EXHIBIT 11

Transcript of Record on Appeal to

05CR008982/A002

FIRST Court of Illinois District

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

BAKER, BEN

FILED APPELLATE COURT
08 NOV -7 AM 11:02
SILVIA M. RAVID
CLERK

from

CIRCUIT COURT of COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE OF TWO VOLUMES
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per DB/PR
Deputy

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

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

THE PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,) Case No. 05 CR 8982-01
-vs-) Charge: Mfg/Del
BEN BAKER,)
Defendant.)

ARRAIGNMENT

RECORD OF PROCEEDINGS had before the Honorable JOHN P. KIRBY, heard on the 27th day of April, A.D., 2005.

FILED
CR-526-2
JUL 05 2007
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

APPEARANCES:

HON. RICHARD A. DEVINE,
State's Attorney of Cook County, by
MS. AIDAN O'CONNOR
Assistant State's Attorney,
appeared on behalf of the People;

MR. MATTHEW MAHONEY
appeared on behalf of the Defendant.

Nancy Muscolino, RPR/CSR No. 084-001532
Official Court Reporter
2650 S. California
Chicago, Illinois 60608
773-869-6065

BAKER GLENN 000318

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THE CLERK: Ben Baker, sheet eight, arraignment.

(Defendant present.)

THE COURT: Mr. Ben Baker?

THE DEFENDANT: Yes.

THE COURT: Sir, you're charged here with the felony offenses of possession of a controlled substance with intent to deliver, 15 grams or more, but less than 100 grams of heroin, Class X felony; possession of a controlled substance with intent to deliver, heroin, on C.H.A. property; possession of a controlled substance with intent to deliver within a thousand feet of Doolittle Grammar School; and possession of a controlled substance with intent to deliver.

Sir, do you have an attorney to represent you in this matter?

THE DEFENDANT: Yes.

THE COURT: Where is he?

THE DEFENDANT: He's not here yet.

THE COURT: What's his name?

THE DEFENDANT: Matt Mahoney.

THE COURT: Is he coming today?

THE DEFENDANT: Yes.

BAKER GLENN 000340

THE COURT: All right. Then we'll pass it.

(Whereupon the case was passed)

* * * * *

THE COURT: Ben Baker.

(Defendant present.)

MR. MAHONEY: Good morning, your Honor. Matthew Mahoney on behalf of Defendant Ben Baker, who is present on bond. Judge, this matter is here for arraign.

THE COURT: Leave to file your appearance is granted. Mr. Baker, you're charged here with possession of a controlled substance with intent to deliver, 15 grams or more, but less than 100 grams of heroin; possession of a controlled substance with intent to deliver, 1 gram or more, but less than 15, cocaine, within a thousand feet of Ida B. Wells; possession of a controlled substance with intent to deliver, cocaine, more than 1 grams, but less than 15, within a thousand feet of Doolittle Grammar School; possession of a controlled substance with intent to deliver.

I'm going to tender a copy of the

BAKER GLENN 000341

complaint to your attorney at this time.

MR. MAHONEY: Judge, I acknowledge receipt, waive formal reading, enter a plea of not guilty.

MS. O'CONNOR: We're asking leave to file motion for and an answer. I've tendered discovery and an offer and a transcript. This defendant does have a violation of probation pending in Judge Toomin's courtroom.

MR. MAHONEY: He's currently out on bond on that violation, Judge.

Judge, I acknowledge receipt of the materials stated by the State. I have some subpoenas out, if we could give this a status date sometime in May.

THE COURT: By agreement, what date?

MR. MAHONEY: May 24th, your Honor.

THE COURT: Not that week. 5-31?

MR. MAHONEY: That's fine, your Honor.

THE COURT: By agreement, 5-31-05, for defense to complete discovery.

MR. MAHONEY: Thank you, Judge. By agreement.

(Case continued to 5-31-05.)

BAKER GLENN 000342

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, NANCY MUSCOLINO, CSR/RPR, an Official Court Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable JOHN P. KIRBY, Judge of said Court.

Nancy Muscolino

Official Court Reporter of the
Circuit Court of Cook County
CSR #084-001532

BAKER GLENN 000343

STATE OF ILLINOIS)
)
COUNTY OF COOK)

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

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff, vs. BEN BAKER, Defendant.	) Indictment No. 05 CR 8982) Charge: Mfg/Del. Heroin

REPORT OF PROCEEDINGS

REPORT OF PROCEEDINGS of the case before the Honorable JOHN P. KIRBY, Judge of said Court, on the 31st day of May, A.D. 2005.

APPEARANCES:

HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by
MS. AIDAN O'CONNOR,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. MATTHEW MAHONEY,
for the Defendant.

Elaine M. Besbekos, CSR
Official Court Reporter
2650 South California
Chicago, Illinois 60608
Lic. No. 084-002574

BAKER GLENN 000344

THE CLERK: Ben Baker, Sheet No. 11. In custody.

MR. MAHONEY: Good morning, your Honor.

Matt Mahoney for the Defendant Ben Baker.

THE COURT: All right. This will be Order of Court, transferred instanter to Judge Toomin.

MR. MAHONEY: Thank you, your Honor.

(WHEREUPON, the above-entitled cause was transferred instanter to Judge Michael Toomin herein.)

STATE OF ILLINOIS)
)
COUNTY OF C O O K)

I, Elaine M. Besbekos, an Official Court Reporter of the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before said Honorable Judge of said Court herein.

Elaine M Besbekos

Elaine M. Besbekos, CSR
Official Court Reporter
License No. 084-002574

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS)
)
vs.) 05 CR 8982
)
BEN BAKER)

REPORT OF PROCEEDINGS

BE IT REMEMBERED that on the 28th day of June, 2005, this cause came on for hearing before the Honorable MICHAEL P. TOOMIN, Judge of said Court, upon the indictment herein, the Defendant having entered a plea of not guilty.

APPEARANCES:

HON. RICHARD A. DEVINE, State's Attorney of Cook County, BY:
MR. JOHN BRASSIL,
Assistant State's Attorney,
on behalf of the People;

MR. MATTHEW MAHONEY,
on behalf of the Defendant.

ROBERT J. MADOCH
Official Court Reporter
Circuit Court of Cook County
County Department - Criminal Division
C.S.R. 84-1194

BAKER GLENN 000347

THE CLERK: Ben Baker.

MR. BRASSIL: Judge, Mr. Ben Baker's new case is 05 CR 8982.

THE COURT: I will add that on sheet one, same name.

THE PROBATION OFFICER: Judge, we ask leave to file supplemental petition for violation of probation in that Mr. Baker has failed to comply with his daily curfew on May 21st at 1:05 a.m. He is in level one of the program. And he is required to adhere to 7:00 p.m. to 7 a.m. curfew.

MR. BRASSIL: Mr. Maloney called yesterday morning. It would be difficult for him to be here at 10:30. He would ask that we set the court date July 28th by agreement.

THE COURT: This guy is continuing to violate his probation. I don't know if I want to do that. How many has he had since he was put on this type of probation? This is a supplemental.

THE PROBATION OFFICER: This is supplemental, yes. The last petition that I'm showing was filed on March 2nd.

THE COURT: March 2nd?

THE PROBATION OFFICER: Yes.

THE COURT: What's the problem with your curfew, Mr. Baker?

THE DEFENDANT: My lawyer got hold of the State's Attorney.

THE COURT: Your lawyer has something going?

THE DEFENDANT: Yeah, what they got me doing. I think we should wait for my lawyer so he could say it.

THE COURT: Do you know anything about that?

THE DEFENDANT: Not him. He is over in the tall building.

THE COURT: Have him here on Friday.

MR. BRASSIL: I will call and inform him, your Honor.

THE COURT: July 1st, motion defendant.

(Whereupon the above entitled cause was passed, after which the following proceedings were had:)

THE CLERK: Ben Baker.

MR. MALONEY: Your Honor, Matthew Maloney on behalf of the defendant. My client has left the building. I was informed the case has been given

a date of July 1st. I can cannot be here --

THE COURT: The State filed another petition for violation of probation.

MR. MALONEY: That's correct, Judge. May we go off the record?

THE COURT: The Supreme Court doesn't want us to go off the record.

MR. BRASSIL: With regard to that, the probation department is seeking to file a violation. I don't think we're asking to continue this much farther. We're asking for the 7th of July. That would be fine with the State. We would agree with that.

THE COURT: The 7th is fine. Tell your client.

MR. MALONEY: I will, your Honor.

(Which were all the proceedings had.)

BAKER GLENN 000350

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

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

I, ROBERT J. MADOCH, Official Shorthand Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the evidence had in the above-entitled cause and that the foregoing is a true and correct transcript of all the evidence heard.

Official Shorthand Reporter
Circuit Court of Cook County
County Department-Criminal Division
Dated: 2 05 07
C.S.R. 84-1194

PL JOINT 000351 BAKER GLENN 000351

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS)
)
vs.) 05 CR 8982
)
BEN BAKER)

REPORT OF PROCEEDINGS

BE IT REMEMBERED that on the 30th day of June, 2005, this cause came on for hearing before the Honorable MICHAEL P. TOOMIN, Judge of said Court, upon the indictment herein, the Defendant having entered a plea of not guilty.

APPEARANCES:

HON. RICHARD A. DEVINE, State's Attorney of Cook County, BY:
MS. MARY BREGENZER,
Assistant State's Attorney,
on behalf of the People.

ROBERT J. MADOCH
Official Court Reporter
Circuit Court of Cook County
County Department - Criminal Division
C.S.R. 84-1194

PL JOINT 000352 BAKER GLENN 000352 BAKER GLENN 000352

THE CLERK: Baker. Mr. Baker was arrested.

MS. BREGENZER: It appears on yesterday, Judge, on the 29th.

THE COURT: There was no warrant issued here.

MS. BREGENZER: Exactly.

THE COURT: Why did they arrest you?

THE DEFENDANT: I was sitting in front of the building.

MS. BREGENZER: He was outside when he should have been inside. It was a gang probation. There are restrictions where he could go.

THE COURT: You're coming back here on the 7th, right?

THE DEFENDANT: My probation said I could sit on the front to catch some air.

THE COURT: I will give you an I-Bond here. Twenty-five thousand dollars.

MS. BREGENZER: Judge, we tried, Mr. Brassil tried to reach his attorney to get him here.

THE COURT: You will get an I-Bond. Be back on 7-7 with your lawyer.

MS. BREGENZER: Thank you, Judge.

(Which were all the proceedings had.)

BAKER GLENN 000353

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

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

I, ROBERT J. MADOCH, Official Shorthand Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the evidence had in the above-entitled cause and that the foregoing is a true and correct transcript of all the evidence heard.

Official Shorthand Reporter
Circuit Court of Cook County
County Department-Criminal Division
Dated: 2-15-07
C.S.R. 84-1194

PL JOINT 000354 BAKER GLENN 000354

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,	
vs.	05 CR 8982-01 Judge Michael P. Toomin July 7, 2005
BEN BAKER	

Court having reconvened pursuant to adjournment.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MR. BUM JOON PARK,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

*****

Peter J. Paris
Official Court Reporter
2650 South California
Chicago, Illinois 60608

BAKER GLENN 000355

THE CLERK: Ben Baker?

MR. MAHONEY: Matthew Mahoney, on behalf of Ben Baker.

Judge, this matter comes before you on a new case and a VOP. We are still in discovery process. We would be seeking a status date.

Judge, also, the defendant has obtained employment, which requires night-time work. We would ask the conditions of his probation be modified to allow him to stay out after 9:00 pm.

THE COURT: State have any comment on that?

MR. PARK: No, Judge.

THE COURT: Motion to -- motion defendant to modify probation to stay the curfew until further order of Court will be allowed.

And what about a date for that?

MR. MAHONEY: August 16th, your Honor?

THE COURT: The 16th.

MR. MAHONEY: Yes.

THE COURT: That's fine.

MR. MAHONEY: By agreement.

THE COURT: By agreement, 8-16, both cases.

(WHEREUPON, the hearing in the above-entitled case was

BAKER GLENN 000356

adjourned and scheduled to reconvene on 8-16-05.)

BAKER GLENN 000357

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Peter J. Paris, an Official Court Reporter in the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the aforementioned cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript taken to the best of my ability of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said Court.

Official Court Reporter

Dated this 31st day
of MAY, 2007.
CSR# 084-002875

BAKER GLENN 000358

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

VS.

BEN BAKER,

Defendant.

No. 05CR8982

REPORT OF PROCEEDINGS HAD

at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division, on the 16th day of August, 2005.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. THOMAS MAHONEY,
Appeared on behalf of the Defendant.

*****

Jacqueline M. Shenberger
Official Court Reporter
Circuit Court of Cook County, Illinois
Criminal Division

BAKER GLENN 000359

THE CLERK: Ben Baker.

MR. MAHONEY: Matthew Mahoney on behalf of Mr. Baker.

Judge, this matter is here for status today. At this point we'll be asking to set this down for a bench trial.

MS. NAZARIAN: He has the substantive case and the VOP. We'll proceed on the substantive case, which is 05CR8982.

THE COURT: Okay.

MS. NAZARIAN: We had previously made that election on May 31st.

THE COURT: Has the Defense filed its answer?

MR. MAHONEY: I have not filed an answer, I will file an answer. I have no affirmative defenses and no witnesses.

THE COURT: No affirmative defenses and no witnesses other than who's in the police reports.

MR. MAHONEY: Exactly.

THE COURT: You say a bench trial?

MR. MAHONEY: Yes, your Honor.

THE COURT: This is an '05 case.

BAKER GLENN 000369

Early '05 case.

MR. MAHONEY: Judge, anywhere from the middle of September on.

THE COURT: Uh?

MR. MAHONEY: Anywhere from the middle of September.

THE COURT: How about the 22nd of September?

MR. MAHONEY: I have 115-10 hearing in Rolling Meadows on that date.

THE COURT: How about the 29th?

MR. MAHONEY: I have a bench trial at the Daley Center.

How about the 28th?

THE COURT: The 28th is okay.

MS. NAZARIAN: By agreement.

THE COURT: By agreement 9-28 with for bench on the elected case.

(FURTHER PROCEEDINGS CONTINUED TO 9-28-05)

BAKER GLENN 000361

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

I, JACQUELINE SHENBERGER, an Official Court Reporter of the Circuit Court of Cook County, Illinois, hereby certify that I reported in stenographic notes the proceedings had in the above-entitled matter taken before the Honorable MICHAEL P. TOOMIN; that I thereafter caused the foregoing to be transcribed into typewriting, and further certify that the foregoing is a true and accurate transcript of the proceedings had on this date.

Official Court Reporter

Jacqueline Shenberger
Official Court Reporter
License No. 084-001524

BAKER GLENN 000362

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

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

THE PEOPLE OF THE STATE OF ILLINOIS
VS
BEN BAKER

Case No. 05-8982

Before JUDGE MICHAEL TOOMIN

9/28/05

Court convened pursuant to adjournment.

Present:

HONORABLE RICHARD DEVINE,
State's Attorney of Cook County, by
MR. WILLIAM LASKARIS
Assistant State's Attorney,
appeared for the People;

MR. MATTHEW MAHONEY
appeared for the defendant.

Paul P. Marzano, CSR, RPR
Official Court Reporter
2650 S. California, Room 4C02
Chicago, IL 60608
License #84-001789

BAKER GLENN 000363

THE CLERK: Baker, sheet seven.

THE COURT: No, it's sheet one and six.

MR. MAHONEY: Good morning, your Honor.

Matthew Mahoney on behalf of the defendant, Ben Baker. This matter was set for trial. However, it's come to my attention that there is some pertinent information I would need to acquire before trial.

I'm asking for a continuance. I would ask the Court to sign an order for the internal affairs division of the Chicago police department's files on Officers Watts, Jones, Gonzalez and Nicholas to be delivered to your Honor on or before the next court date.

THE COURT: From IA.D?

MR. MAHONEY: Yes, your Honor.

MR. LASKARIS: Judge, the State is asking that this be an in camera inspection and that no record be --

MR. MAHONEY: I wrote that in the order for an in camera inspection.

THE COURT: Yeah, they will deliver them here. Now are we going to reset this for a trial date?

MR. LASKARIS: We can set a quick status date.

BAKER GLENN 000364

THE COURT: We'll set a date of October -- the week of the 17th. Give me any date you want in there for a status date.

MR. MAHONEY: The 17th.

THE COURT: 10-17 without and we'll reset it. And you should have the materials here and review them by then.

MR. MAHONEY: Thank you

(A continuance was taken to 10-17-05)

STATE OF ILLINOIS.)
) SS.
COUNTY OF C O O K)

I, PAUL P. MARZANO, CSR, RPR, Official Court Reporter for the Circuit Court of Cook County, Illinois Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript of the report of proceedings had before the Honorable MICHAEL TOOMIN, Judge of said court.

Official Court Reporter,
License #84-001789

Dated this 22nd day
of FEBRUARY, 2007.

STATE OF ILLINOIS)
)
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - COUNTY DIVISION
FIRST MUNICIPAL DISTRICT

THE PEOPLE OF THE)
STATE OF ILLINOIS)
)
VS.)
)
BEN BAKER)

REPORT OF PROCEEDINGS

BE IT REMEMBERED, that the above-entitled cause came on for hearing before the Honorable LAURA SULLIVAN Judge of said Court, on Saturday, the 15th, day of October, A. D., 2005.

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by;
MR. FRED SHEPPARD,
Assistant State's Attorney,
appeared on behalf of the People;

MR. EDWIN BURNETTE,
Public Defender of Cook County, by;
MR. ANAND SUNDARAM,
Assistant Public Defender,
appeared on behalf of the Defendant.

A1

BAKER GLENN 000367

THE COURT: Ben Baker.

There is probable cause to detain as to the charge of unlawful use of weapons by a felon.

What is the defendants background for the purpose of bond?

MR. SHEPPARD: He has three prior felony convictions and one attempt murder conviction in his background and a pending felony.

THE COURT: Counsel.

MR. SUNDARAM: The defendant is thirty-three years of age, and he is a life long resident of the City of Chicago, we would be asking for a reasonable bond.

THE COURT: $90,000.00, motion State to the 21st and I will note the defendants demand for trial.

(which were all of the proceedings had in the above-entitled cause.)

H.2

BAKER GLENN 000368

STATE OF ILLINOIS)
COUNTY OF C O O K)

I, ROBERT T. ZIENTY, Official Court Reporter of the Circuit Court of Cook County, County Department, Municipal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the above Report of Proceedings, which I hereby certify is a true and correct transcript of the proceedings, had before the Honorable LAURA SULLIVAN, Judge of this court.

Robert T. Zienty

Official Court Reporter

H-3

BAKER GLENN 000369

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

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

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
BEN BAKER,
Defendant.

Criminal
No. 05-08982
Charge: Poss Amt Con Sub, etc.

REPORT OF PROCEEDINGS had of the hearing in the above entitled cause, before the Honorable MICHAEL P. TOOMIN, Judge of said court, on the 17th day of October, 2005.

APPEARANCES:

HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by:
MS. MARY BREGENZER,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. MATTHEW MAHONEY,
for the defendant.

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

PL JOINT 000370 BAKER GLENN 000370

THE CLERK: Ben Baker; sheets 2 and 3.

MR. MAHONEY: Good morning, your Honor.

Good morning, your Honor, Matthew Mahoney, M-a-h-o-n-e-y, on behalf of the defendant Ben Baker.

THE COURT: Yes.

MR. MAHONEY: Judge, the -- on the last court date the Court signed an order for the Internal Affairs records of several officers. I prepared the subpoena, attached the Court order to it, sent it certified mail to the deputy director of Internal Affairs. It was for an in-camera inspection so I would have no knowledge as to whether or not those materials have arrived to the Court.

THE COURT: There is a gentleman that brings that material over from the police department whenever we order the CRs. I haven't seen him on this case yet so did you indicate a court date for that?

MR. MAHONEY: It was for today's date. I sent the subpoena out on October the 4th, certified mail along with a copy of the court order.

THE COURT: Well, I don't see them here yet.

MR. MAHONEY: I also need to inform the Court that there has been an intervening arrest. The defendant has a preliminary hearing date of

PL JOINT 000371 BAKER GLENN 000371
BAKER GLENN 000371

October the 19th at Branch 44, it involves some of the same officers whose files were requested. And during that course of that arrest a lieutenant had Mr. Baker prepare and sign a statement about one of the other officers involved and that lieutenant kept that statement. I just became aware of this and I'm going to have to spend some time trying to track down that statement. The statement did not involve confession to the alleged new offense but as to the conduct of the officers at the scene including the conduct of one of the officers whose --

THE COURT: Why would your client sign such a statement he is represented by you. Wouldn't he know better than to sign a statement without having --

MR. MAHONEY: The statement did not involve his guilt or innocence, it involved the conduct of the officer. They are highly usual circumstances, your Honor, I am aware of that.

THE COURT: I don't know what relevance it has to this case if any.

MR. MAHONEY: Nor do I.

THE COURT: Is there a pending matter before IAD or OPS?

MR. MAHONEY: No.

PL JOINT 000372 BAKER GLENN 000372
BAKER GLENN 000372

THE COURT: Well maybe there will be.

MR. MAHONEY: I certainly agree.

His next court date on the new charge is the 19th in Branch 44.

THE COURT: I don't know that you're going to have any action on your subpoenas here by that date, that's just two days from now.

MR. MAHONEY: Yes, I am aware of that, your Honor, so could I suggest that we come back here maybe either on the 24th or the 31st to see what I've discovered and to see what has happened to Branch 44.

THE COURT: Either date you want. The 24th is just next Monday how about the 31st.

MR. MAHONEY: The 31st would be fine.

THE COURT: Now, wasn't this case set for trial at one time?

MR. MAHONEY: It was, your Honor.

MS. BREGENZER: We were ready at that time.

THE COURT: What happened?

MS. BREGENZER: They were requesting the IAD records. We had the officer here, Judge.

THE COURT: Okay, 10-31, by agreement both matters.

MR. MAHONEY: By agreement for status. Thank

PL JOINT 000373 BAKER GLENN 000373
BAKER GLENN 000373

you.

(The above-entitled cause was continued to October 31, 2005.)

PL JOINT 000374 BAKER GLENN 000374

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, Jewel Williams, an Official Court Reporter for the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the Report of Proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Official Court Reporter
084-001757

PL JOINT 000375 BAKER GLENN 000375

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,
vs.
BEN BAKER, Defendant.
No. 05 CR 8882

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause, before the HONORABLE MICHAEL P. TOOMIN, Judge of said court, on the 28th day of November, 2005.

PRESENT:
HON. RICHARD A. DEVINE, State's Attorney, of Cook County, by:
MS. NANCY NAZARIAN,
Assistant State's Attorney,
on behalf of the People;

MR. MATHEW MAHONEY,

appeared on behalf of the Defendant.

Annette Cesario
Official Court Reporter
Criminal Division
CSR #84-2529

BAKER GLENN 000376

THE CLERK: Ben Baker.

MR. MAHONEY: Mathew Mahoney on behalf of the defendant on bond. Mr. Navaro couldn't be present today but we agreed on December 8th, if that's okay with the Court, for status.

THE COURT: 12/8, both cases, that's agreeable.

MR. MAHONEY: Thank you, Your Honor.

(Which were all the proceedings had on the above-entitled cause, this date.)

BAKER GLENN 000377

STATE OF ILLINOIS)
COUNTY OF C O O K)

I, ANNETTE C. CESARIO, Official Shorthand Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed on a computer, which I hereby certify to be a true and accurate transcript of all the evidence heard.

Certified Shorthand Reporter
Circuit Court of Cook County
County Department-Criminal Division

Date: 1/30/07

BAKER GLENN 000378

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS)
)
vs.) No. 05-CR-8982-01
)
BEN BAKER)

REPORT OF PROCEEDINGS had at the hearing in the above-entitled cause before the HONORABLE MICHAEL P. TOOMIN, Judge of said court, on the 8th day of December 2005.

PRESENT:

HONORABLE RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by:
MR. DAVID NAVARRO,
ASSISTANT STATE'S ATTORNEY,
appeared on behalf of the People;

MR. MATTHEW MAHONEY,
appeared on behalf of the Defendant Ben Baker.

Annette M. Golab
Official Court Reporter
License No. 084-001693

BAKER GLENN 000379

THE CLERK: Ben Baker, Sheets 1, 3 and 7.

MR. MAHONEY: Good morning. Matthew Mahoney on behalf of Ben Baker.

MR. NAVARRO: David Navarro on behalf of the People.

THE COURT: Good morning. As the Clerk indicated, he is here on a new matter 2005-CR-25580, charged with a UUW by a felon. Tender the charges to Counsel.

MR. MAHONEY: Judge, acknowledge receipt, waive formal reading, enter a plea of not guilty.

THE COURT: The record will reflect defendant has been arraigned in open court, enters a plea of not guilty. Is the State filing anything today?

MR. NAVARRO: No, Judge. We haven't received that file yet.

THE COURT: Are you filing anything today?

MR. MAHONEY: No, I am not, your Honor.

THE COURT: What is the bond situation on this case?

MR. NAVARRO: It is a direct indictment.

MR. MAHONEY: After dismissal at the preliminary hearing stage.

MR. NAVARRO: Bond needs to be set. We have no objection to an I-bond, Judge.

THE COURT: I will set a $25,000 signature bond. Mr. Baker, you are not required to put up any money. By reason of signing the bond you will be guaranteeing the Court that you will be here each time the matter is here. If you are not here you could be liable for the entire amount of the bond, and a warrant would issue for your arrest.

More importantly, if this matter does go to trial, if you are not here at the trial date you could be tried in your absence. If that happened you would forfeit the right to be here to face your accusers, tell your own side of the story and otherwise participate with your lawyer in the defense of the case.

If you were found guilty under those circumstances you could also be sentenced in your absence and the only thing remaining to be done would be to serve whatever type of sentence was imposed. Do you understand?

THE DEFENDANT: Yes, sir.

MR. MAHONEY: Judge, we have developments we

BAKER GLENN 000381

are working for. If we can have January 26th by agreement for status.

THE COURT: January 26, 2006 without on all cases. You have to remain to sign the bond, Mr. Baker. So they will call you up when it is ready.

MR. MAHONEY: Thank you, your Honor.

(Whereupon, the above-entitled cause was continued to January 26, 2006.)

BAKER GLENN 000382

STATE OF ILLINOIS)
)
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

I, Annette M. Golab, an Official Court Reporter for the Circuit Court of Cook County, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Annette M. Golab
Official Court Reporter
License No. 084-001693

Dated this 15th day
of March, 2007.

BAKER GLENN 000383

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, MUNICIPAL DEPARTMENT FIRST MUNICIPAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
BEN BAKER
Defendant.

Branch 1
No. 05-CR-8982

REPORT OF PROCEEDINGS had in the above-entitled cause, taken before the HONORABLE COLLEEN ANN HYLAND, Judge of said Court, on Tuesday, December 13th, 2005.

APPEARANCES:

HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by:
MS. PAMELA STRATIGAKIS,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. EDWIN A. BURNETTE,
Public Defender of Cook County, by:
MR. PORTER MERIWETHER,
Assistant Public Defender,
Appeared on behalf of the Defendant.

COURT REPORTER:

GINA M. LYNCH, C.S.R.
Official Court Reporter
69 WEST WASHINGTON - 9th Floor
Chicago, Illinois 60602

BAKER GLENN 000384

THE COURT: Ben Baker. Finding of probable cause to detain to the charge of P.C.S. In addition, there is an outstanding warrant for your arrest on a V.O.P. and V.O.B.B. According to the arrest report, it indicates probation violation. I guess they would be able to able to pull that if that is the case, but you don't have any information as to that?

MS. STRATIGAKIS: I don't. However, if that is a V.O.P. matter?

MR. MERIWETHER: What is the number on the case?

THE COURT: 05-992.

MR. MERIWETHER: That is the probation case.

MS. STRATIGAKIS: We will withdraw the V.O.P.

THE COURT: We don't have the warrant so keep the V.O.P. so here is my suggestion: Just keep the V.O.P. --

MR. MERIWETHER: Will you continue the V.O.P. until tomorrow. If this is a warrant it can ve resolved since he is in custody. I believe it is for Judge Toomin.

THE COURT: That is fine.

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

BAKER GLENN 000385

STATE OF ILLINOIS)
) SS:
COUNT OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, MUNICIPAL DEPARTMENT-FIRST MUNICIPAL DISTRICT

I, GINA M. LYNCH, Official Court Reporter of the Circuit Court of Cook County, Municipal Department-First Municipal District, do hereby certify that I reported in shorthand the proceedings had on the hearing in the aforementioned cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the Report of Proceedings had before the Honorable COLLEEN ANN HYLAND, Judge of said court.

Gina M. Lynch

GINA M. LYNCH, C.S.R.
C.S.R.#084-003445

Dated this 27th day of March, 2007.

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,

vs. No. 05 CR 8982

BEN BAKER.

REPORT OF PROCEEDINGS HAD at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division, on the 14th of December, 2005.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

*****

Barbara A. Evans
Official Court Reporter

PL JOINT 000387 BAKER GLENN 000387

THE CLERK: Ben Baker.

MR. MAHONEY: Matt Mahoney on behalf of defendant Ben Baker who is in custody but is not present, your Honor.

THE COURT: All right. He was here yesterday. Do you know anything about this case?

MR. MAHONEY: I do. I am very, very familiar with it. He is not here today but I have spoken with him on the telephone five minutes ago and I can make a representation to the Court that he has no objection to this Court setting an I bond or D Bond on the violation of probation.

THE COURT: Did Baker go down someplace yesterday on a new case?

MR. MAHONEY: Yes, he did.

THE COURT: What was his bond?

MR. MAHONEY: They set it at no bond because of the violation of probation.

MS. NAZARIAN: I have not spoken to Mr. Navarro but I do know that he has been very involved in this case. I did see him speaking to people about the case following court yesterday so I will accept Mr. Mahoney's representation.

PL JOINT 000388 BAKER GLENN 000388

MR. MAHONEY: If the court would be so inclined I would waive the defendant's appearance, your Honor.

THE COURT: Okay.

MR. MAHONEY: Apparently this stems from a certain individual unhappy with the last court's bond.

THE COURT: Well, it's an unusual situation. It's my understanding that some input, there was some other input to IID or ODS. I am going to set an I bond on this case. $35,000. Do you know when he goes back to court on the new case?

MR. MAHONEY: January 3rd at Branch 48.

THE COURT: 3rd?

MR. MAHONEY: Yes.

THE COURT: Well, I will reset it for the 6th, here, if that's convenient for you.

MR. MAHONEY: I am picking a jury. How about the 5th?

THE COURT: The 5th is fine.

MR. MAHONEY: So, we will strike the previous date of 1-26?

THE COURT: That's when it's on?

PL JOINT 000389 BAKER GLENN 000389

MR. MAHONEY: January 26th was the previously set court date. Strike that.

THE COURT: Yes, we will make it the 5th to find out what happened in the case.

MS. NAZARIAN: The 5th.

THE COURT: Yes, the 5th, both cases.

MR. MAHONEY: So 35,000 composite I on the violation of probation and VOBB?

THE COURT: Well, he has an active case and a probation; is that right?

MR. MAHONEY: Yeah.

THE COURT: Well, anything before me will be a composite bond, both probation and new case -- not the new case but the pending case.

THE CLERK: So, send that to the jail if he is not here?

THE COURT: Won't they do an I bond in the jail?

MR. MAHONEY: I think so.

THE COURT: All you do is say that he is to be released, they will release him over and he signs the bond.

THE PROBATION OFFICER: He has two pending matters.

PL JOINT 000390 BAKER GLENN 000390

MR. MAHONEY: Now he has three pending matters including the case in Branch 48.

THE COURT: Apparently this is the probation '02, add that on to the sheets and make the bond be for all three cases. Okay.

MR. MAHONEY: Thank you, Judge.

(WHEREUPON, the case was continued to 1-5-06.)

PL JOINT 000391 BAKER GLENN 000391

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Barbara A. Evans, C.S.R., an Official Court Reporter in the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the aforementioned cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript taken to the best of my ability of the proceedings.

Barbara A. Evans
Official Court Reporter

Dated this 3rd day of May, 2007.

CSR# 084-002722

PL JOINT 000392 BAKER GLENN 000392

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff, -vs- BEN BAKER, Defendant.) No. 05 CR 08982-01) Charge: Delivery of Controlled Substance

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause before the Honorable MICHAEL P. TOOMIN, on the 5th day of January, A.D., 2006.

PRESENT:

MR. WILLIAM LASKARIS,
Assistant State's Attorneys,
for the People.

MR. MATTHEW MAHONEY,
for the Defendant.

Christina F. Basis-Prinzi, CSR 084-001769
Official Court Reporter
2650 South California Avenue #4C02
Chicago, Illinois 60608
773-869-6065

THE CLERK: Ben Baker.

MR. MAHONEY: Matthew Mahoney on behalf of the defendant, Ben Baker.

Your Honor, Mr. Baker had picked up a new case and the preliminary hearing was set for Tuesday; however, through what I believe is a bureaucratic snafu, Special Prosecutions in narcotics chose to indict the case before the preliminary hearing so that case has been indicted. It is going to be in front of the chief judge on the 20th of January.

THE COURT: The 20th?

MR. MAHONEY: The 20th. I am assuming it will be assigned to this court.

THE COURT: It should be.

MR. MAHONEY: We will be asking by agreement to January 20.

THE COURT: Is that agreeable to the State?

MR. LASKARIS: Yes, judge.

THE COURT: January 20 by agreement all three cases.

MR. MAHONEY: Oh, I'm sorry, judge. On Mr. Baker, we had a previously scheduled date of January 26. In view of the January 20 date, I would ask leave to strike the January 26 date.

THE COURT: Well, for some reason, the cases all

appeared today so that date -- We would be coming back before that date anyway.

MR. MAHONEY: Correct.

THE COURT: So it shouldn't matter.

MR. MAHONEY: I just wanted to clear that up.

(The matter was continued to January 20, 2006.)

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

I, CHRISTINA F. BASIS-PRINZI, Official Shorthand Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the evidence had in the above-entitled cause and that the foregoing is a true and correct transcript of all the evidence heard.

Christina F Basis-Prinzi

CHRISTINA F. BASIS-PRINZI

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	
VS.	No. 05 CR 8982 Charge: Manufacture & Delivery of Heroin
BEN BAKER, Defendant.	

REPORT OF PROCEEDINGS HAD

at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division, on the 20th day of January, 2006.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. NANCY NAZARIAN,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

*****

Charles T. Coleman
Official Court Reporter
Circuit Court of Cook County, Illinois
Criminal Division

BAKER GLENN 000397

THE CLERK: Ben Baker, Clarissa Glenn. Sheets 22 and 23.

THE COURT: Where is Mr. Mahoney? I thought I saw him.

A DEFENDANT: He is back there.

THE SHERIFF: He is back here.

MR. MAHONEY: Good morning, your Honor. Matthew Mahoney on behalf of Ben and Clarissa Baker.

THE COURT: You represent both?

MR. MAHONEY: I do, your Honor.

THE COURT: The defendants are here today for arraignment on a new matter. 20-06810 charge with possession with intent. Three counts. I will tender the charges.

MR. MAHONEY: I acknowledge receipt, waive formal reading, enter plea of not guilty on behalf of both defendants.

THE COURT: Record will reflect the defendants have been arraigned in open court. Enter pleas of not guilty. State filing anything today?

MS. NAZARIAN: Judge, we filed our motion and answer to discovery as to each

BAKER GLENN 000398

defendant on 06 CR 810.

MR. MAHONEY: I acknowledge receipt of a packet of discovery from the State.

THE COURT: Are you filing anything today, Mr. Mahoney?

MR. MAHONEY: I am not, your Honor, but I would ask for a review of Mr. Baker's bond.

THE COURT: The young lady has a bond she posted.

MR. MAHONEY: That's correct.

THE COURT: D-bond --

MR. MAHONEY: 25,000.

THE COURT: $2,500. What is Mr. Baker's bond?

MR. MAHONEY: I believe it's set at no bond, your Honor.

THE COURT: Let me see. He has other matters before the court. Actually, looks like it's $100,000; is that your understanding?

THE DEFENDANT BAKER: Yes.

THE COURT: $100,000. He has bonds on the other cases, does he?

MR. MAHONEY: He has a total of

BAKER GLENN 000399

$12,500 cash posted and then he has I-bonds on the other matters.

THE COURT: What are you suggesting here?

MR. MAHONEY: I would ask for an I-bond. I know the State's position is that they are not going to agree to an I-bond. But I would ask to lower the bond to a D-bond of perhaps the defendant can make. He has never failed to appear, and he is going to live in an area outside the territory of certain individuals who are --

THE COURT: That might be a good idea.

MS. NAZARIAN: We would object to an I-bond obviously and we think the bond that has been set is actually appropriate.

The defendant does have three felony convictions in his background. From 2005, he has -- I am sorry. 2002, I apologize. He is on your probation under 2002 CR 5992. It's a possession of a controlled substance.

From 1993, he has an attempt murder conviction, which he was convicted of and received six years IDOC on September 16th

of 1994. He also has an unlawful use of a weapons conviction from that same date, also a 1993 case. He received two years IDOC on that case.

He does have these three cases pending in addition to the VOP, judge. I think the bond as it is is appropriate.

MR. MAHONEY: The defendant can perhaps come up with $2,500.

THE COURT: I am going to reduce the bond to $30,000-D. And should you be able to post that, Mr. Baker and Miss Glenn, by reason of having you posted the bond, it will be each of your obligations to be here each time the cases are here. If you are not here, there would be bond forfeitures entered and warrants would issue for your arrest.

More importantly, if you are not here when the matters are actually set down for trial, you could be tried in your absence. If that happened, you would give up the right to be here, to face your accusers, tell your own side of the story and otherwise participate with your lawyers in the defense of the case.

If you were found guilty under those circumstances, you could also be sentenced in your absence and the only thing remaining to be done would be to serve whatever type of sentence was imposed; do you each understand that?

THE DEFENDANT BAKER: Yes.

THE DEFENDANT GLENN: Yes.

THE COURT: What is your pleasure today?

MR. MAHONEY: Judge, I guess we can set whatever the State wants to elect, we can set it for trial.

MS. NAZARIAN: The case that was originally set for trial back in September was 05 CR 8982.

THE COURT: Yes, that's the other -- the other case is a probation case, right.

MS. NAZARIAN: The 02 case is a probation case. There is a 05-25580 case. That's a UUW by felon. That is also pending.

THE COURT: All right. So, you want to continue the election on 8982?

MS. NAZARIAN: That's correct.

THE COURT: And do you want to set that for trial.

MR. MAHONEY: Might as well, judge. Might as well get these started.

THE COURT: Okay. Bench or jury?

MR. MAHONEY: Bench, your Honor.

THE COURT: Bench. I could do it the 16th of February if you are available.

MR. MAHONEY: I have to be in Skokie on a murder. I could do it any day after that in February.

THE COURT: Okay. I think the next week we are pretty well booked up and then we are in March.

MR. MAHONEY: I believe Mr. Baker is going to be able to post bond, so a March date would be acceptable.

THE COURT: All right. March 9th.

MR. MAHONEY: That's fine, your Honor.

THE COURT: March 9th by agreement then on all cases and the elected case will be with subpoenas.

MR. MAHONEY: Thank you, judge.

(WHICH WERE ALL THE PROCEEDINGS HAD)

BAKER GLENN 000403

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, CHARLES T. COLEMAN, an Official Court Reporter in the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the aforementioned cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript taken to the best of my ability of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said Court.

Official Court Reporter

Dated May 7, 2007
CSR# 084-003101

BAKER GLENN 000404

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

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

THE PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,) Case No. 05 CR 8982-01
-vs-) Charge: Mfg/Del
BEN BAKER,)
Defendant.)

RECORD OF PROCEEDINGS had before the Honorable MICHAEL P. TOOMIN, heard on the 27th day of March, A.D., 2006.

APPEARANCES:

HON. RICHARD A. DEVINE,
State's Attorney of Cook County, by
MS. NANCY NAZARIAN
Assistant State's Attorney,
appeared on behalf of the People;

MR. MICHAEL CHOMIAK
appeared on behalf of the Defendant.

Nancy Muscolino, RPR/CSR No. 084-001532
Official Court Reporter
2650 S. California
Chicago, Illinois 60608
773-869-6065

BAKER GLENN 000405

THE CLERK: Ben Baker, sheets three, four, and eight.

MR. CHOMIAK: Mike Chomiak on behalf of Matthew Mahoney, who is the attorney of the record.

Your Honor, Mr. Mahoney had somewhat of a reckless recovery from his fall. He is out. He's just out of town this week for spring break with his children. He would respectfully ask to set this back on -- I believe it was on the trial call.

THE COURT: I'm not sure where we were on the case, because Mr. Navarro was handle this, wasn't he?

MS. NAZARIAN: No. We're handling it. There is actually a co-defendant on one of his cases. They were all set for a status date. That's Clarissa Glenn.

MR. CHOMIAK: Miss Glenn is here, also.

THE COURT: This is for Mr. Mahoney.

MR. CHOMIAK: Thank you, Judge. I'll give that to him.

THE COURT: Well, are you aware of his schedule?

MR. CHOMIAK: Judge, I do have certain dates I know that he's here. I don't know if you want to set it for a short status date to set it back on the trial

BAKER GLENN 000406

call or if you want to give him a long date for trial.

THE COURT: If you can tell me when he wants it set, that's fine; otherwise, I'll give it a very short date.

MR. CHOMIAK: Judge, I know he'll be here back on the 3rd; if you want to hold it for April 3d.

THE COURT: Well, I won't be here, and I don't know what judges will be available. There should be a judge. But if that's what you want to do, that's fine.

MR. CHOMIAK: Whatever is convenient for your call, your Honor. He also could be here any time that week of the 3rd.

THE COURT: We'll do it for the 3rd. I assume the State will have the matter then set at that time, whichever case you're setting.

MS. NAZARIAN: So it's set for status on the 3rd, and on the 3rd we'll set it for trial.

THE COURT: Yes. Okay. See you then.

(Which were all the proceedings had at the hearing of the above-entitled cause. Case continued to 4-3-06.)

BAKER GLENN 000407

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, NANCY MUSCOLINO, CSR/RPR, an Official Court Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said Court.

Nancy Muscolino

Official Court Reporter of the
Circuit Court of Cook County
CSR #084-001532

BAKER GLENN 000408

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
-vs-
BEN BAKER,
Defendant.
No. 05 CR 08982-01

REPORT OF PROCEEDINGS of the hearing before the Honorable MICHAEL P. TOOMIN, heard on the 21st day of April, 2006.

APPEARANCES:

HON. RICHARD A. DEVINE,
State's Attorney of Cook County,
BY: MS. NANCY NAZARIAN,
Assistant State's Attorney,
on behalf of the People;

MR. MATTHEW MAHONEY,
on behalf of the Defendant.

Dorlisa Bryant
Official Court Reporter
Circuit Court of Cook County
Criminal Division
C.S.R. License No. 084-003048

PL JOINT 000409 BAKER GLENN 000409

THE CLERK: Ben Baker, Sheets 3, 8, 12, and 13, co-defendant Clarissa Glenn.

MR. MAHONEY: Matthew Mahoney, M-A-H-O-N-E-Y, on behalf of both defendants.

Judge, I've spoken with the State. As the Court's aware, another State's Attorney is primarily involved in one of the cases, the alleged case that was previously set for trial.

THE COURT: Is Mr. Navarro involved with this?

MR. MAHONEY: He is, Your Honor.

THE COURT: Then he should be here today.

MS. NAZARIAN: No, Judge. Actually we're handling these cases right now. I heard nothing about anybody else connected in this case. As far as we're concerned we're ready to set this back down for trial.

THE COURT: Which case was the case that was set?

MS. NAZARIAN: It was 05 8982.

MR. MAHONEY: And Judge, I too would be in a position shortly to set that for

PL JOINT 000410 BAKER GLENN 000410

trial, however, there was some subpoenaed materials that are in the Court's possession. Mr. Navarro is not in the office today, he won't be back until Monday.

If his involvement in the case is through, then I would ask the Court to release that information to me prior to trial, so I would suggest a short status date for Mr. Navarro to check with him as to whether or not --

THE COURT: Well, the reason it wasn't released was there was an ongoing investigation.

MS. NAZARIAN: Judge, I will contact Mr. Navarro and see where we stand as far as that is concerned, and if you want to give us a date some time later next week, we can work that out.

THE COURT: That's fine. We'll set it next week. If it turns out that's the end of the investigation, then you'll have it for the 9th.

MR. MAHONEY: That's fine.

THE COURT: You represent the lady too?

PL JOINT 000411 BAKER GLENN 000411

MR. MAHONEY: I do, Your Honor.

Judge, is early May convenient for a status date?

THE COURT: What date?

MR. MAHONEY: Early May.

THE COURT: Next week we said?

MS. NAZARIAN: Right.

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

- - -

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, DORLISA BRYANT, an Official Court Reporter for the Circuit Court of Cook County, County Department/Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Official Court Reporter
C.S.R. License No. 084-003048

Dated this 3rd day
of May, 2007.

PL JOINT 000413 BAKER GLENN 000413

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,

vs. No. 05 CR 8982

BEN BAKER.

REPORT OF PROCEEDINGS HAD at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division, on the 28th of April, 2006.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MS. MARY BREGENZER,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

*****

Barbara A. Evans
Official Court Reporter

PL JOINT 000414 BAKER GLENN 000414 BAKER GLENN 000414

THE CLERK: Ben Baker.

MR. MAHONEY: Matt Mahoney on behalf of defendant here on bond. Judge, I have spoken with Assistant State's Attorney Navarro and your courtroom State's Attorneys and at this point we are at an impasse on negotiations and I believe we need to set this matter down for trial.

THE COURT: Which matter?

MS. BREGENZER: 05 CR 8982. So, we would be asking to reset this matter for trial.

Judge, also an additional matter, I think your Honor is in receipt of some materials from the Chicago Police Department Internal Affairs Division. Judge, I think at this point we are asking that the Court review those in camera and distribute them to the parties.

THE COURT: That came up the last time that you were here and in the absence of Mr. Navarro, I wanted him here to talk about the matter in chambers. I have some conferences. We will give it a trial date unless you want to wait around. Is this a bench or a jury?

MR. MAHONEY: Bench.

PL JOINT 000415 BAKER GLENN 000415 BAKER GLENN 000415

THE COURT: It was previously set?

MR. MAHONEY: It was set one time.

THE COURT: I have an opening May 16th. I have juries set the 15th. I don't know that they are going to go.

MR. MAHONEY: I have a motion to suppress in Judge Porter on the 16 that's definitely going to go.

THE COURT: How's the 23rd?

MR. MAHONEY: Fine.

MS. BREGENZER: If I could have a minute? I have a list of officers with furlough dates. That appears to be okay.

THE COURT: May 23rd on 8982. The other matters will be without subpoenas.

MR. MAHONEY: Thank you, your Honor. By agreement.

(WHEREUPON, the case was continued to 5-23-06.)

PL JOINT 000416 BAKER GLENN 000416

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Barbara A. Evans, C.S.R., an Official Court Reporter in the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the aforementioned cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript taken to the best of my ability of the proceedings.

Barbara A. Evans
Official Court Reporter

Dated this 3rd day of May, 2007.

CSR# 084-002722

PL JOINT 000417 BAKER GLENN 000417

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

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

THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

vs.

BEN BAKER,
CLARISSA GLENN,

Defendants.

Criminal

No. 05-08982

Charge: Mfg/Del Heroin, etc.

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

APPEARANCES:

HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by:
MR. WILLIAM LASKARIS,
MS. MARY BREGENZER,
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

BAKER GLENN 000418

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

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

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

THE COURT: What is the State's position?

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

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

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

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

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

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

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

The case we're going on is.

MR. MAHONEY: 05-CR.

THE COURT: 8982.

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

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

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

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

THE DEFENDANT: Yes, sir.

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

THE DEFENDANT: Yes.

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

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

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

Do you understand that?

THE DEFENDANT: Yes, sir.

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

THE DEFENDANT: Yes.

THE COURT: Nobody has promised you anything?

THE DEFENDANT: No.

THE COURT: Threaten you to do this?

THE DEFENDANT: No.

THE COURT: Doing this of your own free will?

THE DEFENDANT: Yes.

THE COURT: Jury waiver will be accepted.

I got a call downstairs to Judge Biebel I

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

(Short recess.)

THE COURT: Okay, both sides are ready?

MR. MAHONEY: Yes.

MR. LASKARIS: Yes.

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

State have opening?

MR. LASKARIS: We'll waive opening.

THE COURT: Waive opening.

Mr. Mahoney.

MR. MAHONEY: Yes, your Honor.

OPENING STATEMENTS

BY MR. MAHONEY:

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

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

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

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

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

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

BAKER GLENN 000423

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

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

THE COURT: Very well.

State may call your first witness.

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

THE COURT: Who is that?

MR. LASKARIS: Officer Nichols.

THE COURT: Nichols?

MR. LASKARIS: Yes.

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

(Witness sworn.)

BAKER GLENN 000424

OFFICER NICHOLS,

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

DIRECT EXAMINATION

BY MR. LASKARIS:

THE COURT: Be seated, please.

MR. LASKARIS:

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

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

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

A Yes, I was.

Q And where were you assigned?

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

Q And what were you duties.

You were a Chicago housing police at that time?

A Yes, I am.

Q And what were your duties as a Chicago

BAKER GLENN 000425

housing police officer?

A Control the Ida B. Wells housing projects. Conduct premise checks at each and every building.

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

A Yes.

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

A That's correct.

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

A Yes, it is.

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

A Correct.

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

A Yes, I did.

Q And why did you go to that location?

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

Q And did you go to that location with anyone?

A Yes, I did.
Q And who did you go to that location with?
A My partner Officer Leano, Star No. 4303.
Q Now, you said you went to look for narcotics sells, when you went to that location can you describe the building at 527 East Browning?
A There is two stairwells, one sort of to the front and another stairwell to the back but they are all interior.
Q And you said you went there, how were you dressed?
A Plain clothes.
Q And how was Officer Leano dressed?
A Plain clothes.
Q Now, you went to the location approximately --
Did you arrive there approximately 3:45 p.m. in the afternoon?
A That's correct.
Q And you said you would do a premise check how did you do that?
A We start at the bottom and work our way up. We conducted by each floor.
Q Let me stop you there.

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

A That's correct.

Q Who was with you at this time?

A My part another Officer Leano.

Q You said there were two stairwells?

A That's correct.

Q Interior stairwells?

A That's correct.

Q Which is the back stairwell and the front stairwell?

A That's correct.

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

A Back stairwell.

THE COURT: You were in the back stairwell?

THE WITNESS: Yes, my partner and I was.

MR. LASKARIS:

Q And what happened?

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

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

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

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

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

A Approximately five feet.

Q And is there any lighting in that area?

A Artificial.

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

A Yes, I do.

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

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

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

A Yes, there were.

BAKER GLENN 000429

Q How many other individuals?
A Two.
Q Now, when you said you saw the defendant what else, what, if anything, happened next?
A As we saw the defendant he was holding a clear plastic bag containing numerous smaller Ziploc baggies containing white powder substance suspect narcotics.
THE COURT: He is holding what now?
THE WITNESS: Clear plastic bag, sandwich bag.
THE COURT: And it had what other bags?
THE WITNESS: Small Ziploc bags.
THE COURT: All right.
MR. LASKARIS:
Q Now, again when you saw this approximately how many feet away from him were you at this time?
A Five.
Q And what happened next?
A We announced our office. After we announced our office the defendant looked at us and fled down the stairs.
Q What did you do at that time?
A Gave chase.
Q And what happened next?

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

Q Let's stop there for a moment.

Did you chase the defendant down the staircase?

A Yes, I did.

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

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

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

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

Q And did you chase him down into the lobby?

A Yes, I did.

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

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

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

BAKER GLENN 000431

A The defendant.
Q What happened next?
A I recovered the bag and placed him in custody.
Q Can you describe what was in this bag?
A It was 110 clear Ziploc baggies containing white powder substance suspect heroin.
Q And you said you placed him into custody. After the defendant was placed into custody did you do anything?
A Yes, I performed a custodial search.
Q And how did you do that?
A I searched him, I went in his pocket and recovered one clear plastic bag containing sixty-eight smaller plastic baggies containing white rock like substance suspect crack cocaine.
Q Was anything else recovered as a result of this search?
A Yes, it was, $819 suspect U.S.C. suspect narcotics proceeds.
Q And where was that recovered?
A In his left pants pocket.
Q Now, was the defendant taken back to the police station?

BAKER GLENN 000432

A Yes, he was.
Q And what station would that be?
A The 2nd District.
Q And was the defendant interviewed regarding narcotics that were recovered from his person?
A Yes, he did.
Q And where was he interviewed?
A In the tac office in the 2nd District.
Q And was the defendant Mirandized at that time?
A Yes, he was.
Q And did you ask the defendant questions regarding the narcotics that were recovered from his person?
A Yes.
Q And did the defendant make any statement regarding the narcotics that were recovered?
A Yes, he did.
Q What, if anything, did the defendant say regarding the narcotics that were recovered from his person?
A He stated: Them blows are mine but those rocks ain't.
THE COURT: He said what?

BAKER GLENN 000433

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

MR. LASKARIS:

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

A Correct.

Q And what are blows?

A Blows are heroin.

Q And what are rocks?

A Crack cocaine.

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

A That's correct.

MR. LASKARIS: One moment, Judge.

(Whereupon, a brief pause was had:)

MR. LASKARIS: Nothing further.

THE COURT: You may inquire, Mr. Mahoney.

MR. MAHONEY: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. MAHONEY:

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

Miranda warnings?

A That's correct.

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

A That's correct.

Q And he said he would, is that correct?

A That's correct.

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

A That's correct.

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

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

A That's correct.

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

A That's correct.

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

A In his right hand.

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

A In his right pants pocket.

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

A That is what he stated.

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

A Yes.

Q Who told you to go there?

A Sergeant Watts.

Q Do you work for Sergeant Watts?

A Yes, I do.

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

A There is high narcotics activity in that building.

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

MR. LASKARIS: Objection, hearsay.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

Q Just told you to go there and check that?

A That's correct.
Q Did Sergeant Watts tell you where to go once you got inside?
A No.
Q Now, Sergeant Watts is your supervisor, correct?
A That's correct.
Q How long have you known Sergeant Watts?
A I got on his team in November of 2004.
Q Did you know him prior to getting on his team?
A No.
Q And now as your supervisor Sergeant Watts writes your performance reviews?
A That's correct.
Q Which determines whether or not you are promoted or may get raises or things like that?
A No.
Q Your performance reviews don't have any effect on that?
A We have to take a test to get promoted and our raises are annual.
Q Now, does Sergeant Watts approve your time off?

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

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

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

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

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

THE COURT: Overruled.

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

MR. MAHONEY:

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

A Correct.

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

A It was holstered.

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

A I announced my office.

Q Okay. So you said I'm police?
A That's correct.
Q And did you tell them to do anything?
A No.
Q You didn't tell them to get up against the wall?
A No.
Q Now, at that point what happened next?
A As I announced my office I saw the defendant run down the stairs.
Q What did the other two individuals do?
A I don't know, my attention was to the defendant.
Q You weren't looking to see if these other two guys had a gun or anything?
A I don't believe they did.
Q Well how do you know you weren't look at them?
MR. LASKARIS: Objection, argumentative.
THE COURT: Sustained.
MR. MAHONEY:
Q Did you look at these other two individuals to see if they had a gun?
A I saw them.

Q And then you just started chasing Mr. Baker?
A Correct.
Q Now, you say that you chased Mr. Baker down the stairs and that another unit took Mr. Baker into custody, is that correct?
A No, not into custody.
Q Okay, they detained him?
A That's correct.
Q Okay. When they detained him did they tackle him?
A No.
Q Did they handcuff him?
A No.
Q Was he fighting with them?
A No.
Q He was just simply standing there?
A That's correct.
Q So he run from you but he stopped for the other officers?
A Yes.
Q Okay. Now, and you say Mr. Baker, how far is Mr. Baker from these officers who he stopped for?
A Excuse me?
Q How far was Mr. Baker from the officers that

BAKER GLENN 000440

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

A They were right in front of each other.

Q So they were within two to three feet?

A That's correct.

Q And Mr. Baker wasn't fighting them?

A No.

Q Wasn't trying to run?

A No.

Q Did they have their gun on him?

A I don't believe so, no.

Q But these officers --

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

A That's correct.

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

A I was within seconds.

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

A Yes, I did.

Q And were you trained to observe and detect crime?

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

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

A Yes.

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

A I would say so.

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

MR. LASKARIS: Objection.

THE COURT: Overruled.

THE WITNESS: Excuse me?

MR. MAHONEY:

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

A No.

Q Never?

A No.

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

A Since November of 2004.

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

A A year and-a-half.

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

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

A No.

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

THE COURT: Very well.

Any Redirect, Mr. Laskaris?

MR. LASKARIS:

REDIRECT EXAMINATION

BY MR. LASKARIS:

Q Sergeant Watts, he is your sergeant?

A That's correct.

Q And you report to Sergeant Watts, correct?

A Yes.

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

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

Q In Ida B. Wells.

And Sergeant Watts, is it unusual for Sergeant Watts to direct you to a spot to search for narcotics?

A Not at all.

MR. LASKARIS: I have nothing further.

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

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

(Witness excused.)

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

THE COURT: Yes.

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

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

THE COURT: How do you spell that?

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

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

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

BAKER GLENN 000444

Illinois State Police crime lab.

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

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

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

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

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

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

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

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

So stipulated?

MR. MAHONEY: So stipulated, your Honor.

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

MR. MAHONEY: So stipulated.

THE COURT: Yes.

MR. LASKARIS: Nothing further, Judge.

THE COURT: State rest?

MR. LASKARIS: Yes.

(State rest.)

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

THE COURT: Motion is denied.

MR. MAHONEY: Thank you, your Honor.

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

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

(Defendant sworn.)

BEN Baker,

the defendant herein, called as a witness on his own behalf, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MAHONEY:

THE COURT: Be seated, please.

MR. MAHONEY:

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

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

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

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

A Yes.

Q How old are you?

A Thirty-three.

Q Where do you live?

A 527 East Browning.

Q And did you live at 527 East Browning on

BAKER GLENN 000448

March the 23rd of 2005?

A Yes.

Q How long have you lived there?

A Since July of '97.

Q And who do you live there with?

A My wife Clarissa and our three kids.

Q Three boys?

A Yes.

Q How old are they?

A Thirteen, twelve, and eleven.

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

A Yes.

Q How long have you known him?

A Roughly three to four years.

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

A He is a sergeant for the tactical team.

Q On the Chicago Police Department?

A Chicago Police Department.

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

Sir, have you ever been convicted of a felony?

A Yes.

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

A Yes.

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

THE COURT: Wait, what are those case numbers?

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

THE COURT: Those are 04 cases?

MR. MAHONEY: 93 cases.

THE COURT: 93?

MR. MAHONEY: Yes.

THE COURT: Go ahead.

MR. MAHONEY:

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

A Yes.

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

A Yes.

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

A Yes.

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

A Yes.

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

MR. MAHONEY:

Q How many times?

A Upwards of twenty, maybe more.

THE COURT: Twenty did you say?

THE WITNESS: Yes.

MR. MAHONEY:

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

A Yes.

Q Did you know why or what about?

A Yes, he told me --

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

PL JOINT 000451 BAKER GLENN 000451 BAKER GLENN 000451

THE COURT: Overruled.

MR. MAHONEY:

Q Please proceed.

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

MR. LASKARIS: Judge, I'll object.

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

MR. LASKARIS: Objection, it is hearsay.

THE COURT: Goes to his state of mind.

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

THE COURT: Lay the proper foundation.

MR. MAHONEY:

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

A With my fiancee at the time.

Q Where were you?

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

Q And where is school located?

A On 37th and Giles.

Q And did you receive this call on the cellular

BAKER GLENN 000452

phone?

A Yes.

Q Who was calling you?

A My friend named Patrick.

THE COURT: Who?

THE WITNESS: Patrick Frazier, my friend.

THE COURT: Patrick Frazier?

THE WITNESS: Yes.

MR. MAHONEY:

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

A Yes.

Q What did he say?

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

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

Go ahead.

MR. MAHONEY:

Q What did he tell you?

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

BAKER GLENN 000453

MR. MAHONEY:

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

A Drugs, some heroin, heroin out the mailbox.

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

A Yes.

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

A Yes.

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

A Yes.

Q Do you know Charles Lawrence?

A Yes.

Q Does he live in Ida B. Wells?

A Yes.

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

A Yes.

Q What is his association with Watts?

A He is Watts' snitch.

MR. LASKARIS: Objection, leading and

BAKER GLENN 000454

speculation.

THE COURT: Sustained.

MR. MAHONEY:

Q Did you have a conversation with Charles Lawrence?

A Yes.

Q And who was present for the conversation?

A Me, my wife, Charles.

Q And did he tell you something about Sergeant Watts?

A Yes.

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

A Yes.

Q Did you and Charles Lawrence go somewhere?

A Yes.

Q Where did you go?

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

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

A About a mile and-a-half.

Q Who drove there?

A Me.

PL JOINT 000455 BAKER GLENN 000455 BAKER GLENN 000455

Q Who rode with you?
A Charles.
Q You and Charles drove there?
A Yes.
Q When you got to the pay phone what happened?
A Charles got out, I got out, and he called Sergeant Watts I guess it was Sergeant Watts.
MR. LASKARIS: Objection, Judge, speculation.
THE COURT: Sustained.
MR. MAHONEY:
Q So Charles Lawrence made a telephone call?
A Yes.
Q And you don't know who was on the other line at that point, do you?
A No.
Q Who did Charles Lawrence say?
A He said I have Little Benny right here.
Q Let me stop you.
When you say Little Benny who is that?
A That is me, that is what Charles call me.
MR. LASKARIS: Judge, I'll object to hearsay to what Charles said at this time.
THE COURT: Pardon me?
MR. LASKARIS: I'll object to what Charles, any

statement of Charles at this time.

THE COURT: Overruled.

MR. MAHONEY:

Q So what did Charles say into the phone?

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

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

A Sergeant Watts.

MR. LASKARIS: Objection.

THE COURT: Sustained.

MR. MAHONEY:

Q What happened next?

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

Q And did Charles Lawrence then hang up the phone?

A Yes.

Q Did Charles Lawrence then make another call?

A Yes.

Q From the same pay phone?

A Yes.

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

A Yes.

BAKER GLENN 000457

STATE OF ILLINOIS }
COUNTY OF COOK } ss:

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of VOLUME (ONE) OF A (TWO) VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 06-3352

in a certain cause LATELY pending in said Court, between The People of the State of Illinois WERE, Plaintiffs and BAKER, BEN WAS, Defendant.

Witness: DOROTHY BROWN,
Clerk of the court, and the Seal thereof, at Chicago
In said County, JULY 06, 2007

Dorothy Brown P.R.
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

BAKER GLENN 000459

BAKER GLENN 000460

Transcript of Record on Appeal to

05CR008982/A007

APPELLATE Court of Illinois

FIRST District

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL P. TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

BEN BAKER

from

CIRCUIT COURT

of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE VOLUME - SUPPLEMENTAL (C)
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per DB/KP
Deputy

(Rev. 1/17/01) CCCR 0310

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

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

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
BEN BAKER,
CLARISSA GLYNN,
Defendants.

Criminal

No. 05-08982

Charge: Mfg/Del Heroin, etc.

REPORT OF PROCEEDINGS had of the hearing in the above entitled cause, before the Honorable MICHAEL P. TOOMIN, Judge of said court, on the 5th day of June, 2006.

APPEARANCES:

HONORABLE RICHARD A. DEVINE,
State's Attorney of Cook County, by:
MR. WILLIAM LASKARIS,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. MATTHEW MAHONEY,
for the defendant.

FILED
CR-526-2
JUN 28 2007
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

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

BAKER GLENN 000462

I N D E X

Date of Hearing: 6-5-06

Page Numbers: A-1 through A-33

PROCEEDINGS

WITNESSES	DX	CX	RDX	RCX
Sgt. Ronald Watts	6	10		
State rest - 19				
Closing Arguments				
Defense - 20				
State - 29				

PL JOINT 000463

BAKER GLENN 000463

BAKER GLENN 000463

THE CLERK: Ben Baker, co-defendant Clarissa Glynn; Sheet 1, 4, 6, 7.

MR. MAHONEY: Good morning, your Honor.

Judge, Matthew Mahoney on behalf of both defendants who are present on bond.

Your Honor, this matter is set for a bench trial commenced and continuing on today's date. We are not able to proceed. On the last court date I spoke with the court reporter and ordered the transcript and officially ordered it forty-five minutes later. I spoke to her on Friday and she had not completed it. I called Mr. Laskaris and let him know.

THE COURT: That's no reason not to proceed. That is no reason at all. The court reporter -- we don't have enough court reporters to be doing daily copy and to be giving you transcripts. We are down four court reporters today.

MR. MAHONEY: Judge, the transcript is now finished as of today, Mr. Laskaris received his this morning.

THE COURT: So why is that going to hold this up?

MR. MAHONEY: I would like time to read it, I

BAKER GLENN 000464

have not received my copy yet.

THE COURT: What do you have in the way of witnesses?

MR. LASKARIS: The defense counsel is calling one witness and he is here. Officer Watts he is here.

THE COURT: Yes, well then why can't we call it?

MR. MAHONEY: Judge, I would like to read the transcript of the day of the other officer's testimony.

THE COURT: Well we're going to be picking a jury, you will have time to do that. We'll work it in sometime today.

MR. MAHONEY: Judge, that would be fine if I can get my copy of the transcript.

THE COURT: Well, go get it. Go get it.

MR. MAHONEY: Okay. Do you have any idea approximate time, your Honor?

THE COURT: I could do it before we get the jury up here but apparently you are not ready to do that either.

MR. MAHONEY: I just need twenty minutes with the transcript then.

THE COURT: Go get your transcript. We'll pass

the case.

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

THE COURT: Are we ready on Mr. Baker?

MR. MAHONEY: I'm ready.

THE COURT: Ready, okay. Ben Baker.

MR. MAHONEY: You want us to approach, your Honor?

THE COURT: You what?

MR. MAHONEY: You want us to approach?

THE COURT: I need to know what you're doing. You have one witness?

MR. LASKARIS: One witness, Officer Watts. The State had one officer for Direct case. The defendant testified and we have two rebuttal and we have a third rebuttal witness.

THE COURT: This is Sergeant Watts.

MR. LASKARIS: Sergeant Watts, yes, sir.

THE COURT: All right. Well let's see. Oh this to be rebuttal, right?

MR. LASKARIS: Yes. Per allegations during the defendant's testimony.

THE COURT: All right, have him seated and we can proceed with Sergeant Watts.

PL JOINT 000466

BAKER GLENN 000466

BAKER GLENN 000466

Sergeant, step up, please, raise your right hand and face this way.

(Witness sworn.)

SGT. RONALD WATTS,

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

DIRECT EXAMINATION

BY MR. LASKARIS:

THE COURT: Be seated, please.

MR. LASKARIS:

Q Sir, can you state your name, star number, and current unit of assignment.

A Sergeant Ronald Watts, Star No. 2640, assigned to the 2nd District.

Q How long have you been a police officer?

A Excuse me?

Q How long have you been a police officer?

A For twelve years.

Q How long have you been a sergeant?

A For six of those twelve years.

Q Directing your attention to March the 23rd, 2005, were you on duty on that date?

A Yes.

PL JOINT 000467

BAKER GLENN 000467

Q And what was your duty?

A I was sergeant in the 2nd District responsible for an eight man tac team.

Q And as being assigned to the eight man team what was your job in relation to the eight man team?

A My area of responsibility at that time was to suppress the gang and drug activity in the Ida B. Wells Housing Development.

Q And did you make assignments in regard to your team, sergeant?

A Yes.

Q And on March the 23rd of 2005 who were some members of your team members, do you recall what their names were?

A Officer Al Jones, Bob Gonzalez, Brian Bolton, Manuel Leanno, Douglas Nichols, Kenny Young.

Q Okay. Now, did you have an assignment for Officer Nichols that day and his partners?

A The assignment was to relocate to the extensions which is, it is a six building area in the Ida B. Wells Housing Development.

Q And what was their assignment on that date?

A To suppress the gang and drug activities in

BAKER GLENN 000468

that area.

Q And did your team go to that location to the best of your knowledge?

A Yes.

Q And did they go to the building at 527 East Browning Avenue?

A Yes.

Q And is that an Ida B. Wells, C.H.A. building?

A Yes.

Q Did you ever tell anybody on your team to look for anybody in particular?

A No.

Q Did any member of your team ever call you on your cell phone and said they had a person by the name of Ben Baker in custody?

A No.

Q Now, you said you were from the 2nd District, correct?

A Correct.

Q You arrived on the scene subsequent to the arrest of the defendant Ben Baker, correct?

A Correct.

Q Do you see that person in court here today?

PL JOINT 000469 BAKER GLENN 000469

BAKER GLENN 000469

A Yes.

Q Could you point to him and identify an article of clothing that he is wearing for the Court.

A The gentleman sitting to my left with the buttoned up olive colored shirt on, short sleeves.

MR. LASKARIS: May the record reflect in-court identification of the defendant.

THE COURT: Yes.

MR. LASKARIS:

Q Now, in regard to the defendant at any time did you ever tell him you would not be charged because he was kin to Bat?

THE COURT: Because he was what?

MR. LASKARIS: Because he was kin to Bat.

THE WITNESS: No.

MR. LASKARIS:

Q At any time did you ever tell the defendant whom you identified in open court as Ben Baker that you would give him money to shop at the store in the commissary?

A No.

MR. LASKARIS: Nothing further.

MR. MAHONEY: May I proceed, your Honor?

THE COURT: You may.

CROSS-EXAMINATION

BY MR. MAHONEY:

Q Sergeant Watts, do you know somebody named Ben?

A No.

Q You've never heard of an individual named Ben?

A No.

Q Have you ever heard anyone else speak that name?

MR. LASKARIS: Objection.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

Q Now, how long have you known the defendant Mr. Ben Baker?

A I've known of Ben Baker roughly since about 2003.

Q And that would be in your capacity as a Chicago police officer?

A Correct.

Q And does Mr. Baker live in the Ida B. Wells Housing Project?

A To my knowledge, yes.

Q Have you had conversations with Mr. Baker in the past?

A Yes.

Q Specifically did you have a conversation with him on Mother's Day of 2004?

A No, not that I recall.

Q I'm sorry, could you be a little bit more clear in your answer.

Do you not recall having a conversation with him or did you not have a conversation?

A No, not that I recall.

Q Okay. Well, perhaps I can refresh your memory if you don't recall.

Did you have a conversation with him on Mother's Day of 2004 outside the 527 East Browning building where you told Mr. Baker that you had been out all night, you were drunk, you didn't have any money, it was Mother's Day, and that he needed to give you some money?

MR. LASKARIS: Judge, I'll object to relevance.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

Q You did not have that conversation with

BAKER GLENN 000472

Mr. Baker?

A No.

Q Were you at Ida B. Wells on Mother's Day?

MR. LASKARIS: Objection.

THE COURT: Overruled.

THE WITNESS: Not that I recall.

MR. MAHONEY:

Q You don't recall?

A No.

Q So you don't recall where you were?

A Not at this time, no.

Q Had you been out drinking the night before Mother's Day, 2004?

MR. LASKARIS: Objection, asked and answered, relevance.

THE COURT: Overruled.

THE WITNESS: Not that I recall, no.

MR. MAHONEY:

Q Had you been to the gambling boats?

A No, not that I recall.

Q Do you go to the gambling boats?

MR. LASKARIS: Objection, relevance.

THE COURT: Overruled.

THE WITNESS: Yes.

BAKER GLENN 000473

MR. MAHONEY:

Q How often do you go to the gambling boats?

A It is 2006, I've been once. In the year 2005 I probably attended maybe a total of three times.

Q And you keep a lot of money, cash around your house?

MR. LASKARIS: Objection, relevance.

THE COURT: Overruled.

THE WITNESS: A hundred bucks. Yeah, one hundred dollars maybe in cash, yes.

MR. MAHONEY:

Q Well do you ever keep $12,400 in cash in your house?

A At one time, yes.

Q Okay. When was that?

A I believe August of 4000 -- I mean 2004.

Q And you had $12,400 in cash in your home?

A Yes, I did.

Q Was that from the boats?

MR. LASKARIS: Objection, relevance.

THE COURT: What is the relevance of this?

MR. MAHONEY: Judge, I was just exploring the issue.

THE COURT: What?

MR. MAHONEY: I was just exploring the issue. I believe this officer has a lot of unexplained cash.

THE COURT: Objection is sustained.

MR. MAHONEY:

Q On March the 23rd of 2005 you were present for the arrest of Mr. Baker?

A No.

Q Were you ever on the scene when Mr. Baker was in custody on March the 23rd of 2005?

A Yes.

Q Who did you arrive at the scene with?

A That particular day I think I arrived at the scene with Officer Jones.

Q And that would be Officer Alvin Jones?

A Yes.

Q And when you arrived at the scene where was Mr. Baker?

A I believe he was in the back of the squad car.

Q And did you have a conversation with Mr. Baker?

A No.

Q Did Officer Jones have a conversation with Mr. Baker?

PL JOINT 000475 BAKER GLENN 000475
BAKER GLENN 000475

A Not to my knowledge.

Q I want to direct your attention to June of 2004. Well before I -- strike that.

Do you know an individual by the name of Charles Lawrence?

THE COURT: Named who?

MR. MAHONEY: Charles Lawrence.

THE WITNESS: No.

MR. MAHONEY:

Q You don't know an individual named Charles Lawrence?

A No.

Q You never arrested him before?

A Not that I recall.

MR. LASKARIS: Objection, asked and answered.

MR. MAHONEY:

Q In June of 2004 did you receive a telephone call from an individual who then put Mr. Baker on the telephone?

A No.

Q Did you ever have a telephone conversation at any time with Mr. Baker?

A No.

Q Never?

A No.

MR. LASKARIS: Objection, Judge, relevance, when.

THE COURT: He said never.

MR. MAHONEY:

Q Have you ever asked Mr. Baker to give you any money for any reason at any time?

A No.

Q Did you grow up in Ida B. Wells?

MR. LASKARIS: Objection, relevance.

THE COURT: Did he what?

MR. MAHONEY: Grow up in Ida B. Wells.

MR. LASKARIS: Objection, relevance.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

Q Did you grow up anywhere in that area?

A Not grow up, no.

Q Did you ever live in that area?

A Yes.

Q When was that?

A I moved there 706 East 39th Street in 1977. I stayed approximately two summers there.

Q And how old were you at that time?

BAKER GLENN 000477

A I graduated the 8th grade going into high school, so you know.

Q Do you know an individual named Patrick Nooner (phonetic)?

A Yes.

Q How do you know him?

A He lived in the area at the time.

Q So you knew him when you were growing up?

A No.

Q Lived in the area at what time?

A The time, the two summers that I was there, yes, I knew Patrick Nooner, we played softball, basketball, those type things.

Q So that was before you became a police officer, is that correct?

A Yes.

Q Did Patrick Nooner grow up to be a drug dealer at Ida B. Wells?

MR. LASKARIS: Objection, relevance.

THE COURT: Sustained.

MR. MAHONEY:

Q Did you ever take any money from Patrick Nooner?

A No.

PL JOINT 000478

BAKER GLENN 000478

BAKER GLENN 000478

MR. LASKARIS: Objection, relevance.

THE COURT: If you're going to object object before he answers the question. The answer may stand.

MR. MAHONEY:

Q Do you know an individual by the name of Willie Gatt (phonetic)?

MR. LASKARIS: Judge, I'll object, this is all beyond the scope.

THE COURT: Sustained.

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

MR. LASKARIS: Nothing further, Judge.

THE COURT: Nothing further?

MR. LASKARIS: No.

THE COURT: Thank you, you may step down.

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: Anything else from the State?

MR. LASKARIS: No, Judge.

THE COURT: Anything further from the defense?

MR. MAHONEY: No, your Honor.

THE COURT: Both sides rest.

MR. MAHONEY: Yes, your Honor.

PL JOINT 000479 BAKER GLENN 000479

BAKER GLENN 000479

MR. LASKARIS: Judge, at this time there is a stipulation that was read into the record I would just like to make it part of the record.

MR. MAHONEY: No objection.

THE COURT: It was a stipulation?

MR. LASKARIS: Yes, Judge, this is the written form signed.

THE COURT: Okay.

(State rest in rebuttal.)

MR. LASKARIS: And, Judge, at this time since the defense has rested I would like to make a motion to strike all the testimony regarding the questions asked of Officer Watts, they are just allegations, nothing was ever proven up, and we feel that all the testimony regarding the cross-examination should be stricken.

MR. MAHONEY: Judge, in response I would state as to whether it was proven up or not that is an issue for the Court. Mr. Baker has certainly testified in this case and he has testified as to what happened between him and Sergeant Watts.

In addition, your Honor, Sergeant Watts made denials so I don't believe there is any reason to strike the testimony since he denied any questions,

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BAKER GLENN 000480

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any allegations contained.

THE COURT: It is your witness and now you want to strike his denials?

MR. LASKARIS: Judge, just cross-examination questions, Judge.

THE COURT: Well how can you do that?

MR. LASKARIS: Judge, just making a record, that's fine.

THE COURT: No, denied.

MR. LASKARIS: We'll waive opening.

THE COURT: Waive opening?

MR. LASKARIS: Yes.

THE COURT: Counsel.

MR. MAHONEY: Yes, Judge.

CLOSING ARGUMENTS

BY MR. MAHONEY:

Your Honor, this is not the usual case, if there is such a thing. But I would submit to you that this case is usual in the sense that it is a credibility issue. Credibility is at stake here.

Some members of the Chicago Police Department have testified and the defendant has testified. Their testimony in large part contradicts one another. The question the Court has to decide is

BAKER GLENN 000481

not whether one side or the other proved their case but of course as the Court well knows whether or not the State has proved their case beyond a reasonable doubt.

And, Judge, I would submit to you that the testimony of Mr. Baker which was unimpeached and extremely credible, one of the issues that a court uses in determining whether or not say an informant's information is credible is whether or not that informant may or may not make statements that are against penal interest.

During Mr. Baker's testimony he certainly did make statements that were against his penal interest. And that is one of the reasons that I would ask you to look at his testimony as credible and the testimony of the officers as not.

And, Judge, before I direct your attention to some specific testimony that I would like you to look at there is an underlying issue in this case and that is that Mr. Baker has testified very credibly. And what he has testified very credibly about is some, for lack of a better word, dirty police officers, and by dirty I mean corrupt.

And, your Honor, this is a problem that

BAKER GLENN 000482

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BAKER GLENN 000481

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And, your Honor, this is a problem that

BAKER GLENN 000482

plague society. And it plagues society in a way that I would just like to point out because it is not always obvious. But corrupt police officers endanger the lives of good police officers. And the vast majority of police officers are good police officers. But when an individual who is out there on the streets be it a drug dealer or a car thief whatever he may be when he has cases put on him and he has contact with corrupt officers and knows that the system is a no win situation for him that individual is much more likely to react to an arrest, even a legitimate arrest with a violence to escape at any cost because he knows he has no chance. The Court is going to believe the word of the officers and he is just some guy with a background from the projects and nobody is going to take his word for it.

Sergeant Watts is taking advantage of this. And by taking advantage of it Sergeant Watts has endangered the lives of all the good police officers who are out there working the streets.

But, Judge, how do we know this is the case aside from the fact that Mr. Baker's unimpeached testimony that it is in fact the case. Let's look at the facts and see if maybe there isn't something in

PL JOINT 000483 BAKER GLENN 000483
BAKER GLENN 000483

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PL JOINT 000483 BAKER GLENN 000483
BAKER GLENN 000483

the facts that could point us in the direction of who's telling the truth and who's not.

And, Judge, first and foremost I would like to bring your attention to the uncontradicted testimony of both the defendant and the arresting officers in this case Gonzalez and Nichols and Mr. Baker. And what we have here is absolutely uncontradicted that Mr. Baker was stopped on the third floor by Officer Nichols, and that Mr. Baker --

THE COURT: Stopped where?

MR. MAHONEY: On the third floor of 527 East Browning.

THE COURT: Uh-huh.

MR. MAHONEY: And that Mr. Baker ran from Officer Nichols after another individual named BayBay ran. And that Mr. Baker and BayBay ran down the stairs to the lobby. It's uncontradicted and unimpeached from both Mr. Baker and Officer Gonzalez that when Mr. Baker reached the lobby he stopped.

Well, Mr. Baker we know has just run from one police officer so he is running from the police, that is in his mind that day. He gets down to the lobby and according to Officer Gonzalez' testimony Officer Gonzalez is there, he does not physically

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restrain Mr. Baker, he does not have a gun drawn, he said, according to Officer Gonzalez: I raised my hand. He stopped.

Well, I would ask the Court to look at the likelihood that an individual who would run from one police officer who allegedly has a bag of narcotics in his hand is then going to magically stop for another officer. The officer at the bottom he is saying you know what I'm stopping, I still got the bag of drugs in my hand, I already run from one police officer now I'm stopping.

No, what happened -- and that's where the contradiction comes in, Mr. Baker testified that he didn't have a bag of drugs in his hand. And Officer Gonzalez told you that he didn't see a bag of drugs in Mr. Baker's hands until Officer Nichols arrived on the scene.

But why would a person with a bag of drugs in his hand run from one police officer and then magically stop for a second police officer who doesn't have his gun drawn and isn't attempting to physically restrain him in any way. It doesn't make sense. When you got a bag of drugs in your hand and you're running from the cops why run from one and stop for a

BAKER GLENN 000485

second unless he's got a gun drawn or is physically restrained. So, Judge, that right there I think puts the question of reasonable doubt at issue.

A second point that I would like to highlight for the Court is the alleged statement of Mr. Baker. This statement defies credibility. The Court heard Mr. Baker testify and had an opportunity to observe his demeanor and make an assessment in a relatively short period of time of his intelligence and his street knowledge. And according to the police the defendant, Mr. Baker's statement was: Yeah, the blows in my hand are mine but I don't know nothing about the rocks in my pocket.

Well, why are you going to confess to possessing blows, heroin, and denying the cocaine that's in your pocket. Wouldn't a logical person, doesn't it make sense that if Mr. Baker had drugs in his hands he would have discarded them as he was running down the stairwell. If, which I don't concede for a second, Mr. Baker had drugs in his hand at the time he was arrested wouldn't it make more sense to say, well the drugs I could have thrown away were the drugs that Officer Gonzalez didn't see in my hand but Nichols got out, I don't know nothing about

BAKER GLENN 000486

them but, yeah, I got to admit to the stuff that's in my pocket.

But, no, the statement the police chose was a statement that they felt would help them in their frame-up of Mr. Baker. On the admission but we'll throw in a little denial to make it a little bit more believable. Unfortunately they over did it and took it beyond the boundaries of common sense.

Judge, Mr. Baker gave some testimony that I would ask the Court to follow. He admitted that he has sold drugs in and around Ida B. Wells in the past. But during his testimony he said that the police, and I'm paraphrasing, the police are going to catch me they got to catch me right.

And we have a little bit of a time line here. Mr. Baker testified that in May of 2004 Officer Watts approached him and told him he had been out all night and he was drunk and he, Officer Watts, needed some money and Mr. Baker refused.

In June of 2004 a month later Mr. Baker testified that he had a telephone call, a telephone conversation with Sergeant Watts where he was told that if he didn't pay money to Sergeant Watts he was going to have problems with some drugs in a mailbox.

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Mr. Baker refused to pay Sergeant Watts his bribe.

In July of 2004 Mr. Baker got charged with the drugs in the mail box.

Now, between June of 2002 and July 12th of 2004 Mr. Baker lived in 527 East Browning. He is not going anywhere. Yet he received that case and then in November the 24th of 2004 that case was dismissed after a motion to suppress.

And if this Court --

MR. LASKARIS: Objection, relevance, Judge.

THE COURT: It is mere argument.

MR. MAHONEY: If this Court will remember because this Court heard that case Mr. Baker's testimony during this case is correct. Mr. Baker testified when asked by the State that no, a motion to suppress wasn't heard in that case, Mr. Baker's testimony was actually the trial had started and then a motion was filed, and then the motion was heard. And that's correct that is exactly how it happened. A trial did start and after testimony by one of the officers, an Officer Kenneth Young, I did file a motion to suppress which was subsequently granted.

Mr. Baker testified that Officer AJ, Alvin Jones, told him that the next case would stick,

PL JOINT 000488 BAKER GLENN 000488
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the last case Kenny fucked up his testimony. That would have been Kenneth Young who Officer Jones testified was his partner. And that would be the same Officer Young whose testimony led me to file the motion to suppress in the last case.

But Officer Jones' warning to Mr. Baker that the next case would stick is the reason that we're here today, is the reason for the ludicrous statement put on the defendant. And I would ask this Court to empty Officer Joan's threats, and take away some of the power that Ronald Watts yields and this time the made-up case won't stick.

Judge, we submit that the State has not proven their case beyond a reasonable doubt. That reasonable doubt surrounds this case. We do not have to prove that Officer Jones and Officer Watts are corrupt police officers although it is certainly our contention, the State has to prove Mr. Baker guilty beyond a reasonable doubt. And, Judge, there is reasonable doubt in this case and they haven't done it, we would ask you for a finding of not guilty.

THE COURT: Mr. Laskaris.

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CLOSING ARGUMENTS

BY MR. LASKARIS:

The guy in this matter, Judge, Officer Watts is not on trial, Officer Jones is not on trial, the defendant is on trial. It is easy for the defendant to take the stand, make allegation after allegation after allegation. And what have you heard? Nothing, nothing to substantiate these allegations.

You heard Officer Watts testify regarding his conversation with the defendant. He never promised to give him money for the commissary once he is arrested. He never promised to let him go because if he knew he was kin to Bat he would let him go.

And you heard testimony from Officer Nichols exactly what happened that day, they went there for one purpose and that was their job. Their duty is with Ida B. Wells go into the building to do a premise check.

The defendant ran from the officer, that's uncontradicted. Both the defendant stated that and Officer Nichols stated that. And what happened he ran down the stairs, ran into Officer Gonzalez. You'll had a chance to see Officer Gonzalez on the stand, he is a large man, large police officer. When

BAKER GLENN 000490

the defendant ran down the stairs and ran right into him he knew the game was up, he knew he had nowhere to go, he was in a lobby with Officer Gonzalez as well as his partner waiting for him. Officer Nichols was short, a few feet behind him. And Officer Gonzalez testified credibly, what did he say, initially when I saw him I didn't see anything in his hand but as he turned and Officer Nichols grabbed him that's when I saw the drugs in his hand.

There is nothing odd or unordinary with that testimony. Officer Gonzalez testified that Ben Baker ran right into him, he had no chance to run or move anywhere else.

With regard to the statement why would officers makes a statement up, you know, when they say the blows are mine but rocks aren't. If they're going to put a statement on him or frame-up, frame the defendant why not have a better statement in regard to that statement. Why not have other people present for that statement.

This is not a frame-up, all this is is allegations, speculation, and the testimony of a defendant who admitted to selling drugs, selling drugs in that area. The defendant has a prior conviction

BAKER GLENN 000491

that can weigh into your credibility of the testimony of the defendant regarding this matter. The officers are unimpeached. And again all you have is mere allegations, mere speculations, and on the story that the defendant wants you to believe.

Based on all of the evidence regarding this case, the fact that there is no frame-up here, there is no -- we have heard nothing from Officer Nichols for his reason to frame the defendant. The defendant was asked how many occasions from January the 1st, 2005, to March the 1st of 2005 were you ever detained or seen or detained or had meetings with some of these officers. He answered yes.

Why wouldn't they plant the drugs on him in early January if they're going to do it. Why not frame him in February. Why are they waiting three months after they run into him on numerous occasions as the defendant testified. Why wait until March to put the big frame on the defendant.

Everything he says makes no sense at all, just wants you to believe that make-up story. And we have proved the defendant guilty beyond a reasonable doubt based on his stipulation as well as the testimony of the officers.

BAKER GLENN 000492

THE COURT: I'm going to take the matter under advisement. I can have a ruling Thursday, Friday, whatever is convenient.

MR. MAHONEY: Friday, your Honor.

THE COURT: Friday, that's fine.

June 9th.

MR. LASKARIS: Judge, would you like a copy of the State's transcript from the first.

THE COURT: That covers the earlier part of the trial?

MR. LASKARIS: Yes.

THE COURT: Sure.

All of Mr. Baker's matters then will be continued to June the 9th as well as Clarissa Glynn without subpoenas.

MR. MAHONEY: Thank you, Judge.

(The above-entitled cause was continued to June 9, 2006.)

PL JOINT 000493

BAKER GLENN 000493

BAKER GLENN 000493

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, Jewel Williams, an Official Court Reporter for the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the Report of Proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Official Court Reporter
084-001757

PL JOINT 000494
BAKER GLENN 000494
BAKER GLENN 000494

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION
OFFICE # 1311 / JU4 -83

THE PEOPLE OF THE
STATE OF ILLINOIS)

VS Ben Baker) No. 05CR8982

REPORT OF COMPLIANCE

I, Pamela C. Taylor, Assistant Administrator of the Official Court Reporters of the Circuit Court of Cook County, County Department-Criminal Division, do hereby state that on the 27 day of June 2007, the original Report of Proceedings was filed with the Clerk of the Circuit Court, Criminal Division.

PD or (SAD) or SAO

Pamela C. Taylor
Assistant Administrator,
Criminal Division

Received by: _____
Deputy Clerk, Criminal Division

FILED
CR-526.2
JUN 28 2007
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

33 Number of pages

VOLUME ____ OF ____

BAKER GLENN 000495

STATE OF ILLINOIS }
COUNTY OF COOK } ss:

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of A ONE VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS;ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 06-3352

in a certain cause LATELY pending in said Court, between The People of the State of Illinois WERE, Plaintiffs and BEN BAKER WAS, Defendant.

Witness: DOROTHY BROWN,
Clerk of the court, and the Seal thereof, at Chicago
In said County, JULY 2, 2007

CIRCUIT COURT OF COOK COUNTY ILLINOIS

Dorothy Brown
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

BAKER GLENN 000496

BAKER GLENN 000497

Transcript of Record

ppeal

to

05CR008982/A003

APPELLATE Court of Illinois

FIRST District

Circuit Court No. 05 CR 8982

Trial Judge MICHAEL TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

BAKER, BEN

from

CIRCUIT COURT

of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

FILED APPELLATE COURT
2006 JUL -7 AM 11:02
DOROTHY M. KAMIN
CLERK OF COURT

TWO OF TWO VOLUMES
REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per DB/PR
Deputy

(Rev. 1/17/01) CCCR 0310

BAKER GLENN 000498

Q What was said at that point?
A He said I got Little Benny right here, he ready to work it out.
Q Now, at some point did you get on the telephone?
A Yes.
Q Okay. How did that come about?
A Okay, Charles said that Sergeant Watts said it is going to cost a thousand dollars for him not to --
Q So Charles told you that Sergeant Watts said it is going to cost a thousand?
A Yes.
Q And what did you take that to mean?
A That if I gave him a thousand dollars that the case would go away.
Q When you say him you mean Sergeant Watts?
A Yes.
Q Did you have any case pending at that time, had you been arrested for any case?
A No.
Q So what did you believe they were talking about?
A The stuff they got out of the mailbox that

they said that he was going to put on me.

Q What happened next?

A So I said well let me talk to him.

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

A Yes.

Q And did you speak to someone?

A Yes.

Q Who did you speak to?

A Sergeant Watts.

MR. LASKARIS: Object to foundation.

MR. MAHONEY:

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

A Numerous times.

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

A I would say more than thirty.

Q More than thirty?

A More than thirty.

Q And you recognize Sergeant Watts' voice?

A Yes.

Q And when you got on the telephone was there

any doubt in your mind who you were talking to?

A No.

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

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

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

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

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

A Yes.

Q What case was that?

A The narcotics he got out of the mailbox.

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

A No.

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

A But you will beat it.

Q He told you you would beat it?

BAKER GLENN 000501

A Yes.
Q And this was a case that you hadn't even been arrested for?
A Yes.
Q What happened next?
A I said so if I give you a thousand dollars it shouldn't even be no case. He said well you wanted the truth. I said well you can pick Charles up on 46th and Wabash and hung up the phone.
Q And you hung up the telephone?
A Yes.
Q And you left his boy Charles there?
A Yes.
Q And you left the scene?
A Yes.
Q So, it is your testimony that you told Sergeant Watts that you wouldn't pay him his bribe?
A Yes.
MR. LASKARIS: Object to the foundation, when.
THE COURT: Sustained.
MR. MAHONEY:
Q During that telephone conversation that we just discussed you told Sergeant Watts that you wouldn't pay him his bribe?

A Yes.
Q I want to direct your attention now to twenty-two days later July the 12th of 2004, did you see Sergeant Watts?
A Yes.
Q Where did you see him?
A He knocked on the door, him and some more officers.
Q When you say the door, the door of what?
A To our apartment.
Q And that would be apartment 206?
A Yes.
Q And that is in 527 East Browning?
A Yes.
Q Did you answer the door?
A No, my wife did.
Q Okay. And were you able to see when your wife answered the door?
A Yes.
Q What happened?
A They came in -- Officer Watts and about three more guys came in with guns drawn.
Q They had their guns drawn?
A Yes.

PL JOINT 000503 BAKER GLENN 000503

Q What happened next?
A He asked her who is in the house, she say just me, my guy and his friend which me and my friend Elgin Moore was sitting in the front room and you could see us as soon as you come through the door.
Q So it was your wife Clarissa you say?
A Yes.
Q And what happened next?
A So he started searching the house.
Q Watts did?
A Yeah, him and the guys. I'm like what is this for. He said you were just in the hallway serving.
Q Had you just been in the hallway searching?
A No.
MR. LASKARIS: I'll object to the hearsay at this time.
THE COURT: What?
MR. LASKARIS: I'll object to the hearsay what the individuals said in the apartment.
THE COURT: Overruled.
MR. MAHONEY:
Q Had you been in the hallway serving?
A No.

BAKER GLENN 000504

Q What happened next?

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

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

A Yes, sir.

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

A No.

Q Did you go to jail?

A Yes.

Q Just like Sergeant Watts said?

A Yes.

Q What did you get charged with?

A Possession.

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

BAKER GLENN 000505

A Yes.

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

A Yes, sir.

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

A Yes.

Q How long were you in for?

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

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

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

THE COURT: Sustained.

MR. MAHONEY:

Q You were released from Cook County Jail?

A Yes.

MR. LASKARIS: Objection.

MR. MAHONEY:

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

A Yes.

BAKER GLENN 000506

Q Who was that?
A Detective named AJ.
Q When you say detective, detective is he a member of Watts' team?
A Yes.
Q Did you know his name?
A I just know his last name is Jones.
Q So, could that be Police Officer Alvin Jones?
A Yeah.
Q You call him AJ?
A Yeah.
Q Okay. Where did you have a conversation with AJ?
A On the side of 527 East Browning.
Q So were you outside?
A Yes.
Q Who was present for this conversation?
A It was AJ and another officer that I can't recall and it was me and another guy.
Q Who was the other guy?
A I think his name was Talorence Farmbanks (phonetic).
Q How long have you known AJ?
A About three or four years.

BAKER GLENN 000507

Q Have you ever seen him with Sergeant Watts?
A Yes.
Q How many times?
A Majority of the times that they're over there he drives the car and Sergeant Watts sits in the passenger seat.
Q So you actually see them together?
A Yeah, usually.
Q How many times have you seen them together?
A Over fifty times.
Q What did AJ say to you?
A He said why you looking at me like that.
Q And he was speaking to you?
A Yes.
Q And what did you say?
MR. LASKARIS: I'll object to hearsay and I'll objecting to all of this testimony regarding July the 12th, 2004, be stricken, it is irrelevant to this case.
MR. MAHONEY: Judge, I'm ultimately going to tie it up.
THE COURT: I don't know if it is or isn't, we are going to find out.
MR. LASKARIS: Okay.

BAKER GLENN 000508

MR. MAHONEY:

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

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

Q And what did you say?

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

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

A Yeah.

Q And what were you referring to?

A The mailbox case.

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

A He said well --

MR. LASKARIS: Judge, I'll object.

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

THE COURT: Overruled.

Go ahead.

MR. MAHONEY:

Q What did he say?

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

BAKER GLENN 000509

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

A Yes.

THE COURT: Wait, I am not getting this.

He said it is part of the game and what?

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

THE COURT: Who did?

THE WITNESS: Kenny, his partner.

THE COURT: Kenny?

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

THE COURT: Go ahead.

MR. MAHONEY:

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

A Yes.

Q Did he tell you anything about any subsequent cases?

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

Q I'm sorry?

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

Q It will stick?
A Yeah.
Q Did he say anything about making sure of that?
A Yeah.
Q What did he say?
A He said next time I put this case on you it's going to stick, Kenny ain't going to be able to fuck up the testimony.
Q So he said next time I put a case on you it's going to stick, Kenny is not going to be able to fuck up the testimony?
A Yes.
Q What did you understand that to mean?
MR. LASKARIS: Objection.
THE WITNESS: Exactly --
THE COURT: Overruled.
THE WITNESS: Exactly what he said.
MR. MAHONEY:
Q What is that?
A That he is going to put a case on me.
Q Now, I want to direct your attention to March the 23rd of 2005 the case that you are here for today?

A Yes.
Q About 3:40 p.m. where were you?
A Coming down the stairwell.
Q Where were you going?
A I was going to get my mother a birthday gift because that is her birthday March the 23rd.
Q Were you with anybody?
A No.
Q By the time you got down --
Where were you coming from?
A I was coming from the sixth floor, apartment 608.
Q By the time you got down to the third floor did you run into anybody else?
A Yeah, there were two individuals standing in the hallway.
Q Do you know who they were?
A Yes.
Q Who were they?
A It's BayBay, and Twanie.
Q Are those the only names you know them by?
A Well, I know Gregory Young that's BayBay but I don't know Twanie's real name.
Q Do you know what BayBay and Twanie were

BAKER GLENN 000512

doing?

A Selling drugs.

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

A Yes.

Q What happened?

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

Q Now, was Officer Nichols in uniform?

A No.

Q Did he have his gun drawn?

A Yes.

Q Was he with a partner?

A No.

Q Where was the gun pointed?

A At me.

Q What did Officer Nichols say?

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

Q And did you do that?

A Yes.

Q What did Officer Nichols say after that?

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

the wall.

THE COURT: He said what?

THE WITNESS: Put your hands on the wall.

MR. MAHONEY:

Q Did you put your hands on the wall?

A Yes.

Q Did BayBay and Twanie?

A Yes.

Q What happened next?

A BayBay took off running.

Q BayBay took off running?

A Yeah.

Q Which way did he go?

A To the stairwell closest to us.

Q What did Officer Nichols do?

A He looked. Then I took off running.

Q Then you took off running?

A Yeah.

Q Why did you run?

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

Q Twanie had the bags in his hands?

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

BAKER GLENN 000514

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

A Yes.

MR. LASKARIS: Objection.

MR. MAHONEY:

Q So you ran, what happened when you ran?

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

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

A No.

Q He was down on the first floor?

A Yes, by the car.

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

A Yes.

Q Did you stop?

A Yes.

Q Did you have any plastic bags in your hand?

A No.

Q Did you have any plastic bags in your pocket?

A No.

PL JOINT 000515 BAKER GLENN 000515

Q Did you have any narcotics on you?
A No.
Q And you stopped for Manny, is that correct?
A Yes.
Q Did you try to fight Manny?
A No.
Q Did you try to run away from Manny?
A No.
Q After you ran into Manny was Nichols anywhere around?
A No, he was still in the stairwell.
Q Okay. Was he five feet behind you?
A No.
Q Okay. When you stopped for Manny did you see Officer Nichols again?
A Yeah, once Officer Manny put me in handcuffs, searched my pockets, and put me in the back seat of the squad.
Q Then you saw Officer Nichols again?
A Yeah, then Officer Nichols came out with the two bags.
Q He came out of where?
A Out of the building.
Q He didn't come right out of the stairwell

BAKER GLENN 000516

right after you?

A No.

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

A Yes.

Q And that was before you ever saw Nichols again?

A Yes.

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

A No.

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

A No.

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

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

Q Okay.

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

PL JOINT 000517 BAKER GLENN 000517
BAKER GLENN 000517

MR. LASKARIS: Objection, hearsay at this time.
THE COURT: Sustained.
MR. MAHONEY:
Q So, after Officer Manny gave Nichols or, I'm sorry, after Officer Nichols gave Manny the two bags what happened?
A Then he told my wife, my wife said --
MR. LASKARIS: Objection to hearsay, Judge.
THE COURT: Sustained.
MR. MAHONEY:
Q Yeah, what that means is you can't say what your wife said.
But let's move on to your wife came out, correct?
A Yes.
Q And then what did Officer Nichols do next?
A She asked him a question and he told her to get the hell on, and he ran from me he's going to jail.
MR. LASKARIS: Objection, Judge, hearsay again.
THE COURT: I'll strike it.
MR. MAHONEY:
Q Did Officer Nichols get in the car?
A Yes.

BAKER GLENN 000518

Q And that was --
And did Officer Manny get in the car?
A Yes.
Q You were in the back seat?
A Yes.
Q Was anyone else in the car?
A No.
Q Did anyone make a phone call?
A Yes.
Q Who?
A Nichols got on the cell phone.
Q And did he speak to someone?
A Yes.
Q What did he say?
A He said well I got Ben Baker in --
MR. LASKARIS: Objection, hearsay, Judge.
THE COURT: Sustained.
MR. MAHONEY:
Q So he had a conversation with someone, is that correct?
A Yes.
Q Within sixty seconds of that conversation did somebody else or, I'm sorry I withdraw that question.
Did you see Sergeant Watts that day?

BAKER GLENN 000519

A Yes.

Q How did you come in contact with Sergeant Watts?

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

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

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

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

A Yes.

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

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

MR. LASKARIS: Objection to hearsay.

THE COURT: Overruled.

MR. MAHONEY:

Q So AJ said what to you?

A I told you we were going to get you.

Q And what did you take that to mean?

A That he had told me that he was going to put a case on me and it was going to stick.
Q Did you say anything to AJ or Watts?
A Yeah, I said get me the right way.
Q What did you mean get me the right way?
A Don't put a case on me, catch me with something and then put it on me, charge me with it.
Q So you wanted them if they were going to arrest you you wanted them to do it fair?
A Yes.
Q At the station --
Did you then go to the 2nd District?
A Yes.
Q At the station did you have another conversation with Watts?
A Yes.
Q Did he say something to you about an individual named Bat, B-a-t?
A Yes.
Q What did he say?
MR. LASKARIS: Objection, Judge, hearsay.
THE COURT: Overruled.
THE WITNESS: He said why didn't you tell me you was Bat's nephew I would have gave him this one that

BAKER GLENN 000521

is my guy.

MR. MAHONEY:

Q Okay. Who is Bat?

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

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

A I would have gave him this one.

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

A Yes.

Q What did you take that to mean?

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

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

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

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

THE COURT: Sustained.

MR. MAHONEY:

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

A Yes.

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

A Yes.

Q Were you getting processed at that time?

A Yes.

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

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

Q Okay. Was somebody filling out a report?

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

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

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

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

A Is too late not to charge me but he could

BAKER GLENN 000523

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

Q So, Watts said what about the money?

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

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

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

Q You refused the money?

A Yes.

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

A Yes.

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

A No.

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

MR. LASKARIS: Objection, argumentative, form.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

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

MR. LASKARIS: Objection, compound question, form.

THE COURT: Sustained.

MR. MAHONEY:

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

A No.

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

THE COURT: You're finished?

MR. MAHONEY: Yes.

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

MR. LASKARIS: Judge, can I approach?

THE COURT: Yes.

(Discussion off the record.)

Q What was said at that point?
A He said I got Little Benny right here, he ready to work it out.
Q Now, at some point did you get on the telephone?
A Yes.
Q Okay. How did that come about?
A Okay, Charles said that Sergeant Watts said it is going to cost a thousand dollars for him not to --
Q So Charles told you that Sergeant Watts said it is going to cost a thousand?
A Yes.
Q And what did you take that to mean?
A That if I gave him a thousand dollars that the case would go away.
Q When you say him you mean Sergeant Watts?
A Yes.
Q Did you have any case pending at that time, had you been arrested for any case?
A No.
Q So what did you believe they were talking about?
A The stuff they got out of the mailbox that

MR. LASKARIS: Objection, argumentative, form.

THE COURT: Overruled.

THE WITNESS: No.

MR. MAHONEY:

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

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THE COURT: You're finished?

MR. MAHONEY: Yes.

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

MR. LASKARIS: Judge, can I approach?

THE COURT: Yes.

(Discussion off the record.)

THE COURT: That's fine, 2:30.

(Luncheon recess taken.)

BAKER GLENN 000526

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

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

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
BEN BAKER,
Defendant.

No. 05-08982

Judge Michael P. Toomin

May 23, 2006

Court convened pursuant to lunch recess.

PRESENT:

MR. WILLIAM LASKARIS,
Assistant State's Attorney,
for the Plaintiff;

MR. MATTHEW MAHONEY,
for the defendant.

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

THE COURT: Court is back in session.

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

MR. MAHONEY: He is.

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

BEN BAKER,

resumed the stand, having been previously duly sworn, was further examined and testified as follows:

CROSS-EXAMINATION

BY MR. LASKARIS:

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

A Yes.

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

A Yes.

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

A Yes.

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

A Yes.

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

A No.
Q When did you stop selling narcotics?
A Like Mother's Day like 2004.
Q Well, when is Mother's Day 2004?
A That is the day Sergeant Watts came out the back between the two buildings 540 and 559 say he been up all night, he broke, he ain't got no money, and he's going to get my ass.
Q Okay. So prior to 2004 you supported yourself by selling narcotics, correct?
A Yes.
Q Now, Officer Nichols you saw him testify on the stand, correct?
A Correct.
Q You had never met him before, have you?
A Yes.
Q When was the first time you met him?
A Like 2005, early, early 2005.
Q So prior to March of 2005 you never met him before, correct?
A Incorrect.
Q When did you meet him?
A Like early, early in the year of 2005.
Q Well, did he arrest you on that date?

BAKER GLENN 000529

THE COURT: Court is back in session.

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Q Well, did he arrest you on that date?

BAKER GLENN 000529

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

Q And you said Officer Nichols had his gun drawn?

A Yes, when he entered the hall, yes.

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

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

Q Did he run?

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

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

A Correct.

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

A Yeah.

Q How many bags?

A Two.

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

A The first time I saw him?
Q Yes.
A No.
Q Did you see him since then, early of 2005?
A Yes.
Q Did he arrest you that date?
A No.
Q From January the 1st of 2005 to March of 2005 how many times have you seen Officer Nichols?
A A few times he detained me in the hallway along with another group of people while they searched the building.
Q So, his job was to search the building, correct?
A I don't know what his job is.
Q Well, you seen Officer Nichols at that building, correct?
A Yes.
Q You seen Officer Nichols do checks at that building, correct?
A Usually when Officer Nichols come in the building Sergeant Watts and AJ will go upstairs leaving Officer Nichols and the rest of the team downstairs while --

BAKER GLENN 000530

Q Okay, well let me ask about this.

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

A Yes.

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

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

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

A I've seen him --

Q Yes or no?

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

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

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

MR. LASKARIS:

Q You've seen them present in the building?

THE COURT: Sustained.

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

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BAKER GLENN 000530

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BAKER GLENN 000529

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BAKER GLENN 000529

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Q You've seen them present in the building?

THE COURT: Sustained.

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

MR. LASKARIS:

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

A AJ and Watts.

Q And you've been detained before, correct?

A Yes.

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

A March the 23rd.

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

A Correct.

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

A Several.

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

A Several.

Q Several times, correct?

A Yeah.

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

A I can't say that.

Q Well, where have you seen them?

A Either I'm standing outside the building or

MR. LASKARIS:

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Q And you've been detained before, correct?

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Q Several times, correct?

A Yeah.

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

A I can't say that.

Q Well, where have you seen them?

A Either I'm standing outside the building or

BAKER GLENN 000532

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

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

A Yes.

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

A No.

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

A What?

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

A Yeah, they did on March the 23rd.

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

A Yeah.

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

MR. LASKARIS:

Q Officer Jones.

A Officer Jones?

Q Yes.

A Yeah, he did the paperwork on the mailbox

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case but that was 2004.

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

A Correct.

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

A Sixth.

Q You live on the 2nd floor, correct?

A Yes.

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

A Correct.

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

A Yes.

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

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

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

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A Yes, as I stepped down to the third floor landing he came out the hall.
Q And by he you mean Officer Nichols, correct?
A Yes, yes.
Q And Officer Nichols at that time you said had his gun drawn?
A Yes.
Q Was he by himself?
A Yes.
Q And he announced his office?
A No.
Q What did he do?
A He say y'all come out the stairwell, put your hands on the wall in the hallway.
Q Again he was by himself, correct?
A Yes.
Q No backup arrived at that scene, correct?
A Correct.
Q No backup ever arrived until everybody ran, correct?
A His partner was downstairs all the time.
Q I said no backup ever arrived upstairs and there were three individuals, correct?
A Correct.

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

MR. LASKARIS: Well, nobody else ever arrived.

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

Overruled.

MR. LASKARIS:

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

A No.

Q It is a lit area, correct?

A Correct.

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

A There are narcotic sells going on, yes.

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

You live in that building, right?

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

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

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

BayBay ran so I ran.

Q Okay. Now, when you say BayBay ran?

A Yeah.

Q The officer didn't chase him, correct?

A Correct.

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

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

Q How long have you known BayBay?

A Since like '98.

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

A Gregory Young.

Q And?

THE COURT: What is his name?

THE WITNESS: Gregory Young.

THE COURT: Gregory Young.

MR. LASKARIS:

Q And you've known him from selling narcotics?

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

Q Again do you know him from selling narcotics?

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

Q You've seen him sell narcotics?

A Yes.

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

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

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

A Yeah, until we got to the first floor.

Q And Officer Nichols chased you, correct?

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

Q Let me ask you a question.

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

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

Q Let me ask you again.

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

A No.

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

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

Q Now, when you went downstairs how many

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officers were downstairs?

A One.

Q And that would be Officer Leano?

A Yeah, Manny, a little short Chinese guy.

Q Have you ever seen him before?

A Yes.

Q How many times?

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

Q You've seen him a few times?

A Yes.

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

A Yes.

Q He never detained you, has he?

A Yeah.

Q Has he ever arrested you?

A No.

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

A Yes.

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

Gonzalez?

A Yes.

Q And how do you know him?

A Because he has arrested me before.

Q Has he arrested you before?

A Yes.

Q Was he downstairs in the lobby?

A At March the 23rd, no.

Q Was he ever on the scene?

A No.

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

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

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

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

A At the police station, yeah.

Q Had you seen him prior to that?

A That day?

Q Yes.

A No.

Q How many officers arrived on the scene?

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

Q And you said Officer Nichols had his gun drawn?

A Yes, when he entered the hall, yes.

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

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

Q Did he run?

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

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

A Correct.

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

A Yeah.

Q How many bags?

A Two.

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

A Yeah, but he had them in one hand.

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

A Yes.

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

A Yeah.

Q And Officer Nichols performed that search on the scene?

A No, Manny, Manny his partner searched me.

Q Now, you said --

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

A Yeah, in the tac team room, yeah.

Q You were in a tac team room?

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

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

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

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

A Yes, I saw all of them type individually pass the paper on.
Q So, who is the first person to start typing?
A Officer Nichols.
Q Who was the second person to start typing?
A Manny.
Q Who was the third person to start typing?
A Gonzalez.
Q And who was the fourth person to start typing?
A AJ.
Q Did anybody else type the report?
A Gonzalez' partner Barton, Burton the one with the glasses.
Q What is his name?
A They say they were showing him how to do it right, they didn't want him to make no mistakes.
Q And when they were typing the report you were right there, correct?
A Yeah.
Q And when you saw them typing the report they are close to you?
A Like I'm handcuffed to the wall like this and then there is a desk right here that's where Officer

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Nichols was sitting at.

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

A Yes.

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

A Yes.

Q Now, let's talk about --

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

A No.

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

A No.

Q Did they tell you why you were being arrested?

A Yeah.

Q Why were you being arrested?

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

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

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

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

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

A Yes.

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

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

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

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

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

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

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

A Yeah, that was about five minutes.

Q There were present when Officer Nichols

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

A No.

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

A Yes.

Q Who is on the sixth floor?

A This girl named Dameka.

Q Pardon?

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

Q And where were you going?

A I was going out the building.

Q To do what?

A Go buy my mother a gift for her birthday.

Q And when is your mother's birthday?

A March the 23rd.

Q What is your mother's name?

A Yvonne Baker.

Q Yvonne Baker?

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

Q And where does she live?

A 15th and Wabash.
Q Now, let's go back again to when the police had their gun drawn. BayBay ran, correct?
A Yes.
Q Then you ran?
A Yes.
Q You made it all the way down to the lobby?
A Yes.
Q BayBay wasn't detained, was he?
A No, BayBay went out to the back.
Q Well, all the stairwells go down to the lobby, correct?
A Yeah, both stairwells go down to the lobby.
Q And when you went down to the lobby there was an officer down there, correct?
A Yeah, when I turned and went to the front yeah. But if I went to the back with BayBay there wouldn't have been an officer there.
Q So now you are not following BayBay, correct?
A BayBay went one way once we got on the first floor and I went the other way.
Q Well you followed him all the way down, correct?
A Yeah.

Q BayBay went pass the second floor, correct?
A Yes.
Q You followed him, correct?
A Yeah.
Q BayBay went pass the first floor, you followed him, correct?
A No. When we get to the first floor you can only go either out the back or out the front.
Q And that's where BayBay wasn't arrested, was he?
A Because no officer was there.
Q In fact, you were the only one that was detained, correct?
A Yes, but the officer told you he didn't chase nobody but me.
Q You are the only person that was detained, correct?
A Yes.
Q Now, Twanie, is that his name Twanie?
A Yes.
Q How long have you known him?
A I really don't even know him. I just know that's his name, that's what they call him.
Q Okay. He sells drugs in that building,

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correct?

A He has.

Q And you know that, correct?

A Yes.

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

A No, I don't know.

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

A In the car at the time, yes.

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

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

Q Pardon?

A Not until we got to the police station.

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

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

Q And kin to Bat means nephew?

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

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

MR. LASKARIS: One moment, Judge.

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

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

A Yes, she opened the door though.

Q Who was present at that time?

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

Q And when did that happen?

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

Q Now, at that time was Officer Nichols present?

A No.

Q Was Officer Leano present?

A No.

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

A Yes, I was.

Q And what were you arrested for?

A Some stuff they got out of the mailbox like a

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

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

THE WITNESS: '04.

MR. LASKARIS: '04.

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

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

MR. LASKARIS:

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

A Yes.

Q You were present for that motion, correct?

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

Q There was a motion set, right?

A Yes.

Q Correct.

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

A Correct.

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

A No.

MR. LASKARIS: Nothing further, Judge.

THE COURT: Anything else?

MR. MAHONEY: Very briefly.

REDIRECT EXAMINATION

BY MR. MAHONEY:

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

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

Q And that was Officer Nichols?

A Yes.

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

A Yes.

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

A Yes.
Q Did you stop?
A Yes.
Q Did Officer Manny have his gun drawn?
A No.
Q Did you have a bag of drugs in your hand?
A No.
Q So, if --
So, he told you to stop and you stopped, is that correct?
A Yeah, he just put his hand up like that. (Indication.). And I stopped.
MR. MAHONEY: Nothing further, Judge.
THE COURT: All right, you may stand down.
MR. LASKARIS: Judge,
(Witness excused.)
MR. MAHONEY: The defense rest.
THE COURT: You rest?
MR. MAHONEY: I rest.
(Defense rest.)
THE COURT: Yes.
MR. LASKARIS: Judge, at this time I can call two officers, Sergeant Watts is not here but I can call two officers for rebuttal at this time.

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THE COURT: Whoever you want to call you call them.

MR. LASKARIS: I would call Officer Jones.

THE COURT: Officer who?

MR. LASKARIS: Jones.

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

(Witness sworn.)

OFCR. ALVIN JONES,

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

DIRECT EXAMINATION

BY MR. LASKARIS:

THE COURT: Be seated, please.

MR. LASKARIS:

Q Officer, please state your name, star number, current unit of assignment.

A Officer Alvin Jones, J-o-n-e-s, Star No. 19462, assigned to the 2nd District of the Chicago police department.

Q Directing your attention to March the 23rd, 2005, were you on duty on that date?

A Yes, I was.

Q And, by the way, do you work with a team or a group of individuals?
A Yes, I do.
Q And what other officers do you work with?
A My partner?
Q Yes.
A Officer Kenny Young.
Q And back on March the 23rd of 2005 what was your duty detail at that time?
A I was a tactical officer in the 2nd District.
Q And on March the 23rd of 2005 approximately 3:50 p.m. did you go to the location of 527 East Browning?
A Yes, I did.
Q And what is located at that address?
A C.H.A. high-rise building, Ida B. Wells.
Q And why did you go to that location?
A Other members of the team I work for had made an arrest.
Q And how did you know to go to that location?
A I heard them on the radio yelling out a chase in that building.
Q Now, when you arrived at that location do you see anybody in court here that you saw at that

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location under arrest?

A Yes, I do.

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

A The gentleman sitting at the table with the white and red shirt on, Ben Baker.

MR. LASKARIS: May the record reflect in-court identification of the defendant.

THE COURT: Yes.

MR. LASKARIS:

Q Officer, have you seen the defendant before?

A Yes, I have.

Q Now, I'll direct your attention back to July, approximately July the 19th of 2004 at any time did you tell the defendant: Next time I will I put a case on you it will stick, Kenny won't fuck up his testimony?

A No, I did not.

THE COURT: Next time what?

MR. LASKARIS: Kenny wouldn't fuck up his testimony.

THE COURT: No, give me the whole statement.

MR. LASKARIS: Oh. Next time I put a case on you it will stick, Kenny wouldn't fuck up his

testimony.

THE WITNESS: No, I did not.

MR. LASKARIS:

Q Now, direct your attention to March the 23rd of 2005 did you ever have a conversation with the defendant?

A No, I did not.

Q On the scene did you ever have a conversation with the defendant?

A No, I did not.

Q Back at the 2nd district did you ever have a conversation with the defendant?

A No, I did not.

Q At any time on March the 23rd of 2005 did you tell the defendant I told you we will get you?

A No, I did not.

Q Nothing further.

MR. MAHONEY: May I proceed, your Honor?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. MAHONEY:

Q Officer Jones, are you known by AJ?

A Yeah, people call me that.

Q How long have you been working around

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Ida B. Wells?

A Approximately ten years.

Q Do you know an individual by the name of Sergeant Ronald Watts?

A Yes, I do.

Q Who is he?

A He is my sergeant.

Q He is your supervisor?

A Yes, he is.

Q How long have you worked with him?

A The last four and-a-half years.

Q You and he ever drive together?

A Yes.

Q And you say that you did go to 527 East Browning on March the 23rd of 2005, is that correct?

A That's correct.

Q And you went there because you heard a chase?

A Yes.

Q And that was over the radio?

A Yes, it was.

Q Who called in the chase?

A Some members of my team I believe.

Q What were their names?

A I don't know which one called it in. I just know it was a call sign 264, I don't recall who exactly it was.

Q And they told you that 264 was chasing somebody?

A The 264, member of the 264 team was chasing someone in the building.

Q And was it, do you know if it was Team B or C or A or D?

A At the time I didn't know who it was.

Q Did they say who they were chasing?

A No, they didn't.

Q Was the individual who was calling in the chase the individual who was doing the chasing?

A I would assume so.

Q So this person was operating this radio while he was chasing him?

A I would assume so.

MR. LASKARIS: Objection, calls for speculation.

THE COURT: Overruled.

MR. MAHONEY:

Q Now, you say that you didn't have any conversation at all with Mr. Baker on March the 23rd, 2005, is that correct?

A That's correct.
Q Have you ever had any conversation with him before?
A Yes, I have.
Q On numerous occasions?
A Well what would you say is numerous?
Q Ten or twenty?
A I wouldn't say ten or twenty.
Q You have been working there four and-a-half years?
A Yes, I have.
Q And Mr. Baker has been living there the entire time that you have been working there?
MR. LASKARIS: Objection, speculation.
THE COURT: Overruled.
MR. MAHONEY:
Q If you know?
A I don't know.
Q Well, did you see Mr. Baker four and-a-half years ago?
A I don't recall.
Q You don't remember?
A No.
Q Did you see him four years ago?

A I don't recall.
Q Did you see him three and-a-half years ago?
A Can't say yes or no.
Q Did you have a conversation with him three years ago?
A I don't recall.
Q How about did you see him, have a conversation with him two and-a-half years ago?
A Excuse me?
Q Did you see him or have a conversation with him two and-a-half years ago?
A That's possible.
Q It is possible.
But you don't remember?
A Yes.
Q Do you know an individual by the name of Shock?
A Yes.
Q Where does Shock live?
A Excuse me?
Q Where does Shock live?
A I don't know.
MR. LASKARIS: Object to relevance.

MR. MAHONEY:

Q Does he live in the 574 --

THE COURT: Just a minute. There is an objection.

MR. MAHONEY: I'm sorry.

MR. LASKARIS: I object to relevance.

THE COURT: Overruled.

MR. MAHONEY:

Q Does Shock live in the 574 building?

A I don't know.

Q 575 building, I'm sorry?

A I don't know.

Q Well where were you when you took drug payments from Shock?

MR. LASKARIS: Objection.

THE COURT: Say that again?

MR. MAHONEY:

Q Where were you when you took drug payments from Shock?

MR. LASKARIS: Objection.

THE COURT: It assumes a fact not in evidence. Maybe you better rephrase it.

MR. MAHONEY:

Q Have you ever taken drug payments from Shock?

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A No.

MR. LASKARIS: Objection, relevance, your Honor.

THE COURT: Overruled.

MR. MAHONEY:

Q What about April the 7th of 2005 did you take a drug payment from Shock that day?

A No.

Q You have known Sergeant Watts for four and-a-half years, is that correct?

A That's correct.

Q And you spent some of that time driving with him, is that correct?

A That's correct.

Q Have you ever seen Sergeant Watts engage in any conversation with Mr. Baker?

A Yes.

Q And have you ever seen Sergeant Watts accept any payments from drug dealers?

A No.

Q Never?

A Never.

Q Now, you say you had no conversation at all about Ben Baker on the 23rd of March, 2005, is that correct?

A That's correct.
Q Not in the 2nd District?
A Not in the 2nd District.
Q Did you hear Mr. Baker say anything on March the 23rd of 2005?
MR. LASKARIS: Objection.
THE COURT: Overruled.
THE WITNESS: I don't recall.
MR. MAHONEY:
Q You don't remember?
A No, sir.
Q So you don't remember if he said them blows were mine but them rocks ain't?
A I don't recall that, no.
Q But on the 23rd of March you were in the 2nd District station while Mr. Baker was being processed, is that right?
A I was there at the time, yes.
Q And were you there when Officer Nichols gave Mr. Baker his Miranda warnings?
A I was not there.
Q Where were you?
MR. LASKARIS: Objection.
THE COURT: What was that?

MR. MAHONEY: Where was he.
MR. LASKARIS: Objection to relevance.
THE COURT: Where was who?
MR. MAHONEY: Him, AJ.
THE COURT: In the 2nd District?
MR. MAHONEY: When he wasn't in the 2nd District.
THE COURT: Oh, sustained.
MR. MAHONEY:
Q When you were there the day Mr. Baker was being processed, correct?
A Yes, I came through the office when he was being processed.
Q You just came through the office?
A Yes.
Q Did you type up any inventories or reports?
A No, I did not.
Q Does your name appear on any of the reports?
A Yes, they do.
Q As an assisting officer?
A Yes, they do.
Q How did you assist?
A I was there at the scene when they brought him down and had placed him in the car. I responded to the call of the assist.

Q So, when they brought him down and put him in the car you were there?

A I showed up right after that, yes.

Q Well, was he in the car or out of the car when you got there?

A He was in the car.

Q So he was already in the car when you got there?

A Yes, sir.

Q How long after you heard the chase on the radio did you arrive?

A Approximately a minute, a minute and-a-half.

Q Okay. So you hear a chase that's happening on the radio and within a minute to a minute and-a-half you are there at the scene and Mr. Baker is already in the car?

A Yes.

MR. MAHONEY: Nothing further, Judge.

THE COURT: Anything else?

MR. LASKARIS: Just one question.

REDIRECT EXAMINATION

BY MR. LASKARIS:

Q You arrived on the scene after the arrest, is that correct?

A That's correct.
Q You had nothing to do with the arrest?
A No, sir.
Q And counsel asked you about the reports, correct?
A That's correct.
Q Did you ever sit down at a typewriter and type up any reports?
A Pertaining to?
Q Pertaining to this case, the arrest report, or anything pertaining to this case?
A No, sir.
MR. LASKARIS: Nothing further.
THE COURT: Anything else, Mr. Mahoney?
MR. MAHONEY: No, your Honor.
THE COURT: Thank you, officer, you may step down.
THE WITNESS: Thank you.
(Witness excused.)
MR. LASKARIS: Judge, I'll call Officer Gonzalez.
THE COURT: Gonzalez?
MR. LASKARIS: Yes.
THE COURT: Step up please, sir. Raise your right hand and face this way.

(Witness sworn.)

OFCR. ROBERT GONZALEZ,

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

DIRECT EXAMINATION

BY MR. LASKARIS:

THE COURT: Be seated, please.

MR. LASKARIS:

Q Officer, would you please state your name, star, and current unit of assignment, please.

A Robert R. Gonzalez, G-o-n-z-a-l-e-z, Star No. 12152, currently assigned to the Chicago Police Department 2nd District tactical team.

Q Directing your attention to March the 23rd of 2005 were you working as a Chicago police officer on that date?

A Yes, I was.

Q And did you go to the location of, approximately 3:45 p.m. did you go to the location of the Ida B. Wells C.H.A. building located at 527 East Browning Avenue, Chicago, Cook County?

A Yes, I did.

Q And why did you go to that location?

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A To initiate a premise check.

Q And upon arriving at that location anything unusual occur?

A Yes, we initiated a premise check and as we, as my partner and I Officer Bolton were down in the lobby area we heard a radio call come out of a foot chase, one of my partners in a foot chase.

Q And what happened next?

A The defendant Mr. Ben Baker exited the stairwell and we detained him at that point.

Q And you said the defendant Ben Baker do you see that person here in court today?

A Oh, yes.

Q Can you point to him and identify an article of clothing he is wearing for the Court?

A The gentleman in the white shirt down by that table. (Indication.)

MR. LASKARIS: The record will reflect in-court identification of the defendant.

THE COURT: Yes.

MR. LASKARIS:

Q And at the time you saw the defendant did you detain him?

A Yes, along with my partner.

Q Did you see anything in his hands?
A After Officer Nichols recovered what I suspected narcotics that's when I observed it.
Q And where was it?
THE COURT: The question was did you see anything in his hands.
THE WITNESS: At that point, no.
MS. BREGENZER:
Q Did you see Officer Nichols recover anything?
A Yes, I did.
Q What did he recover?
A He recovered a clear plastic sandwich bag.
THE COURT: A what?
THE WITNESS: A clear plastic bag.
MR. LASKARIS:
Q And where did he recover this from?
A From his hand, from his right hand.
THE COURT: From his where?
THE WITNESS: From his hand.
MR. LASKARIS:
Q And you saw the officer recover that, correct?
A Correct.
Q Now, did you go back to the 2nd District

station at any time after the arrest of the defendant?

A Correct, after that incident occurred we went back to the 2nd District.

Q At any time did you sit down next to Officer either Nichols or Officer Leano and type up a police report?

A No, I did not.

MR. LASKARIS: Nothing further.

MR. MAHONEY: Can I proceed?

CROSS-EXAMINATION

BY MR. MAHONEY:

Q Officer Gonzalez, is that correct?

A Yes, sir.

Q What is your first name?

A Robert.

Q Do you know somebody named Manny?

A Who?

Q Somebody named Manny?

A You have to be a little bit more specific.

Q Another officer that works with you?

A A partner on my team?

Q Yes.

A Yes, I do.

Q And who would that be?

A Officer Leano.
Q That would be Manuel Leano?
A I believe, yeah, that is his full name.
Q He goes by Manny, is that correct?
A I've known him as Manny, yes.
Q Now, was Manny there on March the 23rd, 2005, at 527 East Browning?
A Yes.
Q Now, you say that you detained Mr. Baker, is that correct?
A Yes.
Q What did you do to detain him?
A Prevented him from exiting out of the building.
Q I'm asking you what you did specifically. Did you grab him, did you pull your gun on him, what did you do?
A I, my presence was right in front of him and then Officer Nichols had come and placed him into custody along with Officer Leano.
Q My question is did you grab --
A At some point yes, I did.
Q Before he stopped or after he stopped?
A Oh, that was after.

Q Okay. So before he stopped did you grab him or pull your gun on him?
A No.
Q He just stopped?
A Yes.
Q When he saw you?
A Correct.
Q And when he stopped and you saw him you didn't see anything in his hands?
A In that real instance no, I didn't.
Q And did Mr. Baker try to run from you?
A No, he did not.
Q Did he try to fight you?
A No.
Q Now, did Officer Jones arrive on the scene at some point on that day the 23rd of March of 2005?
A Yes, I believe it was sometime after the incident took place.
Q I'm sorry?
A It was sometime after that.
Q Do you recall how long after?
A No.
Q Well, I mean was it a minute or a half-an-hour?

MR. LASKARIS: Objection, asked and answered.
THE COURT: Sustained.
MR. MAHONEY:
Q And when Officer Jones arrived on the scene where was he when you saw him?
A I don't have any really specific recollection as to where he was.
Q Well, was --
A I know that he arrived on the scene.
Q Did you see the defendant Mr. Baker placed in a car?
A I believe so I just don't recall what vehicle he was placed in. I believe he was placed in Officer Nichols' and Leano's vehicle.
Q Okay. Now, did you see Officer Jones before or after Mr. Baker was placed in Officer Nichols' car?
MR. LASKARIS: Object, asked and answered.
THE COURT: Overruled.
THE WITNESS: Can you repeat the question again.
MR. MAHONEY:
Q Did you see Officer Jones on the scene before or after Mr. Baker was placed in Officer Nichols' car?
A I don't recall.
Q Did you see Officer Jones have a conversation

with Mr. Baker?

A No, I did not.

Q You recall that?

MR. LASKARIS: Objection, Judge.

THE COURT: Sustained.

MR. MAHONEY: Nothing further, Judge --

Well, may I, your Honor, I did think of another one.

Q Do you know Officer Watts?

A Again if you're referring to a, my sergeant.

Q Sergeant?

A Sergeant Ronald Watts, yes, I do.

Q How long have you known him?

A I've been under his supervision I guess now five years approximately.

Q And was he there that day March the 23rd at 527 East Browning?

A Yes.

Q He came with AJ, is that correct?

A Yeah, with who?

Q AJ, Officer Jones?

A Al you're talking about, Officer Al Jones, okay, yeah.

Q He came with him?

A Yeah, they were on the scene.
Q Okay. And did you see them arrive?
A I, and again I don't recall exactly when, no.
MR. MAHONEY: Nothing else, Judge.
MR. LASKARIS: Judge, nothing further of this witness.
THE COURT: Officer, let me ask you something.
You said that you didn't see anything in Mr. Baker's hand when you detained him, is that right?
THE WITNESS: In the instance as I first saw him I, I didn't have a view of what was in his hand until he came towards me and then Officer Nichols physically detained him and I had, I caught a glimpse of the narcotics then.
THE COURT: Where was it?
THE WITNESS: In his hand, I don't recall.
THE COURT: Right hand, left hand.
THE WITNESS: Yeah, it was in his hand, I just remember.
THE COURT: Was anything else seized from him?
THE WITNESS: I believe a custodial search was performed, there was crack cocaine that was also recovered.
THE COURT: A custodial search where?

THE WITNESS: From the location where they recovered?
THE COURT: Yeah, where was the search?
THE WITNESS: On the scene.
THE COURT: On the scene?
THE WITNESS: Yes.
THE COURT: Another item was recovered besides what he had in his hand?
THE WITNESS: Yes.
THE COURT: And what was that?
THE WITNESS: I believe it was an amount of crack cocaine.
THE COURT: Did you see where it was recovered from?
THE WITNESS: I can't recall exactly where, it was from a pants pocket.
THE COURT: Okay, anything else?
MR. MAHONEY: No, your Honor.
MR. LASKARIS: No.
THE COURT: Okay, thank you.
THE WITNESS: Okay.
(Witness excused.)
THE COURT: Anything else?
MR. LASKARIS: Judge, at this time we're going to

ask for a continuance to bring Sergeant Watts in for rebuttal. I think --

THE COURT: All right.

MR. LASKARIS: And he does have two other cases, Judge, maybe we can subpoena officers in for those cases too so that we can bring in Sergeant Watts and put the case in a bench mode also.

THE COURT: Which case is that?

MR. MAHONEY: Judge, I am not necessarily in agreement with that.

MR. LASKARIS: Okay, Judge, I was just trying to save time, Judge.

MR. MAHONEY: First, Judge, for the record I would object to a continuance.

THE COURT: Why.

MR. MAHONEY: Judge, I would just point out that the State is in possession of the same discovery that I am and the, Mr. Baker's defense is outlined in that discovery and they certainly had the opportunity to get officers here as evidenced by the number of officers that are here. This was set for trial today, Mr. Baker is here, he is ready. They knew of the necessity of calling Mr. Watts because Mr. Baker's defense is spelled out in that discovery. He is not

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here, we would object to the continuance.

THE COURT: What about that?

MR. LASKARIS: Judge, with regard to that this is a rebuttal witness. The fact that there are some paperwork explaining, mentioning Sergeant Watts' name until the defendant took the stand there was no guarantee that he would take the stand. There was -- I was informed today that he may take the stand. As you know defendants do change their mind. And for our case in chief I had the officers that are present. This is rebuttal witness which my case law doesn't even have to be disclosed because it is a rebuttal witness and we feel that this should be a -- a motion should be granted in order to bring Sergeant Watts in.

THE COURT: We'll allow him to be brought in. What are we talking about?

MR. LASKARIS: Can I just find out to make sure if any of his partners know his furlough.

THE COURT: Yes.

(Whereupon, a brief pause was had:)

MR. LASKARIS: Judge, he is on furlough from June the 7th to July the 6th so something before June the 7th will be better.

MR. MAHONEY: The 5th or the 6th does work for

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me, your Honor.

THE COURT: We're doing a jury on the 5th?

MR. LASKARIS: That is the Ronnie Thompson, yes.

THE COURT: How long is that going to take?

(Discussion off the record.)

THE COURT: June the 5th.

MR. MAHONEY: June the 5th or 2nd either one. The 5th is fine.

THE COURT: Okay. And the other matters will go over to that date as well.

MR. MAHONEY: Ms. Glenn is present in court as well, your Honor.

THE COURT: Yes.

MR. MAHONEY: It will be status on that date.

THE COURT: Yes.

MR. MAHONEY: Thank you, your Honor.

(The above-entitled cause was continued to May 5, 2006.)

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, Jewel Williams, an Official Court Reporter for the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the above entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the Report of Proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said court.

Official Court Reporter
084-001757

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
-vs-) No. 05 CR 8982
)
BEN BAKER,)
)
Defendant.)

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause, before the Honorable MICHAEL P. TOOMIN, Judge of said court, on the 9th day of June, 2006.

APPEARANCES:

HON. RICHARD A. DEVINE,
State's Attorney of Cook County, by
MS. MARY BREGENZER and
MR. BILL LASKARIS,
Assistant State's Attorneys,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Appeared on behalf of the Defendant.

Reported by:
Jill Raddatz
Official Court Reporter
Criminal Division
084-002564

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THE CLERK: Ben Baker and Clarissa Glenn, 1, 4, 10 & 11.

MR. MAHONEY: Good morning, your Honor. Matthew Mahoney on behalf of both defendants who are present on bond.

THE COURT: He has three cases here, correct?

MR. LASKARIS: That's correct, Judge.

MS. BREGENZER: Actually, Judge, there's a V.O.P. There should be four. On sheet 1 there's a VOP.

MR. LASKARIS: 02 CR 5992.

THE COURT: And on sheet 4, 8982.

THE CLERK: Sheet 10 and 11.

THE COURT: 10 and 11. Okay. All right. The matter is here today, I believe, for resolution of the case that we tried.

MR. MAHONEY: That's correct, your Honor.

THE COURT: The Court has prepared findings on that matter.

Mr. Baker is here on a multiple count indictment, 05-8982, wherein he is charged in Count 1 with possession of controlled substance with intent to deliver 15 to 100 grams of heroin.

Count 2, possession of controlled substance with intent to deliver, 1 to 15 grams of cocaine at a C.H.A. managed housing.

Count 3, possession of controlled substance

with intent to deliver 1 to 15 grams within thousand feet of the school.

And Count 4, possession of controlled substance, a Class 1 felony.

The State's evidence essentially comes from Officer Nichols (phonetic) of the Second District Tac team who related he was on duty March 23, 2005 at about 3:45 p.m. at the Ida Wells Public Housing facility; particular building was at 527 East Browning, a building managed by the Chicago Housing Authority. He together with his partner, Officer Leono (phonetic), was doing a premises check pursuant to the assignment by his team sergeant, Sergeant Watts (phonetic), to check on high narcotics activity in or about that area.

Officer Nichols testified that he worked his way up to the third floor by way of the rear stairwell together with Officer Leono. At the third floor he saw the defendant and two others standing in the hallway. The defendant was holding a plastic bag, a clear plastic bag containing smaller Ziplock baggies. He announced his office. The defendant fled down the stairs and the officer took up pursuit.

The defendant was apprehended in the lobby by Officer Gonzalez (phonetic) and Bolton (phonetic). Bag was

recovered. The bag in his hand contained 110 baggies of white powder suspect heroin. Search of the defendant's person revealed another clear plastic bag with 68 baggies of a white rock-like substance from his right front pants pocket, also $819 from his left pants pocket.

He was taken to the Second District, Mirandized, and gave an oral statement according to Officer Nichols, quote, them blows our mind but those rocks ain't, end quote.

There was a stipulation as to chain of custody and analysis by the crime laboratory. The narcotics were inventoried by Officer Leono, and the crime laboratory after testing and weighing the substances found that the first bag with 110 bags of heroin had a total weight of 41.1 grams--actually, 41 of the bags were tested for an actual weight of 15.3 grams. The smaller bag with the 68 packets had a total weight of 13.9 grams. 26 of the 68 were tested positive for cocaine, 5.3 grams.

The defendant's case through his own testimony was essentially--and he acknowledged living at 527 East Browning since July of 1997 with his wife, Clarissa, and three boys, young boys. He acknowledged four prior convictions since 1994, aggravated battery with a firearm, unlawful use of weapons and two possession charges. His

defense essentially was a denial.

Mr. Baker testified that he was on the third floor hallway with two individuals, Bay Bay (phonetic) and Twonny (phonetic). Twonny had narcotics. Nichols approached alone, not with Leono, ordered all of them to the wall. He went to the wall initially and then fled down the stairs. He testified he was caught down the stairs by Manny Leono, not Officer Gonzalez.

Mr. Baker further testified that all of this, this case, was actually a frame going back to June of 2004 when he was informed that Sergeant Watts wanted $1,000 to make a case go away that the defendant had not yet been arrested on, the case involving controlled substances found in the mailbox of his lobby.

On July 12, 2004, he testified, that Sergeant Watts and his team came to he and his wife's apartment with their guns drawn. Searched revealed nothing but he was charged instead with the case from the mailbox which he beat in November of '04. Upon his release from custody he testified that Officer Alvin Jones (phonetic), who was a cohort of Sergeant Watts, talked to him about the mailbox case, told him that you win some, you lose some; the next time we get you it will stick.

March 23rd of last year apparently was the

next time. After his arrest on that date he testified that Officer Jones approached the car, squad that he was in, and told him that--reminded him that he had told him that they were going to get him, and at the Second District Jones and Officer Gonzalez participated in paperwork. Mr. Baker denied making any statement about narcotics and stuck to his defense that these drugs were essentially planted on him.

The State on rebuttal called several officers, Sergeant Watts and Officer Jones. They denied any prior conversations with Mr. Baker along the lines of how he testified; that is, any threats or any overtures to obtain money from Mr. Baker. Officer Gonzalez and Officer Jones testified particularly that they did not participate in any paperwork in the Second District. Officer Gonzalez also corroborated Officer Nichols as to being the person who was in the lobby of the building who indeed detained the defendant, that it was not Officer Leono.

The State's case in analyzing this evidence is fairly simple and straightforward. Two officers on the premises search, see drugs handled by a defendant. The defendant flees with the bag, is apprehended in the lobby, contraband is recovered together with substantial amounts of United States currency.

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The contraband was inventoried according to procedures, sent to the crime lab, tested results were as reflected in the stipulation. The defendant's case here is based solely upon his testimony, his self-serving testimony, which is not corroborated in any manner; it's actually contradicted by credible evidence presented by a number of police officers--Officers Nichols, Officer Gonzalez, Officer Jones, Sergeant Watts.

Accordingly, the Court will enter findings of guilty as to Counts 1, 2 and 4.

There is no evidence with regard to a school being a thousand feet from this location. There will be a finding of not guilty entered as to Count 3.

We will need a date for a Presentence Report. Defendant will be remanded into custody. Bond will be revoked.

MR. MAHONEY: 30 days, your Honor?

THE COURT: 30 days, yes. July 7th. How is that?

MR. MAHONEY: That's fine your, Honor.

THE COURT: July 7th for P.S.I., fill out the appropriate form.

MR. MAHONEY: Yes, Judge. I also have a motion for a C.B.R. to attorney.

THE COURT: Pardon me?

MR. MAHONEY: C.B.R. to attorney.

THE COURT: Do you have the petition?

MR. MAHONEY: Yes.

THE COURT: Wait a minute. Hold on. Mr. Baker, do you want the proceeds of your bond to be returned to your lawyer?

THE DEFENDANT: Yes.

THE COURT: C.B.R. attorney. And we'll set the other cases when you come back on July 2nd.

MR. LASKARIS: It will be by agreement on all cases, Judge.

THE COURT: Very well.

(The above-entitled cause was continued to July 2, 2006.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Jill Raddatz, Official Court Reporter for the County Department, Criminal Division, do hereby certify that I reported in shorthand the report of proceedings had at the hearing in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the report of proceedings had before the Honorable MICHAEL P. TOOMIN, one of the Judges of said Division.

Jill Raddatz,
Official Court Reporter
084-002564

Dated this 22nd day
of February, 2007.

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
Plaintiff,)
)
vs) No. 05 CR 8982
)
BEN BAKER) A P P E A L
)
Defendant.)

SENTENCING HEARING

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause before the Honorable MICHAEL P. TOOMIN, one of the judges of said court, on the 7th day of July, A.D., 2006.

PRESENT: HON. RICHARD DEVINE
State's Attorney of Cook County
by, MR. WILLIAM LASKARIS
Assistant State's Attorney,
on behalf of the People;

MR. MATTHEW MATHONEY
Private counsel,
on behalf of the Defendant.

-- -- --

Kathie Kerns, CSR, RPR
Official Court Reporter
CSR #084-002547

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THE COURT: Anything else for probation?
THE PROBATION OFFICER: Ben Baker.
THE COURT: His lawyer is not here yet.
THE PROBATION OFFICER: That's all, Your Honor.
[CASE PASSED]
THE COURT: Ben Baker.
THE DEPUTY SHERIFF: Coming out.
THE CLERK: Sheets 1, 4, 7, and 9.
THE COURT: Could I have the case that went to trial, 8982.
MR. MAHONEY: Good morning, Your Honor. Matthew Mahoney on behalf of the defendant Ben Baker who is here today for sentencing. I am seeking leave to file motion for new trial.
THE COURT: Leave is granted. Anything you wish to say in addition to this?
MR. MAHONEY: Yes, Your Honor. I don't want to rehash the facts of the trial. However, I do want to say this. Mr. Baker testified during his trial and he testified very credibly and he told the truth and he had a lot to lose by telling the truth. He made some statements that were against his penal interest in regards to the violation of probation that is currently pending. But he took the stand and he told the court the truth of what actually happened on that day. And the

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issue before the court that the court was to decide on that day was whether or not on the day charged in the indictment Mr. Baker possessed drugs. Now, Mr. Baker testified he did not and the police testified to the contrary, so obviously there were two different versions of the offense we had.

But what I am arguing in my motion for new trial, that it was not an either or situation. You didn't either believe the police or believe Mr. Baker. Mr. Baker needed to be proven guilty beyond a reasonable doubt. Mr. Baker stood before the court presumed innocent. Two different versions of the events. Mr. Baker's version was unimpeached and very credible and he had a lot to lose by testifying. But it seems that during the course of the trial that the version that the court sided with was the version of the police, and in so doing the police officers received the benefit of the doubt, and that benefit belonged to Mr. Baker and it was wrongly taken from him.

THE COURT: I don't follow your logic. I'll listen to what the State has to say.

MR. LASKARIS: Judge, as you well know, the purpose of the trial is to judge the credibility of the witnesses as they take the stand. In this case you had the opportunity to judge their demeanor, their appearance in court, the way they testified in court, as well as their testimony

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regarding this matter.

As the trier of fact, the fact that a witness does testify at trial is important because then you do get to judge the credibility of the witnesses as they appear to you in regards to their testimony.

In this case, Judge, you judged the credibility of the officers, judged their manner in testifying and found them credible. We feel based on the credibility of the officers that we have proven the defendant guilty beyond a reasonable doubt.

THE COURT: Paragraph 7 alleges that the finding of the court relies upon the mistaken belief that police officers are entitled to a presumption of enhanced credibility. It goes on to say when the prosecution and defense present differing but equally unimpeached accounts of the same incident the result should be a finding of reasonable doubt exists not that the police officers must be more credible.

I certainly don't subscribe to any proposition that police officers are entitled to enhanced credibility. Every jury trial that we have here jurors are admonished that police officers' testimony is to be judged by the same standards as any other witness. They are not entitled to any greater believability or less believability simply because they are police officers. Obviously I subscribe to that

BAKER GLENN 000594

position as well. That is what the law is. These officers were not given enhanced credibility.

Mr. Baker told his side of the story, going back into a period of time many months of dealing with these officers, making accusations against them. They were involved in shaking him down, putting cases on him, things of that nature, which was totally uncorroborated. There was nothing to buttress that claim at all. And I believe that the police officers told a credible testimony here as to the initial observations in the CHA building, in the chase involving defendant, in the recovery of the controlled substance that followed in the lobby of the building, and additional substances recovered from his pockets as well.

I think certainly those findings are within the purview of the judges and jurors day in and day out -- they weigh credibility and they assess credibility, they make decisions. I wasn't there, you weren't there, you don't know what the truth is. All I can go by is what I hear in the way of evidence and how I evaluate that evidence. The motion for new trial will be denied.

I just received the presentence report. I haven't had a chance to review it yet. So we could proceed to sentencing today after I have had a chance to review it. And if you have any corrections, you let us know.

MR. MAHONEY: Thank you, Your Honor.

[CASE PASSED]

(WHEREUPON, the following proceedings were resumed as follows herein:)

THE CLERK: Ben Baker. 1, 4, 7, and 9.

THE COURT: All right. The matter was passed to allow counsel an opportunity to review the presentence report. Are there any corrections or modifications to make?

MR. LASKARIS: Judge, no.

THE COURT: Defense.

MR. MAHONEY: Judge, I believe that Mr. Baker's criminal history does not include the case he is on probation for.

THE COURT: All right. I'll hear from the State first.

MR. LASKARIS: Judge, I won't go over the facts of the case.

I would like to point out in regard to defendant's past criminal history. It shows that on September 16, 1994 he received 6 years IDOC on an attempt murder charge under case 93 CR 2839701. According to the leads sheet in regards to this letter, I am showing that he was received in

Joliet on September 23, 1994 and that he was released on July 10th of 1997.

In regard to the fact of this matter, the State is seeking an extended term on the fact that he has a previous conviction within 10 years except for time spent in custody. According to our information, he was not released on the 1993-case which is the attempt murder until 1997, and we feel that falls within the 10-year period making the defendant eligible for extended term.

THE COURT: He stands having been found guilty on three of the four counts, two of which are class X.

MR. LASKARIS: That's correct, Judge.

THE COURT: And one is a class 1 which probably should merge.

MR. LASKARIS: Yes, Judge.

THE COURT: So he will be sentenced on counts 1 and 2. They are different types of drugs and different amounts.

MR. LASKARIS: That's correct, Judge. There was 110 bags of heroin which was 41.1 grams of which 15.3 grams were tested. In regard to the cocaine, it was six to eight bags, total weight being 13.9 grams, in which 5.3 grams were tested.

THE COURT: What are you suggesting as far as sentence?

MR. LASKARIS: Judge, we are seeking extended term

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of 30 years to 60 years in prison.

THE COURT: 60 you are asking for?

MR. LASKARIS: Judge, we are asking for 35 on the extended term.

THE COURT: 35.

Mr. Mahoney.

MR. MAHONEY: Well, Judge, in my closing argument at trial I mentioned that corrupt police officers place other police officers in danger by individuals who they encounter may react violently to police on subsequent occasions once they have been done wrong by the system. I neglected to mention, and I will mention now, these corrupt police officers also facilitate drug dealing because those drug dealers who do pay the police can now rest assured that the stick the case put on them is not going to happen and the care and protection is still out there for them. I believe that carrot is unwittingly provided. That carrot stick is unwittingly provided by the court system, and this is just one more example of that.

We are here today to deal with Mr. Baker. Mr. Baker is a man and he is well aware of what brought him before Your Honor today. He is aware that he lives in an imperfect world. He is aware that his own acts put him in a position where these corrupt police officers made him a target. Had it not been for his own acts and decisions he made, he would

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not have been a target of these police officers. These corrupt police officers don't seek bribes from people they don't believe have the ability to pay.

So Mr. Baker is here today. And Mr. Baker is a man, he is an individual who grew up in that imperfect world of Ida B. Wells and who made some wrong choices that brought him here today, and he accepts that.

His wife and his mother and his children are here today. The reason his children are here today is not in some contrived plea of mercy from this court but because Mr. Baker throughout his life has not been some baby's daddy, he has been a father. He has lived with his wife and his children his entire life and he has seen to it that his children attend school and that they bring home good grades.

After school they are not allowed to go out so that they can meet into the milieu of Ida B. Wells and drug dealers and corrupt police officers so that they are hopefully not forced to make the same difficult choices he had to make and mistakes. Now they will have to face that harsh reality without Mr. Baker's guidance. But he wanted them to be here today so that they can see what happens when you put yourself in the position where the police can use the judicial system to have their way with him.

So he stands here today, he is not guilty of

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the offense that he was charged with possessing drugs on that day, but he is ready to accept his sentence. And all I could ask, Mr. Laskeris not asking for mercy, but, Judge, I am.

THE COURT: Mr. Baker, the law gives you the opportunity to speak on your own behalf. Is there anything you wish to say at this time before I pronounce sentence?

THE DEFENDANT: Yes. Your Honor, I had like three weeks and a day left on your probation. I did everything that was asked of me of your probation.

These officers are the same officers on every case I had, including 2004, up until now. Now I don't know what it is they want me to pay, I wouldn't pay. I wouldn't. I stopped.

He said I had -- I was released on my attempt murder in '97, but I also had the gun --

THE COURT: Were they involved in that case?

THE DEFENDANT: No. I'm saying from 2004 until now or 2003 till now, the same officers that I had attempt murder as well as a gun charge, I was convicted on both of them. That's why I was released in '97 of July. And the only thing I ask you is you not let them do to my wife what they are doing to me. I rest on that.

THE COURT: You are speaking of the remaining case that's before me?

THE DEFENDANT: Yes.

THE COURT: Well, Mr. Baker is correct that he has been before this court for a number of years on several matters, probation matter, a case that is still pending. He was found guilty after a bench trial, extensive preparation into that case.

By way of aggravation, although I will not dwell on it, the facts of the case are significant here. As I indicated in denying the motion for new trial, the defendant was observed in public housing in the Ida B. Wells Homes. He did what certainly appeared to be a delivery, other people gathered around him, and the officers came upon the scene. He fled, there was a chase, he was apprehended in the building in the lobby. The substance, the item that the police observed was on his person, as well as additional contraband in his pants pocket as I recall. Deterrence is another factor that the court is called upon to consider. Deterrence for Mr. Baker as well as others who may be inclined to follow his footsteps and emulate his conduct.

When I look at his background, he has had some opportunities here: Probation 1989, a drug case, probation in 1990, another drug case, he went to prison on an unrelated case -- attempt murder in '94 -- and there is a gun case and a drug case that is still pending here.

BAKER GLENN 000601

In reviewing the presentence report there is not much remarkable that I can say about it. His social history reflects that he was raised on the South Side primarily by his mother. According to what he reported, he had a loving and supportive family. There was no DCFS involvement, no abuse, no neglect. He had recently been married. He did attend high school for two years. There are no mental problems.

When I look at other factors in litigation, one might find in cases of provocation, justification, excuse, reasonable explanations -- none are present here. Nor would the court be inclined to believe that were Mr. Baker placed back into the same environment in the near future that the same situation would not recur. The evidence points to deterrence as it has in the past.

The range of sentence because of his background is substantial. 6 years on the minimum up to 60 years because of his background. There is a wide range of exposure.

Two of the offenses are class X offenses. The State is asking for a substantial sentence of 35 years which I do not believe is warranted here. But it will be the judgment of this court as to counts 1 and 2 that the defendant will be remanded to the custody of the Department of Corrections for a determinate sentence of 18 years. They will run concurrent. He

BAKER GLENN 000602

will receive credit for all time spent in custody on this case.

You have a right to appeal from the judgments. To do that you must within 30 days file a notice of appeal with the Clerk of the court. If you are indigent counsel could be appointed to represent you and transcripts of the proceedings heard made available to aid your lawyer in that effort.

If on appeal you wish to contest the sentence that has been imposed or any aspect of the sentencing hearing that you wish to challenge, you must within 30 days file a motion to reconsider the sentence. Depending upon how the court ruled upon that motion, you would then have 30 days to file your notice of appeal, including all contentions you may have with regard to sentence as well as to the court, final appeal entered presented in this case. That will be the judgment.

How much credit does he have?

MR. MAHONEY: I will have to tabulate that, Your Honor.

At this point I will also be asking to file the defendant's notice of appeal and ask that the State Appellate Defender be appointed.

THE COURT: Are you going to be filing your motion to reconsider?

BAKER GLENN 000603

MR. MAHONEY: I will, Your Honor.

THE COURT: You need to do that before you file notice.

As far as the 5992, that is the probation case, is it not?

MR. LASKARIS: Yes, the 02 CR 5992.

THE COURT: I am going to terminate probation unsatisfactory on that case today. However, there does remain another case with --

MR. LASKARIS: The case with his wife, 06 CR 810-case.

THE COURT: Also the gun case 05-55 --

MR. LASKARIS: 80.

THE COURT: The 06-case. What is your pleasure on those cases. What do you want to do.

MR. LASKARIS: We can proceed on 06 CR 810 case.

THE COURT: And you represent both Doreesa as well as Mr. Baker, is that right?

MR. MAHONEY: I do, Your Honor.

THE COURT: I will indicate the State elects on that remaining case. How much time do you want for the motion to reconsider? And we can take up the other cases at that time.

MR. MAHONEY: How about July 28th, Your Honor?

THE COURT: 7-28. Is that agreeable to the State?

BAKER GLENN 000604

MR. LASKARIS: Yes, Judge.

THE COURT: Clareesa Glen is here too as well?

MR. MAHONEY: She is, Your Honor.

THE COURT: That will be the order.

THE CLERK: What's the date?

THE COURT: 7-28.

MR. LASKARIS: By agreement on all cases.

BAKER GLENN 000605

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

I, KATHERINE A. KERNS, CSR, RPR, Official Shorthand Reporter of the Circuit Court of Cook County, County Department - Criminal Division, do hereby certify that I reported in shorthand the evidence had in the above-entitled cause and that the foregoing is a true and correct transcript of all the evidence heard.

Official Shorthand Reporter
Circuit Court of Cook County

On this 25th day of Febuary, A.D., 2007

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

THE PEOPLE OF THE STATE OF ILLINOIS)
vs.) NO. 05 CR 8982
BEN BAKER,)

REPORT OF PROCEEDINGS of the hearing before HON. MICHAEL P. TOOMIN, on the 28th day of July, 2006.

APPEARANCES:

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

MR. MATTHEW MAHONEY,
appeared for the Defendant.

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

PL JOINT 000607 BAKER GLENN 000607

ATTORNEY: Matthew Mahoney on behalf of Ben Baker and Clarissa Glenn. Ms. Glenn's case comes here for status today. Mr. Baker's case is here on my motion to reconsider sentencing.

THE COURT: Anything you want to say about this?

MR. MAHONEY: Yes, Your Honor. Main point being motion to reconsider sentence is that the Court did not fully appreciate Mr. Baker's potential for rehabilitation.

And to that end with the Court's permission I just have one letter which I'd like to read to you from the defendants.

THE COURT: What?

MR. MAHONEY: One letter I would like to read to you from defendant's wife.

This is from Ms. Clarissa Glenn.

Judge Toomin, my name is Clarissa Baker. I would like to say thank you for taking the time out to read this letter. I am begging you to please rethink your sentencing of my husband Ben Baker on July 7, 2006.

Ben has always been close to his sons especially the youngest. Maybe because of the

father he grew up not knowing. Maybe it's the love and the bond he has with his sons. He has always been active in school activities, trips, and programs.

I work from 9:00 to 5:00 while Ben is taking our boys to school and picking them up and helping them with their home work. Here are examples of how two African-American parents are active and involved in our kids' productive lives.

We have been together for 16 years. I grew up with both parents home and all serve the law and a teacher. My parents opened their arms and their heart to Ben because of the type of person he is. I lost my dad, a man who has been in my life for 33 years. Now, I only have Ben.

I am begging you, please, please, reduce his time so we can start over in our new home as we help our sons transform into men.

High school is a transition from grammar school. This is where we generally lose our African-American boys to peer pressure. Evidence has shown that where a two parent household helps young men flourish into successful adults. By reducing Ben's sentence, you will help make sure

PL JOINT 000609 BAKER GLENN 000609

three young men never enter your courtroom. Sincerely, Clarissa Baker.

Judge, I also would like to present to the Court two things from Mr. Baker's children. One of them is a letter from Hyde Park Academy to Ben Baker Jr., where he has -- because of his standardized test scores and grades as well as excellent attendance and good conduct reports he has been offered acceptance in Hyde Park Academy.

And a letter from the United States Congress to the parents of Mr. Gerard Baker and Ben and Clarissa Baker. Where because of his academic achievement and leadership potential he has been accepted to the National Young Leader's State Conference in Illinois.

Judge, I present those as a means of showing demonstrative proof that Mr. Baker is a positive influence in the lives of his three young sons.

Due to his conviction in this offense, Mr. Baker is going to prison. The only issue today is the length of that. Mr. Baker does have a background. But he has served his time for those sentences. The legislature has determined that six

years is an appropriate sentence for the crimes that Mr. Baker has been convicted of given certain circumstances.

THE COURT: Legislature determined what?

MR. MAHONEY: That six years is a sufficient amount of time for imprisonment for the crimes he has been convicted of given certain circumstances.

THE COURT: How do you arrive at that conclusion? The range of sentence is six to 30 years.

MR. MAHONEY: Six years under sentence.

THE COURT: Minimum sentence.

MR. MAHONEY: Under certain circumstances is appropriate.

THE COURT: 30 years could be just as appropriate?

MR. MAHONEY: Certainly could.

THE COURT: Go ahead.

MR. MAHONEY: He is going to prison, and I can't see what conceivable difference it makes to society whether he is incarcerated for 18 years or 6 years. Drug dealing at Ida B. Wells isn't going to slow down Mr. Baker's incarceration. But three

PL JOINT 000611 BAKER GLENN 000611

young men who he has demonstrated substantial success with, are now going to be left without a protecter and a supporter and a father.

I think that six years is more than equal punishment for the crimes that Mr. Baker has been convicted of. I ask that you reduce his sentence.

THE COURT: State.

MR. LASKARIS: Judge, you heard the facts of the case. There is substantial drugs involved in this case. In addition 18 years in my opinion is low in regards to this matter.

Defendant has an attempt murder in his background. He received six years in IDOC on that in 1994. He also has unlawful use of a weapon by a felon with a background. Received two years IDOC which ran concurrent with the attempt murder. And prior to that he had two prior felonies all involving narcotics.

Obviously his rehabilitation potential is limited in regards to the fact that he was given ample time to be rehabilitated by prior arrests, prior incarceration. And defendant chose to live the life he chose.

We feel this is sentence is proper.

PL JOINT 000612 BAKER GLENN 000612

THE COURT: It's true that the Court did impose a very substantial sentence here and for good reason. It was a substantial amount of controlled substances involved here. The defendant in my opinion was caught red handed with the contraband in his own building. The defense simply had no merit to it. All this business about a frame, accusations made against police officers which fell on its face. Held no water at all. If there had been some corroboration, there might have been a different story.

He has four prior felony convictions. Two involving drugs. One violent. One with weapons.

The legislature set a range of six to 30 years. I suppose they were saying for the optimum defendant who had not been caught up with dealing or any other type of problems before, six years would be mandated. He is basically at the mid range of the possible sentence that could be imposed to him. The problem is it's probably harder on his family than it is going to be on him.

I am going to modify the sentence to 14 years. That will be the sentence.

You have a right to appeal from that

PL JOINT 000613 BAKER GLENN 000613

judgment including any arguments you may have about the sentence or sentencing hearing as well.

A notice of appeal must be filed within 30 days of today's date.

MR. MAHONEY: I will be seeking leave to file that today.

THE COURT: All right. Now, he has other matters as well with his wife. You want to have the appellate defender appointed for him.

MR. MAHONEY: Yes, Your Honor. Judge, as a house keeping matter on one of the pending cases, there is still a bond posted. I would ask for a CBR. The money is going to be returned to the family. I ask to exonerate the bond money.

THE COURT: You want to exonerate the bond on the pending matter?

MR. MAHONEY: That is correct, Your Honor.

THE COURT: The one with Clarissa Glenn. Bond is exonerated.

And do you want the bond to be returned to your lawyer to be returned to your family.

THE DEFENDANT: Yes.

THE COURT: CBR attorney.

What about the remaining matters? He

hadn't signed it.

MR. MAHONEY: I don't know if you want to have a status date or you want to set the matter down for trial?

THE COURT: You can set them down for trial. Has the State elected on these?

MR. LASKARIS: Yes, Judge. We elected on the 06 CR 8106.

THE COURT: Okay.

MR. MAHONEY: The defendant will be asking for a jury trial. My August is completely full with an out of town trip and two other juries. Perhaps the week of September 11.

THE COURT: 25th.

MR. MAHONEY: 25th is fine, Your Honor.

THE COURT: September 25th. And that's for both defendants. Can they be tried together?

MR. LASKARIS: I am showing on Tuesday September 26 you are not going to be here.

THE COURT: What is the 26th? Oh, that's down in Springfield. That's true. You can't use that day.

September 18th.

MR. MAHONEY: That's fine, Your Honor.

PL JOINT 000615 BAKER GLENN 000615

THE COURT: September 18th. Both defendants. By agreement.

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

PL JOINT 000616 BAKER GLENN 000616

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

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

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

PL JOINT 000617 BAKER GLENN 000617



IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION
OFFICE # July-71

THE PEOPLE OF THE
STATE OF ILLINOIS

VS Ben Baker

No. 05CR8982

REPORT OF COMPLIANCE

I, Pamela C. Taylor, Assistant Administrator of the Official Court Reporters of the Circuit Court of Cook County, County Department-Criminal Division, do hereby state that on the 5 day of July 2007, the original Report of Proceedings was filed with the Clerk of the Circuit Court, Criminal Division.

PD or SAD or SAO

Pamela C. Taylor
Assistant Administrator,
Criminal Division

Received by: _____
Deputy Clerk, Criminal Division

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BAKER GLENN 000618

STATE OF ILLINOIS }
COUNTY OF COOK } ss:

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of VOLUME (TWO) OF A (TWO) VOLUME RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 06-3352

in a certain cause LATELY pending in said Court, between The People of the State of Illinois WERE, Plaintiffs and BAKER, BEN WAS, Defendant.

Witness: DOROTHY BROWN,
Clerk of the court, and the Seal thereof, at Chicago
In said County, JULY 06, 2007

Dorothy Brown P.R.
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

BAKER GLENN 000619

BAKER GLENN 000620

Transcript of Record

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05CR008982/A005

APPELLATE Court of Illinois

FIRST District

Circuit Court No. 05CR 08982-01

Trial Judge MICHAEL P. TOOMIN

Reviewing Court No. 06-3352

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

FILED
APPELLATE COURT 1st DIST.
JUL 11 2008
STEVEN M. RAVID
CLERK

BEN BAKER

from

CIRCUIT COURT

of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE VOLUME

SUPPLEMENTAL REPORT OF PROCEEDINGS

DOROTHY BROWN,
Clerk of the Circuit Court

Per DB/MG
Deputy

(Rev. 1/17/01) CCCR 0310

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BAKER GLENN 000621

(Rev. 4/8 /92) CCCR 0051

UNITED STATES OF AMERICA

State of Illinois)
Cook County) ss.

Pleas, before a branch of the Circuit Court of Cook County, in said County and State, begun and held at the Circuit Court, in said County, COOK TWO-THOUSAND and SEVEN . AND OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA, THE TWO HUNDRED AND THIRTIETH YEAR.

Present: Honorable PAUL P. BIEBEL, JR.
Judge of the Circuit Court of Cook County

RICHARD A. DEVINE..... State's Attorney

THOMAS DART ..... Sheriff of Cook County

DOROTHY BROWN..... Clerk

Attest:

And afterwards, to-wit: on

AUG 1, , 2007 , there was RECEIVED and FILED

in the Office of the Clerk of the Clerk of the Circuit Court of Cook County, Illinois. COUNTY DEPARTMENT - CRIMINAL DIVISION. A (ONE) VOLUME SUPPLEMENTAL RECORD CONSISTING OF CERTAIN DOCUMENTS AN INFORMATION GENERAL NUMBER 05CR 08982-01 FOLLOWING TO WIT:

/.

BAKER GLENN 000622

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS,

vs.

BEN BAKER

05 CR 8982-01
Judge Michael P. Toomin
July 7, 2005

Court having reconvened pursuant to adjournment.

PRESENT:

HON. RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by
MR. BUM JOON PARK,
Assistant State's Attorney,
Appeared on behalf of the People;

MR. MATTHEW MAHONEY,
Apeared on behalf of the Defendant.

*****

Peter J. Paris
Official Court Reporter
2650 South California
Chicago, Illinois 60608

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PETER PARIS
July 7, 2005
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THE CLERK: Ben Baker?

MR. MAHONEY: Matthew Mahoney, on behalf of Ben Baker.

Judge, this matter comes before you on a new case and a VOP. We are still in discovery process. We would be seeking a status date.

Judge, also, the defendant has obtained employment, which requires night-time work. We would ask that the conditions of his probation be modified to allow him to stay out after 9:00 p.m.

THE COURT: State have any comment on that?

MR. PARK: No, Judge.

THE COURT: Motion to -- motion defendant to modify probation to stay the curfew until further order of Court will be allowed.

And what about a date for that?

MR. MAHONEY: August 16th, your Honor?

THE COURT: The 16th?

MR. MAHONEY: Yes.

THE COURT: That's fine.

MR. MAHONEY: By agreement?

THE COURT: By agreement, 8-16, both cases.

(WHEREUPON, the hearing in the above-entitled case was

PL JOINT 000625
BAKER GLENN 000625
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adjourned and scheduled to reconvene on 8-16-05.)

BAKER GLENN 000626

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

I, Peter J. Paris, an Official Court Reporter in the Circuit Court of Cook County, County Department, Criminal Division, do hereby certify that I reported in shorthand the proceedings had at the hearing of the aforementioned cause; that I thereafter caused the foregoing to be transcribed, which I hereby certify to be a true and accurate transcript taken to the best of my ability of the proceedings had before the Honorable MICHAEL P. TOOMIN, Judge of said Court.

Peter J. Paris

Official Court Reporter

Dated this 9th day
of JULY, 2007.
CSR# 084-002875

PL JOINT 000627
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IN THE CIRCUIT COURT OF COOK COUNTY

COUNTY DEPARTMENT - CRIMINAL DIVISION

OFFICE # July-71

THE PEOPLE OF THE
STATE OF ILLINOIS

VS. Ben Baker

No: 03 CR 8982-01

REPORT OF COMPLIANCE

**** SUPPLEMENTAL ****

I, Pamela C. Taylor, Assistant Administrator of the Official Court Reporters of the Circuit Court of Cook County, County Department-Criminal Division, do hereby state that on the 24 day of July 2007 the original Report of Proceedings was filed with the Clerk of the Circuit Court, Criminal Division.

PD (SAD) SAO

Pamela C. Taylor
Assistant Administrator,
Criminal Division

Received by: _____
Deputy Clerk, Criminal Division

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BAKER GLENN 000628

(Rev. 2/18/93) CCCR-56

STATE OF ILLINOIS
COUNTY OF COOK } ss

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of A (ONE) VOLUME SUPPLEMENTAL RECORD CONSISTING OF THE REPORT OF PROCEEDINGS, ONLY. NO PRAECIPE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 06-3352

in a certain cause LATELY pending in said Court, between The People of the State of Illinois. WERE., Plaintiffs and BEN BAKER WAS., Defendant....

Witness: DOROTHY BROWN,
Clerk of the court, and the Seal thereof, at Chicago
In said County, AUGUST 1, 2007

CIRCUIT COURT OF COOK COUNTY ILLINOIS

Dorothy Brown, Mg
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

8.

BAKER GLENN 000629

EXHIBIT 12

Royal
REPORTING SERVICES, INC.

Transcript of the Deposition of
Patrick Frazier

Case: In Re: Watts Coordinated Pretrial Proceedings
Taken On: November 2, 2023

Royal Reporting Services, Inc.
Phone:312.361.8851
Email:info@royalreportingservices.com
Website: www.royalreportingservices.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS	)	No. 19 CV 1717

The videotaped deposition of PATRICK FRAZIER, called by the Defendant for examination, taken pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken via videoconference before Monica Kim, Certified Shorthand Reporter, commencing at 10:05 a.m. on November 2, 2023.

APPEARANCES (via videoconference):

LOEVY & LOEVY
MS. THERESA H. KLEINHAUS
311 North Aberdeen Street
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Chicago, Illinois 60607
Phone: 312.243.5900
E-mail: tess@loevy.com

On behalf of Coordinated Plaintiffs Ben Baker, Marcus Gibbs, Leonard Gipson, Allen Jackson, Shaun James, Thomas Jefferson, Anthony McDaniels, Andre McNairy, Lee Rainey, Jamell Sanders, Frank Saunders, Christopher Scott, Taurus Smith, Henry Thomas, Phillip Thomas, Lionel White, Jr, and Lionel White, Sr.;

LAW OFFICES OF KENNETH N. FLAXMAN, P.C.
MR. JOEL A. FLAXMAN
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Chicago, Illinois 60604
Phone: 312.427.3200
E-mail: jaf@kenlaw.com

On behalf of Coordinated Plaintiffs Ben Baker, Harvey Blair, William Carter, Joshua Curtis, Robert Forney, Rickey Henderson, Goleather Jefferson, Nephus Thomas, George Ollie, Bruce Powell, Angelo Shenault, Sr., Angelo Shenault, Jr., and Vondell Wilburn;.

HALE & MONICO, LLC
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Chicago, Illinois 60604
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E-mail: web@halemonico.com

On behalf of the Individual Defendant Officers;

APPEARANCES (via videoconference, cont'd.):

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On behalf of Defendant Ronald Watts;

MOHAN GROBLE SCOLARO, PC
MR. ERIC S. PALLES
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Chicago, Illinois 60603
Phone: 312.422.9999
E-mail: epalles@mohangroble.com

On behalf of Defendant Kallatt Mohammed;

REITER BURNS
MS. KATHERINE C. MORRISON
311 South Wacker Drive
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Chicago, Illinois 60606
Phone: 312.982.0090
E-mail: kmorrison@reiterburns.com

On behalf of Coordinated Defendants City of Chicago (and all supervisory CPD personnel);

LEINENWEBER BARONI & DAFFADA, LLC
MR. MICHAEL J. SCHALKA
120 North LaSalle Street
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Chicago, Illinois 60602
Phone: 866.786.3705
E-mail: mjs@ilesq.com

On behalf of Defendants Cadman and Spaargaren;

APPEARANCES (via videoconference, cont'd.):

BORKAN & SCAHILL, LTD.
MR. TIMOTHY P. SCAHILL
20 South Clark Street
Suite 1700
Chicago, Illinois 60603
Phone: 312.580.1030
E-mail: tscahill@borkanscahill.com

On behalf of Defendant Officer Calvin Ridgell, Jr.

ALSO PRESENT: Mr. Christopher Zyvert (VideoInstanter)

Mr. Lo Ramanujam (Paralegal, Hale & Monico)

* * * * * *

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THE VIDEOGRAPHER: For the record, my name is Christopher Zyvert with VideoInstanter. I'm the video-recording device operator for this deposition. My business address is 134 North LaSalle Street, Suite 1400, Chicago, Illinois 60602.

This is the video-recorded deposition of Patrick Frazier in the matter of In Re: Watts Coordinated Pretrial Proceedings, Case No. 19 CV 1717, in the United States District Court for the Northern District of Illinois, Eastern Division.

Today's date is November 2nd, 2023, and the time is 10:05 a.m. This deposition is being taken on behalf of the defendant and is being videorecorded at the instance of the defendant.

Will the parties present please introduce themselves for the record?

MS. KLEINHAUS: Theresa Kleinhaus on behalf of the Loevy plaintiffs.

MR. BAZAREK: William E. Bazarek on behalf of the individual defendant officers represented by Hale & Monico.

MR. GAINER: Brian Gainer --

MR. PALLES: Eric Palles --

MR. GAINER: Brian Gainer --

MR. PALLES: Sorry. Eric Palles -- Eric Palles for Kallatt Mohammed.

MR. GAINER: Brian Gainer of behalf of Ronald Watts.

MR. SCAHILL: Tim Scahill on defendant -- on behalf of Defendant Ridgell.

MS. MORRISON: Katherine Morrison --

MR. SCHALKA: Michael Schalka --

MS. MORRISON: -- for the City of Chicago.

MR. SCHALKA: Michael Schalka on behalf of defendants Spaargaren and Cadman.

THE VIDEOGRAPHER: If there are no other --

THE REPORTER: Morrison?

Does anybody know who Ms. Morrison represents?

MS. KLEINHAUS: City of Chicago.

THE VIDEOGRAPHER: Okay. Will the court reporter please --

MR. PALLES: We've done 200 of these, guys. You'd think we could have figured this all out by now. Maybe next time we'll get it right.

MS. KLEINHAUS: I think -- I don't know. I couldn't hear Joel, but Joel Flaxman is here on behalf of the Joel -- on behalf of the Flaxman defendants.

THE VIDEOGRAPHER: Okay. Will the court reporter

please introduce yourself and then swear in the witness?

THE REPORTER: Monica Kim with Royal Reporting Services.

And I just had a -- Just wanted to say, like it's a little hard to hear if everybody is talking at the same time. So if we could just be conscious because there's so many people on the call. Thank you.

(Witness sworn.)

WHEREUPON:

PATRICK FRAZIER,

called as a witness herein, having been first duly sworn, was examined and testified via videoconference as follows:

EXAMINATION

BY MR. BAZAREK:

Q. Good -- good morning, Mr. Frazier. Could you state your name and spell your name?

A. Patrick Frazier, P-A-T-R-I-C-K, F-R-A-Z-I-E-R.

Q. Good morning, Mr. Frazier. As I said, I represent some of the police officers that are being sued in -- in these cases. And I don't know if you remember, but you and I talked not too long ago. Do you remember that? On the phone?

A. Yes.

Q. And I was calling you to see if we could set up a deposition. Do you recall that?

A. Yes.

Q. Okay. And after I called you to set up the deposition, did you reach out to anyone and wonder why -- who's this guy, Bazarek, calling me? Anything like that?

A. Yes.

Q. Who did you call?

A. I called a friend of mine who got in touch with a lawyer.

Q. Who was the -- who was the friend of yours?

A. Henry Thomas.

Q. Henry Thomas, he was the drug dealer at the 527 building back at Ida B. Wells, right?

MS. KLEINHAUS: Objection, form --

BY THE WITNESS:

A. You asking me if he was a drug dealer?

MS. KLEINHAUS: Hey, I'm sorry. If you could just -- if you could just let me state my objection, please, Mr. Frazier, before you answer any of counsel's questions.

I would object to form and foundation.

Go ahead.

BY THE WITNESS:

A. Are you asking me if he was a drug dealer?

Q. Yeah. I -- I was asking --

Well, let me ask you the question. Let me ask you this: Was Henry Thomas a drug dealer who sold drugs out of the 527 building at Ida B. Wells?

MS. KLEINHAUS: Objection to form --

BY THE WITNESS:

A. Not to my knowledge. I knew him from working at -- He worked at FairPlay --

MS. KLEINHAUS: I'm sorry, Mr. Frazier. If you can just wait while I state my objection.

Objection to form and foundation, calls for speculation.

Okay. Go ahead, sir.

BY MR. BAZAREK:

Q. Go ahead.

A. Yes. I know him -- From my knowledge, he worked at FairPlay for some years. I've never witnessed him selling any drugs, so I wouldn't put a label as a drug dealer on him.

Q. Well, he's testified under oath at deposition in his case that, in fact, he was a drug dealer at the 529 --

A. I mean, I wasn't around him to testify to that --

MS. KLEINHAUS: Object to --

Wait. Sorry, Mr. Frazier --

BY THE WITNESS:

A. You asking me if I know him as a drug dealer.

MS. KLEINHAUS: Mr. Frazier --

BY THE WITNESS:

A. I do not know him as drug dealer.

MS. KLEINHAUS: Mr. Frazier, if you can just -- After each question, just pause in case I have an objection.

My objection --

THE WITNESS: Got you.

MS. KLEINHAUS: -- to that question is form, because there was no question. There was just a statement revealing testimony of another witness to this witness.

BY MR. BAZAREK:

Q. Okay. Tell me about the conversation with Henry Thomas.

A. I just asked him did he know who you were, because I've never heard of you and I know that I supposed to have made a deposition with their lawyers

couple years ago that I didn't.

Q. Yeah. Okay. So let me just -- I'm going to take one step back.

A. Uh-huh.

Q. Have you ever given a deposition before?

A. No.

Q. So there's, you know, just certain, you know, rules to follow for a deposition, and -- and one of the rules would be you wait for me to finish my question before you answer or we'll be talking over each other. Can you remember to do that?

A. Yes.

Q. If at any point during the deposition that there's a question that you -- you don't understand, just let me know right away and I'll rephrase the question. Can you remember to do that?

A. Yes.

Q. And -- and -- and the reason for that is no one here on this Zoom deposition wants you to answer questions that you don't understand. Do you -- do you agree with that?

A. Yes.

Q. If at any point during this deposition that you want to clarify an answer or you think you misspoke,

you're able to do that. Can you remember to do that?

A. Yes.

Q. And will you do that before this deposition concludes if there's an occasion to do it?

A. Yes.

Q. Any time today, Mr. Frazier, you want to take a break, you got to -- you have to take a phone call, use the bathroom, get a snack, drink, whatever, you're -- you could do that. Just -- just let us know if you want to take a break at any time. Okay?

A. Yes.

Q. So how long have you known Henry Thomas?

A. We are -- I'm 42. Since I was 13, so yeah, 29 years.

Q. And did Henry Thomas -- Did he live at the -- at Ida B. Wells?

A. Yes.

Q. And what building did he live in?

A. 511.

Q. And you lived at 511, right?

A. Yes.

Q. And that's 511 East Browning; is that right?

A. Yes.

Q. And was it apartment 301?

A. Yes.

Q. Who -- Tell me when you first moved to -- What --

When was the very first time you -- you resided in Ida B. Wells?

A. I was born and raised in Ida B. Wells.

Q. And you were born in 1980?

A. Yes.

Q. And what's your date of --

What's your birth -- birthday?

A. December 15th, 1980.

Q. And what's your mom's name?

A. Lucy Frazier.

Q. Do you have siblings?

A. Yes.

Q. Who were your siblings?

A. Jeannine Frazier, J-E-A-N-N-I-N-E, and Shanicka Frazier.

Q. And are your sisters married? Do they have any other names?

A. Jeannine Frazier -- Well, yeah, her last name Owens now. Shanicka isn't married.

Q. And what are --

What year were your sisters born?

A. Shanicka was born in '78. Jeannine, my oldest, I know she like nine years elder than -- older than me, so around '71, '72.

Q. Were any of your sisters friends with any of the people that are bringing lawsuits in these cases involving Sergeant Watts and his tactical team?

A. No.

MS. KLEINHAUS: Objection to form and foundation, calls for speculation.

BY MR. BAZAREK:

Q. So as -- as far as you're -- you know, they had no friendships, no social acquaintance, anything like that with any of the plaintiffs in these cases?

A. I'm sure --

MS. KLEINHAUS: Objection to form, foundation.

You can answer.

BY THE WITNESS:

A. I'm sure they knew the people from being around, but friends, no, they were not friends.

Q. Okay. What -- what about a romantic partner?

MS. KLEINHAUS: Objection --

BY THE WITNESS:

A. Not to my knowledge.

MS. KLEINHAUS: -- to form, foundation.

BY MR. BAZAREK:

Q. Like girl- -- girlfriend? Fiancee? Anything like that?

A. Not to my knowledge. My sister and her husband been together 30, 40 years. So I -- Not to my knowledge.

Q. Okay. And what's your sister's husband's name?

A. That's Jeannine Owens is married.

Q. And what's his first name?

A. His hus- -- Or her husband, Tyrone.

Q. So how did -- I want to go back to when you and I spoke. How did you know to -- Strike that.

Why did you reach out to Henry Thomas?

MS. KLEINHAUS: Objection, asked and answered.

BY THE WITNESS:

A. Because I didn't know --

MS. KLEINHAUS: You can answer again.

BY THE WITNESS:

A. Because I didn't know what was going on.

Q. Right. But -- Okay. Out of all the people in the world you called Henry Thomas. Why did you call Henry Thomas?

A. Because I knew vaguely something about a case,

so I just wanted to know was it anything to do with that, like. Because the call to me was out of nothing because I don't get a lot of phone calls.

Q. What about Ben Baker? Did you -- did you call him?

A. No.

Q. Do you know Ben Baker?

A. Yes, I knew Ben Baker.

Q. Ben Baker was a drug dealer at the 527 building, right?

MS. KLEINHAUS: Objection to form, foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. Not to my knowledge. I don't -- Are you -- Like, me personally, I know people from being around and some of them are my friends. Me personally, like as far as just being a drug dealer, no knowledge besides what people say. So if you're asking me have I personally seen him sell some drugs, no.

Q. Well, just so you know, it's not in dispute. Ben Baker has testified he was a drug dealer at Ida B. Wells from 1998 through at least 2004. So you -- But you're -- You've never seen any narcotics -- Or strike

that.

And your testimony, sir, is that at no time have you ever observed Ben Baker engage in illegal narcotics activity?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. Is it -- Am I able to ask you something as far as if it's pertaining to that?

Q. Yeah. If you don't understand the question, go ahead. Fire away.

A. No. I mean, I understand the question. But can I -- I wanted to ask you a question. Is this pertaining to what you're asking me? Is that okay?

Q. Yeah. Yeah. I can ask you questions at this deposition. Yes.

A. So is it okay if I could ask you a question right now pertaining to what you just asked me?

Q. Yeah. Go -- What -- what do you want to say?

A. Have you ever been in a project building? Public housing? Seven-story?

Q. Yeah. Yes.

A. So, like, have you ever, like, been around during those times where a lot of stuff was active?

Q. No.

A. Because the nature of me asking you that question is me being -- knowing how certain things work, if I was -- Me staying out of trouble and knowing I don't want to be around certain things, you can walk through some of those public housing buildings and never see the people sell drugs. And some of it you can walk through and can because they might be on the first floor in the lobby.

But a lot of those buildings, people sold the drugs upstairs. Me personally, I was not prone to walk up no stairs knowing that it could be certain things going on. Because at any given time and me being around police and how they operate, if you just lump me in, there's stuff I can go to jail for that I have nothing to do with.

So me seeing people sell drugs, yes, I've walked through certain buildings, but -- and I knew probably what was going on me. But me seeing people -- hand-to-hand drugs, I tried to stay away from that.

Q. Okay. So you -- you know --

Have you ever been in a courtroom before?

A. Have I been in the court -- in the courtroom?

Q. Yes.

A. Yes.

Q. And what have you been in a courtroom before for?

A. Mostly traffic violations.

Q. Right. Have you ever had to testify in a courtroom?

A. No.

Q. Okay. But you understand even though we're not in a courtroom that you're under oath at this deposition, correct?

A. Yes.

Q. And you're being videorecorded. You know that, right?

A. Yes.

Q. And you know it's important to tell the truth --

A. Yes.

Q. -- at -- at a deposition. You agree with that --

A. Yes.

Q. -- right?

A. Yes.

Q. And to not be truthful, you would agree that's wrong, correct?

A. Yeah.

Q. Okay. So let me ask you the question again. At any time did you observe --

A. I mean, if you want a different answer, no, I've never seen Ben Baker sell drugs.

Q. Have you ever observed Ben Baker with narcotics?

A. No.

MS. KLEINHAUS: Objection, form, foundation.

BY MR. BAZAREK:

Q. Have you ever observed Ben Baker mixing illegal narcotics to sell?

MS. KLEINHAUS: Objection to form --

BY THE WITNESS:

A. No.

MS. KLEINHAUS: -- foundation.

BY MR. BAZAREK:

Q. Now, you -- now, you testified that -- I think if I understand what you're saying, is you would -- you would stay away from illegal narcotics activity; is that correct?

A. Yes.

Q. And that was a conscious decision on your part. You didn't want to be part of that, right?

A. Yes.

Q. And why is it that you didn't want to be part of that?

A. I mean, I've never had any aspirations to be a drug dealer.

Q. When you lived in the -- Strike that.

When did you first move to -- Strike that.

You said you were born, Ida B. Wells.

A. Yes.

Q. That was 1980.

What buildings did you live in throughout the time --

A. I lived in 559 from -- till -- till I was like eight. We moved to 510 for a couple of -- for -- not like -- No. I probably was more so like nine or ten. We moved to 510.

Q. Is that --

A. We lived in 514, but that was only a couple of weeks while they was remodeling then, 559. And then I've been in 511 since I was like 12.

Q. Okay. And that's 511 East Browning, correct?

A. Yes.

Q. Let's just -- Let's start with the 511 East Browning from the time you're about 12 years old. Would

you agree that you would observe individuals that would be engaging in illegal narcotics activity at that building and other buildings throughout Ida B. Wells?

MS. KLEINHAUS: Objection to form, foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. Actually, drug dealing in 511 was minimal.

Q. What --

A. And anyone who grew up over there knew it. From the time I was in there, it was actually minimal because you actually had residents who was actively involved. And they really wasn't having it. So you could actually hang in 511 and sit on the front of the building and not witness any of that. Yes, I have witnessed drug dealers in other buildings passing through.

Q. Okay. So the -- the -- the indivi- --

There were people who lived at -- at the 511 building that didn't want to have anything to do with that narcotics business going on in their building; fair to say?

A. Yeah.

Q. And would that include your mom?

A. Yes.

Q. And was your -- was your dad --

What about your dad?

A. My father passed a few years back, but he wasn't really around much anyway.

Q. Okay. And was your --

Your mom is Lucy Frazier, right?

A. Yes. Lucy Frazier.

Q. And would -- would your mom -- Would she -- If she saw something illegal going on, would she reach out to the police and let them know about her obser- --

A. Yeah.

Q. Okay.

A. Yes.

Q. Well, tell -- Describe that to me, what your mom would do when she saw illegal narcotics activity at Ida B. Wells.

A. I mean, it depends on --

MS. KLEINHAUS: Objection, form, foundation --

BY THE WITNESS:

A. -- what was going on. Like, if she was to see it firsthand, she would say something.

Q. Yeah.

A. And then if was a go, she would probably call the police.

Q. Yeah.

THE REPORTER: I didn't hear the objection.

BY THE WITNESS:

A. But she always said something first. She never really had pretty much reason to -- to -- 'Cuz if she said something, she pretty much respected their lead. But as far as 511, a lot of people knew what was going on, so they wasn't really trying to do nothing in 511.

MS. KLEINHAUS: Okay. I'm sorry. They didn't hear the objection, which was form and foundation. And I know, Mr. Frazier, I've been talking over you with my objections.

So I'm sorry, Monica.

THE WITNESS: No problem. No problem.

MS. KLEINHAUS: If you can just take a -- just pause for a second after Mr. Bazarek asks the question, that way we'll make it easier on our court reporter.

THE WITNESS: Got you.

BY MR. BAZAREK:

Q. And when your -- when your mom would report illegal narcotics activity to the police, your mother

would expect that the police do something about it, right?

MS. KLEINHAUS: Objection, foundation, calls for speculation, legal conclusion.

You could answer. Go ahead.

BY THE WITNESS:

A. Yeah.

Q. Right. And I'm sure your -- your mother didn't want to -- You know, that you have little kids walking to school every day. They don't need to see these junkies buying drugs or these drug dealers selling narcotics in the area, right?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. Yes.

MS. KLEINHAUS: Go ahead.

BY MR. BAZAREK:

Q. So would -- would you say that the 511 building had --

Was it zero narcotics activity going on at the 511 building from what you recall?

MS. KLEINHAUS: Objection to foundation.

You could answer.

BY THE WITNESS:

A. I mean, I can't say it's zero narcotics. I don't know what people are doing, but I can say that it wasn't up front. It wasn't out in the open like other buildings.

Q. Yeah. So what were -- what were the worse buildings at Ida B. Wells for open and notorious narcotics activity?

MS. KLEINHAUS: Objection to form, foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. I would say wouldn't that be like a -- like an opinion and not a fact?

Q. Well, no. I'm just -- I'm just -- I just want you to say the fact. Just don't --

A. That's like an opinionated question, 'cuz to me, I mean, I don't know if one building is worse than the other. That's like a reputation thing, isn't it?

Q. Well, were certain buildings known for selling certain types of narcotics?

MS. KLEINHAUS: Objection --

BY THE WITNESS:

A. I mean, if --

MS. KLEINHAUS: -- foundation.

You can answer if you know.

BY THE WITNESS:

A. I mean, to me for the most part most buildings then in those -- and narcotics -- sold narcotics. Whatever they were selling, they sold what they were selling. As far as being worse, if you just sit out there and see, it's -- it's traffic going into all the buildings that I would presume are selling narcotics, so ...

Q. Right. But from -- from your memory -- And now let's -- let's --

Here, I'll do a new time frame for you. Let's stick to 2000 until the buildings closed at Ida B. Wells. You with me?

A. Uh-huh.

Q. Do you -- do you agree?

A. From 2000 until the buildings closed down, I'm following.

Q. Correct. Yeah. So in terms of from what you observed --

And I'm not asking for opinions, just from what you observed, which of the buildings would you say had the most illegal narcotics activity going on?

MS. KLEINHAUS: Objection, foundation.

Excuse me. You can answer.

BY THE WITNESS:

A. I mean, I can't say who had the most narcotics. I can say who had the most traffic.

Q. Okay. Who had the most narcotics traffic going on at Ida -- at -- at --

A. By the park, 574 and 575.

Q. So those -- those would be --

If you had to rank them, those two would be at the top of the list for narcotics?

A. I mean, I don't know what the list is, but those are the buildings that had the most traffic. Now, I can't say if they were selling the most drugs. I don't know.

Q. But when you say "most traffic," what do you mean by that?

A. Foot traffic. People going in and out that probably didn't live in the building.

Q. What about the 527 building?

MS. KLEINHAUS: Objection to form.

What -- what about the 527 building?

BY MR. BAZAREK:

Q. You know, Mr. Frazier, I'm talking about

narcotics activity at the Ida -- at the Ida B. Wells buildings, right? Do you understand that?

A. Uh-huh.

Q. Do you understand that?

A. I understand what you asking, yeah.

Q. So tell me -- Or strike that.

Describe narcotics activity that you would observe at the 527 building.

MS. KLEINHAUS: Objection, foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. I mean, if you trying to tell me to describe me seeing like hand-to-hand activities, then I didn't see as much. But me seeing foot traffic, yes, I've seen foot traffic because I don't stand in building.

Q. Well, if you could --

A. Because standing in the building is where the trouble comes from. I stand on the back. I stand on the back and talk to people I know sometimes or the front of the building.

Q. Well, true -- true, you would frequent the 527 building? That's where you -- where you would hang out, right?

A. Yeah --

MS. KLEINHAUS: Objection, form.

BY THE WITNESS:

A. -- I had family and friends who lived in the building.

Q. And was the 527 building the building where you would, you know, primarily hang out from the --

A. If I was to hang out, yes, at 511.

Q. Okay. Well, you lived in 511.

A. Yeah.

Q. So when you -- when you leave the apartment that you live in, you would --

A. But how 511 -- I don't want to -- We're talking -- How 511 and 527 were set up, if you hang out outside the back door of 527, you're in between. Like, if I hang -- Like, the place I hung out the most was right in between the two buildings on what we called the tunnels. It was like a relic, what was left of a playground. So I didn't have to be in front of a -- a door because I knew what would happened. Police would come and -- and I could be 50 feet from my building and get a trespass.

But I hung out in the middle for the most part, sometimes on the back. But the front of 527 --

The front door of 527 and the back door of 511 are diagonally facing each other. Like they're right across from each other.

Q. What's the dis- --

A. That's why 511 East Browning -- And it's 527 East Browning. But 527 is -- The front door is facing west. 511, back door is facing south, but it's on the east end of the building. So once you walk out the back of 511, you looking at the front of 527.

Q. All right. So I understand. Your testimony is the 511 building and the 527 building are in very close proximity to each other, correct?

A. Yes.

Q. Okay. And then when you -- when you would hang out at the 527 building, you said you had friends and family there. Who are those friends and family?

A. My aunt, Ernestine Clark, lived on the fifth floor. But for the most part I knew every -- everybody who -- Well, most people. I ain't going to say everybody. But I've been around 70 percent of the building even if I haven't lived in same buildings but from being in the same complex with them my whole life.

Q. Is -- is Ernestine Clark -- Is she related to any of the -- the plaintiffs in these cases that are

bringing lawsuits?

MS. KLEINHAUS: Objection, foundation --

BY THE WITNESS:

A. Jamar Lewis.

MS. KLEINHAUS: -- speculation.

BY MR. BAZAREK:

Q. Who is she to Jamar Lewis?

A. Aunt.

Q. What apartment did Ernestine Clark live in at the 527 building?

A. Let me think. That was 5- -- I'm thinking it's 507, something like that.

Q. And I'm sorry. Ernestine Clark is your aunt, correct?

A. Yes.

Q. And can you describe the relationship in more detail, like what side of the family?

A. That's my mom's sister.

Q. Is Ernestine Clark still alive?

A. Yes.

Q. And where does she live?

A. Up the street. I don't know exact address, but I know it's up the street from me on 38th and Langley.

Q. Okay. I didn't ask you this. What's your address?

A. 4012 South Oakenwald Avenue, Unit 2, Chicago, Illinois 60653.

Q. And Jamar Lewis is your cousin?

A. Yes.

Q. Do you know where Jamar Lewis is today?

A. Yes.

Q. Where is he?

A. In a federal corrections facility.

Q. Do you ever talk to him?

A. Not like that. He's in a federal corrections facility. I don't have money to put on the phones. I don't know that work, so I don't really talk to him like that. Through other people.

Q. Is -- is he somewhere in Minnesota?

MS. KLEINHAUS: Objection, foundation.

You can answer if you know.

BY THE WITNESS:

A. I'm not quite sure. I know that he had to transfer from one facility to the other. That's the last time I talked to him. I never -- I don't know, like, exactly where he was going.

Q. Did -- did Jamar, your --

Jamar Lewis, your cousin, did he have nicknames?

A. To me. You saying nickname -- Yeah. I mean, everybody had nicknames.

Q. What -- what were your cousin's nicknames?

A. I mean, the most recent one would probably be Black Boy.

Q. What about -- Was it Tweet or Tweak?

A. Yeah. That's an old, old nickname.

Q. Which one --

A. Tweak.

Q. -- or both?

Tweak?

Do you know his lady friend, Latoya?

A. Nah.

Q. Do you know --

A. I've seen her once or twice. Like know her, we don't really have any interaction.

Q. Did she drive a Mercedes?

A. I'm not sure. I've seen her in the car with him once or twice. That's it.

Q. Tell me -- I looked at your cousin Jamar's rap sheet, and for some of his arrests he gave a residential address at 511 East Browning, apartment 301.

A. Uh-huh.

Q. So did -- did Jamar ever live with you?

A. Nah.

Q. Do you know why he would use your mom and your -- your family's apartment number as a residence for him?

A. I mean --

MS. KLEINHAUS: Objection, calls for speculation.

You can answer if you know.

BY THE WITNESS:

A. I've never -- That's not a question that -- that has ever came up. But I would think that because if you moved out the neighborhood, if you was staying down there -- if you was still around, then as much as the police would just lock people up for trespassing, he probably gave that address off back trying not to get a trespassing charge.

Q. Well, let me ask you this -- and, again, I'm sticking with the time frame 2000 until Ida B. Wells closed down -- was Jamar Lewis residing with his mother and your aunt at the 527 building?

MS. KLEINHAUS: Objection to form, foundation.

You can answer if you know.

BY THE WITNESS:

A. That, I'm not exactly sure, because I know his mother did move before all us and his aunt stayed there. But Jamar was like a rolling stone, so I'm not sure.

Q. Okay. Did Jamar ever store illegal narcotics at the apartment that you lived in, apartment 301?

A. No.

MS. KLEINHAUS: Objection to form.

BY MR. BAZAREK:

Q. Had Jamar Lewis ever been inside apartment 301 at the 511 building?

A. Yeah. We family.

Q. Well, what would be the frequency where Jamar would be at apartment 301 on -- let's say on a weekly basis?

A. Not much. Honestly, like, he was always welcome but not much.

Q. Did anyone ever ask you to store illegal narcotics at apartment 301?

A. No.

Q. From -- Strike that.

Did your sisters reside in apartment 301?

A. Shanicka Frazier.

Q. Okay. So Shanicka resided in apartment --

Let me ask you this question: From 2000 until your family moved out of apartment 301, was Shanicka living there the entire time?

A. She was in school almost four years.

Q. Okay. What years was she --

A. I'm not -- I don't remember the exact same time frame, but she went to school three and a half years at SIU in Carbondale. This had to be like -- I graduated in '99, so this had to be like -- to like 2002, I would say, probably like '90- -- No. Probably like 2000- -- For like '98, end of '98 to like 2001, 2002.

Q. Okay. Well, let -- let me ask you this question: In 2005 --

A. Uh-huh.

Q. -- who lived inside your family's apartment, 301?

A. At any given time, me, my mom, and sister; me, Shanicka Frazier, and Lucy Frazier.

Q. During -- And I'm talking now specifically about 2005.

A. Me -- I know my sister was on the lease. That's what I'm saying. Me, Shanicka, and Lucy.

Q. Okay.

A. Uh-huh.

Q. Did you ever observe your sister with illegal narcotics inside apartment 301?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I can't hear you. Can you repeat that?

Q. Sure. At any time did you observe your sister Shanicka in apartment 301 with illegal narcotics?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. No.

Q. At any time did you ever observe anyone in apartment 301 with illegal narcotics?

A. No.

Q. Did your mom ever tell you about police coming to your apartment, 301, during 2005?

A. Yes.

Q. Tell me what your mom told you.

A. My mom's exact words were that the police came in; they searched the place; they left and told her that she need to take me off the lease; and I need to watch my friends. And that was that. But during the time she said they was in the apartment, I was downstairs handcuffed.

Q. Was Jamar Lewis in your apartment that day?

A. No.

MS. KLEINHAUS: Objection to form.

BY MR. BAZAREK:

Q. Let's go back to that day. So it sounds like you have a pretty good memory of it, right?

A. I mean, I remember what I -- what my mom told me, and I remember them going in the building and handcuffing me. I wasn't -- I was across the street.

Q. Okay. Well, let's talk --

Let's go back and talk about that day. Would you agree, was that in April of 2005?

A. I don't know the exact date. I do know it wasn't too cold outside.

Q. Did you ever hear of Operation Sin City?

A. I think so. Is that when they -- was --

Was that the one that was on the news when they was bringing people out of 527?

Q. It was a -- a big Chicago Police Department narcotics operation where a whole bunch of people got arrested for selling drugs at Ida B. Wells.

A. Uh-huh. Yeah, I'm -- yeah, I'm familiar.

Q. Okay. Were -- were any of your friends or family members arrested in Operation Sin City?

MS. KLEINHAUS: Objection, foundation, calls for speculation.

You can answer if you know.

BY THE WITNESS:

A. I mean, I seen a few associates on the -- on the TV, but -- so I would suppose so.

Q. Yeah. Who -- who were the associates?

A. If it's the same thing, I -- I think Elgin Moore and -- and Brian Patrick, if this is the same thing we talking about.

Q. Yeah. In -- in fact, Elgin Moore and Brian Patrick, they sold narcotics for Ben Baker, right?

MS. KLEINHAUS: Objection, foundation, argumentative, calls for speculation.

You could answer.

BY THE WITNESS:

A. Not to my knowledge.

Q. Well, I -- I'll tell you, Ben Baker has testified under oath at his deposition that those two gentlemen sold narcotics for him at Ida B. Wells.

MS. KLEINHAUS: Okay. Bill, I'm just going to have a standing objection --

BY THE WITNESS:

A. Can I ask you something?

MS. KLEINHAUS: Mr. Frazier, can I just finish?

Bill, I have a standing objection to your editorializing and repeatedly summarizing other testimony to this witness. With no question pending, he's already established he doesn't have knowledge of this area of testimony. So please move on.

MR. BAZAREK: Well -- well, I'll ask the questions as I see fit, Tess. I don't know whether or not you've read Ben Baker's deposition, but that's exactly what he testified to at his deposition.

MS. KLEINHAUS: So let's go off the record and excuse the witness. If you want to tell me about what Ben Baker testified to, you're welcome to do that. But I don't want to waste the witness's time, because that has nothing to do with what he's here for.

MR. BAZAREK: I disagree. Let's continue on.

BY MR. BAZAREK:

Q. All right. So Elgin Moore and Brian Patrick, do you know those two individuals to engage in illegal narcotics activity at Ida B. Wells?

MS. KLEINHAUS: Objection to form --

BY THE WITNESS:

Q. I know they --

MS. KLEINHAUS: -- foundation.

You can answer.

BY THE WITNESS:

A. Can I ask something?

Q. Fire away.

A. Because this is my thing. Now, you asking me about them and -- and selling drugs. Me personally, how my life went, I was away sometimes. I was there sometime. Me being around them, the type of -- the type of friends that I associate myself with, I'm pretty sure if they were doing something that might cost me any type of harm, they'll tell me, "Okay, Pat. We'll be right back."

So it may be hard to believe to some, but the type of people that I've associated myself around wouldn't even do certain stuff around me. Like, these were my friends. I -- I don't know what type of street business, but they wasn't prone to putting me in those street business.

Q. So, sir, is it your testimony at this deposition that at no time did you ever observe Elgin Moore or Brian Patrick engage in illegal narcotics activity?

MS. KLEINHAUS: Objection to --

BY THE WITNESS:

A. No. I've seen them get arrested. I've never seen them selling nobody any narcotics.

Q. Were -- were they two of your closest friends?

A. I mean, we still friends to this day. But, I mean, it depends on -- Like, people get older. People do different things.

Q. Has -- has Elgin Moore ever spoken to you about his lawsuit?

A. No.

Q. How about Brian Patrick?

A. Nah.

Q. When is the last time you had any interactions with either Patrick or Moore?

A. I mean, I talked to Patrick like about a week ago.

Q. Did you tell him you were going to be deposed in this case?

A. No.

Q. What did you talk about?

A. The same thing we always talk about. For lack of better word, where are the females at?

Q. What about -- Do you get --

You get together with Moore and Mr. Patrick

for get-togethers-type thing?

A. Last I seen Moore was at a -- was it one of my family member's birthday parties about two weeks ago. He was there, and I was there.

Q. Yeah. What -- what I'm getting at is socialize, "Hey, we're going to go bowling. We're going to go to a" --

A. Yeah. We was at a -- we was at a -- a club, at a party.

Q. Yeah. Were any other of the -- if you know, any of the other plaintiffs in the -- in these Watts cases there?

A. Nah.

Q. Let's go back to Jamar Lewis. Have -- have you ever observed him engage in illegal narcotics activity?

A. Not --

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. Like, as far as recently, no.

Q. Well, no. I'm -- Let's go back to 2- -- Let's go back to 2000 to the present. How about that time period?

A. No.

Q. Okay. Were you -- Did you spend any --

A. Jamar tries to act like a father figure. Certain things he definitely wouldn't want me around. He -- I'm older than him, but he's always acting like, "Nah, don't do this. Do that. Go over that way."

Q. Well, yeah, I mean, you attended college, right?

A. I did a couple years at East-West and a few semesters at Malcolm X.

Q. Yeah. Where was East-West at?

A. On 8th and Michigan. But that was like in 2- -- That was 2005 and 2007.

Q. So did -- did -- did Ben Baker -- Did he ever pay for your tuition in college?

A. No. He offered to pay for me to go back to Malcolm X because I had owed some money.

Q. Did you have to do any favor for him for that?

A. Nah. Ben never asked me to do any type of favors.

Q. So did he --

A. I got a letter right now where we wrote each other, and I told him thank you for being a real friend because he's never asked me to do nothing.

Q. Where was the -- the --

When did you get the letter?

A. This was like towards -- We wrote each other towards like probably a couple years before he got out. And I apologized for not keeping -- writing him as much as I should have.

Q. And you still have these letters?

A. Yeah.

Q. And how many letters did Ben Baker write you?

A. It's just one and one. We wrote each other a letter. I wrote him a letter. Because I wrote it and reached out, apologized. And he wrote back. It was like just two heart-to-heart letter.

Q. Did -- did Ben Baker discuss the circumstances of any of his arrests in the letters?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. Nah. He just -- No. He just told me how jail was taking a toll on his life and his relationship with his wife.

Q. And what were you apologizing for?

A. Because I felt like I should have reached out more. I mean, like I told him, because me and Ben started hanging out later -- But like I told you, he's a real friend. He never asked me for anything. He was

just a -- a -- a plain friend.

You know, who -- like a real friend when it was never -- nothing that I could give him. He never asked me to do anything. He was -- never asked me for a -- a dime. Anything I talked about, it was always, "You need to go to school. You smart. You need to do this. You need to do that."

Q. So --

A. So I apologized because I felt like I should have reached out more.

Q. Okay. And -- and Ben -- Ben Baker, maybe he's eight years older or so than you?

A. Yeah.

Q. Was he a father figure to you?

A. Nah. I don't really got father figures.

Q. Okay.

A. But we were close.

Q. Yeah. And -- and I read in your --

A. But he --

Q. Go ahead. Sorry.

A. Huh?

Q. No. Go ahead.

A. I would say yeah, he was close; more like a big brother, but nah, not a father figure.

Q. You know, I -- I recall in your interview with COPA -- You know what I'm talking about, right? Civilian Officers --

A. Yeah. They came to my house. I remember them. I don't remember what year, but I remember they came to my house.

Q. Yeah. They interviewed you on August 27, 2018. Do you remember that?

A. I don't remember the exact date, but I remember them coming, yeah.

Q. Okay. And, you know, I -- I recollect that you told them you and Ben were -- were hanging out somewhere around 1980 -- began hanging out together around 1998, 1999. Does that sound right?

A. Yeah. Because I was in high school, yeah.

Q. Okay. And was he your closest friend from that time on?

A. Nah. I wouldn't say closest friend. I mean, like, I don't really have a closest friend. I have different bonds with different people.

Q. Well, let me ask you this: From the year -- From around 1998 until Ben Baker went to prison --

A. Uh-huh.

Q. And I'm not talking about federal prison, his

most recent stint. I'm talking about when he went to the Illinois -- you know, Illinois Department of Corrections like, you know --

A. Uh-huh.

Q. -- mid-2000s. Were you with him on a daily basis?

A. I mean, when he was around and I was around, we hung around a lot. But I was in and out of that neighborhood.

Q. Yeah. And what -- what types of things would you do with Ben Baker?

A. I mean, we would go out, go somewhere, and have fun. Sometimes we would go play ball, rap, I mean, like normal things.

Q. Did -- did --

A. Ben liked being around me because the -- the energy that I gave was not the energy as most people in that neighborhood. Like, I remember him telling people like, "You need to hang out with Patrick. He like to go enjoy life."

Q. So would -- would you go out to -- to night clubs and have fun, that type of thing?

A. No. We would go to -- to -- to people we knew house, play cards, hang around, maybe have a drink. Ben

wasn't too big on nightclubs.

Q. Okay. And would you spend a lot of time in apartment 206 at the 527 building?

A. I spent my fair share because he always -- he -- he -- he was like a family-oriented type of guy. He would always have like get-togethers, card games, food, good times, a lot of good memories.

Q. So how often, if you can do it like on a weekly basis, would you be over at Ben Baker's apartment, 206?

A. I mean, that's kind of hard because it ain't like it was an everyday thing. But sometimes we would be hanging out if it wasn't nothing to do or he'll be throwing something. He'll be like, "We having something up here," this and that, but it wasn't like a daily or weekly thing.

Q. Right.

A. I was up there my fair share, though.

Q. And so your cousin Jamar and Ben were also very close, right?

A. Yeah. They had a relationship.

Q. To your knowledge, did they sell drugs together?

A. No idea.

Q. When you would go to Ben's apartment, would -- on occasion, would Elgin Moore and Brian Patrick also be present?

A. Yeah. I mean, sometimes, yeah, we might -- Like, we play cards and all that, so yeah.

Q. At any time when you would -- Strike that.

Yeah. At any time when you were at Ben Baker's apartment -- And that's apartment 206 in the 527 building, right?

A. Uh-huh.

Q. Is that right?

A. Yes.

Q. And he lived there with Clarissa Glenn, right?

A. Yes.

Q. And they had three kids, right?

A. Yeah.

Q. Okay. At any time when you were inside that apartment, No. 206, did individuals arrive at the apartment to purchase narcotics from Ben Baker?

A. No.

Q. And what I'm getting at is, you know, someone knocked -- knocking on the door and then Ben Baker gets it and someone says, "Hey, I need" -- "I need two bags" or "I need this" or "I need that" in terms of illegal

narcotics. Did you ever observe that?

A. Nah.

Q. I know when you spoke to COPA you --

A. No.

Q. I know when you spoke with COPA you talked about people would go to the second floor to receive their drugs. Do you recall that when -- And you were talking specifically about the 527 building.

A. Drugs upstairs. They would go upstairs, stay at the third floor, yes, but not to nobody's house.

Q. Well, but they -- But drugs would be --

There would be narcotics transactions going on on the second floor --

A. Up the stairs.

Q. The second floor of the 527 building, correct?

A. Sometimes, yeah.

Q. Okay. And then, to your knowledge, where -- where would the narcotics be coming from that were being sold from the second floor of the 527 building?

MS. KLEINHAUS: Objection, foundation, calls --

BY THE WITNESS:

A. I have no idea -- I have no -- To my knowledge, no idea.

Q. Well, who --

Can you tell me the names of anyone who sold narcotics out of the 527 building?

A. Nah.

MS. KLEINHAUS: Objection, foundation --

BY THE WITNESS:

A. This is my thing, right --

MS. KLEINHAUS: -- calls for a legal conclusion, speculation.

You can answer.

BY THE WITNESS:

A. Yeah. Because this is -- this is my thing, right, what I can say is a lot of stuff didn't be how people think it is. 527 was not some type of well-organized machine with no one person running everything. I can tell you that much.

At different groups of times it has been some people who have family and been around have been there, but it was not no one organization. No one -- It has been different groups of people at different times, I can say, in 527 doing whatever they were doing.

Q. So --

A. So if they -- And 527 was never like some well-run machine with this go down and this gang and this and that, no. So if -- if -- if you sending people

upstairs to a second floor on 527, the drugs could have came from anywhere.

Q. So, to your knowledge, was there -- the highest concentration of drug sales, did it occur on the second floor of the 527 building or different floors in that building?

MS. KLEINHAUS: Objection, foundation.

You can answer if you know.

BY THE WITNESS:

A. I mean, me personally, I can't tell you, what the highest concentration. I just know people was sent upstairs if they was going to buy some drugs. I don't hang upstairs, so I can't tell you what I don't see with my own eyes as far as -- I have no reason to hang upstairs because I don't want to get caught up in no type of drug activity. If I was hanging in 527, it was just boredom to hang out around familiar people.

Q. Yeah. All --

You know, on -- on the floor where your aunt, Ernestine Clark, lived, the fifth floor, there were narcotic sales going on on the fifth floor too, right?

MS. KLEINHAUS: Objection --

BY THE WITNESS:

A. I have no idea.

MS. KLEINHAUS: -- speculation.

BY THE WITNESS:

A. Like, my whole thing -- It was a lot of things. You -- you have to think this is a -- public housing buildings. You can get off an elevator on any given floor and -- and witness any given thing. You might have somebody getting high in the hallway. You might have a dice game on three, four floors. This is why I was not prone to hang inside of the building.

That's why certain things you asking me did I witness, it wouldn't be like that because I don't want to -- I've been locked up for -- for trespassing where I could just be walking through the building and they lump us all up together.

I've been locked up for gambling and didn't have a dime in my pocket. How am I gambling? From going to visit people, and I'm being lumped into groups of people. "Oh, yo, you come here. You" -- "you came down the stairs." I might have been on the third or fourth floor, didn't want to take the elevator. Are you going to -- Oh, I'm coming down the stairs. They already got people in the dice game against a wall, "You come over here too."

MS. KLEINHAUS: Bill, when you get to --

BY THE WITNESS:

A. So --

MS. KLEINHAUS: -- a stopping point, can we take a break?

THE REPORTER: I didn't hear the objection, Ms. Kleinhaus.

MS. KLEINHAUS: Sorry. Not an objection.

THE REPORTER: I only heard, "Objection."

MS. KLEINHAUS: I just was -- Sorry. I was asking if we could take a break.

THE REPORTER: No, no. Before he started his answer, I only heard you say, "Objection." I didn't hear what you said behind that because he interrupted you.

MS. KLEINHAUS: Okay.

THE REPORTER: I just want you to know I'm not hearing the end of them.

MS. KLEINHAUS: Okay. It -- That would have been a foundation objection.

THE REPORTER: Okay. Thanks.

MR. BAZAREK: Should we -- Tess, if you need a break, we can take a break.

MS. KLEINHAUS: Okay. Yeah. Can we just go off the record for a couple minutes?

MR. BAZAREK: Yeah. So let's -- let's see what -- Let's come back at -- It's 11:01. Let's come back at 11:06.

MS. KLEINHAUS: Okay.

MR. BAZAREK: Take five. Take five is --

THE VIDEOGRAPHER: Going off the record at 11:01 a.m.

(A short break was had.)

THE VIDEOGRAPHER: Okay. Back on the record at 11:00 a.m.

BY MR. BAZAREK:

Q. Mr. Frazier, you were talking about narcotics activity at the 527 building, right?

A. Yes.

Q. And when we last left off, you were talking about that wasn't organized; you had various people that would have been selling narcotics out of that building; is that correct?

A. Different people at different times, yeah.

Q. Okay. And do you know who the Gangster Disciples are?

A. Yes. I'm familiar.

Q. Who are the Gangster Disciples?

A. A street gang that was formed by Larry Hoover.

THE REPORTER: I'm sorry. I didn't hear that.

BY THE WITNESS:

A. A street gang that was formed by Larry Hoover back, I guess the '60s or something.

Q. He was -- he was the chairman, right, Larry Hoover?

A. To my knowledge, yeah.

Q. And then in the Gangster Disciple hierarchy you have governors and lieutenants. Have you ever heard anything like that?

A. I've heard, yes, but yeah, I'm not too familiar.

Q. Were -- were --

Was the predominant gang at Ida B. Wells the Gangster Disciples?

MS. KLEINHAUS: Objection to form, foundation.

You can answer.

BY THE WITNESS:

A. Depending on what year you want -- you're talking about.

Q. Well, let's go with 2000 through when Ida B. Wells started to close down.

A. On the streets, right, or you talking about in jail?

THE REPORTER: I didn't hear that.

BY MR. BAZAREK:

Q. Yeah. That's a -- that's a good observation. Let's talk about just at Ida B. Wells in terms of Gangster --

A. I'm not really --

Q. -- activity.

THE REPORTER: I can't hear the witness, what he's saying.

THE WITNESS: It was -- Can you hear me?

THE REPORTER: I didn't hear your last answer.

THE WITNESS: I was asking him was it on -- was he talking about on the streets or in jail --

THE REPORTER: Thank you.

THE WITNESS: -- when he asked me was the Gangster Disciples the predominant gang in Ida B. Wells.

BY MR. BAZAREK:

Q. Yes. On the -- Let's say on the street, yeah.

A. No.

Q. Okay. So who was the predominant gang --

A. You saying like till they tore them down, right? It wasn't really a predominant gang.

Q. Well, Ben Baker is a Gangster Disciple, right?

MS. KLEINHAUS: Objection, form, argumentative,

foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. I mean, I think. I'm not sure. Me and Ben never talked about no gang. I've never seen him put up a gang sign since I've known him.

Q. Is Jamar -- is Jamar Lewis a Gangster Disciple?

MS. KLEINHAUS: Objection, foundation, speculation.

You can answer.

BY THE WITNESS:

A. Now, my honest answer -- This is my cousin. I've known he went to jail. But as far as on the streets, Jamar Lewis has never said he was a Gangster Disciple.

Q. Is Jamar Lewis a Gangster Disciple, if you know?

A. Not to my knowledge.

Q. Okay. What about Elgin Moore?

A. Not to my knowledge.

Q. Brian Patrick?

A. Not to my knowledge. Now, what they do in jail as far as on the streets, not to my knowledge.

Q. When you say, "what they do in jail," like

what you're getting at is you have individuals who become gang members after they're incarcerated?

A. I feel like -- I mean, from what I've heard. I've never been to the penitentiary. I've never been in Cook County jail. But I do hear that some people on the streets would not gang bang, but in the jail with it being a whole different animal, they may get on count, is what they call it.

Q. And because they -- they -- they want some type of protection when they're incarcerated, right, from other gangs?

MS. KLEINHAUS: Objection, foundation --

BY THE WITNESS:

A. I suppose.

MS. KLEINHAUS: -- calls for speculation.

BY THE WITNESS:

A. I'm not sure, but I -- I would suppose that would probably be a reason. I'm not sure.

Q. Yeah. Well, what was the -- You just used a phrase, "count," you said something or -- I want to go back to what you said.

A. "Count" is what they use to call people who were in the gang.

Q. On account?

A. Count. Like -- like count the numbers, like counting.

Q. Okay. Explain that. I've never heard that phrase.

A. That's what they used to call people who are actually from the neighborhood who are actually -- If you were on count, you were supposed to be a member of the gang. So I'm guessing they called it that because if you counting the members -- I don't know where that came from. That was a term that's been around since before me.

Q. Well, you put --

A. Like if someone was to join the gang in Chicago, they call it, "I'm finna go get on count."

Q. Thanks. I want to ask you --

A. Well, yeah, to that -- I'm sorry. But that's why I asked -- when you asked was it predominantly gang towards that time? No, it wasn't a count in Ida B. Wells at that time. It wasn't --

Q. So --

A. -- any real count. You just who -- People were who they were.

Q. So was it your testimony that the Gangster Disciples were not the main gang at Ida B. Wells?

A. It wasn't no, no -- It wasn't a count. It wasn't a dominant -- It really wasn't like a real Gangster Disciples count in Ida B. Wells at that time. Now, what people claimed in jail, it was in jail. But on the street it wasn't like -- it wasn't no -- no -- By that time the gang culture was way different.

Q. Well, would you agree that Gangster Disciples were involved in narc- -- illegal narcotics activity at Ida B. Wells?

MS. KLEINHAUS: Objection, foundation, calls for speculation.

You can answer if you know.

BY THE WITNESS:

A. I mean, me personally, how I would say it, it was no longer Gangster Disciples.

Q. Well, I know what -- the federal government came in and they locked a whole bunch of them up, right? Is that you're talking about like after --

A. Right. And after that, it was still people who -- It was still count, but like from -- from -- Let's just say about -- I know when I was in high school. That was '90-something. But let's just say about from 2000 and 4 or 5 on back, the -- the -- the gangs as people think in a lot of places they weren't

around in that area. People who were -- You had some people were supposed GDs or whatever. They might still say that, but it wasn't really no gang banging. It was more so if you from this building or you from that building, you hung out with who you hung up with. It was- -- It wasn't no like how they make it out to be, no, oh, it's a big gang of GDs running, nah.

Q. Okay. And that's just because the federal government had come in and dismantled them and they all went to prison, right?

A. I don't think that was really --

MS. KLEINHAUS: Objection, foundation.

BY THE WITNESS:

A. I'm not sure if that was the case. It's just people weren't really into that like they used to be.

Q. Okay. Did you ever associate with any Gangster Disciples?

A. Nah, I've never been in a gang.

Q. Okay.

A. Do I know Gangsters Disciples? Of course. I was born and raised around Gangster Disciples.

Q. Do you know an individual by the name of Tolorn Fumbanks? Do you know that name?

A. That's a cousin of mine. That's Ernestine

Clark's son.

Q. So Fumbanks is the brother of Jamar Lewis?

A. No. Jamar -- Ernestine is not Jamar Lewis's mother. That's his sister's.

Q. Oh, yeah.

A. That's his mother's sister.

Q. His aunt. I'm sorry. Yeah.

Ernestine is Jamar's aunt, right?

A. Yeah.

Q. Okay. But Ernestine is the -- was the mother of Tolorn --

A. Tolorn Fumbanks.

Q. Okay. And he's deceased, right?

A. Yeah.

Q. How did he pass away?

A. Gun violence.

Q. Was he a Gangster Disciple?

A. Not to my knowledge.

Q. Was Tolorn Fumbanks -- Was he involved in illegal narcotics activity at Ida B. Wells?

MS. KLEINHAUS: Objection, foundation.

BY THE WITNESS:

A. Not to my knowledge. I know he was locked up for drugs. I can't -- I can't say if he was -- while he

had a drug case.

Q. Okay. Did he have any association with the 527 building?

A. He lived in 527.

Q. Okay. How about Patrick Nooner? Do you know that name?

A. I know who that is, but I don't like -- I know him from being around. Personally know him like, I know him as a -- as who he is. Like, I know him from being around. He's not a friend or associate of mine.

Q. Well, was Patrick Nooner a drug supplier for Ida B. Wells?

MS. KLEINHAUS: Objection to form, foundation.

BY THE WITNESS:

A. I mean, personally, I've never seen Patrick Nooner sell a -- a lick of drugs. Now, if his name -- He had a reputation, but I've never seen Patrick Nooner do anything.

Q. What was his reputation?

A. I mean, he was just a millionaire -- as far as. But I've never seen and I know --

THE REPORTER: I can't hear you, sir.

BY THE WITNESS:

A. He had reputation that he had lot of money.

Q. He had a lot of money?

A. That -- that was his reputation.

Q. What did he do --

A. So in that neighborhood, most people who had a lot of money, it was around and, you know, but I've never seen Patrick Noo- -- He was a here and there type of guy. He didn't just hang out on blocks like that.

Q. How about Wilbert Moore? Do you remember that name?

A. I know who Wilbert is.

Q. Big Shorty?

A. Yeah.

Q. Was he involved in illegal narcotics activity at Ida B. Wells?

A. I mean, he had a reputation, but I ain't never seen him. They used to -- they -- Patrick Nooner, Wilbert Moore, they all -- Like, if -- if -- All of this they will say is Ida B. Wells, right? I'm from Ida B. Wells extensions. That's what 527 is. That is tell tall buildings. Patrick Nooner and Wilbert Moore are originally from the Darryl Homes which was on 39th. Because we was closer to 35th. That was 39th closer to Cottage. Both of them are originally from over there. Then they moved in the row houses, which is old Wells

because that came first.

So if you -- The -- the amount of land, if you ain't go to school, you would know certain people by their reputation. But it was a lot of land and -- and -- For what they call Ida B. Wells, it was a lot of different projects and -- and areas that was all together.

I pretty much stuck and hung out -- Like my mom didn't even let me go to the neighborhood school. I had to walk like four, five blocks up. But I know who they -- I know their reputation. But me personally seeing them doing certain stuff, no. I've seen them around.

Q. Did you ever hear who killed Wilbert Moore?

A. No.

Q. How about do you know anyone named Roy Bennett? Sho- --

A. I ain't never heard that name in my -- Huh?

Q. How about -- how about the nickname -- He goes by the nickname Shock.

A. Yeah, I know who Shock is. I've seen him.

Q. Who is -- who is Shock?

A. I think he from the same place Wilbert and them from.

Q. Was -- was Shock involved in illegal narcotics activity?

A. I'm not sure. I --

Q. How about Harry Seals?

A. -- around -- Like personally, I mean, I -- I was free to -- Since I wasn't really a gang banger or anything like that, I was free to walk around. But like I didn't really hang around with a lot of these people because I didn't really -- For them to be in the same neighborhood as me, I didn't, per se, grow up around.

Q. How about Harry Seals? Do you know that name?

A. Harry, yeah.

Q. And how do you know him?

A. All them is the same crowd.

Q. So if they were --

A. They was around -- I think they a little older than me. But yeah, they -- they always around, just had a certain reputation. But me personally, I've never been a witness to them doing anything.

Q. Did you hear that Harry Seals controlled the narcotics at Ida B. Wells?

MS. KLEINHAUS: Objection, calls for speculation.

BY THE WITNESS:

A. No. I've never heard anything like that.

Q. How about, you know, someone named Harold Owens?

A. No. I grew up with Harold.

Q. And he was involved in illegal narcotics activity at the 574 building, right?

A. I'm not sure. All I know Harold to do was like to gamble.

Q. How about -- Do you know Allen Jackson? Do you know that name?

A. Who?

Q. Allen Jackson, AJ? Or not AJ. Allen Jackson.

A. I know Allen Jackson, yeah, through a mutual friend.

Q. He's deceased? Is that the same one?

A. Yeah.

Q. Okay.

A. Yes.

Q. What do you know about Allen Jackson?

A. I mean, I've hung out with Allen Jackson. I just know he's a cool guy. I -- Like me personally, in the neighborhood, I've never hung out with Allen, but I've hung out with him outside of the neighborhood through a mutual friend we have. We used to go to the clubs and things of that nature.

Q. Was Allen Jackson -- Strike that.

Did you ever observe Allen Jackson engage in illegal narcotics activity?

A. No. I didn't never really hang with him like that in the neighborhood. I hung with him outside the neighborhood.

Q. How about Valentino Wilbourn? Do you know that name?

A. I grew up with Valentino Wilbourn.

Q. Is he a friend of yours?

A. Nah, not my crowd.

Q. Okay. Did he engage in illegal narcotics activity --

A. I don't know. I don't -- That ain't my crowd. I won't be around. Like, I -- I'm friends with some of his family members. But me -- We don't -- I don't have nothing against him. We just personally -- You know how when you growing up, you have your crowd and people who you may have -- Even if they doing this and that, like some people you just gravitate to more.

Q. How about Jovan Towers? Do you know him?

A. I just know him from -- I just know him the same way -- All of them was in the same crowd, him, Wilbert, Harry, they all came from the Darryl Homes. I

just knew of them.

Q. Okay. How about Brian Ford? Do you know that name?

A. Nah.

Q. Okay.

A. If I do, it's not by that name.

Q. So let me ask you: At any time did you ever observe any narcotic sales at Ida B. Wells?

A. Yes. I mean, as far as in passing.

Q. And who -- And so there was -- there was some- -- someone selling drugs to somebody else; is that right?

A. Yeah.

Q. Okay. And can -- can you tell me who the people were who you observed selling drugs at Ida B. Wells?

A. No. I mean, it ain't like I know they names. Because this is the thing and -- and this is where I be feeling like it be a distance. Because, me personally, I'm not a drug dealer. But with me witnessing certain things and certain things like law officials go, a lot of people you would think are selling the drugs don't deal with the hand-to-hand part.

Q. Well, that's because they --

A. People may bring they friends and this and that. And if I don't know you, I'm not trying to get to know you. If I seen people doing hand-to-hand, then it's in passing. It's a million people who have came and went through there. Because when you do the hand-to-hand, they'll tell their homies and some like come on over here and -- and -- and -- Well, they used to call it a pack.

So the people I knew, I'm not really witnessing them do nothing. I witnessed people in buildings that I didn't personally know or I know from being around. See, I -- I've never had the type to -- What they call it, buddy hustle. So I know you from been around. I know you. If I see you in a building and I'm passing through, I'm not trying to be your friend. You in the wrong line of work.

But how people -- How I say it's a real disconnect for what people think they know, because on any given day the hand-to-hand part could be done by a million people. 'Cause you could be sitting here, and somebody -- All they got to do is what they call give you a pack and you sitting in somebody's building. As long as somebody okay'd it, now you sitting there selling what you selling.

Q. Can you identify any person who engaged in hand-to-hand narcotics transactions at Ida B. Wells?

A. That's kind of like vague.

Q. Well, I'm asking you. Name -- Can you just tell me one person? You lived there your whole life.

A. I know I've lived there my whole life, man, and I pretty -- Yes. I'm sure you know there's been a line of drugs. But see, me personally, what I'm saying is this: Seeing someone actually do something and knowing reputation is different, because reputation is speculation. I know a lot of people who reputation exceed they self and people were saying this and that. But as far as me actually seeing, one thing you learn, if you trying to stay out of trouble in my neighborhood, you stay away from trouble.

So if I'm going to go to a building and I may see people from other buildings besides 527 that I'm cool with, if I go in the building or -- or to the building, if I don't know nobody who lives upstairs, this and that, if I'm going to hang out, it's going to be on the front of the building. Drugs being sold inside the building.

Me personally, I don't want to be around the drugs because I knew how the police operate. If you sit

here and you could not know -- you could know darn well I ain't selling nothing but you be having a bad day and you lump me in, whatever drugs in that building going to who they going to. You could wake up and be like, I don't like him today.

Q. Have you ever been -- Strike that.

Have you ever observed any arrests made by members of Ron Watts's tac team?

A. I've seen them pull plenty of people out of those buildings, yeah.

Q. When?

A. Watts been around for years. I've been around for years. I've probably been arrested by Watts' team a couple times for trespassing and gambling.

Q. Okay. Let's just -- I want to focus on arrests that you had --

A. Have I ever seen him pull drugs off of someone, no, if that's what you trying to ask.

Q. So how many times total have you observed individuals being arrested at any time by members of Ronald Watts's tac team at Ida B. Wells?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. I mean, I can't put a -- a -- a number on it.

Q. Is it more than --

A. I can't -- I'm not going to estimate because that's where they worked. They locked up a lot of people.

Q. Do you know --

A. And I've seen people -- I've seen them -- You got to think how -- how they lock up people. Sometimes it's just, I guess, to rattle the cage where they may do a group arrest where some people might be standing around the building or in the building. Everybody going to go to jail for trespassing. Or everybody might -- You might see two people gambling. They might round them all in. So seeing people -- And this was a daily thing. So I could walk out the back of my building any given day and see them -- how people -- and taking them and putting them in what we call -- I don't know you guys call -- We call them the paddy wagon.

Q. All right. Tell -- tell me -- tell me how many times you saw arrests made by any members of Ron Watts's team.

A. It had to be over 20 --

MS. KLEINHAUS: Asked several times now.

BY THE WITNESS:

A. It's -- This to say -- I can honestly say it's been over 20 times. I lived in the area they patrolled. Now, what the arrest was for, I can't say. But me seeing him actually detain people and put them in cars, it's been over 20.

Q. And so in terms of the observations that you made, do you know what the circumstances were for those arrests or detentions?

MS. KLEINHAUS: Objection to form. It's vague and ambiguous.

You can answer if you understand it.

BY THE WITNESS:

A. All the time, no.

Q. Any of the time.

A. I mean, sometimes you would see and -- And like me, say if I'm coming out of the building, you will see like people talking like, "Oh, they found drugs on him. Oh, they just took everybody into a truck. But they found drugs on such and such."

But it's not like the police going to come out the building and parade, "Oh, we got this bundle of drugs." Now, some of them might. I don't know. It depends on how they feeling that day, if they want to

make a scene.

But it's not like you come up -- if -- if -- if you not on a case or with them, you might not know. You just know they locked them up until word get around the neighborhood.

Q. So were -- You know, I've looked through at your arrest history. I don't see any arrests made by members of Ronald Watts's team. You testified --

A. All my arrests made by Watts were petty arrests. And it was like either I was around gambling or trespassing, but that was -- All my misdemeanors should be expunged.

Q. Okay. So you had arrests in your past that you had expunged; is that correct?

A. Misdemeanors, yeah.

Q. Okay. What were --

And when did you expunge the arrests?

A. This had to be like -- I don't know. I was still staying over there. I've been gone from over there 15, 16 years. I expunged the arrests to get a job because I was never convicted any arrests. But one person told me at a job -- They like, "It just" -- "it just pops up." And it's no disposition at the end for them. So one job, I had to go down there to the station

and give a disposition and they hired me. And I'm just like for me dealing -- I have to deal with this. They like, "You ain't got no real cases. Just go get them expunged."

Q. All right. So you were able to get arrests expunged because the --

A. Because I didn't have any felonies and it was just like mostly the same thing. I think every time I was locked up it probably be by one of them on some -- me outside and they lumping me in a group.

Q. Have you ever been arrested for a narcotics offense?

A. No.

Q. Did you ever --

Were you ever in a courtroom for any allegations that you were involved in narcotics activity?

A. No.

Q. I mean, you said things were expunged that were dismissed, so I wanted to --

A. Because it was all this like trespassing or gambling. I've never been locked up for no narcotics case.

Q. Okay. So those -- The cases that you had

expunged were for trespass or gambling; is that correct?

A. Yeah.

Q. Anything else?

A. Nah.

Q. Okay. And then I want to -- I do want to go back to, where were you arrested for trespassing or gambling by members of Watts's team?

A. It would have to be in 527 --

Q. Do you know --

A. -- or like outside of 527. But it would be -- The address everybody give was 527.

Q. Do you know which officers on the team arrested you?

A. Nah.

Q. Did you -- did you ever speak to them -- those officers?

A. As far as -- Nah. Because it was just like how arrests go. If you sitting there, you in a group, they arrest you all. They put you all in a bullpen. You going to sit in the bullpen for four to eight hours depending on chill chains go. You get out. If you go to -- to court, they going to drop it.

Q. Have you ever spoken with any police officers that were on Ron Watts's team?

A. I mean, I've spoken. As far as what?

MS. KLEINHAUS: Objection, form, foundation.

BY THE WITNESS:

A. In what type of form?

Q. In any -- any way.

A. Like small conversations?

Q. You've -- you've testified at this deposition that you were -- you were arrested by members of Watts's team whether it's gambling or trespassing. So I'm asking you --

A. When you get arrested for -- for --

(Brief interruption.)

UNIDENTIFIED SPEAKER: Oop, sorry. I didn't expect anyone to be here.

THE WITNESS: Hey, I'm in a deposition -- in court.

(Brief interruption.)

MS. KLEINHAUS: Do you want to take a break?

THE WITNESS: We cool.

You need me to sign something?

One second. Can I have one to sign an extermination paper?

MR. BAZAREK: Yeah.

MS. KLEINHAUS: Sure.

MR. BAZAREK: Let's -- let's take another

five-minute break.

THE VIDEOGRAPHER: Okay. Going off the record at 11:36 a.m.

(A short break was had.)

THE VIDEOGRAPHER: Okay. Back on the record at 11:42 a.m.

MR. BAZAREK: Ms. Court Reporter, could you please read back the last question and answer?

(Record read as requested.)

MR. BAZAREK: Yeah. So let's -- You know, I -- It just cut off. Can -- "Arrested for" was all that came out?

Can you hear me?

THE REPORTER: Yeah, I can. Can you hear me?

MR. BAZAREK: Yeah. Go --

THE REPORTER: That's the -- Yes. That's all he said, and then someone entered the room on his side.

MR. BAZAREK: All right. Read the question and answer before that, please.

THE REPORTER: I'm going to have to go back a couple, so just bear with me.

(Record read as requested.)

BY MR. BAZAREK:

Q. Okay. You can cont- -- All right. So let me

ask the -- I'll ask another question. Have you had con- --

Have you ever had conversations with members of Ron Watts's team?

A. Yeah, like as far as. Yeah. Random conversations, yeah.

Q. And who did you speak with on the team?

A. What's the curly haired guy? I've had conversations with Mohammed before I knew.

Q. Anyone other than Mohammed?

A. Not like personally, nah; like group conversation, like they will have us there and we in the station and they cracking jokes and all that, but nah, not like in the -- one on -- in the court a conversation I had with Mohammed was short. Like a one-on-one conversation, no.

Q. Okay. So it's your testimony you've only had a one-on-one conversation with Mohammed?

A. Yeah. That ain't been in a group setting. I've talked to Watts before with a group of people around. But like me and Mohammed, he'd ask me something one day, and it was just me and him standing there.

Q. Yeah. Okay. So separate from Mohammed and Watts, have you ever spoken with any other members of

Watts's team?

MS. KLEINHAUS: Objection, foundation.

You can answer.

BY THE WITNESS:

A. Not to my knowledge.

Q. Okay. Have you ever heard -- Strike that.

Separate from Watts and Mohammed, have you ever heard anything said by any other officers who worked on Watts's team?

A. Anything said. Like spoken out their mouth?

Q. Yes.

A. In groups, yes. I mean, they've all been around. Like they crack jokes and all that all the time. It's -- If they come and -- While they locking us up, I mean, that's kind of an awkward situation.

Q. Okay. Other than cracking jokes, have those other members of the team said anything at any time?

MS. KLEINHAUS: Objection, asked and answered.

You can answer again.

MR. BAZAREK: No, it wasn't.

BY MR. BAZAREK:

Q. Go ahead.

A. It's kind of broad, I mean.

Q. Well, sir, I'm -- I'm asking you. Tell -- Can

you tell me what is --

A. I mean, I'm just saying -- This is my thing. You asking me something about 20 years ago, and -- and this broad enough to be like have I heard them over there mouthing? Yes. Like, but as far as to what -- You get what I'm saying? It's like yes, I've heard them open their mouths before, but it's like a referring to what type of situation because you -- you talking about 15 to 20 years ago.

Q. All right. Separate and apart from Watts or Mohammed, can you tell me one thing that any other officer on Watts's team ever said at any time?

MS. KLEINHAUS: Objection to form --

BY THE WITNESS:

A. Me or to other people?

MS. KLEINHAUS: -- foundation.

BY MR. BAZAREK:

Q. Yes. When you were present.

A. That's kind of like vague, I mean. Because outside I've heard them crack jokes. I've heard them talking crap. But like the -- I can't tell you exact conversation from 20 years ago, 15 years ago as far as not something that vague like ...

Q. Yeah. I'm not asking for exact conversation.

Tell me anything you heard any member of Watts's team say.

MS. KLEINHAUS: Objection, asked and answered.

BY THE WITNESS:

A. (No response.)

Q. Do you want me to have the court reporter read the question back?

A. Nah, I'm saying -- Because my thing is, I mean, of course I've hear them say, "Get on the wall. Don't move." Like, that's what I'm asking you. That's vague. I've heard all of them say, "Get on the wall. Don't move," this and that when they arrested people.

Q. Who -- who said, "Get on the wall. Don't move"?

A. People in his team. Like, I've -- I don't know everybody by name. I know Watts by name, Mohammed, I think Al. I know it was two short guys that used to -- like kind of stocky that -- who I can't say -- One of them was short. One of them was shorter than the other. Always been around them. Them the staples I know. Then I know some people came and went.

Q. All right. Other --

Okay. Other than cracking jokes and hearing officers say, "Get on the wall. Don't move," anything

else that was said by members of Watts's team?

A. Nah, I don't recollect as far as -- Because I don't even know what statement you talking about like --

Q. Right. But that's the only --

A. -- when they were sitting around talking?

Q. That's all you -- that's all you recollect at this deposition, correct?

A. It depends on what setting you talking -- As far as me saying -- hearing them say anything --

Q. Yeah. Tell me --

A. -- as far as us being like --

Q. Other than, "Get on" -- "get on the wall," you know, "Don't move," and cracking jokes, anything else they said?

A. I mean, right now that's all I recollect, because I don't know, like, because the question's kind of vague. It's just like me -- you asking me have I ever heard you open your mouth and we're at a deposition.

Q. Now, when -- Who --

Now, when -- when you hear this, you know, "Get on the wall. Don't move" --

Was it "Get on the wall. Don't move," or just "Get on the wall?

A. I mean, I've heard a lot from you guys. Now, if you really want to hear how a situation go, nine times out of ten they going to come in -- whether you in the group or not, they going to call you over there. They going to tell you all, "Don't move," put everybody they can in handcuffs, call for po- -- for -- for -- for uniformed officers, put you in handcuffs, and crack a lot of jokes they know you don't want to hear because they have you detained and you can't do nothing but listen to them. So that's why I say I've heard them say a lot, but as far as it ain't like half the stuff they're saying you don't want to hear --

Q. Right.

A. -- when you know they either finna let you go or put you in the cell for eight hours whether you did something or not.

Q. And -- and how many times were you put in the cell because of arrests made by members of Watts's team?

A. Like two.

Q. Do you remember who the arresting officers were?

A. No.

MS. KLEINHAUS: Objection to form and calls for a legal conclusion.

BY THE WITNESS:

A. I knew it was a group of them. I've never looked at a police report or anything because at the end of the day when they arrest you, they don't give you nothing. You sitting in there with them. They write, and they talking until they go back outside. You're going -- put in the holding cell. You're going to get a discharge paper. When you go to court, nine times out of ten the judge going to say, "Police ain't here. You can go home."

Q. What build- -- what building were you arrested for trespass at?

A. 527.

Q. Were you told to leave before you were arrested?

A. No. Never.

Q. Just tell -- Describe the circumstances of that arrest for the trespass --

A. I wasn't trespassing. I was coming down the stairs from my aunty house --

Q. From who --

A. -- and was lumped in a group. And they didn't -- And I was telling them like, "I'm coming from my aunty house." That don't matter.

Q. You're talking about leaving Ernestine Clark's --

A. Yeah.

Q. -- apartment?

A. Yeah.

Q. Apartment 507?

A. Yes.

Q. Were you with Jamar Lewis?

A. No.

Q. Were you with Ben Baker?

A. I was by myself. I wanted to see my aunty who checks on me to this day since my mom passed. We real close.

Q. What -- Do you remember what year that arrest was?

A. No, I don't remember. I don't go look back. I know it was over 20 something, because I got it expunged. When I first started doing security, I was still in my 20s. So that had to be like -- I probably was a teenager. I probably was like 19, 20 at the most. It was years ago.

Q. Was it the 19 --

A. I haven't been arrested for nothing in years.

Q. Was it in the 1990s or you think early 2000s?

A. It was either late '90s, early 2000.

Q. Okay. And then were -- were --

If it was in the late '90s, are you sure it was an arrest by members of Watts's team?

A. It was late '90s or early 2000s. It was a blur. You got a thing.

Q. How do -- how do you know --

A. But I definitely been sitting in the state. I've been arrested with them. So I don't know if it was the early 2000s, late 90s. It was around that time. I was out of high school. I graduated in '99.

Q. Can you describe the officers that arrested you for trespass?

A. I know it was Watts. I remember sitting in there talking. It was the same for the other guy.

Q. Were they uniformed officers who arrested you?

A. No. Matter of fact, I was arrested by them three times. Because one time they arrested me, and I was sitting on the front by myself because I was waiting on Elgin Moore to tell me come upstairs. We was finna play cards. And I remember this because somebody was in the building selling drugs. They gave me a solicitation charge.

Q. Oh, that you weren't --

A. From sitting on front of a building, waiting to come upstairs in that building, and they took my pint of Jack Daniels.

Q. So were you accused of what? Yelling out "rocks and blows" at the 527 build- --

A. I ain't never railed out -- I guess they trying to say that I was running customers when the whole time I sat there, ain't said nothing. I was on the phone waiting to go to Elgin's house. We was finna play cards. He was making sure it was cool with his mom. We all go to his mom's house. He was making sure it was cool with his mom. I had just came back from the store, because I'll never forget I bought me a pint of Jack Daniels. And I never got to drink it, and they kept my Jack Daniels.

Q. Who -- who took your Jack Daniels?

A. Them.

Q. But when you say "them," who?

A. Watts. I think it was Mohammed. It was only two of them that night.

Q. All right. So it was -- it was -- it was just those two, right?

A. Yeah.

Q. Is that right?

A. I got us a -- That I saw. Now, I don't know what else they had going on, but -- And took me and the guy who was in the building.

Q. Who was the guy in the building?

A. Who, oddly enough, didn't even end up being from over there.

Q. Who was the guy in the building you were arrested with?

A. I mean, I don't know his name. I was familiar with him. That's what I'm saying. Like, that was odd to me. It was like, why you taking me? You just putting me together in a drugs thing I ain't had nothing to do with.

Q. Was the -- the person --

The other person who was arrested, were they arrested for possession of narcotics?

A. They say they found -- They -- they -- they say -- Because I remember talking to the guy in the cell. They say that they found -- Basically, they say he sold somebody one bag with a marked bill.

How I got in on -- on his -- 'Cause wasn't nobody else outside. I guess they just tried to say -- put me and him together. No, that ain't my thing. I was going away to play cards. Wasn't nobody outside.

He was upstairs somewhere.

Q. Do you remember his name?

A. No.

MS. KLEINHAUS: Objection, asked and answered.

BY MR. BAZAREK:

Q. Did he live at the 527 building?

A. I don't remember his name. He wasn't a friend of mine.

Q. No. But did -- did he reside at the 527 building?

A. No. He wasn't even from over there, come find out.

Q. All right. Do you remember -- do you remember what year that arrest was from?

MS. KLEINHAUS: Objection, asked and answered.

BY THE WITNESS:

A. I don't know. Like probably early 2000s. All this stuff happened in like early 2000.

Q. Okay.

A. I haven't -- This -- Because all this happened before I got my case expunged --

Q. Okay.

A. Which mean I still had to be -- I stayed over there some years after I got expunged. I -- I moved

over there like 2008.

Q. All right. So we talked about the -- the -- now the solicitation that you remembered at this deposition, and then you talked about the trespass. What about the gambling arrest? When was that?

A. I'm not sure, 'cause it -- It was all around the same time, I would suppose. I don't know. Because my thing is when I got all this expunged, I ain't had no runs-ins with no police.

Q. Yeah.

A. I ain't had no since -- none of that. That was early 2000, I suppose.

Q. So you've never been arrested since the early 2000s?

A. Arrested? No.

Q. Is it your testimony you've never been arrested since the early 2000 --

A. I mean, I've been pulled over for drinking and driving. That's about it.

Q. Anything else?

A. Arrested, no.

Q. Okay. All right. So the -- the -- the gam- --

The gambling arrest, who arrested you?

A. I mean, all my arrests, it's been the same people.

Q. Right. Well, you --

A. Watts and his team.

Q. You talk --

A. I only been arrested -- And I remember because I've only been arrested like three times.

Q. Yeah. So -- But you testified to the -- the solicitation. It was -- There was Watts and Mohammed. And now -- And --

A. Them two I know for sure --

Q. Okay.

A. -- because they was on the front trying talk to me. And I remember Mohammed getting my drink.

Q. Right. So now I'm talking, though, about the gambling arrest. Who was -- Who, if you recall, was present for that one?

A. Yeah. That was a group of them, so I can't tell you who all was there.

Q. Were they white? Black?

A. Black.

Q. Any -- any white officers in that group?

A. Who would left later. So I don't know if that got anything to do with nothing. It ain't like I asked

them they name, because at the --

Q. Okay.

A. -- end of the day all this was a routine. You know, I'm -- It ain't like what I'm going to do? I'm finna go, sit down for eight hours and get a thing to go to court, and they going to throw it out.

Q. What -- what building were you arrested at?

A. I've never been arrested in any other building besides 527.

Q. Okay.

A. Now --

THE VIDEOGRAPHER: Mr. Frazier -- Mr. Frazier, can you recenter your -- your camera? You're -- you're drifting. You're also in deep shadow.

THE WITNESS: Can you see me?

THE VIDEOGRAPHER: Yeah. That's better. Thank you.

THE WITNESS: All right.

BY MR. BAZAREK:

Q. When you were arrested for gambling, were you gambling that day?

A. No.

Q. What -- Describe the circumstances of the arrest.

A. Lumped in. I was standing on the front. They were sitting in the lobby gambling. Police ran through the front and the back. "You come here too." And grouped in.

Q. So you were near the people who were gambling?

A. No. I was sitting on the -- There was -- It's a handicap ramp. I was sitting there in the corner. They were in the lobby gambling.

Q. And what were -- Were they shooting dice? What was it?

A. Shooting dice.

Q. Okay.

A. And I know the three times I was locked up, I was in the lob- -- I was on the front of the building. And they walked me in there on the gambling.

When I got locked up coming from my aunty's house, I remember I came down the west stairs. Because I know if it was any type of activity going on, it probably would have been down the east stairs. So as soon as I came down the west stairs so I'm finna shoot straight out the building and go home, that's when I caught the trespass. Because if you be down there long enough, you start to know. That's why a lot of stuff I don't be witness to because I stayed away from the

trouble.

Q. Would you --

A. If I'm going to go upstairs, if I don't want to take the elevator, I'm going to come down the west stairs. Because if it was something going to be going on, it would probably be towards the east stair.

If I'm gonna come hang out, I'm going to stand on the front of the back of the building. Now, as you can see, I've been grouped in, so, "Here, you come on in this building too."

But it would be me trying to, okay, I want a little air, but trying to stay away from the stuff that's going on. Because I wasn't naive to nothing. I know how it goes, so it's like, okay, if you out here, you could get lumped in because they don't know who doing what. It's a group of people whether they in the building or out the building.

Q. Did you ever hear from any source that Ben Baker and Jamar Lewis sold narcotics at Ida B. Wells?

MS. KLEINHAUS: Objection, foundation, calls for speculation.

You can answer.

BY THE WITNESS:

A. Have I heard people talking about it?

Probably yes. But as far as talking to me, they knew -- Why would they talk to me about it if they knew I knew him and that was my cousin?

Q. Well, you -- I mean, because you've testified at this deposition that you would stay away from people that were involved in narcotics activity, right?

A. No. What I said --

MS. KLEINHAUS: Objection --

BY THE WITNESS:

A. What I stated was --

MS. KLEINHAUS: -- testimony.

BY THE WITNESS:

A. What I stated was from me growing up around there I stayed away from where I knew the narcotics would probably be. Because why would I stand around somebody selling drugs and I'm not selling drugs? To me, I -- I -- I've never wanted to be a gang -- I've never wanted to be a drug dealer. Why would I be just standing around them knowing that -- how the police operated? If you want to take me to jail, somebody might just say, "This is mine," and you will still be like, "No. Go on. Give him the case." Those are things I've witnessed before in my life.

Q. Well, if, in fact, it's true, what Ben Baker

testified to, that Elgin Moore and Brian Patrick sold narcotics for him, why would you hang around with them?

MS. KLEINHAUS: Objection to form --

BY THE WITNESS:

A. He hanging around people --

MS. KLEINHAUS: I'm sorry. I'm sorry, Mr. Frazier. Let me just make my record here.

Objection to form, argumentative. All of this line of questioning is repetitive and totally irrelevant to what this witness has been disclosed on. So just have a continuing objection that it's a waste of his time.

Go ahead, sir.

BY MR. BAZAREK:

Q. Go ahead.

A. Can I ask a small question before I answer, right?

Q. Yeah. Can you center yourself, because you're out --

A. I'm trying to see -- This phone, I ain't used to holding it this way.

Okay. Can I ask you a question along the lines of that right before I answer?

Q. What do you want to say, sir?

A. You're a lawyer, right, sir, by occupation?

Q. Right.

A. So your friends and family, right, say if they an obstetrician, a veterinarian, whatever they're doing, right, you take them to work often? Me hanging around somebody, their profession, I don't get nosy. Where I'm from, you have 50 percent of the people trying to make it out. You have 50 percent -- You have people in the middle.

So if me being around them, whatever they doing, I'm not going to ask no questions. I've been around these people since we were young men, some of them boys. When we hang out, we go out the neighborhood or we going to be in somebody house. And when we in their house, these houses we in, there wasn't no drugs. If I see some drugs being sold in the house, how my personality is, I'm walking out.

Q. Has anyone --

A. So you saying why would I hang around some people who haven't -- haven't did anything wrong to me and I've been close to them as friends? Sometimes people grow up and what they do be different. What they do in the streets, I don't know. They know not to come to me with nothing in no street.

These are not my only friends. I have friends in other places. I've always been well rounded. I go through different things. So hanging around them, I'm not finna be hanging around. They know. If they doing whatever they was doing, I don't know. But they not going to do it around me.

Q. Look, let me ask you this. You know, growing up in -- in Ida B. Wells -- And now I want to focus again. My time frame is 2000 until they closed the homes down. Could you just describe what you would observe at Ida B. Wells that would lead you to believe that illegal narcotics activity was occurring?

MS. KLEINHAUS: Objection to this repetitive --

BY THE WITNESS:

A. What --

MS. KLEINHAUS: -- line of questioning.

You can answer it again.

BY THE WITNESS:

A. You asking me what I would observe. From the time I was young, I have seen drugs being sold. I have walked to school by people who were older and -- and -- and I was six and seven. I've even been offered, "You want to buy this?" And then they'll laugh and playing. But those drugs, it's have just been around forever.

Q. Yeah. Would -- would people be lined up in the morning to buy drugs to get their fix?

A. It depends on how early in the morning you talking, because me, I didn't have to be outside in the morning.

Q. I'm just --

A. Most of my jobs was afternoon.

Q. Yeah. I'm just asking you what you observed.

A. I mean, you have to think I'm a -- I just became a morning person. So me standing outside in the morning, that ain't really my time frame.

Have I seen traffic? Yes. Have I seen traffic in and out of every building? Yes. Have a lot of that traffic been people who fit the description, how you look on TV, scratching and itching and nodding? Yes, I've seen all that.

Q. Well, would you -- would --

Did the drug dealers -- did they have lookouts, people that would work security for them?

MS. KLEINHAUS: Objection, foundation.

BY THE WITNESS:

A. I've seen people -- I -- I mean, I don't know. I've seen people standing outside and -- and holler names. I was just -- I would guess those are drugs

names.

Q. And you mean calling out a dope line like, "Hey, here's" --

A. Yeah. I mean, I was -- Yes, that would be here. Yeah, I'm not naive. I'm just not finna go -- What -- what business do I have to go be around some drugs --

Q. Yeah.

A. -- as far as in there?

Q. Yeah. And then -- But you'd -- So you've have people -- And I know you weren't soliciting. You've already testified to that. But you would have people that were -- would solicit the drug sales at Ida B. Wells, right?

A. Yes.

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I mean, I guessing that's what they doing. I heard them call out names.

Q. Yeah. And would there -- Did you ever hear --

A. As far as seeing drugs, I have not witnessed no personal people -- I -- I can't say I've never witnessed people hand to hand. Because if you grew up around there, sooner or later you going to see something

you just walking through it. But me seeing people regularly, this and that, are the people that I recognize and seeing them on a daily basis, no, because that's not my speed. I'm not going to be hanging in the hallway.

Q. Did -- did you ever hear anyone yell "clean up" at Ida B. Wells at any time?

A. I've heard that before.

Q. What does -- what does "clean up" mean?

A. I mean, I don't know. It ain't like I had a conversation with nobody saying "clean up." I would -- I would guess to -- Would you like my best hypothesis, it would probably mean the police coming.

Q. Right. And "clean up" means like get the drugs and hide the drugs, right, because the police are afoot?

A. This is my best guess, if you -- Now, one thing I do know, if you have drugs on you, they say you dirty just like anybody. If you take a drug test, they say you drop dirty. So I would guess "clean up" means if you got something on you, get rid of it.

Q. Would you agree that when the police were on the scene at Ida B. Wells that it would disrupt the narcotics activity?

MS. KLEINHAUS: Objection, calls for speculation.

You can answer.

BY THE WITNESS:

A. I mean, I would think that if drugs activity is going on anywhere and the police show up, I would think that would be a disruption.

Q. And is that something that you yourself would observe when you were living at Ida B. Wells?

MS. KLEINHAUS: Objection to form, foundation.

You can answer.

BY THE WITNESS:

A. I mean, me living at Ida B. Wells, if the police pull up -- I've seen police run in buildings. I've seen them run past me. I've seen them stop and talk to the people who was on the buildings hollering. Sometimes I've seen them come out with people. So I guess it is a disruption of things going on. But what they come out with and what they this and that, the police know what the people have, what they come out with on they hand. I seen them come out with people and arrest them.

Q. Have -- have you at any time in your life observed a hand-to-hand narcotics transaction inside the 527 building?

MS. KLEINHAUS: Objection, asked and answered several times.

You can answer again.

BY THE WITNESS:

A. I mean, you've asked me have I seen certain people do hand-to-hand? No. Have I seen a hand-to-hand? Yes, I've walked past -- I would be lying if I say I have never walked past a hand-to-hand in 527.

Q. Okay. And I was specifically talking about inside the building.

A. Yeah. I've walked past.

Q. So let me ask you: Henry Thomas, your friend, said that you may have knowledge of his damages and well -- as well as the circumstances surrounding his arrest. What can you tell me about that?

A. I've been with Henry Thomas when they locked him up before. Did I witness them getting any drugs off of him? No.

Q. When were you with Henry Thomas when he was locked up?

A. In 527 one day. I don't know where he lived. But we came in, was walking from the liquor store. We was finna go upstairs. And -- and those and our bottle -- And they grabbed him, and they took him. I

think they said it was drugs. I didn't witness them take anything off of him.

Q. Do you remember what year that was?

A. Nah.

Q. Were -- Was anyone else arrested other than Henry Thomas on that day?

A. This time I'm talking about it was just me and him. We was going upstairs to drink. We wasn't trying to -- Yeah. So it wasn't like -- No. No one was arrested. And I don't even think -- I don't know if he did time for that case or he beat it, because it was -- I don't know what they vendetta was. Henry is the type of person going to speak his mind.

Q. Is Henry a Gangster Disciples?

A. I mean, if he is, I ain't never seen him gang bang. That's why I keep saying like I've never been in jail and this and that. Around me -- I know in my neighborhood has been -- Henry is the type of person like me. Henry was born and raised down there. He always hung different places. I know Henry ain't never been on no count, as I've explained to you, down there. He's never.

Q. Was it one arrest that you observed of Henry Thomas?

A. I mean, with me -- It was just me and him. I mean, when you -- when you -- when you around that, you observe a lot of people you may see getting arrested. It ain't like I'm sitting there looking like, "Oh, they just arrested such and such. Oh, they just arrested such and such." Because a lot of times they run in the building and they just group people up.

Q. Who -- who arrested Henry Thomas when you were with him?

A. Now, that, I can't -- Now -- And I can't even say who it was that arrested him that day.

Q. And you don't know what year it was, correct?

A. Nah.

Q. And you --

A. But I know we was together, and I didn't see no drugs.

Q. And you don't know if he went to prison for that arrest, correct?

A. They locked him up. He went to jail or some -- But I don't know if he went to prison though, no.

Q. Where -- where was the arrest made at?

A. In 527.

Q. Was it on -- in the lobby? Was it outside?

Was it on a --

A. We was upstairs on the floor somewhere.

Q. What floor?

A. Probably like the second and third.

Q. How long were you with Henry Thomas that day before he was arrested?

A. We had just walked about four or five blocks to go to the liquor store. We finna go, for lack of better word, get on with some females.

Q. So you were with him at the liquor store?

A. Yeah. We was at the liquor store together. We was coming from the liquor store. We was finna go enjoy ourselves.

Q. What time --

A. But we didn't even get a chance to get to the liquor.

Q. What time did you go to the liquor store on that day?

A. I'm not sure. I know it was dark outside.

Q. Oh, it was evening time?

A. It was evening that day, yeah.

Q. Was it like late in the evening, or do you get -- you got to --

A. It wasn't too late. Because it was dark. I

just know it was dark outside.

Q. And were -- Did you spend the whole day -- day with Henry, or when did you first meet up with him that day?

A. I can't say that. I mean, around that it's just like -- Well, I don't know. You probably from a different type of neighborhood. But it's like you don't sit and count and be like together all day. I might go in the house, come out or go to work or school, come out, be outside. We talk. Me hanging -- We might have been each other several times that day.

Q. So what did you --

A. It ain't like we just count like, oh, we together all day. We in the same neighborhood.

Q. So what did you do after you left the liquor store?

A. Went to 527. We was finna enjoy our night, but that never happened. They took him. I went in the house.

Q. Do you remember where the liquor store was that you went to?

A. On 39th Street. We stayed on 36th. It was on 39th Street.

Q. Did -- did you see anyone with a ski mask that

day?

A. Nah.

Q. Did you see anyone pull a gun on anyone?

A. No.

Q. Do you know what you -- Can you approximate what year it was when -- when --

A. Nah. I just know all this stuff -- That's why I say from the time -- late '90s, early 2000's we was just -- we was over there. We was outside. We -- we lived there. We was around each other. The time you think I'm talking about is the time I think it was a bunch of us together and they -- and they kind like -- kind of like snatched him out of the crowd or something.

Q. Well, have you been present for more than one arrest by -- of Henry Thomas?

A. I've been present more than one arrest. Probably like in groups, yes; but by ourselves as one, yes. I've been arrested, and they -- they pulled him to the side. I think you talking about when they took him off the fire lane, but by that time I think that was like -- We had to be super young to the point where -- just over 18 or something. I think back then I think they might have still had CHA police.

Q. Okay. I want to -- I need to understand.

The -- the arrest that you're talking about when you were at the liquor store with Henry --

A. The liquor store, no. That was just me and him. But when you talking about did we see ski masks and this and that, I think you talking about -- Because I remember them talking about --

THE REPORTER: I'm sorry. I can't hear him.

BY THE WITNESS:

A. I think you talking about when we were on the fire lane on -- walking to the 527 one time I know they grabbed Henry. But I don't know what the outcome of that was.

Q. Okay. Let's go back --

A. There were some times that I've been there with Henry and he --

Q. Let's --

THE REPORTER: I can't hear you, sir. I cannot hear you.

THE WITNESS: I'm sorry. This phone.

BY THE WITNESS:

A. But I think you talking about -- because you talking about ski masks and pulling the gun. And that day wasn't no gun. But I think you talking about when the CHA police came.

Q. All right. So is -- Are you talk- -- Is -- The CHA police, are you talking about something in the 1990s?

A. Two different things. Both days we was coming from 39th.

Q. Okay. The one with the ski mask, that's sometime in the 1990s involving the CHA police, correct?

A. I think that's CHA police, like the late '90s.

Q. Okay. Okay.

A. Now, that, it was a group of us.

Q. So let's -- I want to focus now on this -- the -- when you were living the liquor store and then Henry was arrested. And you were with him when he was arrested, right?

A. Now, that was when we were -- we -- it was just me and him.

Q. Okay.

A. And they said something about drugs. But that just went like that, and they took him and let me go.

Q. Who were -- who were the officers that arrested Henry?

A. Now, that, I'm not sure. I don't -- I can't tell you if that was Watts and them or not 'cause I was just frustrated. I didn't pay too much mind.

Q. So you -- you don't even know if that involved members of Watts's team, correct?

A. No. I know that day we was just on there. And both of us was just like, "Man, why they bothering us?" Like, we was just the only people outside trying to go somewhere and enjoy ourselves.

Q. Right. But my question, though, is, you don't know --

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

Q. Okay. So you -- you -- you agree, you don't know if that --

A. That case there, I'm not sure on that time line.

Q. You have to let me finish. You --

You have no idea whether or not that was an arrest made by Watts's team, correct?

A. Correct.

Q. Okay. Has -- has Henry Thomas ever told you that he suffered some type of damages related to his arrests by Watts's team?

MS. KLEINHAUS: Objection to form.

You could answer if you understand it.

BY THE WITNESS:

A. I mean, he told me that he was -- I mean, we

talk about it a lot. He told me that he -- it kind of like mentally messed him up.

Q. What did he tell you?

A. I mean, we was just talking. We friends. Like -- like Henry will tell you he's no angel, but, like he said, the worse feeling is when you locked up for stuff you know you didn't do and it's out of your control. So we did have those. And it kind of messed with him mentally because Henry is kind of like a -- a masculine type of guy.

Q. What -- what else did Henry say about that arrest or -- or arrest and how it made him feel?

A. It was just like it messed him up. But, I mean, I'm pretty sure jail time messes a lot of people up. But it was just -- It -- A lot of -- It just stuck with him because he knew that he hadn't done certain things. Like Henry I'm pretty sure -- Henry will tell you he's no angel, but Henry also has always been the type of person to try better. So Henry will tell you like he -- he'll admit to things, but he know -- He will tell me like it messed him up because he knew he didn't do certain things. Like Henry is the type of person who if he was to do something, he ain't going to let nothing -- he going to -- he going to take what you will call

take your weight for it.

Q. Were you ever -- Strike that.

Okay. Anything else that Henry said about how he feels?

A. Nah. Basically, just how much it messed him up because he knew he didn't do something.

Q. Well, when he tells you it messed him, what -- did he -- did he elaborate?

A. As far as like it messed with his head because Henry's the type of person -- Like he's a manly man so he's used to being in control of certain things. So it's like if you imagine being locked up for something you didn't do, it's just like it's out of your control. It will mess with your temperament especially when you know a lot of times you were trying to do better. Like Henry kept jobs and -- for years.

Q. Did Jamar Lewis ever talk to you about any of his arrests?

A. Nah. That's when he -- when I see him when he got out. Me and Jamar Lewis are cousins. And we are close on certain things, but certain other things we are like night and day.

Q. How about Ben Baker? Ben Baker ever spoken to you about any of his arrests?

A. I mean, I knew he -- We talked when he was fighting a case. It didn't -- It wasn't -- We never got too deep into like certain details.

Q. Well, when's the last time you spoke with Ben Baker?

A. I know the last case that he got locked up for -- Not the last case, but the case that he did all that time for, I know we talked a lot. And I told him like -- They kept offering him less and less time. And I told him like, "Okay. Well, if you got a background this and this why not cop out?" But he kept standing firm to the fact that he say, "I didn't do it, and I'm not finna take no time for nothing I didn't do."

Q. Yeah. Mr. Frazier, my question, though, was, when was the last time you spoke with --

A. That's the only time we really talked about it. Like when he got out and all this, we haven't talked about no cases. That was the case he did all the time for when he was out.

Q. Yeah. I'm talking about any conversations with Ben Baker. The last -- When was the last time you had a conversation with Ben Baker?

A. Probably like over a month ago.

Q. Okay. And --

A. He was trying to go outside. He was trying to get me to come outside, but I went in the house and went to sleep.

Q. And where -- where did you have this conversation with Ben Baker a month ago?

A. On the phone.

Q. And he invited you to go out with him, but you were tired?

A. Yeah. They was -- It was -- One of his friends throwing a party. He wanted me to come out, but I told him, but it took too long for him to hit me back. When he hit me back, I was asleep.

Q. Okay. And then how often do you --

And so you haven't spoken to him in a month; is that correct?

A. It's been a -- a month and better, probably a little over a month.

Q. Yeah.

A. This was -- I think it was still a little warm outside. Other than that, the last time I seen him was at my uncle's repast this summer, the uncle funeral -- my great uncle's funeral and repast.

Q. That was in December?

A. No. That was this -- that was this summer.

Q. Oh, this summer?

A. Like must have -- Towards the beginning of the summer.

Q. All right. And how often do you speak with Ben Baker since he is -- was -- Strike that.

You're aware Ben Baker went to prison -- federal prison in the last couple years, right?

A. I heard something about him getting locked up around the same time Jamar got locked up.

Q. Right. Did -- did you communicate with Ben Baker when he was in federal prison?

A. No. As far as talking to him while he's in prison, no.

Q. Okay. To your -- Are you aware that the -- that the federal government arrested Ben Baker a couple years back?

A. I heard about that.

Q. Okay. During that time after he was arrested, did you communicate with him?

MS. KLEINHAUS: Objection to form. It's vague and ambiguous.

You can answer if you understand it.

BY THE WITNESS:

A. Did I talk to him? Nah.

Q. Okay. Tell me, before Ben Baker was arrested by the federal authorities, he was living with Clarissa and his kids at a home on Rhodes, right?

A. Uh-huh.

Q. Is that right?

A. Yes. Somewhere in that area, yeah.

Q. Okay. And then he act- -- he actually moved to another residence after that, right?

A. I think it's like in the same area, like around --

Q. Yeah.

A. -- the corner of something.

Q. Have you been to -- Were you at both of those locations with Ben Baker?

MS. KLEINHAUS: Objection to form as to those locations.

You can answer.

BY THE WITNESS:

A. When he first got out, I visited him at one -- I think I visited him at both of them probably like one time apiece.

Q. Okay. Where -- where did you visit him visit him at? What were the -- What streets did you go to to visit Ben?

A. I think both. I think it was Rhodes. I think the other one would have been at Eberhart or something like that, 60-something.

Q. Would -- would Jamar Lewis, your cousin, be present during any of those --

A. Nah.

Q. -- visits?

A. I have not been present with -- Since Ben has gotten out, I have not been present with those two in the same spot.

Q. Did you ever hear that your cousin Jamar was mixing heroin at Mr. Baker's home?

MS. KLEINHAUS: Objection to foundation.

BY THE WITNESS:

A. Nah, I wouldn't have -- I haven't heard anything of that. I've never been with them in the same spot. I don't think that's nothing you just tell somebody if there was something you doing like, "Hey, we are at business. How's" -- No, I don't think so. I've never -- Since Ben has gotten out, I've never been in the same vicinity with him and my cousin.

Q. Okay. During the one --

So it was one occasion you were at Ben's apartment on Rhodes and one occasion on Eberhart?

A. When he first got out, I think he was on Rhodes. I -- I went over there, and we just sat outside and talked and caught up. But I was with a lady friend of mine, so I -- I caught up with him for about 30 minutes to an hour, then I left.

Then one time I was over there, I think, on -- I think it's Eberhart. It's like a block off of King Drive on 60-something. Yeah, now, that, I went in the house, but I think by that time I think Jamar was locked up or something already.

Q. During the times that you were at the home on Rhodes or Eberhart, did -- did Ben ever talk to you about selling drugs?

A. Nah.

Q. Do you know what Ben -- Do you know what -- Do you know why it is that the federal authorities arrested Ben Baker?

MS. KLEINHAUS: Objection to form, foundation.

Go ahead.

BY THE WITNESS:

A. I don't know anything concrete. I've heard something.

Q. What have you heard?

A. Something like -- Something about Bolly.

Q. That he -- Well, Bolly was --

A. That he supposed to gave Bolly something. This is what I heard. I didn't know and ...

Q. Do you know Bolly?

A. Yeah, I knew Bolly.

Q. How do you know Bolly?

A. Bolly used to sell drugs, run customers. Bolly did a lot. I ain't going to say. I've never -- Strike that. I've never seen Bolly sell anyone anything. Like, with Bolly -- With me standing outside, I have seen Bolly point people into certain directions.

Q. But did you ever --

A. When Bolly using drugs, it was, "Oh, you know, they got a good one over there. Oh, they got a good one over here." I've heard Bolly say that.

Q. Yeah. Did -- did -- did you ever hear that Ben Baker was selling drugs to Bolly?

A. Nah. That would seem kind of awkward to me.

Q. Did you ever hear who Ben Baker's drug supplier was after he was released from the Illinois Department of Corrections?

A. I've never seen Ben Baker sell no drugs let alone a drug supplier.

Q. Have you ever heard that Jamar Lewis provided

illegal narcotics for Ben Baker to sell? Have you ever heard that?

A. No.

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. No. I have never heard anything of that nature.

Q. Have -- have you ever heard that your cousin Jamar Lewis was mixing heroin at the private residence of Ben Baker?

MS. KLEINHAUS: Objection, asked and answered, form, foundation.

You can answer again.

BY THE WITNESS:

A. No, I have not. I don't -- Like certain conversation would be like, why would they have been talked about around me?

Q. Is -- All right.

A. Like, I'm least impressed with someone talking about drugs. I'm related to Jamar Lewis. Ben Baker, I met him. And we didn't meet on anything to do with any drugs. He was cool when he moved to the building. So I'm not the type of person who people sit around with and have conversations about drugs.

Q. And is that because, in your mind, if -- if certain individuals were engaging in illegal narcotics activity, they wouldn't do it in front of you, right?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. I mean, in my mind, how I think and how they probably think is that's just not my lane. Where I'm from if certain things is not your lane, you keep as much away from people that ain't they lane. So even if you was to do something, if it's not my lane -- They've never seen me. I've never seen them. So it's like what's to come -- just talk to me about drugs.

Q. Right. And I guess the example then, you know, how -- how you are in your relationships with, say, Ben Baker or Jamar Lewis versus someone like Bolly in their relationship with Ben Baker or Jamar Lewis, right?

MS. KLEINHAUS: Objection to form, foundation. He's already --

BY THE WITNESS:

A. I don't even know what you asking me.

MS. KLEINHAUS: I'm sorry. Just let me finish, please, Mr. Frazier.

He said he doesn't know anything about a relationship between Bolly and Jamar Lewis or Ben Baker. We've been over essentially the same testimony for almost three hours now, that he -- he doesn't know about the drug trade by plaintiffs --

MR. BAZAREK: Are you -- Why are you -- What's with the speaking objection? What is this? What are you doing?

MS. KLEINHAUS: Well, I'm frustrated because you've asked him essentially the same question over and over again for three hours.

MR. BAZAREK: Well, I --

MR. GAINER: I think -- So from my perspective, that's what you're doing, Tess, is testifying, which I don't think is appropriate. So that -- I object to that happening because it sure sounds like coaching the witness. So that's my --

MS. KLEINHAUS: It's not coaching the witness, Brian, if you're summarizing what's been going on for hours. It's the same question and the same answer over and over again. This is a waste of everyone's time.

MR. GAINER: Well, I don't agree with that. So I just wanted to make sure I got my point on the record.

MS. KLEINHAUS: Okay. It's cumulative, and it's a

waste of time.

MR. FLAXMAN: (Inaudible.)

MS. KLEINHAUS: We can't hear you, Joel. Joel, you're muted. Joel, we can't hear you.

MR. GAINER: Yeah. Joel, there's nothing coming through at all.

MR. BAZAREK: Can't hear.

MR. FLAXMAN: I agree with Tess. I don't need to shout again. The -- the questions are improper. Telling the witness what other people testified to is improper.

MR. BAZAREK: No, it's not.

MR. FLAXMAN: Okay. We'll -- we'll disagree. Can you please continue the deposition?

MR. BAZAREK: Well, now I'm going to take a break. We're going to take a lunch break.

Is that -- Mr. Frazier, you want to take a break?

THE WITNESS: Yeah. I have to use the washroom, so yeah, that's cool with me.

MR. BAZAREK: All right. Why don't we -- why don't we come back at 1:05? We'll take a 30-minute break so everyone can get lunch.

MS. KLEINHAUS: Okay.

THE WITNESS: All right.

THE VIDEOGRAPHER: Okay. Going off the record at 12:33 p.m.

(A lunch break was had.)

THE VIDEOGRAPHER: Okay. Back on the record at 1:06 p.m.

BY MR. BAZAREK:

Q. Mr. Frazier, I didn't ask you this question earlier in the deposition, but you see Ms. Kleinhaus is at this deposition today. Do you see her, Tess Kleinhaus?

A. Tess Klein?

Q. Kleinhaus.

A. Yeah, I can't see the names.

Q. Okay.

A. I just see you. And my phone's --

Q. Let me ask you this: Have you ever spoken to any of the attorneys that represent Henry Thomas or Ben Baker or Jamar Lewis? Have you spoken to any of them?

A. Would that be Tess? I've talked to one person.

Q. Tess. Yes. Bingo.

A. Uh-huh.

Q. When did you last talk to Tess?

A. We talked the other day, like yesterday.

Q. What -- what time did you talk to Tess at?

A. I'm not quite sure. Maybe like 3:00.

Q. And how long did you speak with Tess?

A. We didn't speak long, probably like ten minutes or something.

Q. Oh, yeah? And what was said during those ten minutes?

A. Man, she just told me like how depositions work because I didn't know. I know I talked to you. Then we played phone tag. I didn't know like -- I've never did a deposition. So she just explained to me like how depositions work, what to expect.

Q. Did she give you any, like, possible questions that may be asked of you at the dep -- deposition?

A. Possible questions?

Q. Yeah.

A. She just told me what it was about. She told me we may talk about -- You know, she just told you will probably talk about everything that went on, but like she just explained to me how a deposition worked. I didn't know anything about that. I know me -- because I talked to you. We wasn't then -- That was that.

Q. Okay. Did -- did -- Was it over the

telephone, or was it a Zoom or a --

A. No. We talked on the phone.

Q. Over the phone?

A. No, no. It might have been -- it might have been Zoom. Zoom. It was Zoom.

Q. Did -- did Tess show you any documents during the -- the Zoom?

A. No. She -- No. She asked me about -- She was just telling me about the case. She did, I think, show a picture of Watts and them and did I know any of the them? I didn't really recognize anybody. So that was just that.

Q. And what were the pictures that she showed you?

A. It was just one picture, like six people, officers, I guess. It was like something that was public record.

Q. And then she asked you if you recognized any of those individuals; is that right?

A. Yeah, that was it.

Q. And then what did you tell her?

A. I did, I mean, one of them.

Q. Who -- who was the individual?

A. Watts is -- I recognized Al.

Q. Are you -- are you referring to Alvin Jones?

A. Yeah.

Q. And that was the only officer that you recognized?

A. I mean, outside of Watts and them, but it was just -- Outside of Watts and Mohammed, yes.

Q. Okay. Have you ever spoken --

A. On the --

Q. Have you ever spoken with Alvin Jones?

A. Outside in a group, no.

Q. What do you -- what do you mean when you say, "outside of a group"?

A. Because, like I told you, we sitting there in a group. If they talking -- Everybody talk when they're speaking. That's why I tell you like you asking me things that were vague, because it's just like if we all down there, was a group of them, they got somebody in custody. If they talking how they talk, the slick stuff, this and that that they talk, everybody might talk. You remember some -- what other some talk more than others, but everyone might talk. So they'll say little slick stuff and laugh at his joke, but that was that.

Q. Okay. So now, you know, I know we did discuss

that, but it was more generally. Now I'm asking you about a particular police officer. Okay? So was --

A. Uh-huh.

Q. Was Alvin Jones -- Was he an officer who cracked jokes?

A. All them cracked jokes.

Q. Now, my question is, was Alvin Jones an officer who cracked --

A. Cracked jokes.

Q. Tell -- tell me all the -- tell me all the jokes that Alvin Jones said.

A. You asking me to try to tell you --

MS. KLEINHAUS: Objection, form.

BY THE WITNESS:

A. You asking me to tell you a joke from 20 years ago, 15 years ago. But I do know everyone cracked jokes. And a matter of fact, I think the other guy now -- Because now that it's getting in deeper into it, I think the other guy that used to be with Al -- Because it's bringing it back. Because some stuff you be traumatized about. And the joke part of some, I'm a little traumatized about. And I think the other guy name was Kenny.

Q. Is that --

A. I think Al and Kenny used to be together. And they didn't a lot of the slick talking, but they did a lot of jokes, the slick jokes. And they were --

Q. Okay.

A. And they were the stronger two as far as the manhandling.

Q. What does -- what does that mean?

A. Throw you against the wall, get a little physical with the arm.

Q. Is it your testimony that you were physically abused by Alvin Jones?

A. I was never -- I was never physically abused, but I can say that some people put a little more force than other. And it was those two.

Q. Okay. Were -- were you ever physically abused by Alvin Jones?

MS. KLEINHAUS: Objection to the --

BY THE WITNESS:

A. I was never --

MS. KLEINHAUS: -- form of the question.

BY THE WITNESS:

A. I was never physically abused. I just said that.

Q. Okay. Were you ever physically abused by

Officer Kenneth Young?

A. I just said I was --

MS. KLEINHAUS: Just wait a second.

BY THE WITNESS:

A. I just said I was never physically abused by anyone on the police force. Some were just more aggressive than others.

Q. All right. So what --

MS. KLEINHAUS: Mr. Frazier, if you can just remember after he finishes his question, just give me a second to object so I don't --

THE WITNESS: I got it.

MS. KLEINHAUS: -- talk over you. Thanks.

BY MR. BAZAREK:

Q. What do you mean some were more aggressive than others?

A. Some officers were more prone to -- They'd be like, "Okay, don't move," this and that. They'll wait for you and put you this and that. Some officers, while they telling you to do something, they just were more physical, grab your arm, throw you against the wall a little bit, basically they're showing their control, power, whatever words you want to use.

Q. Okay. So what group of officers did Jones and

Young fit in in terms of your description?

A. I would guess they were more so of the hands-on guy.

Q. At any time did you observe those officers ever physically abuse -- Or strike that.

At any time did you ever observe any member of Ron Watts's team physically abuse anyone?

A. No.

MS. KLEINHAUS: Objection to form as to what counts as abuse.

BY MR. BAZAREK:

Q. At any time did any -- Or strike that.

Did Officer Jones or Young ever treat you with disrespect?

A. That's kind of like a tricky question. The reason being is -- Spoken to in a way that might be disrespectful. Have they ever abused me physically, no. But spoken to in a disrespectful way, they've treated a lot of us and spoke to us like less than people.

Q. Okay. Tell me exactly what Jones or Young said that was disrespectful to you or others that you observed.

A. I mean, "Shut the F up," or "Mind your business," this and that type of things, but it wasn't

nothing like -- That's what we grew up as police talk.

Q. Anything else other than that?

A. It's -- Nah. It wasn't anything too extra.

Q. Okay. I know you've -- you've -- you've talked about, you know, your interactions with Ben Baker and you spoke to him about a month or so ago. How about Clarissa Glenn? Do you speak with her as well?

A. Nah.

Q. Do you have any relationship with Clarissa Glenn?

A. I know her through Ben Baker.

Q. But do you consider her a friend or an acquaintance or -- or nothing?

A. That is a friend of mine's wife.

Q. Okay. So do you socialize with Clarissa Glenn?

A. I haven't socialized with Clarissa Glenn in probably 15, 20 years. I don't find certain things appropriate. If this is my friend's wife and he's not around, no.

Q. Have -- have you ever spoken to the FBI about any matters concerning narcotics activity going on at Ida B. Wells? Anything like that?

A. Not to my knowledge.

Q. Have you ever spoken with the FBI about any member of Ron Watts's tactical team?

A. Not to my knowledge.

Q. Has any -- has anyone from the state's attorney ever reached out to you to talk to you about anything involving, you know, Watts's team? Anything like that?

A. No.

Q. I know COPA did, right, because they --

A. Yeah. I talked to COPA. COPA came to my house.

Q. Yeah. And what -- When you spoke to COPA, did you tell them the truth?

A. Yes.

Q. Did COPA ever ask you during that interview if you engaged in any type of criminal activity yourself?

MS. KLEINHAUS: Objection to form, foundation. There's a transcript.

You can answer if you know.

BY THE WITNESS:

A. I'm not sure if they asked me that, no. I'm not sure. I can honestly say I'm not sure if that's one of the questions they asked me.

Q. Let's -- let's talk about your -- Go -- Let's

go back to -- I wanted to take you back now during the time when you used to hang out with Ben Baker.

A. Okay.

Q. You've already testified to that, correct?

A. Yes.

Q. Okay. And, by the way, where -- where -- Did you ever --

Were you with Ben Baker when he got shot?

A. No.

Q. Did you ever hear about that?

A. Yes.

Q. What did you hear?

A. I just heard he got shot in his leg by a big gun.

Q. Was there any word on the street as to who shot him?

A. I'm pretty sure there was word on the street but not my business.

Q. Who -- who was it? Who shot him?

A. I don't know. I didn't see anybody shoot him. I was up -- I was at the -- Is it Lurie? I was at the children hospital up north with my daughter. She was kind of like in a real bad place. She was two. She was in a kid ICU. So I wasn't really worried about those

type of things.

Q. Were you ever present with Ben Baker when he was engaging in criminal activity that you knew of?

A. No.

Q. Did you ever see him get in a fight with anyone?

A. A fight? Nah.

Q. Okay. Have you ever been with Ben Baker where he started to run from the police?

A. No. The only time I think I've seen Ben Baker, the police -- him running out of a building and them come behind where I think -- was the last hangout I ever saw him. It was just like he didn't even really run. He came out, and they came from behind him. I've never really, no.

Q. So --

A. If I would -- I mean, the thing with this is this, when me and Ben was around each other, for the most part it was fun. We was on our way to have some fun. But we was probably on the way to have some fun. So if you -- Even if something was going on how you trying to paint the picture, I don't think like -- To me, I'm not that guy. So with me --

Q. Yeah.

A. If me and Ben was together, we was trying to go do something fun.

Q. So then what I'm asking you about, though, are interactions that Ben Baker would have had the -- with the police when you were present. That's the -- that's the line of questioning I want to ask you about. Okay?

A. Now that's kind of tricky. The reason being is this: I've been in Ben's house when the police have talked to him crazy and they didn't know I was there.

Q. Are you talking about apartment 206?

A. Yes.

Q. Okay. Let's -- let's talk about just like out and about, you know, on the street, on the grounds of Ida B. Wells, or wherever you -- wherever you would go with Ben --

A. Uh-huh.

Q. -- outdoors, right? So any interactions that you observed the police have with Ben Baker when you were present while outdoors?

A. Not much.

Q. Well, tell me what you -- what you do --

A. I've heard them say little things to him like, "Okay. You know, your time coming," something like that, but I've never really seen no -- I've seen them

lock him up the one time I told you that he came out the back. They handcuffed him. But I ain't really seen much like with them just grabbing him for no reason or nothing like that. I ain't seen too much interaction with him and the police, not a lot.

Q. So the only interaction you saw with Ben Baker and the police was when you said they came up from behind and arrested him?

A. Yeah. I mean, I've seen -- I've heard them talking about him.

Q. What -- I want to -- I'm asking, what did you observe?

A. I've seen them when they -- when they cuffed him up one time. I've been in his house and heard Watts and Mohammed talking. And they didn't even know I was in there till I walked past -- past his gate. And they was telling him like, "Okay. Well, we going to get what we asked you for what way or another." I've -- I mean, it's just like normal interactions to us. I mean, it probably wasn't normal to y'all, but it's like certain things I've seen.

Q. Yeah.

A. But I've --

Q. Yeah. I know what you're referencing. That

was what you -- something you told --

A. That was in his house. But as far as outside on the street, no, I've heard like -- They have said certain things, slick talk, been a back-and-forth, but not like -- I ain't hear nothing that just really stick out like, nah.

Q. Okay. Well, what -- Okay. So what -- what slick talk did you hear outdoors when police were having interactions with Ben Baker when you were present?

A. Just like the same type of thing I heard in his house, like, you know, "Okay. Well, you know, we going to get you. If we don't get you one way, we going to get you another."

Q. Who said that?

A. I've heard that from Watts out of his mouth.

Q. Anyone else?

A. No. Not then and there, no. I -- Didn't nobody else say nothing.

Q. Okay. Who -- When -- when Watts said that, who else was present besides Ben Baker and yourself and Watts?

A. It was a group of people on the front.

Q. Who? Do you -- Can you name any of them?

A. Nah. I mean, it was always people on the

front. It was a project building. And then he had Mohammed with him. Mohammed didn't say anything though.

Q. Okay. When you're saying --

But when you're referring to people in front, you're talking about the citizens or the residents who would live at Ida B. Wells?

A. Yeah. Who live in 527, yeah.

Q. Okay.

A. It wasn't anything like Watts was -- Watts never hid certain stuff over there 'cause -- I don't know. I guess it was arrogance.

Q. So do you know what year it was where you actually saw Ben Baker arrested and put in handcuffs?

A. I'm not sure.

Q. Yeah. And what -- You were with --

You were with Ben Baker at the time he was arrested? Is that your testimony, sir?

A. I was around. I was at the building, yes, but I wasn't with him, no, like, no. Was I at 527? Yes. I've -- I've been there when he was arrested at 527.

Q. Do you remember --

Did you observe Ben Baker with anyone at that time?

A. No.

Q. Before he was arrested?

A. I mean, Ben was a people person. If Ben came through the building, Ben would have probably talked to everybody who was out there. Ben is a joke-cracking type of guy. He's a people person. That's Ben Baker.

Q. So on that day when you saw Ben Baker arrested, do you know which officer arrested him?

A. Nah.

Q. Do you know if the officer was white? Black? Female? Male?

A. I think I seen the black male cuff him the time I'm talking about.

Q. Well, you've already testified you know Officer Jones and Officer Kenneth Young, right?

A. Yes.

Q. Did they arrest Ben Baker?

A. I'm not quite sure.

Q. I'm sorry. What did you say, sir?

A. I'm not quite sure.

Q. Okay. When -- Do you know who Gregory Young is?

A. It sound familiar. What's his nickname?

Q. Bebe.

A. Yeah.

Q. How do you know Bebe?

A. That's a friend of mine's father who's -- My friend's deceased. But yeah, that's a friend of mine's father.

Q. And who is your friend who's deceased?

A. Corey Owens.

Q. I know you said there was an Owens that your sister -- Is it Owen or Owens that -- one of your sister's --

A. No. That ain't no -- They -- they totally different. My sister is married to Tyrone Owens. He's not -- Him and his family aren't -- They from the Wells, but they not from the extensions. They from the row houses. He had a long career. He worked for Oprah actually. He retired probably like ten years ago.

Q. Okay. How about -- Do you know someone named Antwan Bradley nicknamed Twany?

A. I know who Twany is. He a -- he a kid to me. He was younger than us.

Q. And -- Okay.

A. He was just -- be around.

Q. Did you ever observe Gregory Young aka Bebe or Antwan Bradley aka Twany in -- in illegal narcotics activity?

A. Nah.

Q. Okay. On the --

A. I know Bebe used to use drugs. I ain't too much been around -- engaged in -- to him, no.

Q. On the -- on the day that you saw Ben Baker arrested, did you see on that day Twany or Bebe?

A. No. But I was on the back. That's why I say like how the building is made up, you got a front door, back door, a lobby. I was standing on the back. I remember them coming and grabbing him. I was standing on the back of the building. So I don't know the gist of everything that was going on.

Q. Where did you see the -- the officer or officers grab Baker?

A. I seen them grab him on the back. Now, I don't know if that's where they put -- where they arrest. But I seen them grab him on the back right out the -- out the back of the back door --

Q. And do you have any --

A. -- right after.

Q. Do you have any idea of what Ben Baker was doing that led to his arrest?

MS. KLEINHAUS: Objection to form, foundation.

You can answer.

BY THE WITNESS:

A. I ain't have no idea doing nothing. Like, from what I heard, he was just walking up. I was on the back. Ben came out the back. So I don't know what happened between the front of the building, back of the building. Was he coming out the house? He lived in the building?

Q. Right. So you would agree if Ben Baker had narcotics on his person, you wouldn't know one way or another, right?

A. You saying -- Yeah, I mean, no.

Q. You would -- you would not know either way, right?

A. Right.

Q. Would -- Did Ben Baker say anything after he was in custody of the police officers?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. Only thing I heard Ben say that day was, "Y'all know it ain't mine." Now, I remember that like yesterday because certain stuff like that kind of hurt because it's like I know I hadn't seen him out there all day.

Q. I'm sorry. You know what?

A. The only thing I heard Ben say was, "Y'all know that ain't mine." And it hurt because to me I've known him as my friend. I know he hadn't been outside all day.

Q. Where -- where exactly was Baker -- Mr. Baker when he was arrested on that day?

A. When I seen them cuff him, they cuffed him right outside the back of the building. Where they actually wrote a police report before he was arrested, I don't know. But I know the last thing I remember him saying was -- put his face down like, "Y'all know that ain't mine. Y'all know it." He kept saying it. Like -- And the way he said it, I'm looking at him like this got to be true because he was hurt. There's a difference between --

Q. Who else --

A. There's a difference between being caught and being hurt.

Q. Where was Ben Baker when he was saying this, that "It's not" -- "It ain't mine"?

A. On the back of 527. Like "Y'all" -- He say -- He didn't say, "It ain't mine." He say, "Y'all know it ain't mine."

Q. All right. But was he inside of a building or

was he --

A. He was by the back door. I was right outside the back door of 527.

Q. Okay. So he was outside when he was taken into custody? Is that your testimony?

A. I can't say where they took him into custody at. The reason I say that is this: Because if you had a police report, I know he was -- I know they grabbed him and put him in cuffs. Where they say they put him in custody, I don't know because police going to write what they want to write. They took him in custody.

Q. So the first --

A. So I can't --

Q. The first time you saw Ben Baker -- The first time you saw --

A. I seen them grab him on the back. That's what I seen.

Q. And was Ba- -- Mr. Baker running from the police?

A. No. He walked out the back. They came behind him, so it was like -- I wouldn't call it running.

Q. So it's your testimony at no time that day did you ever observe Ben Baker running from the police?

A. I know he came out of the back pretty fast.

It was like a pow-wow. I don't think it was a running though. It was more like -- Well, I don't know. Because you got to realize down there you scared of the police because the police bully people. And that's the God honest truth. They bully you. Because if -- if -- if the police say, "We after you" -- Well, he came out the back. I don't really feel like he was doing too much running, because if this is the back door where they grabbed you and was probably like ten steps from the back door. And all he kept saying, like, "Y'all know that ain't mine."

Q. Did you observe any -- Or strike that.

And it's your testimo- --

Your testimony is you don't know who the officers were who arrested Mr. Baker, correct?

A. Nah.

Q. And do -- do you know --

A. I can't say exactly who that was because it was a lot going on at the time.

Q. Okay. And do you know if they were African-American officers? Caucasian officers? Females? Do you know?

A. I remember an African-American officer had him when -- who grabbed his arm when I was right there.

Q. Okay.

A. But I couldn't tell you which person or none of that, no. That would be a lie. No, I can't tell you that.

Q. At any time did you observe a Caucasian or Hispanic officer on the scene?

A. Nah. Because once all that happened, I didn't stay too long.

Q. Okay. At any time did you observe a Filipino officer on the scene?

A. Nah. I mean, I didn't stay too long. Once they grab somebody, they doing all this, I went on in the house. I don't want to be nosy. I don't want you grabbing me, trying to do anything extra. So once I seen them grab him, this and that, I looked, paid a little attention. Once I seen it was like they going to take him, I went in the house.

Q. And it's your testimony on that day at no time did you observe Gregory Young or Antwan Bradley, correct?

MS. KLEINHAUS: Objection, asked and answered.

You can answer it again.

BY MR. BAZAREK:

Q. Go ahead.

A. Right. I can't -- I can't say if I seen them or not. I know they was out there a lot, so I can't say if it was that day.

Q. Okay.

A. So I'm not going to say like I just seen them out there that day when you outside and they was on the scene a lot. Gregory Young lived in the building.

Q. Well, let me ask you this: On the day you saw Ben Baker arrested, did you ever observe Gregory Young or Antwan Bradley selling narcotics out of the 527 building?

A. Not to my recollection.

Q. Okay. Did Ben Baker ever tell you about the circumstances of that arrest?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. The only thing Ben Baker ever told me was, like I told you earlier when you asked me -- I asked Ben Baker why he didn't cop out because of his background? And he told me that he was not going to cop out to something he didn't do. That's the only thing we cop -- the only thing we talked about about that case.

Q. Did he tell you that he went to trial on that

case and he was found guilty --

A. Yeah. He told me he was going to trial. He told me -- What he told me, he wasn't copping out for something he didn't do.

Q. And did he tell you he was found guilty by the judge?

A. He didn't have to tell me that. That was just common knowledge when he went to jail. He did what? Almost nine. What? Nine years for it?

Q. And it's your testimony that that's the only arrest you ever observed of Ben Baker, correct?

A. I'm not saying that. I've seen a lot of people get arrested multiple times. But I can say if that's when he got arrested from the back, I remember that it's brought -- I remember it just like yesterday, the part of him steadily saying, "Y'all know that ain't mine," and him coming -- them coming and everything happening towards that back door.

Q. Right. Other than that arrest, do you recall any other arrests when you were present of Ben Baker?

A. Not straight out back, no, but I remember -- I -- I -- I can't recollect them handcuffing him or not. But a lot of times you got to think people was handcuffed, rolled around the block, asked questions,

let out. That was a rough time. It was a lot going on.

Q. Was Ben Baker -- Was he a fast runner?

A. I wouldn't think so, especially not around that time when he had to have been shot in one of his legs, man.

Q. What do -- what do -- what do you know about him getting shot in his leg?

A. I just knew he was shot in his leg. I told -- When he got shot in his leg, I was up there with my daughter. I just remember talking to him. And the next time I seen him he had a limp.

Q. Tell me, your cousin Jamar Lewis, did he own a blue Chevy during the 2000s?

A. Chevy? I'm not sure. I know he had a -- a gold Chevy once upon a time.

Q. Did he have a blue -- a blue Chevy Lumina?

A. Lumina? Not to my knowledge.

Q. Okay.

A. If it is, it's not a car ...

Q. At any time have you ever observed any member of Ron Watts's team recover narcotics from the mailbox for apartment 206 in the 527 building?

A. No.

MS. KLEINHAUS: Objection to form.

BY MR. BAZAREK:

Q. At any time did you ever observe any police officer recover narcotics from inside a mailbox at the 527 building?

A. Yes.

Q. Tell me about that.

A. I've just seen numerous times. But you have to think if -- If I would speculate or just spectate and the police are going through a mailbox, it's only two ways they can get to the drugs in the mailbox. Either they got the key to room, which means they reaching from the back, or they going through somebody else mailbox that don't got a lock and reaching around. So you wouldn't actually know what drugs came out of what mailbox.

Q. I'm -- I don't under- -- I don't follow. What do you mean?

A. How the mailboxes were in the building, right, imagine like a big square rectangle with different mailboxes. The mailboxes are locked by a key. If the police go in there and they're searching the mailbox, they not breaking the mailboxes open. They going to either go by a mailbox that's under you -- Because some of the mailboxes didn't have locks on them. Either

people didn't stay there, in that apartment, none of that. So they could reach through there from the front and reach around and get mail out the back. Or they had to have the mailbox key, which is the -- the key to the mailroom that the post office had. And then if they have that, they go in through a door. So if somebody came out and pulled some drugs out of the mail, we wouldn't know what exact mailbox they came from.

Q. Well --

A. Because it's not like they turning -- it's not like they turning your mailbox with your mailbox key and getting nothing out your mailbox.

Q. So -- But are -- are there numbers on the mailboxes?

A. On the front side.

Q. Okay. So there would be, say --

For instance, for apartment 206 -- That's where Ben Baker lived, right?

A. Right.

Q. Okay. So you -- you -- you would -- You could see -- You would know what mailbox that apartment -- that -- that -- You would know --

A. Yeah. I would see who I see from the front, yes.

Q. You would know what apartment that mailbox was for, right?

A. Yes, sir.

Q. Okay. So if you -- Say you have apartment 206. Next to it there's another -- There's going to be another number. And if that --

A. All right.

Q. It that's broken, right, you're saying like that you can reach in, right, and get into another mailbox, right?

A. Yes. But you could also reach in and get to like four, five mailboxes. Because say if this is 206 and 205 is next to it, I can get up to 305 up top over there. I can go in and -- and -- and 105 that's under there. I can go right next to it, which is probably 206. I can go on the other side too, which might be 203. You just going in the back and reaching behind, and you can grab any mailbox in the back.

So it's not like I've -- If I -- if I reach my hand through 205 and it's just open, it's multiple mail -- Every mailbox around there in a circle. I can go in and -- and reach and grab something out of.

Q. Would -- would the drug dealers -- Would they store their drugs in mailboxes?

MS. KLEINHAUS: Objection to form, foundation.

You can answer.

BY THE WITNESS:

A. Not to my knowledge. And if they did, that would be kind of dumb to me.

Q. So where would the drug dealers store their narcotics?

A. I don't know where they stored it. I would hope not in the mailbox.

Q. So -- But you said you --

You testified that you've seen narcotics taken out of mailboxes, right?

A. I have. I'm just saying like I would hope not, like if you smart enough. I wouldn't think that's a regular thing because ...

Q. Okay. But you would agree, there were times where -- where drugs would be stored in mailboxes at Ida B. Wells, right, in the 527 building?

A. I agree I've seen police come out of there with drugs. Now, did they get them out of there, or did they have them on them before they came? I don't know.

Q. So did -- did --

Do you know anything about narcotics being recovered from Ben Baker's mailbox in the 527 building?

A. No.

MS. KLEINHAUS: Object to --

BY THE WITNESS:

A. I don't know nothing about that. Now, I do know one time I did hear them talking about they going to, you know, "This dude, this going" -- "We going to give this to Ben."

Q. Who -- who said what?

A. I have heard police say, "We going to give this to Ben."

And I have called like, "You be careful out here because there's a vendetta. And they acting like they going give something" -- "They came out there with this and that, and it's like they going to give it to you."

Q. What -- what does that have to do with a mailbox?

A. They got it out of the mailroom. So now if they got it out the mailroom or not, I don't know.

Q. Well, I want to make sure I understand your testimony. Do you have any information about narcotics being recovered from --

A. Yeah. I walked past, and they was bringing drugs out of a mailbox. Yes, I have. If it was from a

mailbox where they got it, yes, I have.

Q. Okay.

A. And yes, I've called Ben and said, "Like how they talking, they finna put these drugs on you."

Q. Who was talking?

A. Watts and his people.

Q. Who -- who are the people?

A. I mean, him and his people, the same people. You acting like me personally. Once I see him and I see -- If I see a couple faces, I'm going to keep moving. I don't want to get caught up in no rap sheet. Because you have to realize the way we was treated as -- as people in there, I don't care if you were selling drugs. I don't care if you was this and that. If you hung out every day -- you could be going out going to school -- they didn't have time to separate you. And I can understand why, because at the rate drugs was being sold. But it was a fear of the police.

Q. All right. Let's -- let's go back to the -- the -- this mailbox business. I need to understand what -- what your information is about that.

MS. KLEINHAUS: Is there a question?

MR. BAZAREK: Yeah. I -- I don't --

BY MR. BAZAREK:

Q. You're -- You've already testified you never saw any police officer recover narcotics from Ben Baker's mailbox, correct?

A. I never heard them say -- Yes, I did. I've never heard them -- I've never testified, but I have heard them saying like, "This dude, we finna get it to dude." Like, so saying they pulled out of his mailbox, no. But saying they going to give it to him, that's different.

Q. Okay. When -- when you -- Your testimony is that --

A. I did call -- because I heard them talking about Ben -- and told him like, "Be careful," yeah.

Q. Okay. That's --

A. And I'm not even sure if he got locked up that day, but I heard them talking about --

Q. All right.

A. -- yeah, just doing him, doing him, "Put this in here," Ben and them, "Put this in here. This theirs," and woo-woo-woo. So I did tell him, "Be careful."

Q. Okay. Let's talk about that day now. So it sounds like you have a memory of --

A. It was vague. I was going past and heard the talking. I called my homie to let him know that "They might try to give you this," because that what they was talking about.

Q. You're -- you're --

When you say your homie, you're talking about Ben Baker, right?

A. Ben Baker, a friend of mine.

Q. Okay. So you -- What --

When did you see the police for the first time that day? When?

A. When I was walking past. I was walking through 527; they was in the mailbox room.

Q. Who were you with?

A. Myself, who I was with half the time.

Q. All right. Other -- Okay. Did you --

And then you're walking by the mailbox room?

A. Yeah.

Q. Okay. And then who do you see by the mailbox room?

A. I seen Watts on the outskirts. Now, his team, I can't tell you who all well. But I heard them talking. I didn't -- It ain't like I talked to say "hi."

Q. Were --

A. Because my thing is when I see Watts, no matter what the situation, keep going.

Q. Okay. So I want to -- I want to picture this. Do you see Chicago police officers in the mailroom by the mailboxes at the --

A. They was in the mailroom in the back section.

Q. Okay. So how do you get into the mailroom?

A. With the key like the what's his name? Like the -- Either you get the key -- I don't know if they had a key or not. It's a -- It's just a regular door.

Q. Okay.

A. So if you had a key, all you got to do is turn the key and go in the mailroom.

Q. What year was --

A. Or you can catch the -- or you can catch the postal worker, turn the key to fill the mailboxes up. But they the police.

Q. What year -- what year was this?

A. I'm not sure.

Q. What month?

A. I'm not sure.

Q. How old were you at the time?

A. I'm not sure. Like, you asking me questions

that was years ago like I was just sitting up like I'm such and such age, such and such year.

Q. Yeah. I'm just -- Okay. So you don't know what year. You don't know what day. You don't know what month about this occasion, correct?

A. No.

Q. Okay. And so you see there's --

Law enforcement officers are in the mailroom; is that right?

A. Yes.

Q. Are they -- are they anywhere else other than in the mailroom?

A. No.

Q. Okay. How many officers are in the mailroom?

A. I'm not sure. I seen Watts. I seen bodies in there. I kept moving. I kept moving because lingering around the police back then was a good way for them to say, "C'mon," or "What you looking at?" or "C'mon, go on, get in the car."

Q. Were the -- were the other individuals in the mailroom with Watts, were they police officers or -- or a management at the Ida --

A. I would guess. I would guess. I was walking past. I seen Watts. He was on the outskirts.

Q. When you say "outskirts," what do you mean by that?

A. He was the guy standing in the door of the mailroom.

Q. Okay. And so --

A. That's not to say -- I looked him in his face. I can't say who else in there. I kept walking, because my thing is I know how they operate.

Q. Okay. So then do you hear anything being said inside the mailroom?

A. No. Just that there's Ben's and woo-woo-woo. That's why I called him. It wasn't like they was saying, "We finna put this on him," or this and that. They didn't do S-H-I-T and this and that. So I called him and told him like, "I don't know what's going on, but" --

Q. Who -- who --

A. -- "be careful."

Q. Who said, "This is Ben" -- "Ben Baker's"?

A. Whoever was in the thing. Now, I heard the conversation while I'm walking.

Q. Okay. So you -- you heard someone in the mailroom say, "These drugs are Ben Baker's"; is that right?

A. Yeah.

Q. And then -- and then when you heard that, you wanted to call your good friend, Ben Baker, right?

A. Yeah.

Q. Well, how did -- how did you know -- Or strike that.

Do you remember what time of day was it when you heard that?

A. It was daylight. I know that much.

Q. Okay. Well, do you remember if it was -- All right. That's over. I won't ask another question about the -- about that.

Okay. So then do you -- do you have a cell phone with you at the time?

A. Yeah.

Q. Were there cell phones back then during that time?

A. I had a cell phone since my -- beginning of my senior year of high school.

Q. Do you have the same telephone number?

A. No. Why would I? That's -- that's like -- I graduated in 1999.

Q. Okay. All right. So --

A. This the longest I've had a number. This

number been around about five years.

Q. Any -- You know, as you walked by the mailroom, was anything else being said inside that -- from that room?

A. No. I mean, not that I heard. I just heard conversation about them. You have to think I'm on the move. Why would I sit there and just be standing around a bunch of police officers looking like I'm being nosy? All I can catch is what I could catch.

Q. And then -- All right.

A. It was just -- it was just normal things to us. They talk and they this and that. If I'm hearing them say a certain thing, a certain name, if it's my friend and I know he's sitting in the house without a care in the world, "Man, look, be careful. I don't know. Man, they might try to put something on you."

Q. Well, you wanted -- you wanted to warn Ben Baker, right?

A. I mean, yeah. That's my friend. If I hearing his name, like, "Is everything okay? 'Cause they talking like" -- "I know this ain't you."

Q. And -- and you wanted to warn -- you wanted to warn Ben Baker because the police were saying that they recovered narcotics from his mailbox, right?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I'm not trying to warn Ben -- Warn is -- What is your definition of "warn"? A friend of mine, that they saying something, whether it's true about him or not, it's about "They done found something they trying to say is yours. So you be careful and prepare yourself whether it is or it ain't. Because I've already heard them say certain stuff about you while I'm sitting in your house. So we know they got a vendetta."

Q. At any time that day did you see the police officers in any other place other than the mailroom?

A. No.

THE VIDEOGRAPHER: Excuse me. I'm sorry to interrupt. But a Ken Flaxman is trying to enter the room. Is he allowed in?

MS. KLEINHAUS: Yes.

THE VIDEOGRAPHER: Thank you.

(Mr. Flaxman joins.)

BY MR. BAZAREK:

Q. At any time that day did you ever observe the police officers in any area of Ida B. Wells other than the mailroom?

MS. KLEINHAUS: Objection, asked and answered.

BY THE WITNESS:

A. No. You just asked me that. I was coming out my building, 511. I was doing a walk-through. 'Cause on that day I was actually on my way to 559 to go see somebody.

Q. Okay. What time was it when you called Ben Baker on the phone?

A. I'm not sure. I just told you I'm not sure what time all this stuff happened. It happened quickly, and I just know that it all happened in a row. It was daylight.

Q. Did -- did Ben Baker say where he was when you called him?

A. In the house, I would suppose. I never asked.

Q. You mean in apartment 206?

A. Yeah. That's where he lived at.

Q. Is that where he told you he was at?

A. I never asked him where he was at. I just asked -- told him like, "Be careful. Like, I don't know what's going on, but they acting like they" -- "acting like they found something and trying to say it's yours."

Q. And -- and what did -- what did Ben Baker say to you when you told him that?

A. Nothing much. We got off the phone.

Q. And what --

A. What was it to say to me?

Q. Okay. Did you go -- did you go back at any time to where the police were?

A. No. Why would I do that?

Q. At any time that day, did you observe any police officers at apartment 206?

A. Nah. I didn't go back in the building.

Q. At any -- Go ahead. Sorry.

A. I'm not quite sure.

Q. Oh, you -- So you actually left the building as you were calling --

A. I went out the -- I went out the back, yeah.

Q. Okay. And when would you have next returned to the building, or did you return at all that day?

A. I mean, I stayed on the back for a minute before I left all the way.

Q. But did you ever return to the building, though?

A. I mean, I was kind of like behind the building, in between the -- the -- them and 559.

Q. At any time did you observe any police officers kicking on doors?

MS. KLEINHAUS: Objection to form as -- and

foundation as to "any time."

Go ahead.

BY THE WITNESS:

A. I'm not sure as far as that day.

Q. Okay. But as you sit here at this -- at this deposition today, you recall walking past the mailroom, hearing what was said about Ben Baker, but you don't recall any -- observing or hearing anyone kicking on doors?

A. I mean, doors --

MS. KLEINHAUS: Objection, asked and answered.

BY THE WITNESS:

A. Doors are upstairs. The -- the mailbox is downstairs.

Q. At any -- at any time did you --

A. There's seven floors in the building.

Q. Right.

A. I would have to be under one of the floors. There's seven floors in the building. They could have kicked on the door any time.

Q. But it --

A. But the lobby of -- How the lobby of those buildings were made, on the first floor is only five apartments. When you walk in the door, it's an

apartment straight ahead of you. Left hallway, you got to go all the way to the end. Right hallway, all the way to the end. It's two doors. Only five apartments.

Upstairs you got ten floors. So they could have been upstairs kicking on multiple doors. It wouldn't mean that I would hear it. I don't really too much -- As you could get from now, me hanging in the hallways much was not my thing, because I didn't want to get caught up in something that wasn't my business.

Q. So it's your testimony, sir, at no time that day did you observe officers in any area of Ida B. Wells other than the mailroom?

A. I'm not sure. You -- And then you said Ida B. Wells. You saying in 527? I'm not sure that day.

Q. 527 building, yeah. That's what I meant.

A. Yeah, I'm not sure.

Q. Okay. As you sit here today at this deposition, do you recall seeing any officers anywhere other than the mailroom?

MS. KLEINHAUS: Objection, asked and answered.

You can answer again.

BY THE WITNESS:

A. I mean, I see officers all over the place all day. So this is what I'm trying to get at. Like what

you're asking is if I seen them in the building that day. I'm pretty sure if I walked out or stay on the building I see them coming out the building. But you have to think, this is a place where we seen police every day all day, the same police.

Q. Right. So -- Okay. But --

A. Bothering the same people.

Q. Can you tell me any place you saw the officers other than the mailroom in 527 on that day?

A. I'm not sure. And I don't want to -- I don't want to say I'm sure and I'm not on that exact date.

Q. Okay. And that's because you don't recall, right?

A. I mean, it's just like putting a day together. You talking about putting a day together that was every bit of 18 years ago. I re- -- Is how the human memory works, I remember certain things because certain things stick out. I remember walking past police and hearing somebody I care about name, like, dang, he -- I ain't seen him outside all day or talked to him. So, of course, I'm going to give him a call. But that day I seen police around knocking on people door, bother you all day every day.

Q. Did Ben Baker ever talk to you about -- Or

strike that.

To your knowledge, when you -- when you called up Ben Baker and you told him, you know, what you had heard, observed, did -- did you ever find out that he was arrested for that?

MS. KLEINHAUS: Objection, asked and answered.

Answer again.

BY THE WITNESS:

A. I don't know. I think he end up being arrested for something. I'm not sure if it was just that exact thing.

Q. Did -- did Mr. Baker ever describe the circumstances of his arrest for that?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. Me and Ben talked about certain things, but we never just got to -- down to certain -- all -- every detail. Because it's like what's the use of describing a detail to me?

Q. I'm asking, did -- did Ben Baker at any time ever describe to you the circumstances of any arrest connected to narcotics being recovered from his mailbox?

A. I'm not sure, because I'm not sure the last

case that that came from that or not. All I know is the only time we really talked about it was the last time when he just knew, like, this wasn't me. Like, what they doing this to me for? And at end of the day we never really got too deep into what he going to jail for.

Q. Okay. What -- Do you -- do you have any knowledge of any arrest of Ben Baker and Clarissa Glenn from December 11th, 2005?

A. It don't really come to mind --

Q. His --

A. -- had I talked to them or not. Because me, I just really started realizing Clarissa was locked up, because Clarissa was barely even outside.

Q. Has Ben Baker ever spoken with you about the narcotics dealing that he did after he was released from the Illinois Department of Corrections?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. When Ben got released from Illinois Department of Corrections, when we talked, he was proud that he got his CDL, something we talked about a long time because a friend of mine that came around a couple times doing -- Like Ben was always fascinated with being a truck

driver. He ain't talk to me about nothing about no drugs, and so the only thing we talked about, he was saying he got his CDL. He was going to get a job with his CDL and do what he always wanted to do.

Q. What -- what -- When you are with Ben Baker -- and now I'm talking about since his release from federal prison more recently -- what types of things does he like to do?

A. Much of nothing. We might go to a bar, have a couple drinks. That would be it. Crack some jokes.

Q. Does --

A. He just -- Ben just like to be around good crowds of people with good energy.

Q. And you -- Ben has good energy?

A. Ben has great energy.

Q. Okay. And he seems like a happy person to you from what you see?

A. Yeah. I mean, before he went in, he was happier. You could tell that jail took something out of him, but he still tried to be more so in good spirits. Now, he don't crack as many jokes as he used to, but he still like to be around people cracking jokes and all that. But I guess that come from time in jail.

Q. Yeah. So -- so you're talking about the way

he is now since his -- Strike that.

You're talking about when he was released from federal prison more recently?

A. Yeah. When he was released, period, like, the -- the last time before federal prison, like you could still tell he was Ben, but, you know, he was more guarded. He was just like just getting back acclimated and -- but -- so he still crack jokes but not as many, a way less. It was like. But he still wanted to be around good vibes. He wanted to be around a certain type of energy.

Q. But -- but you noticed more of a change after Ben Baker was released from federal prison, correct?

A. I noticed a change when he was released from -- after state prison. Like when he was released from -- nine or so years that he was just more guarded like. But I guess that would come from doing that much time in jail and having to watch your back all the time.

Q. So did you notice anything --

A. Because I remember Ben being -- He was the same guy that he was after the nine years. He didn't really stay in there that long.

Q. Yeah. Have you traveled at all with Ben or go on vacation with him?

A. No. I just remember -- No. I ain't -- I ain't never travel with Ben.

Q. Okay. How about Henry Thomas? Do you ever like travel with him or do things with him?

A. Nah. And it ain't cause of them. I'm just not a big traveler. Like, I'm -- I'm the type of person I go -- If I leave out of town or something, it's probably for a family member funeral or something.

Q. I want to go back to -- And I'm -- I'll tell you I'm -- You know what? Let's take a five-minute break. I think I'm -- You know, I'm --

A. I was going to ask you that. I was finna say I need to use the washroom. So I'm not at work, but I do need like five minutes.

MR. BAZAREK: Yeah. Let's -- You know what, guys? Let's take -- Let's come back at -- Let's take a ten-minute break.

MR. PALLES: Yeah. Ten -- ten minutes.

THE WITNESS: So 2:10? All right.

MS. KLEINHAUS: Mr. Frazier, you can mute and stop your video.

THE WITNESS: I got you. But I ain't finna be saying nothing. I'm just going to use .... I'll be right back.

THE VIDEOGRAPHER: Okay. Going off the record at 2:01 p.m.

(A short break was had.)

THE VIDEOGRAPHER: Okay. Back on the record at 2:09 p.m.

BY MR. BAZAREK:

Q. Mr. Frazier, I believe you testified about this earlier. But you would agree, at Ida B. Wells you would have people that were involved in narcotics activity. They would be yelling out different types of drugs for the different types of lines at Ida B. Wells; is that correct?

A. That I've witnessed what I think, yeah, that would be, yes.

Q. Okay. And did you ever hear --

And do you know what rocks and blows are? Have you ever heard that, those phrases?

A. Yes. I know what those are.

Q. Okay. And what is -- what is rocks?

A. Crack, crack-cocaine.

Q. Right?

A. Yeah.

Q. And then what are blows?

A. Heroin.

Q. Okay. Have -- have you ever heard of a drug -- Or strike that.

Have you ever heard heroin at a drug line being referred to as CPR at Ida B. Wells?

A. I've heard the name hollered there before, yeah.

Q. And then CPRs, that was for blows, right?

A. I would guess.

Q. Okay. And do you know who the supplier was for the -- the CPR blows that were being sold?

A. No, sir.

MS. KLEINHAUS: Objection, foundation.

BY MR. BAZAREK:

Q. The CPR blows, those were sold out of the 527 building, right?

MS. KLEINHAUS: Objection, calls for speculation.

You can answer if you know.

BY THE WITNESS:

A. You trying to ask me have I ever -- I've heard people holler "CPR" by 527. Do I know who and what it belonged to? No.

Q. Okay. But you've heard it at --

You've heard that yelled out at the 527 building, right?

A. Yes, sir.

Q. And that was --

And it was being called out by people that were involved in narcotics activity at the 527 building, right?

A. That, I don't know. That was called out by -- Most people who called out names on the side of buildings were people who use drugs. So I guess if they were working for -- working for it, it is -- That's what it was.

Q. Did -- did you ever see, say, discarded bags that had held heroin that had blue devil faces on them? Do you remember ever seeing those at Ida B. Wells?

A. Nah.

Q. Did --

A. I've seen discarded -- I've seen discarded heroin bags before, but with blue devil faces, no.

Q. Yeah. Okay. Now, I want to go back. You -- you lived -- And I'm specifically now --

I'm referring to -- for a time frame for you is the year 2005.

A. Okay.

Q. And specifically the month of April. Do you remember what you were doing during April of 2005?

A. Probably back and forth between Chicago and DeKalb.

Q. Were you going to school at NIU, or where were you -- what were you doing in DeKalb?

A. My -- my 16- -- Well, 17-year-old -- she just graduated, but she was 16. She's 17 now. Her mom used to go to school up there.

Q. At NIU?

A. Yeah.

Q. Okay. So let's -- I want to talk, though, about -- You had a bedroom in apartment 301; is that right?

A. My mom's house, yeah.

Q. And was there a closet in the bedroom?

A. Yeah. There was closets in all the rooms.

Q. Okay. And then would you store like your jackets? Would you hang them up in the closet in your bedroom?

A. My clothes, yes. All my clothes.

Q. Including your jackets?

A. Yeah.

Q. Okay. Would --

Other than you, did anyone else have access to the closet in your bedroom?

A. I mean, I guess if I wasn't there, anybody who would let in the house -- who my mom or sister would let in the house, I would suppose.

Q. They would let people go into your bedroom?

A. No. But how it was, my mom would have been over -- My mom and my sister are like real -- I don't want to say private, but like they space type of people. So if they -- if they was to come open the door, if they didn't want to sit in the front, like if it was family, friends or this and that who they trusted, they could come sit in the front while my mom and sister would go back in their room. It ain't like they asking no questions. It's family or a friend.

Q. Well, you -- you recall --

We talked about it earlier in the deposition where your mom let the police officers into apartment 301. Do you remember that?

A. I remember -- We didn't talk about it earlier. I know you asked me what my mom would do if --

Q. Yeah.

A. -- she seen somebody doing something. But I remember -- Yeah, I remember my mama saying the police came.

Q. Yeah. Did your -- did your -- Did you -- What

day --

What time did you leave apartment that day when the -- when the police were let in by your mom? Do you remember?

A. I don't remember. I was downstairs.

Q. Okay. Do you remember --

A. I was downstairs handcuffed.

Q. Yeah.

A. The day the police -- When my mom said the police said -- came in there and was like, "You need to take your son off the lease. We know he ain't doing this and that but his friends," that was all she told me. And she like, "I hope you ain't out here and took nothing because they came in. Then I let them in."

Other than that -- But this was after. I was downstairs. I was actually standing downstairs me, Ben, and Stormy. And they --

Q. Who's Stormy? Who's Stormy?

A. That's a guy who was around. I don't -- But me, Ben, and Stormy was down there. They didn't handcuff anybody but me. We were standing across the street.

Q. So --

A. They handcuffed me. And I don't know. I

didn't even know they was in my mom's house. They just -- they just handcuffed me and said -- But I'm like, "Well, why I'm handcuffed?"

They like, "Y'all didn't did nothing wrong. We just finna write some contact cards," like basically saying them is the police, were somewhere and came in contact with us. But they kept us standing there and me in handcuffs and just kept talking.

Q. So --

A. But it was nothing --

MS. KLEINHAUS: Sorry. Was your answer complete, Mr. Frazier?

BY MR. BAZAREK:

Q. Yeah. Go ahead.

A. But that's when -- After that, they told -- My mom called. They let me go and said everything cool. So I ain't thinking nothing of it. They left the building. They was gone for a minute. My mom called me and just told me, "Well, the police was here and they said, 'Tell your son he need to stop hanging who he hanging with. And you need to take him off the lease.'" And that was that.

Q. And you were with Ben Baker at that time?

A. I was outside. We was sitting across the

street. Me, Ben, and Stormy were standing across the street.

Q. What -- When your -- Was --

On that date when you were with Ben Baker, was that after you saw him arrested at the 527 building or was it before?

A. I'm not quite sure. I just knew we were standing across the street. We wasn't even standing by neither one of the buildings. You could see the buildings. We were standing across the street trying to find us something to do outside of the neighborhood.

And the police walked across the street and just grabbed me and asked them their names and wrote contact card.

I'm like, "Well, why y'all got me handcuffed?"

And they told me, "Naw, you ain't did nothing. You ain't this and that." I didn't even know they was upstairs in my mom's house. They never said nothing after they came down. They never said anything --

Only thing that was said to me -- Two white officers said something to me. Probably like a few days later I was walking to pick my daughter up from daycare and they like, "Well, you know what's this and that."

I'm like, "What's this and that about? What?"

"Well, you know we was at your mama house."

I say, "Well, what y'all find?" I say, "Because if y'all found something, then I would probably in jail."

Because what they were basically saying, "Tell us something about somebody."

"Who y'all want me to tell y'all about?"

Q. Hey, sir --

A. "I'm going to pick my daughter up."

Q. We can't see you. You're out of frame.

A. I don't know. This -- I just ain't used to holding my phone like this but can't y'all --

Q. Okay.

A. Okay.

Q. Go ahead. You were -- So you -- you started --

You received information about what was recovered from your bedroom?

A. I was never told anything was recovered. Police never talked to me. Only time the police talked to me after that, two white officers who I've never seen with Watts -- I don't know. I guess they was in my mom's house that day. This 511 was a big field, and there was a daycare. I was going to pick my daughter up

from school. And they stopped me and told me --

And I'm like, "What y'all stopping me for?"

And I guess they felt I was getting too -- "Well, you know, we was at your mama house," woo-woo-woo, this and that, I guess whatever they were saying, they -- it's -- I said, "If y'all found something and y'all this and that, then why I'm not locked up?"

And they asked me to give information on people that I had no information on.

And I told them, "I ain't got nothing to do with that." And that was that. They let me go. I went and picked up my daughter. No police never locked me up. No police never told me they found anything. All my mama -- all my mama told me was they told her she needed to take me off her lease and I need to change my group of friends.

Q. Did your mom say who -- who said that to her?

A. She just said, "The police."

Q. And then the -- the other --

A. She told me they searched the house. She never told me they found nothing. They never told her they found anything. Watts never said -- Watts and his people never said anything. I know he was on the

walkie-talkie with the people when he told them, "Let him go." And they let me go.

Q. What -- You said that other officers from a couple days later were referencing what was recovered from your house. But they also said they wanted you to give information on other individuals; is that right?

A. Basically, what they told me was -- Like, basically, you -- you -- you know what we found.

And I'm like, "I don't know nothing."

And they said, "It weren't yours. Whose is it?"

I don't know nothing because I was never told nothing was recovered because I didn't have nothing.

MR. BAZAREK: Mr. Videographer, are you able to -- Are you capturing the witness, because I can't see him?

THE WITNESS: I got it. I mean, I -- Can you see me now? Because it's like this. I'm sitting by a window.

THE VIDEOGRAPHER: I am getting him. But, like I said at the very beginning of the deposition, that he's holding his phone, and his hand is obviously getting tired. So, I mean --

THE WITNESS: Yeah. So it might blur some. I'm going to switch hands right now, put both hands.

MR. BAZAREK: But if you can -- Mr. Videographer, you've let the witness know so -- where he's out of view.

THE VIDEOGRAPHER: Yeah. I mean --

MS. KLEINHAUS: How much longer do we have, I mean, for him to stay in the frame? He's holding up his arm for like four hours, so ...

MR. BAZAREK: Okay. That's --

THE VIDEOGRAPHER: I mean, I can interrupt every time he falls out. I'm just trying to let the -- let the deposition have its natural flow.

MR. BAZAREK: Okay.

BY MR. BAZAREK:

Q. Have you ever at any time stored heroin in apartment 301?

MS. KLEINHAUS: Asked and answered.

BY THE WITNESS:

A. No, sir. I've never stored heroin in 301.

Q. Have you ever transported heroin or any other narcotics from the 511 building to another building at Ida B. Wells?

A. No, sir.

MR. BAZAREK: All right. Let's mark this as Exhibit 1. It's CCSAO 1041 to 1042.

THE VIDEOGRAPHER: Were you wanting me to share that?

MR. BAZAREK: Yes.

THE VIDEOGRAPHER: Okay.

MR. BAZAREK: The two-page document. Okay. And what I'd like to do is -- Let's go to page 2 of Exhibit 1.

(Frazier Deposition Exhibit No. 1 was published.)

BY THE WITNESS:

A. Uh-huh.

Q. And then, Mr. Frazier, you see where it says, "History of the investigation"? Do you see that?

A. Uh-huh. Yes, I do.

Q. What I'd like you to do is just read -- just read that page and then tell me when you're done reading.

MS. KLEINHAUS: Are you able to see it okay on your phone, Mr. Frazier?

THE WITNESS: Yeah, I see -- I see the gist of it.

MS. KLEINHAUS: Okay.

BY MR. BAZAREK:

Q. Just read it, please, in full, and then let me know when you're done.

(Witness viewing screen.)

BY THE WITNESS:

A. Okay.

Q. Are you done reading, sir?

A. Yes, sir.

Q. And have you -- have you seen this document before?

A. One time.

Q. And when was that?

A. Tess showed it when -- when I was supposed to do a disposition.

Q. Are you talking about a couple years ago?

A. Yes. That's the only first time, one and only time I seen it.

Q. And was that another Zoom meeting with Tess?

A. We supposed to did -- I supposed to did a disposition, yes. That was two, three years ago.

Q. Okay. And then what was discussed between you and Tess about this document?

A. No. She just asked me about my background and things like that, and she showed me this document.

Q. And what did you -- and what did you say in response to being shown this document?

A. Nothing. Because it was like certain stuff on

this document is all fraudulent. Because my thing is this: If you ask anybody -- You say my mom signed this. She did or she's not. I know my mom. You asked her -- And they might have asked her to sign it. They might have didn't. But she going to open the door for the police because she's not involved in those type of things. But when I was seeing certain things on the document, it's just like I was a GD. I've never been a GD in my life. I've never -- No. I was part of a whole drug organization. I was part of a whole gang. I ain't never been. Anybody who know me -- You can ask people from school, the project where I grew up. If you -- if you think -- My nickname is Big Pat. If you be like, "Is Big Pat a GD?" they going to be like, "Stop it."

Q. What's -- what's your height, sir?

A. I'm 6, 7.

Q. Were -- You know, I'm sure there's a lot of tall --

A. I'm 6 foot, 7. Everybody knows who I am from the whole neighborhood. You say "Big Pat," they knew. I was in school. I have never -- I've never been involved in any type of drugs. I've never been a part of a gang.

Q. So what is --

You said there's information in this report that's fraudulent; is that right?

A. I mean, my mama never told me about signing nothing. And, honestly, my mama -- my mama never told me nothing. But they came here and they told her this and that. And my mom -- Me and my mom was like best friends. My mom will tell me like, "Boy, what you doing? Man, they done found some drugs. And you need to" -- "you need to" -- "What is you doing? You need to stop it."

So if anything was going certain a way, if they attain a -- I feel like it was fraudulent. Because my mom, if she'd have found some drugs, she would have kicked me out.

Q. Well, according to this report -- and I'll just read it -- While conducting a field interview with several subject P.O. K. Young was approached by a co-operative citizen who informed P.O. Young that "CPR" blows that are being sold in the 527 East Browning building were being stored in the 511 East Browning building in apartment 301.

That's what it says, right?

A. Okay.

Q. That's your apartment that you shared with

your mother and sister?

A. That's my mama's apartment, yeah.

Q. Okay. Do you have any information that says what the informant told Officer Young was not true?

A. Do I have any informa- -- I don't know. The informant never told -- The police never told me anything. So I'm not aware if anything was found. I got let go. That was it.

Q. Do you think someone --

A. They --

Q. Do --

A. Huh?

Q. Do you think someone else was storing heroin inside your bedroom apart- -- your apartment bedroom?

A. I wouldn't --

MS. KLEINHAUS: Objection, calls for speculation.

He's already explained to you the document is fraudulent --

BY THE WITNESS:

A. I wouldn't think --

MS. KLEINHAUS: How can he explain someone else's fraudulent document? This is an arrest of a third-party occurrence witness that didn't result --

THE WITNESS: Thank you.

MS. KLEINHAUS: -- in anything. So if we could just --

MR. GAINER: And so -- so, again, this -- that -- What just happened there in that little testimony from plaintiff's counsel is completely inappropriate because it's coaching the witness, and it's not allowed. So I object to those types of objections in this deposition.

THE REPORTER: I didn't hear the answer if there was an answer.

BY THE WITNESS:

A. Okay. Well, trust me, I don't need to be coached.

You asked me do I think someone else was storing stuff? I don't think anything would be stored knowing that everybody in that neighborhood knew the type of person my mother was.

If you're the type of person that opens the door for the police, I don't think anyone -- So no, I don't think anything was stored in there. Like I said, I was downstairs through the whole situation handcuffed.

Q. To your knowledge, did anyone else have access to your bedroom on that day?

A. Numerous people may have come in, but I don't -- I don't -- My mama never told me no one else

was up there.

Q. Okay. So the only ones that -- that you know of at this deposition that had access to that apartment were you and your sister and your mother, right?

A. Yes.

MS. KLEINHAUS: Asked and answered several hours ago.

MR. BAZAREK: Okay. So let's look at Exhibit -- Oops. Bear with me.

So let's look at Exhibit 2. This will be DO Joint -- You can take that one down. This will be DO Joint 001405 [sic].

(Frazier Deposition Exhibit No. 2 was published.)

BY MR. BAZAREK:

Q. Have --

A. Okay.

Q. Have this document before, sir?

A. Never in my life. But I see it, and it's just saying that my mom is giving consent to search. It's not saying that they found anything or she's saying -- finding out that they found anything.

Q. Right.

A. I told you from the jump like my mom would --

my -- I got they type of mama who going help you search. I just don't believe anything was found. And the part -- I can't say. I wasn't there. But when my mom told me, all she told me was they told her, "You need to switch up your friends and take them off the lease because this and that." If my mom -- I feel like if they'd have something -- If they did, they ain't told her. Because if they did, my mom would have kicked me out the house. That's the type of person she was. She wasn't condoning drugs be it -- No matter who it was, my mom wasn't condoning no drug dealer.

Q. Right. Did -- But your mom told you she signed the consent to search, right?

A. No. My mom told me she let them in. I didn't get that deep. She didn't tell me they found nothing. She just told me, "I let them in. They told me" -- They told her, "Your son need to stop hanging with who he hanging with. But in the meantime you need to take him off your lease so won't nothing fall back on you." That was the conversation my mom had with them.

Q. Did you -- Did your mom say that the officers went into your bedroom?

A. Yeah. But she never said they found any drugs.

Q. Did your mom tell you the police searched any other place other than your bedroom?

A. No. She told me what they found in my room was about 90 cartons of tobacco, cigarettes.

Q. When did your mom tell you that?

A. And they told her -- This was the next day when I -- Because I went right back home. I -- And this -- And she told -- And they told her that they weren't looking for that. Somebody told them I guess something was in there.

But the day the things happened. When they let me go -- Because I remember. When they let me go, I was with Ben. We like, "Man, look, I'm finna go." I told him -- I say in -- in my rare fashion, "I'm finna go have me some fun. I ain't worried about that. My mama ain't said nothing about nothing."

And when she called me, we was in the car. And she said, "Well, they say I need to take my son off my lease. I hope you ain't into nothing you ain't supposed to be into." And I need to start picking my friends better. But she never said nothing. Then the day when I went back, she said, "Well, shit, they seen the cigarettes, but they was just like they not looking for cigarettes."

Q. Whose -- whose cigarettes were they?

A. Mine.

Q. And can you describe what the cigarettes were you say that your mom told you were recovered from your bedroom?

A. I just had a lot of squares. I used to -- I may used to sell me some cigarettes here and there. That's about it.

Q. How were they packaged, the cigarettes?

A. In cartons of cigarettes, cigarette cartons.

Q. Okay.

A. A carton is ten pack, so it was about 90 ten packs of cigarettes.

MR. BAZAREK: Okay. We can take that exhibit down. Let's look at Exhibit 3. This will be DO Joint 1043.

(Frazier Deposition Exhibit No. 3 was published.)

BY MR. BAZAREK:

Q. So, Mr. Frazier, this is a description of what the police say they recovered from your bedroom.

A. Uh-huh.

Q. And it looks like it was narcotics, drugs, clear plastic bags each with blue devil logos all containing suspect white heroin --

A. Uh-huh.

Q. -- and the quantity was 81. Okay. Do you know how that got in your bedroom?

A. No.

MS. KLEINHAUS: Objection to -- I'm sorry. Just objection to form, argumentative. We've been through this line of questioning at great length. Foundation.

THE WITNESS: Excuse me.

MS. KLEINHAUS: This is not his dep.

THE VIDEOGRAPHER: I'm sorry, Mr. Frazier.

BY THE WITNESS:

A. I've never seen this document. If I was never -- if I was never aware that drugs in my room and went right back home, then I would think how would I be aware of -- that -- who put some drugs and -- and where drugs be in my room anyway. I went right back home the next day. Two days later I was stopped by police.

It's clear I had nothing to do with nothing. And my mom had nothing to do with nothing, because she let them search the house. Me personally, if some drugs was in my room, which they never told me about -- I was never questioned about any drugs. I was never locked up for any drugs to this day. How would I --

Q. Did you have --

A. Huh?

Q. Go ahead. Sorry.

A. How would I be aware if any drugs got in there that I've never even knew was in there? My mom never told me.

Now, Tess showed me the document. This was two, three years ago. And like I told her, on the documents I was a gang member; I was part of a drug organization; I had drugs in my room. If you asked anybody from my neighborhood, they'll say, "Stop it."

Q. Did Tess show you that inventory slip as well that I just showed you?

A. I'm not even sure. I just know it was a report. And I read something about me being a GD and something about the little Sin City stuff and all that.

Q. Okay. Let's -- You know, I think we can't see you --

A. But it was crazy for me because --

THE VIDEOGRAPHER: Yeah.

BY THE WITNESS:

A. -- if I wasn't -- if I really wasn't in no investigation and I really wanted this and that, why isn't there an inventory slip? Where the drugs go?

Q. Yeah.

THE VIDEOGRAPHER: Mr. -- Mr. Frazier -- Mr. Frazier, we can't see you at all. Your -- your phone is like -- Yeah. Thank you.

THE WITNESS: I don't know. I see it say too. Now, I see the -- I don't know what's wrong with the camera.

MR. BAZAREK: Okay.

THE WITNESS: I see the -- Now the slip is up. I see Mr. Bazarek. I see a slip over here. It should be still sending video.

THE VIDEOGRAPHER: No. No. It is. It's just that your positioning of the camera was dropping it -- Yeah. We have you now. Thank you.

THE WITNESS: All right.

MR. BAZAREK: Okay. So let's look at -- Next we're on Exhibit 4, DO Joint 001046.

(Frazier Deposition Exhibit No. 4 was published.)

BY MR. BAZAREK:

Q. Okay. Did Tess show you this document too, sir, or no?

A. I don't remember seeing this.

Q. Okay. This is a report from the Illinois State Police.

A. Uh-huh.

Q. They tested items that were referenced on that inventory slip we just looked at. And in any event, it looks like portions were tested and it contained heroin, so it was confirmed for heroin. So anyway ...

MR. BAZAREK: All right. We can take that down.

I want to take a look at -- This will be Deposition Exhibit No. 5, and it's going to be CITY BG 028601.

(Frazier Deposition Exhibit No. 5 was published.)

BY MR. BAZAREK:

Q. So if -- if you're having trouble seeing it, sir, or are you -- are you able to see it just fine?

A. Yeah, I see some of it. Yeah, I see some faces.

Q. Okay. So if -- if -- as -- I want you just to look at every face, and there's names for most of them. And if -- if there's someone that you know, can you identify who that person is? And then I just -- I might have a few follow-up questions, right?

So the first one you see is John Bradley. And just go across. And if you -- if you -- Someone you know, just tell me. Okay?

A. You saying out of all these people, right?

Q. Correct.

A. I mean, I've -- John Bradley I know by face.

MS. KLEINHAUS: Could the videographer make it any bigger? I can barely see these faces on a laptop screen.

So I don't know how you could see it on a phone.

BY MR. BAZAREK:

Q. So in that first row other than John Bradley, do you know anyone there?

A. I'm trying to pull it all together. John Bradley. Terrell Douglas.

Q. How do you know him?

A. From being the neighborhood -- Just from being around the neighborhood. He grew in one of the buildings around my complex. We -- we never really hung out or nothing like that.

Q. Was he involved in illegal narcotics activity, if you know?

A. Not to my knowledge because we didn't gang out or nothing like that. That's why I'm saying. I knew Ben since he was a kid. He younger than me.

Q. Okay.

A. The same housing complex. Move it. It's stuck on, and I'm trying to move and see like. But whatever y'all did, now I can't move it. It's stuck between --

Q. Could you see -- could you see it better -- could you see it better the way it was before?

A. I was able to move it the way before and move it up and down. Now it's just stuck between.

MR. BAZAREK: Well, why don't we put it back to the --

MR. PALLES: You don't have control of the screen, sir. That's -- It's not the phone. It's -- it's the --

BY THE WITNESS:

A. That's what I'm saying. So what -- How the screen set up now, I can only see like -- I could see the top row. It don't even start at -- I'm starting at Maurice Coleman ending in Brian Ford on one row. And then I see -- Okay. Now it's back to how it was.

I know John Bradley from face.

Q. Okay.

A. Terrell Douglas. Tolorn Fumbanks, that's my cousin. I know Sydney Givens from being around -- all from the same neighborhood. Allen Jackson, that kind of look like Allen J. I can't really move the picture up

no more.

Q. Okay. But you know Allen J. --

A. I don't know none of them.

Yeah, I know Allen J. That look like Allen J. It's just small.

Q. Okay.

A. Brian Patrick. On this row it's still kind of -- Then this Mapp, I think that's Moose, older guy, first picture, the third row. I know Harold Owens for sure. Bryant Patrick I know for sure. Kinda vague. Kinda vague.

Q. Well, you missed --

Elgin Moore is on there too, right, in the third row?

A. In the third row?

Q. Number 28.

A. I see the picture right, but that don't look like Elgin. I don't think that's even Elgin picture. I don't even think that's Elgin. They got that a little misconstrued. I see his name, but the top or the bottom is not Elgin Moore, trust me.

Q. Hmm.

A. Gregory Young, kind of familiar. And I know Valentino Wilbourn. That's about it from how this

picture up right now. The last three they just brought up on that last row don't -- don't ring a bell.

Q. Okay. So let me ask you this question: As to any of the individuals that you recognize in this exhibit, did you know any of them to engage in illegal narcotics activity at Ida B. Wells?

A. Have I seen them, no.

Q. Okay.

A. Seeing and hearing, I mean, I hear things. But have I ever seen any of them engage in those things? No.

MR. BAZAREK: Okay. So let's -- I want to take a look at -- This is going to be a -- a videotape. You could pull that exhibit down, please.

Ms. Court Reporter, are we -- are we on -- Is it 6, the next one?

Is she there?

THE REPORTER: Can you hear me?

MR. BAZAREK: Yes.

THE REPORTER: 6.

MR. BAZAREK: This is 6? Okay.

So I'm going to mark as Deposition Exhibit No. 6 -- This is DEF Baker 000166. That's Exhibit 6.

And, Mr. Videographer, what I'd like to do is start playing that video at the time of 9:34 a.m.

BY MR. BAZAREK:

Q. This is a videotape from April 26, 2005.

THE VIDEOGRAPHER: You said, "9:34"?

MR. BAZAREK: 9:34. Correct.

THE VIDEOGRAPHER: Okay. I'm going to start it at 9:33:56 because that's about the closest I'm going to get it to the 4.

MR. BAZAREK: Okay. But this is the actual time that's on the video, meaning when you look at the video, there's a time designated on there, not --

THE VIDEOGRAPHER: Correct. I'm -- I'm -- Yeah, no. I know what you're saying.

MR. BAZAREK: Okay.

THE VIDEOGRAPHER: It's the time stamp is that's on there.

MR. BAZAREK: Okay.

THE VIDEOGRAPHER: There's a -- I looked at these videos before, and they have no audio to it. So I'm not going to play any audio if that's okay.

(Frazier Deposition Exhibit No. 6 was published.)

(Frazier Exhibit No. 6 played.)

MR. BAZAREK: Let's just stop it right there.

BY MR. BAZAREK:

Q. First, Mr. Frazier, do you recognize that area that we're looking at right now?

A. Nah. It kind of look like it might be the back of 527, but I don't think so because how these cars pull.

Q. Okay. Do -- do you see there's someone wearing an orange jacket? Do you see that?

A. Yeah. I don't know who it is, but I could definitely see the orange sticking out.

Q. Okay. And next to the person in the orange jacket that you can't see it in full right now, but do you see someone is wearing a gray hoody? Do you see that?

A. On my screen it's a line. It's like a line. You can't see -- You see look like the edge of the hoody.

Q. Okay.

A. But you can't see a person at all past the orange.

Q. Back -- back in April of 0 -- 2006, did you have a gray hoody?

A. I'm not sure. I had a lot of hoodies.

Q. Okay. Did you wear --

Did you have another jacket that had camouflage on it back in 2005?

A. Camouflage? Not to my knowledge.

Q. Okay.

MR. BAZAREK: Let's keep on playing, please.

(Frazier Exhibit No. 6 played.)

MR. BAZAREK: Stop right there.

BY MR. BAZAREK:

Q. Is that you, Mr. Frazier, standing next to the man in the orange jacket?

A. It could or could not be.

Q. Why do you think it could be you?

A. 'Cause looking at my stature, on here I'm tall. But most people I be around I'm kind of tower -- I don't look like I'm that much towering over that person.

Q. Okay. Tell me --

And as we're watching this video, if you see anyone you recognize, can you call out their name and describe the clothing they're wearing including yourself? Okay? Can you do that?

A. I mean, if I see somebody I recognize.

Q. Okay.

MR. BAZAREK: Go ahead. You can play it.

(Frazier Exhibit No. 6 played.)

BY THE WITNESS:

A. Now, that kind of -- That -- that -- I think that is me and my homie -- It look like homie Greg who ain't from over there.

Q. Whose -- Who are you with? Greg?

A. It look like my homie Greg. He ain't from over there. Not no Greg from over there.

Q. Okay. Do you know what you're --

What are you doing right now? Do you know?

A. Talking to Greg. Not paying attention to the building. I remember that guy because he used to smoke a lot of drugs.

MR. BAZAREK: Wait, wait. Can you stop it?

BY MR. BAZAREK:

Q. What do you have in your hand right now?

A. In my hand?

MR. BAZAREK: Stop -- stop the video.

BY MR. BAZAREK:

Q. Yeah. What are you -- what are you holding in your hand, and what are you looking at?

MS. KLEINHAUS: Objection --

BY THE WITNESS:

A. It look like -- it look like some change.

Q. Some money?

A. It look like some quarters. I told you I had cigarettes.

MR. BAZAREK: Okay. Go ahead. Keep --

BY THE WITNESS:

A. I never denied that. And if Greg was around, it definitely was some change for some cigarettes. I already said when they came to my house, my mama said he got some cigarettes. They -- they didn't want the cigarettes. I never denied I sold cigarettes. And that look like 50 cent for a couple squares. I had squares four for a dollar.

One thing I was was an enterprising guy. If it's a lot of traffic around me, if I sell some new squares, then I know if it's a lot of traffic going on around me, I could make a lot of money by not doing that -- getting me too much in trouble.

Q. So it's your testimony that you're selling cigarettes at this time?

A. Yes, sir. Watts and them knew I sell cigarettes. They took two cartons from me and told me, "Everybody get taxed, even the square man."

Q. How much would you sell cigarettes for?

A. Four for a dollar. Back then the going rate was three for a dollar, but I like it the Walmart way of doing things.

Q. How many cigarettes would you have with you when you would sell them?

A. It depends. Baggy clothes era, I might have a carton or two on me, bust down a few packs. I might have four or five packs on me.

MS. KLEINHAUS: I'm sorry. Can we stop playing the video if we're done with the questions about the video?

MR. BAZAREK: No. We're going to keep -- we're going to keep playing the video.

MS. KLEINHAUS: Okay. Can you either do questions or show us the video?

MR. BAZAREK: I'm going to -- I want the witness to look at the video.

MS. KLEINHAUS: Okay.

BY THE WITNESS:

A. In looking at the video, do you see one tone the video sat? I never looked in that building unless somebody patted me on my back because they wanted my business. If you really pay attention to that video, every time I look back somebody patted me on my back to

look back.

MS. KLEINHAUS: Okay. Mr. Frazier, there's no question pending.

THE WITNESS: Nah. I was just letting him know that because he keep asking me --

MS. KLEINHAUS: I know.

THE WITNESS: -- the same thing over and over.

MS. KLEINHAUS: Just -- just wait till the next question.

BY MR. BAZAREK:

Q. Have you recognized anyone other than Greg who didn't live down there?

A. No. I see a bunch of people walking past. I just knew Greg because that was my homie. He came down there hanging with me. And now that I think about it, I remember that was an orange Pelle Pelle jacket he used to wear. He had braids back at the time.

Q. What's Greg's last name?

A. Greg Jackson.

Q. Do you know his date of birth or where he lives?

A. Nah. Nah, I just know he born at -- I know he a Leo, born in August. I know where he live at. He moved out of town. He in Iowa. He in like Norfolk,

Iowa.

Q. So right now did you --

Could you tell if you still have cigarettes left or you're out of them?

A. I can't tell. I mean, you couldn't really tell. Me personally, if I didn't have any left, I went home to get some more. That was -- If -- if I wasn't working, that was the line of business that kept me afloat.

Q. All right. But --

MR. BAZAREK: All right. We can -- we can stop the video. We can stop it.

BY MR. BAZAREK:

Q. So when you would sell cigarettes, where would you get the cigarettes to sell from?

A. Different places. Either I would go to Indiana and get them from a gas station or something.

Q. Have you ever been arrested for selling cigarettes?

A. No.

Q. Ever gotten any type of citation for selling cigarettes?

A. No. Did the police knew I sold cigarettes? Yes.

MR. BAZAREK: That's all I have.

EXAMINATION

BY MR. GAINER:

Q. Okay. Mr. Frazier, are you able to hear me all right?

A. Yes, sir.

Q. Great. I don't have as many questions as Mr. Bazarek did, so hopefully we can get through this quickly.

A. Uh-huh.

Q. And if you have any confusion about the time period I'm talking about, please let me know. I'm going to have to jump around a little bit, but hopefully this will be clear.

A. Yes, sir.

Q. My understanding of your testimony from today -- for most of this deposition is that during the course of your time in the Ida B. Wells, you managed to stay out of trouble; is that accurate?

A. Yes. Yes, sir.

Q. And Watts -- Ron Watts and his crew, they never put a case on you, right?

A. Nah.

Q. Am I right about that?

A. Yes, sir.

Q. And they never took money from you, right?

A. Money, no; cigarettes, yeah.

Q. Okay. And no one --

Watts and his crew, you never got caught up with them other than the misdemeanors that you told us about that were expunged, right -- expunged, correct?

A. Correct.

MS. KLEINHAUS: Form.

BY MR. BAZAREK:

Q. And you -- As we've talked about --

I mean, I know when you were asked specifics about specific people, that you talked about how you didn't know what they were doing. Like, for instance, you were asked if Ben Baker was a drug dealer, and you said you never saw him sell drugs. Isn't that what you said?

A. Correct.

Q. Okay. But you hung out with people when you lived at the Ida B. Wells who had the reputation of being drug dealers; is that accurate?

A. Yeah.

Q. Okay. And even though you hung out with people at the Ida B. Wells who had the reputations of

being drug dealers, no one from Watts or his team ever put a case on you, right?

A. Correct.

MS. KLEINHAUS: Objection to form.

BY MR. GAINER:

Q. You never saw Ron Watts put drugs on anyone, did you?

MS. KLEINHAUS: Objection to form.

You can answer.

BY THE WITNESS:

A. No. Like see him, no.

Q. Okay. And you never saw Ron Watts take any money from anyone, did you?

A. I've seen someone hand Ron Watts a bag before, but I don't know what was in it.

Q. Say that one more time. You broke up a little. You saw someone do what?

A. I've witnessed someone hand him a bag in Lake Grove Village, but I don't know what was in it.

THE REPORTER: I'm sorry. Can he repeat that?

BY MR. GAINER:

Q. Okay. Well, let's --

THE REPORTER: Hold on, Mr. Gainer. It broke up a little bit in the beginning. Can he repeat the answer?

BY MR. GAINER:

Q. Yeah. Mr. -- Mr. Frazier, your testimony was just a little bit garbled. So if you could just say whatever you said again.

A. I said I witnessed someone -- I've witnessed someone hand him a bag before, but I can't tell you what was in it.

Q. All right. That's what I thought you said. Thank you.

Can you tell me where that happened?

A. Lake Grove Village.

Q. Can you give me an address or -- or like a -- cross streets?

A. The projects we was from was, let's say, on the east side of the park, Ellis Park -- I don't know if you're familiar -- on Cottage Grove, Vincennes. Lake Grove Village was on the opposite. That -- Wait. The project we was in is from the West Side. Lake Grove Village -- It was on a park; then there was Lake Grove Village on the East Side by the lake.

Q. All right. So when you say "Lake Grove Village," you're talking about a set of buildings?

A. The complex. It's still right there. It's on like 35th and Cottage Grove.

Q. And -- and can you tell me specifically where in Lake Grove Village this happened?

A. In a parking lot by the building on the corner. I just seen him basically hand him a bag. A few words was said. I don't know what was said because I was sitting in the park. And then got in they cars and went their separate ways, but I can't tell you what was in the bag.

Q. Okay. Who did you see hand Mr. Watts this bag?

A. I'm not sure their name, but it was a -- a character that used to be around in my neighborhood.

Q. All right. Did the person have a nickname?

A. Wasn't part of my crowd.

Q. Did you say he wasn't --

A. I'm not sure --

Q. -- part of your crowd?

A. Nah, nah.

Q. Okay. Do you know --

A. So I'm not sure what the nickname was back then. It was a -- a guy a little older than me. I just know that much.

Q. All right. Have you described this person the best you can?

A. Black guy; kind of like average height; a little weight on him, not no big dude but not no little dude neither --

Q. Is there anything else?

A. -- short haircut.

Q. Sorry.

A. That's about it.

Q. All right. And that's all you can tell me about this person?

A. Yeah.

Q. All right. When did this happen?

A. This was when the buildings was still up. So I was here '15. It had to be around 18 years ago or something. So I don't know like the exact -- It was nighttime.

Q. How far away were you when this happened from the -- from the exchange?

A. About a block or so. I was in the middle in the park on a bench.

Q. And what were you doing?

A. On the phone.

Q. Who were you with?

A. I'm not quite sure. I just know I was on the phone looking.

Q. Do you remember who you were talking to on the phone?

A. Nah. This was like 20 years ago. Probably a chick. I was probably trying to get lucky that night.

Q. Okay. Fair enough. It --

Was it just a coincidence that you were sitting there and you saw Ron Watts?

A. Yeah. It like -- It wasn't -- it wasn't nothing like I was looking for that. It was -- That's why it stuck out of my head because it was just like what's-going-on type of moment.

Q. Was there anyone else involved in this exchange other than -- other than this person and Ronald Watts?

A. I just seen two people. I don't know who was in the cars. I -- I'm a mind-my-business type of guy.

Q. What kind of bag?

A. Looked like a small duffel bag.

Q. And you don't what was in it?

A. Nah, I don't -- I don't know what was in it.

Q. And you don't know what they said to each other?

A. Nah. It was short and to the point. So whatever it was, it was like here, a few smiles, and got

on about their business.

Q. Okay. Now, we started on this little digression because I asked you if you ever saw anybody take -- or Watts take money from anybody, and you said, "Well, I saw one guy give him a bag one time."

A. Right. I had ain't never seen him just, nah, strong arm anybody for some money, nah.

Q. Okay. Thank you.

Aside from what you told us earlier about your misdemeanor arrests, can you tell me about any conversation you ever had with Ronald Watts?

A. Me and Watts didn't have too many personal conversations, nah.

Q. Nothing that --

A. I --

Q. -- sticks out to you?

A. -- before, but me and him ain't never really. Me and Kenny -- Not Kenny. What's the guy? Mohammed? Have had some words after -- I guess around the time we was talking about the -- the police report and stuff at my mom's house. But that was mostly like, "You can tell me this and that."

I'm like, "Tell you what?"

But it wasn't nothing like -- Basically like

trying to make me be a snitch for him, I guess -- I guess for lack of better words, like an informant. I don't know.

Q. But in terms of --

A. But -- but it was like --

Q. I'm sorry.

A. My thing is, what could I tell you that I don't really know?

Q. Right. And -- and I get that. I'm specifically talking about Watts, though, not anybody else. Just Ronald Watts.

A. No. Me and Watts ain't really had no personal conversation.

Q. All right. Thank you.

Did Watts ever personally -- Now, I'm --

And, again, I'm just talking about him, just Sergeant Ronald Watts.

A. Okay.

Q. Did he ever personally arrest you?

A. I can't say that. He's been around when I've been arrested, but I can't actually -- I -- I went -- Anytime I've been arrested I couldn't tell you who the arresting officer was.

Q. Okay.

A. The was reason being is, like I was saying earlier, they arrest us. It's just like throw them in the wagon, this and that. They all in there filling out paperwork. The next day you going to get a paper. We ain't looking at the officer. We just looking at when I go to court so they can throw it out.

Q. Understood. So my understanding of what you just said is you can't say whether Watts specifically arrested you; is that right?

BY THE WITNESS:

A. I know he was --

MS. KLEINHAUS: Objection, calls for a legal conclusion.

You can answer.

BY MR. GAINER:

Q. Go ahead, sir.

A. I know he was there when I got arrested. I know he was sitting in there with them filling out the paperwork. Now, if his name was the arresting officer on the report, I can't say that, no.

Q. Okay. There was some testimony that you gave earlier about a situation where you were arrested for soliciting and that someone took your Jack Daniels. Do you remember that testimony?

A. Yes. I remember my Jack Daniels like yesterday.

Q. Okay. Do you -- do you remember specifically when that was?

A. I don't remember. I know I was on the front of 527, because I was on a -- I was laying on the -- It's rails where you walk up the stairs in between. I was laying on the rails, and I was waiting on Elgin Moore to tell him come over. We can go upstairs. He was getting his mama's house together. We was finna play cards and drink some Jack Daniels.

They ran in the building. The guy in the back, whoever he was, I guess they trying to say when we was in there, that he sold somebody a -- something, and he had a marked ten on him or something.

But they tried to say that I was soliciting, sending people in the building. For what? If he got ten -- I don't owe him no other money and I'm soliciting, I'm working for him? What am I working for? He ain't got no other drugs. He got ten dollars. And I got a pint of Jack Daniels on me.

Q. So my question for you is, in that specific incident, what did Ronald Watts do?

A. I mean, nothing. They all -- Like I -- Ain't

nobody really never personally just really -- I can't say nothing personally. Only -- Well, that's probably --

The only person who -- The only two-person thing I could say happen from that team is when one time Watts took two cartons of squares and that time Mohammed took my Jack Daniels. That was it as far as personally. Those just two things where -- any time they ever took something from me that I feel like they weren't supposed to do. But other than that, Watts didn't say much that day.

Q. All right. So let's talk about that. You mentioned that a couple times. There was a time when -- when Watts took two cartons of squares from you. Where were you when that happened?

A. By the elevator in 527.

Q. And when was this?

A. I mean, all that stuff happened at different times. I can't say the exact date. But it was just -- stood out to me. For one, he wasn't with his regular team. Around this time word had already got out and people was already saying Watts was being investigated by the feds or something. But when Watts took the squares from me, he was with two white officers.

And when I walked in the building, he said, "It's the cigarette man." He say, "They get rich off drugs. Guess what he getting rich off of? Cigarette." I remember that like yesterday. Then he say, "Yeah. Matter of fact, go on, give me a carton of them squares. Matter of fact, give me two. My girl smokes squares."

And I'm like -- I laughed it off until he said, "Nah, I'm for real. Everybody going to get taxed." I gave him the squares, and he let me go on about my business.

Q. Who was there when that happened other than you and Watts?

A. Two white officers. Because he was explaining to them who I was. It wasn't -- He wasn't with his usual team. I don't know who they is because -- He explained to them that. I tried to laugh it off. He got his squares. And I didn't even go upstairs at that point. I went out the building.

Q. And these -- these cartons of cigarettes that you had, they were the cigarettes that you would sell, the loosies you would sell?

A. Yeah.

Q. Was this during the day or at night?

A. This was at night. It weren't really -- This

had to be like 9:00 or 10:00. There weren't that many people outside. Wasn't nobody actually in 527 but me walking through it. Him, he had two white cops with him. They was waiting on the elevator. I just happened to walk in the building because I was walking through the building.

Q. So did you usually set up somewhere to sell loosies? Like the same place or was it all over the place?

A. I mean, I would be on the back of 511. I might walk to the back of 527. Things might have got a little slow. I might have went to the other side by 574 and 575. I just really followed the traffic --

Q. When you were out --

A. Because the police pretty much for the most part left me alone because they knew all he's selling cigarettes. That ain't what we want.

Q. When you were out there selling loosies, where did you keep your supply?

A. I kept them --

MS. KLEINHAUS: Objection.

You can answer.

BY THE WITNESS:

A. -- in my pocket.

Q. Mr. -- Mr. Frazier, let me stop you for a second. Did you understand what I just asked you?

A. You saying the supply that I was outside selling or the supply as far as -- Because what I -- what I was coming outside to sell was in my pocket. I --

Back then the people in my neighborhood wore clothes that was probably like three, four sizes too big. I could fit a whole carton, with just ten cartons of squares -- ten packs of squares. I could fit a carton in my front pocket. I could fit a carton in both back pockets. In my other front pocket I probably have my wallet and my money. So I could come outside with three cartons of squares on my body.

Q. Understood. When you needed to get more --

So when you sold all the squares that you had and you needed to get more, where would you go get them from?

A. In mom's house, 301.

Q. So this instance where Watts took two cartons of squares from you, where did you get those two cartons from?

A. They was in my pocket.

Q. And, I mean, I understand in the grand scheme

of things at the Ida B. Wells at this time that selling cigarettes was not the most significant thing happening. But what you were doing, selling loose cigarettes, that was illegal, right?

A. I know. I know --

MS. KLEINHAUS: Objection, calls for a legal conclusion.

You can answer.

BY MR. GAINER:

Q. I didn't hear what you said, sir. Go ahead. I didn't hear your answer, Mr. Frazier.

A. I mean, I'm pretty sure it was.

Q. Okay. And I -- I am too.

You didn't have a permit to sell these, right?

A. No.

Q. All right. Did you ever see Ron Watts have any --

This is a specific question about Ron Watts. Did you ever see Ron Watts have any interaction with Henry Thomas?

A. I mean, he had interactions with all us in groups. So me saying that I could just single out one, no.

Q. Okay.

A. But have we all been there and they've been there and arresting people? Yeah.

Q. So that's fair. I mean, what I'm specifically asking you for is like a conversation or any other interaction specifically between -- between Ron Watts and Henry Thomas. Do you remember any of those?

A. Nah, I can't say that like --

Q. All right.

A. But I've seen them have conversations with a lot of people. I can't say just who it was.

Q. That's fair. It's been a long time.

A. He had a way talking -- Just talk to people though.

Q. How about Ben Baker? Do you recall any specific interaction between Ronald Watts and Ben Baker?

A. Yeah. I remember being in Ben house -- and he didn't know I was in there -- and talking to Ben.

Q. Okay. So you mentioned that earlier. Can you tell me when that was?

A. I remember him telling Ben, "You going to pay us. If you ain't want to pay what I wanted, you going pay one way or another."

Q. Okay.

A. And him --

Q. That wasn't --

A. -- stop me when I walked past to go to the washroom because they was outside his gate like let us in. You ain't going to let us in, but they was cracking jokes. And it was him and Mohammed.

Q. All right. My question was, can you tell me when that was?

A. Nah, I don't know the dates, because all this was jumbled up. Like you got to think this was an everyday thing with us.

Q. Where did that happen?

A. Outside of -- They was outside. They was -- I was in 206, because we was sitting there playing cards. I don't know if they even who was all in there. They were standing outside the gate talking to him outside his house. He had one of those green gates where you locked the gate with a lock with a -- with a padlock. And --

Q. So what you're saying --

A. -- it struck a nerve -- a nerve --

Q. -- is you were inside --

I'm sorry.

A. I was in there. I heard that with my own ears, yeah.

Q. All right. So you were inside the apartment and Ben Baker was talking to Watts in the hallway?

A. Yeah. Ben was at the door. Watts was in the hallway.

Q. And what did you hear Watts say --

A. I heard Watts --

Q. -- specifically Watts?

A. He the only one talking. Mohammed was up there with him laughing. Mohammed never said nothing.

Watts told him like, "Oh, so you ain't want to pay? You going to pay one way or another."

Q. Okay. Did you hear Watts say anything else?

A. Not to my recollect -- Not too much, nah.

Q. Did you say anything while that was happening?

A. No. I walked past. They looked at me. They didn't say nothing. I ain't -- I -- What was there for me to say?

Q. Did you hear Ben Baker say anything during that conversation?

A. Smiled and laughed like, you know, that was that. He didn't say -- I didn't hear him say anything.

Q. Did you ever have a discussion --

A. Besides them trying to get in and him telling him "no" like.

Q. Did you ever have a discussion with Ben Baker about that conversation?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I mean, I can't say we did or we didn't. I -- We probably -- we probably laughed and joked about it like it was funny after the fact because we was both sitting in there like they's that --

Q. Who else --

A. -- lazy probably.

Q. Who else was there other than you and Ben Baker?

A. Now, that, I ain't sure. It might have just been us two. I know we were sitting at his kitchen table.

Q. Okay. Can you remember any other specific interaction between Ben Baker and Ron Watts other than what you just told me?

A. No, not besides in passing, slick talk, nothing, nah. That just stood out because it was just a -- something you didn't expect.

Q. Okay. And have you told me everything you remember about that conversation between Baker --

A. Yeah.

Q. -- and Watts?

A. Yeah.

Q. Okay. Do you recall any specific interaction between Jamar Lewis and Ronald Watts?

A. Nah. Specific, no.

Q. Okay. And then just to wrap this line of questioning up, do you recall any specific interaction between Ron Watts and anyone else? And I'm not talking about your previous testimony, he was always around and they were talking to people. I mean any specific person you remember him any -- interacting with.

A. Nah. Nothing just pop into mind. Just them -- him and somebody else having a conversation, no.

Q. Okay. Great. Earlier -- And I only have two other -- or one other question to ask you. You were --

A. Uh-huh.

Q. You were talking about -- It was a little difficult for me to understand. But you were talking about some incident where you could hear Watts on a walkie-talkie. Do you remember that testimony?

A. Oh, when he was in my mom's house?

Q. Well, I think -- I think that's -- Yes. I think that's what you're talking about. But you said something about how it was officers you didn't know, but

then you heard Watts on a walkie-talkie.

A. Oh, right, when they had me downstairs. Watts told them to let me go.

Q. Okay. So tell me about -- What -- what incident was that when they had you downstairs and Watts told you to --

A. That was the incident from the police report he was showing when they were searching my mom's house and I was standing downstairs with Ben and Stormy. I was handcuffed.

Q. I see. So --

A. But they never told me they were searching. They just told me --

I'm like, "Why am I the only one handcuffed?"

They like, "You just a big guy."

Q. Okay. So where -- How did you hear Watts over someone's radio say to let you go?

A. Because I knew Watts' voice, and he radioed them, because they was -- They was -- they was in the building I guess at my mom's house. We was across the street. So they stopped us like they was talking to us, but they instantly handcuffed me.

Q. I see.

A. So I'm sitting -- I'm sitting there

handcuffed. And the conversation never went to, "We upstairs searching," this and that. I'm -- They just like, "We finna write some contact cards. We" this and that. And they just kept the conversation going. And I'm just sitting there the whole time handcuffed.

Q. And you think --

A. And Watts over the walkie-talkie and told them, "Let him go."

Q. All right. And you think this was associated with that instance where the officers went into your mom's apartment, got her to sign the content to search, and then say that they found heroin in a jacket or something like that?

A. I mean, I know it was. It was the same exact date. They was in the building. I watched them walk in the building. They let me go and never said nothing, walked past me, never said nothing else to me, never came back to my mom's house --

Q. Okay.

A. -- never said anything about no drugs.

Q. Got it. And your understanding is that the officers searched your bedroom, said they found a lot of heroin in a jacket in your bedroom, and then they let you go, and you never heard anything else about it; is

that right?

A. I just know they searched, said they found nothing. They never told me what was found or none of that. Even when they tried to get me to work for them or whatever they wanted to do, they never said. They just was like, "You know what we found."

And I'm like, "I don't know what y'all found, because ain't nobody ever told me anything. Y'all let me go, and this is the only contact I've had with y'all since. I'm trying to go pick up my daughter."

Q. And you never had any discussion with Watts about that, did you?

A. No.

Q. But you do know that Watts radioed and said, "Let him go," referring to you --

A. Yeah. I know Watts's voice, yeah. I know Watts was the one who told them, "Let him go."

MR. GAINER: All right. I don't have any more questions for you. Thank you, sir.

THE WITNESS: Uh-huh.

EXAMINATION

BY MR. PALLES:

Q. If I may -- Now, do you feel like stopping, Mr. Frazier, or do you want to keep going? I've got

just a few minutes of questions.

A. Need to ask, ask away. I'm an open book.

Q. All right. All right. I'm Eric Palles. I represent Kallatt Mohammed.

So let me just ask you: You know, you were -- you were asked about Mohammed by COPA. Do you recall that interview about -- what -- four years ago?

A. Yeah. It was some years ago, but I remember.

Q. Okay. All right. And at that time, you said that Mohammed was smooth?

A. He's a smooth guy.

Q. Meaning?

A. He was a smooth guy.

Q. Meaning what?

A. That he just always tried to come off cool.

Q. Okay. All right. I'll try to do the same.

But as I understand it, he -- you -- you never really had any conversations with him other than this time that he said something like, "Well, if you know anything" --

A. Yeah. On the back of 527.

Q. Okay. Okay. So --

A. And my Jack Daniels, but that wasn't really a conversation. That was like, "Ooh, I'm keeping this.

This closed."

Q. Now, let me ask you about that. Was that in connection with one of those arrests? I didn't quite understand.

A. That's when -- that's when they did the solicitation.

THE REPORTER: I'm sorry, Mr. Frazier. Mr. Frazier, I can't really hear you. Could you speak up, please?

THE WITNESS: I put -- Let me put -- let me put my phone up closer. Can you hear me?

THE REPORTER: Yes. That'd be great. Thanks.

THE WITNESS: Got you.

BY THE WITNESS:

A. Nah, that's when he -- with the solicitation.

Q. You're saying that you were arrested for a solicitation?

A. Yeah.

Q. And Mohammed took your Royal Crown; is that correct?

A. Oh, he let me know he -- he let me know he was keeping my Jack Daniels.

Q. Okay. All right. Now, is this like one of those misdemeanor arrests you were talking about that

got expunged?

A. Yeah. I was out the next morning. I was out like in six, seven hours.

Q. All right. Was it -- And were you arrested -- Was this the one where you were arrested with Elgin at the same time?

A. I think it was -- I was waiting on Elgin. I think end up -- Me and him end up and I think somebody was in the back, the guy that they said was actually supposed to have been selling something. I think Elgin was just -- came down on some -- He was coming to get me, I think. Matter of fact, I was going to his mama house.

Q. Okay. Well, but did the police officers at that time scoop up both you and Elgin?

A. Yeah. But weren't together.

Q. Okay. All right.

A. He came down. Now that you said it, he came down checking on me. When they grabbed me, I was on the front by myself.

Q. Yeah.

A. Somebody was in the back, whoever the guy was that supposed to sold somebody something that had a marked bill.

Q. Yeah.

A. And I think Elgin walked down on the casualty of -- of whatever-was-going-on type situation.

Q. Yeah. Okay.

A. Looking for me to tell me, "Let's go play cards. We ready."

Q. Okay. And so -- But are you saying at that time you, Elgin, and this third guy who you don't really know were arrested together and taken to the station?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. They arrest -- I just know it was three people arrested. And now that you say, I remember Elgin because they put me and Elgin in a cell together. They didn't grab us from the same place.

Q. Okay.

A. We was all in the building. They grabbed me, grabbed Elgin from somewhere in the building. Third guy, I never seen at the station.

Q. Okay. And it was on that occasion --

A. I think he might have been minor or something. I'm sorry. I think he might have been a minor something. I never seen him since at the station or none of that, no, no paperwork, none of that.

Q. Okay. And it was on that occasion that Mohammed took your Jack Daniels? Yes?

A. I want to say Jack Daniels, yeah.

Q. Okay. All right. Now, other than that, your other interplay with Mohammed was this conversation where he was seeking some --

A. Yeah.

Q. -- information about the drug trade, right, said, "You could talk to me"?

A. Yeah. It wasn't even a long conversation. Yeah, I could talk to him. That was on back of 527. Other than that, we ain't really had too many -- We ain't had no personal like interaction.

Q. Okay. All right. And you never saw -- Well, let me strike that.

Let me ask you this: Was it -- Is it your recollection that Watts and his team were involved in an arrest for gambling where you and Henry Thomas were picked up at the same time?

A. Now, that, I don't know. I know that it was an arrest for gambling where it was a bunch of us in there. I don't know. I don't think -- I don't know if Henry was with us that time.

Q. All right. But was it Watts, or was it

another team?

A. I know a team with Watts. It was like 14 of us in the bullpen.

Q. Okay. You were talking about when you were handcuffed that time with Ben and Stormy. Is Stormy a guy named William Carter?

A. That might be. I just know -- I know he related to -- I think he related to Elgin. I think that's his cousin.

Q. Uh-huh. Did he maybe also went by the name Yale?

A. Yeah. That's Stormy.

Q. Okay. Now, you also told COPA, if you recall --

A. Uh-huh.

Q. -- about the conversations you had with Ben --

A. Okay.

Q. -- concerning Mohammed. Do you remember that?

A. Nah.

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I don't know, like, what conversation you talking about.

Q. All right. So the gist of it was that Ben was

disappointed because he, like you, thought Mohammed was cool.

A. I remember us both saying that when -- when certain stuff started hitting the fan.

Q. Uh-huh.

A. And it was just like I don't know if Mohammed name started coming -- Because Mohammed -- I remember when Watts first got investigated, now I do remember. Now, this wasn't a personal conversation with Mohammed, but I'm pretty sure y'all got it on record that for a minute Mohammed went and -- went back to a uniformed officer.

Q. Uh-huh.

A. And he was saying all this and that. And I think our conversation came from because Mohammed went from -- to a uniformed officer and was trying to say stuff like, "Yeah, that stuff Watts and them doing crazy," and this and that. And then he went back to be on the team with Watts.

Q. Uh-huh.

A. So I'm pretty sure that's where our conversation probably stood -- stemmed from.

Q. Okay. You also mentioned that as far as you were aware --

A. Uh-huh.

Q. -- drug sales in the 527 building were free market capitalism. You know, that everybody -- There were a number of people?

A. Yeah. It wasn't run by no one person and one gang, no.

Q. Okay. And I think you said that at various times, you know, various people were selling out of that building, right?

A. Yes.

Q. Okay. All right. You know a guy named Art Kirksey? Art?

A. I know who Art is. He a tall guy, yeah.

Q. That, I don't know.

A. Yeah, I know who you talking about.

Q. He was sitting down when I -- when I -- over Zoom like you are. I couldn't tell if you were 6, 7 too.

A. I know who you talking about, though, yeah. If they called him "Art," I know who you talking about.

Q. Okay. Fine. And did he -- He's one of the guys that Mr. Bazarek didn't ask you about.

Are you aware of Art Kirksey dealing drugs in the building either personally or that you knew it

because that was his reputation?

A. Neither/or. I knew Art popped up. Like, I knew Art brother for years. I never knew Art.

Q. Okay. All right.

A. His older brother was an acquaintance with my uncle. I knew him from around there. He didn't do much. He was a cool guy, Ron Henry. But I never knew Art until he just popped up.

Q. Okay. What about Art and Jamar? Do you -- Were they associates as far as you knew?

A. I mean, they was cool, to my knowledge. I don't know what they had going on.

Q. All right. At one point when you were talking to COPA --

A. Uh-huh.

Q. -- you said that -- the word of mouth was that, quote/unquote, they had a vendetta against Ben Baker. They thought he was a bigger factor in -- in -- at Ida B. Wells than -- than he really was. Do you recall that?

A. Yeah.

Q. All right. Now, how did you -- What -- What did you understand was the reason for the -- the vendetta that these officers had against Ben?

A. I mean --

MS. KLEINHAUS: Objection to foundation, calls for speculation as to the reason for their vendetta.

Go ahead.

BY THE WITNESS:

A. I mean, I don't know why they had a vendetta against him. I just know like when I was in his house and they said certain things and they used to say certain things, it was like how they was talking to him like, "You going to do this or you going to do that." But to me personally --

Q. Uh-huh.

A. -- I don't -- I don't know the inner workings of -- too much of what Ben did for money. But at the end of the day, I know how Ben behaves. He wasn't running around here like running no operation.

A lot of times no matter what time of day we might get up early if neither one of us ain't doing nothing, go ride somewhere or go do something. I know he was a lot of like family oriented. He didn't give off no vibe like he was trying to be the -- the -- the next El Chapo, Junior. So, I mean, them was not the vibes I caught. That's probably why -- Because I know what Ben told the people around me was just, "I love

Patrick because he just ain't scared to be himself." I don't know. He didn't give me those type of vibes.

Q. Okay.

A. The man never -- The nicest guy I probably seen him around was an aura or something. He wasn't out there trying to -- I don't know. He would just give me those vibes.

Q. All right. Well, so word of mouth, that's --

A. Uh-huh.

Q. -- another thing you said. So other than -- Well, who was talking about the vendetta between Ben and these officers?

MS. KLEINHAUS: Objection to form.

BY THE WITNESS:

A. I mean --

MS. KLEINHAUS: You can answer.

BY THE WITNESS:

A. I mean, I've been there. I've been in his house. If you tell somebody, "You going to pay me one way or the other," I would think you got a vendetta against that person.

Q. Okay. But -- So that's -- that's what you were referring to when you spoke to COPA?

A. Things of that nature, little slick talking in

the alley. It wasn't like it -- I mean, y'all went around certain things and, I mean, I know y'all want specific words. But it wasn't like Ron Watts was had -- It's like he wanted a certain control. So he wasn't hiding how he was laying his law down to the people in the neighborhood, because he probably never thought it would go as far as it went. "I'm the police. Y'all, just" -- "Half y'all got records. Half y'all," this and that. And that's how his attitude was.

Q. Uh-huh.

A. So if he say certain little slick stuff, it ain't like we was sitting there. We sitting here in a housing complex, subsidized, but it ain't like he was sitting there like -- He wasn't hiding his -- his behavior that he thought he was bigger than everything including the law.

Q. Okay. Would you agree that a certain amount or a certain percentage, perhaps a majority of the people who -- who inhabited the -- the complex. So this is, let's say, the extensions --

A. The residents --

Q. -- who were afraid of --

I'm sorry?

A. You saying the residents, right? Yeah.

Q. Yeah, yeah. Well -- well, all right. Residents or people who hung out there. Let's say, you know, people who --

A. You can say people in general who frequented the -- the neighborhood.

Q. Good. Thanks.

Would you agree a lot of people were afraid and avoided Watts because they were involved in illegal activities?

MS. KLEINHAUS: Objection, foundation, calls for speculation.

If you know why they feared Watts.

BY THE WITNESS:

A. I was just going to say that's a -- that's a -- a heck of a two-part question.

Q. Okay.

A. Because the majority of them was afraid of him and -- but I don't think it was cause that they sold no illegal activities. They was -- A lot of them was afraid of him because he made sure he imposed his authority. His law was his law.

Q. Okay. Was your mom afraid of him?

A. No, not at all.

MR. PALLES: That's all the questions I have.

Thanks. Really appreciate your time and patience today.

THE WITNESS: No problem.

MS. MORRISON: I don't have any questions for you. Thank you.

THE WITNESS: Uh-huh.

MR. SCAHILL: I don't have any questions either.

THE WITNESS: Uh-huh.

MR. SCHALKA: This is Michael Schalka. I don't have any questions either.

THE WITNESS: Uh-huh.

MS. KLEINHAUS: I have no questions.

Bill, are you asking any follow-up?

MR. BAZAREK: Yeah, just a couple follow-up.

THE WITNESS: Uh-huh.

FURTHER EXAMINATION

BY MR. BAZAREK:

Q. Mr. Frazier, at any point did you ever see any members of Ronald Watts's team put a drug case on anyone?

MS. KLEINHAUS: Objection to form and calls for a legal conclusion.

You can answer.

BY THE WITNESS:

A. No. Have I seen them say they found drugs?

Yes. Whether they put them there or not, how would I know?

Q. All right. So you --

A. That's a -- that's a weird -- 'Cause it's not like I would be like putting -- That's a question that's just like a point of view. That's a vantage question. Have I ever seen them? I can't say that, "Oh, they put that there or didn't."

Q. Right.

A. So no, I can't say I've seen them actually take it out they pocket. I can't say I seen them take it out the person pocket neither. But I've seen them grab people and come up with drugs and say this is theirs. Can I say I seen them grab them off the people? No. Can I can that I say -- I seen them grab it out their -- out their own pocket? No.

Q. Right. Because you're not in a position to see what led to the arrest, true?

A. If we standing out there, I'm in a position to put my head down and hope they let me go as soon as possible. All I could do is hear what I could hear and ...

Q. Also when you would -- you would sell the loosies --

A. Uh-huh.

Q. -- as you testified to, how would -- how would you carry them or package them? How would you do that?

A. I keep a whole carton or -- or two or three in my pockets.

Q. So -- And can you show like the size of the -- the carton that you would have the cigarettes in?

A. About this long, ten cigarettes about -- about this long, about the pack of -- If -- if you see a row of five packs of cigarettes doubled up, it weren't that big. Back then I was probably like a size 38. My jeans probably was like a 46.

Q. And so when -- when you would --

You'd have to open up individual cigarette packs to sell the cigarettes; is that right?

A. It depends. Because I sold squares loosely and in -- and in packs, so I might open up a carton and somebody might want some packs of squares.

Q. You would actually take the cigarette carton out and remove the cigarettes that you would sell when you were outside?

A. Sometimes. And sometime I didn't have to. I just open the cigarette carton from the top and reach in my pocket. It weren't that hard.

Q. If you -- I just want a clarification. We were talking about earlier in the deposition the residences where Ben Baker lived after he was released from --

A. Uh-huh.

Q. -- the Illinois prison. And I know we talked about Rhodes. And I thought you said Eberhart, but was --

A. It was somewhere around that area. I just think that -- I know it was close to King Drive because I remember parking close to King.

Q. Was -- was it at 6540 South Vernon?

A. That's probably what it was. Both of those blocks right by each other. It was in that area. It was by King Drive.

Q. And remember in this deposition I asked you if there was anything you needed to clarify or if you misstated anything? Is there anything of that nature?

A. Not to -- not to my knowledge.

Q. You stand by the testimony you gave here today?

A. Yes, sir.

MR. BAZAREK: I don't have anything further.

MS. KLEINHAUS: Okay. I think we can go off -- Or

I'm sorry.

MR. BAZAREK: I'll do signature.

MS. KLEINHAUS: Yeah.

MR. BAZAREK: Mr. Frazier --

THE WITNESS: Yes, sir.

MR. BAZAREK: -- so the -- This deposition, it will be transcribed by the court reporter. Obviously, there's also a videotape of this deposition.

THE WITNESS: Uh-huh.

MR. BAZAREK: So once the deposition is transcribed by the court reporter --

THE WITNESS: Uh-huh.

MR. BAZAREK: -- you have the opportunity to look it over. And that's called reserving signature where you want to look it over and read it.

THE WITNESS: Yes.

MR. BAZAREK: You have the opportunity to do that. Or you can trust that the court reporter took it down the way you said it, and that's called waiving signature. But it's entirely your decision. You just have to let us know what you want to do on that.

THE WITNESS: Uh-huh.

MR. BAZAREK: So you want to waive or reserve?

THE WITNESS: I want to reserve it.

MR. BAZAREK: Okay. Thank you, Mr. Frazier.

THE WITNESS: All right.

THE VIDEOGRAPHER: All right. This is the end of the deposition. The time is 3:35 p.m. on -- The run time on this is four hours, 36 minutes, and 25 seconds.

(The deposition was concluded at 3:35 p.m.)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS	No. 19 CV 1717

I, PATRICK FRAZIER, state that I have read the foregoing transcript of the testimony given by me at my videotaped videoconference deposition on November 2nd, 2023, and that said transcript constitutes a true and correct record of the testimony given by me at the said deposition except as I have so indicated on the errata sheets provided herein.

_____
PATRICK FRAZIER

SUBSCRIBED AND SWORN to
before me this _____ day
of _____, 2023.

_____
NOTARY PUBLIC

UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF ILLINOIS)
EASTERN DIVISION) SS.
STATE OF ILLINOIS)
COUNTY OF COOK)

I, Monica Kim, Certified Shorthand Reporter, do hereby certify that PATRICK FRAZIER was first duly sworn by me to testify to the whole truth and that the above videotaped videoconference deposition was reported stenographically by me and reduced to typewriting under my personal direction.

I further certify that the said deposition was taken via videoconference on the date and time specified and that the taking of said deposition commenced on November 2nd, 2023, at 10:05 a.m.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor financially interested directly or indirectly in this action.

The signature of the witness, PATRICK FRAZIER, was reserved by agreement of counsel.

Witness my signature as a Certified Shorthand Reporter in the State of Illinois, on November 28th, 2023.



MONICA KIM, CSR
161 North Clark Street
Suite 3050
Chicago, Illinois 60601
Phone: 312.361.8851

CSR No. 084-004606

EXHIBIT 13

Royal
REPORTING SERVICES, INC.

Transcript of the Deposition of
Elgen Moore

Case: n Re: Watts Coordinated Pretrial Proceedings
Taken On: February 28, 2024

Royal Reporting Services, Inc.
Phone:312.361.8851
Email:info@royalreportingservices.com
Website: www.royalreportingservices.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: WATTS	)	
COORDINATED PRETRIAL	)	Case No. 19 CV 1717
PROCEEDINGS	)	
	)	

The videotaped deposition of ELGEN MOORE, taken in the above-entitled cause, called for examination by the Defendants pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken via videoconference before Sharon L. Patanella, a Certified Shorthand Reporter in the State of Illinois, commencing at 10:02 a.m. on the 28th day of February, 2024.

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appeared on behalf of the Defendant Calvin Ridgell.

Also present: Nate Karney (Video Instanter)
Ms. Lohith Ramanujam

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THE VIDEOGRAPHER: For the record, my name is Nate Karney of Video Instanter. I'm the video-recording device operator for this deposition. Our business address is 134 North LaSalle Street, Suite 1400, Chicago, Illinois 60602.

This remote deposition is being video-recorded pursuant to the Federal Rules of Civil Procedure and all other applicable rules.

This deposition of Elgen Moore is being taken in the matter of In Re: Watts Coordinated Pretrial Proceedings, Case No. 19-CV-1717, in the United States District Court for the Northern District of Illinois, Eastern Division.

Today's date is February 28, 20124, and the time is 10:02 a.m.

Will the witness please identify yourself for the record by stating your name and location, please?

THE WITNESS: My name is Elgen Moore, E-L-G-E-N. Location, Loevy + Loevy.

THE VIDEOGRAPHER: This deposition is being video-recorded at the instance of the plaintiff, and it is being taken on behalf of the

plaintiff.

Would the participants of this videoconference please introduce yourself for the record by stating your name, location, and who you represent, please?

MR. BAZAREK: This is William Bazarek.

That's actually incorrect. This deposition is taken by the defendants, not the plaintiffs.

MS. GIZZI: Gianna Gizzi, on behalf of the plaintiff and deponent. I am in the room with the deponent for this deposition.

MR. GAINER: Brian Gainer. I represent Ron Watts, attending remotely.

MR. BAZAREK: My name is William Bazarek. I'm here remotely. I represent Alvin Jones, Robert Gonzales, Brian Bolton, Elsworth Smith, Jr., Douglas Nichols, and Manuel Leano.

MR. SCAHILL: My name is Timothy Shahill. I represent Calvin Ridgell.

MR. SCHALKA: Michael Schalka. I represent Cadman and Spaargaren in the coordinated proceedings.

MR. LIPSCHULTZ: David Lipschultz for the

Flaxman plaintiffs.

MS. HARRIS: Dhaviella Harris on behalf of the City of Chicago, supervisory officers.

MR. BAZAREK: We got everyone?

THE VIDEOGRAPHER: Will the court reporter please introduce yourself, and please swear in the witness?

THE COURT REPORTER: My name is Sharon Patanella.

Please raise your right hand, sir.

(Whereupon, the witness was duly sworn.)

WHEREUPON,

ELGEN MOORE,

a witness, called for examination, after having been first duly sworn or affirmed, was examined and testified via videoconference as follows:

EXAMINATION

BY MR. BAZAREK:

Q. Good morning, Mr. Moore. How you doing?

A. Good morning. How you doing?

Q. Can you state your name and spell your name, please?

A. My name is E-L-G-E-N, Moore, M-O-O-R-E.

Q. Do you have a middle name?

A. Lorenzo.

Q. Can you spell it, please?

A. L-O-R-E-N-Z-O.

Q. Have you ever been known by any other name other than Elgen Moore?

A. L.

Q. And how do you spell that?

A. Just an L.

Q. Have you ever used an alias?

A. That's the alias. That's my nickname.

Q. Any other alias?

A. No.

Q. Have you ever given a deposition before?

A. No.

Q. Have you ever brought a lawsuit against anyone other than this case?

A. No.

Q. So I'm going to be asking you questions today about your lawsuit. You understand that; right?

A. Yes.

Q. And since you've never given a deposition before, I want to go over some ground rules with

you. Okay?

A. Yes.

Q. It's important during the deposition that you give a verbal response to the questions that are put to you. Okay?

A. Yes.

Q. You know, like shaking your head, nodding, that type of thing, that's not an answer. You have to verbally answer the question.

Can you remember to do that?

A. Yes.

Q. It's also important that you let me finish my question before you answer, or we'll be talking over each other, and that will make the court reporter's life difficult.

So can you remember to do that?

A. Yes.

Q. At any point in this deposition, Mr. Moore, where you want to clarify an answer or you think you misspoke, you can do so.

Can you remember to do that if the need requires it?

A. Yes.

Q. And will you do that before this

deposition ends today?

A. Yes.

Q. It's also important -- everyone in the room wants you to answer questions that you understand. We don't want you answering questions that you don't understand.

Can you remember to do that?

A. Yes.

Q. Did you -- strike that.

Also, any time today you want to take a break -- I know you're with your attorney at your attorney's law office -- but if you need to take a break, you have to make a phone call or whatever it was, let us know and you can do so. Okay?

A. Yeah.

Q. Did you review anything in anticipation of this deposition, sir?

A. Yes.

Q. What did you review?

A. A couple reports, arrest history.

Q. When you say "arrest history," you're talking about your rap sheet?

A. Yes.

Q. And when did you look at your rap sheet?

A. Within the last few days.

Q. Where were you when you reviewed your rap sheet?

A. Home.

Q. Did you observe any arrests -- strike that.

Was the rap sheet as far as you know accurate?

A. Yes.

Q. Were there arrests -- strike that.

Were there times when you were arrested that were not listed on the rap sheet you reviewed?

A. No.

Q. Have you ever been arrested outside of Chicago, Illinois?

A. No.

Q. Have you ever lived outside of Chicago, Illinois?

A. No.

Q. I know from your rap sheet you've been arrested about 33 times; does that sound right?

A. Yes.

Q. And you have 10 convictions; does that sound right?

A. Yes.

Q. Are the majority of your convictions related to illegal narcotics activity?

A. Yes.

Q. Do you know a drug dealer named Ben Baker?

A. Yes.

Q. How do you know the drug dealer Ben Baker?

A. He lived in the housing complex I lived in.

Q. Was that at Ida B. Wells?

A. Yes.

Q. And Ben Baker was a drug dealer at Ida B. Wells; right?

A. No.

Q. It's your testimony at this deposition, sir, that Ben Baker was not a drug dealer at Ida B. Wells?

A. He was arrested for drugs, so I guess that would make him a drug dealer.

Q. Well, to your knowledge was he a drug dealer?

A. He was arrested for it, so, yes.

Q. When did you first meet Ben Baker?

A. I can't say what year. I met him

somewhere. I can't even say what year exactly.

Q. Was it in the 1990s?

A. Maybe so, yes.

Q. And he was selling drugs in the 1990s, too; right?

A. No.

Q. Ben Baker was a Gangster Disciple; correct?

A. I have no knowledge of that.

Q. Sir, you were a Gangster Disciple; correct?

A. No.

Q. Have you ever reported to any law enforcement officer that you were a Gangster Disciple?

A. No.

Q. Do you have any tattoos?

A. No.

Q. When you were incarcerated over the years, did prison officials ask you if you were a Gangster Disciple?

A. No. They label you as that.

Q. So you were never -- you were never asked that question while you were at the Illinois Department of Corrections as to whether or not you were in a gang?

A. Yes.

Q. And what was your answer to that?

A. No.

Q. Did IDOC identify you as a Gangster Disciple?

A. Yes.

Q. And how did you become aware of that?

A. They asked me what area I stayed in.

Q. And what did you tell IDOC?

I'm sorry. I didn't hear that.

A. The area I stayed at.

Q. And -- well, what area did you tell them you stayed at?

A. My address, 527 East Browning.

Q. And that's where Ben Baker lived; right?

A. Yes.

Q. Do you know an individual named Jamar Lewis?

A. Yes.

Q. How do you know Jamar Lewis?

A. Living in the area I was raised -- lived in.

Q. What building did Jamar Lewis live at?

A. 511 East Browning.

Q. Jamar Lewis was a drug dealer, too; right?

A. Yes.

Q. What building or buildings did Jamar sell narcotics out of?

A. 527.

Q. Do you know Henry Thomas?

A. Yes.

Q. He was a drug dealer, too; right?

A. Yes.

Q. And Henry Thomas, he told sold drugs out of the 527 building, too; right?

A. Yes.

Q. Is Henry Thomas a friend of yours?

A. I don't want to say a friend. An associate more.

Q. Do you still associate with Henry Thomas?

A. Not really.

Q. When is the last time you saw or spoke to him?

A. Maybe within the last four to five months.

Q. What did you talk about?

A. I seen him while we was out at an event.

THE COURT REPORTER: Can you repeat that, please?

THE WITNESS: I seen him while we was out

at an event.

BY MR. BAZAREK:

Q. What was the event?

A. A party.

Q. Was it a gathering of former residents of Ida B. Wells?

A. No.

Q. Is there a big picnic in the summertime for people that used to live at Ida B. Wells?

A. Not really no more.

Q. It ended?

A. Nothing been going on, really.

Q. Okay. When did you first move to Ida B. Wells?

A. Probably around -- I can't recall the year I actually moved into Ida B. Wells.

Q. Well, let me take a step back then.

When you were in grammar school, where did you live?

A. When I first was in grammar school, I stayed in the Dearborns.

Q. Dearborn Homes?

A. Yes.

Q. And where was Dearborn Homes located?

A. I think it run from 31st and State maybe to 26th and State.

Q. Is that Bronzeville?

A. Yeah, that's part of Bronzeville.

Q. Okay.

A. Yes.

Q. And then who did you live with in the Dearborn Homes?

A. My mother and her boyfriend.

Q. And I know you've got siblings; right? You've got a brother, sister; right?

A. Yes.

Q. Okay. And what's your sister's name?

A. I actually have two sisters. So which one you asking?

Q. Well, tell me what's the names of your sisters.

A. Valencia Cline and Stephanie Brown.

Q. And then what's your brother's name?

A. Brian Brown.

Q. Okay. So how long did you live in Dearborn Homes?

A. I can't recall, but I'd say five years or better.

Q. Okay. And then where did you next move from there?

A. Ida B. Wells.

Q. Okay. And so do you recall how old you were when you moved -- strike that.

Do you recall how old you were when you first moved to Ida B. Wells?

A. I can't recall that.

Q. Were you a teenager? Were you in your 20s?

A. I would say a teenager. I had to probably move there when -- I was probably was in second grade, second or third grade.

Q. And then who did you live with at Ida B. Wells when you first moved in?

A. My mother, Paulette Dixon.

Q. And I didn't ask you this question. What's your date of birth, sir?

A. December 18, 1982.

Q. So did you attend Doolittle School?

A. Yes.

Q. And did you graduate?

A. Yes.

Q. What year did you graduate from Doolittle School?

A. 1997.

Q. And then from there you attended high school?

A. Yes.

Q. Where did you attend high school?

A. Dunbar Vocational Career Academy.

Q. Did you graduate from high school?

A. No.

Q. Why did you leave high school?

A. I failed.

Q. Were you allowed to take summer school to make up for failing grades?

A. Yes.

Q. So did you end up voluntarily dropping out of high school?

A. Yes.

Q. What year?

A. 2001.

Q. Did you ever get expelled from high school?

A. No.

Q. During high school, were you ever inside a police station?

A. No.

Q. During high school, were you ever detained

by the police?

A. No.

Q. During high school, were you ever inside a courtroom?

A. No.

Q. During high school when you lived at Ida B. Wells, what apartment did you live in?

A. That was Apartment 506.

Q. Did you live in Apartment 506 until you ended up moving from Ida B. Wells the last time?

A. Yes.

Q. I want to spring forward to -- you said you dropped out of school in about 2001; is that right?

A. Yes.

Q. So after you dropped out of school, did you have any job?

A. Yes.

Q. What job did you have?

A. A summer job.

Q. And how long did you have the summer job?

A. I think the summer only lasted maybe three or four months.

Q. And do you recall who your employer was

for the summer job?

A. I can't recall that.

Q. And was that during 2001?

A. No.

Q. What year was that?

A. Maybe 2000.

Q. Did you have a summer job while you were still in high school, or was it after you dropped out of high school?

A. Well, I was in high school.

Q. Okay. After high school, did you have any jobs?

A. No.

Q. So am I correct then, when you were living at Ida B. Wells from the time you were a kid until you ultimately moved out in 2008, the only job you had was that summer job during high school?

A. Yes.

Q. How would you support yourself?

A. Family.

Q. What do you mean by that?

A. My family supported me.

Q. Who in your family?

A. Mother, grandmother, grandfather, uncle,

cousin.

Q. So they just gave you money? That's how you were able to buy things?

A. Yes.

Q. Was your mom working at the time?

A. Yes.

Q. Was there a reason why you weren't working?

A. No.

Q. The money that your family members would give you, would you use that money to buy drugs?

A. No.

Q. What would you do with that money?

A. Buy clothing, buy food.

Q. Anything else?

A. Nope.

Q. What year did you first become a drug dealer?

A. After 2001.

Q. So you're saying after you dropped out of high school is when you became a drug dealer?

A. Yes.

Q. And how old were you when you first became a drug dealer?

A. Maybe 20 or 21.

Q. How did you get started in the drug dealing business?

A. I purchased.

Q. From who?

A. A guy that stay in the neighborhood.

Q. Who was the guy?

A. I don't know his real name. Maybe called the Moose.

Q. Was Moose a drug dealer?

A. He sold marijuana.

Q. Okay. So tell me he about you and Moose.

A. It wasn't too much with Moose. I purchased marijuana from him, and I sold it.

Q. And -- so Moose was your supplier of marijuana?

A. Yes.

Q. Can you tell me, how did you decide, though, one morning -- strike that.

How did you decide, hey, I'm going to -- I'm going to start selling marijuana? How did you decide to do that?

A. By my friends, I felt like they smoking, so I feel like I could sell a little bit to them.

Q. So you had friends who smoked marijuana?

A. Yes.

Q. You figured you could start making a profit?

A. Somewhat, yes.

Q. Okay. Was Ben Baker one of those friends?

A. Not at the time.

Q. Okay. But Ben Baker, he likes to smoke marijuana; right?

A. Yes.

Q. And I mean, you guys smoked marijuana together. It was like one of the hobbies you had with Ben?

A. Yes.

Q. Okay. All right. So you start selling marijuana, and then how many years did you do that?

A. Off and on.

Q. Were you living in the 527 building during the time you were selling marijuana?

A. Yes.

Q. Did you have any other marijuana suppliers other than Moose?

A. No.

Q. And would you sell marijuana every day?

A. No, off and on.

Q. What do you mean by "off and on"?

A. Maybe sometimes a week or two or three here and sometimes not.

Q. So what would make it where sometimes you could sell it and sometimes you couldn't?

A. I don't have the money to go buy it.

Q. Okay. Did you use any of the profits to buy marijuana for yourself where you could smoke it?

A. Yes.

Q. During the days when you were selling marijuana, what was the most amount of money you could make in a day?

A. Probably 100.

Q. So -- strike that.

On average, would you make about $100 a day profit when you were selling?

A. No.

Q. Okay. What would you say? Ballpark it in terms of like say in a week for marijuana sales?

A. Maybe in a week, $300.

Q. And were all the -- marijuana is cannabis; right? Do you call it cannabis or marijuana? What do you call it?

A. Marijuana is cannabis.

Q. Yeah. And during the time period when you were selling marijuana, would you always sell it at Ida B. Wells?

A. Yes.

Q. Other than Ida B. Wells, would you go to other places in the Chicago area to sell the marijuana?

A. No.

Q. So how many years was Moose your supplier of marijuana?

A. Maybe one or two years.

Q. Okay. All right. So did you get another supplier for marijuana?

A. No.

Q. What about cocaine or heroin? Did you start selling that?

A. Yes.

Q. When?

A. Maybe around 2004.

Q. When you were selling cocaine and heroin, were you also selling marijuana?

A. No.

Q. So your marijuana selling ended in 2004;

is that right?

A. No.

Q. When did it end?

A. Maybe 2003.

Q. So between the time you stopped selling marijuana in 2003 until you started selling cocaine and heroin in 2004, how would you support yourself?

A. Still asking my mom and dad and cousin and grandmother and uncles for money.

Q. Would they give you money?

A. Yes.

Q. Did any of them ever say to you, hey, why don't you get a job so you don't have to come to me and ask for money?

A. Yes.

Q. And what did you say to that?

A. I'm trying.

Q. Okay. Tell me, during the times when you were making the money selling marijuana, would you still rely on family members to give you money?

A. Yes.

Q. Would you ever use the money your family members gave you to buy marijuana from Moose?

A. Yes.

Q. All right. Let's talk about 2004 when you first began selling cocaine and heroin.

How did that come about?

A. I seen other young guys doing it, so I guess I thought it was cool.

Q. When you say "other young guys doing it," you mean selling cocaine and heroin?

A. Yes.

Q. And who were some of the young guys that you observed selling cocaine and heroin?

A. Just young guys that stayed in the neighborhood.

Q. Did they live in Ida B. Wells, too?

A. Yes.

Q. Would you agree that the Gangster Disciples are the prominent gang at Ida B. Wells?

A. No.

Q. What other gangs were engaging in gang activity at Ida B. Wells?

A. Black Disciples, Black Stones.

Q. Any other ones?

A. That's all I know.

Q. What about Mickey Cobras?

A. I don't know nothing about that.

Q. Okay. Would you agree that there were more Gangster Disciples than Black Disciples?

A. No.

Q. Would you agree that there were more Gangster Disciples than Black P. Stones?

A. No.

Q. What about particular buildings at Ida B. Wells, would they be run by different gangs?

A. I have know history of that.

Q. Like, for instance, you know, Gangster Disciples, do they run the 527 building?

A. No.

Q. Were there any Gangster Disciples that you knew who sold drugs out of the 527 building?

A. Not to my knowledge.

Q. Do you know someone named Tolorn Fumbanks?

A. Yes.

Q. Who is he?

A. A kid from the neighborhood, also.

Q. Was he involved in illegal narcotics activity at Ida B. Wells?

A. Yes.

Q. And what was his role in the narcotics operations at Ida B. Wells?

A. To my knowledge, just selling.

Q. Was he a supplier?

A. Yes.

Q. And who would Tolorn Fumbanks supply narcotics to?

A. I have no history of that.

Q. Where did Mr. Fumbanks live?

A. 527.

Q. Do you remember what floor he lived on?

A. Floor No. 5.

Q. That's the same floor you lived on; right?

A. Yes.

Q. So he was a neighbor, so to speak; right?

A. Yes.

Q. Do you remember his aunt?

A. Which aunt?

Q. I'll withdraw that question.

Do you remember his mom?

A. Yes.

Q. What was his mom's name?

A. Ernestine, I believe.

Q. Ernestine Clark?

A. Yes.

Q. And is Jamar Lewis, is he related to

Ernestine Clark?

A. Yes.

Q. And who is Ernestine Clark to Jamar Lewis?

A. I want to say his aunt.

Q. Do you call Jamar Lewis -- would you call him by a nickname?

A. Tweet.

Q. Do you know where Jamar Lewis is right now?

A. I believe he's incarcerated.

Q. Do you know what he's incarcerated for?

A. I believe drugs.

Q. Well, he was involved in selling narcotics with Ben Baker after Ben Baker was released from prison in 2016; right?

MS. GIZZI: Objection, form.

THE WITNESS: I guess.

BY MR. BAZAREK:

Q. Did you ever hear that before?

A. I heard that.

Q. Where did you hear that?

A. From people that were around.

Q. Who were the people?

A. Family.

Q. Can you tell me the names of any of these people?

A. Ernestine Clark told me that.

Q. And when did Ernestine Clark tell you that?

A. While I was incarcerated.

Q. Were you talking on the phone with Ernestine Clark?

A. I called my mother and she was around Ernestine and she told me, as well as my mother.

Q. So your mom told you about Ben Baker (sic) being involved in narcotics activity with Ben Baker?

A. No. She just told me Ben Baker and Jamar was arrested and incarcerated.

Q. Did she tell you anything else?

A. No.

Q. Have you ever heard of the heroin highway?

A. No.

Q. Do you know Jamar Lewis' girlfriend?

A. Antonece Brown.

Q. Did she drive a white Mercedes?

A. Not that I know of.

Q. Okay. Did Ben Baker or Jamar -- strike

that.

After Ben Baker got of out of prison in 2016, did he ever try to recruit you to sell drugs for him?

A. I was incarcerated.

Q. Right. But did he say, hey, when you get out of jail, I'd like you to sell drugs for me?

A. No.

Q. Okay. How about Jamar Lewis?

A. No.

Q. Do you know Gerard Baker?

A. No.

Q. One of Ben Baker's sons?

A. Can you repeat that?

Q. Do you know someone named Gerard Baker?

A. I didn't know his name was Baker, but, yeah, I know -- I know Ben's son Gerard.

Q. How do you know him?

A. I watched him -- that's Ben's son. I seen him grow up in the building I was raised in -- I grow up in.

Q. When your mom and Ernestine told you about Ben Baker and Jamar being arrested, did they say anything about Gerard Baker being involved?

A. No.

Q. Okay. So let's go back to -- again, we're talking about 2004. You start dealing cocaine and heroin that year; right?

A. Yes.

Q. And what month was it that you started selling cocaine and heroin?

A. I can't say what exact month.

Q. Do you remember the season?

A. Probably the summertime.

Q. And how is it that you became a drug dealer of cocaine and heroin during the summer of 2004?

A. I purchased.

Q. From who?

A. A guy named Scully.

Q. And Scully, is he still around?

A. I believe he got killed.

Q. Do you remember his full name?

A. No.

Q. Was he a Gangster Disciple?

A. I don't know that.

Q. How did he get killed?

A. I believe someone shot him to death.

Q. Was he in a gang?

A. Not that I know of.

Q. Other than Scully, did you have any suppliers of cocaine and heroin during 2004?

A. No.

Q. Did you know a drug supplier named Eddie Baker?

A. No.

Q. Did you know a drug supplier named Mark Holloman, aka Polo?

A. No.

Q. Did Jamar Lewis ever supply you with cocaine or heroin to sell?

A. No.

Q. How did you meet Scully?

A. He stayed in the neighborhood.

Q. Did he live at Ida B. Wells?

A. Yes.

Q. In what apartment did he live in?

A. He didn't stay in my building, so I don't know what apartment he stayed in.

Q. And by '04, you're still living in Apartment 506; right?

A. Yes.

Q. And how would you arrange to get cocaine and heroin from Scully?

A. I would walk up and talk to him.

Q. And what was said between you two?

A. Nothing. I asked him could I purchase, and he would tell me yes or no.

Q. What was the amount of cocaine and heroin that you were buying from Scully during the summer of 2004?

A. Can you repeat that?

Q. Sure.

What was the -- strike that.

I'm going to break this down.

When you would purchase the cocaine and heroin from Scully during the summer of 2004, would you buy the same amounts of cocaine and heroin from him?

A. Yes.

Q. And then what were the amounts that you would buy from Scully?

A. Probably like 3.5 grams.

Q. Okay. So 3.5 grams of heroin and then 3.5 grams of cocaine?

A. Just cocaine.

Q. Okay. So 3.5 grams of cocaine you would buy from Scully?

A. Yes.

Q. Did you ever buy heroin from Scully?

A. No.

Q. All right. So that means in the summer of 2004, you were a cocaine dealer; is that your testimony?

A. Yes.

Q. And when you -- how much would 3.5 grams of cocaine cost you?

A. Maybe 75 bucks.

Q. And then how did you receive it?

A. Can you rephrase that?

Q. Sure.

I'm trying to picture this, where you're getting the cocaine from Scully. Is it in a plastic bag? Is it in a package? What does it look like?

A. In a plastic bag.

Q. And was it just -- strike that.

Were there also individual packets, or you would have to put them in packets, the cocaine that you purchased?

A. I would have to put it in packets.

Q. Okay. Would you have to mix the cocaine at all?

A. No.

Q. So where would you -- strike that.

Where would you go to put the cocaine in the packets for you to sell?

A. Probably in someone house that use.

Q. In the 527 building?

A. Yes.

Q. And who were some of the users where you would go to their apartment to package the cocaine you were going to sell?

A. Mostly this lady named Joanne.

Q. Do you remember her last name?

A. No.

Q. Did she have any children?

A. Yes.

Q. Who were her kids?

A. I believe she had a daughter named Rosetta, and I believe she had a son named Ben.

Q. And you don't know the last name?

A. No.

Q. Was she involved in the drug trade, too?

A. Can you rephrase that?

Q. Was she involved in illegal narcotics activity at Ida B. Wells?

A. Yes.

Q. And what was her role in narcotics activity at Ida B. Wells?

A. I would say using.

Q. Okay. So let me -- tell me if I got this right.

She let you bag the cocaine that you were going to sell, and as a reward for her, you'd give her some bags to use?

A. Yes.

Q. And then what was the going rate for when you would go to her apartment to bag the cocaine that you were going to sell that you would pay to her?

A. $20.

Q. Would you give her cash, or you would give her drugs as a reward?

A. What she would ask for.

Q. So would you give her cash, and then what? She would buy cocaine from you, or you would just give her a couple bags of cocaine?

A. What she would ask for, whether she wanted cash or maybe sometimes drugs.

Q. Okay. All right. So you paid her either cash or with cocaine as payment?

A. Yes.

Q. Would her kids be present when you were bagging the cocaine inside her apartment?

A. No.

Q. What was her apartment number at the 527 building?

A. I believe 407.

Q. 407?

A. Yes.

Q. Would you always use her apartment to bag the cocaine?

A. Yes.

Q. And so going back to -- you said the 3.5 grams would cost you $75; right?

A. Yes.

Q. How many individual bags could you fill from the 3.5 grams that you received?

A. Can you repeat that?

Q. Yeah.

I'm trying to figure out -- you said you

would go to Scully. You would buy 3.5 grams of cocaine; right?

A. Yes.

Q. And then you've already testified to -- you, Elgen Moore, would have to put that cocaine in individual bags to sell; true?

A. Yes.

Q. So my question is with the 3.5 point grams of cocaine, how many individual bags could you fill up to sell?

A. At the time, 15.

Q. And then what would you sell the individual bags of cocaine for?

A. $10.

Q. Okay. So if I've got this right, you paid $75 to Scully, and then you turn around and sell the cocaine that he gave you, and you'd make $75 in profit; is that right?

A. Yes.

Q. And during the summer of 2004, was there a time of day that you would sell the cocaine?

A. From the morning to the evening.

Q. Would you agree that someone could buy -- strike that.

We're talking about the cocaine that you sold during the summer of 2004. Was that crack cocaine, by the way?

A. Yes.

Q. And how would a crack cocaine user -- how would they ingest the cocaine?

A. I can't really say. They got different ways.

Q. Right. Do they smoke it?

A. Pretty much.

Q. Could they snort it?

A. I don't believe so.

Q. Snorting is more for heroin; right?

A. I guess.

Q. Did you ever buy more than 3.5 grams of crack cocaine from Scully during the summer of 2004?

A. No.

Q. How would you describe your cocaine selling business during the summer of 2004?

A. Beneficial at the time.

Q. It was profitable?

A. Yes.

Q. During the summer of 2004, were you still

accepting money from your family members?

A. Yes.

Q. Did you ever share with anyone the proceeds that you made from your crack cocaine sales?

A. Rephrase what you mean by sharing.

Q. Well, you have family members giving you money; right?

A. Yes.

Q. All right. Did you ever take any of the money that you received from your crack cocaine sales and give it to other people?

A. Besides like buying groceries and like going to wash, doing laundry for my mom. That's about it.

Q. So you would use the money that you received from the crack cocaine sales to buy your mom groceries?

A. If needed, yes.

Q. And then you talked about laundry. Would you go to a laundromat, or are you talking about just buying soap, detergent to wash clothes at home?

A. Going to the laundromat.

Q. What would you spend for yourself --

strike that.

How did you spend the money that you received from your crack cocaine sales during the summer of 2004?

A. Mostly like buying food or undergarments. Buy socks and boxers and tank tops and t-shirts.

Q. Did you have a girlfriend during the summer of 2004?

A. Yes.

Q. Who was your girlfriend?

A. Tanesha Cash.

Q. Would you spend some of the money from the drug sales on Tanesha Cash?

A. Getting us something to eat, yes.

Q. Did she know you were a drug dealer?

A. No.

Q. So you hid that from her, or she just never became aware of it?

A. She didn't become aware of it.

Q. Where's Tanesha these days?

A. She live in Chicago.

Q. Do you still have contact with her?

A. Yes.

Q. How long was she your girlfriend?

A. We was off and on. She was my girlfriend from around 2004 to -- we've been off and on for years.

Q. To this day are you still off and on?

A. No.

Q. When did it finally end, the relationship?

A. The relationship ended in 2014.

Q. Why did it end?

A. We were tired of being off and on with each other.

Q. I didn't ask you this question.

Do you have any children?

A. Yes.

Q. How many kids do you have?

A. One.

Q. And what's your child's name?

A. Amelia.

Q. How old is Amelia?

A. 10.

Q. Do you have a loving relationship with her?

A. Yes.

Q. Who does Amelia live with?

A. Her mom, Tanesha Cash.

Q. Has Tanesha Cash ever brought any type of child support actions against you?

A. No.

Q. Do you financially support your daughter?

A. When I can, yes.

Q. Are you working right now?

A. Not at the moment.

Q. What's the last job you had?

A. I worked for a temp service.

Q. What type of work would you do for the temp service?

A. Janitorial, stocking, piling things, working the line.

Q. When was the last time you worked for a job with the temp service?

A. Within the last six to seven months.

Q. Okay. So let's go back again to the summer of 2004.

A. Okay.

Q. When you would sell the crack cocaine, where would you sell it at?

A. In 527.

Q. And then how would you go about selling the crack cocaine out of the 527 building?

A. Can you rephrase that?

Q. How would you go about selling the crack cocaine out of the 527 building?

A. I would sell it to customers.

Q. Right. So I'm picturing this. You're living in Apartment 506 with your mother; right?

A. Yes.

Q. And in the summer of '04, besides you and your mom, who else was living in Apartment 506?

A. My brother and sisters.

Q. Okay. So you'd wake up in the morning on any given day during the summer of 2004, and you'd have the cocaine in the apartment that you live in. And then you would what? Walk downstairs and sell cocaine every day?

A. Yes.

Q. Was there a certain time of day that you would go to -- I'm sorry.

What was her name again? Was it Joanne? The woman who let you use her apartment to bag the cocaine.

A. Yes.

Q. Was there a certain time of day when you would be at Joanne's bagging the crack cocaine you

were selling?

A. No.

Q. So it could be at any time?

A. Yes.

Q. Okay. And then after you would bag the crack cocaine at Joanne's house, would you bring it back to your Apartment 506 and store it there until you could sell it?

A. No.

Q. Describe for me the way you would sell the crack cocaine after you bagged it at Joanne's house.

A. I would go downstairs or through the neighborhood and try to sell it.

Q. And how would you try to sell it downstairs in the 527 building?

A. Walking around down there, walking around outside of it looking for potential buyers.

Q. And you could sell that crack cocaine inside the 527 building; right?

A. Outside.

Q. Right. But you could sell it inside the building, say, for instance, in the lobby; right?

A. Yes.

Q. And could you sell the crack cocaine that you had, you could sell it in the stairwells; right?

A. Yes.

Q. And you could really sell it on every floor inside the 527 building; right?

A. No.

Q. Okay. So were there certain floors where you would sell, or you wouldn't go to different floors to sell the crack cocaine?

A. Mostly the lobby.

Q. Well, were there times where you'd hear the cops were around, so you had to move the narcotics operation to, say, a different floor in the 527 building?

A. No.

Q. So it's your testimony you never sold ever crack cocaine on the second floor, third floor, fourth floor, all the way up to the top; is that right?

A. Yes.

Q. Okay. So at the 527 building, you either sold the crack cocaine from the lobby or a stairwell; is that right?

A. Or outside.

Q. Right. But I'm talking about -- I'm still inside the building, if you could stay with me.

So the crack cocaine that you sold inside the 527 building was either in the lobby or in one of the stairwells; right?

A. In the lobby.

Q. Did you ever sell crack cocaine in any of the stairwells?

A. In the lobby.

Q. Are there stairwells in the lobby?

A. No.

Q. Okay. Let me ask the question again.

Other than the lobby -- strike that.

Did you ever, ever -- strike that.

Did you ever sell crack cocaine from any of the stairwells at Ida B. Wells?

A. No.

Q. It's your testimony that the crack cocaine that you sold was always sold inside the 527 lobby or outside; is that correct?

A. Yes.

Q. Okay. And then how -- would you solicit the crack cocaine sales yourself?

A. Yes.

Q. And how would you do that?

A. Rephrase what you mean by how would I do it.

Q. How would you solicit your crack cocaine sales?

A. I would ask them what they was -- was they looking for crack.

Q. Did you ever call out, like, hey, get your rocks here, rocks, rocks? Did you ever do stuff like that?

A. No.

Q. So you would just look -- you would look at a person, and then you would say, hey, what do you need?

A. Yes.

Q. How would you know if that person wanted to buy crack cocaine?

A. They would say it.

Q. They would say what?

A. They would say it.

Q. What would they say?

A. You got rocks?

Q. And then what would you say?

A. Yeah.

Q. Okay. So it's your testimony you would never yell out rocks, rocks, blows -- well, blows are heroin; right? Did you ever hear that phrase, "blows"?

A. Yes.

Q. By the way, have you ever called out -- strike that.

Have you ever yelled out rocks, blows, anything like that ever at Ida B. Wells?

A. No.

Q. Did Ida B. Wells have druglines?

A. Yes.

Q. And did the druglines have names associated with them?

A. Yes.

Q. What were some of the names of the druglines?

A. It was multiples. If you want to be specific?

Q. Well, which ones do you remember?

A. It was multiples. Blue line, red line, green line.

Q. What about damn near raw? Was that a

drugline?

A. Yes, I heard of that.

Q. Where was that drugline at, damn near raw?

A. Another building.

Q. Was that the 559 building?

A. I believe so.

Q. What was the drugline at the 574 building?

A. I don't know. I can't be specific.

Q. I'm just asking you what you remember.

A. Can you be specific?

Q. Do you know Allen Jackson?

A. Not by that name.

Q. Did you know any of the drug dealers who sold drugs out of the 574 building?

A. No.

Q. Were you in competition with other drug dealers that sold out of other buildings?

A. I believe that I was the competition.

Q. Well, who were some of your competitors?

A. Everybody in the neighborhood that sold drugs.

Q. Did Ben Baker have a drugline at the 527 building?

A. Yes.

Q. What was the name of his drugline?

A. I believe it was different names.

Q. What were the different names?

A. I can't recollect. I believe hammer.

Q. Did you say hammer?

A. Yes.

Q. The hammer line?

A. Yes.

Q. And what types of drugs were sold in the hammer line?

A. Heroin.

Q. And the hammer line was at the 527 building?

A. Yes.

Q. So during the time -- strike that.

Was that during the summer of 2004?

A. Yes.

Q. So when you were selling your crack cocaine in the summer of 2004, Ben Baker was selling heroin in the summer of 2004; right?

A. Yes.

Q. So would you and Ben Baker both be in the lobby at the same time selling your illegal narcotics?

A. From time to time.

Q. I mean, you're friends, right, you and Ben Baker?

A. I would say.

Q. And you've hung out together; right?

A. Yes.

Q. In 2004; right?

A. Yes.

Q. I mean, you'd hang out at his apartment, and that was Apartment 206; right?

A. Yes.

Q. You knew Clarissa Glenn; right?

A. Yes.

Q. You knew his three kids; right?

A. Yes.

Q. Was Ben Baker one of your closest friends?

A. Yes.

Q. How did you and Ben become such close friends?

A. Seeing each other in the building we stayed in.

Q. Would you say you were his best friend?

A. I wouldn't say that. I consider us friends.

Q. But you were very close friends with him,

right, in 2004?

A. I would say yes.

Q. Would you spend every day at some point with Ben Baker?

A. Not every day, no.

Q. Ben Baker, he testified at his deposition that there were times where he'd be inside his Apartment 206, and then someone would knock on the door looking to buy drugs from him.

And so my question to you is were there occasions where you were with Ben Baker inside his apartment where, you know, individuals would come to the door seeking to buy drugs from him?

A. Yes.

Q. And then on the occasions that you remember, can you just -- can you tell me how that happened from what you remember?

A. I would say he just went to the door.

Q. And then how did you know that there was someone there who wanted to buy heroin from Ben Baker?

A. If he stepped outside the door.

Q. Where did Ben Baker keep the heroin that he was going to sell to the customers that would

show up at his apartment door?

A. Probably in his pocket.

Q. All right. And so you would see Ben take the heroin out of his pockets to give to a customer?

A. I wouldn't actually see it, no.

Q. Well, how would you know the person who was coming to Ben's apartment door was there to buy heroin?

A. I said I guess when he stepped in the hallway outside his apartment.

Q. And then when Ben Baker would go to sell the heroin out in the hallway outside of his apartment, he'd come back. Did he tell you how much he would make from the sale?

A. No.

Q. Did you know any of his customers that would show up at Apartment 206 to buy heroin from him?

A. No.

Q. During 2004, was Ben also selling crack cocaine like you?

A. Yes.

Q. And so would individuals go to Apartment 206 to buy both crack cocaine and heroin?

A. Yes.

Q. And then also you said there were occasions when you were in the lobby selling crack cocaine, and Ben would be in the lobby selling heroin, but there were occasions where Ben was also in the lobby selling crack cocaine; true?

A. Yes.

Q. Did Ben Baker ever recruit you to sell narcotics?

A. No.

Q. At any time did you ever sell heroin for Ben Baker?

A. Yes.

Q. During what time period was it that you sold heroin for Ben Baker?

A. I want to say 2005.

Q. Do you remember what month?

A. In the beginning of the year.

Q. So in January of 2005, that was the first time you started selling heroin for Ben Baker?

A. I ain't going to say January, but sometime in the beginning of the year, yes.

Q. And how did that come up that you were going to sell heroin for Ben Baker in the early

part of 2005?

A. I came out and I asked someone that potentially that I know probably was a partner with Ben Baker.

Q. Who was his partner?

A. At that time I want to say Bryant Patrick. Bryant probably, Peanut. I asked them could I work for them today.

Q. Who's Peanut?

A. A guy that I believe was a partner with Ben Baker at the time.

Q. In selling drugs?

A. Yes.

Q. Was it Patrick Frazier?

A. I don't believe that was his name.

Q. Okay. All right. He had a nickname of Peanut?

A. Probably.

Q. Yeah. Okay. I think you said when you got out, and I think what you're referring to is I know you were arrested on December 16, 2004; right?

A. Yes.

Q. And you were in jail for about 60 days; right?

A. Yes.

Q. And then you got probation?

A. Yes.

Q. Okay. So what you're saying, though -- and correct me if I'm wrong -- so it was after you got out of jail in 2005 that you started selling heroin for Ben Baker; is that right?

A. Yes.

Q. Okay.

MR. BAZAREK: So why -- right now it's almost 11:30. Why don't we take a ten-minute break?

MS. GIZZI: Okay.

THE VIDEOGRAPHER: All right. The time is 11:28 a.m. We're now going off the record.

(Recess taken.)

THE VIDEOGRAPHER: All right. The time is 11:40 a.m. We're now back on the record.

BY MR. BAZAREK:

Q. Can you tell me what the -- strike that.

What did Ben Baker say to you about you selling drugs for him?

A. Can you rephrase that?

Q. You were recruited to sell heroin for

Ben Baker; right?

MS. GIZZI: Objection, form.

THE WITNESS: I asked him.

BY MR. BAZAREK:

Q. You asked Ben Baker if you could go to work for him selling heroin?

A. I asked a guy that was with Ben can I work.

Q. And you're talking about Bryant Patrick?

A. Yes.

Q. And he's one of your best friends, too; right?

A. Yes.

Q. And you hung out with Bryant Patrick during 2004; right?

A. Yes.

Q. And during that time in 2004, was Bryant Patrick a drug dealer for Ben Baker?

A. Yes.

Q. And where did Bryant Patrick sell narcotics for Ben Baker?

A. In 527.

Q. And would Bryant Patrick sell heroin for Ben Baker in the lobby of the 527 building?

A. Yes.

Q. Would Bryant Patrick sell heroin for Ben Baker outside of the 527 building?

A. No. Mostly in the lobby.

Q. Okay. How did you know that Bryant Patrick sold heroin for Ben Baker?

A. Coming downstairs in the building.

Q. You would observe it for yourself; right?

A. Yes.

Q. And there were times where Bryant Patrick was selling heroin in the lobby that would have been on occasions where you were selling crack cocaine in the lobby; right?

A. Yes.

Q. Did you ask Bryant Patrick what the pay was like working for Ben Baker as a drug dealer?

A. Yes.

Q. Tell me about those conversations that you had with Bryant Patrick.

A. I just asked him what would the pay be for a day.

Q. And what did he tell you?

A. $200, $250.

Q. So that was more money than you were

making selling crack cocaine; right?

A. Yes.

Q. Were the hours longer, or was it about the same number of hours when you're selling narcotics?

A. Yes.

Q. I want to just go back.

Remember when you'd see Ben Baker selling the heroin in the lobby himself? Do you remember that?

A. Yes.

Q. And when Ben would sell the heroin himself from the lobby, could you describe the transactions that occurred between Ben Baker and his customers?

A. Can you elaborate a little more on that?

Q. I want -- you've already testified you'd be in the lobby selling crack cocaine. Ben Baker would be in the lobby selling heroin; right?

A. Yes.

Q. And you've already testified about how you would go about selling drugs. You would see someone down there, and they'd say what they want.

Now I'm asking you to describe how that occurred with Ben Baker and his heroin buyers.

A. They would come to purchase what they were

looking for.

Q. Right. So would Ben Baker -- would he call out the name of his drugline, or would he say blows, you know, get your blows here; is that how it worked?

A. They would come in there by the name already, I guess, they were coming looking for.

Q. The name of the heroin that Ben was selling?

A. Yes.

Q. And was that the name you said previously in the deposition, or was it a different name?

A. At that time I believe it was a different name.

Q. What was that name?

A. I want to say CPR, I believe.

Q. So you'd have people who want to buy heroin. They'd come in. I want CPR, CPR, something like that?

A. Yes.

Q. Would Ben also call out like CPR, CPR, get your CPR, that type of thing?

A. I don't think like he really had to because they already was coming in for it. So in

the lobby, he wouldn't have to say it.

Q. Did everyone know that Ben --

A. It was -- I didn't mean to cut you off. Go ahead.

Q. No, you go ahead. I'm sorry if I --

A. Go ahead.

Q. So the heroin buyers, they knew Ben was selling the CPR? They knew who to go to?

A. I believe it was people who worked outside of the building that would let them know.

Q. Oh, so Ben Baker, he had his -- on his payroll, so to speak, people that would solicit the drug buyers outside the building?

A. Yes.

Q. And so that the solicitors, they would be yelling out CPR, CPR, something like that?

A. Yes.

Q. And then inside the lobby was Ben Baker with the bags of heroin; right?

A. No. Someone would be selling for him.

Q. Right. But you've already testified Ben was selling, too. So he had other people on his payroll selling inside the lobby?

A. Yes, people as far as myself when I did it

for him.

Q. Well, I'm still -- I'm talking about 2004.

A. I'm just talking about in general. People were selling.

Q. Well, how many total people did Ben Baker have selling heroin for him?

A. Anybody who probably get out there early enough to ask can they work.

Q. Well, on any given day, how many people could be at Ida B. Wells selling heroin for Ben Baker?

A. I can't put a number on that.

Q. Did Ben Baker sell heroin at other buildings besides the 527 building?

A. No.

Q. Did Ben Baker sell cocaine out of the 527 building?

A. Yes.

Q. During the time when Ben Baker was selling heroin out of the 527 building, was he also selling crack cocaine?

A. Yes.

Q. What was the crack cocaine line of Ben Baker's called?

A. Punch out, I would say.

Q. What was that?

A. I want to say punch out.

Q. Punch out?

A. I would say.

Q. Did you ever hear a line called "knock out"?

A. Knock out.

Q. Okay. So Ben Baker's crack cocaine was called knock out?

A. Knock out, yes.

Q. Is that right?

Okay. And then Ben Baker's heroin line was called CPR?

A. Yes.

Q. Do you know why it was called CPR?

A. No.

Q. Did Ben Baker sell better quality heroin at Ida B. Wells than other drug dealers?

A. I wouldn't say that.

Q. Was it like low quality?

A. I wouldn't say that, no.

Q. Was he somewhere in the middle in terms of quality?

A. I can't say on that. I have no recollection of that.

Q. How about the crack cocaine that he sold, what was the quality like of that?

A. I have no recollection of that. You're going to have to ask the user that.

Q. Would you describe Ben Baker as the biggest drug dealer at the 527 building?

A. Yes.

Q. Were there times where Ben Baker would be selling narcotics at the 527 building when his wife appeared?

A. No.

Q. You know, at Ida B. Wells -- you already said you went to Doolittle School; right?

A. Yes.

Q. In the morning time, kids would be going to school; right?

A. Yes.

Q. And then in the afternoon after school is out, the kids would be coming home; right?

A. Yes.

Q. And narcotics sales would be going on when the kids were going to school and coming home from

school; right?

A. I wouldn't say from Ben.

Q. So is it your testimony that when the kids were going to school, Ben would just stop selling heroin or cocaine at that time?

A. And when they got out, yes.

Q. And so once the kids leave -- you know, they'd leave for school, then Ben Baker's narcotics operation is up and running; is that correct?

A. Can you repeat that?

Q. So when the kids would leave and they're -- you know, they're in school, then Ben Baker's narcotics operation was up and running; right?

A. When they were in school?

Q. Yes.

A. Or before school you said?

Q. Right. Here. Here's what I'm getting at. Right. I want to make sure I understand this.

Your testimony is that Ben Baker would not sell heroin or crack cocaine during the time period when kids were leaving to go to school; is that true?

A. When they was leaving to go to school?

Q. Yes.

A. He would be selling drugs? Narcotics? That's what you said?

Q. Yeah. Was he, or was he not?

A. He would not sell while the kids are going to school and after -- when they get out of school. That's what I said.

Q. Okay. So what time of day was it when Ben Baker would start selling heroin and cocaine from the 527 building?

A. Before kids went to school and after they were in school and after they got out of school.

Q. So -- and what time would kids get out of school?

A. I believe 2:30 or 3:00 o'clock at the time.

Q. Okay. And I got it. You got kids now coming home from school; right? They're going back home to Ida B. Wells?

A. Yes.

Q. But once they're all back in their apartments, is it your testimony that Ben Baker would not continue to sell heroin and cocaine from Ida B. Wells?

A. No.

Q. So -- all right. So after the kids get home from school, say they go to their apartments, Ben Baker would continue to sell heroin and cocaine at Ida B. Wells; right?

A. If they're home from school you said?

Q. Yes.

A. Yes.

Q. Okay. That's all. Okay. Thank you. Thanks for clarifying that.

Have you ever heard of a cleanup man?

A. Can you elaborate on that?

Q. Have you ever heard the term "cleanup man"?

A. Meaning -- what's "clean up" mean?

Q. Right. So let me ask you this question.

Have you ever been at Ida B. Wells during the time when you were selling heroin and cocaine or even marijuana, did you ever hear anyone yell "clean up"?

A. Yes.

Q. What does clean up mean?

A. Police are coming.

Q. And when you hear clean up and you know

the police are coming, that means gotta hide the drugs; right?

A. That mean, yeah, if you've got something on you, get out of the way.

Q. And then would the drug dealers, like yourself and Ben Baker, would you give the drugs to someone to hide?

A. No.

Q. You would keep the drugs with you?

A. Yes.

Q. And then what would you do? Where would you go when somebody yelled "clean up"?

A. In the house.

Q. Would you run back to your mom's apartment?

A. Probably somebody apartment that was being used at the time.

Q. Oh, like, for instance, Joanne's apartment where you would bag the crack cocaine?

A. Yes.

Q. Where would Ben Baker run to when someone yelled "clean up"?

A. Probably to his apartment.

Q. Did you ever run with the drugs that you had and the drugs that Ben had, would you ever run

together into his apartment?

A. No.

Q. Would Ben Baker ever run with you to someone else's apartment to hide drugs?

A. No.

Q. Did Ben Baker ever give you drugs to hide when the cops were in the area?

A. If I had something on me, yes, I would run.

Q. No. I'm saying did Ben Baker, would he give you narcotics to hide when someone yelled "clean up"?

A. If I was working that day, I would be running.

Q. And would you be running with Ben Baker, too?

A. No.

Q. So if I understand your testimony, you're saying the narcotics that Ben Baker would give you to sell, if you became aware that the police were in the area, you would run and hide somewhere; right?

A. Yes.

Q. Okay. What was the most money you ever

made in a single day working for Ben Baker in the drug trade?

A. 300 to $350.

Q. How -- strike that.

And you sold both cocaine and heroin for Ben Baker; is that right?

A. No.

Q. Just heroin?

A. Yes.

Q. What happened to your crack cocaine business?

A. It slowed down a bit.

Q. All right. So you still had your crack cocaine business, but you were primarily then working for Ben Baker selling heroin?

A. Yes.

Q. Okay. Why did the crack cocaine business slow down?

A. My attention was more into selling the heroin.

Q. Is that because it was more profitable for you?

A. Yes.

Q. What was Bryant Patrick's role in Ben

Baker's narcotics operation?

A. Can you elaborate a little more as far as what you mean is his role?

Q. Yeah. You were selling heroin for Ben Baker; right?

A. Yes.

Q. Okay. And am I correct that Bryant Patrick was selling heroin for Ben Baker, too?

A. Yes.

Q. So I'm trying to figure out -- strike that.

Were you and Bryant, were you equal -- strike that.

You were both on Ben Baker's payroll, right, you and Bryant Patrick?

A. Yes.

Q. Okay. Was he more senior to you in the narcotics operation of Ben Baker?

A. Yes.

Q. Did he make more money than you working for Ben Baker?

A. I have no recollection of that.

Q. Okay. So when you -- if I have this right, you get out of jail in early 2005. You go

to work for Ben Baker selling heroin; right?

A. Yes.

Q. And at that time Bryant Patrick is already selling heroin for Ben Baker; right?

A. Yes.

Q. So how would your day start in the drug dealing business when you were working for Ben Baker beginning in 2005?

A. Can you elaborate a little more as far as what you mean as far as having my day start?

Q. Yeah. When you're selling drugs at Ida B. Wells for Ben Baker, what's a typical day in the narcotics trafficking world at Ida B. Wells?

A. Coming out and just selling and making your money.

Q. And where would you receive the heroin that you were going to sell for Ben Baker?

A. From Bryant Patrick.

Q. And where would you receive the heroin from Bryant Patrick?

A. In the lobby of 527.

Q. Would you and Bryant Patrick always meet at the same time to start selling the heroin?

A. Sometimes he'll be earlier or I'll be out

waiting on him to come out, come downstairs.

Q. So all the heroin that you sold for Ben Baker, you would get it from Bryant Patrick; is that your testimony?

A. Yes.

Q. Would Ben Baker ever give you the heroin directly?

A. No.

Q. Is it called "working a bundle" when you're selling heroin?

A. Yes.

Q. So what was the amount of the bundle that Bryant would give you to sell?

A. Can you elaborate as far as what you mean?

Q. Sure.

When you would receive a bundle from Bryant Patrick, a bundle of heroin, how many packets would be in the bundle?

A. Sometimes 50. Sometimes 100.

Q. And were they dime bags?

A. Yes.

Q. Would you have people -- strike that.

Would you and Bryant have people soliciting the heroin that you were selling for

Ben Baker?

A. Elaborate a little more on what you mean by "soliciting."

Q. Well, you were talking about earlier when Ben Baker would be in the lobby selling heroin, he'd have people outside yelling out CPR; do you remember that?

A. Yes.

Q. So, you know, as Ben Baker did -- using people to solicit -- would you do the same thing?

A. Yes.

Q. Okay. And who were some of the individuals who solicited the heroin sales for you on behalf of Ben Baker?

A. I don't know all the names off the top. I know for sure a guy name was Buck and a guy name was Rib.

Q. Buck and Rib?

A. Yes.

Q. Like R-I-B, rib?

A. Yes.

Q. And then how would Buck and Rib get paid for soliciting heroin sales at Ida B. Wells?

A. They would get paid as the person who was

working. They would be paid at the end of the shift as well as the person working the bundle.

Q. Right. So you would give, say, for instance, Rib and Buck, you'd give them a couple bags for a wake-up call?

A. Yeah, they'd get a few bags for a wake up.

Q. Right. Were they junkies?

A. Yes.

Q. All right. So you'd give them a wake-up call to start their day; right? And then later on they would get paid after the bundle was all sold?

A. Yes.

Q. And then cash money -- or strike that.

At the end of the shift, so to speak, as you said, when the bundle that you had to sell was all gone, how would you pay the individuals you would use to solicit the heroin sales?

A. They would be paid their cash at the end of the shift.

Q. All right. So what did -- what was the -- strike that.

What was the going rate for -- strike that.

What would you pay them to solicit?

A. $100.

Q. Well, that's pretty good money; right?

A. I mean, they did it on the regular, so, yes.

Q. And so they'd each get $100?

A. Yes.

Q. And then -- and I know every day could be different, but how long would it take you to sell a bundle at Ida B. Wells?

A. Some days was good. Some days was bad.

Q. So what was a good day?

A. A good day, quite a few bundles.

Q. Were there ever days where you didn't sell everything you had in a bundle or bundles?

A. Yes.

Q. Okay. If you had left over heroin that you didn't sell, where would that be stored?

A. It would go back to the person that distributed it to you.

Q. So if you had any left over, you'd give the bags back to Bryant?

A. Yes.

Q. What about Ben? Did you ever give them back to Ben?

A. I gave them back to Bryant, the person that distribute it to me.

Q. So how long -- strike that.

Did you sell heroin for Ben Baker during all of 2005?

A. No.

Q. Okay. How long -- strike that.

How many months during 2005 did you sell heroin for Ben Baker?

A. I was arrested in 2005, so that's when it ended.

Q. What month were you arrested?

A. I want to say July of 2005.

Q. Okay. So up until July of 2005, you were selling heroin for Ben Baker; right?

A. Yes.

Q. So when you got arrested in July of 2005, to your knowledge, who took your place in Ben Baker's narcotics operations in Ida B. Wells?

A. I have no recollection of that because I was incarcerated.

Q. Okay. Did Bryant get arrested around the same time did you did in '05?

A. Yes.

Q. Did you get arrested together?

A. We got both arrested on the same day.

Q. And after that day, did you ever sell heroin for Ben Baker again?

A. No.

Q. Was Ben Baker a mentor to you?

A. I wouldn't say that.

Q. Well, did you learn anything from him about selling heroin?

A. Could you elaborate what you mean by learning anything from him on how to sell heroin?

Q. Yeah.

Did you learn anything from him? You worked for him.

A. What's to learn from him besides coming out and making the money that you was paid and going on.

Q. Who bagged the bundles that you sold for Ben Baker?

A. I have no recollection of that.

Q. So they were already individual packets, the heroin, when you received them?

A. Yes.

Q. Would you agree that when police were in

the area, that would disrupt the drug dealing at Ida B. Wells?

A. Can you repeat that?

Q. Yeah.

Would you agree that if police were in the area of Ida B. Wells, that it would disrupt the drug selling that was occurring?

A. Yes.

Q. Did you ever pay a bribe to any police officer?

A. No.

Q. Did any police officer ever solicit a bribe from you?

A. Did they ever solicit a bribe from me? Can you elaborate on that?

Q. Let me ask. Did any police officer ever solicit any money from you?

A. Take any money or receive any form of payment from me?

Q. Both.

A. They took cash. They never received no formal payment from me.

Q. Are you talking about money that you had with you on December 16, 2004?

A. Yes.

Q. Okay. When you say taking money, you're talking about when you got arrested; right?

A. Yes.

Q. I've seen one of your prior statements where you're talking about, hey, you want to have something to eat because you're paying for it; is that what we're talking about?

A. Yes.

Q. Okay. All right. Mr. Moore, I want to go back now to -- I know we've been talking about '05 and the heroin you were selling during '05 for Ben Baker. I want to go back to the summer of 2004. Okay?

A. Okay.

Q. Did you ever hear anything about heroin being found in Ben Baker's mailbox at the 527 building?

A. I have no recollection of that.

Q. Did you ever hear anything like that, that heroin was inside of Ben Baker's mailbox?

A. No.

Q. Did you ever hear in the summer of 2004 that the police were looking for Ben Baker?

A. Well, from my recollection from around 2004, I feel like the police seems to always be after Ben Baker.

Q. Well, because he was a drug dealer; right?

A. No.

Q. Why?

A. Whatever their reason was.

Q. Do you know what any reason was?

A. I don't know, no.

Q. Did Ben Baker ever tell you what the reason was?

A. No.

Q. Did any source, anyone say what the reason was why the police were looking for Ben Baker?

A. No.

Q. Have you ever spent any time with Ben Baker at a hotel?

A. Yes.

Q. And when was that?

A. I can't actually put no dates on it, but it's been a few times.

Q. Do you remember what year?

A. No.

Q. Was it during the summer of '04?

A. It could have been.

Q. What do you remember about being at a hotel with Ben Baker?

A. Hanging, smoking, doing a little drinking. That's what I remember.

Q. And who was at the hotel with you and Ben?

A. Me, Ben, and Jamar, I believe.

Q. Anyone else?

A. No.

Q. And who got the hotel room?

A. I have no recollection of that.

Q. Were you guys smoking a blunt?

A. Yes.

Q. Had you sold rock cocaine that day?

A. No.

Q. Tell me everything you remember about that day.

A. I remember waking up, getting myself prepared. I was hanging up. I was hanging around a little bit. And I remember getting a call from Ben saying if I wasn't doing anything, he had a hotel, I believe, at the McCormick Place. And if I wasn't doing anything, that I could come down there and hang.

Q. Do you remember what time it was when Ben called you?

A. No. I don't remember what exact time it was.

Q. Okay. And then how did you get to the hotel?

A. I drove.

Q. Do you remember what time of day it was when Ben called you?

A. Daytime.

Q. Was it in the morning?

A. I wouldn't say the morning. Afternoon-ish.

Q. Did Ben say what he had been doing earlier in the day when he called you?

A. No.

Q. Did Ben say if anyone else was going to be joining you and him?

A. No.

Q. Had Ben ever called you up to go to a hotel with him before this day?

A. Yes.

Q. So was that like something you guys would do from time to time, hang out at a hotel?

A. No.

Q. What were the other times?

A. Meaning as -- other times meaning as?

Q. Yeah. You know, a friend calling another friend to come meet him at a hotel.

A. Any time. I feel like if he just wanted someone to come meet him and hang with him at a hotel.

Q. Did Ben say he was at the hotel on that day because he was hiding from the cops and he knew they were looking for him?

A. Well, he was saying that he was just staying away from 527.

Q. This is what he told you on the phone?

A. No.

Q. What did he tell you on the phone?

A. What I stated to you earlier. If I wasn't doing anything and didn't have nothing to do, that I could have came down to the hotel and hung with him.

Q. What time did you get to the hotel?

A. I don't know the actual time.

Q. Who was at the hotel when you got there?

A. Ben and Jamar.

Q. And did all three of you guys stay

overnight at the hotel?

A. No. I end up leaving.

Q. What time did you leave?

A. I can't say approximately what time I left. Noon, evening.

Q. Was it dark out when you left?

A. It was getting dark.

Q. What did Ben say when you got to the hotel?

A. You got any weed on you, bro'? Relax.

Q. Was Jamar there?

A. Yes.

Q. He was already there?

A. Yes.

Q. So it sounds like you guys just hung out at the hotel, smoked some weed, had some drinks; right?

A. Yes.

Q. Did you order food? Did you eat that day?

A. I don't recall.

Q. Did Ben say anything about the police?

A. No. Ben just said he was staying away from 527.

Q. Did Ben say anything about heroin that was

found inside his mailbox?

A. No.

Q. And I know in 2004 you were selling crack cocaine, but it's your testimony you didn't sell any on that day?

A. On which day?

Q. The day you met Ben and Jamar at the hotel.

A. No, I did not.

Q. You actually remember you didn't, or you don't know one way or another?

A. I did not.

Q. How do you know you didn't if you were selling crack cocaine?

A. Because I got dressed in the house, and I never came downstairs that day until I was leaving the building.

Q. Okay. After you left the hotel that day, when was the next time you saw Ben Baker?

A. I don't know actually when it was I seen him, but it was sometime some days after the hotel.

Q. And did you have a conversation with Ben at that time?

A. At which time?

Q. After -- the next time you saw him after you left the hotel.

A. Actually, I think the next conversation I had with Ben was when we was in his apartment maybe a little bit after the hotel. I don't want to -- don't quote me on this. I want to say I was in his apartment the next time we were smoking marijuana again.

Q. And that was on July 11, 2004; right?

A. I don't know the actual date.

Q. Was it in July?

A. I don't know which month it was or the date or the time.

Q. But it was on a day that Ben was arrested; right?

A. Yes.

Q. Were you selling crack cocaine in the lobby of the 527 building?

A. No.

Q. Do you know why you weren't?

A. I believe the police had been around.

Q. So you had -- you didn't want to be caught with crack cocaine; right?

A. Yes.

Q. Did you go to Joanne's apartment on that day?

A. No.

Q. What did you do with the crack cocaine that you had that you were going to sell?

A. I didn't have none to sell that day.

Q. Were you storing it somewhere?

A. I didn't have any.

Q. So you didn't see Scully that day?

A. No.

Q. Prior to that day, when would have been the last time you had gotten crack cocaine from Scully?

A. Maybe a week or two.

Q. When Scully would give you a supply of crack cocaine, how many days' worth would you get from him?

A. One.

Q. And I know you'd get together with Ben. You guys would smoke weed together. Did you also like to drink alcohol together?

A. I wasn't big on alcohol.

Q. Do you like beer?

A. No.

Q. How about do you like Olde English malt liquor?

A. No.

Q. Have you ever had Olde English malt liquor?

A. No.

Q. Have you ever had a beer in your entire life?

A. No.

Q. What do you like to drink?

A. Like I said, I'm not big on alcohol, but if it was -- if I preferred, I would try maybe something hard.

Q. Whiskey or vodka?

A. Maybe a tequila.

Q. Okay. All right. So let's talk about that day where -- strike that.

Let's talk about that day when Ben Baker got arrested in the summer of '04. Okay?

A. Yes.

Q. What time did you first see Ben that day?

A. I can't say the actual time, but it was early in the day, maybe more morning-ish.

Q. And how was it arranged that you were

going to meet up with Ben Baker?

A. I came down and seen him.

Q. Where was Ben at?

A. Standing on the front of 527.

Q. He was outside the building?

A. Yes.

Q. Was Bryant Patrick around?

A. No.

Q. Who was selling heroin for Ben that day?

A. No one.

Q. How do you know that?

A. 'Cause no one was under the building besides Ben.

Q. Were the bundles already sold like earlier in the day and that's why there was no one selling at the time?

A. No.

Q. Well, what time was it when you first got to the -- outside to see Ben Baker?

A. I can't say. Morning-ish.

Q. Well, kids were -- it would have been the summertime, right, so the kids were not in school; right?

A. I would say so.

Q. Okay. So when the kids weren't in school in the summertime, was it easier to sell heroin in the morning because you didn't have to stop because the kids were going to school?

A. No.

Q. No what?

A. You said was it easier to sell because the kids weren't in school. I said no.

Q. So was it harder to sell in the summertime when the kids weren't in school?

A. No.

Q. Well, then why wouldn't it be easier? If the kids aren't disrupting narcotics activity because they're on their way to school, then it should be easier to sell narcotics; right?

MS. GIZZI: Objection, form.

THE WITNESS: No.

BY MR. BAZAREK:

Q. No what?

MS. GIZZI: Objection, form.

THE WITNESS: No, it wouldn't been easier, and no, it wouldn't been harder to sell while kids was not in school in the summertime.

BY MR. BAZAREK:

Q. Was Ben with anyone when you saw him outside the 527 building?

A. Which day you referring to?

Q. The day he got arrested in the summer of 2004.

A. No. Ben was standing in front of 527 by himself.

Q. At the 527 building, there's the front of the building and the back of the building; is that true?

A. Yes.

Q. And in the front of the building, what street does it look out to?

A. I believe Rhodes.

Q. And what is the back of the building? What street does that look out to?

A. Browning.

Q. So was Ben -- was he on the Rhodes side or the Browning side?

A. He was in front of 527 facing Rhodes.

Q. Did you plan on meeting him there, or just you went downstairs and you saw him?

A. I just happened to come outside.

Q. Okay. And what happened then?

A. Nothing. I seen Ben, asked him what's going on, how you feeling? He said nothing. He's fixin' to get from outside. He go in the house. I told him I got some weed. Let's -- we fixin' to go smoke it.

Q. Who had the weed?

A. I did.

Q. And where did you get the weed from?

A. Where I purchased it from.

Q. Did you purchase it that day?

A. No. I had it from the day before, the night.

Q. Okay. And then how much time was it that you and Ben were outside of the 527 building?

A. From the time I encountered him, we probably stood there no longer than 10 to 15 minutes.

Q. Did you see the police in the area at any point?

A. I didn't personally, no.

Q. Did Ben say anything on that day about the police looking for him?

A. No.

Q. Did Ben ever say at any time to you that the police were looking for him during 2004?

A. No. He just was saying that the police is hot.

Q. And what do you take that to mean?

A. I take that to mean they hot. You're staying out their way.

Q. Something like the heat is on; something like that?

A. I'm going to just say hot. Stay out of their way.

Q. Did you take hot to mean that Ben knew that the police were looking for him?

A. I take it as that means stay out of their way, period.

Q. And any particular police officers?

A. The police officers that worked the area.

Q. The area of Ida B. Wells?

A. Yes.

Q. Okay. So you got the marijuana to smoke, and then you and Ben go where?

A. To his apartment.

Q. When you got to Ben's apartment, was anyone there?

A. I believe his girlfriend. I don't know her name. His kids was there, I believe, but I don't know how many of his kids were there, so...

Q. Are you guessing, or they were there?

A. They were there. How many, I don't know.

Q. So what did you and Ben do after you got to the apartment?

A. Sit in the front room. I rolled up some marijuana. Ben turned on his game.

Q. Were you rolling the marijuana where the kids were right there with you?

A. No. I was in the front room. No kids was present.

Q. Okay. But you guys were both smoking the marijuana that you rolled?

A. Yes.

Q. And the kids were in the house; right?

A. Yes.

Q. And then Clarissa was in the house; right?

A. Yes.

Q. And then how much marijuana did you have?

A. I had a few bags.

Q. And how many reefers did you make?

A. I can't recollect, but at least three or

four for sure.

Q. Okay. So I'm picturing this. Ben is playing games. You're sitting on the couch. You guys are both smoking the marijuana that you rolled; right?

A. Yes.

Q. And then at some point do you hear knocking on the door?

A. Eventually.

Q. How long were you guys sitting around smoking marijuana before you heard a knock on the door?

A. I can't actually say, but I know it had to be an hour or so.

Q. So what happened? Tell me what happened.

A. As far as what?

Q. Anything besides you smoking marijuana with Ben.

A. We was playing video games.

Q. Okay. Anything else happen?

A. Eventually the cops came and knocked on the door, banging on the door and --

Q. Was anything being said?

A. Can you repeat that?

Q. Was anything being said by whoever was knocking on the door?

A. No. It was nothing being said, just banging on the door.

Q. So did one of you guys get up to answer the door?

A. I didn't get up to answer the door. I believe Ben told Clarissa to get the door.

Q. Were you and Ben both high at that point?

A. Yeah. We had been smoking marijuana.

Q. Did you guys have anything -- alcohol to drink?

A. No, we weren't drinking.

Q. Okay. So Ben tells Clarissa to get the door, and then what happened?

A. Clarissa went to the door and asked who is it.

Q. And what was said to Clarissa?

A. I believe police.

Q. Okay. And then what happened next?

A. I believe she opened the door and asked them what did they want or what's going on.

Q. So Clarissa opened up the door?

A. I believe to speak to them, yes.

Q. And what was being said to Clarissa?

A. I was sitting on the couch a little bit around the corner from the front door, so I can't actually say what words were being said, because she was at the door and I was sitting. I looked around. In the living room, there's a corner right there that you around, so I can't actually say what was being said.

Q. Okay. So you heard the police say nothing; correct?

A. I heard them announce themselves as the police.

Q. Anything else said other than announcing themselves as police?

A. They smelled marijuana coming out of here, and, I believe, was Ben inside.

Q. Who said they smelled marijuana inside?

A. I heard the police say that.

Q. Well, that was true; right?

A. Yes.

Q. And did the whole house smell like reefer?

A. Smoking inside, yes.

Q. Okay. What's the next thing that happened?

A. I remember the police entering the apartment.

Q. And Clarissa let them in?

A. Well, yeah.

Q. And then did you still have some marijuana in your pocket?

A. No.

Q. You and Ben smoked up all the reefer you had?

A. Yes.

Q. What happened next after the police entered?

A. Well, they came inside. They said, well, we can tell y'all been smoking.

Q. Who said that? Do you know?

A. Sergeant Watts.

Q. Did you recognize any of the other officers that were with him?

A. Yes.

Q. Who was with Watts?

A. I believe Officer Mohammed. It was Officer Mohammed, Officer Al.

Q. Al Jones?

A. If that's his name. I don't actually know

his real name. A tall guy. I believe his name was Smitty.

Q. Are you 100 percent it was Smitty you saw?

A. Yes.

Q. Okay. Anyone else?

A. That's who I recall seeing.

Q. Was there anyone else other than Watts, Al, Mohammed, and Smitty?

A. That's who I recall seeing.

Q. At this deposition, do you recall seeing anyone else?

A. That's who I recall seeing.

Q. Right. At this deposition, you recall no one else; correct?

A. Yes.

Q. So Watts says you guys have been smoking marijuana, which was true; right?

A. Yes.

Q. And then what happened next?

A. They asked did we have any more marijuana on us, or did we have anything on us, which we responded no. They asked what we had been doing. We told them sitting here smoking marijuana and playing video games.

Q. And who was doing all the talking? Watts?

A. Yes.

Q. Okay. What happened next?

A. They came and searched our person. I believe they detained Ben as far as putting handcuffs around him.

Q. Who put the handcuffs on Ben?

A. It weren't Sergeant Watts. It was -- I can't recollect who actually put them on it, but it weren't Sergeant Watts.

Q. But one of the officers put handcuffs on him; is that right?

A. Yes.

Q. And then you're -- are you still sitting on the couch?

A. I'm still sitting on the couch, yes.

Q. What's Clarissa doing?

A. Standing there, steady asking them what's going on, what are they here for. And I remember them saying you ain't got nothing to worry about. Is anything in the apartment?

Q. Who said that?

A. Officer Watts.

Q. All right. And then what happened?

A. I believe she said no. They asked can they search. And I remember Ben saying, honey, go on and let them search.

Q. Okay. So Ben agreed that they could search the apartment; right?

A. Yes.

Q. Then what happened?

A. They started to search the apartment.

Q. And did you observe the officers searching?

A. Yes.

Q. Did they find anything?

A. No.

Q. How long did the search go on for?

A. I would say 30 minutes, 20 to 30 minutes.

Q. Where were the kids?

A. In their room.

Q. Did the kids ever come out during the search?

A. They didn't come to the front room.

Q. Was the search limited to the front room?

A. No. It was limited to the apartment. They searched the rooms, and I believe the back room, also, as well as the front living room.

Q. During the search was Ben saying anything?

A. No. Ben wasn't saying much.

Q. Did he say anything?

A. He wasn't saying much. He wasn't saying nothing besides there's nothing in here. I remember him saying there's nothing in here.

Q. Okay. And then what about -- did Clarissa say anything.

A. Clarissa didn't say no more after they agreed to let them search the apartment.

Q. Okay. All right. So the apartment is searched. The police officers, they don't recover anything. Then what happened?

A. They told Ben to stand up and that they was going to the station.

Q. Who told Ben to stand up?

A. Sergeant Watts.

Q. Okay. All right. So Ben gets up to go to the station. What happened next?

A. They -- Sergeant Watts' partners asked him what were they doing with me.

Q. Do you remember who asked that?

A. I believe Mohammed, Officer Mohammed, and Al asked Sergeant Watts what was they doing with

me.

Q. Okay. Was it Mohammed or Al? Who asked that?

A. They both asked what were we doing -- Sarge, what are we doing with him?

Q. And you're still on the couch?

A. Yes.

Q. And then what did Watts say?

A. He said cuff him and bring him to the station with us.

Q. Were you cuffed?

A. Yes.

Q. Who cuffed you?

A. Al.

Q. Did any police officer say anything to you inside that apartment?

A. No.

Q. All right. So you get cuffed, and then what happened?

A. Then they walked me out. They walked me out with Ben down to the squad car.

Q. Did you and Ben both get transported in the same car?

A. No. We got transported in separate cars.

Q. Okay. Who transported you?

A. I was in the car with Mohammed -- I was in the car with Al and Smitty, and Ben was in the car with Watts and Mohammed.

Q. Okay. And so you're taken to the police station; right?

A. Yes.

Q. Did -- on your way to the station, did the police officers who were transporting you say anything?

A. No.

Q. Did you say anything to them?

A. No.

Q. What happened after you got to the police station?

A. They took us inside, handcuffed us to the bench.

Q. Took you and Ben inside?

A. Yes.

Q. Okay. What happened then?

A. Handcuffed us to the bench. I was asking what we here for and what's going on still. And I remember Sergeant Watts saying he know what's going on, pointing towards Ben. He know what's going on.

Q. Did Ben say anything to that?

A. Ben was just like I don't know what's going on. He said you ain't got nothing. You ain't get nothing out of there.

Q. Did any -- did Watts or anyone else say anything to that?

A. Sergeant Watts said he already had his paperwork. He already had Ben's paperwork ready.

Q. At any point when you were at the station, did anyone say anything about heroin being inside a mailbox at the 527 building?

A. No. I just remember Sergeant Watts saying he know what was going on and that he had his paperwork written out already. Then they came, uncuffed Ben from the bench that I was sitting on him with (sic), and took him to a room or the back or whatever. And they still had me sitting there handcuffed to the bench.

Q. Then what happened?

A. And then I was sitting there for a while, and then I recall the other officers steady asking the sergeant what do you want us to do with him, Sarge? And I remember Watts saying, well, I already got his paperwork, referring to Ben, and

saying whatever y'all want to do with him.

Q. Who said that?

A. Who said what?

Q. Who said what do you want us to do with him, Sarge? Who said that?

A. The other officers that was there, Al and Mohammed.

Q. Okay. They both said it?

A. Yeah.

Q. Then what happened?

A. Sergeant Watts said whatever y'all want to do with him.

Q. And did they say anything in response to that?

A. No. They just was like -- like they was a little puzzled, I guess.

Q. Then what happened?

A. And then I sat there for a little more while, and then they asked again, Sergeant, what are you doing with him? He said I don't know. They was smoking weed. Write him up, something for weed, or give him a citation or something.

Q. And did you get a citation?

A. They eventually wound up writing me a

citation.

Q. Who wrote the citation?

A. I can't say who wrote it because they weren't in the room and I was still handcuffed to a bench, but they came and handed it to me.

Q. Do you remember which officer handed it to you?

A. Yes. Mohammed.

Q. Did you have to sign anything on the paperwork that was handed --

A. I had to sign something, yes.

Q. Did you look at the citation as to what it said?

A. They told it to me. We just wrote you a citation for drinking. I was, like, for drinking? I mean, I was inside. I never had a drink period.

Q. Did it require you to go to a courtroom for an administrative hearing if you wanted to?

A. I didn't even read through it.

Q. Did you ever go to the administrative hearing building for that citation?

A. No.

Q. Did you ever get anything in the mail saying there was a finding made against you?

A. No.

Q. After that day when would have been the next time you saw Ben Baker?

A. I can't recall actually when I seen him after that.

Q. How did you get home from the police station?

A. I had to walk.

Q. You were at 51st Street?

A. Yes.

Q. When you got back to Ida B. Wells, did you talk to Clarissa, or did she reach out to you to find out what happened?

A. Yes. I reached out to her.

Q. And what was said between you and Clarissa?

A. She was asking me what went on, is Ben coming home, and do we got to stay with housing. I told her what they did with me. I told her they gave me a citation and let me go. I told her that I believe that Ben was going to Cook County. I told her that they said they already had his paperwork when we got to the station.

Q. Let me ask you. Prior to that day in the

summer of '04 when you were with Ben Baker when he got arrested, have you ever had any interactions with any members of police officers that worked for Ron Watts?

A. Can you elaborate when you say "any interactions"?

Q. Any contact, interactions of any sort with any police officers that worked on Ron Watts' team?

A. Well, of course. When they came to the area, if they came to the 527 building and did whatever the police supposed to do. I don't really know what's it's called they supposed to do. But, yes, they would make everybody stand and they would pat people down and see did they have anything on them. So, yeah.

Q. All right. So you're saying that you would see the officers when they were out doing their job; right?

A. Yes.

Q. And then they'd be, you know, patting people down -- strike that.

The people that were being patted down, would those individuals be people who were involved in the narcotics activity at Ida B. Wells?

A. These people could have been anyone.

Q. Including people that were involved in the drug trade at Ida B. Wells; right?

A. Including people that were involved in the drug trade, yes.

MR. BAZAREK: All right. I think right now it's a little after 1:00 o'clock. We can, you know -- let's just go off the record right now.

THE VIDEOGRAPHER: Okay. The time is 1:04 p.m. We're now going off the record.

(Recess taken.)

THE VIDEOGRAPHER: The time is 1:38 p.m. We're now back on the record.

BY MR. BAZAREK:

Q. Did you ever speak with Ben Baker about his July 11, 2004, arrest?

A. Yes.

Q. When did you speak with him?

A. After he got out.

Q. And when you say "after he got out," after he got out of the Illinois Department of Corrections?

A. If that's when he got out from there, yes.

Q. Or are you talking about when he was arrested by federal law enforcement for selling

narcotics?

A. We didn't talk about the 2004 case when he got out of federal. So that would have to be when you say he got out of IDOC.

Q. So that would have been in 2016; does that sound right?

A. I thought he posted bail or something on that case before 2004 -- I mean after the arrest in 2004.

Q. Okay. I see what you mean. Okay.

So he -- somehow he bonds out and you talk to him?

A. Yes.

Q. And where did you have this conversation with Mr. Baker?

A. At his apartment.

Q. Apartment 206?

A. Yes.

Q. Who was present for this conversation?

A. Me and Ben.

Q. Was this during 2004?

A. If that's when he posted bond, yes.

Q. Okay. What was said between you and Mr. Baker?

A. I was just asking him about the arrest and how I felt like I don't know what was going on, but it just looked like they was -- he was being hooked up.

Q. What did Ben Baker tell you about what had happened?

A. He didn't too much say nothing. He just said that Sergeant Watts had it out for him, so this is something he had to deal with at the time.

Q. Did Ben Baker ever deny to you that there were drugs in his mailbox at Ida B. Wells?

A. No.

Q. Other than that day, did you ever have any other discussions with Ben Baker about his July 11, 2004, arrest?

A. No.

Q. Okay. Tell me. I know we talked about earlier you saw Ben outside that day, and then both you and him went up to his apartment to smoke the weed.

Before you saw Ben Baker, were you at any other buildings at Ida B. Wells?

A. No.

Q. Would you ever go to the 559 building?

A. Yes.

Q. Did you have friends over at the 559 building?

A. No.

Q. Who would you go to see at the 559 building?

A. I would just walk over there.

Q. Would you walk over there to sell crack cocaine?

A. No.

Q. Would you go over there to sell marijuana?

A. No.

Q. Would you go over to the 559 building to obtain crack cocaine to sell?

A. No.

Q. So what would bring you over to the 559 building?

A. Just walking around the neighborhood.

Q. Did you ever live in the 559 building?

A. No.

Q. Okay. So I'm going to show you Exhibit 1.

(Exhibit 1 referenced for identification.)

BY MR. BAZAREK:

Q. So, Mr. Moore, remember earlier you were talking about some type of citation of some sort when you were at the police station; do you remember that?

A. Yes.

Q. Okay. So let's -- this is Exhibit 1. Let's go to page 4. And I'll just read the -- it's COPA-WATTS-041788.

And have you ever seen one of these before, these ANOVs they're called? You've gotten those over the years, right, an ANOV, a ticket?

A. Like parking tickets?

Q. No. I'm talking about -- you described the citation that you were issued following Ben Baker's arrest; right?

A. Yes.

Q. Okay. And looking at this on page 4, it says -- if you can read it. It says violation. It has 559 East Browning.

Do you see that? If you could scroll -- yeah, that's it.

Do you see that address, 559 East Browning? Do you see that?

Can you read that, or you can't read it?

A. Yeah, I see it.

Q. Okay. And then looking at this, it looks like it was issued on July -- if I'm reading this right -- July 11, 2004, at 10:25 a.m.

Do you see that?

A. Um-hum, yes.

Q. Yes. Okay.

And then if we go -- scroll down a little more, there's a place for someone to sign.

Do you see the name there?

A. Yes.

Q. Is that your name?

A. Yes.

Q. Is that your signature?

A. Yes.

Q. And going to -- let's go up again to the section where it says offense, trespassing.

Do you see it there?

A. Yes.

Q. And then the ticket at the top, it's issued to Elgen Moore; right?

A. Yes.

Q. Okay. And do you actually -- as you sit

here at this deposition, do you remember signing this ticket and acknowledging receipt of it?

A. I remember signing the ticket, yes.

Q. Yeah. Was it for trespassing at the 559 building?

A. Yes.

Q. All right. And let's -- give me a second.

If we go to page 6, and you see there's a citation issued to Elgen Moore.

Do you see that?

A. Yes.

Q. Right?

A. Yes.

Q. It has your date of birth on there, right, December 18, '82?

A. Yes.

Q. Okay. And then if you scroll down a little more, this occurred at the 527 building, so 527 East Browning, and this is on July 11, 2004, and this occurs at 10:05 a.m.

Do you see that?

A. Yes.

Q. And then if you look at the narrative of what the citation is for, it says "Above was

observed drinking from an Olde English malt liquor bottle."

Do you see that?

A. Yes.

Q. Okay. And then if you go to -- let's go towards the bottom again. It has the name Elgen Moore; right?

A. Yes.

Q. Is that your signature?

A. Yes.

Q. Did you get two separate citations that day?

A. I had to, yes.

Q. Is it your testimony that you weren't drinking alcohol that morning on July 11, 2004?

A. Yes.

Q. You know you weren't, or you don't remember one way or another?

A. I know for sure I wasn't.

Q. And as you sit here at this deposition, you do recall signing two different citations?

A. Yes.

Q. Did you get one of the citations back at Ida B. Wells earlier in the day?

A. No.

Q. So it's your testimony that you received two citations at the police station?

A. Yes.

Q. Who was the officer that issued the citations to you?

A. The officers that was with Watts.

Q. Which one?

A. I told you they went to the back and wrote the citations and kept me sitting at the bench handcuffed, so I can't say actually who wrote the citation.

Q. At any time that day did you see any Caucasian officers at the police station?

A. Yeah. When you enter a police station, yes, you're going to always see a Caucasian.

Q. Okay. Let me ask you this question.

At any time that day -- you've already described who was in the Apartment 206; right?

A. Yes.

Q. And those officers were all African American; right?

A. Yes.

Q. So when you got to the station, at any

time did you observe any Caucasian officers who were on Ron Watts' team?

A. Inside of the apartment?

Q. No, at the station.

A. No.

Q. At any time when you were at the station, did you see any Hispanic officers that were on Ron Watts' team?

A. No.

MR. BAZAREK: Okay. Let's look at -- let's go to -- let's go to page 5 of this exhibit. And I'll just say it's COPA-WATTS-041789.

BY MR. BAZAREK:

Q. And do you see there, Mr. Moore, that there was a finding made against you regarding the trespassing; do you see that?

A. (No audible response.)

Q. That there was a default judgment entered against you; do you see that? For $500 for the trespassing?

A. Yes.

Q. And that's because you didn't go to the hearing; right?

A. Yes.

Q. Okay. And then let's look at -- if we go to page 7, as to drinking in the public way, it looks like there was another default judgment against you for $500; do you see that?

A. Yes.

Q. And there was a default because you didn't go to the hearing; right?

A. Yes.

Q. And you knew from the two citations you were issued that you could contest it or you could go to a hearing to challenge it; right?

A. No.

Q. You didn't know that?

A. No.

Q. Okay. Other than that day on July 11, 2004, have you ever been issued any other ANOVs or citations?

A. No.

Q. Okay. All right, Mr. Moore.

MR. BAZAREK: We can take that exhibit down. Thank you.

BY MR. BAZAREK:

Q. Your lawsuit is over the arrest that occurred on December 16, 2004; right?

A. Yes.

Q. And at that time you were a crack cocaine dealer; right?

A. Yes.

Q. What's the first thing you remember about that day?

A. The first thing I remember about that day?

Q. Yes.

A. Waking up, getting dressed, coming up with my plans of what I was going to do for my birthday.

Q. And your birthday was in two days; right?

A. Yes.

Q. Had you sold a lot of crack cocaine that week leading up to your birthday?

A. Yes.

Q. Around the holidays, do people buy more cocaine, heroin around the holiday time -- season?

A. No.

Q. Okay. But you had -- how much did you make that week selling cocaine leading up to your birthday?

A. You say that week?

Q. Yes.

A. Not much, maybe 300, $350.

Q. And did you package the crack cocaine over at Joanne's apartment that week?

A. Yes.

Q. And was Scully your supplier for that week?

A. Yes.

Q. So on December 16, 2004, what time were you selling crack cocaine from the 527 building?

A. I wasn't.

Q. How do you know that?

A. Because I was gone from 527 all that day -- the majority of that day.

Q. So the last time you sold crack cocaine from the 527 building, it would have been on December 15, 2004, the day before?

A. Or maybe the 14th.

Q. Okay. One or the other; right?

A. Yes.

Q. So were you taking a break on the 16th from crack cocaine sales?

A. Yes.

Q. Why?

A. Because I had plans for my birthday and just wasn't trying to get in any trouble before

that day.

Q. You didn't want to be in jail for your birthday?

A. I didn't want to get in any trouble before my birthday.

Q. Well, you never want to be arrested when you're dealing drugs; right?

A. I wouldn't say that, but I didn't want to be in any trouble at that time considering that it was my birthday in a few coming up.

Q. Would you agree that most of the times when you were selling crack cocaine or heroin, that you were not apprehended by law enforcement?

MS. GIZZI: Objection, form.

THE WITNESS: Can you repeat that?

MR. BAZAREK: Can you read back that question, please, Ms. Court Reporter?

(Record read.)

THE WITNESS: Is you just speaking 2004 or period?

BY MR. BAZAREK:

Q. Well, let's start with 2004.

A. Yes.

Q. And what about a lifetime of selling

illegal narcotics? Would you agree that the vast majority of time that you were selling you were not apprehended by law enforcement?

A. I was not apprehended by law enforcement, no.

Q. Right. That's a true statement; right?

A. Yes.

Q. You sold drugs, and the vast majority of the time you never got caught; right?

A. No.

Q. That's a correct statement?

A. Yes.

Q. Okay. So did you have plans to spend some time with your girlfriend that day?

A. Which day?

Q. The 16th.

A. No, probably later on that night, in the night.

Q. Okay. Well, just tell me what your plans were for that day, for December 16th. I know your birthday is coming up in two days.

A. Oh, plans for December 16th. I left. I went to kick it with my friends in the Englewood neighborhood. I just been hanging over there all

day smoking, just hanging with them.

Q. Smoking a lot of weed?

A. Smoking a lot of weed, what you doing, what I had going on for my birthday and everything. And I was just telling them that we was going to go out, probably get something to eat and do a little hanging.

Q. And then who were you going to go out with?

A. Some of my friends from Englewood.

Q. So no -- you had no female acquaintance to hang out with that night?

A. Probably later got with my girlfriend.

Q. Okay. All right. So what time did you go to Englewood on that day?

A. I got into Englewood probably since about 1:00 or 2:00 p.m. that day.

Q. You -- that's when you left, or that's when you came back?

A. That's when I left.

Q. Okay. What time did you come back?

A. I came back. It was nighttime. I just remember it was nighttime.

Q. Were you pretty high?

A. Yeah.

Q. I mean, you were smoking weed all day, right, pretty much?

A. Yes.

Q. Okay. Were you guys drinking, too?

A. No, not too much drinking. I wasn't a big drinker.

Q. Right, but did you have any?

A. No. I just -- I was mostly smoking.

Q. Okay. But not even like one beer?

A. No. I didn't drink beer at all.

Q. One shot of tequila?

A. No.

Q. All right. What time did you get back to Ida B. Wells?

A. Nighttime.

Q. Do you know about what time it was?

A. I just know it was nighttime. It was dark outside when I came back. That's all I could remember.

Q. Okay.

A. I don't know the actual time.

Q. And prior to that day, when would have been the last time you had seen Scully?

A. Like I said, maybe a week or two.

Q. And that was the last time he had given you your cocaine supply to sell?

A. Yes.

Q. Okay. All right. So you get back home, Ida B. Wells. It's dark out. What do you do?

A. I stopped. I said a few words to people that was in the lobby that I knew at 527 and --

Q. Was anyone selling drugs in the lobby when you got back?

A. Can you repeat that?

Q. Was anyone selling drugs in the lobby when you got back?

A. There was a few people in the lobby. I didn't stop to ask or see who was really selling drugs. I just seen people in the lobby, spoke to few people I knew, and proceeded to go to the stairwell.

Q. Were any of them working a pack or a bundle?

A. Well, there was people there. I couldn't say who was working the pack at that time, who was doing it, so ...

Q. Yeah. I'm not asking you if you know who

it was, but was someone down there?

A. I guess so, yes.

Q. Okay. You would agree you had people working packs -- strike that.

You would agree if someone wanted to buy drugs at Ida B. Wells, you could buy drugs 24/7; true?

A. No.

Q. And what was the hour -- what hour was it when you couldn't buy drugs?

A. Maybe whenever the last person left from the lobby, whoever they may be.

Q. Okay. Okay. So you see people in the lobby. Even though you don't know who, someone is selling illegal narcotics at that time; right?

A. Can you repeat that?

Q. When you get back to the Ida B. Wells in the lobby, someone is selling narcotics, but you just don't know who; correct?

A. Yes.

Q. Okay. And you talked to a few friends. Do you remember any of the friends that you talked to?

A. I can't really say who I talked to.

Common people that lived in the building that was standing down there at that time.

Q. Okay. Did you see any police at that time?

A. No.

Q. What did you do next?

A. I proceeded to go to the stairwell to walk up the stairs, because someone in the lobby notified me that the elevator was broken at the time.

Q. Okay. Then what happened?

A. I proceeded to go up the stairs. I was going up the stairs. I got to the fifth floor, the floor I stayed on. I heard -- I heard footsteps running up the stairs right after I made it to the fifth floor.

Q. Then what happened?

A. I went to my mother's door. I went to my mother's door.

Q. Apartment 506?

A. Apartment 506, yes. And I was knocking on the door and didn't get an answer. So I seen Bryant Patrick at the time going into his girlfriend apartment.

Q. At that time when you saw Bryant Patrick, was he already working for Ben Baker selling heroin?

A. Yes.

Q. Was Bryant Patrick in the lobby when you first arrived that evening?

A. No.

Q. Okay. All right. So you're up -- how long were you knocking on the door? I know you said no one answered for you.

A. I knocked a few times. My mother didn't answer. I seen Bryant Patrick. So I seen him go in his girlfriend house. He was basically saying I ain't seen you all day. Like, what you on? I'm like, I ain't on nothing, just letting him know I just made it back.

Q. Okay. What apartment did Bryant's girlfriend live in?

A. Apartment 504.

Q. And did Bryant Patrick, did he live on the fifth floor, too, or just his girlfriend?

A. He lived on the fifth floor, too.

Q. Was he in 501?

A. Yes.

Q. Okay. All right. So then you see those two outside apartment -- I'm sorry. You see Bryant Patrick outside of Apartment 504?

A. Yeah, coming around the corner going to Apartment 504, yes.

Q. When you got to the fifth floor, did you see Bryant Patrick there before you knocked on your mom's apartment door, or he came later?

A. He came from around the corner. I actually came from the other side of the stairwell. He lived around the corner, so he came from around the corner.

Q. Okay. Who was on the fifth floor first, you or him?

A. I was, I guess. I guess he was already on the fifth floor if he came from around the corner.

Q. Do you think he was the one who was running, that you heard someone running?

A. No. I seen people run past the fifth floor.

Q. So did you take that mean the police were in the area? That's why a bunch of people are running?

A. Yes.

Q. Okay. And you first saw Bryant Patrick after you heard the sound of footsteps and someone running; right?

A. I saw Bryant Patrick come from around the corner while I was knocking on the door.

Q. Was he running, Bryant Patrick?

A. No.

Q. Did you hear anyone yelling police, clean up, anything like that?

A. No, not from the fifth floor.

Q. Okay. All right. So what happens after you see Bryant Patrick?

A. Like I said, he asked me what -- he ain't seen me all day, what was going on with me. I told him I just made it back. I've been hanging it with my friends. And he was just asking me what I was doing. I said I wasn't doing nothing. I told him I had a little weed I brought back with me. He told me he'd smoke some with him.

Q. How much weed did you still have with you?

A. About $20 worth.

Q. Okay. So you go into Apartment 501 with Bryant -- or Apartment 504 with Bryant?

A. Yes.

Q. And was anyone else in Apartment 504?

A. His girlfriend and her kids.

Q. Okay. Do you remember her name, the girl, girlfriend?

A. I knew her as Boo.

Q. How do you say it?

A. Boo.

Q. Boo, like B-O --

A. O, Boo. Yes.

Q. All right. Then what happened after you went inside the apartment?

A. Just went in there. Me and Bryant went to the living room, sat back. He gave me a blunt so I could roll some of the weed up, marijuana that I had. And we just smoked and was chilling.

Q. All right. What was the girlfriend doing?

A. She was in her room.

Q. Was she smoking with you guys?

A. No. She was in her room.

Q. And how many kids were in the apartment?

A. They was in their room. I didn't look in there to see how many kids was in there.

Q. Were they already in bed or --

A. They was in their rooms.

Q. Okay. So did you ever see any children inside the apartment?

A. Yes.

Q. At what point?

A. When I first entered.

Q. Okay. And so then they went back to their room?

A. We had to walk past their room to get to the living room.

Q. Okay. All right. All right. So you and Bryant, you're -- so was it one blunt you rolled or was it more than one?

A. I just rolled one. He only gave me one blunt.

Q. But you had your own stash of weed; right?

A. That was the weed I had.

Q. Who made the blunt?

A. I did.

Q. Okay. Were you sharing the blunt? That's all I'm getting at.

A. Yes.

Q. Okay. So did you guys smoke the entire blunt?

A. Yes.

Q. And were you high?

A. Yes.

Q. Was Bryant Patrick high?

A. I guess.

Q. Okay. Then what happened next? Another knock on the door?

A. Eventually, yes.

Q. Okay. How long were you in the apartment before you heard a knock on the door?

A. Maybe 30, 40 minutes.

Q. What happened after you heard the knock on the door?

A. Bryant told his girlfriend to go see who's that at the door.

Q. Did she do it?

A. Yes.

Q. What happened next?

A. She -- she asked who is it? They presented -- I guess they presented theirself as the police, and she told Bryant that the police was at the door.

Q. What did Bryant say?

A. See what they want.

Q. So what? She goes back?

A. Yes.

Q. Okay. Do you know why Bryant didn't go to the door?

A. No.

Q. Okay. So she goes back to the door. Then what happens?

A. The police was still banging on the door. And Bryant says you probably going to have to open the door, because they just broke her door down, I believe he said, before.

Q. Oh, her 504 door was broken in by the police earlier?

A. No. No, not earlier that day.

Q. Okay. Like earlier like -- strike that.

Did she open the door for the police or not?

A. Well, I was sitting in the living room, so I can't say what. I just seen the police come in, barge in.

Q. So you don't know whether or not she opened the door for them?

A. I was sitting in the living room. All I recall is I seen police barging in afterwards.

Q. Okay. Who came barging in?

A. Sergent Watts and his crew.

Q. And when you say "Sergent Watts and his crew," who's the crew?

A. The people that -- some of the other officers that worked with him.

Q. Who were the ones you saw inside Bryant's girlfriend's apartment?

A. I seen Officer Mohammed. I saw Officer Al. I saw with another officer that was kind of heavyset. I don't know his name.

Q. What race was he?

A. African American.

Q. Okay. Who else?

A. That's who I remember seeing for sure.

Q. Did you observe any Caucasian officers inside the apartment?

A. No.

Q. Did you observe any Hispanic officers inside the apartment?

A. No.

Q. All the officers you saw inside the apartment were African American; is that right?

A. Yes.

Q. How many total were there, including

Watts?

A. I remember four officers.

Q. And the four would include Watts; is that right?

A. Yes.

Q. Okay. All right. What happened after the four officers were inside the apartment?

A. They just asked us what we was doing.

Q. Who was doing the talking?

A. Sergeant Watts.

Q. Anyone else?

A. No.

Q. What did Watts say?

A. What we was doing.

Q. And what did you say back?

A. Nothing. Smoking weed.

Q. What else was said?

A. That's all that was said.

Q. Did Bryant say anything?

A. He didn't say nothing, but we just -- we ain't doing nothing but smoking a little weed, Watts.

Q. Did you still have some weed left on you?

A. No.

Q. Did the apartment smell like weed?

A. Yes.

Q. Comparing the two, when you were smoking weed in Ben's apartment on the day he got arrested, and then now you're smoking weed with Bryant in his girlfriend's apartment, which house did you smoke more weed at?

A. Neither of them.

Q. Was it equal?

A. If you want to say so.

Q. No. I'm asking you, you know.

A. It wasn't never a main person house that you just went to to smoke weed.

Q. Were you higher at Ben Baker's apartment on the day he got arrested, or were you higher at Bryant's girlfriend's apartment?

A. I would say I was higher at Ben Baker's apartment.

Q. Okay. All right. So you tell Watts, hey, we're just smoking some weed?

A. Yes.

Q. Then what happened?

A. He said what's in here? He asked us what's in here?

Q. Then what happened?

A. We said nothing. I told Watts I don't live here, so I don't know.

Q. Then what happened?

A. They started to search the apartment.

Q. Did the officers find anything?

A. No.

Q. What was Bryant's girlfriend doing during the search?

A. They told her to go in her room, or she could sit up here in front on the couch with us. She went in the room with her kids.

Q. Could you hear anything that her and the kids were saying at any time during the time the police were in the apartment?

A. I didn't hear them say anything.

Q. Okay. How long did the search go on?

A. I can't say approximately, but we was up there for a while.

Q. What happened next?

A. They handcuffed us, took us out the front room, took me and Bryant in a room that was in the apartment, searched and kept asking Bryant where the stuff was at. He kept saying wasn't nothing in

there, wasn't nothing in there.

Q. You were taken to another apartment?

A. No, a room that's inside the apartment.

Q. Oh, okay. So to have what? A private discussion, so to speak?

A. No. I wouldn't say that.

Q. Was it a bedroom? Was it a bathroom?

A. It was a bedroom. Yeah, a bedroom.

Q. Okay. So Bryant is telling -- saying, hey, I've got nothing in here; right?

A. Yes.

Q. And then what happened?

A. They were searching. They were searching the apartment. They handcuffed us and put us on our knees in the bedroom.

Q. Right. And the search -- did they recover anything during the search?

A. No.

Q. Then what happened?

A. Then after searching for so long, Sergent Watts had left out the apartment on like two occasions, and then came back and then kept asking them did they find anything, and they said no on the first occasion. Then when he came back again,

he said I know there's something in here. Search again. They searched us again. They searched the apartment again. They didn't find nothing. And then once he came back, he said they going anyway. Take them downstairs to the lobby.

Q. Who told Watts that they didn't find anything during the search?

A. The officers that were still in the apartment.

Q. Which one?

A. All the officers that was in the apartment that came in with him. The officers I named.

Q. Mohammed, Al, and the heavyset --

A. Yes.

Q. -- officer; is that right?

A. Yes.

Q. They all told him, hey, we didn't find anything?

A. Yes.

Q. Okay. All right. So then Watts says, well, take them to the lobby; do I got that right?

A. Yes.

Q. All right. And then you were taken to the lobby; right?

A. Tooken downstairs to the lobby, yes.

Q. And you were already in handcuffs?

A. Yes.

Q. And Bryant Patrick is in handcuffs?

A. Yes.

Q. When you were being led out of the apartment with Bryant Patrick, was his girlfriend still in the bedroom with the kids?

A. Yes.

Q. Okay. All right. Are you walking down the stairwell to the lobby?

A. Yes.

Q. What happened after you got to the lobby?

A. They put us on our knees when we got downstairs in the lobby with other people they had in the lobby.

Q. Did you see any different officers when you were in the lobby?

A. Yes. When we got to the lobby, there was more officers in the lobby.

Q. To your knowledge, were they on Watts' team, or you don't know one way or another?

A. Yes.

Q. They were on Watts' team?

A. Yes.

Q. Okay. Do you know any of their names or who they were?

A. I don't know all their names, but I remember seeing Sergeant -- I mean, Officer Gonzalez, and I remember seeing the white guy that used to work -- be with Officer Gonzalez and Watts.

Q. A white guy?

A. Yes. I don't know his name.

Q. Can you describe him besides a white guy?

A. A guy that wore glasses.

Q. He wore glasses?

A. He wore grasses.

Q. Do you remember how his hair -- how he wore his hair?

A. Somewhat. It was cut a little bit, but somewhat almost similar to yours, I would say, but with a lower cut, I would say.

Q. So shorter hair?

A. A little shorter than yours, cut, yeah, white guy.

Q. All right. So you got Gonzalez. You got --

A. You got Gonzalez. You got him. You got a

few more people. I don't know all their names, though. I don't know all their names.

Q. Okay. So -- but the first time you saw those other officers that worked for Watts was when you were taken down to the lobby; right?

A. Yes.

Q. Okay. What happened now? You're in the lobby. You're with Patrick. What happens next?

A. Like I said, they had people in the lobby down there. So it seemed like they were still searching in the lobby a bit.

Q. They're looking for drugs; right?

A. Yes, I assume.

Q. I didn't ask you this.

How much money did you have on you?

A. I had something over $1,000. I can't actually remember. I had something over $1,000 on me.

Q. And the $1,000, that was money you had from selling the crack cocaine; right?

A. Yes.

Q. When you were in Englewood, how much cash did you spend that day when you were out partying with your buddies?

A. Probably about $150.

Q. Okay. All right. Anyway, so -- all right. There's other people there. They're in custody. The police are looking for narcotics in the lobby area. What happens next?

A. The next thing that happened was Sergeant Watts notified us that we was going to jail.

Q. How did he do that?

A. Because I kept saying, Watts, we ain't got nothing, so what you steady holding us for? And he told us that you and him going anyway. Basically meaning me and Bryant Patrick was going to jail anyway. I said, Watts, you ain't find nothing on us. We ain't have nothing. And he said that we was going anyway. And Al stated to me that he was tired of me anyway and that I was going to jail that day.

Q. Al said he was tired of you?

A. Yes.

Q. What did you take that to mean?

A. I took that to mean that I was going to jail.

Q. Right. I'm asking you what -- kind of what you make of it. When he's saying I'm tired of

you, what does that mean?

A. I didn't know what it mean, but I was going to jail.

Q. When had you ever had contact with him?

A. He came to my mother apartment before with Sergeant Watts.

Q. When was that?

A. Multiple times.

Q. And he was there on a narcotics investigation?

A. Yes.

Q. Well, you were a crack cocaine dealer in the 527 building; right?

A. Yes.

Q. So why would that even be unusual for, you know, Jones or for Watts to be, you know, knocking on the door of your mother's apartment?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Can you repeat that?

BY MR. BAZAREK:

Q. Do you find that unusual if you're a drug dealer at Ida B. Wells that the police would be investigating you?

A. No.

Q. And so when you said that Jones or -- I'm sorry. When you said that Al and Watts would go to your apartment, can you describe that in more detail as to what occurred during those times?

A. Coming in, searching.

Q. And when was this? During 2004?

A. 2004, other times. Yes.

Q. Okay. During all the times that they were at your mother's apartment searching, you were a drug dealer; right?

A. Yes.

Q. Did they ever find any drugs inside your mom's apartment?

A. No.

Q. Where would you store your heroin and cocaine when you weren't -- when you still had some left over?

A. I would sell. I would sell what I had for the day.

Q. So not a day ever went by where you didn't sell all the narcotics that you had?

A. No.

Q. Did you ever have occasions where whatever

amount of cocaine and heroin you had sold out, and then you had to go replenish it and get more heroin or cocaine?

A. Yes.

Q. And that would occur when you and Bryant were selling the heroin for Ben Baker; right?

A. Yes.

Q. I mean, you're selling heroin and they're going like hot cakes, and then you've got to go -- how would you get the other heroin from Ben Baker to sell?

A. Bryant would give it to me.

Q. Right. But would Bryant go up to Ben's apartment to get more heroin?

A. Yes.

Q. Okay. Did you ever go with Bryant to, you know, get the bundles of heroin from Ben Baker's apartment when you ran out?

A. No.

Q. Okay. Did Ben Baker trust Bryant more than you?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Yes.

BY MR. BAZAREK:

Q. And why do you think that is?

A. I can't say.

Q. Right. Because what you're telling me is Bryant would be the one that would get the heroin from Ben Baker to sell, not you; right?

A. Yes.

Q. Yeah. I'm just wondering why it was always him, not you, getting heroin yourself from Ben Baker.

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Because Bryant worked for him.

BY MR. BAZAREK:

Q. Well, so did you.

A. Yeah.

Q. Was it because he worked for him longer?

A. Maybe so.

Q. Other than you and Bryant Patrick, who else sold heroin for Ben Baker?

A. Multiple people.

Q. Who were the other people that sold heroin for Ben Baker?

A. People who -- other people who stayed in the building. People who didn't stay in the building, stayed in the neighborhood.

Q. Did Ben Baker have dozens of people selling heroin for him?

A. Yes.

Q. Did Ben Baker have hundreds of people selling heroin for him?

A. No.

Q. What's your best approximation of how many people were selling heroin for Ben Baker?

A. Dozens.

Q. Okay. Other than yourself and Bryant Patrick, can you name any other individual out of these dozens of people who sold heroin for Ben Baker?

A. Paul, Mike.

Q. Names or nicknames?

A. These nicknames. You don't -- you don't be actually knowing the person real name. These just their nicknames.

Q. Okay.

A. Paul, Mike, Rooney, Cam, Manny, Corey, just names off the bat.

Q. Was that Corey Owens?

A. Yes.

Q. He sold heroin for Ben Baker; right?

A. Yes.

Q. You know Gregory Young, right, Baybay?

A. Yes.

Q. Did he sell heroin for Ben Baker?

A. Yes.

Q. What about Twainy? Do you know Twainy?

A. Yes.

Q. And Antoine Bradley is his name; right?

A. I don't know his real name.

Q. Did Twainy sell heroin for Ben Baker?

A. Twainy, yes.

Q. Any other individuals you remember who sold heroin for Ben Baker?

A. Those are some individuals I remember off the bat. I can't remember everyone.

Q. Okay. Okay. So you're being told now you're being arrested, you and Bryant; right?

A. Yes.

Q. And you're picked up by Watts. He's saying you two are going to be arrested; right?

A. Yes.

Q. Then what happened?

A. We was put into the police car and transferred to the police station.

Q. Do you remember who transported you?

A. I don't actually remember who transported us.

Q. Okay.

A. Actually, we was took in a paddy wagon because multiple people went -- were arrested that day.

Q. Do you know any other people who were arrested that day?

A. I was. No.

Q. Okay. All right. So you're put in, as you say, the paddy wagon. You're taken to the station. What happened at the station?

A. We were tooken into the room where they handcuff you to the bench and do their paperwork.

Q. You were being processed? Processing?

A. Well, that's where they write the report before -- I guess being processed, yes.

Q. Okay. And was there anything said by any police officer after you arrived at the station?

A. After writing -- while they was writing

the reports, Watts -- no, Mohammed asked was any of the officers hungry, and they said yeah. What are you getting? And Watts asked them what they was -- and Watts said why don't you order pizza? And Watts wind up asking me and Bryant were we hungry. And I was, like, no. I just want to go home. What are we being charged with? And he, like, well, you going to jail. You'll see what you're charged with, but you sure you ain't hungry before you go to Cook County because -- and I seen him flashing some of the money in his hand like, well, you paying for it anyway.

Q. Are you talking about the $1,000 that you had?

A. The thousand-and-so dollars. I seen him flash some of the cash saying that basically I was paying for it anyway.

Q. How was the $1,000 taken from you?

A. How was it taken?

Q. Yes.

A. From them going into my inventory.

Q. Right. But where did you have the $1,000? Before you saw the police that day, where did you get keep the $1,000?

A. Oh, in my pocket.

Q. Right. And then how did it leave your pocket?

A. Because they took it out. They took it out of my pocket when we got to the station.

Q. Okay. That's what I missed.

Who took it out of your pocket?

A. I want to say Mohammed took it out of my pocket 'cause that's who walked me into the police station and said -- and was telling Watts that he got cash on him.

Q. Okay. And did Mohammed, did he search you at the station?

A. He searched me. They searched us multiple times at the apartment, and they searched, and he just pulled the cash out of my pocket when we got to the station, and then he put me to the bench.

Q. Okay. But you had -- the cash remained in your pocket until you got to the police station; is that true?

A. Yes.

Q. Okay. And then did you have the cash in a wallet or just not in a wallet?

A. Not in a wallet.

Q. And so Mohammed takes the $1,000; right?

A. It was over $1,000.

Q. Yeah. How much was it total that you remember?

A. I didn't get a chance to count it. I had been steady since I been out, so I didn't get a chance to count it.

Q. Well, on that day when you started your day before you went to Englewood to get high, how much money did you have with you?

A. I'd say around $1,600 or so.

Q. Okay. And you've already testified about how much you think you spent when you were with your buddies in Englewood.

So what did Mohammed do with the money he took out of your pocket?

A. They sat it on the desk.

Q. Okay. After it had been on the desk, did anyone touch it?

A. They was picking the money up to pay for the pizza. That's when I seen them pick the money up off the desk. And that was the money Watts was flashing saying he paying for the pizza, and that's why he was asking did we want any because I was

paying for it anyway.

Q. Okay. Did pizza actually get delivered to the station?

A. Yes.

Q. Did you have any of the pizza?

A. No.

Q. Did Bryant Patrick have any of the pizza?

A. Yes. He took some.

Q. Did any other food other than pizza get delivered?

A. No.

Q. Were the police eating the pizza?

A. Yes.

Q. Do you remember where the pizza was from?

A. No.

Q. Okay. All right. So you're being processed. Pizza is being delivered. Of the money that you had with you that you got from selling crack cocaine, that was being used to buy the pizza; right?

A. Yes.

Q. Okay. And what happened next?

A. They finished doing -- writing our paperwork up eventually, and I was just asking why

is this going on and y'all didn't find anything.

Q. And what was said in response to what you said?

A. That you -- when you get fingerprinted, you're going to know your charges.

Q. Who said that?

A. Watts.

Q. And then what happened?

A. Then we were took to the back and fingerprinted and put in the holding cells.

Q. Were you put in a cell with Bryant Patrick?

A. No. He was next to me.

Q. Were you guys talking at all when you were in the cell?

A. Yes.

Q. What did you say to each other?

A. Just basically this is BS, and they ain't even find nothing, and we still ain't really know what our charges was.

Q. When you went into the lockup, they have lockup keepers there; right?

A. Yes.

Q. And they screen you; right? They ask you

questions? They look you over?

A. Yes.

Q. At any time did you tell any of the lockup keepers that you didn't know what you were being charged with?

A. Yes. We told them that we didn't know what we was being charged with.

Q. And then what was said in response to that by the lockup keepers?

A. We'll let you know after we get y'all fingerprinted.

Q. And is that what happened?

A. Yes.

Q. And what were you told after you were fingerprinted?

A. We was basically told that we was going to Cook County Jail that morning.

Q. You were told this by the lockup keepers?

A. Yes.

Q. Do you remember what the lockup keepers looked like?

A. Not actually, but I remember it was a Black guy.

Q. Was he in a uniform, like the regular

police uniform, or was it a detention aide with the dark blue uniform?

A. Uniform.

Q. Okay. So did the lockup keeper tell you what you were being charged with?

A. Eventually. Once he got us fingerprinted and let us make our phone call, he said we was being charged -- we both being charged with drugs, but he didn't actually say what the charges was, that we both were being charged with drugs.

Q. Okay. And then did you -- did you say anything to that?

A. No.

Q. Did you tell that lockup keeper, hey, I didn't have any drugs?

A. Yes.

Q. Oh, you told them that?

A. We told them that as soon as we came back there, when we was already asking him when we going to know what we being locked up for. He said what did you'll get caught with? We said nothing.

Q. Okay. All right. So then are you taken -- you're in the lockup. Anything else happen while you were in the lockup waiting to go

to court?

A. No.

Q. And then you were taken to court. Was it the next morning?

A. Yes.

Q. Did you go on a bus?

A. Yes.

Q. Were you with Bryant Patrick?

A. Yes.

Q. Were you on the bus -- were you on the bus with any of the people that were arrested in the lobby?

A. No.

Q. Okay. So when you went to -- when you were first brought to court, you were brought in front of a judge; right?

A. Yes.

Q. There's a hearing to determine whether or not there's probable cause to detain you; right?

A. Yes.

Q. Did the judge find there that there was probable cause to detain you?

A. Well, when you go in front of the judge in Cook County, you go for a bond hearing. You don't

go to see if there was probable cause or not.

Q. Okay. So the first time you went to court was for a bond hearing; right?

A. Yes.

Q. What happened at the bond hearing?

A. They gave us -- we seen the judge, and he told us how much money we would need to post bond.

Q. Okay.

A. He said if we wasn't able to post bond, that we would be basically in jail until we had a hearing -- until we went to court for -- to have a hearing.

Q. How much money were you to post to keep you from going to jail?

A. I can't recall what my bond was at that time.

Q. Did you have money to pay for the bond?

A. No.

Q. At any time when you were in front of that judge for the bond hearing, did you tell the judge that you had been falsely arrested?

A. No. You don't get a chance to talk.

Q. At any time when you were in front of that judge at the bond hearing, did you say that you

were being framed?

A. You can't talk to the judge.

Q. At any time during that bond hearing, did you tell the judge that you were being framed?

A. No.

Q. At any time when you were in front of the judge at the bond hearing, did you say that you had more than $1,000 stolen from you?

A. No.

Q. Ultimately your case was heard in the criminal court, and on the 16th of February 2005 you pled guilty to a narcotics offense; correct?

A. Yes.

Q. And that was in front of Judge Bertina E. Lampkin; right?

A. Yes.

Q. You were represented by attorney Matthew Mahoney; is that right?

A. Yes.

Q. That was Ben Baker's lawyer, too; right?

A. Yes.

Q. How did you hire Matt Mahoney?

A. I believe Ben and my mother had sent him to court for me.

Q. Did Ben pay your legal fees with Matt Mahoney?

A. I believe him and my mother did.

Q. Do you know how much they paid Mahoney?

A. I never asked, no.

Q. Did you ever tell Mahoney that you were being framed?

A. Yes.

Q. He let you plead guilty even though you told him you were being framed?

A. Yes.

Q. What did he -- what did Mahoney say to you when you told him you were being framed?

A. He let me know that I could have fought the case, but the case takes time to fight, and that they would were offering me a plea right then and there.

Q. And so even though you told attorney Matt Mahoney that you were being framed, he let you plead guilty to a drug crime?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Yes.

BY MR. BAZAREK:

Q. Why didn't you fight it?

A. He let me know that it was going to take time, and they was giving me a plea right then and there and I would be able to leave. So I took it as that was the fastest way of going home right then and there.

Q. And the deal was you were going to get out of jail, right, because you had 60 days time considered served?

A. Right then and there, yes.

Q. And you were going to get probation; right?

A. Yes.

Q. So you wouldn't have to go to the penitentiary; right?

A. Yes.

Q. And so you agreed? You voluntarily agreed to plead guilty; right?

A. Yes.

Q. And as far as you were concerned, you were getting a good deal; right?

A. Yes.

Q. It beat the alternative, right, that you

could end up going to prison; is that right?

A. Yes.

Q. Okay. Let's look at Deposition Exhibit No. 2.

(Exhibit 2 referenced for identification.)

BY MR. BAZAREK:

Q. Mr. Moore, this is your arrest report from December 16, 2004. Have you ever seen this document before?

A. Yes.

Q. Okay. And I just want to -- for occupation, it looks like it's Box 23. It says you were unemployed. That's true; right?

A. Yes.

Q. Well, it's true that the report says you were unemployed, but at the time in 2004, you were a drug dealer; right?

A. Yes.

Q. So the only employment that you had in 2004 was as a drug dealer; correct?

A. Yes.

Q. And then, also, if you go down to the narrative section, you see it says gang affil.

Do you see that?

And then it says GD. Do you see that?

A. Yes.

Q. And GD is Gangster Disciple; right?

A. Yes.

Q. And did you report to any of the officers while you were in custody that you were a Gangster Disciple?

A. No.

Q. Is Bryant Patrick a Gangster Disciple?

A. No.

Q. I know you denied being a Gangster Disciple at this deposition. Have you ever been in any gang?

A. No.

Q. Okay.

MR. BAZAREK: All right. We can -- no, I have one further question on this document.

BY MR. BAZAREK:

Q. If you go to the bottom, you made a phone call. It looks like 548.5397.

Do you know whose number that is?

A. It was probably my mom number.

Q. Okay.

MR. BAZAREK: All right. We can take that down.

And we'll look at Exhibit 3.

(Exhibit 3 referenced for identification.)

BY MR. BAZAREK:

Q. Okay. So this is the vice case report associated with your December 16, '04, arrest. I just have a couple questions on this.

Do you see Box 12, it lists two police officers, like Gonzalez and Bolton; do you see that?

A. Yes.

Q. Do you remember -- can you tell me anything that Officer Bolton did in relation to your arrest, if you know?

A. He didn't do nothing.

Q. Okay. What about Officer Gonzalez? What did he do, if anything, in relation to your arrest?

A. Nothing.

Q. Let's look at the second page.

Do you see there's an Officer D. Nichols?

A. Yes.

Q. All right. What did Nichols do, if

anything, in relation to your arrest?

A. I don't know who that is.

Q. Did you have any interactions with an Officer Nichols on December 16, 2004?

A. I don't know who he is, so ...

Q. Okay. So the answer is you don't know or no?

A. I don't know him.

Q. Okay. How about Officer Leano? Do you see that other name there?

Did you have any contact with him on December 16, 2004?

A. I don't know who that is.

Q. And then you see there's an Officer E. Smith; do you see that?

A. Yes.

Q. Did you have any interactions with Officer Smith on December 16, 2004?

A. No.

Q. On the second page, it says -- I'll just read a portion of it.

"A custodial search of above revealed $355 U.S.C., suspected narcotic proceeds."

Do you see that?

A. On which line is that at?

Q. It's the line above where it says "Also assisting."

A. Yes, I see it.

Q. Okay. And was $355 inventoried?

A. I can't recall.

Q. Did you get a piece of paper or anything saying that $355 was being inventoried?

A. I can't recall.

Q. Okay.

MR. BAZAREK: We can take that down. That was Exhibit 3.

Let's look at Exhibit 4.

(Exhibit 4 referenced for identification.)

BY MR. BAZAREK:

Q. And this is a document from the Illinois State Police.

Remember when you had the criminal proceedings, and you were represented by Mahoney, do you recall this coming up that the drugs that police said you had were tested? Do you remember that?

A. No, I don't remember it -- yes, yes.

Q. Do you remember that the testing for some of the items that the police said you had were cocaine?

A. Yes.

Q. So when you pled guilty to the narcotics offense, you knew that the Illinois State Police had tested what was going to be used as evidence against you if you went to trial; right?

A. Yes.

Q. Okay. And that's something that you knew before you pled guilty; right?

A. Yes.

Q. Okay.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 5.

(Exhibit 5 referenced for identification.)

BY MR. BAZAREK:

Q. So we've already talked about you pled guilty on the 16th of February 2005; right?

A. Yes.

Q. Okay.

MR. BAZAREK: Let's take that down.

Let's look at Exhibit 6.

(Exhibit 6 referenced for identification.)

BY MR. BAZAREK:

Q. If we go to -- give me a second.

Okay. So if we go to page 3, it shows that you were sentenced on February 16, 2005. You got a year probation; right? Do you see that?

A. Yeah.

Q. And then it also shows that you had credit for time served, 60 days; do you see that?

A. Yes.

Q. Okay. Now if we go up to September of '05. Look. See, September 27, 2005; do you see that?

A. Yes.

Q. It says "Petition Violation of Probation Filed."

What do you remember about that? What did you do to violate your probation, if you know?

A. I was arrested again.

Q. Okay. Do you remember what the arrest was for that led to a petition for violation of probation filed?

A. Not off the top.

Q. Okay. And then it looks like on September 28th, probation terminated unsatisfactory.

Do you see that?

A. Yes.

Q. Anything you remember about that, why your probation was terminated as unsatisfactory? Do you know one way or another, or you don't know?

A. Because I was arrested again.

Q. Okay.

MR. BAZAREK: Let's look at Exhibit 7.

(Exhibit 7 referenced for identification.)

BY MR. BAZAREK:

Q. Look at -- let's go to paragraph 6 of your complaint.

In paragraph 6 of your complaint, you write, "The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Moore of possessing drugs."

Do you see that?

A. Yes.

Q. Who were the corrupt officers?

A. Officer -- Sergeant Watts and his team of officers.

Q. Who on his team was corrupt?

A. All of them.

Q. How do you know that?

A. Due to the fact that I was arrested by him and falsely accused of selling drugs. And officers who worked with them didn't have anything to do with it and was testifying and acting like they gave people cases at the time or was on the case. So I took it as everyone with Sergeant Watts was corrupt.

Q. All right. So you're making an assumption; right?

A. No.

Q. Well, the only direct knowledge you have about planting drugs, it's going to be for your arrest on December 16, 2004; right?

A. Can you repeat that?

Q. Other than your arrest, sir, from December 16th of 2004, what evidence do you have that other people were falsely arrested?

A. Word of mouth.

Q. All right. So you never saw it? You just -- you hear things; is that your testimony?

A. Yes.

Q. Word of mouth from who?

A. Residents in the neighborhood.

Q. Can you name one person?

A. Christopher Turner.

Q. So Christopher Turner told you someone was falsely arrested?

A. He say he was.

Q. Other than Christopher Turner, anyone else who's ever said to you that they were falsely arrested?

A. William Carter.

Q. Anyone else?

A. Them just the people I know them by.

Q. Anyone else you can think of?

A. Ben Baker.

Q. Anyone else?

A. Bryant Patrick.

Q. Well, Bryant Patrick was a drug dealer; right?

A. Yes.

Q. Ben Baker was a drug dealer; right?

A. Yes.

Q. William Carter was a drug dealer; right?

A. Yes.

Q. And Turner was a drug dealer; right?

A. Yes.

Q. I know you've testified you saw Ben Baker arrested. The other people that you just named, did you ever see them arrested?

A. Yes.

Q. Who?

A. Christopher Turner.

Q. Were you arrested, too?

A. I was tooken into custody.

Q. You were arrested for soliciting narcotic sales; right?

A. I can't recall what my charge was, what I went in for.

Q. Well, were you charged with a felony?

A. No.

MR. BAZAREK: We can take that exhibit down.

So let's show you -- I'm going to show you Exhibit 8.

(Exhibit 8 referenced for identification.)

BY MR. BAZAREK:

Q. Is that a photograph of Ben Baker?

A. Yes.

Q. And that's the Ben Baker that you sold heroin for; right?

A. Yes.

MR. BAZAREK: Okay. Let's look at Exhibit 9A.

(Exhibit 9A referenced for identification.)

BY MR. BAZAREK:

Q. Who's in Exhibit 9A?

A. That's Bryant Patrick.

Q. And that's your -- the person you sold heroin with for Ben Baker; right?

A. Yes.

MR. BAZAREK: Let's look at 9B.

(Exhibit 9B referenced for identification.)

BY MR. BAZAREK:

Q. It looks like it's just another -- another photograph of Bryant Patrick.

Do you still keep in touch with him?

A. Not at the moment, no.

Q. Where's Bryant Patrick these days?

A. I think he moved to -- sometime. Some of

the time. I don't know.

Q. Is he in Chicago? Is he in Illinois? Where is he?

A. I don't know. I think he incarcerated or something right now.

Q. What did he get incarcerated for?

A. I have no idea.

Q. Do you know what state he's incarcerated in?

A. Illinois.

Q. Is he incarcerated for a narcotics offense?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: No.

BY MR. BAZAREK:

Q. Is he incarcerated for a violent offense?

A. I have no recollection of what he is incarcerated for.

Q. Well, how did you even learn that he was incarcerated?

A. I seen his sister.

Q. What's his sisters's name?

A. Olivia.

Q. What did Olivia tell you?

A. I was just asking her what's going on with her brother, and she said he got locked up.

Q. Did you ask her what did he get locked up for?

A. No. I didn't go into detail.

Q. Okay.

MR. BAZAREK: We can take that down.

So let's look at Exhibit 10A.

(Exhibit 10A referenced for identification.)

BY MR. BAZAREK:

Q. This is a Declaration Elgen Moore. Do you see that?

A. Yes.

Q. And this is in your handwriting, sir?

A. No.

Q. Whose handwriting is this?

A. My attorney.

Q. Did Mr. Tepfer write this for you?

A. Yes.

Q. Joshua Tepfer; right?

A. Yes.

Q. Where were you when Mr. Tepfer wrote this

out for you?

A. Sitting in front of me at a desk in Cook County Jail.

Q. What were you in Cook County Jail for?

A. My appeal.

Q. And when you were talking to Mr. Tepfer, was he writing down what you were saying?

A. Yes.

Q. And did you look this over after Mr. Tepfer wrote down what you told him?

A. Yes.

Q. And then did you read it after he wrote it out?

A. Yes.

Q. And let's look at the last page.

So it looks like that's your signature, Elgen Moore?

A. Yes.

Q. Right. It's dated January 24, 2019; is that right?

A. Yes.

Q. And did you read this over before you signed it?

A. Yes.

Q. Okay.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 10B.

(Exhibit 10B referenced for identification.)

BY MR. BAZAREK:

Q. And here's another handwritten document. Is this your handwriting, sir?

A. No.

Q. Who wrote this one out for you?

A. The attorney.

Q. Were you in jail again when the attorney wrote it out for you?

A. I don't believe so.

Q. Where were you at when the attorney wrote it out for you?

A. Home.

Q. Who was the attorney who wrote it out for you?

A. I believe her name was Amy.

Q. Did she work with Mr. Tepfer?

A. Yes.

Q. What did Amy look like?

A. White, about 5 foot 4 or 5, I guess,

woman.

Q. Let's go to the last page.

So it looks like this one -- that's your signature, right, Elgen Moore?

A. Yes.

Q. And then it looks like you signed this on the 24th of June 2019; does that sound right?

A. Yes.

Q. And then you see there's someone Amy S. Kasper. Is that the person you're talking about who wrote it out?

A. Yes.

Q. Okay. Other than Amy Kasper and you, was anyone else with you at your house when you were doing this?

A. No.

Q. And so you talked to her, and then she wrote down what you said?

A. Yes.

Q. Okay.

MR. BAZAREK: Okay. We can take that down.

Let's look at Exhibit No. 11.

(Exhibit 11 referenced for identification.)

BY MR. BAZAREK:

Q. These are your answers to Defendant Gonzalez's interrogatories.

And I just want to go to the very last page. I'm sorry. Second to the last page.

You verified these interrogatory answers on November 14, 2023; is that right?

A. Yes.

Q. And that's your signature, right, Elgen Moore?

A. Yes.

Q. And I'll just read the verification.

"I, Elgen Moore, verify under penalty of perjury that I have reviewed the attached Answers to Defendant Officer Gonzalez's Interrogatories, and I certify that the answers are true and correct to the best of my knowledge, information and memory."

Did I read that right?

A. Yes.

Q. And so you signed off and verified these interrogatories under penalty of perjury; right?

A. Yes.

Q. I want to look with you at your answer to Interrogatory No. 8. And I'll read the question for No. 8.

"Please identify and describe all illegal activity you engaged in with Ben Baker and/or Bryant Patrick in and around Ida B. Wells Housing Complex."

Do you see that?

A. Yes.

Q. Okay. And then there's a bunch of objections. And then you say in your interrogatory answers given under penalty of perjury, "Subject to and without waiving these objections, Plaintiff occasionally smoked marijuana with Bryant Patrick. Additionally, Plaintiff intermittently sold drugs out of 527, from which Ben Baker also sold drugs."

Do you see that?

A. Yes.

Q. So why didn't you include in your interrogatory answers that you sold drugs for Ben Baker?

A. Well, I probably didn't -- I probably totally didn't understand the question that was

asked right then and there.

Q. Right. Because the question is asking you "Please identify and describe all illegal activity you engaged in with Ben Baker and/or Bryant Patrick in and around Ida B. Wells Housing Complex." Right?

A. Yes.

Q. Why didn't you say, oh, I sold drugs for Ben Baker?

A. I didn't understand the question probably at the time.

Q. Why didn't you include that you and Bryant Patrick sold narcotics for Ben Baker?

A. I didn't totally understand the question right then and there at the time.

Q. So how did you understand the question?

MS. GIZZI: Objection, form.

Go ahead. You can answer.

THE WITNESS: Well, I understood it for like it was just a briefing, but I didn't totally understand the question at the time when I looked over it.

BY MR. BAZAREK:

Q. I mean, you were on Ben Baker's payroll in

his narcotics operation; right?

A. Yes.

Q. And so was Bryant Patrick; right?

A. Yes.

Q. Right. Or were you just trying to limit this answer to when you were selling crack cocaine on your own; is that what you were thinking?

A. No.

Q. Well, when you write "Plaintiff intermittently sold drugs out of 527," what did you mean by that?

MS. GIZZI: Objection, form.

THE WITNESS: Just meant I was selling drugs.

BY MR. BAZAREK:

Q. Well, doesn't that include the heroin that you sold for Ben Baker?

A. Yes.

Q. Let's look at your answer to Interrogatory 26. And the interrogatory is asking you to identify with specificity all damages you are claiming in your lawsuit.

And you write -- this is on -- it's kind of in the middle of a paragraph. "During his

wrongful incarceration, Plaintiff missed out on his loved ones' birthdays, family gatherings, holidays, and special events."

Do you see that?

A. Yes.

Q. So you're talking about the 60 days that you were in the County Jail; right?

A. Yes.

Q. So whose birthday did you miss?

A. Mine, for one.

Q. Anyone else?

A. My cousin, my aunt.

Q. What's your cousin's birthday?

A. One is January 26th, and one is January the 21st.

Q. Okay. Any other birthdays you missed?

A. No.

Q. And I get it. It's right -- Christmas is right around the corner; right? You're in jail for Christmas?

A. Yes.

Q. Did they let you go home for Christmas?

A. No.

Q. Did you have visits? Did anyone visit you

at County Jail for Christmas?

A. No.

Q. Okay. Other than Christmas, any other family gatherings that you would have missed during that 60 days?

A. New Year's Eve, New Year's.

Q. Anything else?

A. My family birthdays, Valentine's Day.

Q. Who was your sweetheart at that time?

A. Tanesha Cash.

Q. And if I got this right, after -- strike that.

Right after you got out of jail, that's when you started selling heroin for Ben Baker; right?

A. Yes.

Q. Okay.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 12.

(Exhibit 12 referenced for identification.)

BY MR. BAZAREK:

Q. Well, I didn't ask you this earlier.

Didn't you get caught up in Operation

Sin City?

A. Yes.

Q. And were you arrested? Were you arrested as part of the Sin City takedown?

A. Yes.

Q. And you were arrested for selling narcotics to an undercover officer; right?

A. Yes.

Q. What did you sell to the undercover officer?

A. Heroin.

Q. And the heroin that you sold to the other -- strike that.

The heroin that you sold to the undercover officers, was that heroin you were selling for Ben Baker?

A. Yes.

Q. So what I would like to do, sir, Mr. Moore, if you'd look at Exhibit 12, I want you just to -- I know it's not the best quality, but I would like you look from No. 1. You see there's photographs of people with names, and it goes 1 through 63.

Can you -- if you see anyone you know, can

you just yell out their number and name? Can you do that?

A. I see myself, Elgen Moore.

Q. What number?

A. No. 28. I see No. 32, Bryant Patrick.

Q. Do you know anyone other than you and Bryant Patrick on there?

A. I see No. 55, Young, Gregory.

Q. That's Baybay; right?

A. Yes, I guess. I'm assuming. I can't see the picture real good. I just see a name.

No. 59, Glen, Don.

Q. How do you know him?

A. He worked -- he worked at 527.

Q. Was he in the drug trade?

A. Yes.

Q. Who did he sell drugs for?

A. He solicited for Ben.

Q. Okay. So he would have been one of those guys that you would give a wake-up call to, and then pay him 100 bucks for a job well done after the bundle was sold?

A. Yes.

Q. Okay. Looking up, though, I think you

missed a few.

Do you see No. 13? That's Tolorn Fumbanks; right? You know him.

A. Yes. I missed that one. I didn't even see him.

Q. Okay. What about -- look at 18, Allen Jackson. Do you remember him? He was a drug dealer at the 574 building. He got killed a couple years ago.

Do you remember him? Allen Jackson?

A. I don't know him by that name.

Q. How about --

A. That's Allen J.

Q. Allen J. Do you know him by that name?

A. I heard of him. Allen J., yes.

Q. You didn't know him, though, or you just heard of him?

A. I seen him around.

Q. Okay. Goleather Jefferson, do you remember him? He had a brother named Marcus who passed away.

A. Who?

Q. Marcus Jefferson.

A. I don't know who that is.

Q. How about No. 20, Goleather or Goleather Jefferson?

A. I don't know who that is.

Q. You don't remember him. Okay.

Do you see No. 30, Harold Owens? Was he -- he's Baybay's son; right?

A. Harold Owens?

Q. Or maybe he is or isn't. Do you know?

A. No. I don't know of Harold Owens being Baybay's son.

Q. Okay. How about look at No. 35, Larry Pulley. Do you remember him being like a dope lookout?

A. No. I don't know who that is.

Q. How about 36, Clifford Roberts? Do you remember him? He murdered a one-year-old girl.

Do you remember him?

A. Yes, yes.

Q. Okay. And how do you know him?

A. Seeing him around the neighborhood.

Q. Look at 41, Angelo Shenault.

Do you remember him?

A. What number?

Q. 41.

A. Yes.

Q. Do you remember him?

A. Yes.

Q. Was he involved in the drug trade?

A. Yes.

Q. And where did he sell drugs out of? Do you know?

A. 540.

Q. Okay. Look at 42, Shaun James. I think his nickname was Smoke, I think.

Do you know him?

A. No.

Q. Okay. How about 44, Taurus Smith?

Do you remember him?

A. No.

Q. Okay.

MR. BAZAREK: Okay. We can put that exhibit down.

Let's look at Exhibit 13.

MS. RAMANUJAM: Did you want to see the second and third page?

MR. BAZAREK: Oh, I'm sorry. Yeah. Sorry. I missed that. Let's go back to it.

BY MR. BAZAREK:

Q. So page 2, this is Operation Sin City, and you've got some individuals on here. And at the top, you see Patrick Nooner?

Do you remember him?

A. Not by that name.

Q. Okay. He doesn't look familiar?

A. I can't really see the face on him.

Q. How about under him, Wilbert Moore? He went by the nickname Big Shorty.

Did you ever hear of him?

A. Yes.

Q. Who killed Big Shorty? Do you know?

A. No. I don't know.

Q. Did you hear -- did you ever hear of the Hobos killed Big Shorty?

A. Somewhat. I heard that. Some people said Sergeant Watts killed him.

Q. All right. Look under Wilbert Moore. Do you see Roy Bennet?

Do you remember him? His nickname was Shock.

A. Yes.

Q. What do you remember about Shock?

A. He was over at the building where Big Shorty was at.

Q. What building?

A. 574, I believe.

Q. Okay. And then to the right of him, it was Harry Seals. He's deceased.

Do you remember him?

A. Yes.

Q. And was he involved in the drug trade?

A. Yes.

Q. How did he get killed?

A. Somebody shot him.

Q. Okay. And then I'll just go across.

It looks like you've got people from the 574 building, Harold Owens. And you don't know if that's Baybay's son; right?

A. I don't believe it's Baybay's son.

Q. Okay. And then we talked about Allen J. Do you see Allen Jackson?

A. Yes.

Q. All right. He was involved in the drug trade; right?

A. Yes.

Q. How about Valentino Wilbourn?

Do you know him?

A. Yes.

Q. And was he involved in the drug trade?

A. Yes.

Q. What was -- was he a seller?

A. Yes.

Q. Okay. And then how about Jovan Towers?

Do you remember him?

A. I don't know who that is.

Q. Okay. And then next we see -- we already talked about your neighbor, Tolorn Fumbanks; right?

A. Yes.

Q. And he's deceased; right?

A. Yes.

Q. And then on this they've got you and Ben Baker underneath Tolorn Fumbanks.

Do you see that?

A. Yes.

Q. Did you report to Tolorn Fumbanks, too?

A. No.

Q. Who was higher in the narcotics operation hierarchy, Fumbanks or Ben Baker?

A. I would say Ben.

Q. Okay. Do you know who supplied Ben Baker

with the heroin that he sold?

A. No.

Q. All right. And then on that same document, if you go to the left, you've got Brian Ford.

Do you remember him? Brian Ford?

A. Is that B-low?

Q. I believe so, but I'll let -- Eric Palles can correct me if I'm wrong.

MR. PALES: It is B-Low.

BY MR. BAZAREK:

Q. Yeah. What do you know about B-Low?

A. He was over at the building with Big Shorty as well.

Q. He was involved in the narcotics operations at Ida B. Wells?

A. Yes.

Q. Okay. There is a page 3, but I don't have any questions to ask you on that.

MR. BAZAREK: So we can take that down.

All right. So if we look at Exhibit 13.

(Exhibit 13 referenced for identification.)

BY MR. BAZAREK:

Q. I think earlier in this deposition you were talking about an earlier arrest involving Christopher Turner.

Do you remember that?

A. Yes.

Q. And Christopher Turner was a drug dealer; right?

A. Yes.

Q. Where's Christopher Turner these days?

A. Where is he?

Q. Yeah.

A. I don't know where he at right now.

Q. And you see, there's another person that was arrested named Anthony Baker.

Do you see that, nickname Ant?

A. Yes.

Q. Do you remember him?

A. Yes.

Q. Was he involved in the drug trade?

A. Yes.

Q. Was he a supplier for Ben Baker's narcotics operations?

A. No.

Q. Were they related, or you don't know?

A. I ain't never heard of them being related.

Q. Okay. Then Christopher Turner, his nickname was Pretty Boy?

A. Yes.

Q. And then what about Darius Douglas, nickname CK?

A. Yes.

Q. Was he involved in the drug trade?

A. Yes.

Q. Okay. What do you remember about this arrest from June 24, '03?

A. I remember being over at 574, and I came probably like apartment -- I don't recall if it was the fifth or the sixth floor, Apartment 510 or 610. We were all up hanging in the apartment. And Officer Watts and his crew came up there banging on the door, and no one answered the door. Officer Watts and his team broken the door down and came inside and start forcing us to get down on our face and stomach. And they were hitting us with brooms and stuff on our backs.

Q. Where did they get the brooms from?

A. The brooms was inside the apartment.

Q. Do you remember what the apartment number was?

A. Either it was 510 or 610. It was one of those.

Q. And this is at the 574 building?

A. Yes. And I remember them being mad, saying why didn't we -- neither one of us opened the door that was inside there. Like I said, they had made us get down on our face and our stomach. And they was hitting us across the back with brooms and whatever.

And they searched the apartment. They searched and searched and searched. They had us in there for maybe an hour and a half.

Then I remember Officer Watts leaving out. And then I remember him coming back saying he fixin' to take a break, and then he's to re-search the apartment. And then I remember him saying, as a matter of fact, all of them going to jail anyway. Take them downstairs.

Q. And ultimately you were arrested for soliciting; right?

A. Yes.

Q. And I'll just read -- I'll read from the

second page of the report.

It says -- I'll just read it. "And witnessed Offender No. 4, Moore, shouting 'rocks,' 'blows,' common street term for the sale of cocaine and heroin, to passing pedestrians."

Do you see that?

A. Yes, I see it.

Q. Is that something that you did before you became a drug dealer, that you were out there soliciting drug sales?

A. No.

Q. Did you ever -- strike that.

Did you ever act as security for drug dealers?

A. No.

Q. Okay.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 14.

(Exhibit 14 referenced for identification.)

BY MR. BAZAREK:

Q. Just to let you know, I'm going to start going through some of your prior arrests, sir. I'm just going to ask you a few questions, but that's

what I'm going to be doing for the next few minutes.

So it looks like -- here's an arrest from December 4, 2023. You were arrested at 527 East Browning.

Do you remember this, December 4, 2003? Do you know anything about this arrest?

A. Yes.

Q. And what do you remember about it?

A. Coming down the stairs, was fixin' to leave out the back door of 527, and the police came running through the back door of 527 and apprehended me and searched me and I had marijuana on me.

Q. Okay. And did you get probation for that?

A. Yes.

Q. According -- at least on this report, it says 18 months.

Does that sound right of probation?

A. Yes.

Q. How much cannabis did you have?

A. I had some bags on me.

Q. All right. Was that cannabis that you were selling?

A. Yes.

Q. Okay. So let's look at exhibit -- I think the next one is going to be 15.

(Exhibit 15 referenced for identification.)

BY MR. BAZAREK:

Q. Oh, this. I believe this is the Sin City arrest, April 27, 2005.

Does that sound right?

A. Yes.

Q. But you didn't actually get arrested on that day; right? That was part of the undercover investigation. Or did you get arrested on April 27th?

A. I got arrested.

Q. On April 27th?

A. If that's the day that they came and arrested people for Sin City, yes.

Q. Right. There was a big takedown, right, of a bunch of people? A bunch of people got arrested; right?

A. Yes.

Q. What I'm asking you is did you -- but did you get arrested on the same day that you sold the

drugs to the undercover officer?

A. No.

Q. It was a different day; right?

A. Yes.

Q. Okay. And by the way, on that day when you were selling drugs to the undercover officer, Bryant Patrick was with you at that time; right?

A. Yes.

Q. Okay. Let's look at Exhibit 16.

(Exhibit 16 referenced for identification.)

BY MR. BAZAREK:

Q. Here's an arrest, Mr. Moore, from June 28, 2006.

Do you remember this arrest?

A. Yes.

Q. What do you remember about this arrest?

A. This was an arrest when drugs was planted on me again at the --

Q. And this arrest was made by different Chicago Police Officers that didn't work for Ron Watts; right?

A. Yes.

Q. It looks like you were arrested by an

Officer Morris and an Officer hill; is that right?

A. Yes.

Q. And you're saying that this was a false arrest?

A. Yes.

Q. Did you plead guilty when this case went in court?

A. Yes.

Q. Did you have Mahoney representing you at that time, too?

A. No.

Q. Why did you plead guilty if you were innocent?

A. The public defender -- the public defender I had on that case recommended this was the best option.

Q. Did you tell him you were being framed?

A. Yes. I told him I wanted to fight this case.

Q. And what did he say?

A. He kept recommending that this was the best offer.

Q. And then ultimately you agreed with his recommendation?

A. Yes.

Q. Is that why you pled guilty?

A. Yes.

Q. According to this arrest report, it has your -- it has you living at 575 East Browning, Apartment 304.

Did you move of out of your mom's apartment?

A. Yes.

Q. Why did you move out of your mom's apartment?

A. The police kept coming to the apartment, so I decided to just move out to try to ease some of the pressure and anxiety off of her steady having the police come to her apartment.

Q. Well, was your mother told that you couldn't live in the apartment because were you a drug dealer and you had been convicted?

A. She never stated that to me.

Q. Was that like under the rules where if you're a convicted felon, you can't live in that apartment?

A. I don't technically know, but I was not on my mother's lease.

Q. Okay. All right. So you basically -- but you voluntarily moved to 575, Apartment 304.

Who were you living with there?

A. My grandmother.

Q. What was your grandmother's name?

A. Elizabeth Dixon.

Q. When you pled guilty to this drug crime, what was your sentence?

A. What was my sentence?

Q. Yeah.

A. 18 months, I believe.

Q. Okay. Did you actually go to prison, or you got probation again?

A. I went to prison.

Q. Okay. So let's look at Exhibit 17.

(Exhibit 17 referenced for identification.)

BY MR. BAZAREK:

Q. Here's an arrest from July 13, '08. It looks like you're living at 2839 West Fillmore. You had got various charges here -- battery, resisting, obstructing.

What do you remember about this arrest, if anything?

A. I can't really recall that arrest. I can't really recall that arrest.

Q. It looks like five people total got arrested, and it was at 7247 South Shore Drive.

Yeah. Do you remember? Was it a fight? What was it?

A. Oh, yeah. That was like a resisting arrest.

Q. Do you remember how you got into it with the police?

A. Actually, the police drove up and was asking everyone to leave. And I had alerted the police that I was waiting on my mother and another relative I had. And the police had said, well, if you're waiting on somebody, that's cool and you could stay here and try to hurry up when they come to get them in the vehicle because we're trying to get everyone to leave that parking lot.

By the time the police came back around, my mother and them still hadn't came to the car. And they were still asking me to leave and I asked -- I had told the police officer that you just told me that I could wait on my mom and my other relative. And the officer start saying,

well, I'm asking you to leave now. And I said but you just said I could wait on my relative. And the police officer end up getting out the car and start grabbing my arm, asking me to put my hands behind my back. And I kept asking them for what? I didn't do nothing. All I told you was I was waiting on my relatives here to leave.

Q. Right. But you were resisting arrest; right?

A. Well, yes.

Q. And what happened -- ultimately what happened with that case?

A. Um --

Q. Did you take a plea?

A. Yes.

Q. And what was your sentence, if you remember?

A. Supervision, I believe.

Q. Were you charged with a misdemeanor or a felony?

A. A misdemeanor.

Q. Okay. So let's look at Exhibit 18.

(Exhibit 18 referenced for identification.)

BY MR. BAZAREK:

Q. Here's an arrest from -- so this is another arrest in the same month, July 31, '08. And this is a narcotics arrest.

Do you remember this arrest?

A. Yes.

Q. What do you remember about this arrest?

A. Drugs were planted again.

Q. Oh, this is another frame-up?

A. Yes.

Q. And these are officers that didn't work for Watts; correct?

A. Yes.

Q. What do you remember about this arrest?

A. What I remember about that arrest, I came to their housing complex to visit my cousin.

Q. Who was your cousin?

A. His name was Jamie.

Q. What's his last name?

A. Brown.

Q. Okay.

A. And we was in an apartment. We was in an apartment at that complex. And he had been arrested. He had been arrested already. And I

came down there talking to his girlfriend. With being me talking to his girlfriend, the police entered that building. And the apartment we in, the police came to that apartment. And they let the police in to search the apartment.

And I alerted the police that, man, I'm only here visiting. I ain't got nothing to do with anything going on. I'm just visiting. If so, can I leave? And he checked my ID and say, well, if you're just visiting, we just going to -- just give us a few minutes and you should be all good if you were doing nothing but visiting.

And they searched. They searched the people who was in the apartment, and no one had nothing. I didn't have nothing. All I know is I was being took to the station after that. I just know -- the police, I never seen them find nothing in that apartment.

Q. What happened when your case went to court?

A. Um --

Q. Did you plead guilty?

A. Yes.

Q. Why did you plead guilty if you didn't do

anything?

A. Being cases I did have in the past, I was seeing that they weren't going right, and I had a feeling that if I go to trial and this was again that I was being framed for drugs, I was pretty much scared to try the case because I'm looking like the system corrupt at the time.

Q. It looks like -- did you have -- were you using an Avis rental car at the time?

A. Yes.

Q. Is that something like drug dealers do? They have rental cars to use for their drug dealing?

MS. GIZZI: Objection, form.

THE WITNESS: No.

BY MR. BAZAREK:

Q. Why did you have the rental?

A. Because I didn't have a car at the time.

Q. Were you a drug dealer during 2008?

A. No.

Q. Where did you get money from to survive during 2008?

A. My girlfriend.

Q. Anyone else?

A. That was it at that time.

Q. Okay.

MR. BAZAREK: Let's take that exhibit down. Let's look at Exhibit 19.

(Exhibit 19 referenced for identification.)

BY MR. BAZAREK:

Q. Here's an arrest from June 3, 2009. This is -- well, it's not controlled substance. It looks like a cannabis arrest and you're driving on a suspended license.

Do you remember this arrest?

A. I don't actually remember this arrest, no.

Q. Do you know what happened in the criminal case?

A. No.

Q. Are you disputing that you had cannabis with you or that you were driving on a suspended license?

A. No.

Q. It looks like at the time you had -- you were driving a Lexus, a 1998 Lexus GS 400 sedan.

Does that ring a bell?

A. Yes.

Q. And did the car get impounded? Do you remember?

A. No, I don't remember.

Q. Did you get the car back?

A. I don't remember.

Q. Did you own the Lexus, or did you lease it?

A. Yes.

Q. You owned it?

A. Yes.

Q. Where did you get the money to buy the Lexus?

A. My mom had gave me a few thousand around that time from a settlement she had got.

Q. How much did the Lexus cost?

A. $5,000.

Q. So your mom gave you how much?

A. My mom gave me about 7500 at the time.

Q. Okay. So she gave you -- Okay.

So it was your mom's money that you used to buy the Lexus?

A. Yes.

MR. BAZAREK: Let's look at --

BY MR. BAZAREK:

Q. Well, I didn't ask you.

What happened with the -- strike that. Forget it.

MR. BAZAREK: Let's look at exhibit -- I think we're on 20.

(Exhibit 20 referenced for identification.)

BY MR. BAZAREK:

Q. Okay. So then we go to the following month. That's Exhibit 20. You get arrested again. You still have the Lexus. And you were arrested on the 6th of July, 2009.

Do you remember this arrest?

A. No.

Q. I'm just -- I'm going to read the narrative. It's on page 2.

The narrative says in part, "While conducting traffic enforcement, A/O observed subject not wearing his seat belt while driving his vehicle at above location. A/O curbed vehicle and conducted a traffic stop. A/O name-checked subject, which revealed subject to have to a suspended DL and wanted, armed and dangerous, under

Leads W09K7449 of offense of possession of cannabis."

What was this armed and dangerous about?

A. I don't even know.

Q. Have you ever carried a gun?

A. I was arrested for a gun before, yes.

Q. Have you ever shot anyone?

A. No.

Q. Have you ever been shot at?

A. No.

Q. The gun that you carried, where did you get the gun from?

A. I purchased it from someone on the street.

Q. Did you have a FOID card?

A. No.

Q. So you know you can't possess a gun in Illinois; right?

A. Yes.

Q. Okay. Do you remember anything about this arrest or not?

A. No, not really.

Q. Okay.

MR. BAZAREK: Let's look at Exhibit 21.

(Exhibit 21 referenced for identification.)

BY MR. BAZAREK:

Q. Okay. So two months later, this is an arrest from September 12th of 2009. This was a possession -- strike that. This is a possession for cannabis and you got a UUW charge.

Do you see that?

A. Yes.

Q. What -- now this, I bet you remember this arrest; right?

A. Yes.

Q. Tell me what you remember about this arrest.

A. I had a firearm on me, and the police came up and jumped out and searched me and found the gun on me.

Q. Why did you have the firearm?

A. For protection.

Q. And it was a fully loaded blue steel .9 millimeter semiautomatic handgun; right?

A. Yes.

Q. Do you remember what you paid for the gun?

A. About $500 bucks.

Q. In the narrative, it says, "Subject freely stated that weapon was 'for protection from the

P. Stones.'"

Do you see that?

A. Yes.

Q. And is that what you told the police?

A. No.

Q. You see it's in quotes, right, "for protection from the P. Stones"?

A. Yes.

Q. Okay. Were you fearful of someone in a gang? You know, that's why you needed that gun?

A. No.

Q. Well, why did you have the gun in the first place?

A. Just for protection period.

Q. Protection from who?

A. Anyone.

Q. Have any P. Stones ever had it out for you?

A. No.

Q. At any time when you were in the Illinois Department of Corrections, were you ever put in protective custody at any point?

A. No.

Q. Did you ever have enemies while you were

in the Illinois Department of Corrections?

A. No.

Q. What happened to this gun case?

A. I took a plea on it.

Q. So you pled guilty?

A. Yes.

Q. And then you were guilty? You had the gun; right?

A. Yes.

Q. And then it also says in this report there was -- a name-check revealed you to be a convicted felon under 05-CR-1982601.

Do you remember what conviction that was for, the '05?

A. Can you repeat that?

Q. It said -- according to this report, name-check revealed subject to be a convicted felon under Case No. 05-CR-1982601.

Do you remember what conviction that was under?

A. No.

Q. According to this report, the weapon that you had was stolen on April 24, 2009.

Do you see that?

MS. GIZZI: Can you zoom it in? It's really tiny.

THE WITNESS: Yes, I see it.

BY MR. BAZAREK:

Q. Okay. So was the weapon you had, it was stolen?

A. Not that I know of.

Q. Who was the person you bought it from?

A. A person off the street.

Q. Okay.

MR. BAZAREK: All right. Let's look at Exhibit 22.

(Exhibit 22 referenced for identification.)

BY MR. BAZAREK:

Q. Here's an arrest from January 13, 2013. It's another possession offense with various traffic violations.

Do you remember this arrest?

A. Yes.

Q. What do you remember about this arrest?

A. That case was thrown out.

Q. What do you remember about the case?

A. I was arrested for it. The police came

into -- I gave them my license to my vehicle. And --

Q. Did you flee from the cops?

A. You say what?

Q. Did you flee from the police?

A. I pulled off, yes.

Q. Why did you do that?

A. Because I gave the officer my driver's license, and they kept asking me to step out of the vehicle. And I kept asking them for what, what reason. And he gave me no reason. I asked him could he call his sergeant. He act like he won't calling his sergeant or nothing. So I feared for my life and I just pulled off.

Q. Did you have contraband in the car? Is that why you pulled off?

A. No.

Q. How did you beat the case?

A. I never had drugs on me from the get-go, and --

Q. Who lived at 7823 South Evans?

A. An older guy I knew.

Q. Who -- was it Albert Benson?

A. Yes.

Q. Who's Albert Benson?

A. Albert Benson was a person I knew that my father grew up with.

Q. Were you living with him?

A. No.

Q. But you ran into his residence; right?

A. Yes.

Q. And the police pursued you?

A. No. They eventually was searching the neighborhood, and then they came knocking door to door.

Q. And you were inside Benson's house?

A. Yes.

Q. And then who lived in the house besides Benson?

A. Him and his wife.

Q. Did they store narcotics in the house, if you know?

A. Not that I know of.

Q. Did you ever hear that narcotics were recovered from that home?

A. Yes.

Q. Where were the narcotics recovered from?

A. I don't know. I didn't know until I got

to the station, the police station. They told me they found drugs. I told them I never had drugs, so ...

Q. And then there was $2,520 inside a freezer?

A. Yes.

Q. Was that your money?

A. No.

Q. Who put the $2,520 in the freezer?

A. I don't know. I guess the person who house it is.

Q. So that was Benson's money?

A. Yes.

Q. How old was Benson, by the way?

A. I don't know his exact age, but he was older. He had to be in like his sixties.

Q. Okay. Let's -- and after you're saying that case got thrown out; right?

A. Yes.

Q. Okay.

MR. BAZAREK: Let's look at Exhibit 23.

(Exhibit 23 referenced for identification.)

BY MR. BAZAREK:

Q. These are records that we got from IDOC, but it looks like -- was the last time you were in prison in 2019?

A. Yes.

Q. Are you on any type of mandatory supervised released right now?

A. No.

Q. Okay. Were you after you were released from prison?

A. Yes.

Q. And when did your mandatory supervised release end?

A. I want to say 2021.

Q. Okay. What were you in prison for at that time?

A. A PSMV.

Q. Okay. Not a narcotics offense?

A. No.

Q. Okay.

MR. BAZAREK: We can take that one down. Let's look at Exhibit 24.

(Exhibit 24 referenced for identification.)

BY MR. BAZAREK:

Q. This is just your -- offender custody history for you. And it looks like -- let me just look at the dates here.

So the very first time you went to prison, it was September 30, 2005. Does that sound right?

A. Yes.

Q. Okay. And then the last time you were released from prison, it looks like March 18, 2021. Does that sound right?

A. I was released from prison in 2019.

Q. Okay. Oh, I see.

So you were -- you were paroled out of prison on March 18, 2019, right, and you were placed on parole?

A. Yes.

Q. And then you finished up with your parole on March 18, 2021. Do I got that right?

A. Yes.

Q. Okay. And I think that you've already testified to this.

You've never been in prison outside of Illinois; correct?

A. No.

Q. That's a correct statement?

A. Yes.

Q. Okay.

MR. BAZAREK: Let's look at Exhibit 25.

(Exhibit 25 referenced for identification.)

BY MR. BAZAREK:

Q. I have a question.

When you were in -- what's the Northern Reception Center? Do you know what that is?

A. That's Stateville.

Q. Did you ever get any medical treatment while you were incarcerated?

A. Medical treatment?

Q. Yeah.

A. I went to the doctor to get my eyes checked.

Q. Okay. Did you ever get any mental health care treatment while you were incarcerated?

A. Mental health?

Q. Yeah, mental health care treatment.

A. No.

Q. Have you ever suffered from depression, anxiety, anything like that?

A. No.

MR. BAZAREK: Let's look at Exhibit 25A.

(Exhibit 25A referenced for identification.)

BY MR. BAZAREK:

Q. These are call logs while you were in IDOC.

Let me ask you this question.

Were there times when you were in the Illinois Department of Corrections where you spoke on the telephone?

A. Yes.

Q. Okay. And during any of the times when you were in IDOC, did you ever speak to anyone about the circumstances of your December 16, 2004, arrest?

A. Yes.

Q. Okay. Who did you speak to about the circumstances of your arrest?

A. I believe Josh reached out to me, and I probably talked to some assistants he had with him.

Q. So there were occasions where you talked to your legal counsel on the phone about your arrest?

A. Yes.

Q. And was that when you were in Stateville or some other prison?

A. Another prison.

Q. Which prison?

A. That would have to be --

Q. Well, you know -- here.

What did you say? I'm sorry.

A. I'm just trying to think of the prisons.

Q. Okay. Well, let me ask you. Other than your attorneys, did you ever speak to anyone else on a telephone call when you were in the Illinois Department of Corrections?

A. Yes.

Q. Who?

A. I talked to my mom. I talked to my girlfriend.

Q. Which girlfriend?

A. Tanesha Cash.

Q. Who else did you talk to about the circumstances of your December 16, 2004, arrest?

A. I probably talked to Ben when he was released.

Q. Ben Baker. You talked to him while you

were incarcerated. Okay.

A. Yes.

Q. Who else?

A. That's it.

Q. Let me ask you. Whose phone number is this? 773.712.4363.

A. My girlfriend. That was my girlfriend at the time, Tanesha Cash.

Q. Whose phone number is 773.653.8993?

A. I can't remember.

Q. Whose number is 773.220.0379?

A. My cousin.

Q. Which cousin?

A. Angela Carter.

Q. Whose phone number is 773.600.0041?

A. I can't remember.

Q. Whose phone number is 601.879.0989?

A. I don't know.

Q. 31 times -- 31 phone calls you had with that number.

You don't know who that is?

A. No.

Q. How about 773.731.3643?

I show you had 54 calls with that telephone

number.

A. I don't know whose number that was at the time. Probably another girlfriend.

Q. 773.712.9111, whose number is that?

A. I can't recall.

Q. 815.963.8739. Do you know whose number that is?

A. No.

Q. 773.640.9932. Do you know whose number that is?

A. No.

Q. 077.648.3481. Do you know whose number that is?

A. Can you repeat that?

Q. 077.648.3481. Do you know whose number that is?

A. 077, no. I don't know whose number that is.

Q. Okay. And when you were on the phone talking to your girlfriend, mom, cousin about your December 16, 2004, arrest, what did you say?

A. I was just asking them to try to reach out to the attorneys for me.

Q. What did you say?

A. They would try to reach out for me.

Q. So was it because were you reading something in the paper, or why did you think you wanted to call your relatives to say, hey, get ahold of these attorneys?

A. I heard about -- I heard that there was attorneys working for the cases that people was framed for.

Q. And there were lawsuits being filed?

A. Yes. I assume, yes.

Q. All right. So you -- and you wanted to be part of that; right?

A. Yes.

Q. You know, you want to get money?

A. No.

Q. You don't?

A. No.

Q. Why did you hire attorneys to file a lawsuit?

A. Because I wanted to get my justice, justice for being locked up illegally.

Q. Okay.

MR. BAZAREK: We can take that down.

MS. GIZZI: Bill, is it time to take a

five-minute break?

MR. BAZAREK: Yeah, sure.

THE VIDEOGRAPHER: The time is 4:27 p.m. We are now going off the record.

(Recess taken.)

THE VIDEOGRAPHER: Okay. The time is 4:34 p.m. We are now back on the record.

MR. BAZAREK: Let's look at Exhibit No. 26.

(Exhibit 26 referenced for identification.)

BY MR. BAZAREK:

Q. And this is a Petition for Certificate of Innocence. It looks like it was filed on May 13, 2022.

And did you review this document before it was filed, sir?

A. No.

Q. Okay. According to this document that was filed with the court, if you look at page 2, it's PL JOINT 084621. It says, "Watts and other members of his team broke down the door."

Do you see that? Paragraph 3.

A. Yes.

Q. But you never saw that; right?

A. I was sitting in the front room. I just heard them banging and barging into the apartment.

Q. Sir, you never saw that the team had broke down the door; right?

A. No.

Q. When you were taken out of the apartment, was the door, you know, off its hinges laying on the ground?

A. No. The door was wide open.

Q. Okay. But the door was still on its hinges; correct?

A. Actually, I didn't pay attention. I just know we walked straight through it.

Q. And during this deposition, you never said -- see, then there's another sentence that says Watts and his team detained Moore and Patrick. You testified to that.

There's someone named Gresham.

Do you see that?

A. Yes.

Q. That's Bryant Patrick's girlfriend; right?

A. I don't know her name. I don't know her real name.

Q. Well, the girl -- but the girlfriend was

in the room with the kids? Isn't that what you testified to?

A. Yes.

Q. All right. The police weren't detaining her; right?

A. She was in the room. I can't say. I don't know what was going on.

Q. Yeah. I mean -- and I know you didn't read this filing before it was filed. So, okay.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 27.

(Exhibit 27 referenced for identification.)

BY MR. BAZAREK:

Q. This is a hearing on the 12th of June, 2022. It looks like you were in court with Mr. Tepfer; right?

A. Yes.

Q. And you were -- if you look at page 2, the court says, "All right. Mr. Moore, would you like to identify for the record?"

And then it says "THE DEFENDANT." That's you. "Yes, I'm here. Elgen Moore."

Do you remember being in court that day?

A. Yes.

Q. When you were awarded the certificate of innocence, do you remember that?

A. Yes.

Q. At no time during that hearing did you tell the judge that you pled guilty; did you?

A. No.

MR. BAZAREK: We can take that down.

Let's look at Exhibit 28.

(Exhibit 28 referenced for identification.)

BY MR. BAZAREK:

Q. We've already -- you've seen your -- didn't you say you were looking at your rap sheet before the dep; right?

A. Yes.

Q. All right. So you've already seen this one.

So let's look at this last arrest, 27 April 2022.

A. Yes.

Q. You were arrested on the Stevenson Expressway?

A. Yes.

Q. And you had a firearm with you?
A. No.
Q. Did you have of a weapon with you?
A. No.
Q. What were you arrested for?
A. A firearm.
Q. What's that?
A. A firearm.
Q. I couldn't hear what you said, sir.
A. A firearm.
Q. You had a -- you were arrested for a firearm?
A. Yes.
Q. Did you have a firearm with you?
A. No.
Q. What happened to this criminal case?
A. It was thrown out.
Q. Who was your attorney who represented you?
A. Quinn Banks.
Q. Was that a private attorney?
A. Yes.
Q. Was he referred to you?
A. No.
Q. What do you remember about the circumstances

of that arrest?

A. Being pulled over by the state troopers, asked for -- asked for my license, insurance. I handed it to him. He went around and came back, asked me have I been drinking. I said no. They asked me where I came from. I let them know where I came from. And then they asked the passenger in the vehicle had they been drinking, and the passenger told them they had been drinking a little wine.

Q. Who was the passenger?

A. A female.

Q. What's her name?

A. Keesha.

Q. What's her last name?

A. I don't know her last name. I just knew her by Keesha. I didn't know her real name or nothing.

Q. When did you meet her?

A. I met her in the summertime, I believe.

Q. Did she have a gun with her?

A. Yes.

Q. Okay. Where was the gun that she had with her?

A. In her purse.

Q. Okay. And then the state trooper, they had the in-car camera video or body-worn camera during that stop?

A. Yes.

Q. Did you ever see the in-car camera or body-worn camera?

A. Can you elaborate as far what you mean as far as seeing it?

Q. Did you ever view the camera footage that was taken of that arrest?

A. Yes.

Q. And did it show the police recovering a firearm from your lady friend's purse?

A. No.

Q. Where was -- where -- how did they recover the firearm from her purse?

A. They put both of us -- they placed both of us in handcuffs at the back of the vehicle, and they put me in a squad car after a while. And I seen them come out the vehicle from the passenger's side with a weapon.

Q. Do you know where they got the weapon from?

A. No.

Q. Had you ever seen that weapon before you were stopped by the police?

A. No.

Q. Did your lady friend say it was her weapon?

A. No.

Q. Did your lady friend say it was your weapon?

A. No.

Q. Did the police ask you whose weapon is this?

A. Yes.

Q. And what did you say?

A. It's not mine.

Q. And what did she say?

A. I don't know. They had us -- they took us separate. They had us separately.

Q. Did she get arrested, too?

A. We both was taken to the police station.

Q. Yeah. But you were booked; right?

A. They eventually booked me.

Q. Did you have to go to court?

A. Yes.

Q. Okay. And then you hired your attorney and you beat the case; right?

A. Yes.

Q. Did Mr. Tepfer refer the attorney who represented you?

A. No.

Q. Did the woman, your lady friend, did she have a case associated with this arrest?

A. No.

Q. Do you still carry a gun for protection?

A. No.

Q. When is the last time you possessed a gun?

A. Some years.

MR. BAZAREK: Let's look at the last exhibit. This is Exhibit 29.

(Exhibit 29 referenced for identification.)

BY MR. BAZAREK:

Q. So just on this first page, if you go to the last entry, it's referring to that April 27, 2022, booking date. And that's associated with this stop on the Stevenson Expressway; right?

A. (No audible response.)

Q. Right? That was in April of '22 when you

were arrested for having the gun?

A. Yes.

Q. Okay. And then it looks like you were released March 21, 2023; is that right?

A. Yes.

Q. So were you in jail for almost a year on the gun charge?

A. Yes.

Q. You couldn't bond out?

A. They had me fight the case.

Q. Do you know why the case got dismissed?

A. Yes.

Q. Why?

A. They had no evidence of me concealing a firearm or having a firearm.

Q. Your fingerprints weren't on the gun?

A. No.

Q. Did the firearm get tested for fingerprints?

A. Not that I know of.

Q. Was the gun fully loaded, if you know?

A. I don't know.

Q. Okay. Mr. Moore, what are things that you like to do for enjoyment?

A. Go out with my kid, with my daughter, just

seeing her enjoying herself.

Q. Does that make you happy?

A. Yes.

Q. And you love your daughter. She loves you; right?

A. Yes.

Q. And what are things that you like to do with your daughter?

A. Whatever she like doing. Mostly going to eat, sitting down and just eat and just picking her brain.

Q. And then is your daughter, is she doing well in school?

A. She's doing excellent in school.

Q. Are you involved in her school?

A. Yes.

Q. What types of things do you do at your daughter's school or functions or that type of thing?

A. Parent conferences.

Q. Would you say you're a very involved parent?

A. Sure.

Q. And do you share custody with your

girlfriend?

A. Yes.

Q. And then do you -- so are there times where your daughter is staying with you?

A. Yes.

Q. Okay. And I know you're a loving father and you enjoy your time with your daughter.

What other things do you do to enjoy yourself besides family time with your daughter?

A. I like to go to the center still, play basketball with brothers and cousins, like outings with my family period, gatherings, barbecues, just quality time.

Q. Okay. And you appreciate being able to spend time with your family and loved ones?

A. Yes.

Q. And you love them and they love you; right?

A. Yes.

Q. Are you hopeful for your future, sir?

A. Yes.

Q. And what's -- right now I know you're not working. You were working at the temp place. Are you like looking at other employment opportunities?

A. Yes.

Q. Okay. And what about -- strike that.

Right now do you have any girlfriends that you're seeing?

A. I do, yes.

Q. Okay. And you go on dates with different women?

A. No.

Q. Okay. Do you have a special one right now you're dating, a special women?

A. Yes.

Q. And what's her name?

A. Tina.

Q. And then how long have you been seeing Tina?

A. For about four years now.

Q. Okay. And you have a loving relationship with Tina?

A. Yes.

Q. What's Tina's last name?

A. Gist.

Q. And can you spell the last name?

A. G-I-S-T.

Q. And do you live with Tina?

A. Yes.

Q. Okay. Do you and Tina go on -- what fun things do you and Tina like to do?

A. That's a big one. We like getting out from time to time just enjoying the fruits of life, but we're trying to start traveling.

Q. And what are your travel plans right now?

A. Actually, we supposed to be going on a cruise in March.

Q. Soon. Where's the cruise to?

A. I have to check on that again because she booked it, so I have to see.

Q. Are you looking forward to the cruise?

A. Yes.

Q. Are you going with any other couples or just you and your girlfriend?

A. Her brother and his wife.

Q. And you're really looking forward to this trip; right?

A. Yes.

Q. Have you gone on any other vacations with your girlfriend?

A. Yes.

Q. What other places have you gone to?

A. We've been going a few places -- California, Vegas, Jamaica.

Q. I'm sorry. What was the last one?

A. Jamaica.

Q. What did you do in California?

A. Just went sightseeing.

Q. What part of California?

A. Actually, I don't remember which part we was in, but we was traveling all over.

Q. Okay. You'd go to Wine Country? Northern California? You'd go to LA? San Diego?

A. We was in LA.

Q. Okay. And was that an enjoyable trip with you and your girlfriend?

A. Yes.

Q. And then you went to Vegas. Where did you stay when you went to Vegas?

A. We stayed -- we had a hotel right off the strip.

Q. Do you remember the name of the hotel?

A. No, I don't actually remember the name of the hotel.

Q. Was it an enjoyable time you had with your girlfriend?

A. Yes.

Q. Did you go with any other couples or just you and her?

A. Her brother and his wife went, also.

Q. Okay. And then I know you went to Jamaica. When did you go to Jamaica?

A. That was '21.

Q. And that was an enjoyable trip?

A. Yes.

Q. And did you go with any other couples to Jamaica?

A. Yes.

Q. Who did you go with?

A. Her brother, his wife, her cousin, his wife, another one of her cousins, and his wife.

Q. Have you gone on any trips with Ben Baker?

A. No.

Q. Okay.

MR. BAZAREK: That's all I have at this time.

MR. GAINER: Sir, are you able to hear me?

THE WITNESS: Yes.

MR. GAINER: Great. Are you good to keep going?

THE WITNESS: Yes.

MR. GAINER: All right. Great.

My name is Brian Gainer. I represent Ron Watts. The good news is Bill just did most of the work, so I only have a couple questions.

I'm going to jump around a little bit, so if you're not sure what I'm talking about, just ask me and I'll tell you. Okay?

THE WITNESS: Yes.

MR. GAINER: All right.

EXAMINATION

BY MR. GAINER:

Q. You made or you just testified earlier in the deposition about a time when you were arrested and your money was taken to pay for some pizza.

Do you remember that testimony?

A. Yes.

Q. Okay. I might have missed this in your previous testimony, but where did you get that thousand dollars that was in your pocket?

A. That was from some of my profits from selling.

Q. Got it. So some of your profits from selling narcotics?

A. Yes.

Q. How much or how many days of profit was that?

A. That was quite a few days of profits.

Q. All right. You're not sure exactly how many?

A. No.

Q. All right. You testified at length about Ben Baker's arrest while you were in his apartment in the summer of 2004.

Do you remember that testimony?

A. Yes.

Q. Aside from that incident when you saw Ron Watts arrest Ben Baker, did you ever -- strike that.

Aside from that incident, were you ever present for any other interaction between Watts and Ben Baker?

A. Can you elaborate what you mean by that, any other?

Q. Yeah. So I'm just trying to figure out, you know, you told us about the interaction that you witnessed between Baker and Watts when he was arrested; right?

Do you remember talking about that?

A. Yes.

Q. Do you ever see them interact at any other time?

A. Besides Sergeant Watts coming to the area and giving people pat-downs or whatever.

Q. Were you finished with your answer?

A. Yes.

Q. I'm specifically asking about interactions between Sergeant Watts and Ben Baker, not anybody else.

What I'm trying to figure out is if you ever saw Sergeant Watts and Ben Baker interact on any other occasion other than that arrest in the summer of 2004.

A. No.

Q. Okay. Thanks.

Did you ever see Watts take money from anyone other than what you've described here today?

A. No.

Q. Did you ever see anyone give Watts money other than what you've described here today?

A. No.

Q. You mentioned when Mr. Bazarek, Bill was asking you questions about what you missed while

you were in jail -- that you missed a couple cousins' birthdays.

Do you remember talking about that?

A. Yes.

Q. What were those dates again of those birthdays?

A. January 21st and January 26th.

Q. And who were those cousins?

A. My cousin Trapell and my cousin William.

Q. Okay. So your cousin Trapell, what was his birthday that you missed?

A. That's a she.

Q. Oh, sorry. She.

How do you spell that for the court reporter?

A. T-R-A-P-E-L-L.

Q. Thank you.

And which one of those was her birthday?

A. January 21st.

Q. And how old was she on the birthday that you missed?

A. At that time, that was 2004. She had to be 29.

Q. Okay. And then tell me the name of the

other cousin.

A. William.

Q. William. And William's birthday was January 26th and you missed that one, too?

A. Yes.

Q. And what birthday was that for William?

A. He had to be about 17 or 18 years old.

Q. All right. So tell me Trapell's full name.

A. Trapell Horning (phonetic).

Q. What's the last name?

A. Horning.

Q. Horning. Okay. And where does Trapell Horning live now?

A. She stay in Englewood.

Q. Do you know her address?

A. I don't know the exact address, but I know she stay at 57th and Woods.

Q. Okay. And then William's full name?

A. William Carter.

Q. William Carter? Is that what you said?

A. Yes.

Q. Okay. And William Carter, where does William Carter live?

A. I don't know exactly where he live at right now.

Q. You mentioned when you were testifying towards the end of your testimony with Mr. Bazarek that you heard some people say that Watts killed Big Shorty.

Do you remember that?

A. Yes.

Q. Who said that?

A. It was rumors going around the neighborhood.

Q. Can you tell me the name of anyone who shared that rumor with you?

A. It was all type of people in the neighborhood saying it. I couldn't really know -- I wouldn't know their full name on top.

Q. All right. Were you present when Big Shorty was killed?

A. I was not there when he got killed, no.

Q. That's what I mean. So you didn't see him get killed?

A. No.

Q. Okay. So you don't know who killed him?

A. No.

Q. Did anyone ever tell you that they saw

Big Shortly get killed?

A. No.

Q. Did anyone ever tell you that they saw Watts kill Big shorty?

A. No.

Q. All right. The last couple questions I have are about that arrest that you talked about in June of 2003, where you were charged with a misdemeanor and Christopher Turner and some others were also arrested.

Do you remember talking about that?

A. Yes.

Q. Okay. And Christopher Turner and a couple other people who were arrested with you on that day were charged with felonies; right?

A. Yes.

Q. And you were charged with a misdemeanor as we discussed earlier; right?

A. Yes.

Q. And did you ever go to court to testify on behalf of them to tell the judge or the jury or anyone that that was a false arrest?

A. No.

Q. Did anybody ever ask you to do that?

A. No.

Q. Did you ever tell anyone -- strike that.

MR. GAINER: I don't have any other questions for you. Thank you, sir.

MR. PALLES: I have a few.

EXAMINATION

BY MR. PALLES:

Q. Mr. Moore, my name is Eric Palles. I represent Kallatt Mohammed.

Let me ask you, first of all, before your arrest -- well, let's see.

Do you recall the first time you met Kallatt Mohammed?

A. No, I can't recall the first time I met him.

Q. Okay. Do you recall -- what interactions over the years do you recall having with Officer Mohammed?

A. The interaction when I was arrested on December -- I think December of 2004.

Q. Okay. All right. And that arrest on December 2004, that includes the joke or whatever he was saying about the pizza; right? That happened at the same occasion?

A. Yes.

Q. Okay. When -- what role did Officer Mohammed take in your actual arrest on that -- on December 4th? Did he, first of all, enter the apartment?

A. Yes.

Q. Okay. What interaction did you have with -- directly with Officer Mohammed?

A. Officer Mohammed was one of the officers that searched me.

Q. Okay. Did Officer Mohammed take the money from you?

A. He took it out of my pocket when we got to the station.

Q. Okay. And was that money inventoried, if you know?

A. I don't believe so.

Q. Okay. Now, let me ask you this.

On December 16, 2004, do you remember how were you dressed?

A. I actually don't remember what I had on.

Q. Okay. Did you ever wear a jersey, a football jersey with the number 13?

A. I had a jersey with the number 13.

Q. And why 13, just out of curiosity?

A. I think it was a throwback Dan Marino jersey.

Q. All right. So as of December 16, 2004, you knew who Officer Mohammed was; correct?

A. Yes.

Q. And other than the discussion that you talked about at the station where Mohammed talked about buying the pizza, did you have any other discussions with him concerning the circumstances of your arrest or the charges against you?

A. No.

Q. Okay. Now, when you learned that certain people were suing members of the Watts' team for these damages -- well, let me ask you first of all, who was it -- do you recall how you first learned about the existence of these lawsuits?

A. I was incarcerated, and I received an attorney phone call through the jail. And they called me over to have an attorney phone call. And it was one of the attorneys, Josh.

Q. Okay. Before that, were you aware, for example, that Ben Baker had a federal lawsuit?

A. No.

Q. Okay. What about William Carter? Did you know he had a lawsuit?

A. No.

Q. Now, without telling me what you discussed with your attorneys, there were times from beginning with Josh Tepfer's phone call and subsequently when you went over the facts of this December 16, '04, arrest with your attorneys; correct?

A. Yes.

Q. Okay. And on one occasion, Josh Tepfer wrote out an affidavit; am I correct?

A. Yes.

Q. Okay. And at some point I take it that you saw some of the court filings that Mr. Tepfer was going to file for you to vacate your conviction from that December '04 arrest; right?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Yes.

BY MR. PALLES:

Q. Okay. And you reviewed those pleadings for accuracy; right?

A. Can you repeat that?

Q. Yeah.

You looked to make sure it was accurate?

A. Yes.

Q. To make sure there was no mistake. Okay.

And the same is true, is it not, with the complaint that you filed in federal court for damages arising from this conviction; right?

A. Yes.

Q. Okay. All right. Well, without necessarily putting up your complaint, let me ask you this.

In your complaint, you brought suit against Sergeant Watts, Officers Jones, Smith, Bolton, Gonzalez, Nichols, and Leano. And in addition, you have claimed that those officers violated your rights on that day.

Is there some reason why you have chosen not to sue Officer Mohammed?

MS. GIZZI: Objection to the extent it calls for attorney-client privilege.

Please don't divulge anything privileged.

MR. PALLES: Yes.

MS. GIZZI: Did you hear my objection?

MR. PALLES: I heard your objection, and

he's not going -- I'm not asking for any attorney-client privilege. I just simply want to know --

BY MR. PALLES:

Q. Well, are you aware of the fact that you have not sued Officer Mohammed?

A. No.

Q. Okay. Let me go to Sin City a minute.

When the Sin City officers were going through some reports, they discussed certain surveillance. And it said -- their surveillance said that Torlon Fumbanks led a crew that included Bryant Patrick, Gregory Young, and Charles Niles.

Is that true to the best of your knowledge?

A. No.

Q. Is it untrue?

A. Yes.

Q. Okay. Was there a crew that consisted of Charles Niles, Bryant Patrick, and Gregory Young?

A. No.

Q. The particular undercover sale for which you were arrested in Sin City involved a circumstance where you and a woman, Pauline Rufus, solicited the

sale of heroin, while Bryant Patrick physically possessed and sold it.

Is that typical of the way that you operated with Bryant Patrick?

A. No.

Q. Are you contesting -- well, do you know -- who's Pauline Rufus?

A. No.

Q. Do you know her?

A. No.

Q. Are you suggesting that the information provided in the Sin City investigation is not true?

A. Can you repeat that?

Q. Yeah.

Are you saying that this particular report in Sin City that you and Pauline Rufus were pitching heroin while Bryant Patrick was actually handing it out and taking the money, that's not true? That never happened?

A. No.

Q. Okay. Now, did you ever sell a line of heroin that was called CPR?

A. Can you elaborate on what you mean by selling a line of heroin called CPR?

Q. Well, I can only ask you whether or not you sold heroin. Well, let me ask you this.

Did you ever sell heroin that was in bags labeled either with a blue devil or a black bulldog logo?

A. Yes.

Q. What did you call that?

A. CPR.

Q. Okay. All right. And am I correct that individual bags of heroin were always sold for $10 unless you authorized that the heroin could be sold at a different price?

A. No.

Q. We talked about your mom giving you money on occasion. Was your mother back in 2004-2005 employed?

A. Yes.

Q. How was she employed?

A. My mother was the candy store.

Q. Okay. Okay. I think that's what I was getting at.

So your mother Paulette was known around the building as Winkie; am I correct?

A. Yes.

Q. And she was the candy lady and she sold out of the building; correct?

A. Yes.

Q. Okay. And I believe -- do you remember in 2019 talking -- being interviewed by COPA, the Civilian Office of Police Accountability?

Do you remember that interview?

A. Yes.

Q. Okay. And do you recall telling them at the time that you lived with Winkie, your sister Valencia, and your brother Brian Brown; is that correct?

A. Yes.

Q. Okay. Did you ever mention to them that William Carter lived in Apartment 506 with you?

A. No.

Q. Okay. But William Carter did live in Apartment 506 with you; am I correct?

A. At some point he did.

Q. Okay. And now William is -- his nickname is either Storm or Yale; am I correct?

A. Yes.

Q. And he, like you, was involved in selling heroin out of the 527 building; right?

A. Yes.

Q. Okay. Now in addition to that, didn't Valencia have a boyfriend living in the apartment as well?

A. At some point.

Q. And was that guy's name Antlo?

A. Can you repeat that?

Q. Was that guy's name Antlo?

A. Yes.

Q. Okay. Now -- and Antlo, is -- his government name is Angelo Shenault, Jr.; am I right?

A. Yes.

Q. Okay. And Angelo Shenault, Jr., was also involved in the drug trade at the building?

A. Not at 527.

Q. Oh, where was he selling?

A. 540.

Q. Okay. What was he selling?

A. Heroin.

Q. Okay. By the way, I know that I noticed that some of your family members, they have the last name of Brown.

Are you at all related to a Bernard Brown?

A. No.

Q. Do you know who Bernard Brown is?

A. No.

Q. Now, when -- let's go back to December 16, 2004, for a moment.

The -- we've seen reports that Bryant Patrick was arrested at the same time. And he was arrested with a guy named Donell Moore.

Do you know who Donell Moore is?

A. You say Bryant was arrested with a guy named Donell Moore?

Q. Yes.

A. On December of 2004.

Q. Correct.

A. No, I do not know who Donell Moore is.

Q. Do you recall -- well, I think you said earlier there were some other arrestees with you. You were brought in at the same time; correct?

A. Yes.

Q. Okay. But in any event, Donell Moore is not related to you; am I correct?

A. I have an uncle on my father's side named Donell Moore, but I didn't see -- Donell Moore was not arrested -- to my knowledge wasn't arrested

with me and Bryant Patrick on the night we were tooken into custody.

Q. Okay. Is your uncle -- does your uncle go by the nickname D?

A. I have no recollection of that. I don't even be around him.

Q. Okay. Do you recall any guys hanging around as part of the crew or, you know, some of the guys who would stand by looking for the police officers who went by the name D?

A. No.

Q. Okay. Now I think you also told COPA that one of the officers who also came to the apartment on December 16th of 2004, was a female officer, nickname Coco.

Do you recall giving that information?

A. Yes.

Q. Okay. Now, she hasn't come up today. Is it still your testimony that Coco also was at the scene?

A. Yes.

Q. All right. You also discussed with COPA that you felt for a period of time -- excuse me.

I believe you told COPA that you told your attorney, Matt Mahoney, that it seemed like anybody involved with Ben Baker was being harassed.

Do you recall telling COPA that?

A. Yes.

Q. Okay. Now, the people that you're talking about, however, were all affiliated with Ben Baker's drug operation; were they not?

MS. GIZZI: Objection, form.

Go ahead.

THE WITNESS: Yes.

BY MR. PALLES:

Q. Okay. Were you still living or hanging around 527 in 2006 after Ben Baker was sentenced and incarcerated?

A. Yes.

Q. Okay. And at that time who was selling drugs at 527?

A. No one at the time.

Q. Let me ask you this.

Was Tweak, Jamar Lewis, selling any drugs out of 527 after Ben went away?

A. In 2006?

Q. Yeah.

A. I believe Tweak was incarcerated in 2006.

Q. Okay. How about after that? 2007? 2008? Who was selling out of 527 at this time?

A. I have no recollection because I was incarcerated.

Q. Okay. How about do you know a guy named Art Kirksey?

A. Can you repeat that?

Q. Do you know a guy named Art Kirksey?

A. Can you repeat that?

Q. Yes.

Do you know a gentleman named Arthur Kirksey, K-I-R-K-S-E-Y? He went by the name of Art.

A. Yes.

Q. Okay. Are you aware of Art being involved in the drug trade at 527?

A. Yes.

Q. Okay. And Art was also good friends with Ben; am I correct, if you know?

A. Yes.

Q. Okay. Did you hang around a lot with Art?

A. Somewhat.

Q. Okay. Now, we have evidence that at some

point Clarissa Glenn convinced Art Kirksey to cooperate with the FBI in obtaining evidence against the -- Officers Watts and Mohammed.

Now, first of all, were you aware of that?

A. No.

Q. Okay. Now you did tell COPA, though, that Clarissa at some point asked you whether or not you would talk to the FBI; am I correct?

A. Yes.

Q. When was that?

A. That was on one of Ben's arrest.

Q. Was it after Clarissa was arrested as well?

A. No.

Q. Okay. What specifically did she ask you to do?

A. She told me there's some people that she wanted me to try to talk to to help Ben out.

Q. Did you pass along any messages from Ben about, you know, kind of like, you know, will you help me out, Al, anything like that?

A. Can you repeat that?

Q. Yeah. Did she pass along to you Ben's desire that you help him out?

A. Yes.

Q. But you told COPA that you refused the request; correct?

A. Yes.

Q. Why?

A. I had never talked to any officers, so I didn't know how to go about that.

Q. But she told you she knew some people who you could talk to?

A. Yes.

Q. Okay.

MS. GIZZI: Could we do a time check, Eric? Because I think we're getting close.

MR. PALLES: Well, I'm stopped. I'm stopping. And I am done, so I hope I haven't screwed anybody else.

Let's do the check. I'm done.

Thank you, Mr. Moore.

THE WITNESS: You're welcome.

THE VIDEOGRAPHER: We're at 6 hours and 33 minutes and 45 seconds on record.

MS. HARRIS: I have a few questions on behalf of the City.

EXAMINATION

BY MR. DAVIS:

Q. Hey, Mr. Moore, can you hear me okay?

A. Yes.

Q. You said that your cousin is William Carter. Do you know that he has a pending lawsuit against Defendant Watts and the other defendant officers?

A. As of now, yes.

Q. Did you just learn that right now or prior to this deposition?

A. Prior to this deposition.

Q. Have you two ever talked about your lawsuits?

A. No.

Q. Never?

A. Nope.

Q. When was the last time that you saw Mr. Carter?

A. I just saw him this past weekend.

Q. Okay. So you two are still pretty close?

A. Yes.

Q. And you said that in 2006 you moved to the 575 building with your grandmother, Elizabeth Dixon;

correct?

A. Yes.

Q. Did William Carter live there at the same time when you moved in?

A. No.

Q. Do you know when he moved out?

A. I don't know exactly when he moved out.

Q. And when did you move from the 575 building?

A. Maybe 2008.

Q. And why did you move out at that time?

A. I went to live with my girlfriend.

Q. Okay. What address was that? You might have said it earlier, but I don't recall.

A. I don't know the exact address, but it was like 44th and Wabash.

Q. And so when you moved out, your grandmother was still living in the 575 building?

A. My grandma had passed.

Q. Was anyone else living in -- I believe it was 308, Apartment 308 at the 575 building when moved?

A. Yes.

Q. Who else was living there?

A. Her mother.

Q. So when you moved out of 527 in 2006, was your mother still living in the 527 building?

A. Was my mother still living in 527, yes.

Q. And then at what point did she move to the 575 building?

A. My mother?

Q. Yes.

A. My mother never moved to 575.

Q. Okay. So I just misunderstood something.

So you said when you moved out of the 575 (sic) building in 2008 to move in with your girlfriend, who was still in the 575 building then in Apartment 308?

A. My grandmother's mother.

Q. Your grandmother's mother. Okay.

A. Yes.

Q. And was that Cornelia Lukas?

A. Yes.

Q. Okay. And did she ever move out of the 575 building?

A. Yes.

Q. When did she move out?

A. I don't know the exact year because I was incarcerated. I got incarcerated.

Q. Okay. Was is it after 2008?

A. I don't know. I wasn't around when she moved.

Q. Do you know if she stayed there at least fairly close to when the extensions were being torn down?

A. Yes.

Q. Okay. And your grandmother was not kicked out of the 575 building; correct?

A. No.

Q. Your great-grandmother. I'm sorry.

Your great-grandmother was not kicked out of the 575 building; correct?

A. No.

Q. Okay. And then how long did your mother reside at the 527 building?

A. Until it was closing down.

Q. Okay. So you stated in your interrogatories that due to your arrest, your family lost their housing in Ida B. Wells.

If it wasn't your grandmother -- your great-grandmother, your grandmother, or your mother, who are you referring to at this point?

A. My mother.

Q. But you said that your mother stayed there until the extensions were torn down; correct?

A. Yes.

Q. So she didn't lose her housing based on your --

A. She lost her Section 8.

Q. When did she lose her Section 8?

A. I don't know exactly when she lost it, but she lost it.

Q. Did she lose it because of your arrest that occurred while you were at the Wells, or did she lose it afterwards? Because if she stayed there until the extensions were torn down, then she hadn't lost her Section 8 because of that; correct?

MS. GIZZI: Objection, form.

THE WITNESS: I can't say.

BY MS. HARRIS:

Q. You don't know when she lost her Section 8 housing then; correct?

A. No.

Q. Do you know if it was because of your arrest in 2004?

A. I want to say because of my arrest in -- I don't know. I can't say. I don't know.

Q. So to the best of your knowledge, your mother did not lose -- your mother, your grandmother, nor your great-grandmother lost their housing in Ida B. Wells due to your arrests; correct?

A. My mother lost her Section 8.

Q. Well, you just stated that it was -- more than likely was not related to your 2004 arrest, in which she was still living in the 527 building; correct?

A. I don't know.

Q. But your mother was still living in the 527 building after you were arrested in 2004; correct?

A. Yes.

Q. And you moved from her -- the 527 building, in the same apartment you lived with your mom, you moved from there to your grandmother's apartment in the 575 building; correct?

A. Yes.

Q. So your mother had not lost her housing prior to you moving in 2006?

A. Section 8 was the reason she couldn't move from 527. After 527 closed, that's why she had to

go somewhere else. She couldn't move.

Q. What -- I'm sorry. I didn't mean to cut you off.

A. 527 was just the apartment that she stayed in. That had nothing to do with losing the Section 8.

Q. So your mother was not kicked out of the Ida B. Wells Housing Complex due to any of your arrests; correct?

A. No.

Q. Have you ever filed any complaint with OPS or any other Chicago entity against any CPD officers?

A. Yes.

Q. When did you file a complaint?

A. I filed the complaint I believe in -- I don't know the exact year, but it had to be 2006.

Q. And what arrest was that?

A. It was for the -- I believe it was a possession, but I know it was a bogus case.

Q. And was it against Defendant Watts or any of the other defendant officers in this lawsuit?

A. No.

Q. Was that complaint that you filed regarding your June 28, 2006, arrest by Officers Hill and

Morris for possession -- for a possession charge?

A. Yes.

Q. And you signed an affidavit for that complaint, that OPS complaint; correct?

A. Yes.

Q. And you gave an interview to investigators regarding that complaint; right?

A. Yes.

Q. And did you ever follow up -- strike that.

Did you -- do you know the finding of that OPS complaint?

A. No.

Q. Did you ever follow up to find out about what happened with that investigation?

A. No.

MS. HARRIS: Let me share my screen.

BY MS. HARRIS:

Q. You can see my screen; correct?

A. Yes.

MS. DAVIS: And this will be marked Exhibit 30, I believe we're on.

(Exhibit 30 referenced for identification.)

MS. DAVIS: And this is PL JOINT 041265

through 041305. And I'm going on page Bates-stamped 041266.

BY MS. DAVIS:

Q. And this states that on February 28, 2007, someone called OPS to follow up on your June 28, 2006, arrest.

Do you recall who made this complaint?

A. No, I don't recall.

Q. Do you know if anyone happened to see your arrest that was related to you or that you knew regarding this June 28, 2006, arrest?

A. My mom.

Q. So it's possible this is your mother who called and made this report?

A. Yes.

Q. And you -- or the allegations that were made was that the officers punched you in the right eye, dragged you down a flight stairs, and planted drugs on you; correct?

A. Yes.

Q. And on July 14, 2006, investigators come to the County Jail to interview you?

A. They came to Stateville.

Q. You're correct. Location of interview is

Stateville. Correct.

And this is Bates-stamped 041284.

And you gave them your account as to what occurred during that arrest; correct?

A. Yes.

Q. And so have you ever seen -- I guess my Adobe just crashed.

One second while I pull it back up.

MS. GIZZI: So much better to look at.

MR. BAZAREK: Cute dog. Cute dog.

MS. HARRIS: Give me one second. I'm sorry.

It might take too long to pull it back up.

BY MS. HARRIS:

Q. But you are not aware that two of your allegations had been found unfounded, and a third allegation was unsustained.

You were not aware of that?

A. No.

Q. Is there any reason that you did not follow up on your complaint, your OPS complaint?

A. I didn't know where to go to follow up at.

Q. Did you receive any documents from OPS?

A. Besides them coming to the jail, whatever

I signed right there, that was it. I never received no other documents.

Q. Did you ever speak to your mother or whoever made that complaint regarding following up?

A. I asked, yes.

Q. And did you tell your mother or whoever it was to follow up on the complaint to see what occurred?

A. I told her to try to contact them and see what went on.

Q. And then you didn't hear anything and never followed back up with your mother?

A. No.

Q. Okay. And in that, did you suffer -- you stated that you -- strike that.

Did you suffer any injuries regarding that June 28, 2006, arrest?

A. No.

Q. You did not?

A. No.

Q. Okay. Did you seek any medical attention regarding that arrest?

A. When I got to the county, Cook County.

Q. And what did you state when you got to

Cook County?

A. I had a few scrapes on my arms.

Q. But nothing related to being punched in your eye?

A. No.

Q. Okay.

MS. HARRIS: I'm checking my notes very quickly.

Okay. Those are all my questions.

Thank you, Mr. Moore.

THE WITNESS: You're welcome.

No questions for Ridgell.

MR. BAZAREK: Mike?

MR. SCHALKA: No questions from me.

MR. BAZAREK: Okay. I have a couple follow-up.

FURTHER EXAMINATION

BY MR. BAZAREK:

Q. Mr. Moore, is it your testimony that an officer that you identified as Coco had some involvement in your December 16, 2004, arrest?

A. Yes.

Q. When did you first see the officer you know as Coco?

A. When did I first see her?

Q. Yes.

A. I saw her a little while after Watts and them had been in the apartment.

Q. Where did you first see her?

A. I saw her when I was in the room on my knees coming into the apartment and went towards where the kids and the woman of the house was.

Q. Did Coco say anything?

A. She was in the next room, so I don't know what was being said.

Q. So it's your testimony that Coco was with Bryant Patrick's girlfriend and the kids in another room?

A. Yes.

Q. From where you were at, could you see Coco inside the room with them?

A. No.

Q. Can you describe Coco?

A. African-American female. I want to say probably with like a medium build at the time.

Q. What type of dress was she wearing?

A. She didn't have on no dress.

Q. Was she in plainclothes? Was she in

uniform?

A. She was in plainclothes.

Q. Have you ever spoken with Coco?

A. No.

Q. Have you ever heard Coco say anything?

A. Yes.

Q. What have you heard Coco say?

A. Basically what y'all got on you? Y'all got anything? That was it.

Q. Are you telling me she was questioning you or others about narcotics activity that you may have been involved in?

A. Yes.

Q. And when you had interactions with Officer Coco, you were a drug dealer; true?

A. Yes.

Q. I want to go back to, though, December 16, 2004.

Are you aware that the officer you call Coco was not even assigned to the 2nd District?

A. No.

Q. In fact, she was working in Englewood, in the 7th District. You know, the place where you would go to get high with your friends. Are you

aware of that?

A. No.

Q. Is it possible you're wrong when you testified that Coco was inside Bryant Patrick's apartment on December 16, 2004?

A. It was a female. I don't know who she was technically.

Q. All right. Are you just guessing because it was a Black female officer, so you're just going to say, yeah, it's Coco? Is that what you're doing right now?

A. No.

Q. What do you mean no?

MS. GIZZI: Objection, form.

THE WITNESS: I mean no to your answer (sic).

BY MR. BAZAREK:

Q. No what?

A. No, I'm not guessing.

Q. You just said that, oh, it's not the Black female officer.

What does that mean?

MS. GIZZI: Objection, form.

THE WITNESS: That means no to your answer (sic).

BY MR. BAZAREK:

Q. How many Black female officers worked in the 2nd District on December 16, 2004?

MS. GIZZI: Objection, form.

THE WITNESS: I don't know that. I don't technically know that.

BY MR. BAZAREK:

Q. You know, we've talked about -- throughout this deposition about all the heroin and crack cocaine that you sold over the years; right?

A. Yes.

Q. Okay. How about have you ever used crack cocaine?

A. No.

Q. Have you ever used heroin?

A. No.

Q. Have you ever used any illegal narcotic ever?

A. Marijuana.

Q. Well, you've testified about -- and you still smoke marijuana to this day; right?

A. No.

Q. Did you stop?

A. Yes.

Q. When did you stop using marijuana?

A. I haven't smoked marijuana for 14 or 15 years.

Q. At any time when you were in IDOC, you get screened when you enter a facility in the Illinois Department of Corrections; correct?

A. Yes.

Q. And they -- you're asked questions about narcotics use, drug use, alcohol use, that type of thing; right?

A. Yes.

Q. Have you ever reported at any time when were you in IDOC that you used heroin?

A. I don't remember.

Q. Did you ever report to anyone when you were you in IDOC that you used cocaine?

A. I don't recall.

Q. At any time when you were in IDOC, did you report to anyone that you drank alcohol to excess?

A. Yes.

Q. And what did you say about your alcohol use?

A. I drunk it.

Q. And what was the frequency of the alcohol intake that you reported to IDOC?

A. I think they may have asked the question like how many days of the week would you prefer you do it. I would say five days.

Q. So you -- and was that true, you were drinking five days a week?

A. Yes.

Q. And what were you drinking five days a week?

A. Alcohol.

Q. What type of alcohol?

A. Tequila.

Q. Anything else?

A. No.

Q. Were you ever referred to any substance abuse programs at any time?

A. Yes.

Q. When was that?

A. I was referred to one while incarcerated, and I was referred while I was on parole.

Q. And did you go to a substance abuse program?

A. Yes.

Q. What substance abuse program did you go

to?

A. I don't know the name of it. I can't recall.

Q. When did you go to the substance abuse program?

A. While I was on parole.

Q. What -- during -- I mean, you have multiple arrests, multiple convictions.

During what time period when you were on parole?

A. I went to a substance abuse I know when I was on parole in -- after being released in 2006. I took substance abuse programs when I was incarcerated in 2009.

Q. Which facility were you at in 2009 when you had the substance abuse treatment?

A. Big Muddy River.

Q. And what was the -- what substance abuse brought you to that program while you were incarcerated?

A. Can you repeat that?

Q. Were you using some type of illegal narcotics that got you into that substance abuse program?

A. No.

Q. Well, what was the substance abuse program for in 2009 when you were at Big Muddy?

A. The substance abuse program, what was it for?

Q. Yeah.

A. It was to help you battle your substance abuse.

Q. Right. But what substance were you abusing? Was it alcohol? Was it narcotics? Heroin?

A. Alcohol, marijuana.

Q. Anything else?

A. That's it.

Q. And then in 2006, you went to a substance abuse program after you were released from prison; is that your testimony?

A. Yes.

Q. And where was the substance abuse program located?

A. I don't recall the actual address, but it was somewhere on Western.

Q. It was on Western?

A. Yes.

Q. What was the east-west street it was closest to?

A. I can't recall that.

Q. How long did you go to this substance abuse program on Western?

A. I went for a few weeks.

Q. Were you -- would you leave every day, or were you actually in the program?

A. Oh, you just had to come, and then you'd leave afterwards.

Q. Okay. Have you ever been hospitalized for substance abuse?

A. No.

Q. Other than in 2006 and in 2009, have you ever been to any other substance abuse programs at any time?

A. No.

Q. Have you ever been to a psychiatrist?

A. No.

Q. Have you ever been to psychologist?

A. No.

Q. Have you ever been to any mental health care professional ever?

A. No.

Q. Have you ever reported to any medical professional that you suffer from mental problems?

A. Have I reported?

Q. Yes.

A. No.

MR. BAZAREK: That's all I have.

MS. GIZZI: We'll waive signature.

THE VIDEOGRAPHER: Okay. This is the end of the deposition.

The time is 5:55 p.m., and the running length of this recording is 7 hours and 15 seconds.

We are now off the record.

(FURTHER DEPONENT SAITH NAUGHT ...)

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Sharon L. Patanella, Certified Shorthand Reporter, do hereby certify that on February 28, 2024, the deposition of the witness, ELGEN MOORE, called by the Defendants, was taken before me via videoconference, reported stenographically, and was thereafter reduced to typewriting under my direction.

The said deposition was taken via videoconference, and there were present counsel, all via videoconference, as previously set forth.

The said witness, ELGEN MOORE, was first duly sworn to tell the truth, the whole truth, and nothing but the truth, and was then examined upon oral interrogatories.

I further certify that the foregoing is a true, accurate, and complete record of the questions asked of and answers made by the said witness, ELGEN MOORE, on the date and time hereinabove referred to.

The signature of the witness, ELGEN MOORE, was waived by counsel.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

Witness my official signature as a Certified Shorthand Reporter in the State of Illinois on March 20, 2024.



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EXHIBIT 14

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF

ILLINOIS EASTERN DIVISION

MASTER DOCKET CASE NO. 19-CV-01717



IN RE: WATTS COORDINATED

PRETRIAL PROCEEDINGS

DEPONENT: KENNETH YOUNG JUNIOR

DATE: DECEMBER 15,2021

REPORTER: KORTNEY CHASE

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STIPULATION

The VIDEO deposition of KENNETH YOUNG, JUNIOR was taken at KENTUCKIANA REPORTERS, 30 SOUTH WACKER DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on WEDNESDAY the 15TH day of DECEMBER 2021 at 10:04 a.m.; said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30. It is agreed that KORTNEY CHASE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

COURT REPORTER: We are now on the record. My name is Kortney Chase. I'm the online video technician and court reporter today representing Kentuckiana Reporters, located at 30 South Wacker Drive, 22nd floor, Chicago, Illinois, 60606. Today is the 15th day of December, 2021. The time is 10:04 a.m. Central Time. We are convened by video conference to take the deposition of Kenneth Young Junior. in the matter in Re: Watts Coordinated Pretrial Proceedings, pending in the United States District Court for the Northern District of Illinois Eastern Division. Master docket case number 19-cv-01717. Will everyone but the witness please state your appearance, how you are attending and the location you are attending from, starting with Plaintiff's Counsel.

MR. STARR: Good morning, Sean Starr, S-E-A-N S-T-A-R-R, on behalf of the Loevy & Loevy Plaintiffs. I'm attending remotely from the city of Chicago.

MR. FLAXMAN: Joel Flaxman for the Flaxman Plaintiffs, attending remotely from the city of Chicago.

MR. BAZAREK: Hey, it's William E. Bazarek. I'm

here with Kenneth Young. We are at my law office at 53 West Jackson, Chicago, Illinois. We're in a conference room together.

MR. MICHALIK: Paul Michalik on --

MR. KOSOKO: Ahmed Kosoko on behalf of Ronald Watt --

MR. MICHALIK: Hi, Ahmed. I'm sorry.

MR. KOSOKO: I apologize. Okay, I'll go. Ahmed Kosoko on behalf of Ronald Watts, Chicago, Illinois. I'm appearing via Zoom in my office.

MR. MICHALIK: Paul Michalik, M-I-C-H-A-L-I-K, on behalf of Defendants City of Chicago, and certain supervisory official Defendants. I am attending remotely from Oak Forest, Illinois.

MR. PALLES: Eric Palles, and I'm in Chicago, Illinois. For Kallat Mohammed.

MS. MCGRATH: Megan McGrath for Defendants Cadman and Spaargaren, appearing from Chicago.

COURT REPORTER: Okay. And Mr. Young, will you please state your name for the record?

THE WITNESS: Kenneth Young, Junior.

COURT REPORTER: And do all parties agree that the witness is in fact, Kenneth Young, Junior?

MR. STARR: Yes.

MR. FLAXMAN: Yes.

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MR. BAZAREK: Stipulated.
MS. MCGRATH: Yes.
MR. MICHALIK: Yes.
COURT REPORTER: Okay.
MR. KOSOKO: Stipulated.
COURT REPORTER: Mr. Young, will you please raise your right hand? Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
THE WITNESS: I do.
COURT REPORTER: Thank you. You may begin.

DIRECT EXAMINATION

BY MR. STARR:

Q Good morning, Mr. Young. My name is Sean Starr and I represent the Loevy Plaintiffs in the consolidated proceedings. Could you please state and spell your name for the record?

A Kenneth Young, Junior. K-E-N-N-E-T-H, Y-O-U-N-G, J-R.

Q Thank you, sir. Let the record reflect this is a Zoom deposition of Mr. Young, taken pursuant to notice in the Federal rules of civic procedure and that this is the third installment of Mr. Young's deposition. Mr. Young, at your last deposition -- oh, strike that.

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At one of your last depositions that occurred in January of 2020, you twice referred to these Watts related cases as foolishness. Do you remember using that term?

A I do.

Q Okay. And I believe at -- in one of the depositions, you said you were frustrated that what one or two people had done was pulling all the rest of you into this foolishness; is that correct?

A Yes.

Q Do you remember that testimony?

A I do.

Q Okay. Do you still stand by that statement, sir?

A Yes.

Q Could you, for the record --

MR. BAZAREK: Hey -- hey, Sean. I'm sorry. I don't want to -- I just want to interject one thing as we're starting this dep. As agreed by the parties, this will conclude at this deposition, all remaining lawsuits in which Officer Young is named as a Defendant in the Watts coordinated proceedings. So I just wanted to make sure that's on the record, so it's clear that this is deposition three, and the lawsuits that will be covered and concluded today at this deposition.

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BY MR. STARR:

Q Okay. Mr. Young, back to my questions. Regarding your characterization of these cases as foolishness, could you explain for the record what you mean by that?

A What I mean by that is at this time I've been a police officer for 30 years. Okay? I spent 19 of those 30 years on the street. I've arrested numerous people for various offenses, and this is the first time in my career, I can honestly say that based on what someone else's actions are, I am being accused -- falsely accused, by the way -- unjustly accused of allegations that did not happen. And I consider that a bunch of foolishness. It angers me to no end. I just -- you know, that goes against my character as a human being, first and foremost. And then secondly, as a police officer. I was not - my mother did not raise me that way. Okay? I'm still dealing with the loss of my mom. Okay? And to be drug [sic] into all of this based on what someone else's actions are that had nothing to do with me, I consider that a bunch of foolishness. And now that word foolishness, I think I was probably being really light about it. I could have said a few other things about that, but foolishness was the best word I could have come up with.

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Q I'm sorry to hear about your mother, sir. What other things could you have said other than foolishness?

A Nope. I'm not going to say it.

Q Okay. And sir, do you believe that that all of the Watts civil cases -- and I think there's approximately 80 or so in total, that they're all without merit?

A All of them as it relates to me that I am aware of, that I had any participation in, all of them are false.

Q All the cases in which you were named as a defendant, you believe are without merit; is that correct?

A Yes, exactly.

Q Do you believe that any of the other cases have any merit?

A I do not.

Q So any of the other cases in which you are not a Defendant, but which constitute a case within the consolidated Watts proceedings, you also believe that none of those have any merit; is that correct?

A Based on the time that I was on that particular tactical team, none of those -- any arrests that happened in between that time, I would say that all of those are false as well.

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Q So any cases in which you were on the tactical team -- any that fall in that time period, you consider them to be without merit, correct?
A That is correct.
Q You consider that all 80 of those cases then to be, using your term, foolishness?
A Whichever ones fall into that time frame that I was on that particular tac team.
Q I think I know the answer to this, but I'm just going to ask it anyways just for the record. So you do not have a law degree; is that correct?
A I do not.
Q Okay. And so what are you basing your opinion that all of the cases that occurred while you were on the tac team, whether you are a Defendant or not, have no merit? What are you basing that on, sir?
A I did not see -- I did not witness any of those allegations that those individuals are falsely accusing me of and my other teammates at that particular time, that I was on that particular tac team.
Q Okay. So you didn't see any of the actions that constitute the basis of the allegations, correct?
A That's correct.
Q Okay. And you were asked about that extensively at previous depositions. I'm not going to

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go down that road. But just because you didn't see them, that doesn't mean you know whether or not they were occurring, correct?
MR. BAZAREK: Object to the form of the question. No foundation.
Q You can answer.
A Say the question again, I'm sorry.
Q Yeah, sure. Just because you didn't see any of these allegations occur, that doesn't mean that you don't know whether or not they actually in fact happened. Isn't that correct?
MR. BAZAREK: Object to the form of the question. Foundation. Compound, vague, confusing.
A If I did not see it happen, it did not happen.
Q Did you ever ask Mr. Watts if any of these allegations are true?
A I haven't talked to Detective Watts.
MR. KOSOKO: Object to form.
Q Sorry, I didn't hear your answer, sir.
A I have not talked to Sergeant Watts.
Q Did you ever ask Mr. Mohammed if any of these allegations are true?
A I did not.
Q Have you asked any of the other Defendants, whether any of the allegations against them are?

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A I did not.
Q Okay. And you've testified at two prior depositions in this case, right? And they both occurred in January of 2020; is that correct, sir?
A I believe so.
Q Okay. So you probably have some familiarity with the deposition ground rules, so to speak. But because it's been almost two years, I'm just going to briefly go over a couple of rules, so that we're on the same page; is that fair?
A Yes.
Q Okay. You understand that you are under oath today, sir; is that right?
A Yes.
Q And as an officer of the law, you understand that telling a lie at a deposition is a crime, correct?
A That's correct.
Q Okay. So the court reporter is taking down everything we say, and therefore it's very important that we give verbal answers to all the questions. You know, in a normal human conversation, we use a variety of cues to communicate. But for today, I'm asking you to give verbal answers. So no, "Uh-huhs," or no head nods. Does that make sense?
A Yes.

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Q Okay. And this testimony is -- it's more informal than testimony in a court would be. There's no judge to rule on the objections. So it's important that we take time to not -- to allow one another to speak. And so, let me ask my question and I'll do my best to let you answer your question. And in addition to that, I assume your attorney and some of the other attorneys may be making objections. So maybe wait a beat after I ask a question, so that they can level their objections so that we're not talking over one another; is that okay?
A Yeah. That's okay.
Q Okay. The goal is to make a clear record. That makes sense, right?
A Yes.
Q If I ask you something and it doesn't make sense, or you're not sure what I'm actually asking, please let me know and I will rephrase it for you. Okay?
A Okay.
Q And then if you give an answer to a question that I ask you, I'm going to assume that you understood what I was asking. Does that make sense?
A Yes.
Q Okay. If you need a break at any time, please let us know and we'll happily let you take a break. I

don't necessarily think this deposition's going to take all day, but we'll see. The only thing that I ask is that if you -- if there's a pending question, that you finish your answer to the question before asking for a break. Does that make sense?

A Yes.

Q Okay. And I believe your attorney said that you were sitting for this deposition today in Mr. Bazarek's office; is that correct?

A Yes.

Q Okay. And besides Mr. Bazarek -- strike that. You're represented by Mr. Bazarek, correct?

A Yes.

Q Okay. And besides Mr. Bazarek, is there anyone else in the room with you and Mr. Bazarek?

A No.

Q Okay. Could you do us all a favor, and if anyone does enter the room, let us know so we can take -- you know, pause and make sure that the record is clear.

A Yes.

Q Okay. Thanks.

MR. BAZAREK: Is Plaintiff's Counsel with anyone?

MR. STARR: I'm not, sir.

MR. BAZAREK: Okay. Thank you.

MR. STARR: I mean, there's people in my home, but I'm in a closed office. If that's what you're asking me.

BY MR. STARR:

Q Mr. Young, do you have any conditions that might affect your ability to provide truthful and accurate testimony today?

A What was the -- say that again?

Q Sure. Do you have any conditions that may affect your ability to provide truthful and accurate testimony?

A No.

Q Okay. Do you have any conditions that affect your memory?

A Not that I'm aware of.

Q Okay. Are you taking any medications that could affect your ability to provide truthful and accurate testimony?

A No.

Q Are you taking any medications that could affect your memory?

A No.

Q Is there anything else that you can think of that would inhibit your ability to be truthful today or

that might affect your memory?

A No.

Q Okay. Sir, what did you do to prepare for today's deposition?

A I had phone conversations with my attorney and we went through several documents in -- regarding this proceedings.

Q Okay. I don't want to ask you about any of the conversations you had with your attorney. So just a heads up in that regard. But you said you had several phone conversations. Do you know how many times you spoke to your attorney on the telephone?

A I don't know, four -- maybe anywhere between four to seven times.

Q Okay. And is there an approximate amount of time that you spent on the phone, during those four to seven times?

A I think the first time was pretty extensive. We were no more than two or three hours that first time. But it was intermittently as time went on.

Q And then when was the last --

A As far as the other conversations -- I'm sorry.

Q No, that's okay. I didn't mean to interrupt you. When was the last time you spoke to your attorney

in preparation for today's deposition?

A On the phone this morning.

Q Okay. Did you ever meet in person to prepare for today's deposition with your attorney?

A There was one Zoom call, but other than that, not physically.

Q And when did that Zoom call take place?

A That first telephone call.

Q That was the one you said that was approximately two to three hours?

A Yes.

Q And how long ago was that; if you remember?

A That was last week, I think. Was that Wednesday, maybe? Wednesday or Thursday? It was last week.

Q Okay. All your communications with your attorney in preparation for today have occurred in the last ten days or so; is that correct?

A Yes.

Q Okay. And did you meet with anybody else, in preparation for today's deposition?

A No.

Q You mentioned that you reviewed some documents; is that true?

A Several. Yes.

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Q What -- did you review police reports in preparation for today?
A Yes.
Q Do you recall which police reports you reviewed?
A Several. It's too many to -- it's all of the individuals that are filing the false complaints against me. Whatever case reports that are related to their arrest, those are the reports that I looked at.
Q Okay. In addition to police reports, did you review any other documents?
A Arrest reports. My testimony at the deposition. I reviewed my COPA testimony. There were so many, I can't really just -- right off the top of my head, just say I'm all. There was quite a bit.
Q Okay. So in addition to police generated reports -- just correct me if I'm wrong, you believe that you reviewed some deposition testimony. Did you review two different depositions testimony?
A Yes.
Q Okay. And then you reviewed your COPA testimony; is that correct?
A Yes.
Q Any other testimony that you looked at or reviewed in preparation for today?

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A If I did -- they're all lumped in together. I mean, on top of what I -- on top of this, some of the stuff that my attorney and I went over.
Q So that stack of documents that you just showed the screen, are those the police reports and testimony that you looked at?
A Some of them. Yes.
Q Is there anything else in there that you haven't mentioned that you reviewed?
A Other than what my attorney and I went over -- over the few days that we spoke on the phone.
Q Right. I'm just wondering if there's any -- so just in terms of categories of documents, just to make it simple, it sounds like you reviewed police reports and you reviewed testimony. Any other categories of documents that you looked at?
A Just everything that's related to this particular proceeding.
Q Okay. So did you look at any of the civil complaints?
A I may have.
Q Okay. And did you review any notes that anyone took, whether they are your notes or others?
A I have not made any notes.
Q Did you review any notes, is what my question is?

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A No.
Q Okay. Any other types of documents that you looked at that you can recall?
A No.
Q Okay. At one of your prior depositions, you testified that the last time you had seen Defendant Alvin Jones was when and you were meeting with another attorney in a vacant lot -- I believe in the location where Ida B. Wells used to be located. Do you remember that testimony?
A Vaguely.
Q Okay. Have you seen Mr. Jones since that time?
A Not that I remember.
Q Do you recall seeing Mr. Jones since January of 2020?
A Not that I recall.
Q Have you spoken to Mr. Jones since the time you saw him at the vacant lot at Ida B. Wells?
A No.
Q Sir, do you have an explanation as to why you chose to meet your attorney at the vacant lot where Ida B. Wells once stood?
MR. BAZAREK: I'm going to object to that and

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instruct my client not to answer because you're invading on attorney/client privilege and work product. So he's not going to answer that question.
MR. STARR: Why he met at Ida B. Wells is attorney work product?
MR. BAZAREK: You're talking about a meeting with his Counsel and another Defendant in the case?
MR. STARR: I'm asking why he chose to go to that location. I'm not asking about anything that he talked to his attorney about.
MR. BAZAREK: Yeah -- no. So what I'm saying is he's not going to answer that question because it invades on work product and attorney/client privilege. Yes. He's not going to answer that question.
BY MR. STARR:
Q Okay. Mr. Young, are you going to take your attorney's advice and refuse to answer my question?
A I am.
Q Okay. When you did meet with your attorney at that vacant lot, did you know that Mr. Jones was going to be there?
MR. BAZAREK: I'm going to, like, further object to this. I thought we were -- this deposition -- this isn't a do-over of the deposition

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that was taken in January of 2020 over two days. So I'm objecting to these questions. I've given you some leeway, but we -- this deposition is to go over and cover any remaining lawsuits. And if there is any particular CRs that are going to be covered. This is not a do-over deposition. So that's my objection. And that's where so far, it's 10:25 and I haven't heard any question about the lawsuits that we're supposed to cover in this case. And I know, Sean, you have your cases. And also Mr. Flaxman has to cover certain of his cases. So, sorry, that's a lengthy objection. But I'm putting it on the record.

BY MR. STARR:

Q Okay. You can answer, sir.

A What was the question?

MR. STARR: Could the court reporter read back my question?

COURT REPORTER: Yes. One moment.

(REPORTER PLAYS BACK REQUESTED TESTIMONY)

MR. BAZAREK: All right. I'm going to object and instruct him not to answer on the same basis.

BY MR. STARR:

Q Are you going to take your attorney's advice and refuse to answer my question, sir? I didn't hear your answer. I apologize.

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A Yes, I am.

Q Okay. I'm going to ask you some real general background questions, which may have been covered at previous depositions, just to establish, so that I'm correct. And your attorney may object, but that's fine. Sir, you were on the Ida B. Wells tactical team from approximately 2002 to late 2005; is that correct?

A Yes.

Q Okay. And then you were dumped from that team -- and I'm using a term that you used at your prior deposition, and you were reassigned to the 2nd District; is that correct?

A We were in the 2nd District. I was reassigned to another tac team.

Q Okay. And then you were there until approximately 2010; is that correct?

A Correct.

Q Okay. And then in 2010, you went to deployment operations; is that correct?

A Correct.

Q And you're still currently, as we state here today, assigned to deployment operations; is that correct, sir?

A Yes.

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Q And in your current assignment, you -- you investigate whether people should lose their public housing status. Is that a fair characterization of what your job responsibilities are?

A It's one of them, yes.

Q Okay. And you're -- and you -- strike that. And these lawsuits have had no effect on your ability to do that job; is that correct?

A That's correct.

Q And these lawsuits haven't affected your current pay status or your pension; is that correct?

A That's correct.

Q Okay. Sir, turning to one of the lawsuits that we're here to discuss today. When I use the phrase, "The mailbox case," do you know what case I'm referring to?

A I do.

Q Okay. Tell me everything -- strike that. Sir, do you know what independent recollection is?

A I do.

Q Okay. Could you just for the record, explain to me what your understanding of independent recollection generally is?

A That I have more than just a -- for lack of better words, loose knowledge of a particular incident.

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I can provide -- probably provide more information, as it relates to that particular incident.

Q Okay. So let me just expand upon that definition a little bit for the purposes of this deposition. When I refer to the term independent recollection, what I'm talking about is your actual physical memory of events, without the aid of talking to other people about them or reviewing documents. Does that make sense?

A Yes.

Q Okay. So what I want to ask you now is can you tell me everything that you independently recall about the mailbox case as you sit here today?

MR. BAZAREK: I object to the form of the question. But go ahead. You can answer.

A What I remember is receiving information from an individual that did not want to have anything to do with that particular incident. The person told us that the individual that by the name of Ben Baker was bringing in the weekends worth of dope to the address of occurrence. We relocated to that address, entered the building, saw Baker at the mailbox. Baker slams the mail -- shoved the bag into the mailbox, slams the mailbox, flees out of the entrance of the building, gets into a blue vehicle, and drives away.

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Q Okay. And that encompasses your independent recollection, right?
A Yes.
Q Okay. Do you know what time your shift started on that day?
A I don't remember right offhand.
Q Okay. Do you remember what the date was that that occurred?
A Not right offhand. I do not. I'd have to look at a report to see what exact date.
Q Yeah. And we will -- we'll look at the reports in just a minute. I just want to make sure that I exhaust all your independent recollection. Sir, did you have a partner on that day?
A I did.
Q And who was that partner, sir?
A Alvin Jones.
Q Was Mr. Jones your regular partner at that time?
A Yes.
Q Who was your supervisor that day?
A Sergeant Watts.
Q Okay. All right. Let's take a look at the documents -- the underlying police reports. I'm going to pull them up here. The first one I want to mark as

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Exhibit 1 and it is -- the Bates for the record is City BG 16 through 22.
MR. BAZAREK: Counsel, wait a minute. I'm sorry. Are they marked or are you just telling us to go look at the Bates range?
MR. STARR: I'm not sure what you're asking. Are you asking if there's a --
MR. BAZAREK: Are you referring to a specific exhibit? What's the exhibit number?
MR. STARR: I'm going to mark it as Exhibit 1. I didn't pre-mark my exhibits. I'm under no obligation to do that. That's not how I do my depositions.
MR. BAZAREK: Okay. Just read me again.
MR. STARR: Yeah, of course.
MR. BAZAREK: Describe the document and give me the Bates range again. Because there's a pile of documents that we got after -- you know, sometime early this morning after midnight.
MR. STARR: Okay. So these are the Baker police reports from the 2004 case. And so the Bates range is City BG 17 through 22. Let me know when you're ready.
MR. BAZAREK: Yeah. I got to find them.
MR. STARR: I'm going to share the screen as

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well, but just go ahead and take your time to look for them.
MR. MICHALIK: Sean, before we move on, we have previously marked, you know, a number of exhibits for Mr. Young at the prior depositions. Do you want to just continue, rather than start with another number 1?
MR. STARR: I'm fine with that. Do you know what number we're at?
MR. MICHALIK: I think we are on 58. And I'll defer to anybody else who has notes, but I'm looking at my notes, and I think they went up to 57. So I think the next one would be 58.
(EXHIBIT 58 MARKED FOR IDENTIFICATION)
MR. STARR: Okay. I don't have a problem doing that. I don't use my exhibits in a linear fashion always and I don't pre-mark them because of that.
MR. BAZAREK: Yeah, yeah. Sean, as we're looking through this time, I see one document that starts with City BG 00016. And then the next page is 17 through --
MR. STARR: -- those are the documents I'm referring to. Yeah.
MR. BAZAREK: Okay.
MR. STARR: If I misspoke, it's City BG 16

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through 22.
MR. BAZAREK: Okay. Hold on a minute. So Ken right here --
THE WITNESS: Okay. That's fine.
MR. BAZAREK: Yeah. I just want to interject one additional objection. Obviously, we're allowing testimony on the Ben Baker so-called mailbox case, but there is no acclaim in the mailbox case, and any claim was time barred. As you know, this is not a reverse conviction case. But, you know, we're allowing you to ask him questions, even though it's not -- there is no claim -- there is no claim -- there's no claim -- there is no claim for the mailbox case on some time barred claims that occurred in June and July of 2004.
MR. FLAXMAN: And what part of the court's order do you think bars questioning on that, Bill?
MR. BAZAREK: Well, I'm saying it's not -- what I'm saying is it's not a lawsuit. The mailbox case is not a lawsuit.
MR. FLAXMAN: Okay. And what makes that off limits for a deposition?
MR. BAZAREK: No, no, no. I'm not saying it's off limits, but I'm making note of --

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MR. FLAXMAN: -- okay. What's your objection? I'm sorry. What did you just put on the record? If it's not an objection?

MR. BAZAREK: Yeah -- no, I said I'm just making a record, that there is no lawsuit on the mailbox case.

MR. FLAXMAN: All right. Your non-objection has been noted. Let's go on.

MR. KOSOKO: I just want to note for the record that Sean said that this was one of the cases at issue. So that'd be my objection, is that it's not one of the cases.

MR. FLAXMAN: All right. That's noted too. Let's ask a question.

MR. KOSOKO: All right. Let's move on.

BY MR. STARR:

Q Mr. Young, do you have the police reports in front of you, sir? I'm sorry, I didn't hear your answer, sir.

A Yes.

Q Okay. Have you had an opportunity to review these, sir?

A Yes.

Q Did you review these in preparation for today's deposition?

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A I did.

Q Okay. And this is an arrest report and some other documents related to a June 17th, 2004 incident, allegedly involving Ben Baker, correct?

A First report inventory -- arrest report.

Q Can you take a look at Bates stamp City BG 21, sir? And I'm sharing it on your Zoom screen. Do you see that there, sir?

A Yes.

Q Okay. And do you see at the top -- what is this document, sir?

A A vice case report.

Q Okay. Do you see at the top of the vice case report, approximately the second row down and in the middle, it says, "June 17, 2004"?

A Yes.

Q Okay. And this is an incident that according to this report occurred at the 527 East Browning building; is that correct, sir?

A Yes.

Q And the time listed there is 17:30, which in non-military time is 5:30 p.m.; is that correct, sir?

A Yes.

Q Okay. I want to direct your attention to the narrative portion of this document at the bottom there, sir. Do you see that?

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A Yes.

Q The narrative portion reads, "ROs." And does that ROs mean responding officers, sir?

A Reporting.

Q Reporting officers. Okay. "Reporting officers received information from a concerned citizen that did not want to be identified that a M/01, known as Ben Baker, was bringing the days' worth of suspected narcotics to be sold at the above location of occurrence." Do you see that, sir?

A Yes.

Q Did I read that correctly?

A Yes.

Q Okay. Sir, can you tell me the name of that concerned citizen?

A I cannot.

Q Do you know the name of that concerned citizen, sir?

A I do not.

Q Did you know that concerned citizen when you spoke to that person?

A I did.

Q And do you just not recall that person's name at this time?

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A I do not.

Q Did you have a relationship with that person, sir?

A I did not.

Q How did you know that person?

A Just one of the individuals that came down and -- no different from any of the individuals that are on these lawsuits. They would come down to the station and tell us this individual's selling drugs, or this individual's storing drugs at these locations.

Q And they would come to the police station and tell you that information; is that correct?

A They would.

Q And this was an individual who frequently would give you information; is that correct?

A This person only did one time to my recollection.

Q But you knew them before they did that; is that right?

A I knew of them. Yes. They were in the neighborhood. Just like no different from anybody else.

Q Was this a male or a female individual, sir?

A Right now, I can't really remember whether it was a male or female -- I can't remember whether it was a male or female.

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Q Okay. Do you recall where you were when you spoke to this individual?
A In the police station.
Q Okay. And did you -- do you recall setting up a meeting or did they come into the police station unprompted?
A Unprompted.
Q Okay. Can you explain how this individual knew this information about Mr. Baker?
MR. BAZAREK: Objection. Calls for speculation. Foundation.
A Never asked how did they come across that.
Q Did they tell you how they had this information, sir?
A They did not. I don't remember if they did or didn't, but to my recollection, they did not tell us. You have to understand, this is how it was down there. If you can just picture -- and I hate to use this reference, but rats in a barrel. Everybody's trying to get over and try to come up. Okay? So whatever any of the individuals had to do to either get someone out of the way so that they can make more money than the next person, then they would come down to the station and they would tell on each other. They did this all the time. Okay? It was commonplace. Okay? So different

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people who had vendettas against them, for whatever reasons, they did not disclose that with us. This individual may have been wronged by one of those individuals down there. I don't know. But they sought to come down there -- they saw it necessary to come down there and tell us, hey, this individual was selling drugs. And as a police officer, someone gives us information, we go investigate. And that's what happens.
Q Could you expand upon your characterization of the people at Ida B. Wells as rats in a barrel? What do you mean by that, sir?
A Wild. They were all about making money, as much money as they could make. And again, if they knew one of their buddies or someone else that they were associated with was making more money than them, so what they'll do is they'll drop a dime on them. Or they'll tell the police, hey listen, so and so is storing his work over here or he's selling his drugs over there in any one of the buildings located down there in Ida B. Wells. So everyone's trying to get one step above the next person. And it was a free-for-all, it was everybody for themselves. There was no -- definitely no honor amongst thieves, you know, they -- whatever they needed to do to make as much money as they could, that's

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what they did. And they needed the police to stay away from there. And I think that's probably one of the main reasons why we're here, because all those individuals, that was their thing, they woke up, go sell drugs. That's what they were doing. That's what -- and they had no other way of supporting themselves. So they made a decision, they were going to be drug dealers. And that's what they did. My job as a police officer is to make that community as safe as possible. They didn't want that.
Q So was it your understanding that this concerned citizen that came to give you information about Ben Baker was also involved in the drug trade at Ida B. Wells?
A I don't know if they were or not, but there were many in the -- there were many individuals that were involved in the drug trade gangs down there that often came to us and told us, this is what this person's doing.
Q And did that characterization that you used of rats in a barrel, was that a common characterization that members of the Watts team used?
A No. That was just something I just came up with at this moment.
Q Okay. Was anyone else present for your

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conversation with this concerned citizen?
A Officer Jones.
Q Okay. Anyone else besides officer Jones?
A Not that I'm aware of, no. It was just him and I.
Q What --
A If there were some desk personnel, but they were not in ear shot of what we were talking about.
Q Fair enough. What information specifically did this concerned citizen give you?
MR. BAZAREK: (inaudible) Go ahead. You can answer.
A The same information I told you initially when you asked me.
Q Okay. Nothing further?
A Nothing further.
Q Okay. And then you took that information and you proceeded to the Ida B. Wells public housing area; is that correct?
A Yes.
Q And did that individual tell you the address of the building that Mr. Baker was going to be in?
A Yes.
Q Okay. And so you proceeded to that building; is that correct?

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A Yes.
Q Okay. When did you first encounter Mr. Baker that day?
A I saw him just prior to him running out of the building.
Q And where was Mr. Baker located when you saw him?
A He was standing in front of the bank of mailboxes.
Q Is the -- and could you explain to me where the bank of mailboxes are located in the 527 building?
A They're located just to -- if you were walking to the door that he ran out of, it's just to the right of that entrance door.
Q And is that in the lobby of the 527 building?
A It is.
Q Okay. And so you -- walk me through, you arrive at the building, did you go there by a -- in a vehicle?
A Yes.
Q Okay. And where did you park?
A In the rear.
Q Okay. And then you proceeded into the lobby of the building; is that correct?
A Yes.

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Q And did Mr. Jones -- or did Mr. Jones accompany you into the lobby?
A Yes.
Q Who went in first into the lobby, you or Mr. Jones?
A I did.
Q Okay. And did you enter -- are there more than one entrance in the 527 building?
A It is.
Q How many entrances are there, sir?
A Two.
Q And is there -- is it commonly understood that there's a front and a rear entrance; is that correct?
A Yes.
Q Okay. Which entrance did you enter through?
A The rear.
Q Was there anyone else in the lobby when you walked in?
A No.
Q Was that unusual for there to be no individuals in the lobby of the buildings at Ida B. Wells?
MR. BAZAREK: Object to form.
A Not unusual.
Q Did you hear anyone call out any kind of warning or yell the words, "Clean up," when you came into the building?
A Nope.
Q Were there any other Chicago police department personnel with you other than Mr. Jones?
A No, not at that time.
Q Did any other Chicago police personnel know that you had received this information from this concerned citizen before you proceeded to the 527 building?
A Yes.
Q Who knew that you had received this information from the concerned citizen before you proceeded to the 527 building?
A The other assisting units that were subsequently there after the subject ran out of the building.
Q And do you recall what individual police officers were those assisting units?
A Here, let me look. Mohammed, Ridgell, Summers, and Edwards.
Q So you had -- did you speak to them before you went to the 527 building to inform them of this?
A I spoke to them and we relayed the information to them.

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Q Okay. What did you tell them exactly; do you recall?
A Just what I told you.
Q And what was that, sir?
A That Ben Baker was bringing in the work into that particular building.
Q Did you tell any supervisor within the Chicago Police Department that you had received this information before you proceeded to the 527 building?
A I don't recall telling, but he -- I'm pretty sure he would've found out eventually.
Q And who is he?
A Because we report to him. He was our supervisor.
Q And who is, "He," that you're referring to, sir?
A Sergeant Watts.
Q Okay. When you would -- you previously testified that you would commonly get this kind of information that would come in from concerned citizens, so to speak. When you got information, did you make it a regular practice to investigate the information you got without telling your supervisor?
A Yes.
Q Okay. Was there ever an occasion where you

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got this information and then relayed that information to the supervisor, prior to investigating it?

MR. BAZAREK: Objection. Compound. Lacking specificity. Go ahead.

A Yes.

Q Okay. Would it be a regular occurrence for when you receive this type of information from a concerned citizen, for you to be accompanied by any supervisor when you went out to investigate it?

MR. BAZAREK: Objection to foundation. Go ahead.

MR. KOSOKO: And form.

BY MR. STARR:

A Not always an occurrence.

Q All right. So you testified that you saw Mr. Baker in the lobby by the mailboxes, correct?

A Yes.

Q What was he doing when you saw him -- the first moment you saw him, sir?

A Just had his hands up.

Q What do you mean he, "Had his hands up"?

A Had his hands up.

Q So you just raised your hands above your head -- did -- could you explain, did he have his hands up like he saw the police -- and he put his hands up

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because he saw the police or what do you mean?

A He had his hands up (indicating) -- had his hands pushing a plastic bag into a mailbox.

Q Okay. And so his hands were, as you demonstrated, above his head and he was pushing a bag -- a plastic bag into a mailbox, is that your testimony?

A Yes.

Q Okay. Can you describe what the bag looked like?

A It was a clear plastic freezer bag.

Q What size clear plastic freezer bag was it?

A At that moment, I couldn't tell, but I knew it was a plastic bag -- that's all I saw was a plastic bag.

Q Could you tell what was inside, what the contents of the bag were?

A No.

Q Okay. And did you say anything to Mr. Baker at that moment in time?

A Stop.

Q Okay. What did Mr. Baker do when you said stop?

A Well, he was in the process of running when I said stop. But initially there was no conversation. He saw me, I saw him, and I had actually hesitated and stepped back because when I saw him, it kind of

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surprised me. Because I was like -- you have to understand from this perspective too, we received information that a particular individual is doing something. And to arrive on the scene and that particular individual is there, and doing what that person told us that he was doing, that was a surprise. So when -- soon as we were coming around that corner and I saw him, I kind of stepped back, slammed the door, out the door he went. As soon as he hit the threshold of the door, I said, stop. He refused to stop, kept running, jumped into a vehicle, and drove away.

Q So let me ask you -- so you explained that that was -- it was a surprise to you to see him there in the moment. Why was that surprising, sir?

A Because we normally don't see people in the act. It's always after the fact.

Q Did the concerned citizen tell you the time that Mr. Baker was going to be arriving in with these drugs?

A Just that he was going to be there bringing the work in.

Q Okay. And so were you surprised that you had this information, that you actually went there, and he was doing the thing that you were told he was going to be doing, in the moment that you saw him?

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A I was surprised. Like I said, to receive information from anybody that anyone on the street or anyone that called the unit and say, hey, subject A is doing this. Okay. We go and investigate. And for us to get there and subject A is doing exactly what that person said that they were doing -- or they were in the process of doing, that doesn't always happen. It happens, but it doesn't always happen. And it is a surprise when it does. It's like, whoa. Okay. They wasn't giving us false information, so -- and people normally give us false information too.

Q Okay. And so Mr. Baker had his back to you when you first saw him; is that correct?

A No.

Q So how was he putting his hands up and placing the bag in the mailbox, but he -- could you explain to me how he was situated, so I understand?

A He was standing -- it -- for him to see me, I am to his left.

Q Okay. So you were to his left. So he turned his head to his left to see you?

A Yes.

Q Okay. And then he proceeded to run; is that correct?

A Pushed the bag in the box, closed the box, ran

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out.
Q Were the mailboxes locked with the key or how did that work?
A They were supposed to be locked with a key.
Q Okay. Did you see Mr. Baker turn a key when he pushed the mail -- the bag into the mailbox?
A I just heard the door slam and he run out.
Q And then in the -- as he was running you yelled, stop; is that correct?
A Correct.
Q Did you say anything else to him?
A No.
Q Did Mr. Baker say anything to you?
A No.
Q Could you tell what particular mailbox Mr. Baker had put the bag into?
A It was a mailbox that was high up.
Q Do you know how many mailboxes --
A And based on where -- based on where he was standing, at that -- initially at that time, I could not tell which one it was. All I knew was that his hands were up, so it wasn't like his hands were at chest level or down around his waist, his hands were up. And based on where he was standing, it was that mailbox that was up above at just above eye level.

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Q Okay. And approximately how many mailboxes were part of this bay of mailboxes?
A I don't know.
Q Were there hundreds?
A I don't know. However many apartments in that building, that dictates how many mailboxes are available to the tenants.
Q Do you remember how many floors that building was?
A I don't remember offhand.
Q Do you know -- do you have an approximate number of floors that, that building was?
A Right now -- those buildings have been gone for years. So I can't really remember well how tall they were.
Q Do you remember how many apartments were on each floor?
A I do not.
Q Do you have an approximate number of apartments that you can recall being on each floor?
A I do not.
Q Okay. All right. So Mr. Baker began to run. What direction did he run?
A Ran out the door, running in a west -- northwest direction.

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Q Did he run out the door that you had entered into or the other door, the front entrance?
A He ran out the door -- the front entrance.
Q Okay. And what did you do, sir?
A At what point?
Q When Mr. Baker ran out the door.
A I told him to stop.
Q Okay. What happened next?
A Jumped into a vehicle and they drove away. Car had went --
Q Did you chase --
A -- went westbound on Browning and then southbound on Rhodes.
Q Did you chase Mr. Baker outside of the building?
A I stopped at the top of the stairs.
Q When you say that's -- "Top of the stairs," what stairs are you referring to?
A There's a flight of stairs that you have to walk up and then they enter into the building. So he ran out the door, down the stairs to the vehicle, vehicle, drives to Browning, westbound on Browning, then southbound on Rhodes.
Q Okay. So you ran out into the landing in the front of the building; is that correct?

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A Yes.
Q But you didn't go down the stairs?
A No.
Q Why didn't you pursue Mr. Baker down the stairs?
A He was at the car and there was no way I can -- I cannot catch a car. So was no sense in running down the stairs.
Q Okay. How far away was Mr. Baker standing from you, when you first saw him in the lobby?
A Ten, 15 feet, maybe.
Q And then how far from where he was standing to the exit that he exited out of was it?
A Wow. Six to eight feet, maybe.
Q And how far from the exit were you -- that -- the exit Mr. Baker exited out of?
A Maybe 15, 20 feet. About 15 feet -- ten, 15 feet, maybe.
Q And you said that Mr. Baker got into a vehicle; is that correct?
A Yes.
Q What color was that vehicle?
A Blue.
Q What kind of vehicle was it?
A A '95 Chevy, four door, with an Illinois

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license plate of 6034385.
Q Did Mr. Baker -- what door of the vehicle did Mr. Baker get into?
A The passenger side door -- front, passenger door.
Q So did he drive the vehicle or did someone else drive the vehicle?
A Someone else was driving.
Q Did you see who the driver was?
A I did not.
Q Was there anybody else besides the driver and Mr. Baker in the vehicle?
A Not that I -- I don't know. I don't know if there was anybody else in the car.
Q Where was that vehicle located, in relationship to the 527 building?
A It was just right outside the building, just a little north of the building.
Q Approximately how far did Mr. Baker have to run to get to the vehicle?
A From which point?
Q From the building?
A I don't know -- I -- I don't know.
Q Okay. Do you think it was more than ten feet?
A Yes.

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Q Do you think it was more than 20 feet?
A Yes.
Q Was it more than 30 feet?
A Yes.
Q Was it more than 40 feet?
A Yep.
Q Was it more than 50 feet?
A Yeah.
Q Was it more than 75 feet?
A I'm not sure. It could have been. I didn't go out and measure from the distance from where that car was sitting and how it relates to where the building is. So it -- I don't know.
Q Was the car in a parking space, or where was the car sitting?
A It was sitting on the fire lane.
Q Was Mr. Baker running quickly when you saw him running to the car?
A Yeah.
Q Have you subsequently learned that Mr. Baker had a serious injury to his leg prior to this incident?
MR. PALLES: Object to form. Foundation.
A I did learn that, yes.
Q And have you subsequently learned that Mr. Baker walks with a limp?

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A Did not know that.
Q Was Mr. Baker limping that day?
A Not at all.
Q Did you chase -- strike that. Was he running quickly?
A Very.
Q Did you chase or follow the vehicle at all, sir?
A No. Chicago Police Department has a no chase policy.
Q And they had a no chase policy in 2004; is that correct? As far as you understood it?
A The 30 years I've been on this job, they've always had a no chase policy.
Q What did you do after Mr. Baker fled in the vehicle?
A Went back into the building, and tried and found out which box it was that he stuffed the bag in. And we tried to retrieve the narcotics out of the box several times.
Q Okay. Did you put any information out over the radio about the fact that Mr. Baker had fled?
A If we did, I do not remember.
Q Would it have been your typical practice if you were investigating a narcotics situation like this,

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where the potential offender fled, where you would put it out over the radio?
A Yes. If we were chasing them, yes.
Q Okay. Can you think of any reason why you wouldn't have put it out over the radio?
A No. Just another thing you'd have to understand, these individuals couldn't go anywhere. Where they were and what they did was where they were. They didn't go many places and some individuals couldn't go anywhere. They had to stay within the confines of Ida B. Wells, and that's where their money was. So for them to drift outside of where they live or where they do their business, that's not uncommon -- that's not something they did. They are there all the time.
Q Hence your characterization of them as rats in a barrel, correct?
A No, not as far as that is concerned, no.
Q No? Let's take --
MR. PALLES: Object -- sorry. Excuse me. I object to the {inaudible 00:56:38 Zoom} argument.
MR. BAZAREK: Yeah. Hey guys, let's take a quick five minute break, okay?
MR. STARR: Yeah. Can I just finish this line of questions?
MR. BAZAREK: Yeah, no, yeah. Go ahead. Go

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ahead, Sean, sorry.
MR. STARR: I just want to -- he said a couple things I want to get some clarity on before we take a break if that's okay.
MR. BAZAREK: Okay.
MR. STARR: And then I'm fine taking a break.
BY MR. STARR:
Q Mr. Young, you said that you went back into the lobby of the building and tried to retrieve the narcotics -- or the suspect narcotics from the mailbox; is that correct?
A Yes.
Q Could you explain to me how that worked?
A Once we found out that the bag was hanging out of the back of it, there's an open box next to it that did not have a door on it. So we -- I reached in, felt the bag, tried to pull the bag, was not able to do so. My partner Jones, he tried to do the same thing. So we were back and forth taking turns trying to retrieve the bag.
Q So there was an empty mailbox next to the one that you believe Mr. Baker had put the narcotics in, that didn't have a door on it; is that correct?
A That's correct.
Q Okay. And how did you figure out which

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mailbox Mr. Baker had put the narcotics into?
A Well, based on the fact that he had his hands up, so it had to be one of the higher boxes.
Q Okay.
A And where he was standing, as it relates to those mailboxes.
Q So was it just luck that you happened to put your hand in the back and find that you could touch the bag; is that correct?
A I don't know if you want to call it luck, but --
Q Well, I mean, did you try to search any of the other mailboxes, before you found the one that allegedly had these narcotics?
A Based on where he was standing, we reached in and that's the bag -- and we felt the plastic bag.
Q So how long after Mr. Baker fled, did you figure out which mailbox the bag was in?
A I don't know how much time had passed.
Q Can you give me an approximation of how much time passed?
A Five minutes -- not even -- not more than five minutes.
Q Okay. And then you could feel the bag protruding from the back of the mailbox; is that

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correct?
A Yes.
Q Okay. And so how did you eventually get the narcotics out of the mailbox?
A Pulled it out of the back, when we were able to actually get a hold to it, and pulled it through the open mailbox.
Q Okay. And who did that? Was it you or Mr. Jones?
A We both had a hand in that.
MR. STARR: Okay. We can take that break, Bill.
MR. BAZAREK: Okay.
MR. STARR: Why don't we make it ten minutes.
COURT REPORTER: Okay. We are off the record. The time is 11:03 a.m.
(OFF THE RECORD).
COURT REPORTER: We are back on the record for the deposition of Kenneth Young, Junior, being conducted by video conference. My name is Kortney Chase. Today is December 15, 2021. The time is 11:16 a.m. Central.
BY MR. STARR:
MR. STARR: Could I ask the court reporter to read back the last question and answer?

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COURT REPORTER: Yes, of course. One second.
MR. STARR: Thank you.
(REPORTER PLAYS BACK REQUESTED TESTIMONY)
MR. STARR: I'm sorry, I could not hear that answer and that's actually what I wanted to hear. Could you --
COURT REPORTER: Oh, the last answer?
MR. STARR: Yeah.
(REPORTER READS BACK REQUESTED TESTIMONY)
BY MR. STARR:
Q Okay. Mr. Young, what do you mean when you say you, "Both had a hand," in retrieving the narcotics from the mailbox? What do -- can you explain how that worked?
A We took turns trying to retrieve the bag.
Q And ultimately was one of the two of you able to pull the bag out?
A Yes.
Q And which -- was it you or Mr. Jones that was able to do that?
A If I'm not mistaken, it was Jones.
Q Okay. And what was --
A Or -- you know what, hold on a second. I pulled the bag -- I pulled the bag through the -- the opening. So I pulled it out.

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Q Okay. And you just reviewed the documents in front of you?
A Yes.
Q Before you changed your answer there? Okay. Okay.
A Yes. Because like I said, both of us had our hand -- he was reaching in, I reached in to try to get it, he reached in and tried to get it. He couldn't get it. I reached -- and we went back and forth with that for a few minutes.
Q And I don't know if I asked you this, and if I did, I apologize. But how far -- how deep was that mailbox approximately?
A Probably the length of your -- probably up to the length of your forearm.
Q So a foot or more?
A I don't know. Everybody's forearms are different. So when I reached in, it was probably about up to my -- just to the top of my forearm.
Q So maybe a little bit more than a foot, based on the -- looking at your arm on the screen, it's hard to tell.
A I don't know what the length of that is, so...
Q Okay. All right. And I don't think I asked you this either. Was the mailbox above your head? Was

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it chest level or was it below your chest?
A It was up high.
Q Okay. And so when you say, "Up high," and you show your hands, you appeared to be showing that the mailbox was above your head; is that correct?
A It was just a -- I would probably say, just above eye level for me -- at my height, it was just above eye level.
Q Okay. And how tall are you sir?
A 5'9".
Q Okay. And you were 5'9" in 2004 as well, I assume?
A Yes.
Q Okay. And then when you got the bag out of the mailbox, what did you do next?
A Relocate it to the unit and inventoried it.
Q Yeah. Did you -- while you were at Ida B. Wells, did you look and see what was in the bag?
A You can see -- you could look through the bag and see what was in it. It was clear.
Q Was it clear? Okay. And so what did you see inside the bag?
A There were six plastic bags containing 50 small Ziploc plastic bags, that contained a white, powdery substance, suspect heroin. And one plastic bag

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that contained 16, small Ziploc plastic bags, that also contained white, powdery substance, suspect heroin. With a grand total of 316 bags.
Q And it appears you're reading that from a document; is that correct?
A The case report, yes.
Q And do you have an independent recollection of what was in the bag? Or are you just relying on the documents to refresh your recollection?
A Relying on the documents to refresh my recollection.
Q Okay. And then you said that you relocated back to the district; is that correct?
A Back to Unit 715.
Q Where was that located?
A 774 East 38th Street.
Q Okay. And did you inventory the alleged narcotics?
A The narcotics was inventoried.
Q And do you recall -- do you have an independent recollection of doing the inventory for the narcotics?
A I know the narcotics was inventoried and --
Q Right. But I'm just wondering if you have an -- do you have an independent recollection of that?

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A That the narcotics was inventoried?
Q Yeah. Of doing the inventory.
A Of doing the inventory? I do not.
Q Okay. But do you know from relying on the documents that it was in fact inventoried; is that correct?
A That's correct.
Q Okay. Let's take a look at that inventory report.
MR. STARR: I want to mark this as -- I believe, we're at 59 now; is that correct?
(EXHIBIT 59 MARKED FOR IDENTIFICATION)
COURT REPORTER: Yes.
THE WITNESS: Yes.
MR. STARR: Okay. So Bill, for the record, this is the -- the Bates are City BG 33 and 34.
MR. BAZAREK: Got it. Thank you.
BY MR. STARR:
Q I'm going to share the screen. Just a minute here. Okay. Do you have that document in front of you, sir?
A I do.
Q Okay. And can you tell -- have you -- are you familiar with this document, sir?
A Yes.

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Q Okay. What do you recognize this document to be?
A An inventory sheet.
Q And is this a type of form that you would use commonly when you were a Chicago police officer in 2004?
A This was a generated form that we -- that the copy would be of whatever items that were inventoried.
Q Okay. So you commonly would generate a form like this when you inventoried any kind of evidence; is that correct?
A Correct.
Q Okay. Did you review this document in preparation for today?
A I did.
Q Okay. Is your name on this -- do you see your name on this report, sir?
A I do.
Q And is it the bottom of City BG 33 that you see your name, sir?
A Yes.
Q It says -- I'm looking at the middle part of the bottom of the document in a box. It says, "First officer's name." And then it says, "Kenneth Young, Junior." And the star number is 17931. Is that you, sir?

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A That is.
Q Okay. Is your partner Mr. Jones also represented on this report?
A He is.
Q Okay. And he's in the left hand column, the box that says, "Found by name"; is that correct?
A Yes.
Q Okay. And then you're also listed underneath the, "Investigating officer," is that correct as well, sir?
A Yes.
Q Okay. And who approved this inventory report?
A Sandra -- Sergeant Ronald Watts.
Q Okay. Who else -- strike that. What was inventoried here, sir?
A Ziploc bag, slip - "Ziploc storage bag with six plastic bags, with 50 small Ziploc baggies with white, powdery substance, heroin." And, "A plastic bag with 16 small Ziploc baggies with a white," powdery substance -- I'm sorry, "White, powder, suspect heroin."
Q Okay. And based on this report, can you tell me whether or not you or Mr. Jones filled out this report?
A It was probably -- it was probably me.
Q And what makes you think that, sir?

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A Because I'm in the first box.
Q Okay. And is that -- would that represent your practice when doing inventory, that the person who fills out the form is listed in the first box?
A Yes.
Q Okay. And then if you are the person who's doing the inventory report, would there be something that your partner Mr. Jones would be doing during this process?
A During the arrest process?
Q No. During the inventory process?
A No.
Q Okay. Do you know who counted the bags?
A I did. The sergeant did. And I'm -- I think -- I don't know if Al did, but I did and the Sergeant did.
Q Okay. Was Sergeant Watts present when the inventory was being -- when the evidence was being inventoried?
MR. KOSOKO: Object to form. Foundation.
A What do you mean by present?
Q Was he in your presence, when you were conducting the evidence inventory?
A I don't remember if he was or not.
Q Okay. But you remember him counting the

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actual bags of narcotics; is that correct?
A Yeah. He had to.
Q Why do you say that, sir?
A Because it's a redundancy. If I count it and I give a certain number, then he should count the -- when he counts it, it should be that same exact number.
Q Okay. So it's your understanding that the supervising officer would then count it a second time to verify the first count?
A Yes.
Q Okay. Was Sergeant Watts ever at the 527 building during your initial investigation?
A What do you mean by initial investigation?
Q Well, I mean, you went there to investigate a tip that you allegedly got from a concerned citizen, correct?
A Yes.
Q And you allegedly saw Mr. Baker at the 527 building, correct?
A Yes.
Q And then Mr. Baker allegedly fled, correct?
A Yes.
Q And then after that you went back to the police station; is that correct, sir?
A Yes.

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Q Okay. During any of that time, was Sergeant Watts present at Ida B. Wells?
A Yes.
MR. KOSOKO: Object to form, foundation. You can (inaudible).
Q Okay. At what point was Sergeant Watts -- go ahead, sir.
A You know what? I'm trying to remember. I can't -- you know what? I can't remember if he was there or not. I do remember trying to retrieve the narcotics out of the box, but I can't remember whether or not he was there and when we came into contact with him. He was a supervising -- he supervised the -- he approved the inventory. He counted the narcotics. And -- but whether he was there or not, I really can't remember -- I can't remember.
Q I believe you -- sorry, didn't mean to interrupt you. I believe you had one point during your answer started to say, he came after?
A Yeah. And you know what, that's -- that's still fuzzy. I -- I'm not sure whether he came after or not. But again, to remember directly whether he was not, I really can't remember.
Q Is it possible that Sergeant Watts was present before you were able to remove the alleged narcotics

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from the mailbox?
MR. KOSOKO: Object to form.
A I don't know. I don't remember.
Q And then you do recall Sergeant Watts meeting you at the station at some point to do the inventory, correct?
A Yes.
Q Okay. Would Sergeant Watts typically come to the scene when you -- when such a large recovery of narcotics was made?
MR. KOSOKO: Object to form. Foundation.
COURT REPORTER: I'm sorry, who did that objection?
MR. KOSOKO: Counsel for Watts.
COURT REPORTER: Thank you.
BY MR. STARR:
A Repeat the question. I'm sorry.
Q Let me ask you a different question. Let me strike that question. Was this, in your experience, is -- was this recovery, this amount of narcotics, a large recovery?
A Yes.
Q Okay. And so in circumstances when a large recovery was made, would -- during the time that you were supervised by Sergeant Watts, would Sergeant Watts

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come out to the scene when you made such recovery?
A It -- there would be times when he would be there. There would be times when he wouldn't be there. So to say that he would be there on any particular large recoveries, I don't know.
Q So the amount of narcotics recovered would have no bearing on whether or not he would come out to the scene; is that correct?
A That's correct.
Q Okay. And in terms of your time on the Watts team, was this the largest narcotics recovery that you were involved in?
A When I was on that team?
Q Yes.
A It may have been.
Q Okay. But you do have -- is it -- am I correct that you previously testified, that you do have an independent recollection of Sergeant Watts being present during, at the minimum, the inventory process, right?
A Yes.
Q Okay. And then was Mr. Baker arrested that day?
A No.
Q Okay. Was Mr. Baker ever arrested for these

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alleged narcotics that were found in the mailbox?
A Yes, he was.
Q And do you have an independent recollection of that?
A I do not. I would have to look at the reports and see.
Q Sure. And we'll look at them in just a second. Just for clarity's sake, you know that he was arrested, you just don't have any independent recollection of the arrest actually happening; is that correct?
A He was arrested, but to say what day it was, I can't remember right now. If I had the report in front of me, then I can better answer your question.
Q Sure. And we'll look at it in just a moment, sir. But besides the actual date of the arrest, do you have any independent recollection of any of the circumstances of the arrest?
A Yes, I do.
Q What do you -- what is your independent recollection of Mr. Baker's arrest, regarding this mailbox -- these mailbox narcotics?
A Only that we went to the building. We received information that if -- again, I would probably need the report to see, but we saw him at the top of the

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stairs. He tried -- he ran to try to get into an apartment. Couldn't get in. He was then placed into custody.

Q And do you have any independent recollection of those circumstances, correct?

A Just that. Yes.

Q Okay. And do you know -- do you have an approximate amount of time after this day in June when you witnessed the mailbox incident happen, how long after that Mr. Baker was arrested for these drugs?

A I would have to look at the date on the case report.

Q Okay. Do you recall what police personnel were present when Mr. Baker -- do you independently recall what police present personnel were present, when Mr. Baker was arrested?

A I -- not right offhand. I would like to look at the report.

Q Sure, sure. We'll get to that, like I said, in just a moment. Do you have any independent recollection of there being any non-police personnel present, when Mr. Baker was arrested for these alleged narcotics that were in the mailbox?

A There was no one else around.

Q So you don't recall there being any other

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citizens, correct?

A No.

Q Okay. So let's look back at Exhibit 58, which is the first one that we've looked at, sir. And you can look at -- the Bates stamp is City BG 16. So it's the first page in that packet of documents. Let me know when you have that in front of you, sir. I'm going to share it with the -- on the screen as well.

A Yes.

Q And so just this first page is City BG 16. Can you tell me what that document is, sir?

A I've not seen this document. I'm not familiar with this particular document. The arrest report does not look -- I don't remember the arrest report looking like this.

Q Okay. And -- but just based on your review of this document as you sit here today, it appears to be a, "Chicago Police Department arrest report," correct?

A That's what it says.

Q Okay. But you don't think you've seen this document before today?

A I've seen it before, but I -- any -- I've -- this particular document is not familiar to me. Other than these proceedings, this is the first time I've -- I have seen anything like this, when I was being prepared

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for this. So if I -- if you were to say arrest report, if you turn the page, this is the -- what's that, 17? Original case incident report, that is an arrest report.

Q Yeah. And we'll look at that in just a moment. So I think you answered this in that answer, but just let me confirm. Did you review this document -- this page 16 in preparation for today's deposition, sir?

A I did.

Q Okay. And can you tell us what this document -- what information is contained in this document generally?

A Tracking numbers, CB number, date of arrest, the district that he was booked into the lockup. His IR number, his name. I guess, that's his driver's license number; social security number; his date of birth; age; state he was born in; what his sex is; race is; height is; weight is; color eyes; color hair; type of hairstyle; what his complexion is. Location, where he was arrested, the address he was arrested, the beat it was -- the arrest was made on, what he was arrested for. And the arresting officers first and second, lockup keeper information, who he was fingerprinted by, and the time that he was printed and photographs.

Q Okay. So can you tell me what the arrest date

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is, sir, based on this document?

A "11 July, '04."

Q And it says, "12:50." Is that 12:50 p.m.?

A 12:50.

Q P.m. or a.m., sir?

A P.m.

Q Okay. And so is it your -- based on this document, are you able to tell me whether or not that's a date that Mr. Baker was arrested for the mailbox narcotics?

A Based on this, it does not -- it just says that he was arrested for a controlled substance, but it does not say whether -- it doesn't go into any detail, as far as a narrative of what this arrest encompassed.

Q Does this refresh your recollection of whether or not this was the date that Mr. Baker was arrested for the alleged narcotics in the mailbox?

A No. Not outside of the narrative for the report.

Q Okay. And what was your duty status on July 11th of 2004?

A Full duty.

Q Okay. And were you assigned a partner that day?

A I'm sorry?

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Q Were you assigned a partner that day, sir?
A Yes.
Q And who was that partner?
A Officer Jones.
Q And do you know who your supervisor was that day, sir?
A Yes.
Q Okay. And who was that, sir?
A Sergeant Watts.
Q Do you have any independent recollection of Sergeant Watts being on duty that day?
A I do not.
Q Okay. All right. So this document, page 16, lists as a first arresting officer, has your - has, "Young Junior, K"; is that you, sir?
A Yes.
Q And then it has your beat being, "4512B"; is that correct, sir?
A Yes.
Q And then second arresting officer is -- appears to be Mr. Jones; is that correct?
A Yes.
Q And he was working the same beat as you that day, right?
A Yes.

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Q What is the significance of a first arresting officer versus the second arresting officer on this form, sir?
A On this form, that would be the officer that will be going to court.
Q Okay. And do you remember being the first arresting officer on Mr. Baker's July 11, 2004 arrest?
A Let me see. Yes.
Q Okay. And do you know who prepared this report, sir?
A It was me.
Q Okay. And how do you know that?
A Because my name is in box one. And usually if your name is in one -- if your first name in the box, more than -- more times than not, you're the one that did the narrative.
Q Okay. So I wanted to move ahead to the document that you previously referenced, which is City BG 19. Can you turn to that one? That's the supplementary report, sir?
A Yep.
Q Okay. And have you reviewed this document, sir?
A Yes.
Q And did you review it in preparation for today?
A Yes.
Q Okay. I want to look at the bottom of the document. There's a number of assisting officers reference. Do you see that, sir?
A Yes.
Q Okay. Do you have any independent recollection of any of these officers that are listed here being present when Mr. Baker was arrested on July 11, 2004?
A I do not.
Q Okay. And so let's take a look at the narrative now, sir. I think this is the narrative that you were referring to earlier. Have you read this narrative?
A Yes.
Q Okay. And the -- this narrative -- and I'm going to summarize it, but essentially it says that the ROs receive information that Mr. Baker was again, you know, in possession or selling drugs, and that you proceeded to the location; is that correct?
A Yes.
Q Okay. And then it goes on to say that the -- that Mr. Baker was, "Standing at the top of the second floor landing in the stairwell." And that as the

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responding officers approached, Mr. Baker proceeded to run up the stairs; is that correct?
A That's correct.
Q Okay. And is that what -- I believe that's what you testified you actually remember; is that true?
A Yes.
Q Okay. When you saw Mr. Baker standing at the top of the stairwell, what was he doing?
A He was just standing there.
Q Okay. Did he have anything in his hands?
A Not that I remember.
Q Okay. Do you remember what Mr. Baker was wearing?
A I do not.
Q Do you -- was Mr. Baker -- was it, just for clarifications purposes, was he on the landing in between the first and the second floor, or was he at the top of the stairs in the second floor landing?
A He was standing towards the top of the stairs at the second floor landing. So if I'm standing at the bottom of the stairs, if you look up the stairs, he's standing right at the top of the stairs. So he'd take a couple of the steps and that's when he tried to get into the apartment.
Q Okay. I think my question wasn't very good.

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So let me just, again, for clarification's sake. So I understand the actual physical dimensions. Is there a landing between the second floor and the first floor in this building?

A The landing is on the second floor.

Q Okay. So is there --

A When you get up -- when you get up to the last step, you're on the second floor.

Q Okay. So is it a straight sequence of steps that go up the stairs and then you're on the second floor? Or is there a sequence of stairs, a landing, and then a turn where you go up another set of stairs to the second floor?

A Straight flight.

Q Okay. Okay, good. I understand now. So Mr. Baker was standing at the top of the stairs and you and Mr. Jones are at the bottom of the stairs, is that your recollection?

A Yes.

Q Okay. And what happens next?

A As we approached Baker, Baker, "Proceeded to run up the stairs with ROs in pursuit. Without losing sight of the subject, ROs observed the subject trying to gain entry into apartment 206. And at that time, he was," able to - "Unable to do so due to the door being

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locked. ROs detained the subject at that time."

Q You're reading from the report, correct?

A That is correct.

Q And do you have an independent recollection of Mr. Baker running?

A Not -- nothing, other than what's written in this report.

Q Okay. Do you have any independent recollection of the fact that you were not able to lose sight of Mr. Baker?

A Other than what's listed in this report.

Q But your recollection is just what you can read in the report. You don't have an independent recollection of either of those things, correct?

A I do not.

Q Okay. This report indicates that you were receiving information from somebody that Mr. Baker is selling drugs. Who did you receive that information from?

A I do not remember.

Q Do you recall whether it was the same person that you received the prior tip from -- the same concerned citizen?

A I don't remember.

Q Okay. Do you recall whether or not the person

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you received this information this time was someone that you were familiar with?

A Repeat the question. I'm sorry.

Q Yeah. So whoever gave you the information for this July 11th incident, was that person someone that you were familiar with?

A I don't remember who it was.

Q Okay. Do you recall whether this information was provided to you or to Mr. Jones?

A I can't remember whether it was me or him.

Q Okay. Do you remember if this information was provided to you in person, or over the telephone, or by other -- some other means of communication?

A I do not remember.

Q Okay. Do you know if when you saw Mr. Baker at the top of the stairs, any of the other officers were present in the building?

A Not that I remember. I don't remember them being there.

Q Okay. And when I say the other officers, I'm talking about the ones that are listed that we looked at previously, you understood that, right?

A Yes.

Q Okay. When you saw Mr. Baker standing at the top of the stairs, do you know if Sergeant Watts was in

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the building with you?

A No.

Q Okay. Do you recall entering the lobby of that building on that day, sir?

A I don't quite understand that.

Q Sure. So before you saw Mr. Baker standing at the top of the stairs, you had to have drove to the building, parked, and then walked into the lobby, correct?

A Yes.

Q Okay. Do you recall doing that?

A No.

Q Okay. Do you recall if there was any other individuals in the lobby on that day, when you saw Mr. Baker standing on top of those stairs?

A I don't remember.

Q Okay. Do you recall if there was any drug activity going on in the building, other than what you alleged Mr. Baker was doing?

MR. KOSOKO: Object to form.

A If they were in the lobby, we would've gotten to them first and we may not have even gone up the stairs. But at that time, we didn't see any other illegal narcotic sales going on.

Q Okay. So if you had seen any other illegal

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narcotic sales, you would've addressed those as a police officer before proceeding to look for Mr. Baker; is that correct?
A Yes.
Q Okay. Do you recall anyone shouting a warning the police were there or anyone saying, "Clean up," when you entered the lobby of the building?
A Not that I recall, no.
Q Okay. What was Mr. Baker doing when he was standing at the top of the stairs?
A He was just standing there.
Q Okay. Did you say anything to Mr. Baker, when you saw him standing at the top of the stairs?
A I did not.
Q Did Mr. Jones say anything to Mr. Baker, when you saw him standing at the top of the stairs?
A Not that I recall.
Q And just for clarity's sake, Mr. Jones was with you when you saw Mr. Baker standing at the top of the stairs, right?
A He was.
Q Okay. So then Mr. Baker started to run; is that correct?
A Yes.
Q And you didn't lose sight of him the whole

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time, right?
A Yes.
Q Did -- was Mr. Baker limping when you saw him running?
A No.
Q Okay. So you didn't notice him limping at all, as he ran on to -- to the second floor, right?
A No, I didn't know he had a limp until the last deposition, when they told me he had been shot.
Q Okay. How many stairs was it from the first floor to the second floor; do you remember?
A No -- I don't know.
Q Was it -- do you, approximate? Was it more than ten stairs?
A I have no idea how many stairs was in that run.
Q Okay. But are you -- strike that. Are you certain that you never lost sight of Mr. Baker, right?
A Did not lose sight. No.
Q Okay. And then when you caught up to Mr. Baker, what happened?
A He was placed into custody.
Q Okay. You -- I think you had previously indicated that Mr. Baker was trying to enter an apartment; is that correct?

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A Yes.
Q Do you have any recollection of what he was doing -- independent recollection of what he was doing?
A No. He was just trying to turn the door knob to enter the apartment.
Q Okay. And do you have an independent recollection of that, or is that based on your review of the reports?
A Based on my review of the report.
Q Okay. So did you understand that Mr. Baker had a set of keys that he was trying to use to enter the apartment?
A That I was not aware of.
Q Okay. Did you say anything to Mr. Baker when you saw him trying to enter the apartment?
A Not that I recall.
Q Did Mr. Baker have any narcotics on him when you caught up to him in front of the apartment?
A He did not.
Q Okay. And looking at this report, it appears that the apartment number that Mr. Baker was trying to gain entry to was apartment number 206. Do you see that, sir?
A Yes.
Q Do you recall that independently or do you --

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are you only aware of that based on looking at these reports?
A I'm refreshing by the reports.
Q Okay. Do you know if Mr. Baker lived at apartment 206?
A Based on the -- you know what? I can't really remember if I knew that or not at that time.
Q Do you have any recollection of ever knowing where Mr. Baker resided -- what apartment he lived in?
A Further investigation -- you know what, when we were investigating and remembering when -- or that particular mailbox that he was at, and subsequently retrieving those narcotic from, we found out that that's the apartment that he lived in.
Q Okay. So do you have an independent recollection of seeing a number -- the number 206 on that mailbox?
A I do not.
Q Do you know if the mailbox even had a number on it?
A I do not.
Q Okay, but you just testified that you knew that he was in the apartment based on the mailbox. How did you know that?
A Based on the run of the mailboxes -- if you go

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over -- if you would have went over, all the 06s were pretty much in the same line. 306, 406, and so on. And then based on some of the information that was shared between us as team, we usually talked about different individuals who were down there. Hey, I know he lives in this particular apartment, or I know he lives in this building. So all that information corroborated together, and then knowing his name and everything. And so that's how we based it on, that that was the apartment he lived in. And then he tried to get into 206 at that time as well. So that leaves me to believe that that's where he lived. It wasn't just a random place that he would just go to.

Q Okay. I understand that. Do you have an independent recollection of any of those conversations that you referred to -- talking to other officers about Mr. Baker's residence?

A Not independent -- but just we've had many a conversation as a team, and even as police officers. We share information with each other about different things that one of us may know and one of us may not know. And then different teams share information with us from what they may have done on a previous watch or a previous day when we're off on a certain day. They'll say, hey, we ran into this subject. Or, this particular individual

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was arrested. Oh, okay. Well then now we know, as far as all the other different things, that are in all the other subjects that are involved in illegal narcotics that were being sold down there.

Q What officers have you ever discussed where Mr. Baker resides?

A Just the officers on the team.

Q Which officers in particular, have you talked about where Mr. Baker resides with?

A All the assisting officers. Whoever was there with us, whoever conducted investigations. As far as these -- this particular case is concerned, we all discussed, and we all knew that that's the apartment he lived in.

Q Okay. Do you have any independent recollection of having any conversations with the assisting officers about what apartment Ms. Baker lived in?

A Not any independent. No. I couldn't tell you word for word what those conversations were. No.

Q But do you have an actual independent recollection of having the conversations themselves?

A Those conversations were had, but what exactly what was said, when was said, no.

Q Okay.

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A Just that these -- this individual was selling drugs in that building. This is the apartment he lives in. Once you --

Q So you have -- is it correct to say, you have some vague recollection of having a conversation with some other police personnel about where Mr. Baker lived?

A We all had conversations about where he lived and all the other people that lived down there. So he -- it wasn't like we singled him out. We had to find out where he lived.

Q Did you ever have any conversations with Sergeant Watts about where Mr. Baker lived?

A Not that I recall. We spoke together as a team.

Q Okay. So those conversations you're referring to, they may have included Sergeant Watts, but you're just not sure?

A I don't know if they -- I don't even know if he was in the room, or if he was present, or not present. I couldn't tell you.

Q Okay. Did you guys have access to -- I'm going to strike that. Did Watt's team have access to any, like, master role listing -- CHA list of where -- who lived in each residence?

A We were told.

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Q By who?

A The personnel in the office.

Q By CHA personnel?

A The management. Yeah. She was very helpful.

Q And who is she?

A I forget her name. Oh my goodness, I can't remember her name right now. But the -- if I can recall her name, then I can -- but I can say this. She was very helpful in anything that we tried to do, as far as trying to help make that -- the life for those people down there a whole lot better than what it was. I mean, you know, these were some bad people doing some bad things to these people down there. And no human being should have been subjected or lived the way they -- that they were forced to live, based on what these individuals were doing.

Q Okay. So other than having conversations with a woman who worked for CHA about where individuals lived, did you ever have access to an actual physical list that documented who resided at each apartment?

A I didn't. I never saw a ledger.

Q Okay. Did Mr. Baker have any narcotics on him when you caught up to him that day on July 11, 2004?

MR. BAZAREK: Objection. Asked and answered. Go ahead.

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A You already -- you had already asked -- I already answered that.
Q I apologize. I didn't remember asking that. Could you answer it again?
A He did not.
Q Okay. At any point during -- strike that. So you arrested Mr. Baker on that day, correct?
A Yes.
Q Okay. At any point during the arrest, did you notice that the door of apartment 206 became open?
A No.
Q After Mr. Baker was arrested, did anyone open the apartment door to 206?
A No.
Q Did you ever go inside apartment 206 on that day?
A No.
Q Why not?
A There was no reason to.
Q Okay. Did anyone ever come out of that apartment that day that you were there?
A No.
Q Okay. Did officer Jones ever go into apartment 206?
A No.

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Q Did Sergeant Watts ever go into apartment 206?
A Not that I'm aware of. No.
Q Do you recall Sergeant Watts being in that hallway with you when Mr. Baker was arrested?
A No.
Q Is it possible that Sergeant Watts was there?
MR. BAZAREK: Object to form.
A Say it again?
Q Is it possible that Sergeant Watts was present in that hallway when you arrested Mr. Baker?
MR. KOSOKO: Object to form.
A He wasn't there when we arrested him.
Q Okay. Did you ever draw your gun during the arrest of Mr. Baker on July 11, 2004?
A No.
Q Did you ever see any other officer draw their weapon during the arrest of Mr. Baker on July 11, 2004?
A No.
Q Do you have any recollection of Sergeant Watts telling Mr. Baker at any point on July 11, 2004, if they don't -- if you don't find any -- strike that. Do you have any recollection whatsoever of Sergeant Watts telling Mr. Baker at any point on July 11, 2004, that if he didn't find anything in Mr. Baker's apartment, that Mr. Baker is going to go to jail for the drugs that were in the mailbox?
A No.
Q Do you recall anyone telling Mr. Baker that?
A No.
Q Did you ever tell Mr. Baker that?
A No.
Q Did you see any police personnel go into the apartment at 206?
A No.
Q Did you see any non-police personnel go into the apartment at 206?
A No.
Q Did you see anyone come out, whether police personnel or not -- otherwise out of apartment 206?
A No.
Q Are you certain that no police personnel went into that apartment when you were present on that day?
MR. KOSOKO: Object to form.
A When I was there, no one went into that apartment. There was no reason to go into that apartment.
Q Okay. Did you violate any of Ben Baker's constitutional rights on June 17th?
A I did not.
Q Did you violate any of Ben Baker's constitutional rights on July 11, 2004?
A I did not.
Q Did you fabricate any police reports about Ben Baker, either on June 17th or July 11, 2004?
A I did not.
Q Do you know whether any -- strike that. Do you know whether or not any other Chicago police officer violated Ben Baker's constitutional rights on July 11, 2004?
A No.
Q Do you know whether or not any Chicago police officer violated Ben Baker's constitutional rights on June 17, 2004?
A No.
Q Do you know whether or not any Chicago police officer fabricated any reports about Ben Baker on either June 17th or July 11, 2004?
A I do not.
Q Do you know whether any Chicago police officer ever fabricated any police reports about Ben Baker, at any point in time?
A I do not.
Q Okay. Mr. Baker eventually went to trial for his arrest related to the drugs that were found in the mailbox, correct?

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A Yes.
Q And do you remember testifying as a witness in Mr. Baker's trial?
A I do.
Q Okay. And do you remember that to be approximately -- that testimony to approximately have taken place in October of 2004?
A I don't know.
Q Okay. Does that sound accurate?
A I don't know.
Q Okay. Did Sergeant Watts talk to you at any point about the mailbox case prior to when you testified in court?
A No.
Q So at no point in time from when Mr. Baker was arrested on July 11th -- strike that. From no point in time when Mr. Baker was seen with the drugs, allegedly, on June 17, 2004 up and to the point that you testified in court about that occurrence, did Sergeant Watts talk to you about your testimony at all?
A No.
Q Okay. Between July 11, 2004 and the time you testified in court about Mr. Baker's alleged narcotics arrest stemming from the mailbox case, did Sergeant Watts talk to you about that case at all?

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A No.
Q Do you remember testifying that you were the officer who reached into the mailbox and recovered the narcotics?
A Yes.
Q Are you aware that Officer Jones also testified that he was the officer that reached into the mailbox and recovered the narcotics?
A Yes.
Q Is it possible that you were wrong about being the one who recovered the narcotics?
A Again, no. And like I said before, we were both reaching in trying to get a hold of the bag to pull the bag out. He tried, I tried, he tried, I tried, and we subsequently got the bag out of the box.
Q Both you and Mr. Jones could not fit your arm into the mailbox at the same time, correct?
A No.
Q Okay. So is it possible that Mr. Jones is wrong, when he testified that he was the officer who recovered the drugs?
A I cannot say what Mr. -- Officer Jones testimony is. I don't know. I can't say what he said.
Q Did you lie at any point under oath at Mr. Baker's trial about Mr. Baker, supposedly having possessed those drugs and put those drugs in a mailbox?

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A No. No.
Q Do you recall that during the trial, the judge -- Judge Toomin paused the trial so that Mr. Baker's attorney could file a motion to suppress the evidence?
A Yes.
Q Do you recall that Mr. Baker's attorney in fact, filed that motion to suppress?
A You say, do I know?
Q I said, do you recall that Mr. Baker's attorney in fact, filed that motion to suppress?
A I assume he did.
Q Okay. Do you recall that Judge Toomin granted that motion to suppress?
A I assume he did. Yes.
Q Do you remember what the outcome of Mr. Baker's trial was?
A That the case was thrown out.
Q And do you know why the case was thrown out?
A Because we recovered the bag out of the mailbox and we did not seek a search warrant to recover said narcotics.
Q Did you ever a conversation after you testified with Officer Jones about your testimony?
A No.

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Q Do you remember -- did you ever talk to Officer Jones prior to your testimony about your testimony?
A No.
Q Did Officer Jones ever tell you that you, "Fucked up your testimony," or words to that effect?
A No.
Q Did you ever hear Officer Jones tell any other people that you, in fact, "Fucked up your testimony," or words to that effect?
A No.
Q Did you ever hear that Jones was telling people that exact thing that you had, "Fucked up your testimony"?
A No.
Q At no point in time, have you ever heard that before?
A Only when I got to the deposition, did I ever hear that.
Q Okay. And which deposition are you referring to in this case?
A Yes.
Q So one of the -- one of the two prior depositions you heard, that was the first time you heard that?

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A And at the COPA investigation.
Q Okay. So other than hearing it from somebody during a deposition in this civil case or at your COPA Investigation, you never heard that Jones was going around telling people that you, "Fucked up your testimony," correct?
A That's correct.
Q Okay. If in fact Officer Jones was telling people that, what does that tell you?
MR. KOSOKO: Object to the form.
MR. BAZAREK: Yeah. Object to the form. Foundation. Vague. Ambiguous. You can answer, if you --
A What does that tell me, if he went around saying that?
BY MR. STARR:
Q Yeah.
A I don't -- you know what, I really can't say what that says to me. If he -- if that's something that they said he was doing, I don't believe that that was something that he would say. So I can't really speak to how to respond to that.
Q What was your reaction the first time you heard that?
A I was surprised. No different -- no different

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from a lot of other things I've learned about, and saw, and been made aware of since -- I'm not going to use that word again -- since this whole process has started.
Q Did you ever hear Sergeant Watts say anything about you messing up your testimony?
A No.
Q Did you ever hear that Sergeant Watts was telling people that you messed up your testimony that day?
MR. PALLES: Object to the form.
A No.
Q Did you ever hear Sergeant Watts say anything about your testimony in the trial for Ben Baker?
A No.
Q Do you believe you did anything to mess up your testimony that day?
A Not that day, but I can honestly say in retrospect, I should have waited to get a search warrant instead of taking the initiative, to try to help with that whole process down there, you know. At that particular time, there were people dropping dead from overdosing on fentanyl at that time. So either I had a choice, I can recover this bag and get this bag out of here, so that these individuals don't sell these drugs or leave it there and wait to get a search warrant.

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Okay. Or just leave it there, period. And just let them keep doing what they're doing. And as a police officer, I didn't think that would be a good thing to do, you know, based on me being a police officer and based on what I should be doing to protect that community. So I made a decision and we recovered the bag. So as far as I'm concerned, that was the only mistake that I made in this whole thing.
Q And that mistake was not getting a search warrant, is that correct, if I understand you?
A Yes.
Q Okay. You testified that people were overdosing on fentanyl. Was fentanyl a problem in 2004 at Ida B. Wells?
A It was a problem in Ida B Wells. It was a problem in the Dearborn Homes.
Q Okay. Are you aware that Mr. Baker has alleged that Sergeant Watts told him that he was going to be framed with drugs, that were found in a mailbox at Ida B. Wells. And that if he gave him $1,000 bribe, Mr. Baker would be able to beat the case?
A I was not aware of that until these proceedings.
Q Did you hear that before today?
A Only in these proceedings.

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Q Okay. And what is your reaction to that?
A Shock.
Q How come?
A What do you mean?
Q Why are you shocked by that?
A I've never heard him say to me, or say in the presence of the team, that this is what he was going to do, or this is what he was telling people and different things like that. No, I never was present for any conversations, if those conversations were had. And no -- that's not what was going on. That's not what we were doing. As a team, what we were doing -- we were trying to get the drugs out of that community. To stop the drug dealers from selling the drugs, and killing people, and making people's lives a living hell. You have no idea what those people were living -- the conditions that they were living under because these individuals were out selling the drugs and doing the things that they did.
Q Do you know whether Sergeant Watts ever solicited a bribe from Ben Baker before you arrested him on July 11, 2004?
MR. BAZAREK: Wait, wait, wait. Object to the form of the question. It assumes any fact in evidence with the way you just phrased that

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question. That's my objection.
A Would you repeat that question please?
MR. STARR:
Q Sure. Do you know whether Sergeant Watts ever solicited a bribe from Ben Baker before you arrested him on July 11, 2004?
A No.
Q Okay. Do you have any opinion about whether or not it's true, that Sergeant Watts solicited $1,000 bribe from Ben Baker related to the mailbox narcotics?
MR. KOSOKO: Object to form.
A I don't think it's true. But, you know, a lot of things have been said about a lot of things that we were alleged of doing. So based on whatever allegations or whatever things they said, we said, we did. You know, historically, this is clearly what dope dealers and gang bangers do. If the police are locking them up for being in possession of illegal narcotics, or involved in gang activity, or guns or whatever have you, as far as anything illicit, our job as police is to lock them up, period. And once we are on them, and locking them up, and sending them to jail, then this is their recourse. This is what they have to use against us. Hey, let's make as many complaints, let's make as many false allegations against the police, so they can leave

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us alone. Because eventually it's like, okay, well we're going to put as much heat on them because they're putting a lot of heat on us. You know -- I previously said before about the -- and I understand that, you know, my anger and frustration about this whole thing has, and is, and will continue to get the best of me. Because I know, as a human being, as a police officer that have lived in public housing, grew up in public housing, and then to come on the job as a police officer -- then to police in public housing that's just not me as an individual. And I did not see anyone do anything illegal, as far as bribes or telling people, this is what I want for us to leave you alone. No. That never happened. And if the conversation was had it wasn't had in my presence.
Q Okay.
A I did make a statement, as far as pigs [sic] in the barrel. You know what, here, I'm angry about this because my character is on the line. Okay? I've been a police officer 38 years. It's a privilege and always has been a privilege to be a police officer. And then to have individuals that have -- you know, they made a decision about their lives, they wanted to sell drugs.
Q Okay. Mr. Jones, I don't think this is

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necessarily a response to the question and I don't --
A Oh, no, I'm going to --
Q We have limited -- we have limited time today. So I want to -- I want to refer back to the supplementary report, Bates stamp 19. I just want to ask you a couple more questions about this report. It's the one that's on the screen. You can see you there at the bottom it City BG 19, correct?
A Yes.
Q Okay. Did you type this report, sir?
A I did. Can we take a minute? Can we take a minute?
MR. BAZAREK: Wait, just answer the question first.
A Yes. Yes.
Q Okay. Did you sign this report, sir?
A Yes. Can we take a minute?
MR. BAZAREK: You have to answer the question first?
A Yes.
MR. STARR: Yeah. Bill, I just have a couple more questions about this report, but we can take a break now or we can finish this, whatever you want to do.
MR. BAZAREK: Just finish up with this report.

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All right.
MR. STARR: Okay.
MR. BAZAREK: Okay, go ahead.
BY MR. STARR:
Q Okay. So I believe I just asked you, I think you answered, but maybe I missed the answer. Did you sign this report, sir?
A I did.
Q Did Sergeant Jones sign this report?
A I signed this report for him.
Q Okay. How do you know that, sir?
A That is my handwriting.
Q Where his signature underneath his typed name? That's your handwriting?
A Yes.
Q Okay. Did you tell or ask Sergeant Jones that you were going to sign his name?
A I asked him before I signed his initials -- before I signed his name. Do you want me to sign this? And he said, yes.
Q Okay. And then there's those assisting RO's that are listed there? What role did they play in this arrest, sir?
A Probably in the arrest report. The complaints. That's probably about the size of it.

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Q Okay. Were any of these officers on scene at 527 East Browning?
A No, not that I recall.
Q Okay. And signing your partner's name, was that something that regularly occurred?
A We did, yes.
Q Okay. Would he sometimes sign your name for you?
A Yes.
Q Okay. Are you familiar with someone by the name of Clarissa Glenn, sir?
A I am not. Only based on all the paperwork.
Q Okay. And do you know if Clarissa --
MR. BAZAREK: Let's take a break.
THE WITNESS: I just need -- just one minute.
MR. STARR: Okay. How much time you need?
THE WITNESS: One minute.
MR. BAZAREK: Well, I need five minutes.
THE WITNESS: Okay.
MR. STARR: Okay.
COURT REPORTER: All right. We are off the record. The time is 12:14 p.m. Central.
(OFF THE RECORD)
COURT REPORTER: We're back on the record for the deposition of Kenneth Young, Junior, being

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conducted by video conference. My name is Kortney Chase. Today is December 15, 2021. The time is 12:23 p.m. Central Time.
BY MR. STARR:
Q Okay. Mr. Young, I think I was asking you about Clarissa Glenn. Are you familiar with someone by the name of Clarissa -- Clarissa Glenn?
A No.
Q Okay. Do you know if Ben Baker had a girlfriend or a wife back in 2004?
A I don't know.
Q Okay. Do you know if anyone else lived in the 206 apartment on July 11, 2004?
A I don't know.
Q Are you aware that Mrs. Glenn has testified that on July 11, 2004, the police knocked on her door, she opened the door, the police came inside, and they arrested Mr. Baker inside his home?
A Based on reports I was shown at the COPA investigation, I think it was.
Q And you contend that this statement is false, correct?
A That did not happen. No.
Q So Ms. Glenn is lying then; is that correct?
A That's correct.

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Q Okay. Are you familiar with a man by the name of Elgin Moore?
A No.
Q Okay. Are you aware that Mr. Moore also remembers, that the police came into the apartment at 206 to arrest Mr. Baker?
A Based on the documents I was shown, that's what he's alleging.
Q And were you shown this documents during your COPA interview as well?
A I was shown a lot of things that I had no idea about.
Q Well, were you shown documents during your COPA interview that addressed Mr. Moore's statements?
A If it was -- if it wasn't COPA, then it was the other deposition that I had given.
Q But at some point you saw documents that contended that Mr. Moore states, that police came into the apartment to arrest Ben Baker on July 11, 2004; is that right?
A That's correct.
Q Okay. And that's false in your opinion, correct?
A That is false. That's not an opinion.
Q Mr. Moore is lying as well, then?

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A Yes he is.
Q Okay. Are you aware that Ben Baker has also asserted that his arrest on July 11, 2004 occurred inside his apartment at apartment 206, and that you and other officers entered the apartment to make the arrest?
A I think so.
Q Okay. And that's also false in your opinion, right?
A Yes, it is. Not an opinion.
Q Are you also aware that Ben Baker has asserted that during his arrest on July 11, 2004, that officers had their guns drawn?
A I wasn't aware of that.
Q Well, if Mr. Baker has said that, is that also false in your opinion?
A That is false. That is not an opinion.
Q So Mr. Baker would be lying then, correct?
A Yes, he is.
Q Okay. Is there anything else that I could show you that would refresh your independent recollection anymore about the July 11, 2004 arrest?
A Nothing that I've already seen.
Q Nothing that you haven't already seen, is that what you mean?
A Yes.

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Q Is there anything else that I could show you that would refresh your independent recollection of the June 18 [sic], 2004 mailbox incident?
A Nothing that I've already seen.
Q I may have misstated that date. Is there anything else I could show you that would refresh your independent recollection at all, regarding the incident involving the mailbox -- the narcotics in the mailbox any further?
A Nothing that I've already seen.
Q So there's no other documents that you haven't seen, that you think could refresh your recollection of either of those two incidents, correct?
A That's correct.
Q Okay. And you're not going to come to trial and claim -- the civil trial here, and claim that you have information about this arrest that you didn't testify to today, correct?
MR. KOSOKO: Object to the form.
MR. BAZAREK: Woah, yeah. I'd object to the question -- form of the question. And as you know, Officer Young has given a statement at COPA. He also gave testimony in the criminal proceedings. So anyway, object to the form of the question. It mischaracterizes his testimony and statements he had

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at different times other than today.
BY MR. STARR:
Q Yeah. Let me rephrase the question. Mr. Young, you're not going to come to trial and claim that you have any additional information about either the mailbox case or Mr. Baker's July 11th arrest that you haven't previously testified to; is that correct?
MR. BAZAREK: I'd still object to that question. Go ahead, if you can answer it.
A All the documents that I've seen, that I've prepared, those are the only documents that I can refer to in regarding this matter.
Q Okay. I'm just trying to ask you a yes or no question, because I thought that was clear, but maybe it wasn't. So here's the question. You're not going to come to the trial -- the civil trial in Mr. Baker's case and testify that you have any additional information about either the mailbox incident or Mr. Baker's arrest on July 11, 2004, other than what you've already testified to either in the COPA interview, at the criminal proceedings, or in the depositions here in this case, correct?
MR. KOSOKO: Object to form. Assumes facts not in evidence.
MR. BAZAREK: Yeah. And I also, I join the

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objection, also calls for speculation about what trial testimony could be in the future.
A No.
BY MR. STARR:
Q Are you aware Mr. Young, that Watts' team arrested Mr. Baker on other occasions?
MR. KOSOKO: Object to form.
A Only during these proceedings.
Q You've been made -- you've been made aware during these proceedings, that Mr. Baker was arrested by Watts other on other occasions during the course of these civil proceedings?
A Yes.
MR. KOSOKO: Object to form. Assumes facts not in evidence. Sergeant Watts hasn't arrested anybody.
BY MR. STARR:
Q Do you have any knowledge of the underlying facts in Mr. Baker's March 25, 2005 arrest?
A I would have to -- I would have to look and see what that is.
Q Okay. So at some point I'll show you that arrest report, but just based on your independent recollection, do you have any knowledge of the underlying facts, regarding the March 2005 arrest of Mr.

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Baker by Sergeant Watts's team?
MR. KOSOKO: Object to form.
A I would have to -- I'm sorry. I would have to -- I would have to see which arrest you were referring to.
Q But you didn't know that that Sergeant Watts' team had arrested Mr. Baker on other occasions until these civil proceedings, right?
MR. KOSOKO: Object to form.
A While I was on that particular team, Ben Baker was only arrested by -- was only arrested once, while I was on that team. Any arrest prior to or after, I have no knowledge about.
Q Okay. And that one arrest was the July 11, 2004 arrest. Is that correct?
A Mailbox -- the mailbox.
Q Right. And that was -- that was the arrest that we looked at -- the arrest report on July 11, 2004, right?
A That's correct.
Q Okay. So you were not present for any other arrest of Ben Baker other than the July 11, 2004 arrest, correct?
A That's correct.
Q Okay. Do you have any knowledge of the

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underlying facts in Mr. Baker's December 11, 2005 arrest?
A I do not.
Q And you were not present for the December 11, 2005 arrest of Mr. Baker, correct?
A Not that I recall.
Q Are you aware that Mr. Baker's wife, Clarissa Glenn, was also arrested in December 2005?
A I have no knowledge about that.
Q Okay. So you were not present for Mrs. Glenn's arrest, correct?
A No.
Q Okay. Were you aware of any contemporaneous investigation by any law enforcement agency of Sergeant Watts or his tactical team, when you were still working on that tactical team back in 2004, 2005?
A No.
Q Were you ever approached by investigators from the internal affairs division of the Chicago Police Department, and asked questions about Sergeant Watts or other members of his team?
A No.
Q Were you ever approached by investigators from the State's Attorney's Office and asked questions about Sergeant Watts or other members of his team?

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A At what point?
Q At any point.
A Yes.
Q And when was that, sir?
A 20 -- 2020.
Q Other than the recent interview that you gave to the State's Attorney's Office, were you ever approached by the State's Attorney's Office and asked questions about Sergeant Watts or other members of his team?
A Outside of 2020, no.
Q Okay. Were you ever approached by federal law enforcement agents --
A Was it 2020? Or 2018 --
Q I'm sorry.
A 2019.
MR. BAZAREK: Yeah, I think he misspoke. You already know this from the interrogatory answer, it was 2019 with the state's attorney.
BY MR. STARR:
Q Okay. So, let me just ask it again there just for clarification on the record. Other than the time you spoke to the State's Attorney's Office in 2019 -- were you ever approached by anybody from the State's Attorney's Office and asked questions about Sergeant Watts or other members of his team?
A No.
Q Okay. Were you ever approached by federal law enforcement agents, either FBI, or ATF, or any other federal agency in question about Sergeant Watts or other members of his team?
A Yes.
Q Okay. And when was that, sir?
A That was the summer of 2020.
Q Okay. And that --
A I'm sorry. I apologize. It was this year. All right. Yes, it was this year. I'm sorry. It was this year because it was after my mother passed. So I apologize. It was this year -- August of this year. I'm sorry.
Q I'm not trying to trick you. And that interview is reflected in the discovery responses that your attorney tendered last night, correct?
A I'm sorry, say it again, please.
Q Sure. So the interview you had with the federal agency is reflected in the discovery responses that your attorney tendered yesterday, right?
A Yes.
Q Okay. Let's take a look at those. Give me a moment. I'm going to pull them up.

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A I apologize.
Q I just want to ask you a couple questions about those.
THE WITNESS: Do you have that. Or no, do I have that? Oh, no problem.
MR. STARR: And I'm going to mark this as Exhibit 60. I think we're on. Is that correct?
(EXHIBIT 60 MARKED FOR IDENTIFICATION)
COURT REPORTER: Yes, 60.
BY MR. STARR:
Q Just take a minute to just look at those, sir. I'm going to ask you a few questions about them. Let me know when you're ready.
THE WITNESS: Okay. Starting to get a headache.
MR. BAZAREK: Hey guys, while Officer Young's reviewing that document. Let's figure out what time we're going to be breaking for lunch.
MR. STARR: Okay. So after my line of questions here about these answers, I have two other arrests reports to look at, for two other Plaintiffs. I don't expect that to take very long, but what time do you want to break?
MR. BAZAREK: Well, you know, I guess we can finish up with those and then we can assess and then

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is Joel Flaxman taking over?
MR. STARR: I believe so. I have a couple of questions about a couple of CR's too, but it shouldn't take all that long. So do you have a time that Mr. Young wants to break for lunch?
MR. BAZAREK: Yeah, I would just say let's keep going.
MR. STARR: Okay.
MR. BAZAREK: And then we'll assess -- maybe we'll reassess around 1:00 and figure out where we're at.
MR. STARR: Okay. Okay. Sounds good.
BY MR. STARR:
Q Mr. Young, are you ready to proceed? I'm sorry, I didn't hear your answer.
A Yes.
Q Okay. Did you have an opportunity just now to just review those interrogatory responses?
A Yes.
Q And did you previously review those interrogatory responses?
A Yes.
Q And you went over them with your attorney, I imagine?
A Yes.

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Q Okay. And your attorney's office sent over a signed verification this morning. Are you aware of that?
A Yes.
Q And did you sign that verification after reviewing these interrogatory responses and affirming that everything was correct?
A Yes.
Q Okay. And in interrogatory response number two -- I'm sorry, number one in the second paragraph, you referred to a meeting with some FBI agents; is that correct?
A Yes.
Q Okay. Other than that meeting that you had with FBI agent -- those two FBI agents, have you had any other communications with any federal agents regarding Watts or any other members of his team?
A No.
Q Okay. And who was present for that meeting?
A The two FBI agents and myself.
Q And I misspoke when I said it was the second paragraph, it's actually the first paragraph; is that right?
A Are you asking me?
Q Yeah, I just want to clarify. So I said it

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was the second paragraph of your answer, but I'm looking at it now in front of me and it's the first paragraph, which talks about how you had a meeting with special agents, Jeffrey Pabarcus and Rodney Harris; is that correct?
A Yes.
Q And those officers -- or agents were from the Federal Bureau of Investigation, right?
A Yes.
Q And you just testified, it was just the three of you who met, correct?
A Yes.
Q And that meeting was in your home?
A Yes.
Q Okay. And there was no one else in your home when the meeting occurred; is that correct, sir?
A My brother was there.
Q Okay. Was he present for the meeting?
A No.
Q Okay. What did these agents tell you was the purpose of the meeting, sir?
A To ask me about the -- my time that I spent on that particular tactical team. How I interacted with my teammates and my sergeant, while I was on that team. I was never informed that I was under any investigation.

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They both told me -- they asked me about, you know, just how every day was, as far as how we conducted our business, as far as narcotic investigations and the gang investigations that we performed as a tactical team in public housing.
Q Okay. Anything else that they told you was the purpose of that meeting?
A If there was a purpose, I can't remember exactly what they said in particular.
Q When you spoke to these FBI agents -- and this was on August 2nd of 2021; is that correct?
A That's correct.
Q Okay. When you spoke to these two FBI agents, did you talk to them at all about the arrest of Ben Baker?
A I do not recall them bringing up any one specific, other than asking me about the overall narcotics going on down there, and the interactions I had with my teammates and Sergeant Watts.
Q Okay. Did you talk at all about the arrest of someone with the name of Hasaan Potts?
A Not that I recall. Again, we didn't do anything and I don't remember them saying anyone specifically, other than my teammates and how I interacted with them and Sergeant Watts.

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Q Just trying to refresh your recollection. So let me know if any of these names refresh your recollection regarding your conversation with these FBI agents. Did you talk about the arrest of someone by the name of Joseph or Christopher Farris?

A Again, I can't remember whether they said anyone specific.

Q Okay. Do you recall talking about anything about Clarissa Glenn?

A Can't recall.

Q Do you recall speaking to these FBI agents about any of the plaintiffs in the Watts consolidated proceedings?

A Not that I remember, no.

Q Okay. Do you remember having any conversation with any of these -- strike that. Do you ever recall any conversation -- sorry. Do you remember talking about any of the drug dealers by name that you were familiar with at Ida B. Wells during your meeting with the FBI agents?

A Not that I remember. No.

Q Did they raise any specific names to you during that meeting?

A Not that I remember.

Q Okay.

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MR. BAZAREK: I have a paper copy as well. All right.

Q Do you recall talking to these federal agents about assignments that you had in Unit 715 and 002 Second District?

A Yeah, that was on a tactical team -- that I was on several tactical teams during my time in 715 and the Second District.

Q And what did you specifically tell them about your assignment to Unit 715?

A That I was on one tac team -- Watts team. I was removed from that team, put on another team. Over a period of time I was not on that team anymore. I was put on another team. And then I left the tactical team altogether and went to the watch.

Q Did they ask you any specific questions about Sergeant Watts?

A Not that I recall. Just how I interacted with him.

Q So, was the question they asked you, how did you interact with Sergeant Watts?

A Yeah. What was your relationship with him?

Q What did you tell them?

A Other than I was -- I worked for him, that I didn't drink. And they teased me about that quite a bit. But beyond that, I can't remember exactly word for word what was said, but that was the gist of it, you know. And they used to rib me about it all the time about how I don't drink.

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Q Okay. Did you ever have any personal relationship with Sergeant Watts?

A No. Other than work, no.

Q Okay. And what did you specifically tell them about your assignment -- strike that. Did they ask you about any of the other members of Sergeant Watts' team?

A Not that I recall.

Q Do you recall them naming any of the individuals who were members of Sergeant Watts' team, at any point during your conversation with them?

A Just asking me who my partners were. That's all.

Q Okay. And you told them Mr. Jones?

A Yes.

Q Any other partners that you had while you were working for Watts's team?

A We were all on the same team. Officer Ridgell, Summers, Bolton, Gonzalez, Leano, and -- Manuel.

Q Okay. Manuel Leano?

A Yes.

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Q Okay. So you talked about those individuals with these two FBI agents?

A I just -- they just asked me about them, and we were all teammates.

Q Okay. What did you specifically --

A Exactly what they asked, I can't remember if there was anything that they specifically asked about me other than the relationship. Did we hang out together? You know, did we go out drinking together? Different things like that. No, we didn't.

Q Did you tell them anything specific about any of those individuals?

A Like?

Q I wasn't there, so did you tell the FBI agents any specific information about any of the individuals that you just listed?

A No, nothing -- nothing that they asked me, no.

Q What did you specifically tell them about your assignment in the Second District?

A That I was on that tactical team. I was taken off that tactical team and put on other tactical teams, until I decided that I didn't want to work tactical anymore and I went to the watch.

Q Anything else that you told them about that assignment?

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A I'm sorry?
Q Anything else that you told them about that assignment?
A No, not that I recall.
Q According to this discovery response, you told them that the -- you told them about the work that you and your former team did to apprehend offenders who engaged in narcotics trafficking and other illegal activity at Ida B. Wells, correct?
A That's correct.
Q What did you specifically tell them about the work that you did?
A Investigations that we did. You know, it was always something -- there was always work to do. Gathering information, making arrests. You know, the whole thing about that is, is -- you know, trying to make those people's lives a lot better than what they were. And you know, can I just apologize to you about something?
Q I don't think you need to apologize to me for anything, sir.
A No, I really need to apologize to you because I made a statement about -- and I referred to -- and I made a reference to, rather, about rats in a barrel. You know, that is -- here, again, I'm angry about this whole

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thing. And I just wanted to try to paint a picture, as far as how these people were treating -- how these, you know, gang bangers and drug dealers were treating each other. And how they were going about their business as far as selling their drugs, and what type of devastating impact that had on the community. So, with that being said, as far as their questioning and asking me about what different things that we did down there, we tried to do the best we could to make those people's lives a lot better than what it was.
Q Did you give them examples of the type of work that you did?
A Not that I recall as far as direct examples, no. We -- {inaudible 02:21:28 Zoom}
Q Did -- go ahead. I apologize. I didn't mean to interrupt you.
MR. BAZAREK: Were you finished? You were in the middle of the answer and I think -- were you finished with your answer?
THE WITNESS: Yeah, yeah, I was done. I was done.
MR. STARR: Yeah, and I said I'm sorry. I didn't mean to interrupt you.
BY MR. STARR:
Q Did you talk to them at all about reverse

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stings? Is that something that you talked to the FBI agents about?
A I can't remember if that even came up.
Q Did you talk to the FBI agents all at all about the use of confidential informants?
A I can't remember if we spoke about that.
Q Did you tell the FBI agents any other ways in which your team would get information about narcotics or illegal activity in Ida B. Wells?
A Right now, not that I recall. No.
Q And anything else you recall telling them about the work that you did?
A Other than what is listed and my memory serving me correctly, I can't remember exactly what I said or what questions they may have asked me. But it was to the effect of we would receive information, we would investigate. Or we would, based on the severity of the sales and narcotics -- we knew they were selling drugs, and we knew where they were selling drugs. So how can we get to them, you know? And that's the role of a tactical team.
Q So, according to these discovery responses, you also told them about the individual Plaintiffs that are making false allegations and bringing false lawsuits against you and other members of the team or your team,

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correct?
A Yes.
Q What did you specifically tell them about that?
A It was bad. It's unfair. There's -- and like I said before, that's what angers me so bad -- what angers me so much. Here it is -- they have -- yeah, their job is to sell drugs. Okay? My job is to catch them selling drugs. And I did my job, and they don't like that. So, whatever recourse that they have, they can use in an effort to get the police off their backs. They'll lie. They'll fabricate stories to -- in essence, that's why we're here right now. And I said that to them.
Q So, do you think the plaintiffs file these lawsuits to get the police off their backs?
A Oh, absolutely.
Q And did you tell the --
A I'm sorry. But we interrupted every time their way of making money, and that pissed them off.
Q Okay. Did you tell the FBI agents that you thought that every single lawsuit that was part of the coordinated proceedings was false?
A I probably did.
Q Did you suggest to the FBI agents that they

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should do something about this?
A I did not.
Q Okay. Did the FBI agents ask you if you had any knowledge of Sergeant Watts doing anything illegal?
A Yes.
Q And what did you tell them?
A No.
Q You told them that you did not have any knowledge?
A That I had no knowledge.
Q Did the FBI agents ask you if you had any knowledge of Kallat Mohammed doing anything illegal?
A Not that I recall.
Q Did the FBI agents ask you if you had any knowledge of any other members of the Watts' tactical team doing anything illegal?
A Not that I recall.
Q So their only questions about illegal activity -- about members of the Chicago Police Department, were about Sergeant Watts; is that correct?
A That I recall. The question they did ask me was referring to Ron.
Q Did they ask you if you ever did anything illegal while you were on Watts' tac team?
A Yes.

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Q Okay. So they asked about Sergeant Watts and they asked about your actions when you were on Sergeant Watts' tac team, correct?
A Yes.
Q Did they ask about officer Al Jones and whether he did anything illegal while you were on Sergeant Watts' tac team?
A I can't recall if they asked me about Al.
Q Did you have any discussion with the FBI agents about Officer Jones?
A No, but he was my partner. He stood up in my wedding.
Q Did you tell the officer -- sorry. Did you tell the agents anything else about the plaintiff, other than what you just testified to today?
A Other than what I can remember.
Q According to your discovery responses, you told the FBI agents about your relationships and your interactions with Watts and other members of your former team, correct?
A Yep.
Q And you've already testified to some of that today, right?
A Yes.
Q Anything that you haven't told us today, that

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you told the agents about your relationships with Watts or other members of the team?
A If there was, I can't remember what they were.
Q And you previously testified in two depositions over the course of two days in January of 2020, right?
A I did.
Q And you mentioned that you had talked to a few former members -- since you left Watts' tactical team, correct?
A Not correct.
Q You didn't mention that during your depositions?
A I saw Summers once, Ridgell once, and that was it.
Q Okay. What's --
A But other than speaking to Ridgell -- I spoke to Ridgell and he called me, and he spoke to me in great length, as far as his anger and frustration, as far as this proceeding is concerned. And I concur with him.
Q Okay. You said you saw Summers, and then you said that -- I'm sorry. You said you saw Ridgell, and then you said that Ridgell called you. Did you see him and did he call you? Or did you just talk to him one time?

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A I just talked to him that one time, I believe.
Q So you didn't see him in person at any point, after you left the team?
A Not that I remember.
Q Okay. So my previous question was that during your depositions, you mentioned that you had spoken to a couple members of the tac team, at some point after you left the TAC team. And then you just gave examples of Summers and Ridgell, right?
A Yes.
Q And you've also previously testified today that you talked to Al Jones at some point in the Ida B. Wells empty lot. And then he also stood up in your wedding, correct?
A I got married in 2006.
Q Which is after you left the team, correct?
A I was still on the team at that time.
Q Okay. So my mistake there. But you talked to -- at the very minimum, you talked to Summers, Ridgell, and Jones since you left the tac team, correct?
A I did.
Q Okay. Since you were depositions in January of 2020, have you talked to any other members of the Watts tac team at all?
A No.

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Q Okay. Since your depositions in January of 2020, have you talked to either Ridgell, Summers, or Jones in any additional fashion?
A Not that I recall.
Q Have you had any communications with any of the former Watts teammates since your January -- whether it's in person or on the phone or email communication, any communication whatsoever, with any of them since January of 2020?
A Not that I recall.
Q Okay. And by the way, did you get -- you said you had an opportunity to review your testimony in those two previous depositions, correct?
A Yes.
Q Is there anything that you testified to that you want to correct, or amend, or change?
A I didn't make any notes of it or anything. I didn't commit them to memory if there was anything. So, at this particular time, that's no.
Q When you were reviewing those deposition transcripts, did you notice anything that you testified to that was not, in fact, truthful?
A Say again?
Q When you were reviewing the transcripts of the two prior depositions that you gave in this case back in

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January of 2020, did you notice any testimony that you gave that was, in fact, not truthful?
A No.
MR. STARR: Okay. So Bill, I'm going to transition to looking at a couple of different cases now. Do you want to take a break now or do you want to go ahead?
THE WITNESS: No. Keep going, keep going.
MR. BAZAREK: Yeah? Let's keep going.
BY MR. STARR:
Q Okay. Sounds good. All right. I want to pull up and show another exhibit. I believe this is Exhibit 61. And give me a moment here. I will share it. For the record, the Bates is going to be PL Joint 043506 through 08. And these are documents related to the Joseph or Christopher Harris [sic] arrest.
(EXHIBIT 61 MARKED FOR IDENTIFICATION)
MR. BAZAREK: Did you say Harris or Farris?
MR. KOSOKO: Are we putting a number on these?
MR. STARR: Yeah, I'm sorry, Farris. Yeah, this is 61.
MR. BAZAREK: I'm sorry, is it -- the first part is 043506?
MR. STARR: Yep.
MR. BAZAREK: Still? Okay. So it's this one

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here?
MR. MICHALIK: Sean, did we mark the interrogatory answers to 60? I'm sorry.
MR. STARR: I think they were 60. The court reporter can correct me if I'm wrong.
MR. BAZAREK: Hey guys, we're going to have to -- we got a fish -- we've got to -- I want to make sure my client has that before we go.
MR. STARR: Do you want to take five minutes? You got it?
MR. BAZAREK: Just -- only have that in front of you. Yeah. Yeah. So it's three pages.
MR. STARR: It is three pages, correct. Okay. Are we good to go?
MR. BAZAREK: Yep.
BY MR. STARR:
Q Okay. Mr. Young, have you had an opportunity to look through these documents today?
A Yes.
Q Did you previously review these documents in preparation for today's deposition?
A Yes.
Q Okay. And do you recognize these documents?
A It is an arrest report of Joseph Farris.
Q Okay. The first page, which is 43506, that's

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an arrest report, correct?
A Yes.
Q And then the two subsequent pages, those are a vice case report; is that correct, sir?
A It is.
Q Okay. And this is an arrest report and some other documents, like I said, that are related to the July 5, 2004, arrest of someone who's listed here as Joseph Farris, who, for the record, I may refer to as Christopher Farris; is that correct?
A Joseph Farris.
Q Okay. Do you have any memory of this arrest, sir?
A I do not.
Q Okay. Do you know what role you played in this arrest?
A I do not.
Q So, is it fair to say that you have no independent recollection whatsoever of who Joseph Farris is?
A I do not.
Q Okay. And you have no independent recollection of being involved in the arrest of Joseph Farris, correct?
A That's correct. I do not.

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Q Do you know if you testified at any proceedings in Joseph Farris' criminal case?
A I did not.
Q Okay. And then just in review of this three-page packet of documents, does anything in this document -- and take your time. Does anything in these documents refresh your recollection of either who Joseph Farris is, who Christopher Farris is, or this arrest itself?
A No.
Q Okay. Do you know anyone from the Wells who was called, "Big Joe"?
A No.
Q That doesn't ring any bells?
A No.
Q Okay. And you see on the arrest report that Joseph Farris' alias or nickname is Big Joe, right?
A I see that.
Q And that doesn't refresh your recollection any further, right?
A It does not.
Q Okay. On the bottom of the page 43508 -- so we're going to go down to the last page, and I'll adjust this so everyone can see on the screen. At the bottom of this narrative section there, it says, "Sergeant Watts, R. Number 2640 on scene." Do you see that?

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A Yes.
Q Do you know why that was written in there?
A I do not.
Q The scene -- that Sergeant Watts was allegedly on scene during this arrest refresh your recollection at all of this arrest?
A No.
MR. KOSOKO: Object to form.
Q When you personally would prepare police reports, would you specifically indicate if Sergeant Watts was on scene?
MR. KOSOKO: Object to form. Foundation.
A I have, and then there are times I didn't.
Q So it wasn't a part of your regular practice to write on the report, if Sergeant Watts was present on scene?
A We did and we didn't. It wasn't like something that we had to do. If we -- sorry. If he was on the scene, if we remembered to put it in the case report, then we'd put it in there. But if we didn't, we didn't.
Q Okay. So you were under no specific obligation to indicate if Sergeant Watts was present on scene for an arrest --
A None.

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Q -- that you participated in, correct?
A None.
Q Okay. If we go up to the Bates 43507, I believe it is -- is that right? Yeah. 43507. You see the date on this vice case report is July 4th -- or, July 5th '05, correct?
MR. BAZAREK: '04?
Q I didn't hear your answer.
MR. BAZAREK: You said '05. I'm sorry. You're right. I apologize.
THE WITNESS: "5 July, '04."
MR. BAZAREK: 5 July, '04, yeah.
MR. STARR: I think I amended that. Okay.
BY MR. STARR:
Q And the time is 10:30; is that correct?
A That's what it says.
Q Okay. And then in the left-hand column, box 12, it says, "Victim's complainant's name," right?
A Yes.
Q And then there's an Officer Edwards is listed there -- and there's a number of other officers listed. Are those all officers that would be applicable to box 12 in your understanding? Or are they officers that are supposedly in the other boxes that they're listed in?
A I'm not understanding the question.

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Q Okay, yeah. Maybe the question was poor. So, did you write this report, sir?
A I did not.
Q Okay. But you've written a vice case report before; is that correct?
A Yes.
Q Why would a police officer be listed as the victim complainant?
A State of Illinois is the victim, and the POs are the complainants.
Q Okay. And so looking at this particular police report, are all the police that are listed there in the middle section, are they all listed as victim complainants?
A Some of them are witnesses, or victim, or complainants.
Q Okay. And is there any way to tell who was a witness and who was a victim?
A If a particular box is checked, it would be a witness box, but that box is not checked.
Q Okay. So there's no way to really tell exactly who was categorized as a witness and who was categorized as a victim here; is that correct?
A Not in this report, no.
Q Okay. And do you see your name on that

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report, sir?
A I do.
Q And do you know if you're listed as a victim complainant or a witness?
A I don't know.
Q Okay. Did you write your name in there, sir?
A I did not.
Q Do you know whose handwriting that is?
A I do not.
Q Okay. Do you know who wrote this report?
A I can assume it was Officer Edwards.
Q And how do you make that assumption? What is that based upon?
A He's in box one.
Q Okay. And so a person -- as you previously testified, the officer listed in box one is generally the officer that fills out the report, correct?
A Yes.
Q Okay. In this particular case, on this particular vice report, do you remember any officer asking you if they could list your name?
A No.
Q Okay. And then going back to the last page of the narrative section -- actually start -- I'm sorry. Starting on this page and then proceeding to the last

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page is the narrative section, correct; is that correct? Is that correct?
A I'm sorry?
Q The narrative starts at the bottom of this page and continues onto the next page; is that correct, sir?
A Yes.
Q Okay. And so the narrative says that the tactical team in summary, "Proceeded to the above location to conduct," an investigation, right -- after receiving information. And you see that?
A Yes.
Q Okay. And then it goes on to say that the team also received a description of the above offender who was selling narcotics on the second floor. You see all that?
A Yes.
Q Okay. And then the narrative goes on to say that, "Upon arrival, the officers went to the rear entrance of the first floor hallway and observed the offender standing on the second floor landing, holding a large clear plastic bag containing numerous smaller, clear, knotted, plastic bags with a white rocky substance inside," the suspect, crack cocaine. Do you see that?

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A Yes.
Q In your experience on the Watts tactical team, was it a common occurrence for you to spot drug dealers holding clear plastic bags out in the open?
MR. KOSOKO: Object to form.
A Yes.
Q I'm sorry, I didn't hear you. I didn't hear your answer, sir.
A Yes.
Q Okay. So, when you were doing narcotics investigations, it was a common occurrence that you would encounter somebody who was allegedly dealing drugs, holding the drugs out in the open, right?
A Yes.
MR. KOSOKO: Object to form. Foundation.
A Yes. How would they be able to sell it?
Q I'm asking about your observations. So it wasn't unusual for you to see an individual holding a clear plastic bag full of drugs at Ida B. Wells, right?
A Yes.
Q Okay. Do you recall any other arrests that you were part of where you witnessed an individual -- besides the Ben Baker case, where you witnessed an individual holding a clear plastic bag full of drugs?
A You said, can I do what?

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Q Can you recall any other arrests that you made or that you participated in, where you witnessed an individual holding a clear plastic bag of drugs out in the open?
A Yeah, there were many.
Q Okay. And you don't know who wrote this narrative, correct?
A I do not.
Q Okay. And you don't recognize the handwriting on the narrative either, right?
A I do not.
Q Okay. And then do you know what Watts' star number was?
A Based on this, 2640.
Q Okay. And then at the bottom of this page is a redacted section. Is that the section where the supervisor approves the report?
A Yes.
Q And so based on the star number there, does it appear that Sergeant Watts approved this report?
A Yes.
Q Okay. Do you know a Chicago police officer by the name of Kelsey Richardson?
A Doesn't ring a bell.
Q Did you ever hear Watts refer to -- Sergeant

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Watts refer to the Ida B. Wells property as, "Watts country"?
A No.
Q Okay. Do you recall whether or not Sergeant Watts was a movie buff?
A No.
Q Did you ever discuss movies with Sergeant Watts?
A Not that I recall.
Q Did you ever see the movie Training Day?
A I did.
Q Did you ever hear Sergeant Watts quoting any lines from the movie Training Day while at Ida B. Wells?
A Not that I recall.
Q Did you ever hear Sergeant Watts quote any lines from Training Day in reference to Ida B. Wells at any point?
A Not that I recall, no.
(CONFIDENTIAL PORTION I REDACTED)
Q Is there anything else that I could show you, besides the police reports, that could refresh your recollection of the arrest of Mr. Farris?
A No.
Q And you're not going to come to trial and claim that you have new information that you didn't

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testify today about Mr. Farris' arrest, correct?
A No.
MR. KOSOKO: Object to the form.
MR. BAZAREK: Object to the form of the question. It's premature as to what Officer Young may or may not testify to at any trial, in any particular case, in the last coordinated pretrial proceedings.
MR. STARR: I'm going to suggest that you refrain from speaking objections. I've given you some leeway in that regard, Bill, but you know that those are improper. So you can make your objections and they're noted, but please refrain from speaking objections.
MR. MICHALIK: I'll object to the form of the question. It calls for speculation.
MR. STARR: Okay. Did the court reporter hear Mr. Young's answer?
COURT REPORTER: No. Could he repeat that?
MR. BAZAREK: Did he answer?
MR. STARR: He did.
THE WITNESS: I don't believe I answered, but the answer is no.
BY MR. STARR:
Q All right. I'm going to look at a different

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arrest that you were part of Mr. Young.
MR. STARR: So I'm going to mark this, I believe we're at 63; is that correct?
(EXHIBIT 63 MARKED FOR IDENTIFICATION)
COURT REPORTER: Yes. 63.
MR. STARR: Okay. And Bill, this is Bates stamp, DO Joint 03258. And it's just -- it's three pages as well. So it's 03258 through 032360.
MR. BAZAREK: What's the -- who's the arrestee?
MR. STARR: Hasaan -- Hasaan Potts.
MR. BAZAREK: Okay.
MR. STARR: You know, and actually the way that I have it, it's going to break it up into two exhibits. I apologize. So the first exhibit is going to be 3258 through 3259. So, that's 63. And then I'll do the other one in a moment.
MR. BAZAREK: I got the case report. So I've got there's -- Sean, so you've got -- it ends in 58 and 59, it's the two page --
MR. STARR: Vice.
MR. BAZAREK: Vice.
MR. STARR: Yeah.
MR. BAZAREK: And then also ends in 60, it's -- it looks like an arrest report?
MR. STARR: Yeah. I'm going to talk about all

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those. So I'm just going to go in order of the Bates numbers, just --
MR. BAZAREK: Okay. Yeah, we got them.
BY MR. STARR:
Q Okay. Sir, have you had a chance to look at the documents that are marked as Exhibit number 63, DO Joint 3258 through 3259?
A Yes.
Q Okay. And did you review these documents in preparation for your deposition today?
A Yes.
Q And can you tell me what this document is?
A It is a vice case report.
Q Okay. And what's the date of the arrest on this vice case report?
A "19 March, '03."
Q Okay. And what's the time?
A 0800.
Q And who was arrested in this arrest, sir?
A Hasaan Potts and Lawrence McKinley.
Q And so this report and the other document, these two pages relate to the arrest of Hasaan Potts on March 19, 2003, and a co-arrestee named Lawrence McKinley, correct?
A Yes.

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Q Do you have any independent recollection of the arrest of Hasaan Potts on March 19, 2003?
A No.
Q Do you know what role you played in this arrest, sir?
A I do not.
Q Did you testify in any criminal proceedings based on -- stemming from Hasaan Pott's arrest?
A No.
Q In looking at this packet of information, does this refresh your recollection whatsoever of the arrest Hasaan Potts?
A No.
Q Do you see your name on this document, sir?
A I do.
Q And where do you see your name?
A I am in the narrative part as assisting officer.
Q Okay. And what does it mean to be assisting officer on arrests like this?
A I either assisted with securing prisoners, inventories, arrest reports or complaints, searching the subject, any of those different things I could be assisting the particular arresting officers with.
Q Okay. Do you know what you did on this

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particular arrest, in terms of being an assisting officer?
A I do not.
Q All right. And who is the -- who are the arresting officers?
A Edwards and Mohammed.
Q Okay. And then who was the supervisor on this arrest?
A It looks like Sergeant Watts.
Q Okay. And then in that narrative section that you previously referred to, where your name is located. You see at the end of that, it says, Sergeant Watts star number 2640 on scene?
A Yes.
Q Okay. So this is another example of Officer Edwards filling out a report and listing Sergeant Watts as being on scene, correct?
A Based on this report, yes.
Q And based on this report, that indicates that Sergeant Watts was present when the arrest took place, correct.
MR. KOSOKO: Object to form. Foundation.
A Based on this report.
Q Is that a yes?
A Yes.

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Q Okay. And then looking at the next page of this document, there's a narrative section. Do you see that, sir?
A Yes.
Q Okay. And I'm not going to read the whole narrative section, but in essence it says that the officers proceeded to the above location to conduct a narcotics investigation due to numerous complaints of drugs being sold and distributed," you see that?
A Yes.
Q And it says, "Upon arrival, they set up surveillance and they observed offender number one, sitting in a brown Chevy, four-door, and offender number two, standing approximately 15 feet away shouting the word, "Choice," a street term, meaning heroin to passing citizens and vehicles." Do you see that?
A Yes.
Q Does that refresh your recollection at all of your involvement in this arrest?
A No.
Q And then it proceeds to say, "The officers observed unknown male and female blacks approach offender number two, engage in a brief conversation, and then the unknown male and female blacks would tender an undetermined amount of United States currency to

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offender number two. At that point, offender number two would point to offender number one, who would exit the above vehicle and walk the unknown male and female blacks to this side of the above location." Do you see all that?
A Yes.
Q And then it goes on to say that, "The officers observe offender number one remove a clear plastic bag from his jacket pocket and remove a smaller clear plastic bag and tender it to them." Do you see that?
A Yes.
Q And is that an example of seeing drug dealers holding clear plastic bags in the open air that you were talking about?
A Yes.
Q Does reading any of that refresh your recollection at all of your involvement in this arrest?
A No.
Q Did you have an opportunity to read the entire narrative of this, sir?
A Yes.
Q Okay. And at any point, did anything refresh your recollection of involvement in this case?
A No.
Q Do you know -- do you know what happened to

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the vehicle that's referenced, the brown Chevy four-door in this case?
A I do not.
Q Okay. And do you see the co-arrestee's named Lawr -- what is the name, Lawrence McKinley, right?
A Yes.
Q Are you -- do you know who Lawrence McKinley is?
A I do not.
Q And you don't also don't know who Hasaan Potts is, correct?
A I do not have any recollection.
Q Okay. And there's no information in this description that could refresh your recollection of who these individuals are, right?
A That's correct, I do not.
Q If -- if witnesses had stated -- if witnesses to this arrest had stated that Sergeant Watts simply got out of his car and handcuffed and arrested Mr. Potts, without finding any drugs whatsoever, would you have any reason to dispute that?
A Yes. We wouldn't do that.
Q What would be your reason to dispute that, sir?
A That's not what the police do.

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Q Is there -- you don't think there's any situation ever where a police officer did something akin to that?
A We didn't do that.
Q "We," being you and Sergeant Watts?
A Myself, any of the officers that I work with on that team, and Sergeant Watts. I did not see any of those individuals ever walk up to someone arbitrarily and put handcuffs on them for no reason at all.
Q Okay. Did you handcuff Ben Baker on July 11, 2004, that time that you saw him in the hallway and chased him to his apartment?
A I don't remember if I --
MR. KOSOKO: Object to form -- object to form -- object to form of the question. Assumes facts not in evidence, someone went in the apartment.
MR. STARR: Sorry. I didn't hear the last part of that objection.
MR. BAZAREK: I join -- wait, wait. Can you also --
MR. KOSOKO: The question was, you chased Ben Baker through his apartment. That's not in evidence at all.
UNIDENTIFIED MALE SPEAKER: I join.
MR. STARR: Right. I think I said to his

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apartment.
BY MR. STARR:
Q I can rephrase the question if you misheard it. I said to. On July 11, 2004, when you arrested Ben Baker, did you put him in handcuffs?
A He was placed into custody, yes.
Q Did you find -- and you previously testified, you didn't find any drugs, right?
A There were no drugs found on him, no.
Q Okay. Is that an example of putting handcuffs on somebody when there was no drugs present?
A No.
Q How come?
A Because Ben Baker was listed as an offender in a previous case report that we had created to document that he was selling drugs, we recovered drugs, and again, he was a listed offender in that particular case report. So upon seeing him -- first sight of seeing him placed him under arrest, because he is a listed offender. And that would be in any particular instance, be it a shooting, be it an aggravated battery, be it a battery, be it anything if it's domestic related. If that person's name is listed as an offender, when you see him, you place him a under arrest. There is probable cause.

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Q Between the mailbox incident and the time you arrested him on July 11, 2004, did you make any attempts to find Ben Baker?
A No.
Q Okay. Are you familiar with someone by the name of Robert Brayboy?
A Name doesn't ring a bell.
Q Could a civilian who gets pulled over in a vehicle and gets arrested for possession of narcotics, bond their vehicle out right then and there on the street?
A Repeat that question again.
Q Sure. If based on your understanding as your time on the police force, could a civilian who gets pulled over in a vehicle and arrested for the possession of narcotics, could that person bond their vehicle out right then and there on the street?
A I've never heard of that term, "Bond their vehicle out." What does that mean?
Q Well, when you arrest -- when you arrest an individual, who's driving a vehicle and has possession of narcotics, what happens generally to the vehicle?
A Generally, the vehicle is towed.
Q So it gets impounded, correct?
A Yes.

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Q So what is your -- what is -- what verb would you use when a civilian attempts to get their vehicle out of the pound?
A They would go and recover their vehicle.
Q Okay. Do they have to pay to recover their vehicle?
A I'm pretty sure there's some fine that the city levies, but what that is, I don't know.
Q Okay. Whatever that fine may be, could a civilian pay that fine to a police officer who's conducting the arrest?
A No.
Q Okay. If Mr. Pott's girlfriend has said that she paid $300 to members of Watts' team to get his car back within minutes of him being arrested, would you have any reason to dispute that?
A Yes. Because that -- I've no recollection or no -- that never happened. I've never heard of that before.
Q But you have no independent recollection of this arrest, so you don't know whether or not that in fact did happen, correct?
A That's correct.
Q And just like you have no independent -- any independent recollection of his arrest, you don't know

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whether or not Watts -- Sergeant Watts approached -- Mr. Watts put handcuffs on him without finding any drugs, because you don't recall the incident, correct?
A I do not recall any --
MR. KOSOKO: Object to form.
Q I didn't hear your answer, sir.
A What was your question again?
Q Because you have no independent recollection of this incident, you don't know for a fact, whether or not Sergeant Watts approached Mr. Potts and handcuffed him without finding any drugs on his person, correct?
A That's correct. I don't know.
Q And if Mr. Potts' girlfriend had said that she paid $300 to a member of Watts's team to get his car back, would she be lying?
A As far as I know -- as far as department policies, she would be.
Q What does that mean, sir?
A That doesn't happen. If someone's vehicle is towed -- a tow truck -- that vehicle is taken to a police facility. A tow report is created, and the tow company comes and gets the vehicle, takes it to the pound. And if that person wants to recover their vehicle, they have to go to the pound to get it. That's all --

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Q You -
A -- that is the only thing I know, as far as anything about someone recovering their vehicle after they've been arrested.
Q But you don't have any independent recollection of this case, so you don't know what actually happened, correct?
A I do not.
Q Okay. Let's take a look at the arrest report for this case, which will be Exhibit 64, I believe. And that's DO Joint 03260. Okay, sir. This is -- I'm going to represent to you, that this is the arrest report from that same arrest. Do you see this document, sir?
(EXHIBIT 64 MARKED FOR IDENTIFICATION)
A I can.
Q Did you have an opportunity to look this document over today?
A Yes.
Q Did you review this document in preparation for today's deposition?
A Yes.
Q And this is the arrest report for Hasaan Potts on March 19, 2003, correct?
A Yes.
Q And based on your understanding of how the

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department performs work, this is an arrest report that correlates to that vice case report we just looked at, right?
A Yes.
Q Okay. And there's a narrative section here. Did you read this narrative section in advance of today's deposition?
A Yes.
Q Okay. And do you see any information in here about what happened to the offender's -- to Mr. Pott's car?
A I do not.
Q Would that be information that you would normally list the police report, if you impounded a vehicle?
A And then there will be a tow report with that.
Q That's what you would do, correct?
A That's what any officer should do.
Q Right. But in your practice, that's what you would do. You would do a tow report and you would list in the police report that the vehicle was impounded, correct?
A Yes.
Q Okay. And that's what should have been done here, right?

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A Yes.
Q Okay. Anything about this narrative or anything about this police arrest report, DO Joint 32360, that refreshes your recollection of your involvement in this arrest, sir?
A No.
Q Okay. Is there anything I can show you, besides what you've already seen today, that would refresh your recollection of your involvement in the arrest of Mr. Potts?
MR. BAZAREK: Object to the form of the question. Calls for speculation.
A No.
Q Okay. And you're not going to come to trial and claim that you have additional information about the arrest of Mr. Potts or your involvement in the arrest in Mr. Potts, that you have not testified to today, correct?
MR. BAZAREK: I'm going to object --
MR. KOSOKO: Object to form.
MR. BAZAREK: -- yeah. Object to the form. Calls for speculation.
A No.
BY MR. STARR:
Q Okay. I'm going to show you two photographs -

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- I'm going to try to show you two photographs of -- or one photograph of Mr. Pots and see if it refreshes your recollection at all. Give me one moment here. So this will be Exhibit 65. And admittedly, sir, this is not the best photograph in the world, but that's what we have to work with. Do you see that photograph on your screen, sir?
(EXHIBIT 65 MARKED FOR IDENTIFICATION)
A I see it.
Q Okay. And so for the record, this is DO Joint 32373. And you see that this is a mugshot profile from the Chicago Police Department of an individual by the name of Hasaan S. Potts?
A Yes.
Q Okay. Do you recognize this individual at all, sir?
A I do not.
Q Does seeing this mugshot photo of Mr. Potts, refresh your recollection at all of the arrest of Mr. Potts?
A It does not.
Q Have you ever seen this photo before today, sir?
A I have not.
Q All right. I'm going to show you a mugshot

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photo -- I'm going to try to show you a mugshot photo of Mr. Farris. Bear with me for a moment here, sir.
MR. BAZAREK: Is that off his rap sheets?
MR. STARR: Yeah. So this is DO Joint 30378 and this is going to be Exhibit 66.
(EXHIBIT 66 MARKED FOR IDENTIFICATION)
MR. BAZAREK: He's got it.
BY MR. STARR:
Q Okay. I'm going to share it to the screen as well. Sir, do you see this criminal history -- the Chicago Police Department criminal history report.
A It's not a full report, but I see the first page.
Q Right. So this is the first page of a criminal history report from the Chicago Police Department for a man named Christopher D. Farris. Do you see that?
A I do.
Q Okay. And do you see on the right hand side, there's a photograph of Mr. Farris?
A Yes.
Q Do you recognize the individual in this photograph?
A I do not.
Q Have you ever seen this photograph before?

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A No.
Q Does seeing this photograph refresh your recollection whatsoever of your involvement or the arrest of Mr. Farris?
A No.
Q All right. That was 65 [sic]. I'm going to show you one more thing here, real quick.
A I --
Q So this is going to be 66 [sic[and this is PL Joint --
COURT REPORTER: This would be 67.
MR. STARR: Oh, thank you. This is PL -- or I'm sorry, Exhibit 67. And this is PL Joint 010034.
BY MR. STARR:
Q And I'm going to share the screen with you right now, sir. Sir, do you see the arrest report?
(EXHIBIT 67 MARKED FOR IDENTIFICATION)
A Yes.
Q And do you see the photograph in the right hand side of a woman with glasses on?
A Yes.
Q Do you recognize that woman, sir?
A I do not.
Q Okay. And based on the report, the woman's

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name is Clarissa Marie Glen. Do you see that?
A Yes.
Q Have you ever seen this photograph before?
A No.
Q Have you ever seen this woman before?
A She was at one of the depositions.
Q Okay. Other than that, have you ever seen this woman before?
A No. On TV.
Q Did you ever see this woman at Ida B. Wells at any point in time?
A I can't remember if I did. Before this whole proceedings -- I don't -- I did not know who she was.
Q Okay. Seeing her photograph in this mugshot, albeit black and white, does this refresh your recollection at all of anything to do with Mr. Baker's arrest on July 11, 2004?
A No.
Q Does it refresh your recollection of any involvement you had in the arrest of Mrs. Glenn on December 11, 2005 or the arrest of Ben Baker in 2011 -- December 11, 2005?
A I did not arrest her in 2000 -- I did not arrest Clarissa Glenn.
Q Fair enough. But does it refresh your

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recollection of that arrest at all?
A No.
Q Okay. And then one last photograph. I'll be done with the photos. All right. And this is City BG 00001.
THE WITNESS: Does he want to keep all this in order?
Q Sir, do you recognize this photograph?
A No, but it's a mugshot of the name Ben Baker.
Q Right. And you know that from looking at the document that's in front of you, correct?
A Yes.
Q Okay. But you don't recognize this photograph, correct?
A It was -- that's Ben Baker, I mean, but other than that, no.
Q But you -- but upon first impression, you did not recognize who this was until you saw the name, correct?
A I recognized the picture, but then just put the name with the face, yes. This is Ben Baker.
Q Do you recognize this as Ben Baker. Is that what you're saying now?
A Yes.
Q Okay. Does seeing that photograph of Mr.

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Baker refresh your recollection of anything regarding his arrest on July 11, 2004?
A I'm not understanding the question.
Q Does seeing the photograph of Mr. Baker refresh your recollection of anything that you haven't already testified to regarding his arrest on July 11, 2004 or the mailbox incident?
A It's him, so yeah. I mean, it doesn't refresh anything. What --
Q Okay.
A -- reports I've written, I wrote them.
Q I'm just -- yeah. I'm just making sure that seeing his photograph. Sometimes when people see photographs of individuals, it refreshes their recollection. I'm making sure that seeing Mr. Baker's photograph does not refresh your recollection of anything that you haven't previously testified; is that correct?
A That's correct.
MR. STARR: Okay. Bill, I think I am through all the arrest reports that I'm going to deal with today and just have the CRs. Where are you -- do you want to go off the record?
COURT REPORTER: Really quick before we get off the record. Mr. Starr, do you want to mark that as

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Exhibit 68?
(EXHIBIT 68 MARKED FOR IDENTIFICATION)
MR. STARR: Yes, please.
COURT REPORTER: Okay.
MR. STARR: Thank you. Let's go off the record for a short break and decide what we're going to do with lunch.
COURT REPORTER: Okay. We are now off the record. The time is 1:38 p.m. Central Time.
(OFF THE RECORD)
COURT REPORTER: We're back on the record for the deposition of Kenneth Young, Junior, being conducted by video conference. My name is Kortney Chase. Today is December 15, 2021. The time is 2:17 p.m. Central Time.
EXAMINATION
BY MR. FLAXMAN:
Q Mr. Young, my name is Joel Flaxman. Could you hear me?
A Yes.
Q Okay. Can you see me as well?
A Yes.
Q Okay. With your attorneys agreement, we're going to switch up the questioning. So I'm going to go and ask you about some cases for men that I represent

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and then we'll come back to Mr. Starr's completion of his questioning after I'm done. Do you understand that?
A Yes.
Q Okay. And you understand that like Mr. Starr, I represent some of the plaintiffs in these coordinated proceedings?
A Yes.
Q All right. The first person I want to ask you about is a man named William Carter. Do you have a recollection of William Carter?
A I do not have a recollection.
Q Okay. Did you review any documents about William Carter to prepare for today's deposition?
A Just the arrest report and the case report.
Q Okay. Did you see an arrest report that you prepared about Mr. Carter?
A No. I see an arrest report that I -- that Mohammed prepared.
Q Okay. And did you review more than one arrest report related to Mr. Carter?
A I'd have to go back and look and see. I've seen so many documents.
Q Well, I'll go through the documents one by one, but I -- it's fair to say you looked at more than one report about William Carter, correct?

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A Yes.
Q Okay. And having reviewed the reports that you reviewed, it did not refresh your recollection about William Carter, correct?
A Correct.
Q Okay. Well, let me then ask you to look at the exhibit that is marked as Carter Exhibit 1, which is the arrest report from March 3, 2004.
(PLAINTIFF'S CARTER EXHIBIT 1 MARKED FOR IDENTIFICATION)
A Okay.
Q So you have it in front of you at the top of the exhibit, it says Plaintiff's Exhibit Carter 1?
A Yes.
Q Okay. Do you recognize this as an arrest report of the Chicago Police Department?
A Yes.
Q Okay. And is your name listed on this report?
A It's in box two.
Q Okay. And --
A Well, what would be considered box two.
Q Okay. It's considered two. Does it also have the number 45?
A Yes.
Q And then it says -- and it also says, "Second arresting officer"?

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A Yes.
Q And is the box that's numbered 44, "First arresting officer," considered box one?
A We would consider that box one of the officers -- that's the arrest -- the number one officer that will be going to court. So we, even though it's 44, we -- box one or box two.
Q Okay. Was there ever a form that had the number one in it or was it just always the way you referred to it?
A Number one is always going to be the offender's name.
Q Okay. And which police officer is listed in the box one?
A Well, box 44 would be Kallat Mohammed.
Q Okay. And is it your -- I'm sorry, let me start that again. Was Officer Mohammed your partner?
A That particular day, if I'm -- based on the -- based on this report.
Q And at this time in 2004, was it the practice that the officer who was listed in box one was the officer who prepared the arrest report?
A Yes.
Q And that was also the officer who was expected

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to testify if necessary?
A Yes.
Q Do you recognize the signature above Officer Mohammed's name?
A Do I recognize it?
Q Yes.
A No.
Q Okay. When you were completing reports and you were in box one, was it your practice to sign your name above that?
A Yes.
Q Okay. But you just don't know Officer Mohammed's signature to say whether this is his or not, right?
A I do not.
Q Okay. The -- going back up to the top of this report, it's actually a little hard to read the name. Do you see that it says, "Carter," up there at the top?
A Yes.
Q Okay. And underneath that, there's a box for alias or nickname. Do you see that?
A Yes.
Q And do you see that it says, "Yayo," Y-A-Y-O?
A Yes.
Q When you prepared reports, how would you

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determine if an arrestee had an alias or a nickname?
A That's what he would provide.
Q Would you say to the arrestee, do you have an alias or a nickname?
A Yes.
Q Was there ever a situation where you knew that an arrestee had an alias or a nickname?
A Yes.
Q And could you remember when that happened?
A No.
Q Did you ever -- was there ever some kind of record of nicknames that you might use?
A I don't remember.
Q I mean, there wasn't like a database on the computer that you recall using?
A Only what the subject provided upon arrest.
Q Okay. And this form of arrest report, it is a form that you have experience completing, right?
A Yes.
Q Even though you didn't complete this one, right?
A Yes.
Q Let me just quickly ask you about -- starting at box number 27, "Location code for nature of premises." Do you see that?

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A Yes.
Q Okay. Do you know what the code 122 means?
A One of the codes given for CHA properties, or related to CHA in some way.
Q In the box next to that, box 28 for, "Beat of arrest." And it says, "212"; is that right?
A Yes.
Q What does a beat of arrest mean?
A The district is set up by beats and the arrest was made on that particular beat, 212.
Q Okay. Is a beat -- well, I see that lower down next Officer Mohammed's name is listed beat, "4512C." Do you see that?
A Yes.
Q Do you know why there's two different beats listed?
A There's a beat of occurrence, which would be the beat 212.
Q I see.
A For the district -- within the district, there are call signs or beats. Like in this particular case, this is a public housing unit and that was our call sign 4512 Charlie, or beat 4512 Charlie.
Q Okay. So the 4512 Charlie refers to the officers, the 212 refers to the location; is that right?

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A Yes.
Q Okay. The next box to the right is the date of arrest and time of arrest. I don't need to ask you about that. The next to that is, "Arrestee transported." Do you see that?
A Yes.
Q Okay. And the first one is, "To unit," and it's -- I believe it's a, "002"; is that right?
A Yes.
Q What does that mean?
A Second District.
Q Meaning that's where the arrestee was taken physically; is that right?
A He was transported to the Second District.
Q Okay. The Second District is a building where he was transported, right?
A It's a police facility, yes.
Q Okay. I just want -- I mean, it could also be cover the area around that building, right?
A No. The Second District is located at 5101 South Wentworth. It's a physical police facility.
Q Okay. And so what this means is that the arrestee was transported to that physical police facility, correct?
A Correct.

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Q And then the -- next to that, it says by, "Beat 4512 Charlie," meaning that the arrestee was transported by officers with that beat number?
A Yes.
Q And then next to that is the time of, "1905 hours." And does that mean the arrestee was transported at about that time?
A That's what it says, yes.
Q And would you have completed that part of -- well, do you have experience completing this part of the arrest report?
A Of this particular arrest report?
Q No.
A Or any other arrest report?
Q No, no, no. And I don't -- I don't want to get us tripped up. Do you have experience completing other arrest reports, where you put the information in this section about arrestee transport?
A Yes.
Q And what time would you use in that section?
A The time that that subject was transported.
Q Meaning the time that the arrestee arrived at the police station?
A No, the time that that subject was transported from one location to another.

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Q Okay. Meaning that -- so if he left the scene of arrest and arrived at the police station 10 minutes later, you would put in the time that he left the scene of arrest?
A Yes.
Q Okay. At this time in 2004, was there a police substation at the Ida B. Wells homes?
A March 2004 -- yes, there was. Yes. Yes.
Q And when your team made arrests, was it the practice to bring an arrestee to that substation first?
A Yes.
Q And would the arrestee then be brought to the Second District?
A Yes.
Q And was that because there was a lockup at the Second District and they had to go there to be processed?
A Yes.
Q If an arrestee was arrested on the scene at one time, taken to the substation another time, taken to the Second District another time, which time would you put in the box for arrestee transported time?
A If he's taken from the location of processing of the arrest itself and transported to lockup, that time would be put in.

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Q Which one? The time of arrest or the time of the lockup for processing?
A The transporting time.
Q And I just want to make sure I'm understanding. Do you mean the time that he was arrested on the scene and left that area?
A No. The time -- no, the time that he was transported from one police facility to another. That time is put on there.
Q Okay. And so if an arrestee is arrested on the scene at time one, taken to the substation at time two, and then taken to the second district at time three, which time goes in the box for arrestee transported time?
A The last time that you see recorded.
Q Meaning the time that he arrived at District Two?
A The time that he's transported from the Wells Station to --
Q Oh, okay.
A -- the Second District.
Q Okay. And when you were the one preparing a report, would you do it at the substation or at the Second District?
A It would be done at the substation.

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Q Let me ask you to take a look at the next exhibit that's marked as Plaintiff's Exhibit Carter 2.
(PLAINTIFF'S CARTER EXHIBIT 2 MARKED FOR IDENTIFICATION)
COURT REPORTER: Mr. Flaxman, really quick. Did you want to actually mark these as exhibits, like 69 and 70 or...
MR. FLAXMAN: No, these are premarked. So I'd --
COURT REPORTER: Okay.
MR. FLAXMAN: -- like to just use the --
COURT REPORTER: Yeah.
MR. FLAXMAN: -- markings on them already.
COURT REPORTER: Uh-huh. Sorry about that.
MR. BAZAREK: This is --
MR. FLAXMAN: That's all right.
MR. BAZAREK: -- this is Plaintiff's Exhibit Carter 2?
MR. FLAXMAN: Yes.
MR. BAZAREK: Yeah.
MR. FLAXMAN: And that should be at the top of the page that the witness has.
A Okay.
BY MR. FLAXMAN:
Q Do you recognize this as a vice case report?

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A Yes.
Q And is this for the arrest of William Carter on March 3, 2004?
A That's what it says.
Q Okay. Do you see your name listed on this arrest -- on this vice case report?
A I do.
Q And are you listed as the second reporting officer here?
A Yes.
Q And is Officer Mohammed listed as the first reporting officer?
A He is.
Q And Sergeant Watts is listed as the supervisor?
A He is.
Q Okay. Is that your signature under your name at the bottom?
A It is.
Q Was it your practice to review a report before signing it?
A Yes, and sometimes I did, and sometimes I didn't.
Q How would you decide whether to review it or not?

A Nothing -- nothing -- if I wasn't going to court, then sometimes I would review it after the fact, but at that time, I wouldn't always review it.

Q Do you know if the police department procedure required you to review it before signing it?

A That I'm not sure about.

Q Okay. Do you recognize the signature under Officer Mohammed's name?

A It's a signature -- but looks like I signed it.

Q Do you know why you signed Officer Mohammed's name?

A Probably asked him did he want me to sign it and I -- did he -- did he want me to sign it? He said, yes.

Q Are you able to tell who wrote the narrative that's contained in this report?

A I don't know.

Q Could it have been you or Officer Mohammed?

A Mohammed is in box one, so more than likely he was probably the one to write the narrative.

Q Okay. Do you recognize the signature under Sergeant Watts' name?

A It -- that is probably his signature.

Q Can you say for sure that's his signature, or

you don't know?

A Just based on what the report said, I can -- just assume that it was his signature.

Q Let me just ask you to go to the second page where the narrative continues. Are you looking at that now?

A Yes.

Q And there's a sentence on the third to last line that begins, "The offender was advised." Do you see that?

A Yes.

Q Okay. And it -- I'll just read that sentence. "The offender was advised of his legal rights, placed into custody, and taken into Unit 715 along with all of the recovered items for processing and inventory." Did I read that right?

A Yes.

Q Okay. What's Unit 715?

A The Wells station -- Wells substation.

Q Okay. And that's what we talked about when we were looking at the first report, correct?

A Yes.

Q Okay. And based on looking at the other report, this arrestee was taken to the second district after being taken to the Wells substation, right?

A Yes.

Q And, you know, now that I've asked you a few questions about the arrest report and the vice case report, are you still unable to remember the arrest of William Carter on March 3, 2004?

A No.

Q No, meaning you still don't have a memory of it, correct?

A I do not -- no, I do not.

Q Okay. Do you recall responding to a citizen complaint about this arrest?

A I do not.

Q Okay. Let me ask you to look at -- oh, you know what? We marked Exhibit 3. Why don't you look at Carter Exhibit 3 first before we move to that. Do you have that in front of you?

(PLAINTIFF'S CARTER EXHIBIT 3 MARKED FOR IDENTIFICATION)

A Yes.

Q And that should be three pages with mugshots.

A Yep.

Q And the first page says it's a -- mugshots of Carter William. Do you see that?

A Yes.

Q Okay. Does looking at those pictures refresh

your recollection about Mr. Carter?

A It does not.

(CONFIDENTIAL PORTION II REDACTED)

Q Okay. The next exhibit is the full CR file, but I don't have any questions about that. So I'm going to ask you to move on to what's marked as Carter Exhibit 6.

(PLAINTIFF'S CARTER EXHIBIT 6 MARKED FOR IDENTIFICATION)

A Uh-huh.

MR. BAZAREK: Hey, Joe, what's the -- so what report are we looking for?

MR. FLAXMAN: All right. So this is the arrest report dated June 18, 2004.

MR. BAZAREK: Okay. Oh, that's -- yeah. He's not looking at the CR. Look at -- put the CR to the side. Yeah.

THE WITNESS: Here's a case report. I don't have a 6.

MR. FLAXMAN: You don't have an arrest report dated --

MR. BAZAREK: Yeah.

MR. FLAXMAN: -- June 18th?

MR. MICHALIK: Bill, If it helps, it's page 120 out of the 145 pages.

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MR. BAZAREK: Sorry guys, hold on a minute. Yeah, that -- well, that -- it just wasn't printed out for us. So do we want to throw this one up on the screen?
MR. FLAXMAN: Sure.
MR. BAZAREK: Let's do that to save -- yeah. I just -- I don't see it.
MR. FLAXMAN: Okay. I don't -- we're not going to spend too much time with it, so I think it'll be all right.
MR. BAZAREK: He'll put it up on a screen.
THE WITNESS: Is this -- this it right here?
THE WITNESS: That's it.
MR. BAZAREK: Let's see. All right. You're looking -- so now he's -- we're looking at the --
THE WITNESS: Is that it?
MR. BAZAREK: No, that's the March 3rd.
THE WITNESS: That's another one?
MR. BAZAREK: No, no.
THE WITNESS: Okay. Another one.
MR. BAZAREK: Yeah.
THE WITNESS: Okay. No, I don't have it.
MR. BAZAREK: He'll put it up on the screen.
BY MR. FLAXMAN:
Q All right. Do you see it on your screen?

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A Yes.
Q And you see at the top it's marked Plaintiff's Exhibit Carter 6, 12-15-21?
A Yeah. Yes.
Q Do you recognize this as an arrest report of William F. Carter on June 18, 2004?
A It is an arrest report. Yes.
Q Okay. And did you look at this arrest report before the deposition?
A I did.
Q Okay. And do you have any recollection of the arrest of Mr. Carter on June 18th --
A None.
Q -- 2004?
A None.
Q Okay. We also marked as Exhibit number 7 the vice case report for June 18, 2004. Do you have that one on paper?
(PLAINTIFF'S CARTER EXHIBIT 7 MARKED FOR IDENTIFICATION)
A I do.
Q Okay. Are you looking at what's marked Carter Exhibit 7 now?
A Yes.
Q Okay. And as I just -- do you agree that

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that's the vice case report for the arrest of William Carter and two other people on June 18, 2004?
A Yes, that's what it says.
Q Okay. And do you see your name listed on this report?
A Yes, box 18.
Q Okay. And what's your understanding of what it means for your name to be listed in box 18?
A Either one of the assisting officers or witnessing officers.
Q And -- and do you know which one of those you were in relation to these arrests?
A I do not.
Q And were you able -- can you tell from looking at the report?
A No.
Q Okay. All right. Do you see this vice case report lists two other people that were arrested?
A Yes.
Q Okay. And the first one is Jamon, J-A-M-O-N Walker. Do you see that?
A Yes.
Q Do you have any recollection of Mr. Walker?
A None.
Q Okay. The next one is Roy C. Tate, Junior. Do

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you see that?
A Yes.
Q Do you have any recollection of Roy C. Tate Junior?
A None.
Q The box one on this is Officer Jones. Do you see that?
A Yes.
Q Do you recognize Officer Jones' signature?
A I do.
Q And you recognize that he signed it?
A Yes.
Q Okay. Box two is Officer Edwards. Do you see that?
A Yes. And do you know who signed under Officer Edwards' name?
A I can only assume that that's his signature, but I don't -- I'm not sure.
Q Okay. Is it possible it could have been Officer Jones' signature?
A Officer Jones that signed it?
Q Right. Is it possible that Officer Jones could have signed for Officer Edwards?
A It's possible.
Q Okay. The next exhibit is Carter Exhibit 8.

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Do you have a copy of that one?
(PLAINTIFF'S CARTER EXHIBIT 8 MARKED FOR IDENTIFICATION)
A Yep.
Q And do you recognize that as a mugshot of William Carter?
A That's what it says.
Q Okay. Do you recognize the man depicted in Carter Exhibit 8?
A I do not recognize him.
Q Okay. Can you please take a look at the next exhibit, Carter Exhibit 9?
(PLAINTIFF'S CARTER EXHIBIT 9 MARKED FOR IDENTIFICATION)
A Okay.
Q And do you recognize this as the arrest report of Jamon Walker on June 18, 2004?
A Yes.
Q And we saw from the vice case report that your name was listed in relation to the arrest of Mr. Walker, right?
A On the vice case report, I'm listed as one of the officers, either assisting, or witnessing, or -- or a victim on this particular incident.
Q Okay. And that's this -- that's the same

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incident that is on this arrest report. It's marked as Exhibit 9, right?
A May 4th [sic], right? Yes.
Q Does looking at the arrest report refresh your recollection about these arrests?
A None.
Q Okay. And do you have a Carter Exhibit 10 in front of you?
(PLAINTIFF'S CARTER EXHIBIT 10 MARKED FOR IDENTIFICATION)
A Yes.
Q And is that the first page of the rap sheet for Jamon Walker?
A Yes.
Q Okay. Does looking at his picture refresh your recollection at all?
A No.
Q Let me ask you to look at Carter Exhibit 11.
(PLAINTIFF'S CARTER EXHIBIT 11 MARKED FOR IDENTIFICATION)
A Okay.
Q And do you recognize that as the arrest report of Roy C. Tate, Junior, from June 18, 2004?
A It states that it's the arrest report for Roy Tate.

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Q Okay. And again, this is related to the -- I mean, this is the same arrest that's on that vice case report, which listed you as having some involvement, right?
A Yes.
Q Okay. Does looking at this arrest report help you recall what your involvement was?
A It does not.
Q And the last exhibit about this is Carter Exhibit 12. Do you have that?
(PLAINTIFF'S CARTER EXHIBIT 12 MARKED FOR IDENTIFICATION)
A Yes.
Q And do you -- does that state that it's the rap sheet for Roy Tate?
A On the first page of it, yes.
Q Okay. And does, does just looking at that picture refresh your recollection about Mr. Tate?
A It does -- it does not.
Q Let me ask you to look at what's marked as Carter Exhibit 13, please.
(PLAINTIFF'S CARTER EXHIBIT 13 MARKED FOR IDENTIFICATION)
A Yes.
Q And do you recognize that as an arrest report

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of William F. Carter on May 19, 2006?
A It's a printout, yes.
Q And this is a different format for an arrest report, right?
A The -- I think this is probably when it all went computerized.
Q So sometime between 2004 and 2006, reports started being computerized?
A Yes.
Q If you go all the way to the last page of this arrest report, page 5 of five -- do you see that you're listed as an assisting arresting officer?
A Yes.
Q And do you see that Officer Mohammed is also listed as an assisting arresting officer?
A Yes.
Q Have you -- did you review this report before the deposition?
A I did.
Q Okay. And do you have any recollection of this arrest from May 19, 2006?
A I do not.
Q Okay. Are you able to say why you're listed as an assisting arresting officer?
A I do not.

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Q You don't know why you're listed there, right?
A I don't.
Q Okay. Let me just ask you on the -- the third page of this document lists the arresting officers. Do you see that?
A Yes.
Q And it lists Officer Jones is the first arresting officer?
A Yes.
Q And Officer Smith is the second?
A Yes.
Q Would you consider Jones as box one and Smith as box two?
A Yes.
Q Okay. I see that Jones and Smith are both listed as beat 264A. Do you see that?
A Yes.
Q Does that mean they were partners on this day?
A They were on the car that same day.
Q That means they were working in the same car?
A Yes.
Q Okay. On that last page that listed you, it lists you as 264D. Do you see that?
A Yes.
Q Does that mean you were in a separate car?

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A Yes.
Q Okay. And it lists Mohammed as 264A. Does that mean he was in the same car as Jones and Smith?
A May have been.
Q I'm sorry?
A He may have been.
Q Oh, okay. It doesn't mean that for sure?
A No.
Q Why would he be also be 264A, if he was in a different car?
A We were all, we -- how can I explain this? We're all on one team. There were many times where, depending on the close proximity to where we need to go and what we need to do, we'll just jump in the car with each other. It's not anything that we had to be held to, if you're with your partner, you have to be in this particular car with this partner all the time. We were a team.
Q And when we're talking about cars that the tactical team used, were they marked cars?
A Unmarked.
Q Okay. And could those cars be used to transport an arrestee?
A They can be.
Q Okay. Was it your practice to use them to

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transport arrestees?
A Yes.
Q Were there ever times where you called a marked car to transport an arrestee?
A Yes.
Q And how would you decide which one to do?
A Depending upon the status of the cars that are working that particular -- at that particular time, whether there is a car available. If there's no car available or we may be in a rap at that particular time, we'll just take it ourselves.
Q And I misunderstood the word you said. If there's no car available and we may be --
A May be in a rap, where there are jobs pending, but there are no cars to give those jobs to.
Q Okay. I just -- what's that word, in a rap?
A Rap. Yes.
Q How do you spell that?
A R-A-P.
Q Okay. And what does that mean?
A That there are no cars available and there are jobs pending via OEMC.
Q Okay. Sorry, it's just not a -- it wasn't a phrase that I'm familiar with. Let me ask you to look on page 4 of this arrest report. Can you tell me when

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you're there?
A Yep.
Q The top box on the right has line for, "Transport details." Do you see that?
A You said page 4, right?
Q Yes. It says, "Arrest processing report."
A Yes. Yes.
Q Okay. And do you see the section for transport details?
A Yes.
Q Okay. Do you know what, "2PO," means for transport details?
A Two POs -- two police officers.
Q And so two police officers transported this arrestee; is that right?
A Yes.
Q Okay. And next to that, it says, "0264D." Do you know what that means?
A That's the beat.
Q Okay. And -- and is that you? You're listed as 264D on the next page of this arrest report?
A That's what's listed. I can't remember.
Q Right.
A But yeah, that --
Q I understand this --

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A -- that's what's listed, but -- yeah, that's what's listed, but I can't remember. We never do transports by ourselves.

Q Okay.

A So if there was a transport, it was me and someone else.

Q Okay. And is the reason you'd never do it by yourself for your safety?

A Always.

Q And then it has a date of May 19, 2006. And the time, "19:45." Do you see that?

A Yes.

Q And what does that time refer to?

A 7:45.

Q Okay. And what happened at 7:45?

A He was transported at -- at that particular time.

Q That's the time he left the scene for the police station?

A I'm not sure what that depicts.

Q Okay. All right. Can I ask you to look at Carter Exhibit 14?

(PLAINTIFF'S CARTER EXHIBIT 14 MARKED FOR IDENTIFICATION)

A Yeah. Okay.

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Q And do you recognize this as the vice case report for the arrest of William Carter and one other person on May 19, 2006?

A Yes.

Q Okay. Do you see your name listed on this report?

A Box 18, along with Ellsworth Smith, Kallat Mohammed, and Sergeant Watts.

Q And do you know why you're listed in box 18?

A I was at some form assisting the arresting officers with this particular arrest.

Q The arresting officers being Jones and Smith?

A Yes.

Q And do you know why Mohammed is listed in box 18?

A I do not.

Q Do you know why Watts is listed in box 18?

A I do not.

Q Are those -- are those two listed for the same reason that you are, because they had something -- some kind of involvement in the arrest?

A Yes.

Q And have you looked at this vice case report before the deposition?

A Yes.

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Q Okay. And having looked at the report and the arrest report, you still have no recollection of this arrest?

A None.

Q Let me ask you to take a look at what's marked as exhibit -- Carter Exhibit 15.

(PLAINTIFF'S CARTER EXHIBIT 15 MARKED FOR IDENTIFICATION)

A Okay.

Q You see that's three pages of mugshots that state they're of, "Carter, William F."?

A Yep.

Q Okay. Does looking at those pictures help you remember Mr. Carter?

A No.

Q I'm sorry. I didn't hear your answer.

A No.

Q Okay. The last exhibit for Carter is Carter Exhibit 16. Do you have that in front of you?

(PLAINTIFF'S CARTER EXHIBIT 16 MARKED FOR IDENTIFICATION)

A I do.

Q And is that the arrest -- arrest report for Sandra Berry for May 19, 2006?

A Yes.

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Q Do you have any recollection of this arrest of Sandra Berry?

A I do not.

Q Okay. And do you have any recollection of Sandra Berry?

A None.

Q And are you listed as an assisting officer on this report?

A I am.

Q And I wanted to ask you on the -- the fourth page of this report, it also contains, "Transport details." Do you see that?

A Yep.

Q And let me know if you want to go back and look, but do you recognize that -- those details as the same as what's on the arrest report for Mr. Carter?

A Yes.

Q And does that mean that Mr. Carter and Ms. Berry were transported to the police station together?

A Not together, but at the same time. We don't -- we don't transport male and females together.

Q Okay. So they -- they would have been transported in different vehicles?

A Yes.

Q Do you know why they have the same beat

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number, and date, and time for their transport details?
A I do not. But we don't -- we don't put male and females together.
Q Okay. If -- if there were two males arrested at the same time, would it be appropriate to transport them to the station together?
A Yes.
Q All right. Having looked at all these documents related to Mr. Carter, are you still unable to remember Mr. Carter?
A I am unable to remember him.
Q Okay. And you don't remember any of the three arrests that we looked at reports for, correct?
A I do not, no.
Q You do not -- no, you don't remember?
A I don't remember.
Q Okay. I just wanted to make sure you didn't say, I don't know if I can't remember?
A No, I -- I don't remember.
Q I don't remember. Okay. Do you know that Sandra Berry says that she was falsely arrested on May 19, 2006?
A I'm not aware of that.
Q Okay. Do you disagree with her claim that she was false arrested?

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A I do.
Q Why do you disagree?
A She was lawfully arrested.
Q And how do you know that she was lawfully arrested?
A Based on the report that I've seen, that actually -- the information is factual.
Q So you -- you trust your team members who prepared the reports; is that right?
A Yes.
Q Okay. And do you know that Mr. Carter says he was falsely arrested, in the three arrests that we looked at?
A Yes.
Q Okay. Do you disagree with that?
A Yes.
Q Why do you disagree with that?
A He was lawfully arrested.
Q That's -- again, you're relying on the reports of your team members?
A Yes. I mean, he was a drug dealer. He was illegally selling narcotics --
Q Okay. How do you --
A -- at the location where he was arrested.
Q And how do you know that?

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A He was arrested.
Q Okay. But -- but I just want to be clear. You don't have any independent recollection of Mr. Carter, correct?
A Independent recollection? No. But based on the reports that I've seen.
Q Right.
A And based on the -- the totality of all the information that I've seen, and the reports that I've seen, this subject was arrested lawfully, and there was no ill or false arrest of this individual.
Q And that's because you trust the report that was prepared by your team members, right?
A I trust the report that this -- these individual were arrested lawfully.
Q Okay. Is there something other than the reports that you're relying on, to say that Mr. Carter is a drug dealer?
A Other than he was arrested for narcotics.
Q Okay. So somebody who was arrested three times for narcotics is a drug dealer, correct?
A In my experience, yes.
Q Do you remember being interviewed by the Civilian Office of Police Accountability?
A Yes.

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Q Okay. Did they ever ask you about Mr. Carter?
A If they did, I don't remember.
Q All right. I'm ready to turn to the -- the next one. Is it okay to keep going?
MR. BAZAREK: Yep.
Q All right. Do you remember the arrest of --
MR. KOSOKO: Joel, could I have one minute please? Just real quick.
MR. FLAXMAN: Just one minute?
MR. KOSOKO: Yeah, just one minute. I'll be right back.
MR. FLAXMAN: Sure.
COURT REPORTER: Did we want to officially go off the -- oh, you're back. Okay.
MR. KOSOKO: Thank you.
MR. FLAXMAN: Okay to keep going?
MR. KOSOKO: Yeah.
MR. BAZAREK: Yep.
(CONFIDENTIAL PORTION III REDACTED)
Q All right. The next exhibit is exhibit -- is Lewis Exhibit 4. I actually want to suggest that we look at Lewis Exhibit 5 first. Can you pull that one up?
(PLAINTIFF'S LEWIS EXHIBIT 4 MARKED FOR IDENTIFICATION)

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(PLAINTIFF'S LEWIS EXHIBIT 5 MARKED FOR IDENTIFICATION)

A Yep.

Q And what's marked as Lewis Exhibit 5 is a vice case report dated June 4th -- I'm sorry. What's marked as Exhibit 5 is a vice case report dated June 28, 2004 for the arrest of Woods, Cline, Jones, and Sparks. Do you see that?

A Yes.

Q Do you have any recollection of this arrest?

A I do not.

Q Do you see your name listed at -- all the way at the bottom of the narrative section?

A I do.

Q And do you see on the first page that the arresting officers are Gonzalez and Bolton?

A Yes.

Q Okay. Meaning that one of them would have prepared this report, right?

A Yes.

Q But you -- based on your memory and based on the report, you don't know what you did to have any involvement in this one, correct?

A Correct.

Q And do you see that this is dated June 28,

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2004 at, "1320," hours?

A Yes.

Q And did you see that's the same date and time for the arrest of Mr. Lewis that we just looked at?

MR. BAZAREK: Yeah. Yeah, I'm going to lodge an objection on that one because I believe it mischaracterizes the time on the other report.

BY MR. FLAXMAN:

Q Okay. Do you still have Lewis Exhibit 2 in front of you?

A Yes.

Q All right. And do you see -- what's the date of occurrence on that report?

A 28th -- which one? Lewis or Woods?

Q Lewis?

A 28 June 2004.

Q And the time?

A Time of occurrence is 1320.

Q Okay. And going to Exhibit 5, which is the one for Woods and the others. What's the date of occurrence on that one?

A 28 June '04.

Q Okay. And what's the time?

A 1320.

Q Okay. And if you go to the second page of the

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narrative of Exhibit 5 on the second line, there's a sentence that starts, "The concerned citizen." Do you see that?

A Yes.

Q And it says, "The concerned citizen provided R/Os with detailed descriptions and stated the sales were occurring within the lobby area." Do you see that?

A Yes.

Q And the next sentence says "R/Os armed with this information immediately relocated to the area and set up a surveillance with unobstructed views." Do you see that?

A Yes.

Q Okay. Does that mean -- well, who are the R/Os, if you can say?

A The officers that -- that -- that did this report.

Q Meaning Gonzalez --

A They created this report.

Q Are those Officers Gonzalez and Bolton?

A Yes.

Q Okay. And so based on this report, those officers were conducting a surveillance in the lobby area?

A That's what it says, yes.

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Q Okay. And the document that we marked as Exhibit 5 -- excuse me. We've been looking at Exhibit 5. I want you to look now at Exhibit number 4, please.

A That's 3.

Q Do you have 4? That should be the arrest report starting with Victor Cline.

A Yes. Yes.

Q And do you have the arrest reports of Victor Cline, Kenneth Jones, and Lolita Sparks, and D'Andra Woods?

A Yes.

Q Have you looked at these four arrest reports?

A Yes.

Q Okay. And they all list you as an assisting officer, correct?

A Yes.

Q Okay. Based on your memory or based on the reports, are you able to say what you did to be listed as an assisting officer?

A I do not.

Q And does looking at these reports help you recall anything about these arrests?

A No.

Q Let's see. Or -- all right. Do you know that the -- the man who's listed in the second arrest report

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as Kenneth Jones, says that he was falsely arrested on June 28, 2004?

A You say, am I aware that he said that?

Q Yes.

A I'm not aware.

Q Okay. Do you disagree with that?

A Wholeheartedly. Yes, I do.

Q Why do you disagree with it?

A Because he was falsely arrested -- I'm sorry, falsely arrested. He was lawfully arrested and that's -- and all these -- all -- all of these individuals were lawfully arrested. We were conducting an investigation. These subjects were involved in a -- narcotic sales down at Ida B. Wells Housing Project. And we arrested them and they were in possession of said narcotics.

Q And do you base that on anything but the reports?

A My knowledge of me being involved in all those arrests and our team arresting those subjects.

Q Okay. I just want to be clear that you -- you trust --

A They were lawful arrests -- they were lawful arrests.

Q Do -- you trust the reports that were created by your team members, right?

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A I do, yes.

Q And you don't have -- you don't have other information that would show these are lawful arrests?

A Yes, because my -- I -- we -- I was down there. We were -- as a team, we were locking these people up. We were lawfully arresting these individuals for illegal narcotic sales.

Q Okay. But you don't have --

A That I do know for certain.

Q Right. And what you know for certain, if -- if I -- if I'm correct, is that your partners -- your team members created correct reports, right?

A Absolutely.

Q That -- you don't have any knowledge beyond the reports showing that these are lawful arrests, right?

A That we -- we rearrested them lawfully.

Q Right. Okay.

A Any arrest that we made down in Ida B. Wells, it was -- it was either based on information that we received, or an investigation that we did on our own. And we apprehended these subjects for narcotics on CHA property. And the -- all the years of working in public housing and be it Ida B. Wells, Robert Taylor, Stateway Gardens, Henry Horner, Wentworth, Altgeld, it's the same thing. Individuals are selling drugs at these locations and our jobs are to go and arrest them. And that's what we did. So other than these documents itself, yes, I can say with certainty, that's what we were doing. That was our job.

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Q And I just -- so for some of those drug arrests you're referring to, you were a witness to the person possessing drugs or selling drugs, right?

A Yes.

Q For other arrests, somebody else on your team was the witness who saw what happened and was the one who had -- who had the knowledge to lead to the arrest, right?

A Yes.

Q And in all of those instances, when it's not your knowledge, you trust your team members, right?

A Yes.

Q And based on that, you would disagree with allegations by any of the people arrested on this day, that they were falsely arrested; is that right?

A This day or any other day.

Q Okay. Do you believe that all -- every allegation of wrongdoing made against the members of this team were false?

A Yes.

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Q You believe that Ronald Watts was falsely convicted in federal court?

A No. I have no knowledge of that.

Q So you don't know if that allegation against him was true or false?

A I do not.

Q Okay. What about Mohammed? Was Mohamed falsely convicted in federal court?

A I have no knowledge of that as well.

Q So that's another allegation you don't know whether it was true or false; is that right?

A I -- I have no knowledge of that.

Q Okay. So can you, or can you not say that every allegation of wrongdoing against members of the team were false?

MR. BAZAREK: I'll lodge an objection for foundation.

A From the time I was on the team and on the Sergeant Watts -- he was my supervisor. Any -- any complaint lodged against myself or any of my teammates in the time that I was on that team, nothing of those allegations are true. What happened after I left the team or before I was on the team, I have no knowledge of, and I can't speak on. But I can say with certainty that I did not see, did not take part in, hear, witness

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anything of any of these allegations that these individuals are lodging against us -- myself and the rest of my teammates.

Q What would you have done if you had knowledge of any of these allegations?

A Oh, I would have went and said something to a supervisor.

Q Did you ever report as a Chicago police officer -- have you ever reported misconduct of another officer?

A If I did not see any misconduct, there was nothing to report.

Q So as a police officer, you never have reported misconduct of another officer?

A I have not.

Q And that's because you've never seen it?

A Because I did not see it.

Q Have you ever heard about misconduct of another officer?

A Have I heard about it? Yes. I've heard about different things, yes.

Q Okay. Did you ever report misconduct that you heard about?

A No.

Q Why not?

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A You -- you hear a lot of things, but that's not -- that doesn't make it true.

MR. FLAXMAN: All right. Let me take just a one minute break. We can stay on the record. Okay?

Q Okay. We've looked at a lot of reports relating to the arrest of Jamar Lewis, correct?

A I'm sorry?

Q I just want to ask you having looked at the reports and the picture of Mr. Lewis, are you aware of anything else that would help you remember this arrest?

A Not at the moment, no.

Q Okay. And same thing for Mr. Carter. Are you aware of anything else that would help you remember Mr. Carter or the three arrests of Mr. Carter?

A No sir. Not at the moment.

MR. FLAXMAN: Okay. I don't have any other questions. So thank you for your time today.

MR. STARR: I have -- I have a few more questions. Can we go off the record for just one minute?

COURT REPORTER: Yep. We are off the record. The time is 3:31 p.m. Central Time.

(OFF THE RECORD)

COURT REPORTER: We're back on the record for the deposition of Kenneth Young, Junior, being

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conducted by video conference. My name is Kortney Chase. Today is December 15th. The time is 3:32 p.m. Central Time.

REDIRECT EXAMINATION

BY MR. STARR:

Q Good afternoon, Mr. Young. I just have a few more questions for you today. To begin with, I want to show you what I'm going to mark as Exhibit 69. This is an arrest report. I'm going to share it in just a minute. The Bates stamp is City BG, 56114 through 115.

(EXHIBIT 69 MARKED FOR IDENTIFICATION)

MR. BAZAREK: Right. He's got a hard copy in front of him too, Sean.

MR. STARR: Great.

BY MR. STARR:

Q At your previous deposition in January, sir, you were asked about an arrest that occurred in January of 2003, that involved a number of individuals who were arrested at Ida B. Wells, including Leonard Gipson and, and Bobby Coleman. Do you recall those questions?

A Yes. I was questioned about that, yes.

Q Okay. And -- and you were shown a -- I believe you were shown a vice case report. And just for the purposes of the record, maybe I should actually just going to show you that real quick. I don't know if this

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was previously marked or what this was previously marked as, but I'll mark it as 70. It may already be an exhibit for -- from a previous deposition. I believe it probably is, but just so we're clear. It's -- this is the vice case report that you were previously shown. Does this look familiar, sir?

(EXHIBIT 70 MARKED FOR IDENTIFICATION)

A It is a vice case report.

Q And it's -- for the record, it's Bates stamp, PL Joint 39029 through 39030. This vice case report is the arrest report of, like I said, a number of individuals at the 527 East Browning building on January 4, 2003. Do you see that?

A Yes.

Q Okay. And do you remember being asked about whether you recall Leonard Gipson, who's also known as, "Fuzz"?

A What I recall is not being happy about being up so early to -- to get to the station, to do this investigation. And so -- and I did express to Counsel that was questioning me about this, that I was not happy about being up so early in the morning. And then overhearing the conversations that these subjects were having prior to us arresting them.

Q Okay. And so do you remember the individuals

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that you arrested?
A I remember this particular case.
Q Okay. And so do you remember every individual listed on this first page here? Bobby Coleman, Leonard Gipson, Clifford Roberts.
MR. BAZAREK: Well, I -- wait, hold on a minute. I'm going to object to that. He's -- he's already testified about what he remembered at the previous deposition. If you want to ask him specific questions about Giles, you should do that, but we've, you've already covered that.
MR. STARR: I'm going to. I'm just -- just going through the -- the list here real quick.
MR. BAZAREK: Right, but now we're -- now he can -- then he can go back and he can look at what his deposition testimony was on who it was. So that's -- I guess that's a problem with these questions, Sean.
MR. STARR: All right, then I'll strike that question. I just -- I'm just trying to establish that he has some recollection of this before I ask about Giles.
BY MR. STARR:
Q Looking at the bottom of this page, sir. Do you see if in the narrative section it says, "Offender

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number four, Marc A. Giles"? Do you see that, sir?
A Yes.
Q Do you remember being asked if you -- if you remembered who Marc Giles was at your last deposition and saying that you did not recall who that was?
A Yes.
Q Do you -- do you now recall who Marc Giles is?
A No.
Q Okay. You were also asked about the nickname, "Eastwood." Do you recall saying that you didn't know anyone by the name of Eastwood or you didn't recall anyone by the name of Eastwood?
A Yes.
Q Do you now recall anyone by the name of Eastwood?
A No.
Q Okay. I'm going to go back to Exhibit 69 then.
A Then on this arrest report --
MR. BAZAREK: Just wait -- wait for the question.
THE WITNESS: Okay.
BY MR. STARR:
Q Just give me minute, I'll get it up there.
A Okay.

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Q Okay, sir. Do you see the document I'm sharing, which is previously marked as Exhibit 69?
A Yes.
Q Okay. And did you review this document in preparation for today?
A Yes.
Q And have you had an opportunity to review it sitting there today, right now?
A Yes.
Q Okay. And this is the Chicago police arrest report of someone by the name of Marc A. Giles. Do you see that?
A Yes.
Q And this arrest took place at 527 East Browning, correct?
A Yes.
Q And -- and the date is January 4, 2003, right?
A You moved it. Yes.
Q I'm sorry. And then in there --
MR. BAZAREK: You need the hard copy?
THE WITNESS: Yeah. Yeah.
BY MR. STARR:
Q And then in the narrative section -- did you have an opportunity to review the narrative section?
A Yes.

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Q Okay. And essentially, in summary it says, that the Mr. Giles was viewed by arresting officers receiving a bundle of numerous plastic baggies in a hand to hand transaction with another offender by the last name of Gipson. Do you see that, sir?
A Yes.
Q And then it says both offenders were taken into custody and Mr. Giles was found to have 20 plastic baggies in his possession. Do you see that?
A Yes.
Q In reviewing this arrest report, do you have -- does it refresh your recollection whatsoever of who Mr. Giles is?
A No.
Q Do you have any recollection whatsoever of who Mr. Giles is?
A No.
Q Do you recall arresting Mr. Giles?
A No.
Q Okay. I'm going to move on to -- I'm going to ask you about some complaint register logs. Okay, sir?
MR. BAZAREK: Hey Sean, can we take -- let's take -- like, let's take five.
MR. STARR: Sure.
MR. BAZAREK: And then we'll come back.

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MR. STARR: Okay.
MR. BAZAREK: Okay.
MR. STARR: Thanks.
COURT REPORTER: Okay. We're off the record. The time is 3:38 p.m.
(OFF THE RECORD)
COURT REPORTER: We're back on the record for the deposition of Kenneth Young, Junior, being conducted by video conference, today is December 15, 2021. The time is 3:45 p.m. Central Time.
BY MR. STARR:
Q Mr. Young, I'm going to ask you about some CRs, but I -- I actually remember one other question that I have that I didn't ask you. Mr. Flaxman was questioning you about the Jamar Lewis arrest and the other individuals that were arrested during that arrest. Do you recall that?
A If I could go back and look.
Q Sure.
MR. BAZAREK: Do you want me to get you the exhibit? The first page is Mr. Cline's arrest?
MR. STARR: Yeah, I actually just want to ask him about Mr. Woods. So you can -- I think that's the third page maybe of that exhibit.
MR. BAZAREK: Okay.

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MR. STARR: I don't have it in front of me quite honestly.
MR. BAZAREK: Okay.
BY MR. STARR:
Q Do you have that in front of you, sir?
A Yes.
Q The, the individual D'Andra Woods that's listed as one of the arrestees. Do you see that?
A I do.
Q And do you know who Dandre Woods is, sir?
A I do not.
Q Do you have any recollection of arresting or being involved in the arrest of Deandra Woods?
A I do not.
(CONFIDENTIAL PORTION IV REDACTED)
Q Okay. It -- and that reminds me, when Mr. Flaxman was questioning you, you -- you said something about the fact that -- or you testified to the fact that, you thought that all of the allegations of false arrests in all the Watts' cases were -- were -- were false. And you said something to -- this day or any other day they were false allegations; is that correct?
A Yes.
Q And then -- and then Mr. Flaxman asked you about the -- the federal cases against Watts and

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Mohammed and -- and you kind of backed off on those particular cases, right?
MR. BAZAREK: I just -- here, I'm going to object to the form of the question. Phrasings. And its vague and ambiguous foundation.
A You -- you used the term backed off. No, I answered that question in the affirmative. I did not know what they were accused of and why they were accused of what they did.
BY MR. STARR:
Q Right. So -- but --
A I don't know -- wasn't there, wasn't a part of that team, at that time, so I cannot speak to whatever allegations that were lodged against them, true or not. I do not know.
Q But other than those two cases --
A And didn't care -- and did not care to seek out or find out why or how.
Q Why -- why didn't you want to seek out or find out why or how?
A It -- it has nothing to do with me.
Q Okay. So other than those two cases -- the two federal cases against Watts and Mohammed, your statement is that all the other cases that are part of this consolidate proceedings, that alleged there were

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false arrests, those are all lies, right?
A The time I -- again, the time I was on that team, I -- any allegation that's lodged against myself, my teammates, or the sergeant at that particular time, all those allegations are false. I did not witness, did not have any conversations with any individuals, did not falsely arrest any individual. Those allegations are false, and they were lawfully arrested every single time.
Q Do you have any opinion about false allegation -- or strike that. Do you have any opinion about allegations of false arrests generally, in the City of Chicago? Do you think that that's a thing that's happened in the city?
A Yeah. It has.
MR. MICHALIK: Objection. Form of the question.
Q And you think it's -- it is the case that individuals have been falsely arrested; is that correct?
A No, that's not what I said. You asked me, has that happened in this city? I said, yes, it has.
Q Okay. So you do think that there has been -- there have been false arrests that have occurred by Chicago police officers at some point in time?
MR. MICHALIK: Object to form.

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MR. BAZAREK: I just want to object to the foundation and the scope of that question. So go ahead.

A I cannot speak to something that I was not aware of -- did not witness. I -- so if there were those individuals, have to deal with that on their own. But I can only speak for myself, and what I saw, and what I did in a time, in the 19 years I was on the street patrolling. So anything outside of that, I cannot speak to.

BY MR. STARR:

Q So you can only say affirmatively that the claims of false arrests that occurred while you were on Watts' team, that those are false. But you don't, you can't speak for the rest of them, correct?

A That is correct.

Q Okay. I don't think I have any further questions.

A You know, I would like to make a clarification on something. When we went on our lunch break and I had a chance to get some air and clear my head, you asked me a question regarding the mailbox case and who did the inventory. Okay? And I may have misspoken, said that I did the inventory. Further thinking about that, if I am not mistaken, I would be certain to say that Officer

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Jones did the inventory. He actually did the physical inventory.

Q So you previously testified that you did it, but then upon reflection on your lunch break, you're now certain that -- that Officer Jones did it?

A Yes, sir.

Q How did you become certain of that in the time that we -- the 30 minutes we took for a lunch break?

A I went back and also I had a -- I looked at my COPA statement and it did state that, and I didn't see that until I got back. So, like I said, I did need to clear my head. And I thought about that continuously, as -- you know, and I may have misspoke about that. But he did do the inventory, and I did testify to that in my previous statement.

Q Okay. So you don't have an independent recollection of who did the inventory, but you looked back at previous documents and your testimony now is in conformity with those documents; is that correct?

A It is, yes.

MR. STARR: Okay. I have no further questions.

CROSS EXAMINATION

BY MR. KOSOKO:

Q I have a few questions on behalf of Sergeant Watts. Officer Young, when we -- when you refer to the

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4512 beat, that is a team that is a part of the 715 Unit; is that correct?

A That's correct.

Q So, for example, you could have a 4512A car, or 4512B car, 45-12C car, 45-12D car?

A Yes.

Q Generally speaking, those members would be two officers that could be assigned to a specific car that day by the couple, right?

A By the supervisor, yes.

Q Okay. By the supervisor. Okay. So, -- and when we refer to -- when we look at reports that both Mr. Flaxman and Mr. Starr refer to, and we saw documents that referenced 264, that is a tactical team that operated out of the Second District, correct?

A That's correct.

Q Okay. 4512, the supervisor of that team was Ronald Watts, correct?

A That's correct.

Q The 264 tactical team, the supervisor of that team was Ronald Watts, correct?

A Correct.

Q Okay. When -- but generally speaking, can you -- do you have any recollection of whether any general orders or special orders changed the manner in which you

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completed vice reports, whether you were on the 4512 team or 264 team?

A Not that I'm aware of.

Q Okay. What about arrest reports? Are there any general orders or special orders that you can remember, that changed the manner in which those reports were completed?

A Not that I'm aware of.

Q Okay. You were asked to look at various reports that indicated an approving supervisor, whether it be from a vice case report, arrest report, or inventory report, correct?

A Correct.

Q Okay. When a sergeant approves that, is -- did that sergeant make an independent verification of the facts?

A Yes --

Q Let's start with the arrest report. Did a sergeant go independently investigate the facts in the arrest report?

MR. STARR: Objection to foundation.

A What do you mean by independently? I'm not understanding the question.

Q You complete an arrest report, correct?

A That's correct.

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Q Okay. And then after you complete the arrest report, that's when it's given to the sergeant, correct?
A That's correct.
Q What is a sergeant checking for in the arrest report?
MR. STARR: Objection -- foundation.
A Probable cause.
Q Okay. Is a Sergeant going out to determine whether the veracity of the report, or is it just how it's completed?
MR. STARR: Foundation.
A The whole thing, how it's completed. Whether there's probable cause in that particular report.
Q Correct. It's -- but it's based upon whatever the officer puts in the report, correct?
A That's correct.
Q Okay. What about for the vice case report? That is an investigative report, correct?
A It is a complete summary of that incident -- that it had occurred.
Q And when a sergeant checks that report, he's just checking to make sure it was completed correctly; is that correct?
MR. STARR: Foundation.
A Yes.

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Q Okay. Let's reference -- let's take a look at Mr. Starr's exhibits. I want to -- if we could take it, look at -- I'm sorry. Let me pull up my notes here.
MR. KOSOKO: Madam Court Reporter, could you pull up Exhibit number 58, please? That's right. All right.
MR. BAZAREK: Guys, we're going to have to take a quick break. We have to do some logistics about the witness, getting back to where he needs to go. So we need to go off the record for about five minutes.
COURT REPORTER: Okay. We're off the record. The time is 4:35 p.m.
(OFF THE RECORD)
COURT REPORTER: We're back on the record for the deposition of Kenneth Young, Junior, being conducted by video conference. My name is Kortney Chase. Today's December 15, 2021. The time is 4:38 p.m. Central Time.
BY MR. KOSOKO:
Q All right, Officer Young, if you could go to City BG 19.
MR. BAZAREK: All right, we're going to have to find it, though. What, which one is that?
MR. KOSOKO: It's Exhibit 58. It's the first set of exhibits from the Ben Baker mailbox case.
MR. BAZAREK: Okay. Starts with City BG 00016?
MR. KOSOKO: That's correct.
MR. BAZAREK: Okay. He's got it. Witness has it.
BY MR. KOSOKO:
Q All right. If you could go to City BG 0019. Are you there?
A Yes.
Q All right. Box 92. Whose signature is there?
A Sergeant -- looks like Kaufmann.
Q Okay. Does that signature denote that Sergeant Kaufmann was part of the investigation?
A No.
Q Does it denote that Sergeant Kaufmann participated in the arrest?
A No.
Q That signature dictates that Sergeant Kaufmann just checked that this was completed in accordance with the general orders, correct?
MR. FLAXMAN: Objection. Foundation.
A Yes.
Q If we could go to the vice case report on that same exhibit pack, City BG 21. Who is the -- who signed Box 48?
A Sergeant Bennett.
Q Okay. Does this denote that Sergeant Bennett took took part in this investigation?
MR. FLAXMAN: Objection. Foundation.
A It does not.
Q Is it -- does it -- that mean that Sergeant Bennett took -- participated in the arrest?
MR. FLAXMAN: Objection. Foundation.
A No.
Q Now, during your time on the 4512 tactical team, did Ronald Watts ever tell you to arrest Ben Baker or any person at the 527 East Browning building, that you did not have probable cause for arrest?
A No.
Q During your entire time on the 4512 tactical team, did Ronald Watts ever order you to not make a felony arrest for someone that you had probable cause to arrest?
A No.
Q During your time on the 264 tactical team, did Sergeant Ronald Watts ever instruct you to make an arrest in the entire Ida B. Wells housing projects that you did not have probable cause to make an arrest for?
A He did not.

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Q Did he ever instruct you not to make an arrest that you had probable cause for an -- for a felony for?
A No.
Q Now you testified earlier about what a sergeant does, regarding the inventory. The sergeant confirms what the officer reports in the inventory, correct?
A Correct.
Q And that's what Sergeant Watts did each time that he approved the inventory, correct?
MR. FLAXMAN: Foundation.
A That's correct.
Q Now, we talked about the Ben Baker mailbox arrest, correct?
A Yes.
Q And ultimately, those narcotics were suppressed in that case, correct?
A That's correct.
Q Okay. And you testified consistently with your reports in that case, correct?
A I did.
Q Do you ever recall Sergeant Watts person -- personally making an arrest, when he supervised the 4512 team?
A No.

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Q Did you ever -- do you have a recollection of Sergeant Watts personally making an arrest when he was the supervisor of the 264 team?
A No.
Q And just briefly, I just want to go through the arrest process. So you see someone committing a crime in Ida B. Wells, selling drugs, you arrest that person. What's the next thing to happen?
A That -- a person's placed into custody, transported to the -- our unit of assignment, which is, which was 715. And then later on, that would be the Second District. That person --
MR. STARR: Belated, form. Sorry, I thought you were done, sir.
Q Okay. And then after that, is that when you complete your reports in the matter?
A Yes.
MR. STARR: I have an objection to form to that question, and a belated objection to the prior one. I didn't want to interrupt the witness.
BY MR. KOSOKO:
Q Okay. So after they're placed under arrest and taken to the police station, you complete a vice case report; is that correct?
A Whatever case report that is -- well, in this particular case, a vice case report, arrest report, complaints, and what -- any recovered narcotics are inventoried.

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Q Inventory reports. If there's any use of force, you complete a TRR, correct?
A That is correct.
Q Those are -- that's exhaustive of the reports that you complete for a narcotics investigation, correct?
A That is correct.
Q And after that, do you testify regarding the matter, if you're the box one officer?
A If you are the arresting officer, yes. You will testify.
Q You are -- and is that at a prelim or a grand jury?
A It can be a preliminary hearing or a grand jury.
Q Okay. Does the sergeant testify at either a prelim or the grand jury?
A Not that I'm aware of.
MR. STARR: Foundation.
Q Okay. Did Sergeant Watts ever testify at any of your arrests --
A No.

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Q -- in exchange of you testifying to what you observed?
A No.
Q And generally speaking, when you testified at the grand jury, you testified of what you observed, correct?
A None of these cases, I went in front of the grand jury. But if it was a probable cause hearing, and if probable cause was found, then there's a -- that particular case goes to trial.
Q Okay. And do you go to court -- if the state's attorney doesn't notify you to go to court, do you voluntarily go to court?
A No.
Q Okay. So if you never hear from the state's attorney again, did you ever follow up on any of these cases?
A No.
Q Were you ever notified to show up on dates when people pled guilty?
A No.
Q Do you recall any of these people that sued you being in court, the date they pled guilty?
A I'm sorry?
MR. FLAXMAN: Objection. Form.

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Q Do you recall being in court on any date, of any of the people that sued you, on the dates they pled guilty?
A No.
MR. FLAXMAN: Form.
Q Prior to these lawsuits, have you been, were you contacted by the Cook County State's Attorney's Office?
A Prior to the lawsuits?
Q Yes, sir.
A No.
Q So even after Sergeant Watts' arrest, no one contacted you?
A No.
Q When Shannon Spalding filed the lawsuit in the matter, did anyone contacted you, contact you?
A Shannon Spalding -- say the question again?
Q Are you aware that Shannon Spalding filed a lawsuit in this matter -- filed a lawsuit regarding the Watts team?
A Yes. It was all in the news. So that's -- anything that was recorded in -- reported in the news, that's what I knew about.
Q Correct, that she was a whistleblower against the Watts team?

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A Yes. And then you asked the question --
MR. FLAXMAN: Form.
A -- had I been contacted by the state's attorney after Watts was arrested?
Q Yes.
A Yes. I was contacted by the state's attorney and the FBI.
Q Okay. What year?
A FBI was this year and the state's attorney, I did an interview with them 2019 -- '19.
Q Okay. So almost eight years after Sergeant Watts was arrested?
A Yes.
MR. STARR: Form.
Q In regards to the Shannon Spalding and Danny Echeverria lawsuit, have any law enforcement agents contacted you in regards to those allegations?
A No.
MR. KOSOKO: No further questions.
COURT REPORTER: Okay. Does anyone else have any questions?
MR. BAZAREK: Yeah. You know, I've got a couple follow-up.
COURT REPORTER: Okay.
CROSS EXAMINATION

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BY MR. BAZAREK:
Q Officer Young, earlier in the deposition, when you were referring to the June 17, 2004 mailbox case, you testified in relation to your observations, normally don't -- you don't see people in the act. Do you recall that testimony referring to Mr. Baker?
A Yes.
MR. STARR: Objection to form.
Q Can you explain in more detail what you meant by that?
A In my experience, whenever we would receive information, and we are either told, in some instances, a male black or a group of male blacks are selling drugs at this particular location. But in this particular instance, there was a specific name given and where he was. So that is the difference in it. Do we know -- in the first instance, do we know who we are looking for? No. We're just looking for whatever male black is at that location that's probably selling drugs. Once we get there, if we see that individual, more times than not, he's in the act of making a hand-to-hand exchange with an individual -- that are purchasing narcotics. And in this particular case, as far as Ben Baker, we were given a specific -- specific information. Ben Baker was at 527 East Browning, and he was bringing the day's work

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to sell illegal narcotics -- or to sell narcotics at that location. And armed with that information, we went down there and we saw Ben Baker shove the plastic bag into the mailbox, subsequently recovered, and found that, in fact, it was a bag of narcotics numbered -- I think it was 316 bags total.
Q So now I have another follow-up question. Earlier in the deposition, we could all feel your frustration, but you're not saying that any of the plaintiffs in this case are rats?
A No, not at all. No -- no. They're -- no one is a rat, you know? And I just tried to give an analogy, as to how these individuals conducted themselves. And by far, I'm not calling any of the plaintiff -- I'm sorry, not the plaintiff, but the -- yeah, the plaintiffs in this particular instance. I'm not calling them rats. I'm not calling the people or the citizens that were -- that lived in Ida B. Wells, not calling them rats at all. No, not at all.
MR. STARR: Belated. Objection to form. Asked and answered.
MR. BAZAREK: And that's all I have.
MR. STARR: I just have one follow-up, I think, to that. Do any other Defendants have any questions? I apologize for not asking that first.

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MR. MICHALIK: No questions here.
MR. PALLES: Yeah. No questions for Mohammed either.
MR. MCGRATH: No questions.
FURTHER DIRECT EXAMINATION
BY MR. STARR:
Q It -- Mr. Young, in regards to the unusual circumstances in which you got the information about Mr. Baker transporting a load of drugs, and then caught him red-handed, allegedly. Your Counsel just asked you about that. You remember that question?
A Yes.
Q What -- would you characterize that as a circumstance that never happened any other time in your career? That type of situation, where you got the information and actually were able to catch the person red-handed?
A That has happened before, yes.
Q It has happened before?
A Yes.
Q What -- can you give me an example of another occasion where it happened?
A Responded to a call of a guy with a machete. He had just stabbed a guy. Didn't think the offender was still on the scene. We get there. The offender is

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still standing there with the machete in his hand. And the victim is laying on the ground. He was standing over victim.
Q Okay. What about a -- has it ever happened in a circumstances involving narcotics?
A Yes.
Q Okay. Could you give me an example of that, sir?
A Got information of a subject bringing a weekend's worth of cannabis. And this subject, we got a description of the car that he was driving. Didn't get his -- didn't get a name, but the car he was driving and what he was going to do when he got out of that car. He went to the trunk to get a laundry bag, and bring that laundry bag into the building. And him -- sold all the cannabis that they wanted to. And sure enough, the car pulls up, the guy gets out of the car, retrieves the bag out of the trunk. And he's subsequently placed under arrest.
Q And so you apprehended that individual?
A Yes.
Q And what was his name, sir?
A I don't remember his name.
Q And what year did that happen in, sir?
A I don't remember the year or the date.

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Q Who was your partner on that arrest, sir?
A Alvin Staggers.
MR. STARR: Okay. I have no further questions.
MR. FLAXMAN: I had a quick follow-up. Can you hear me?
THE WITNESS: Yes.
FURTHER EXAMINATION
BY MR. FLAXMAN
Q Officer Young, Counsel for Watts had asked you about testifying for preliminary or grand jury. Do you remember that?
A Yes.
Q Is it the case that if part of the probable cause for the arrest was information from another officer, you would be permitted to testify to that information at a grand jury or preliminary?
A Repeat that question again? I'm sorry?
Q I said, if part of the probable cause for arrest was information you received from another officer, you would be permitted to testify to that information at a preliminary or grand jury?
A That, I'm not sure, but I'm not a lawyer, so I don't know if I would or wouldn't.
Q Okay. So you don't know -- oh, go ahead.
A The officer that -- when we receive

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information, that information is put into the case report. That this is either a person that we know, or just a concerned citizen. They gave us this information, we follow up and we go investigate. If the state's attorney wants to ask us who this person is or what their involvement, they're free to do so. But in my experience, anytime that I've gone to a probable cause hearing, it was just asked, were these the circumstances that gave me probable cause to arrest this individual?
Q Okay. And whether you'd be able to testify to something or not, isn't a question you know the answer to. That's up to the judge or to the lawyers, right?
A If I know the answer to the question, if I'm testifying, then I should know the answers to those questions.
Q Okay. My question is about information you got from another officer. Could you testify about that at a preliminary hearing or grand jury?
A I don't know. I don't think I've testified to what someone else said. I don't know. I can't answer that.
MR. FLAXMAN: That's fine. I have no further questions. Thank you.
RECROSS EXAMINATION

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BY MR. BAZAREK:

Q Well, I get follow-up to that. Officer Young, police officers rely on information they receive from other police officers --

A Yes. We do.

Q -- on a daily basis

A Yes, we do. Yes we do.

Q And that information that is provided by other police officers can also be used as part of the basis for what probable cause is, correct?

A Or whatever will further the investigation of a particular -- of that particular information that they're providing, yes.

Q Right. But a fellow officer can provide information to another officer that it -- that supports probable cause, correct?

A That's -- yeah.

MR. STARR: Asked and answered.

A I don't know if I can -- I wasn't quite understanding this question, so...

Q And when -- whether you're at a grand jury or anywhere else, testifying, you can certainly testify to what another police officer tells you, correct?

A That is -- yeah, I can, yes.

MR. BAZAREK: Okay. That's all I have.

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THE WITNESS: But it's --

MR. BAZAREK: I'll -- just wait for that.

THE WITNESS: Yeah --

MR. BAZAREK: Any other questions?

THE WITNESS: I don't know if I answered what he was requesting.

RECROSS EXAMINATION

BY MR. KOSOKO:

Q I have a follow-up to that. And if you were giving information -- if you were given information from another officer, you would testify that, right? You'd say, Sergeant Watts told me he saw a crime, so -- and to go arrest that person."

MR. STARR: Foundation.

Q You wouldn't say, I saw the crime, If Sergeant Watts was actually the person that saw the crime?

A No, I would state that this is what this officer saw, and this is my action to -- in response to the information that was given to me.

Q Correct. And that'll be how the reports are drafted also, correct?

A That is correct.

Q There's nothing illegal about that, correct? Such-and-such saw this?

MR. FLAXMAN: Objection. Foundation.

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MR. STARR: Join.

A Repeat the question? I'm sorry.

Q So that's why we made the arrest, is because some other CPD officers saw a crime on another day, and so we made the arrest based upon that officer. Officer --

MR. STARR: Objection. Form.

MR. FLAXMAN: Form. Foundation.

Q In fact, that's similar to what happened to Ben Baker in the mailbox case, correct? He was arrested roughly a month later?

A Yes.

MR. KOSOKO: Okay. No further.

THE WITNESS: And -- and --

COURT REPORTER: Okay. Any more questions?

MR. BAZAREK: We reserve signature.

COURT REPORTER: Okay. And at this point, this concludes the deposition. The time is 4:57 p.m.

(DEPOSITION CONCLUDED AT 4:57 P.M.)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Stipulation page hereof by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skills and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.



KORTNEY CHASE,
COURT REPORTER / NOTARY
COMMISSION EXPIRES ON: 09/24/2025
SUBMITTED ON: 01/10/2022

EXHIBIT 15

LOUISVILLE LEXINGTON LONDON FLORENCE CINCINNATI INDIANAPOLIS ORLANDO JACKSONVILLE TAMPA

KENTUCKIANA
COURT REPORTERS

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

ALVIN JONES

DATE:

July 18, 2023

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF

ILLINOIS EASTERN DIVISION

JUDGE FRANKLIN U. VALDERRAMA

MAGISTRATE JUDGE SHEILA M. FINNEGAN

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT: ALVIN JONES

DATE: JULY 18, 2023

REPORTER: LINDSAY LARSON-TODD

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STIPULATION

The VIDEO deposition of ALVIN JONES was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS, 60607, on WEDNESDAY, the 18th day of JULY 2023 at 10:15 a.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that LINDSAY LARSON-TODD, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

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PROCEEDINGS

THE VIDEOGRAPHER: We are now on record. My name is Victoria Jadick. I'm the videographer today. And Lindsay Todd is the court reporter. Today is the 19th day of July of 2023, and the time is 10:15 a.m.

We are at the Offices of Loevy & Loevy to take the deposition of Alvin Jones in the matter of In Re: Watts Coordinated Pretrial Proceedings pending in the United States District Court Eastern District of Illinois, Case number 19-CV-01717. Will Counsel please identify themselves for the record?

MS. KLEINHAUS: Good morning, Theresa Kleinhaus on behalf of the Loevy Plaintiffs.

MR. FLAXMAN: Joel Flaxman on behalf of the Flaxman Plaintiffs.

MR. BAZAREK: Good morning. William E. Bazarek for Sergeant Jones as well as the other individual defendants represented by Hale & Monico.

THE VIDEOGRAPHER: Okay. And Mr. Jones, would you please raise your right hand to be sworn in by the reporter?

MR. BAZAREK: There's other counsel that are present.

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THE VIDEOGRAPHER: I apologize. You can go ahead -

MR. GAINER: This is Brian Gainer. I'm on Zoom. And I represent Ronald Watts.

MR. PALLES: Eric Palles on Zoom. I represent Kallatt Mohammed.

MR. MICHALIK: Paul Michalik on Zoom. And I represent the City of Chicago and certain municipal official defendants.

MR. DAFFADA: James Daffada on Zoom. And I represent Defendants Michael Spaargarn and Matthew Cadman.

THE VIDEOGRAPHER: Okay. I'll -

MS. PAUKSTIS: Elizabeth Paukstis and I represent the Loevy Plaintiffs.

MS. KLEINHAUS: Okay. I think that's everyone.

THE VIDEOGRAPHER: All right. Mr. Jones, now you may raise your right hand to be sworn in by the reporter.

THE REPORTER: Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THE REPORTER: All right. You may begin.

DIRECT EXAMINATION

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BY MS. KLEINHAUS:

Q. Good morning, sir.

A. Good morning.

Q. Since the last time that you were deposed in these Coordinated Proceedings, you've left the Chicago Police Department, correct?

A. Yes, I have.

Q. And what was your last day of employment with CPD?

A. May 15, 2022.

Q. And what was your reason for leaving the Department?

A. I retired.

Q. Why did you retire?

A. Because I had reached the age where I was eligible to retire.

Q. How old were you?

A. 55.

Q. How many years of service did you have?

A. 26.

Q. Any other reason besides the number of years of service that you had that caused you to retire in May of 2022?

A. No, ma'am.

Q. No other reason?

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A. No other reason.
Q. And have you done any paid work since May 15, 2022?
A. No.
Q. So what do you do with your time now?
A. I take care of my mother.
Q. Anything else?
A. Work-wise, no.
Q. When you -- or strike that, please. Have you discussed your retirement with any former members of the Watts Tactical Team?
A. No.
Q. Did you discuss your retirement with any of your colleagues at the Chicago Police Department?
A. What do you mean by colleagues? Anyone that worked with the Department?
Q. Yes.
A. No.
Q. And how did you tender your resignation to the Chicago Police Department?
A. Via the computer.
Q. And tell me what you mean by that, please?
A. Went onto the computer. There's a page there, and it ask you, what do -- what do you -- what would you want to do? It's -- it's going to be take a leave of

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absence, retire, and I punched retirement.
Q. Was there any kind of party or celebration for you when you retired?
A. No.
Q. Do you receive a pension through the Chicago Police Department?
A. Yes.
Q. And do you currently expect to receive that for the rest of your life?
A. Yes.
Q. What did you do to prepare for today's deposition?
A. I met with my attorney on three or four occasions for a couple of hours or more.
Q. And did you review any documents?
A. I looked at some reports, case reports, booking photos.
Q. Did you review any testimony?
A. Yes.
Q. What testimony did you review?
A. Testimony in cases involving Ben Baker, and Clarissa Glenn, and what's the gentleman's name? William Thompson, I believe it is. Thomas or something of that nature.
Q. Phillip Thomas?

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A. Phillip Thomas, ma'am? Yes.
Q. Okay. So you reviewed testimony related to Ben Baker, Clarissa Glenn, and Phillip Thomas; is that right?
A. Yeah.
Q. Okay. And did you review testimony related to anyone else?
A. Not that I recall, no.
Q. Okay. You've been deposed previously in this case, correct?
A. Yes.
Q. And you've been deposed in other cases as well, correct?
A. Yes.
Q. So you're very familiar with the deposition process, right?
A. Yes.
Q. Okay. If you answer my question, I'm going to assume that you understood my question; is that fair?
A. That would be fair.
Q. Okay. If I ask a bad question that doesn't make sense to you, tell me that and I'll rephrase it; is that fair?
A. Yes, ma'am.
Q. Do you have any medical conditions that would

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prevent you from providing accurate testimony today?
A. No.
Q. Are you taking any medication that would prevent you from providing accurate testimony today?
A. No.
Q. Have you told me about everything that you did to prepare for today's deposition?
A. Yes.
Q. When was the first time that you encountered Ben Baker?
A. I don't remember.
Q. Did you encounter him before you were involved in any type of arrest or police activity with him?
A. I believe so.
Q. And why do you believe so?
A. Because he lived in the area, community where I was working at the time.
Q. When were you first assigned to that area?
A. Public housing?
Q. Yeah.
A. I believe it was the year 2000.
Q. And what do you recall about any of your encounters with Ben Baker prior to arresting him, or attempting to arrest him?
A. I don't remember.

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Q. Do you know whether you had any conversations with him?
A. No.
Q. Did -- do you know whether you observed any conversations between Ben Baker and Ronald Watts?
A. No, I don't.
Q. Have you spoken with Ronald Watts in the last three years?
A. No.
Q. Why not?
A. I've had no reason to.
Q. You worked under his supervision from what year to what year?
A. I'm not exactly sure when it began, but up until 2012.
Q. Did you consider him a friend during that time frame?
A. Yes.
Q. Did you remain friends after that time frame?
A. I haven't seen him but a couple of times since that time frame.
Q. Why?
A. Because he was arrested, and we lost touch.
Q. Did you keep in touch with him at all while he was incarcerated?

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A. No.
Q. Why not?
A. I didn't even know where he was incarcerated at.
Q. Did you make any attempt to find out?
A. No.
Q. Why not?
A. I had no reason to.
Q. Did you want to stay friends with him?
A. Did I want to stay friends with him, is the question?
Q. Yeah.
A. I never thought about it.
Q. You never considered whether or not to remain in contact with Ronald Watts?
A. No, I did not.
Q. It's just a matter --
MR. GAINER: Objection. Relevance. This is Brian Gainer. Object to relevance.
BY MS. KLEINHAUS:
Q. So it's just a matter of circumstance that you lost touch with him?
A. Yes.
MR. BAZAREK: Object to -- yeah. Object to the form of the question. Vague and ambiguous.

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BY MS. KLEINHAUS:
Q. Did he ever contact you after 2012?
A. No.
Q. When did you first encounter Clarissa Glenn?
A. I -- I don't remember.
Q. Have you spoken, had direct conversation with Clarissa Glenn before?
A. No.
Q. Did you ever observe Sergeant Watts have a conversation with Clarissa Glenn?
A. No.
Q. How did you first become familiar with Clarissa Glenn?
A. Clarissa Glenn lived down in the same area where we were working.
Q. And there were hundreds of people living in that area, right?
A. Yes, there were.
Q. Was there anything in your mind that distinguished Clarissa Glenn from anybody else that lived there?
A. She lived with Ben Baker.
Q. And what about her living with Ben Baker was significant to you?
A. Ben Baker was a known drug dealer.

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Q. Who knew him to be a drug dealer?
A. Other police officers who had worked in the area prior to myself.
Q. And who were they?
A. I don't recall, but the other officers who worked in public housing before I got there who were familiar with Ben Baker.
Q. Can you identify a single officer who told you that Ben Baker was a drug dealer?
A. I can't recall.
Q. Was it only Ronald Watts who told you that Baker was a drug dealer?
A. No.
Q. You believe you had that information from someone beyond Watts; is that right?
A. Yes.
Q. But you don't know who?
A. I can't remember who exactly prior to.
Q. And did someone identify Clarissa Glenn to you as Ben Baker's partner/wife?
A. Yes.
Q. And who identified her as Ben Baker's significant other?
A. I don't remember who that was either.
Q. Where -- you -- you've said that they lived in

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the area that you were policing; where did they live?
A. In the Ida B. Wells Extensions, 527 East -- no. Let's see. That's Browning because -- yeah, I remember it was Browning. Was Browning, Apartment 206.
Q. Were you ever inside Apartment 206?
A. No.
Q. You've been -- you were inside apartments at 527 East Browning as part of your work as a police officer, right?
A. Yes, I've been inside apartments there.
Q. Okay. On how many occasions?
A. I don't remember.
Q. How are you sure that you were never inside Apartment 206?
A. Because Ben Baker owned a dog, and I would see them walking the dog. I'm afraid of dogs, and I would not be going into an apartment where dogs are.
Q. And who would you see walking the dog?
A. I saw Ben Baker walking the dog. I saw Clarissa Glenn walking the dog.
Q. Can you describe the dog that you saw them walking?
A. I don't remember exactly what kind of dog it was.
Q. Did you at some point come to understand that

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Sergeant Watts had a particular dislike for Ben Baker?
A. I --
MR. GAINER: Object to form. This is Brian Gainer. Go ahead. Sorry.
A. I don't know if he had a dislike for him or not.
BY MS. KLEINHAUS:
Q. To this day; you don't know?
A. To this day, he may, but I don't -- I didn't know then.
Q. Okay. Do you know now?
A. I don't know from his mouth.
Q. From whose mouth?
A. Sergeant Watts.
Q. Okay. So do you now understand that Watts had some animosity towards Ben Baker?
MR. BAZAREK: Object to foundation.
MR. GAINER: Object to form and foundation.
MR. BAZAREK: And then just throughout the dep, Counsel, we have an agreement one counsel can object and it'll be for all the --
MS. KLEINHAUS: Yes.
MR. BAZAREK: -- defense counsel, so we're not doubling up.
MS. KLEINHAUS: Yes. Everyone does not have to

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echo join on Zoom. I assume that you have joined Bill's objections, or whoever objects. You've all joined.
MR. BAZAREK: Right. I mean, there might be additional objections, but anyway. Okay. Good.
MS. KLEINHAUS: Sure. Yes. We can skip the chorus of joins.
BY MS. KLEINHAUS:
Q. Go ahead, sir.
A. What was the question?
Q. The question was, do you now understand that Watts had an animosity towards Ben Baker?
A. No, I don't.
Q. Did you at one time believe that Watts had a dislike for Ben Baker?
A. I couldn't say that.
MR. GAINER: Objection. Foundation. Go ahead, sir.
A. I couldn't say that.
BY MS. KLEINHAUS:
Q. So is it your testimony you don't know either way what Watts's opinion of Ben Baker was?
A. That's my -- yes, that's correct.
Q. What was your opinion of Ben Baker prior to the point where you were involved in his prosecution?

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A. He didn't like the police.
Q. What was your opinion of Ben Baker prior to being involved in prosecuting Ben Baker?
MR. BAZAREK: I object to the form of the question. It's compound, vague, ambiguous, and also the use of the term "prosecution," whatever that means. Go ahead.
A. What was the question?
BY MS. KLEINHAUS:
Q. Can you read back the question, please, Lindsay?
THE REPORTER: Of course.
(REPORTER PLAYS BACK REQUESTED QUESTION)
A. I didn't really like Ben Baker.
BY MS. KLEINHAUS:
Q. Why is that?
A. Because he was arrogant. He was very opposing to the police.
Q. And what made you believe that he was arrogant?
A. The way he talked about the police when he passed the police, when he saw the police, things he would say, even though he wasn't having a direct conversation with them.
Q. And what would he say?

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A. Something negative to the effect of "there these motherfuckers go again." Things like that. So I -- unless I had reason to deal with Ben Baker, I did not.

Q. Okay. And the comments, the things that he would say, like "there these motherfuckers go again," you heard him say that before you were ever involved in any arrest of him?

A. Yes.

Q. Okay. And approximately when was it that you heard him say that?

A. I don't remember.

Q. But you're sure it was before you were involved in arresting him, right?

A. Yes.

Q. Anything else that made you believe that Ben Baker was arrogant?

A. The way I just saw him talk to other police officers.

Q. Who did he talk to?

A. I don't remember who they were.

Q. Were they members of your team?

A. Some.

Q. Okay. Which members of his [sic] team did you see him talk to?

A. I don't remember exactly who it was, but there

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were other officers who worked down there also along with our team, and in his communication with them and how he interacted with them.

Q. So you observed him interacting with police officers in a way that you believe was arrogant on many occasions; is that right?

A. That's correct.

Q. Okay. How many times did you observe that happen?

A. I don't know how many.

Q. What else did you hear Ben Baker say besides things that you considered to be opposing the police?

A. I don't remember.

Q. What was your opinion of Clarissa Glenn before you were involved in the arrest and prosecution of Clarissa Glenn?

A. I didn't have an opinion of her.

Q. Did you ever see Ben Baker or Clarissa Glenn with their children?

A. Yes.

Q. How many occasions would you say you saw them with their children?

A. I don't remember.

Q. And about how old were the kids that -- at the time that you saw Ben Baker and Clarissa with their

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kids?

A. I don't remember.

Q. Would you agree it would've been young children?

A. What do you consider young?

Q. Not school age.

A. I don't remember.

Q. Who else at Ida B. Wells had a dog besides Ben Baker?

A. I don't remember.

Q. Do you remember any other residents in public housing that had a dog?

A. Yes.

Q. Okay. Who else had a dog?

A. I don't remember who they were, but there were other dogs that were in the Ida B. Wells complex down there.

Q. And is it your testimony you avoided all the apartments that had dogs?

A. I avoided dogs period, yes.

Q. At some point, did you learn that Ben Baker and Clarissa Glenn were reporting misconduct by Sergeant Watts and members of his team?

A. At what point in time?

Q. At some point, did you learn that?

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A. Yes.

Q. When did you learn that?

A. As we began these proceedings here.

Q. So 2016 or later?

A. Yes.

Q. And is it your testimony you didn't -- you weren't aware that they had reported any misconduct by the Watts team prior to 2016?

A. That is correct.

Q. You were never aware of them speaking to the Cook County State's Attorney's office prior to 2016?

A. No.

Q. And you were never aware of Ben Baker and Clarissa Glenn reporting misconduct by the Watts team to the Chicago Police Department prior to 2016?

A. No.

Q. How many floors were there in the 527 building?

A. I believe seven.

Q. And am I -- I'm correct that the mailboxes were in the lobby, right?

A. Yes.

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Q. To get into the lobby of that building from the front, did you have to cross any stairs?
A. Yes.
Q. Would you go downstairs or upstairs to get to the lobby?
A. Upstairs.
Q. How many stairs?
A. Four or five.
Q. On how many occasions when you were assigned to or when you were working in public housing, did you find drugs in a mailbox?
A. I don't know how many times.
Q. More than once?
A. More than once.
Q. More than a dozen times?
A. I don't know.
Q. Do you recall -- we're going to talk about an incident related to Ben Baker where you created a report saying that he put drugs in a mailbox. Putting aside that incident, can you recall any other incidents in your career when you obtained drugs from a mailbox in public housing?
A. Yes.
Q. Okay. Tell me about the other incidents that you recall?

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A. We would go to conduct narcotics investigations in the building, or in the area. And having knowledge that sometime narcotics were stored in the mailbox, we would go check the mailbox areas, and sometimes we would find narcotics in certain mailboxes.
Q. So was it --
MR. DAFFADA: Excuse me. Excuse me. I'm getting a message that says that Alvin Jones' bandwidth is low, and he's out kind of on my screen. And I don't know if there's anything anybody can do about that, but
--
THE VIDEOGRAPHER: Let me check. Shall we go off the record, Counsel, really quick?
MS. KLEINHAUS: Sure.
THE VIDEOGRAPHER: We are going off the record. The time is 10:31.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for the deposition of Alvin Jones. The time is 10:46.
BY MS. KLEINHAUS:
Q. Okay. Sir, prior to that break, we were talking about finding drugs in mailboxes. And if I understood your testimony, you were saying that when you would do narcotics investigations, you would check the mailboxes and sometimes there were narcotics there; is that right?
A. Yes.
Q. Okay. And so when you were doing a narcotics mission, it was a standard part of your routine to check for narcotics in the mailboxes, right?
A. It became.
Q. It became. Okay. And why did it become a standard part of your routine?
A. Because we had heard other people, and we had found narcotics previously in mailboxes.
MR. DAFFADA: I got to say I'm getting a lot of this interruption now. His bandwidth is low, and it -- the picture's freezing.
MS. KLEINHAUS: Okay. Let's go off the record, and we'll solve it on our end.
THE VIDEOGRAPHER: We're going off the record. The time is 10:47.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for the deposition of Alvin Jones. The time is 11:03.
BY MS. KLEINHAUS:
Q. Okay. Sir, before our technical difficulties and our breaks, we were talking about narcotics in mailboxes. If I understood your testimony, it became standard to check the mailboxes in public housing for narcotics because you had heard that people put narcotics there; is that right?
A. Yes.
Q. Okay. When did you first hear that people put narcotics there?
A. I don't remember when.
Q. But was it something that you were aware of at the beginning of your time in public housing?
A. No.
Q. And when you say that you would check the mailboxes there for narcotics, what was -- what would you do?
A. You'd go to the mailbox and look in the little window to see if it was in the windows.
Q. Can you describe the window that you mentioned?
A. It's a little, small window where you can look through. And I believe it's for the tenants to see if they had mail or not.
Q. Okay. So it was on the tenant side, not on the mail carrier side?
A. Yeah, it was on the tenant side where they

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would open the door.
Q. And on how many occasions did you see that there were narcotics in a mailbox through that little window?
A. I don't know.
Q. Frequently?
A. I wouldn't say frequently.
Q. Other than the arrest of Ben Baker, you arrested other people based on narcotics that you reported you found in the mailbox, right?
A. No, we recovered narcotics from mailboxes. There were no one there.
Q. Okay, so that's an important point. So if you would recover narcotics from a mailbox and no one was there, how would you document that?
A. As found narcotics.
Q. I'm sorry. Say it again?
A. As found narcotics.
Q. As found narcotics?
A. Yes, ma'am.
Q. And what type of report would you complete regarding the found narcotics?
A. A VICE case report.
Q. And am I correct that checking the mailboxes for narcotics was something that all the members of your

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team did from time to time, not just you, right?
A. Yes, other people would do -- do the same thing also.
Q. And would other teams that also worked in public housing do the same thing?
A. Yes.
Q. To your knowledge, was there any policy or procedure that described what you were supposed to do in order to obtain narcotics from the mailboxes in public housing?
A. Not that I knew of.
Q. And then physically, how would you obtain the narcotics that you would see in the little window?
A. If you were able to gain access to that mailbox from the rear, because at times there were mailboxes that had no -- no doors on them. And if it was in one next to -- so narcotics were in a mailbox where -- next to a mailbox that had no door on it, you'd try to reach around from the backside, through that mailbox to the backside to try to reach whatever was put in there.
Q. And so you would also be doing that from the tenant side, right?
A. Pardon me? Yes, from the tenant side.
Q. Prior to the arrest of Ben Baker in July of

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2004 -- or strike that, please. Prior to any incident with Ben Baker where you reported that he put drugs in a mailbox, did you have any conversations with Sergeant Watts about narcotics being stored in mailboxes in public housing?
A. Not unless we found some in there.
Q. Do you have any recollection of those conversations?
A. No.
Q. Did Watts ever tell you that people would put narcotics in the mailboxes?
A. I don't remember.
Q. Okay. Do you know who first told you to check mailboxes for narcotics?
A. No.
Q. Do you know of any other cases, besides Ben Baker's, where you or members of your team testified about finding narcotics in a mailbox?
A. No.
Q. Did you ever enlist the help of the mail carrier to get into the mailboxes?
A. If the mail carrier had been there.
Q. Like if the mail carrier happened to be there at the time?
A. Yes, ma'am.

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Q. Okay. Other than when the mail carrier happened to be there at the time, did you ever ask for the help of the mail carrier?
A. Yes.
Q. And when did you do that?
A. I don't remember when it was, but on that occasion, actually contacted the postmaster, someone to come out to open them up.
Q. And how did you contact that person?
A. I didn't do the actual contacting. I don't know who did do the contacting, but we -- they contacted the postal inspector to have someone come out.
Q. After you would obtain narcotics from the mailbox, what was the procedure for maintaining custody of the narcotics?
A. You maintain custody of it until you reach the -- go back to the station to inventory them.
Q. And what do you mean by that? What would you do?
A. You would take any narcotics that you found in the mailbox, keep possession of it, until you return to the station to complete an inventory.
Q. Okay. So you would keep possession of it on your person?
A. Yes.

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Q. Okay. And would you keep it in the same packaging, just as you had found it?
A. Yes.
Q. And then once you got back to the station, what would you do with it?
A. We would separate it, if it was -- to see how much narcotics was in the bag, to get an exact count, to give an exact description of it, for the inventory.
Q. And how would you complete the inventory?
A. You'd -- electronically or with a book.
Q. Those are the two ways that you would do it?
A. They were with a book, initially, then it went to electronic, and you would start it, go line by line, filling in information that it asks for, and listing of our first arresting officer, the person who found the narcotics.
Q. So the first arresting officer would be the person who found the narcotics, right?
A. Not necessarily.
Q. And would the person who found the narcotics be the person to complete the inventory?
A. Not necessarily.
Q. Was it your understanding that any narcotics that you obtained during your shift should be inventoried during that shift?

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A. Yes.
Q. When you would complete an inventory form, would you have a -- your sergeant sign off on it?
A. Yes.
Q. If you found narcotics in a mailbox, I know you said that there would be a VICE case report for found narcotics, right?
A. Yes.
Q. And then in the inventory for those narcotics, would you note that they were found in the mailbox?
A. No.
Q. I want to talk to you about your encounter with Ben Baker in June of 2004. What do you recall about that incident?
A. June of 2004?
Q. Yes, sir.
A. I'm not sure what -- I would have to see a report to tell you what.
Q. Okay. What was -- what's the first encounter with Ben Baker that you do recall?
A. I don't remember.
Q. Do you have a recollection of encountering Ben Baker?
A. Yes.
Q. Okay. And what do you recall about your encounter with Ben Baker?
A. On one occasion, my partner and myself, Officer Kenny Young, entered the rear building, rear door of 527 East Browning. As we came into the lobby area, we saw Ben Baker at the mailbox. He put -- placed objects in the mailbox, and slammed the mailbox, and fled out the front door.
Q. And you have a memory in your own mind now of that happening, right?
A. Yes, ma'am.
Q. And what you're testifying to right now is not based on reports, correct?
A. That's correct.
Q. And you were questioned about that incident by C.O.P.A., correct?
A. Yes.
Q. And did you review anything from your C.O.P.A. interviews, in preparation for today's deposition?
A. Yes.
Q. Okay. What did you review from C.O.P.A.?
A. The C.O.P.A. interview.
Q. Audio?
A. No, ma'am.
Q. What did you review?

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A. I reviewed a hard -- hard copy report --
Q. Transcript?
A. Transcript, ma'am.
Q. Was anyone else in the lobby besides Ben Baker, when you and Ken Young entered?
A. Not that I remember.
Q. What time of day was it?
A. I'm not sure. It was daylight out.
Q. Did you run into the building? Walk into the building?
A. We kind of briskly walked into the building.
Q. And had you parked your vehicle in the back?
A. Yes.
Q. Why did you enter through the back?
A. Because the information that I believe we had received, said that he was going to be in the lobby selling narcotics. So we came in from the rear entrance.
Q. How did you receive that information?
A. Officer Young obtained that information, and I don't remember how.
Q. Were you present when he received it?
A. I don't remember.
Q. Who was more senior, you or Officer Young?
A. Officer Young.

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Q. When did you first start working with Officer Young?
A. Mm, maybe 2001, 2002, somewhere in there.
Q. And when was the last time that you spoke with him?
A. I saw him -- it was either earlier this year, or late last year, at a Chicago Bulls game.
Q. And did the two of you have a conversation?
A. Yes.
Q. And what'd you talk about?
A. Our health and our children.
Q. Did you say anything to him about these coordinated proceedings, these lawsuits?
A. No, ma'am.
Q. Did he say anything to you about these lawsuits?
A. No, ma'am.
Q. When was the last time you had seen him, before you saw him at the Bulls game?
A. I don't remember.
Q. Had you ever seen him in your lawyer's office?
A. Yes.
Q. When you saw Officer Young at the Bulls game, did you talk about your retirement at all?
A. Yes.

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Q. Okay. What did he say?
A. He said, congratulations, and that was it.
Q. Did you ever work with Officer Young prior to working in public housing?
A. No.
Q. Okay. Did you have any confidential informants or concerned citizens that you regularly relied on?
A. No.
Q. Did, to the best of your knowledge, did Officer Young have any regular confidential informants or concerned citizens that he relied on?
A. I don't know.
Q. Did some members of the Watts tactical team have informants, and some didn't?
A. I don't know.
Q. Well, I think you testified you didn't have any?
A. I did not.
Q. Okay. Did you know, did anyone on the team have any?
A. I don't know.
Q. You don't know, or you don't remember?
A. I don't remember it. I don't know.
Q. Did you or Officer Young do anything to

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document the information provided to you, that Ben Baker was going to be in the lobby?
A. Nothing other than what he put in the report.
Q. Did you or Officer Young do anything to test the reliability of the information that you received?
A. No.
Q. Did the -- if I say, concerned citizen, I'm referring to the person who gave this information to Officer Young. Do you understand that?
A. Yes, ma'am.
Q. Okay. Did the concerned citizen inform you the volume of drugs that Ben Baker was supposedly going to have in the lobby?
A. Not to my knowledge.
Q. Did you and Officer Young tell Sergeant Watts about the information that you received?
A. I don't remember.
Q. Was it your practice, if you or your, members of your team got information about drug trafficking, to tell your supervisor about it?
A. Not all the time.
Q. When would you tell your supervisor about it?
A. If he was around at the time.
Q. So just if he was present?
A. If he was present.

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Q. And were there occasions where Watts gave you information about what narcotics dealings were going to -- supposedly going to occur?
A. Yes.
Q. Okay. And was that something that he did frequently?
A. Yes.
Q. And was it your understanding that Watts had informants or concerned citizens who would give him information?
A. Yes.
Q. Who were his informants?
A. I don't know. He would talk to everyone.
Q. Did he talk to people more than you did?
A. Yes.
Q. Was there any particular reason that you didn't talk?
A. No.
Q. So in the -- it was about 10 years that you were on the Watts team?
A. Approximately.
Q. You never developed any informants for information about the drug trade, correct?
A. That's correct.
Q. Why not?

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A. I don't know why, but I did not.
Q. Did you ever try?
A. Not really.
Q. Did it -- did you consider it part of your job to develop information about the drug trade at Ida B. Wells?
A. You develop -- I developed information about the drug trade from being there every day, and seeing what was going on.
Q. And when you would arrest people related to the drug trade, did you try to develop information from them?
A. No.
Q. Why not?
A. Arrest was an arrest to me. I wasn't trying to develop informants.
Q. Okay. Were you trying to develop information about the drug trade?
A. You get information from the drug trade just by standing out there, listening to other people talk.
Q. Okay. My question was a little bit different. When you would arrest people for narcotics trading, did you ever try to find out from those people, information about narcotics-dealing at Ida B. Wells?
A. No.

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Q. And why not?
A. I had an arrest and that was it. It was an arrest. Now we've moved forward.
Q. Okay. Did you ever consider trying to get information from a lower level person in the hierarchy about some higher-up?
A. No.
Q. Okay. Were you ever taught by anybody in the Chicago Police Department that you should try to develop information about how the drug trade worked at Ida B. Wells?
A. There was a -- there were people who did that, yes.
Q. Okay. Were you ever taught that that was important?
A. I wouldn't say it was -- I was taught that it was important, but I was taught that it was done.
Q. Okay. But it wasn't important to you to do that?
A. No.
Q. Okay. What was important to you was, just completing the arrest?
A. Completing the arrest.
Q. So did you ever ask any of the arrestees, that you arrested for narcotics crimes, about the drug trade in Ida B. Wells?

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A. I don't remember.
Q. You don't remember ever doing that?
A. I don't remember doing it, no.
Q. How long before you entered the building and saw Ben Baker in the lobby, did you get this information that he was going to be there?
A. I don't remember.
Q. Were you and Officer Young in a marked car, or an unmarked car?
A. I believe it was an unmarked car.
Q. And were you dressed in plain clothes?
A. Yes.
Q. Did you hear anybody yell anything, or say anything when you entered the building?
A. I don't remember.
Q. What was Ben Baker wearing?
A. I don't remember.
Q. So can you describe the layout of the lobby? When you walked in the back door, did you have to walkdown some kind of hallway before you could see the mailboxes, or could you see them right away?
A. When you come in the back door, which you walk in -- at the moment you walk in, you are facing westbound. You have to turn left, which is southbound,

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have to go up two or three steps to the landing, there. And then you have to step out of the hallway into the lobby area, and face westbound again.
Q. And then when you face westbound again, what do you see?
A. Ben Baker at the mailboxes.
Q. Okay. And how far away are the mailboxes from you at that point?
A. Twenty, twenty-five feet, maybe.
Q. And are they flush with the wall, or is there a space between the mailboxes and the wall?
A. They're flush with the wall.
Q. So I'm imagining the small mailboxes like in a row; is that correct?
A. Yes.
Q. And do you know about how many rows there were?
A. I don't remember.
Q. Okay. Do you know how tall the -- or how far up the wall the mailboxes went?
A. I don't remember. They didn't start at the floor and they didn't go to the ceiling.
Q. So in your understanding, there was a box for every unit in that building?
A. I believe so.

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Q. And was Ben Baker facing you, or facing away from you?
A. He was facing us when we came out of the hallway, out of the stairwell.
Q. Okay. When you came out of the hallway?
A. When I came out of the hallway, he was facing us.
Q. Okay. And did you make eye contact with him?
A. Yes.
Q. And could you tell if he recognized you?
A. Yes.
Q. And did it seem like he recognized you?
A. Yes.
Q. Could you see his hands?
A. Yes.
Q. Did he have anything in his hands?
A. Yes.
Q. What did he have?
A. It was suspect narcotics.
Q. Describe what you saw?
A. A -- a clear plastic bag with objects inside of it.
Q. How big was the clear plastic bag?
A. Sandwich bag type.
Q. So like four by six?

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A. I don't know if it was that big or not, but it was a sandwich bag, not the Ziploc, I don't believe, like a sandwich bag.
Q. Sandwich bag. Okay.
A. Yes, ma'am.
Q. Like the size of a sandwich, two pieces of bread, that size?
A. Probably.
Q. Which hand did he have in?
A. It had to be the right hand.
Q. And what was inside the sandwich bag? Could you see from where you were?
A. I believed it to be suspect narcotics.
Q. What could you see inside the bag from where you were?
A. Several objects.
Q. What were the objects? Could you tell?
A. Not initially.
Q. What happened next?
A. He put those objects in the mailbox, slammed the door shut, and immediately turned, and ran out of the front door.
Q. Did he have a key to the mailbox that you could see?
A. I don't know.

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Q. Did you see which box he put it in?
A. Not exactly, no.
Q. How far away from the mailbox was Mr. Baker, when you came into the lobby?
A. Standing right there in front.
Q. He was right next to the mailbox?
A. Right next to the mailbox. It was on the end. So --
Q. Do you need to use something to describe it?
A. I'll use the end of this table, please.
Q. Okay.
A. Okay. This is --
THE VIDEOGRAPHER: Mr. Jones, give me a second to come around the desk for you.
THE WITNESS: I'm sorry.
THE VIDEOGRAPHER: No, that's fine. I've got to follow you.
THE WITNESS: Okay.
THE VIDEOGRAPHER: Can you bear with me?
BY MS. KLEINHAUS:
Q. Are we using the table?
A. Yes, ma'am.
Q. An example? All right. I'm pulling up.
THE VIDEOGRAPHER: All right. Okay. Thank you, sir. Proceed.

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A. There's a straight line from your paper, there, a straight line here is the wall. It goes right out the front door. He was standing here, in the lobby there, right here by the mailboxes. So you could actually see him in this straight line, here, and the mailboxes would be right here, to his right.
BY MS. KLEINHAUS:
Q. Okay. So within an arm's length of him?
A. Yes.
Q. And is it your testimony that you never saw anybody else in the lobby during this encounter, besides Ben Baker, right?
A. I don't remember seeing anyone else.
Q. So he was completely alone in the lobby?
A. I don't remember.
Q. So in order to put the sandwich bag in the mailbox and slam it shut, did he have to turn his body away from you?
A. No.
Q. So can you demonstrate how he did it?
A. Boom and ran.
Q. And what was the path that he took to run out of there?
A. He went down the stairs. He went northbound down the fire lane, and then he went westbound on the

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sidewalk to a vehicle.
Q. And you chased him?
A. No.
Q. Why not?
A. Officer Young was giving chase. I stopped on the porch and observed from the porch.
Q. Why did you stop?
A. I didn't want to leave the mailbox.
Q. Did you -- when you and Officer Young stepped into the lobby, and you made eye contact with Ben Baker, did you say anything to Officer Young, or did he say anything to you?
A. No.
Q. You were completely silent?
A. No, we hit the lobby, made eye contact, Baker's actions happened, our action, reactions, happened.
Q. Okay. So just to make sure I understand, no words are spoken among -- nobody says anything from the time that you walk in, until he's already down the fire lane, right?
A. Nobody says anything.
Q. Okay. When you walked into the lobby, did you know it was Ben Baker?
A. Yes, I did.

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Q. And you knew that he was with Clarissa, right?
A. Yes.
Q. And you knew that he lived on the second floor, right?
A. Yes.
Q. And did you know what unit he lived in?
A. Yes.
Q. As Ben Baker was -- strike that, please. When you encountered Ben Baker, did you call it in to your radio?
A. I don't remember.
Q. Okay. Was it part of your practice, if you encountered someone with narcotics and they fled, to call that out over the radio?
A. Sometimes, if it was a foot chase, you had time to.
Q. So when Officer Young was chasing after Ben Baker, did you call it out over your radio?
A. I don't remember.
Q. There's no reason you wouldn't have done that, right?
MR. BAZAREK: Object to the form of the question. It's also argumentative.
BY MS. KLEINHAUS:
Q. Go ahead.

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A. I don't remember.
Q. Okay. My question's a little bit different. If you're there on the porch, and you've seen someone with narcotics run away, is there any reason not to call it out on the radio? I don't mean that to be argumentative. I'm asking you genuinely, as someone with a lot of experience in law enforcement, is there any reason not to call that out over the radio?
A. There's no reason not to, but I don't remember if I did or not.
Q. Okay. And the reason to call it out over the radio, would be in case someone else sees him or can apprehend him, right?
A. Or to get help in apprehending him, yes.
Q. Could you see the car that Ben Baker entered, from the lobby?
A. Not from the lobby.
Q. Could you see it from the porch?
A. Yes.
Q. Okay. Can you describe the porch area, please?
A. When you step out the front door of the building, there's an overhang, with the address there, and then there's a concrete porch that spans part of the lobby area.

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Q. Why weren't any other members of your team responding to this information from the concerned citizen, that Ben Baker would have all these narcotics in the lobby?
A. I don't remember.
Q. Was it common practice for two members of your team to respond to information like that?
A. Yes.
Q. When you would get information that a day's worth of narcotics was coming to a building, what did that mean to you?
A. That meant that whoever was going to be selling narcotics that day was getting enough to sell all day long.
Q. So large volumes?
A. Large volumes, yes.
Q. Okay. And was it common practice on your team to have two officers off of the team, respond to information that there would be a day's worth of narcotics in the lobby?
A. If they had time to notify someone else, they would. If sometimes they get the information and just go.
Q. So it wasn't uncommon?
A. It wasn't uncommon to just -- for two officers

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to just go.
Q. Once you got onto the porch, what happened next?
A. I stopped, watched Officer Young chase him. Officer Young stopped somewhere down off the porch, into a fire lane.
Q. And could you tell why Officer Young stopped?
A. I don't know why he stopped.
Q. What happened next?
A. He came back in. We both went to the mailbox, and looked into Mailbox 206, and observed what we believed to be suspect narcotics there.
Q. So did you actually see Ben Baker get into a vehicle?
A. Yes.
Q. And how close did Officer Young get to that vehicle?
A. Not close.
Q. How far away was the vehicle from the porch?
A. It was parked out on the street of, I believe that's Browning. It was -- it was a good ways away.
Q. Can you describe how far away it was?
A. I'm not sure how far away, but it was a good -- it was a good ways away.
Q. Like a football field, more than one football

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field?
A. It wasn't a football field.
Q. Okay. So you have in your own memory, a memory of him running away, a good distance away, right?
A. Yes.
Q. And he was faster than Officer Young?
A. Yes. Yeah, he --
Q. Significantly, right?
A. Yes.
Q. Was Officer Young a significantly faster runner than you in those days?
A. I don't know.
Q. Did it look to you like Young was running at his full exertion, as fast as he could?
A. Yes.
Q. And Ben Baker was still faster, right?
A. He had a head start on him.
Q. By how much?
A. As soon as he saw us come out of that back hallway, out of the back stairwell, and that motion of throwing in with air, and closing the door, and he took off running. So he had maybe a good 20 to 25-foot head start.
Q. What's the closest that Officer Young ever got to him in that foot pursuit?

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A. Got 20 to 25 feet when we first saw him --
Q. What was from the porch -- what part of the car were you able to see?
A. Part of the rear car.
Q. And what part of the rear car?
A. It was the driver's side and the rear.
Q. Which side of the car did Ben Baker enter?
A. The driver's side.
Q. Do you know if anyone else was in the vehicle?
A. No, I do not.
Q. So he -- did Ben Baker enter the driver's side in the front or the back?
A. The front.
Q. Can you describe the car?
A. I don't remember it.
Q. So after he got in the car, if you hadn't already called it out of the radio, you would've called it out at that point, right?
A. Yes.
Q. Okay. So that other members of the team could apprehend Ben Baker, right?
A. Possibly.
Q. And you would have included whatever information or description of the car that you could, right?

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A. Yes.
Q. And other members of your team were familiar with Ben Baker, right?
A. Yes.
Q. Did Ben Baker drive off at a high rate of speed?
A. Yes.
Q. And what direction did he go?
A. He went westbound initially to Rhodes and southbound on Rhodes.
Q. After Young came back to the porch, did the two of you have any conversation at that point?
A. Yes.
Q. What was that?
A. We were trying to figure out how we was going to get in the mailbox to recover what we saw thrown in the mailbox.
Q. Was it your understanding of those mailboxes that they automatically locked when they were shut or did they have to be -- do you have to turn the key to lock it.
A. They -- they locked when they were shut.
Q. And what did you say to Young about how to get into the box, and what did he say to you?
A. We were trying -- we decided we were going to

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try to reach because the mailbox directly to the right of it didn't have a door on it.

Q. And do you know what that have -- what unit that mailbox would've been for?

A. No.

Q. So you don't know if it would've been 207 or 208 or 205?

A. No, I don't.

Q. And what happened next?

A. We took turns attempting to reach the -- reach through the mailbox and around to the other mailbox to reach the -- what suspect narcotics.

Q. So there's a divider, obviously between the two boxes, right?

A. Yes, ma'am.

Q. So you would have to reach your hand into one box and around the back --

A. Yes.

Q. -- to where the divider was to try to grab --

A. Yes.

Q. -- this box; is that right?

A. That's correct.

Q. And you were -- who was actually successful in getting the narcotics out?

A. We both were because we both were trying. I'm

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not sure of what type of object we used to go into -- to go work our way around into the mailbox from the other side, to pull it toward the rear so that we could catch it when it came down.

Q. When it came down to where?

A. The mailbox made straight back on a rectangular, evenly spaced. So if you're pulling from around here to get it to the back, because a lot of times when we found narcotics in the mailbox, they're not just sitting at the front. They push it to the back. They will be pushed to the back. So you couldn't actually see or make it out unless you reached and then got it. So if you get it to the back far enough, you could reach it at the edge, grab hold and bring it back around without it dropping to the floor inside the mail room.

Q. I see. So there was actually a -- when you say a male room, was there actually a room back behind?

A. Yeah, there was a room back behind there.

Q. And how would you gain access to that mail room?

A. The mail person would -- the mail person would be the only person to get access to that room.

Q. Okay. Was there a door to that room?

A. Yes.

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Q. And did it have any windows or anything on it?

A. No.

Q. Do you know whether CHA Management had a key to that door?

A. No, I do not know.

Q. So this was one of many times in your career that you reached through one mailbox to get the narcotics out of the box next to it, right?

A. Next to it, above it, below it.

Q. And your testimony is that you don't recall what object you used on this occasion, correct?

A. That's correct.

Q. Okay. On the other occasions, what types of objects did you use?

A. A stick, a hangar.

Q. Anything else?

A. Not that I can remember.

Q. Did any other officers attempt to obtain the narcotics from the mailbox besides you and Officer Young?

A. No.

Q. Did any other officers report to the lobby?

A. Yes.

Q. Who?

A. Other members of our team. They would have

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been on the assisting, listed as assisting on the case report.

Q. What did they do when they came to the lobby?

A. They came to help secure the lobby while we were trying to get the narcotics out of the mailbox.

Q. Did any civilians come into the lobby while you were doing that?

A. I don't remember.

Q. Did you have any conversation with those other members of your team, telling them that it was Ben Baker that you saw?

A. I believe so.

Q. Okay. Who did you tell?

A. I don't remember.

Q. And I'm sorry if I asked you this already, but which members of your team was it that came to the lobby?

A. I'm not sure.

Q. Did Sergeant Watts come to the lobby?

A. I don't remember.

Q. After you recovered the narcotics from the mailbox, what did you do next?

A. We returned to the unit, inventoried those narcotics and made out a VICE case report.

Q. And who transported the narcotics from 527

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East Browning back to the police station?
A. Myself and Officer Young.
Q. Well, which one of you?
A. I believe it was myself.
Q. Okay. And you would have kept it on your person, right?
A. Yes.
Q. And it was a very high value of drugs, correct?
A. It was a lot.
Q. Do you recall about how much it was worth?
A. No.
Q. Does $31,000 sound right?
A. I don't know.
Q. Before you left Ida B Wells, did you go up to Unit 206?
A. No.
Q. Why not?
A. Because we knew he wasn't in Unit 206.
Q. And you didn't make any attempt to get any other information about where he might be, right?
A. No.
Q. Did you have any conversations with Sergeant Watts about the narcotics you recovered from the mailbox?

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A. I don't remember.
Q. How long did it take you and Officer Young to get into the mailbox to remove the narcotics?
A. Several minutes.
Q. Do you recall if there was anything else in the mailbox besides the narcotics?
A. I don't remember.
Q. Did you collect anything else from the mailbox besides the narcotics?
A. I don't remember.
Q. After you obtained the narcotics, did you ask anyone or any members of the Chicago Police Department to conduct surveillance for Ben Baker?
A. I don't remember.
Q. That would have been, in your experience in law enforcement, that would have been a good next step since you knew where he lived, right?
MR. BAZAREK: Objection, to the form of the question. Vague. Ambiguous and incomplete hypothetical and argumentative.
A. It could have been.
BY MS. KLEINHAUS:
Q. And why could it have been?
A. That was one option that it could have been, if they were still out in the area of where he lived to see him to apprehend him.

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Q. And see him come back to his apartment, right?
A. Come back to the building, period.
Q. Would there be any reason that you could think of not to do that?
A. No.
Q. Do you were the one who transported the drugs back to the station, right?
A. Yes.
Q. And were you the one who completed the inventory for those drugs?
A. Yes.
Q. And did you do that on the very same day that you obtained them?
A. Yes.
Q. And did you document that you've -- I'm sorry. Strike that, please. In order to complete that inventory, I know you said earlier you could do it electronically or you could do it in a book, right?
A. Yes.
Q. Did you do that one electronically?
A. I don't remember.
Q. Okay. For the inventories that you would do electronically, would you have to sign in with your PC number?

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A. Yes.
Q. And so you signed -- if you did it electronically, you would have signed in that day and inventoried the drugs that day, right?
A. Yes.
Q. The day that you obtained them?
A. Yes.
Q. And what did you do next after the inventory?
A. We inventoried them narcotics. Got the inventory approved after the case report was done and they were dropped in the narcotics safe.
Q. And did you do a like a heat sealing procedure before that?
A. Yes. The heat sealing procedure is done. When -- whatever Sergeant, where the narcotics was being dropped, had inspected to make sure what was on the bag, was in the bag.
Q. Okay. So your understanding was the Sergeant was checking to see if the amount that was on the -- listed on the bag is the amount that was actually in the bag.
A. In the bag, yes.
Q. Is that right?
A. Yes, ma'am.
Q. Okay. And how would you determine the

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estimated street value of what you had recovered?
A. There's a book and a chart either in some kind of police hand -- little hand carry tool that gives you the estimated value of whatever you weigh, put it on a scale and weigh it to be.
Q. And when you heat seal the bag and put it in the safe, do you have to sign something at that point as well?
A. Yes.
Q. And that's separate from the inventory?
A. Yes.
Q. Okay. What is that called?
A. When you heat seal it?
Q. Yeah.
A. That's when you seal the bag permanently until it gets to wherever it's going to a crime lab.
Q. Okay. Sorry if I misunderstood. Do you actually sign on the bag then?
A. Yes.
Q. Okay. And what's your understanding of what that -- what are you signing for? What does that mean?
A. You sign the bottom of the bag for everything that you list on the back. The Sergeant then seals it. When they sealed it, then they sign their name and they're starting them over where the heat seal is.

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Q. And your -- sorry.
A. To let know it was heat sealed. They saw it be heat sealed and sign.
Q. Okay. So you're with your signature, you're verifying that what it says on the exterior --
A. Is what --
Q. -- is actually in there, right?
A. Yes.
Q. Okay. Did you complete the report on the narcotics that you seized that day?
A. I believe Officer Young did.
Q. And would it have been your practice for him to show you that report before he submitted it?
A. Show me the report?
Q. Yes. For him to show you the report?
A. Yes.
Q. And do you have a memory of him showing you that report?
A. No.
Q. And when a fellow officer would show you a report like that, before submitting it, you would review it all to make sure it was accurate, correct?
A. Yes.
Q. And make sure it reflected what you observed?
A. Yes.

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Q. And you would sign it as well, right?
A. You would sign it if you're the second arresting officer, yes. Or the second in the box too, yes.
Q. And your signature there indicates that it's accurate, right?
A. My signature indicates that it's accurate for what I believe went on.
Q. Was the bust of drugs from the mailboxes that you reported was from Ben Baker. Was that the biggest bust that you had ever done up to that point in your career?
A. I don't know.
Q. Okay. Was a street value of $31,000 a lot to you at that time?
A. It's a -- it's a large number.
Q. Pardon me?
A. It's a large number, but I -- I don't know.
Q. Okay. Can you think of any occasions where in a single found narcotics or -- strike that, please. Can you think of another VICE case report where you were a first or second officer that had a higher drug value than that?
A. I don't remember.
Q. When you would make a -- when you would

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recover a large quantity of narcotics, is that something that would be announced at roll call?
A. No.
Q. Would you expect to get any kind of praise from your superiors?
A. No.
Q. In your experience with Sergeant Watts, if you recovered a large amount of narcotics, $31,000 worth, would you -- would he say something to you about that?
A. I don't remember.
Q. Do you ever remember him praising your work?
A. Yes.
Q. Okay. And what would he praise you for?
A. Job well done if we arrested someone for whatever reason and whatever the circumstances that went along with it.
Q. Do you remember him criticizing your work?
A. No, I do not.
Q. And did he conduct your performance evaluations during the time period that he was your Sergeant?
A. Yes.
Q. And how would he do that?
A. I'm not sure.
Q. Okay. Was it -- were you part of a

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conversation with him about it?
A. No.
Q. Okay. What -- do you know if it was a written form that he completed?
A. I don't know.
Q. Other than the times that he told you did a job well done, did you have any conversations with Sergeant Watts about your job performance?
A. No.
Q. Did Sergeant Watts ever talk to you about any citizen complaints regarding you?
A. No.
Q. Did Sergeant Watts ever talk to you about complaints of excessive force against you?
A. No.
Q. Did you ever ask for permission to start up surveillance of the building for Ben Baker?
A. I don't remember that, no.
Q. Would there be any reason that you wouldn't want to do surveillance and be the one to apprehend him?
MR. BAZAREK: Object to the form of the question. Compound. Vague.
A. No.
BY MS. KLEINHAUS:
Q. Did you seek an arrest warrant for Ben Baker?

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A. No.
Q. Why not?
A. I don't know.
Q. Did any other member of the team seek an arrest warrant for Ben Baker?
A. No.
Q. Did you review the VICE case report from the recovered narcotics from the mailbox in preparation for your deposition today?
A. Yes.
Q. And did you -- is your signature on it?
A. Officer Young signed my signature to it.
Q. Did he have your permission to do that?
A. Yes, he did.
Q. Okay. Did he indicate in any way on the report that he was signing for you?
A. Pardon?
Q. Did he indicate in any way on the report that he was signing on your behalf?
A. No.
Q. Okay. Were you ever told during the time that you were employed by the Chicago Police Department to make some sort of notation when someone was going to sign for someone else?
A. I don't remember that.

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Q. Okay. Did you ever use initials or an asterisk or any other kind of marking to indicate that you were signing for someone else?
A. No.
Q. Did you ever sign a report for Sergeant Watts?
A. No.
Q. Did he ever sign a report for you?
A. Yes.
Q. Okay. When did he do that?
A. Any case report that I created, he had to approve it.
Q. I'm sorry. I should have asked it better. Did he ever sign your name --
A. No.
Q. -- on your behalf? Have you reviewed or -- I'm sorry. Strike that, please. Did you review the inventory report associated with this seizure of narcotics in preparation for your deposition today?
A. Yes.
Q. And is your PC number listed on that inventory report?
A. I don't remember.
Q. Would you have shown your inventory report to Officer Young before submitting it?
A. I'm not sure.

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Q. Was it your practice to show the inventory reports to your partner before submitting them?
A. It was the practice of accounting, establishing what we had, write it out on a piece of paper, we understood what was going to go on the inventory.
Q. Okay. I didn't understand that last answer. So would you show the inventory report -- was it your practice to show the inventory report to your partner?
A. Not always, no.
Q. Okay. I'll show you what we'll mark as Exhibit 1. And for the folks on Zoom, this is marked City BG 2122.
(EXHIBIT 1 MARKED FOR IDENTIFICATION)
MR. MICHALIK: Sorry, Tess, could you repeat that number?
MS. KLEINHAUS: Sure. It's City BG 2122.
BY MS. KLEINHAUS:
Q. And sir, is this the VICE case report that you reviewed related to this seizure of narcotics in the mailbox that you reviewed in preparation for your deposition?
A. Yes, it is.
Q. Okay. And it's your testimony that Sergeant -- or I'm sorry, excuse me, Officer Young signed your

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name at the bottom here with your permission, right?
A. Yes.
Q. And you are the -- do you consider yourself the second arresting officer then for this report?
A. The second officer in this report, yes.
Q. Okay. And the Sergeant Approving this report is Sergeant Bennett; is that correct?
A. Yes.
Q. Okay. Do you know whether or not Sergeant Watts was present in the lobby when you obtained the narcotics?
A. I don't remember.
Q. Okay. Do you know whether or not Sergeant Watts was present at the police station when you -- when, I'm sorry -- when Officer Young completed the VICE case report?
A. I don't remember.
Q. If you look in Box 31, it says ESV, and it's got $31,500. You see that part?
A. Yes.
Q. And if I understood your testimony earlier, you believe Officer Young would have obtained that information from a resource provided by the Chicago Police Department?
A. Yes.

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Q. After weighing the drugs, correct?
A. Yes.
Q. Okay. If you look on the second page of this, it says ROS. That's reporting officers, right?
A. Yes.
Q. "Have prior knowledge of the subject known as Ben Baker." And was that true for you, you had prior knowledge of Ben Baker before this incident?
A. Yes.
Q. It says, "Due to the fact that ROS have come into contact with the subject."
A. Yes.
Q. And you had come into contact with him?
A. Yes.
Q. Okay. And "Due to his arrest of the location of occurrence," do you see that part?
A. Yes.
Q. Okay. When had you encountered him or been familiar with an arrest at that location prior to this?
A. I don't know exactly when, but I knew he had been arrested there.
Q. Okay. And you came -- you were familiar with him because of that prior arrest at that location?
A. Because of that and because that he lived there and because it was known that he sold drugs there.

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Q. Okay. But I'm just focusing from this report on his arrest at the location of occurrence. You were familiar, before this mailbox incident, you were familiar with an arrest of Ben Baker at that location?
A. Yes.
Q. How did you become familiar with it?
A. I had heard about reports of people who had arrested him at that location.
Q. And who had arrested him at that location?
A. I don't remember.
Q. Do you know if you'd ever reviewed any reports related to any arrests prior to this?
A. I don't remember.
Q. Okay. But you would have had access to any reports of arrests of Ben Baker that you wanted to get, right?
A. I'm not sure if I would have had access to them.
Q. If you had wanted to look up reports on prior arrests of Ben Baker, you don't know if you would have been able to get those?
A. Not prior to the system being automated.
Q. Okay. Do you know whether or not the system was automated in June of 2004?
A. I don't remember.

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Q. Okay. You were able -- I'm sorry. Strike that, please. Okay. Is everything you see here in Exhibit 1 truthful?
A. Yes.
Q. And it's accurate?
A. Yes.
Q. You stand by this report, right?
A. Yes, I do.
Q. This report lists a description of a car, a blue four-door Chevy. Do you know if what you saw was a blue four-door Chevy or not?
A. I don't remember it.
Q. Okay.
A. I saw a vehicle, Officer Young was closer than I was.
Q. Okay. And did Officer Young obtain the license plate number or did you?
A. Officer Young would have.
Q. Okay. And he would have called that out over the radio as well, right?
A. I don't know.
Q. Okay. Well, in your law enforcement experience, is there any reason that he wouldn't call out the plates?
MR. BAZAREK: Object to the form of the

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question. It's also argumentative.
BY MS. KLEINHAUS:
Q. Go ahead.
A. I'm not sure why he did call it out or if he did call it out.
Q. Okay. Would you agree with me it's a good practice if you see someone engaged in criminal activity, who's fleeing and you get the plate number, to call that out over the radio?
A. That would be a good practice.
Q. Okay. Can you think of any reason why an officer wouldn't do that under these circumstances?
MR. BAZAREK: Object to the form of the question. And incomplete hypothetical and assumes a fact not in evidence.
BY MS. KLEINHAUS:
Q. Go ahead.
A. He might have been out of breath.
Q. Any other reason you can think of not to, once he regained his breath, call out the license plate number over the radio?
A. The vehicle was gone and left at a high rate of speed.
Q. Sure. But if he had the plate number, there's no reason not to read the plate number out over the

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radio, right?
A. I don't know. I can't say what he was thinking and why he may or might not have.
Q. Okay. So my question was, would you -- can you think of any reason why you wouldn't want to read the plate number out over the radio?
A. Not at this time, I can't.
Q. Okay. All right, you can put Exhibit 1 to the side. Okay. After heat sealing the bag and putting it in the drug safe, what was the next thing that you did with regard to the mailbox narcotics incident?
A. Excuse me. What was the next thing?
Q. Yes, sir.
A. I don't remember.
Q. Okay. Did any supervisor, either supervisor. I'm sorry. Either Sergeant Bennett who's listed on the report or Sergeant Watts or anyone else tell you "Get an arrest warrant, go arrest Ben Baker"?
A. No.
Q. Did you have any conversation with anyone about the drugs you had seized after you had -- I'm sorry. Strike that, please. After the point where you left 527 East Browning and got back to the police station, did you have any conversation with anyone about what your next steps in this investigation should be?

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A. I don't remember.
Q. Did you do anything to try to locate Ben Baker between June 17th and July 11th?
A. I don't remember.
Q. Okay. If you had done anything to try to locate him, you would have documented that, right?
A. Yes.
Q. And how would you have documented that?
A. If we had located him, there would have been an arrest made, an arrest report completed.
Q. And if you conducted surveillance, you would have documented that, right?
A. Yes. And -- and the --
Q. And if you had gotten an arrest warrant, you would've documented that, right?
A. Yes.
Q. If there was a vehicle stop of him, you would have documented that, right?
A. Yes.
Q. If there was a field contact, there would have been documentation of that, right?
A. Yes.
Q. Was there anything preventing you and members of your team from going to the building where he lived and apprehending him between June 17th and July 11th?

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A. Not that I remember.
Q. And you were -- you and your team were in the Ida B Wells housing extensions and projects every shift, right?
A. Yes.
Q. And that would've included the shifts between June 17th and July 11th, right?
A. Yes.
Q. When was the next time that you encountered Ben Baker after this mailbox incident?
A. I don't remember.
Q. Were you part of the arrest of Ben Baker in July of 2004?
A. Yes.
Q. And what was your role in that arrest?
A. I was the second arresting officer.
Q. Do you have an independent recollection, meaning a memory in your own mind, of your participation in that arrest?
A. Yes.
Q. Okay. Tell me what you remember about it?
A. Myself and Officer Young entered the rear door again of 527 East Browning. At the top of the stairs at the second floor there was Ben Baker. Officer Young went up the stairs first. I was behind him. Ben Baker

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tried to gain entry to his apartment. He was subdued by myself, officer -- and Officer Young, and he was placed in custody in the hallway there.

Q. So you just happened to cross him in the lobby?

A. I don't know why -- how we ended up there.

Q. Do you see anyone else in the lobby on that occasion besides Ben Baker?

A. I don't remember.

Q. And where was he standing in the lobby when the two of you walked in?

A. He -- we -- he wasn't in the lobby. He was on the second floor landing.

Q. And where were you when you could first see him on the second floor landing?

A. We're coming up the stairs of the first floor -- from the first floor in the stairwell.

Q. Had you checked the mailboxes for narcotics?

A. No.

Q. Why not?

A. Because initially when we went into the building and looked up the stairwell, there he was.

Q. Okay. So you saw him as soon as you entered the building?

A. Yes.

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Q. Okay. Had you been in that building between June 17th and this arrest of Ben Baker?

A. I believe so.

Q. And you went to 527 East Browning on July 11, 2004, with the intention of arresting Ben Baker, right?

A. I'm not sure exactly.

Q. Do you know whether Sergeant Watts had any conversations with Ben Baker about the drugs supposedly found in the mailbox?

A. No, I do not.

Q. Did you and Officer Young have any other members of your team with you when you entered through the back July 11th of 2004?

A. I do not remember.

Q. Did you have your gun drawn in the course of that arrest?

A. I don't remember.

Q. You may have?

A. I don't remember.

Q. Did anything happen that would've caused you to draw your gun?

A. I don't remember anything happening causing me to draw a gun.

Q. Did you conduct a search of unit 206?

A. No.

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Q. Why not?

A. Because Ben Baker was placed in custody outside of 206.

Q. And did I understand you earlier he fled up the stairs from the second floor --

A. No.

Q. -- landing?

A. He was on the second floor landing.

Q. He was on the second floor landing. And how far away was unit 206 from the second floor landing?

A. Out of the stairwell and offset to the left.

Q. So about how far was it?

A. Ten, 20 feet at most.

Q. Did you see if Mr. Baker had any keys out?

A. I don't remember.

Q. Was the door ajar?

A. The door was never ajar.

Q. Okay. Did you see whether he tried the doorknob?

A. I don't know. When I reached the second floor landing at that door, him and Kenny were already struggling.

Q. Okay. And you said earlier you had to subdue him, right?

A. Yes.

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Q. What did you do to subdue him?

A. We took him to the ground and placed -- we got his hands behind his back and placed handcuffs on him.

Q. What did you do to take him to the ground?

A. Kenny grabbed him. They wrestled to the ground. I joined into wrestling to be able to control his arms.

Q. And you actually physically put handcuffs on him, right?

A. I don't remember.

Q. Okay. So you were the one trying to control his arms?

A. I don't remember.

Q. Okay. So I -- maybe I misunderstood then. How far ahead of you was Officer Young?

A. He went up the stairs first and I went right behind him.

Q. Okay. And when you got onto the second floor, Officer Young was already struggling with --

A. He had already engaged Ben Baker, yes.

Q. And what did you see?

A. They were -- he wrestled him to the ground.

Q. The two of them were on the ground?

A. Yes. He wrestled him to the ground on top of him and I joined in.

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Q. Okay. And you joined in by trying to get Ben Baker's arms, right?
A. Yes.
Q. Okay. And you were trying to get his arms in order to do what?
A. Arrest him.
Q. Okay. And put him in handcuffs, right?
A. Yes.
Q. Okay. And did you conduct a pat down of Ben Baker?
A. I don't remember.
Q. Did Officer Young conduct a pat down of Ben Baker?
A. I don't remember.
Q. Okay. Did anyone from any of the units on the second floor come out of their apartments when this wrestling match is happening?
A. I don't remember.
Q. Do you know who Elgen Moore is?
A. Yes, I remember the name.
Q. Okay. Did you encounter Elgen Moore in the course of this arrest?
A. I don't remember.
Q. Did you encounter Clarissa Glenn on this date?
A. I don't remember.

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Q. Did you ever storm into unit 206 on July 11, 2004?
A. No.
Q. Did you ever enter unit 206 on July 11, 2004?
A. No.
Q. Do you know if any of his family members were present for his arrest?
A. No, I don't.
Q. Okay. I'm going to show you what we'll mark as Exhibit 2. And for the folks on Zoom, this is KM Consolidated 3-4.
(EXHIBIT 2 MARKED FOR IDENTIFICATION)
MR. GAINER: Yeah, guys, this is Brian Gainer. I apologize. I lost what you just said there. Can you give me that number again?
MS. KLEINHAUS: Sure. It's KM Consolidated 3 and 4.
MR. GAINER: 3 and 4. Okay. I don't see that in the stuff sent you sent over, but --
MS. KLEINHAUS: I'm sorry. It may be marked KM 3 and 4. Perhaps it's not KM Consolidated. It's --
MR. GAINER: I see KM 7 and 8. Is -- are they inventory forms?
MS. KLEINHAUS: They're not. It's a --
MR. GAINER: Oh, never mind. I got it.

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MS. KLEINHAUS: -- supplemental report. You got it? Okay. All right.
BY MS. KLEINHAUS:
Q. Have you had a chance to review Exhibit 2?
A. Yes.
Q. Is this one of the reports that you reviewed in preparation for your deposition today?
A. Yes.
Q. Okay. And what is this?
A. This looks like an arrest report for Ben Baker.
Q. Okay. And at the top, it's marked supplementary report. Do you know why you used a supplementary report for this?
A. This is a supplementary report because this is a follow-up to go along with the arrest from the incident that occurred earlier where we found the narcotics in the mailbox.
Q. Okay. And who completed this report?
A. Officer Young.
Q. Okay. And you would've reviewed it before he submitted it, right?
A. Yes.
Q. And is this your signature or did he sign on your behalf? Can you tell?

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A. He signed on my behalf.
Q. Okay. How do you know that?
A. That's not my signature.
Q. Okay. Do you recognize it as Officer Young's handwriting?
A. Yes.
Q. Okay. And according to this, it says, "ROs" -- that's reporting officers, you and Officer Young, right?
A. Yes.
Q. "Received information that an M1" -- what does that mean?
A. Male one.
Q. "Known as Ben Baker was selling drugs at 527 East Browning." So you got additional information on July 11, 2004, correct?
A. I don't remember.
Q. Okay. And it's your testimony that you didn't have any informants, right?
A. That's correct.
Q. So do you believe that Officer Young got this information?
A. Yes.
Q. Do you know whether or not you were present when he obtained the information?

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A. No, I do not.
Q. Did the two of you do anything to test the reliability of the information that you were provided?
A. No, I did not.
Q. Okay. And this report doesn't describe any of your efforts to subdue Ben Baker, correct?
A. Yes. It said we detained -- we were detaining.
Q. Okay. But there's not any description of wrestling him to the ground; would you agree?
A. It's not listed there, no.
Q. Okay. And would you have done a TRR with regard to that use of force?
A. Not necessarily.
Q. Okay. Why not?
A. It was one of those things where if you were in the process of making an arrest and you had to do more than -- he was -- I don't know how to -- he wasn't fighting as hard enough that or a situation where the TRR was wanted.
Q. Okay.
A. But he was trying to resist the arrest happening.
Q. Did you complete any TRR's during the time period that you were on the Watts team?

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A. Yes.
Q. How many?
A. I don't know.
Q. This report lists assisting officers at the bottom of the report. Do you see that?
A. Yes.
Q. What did the officers listed there do to assist with this arrest?
A. I don't remember.
Q. Are you aware of any document that would explain what they did to assist with this arrest?
A. No.
Q. And this was signed or approved by Sergeant Kaufman, right? Do you see that?
A. Yes.
Q. Okay. Would -- in addition to that, would you have had some conversation with Sergeant Watts to let him know that Ben Baker had been arrested?
MR. GAINER: Object to form. Go ahead, sir.
A. No.
BY MS. KLEINHAUS:
Q. Do you know whether or not you had a conversation with Sergeant Watts about Ben Baker being arrested?
A. No, I don't.

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Q. And do you know whether or not Sergeant Watts was present for this arrest?
A. I don't remember.
Q. He may have been. He may not have been, right?
A. I don't --
MR. GAINER: Object to form. Asked and answered. Go ahead. And foundation. Go ahead.
A. I don't know. I don't remember.
BY MS. KLEINHAUS:
Q. Okay. You can put Exhibit 2 to the side. You testified at the bench trial related to the July 2004 arrest of Ben Baker, right?
A. I believe so, yes.
Q. And did you review that testimony as part of your preparation for today's deposition?
A. Yes.
Q. And was the testimony that you gave truthful?
A. Yes.
Q. And I understand your position is that the testimony that you gave was truthful. Would you agree with me if you had given untruthful testimony, that would've been a violation of Mr. Baker's rights?
MR. BAZAREK: Object to the form of the question. It also seeks legal conclusions.

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MR. GAINER: It calls for a legal conclusion. This is Brian Gainer.
BY MS. KLEINHAUS:
Q. Go ahead.
A. I don't know.
Q. If you had lied under oath regarding the arrest of Ben Baker in July 2004, would you agree with me that that's egregious police misconduct?
A. I didn't lie under oath.
Q. I know. I understand. I understand your testimony on that. If you had, would you agree that that would be egregious police misconduct?
MR. BAZAREK: Object to the form of the question. Foundation. Incomplete hypothetical.
MR. GAINER: It also misstates the law. Go ahead, sir.
A. It wouldn't have been correct.
BY MS. KLEINHAUS:
Q. And why not?
A. Because you wouldn't be telling the truth about what happened.
Q. Are you aware what the outcome of the testimony of that bench trial was?
MR. BAZAREK: Object to the form of the question. Vague. Ambiguous. Compound.

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A. I don't remember.
BY MS. KLEINHAUS:
Q. Okay. Were you aware that a motion to suppress was granted in that case?
A. Now I remember, yes.
Q. Okay. And when did you first find out that a motion to suppress had been granted in that case?
A. When the testimonies were over and the state's attorneys came back in to let us know when it was over with.
Q. Okay. So you were like in a witness room?
A. Yes.
Q. Okay. And the state's attorney came in and told you that the motion to -- motion to suppress had been granted?
A. Yes.
Q. Was anyone with you in that room?
A. Other than Officer Young, I don't remember.
Q. Okay. Did you and Officer Young have any conversation about that?
A. No.
Q. Did you believe that Officer Young had messed up his testimony?
A. No.
Q. What was your understanding of why the motion

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to suppress was granted?
A. I don't remember.
Q. As you sit here today, do you know why it was granted?
A. No.
Q. After your testimony related to the July 2004 arrest of Ben Baker, did you have any conversation with Sergeant Watts about the fact that the motion to suppress had been granted?
A. I don't remember.
Q. Do you know whether or not Sergeant Watts ever solicited a bribe from Ben Baker?
A. No, I do not.
Q. Do you know whether or not Officer Young's testimony in the bench trial had anything to do with Officer Young leaving the team?
A. No, I do not.
Q. Have you ever had any conversation with Officer Young about why he left the team?
A. No, I have not.
Q. What's your understanding of why he was moved off the team?
A. I didn't know.
Q. Prior to the June 2004 mailbox incident that you described, had you ever seen Ben Baker driving a car

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before?
A. I don't remember.
Q. Had you ever seen Ben Baker run before?
A. I don't remember.
Q. Did Mr. Baker have a limp when you saw him in 2004?
A. I don't remember.
Q. But he was significantly faster than Officer Young, correct?
MR. BAZAREK: Objection. Asked and answered.
A. On that day.
BY MS. KLEINHAUS:
Q. Okay. Did you ever tell Ben Baker words to the effect of, "Kenny fucked up his testimony,"?
A. No.
Q. Did you ever have any conversation with Ben Baker about the outcome of his bench trial for the July 2004 arrest?
A. No.
Q. Did you ever tell him, "That's part of the game," or words to that effect?
A. No.
Q. Did you ever tell him, "You win some, you lose some," or words to that effect?
A. No.

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Q. Did you ever warn him that, "Next time, we'll make it stick,"?
A. No.
Q. Did you ever warn him that you would arrest him again?
A. No.
Q. Did you ever threaten to frame him?
A. No.
Q. If you had threatened to put a case on him, that would be wrong, correct?
A. Yes.
Q. Okay. What's the next encounter with Ben Baker that you recall?
A. I'm not sure when it was, but it was when we received information that he was bringing in work to the building.
Q. You said, bringing in work?
A. Work to the building, yes.
Q. Okay. And who received that information?
A. Sergeant Watts.
Q. And how did Sergeant Watts obtain that information?
A. I don't know.
Q. What did Sergeant Watts tell you about that information?

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A. That he received information that Ben Baker went to go get work for the building.

Q. Okay. When Sergeant Watts would receive information about narcotics dealing, is that something that he would tell you about one-on-one or would it be in roll call or how would you find out what he knew?

A. He would tell us all together.

Q. Did Sergeant Watts ever tell you, "Make sure that you don't plant drugs on anyone,"?

A. No.

Q. Did he ever tell you, "Make sure you don't frame anyone,"?

A. No.

Q. What's the next thing that happened after Sergeant Watts told you that he received information that Ben Baker was bringing work into the building?

A. Devised a plan where we would go in a covert car to that area and wait for Ben Baker to come. Myself and him were in the covert vehicle, and Officer Smith and Officer Mohammed were in unmarked cars enforcement. And I'm not sure who else was with us that day, but it was another car as enforcement also.

Q. And tell me what the word, work -- the slang term, work means?

A. Narcotics, dope.

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Q. And so did you go to wait for Ben Baker in the covert vehicle the same day that Watts told you that he had received this information?

A. Yes.

Q. Did you have a regular partner on the Watts team in 2005?

A. Yes.

Q. Who was that?

A. Officer Elsworth Smith.

Q. Why did you go in the car with Watts instead of with your regular partner?

A. I don't remember.

Q. Was Sergeant Watts the one who made the assignments of who would go with who?

A. No.

Q. How was it determined who would ride with who?

A. It was just on the fly who was with -- at that point in time where we were.

Q. And can you describe the covert vehicle that you and Sergeant Watts were in?

A. I don't remember it.

Q. Were you driving or was Sergeant Watts driving?

A. I was driving.

Q. And was that typically the case when you were in the car with Sergeant Watts?

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A. Most of the times.

Q. And is there a distinction in your mind between a covert vehicle and an unmarked car?

A. Yes.

Q. Okay. Describe for me or explain to me what you -- what a covert vehicle is?

A. A covert vehicle looks like any other regular vehicle with regular license plates on it. Not M plates. An unmarked vehicle is a Chicago police vehicle, whatever they were at the time, with an M plate on it.

Q. And what is an M plate?

A. A municipal plate.

Q. What was the procedure for obtaining a covert vehicle?

A. I don't know. The supervisor would've handled that.

Q. Okay. So in this instance, Sergeant Watts would've handled that, correct?

A. Yes.

Q. Okay. If you had wanted to obtain a covert vehicle in order to conduct surveillance on Ben Baker after the mailbox incident, you could have asked Sergeant Watts to help with that, right?

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A. Yes.

Q. Did you do that?

A. No.

Q. Okay. And you said that Smith and Mohammed were in an unmarked car?

A. Yes.

Q. And where was their unmarked car?

A. I don't know.

Q. And you said there was another enforcement vehicle?

A. Yes.

Q. Was that marked or unmarked?

A. Unmarked.

Q. And other members of your team were in that car?

A. Yes.

Q. Do you know where they were stationed?

A. No.

Q. Okay. And where were you and Sergeant Watts during the surveillance?

A. We were riding around in the area first and then we were in the parking lot of Lawless Gardens on Rhodes. 35th, 36th and Rhodes.

Q. Okay. When you were riding around, what were you looking for?

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A. The vehicle that Ben Baker was supposed to be coming in.
Q. Okay. So you had a description of a vehicle you expected him to be in, right?
A. Yes.
Q. And what type of vehicle did you expect him to be in?
A. I don't remember.
Q. How long were you riding around looking for the vehicle you expected him to be in?
A. I don't remember.
Q. And at some point you say that you parked at the Lawless Gardens lot?
A. Yes.
Q. Were there other cars in the lot?
A. Yes.
Q. Were any of the unmarked cars containing members of your team in that lot?
A. No.
Q. Okay. What -- which way was your vehicle facing?
A. Our vehicle was facing eastbound.
Q. How long did you conduct surveillance there?
A. I don't remember.
Q. What happened next?

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A. When we initially saw the vehicle that Ben Baker was in, we exited the lot heading north, went up to Rhodes, made a right to go south. As we went southbound on Rhodes, the vehicle that Ben Baker was in did not stop at the stop sign there at 36th and -- excuse me. And 36th and Rhodes. This is where beat 211 went to make a traffic stop. The traffic stop was behind 511 East Browning. I'm not sure if that's a parking lot or a field or whatever it was, but the car was facing eastbound.
Q. So -- and what type of car was it?
A. What car?
Q. What's that?
A. What car are you speaking, ma'am?
Q. Ben Baker -- the car that Ben Baker was in. What type of car was it?
A. I don't remember.
Q. You're confident you observed it approaching --
A. Yeah.
Q. -- from a surveillance point, right?
A. Yes.
Q. Okay.
A. It came from -- it came from north to south.
Q. And when you say beat 211, what do you mean?

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A. That was a beat car that was there that we had previously spoke about with -- sergeant Watts previously spoke about with the -- letting me know that we were on surveillance and we may -- might have needed him.
Q. Okay. And how did that -- you were -- you witnessed that conversation?
A. Yeah.
Q. Okay. And how did that come about?
A. He told me that we were -- we pulled up. He was -- that beat car was sitting on Browning. He asked the car to stay there because we were waiting on somebody to come and we might need him to put a stop on him because we were in a covert vehicle.
Q. So Sergeant Watts was not concerned -- or strike that, please. Beat 211 was -- when you say beat car, it's a marked car?
A. It's a marked vehicle.
Q. So close to the area where you're going to be conducting surveillance, there was already a marked car?
A. Yes.
Q. And Sergeant Watts was not concerned that there would be a marked car there, right?
A. No.
MR. GAINER: Objection. Foundation.
BY MS. KLEINHAUS:

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Q. And instead, he asked the marked car to participate in the surveillance with you?
A. Yes.
Q. And you have your own independent recollection of that conversation, right?
A. Yes.
Q. Okay. And so -- and you have an independent recollection of watching the car that Ben Baker was in miss a stop sign, right?
A. Yes.
Q. And -- so tell me what happened after that.
A. 211 activated his lights and went behind it to make a traffic stop.
Q. And what happened next?
A. The vape -- the vehicle that Baker was in turned into the lot behind 511 Browning.
Q. What happened next?
A. He stopped there and we came up, pulled along aside the vehicle that we were making a traffic at 211. We were -- I was pulled -- pulled up to the passenger side of that vehicle.
Q. And could you see into that vehicle?
A. As I got out and approached it.
Q. Did it have tinted windows?
A. I don't remember.

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Q. But it's your testimony you could see inside the car, right?
A. Yes.
Q. How many occupants were in that vehicle?
A. Two.
Q. And could you see them as you approached the car?
A. Yes.
Q. Okay. What parts of them did you see?
A. I saw the right back side of Clarissa's head and body in her hands, and I could see the right side and hands of Ben Baker.
Q. Both sets of hands you could see?
A. Yes.
Q. And what parts of the car could you see?
A. Pardon me?
Q. What part of the car could you see from the outside, looking through the window?
A. Looking through the window.
Q. Okay, but as you're approaching the car, you -- you-all pull up, I'm sorry, you say on the rear passenger side?
A. Yeah, I'm on the rear passenger side of the vehicle.
Q. -- the driver and you get out?

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A. And I get out on that side.
Q. And you're -- yeah, you're approaching from the rear?
A. I was going to approach -- yes, I was going to approach on that side.
Q. On the passenger side?
A. Yes.
Q. And you're looking through the window and you can see --
A. I can see --
Q. -- parts of Clarissa you've described?
A. Yes.
Q. Okay. And what type of car was it?
A. I don't remember.
Q. What happened next?
A. I observed her hand what I believed to be narcotics across to Ben.
Q. And what did you see in her hand that you believed to be narcotics?
A. A clear plastic bag with several other smaller packs -- bags inside.
Q. And you could see that from outside the car through the --
A. Yes.
Q. When you were in the covert vehicle with

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Sergeant Watts, before the car that Ben was in drove up, did Sergeant Watts have any drugs with him?
A. No.
Q. Did you have any drugs with you?
A. No.
Q. Okay. What happened next?
A. When I saw the -- her hand it across to him, I quickly retreated -- backed around to the passenger side.
Q. The passenger side --
A. Not the passenger, the driver's side, because I went behind the vehicle. I was approaching on the passenger side. When I saw her handing it across to him, I went back behind the car to the driver's side and approached the driver's side.
Q. The driver's side --
A. Of the vehicle --
Q. -- of the vehicle they were in?
A. -- they were in.
Q. Okay. How close -- when you were approaching on the passenger side, how far away from the passenger window were you?
A. I was right near the rear window of the vehicle.
Q. So like the back window?

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A. The -- the -- the back seat.
Q. Okay. So --
A. Not the -- not the front seat. Clarissa was sitting in the front seat. I came up along right here by the seat behind it -- the window right in the back seat behind her.

Q. Okay. And that's as far as you got before --
A. Before I --
Q. -- went back the other way?
A. Yes.
Q. Okay. Around the back of the car to the driver's side?
A. Yes.
Q. What was Sergeant Watts doing during this time?
A. I don't know.
Q. And what happened after you got over to the driver's side?
A. Whatever the baggie that I saw her -- ben Bakers, he was trying to place it in the console of the driver's side.
Q. And tell me what you mean by the console of the driver's side.

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A. There's a -- the console armrest there, where you control the windows and the door locks and -- he was trying to put it in the side there.

Q. Okay. So like that little plastic container thing on the driver's side door or between the two of them?

A. It -- I don't know if it opened or not, but he was trying to get it in there.

Q. Okay. And I'm sorry, I just want to make sure I understand. It's to the left of Ben Baker, the driver.

A. It's the left -- it's on the door.

Q. Okay. And when you say he was trying to get in there, what did you see him doing?

A. He was trying to put it down in the door. I ordered him to get out of the vehicle.

Q. And did he reply?

A. Yes.

Q. So he -- is it your testimony he put it in --

A. He was trying to place it in -- you know, he was trying to get into that console area. I don't know how far he was going to get it down in there to -- to cover it. But as soon as he got -- opened the door and got out, as soon as he came out, I detained him. When I say detained him, I put him in handcuffs.

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Q. Okay. So did he successfully put the drugs in the console?

A. It didn't get all the way -- it didn't all the way get down in the console. I don't know if the console went up or now, but it was in between where it could be secreted in -- down in there.

Q. So what was it sitting on?

A. It was sitting inside of a hole or something there, but the bag was still sticking out, because he didn't get it all the way down in there.

Q. Okay. So you could see part of the bag --

A. I could see part of the bag.

THE REPORTER: I'm sorry, could you just let her finish her questions before --

THE WITNESS: I'm sorry, ma'am.

THE REPORTER: Oh, it's okay. It's just becoming hard to type it out.

THE WITNESS: Okay.

MR. BAZAREK: And that goes to his answers too, right?

THE REPORTER: I believe so. I mean, that's up to you-all.

MR. FLAXMAN: You mean you want us to wait for him to finish his answer? Correct, I agree with that instruction. Do you need it from the court reporter?

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MR. BAZAREK: No, I just making sure we're on the same page here.

MS. KLEINHAUS: Okay.

BY MS. KLEINHAUS:

Q. How long from the time that you first saw the car of Ben Baker driving it until you had him out of the car and detained?

A. Anywhere from -- I don't know. Anywhere from a minute to two minutes. Everything happened quickly.

Q. And so you were able to see the drugs, detain him and seize the drugs very quickly after seeing the vehicle?

A. Yes, yes.

Q. Okay. And what happened next?

A. After he was detained then I recovered the narcotics.

Q. And what did you do to recover them?

A. I reached into the console there, where he was trying to secreted them, and pulled them out.

Q. And where did you put them?

A. I held onto them. I don't know where exactly I put them, but I kept them on my person.

Q. While you -- well, did you conduct a pat down of Ben Baker?

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A. After the narcotics were recovered.

Q. Okay. So you pull -- you ordered him out of the car and he complied?

A. Yes.

Q. Did you tell him to put his hands up on the car?

A. No.

Q. What did you tell him?

A. I told -- I told him to get out of the vehicle. As soon as he opened the door to get out the vehicle, I went and placed handcuffs on him.

Q. Okay. And it's your testimony then you seized the narcotics?

A. Then I -- then I seized the narcotics afterwards.

Q. And then you did a pat down to him?

A. Yes.

Q. Okay. Did you -- what was the passenger, Ms. Glenn doing during this?

A. I don't remember.

Q. Have you ever pushed Clarissa Glenn?

A. No.

Q. Have you ever used any physical force on Clarissa Glenn?

A. No.

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Q. Have you ever threatened Clarissa Glenn?
A. No.
Q. Did you arrest Clarissa?
A. I didn't actually put handcuffs on her, but yes, she was arrested.
Q. Okay. Who put handcuffs on her?
A. I don't know.
Q. Was it Watts?
A. I don't know.
Q. Who else was there besides you and Watts?
A. At that time, it was me and Watts initially with Officer Soltis, and eventually Officer Mohammed and Officer Smith arrived.
Q. Did Watts stay in the covert vehicle as you were approaching Ben and Clarissa's car?
A. I don't believe so.
Q. Do you think that he got out?
A. Yes.
Q. Okay. Do you know on which side he approached the car?
A. No.
Q. And Mohammad and Smith arrived after you already had Ben Baker in handcuffs, right?
A. Yes.
Q. Mohammad and Smith weren't present for the

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time period when you say that you observed Clarissa pass drugs to Ben and Ben tried to put them in the console, right?
A. No.
Q. How long after Ben Baker was in handcuffs did Mohammad and Smith arrive?
A. I don't remember.
Q. So the person who actually observed the stop with you was Sergeant Watts, right?
A. The stop with me, yeah, Sergeant Watts.
Q. Are you confident -- or I'm sorry. Strike that, please. You recall Officer Mohammed coming up to the car eventually?
A. They came to the -- yeah, they came to the scene eventually.
Q. After Ben Baker was in handcuffs, what did you do next?
A. After we searched the vehicle, we had transportation take them to the second district.
Q. How long did it take you to search their vehicle?
A. I don't recall.
Q. Who conducted the search of their vehicle?
A. I searched it and Sergeant Watts searched it.
Q. And that was before Mohammad and Smith got

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there, right?
A. I believe so.
Q. Was Officer Gonzalez ever present on the scene?
A. I'm not sure.
Q. And did you complete any reports related to this December 2005 arrest of Ben and Clarissa?
A. Yes.
Q. Which ones did you complete?
A. I completed the VICE case report and the arrest report.
Q. And you included Mohammed as the second arresting officer for those, correct?
A. Yes.
Q. Was Mohammad ever your regular partner when you were on the Watts tactical team?
A. Some days -- he wasn't my regular partner, but some days he was my partner.
Q. Okay. And if I understood you earlier, Smith was your regular partner, right?
A. Yes.
Q. Okay. And when you were riding along with Sergeant Watts, would you include Watts as the second arresting officer on your reports?
A. No.

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Q. Why not?
A. Because Sergeant Watts would sign the reports to approve the reports.
Q. Well, was there anything about him approving the reports that meant he couldn't be listed on the reports?
A. To my understanding, it was.
Q. Okay. And how --
A. I would always --
Q. -- sorry, go ahead.
A. And to my understanding when we were doing reports, I would always list my partner as the second arresting officer.
Q. Regardless of what role that person actually played?
A. Regardless of what role they played.
Q. And to your -- the best of your knowledge, was that the practice for the rest of the Watts team as well?
A. That was my knowledge of -- that was a practice for -- of the tactical teams in the -- in the -- in the Bronze department.
Q. Okay. So as far as you understood it, employees throughout CPD were writing down their partner as the second arresting officer regardless of that

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person's role in the arrest?
MR. MICHALIK: Now hold on. Objection. Foundation.
BY MS. KLEINHAUS:
Q. Go ahead.
A. That's my belief.
Q. And that the person listed as the second arresting officer could be called to testify in court?
A. Yes.
Q. About the contents of the report, correct?
A. Yes.
Q. Even though that person hadn't observed what's contained in the report?
A. Yes, because there's a summary of what actions were.
Q. And tell me what you mean by that.
A. That means they look at the report and see, and if you testify in the report, "Were you the second arresting officer?" "Well, I didn't see what he saw," but it's a summarization of what happened.
Q. So is it your understanding that second arrest -- someone listed as a second arrested officer -- arresting officer could go to court and testify "we did this, we did that," even if that individual didn't do those things?

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MR. BAZAREK: Object to the form of the question. Compound. Vague and mischaracterizes Sergeant Jones' testimony.
MS. KLEINHAUS: Go ahead.
MR. GAINER: And also argumentative. Go ahead.
A. That officer was to state, to my knowledge, as I have at times, "I didn't see that occur".
BY MS. KLEINHAUS:
Q. That's how they would testify?
A. Yes, I testified that no, I didn't see that occur, when I was the second arresting officer. "Well, what were you doing?" "I didn't see what they said occurred, but I was the second officer -- arresting officer."
Q. And in what cases did you testify to that effect, where you said, "I was the second arresting officer, but I didn't see"?
A. I don't remember.
Q. But you're testify -- I'm sorry, strike that, please. You have testified like that before, correct?
A. Yes, I've said I don't -- I don't -- I didn't see that; yes, I have.
Q. Okay. How many times have you testified along those lines?
A. I don't know.

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Q. Okay. Did you ever explain to any state's attorney that the person listed as the second arresting officer on the report did not actually have personal knowledge of what is described in the report?
MR. BAZAREK: Object to the form of the question. Compound. Vague. Ambiguous. Incomplete hypothetical and lacking foundation.
A. Not that I can remember.
BY MS. KLEINHAUS:
Q. Okay. Do you know of any Chicago Police Department officer who ever told a Cook County state's attorney, the person listed as the second arresting officer didn't necessarily actually see what's listed in the report?
MR. BAZAREK: Object to the form of the question. Compound. Vague. Ambiguous. Incomplete hypothetical and lacking in foundation.
A. I don't know.
BY MS. KLEINHAUS:
Q. Did anyone from the Chicago Police Department ever tell you if both of you didn't see what's in the report, just use your proper name instead of ROs?
A. I don't remember.
MR. BAZAREK: Object to the form the question. Foundation. Incomplete hypothetical. Vague.

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Ambiguous. Lacks foundation.
MR. GAINER: It is also argumentative.
A. I don't remember.
BY MS. KLEINHAUS:
Q. Okay. In your view with many years of law enforcement experience, would there have been anything improper about writing a report that just said Officer Jones saw this, Officer Young saw this?
A. That's the way it could have been written.
Q. Okay. There wouldn't have been anything wrong with that, right?
A. No.
Q. And there wouldn't have been anything wrong with writing reports that said reporting officer, singular, instead of reporting officers, plural?
A. Well, no, because you use it, the RO/ROs, so often, you get caught up in writing ROs and ROs -- RO and ROs.
Q. Right, but there wouldn't have been anything improper about not getting caught up in that and just using singular when it was singular, right?
MR. BAZAREK: Object to the form of the question.
A. I don't understand.
BY MS. KLEINHAUS:

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Q. Okay. Was there anything preventing you, when you wrote up the report about the December 2005 arrest of Ben Baker and Clarissa Glenn, from just writing RO, referring to yourself instead of referring to an additional officer?
A. I don't remember.
Q. You wrote down Mohammad's name, right?
A. He was the second -- he was my partner at the time, I put him in Box 2, yes.
Q. Okay. And he didn't actually observe what you described in that report, right?
A. No.
Q. And he testified in Court relative to that report, right?
A. I believe he did.
Q. Okay. Do you believe you have a responsibility to intervene there and say, "Hey, wait, a minute. Mohammad's name is on the report; he can't testify he saw this because he didn't?"
MR. BAZAREK: Object to the form of the question. Incomplete hypothetical and it's vague and ambiguous. And are you talking about the actual arrest itself and the seizure? Are you talking about something else later on?
BY MS. KLEINHAUS:

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Q. Okay, go ahead, sir.
A. I think that would've been up to the state's attorney who prepped us before we went out to testify.
Q. Okay. It wasn't your responsibility to correct that?
MR. BAZAREK: Object to the form of the question. Argumentative.
A. I didn't think there was anything to be corrected.
BY MS. KLEINHAUS:
Q. Why not?
A. Because I didn't. I'm used to writing an RO and ROs. I told the state's attorney what I saw.
Q. And you knew that the state's attorney was relying on the report that you wrote, right?
A. Yes.
Q. And you knew that the state's attorney was calling Kallatt Mohammed to testify about things contained in that report, correct?
MR. BAZAREK: Object to the form of the question. And it's also assuming a fact not in evidence.
MR. PALLES: Yeah, lack of foundation, PALLES.
BY MS. KLEINHAUS:
Q. Go ahead.

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A. He was there, the state's attorney was prepping us. I didn't know what was going to happen, because I've been prepped for cases and don't get called.
Q. Yeah. And you didn't ask what was going to happen either?
A. No, I did not.
Q. Okay. Today, do you regret that you signed Mohammad's name to that report when he didn't actually observe what's contained in that report?
MR. BAZAREK: Object to the form of the question. Vague. Ambiguous. Incomplete hypothetical. Lacking foundation.
A. I did what I thought was proper at the time.
BY MS. KLEINHAUS:
Q. So you don't regret it?
A. No.
Q. Okay. I want to talk to you about the March 2005 arrest of Ben Baker. I think we kind of skipped over it chronologically, but do you have a recollection of -- an independent recollection, meaning your own memory of that arrest?
A. Yes.
Q. Okay. Tell me what you recall about that arrest?

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A. I remember hearing members of the team call out that they were chasing Ben Baker or whatever at that location. At that time, I was that --
Q. I'm sorry.
A. -- yeah, on -- at -- at that time of the -- this -- the incident was occurring, I was, again, riding with Sergeant Watts. We were not in the area. We came to the area, and when we got there, Ben Baker was already in custody.
Q. And so who said they were chasing Ben Baker?
A. It was one of the members of the 4512 team. Or no, 264.
Q. You don't know which one?
A. It had to be 264.
Q. Do you know which member of the 264 team that was?
A. I don't remember.
Q. Okay. And so that person was able to call out over the radio in their pursuit that they were chasing, right?
A. It wasn't a long chase, to my understanding.
Q. That's not the question. So that was an occasion where someone during the pursuit said over the radio, "Hey, I'm chasing Ben Baker right now"?
A. That was an occasion.

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Q. Okay. And that was so that other members of the team could perhaps assist in his arrest, right?
A. Yes -- yes.
Q. Okay. And your testimony is that Ben Baker was already in a vehicle by the time you arrived; is that right?
A. Yes.
Q. Did you have any conversation with him?
A. No.
Q. Okay. Did you have any conversation with other members of your team about that arrest?
A. I don't remember.
Q. So you were never part of that foot pursuit, right?
A. No.
Q. Did you hear Ben Baker make any statements relative to that arrest?
A. No.
Q. Okay. What did you do to assist in that arrest?
A. I might've helped prepare some of the reports that were done after the arrest -- during the arrest processing -- processing -- processing.
Q. Do you have a recollection of doing that?
A. I don't know what I actually did.

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Q. Okay. Do you know if someone else put your name down for something?
A. It listed me as an assisting officer.
Q. Do you know if anyone signed your name to anything?
A. I don't know.
Q. Do you know if anyone signed your name as having seen something you didn't actually see?
A. I don't know.
Q. Did you ever testify relative to that arrest?
A. I don't remember.
Q. Would you agree with me that if Officer Gonzalez testified as though he participated in that arrest in the role that Officer Leano actually played, that would be improper?
MR. BAZAREK: Object to the form of the question. Lacks foundation.
A. I don't know.
MR. BAZAREK: It's vague and ambiguous. Go ahead.
BY MS. KLEINHAUS:
Q. Okay. And why don't you know?
A. Because I don't know if Officer Gonzalez testified in that case.
Q. Right. I'm saying assume that he testified in that case as though he played the role that Leano actually played; would there be anything wrong with that?

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MR. BAZAREK: Object to the form of the question and foundation.
A. I believe he would testify for what he did as to what he did, not what Leano did.
BY MS. KLEINHAUS:
Q. Would it be wrong for him to testify as though he did what Leano actually did?
A. If that's what he did.
Q. And why would it be wrong to do that?
A. Because you testified to what you did and what you saw.
Q. Did you ever tell Ben Baker, "I told you we would get you"?
A. No.
Q. Or any words to that effect?
A. No.
Q. Did you have any conversation with Ben Baker about the fact that you had arrested him previously and he had won his motion to suppress?
A. No.
Q. Did you review any testimony related to that March 2005 arrest in preparation for your deposition today?

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A. Which arrest is that?
Q. The one where you say you arrived and he was already in the car?
A. I may have looked at something. I don't remember.
Q. Do you know how many times you testified against Ben Baker?
A. No, I do not.
Q. Do you know how much time he served?
A. No, I do not.
Q. Do you know a person by the name of Van Jordan?
A. No, I do not.
Q. Do you know whether or not you ever demanded drugs from someone named Van Jordan?
A. No, I have not.
Q. Did you ever demand drugs from anyone?
A. No.
Q. Do you know someone by the name of Charles Miller?
A. Yes.
Q. Who's Charles Miller?
A. Charles Miller was a -- pretty much a hype that lived down in 574 area.

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Q. What do you mean by hype?
A. He was a drug addict.
Q. Did he ever provide information to you related to the drug trade?
A. Yeah, he would try to tell everything he could.
Q. Okay. What information did he tell you about the drug trade?
A. I don't remember.
Q. Did you ever rely on any information provided to you by Charlie Miller?
A. Yes.
Q. Okay. On what occasions did you rely on the information that he provided you?
A. I don't recall what -- when it was.
Q. Okay. But you considered him reliable?
A. Sometimes.
Q. Did you ever -- do you know someone by the name of Harold Owens?
A. The name's familiar.
Q. Did you ever receive drugs from Harold Owens?
A. No.
MS. KLEINHAUS: Okay. Why don't we make a short break, please.
THE VIDEOGRAPHER: Okay, we are going off the

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record. The time is 1:20 p.m.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for the deposition of Alvin Jones. The time is 1:55.
BY MS. KLEINHAUS:
Q. Sir, you testified earlier that you reviewed your statements to C.O.P.A. in preparation for your deposition today, right?
A. Yes.
Q. And did you review the interviews related to the investigation of the allegations of Ben Baker and Clarissa Glenn?
A. Yes.
Q. And how much time did you spend reviewing those transcripts of your statement to C.O.P.A.?
A. I don't know.
Q. An hour? More than an hour?
A. More than an hour.
Q. And what's your understanding of the outcome of those investigations?
A. I don't know.
Q. Are you aware that the recommendation -- there was a recommendation to your department?
A. No.

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MR. BAZAREK: Yeah, I was just going to object to foundation as to what you're talking about.
BY MS. KLEINHAUS:
Q. Okay. Did C.O.P.A. recommend that you be separated from the department?
A. I don't know.
Q. Have you ever been told that C.O.P.A. recommended that?
A. No.
Q. Have you ever seen a report that recommends that?
A. No.
Q. Outside of conversations you may have had with your counsel, is right now the first time that you're hearing that C.O.P.A. recommended that you be separated from your department?
A. I heard in passing, but I never saw anything about it.
Q. Who'd you hear it in passing from?
MR. BAZAREK: I object if it's privileged communication.
BY MS. KLEINHAUS:
Q. Right. Outside of talking about it with your attorney, did you ever hear from anyone anything about C.O.P.A.'s recommendation that you be separated from the

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department?
A. I heard it from a friend.
Q. Who is that?
A. Socrates Mabry.
Q. And what's the last name?
A. Mabry.
Q. And does Socrates Mabry work for CPD?
A. Yes.
Q. In what capacity?
A. He's a detective.
Q. And tell me the circumstances under which Detective Mabry told you about C.O.P.A.'s finding.
A. He said that C.O.P.A. held a press conference, recommended I be fired.
Q. And what did you say?
A. Nothing.
Q. You were completely silent?
A. Just completely silent.
Q. Have you ever reviewed any conclusions from C.O.P.A. about whether you violated Rule 14?
A. No.
Q. Have you ever reviewed a C.O.P.A. report, ever?
A. No.
Q. Did you review any C.O.P.A. reports in

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preparation for your deposition?
A. My C.O.P.A. statements.
Q. But no C.O.P.A. reports?
A. No.
Q. Did you have any questions in your own mind about C.O.P.A.'s conclusion from the investigation of the Baker and Glenn allegations?
MR. BAZAREK: Yeah, I'm -- object, as that question lacks foundation.
A. No.
BY MS. KLEINHAUS:
Q. As you sit here today, do you have any curiosity about C.O.P.A.'s conclusions as to your conduct?
A. No.
Q. Do you care what C.O.P.A. concluded?
A. No.
Q. Do you have any plans to work in law enforcement ever again?
A. No.
Q. Do you -- what's your understanding of when C.O.P.A. reached its conclusion in the investigation of the Baker and Glenn allegations against you?
A. I don't know.
Q. Was it before or after you retired?

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A. Before what?
Q. C.O.P.A.'s conclusion -- or I'm sorry. Yeah, C.O.P.A.'s conclusion of its investigation of the Baker and Glenn allegations against you, was that before or after your retirement?
A. I don't know.
Q. Did the conclusion that C.O.P.A. came to that you should be separated from the department have any influence on your decision to retire when you did?
A. No.
Q. Do you disagree with the conclusion that you should have been separated from the department?
A. Yes.
Q. Why?
A. Because I don't think I did anything wrong.
Q. At one point in your interviews with C.O.P.A., you acknowledged to them that signing Mohammad's name to a report he hadn't actually observed the activities recounted in the report was an error; do you recall that?
A. Yes --
Q. Okay. And as you sit here today, do you agree that that was an error?
A. No.
Q. You no longer think it's an error?

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A. I think I was pressured into trying to give them an answer that they wanted in the circumstances and the way they wanted it.
Q. Who pressured you?
A. The investigator kept pushing, pushing for an answer.
Q. So as you sit here today, your position is it's okay to sign someone else's name to a report, even if they didn't observe what's in the report, right?
A. We rely on each other as police officers all the time to tell each other what we saw and what we didn't see, or what happened. And if he was my partner and he signed, I asked him to sign -- if I could sign his name to the report as always, yes. But I relate to him what I saw. So we depend upon each other that.
Q. Okay. Well, my question isn't about you-all relying on each other and depending on each other. My question is: can you sign a report indicating someone observed something they didn't observe? Can -- is there anything wrong with that?
MR. BAZAREK: Object. Form of the question. Foundation. That's my objection.
A. I think that you could sign a report for someone given them secondhand information on what you saw if they was your partner.

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Q. Okay. Well, let's look at what we'll mark as Exhibit 3 then. So Zoom people, this is City BG 2930.
(EXHIBIT 3 MARKED FOR IDENTIFICATION)
MR. FLAXMAN: Sorry, is this 3?
MS. KLEINHAUS: This is 3, yeah.
A. Yes.
BY MS. KLEINHAUS:
Q. Okay. And Exhibit 3 is the VICE case report from the December 2005 arrest of Ben Baker and Clarissa Glenn, correct?
A. Yes.
Q. You drafted this report, correct?
A. Yes.
Q. You signed your name to it, correct?
A. Yes.
Q. And this report refers to ROs meaning reporting officers, correct?
A. Yes.
MR. BAZAREK: Object to the -- you say what specific box you're referring him to and spell out what you're questioning him on?
MS. KLEINHAUS: No.
MR. BAZAREK: Okay. Well object to the form of the question. You're mischaracterizing the case report.

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MS. KLEINHAUS: Okay.
MR. BAZAREK: And what it says.
BY MS. KLEINHAUS:
Q. And RO stands for reporting officers, right?
MR. BAZAREK: Object to the form of the question.
MS. KLEINHAUS: You can answer.
A. Yes.
BY MS. KLEINHAUS:
Q. Okay. And the reporting officers listed here, are you and Kallatt Mohammed, right?
A. Yes.
Q. And is that your signature below Box 45?
A. Yes.
Q. Is that Kallatt Mohammed's signature below Box 46?
A. No.
Q. Okay. Did you sign Mohammed's name?
A. Yes.
Q. The events described in the narrative portion of this report are things that you observed, correct?
A. Yes.
Q. And if I understood your testimony earlier, Mohammed was not present for what transpired or what's described in the narrative of this report, correct?

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A. Not initially, no.
Q. Well, if I understood you correctly, he arrived after Ben Baker was in handcuffs, correct?
A. Yes.
Q. And everything about the stop of the vehicle or observing any criminal activity was before he arrived, correct?
A. Yes.
Q. Okay. Is there anything in the narrative section of this report that you believe Mohammed was there to observe?
A. No.
Q. Okay. And I just want to be clear, it's your position today that there is nothing improper about signing Mohammed's name to this report, correct?
A. Not without asking him, no. I relayed the information to him of what I saw and we were partners.
Q. So what does his signature mean on this?
A. That I -- he had some knowledge and the knowledge he had is what I relayed to him.
Q. So -- and your attorney's nodding along as he has been throughout your testimony about this subject. So it's your testimony that as long as you tell the second arresting officer what you saw, you can sign his name to the report?

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A. If he agrees to it, yes.
Q. Okay. And then he may be called to testify about the report?
MR. BAZAREK: Object to the form of the question. Foundation. Calls for speculation.
MS. KLEINHAUS: Go ahead.
A. I -- I guess so.
BY MS. KLEINHAUS:
Q. I mean, you testified earlier --
A. Yes.
Q. -- as the second arresting officer, you were sometimes called to court, right?
A. Yes.
Q. Okay. And then in your view, it's up to the prosecutor to straighten out that the person listed in as the second arresting officer doesn't actually have any personal knowledge?
MR. BAZAREK: Object to the form of the question. Compound. Vague. Ambiguous. Incomplete hypothetical.
A. Their personal knowledge would be what was relayed to them by their partner.
BY MS. KLEINHAUS:
Q. So your understanding of the term personal knowledge is hearing it from someone else?

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A. Hearing from your partner, yes.
Q. Okay. So the Chicago Police officers on your team had a collective personal knowledge, if one person knew it -- it's the same as everybody having observed it, right?
A. If they told them, yes.
MR. MICHALIK: Objection. Foundation.
BY MS. KLEINHAUS:
Q. Okay. And would it be appropriate then for someone to testify under oath that they participated in activities they were only told about?
A. They would say that I received this information from my partner. That's what I know. That's why I know this.
Q. And it's your understanding that that would be -- Actually, strike that. You can put that to the side.
A. Thank you.
Q. Having reviewed your transcripts of your interviews with C.O.P.A., is there anything that you believe that you omitted in your account to them?
A. No.
Q. Was there anything that you recalled later that you failed to tell them?
A. I don't remember.
Q. When you reviewed your interviews with

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C.O.P.A., is there anything that you believe they failed to ask you that would've been relevant?
A. I don't remember.
Q. What do you mean you don't remember?
A. I don't remember if there was something that from what they -- what I read that they should have asked me.
Q. Okay. So you prepared for this deposition several times, including reviewing the transcripts from those interviews, right?
A. Yes.
Q. Did anything strike you as incorrect?
MR. BAZAREK: Object to foundation. Vague and ambiguous question.
A. I don't know.
BY MS. KLEINHAUS:
Q. Well, when did you last read the C.O.P.A. transcripts?
A. Yesterday, I believe.
Q. Okay. When you read them yesterday, did anything strike you as incorrect?
A. Not -- not -- not to me, Nope.
Q. Okay. Do you stand by the statements that you gave to C.O.P.A.?
A. As far as I know, yes.

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Q. What do you mean as far as you know?
MR. BAZAREK: Objection. Argumentative.
A. I answered the questions that they asked me to the best of my ability.
BY MS. KLEINHAUS:
Q. Okay. You were asked a lot of questions about whether you were actually at a different location right before the Baker and Glenn encounter in December 2005, right?
A. Yes.
Q. And your explanation to C.O.P.A. was that you didn't -- you knew it wasn't possible to be in two places at once, right?
A. Yes. When they asked me that question.
Q. And your explanation was you knew you couldn't be in two places at once, right?
A. No, you can't.
Q. And you said you thought maybe someone got the times wrong?
A. It was a possibility.
Q. Okay. Have you done anything further to investigate that possibility?
A. No.
Q. Do you have any further explanation for how both activities could have been -- how you could have been in two places at once?
A. No.
Q. When you learned -- and I'm sorry, the only non-privileged way that you learned about C.O.P.A.'s recommendation was from Detective Mabry, right?
A. Yes.
Q. And did you speak with him? How did you speak with him about that?
A. Over the phone.
Q. Did he call you or did you call him?
A. He called me.
Q. Okay. And did you ever view any -- I'm sorry. Strike that, please. Did you do any of your own research to find out more about C.O.P.A.'s conclusion?
A. No.
Q. Did you make any plans to try to appeal or challenge their conclusion?
A. No.
Q. Why not?
A. Hadn't thought about it.
Q. When was it that Detective Mabry told you?
A. Last August.
Q. Do you know what C.O.P.A. concluded as to your truthfulness with them during your interviews?
A. No.

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Q. Do you know what they concluded as to your truthfulness when testifying under oath related to Baker and Glenn?
A. No.
Q. Do you care what they concluded?
A. Yes.
Q. Why?
A. Because it seems to be a big deal now. And they took my star and stripped me of my police powers.
Q. Did you ever ask to see the report?
A. No.
Q. Why not?
A. I just never did.
Q. So if I understand your testimony today, you say that you never observed anyone, any member of the Watts Tactical Team plant drugs on anyone, right?
A. No, I haven't.
Q. And to your knowledge, you never were aware of anyone attributing drugs to an individual who didn't have drugs on them?
A. No.
Q. Do you contend that all the allegations in the C.O.P.A. investigation against you were untrue?
A. Yes.
Q. And your spouse is a member of the Chicago

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Police Department; is that right?
A. Yes.
Q. And is your spouse still employed by Chicago Police Department?
A. Yes.
Q. You testified earlier that you retired in May of 2022 because you had enough time in; is that right?
A. Yes.
Q. What's your understanding of how much time you needed in service in order to retire?
A. I have 20 years in service, at least, and 55 years of age to get the insurance.
Q. And how old are you?
A. 56.
Q. And when's your birthday?
A. April 30th.
Q. Okay. I want to turn your attention to Alvin Waddy. Do you know who Mr. Waddy is?
A. I don't recall who he is.
Q. In your preparation for your deposition today, did you review any materials related to Mr. Waddy?
A. Yes.
Q. What did you review?
MR. PALLES: Excuse me. I'm sorry. There's something in my mouth. Listen, it occurs to me. I

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think it would be appropriate for us to go off the record and reconvene pursuant to the state rules or at least make some sort of stipulation right now that we're on to a case that's unrelated to the Watts Coordinated proceedings.
MS. KLEINHAUS: Okay. Well, I think all the parties are aware that the Waddy case is filed in the state court, and we're in agreement that we're trying to complete that case today, along with a number of the federal cases. I don't think we need anything further than that.
MR. PALLES: If everybody else agrees, then fine. Just wanted to be clear that, you know, these were -- we're under a separate set now. This is kind of almost somewhat of a separate proceeding.
MS. KLEINHAUS: Okay.
MR. PALLES: Okay.
BY MS. KLEINHAUS:
Q. All right. So I'm sorry, sir. What materials related to Alvin Waddy did you review in preparation for your deposition today?
A. Case report, arrest report.
Q. Anything else?
A. I believe testimony.
Q. Okay. And did reviewing the case report,

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arrest report, and testimony, allow you to recall who Alvin Waddy was?
A. No.
Q. Is? I'm sorry.
A. No.
Q. Okay. And the testimony that you reviewed, was that your testimony?
A. I believe so, yes.
Q. Do you know who Jermaine Mays is?
A. I recognized him.
Q. You recognized his photo?
A. Yes.
Q. Okay. And what did you -- who did you recognize him to be?
A. A young man who was down there at the time involved in drug activity.
Q. Okay. Did you -- when you recognized him, did it allow you to recall any arrests that you were involved in of Mr. Mays?
A. No.
Q. Do you have any recollection of having any conversations with Alvin Waddy trying to get information from him about the drug trade at Ida B. Wells?
A. No.
Q. In your view, would there be anything wrong

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with stopping someone at Ida B. Wells and trying to get information for them about the drug trade?
A. Stopping them?
Q. Yeah.
A. No, there's nothing wrong with getting information.
Q. Would there be anything wrong with telling him if he got you a gun, you would release someone who was detained?
A. Yes, that would be wrong.
Q. And why would that be wrong?
A. Because you -- you shouldn't be trading. That's against the law to be trading stuff off for an arrest.
Q. Okay. And you were aware of that at the time that you were working in public housing, right?
A. Yes.
Q. Do you ever recall any arrest where Officer Smith announced that he had found drugs on a windowsill?
A. No.
Q. Okay. I'm going to show you what we'll mark as Exhibit 4. This is marked IND DEF-AW 4142.
(EXHIBIT 4 MARKED FOR IDENTIFICATION)
MR. MICHALIK: All right, Tess, is this Exhibit 4?

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MS. KLEINHAUS: Yes.
MR. MICHALIK: Thank you.
MS. KLEINHAUS: Sure.
MR. PALLES: What pages?
MS. KLEINHAUS: It's independent -- or individual Defendant's AW 41 and 42.
MR. PALLES: Okay.
BY MS. KLEINHAUS:
Q. Okay. And is Exhibit 4, the VICE case report related to Alvin Waddy that you reviewed in preparation for your deposition today?
A. Yes.
Q. And you were the author of this report, correct?
A. Yes.
Q. You're listed as first arresting officer, right?
A. Yes. Reporting officer, yes.
Q. Okay. And you signed this report, correct?
A. Yes.
Q. Next to that has in Box 46 Smith and his signature -- I'm sorry. Did you sign for Officer Smith?
A. I signed that.
Q. Okay. And how are you able to determine that you signed that?

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A. That's my handwriting.
Q. Okay. There's no notation on the report that indicates that you signed for Smith, right?
A. No.
Q. Okay. This -- the narrative portion of this report refers to a narcotics suppression mission, right?
A. Yes.
Q. Can you explain what a narcotics suppression mission is?
A. That's when you go to that area or that particular building trying to shut down the drug sales at that building or in that area.
Q. Okay. And I don't mean this to be flippant, but isn't everything that you-all were doing in that area to try to shut down drug sales?
MR. BAZAREK: Object to the form of the question. Vague and ambiguous. Foundation.
A. It was more than that. It was trying to keep people safe in that area.
BY MS. KLEINHAUS:
Q. Okay.
A. Because other things were going on other than narcotic sales.
Q. Okay. Let me see if I can ask it better. Is -- what would distinguish a narcotic suppression

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building -- sorry. What would distinguish a narcotics suppression mission from any other time that you were going to go into the building?
A. You put that point together, as this week we're going to go to this location for this particular activity at this time. Other times, you'd be just walking around or driving around and see something going on and you react to it.
Q. Okay. So what is the way that you're trying to suppress narcotics in this type of mission, just your presence?
A. Your presence in trying to catch the people that are selling narcotics, because you see activity that's going on that relates to narcotic activity.
Q. Okay. And when you would conduct a narcotics suppression mission, who would decide today we're going to go on a narcotics suppression mission?
A. The supervisor.
Q. Okay. And so for example, in this instance for the report we have in front of us, Sergeant Watts would've told the team we're going to do a narcotic suppression mission at --
A. This location.
Q. -- Ida B. Wells. Okay. Now, did reviewing Exhibit 4 refresh your recollection at all about your

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involvement in the arrest of Alvin Waddy?
A. No.
Q. Okay. And do you stand by this report that you -- that it's truthful and accurate?
A. Yes.
Q. Put Exhibit 4 to the side. Did you look at the arrest report of Alvin Waddy when you were preparing for your deposition?
A. Yes.
Q. And did you look at the photo included for that?
A. Yes.
Q. Did reviewing the photo of Alvin Waddy allow you to recall being involved in his arrest?
A. No.
Q. And did you review an inventory report related to Alvin Waddy in preparation for your deposition?
A. Yes.
Q. And were you the officer listed on the inventory report for Mr. Waddy?
A. I'm not sure.
Q. Okay. I'll show you what we'll mark as Exhibit 5. The -- this is IND DEF-AW 43 to 51. I think this is Exhibit 5.
(EXHIBIT 5 MARKED FOR IDENTIFICATION)

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THE WITNESS: Okay. I -- I'm ready.
BY MS. KLEINHAUS:
Q. Okay. You reviewed Exhibit 5?
A. Yes.
Q. And according to Exhibit 5, you were the officer that did the inventory for Mr. Waddy's arrest, correct?
A. That's incorrect.
Q. Okay. Who did which part of the inventory for Mr. Waddy's arrest?
A. Officer Smith looks like that these are, I believe.
Q. And you're listed as the recovery officer, right?
A. Yes.
Q. What does it mean to be the recovery officer?
A. The officer making the recovery what's in the inventory.
Q. Okay. So that would mean that you are the person who obtained drugs in the course of the arrest; is that right?
A. Yes.
Q. Okay. And the -- that is the person likely to be called to testify, correct?
A. Yes.

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Q. All right. And having reviewed Exhibit 5, does that review -- I'm sorry. Refresh your recollection at all as to the arrest of Mr. Waddy and your participation in it?
A. No.
Q. Okay. And you can put that to the side. You reviewed your -- I'm sorry. Strike that, please. When you were working on the Watts Tactical Team, did you ever request to have any narcotics packaging fingerprinted?
A. No.
Q. Were you aware of anyone on your tactical team who did that?
A. No.
Q. Okay. And when was the last time that you reviewed the motion to suppress testimony that you gave in the Waddy case?
A. Couple of days ago.
Q. Okay. Did that refresh your recollection at all about your participation in the Waddy case?
A. No.
Q. Was your testimony truthful?
A. Yes.
Q. Do you stand by that testimony?
A. Yes.

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Q. Is there anything else you can think of that would refresh your recollection as to your participation in the arrest of Alvin Waddy?
A. No.
Q. Are you aware that Mr. Waddy's mother filed a complaint close in time to the arrest alleging that he was framed?
A. No.
Q. Is right now the first time you're hearing that?
A. Yes.
Q. Did anyone from the Chicago Police Department ever ask you any questions related to that allegation close in time to the arrest?
A. No.
Q. To this day, has anyone from the Chicago Police Department ever asked you any questions related to the arrest of Alvin Waddy?
A. No.
Q. Okay. I want to talk to you about Philip Thomas. Do you know -- I think -- I think you --
MR. PALLES: Excuse me. I'm sorry. I'm sorry. Again, this is a problem that I thought might come up. You've now completed a direct examination of Alvin Waddy presumably for use in the state case.

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Okay. Now you're going to move on to some other consolidated cases. On the other hand, the defense hasn't had a chance the question, Mr. Jones, about the Waddy case so that the record of Mr. Jones's deposition in the Waddy case will be clear and segregated for purposes of --
MS. KLEINHAUS: Well --
MR. PALLES: -- dispositive motions.
MS. KLEINHAUS: You can --
MR. PALLES: I guess the long and short of it is, I think it's time for the defense to pose some question to Mr. Jones about the Waddy case and I have a few.
MS. KLEINHAUS: Mr. Palles, I think the parties have agreed there are a number of cases we're covering today. You welcome to conduct an exam about the Waddy case and you can segregate it and make it clear on the record that you're asking about Waddy. And you can put those pages together in anything that you may need to submit for your dispositive motion. So I don't think it's a problem --
MR. PALLES: Beginning now.
MS. KLEINHAUS: No, I -- when I'm done questioning, it'll be the turn of the defendants to

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ask questions.
MR. BAZAREK: Yeah.
MR. PALLES: Well, I'll tell you what then you'd better tell me when your cutoff is today because you need to allow us time. Because as you know, there are discovery cutoffs in the Waddy case much earlier than in any of these coordinated cases.
MS. KLEINHAUS: Okay. And I'm not trying to --
MR. PALLES: As I recall, what, about two weeks? Am I correct?
MS. KLEINHAUS: It's July 26th. And I'm not going to prevent anyone from questioning on Waddy today, who needs to. I did have a discussion with Counsel for Sergeant Jones. We're trying to cover things he has a memory of today, and I'm doing my best to keep my word to Bill on that. So if you can just let us be efficient here, maybe at the next break we can decide when it's best to turn it over. But I -- I'd like to just keep --
MR. PALLES: All right, but we need to preserve our rights --
MS. KLEINHAUS: -- moving because we're kind of wasting time right now.
MR. PALLES: -- of course.

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MS. KLEINHAUS: I wasn't finished.
MR. BAZAREK: Yeah. Well --
MR. PALLES: Mr. Jones has --
MR. BAZAREK: -- here -- here's what I'll say. I'll make Sergeant Jones available for questioning if any defense counsel has it. But we're going to conclude any questioning of Waddy today.
MS. KLEINHAUS: Okay.
MR. PALLES: Okay.
MS. KLEINHAUS: So --
MR. PALLES: That's fine.
BY MS. KLEINHAUS:
Q. All right, sir, so turning your attention to Phillip Thomas, do you remember -- are you familiar with a person named Phillip Thomas?
A. Vaguely, yes.
Q. Okay. What do you remember about him?
A. He's a tall individual that on the occasion of being arrested by me, I observed him placing narcotics in a hole above a door.
Q. Okay. And so you, in your own independent recollection today, have a memory of that arrest; is that correct?
A. Yes.
Q. Okay. Not just testifying about it, but you have an actual recollection of that arrest, right?

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A. Yes.
Q. Okay. And prior to that arrest, were you familiar with Mr. Thomas?
A. Somewhat, yes.
Q. Okay. How were you familiar with him?
A. I had seen him around in the area.
Q. Okay. Were you familiar with him as someone who sold snacks from a cart in that area?
A. It -- it could have been him. But he was in the area, I know.
Q. Okay. So you're not necessarily familiar with him from the cart?
A. I think so. I would say yes.
Q. Okay. Had you ever seen Sergeant Watts have a conversation with Phillip Thomas prior to the incident where you arrested him?
A. I don't recall.
Q. What documents did you review, related to Phillip Thomas, in preparation for your deposition today?
A. An arrest report, a case report, a testimony.
Q. Do you recall testifying at that trial?
A. Yes.
Q. And what do you remember about it?

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A. Phillip Thomas representing himself.
Q. And in reviewing that testimony in preparation for your deposition today, do you stand by it?
A. Yes.
Q. Was it truthful?
A. Yes.
Q. Okay. Prior to the -- I'll represent to you his arrest was in May of 2007. Do you recall what time of day it was that you arrested him?
A. No.
Q. Prior to that arrest, had you made any other arrests that day?
A. I don't recall.
Q. Okay. Do you remember any other arrests you made in May of 2007?
A. Along with Phillip Thomas?
Q. At all in that month?
A. Sandra [sic] Cartwright was arrested, also.
Q. Along with Phillip Thomas?
A. Yes.
Q. Do you have any recollection of any other arrests you made during that month, other than Phillip Thomas and Sondra Cartwright?
A. No.
Q. Was there anything in particular about the

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arrest of Phillip Thomas and Sondra Cartwright that makes it stand out in your mind?
A. Yes.
Q. What?
A. Sandra [sic] Cartwright was standing at the rear door of the building at 574 East 36th Street, directing people into the building for narcotics sales.
Q. And was that unusual?
A. No.
Q. So what made that stick out in your mind?
A. Because I was watching it and it -- Sandra [sic] is a - was a different type of person.
Q. Tell me what you mean by that, please?
A. If you ever came across her, you would not forget her. She had -- she was probably bipolar.
Q. And had you encountered her before the date on which you arrested her and Phillip Thomas?
A. Yes.
Q. Okay. And did you testify at her civil trial?
A. Yes.
Q. And what was it that you say she was calling out on the occasion that you arrested her and Phillip Thomas?
A. She was yelling out and directing people into the -- the building -- into the rear door to buy

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narcotics.
Q. Okay. What was she yelling?
A. I'm not sure. Can I see a report to refresh my mind? Because I know she was yelling out. She was actually yelling out the actual narcotics that were being sold there.
Q. Okay. So your recollection is she was yelling out, like, names of narcotics lines?
A. Yes.
Q. Okay. Had you seen her do that before?
A. Yes.
Q. On how many occasions?
A. Several.
Q. Okay. And did you believe she was associated with any particular drug dealer in the building?
A. No.
Q. Did you know whether she sold drugs?
A. I don't know.
Q. Okay. And who were you with when you observed Ms. Cartwright yelling out names of drug lines?
A. Officer Smith.
Q. And where were you and Officer Smith?
A. At a surveillance point.
Q. Okay. And where was the surveillance point?
A. The surveillance point, at that time, was 575

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East Browning, in a vacant apartment.
Q. How did you gain access to the vacant apartment?
A. I don't recall.
Q. Who else was there besides you and Officer Smith?
A. Just me and Officer Smith.
Q. Why did the two of you set up surveillance there?
A. We were able to get -- gain access to the building so that we could watch and so -- do surveillance on the back of the 574 East 36th Street building.
Q. When you would conduct surveillance, did you keep any kind of surveillance log?
A. No.
Q. Did anyone order you to do surveillance?
A. No.
Q. Was doing surveillance something that you and your partner could just decide to do on your own?
A. Yes.
Q. Do you know whether on this occasion you had received any information from an informant that caused you to do surveillance?
A. I don't remember.

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Q. In the course of your arrest of Sondra Cartwright and Phillip Thomas, did you have to use any force in order to detain them?
A. No.
Q. So I think you described earlier, an encounter with Ben Baker where you and another officer had to kind of wrestle -- you and Officer Young had to wrestle him to the ground. Do you recall that?
A. Yes.
Q. Did you have to use any of those tactics with Sondra Cartwright or Phillip Thomas?
A. I didn't actually see the Sondra Cartwright get placed in custody. But where Mr. Thomas was placed in custody, no, there was no physical confrontation.
Q. Did you slap him?
A. No.
Q. Did you ever ask him where the drugs were at?
A. No.
Q. Or where shit the was at?
A. No. I saw them -- where he put -- placed the narcotics.
Q. Well, my question is just if you ever asked him where the drugs were at?
A. No.
Q. Did you ever see Officer Smith show narcotics

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to Phillip Thomas and say, this is yours?
A. No.
Q. So after you saw -- I'm sorry, strike that please. So the vacant apartment where you and Smith were doing surveillance, what level of the building was that? Like what floor?
A. I believe it was the second floor.
Q. And could you hear what Sondra Cartwright was saying, or just see her?
A. I could hear and see it.
Q. How far were you from her?
A. Maybe 200 feet.
Q. And after you heard -- how many times did you hear her call out drug lines before you broke surveillance?
A. It was about 20 minutes.
Q. And why did you wait the 20 minutes after you heard her calling out drug lines, before you broke surveillance?
A. Wanted to make sure of what was going on. And although she's yelling out, that doesn't mean customers are coming in and out right now. So we had to witness people going in and out of the building to see that it looked like it was actual drug activity going on.
Q. Okay. And so how many people did you see

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going in and out after -- during that 20 minutes?
A. Several.
Q. Anybody that you recognized?
A. No.
Q. Who decided to break surveillance, you or Smith?
A. I don't remember.
Q. When you were doing surveillance, did you ever see Phillip Thomas?
A. No.
Q. What happened after you broke surveillance?
A. When we broke surveillance and entered the building, we went up the stairs to conduct a walkdown and come back, because there was no one in the hallway when -- after they yelled cleanup as we were approaching the building.
Q. Okay. So I think that might be a little bit out of order for me. So after you broke surveillance, what did -- you went downstairs; is that right?
A. Yes.
Q. And then what?
A. We went downstairs from our surveillance point and we ran across to the back door of that building. The back doors are adjacent to each other from those two buildings.

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Q. Okay. And was that back -- was the back door open?
A. Yes.
Q. Okay. And you walked through it?
A. Ran through it ran through it.
Q. Ran through it?
A. Yes.
Q. So after you saw several people during that 20 minute period, go into the building, you broke surveillance and ran over there?
A. Yes.
Q. Okay. What -- was there a reason for the urgency?
A. Yes. Because as soon as they saw us coming, they were going to yell "cleanup," and people were going to be going, running, scattering at the same time the enforcement car was coming, also.
Q. Who was in the enforcement car?
A. Officer Mohammed and Officer Lewis.
Q. And tell me what you mean by enforcement car, please?
A. They were -- they were going to come in and stop where we had told them to stop. And in this particular time, it was Sondra Cartwright, because we had seen her out there directing traffic into the

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building.
Q. Okay. And when you ran into the building, you -- did you -- I'm sorry, is it still that same hallway that leads into the lobby that you just said earlier?
A. Yes. Yes.
Q. Okay. Do you see anyone in that hallway?
A. No. People were coming out of there. And people were going out of the front door, the other way, also. But when we got to the back of that hallway, there was nobody there. So we started up.
Q. Okay. I just want to make sure I understand. You didn't see anyone in the hallway, right?
A. Nope.
Q. And when you got to the lobby --
A. Did not -- didn't go to the lobby.
Q. Okay.
A. Went up the back stairwell.
Q. You went to the back stairwell?
A. Yes.
Q. Okay. You never checked the lobby to see who was there?
A. There was nobody in there. We took a good quick glance, and up the -- up the stairs.
Q. Okay. And you mentioned something earlier about the front door. Did you actually see anyone

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leaving through the front door?
A. Yeah, there were -- you could see people running away from the building -- out the front.
Q. Okay. At the time that you saw them, were they in the lobby or they were already out?
A. They were already out the building.
Q. Okay. And then you and Officer Smith were running up the stairs?
A. We go up the stairs.
Q. Were you running?
A. Yes.
Q. Okay. And where were you running to?
A. To check each floor looking for the possible drug sailor -- seller, or the possible cleanup person.
Q. Okay. The two of you stayed together?
A. I don't think so.
Q. So who ran up the stairs?
A. We both did. We ran up, check a floor, check a floor, check a floor. When I got to the third floor, is where I encountered Mr. Thomas.
Q. Okay. Did you check the second floor?
A. Yeah, I kept -- checked the second floor because I went around to go up to the third floor.
Q. Were you ever in the second floor hallway?
A. Yes.

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Q. Okay. So I'm sorry if I'm misunderstanding --
A. There are two hallways.
Q. Okay.
A. The building --
Q. There are two stairwells or two hallways?
A. Two stairwells.
Q. Two stairwells.
A. Two stairwells. When you come out one stairwell, you can look down the stair hallway. You don't see anybody, you keep on going. Because you can look -- you can look down the same stairwell. The next turn is where the elevators are and the next stairwell, if you don't see anybody, you keep going. Each floor, floor by floor.
Q. Okay. So you checked the second floor, didn't see anyone?
A. Second. No, I didn't see anybody.
Q. Okay. Then you went to the third floor?
A. Then I went to the third floor.
Q. What did you see there?
A. When I got to the third floor, to go around to the other stairwell is where I saw Mr. Thomas placing the narcotics in the hole above the door.
Q. Okay. And you seem like you're pretty good at cardinal directions, so when you say the two stairwells?

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A. Yes.
Q. Can you orient us as to which one?
A. From the first floor in the rear stairwell, the stairway is facing north. It goes up northerly. From the first floor, other one goes up south. When you get to the second floor, you're going up north. From the -- from -- if you go up -- if you go up the stairwell from the rear stairwell, you always going up -- no, you're not always going up north. Because if you keep on going, you can zigzag back. But if you come out, you always end up going north up. But you can also go back up that way to third floor, south. So it -- if it -- in the -- in the stairwell, it goes north-south, north-south. But if you come out into the -- to view the floor, when you go back around again, you're going back up north again.
Q. Okay. What stairwell were you closest to when you encountered Mr. Thomas?
A. The north stairwell.
Q. On the third floor?
A. On the third floor.
Q. Okay. And what did you see in the third floor hallway when you got there?
A. I saw him placing suspect narcotics in a bag in this -- in the hole that was above the door where the

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rock had been hollowed out. The brick had been hollowed out, not the --
Q. Okay. And was anyone else in the hallway besides Mr. Thomas?
A. No.
Q. Okay. Did you yell anything out or announce your office, at all?
A. I grabbed him and put -- placed him in handcuffs and detained him.
Q. Did he say anything to you?
A. I don't remember.
Q. Okay. How far above the door was this hole that you're describing?
A. The door isn't as tall as this door in here. It's not as tall as that. That doorway is not as that -- tall -- tall as this one. The frame of that door, there. They have -- the way the building is built, it's built with, like, cinder -- cinder -- cinder blocks. At the frame across the bottom of those -- excuse me, those cinder blocks, there was a hole hollowed out at the top of there. Within that hole within that frame was a ledge that sat inside of that frame. And he had placed the narcotics inside that hole like this, and they sat in the frame like this, down -- so where you could push it down where you couldn't see it. So if you didn't

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know what you were looking for, you might go past it because you cannot see with -- at first glance, what's up there.

Q. So if I understand you correctly, your testimony is that he pushed it down so it was sort of behind the top of the doorframe?

A. Behind the frame. Yes, he --

Q. Within this hole, so you wouldn't be able to see it?

A. -- he -- he -- he was shoving him down in there, yes.

Q. Okay. So the hole was directly above the doorframe?

A. It was above the doorframe.

Q. There was no portion of wall that was still intact --

A. Yes, there was.

Q. -- between the door and the hole?

A. Between the door and the hole. This is the frame, this is the hole. This is the frame, this is the hole.

Q. Okay. The portion that was still intact -- I'm sorry.

A. My finger would be the frame.

Q. Okay. And the frame that you're describing,

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what's the material that makes up the frame?

A. Metals.

Q. Okay. Did you ever take a photo of that hole?

A. No.

Q. Did -- do you know if anyone else from the Chicago Police Department did?

A. I don't know.

Q. Had you ever found narcotics or any other contraband in that hole?

A. I don't remember that hole.

Q. Okay. Had you found contraband in other holes like that, in Ida B. Wells?

A. Yes.

Q. After you placed Mr. Thomas in handcuffs, did you have any conversation with him at all?

A. Not that I recall.

Q. Are you familiar with the term of building walkdown?

A. Yes.

Q. What's that mean?

A. That means you go through the building, you checking every floors, looking for any illegal activity going on that floor.

Q. And so does that mean start at the top and work your way down?

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A. If you make it up to the top before finding something.

Q. So it means start at the bottom?

A. You have to enter the building. You start at the bottom to get up to the top. Excuse me.

Q. Okay. So for the building walkdown --

A. The building walkdown.

Q. What would you do?

A. You would go to the top of the floor. You go floor by floor, you check it each way, up and down. But for purposes of radioing in and getting a number for being at that location, they called it a building walkdown.

Q. And am I correct that you could do a building walkdown, whether or not there had been any report of illegal activity, or whether or not you had observed any illegal activity there?

A. Yes.

Q. You could just decide to go in and start at the top and work your way down, right?

A. Yes.

Q. Okay. I'm going to show you what we'll mark as Exhibit 6. You can just disregard this first page, okay. Let's start on the back of it. This is marked at the bottom, DO-JOINT 7391 through 93. I've told the

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witness he can disregard that first cover sheet and just turn directly to the first page of the VICE case report. Okay. You've reviewed Exhibit 6?

(EXHIBIT 6 MARKED FOR IDENTIFICATION)

A. Yes, ma'am.

BY MS. KLEINHAUS:

Q. And this is the VICE case report that you authored related to the arrest of Phillip Thomas, correct?

A. That's correct.

Q. And is the report accurate?

A. Yes.

Q. And truthful, correct?

A. Yes.

Q. This is how the arrest happened, right?

A. This is how the arrest happened.

Q. Okay. If you can look -- or I'm sorry, if you look in box 45, it has your name. And then is that your signature below it?

A. Yes.

Q. And did you sign for Officer Smith here?

A. Yes.

Q. And is that because you recognize your own handwriting?

A. Yes.

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Q. Is there any notation on Exhibit 6 that lets you know that you signed on behalf of Officer Smith?
A. No.
Q. Okay. If you look, please, at box 31. It's marked ESV, it's got monetary values there?
A. Yes.
Q. What does ESV stand for?
A. Estimated value.
Q. And can you explain what we see there, it looks like 1,080, forward slash, 75?
A. Yes.
Q. What does that mean?
A. The 1,080 would be the estimated value for the heroin. The 75 would be the estimated value for the one gram of crack cocaine.
Q. And Sergeant Watts approved this report, correct?
A. Yes.
Q. Okay. You can put Exhibit 6 to the side. Why don't we take just a short five-minute break?
THE VIDEOGRAPHER: Going off the record. The time is 3:00 p.m.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for the deposition of Alvin Jones. The time is

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3:07.
BY MS. KLEINHAUS:
Q. Sergeant Jones, are you familiar with who Leonard Gipson is?
A. Yes.
Q. Okay. How do you know Leonard Gipson?
A. He was a drug dealer down in the Ida B. Wells --
Q. And --
A. -- housing project.
Q. I'm sorry, didn't mean to interrupt you. So how did you come to the conclusion that Mr. Gipson was a drug dealer?
A. Because on several occasions we would get information about he would bring the drugs in to the buildings to supply for that day.
Q. Okay. And who received that information?
A. I received it on some occasions.
Q. Okay.
A. And just from individuals walking down there, who would say this is -- this is where Fuzz sells his dope from.
Q. Okay. And so who are the individuals who told you that?
A. Citizens that were in the area.

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Q. But who?
A. I don't know exactly who.
Q. Do you --
A. It was --
Q. Do you know anybody?
A. No. Because there were -- there was so many people walking around down there who just -- who didn't even live there.
Q. Okay.
A. And they were, oh, that's Fuzz building. This is where Fuzz sells his dope out of.
Q. Oh, and who's Fuzz?
A. Leonard Gipson.
Q. Okay. Who told you that Leonard Gipson's nickname was Fuzz?
A. Leonard Gipson.
Q. Okay. And when did Leonard Gipson tell you that?
A. I don't know exactly when it was.
Q. Do you have any idea when it was?
A. Sometime while -- while I was working down there, when I encountered him.
Q. Okay. Did you ever have any conversation with Leonard Gipson about whether or not he sold drugs?
A. Yes.

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Q. Okay. When did you have your conversation with Leonard Gipson about that?
A. I don't know.
Q. How many conversations did you have?
A. With Leonard Gipson? About -- mm, I don't know. Leonard Gipson was one of those people who would talk, so I'd listen.
Q. Okay. And were the -- was the context for these conversations occasions when you would arrest him?
A. No.
Q. Okay. When would it be that he would talk?
A. We'd be walking around down there and see him, and he would talk.
Q. Okay. So he would volunteer to police officers about his own criminal activity?
A. Yes.
Q. And what would he -- what did he tell you?
A. Yeah, I'm selling dope down here and if I get caught, I get caught. I remember that. I don't know when it was, but yes.
Q. Why -- what about that statement sticks out in your mind, causes you to remember it?
A. Because it was a braggadocious.
Q. Was Sergeant Watts present for that conversation?

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A. I don't believe so.
Q. Who was present?
A. I don't remember anybody but me and Fuzz at that time, Leonard -- well, Gipson.
Q. Did you consider Leonard Gipson to be arrogant?
A. Yes.
Q. Was he more or less arrogant than Ben Baker?
A. Equally the same.
Q. And were you annoyed by that?
A. Not really.
Q. No?
A. No. He was just more boisterous and openly speaking than Ben was.
Q. And when Leonard Gipson told you that he was dealing narcotics, did you document that?
A. No.
Q. Why not?
A. Because it was just conversation in passing and nothing that I had concrete evidence to, at that time.
Q. Did you ever complete a contact card relative to your discussion with Leonard Gipson?
A. Not about that, no.
Q. Did you ever complete a contact card related

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to Leonard Gipson at all?
A. I'm not sure.
Q. Did you have any idea, or did you come to any conclusion, about who Leonard Gipson worked with in the narcotics ring?
A. Yes.
Q. Who was it that you believed you worked with?
A. Bobby Coleman.
Q. And why did you believe that?
A. Because they were together all the time.
Q. Any other reason?
A. No.
Q. Okay. And did you have the opinion that -- or I'm sorry. Strike that, please. When did you form the opinion that you thought Leonard Gipson and Bobby Coleman sold drugs together?
A. I don't know exactly when.
Q. Do you have a recollection of Bobby Coleman?
A. He was a tall, dark-skinned guy.
Q. Did you have conversations with Bobby Coleman?
A. Vague -- have some vaguely, yes.
Q. What did you talk with Bobby Coleman about?
A. I don't remember.
Q. Have we talked about all the conversations you recall with Leonard Gipson?

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A. Yes.
Q. And all the conversations consisted of him being braggadocious and you not saying anything?
A. Right.
Q. And not documenting anything, right?
A. Well, initially at some point in time in the beginning, had to make a contact card on him when I first met him. I don't know when that was.
Q. Okay. So you believe you did make a contact card for Gipson?
A. I believe I did, yes.
Q. Okay. Have you ever seen that contact card?
A. No.
Q. What about Bobby Coleman? Did you ever make a contact card relative to your conversations with him?
A. I believe I did.
Q. Why do you believe that?
A. Because when you first meet someone and you don't know who they are, and you stop them and you have a conversation with them, you ask them for their ID. And you take their ID, they'll verify who they are. If you want to run their names for anything, possible warrants, and you have to document the reason for the stop.
Q. Have you ever seen any contact card that you created for Bobby Coleman?

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A. I can't recall.
Q. When did you first meet Bobby Coleman?
A. I don't remember.
Q. Do you know if you met Gipson first or Coleman first?
A. I don't remember.
Q. Did you ever observe Sergeant Watts having any conversations with Bobby Coleman?
A. Yes.
Q. On how many occasions?
A. A couple.
Q. And what -- starting with the first one of those, what were they discussing?
A. I don't know.
Q. Do you remember what any of those conversations were about?
A. No.
Q. Did you ever observe Sergeant Watts tell Bobby Coleman that he should pay Sergeant Watts?
A. No.
Q. Did you ever observe Sergeant Watts having a conversation with Bobby Coleman about -- or strike that, please. Did you ever observe Sergeant Watts tell Leonard Gipson that Gipson should pay him?
A. No.

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Q. Did you ever observe Sergeant Watts tell Gipson that he was going to put something on him?
A. No.
Q. Did you ever observe Watts tell Coleman he was going to put something on him?
A. No.
Q. Were you involved in arrests of Leonard Gipson?
A. Yes.
Q. Do you have recollection of any of those arrests?
A. No.
Q. We're going to start with the earliest of those, chronologically. It's a January 2003 arrest of Leonard Gipson. Do you have any recollection of your role in that arrest?
A. No.
Q. Did you review reports related to the January 2003 arrest of Gipson in preparation for your deposition today?
A. Yes.
Q. What did you review?
A. A case report. Arrest report.
Q. Did you review any testimony?
A. I don't remember.

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Q. Do you know who testified, if anyone, relative to that arrest?
A. I don't remember.
Q. Do you know whether or not Watts was present for that arrest?
A. I don't remember.
Q. And am I correct that there were occasions where Watts was not listed on a VICE case report, but he was present for the arrest?
MR. GAINER: Objection to form and foundation.
A. Yes.
BY MS. KLEINHAUS:
Q. And when did that occur?
MR. GAINER: Same objection. Incomplete hypothetical. Calls for speculation. Go ahead.
A. I'm not sure, but yes, it could -- could happen.
BY MS. KLEINHAUS:
Q. Do you have any recollection of ever conducting surveillance in a vacant apartment with Officers Ridgell and Summers?
A. I don't remember it.
Q. Do you know who Larry Lomax is?
A. No.
Q. Do you know who George Ollie is?

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A. I'm familiar with that name.
Q. Okay. And how are you familiar with George Ollie?
A. He was one of the people who used to be down there at -- in that area.
Q. Did you ever have any conversations with him?
A. I don't recall.
Q. What about Clifford Roberts?
A. Don't remember.
Q. What about Mark Giles?
A. Don't remember.
Q. Is it fair to say you don't know either way if there was any force used in the -- or strike that, please. Did you -- I'm sorry. I believe you testified you looked at the VICE case report relative to the January 2003 arrest?
A. Yes.
Q. Did that refresh your recollection at all about the arrests of Larry Lomax, Bobby Coleman, George Ollie, Clifford Roberts, or Mike -- or I'm sorry, Mark Giles?
A. No.
Q. Is it fair to say you don't know either way whether there was any force used in the course of those arrests?

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A. I don't remember.
Q. Did you have any informants from the Ida B. Wells area that gave you reliable information about Leonard Gipson?
A. No.
Q. What about Bobby Coleman? Did you have any informants that gave you any reliable information about Bobby Coleman?
A. No.
Q. Okay. I Am going to show you what we'll mark as Exhibit 7. And this is City-BG-051644 or 43 to 44. Okay. Having reviewed Exhibit 7, did it refresh your recollection at all about the January 4, 2003, arrest?
(EXHIBIT 7 MARKED FOR IDENTIFICATION)
A. No.
BY MS. KLEINHAUS:
Q. Do you know what role you played in this investigation?
A. No, I don't.
Q. Do you know whether or not you participated in surveillance?
A. I don't remember.
Q. And you don't know the role that Sergeant Watts played; is that correct?
A. No.

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Q. You don't know whether or not you recovered any of the narcotics in the course of this investigation, correct?
A. No, I do not.
Q. Okay. And this VICE case report refers to confidential informant, correct? Using the initial CI?
A. It could be a concerned individual.
Q. Oh, I see. Did anyone on the Watts team have a registered confidential informant that you are aware of?
A. No.
Q. Okay. So on your team, CI stood for concerned individual?
A. Yes.
Q. Okay. And do you know who the concerned individual was for this arrest?
A. No.
Q. Okay. You can put Exhibit 7 to the side.
A. Oh, I'm sorry. I thought you were handing me something. I'm sorry.
Q. Okay. Did you review the arrest reports associated with this January 4, 2003, arrest?
A. Yes.
Q. Did those arrest reports refresh your recollection at all about your participation in the

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arrests?
A. No.
Q. Okay. I am going to show you what I'll mark as Exhibit 8. This is City-BG-031565 and 566.
(EXHIBIT 8 MARKED FOR IDENTIFICATION)
A. Yes.
BY MS. KLEINHAUS:
Q. Having reviewed Exhibit 8, did it refresh your recollection at all about the arrest of Leonard Gipson on January 4th of 2003?
A. No.
Q. Okay. You can put that exhibit to the side. By the way, do you recognize the handwriting on Exhibit 8?
A. No.
Q. And do you know whether Officer Ridgell -- I'm sorry. Strike that, please. Okay. I'm going to show you what we'll mark as Exhibit 9. So it's marked at the bottom City-BG-51643.
(EXHIBIT 9 MARKED FOR IDENTIFICATION)
A. Yes.
BY MS. KLEINHAUS:
Q. Having reviewed Exhibit 9, does it refresh your recollection at all about the arrest of Bobby Coleman in January 2003?

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A. No.
Q. Do you know what your role was in that arrest?
A. No.
Q. Okay. You can put that exhibit to the side. I am going to show you what we'll mark as Exhibit 10. It's marked at the bottom City-BG-052037 and 38.
(EXHIBIT 10 MARKED FOR IDENTIFICATION)
MR. DAFFADA: Did you say 0533?
MS. KLEINHAUS: No. 052037.
BY MS. KLEINHAUS:
Q. Having reviewed Exhibit 10, does it refresh your recollection about the arrest of Larry Lomax?
A. No.
Q. Do you know what your role was in the arrest of Larry Lomax?
A. No.
Q. You can put that exhibit to the side. If you had used any force on Larry Lomax, you would've completed a TRR report for that, right?
A. That's correct.
Q. Should have, I should say. You should have completed a TRR report for that, right?
A. Yes.
Q. Okay. All right. I'm going to show you what we'll mark as Exhibit 11. It's a group Exhibit. And it

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begins at City-BG-56108 and it ends at 56115. Wait, that can't be right. Yes, that is right. Okay.
(EXHIBIT 11 MARKED FOR IDENTIFICATION)
MR. BAZAREK: So you've got multiple arrests on there, right? That's --
MS. KLEINHAUS: Right. Yeah. It's Group Exhibit 11.
BY MS. KLEINHAUS:
Q. So if you can review all of Group Exhibit 11, and let me know when you've done so. So the first two pages of Group Exhibit 11 relate to George Ollie. Do you see that?
A. Yes.
Q. Did reviewing the arrest report of George Ollie refresh your recollection about your participation in his arrest?
A. No.
Q. Okay. And do you recognize your handwriting on these first two pages of Exhibit 11?
A. Yes.
Q. Okay. Is this -- which part of this is your handwriting?
A. The narrative for George Scroggin [sic].
Q. Okay. So turning to the third page of Group Exhibit 11. The handwriting in the narrative section

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for George Scroggins is your handwriting?
A. George Scroggins?
Q. Is it? I thought that's what you said? C
A. Yes.
Q. Okay. So that -- so looking at the page that's marked at the bottom 56110, it's your handwriting in the narrative portion?
A. Yes.
Q. Okay. Did you sign the report for George Scroggins?
A. No.
Q. Or -- I'm sorry. You're listed here as the second arresting officer for Scroggins, correct?
A. Yes.
Q. And is that your handwriting under box 45?
A. No.
Q. Okay. If you turn back to the first page related to George Ollie, you're listed in Box 45 as the second arresting officer, correct?
A. Yes.
Q. Did you write anything in this arrest report for George Ollie?
A. No.
Q. Okay. Did reviewing the report with regard to George Scroggins refresh your recollection at all?

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A. No.
Q. Okay. Turning to the page -- the arrest report for Clifford Roberts, do you see your handwriting anywhere on that report?
A. Yes.
Q. Which portion is your handwriting?
A. The narrative.
Q. Okay. Do you know whether the narrative written there is based on something you observed?
A. It was what I was told.
Q. Okay. And why do you believe it was based on something you were told?
A. Because there were so many arrests and processing of arrests. It was given to me as to what happened, and that's what I wrote down.
Q. Okay. Do you have a recollection of being told what happened?
A. No.
Q. Okay. But you -- so are you just assuming that you were told what happened?
A. No.
Q. So am I understanding you correctly, you didn't observe what's described in the narrative, but it was just -- it was told to you?
A. I don't remember it.

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Q. Okay. So you don't know if you observed it or not?
A. I don't remember it.
Q. Okay. So the Clifford Roberts report in the narrative section, it includes your handwriting there, right?
A. Yes.
Q. But your name is not on the report?
A. No.
Q. I'm sorry. I think I said it the wrong way. You don't see your name anywhere on the report for Roberts, right?
A. No.
Q. And it's your belief that you didn't observe any of the criminal activity as to Roberts, it was just told to you; is that correct?
A. I don't remember the criminal activity that Roberts.
Q. Okay. So you don't know if you observed it or not?
A. I don't remember it.
Q. Okay. My question is, you don't know whether you observed it or not, right?
A. No, I don't remember it.
Q. What's the distinction, sir?

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A. I don't remember what went on with this arrest. And I do know that when we had multiple arrests and there were multiple arrest reports to get done, one person would take an arrest report, would get the narrative from the first arresting officer, and that's what you would do to keep time moving.
Q. Right. And I'm not trying to make it more tedious for you. I'm just -- you don't know whether what's listed here in the narrative is true or not, right?
A. I don't remember it.
Q. You don't know if you were present for any of the criminal activity that Clifford Roberts was accused of being involved in, right?
A. I don't remember it.
Q. Right. And because you don't remember it, you don't know if it happened or not?
A. I just know I don't remember it.
Q. Why can't you agree that you don't know because you don't remember?
A. Because I feel like I'm being pressured to give you an answer that you want me to give you. I just don't remember it.
Q. And is that what happened during your C.O.P.A. interview?

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MR. BAZAREK: Objection. Foundation. Argumentative.

MS. KLEINHAUS: That's fine. I'll withdraw it.

BY MS. KLEINHAUS:

Q. Turn to the next page, sir. Do you see it's for Mark Giles's arrest report?

A. Yes.

Q. Is any of your handwriting on here?

A. No.

Q. Okay. And do you know anything about -- do you have any personal knowledge of Mark Giles being involved in the narcotics trade?

A. I don't remember.

Q. Right. You don't know about it, right?

A. I don't remember.

Q. Okay. Turn back, please. Let's go earlier in the exhibits. Let's look back at Exhibit 10 for Larry Lomax. Are -- is your handwriting on here?

A. No.

Q. Okay. Turn earlier than that. Look at Exhibit 9, please, and tell me if you see your handwriting?

A. Yes.

Q. Okay. Is the narrative section of Exhibit 9, the arrest report of Bobby Coleman, your handwriting?

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A. Yes.

Q. Is that information that was given to you or something that you actually observed?

A. The information was given to me to write this narrative.

Q. Okay. And is your signature anywhere on Exhibit 9?

A. No.

Q. Okay. And it looks like there's a stamp on each of these. Do you see, like, in the bottom right-hand corner of the narrative section?

A. Yes.

Q. Do you know what that is?

A. No.

Q. Okay. Go back one more Exhibit, please, to Exhibit 8. Let me know if you recognize your handwriting on any of that?

A. No.

Q. I want to talk to you about the May 2003 arrest of Leonard Gipson. So a few months after the January 2003 arrest that we just spoke about. Do you have any recollection of your participation in the May 2003 arrest of Leonard Gipson?

A. No.

Q. Did you review reports related to that in preparation for your deposition today?

A. Yes.

Q. And what did you review?

A. Arrest report. Case report.

Q. Do you know whether you testified related to that May 2003 arrest of Leonard Gipson?

A. I don't remember.

Q. Okay. I'll show you what we'll mark as Exhibit 12. This is marked at the bottom City-BG-31563. Okay. Having reviewed Exhibit 12, does it refresh your recollection at all about the May 2003 arrest of Leonard Gipson?

(EXHIBIT 12 MARKED FOR IDENTIFICATION)

A. No.

BY MS. KLEINHAUS:

Q. You were the first arresting officer on this arrest, correct?

A. Yes.

Q. And in the box down below the narrative, do you see where it says, "I hereby declare and affirm under penalty of perjury that the facts stated herein are accurate to the best of my knowledge, information, and belief." Do you see that?

A. Yes.

Q. And you signed your name there, right?

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A. Yes.

Q. And that means that you were affirming under penalty of perjury that the information in the narrative section was true, correct?

A. Yes.

Q. Do you know what any of the assisting arresting officers listed here did to participate in this arrest?

A. No.

Q. Do you know whether or not Sergeant Watts was present for this arrest?

A. I don't remember.

Q. And is it fair to say you can't tell from this report whether Sergeant Watts was there or not, correct?

A. No.

MR. GAINER: Object to form. Go ahead, sir.

A. No.

BY MS. KLEINHAUS:

Q. Should there have -- should there be a VICE case report as well for this arrest?

A. Yes.

Q. Okay. And would you have been the one to complete that as well?

A. Yes.

Q. Do you know who Nicole Parker is?

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A. Yes.
Q. Who's that?
A. She was in a relationship with Leonard Gipson Fuzz.
Q. Okay. And when did you first come to know Nicole Parker?
A. I don't know.
Q. Do you know whether or not she was present for the May 2003 arrest?
A. I don't know.
Q. Do you know whether or not Watts ever told Leonard Gipson, "Let's see if you can bond off of this," or words to that effect?
A. No.
Q. Do you know whether or not Sergeant Watts was the person to handcuff Mr. Gipson in association with this May 2003 arrest?
A. I don't know.
MR. GAINER: Objection. Foundation. Go ahead.
BY MS. KLEINHAUS:
Q. Can you think of anything that would refresh your recollection as to this May 2003 arrest of Leonard Gipson?
A. No.
Q. Put that exhibit to the side. I want to talk

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to you about an August 2007 arrest of Leonard Gipson. Do you recall that arrest?
A. No.
Q. Do you know what your role was in that arrest?
A. No.
Q. Did you review reports related to that arrest in preparation for your deposition today?
A. I believe I did.
Q. Okay. And what did you review?
A. An arrest report. Case report.
Q. Did those reports refresh your recollection at all about your participation in the arrest?
A. No.
Q. Do you know whether or not Sergeant Watts asked Leonard Gipson, "Do you have something for me," or words to that effect?
A. No.
Q. Did you ever hear Sergeant Watts say, "Do you have something for me," to anyone?
A. No.
Q. Did you ever observe Sergeant Watts tell someone, "These are your drugs?"
A. No.
Q. Or words to that effect?
A. No.

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Q. When was the last time that you saw Leonard Gipson?
A. I have no idea.
Q. Okay. I'll show you what I'll mark as Exhibit 13, and this is marked at the bottom CITY-BG-031480, and the following pages. Having reviewed Exhibit 13, did that refresh your recollection at all about your participation in the August 2007 arrest of Leonard Gipson?
(EXHIBIT 13 MARKED FOR IDENTIFICATION)
A. No.
BY MS. KLEINHAUS:
Q. You are listed as the second arresting officer, correct?
A. Yes.
Q. And do you know whether or not you observed what's described in the narrative section?
A. I don't remember.
Q. Okay. You don't know if you observed everything that Nichols observed or not, right?
A. No, I don't remember.
Q. And because you don't remember, you don't know, right?
A. I just don't remember.
MR. GAINER: Objection. Argumentative.

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BY MS. KLEINHAUS:
Q. What distinction are you making between remembering and knowing?
A. I don't remember this incident at all.
Q. Right. And you don't know what happened, right?
A. No.
MS. KLEINHAUS: Okay. Can you please put Exhibit 13 to the side. At this point, I'll turn it over to Joel for whatever Flaxman Plaintiffs.
EXAMINATION
BY MR. FLAXMAN:
Q. I'm going to ask you about one of the arrests that we just covered, so, unless you want a break right now, it'd be -- it's okay to just go right into that?
A. Go ahead.
Q. Okay. Ms. Kleinhaus had asked you about someone named George Ollie and you said you remembered that name?
A. Yes.
Q. Is there anything else besides what you told her that you can remember about Mr. Ollie?
A. No.
MR. FLAXMAN: Let me mark the next Exhibit, and I apologize. Are we on 14?

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THE REPORTER: Yes.
(EXHIBIT 14 MARKED FOR IDENTIFICATION)
BY MR. FLAXMAN:
Q. I'm handing the witness CITY-BG-052230. For the record, the people in the room have a black and white copy, except for the witness has a colored copy. Everyone online should have a colored PDF. Do you recognize this as a mugshot of George Ollie?
A. No. I just recognize the name.
Q. Oh, okay. So seeing his picture doesn't -- that doesn't refresh anything in your mind?
A. No.
Q. Okay. So if this was somebody other than I -- I'm going to strike that. That question didn't come out right. Do you remember ever talking and you can put aside that picture. Do you remember speaking to the man you remember as George Ollie at any time?
A. No.
Q. Okay. If you go back in the Exhibits you already have, at number 7 is a VICE case report dated January 4, 2003. Let me know when you're looking at that please?
MR. PALLES: Joel, could you speak up a little?
MR. FLAXMAN: Sure.
MS. KLEINHAUS: Oh, yeah. You should -- Joel

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should have the microphone. My bad.
MR. FLAXMAN: That won't help on Zoom, but it will on the video.
BY MR. FLAXMAN:
Q. All right. I asked the witness to look at Exhibit number 7?
A. Yes.
Q. Okay. And that was a VICE case report from an arrest dated January 4, 2003. It was an arrest of seven different people; is that right?
A. Yes.
Q. Okay. And the arrest was offender number five is Ollie, George. Do you see that?
A. Yes.
Q. I'm going to give you another Exhibit. I marked this as 15. Exhibit 15 is CITY-BG-052056 to 57. Are you looking at Exhibit 15, sir?
(EXHIBIT 15 MARKED FOR IDENTIFICATION)
A. Yes, sir.
BY MR. FLAXMAN:
Q. Okay. And do you recognize that as an Inventory Sheet from the Chicago Police Department?
A. Yes.
Q. Okay. You're familiar with Inventory Sheets?
A. Yes.

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Q. Okay. And this is for narcotics that were recovered from George Ollie and the date recovered is January 4, 2003; is that correct?
A. Yes.
Q. And that's the same date as the arrest we just looked at the VICE case report for?
A. Yes.
Q. Do you see your name on this Inventory Sheet?
A. Yes.
Q. And where's your name?
A. Found by.
Q. And what's your understanding of what that means?
A. That I found a narcotics that he had.
Q. And do you recall finding narcotics that George Ollie had on January 4, 2003?
A. I don't recall it at all.
Q. Okay. And looking at this document, does that help you remember?
A. No.
Q. Can you tell who prepared this Inventory Sheet?
A. No.
Q. Okay. The first officer listed here is Calvin Ridgell, correct?

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A. Yes.
Q. Okay. And you're listed as the second officer?
A. Yes.
Q. What's your understanding of what the first officer on an Inventory Sheet means?
A. He's the first officer testifying as to what happened in this incident.
Q. Okay. And what's your understanding of what it means to be the second officer on an Inventory Sheet?
A. He may be called to testify in this incident.
Q. Okay. And based on that, would you expect that close to January 4, 2003, you did have a recollection of the arrest that we've been talking about?
A. Yeah, 20 years ago, I may have.
Q. The other, to the left of first officer's name, there's a box that says, Investigator -- excuse me, the box, do you see the box that says Investigating Officer?
A. Yes.
Q. And who's listed there?
A. Calvin Ridgell.
Q. Okay. And what's your understanding of the meaning of investigating officer?

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A. That he's the first officer and he's the one who's testifying about what's in the report of what occurred?

Q. All right. If you go back to the VICE case report, that was Exhibit number 7, and --

MR. MICHALIK: Sorry, Joel, can you give us the Bates number of that one again?

MR. FLAXMAN: Sure. That's CD-BG-051643.

MR. BAZAREK: And 44, it's a two-page document.

MR. FLAXMAN: Right, thanks.

A. Yes.

BY MR. FLAXMAN:

Q. Okay. And that's the VICE case report for this arrest on January 4, 2003, right?

A. Yes.

Q. And we looked at it before, offender number 5 is Ollie, George?

A. Yes.

Q. Okay. And then if you go to the second page, near the bottom of the narrative, it says, "ROS recovered from Offender Number 5 and" -- oh, I won't read the whole thing until you're looking at the right place. Do you see where it says that, near the bottom?

A. Near the bottom. "ROS recovered from Offending Number 5, three small, clear Ziploc baggies

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with white powder, suspect heroin."

Q. Okay. And based on what we looked at on the Inventory Sheet, does that describe you recovering those baggies from Mr. Ollie?

A. I don't remember it.

Q. Okay. But --

A. On the Inventory it says I did.

Q. Okay. Would it list your name if you had not been the one who recovered those baggies on the Inventory?

A. No, it would've listed RO or ROS as -- it would've listed RO or ROS and no.

Q. Okay. Where would it list ROS?

A. In the third where it starts in the sentence.

Q. O. Okay. And I think I'm misunderstanding. I understand that the VICE case report says ROS.

A. Yes, sir.

Q. Based on what we looked at on the Inventory Sheet, would you expect that you were the officer who actually recovered those baggies?

A. Based upon this Inventory Slip, yes.

Q. Okay. And were you one of the reporting officers?

A. Reporting officers here as Ridgell and Summers.

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Q. Okay. And that's -- you're not Ridgell, you're not Summers?

A. No.

Q. When we looked through and I'll -- you can look at them again if you need to, but when we looked through the arrest reports for this VICE -- related to this VICE case report, and no, I'm going to start that question again. Let me know when you're ready?

A. Go ahead.

Q. Okay. After you looked at the VICE case report, you also looked at the seven arrest reports for the people who were arrested that day. Do you recall that?

A. Yes.

Q. And I believe that there were three of them where you identified your handwriting on the narrative section?

A. Yes.

Q. And was that Scrogging, Roberts and Coleman?

A. Yes.

Q. Okay. And for those three arrest reports where you're -- where you wrote the narrative, did you say that you got the information in the narrative from another officer?

A. Yes.

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Q. And how did you know that that was what happened?

A. I don't know that I was helping out fill out reports if that's how I got end up writing that narrative out. If I -- if I wrote a narrative in an arrest report, it was given to me by that arresting officer to help speed up the arrest procedure.

Q. And when you say, by that arresting officer, you mean the officer listed as the first arresting officer?

A. Yes.

Q. Were there ever times where you were listed as the first arresting officer on a report and you gave the information to another officer for that officer to write it up?

A. Yes.

Q. And I think you said that was because -- when you said in this situation, it was likely because you were busy, this whole team was busy with a lot of arrests?

A. Yes.

Q. Can you think of any other times when you would ask another officer to write up the narrative?

A. In a -- in multiple arrest situations where there's a lot of people to be processed.

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Q. And can you think of any other situations?
A. No.
Q. Okay. And having looked over this hasn't changed your recollection that your -- I'm sorry. Having looked at all this, are you still unable to remember the arrest of George Ollie on January 4, 2003?
A. No.
Q. You still don't you?
A. I still don't remember.
Q. Okay. And is there any documents or anything you're aware of that might help you remember?
A. No.
MR. FLAXMAN: Let's just take a break. Go off the record for a minute.
THE VIDEOGRAPHER: Okay. We are going off the record. The time is 4:06.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for the deposition of Alvin Jones. The time is 4:19.
MR. FLAXMAN: Okay. For the folks on Zoom, the last plaintiff we're going to cover here is William Carter. So let's go back on the record.
BY MR. FLAXMAN:
Q. Sir, do you remember somebody named William

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Carter?
A. I remember his face.
Q. Okay. And how do you -- did you look at a picture of his face?
A. Yes.
Q. When was that?
A. As I was preparing for this dep.
Q. Okay. And when you say you remember his face, what do you remember about him, from seeing his face?
A. Dark skinned guy.
Q. Okay. And do you remember anything about speaking to Mr. Carter?
A. No.
Q. Do you remember anything you knew about Mr. Carter?
A. No.
Q. Okay. And do you remember any arrests of Mr. Carter?
A. No.
Q. I'm going to mark Exhibit 16, two pages starting CITY-BG-031023. Do you recognize Exhibit 16 as an arrest report of William Carter on June 18, 2004?
(EXHIBIT 16 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:

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Q. And do you see your name on this report?
A. Yes.
Q. Okay. Are you listed in Box 39 as the Victim Complainant?
A. 39? Yes.
Q. Okay. And you're listed in box 44 as the first arresting/appearing officer?
A. Yes.
Q. And is that your signature above your name?
A. Yes.
Q. And you signed under the words, "I hereby declare and affirm under penalty of perjury that the facts stated here are accurate to the best of my knowledge, information and/or belief?"
A. Yes.
Q. Okay. And do you recall this arrest of Mr. Carter on June 18, 2004?
A. No.
Q. And reviewing the arrest report hasn't helped you remembered it; is that right?
A. No.
Q. The second arresting officer listed here is Officer D. Edwards, correct?
A. Yes.
Q. What's that officer's first name?

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A. Darryl.
Q. Do you know how to spell that?
A. No.
Q. And above Officer Edwards, it says, Deputy Clerk's original signature, and it's D. Brown, and then there's a signature of Sergeant R. Watts. Do you see that?
A. Yes.
Q. Do you recognize that as Sergeant Watt's signature?
A. Yes.
Q. And I'm sorry, I think I did -- your signature, that is your signature to the left of that, right?
A. Yes.
Q. You recognize that you're the one who signed it?
A. Yes.
Q. The -- did you write the narrative section in this arrest report?
A. Yes.
Q. Okay. And how do you know that?
A. Because I signed this report.
Q. If another officer had written the narrative section for you, would that officer sign it?

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A. No.
Q. Okay. So if another officer had written the narrative section, would you be able to tell that?
A. Yes.
Q. And how would you tell that?
A. Most of them couldn't type.
Q. Okay. So you were one of the only officers on the team who could type?
A. Yes.
Q. How did you learn to type?
A. High school.
Q. Was that on typewriters?
A. Yes.
Q. Okay. The narrative section, second sentence says, "The above subject was observed by A/Os." You see that?
A. Yes.
Q. And it's A/Os, right?
A. Yes.
Q. And what's your understanding of what that means?
A. The above subject was observed by arresting officers.
Q. Okay. And are the arresting officers yourself and Officer Edwards?

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A. Yes.
Q. And could that include other officers who participate in the arrest?
A. Yes.
Q. But the report doesn't say?
A. No, it doesn't.
Q. Next to your name where it says, first arresting officer, it has the beat number. Do you see that?
A. Yes.
Q. And is that 4512B as in boy?
A. Yes.
Q. All right. What's your understanding of what a beat number is?
A. What car you were assigned to?
Q. And next to Officer Edwards name, there's a unit number of 715 Boy?
A. Yes.
Q. What's your understanding of what a unit number is?
A. There were three different locations of public housing and 715 Boy was Ida B. Wells.
Q. I'll give you Exhibit, you can put that one aside. I'll give you Exhibit number 17. And this says the Bates Label CITY-BG-031013. Do you recognize

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Exhibit 17 as a mugshot?
(EXHIBIT 17 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. Okay. And is this the picture that you looked at before the deposition?
A. Yes.
Q. Okay. And I think you said that -- so did you recognize the person in this picture?
A. Yes.
Q. Okay. But you didn't recognize that his name is William Carter; is that right?
A. No, I recognized it as William Carter.
Q. Okay. If you'd seen the picture without the name being written on there, would you remember this is William Carter?
A. Yes.
Q. Okay. And can you remember anything else about William Carter?
A. No.
Q. Do you remember that he's somebody that you knew from the Wells Homes?
A. I knew he was down in that area, yes.
Q. Okay. But as you here sit today, you can't remember anything about what he did or what you what --

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you knew about him?
A. No.
Q. I'm going to mark the next Exhibit. We're on 18. Exhibit 18 is two pages. It starts at CITY-BG-031088.
(EXHIBIT 18 MARKED FOR IDENTIFICATION)
MR. DAFFADA: Can you run that number again?
MR. FLAXMAN: Sure. CITY-BG-031088 through 89.
BY MR. FLAXMAN:
Q. Do you recognize Exhibit 18 is the VICE case report for the arrest of William Carter and two other men on June 18, 2004?
A. Yes.
Q. And did you prepare this report?
A. Yes.
Q. How do you know that?
A. I signed it.
Q. Okay. Is that your signature under your name?
A. Yes.
Q. Okay. And next to you is the Officer Edward's name, correct?
A. Yes.
Q. Is that Officer Edward's signature?
A. No.
Q. Okay. Did you sign for him?

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A. Yes.
Q. And why did you sign for Officer Edwards?
A. Because he was my partner at that time.
Q. And was that your regular practice that you would sign for your partner?
A. Yes.
Q. And the approval signature is Sergeant R. Watts number 2640. Do you see that?
A. Yes.
Q. Did you sign for Sergeant Watts?
A. No.
Q. Okay. Did you ever sign for Sergeant Watts?
A. No.
Q. And why not?
A. Because I wasn't a Sergeant. A Sergeant has to approve a case report.
Q. The first offender listed is William F. Carter in box 19. Do you see that?
A. Yes.
Q. Okay. Under his name is another offender, J-A-M-O-N Walker. Do you see that?
A. Yes.
Q. Okay. Do you remember the name of Mr. Walker?
A. No.
Q. Under that is Roy C. Tate, Junior. Do you see

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that?
A. Yes.
Q. And he's also a citizen offender, right?
A. Yes.
Q. Okay. Do you remember Mr. Tate, Junior?
A. No.
Q. All right. And I see you're looking at the VICE case report, so please let me know when you're finished reviewing it, okay?
A. Go ahead.
Q. You finished reviewing the VICE case report Exhibit 18?
A. Yes.
Q. Okay. Did that help you remember the incident described?
A. No.
Q. I'm going to mark as Exhibit 19 and 20 the arrest reports of Mr. Tate and Mr. Walker. I'll ask you to look at them and then I'll put the Bates numbers on the record for everyone on Zoom. Exhibit 19 is CITY-BG-056574, and Exhibit 20 is CITY-BG-056576. They're both two page Exhibits. Is Exhibit 19 the arrest report of Roy C. Tate, Junior dated June 18, 2004?
(EXHIBIT 19 MARKED FOR IDENTIFICATION)

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(EXHIBIT 20 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. And did you prepare this report?
A. Yes.
Q. The -- under Mr. Tate's name it has a box for Alias or Nickname and it says "Lil Crip," L-I-L?
A. Yes.
Q. Does the nickname Lil Crip refresh your recollection of any of this?
A. No.
Q. Okay. Well, when you would prepare arrest reports, was it your practice to ask the arrestee if they had an alias or nickname?
A. Yes.
Q. If you were aware of an arrestee's nickname, would you put it in without asking?
A. Yes.
Q. And is that your signature above your name on the arrest report for Mr. Tate?
A. Yes.
Q. Okay. If you could look now at Exhibit number 20, please. And as Exhibit 20, do the arrest report of Mr. Walker from June 18, 2004?
A. Yes.

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Q. And did you prepare this report?
A. Yes.
Q. And is that your signature above your name?
A. Yes.
Q. At the time of the narrative section, do you see it, "Handwritten has no vehicle"?
A. Yes.
Q. Did you write that?
A. Yes.
Q. And why did you write that?
A. It was a procedure, something for the Second District. When you came in arrest like that, they wanted it on a piece of paper on arrest report.
Q. Whether the arrestee had a vehicle?
A. Yes.
Q. Do you know why they wanted it on there?
A. No.
Q. All right. I give you the next Exhibit and marked as Exhibit 21. Exhibit 21 is KM_003119?
(EXHIBIT 21 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. Do you recognize Exhibit 21 as an Inventory Sheet related to the arrest of William Carter on June 18, 2004?

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A. Yes.
Q. And this, you're listed as the found by officer, correct?
A. Yes.
Q. And the investigating officer?
A. Yes.
Q. And you're also, it says, the first officer?
A. Yes.
Q. Okay. Do you know who prepared this Inventory Sheet?
A. No.
Q. And oh, do you know if you prepared this Inventory Sheet?
A. No, I did not. Okay.
Q. How do you know that?
A. Because that's not my PC number there.
Q. Okay. And do you mean the bottom left corner?
A. Bottom left corner.
Q. Okay. What's your PC number?
A. PC 0I503.
Q. Okay. And I, the letter I, right?
A. I is the letter I.
Q. Move on to number 22. 22 is KM_003117. Do you recognize Exhibit 22 as a Criminal Complaint against William Carter for unlawful possession of a controlled

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substance?
(EXHIBIT 22 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. Okay. And the date of this is June 18, 2004?
A. Yes.
Q. And to be presented the date of the offense is that -- is June 18, 2004, correct?
A. Yes.
Q. And did you prepare this Complaint?
A. No.
Q. And how do you know that?
A. Because I didn't assign it. That's not my handwriting.
Q. Okay. Do you know whose handwriting, and are you talking about the handwriting in the whole document?
A. Whole document.
Q. Okay. Do you know whose handwriting it is?
A. No, I do not.
Q. Okay. And the second line has the complainant's name and that says POA Jones, right?
A. Yes.
Q. Okay. And that's you, right?
A. Yes.
Q. Okay. And the below there's a line that says,

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Complainant's Signature; do you see that?
A. Yes.
Q. And there's a signature on that line?
A. Yes.
Q. And it says PO A. Jones, number 19462?
A. Yes.
Q. Okay. And is that your signature?
A. No.
Q. A few lines down, there's another line that says Complainant's Signature; do you see that?
A. Yes.
Q. Okay. And above that, it says "PO A. Jones, number 19462"; is that your signature?
A. No.
Q. Okay. Do you know why somebody else signed your name on this complaint?
A. Yes.
Q. Why?
A. Because I gave him permission to.
Q. And do you know who it was you gave permission to?
A. No.
Q. And why would you give somebody permission to sign your name on a complaint?
A. Because there was a lot of paperwork to get

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done and they were working on this part of the paperwork.
Q. Do you remember learning, as a Chicago police officer, that it was appropriate to let somebody else sign a complaint for you?
A. I don't remember.
Q. Okay. How did you find out that that was an appropriate practice?
A. From just doing it and seeing other people do it. When we had multiple arrests, seeing other teams do it also.
Q. So it was a normal thing?
A. It was a normal practice.
Q. Did you look at any -- well, have you looked at some of these documents about Mr. Carter before?
A. Yes.
Q. Okay. And did you look at any testimony you gave about Mr. Carter?
A. I don't remember.
Q. Okay. All right, I'm going to mark the next one as 23. Exhibit 23 is a transcript that starts at DO Joint 020998. And the last page is 021005. If you want to look at it, it's fine.
(EXHIBIT 23 MARKED FOR IDENTIFICATION)
A. Okay. Yeah.

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BY MR. FLAXMAN:
Q. Did you know that? Okay. Do you know what a preliminary hearing is?
A. Yes.
Q. And what's a preliminary hearing?
A. Where they establish probable cause for the furtherance of the case.
Q. And I just didn't hear the word. For the what of the case?
A. Furthering of the case.
Q. And when you -- while you were employed as a Chicago police officer, did you often testify at preliminary hearings?
A. Yes.
Q. All right. More than 100 times?
A. Yes.
Q. Okay. And was it always your practice to testify truthfully at preliminary hearings?
A. Yes.
Q. And the transcript that I handed you on -- you can see starting at page 2, you were giving testimony, correct?
A. Yes.
Q. And this was testimony about the arrest of Mr. Carter on June 18, 2004?

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A. Yes.
Q. And if you go back to the first page, you can see the date of this hearing was July 14, 2004?
A. Yes.
Q. So it is fair to say that at this time, you did remember the events that you were testifying about?
A. Yes.
Q. And that if you were called to testify and you didn't remember something, you would've said that, right?
A. Yes.
MR. MICHALIK: Yeah. I'm sorry, Joel, could you just keep your voice up a little bit?
MR. FLAXMAN: Sure.
MR. MICHALIK: Thank you.
BY MR. FLAXMAN:
Q. I don't have any other questions about that. Do you remember that Mr. Carter filed a complaint about his arrest?
A. No.
Q. Okay. Do you remember responding to a complaint filed by Mr. Carter?
A. Don't remember.
Q. Okay. I'm going to mark the next exhibit as 24. This one is marked confidential. So this part of the record should be under that confidential designation.

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(EXHIBIT 24 MARKED FOR IDENTIFICATION)
(CONFIDENTIAL PORTION I REDACTED)
BY MR. FLAXMAN:
Q. Thank you for reminding me of that. Exhibit number 25. I'm going to move to another arrest of Mr. Carter. But before I do that, let me ask one more time. After looking at all those documents about the June 18, 2004 arrest of Mr. Carter, is it still the case that you can't remember that arrest?
(EXHIBIT 25 MARKED FOR IDENTIFICATION)
A. Yes, I do not remember it.
BY MR. FLAXMAN:
Q. Okay. All right. So now I'm going to ask you about a separate one from 2006. I'm handing you what's marked as Exhibit 25. Exhibit 25 is a five-page report beginning on City BG 031037. Is Exhibit 25 the arrest report of William Carter for May 19, 2006?
A. Yes.
Q. And this is a different arrest report form than we looked at before, right?
A. Yes.
Q. Was this one prepared electronically, on the computer?

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A. Yes.
Q. Do you know what year it was that CPD went to computerized reports?
A. I don't remember.
Q. Okay. Do you know who prepared this arrest report?
A. I don't see anything here indicating who prepared it.
Q. Okay. Where are you looking?
A. At the bottom corner is where a PC number would be.
Q. Okay. And if you go to the third page of the arrest report, you're listed as the first arresting officer, correct?
A. Yes.
Q. Officer Smith is listed as the second arresting officer?
A. Yes.
Q. And Officer Smith is listed as the attesting officer; do you see that?
A. Yes.
Q. Okay. From those listings, can you tell who wrote the report?
A. I would have.
Q. You?

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A. Yes.
Q. Okay. And how can you tell that?
A. Because I couldn't have written this report and attested it. Or Smith couldn't have written it and attested it.
Q. Oh, so it was the practice that one officer would write and one officer would attest?
A. Someone else had to attest it. You -- you -- the same officer couldn't attest an arrest report.
Q. Okay. And how'd you learn that?
A. Just when they taught us to train -- how to work on -- do the electronic reports.
Q. Did you get that training at the academy?
A. No, they -- in the district.
Q. Okay. And so just to break it down, because you and Officer Smith are the first and second arresting officers --
A. The first arresting officer could not attest the report.
Q. Okay. And I'm -- and what I think that you're saying, I'm sure you're going to correct me if I'm wrong, is that you can tell it because you and Joe -- and I mean, let me -- try to say the whole thing in a way that makes sense. The first and second arresting officers are you and Officer Smith?

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A. Yes.
Q. And from that, you can tell that one of you wrote it?
A. Yes.
Q. And because Officer Smith is the one that's attesting, you can tell that you're the one who wrote it?
A. Yes.
Q. Okay. And I'm going to give you the VICE case report now, and we'll mark this as Exhibit 26. Exhibit 26 is a two-page report that has -- begins at City BG 031095?
(EXHIBIT 26 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. All right. And is -- this is the VICE case report for the arrest of William Carter and Sandra Berry, B-E-R-R-Y, on May 19, 2006; is that right?
A. Yes.
Q. All right. And do you know who wrote this VICE case report?
A. Yes.
Q. Who wrote it?
A. I did.
Q. Okay. And how do you know that?

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A. I signed it.
Q. Okay. And is that -- that's your signature under -- I'm sorry. At the bottom, Box Number 45, Reporting Officer is A. Jones. And is that your signature under that?
A. Yes.
Q. Okay. And the reporting officer to the right is Officer E. Smith; do you see that?
A. Yeah. Yes.
Q. And is that your signature for Officer Smith?
A. That's my signature.
Q. Okay. And am I right you would've had his agreement for you to sign it, right?
A. Yes.
Q. And was this one done on a typewriter?
A. Yes.
Q. So that at this time, in 2006, the department was only partially computerized?
A. Right.
Q. And the other person listed on here, Sandra Berry; do you remember that name?
A. No.
Q. Okay. I'm going to show you Exhibit Number 27. Exhibit Number 27 is a five-page arrest report beginning on City BG 031117. And that's the arrest

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report for the arrest of Sandra Berry on May 19, 2006; is that right?
(EXHIBIT 27 MARKED FOR IDENTIFICATION)
A. Yes.
BY MR. FLAXMAN:
Q. Okay. Can you tell who wrote this arrest report?
A. Yes.
Q. And who wrote it?
A. I did.
Q. Okay. And how can you tell that?
A. Because once again, Officer Smith attested it.
Q. Okay. So same thing as the arrest report for Mr. Carter?
A. Yes.
Q. Okay. And my question based on looking at these arrest reports and the VICE case report is, do they help you remember these two arrests?
A. No.
Q. And the -- seeing the picture of Ms. Berry doesn't help you remember her?
A. No.
Q. All right, so let me give you the next exhibit.
MR. FLAXMAN: We'll mark it as 28. Exhibit 28

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is four pages. It starts at City BG 15765. This one has a confidential stamp. I'll follow up with counsel about it. For now, we can keep it confidential.

(EXHIBIT 28 MARKED FOR IDENTIFICATION)

THE REPORTER: Do you want to keep the testimony?

MR. FLAXMAN: Yeah, this should be confidential. I'm going to -- I'll follow up with counsel for the city about whether we can discuss that since it's not a -- it is part of a confidential file, but we're not using any of the confidential material from that file, in my opinion.

(CONFIDENTIAL PORTION II REDACTED)

BY MR. FLAXMAN:

Q. But I did want to have you look -- keep looking at Exhibit 26.

A. Yes.

Q. And the VICE case report. And what -- that report says that Mr. Carter and Ms. Barry were arrested at 527 East Browning, correct?

A. Yes, according to this report.

Q. And they were arrested in the rear hallway?

A. Yes.

Q. And is it your understanding that's the --

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would that be, like, the lobby of the building?

A. No.

Q. Okay. What's the rear hallway?

A. That's the -- when you first entered the building and before you get up the stairs to go into.

Q. Okay. And if Mr. Carter had been arrested inside of an apartment inside the building, it wouldn't be right to say that he was arrested in the rear hallway, right?

A. That's correct.

Q. And if he had been arrested somewhere else, you wouldn't have prepared a report saying that he was arrested in the rear hallway?

A. No, I would not have.

Q. Do you remember giving any testimony about the arrest of Mr. Carter on May 19, 2006?

A. No.

Q. Okay. Did you look at any of that testimony? I'm sorry.

A. I don't remember looking at the testimony from this.

Q. Okay. And just to be sure I understand, you may have looked at some testimony by Mr. Carter?

A. Yes.

Q. But you don't remember which testimony?

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A. No.

Q. And none of the -- but whatever you did look at, didn't help you remember it?

A. No.

Q. I'm not going to ask questions about the testimony, but I have a -- we talked before about a preliminary hearing?

A. Yes.

Q. And you don't remember for this 2006 arrest testifying in a preliminary hearing?

A. No.

Q. Okay. Do you remember testifying at a suppression hearing?

A. No.

Q. Okay. And do you know what a suppression hearing is?

A. Yes.

Q. Okay. And is that something that -- would you testify at suppression hearings often as a police officer?

A. Yes.

Q. Did you testify at suppression hearings more than 100 times?

A. I don't know.

Q. Okay. More than 10 times?

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A. Yes.

Q. And what's your understanding what a suppression hearing is?

A. That's where they decide whether the case is going to go or it's going to get thrown out.

Q. Okay. And does the judge decide that?

A. Yes, my understanding.

Q. Okay. And is it your understanding the judge decides that based on the testimony at the hearing?

A. Yes.

Q. Okay. And when you testified at suppression hearings, did you testify truthfully?

A. Yes.

Q. And do you recall that you testified at a trial for Mr. Carter?

A. I don't recall.

Q. Do you remember how many trials you testified at as a Chicago police officer?

A. No.

Q. When was the last time you testified at a trial?

A. 2013.

Q. Do you recall what the trial that was?

A. Civil case with Sandra Cartwright.

Q. Do you remember the last criminal trial you

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testified in?
A. No.
Q. But it was before 2013?
A. Yes.
Q. And as a police officer, did you testify at more than 50 criminal trials?
A. Yes.
Q. And was it your practice to always testify truthfully?
A. Yes.
Q. Okay. Why would you always testify truthfully?
A. Because that's the point of being there, give an honest account for what went on.
Q. Okay. You talked to Ms. Kleinhaus before about being interviewed by C.O.P.A.; do you recall that?
A. Excuse me? I didn't hear you.
Q. Sure. I -- you talked before about being interviewed by C.O.P.A.?
A. Yes.
Q. And you know what C.O.P.A. is?
A. Yes.
Q. Okay. Did C.O.P.A. ever interview about -- interview you about Mr. Carter?
A. I don't recall.

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Q. Okay. Do you recall talking about any cases besides Mr. Baker and Ms. Glenn's?
A. I don't remember.
Q. Having looked at all the exhibits, and listened to my questions, are you still unable to remember the 2006 arrest of Mr. Carter?
A. I don't remember it.
Q. Okay. And is there anything you can think of that would help you remember that arrest?
A. No.
Q. Okay. And I mentioned, I asked you some questions about testimony. If you gave testimony close in time to the arrest, you had done that based on your memory at that time, right?
A. Yes.
Q. And if you had used any force during the arrest of Mr. Carter, would that have been written up in the report?
A. Yes.
Q. Okay. Would that -- would you have also prepared something called a TRR?
A. Yes.
Q. What's a TRR?
A. Tactical Response Report.
Q. And when do you prepare that?

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A. Anytime you have to physically restrain someone in a hostile situation.
Q. Okay. And were there times that you had to do that as a police officer?
A. Yes.
Q. And did you prepare the TRR every time you did?
A. No.
Q. Why not?
A. On one occasion that I can remember, it was two different circumstances of force and I only created one for the first one and I didn't create it for the second one.
Q. Was that a mistake?
A. Yes.
Q. And were you disciplined for that?
A. No.
Q. How did you find out it was a mistake?
A. I was speaking with C.O.P.A.
Q. And what arrest was that for?
A. Lionel White.
Q. And have you done anything to correct that mistake?
A. I haven't had to do another one. I haven't done one since.

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Q. Since that -- since that arrest you have you didn't prepare --
A. I don't think I've -- I don't think I've created one. I don't know. I haven't created a TR in years.
Q. Do you know how many you did over the course of your career?
A. No.
Q. Is it a small number?
A. Yes.
Q. Okay. Less than ten?
A. I don't know. Maybe.
Q. Okay. Let me take a quick break, but I'm just about done. We could go off the record for a minute.
THE VIDEOGRAPHER: Off the record. The time is 5:12.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record for Alvin Jones. The time is 5:18.
MR. FLAXMAN: I don't have any more questions. Thank you for your time today.
THE WITNESS: You're welcome.
MR. BAZAREK: Any follow up questions on the Waddy case?
CROSS-EXAMINATION

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BY MR. PALLES:
Q. Oh, yeah. Okay. If that's where we're headed, yes. I'd like to do few follow-up's on Alvin Waddy, Mr. Johnson. Let me again state for the record that this portion of the deposition is being taken pursuant to Illinois Supreme Court Rules and the local rules that the District Court -- excuse me. I've been there a long time. The Circuit Court and as well as a portion of this transcript that proceeds it. Okay. Now we went over, obviously, some arrest reports on Alvin Waddy indicating that you and Officer Smith were the arresting officers; remember that?
A. Yes.
Q. Okay. And as the -- we also saw your testimony at a preliminary hearing involving Waddy's Co-Defendant and Mr. Mays. You recall that?
MS. KLEINHAUS: Objection to form. Foundation. Mischaracterizes. You can answer.
A. I don't remember what -- are you saying the testimony?
BY MR. PALLES:
Q. Yeah. Did they -- didn't we look at a transcript earlier involving Jermaine Mays' Motion To Suppress?
MR. BAZAREK: Nothing was marked. There was no

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exhibit marked on that.
BY MR. PALLES:
Q. Oh, okay. I'm sorry. It was presented by Dennis. Okay. Well, let me just ask you this. Do you remember testifying at preliminary hearing and following Alvin Waddy?
A. No.
Q. Okay. Do you have any reason to suspect that it was not either you or Smith who testified at his preliminary hearing?
MS. KLEINHAUS: Objection to form. Foundation. You can answer.
A. I don't think so.
BY MR. PALLES:
Q. Okay. In a normal course of events, it would've been one of the two arresting officers to testify --
A. Yes.
Q. Is that correct? Now, given the allegations in the complaint that Alvin Waddy has filed, I need to ask you whether or not you made an agreement with any other member of the Chicago Police Department to frame Alvin Waddy?
MS. KLEINHAUS: Objection to form. Foundation. Calls for a legal conclusion. You can answer.

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A. No.
BY MR. PALLES:
Q. Okay. And as long as we're talking about some of those individual officers, let me ask you specifically whether or not you agreed with my client Kallatt Mohammad to frame Alvin Waddy?
MS. KLEINHAUS: Objection. I'm sorry. Objection. Form. Foundation. Calls for legal conclusion.
A. No.
BY MR. PALLES:
Q. Okay. Did you and Kallatt Mohammed agree that if you deprived Alvin Waddy of his Civil Rights, you would each protect each other from liability?
MS. KLEINHAUS: Objection. Form. Foundation. Calls for a legal conclusion.
A. No.
BY MR. PALLES:
Q. Did you make that agreement with any of the other arresting officers that day?
MS. KLEINHAUS: Objection. Form. Foundation. Calls for a legal conclusion.
A. No.
BY MR. PALLES:
Q. Okay. You were asked earlier, I believe,

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whether or not you recall a CR where Alvin Waddy's mother claimed that Alvin was Frank or was -- yeah, was Frank. Do you recall their line of question?
A. Yes.
Q. Okay. Now, did you recall that his mother claimed that Alvin was framed?
A. No.
Q. Did you recall that his mother actually claimed that Alvin was waiting in line for the coke at the time he was arrested so that he was not actually in possession?
MS. KLEINHAUS: Objection. Objection to form. Foundation. Mischaracter -- I'm sorry. Calls for speculation. You can answer.
A. What was the last part of that again?
BY MR. PALLES:
Q. Yeah. Do you recall that mom said that Alvin didn't have possession of -- didn't have possession. He was waiting in line for the coke when he got busted?
MS. KLEINHAUS: Objection to form. Foundation. Calls for speculation.
A. No.
BY MR. PALLES:
Q. Okay. You don't remember that, okay. All right. Bear with me for one second. I believe that

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will do it. Oh, yeah. Let me just ask you this, just from looking at it from the report. You were teamed with Elsworth Smith that day, right?
MS. KLEINHAUS: Objection to form. You can answer.
A. Yes.
BY MR. PALLES:
Q. Okay. And looking at the VICE case reports and the assisting officers -- well, first of all, do you remember what any of those assisting officers did to help you in that arrest?
MR. BAZAREK: Can -- are you asking him to look at the exhibit the previous exhibit, Counsel?
BY MR. PALLES:
Q. No. I'm asking him with respect to the arrest, does he -- do you recall what any of the other assisting officers did in performance to help you --
MS. KLEINHAUS: Objection.
MR. PALLES: -- to support you and Smith.
MS. KLEINHAUS: Excuse me. Objection to form.
A. No.
BY MR. PALLES:
Q. Okay. Let me ask you this: Looking at the VICE case report, and I don't have it right in front of me. I'm see -- I'm sure you probably do.

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MR. BAZAREK: Well, let me get my client the VICE case report so he can have it in front of him, okay?
MR. PALLES: Okay.
MS. KLEINHAUS: So this is the Waddy VICE case report we're looking for?
MR. PALLES: Yep, Waddy.
MR. BAZAREK: Yeah, let's get it --
MR. GAINER: It's Exhibit 4.
MS. KLEINHAUS: That's Exhibit 4.
BY MR. PALLES:
Q. All right. Based on your experience with the team, does it look to you like Kallatt Mohammed and Officer Lewis were partnered that day?
MS. KLEINHAUS: Objection to form. Foundation. Calls for speculation.
A. Yes, it looks like they were partners on this day.
MR. PALLES: Thank you. That's all the questions I have.
MS. KLEINHAUS: I don't have anything based on that.
CROSS-EXAMINATION
BY MR. GAINER:
Q. Well, I have questions. This is Brian Gainer on behalf of Ron Watts. I have questions related to the Waddy arrest. Officer Jones -- or Sergeant Jones. I apologize. Can you hear me okay?

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A. Yes, sir.
Q. Great. I don't have many questions, but I want to stick with this Exhibit 4, which is INDDEFAW 41 and 42, the VICE case report from April 4, 2007. Are you looking at that?
A. The arrest -- I mean, the VICE case report, Mays and Waddy?
Q. That's right. And up top, if you look at the date, it's 4, April '07, right?
A. Yes.
Q. All right. Now you've been asked a number of questions about this. You're listed as the reporting officer or one of the reporting officers on this report, correct?
A. Yes.
Q. And in box 12 up toward the top, there are a number of police officers listed as victim complainants for this particular arrest, correct?
A. Yes.
MS. KLEINHAUS: Objection to form.
BY MR. GAINER:
Q. And Ronald Watt's name is not among those

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names listed as a victim complainant, correct?
MS. KLEINHAUS: Objection to form.
A. Correct.
BY MR. GAINER:
Q. And as a police officer filling out a VICE case report, if Ronald Watts played a role in this arrest -- I'm not saying if he was around or in the building, but if he played a role in this arrest, you would've put him in this box, correct?
MS. KLEINHAUS: Objection. Form. Foundation. Calls for speculation. Go ahead.
A. Probably.
BY MR. GAINER:
Q. Okay. And in the narrative, if Ronald Watts played a role, a specific role in this arrest as the reporting officer, you would've wrote -- you would've written his name in the narrative, wouldn't you?
MS. KLEINHAUS: Objection. Form. Foundation.
A. Not necessarily.
BY MR. GAINER:
Q. Okay. Well, if Ronald Watts needed to go to court on this case, but his name wasn't in any of the reports, how would the state's attorneys know to notify him?
MS. KLEINHAUS: Objection. Calls for

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speculation.
A. I don't know.
BY MR. GAINER:
Q. Isn't it true that if his name wasn't on any of the reports, like the arrest report or the case report, the state's attorneys wouldn't know to notify him for court?
MS. KLEINHAUS: Objection. Incomplete hypothetical and calls for speculation. Foundation. You can answer.
A. No, they wouldn't know to call him for court.
BY MR. GAINER:
Q. Okay, great. And the names that are in here in box 12, Smith, Bolton, Gonzalez, Leano, Nichols, Lewis, Mohammad, and Jones, that's pretty much everyone on your team at the time of this arrest; is that accurate?
MS. KLEINHAUS: Objection to form and mischaracterizes the document. You can answer.
A. Yes.
BY MR. GAINER:
Q. And Watts is not listed in those boxes as we just discussed, right?
MS. KLEINHAUS: Objection. Asked and answered. You can answer again.

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A. No, he is not.
BY MR. GAINER:
Q. Okay. Now, down below in the in box 48, Watts is listed as the supervisor approving. It's his name and then below that in box 50 is his signature. Do you see that?
A. Yes.
Q. And in your experience to the police officer, you know, that just because a Sergeant approves a case report, it does not mean that the sergeant was on the scene when the incident in the case report happened, correct?
MS. KLEINHAUS: Objection to form. Go ahead.
A. Correct.
BY MR. GAINER:
Q. In fact, the sergeant approving a case report, like Watts did here, is simply indicating that the report is complete as opposed to accurate, correct?
MS. KLEINHAUS: Objection to form. You can answer.
A. Correct.
BY MR. GAINER:
Q. And if you flip to the next page of this document, which is INDDEFAW-42, there's a signature at the bottom after the narrative for Ronald Watts. Do you see that?
A. Yes.
Q. And that signature is, for a similar reason, it's a signature from a supervisor indicating that the report is completed, acceptable, not that it's accurate, correct?
MS. KLEINHAUS: Objection to form. Foundation. Calls for speculation. You can answer, if you know.
A. Correct.
BY MR. GAINER:
Q. Well, I don't want you to speculate, so why don't we read the box next to the signature together? It says, "I have read this report and by my signature indicate that it is acceptable." Do you see that?
A. Yes.
MS. KLEINHAUS: Objection to form.
BY MR. GAINER:
Q. Okay. And it doesn't say this is true or accurate or anything like that, does it?
MS. KLEINHAUS: Objection to form.
A. No, it does not.
BY MR. GAINER:
Q. And you were a sergeant on the Chicago Police Department, correct?
A. Yes.

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Q. And you approved case reports in your time as a sergeant on the police report; is that correct?
MS. KLEINHAUS: Objection to form. You can answer.
A. That's correct.
BY MR. GAINER:
Q. And when you did that, you knew that you were simply approving them for form and whether they acceptable as opposed to whether they were true, correct?
MS. KLEINHAUS: Objection to form. Foundation. You can answer.
A. Correct.
BY MR. GAINER:
Q. And you approved case reports in this fashion, the way that Ron Watts approved this case report, for incidents where you weren't present on the scene, correct?
MS. KLEINHAUS: Objection to form. Foundation as to how Ronald Watts approved case reports. You can answer.
A. Yes.
MR. GAINER: Okay. That's all the questions I have for you. Thank you.
CROSS-EXAMINATION

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BY MR. BAZAREK:

Q. Sergeant Watts, the arrest of Alvin Waddy and Jermaine Mays were lawful arrests, correct?

MS. KLEINHAUS: Objection. Calls --

MR. PALLES: Bill, you said Sergeant Watts. I don't think you meant to say that.

BY MR. BAZAREK:

Q. Let's strike there. Let me try that again. Sergeant Jones, the arrest of Alvin Waddy and Jermaine Mays were lawful arrests, correct?

MS. KLEINHAUS: Objection. Calls for legal conclusion. You can answer.

A. Correct.

BY MR. BAZAREK:

Q. And they were arrested for the narcotics offenses they committed, correct?

MS. KLEINHAUS: Objection to form. Foundation. You can answer.

A. Correct.

BY MR. BAZAREK:

Q. And you would agree during this deposition when you were questioned about Mr. Waddy, Ms. Kleinhaus never provided you with the plea of guilty that Alvin Waddy took to the narcotics offense that he committed, correct?

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MS. KLEINHAUS: Object to the form.

A. Correct.

BY MR. BAZAREK:

Q. Earlier in the deposition, Ms. Kleinhaus was asking you questions about whether or not you appealed any of C.O.P.A.'s findings in terms of their investigation related to cases involving yourself, members of your team, and Sergeant Watts. Do you recall that?

A. Yes.

MS. KLEINHAUS: Objection to form.

BY MR. BAZAREK:

Q. In fact, you filed a grievance based on the investigatory misconduct that C.O.P.A. undertook in its investigation into allegations made against you, correct?

A. Correct.

Q. And in fact that grievance was still pending when you resigned from the police department, correct?

A. Correct.

Q. And you never received any suspension over any allegations that Ben Baker or Clarissa Glenn had made against you; is that correct?

A. Correct.

Q. And during the C.O.P.A. interview of you

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regarding allegations being made by Ben Baker and Clarissa Glenn as well as other individuals who would've been arrested on December 11, '05, C.O.P.A. violated their own rules and regulations in terms of notifying you of allegations being made against you, correct?

MS. KLEINHAUS: Objection. Calls for speculation. Foundation. Calls for a legal conclusion.

A. Correct.

BY MR. BAZAREK:

Q. And C.O.P.A. violated the sergeant's contract by not notifying you of allegations during the interview, correct?

MS. KLEINHAUS: Objection. Calls for legal conclusion. Foundation.

A. Correct.

BY MR. BAZAREK:

Q. Earlier in the deposition you were asked questions about informants. Do you recall that line of questioning?

A. Yes.

Q. Okay. And when you hear the term "informant," what do you take that to mean?

A. A person who is registered to give information

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and get paid for it.

Q. And you in your work, in terms of investigating narcotics activity that was occurring at Ida B. Wells, would've had contact with individuals that were cooperating individuals; is that correct?

MS. KLEINHAUS: Objection to form. Mischaracterizes. You can answer.

A. Yes.

BY MR. BAZAREK:

Q. Or concerned citizen, correct?

A. Yes.

MS. KLEINHAUS: Objection to form.

BY MR. BAZAREK:

Q. And those individuals would and could provide you with information about narcotics activity that was going on at Ida B. Wells, correct?

MS. KLEINHAUS: Objection. Foundation. You can answer.

A. Correct.

BY MR. BAZAREK:

Q. And also -- so a CI could be a cooperating individual; is that correct?

A. Correct.

Q. Or a concerned individual; is that correct?

A. Correct.

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Q. Ms. Kleinhaus was asking you questions about some of the interviews where you went to C.O.P.A. They were -- they -- you were being asked questions and she asked you if you made any incorrect statements or -- do you recall that line of questioning?
A. Yes.
Q. Okay. And, in fact, during interviews with C.O.P.A., there were times during the interviews where you sought to clarify something you had said, correct?
A. Yes.
Q. And, in fact, you answered an interrogatory where you also sought to clarify statements that you had given when you were interviewed by C.O.P.A.; is that correct?
MS. KLEINHAUS: Objection to form and foundation.
A. Yes.
BY MR. BAZAREK:
Q. You also testified earlier that an officer, who was the first arresting officer, at least in your experience, wouldn't be the attesting officer; is that correct?
A. That's correct.
Q. But there could be occasions where the first arresting officer is the attesting officer, correct?

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MR. FLAXMAN: Objection. Asked and answered. Leading.
A. The arresting -- first arresting officer wouldn't attest the arrest report.
BY MR. BAZAREK:
Q. What I'm saying is there could be occasions where the first arresting officer is also noted as the attesting officer, correct?
A. The first arresting officer cannot attest the arrest report.
Q. Okay. Well, looking at Exhibit 13, which is the Leonard Gipson arrest, you had Officer Nichols as the first arresting officer. He was also the attesting officer. Show him. So my only question, Sergeant Jones, is there could be occasions where the first arresting officer is the attesting officer, right?
MR. FLAXMAN: Objection to form. Asked and answered.
A. He's not supposed to be.
BY MR. BAZAREK:
Q. Okay. But it can happen?
A. It can happen if you -- but it's not supposed to be.
MR. BAZAREK: That's all I have.
MS. KLEINHAUS: Okay. I have just a couple

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questions of follow-up based on that. I assume, Paul, you don't have any questions, right?
MR. MICHALIK: I do not have any questions. Thank you.
REDIRECT EXAMINATION
BY MS. KLEINHAUS:
Q. Okay. Sir, you testified earlier that CI could stand for concerned individual?
A. Yes.
Q. Are you aware of anyone else on the Chicago Police Department Force who uses CI to stand for concerned individual?
A. My team used it all the time.
Q. Okay. And you testified a few minutes ago about a grievance that you filed?
A. Yes.
Q. Did anyone help you prepare your grievance?
A. Yes.
Q. Who helped you prepare your grievance?
A. My union attorney.
Q. And who's that?
A. Donna Dowd.
MS. KLEINHAUS: Okay. And Counsel, I don't believe we've received a copy of that yet, so if you can produce that. That's all the questions I have

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for you.
MR. BAZAREK: You do have it. It was produced in litigation.
FURTHER EXAMINATION
BY MR. FLAXMAN:
Q. A couple follow-up's on that. You said that the grievance hasn't been resolved; is that right?
A. I don't know.
Q. Okay. Is it your understanding that the grievance could be resolved after you retire?
A. I don't know.
Q. Okay. You also said you've never been suspended related to the Baker and Glenn investigation by C.O.P.A.; is that right?
A. That's right.
Q. Okay. Can they suspend you now that you've been retired?
A. I don't know.
Q. What could they suspend you from after you're retired?
A. I don't know.
Q. Okay. I don't have anything else.
THE REPORTER: Counsel?
MS. KLEINHAUS: I think we're through.
THE REPORTER: Questions?

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MR. GAINER: I have nothing based on --
THE REPORTER: Thank you.
MR. BAZAREK: Reserve signature.
MR. PALLES: Me, either.
MR. BAZAREK: Reserve signature.
THE REPORTER: We are going off the video record concluding the deposition of Alvin Jones. The time is 5:40.
(DEPOSITION CONCLUDED AT 5:40 P.M.)

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CERTIFICATE OF REPORTER
STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page hereof by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skills and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.



LINDSAY LARSON-TODD,
COURT REPORTER / NOTARY
COMMISSION EXPIRES ON: 11/01/2023
SUBMITTED ON: 08/21/2023

EXHIBIT 17

Royal
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Transcript of the Deposition of
Antwan Bradley

Case: In Re: Watts Coordinated Pretrial Proceedings
Taken On: December 21, 2023

Royal Reporting Services, Inc.
Phone:312.361.8851
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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: WATTS COORDINATED PRETRIAL PROCEEDINGS	)	Case No. 19 cv 1717

The videotaped deposition of ANTWAN BRADLEY taken via videoconference, called by the Defendants for examination, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Emma Sheehy, Certified Shorthand Reporter within and for the County of Cook and State of Illinois, commencing at the hour of 11:04 a.m. on the 21st day of December, 2023.

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ALSO PRESENT:

Michael Keehma, Videographer.

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THE VIDEOGRAPHER: For the record, this is Michael Keehma of Video Instanter. I'm the video device operator for this deposition. Our business address is 134 North LaSalle Street, Suite 1400, Chicago, Illinois 60602.

This deposition is being video recorded pursuant to Federal Rules of Procedure. The deposition for Antwan Bradley. Today's date is December 21, 2023, and the time is 11:05 a.m. Taken in the Watts Coordinated Pretrial Proceedings, case number 19 CV 1717, United States District Court for the Northern District of Illinois, Eastern Division.

Will the witness please identify yourself for the record by stating your name and location, please.

THE WITNESS: My first name, Antwan. Last name, Bradley.

THE VIDEOGRAPHER: This deposition is being video recorded --

THE WITNESS: The location I'm at --

THE VIDEOGRAPHER: Oh, I'm sorry.

MR. FLAXMAN: We're having a real hard time hearing the video recorder. There's some kind of echo

with his voice.

THE VIDEOGRAPHER: Can you hear me now?

MR. FLAXMAN: We can, but you're very quiet.

MR. BAZAREK: Is there some glitch?

MR. FLAXMAN: I mean, we'll make do if we can hear him. Why don't you get started.

MR. BAZAREK: Yeah. I mean, it did sound kind of like it was coming through a tin can listening to it. I agree.

MR. FLAXMAN: Yeah. I mean, you sound fine, though, so I --

MR. BAZAREK: Okay. Well, that's all that's important, really.

All right. Can we swear our witness in? Are we ready to go, or what are we doing? Or -- I'm sorry. Do we need to announce where we are -- all the -- all the different counsel for the parties or not? The videographer? All right. Let's just swear the -- swear the witness in, please.

(Witness duly sworn.)

ANTWAN BRADLEY,

called as a witness herein, having been first duly sworn, was examined and testified via videoconference as follows:

EXAMINATION

BY MR. BAZAREK:

Q. Good morning, Mr. Bradley.

A. Good morning. How you doing?

Q. I'm doing well. My name is William Bazarek, and I represent a number of police officers in these cases that are related to Ron Watts and his team.

So I'm going to be asking you questions today not about the lawsuit that you're filing, but I'm going to be asking you other questions about other events that occurred at Ida B. Wells.

So a couple ground rules. It's important today that you let me finish my question before you answer, or we're going to be talking over each other, okay?

A. Yes.

Q. And it's also important -- I only want you to answer questions that you understand. So if I ask you a question and you don't understand it, can you let me know?

A. Yes.

Q. And would you -- do you agree that you'll only answer questions today that you understand?

A. Yes.

Q. Anytime today, Mr. Bradley, you want to take a break or whatever, just let us know, and you can do so, okay?

A. Yes.

MS. MCELROY: I'm so sorry to interrupt. Brian Gainer is in the waiting room if the court reporter -- here he is. Okay. Thank you.

BY MR. BAZAREK:

Q. Okay. And could you spell your first name?

A. A-N-T-W-A-N.

Q. And do you have a middle name?

A. Edward, E-D-W-A-R-D.

Q. I heard an echo. I'm sorry. Could you say that again?

A. Edward. Edward.

Q. Elward?

A. Edward, E-D-W-A-R-D.

Q. Oh, Edward. Okay.

A. Yeah.

Q. My middle name too. All right. And then --

A. That's my middle name.

Q. And then spell your last name.

A. B-R-A-D-L-E-Y.

Q. And, sir, what year were you -- what's your

birthday?
A. 11/20/1989.
Q. Do you have any nicknames?
A. Yes.
Q. What are your nicknames?
A. My nickname is Tawny.
Q. And then how do you spell Tawny?
A. T-A-W-N-Y.
Q. T-A-W-N-Y?
A. Yes.
Q. Okay. And have you -- how long have you been known by that nickname?
A. Majority of my whole life.
Q. What -- how did you get that nickname?
A. Friends.
Q. Hey, you know, I'm having trouble seeing your full face.
MR. BAZAREK: Is the video recorder getting that?
MR. FLAXMAN: I'll push the tablet back a little. Is that better?
MR. BAZAREK: Yes.
BY MR. BAZAREK:
Q. So you -- you got the nickname from friends?

A. Yes, I got it from my friends.
Q. Okay. And then how old were you when you first got that nickname?
A. I can't recall.
Q. And what does that -- what does that mean, Tawny?
A. It's just a nickname that they gave me.
Q. Okay. Do you know someone named Gregory Young?
A. Yes.
Q. Does Gregory Young have a nickname?
A. Not that I know of.
Q. How old is Gregory Young?
A. I don't -- I don't know.
Q. How do you know Gregory Young?
A. I went to school with his son.
Q. What's his son's name?
A. Keith Owens.
Q. Is Keith Owens deceased?
A. No.
Q. Gregory Young, does he have a nickname of Bebe?
A. Yes. I think that's his nickname.
Q. Is that what you call Gregory Young?

A. No.
Q. What do you call him?
A. I mean, I take that back. I -- I don't call him Gregory Young. I call him by the nickname you just said, Bebe.
Q. And then -- how do you spell Bebe; do you know?
A. No.
Q. So in this deposition, do you want me to refer to Gregory Young as Bebe? Is that easier for you?
A. Yes.
Q. Okay. Bebe is many years older than you, correct?
A. Yes.
Q. Bebe, I believe he's going to turn 60 next year.
Does that sound right?
A. I don't know.
Q. Okay. And tell me -- when did you first meet Bebe?
A. I really can't recall. I met him in grammar school.
Q. And were you -- you were friends with his

son, Keith Owens?
A. Yes.
Q. Is Keith Owens one of your best friends?
A. No.
Q. When's -- when -- let me ask you this.
When was the last time you had any contact with Keith Owens?
A. I have -- since they moved, I haven't seen them in a while.
Q. And when you say "they moved," when was that?
A. When the projects got tore down.
Q. And when you say "the projects," are you talking about the buildings at Ida B. Wells?
A. Yes.
Q. Did you ever live in Ida B. Wells?
A. Yes.
Q. Where did you live at Ida B. Wells?
A. I stayed in the row houses on 38th and Vincennes.
Q. Who did you live with there?
A. My mother, father, and brothers and sisters.
Q. Did you ever live in the extensions?
A. No.
Q. What are the extensions?

A. It's another side of the projects. It's just the high-rise buildings.
Q. Did you go to school in the area of Ida B. Wells?
A. Yes.
Q. Where did you attend school?
A. I attended Doolittle East.
Q. Have you ever been inside the 527 building at Ida B. Wells?
A. Yes.
Q. And what would -- you did not reside there, though, correct?
A. No.
Q. So what -- what would bring you to the 527 building during the time when you lived in the area of Ida B. Wells?
A. Friends.
Q. Who were -- so your friends, did they -- they lived in that building, or they just hung out at that building?
A. My friend, Keith Owens, lived in that building.
Q. Is Keith Owens a drug dealer?
A. No.

Q. Did you have any other friends other than Keith Owens who lived in that building?
A. No.
Q. Do you know an individual named Ben Baker?
A. I know of Ben Baker.
Q. How do you know of Ben Baker?
A. I know Ben Baker from the extensions.
Q. He lived in the 527 building, right?
A. Not for sure if he did.
Q. Do you know Ben Baker's ex-wife, Clarissa Glenn?
A. No.
Q. Do you know any of Ben Baker's children?
A. No.
Q. Did you know Ben Baker to be a drug dealer at the 527 building?
A. No.
Q. At the 527 building, did you know anyone named Winky who sold nachos?
A. No.
Q. Have you ever observed Ben Baker with nachos?
A. No.
Q. Have you ever run from the police?
A. Can you repeat that again?

Q. Have you ever run from the police?
A. Yes.
Q. Did you ever run from the police while you were inside the 527 building at Ida B. Wells?
A. No.
Q. Did you ever have any contact with any police officer while inside the 527 building at Ida B. Wells?
A. No.
Q. At any time when you were in the 527 building at Ida B. Wells, did you possess cocaine?
A. No.
Q. At any time when you were inside the 527 building, did you ever possess heroin?
A. No.
Q. Do you know a Chicago police officer named Douglas Nichols?
A. I can't recall.
Q. At any time when you were in the 527 building, did you ever observe a Chicago police officer when -- strike that.
Were -- were you ever with Bebe inside the 527 building at Ida B. Wells?
A. No.
Q. Have you ever seen Bebe inside the

527 building at Ida B. Wells?
A. Yes.
Q. And when -- when was that?
A. I can't remember.
Q. Do you remember what the circumstances were when you saw Bebe inside the 527 building?
A. No.
Q. Did Bebe sell illegal narcotics --
A. No.
Q. Let me finish.
Did Bebe sell illegal narcotics at the 527 building?
A. No.
Q. Did Bebe sell any narcotics at any time at Ida B. Wells?
A. No.
Q. Have you ever observed Bebe with heroin?
A. No.
Q. Did you ever play dice inside the 527 building at Ida B. Wells?
A. No.
Q. Was there ever an occasion where a police officer approached you and Bebe at the same time?
A. No.

Q. At any time, were you ever with Bebe and Ben Baker was also present?
A. No.
Q. At any time, did -- have you ever observed Ben Baker run from the police?
A. No.
Q. At any time, have you ever observed Bebe run from the police?
A. No.
Q. During 2005, did you ever have any interactions with any member of Ron Watts's tactical team?
MS. KLEINHAUS: Objection to form; foundation.
THE WITNESS: No.
BY MR. BAZAREK:
Q. During 2005, did you ever engage in illegal narcotics activity?
A. No.
Q. Have you ever sold narcotics to anyone at any time?
A. No.
Q. Have you ever possessed illegal narcotics at any time?

A. No.
Q. Were you -- were you born -- strike that.
Growing up, your child -- you know, you're born; you live with your family.
Did you always live in the row houses when you resided at Ida B. Wells?
A. Yes.
Q. I want to just focus on the year 2005.
So in 2005, you would have been 16?
A. Yes. I think so.
Q. And so were you in high school at the time in 2005?
A. I can't recall.
Q. Where did you go to high school?
A. Wendell Phillips.
Q. What year did you first attend Wendell Phillips?
A. I can't recall what year.
Q. What year did you graduate from grammar school?
A. I don't remember.
Q. Well, did you graduate from grammar school when you were 14?
A. I really didn't graduate. I was older

and big enough than the kids in my class, so they automatically pushed me to the next grade.
Q. And when you say "next grade," you meant to high school?
A. Yes.
Q. And how long did you attend -- well, when they pushed you up to the next grade, what grade were you in before they pushed you up?
A. I was in 8th grade and moved to 9th.
Q. Okay. All right. So 9th grade, you're a freshman in high school, right?
A. Yes.
Q. And then did you complete your sophomore year at Phillips as well?
A. No.
Q. Why did you leave Phillips High School?
A. I think -- I left Phillips High School -- I got kicked out. I had to go to an alternative school.
Q. What did you get kicked out for?
A. Fighting.
Q. Did someone get hurt?
A. No.
Q. Have you ever been in a gang?

A. No.
Q. Did you ever hear of a gang called the Gangster Disciples?
A. Yes.
Q. Who are the Gangster Disciples?
A. I really can't say who they are.
Q. Did you have friends in the area of Ida B. Wells that were Gangster Disciples?
A. No.
Q. If you know -- and I know you're not a -- or strike that.
Did you ever report to any police officer that you were in a gang?
A. No.
Q. Do you have any tattoos?
A. Yes.
Q. What -- what tattoos do you have and where on your body?
A. I have one tattoo on my forearm, and I have my kid's name.
Q. Any other tattoos?
A. No.
Q. To your knowledge, did Gangster Disciples control narcotics activity at Ida B. Wells?

A. I don't know.
Q. At any time during the years that you lived at Ida B. Wells, did you ever observe what you believed to be illegal narcotics activity?
A. Yes.
Q. Would you observe that activity at the 527 building at Ida B. Wells?
A. No.
Q. Where would -- where would you observe the illegal narcotics activity at Ida B. Wells?
A. Through the projects.
Q. Were -- did you observe the illegal narcotics activity at particular buildings or where exactly?
A. Just outside the area.
Q. And when you say "outside the area," would that be outside some of the buildings?
A. Yes.
Q. And would the illegal narcotics activity you observed -- would it be outside of some of the extensions?
A. Yes.
Q. Was there -- was there illegal narcotics activity going on at the row houses?
A. Yes.

Q. If you had to -- if you had to gauge where most of the illegal narcotics activity occurred that you observed, would it be at the extensions, or would it be at the row houses?
MS. KLEINHAUS: Objection, calls for speculation.
You can answer.
MR. BAZAREK: I said from what he observed.
BY MR. BAZAREK:
Q. But go ahead.
A. I'd say both.
Q. Equal?
A. Yes.
Q. What -- what type of narcotics could -- strike that.
So would you -- you would observe individuals that you -- appeared to be wanting to buy illegal narcotics.
Is that fair to say?
A. Yes.
Q. And can you just describe what you would see that would let you -- strike that.
Could you describe what you would see that would make you think that was happening in terms of

illegal narcotics activity?
A. Just a lot of people standing around and people screaming out stuff -- screaming out stuff.
Q. And the things that people were screaming out, would that be announcing some type of drug or -- you know, heroin, cocaine, rocks, blow, something like that?
A. Yes.
Q. And do you remember what some of the -- the things that would be yelled out?
A. No.
Q. And would you observe police officers in the area trying to catch the people that were selling drugs?
MR. FLAXMAN: Objection, foundation.
Go ahead and answer.
THE WITNESS: Could you repeat the question again?
BY MR. BAZAREK:
Q. Sure. Were there occasions where you would observe police officers trying to apprehend the individuals that were involved in the illegal narcotics activity?
A. Yes.

Q. And can you -- describe what you would see.
A. Just police jumping out the car, running inside some of the project buildings.
Q. And were they running to where the people were selling the narcotics?
A. Yes.
Q. And then when the police would try and apprehend the people selling narcotics, would the people that were selling narcotics -- would they scatter, run away?
A. I don't know.
Q. And why is that that you wouldn't know?
A. Because I would never see the people running. I would just see police officers running inside the buildings.
Q. Okay. Have you ever -- at any time when you were at Ida B. Wells and you thought that -- strike that -- and you believed to be observing illegal narcotics activity, did you ever hear people yell "cleanup"?
A. No.
Q. Do you know what a cleanup man is?
A. No.
Q. Have you ever heard that drug dealers at

Ida B. Wells would hide the narcotics that they were trying to sell if the police were in the area?
A. No.
Q. Let me go back to Ben Baker.
Have you ever spoken with Ben Baker at any time?
A. No.
Q. Do you -- have you ever heard of the phrase "work a bundle"?
A. No.
Q. Do you know any slang terms for illegal narcotics dealing?
A. No.
Q. Have you ever possessed illegal narcotics while you were in the presence of a police officer?
A. No.
Q. Have you ever discarded illegal narcotics that you had in your hand?
A. What you mean "discard"?
Q. Throw -- throw -- throw it on -- throw it on the ground.
A. No.
Q. Have you ever -- strike that.
Have you ever been in the presence of

someone who possessed illegal narcotics?
A. No.
Q. Have you spoken to -- strike that.
When was the last time you spoke to Bebe?
A. Years. It's been years before I even spoke to him or even saw him.
Q. Did -- did -- at any time when you ever spoke with Bebe, did illegal narcotics come into the conversation?
A. No.
Q. Separate and apart from the arrest -- I know you're bringing a lawsuit. That. But separate from that, have you ever had any negative interactions with a law enforcement officer?
A. Repeat the question again.
MR. BAZAREK: Can you -- can you read that one back, please, Emma?
(Whereupon, the record was read as requested.)
MS. KLEINHAUS: Objection to form.
You can answer.
THE WITNESS: Yes.
BY MR. BAZAREK:
Q. Tell me about it.

A. Being locked up for trespasses.
Q. Anything else?
A. Burglary. Residential burglary.
Q. And how -- how were those negative interactions?
A. I was going to jail for something that I didn't do.
Q. So when were you arrested for burglary?
A. I can't recall exactly what -- when it -- when it happened.
Q. Were you convicted?
A. I pleaded guilty, yes.
Q. Was it -- and who arrested you; do you know?
A. No.
Q. Was it any member of Ron Watts's team?
A. No.
Q. And where were you when you were arrested for the burglary?
A. I can't recall.
Q. Where were you living when you were arrested for the burglary?
A. I was staying 76 East 37th Street, Chicago, Illinois.
Q. Did you go to prison?

A. No. I pleaded guilty to probation.
Q. Was the burglary -- were you arrested on July 25, 2014?
A. I can't recall.
Q. Well, was it in the last ten years when you were arrested for the burglary?
A. I think so.
Q. Okay. And you were arrested at 3702 South Langley, right?
A. I don't know.
Q. Okay. Do you know that address, 3702 South Langley?
A. No.
Q. All right. So you don't -- you don't -- you've never lived at that address?
A. At 3702 South Langley?
Q. Yes.
A. No.
Q. Okay. Have you ever been inside a residence at 3702 South Langley?
MR. FLAXMAN: I didn't -- I didn't hear what you said. Have you ever been -- what was the word?
MR. BAZAREK: I thought I said "inside."
MR. FLAXMAN: Oh, I didn't hear that.

That's why I was asking to clarify. Want to just ask it again?

MR. BAZAREK: Yeah.

BY MR. BAZAREK:

Q. Have you ever -- have you ever been inside a residence at 3702 South Langley?

A. No.

Q. Okay. Just briefly, what were the circumstances of this arrest for burglary in which you pled guilty?

A. What you -- could you -- what you mean?

Q. Well, what happened? What were the circumstances?

A. I was with friends, and we was inside of a vacant apartment just hanging out. And I guess the neighbors called the police and told them somebody was inside. Once the police came, they found us inside and charged us for burglary.

Q. Okay. So it was -- it was a vacant --

A. Yeah, but it had, like, furniture and TVs and stuff still inside the house.

Q. Okay. And was -- was -- do you remember if it was on Langley or some other street?

A. No.

Q. You don't know one way or another?

A. No. I don't remember what street it was on.

Q. Okay. And then -- and then you talked about these trespass arrests.

So why were those a negative experience for you with the police?

A. Because the trespasses I was getting locked up for was in the projects which -- where I stayed at. I was just hanging there because I still had family and friends there. And the police just -- always just locked me up because I didn't have IDs into the buildings where I was at.

Q. Okay. But would you agree at least that the buildings that you were at in your arrest for trespass, you did not live there, correct?

A. Yes. I didn't live there.

Q. I'm sorry. You did or did not?

A. I did -- did not live there.

Q. Okay. But you would visit -- you were going to visit friends?

A. Yeah. My cousin.

Q. Okay. Who's your cousin?

A. Nes Alonz.

Q. Any -- any other individuals -- any other individuals or family members, friends that you were visiting?

A. No. My auntie, she -- Felicia Bradley, she stayed in the row house projects, but she moved from there.

Q. How about the -- the 527 building, were you ever arrested for trespass there?

A. Not that I remember.

Q. You were arrested for trespass at the 574 building, right, and the 575 building?

A. Yes.

Q. Was there narcotics dealing going on at the 574 building and the 575 building, if you -- if you know?

A. Yes.

Q. Do you know any of the drug dealers who sold drugs out of the Ida B. Wells building?

A. No.

Q. Did you ever hear of someone named Big Shorty?

A. Yes.

Q. Who's Big Shorty?

A. I don't really know him personally, but I heard his name before.

Q. Was he a drug dealer?

A. I can't say. I don't know.

Q. How about -- do you know anyone named Patrick Nooner?

A. No.

Q. How about Roy Bennett? His nickname was Shock. Do you know him?

A. No.

Q. How about Harold -- strike that.

How about Harry Seals, do you know him?

A. No.

Q. Do you know an individual named Harold Owens?

A. No.

Q. Do you know if Harold Owens is related to Keith Owens?

MR. FLAXMAN: Objection, foundation.

BY MR. BAZAREK:

Q. If you know.

A. No.

Q. Okay. Let me ask you this.

Do you know someone named Elgen Moore?

A. No.

Q. How about Bryant Patrick, do you know him?

A. No.

Q. Do you know an individual named Jamar Lewis?
A. No.
Q. His nickname was Tweet or Black Boy.
A. No.
Q. At any time, did you ever observe Ben Baker run from the police?
A. No.
Q. Have you ever been on the third floor of the 527 building at Ida B. Wells?
A. No.
Q. Have you ever observed Bebe at any time with illegal narcotics?
A. No.
Q. Do you know any police officers that were on Ron Watts's team?
MS. KLEINHAUS: Objection, foundation.
You can answer. And form.
MR. FLAXMAN: Yeah. Go ahead. Do you mean did he know them personally, know their names?
MR. BAZAREK: Yeah.
BY MR. BAZAREK:
Q. If you know them in any manner, name --
A. I knew -- I knew Ron Watts and Alvin Jones.
Q. Did you -- did you know any other officers

on Watts's team?
A. No.
Q. Okay. Did you ever have any -- other than Alvin Jones and Ron Watts, did you ever have any interactions with any other officers that were on Ron Watts's team?
MR. FLAXMAN: Objection, foundation.
THE WITNESS: No.
BY MR. BAZAREK:
Q. Tell me about your interactions with Alvin Jones.
A. I was standing on the front of the 575 building in the extensions with a friend waiting on my cousin to come down. At that time, Alvin Jones and Ron Watts pulled up to the building where I was at and started questioning and handcuffing me, wanted to know do I know anyone who have drugs or sold drugs. Basically roughing me up for information to get someone locked up.
Q. And who was the friend you were with?
A. Christopher Washington.
Q. Could you say that again?
A. Christopher Washington.
Q. Christopher Washington?

A. Uh-huh.
Q. Yeah. I think -- did he do an affidavit for you, or have you ever --
A. Yeah. He got -- he actually got locked up with me, but I don't really know what his charge was. He didn't go to the jail that I went to. They basically took him to the -- took both of us to the police station, charged me for drugs. And I think they charged him for trespassing, whatever, and let him go home.
Q. Yeah. I'm not -- and I don't want to talk about your -- you know, the -- really, the lawsuit. But I wanted to talk about when you said he got roughed up, was that a different day when you said he got roughed up?
A. No. That was the same day.
Q. Okay. Did you ever have any other negative interactions, other than that one, for that particular day?
MR. FLAXMAN: You mean with -- are you talking about with Alvin Jones?
MR. BAZAREK: Yeah. With -- with -- yeah. Yes. He's -- yeah, because he's only had interactions with Jones and Watts.

THE WITNESS: No. That was the only time.
BY MR. BAZAREK:
Q. So it was just one negative interaction, and that was with both Watts and Jones, right?
A. Yes.
Q. Prior to that day, did you ever -- or strike that.
Prior to that day, the negative interaction you -- you testified to, had you ever had other interactions with Jones or Watts?
A. No.
Q. Did you know who they were before the day you had the negative interactions with them?
A. Yes.
Q. How did you know who they were?
A. I done been -- police officers always coming through the projects.
Q. Has -- strike that.
Did -- did Ben Baker at any time ever ask you to be a witness for him in any of his criminal court proceedings?
A. No.
Q. Did any attorney who identified himself as an attorney for Ben Baker ever reach out to you to

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talk to you?
MS. KLEINHAUS: Objection to form. Do you mean in the criminal cases?
MR. BAZAREK: Yeah. Yeah. Yeah. Yeah. Yeah. Yes.
MR. FLAXMAN: Want to just put a time period on it to make it simpler?
MR. BAZAREK: Let me -- I'll ask another question.
BY MR. BAZAREK:
Q. You've already testified you know Ben Baker, right?
MR. FLAXMAN: Objection to misstates testimony.
BY MR. BAZAREK:
Q. Do you know -- do you know -- do you know Ben Baker, or do you know of Ben Baker?
A. Yes. I know of Ben Baker.
Q. Okay. And then I want to make sure I understand.
What -- what is it that you know of Ben Baker?
A. I just know -- know him by Ben and know that I always saw him around in the projects.

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Q. And when you saw him around in the projects, what -- what would he be doing?
A. Just walking around talking to people.
Q. Did Ben Baker have a dog?
A. Not that I know of.
Q. Okay. Have you ever been inside Ben Baker's -- strike that.
During the time when the -- when the extensions were still up, were you ever inside Ben Baker's apartment?
A. No.
Q. Have you ever worked for any individuals who worked for Ben Baker?
A. No.
Q. And the reason why I'm asking you is because Ben Baker, when he -- he testified at deposition, he said that, you know, maybe you would have worked for someone who sold drugs for him.
MS. KLEINHAUS: Objection to form.
You can answer.
MR. FLAXMAN: I object. Is there a question, Bill?
MR. BAZAREK: Yeah. You know, let's -- let's read back -- let's read back what I just asked

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him. Yeah. It might not be a question, so I want to -- I want to read it back.
(Whereupon, the record was read as requested.)
BY MR. BAZAREK:
Q. Right. So did you ever work for anyone who sold drugs for Ben Baker?
MS. KLEINHAUS: Objection; form, foundation.
MR. FLAXMAN: You can answer the question.
THE WITNESS: No.
BY MR. BAZAREK:
Q. Ben Baker testified at his deposition that you had a bag of cocaine inside the 527 building on March 23, 2005; is that true?
MS. KLEINHAUS: Objection --
THE WITNESS: No.
MS. KLEINHAUS: -- form.
BY MR. BAZAREK:
Q. So if Ben Baker said that you had cocaine on your person on March 23, 2005, Ben Baker is lying, right?
MR. FLAXMAN: Objection --
MS. KLEINHAUS: Objection to form.
MR. FLAXMAN: Objection; misstates the

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testimony, foundation.
MR. BAZAREK: Well, we're going to -- we're going to go through the testimony. That's not a problem.
BY MR. BAZAREK:
Q. But go -- you could answer the question.
A. You say is he lying?
Q. Yes.
A. Yes.
Q. Why -- why do you think Ben Baker would give false testimony at a deposition and say that you were in possession of cocaine on March 23, 2005?
MR. FLAXMAN: Objection --
MS. KLEINHAUS: Objection; form, foundation.
MR. FLAXMAN: Objection; misstates the testimony, foundation.
You can answer.
THE WITNESS: I don't know.
BY MR. BAZAREK:
Q. Are you on bad terms with Ben Baker that he would just be making, you know, false allegations against you?
MR. FLAXMAN: Objection; asked and answered, vague, foundation.

THE WITNESS: No.
BY MR. BAZAREK:
Q. What do you think about that, that Ben Baker is saying that you and Bebe were selling illegal narcotics out of the 527 building on March 23, '05?
MS. KLEINHAUS: Objection, calls --
MR. FLAXMAN: Objection, foundation --
MS. KLEINHAUS: Sorry. Go ahead, Joel.
MR. FLAXMAN: Foundation and misstates testimony.
MS. KLEINHAUS: Objection, calls for speculation.
MR. FLAXMAN: Go ahead.
THE WITNESS: You said what do I think of it?
BY MR. BAZAREK:
Q. Yes.
A. I think all of the lying is not truth.
Q. Does that get you angry --
A. No.
Q. -- that Mr. -- no?
A. No.
MR. BAZAREK: All right. Let's take about a ten-minute break, and I'm going to circulate exhibits for this deposition before we -- say it again.

THE VIDEOGRAPHER: The time is 11:56 a.m. We're going off the record.
(Whereupon, a break was taken, after which the following proceedings were had:)
THE VIDEOGRAPHER: The time is 12:06 p.m. We're back on the record.
BY MR. BAZAREK:
Q. Mr. Bradley, did any police officer ever recover drugs from you and plant those drugs on Ben Baker?
A. No.
Q. Did any police officer retrieve cocaine that you threw to the ground and planted it on Ben Baker?
A. No.
Q. Could you describe what your relationship was with Ben Baker, if any?
A. We don't have a relationship.
Q. Have you ever spoken to him?
A. I spoke -- yeah. I spoke to him before by saying, what's up, Ben? That's about it.
Q. So there was no animosity or anything between you two, as far as you knew?

A. No. I ain't got nothing against him.
Q. So why do you -- you know, why do you think he would be saying these false things about you selling cocaine on March 23, 2005?
MS. KLEINHAUS: Objection --
MR. FLAXMAN: Objection --
MS. KLEINHAUS: Sorry. Go ahead, Joel.
MR. FLAXMAN: Objection, foundation.
MS. KLEINHAUS: Objection to form; asked and answered; calls for speculation.
You can answer.
THE WITNESS: I don't know.
MR. BAZAREK: Okay. Can we put up on the -- on the screen Deposition Exhibit 1? That will be the transcript from August 9, 2023, of Ben Baker, a portion.
THE VIDEOGRAPHER: I apologize. The -- they're still populating. Stand by.
MR. BAZAREK: Okay.
THE VIDEOGRAPHER: What one -- which one was it? Exhibit 1?
MR. BAZAREK: That will be Exhibit 1. And what I'd like you to do -- it won't take long. But I'd like to have the witness review -- first

review that portion of the transcript, and then I'm going to have some questions.
THE VIDEOGRAPHER: Which page would you like, sir?
MR. BAZAREK: Let's go to the second page.
BY MR. BAZAREK:
Q. Are you able to read it, sir? I can read it out loud for you if that's easier. I have no problem reading it.
A. Yeah. That's fine.
Q. Okay. All right. So I'm going to read you Mr. Baker's sworn testimony that was given on August 9, 2023. And for context, sir, we're -- I mean, I'm asking him questions about his arrest on March 23, 2005, okay?
A. Okay.
Q. So I'll start, and it's on page 222.
Question: Was that -- is that what you did on March 23?
Answer: I'm not sure. Maybe at some point.
Question: All right. Tell me what you remember.
Answer: During that day?

Question: Tell me what you remember about March 23 when you first came into contact with any police officer.
Answer: I remember coming downstairs.
Question: Where were you coming from?
Answer: That's what I don't remember, whether it was Winky's house or whether it was Mika's house. I was coming down the stairs, and when I passed the fourth floor and coming down to the third floor --
Question: What building are you in?
Answer: 527. And as I'm coming down the stairs, when I get to, like, the fifth or fourth step from the bottom to land on the third-floor landing, that's when Officer Nichols stepped out the hallway, but Bebe and Tawny was in

the hallway.
Question: When did you first see Bebe?
Answer: As I'm coming down the stairs, I see Bebe and Tawny right there.
Question: Was that the first time you saw them that day?
Answer: --
MR. FLAXMAN: Bill, we don't see that on the screen. You just -- you just kind of passed it on the screen.
MR. BAZAREK: Sorry. Did you get there? So it's at the bottom.
MR. FLAXMAN: Yeah. Now we see, was that the first time you saw them that day?
BY MR. BAZAREK:
Q. Okay. Yeah.
Was that the first time you saw them that day?
Answer: I can't say that's the first time I saw them that day. I don't know.
Question: Did Bebe or Tawny ever

sell narcotics for you?
Answer: Well, Bebe have -- like, maybe worked a bundle, but, like, he wasn't, like, someone, like, was on my payroll. He probably worked a bundle or so.
Question: When you say "worked a bundle," what does that mean?
Answer: The bags that was in each -- in a particular bag. Like, you had the individual bags. So it might have been 25 individual bags in one plastic bag. And he might have been what they call sick or illing and he needed a blow or something and he didn't have the money for it. So, "Pops, let me work a bundle; get my ill off."
Question: Okay. And have you ever used the term "wake-up call"?
Answer: That's what it's -- that's what it's called, I guess.
Question: Okay.
Answer: Getting your ill off or

wake up or...
Question: And then what about Tawny?
Answer: I don't know who Tawny was working for, but he was there.
Question: Did Tawny ever sell narcotics for you?
I don't know. He probably served for somebody that was selling for me. I don't know.
Question: All right. The people that would sell for you, they would enlist other individuals to help with the narcotics sale?
Answer: Depending on what they was doing that day, I guess they would.
Question: Yeah. Do you know the names of any of the people who would have -- you know, your sellers, the ones on your payroll, who they would have hired to work for them?
Question: Okay. Did Tawny or Bebe

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have any narcotics with them when you saw them?
Answer: Yeah. They both had a bag in their hand.
Question: What did Tawny have in his hand?
Answer: I believe Tawny had cocaine.
Question: Bebe had heroin?
Answer: Yes.
Question: And do you see them with the narcotics before you see Officer Nichols?
Answer: Yeah, because I'm coming down the stairs and they standing right -- right there on the third-floor landing. And as I get to, like, the fourth step -- fourth or fifth step from the bottom, that's when Nichols step out the hallway with his gun drawn, and he's like, y'all come out the hallway.
Question: He's calling all three

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of you?
Answer: Like, y'all come out. I'm like, damn, I'm coming down the stairs. He said, y'all come out the stairwell into the hallway. So we went into the hallway. He told us to put our hands on the wall. We put our hands on the wall. Then Bebe looked and ran.
Question: What did Bebe do with the heroin that he had?
I don't know. He might have threw it down. But I know I ran when he -- after he ran, I ran. And when I got down to the second floor, Bebe was right there, and he was looking. So I said, no, I ain't going to go right there with him. I'm going to go on down the stairs. And I went on down to the first floor, and I was finna go out the building. And then Manny came through the doorway, and he put his

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hand up. And I stopped.
Question: Now, what happened to Tawny?
Answer: He was still up there with Nichols.
Question: So Tawny didn't run?
Answer: No. Tawny was closest to Nichols, so I guess when we ran, he probably grabbed him. I don't know.
What did Tawny do with the cocaine?
Answer: I don't know. I guess Nichols got it from him because he put it on me.
And then the videographer says, Mr. Baker, if you could lower your hand. He complies.
Videographer: Thank you. Okay.
Question: Did you ever talk to Tawny about March 23, 2005?
Answer: I don't even -- I don't know when the last time I seen Tawny, so I don't know.
Is he alive or dead?
I'm not sure. I haven't seen him.

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Question: So did Tawny ever discuss with you at any time the events of March 23, '05?
Answer: No. I don't believe. I don't recall him.
Question: The cocaine that you saw Tawny with, did you ever see it again that day?
Answer: Yeah.
Question: Where?
Answer: In Nichols's hand.
Question: And when -- strike that. And where was -- where did you first see Nichols having that cocaine in his hand?
Answer: When I was standing there with Manny. After Manny had searched me, Nichols came out the hallway. Nichols said, yeah, that's him. And they put the cuffs on me and took me to the car.
Question: So Nichols approaches you and Officer Leano and Nichols had the cocaine that Tawny had?

Answer: He got the cocaine, and he got some heroin in his hand. He had two bags in his hand.
Question: Okay. That he say he got one out of my hand and one out of my pocket. If Manny would have saw me with drugs, he would have already put the handcuffs on me and he would have had the drugs.
Question: So the heroin that you saw Officer Nichols with, that was the heroin that Bebe had?
Answer: Had to be.
Question: And it looked the same type of packaging?
Answer: From what I saw, it was in a bag.
Question: How do you know it was heroin?
Because I sold heroin before.
Question: There's, like, a certain color to heroin versus cocaine?

Yeah. But I don't know what he was telling him to reword because it wasn't like that --
All right. Just give me one moment. I don't think I'm going to read the rest of this. Well, let's go to the bottom of page 236.
Question: Did you see Bebe or Tawny at the police station?
Answer: No.
Let's next go to page 238, and it's toward the bottom. It's line 17.
Question: Why didn't you call Tawny and Bebe as witnesses?
And there's an objection by counsel, and then the witness, Baker, answers.
It just never came up. I don't believe they would have come anyway because Bebe was still using drugs, like, heavy. So what type of witness would he have been? And Tawny, I can't recall the last time I seen Tawny, so I don't know.
Question: And that trial occurred in 2006, right?

Yes.
MR. BAZAREK: Okay. We can take that exhibit down.
BY MR. BAZAREK:
Q. Mr. Bradley, so I've just read you Ben Baker's sworn testimony where he's saying you and Bebe had drugs that day, right?
MR. FLAXMAN: Objection, foundation.
BY MR. BAZAREK:
Q. You saw it with me, right?
A. Say it again.
Q. Can you hear me?
A. Yes.
MR. BAZAREK: I can't hear the witness.
THE WITNESS: Yes. I hear you.
MR. FLAXMAN: Yeah. We're not muted. We can hear you, Bill.
Somebody else want to try speaking? Can anyone else hear us?
MR. GAINER: I can hear you, Joel, and I can hear the witness --
MR. BAZAREK: Can you hear me?
THE WITNESS: Yes.
MR. BAZAREK: Can you guys -- can you hear

me?
THE WITNESS: Yes.
MR. GAINER: Yes, we can hear you.
MR. BAZAREK: I can't hear you.
THE WITNESS: I hear you --
MR. BAZAREK: I can't hear Mr. Bradley.
MR. GAINER: Log off and log back on, Bill, if you can hear that.
MR. BAZAREK: Let's take a break. Take a break.
THE VIDEOGRAPHER: The time is 12:20 p.m. We're going off the record.
(Whereupon, a break was taken, after which the following proceedings were had:)
THE VIDEOGRAPHER: The time is 12:22 p.m. We're back on the record.
BY MR. BAZAREK:
Q. So, Mr. Bradley, we've just read portions of Ben Baker's sworn testimony together, right?
A. Yes.
Q. What do you think about that and the things that he's saying about you?
MS. KLEINHAUS: Objection to form; calls

for speculation.
MR. FLAXMAN: Objection to foundation; misstating testimony.
You can answer.
THE WITNESS: To be honest, I don't feel no type of way about it. I just know what he's saying about me is not true. And really just all I have to say.
BY MR. BAZAREK:
Q. I mean, does that make you feel bad that he's -- he's saying lies about you?
MS. KLEINHAUS: Objection to form.
MR. FLAXMAN: Objection; foundation, misstates testimony.
Go ahead.
THE WITNESS: No.
BY MR. BAZAREK:
Q. I mean, he's defaming you, right?
MS. KLEINHAUS: Objection to form; calls for speculation.
MR. FLAXMAN: Objection to foundation; misstates testimony.
BY MR. BAZAREK:
Q. I mean, do you -- do you find that

defamatory? He's saying you were selling drugs on that day.
MR. FLAXMAN: Objection to foundation.
THE WITNESS: You said defam- -- what do that mean?
BY MR. BAZAREK:
Q. Defamatory. He's defaming you.
MR. FLAXMAN: Bill, he told you he doesn't know what that means.
BY MR. BAZAREK:
Q. Okay. Like, where someone is saying something, like, false about someone.
A. People say stuff about people every day. Don't mean it's true.
Q. And you saw there was a reference to Officer Nichols.
Do you know -- even know an Officer Nichols?
A. No.
Q. Okay. So why don't we look at the next document I want to show you. We'll make this Exhibit 2. This is going to be -- it's City-BG-028601 to 602. It's some Sin City pictures.
And really, all I want you to do here, Mr. Bradley, if you could look -- and I know it's

not the best quality pictures, but if you can go -- go through each row and tell me if there's someone in there that you know.
For instance, you see the first person, number 1, is John Bradley? Do you see that?
A. Yeah.
Q. And then just go right -- right down the line and tell me -- just stop when you see someone you know.
Can you -- can you do that for me?
A. Okay. The only person I know here is John Bradley.
Q. The -- number 1? Photo number 1?
A. Yes.
Q. Who's John Bradley?
A. That's my brother.
Q. Did your brother get arrested in Sin City?
MR. FLAXMAN: Objection, foundation.
THE WITNESS: I don't even know where Sin City at.
BY MR. BAZAREK:
Q. Well, has -- was your -- has your brother ever been arrested by the Chicago Police Department?
A. Yes.

Q. For what?
A. To be honest, I can't say.
Q. Was your brother, John Bradley -- was he engaged in illegal narcotics activity?
MR. FLAXMAN: Objection, foundation.
THE WITNESS: Not that I know of.
BY MR. BAZAREK:
Q. Has your brother, John Bradley, ever been incarcerated?
A. Yes.
Q. What was he incarcerated for?
A. I know one case he was incarcerated for -- I think it was for a battery.
Q. Okay. Was he ever incarcerated for narcotics activity?
A. Not that I know of.
Q. Okay. So let's go -- I think we still have to go to -- there's a second page to this document. And take -- and take a look on there, sir, and let me know if you know any of those individuals. I know you mentioned Wilbert -- Wilbert Moore or you knew of him.
A. Yeah. That's -- there's only two people that I recognize --
Q. Who do you recognize?

A. The person that's deceased, Wilbert -- what's his last name?
Q. Moore?
A. Yeah. That's the first person. And at the bottom down there, I see Ben Baker.
Q. Do you see the -- the fellow next to him, Elgen Moore? Does he look familiar?
A. No. I don't know him.
Q. Mr. Baker testified under oath that Elgen Moore sold narcotics for him out of the 527 building. So wondered if you knew him or saw him around the 527 building, perhaps.
A. No. I don't know him.
Q. Okay.
MR. BAZAREK: We can take that down.
BY MR. BAZAREK:
Q. Let's go to Exhibit 3. This will be DO-Joint 002924. And I don't have names, but there's -- at least on some of the pictures, there's numbers.
And can you tell me -- do you know any of the individuals that are in this series of photographs on this Exhibit 3?
A. Just Ben Baker.

Q. Okay. All right.
MR. BAZAREK: We can take that down.
BY MR. BAZAREK:
Q. So the next one I want to show you is -- this is DO-Joint 048313 to 14. That -- this will be Exhibit 4. And it's -- there's a headshot of Ben Baker and then a side shot.
Do you see that?
A. I just see one picture.
Q. Yeah.
MR. BAZAREK: Can you show him the other -- okay. There you go.
BY MR. BAZAREK:
Q. All right. And that's Ben Baker in that -- in those booking photographs, right?
A. Yes.
Q. And I'll represent to you, Mr. Bradley, that's from March 23, 2005, after Ben Baker was arrested for possessing cocaine and heroin.
Looking at Ben Baker in this booking photograph, is that how you remember him from Ida B. Wells?
A. Yes.
Q. Were you ever present with Ben Baker when he was wearing that jersey that he has in these pictures?
A. No.
MR. BAZAREK: All right. We can take that down. Let's take a look next at DO-Joint -- this will be Exhibit 5 -- DO-Joint 048883 through 84. Okay. Maybe -- get it a little bigger.
BY MR. BAZAREK:
Q. And, Mr. Bradley, do you know who's in that photograph?
A. Yes.
Q. Who is that?
A. Gregory Young.
Q. Is that Bebe?
A. Yes.
Q. All right. And let's look at one more booking photo. DO-Joint 048882.
MR. BAZAREK: And this is -- what -- is this 6?
MR. FLAXMAN: Yes.
MR. BAZAREK: Okay.
BY MR. BAZAREK:
Q. And who's in this photo?
A. Gregory Young.
Q. Okay. That's Bebe?

A. Yes.
Q. He looks -- he looks a little younger in that picture, right?
A. Look the same to me.
Q. Okay. All right.
MR. BAZAREK: Okay. We can take that down.
You know, I think -- at least for my questioning, I think I'm just about done, but why don't we take a quick five-minute break?
THE VIDEOGRAPHER: The time is 12:33 p.m. We're going off the the record.
(Whereupon, a break was taken, after which the following proceedings were had:)
THE VIDEOGRAPHER: The time is 12:41 p.m. We're back on the record.
BY MR. BAZAREK:
Q. Mr. Bradley, I'm going to show you -- and we'll put it up on the screen -- what's going to be marked as Deposition Exhibit Number 7. And it's Ben Baker's testimony from May 23, 2006. And it's under Baker Glenn 013304-013429. And then we're going to -- we're going to look at that. And what I -- I want to get to a certain page. I can tell you on a

PDF, it would be the 28th page. And I'll just read -- it's -- Baker Glenn 013360 is the Bates range. Baker Glen 013360.

And just like we did before, Mr. Bradley, I'm going to read Ben Baker's testimony. And at the top, there is an answer, yes.

Question: About 3:40 p.m., where were you?
Answer: Coming down the stairwell.
Question: Where were you going?
Answer: I was going to get my mother a birthday gift because that is her birthday, March the 23rd.
Question: Were you with anybody?
Answer: No.
Question: By the time you got down, where were you coming from?
Answer: I was coming from the sixth floor, Apartment 608.
Question: By the time you got down to the third floor, did you run into anybody else?
Answer: Yeah. There were two individuals standing in the

hallway.
Question: Do you know who they were?
Answer: Yes.
Question: Who were they?
Answer: It's Bebe and Tawny.
Question: Are those the only names you know them by?
Answer: Well, I know Gregory Young. That's Bebe. But I don't know Tawny's real name.
Question: Do you know what Bebe and Tawny were doing?
Answer: Selling drugs.
Question: While you were walking down the stairs and you passed by Bebe and Tawny, did something happen?
Answer: Yes.
Question: What happened?
Officer Nichols came out the hallway into the stairwell with his gun drawn.
Question: Now, was Officer Nichols

in uniform?
Answer: No.
Did he have his gun drawn?
Answer: Yes.
Was he with a partner?
Answer: No.
Question: Where was the gun pointed?
Answer: At me.
Question: What did Officer Nichols say?
Answer: He said, you gentlemen come out of the stairwell into the hallway.
Question: And did you do that?
Answer: Yes.
Question: What did Officer Nichols say after that?
Answer: He said get on the wall; put y'all hands on the wall.
And then the Court says, he said what?
The answer, put your hands on the wall.
And then question: Did you put your hands on the wall?

Answer: Yes.
Question: Did Bebe and Tawny?
Answer: Yes.
Question: What happened next?
Answer: Bebe took off running.
Question: Bebe took off running?
Answer: Yeah.
Which way did he go?
Answer: To the stairwell closest to us.
Question: What did Officer Nichols do?
He looked. Then I took off running.
Question: Then you took off running?
Answer: Yeah.
Why did you run?
Answer: Because Tawny had the bags of cocaine in his hands, and they told --
Question: Tawny had the bags in his hands?
Answer: Yeah. And Watts -- well,

AJ said they were going to put another case on me.
Question: And you knew Nichols to be part of Watts's team?
Answer: Yes.
There's an objection.
Question: So you ran. What happened when you ran?
I ran to the first floor. When I got to the first floor to go out the doorway, Manny, Nichols's partner, came into the front door and put his hands on my chest like that.

MR. BAZAREK: Let me take a -- I'm going to move on. I'll tell you if I have another portion I want to read.

Okay. That's -- you can take it down. I don't -- I don't have anything else with that one.

That's all I have at the moment, Mr. Bradley. Thank you.

MR. GAINER: I don't have any questions for you, Mr. Bradley. Thank you for your time.

MR. DAFFADA: No questions.

EXAMINATION

BY MR. RAVITZ:

Q. Hi. Mr. Bradley, I'm Gary Ravitz. I'd like to ask you a couple questions, if I may.
You said you know Gregory Young?

A. Yes.

Q. And how long have you known Gregory Young?

A. For a few years.

Q. What is that -- can you -- could you give me a year when you may have met him --

MS. KLEINHAUS: Objection, asked and answered.

BY MR. RAVITZ:

Q. You can answer.

A. Well, I first met him when I was in grammar school.

Q. Okay. And what -- how would you describe your relationship with Mr. Young?

A. We don't have a relationship. I just knew him through his son.

Q. Okay. Did you know whether Gregory Young used narcotics?

A. No.

Q. Have you ever seen him under circumstances

where you suspected or believed he was under the influence of narcotics?

A. No.

MR. RAVITZ: Okay. Thank you. I have nothing further.

MS. HARRIS: I don't have any questions on behalf of the City.

MR. BORKAN: No questions on behalf of Ridgell.

MR. FLAXMAN: We don't have any questions. We'll reserve signature. I guess we're done.

THE VIDEOGRAPHER: This is the end of today's deposition. The time is 12:48 p.m. Total running length of this deposition is one hour, 25 minutes, and 25 seconds. We're now going off the record.

MR. BAZAREK: I'll take a copy of the transcript.

(Witness excused at 12:49 p.m.)

(Whereupon, Deposition Exhibit Nos. 1-7 were marked for identification.)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: WATTS COORDINATED PRETRIAL PROCEEDINGS	Case No. 19 cv 1717

I, ANTWAN BRADLEY, being first duly sworn, on oath, say that I am the deponent in the aforesaid deposition, that I have read the foregoing transcript of my deposition taken December 21, 2023, consisting of Pages 1 through 74 inclusive, taken at the aforesaid time and place and that the foregoing is a true and correct transcript of my testimony so given.

_____ Corrections have been submitted
_____ No corrections have been submitted

_____
ANTWAN BRADLEY, Deponent

SUBSCRIBED AND SWORN TO
before me this_____ day
of _____A.D., 2024.

_____
Notary Public

NORTHERN DISTRICT OF ILLINOIS)
EASTERN DIVISION)
STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Emma Sheehy, Certified Shorthand Reporter in and for the County of Cook, State of Illinois, do hereby certify that on the 21st of December, 2023, the deposition of the witness, ANTWAN BRADLEY, called by the Defendants, was taken before me via videoconference, reported stenographically, and was thereafter reduced to typewriting through computer-aided transcription.

The said witness, ANTWAN BRADLEY, was first duly sworn to tell the truth, the whole truth, and nothing but the truth, and was then examined upon oral interrogatories.

I further certify that the foregoing is a true, accurate and complete record of the questions asked of and answers made by the said witness, at the time and place hereinabove referred to.

The signature of the witness was reserved by agreement.

The undersigned is not interested in the within case, nor of kin or counsel to any of the parties.

Witness my official signature in and for Cook County, Illinois on this 15th day of January, 2024.



Emma Sheehy, CSR
161 North Clark Street, Suite 3050
Chicago, Illinois 60601

License No. 084-004780

EXHIBIT 18

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, Respondent, v. **BEN BAKER & CLARISSA GLENN,** Defendants-Petitioners.	)	No. 06 CR 810

AFFIDAVIT OF BEN BAKER

I, Ben Baker, being first duly sworn and under penalties of perjury, swear and state as follows:

1. On March 23, 2005, I was falsely arrested for possession of heroin and cocaine with intent to deliver. The false arrest stemmed from my refusal to pay former Chicago Police Sergeant Ronald Watts a $1,000 bribe in June 2004, and a series of events thereafter. Sergeant Watts wanted me to pay him a bribe to avoid being convicted for drugs he supposedly found in a mailbox at the Ida B. Wells Housing complex. In soliciting the bribe, Watts indicated that he was going to charge me with these supposed drugs in the mailbox regardless, but he would ensure I beat the charges if I paid him the bribe.

2. After I refused Sergeant Watts's bribe attempt, in July 2004, he and three other officers, one of whom was Detective Alvin Jones, stormed my home with guns drawn in the Wells Housing Complex at 527 East Browning, Apartment 206. Although they found nothing illegal during the search of my home, they charged me with drugs supposedly found in a mailbox.

3. In November 2004, after I spent four-and-a-half months in county jail, a motion to suppress the drugs was granted, and the State dropped the charges. I was released from county jail.

4. Approximately one week after my release, I encountered Detective Alvin Jones—who I often saw with Watts—just outside the Wells housing complex. When I complained to Detective Jones that "was some BS y'all put that case on me," Detective Jones replied: "[T]hat is part of the game you win some you lose some, you won this one because [Officer Kenny [Young] . . . fucked up his testimony."

Detective Jones then told me that the "next time we get you it will stick. . . .Kenny ain't going to be able to fuck up the testimony."

5. The March 23, 2005 arrest was my next significant encounter with officers who patrolled the Wells complex and worked under Sergeant Watts. On that day, Officer Douglas Nichols detained me and two others in a stairway of the complex. I had nothing illegal in my position. But knowing that Officer Nichols worked for Sergeant Watts—and knowing that Detective Jones had promised to frame me again—I fled. As I ran downstairs, I was detained by Officer Manual Leano. Officer Leano searched me, but found nothing illegal. I was nevertheless arrested on site. Minutes later, Sergeant Watts and Detective Jones arrived, and Detective Jones said to me: "I told you we were going to get you." I was subsequently charged and prosecuted with crimes related to the possession of 15.3 grams of heroin and 13.9 grams of cocaine with intent to deliver under case number 05 CR 8982.

6. I remained out of custody, on bond, while awaiting trial on these false charges. At certain court proceedings, an assistant state's attorney named David Navarro would sometimes appear and actually advocate on my behalf, telling the court that he supported an I-bond for me.

7. On May 23, 2006, at the bench trial related to these charges, I testified consistently with what is stated in paragraphs 1-5 of this affidavit. Officers Watts, Jones, and Nichols falsely testified at this trial. Furthermore, Officer Robert Gonzalez also falsely testified at this trial. Officer Gonzalez was not even present during the incident on March 23, 2005. He testified, however, as if he were, essentially putting himself in the role of Officer Leano, claiming that he was the one who detained me at the first floor and arrested me.

8. I was convicted of the charges on June 9, 2006. I was eventually sentenced to 14 years in prison.

9. I remained falsely imprisoned for the next nine-and-a-half years. Then, on January 14, 2016, I was abruptly released when the State moved to vacate my convictions and *nolle prosequi* all charges in Case No. 05 CR 8982. This decision came after my attorneys and I filed a series a pleadings asking to vacate my convictions. These pleadings followed the federal indictments and guilty pleas of Sergeant Watts and Officer Kallatt Mohammed after being caught on shaking down and bribing a federal confidential informant who they believed to be a drug dealer.

10. During the relevant time period (June 2004 – June 2006) that I was being framed by Sergeant Watts and the officers working with or under him, I was in a relationship and living with Clarissa Glenn at 527 East Browning, Apt. 206. Clarissa is the mother of three of my children. Over this time period, Clarissa and I took several steps to attempt to expose this police misconduct. These attempts included contacting either the Office of Professional Standards and/or the Chicago Police Internal Affairs Division to explain the actions these corrupt police officers were taking against me.

We also spoke and met with Assistant State's Attorney Navarro regarding the misconduct of Watts and his team.

11. Upon information and belief, Sergeant Watts and other members of his team learned about Clarissa and my attempts to expose their criminal conduct. On December 11, 2005, it is my belief that in retaliation against our attempts to expose them, Sergeant Watts, Detective Jones, Officer Mohammed, and other members of this team framed Clarissa and me for a different drug case. I was on bond at the time.

12. On December 11, 2005, Clarissa and I were driving in a car together and pulling up to a lot in or near the Wells Housing Complex. A blue and white police car appeared. I thought the car was trying to go around us so I stopped the car. When I did, I observed another car pull up behind us and stop. Sergeant Ronald Watts then exited the driver's side of that car, and Officer Alvin Jones exited the passenger side.

13. Sergeant Watts and Officer Jones then told us to get out of our car. We did. They then searched the car. We had nothing illegal in the car. Subsequently, Watts falsely claimed that he recovered a plastic bag that was full of narcotics from our car. I was then cuffed and arrested.

14. As I was being arrested, a female officer pulled up in another blue and white police car. Sergeant Watts ordered the female police officer to cuff and arrest Clarissa. They then took both me and Clarissa to the 51st Street police station.

15. At the 51st Street police station, Clarissa and I were placed near where Officer Kallatt Mohammed was sitting at a desk. When Officer Mohammed saw me, he asked what we were doing there. Clarissa and I told him what Sergeant Watts and Detective Jones had done as described in paragraphs 12-14 of this affidavit. Officer Mohammed shook his head and said something to the effect of, "that's too bad."

16. Shortly thereafter, Sergeant Watts and Detective Jones arrived back to where we were. Sergeant Watts then told Officer Mohammed to write up a report about our arrest. As Officer Mohammed was writing, Detective Jones, Officer Gonzalez, and other members of Watts' team were instructing Mohammed on what to put in the report. Clarissa and I tried to protest, while also noting that Officer Mohammed wasn't even there during the arrest. Sergeant Watts brushed us off, made some sarcastic comments, and then said "I'm done talking."

17. This December 11, 2005 false arrest led to felony criminal charges against both Clarissa and me in Case No. 06 CR 810. The charges against us included possession of a controlled substance (heroin) with intent to deliver. Clarissa and I both remained on bond.

18. These charges against both Clarissa and me remained pending throughout the proceedings related to my March 23, 2005 false arrest and wrongful conviction, for which I have since been exonerated.

19. When I was found guilty in June 2006 in Case No. 05 CR 8982, my bond was immediately revoked and I was taken into custody.

20. At my July 2006 sentencing hearing after my wrongful conviction, I spoke in allocution. During the allocution, I noted that the same officers kept framing me simply because I wouldn't pay them off. I ended my allocution by begging Judge Toomin that he "not let them do to my wife what they are doing to me."

21. I was first sentenced to 18 years but upon a motion to reconsider sentence, it was reduced to 14 years in prison.

22. After I was sentenced, my primary motivation was to ensure Clarissa was not imprisoned and our children would have their mother to raise them. Clarissa and I had gotten married and were raising our three children together. Clarissa has and had no criminal history and is and was a wonderful mother.

23. The children needed her, and both of us could not be imprisoned. Especially given that I was just wrongfully convicted and ultimately sentenced to 14 years in prison, I would have taken any amount of time on this second drug charge with an assurance that Clarissa would not be imprisoned.

24. Attorney Matt Mahoney was representing both of us related to the December 11, 2005 drug charges. I learned that the State refused to drop charges against Clarissa under any circumstances. I was also told that, if convicted, Clarissa was looking at a minimum of 4 years in prison. I learned, however, that the State agreed to recommend 1 year probation for Clarissa, and a 4-year sentence for me, if we both pled guilty.

25. Clarissa and I spoke about this plea offer. She wanted to fight the case. I pleaded and begged her that we had to take the deal. Reluctantly, she ultimately agreed and we took the deal.

26. On September 18, 2006, Clarissa and I pled guilty to this offense, despite our innocence and despite being framed by Sergeant Watts, Officer Jones, Officer Mohammed, and others. I was sentenced to four years in prison. Clarissa was sentenced to 1 year probation with no jail or prison time.

27. I only pled guilty to this crime because I had already been wrongfully convicted and sentenced to 14 years. And I only pled guilty to protect my wife and our children from the risk of my wife's imprisonment and upon the agreement that she would only be sentenced to 1 year probation.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the facts set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he believes the same to be true.

Ben Baker

Ben Baker

Subscribed and sworn to me,

LAUREN STANCZAK LEBATA
Official Seal
Notary Public - State of Illinois
My Commission Expires Nov 20, 2019

On this day ___ February 4, 2016

Lauren Stanczak Lebata

EXHIBIT 19

VICE CASE REPORT
CHICAGO POLICE

1 OFFENSE - PRIMARY CLASSIFICATION: ☐ 1 GAMBLING ☒ 2 NARCOTICS ☐ 3 LIQUOR LAW VIOLATION ☐ 4 PROSTITUTION ☐ 5 OBSCENITY ☐ 6 PUBLIC INDECENCY (LIC. PREMISE)

2 SECONDARY CLASSIFICATION: Possess: Heroin (White)

UCR OFFENSE CODE: 2 0 2 4

3 RD NO: HL - 251205

4 ADDRESS OF OCCURRENCE (NO - DIR - STREET - APT. NO)	5 DATE OF OCCURRENCE - TIME	6 DATE R.O. ARRIVED - TIME	7 BEAT/ UNIT ASSIGNED	8 BEAT OCCURRED
527 E. Browning	23 MAR 05 1548	23 MAR 05 1548	264C	212

9 TYPE OF LOCATION/PREMISE WHERE OFFENSE OCCURRED: ☐ 240 TAVERN/LIQUOR STORE ☐ 293 RESTAURANT ☐ 166 POOL ROOM ☐ 167 BARBER SHOP ☐ 193 DRUG STORE ☐ 260 HOTEL/MOTEL ☐ 165 NEWSSTAND ☐ 095 AIRPORT/AIRCRAFT ☐ 290 RESIDENCE ☐ 304 STREET ☐ 121 CHA APARTMENT ☐ 123 CHA PARKING LOT/GROUNDS ☐ 269 PARK PROPERTY ☒ OTHER - SPECIFY & ENTER CODE: C.H.A. Hallway — LOCATION CODE: 1 2 2

10 LICENSEE'S NAME (CORP IF APPLICABLE)	11 BUSINESS LICENSE NO(S)

12 VICTIM'S/ COMPLAINANT'S NAME (LAST - FIRST - M I)	13 HOME ADDRESS (NO - DIR - STREET - APT NO)	14 SEX - RACE - AGE CODE	15 HOME PHONE	16 BUSINESS PHONE	17 TIME AVAIL
State of Il/P.O.D. Nichols	5101 S. Wentworth			747-5407	Nights
18 PERSON ☐ 1 DISCOVERED ☒ 2 WITNESSED ☒ 3 REPORTED OFFENSE: P.O. M. Leano	5101 S. Wentworth			747-5407	Nights
☐ ☐ ☐					

RACE CODES: 1 - BLACK; 2 - WHITE; 3 - BLACK HISPANIC; 4 - WHITE HISPANIC; 5 - AMER IND / ALASK NAT; 6 - ASIAN PACIFIC ISLANDER

19 OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC)	20 OFFENDER IN CUSTODY	21 NICKNAME/A K A	22 HOME ADDRESS	23 SEX - RACE - AGE CODE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
Baker, Ben	☒ 1 YES ☐ 2 NO		527 E. Browning Apt#206	M I 32	5'9''	207	Brn	Blk	Med

24 DATE OF BIRTH	25 I.R./C.B. NO.	26 CHARGES	27 COURT BRANCH - CALL	28 COURT DATE	29 INVENTORY NO	30 WEIGHT	31 E.S.V
24 MAY 72	16126764	720ILCS570/402	48-2	13 APR 05	10503345 10503356	70.0gr 22.0 gr	$12,600.00 $1,650.00

OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC)	OFFENDER IN CUSTODY?	NICKNAME/A K A	HOME ADDRESS	SEX - RACE - AGE CODE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
	☐ 1 YES ☐ 2 NO								

DATE OF BIRTH	I.R./C.B. NO.	CHARGES	COURT BRANCH - CALL	COURT DATE	INVENTORY NO	WEIGHT	E.S.V

OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)	OFFENDER IN CUSTODY?	NICKNAME/A K A.	HOME ADDRESS	SEX - RACE - AGE CODE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
	☐ 1 YES ☐ 2 NO								

DATE OF BIRTH	I.R./C.B. NO.	CHARGES	COURT BRANCH - CALL	COURT DATE	INVENTORY NO	WEIGHT	E.S.V

32 NO OF OFFENDERS	33 NO OF ARRESTEES	34 TYPE OF ARREST	35 ADDRESS OF ARREST
01	01	☒ ON VIEW ☐ WARRANT	527 E. Browning

36 VEHICLE USED BY OFFENDER(S)	YEAR	MAKE	BODY STYLE	COLOR	V.I.N	STATE LICENSE NO	STATE	EXPIR MO/YEAR
	ON				FOOT			

37 OTHER VEHICLE IDENTIFIERS	38 VEHICLE CONFISCATED ☐ 1 YES ☒ 2 NO — POUND	39 MOTOR VEHICLE INVENTORY NO

40. NARRATIVE (Do not duplicate or repeat information - for explanation or additional information only)

Event#12469 IN SUMMARY R/O'S WHERE DIRECTED BY SGT. WATTS #2640 TO GO TO ABOVE BUILDING FOR HIGH NARCOTICS ACTIVITY. AS R/O'S REACHED THE THIRD FLOOR OF ABOVE BUILDING, THEY OBSERVED ABOVE SUBJECT HOLDING A CLEAR PLASTIC BAG CONTAINING SUSPECT NARCOTICS. AS R/O'S ANNOUNCED THEIR OFFICE ABOVE SUBJECT FLED ON

41 FLASH MESSAGE SENT?	42 GANG RELATED - AFFILIATION
☐ 1 YES ☒ 2 NO	☒ VICTIM None ☒ OFFENDER G/D

43 EXTRA COPIES REQUIRED (NO & RECIPIENT)	☒ CONTINUE OTHER SIDE	44 NOTIFICATIONS, IF APPROPRIATE, MADE BY	UNIT NOTIFIED	PERSON NOTIFIED	DATE (DAY MO - YEAR) TIME
☒ NORMAL (3)					

45 REPORTING OFFICER'S NAME (PRINT)	STAR NO	46 REPORTING OFFICER'S NAME (PRINT)	STAR NO	47 DATE INVEST COMPLETED - TIME	48 SUPERVISOR APPROVING (PRINT NAME)	STAR NO
D. Nichols	12415	M. Leano	4303	23 MAR 05 1750	WATTS, R	#264C
SIGNATURE: D Nichols		SIGNATURE: M Leano		49 DATE SUPV APPROVAL - TIME: 23 MAR 05 1830	50 APPROVAL SIGNATURE: Sgt R. Watts #2640	

CPD-11.414 (Rev. 8/96) Identify and describe all property or possible evidence recovered at the end of the narrative in column form. Show exactly where found, who found it and its description (enter Property Inventory numbers in box 29)

CITY-BG-00025
Case: 1:16-cv-08940 Document #: 456-2 Filed: 11/19/24 Page 1073 of 1364 PageID #:49017

unless otherwise indicated. The sobriety of victims, witnesses and offenders is their apparent condition when reported. Witnesses' location at time of offense and distance from scene are the best approximation obtainable. All statements of victims, witnesses and offenders are summarizations unless otherwise indicated

HL - 251205

CONTINUATION OF NARRATIVE

FOOT DOWN THE STAIRS. R/O'S GAVE CHASE WITHOUT LOSING SIGHT OF ABOVE SUBJECT AND BT. 264B APPREHENDED AND DETAINED ABOVE SUBJECT IN THE LOBBY. P.O. NICHOLS #12415 RECOVERED SAID BAG FROM HIS RIGHT HAND AND FOUND IT TO BE A CLEAR ZIPLOC BAG CONTAINING 110 CLEAR PLASTIC BAGGIES CONTAINING WHITE POWDER SUBSTANCE SUSPECT HEROIN. THE SUBJECT WAS THEN PLACED IN CUSTODY. P.O. NICHOLS #12415 THEN PERFORMED A CUSTODIAL SEARCH OF ABOVE SUBJECT AND FOUND 1 ZIPLOC PLASTIC BAG CONTAINING 68 YELLOW TINTED BAGGIES CONTAINING WHITE LIKE ROCK SUBSTANCE SUSPECT CRACK/COCAINE IN HIS RIGHT FRONT PANTS POCKET. A/O'S FOUND $819.00 USC IN HIS LEFT FRONT PANTS POCKET SUSPECT NARCOTICS PROCEEDS. POST MIRANDA IN 002 ABOVE SUBJECT STATED TO R/O'S "THEM BLOWS WERE MINE, BUT THEM ROCKS AINT." ALL THIS OCCURED ON C.H.A. PROPERTY AND WITHIN 1,000 FEET OF DOOLITTLE GRAMMAR SCHOOL.

INVENTORIES WERE DONE BY P.O. LEANO #4303 NARCOTICS INVENTORY #10503356 USC INVENTORY #10503345

ASSISSTING ARRESTING OFFICERS: P.O JONES #19462

P.O BOLTON #15903

P.O GONZALEZ #12152

P.O SMITH #11737

P.O. CABRALES #10719

[redacted]

I HAVE READ THIS REPORT AND BY MY SIGNATURE INDICATE THAT IT IS ACCEPTABLE	SUPERVISOR'S SIGNATURE	DATE (DAY-MO-YR.)
	Sgt R. Watts #2640	23 MAR 05

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

STATUS ☐ 0 PROGRESS ☐ 1 SUSPENDED ☐ 2 UNFOUNDED ☐ 3 CLRD CLOSED ☐ 4 CLRD OPEN ☐ 5 EXC CLRD CLOSED ☐ 6 EXC CLRD OPEN ☐ 7 CLOSED - NON-CRIMINAL

IF CASE IS CLEARED, HOW CLEARED (USE THIS BOX FOR SINGLE CLEARUP OR FIRST CLEARUP OF MULTIPLE CLEARUP LIST) ☐ 1 ARREST & PROSECUTION ☐ 2 DIRECTED TO FAMILY COURT ☐ 3 COMPL REFUSED TO PROSECUTE ☐ 4 COMMUNITY ADJUSTMENT ☐ 5 OTHER EXCEPTIONAL ☐ ADULT ☐ JUV

I-UCR OFFENSE CODE ☐ 1 CORRECT ☐ 2 REVISED | REV CODE | REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)

PREPARED BY - SIGNATURE	STAR NO	DATE (DAY-MO-YR)	APPROVED BY - SIGNATURE	STAR NO	DATE (DAY-MO-YR)

CITY-BG-00026
Case: 1:16-cv-08940 Document #: 456-2 Filed: 11/19/24 Page 1074 of 1364 PageID #:49018

EXHIBIT 20

CHICAGO POLICE DEPARTMENT

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11. 420C(REV. 6/30)

FINAL APPROVAL

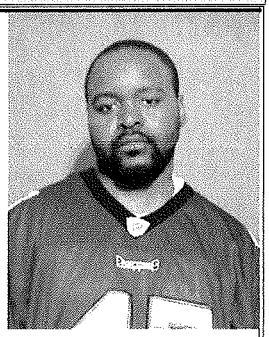
CB #: 16126768
IR #: 901905
YD #:
RD #: HL251205
EVENT #: 0508212469
SID #: 28420360
FBI #: 755126RA4

ARREST REPORTING

OFFENDER

Name: BAKER, Ben
Res: 527 E Browning Ave, #206
Chicago, IL 60653
773-924-2809
Beat: 212
DOB: 24 June 1972
AGE: 32 years
POB: Illinois
ARMED WITH

Male
Black
5' 09"
200 lbs
Brown Eyes
Black Hair
Short Hair Style
Medium Brown
Complexion



Marks: Scar Scar Under His Left Ear on Neck

INCIDENT

Arrest Date: 23 March 2005 15:49 **TRR Completed?** No
Location: 527 E Browning Ave **Beat:** 212
Chicago, IL 60653
122 - Cha Hallway/Stairwell/Elevator
Holding Facility: District 002 Male Lockup
Resisted Arrest? No

Total No Arrested: 1 **Co-Arrests** **Assoc Cases**
DCFS Ward ? No
Dependent Children? No

CHARGES

			Victim
1	Offense As Cited	**720 ILCS 570.0/402-A-1-A** PCS - POSSESS 15<100 GRAMS HEROIN Class 1 - Type F	A/O'S State Of Illinois
2	Offense As Cited	**720 ILCS 570.0/402-A-2-A** PCS - POSSESS 15<100 GRAMS COCAINE Class 1 - Type F	A/O'S State Of Illinois

RECOVERED NARCOTICS

Type	Approx. Weight/Quantity	Units	Estimated Street Value
Suspect Controlled Substance	70	GRAMS	$12,600.00
Suspect Controlled Substance	22	GRAMS	$1,650.00

IR #901905

WARRANT

NO WARRANT IDENTIFIED

CB #:16126768

Print Generated By: SHELTON, Donte ([redacted])

25 OCT 2016 03:57

powered by: CLEAR Technology

Chicago Police Department - ARREST Report

CB #: 16126768

BAKER, Ben

ARREST REPORTING

NON-OFFENDER(S)

VICTIM AND COMPLAINANT

Name: A/O'S STATE OF ILLINOIS

Injured? No **Deceased?** No

DOB:

Hospitalized? No

Age:

Treated and Released? No

Comments:

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR BAKER, Ben, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT #12469 IN SUMMARY A/O'S WHERE DIRECTED BY SGT.WATTS #2640 TO GO TO ABOVE BUILDING FOR HIGH NARCOTICS ACTIVITY. AS A/O'S REACHED THE THIRD FLOOR OF ABOVE BUILDING, THEY OBSERVED ABOVE SUBJECT HOLDING A CLEAR PLASTIC BAG CONTAINING SUSPECT NARCOTICS. AS A/O'S ANNOUNCED THEIR OFFICE ABOVE SUBJECT FLED ON FOOT DOWN THE STAIRS. A/O'S GAVE CHASE WITHOUT LOSING SIGHT OF ABOVE SUBJECT AND BT 264B APPREHENDED AND DETAINED ABOVE SUBJECT IN THE LOBBY. P.O. NICHOLS #12415 RECOVERED SAID BAG FROM HIS RIGHT HAND AND FOUND IT TO BE A CLEAR ZIPLOCK BAG CONTAINING 110 CLEAR PLASTIC BAGGIES CONTAINING WHITE POWDER SUBSTANCE SUSPECT HEROIN. THE SUBJECT WAS THEN PLACED IN CUSTODY. P.O. NICHOLS #12415 THEN PERFORMED A CUSTODIAL SEARCH OF ABOVE SUBJECT AND FOUND 1 ZIPLOC PLASTIC BAG CONTAINING 68 YELLOW TINTED BAGGIES CONTAINING WHITE LIKE ROCK SUBSTANCE SUSPECT CRACK/COCAINE IN HIS RIGHT FRONT PANTS POCKET. A/O'S FOUND $819.00 USC IN HIS LEFT FRONT PANTS POCKET SUSPECT NARCOTICS PROCEEDS. POST MIRANDA IN 002 ABOVE SUBJECT STATED TO A/O'S "THEM BLOWS WERE MINE, BUT THEM ROCKS AINT." ALL THIS OCCURED ON C.H.A. PROPERTY AND WITHIN 1,000 FEET OF DOOLITTLE GRAMMAR SCHOOL.
INVENTORIES WERE DONE BY P.O. LEANO #4303
NARCOTICS INVENTORY #10503356
U.S.C. INVENTORY #10503345

COURT INFO

Desired Court Date: 13 April 2005
Branch: 48-2 155 W 51ST ST - Room
Court Sgt Handle? No
Initial Court Date: 24 March 2005
Branch: 1 2600 S CALIFORNIA - Room100
Docket #:

BOND INFO

BOND INFORMATION NOT AVAILABLE

Chicago Police Department - ARREST Report

CB #: 16126768

BAKER, Ben

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer:	#12415	NICHOLS JR, D E ([redacted])	23 MAR 2005 17:52

ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#12415	NICHOLS JR, D E ([redacted])	0264C
2nd Arresting Officer:	#4303	LEANO, M S ([redacted])	0264C

APPROVING SUPERVISOR:

Approval of Probable Cause :	#609	STEVENS, M J ([redacted])	23 MAR 2005 18:06

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

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO

DATE:

March 06, 2024

EXHIBIT 21

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

IN RE: WATTS COORDINATED
PRETRIAL PROCEEDINGS

DEPONENT: MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO
DATE: MARCH 6, 2024
REPORTER: TALIA JACKSON

APPEARANCES

ON BEHALF OF THE LOEVY PLAINTIFFS:
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Loevy & Loevy
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ON BEHALF OF THE FLAXMAN PLAINTIFFS:
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Kenneth N. Flaxman P.C.
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APPEARANCES (CONTINUED)

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ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED BY HALE & MONICO:
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E-mail: web@halemonico.com
(Appeared via videoconference)

APPEARANCES (CONTINUED)

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(Appeared via videoconference)

ON BEHALF OF THE DEFENDANT, CALVIN RIDGELL:
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(Appeared via videoconference)

APPEARANCES (CONTINUED)

ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:
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Mohan Groble Scolaro, P.C.
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Suite 1600
Chicago, Illinois 60603
Telephone No.: (312) 422-9999
E-mail: epalles@mohangroble.com
(Appeared via videoconference)

Also Present: Krystal Barnes, Videographer

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STIPULATION

The VIDEO 30(b)(6) deposition of MICHAEL FITZGERALD, CITY OF CHICAGO was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, 3RD FLOOR, CHICAGO, ILLINOIS 60607 on WEDNESDAY, the 6TH day of MARCH, 2024 at 10:03 a.m. (CT); said VIDEO 30(b)(6) deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that TALIA JACKSON, being a Notary Public and Digital Reporter for the State of Illinois, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

THE VIDEOGRAPHER: My name is Krystal Barnes, I'm the videographer today, and Talia Jackson is the court reporter. Today is the 6th day of March, 2024, and the time is 10:03 a.m. Central Time. We are at the offices of Loevy & Loevy to take the 30(b)(6) City of Chicago representative, Michael Fitzgerald, deposition in the matter of the Watts Coordinated Pretrial Proceedings, pending in the United States District Court for the Northern District of Illinois, Eastern Division, Master Docket Case number 19-cv-01717. Will counsel please identify themselves for the record?

MR. RAUSCHER: Scott Rauscher for the Loevy & Loevy plaintiffs.

MR. FLAXMAN: Joel Flaxman for the Flaxman plaintiffs.

MR. MICHALIK: Paul Michalik for City of Chicago and the witness, Lieutenant Fitzgerald.

MR. BAZAREK: William Bazarek for the law enforcement officers represented by Hale & Monico.

MR. GAINER: Brian Gainer for Ron Watts.

MR. BORKAN: Steve Borkan for Ridgell.

MR. PALLES: Eric Palles for Kallatt Mohammed.

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THE VIDEOGRAPHER: All right. Sir, will you please raise your right hand so that the court reporter can swear you in?
THE REPORTER: Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?
THE WITNESS: I do, ma'am.
THE REPORTER: Thank you. Counsel, you may begin.

DIRECT EXAMINATION

BY MR. RAUSCHER:

Q. Can you say it and spell your name, please?
A. Sure. My name's Michael, M-I-C-H-A-E-L. My last name is Fitzgerald, and it's F-I-T-Z-G-E-R-A-L-D.
Q. You're currently a police officer?
A. That's correct, sir. I am.
Q. And what's your rank?
A. I'm currently a lieutenant.
Q. And how long have you been with the Chicago Police Department?
A. It'll be 25 years in October.
Q. Can you -- well, before we get into that, you understand you're here today as a representative of the City of Chicago?
A. Yes, sir.

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Q. And not just in your personal capacity?
A. That's correct. Yes.
Q. And you're here to testify on behalf of the City of Chicago as to certain specific topics?
A. Yes, sir.
Q. All right. What did you do to prepare for today's deposition?
A. I met with the city attorneys on two occasions for approximately two hours, two and a half hours. Generally reviewed a handful of general and special orders and bureau patrol orders. Reviewed summarily a -- a complaint form set and an excerpt from a general offense case report.
Q. Do you know which city attorneys you met with?
A. Yes. Mr. Michalik and then Dan Noland.
Q. Did you meet with them for two and -- to two and a half hours each time or total?
A. Total.
Q. What -- when did you meet with those attorneys?
A. Last week on the 28th, I believe. And then two weeks prior to that. I don't know the exact date.
Q. Did you do any prep outside of meeting with those lawyers?
A. Yes.

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Q. And what was that?
A. So I -- I reviewed -- in -- in terms of, like, looking for some of the department orders, just to refresh my recollection on some things. The orders that we reviewed were things that I produced to them. And then I also looked at user guides that are online on our CLEAR system for both arrests and eTrack.
Q. Are those user guides publicly available when you say online?
A. So they're -- they're posted on our department internal CLEAR website. On our wire, I should say.
Q. What's your -- what's the wire?
A. The wire is, like, our internal webpage that we have all of our -- our applications are housed on. In this particular instance, there's training user guides that are available that you can -- you can reference.
Q. And what -- which -- what specific documents do you remember reviewing?
A. The current tact team order, which encompasses, like, the responsibilities of lieutenants, sergeants, and patrol officers. We reviewed an order -- I don't know -- I don't remember the exact order number, but one that discussed the ability to sign on behalf of another department member. We looked at their -- like, the tactical scheduling that we have, like the matrix,

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and I believe that was it.
Q. Those are the only specific ones you remember?
A. That I remember for -- with specificity, yes.
Q. But is it fair to say there were additional documents you reviewed, but you don't specifically remember right now which --
A. That's correct --
Q. -- those were?
A. -- yes.
Q. Tactical scheduling matrix --
A. Yes.
Q. -- what's that?
A. So it's just a -- it's essentially, like, the -- the matrix that the department puts out where it'll tell you which tact teams are working on which days. So there's a uniform system throughout the department so that everyone that's assigned to a particular tactical team number, so they have designators. Like, the 61 team, citywide, will be assigned to a particular day off group.
Q. How long has that matrix been in place?
A. That, I don't know.
Q. Do you know if it was in place any time between 1999 and 2012?
A. That, I don't know.

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Q. Is there a way to get the answer to that?
A. I'm sure that there's -- probably in our archives, with our records section or with our Research & Development group. They might have the archived orders for that.
Q. What does it mean to have a uniform day off schedule? Is that what you said?
A. Yes. So in other words, all the tact teams -- we'll use again, like, the 1561 team. We have rotating day off groups within the department. So to allow the department to have, I guess, a better idea of how much personnel they have working on a given day, they'll know that every 1561 team throughout the entire city will all be in the same day off group. So if there's an event that's coming up that we need to plan for, they'll have an idea of how much manpower is available if they need to pull from those tact teams.
Q. So what would it mean -- maybe you can give me, like, a practical example.
A. Sure.
Q. If there's a tactical team that's not citywide, but it's, you know, set to a specific area, what would it mean for them all to have the same day off schedule?
A. So they wouldn't be a tactical team. They'd

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either be, like, an area mission team. So the tactical team, they're assigned specifically to a district, right? And so by having the uniform day off groups, it gives them balance, right? So that we don't have -- all the teams are working on different or staggered day off groups to provide coverage for all the watches, so that there's always going to be someone from a tact team that's working in a district on any given day. And then citywide, the reason why they're all on the same day off group is so that, this way, when they're pulling, if they need to pull those resources, they know where they can pull those resources from and they know which teams they're getting. So it's -- it's more like -- so it's -- it makes the paperwork a little bit easier so that they know everyone that's supposed to be responding to this offense will be from a 16 -- or a 61 tactical team.
Q. And so this case involves the tactical team led by Ronald Watts. You're familiar with that, at least generally?
A. Generally, yes.
Q. Under the system you're describing, would that whole tactical team have the same day off?
A. Yes. And that would've been in place then. So every team was assigned to a supervisor and given a specific day off group. And then within those day off

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groups, each period you rotated, so... And that -- that system was in place back then. So there would be one team that was working days, one team that was working nights, and another team that they would consider their relief team. And so the relief team would fill in the gaps. When the day team was off, they would be working days. And when the night team was off, they would be working nights. So you would spend one -- one period of 28 days moving between a day and a night shift.
Q. Okay. And it -- so the relief -- the members of the relief team are part of the tactical team?
A. Yes.
Q. It's not as though the tactical -- the whole 264 tactical team, led by Ronald Watts, would all have Tuesday off?
A. Yes, they would.
Q. They would? Every single one --
A. Yes. So I -- so what it is, is there would be, like, a 61 team, a 62 team, and a 63 team, right? So everyone that was in the 61 team would be assigned to a dedicated day off group with a dedicated sergeant. And then the 62 team, dedicated day off group with a dedicated sergeant. 63 team, and so on, right? And then they would be staggered so that they would ensure that there was coverage for -- for the watches.

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Q. So from the 1999- to 2012-time period, the whole Watts team would have the same day off?
A. They should have. Yes.
Q. That is the -- that -- if they were following the policy --
A. Yes.
Q. -- that's how typically it would work?
A. Yes, sir.
Q. Meaning that on any particular day, there would be no one from the Watts team working?
A. Correct.
Q. Okay. And you think -- what records would you look at to track that?
A. To track the -- back then?
Q. ANAs or...?
A. So the ANAs would be able to tell you. Also, like, if you were looking to see if the -- what the matrix was, if that existed, that would probably be something through our Research & Development group that would probably be able to look back and see what actually existed in writing then.
Q. And would that -- would they be able to do that electronically, or would they have to go, like, to --
A. I'm not familiar with how they do their

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system. I don't know, like, if it would go beyond -- you know, if it was, like, original paper documents that predated our computer systems or if they have archived that stuff and they have it available that way as well. I wouldn't be aware.

Q. All right. You mentioned a couple other specific policies or documents you remember reviewing. One was the current tactical team order. Another was about the ability to sign on behalf of another member?

A. Yes, sir.

Q. Do you remember which specific general or special orders those were?

A. So the -- I believe the tactical team order was referenced as the tactical team order. And I -- I was the one that produced that document, and it was more or less just to establish my understanding of what the tact teams were and then show them what was in writing, at least currently, in policy and how it sort of mirrored what was going on in the time frame that we're discussing.

Q. And do you think it did mirror what was going on in the time period we're discussing?

A. For the most part, yes. There's been little nuances that have changed over time, but overall, like, it's essentially the same structure.

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Q. Okay. And we'll go through that, probably in a lot more detail --

A. Sure.

Q. -- a little bit later. And do you -- what about the document or documents that talk about the ability to sign on behalf of someone else?

A. So I don't remember the exact document title, but it -- it walks through, like, presenting a -- a case report for review and indicating the circumstances under which you could sign on behalf of another member.

Q. Is the gist of it that you can do that as long as you write your initials and star number next to the other signature?

A. There's a handful of circumstances under which it can happen. That identifies the circumstances under which that's a possibility. And then typically, that would've been the policy, yes, would be to sign your name and then initial above it.

Q. All right. Any other specific documents you can remember?

A. No.

Q. All right. So I think you've already answered this, but how long have been with the department?

A. It's going to be 25 years in October.

Q. Can you just kind of walk through an overview

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of the roles you've had over the years?

A. Sure. When I first got on the job, I was hired in October of 1999 as a probationary police officer. I spent approximately six months in the training academy until I was sent off for my -- my probationary field status, which I did in the 14th District. While I was there, I did three cycles of training with field training officers. Approximately a couple weeks passed, I was sent down to Loop traffic. They were doing the Michigan Avenue rehabilitation back then, so they took probationary police officers and used us as traffic aides to supplement the -- the traffic staff downtown. I did that until, I believe it was, September of that year, and then I went on -- I came back to the 14th District. I went on furlough. I came back. I was then redeployed downtown for the window detail where, essentially, we were just supplemental force for -- or manpower for, like, the Christmas season for traffic support again and also just to be a -- a visual presence for people that law enforcement was there with the number of people that were downtown. I stayed in the 14th District, I believe, until April of 2000 -- or 2001. Then I transferred into the 15th District. While I was in the 15th District, I worked patrol for a short period of time. I was on a tactical

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team there for a short period of time. I left the tactical team and went back to the watch. I believe it was either '03 or '04, I transferred to the Targeted Response Unit, which was a citywide unit that was sent all over the various high crime districts. I stayed there from -- until 2007. I transferred to the 19th District in 2007. I was in 19 as a patrol officer from 2007 to 2008 when I got promoted to sergeant. When I was promoted to sergeant, after spending our preservice training in the academy, I was assigned to the 15th District. As a sergeant in the 15th District, I was a watch sergeant, I was a CAPS sergeant, I was a tact sergeant, I was a mission team sergeant. I spent from -- I believe it was 20 -- 2013, I believe, to 2014 detailed to the deputy chief's office where we did what was considered operation impact, where we were assigned a group of probationary police officers whose job it was to -- to walk in certain areas. So that was my -- I supervised them. And then after that, I went to Area South as a detective division sergeant. I spent approximately two years there. And then about 2016, I transferred to Area Central where I stayed for approximately almost two and a half, almost three years. And in 2019, I transferred to the Bureau of Internal Affairs where I was a sergeant that was assigned to the

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confidential section for investigations and then also general investigations. I stayed there until roughly November of 2019 and returned to Area 1, which would have been Area Central at the time. Shortly thereafter, they restructured the Bureau of Detectives, and they reopened Area 5 and Area 4. And I was selected to help then-Commander Winstrom reopen Area 5. And I became assigned as the administrative sergeant for Area 5, where I stayed until I was promoted to lieutenant in 2021. After I was promoted to lieutenant in 2021, I was assigned to the 18th District. I was there for approximately -- I think it was less than a month, month and a half. I was reassigned to the Special Investigations Unit, which handles child sex crimes. I stayed there until April of 2022, and then I was reassigned to the Evidence and Recovered Property Section, where I am currently assigned.

Q. Is it ERPS? Is that what --

A. Yes, that's correct. Yes.

Q. -- the acronym is?

A. Uh-huh.

Q. Have you conducted any training over the years?

A. Yes.

Q. What training have you conducted?

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A. So I've been -- since I've taken over as the commanding officer of the Evidence and Recovered Property Section, I will go and do preservice training for our eTrack system for newly-sworn or newly-promoted sergeants. And then we did -- while I was in Special Investigations Section, we did a -- a brief presentation of what our -- our unit overview was for newly-promoted detectives.

Q. Did you become familiar with the policies and procedures on tactical teams when you worked on a tactical team and then when you were a sergeant on the tactical team?

A. Yes.

Q. About how long were you -- did you work on a tactical team?

A. I think I was on the tact team for maybe a year and a half, two years, in '15 as a patrol officer. And then as a sergeant, I had a tact team for a year and a mission team, which essentially mirrored that in the district, for approximately two and a half years.

Q. So about three and a half years, you were essentially in charge of a tactical team or similar to a tactical team?

A. Or similar, yes. Uh-huh.

Q. What -- can you put a time period -- I know it kind of got blended in there, but can you put a time period on when you were a member of a tactical team as a patrol officer?

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A. I want to say it was 2001 through maybe '03. So it was either '02 -- '01 or '02 when I got on the tact team as a patrol officer and then '02, '03 when I transferred off and went back to the watch.

Q. Which tactical team were you a member of?

A. I -- I believe we were the 1563 team in the 15th District.

Q. And why did you transfer off?

A. My partner at the time had had -- I believe it was his third child, and so he needed to get a more steady schedule. We had been partners for, at that point in time, like, two or three years, and I'd rather stay with him. So I -- I shifted and went back to the watch and worked with him.

Q. Okay. What were the general responsibilities of your tactical team?

A. So our general responsibilities were to work, pretty much, as -- like, our orders are defined at the direction of the district commander. So on a daily basis, that would depend on what was going on in the district. If there was a shooting or some other high-profile type of incident, they may reassign our team to

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go work in a particular area to see if we could develop any information as to what was going on, or even just provide, like, high visibility to, sort of, you know, I guess, quell the violence a little bit by showing people that there is, you know, law enforcement in the area. Aside from that, when there weren't specific things going on at -- on a daily basis, we would -- we would drive in the areas and -- and just kind of see what was going on. If we observed possible criminal activity, if it was narcotics-related, we might establish a surveillance. Either my partner and I, or with members of our team, we might set up collectively and -- and do the enforcement together. Sometimes we would be sent to details where we would be -- like I was saying before, they would select a certain number of people if there's, like, a Cubs game or -- you know, or something like that, or a parade where they needed additional support units. We would get pulled and go there. Sometimes we would be given CAPS mission problems where we would go to the CAPS mission board. And they would say if there was a particular problem, this is your assignment for today. Other times we might even get citizen complaints that came in directly to one of our superiors and they would say, hey, a civilian's calling from this particular area, they're noticing that this or this is

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going on, we need you guys to investigate it and come back to us with a report and let us know what -- what's going on.
Q. Were you familiar with Ronald Watts or the Watts team while you were -- while they were a team?
A. So I don't know when I became aware of them, per se. I don't -- I don't know that I would have been aware of them while we were working in the 15th District. Obviously because of the situation that evolved, that's where my -- my knowledge of them specifically comes from.
Q. What area did the 15th District cover when you were on the tactical team?
A. So the -- the borders of the 15th District are from Division to Roosevelt and then from Cicero to Austin.
Q. And was your tactical team -- did they concentrate in any particular area, or was it -- I guess you've sort of described it dependent on what was going on?
A. Yeah. And so -- and, again, like, on a daily basis, it would be dictated as to what our mission was given to us for that day. If there was something in particular we needed to focus on, then that's where we would lend our resources. Other than that, it was, you

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know, we just drove the district. And there were some areas that we were more familiar with. Because, you know, either from our interactions in patrol, we were aware because we were assigned to certain beats or sectors, we were -- some people were a little more familiar with certain areas than they were others. And so then that would become the areas where they would kind of concentrate their efforts because that's where they were most aware of the criminal activity that was going on there.
Q. What -- which tactical team were you a sergeant for?
A. The 1561 team.
Q. Was that in the -- also the same area?
A. So we -- yeah, it would have been the same boundaries for the district, yes.
Q. Did you -- did -- was the 1561 team different than the 1563 team, like, as far as responsibilities go?
A. No. I mean, it would have been the same concept. It's just now, instead of being on the team as a patrol officer, I was now in charge of a team as a supervisor.
Q. What was your role as the supervisor of a tactical team?
A. So as a supervisor of a tactical team,

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obviously you're given -- each team consists of ten officers. Each of which is, in theory, a two-man car. On days when someone's off, those cars can get expanded to a three-person car because they don't ever let a tact car go out by themselves. But same thing. Like, you would communicate with your tactical lieutenant, find out what was going on in the district. If there was a specific mission that the tactical lieutenant assigned to you or your team, then that would be the information that you would send out. Sometimes it would come directly from the district commander. As a sergeant, though, you were also supposed to be in tune to what was going on in the district and being aware yourself of, you know, different kinds of criminal activity that was taking place, if there were spikes in violence, what was going on, and kind of direct your resources to -- you know, to those areas to sort of prevent that crime from -- from continuing.
Q. Were you -- when you were the sergeant of the 1561 team -- that was the one you were a sergeant of, right?
A. Yes, sir.
Q. 15 -- when you were a sergeant of the 1561 team, were you out patrolling with your officers?
A. I was.

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Q. Would you ride with another member of the team?
A. Most generally, yes.
Q. And how would that be reflected, generally, on reports?
A. On reports, like, if I was on an arrest, then I would be on the paperwork as having been there. We would do a daily supervisor's log, but I would be separated from that on the log. Like, I wouldn't be listed in the car riding with them because I would be the one checking their -- their status. You know, we have to do a status check on all of our officers every 45 minutes. And so it's like as that would go, you know, I would still be having my role as the 1561 car, but I would be with them.
Q. And can you break down the years of when you were supervising the 1561 team versus the other similar team?
A. So I believe -- I believe I had the 1561 team from 2010 to 2011, and then I was with the 67 team from 2011 until 2013, I think. Yeah.
Q. The -- tell me more about the daily supervisor's log.
A. So every supervisor will do a supervisor's log. Whether they're on patrol or on the tact team, you

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have a log that you have to fill out that indicates when you checked in with your -- your officers. In patrol, it's every 45 minutes you have to log the car. So as, like, a -- as a beat sergeant, that could be you saw them passing in traffic, to you saw them on a traffic stop, to you responded to a domestic with them. You assisted with some of the paperwork. But there's got to be, on your log, 45 -- something must be occurring every 45 minutes in terms of some sort of supervisory role. The tact team sometimes a little bit different, just because of the circumstances under which you operate. If you're conducting a surveillance, per se, you know, and your team is all there, you know, you might only have a log for that hour, and then it turns into an arrest. Or, you know, there -- there might be larger gaps in the time frame for those things.

Q. But there should be a log of -- every day that you work as the supervisor of a tact team, you should fill out a log at the end of the day?

A. That's correct.

Q. Do you fill it out as you're going, or do you fill it out at the end of the day?

A. I filled it out as I was going.

Q. Do you know if there was a policy or a procedure as to whether it should be done throughout the

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day, or once, or something else?

A. That, I'm not aware of.

Q. Do you know when daily supervisor logs started being required?

A. That, I don't know. I do know that when I was promoted to sergeant, there was one. So in 2008, there was one.

Q. Had you seen a daily supervisor's log before 2008?

A. That, I don't -- I don't ever recall.

Q. And do you know if you were familiar with the concept before you became a supervisor?

A. I think when we went to our preservice training is when they introduced us to it and, like, what the concepts were behind it. I mean, it's a pretty self-explanatory form, but, you know, that -- it was only explained to us what it was and how we were supposed to fill it out in preservice training.

Q. And when did you do that preservice training?

A. So that would've been 2008.

Q. Did someone have to review your daily logs?

A. Yes.

Q. Who reviewed the daily logs?

A. We -- we would submit them for review by our lieutenant either on the watch, or if you're on the tact

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team, it would've been the tactical lieutenant.

Q. And then how did they get -- were they electronic forms?

A. So they're -- they're PDF forms, but we print them out and obviously turn them in, so there's a physical paper copy of it.

Q. And then --

A. And I believe they were then transferred to our admin section.

Q. And then are they scanned?

A. What's that?

Q. Do you know if they're scanned and stored electronically?

A. That, I don't know.

Q. Do they reflect arrests if there are arrests made?

A. In terms of, like, the -- the information about the specific arrest or

Q. Well, let's -- maybe just -- you can -- let's just -- maybe you can give me an example. Say you're out and you assist with, you know, an arrest of four or five people. Would that, in some way, be reflected on the daily log?

A. It might be in the sense that if you put yourself down on -- there was a -- the front section

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just had all the cars listed and then, like, a time and a location where you logged them at. And then the back side had, like, involvement in terms of, like, stops and other activity. So then you could put in those time frames. Whether it would reflect the individual who was arrested? No. I think there was a section for -- for coding on there where you could put down that it was, like, either 19 Paul or whatever it was, a 1 Frank, if it was a domestic, I believe there's a box for that on there. But aside from that, like, it wouldn't -- it wouldn't specifically reflect, like, the name of the individual who was involved, but it would give you, like, the location and the timestamp of when you were there.

Q. Would it say -- would it say something like participated in or assisted in arrest but not necessarily who was arrested?

A. I -- I believe it would have just the address of occurrence and the type of job, potentially, I think is what the two boxes were. It's been a while since I've seen one. But like I said, it's all -- it's all self-explanatory as you're going through it. There's a timestamp that's on there that says it was between this time and this time, so that they can monitor the hours and make sure that you're actually filling the -- the

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log out within that 45-minute time frame.
Q. Is the purpose of the log to show what you, the supervisor, is doing or what the team is doing, or something else?
A. I think it's a combination. Like, my -- my personal opinion is to show that you're actually supervising your personnel as opposed to just saying, oh yeah, I watched them. You know, it's like, well, where were you at with them? I was here at these locations.
Q. So when it's, like, interaction with a -- one of the beat cars or patrol cars, it's not just saying the patrol car was over here. It's saying I was there with them?
A. Correct.
Q. Okay. And the same idea where if there was an arrest or if you list an occurrence, it's you were at the spot of the occurrence?
A. Correct.
Q. Okay. Thanks.
MR. RAUSCHER: We're going to mark Exhibit 1. This is a notice of Rule 30(b)(6) deposition. It's the version that was circulated last week, but attached was the old version.
(EXHIBIT 1 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:

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Q. I went ahead and highlighted the topics that I think you're here to testify about. If you could take a look and let me know if you agree. It goes onto the 3 and -- Page 3 and Page 4. Did I highlight the correct topics?
A. Yes, sir.
Q. Okay. So I have -- well, I guess we didn't say it yet. I have 13A, B and C, E, F and G, and J and K.
A. That's correct.
Q. All right. And those cover the time period -- so those are about the city's written and unwritten policies, practices, and customs, and training in effect from 1999 to 2011. And I'm not going to read each topic --
A. Right.
Q. -- but on those topics. And you're prepared to testify about those today?
A. To the best of my knowledge, yes, sir.
Q. And to the best of the city's knowledge?
A. Well, I mean, it would be to the -- the best of my knowledge. I mean, I don't know if there is someone who's more knowledgeable about these topics than I am, but I'm -- I'm going to let you know what I know about these things.

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Q. Okay. Did you talk to anybody at the department other than -- well, did you talk to anybody at the department about any of the topics that we're going to talk about today?
A. No, I did not.
Q. Are there any -- do you believe you have any gaps in knowledge on any of these topics?
A. I'm not sure I understand what you mean by "gaps in knowledge."
Q. So do you think you know -- you've said you're not sure if there's someone at the city who knows more than you about this. And it's a big department, so I understand, I think, why you're saying that, but you're here to testify on behalf of the city. So what I'm trying to understand is, do you believe that you are competent and prepared to testify on behalf of the city on these topics, or are there some where you think I'm not sure actually if I have full knowledge of this for the city?
A. No, I -- I think I'd be all right.
Q. Okay.
MR. MICHALIK: Yeah. And, Scott, just for the record, I think, in terms of the tactical team, it's my understanding that you spoke with Dan and that he's going to be talking about tact teams in general

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as opposed to specific 2nd District tactical teams.
MR. RAUSCHER: So my understanding was that there probably isn't anything specific to the 2nd District, which is why we had that conversation, but you will tell me if you think I'm wrong as we go.
MR. MICHALIK: I just wanted to clarify.
MR. RAUSCHER: So the topic -- as far as, you know, from my perspective, the topic is still the same, but I think the answer is probably going to be we have general policies.
MR. MICHALIK: Right.
MR. RAUSCHER: But I'm not testifying, so I will stop giving my expected answers now.
BY MR. RAUSCHER:
Q. Did you bring any documents with you today?
A. No, I did not.
Q. Did you print out the documents -- so when -- you said you had looked a bunch of documents. Some of them -- were some of them done online and some of them printed?
A. So everything that I researched was offline. So it would've been from our department director's database and then from the -- the CLEAR system off the wire, the user guides.
Q. Offline, meaning you had a --

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A. Well, online, I'm sorry.
Q. On -- everything was online?
A. Online, yes. Off of our wire, yes.
Q. So you did not print out any copies of anything?
A. To bring today?
Q. Either way?
A. Yes, I did.
Q. Okay. Do you still have a copy of the things you've printed? Did you keep a set?
A. I did not keep a full set of everything. I -- most of what I had, I tendered.
Q. To Counsel?
A. To Counsel, yes.
Q. Okay. If -- we're going to go through some documents today. If there is a document that you looked at or that you think bears on these topics that we haven't -- that we -- you know, that we don't talk about today, I'm going to ask you to just let me know that, okay?
A. Yes, sir.
Q. And then before we get into specific topics, are you aware of any unwritten policies, practices, or customs relating to any of these topics that you're here to testify about?

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A. Unwritten policies, no.
Q. And what about unwritten practices or customs?
A. No.
Q. And did you do any research into the training about these policies the training officers receive?
A. No.
Q. Do you -- are -- but are you familiar with the training that they receive?
A. Based on the training I've received.
Q. And it's your understanding the training you've received is consistent with the training every other officer receives?
A. I would imagine, yes.
Q. And why do you imagine that?
A. It's -- when I went through the training academy -- so in 1999, that's when I first started my training. A lot of the things that you're asking about in that time frame, I would have knowledge of how they trained us to write reports from when I was in the academy then. Follow-up to that would be when they created eTrack and the CLEAR system for arrest reports, there was training that came out that was department-wide user guides. Everyone had access to the same resources.
Q. So maybe you can -- we can start with just

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give me an overview of the training on arrest reports during the 1999 to 2011 time frame.
A. So obviously, when we're in the academy, one of the -- the courses that we were given was instruction on how to complete arrest reports. At the time in 1999, arrest reports were -- were paper. So they were not the digital copies that we have now or the digital versions, I should say. And so there was instruction on how to fill them out and essentially what the boxes on there stood for and then in addition to that, like, what the narrative of that report should contain predominantly.
Q. And there are some, you know, separate categories that are probably fairly be said to be subcategories in this topic.
A. Yes, sir.
Q. For example, B is the use of official reports of abbreviations, such as RO and AO instead of listing participating officers by name.
A. Yes, sir.
Q. Did you receive training on the use of any abbreviations?
A. Yes.
Q. What training do you remember about using abbreviations?
A. I mean, specifically that ROs were -- were

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typically abbreviations that were used for general offense case reports, vice case reports, anything that was not an arrest report, because the RO stood for the responding officer or the reporting officer. AO was something that was more or less specifically dictated towards the arrest report, so that an AO would appear in an arrest report, but not necessarily in a case report for abbreviation. Sometimes people will get the two confused or, you know, by, I guess, force of habit, an RO might show up in an -- in an arrest report and -- and AO might show up in a case report.
Q. What does AO stand for?
A. Arresting officer.
Q. And then RO, you said, could be responding or reporting officer?
A. That's correct.
Q. Is there a -- any training on when it stands for what -- for which of those?
A. I mean, I think it's like -- they're -- in my opinion, they're interchangeable, right? In terms of, like, you -- usually, the person who's reporting it is the one who responded to the scene. You know, in some instances, you didn't respond, you were taking the report at the desk, so I think those would be probably the differences and just more or less semantics.

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Q. So if it's talking about someone who is coming to the scene, like ROs did something, that means the person who's going there?
A. Well, like, there were -- right. So the responding officer would've been, like, in terms of, like, you're writing the report because you're there, right? A reporting officer might be somebody at the desk. In the same regard, like, reporting law officer could also be in reference to the person who's on the scene, you know, who also did respond. It -- like I said, it's more or less an interchangeable use of the two words.
Q. But the only -- I guess the -- is it fair to say that the only time the reporting officer wouldn't be the responding officer is if that person was just doing it at the desk and hadn't been at the scene?
A. I'd say that's fair to say.
Q. Okay. And did you receive training on who is supposed to sign arrest reports and vice case reports?
A. Yes.
Q. What was the training you received on who is supposed to sign reports and who -- sorry, and who is supposed to sign arrest reports or vice case reports?
A. So on the paper versions of them, I believe our -- our instruction sheets were that the original

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signature of the arresting officer would appear. Again, it's been a long time since I filled out a paper one. I don't believe there's -- there's a signature line for the second arresting officer. I believe it's just a printed name that goes in that box, if I remember correctly. Today's reports, there aren't any actual physical signatures that are applied. Everything's done electronically.
Q. How do you sign an electronic report, if at all?
A. So what'll ultimately happen is whoever's logged in for the application for the arrest report, when you prepare to submit that report, there'll be a notifier that will come up that'll explain to you that you understand, under the penalty of perjury, that you're submitting this report. To the best of your knowledge, it's true and accurate. And there is your PC number that's embedded in there that's linked to the person who logged in, and then you put in your password underneath, and then it affixes your name as the attesting officer to the report.
Q. Is that -- the thing you just described, does that apply to vice case reports as well?
A. So case reports, presently, are all done electronically, and so the reports are slightly

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different. And as we've continued to evolve and write reports differently, there is numbers of, like, different people that are put in there, but it's the same thing where it's like, at the end, whoever's typing the report is going to put their PC number in, and it'll be marked as them as submitting the report.
Q. In this case, as you probably know from your experience, a lot of the vice case reports are paper?
A. Paper.
Q. Who was supposed to sign paper vice case reports?
A. So that could -- that could vary. So, like, the individual who authored the report could sign for himself and his partner under certain circumstances that are delineated in some of our orders.
Q. And then -- so let me -- I think there's -- that's maybe, like, a two-part question. And so, one -- there's one issue of whether you can sign for someone else.
A. Uh-huh.
Q. And then there's a different issue of who is supposed to be the person signing the report in the first place.
A. Okay.
Q. So set the issue aside of if you can sign for

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someone else.
A. Okay.
Q. Was there training on who is supposed to be the person signing the vice case report?
A. I don't recall if there was specific training that would've come in a class or anything like that, but I mean, it's just -- it -- it was, again, you would complete the report on a probationary level. You would give it to your field training officer for them to review. They would -- they would then sign the report to say, yes, I reviewed it, right? When you're working with partners, after a certain period of time, yeah, you would give them the report. If they weren't available to sign, then you would sign on their behalf.
Q. So if there's a team involved in an arrest --
A. Uh-huh.
Q. -- who -- is there a policy about who is supposed to sign the vice case report?
A. Who's supposed to sign it? Again, like, the author of the -- of that report should be the one who's signing it.
Q. Is there a policy on who the author is supposed to be?
A. No. In terms of -- I guess it's kind of difficult to explain in -- in -- in the sense that the

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old paper case reports, there's different sections of them, right? And so as you were kind of going through it, someone might be doing the header for you, and then you as the author, who -- who is box 1 arresting officer, they would fill out the top portion of that for you because you were either filling out the arrest report or doing something else, just to kind of expedite the process. But the person who crafted that narrative would generally be the person signing it.

Q. And when you're saying fill out the top part, you're not saying the narrative. You're talking about, like, the --

A. Just all the boxes, right? So it's like, you know, who the -- what the address of occurrence was, what UCR code we had, the RD number, the offender's information, what was recovered, if there was a car that was involved. Just, like I said, it was more or less to kind of expedite the process sometimes.

Q. Should the person signing be someone who was involved in the arrest?

A. Yes.

Q. So let -- maybe we can --

MR. MICHALIK: And just to be clear, you're talking about the vice case report?

MR. RAUSCHER: The vice -- yes, the vice case

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report. We're talking about vice case now.

BY MR. RAUSCHER:

Q. So if there's an arrest, two people were the prime -- you know, two officers were the primary people involved and seeing the illegal activity, putting the handcuffs on, someone else came later and helped move the person who was arrested to a police car, and someone else on the team transported them, and then someone else helped them, you know, get to the bathroom at the police station.

A. Right.

Q. Who should be signing the vice case report?

A. It'd be the two officers that were involved in -- in the incident, making the arrest.

Q. Like, the first two?

A. Yes.

Q. What if there was only one involved in the arrest?

A. In terms of

Q. Do you put two names on there or just one?

A. I mean, you could put other individuals on there as assisting, and -- and that's how it works in a lot of the -- the case reports we have now. And they'll just add as many people as were involved on whatever level into the -- into the -- into that report. In

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terms of case reporting for the tact teams, like, I don't know that there would've ever been a time that it would've just been someone individually making an arrest. Because as a team, like, you can't have -- that 99 car usually wasn't going out. There had to be, like, extenuating circumstances to do that.

Q. So it would be -- there would have to be extenuating circumstances for a partner to leave -- you know, if there's two part -- two people in the car, there'd have to be really extenuating circumstances for one of those two people to go leave and leave the other person alone?

A. In terms of you were working by yourself to make an arrest, I would say there would have to be something that would be explainable, because, again, the teams went out in pairs or in more than pairs. Like, it was -- like I said before, if my partner was off that day, I had to find another car to ride in, and then we rode what we would consider what would they call 3D, right? There'd be three of us in the car. And then our car that day would be somewhat of a down car. Like, on the sheets, I would still carry my -- my unit designator. Each team was given an alphanumeric code. So it's like -- it's 1561 Adam, Boy, David, Charlie, and Eddie. So I would still carry, if I was the Boy car, I

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would still carry that Boy moniker when I would -- when I would come up on there. That'd be my designator.

Q. If -- does a signature of a second person on vice case report -- so there's two -- up to two --

A. Uh-huh.

Q. -- we'll look at a specific one later. We can then walk through it. But does the signature of a second person on the vice case report indicate that that person was at the scene and involved in the arrest?

A. It should, yes.

Q. Is there anything else it could indicate and still be in compliance with CPD policy?

A. That their sig -- like, their signature showed on the report?

Q. Yes.

A. I mean, in terms of being physically present when the arrest was made, if you had a surveillance situation, like, you might have had someone that was on surveillance that was not in the immediate vicinity when an individual was arrested or there could be some other extenuating circumstances, like, you get somebody detained a block over, and then, you know, your team came and got this other individual.

Q. But it would at least indicate that that person who signed it has personal knowledge of the

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alleged illegal activity?
A. I would say yes.
Q. That they saw it or saw --
A. In some -- yes. On some level, they were involved, yes.
Q. Not just that they showed up after and, you know, saw the person that had handcuffs or something like that?
A. I would imagine no.
Q. In your experience, would the policy allow you to sign for, as the one of the two officers, if all you did was show up after they were arrested?
A. I mean, it would depend on what your role was, I would imagine. I think that, you know, it wouldn't be necessarily out of the policy if you then came in and then helped process the rest of the way through.
Q. That could be one of the first two people who signed?
A. I would say yes.
Q. Okay. Are there any rules that you're aware of as to who can be the two signers on a vice case report?
A. No. Not directly, no.
Q. What about indirectly?
A. I mean, like I said, based on the

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circumstances that we're giving here, I think that there are different circumstances where someone who wasn't immediately present could be listed on the case report.
Q. Would it comply with CPD policy if you showed up at the scene after someone was in handcuffs and you were the first officer listed and that you signed the report?
A. So you're saying you showed up second, he's already been detained, and you're going to be the first to report it? Again, if it was a narcotic surveillance and then you were coming out to verify that that's the individual that I did the surveillance on, then, yes, you could be in box 1. There are other circumstances where if it was your call and maybe it wasn't narcotics-related, you just responded to a call and it was a domestic battery, and someone got there before you, detained him, had him in, you know, in handcuffs, and then you conducted that investigation, then, yes, you could flip roles, and then you could go into box 1 because you're the one that's then going to author the report. But you would indicate in the narrative or explain out or flesh out, like, hey, I responded to the scene. When I got there, this is what had happened and then I subsequently learned the following.
Q. So in those examples, you still have personal

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knowledge of what has happened, or you're -- in the second example, you're kind of deeply involved in the investigation, right?
A. Correct.
Q. What if the situation is the narrative on the report says something like ROs observed offender 1 hand drugs to offender 2 who handed currency to offender 1, would it be appropriate -- there's no surveillance listed in the report. Would it be appropriate for an officer who didn't see that to be one of the two signers?
A. I would say that report should be limited to the two individuals who are involved in the actual ROs observed. So who those ROs were would be box 1.
Q. And would you -- would CPD policy have you list who the ROs were in that narrative?
A. I think in -- in prior reports, like, the paper reports, I don't know that we ever went that detailed. Presently, like, our -- our reporting procedures now are a little more detailed than what they were back then with the capabilities of, you know, specifically clicking a button and then adding an individual's name into some of the reports, so they're -- they're slightly different in that regard.
Q. And when did it change so that you could more

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easily list specific officers who are involved?
A. I think it was with the creation of the AIRA reports, and I don't know when we first started using AIRA, to be honest with you.
Q. When creating reports, if there are officers who witnessed the alleged offense who are not the two reporting signing officers, should the narrative indicate who those people are?
A. In -- in term -- so if you could provide me with an example --
Q. So let's say there's two spots on a vice case report to sign, but there were three reporting or responding -- if they were three responding officers who all worked together in the car that day and they all witnessed the offense, should the narrative indicate that all three of them witnessed the offense?
A. If they all did, yes.
Q. Right. If -- of course. It shouldn't say falsely that someone witnessed the offense.
A. Right.
Q. But it -- even though you might not, as a practice, always say ROs 1 and 2 witnessed the offense, if there were more then who were signing, you'd want that to indicate that to be in compliance with the policy?

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A. So I mean, the thing is, like, if there was –
in a situation like you were saying before, like, with a
three-man car, if we compare it to the arrest report,
there was only room for a certain number of boxes. So I
believe 1 and 2, more often than not, sometimes we would
put a slash for that other individual, but I don't know
that it was a required policy for all three of them to
be there. I think, typically, if we were doing a
narcotics surveillance, we would explain who was there
and who did what, you know, like, whether it was by –
by beat number or, like, 1563 team lended their
assistance and they detained them, you know. Just to
kind of explain out who did what, but, again, I don't
know that there was a hard and fast rule for, you know,
specifically explaining who – who did what.
MR. RAUSCHER: We're going to mark Exhibit 2 as
– it's just – it was sent out this morning. It's
PL Joint 087423 through 425.
(EXHIBIT 2 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. Have you had a chance to look at this
document?
A. I have. Yes, sir.
Q. Was this one of the documents you reviewed
before the deposition?

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A. It was not.
Q. Are you familiar with this special order?
A. I mean, having read general – yeah, at some
point, I would come across it, certainly.
Q. Do you remember – do you remember ever
reading it?
A. I'm sure I read it in terms of preparing for
promotional exams, but aside from that, no, I have no
direct recollection of ever reading it.
Q. Are you familiar with the policies written in
here now that you've had a chance to look at it today?
A. Yes.
Q. If you see up here, it says this rescinds
January 1, 1996 version?
A. Yes.
Q. Do you know if anything had – what, if
anything, changed between the two versions?
A. Based on my understanding of how our Research
& Development Section puts out new policy, anything
that's new in department special and general orders is
underlined. So if you look on Page 2, under Item 3, it
says logging into the – the CLEAR homepage, click on
the Bureau Sites link, and then Organized Crime, and
then finally click on ESV Conversion link. I would
imagine that was an addition or an amendment to the

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original order, along with what you see in Item G that's
also underlined, where it starts with, "Unlawful conduct
and disturbances." And then, similarly, on Page 3,
where they have under Section B for the letters of
abatement, the information about the License
Investigation Unit and then finally in Item 3, again,
the License Investigation Unit and Asset Forfeiture.
Q. And then it says "authenticated by JKH" on the
last page.
A. Yes.
Q. Do you know what that means?
A. I'm going to assume that this is who authored
it from or was involved in the process from the Research
& Development Section, but without certainty, I don't –
and it's just their initials. It's the initials of
whatever reporting officer or department member was
involved in this. So, like, when we do department
memos, someone – if they're going to craft it on my
behalf, their initials will go on the bottom, and it may
just be something that I then review, but it's, like, it
was put together by them.
Q. Is this crafted on behalf of Garry McCarthy as
the superintendent?
A. I – I would say yes.
Q. And is that how policies work, the

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superintendent ultimately issues them?
A. Yes.
Q. Let's look back at the first thing you
identified as likely having changed. And that is what
it says in here also. If you see at the end, that's
consistent with what – with your testimony. In the
"Processing Vice Complaints" section, E3 is the first
thing that has a change, and it looks like it's changing
how you obtain the estimated street value of controlled
substances that are recovered. And this is saying you
do it by logging into CLEAR and then clicking on some
links.
A. Right.
Q. Do you see that?
A. Yes.
Q. How was that done prior – how did you obtain
estimated street value of controlled substance to place
on a vice case report before this process was put into
place?
A. I'm trying to remember. I think – you know,
we – we had a similar system where you logged in and
they had street values for everything. Like, you would
give them the weight of whatever it was that you had
recovered, and then it would spit out a dollar value.
Some people would just break it down if they were – if

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that wasn't available, they would just use it, like, you know, it was $10 for every -- every gram. But it was all based off of, like, whatever the FBI value was, or, you know, there was a -- there was a set standard for how much, you know, a gram of cocaine went for, and then you entered it into the system and it gave you a value.

Q. And I think as part of your answer -- was part of your answer in there -- you might just know because you do it so often --

A. Yeah.

Q. -- so you're not actually going to go look it up.

A. Correct.

Q. Would doing it that way still comply with CPD's policy?

A. And -- and, again, I mean, it's an estimated street value. So by the time it goes to court, it might change. And ultimately, in terms of the value of what you have, the value doesn't really impact the charging. It's the weight of what you have, so

Q. Sure. But the question, really, is just, if you -- does it comply with CPD's policy if you provide an estimated amount on a vice case report without going to a secondary source?

A. I would say it -- it would've, yes, it

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would've sufficed.

Q. Do you need to have at least a reason -- you know, some basis for believing the estimated value to comply with the policy?

A. In terms of do you have to print something out or --

Q. Do you have to have any knowledge? I mean, you -- presumably, you can't just make it up.

A. Correct. Right. I mean, so it's -- it's based on an understanding -- like, if you worked in an open-air drug market, I mean, it was like, you weren't going to say that, you know, 0.1 grams of crack cocaine was worth $3,000. You know, there was a common sense factor that was applied to it.

Q. Does the estimated value have any impact on the charging decisions?

A. No. It's all based off of weight.

MR. RAUSCHER: All right. We're going to mark Exhibit 3 as CITY-BG-062148 through 062165.

(EXHIBIT 3 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

Q. Yeah. So this has multiple different special orders in it. And take a look at all of them, but I only have some specific questions about -- toward the end.

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A. Okay.

Q. Have you had a chance to flip through that?

A. I did.

Q. Did you review any of these policies to prepare for today?

A. No.

Q. Can you take a look at special order S04-18-03, which is almost toward the end? It starts at CITY-BG-062162. It's titled "Pre-Planned Narcotics Enforcement Operations." Do you see that?

A. Yes, sir.

Q. Are you familiar with this special order?

A. In terms of knowing that it existed, yeah, at the time. Yeah.

Q. And you believe you would've read it?

A. From my involvement when I was on the tact team, yeah.

Q. And have you had a chance to look it over today?

A. Briefly, yes.

Q. Are you familiar with the contents?

A. Yes.

Q. Does it reflect the policies of the CPD for pre-planned narcotics enforcement operations, including for preparation of reports for those investigations?

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A. Yes.

Q. This is dated February 15th, 2006. That's the issue date and the effective date. Do you see that?

A. Yes, sir.

Q. And it doesn't -- it says it rescinds S05-02-03.

A Uh-huh.

Q. Do you know what that policy is?

A. No. That, I don't.

Q. I don't see on here, really, any italics or anything that indicates what changed. Do you know what changed?

A. From the original, from the --

Q. Yeah.

A. -- S05-02-03? No. And, again, I don't know when Research & Development started utilizing the italics to identify changes in an order, so I don't know if that wasn't a policy then by Research & Development at the time.

Q. So now that you've had a chance to look at it, can you identify anything that's different about this policy than about the previous policy for pre-planned narcotics enforcement operations?

A. If I had to venture a guess, the only thing I could point to, and it's just based on the language in

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it, would be underneath the purpose for Item B, the fact that the order "introduces the Arrestee Control Sheet," but that would be just from the language, not from anything specifically.

Q. Prior to 2006, were there special procedures for processing multiple arrest situations related to pre-planned narcotic enforcement operations?

MR. MICHALIK: I'm just going to object to the extent I think this probably is not really within any of the designated topics for this particular witness.

MR. RAUSCHER: I think it is because it has pretty specific things about how to document those investigations, including reports.

MR. MICHALIK: Well, if you're going to talk about the documentation, it's one thing, but that's not what you're asking him.

MR. RAUSCHER: Well, I'm getting there. I mean, I'm establishing that, if it even existed.

THE WITNESS: Could you ask the question again, please?

BY MR. RAUSCHER:

Q. Yeah. Prior to February 2006, did the Chicago Police Department have a written policy about pre-planned narcotics enforcement operations?

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A. That I wouldn't know for certain, but I would imagine yes. Because if it's saying it's rescinding this S05-02-03, I'd imagine whatever that was was contained inside that policy.

Q. And this document describes multiple different roles that people have in processing individuals in these types of operations, including, you know, how to document it, right?

A. Yes, sir.

Q. Are these policies consistent with how you did things when you were on a tactical team?

A. For

Q. For the pre-planned narcotics enforcement operations?

A. They look reasonably similar, yes.

Q. Is there anything you can identify that's different?

A. Not in this general overview, no.

Q. I'm sorry, not in what?

A. Not in this general overview, no. I'm not seeing anything.

Q. Did you participate in -- I should have asked this. Did you participate in any pre-planned narcotics enforcement operations as a tactical team member?

A. Yes, I did.

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Q. And what about as a sergeant in a tactical team?

A. A sergeant, I don't believe I did, no.

Q. Were they referred to as reverse stings, or is that an example of a pre-planned narcotics operation?

A. It -- that's -- like, in a general term, yes.

Q. Are the vice case or arrest reports stemming from pre-planned narcotics enforcement operations supposed to document which officers had which roles?

A. In terms of the -- the processing of the individual?

Q. At all. So they've got -- this refers to on-scene documenting team, arresting processing -- arresting processing team, things like that. Should the reports show which officers were on which teams?

A. I would say they did not, and the reason being is because they were processing on behalf of a report that was forwarded to them that was based on the observations that were made by other officers. So the processing team, more often than not, the ones that were actually preparing the reports, were housed, at least in -- in our situations, in the station. There was a team that was obviously working in the field as the undercover officers, and then there was another processing team that was involved in either the

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transportation or the securing of those who were identified or arrested during the course of the pre-planned narcotics operation.

Q. Did your team ever conduct those operations and have it with the processing team on-site?

A. So in terms of the actual arresting -- like the teams that are typing out the arrest reports?

Q. Yeah.

A. We could not, no. And it is -- you couldn't type the reports that way. So we had one group that was sitting inside waiting for the arrestees to come, one group that was responsible for the apprehension, another group that was somewhat responsible for keeping them until we were able to transport them, and -- and so on and so forth.

Q. And then the people who write -- wrote the reports were none of those groups; is that right?

A. Correct. So there would be an officer. And, again, like with this, where it's the arrestee control sheet, I don't believe the arrestee control sheet existed when I was on the tact team. It seems to just be -- what we used to do is just document the name of the individual, their demographics, what the general probable cause was for that person to be arrested, and then it would go off with that individual, either in a

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property bag. And then the -- the felt tip pen was the mark and identifier this was arrestee number 1. And then this is his card that goes with him. So that whoever was processing him would receive both the individual and the card, confirm the information about at least their demographics to make sure that they had the right individual, and then that was the narrative that they were they were -- they were supplied.

Q. So if this introduced the arrestee control sheets in 2006, what was used in place of that?

A. There might not have been anything. And, again, from my recollection, I don't recall if there was, other than we just kept like -- of -- what would be considered a miscell ex card, which was blank on the backside and had information that was placed on -- on that, and then that would accompany the individual. But to be honest, I don't know for sure.

Q. If it was one of those two things or maybe it was --

A. If the arrestee control sheet existed at that time.

Q. It was either the arrestee control sheet or, like, this kind of card you're describing?

A. Right. But there -- but there was there was somewhere for us to -- to document who this individual

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was and then what transpired between them. And then how that would be done, is the officers who were involved in the undercover portion would inform the team that was taking possession of that individual, he did X, Y, and Z, and then they would document that based on the observations from the undercover.

Q. Would it comply with CPD policy to fill out the narrative section for a reverse sting before the operation was conducted?

A. Before it was conducted? I mean, it wouldn't necessarily be out of the realm of possibilities in the sense that if it was a pre-designated offense where they knew a specific location that they were going to was only going to result in individuals coming to purchase heroin, right, or crack cocaine, right, there wasn't anyone that was going to be coming to that location for anything other than that, they might have pre-printed form sets already done with a location, RD number absent, the date and time absent obviously because those would be the things that would change within that, and then what was specifically asked for in terms of he asked for six or he asked for two, and then the dollar amount that might have been exchanged in -- in terms for that -- that alleged purchase, things like that would be different. Obviously, the arrestee demographics would

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be -- would be empty as well.

Q. Could you get the RD number before you went out?

A. You would not, no.

Q. Could you get it, though?

A. I mean, you can get an RD number for anything. All you have to do is -- the dispatcher won't know, but the dispatcher will ask you what you're working on. You can't just tell the dispatcher, I'd like, you know, an RD number for this UCR. They'd be like, okay, where are you at and what are you working on? You know, so to get it ahead of time, I would say no.

Q. Are you able to get an RD number on your own as an officer?

A. Yes.

Q. So you could do that before you went out, right?

A. No. I mean, in terms of, like, getting -- getting an RD number, like, if I responded to a job or I made an arrest, whether it was for a domestic battery or I on-viewed a PCS, I would then identify myself on the radio, tell them that I had an arrest situation, I'm at this location, and I need an RD number for UCR code, and I would provide them with the UCR code.

Q. And is the only way -- was it -- from the 1999

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to 2011 time period, is the only way to get an RD number to go through dispatch?

A. Yes. And that could happen in one of two ways. So you could either do it, you know, over the air with your radio, or you could call the ED desk itself and provide the ED desk with your beat, your information, and then they would enter that information into our PCAD system to put you down on -- and generate the records division number for you.

Q. So back to a vice case report and a pre-planned narcotics offense, would it be appropriate to put quotation marks in there saying Offender 1 said "blows, blows, blows" before you went out and did the operation?

A. Before you went out and did it? I mean, it would depend on -- like, if you put it multiple times, I would say that would say that that individual made that statement that many times, right? To use that, my under -- well, my experience is, if you're like, he was yelling "blows, blows, blows," that's more or less like someone who's out there soliciting the unlawful business for the sale of that narcotic, right? As opposed to there isn't necessarily going to be an individual, in my experience, who's ever come up and told someone that they were looking to buy narcotics from, "I need blows,

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blows, blows," you know. It would be more or less like, hey, what are you looking to buy? I'm looking to get some blows. So then that would be in -- you could put that in quotation marks because that's specifically what they came and asked you for.

Q. And you could do that before you met the person?

A. And, again, like, in regards to the locations that some of these things were set up at, because they were known spots, like, in open-air drug markets, different corners only sold certain things. So if you had, like, a particular person that was, I guess, in the 15th District, like Iowa and -- trying to remember -- Lemont, I believe, was strictly, like, the heroin spot, right? No one was going there to buy crack cocaine because no one sold crack cocaine at that spot. So in those instances, you could, yes, in theory, say, yeah, the only thing that's going to transact here is for someone to purchase heroin. Now, were there times where other things did happen? If that happened, then those anomalies would be indicated in a different case report. So, like, if -- let's just say, for example, it's a heroin spot, but someone did happen to come by and ask for weed, right? All right, well, he's still soliciting me for -- for weed. They'd let everyone know, he's not

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a heroin guy. He's a -- he's -- he's for cannabis, and then we would have to do a cannabis report for him.

Q. What about -- is the use of the quotation marks appropriate before the offense happens?

A. Before it happens? And, again, like the conversation that's going to be had, is that that's what the individual is going to ask him for, right? He's not going to come up and ask him for anything other than that particular substance, right? He wouldn't refer to the heroin as something different, you know. It wouldn't be like -- I don't know. There -- there's so many different names that they have now for some of the stuff that's out there, and different spots call things different things, so But back then, I mean, if you were looking to buy crack cocaine, it was you were looking to buy rocks. If you were buying heroin, you were looking to purchase blow.

Q. In -- from 1999 to 2011, was it your experience that everyone looking to buy heroin would just say blows?

A. In terms of the -- the buyers --

Q. Yeah.

A. -- and the sellers? I mean, again, it would all depend. As time evolved, things became different from different spots. But when I was on tact in, you

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know, the early 2001, '02, '03, I mean, it was -- that's all you heard, was rocks and blows.

Q. And then at some point, were there, like, different lines of drugs?

A. In terms of

Q. Like ---

A. Right -- right now, they -- I mean, now ecstasy became, you know, something different, where, you know, that would be solicited in a whole bunch of different ways. Guys would cross their arms over each other and make an X and bang them back and forth as cars went by indicating that they were selling ecstasy. Cannabis, guys would start doing, like, the smoking gestures to cars as they went by, you know, indicating that they were selling cannabis, and everyone would know that, you know, making that smoking gesture, you weren't selling heroin, and you weren't selling crack cocaine. You were selling cannabis.

Q. What about different, like, brands of drugs? Is that something you're familiar with?

A. In terms of

Q. Like, people have referred to lines of drugs as Obama or other names throughout the years in these cases. Have you heard of that in your experience?

A. No. I mean, predominantly everyone that we

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were dealing with would refer to it as either rocks or blows.

Q. If you were in an area where people did refer to drugs by different names, different lines at different buildings, things like that, would you still say it could comply with CPD policy to put, you know, Offender 1 came for -- or asked for "blows" before you did that operation?

A. I would --

MR. MICHALIK: Object to the form.

THE WITNESS: I would say essentially that the report, if it was -- if it was a pre-completed form, that it was specific to those people who asked for that. And if there was an individual who came and asked for something different, then that -- an additional report would be generated, right, to document that difference in what they were asking for.

BY MR. RAUSCHER:

Q. So you could fill out a form -- you could fill out the narrative before you completed the offense, including a quotation, but you would not be complying with CPD policy if you used that report for someone who didn't actually say the quoted words; is that fair?

A. I would say yes, but you also wouldn't sub --

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you wouldn't submit that report either, you know. So the thing is, is that just because you had the pre-printed report didn't mean that you were submitting that report for approval. The report -- because, again, everything that was on that report, from the demographics of the individual to the time to what was asked for, was all blank, right? And so then it would just be like a fill-in-the-blank-type instance where it's like, okay, you know, Mike Fitzgerald came down and he asked for blows, and he asked for three, and he gave me $30. And all of that would be documented so that the officer who was receiving it would say, okay, this all complies with what they said. We're using this report. And it was just in order to sort of, like, expedite the process, because in some of these instances, like, I don't know how they did them in other districts, but there would be sometimes in excess of maybe 30 to 40 people that were all being processed. So that was a way to kind of expedite the process. But, again, if there was something that was different or there was an anomaly to that particular arrest, then it -- it got entered the way it happened.

Q. Right. You wouldn't say -- if 30 people came, in your example, and 29 of them did ask for blows, but Mike Fitzgerald just asked for heroin, it wouldn't use

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the -- it would not comply with CPD policy to use that same arrest report that said Mike Fitzgerald asked for blows; is that fair?

A. That's correct, yes.

Q. C1 on here, on Page 62163, it says -- it starts, "Department members designated to the arrestee processing teams will."

A. Okay.

Q. And then it says, "Utilize the Arrestee Control Sheet to identify each arrestee and complete an Arrest Report, listing the arresting/decoy officer as first arresting officer." Who is the arresting/decoy officer in that scenario?

A. So it would be whoever was approached by the individual. So if I -- I'll use myself as an example. If I went to a particular location and I was the buyer looking to purchase heroin and I approached you, and I said, hey, I want to buy some blows, and then you would then escort me to the processing team, you know, to -- like, hey, we're going to go back here and -- and transact. You lead us to the arresting officer. He's there to place him into custody. You would be the box 1, and that would be the officer who would -- then the processing team would identify you as the individual he interacted with.

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Q. So at least in this scenario, there is a policy about who should be the first arresting officer in the report, right?

A. Yes.

Q. And do you know the reason for that policy?

A. In terms -- oh, it's just because that's who you interacted with. I mean -- so it's, like, you're the one that's going to make the observations so that when you go to court, you would be the one to say that, yes, you know, I interacted with you, and then you would be able to testify and say, yes, I interacted with this -- this individual here, and this is what he asked me for.

Q. And then number 2 is that the processing team will "attest to the information contained within the arrest report"?

A. Yes.

Q. And what is the -- what are they attesting based on?

A. They're -- they're attesting based on the information that's been supplied to them by all the teams that are -- that are participating in this. So whether -- starting from the very beginning in terms of if the process is working the way it's supposed to, it's the decoy officer brings the individual back to the

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processing team or the -- the team that's going to detain him. He's going to tell them what transpired. They're going to document all that information. They're going to hand him off to the team that's either going to transport him or hold him until a transport vehicle comes. All that paperwork then goes into the station with him. They're taking that -- that card -- almost like a -- a mass arrest card. You weren't necessarily on-scene. You're attesting to what's been supplied to you to be factual.

Q. And if you were on-scene, does the attestation include all of your knowledge, including what you observed?

A. The arrest report? The arrest report would just be the probable cause to effect the arrest and to support that charge. So in terms of, you know, that he -- he approached and requested to -- to purchase, you know, blows, you know, a street terminology for heroin, placed into custody, you know, just to support the probable cause because that's what the arrest report is there for.

Q. And so that -- you're doing that based on -- if you were not at the scene, you're attesting based on what you were -- the information you have received, right?

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A. Yes.
Q. If you were on the scene, you are attesting to whatever information you may have received plus what other personal knowledge you would have; is that right?
A. Well, not necessarily, no. I mean -- and again, like, when it comes to the arrest report, the arrest report is just there to support that probable cause. So whatever we decided to charge that individual with, that's what the arrest report is there for.
Q. You're attesting that you believe that there's probable cause?
A. Based on the information that's been supplied to you, yes.
Q. But also -- would it also be based on whatever information you have?
A. In terms of, like, if I saw him --
Q. Yeah.
A. -- engage in it? Again, the person who would be going in that first box would be the individual he directly interacted with who then would say we need to arrest this individual because the transaction that -- that happened.
Q. It wouldn't -- it would not comply with CPD policy to attest to a report that you knew was not accurate?

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A. Correct.
Q. What does the on-duty watch commander do to approve an arrest report?
A. So currently, the officers will come into the office. They'll indicate that they have an arrest report in the queue. They will review that arrest report for probable cause, ensure that the charges that are on there are applicable, and then they'll review it, and then apply their approval to it. There's now additional remedies that we have with the Pretrial Fairness Act that they have to -- you know, as -- as it progresses, you know, whether or not this person can be held for bond or not. There's additional aspects that -- none of that, obviously, existed when these reports were done. If it were a paper report, which would've been in 2002, 2003, they would come in with the arrest report, present it to the watch commander. Again, he would review it for completeness, accuracy, and the fact that the charge that's on the arrest report is substantiated by what's in the -- what's in the actual body of the narrative.
Q. Did anything -- other than the new bond-related information, is there anything that changed from 1999 to 2011?
A. I just -- everything became electronic in

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terms of, you know, watch commander comments now are entered electronically. If someone's released without charging, I believe in the old arrest report form sets, that was done on the back or the reverse side of the paper form set. On this, it's all embedded into the -- the document itself.
Q. Substantively, did the review change at all during the 1999 to 2011 time frame?
A. I would say no.
MR. RAUSCHER: All right. We're going to mark Exhibit 4, which is special order 9-5-01, CITY-BG-62837 to 41. I may not have enough. I may be one short on that one. Do you want me to go and get another copy?
(EXHIBIT 4 MARKED FOR IDENTIFICATION)
MR. MICHALIK: Yeah, if you wouldn't mind.
MR. RAUSCHER: Yeah. Sure.
MR. MICHALIK: Unless you're only going to be, like, a couple of minutes.
MR. RAUSCHER: Well, actually, do you have one? I'll just go print another one.
MR. MICHALIK: 09-05-01?
MR. RAUSCHER: Yeah.
MR. MICHALIK: I got it.
MR. RAUSCHER: Oh, you got it? Okay.

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MR. MICHALIK: Yeah.
BY MR. RAUSCHER:
Q. So this is Exhibit 4. Was this one of the documents you reviewed to prepare for your deposition?
A. Yes, this is one of the ones I produced.
Q. Okay. To 41. Can you just give me the general overview of what this document is?
A. Yeah, it -- it just walks through, you know, in terms of -- if you look at the -- the first portion, the -- the reporting standards, this reference to the field reporting manual, that used to be the -- like, the reporting guide. So this was something that we were given when we were in -- in Training and Education Division, which kind of just explained out how you were supposed to write a report and -- and the facts of which -- how it was supposed to be contained. Kind of walk you through different -- different aspects of it, like, the hotel rule, that kind of thing. It sort of, like, was a more in-depth guide for -- for how you were supposed to generally write reports. This is the one where -- this is the report I was referencing where it explains the circumstances under which you can sign on behalf of someone else that you're going to find on Page 3, and then just kind of generally went over, like, court complaints, what are supposed to be in there, and

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– and how to fill out certain portions of the arrest reports.
Q. And are there any substantive changes from S03-13-1, which this policy rescinded?
A. Again, that, I wouldn't know with certainty. I mean, this -- this order was published in -- looks like 14 August of '03. So, how old the order was that it rescinded, I don't know.
Q. So was there anything different in this order starting in '03 that you weren't doing in '99?
A. I would say – again, it looks like the changes that were made in this are related to the advent of the CLEAR system. So if you look at -- what page is it -- Page 4 under Section -- or Item number 2, the "Automated Application for Arrests, where it's indicating that the signature and affirmation requirements listed in III – will be satisfied by a [sic] member entering their own PC login," and then, "The application at the beginning of the reporting process or such other digital or electronic process of authentication and approval as established in the related computer application." Like, we didn't have, obviously, automated reports back then. So that's kind of what I'm seeing, is that it's perhaps that's what the changes in this were.

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Q. So no substantive changes about how to create reports or not -- sorry, I shouldn't say it like that. No substantive changes about how to fill out reports or the information that needed to be in the reports?
A. No, I don't believe so.
Q. Just more about the process of doing it on a more computerized basis?
A. That's what it appears to me, yes.
Q. There are -- the requirements for signing -- or the rules about signing for other people, were those new in 2003?
A. I don't believe so, no.
Q. Those were the same in 1999?
A. I believe they were, yes.
Q. Did you receive any training on whether you could sign for someone else and under what circumstance?
A. I don't specifically recall, like, attending a class or, you know, other than anything that would've been in writing, potentially. But no, I don't -- don't recall anything specifically.
Q. But you would've received the written policies?
A. Yes.
Q. And how were -- how was a -- when a policy like this comes out, how was that communicated to

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officers?
A. So presently, we have our -- we get notified that there's amendments that have come out to -- to new orders. Every month, we're required by the department to -- to log into our learning system and find the new -- they have the new orders already pulled. And so with all the amendments in them, then you're supposed to review them, and then you affirm that you read it and reviewed them by clicking a button that you mark as completed. Prior to that, the reports used to be forwarded to the department in stacks back when we were -- you know, everything was still paper-based. We would get the orders. There would be a pile of them. They would tell you at roll call, hey, there's a new order that came out. You guys have got to go get them. They're downstairs.
Q. In 2003, what was the process for alerting officers to rule changes?
A. I'm sorry?
Q. In 2003, what was the process for alerting officers to new special orders or general orders?
A. I would say it was predominantly through -- through roll call and, you know, a notification from, you know, like, department memos that came out that would say there's been an amendment to this particular

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order, and then the order would be released. Whether or not they would put out, like, a -- a department notice saying, hey, there's a new order that came out, you need to send someone from the district down to graphic arts to pick up, you know, all the new printed- out orders and bring them to the district, I don't know if that was something that was in place then, but I think that became something that was adopted at some point.
Q. If you could take a look at the Section C on the second page, specifically C4. This talks about getting an RD number, which is something we've talked a little bit about already.
A. Uh-huh.
Q. What the -- what is an RD?
A. It's a records division number.
Q. What's the purpose of an RD number?
A. The RD number identifies a particular incident that you're then going to write a report off of, so that going back in time, they can reference and linking things together. Typically, every records division number is associated with an offense number. So that offense number is also tied to those two things. So, like, if there's a phone call that came in for a domestic battery, it would have come in under, you know, offense number 123456. And then you get there and

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you're like, okay, I need, you know, an RD number for – an 0486 for a domestic battery. And then those two would be then linked because it would go into the PCAD as associated with that ticket.

Q. So if you look at b – so C4b, it looks like that gives a few ways that you get an RD number; is that right?

A. Yes.

Q. What is – can you explain b(2)?

A. b(2)? "Entering the required information in the appropriate computer menu on either a (PCAD) or a [sic] terminal located in a unit or a PDT." So the PCADs were terminals that were inside each station. Those PCADs allowed you the opportunity to do, like, offense searches, to enter daily ANAs before the automation portion came in. So there was a screen that was in there where you would indicate that for – in the station, more often than not, it was used when people came in to make – make out a police report. Like, you would then get on the air and be like, 1502, which is our – our desk, we needed an RD number for this. They would just go to the PCAD terminal, enter in the fact that they had a walk-in report, that it occurred at the 15th District, type in the RD number – or the UCR code that they were looking for, and it would generate an RD

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number for them.

Q. So that's a way you could just directly get an RD number without going through dispatch, right?

A. So you're still kind of going through dispatch, but electronically, yes.

Q. In what way are you going through dispatch?

A. So the – it's – it's – everything's still linked into the dispatch terminal. So it's, like, that information's still going – it's – there's still a record of it. There's not, like – you're not doing it under the cover of darkness.

Q. It flows through dispatch, but there's no one in dispatch who's asking you questions about it?

A. Correct, but usually in – in asking for an RD number, a lot of times dispatch won't ask you any questions. So if you want to view something, you'd be like, hey, I – I viewed a traffic accident at, you know, Central and – and – and Madison. I need a 99 Boy. They put you down at Central and Madison, 99 Boy. That's the extent of it. And then everything else that comes from it is, you know, the information that you've then entered into the report that's then subsequently reviewed by your supervisor.

Q. Is there anything in the PCAD or PDT that would prevent someone from getting an RD number on their

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own before going out and making an arrest?

A. That would prevent – I mean, you would have to put yourself down on an offense. Like, you couldn't just say I need, you know, an RD number and just say – and just generate it without being assigned to an offense. So by doing that, you're identifying the fact that you're assigned to a particular offense and that this is what it is.

Q. And that offense could be an arrest for someone purchasing heroin, right?

A. It – right.

Q. And there is no – there's nothing to stop – like, preventing you from doing that before you go out and make the arrest?

A. Ethics, but yeah.

Q. Why would it be unethical to get an RD number before you make an arrest?

A. I mean, in the sense that, like, if – if you're going to sit there and you're going to say I'm going to – I need an RD number for arresting someone for the possession of a controlled substance, that would raise questions as to where that controlled substance came from. You know, why are you drawing an RD number for, you know, a 2027 or a 2014 when you don't have any narcotics or a person you have arrested for them? You

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know, we don't get our RD numbers because that's what we intend to go arrest that day and get numbers ahead of time to establish the fact, oh, I finally got one. Now I'm going to use my number. You know, it's something that you're doing during the course of it. In terms of, like, these missions, they might have drawn it at the very beginning of the mission, right, knowing that we're going to arrest at least one individual. Because we're tied to this offense, we already pulled the offense number for we're at this location and – you know. So in that regard, yes, but, like, to just randomly go in and say I need it for something else, I would say no.

Q. But you could – you might do it – would you be able to do it and still be complying with CPD policy for a pre-planned offense?

A. For a pre-planned offense? I would say you – under the circumstances under which I – I just explained, once the offense started, you could, in theory, yes, because you know you're going to arrest at least one person, but it wouldn't be like, hey, we're going to draw the RD number the night before.

Q. You'd have to do it once you actually go to the location?

A. Right. And you start the mission.

Q. And let's go to Section D on the next page,

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"Case Report Signatures."
A. Uh-huh.
Q. Is this the section you were -- or one of the sections you were talking about that gives the rules about signing for other officers?
A. Yes. This is what I referenced earlier.
Q. And just can you explain it?
A. Yes. So I mean, essentially, it says that, you know -- I'll -- I'll read it and then I'll explain. It says, "Members working a two-person beat car and completing a case report will personally sign the report in the appropriate spaces. However, one member may sign for a second member by signing the second member's name and placing the member's initials and star number immediately following the second member's signature only if the following circumstances are met. The second member is unavailable" -- or, I'm sorry, "unable or unavailable to sign; and if the member actually completing the report advised the second member of the content of the report; and the second member gave the first member permission to sign the report on behalf of the second member." So, I mean, essentially what it's saying is that you do have the -- the permission to sign someone's name on a report if these three parameters are met. Being unable to, could be anything from, you know,

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he injured himself and he can't sign anymore. Unavailable, left for -- left the tour before the report was completed, or is tied up doing processing somewhere else, but the report's completed and we need -- and we're going to submit it. Typically, in -- in interactions with my partner, we would always discuss the report. So he would always be aware of what -- what the content was. More often than not, we would probably read each other's reports, too, so that we would know what the content was in there, and then we would give the affirmation verbally, that, yeah, I'm -- I'm in agreement with what's on here.
Q. And then you would do -- you would show on there that you signed for the other person?
A. Yeah.
Q. And that's in your personal experience? That's how you did it?
A. Yes.
Q. It says -- this thing starts off by referencing "members working a two-person beat car"?
A. Yes, sir.
Q. Is it limited to people working a two-person beat car?
A. I mean, under the -- the guise of this report, that's what they -- they reference it as. I mean, it

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could just be the fact that there isn't -- that every single set of circumstances under the sun aren't going to be incorporated into every -- every report. There's just going to be different things for everything. Because then if you take it to the next level, it's, you know, members working a two-person tactical car and then there is times when you have three guys inside the tactical car, that I don't know that they would have necessarily broken it down to that level.
Q. But this -- the same policy applies to three people working in a tactical car?
A. I would say yes.
Q. It is not the case that whether it's two, three, or six people working on a tactical team together can just sign someone else's name without saying anything about it?
A. Correct. You would have a conversation with your partners, and they would be aware, you know, and they would give you permission to do it.
Q. And then you'd have to show your initials and star number?
A. You should, yes.
Q. Well, you should if want to comply with the policy?
A. Correct.

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Q. And if you don't do that, you are not complying with the policy?
A. Correct.
Q. And this applies to vice case reports, correct --
A. I --
Q. -- in addition to other reports?
A. I would say it applies to all reports.
Q. Okay. There's a Section F, "Completion of Arrest Reports and Related Documents."
A. Uh-huh.
Q. And there's some highlighting.
A. Yes.
Q. Did you do that highlighting?
A. I did.
Q. All right. Why -- what -- how'd you pick what to highlight?
A. Well, I was just highlighting because it was -- one of the questions that was brought up in the -- in the 30(b)(6) was preparation of arrest reports. It was just me annotating and highlighting for myself that this might be something that we would have to reference during our conversation.
MR. RAUSCHER: Can we take a five-minute break?
THE WITNESS: Sure.

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MR. RAUSCHER: Thanks.
THE VIDEOGRAPHER: We are off the record. The time is 11:47 a.m.
(OFF THE RECORD)
THE VIDEOGRAPHER: We are back on the record. The time is 11:57 a.m.
MR. SCHALKA: And just -- I was a few minutes late joining the deposition. My name is Michael Schalka. I represent Defendants Spaargaren and Cadman in the coordinated proceedings.
BY MR. RAUSCHER:
Q. All right, We were talking about -- I think you had said right before the break, you highlighted the sections that -- for topics that had come up. Was that essentially right?
A. I highlighted them based off of what -- what I received from the 30(b)(6), just so when I went in to have meetings with Counsel, that the things that I was referencing, I could point to them and say where I was getting my information from.
Q. For any of the highlighted sections on this document, did you have information beyond the -- what's in this report? Like, did you have personal knowledge where you said, well, the policy, you know, says this specific thing, but I know there's a little more to it?

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Was there anything like that?
A. No. I mean, essentially, when I was going through everything, it -- it was all based off, like I said, the -- receiving the 30(b)(6) and then looking for the information, you know, just to refresh my recollection or even look for department orders that might substantiate some of the things that we needed to present today. And, again, I know one of the -- the conversations that we did have was about, you know, signing on behalf of another member, which is part of the reason why I highlighted that, because I wasn't, prior to that, you know, familiar with remembering exactly where I would have seen that before. So I made a note of that and made sure I printed this and shared it with them. The same thing with just some of the -- the form sets that, you know, it was brought up about preparing arrest reports and discussion about complaints that was also included in the 30(b)(6).
Q. When you say "complaints," are you talking about court complaints?
A. Yes, sir.
Q. Like, the preliminary complaint?
A. Correct.
Q. Okay.
A. Yes.

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Q. And was there anything that you looked at when you were preparing for this, anything in the written policies, where you thought that's not exactly how I remembered it from my time as an officer?
A. No.
Q. Page 4 of this document --
A. Yes, sir.
Q. -- which would be F1. And then specifically F1b refers to an arresting member signing an affirmation statement. Do you see that?
A. Yes, sir.
Q. Who is the arresting member? What does that mean?
A. My understanding of this would be whoever's in what we would consider box 1, so the arresting officer. I'd have to see the old paper form set to know for certain.
Q. And then we looked at an example of, like, that pre-planned narcotics offense where it said who's the arresting -- you know, who should be in box 1. Are there other contexts where there is a policy for who should be in box 1?
A. Box 1 is essentially the individual who's going to be able to go forward to provide an account for all probable cause at -- at a court hearing, so that we

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wouldn't have seven officers going to go testify. It's the individual who has the most amount of knowledge about the case to answer up for any questions at a preliminary hearing.
Q. And then do you know if that is reflected in a written policy?
A. It might be in our hard card for arrest report procedures, which would have been -- I don't know if it's referenced in here. Like, the arrest report instructions.
Q. What's hard card?
A. So we used to have, like, hard cards back when -- like, I -- it was almost like a cardboard instruction sheet that we were given when we were going through the academy that explained vice case reports, arrest reports, listed all the different boxes that were on each of those reports, and then it kind of was, like, a quick reference guide for, hey, what's box 7? I don't remember what that is. So you go to it, and it will tell you box 7 is specifically this. And I think it's off of one of those hard cards.
MR. RAUSCHER: So what I think I'm going to do now is mark another exhibit. So Exhibit 5 is going to be the vice case report document, and this is Bates stamp CITY-BG-062853 to 854. Do you happen to

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have one of those, Paul? Looks like I've got only two of those, too, or do you have it -- this?
(EXHIBIT 5 MARKED FOR IDENTIFICATION)
MR. MICHALIK: Yeah, I think I might have that one.
MR. RAUSCHER: You might have it in your stack.
BY MR. RAUSCHER:
Q. You know, before you get too far into that, let me ask you one more question on --
A. Sure.
Q. -- the previous exhibit.
A. Uh-huh.
Q. You had testified, I think, that your understanding was the written -- the policy about signing someone else's name applies to all documents, not just the specific case report?
A. Well, for case reporting purposes, right. In various case reports that we have.
Q. If you look at Section 6, which is the last page of that document, does that essentially say you can also sign other documents under the same circum -- or similar circumstances?
A. Yes.
Q. You always have to show that you've done it by the initials --

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A. Right. So this --
Q. -- and star number?
A. You know, and the -- and the purpose behind that is so that they understand who it was that signed on your behalf.
Q. Who's the "they" in your --
A. Like, whoever's reviewing the report. So if I'm bringing it to, you know, my commander or I'm bringing it to my lieutenant and I'm like, all right, well, we'll know that that signature belongs to someone else. So in other words, there's been times in my role as a lieutenant where I will have a conversation with my -- well, he's now deceased. My -- my commanding officer at the time was Joe Murphy. He died in December. But, like, I would have conversations with him. He wouldn't necessarily be in the office. We would have to have a report that needed to be forwarded. I would ask him if I had permission to sign his name. After I forwarded him the document, he would review it and say it's good. I'd sign his signature with my name, and then put my name with my initials and my star next to it. I usually put a circle around it so that people would identify that it was -- it was my signature of his name.
Q. Okay. Got it.
MR. RAUSCHER: So I've marked Exhibit 5. And

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now I'm going to also mark Exhibit 6, which is a vice case report Bates stamped CITY-BG-29 to 30.
(EXHIBIT 6 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. Did you -- was Exhibit 5 one of the documents reviewed to prepare for the deposition?
A. No, it was not.
Q. That's the vice case report instructions.
A. Oh, I'm sorry. 5, yes. 6, no.
Q. Okay. Right.
A. Sorry.
Q. 6 is a little more specific.
A. Sorry. Yeah.
Q That's okay.
A. And, again, 5 was the document that I produced.
Q. And I see some highlighting on here again. Was that, again, highlighting that you made?
A. Yeah, it is highlighting that I made in, again, response to what was contained in the 30(b)(6).
Q. If you could first read the narrative section on Exhibit 6, it goes onto both pages, and then tell me when you're done with that.
A. (Witness complies.)
Q. You had a chance to review the narrative

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section?
A. I did.
Q. If you look back at Exhibit 5, there is a number 40 on Page 2. Does that give the policy for what should be in the narrative section of a vice case report?
A. Yes.
Q. And does this vice case report narrative section comply with the CPD policy?
MR. MICHALIK: I'm going to object to that question. He's here to answer questions about the policies and practices of the CPD. He's not going to be offering opinions as to whether certain things comply with those policies.
BY MR. RAUSCHER:
Q. And you can still answer the question.
A. I mean, on the basis of the fact that I wasn't there, I couldn't answer that question in its entirety. By reading the report, it seems to summarize the information that they receive and the enforcement action that they took. So I would say in terms of giving a concise statement of the facts, I would say yes. But, again, not being involved in the incident, I -- I don't know all the particulars of it.
Q. Can you tell looking at this who the ROs are?

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So the narrative references ROs a few times. Who are the ROs?
MR. MICHALIK: Same objection.
THE WITNESS: My response to that would be in -- - in terms of that, that would be off of the knowledge from the officer who authored the report, and then he would be able to tell you who -- who ROs were and be able to expound upon -- expound upon everyone's roles. And there were other documents that would support in terms of who recovered what, inventories and so forth, that would fill in the blanks of who was where and -- and things of that nature.
BY MR. RAUSCHER:
Q. So RO 1 would be Jones, and this should be reflecting his knowledge, and he would be the person to say who else has knowledge. Is that what you're saying?
MR. MICHALIK: Same objection.
THE WITNESS: I would say it would be based upon the recollection of the indivi -- like, if you're looking for whoever authored the case report, which in this case, it seems to be Officer Jones, he would be the person that I would direct that question to in terms of determining the totality of -- of the offense. Like, does this accurately

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describe what everyone did.
BY MR. RAUSCHER:
Q. And -- right. And I understand you weren't involved in this arrest, so maybe a different way to ask it is, is there -- to comply with CPD policy on writing narratives, do those ROs have to be any particular people listed anywhere else on this report?
A. So, again, like, when he says that the ROs pulled alongside the passenger side of the vehicle, I mean -- and they were in a covert car, again, not being there, I don't know if all the officers that were listed inside were in that covert vehicle. So it's, like -- in terms of that, like, I wouldn't be able to respond to that, but I would say, based on reporting, that it does provide a concise explanation of what happened. I terms of identifying everyone's involvement, that then falls back on the officers that are listed on the report to then explain whose role was what if they get -- if they get asked.
Q. So there is no CPD requirement that the report has to say what any particular officer did?
A. Well, I mean, in -- in this particular one, it indicates that he was searched by an additional officer in the station at the very end. So it identifies PO Hurt as someone who searched him. The fact that Beat

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211 was also there and what they did, so it spells out those portions of it. I would think that in terms of, like, the narcotics end of it, who recovered what, would be answered by the inventory reports because that would identify -- if a state's attorney was reading this for - - for trial purposes, to kind of then identify who did what, but then also they would bring all the officers in and interview everyone to make a determination of, you know, whose role was what. You know, who was in the covert car? Was it all of you? Was it not all of you? Was the enforcement car set up somewhere else? And then they would fill in the blanks on -- on that portion of it.
Q. So the CPD policy does not require the identification of anybody -- sorry, I'm going to strike that. CPD policy doesn't require the report to identify who did what during the arrest?
A. During the arrest or the incident?
Q. During the incident.
A. I -- I mean, the thing is, in -- in reading this report, I would say that, as a collective whole, they were all involved in receiving this information, setting up a surveillance, and then taking an enforcement action as a team.
Q. They meaning?

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A. ROs. Meaning all the officers that are listed on this -- in box 12, 8, and 18, right? That they were identified -- to me, if I'm reading this report, I would identify them as the ROs. As a team, they then set this up, and then they use an enforcement vehicle along -- or a covert enforcement vehicle, along with a beat car, to take enforcement action, and then what transpired from there.
Q. And the 45 and 46 having two people's name and signature doesn't signify any particular role beyond the other people listed; is that right?
A. In terms of -- I would say 45 and 46 are going to be your two officers that more than likely appeared in box 1 and 2 of the arrest report.
Q. Sure. So it ties with that --
A. Right.
Q. -- but does it signify -- under CPD policy, does it signify any particular role in the incident?
A. That just that they were one of the responding officers that were involved in this -- in this incident.
Q. But that they --
A. And then --
Q. I'm sorry. Go ahead. Continue.
A. -- and -- and -- I mean -- and then maybe even to go -- I would say in this particular instance -- but,

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again, this is just my -- my opinion, and everyone writes it differently. But, like, where it specifically indicates they set up a surveillance with Beat 211 and after a short time -- RO, to me, would be Jones, observed the vehicle approaching the area southbound on Rhodes from 35th Street. But, again, not being there, I mean, you'd have to ask them for who played what specific role in this.

Q. Right. What I'm trying to get from you is more of what would the policy require them to put in this report and how do you read it as the official from CPD talking about the policies?

A. I would say that according to our -- our policies that, again, when you're writing narratives, it's all -- it's all based on how the author wants to write it. In the sense that does it provide -- does it answer the question number 40? Does it give a concise statement of the facts of the case? It does. Some people would expound in their reports and indicate who everyone did, and it made it easier, you know, for recollection purposes for certain people when it went to court to remember that I did this, you did that, he did this, he did that. Other people didn't write that way. You know, some people just wrote it as, you know, in this general summary way where it gave a concise

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statement of the facts that actually transpired and then they had supporting documents that then explained who did what. Or when they went to court, it was based off of their recollection of the offense, and then they would have to support their statements on the stand based on the reports that they then crafted.

Q. And under the policies, it's okay -- either way is okay?

A. I would say yes. I mean, as far as this is written, I would say that it would've been a report that would've been approved. Yes.

Q. And then we've already talked about the policy for signing, but if you assume that one person signed for 45 and 46 here, would you agree that violates CPD policy?

MR. MICHALIK: I'm going to object. Again, it's beyond the scope as to his interpretation of the document. He's here to talk about the policies.

MR. BAZAREK: Yeah, I'm joining in that objection.

THE WITNESS: I mean, I would say -- if we're saying the same person signed all three names, then, yes, obviously that would be a violation of policy. However, I mean, just looking at it, I would say it was signed by three different people.

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BY MR. RAUSCHER:

Q. Right. I am not asking for a handwriting analysis --

A. Right.

Q. -- or necessarily saying three people signed it. Just to be clear, I'm asking if somebody -- one person signed two or multiple names on here, that would violate -- that would've violated the policy?

A. It would've violated the policy. But, again, I don't know necessarily if you're talking about in terms of, like, disciplining someone, that might be something that would come down as a reprimand to remind someone that if you're going to sign a report on somebody's behalf, you've got to -- you've got to document it.

MR. RAUSCHER: All right. We're going to mark Exhibit 7 as CITY-BG-3812 to 3816. This is an arrest report from the same incident.

(EXHIBIT 7 MARKED FOR IDENTIFICATION)

MR. BAZAREK: Scott, what's -- I'm sorry, what's the Bates, again, on that?

MR. RAUSCHER: 3812 to 15. It's that Ben Baker arrest report or final approval of an arrest report.

MR. BAZAREK: Okay.

MR. RAUSCHER: Oh, I'm sorry. It's 16. It

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goes through 16. I said it wrong. There we go. I'm also going to show you -- I'm going to mark Exhibit 8, which is CITY-BG-62855, and that's "Form Preparation Instructions." They just copied them differently.

(EXHIBIT 8 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

Q. Have you had a chance to look at those?

A. I did.

Q. So Exhibit 8 is "Form Preparation Instructions."

A. Uh-huh.

Q. Is that giving instructions on how to fill out an arrest report?

A. Not this one.

Q. It doesn't match up to this one, right?

A. Right.

Q. Yeah.

A. So this is -- this would've been the form set for the paper reports.

Q. If you look at 44 -- you see there's some more highlighting in here, which -- did you do that highlighting?

A. That's me as well. Yes.

Q. One of the boxes you highlighted is -- I

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believe it's 44?
A. Uh-huh.
Q. It says, "Arresting officer having court appearance responsibility will print his name first indicating beat, furlough, day off group, and misdemeanor/ordinance court key." Do you see that?
A. Yes, sir.
Q. It obviously doesn't exactly match up on this form, but is the substance still accurate that the arresting officer having court appearance responsibility will be the first arresting officer?
A. That's still correct. Yes.
Q. And so that's the person on this -- if you look at Page 3, arresting officers, that matches up to Jones; is that right?
A. Yes, sir.
Q. And then second -- the next box, 45, says, "Second arresting officer will print his name, indicating star number and unit of assignment." Do you see that?
A. Yes, sir.
Q. And is that supposed to be Officer Mohammed in this arrest report, which is Exhibit 7?
A. Yes.
MR. MICHALIK: And I'm going to just object to

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the foundation. This is beyond the scope of the 30(b)(6) notice.
MR. RAUSCHER: I don't think it is because we talked about how I was only going to use reports, if I did, from test cases.
MR. BAZAREK: I'm going to join.
BY MR. RAUSCHER:
Q. What does -- so back to Exhibit 8, "Arresting officer having court appearance responsibility will print his name first, "what does that mean?
A. So on the paper form set, like, if you had the old arrest reports that we did, they would be considered -- this would be considered the box 1 arresting officer. So he is the one that's going to be going to court for the probable cause or the preliminary hearing.
Q. And is there a policy on who that person should be?
A. I -- I mean, in theory, it should be the individual who is going to be able to establish the most at the probable cause hearing without them having to either seek for a continuance or not have sufficient evidence or information to go forward with a preliminary hearing.
Q. And if you look -- looking back at the vice case, box 45 -- so if I'm looking at Exhibit 5, which is

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the vice case report form, and then it says, "Enter" -- so 45, "Enter printed name of officer completing report, star number, and the signature in the box below," do you see that?
A. Yes, sir.
Q. Is that supposed to correspond to the first arresting officer in the arrest report?
A. I don't, necessarily, think it -- it has to.
Q. Okay.
A. There could be circumstances where it kind of -- like with everything, there's -- there's an exception to every rule, right? Can I give you one off the top of my head? No, probably not. But there probably could be an instance where maybe he's on furlough and can't go, right? So rather than put him in box 1, they might put another guy in box 1, so that they can go to the preliminary hearing and not have a continuance.
Q. Oh, he -- if he knows he's going to be on furlough --
A. Furlough, correct. Yes.
Q. And then would that -- would the report indicate that that's why they wrote the report that way?
A. It probably wouldn't. I mean, because the report itself wouldn't change in terms of who authored this report and who did what. Like, the circumstances

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of that wouldn't change. And then the officer going to testify would testify to what he saw and/or observed. But that person who would be taking his place would be the person that would still be able to testify and explain the roles of everyone that's involved.
Q. It -- would -- if the reporting officer had not observed any of the things in the narrative, would they have to change the narrative to reflect that?
MR. BAZAREK: Object to the form of the question and incomplete hypothetical.
THE WITNESS: So are we talking about the arrest report or the case report?
BY MR. RAUSCHER:
Q. So we're -- on the vice case report.
A. Okay.
Q. In your example where an officer may be going on furlough and so that they don't want to be the reporting officer and cause a court case --
A. Well, they would still be the reporting officer. They just wouldn't necessarily be box 1 for the arrest report. So that was the question I thought you asked is, is would there ever be a time where 45 wouldn't be the same as the 1? So maybe I misunderstood what you were asking. So in that regard, the officer would still write his report. He just wouldn't go box 1

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because he might not be available for court.
Q. So box 1 on the arrest report would change?
A. Yes, because that --
Q. Got it.
A. -- person could still satisfy the probable cause hearing and still be there to testify for everything that transpired. So there -- there could be circumstances where that might arise, and that would probably be, you know, like one that I could come up with off the top of my head. That might be, you know, a time when that might occur.
Q. As a general rule, though, box 45 on a vice case report would also be the same person who's expected to go to court and be the first arresting officer?
A. I would say yes.
Q. And then box 46, the explanation of box 46, back to the form, says, "Enter printed name, star number, and signature of a second officer, if applicable."
A. Yes, sir.
Q. What does that mean?
A. So if it's applicable -- when we're recovering -- this is for narcotics in general. So any time -- let's just say I'm working in a beat car by myself, and I respond to a call from a citizen who says I was doing

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my gardening, and I came across a bundle of heroin, you know, that someone was concealing on my property. I, as an individual officer, would respond to that scene, and they would point out that bundle of heroin. I would recover it. I would write my report. For found narcotics, there wouldn't be a need for a second officer then. So in situations you may not always have a second officer that's on scene. Or in the same regard, if I'm working on a -- in a beat car and I'm by myself and I view a hand-to-hand narcotics transaction, or I pull someone over for a traffic violation that, subsequently, leads to the arrest of an individual for narcotics, and I'm the only one that's on scene and I'm the only one involved, then there's no need for a box46.
Q. Okay. And so would it be typically -- the policy would -- typically, following the policy, you would expect two people to be on there for tactical team arrests?
A. That's correct. Yes.
Q. And then staying on the form, we've got 48 and 50 talk about supervisor work?
A. Uh-huh.
Q. And what is the supervisor doing to -- under the following policy, what is a supervisor expected to do before approving a vice case report?

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A. So it would depend. If you were involved in the situation and you knew you had personal knowledge of it, then you would make sure that, obviously, the facts were exactly as, you know, you remember them. And if there were additional details that you need them to add into it, you would say you need to send this back. In addition to that, you know, they're -- they're reviewing it to make sure all the boxes are checked. You know, as they're going through the report, that, you know, IR numbers and CB numbers are - - are put in there, inventory numbers are there, because those are all things that were typically generated after. Because as you can see, the CB number or IR number is penned in because the report was completed before we actually had a CB number for that individual because he would've had to go down to lockup first. And then he would just go through and make sure, hey, if there was a car that was involved, do we have all the vehicle identifiers and all that information in there and then read the narrative. If they weren't personally involved in it, their -- their purpose would, again, be to read this, make sure all the boxes are checked, and to make sure that it gave a concise statement of the facts of the case, you know, as they're reading it. You know, you're not grilling the officer and being like is this really what happened

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and asking them all, because more often than not, they're not there. So you're just going to read the report, verify that everything's there, and then if everything looks good, you're going to affix your signature on the front and if it goes to the back, on the back side.
Q. So the supervisor is not expected and it would not be typical to -- if they were not at the scene to go talk to the officers involved and say, hey, I have some questions. Is this really what happened?
A. It -- no. Not about is this really what happened? It would be more or less if there was something that they failed to include in a report, they would bring it back to them and say, hey, you know, I read your report. It seems like you're -- you're missing something in your narrative. Can you tell me a little more about this? And then have them kind of fill in the blanks for them to make -- okay, you need to either adjust your narrative or you need to add, you know, information about the vehicle in there. You forgot to put that in there. So there would be reasons why they would reject it for stuff like that.
Q. But if it appears to facially complete and shows probable cause, the supervisor would not typically -- would not be expected to go talk to the officers

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before approving it?
A. That's correct.
Q. And then -- so 47, date investigation completed and time --
A. Uh-huh.
Q. -- is that when the auth -- what does that mean?
A. So by the -- by the time everything's all said and done, like, you're done with the street, you're done typing it, he's in lockup, you know, you're -- you're done -- your investigation is -- is complete, you would put that in there.
Q. And does that have to come before the time in 49? Like, does that have to be earlier than the time the supervisor
A. Yes.
Q. Okay.
A. Because you wouldn't present the report to them until you were done.
Q. If we look back at Exhibit 7, that's the arrest report. And look at the narrative, and let me know if the narrative complies with CPD policy on narratives.
MR. MICHALIK: Again, I'm going to object to the foundation, and it's beyond the scope of the

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30(b)(6) notice.
MR. BAZAREK: Join.
THE WITNESS: I would say that, yes, the narrative supports the charges; and -- and therefore, if I were a watch commander reviewing this, based on the narrative that was supplied here, the charges that are in here are -- are supported.
BY MR. RAUSCHER:
Q. And so this -- the narrative refers to AOs. Do you see that?
A. Yes, sir.
Q. Do you know what that means in this context?
A. So that would be the arresting officers.
Q. And so does that -- as the -- if this report is following CPD policy, does that -- do the references to AOs refer to Jones and Mohammed?
MR. MICHALIK: Same objection. Beyond the scope.
MR. BAZAREK: That and it also calls for speculation.
THE WITNESS: Yes. And, again, I think it would refer to the -- the same token what's in the -- the case report for the ROs that the AOs is -- is plural for, potentially, 264 David and 264 Charlie because they're all involved. The information would

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then be supplied by Jones and Mohammed, you know, if there was a clarification as to who specifically did what.
BY MR. RAUSCHER:
Q. But you'd expect, at least if it's following policy, Mohammed will certainly know the answer to these? He'll be one of the AOs?
A. He should, yes.
Q. And then what about Watts? He's listed on the vice case report, but not listed as one of the arresting officers.
MR. GAINER: Just object to form of that question. This is Brian Gainer.
MR. MICHALIK: And also, again, it's beyond the scope of the 30(b)(6) notice.
MR. BAZAREK: Join.
BY MR. RAUSCHER:
Q. Should this report have listed Watts as one of the AOs?
MR. MICHALIK: Same objection.
THE WITNESS: Again, without knowing what his official role was in this, I don't know. I mean, they might have listed him on there because on some level, he participated in -- in helping process. When they brought him into the station, that might

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have been the reason why they listed him on there. I wouldn't know if he was physically present or not and then if he was or was not, you know, what his role would've been in that.
BY MR. RAUSCHER:
Q. Well, right. I understand you don't personally know what he may have done or may not have done, but to comply with CPD policy, should the reports have indicated what he did if he was involved?
A. If he was involved, he would've been listed as -- on some level, he would've been listed, I would imagine, as an assisting arresting officer. And in that regard, they would've been able to ask him, well, what was your role in assisting? You know, that -- that assistance could come in the form of I processed him in the back and -- and, you know, took his shoelaces out and put them in the bag. I got his name. You know, I -- I helped prepare the complaint or -- or something to -- to that level.
Q. Is there any issue or any violation of policy by listing him as one of the reporting officers on the vice case report, but not one of the involved officers on the arrest report?
MR. MICHALIK: Same objection.
THE WITNESS: Again, I would refer back to not

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knowing the totality of the circumstances that I can't say with certainty, you know, why he was listed on -- on either report or omitted from another report.

BY MR. RAUSCHER:

Q. And you can't say yes or no as to whether doing that violates CPD policy in preparation of reports?

MR. MICHALIK: Objection. Foundation. Beyond the scope.

MR. BAZAREK: Join.

THE WITNESS: Without knowing what his official role or what he -- what capacity he acted in, no, I can't.

MR. RAUSCHER: All right. We're going to mark I think we're on Exhibit 9, CITY-BG-62842 to 62850.

(EXHIBIT 9 MARKED FOR IDENTIFICATION)

MR. MICHALIK: Do you have an extra one?

MR. RAUSCHER: I'm looking for it.

MR. MICHALIK: Which one is it?

MR. RAUSCHER: It's the -- 62842.

MR. MICHALIK: Yeah. I've got it.

MR. RAUSCHER: You've got it? Okay. All Thanks.

BY MR. RAUSCHER:

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Q. Have you had a chance to look at this?

A. I did, sir, yes.

Q. Was this one of the documents you reviewed to prepare for today's deposition?

A. Yes. And, again, I produced this one.

Q. Okay. Can you tell me, generally, what this document is?

A. It was an instruction manual for just -- like, as it states, field reporting in general. It's dated back to -- last revised in December of 1985. Kind of gives -- like, when we were going through the academy, just, like, a way of explaining how you were supposed to document reports, importance of UCR classifications. If you look at the -- the second page where it has the multiple I-UCR -- it would've been, like, Section 3, letter B, multiple I-UCRs for Part 1 offenses, more than one occurring at the same time. Back then, we only had the ability to document something under one UCR code. So if you had multiple crimes that happened, you would go with the incident that had the -- the highest UCR code. And so this was just explaining to officers, like, there's -- there's a hierarchy rule for reporting. And there were also examples of -- like, if you go to the next page where it has up at the top, the hotel/motel rule, the multiple thefts rule, just

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explaining, like, how many times -- like, if you have to produce multiple reports if something happened at this location versus something that happened with this. And kind of just sort of a general guide for some of those nuances that come up where you're like, I don't know how I'm supposed to report this, how many reports are supposed to come out. This also kind of gives you a general idea of -- I think in some point in here it tells you what your narrative is supposed to contain, you know. And every narrative is supposed to answer, like, the basic questions of who, what, when, why, when, where, and how, so

Q. Are -- the substantive things you just discussed, are they still valid, still policies?

A. In terms of for reporting, yeah --

Q. Yeah.

A. -- your report should be able to answer those questions so that when someone who reads the report, they understand what happened. Your job is to -- to respond to the scene and to, you know, document the information in -- in -- accurately as you can. Will mistakes happen? Will there be typos? Will sometimes you get someone's phone number or birth date or spelling on a name wrong, things like that? Yeah. Those things always happen. But, you know, for the most part, yes,

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your report should be -- should be concise, and it should also explain and be able to answer those questions and -- and be accurate.

MR. MICHALIK: Just to be clear, you're talking about the narrative?

THE WITNESS: Correct.

MR. MICHALIK: Okay. I think your question was a little broader than that.

MR. RAUSCHER: It was broader than that.

BY MR. RAUSCHER:

Q. But -- so you've talked about, I think, a few things when you were going -- you gave me a few examples, and I'm -- I just want to know, are all the things you talked about still policies of CPD --

A. Just now --

Q. Yeah.

A. -- or -- yeah. I -- in terms --

Q. In this field manual.

A. So -- yes. I mean, in the sense that everything that is in here, it's still attached to -- I forget what -- we -- one -- it's one of the other exhibits. It's still embedded in a current exhibit today.

Q. Something we've looked at already?

A. Yeah. It's -- if you look at -- I think it's

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the data and -- what -- can I get this one? The department letters -- "Department Reports and Letters for [sic] Clearance," which I believe is still an active order within the department. If you look at Section II where it says "Reporting Standards" --

Q. Which -- you're looking at Exhibit 4?

A. Exhibit 4.

Q. Okay.

A. I'm sorry. So if you look at Exhibit 4, Page 1, Section II -- or Roman numeral II under "Reporting Standards," next to letter A, you're going to find "Field Reporting Manual," which is CPD-63.450, which is the name of the form set, which is what we have here.

Q. Okay.

A. So it's still embedded in -- in an active order.

Q. Okay.

THE WITNESS: Thank you.

BY MR. RAUSCHER:

Q. And so if you look at Page -- in under the "Report Completion" section on CITY-BG-62845 and then specifically in the "Language" thing, It talks about foul language of an offender and when you're supposed to use it. And you're supposed to "indicate that the

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language reported is not a verbatim quotation of the entire conversation of the offender"?

A. Yes.

Q. What's the purpose of that policy?

A. I think more or less, it's -- it's to establish the fact that what's being taken is in essence but not verbatim. And I think part of that is at the time, obviously, we weren't wearing recording devices like we are today. So to go back in time and get an accurate account of what was said, to know verbatim that this is what the person said, you would do that to say, you know, in essence but not verbatim, it's individual related this. That way, if it wasn't exactly accurate, you weren't perjuring yourself or submitting a false report.

Q. And that doesn't -- that applies not just to foul language, but to anything in the narrative, right?

A. Well, I think part of this, like, the -- again, you have to remember the -- the time frame under which this was written. This goes back all the way to 1985. You know, I think there was a different level of civility in society than there is today, you know. And so I think that the whole purpose of this, that they didn't want a -- a police report that had a bunch of F bombs in it --

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Q. Yeah.

A. -- because it wasn't necessary, right? So if there's foul language that he's using, it's got to be pertinent to what happened. You know, so, like, if it was an instance where you were the victim of an aggravated battery and he was screaming explicatives at you, you were going to put that in there because it was like, hey, this is what he said. But, like, you know, if it was you asked him a question and just -- that's just how that person normally talked by dropping an F bomb every other word, you weren't going to put that in your report.

Q. And you alluded, I think, to a broader point, which I believe is reflected in Line Item 3 right above that, and tell me if I'm wrong, which is you want to -- if you're writing down what a witness said verbatim, you're going to put quotes around it. And if you're not trying to say that this was a verbatim quotation, you're going to add that in as well; is that fair?

A. Yes, but it also it -- it -- it lends to there are times where quotation marks would be used in certain instances where you wouldn't -- you wouldn't necessarily say in essence or -- or whatnot. One, an example that would be, you know, someone asking for sexual favors of some sort. They might use, you know, what we would

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consider a street terminology for, you know, some sort of sexual act for someone to perform, and they would be like, hey, he -- he asked me to do this," and you would just put it in, you know, in parentheses [sic]. Typically, you would follow that with which is commonly known as oral sex or, like, whatever it was that he was asking for. Similarly, we might do that same thing in, you know, a vice case report when it was in reference to a narcotic where, you know, like I said, if they were yelling blows, blows, blows, you might have that in -- in quotation marks and then put next to that, like, street terminology for the controlled substance heroin.

Q. Sure. So -- and just for -- back for one second. You said -- when you were describing the first example, you said you would put in parentheses, but did you mean quotes?

A. Quotes. I'm sorry. Yes.

Q. And you -- so you might explain what the quotes mean --

A. Yes.

Q. -- right? But you wouldn't use quotes unless it was a quote without saying in essence or something like that?

A. Not always. I mean, again, like, using the -- the first example. If, you know, you were having a

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conversation with, you know, a victim who had been criminally sexually assaulted and she's like he forced me to perform, pardon me, you know, a blow job on him, right, and then you would put in there so that everyone knew so that there wasn't a doubt, like you then verified with her that this is what she meant, that she may -- he forced her to perform oral sex, right? So which through interview of the victim, you learned was oral sex.

Q. But the part that you put in the quotes, you wouldn't be adding the quotes to a word that the victim didn't say?

A. Did not say. Correct.

Q. That's all I'm trying to clarify.

A. Yes. Yes. Correct. Yes.

Q. Okay. And that's consistent with CPD policy?

A. Yes, sir.

Q. All right. So the second to last page talks about signatures again. And then, specifically, I just want to confirm that signing by the reporting officer and the supervisor approving the report indicates that this report is complete and accurate and attests that the completed report has been proofread; is that right?

A. According to this, yes.

Q. Well, is that the CPD policy?

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A. Yes.

Q. Are there any policy -- any written policies, or training modules, or training manuals you're aware of that discuss what AO or RO means that we haven't looked at yet?

A. Not that I'm aware of. No.

Q. One of the policies we looked at earlier, I think, touches on another topic. So we've talked a lot about preparation of reports, which is the first topic. And then one of the policies, I think, also talks about the -- one of the topics is -- Topic C is completion of complaint for preliminary examination.

A. Uh-huh.

Q. Do you know what that is?

A. Yes.

Q. Which policy talks about that topic?

A. In terms -- the ones that we

Q. So we've looked at -- didn't we look at an exhibit

A. Yeah. So that's a -- I think that's 4 again, Exhibit 4. And it should be, I think, one of the last pages in 4. "Report Signatures" -- it's on Page 4. So, yeah, it's going to be Exhibit 4, Page 4, letter G.

Q. All right. So can you walk me through the -- that policy?

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A. Sure. Just -- I mean, in terms of preparing a complaint, whenever we're placing charges against someone, there's -- there's a court complaint that's filled out, whether it's for a class A misdemeanor through, you know, a -- a felony complaint. Essentially what it is, is just making sure that prior to signing that complaint, that they know that the defendant's name that's affixed to that complaint is correct and that their name is on there, that the related charge and the offense date and everything are also accurate and correct, so that you're not applying a charge that is incorrect on an individual. And then in terms of the elements of the offense, there's -- there's a box that's underneath that sort of explains. Like, if an individual was being charged with PCS, that he was discovered being in possession of, you know, a controlled substance in violation of the policy of the state. And then in terms of Section 2, there's a member who is -- who is then deputized by the department to serve as a deputy clerk to witness the complaint, and they're just signing the complaint enacting -- in essence, clerking the document is what it amounts to.

Q. Yeah. What is that? So I know there are policies about assigning people -- or deputizing people to be clerks.

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A. Right.

Q. And I don't know that we need to through all them, but what are you doing when you're deputizing the document?

A. You're serving as -- as the clerk for the court, right, so that you're not presenting that document or having to present the document to the -- the courts. You're verifying that, yes, you're signing this complaint and then they -- we're going to move forward and -- and send it through the courts.

Q. And does that have to be a different person than the complainant?

A. Yes.

Q. What is the complainant's role in preparing the complaint for a preliminary examination?

A. So in preparing it, they could be the one that's actually typing it all out and -- and filling it out themselves, depending on if they're working by themselves or if they're working with a team. Like, one of their teammates might be filling out the top portion of it for them and then filling in the charge to make sure that it's matching up of what this is what we're charging the guy with. And then when he goes back to it, it's going to be up to him to review it and verify that everything is accurate. That, yeah, that's the

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right defendant's name. This is the date. These are the charges. This is what the narrative is. That's what I want to go with. And then signing the complaint.
Q. Is the complainant expected to go back to the underlying reports to verify that information you just discussed?
A. They -- like I mean, it depends. There might be certain things that you have to go back to verify on. Like, if you're arresting somebody for a firearm, right, you want to make sure the description of the firearm that's supplied in the case report matches what's in the complaint. So, yeah, I mean, there would be times where we would have to go back to the report just to verify that everything was correct.
Q. How was it decided who was going to serve as the complainant?
A. Again, that would be the -- the box 1 officer should be the one that's in -- serving as the complainant because he's the one going to court.
Q. And what's the reason behind that policy?
A. The reasoning behind it? That, I don't know. I'm going to surmise and say it's the same reason for your -- you're the one that's going to court. You're going to be the one that's going to testify in -- in a preliminary hearing. So in essence, you're the box 1

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officer representing the State of Illinois in this instance, and you're -- you're the one that's going to be the complaining witness against him.
Q. And so you may not have to go back for the narrative, for example, if you know it to be true; is that right? Because you were there?
A. Well, correct. Yes. I mean, the -- the charge itself, if it's -- you know, like I said, there might be certain things that you might just want to verify to make sure that the way the firearm is described. If you had the serial number in it, sometimes you would go, hey, is the serial number correct?" You know, because for what it's worth, if you don't fill out your court complaint correctly, it could be grounds to have the case dismissed. So you want to make sure that everything's accurate.
Q. And would you -- would it comply with CPD policy for someone to sign as a complainant who didn't have personal knowledge?
A. I would say that they wouldn't, no.
Q. And why is that?
A. Because you're the one that -- this -- again, it's -- it's almost like the whole box 1 thing. If you -- if you don't have personal knowledge of what happened, you wouldn't be going to court. You wouldn't

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be bringing that complaint against someone.
Q. Okay. All right. We're going to switch gears, at least for now, and go onto a different topic, which would be Topic E, qualifications to become a tactical team member operating in or around Ida B. Wells housing development. And I understand the city's earlier statement about the scope of that topic. Did you review any policies that are relevant for this topic?
A. Yes. We reviewed, I think, the current department policy for tactical teams.
MR. RAUSCHER: So we're going to mark Exhibit 10. This is PL JOINT 087418 through 87422.
(EXHIBIT 10 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. If you can let me know if this is the policy you reviewed or if it's something different.
MR. FLAXMAN: This is 10?
MR. RAUSCHER: This is 10.
BY MR. RAUSCHER:
Q. Is this the policy you reviewed?
A. I saw this this morning --
Q. Okay.
A. -- prior to coming. It is not. I -- there's a general or special order that we reviewed that pretty

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much is a summary of this, but it's the current version of. And the other issue with this is that this is -- this is a BOP.
Q. Uh-huh.
A. So it's a Bureau Patrol special order, which is one of our -- our general or special orders.
Q. That's like the broader one basically?
A. So -- right. So that's our general directives. This is more specific towards -- you know, the Bureau Patrol pushed this one out.
Q. Do you know what the general or special order number is that you reviewed?
A. No, I don't.
Q. Do you know the title of it?
A. I think it's just tactical teams or references tactical teams.
Q. Is that something you found and provided to the lawyers?
A. Yes, I believe it was one of the documents I provided.
Q. Did you see a Bates -- do you know what a Bates stamp is?
A. No.
Q. So if you look at the bottom right, there's two on this one. That PL JOINT is a Bates stamp --

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A. Okay.
Q. -- and then CITY_AG is one. Did you see a version with Bates stamps on it?
A. No, I did not.
Q. Is there anything in this order that is different that you noticed than the one that you reviewed?
A. In terms of overall, I don't think so. The only thing that might be different is I think there's now, like, an open, like, bid procedure to go on to the tact team. Like, there's -- there's a policy where you can apply for the tact team. I don't see -- I don't know if that's listed in the new order or not because what I was just looking for was to answer the question about, like, what the roles and responsibilities were, just so I could --
Q. Right.
A. -- kind of give them a broad-base jumping-off point for where my information was coming from.
Q. So --
MR. MICHALIK: Scott, give me a second.
MR. RAUSCHER: Yeah. Okay. Sure.
MR. MICHALIK: We might be able to short circuit this.
MR. RAUSCHER: Okay.

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MR. MICHALIK: Is this what you wanted?
THE WITNESS: Oh, maybe it was. Oh, yeah. No, these are the Bureau -- these are BOPs, though? Yeah. Yeah. And these are more recent ones. That's what it is. This is the '24 version of it.
MR. MICHALIK: All right. Yeah. So I don't know if you want to mark this as an exhibit. There's no reason not to produce it. The reason why we didn't is because it's the current BOP special order.
MR. RAUSCHER: Okay.
MR. MICHALIK: But if you want to take a look at this and mark it --
MR. RAUSCHER: Okay. Thanks.
MR. MICHALIK: -- that's fine with us.
MR. RAUSCHER: Yeah. Why don't we just mark this as 11? I'll probably make copies next time we take a break. So this is BOP Special Order 24-06, issued date, December 11th, 2023, effective January 4, 2024.
(EXHIBIT 11 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. It rescinds an order, but not the order that we're looking at?
A. Correct.

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Q. Do you know which order it rescinds?
A. 23, I believe, 06. So I think they reissued this in '23 and then reissued it again in '24. So I don't know if it's -- I want to say when I was going back and looking, I couldn't find one for the time frame we were looking for that was posted on our -- our Bureau Patrol website.
Q. Okay. At first glance, it looks similar with maybe some changes based on, like, the number of teams or the -- when they're working. Is that basically right?
A. Possibly, yes. And -- and, again, like, I don't know when they installed the matrix for the tact teams to put them all on the -- you know, on the same watch -- or the same group numbers with the same watches. But for the most part, the roles and responsibilities remain the same, you know. I mean, like, the -- the function of what the tact team is hasn't changed since -- you know, since when I served on the tact team.
Q. All right. So it -- is it -- so starting in 1999, even if this policy -- the written policies in 10 and 11 didn't exist, the responsibilities were still the same?
A. I would say yes.

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Q. And about the qualifications to be on a tactical team?
A. So I don't know when it originally changed. I think they were a little less stringent before I got on the team about the number of years you had. That was pre-Michael Ceriale. After Officer Ceriale was killed, I know that they -- they started to sort of restrict or become a little bit more attentive to the amount of time that you had on the job. And it became an issue of, like, if you didn't have enough time, that you would have to go through the commander, and then the commander would have to be the one to sign off on the fact that, you know, you were going to be allowed to do that.
Q. It -- was it less than three years at some point?
A. It might have been when Officer Ceriale was killed, but I don't know for certain. I think that's what they wound up moving it up to --
Q. Do you --
A. -- after his death.
Q. I'm sorry. I apologize.
A. That's okay.
Q. Do you know when Officer Ceriale was killed?
A. Was it '90 -- '98, I believe.
Q. Okay.

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A. Somewhere in there.
Q. This -- both of these documents, 10 and 11, talk about tactical team members are sworn members assigned to the fourth watch?
A. Yes.
Q. What does that mean?
A. So it -- there are different watches for every -- you know, for all of us. So, like, midnight officers are assigned to what's considered the first watch. An officer that works second watch are on days, and third watch is afternoons. Fourth watch is sort of -- it's a -- the ability for the department to kind of move you around if they need to. You don't have a dedicated start and end time. Even though there is typically one for the tact teams, there's a -- there's a general start time for them. If they need to adjust those hours, they've given up the -- the contractual right to the two-hour change in start time that everyone else is afforded.
Q. Are there any more specific policies that you're aware of saying what tactical teams are responsible for doing?
A. So, I mean, essentially, we have the -- the -- the special orders and the general orders that are -- they essentially mirror what's contained in this. You

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know, the -- the -- the function of the tact team is to be a tool that's available for the commander to address whatever crime conditions they're experiencing in their district. And, again, every district is different. You have some districts that are, you know, high property crimes, right? They'll have burglaries to autos. They'll have, you know, store burglaries and things like that. So those teams might be more geared towards addressing those things. You have other places that were -- like, where I worked in the 15th District where it was an open-air drug market that had a tremendous amount of violence that was going on in there. And so the investigations were slightly different. But the -- the main purpose of them was to be, you know, at the disposal of the commander to address those crime conditions in a manner in which he felt was -- would -- would best suit the needs of the citizens and the -- the district.
Q. Do you have any understanding of the responsibilities of the 2nd District tactical team or the Public Housing Tactical team by Ronald Watts?
A. No. Not specifically, no.
Q. Do you have any general understanding of what their responsibilities were?
A. I would assume they would've been the same

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responsibilities as every other tact team. You know, that whatever crime conditions were going on -- so if it was the housing projects that were their priority problem, that the commander at the direction of the tactical lieutenant would have sent them to go to this particular location. If it was somewhere else, like -- I'm trying to think what the boundaries of the district are, but, like, maybe, like, 35th and Princeton, like, hey, we've got a problem over here. They would be directed to go over there.
Q. Are -- how are tact teams different than beat officers?
A. So beat officers work independently. You know, some of them, they can work 99 or they work with a partner. They're confined to a particular area. So if I'm working, you know, beat 1512, the calls that I'm going to receive are going to be predominantly on that beat, and there has to be a reason why you're pulling me off of that beat and away from -- from the area of -- of my coverage. And the point and purpose behind that is so that you develop a familiarity with the criminal activity on your beat and the citizens on that beat, so that you're aware of what's going on so you can better serve the community. With the tact teams, you're a little bit wider scoped, right? You're supposed to have

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a little bit more knowledge about what's going on in the district overall. Some guys were a little more knowledgeable of particular beats because maybe they came up working that beat car, and so they had a particular knowledge of what went on in this -- this area. I'll give you an example. Like, we had guys that were more aware of what went on on 1531, right? I'll use that as another example. It's where Lamon and Iowa was, and they knew the hierarchy of all the guys that were involved over there. And so when something was going on over there, the commander might come to that particular team and say, hey, you know, what's going on over here? And because they had a knowledge of the structure of the hierarchy, they could say, hey, these guys are at war with these guys over here and, like, okay, let's develop a strategy. How are we going to damp this down and make it go away?
Q. Are there any qualifications to be on a tact team, and were there from '99 to 2011 that are not reflected in this policy?
A. I don't know necessarily that it's -- it's a qualification where it's, like, there's anything in writing where you needed a certain number of statistics, you know, in terms of arrests or anything else like that. You know, you just had to have the knowledge and

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– and the desire to, you know, want to be proactive. There are some guys who are perfectly content just receiving jobs from OEMC. When you're getting -- when you're on a tact team, a lot of times it's your own personal observations or it's things that you decide to take a proactive measure about. Like, hey, on the way into work today, it looked like this guy was selling drugs. Let's go find a place to go sit and watch them, as opposed to, well, I'm going to go respond to my domestic disturbance. And not that there's anything wrong with that. It's just, you know, there's different things for different people.

Q. You need to be more proactive to be on a tact team than to be a beat officer?

A. You know, I wouldn't say that. I mean, I would say that, like, because there are super proactive guys that work on the beat, they just don't want to work on the tact team. And part of that is -- is because of the -- you know, I think the -- the changes in your personal life that it impacts you with. Because now all of a sudden, you're giving up – if I'm working days, right, I'm going to give that up to work a rotating schedule that may not work so well at home for me. So I'm still going to be proactive. I'm still going to do my job, you know, but at the same time, like, you know,

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it's different because you're – you're isolated in a -- in a lot of regards. With a team, you guys are that cohesive group, and you're, you know, if you need to work together, you have that ready -- that readily-assembled group of ten guys. And, like, hey, we need to go set up a surveillance, and this is – this is our team, and this is how we're going to go do it.

Q. So I don't mean to -- I don't mean the question to sound like –

A. Yeah.

Q. – I'm saying you can't be proactive.

A. No. Correct. I understand.

Q. But you do need to -- you need to be proactive to be a tact team officer; is that right?

A. Absolutely. Yes.

Q. What are the – what are the general responsibilities for a tact team sergeant?

A. Again, it – to be -- obviously, you're assigned ten specific officers, and it's your job to monitor their daily activities. And that could be by giving them a direct admission and saying, hey, there was a shooting that happened last night. We need to go over to this particular area and just show a high police visibility to kind of make sure things don't continue to jump off, or to go out there and see if we've got

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informants or if we have citizens that want to come out and talk to us, or how that -- however that's going to go. Or maybe we make an arrest in this particular area. Just because we're there, we happen to see somebody go through a stop sign. We pull them over, and we find out they've got a gun. Now we bring someone into the station. We're going to debrief them, and maybe this individual gives us some information or shines some light onto some things for us. At times you might also reach out to the Bureau of Detectives and find out what detectives were working on the investigation and, you know, what they were hearing and, okay, comparing your notes against theirs. Like, hey, we're hearing that these guys are at war with those guys, and, like, well, it's really not what's going on. Or maybe then guys would then go back and be like, "hey, they're hearing that this is what's going on. Is that what's going on? And then we would take that information and kind of farm out and try and figure out how we were either going to curtail the violence or solve the crime that – that was at hand. Aside from that, I mean, like, if they were just working on a daily basis where it was like there wasn't anything in particular going on, you would just tell them, all right, here are your keys. Go on out there. You know, see what you can find and -- and go

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from there. And -- and, again, each supervisor I think is different, just like any other job. Like, you have some people like me. I rode with my people. There are other people that -- that quarterbacked from -- you know, from a distance and said this is what you're going to do, and they rode by themselves, so

Q. And either way, you had to fill out the daily supervisor log?

A. Yes.

Q. And do you know what Watts -- where Watts fell on that continuum of riding with people versus quarterbacking from far away?

A. I have never met him, so I don't know.

Q. Have you met any of the Watts team members?

A. I might've.

Q. Okay.

A. I mean, I've been on the job for almost 25 years. In passing. I saw a couple of the names that were listed on the report. I might've come into contact with them, but, like, to know them and say, you know, I've had interactions with them -- I might have even worked with some. I don't know.

Q. You don't know that you don't know any; is that fair? I mean, I'm not -- this isn't a trick. I mean, I'm not –

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A. Right. No, no. Right.
Q. -- trying -- get established whether you have passed -- crossed paths once with someone. Do you know any of the Watts team members?
A. To the best of my knowledge, no.
Q. What was the process for getting on a tactical team?
A. So how I got on the tact team was I interviewed with our tactical lieutenant, and then he -- he decided to -- to take me onto the team because there were openings. Presently, like, officers will submit a resume to the commander, and -- and that's how it goes. When I had my team, what I used to do is, as -- as the team would grow and develop, guys would sometimes go off to specialized units. They would transfer out. They would get promoted. So I would also monitor the activity of what was going on on the watch to see, you know, what officers were knowledgeable, what officers were hardworking, what officers were -- were good, and see how they would fit within the chemistry of my team. I would also, you know, talk to my team as things were coming up. If we knew someone was getting promoted, if they did well on an exam, like, hey, who is it that you guys would like to -- to have come to the team, and then I would take their opinion into consideration and

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evaluate like, eh, we really don't want that guy because maybe he doesn't fit my standard for what I'm looking for, you know. And then we would put that list together, and we would forward it through the chain. Our lieutenant would review it, and then it would go up to the commander. Sometimes you would get who you wanted, and sometimes you wouldn't, you know. And, again, it -- it's one of those things where because it's a group of ten, like, you're always trying to find that balance with that chemistry amongst the people. So it's, like, you may have somebody who's really, really good, but you just know that they're going to rub everybody on the team the wrong way. So you're like, we're going to have to find a different home for that person.
MR. RAUSCHER: We're going to mark the next exhibit CITY-BG-059166 through 168.
MR. MICHALIK: Are we up to 12 now?
MR. RAUSCHER: Yeah, this is 12.
(EXHIBIT 12 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. I'm just going to hand you this, so you can just keep --
A. Sure.
Q. -- it with the other ones.
A. Yes, sir.

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Q. Have you had a chance to look at this?
A. I did, sir.
Q. Did you look at this document to prepare for today?
A. I did not.
Q. Have you seen it before?
A. Yes, I have.
Q. Does this apply to tactical team sergeants?
A. It -- it does. It -- I think the way it's written or, like, the guise of supervision in general, right? Because there's a responsibility of sergeants assigned to field activities, but then there's also, when you're a tact sergeant, you have slightly additional responsibilities or different responsibilities.
Q. Okay.
A. Like, as a field sergeant, you know, I would come to work, and I would be given the cars that I was supposed to supervise for a given day. And that could change from day to day, right? Whereas with the tact team, you have the same team unless those promotions or -- or other things happen, but the basic function of what you're supposed to do overall is the same, right, with the added responsibilities of also being aware of other, you know, crime activities and then, you know,

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directing your team in certain ways. Patrol is more geared towards are you responding to your jobs? Are you acting professionally? Are you filling out your reports properly? It's just -- it's similar, but a little bit different.
Q. So these apply, but then there's also the additional things that you've talked about already?
A. I would say yes. I would say that this is more -- more so like with a -- with a broad-based brush of, like, in general, like, these are the things that the supervisor -- regardless of who you are, this is what you should be doing. Like, for example, you know, ensuring that your subordinates respond immediately to all assignments, right? They handle them as expeditiously as possible and return to in-service without delay. That's more so a -- a -- a directed -- directed towards the guys in patrol because they're -- they're the ones that are getting the calls, right? So you don't want a guy that's sitting down on a call for -- for two hours while some other guy's running all over the district. But at the same time, like, it could apply to a tact team. Like, you're not going to take this job and then hold it for -- forever, and then that's what going to consider your tour. So it's similar but different.

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Q. Are there -- is there another directive or special order or general order that talks about sergeant of tactical teams' responsibilities?
A. Again, I believe there's the -- the general special order that refers to -- to tactical teams. It pretty much is what this is -- what the -- Exhibits 10 and 11 that we looked at is pulled from.
Q. So that's what we looked at?
A. Yeah.
Q. There's nothing else that you're aware of that we haven't looked at today?
A. Correct.
Q. Okay. Do tactical team sergeants have to rate their subordinates' performance semi-annually?
A. So we do performance evaluations now. I'm trying to remember. I know we used to have hard card evaluations when I first got on the job. I don't know what they evolved into by the time I was on the tact team, but today there's performance evaluations that are maintained within the CLEAR system.
Q. This says -- this policy that we're looking at now, Exhibit 12, was effective in January 1983, and Section IIIB on the first page says -- I believe it says sergeants have to "rate their subordinates' performance semi-annually".

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A. Yes.
Q. Is that right?
A. So when you say -- like I said, when I -- when I first got on the job, there was a -- a hard card version that was filled out, presented to you, and it was, like -- I think it was a numerical system. If I remember correctly, it was, like, zero to 100, and you were given, like, a numerical score based on your performance.
Q. Okay. Do you know where those were stored?
A. Again, I would imagine, once they were signed off on, that they went up to the admin level, but to know for certain, no.
Q. When you were the sergeant, did you fill out -- did you ever fill out those hard cards?
A. By the time I was a supervisor, we had evolved, I believe, into the -- the performance evaluation system, so we were doing those. I don't believe I ever did hard cards.
Q. Did you do those semi-annually?
A. Those -- they're now -- they're now functioning where it's not semi-annually. It's -- I believe we do it off -- based off of the -- their period of hire. So it -- you do it once a year, so it's annually.

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Q. Okay. Are those electronic?
A. Yes.
Q. When did you start filling out electronic reviews for people?
A. I want to say it was right around the time I made sergeant, so around maybe 2008. Because like I said, I don't ever recall having to do the paper form sets.
Q. Do you recall -- I'm sorry. Go ahead.
A. No, it's okay.
Q. Do you recall being reviewed when you were a member of the tactical team?
A. No, but I do remember being reviewed when I was on -- when I was in patrol. When I first came to the 15th District, I do remember getting reviewed.
Q. Hard card?
A. Yes.
Q. Do you recall ever getting electronic reviews?
A. No.
Q. When you do -- when you were doing reviews as the sergeant in the tactical team, did the reviews go to the -- your subordinates?
A. For -- oh, for the tact team, yeah. So what ultimately happens is, is that in the current system that we have now, there's a process by which everything

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is done electronically, and there's -- there's a menu that it moves through. So that initially comes down for assignment. It goes to an assigned supervisor. That assigned supervisor then completes the evaluation. The evaluation will then go through the channel. Then it'll eventually, at some point in time, come back through for a review with -- with the officer where they have the opportunity to review, you know, what was said about them. And then after that, it -- it goes to a final status. For some individuals who require, like -- it's almost like an IEP, you know, you need -- you need some sort of additional help because you're just not performing up to standard, then there's -- there's a program that you get placed into that will then help you perform to the level that you're expected.
Q. Did the hard cards have any information beyond the number?
A. To be honest with you, I don't know. I mean, we're going back -- like, I honestly remember getting evaluated in, I think it was, like, 2001, while I was still on third watch in 15. And -- but that's -- that's about it. That's what I remember vividly, that one.
Q. What is it that you remember?
A. The fact that I had just started and that I was given a supremely low performance evaluation and

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didn't understand why and having the conversation with my -- my supervisor, and he didn't even know what it was. And so it was one of those things where it was like okay. And it -- the way it was explained to me is that, like, obviously, being a new officer, you're not going to come out of the gates with 100, right? You've got to work your way up. And so I was like okay. You know, it's like, they're -- they're not just going to -- nothing's going to be given to you no matter how hard you work. You have to establish consistency and -- and things like that.

Q. The card didn't explain to you why you got a low rating, though?

A. I think everything just had numbers that were associated -- like, you gave them, like, a rating. I don't even -- to be honest with you, I don't even know if it was a 1 to 10, but I believe it was, like, an overall rating for everything, and then you got a numerical score. I don't know if they added everything up and then that's how you got it or -- or what it was.

Q. Do you remember any of the categories you were rated on?

A. No, I don't.

Q. Do you remember the categories that you've had to rate people on when you were a tactical team

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sergeant?

A. Yeah. Their accountability. There's questions about their ethics. There's -- I'm trying to think of how many different performance anchors there are. I think there's six performance anchors, but they all predominantly -- they -- they function around just, you know, different facets of your job. Like, you know, can you do your job effectively? Can you -- are you trustworthy? You know, can you handle multiple assignments at the same time? Can you multitask? Are you able to, you know, withstand working for extended periods of time and still maintain some sort of level of efficiency and things like that.

Q. Is one of your responsibilities as sergeant of a tactical team to make sure that the team members meet CPD standards in those categories?

A. I think that's every supervisor, as in, you have to meet those standards, right? I mean, so the thing is, is that you don't want -- obviously, as a team supervisor, your team is a reflection of you, right? So you don't want a bunch of guys that look horrible or don't act responsibly, you know, associated with you, right? So you want to make sure that everybody's in line. You want to make sure that they know what the standard is and that what they're expected to do and

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that, you know -- and, again, in -- in terms of, like, activity, no. Like, I knew that my guys were out there and that they were trying every day and that whatever came our way is what came our way. So if today we went out and we made no arrests today, it wasn't out of lack of effort or trying, you know. It was we went out, we looked, we saw, we legitimately didn't find anything. And on days when we made more arrests, it was just because that's just what happened.

Q. Is your job as supervisor -- is it the supervisor sergeant -- I'm going to strike that. Is it the sergeant's job to set the tone for the team?

MR. MICHALIK: Objection. It's very vague.

THE WITNESS: I mean, I think that with -- with any team, like, there's -- there's expectations, regardless of if you're -- all the way on down from the commander to the lieutenant to the sergeant. You know, there's certain people that, you know, hey, I can get away with doing this with this person, or I can't get away with doing it with this person. But I think that, you know, if you're engaged with your team, they -- they know what's expected of them, and they understand, you know, where you want them to perform and what you're going to be willing to tolerate, you know.

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BY MR. RAUSCHER:

Q. Did you think it -- did you ever think it was your job as the sergeant of a tactical team to tell your team members not to frame people?

A. I think everyone on this department knows, like, the liability that rests with that. You know what I mean? When we were in the academy, I mean, we -- we were instructed, you know, like, hey, this is what this is. And one of the things that they told us was you guys are never any closer to the penitentiary than you are today, you know, because at the end of the day, you know, as a law enforcement officer, if I break the law, I'm the most valuable commodity that any state's attorney or, you know, United States Attorney's ever going to come across because, you know, you're -- you're gold to them, right? You know, we sat through training seminars where they brought up the Austin -- you know, Austin Seven, right? And so, you know, where they showed us, hey, this is what these guys did, and this is the amount of time they all got. So if you want to go do dumb stuff, be prepared, you know, to ride the pine with them. The department also put out e-learning videos with Xavier Castro. And Xavier Castro was an officer who falsified an arrest report. I think he said he arrested a guy who was on an ankle monitor, right?

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And the ankle monitor proved that he wasn't where he said he was, and ultimately he went to prison. And so everyone's aware of the risks if they're going to lie and they're going to do nefarious things. You know what I mean? That there's -- there's an inherent risk and more than likely, you're going to get found out, and you're probably going to go to prison, you know, and no one's going to have, you know, any -- any hard feelings about sending you there.

Q. It was not -- it wasn't, like, part of roll call where you'd say to your team don't go on and frame anyone today?

A. No, but there were times when things happened within the department where members either got disciplined for things, or either they got stripped of their police powers or, you know, they -- they did something that got them arrested where you would have to sit down with everyone and say as a reminder, you know what I mean? Like, they're not playing, you know, and this is what can happen to you if you do this, so think about the things you do before you do them.

Q. It's like a -- if something major and public happened, you'd talk about it; is that --

A. Sometimes, yeah. I mean -- so it's, like, you know, when we had the issue with the officers, I believe

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they were in the 23rd District, that were picking up young ladies who were overserved, you know, and then, you know, having sexual relations with them while they were on duty, you know, in the squad car or whatever -- whatever came out of it, and they all got arrested, you know. And it's like, anyone who thinks that this is a good idea, here are the poster children for why it's not, you know. So when things did come up, yeah, we would talk to our people and remind them. And, again, like, as a supervisor, you may be older than some of the people that you're supervising, but on some levels, like, you're still -- you're still acting as almost like parent, you know, for some of them, you know, and you're -- you're guiding them and you're instructing them, and you know, you're supposed to be there to, essentially, on that level, like, protect them from -- from making dumb mistakes, you know.

Q. Is it one of your jobs to try to make sure that they are not in fact framing people?

A. Yes.

MR. RAUSCHER: All right. We're going to move on to another topic. J is the collection, inventory, and testing of suspected narcotics. And I'm going to mark Exhibit 13 as CITY-BG-62177 to 62192. And you know what, I'm going to also mark

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Exhibit 14 at the same time, which I think is a policy that replaced this one. So 14 is CITY-BG-62130 to 62147.

(EXHIBIT 13 MARKED FOR IDENTIFICATION)

(EXHIBIT 14 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

Q. Have you -- did you review these policies before?

A. Before coming, no.

Q. All right. Did you review other policies on the collection, inventory, and testing of suspected narcotics?

A. No. Not for this, no.

Q. Have you reviewed other policies on the collection, inventory, and testing of suspected narcotics in general?

A. Just in general because I'm assigned to the Evidence and Recovered Property Section. There's times where I've got to review orders just to make sure that we're doing things in accordance to the orders.

Q. But do these policy -- do these documents that I have given you describe the policies for collecting and inventorying narcotics?

A. Yes.

Q. And then are there other policies about

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testing narcotics, or are those included in here as well?

A. So that's -- again, there's -- I know they're outlined in here. In terms of where they go, they go -- they'll go to our Illinois Police Crime Lab for testing and analysis.

Q. CPD doesn't do the -- doesn't have an in-house lab. It sends out for testing, right?

A. That's correct, yes.

Q. So there will be policies about when to send it out and where to send it?

A. So I believe it's contained inside this order here.

MR. MICHALIK: You're looking at Exhibit 14?

THE WITNESS: Yes. I think it's this one.

BY MR. RAUSCHER:

Q. And so 14 is the newer version of 13; is that right?

A. Yes. Yes. I think it's -- I'm at -- was it -- I don't know -- the addendum -- it's the first addendum that's in here, so CITY-BG-062134. So it's, "The Forensic Services Section will automatically submit all narcotics evidence the ISP Lab for analysis when there's an associated arrest. In cases where no arrestee is listed or the invent -- on the inventory but

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analysis of the substances is desired, the inventorying officer must submit a To-From-Subject report, approved by the officer's commanding officer, to the Forensic Services Section in order to have the evidence sent for testing," so

Q. And which subsection -- can you just -- for the record, which subsection were you reading from?

A. So this is -- again, it's off of Exhibit 14. The page on the bottom is marked CITY-BG-062134. It's under Roman numeral II, "general information," letter B.

Q. Okay. If you can look back at 13 --

A. Uh-huh.

Q. -- although I think, substantively, they'll be the same in both of them. There is a -- if you turn to CITY-BG-62119, Section V, Subsection C about the scales.

A. I'm sorry, what page was it? 621 --

Q. 62119.

A. Oh.

Q. It's in Exhibit 13.

A. Why am I not seeing 62119?

Q. It's the third page in.

MR. MICHALIK: Let me see.

THE WITNESS: Because I -- mine starts with 62177.

BY MR. RAUSCHER:

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Q. 177?

A. Yeah.

Q. Are you -- maybe it got stapled the wrong way.

MR. MICHALIK: Maybe you got the wrong one.

BY MR. RAUSCHER:

Q. Or I gave you the wrong thing.

MR. MICHALIK: Yeah, this is the wrong one, this Exhibit 13.

MR. RAUSCHER: Oh, all right. Yeah, that's the wrong document.

BY MR. RAUSCHER:

Q. Does your 14 start with --

A. It's 62130.

Q. All right. So you have the correct 14 and the wrong 13.

MR. MICHALIK: I can share mine, Scott.

MR. RAUSCHER: Okay. If you don't mind, that would be great.

MR. MICHALIK: Yeah.

MR. RAUSCHER: Thanks.

MR. MICHALIK: It's right there.

BY MR. RAUSCHER:

Q. So on the third page of that, which is 6211 --

A. Uh-huh.

Q. -- Section V, "Narcotic Safes and Scales"?

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A. Yes, sir.

Q. It talks about how the scales will provide a reasonable weight estimation.

A. Uh-huh.

Q. What does that mean?

A. So, again, in order to fill out the arrest and case reports, you would need to have, like, an estimated weight of what the narcotics were, so that you could get an estimated street value so you can also charge accordingly. Because, again, with some of the controlled substances laws, depending on how much you're in possession of would dictate if there's a higher charge or not. So, essentially, the tactical units would have scales in their -- in their offices, like, little digital scales, some of them. Some of them have, like, the old school balances, depending on how much you actually recovered, and you would use -- or try and use those scales as a basis for, you know, your -- your values --

Q. And you see --

A. -- in your reports.

Q. Sorry. And the policy says that you weigh it with the packaging?

A. Yes.

Q. And you keep it in the packaging?

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A. That's correct.

Q. So we -- you know, we looked at an arrest report earlier for Ben Baker. It has an approximate weight. Was that weight based on -- I know you weren't there, but under the policy, should that weight be based on weighing it at the station?

A. Well, if the scales were available, yes. Sometimes scales were broken or whatever. But I mean, typically, just based on experience, they were selling 0.1 gram bags for everything. So it's just, like, typically that would be the weight that would go and be associated with that. So if the scale wasn't available, that was typically the rough estimate that someone would have to go with. I mean, unless it was, like, softball sized or something, then you would seek out the scales. But for the most part, I mean, guys would weigh it, but if the scales weren't available, that was the general principle that they went with. And then, ultimately, ours was just an estimated weight. The weight would be established by ISP.

Q. So the -- at the station you would -- first option is, if there's a scale that is working, you use the scale?

A. Yes.

Q. Second option is, if not, you'd use 0.1 grams

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per bag and you just count the bags?
A. If it -- if it was -- yes, if it was like a crack cocaine or heroin and we had nothing else available, that was typically the size that we went with because that was a roundabout estimate of what it was. If it was something larger, like I said, like, if it was a -- you know, a softball-size recovery, then you would have to seek out something and figure it out.
Q. Would you -- would the policy require you to note on the report whether you used a scale or not?
A. No, because it's all estimated.
Q. And then is the -- does CPD have a policy as to whether ISP should test -- weigh the entire amount of drugs as opposed to just a portion of them?
A. That, I don't know, but I -- my understanding is, is that they weigh the entirety of what is there, and then from that sample, they then measure out, like, which -- of which, you know, one sample tested positive for -- for this, like, a portion of it.
Q. And when you said "they" in that context, you meant ISP?
A. ISP, yes, sir.
Q. And that understanding is based on your 25 years of experience with the Chicago Police Department?
A. Yes. And the lab reports that they would

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produce for court.
Q. Okay. Continuing on on that policy, it talks about responsibility for arresting and recovering officer.
A. Uh-huh.
MR. MICHALIK: Are we still on 13?
MR. RAUSCHER: Yeah, we're still on 13, but I'm going to ask the question about 14 also.
BY MR. RAUSCHER:
Q. But 13's just continuing on on the same page.
A. Uh-huh.
Q. What is arresting/recovering officer?
A. So it would depend. You know, like, I mean, it's -- it could be -- if -- even though I arrested you, I may not have been the one that recovered from you. So, again, using it as an example, I might have arrested somebody for retail theft and when we took him in for processing, my partner searched him, right? Or somebody else searched him because I maybe was working 99 and they searched him and they recovered, you know, whatever it was that -- you know, whatever controlled substance he had. Then that person would be the recovering officer for it. So of that combination, somebody should be filling out the report.
Q. Should it be the recovering officer?

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A. So in terms of, like, filling out the bags and presenting everything, the bag itself is -- anyone can pen on it. Typically, it was the officer who did the recovering. There were times, though, when, you know, the recovering officer would take it, immediately secure it in one of the evidence envelopes, and somebody else on the team would just pen the bag.
Q. My question maybe jumped ahead a little bit. So this -- Section VI is "Responsibility," and then it lists things that are supposed to happen.
A. Uh-huh.
Q. Are those things supposed to be done by the person who seizes the evidence?
A. It's -- according to this, it can be either/or. So, you know, where it says "Arresting/Recovering," I think it's -- it's broad-based in the sense that it doesn't identify it. It says either the arresting officer can do it or the recovering officer can do it, but somebody's got to do it.
Q. Well, Paragraph 1 does say something, though, right?
A. Well, right. Correct. This is when an officer seizes evidence, what he's supposed to do with it. He's supposed to secure it, right? So --
Q. So -- but that doesn't mean to you that the

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officer who seizes the evidence is supposed to do the things that --
A. He may not be the arresting officer. So -- and I -- and I think that's -- that's where it's kind of a gray area, because, like, just because I recovered, it doesn't mean that I'm his arresting officer. So the person who's in control of it, yes, you know, who ultimately recovered it, then that's when it's going down from there.
Q. So if you can, you can compare it to the next Exhibit 14 and Section IV, which is CITY-BG-062135, and it's "General Inventory Procedures for Narcotics Evidence."
A. Uh-huh.
Q. And essentially, the substantive parts are the same, but the titles have changed somewhat. Do you see that?
A. Right, where it becomes "General Inventory Procedures for Narcotics Evidence," correct?
Q. Right, instead of "Responsibility."
A. Yeah.
Q. And then A says "Inventorying Member's Responsibilities" instead of "Arresting/Recovering Officer."
A. Yes.

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Q. And then 1 goes -- says "when a member seizes evidence" as opposed to "an officer seizes evidence," but it removes the arresting officer title, so --
A. Right. Right. And I think that sort of -- I think it's because maybe the ambiguity of the arresting/recovering that existed in this. Maybe they needed to clarify it. I don't know why they would've changed it.
Q. Starting in 2005, at least with this new order, the person who's supposed to do the things described in what is Section IV(A) of Exhibit 14, that's supposed to be the person who seizes the evidence?
A. Yes.
Q. All right. So then looking at -- go back to 13 now --
A. Okay.
Q. -- same section, though. B and C talk about recording information in a property inventory book and describing and specifying the suspected narcotics. So the -- what is the property inventory book?
A. So that predated our current eTrack system --
Q. Okay.
A. -- which is all electronic. Within every station, there was a property inventory book that had unique inventory numbers that you would then assign to

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whatever it was that you recovered, whether it was narcotics or firearms, somebody's personal property, and you would have to wait your turn for the book. And then you would go in -- once it was your turn to get the book, then you would -- the numbers that you wrote on be the ones that were assigned to you.
Q. And that was replaced by the electronic system?
A. Correct, which automatically populates an inventory number for you.
Q. Skipping down a little bit to d, it says you should "not place the weight or the estimated street value on the Property Inventory form." Why is that?
A. I think -- to be honest with you, I don't know the answer to this because I -- I think what they're referring to is the actual inventory bag. Oh, no, the property inventory form. No, because the property inventory form is just supposed to articulate what it is that you recovered. So in other words, like, you're going to describe the fact that I recovered six Ziploc bags each containing a white powdery substance, crack cocaine. So it's just specifically to be for the description of what it is that you recovered.
Q. Do you know -- do you know any -- if there is a reason why it is like that as opposed to saying, you

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know, six bags suspected narcotics weighing?
A. I could theorize, but I don't know for sure.
Q. While we're here --
MR. MICHALIK: Don't speculate.
BY MR. RAUSCHER:
Q. Why don't you theorize, though?
A. I would say because you don't want something to get thrown out of court because two documents don't match, you know, but that would -- the department wouldn't want you to put something in a report that's getting processed and/or tested later by ISP that's going to have a value and then a defense attorney can say that's not the same thing that you've inventoried and now your case gets thrown out on a technicality. That would be my thought.
Q. Section i talks about placing "the evidence in the Evidence Bag in the presence of a [sic] desk sergeant." Who is a desk sergeant?
A. So the desk sergeant is -- he works up with the -- they're now considered a district station supervisor. So, essentially, the desk sergeant was in charge of receiving the narcotics. They would -- and the inventories. So he would typically approve the inventories along with the arrest reports that were brought to him. And then at that point in time, he

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would review the contents of the bag to make sure that the bag -- what was penned on the bag and what was on the inventory matched what was in front of him, right? And then after that, the bag would get sealed. It would get signed by both the district -- the desk sergeant and by the officer who inventoried it. There was a narcotics log that was filled out to document the fact that on today's date, I deposited these narcotics, and then they would turn around and put it in the dope safe in -- in the district.
Q. Is there a -- is there a part of the process where the tactical team sergeant reviews the inventory?
A. There could be, yes.
Q. What do you mean "there could be"?
A. So it depends. Like, in current circumstances, like, if DSS isn't available and they need to -- they're not going to sit around for hours on end with narcotics just sitting on a table. In some of these other units, like, if you were working -- I know Public Housing, for example, they had their own office that was there, so there wasn't really -- I don't believe they had a -- a desk sergeant there. So that would mean, like, whoever was there would be the supervisor that was going to approve it. He would be the one to review it and approve it and then put it into

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– into their safe.
Q. And then -- so Public Housing is maybe one example. What about after Public Housing? Well, when you were a tactical team sergeant --
A. Yeah.
Q. – did you sit down with -- for each arrest where you with the approving supervisor and --
A. For each arrest, no. I mean, there might've been times when I approved their narcotics because someone wasn't available. That's possible, yes.
Q. But you were not typically looking at each bag of narcotics, saying does this match up with what they said that recovered?
A. I mean, typically, I was there anyways for most of the arrests. So, like, I was watching them as they were putting everything together, you know. So I mean, in that regard, not the one physically approving it, but knowing what was there, yes.
Q. And when you weren't there?
A. They would take it to the district station supervisor or the desk sergeant for approval.
Q. And -- but for the rest where you were there, they would still go to the desk sergeant for approval, right?
A. Unless there were extenuating circumstances,

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yeah.
MR. PALLES: Excuse me. May I ask, are we going to go much longer? Because if so, I wouldn't mind, like, grabbing a snack for about ten minutes.
MR. RAUSCHER: What kind of snack? I'm just kidding.
MR. PALLES: Well, I – we have like a Pret-a-Manger downstairs. I'd probably pick up a half sandwich or something.
MR. RAUSCHER: That sounds nice.
MR. PALLES: I wish I could get you some, but
MR. RAUSCHER: No, but in all seriousness, I don't think I'm going super long. I mean, I'm on the second to last topic. The last one is not going to take long, but I'm also happy to take 15 or 20 minutes if people want. Or whatever everyone wants to do.
MR. BAZAREK: Quite frankly, I'd rather -- there's – another dep at 3:00. If we do, like, a short break, it sounds like Scott's not too far away from finishing, so that's my only –
MR. RAUSCHER: Why don't I finish this topic with the -- I don't have other policies to show him for this topic. Why don't I finish that and let's take whatever time people need and then finish up?

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MR. MICHALIK: Yeah, it's up to you. I mean, we're ready to, you know, plow through. I know there is another dep, but if people need five or ten minutes.
MR. PALLES: I'll plow – I'll plow through, too, as necessary.
MR. MICHALIK: Appreciate it, Eric.
MR. RAUSCHER: All right.
MR. PALLES: Paul, I've got to talk to you when we're done here just momentarily before you depart.
MR. MICHALIK: All right.
BY MR. RAUSCHER:
Q. All right. Turn to Page 6 of Exhibit 13, CITY-BG-62122. And then if you look at 4f, it talks about "cases for which evidence will no longer be needed, submit one of the following to the court sergeant".
A. Uh-huh.
Q. Who determines whether the evidence will no longer be needed?
A. I would say that that's determined by the courts. So our policies are now that when a court case is terminated, that the officer is supposed to present, through the State's Attorney's Office, through the judge, a request for confiscation and destruction order.

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I would imagine this was our policy that was in place at the time that would address the ability for the Evidence and Recovered Property Section to dispose of the evidence. So not every – not every piece of narcotics went to trial. So in other words, if an officer went to court and the defense or the state didn't ask them to bring the narcotics to court, those narcotics remained in the Evidence and Recovered Property Section in the our drug vault. So the purpose of this would be, hey, we no longer need this. The case is done. We can dispose of it. That information would then be cycled back to the Evidence and Recovered Property Section who would then have a verified document to support why they destroyed evidence, so they wouldn't, in turn, be accused of -- disposing of evidence before its time.
Q. Okay. And then if you could skip ahead to 62124, Section B on that page. It talks about desk sergeant responsibilities. I think we've already talked about that.
A. Uh-huh.
Q. Are these accurate? These reflect what the desk sergeant is supposed to do?
A. Yes. The officer's supposed to present to the desk sergeant or the approving sergeant of the inventory. They will then – they're saying, hey,

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there's, you know, 50 bags of heroin in here. You're supposed to verify that there's 50 bags of heroin in here. And then onward, it gets forwarded.
Q. Does the desk sergeant weigh the narcotics again?
A. No.
Q. They just -- they go by the reports and make sure --
A. Right. Well, they're -- and, again, like, the -- what they're approving is the inventory. So if the inventory is saying there's supposed to be 50 here, then there's 50 here and -- and that's it.
Q. But -- and they are -- they're approving the inventory, and they are also -- they are supposed to actually look at the evidence; is that right?
A. Correct.
Q. Yeah.
A. Right. So in this instance, if an officer's bringing 50 grams of heroin to the desk sergeant, he's presenting him the open bag, and the desk sergeant is going to physically count out the -- if he's doing his job, he's going to count out the 50. So the issue with that is that obviously when it goes down to ISP, ISP is also going to confirm the contents of that, and they're going to review it off of what's on the bag. And let's

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just say I said there's 50 in there and it gets down there and there's 30, they're going to send a notifier back to the Chicago Police Department saying you're missing 20 --
Q. Yeah.
A. -- and then people are going to have to start answering questions.
Q. What is the Police Document Services Section officer?
A. So those are essentially our couriers, and they work out of the document section. So what they do is they go around to each one of the districts and they collect property that's been inventoried. Specifically -- they don't bring firearms anymore except for certain units, but our -- our couriers today, what they do is they'll go -- sworn officers serve as couriers for -- for guns, money, and jewelry, and they'll bring those in a secured container to us. And then we receive the manifest from them moving it from district to district. In terms of general property, civilians go and collect those items. So it's, like, you know, telephones, DVDs, things like that. And then, again, they'll create a manifest, which is approved by that desk sergeant, which then moves the property from the district where we recovered and puts it into an in- transit status until

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it comes to us. Or in this instance, if it's narcotics, until it goes to forensics, where, again, it's scanned and received. So it's creating that chain of custody to show who had it, who touched it, where it went, and when.
Q. Is there anybody in CPD who is responsible for weighing the narcotics, other than the inventory officer?
A. To my knowledge, no.
Q. What is the narcotics recovery log? I'm sorry, narcotic evidence log in transmittal form?
A. So there's -- there's a log that's completed at the desk to indicate what you put in the safe. So, again, it's another check and balance, like, hey, Officer A inventoried this. He signed off on the log. That should be in there. So as it goes, that log should be empty. And now, the transmittal for us today is a little bit different because what it'll do is, there's a log that -- there's a paper log at the desk for what everything is that goes in the safe, and then there's another log, a transmittal, which is an electronic record, that when the couriers come to get the narcotics, they scan each inventory. There's a barcode that's on every single one of the inventories that gets scanned, and then it creates a list that says whoever

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the courier is is taking possession of all of these items. And then they present that list electronically to the desk sergeant who verifies that these are the inventories you have, I'm hitting the approval button, they're now in your custody, and they're in transit in your name until they come back around to the Forensic Section for narcotics. When they arrive in the Forensic Section, an officer there will receive that manifest from them. They'll electronically enter the eTrack system. And then, again, they'll -- they'll type in the manifest number, and then they will scan each inventory. And it'll check it off on the list to show that, yes, we indeed transferred custody of everything that Officer A said that he took out of whatever district it was.
Q. Who's allowed to check out narcotics evidence?
A. So it'll be the officers that are involved in the case. Or if a state's attorney says, you know -- it doesn't necessarily have to be the guy who inventoried it. Let's use the -- the furlough example again. Hey, it's coming up on trial. We need it. They can sign out a subpoena and say we need this officer to come get this evidence because he's associated with the case. In those regards, the same thing. There's an electronic history and a record that's kept of, you know, us giving that narcotic to that officer or that inventory, right?

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So we'll pull it from our vault. We'll do, electronically, what's considered a checkout. They'll sign for it electronically, indicating that they have it. There's a form set that's supposed to be filled out that they present to the State's Attorney's Office that will show which state's attorney accepted this inventory. And then it 'll come back to us, and then electronically, we turn it over to the system.

Q. Does the off -- if an officer who was involved in the case wants to check out the narcotics, do they need to provide a reason?

A. Yes. Like, you can't just come down and be like I want to get all the drugs out of here. You know, we -- we've had instances where -- you know, even recently, outside agencies have come in and asked for things. Like, I had the FBI come in and say that they wanted an item that we had recovered, and I denied them access to it because they couldn't explain why they wanted it. You know, if it wasn't tied to an ongoing investigation, then you can't have it. And, like, for this, the narcotics, it would be if you're not taking it to court and you don't have a court, you know, notification saying come get this, you're not getting it.

Q. Okay. The last topic is "collection and

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inventory of money from individuals who are arrested or detained." Did you review any policies relating to that topic?

A. No.

Q. Okay.

MR. RAUSCHER: I'm going to mark Exhibit 15 CITY-BG-06225 to 2257.

(EXHIBIT 15 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

Q. But before I do that, can you tell me what the policies of CPD are for collection and inventory of money from individuals who are arrested or detained?

A. So it all depends on what you're arrested and detained for.

Q. Let's say narcotics.

A. For narcotics, that policy has changed over time. It used to be you could pretty much seize anything. If the guy had $2 on him, you could -- you could seize it. That policy then changed, and there's a $500 threshold that's associated with it now.

Q. When did that policy change?

A. I don't know for sure.

Q. What's your best estimate as to when that $500 threshold came into place?

A. I think it might have been around 2009, 2010,

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somewhere in there.

Q. And how was that communicated?

A. Again, it was a department policy that came out. There were changes that came out. You're notified that, hey, there's a change in the order and this is -- this is what the procedure of the department is now.

Q. And was that limited to search warrants, or is that for anything?

A. So search warrants are slightly different. So, like, search warrants, the -- the dollar threshold can be anything --

Q. Okay.

A. -- because it's related to a search warrant. When you're physically recovering United States currency from an individual who's been placed into custody, that dollar amount has now changed to $500.

Q. And then let me show you -- so why don't I give you Exhibit 15, and this is titled "Consent to Search Incidents."

A. Okay.

Q. Have you reviewed this before?

A. I -- I -- not for this, but I've seen this document before, yes.

Q. All right. You're familiar with it?

A. Yes.

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Q. Does this speak to inventorying money, or is it --

A. This -- so a consent to search incident is -- is different in the sense that where this would come from is if we show up at someone's house and we want to search their house absent a search warrant --

Q. Right.

A. -- and we ask them, hey, can I search your house, or can I search your car on the street? And like, yeah, sure, no problem. We fill out a consent to search form, but that's what this is -- this is geared towards specifically.

Q. And this tells you how to then log the recovery of either less than or more than $5,000 -- I'm sorry, $1,000?

A. 1,000, yes.

Q. Okay. Do you know what general or special order contains the $500 amount you were talking about?

A. So I believe there's an order for -- I think it's both in the narcotics order and in our money order.

Q. Do you think it's in the narcotics one we just looked at or a separate one?

A. No, they're going to be in -- they're going to be in our -- in our newer orders.

Q. So not an order from 2011 or earlier?

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A. I would -- I -- I'm trying to think of when we changed our policy for -- for the money, but it -- it would be an inactive policy now because it -- it's definitely in -- in policy now.
Q. So what happens when someone is arrested for narcotics and they have $450 in cash?
A. They're supposed to be able to take it into lockup with them. The lockup procedures allow them to take up to $500 in United States currency into -- into lockup with them.
Q. Okay. So tell me, from -- in 1999, there wasn't -- you could seize $2, right? What was the process for inventorying -- collecting and inventorying money during that time period?
A. So it would be recovered from whoever the individual was. So if I was arrested and I had $1,000 on me, the officers would come in, they would remove my United States currency from my person, and they would count it. Whatever the count was -- typically we used to do it in front of the individual who was there. Sometimes we'd ask them, do you know how much money do you have on you, you know, and then we would count it out. And then from there, it would get put into an inventory bag. We would count it again before we inventoried it just to make sure that we counted it

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right. At that point in time, depending on the circumstances, if it was going to be held for investigation, if we were looking for the seizure, or if we're just going to return it to them, there were boxes that were checked on the inventory to document, you know, what the intent was for the money. At that point in time, it would then have been taken, similar to the narcotics, to the desk sergeant or the approving sergeant. And same thing. They were supposed to review the contents of the bag to make sure that, hey, I said there was $1,000 in here and there's $1,000 in United States currency inside this bag. If it was short, they'd be like, hey, you're short, you know, and they would then have to figure out, like, where did the shortage come from. Was it two bills stuck together, or you just can't count, or -- or whatever it is, and they would figure it out.
Q. But that's the desk sergeant's responsibility?
A. It -- one of his -- his -- one of his responsibilities is to -- if he's approving the inventory or whoever's approving that inventory, it's their responsibility to verify that what's on that inventory is reflected in what's in front of them.
Q. So in a narcotics case, that is the desk sergeant's responsibility, right?

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A. And -- and, again, like, unless there were those extenuating circumstances where he wasn't available or...
Q. Sure. But as a general matter, the policy is the desk sergeant does that?
A. Correct.
Q. And is the money counted at the scene?
A. Usually not. I mean, like, if we're recovering it from a person, you don't want to take all their money out and then all of a sudden you've got to -- you've got to secure it, and, you know, Lord only knows sometimes what might happen on the way into the station, you know. You don't want to jump out of the car because you -- you on-view something else, and now all of a sudden, you've got half of his property in your pocket and things get commingled. You used to wait to take the money from people unless there was a reason why you needed to immediately secure it on scene. And then even then, you used to, like -- we would have evidence bags and things like that with us to secure things in, so we didn't lose stuff, but usually the -- the counts were done inside the station.
Q. So the money would stay with the person until you got to the station?
A. Yes.

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Q. What about narcotics that you recovered?
A. The narcotics, it would all depend. Like, I mean, some guys would secure it somewhere on their person, like, in -- inside their vest. Because a lot of times, it was coming inside, you know, a larger plastic bag. It wasn't just, like, one individual thing.
Q. Yeah.
A. Other guys would carry, like, our green evidence envelopes with them and put it in there and then fold it up and then, you know, put it inside their vest and zip it up so it wouldn't -- you know, it wouldn't fly away.
Q. But narcotics were not left with the individual until you got back to the station?
A. Unless he had them secreted somewhere that required an additional search. Like, let's just say we took him in, and he had them in the sole of his shoe. You know what I mean? Like -- so would there be times where someone might have narcotics on their person subsequent to the search? Yes. But no, we wouldn't, in theory, leave something on someone knowing that they had it.
Q. Right. If they -- if you didn't know, though --
A. Right. Yeah.

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Q. -- you didn't know?
A. Yeah. I mean, and the -- and the reason for that is, obviously, it would represent a hazard to them because they know that they're going to prison now. Some people may be desperate and decide I'm going to swallow narcotics, and now I have someone who's dying in my backseat because I didn't secure my evidence.
MR. RAUSCHER: Let's take a quick break. I'll be wrapping on my questions pretty soon.
MR. MICHALIK: Okay.
THE VIDEOGRAPHER: All right. We're off the record. The time is 2:05.
(OFF THE RECORD)
THE VIDEOGRAPHER: We're back on the record. The time is 2:10.
BY MR. RAUSCHER:
Q. Earlier at the start of the deposition, I asked you to let me know if there are any policies you reviewed that we -- or any documents you reviewed that we didn't talk about today. So I'll ask you again now that we've looked at a bunch. Are there any policies you reviewed to prepare for this deposition that we didn't look at today together?
A. We -- so I believe we looked at general -- like, a general or special order for the tact teams that

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wasn't included in this.
Q. That's the newer version that you said is substantively the same --
A. But it's not the BOP version of it. It would've been, like, the general or -- I want to say that we looked at that, but I don't know for sure.
Q. Yeah. Not this one that we marked today. Something else?
A. It would've been -- it would've been, like, just a regular -- that's a BOP, so that's a Bureau of Patrol order.
Q. Okay.
A. I want to say I also looked at -- like, there's a more general -- it's either a general or a special order, but I -- I'd have to double check and look to see for sure. And then I also looked at instruction manuals for -- off the -- the CLEAR system for eTrack and for arrest reports that weren't included in these documents.
Q. Okay. Anything substantively in those reports that differs from what -- or sorry. Anything substantively in the instructions for filling out reports that differs from things we've talked about today?
A. No. No. I mean, essentially, they're just

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user guides that walk the user through how to manipulate the systems.
MR. RAUSCHER: Okay. I don't have any other questions.
MR. BAZAREK: I've got a couple of questions --
MR. MICHALIK: Hold on, Bill. Joel's going to go.
MR. BAZAREK: Yeah.
MR. FLAXMAN: Yeah. Bill, is it okay if I go first? I'll be pretty quick.
MR. BAZAREK: Yeah, go ahead. I jumped the gun.
MR. FLAXMAN: No problem.
EXAMINATION
BY MR. FLAXMAN:
Q. You mentioned the CLEAR system.
A. Yes, sir.
Q. What is that?
A. So the CLEAR system is our -- our reporting application. So it houses, currently, our eTrack system, our arrest system, our performance evaluation system. It's just -- it's -- it's an application suite that has a different number of functions that we have for the department to electronically send documents and -- and things of that nature. So, like, all our arrest

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reports that we reviewed today, that came out of the CLEAR system.
Q. So a police officer preparing an arrest report would use the CLEAR system?
A. Today, yes, unless the system went down, and then we would revert back to the paper system.
Q. Okay. And one thing that I think you mentioned about a police officer creating an arrest report in the CLEAR system was that a box pops up when they're submitting the report?
A. Correct.
Q. And is -- that box is for the officer to formally attest to the information in the report?
A. That's correct, yes.
Q. And did you say that at that point, the officer has to reenter his password to do that?
A. Yes.
Q. Another thing you talked about was doing inventories of narcotics, and the example, I think, you gave was counting the number of pills in a bag. Do you remember that?
A. Yes.
Q. Would an officer also be expected to examine powder in a bag of narcotics?
A. You mean open it physically?

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Q. Well, yes or no, would they be expected to open it?
A. More -- more often than not, no. I mean, you're not going to expose yourself to it.
Q. Okay. You mentioned something called a miscell ex card?
A. Yes.
Q. How do you spell that?
A. So, like, miscellaneous.
Q. Okay.
A. So gosh, M-I-C-E-L-L-A-N-O-U-S [sic].
Q. So miscellaneous?
A. Miscellaneous. And it's a -- it's -- so it's a miscellaneous exception report is what it is. We used to call them a miscell ex card, so...
Q. Okay. And what is that?
A. So it's just -- it's a -- it's a card that we would fill out for when there wasn't a -- and this was dating back years when -- it was a report that we would fill out when there wasn't really a report to fill out, but you had, like, a miscellaneous exception.
Q. Okay.
A. It would be within our incident reporting guide. It would say there's no UCR code for this. It's a miscellaneous exception report. I'm trying to think

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offhand, it's been so long since I've done one, what would be an example of one. It might actually be in the field reporting guide, which would explain when you would -- when you would fill one out.
Q. Okay. But the full name is miscellaneous --
A. Miscellaneous exception report -- incident report.
Q. Okay. And just -- and I think I understand this, but so that would be a formal report. It wouldn't be some kind of, like, note-taking?
A. It -- well, correct. But I mean, the reason why we would use them is because they were -- they were cardboard stock, right? And because they weren't -- you know, I think it had, like, a -- it wasn't, like, a -- a case report or anything like that, and they were blank on the back side. We could use that to write down information, and it was sturdy enough that it wasn't, like, a piece of paper loosely from one of our notebooks that was going to blow away. So when we were processing people in the field, it would be -- we would use a -- that to write down the information sometimes to put in there and then send in their property bag when they were going in so that they would say, okay, this is number 1. Number 1 is this person.
Q. Okay. And so -- just so I'm clear in that,

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you're talking about using the back of this report as --
A. Correct.
Q. Let me just finish the question, so we can make the record clear.
A. Sure.
Q. You're talking about using the back of this form to take notes essentially, right?
A. Yes, sir.
Q. And then once you're creating the formal arrest reports, you would rely on those notes?
A. The -- it -- essentially, it would be the individual's personal information is what would be on that card, right? So when we're -- and it's specific to when we were doing these reverse stings or -- or the -- the controlled arrests, right? Is that this way we knew who each individual was.
Q. And you wanted to know who they were to put that information into the formal reports?
A. Correct.
Q. But the miscell ex card is something you would use as before completing the formal reports?
A. Yes.
Q. And would you keep the miscell ex card after you did the formal reports?
A. No.

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Q. Okay. We talked about officers preparing reports based on personal knowledge, right?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. And in some instances, it would be appropriate for an officer to rely on another officer's observation when preparing a report, right?
A. That's correct, yes.
Q. In that instance, should the officer preparing the report state in the report that whatever observation he's talking about was made by another officer?
A. They could, yes.
Q. Well, should they?
A. For clarity purposes -- like, again, if we're looking at a report, right -- and we'll use an example of I pull someone over and I'm engaging the driver, and the rear passenger is reaching for a firearm. I can't see that because my partner can, right? So you would indicate in there -- you could. You could indicate that ROs did this while we were engaging the driver. The rear passenger was observed making further movements, right? Again, I think it lays in the hands of the author. Would it make more sense for the individual to say Officer A saw this? Yes. You know, because then it

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provides that -- that level of clarity. Is it required?
I would say, again, it's not as long as when it goes to court, everyone can answer up to what they did.
Q. Oh, the final thing I wanted to ask you about was on Exhibit number 8. That's a one-page document, "Form Preparation Instructions"?
A. Yes, sir.
Q. Okay. Paragraph number 44 on the bottom left begins, "The arresting officer." Do you see that?
A. Yes, sir.
Q. And it says things that the arresting officer must enter. It says, "Name first." Do you see that?
A. Yes, sir.
Q. The next one -- and the next thing is, "Indicating beat." And then it says, "Furlough, day off group." Is furlough, day off group one thing, or is that --
A. It's two separate things.
Q. Okay. What does furlough mean?
A. So your furlough is when your vacation is for the year. So we have the 13-period police calendar that's broken down into, you know, two segments, 14-day segments. So it's another -- it's a -- it's a notifier for -- probably for court scheduling purposes. In the sense that, like, if it's going to felony court, right,

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and it's going to 26 and California, the state's attorney can look and say I don't want to set a date at this time because I know the officer's not going to be available. As far as the day off group, that's the -- your day off that you're assigned. So we have a -- rotate -- we used to work six and twos. So every six days, you would be off for two. Everyone would be in a different day off group. Again, for balance of manpower. And so you would just put what day off group you were in for that as well.
Q. And, again, that would be so the court wouldn't be scheduled and the officer was not working?
A. In theory, sure. Yeah.
Q. And the last thing, it says, "Misdemeanor/ordinance court key." Can you tell me what that means?
A. So everyone's assigned a misdemeanor or ordinance key. So when you would arrest someone for a misdemeanor offense, so that we weren't -- we weren't, like, I guess, clogging the court system and sending every misdemeanor arrest to court on this day, they would break us all down and give us a court key based off of letter, right? So I believe my court key was O, if I'm not mistaken. And if I'm not mistaken, it was also based off of the last two digits of your star

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number, and they -- they -- they parcel it out that way. So you would schedule people for your court date based off what your court key was. So if I arrested you for a misdemeanor, I would go to my court key, which was established on department calendars and say all right, my next court key is going to be this day here, and I would set it for that day and then that way the arrestee would also know when he was also due in court.
Q. So the court key is like a table --
A. Uh-huh.
Q. -- or is the court key is the letter?
A. So the key itself is what letter you were, and then there's a table that has the dates for -- so for every -- every period, you know, it was 21 days out, you were -- you were going for your court key. And so you would go off the calendar, and you would be like, all right, we're in -- we're in March. When's my next court key date up? Oh, my next court key date for -- for March is tomorrow. Well, I can't give him that court date. I've got to set it out. So now I'm going to go to my next court key date, you know. So we would be going for -- you know, April is then when my court date would be for that. That's what I would set it for.
Q. And is it just called a misdemeanor/ordinance court key, or are there different ones for a

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misdemeanors and ordinances?
A. No, it's just a -- it's the same thing. So it's, like, our --
Q. Okay.
A. -- traffic key was the same thing, and they would just -- they would stage them off each other.
Q. Is there a name for the table that had the date in it?
A. It was just a court key.
Q. Because I -- and what I'm confused about is that the court key is the letter, but it --
A. Right.
Q. -- also refers to the table.
A. Yeah. I mean, it -- so it's -- it's, like, almost like the same thing as, like, a matrix. You know, where it's you've got -- you know, up at the top, you have all the letters going across and on the side, you have all the months going down, and then you just line it up as you go. And then in the middle, there's all the dates for the month.
MR. FLAXMAN: Okay. All right. I don't think I have anything else.
MR. RAUSCHER: I think somebody on the computer had questions for you.
MR. MICHALIK: Bill, did you want to ask

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something?
MR. BAZAREK: Yeah. I've got just a few follow ups.
CROSS-EXAMINATION
BY MR. BAZAREK:
Q. Good afternoon, Lieutenant Fitzgerald. You've worked as both a tactical officer and a tactical supervisor in district law enforcement, correct?
A. That's correct, sir. Yes.
Q. Okay. And you just -- not you. Mr. Flaxman just -- strike that. As a tactical officer working with a tactical team throughout your tour of duty on any given shift, you routinely shared information with your fellow tact team members; is that correct?
A. Yes.
Q. And there would be occasions where even, say, you made observations of criminal activity, but your partner was not present at that moment where you observed the criminal observations, correct?
A. That could happen, yes.
Q. And then you -- with that information, though, you would share the observations that you made with your partner and other fellow officers on the tactical team, correct?
A. That could happen, yes.

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Q. Okay. And I'll give an example. Say you're looking for a man with a gun and say an individual, you know, just takes off. You're with your partner. Maybe your partner jumps out of the car, starts chasing the guy, and you're going another way, and let's say you and your partner are not together for some period of time, but your partner recovers the gun. Have you had a -- have you had situations like that happen?
A. Similarly, yes --
MR. MICHALIK: Yeah. Bill, I'm just going to object to the extent that I think this probably exceeds the scope of the 30(b)(6) deposition.
MR. BAZAREK: Well, I'm going to tie it back to just report writing. Okay.
BY MR. BAZAREK:
Q. So later on, let's say that example I gave where someone -- your partner recovers a gun, but you're not present when he recovers it. Later on, though, you do see the gun because your partner has recovered it. Are you following me?
A. I am.
Q. Okay. So then you go back and you -- it's time to prepare the police report on it. And whether -- it's a, like, general offense case report and you have the boxes for the reporting officer, and then you have

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the box for the second reporting officer, right, on the case report?
A. Yes, sir.
Q. Okay. And so the hypothetical I gave where you actually weren't present when your partner recovered the gun, it would be entirely appropriate under department procedure for your partner to list you as the second reporting officer, correct?
MR. MICHALIK: Same objection, Bill.
THE WITNESS: I would say that's -- that's okay. You could -- you could do that.
BY MR. BAZAREK:
Q. Right. And then let's look at Exhibit 5. That's the "Vice Case Report General Instruction," and what I want to go to is numbers 45 and 46. And I know you've already -- you gave an example actually earlier in the deposition where you talked about someone working in a car by themself. It wouldn't be applicable for them to put a second officer because he wasn't with a second officer. Do you recall that?
A. Yes.
Q. Okay. So now my example is going to be a narcotics recovery where you do have officers that are not together at the time where one of the officers recovers the narcotics but then later he comes back into

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contact with his partner, and he shows them the dope that he recovers. Are you following me?
A. Yes, sir.
Q. Okay. And you would agree that it would be entirely appropriate, under department procedure when preparing the vice case report for box 46, to put your partner's name in that box, even though he wasn't there initially when you made the narcotics recovery; is that correct?
MR. MICHALIK: Bill, I'm going to have to object to this line of questioning. It's beyond the scope of the 30(b)(6) deposition and the topics listed here. You're asking him hypothetical questions, applications of your hypothetical to policies. He's here to talk about policies.
MR. BAZAREK: Right.
BY MR. BAZAREK:
Q. Well, okay. Is that within policy to put a second officer in box 46 if it was your partner and he wasn't present --
MR. MICHALIK: Same object --
BY MR. BAZAREK:
Q. -- at the time recovery of the dope?
MR. MICHALIK: Same objection.
THE WITNESS: Again, I would say it would be

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based on, like, the totality of the circumstances that you would have to take that into consideration. The example that I gave, I think was, more or less, like, an individual officer responded to a -- a call from a citizen who had found narcotics in their flower bed, and there wasn't anyone else there with them. So in that regard, there would never be -- sorry. There wouldn't be a -- a second officer that would've been on that report because no one would've been there other than him when he made the recovery. So in that instance, it was an isolated incident where it was a 99 unit that responded to a call for service and made a recovery. If I was working with my partner and for some reason we got separated and it turned into an arrest situation where it resulted in me recovering narcotics and then them being there, I would say yes, in theory, because we were still working together, that -- that would be applicable to put him on the report if there was -- in some way he was involved in the investigation we were conducting.

BY MR. BAZAREK:

Q. Right. It would be entirely appropriate to put your partner on the vice case report in box 46, right?

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MR. MICHALIK: Same objection.

THE WITNESS: Again, like I would say, it would depend on the totality of the circumstances, but yes, there -- there could be instances where an officer's partner was not present when a recovery of anything was made, and you would either put them on the general offense case report or the vice case report.

BY MR. BAZAREK:

Q. Right. And then you -- and that's what police officers do. They share information with each other, even if one member is not there to observe firsthand the criminal activity, right?

MR. RAUSCHER: Object to form.

MR. MICHALIK: Yeah. Same objection on behalf of the witness.

THE WITNESS: Yeah. I mean, again, I think what -- what it goes back to is almost, like, the -- the traffic stop that I discussed where I'm engaging the driver. I don't see what's going on in the back seat but my partner does, and he relates to me after he recovers a gun. Maybe he didn't have time to articulate to me that he saw it. He just opens the door and puts the guy in cuffs. And I'm like, well, what just happened? He explains it to me. And yes,

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it's our report because we're working together. When we go to court, we're going to explain what each one of us was doing, and that would be the reason why they would both be included in the report.

BY MR. BAZAREK:

Q. But it would be entirely appropriate for you to be listed as the second reporting officer, right?

A. It could be, yes.

Q. Okay. And then the other thing I want you to look at -- and I'm almost done. Let's take a look at Exhibit 6. That's the "Vice Case Report." And really just a couple questions on this. And I'm just specifically looking at -- do you see box 12? And there's box 18, and you see a bunch of --

A. Yes.

Q. -- police officer names are included in there; is that correct?

A. That's correct.

Q. Okay. And would you agree that when you're working on a tactical team, tactical team members would include all the names of the tactical team members in those boxes on a vice case report?

MR. MICHALIK: Objection. It's beyond the scope of the 30(b)(6) deposition. Are you asking

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what -- that's the policy of the police department?

MR. BAZAREK: Yes. Yeah. The policy. Yes.

THE WITNESS: I would say that the individuals that appear in those boxes on some level had a role. Whether it was being on scene or participating as an assisting officer on some level would be the only reasons why they would appear in the report. If they weren't present, then I would say that they would not -- and by present, I mean for any part of the arrest -- there would be no reason for them to appear on that report.

BY MR. BAZAREK:

Q. Right. So -- but it would be within department policy if you had some involvement, say, in the narcotics investigation, you're part of a tactical team or even a beat car that could put a stop on a suspect, that you would include the names of the department members in the vice case report?

MR. MICHALIK: Same objection.

THE WITNESS: Again, in theory, you could, but then you would also have to be able to articulate what their role was in terms of their assistance in it. You know, so, again, like, if you get called down and the state's attorney wanted to know -- in -- in this particular example, they would be like --

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they -- they would maybe subpoena the whole team, and they would ask Officer Jones, Officer Mohammed, Officer Smith, Officer Soltis, Sergeant Watts, Officer Gonzalez, and Officer Leano, tell me what everybody did, you know. And then they would make determinations, and Leano may be like I processed the guy. Just -- I searched him when he came in. And, you know, I helped prepare the complaint. They might cross them off the list and say, okay, I don't need you for court because, really, you're not necessary for it. So, I mean, as long as everyone that was on here could explain that they had a role of some level in what -- what transpired, whether it was from processing to arresting to being on scene, that would all have to be justified by, you know, what -- why their name was put on there. It was because they had some role in this somewhere.

MR. BAZAREK: That's all I have. Thank you, Lieutenant.

THE WITNESS: Sure.

MR. MICHALIK: Anyone else?

MR. GAINER: I don't have any questions. Thank you, Lieutenant.

REDIRECT EXAMINATION

BY MR. RAUSCHER:

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Q. I've got just a small number of follow-up questions. So sticking with 15 -- I'm sorry, Exhibit 5. Box 18 is described -- it says, " Enter name(s) of person who discovered, witnessed --

MR. BORKAN: Can't hear you, Scott.

BY MR. RAUSCHER:

Q. The box -- the description for box 18 on Exhibit 5 says -- starts with, "Enter name(s) of persons who discovered, witnessed, or reported the offense and check the appropriate square." Do you see that?

A. Yes.

Q. That's what you're supposed to do on that vice case report. It's supposed to list people who either discovered, reported, or witnessed the offense, right?

A. Correct, but I think where the ambiguity somewhat comes in with that, and even with some of our officers, is when it -- when it comes down to the -- the portion of witnessed the offense. In the sense that, did they witness a portion of the incident? In the sense, did I search this guy? Was I there serving as an assist and therefore, in some level, I did witness something? And I think that's -- that's an ambiguity, and that leads to things like this. And that's why it comes down to people being called to court and being asked to explain what their role was.

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Q. What's ambiguous about it? If you search someone and you found drugs, you witnessed something, right?

A. Well, no. What I'm saying is, in terms of if you -- if you searched that individual not on scene but in the station, they might list you on here because you witnessed that portion of the process, right? So in that regard, you didn't witness the recovery, you didn't witness the arrest, but you participated in the process. So because you, in that regard, acted as an assist, that's why you're showing up on there because you're documenting your assistance in it.

Q. So if you search someone at the station after they were already searched on the scene, you would still be listed as a witness under the CPD policy?

A. You could be. You could be listed as an assisting officer. In the sense that, like, just because you didn't recover the narcotics, if you recovered his wallet that was later inventoried or whatever you prepared that inventory for I, now you've assisted in that manner.

Q. But that -- so that is not what the written policy says that box is supposed to mean, correct?

MR. MICHALIK: Object to the form of the question.

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THE WITNESS: I would say what -- what I explained before. I think there's a little bit of ambiguity in there, which is the reason why there's these questions about people showing up on reports and what their exact roles were, right? Because someone may read this and be like, well, he witnessed the offense, and I might read that to me, like, I physically observed you in possession of that. Now I'm an eyewitness to that. Other people might say, well, he witnessed it because we arrested him. We brought him in the station, and he served as a witness because he also participated in searching.

BY MR. RAUSCHER:

Q. Which part of the offense would you witness if you searched someone and just took their wallet?

A. Because you participated in the totality of the offense. Like, the -- the -- the totality of the investigation.

Q. How -- what does the word "offense" mean to you?

A. Offense would mean the actual event, meaning the crime that was committed. However, in this regard, because they're still participating in an assist manner, people might say, well, if you didn't put him on there

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and he searched him, now you're concealing who participated.
Q. So there is a space for assisting officer on the arrest report, right?
A. There wasn't back then.
Q. There was not back then?
A. No.
Q. You couldn't list assisting officers?
A. I mean, the arrest report -- the old arrest report only had two boxes. There was one on the bottom for the arresting officer, and then one on the -- the bottom for the -- the secondary officer. Sometimes you would put -- if you were riding a three-man car, you would put all three of them in there, but there wasn't a -- a specific box, as there is today, where you can identify in the printed version that we have, you could list 100 officers as assisting.
Q. And then -- so basically what you're saying is, in practice, officers would list people as witnesses even if they didn't witness the offense as required by the written policy?
MR. MICHALIK: Object to the form of the question.
THE WITNESS: I don't know that -- again, I think where it comes in is that witnessing the

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offense is how the author would describe witnessing the offense, right, and who actually participated in the totality of it, right? Because, again, the offense involves an arrest, right? It -- it involves the arrest of someone being in possession of something, but that offense starts and ends throughout the course of processing. So for the officers, they may interpret it that way, but you would have to ask the author of the report and the individuals who are involved, like, why they specifically identified these individuals in the manner that they did.
BY MR. RAUSCHER:
Q. How do you, as someone who's been in the department for 25 years, was a member of tact team, and sergeant, interpret and witness the offense?
A. Witness the offense? Again, as I explained to you, my interpretation of it is those that were involved in it, right? So, again, the way that this is written, the only way to know who did what is to specifically ask those that were involved. Because --
Q. Well -- sorry. Go ahead.
A. Oh, no, that's okay. And -- and the -- and the thing is -- is that, again, Mohammed, Smith, Soltis, Watts, Gonzalez, Leano, they all could have been on-

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scene. I don't know. I wasn't there, you know, but who does know is Jones and Mohammed, right? And they would be able to -- to articulate to you who was there. And -- and then everyone should be able to tell you, you know, to the best of their recollection, what -- what their role was in this. And it could be anything that extended from, you know, I searched him. I -- I was there as, you know, one of the supporting surveillance officers. You know, that's -- that's questions for them to answer.
Q. You interpret it, though, to mean someone who was on-scene, right?
A. That's how I interpret it, yes.
Q. Not someone who went later and searched and found their wallet at the station?
A. Correct. But some -- again, I think some officers take that to mean that -- because I have -- we've had these conversations with other officers before. We -- you know, I've been in conversations with officers where, as an example, we had a disagreement amongst officers where there was a car that was pulled over for -- for being stolen, and an individual bailed out of the car, took off running, right? They called it out. That individual was subsequently apprehended a block away by two other officers that are assigned to

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that team. They placed him into custody. When they bring him back, there's an argument over who's going in box 1 for the guy who had the gun, and my stance was it's -- it's the guy who saw him get out of the car is where it starts because you're the one that's going to be able to say, yes, I put him in that vehicle when he bailed out, and then my report's going to indicate that you recovered a firearm from him. So, yes, you're -- you're involved in this, but, like, I'm not box 1 on the driver and the passenger in the front seat and you're box 1 on the guy because it's all one offense.
Q. Box 1 is not going to be the guy who showed up three hours later and you were -- when you said, hey, there was an arrest for a gun?
A. Correct.
Q. And it's not going to be the guy who searched for the wallet at the station?
A. Correct.
Q. And you would not list those people as witnesses?
A. Again, to the arrest, no, but they could be assisting arresting officers in the sense that they participated in some form of the process.
Q. And you might list that as someone who's assisting officer?

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A. Yes. People might, yes.
Q. Which is different than a witness to the offense?
A. Again, in my estimation, yes, but you would also have to understand what the perspective of the officers who wrote this report was and find out from them how they interpreted that.
Q. One thing you said during that testimony was that, you know, who knows is Al Jones and Kallatt Mohammed -- or you said Jones and Mohammed. Why are you making the assumption that they know what everyone did? they looked at?
A. Well, I would assume because they're the authors of the report.
Q. And you would not be the author of the report without knowing what happens yourself?
A. Correct.
MR. RAUSCHER: Okay. I don't have any other questions.
MR. MICHALIK: Anybody else?
MR. BAZAREK: Nope. Thanks, Paul.
MR. BORKAN: All good.
MR. GAINER: Not from me.
MR. MICHALIK: We will reserve signature.
MR. PALLES: Not for me.

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THE REPORTER: Okay. Any orders of the transcript or the video?
MR. RAUSCHER: Transcript, yes.
THE REPORTER: Just, like, an e-tran?
MR. RAUSCHER: Yeah.
THE REPORTER: Okay.
MR. RAUSCHER: We might want it a little faster than normal delivery, though.
(DEPOSITION CONCLUDED AT 2:42 P.M. CT)

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CERTIFICATE OF DIGITAL REPORTER
STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page hereof by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skills and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.

TALIA JACKSON,
DIGITAL REPORTER / NOTARY
COMMISSION EXPIRES ON: 11/28/2027
SUBMITTED ON: 04/09/2024

Exhibits

Exhibit 1_ Fitzgerald 34:20,24

Exhibit 2_ Fitzgerald 54:16,19

Exhibit 3_ Fitzgerald 59:19,20

Exhibit 4_ Fitzgerald 80:11,15 81:3 126:6,7,9 131:21,23

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Transcript of Kallatt Mohammed

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

- - - - - - - - - - - - - - - - x

In Re: WATTS COORDINATED : Master Docket

CASES. : Case No. 19-cv-01717

- - - - - - - - - - - - - - - - x

Videotaped Deposition of

KALLATT MOHAMMED, II, Volume I

Chicago, Illinois

Monday, November 18, 2019

10:12 a.m.

Job No.: 266047

Pages: 1 - 190

Reported by: Melanie L. Humphrey-Sonntag,

CSR, RDR, CRR, CRC, FAPR

Videotaped deposition of KALLATT MOHAMMED, II, Volume I, held at the location of:

LOEVY & LOEVY
311 North Aberdeen Street
Third Floor
Chicago, Illinois 60607
(312) 243-5900

Pursuant to notice before Melanie L. Humphrey-Sonntag, a Certified Shorthand Reporter, Registered Diplomate Reporter, Certified Realtime Reporter, and a Notary Public in and for the State of Illinois.

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C O N T E N T S

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By Mr. Rauscher	10

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P R O C E E D I N G S

(Mr. Kosoko and Ms. Baker were not present.)

THE VIDEOGRAPHER: This is the video deposition of Kallatt Mohammed taken by Loevy & Loevy in the matter of the Watts coordinated pretrial proceedings, Master Docket Case No. 19-cv-01717, held at Loevy & Loevy, 311 North Aberdeen Street, Chicago, Illinois. 10:11:54 10:11:55 10:11:57 10:12:01 10:12:04 10:12:10

Today is November 18th, 2019. The time is 10:12. 10:12:14 10:12:17

The court reporter is Melanie Sonntag, Certified Realtime Reporter, with Planet Depos, and the videographer is Rick Kosberg. 10:12:19 10:12:21 10:12:25

The counsel can now introduce themselves, and the court reporter is free to administer the oath. 10:12:27 10:12:29 10:12:31

MR. RAUSCHER: Scott Rauscher for the plaintiffs represented by Loevy & Loevy in the coordinated proceedings. 10:12:33 10:12:34 10:12:37

MR. TEPFER: Josh Tepfer for the plaintiffs, the Loevy plaintiffs. 10:12:40 10:12:42

MR. FLAXMAN: Joel Flaxman for the Flaxman plaintiffs. 10:12:44 10:12:46

MR. MICHALIK: Paul Michalik for Defendants City of Chicago and various police department supervisors. 10:12:47 10:12:49 10:12:53

MR. SCHALKA: Michael Schalka for Defendants Spaargaren and Cadman. 10:12:56 10:12:58

MR. BAZAREK: William E. Bazarek for defendants represented by Hale & Monico. 10:13:00 10:13:02

MR. GAINER: Brian Gainer on behalf of Defendant Watts. 10:13:05 10:13:07

MR. PALLES: Eric Palles and Gary Ravitz on behalf of Kallatt Mohammed. 10:13:08 10:13:11

MS. KLEINHAUS: Theresa Kleinhaus on behalf of the Loevy plaintiffs. 10:13:13 10:13:15

THE COURT REPORTER: Would you raise your right hand, please. 12:01:35

(Witness sworn.)

THE COURT REPORTER: Thank you.

KALLATT MOHAMMED, II,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR THE LOEVY PLAINTIFFS

BY MR. RAUSCHER:

Q Say and spell your name, please. 10:13:27

A Kallatt, K-a-l-l-a-t-t, Mohammed, M-o-h-a-m-m-e-d, II. 10:13:29 10:13:37

Q Do you have a job? 10:13:40
A Yes. 10:13:42
Q What do you do for a living? 10:13:43
A Truck driver. 10:13:44
Q How long have you been a truck driver for? 10:13:45
A About five years. 10:13:49
Q Is that a full-time job? 10:13:50
A Yes. 10:13:53
Q What company do you work for? 10:13:54
A It's EKCC. 10:13:56
Q Is it a long-haul -- long-haul trucking? 10:13:58
A No. It's -- they haul garbage. 10:14:04
Q Where do you work? 10:14:09
A What do you mean? 10:14:11
Q Are you located -- are you -- are you based in a certain area? 10:14:16 10:14:18
A From Markham, Illinois. 10:14:20
Q How much money do you make? 10:14:23
A As far as? A year? A month? 10:14:30
Q A year. 10:14:34
A Probably about 80,000. 10:14:34
Q That's from EKCC? 10:14:36
A Uh-huh -- yes. 10:14:42
Q And I should remind you -- that's a good 10:14:47

reminder. 10:14:51

As we go through today, please try to make sure you answer verbally, yes or no, not uh-huh. 10:14:52 10:14:56

A Yes. 10:14:58

Q And if you don't answer -- if you don't understand one of my questions, let me know and I'll do my best to rephrase it. Okay? 10:14:59 10:15:03 10:15:04

A I will. 10:15:06

Q If you don't do that, I'm going to assume that you understood. Is that fair? 10:15:06 10:15:09

A That's fair. 10:15:10

Q So you have made about 80,000 a year for the last five years as a truck driver? 10:15:10 10:15:12

A Yes. 10:15:14

Q Do you have any other sources of income? 10:15:17

A No. 10:15:18

Q Did you receive any money from the City of Chicago? 10:15:19 10:15:27

A No. 10:15:27

Q What was the last job you had before you worked at EKCC? 10:15:28 10:15:33

A Chicago police officer. 10:15:35

Q When did you leave the police department? 10:15:37

A 2011 I believe it was. 10:15:47

Q What did you do in between when you left the police department and when you started at EKCC? 10:15:49 10:15:50 10:15:54

A Oh, I was in -- went to prison. 10:15:54

Q What prison did you go to? 10:15:58

A Can't remember right -- I think -- it was in Minnesota. 10:16:00 10:16:04

Q Was it Federal prison? 10:16:08

A Yes, Federal prison. 10:16:11

Q Why did you go to prison? 10:16:12

A Because of wrongdoing on the police department. 10:16:14 10:16:24

Q You went to a Federal prison in Minnesota because you engaged in wrongdoing as a police officer? 10:16:25 10:16:29 10:16:31

A Yes. 10:16:31

Q What exactly did you do that was wrong as a police officer that landed you in prison? 10:16:31 10:16:33

A I -- 10:16:35

MR. PALLES: Go ahead. 10:16:43

If you know. 10:16:46

A (Continuing.) -- took money. 10:16:51

Q Who did you take money from? 10:16:54

MR. PALLES: Yeah. 10:17:01

A Fifth Amendment. 10:17:01

MR. PALLES: We can -- 10:17:02

A (Continuing.) Because I am concerned that 10:17:03
the mere act of testifying to matters arising from 10:17:04
this incident may cause me to be criminally 10:17:10
indicted by the US Attorney's office and/or the 10:17:12
Cook County State's Attorney's office, I am going 10:17:15
to decline to answer any questions about certain 10:17:18
aspects of my conduct as a Chicago police officer, 10:17:20
based upon the rights guaranteed to me by the 10:17:24
Fifth Amendment of the United States Constitution. 10:17:29

From this point forward when I say "Fifth" 10:17:31
or "Fifth Amendment," I am referring to and 10:17:33
incorporating this statement. 10:17:36

Q So you are refusing to answer who you 10:17:37
stole money from which led to your indictment? 10:17:45

A Fifth Amendment. 10:17:50

Q The official reason you -- well, what was 10:17:59
the official reason given by the Chicago Police 10:18:08
Department as to why you stopped being on the 10:18:10
street as a police officer? 10:18:12

MR. PALLES: Objection; lack of 10:18:13
foundation. 10:18:16

MR. MICHALIK: Object to the form of the 10:18:21

question. 10:18:18

Q Your attorneys are going to -- certain 10:18:22

attorneys may object to the questions. Unless 10:18:24

someone instructs you not to answer, you should 10:18:26

still answer the question. 10:18:27

MR. PALLES: Yeah. 10:18:28

A For wrongdoing. 10:18:30

Q Were you ever told that you were taken off 10:18:34

the street because you had a weapons restriction, 10:18:40

a restriction that prohibited you from carrying a 10:18:42

weapon? 10:18:44

A Don't -- no. 10:18:46

Q How long were you a police officer with 10:18:49

the Chicago Police Department? 10:18:57

A 14 years. 10:18:59

Q Tell me what years. 10:19:00

A From '96 to 2011. 10:19:02

Q What roles did you have as a police 10:19:08

officer from 1996 to 2011? At a high level. 10:19:13

MR. PALLES: I object to the form. 10:19:19

But go ahead. 10:19:21

A Traffic stops, answering calls, domestic 10:19:22

calls. 10:19:30

Q What was your title over the years? 10:19:30

A Police officer. 10:19:35

Q Did you ever get any promotions? 10:19:41

A I was a tac officer, but that's not a promotion. 10:19:43 10:19:48

Q How long were you a tac officer? 10:19:48

A I believe -- I'm not for sure. 10:19:52

Q What's your best estimate for how long you were a tac officer? 10:19:58 10:20:00

A Maybe six years. 10:20:00

Q And what years did -- did you serve as a tac officer? 10:20:07 10:20:09

A Let me see. From -- I believe it was -- might have been longer than six years. About from 2003, I believe, to 2011. 10:20:13 10:20:32 10:20:35

Q As a tac officer were you serving in a certain area of the city? 10:20:40 10:20:44

A Ida B. Wells. 10:20:45

Q Where was Ida B. Wells located? 10:20:50

A 35th and King Drive. 10:20:54

Q What was your star number? 10:20:59

A 14122. 10:21:08

Q Was 14122 always your star number? 10:21:10

A Yes. 10:21:15

Q Did you have a separate employee 10:21:18

ID number? 10:21:19

A No. 10:21:20

Q Did you have a separate computer log-in number? 10:21:22 10:21:24

A Yes. 10:21:25

Q And what was the computer log-in number? 10:21:25

A I don't remember. 10:21:29

Q What did you use the computer log-in number for? 10:21:29 10:21:32

A For running background checks and names. 10:21:32

Q When you say "running" names, what do you mean by that? 10:21:34 10:21:36

A Well, seeing if you had a warrant or -- 10:21:37

Q Did you ever use anyone else's computer log-in number? 10:21:42 10:21:45

A No. 10:21:46

Q Did -- did you ever give your computer log-in number for anyone else and authorize them to use it? 10:21:46 10:21:49 10:21:51

A No. 10:21:52

Q What were your main responsibilities as a tac officer in Ida B. Wells? 10:21:52 10:21:57

A Find out who was selling drugs and doing reverse stings. 10:22:01 10:22:14

Q Anything else? 10:22:15
A Not that I could remember -- recall. 10:22:16
Q Did you work on a particular shift as a 10:22:21
tac officer? 10:22:25
A We had two shifts, one in the morning and 10:22:25
one at night. 10:22:28
Q What were the hours of the morning shift? 10:22:29
A I don't recall. 10:22:30
Q What were the hours of the night shift? 10:22:37
A Pardon me? 10:22:39
Q What were the hours of the night shift? 10:22:40
A Night shift was -- they varied so 10:22:42
I don't -- I don't recall that, either. I know 10:22:49
that -- 10:22:54
Q Go ahead. 10:22:54
A -- the ending of the shift would be at 10:22:55
two o'clock in the morning. 10:22:56
Q Do you know the ending of the morning 10:22:57
shift? 10:23:00
A That varied, too. Almost -- probably 10:23:00
about six o'clock. 10:23:08
Q Six o'clock p.m.? 10:23:10
A P.m., yes. 10:23:11
Q So is it fair to say the morning shift 10:23:11

basically covered the day? 10:23:17

A Yes. 10:23:18

Q How frequently did it change -- did your shift change? 10:23:19

So how often did you go from morning to night or vice versa? 10:23:21

A Well, it -- it -- it would depend -- 10:23:23

Q What would -- 10:23:25

A -- on -- on what was going on that they would change the shift. 10:23:26

Q Who decided what shift you worked on? 10:23:30

A The commander. 10:23:31

Q Who -- who was or who were the commanders in your area when you were on the tac team? 10:23:33

A I don't recall. 10:23:34

Q You don't recall any of them? 10:23:36

A No. 10:23:37

Q Were you in a certain unit when you were on the tac team? 10:23:43

A No. 10:23:47

Q Did you have partners over the years when you were a tac officer? 10:23:47

A I had -- maybe three partners. 10:23:50

Q Who were your three partners over 10:23:51

the years as a tac officer? 10:24:18

A Monica Lewis -- 10:24:19

Q Is it Lamonica Lewis? 10:24:25

A Lamonica Lewis. 10:24:26

Dorian Smith. And Elsworth. 10:24:28

Q What was Els- -- Elsworth's -- 10:24:36

A I can't think of -- 10:24:38

Q Smith? 10:24:39

A Smith, yes. Yes, that's his name. 10:24:39

Q Did any of them have -- any of those three people have a nickname? 10:24:42 10:24:48

A No. 10:24:49

Q Was Lamonica Lewis ever referred to as Coco? 10:24:49 10:24:52

A Yes. 10:24:53

Q Did other officers call her Coco? 10:24:54

A Yes. Yes. 10:25:09

Q Did you call her Coco? 10:25:10

A I called her Lamonica. 10:25:11

Q How -- what years were you partners with Lamonica Lewis? 10:25:13 10:25:20

A It might have been a year. I don't remember. I can't remember. 10:25:21 10:25:31

Q Do you remember what year it was? 10:25:32

A No. 10:25:38

Q How long were you partners with Dorian Smith? 10:25:38 10:25:42

A I was partners with Dorian Smith maybe two years. 10:25:42 10:25:46

Q Which years were you partners with Dorian Smith? 10:25:46 10:25:50

A From -- I believe it was 2009 to 2011. 10:25:50

Q How long were you partners with Elsworth Smith? 10:25:57 10:26:02

A About a year. 10:26:02

Q Which year were you partners with Elsworth Smith? 10:26:03 10:26:08

A About 2008, I believe. 10:26:08

Q Why did you stop being partners with Lamonica Lewis? 10:26:11 10:26:22

A She wanted to go to the morning shift. 10:26:23

Q So during the time you were partners with Lamonica Lewis, you were on the -- the night shift? 10:26:27 10:26:35 10:26:38

A Yes, when it changed over night and day shift. 10:26:38 10:26:43

Q What do you mean by that? 10:26:44

A You know, whenever they saw a need to move 10:26:45

us up and down, that's when we worked the same shift. 10:26:47 10:26:52

Q How would her switching partners make her be on the morning shift? 10:26:52 10:26:55

A No, I -- I never said she switched partners. 10:26:56 10:26:59

When I said she wanted to go to the day shift, she went to the -- to the patrol car working days. Not in tac -- tactical officer. 10:26:59 10:27:01 10:27:05

Q So she switched her role? 10:27:09

A Right. 10:27:10

Q Okay. Do you remember what year you were partners with her? 10:27:11 10:27:16

A No, I don't. 10:27:17

Q Was it before you were partners with Elsworth Smith? 10:27:17 10:27:19

A I can't remember. 10:27:19

Q Did you have a period of time when you didn't have a partner on the tac team? 10:27:20 10:27:27

A Only a brief period. 10:27:29

Q About how long? 10:27:31

A Maybe about -- I don't -- I'm not for sure. But it wasn't that long. 10:27:32 10:27:39

Q So if we have Lamonica Lewis for a year 10:27:40

and then you start with Elsworth Smith and Dorian Smith and that goes from 2008 to 2011, are we missing someone who was a partner of yours? 10:27:45 10:27:47 10:27:53

A No, not that I could recall. 10:27:55

Q Is it possible that your -- your memory of when you were partners with those people is off? 10:27:56 10:27:57

MR. PALLES: Objection; lack of foundation. 10:27:59 10:28:02

A No. 10:28:02

Q It's not possible? 10:28:03

A Let me see. 10:28:04

No. 10:28:11

Q Who -- who were you partners with from about 2007 through 2000- -- I'm sorry. Let me rephrase that. 10:28:12 10:28:13 10:28:18

Who were you partners with from about 2003 when you started as a tac officer until about 2008? 10:28:20 10:28:22 10:28:24

A I don't recall. I don't recall. 10:28:25

Q But do you know it was one of Lamonica Lewis, Dorian Smith, or Elsworth Smith? 10:28:34 10:28:36

A No. It wasn't -- it wasn't Lamonica. It wasn't Elsworth. 10:28:39 10:28:47

I don't recall. I don't recall. 10:28:52

Q Were you ever partners with Ronald Watts? 10:28:54
A No. 10:29:03
Q Was Ronald Watts your supervisor? 10:29:03
A Yes. 10:29:03
Q How long was Ronald Watts your 10:29:06
supervisor for? 10:29:09
A As long as I've been on the tactical team. 10:29:09
Q Did you have other supervisors on the 10:29:13
tactical team? 10:29:15
A Yes. 10:29:16
Q Who else supervised you when you were on 10:29:17
the tactical team? 10:29:18
A Brad -- I can't think of his last name. 10:29:21
Brad. His name was Brad. 10:29:25
Q Anyone else? 10:29:29
A No. 10:29:33
And I worked for Nate Silas. 10:29:39
Q What's that last name? 10:29:43
A Silas. 10:29:46
Q "Sikes"? 10:29:47
A "Silas." 10:29:47
Q "Silas"? 10:29:48
A S-i-l-a-s. 10:29:49
Q When did you work for Nate Silas? 10:29:51

A I can't recall. 10:29:53

Q You mentioned something called a reverse 10:30:02

sting; is that right? 10:30:04

A Yes. 10:30:07

Q What is a reverse sting? 10:30:08

A A reversal sting is that we posed as drug 10:30:09

dealers and people would come in and ask us for 10:30:14

whatever they wanted, and then they would be 10:30:20

arrested. 10:30:23

Q When you say "We posed as drug dealers," 10:30:24

who are you referring to? 10:30:30

A The Chicago police. 10:30:31

Q And who on the Chicago Police Department 10:30:34

did you specifically work with on reverse stings? 10:30:38

A I don't recall. It was more than 10:30:40

20 people. 10:30:45

Q All right. Tell me everybody who you do 10:30:46

recall who you worked on reverse stings with. 10:30:48

A Bolton. Gonzalez, Leano, Smith, Elsworth 10:30:50

Smith, and Lamonica. Al Jones. And those are the 10:31:04

only guys I remember that was on my team that we 10:31:25

worked for. 10:31:28

Q Are there other teams you know of that did 10:31:28

reverse stings? 10:31:31

A Yes. 10:31:32
Q What other teams can you tell me about? 10:31:33
A I don't -- I don't have their names. 10:31:37
Q When you say your "team," can you tell me what you mean by that? 10:31:38 10:31:40
A The team of officers that we worked for under Ronald Watts. 10:31:41 10:31:43
Q So tell me that. Who -- who would you say was on Watts' team over the years while you were on the team? 10:31:49 10:31:53 10:31:56
A Those people I just named. 10:31:56
Q So Bolton, Gonzalez, Leano, Lamonica Lewis, Al Jones, Elsworth Smith? 10:31:59 10:32:02
A Yes. 10:32:05
Q Anyone else you can think of? 10:32:05
A No. 10:32:08
Q All right. Tell me how reverse stings worked. Who had what role? 10:32:08 10:32:13
A Well, there was -- you had the arresting officers, and then you had the ones that would stage up to be the drug dealers. And that's it. And enforcers. 10:32:19 10:32:32 10:32:37 10:32:44
Q What role did Ronald Watts take in the reverse stings? 10:32:46 10:32:54

A I don't recall. 10:32:55
Q Did he participate in reverse stings? 10:32:58
A Yes. 10:33:01
Q Why didn't you include him on the list of people who participated in reverse stings when I first asked you? 10:33:02 10:33:10 10:33:12
A Because I -- I didn't think you was talking about him. 10:33:14 10:33:17
Q Okay. 10:33:18
A Yeah. 10:33:18
Because you asked me for officers. You didn't -- 10:33:20 10:33:23
Q And what was Watts' role? 10:33:23
A He was a sergeant. 10:33:25
Q So was there anybody else on the Chicago Police Department who worked with you on reverse stings, officers, sergeants, or any other title? 10:33:29 10:33:34 10:33:35
A Don't -- don't recall. 10:33:39
Q Did -- did Brad, the other supervisor who you mentioned, work on reverse stings? 10:33:41 10:33:46
A Oh, no. No. 10:33:48
Q All right. 10:33:49
So walk -- walk me through a reverse sting -- sting from start to finish including any 10:33:52 10:33:54

planning that you'd do beforehand. 10:33:58

A I don't recall. 10:33:59

MR. PALLES: I'm going to object to the form. 10:34:01 10:34:03

(Mr. Tepfer left the proceedings.) 10:34:05

A I don't recall. 10:34:05

Q You don't recall? 10:34:06

A No. 10:34:08

Q What don't you recall? 10:34:08

A Of -- to walk you through it. I don't -- don't recall. 10:34:10 10:34:13

Q Do you remember the steps that you'd take to carry out a reverse sting? 10:34:14 10:34:16

A Well, that's been a while so, no, I don't recall. 10:34:17 10:34:20

Q What was your role typically in a reverse sting, arresting, staging, or enforcer? 10:34:20 10:34:24

A I was outside staging. 10:34:27

Q And what -- what is the staging officer's role in reverse stings? 10:34:28 10:34:31

A I just watch. If anybody tried to get away or run, I would be the one to catch them. 10:34:32 10:34:35

Try to, anyway. 10:34:42

Q All right. What is the arresting 10:34:43

officer's role? 10:34:48

A To go to court. 10:34:49

Q So they don't have a role in the actual sting? 10:34:52 10:34:57

A Yeah. They would be out there, but they would go to court. 10:34:58 10:35:00

Q What was their role in the reverse sting, the day of the reverse sting? What would the arresting officer do? 10:35:01 10:35:05 10:35:09

A I don't recall. 10:35:10

Q Did they arrest people? 10:35:11

A I'm sure they did, but I couldn't tell you what role they played. 10:35:12 10:35:19

Q So is -- is one of the roles in the reverse sting arresting people? 10:35:21 10:35:24

A That's what it is, yes. 10:35:26

Q Okay. So is that the job of the arresting officer? 10:35:27 10:35:30

A Yes. 10:35:30

Q Did the arresting -- 10:35:33

A He was the court officer. 10:35:34

Q He was the court officer? 10:35:35

A Yes. 10:35:36

Q Why was he called the arresting officer? 10:35:37

A Because that's -- when he arrested, he would be the one to go to court. 10:35:39 10:35:41

Q And what was his job in court? What was he going to court to do? 10:35:43 10:35:45

MR. BAZAREK: I just object to the form of the question, along with foundation. 10:35:47 10:35:49

A Go to court. 10:35:57

Q And to do what? 10:35:58

A To testify against what -- what was on the paper, what happened. 10:36:00 10:36:03

Q And whose job was it to fill out the paperwork after reverse stings? 10:36:05 10:36:08

A It was the arresting officer. 10:36:10

Q And what -- how would the arresting officer go about filling out the paperwork? How would they know what to include? 10:36:14 10:36:15 10:36:18

A I -- I couldn't tell you. 10:36:20

Q Were you ever the arresting officer in a reverse sting? 10:36:21 10:36:22

A No. 10:36:22

Q Who assigned the roles to people during reverse stings? 10:36:23 10:36:25

A The sergeant would. 10:36:25

Q So that would be Watts? 10:36:27

A Yes. 10:36:32
Q So we know arresting officers arrested 10:36:32
people; right? 10:36:35
A Yes. 10:36:36
Q And they filled out the paperwork? 10:36:37
A Yes. 10:36:38
Q So arrest reports, incident reports, that 10:36:39
sort of thing? 10:36:42
A Well, it was a group -- if I could 10:36:42
remember, it was -- you had -- whatever somebody 10:36:46
attempted to -- what they would ask for. 10:36:53
They would -- that would be written down, 10:36:58
what they asked for, and that would be -- somebody 10:37:00
would fill out the paperwork for that, that -- on 10:37:03
that call. 10:37:08
Q Who is the "somebody"? 10:37:09
A Well, whoever arrested -- whoever was 10:37:10
assigned that -- to do that. 10:37:12
Q And was the person assigned to do that the 10:37:14
arresting officer? 10:37:17
A Yes. 10:37:17
Q And then you said there were staging 10:37:18
officers? 10:37:20
A Yes. 10:37:20

Q What did staging officers do? 10:37:21
A They sat outside like I did, stood outside 10:37:23
and watched everybody come in. 10:37:27
Q And how would you know if you were 10:37:29
supposed to be chasing someone down? 10:37:36
A Because they would call on the radio. And 10:37:38
I would see them running. 10:37:41
Q Who would call on the radio? 10:37:42
A One of the officers. 10:37:44
Q What would they say? 10:37:45
A "We got one leaving." 10:37:48
Q How would you know who they were talking 10:37:52
about? Would they describe the person? 10:37:53
A They would give a description of what they 10:37:55
wore and which direction they were headed in. 10:37:57
Q And you said there were enforcers? 10:38:00
A No, I didn't say that. 10:38:06
Q You didn't say enforcers were the third 10:38:07
role? 10:38:09
A Pardon me? 10:38:09
Q You didn't say that enforcers were the 10:38:10
third role? 10:38:13
A I said there were enforcers, but, no, the 10:38:13
enforcer wasn't the one that called. 10:38:16

You asked me if there were -- what my role was. 10:38:19 10:38:21

Q Yeah. I -- I understand. You said you were a staging officer; right? 10:38:21 10:38:23

A Right. 10:38:24

Q Now I'm just trying to move on to -- was there anything else that staging officers do? 10:38:24 10:38:27

A No. 10:38:28

Q Okay. So then the other role I think you mentioned, the third role, was enforcer. Is that right? 10:38:29 10:38:30 10:38:33

A Right. Uh-huh. 10:38:33

Q And what do the enforcers do? 10:38:34

A Well, if they -- somebody on the in- -- well, if somebody tried to get away, they would grab them. 10:38:36 10:38:39 10:38:41

Q And how is the enforcer role different than the staging officer? 10:38:43 10:38:44

A Well, they're working inside, where people come in the building. 10:38:46 10:38:48

Q Why were they called enforcers? 10:38:49

A That's what they called them. 10:38:54

Q What were they enforcing? 10:38:57

MR. MICHALIK: Object to the form of the 10:39:01

question. 10:39:02

A That people not get away. 10:39:04

At that time. Once they had them. 10:39:07

Q Were officers also the people trying to or pretending to sell drugs? 10:39:14

A Yes. 10:39:16

Q What was that officer called -- what role -- or did that officer have a title? 10:39:18

A Not really. Because they didn't know who they were. 10:39:22

Q What do you mean? 10:39:23

A The people who were coming to buy drugs didn't know who they were. 10:39:26

Q What -- so tell me -- how did it work for a person on the outside? They would go in and do what? 10:39:26

A You mean people coming to buy drugs? 10:39:28

Q Yeah. 10:39:30

A They do what they do, coming to buy drugs. 10:39:31

Q Tell me -- 10:39:35

A They don't know who they are buying drugs from. 10:39:38

Q Who were they asking to buy drugs? 10:39:38

A Anybody they saw outside. 10:39:41

Q So if someone asked to buy drugs on the outside, tell me what would happen. 10:39:53 10:39:55

A No, no, no. 10:39:57

This is -- how people buy drugs, they just walk up -- they know where to go to get them. 10:39:59 10:40:03

So whoever they saw standing outside, that's who they would approach. And ask "What are they selling today?" 10:40:07 10:40:10 10:40:12

Q And then how would the person get caught up in the reverse sting? 10:40:14 10:40:16

A Well, they get -- what do you mean? 10:40:17

Q Someone walks up and they happen to see you as a staging officer, they'd ask you for drugs, and then they'd go inside and get arrested? 10:40:19 10:40:21 10:40:23

A No. 10:40:27

MR. PALLES: Objection. 10:40:27

Boy, that really twisted what was -- 10:40:29

MR. RAUSCHER: It's a question. 10:40:36

MR. PALLES: Go ahead. 10:40:37

A (Continuing.) No. 10:40:38

Q Okay. So tell me how it worked. 10:40:38

A This is -- this is sideways. 10:40:40

If someone wanted to buy drugs, there's always somebody standing outside hollering "Nike" 10:40:44 10:40:48

or "Oprah" or "Obama." 10:40:55

So when they hear that, they go inside. 10:41:00

And whoever they saw inside they say, "Give me one or two." And then once they tell them that, they say, "Walk over there." 10:41:03 10:41:07 10:41:09

Once they walk over in the direction of an officer, that's when they were arrested. 10:41:11 10:41:14

Q So when they walked inside and said "Give me one or two," who were they saying that to during a reverse sting? Was that police officers or civilians? 10:41:17 10:41:20 10:41:23 10:41:25

A I -- I just told you that. It's police officers. 10:41:26 10:41:28

Q So there were police officers inside. Were those the staging officers, the enforcers -- 10:41:28 10:41:30

A They're not staging officers. They're -- they're enforcers or just police officers who were in there. 10:41:32 10:41:33 10:41:36

Q So there were also other police officers -- 10:41:36 10:41:38

A Right. 10:41:39

Q -- around? 10:41:39

A Yes. 10:41:40

Q And were they also wearing plain clothes? 10:41:40

A Yes. 10:41:43
Q And were they part of the reverse sting? 10:41:44
A Yes. 10:41:45
Q Did they have a role? 10:41:46
A I don't know what their role was but they 10:41:47
were there. 10:41:50
Q And so once someone was inside, they asked 10:41:51
for drugs, and then they'd get told to go 10:41:56
somewhere else and then they'd get arrested? 10:41:59
A Right. 10:42:01
Q And was there an exchange of money that 10:42:01
happened? 10:42:04
A No. 10:42:04
Q So just -- they just asked for drugs and 10:42:04
that was enough? 10:42:06
A Yeah. Before they can get their money 10:42:07
out, they was arrested. 10:42:09
Q Did any of the officers during reverse 10:42:09
stings have drugs on them? 10:42:13
A No. 10:42:14
Q Never? 10:42:14
A Never. 10:42:17
Q That includes Watts? 10:42:17
A Never. 10:42:20

Q That includes you? 10:42:21
A Take the Fifth. 10:42:22
Q You're taking the Fifth because your 10:42:24
lawyer signaled for you to take the Fifth on that 10:42:38
question? 10:42:40
A Yes. 10:42:41
Q And that's because you fear being 10:42:42
criminally prosecuted if you answer honestly? 10:42:44
A Yes. 10:42:46
Q How do you know that Watts never had drugs 10:42:51
on him during a reverse sting? 10:42:55
A If he did, I never saw it. 10:42:56
Q What -- what did Sergeant Watts do during 10:43:12
reverse stings? 10:43:22
MR. PALLES: Asked and answered. 10:43:27
And lack of foundation. 10:43:27
A He was supervising. 10:43:28
Q How was he supervising? 10:43:29
A Just making sure everybody was doing what 10:43:30
their -- what their part was. 10:43:36
Q Did he ever arrest people? 10:43:37
A No. 10:43:38
Q Ever pull people into a hall? 10:43:40
A Are you asking -- 10:43:42

Q Did Watts ever pull people into the hall during a reverse sting? 10:43:44 10:43:47

A No. 10:43:47

Q Did he ever pull people away from a crowd during a reverse sting? 10:43:48 10:43:51

A No. 10:43:51

(An off-the-record discussion was held.) 10:44:03

Q Did you ever frame anyone during a reverse sting? 10:44:04 10:44:14

A Taking the Fifth. 10:44:14

Q And you're taking the Fifth because you fear being prosecuted if you answer truthfully? 10:44:15 10:44:17

A Yes. 10:44:17

Q Did Watts ever frame anyone during a reverse sting? 10:44:20 10:44:22

A Taking the Fifth. 10:44:22

MR. MICHALIK: Objection; foundation. 10:44:23

Q How many years did you -- did you work under Sergeant Watts? 10:44:26 10:44:27

A I don't recall. Let me see -- I don't recall. 10:44:32 10:44:34

Q The whole time you were on the tac team though; right? 10:44:35 10:44:39

A Yeah. 10:44:39

Q And were you -- 10:44:39
A Yes. 10:44:40
Q Did you see Watts every day when you worked during that time period as long as he was also working? 10:44:41 10:44:42 10:44:44
A Not every day. 10:44:45
Q So there were days when you both would work and you wouldn't see him? 10:44:46 10:44:48
A Yes. 10:44:49
Q How fre- -- 10:44:49
A Whenever -- whenever he took off or I took off I wouldn't see him. 10:44:50 10:44:53
Q So I'm saying -- when you both worked, if you were both on, you'd see him every one of those days; right? 10:44:55 10:44:58 10:45:00
A Yes. 10:45:01
Q So you named, I think, six other officers who you remember working on reverse stings. 10:45:05 10:45:18
Let's start with Bolton. Can you tell me what Brian Bolton's role was in reverse stings? 10:45:22 10:45:24
A Bolton's role was usually arresting people. 10:45:28 10:45:36
Q Can I ask you to just move your hand -- 10:45:37
A Bolton was usually arresting people. 10:45:38

Q What about Gonzalez? 10:45:40

A Same thing, arresting people. Walking them to the paddy wagon. 10:45:46 10:45:52

Q Are we talking about -- let -- first names. Can we say their first names? 10:45:54 10:45:56

Is it Brian Bolton? 10:45:58

A Brian Bolton. 10:45:59

Q Robert Gonzalez? 10:46:02

A Right. 10:46:03

Q And what's Leano's first name? 10:46:03

A Manny. 10:46:06

Q Or Manuel? 10:46:07

A Manuel. 10:46:10

Q All right. 10:46:12

Do you know why Bolton and Gonzalez were arresting officers on reverse stings? 10:46:14 10:46:16

A No, I don't. 10:46:18

Q Did anyone ever tell you why? 10:46:18

A No. 10:46:21

Q What about Leano? What was his role in reverse stings? 10:46:22 10:46:31

A Same -- same thing. 10:46:34

Q Arresting? 10:46:35

A Yes. 10:46:36

Q What about Lamonica Lewis? 10:46:37
A Same thing, arresting. 10:46:43
Q What was Al Jones' role during reverse stings? 10:46:48 10:46:54
A He was arresting, also. 10:46:54
Q Would you agree that Al Jones frequently used executive force against civilians? 10:46:59 10:47:09
MR. MICHALIK: Object to the form of the question. 10:47:12 10:47:13
A Take the Fifth. 10:47:13
Q And you're taking the Fifth because you fear being prosecuted if you answer truthfully? 10:47:14 10:47:15
MR. BAZAREK: Object to the form of the question. 10:47:20 10:47:21
MR. MICHALIK: Join. 10:47:21
A Yes. 10:47:22
Q Al Jones frequently beat people up for no reason? 10:47:23 10:47:26
MR. BAZAREK: Object to the -- 10:47:26
A Take the Fifth. 10:47:27
MR. BAZAREK: -- form of the question, foundation. 10:47:28 10:47:29
MR. MICHALIK: Join. 10:47:29
Q Al Jones frequently beat people up for no 10:47:32

reason? 10:47:35

A Take the Fifth. 10:47:35

MR. BAZAREK: Object to the form of the question, foundation. 10:47:36 10:47:37

MR. MICHALIK: Join. 10:47:38

Q You took the Fifth on that? 10:47:39

A Yes. 10:47:39

Q And that's because you fear being prosecuted if you answer truthfully? 10:47:41 10:47:43

MR. BAZAREK: Object to the form of the question, foundation. 10:47:44 10:47:45

MR. MICHALIK: Join. 10:47:46

A Yes. 10:47:47

Q You never intervened to stop Al Jones from beating someone for no reason? 10:47:48 10:47:50

MR. BAZAREK: Object to the form of the question, foundation. 10:47:52 10:47:53

A Take the Fifth. 10:47:53

MR. MICHALIK: Assumes facts not in evidence. 10:47:54 10:47:55

Q You're taking the Fifth on that question because you fear being prosecuted if you answer truthfully? 10:47:57 10:47:58 10:48:00

MR. BAZAREK: Object to the form of the 10:48:00

question, foundation. 10:48:02

MR. MICHALIK: Join. 10:48:03

A Yes. 10:48:04

Q What was Al Jones' role in the reverse stings? 10:48:04

MR. PALLES: Objection; asked and answered. 10:48:11

MR. RAUSCHER: I'm sorry if I did. 10:48:14

Q But can you answer it again? 10:48:14

A He was arresting officer. 10:48:16

Q Was he ever the enforcer? 10:48:17

A The arresting officer. 10:48:22

Q What about Elsworth Smith? 10:48:26

A He was arresting officer, also. 10:48:27

Q So were you the only member of Watts' team who had a role other than arresting officer during reverse stings? 10:48:30

A No. That's the role I took. 10:48:45

Q You were arresting, also? 10:48:48

A Yes. 10:48:48

Q Who were the staging officers? 10:48:51

A Well, it's staging, arresting -- I mainly was a staging and arresting officer. Because if I had to go catch somebody, then I had to arrest 10:48:52 10:48:53 10:48:54 10:48:59 10:49:03

them. 10:49:05

Q So were -- all these other people who you 10:49:05

just named and said they were arresting officers, 10:49:11

were they also staging officers? 10:49:15

A Whichever role they wanted to play, yes. 10:49:17

Q But they did both? 10:49:18

A Yes. 10:49:18

Q And then who were the enforcers? 10:49:21

A Well, whoever wanted to work -- anybody 10:49:24

that worked in the back were enforcers that would 10:49:30

catch people from leaving. Sometimes you got in a 10:49:34

fight; sometimes you didn't. 10:49:40

Q What do you mean by that? 10:49:42

A People would want to get away. 10:49:43

Q And sometimes you would get in fights with 10:49:46

them? 10:49:48

A Well, not really a physical fight, but 10:49:48

they would struggle to get away. 10:49:50

Q And so then you became an enforcer when 10:49:52

there was a physical struggle? 10:49:54

MR. MICHALIK: Object to -- object to the 10:49:56

form of the question, argumentative. 10:49:57

MR. BAZAREK: Join the objection. 10:49:58

MR. PALLES: Join. 10:49:59

THE WITNESS: The question again? 10:50:05

Q Did you become an enforcer when you got in a physical -- 10:50:06 10:50:08

A No. 10:50:08

Q -- altercation with somebody? 10:50:08

A No. 10:50:10

Q So what does an enforcer do? 10:50:10

A Well, just -- like -- again, like I said, just make sure people don't get away, nobody gets hurt. 10:50:12 10:50:16 10:50:18

Q The enforcer's job is to make sure no one gets hurt? 10:50:20 10:50:22

A Nobody gets hurt. 10:50:23

Q And how does the enforcer make sure no one gets hurt? 10:50:24 10:50:26

A The -- that nobody gets out of line. 10:50:26

Q How does the enforcer -- 10:50:33

A 9 out of 10 people knew what they were getting arrested for. 10:50:35 10:50:38

Q The tenth didn't because they were getting framed? 10:50:39 10:50:41

MR. BAZAREK: Objection. 10:50:42

MR. PALLES: Object to the form. 10:50:43

MR. BAZAREK: Object to the form of the 10:50:45

question. 10:50:46

MR. MICHALIK: Join. 10:50:47

MR. SCHALKA: Join. 10:50:48

A Take the Fifth. 10:50:49

BY MR. RAUSCHER: 10:50:49

Q What's the difference between arresting officer, staging officer, and enforcer? 10:50:50 10:50:51

A They're all the same roles. It's just what role you choose to be in. 10:50:55 10:50:58

Q If they're the same, why do you choose anything? 10:51:02 10:51:03

A Well, it's where you want to be at. 10:51:04

Q It's just based on location? 10:51:07

A Right. 10:51:09

Q But you don't know why it was called enforcer? 10:51:09 10:51:13

A No. 10:51:14

Q Did everyone call it enforcer? 10:51:15

MR. MICHALIK: Object to the form. 10:51:17

Q Did everyone on the tac team call it enforcer? 10:51:18 10:51:21

MR. MICHALIK: Objection; foundation. 10:51:21

A No. 10:51:24

Q What did other people on the tac team call 10:51:25

the role that you're referring to as enforcer? 10:51:28

A I don't know. 10:51:30

Q Well, how do you know they didn't call it enforcer? 10:51:30

A Because I never heard them say it. 10:51:32

Q Did you ever hear anybody say it? 10:51:34

A Yes. 10:51:35

Q Okay. Who -- 10:51:36

A I couldn't tell you who. There were other officers in it. 10:51:37

Q What do you mean? 10:51:40

A Other officers that participated, that I had no idea who they were. 10:51:41

(Ms. Glenn Baker joined the proceedings.) 10:51:48

Q They're the ones who used the term "enforcer"? 10:51:50

A Yes. 10:51:52

Q So Bolton, Gonzalez, Leano, Lamonica Lewis, Al Jones, Elsworth Smith, and Watts never used the word "enforcer" to describe one of the roles on the reverse stings? 10:51:53

A No. 10:52:02

Q No, they didn't or -- 10:52:03

A They -- I didn't hear them say it. I'm -- 10:52:03 10:52:05

I used that word. 10:52:09

Q You used it? Okay. 10:52:10

A Right. 10:52:12

Q Who did you use it to? Did you ever use it in front of anybody? 10:52:12

A No. 10:52:18

Q Have you ever said it before today? 10:52:20

A Yes. 10:52:20

Q When did you previously use the word "enforcer" -- 10:52:22

A Whenever -- 10:52:23

Q -- to describe a role on a reverse sting? 10:52:23

A Whenever we would do a sting. 10:52:27

Q What would the context be where you'd say "enforcer" during a sting? 10:52:34

A Well, it would be before we would start, what role you wanted to play. 10:52:36

Q And did you assign roles to -- for reverse stings? 10:52:37

A No, I didn't. 10:52:39

Q And would you sometimes volunteer to be the enforcer? 10:52:42

A No. 10:52:44

Q Well, then who would you be saying 10:52:47

"enforcer" to? What would the context be? 10:52:53

A Well, it would be in the building, whoever was working enforcement. When they asked me what you were doing -- "No, I'm working outside." 10:52:56 10:52:58 10:53:02

Q Who would ask you what -- "What are you doing?" 10:53:03 10:53:04

A Well, other officers. 10:53:05

Q And you would say "I'm working outside"? 10:53:06

A Right. 10:53:08

Q And you would also say "I'm not working as an enforcer"? 10:53:08 10:53:10

A Right. 10:53:11

Q How many reverse stings did you participate in as a member of the Watts team? 10:53:12 10:53:20

A Numerous. 10:53:23

Q More than 10? 10:53:27

A Could have been more than 10. 10:53:28

Q More than a hundred? 10:53:38

A No. 10:53:40

Q More than 20? 10:53:42

A More than 20. 10:53:43

Q Did you participate in more than 50 reverse stings as a member of the Watts team? 10:53:50 10:53:53

A No. 10:53:55

Q Somewhere between 20 and 50? 10:53:55
A Between 10 and 20. 10:53:58
Q Okay. Who decided that there should be a 10:54:02
reverse sting? 10:54:09
A I don't know where that would come from. 10:54:11
I just was told we were doing one. 10:54:16
Q When -- how would you be told that you 10:54:19
were going to be doing a reverse sting? 10:54:20
A In roll call. 10:54:21
Q Who led roll call? 10:54:22
A The sergeant. 10:54:23
Q So that would be Watts? 10:54:25
A Yes. 10:54:25
Q How long would roll call -- how long did 10:54:36
roll call take? 10:54:39
A Depends. No more than 30 minutes. 10:54:48
Q And what sort of things did Watts cover 10:54:50
during roll call? 10:54:52
A I don't remember. 10:54:53
Q Can you tell me generally what was covered 10:54:54
during roll call? 10:54:58
A No. I don't remember. 10:55:01
Q What was the point of roll call? 10:55:07
MR. PALLES: Objection; lack of 10:55:09

foundation. 10:55:11

MR. MICHALIK: Join. 10:55:15

A Roll call was basically for everybody to sign in. You know, when you sign in in the morning, see who was working the day. 10:55:16 10:55:19 10:55:21

Q What did you sign in on? 10:55:23

A Well, we didn't sign in. We was checked off in roll call. 10:55:25 10:55:28

Q Do you know what you were checked off on? 10:55:29

A It was a computer. 10:55:32

Q Was it always a computer? 10:55:36

A Yep -- yes. 10:55:37

Q Do you know how many commendations or awards you got as a Chicago Police Department officer over the years? 10:56:02 10:56:06 10:56:08

A More -- more than a hundred. 10:56:09

Q Does 136 sound right? 10:56:14

A Probably. 10:56:17

Q And what did you win awards or commendations for? 10:56:17 10:56:19

A I don't recall. 10:56:21

Q Do you recall any? 10:56:25

A No. 10:56:29

Q How much money were you making as a police 10:56:30

officer when you left the force? 10:56:43
A Maybe 86- -- I think 86,000. 10:56:44
Q Do you ever expect to collect a pension 10:56:57
from the City of Chicago? 10:57:06
A Yes. 10:57:08
Q And why do you expect to collect a pension 10:57:13
from the City of Chicago? 10:57:21
A Are you -- 10:57:22
MR. PALLES: I misunderstood the question 10:57:23
before. I thought you said "Did you ever." 10:57:25
MR. RAUSCHER: No. I said "Do you ever." 10:57:27
Q Do you still expect to collect a pension? 10:57:30
A No. 10:57:32
Q And -- but there was a time when you were 10:57:32
a police officer when you did expect to collect a 10:57:36
pension -- 10:57:37
A Yes. 10:57:37
Q -- is that right? 10:57:38
Why do you think you will not collect a 10:57:39
pension? 10:57:40
A I have no idea. Didn't -- I didn't 10:57:41
even try. 10:57:47
Q Did anyone tell you you were not eligible 10:57:48
for a pension? 10:57:55

A Never discussed it. 10:57:56

Q How long did you spend in Federal prison? 10:57:57

A 11 months. 10:58:11

Q When you were out after that, did you have any period of supervised release? 10:58:15 10:58:30

A Yes. 10:58:32

Q And tell me -- tell me about that. How long was it? What were the conditions? 10:58:33 10:58:36

A I don't remember. 10:58:37

Q Are you in any -- are you under any sort of restrictions at the moment? 10:58:45 10:58:52

A No. 10:58:55

Q Would you agree that you abused your power as a Chicago police officer? 10:58:56 10:59:24

A I'll take the Fifth. 10:59:26

Q How many people did you frame over the years as a Chicago police officer? 10:59:27 10:59:29

A Take the Fifth. 10:59:31

Q Did you frame more than a hundred people? 10:59:32

A I take the Fifth. 10:59:33

Q And you're refusing to answer that question because you fear if you answer truthfully you'll be prosecuted? 10:59:34 10:59:36 10:59:38

A Yes. Take the Fifth. 10:59:39

Q Do you remember someone named Landon Allen? 10:59:40 10:59:52

A No. 10:59:53

Q All right. We're going to mark Exhibit 1, which is Bates-stamped PL Joint 028982 and then PL Joint 028984. 10:59:54 11:00:01 11:00:09

There's a -- there was one -- the one in between was a different report. 11:00:13 11:00:15

(Mohammed Deposition Exhibit 1 marked for identification and attached to the transcript.) 11:00:25 11:00:27

Q Let me know when you've had a chance to look that over. 11:00:27 11:00:45

Have you had a chance to look it over? 11:01:24

A Yeah. 11:01:25

Q You see your name is listed on here? 11:01:26

A Yes. 11:01:28

Q You were involved in arresting Landon Allen? 11:01:28 11:01:30

A Yes. 11:01:30

Q It says here that -- 11:01:33

A Take the Fifth. 11:01:35

Q On what? 11:01:37

MR. RAVITZ: He -- he hasn't asked a question. 11:01:39 11:01:41

MR. PALLES: He hasn't asked a question yet. 11:01:41

THE WITNESS: Oh. 11:01:44

Q It says that in summary R/Os were on narcotics investigation on foot at the above location. 11:01:46 11:01:48 11:01:50

R/Os overheard a male's voice yelling "Big Dog, Big Dog." Do you see that? 11:01:52 11:01:55

A Yes. 11:01:58

Q And it says Landon Allen was the person yelling "Big Dog, Big Dog"; right? 11:01:58 11:02:04

Does it say that? 11:02:10

A It says that. 11:02:11

Q That's not true, is it? 11:02:12

A I take the Fifth. 11:02:16

Q And you take the Fifth because answering truthfully may get you prosecuted? 11:02:18 11:02:18

A Yes. 11:02:21

Q It says that R/Os -- that's "reporting officer"? Is that what "R/O" stands for? 11:02:21 11:02:23

A Yes. 11:02:26

Q It says they followed to the sound -- the sound of "Big Dog, Big Dog" to the rear where they saw Allen standing in plain view; correct? 11:02:26 11:02:27 11:02:31

A That's what it says. 11:02:33

Q That's false? 11:02:36
A Take the Fifth. 11:02:37
MR. BAZAREK: Object to the form of the 11:02:39
question. 11:02:41
Q It says Landon Allen had a clear plastic 11:02:41
bag with numerous items inside in his right hand? 11:02:42
MR. BAZAREK: Object to the form of the 11:02:45
question. 11:02:47
A I take the Fifth. 11:02:48
Q That's what it says; right? 11:02:49
A Take the Fifth. 11:02:51
Q Yeah. That's not true? He didn't have a 11:02:52
clear plastic bag? 11:02:54
MR. BAZAREK: Object to the form of the -- 11:02:56
A I take the Fifth. 11:02:54
MR. BAZAREK: Object to the form of the 11:02:56
question. 11:02:57
Q All right. It says Landon Allen dropped 11:02:59
the clear bag to the ground when the reporting 11:03:01
officers announced their office? 11:03:03
MR. BAZAREK: Object to the form of the 11:03:05
question. 11:03:07
A Take the Fifth. 11:03:07
Q That's false? He didn't do that? 11:03:08

MR. BAZAREK: Object to the form of the question. 11:03:09 11:03:10

A Take the Fifth. 11:03:10

Q He did not have any drugs with him? 11:03:12

MR. BAZAREK: Object to the form of the question. 11:03:14 11:03:15

A Take the Fifth. 11:03:15

Q There was no plastic bag recovered from Landon Allen that day? 11:03:16 11:03:18

MR. BAZAREK: Object to the form of the question -- 11:03:19 11:03:20

A Take the Fifth. 11:03:20

MR. BAZAREK: -- mischaracterizes the evidence. 11:03:22 11:03:23

Q There was no heroin recovered from Landon Allen? 11:03:27 11:03:29

A Take the Fifth. 11:03:30

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence. 11:03:31 11:03:33

Q This is a fabricated report, the one you're looking at? 11:03:35 11:03:37

A Take the Fifth. 11:03:39

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the 11:03:40 11:03:43

record. 11:03:43

MR. MICHALIK: Join. 11:03:43

Q Landon Allen was framed on January 29th, 2004? 11:03:44 11:03:47

A Take the Fifth. 11:03:47

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record. 11:03:48 11:03:50 11:03:50

MR. MICHALIK: Join. 11:03:50

MR. RAUSCHER: What's wrong with the form? 11:03:51

MR. BAZAREK: I made my objection, Counsel. 11:03:53 11:03:54

MR. RAUSCHER: I know. I want to know what's wrong with the form so I can see if I can clear it up. 11:03:55 11:03:56 11:03:58

MR. BAZAREK: I've -- I've already said. I think it mischaracterizes the record and the evidence. That's exactly what it does. 11:03:59 11:04:00 11:04:02

MR. RAUSCHER: Okay. I'm going to mark Exhibit 2, Bates Stamp City-BG-051481. 11:04:04 11:04:23

(Mohammed Deposition Exhibit 2 marked for identification and attached to the transcript.) 11:04:37 11:05:00

BY MR. RAUSCHER: 11:05:00

Q Have you had a chance to look this one 11:05:03

over? 11:05:05

A Yes. 11:05:05

Q This is another report of Landon Allen's arrest on January 29, 2004? 11:05:05 11:05:07

A Yes. 11:05:10

Q And this is another fabricated report? 11:05:12

MR. BAZAREK: Object to the form of the question -- 11:05:14 11:05:16

A Take the Fifth. 11:05:16

MR. BAZAREK: -- mischaracterizes the evidence -- 11:05:17 11:05:17

MR. MICHALIK: Join. 11:05:19

MR. BAZAREK: -- in the record in this case. 11:05:19 11:05:20

MR. PALLES: Now -- 11:05:20

A Take the Fifth. 11:05:21

Q And you're taking the Fifth because you believe answering truthfully may lead to your prosecution? 11:05:22 11:05:25 11:05:26

A Yes. 11:05:26

Q Mr. Allen was wrongfully prosecuted based on this false arrest? 11:05:27 11:05:49

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the 11:05:50 11:05:51

record in this case. 11:05:53

MR. MICHALIK: Join. 11:05:55

A Take -- 11:05:55

MR. MICHALIK: Foundation, also. 11:05:56

A (Continuing.) Take the Fifth on advice of my attorneys. 11:05:57 11:05:59

Q And what advice did they give you on taking the Fifth? 11:05:59 11:06:01

MR. PALLES: Objection; privileged. 11:06:03

Move on. 11:06:05

MR. BAZAREK: Objection. 11:06:06

MR. PALLES: Instruct him not to answer. 11:06:07

Q Are you going to follow your attorney's advice not to answer? 11:06:09 11:06:10

A Yes, I am. 11:06:10

Q Your attorney's advised you that you can be prosecuted if you answer truthfully? 11:06:11 11:06:12

MR. RAVITZ: Objection. It's attorney-client privilege. 11:06:15 11:06:16

MR. PALLES: Instruct him not to answer. 11:06:16

MR. RAUSCHER: He invoked your advice. I think I'm allowed to ask about it. 11:06:18 11:06:20

MR. PALLES: He's invoked our advice. We advise him not to answer. 11:06:22 11:06:23

Go ahead. 11:06:24

BY MR. RAUSCHER: 11:06:25

Q Are you going to follow your attorney's advice and not answer that question? 11:06:25 11:06:27

A Yes. 11:06:31

Q Would you agree that it's a gross abuse of authority to falsely arrest someone and claim they had drugs that they didn't have? 11:06:31 11:06:35 11:06:38

MR. BAZAREK: Object to the form of the question. 11:06:39 11:06:41

A Take the Fifth. 11:06:41

Q When you framed people, did you give any thought to what impact that would have on their lives? 11:06:46 11:06:53 11:06:55

MR. PALLES: Object to form. 11:06:56

MR. BAZAREK: Object to form of the question. 11:06:57 11:06:58

A Take the Fifth. 11:06:58

Q And you're taking the Fifth because you believe that answering truthfully will lead to your prosecution? 11:06:59 11:07:01 11:07:04

MR. PALLES: Just so we're clear, he's taking the Fifth on the advice of counsel. Okay? Counsel has made -- we have made a judgment that 11:07:04 11:07:06 11:07:08

he's entitled to take the Fifth. 11:07:11

Okay? From now on I'm instructing him not 11:07:13

to answer that last question. 11:07:15

MR. RAUSCHER: On what grounds? 11:07:16

MR. PALLES: I told you. 11:07:18

MR. RAUSCHER: I'm not even asking him 11:07:21

right now what you have advised him. I'm asking 11:07:22

him if he believes that answering truthfully will 11:07:25

lead to his prosecution. 11:07:27

MR. PALLES: Fine. And I'm telling you 11:07:28

that he's taking the Fifth on the advice of 11:07:29

counsel. 11:07:31

Whatever judgment he's made about it is 11:07:32

irrelevant. He's following the advice of counsel. 11:07:35

MR. RAUSCHER: I mean, now you're 11:07:40

testifying for him. 11:07:40

MR. PALLES: I'm not testifying for him. 11:07:41

I'm telling him that he will not answer that 11:07:43

anymore. Okay? 11:07:45

You know that it's the advice of counsel; 11:07:46

he's said it's the advice of counsel. Okay? 11:07:49

If you want to discuss his objective 11:07:53

thoughts about any number of these things, you'll 11:07:55

have to bring it up at a later time. 11:07:58

BY MR. RAUSCHER: 11:08:00

Q Are you going to follow your counsel's 11:08:01

advice and refuse to answer that as to why you are 11:08:02

invoking the Fifth? 11:08:05

A Yes. 11:08:06

Q Do you know George Almond? 11:08:07

A No. 11:08:42

Q Do you remember ever being involved in the 11:08:44

arrest of George Almond? 11:08:46

A I don't remember. 11:08:48

Q All right. The next exhibit's going to be 11:08:52

City-BG-051507 to 508. 11:09:06

(Mohammed Deposition Exhibit 3 marked for 11:09:21

identification and attached to the transcript.) 11:09:28

MR. PALLES: Can we get it, please? 11:09:28

MR. RAUSCHER: Sorry. I gave it all to 11:09:30

them. 11:09:32

MR. BAZAREK: I've got an extra. 11:09:33

MR. PALLES: Thank you. 11:09:34

BY MR. RAUSCHER: 11:09:35

Q Have you had a chance to review this? 11:10:11

A Yes. 11:10:12

Q This is a fabricated police report? 11:10:13

MR. BAZAREK: Object to the form of the 11:10:15

question, mischaracterizes the evidence in the record on this case. 11:10:17 11:10:19

A Take the Fifth. 11:10:20

Q You signed this report; right? 11:10:21

A Take the Fifth. 11:10:25

Q Is that your signature in the bottom left-hand box? 11:10:26 11:10:30

A Take the Fifth. 11:10:31

Q Is that Al Jones' signature next to yours? 11:10:32

MR. PALLES: Lack of -- objection; lack of foundation. 11:10:36 11:10:38

A Take the Fifth. 11:10:39

Q Did you ever authorize somebody to sign a report for you? 11:10:39 11:10:43

A Take the Fifth. 11:10:44

Q Did you authorize someone to sign this report for you? 11:10:45 11:10:47

A Take the Fifth. 11:10:48

Q Did you sign this report for Jones? 11:10:49

A Take the Fifth. 11:10:54

Q Did Jones sign the report for you? 11:10:54

A Take the Fifth. 11:10:56

Q Do you see Sergeant Watts' signature on there? 11:10:57 11:11:00

A Take the Fifth. 11:11:01

MR. PALLES: Same. 11:11:02

A (Continuing.) Yeah, same. 11:11:05

Q You're taking the Fifth on whether that's Sergeant Watts' signature? 11:11:07 11:11:09

A I don't know. 11:11:10

Q You don't know if it is? 11:11:10

A Take the Fifth. 11:11:12

Q You don't know or you're taking the Fifth? 11:11:13

A I'm taking the Fifth. 11:11:14

Q George Almond was wrongfully arrested on August 4th, 2006? 11:11:16 11:11:22

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record in this case. 11:11:24 11:11:26 11:11:28

MR. MICHALIK: Join. 11:11:29

A Taking the Fifth. 11:11:29

Q You participated in the arrest of George Almond on January 4th, 2006? 11:11:30 11:11:34

A Taking the Fifth. 11:11:36

Q George Almond had no drugs on him on January 4th, 2006? 11:11:37 11:11:44

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the 11:11:45 11:11:46

record in this case. 11:11:49

MR. MICHALIK: Join. 11:11:51

A Taking the Fifth. 11:11:52

Q George Almond did not have any drugs on him when he was arrested? 11:11:54 11:11:56

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record in this case. 11:11:57 11:11:58 11:11:59

MR. MICHALIK: Join. 11:12:01

A Taking the Fifth. 11:12:02

Q 20 bags of heroin were not recovered on or near George Almond January 4th, 2006? 11:12:07 11:12:10

MR. BAZAREK: Object to the form of the question, mischaracterizes the -- the evidence and the record in this case. 11:12:13 11:12:14 11:12:16

MR. MICHALIK: Join. 11:12:18

A Taking the Fifth. 11:12:18

Q Every accusation against George Almond in this report is fabricated? 11:12:21 11:12:22

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence and the record in this case. 11:12:23 11:12:25 11:12:28

MR. MICHALIK: Join. 11:12:29

A Tak- -- taking the Fifth. 11:12:30

Q You're taking the Fifth on that series of questions because you believe you'll be prosecuted if you testify truthfully? 11:12:32 11:12:34 11:12:35

MR. PALLES: Objection; instruct him not to answer, violates the attorney-client and work product exceptions. 11:12:37 11:12:39 11:12:41

Q Are you going to follow your attorney's advice and not answer that question? 11:12:44 11:12:45

A Yes, I am. 11:12:47

Q If I continue to ask you that question throughout the day, are you going to continue to refuse to answer it on the advice of counsel? 11:12:47 11:12:49 11:12:50

A Yes, I am. 11:12:52

Q Are you familiar with the term "attesting officer" on a police report? 11:12:52 11:13:04

A Yes. 11:13:04

Q What is the role of the attesting officer? 11:13:06

A I can't remember. 11:13:08

I remember the word "attesting" but I can't remember. 11:13:14 11:13:17

Do you have something that might refresh my memory? 11:13:19 11:13:21

Q Whose job was it to fill out reports after an arrest? 11:13:21 11:13:24

A Whoever the arresting officer was. 11:13:25
Q And who is the arresting officer? 11:13:27
A Whoever made the arrest. 11:13:31
Q And why are there two signatures on the report that we just looked at? 11:13:32 11:13:34
MR. PALLES: Objection; lack of foundation. 11:13:35 11:13:37
Q I'm not saying they're from two different people. There are just two signatures, Jones and Mohammed. 11:13:40 11:13:43 11:13:47
Why is that the case? 11:13:48
A Those are the two officers who made the arrest. 11:13:48 11:13:50
Q And then why is there also a signature of Ronald Watts? 11:13:50 11:13:56
A He's the sergeant. 11:13:57
Q What's the sergeant's job in reviewing and signing off on reports? 11:13:59 11:14:02
MR. MICHALIK: Objection; foundation. 11:14:05
MR. BAZAREK: Join. 11:14:06
A Reading them. 11:14:07
Q Just reading them? 11:14:07
A Reading them and make sure everything is correct. 11:14:08 11:14:12

Q And when you say "correct," you mean true or that it's filled out properly? 11:14:12 11:14:15

A I take the Fifth on that. 11:14:17

Q All right. We're going to mark the next one. I think we're on Exhibit 4, City-BG-51485 to 489. 11:14:18 11:14:28 11:14:34

(Mohammed Deposition Exhibit 4 marked for identification and attached to the transcript.) 11:14:34 11:14:53

Q Have you had a chance to look this report over? 11:14:53 11:16:00

A Yes. 11:16:00

Q Do you see on the third page, which is Bates-stamped City-BG-051487, you're listed as the first arresting officer? 11:16:00 11:16:02 11:16:07

A Yes. 11:16:09

Q What does it mean to be the first arresting officer? 11:16:09 11:16:11

A That would be the first arresting officer that would go to court. 11:16:12 11:16:17

Q And how did you decide who would be the first versus the second arresting officer? 11:16:18 11:16:22

A Whoever decided to go. 11:16:24

Q When would that decision be made? 11:16:28

A When you make the arrest. 11:16:31

Q Can you tell me what this is a report of? 11:16:38
A Looks like a narcotics report -- arrest. 11:16:40
Q For George Almond from August 4th, 2006? 11:16:47
A Yes. 11:16:55
Q And do you know why -- well, who's the 11:16:56
other -- who's the second arresting officer on 11:17:03
here? 11:17:05
A Elsworth Smith. 11:17:05
Q Do you know why Elsworth Smith is listed 11:17:07
as the second arresting officer in this report but 11:17:10
Al Jones is listed as the second reporting officer 11:17:13
on the one we just looked at? 11:17:15
A I have no idea. 11:17:17
Q Do you know who created the report we just 11:17:20
looked at, Exhibit 3? 11:17:25
A No. 11:17:26
Q No? 11:17:26
When this says to "R/Os," this report that 11:17:30
we're looking at right now, Exhibit 4, is that 11:17:39
referring to you? 11:17:41
A It says -- say -- 11:17:42
Q When it says "R/Os" in the narrative 11:17:44
part -- 11:17:47
A Right. 11:17:47

Q -- are you one of the reporting officers? 11:17:48
A Yes, I am. 11:17:50
Q Who else is it referring to? 11:17:50
A Elsworth Smith. 11:17:52
Q And what about Al Jones? 11:17:53
A He's not on here. 11:17:55
Q He's on the other one though; right? 11:17:57
A Yes. 11:17:59
Q So is it referring to him, also? 11:18:01
A Not in this report. 11:18:04
(Mr. Kosoko joined the proceedings.) 11:18:09
Q It says the R/Os observed the above 11:18:09
offender, which is George Almond, pass another 11:18:15
offender two clear plastic Baggies with suspect 11:18:18
heroin in exchange for money. 11:18:21
Do you see that -- 11:18:23
A Take the -- 11:18:24
Q -- the narrative portion? 11:18:24
A Take the Fifth. 11:18:26
Q That is not a true statement? You did not 11:18:26
witness that happen? 11:18:29
MR. BAZAREK: Object to the form of the 11:18:30
question. 11:18:32
A Take the Fifth. 11:18:32

Q What's Beat 264D? 11:18:43
A That's a described beat number. 11:18:46
Q And is it your beat? 11:18:49
A Yes, that day. 11:18:51
Q Was it frequently your beat? 11:19:00
A I don't remember. 11:19:01
Q What does it -- what does it mean to -- 11:19:06
what does "264D" signify? Is that a car or is 11:19:09
that -- 11:19:13
A It's a car. 11:19:13
Q And so it means you were using that car 11:19:14
the day that George Almond was arrested? 11:19:16
A No. 264 David is the car that you're 11:19:18
going to be riding in, meaning the two officers. 11:19:23
It's 264 Adam, 264 Boy, 264 Charlie, 264D. 11:19:25
Q And did it rotate within a daily basis? 11:19:32
A No. 11:19:34
Q And so during this time period, you were 11:19:35
at 264D with Elsworth Smith? 11:19:39
A Yes. 11:19:42
Q Does that mean that in the 2006 time frame 11:19:42
Elsworth Smith was your partner? 11:19:44
A Yes. 11:19:46
Q Okay. All right. The next exhibit, 5, 11:19:46

City-BG-051524. 11:20:18

(Mohammed Deposition Exhibit 5 marked for identification and attached to the transcript.) 11:20:29 11:20:54

(An off-the-record discussion was held.) 11:20:54

Q Have you had a chance to look at this? 11:20:54

A Yes. 11:20:54

Q Did you create this report? 11:20:59

A Yes. 11:21:00

Q This report says that narcotics were recovered from George Almond? 11:21:01 11:21:04

Do you see that? 11:21:07

A Yes. 11:21:08

Q And this is a false report that you created? 11:21:08 11:21:09

A Take -- 11:21:10

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record in this case. 11:21:10 11:21:12 11:21:15

MR. MICHALIK: Join. 11:21:16

A (Continuing.) Take the Fifth. 11:21:16

Q You didn't recover any narcotics from George Almond, did you? 11:21:18 11:21:24

MR. BAZAREK: Object to the form of the question, mischaracterizes the record and the 11:21:25 11:21:27

evidence in this case. 11:21:29
A Take the Fifth. 11:21:29
Q You didn't see Elsworth Smith recover any narcotics from George Almond? 11:21:31
A Take the Fifth. 11:21:38
Q What is an electronic signature? 11:21:39
I'm sorry. Let me rephrase that. 11:21:42
There's a signature block here. It says "Electronic Approval." 11:21:44
Do you see that? 11:21:46
A Yep. 11:21:48
Q What does the -- 11:21:50
A Yes. 11:21:54
Q What does the "Electronic Approval" mean in the signature space? 11:21:55
MR. PALLES: Objection; lack of foundation. 11:21:58
A Not for certain. 11:22:00
Q You're not sure? 11:22:01
A No. 11:22:01
Q Did Elsworth Smith have any role in creating this particular report? 11:22:07
MR. BAZAREK: Object to the form of the question, also foundation. 11:22:08
11:22:09
11:22:22
11:22:25
11:22:26

MR. PALLES: Join on the foundation. 11:22:28

A Take the Fifth. 11:22:30

Q Take the Fifth? 11:22:32

A Yes. 11:22:38

Q Did you authorize Elsworth Smith to create this report for you? 11:22:38 11:22:41

A Take the Fifth. 11:22:42

Q Did Elsworth Smith authorize you to create this report for him? 11:22:43 11:22:45

MR. BAZAREK: Object -- object to form and foundation. 11:22:47 11:22:49

A Take the Fifth. 11:22:49

Q Did you authorize Elsworth Smith to electronically sign this document for you? 11:22:50 11:22:51

MR. BAZAREK: Object to form and foundation. 11:22:53 11:22:54

A Take the Fifth. 11:22:55

Q Did Elsworth Smith authorize you to electronically sign for him? 11:22:55 11:22:59

A Taking the Fifth. 11:23:00

MR. BAZAREK: Object to form and foundation. 11:23:02 11:23:03

MR. RAUSCHER: What's wrong with the foundation? 11:23:03 11:23:04

MR. BAZAREK: I -- I stated my objection. 11:23:05

MR. RAUSCHER: I'm going to mark 11:23:38

Exhibit 6, City-BG-51520. 11:23:41

(Mohammed Deposition Exhibit 6 marked for 11:23:41

identification and attached to the transcript.) 11:24:01

BY MR. RAUSCHER: 11:24:01

Q This report lists you as the investigating 11:24:27

officer. 11:24:30

Do you see that? Just to the left of 11:24:31

"First Officer's Name." 11:24:36

A Yes. 11:24:39

Q And the -- the Exhibit 5 we just looked at 11:24:43

also listed you as the investigating officer? 11:24:48

A Yes. 11:24:50

Q What did it mean to be the investigating 11:24:50

officer on this report? 11:24:53

A It meant the officer who was writing the 11:24:55

report. 11:25:00

Q Were you investigating anything? 11:25:01

A Yes. 11:25:07

Q What were you investigating? 11:25:08

A Narcotics sales. 11:25:09

Q And what's -- particularly what narcotic 11:25:14

sales were you investigating with respect to 11:25:18

George Almond's arrest? 11:25:20

A Narcotic sales. 11:25:21

Q So after you fabricated the report, you were still conducting an investigation? 11:25:24 11:25:27

MR. BAZAREK: Object to the -- 11:25:28

A I take -- 11:25:29

MR. BAZAREK: -- form of the question, mischaracterizes the -- 11:25:30 11:25:32

A (Continuing.) I take the Fifth. 11:25:32

MR. BAZAREK: -- evidence in the record in this case. 11:25:33 11:25:34

MR. MICHALIK: Join. 11:25:34

Q You were not actually investigating anything with respect to George Almond? 11:25:36 11:25:37

MR. BAZAREK: Object to the form of the question. 11:25:39 11:25:40

A Take the Fifth. 11:25:41

Q George Almond was arrested and brought to the police station and then you put drugs on the table and told him he was being arrested for those drugs; right? 11:25:42 11:26:13 11:26:16 11:26:20

MR. BAZAREK: Object to the form of the question. 11:26:20 11:26:22

MR. MICHALIK: Join. 11:26:23

A Take the Fifth. 11:26:23

Q You knew that George Almond was not being 11:26:24

arrested because you had seen him selling drugs in 11:26:31

Ida B. Wells? 11:26:35

MR. BAZAREK: Object to the -- 11:26:35

A Take -- 11:26:37

MR. BAZAREK: -- form of the question, 11:26:36

misstates the evidence in the record in this case. 11:26:38

A (Continuing.) Take the Fifth. 11:26:41

Q No part of the narrative description in 11:26:41

the arrest reports for George Almond is accurate? 11:26:52

MR. BAZAREK: Object to the form of the 11:26:54

question, misstates the evidence in the record in 11:26:55

this case. 11:26:58

MR. MICHALIK: Join. 11:26:58

A Take the Fifth. 11:26:59

MR. PALLES: If we're moving on, may we 11:27:10

take a break? 11:27:11

MR. RAUSCHER: Yeah. Of course. 11:27:12

MR. PALLES: Great. Thanks. 11:27:13

THE VIDEOGRAPHER: Off the record at 11:27. 11:27:15

(A recess was taken from 11:27 a.m. to 11:27:20

11:39 a.m.) 11:39:14

///

(Mr. Gainer and Ms. Kleinhaus left the proceedings.) 11:27:20 11:32:11

THE VIDEOGRAPHER: Back on the record, 11:39. 11:39:17

MR. PALLES: Before we go any further, may we spread of record, since the -- at the beginning of this deposition there have been some individuals other than the counsel of record who have come into the room. 11:39:25 11:39:27 11:39:31 11:39:33 11:39:36

Would you please identify them for the record. 11:39:38 11:39:39

MR. RAUSCHER: Yeah. You beat me to it. That's what I was going to do. 11:39:39 11:39:41

So Clarissa Glenn has arrived, and she is one of the plaintiffs in the coordinated proceedings. 11:39:43 11:39:46 11:39:47

I think she's the only person other -- and Joel's paralegal. 11:39:47 11:39:49

MR. FLAXMAN: And my paralegal, Andrew Segal, S-e-g-a-l, has also been present for the deposition. 11:39:51 11:39:53 11:39:56

MR. PALLES: Okay. Thank you. 11:39:57

MR. KOSOKO: I'm also here. 11:39:57

MR. FLAXMAN: We also have a new attorney. 11:39:59

MR. KOSOKO: I'm substituting for Brian 11:40:01

Gainer. My name is Ahmed Kosoko on behalf of Ronald Watts. 11:40:04 11:40:05

BY MR. RAUSCHER: 11:40:05

Q We've discussed the arrests of Landon Allen and George Almond. If I asked you additional questions about their arrests, would you continue to take the Fifth? 11:40:10 11:40:13 11:40:16 11:40:18

MR. PALLES: I object to the vagueness of the question. 11:40:20 11:40:23

A I don't know. 11:40:25

Q Is there anything you can tell me about the arrest of Landon Allen? 11:40:26 11:40:28

A No. 11:40:31

Q Is there anything you can tell me about the arrest of George Almond? 11:40:32 11:40:34

A I'm going to take the Fifth. 11:40:35

Q Is anything in the narrative describing either of those arrests accurate? 11:40:39 11:40:45

MR. BAZAREK: Object to the form of the question. 11:40:48 11:40:49

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County 11:40:50 11:40:52 11:40:55 11:40:58

State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 11:41:03 11:41:04 11:41:08 11:41:11 11:41:14 11:41:16

Q And that invocation of the Fifth covers the last question I just asked you about George Almond and Landon Allen reports? 11:41:17 11:41:20 11:41:23

A Yes. 11:41:25

Q And you're still maintaining your decision not to answer why you're taking the Fifth or what the advice of counsel was; is that correct? 11:41:25 11:41:29 11:41:32

A Yes. 11:41:33

Q Do you know who Darron Byrd is? 11:41:34

A No. 11:41:47

Q All right. The next exhibit's going to be PL Joint 030465 to 466, Exhibit 7. 11:41:49 11:41:59

(Mohammed Deposition Exhibit 7 marked for identification and attached to the transcript.) 11:42:14 11:42:16

Q Have you had a chance to look at this document? 11:42:16 11:43:07

A Yes. 11:43:08

Q What's a vice case report? 11:43:08

A A report created for narcotics. 11:43:11

Q And you are one of the reporting officers 11:43:17

on this vice case report? 11:43:20

A Yes. 11:43:21

Q This is documenting the arrest of, among 11:43:21

others, Darron Byrd and Raynard Carter on 11:43:25

April 11th, 2007? 11:43:29

A Yes. That's what it says, yes. 11:43:31

Q And you took part in creating this report? 11:43:36

A Yes. 11:43:39

Q Is this an accurate report? 11:43:43

A Because I am concerned that the mere act 11:43:46

of testifying to this subject matter, this 11:43:50

incident, may cause me to be criminally indicted 11:43:54

by the US Attorney's Office and/or the Cook County 11:43:57

State's Attorney's Office, on the advice of 11:44:01

counsel -- any questions about -- I'm going to 11:44:02

decline to answer any questions about certain 11:44:05

aspects of my conduct as a Chicago police officer, 11:44:07

based upon the rights guaranteed to me by the 11:44:12

Fifth Amendment of the United States Constitution. 11:44:14

Q And you're not going to disclose what the 11:44:17

advice of counsel was that led you to make that 11:44:21

decision? 11:44:23

A I take the Fifth. 11:44:23

Q You're not going to tell us why -- what 11:44:26

counsel told you that led you to take the Fifth; 11:44:32

is that correct? 11:44:35

A On the advice of my counsel, I take the 11:44:35

Fifth. 11:44:37

Q This is a false report -- 11:44:38

MR. BAZAREK: Object to the form of the 11:44:44

question, mischaracterizes the evidence in the 11:44:45

record in this case. 11:44:48

MR. MICHALIK: Join. 11:44:49

A Because I am concerned that the mere act 11:44:50

of testifying to this subject matter, this 11:44:52

incident, may cause me to be criminally indicted 11:44:54

by the US Attorney's Office and/or Cook County 11:44:57

State's Attorney's Office, on the advice of 11:45:01

counsel I am going to decline to answer any 11:45:03

questions about certain aspects of my conduct as a 11:45:06

Chicago police officer, based upon the rights 11:45:11

guaranteed to me by the Fifth Amendment of the 11:45:13

United States Constitution. 11:45:16

Q You're declining to answer whether this is 11:45:18

a false report? 11:45:21

MR. BAZAREK: Object -- object to the form 11:45:23

of the question. 11:45:24

MR. PALLES: Asked and answered. 11:45:25

A Fifth Amendment. 11:45:28

Q This said that reporting officer, on 11:45:29

entering the lobby of a building in Ida B. Wells, 11:45:39

saw Darron Carter -- saw Darron Byrd and Raynard 11:45:42

Carter holding clear plastic bags with suspect 11:45:46

narcotics. 11:45:49

Do you see that? 11:45:49

A Fifth Amendment. 11:45:50

Q That is a false statement? 11:45:50

MR. BAZAREK: Object to the form of the 11:45:52

question -- 11:45:53

A Because I am -- 11:45:53

MR. BAZAREK: -- mischaracterizes the 11:45:54

evidence in the record in this case. 11:45:55

MR. MICHALIK: Join. 11:45:56

A (Continuing.) Because I am concerned that 11:45:58

the mere act of testifying to this subject matter, 11:45:59

this incident, may cause me to be criminally 11:46:02

indicted by the US Attorney's Office and/or the 11:46:05

Cook County State's Attorney's Office, on the 11:46:08

advice of counsel I am going to decline to answer 11:46:10

any questions about certain aspects of my conduct 11:46:16

as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 11:46:18 11:46:22 11:46:24

Q And when you say you're declining to answer about certain aspects of your conduct, you're including answering whether this report is a false report? 11:46:25 11:46:27 11:46:29 11:46:32

MR. BAZAREK: Object to the form of the question. 11:46:32 11:46:34

A Take the Fifth Amendment. 11:46:37

Q All right. 11:46:38

This says that reporting officers observed Darron Byrd and Raynard Carter give bags of narcotics to another offender. 11:46:44 11:46:48 11:46:52

That's -- do you see that? 11:46:54

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the 11:46:56 11:47:00 11:47:03 11:47:08 11:47:12 11:47:13 11:47:17 11:47:20 11:47:23

United States Constitution. 11:47:25

Q And, again, when you say "certain aspects," you're declining to answer specifically about this report? 11:47:26 11:47:29 11:47:32

MR. PALLES: Objection; asked and answered. 11:47:34 11:47:34

A Take the Fifth. 11:47:36

Q Every factual statement -- or every statement purporting to be a fact about Byrd and Carter in this report is false? 11:47:48 11:47:52 11:47:55

MR. BAZAREK: Object to the form of the question, misstates the evidence in the record in this case. 11:47:57 11:47:58 11:47:59

MR. MICHALIK: Join and foundation. 11:48:00

A Take the Fifth. 11:48:02

Q Byrd and Carter were not seen selling drugs on April 11th, 2007? 11:48:03 11:48:10

MR. BAZAREK: Object to the form of the question, misstates the evidence in the record in this case. 11:48:13 11:48:14 11:48:16

MR. MICHALIK: Join and foundation. 11:48:17

A Take the Fifth. 11:48:18

Q You didn't see Byrd or Carter selling drugs on April 11th, 2007? 11:48:19 11:48:22

A Take the Fifth. 11:48:24

Q Lamonica Lewis didn't see them selling drugs on April 11th, 2007? 11:48:25 11:48:30

MR. BAZAREK: Object to -- object to the form of the question, calls for speculation, foundation, mischaracterizes the evidence in the record in this case. 11:48:32 11:48:34 11:48:36 11:48:39

MR. MICHALIK: Join. 11:48:40

MR. PALLES: Join. 11:48:41

A Take the Fifth. 11:48:42

Q Was Lamonica Lewis your partner on April 11th, 2007? 11:48:43 11:48:46

A Yes. 11:48:47

Q Were you with her during your shift on April 11, 2007? 11:48:48 11:48:51

A Yes. 11:48:52

Q So is it fair to say that if you didn't see someone selling drugs, she didn't see them selling drugs, either? 11:48:53 11:48:58 11:49:01

MR. BAZAREK: Object to the form of the question, calls for speculation, mischaracterizes the evidence in the record in this case. 11:49:02 11:49:04 11:49:05

MR. PALLES: Join. 11:49:07

MR. MICHALIK: Join. 11:49:07

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on the advice of counsel -- any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 11:49:09 11:49:11 11:49:13 11:49:15 11:49:21 11:49:22 11:49:25 11:49:27 11:49:31

Q Lamonica Lewis signed off on a false report, this Exhibit 7? 11:49:33 11:49:36

MR. BAZAREK: Object to the form of the question, misstates -- mis- -- and mischaracterizes the evidence in this case. 11:49:38 11:49:40 11:49:43

MR. PALLES: Lack of foundation. 11:49:45

A Take the Fifth. 11:49:47

MR. MICHALIK: Join. 11:49:48

Q And Ronald Watts signed off on a false report, this Exhibit 7? 11:49:49 11:49:51

MR. KOSOKO: Objection; form of the question, calls for speculation, foundation. 11:49:53 11:49:54

A Take the Fifth. 11:49:57

MR. MICHALIK: Join. 11:49:58

Q Why is your name in Box No. 46 on this 11:50:20

report? 11:50:27

MR. PALLES: Objection; lack of 11:50:30

foundation. 11:50:32

A Take the Fifth. 11:50:32

Q Did you know Darron Byrd before April 11, 11:50:33

2007? 11:50:45

A No. 11:50:46

Q Did you know Raynard Carter before 11:50:48

April 11, 2007? 11:50:52

A No. 11:50:53

Q Raynard Carter and Darron Byrd were lined 11:50:54

up on a wall with other civilians April 11th, 11:51:08

2007? 11:51:12

A Because I am concerned that the mere act 11:51:13

of testifying to this subject matter, this 11:51:16

incident, may cause me to be criminally indicted 11:51:19

by the US Attorney's Office and/or the Cook County 11:51:22

State's Attorney's Office, on the advice of 11:51:24

counsel -- any questions about certain aspects of 11:51:27

my conduct as a police officer, based upon the 11:51:30

rights guaranteed to me by the Fifth Amendment of 11:51:34

the United States Constitution. 11:51:37

Q Watts asked everyone in the line where the 11:51:38

drugs were? 11:51:42

MR. SCHALKA: Objection -- 11:51:48
MR. KOSOKO: Objection; form of the 11:51:52
question. 11:51:49
MR. SCHALKA: -- foundation. 11:51:49
A Take the Fifth. 11:51:54
MR. MICHALIK: Join. 11:51:52
(An off-the-record discussion was held.) 11:51:52
A (Continuing.) Take the Fifth. 11:51:55
Q When people denied knowing where drugs 11:51:55
were, Al Jones assaulted them? 11:51:57
MR. BAZAREK: Object to the form of the 11:52:01
question, mischaracterizes the evidence in the 11:52:02
record in this case. 11:52:04
MR. SCHALKA: And foundation. 11:52:09
MR. MICHALIK: Join. 11:52:11
A Because I am concerned that the mere act 11:52:11
of testifying to this subject matter, this 11:52:13
incident, may cause me to be criminally indicted 11:52:17
by the United States Attorney's Office and/or the 11:52:20
Cook County State's Attorney's Office, on the 11:52:25
advice of counsel I am going to decline to answer 11:52:26
any questions about certain aspects of my conduct 11:52:31
as a Chicago police officer, based upon the rights 11:52:32
guaranteed to me by the Fifth Amendment of the 11:52:36

United States Constitution. 11:52:38

Q On April 11, 2007, did Al Jones assault 11:52:40

civilians who denied having knowledge of drugs? 11:52:45

MR. BAZAREK: Object to the form of the 11:52:47

question. 11:52:49

A Take the Fifth. 11:52:49

Q Was Darron Byrd one of your neighbors? 11:52:50

A No. 11:52:55

Q Did you know him at all? 11:52:56

A No. 11:52:59

Q Have you ever seen him in the 11:52:59

neighborhood? 11:53:01

A No. 11:53:01

Q What neighborhood did you live in in 2007? 11:53:02

A Avalon Park. 11:53:04

Q Did you tell Darron Byrd on April 11, 11:53:12

2007, that he was only going to be charging with 11:53:20

trespassing? 11:53:23

A Take the Fifth. 11:53:24

Q Did you tell Darron Byrd and Raynard 11:53:24

Carter they could get out of being arrested on 11:53:28

April 11, 2007, if they gave Watts what he wanted? 11:53:30

MR. KOSOKO: Objection; form of the 11:53:34

question, foundation. 11:53:35

A Take -- take the Fifth. 11:53:38

Q Do you remember being involved in 11:53:39

arresting Raynard Carter on February 17th, 2006? 11:54:25

A I don't recall. 11:54:29

MR. RAUSCHER: I'm going to mark this as 11:54:36

Exhibit 8, which is City-BG-053369 through 73. 11:54:37

(Mohammed Deposition Exhibit 8 marked for 11:54:52

identification and attached to the transcript.) 11:55:10

(An off-the-record discussion was held.) 11:55:10

MR. BAZAREK: That's 8? 11:55:39

MR. RAUSCHER: Yeah. The Bates Stamp got 11:55:41

cut off a little bit. 11:55:43

(An off-the-record discussion was held.) 11:55:44

BY MR. RAUSCHER: 11:55:47

Q Have you had a chance to look at this 11:55:59

report? 11:56:00

A Yes. 11:56:00

Q And do you see your name is listed as an 11:56:00

assisting arresting officer on the last page? 11:56:03

A Yes. 11:56:05

Q What does "PC0R964" next to your name on 11:56:05

the last page stand for? 11:56:14

A It's a PC number. 11:56:15

Q And what does that mean? What does it 11:56:16

mean? 11:56:18

A How you log into the system. 11:56:18

Q Could you log into the system from your house? Or do you have to be on-site? 11:56:22 11:56:25

A You had to be on-site. 11:56:26

Q And so could -- for -- where a form calls for your electronic signature, like an inven- -- inventory sheet we looked at earlier, did you have to be on-site to fill those out? 11:56:29 11:56:32 11:56:33 11:56:35

A Yes. 11:56:38

Q How do you log -- how did you log into your computer? What did you have to do? 11:56:39 11:56:41

A Well, you have to go to work, be at work. 11:56:43

Q And then -- 11:56:48

A -- log in. 11:56:48

Q Do you have a log-in number and a password? 11:56:49 11:56:51

A Yes. 11:56:51

Q And how long -- was PC0R964 exclusively your computer? 11:56:51 11:56:57

A Yes. 11:56:59

Q And then were you Beat 264B in February 2006? 11:57:00 11:57:05

A I don't recall. 11:57:06

Q All right. Well, is that what it says on the last page? 11:57:07 11:57:09

A That's what it says. 11:57:10

Q And was Brian Bolton ever your partner? 11:57:29

A That day, yep. 11:57:33

Q And you were involved in arresting Raynard Carter February 17th, 2006? 11:57:39 11:57:42

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 11:57:44 11:57:50 11:57:52 11:57:55 11:58:01 11:58:02 11:58:06 11:58:09 11:58:13 11:58:15

Q Is the narrative description in this report accurate? 11:58:18 11:58:21

MR. MICHALIK: Object to form, foundation. 11:58:25

MR. BAZAREK: Join. 11:58:27

A Take the Fifth. 11:58:29

Q This is a false report? 11:58:30

MR. BAZAREK: Object to the form of the 11:58:33

question, mischaracterizes the evidence in the record in this case. 11:58:34 11:58:37

MR. MICHALIK: Join, no foundation. 11:58:38

MR. KOSOKO: Join. 11:58:40

MR. PALLES: Join. 11:58:41

A Fifth Amendment. 11:58:43

BY MR. RAUSCHER: 11:58:43

Q This report says that Raynard Carter was observed holding drugs and selling drugs but that's not true? 11:58:44 11:58:47 11:58:50

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the -- the evidence in the record in this case. 11:58:51 11:58:52 11:58:54

MR. MICHALIK: Join. 11:58:56

MR. KOSOKO: Join. 11:58:57

A Fifth Amendment. 11:58:58

Q Ronald Watts slapped Raynard Carter for no reason in February of 2006? 11:58:59 11:59:14

MR. KOSOKO: Objection; form of the question, foundation. 11:59:16 11:59:17

A Fifth Amendment. 11:59:21

Q When Raynard Carter was brought to the police station February 2006, you told him that he could get out of being arrested if he came up with 11:59:23 11:59:26 11:59:30

a gun? 11:59:31

A Fifth Amendment. 11:59:33

Q And I should be more specific. 11:59:34

When Raynard Carter was brought to the police station on February 17th, 2006, you told him he could avoid being arrested or charged if he came up with a gun for you? 11:59:39 11:59:40 11:59:43 11:59:45

A Fifth Amendment. 11:59:48

Q And we already covered this when we talked about Darron Byrd, but you were also involved in framing Raynard Carter, April 11th, 2007? 11:59:53 11:59:56 11:59:58

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:00:02 12:00:03 12:00:05

MR. KOSOKO: Join. 12:00:08

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the 12:00:10 12:00:13 12:00:16 12:00:19 12:00:23 12:00:24 12:00:29 12:00:32 12:00:34

United States Constitution. 12:00:36

Q When you were a police officer, did you have a belief as to whether it was legal or illegal to falsely claim that you arrested people for having drugs even though they did not have any drugs? 12:00:39 12:00:40 12:00:43 12:00:45 12:00:47

A Fifth Amendment. 12:00:48

Q When you were a Chicago police officer, did you have a belief as to whether it was illegal to steal money from civilians? 12:00:48 12:00:55 12:00:59

A Fifth Amendment. 12:01:01

Q When you were a Chicago police officer, did you have an understanding that it was illegal to plant drugs on civilians? 12:01:02 12:01:06 12:01:09

A Fifth Amendment. 12:01:10

Q When did you first start framing people? 12:01:12

A Fifth Amendment. 12:01:29

MR. MICHALIK: I'd ask you to read that question back. I didn't catch that. 12:01:31 12:01:32

MR. RAUSCHER: I said, "When did you first start framing people?" and he took the Fifth. 12:01:33 12:01:35

Q Do you know who Leonard Gipson is? 12:01:41

A I heard of him. 12:01:43

Q Did you ever meet him? 12:01:46

A Yes. 12:01:48

Q What do you remember about meeting Leonard Gipson? 12:01:50 12:01:55

A Don't recall. 12:01:55

Q When you say you "heard of him," who told you about him? 12:01:59 12:02:06

A Residents. 12:02:06

Q And how did you hear about him? 12:02:09

A That he was one of the dealers. 12:02:10

Q And which residents told you he was one of the dealers? 12:02:19 12:02:21

A I don't recall. 12:02:21

Q What specifically did they tell you? 12:02:23

A That he was selling narcotics. 12:02:25

Q And did they tell you what kind of narcotics? 12:02:26 12:02:27

A No. 12:02:27

Q And did they tell you when he was selling narcotics? 12:02:28 12:02:30

A No. 12:02:31

Q And did they tell you how much narcotics -- how -- did they tell you how much narcotics he sold? 12:02:31 12:02:33 12:02:35

A No. 12:02:36

Q Would you agree that as a police officer it's not appropriate to frame people for drugs even if you think they're drug dealers? 12:02:36 12:02:42 12:02:44

A Fifth Amendment. 12:02:47

Q Would you agree that as a police officer it's not appropriate to steal money from people even if you think it's drug money? 12:02:48 12:02:51 12:02:54

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 12:02:55 12:02:58 12:03:02 12:03:04 12:03:10 12:03:11 12:03:15 12:03:17 12:03:19 12:03:22

MR. RAUSCHER: I'm going to mark the next exhibit. I think it's 9. 12:03:30 12:03:30

The Bates Stamp got cut off when printing, but it's DO-Joint 005371 to 72. 12:03:32 12:03:34

(Mohammed Deposition Exhibit 9 marked for identification and attached to the transcript.) 12:03:46 12:04:23

(An off-the-record discussion was held.) 12:04:35

Q This is a report documenting the arrest of Leonard Gipson on January 4th, 2003? 12:04:35 12:04:49

A Yes. 12:04:51

Q The substantive narrative in this report is false? 12:04:53 12:04:56

MR. BAZAREK: Object to the form of the question and foundation. It also mischaracterizes the evidence in the record in this case. 12:04:57 12:04:59 12:05:03

MR. SCHALKA: Join. 12:05:05

MR. MICHALIK: Join. 12:05:06

MR. PALLES: I'll join. 12:05:07

MR. KOSOKO: Join. 12:05:08

A Fifth Amendment. 12:05:08

Q Leonard Gipson was not observed reaching into his -- his pants to take out a clear plastic bag of drugs? 12:05:10 12:05:13 12:05:16

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:05:17 12:05:18 12:05:20

MR. KOSOKO: Join. 12:05:23

MR. SCHALKA: Join. 12:05:23

MR. MICHALIK: Join. 12:05:25

MR. PALLES: Join. 12:05:26

A Fifth Amendment. 12:05:26

Q Sergeant Watts planted drugs on Leonard Gipson on January 4th, 2003, and you saw it happen? 12:05:27 12:05:29 12:05:32

MR. KOSOKO: Objection to the form of the question, argumentative, foundation. 12:05:33 12:05:34

MR. MICHALIK: Join. 12:05:36

MR. BAZAREK: Join. 12:05:38

MR. PALLES: Join. 12:05:38

MR. SCHALKA: Join. 12:05:41

A Fifth Amendment. 12:05:41

Q You knew on January 4th, 2003, that Leonard Gipson was being framed when he was arrested? 12:05:41 12:05:48 12:05:49

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:05:50 12:05:51 12:05:54

MR. SCHALKA: Join. 12:05:55

MR. MICHALIK: Join. 12:05:56

MR. KOSOKO: Join. 12:05:57

MR. PALLES: Join. 12:05:58

A Fifth Amendment. 12:05:58

Q You know, sitting here today, that Leonard Gipson was framed on January 4th, 2003? 12:05:59 12:06:02

MR. BAZAREK: Object to the form of the 12:06:03

question and foundation, mischaracterizes the evidence in the record in this case. 12:06:04 12:06:07

MR. MICHALIK: Join. 12:06:09

MR. PALLES: Join. 12:06:11

A Fifth Amendment. 12:06:12

Q Is anything in the narrative description in this report accurate? 12:06:13 12:06:15

MR. BAZAREK: Object to the form of the question. 12:06:18 12:06:19

MR. MICHALIK: And foundation. 12:06:19

MR. KOSOKO: Join. 12:06:22

A Fifth Amendment. 12:06:23

Q You observed Leonard Gipson get arrested on January 4th, 2003? 12:06:24 12:06:28

A Fifth Amendment. 12:06:31

Q And you observed Watts plant drugs on Leonard Gipson January 4th, 2003? 12:06:32 12:06:35

MR. KOSOKO: Objection to the form of the question. 12:06:38 12:06:39

A Fifth Amendment. 12:06:39

Q Did you observe Ronald Watts plant drugs on Leonard Gipson January 4th, 2003? 12:06:42 12:06:44

MR. KOSOKO: Objection to the form of the question. 12:06:46 12:06:48

A Fifth Amendment. 12:06:49

Q Leonard Gipson was framed multiple times? 12:06:55

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:07:09 12:07:11 12:07:14

MR. SCHALKA: Join. 12:07:15

MR. MICHALIK: Join. 12:07:16

MR. KOSOKO: Join. 12:07:17

A Fifth Amendment. 12:07:18

Q Well, was Leonard Gipson framed multiple times? 12:07:18 12:07:23

A Fifth Amendment. 12:07:24

Q Was Leonard Gipson framed on May 8th, 2003? 12:07:25 12:07:34

A Fifth Amendment. 12:07:35

MR. RAUSCHER: We're going to mark Exhibit 10, which is City-BG-31563, a single page. 12:07:38 12:07:39

(Mohammed Deposition Exhibit 10 marked for identification and attached to the transcript.) 12:07:52 12:08:00

(An off-the-record discussion was held.) 12:08:00

Q This is a report documenting the arrest of Leonard Gipson on May 8th, 2003? 12:08:30 12:08:33

A Yes. 12:08:37

Q And you are listed as one of the assisting 12:08:37

arresting officers? 12:08:40

A Yes. 12:08:41

Q Did you assist in the arrest of Leonard Gipson on May 8th, 2003? 12:08:42 12:08:44

A Fifth Amendment. 12:08:46

Q Is this report -- does this report accurately reflect Leonard Gipson -- Leonard Gipson's actions on May 8th, 2003? 12:08:48 12:08:50 12:08:53

A Fifth -- 12:08:57

MR. MICHALIK: Object to foundation. 12:08:57

A (Continuing.) Fifth Amendment. 12:08:59

Q The narrative report -- the narrative description in this report is false? 12:09:00 12:09:02

MR. BAZAREK: Object to the form of the question, foundation, and mischaracterizes the evidence in the record in this case. 12:09:04 12:09:06 12:09:09

MR. SCHALKA: Join. 12:09:11

MR. MICHALIK: Join. 12:09:11

MR. KOSOKO: Join. 12:09:12

MR. PALLES: Join. 12:09:13

A Fifth Amendment. 12:09:14

Q Leonard Gipson was not observed trying to throw a backpack of drugs out of a window? 12:09:14 12:09:19

MR. BAZAREK: Object to the form of the 12:09:21

question, foundation, mischaracterizes the evidence in the record in this case. 12:09:22 12:09:24

MR. SCHALKA: Join. 12:09:11

MR. MICHALIK: Join. 12:09:11

MR. KOSOKO: Join. 12:09:12

MR. PALLES: Join. 12:09:13

A Fifth Amendment. 12:09:29

Q Leonard Gipson was approached outside of apartments by you and other officers on May 8th, 2003? 12:09:30 12:09:32 12:09:34

MR. BAZAREK: Object to the form of the question and foundation. 12:09:34 12:09:35

MR. SCHALKA: Join. 12:09:37

MR. KOSOKO: Join. 12:09:38

MR. MICHALIK: Join. 12:09:39

A Fifth Amendment. 12:09:40

Q And it is false when the report says that inside of a backpack that Leonard Gipson had tried to get rid of was a large plastic bag with white powder, suspect heroin; correct? 12:09:41 12:09:44 12:09:46 12:09:48

MR. BAZAREK: Object -- object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:09:50 12:09:52 12:09:54

MR. MICHALIK: Join. 12:09:56

MR. SCHALKA: Join. 12:09:56
MR. KOSOKO: Join. 12:09:57
A Fifth Amendment. 12:09:57
Q Leonard Gipson had no drugs or no illegal substances whatsoever when you encountered him on May 8th, 2003? 12:09:59 12:10:02 12:10:04
MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:10:05 12:10:06 12:10:08
MR. MICHALIK: Join. 12:10:09
MR. SCHALKA: Join. 12:10:09
MR. KOSOKO: Join. 12:10:10
A Fifth Amendment. 12:10:11
Q The report stating that Leonard Gipson was seen with illegal drugs on May 8th, 2003, by Chicago Police Department officers is false? 12:10:12 12:10:15 12:10:18
MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:10:20 12:10:21 12:10:23
MR. MICHALIK: Join. 12:10:25
MR. SCHALKA: Join. 12:10:25
MR. KOSOKO: Join. 12:10:26
A Fifth Amendment. 12:10:26
Q Did you testify in connection with a 12:10:39

hearing regarding the May 8th, 2003, arrest of Leonard Gipson? 12:10:42 12:10:44

A I don't recall. 12:10:45

Q Leonard Gipson was also framed in 2007? 12:10:50

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:11:09 12:11:11 12:11:13

MR. MICHALIK: Join. 12:11:15

MR. SCHALKA: Join. 12:11:15

MR. KOSOKO: Join. 12:11:16

MR. PALLES: Join. 12:11:16

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on the advice of counsel -- any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 12:11:17 12:11:19 12:11:22 12:11:26 12:11:29 12:11:30 12:11:32 12:11:36 12:11:39

Q And because of the fear of prosecution, you're refusing to answer whether Leonard Gipson was framed in 2007? 12:11:42 12:11:45 12:11:47

MR. PALLES: Objection; attorney-client/ 12:11:50

work product. 12:11:53

Instruct him not to answer. 12:11:53

Q Are you going to follow your attorney's advice? 12:11:56

A Yes. 12:11:58

Q Are you going to refuse to answer whether Leonard Gipson was framed on August 28th, 2007? 12:11:59

A Fifth Amendment. 12:12:01

(An off-the-record discussion was held.) 12:12:04

Q Do you know who Allen Jackson is? 12:12:14

A Heard of him. 12:12:15

Q How did you hear of Allen Jackson? 12:12:41

A Residents. 12:12:42

Q What did residents tell you about Allen Jackson? 12:12:46

A That he was selling narcotics. 12:12:47

Q And which residents told you that Allen Jackson was selling narcotics? 12:12:50

A I don't recall. 12:12:50

Q Do you recall when you learned that Allen Jackson -- when you were told that Allen Jackson was selling narcotics? 12:12:52

A No, I don't. 12:12:55

Q Do you recall being told what kind of 12:12:56

narcotics Allen Jackson was selling? 12:13:10

A No. 12:13:12

Q Would you agree that you shouldn't have framed Allen Jackson even if you believed he was selling narcotics? 12:13:13 12:13:17 12:13:20

MR. MICHALIK: Objection -- 12:13:22

MR. KOSOKO: Objection -- 12:13:25

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:13:22 12:13:23 12:13:26

MR. KOSOKO: We join. 12:13:28

A Take the Fifth Amendment. 12:13:29

Q Is there something funny about the way I'm asking that question? 12:13:31 12:13:33

A No. 12:13:33

Why would you ask that? 12:13:36

Q I'm sorry? What? 12:13:37

A Why would you ask that? 12:13:38

Q It looked like you were smiling. 12:13:40

A No. 12:13:41

MR. RAUSCHER: I'm going to mark this -- are we at 11? -- Exhibit 11, PL Joint 026488 through 92 -- through 26492. 12:13:47 12:13:48 12:13:58

///

(Mohammed Deposition Exhibit 11 marked for identification and attached to the transcript.)

Q Have you had a chance to look that report over?

A Yes.

Q Did you know someone by the nickname of Shock while you were a police officer?

A Yes.

Q Who is Shock?

A He was a resident.

Q And beyond being a resident, who was he to you?

A Nobody but a resident.

Q Did he have a -- do you know his name?

A No.

Q Do you know whether Shock was involved in the drug trade?

A No.

Q Did you ever hear that Shock was involved in the drug trade?

A No.

Q Did Shock ever give money to you or Watts?

A No.

Q Did you or Watts ever take money from

Shock? 12:15:33

A The Fifth. 12:15:33

(An off-the-record discussion was held.) 12:15:39

Q But he never -- Shock never paid you or Watts? 12:15:39 12:15:49

A The Fifth. 12:15:49

Q Do you see your name is listed as one of the assisting arresting officers on this report? 12:15:56 12:15:58

A Yes. 12:16:00

Q And this is a report documenting the arrest of Allen Jackson from January 16, 2006? 12:16:01 12:16:03

A Yes. 12:16:07

Q This references -- the narrative references a narcotics investigation. 12:16:07 12:16:18

Do you see that? 12:16:21

A Yes. 12:16:22

Q And what narcotics investigation was being conducted January 14, 2006? 12:16:23 12:16:26

I'm sorry -- January 16, 2006. 12:16:31

A Take the Fifth. 12:16:33

Q The report says that Jackson was observed holding a clear plastic bag with suspect narcotics. 12:16:34 12:16:40 12:16:43

Do you see that? 12:16:43

A Take the Fifth. 12:16:44

Q Was that accurate, to say in the report that Jackson was observed holding a clear plastic bag with suspect narcotics? 12:16:46 12:16:49 12:16:52

A Fifth Amendment. 12:16:53

MR. MICHALIK: Object to the form and foundation of the question. 12:16:55 12:16:55

Q In fact, the report was false? Jackson was not observed holding a bag of suspect narcotics? 12:16:58 12:16:59 12:17:01

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:17:01 12:17:02 12:17:04

MR. MICHALIK: Join. 12:17:06

MR. KOSOKO: Join. 12:17:07

A Fifth Amendment. 12:17:08

Q All right. Jackson was falsely arrested January 16, 2006? 12:17:09 12:17:11

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:17:13 12:17:15 12:17:17

MR. MICHALIK: Join. 12:17:20

MR. SCHALKA: Join. 12:17:20

MR. KOSOKO: Join. 12:17:21

A Fifth Amendment. 12:17:21

Q Jackson was arrested without cause on January 16th, 2006? 12:17:21 12:17:25

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the record and the evidence. 12:17:27 12:17:28 12:17:30

MR. MICHALIK: Join. 12:17:32

MR. SCHALKA: Join. 12:17:32

MR. KOSOKO: Join. 12:17:33

A Fifth Amendment. 12:17:33

(Mr. Tepfer returned to the proceedings.) 12:17:34

Q You told Jackson that his false arrest was just straight business? 12:17:36 12:17:40

MR. BAZAREK: Object to the form of the question. 12:17:42 12:17:44

A Fifth Amendment. 12:17:44

Q You told Jackson that Shock had told you and Watts that he needed the real estate where Jackson was arrested? 12:17:45 12:17:50 12:17:53

A Fifth Amendment. 12:17:54

Q Watts was with you when you had that conversation with Jackson? 12:17:55 12:18:02

MR. KOSOKO: Objection -- 12:18:04

A Fifth Amendment. 12:18:05

MR. KOSOKO: -- form of the question. 12:18:06

Q Watts told Jackson that Shock had paid for him to be arrested? 12:18:07 12:18:13

MR. KOSOKO: Objection to the form of the question, foundation. 12:18:14 12:18:15

A Fifth Amendment. 12:18:17

Q Did you get any of the money that Shock paid to Watts? 12:18:18 12:18:20

MR. KOSOKO: Objection to the form of the question. 12:18:22 12:18:23

A Fifth Amendment. 12:18:23

Q Is it true that Shock paid Watts? 12:18:24

MR. KOSOKO: Objection to the form of the question. 12:18:26 12:18:27

A Fifth Amendment. 12:18:28

Q And more specifically, is it true that Shock paid Watts to have Jackson -- Allen Jackson arrested? 12:18:28 12:18:30 12:18:33

MR. KOSOKO: Objection to the form of the question. 12:18:34 12:18:35

A Fifth Amendment. 12:18:35

Q Would you agree that it is illegal to take money from a civilian in exchange for an agreement to arrest a different civilian? 12:18:36 12:18:38 12:18:41

A Fifth Amendment. 12:18:44

Q Do you have any remorse for framing Allen 12:18:45

Jackson? 12:19:06

MR. MICHALIK: Object to the form of the 12:19:07

question. 12:19:08

A Fifth Amendment. 12:19:09

Q Do you have any remorse for framing any of 12:19:09

the people you framed? 12:19:11

MR. BAZAREK: Objection. 12:19:12

MR. MICHALIK: Yeah. 12:19:13

MR. BAZAREK: Object to the form of the 12:19:14

question -- 12:19:15

A Fifth Amendment. 12:19:15

MR. BAZAREK: -- foundation, 12:19:16

mischaracterizes the evidence in the record in 12:19:17

this case. 12:19:17

MR. RAVITZ: It's been asked and answered, 12:19:18

too. 12:19:19

MR. MICHALIK: Join. 12:19:20

MR. SCHALKA: Join. 12:19:21

MR. KOSOKO: Join. 12:19:21

MR. FLAXMAN: Was there an answer to that 12:19:24

question? 12:19:25

///

BY MR. RAUSCHER: 12:19:26

Q You took the Fifth; right? 12:19:26

A Yes, that's correct. 12:19:28

Q Thank you. 12:19:29

Do you have any remorse for committing the crime that you were federally prosecuted for? 12:19:33 12:19:35

A Fifth Amendment. 12:19:38

Q Do you know who Shaun James is? 12:19:42

A Don't recall. 12:19:45

Q Do you know whether Shaun James was framed on April 3rd, 2004? 12:19:53 12:20:22

MR. MICHALIK: Object to foundation. 12:20:25

A Fifth Amendment. 12:20:28

Q Do you know who Taurus Smith is? 12:20:28

A Don't recall. 12:20:40

(Mr. Tepfer left the proceedings.) 12:20:40

Q Do you know if Taurus Smith was framed on April 3rd, 2004? 12:20:40 12:20:44

MR. BAZAREK: Object to the form of the question, foundation. 12:20:47 12:20:48

MR. MICHALIK: Join. 12:20:49

MR. KOSOKO: Join. 12:20:51

MR. PALLES: Let -- let me ask -- if you don't mind -- we're not named in the Taurus Smith 12:20:52 12:20:53

case. Is there some -- 12:20:56

MR. RAUSCHER: So he's on -- 12:20:57

MR. PALLES: Codefendant? 12:20:59

MR. RAUSCHER: He's on -- yeah. Shaun James and Smith were arrested -- 12:21:01 12:21:02

MR. PALLES: Okay. All right. 12:21:02

MR. RAUSCHER: -- together. He's on the -- Smith -- he's on the reports. 12:21:03 12:21:03

MR. PALLES: Okay. Thank you. 12:21:06

MR. RAUSCHER: All right. We're going to mark Exhibit 12, which is City-BG-052330 through 31. 12:21:20 12:21:22

(Mohammed Deposition Exhibit 12 marked for identification and attached to the transcript.) 12:21:39 12:21:50

(An off-the-record discussion was held.) 12:21:50

MR. RAUSCHER: 12. Sorry. 12. 12:21:54

BY MR. RAUSCHER: 12:21:54

Q Have you had a chance to look this report over? 12:22:51 12:22:53

A Yes. 12:22:53

Q And you were listed as having witnessed the events described? 12:22:54 12:22:56

A Yes. 12:22:58

Q This is a report of, it looks like, about 10 people being arrested. 12:22:58 12:23:03

A Yes. 12:23:05

Q Is anything in the substantive narrative 12:23:06

description true? 12:23:13

MR. BAZAREK: Object to the form of the 12:23:15

question, foundation. 12:23:16

MR. MICHALIK: Join. 12:23:17

MR. KOSOKO: Join. 12:23:19

A Because I am concerned that the mere act 12:23:19

of testifying to this subject matter, this 12:23:23

incident, may cause me to be criminally indicted 12:23:27

by the US Attorney's Office and/or the Cook County 12:23:29

State's Attorney's Office, on the advice of 12:23:35

counsel I am going to decline to answer any 12:23:35

questions about certain aspects of my conduct as a 12:23:39

Chicago police officer, based upon the rights 12:23:42

guaranteed to me by the Fifth Amendment of the 12:23:45

United States Constitution. 12:23:47

Q And you're going to refuse to answer 12:23:49

whether the substantive narrative in this report 12:23:55

is true? 12:23:58

A On the advice of counsel. 12:23:59

Q I -- two of the people arrested as listed 12:24:02

in this vice case report are Shaun James and 12:24:05

Taurus Smith? 12:24:07

A Yes. 12:24:09

Q And this is documenting an arrest that 12:24:11

happened April 3rd, 2004? 12:24:13

A Yes. 12:24:15

Q Do you know what unit you were in on 12:24:16

April 3rd, 2004? 12:24:31

A Unit 715. 12:24:34

Q Is that different than 4512A, B, C, or D? 12:24:38

A No. 12:24:44

Q It is not different? 12:24:49

A I don't think so, no. 12:24:51

Q Were you in Units 4512A, B, C, or D on 12:24:53

April 3rd, 2004? 12:24:58

A I don't recall. 12:24:59

Q What's Unit 715? 12:24:59

A It's public housing. 12:25:02

MR. RAUSCHER: I'm going to mark 12:25:12

Exhibit 13, which is City-BG-031622. 12:25:13

(Mohammed Deposition Exhibit 13 marked for 12:25:30

identification and attached to the transcript.) 12:25:46

(An off-the-record discussion was held.) 12:25:46

Q Do you recognize any of the signatures on 12:26:09

this report? 12:26:11

A No. 12:26:12

Q Do you know what Al Jones' signature looks like? 12:26:16 12:26:21

A No. 12:26:22

Q Do you know who Star 743 was? 12:26:22

A No. 12:26:26

Q This report is another report documenting the same arrest that we just looked at that you're listed as a witness to for Shaun James; is that correct? 12:26:30 12:26:39 12:26:42 12:26:46

A Yes. 12:26:47

Q This report says that Shaun James was observed on the third floor of a -- 574 East 36th Street during a narcotics investigation and he was holding a clear plastic bag with suspect narcotics. 12:26:51 12:26:58 12:27:03 12:27:04 12:27:06

Do you see that? 12:27:08

A Yes. 12:27:09

Q Is that true? 12:27:12

A Take the Fifth. 12:27:13

Q That is not true, is it? 12:27:15

A Take the Fifth. 12:27:16

MR. BAZAREK: Object to the form of the question, foundation. 12:27:18 12:27:19

MR. MICHALIK: Join. 12:27:21

MR. SCHALKA: Join. 12:27:21

MR. KOSOKO: Join. 12:27:26

Q Shaun James was not observed with narcotics by the police on April 3rd, 2004? 12:27:26 12:27:29

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 12:27:34 12:27:35 12:27:36

MR. MICHALIK: Join. 12:27:39

MR. SCHALKA: Join. 12:27:39

MR. KOSOKO: Join. 12:27:40

A Fifth Amendment. 12:27:40

Q Watts and one or more other officers demanded money from Shaun James on April 3rd, 2004, to avoid arrest? 12:27:45 12:28:04 12:28:06

MR. BAZAREK: Object to the form of the question, foundation. 12:28:08 12:28:09

MR. MICHALIK: Join. 12:28:11

MR. KOSOKO: Join. 12:28:12

MR. BAZAREK: And further mischaracterizes the record and the evidence in this case. 12:28:13 12:28:14

MR. MICHALIK: Join. 12:28:14

MR. SCHALKA: Join. 12:28:14

MR. KOSOKO: Join. 12:28:14

A Fifth Amendment. 12:28:17

Q Watts decided that Shaun James and Taurus Smith should be arrested without cause on April 3rd, 2004? 12:28:18 12:28:24 12:28:25

MR. KOSOKO: Object to the form of the question, foundation, argumentative. 12:28:27 12:28:29

MR. MICHALIK: Join. 12:28:31

MR. BAZAREK: Join. 12:28:32

A Fifth Amendment. 12:28:33

Q You had the chance to intervene to stop a wrongful arrest that day? 12:28:34 12:28:38

MR. KOSOKO: Object to the form of the question. 12:28:39 12:28:40

A Fifth Amendment. 12:28:41

Q You declined to stop the wrongful arrests of Taurus Smith and Shaun James on April 3rd, 2004? 12:28:41 12:28:44 12:28:47

A Fifth Amendment. 12:28:48

Q Do you know who Taurus Smith is? 12:28:53

A No. 12:29:09

Q Did you ever harass Taurus Smith? 12:29:10

A Fifth Amendment. 12:29:19

Q Did you ever see other officers harass Taurus Smith? 12:29:20 12:29:22

A Fifth Amendment. 12:29:22

Q Would you agree it's not appropriate for police officers to harass civilians? 12:29:24 12:29:34

MR. MICHALIK: Object to the form, vague. 12:29:36

A Fifth Amendment. 12:29:38

Q Did you understand the question? 12:29:39

A Yes. 12:29:40

Q Do you know who Andre McNairy is? 12:29:41

A No. 12:30:12

Q Did you participate in framing Andre McNairy? 12:30:16 12:30:18

A Fifth -- 12:30:19

MR. MICHALIK: Object to the form, foundation. 12:30:19 12:30:20

MR. BAZAREK: Join. 12:30:21

MR. SCHALKA: Join. 12:30:21

MR. KOSOKO: Join. 12:30:22

A Fifth Amendment. 12:30:22

MR. RAUSCHER: All right. The next exhibit's going to be DO-Joint 005795 through 99. 12:30:33 12:30:34

(Mohammed Deposition Exhibit 14 marked for identification and attached to the transcript.) 12:30:53 12:30:55

Q Have you had a chance to review Exhibit 14? 12:30:55 12:31:37

A Yes. 12:31:37

Q Do you see it's a report documenting the arrest of Andre McNairy on September 15, 2008? 12:31:39 12:31:41

A Yes. 12:31:44

Q And you are listed as one of the assisting arresting officers? 12:31:46 12:31:48

A Yes. 12:31:48

Q Take a look at the second -- well, third page. It's DO-Joint 5797. And there's a row for "Attesting Officer." 12:31:49 12:31:55 12:32:02

Do you see that? 12:32:03

A Yes. 12:32:03

Q And I'd asked you earlier if you knew what an attesting officer was, and I think you asked to see a document. 12:32:07 12:32:09 12:32:12

A Yes. 12:32:12

Q Does looking at this document refresh your recollection as to the role of the attesting officer? 12:32:13 12:32:15 12:32:17

A No. 12:32:17

Q Having looked at this report, do you have any understanding of what the role of the attesting officer is? 12:32:20 12:32:25 12:32:26

A Don't recall. 12:32:28

Q What are the Washington Park homes? 12:32:42

A I don't remember. 12:32:47

Q Was that a different location than 12:32:49

Ida B. Wells? 12:32:52

A Might be. I don't -- 12:32:53

Q This report says that Andre McNairy was 12:32:55

observed dropping to the ground one clear plastic 12:33:01

bag containing numerous bags, suspect narcotics. 12:33:03

Do you see that? 12:33:07

A Yes. 12:33:08

Q And that is not true, is it? 12:33:09

MR. BAZAREK: Object to the form of the 12:33:11

question, foundation, mischaracterizes the 12:33:12

evidence in the record in this case. 12:33:14

MR. MICHALIK: Join. 12:33:16

MR. KOSOKO: Join. 12:33:16

A Fifth Amendment. 12:33:18

Q It says that Officer Nichols immediately 12:33:19

recovered the bag and placed McNairy into custody. 12:33:24

Do you see that? 12:33:27

A Yes. 12:33:27

Q Is that true? 12:33:29

A Fifth Amendment. 12:33:31

Q It says McNairy was searched and Nichols 12:33:32

found another bag with 25 Ziploc bags, each 12:33:44

containing a white powder substance, suspect heroin. 12:33:48 12:33:51

Is that true? 12:33:51

A Fifth Amendment. 12:33:53

Q You talked to McNairy the day he was arrested? 12:33:53 12:34:07

A Fifth Amendment. 12:34:09

Q And you -- you actually told Watts he didn't have any drugs on him? 12:34:09 12:34:11

MR. KOSOKO: Objection to the form of the question, argumentative. 12:34:13 12:34:14

A Fifth Amendment. 12:34:17

Q Did you tell Watts on September 15th, 2008, that Andre McNairy did not have any drugs on him? 12:34:17 12:34:20 12:34:23

A Fifth Amendment. 12:34:23

Q Did you search Andre McNairy September 15th, 2008? 12:34:24 12:34:27

A Fifth Amendment. 12:34:28

Q Did you take any steps to ensure that Andre McNairy wasn't wrongfully arrested on September 15th, 2008? 12:34:29 12:34:37 12:34:41

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the 12:34:43 12:34:44

evidence in the record in this case. 12:34:45

MR. KOSOKO: Join. 12:34:48

MR. MICHALIK: Join. 12:34:48

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 12:34:49 12:34:51 12:34:53 12:34:56 12:35:00 12:35:02 12:35:05 12:35:08 12:35:13 12:35:15

Q What was your exact role as the -- as an assisting arresting officer for Mr. McNairy's September 15th, 2008, arrest? 12:35:16 12:35:19 12:35:22

A Fifth Amendment. 12:35:24

Q Do you know who Jamell Sanders is? 12:35:25

A No. 12:35:43

Q Do you know whether you were involved in arresting him on June 4th, 2006? 12:35:44 12:35:46

A I don't recall. 12:35:48

Q Do you know what unit you were in January -- June 4th, 2006? 12:35:55 12:35:57

A No. 12:35:58
Q Had you harassed Mr. Sanders before 12:35:59
June 4th, 2006? 12:36:10
A Fifth Amendment. 12:36:11
MR. RAUSCHER: I'm going to mark 15 as 12:36:38
DO-Joint 006042 through 46. 12:36:40
(Mohammed Deposition Exhibit 15 marked for 12:36:54
identification and attached to the transcript.) 12:37:02
Q Have you had a chance to look at this 12:37:02
document? 12:37:27
A Yes. 12:37:27
Q Does looking at this document refresh your 12:37:27
recollection as to whether you were involved in 12:37:30
arresting Jamell Sanders June 4th, 2006? 12:37:31
A No, it doesn't. 12:37:35
Q Looking at his picture on the front, does 12:37:36
that refresh your recollection as to whether you 12:37:39
knew who he was or had seen him around? 12:37:40
A No, it doesn't. 12:37:42
Q Would you expect your name to be listed 12:37:45
somewhere on the report if you had been involved 12:37:49
in the arrest? 12:37:51
A Fifth Amendment. 12:37:51
Q Have you seen reports that were incomplete 12:37:54

as to the officers involved? 12:37:59

A Could you state that again? 12:38:01

Q Have you seen reports or are you aware 12:38:02

of -- well, let me ask you this: Have you seen 12:38:05

any police reports that failed to list all of the 12:38:07

involved officers? 12:38:09

MR. BAZAREK: Object to the form of the 12:38:13

question and foundation. 12:38:14

MR. KOSOKO: Join. 12:38:14

Q I'm going to try that a third time, 12:38:17

actually. 12:38:18

Have you seen any arrest reports that did 12:38:19

not list the full universe of officers who had 12:38:20

been involved in the arrest? 12:38:22

MR. BAZAREK: Object to the form of the 12:38:24

question, foundation. 12:38:26

MR. KOSOKO: Join. 12:38:27

A No. 12:38:27

Q Are arrest reports supposed to include a 12:38:28

full list of officers who were involved in the 12:38:33

arrest? 12:38:35

A No. 12:38:36

Q They're not supposed to list everyone 12:38:37

involved? 12:38:39

A No. 12:38:40
Q And who are they supposed to list? 12:38:40
A Just who's involved in the arrest. 12:38:46
Q Is -- should a -- so let's use this as an example, Exhibit 15. 12:38:48 12:38:52
A Uh-huh. 12:38:53
Q Should this report list everybody who was involved in arresting Mr. Sanders? 12:38:54 12:38:56
A It does. 12:38:59
Q Well, how do you know it does? 12:39:01
A It's on the paper here. 12:39:03
Q Well, you -- if -- well, do you know whether this is a full, complete, accurate list of the people involved in the arrest? 12:39:05 12:39:13 12:39:15
A No, I don't. 12:39:15
Q But it's -- but if -- if the report was filled out properly, according to standard operating procedure, then it would list everyone; is that fair? 12:39:16 12:39:18 12:39:21 12:39:23
A That's correct. 12:39:24
Q And based on your training and experience, if someone is listed -- well, let me ask you this: If -- based on your training and experience, if someone is not listed as at least an assisting 12:39:25 12:39:35 12:39:38 12:39:41

arresting officer or some other role, does that mean they did not participate in the arrest? 12:39:43 12:39:45

MR. BAZAREK: Yeah, I'd object to form and foundation on that one, speculation. 12:39:47 12:39:49

MR. PALLES: Object. Foundation, as well. 12:39:51

MR. SCHALKA: Join. 12:39:55

THE COURT REPORTER: I didn't hear the rest. 12:39:55 12:39:55

MR. MICHALIK: Join. 12:39:56

THE COURT REPORTER: Thank you. 12:39:57

MR. KOSOKO: Watts. 12:39:57

MR. PALLES: Answer again. 12:39:59

THE WITNESS: Could you repeat that, please? 12:40:00 12:40:01

MR. RAUSCHER: I'm not sure. 12:40:01

MR. PALLES: Read it back, please. 12:40:03

(The Reporter read the record as follows: "Question: And based on your training and experience, if someone is listed -- well, let me ask you this: Based on your training and experience, if someone is not listed as at least an assisting arresting officer or some other role, does that mean they did not participate in the arrest?") 12:40:20 12:40:26

A Yes. 12:40:26
BY MR. RAUSCHER: 12:40:26
Q And if they are listed as an assisting 12:40:28
arresting officer or a reporting officer, does 12:40:30
that mean, based on your experience and training, 12:40:33
that they did participate in the arrest? 12:40:35
A Yes. 12:40:35
Q Do you know what unit or what beat you had 12:40:41
in June 2006? 12:40:43
A No, I don't. Don't recall. 12:40:45
MR. RAUSCHER: Can we take another short 12:41:00
break? 12:41:01
MR. PALLES: Sure. 12:41:02
MR. RAUSCHER: Thanks. 12:41:02
THE VIDEOGRAPHER: Off the record, 12:41. 12:41:03
(A recess was taken from 12:41 p.m. to 12:41:05
12:57 p.m.) 12:57:47
THE VIDEOGRAPHER: Back on the record, 12:58:00
12:57. 12:58:06
BY MR. RAUSCHER: 12:58:07
Q Do you remember the nicknames of any 12:58:11
people who lived in Ida B. Wells or hung out there 12:58:13
while you were a police officer? 12:58:16
A You have to show me. 12:58:17

Q I'm just asking if you remember any offhand. 12:58:18 12:58:20

A No. 12:58:21

Q Do you remember anyone called Smoke? 12:58:21

A Smoke? 12:58:23

Yeah, I remember that name, Smoke. 12:58:24

Q And do you know who it was? 12:58:26

A No. 12:58:28

Q Do you know what -- do you know anything about Smoke or had you heard anything about Smoke? 12:58:29 12:58:39

A No. 12:58:41

Q Okay. 12:58:42

Was there a kid named No Neck? 12:58:58

Does that sound familiar to you? Nickname. 12:59:02 12:59:04

A No Neck? No, I don't -- 12:59:04

Q Any other nicknames you can think of? 12:59:07

A No. 12:59:09

Q When you were on duty, did you drive a police-issued car? 12:59:10 12:59:19

A Yes. 12:59:20

Q What kind of car did you have? 12:59:20

A It was a Crown Vic. 12:59:22

Q Was it always a Crown Vic? 12:59:25

A Yes. 12:59:28
Q What color? 12:59:28
A I don't recall what color it was. 12:59:29
Q Did you ever drive civilian cars while you were on duty? 12:59:31
A No. 12:59:40
Q Did you ever get rides in civilian cars while on duty? 12:59:41
A No. 12:59:42
Q When you were on the tac team, did you communicate with officers by cell phone while you were on duty? 12:59:44
A Yes. 12:59:44
Q And how frequently would you communicate with other officers by cell phone? 12:59:45
A Not often. 12:59:55
Q Every day? Every week? 13:00:00
A Like -- probably every week. 13:00:00
Q Did you have a City-issued cell phone? 13:00:01
A No. 13:00:03
Q Did you -- did the City pay for your cell phone services? 13:00:05
A No. 13:00:07
Q What company did you use as your cell 13:00:10
13:00:18
13:00:23
13:00:24
13:00:27
13:00:27
13:00:28

phone provider? 13:00:30

A Back then I -- I don't remember. 13:00:31

Q What was your cell phone number back then? 13:00:34

A I don't remember. 13:00:38

Q You don't remember? 13:00:39

A Uh-uh. 13:00:40

Q Do you still have the same number? 13:00:40

A No. 13:00:42

Q What percentage would you say was communicating on cell phone with other officers versus by radio? 13:00:43 13:00:49 13:00:51

A About maybe 3 percent. 13:00:52

Q 3 percent by cell phone? 13:01:00

A Yeah. 13:01:01

Q 97 percent by radio? 13:01:02

A Yep -- yes. 13:01:04

Q What area was Ida B. Wells in? 13:01:06

A What do you mean? 13:01:14

Q Was there like a district, an area? 13:01:15

A It was a district. 13:01:17

Q What district? 13:01:18

A Second District. 13:01:19

Q Was it always the Second District while you were there? 13:01:19 13:01:21

A Yes. Uh-huh. 13:01:21

Q Was the Second District on a certain radio channel? 13:01:22 13:01:24

A Yes. 13:01:24

Q And from -- during your time on the tac team in the Second District, what radio channel was the Second District on? 13:01:25 13:01:29 13:01:32

A I don't -- I don't remember. 13:01:34

Q Was your radio preset to the correct channel? 13:01:34 13:01:37

A Yes. 13:01:38

Q And do you know whether your communications on the radio were recorded? 13:01:38 13:01:40

A They probably were. 13:01:42

Q But you're not sure either way? 13:01:45

A No. Uh-uh. 13:01:46

Q Did you think they were recorded at the time you worked in the Second District? 13:01:49 13:01:50

A Could have been, yes. 13:01:51

Q You thought that they could have been? 13:01:56

A Yes. 13:01:57

Q But you weren't sure? 13:01:57

A Wasn't sure. 13:01:59

Q Did anyone ever tell you whether any of 13:02:00

your communications on the radio were recorded? 13:02:02

A That was made to be understood that it 13:02:03

would be, yes. 13:02:06

Q And who made you understand that? 13:02:06

A Well, when you -- in the academy they can 13:02:08

pull tapes and whatever. 13:02:11

Q Did you listen to tapes -- 13:02:13

A No. 13:02:16

Q -- in the academy? 13:02:16

A No. 13:02:17

Q And -- but they told you that there were 13:02:18

tapes? 13:02:22

A They said there could be tapes. 13:02:22

Q They told you in the academy that there 13:02:26

could be tapes? 13:02:27

A Yes. 13:02:28

Q You remember that specifically? 13:02:28

A Yes. 13:02:30

Q Do you know if there were certain channels 13:02:30

on the radio that were recorded versus others that 13:02:37

weren't? 13:02:40

A No, I don't. 13:02:40

Q The Crown Vic that you had, was that a -- 13:02:42

did it have lights on it? Did it have CPD 13:02:58

insignia anywhere? 13:03:05

A No. It had lights on it, though. 13:03:06

Q Was it designed to look like a civilian car? 13:03:08

A Yes. 13:03:10

Q And were you in -- when you were on the 13:03:11

tac team, were you plainclothes or officer -- or 13:03:13

uniform? 13:03:16

A Plainclothes. 13:03:16

Q And what clothes did you typically wear 13:03:17

when you were there on duty? 13:03:19

A Blue jeans. 13:03:20

Q And like a sweatshirt or something? 13:03:23

T-shirt? 13:03:28

A Shirt, collared shirt, something like 13:03:29

yours. 13:03:34

Q Okay. A button down collared shirt? 13:03:34

A Yeah, button down collared shirt. 13:03:37

Q Did you have a bulletproof vest? 13:03:39

A Yes. 13:03:42

Q Under your shirt? 13:03:42

A Yes. 13:03:43

Q Did you wear different clothes during the 13:03:43

reverse stings? 13:03:47

A When you say "different," what do you 13:03:47

mean? 13:03:50

Q Different than collared, button down shirt and jeans. 13:03:50 13:03:53

A Yes. 13:03:54

Q What did you wear during reverse stings? 13:03:55

A Well, blue jeans, you know, just like they would, what the other people would. 13:03:57 13:04:02

Long coats. 13:04:04

Q When you say "they" would, you mean civilians? 13:04:07 13:04:10

A No -- well, yeah, civilians. The people that lived down there. You know, the clothes hanging off of them, kind of fit in to look like them. 13:04:10 13:04:12 13:04:16 13:04:20

Q Baggier clothes at the time? 13:04:20

A Right. Uh-huh. 13:04:22

Q So were you trying to disguise yourself so people didn't recognize you? 13:04:24 13:04:26

A Right. 13:04:27

Q Did people ever recognize you during reverse stings that you know of? 13:04:28 13:04:29

A No. 13:04:30

Q Did you wear like a hoodie or anything like that to try to disguise your face or your 13:04:31 13:04:39

head at all? 13:04:40

A Sometimes. 13:04:42

Q And I may have already asked you this. 13:04:42

But were civilians ever working with you-all 13:04:58

during reverse stings? 13:05:00

A No. 13:05:01

Q Did you ever enter apartments during the 13:05:02

reverse stings? 13:05:15

A What do you mean? 13:05:15

Q Like did you ever enter any individual 13:05:17

apartments during a reverse sting? 13:05:20

A No. 13:05:22

Q Did other officers? 13:05:23

A Don't know. 13:05:24

Q Okay. Did you ever see any other officers 13:05:26

enter individual apartments? 13:05:28

A No. 13:05:29

Q Did you at times, as a tac team officer, 13:05:31

arrest people inside of apartments? 13:05:34

A Yes. 13:05:35

Q And what was the protocol to get into 13:05:36

someone's apartment? 13:05:40

A Knock on the door. 13:05:41

Q And then if they let you in, they let 13:05:42

you in? 13:05:44

A Yes. 13:05:45

Q And if not, then you need a search warrant? 13:05:45 13:05:47

A Yes. 13:05:47

Q Did any building managers or anyone associated with the buildings ever give you or Watts or anyone on the team keys to enter someone else's apartment? 13:05:50 13:05:52 13:05:55 13:05:57

A No. 13:05:58

Q Did you ever participate, either at a reverse sting or any other time, searching people who were lined up outside of one of the buildings at Ida B. Wells? 13:05:58 13:06:12 13:06:15 13:06:18

A Take the Fifth. 13:06:20

Q Did you ever participate in searching people lined up inside one of the Ida B. Wells buildings? 13:06:21 13:06:22 13:06:25

A Take the Fifth. 13:06:25

Q Did you ever recover drugs or money while searching someone as a tactical team officer? 13:06:27 13:06:31

A Take the Fifth. 13:06:34

Q Tell me what the protocol for inventorying drugs that you recovered was. 13:06:36 13:06:38

A Take it to the station and inventory it. 13:06:41
Q And how did you inventory it? 13:06:44
A Through the computer. 13:06:46
Q What did you do physically? What did you do with the physical evidence? 13:06:48 13:06:50
A Recover it, keep it in my possession until I got to the station. Once I got to the station, we then inventory it, count it, what it was, did it -- put it in on the computer. And that's it. 13:06:52 13:06:56 13:06:58 13:07:03
Q And when you put it -- after you put it in the computer, what did you do with it at the station? 13:07:08 13:07:10 13:07:12
A Then you put it -- take it and put it in a lockbox. 13:07:12 13:07:15
Q Where was the lockbox? 13:07:16
A Up -- up front. 13:07:17
Q When you say "the station," which station are you talking about? 13:07:19 13:07:21
A Second District. 13:07:21
Q And where was that located? 13:07:22
A 51st and Wentworth. 13:07:23
Q And how many lockboxes were there? 13:07:24
A One. 13:07:26
Q How big was the lockbox? 13:07:26

A Pretty big. It was pretty big. 13:07:29

Q Can you give any sort of -- like you can make it with your hands or give a -- you know, a marker in here or something? 13:07:30 13:07:34 13:07:36

A Well, maybe about as wide as that chair and about 4 feet high. 13:07:38 13:07:42

Q And did it have a key or a code? Or how did you get into it? 13:07:43 13:07:46

A It has a flip where you could put it in there, you turn the handle, and it goes down. 13:07:47 13:07:51

Q Okay. And do you know where it goes? 13:07:53

A It goes in that box. 13:07:54

Q And then -- 13:07:56

A Then the mail person comes and recovers it, takes it to wherever you take it. 13:07:57 13:07:59

Q And then is the mail person a CPD employee? 13:08:02 13:08:05

A Yes. 13:08:05

Q Is it an officer? 13:08:07

A No. Civilian employee. 13:08:09

Q Civilian employee. 13:08:10

Do you know where the civilian employee takes the evidence? 13:08:11 13:08:13

A No. 13:08:14

Q Do you know the names of any of the civilian employees who handled the lockbox evidence? 13:08:14 13:08:16 13:08:19

A No. 13:08:19

Q Did you -- was it standard protocol to alert Sergeant Watts when you put something in the lockbox? 13:08:19 13:08:22 13:08:24

A No. 13:08:26

Q And was it standard protocol to alert Watts when evidence was recovered in the field? 13:08:26 13:08:28

A No. 13:08:32

Q Was it standard protocol to call Watts on either a cell phone or radio to tell him people were being arrested if he wasn't there? 13:08:32 13:08:36 13:08:38

A Yes. 13:08:40

Q And did that happen every time people were arrested? 13:08:41 13:08:44

A Yes. He would hear it. 13:08:44

Q How would he hear it? 13:08:46

A On the radio. 13:08:47

Q And what if it was on cell phones? Would someone call him on his cell phone and tell him? 13:08:47 13:08:51

A No, no. 13:08:53

Q Would he typically show up at the scene if 13:08:54

he heard people were being arrested? 13:08:56

A No. 13:08:58

Q What was the purpose of telling Watts that people were being arrested? 13:08:58 13:09:02

A That we was coming in because -- 13:09:03

MR. KOSOKO: Objection to the form of the question, misstates the evidence that's been adduced. 13:09:07 13:09:07 13:09:09

MR. PALLES: Go ahead. 13:09:12

A (Continuing.) Because he had to sign his name and check the -- check the inventory and the arrest report. 13:09:13 13:09:19 13:09:22

Q How much time did Watts spend in the field versus at the station? 13:09:24 13:09:27

MR. PALLES: Objection -- 13:09:29

MR. KOSOKO: Objection -- 13:09:29

MR. PALLES: -- lack of foundation. 13:09:30

MR. KOSOKO: Join. 13:09:30

A Don't know. 13:09:33

Q Did you see him every day out there while you were patrolling? 13:09:33 13:09:36

A Not all the time, no. 13:09:37

Q But did you see him at least sometime in the field? 13:09:40 13:09:42

A Just sometime, yeah. 13:09:42
Q Every day, sometime in the field? 13:09:44
A Yes. 13:09:45
Q Was it multiple hours a day that you know of? 13:09:45
13:09:49
A Don't recall. 13:09:50
Q Were there certain days he was out there more than others? 13:09:51
13:09:54
A Yes. 13:09:54
Q Did you ever see Watts participating in searching people at a lineup? 13:09:55
13:09:59
A Yes. 13:10:01
Q And did you ever see him recover evidence? 13:10:01
A No. 13:10:04
Q Did you ever see him recover drugs from a lineup? 13:10:05
13:10:10
A No. 13:10:10
Q Did you ever see him recover money at a lineup? 13:10:11
13:10:13
A No. 13:10:14
Q Did you ever see him plant drugs on somebody at a lineup? 13:10:14
13:10:16
A Take the Fifth. 13:10:17
Q Did you ever see him -- did you ever hear 13:10:18

him threaten to plant drugs? 13:10:21

A Take the Fifth. 13:10:23

Q But you never saw him actually recover drugs? 13:10:24 13:10:27

A No. 13:10:28

Q No, you didn't? 13:10:28

A I didn't, no. 13:10:31

Q How many people did you see Sergeant Watts search over the years? 13:10:36 13:10:39

A I don't have a number for you. 13:10:41

Q More than 10? 13:10:42

A Couldn't tell you. 13:10:43

Q More than one? 13:10:45

A Don't know. 13:10:45

Q You don't know if it was more than one? 13:10:46

A No. 13:10:47

Q More than a hundred? 13:10:48

A Wouldn't know. 13:10:50

Q No estimate? 13:10:52

A I don't -- no estimate, no. 13:10:53

Q How many people did you search over the years as a tactical team officer? 13:10:56 13:10:58

A Could have been more than -- hundreds. 13:11:01

Q Hundreds? 13:11:08

A Yeah. 13:11:08

Q How many of those people did you find 13:11:09

drugs on? 13:11:11

A I don't recall. 13:11:11

Q How many of those people did you plant 13:11:15

drugs on? 13:11:17

A Take the Fifth. 13:11:17

Q Do you know the name Frank Saunders? 13:11:19

A I don't recall. 13:11:44

MR. RAUSCHER: All right. We're going to 13:11:58

mark Exhibit 16, which is DO-Joint 6076 to 6080. 13:11:59

(Mohammed Deposition Exhibit 16 marked for 13:12:13

identification and attached to the transcript.) 13:12:39

(An off-the-record discussion was held.) 13:12:39

Q Have you had a chance to review this 13:12:40

report? 13:13:00

A Yes. 13:13:01

Q Was it common to hear people yelling 13:13:01

"cleanup" at the Ida B. Wells homes when you were 13:13:04

patrolling there? 13:13:07

A Yes. 13:13:08

Q What did "cleanup" mean? 13:13:08

A That the police were coming. 13:13:10

Q You are listed as the first arresting 13:13:14

officer on this report; correct? 13:13:21

A Yes. 13:13:24

Q What does it mean to be the first arresting officer? 13:13:24 13:13:26

A This is one that's going to -- officer that's going to court. 13:13:27 13:13:31

Q That's something you would have decided between you and Lamonica Lewis? 13:13:32 13:13:33

A Yes. 13:13:34

Q And you were Beat 264D at the time? 13:13:35

A Yes. 13:13:38

Q And this is a report -- I should say -- of Frank Saunders' arrest from March 28, 2007? 13:13:40 13:13:43

A Yes. 13:13:45

Q The narrative description of this report says that Frank Saunders was seen standing in the hallway of 574 East 36th Street with two plastic sandwich bags containing numerous rock-like substance, suspect crack cocaine. 13:13:46 13:13:51 13:13:54 13:14:01 13:14:06

A That's what it says, yes. 13:14:08

Q That is false? 13:14:09

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record in this case. 13:14:12 13:14:13 13:14:14

MR. KOSOKO: Join. 13:14:15

A Fifth Amendment. 13:14:16

Q Is it true that Frank Saunders was seen in the hallway of 574 East 36th Street holding crack cocaine? 13:14:18 13:14:20 13:14:24

A Fifth Amendment. 13:14:27

MR. BAZAREK: Object to the form of the question. 13:14:25 13:14:26

MR. RAUSCHER: What's wrong with that form? 13:14:27 13:14:29

MR. BAZAREK: I made my objection. 13:14:29

MR. RAUSCHER: I know. But the form objection is something I should be able to cure. 13:14:30 13:14:32

MR. BAZAREK: Object to form, foundation. 13:14:35

BY MR. RAUSCHER: 13:14:36

Q Could you go to court to testify about something you didn't personally observe? 13:14:38 13:14:39

MR. BAZAREK: Object to the form of the question, foundation. 13:14:41 13:14:43

A What was the question again? 13:14:45

Q As a -- an arresting officer, would you go to court to testify about something you didn't observe? 13:14:46 13:14:49 13:14:52

A Would I go and testify against something 13:14:52

that I didn't observe? 13:14:55

Q Yeah. 13:14:57

A No. 13:14:57

Q And so by listing yourself as the first arresting officer, you're saying "I observed the arrest of Frank Saunders"; correct? 13:14:58 13:15:01 13:15:03

A Yes. 13:15:04

Q So you would have knowledge as to whether what is written in the narrative form is true or not true; correct? 13:15:07 13:15:09 13:15:11

A Yes. 13:15:12

Q Is it true that Frank Saunders was seen standing in the hallway of 574 East 36th Street holding what appeared to be crack cocaine? 13:15:13 13:15:17 13:15:20

MR. MICHALIK: Object to the form. 13:15:24

You're asking by this witness? 13:15:25

A Fifth Amendment. 13:15:27

Q Is what is written in the narrative part of this report where you were listed as the first arresting officer about Frank Saunders being observed holding crack cocaine true? 13:15:28 13:15:35 13:15:38 13:15:40

A Fifth Amendment. 13:15:43

Q In fact, Mr. Saunders was not arrested for being observed holding two bags of crack cocaine? 13:15:44 13:15:49

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:15:54 13:15:56 13:15:58

A Fifth Amendment. 13:16:01

Q This is a false report? 13:16:02

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the record and the evidence in this case. 13:16:04 13:16:06 13:16:11

A Fifth Amendment. 13:16:15

MR. MICHALIK: Join. 13:16:12

MR. KOSOKO: Join. 13:16:14

Q You handcuffed Frank Saunders on March 28, 2007? 13:16:15 13:16:25

A Fifth Amendment. 13:16:26

Q Watts hit him in the head with a gun? 13:16:26

MR. KOSOKO: Objection -- 13:16:30

A Fifth Amendment. 13:16:34

MR. KOSOKO: -- form of the question, argumentative. 13:16:32 13:16:35

Q You did not intervene to stop Frank Saunders from being hit in the head with a gun? 13:16:35 13:16:36

MR. KOSOKO: Objection to form of the question, argumentative. 13:16:38 13:16:40

A Fifth Amendment. 13:16:40

Q You did not intervene to stop Frank Saunders from being falsely arrested? 13:16:42 13:16:44

MR. KOSOKO: Objection; form of the question. 13:16:46 13:16:48

MR. BAZAREK: Object further, mischaracterizes the evidence in the record in this case. 13:16:48 13:16:50 13:16:52

MR. MICHALIK: Join. 13:16:53

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 13:16:54 13:16:56 13:16:59 13:17:02 13:17:08 13:17:09 13:17:12 13:17:15 13:17:19 13:17:21

Q Did you intervene on March 28, 2007, to stop Frank Saunders from being falsely arrested? 13:17:23 13:17:27

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:17:29 13:17:30 13:17:33

MR. KOSOKO: Join. 13:17:35

MR. MICHALIK: Join and asked and answered. 13:17:35 13:17:37

A Fifth Amendment. 13:17:37

Q Did you assault Frank Saunders on March 28, 2007? 13:17:38 13:17:39

A Fifth Amendment. 13:17:41

MR. PALLES: I'll object to that, calls for a legal conclusion. 13:17:47 13:17:49

Q Do you know what the worded "assault" means? 13:17:50 13:17:52

A Yes. 13:17:52

Q Did you assault Mr. Saunders on March 28, 2007? 13:17:53 13:18:00

MR. RAVITZ: Objection; asked and answered. 13:18:01 13:18:03

A Fifth Amendment. 13:18:05

Q Did you have any justification whatsoever for assaulting Mr. Saunders on March 28, 2007? 13:18:06 13:18:08

MR. MICHALIK: Object to the form of the question, assumes facts not in evidence. 13:18:13 13:18:15

A Fifth Amendment. 13:18:16

MR. RAUSCHER: I'm going to mark Exhibit 17, which is DO-Joint 006102. 13:18:38 13:18:39

///

(Mohammed Deposition Exhibit 17 marked for identification and attached to the transcript.) 13:18:49 13:19:05

(An off-the-record discussion was held.) 13:19:05

Q Have you had a chance to look over Exhibit 17? 13:19:06 13:19:25

A Yes. 13:19:26

Q And this is an inventory sheet documenting drugs allegedly recovered from Frank Saunders on March 28, 2007? 13:19:27 13:19:33 13:19:37

A Yes. 13:19:38

Q You are the investigating officer and the first officer listed? 13:19:38 13:19:41

A Yes. 13:19:41

Q And it's got your electronic approval? 13:19:44

A Yes. 13:19:46

Q This report falsely states that drugs were recovered from Mr. Saunders and inventoried? 13:19:49 13:19:53

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:19:56 13:19:57 13:19:59

MR. KOSOKO: Join. 13:20:01

A Fifth Amendment. 13:20:02

Q The drugs listed here that were attributed to Mr. Saunders were not, in fact, recovered from 13:20:03 13:20:06

Mr. Saunders? 13:20:10

MR. BAZAREK: Object to the form of the 13:20:10

question, foundation, mischaracterizes the 13:20:12

evidence in the record in this case. 13:20:14

MR. KOSOKO: Join. 13:20:16

MR. MICHALIK: Join. 13:20:17

MR. PALLES: Join. 13:20:18

A Fifth Amendment. 13:20:19

Q Did you, in fact, inventory the evidence 13:20:20

listed on DO-Joint 6102? 13:20:24

A Fifth Amendment. 13:20:28

Q Where did the narcotics listed on this 13:20:32

report come from? 13:20:33

A Fifth Amendment. 13:20:34

Q Do you know someone named Christopher 13:20:35

Scott? 13:21:05

A I don't recall. 13:21:06

Q All right. 13:21:06

MR. RAUSCHER: We're going to mark 13:21:23

Exhibit 18, which is City-BG-032187 through 190 -- 13:21:24

I'm sorry -- 191. 13:21:31

(Mohammed Deposition Exhibit 18 marked for 13:21:39

identification and attached to the transcript.) 13:22:01

(An off-the-record discussion was held.) 13:22:09

Q Have you had a chance to look this over? 13:22:40
A Yes. 13:22:45
Q This is a report documenting the arrest of Christopher Scott on April 4, 2006? 13:22:45
A Yes. 13:22:49
Q You are listed as one of the assisting arresting officers? 13:22:49
A Yes. 13:22:51
Q And it shows you as -- in Beat 264A. 13:22:51
Do you see that? 13:22:54
A Yes. 13:22:57
Q And 26 -- was 264A your beat in April of 2006? 13:22:57
A Yes. 13:23:07
Q Do you know who your partner was at the time? 13:23:12
A No. I didn't have one. 13:23:12
Q You did not have a partner? 13:23:14
A No. 13:23:15
Q Do -- are you saying that because there isn't one listed here or you remember not having a partner? 13:23:15
A I didn't have a partner. 13:23:18
Q Do you know why you didn't have a partner? 13:23:19
13:23:19
13:23:21
13:23:24
13:23:24
13:23:25

A They didn't -- they was coming in later or they didn't come in that day. 13:23:27 13:23:28

Q You just didn't have a partner that day -- 13:23:30

A Just that day. 13:23:32

Q -- but it wasn't like generally at the time you didn't have a partner? 13:23:33 13:23:35

A Just that day. 13:23:36

Q But you did participate in the arrest of Christopher Scott? 13:23:37 13:23:39

A Yes. 13:23:40

Q This report states that Christopher Scott was seen giving another offender two small Ziploc Baggies with suspect narcotics and that he was given money in exchange. 13:23:40 13:23:47 13:23:52 13:23:56

Do you see that? 13:23:58

A That's what it says. 13:23:58

Q And that is false? 13:23:59

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:24:01 13:24:02 13:24:05

MR. MICHALIK: Join. 13:24:07

MR. KOSOKO: Join. 13:24:08

A Take the Fifth. 13:24:08

Q Christopher Scott did not, in fact, have 13:24:10

any narcotics on him -- 13:24:11

MR. BAZAREK: Object to -- 13:24:13

Q -- on April 4th, 2006? 13:24:16

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:24:17 13:24:18 13:24:19

MR. MICHALIK: Join. 13:24:21

MR. KOSOKO: Join. 13:24:22

A Take the Fifth. 13:24:23

Q Had you ever threatened Christopher Scott with arrest before April of 2006? 13:24:24 13:24:32

A Take the Fifth. 13:24:34

Q You never saw any drugs on Christopher Scott on April 4, 2006? 13:24:35 13:24:45

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:24:47 13:24:48 13:24:50

A Fifth Amendment. 13:24:54

Q Did you see Christopher Scott with any drugs April 4th, 2006? 13:24:55 13:24:58

A Fifth Amendment. 13:24:59

Q This report stating that drugs -- Scott was observed selling drugs on April 4, 2006, is a false report? 13:25:01 13:25:12 13:25:16

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:25:17 13:25:18 13:25:20

MR. MICHALIK: Join. 13:25:22

MR. KOSOKO: Join. 13:25:23

A Because I am concerned that the mere act of testifying to this subject matter, this incident, may cause me to be criminally indicted by the US Attorney's Office and/or the Cook County State's Attorney's Office, on the advice of counsel I am going to decline to answer any questions about certain aspects of my conduct as a Chicago police officer, based upon the rights guaranteed to me by the Fifth Amendment of the United States Constitution. 13:25:25 13:25:27 13:25:31 13:25:33 13:25:37 13:25:40 13:25:42 13:25:46 13:25:50 13:25:52

Q On April 4, 2006, Christopher Scott tried to leave the area where you were in and you detained him for no reason? 13:25:53 13:25:58 13:26:00

A Take the Fifth. 13:26:03

Q When he was arrested, Christopher Scott was not doing anything illegal on April 4, 2006? 13:26:04 13:26:26

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:26:29 13:26:30 13:26:32

MR. MICHALIK: Join. 13:26:33

MR. KOSOKO: Join. 13:26:35

A Fifth Amendment. 13:26:35

Q Did any other officers on April 4th tell you that they found drugs on Christopher Scott? 13:26:36 13:26:56

A Fifth Amendment. 13:26:58

Q Did any other officers show you drugs that they claimed to have found on Christopher Scott April 4, 2006? 13:26:59 13:27:03 13:27:05

A Fifth Amendment. 13:27:07

MR. RAUSCHER: We're going to mark DO-Joint 006168 as Exhibit 19. 13:27:12 13:27:13

(Mohammed Deposition Exhibit 19 marked for identification and attached to the transcript.) 13:27:24 13:27:25

Q Did any officers tell you that they recovered money from Christopher Scott April 4, 2006? 13:27:25 13:27:47 13:27:49

A Fifth Amendment. 13:27:50

Q And have you seen the document that's in front of you before? 13:27:51 13:27:55

A Yes. 13:27:55

Q When did you see this document? 13:27:57

A Just now when you showed it to me. 13:27:59

Q Have you seen it before I just showed it 13:28:03

to you? 13:28:05

A No. 13:28:05

Q Did you look at any documents to help you prepare for your deposition today? 13:28:06

A Yes. 13:28:19

Q What documents did you look at to help prepare for your deposition today? 13:28:20

A I don't recall. 13:28:23

Q Do you recall any of the documents you looked at? 13:28:25

A Not right off the top, no. 13:28:26

Q Have we seen some of the documents today that you looked at to prepare for your deposition? 13:28:28

A Yes. 13:28:30

Q And did looking -- well, do you remember which of those -- which ones you looked at today that you had seen before? 13:28:30

And I'm sorry. Let me rephrase that. 13:28:33

Do you remember which of the ones we looked at today you also looked at to prepare for your deposition today? 13:28:37

A Off the -- let me see. 13:28:39

Jamell Sanders. 13:28:39

Q Which -- can you just -- which exhibit 13:28:42 13:28:44 13:28:48 13:28:50 13:28:51 13:28:53 13:28:54 13:29:11 13:29:16

number? 13:29:20

A That's 15. 13:29:20

4. 13:29:34

Excuse me. 13:29:48

That's all I remember. 13:29:51

Q Did looking at Exhibit 4 or 15 refresh your recollection about any of the events described in those reports? 13:29:52 13:29:56 13:29:57

A No. 13:29:59

Q Did any of the documents you reviewed refresh your recollection? 13:30:00 13:30:02

A No. 13:30:03

Q Other than looking at some documents, did you do anything else to prepare for your deposition? 13:30:03 13:30:08 13:30:10

A Yes. 13:30:10

Q And what else did you do to prepare for your deposition? 13:30:12 13:30:15

A Consult with my attorneys. 13:30:15

Q And I don't want to -- I'm not going to ask you what you talked about with them, but how long did you meet with your attorneys for? 13:30:17 13:30:20 13:30:24

A Couple hours -- 13:30:25

Q Who was there? 13:30:26

A -- days. 13:30:26
Pardon me? 13:30:27
Q I'm sorry. I thought you were done. 13:30:27
A couple of hours? 13:30:29
A That we met. 13:30:30
Q And how many times? 13:30:31
A More than 10 times. 13:30:32
Q You met a couple of hours a time 10-plus 13:30:40
times to prepare for the deposition? 13:30:43
A No. We met a couple of hours over 13:30:44
10 times. 13:30:48
10 times over -- 13:30:50
Q A couple of hours total -- 13:30:52
A Right. 13:30:53
Q -- spread out over 10 meetings? 13:30:53
A 10 times, right. 13:30:56
Q I got it. 13:30:57
A Right. 13:30:58
Q And were you meeting with Mr. Palles and 13:30:59
Mr. Ravitz? 13:31:01
A Yes. 13:31:01
Q Were -- were anyone else -- was anyone 13:31:01
else present? 13:31:03
A No. 13:31:04

Q How frequently would you talk to Ronald Watts about framing people while you were a police officer? 13:31:05 13:31:38 13:31:39

MR. KOSOKO: Objection to the form of the question, argumentative. 13:31:40 13:31:42

MR. BAZAREK: Objection. 13:31:43

A Fifth Amendment. 13:31:43

Q Did you ever talk to Robert Gonzalez about framing people while you were a police officer? 13:31:52 13:31:54

MR. BAZAREK: Object to the form of the question, foundation. 13:31:56 13:31:58

MR. KOSOKO: Join. 13:32:00

MR. MICHALIK: Join. 13:32:01

MR. BAZAREK: Mischaracterizes the evidence in the record in this case. 13:32:02 13:32:03

A Fifth Amendment. 13:32:04

Q Did you ever talk to Manny Leano about framing people? 13:32:05 13:32:08

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:32:09 13:32:10 13:32:12

MR. MICHALIK: Join. 13:32:13

MR. KOSOKO: Join. 13:32:14

A Fifth Amendment. 13:32:15

Q Did you ever talk to Brian Bolton about framing people? 13:32:16 13:32:18

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:32:19 13:32:21 13:32:22

MR. MICHALIK: Join. 13:32:23

MR. KOSOKO: Join. 13:32:24

A Fifth Amendment. 13:32:24

Q Did you ever talk to he Al Jones about framing people? 13:32:25 13:32:27

MR. BAZAREK: Object to the form of the question, mischaracterizes the evidence in the record in this case. 13:32:27 13:32:29 13:32:31

MR. MICHALIK: Join. 13:32:32

MR. KOSOKO: Join. 13:32:33

A Fifth Amendment. 13:32:34

Q Did you ever talk to -- do you know who Darrell Edwards is? 13:32:35 13:32:37

A Yes. 13:32:38

Q Okay. Was Darrell Edwards part of Sergeant Watts' team? 13:32:39 13:32:41

A No. 13:32:42

Q Did you ever talk to Lamonica Lewis about framing people? 13:32:43 13:32:47

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:32:48 13:32:50 13:32:51

MR. KOSOKO: Join. 13:32:54

MR. MICHALIK: Join. 13:32:55

MR. SCHALKA: Join. 13:32:59

A Fifth Amendment. 13:32:57

Q Did you ever talk to Elsworth Smith about framing people? 13:32:59 13:33:01

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:33:02 13:33:03 13:33:04

MR. MICHALIK: Join. 13:33:08

MR. SCHALKA: Join. 13:33:08

MR. KOSOKO: Join. 13:33:08

A Fifth Amendment. 13:33:08

Q Do you know who Calvin Ridgell is? 13:33:08

A Yes. 13:33:10

Q Was he ever a member of Sergeant Watts' team? 13:33:11 13:33:12

A Yes. 13:33:12

Q Did you ever talk to Ridgell about framing people? 13:33:13 13:33:15

MR. BAZAREK: Object to the form of the 13:33:16

question, foundation, mischaracterizes the evidence in the record in this case. 13:33:17 13:33:18

MR. MICHALIK: Join. 13:33:21

MR. SCHALKA: Join. 13:33:21

MR. KOSOKO: Join. 13:33:22

A Fifth Amendment. 13:33:22

Q Did you ever talk to Jerome Summers about framing people? 13:33:24 13:33:27

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:33:27 13:33:28 13:33:30

MR. MICHALIK: Join. 13:33:32

MR. SCHALKA: Join. 13:33:32

MR. KOSOKO: Join. 13:33:33

A Fifth Amendment. 13:33:33

Q Did you ever talk to Kenneth Young about framing people? 13:33:34 13:33:37

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:33:38 13:33:39 13:33:41

MR. MICHALIK: Join. 13:33:41

MR. SCHALKA: Join. 13:33:41

MR. KOSOKO: Join. 13:33:45

A Fifth Amendment. 13:33:45

Q Now, all the people I just asked you about, did you ever talk to any of them about falsely arresting people, claiming those people had drugs when they didn't? 13:33:46 13:33:48 13:33:51 13:33:53

MR. BAZAREK: Object to the form of the question, foundation, compound, also mischaracterizes the evidence in the record in this case. 13:33:55 13:33:56 13:33:58 13:34:00

MR. MICHALIK: Join. 13:34:01

MR. SCHALKA: Join. 13:34:01

MR. KOSOKO: Join. 13:34:02

A Fifth Amendment. 13:34:02

Q Did Brian Bolton frame anybody? 13:34:04

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:34:11 13:34:12 13:34:14

MR. MICHALIK: Join. 13:34:16

MR. SCHALKA: Join. 13:34:16

MR. KOSOKO: Join. 13:34:16

MR. PALLES: Join. 13:34:16

A Fifth Amendment. 13:34:19

Q Did Darrell Edwards -- well, no, strike that. 13:34:20 13:34:23

Did Ronald Gonzalez frame anybody? 13:34:23

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the record and the evidence in this case. 13:34:25 13:34:27 13:34:28

MR. MICHALIK: Join. 13:34:29

MR. SCHALKA: Join. 13:34:29

MR. KOSOKO: Join. 13:34:29

MR. PALLES: Join. 13:34:29

A Fifth Amendment. 13:34:30

Q Did Alvin Jones frame anybody? 13:34:31

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:34:34 13:34:35 13:34:37

MR. MICHALIK: Join. 13:34:39

MR. SCHALKA: Join. 13:34:39

MR. KOSOKO: Join. 13:34:40

A Fifth Amendment. 13:34:40

Q Did Manny Leano frame anybody? 13:34:41

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:34:44 13:34:45 13:34:47

MR. MICHALIK: Join. 13:34:47

MR. SCHALKA: Join. 13:34:47

MR. KOSOKO: Join. 13:34:52

A Fifth Amendment. 13:34:52

Q Did Lamonica Lewis frame anybody? 13:34:53

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:34:55 13:34:56 13:34:58

MR. MICHALIK: Join. 13:35:00

MR. SCHALKA: Join. 13:35:00

MR. KOSOKO: Join. 13:35:01

A Fifth Amendment. 13:35:01

Q Did Douglas Nichols frame anybody? 13:35:03

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:35:06 13:35:07 13:35:08

MR. MICHALIK: Join. 13:35:10

MR. SCHALKA: Join. 13:35:10

MR. KOSOKO: Join. 13:35:12

A Fifth Amendment. 13:35:12

Q Did Calvin Ridgell ever frame anybody? 13:35:14

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:35:16 13:35:17 13:35:19

MR. MICHALIK: Join. 13:35:21

MR. SCHALKA: Join. 13:35:21

MR. KOSOKO: Join. 13:35:22

A Fifth Amendment. 13:35:22

Q Did Elsworth Smith frame anybody? 13:35:23

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:35:26 13:35:28 13:35:30

MR. MICHALIK: Join. 13:35:32

MR. SCHALKA: Join. 13:35:32

MR. KOSOKO: Join. 13:35:33

A Fifth Amendment. 13:35:33

Q Did Jerome Summers frame anybody? 13:35:35

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:35:39 13:35:41 13:35:44

MR. MICHALIK: Join. 13:35:44

MR. SCHALKA: Join. 13:35:44

MR. KOSOKO: Join. 13:35:45

A Fifth Amendment. 13:35:45

Q Did Ronald Watts frame anybody? 13:35:46

MR. KOSOKO: Objection to the form of the question, argumentative, foundation. 13:35:48 13:35:51

A Fifth Amendment. 13:35:54

Q Did Kenneth Young frame anybody? 13:35:55

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:35:57 13:35:59 13:36:00

MR. KOSOKO: Join. 13:36:03
MR. MICHALIK: Join. 13:36:05
MR. SCHALKA: Join. 13:36:05
A Fifth Amendment. 13:36:05
Q Do you have personal knowledge of any member of Sergeant Watts' team framing any civilians? 13:36:07 13:36:08 13:36:09
MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:36:10 13:36:11 13:36:13
MR. MICHALIK: Join. 13:36:15
MR. SCHALKA: Join. 13:36:15
MR. KOSOKO: Join. 13:36:16
A Fifth Amendment. 13:36:16
Q Tell me which of the team members from Sergeant Watts' team framed civilians. 13:36:17 13:36:20
MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:36:22 13:36:24 13:36:25
MR. MICHALIK: Join. 13:36:26
MR. SCHALKA: Join. 13:36:26
MR. KOSOKO: Join. 13:36:28
A Fifth Amendment. 13:36:28
Q Did any members of Sergeant Watts' team 13:36:29

not participate in framing civilians? 13:36:31

MR. BAZAREK: Object -- object to the form 13:36:33

of the question, foundation, mischaracterizes the 13:36:35

evidence in the record in this case. 13:36:36

MR. MICHALIK: Join. 13:36:38

MR. SCHALKA: Join. 13:36:38

MR. KOSOKO: Join. 13:36:40

A Fifth Amendment. 13:36:40

BY MR. RAUSCHER: 13:36:40

Q Do you know who Phillip Thomas is? 13:36:40

A No. 13:36:44

Q All right. 13:36:45

MR. RAUSCHER: Are we on 20? 13:37:00

I'm going to mark Exhibit 20 DO-Joint 007386 13:37:01

to 7390. 13:37:07

(Mohammed Deposition Exhibit 20 marked for 13:37:13

identification and attached to the transcript.) 13:37:15

Q Have you had a chance to review this 13:37:15

report? 13:38:03

A Yes. 13:38:04

Q This is a report documenting the arrest of 13:38:04

Phillip Thomas on May 14th, 2007? 13:38:08

A Yes. 13:38:10

Q And you participated in that arrest? 13:38:11

A Yes. 13:38:12

Q Looking at Mr. Thomas' picture on the front of this report, does that refresh your recollection as to Mr. Thomas? 13:38:13 13:38:16 13:38:19

A No, it doesn't. 13:38:21

Q Was there anyone in Ida B. Wells known by nicknames like Candy Man or Candy Lady? 13:38:22 13:38:25

Does that sound familiar to you? 13:38:29

A Candy Man? Not -- not really, no. 13:38:31

Q What about Candy Lady? The Candy Lady? 13:38:34

A Candy Lady? No. 13:38:37

Q Were there people in Ida B. Wells who sold food to -- and candy to make extra money? 13:38:39 13:38:42

A Yes. 13:38:44

Q And do you know who any of those people were? 13:38:45 13:38:46

A No. 13:38:47

Q Do you know if Phillip Thomas was one of those people? 13:38:48 13:38:50

A No. 13:38:50

Q Would you have arrested somebody for selling food? 13:38:51 13:38:52

A No. 13:38:53

Q Would you have -- well -- okay. 13:38:53

Is anything in this report about the arrest of Phillip Thomas true? 13:39:03 13:39:05

MR. BAZAREK: Object to the form of the question, foundation. 13:39:07 13:39:08

MR. MICHALIK: Join. 13:39:11

MR. KOSOKO: Join. 13:39:12

A Fifth Amendment. 13:39:13

Q Was Phillip Thomas -- did Phillip Thomas have drugs in his possession on May 14, 2007? 13:39:14 13:39:17

A Fifth Amendment. 13:39:21

MR. BAZAREK: Object to the form of the question, foundation. 13:39:21 13:39:22

MR. MICHALIK: Join. 13:39:23

MR. KOSOKO: Join. 13:39:24

THE COURT REPORTER: I'm sorry. I didn't hear an answer. 13:39:24 13:39:25

THE WITNESS: Oh. "Fifth Amendment." 13:39:25

THE COURT REPORTER: Thank you. 13:39:30

BY MR. RAUSCHER: 13:39:31

Q Were four bags of drugs seized from Phillip Thomas on May 14, 2007? 13:39:32 13:39:34

MR. BAZAREK: Object to the form of the question, foundation. 13:39:37 13:39:38

MR. MICHALIK: Join. 13:39:39

MR. KOSOKO: Join. 13:39:40

A Fifth Amendment. 13:39:41

Q Phillip Thomas did not have drugs on him on May 14th, 2007? 13:39:42 13:39:45

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:39:47 13:39:49 13:39:51

MR. MICHALIK: Join. 13:39:54

MR. SCHALKA: Join. 13:39:54

MR. KOSOKO: Join. 13:39:54

A Fifth Amendment. 13:39:54

Q You participated in falsely arresting Phillip Thomas even though he had no drugs in his possession and was doing nothing illegal on May 14, 2007? 13:39:55 13:39:58 13:40:00 13:40:03

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:40:04 13:40:05 13:40:07

MR. MICHALIK: Join. 13:40:10

MR. SCHALKA: Join. 13:40:10

MR. KOSOKO: Join. 13:40:11

A Fifth Amendment. 13:40:11

Q Did you ever steal food from Phillip Thomas? 13:40:12 13:40:14

A Fifth Amendment. 13:40:15

Q Did you ever steal any money that 13:40:18

Mr. Thomas had earned from selling food? 13:40:21

A Fifth Amendment. 13:40:22

Q When Phillip Thomas was arrested on 13:40:24

May 14, 2007, you knew he had not done anything 13:40:48

wrong? 13:40:50

MR. BAZAREK: Object to the form of the 13:40:50

question, foundation, mischaracterizes the 13:40:51

evidence in the record in this case. 13:40:53

MR. MICHALIK: Join. 13:40:56

MR. SCHALKA: Join. 13:40:56

MR. KOSOKO: Join. 13:40:57

A Fifth Amendment. 13:40:57

Q The narrative in this arrest report that 13:40:57

we just looked at describing Phillip Thomas having 13:41:09

drugs is false? 13:41:12

MR. BAZAREK: Object to the form of the 13:41:14

question, foundation, mischaracterizes the 13:41:15

evidence in the record in this case. 13:41:17

MR. MICHALIK: Join. 13:41:20

MR. SCHALKA: Join. 13:41:21

A Fifth Amendment. 13:41:22

MR. RAUSCHER: I'm going to mark 13:41:33

Exhibit 21 DO-Joint 007392 to 7393. 13:41:34

(Mohammed Deposition Exhibit 21 marked for identification and attached to the transcript.) 13:42:05 13:42:06

Q Have you had a chance to review this report? 13:42:06 13:42:31

A Yes. 13:42:32

Q And this is another report documenting the arrest of Phillip Thomas? 13:42:32 13:42:35

A Yes. 13:42:36

Q Do you know who wrote the signatures in on this report? 13:42:42 13:42:47

A No. 13:42:47

Q This is another false report documenting Phillip Thomas' arrest? 13:42:48 13:42:54

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:42:55 13:42:56 13:42:58

MR. MICHALIK: Join. 13:43:02

MR. KOSOKO: Join. 13:43:02

A Fifth Amendment. 13:43:03

Q Is the narrative in this report true? 13:43:04

MR. BAZAREK: Object to the form of the question, foundation. 13:43:06 13:43:07

MR. MICHALIK: Join. 13:43:08

MR. KOSOKO: Join. 13:43:09

A Fifth Amendment. 13:43:10

Q Do you know anyone named Lionel White? 13:43:11

A Lionel White? 13:43:32

I don't -- I don't recall. 13:43:36

Q Jr. or Sr.? 13:43:37

A Sr. -- if you've got a picture or something -- 13:43:39 13:43:42

Q Did you ever arrest someone because their dad filed a complaint against any members of your team? 13:43:44 13:43:56 13:43:57

A Take the Fifth. 13:43:58

MR. RAUSCHER: I'm going to mark Exhibit 22, DO-Joint 7439 to 7443. 13:44:01 13:44:02

(Mohammed Deposition Exhibit 22 marked for identification and attached to the transcript.) 13:44:15 13:44:17

Q Do you recognize the person who's shown on the front of this? 13:44:17 13:45:00

A No. No. 13:45:05

Q This is a report documenting the arrest of Lionel White on July 23rd, 2006? 13:45:07 13:45:08

A Yes. That's what it says. 13:45:13

MR. RAUSCHER: And for our record, because there's a White, Jr., and White, Sr., this is 13:45:15 13:45:18

White, Jr. 13:45:20

Q You're listed as the attesting officer? 13:45:23

A Yes. 13:45:25

Q And under "Attesting Officer" it says, 13:45:26

"I hereby declare and affirm, under penalty of 13:45:30

perjury, that the facts stated herein are accurate 13:45:34

to the best of my knowledge, information, and/or 13:45:36

belief"; correct? 13:45:38

A Yes. 13:45:40

Q What information, knowledge, and/or belief 13:45:40

did you have that any of the facts in the incident 13:45:47

were true? 13:45:48

A Take the Fifth. 13:45:49

Q In fact, the narrative is completely 13:45:50

false? 13:45:54

MR. BAZAREK: Object to the form of the 13:45:54

question, foundation, mischaracterizes the 13:45:56

evidence in the record in this case. 13:45:58

MR. MICHALIK: Join. 13:46:01

MR. SCHALKA: Join. 13:46:01

MR. KOSOKO: Join. 13:46:02

A Take the Fifth. 13:46:02

Q Did you knowingly sign -- did you 13:46:03

knowingly sign a false report? 13:46:05

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:46:07 13:46:09 13:46:12

MR. MICHALIK: Join. 13:46:14

MR. SCHALKA: Join. 13:46:14

MR. KOSOKO: Join. 13:46:16

A Take the Fifth. 13:46:16

Q Did you know that you were going to be listed as the attesting officer in this report? 13:46:16 13:46:19

A Take the Fifth. 13:46:21

Q Did you have to review this report before you were listed as the attesting officer? 13:46:23 13:46:28

A Take the Fifth. 13:46:30

Q The narrative says that Lionel White was observed receiving money from a suspect now known as Southern, Larry, and he gave the subject, Larry Southern, a small Ziploc Baggie with white powder, suspect heroin, to exchange for that money. 13:46:30 13:46:41 13:46:44 13:46:53 13:46:59

That's not true, is it? 13:47:01

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:47:03 13:47:04 13:47:05

MR. MICHALIK: Join. 13:47:08

MR. KOSOKO: Join. 13:47:08

A Fifth Amendment. 13:47:09

Q Lionel White was not selling drugs when he was arrested on July 23, 2006? 13:47:10 13:47:17

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the record and the evidence in this case. 13:47:21 13:47:22 13:47:24

A Fifth Amendment. 13:47:27

MR. MICHALIK: Join. 13:47:27

MR. SCHALKA: Join. 13:47:27

MR. KOSOKO: Join. 13:47:28

Q And when you agreed to be the attesting officer, saying that Lionel White was arrested for selling drugs, you knew that to be false? 13:47:28 13:47:30 13:47:34

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:47:36 13:47:37 13:47:39

MR. MICHALIK: Join. 13:47:41

MR. SCHALKA: Join. 13:47:41

MR. KOSOKO: Join. 13:47:42

A Fifth Amendment. 13:47:42

Q Was any suspected narcotics money taken from Lionel White? 13:47:43 13:47:47

A Fifth Amendment. 13:47:49

Q Lionel White was arrested without cause on 13:47:59

July 23rd, 2006? 13:48:02

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:48:04 13:48:05 13:48:07

MR. MICHALIK: Join. 13:48:12

MR. SCHALKA: Join. 13:48:12

MR. KOSOKO: Join. 13:48:14

A Fifth Amendment. 13:48:14

Q Is it true, as stated in this report, that 53 Ziploc Baggies with suspect heroin were recovered from Lionel White on July 23rd, 2006? 13:48:15 13:48:19 13:48:22

MR. BAZAREK: Object to the form of the question, foundation. 13:48:25 13:48:26

MR. MICHALIK: Join. 13:48:29

MR. KOSOKO: Join. 13:48:30

A Fifth Amendment. 13:48:31

Q No suspect heroin was found on Lionel White on July 23rd, 2006? 13:48:33 13:48:35

MR. BAZAREK: Object to the form of the question, foundation, mischaracterizes the evidence in the record in this case. 13:48:37 13:48:38 13:48:40

MR. MICHALIK: Join. 13:48:42

MR. SCHALKA: Join. 13:48:43

A Fifth Amendment. 13:48:43

MR. KOSOKO: Join. 13:48:48

MR. RAUSCHER: I'm going to mark 13:49:05
Exhibit 23 as DO-Joint 7471. 13:49:06

(Mohammed Deposition Exhibit 23 marked for 13:49:19
identification and attached to the transcript.) 13:49:21

Q This is an inventory report documenting 13:49:21
drugs allegedly recovered from Lionel White on 13:49:50
July 23, 2006. 13:49:54

A Yes. 13:49:58

Q And as the attesting officer on the report 13:49:59
of his arrest, you know that this is a false 13:50:02
report; right? 13:50:04

MR. BAZAREK: Object to the form of the 13:50:05
question, foundation, mischaracterizes the 13:50:06
evidence in the record in this case. 13:50:08

MR. MICHALIK: Join. 13:50:11

MR. KOSOKO: Join. 13:50:12

MR. PALLES: Join. 13:50:12

A Fifth Amendment. 13:50:13

Q And you know that 53 Ziploc Baggies 13:50:14
containing a white -- a white powder substance, 13:50:18
suspect heroin, were not recovered from Lionel 13:50:21
White on July 23rd, 2006? 13:50:23

MR. BAZAREK: Object to the form of the 13:50:25

question, foundation, mischaracterizes the evidence in the record in this case. 13:50:25 13:50:26

MR. MICHALIK: Join. 13:50:29

MR. SCHALKA: Join. 13:50:29

MR. KOSOKO: Join. 13:50:30

A Fifth Amendment. 13:50:30

Q Did you hear Lionel White tell Sergeant Watts on July 23rd, 2006, that White didn't have any drugs on him? 13:50:37 13:50:48 13:50:51

MR. BAZAREK: Object to the form of the question, foundation. 13:50:52 13:50:53

MR. KOSOKO: Join. 13:50:54

A Fifth Amendment. 13:50:55

Q You -- you never saw anybody recover drugs from Lionel White? 13:50:56 13:51:03

MR. BAZAREK: Object to the form of the question, foundation. 13:51:04 13:51:05

MR. KOSOKO: Join. 13:51:06

A Fifth Amendment. 13:51:07

MR. RAUSCHER: Do you guys want to take another break and figure out where we're -- 13:51:16 13:51:17

MR. PALLES: Yeah. Yeah, let's do that. 13:51:19

THE VIDEOGRAPHER: Off the record, 1:51. 13:51:21

///

(A recess was taken from 1:51 p.m. to 1:56 p.m.) 13:51:24

THE VIDEOGRAPHER: This concludes Day 1 of the video deposition of Kallatt Mohammed. We will reconvene on Thursday. 13:56:25

(A recess was taken from 1:56 p.m. to 1:59 p.m.) 13:56:29

(Mohammed Deposition Exhibit 24 marked for identification and attached to the transcript.) 13:56:29

THE VIDEOGRAPHER: We're briefly back on the record at 1:59 on Monday. 13:58:41

MR. RAUSCHER: And we are going back on the record just to mark as Exhibit 24 the piece of paper that Mr. Mohammed was reading from to invoke his Fifth Amendment rights. 13:58:51

MR. FLAXMAN: Is that agreed by other counsel? 13:59:02

Do you want him to sit down and we can question him about it? 13:59:07

MR. RAVITZ: What's that? 13:59:10

MR. FLAXMAN: I just want it on the record that this is -- 13:59:11

MR. RAVITZ: You've put it on the record. If I make an objection, I'll make an objection. 13:59:10

MR. FLAXMAN: Do you agree to what he just said that that was? 13:59:18 13:59:19

MR. RAVITZ: Yes, I agree that's what it is. 13:59:20 13:59:22

MR. FLAXMAN: Thank you. 13:59:22

THE VIDEOGRAPHER: This concludes Day 1 of the deposition of Kallatt Mohammed. The time is two o'clock. 13:59:23 13:59:25 13:59:27

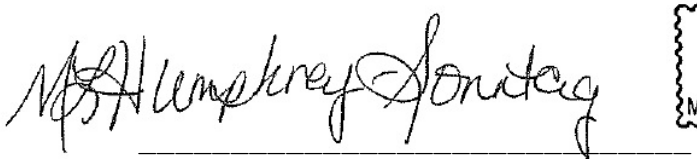
(Off the record at 2:00 p.m.) 13:59:29

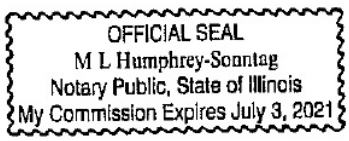
CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of December, 2019.

My commission expires July 3, 2021.





MELANIE L. HUMPHREY-SONNTAG

NOTARY PUBLIC IN AND FOR ILLINOIS

EXHIBIT 27

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

BEN BAKER and CLARISSA GLENN, Plaintiffs v. CITY OF CHICAGO, *et al.* Defendants.	)	Case No. 16-cv-8940 Judge Franklin U. Valderrama Magistrate Judge Sheila Finnegan JURY TRIAL DEMANDED

AFFIDAVIT OF JOSHUA TEPFER

I, Joshua Tepfer, being first duly sworn and under penalty of perjury, swear and state as follows:

1. I am an attorney licensed to practice in the State of Illinois. I am one of the counsel for both Plaintiffs in this lawsuit as part of my work with Loevy & Loevy.

2. I also have a *pro bono* practice with the Exoneration Project, and I began representing Plaintiffs Ben Baker and Clarissa Glenn in 2015 as part of that practice. My representation included efforts or assisting in efforts to vacate their convictions stemming from arrests on March 23, 2005 and/or December 11, 2005. Also through my work with the Exoneration Project, after their convictions were vacated, I also represented them on their efforts to receive certificates of innocence related to those vacated convictions.

3. Baker's March 23, 2005 conviction was vacated on January 14, 2016. He received a certificate of innocence related to that case on February 22, 2016. Both Baker and Glenn's convictions related to their December 11, 2005 arrests were vacated on March 23, 2016. Both subsequently received certificates of innocence for those convictions.

4. Through my work, I am aware that over 180 individuals have had either criminal felony convictions or juvenile adjudications vacated that involve drug or gun arrests effectuated by Watts or other Defendants in this lawsuit. Many of those individuals have had multiple convictions or adjudications vacated. Accordingly, there are well over 230 convictions or adjudications vacated. Almost every one of those individuals have filed a federal or state lawsuit related to the overturned conviction or adjudication.

5. As to the felony convictions, with the exception of two individuals, each and every one of the individuals have received certificates of innocence for their vacated convictions. The certificate of innocence for these two individuals are currently pending in the Circuit Court of Cook County, as their convictions were vacated recently. As far as the juvenile adjudications vacated, which number five in total, the Circuit Court and then the First

District Appellate Court denied their petitions solely on the legal grounds that the statute permits relief only for overturned felony convictions, not juvenile adjudications.

6. Amongst the over 180 individuals that have had convictions overturned, over 40 involve individuals who were arrested prior to Baker's June 2006 conviction for the March 2005 arrest.

Joshua Tepfer

SUBSCRIBED AND SWORN TO BEFORE ME

This 16 day of October, 2024.

SHAMEESHA PRYOR
Official Seal
Notary Public - State of Illinois
My Commission Expires Aug 3, 2026

NOTARY PUBLIC