it and say who  
12 was involved or what they were investigating?

13 A. Correct. Well, in general terms, yes. That  
14 they were investigating Sergeant Watts, but...

15 Q. Right. But you don't know for what or for how  
16 long.

17 A. Correct. Yes.

18 MR. RAUSCHER: Okay. That's all.

19 FURTHER CROSS-EXAMINATION

20 BY MR. ZECCHIN:

21 Q. And, Mr. Hughes, that same -- you'd probably  
22 give the same answer based on the COPA, just that  
23 overall summary. Same answer. You don't know what the  
24 details?

25 A. Absolutely. Yeah.

1 MR. ZECCHIN: Nothing further.

2 MR. RAUSCHER: I think we can't do that  
3 anymore. So we're going to -- I mean, we could,  
4 but I don't --

5 MR. ZECCHIN: I know. I know. I know. Okay.  
6 Now the deposition, does anybody else have any  
7 questions?

8 MR. SULLIVAN: No questions for Mohammed.

9 MR. SCHALKA: No questions for regarding  
10 Cadman.

11 MR. FLAXMAN: None from the Flaxman  
12 plaintiffs.

13 MS. MCELROY: No questions for Watts. Thank  
14 you.

15 MS. HARRIS: No questions from the city.

16 MR. ZECCHIN: And we will reserve signature,  
17 please. I'll order e-transcript.

18 THE REPORTER: Great. And then, Counsel, how  
19 would you like your transcript?

20 MR. RAUSCHER: Electronic is good.

21 THE REPORTER: Electronic.

22 MR. RAUSCHER: Yes.

23 THE REPORTER: Cool. Does anyone else on the  
24 Zoom would like to order a transcript?

25 MR. SULLIVAN: No, thank you.

1 THE REPORTER: No.

2 MR. SCHALKA: No, thank you.

3 THE REPORTER: How about video orders?

4 MR. RAUSCHER: None for now. Thanks.

5 THE REPORTER: All right. Let me go ahead and  
6 get us off the record. We're now off the record at  
7 2:57 p.m.

8 (DEPOSITION CONCLUDED AT 2:57 P.M. CT)

## 1 CERTIFICATE OF DIGITAL REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Stipulation page hereof, by me  
7 after first being duly sworn to testify the truth, the  
8 whole truth, and nothing but the truth; and that the  
9 said matter was recorded digitally by me and then  
10 reduced to typewritten form under my direction, and  
11 constitutes a true record of the transcript as taken,  
12 all to the best of my skill and ability. I certify that  
13 I am not a relative or employee of either counsel and  
14 that I am in no way interested financially, directly or  
15 indirectly, in this action.

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TAYLOR R. WELSH,

DIGITAL REPORTER/NOTARY

MY COMMISSION EXPIRES: 05/30/2028

SUBMITTED ON: 06/05/2024

<b>Exhibits</b>	<b>Exhibit 16_ Hughes</b> 197:10,12	97:19 99:14 102:10,15 114:11,17 149:13,15 196:9	<b>2-5</b> 107:18	<b>270</b> 33:18
<b>Exhibit 1_ Hughes</b> 30:9, 13 49:9	<b>\$</b>	<b>11th</b> 36:17	<b>20</b> 15:19,25 16:1 34:6 36:19 175:6	<b>278</b> 30:16
<b>Exhibit 2_ Hughes</b> 45:5,6 113:10	<b>\$350</b> 29:17	<b>12</b> 162:16,19 191:4	<b>2000s</b> 15:16,18 16:16 112:16	<b>28</b> 72:22
<b>Exhibit 3_ Hughes</b> 62:13, 14 80:16 95:3 111:23	<b>0</b>	<b>12-11-05</b> 102:12	<b>2004</b> 36:16 58:15 114:11, 17 158:24	<b>28th</b> 197:19
<b>Exhibit 4_ Hughes</b> 74:1,3 80:13 81:4 83:6	<b>002</b> 81:5 102:24 106:23 108:14	<b>12:00</b> 95:25	<b>2005</b> 50:5 58:15 62:17 74:1,11 87:2 97:19 99:8,14, 24 102:10,15 121:11 135:9 136:6,9,10 196:9	<b>29</b> 62:17
<b>Exhibit 5_ Hughes</b> 90:4,9	<b>00239</b> 174:1	<b>12:04</b> 96:3	<b>2006</b> 58:15 72:23 158:24	<b>2:00</b> 160:11
<b>Exhibit 6_ Hughes</b> 99:13, 15	<b>01717</b> 10:15	<b>12:08</b> 196:14	<b>2010</b> 150:21	<b>2:12</b> 180:9
<b>Exhibit 7_ Hughes</b> 102:7, 8	<b>028592</b> 162:18	<b>12:12</b> 196:14	<b>2014</b> 15:9	<b>2:19</b> 187:15
<b>Exhibit 8_ Hughes</b> 117:22 118:1	<b>028609</b> 162:18	<b>13</b> 173:24 174:2	<b>2015</b> 44:21	<b>2:36</b> 187:18
<b>Exhibit 9_ Hughes</b> 119:4, 8	<b>05</b> 36:17,20 97:23 197:20	<b>130780</b> 170:10	<b>2016</b> 44:22	<b>2:51</b> 196:4
<b>Exhibit 10_ Hughes</b> 147:15	<b>1</b>	<b>130781</b> 169:20	<b>2017</b> 97:23 191:2	<b>2:57</b> 201:7,8
<b>Exhibit 11_ Hughes</b> 149:13,15	<b>1</b> 17:21 30:9,13 33:20 49:9 58:22,25 59:3, 7,14 60:3,18,22 61:5 64:11 65:15,16,20 76:19 77:1 79:10,14,17,18 82:14,15 90:20 115:21 118:21 132:12 165:24 168:20 189:22	<b>14</b> 96:5,10,15 176:11,14	<b>2020</b> 150:22	<b>2nd</b> 146:25 148:9
<b>Exhibit 12_ Hughes</b> 162:16,19	<b>1000</b> 158:1	<b>149</b> 33:20	<b>2024</b> 10:8	<b>3</b>
<b>Exhibit 13_ Hughes</b> 173:24 174:2	<b>10</b> 147:10,15	<b>15</b> 152:22 157:21 185:10, 12	<b>21</b> 119:5	<b>3</b> 17:22 62:13, 14 80:16 82:23 83:17,23,24 91:23 95:3 101:12 106:4 111:23 113:13 114:16 139:15 143:6
<b>Exhibit 14_ Hughes</b> 176:11,14	<b>10,000</b> 146:2	<b>15,000</b> 146:2	<b>22</b> 119:5 175:9 176:5	<b>30</b> 25:2 34:21 35:3 50:21 53:15 62:1,17 137:3 143:12 157:22 186:19 188:2
<b>Exhibit 15_ Hughes</b> 185:10,12	<b>100</b> 160:25	<b>16</b> 97:12 197:10,12	<b>23</b> 74:1	<b>30-year</b> 91:20
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