

Exhibit E

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

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

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7) Criminal
8 Plaintiff,)
9) No. 05-08982
10 vs.)
11) Charge: Mfg/Del Heroin,
12 BEN BAKER,)
13 CLARISSA GLENN,)
14)
15 Defendants.)

16 REPORT OF PROCEEDINGS had of the hearing
17 in the above entitled cause, before the Honorable
18 MICHAEL P. TOOMIN, Judge of said court, on the
19 23rd day of May, 2006.

20 APPEARANCES:

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

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

1 BEN Baker,
2 the defendant herein, called as a witness on his own
3 behalf, being first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MAHONEY:

7 THE COURT: Be seated, please.

8 MR. MAHONEY:

9 Q Mr. Baker, I'm going to ask you some
10 questions but before I do I want to ask you to speak
11 up in a loud clear voice so that everyone can hear you
12 and the court reporter can take down what you say,
13 okay.

14 Sir, please state your name and spell your
15 last name.

16 A Ben Baker, B-a-k-e-r.

17 Q And you are the defendant in this case, is
18 that correct?

19 A Yes.

20 Q How old are you?

21 A Thirty-three.

22 Q Where do you live?

23 A 527 East Browning.

24 Q And did you live at 527 East Browning on

1 March the 23rd of 2005?

2 A Yes.

3 Q How long have you lived there?

4 A Since July of '97.

5 Q And who do you live there with?

6 A My wife Clarissa and our three kids.

7 Q Three boys?

8 A Yes.

9 Q How old are they?

10 A Thirteen, twelve, and eleven.

11 Q Now, do you know an individual by the name of
12 Ronald Watts?

13 A Yes.

14 Q How long have you known him?

15 A Roughly three to four years.

16 Q Okay. And do you know what his job is?

17 A He is a sergeant for the tactical team.

18 Q On the Chicago Police Department?

19 A Chicago Police Department.

20 Q Okay. Now, before I ask you any more
21 questions I have to ask you about your background.

22 Sir, have you ever been convicted of a
23 felony?

24 A Yes.

1 Q Now, and specifically in April of 2003 under
2 case number 02-CR-5992 did you plead guilty to
3 possession of controlled substance and receive
4 twenty-four months probation in front of Judge Toomin?

5 A Yes.

6 Q And in September of 1994 two cases both
7 93-CR-128397 the other 27089?

8 THE COURT: Wait, what are those case numbers?

9 MR. MAHONEY: I apologize, they are both 93 case
10 numbers first one is 28397 and the second is 27089.

11 THE COURT: Those are 04 cases?

12 MR. MAHONEY: 93 cases.

13 THE COURT: 93?

14 MR. MAHONEY: Yes.

15 THE COURT: Go ahead.

16 MR. MAHONEY:

17 Q And did you plead guilty to aggravated
18 battery with a firearm and you pled guilty to unlawful
19 use of weapons?

20 A Yes.

21 Q And did you get six years on the aggravated
22 battery with a firearm and two years concurrent on the
23 U.U.W.?

24 A Yes.

1 Q And under case No. 89-CR-24840 in December of
2 1990 did you again plead guilty to possession of
3 controlled substance, receive one year probation which
4 was terminated satisfactory?

5 A Yes.

6 Q Back to Sergeant Watts, have you ever had any
7 conversations with Sergeant Watts about narcotics
8 activity in and around 527 East Browning?

9 A Yes.

10 MR. LASKARIS: I object -- I withdraw that
11 objection.

12 MR. MAHONEY:

13 Q How many times?

14 A Upwards of twenty, maybe more.

15 THE COURT: Twenty did you say?

16 THE WITNESS: Yes.

17 MR. MAHONEY:

18 Q In June of 2004 did you become aware that
19 Sergeant Watts was looking for you?

20 A Yes.

21 Q Did you know why or what about?

22 A Yes, he told me --

23 MR. LASKARIS: I'll object to speculation and
24 hearsay at this time.

1 THE COURT: Overruled.

2 MR. MAHONEY:

3 Q Please proceed.

4 A Yes, I received a phone call saying that
5 Sergeant Watts and his guys found some narcotics in
6 the mailbox.

7 MR. LASKARIS: Judge, I'll object.

8 THE WITNESS: And they said it was mine and when
9 they see me they'll put it on me.

10 MR. LASKARIS: Objection, it is hearsay.

11 THE COURT: Goes to his state of mind.

12 MR. LASKARIS: Lacking foundation as to the phone
13 call.

14 THE COURT: Lay the proper foundation.

15 MR. MAHONEY:

16 Q June of 2004 you received a telephone call
17 where were you when you received this call?

18 A With my fiancée at the time.

19 Q Where were you?

20 A I think we were picking the kids up from
21 school.

22 Q And where is school located?

23 A On 37th and Giles.

24 Q And did you receive this call on the cellular

1 phone?

2 A Yes.

3 Q Who was calling you?

4 A My friend named Patrick.

5 THE COURT: Who?

6 THE WITNESS: Patrick Frazier, my friend.

7 THE COURT: Patrick Frazier?

8 THE WITNESS: Yes.

9 MR. MAHONEY:

10 Q And did Patrick Frazier tell you anything
11 about Sergeant Watts?

12 A Yes.

13 Q What did he say?

14 MR. LASKARIS: I'll object at this time again.

15 THE COURT: It's going to his state of mind
16 that's the only reason it is coming in.

17 Go ahead.

18 MR. MAHONEY:

19 Q What did he tell you?

20 A He told me that Watts and the other officers
21 was at the building, they got some stuff out the
22 mailbox and they said it was mine and when they see me
23 they was putting it on me, I was going to jail.

24

1 MR. MAHONEY:

2 Q Okay. Now, when you say they got some stuff
3 what do you mean by stuff?

4 A Drugs, some heroin, heroin out the mailbox.

5 Q Out of the mailbox in the building at
6 527 East Browning?

7 A Yes.

8 Q And that when they saw you they were going to
9 put it on you?

10 A Yes.

11 Q Now, I want to direct your attention to
12 June the 20th of 2004 were you approached by an
13 individual by the name of Charles Lawrence?

14 A Yes.

15 Q Do you know Charles Lawrence?

16 A Yes.

17 Q Does he live in Ida B. Wells?

18 A Yes.

19 Q Do you know whether or not he has any
20 association with Sergeant Ronald Watts?

21 A Yes.

22 Q What is his association with Watts?

23 A He is Watts' snitch.

24 MR. LASKARIS: Objection, leading and

1 speculation.

2 THE COURT: Sustained.

3 MR. MAHONEY:

4 Q Did you have a conversation with
5 Charles Lawrence?

6 A Yes.

7 Q And who was present for the conversation?

8 A Me, my wife, Charles.

9 Q And did he tell you something about Sergeant
10 Watts?

11 A Yes.

12 Q Did he tell you that Sergeant Watts wanted to
13 talk to you?

14 A Yes.

15 Q Did you and Charles Lawrence go somewhere?

16 A Yes.

17 Q Where did you go?

18 A We went to a pay phone on 47th between
19 Michigan and Wabash.

20 Q Okay. And how far from 527 East Browning
21 was that pay phone?

22 A About a mile and-a-half.

23 Q Who drove there?

24 A Me.

1 Q Who rode with you?

2 A Charles.

3 Q You and Charles drove there?

4 A Yes.

5 Q When you got to the pay phone what happened?

6 A Charles got out, I got out, and he called

7 Sergeant Watts I guess it was Sergeant Watts.

8 MR. LASKARIS: Objection, Judge, speculation.

9 THE COURT: Sustained.

10 MR. MAHONEY:

11 Q So Charles Lawrence made a telephone call?

12 A Yes.

13 Q And you don't know who was on the other line
14 at that point, do you?

15 A No.

16 Q Who did Charles Lawrence say?

17 A He said I have Little Benny right here.

18 Q Let me stop you.

19 When you say Little Benny who is that?

20 A That is me, that is what Charles call me.

21 MR. LASKARIS: Judge, I'll object to hearsay to
22 what Charles said at this time.

23 THE COURT: Pardon me?

24 MR. LASKARIS: I'll object to what Charles, any

1 statement of Charles at this time.

2 THE COURT: Overruled.

3 MR. MAHONEY:

4 Q So what did Charles say into the phone?

5 A Charles said I have Little Benny right here
6 and he is ready to work it out.

7 Q Now, who did you believe he was talking to?

8 A Sergeant Watts.

9 MR. LASKARIS: Objection.

10 THE COURT: Sustained.

11 MR. MAHONEY:

12 Q What happened next?

13 A Then he told Charles don't call on this phone
14 you have to call on my cell phone.

15 Q And did Charles Lawrence then hang up the
16 phone?

17 A Yes.

18 Q Did Charles Lawrence then make another call?

19 A Yes.

20 Q From the same pay phone?

21 A Yes.

22 Q And did he speak with someone on the other
23 end during that conversation?

24 A Yes.

1 Q What was said at that point?

2 A He said I got Little Benny right here, he
3 ready to work it out.

4 Q Now, at some point did you get on the
5 telephone?

6 A Yes.

7 Q Okay. How did that come about?

8 A Okay, Charles said that Sergeant Watts said
9 it is going to cost a thousand dollars for him not
10 to --

11 Q So Charles told you that Sergeant Watts said
12 it is going to cost a thousand?

13 A Yes.

14 Q And what did you take that to mean?

15 A That if I gave him a thousand dollars that
16 the case would go away.

17 Q When you say him you mean Sergeant Watts?

18 A Yes.

19 Q Did you have any case pending at that time,
20 had you been arrested for any case?

21 A No.

22 Q So what did you believe they were talking
23 about?

24 A The stuff they got out of the mailbox that

1 they said that he was going to put on me.

2 Q What happened next?

3 A So I said well let me talk to him.

4 Q And when you said let me talk to him did you
5 get on the phone?

6 A Yes.

7 Q And did you speak to someone?

8 A Yes.

9 Q Who did you speak to?

10 A Sergeant Watts.

11 MR. LASKARIS: Object to foundation.

12 MR. MAHONEY:

13 Q Have you ever spoken to Sergeant Watts,
14 before that day how many times had you spoken with
15 Sergeant Watts?

16 A Numerous times.

17 Q Well, when you say numerous can you give us
18 an estimate?

19 A I would say more than thirty.

20 Q More than thirty?

21 A More than thirty.

22 Q And you recognize Sergeant Watts' voice?

23 A Yes.

24 Q And when you got on the telephone was there

1 any doubt in your mind who you were talking to?

2 A No.

3 Q What did you say to Sergeant Watts and what
4 did he say to you?

5 A I said so if I give Charles this thousand
6 dollars we're cool? He said well, I'm cool. I said
7 what about me? He said well do you want the truth or
8 do you want me to BS you. I said I want the truth.

9 Q Okay, and you said you wanted the truth.
10 What happened then?

11 A He said well you're going to have to fight
12 the case.

13 Q Now, did you know what case he was talking
14 about?

15 A Yes.

16 Q What case was that?

17 A The narcotics he got out of the mailbox.

18 Q And you hadn't been arrested or charged with
19 that yet?

20 A No.

21 Q So he said you're going to have to fight the
22 case then what happened?

23 A But you will beat it.

24 Q He told you you would beat it?

1 A Yes.

2 Q And this was a case that you hadn't even been
3 arrested for?

4 A Yes.

5 Q What happened next?

6 A I said so if I give you a thousand dollars it
7 shouldn't even be no case. He said well you wanted
8 the truth. I said well you can pick Charles up on
9 46th and Wabash and hung up the phone.

10 Q And you hung up the telephone?

11 A Yes.

12 Q And you left his boy Charles there?

13 A Yes.

14 Q And you left the scene?

15 A Yes.

16 Q So, it is your testimony that you told
17 Sergeant Watts that you wouldn't pay him his bribe?

18 A Yes.

19 MR. LASKARIS: Object to the foundation, when.

20 THE COURT: Sustained.

21 MR. MAHONEY:

22 Q During that telephone conversation that we
23 just discussed you told Sergeant Watts that you
24 wouldn't pay him his bribe?

1 A Yes.

2 Q I want to direct your attention now to
3 twenty-two days later July the 12th of 2004, did you
4 see Sergeant Watts?

5 A Yes.

6 Q Where did you see him?

7 A He knocked on the door, him and some more
8 officers.

9 Q When you say the door, the door of what?

10 A To our apartment.

11 Q And that would be apartment 206?

12 A Yes.

13 Q And that is in 527 East Browning?

14 A Yes.

15 Q Did you answer the door?

16 A No, my wife did.

17 Q Okay. And were you able to see when your
18 wife answered the door?

19 A Yes.

20 Q What happened?

21 A They came in -- Officer Watts and about three
22 more guys came in with guns drawn.

23 Q They had their guns drawn?

24 A Yes.

1 Q What happened next?

2 A He asked her who is in the house, she say
3 just me, my guy and his friend which me and my friend
4 Elgin Moore was sitting in the front room and you
5 could see us as soon as you come through the door.

6 Q So it was your wife Clarissa you say?

7 A Yes.

8 Q And what happened next?

9 A So he started searching the house.

10 Q Watts did?

11 A Yeah, him and the guys. I'm like what is
12 this for. He said you were just in the hallway
13 serving.

14 Q Had you just been in the hallway searching?

15 A No.

16 MR. LASKARIS: I'll object to the hearsay at this
17 time.

18 THE COURT: What?

19 MR. LASKARIS: I'll object to the hearsay what
20 the individuals said in the apartment.

21 THE COURT: Overruled.

22 MR. MAHONEY:

23 Q Had you been in the hallway serving?

24 A No.

1 Q What happened next?

2 A So they, he told them, he told the other
3 officer to put me and Elgin in cuffs. And they
4 proceeded to search the house. So as they're
5 searching the house I'm talking like man this is bogus
6 why you all up in here. And he said you were in the
7 hallway searching and we find something everybody in
8 here is going to jail and if we don't find nothing
9 you're going for what was in the mailbox.

10 Q And when he said you're going you were making
11 a pointing motion with your hand he was pointing at
12 you?

13 A Yes, sir.

14 Q Did the officers find anything when they
15 searched your apartment?

16 A No.

17 Q Did you go to jail?

18 A Yes.

19 Q Just like Sergeant Watts said?

20 A Yes.

21 Q What did you get charged with?

22 A Possession.

23 Q And was that the drugs that were found in the
24 mailbox?

1 A Yes.

2 Q Now, when Watts said you're going to jail for
3 the stuff in the mailbox was that the same stuff that
4 is narcotics that he solicited a bribe for?

5 A Yes, sir.

6 Q Now, were you in jail while that case was
7 pending?

8 A Yes.

9 Q How long were you in for?

10 A About four, four and-a-half months.

11 Q And was that case dismissed by the State
12 November of 2004?

13 MR. LASKARIS: Objection, Judge, objection to
14 relevance.

15 THE COURT: Sustained.

16 MR. MAHONEY:

17 Q You were released from Cook County Jail?

18 A Yes.

19 MR. LASKARIS: Objection.

20 MR. MAHONEY:

21 Q About a week after your release did you have
22 a conversation with Sergeant Watts or, I'm sorry, with
23 somebody?

24 A Yes.

1 Q Who was that?

2 A Detective named AJ.

3 Q When you say detective, detective is he a
4 member of Watts' team?

5 A Yes.

6 Q Did you know his name?

7 A I just know his last name is Jones.

8 Q So, could that be Police Officer Alvin Jones?

9 A Yeah.

10 Q You call him AJ?

11 A Yeah.

12 Q Okay. Where did you have a conversation
13 with AJ?

14 A On the side of 527 East Browning.

15 Q So were you outside?

16 A Yes.

17 Q Who was present for this conversation?

18 A It was AJ and another officer that I can't
19 recall and it was me and another guy.

20 Q Who was the other guy?

21 A I think his name was Talorence Farmbanks
22 (phonetic).

23 Q How long have you known AJ?

24 A About three or four years.

1 Q Have you ever seen him with Sergeant Watts?

2 A Yes.

3 Q How many times?

4 A Majority of the times that they're over there
5 he drives the car and Sergeant Watts sits in the
6 passenger seat.

7 Q So you actually see them together?

8 A Yeah, usually.

9 Q How many times have you seen them together?

10 A Over fifty times.

11 Q What did AJ say to you?

12 A He said why you looking at me like that.

13 Q And he was speaking to you?

14 A Yes.

15 Q And what did you say?

16 MR. LASKARIS: I'll object to hearsay and I'll
17 objecting to all of this testimony regarding
18 July the 12th, 2004, be stricken, it is irrelevant to
19 this case.

20 MR. MAHONEY: Judge, I'm ultimately going to tie
21 it up.

22 THE COURT: I don't know if it is or isn't, we
23 are going to find out.

24 MR. LASKARIS: Okay.

1 MR. MAHONEY:

2 Q So AJ said to you what, I'm sorry?

3 A He said why are you looking at me like that.

4 Q And what did you say?

5 A I say because you know that was some BS y'all
6 put that case on me.

7 Q And when you say BS you mean that it was
8 bullshit, a lie?

9 A Yeah.

10 Q And what were you referring to?

11 A The mailbox case.

12 Q What did AJ say when you told him that was
13 BS?

14 A He said well --

15 MR. LASKARIS: Judge, I'll object.

16 THE WITNESS: He said that is part of the game,
17 you win some you lose some.

18 THE COURT: Overruled.

19 Go ahead.

20 MR. MAHONEY:

21 Q What did he say?

22 A He said that is part of the game you win some
23 you lose some, you won this one because Kenny, excuse
24 me, fucked up on his testimony.

1 Q Was Kenny one of the officers that testified
2 against you in the mailbox case?

3 A Yes.

4 THE COURT: Wait, I am not getting this.

5 He said it is part of the game and what?

6 THE WITNESS: He said it is part of the game you
7 win some you lose some. Kenny fucked up on his
8 testimony.

9 THE COURT: Who did?

10 THE WITNESS: Kenny, his partner.

11 THE COURT: Kenny?

12 THE WITNESS: Yeah, I think it is Kenneth Young.

13 THE COURT: Go ahead.

14 MR. MAHONEY:

15 Q So, AJ was referring to the mailbox case that
16 you had beat, is that correct?

17 A Yes.

18 Q Did he tell you anything about any subsequent
19 cases?

20 A He said, after he said that he said next time
21 we get you it will stick.

22 Q I'm sorry?

23 A He said next time he get me he said it will
24 stick.

1 Q It will stick?

2 A Yeah.

3 Q Did he say anything about making sure of
4 that?

5 A Yeah.

6 Q What did he say?

7 A He said next time I put this case on you it's
8 going to stick, Kenny ain't going to be able to fuck
9 up the testimony.

10 Q So he said next time I put a case on you it's
11 going to stick, Kenny is not going to be able to fuck
12 up the testimony?

13 A Yes.

14 Q What did you understand that to mean?

15 MR. LASKARIS: Objection.

16 THE WITNESS: Exactly --

17 THE COURT: Overruled.

18 THE WITNESS: Exactly what he said.

19 MR. MAHONEY:

20 Q What is that?

21 A That he is going to put a case on me.

22 Q Now, I want to direct your attention to
23 March the 23rd of 2005 the case that you are here for
24 today?

1 A Yes.

2 Q About 3:40 p.m. where were you?

3 A Coming down the stairwell.

4 Q Where were you going?

5 A I was going to get my mother a birthday gift
6 because that is her birthday March the 23rd.

7 Q Were you with anybody?

8 A No.

9 Q By the time you got down --
10 Where were you coming from?

11 A I was coming from the sixth floor, apartment
12 608.

13 Q By the time you got down to the third floor
14 did you run into anybody else?

15 A Yeah, there were two individuals standing in
16 the hallway.

17 Q Do you know who they were?

18 A Yes.

19 Q Who were they?

20 A It's BayBay, and Twanie.

21 Q Are those the only names you know them by?

22 A Well, I know Gregory Young that's BayBay but
23 I don't know Twanie's real name.

24 Q Do you know what BayBay and Twanie were

1 doing?

2 A Selling drugs.

3 Q Now, while you were walking down the stairs
4 and you passed by BayBay and Twanie did something
5 happen?

6 A Yes.

7 Q What happened?

8 A Officer Nichols came out the hallway into the
9 stairwell with his gun drawn.

10 Q Now, was Officer Nichols in uniform?

11 A No.

12 Q Did he have his gun drawn?

13 A Yes.

14 Q Was he with a partner?

15 A No.

16 Q Where was the gun pointed?

17 A At me.

18 Q What did Officer Nichols say?

19 A He said you gentlemen come out of the
20 stairwell into the hallway.

21 Q And did you do that?

22 A Yes.

23 Q What did Officer Nichols say after that?

24 A He said get on the wall, put y'all hands on

1 the wall.

2 THE COURT: He said what?

3 THE WITNESS: Put your hands on the wall.

4 MR. MAHONEY:

5 Q Did you put your hands on the wall?

6 A Yes.

7 Q Did BayBay and Twanie?

8 A Yes.

9 Q What happened next?

10 A BayBay took off running.

11 Q BayBay took off running?

12 A Yeah.

13 Q Which way did he go?

14 A To the stairwell closest to us.

15 Q What did Officer Nichols do?

16 A He looked. Then I took off running.

17 Q Then you took off running?

18 A Yeah.

19 Q Why did you run?

20 A Because Twanie had the bags of cocaine in his
21 hands and they told --

22 Q Twanie had the bags in his hands?

23 A Yeah, and Watts -- well AJ said they were
24 going to put another case on me.

1 Q And you knew Nichols to be part of Watts'
2 team?

3 A Yes.

4 MR. LASKARIS: Objection.

5 MR. MAHONEY:

6 Q So you ran, what happened when you ran?

7 A I ran down to the first floor. When I get
8 to the first floor to go out the doorway Manny,
9 Nichols' partner, came into the front door and put his
10 hands on my chest like that.

11 Q So Manny wasn't up on the third floor with
12 Officer Nichols?

13 A No.

14 Q He was down on the first floor?

15 A Yes, by the car.

16 Q And when he put his hand up and you indicated
17 a stopping gesture?

18 A Yes.

19 Q Did you stop?

20 A Yes.

21 Q Did you have any plastic bags in your hand?

22 A No.

23 Q Did you have any plastic bags in your pocket?

24 A No.

1 Q Did you have any narcotics on you?

2 A No.

3 Q And you stopped for Manny, is that correct?

4 A Yes.

5 Q Did you try to fight Manny?

6 A No.

7 Q Did you try to run away from Manny?

8 A No.

9 Q After you ran into Manny was Nichols anywhere
10 around?

11 A No, he was still in the stairwell.

12 Q Okay. Was he five feet behind you?

13 A No.

14 Q Okay. When you stopped for Manny did you
15 see Officer Nichols again?

16 A Yeah, once Officer Manny put me in handcuffs,
17 searched my pockets, and put me in the back seat of
18 the squad.

19 Q Then you saw Officer Nichols again?

20 A Yeah, then Officer Nichols came out with the
21 two bags.

22 Q He came out of where?

23 A Out of the building.

24 Q He didn't come right out of the stairwell

1 right after you?

2 A No.

3 Q And you say this officer that you know as
4 Manny had already handcuffed you, searched you, and
5 put you in his car?

6 A Yes.

7 Q And that was before you ever saw Nichols
8 again?

9 A Yes.

10 Q Well, Mr. Baker, you were here, you heard
11 Officer Nichols testify that he took the bag out of
12 your hand in the lobby, is that true?

13 A No.

14 Q You said he also took a bag out of your
15 pocket in the lobby, is that true?

16 A No.

17 Q Now, after Manny put you in the police car
18 and Nichols came out of the building did Nichols get
19 into the police car?

20 A Well, he gave Manny the two bags because
21 Manny was still outside the car.

22 Q Okay.

23 A And then my wife came down and said what's
24 wrong. And he said --

1 MR. LASKARIS: Objection, hearsay at this time.

2 THE COURT: Sustained.

3 MR. MAHONEY:

4 Q So, after Officer Manny gave Nichols or, I'm
5 sorry, after Officer Nichols gave Manny the two bags
6 what happened?

7 A Then he told my wife, my wife said --

8 MR. LASKARIS: Objection to hearsay, Judge.

9 THE COURT: Sustained.

10 MR. MAHONEY:

11 Q Yeah, what that means is you can't say what
12 your wife said.

13 But let's move on to your wife came out,
14 correct?

15 A Yes.

16 Q And then what did Officer Nichols do next?

17 A She asked him a question and he told her to
18 get the hell on, and he ran from me he's going to
19 jail.

20 MR. LASKARIS: Objection, Judge, hearsay again.

21 THE COURT: I'll strike it.

22 MR. MAHONEY:

23 Q Did Officer Nichols get in the car?

24 A Yes.

1 Q And that was --

2 And did Officer Manny get in the car?

3 A Yes.

4 Q You were in the back seat?

5 A Yes.

6 Q Was anyone else in the car?

7 A No.

8 Q Did anyone make a phone call?

9 A Yes.

10 Q Who?

11 A Nichols got on the cell phone.

12 Q And did he speak to someone?

13 A Yes.

14 Q What did he say?

15 A He said well I got Ben Baker in --

16 MR. LASKARIS: Objection, hearsay, Judge.

17 THE COURT: Sustained.

18 MR. MAHONEY:

19 Q So he had a conversation with someone, is
20 that correct?

21 A Yes.

22 Q Within sixty seconds of that conversation did
23 somebody else or, I'm sorry I withdraw that question.

24 Did you see Sergeant Watts that day?

1 A Yes.

2 Q How did you come in contact with Sergeant
3 Watts?

4 A As we pulled away from the building and was
5 pulling off the lane Sergeant Watts and AJ pulled up
6 in their car.

7 Q How long after Nichols made this phone call
8 did Watts and AJ pull up?

9 A About a minute, a minute and-a-half.

10 Q So it was a matter of sixty, ninety seconds?

11 A Yes.

12 Q Did you have a conversation with Sergeant
13 Watts or AJ at that time?

14 A Well, Officer Nichols got out from driving
15 the car after he parked it and started talking to
16 Sergeant Watts. AJ came around and opened the door
17 up opposite me on my left side and said I told you we
18 were going to get you.

19 MR. LASKARIS: Objection to hearsay.

20 THE COURT: Overruled.

21 MR. MAHONEY:

22 Q So AJ said what to you?

23 A I told you we were going to get you.

24 Q And what did you take that to mean?

1 A That he had told me that he was going to put
2 a case on me and it was going to stick.

3 Q Did you say anything to AJ or Watts?

4 A Yeah, I said get me the right way.

5 Q What did you mean get me the right way?

6 A Don't put a case on me, catch me with
7 something and then put it on me, charge me with it.

8 Q So you wanted them if they were going to
9 arrest you you wanted them to do it fair?

10 A Yes.

11 Q At the station --

12 Did you then go to the 2nd District?

13 A Yes.

14 Q At the station did you have another
15 conversation with Watts?

16 A Yes.

17 Q Did he say something to you about an
18 individual named Bat, B-a-t?

19 A Yes.

20 Q What did he say?

21 MR. LASKARIS: Objection, Judge, hearsay.

22 THE COURT: Overruled.

23 THE WITNESS: He said why didn't you tell me you
24 was Bat's nephew I would have gave him this one that

1 is my guy.

2 MR. MAHONEY:

3 Q Okay. Who is Bat?

4 A That is an officer that is friend's with my
5 wife's father.

6 Q And Watts said why didn't you tell me you
7 were kin to Bat I would have gave you this one?

8 A I would have gave him this one.

9 Q So Watts was saying that he was giving Bat
10 one?

11 A Yes.

12 Q What did you take that to mean?

13 A That if he knew I was related to him he
14 wouldn't have charged me with that case.

15 Q Now, did Watts say anything else about the
16 case at that point?

17 A Watts had left after that I guess I don't
18 know where he had went but later on, I don't know if I
19 can say that, but later on he came back and asked
20 me --

21 MR. LASKARIS: Judge, I'll object to foundation I
22 am not sure where all of this occurred.

23 THE COURT: Sustained.

24

1 MR. MAHONEY:

2 Q Did you have another conversation with
3 Sergeant Watts at the 2nd District?

4 A Yes.

5 Q And this was after he asked you about an
6 individual named Bat, is that correct?

7 A Yes.

8 Q Were you getting processed at that time?

9 A Yes.

10 Q Okay. Do you know where in the station you
11 were, were you in the lockup, were you in the
12 interview room?

13 A I was still in the back where they chain you
14 to the wall while they fill out the report.

15 Q Okay. Was somebody filling out a report?

16 A Yeah, all of them. Officer Gonzalez, his
17 partner, AJ, Kenny. Watts is the only one who didn't
18 write something on the report.

19 Q Okay. And at that point in time did Watts
20 say something else to you?

21 A Yeah, he said well it is too late now but I
22 can give you --

23 Q What did you take it is too late now to mean?

24 A Is too late not to charge me but he could

1 give me some of the money I can get locked up with it
2 to have something on the books.

3 Q So, Watts said what about the money?

4 A That he can give me some money to go to jail
5 with so I'll be able to shop at the store in the
6 commissary.

7 Q And what did you say when Watts said this to
8 you?

9 A I said -- excuse me, I don't want shit from
10 you, keep it.

11 Q You refused the money?

12 A Yes.

13 Q So, it is your testimony that Watts would
14 have let you go because you knew somebody if the
15 paperwork hadn't been started?

16 A Yes.

17 Q Now, while you were at the 2nd District
18 station, at any time while you were there that day
19 March the 23rd did you say that them blows were mine
20 but them rocks ain't?

21 A No.

22 Q Did you ever make a statement admitting
23 something in your hand and denying something in your
24 pocket?

1 MR. LASKARIS: Objection, argumentative, form.

2 THE COURT: Overruled.

3 THE WITNESS: No.

4 MR. MAHONEY:

5 Q Well, the police are saying, the police are
6 saying that you admitted to owning drugs that they
7 claim were in your hand and that you denied the
8 ownership of drugs that they claim were in your
9 pocket, is that true?

10 MR. LASKARIS: Objection, compound question,
11 form.

12 THE COURT: Sustained.

13 MR. MAHONEY:

14 Q Did you make any admissions about any drugs
15 to any police officers that day?

16 A No.

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

18 THE COURT: You're finished?

19 MR. MAHONEY: Yes.

20 THE COURT: Well can I take a break for lunch,
21 return back at 2:00.

22 MR. LASKARIS: Judge, can I approach?

23 THE COURT: Yes.

24 (Discussion off the record.)

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THE COURT: That's fine, 2:30.
(Luncheon recess taken.)

1 THE COURT: Court is back in session.

2 Be seated. Okay, Mr. Baker I believe was on
3 the witness stand.

4 MR. MAHONEY: He is.

5 THE COURT: Okay, Mr. Baker, have a seat you are
6 still under oath.

7 BEN BAKER,
8 resumed the stand, having been previously duly sworn,
9 was further examined and testified as follows:

10 CROSS-EXAMINATION

11 BY MR. LASKARIS:

12 Q Mr. Baker, you live at 527 East Browning,
13 correct?

14 A Yes.

15 Q That is a C.H.A. building, correct?

16 A Yes.

17 Q And back in you said July of 2004 you were
18 unemployed at that time?

19 A Yes.

20 Q And you are supporting yourself by selling
21 narcotics, correct?

22 A Yes.

23 Q And as of today you are still selling,
24 supporting yourself by selling narcotics?

1 A No.

2 Q When did you stop selling narcotics?

3 A Like Mother's Day like 2004.

4 Q Well, when is Mother's Day 2004?

5 A That is the day Sergeant Watts came out the
6 back between the two buildings 540 and 559 say he been
7 up all night, he broke, he ain't got no money, and
8 he's going to get my ass.

9 Q Okay. So prior to 2004 you supported
10 yourself by selling narcotics, correct?

11 A Yes.

12 Q Now, Officer Nichols you saw him testify on
13 the stand, correct?

14 A Correct.

15 Q You had never met him before, have you?

16 A Yes.

17 Q When was the first time you met him?

18 A Like 2005, early, early 2005.

19 Q So prior to March of 2005 you never met him
20 before, correct?

21 A Incorrect.

22 Q When did you meet him?

23 A Like early, early in the year of 2005.

24 Q Well, did he arrest you on that date?

1 A The first time I saw him?

2 Q Yes.

3 A No.

4 Q Did you see him since then, early of 2005?

5 A Yes.

6 Q Did he arrest you that date?

7 A No.

8 Q From January the 1st of 2005 to March of 2005
9 how many times have you seen Officer Nichols?

10 A A few times he detained me in the hallway
11 along with another group of people while they searched
12 the building.

13 Q So, his job was to search the building,
14 correct?

15 A I don't know what his job is.

16 Q Well, you seen Officer Nichols at that
17 building, correct?

18 A Yes.

19 Q You seen Officer Nichols do checks at that
20 building, correct?

21 A Usually when Officer Nichols come in the
22 building Sergeant Watts and AJ will go upstairs
23 leaving Officer Nichols and the rest of the team
24 downstairs while --

1 Q Okay, well let me ask about this.

2 So, you've seen Officer Nichols at the
3 building, correct?

4 A Yes.

5 Q Members of that team conduct checks of the
6 building, correct?

7 A I mean when they have us down in the hallway
8 I've seen them then, other than that I wouldn't know.

9 Q Okay. So, you've seen them at that building
10 conducting checks before, correct, yes or no?

11 A I've seen him --

12 Q Yes or no?

13 A I can't answer that question, I don't
14 understand it.

15 Q You have seen Officer Nichols, Sergeant
16 Watts, Officer Jones conducting checks at that
17 building, yes or no?

18 MR. MAHONEY: Judge, objection to the form of the
19 question as to exactly what a check is.

20 MR. LASKARIS:

21 Q You've seen them present in the building?

22 THE COURT: Sustained.

23 THE WITNESS: Yes, I've seen them in the
24 building.

1 MR. LASKARIS:

2 Q You've seen them go up the floors, correct?

3 A AJ and Watts.

4 Q And you've been detained before, correct?

5 A Yes.

6 Q January of 2005 up to March the 25th, 2005?

7 A March the 23rd.

8 Q March the 23rd you were never arrested,
9 correct?

10 A Correct.

11 Q Now, Officer Jones how many times have you
12 seen Officer Jones?

13 A Several.

14 Q From March -- excuse me, from January of '05
15 to March the 23rd of '05 how many times have you seen
16 him?

17 A Several.

18 Q Several times, correct?

19 A Yeah.

20 Q And some of those times you've been alone,
21 correct?

22 A I can't say that.

23 Q Well, where have you seen them?

24 A Either I'm standing outside the building or

1 on the side of the building or in the lobby or I might
2 be coming out the apartment and they already in the
3 building.

4 Q Okay. So, you've seen them in the building,
5 correct?

6 A Yes.

7 Q They never arrested you then for narcotics,
8 did they?

9 A No.

10 Q They never found 110 bags and place them on
11 you as you're saying, did they?

12 A What?

13 Q They never arrested you and charged you with
14 110 bags, did they?

15 A Yeah, they did on March the 23rd.

16 Q I'm saying prior to March the 23rd?

17 A Yeah.

18 THE COURT: You said "they" are you talking
19 about --

20 MR. LASKARIS:

21 Q Officer Jones.

22 A Officer Jones?

23 Q Yes.

24 A Yeah, he did the paperwork on the mailbox

1 case but that was 2004.

2 Q Okay. I was talking about January of 2005
3 to March the 23rd of 2005 when Officer Jones had seen
4 you in the building you were never charged with
5 narcotics, correct?

6 A Correct.

7 Q Now, let's talk about March the 23rd, 2005.
8 You said you were coming from what floor?

9 A Sixth.

10 Q You live on the 2nd floor, correct?

11 A Yes.

12 Q And on that day you had money on you,
13 correct?

14 A Correct.

15 Q You had \$819 worth of currency on you at that
16 time?

17 A Yes.

18 Q And as you're walking down the stairs it was
19 two other individuals, correct?

20 A No, I was alone, they were standing on the
21 third floor landing.

22 Q On the third floor landing there were two
23 other individuals when the police came, is that
24 correct?

1 A Yes, as I stepped down to the third floor
2 landing he came out the hall.

3 Q And by he you mean Officer Nichols, correct?

4 A Yes, yes.

5 Q And Officer Nichols at that time you said had
6 his gun drawn?

7 A Yes.

8 Q Was he by himself?

9 A Yes.

10 Q And he announced his office?

11 A No.

12 Q What did he do?

13 A He say y'all come out the stairwell, put your
14 hands on the wall in the hallway.

15 Q Again he was by himself, correct?

16 A Yes.

17 Q No backup arrived at that scene, correct?

18 A Correct.

19 Q No backup ever arrived until everybody ran,
20 correct?

21 A His partner was downstairs all the time.

22 Q I said no backup ever arrived upstairs and
23 there were three individuals, correct?

24 A Correct.

1 MR. MAHONEY: Again I object to the form of the
2 question, I don't know if this individual knows what
3 backup is.

4 MR. LASKARIS: Well, nobody else ever arrived.

5 THE COURT: If he doesn't understand it he can
6 tell you.

7 Overruled.

8 MR. LASKARIS:

9 Q So, the officer was with three individuals.
10 Is this a darken stairwell?

11 A No.

12 Q It is a lit area, correct?

13 A Correct.

14 Q And there are a lot of narcotics in that
15 building, correct?

16 A There are narcotic sells going on, yes.

17 Q And that is a pretty dangerous building you
18 would say, correct?

19 You live in that building, right?

20 A Well, yeah, there has been some shootings as
21 of late, yes.

22 Q And when the officer by himself told you to
23 come out of the stairwell everybody ran, correct?

24 A No, we all went and got on the wall. Then

1 BayBay ran so I ran.

2 Q Okay. Now, when you say BayBay ran?

3 A Yeah.

4 Q The officer didn't chase him, correct?

5 A Correct.

6 Q Now, BayBay, have you been with BayBay for a
7 while, have you known him for a while?

8 A Yes, I've known him for a while.

9 Q How long have you known BayBay?

10 A Since like '98.

11 Q And what is his real name, do you know?

12 A Gregory Young.

13 Q And?

14 THE COURT: What is his name?

15 THE WITNESS: Gregory Young.

16 THE COURT: Gregory Young.

17 MR. LASKARIS:

18 Q And you've known him from selling narcotics?

19 A No, he stayed on the first floor in the
20 building.

21 Q Again do you know him from selling narcotics?

22 A I mean he has sold, yes, I've seen him sell.

23 Q You've seen him sell narcotics?

24 A Yes.

1 Q Now, you say BayBay ran, Officer Nichols
2 never chased BayBay, did he?

3 A No. I ran behind BayBay and he say he came
4 behind me.

5 Q Okay. What did -- did you run in the same
6 direction as BayBay?

7 A Yeah, until we got to the first floor.

8 Q And Officer Nichols chased you, correct?

9 A Well, he came out once his partner put me in
10 the car so I don't know if he was up there --

11 Q Let me ask you a question.

12 When you ran, when you ran down the stairs
13 did Officer Nichols chase you?

14 A I mean he came down but I didn't look behind
15 to see him behind me.

16 Q Let me ask you again.

17 When you ran down the stairwell was Officer
18 Nichols behind you?

19 A No.

20 Q When is the first time that you saw Officer
21 Nichols after you went downstairs?

22 A Once I was in handcuffs in the back of the
23 squad car.

24 Q Now, when you went downstairs how many

1 officers were downstairs?

2 A One.

3 Q And that would be Officer Leano?

4 A Yeah, Manny, a little short Chinese guy.

5 Q Have you ever seen him before?

6 A Yes.

7 Q How many times?

8 A A few times. He is Nichols' partner, they
9 are always in the car together.

10 Q You've seen him a few times?

11 A Yes.

12 Q And from July or, excuse me, January 1 of
13 2005 to March the 23rd of 2005 you've seen Officer
14 Leano, correct?

15 A Yes.

16 Q He never detained you, has he?

17 A Yeah.

18 Q Has he ever arrested you?

19 A No.

20 Q First time he arrested you was on
21 March the 23rd of 2005, or present for the arrest,
22 correct?

23 A Yes.

24 Q Now, you know a person by the name of Officer

1 Gonzalez?

2 A Yes.

3 Q And how do you know him?

4 A Because he has arrested me before.

5 Q Has he arrested you before?

6 A Yes.

7 Q Was he downstairs in the lobby?

8 A At March the 23rd, no.

9 Q Was he ever on the scene?

10 A No.

11 Q Do you know a person by the name of Officer,
12 well I'll rephrase it.

13 Now, Officer Gonzalez, you've dealt with him
14 beforehand?

15 A Yes, he used to be in the blue and white in
16 the van.

17 Q Okay. And you did not see him on
18 March the 23rd, 2005, correct?

19 A At the police station, yeah.

20 Q Had you seen him prior to that?

21 A That day?

22 Q Yes.

23 A No.

24 Q How many officers arrived on the scene?

1 A It was just Officer Nichols and his partner
2 Manny was downstairs, DeAndre whatever.

3 Q And you said Officer Nichols had his gun
4 drawn?

5 A Yes, when he entered the hall, yes.

6 Q When Officer Nichols had his gun drawn on the
7 third floor did Twanie run?

8 A No, Twanie was behind like over to this side
9 the furthest from the stairwell.

10 Q Did he run?

11 A I don't know, I know I ran behind BayBay so I
12 don't know. He couldn't have ran because it took
13 Nichols a while to come down the stairs so he had to
14 detain him.

15 Q You're not sure exactly what Twanie did,
16 correct?

17 A Correct.

18 Q Now, when Officer Nichols came down the
19 stairs you said he had drugs on him?

20 A Yeah.

21 Q How many bags?

22 A Two.

23 Q These bags, did you see how many bags are in
24 there, is it two separate bags?

1 A Yeah, but he had them in one hand.

2 Q And you knew the \$819 that was found on your
3 pocket, correct?

4 A Yes.

5 Q There was a custodial search back on -- there
6 was a search on the scene, correct?

7 A Yeah.

8 Q And Officer Nichols performed that search on
9 the scene?

10 A No, Manny, Manny his partner searched me.

11 Q Now, you said --

12 Now, back at the station you were in a room
13 being interviewed, correct?

14 A Yeah, in the tac team room, yeah.

15 Q You were in a tac team room?

16 A I wasn't being interviewed they were doing
17 the paperwork.

18 Q Okay. Now, you said they were doing the
19 paperwork, who was doing the paperwork?

20 A Well, Nichols started the paperwork and Manny
21 does some of it, then Alvin Jones, then Gonzalez and
22 his partner they all added something.

23 Q Now, you said did you actually see Officer
24 Jones type the report?

1 A Yes, I saw all of them type individually pass
2 the paper on.

3 Q So, who is the first person to start typing?

4 A Officer Nichols.

5 Q Who was the second person to start typing?

6 A Manny.

7 Q Who was the third person to start typing?

8 A Gonzalez.

9 Q And who was the fourth person to start
10 typing?

11 A AJ.

12 Q Did anybody else type the report?

13 A Gonzalez' partner Barton, Burton the one with
14 the glasses.

15 Q What is his name?

16 A They say they were showing him how to do it
17 right, they didn't want him to make no mistakes.

18 Q And when they were typing the report you were
19 right there, correct?

20 A Yeah.

21 Q And when you saw them typing the report they
22 are close to you?

23 A Like I'm handcuffed to the wall like this and
24 then there is a desk right here that's where Officer

1 Nichols was sitting at.

2 Q Okay. He is the first one and then Officer
3 Leano started?

4 A Yes.

5 Q And they all took turns typing the report,
6 you saw that, correct?

7 A Yes.

8 Q Now, let's talk about --

9 You were Mirandized, correct, you were given
10 your rights?

11 A No.

12 Q At any time that day were you given your
13 rights?

14 A No.

15 Q Did they tell you why you were being
16 arrested?

17 A Yeah.

18 Q Why were you being arrested?

19 A They said I was being -- they were charging
20 me with the drugs that he came out the building with.

21 Q Did you say anything when they said they were
22 charging you with the drugs?

23 A I said: Nah, y'all can't charge me with
24 those drugs.

1 Q Now, when Officer Nichols came down as you
2 say --

3 Well, when you were being detained you were
4 brought out to the car, correct?

5 A Yes.

6 Q And at that time Sergeant Watts and Officer
7 Jones arrived on the scene, correct?

8 A No. They arrived at the scene once we
9 pulled from the building and was exiting the fire lane
10 they were coming down Browning.

11 Q Okay. So about what five, ten minutes after
12 you are being pulled away is when Officer Jones and
13 Sergeant Ross arrived on the scene?

14 A No, it was like two minutes, if two minutes.

15 Q Okay. So from the time you were detained
16 until the time Officer Jones arrived on the scene was
17 two minutes, correct?

18 A Oh, first you said from the time we were
19 pulling away from the building.

20 Q No, from the time you were detained until the
21 time you saw Officer Jones arrive on the scene how
22 long did it take?

23 A Yeah, that was about five minutes.

24 Q There were present when Officer Nichols

1 approached you. He didn't see them present when
2 Officer Nichols approached you on the stairwell, did
3 you?

4 A No.

5 Q Now, you said you were coming from the
6 sixth floor?

7 A Yes.

8 Q Who is on the sixth floor?

9 A This girl named Dameka.

10 Q Pardon?

11 A This lady named Dameka stay up on the
12 sixth floor.

13 Q And where were you going?

14 A I was going out the building.

15 Q To do what?

16 A Go buy my mother a gift for her birthday.

17 Q And when is your mother's birthday?

18 A March the 23rd.

19 Q What is your mother's name?

20 A Yvonne Baker.

21 Q Yvonne Baker?

22 A Yeah, Yvonne Baker, B-a-k-e-r. Yvonne with
23 a "Y".

24 Q And where does she live?

1 A 15th and Wabash.

2 Q Now, let's go back again to when the police
3 had their gun drawn. BayBay ran, correct?

4 A Yes.

5 Q Then you ran?

6 A Yes.

7 Q You made it all the way down to the lobby?

8 A Yes.

9 Q BayBay wasn't detained, was he?

10 A No, BayBay went out to the back.

11 Q Well, all the stairwells go down to the
12 lobby, correct?

13 A Yeah, both stairwells go down to the lobby.

14 Q And when you went down to the lobby there was
15 an officer down there, correct?

16 A Yeah, when I turned and went to the front
17 yeah. But if I went to the back with BayBay there
18 wouldn't have been an officer there.

19 Q So now you are not following BayBay, correct?

20 A BayBay went one way once we got on the first
21 floor and I went the other way.

22 Q Well you followed him all the way down,
23 correct?

24 A Yeah.

1 Q BayBay went pass the second floor, correct?

2 A Yes.

3 Q You followed him, correct?

4 A Yeah.

5 Q BayBay went pass the first floor, you
6 followed him, correct?

7 A No. When we get to the first floor you can
8 only go either out the back or out the front.

9 Q And that's where BayBay wasn't arrested, was
10 he?

11 A Because no officer was there.

12 Q In fact, you were the only one that was
13 detained, correct?

14 A Yes, but the officer told you he didn't chase
15 nobody but me.

16 Q You are the only person that was detained,
17 correct?

18 A Yes.

19 Q Now, Twanie, is that his name Twanie?

20 A Yes.

21 Q How long have you known him?

22 A I really don't even know him. I just know
23 that's his name, that's what they call him.

24 Q Okay. He sells drugs in that building,

1 correct?

2 A He has.

3 Q And you know that, correct?

4 A Yes.

5 Q You know everybody has been arrested for
6 selling drugs in the building?

7 A No, I don't know.

8 Q The only person who spoke to you after your
9 arrest was Officer Jones, correct?

10 A In the car at the time, yes.

11 Q You never saw, or Officer Watts, Sergeant
12 Watts never spoke with you on March the 23rd, 2005,
13 correct?

14 A Yes, once we got to the police station. He
15 didn't say nothing to me until we got to the police
16 station.

17 Q Pardon?

18 A Not until we got to the police station.

19 Q Well, what did he tell you at the police
20 station?

21 A He said well if I had knew you were some kin
22 to Bat I would have gave him this one.

23 Q And kin to Bat means nephew?

24 A Yeah, but I am not any kin to Bat, my girl

1 is. Well that is her father's friend for a long
2 time.

3 MR. LASKARIS: One moment, Judge.

4 Q Now, regarding Sergeant Watts on prior
5 occasions you say that they busted into your room,
6 correct.

7 You said some people, police officer came
8 into your house?

9 A Yes, she opened the door though.

10 Q Who was present at that time?

11 A Me, Elgin Moore, and Clarissa Glenn on that
12 occasion.

13 Q And when did that happen?

14 A This was like July the 17th of '04.

15 Q Now, at that time was Officer Nichols
16 present?

17 A No.

18 Q Was Officer Leano present?

19 A No.

20 Q Now, at that time you weren't arrested,
21 correct?

22 A Yes, I was.

23 Q And what were you arrested for?

24 A Some stuff they got out of the mailbox like a

1 month ago, a little shorter than a month, it was like
2 June 12th or June -- yeah, sometime in June and they
3 arrested me for it July.

4 THE COURT: All right, what year are you talking
5 about?

6 THE WITNESS: '04.

7 MR. LASKARIS: '04.

8 THE COURT: You say you were arrested in July or
9 in June?

10 THE WITNESS: I was arrested in July, they got
11 the stuff out of the mailbox in June of '04.

12 MR. LASKARIS:

13 Q Now, that case, there was a motion heard on
14 that case, correct?

15 A Yes.

16 Q You were present for that motion, correct?

17 A Yes. Well, actually trial had started.
18 The trial was stopped and the motion was set, a date
19 for motion was set.

20 Q There was a motion set, right?

21 A Yes.

22 Q Correct.

23 And only after that motion was the case
24 dismissed, correct?

1 A Correct.

2 Q The state's attorney didn't walk in and then
3 in the motion and say hey we are dismissing your case,
4 did they?

5 A No.

6 MR. LASKARIS: Nothing further, Judge.

7 THE COURT: Anything else?

8 MR. MAHONEY: Very briefly.

9 REDIRECT EXAMINATION

10 BY MR. MAHONEY:

11 Q Mr. Baker, in response to one of the state's
12 questions you made the statement that the officer told
13 you that he wasn't chasing anybody but you, is that
14 correct?

15 A That is what the officer said on the stand
16 today.

17 Q And that was Officer Nichols?

18 A Yes.

19 Q Now, you were asked about running and when
20 you got to the first floor you say BayBay went out the
21 back and you went out the front, is that correct?

22 A Yes.

23 Q And you ran into Officer Manny, is that
24 correct?

1 A Yes.

2 Q Did you stop?

3 A Yes.

4 Q Did Officer Manny have his gun drawn?

5 A No.

6 Q Did you have a bag of drugs in your hand?

7 A No.

8 Q So, if --

9 So, he told you to stop and you stopped, is
10 that correct?

11 A Yeah, he just put his hand up like that.
12 (Indication.). And I stopped.

13 MR. MAHONEY: Nothing further, Judge.

14 THE COURT: All right, you may stand down.

15 MR. LASKARIS: Judge,

16 (Witness excused.)

17 MR. MAHONEY: The defense rest.

18 THE COURT: You rest?

19 MR. MAHONEY: I rest.

20 (Defense rest.)

21 THE COURT: Yes.

22 MR. LASKARIS: Judge, at this time I can call two
23 officers, Sergeant Watts is not here but I can call
24 two officers for rebuttal at this time.