

EXHIBIT 18

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 JUDGE VALDERRAMA
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717
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14 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
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23 DEPONENT: DAVID NAVARRO

24 DATE: JULY 18, 2023

25 REPORTER: SYDNEY LITTLE

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1 role that Arthur Kirksey may have played in the
2 investigation into Sergeant Watts?

3 A. It did not.

4 Q. Prior to interviewing Mr. Baker and Ms. Glenn,
5 was there any sort of formal proffer agreement that you
6 had with Mr. Baker?

7 A. I don't recall any formal or informal proffer
8 agreement.

9 Q. Mr. Baker -- strike that. Mr. Mahoney
10 approached you about Mr. Baker's allegations after
11 Mr. Baker had a pending criminal case, right?

12 MR. OBERTS: Is this Matt or John?

13 BY MR. STEFANICH:

14 Q. Sorry, Matt.

15 A. Attorney Matt Mahoney approached John Mahoney
16 about it after his -- after the -- after the arrest,
17 yes.

18 Q. Okay. And during your interview with
19 Mr. Baker, he admitted -- Mr. Baker admitted to being a
20 drug dealer at the Ida B. Wells; is that correct?

21 A. That's correct.

22 MR. STARR: Object to form, foundation.

23 BY MR. STEFANICH:

24 Q. And he admitted that he ran the Wells Housing
25 projects; is that correct?

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1 MR. STARR: Form. Foundation.

2 A. I think in some fashion, yes.

3 BY MR. STEFANICH:

4 Q. One of the reasons you told COPA that you
5 found Mr. Baker credible was because he made those
6 admissions; is that correct?

7 MR. STARR: Form. Foundation.

8 MR. OBERTS: Yeah, but I'm going to object to
9 him providing his beliefs and/or impression and/or
10 reasoning as work product and ask him not to answer
11 unless he could answer otherwise without providing
12 such.

13 MR. STEFANICH: Well, I think he already waived
14 any work product by answering the question to
15 COPA.

16 MR. OBERTS: Well, he could answer whether he
17 stated it, but now you're asking his -- like whether
18 or not that seems accurate that he might have said
19 that to COPA. That's one thing that from reading a
20 report, but you're asking him his beliefs of this,
21 that, or the other thing, and that I contest -- I
22 submit it as work product because you're asking him
23 his personal mental impressions or beliefs. So I
24 would object to him answering with regards to that
25 because it is his work product.

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1 MR. STEFANICH: And I guess my position is by
2 him -- by Judge Navarro telling COPA that he found
3 Baker credible because of Baker's admissions about
4 drug dealing, he has waived the work product
5 privilege.

6 MR. OBERTS: Understand your position. I
7 disagree. I'm going to assert that Judge Navarro
8 didn't have Bill Oberts at COPA meeting.

9 MR. STEFANICH: But I just -- I -- I'm
10 submitting that you're asking him this question at
11 this deposition, and I'm asserting it as work
12 product objection and asking him not to answer if
13 he's going to disclose his beliefs, mental
14 impressions.

15 MR. PALLES: If I may, if I may, I believe that
16 if the court reporter read back the pending
17 question, it seemed to me that Brian asked the
18 question you -- that you admitted was okay, that is
19 whether or not Judge Navarro told COPA that the
20 Bakers were credible for one reason or another. I
21 think the -- I think that's what the answer, I mean,
22 the question would reflect.

23 MR. GAINER: Yeah, I agree. This is Brian
24 Gainer. That's exactly what the question was.

25 THE WITNESS: And so --

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1 MR. STEFANICH: Let me ask that question and
2 make sure it's clean transcript.

3 BY MR. STEFANICH:

4 Q. Did you tell COPA that one of the reasons you
5 found Ben Baker credible was because he made admissions
6 about his drug dealing to you?

7 MR. STARR: Form. Foundation.

8 MR. OBERTS: Foundation. But go ahead.

9 A. Yes, I -- yes, I believe I made that statement
10 to COPA.

11 MR. OBERTS: Okay. And I'm sorry if I missed
12 it, I thought you said, did you believe? I didn't
13 hear the part that did you state that --

14 MR. STEFANICH: Sure.

15 BY MR. STEFANICH:

16 Q. You would agree that you didn't use those
17 admissions in any way against Mr. Baker in his criminal
18 case; is that correct? Strike that. You would agree
19 that you didn't tell the line ASAs assigned to Judge
20 Toomin about those admissions; is that correct?

21 A. I -- I did not.

22 Q. Okay. You also told COPA and the FBI that you
23 found Clarissa Glenn credible; is that correct?

24 A. Yes. I believe that's -- that's what's in
25 that report. That's what I told them.

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1 Conversations with whom? Vague and ambiguous.
 2 A. Is it -- is it -- your question, like, whether
 3 that was on the state police side, or whether that was
 4 on the Matt Mahoney/Baker side? Is that the question?
 5 BY MR. PALLES:
 6 Q. Matt Mahoney, right. The Matt Mahoney -- was
 7 it -- well, was it Matt Mahoney who first suggested that
 8 his people might be willing to record conversations?
 9 A. Well, I don't -- that seems unusual, that an
 10 attorney would have made that offer. That seems
 11 unusual. I don't -- I don't remember, but I don't
 12 remember who brought it up.
 13 Q. Okay. Do you recall whether or not Ben Baker
 14 ever suggested to you that he would be willing to wear a
 15 wire?
 16 A. That -- no, I don't recall him saying that
 17 ever.
 18 Q. And how about Clarissa Glenn?
 19 A. No, I don't recall that.
 20 Q. Okay. All right. The -- when you met at the
 21 FBI building -- let me ask you. We talked about the
 22 federal agents. Do you have any recollection as to
 23 whether or not those officials included representatives
 24 of the Department of Justice's Civil Rights Division?
 25 A. I don't -- I don't know.

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1 Q. Okay.
 2 A. It's -- it's possible, but I don't know.
 3 Q. All right. Going back to the COPA statement
 4 and your comments about the credibility of the Bakers,
 5 what you told them. According to the report, this is a
 6 -- one of the reasons that, you know, they were
 7 credible, is that Clarissa, you know, was a -- had stuck
 8 by this guy, and she herself seemed very credible. Was
 9 that accurate about what you told them? Is that accurate
 10 and reflect --
 11 A. I don't -- I don't remember, or I don't -- I
 12 don't understand the question. She had stuff by this
 13 guy?
 14 Q. Stuck. Stuck by him.
 15 A. Oh, stuck, stuck by the guy. Stuck by the
 16 guy.
 17 Q. Yeah. Yeah.
 18 A. If -- if that's what -- if that's what the
 19 report said.
 20 Q. Okay.
 21 A. Yes.
 22 Q. All right. Well, you know, I mean when this --
 23 -- when this subject matter -- well, I start with that.
 24 Matt Mahoney's described Clarissa Glenn as a force of
 25 nature. Would you agree with that?

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1 MR. STARR: Objection. Form and foundation.
 2 Calls for speculation.
 3 BY MR. PALLES:
 4 Q. Based on your encounters with her.
 5 A. I -- I don't remember. I don't know if I
 6 would -- I don't remember my impression enough to give
 7 that characterization.
 8 Q. Okay. When you first met the Bakers and
 9 interviewed them, did you interview them separately or
 10 together?
 11 A. Together.
 12 Q. Okay. And also in the presence of Matt
 13 Mahoney?
 14 A. Yes.
 15 MR. OBERTS: Objection. Form.
 16 BY MR. PALLES:
 17 Q. Okay. And Ben Baker called you at that time,
 18 "Look, I -- I'm a drug dealer, but I wasn't carrying
 19 drugs this particular time." Is that true?
 20 MR. STARR: Objection. Form and foundation.
 21 A. I -- I don't know if he used those specific
 22 words, but in -- in sum, yes.
 23 BY MR. PALLES:
 24 Q. Okay. Have you ever heard any criminal
 25 defendants make similar claims?

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1 MR. STARR: Objection. Form. Foundation.
 2 Similar -- strike that.
 3 A. Yes.
 4 BY MR. PALLES:
 5 Q. Similar claims to, "The police set me up this
 6 time, sure. I have a record." You've heard that
 7 before, right?
 8 MR. STARR: Form and foundation.
 9 A. Well, I -- I guess it -- it --
 10 MR. OBERTS: Objection. Vague. But go ahead.
 11 A. In my role as a -- in Special Prosecutions,
 12 yes.
 13 BY MR. PALLES:
 14 Q. In addition to looking into the disciplinary --
 15 -- Watts' disciplinary history, et cetera, you also --
 16 did you also review Ben Baker's criminal history back in
 17 2005?
 18 MR. STARR: Form. Foundation.
 19 MR. OBERTS: Objection. Compound. Objection,
 20 to the extent it mischaracterizes testimony, and
 21 foundation.
 22 MR. STARR: I'll join that.
 23 A. Did I --
 24 BY MR. PALLES:
 25 Q. Did you -- I'm sorry. You could answer my

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1 Mahoney approaching John Mahoney, and then you getting
 2 assigned to this investigation; is that correct?
 3 MR. STARR: Objection to form. Foundation.
 4 Mischaracterizes prior testimony.
 5 A. Well, I don't know if it -- I -- I can't speak
 6 to what was Matt Mahoney's impetus, but yes, the timing
 7 was after -- after an arrest.
 8 BY MR. GAINER:
 9 Q. Okay. Fair enough. And the allegations of
 10 misconduct by Ron Watts, that were aired to you and that
 11 were the topics of all of these meetings, they were also
 12 shared with Judge Toomin during the course of the
 13 criminal cases that Ben Baker had pending before him; is
 14 that correct?
 15 MR. STARR: Form and foundation.
 16 MR. OBERTS: Foundation and speculation. But
 17 go ahead.
 18 A. I don't know the extent of what was Matt
 19 Mahoney's defense of Baker in the trial before Judge
 20 Toomin, but I believe that the -- the defense was along
 21 the lines of the -- that this was a staged or -- or put
 22 on case, whatever -- however Matt characterized it to
 23 Judge Toomin. Yes, similar to what had been reported --
 24 detailed to me.
 25 BY MR. GAINER:

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1 Q. Okay. And we saw some transcripts of you
 2 appearing before Judge Toomin at various times, while
 3 Ben Baker's criminal trial or criminal case was pending,
 4 right?
 5 A. Correct.
 6 Q. And in those transcripts, do you remember -- I
 7 seem to remember that there were discussions between
 8 you, and Mahoney, and Judge Toomin, about the need for
 9 IAD documents, and the need for continuances so that
 10 Matt Mahoney could look into these allegations. Do you
 11 remember reading that?
 12 A. Yes.
 13 Q. Okay. So at least Judge Toomin was made
 14 aware, prior to maybe the trial that you weren't
 15 involved in, he was made aware of, by you and Matt
 16 Mahoney, that there were these issues outstanding, with
 17 regard to IAD documents and allegations of misconduct by
 18 the police, right?
 19 A. Correct.
 20 Q. And as you just said, your belief is that Matt
 21 Mahoney's defense, ultimately when the case went to
 22 trial, was that, for lack of a better word or better
 23 phrase, the officers put this case on him, right?
 24 A. Correct.
 25 Q. And so the trier of fact heard Ben Baker's

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1 version of, or Matt Mahoney's version of, Ben Baker's
 2 allegations relating to misconduct by the police
 3 officers, specifically Watts, who arrested him, right?
 4 MR. STARR: Form and foundation. Speculation.
 5 A. Yes.
 6 BY MR. GAINER:
 7 Q. And Ben Baker was found guilty anyway, right?
 8 A. Yes.
 9 Q. And your investigation then closed without any
 10 charges being brought against Ronald Watts based on
 11 these allegations, correct?
 12 A. Subsequently, yes.
 13 MR. GAINER: All right. That's it. Thanks for
 14 your time.
 15 MS. MORRISON: I don't have any questions for
 16 you, Judge. Thank you for your time today.
 17 THE WITNESS: Thank you.
 18 MS. MCGRATH: I don't have any questions for
 19 you, Judge. Thanks for your time.
 20 THE WITNESS: Thank you.
 21 REDIRECT EXAMINATION
 22 BY MR. STARR:
 23 Q. Yeah, I just -- I have one follow-up, I know
 24 it's going to get objected to, but I'm just going to
 25 throw it out there. Regarding your determination of

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1 credibility on behalf of Clarissa Glenn, were there
 2 multiple reasons why you found Ms. Glenn credible?
 3 MR. GAINER: I'll object to form. But I was
 4 waiting for the other ones too, Sean.
 5 MR. OBERTS: Yeah. I'm going to object to the
 6 extent it calls for his work product, mental
 7 impressions, or beliefs. The actual beliefs,
 8 whether a number of beliefs would be work product.
 9 I don't know if the actual beliefs and impressions
 10 would be work product, so I'm going to object to the
 11 extent it would call for disclosure of his mental
 12 impressions, beliefs, and/or work product, but if
 13 you can answer factually --
 14 A. I don't -- I don't know that there was -- that
 15 I can say that there was one thing that -- that I --
 16 that I said, oh, there's -- there's one thing, or
 17 there's two things, or three things. I don't know what
 18 was -- at that point, what -- what -- how many things it
 19 was that formed the basis of that -- that note or my
 20 determining she was credible.
 21 BY MR. STARR:
 22 Q. Right. But nonetheless, you found Clarissa
 23 Glenn to be credible, correct?
 24 MR. OBERTS: Objection. Work product. I'd ask
 25 him not to answer, based on his work product.