

EXHIBIT 31

1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS

3

4 THE PEOPLE OF THE)
STATE OF ILLINOIS)
5)
vs.) NO. 05 CR 2558001
6) 06 CR 81001,02
7 BEN BAKER,)
CLARISSA GLENN.)

8

10 REPORT OF PROCEEDINGS of the hearing
11 before HON. MICHAEL TOOMIN, on the 18th day of
12 September 2006.

3

14 APPEARANCES:

15 HON. RICHARD DEVINE,
16 State's Attorney of Cook County, by
17 MR. WILLIAM LASKARIS,
MR. TODD DOMBROWSKI,
Assistant State's Attorney,
appeared for the People;

19 MR. MATTHEW MAHONEY,
appeared for the Defendant.

21 DIONE R. RAGIN
22 2650 S. California Ave., 4C02
Chicago IL 60608
23 Official Court Reporter
C.S.R. #084-004066

24

1 THE CLERK: Ben Baker.

2 THE COURT: Is he here yet from IDOC?

3 THE DEPUTY: I didn't get no paperwork yet.

4 MR. MAHONEY: Do you want to pass.

5 THE COURT: Well, I don't know if the state going
6 to be ready.

7 THE DEPUTY: He just walked in.

8 THE COURT: You don't have to bring him out right
9 now.

10 This is set for jury.

11 Are you going to be ready?

12 MR. LASKARIS: Yes, it should be ready.

13 THE COURT: You should.

14 MR. LASKARIS: Yes.

15 THE COURT: Does that mean you will be?

16 MR. LASKARIS: Yes.

17 THE COURT: And you, sir.

18 MR. MAHONEY: I will not.

19 THE COURT: Why?

20 MR. MAHONEY: Judge, I would prefer -- I have no
21 problem speaking about it on the record but I would
22 prefer to do it in chambers.

23 THE COURT: You know we went through this before.

24 The Supreme Court does not want things said that

1 are not on the record.

2 MR. MAHONEY: No, I don't have a problem being on
3 the record. I have a problem speaking about it in open
4 court.

5 THE COURT: All right.

6 We will pass it then.

7 (Whereupon the matter was passed
8 and recalled)

9 (Whereupon the following
10 proceedings were held in
11 chambers)

12 THE COURT: All right. You wanted talk here about
13 Mr. Baker.

14 MR. MAHONEY: Yes, Matthew Mahoney.

15 THE COURT: Do you want the defendant Clarissa
16 present.

17 MR. MAHONEY: That's not necessary, your honor.
18 They know what this is about.

19 Judge, I have received information approximately
20 ten days ago that an officer -- who is the officer in
21 the case that Mr. Baker was previously convicted and is
22 one of the officers, the leader of the team, that
23 arrested him in this case is present in the case that's
24 set for trial today.

1 I received information that he was seen in a
2 stairwell at the Ida B. Wells with an individuals known
3 to me as Shock, S-h-o-c-k. Who is the individual who he
4 was also identified in DEA reports that I received
5 through discovery as being an individual Watts who
6 accepted bribes from in the past two years ago.

7 Other individuals, not either one of my
8 defendants, but other individuals in the housing project
9 saw Officer Watts and this individual Shock in a
10 stairwell. According to information I received that
11 police officers then moved in and detained Sergeant
12 Watts and that he was then taken away from the scene --

13 THE COURT: They moved what?

14 MR. MAHONEY: Detained Sergeant Watts.

15 THE COURT: Chicago Police Officers or ATF
16 Officers?

17 MR. MAHONEY: The only information was police
18 officer.

19 What I did was I called ASA David Navarro in
20 public corruption and he looked into the matter for me.
21 I was able to ascertain that was not the Chicago Police
22 Department internal affairs division. That they had no
23 knowledge of it. Other than that he was unable to get
24 any additional information. I have no additional

1 information.

2 But I do know from working both sides of the
3 felony in the past that it is not uncommon for federal
4 officials to detain an individual and if that individual
5 indicates a willingness to work with the federal
6 government and gathering evidence on other individuals
7 and it is not unusual at all for an individual to be
8 detained and then immediately released without any fan
9 fair and as a matter of fact a great deal of secrecy.

10 The parties are unable to obtain whether this is
11 completely erroneous or whether or not it's valid. The
12 DEA or FBI certainly will not confirm information like
13 that to a private attorney and probably not to a State's
14 Attorney.

15 And that is the reason why I am not ready for
16 trial. If that is the case, it might have a great
17 impact on Mr. Baker's case.

18 THE COURT: Do you have anything to say?

19 MR. LASKARIS: Judge, the only thing I have to say
20 that all the officers are here. Sergeant Watts is
21 present under subpoena. He is present. And we are
22 going to be answering.

23 If David Navarro from special prosecution has no
24 information, that's the best that the state's attorney's

1 officer can do at this time. He is in special
2 prosecution. He would have excess to individuals that I
3 would not have excess to.

4 So if he cannot not verify it, there is no way --
5 my position for me to verify this information we would
6 be answering ready.

7 THE COURT: You know what you seem to be saying
8 today is something that I heard many many months ago
9 about this sergeant and Navarro was working on this with
10 you.

11 I had a set of reports. I heard those
12 allegations about the sergeant, about his team.

13 Mr. Navarro was involved in an investigation. It
14 went nowhere as far as special pros was concerned. I
15 know from a situation involving other officers who have
16 been the subject of reports in the newspapers in the
17 last week or so and I had had several of their cases.
18 The state has come in after requests for dates and nolle
19 pros'ed two separate cases.

20 I don't know which officers were even involved in
21 those cases. I assume that several of them were. Maybe
22 it's a different investigation.

23 But the state it seems to me is very much in tune
24 to this type of situation which is a very sensitive

1 situation where officers are alleged to have, you know,
2 been involved in shaking down clients or planting drugs
3 or some other shenanigans or illegal activity.
4 Obviously nobody wants to prosecute a case like that nor
5 would they.

6 But you raised that defense when we went to trial
7 on Mr. Baker's earlier case. Simply there was no
8 evidence to support other than your allegations and his
9 testimony which the court obviously did not accept.

10 Now, I don't know that what you've heard now puts
11 a different complexion on this case if at all. If it
12 were to be -- if it were to be let's just assume that
13 that your suspicions, your conjecture has some merit
14 here and that at some point down the line Sergeant Watts
15 and his team are shown to be bad cops and if they have
16 done all the things you have said they did, don't you
17 think that if Mr. Baker suffered a conviction in this
18 case and in the other case where I have found them to be
19 credible don't you think that I would vacate those
20 convictions. I mean I have to and I certainly would.

21 But it seems to me that what you're telling me
22 now is just idol speculation and I don't view it as a
23 reason not to go ahead with this case. There are
24 protections that we all know can be availed of when

1 things crop up later and god knows I don't know. I
2 wasn't out there.

3 But right now it's just appears to me to be
4 blanket allegations that are no different than what you
5 made months and months ago when Navarro listened to them
6 and I listened to them. I maintained a separate file.

7 I know it was an investigation. IAD was involved
8 with these guys at least on the case, and nothing
9 happened. It bore no fruition at all.

10 And so the fact that he may have been seen there
11 with somebody I don't know the validity of that report
12 or the voracity of it or that some other officers other
13 than Chicago Police Officers have grabbed Watts and then
14 let him go. And your theory that perhaps he is doing
15 something for them now, I suppose it could be.

16 But that's all you have is where ever you are
17 getting this information and it's not your observations
18 and as the state indicates here this morning Navarro has
19 no -- he says that Chicago Police Officers didn't snatch
20 this guy. They didn't let him go. They didn't do
21 anything and that's where we're at.

22 MR. MAHONEY: Yes, and, your honor, certainly I see
23 the court's reasoning and I don't have any other
24 information other than reports of people who lived in

1 the projects and I don't know if they are correctly
2 interpreting what they saw, if they saw anything. I
3 simply don't know.

4 That brings us to the second issue, your honor.
5 This morning the state made to me a very concrete offer
6 and is subject to the court's approval in Mr. Baker's
7 remaining cases. And I tentatively discussed those with
8 him this morning and they involve a reduction in class
9 of offenses.

10 And I would also want to look into -- it has been
11 a year since I did an Alfred plea but I don't know if an
12 Alfred plea would be necessary to protect his possible
13 post conviction rights if there does come a time when
14 Sergeant Watts is held to account for what he is alleged
15 to have done.

16 THE COURT: Well, we don't use Alfred pleas. I
17 happen to be working on a post conviction matter where
18 the lawyer quoted a case from Illinois that turned out
19 to be an Alfred plea and they talk about Alfred pleas.

20 I don't know what North Carolina has in the way
21 of protections but I don't recall ever taking an Alfred
22 plea myself. I don't know if there is any mysticism
23 about it.

24 But it seems to me that you have a situation as

1 you have spelled it out and the state has spelled it out
2 where it's like night and day either these are bad cops
3 or they are, you know, that they are renegade cops who
4 are outlaws or you've got some fellas who are feeding
5 you information who just have a vendetta against the
6 police who have been harassing them and arresting them
7 over in the Ida B. Wells project. That's understandable
8 that you can have two sides of the equation saying
9 entirely different things.

10 You know it's like black and white. One is
11 probably right and one is probably wrong. I don't know
12 which one. But I can't conceive of a situation where if
13 things should develop down the line where it turned out
14 that your suspicions are correct and that this guy is
15 tagged at some point that there is a judge in the
16 building I can't conceive the state would object to
17 vacating pleas and even convictions. It just would not
18 be right to allow convictions to if they were based upon
19 outlaw police.

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

1 MR. MAHONEY: And it's my impression as well, your
2 honor. And I wanted to double check on it my belief is
3 that stipulation at a plea that that, in fact, would be
4 the testimony and that if that testimony were believed
5 that it would be sufficient to convict and basically is
6 tantamount to an Alfred plea.

7 THE COURT: I don't think many of us -- or maybe I
8 am mistaken. Maybe some of us do. But I don't recall
9 situations where I ask the defendant did you do this or
10 did you not or whatever.

11 There is all the court has to have to support a
12 valid plea is the admonishments that he is giving up his
13 right to a trial and all the appurtenances of a trial
14 and that there is a factual basis. He doesn't have to
15 agree to the factual basis as long as the state reads it
16 into records and said that's what their evidence will
17 show and you stipulate not to the voracity of it but
18 simply that's what their evidence will show that's a
19 factual basis for a plea, Alfred or not.

20 It is a factual basis. I believe that's all
21 that's required for a valid plea of guilty.

22 MR. MAHONEY: That was my understanding. I just
23 wanted to make sure.

24 THE COURT: That's my understanding.

1 MR. MAHONEY: Your honor, that leave us then with
2 two issue to address. One is the court's approval of
3 the state's offer. I think we might as well address
4 that now.

5 THE COURT: All right.

6 MR. LASKARIS: All these three cases --

7 THE COURT: I may have heard something about this
8 case with the wife at some time for a bond hearing if
9 you can refresh my recollection on it.

10 MR. LASKARIS: There was a bond hearing on
11 January 20th of '06.

12 THE COURT: So has been -- it's the same case?
13 Right? Ben Baker and Clarissa.

14 MR. LASKARIS: Yes.

15 THE COURT: What's this case number?

16 MR. MAHONEY: '06 CR 810.

17 THE COURT: What's the charge? PCSI?

18 MR. LASKARIS: PCSI within a thousand feet.

19 THE COURT: Is it the Ida Wells?

20 MR. LASKARIS: Ida Wells parking lots.

21 THE COURT: Class 1 or X?

22 MR. LASKARIS: Class X.

23 THE COURT: What basically is supposed to have
24 happened here?

1 MR. LASKARIS: December 11, 2005 the officer
2 conducting a narcotic -- they get information that Ben
3 Baker would be transporting some blows. So they set up
4 a narcotic surveillance.

5 In the course of the narcotics surveillance Ben
6 Baker who was driving an automobile with Carissa Glenn
7 was in was a passenger. They blew a stop sign. They
8 run a stop sign. They are pulled over by a marked
9 vehicle.

10 And Officer Jones approaches the defendant's car.
11 He sees Clarissa Glenn hand over a bag to the defendant,
12 Ben Baker, who then puts the bag in the driver's side
13 console.

14 THE COURT: And what's in the bag?

15 MR. LASKARIS: 50 blows.

16 THE COURT: 50 blows.

17 MR. LASKARIS: 50.

18 THE COURT: Any money?

19 MR. LASKARIS: No money.

20 THE COURT: Any statements?

21 MR. LASKARIS: No statements.

22 THE COURT: What's the total weight?

23 MR. LASKARIS: Total weight is 14.1.

24 THE COURT: 14.1 grams.

1 MR. LASKARIS: 5.2 grams are tested.

2 THE COURT: What's his age and her age? They are
3 married, aren't they?

4 MR. MAHONEY: They are married, yes, sir.

5 MR. LASKARIS: She is 34 at the time of the arrest.

6 MR. MAHONEY: He was 33.

7 THE COURT: Okay. He's got other convictions
8 besides the one --

9 MR. LASKARIS: Attempt murder conviction 1993. He
10 has a UUW felon conviction I think in --

11 MR. DOMBROWSKI: 1994, judge.

12 MR. LASKARIS: '94.

13 MR. DOMBROWSKI: And there is a 2002 PCS. He
14 received probation on that.

15 THE COURT: 2000.

16 MR. DOMBROWSKI: 2002.

17 THE COURT: PCS.

18 MR. DOMBROWSKI: Straight Class 4 PCS, judge.
19 Receive probation.

20 THE COURT: What did I have?

21 MR. LASKARIS: You have him on a class X PCS with
22 I.

23 THE COURT: Running through the building there.

24 MR. LASKARIS: You gave him 18 years initially

1 then -- -

2 THE COURT: Reduced it to 14. That was this year,
3 wasn't it?

4 MR. LASKARIS: Few months ago.

5 THE COURT: What are you talking about here?

6 MR. LASKARIS: On the PCS with I case talking about
7 straight PCS would be a class --

8 THE COURT: This is for both defendants? Both?

9 MR. LASKARIS: Both.

10 THE COURT: You are going to reduce to a --

11 MR. LASKARIS: Straight PCS. Still Class 1.

12 THE COURT: Class 1 PCS.

13 MR. LASKARIS: Anything over five grams on PCS
14 Class 1.

15 THE COURT: Five grams. It's 15.

16 MR. LASKARIS: I will reduce it down to -- we
17 talked about it being a Class 1.

18 THE COURT: If it's over 15, it's a one.

19 MR. LASKARIS: Would be Class 1.

20 THE COURT: What would be a Class 1 if you went
21 with the PCS I without the 1000 feet?

22 MR. LASKARIS: It would be Class 1.

23 THE COURT: That's up to 1 to 15 if it's cocaine is
24 a one.

1 MR. LASKARIS: I believe I charged with a Class 1.

2 THE COURT: He probably is.

3 MR. LASKARIS: He is charged Class 1.

4 THE COURT: 1401 D.

5 MR. LASKARIS: Charged.

6 THE COURT: C.

7 MR. LASKARIS: C, one.

8 THE COURT: That's Class 1. That's for both then?

9 Right.

10 MR. LASKARIS: Except if it's more than five grams
11 it's nonprobationable. We can say for her it's less
12 than five grams.

13 THE COURT: What are you talking about for her?

14 MR. LASKARIS: Probation. She has no background.

15 THE COURT: Probation for Clarissa.

16 MR. LASKARIS: With the minimum on him, four.

17 MR. MAHONEY: These are all mandatory consecutive.

18 THE COURT: Yes. He gets back the 18 that I
19 reduced. Okay. I don't have a problem with it.

20 MR. LASKARIS: Plus it's a gun case also.

21 MR. MAHONEY: It's a bullet found in the apartment.

22 MR. LASKARIS: Bullet found in the apartment. He
23 is charged with a Class 22 based on the attempt murder.
24 If we put prior felony Class 4 PCS, that's only Class 3.

1 So I will give him the minimum on that. Two years.

2 THE COURT: Two plus.

3 MR. LASKARIS: Has to be that way or else it's four
4 plus two.

5 THE COURT: I didn't realize it was another
6 indictment. When did they find the bullets?

7 MR. LASKARIS: October 5.

8 THE COURT: So it was different date than this?

9 Right?

10 MR. LASKARIS: This is December 11. This is
11 December 5. That other is 1st of March. So he got 14
12 year on March 1. Then these two came.

13 THE COURT: November 5th.

14 MR. LASKARIS: The exact date is October 12.

15 THE COURT: Now there was another case that I
16 granted a motion on.

17 MR. LASKARIS: Yes.

18 THE COURT: Something with mailboxes.

19 MR. LASKARIS: You granted a motion on that.

20 THE COURT: Was that same cops on that?

21 MR. LASKARIS: Yes.

22 THE COURT: What was the problem with that?

23 MR. LASKARIS: They stuck it in the mailbox.

24 THE COURT: They didn't have permission to go

1 behind to --

2 MR. MAHONEY: They didn't have permission when they
3 put it in there and they didn't have permission when
4 they took it out.

5 THE COURT: Right. They got into the mail room to
6 do that.

7 MR. MAHONEY: Judge, this is for these people this
8 is bad. Obviously Mr. Baker based on his background
9 does have a history being involved in criminal activity.
10 There is no about that.

11 It's also my having been a State's Attorney in
12 public corruption for almost four years it's also my
13 firm belief these officers are corrupt. I can't prove
14 it.

15 THE COURT: You know if you get somebody more than
16 Mr. Baker to say that, you know, obviously with his
17 baggage and he is not going to be a very credible
18 witness for anybody, state or federal. But I don't
19 know.

20 Maybe stranger things have happened and it may be
21 that he is. That he is telling the truth I don't know
22 but on the basis of what we have seen there is just not
23 enough there to credit him.

24 MR. MAHONEY: It's a shame but you are absolutely

1 right.

2 THE COURT: Well, you can tell them both I have
3 given my conditional concurrence.

4 I don't know if you want them admonished or not.
5 I don't know if it's necessary.

6 MR. MAHONEY: Judge, I would still be seeking a
7 date maybe a week or so I can have sometime to talk to
8 them about it and the possible ramifications of going to
9 trial.

10 Mr. Baker, appears to be with the program but.

11 THE COURT: You have got witnesses here today and,
12 you know, I have got the time and I am ready to do it.

13 MR. MAHONEY: If you will give me an hour or so.

14 THE COURT: I will give you that.

15 If we have to pick the jury after lunch, we will
16 do that.

17 I am not going to give it a date just to have
18 them think about it for a while.

19 MR. MAHONEY: If you can give me a half hour.

20 THE COURT: All right. I will give you a half
21 hour.

22 MR. MAHONEY: I will find out right now.

23 THE COURT: Okay.

24 (Whereupon the matter was passed and

1 recalled)

2 THE COURT: We have Mr. Baker and Ms. Glenn before
3 the court.

4 And I understand there has been an agreement
5 that has been reached conditionally; is that correct?

6 MR. MAHONEY: Yes, your honor. Matthew Mahoney on
7 behalf of both defendants.

8 We have reached an agreement with the state
9 subject to your approval.

10 MR. LASKARIS: Judge, at this time the state would
11 be seeking leave to amend count three. Just striking
12 the words more than five grams so it will just read it's
13 heroin which would make it the same class except it will
14 be probation.

15 MR. MAHONEY: No objection, waive reswearing, and
16 reexecution.

17 THE COURT: That will be the same for both Mr.
18 Baker and Ms. Glenn?

19 MR. LASKARIS: Yes.

20 THE COURT: So it will be the same indictment same
21 charges?

22 MR. LASKARIS: Yes.

23 THE COURT: That is in return for an agreed
24 sentence for Mr. Baker of two years on the gun charge.

1 the earlier charge, and four years on this case the
2 possession of intent to deliver. Those would run
3 consecutive to the sentence previously imposed; is that
4 right?

5 MR. LASKARIS: Yes, to 14 years, judge.

6 THE COURT: That's your understanding, Mr. Baker.

7 DEFENDANT BAKER: Yes.

8 THE COURT: And, Ms. Glenn, your case the reduction
9 of the charge in your cases would mean that it is
10 probationable and you will be pleading guilty to that
11 count in return for one year probation; is that your
12 understand, Ms. Glenn?

13 DEFENDANT GLENN: Yes.

14 THE COURT: Do you understand both of you that
15 nobody is forcing you to plead guilty here. Under the
16 law you do have a right to continue with the pleas of
17 not guilty entered earlier and have trials before myself
18 or before a jury that would be impaneled by the lawyers
19 in the case.

20 If either of you did have a jury trial, you could
21 not be found guilty here unless all 12 jurors picked by
22 the lawyers after the evidences concluded -- after
23 hearing the evidence concluded that you have been proved
24 guilty beyond a reasonable doubt. When you have a jury

1 trial that is a standard or burden of proof.

2 If you had a bench trial, I would be bound to the
3 same burden. That is I could not find you guilty unless
4 I were convinced from that you had been proved guilty
5 beyond a reasonable doubt.

6 Do you understand that, Mr. Baker?

7 DEFENDANT BAKER: Yes.

8 THE COURT: And, Ms. Glenn, and each of you have
9 signed jury waivers; correct?

10 DEFENDANT BAKER: Yes.

11 THE COURT: You are giving up your right to jury
12 trial? That's what you want to do?

13 DEFENDANT BAKER: Yes.

14 THE COURT: Ms. Glenn.

15 DEFENDANT GLENN: Yes.

16 THE COURT: It's also important you understand the
17 possible penalty that attaches to these offenses in view
18 of the state's action of reducing the charges.

19 As to Mr. Baker, the charges that are going to be
20 dismissed were class X felony carrying a range of 6 to
21 30 years. You're being allowed to plead guilty to
22 Count 3 which is a Class 1 felony providing for a
23 sentence to 4 to 15 years in the department corrections,
24 a possible fine of \$250,000, mandatory parole period of

1 two years. And by law this sentence would have to be
2 consecutive to the sentence in the gun case which is a
3 Class 4 felony.

4 MR. LASKARIS: Class 3.

5 THE COURT: Providing for a sentence of two to
6 five years and you would be receiving the minimum
7 sentence on that offense. Do you understand that?

8 DEFENDANT BAKER: Yes.

9 THE COURT: Ms. Glenn, you would be pleading guilty
10 to a Class 1 felony providing for a possible sentence of
11 4 to 15 years, a fine up to \$250,00 with mandatory parole
12 period of two years.

13 It is however probationable in your case because
14 it alleges that the amount of Heroin was less than five
15 grams which is the amount that makes this
16 nonprobationable under the law.

17 Those are the charges that are now before the
18 court. That is what the state's attorney would now have
19 to prove.

20 Your lawyer if you did go to trial and either
21 instance would have the opportunity at trial to
22 cross-examine or ask questions of each witness who came
23 to court to testify here against you. You would also
24 have the opportunity to present your side of the story

1 if either of you chose to take the witness stand and
2 testify here under oath. And you would also have the
3 opportunity to present such other evidence that you
4 might have by way of defense to the charges here if
5 indeed you had a defense.

6 When you plead guilty, however you will be giving
7 up of each of those rights.

8 Do you understand that, Mr. Baker?

9 DEFENDANT BAKER: Yes.

10 THE COURT: And you, Ms. Glenn?

11 DEFENDANT GLENN: Yes.

12 THE COURT: Other than the results of the
13 conference that had been made known to the both of you,
14 have there been any other promises made to either of you
15 to cause you to plead guilty?

16 DEFENDANT BAKER: No.

17 DEFENDANT GLENN: No.

18 THE COURT: Has anybody threatened you or coerced
19 you to make you plead guilty, Mr. Baker?

20 DEFENDANT BAKER: No.

21 THE COURT: Ms. Glenn?

22 DEFENDANT GLENN: No.

23 THE COURT: You each are pleading guilty of your
24 own freewill with the full understanding of the

1 consequences that I have explained to you. Is that
2 right?

3 DEFENDANT BAKER: Yes.

4 DEFENDANT GLENN: Yes.

5 THE COURT: Is there a factual basis that would
6 support the pleas here?

7 MR. LASKARIS: Yes, if called to testify the state
8 would call Officer Jones star number 19462 he would
9 testify that on December 11, 2005, at approximately
10 12:12 he was at the address of 511 East Browning Avenue,
11 Chicago, Cook County. He would testify that he pulled
12 up on an automobile driven by Mr. Ben Baker whom he
13 would identify in court who stands before you as a
14 passenger in his vehicle was Clarissa Glenn who he would
15 identify as the defendant who stands before you.

16 And at that time he observed the defendant,
17 Clarissa Glenn, hand to the defendant, Ben Baker, a
18 clear plastic bag. At this time the defendant, Ben
19 Baker, then placed this bag on the driver's side arm
20 rest console.

21 There would be further testimony that he detained
22 both defendants, approached and recovered this bag found
23 to contain 50 zip-lock bags of suspected Heroin. That
24 he inventoried this using proper police procedure under

1 inventory renumber 10659055.

2 It would be further testimony from Penny Evans
3 who is a forensic scientist employed by the Illinois
4 State Police. She would testify that she is qualified
5 in the area of forensic chemistry. There would be
6 further testimony that she tested inventory number
7 10659055 using proper procedures and properly calibrated
8 machines. She would testify that to a reasonable degree
9 of scientific certainty that items inventory number
10 10659055 tested positive for Heroin.

11 MR. MAHONEY: Your Honor, we would stipulate that
12 if those witnesses were called to testify that, in fact,
13 would be their testimony.

14 MR. LASKARIS: In regards to just the defendant,
15 Mr. Ben Baker, under case number 05 CR 25580 there is an
16 amendment to the complaint. We struck the words attempt
17 first degree murder and inserted possession of
18 controlled substance 03 CR 28397. Inserting 89 CR 24840
19 which remained as a Class 3 felony.

20 In regards to the class of that case there will
21 be testimony from Officer Seski (phonetic) star number
22 7520 that at the time that on October 12th 2005 at
23 1925 hours they went to 527 East Browning Avenue,
24 Chicago, Cook County.

1 At that time they spoke with a female by the name
2 of Clarissa Glenn. At that time verbal and written
3 consent was given to search a residence. Through a
4 search of this residence ammunition was recovered.

5 In this residence there would be further
6 testimony that the above offender Ben Baker whom they
7 would identify in open court as the person who stands
8 before you voluntarily stated at the time that those are
9 my bullets but there is no gun here.

10 There would be further testimony by certified
11 copy that the defendant had been previously convicted of
12 a possession of controlled substance under case number
13 89 CR 24840. And that that was his place of abode at
14 the time.

15 MR. MAHONEY: We stipulate that if those witnesses
16 were called to testify that, in fact, would be the
17 testimony.

18 THE COURT: Based upon the responses of the
19 defendants to questions put to them this date, based
20 upon the stipulations that have been entered, the court
21 finds that there is a factual basis for the guilty pleas
22 offered today freely and voluntarily. They will be
23 accepted, spread of record, findings will be entered in
24 the manner and form as charged. These are agreed

1 dispositions. The court is apprised of the backgrounds
2 of both defendants.

3 State have anything further you wish to say at
4 this time?

5 MR. LASKARIS: Judge, we will rest on the
6 agreement.

7 THE COURT: Counsel.

8 MR. MAHONEY: Rest on the agreement.

9 THE COURT: Mr. Baker, anything you want to say.

10 DEFENDANT BAKER: (Shaking head).

11 THE COURT: Ms. Glenn.

12 DEFENDANT GLENN: Yes, I would like to say
13 something. I think it's unfair.

14 THE COURT: Pardon me.

15 DEFENDANT GLENN: I think it's unfair.

16 THE COURT: Unfair. Okay.

17 DEFENDANT GLENN: I believe it's unfair because I
18 don't think that it's right for our case to be here.

19 THE COURT: Your case to what?

20 DEFENDANT GLENN: I don't think it's fair for our
21 case to run together.

22 THE COURT: To run together. You and Mr. Baker.

23 DEFENDANT GLENN: Yeah.

24 THE COURT: You were charged together and you were

1 indicted together. There has been no reason brought my
2 attention of why the case should not include the both of
3 you. No reason for a severance where you would be
4 entitled to be treated separately at a separate trial
5 from Baker. Nothing in the law that's been suggested to
6 me that means that you have conflicting defenses or that
7 there was a statement made by Mr. Baker that implicated
8 you or you said something that implicating him.

9 Those are reasons to have separate trials but I
10 haven't been apprised of anything that would cause that
11 to be the case here.

12 Anything else? Any other reason you have?

13 DEFENDANT GLENN: No.

14 THE COURT: Let me say this to both of you. I know
15 through your lawyer what your position has been with
16 regard to these police officers. I'm keenly aware of
17 that. I know how you feel. I know what your defenses
18 were earlier, Mr. Baker.

19 There has not been sufficient showing me that
20 these are renegade police officer. That they are bad
21 police that they outlaws. If something should happen in
22 the future where has happened before as you may have
23 read about in the paper in the last few weeks police
24 officers do get charged with doing things that are

1 wrong, breaking the law.

2 If that should happen here in this case I would
3 have no hesitation but to vacate all of the guilty
4 findings, judgments, sentences including the 14 years
5 that you're doing now. That just is not the case.
6 There needs to be something more if that indeed has any
7 validity to it at all. From what was presented before, I
8 did not find that to be so.

9 If something should later develop, then I think
10 your lawyer has told you my position and I would vacate
11 these findings and I would toss out these convictions
12 but it's just not the situation that's before me at this
13 time.

14 Do each of you understand that?

15 DEFENDANT BAKER: Yes.

16 DEFENDANT GLENN: Yes.

17 THE COURT: As to Ben Baker it will be the judgment
18 and sentence of this court that he will be remanded to
19 the custody of the department corrections for
20 determinant sentence of two years. That will run
21 consecutive to the sentence imposed in case number 2005,
22 8982. On case number 2006, 810 count three Mr. Baker
23 will be sentence to four years Illinois department
24 correction consecutive to the sentence imposed in case

1 number 2005, 25580. State will nolle pros count 1 and
2 two.

3 As to Clarissa Glenn in case 2006, 810 count
4 three as amended she will be sentence to one year
5 probation the state will nolle pros count one and two.
6 All though each of you have plead guilty and been found
7 guilty the law requires me to tell you that you do have
8 a right to appeal from the these judgments. To do that
9 however you must within 30 days file with the court
10 written motions asking permission to vacate the
11 judgments and to withdraw your guilty pleas.

12 If you were inclined to do that, it would be
13 necessary for you to include each and every reason upon
14 which you rely or they would be waived for appeal and
15 could not be raised on appeal. If you were without
16 funds to do that, counsel could be appointed to
17 represent you and transcripts of the proceedings heard
18 today could be made available to aid your lawyer in that
19 effort.

20 If I allowed you to vacate the judgements and
21 withdraw the pleas, it would not mean the cases would
22 disappear or go away. What would happen is they would
23 be placed back on the trial calendar, eventually set
24 down for trial. If you were found guilty thereafter you

1 could possibly receive the same sentences or any
2 sentence up to the maximum that I told you were possible
3 under these circumstances.

4 Do you understand that, Mr. Baker?

5 DEFENDANT BAKER: Yes.

6 THE COURT: You, Ms. Glenn?

7 DEFENDANT GLENN: Yes.

8 THE COURT: Very well.

9 Does he receive any additional good time. His
10 time would be aggregated so that all sentences credit
11 for good time will be aggregated in the event -- would
12 there be any difference in what he has now.

13 MR. MAHONEY: Your honor. I believe he would be
14 entitled two days credit for the time that he spent
15 prior to posting bond.

16 THE COURT: And that's on which? Both cases?

17 MR. MAHONEY: Two days for each case.

18 THE COURT: Two days time considered served. We
19 can only be put on one case though.

20 MR. MAHONEY: Actually, judge, the defendant
21 informs me that he was in for 30 days before he bonded
22 out.

23 DEFENDANT BAKER: I came to the county December 12
24 and bonded out January 24.

1 THE COURT: On which case, sir?

2 DEFENDANT BAKER: Possession case.

3 THE COURT: Drug case?

4 DEFENDANT BAKER: Yeah.

5 THE COURT: Check the files. If that's the case,
6 we'll adjust it.

7 MR. MAHONEY: Judge, also as to Ms. Glenn's
8 probation, I would ask the court to waive or reduce the
9 probation fees. She is the mother of three children.
10 She is the sole breadwinner in the family.

11 THE COURT: \$10 a month. That's it.

12 MR. MAHONEY: Judge, there is one other thing. Ms.
13 Baker has change addresses since she posted bond. There
14 are no CBR in the courtroom. I didn't anticipate it
15 since I am going to be returning the money in full to
16 her. I will locate a CBR and fill it out.

17 If the court could just inquire of her now as to
18 her consent that I am going to be returning the entire
19 amount to her.

20 THE COURT: Is that what you want.

21 DEFENDANT BAKER: Yes.

22 THE COURT: That's fine.

23 And so the CBR on her cases alone?

24 Right?

1 MR. MAHONEY: Yes, your honor.

2 THE COURT: I will sign it. You fill it out.

3 MR. MAHONEY: Ms. Glenn, would like to hug Mr.

4 Baker.

5 THE COURT: Yes.

6 The court will stand in recess until tomorrow

7 morning.

(Which were all the proceedings
had in the above entitled cause.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS

3

4

5

6 I, DIONE R. RAGIN, Official Court Reporter of
7 the Circuit Court of Cook County, do hereby certify
8 that I reported the proceedings had in the
9 above-entitled cause, that I thereafter caused the
10 foregoing to be transcribed into typewriting, which
11 I hereby certify to be a true and accurate
12 transcript of the proceedings had on this date.

13

14

15

16

17

18

19

20

21

22

23

24


DIONE R. RAGIN,
Official Court Reporter
#084-004066