

EXHIBIT 14

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

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

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

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

19 APPEARANCES:

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

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

1 THE CLERK: Ben Baker, co-defendant
2 Clarissa Glenn: Sheet 1, 2, 3, and 6.

3 MR. MAHONEY: Good morning, your Honor,
4 Matthew Mahoney on behalf of both defendants

5 Judge, this matter comes here today for a
6 bench trial on 05-CR-8982. And the other case is for
7 status.

8 THE COURT: What is the State's position?

9 MS. BREGENZER: Your Honor, my partner is in the
10 back speaking to officers prepared for the trial,
11 we'll find out if there are enough officers here. I
12 believe he spoke to Mr. Mahoney about that.

13 MR. MAHONEY: He has. I am ready, your Honor, I
14 believe the State will be ready but of course I'll
15 leave that up to him.

THE COURT: Good, we'll pass the case then.

17 MR. MAHONEY: You want to give it a status date
18 on the other case?

19 THE COURT: We'll wait to see what happens.

20 (The above-entitled cause was
21 passed and later recalled:)

1 THE COURT: All right, that brings us to Baker.

2 The case we're going on is.

3 MR. MAHONEY: 05-CR.

4 THE COURT: 8982.

5 MR. MAHONEY: Judge, I'm seeking leave to
6 formally file my answer to discovery, I tendered
7 copies to the State, your Honor.

8 THE COURT: This has been faxed to the police
9 department it's okay it has been taken care of.

10 MR. MAHONEY: Judge, this is a fax of my subpoena
11 along with the Court's order that was issued back in
12 October. There is no response on the cover page but
13 I don't believe that any material is missing that I am
14 aware of.

15 THE COURT: True. Okay, Mr. Baker, I have here
16 a jury waiver that apparently you just signed, is that
17 your signature?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You understand by signing this
20 document you are asking to waive or give up your right
21 to a jury trial?

22 THE DEFENDANT: Yes.

23 THE COURT: That is your right to have to
24 exercise or to waive. If you didn't have a jury

1 trial you could not be found guilty here unless all
2 twelve jurors picked by the lawyers after hearing the
3 evidence concluded that you had been proved guilty
4 beyond a reasonable doubt. When you have a jury
5 trial that is the standard for proving you guilty and
6 it is the same whether you have a bench trial or a
7 jury trial.

8 If you had a bench trial I would be bound by
9 the same test or standard. I could not find you
10 guilty unless I was convinced from the evidence that
11 you had been proved guilty beyond a reasonable doubt.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And it is your decision to give up
15 your right to a jury trial?

16 THE DEFENDANT: Yes.

17 THE COURT: Nobody has promised you anything?

18 THE DEFENDANT: No.

19 THE COURT: Threaten you to do this?

20 THE DEFENDANT: No.

21 THE COURT: Doing this of your own free will?

22 THE DEFENDANT: Yes.

23 THE COURT: Jury waiver will be accepted.

24 I got a call downstairs to Judge Biebel I

1 will back in just a few minutes. It will be a short
2 recess.

3 (Short recess.)

4 THE COURT: Okay, both sides are ready?

5 MR. MAHONEY: Yes.

6 MR. LASKARIS: Yes.

7 THE COURT: Come on up, Mr. Baker, have a seat.

8 State have opening?

9 MR. LASKARIS: We'll waive opening.

10 THE COURT: Waive opening.

11 Mr. Mahoney.

12 MR. MAHONEY: Yes, your Honor.

13 OPENING STATEMENTS

14 BY MR. MAHONEY:

15 Your Honor, the allegations in this case
16 involve basically that Chicago police officers caught
17 Mr. Baker with drugs in his possession on
18 March the 23rd of 2005. The State has to prove that
19 allegation beyond a reasonable doubt. But what
20 you're going to hear in this case is that operating
21 behind the scenes of Mr. Baker's cases, I use the
22 plural, is a puppet master. A puppet master by the
23 name of Sergeant Ronald Watts. He is a Chicago
24 police officer, he is a tactical sergeant, and he

1 works in the 2nd District which is where Mr. Baker
2 lives.

3 Judge, you're going to hear that Mr., that
4 Sergeant Watts likes cash, and by that I mean he takes
5 bribes. And he solicited Mr. Baker for a bribe
6 because he believed Mr. Baker to be a narcotic dealer
7 in the Ida B. Wells housing project.

8 Mr. Baker and Mr. Watts had a conversation
9 about that bribe and the upshot of the conversation
10 was that Mr. Baker wouldn't pay it. Sergeant Watts
11 didn't like this, he was disrespected. So Sergeant
12 Watts decided that he was going to pay Mr. Baker,
13 teach him a lesser and put a case on him.

14 Now, the State has the burden of proving his
15 guilt beyond a reasonable doubt. And when this case
16 is through, when you've heard all of the evidence you
17 will see that there is a lot of reasonable doubt
18 because everything that happened in this case has
19 Sergeant Ronald Watts' fingerprints all over it.

20 And, Judge, not only that even the reports as
21 they're written in the testimony that I believe that
22 is going to be given by the officer in this case
23 contains a tale, an internal inconsistency that is
24 indicative and probative of the fact that this was a

1 case that was fabricated. And when the officer
2 testifies about a statement allegedly made by
3 Mr. Baker I believe this Court will see the indication
4 of the fabrication at work.

5 And, Judge, at the conclusion of the case I
6 do not believe that the State will have proven to your
7 satisfaction that there is not a lot of reasonable
8 doubt out there as to Mr. Baker's guilt and we would
9 ask you to find him not guilty.

10 THE COURT: Very well.

11 State may call your first witness.

12 MR. LASKARIS: Judge, we'll call Officer Nichols.

13 THE COURT: Who is that?

14 MR. LASKARIS: Officer Nichols.

15 THE COURT: Nichols?

16 MR. LASKARIS: Yes.

17 THE COURT: Step up, raise your right hand,
18 please.

19 (Witness sworn.)

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OFFICER NICHOLS,

2 a witness called on behalf of the People of the State
3 of Illinois, being first duly sworn, was examined and
4 testified as follows:

DIRECT EXAMINATION

BY MR. LASKARIS:

7 THE COURT: Be seated, please.

8 MR. LASKARIS:

9 Q Officer, would you please state your name,
10 star number, current unit of assignment, please.

11 A Name is Officer Nichols, N-i-c-h-o-l-s.
12 Star No. 12415, currently assigned to the
13 2nd District, Chicago Police Department tac.

14 Q And, directing your attention to
15 March the 23rd of 2005 were you working as a Chicago
16 police officer on that date?

17 A Yes, I was.

18 0 And where were you assigned?

19 A C.H.A. housing complex area, Ida B. Wells.

20 Q And what were your duties.

21 You were a Chicago housing police at that
22 time?

23 A Yes, I am.

24 O And what were your duties as a Chicago

1 housing police officer?

2 A Control the Ida B. Wells housing projects.

3 Conduct premise checks at each and every building.

4 Q And are you familiar with the Ida B. Wells
5 housing complex?

6 A Yes.

7 Q And is that located at 527 East Browning
8 Avenue, Chicago, Cook County?

9 A That's correct.

10 Q And is that C.H.A. property residential at
11 that location?

12 A Yes, it is.

13 Q And based on your experience as a police
14 officer that building is managed by the C.H.A.,
15 correct?

16 A Correct.

17 Q Directing your attention to again
18 March the 23rd, 2005, did you go to the location of
19 527 East Browning Avenue?

20 A Yes, I did.

21 Q And why did you go to that location?

22 A We conducted a premise check for high
23 narcotics activity directed by Sergeant Watts.

24 Q And did you go to that location with anyone?

1 A Yes, I did.

2 Q And who did you go to that location with?

3 A My partner Officer Leano, Star No. 4303.

4 Q Now, you said you went to look for narcotics
5 sells, when you went to that location can you describe
6 the building at 527 East Browning?

7 A There is two stairwells, one sort of to the
8 front and another stairwell to the back but they are
9 all interior.

10 Q And you said you went there, how were you
11 dressed?

12 A Plain clothes.

13 Q And how was Officer Leano dressed?

14 A Plain clothes.

15 Q Now, you went to the location
16 approximately --

17 Did you arrive there approximately 3:45 p.m.
18 in the afternoon?

19 A That's correct.

20 Q And you said you would do a premise check how
21 did you do that?

22 A We start at the bottom and work our way up.
23 We conducted by each floor.

24 Q Let me stop you there.

1 You said you started at the bottom and worked
2 your way up?

3 A That's correct.

4 Q Who was with you at this time?

5 A My part another Officer Leano.

6 Q You said there were two stairwells?

7 A That's correct.

8 Q Interior stairwells?

9 A That's correct.

10 Q Which is the back stairwell and the front
11 stairwell?

12 A That's correct.

13 Q Where did you begin your search of the
14 premise or check of the premise, back stairwell or
15 front stairwell?

16 A Back stairwell.

17 THE COURT: You were in the back stairwell?

18 THE WITNESS: Yes, my partner and I was.

19 MR. LASKARIS:

20 Q And what happened?

21 A As we conducted we went up to the second
22 floor, and didn't see anyone up on the second floor,
23 so we approached the third floor and we saw the
24 defendant.

1 Q Okay. Now, can you describe the, what you
2 saw when you got to the third floor?

3 A As we entered the third floor we went through
4 the back stairwell and you have to make a turn,
5 right-hand turn to get to the front stairwell, and
6 that's where we saw the defendant standing in the
7 hallway.

8 Q From the spot where you made the turn and saw
9 the defendant until the time --

10 How far was the defendant away from you at
11 that time?

12 A Approximately five feet.

13 Q And is there any lighting in that area?

14 A Artificial.

15 Q Now, you said you saw the defendant do you
16 see that person here in court today?

17 A Yes, I do.

18 Q Can you point to him and identify a clothing
19 that he is wearing for the Court?

20 A The defendant left of counsel wearing a white
21 button-down shirt.

22 Q Now, besides the defendant were there any
23 other individuals at that location?

24 A Yes, there were.

1 Q How many other individuals?

2 A Two.

3 Q Now, when you said you saw the defendant what
4 else, what, if anything, happened next?

5 A As we saw the defendant he was holding a
6 clear plastic bag containing numerous smaller Ziploc
7 baggies containing white powder substance suspect
8 narcotics.

9 THE COURT: He is holding what now?

10 THE WITNESS: Clear plastic bag, sandwich bag.

11 THE COURT: And it had what other bags?

12 THE WITNESS: Small Ziploc bags.

13 THE COURT: All right.

14 MR. LASKARIS:

15 Q Now, again when you saw this approximately
16 how many feet away from him were you at this time?

17 A Five.

18 Q And what happened next?

19 A We announced our office. After we announced
20 our office the defendant looked at us and fled down
21 the stairs.

22 Q What did you do at that time?

23 A Gave chase.

24 Q And what happened next?

1 A As we were running down the stairwell I said
2 that we were in a foot chase over the radio. Beat
3 264 Boy, Officer Gonzalez, Star No. 12152, and Officer
4 Bolton, Star No. 15903, detained him in the lobby.

5 Q Let's stop there for a moment.

6 Did you chase the defendant down the
7 staircase?

8 A Yes, I did.

9 Q Approximately how many feet behind him were
10 you at this time?

11 A Probably the same distance, probably three
12 feet I was catching up on him.

13 Q Did you ever lose sight of the defendant in
14 the stairwell?

15 A Within seconds because it wraps around the
16 stairs so within seconds I just lost him.

17 Q And did you chase him down into the lobby?

18 A Yes, I did.

19 Q And when he arrived at the lobby what did you
20 see?

21 A 264 Boy detaining him and him holding a clear
22 plastic bag.

23 Q You saying him holding, who had the clear
24 plastic bag?

1 A The defendant.

2 Q What happened next?

3 A I recovered the bag and placed him in
4 custody.

5 Q Can you describe what was in this bag?

6 A It was 110 clear Ziploc baggies containing
7 white powder substance suspect heroin.

8 Q And you said you placed him into custody.

9 After the defendant was placed into custody did you do
10 anything?

11 A Yes, I performed a custodial search.

12 Q And how did you do that?

13 A I searched him, I went in his pocket and
14 recovered one clear plastic bag containing sixty-eight
15 smaller plastic baggies containing white rock like
16 substance suspect crack cocaine.

17 Q Was anything else recovered as a result of
18 this search?

19 A Yes, it was, \$819 suspect U.S.C. suspect
20 narcotics proceeds.

21 Q And where was that recovered?

22 A In his left pants pocket.

23 Q Now, was the defendant taken back to the
24 police station?

1 A Yes, he was.

2 Q And what station would that be?

3 A The 2nd District.

4 Q And was the defendant interviewed regarding
5 narcotics that were recovered from his person?

6 A Yes, he did.

7 Q And where was he interviewed?

8 A In the tac office in the 2nd District.

9 Q And was the defendant Mirandized at that
10 time?

11 A Yes, he was.

12 Q And did you ask the defendant questions
13 regarding the narcotics that were recovered from his
14 person?

15 A Yes.

16 Q And did the defendant make any statement
17 regarding the narcotics that were recovered?

18 A Yes, he did.

19 Q What, if anything, did the defendant say
20 regarding the narcotics that were recovered from his
21 person?

22 A He stated: Them blows are mine but those
23 rocks ain't.

24 THE COURT: He said what?

1 THE WITNESS: Them blows are mine but the rocks
2 ain't.

3 MR. LASKARIS:

4 Q And you are familiar with narcotics, narcotic
5 transactions, correct, officer?

6 A Correct.

7 Q And what are blows?

8 A Blows are heroin.

9 0 And what are rocks?

10 A Crack cocaine.

11 Q Now, those plastic bags that you recovered
12 from the defendant were they kept in your constant
13 care and custody until you turned them over to Officer
14 Leano?

15 A That's correct.

16 MR. LASKARIS: One moment, Judge.

17 (Whereupon, a brief pause was had:)

18 MR. LASKARIS: Nothing further.

19 THE COURT: You may inquire, Mr. Mahoney.

20 MR. MAHONEY: Thank you, your Honor.

21 | **CROSS-EXAMINATION**

22 BY MR. MAHONEY:

23 Q Mr. Nichols, you stated that when you got
24 back to the 2nd District you gave Mr. Baker his

1 Miranda warnings?

2 A That's correct.

3 Q And after you gave him his Miranda warnings
4 you asked him if he would like to speak to you, is
5 that correct?

6 A That's correct.

7 Q And he said he would, is that correct?

8 A That's correct.

9 Q And he stated: Them blows are mine but the
10 rock ain't. Is that correct?

11 A That's correct.

12 Q Well let's just back up a second here.

13 The blows you said is a street term for
14 heroin, is that correct?

15 A That's correct.

16 Q And rocks is a street term for crack cocaine,
17 is that correct?

18 A That's correct.

19 Q All right. Where did you testify that you
20 recovered the blows, the heroin from?

21 A In his right hand.

22 Q And where did you testify that you recovered
23 the rock, the cocaine from?

24 A In his right pants pocket.

1 Q So, it is your testimony here today that he
2 stated, that Mr. Baker stated to you the stuff in my
3 hand is mine but I don't know nothing about that stuff
4 in my pocket?

5 A That is what he stated.

6 Q Now, you say that on March the 23rd, 2005,
7 you were told to go to 527 East Browning, is that
8 correct?

9 A Yes.

10 Q Who told you to go there?

11 A Sergeant Watts.

12 Q Do you work for Sergeant Watts?

13 A Yes, I do.

14 Q Did Sergeant Watts tell you why he wanted you
15 to go there?

16 A There is high narcotics activity in that
17 building.

18 Q Did he tell you to look for anybody in
19 particular?

20 MR. LASKARIS: Objection, hearsay.

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 MR. MAHONEY:

24 Q Just told you to go there and check that?

1 A That's correct.

2 Q Did Sergeant Watts tell you where to go once
3 you got inside?

4 A No.

5 Q Now, Sergeant Watts is your supervisor,
6 correct?

7 A That's correct.

8 Q How long have you known Sergeant Watts?

9 A I got on his team in November of 2004.

10 Q Did you know him prior to getting on his
11 team?

12 A No.

13 Q And now as your supervisor Sergeant Watts
14 writes your performance reviews?

15 A That's correct.

16 Q Which determines whether or not you are
17 promoted or may get raises or things like that?

18 A No.

19 Q Your performance reviews don't have any
20 effect on that?

21 A We have to take a test to get promoted and
22 our raises are annual.

23 Q Now, does Sergeant Watts approve your time
24 off?

1 A He puts it in but he doesn't approve -- he
2 puts it in.

3 Q And he can choose to put it in or not put it
4 in, correct?

5 A It can get denied not by him by others, by
6 our tac lieutenant.

7 Q Now, do you know from your knowledge if
8 Sergeant Watts that he grew up in Ida B. Wells housing
9 project?

10 MR. LASKARIS: Judge, I object to that question.

11 THE COURT: Overruled.

12 THE WITNESS: I am not -- I don't know, I can't
13 say yes, I can't say no.

14 MR. MAHONEY:

15 Q You say that when you first encountered
16 Mr. Baker there were two other individuals present, is
17 that correct?

18 A Correct.

19 Q Okay. Did you have your gun holstered or
20 drawn at that point?

21 A It was holstered.

22 Q Now, these three individuals did you tell
23 them to do anything?

24 A I announced my office.

1 Q Okay. So you said I'm police?

2 A That's correct.

3 Q And did you tell them to do anything?

4 A No.

5 Q You didn't tell them to get up against the
6 wall?

7 A No.

8 Q Now, at that point what happened next?

9 A As I announced my office I saw the defendant
10 run down the stairs.

11 Q What did the other two individuals do?

12 A I don't know, my attention was to the
13 defendant.

14 Q You weren't looking to see if these other two
15 guys had a gun or anything?

16 A I don't believe they did.

17 Q Well how do you know you weren't look at
18 them?

19 MR. LASKARIS: Objection, argumentative.

20 THE COURT: Sustained.

21 MR. MAHONEY:

22 Q Did you look at these other two individuals
23 to see if they had a gun?

24 A I saw them.

1 Q And then you just started chasing Mr. Baker?

2 A Correct.

3 Q Now, you say that you chased Mr. Baker down
4 the stairs and that another unit took Mr. Baker into
5 custody, is that correct?

6 A No, not into custody.

7 Q Okay, they detained him?

8 A That's correct.

9 Q Okay. When they detained him did they
10 tackle him?

11 A No.

12 Q Did they handcuff him?

13 A No.

14 Q Was he fighting with them?

15 A No.

16 Q He was just simply standing there?

17 A That's correct.

18 Q So he run from you but he stopped for the
19 other officers?

20 A Yes.

21 Q Okay. Now, and you say Mr. Baker, how far
22 is Mr. Baker from these officers who he stopped for?

23 A Excuse me?

24 Q How far was Mr. Baker from the officers that

1 he had stopped for when you had first got down to the
2 first floor?

3 A They were right in front of each other.

4 Q So they were within two to three feet?

5 A That's correct.

6 Q And Mr. Baker wasn't fighting them?

7 A No.

8 Q Wasn't trying to run?

9 A No.

10 Q Did they have their gun on him?

11 A I don't believe so, no.

12 Q But these officers --

13 Mr. Baker has a bag of narcotics in his hands
14 that you could readily detect from five feet away back
15 up on the third floor?

16 A That's correct.

17 Q And they hadn't removed it from his hand?

18 A I was within seconds.

19 Q Now, the state's attorney asked you some
20 questions about your experience, did you go to the
21 police academy?

22 A Yes, I did.

23 Q And were you trained to observe and detect
24 crime?

1 A Not in the police academy but in my field of
2 experience I am.

3 Q So you have experience observing and
4 detecting and looking for criminals, correct?

5 A Yes.

6 Q And you're pretty good at it, aren't you?

7 A I would say so.

8 Q Have you seen Sergeant Watts engage in
9 anything that you think was criminal activity?

10 MR. LASKARIS: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: Excuse me?

13 MR. MAHONEY:

14 Q Have you ever seen Sergeant Watts engage in
15 anything that you might suspect was criminal activity?

16 A No.

17 Q Never?

18 A No.

19 Q And you've worked how long with Sergeant
20 Watts?

21 A Since November of 2004.

22 Q So that would be about a year and-a-half?

23 A A year and-a-half.

24 Q Now, as Mr. Baker was running down the stairs

1 he never tried to throw this bag that was in his hand?

2 A No.

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

4 THE COURT: Very well.

5 Any Redirect, Mr. Laskaris?

6 MR. LASKARIS:

REDIRECT EXAMINATION

BY MR. LASKARIS:

9 Q Sergeant Watts, he is your sergeant?

10 A That's correct.

11 Q And you report to Sergeant Watts, correct?

12 A Yes.

13 Q And you testified what your duties are as a
14 C.H.A. officer?

15 A C.H.A. officer, Ida B. Wells.

16 Q In Ida B. Wells.

17 And Sergeant Watts, is it unusual for

18 Sergeant Watts to direct you to a spot to search for
19 narcotics?

20 A Not at all.

21 MR. LASKARIS: I have nothing further.

22 MR. MAHONEY: Nothing based on that, your Honor.

23 THE COURT: Thank you, sir, you may step down.

24 (Witness excused.)

1 MR. LASKARIS: Judge, we'll proceed by
2 stipulation at this time.

3 THE COURT: Yes.

4 MR. LASKARIS: Stipulation to a chain of custody
5 and chemical composition of recovered substance.

6 Now come the People of the State of Illinois
7 by their attorney Richard A. Divine, State's Attorney
8 of Cook County, through his assistant Bill Laskaris,
9 and the defendant Ben Baker, by and through counsel
10 Matt Mahoney. It is by stipulated by and between the
11 parties that if Officer Leano, Star No. 4303.

12 THE COURT: How do you spell that?

13 MR. LASKARIS: L-e-a-n-o. Star No. 4303 were
14 called to testify he would testify as follows:

15 That on March the 23rd, 2005, he received
16 from Officer Nichols, Star No. 12415, two plastic bags
17 which contained 110 and 68 smaller plastic bags
18 respectively which he kept within the safekeeping and
19 control from the time of receipt until the inventory
20 of said items.

21 That he inventoried those items under
22 Inventory No. 10503356 pursuant to Chicago Police
23 Department inventory procedures by heat sealing them
24 and in an inventory envelope for delivery to the

1 Illinois State Police crime lab.

2 That when the items left his possession they
3 were in a sealed condition. That if he were shown
4 inventory listed in 1B above in open court he would
5 testify that the items are in substantially the same
6 condition with the exception of crime lab notation
7 markings made through in analysis as when they were
8 recovered.

9 It is further stipulated that if
10 Joseph Gillono, G-i-l-l-o-n-o, a forensic chemist with
11 the Illinois State Police crime lab were called to
12 testify he would testify that he received the
13 inventory listed in 1B above in a heat sealed
14 condition from the Chicago Police Department. That
15 said inventory envelope was opened and found to
16 contain 110 and 68 items of plastic bags.

17 That forensic chemist Joseph Gillono employed
18 by Illinois State Police crime is qualified to testify
19 as an expert in the area of forensic chemistry and all
20 the equipment used was tested, calibrated, and
21 functioning properly when the items were tested.

22 That the chemist performed tests commonly
23 accepted in the area of forensic chemistry for as
24 ascertaining the presence of controlled substance on

1 the item described above. That after performing the
2 tests on the contents of 41 of the 110 items and 26 of
3 the 68 items recovered the chemist's expert opinion
4 within a reasonable degree of scientific certainty
5 that the contents of the 41 bags of the 110 that were
6 tested were positive for presence of heroin and the
7 actual weight was 15.3 grams.

8 It is further in his expert opinion within a
9 reasonable degree of scientific certainty that 26 of
10 the 68 bags were tested were positive for the presence
11 of cocaine and the actual weight of the 26 out of 68
12 bags which were tested was 5.3 grams.

13 That the chemist would further testify that
14 the items estimated a total weight of the 110 items
15 would be 41.1 grams and the total estimated weight of
16 the 68 bags would be 13.9 grams.

17 That after the testing and analysis of
18 Inventory No. 10503356 was complete he would further
19 testify that it was again sealed and he would be able
20 to identify in open court as the same items that he
21 tested, that they were still in a sealed condition.
22 And that a proper chain of custody was maintained at
23 all times.

24 So stipulated?

1 MR. MAHONEY: So stipulated, your Honor.

2 MR. LASKARIS: Just so that the record is clear,
3 Judge, the officer identified the defendant in open
4 court.

5 MR. MAHONEY: So stipulated.

6 THE COURT: Yes.

7 MR. LASKARIS: Nothing further, Judge.

8 THE COURT: State rest?

9 MR. LASKARIS: Yes.

10 (State rest.)

11 MR. MAHONEY: Judge, at this time I would make a
12 motion for a directed finding. No argument.

13 THE COURT: Motion is denied.

14 MR. MAHONEY: Thank you, your Honor.

15 At this time the defense would call
16 Mr. Ben Baker.

17 THE COURT: Step up, Mr. Baker, raise your right
18 hand, please.

19 (Defendant sworn.)

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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:

DIRECT EXAMINATION

BY MR. MAHONEY:

THE COURT: Be seated, please.

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 O How old are you?

21 A Thirty-three.

22 O 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 fiancee 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.