

Exhibit 3

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 MASTER DOCKET CASE NO. 19-CV-01717
5 JUDGE FRANKLIN U. VALDERRAMA
6 MAGISTRATE JUDGE SHEILA M. FINNEGAN

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9 IN RE: WATTS COORDINATED
10 PRETRIAL PROCEEDINGS
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23 DEPONENT: KALLATT MOHAMMED
24 DATE: NOVEMBER 15, 2023
25 REPORTER: TALIA JACKSON

Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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502.584.0119 Fax
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APPEARANCES

ON BEHALF OF THE LOEVY PLAINTIFFS:

Josh Tepfer, Esquire

Loevy & Loevy

311 North Aberdeen Street

Third Floor

Chicago, Illinois 60607

Telephone No.: (312) 243-5900

E-mail: josh@loevy.com

ON BEHALF OF THE FLAXMAN PLAINTIFFS:

Kenneth N. Flaxman, Esquire

Kenneth N. Flaxman P.C.

200 South Michigan Avenue

Suite 201

Chicago, Illinois 60604

Telephone No.: (312) 427-3200

(Appeared via videoconference)

Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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502.584.0119 Fax
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3

APPEARANCES (CONTINUED)

ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:

Eric S. Palles, Esquire

Mohan Groble Scolaro

55 West Monroe

Suite 1600

Chicago, Illinois 60603

Telephone No.: (312) 422-5534

E-mail: epalles@mohangroble.com

ON BEHALF OF THE DEFENDANT, RONALD WATTS:

Brian Gainer, Esquire

Johnson & Bell, Ltd.

33 West Monroe Street

Suite 2700

Chicago, Illinois 60603

Telephone No.: (312) 984-0236

E-mail: gainerb@jbltd.com

(Appeared via videoconference)

Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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502.584.0119 Fax
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1 APPEARANCES (CONTINUED)

2
3 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED
4 BY HALE AND MONICO:

5 William E. Bazarek, Esquire

6 Hale & Monico

7 53 West Jackson Boulevard

8 Suite 334

9 Chicago, Illinois 60604

10 Telephone No.: (312) 341-9646

11 E-mail: web@halemonico.com

12 (Appeared via videoconference)

13
14 ON BEHALF OF THE DEFENDANT, CALVIN RIDGELL:

15 Steve Borkan, Esquire

16 Borkan & Scahill, Ltd.

17 Two First National Plaza

18 20 South Clark Street

19 Suite 1700

20 Chicago, Illinois 60603

21 Telephone No.: (312) 580-1030

22 E-mail: sborkanscahill.com

23 (Appeared via videoconference)

24
25
Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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502.584.0119 Fax
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1 APPEARANCES (CONTINUED)

2 ON BEHALF OF THE DEFENDANTS, MICHAEL SPAARGAREN AND
3 MATTHEW CADMAN:

4 James V. Daffada, Esquire
5 Leinenweber Baroni & Daffada LLC
6 1150 Wilmette Avenue
7 Suite D
8 Wilmette, Illinois 60091
9 Telephone No.: (847) 251-4091

10 E-mail: jim@ilesq.com
11 (Appeared via videoconference)

12
13 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO
14 SUPERVISORY OFFICERS:

15 Dhaviella Harris, Esquire
16 Reiter Burns LLP
17 311 South Wacker Drive
18 Suite 5200
19 Chicago, Illinois, 60606
20 Telephone No.: (312) 782-8930
21 E-mail: dharris@reiterburns.com
22 (Appeared via videoconference)

23
24
25
Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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APPEARANCES (CONTINUED)

Also Present:

Krystal Barnes, Videographer; Lo Ramanujam, Paralegal
at Hale & Monico

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7

INDEX

	Page
PROCEEDINGS	11
DIRECT EXAMINATION BY MR. TEPFER	12
CROSS-EXAMINATION BY MR. BAZAREK	134
EXAMINATION BY MS. HARRIS	144
REDIRECT EXAMINATION BY MR. TEPFER	147

EXHIBITS

Exhibit	Page
1 - Vice Case Report Concerning Ben Baker	
CITY-BG-00021-22	30
2 - Supplemental Report Concerning Ben Baker	
CITY-BG-00019	33
3 - Vice Case Report Of Clarissa Glenn	
CITY-BG-00029	42
4 - Mugshot Of Clarissa Glenn CITY-BG-025018	48
5 - Mugshot Of Ben Baker DO-JOINT 048313	48
6 - Arrest Report Of Larry Pulley CITY-BG-056721	49
7 - Arrest Report Of Michael Henderson	
CITY-BG-056716	49
8 - Arrest Report Of Laurence Little	
CITY-BG-056711	49
9 - Arrest Report Of Louis Moore CITY-BG-056706	49
10 - Arret Report Of Willie Robinson CITY-BG-056701	49

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EXHIBITS (CONTINUED)

Exhibit	Page
11 - Arrest Report Of Chauncey Ali DO-JOINT 031268	57
12 - Mugshot OF Stefon Harrison DO-JOINT 041059	59
13 - Vice Case Report Concerning Stefon Harrison DO-JOINT 037201	60
14 - Vice Case Report Concerning HENRY THOMAS DO-JOINT 031259	63
15 - Mugshot Of Henry Thomas DO-JOINT 007380	66
16 - Arrest Report Of Henry Thomas CITY-BG-032862	67
17 - Collection Of Photographs CITY-LW-000066	70
18 - Vice Case Report Concerning Lionel White CITY-LW-000030	71
19 - Vice Case Report Concerning George Green CITY-LW-000127	74
20 - Vice Case Report Concerning Teresa Butler CITY-LW-000121	74
21 - Vice Case Report Concerning John Pierce CITY-LW-000113	74
22 - Vice Case Report Concerning Dale Morrow CITY-LW-000125	74
23 - Vice Case Report Concerning Cleothus Morris CITY-LW-000111	75
24 - Vice Case Report Concerning Lynn Howard CITY-LW-000119	75

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9

EXHIBITS (CONTINUED)

Exhibit	Page
25 - Vice Case Report Concerning Charles Riley	
CITY-LW-000123	75
26 - Vice Case Report Concerning Lorener Williams	
CITY-LW-000117	75
27 - Mugshot CITY-BG-051681	82
28 - Mugshot CITY-BG-052081	100
29 - Clifford Roberts Mugshot DO-JOINT 048319	101
30 - Vice Case Report Concerning Bobby Coleman	
CITY-BG-052039	103
31 - Suppression Hearing Transcript PL JOINT	
41368-41377	105
32 - George Ollie Mugshot CITY-BG-052230	128

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STIPULATION

The VIDEO deposition of KALLATT MOHAMMED was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS 60607 on WEDNESDAY the 15TH day of NOVEMBER 2023 at 10:02 a.m. CT; said deposition was taken pursuant to the UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION Rules of Civil Procedure.

It is agreed that KRYSTAL BARNES, being a Notary Public and Digital Reporter, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

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11

1 PROCEEDINGS

2 THE VIDEOGRAPHER: My name is Krystal Barnes.
3 I'm the videographer for today and Talia Jackson is
4 the court reporter. Today is the 15th day of
5 November 2023, and the time is 10:02 a.m. Central
6 Time. We're at the offices of Loevy & Loevy, to
7 take the deposition of Kallatt Mohammed, in the
8 matter of the Watts Coordinated Pretrial
9 Proceedings, pending in the United States District
10 Court for the Northern District of Illinois, the
11 Eastern Division, Master Docket Case Number
12 19-CV-01717. Will the counsel please identify
13 themselves for the record?

14 MR. TEPFER: My name is Josh Tepfer, I
15 represent the Loevy plaintiffs.

16 MR. FLAXMAN: I am Kenneth Flaxman and I
17 represent the Flaxman plaintiffs.

18 MR. PALLES: Eric Palles for Kallatt Mohammed.

19 MR. GAINER: Brian Gainer for Ronald Watts.

20 MR. BAZAREK: William E. Bazarek for the
21 individual defendants represented by Hale & Monico.

22 MR. DAFFADA: Jim Daffada --

23 MR. BORKAN: Steve Borkan for Calvin Ridgell.

24 MR. DAFFADA: Jim Daffada for Matt Cadman and
25 Mick [sic] Spaargaren.

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12

1 MS. HARRIS: Dhaviella Harris for the City of
2 Chicago and Supervisory Officers.

3 THE VIDEOGRAPHER: All right. Sir, can you
4 raise your right hand for me, please? Do you
5 solemnly swear or affirm that the testimony you're
6 about to give will be the truth, the whole truth,
7 and nothing but the truth?

8 THE WITNESS: I do.

9 THE VIDEOGRAPHER: You may begin.

10 DIRECT EXAMINATION

11 BY MR. TEPFER:

12 Q. Please state and spell your name.

13 A. K-A-L-L-A-T-T. Last name is, M-O-H-A-M-M-E-D.

14 Q. Okay. You understood that oath that she just
15 gave you?

16 A. Yes.

17 Q. Okay. You're prepared to testify truthfully
18 today?

19 A. Yes.

20 Q. Nothing -- no medication or anything along
21 those lines that would prohibit you from telling the
22 truth?

23 A. No.

24 Q. When's the last time you were deposed in these
25 matters?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

13

1 A. I -- I guess it might have been about a year
2 ago, maybe.

3 Q. Okay. Do you remember meeting me?

4 A. Yeah.

5 Q. Okay. When was that?

6 A. I believe it was in -- in here or somewhere
7 ELSE -- I -- I don't too much remember.

8 Q. Do you --

9 MR. PALLES: You got to speak up, Kallatt.

10 THE WITNESS: Oh, I don't too much remember.

11 BY MR. TEPFER:

12 Q. Okay. Do you remember meeting me before you
13 were ever a defendant in any lawsuit?

14 A. I remember was -- if it was you and a bigger
15 guy came by my house?

16 Q. Okay.

17 A. Yeah. Okay.

18 Q. Okay. And did we talk -- you let us in?

19 A. Yes.

20 Q. Okay. What did we talk about?

21 A. I don't remember.

22 Q. You don't remember anything --

23 A. -- I don't --

24 Q. -- we talked about?

25 A. -- no. I don't -- I don't remember --

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14

1 Q. Okay.

2 A. -- what we talked about.

3 Q. Did I pressure you in any way to talk to me?

4 A. I don't -- I don't think so.

5 Q. Okay. Did the bigger guy who was with me
6 pressure you to talk to you -- us in any way?

7 A. I don't believe so.

8 Q. Okay. Do you remember talking to me about
9 Alvin Jones?

10 A. I believe I said something about Alvin Jones.
11 What I said, I don't remember.

12 Q. Okay.

13 A. Yeah.

14 Q. But you do remember saying something about
15 Alvin Jones?

16 A. Yes.

17 Q. Okay. Did you say that he was the one who was
18 engaged in the misconduct with Watts, primarily?

19 A. Yes.

20 Q. Okay. What do you mean by that?

21 A. I can't -- well, whatever -- you know at the
22 time, whatever it was that they were doing, him and
23 Watts were always together, so...

24 Q. Okay.

25 A. That's all I can remember. That they was

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15

1 together.

2 Q. Okay. And they were together engaging in
3 criminal misconduct?

4 A. I don't know about that, but they were
5 together.

6 Q. Okay. But you told me that he was the one who
7 was -- Jones was the one, not you, who were engaging in
8 criminal misconduct with Watts, correct?

9 A. Right, that might -- yeah, but what --

10 MR. BAZAREK: Object to the -- object to the
11 form of the question. Foundation, compound, vague,
12 ambiguous.

13 BY MR. TEPFER:

14 Q. That's what you told me, correct?

15 MR. BAZAREK: Objection. Same objection.

16 BY MR. TEPFER:

17 Q. You can answer.

18 A. Yes.

19 Q. Okay. And so what was your basis for saying
20 that?

21 MR. BAZAREK: Object to foundation. Form of
22 the question.

23 BY MR. TEPFER:

24 Q. You can answer.

25 A. Because of my situation.

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1 Q. I don't know what that --

2 A. Well, that situation was me being accused of
3 something.

4 Q. Okay. So what was your basis for saying that
5 Alvin Jones was engaged in misconduct with Ronald Watts?

6 A. Because he was --

7 MR. BAZAREK: Object to the form. Object --
8 you got to let me make my objections. Object to the
9 form of the question. Vague, ambiguous, lacking
10 foundation.

11 MR. GAINER: Now, this is Brian Gainer. I'll
12 object because that was asked and answered just a
13 moment ago. Go ahead.

14 BY MR. TEPFER:

15 Q. You can answer.

16 A. What was the question again?

17 MR. TEPFER: Can you repeat the question
18 please?

19 THE REPORTER: Of course. One moment.

20 (REPORTER PLAYS BACK REQUESTED QUESTION)

21 MR. BAZAREK: Object to the form of the
22 question.

23 BY MR. TEPFER:

24 Q. You can answer.

25 A. Because he was the one that was always with

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1 Alvin Jones -- I mean with Watts.

2 Q. Okay. Did you ever see Alvin Jones engage in
3 misconduct?

4 A. No.

5 Q. Did you ever see Ronald Watts engage in
6 misconduct?

7 A. No.

8 Q. Is there any other basis, besides the fact
9 that they were always together, that caused you to make
10 that comment to me?

11 MR. BAZAREK: Object to the form of the
12 question. Foundation.

13 THE WITNESS: What was the question again?

14 MR. TEPFER: Can you repeat the question?

15 (REPORTER PLAYS BACK REQUESTED QUESTION)

16 THE WITNESS: None, other --

17 MR. BAZAREK: Object to the form of the
18 question. Vague, ambiguous, lacking foundation.

19 THE WITNESS: None, other than they were always
20 together.

21 BY MR. TEPFER:

22 Q. Okay. What do you mean they were always
23 together?

24 A. They were together, you know. They rode
25 together all the time.

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18

1 Q. During their time at Chicago -- there --
2 during their time as officers or sergeants with the
3 Chicago Police Department?

4 A. At the time that they were working in the Ida
5 B. Wells.

6 Q. Okay. How long were you working with Alvin
7 Jones and Ronald Watts during the time that they were
8 working in Ida B. Wells?

9 A. It had to be more than two years. I'm not
10 specific on what -- how many years.

11 Q. Okay. Do you know what year you started
12 working with Al Jones and Ronald Watts in the Ida B.
13 Wells?

14 A. No, I don't.

15 Q. Okay. Do you know what two-year period or
16 more we're talking about?

17 A. Let's see. I don't have the -- I can't
18 remember. It had to be about -- this is not a specific
19 answer, but after '05, I believe it was.

20 Q. Okay. So you did not -- you said it's not a
21 specific answer, but you don't believe that you worked
22 with Al Jones or Ronald Watts together in Ida B. Wells
23 before 2005?

24 A. Right. I came on the team later.

25 Q. Okay. So regardless of the period, for the

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

19

1 two-year time period that you were working in Ida B.
2 Wells with Kallatt Mohammed and Alvin Jones, that's the
3 --

4 MR. PALLES: You said he was working with
5 Kallatt Mohammed.

6 BY MR. TEPFER:

7 Q. I'm sorry. Strike that. During the two-year
8 or more period that you were working with Alvin Jones
9 and Ronald Watts in Ida B. Wells, that's the time period
10 you're talking about where they, meaning Alvin Jones and
11 Ronald Watts, were always together?

12 A. Yes, and thereafter.

13 Q. And thereafter?

14 A. Uh-huh.

15 Q. Okay. So even after that two-year time
16 period?

17 A. Uh-huh.

18 Q. Okay. How do you know they were always
19 together even after that two year time period when you
20 weren't working with them?

21 A. I used to see them.

22 Q. Where would you see them?

23 A. At work together.

24 Q. Okay. At Ida B. Wells, or a different place?

25 A. Ida B. Wells.

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1 Q. Okay. So there's the two-year period you
2 would see them at Ida B. Wells, but then you weren't
3 there anymore, but you would still see them together. Is
4 that what you're saying?

5 A. No, I was there.

6 Q. Okay.

7 A. I didn't ride with them.

8 Q. Okay. Did you ride with them for some period?

9 A. I had a partner.

10 Q. Did you ever ride with Jones and Watts?

11 A. Yes.

12 Q. Okay. And that was during the two-year
13 period?

14 A. Yes.

15 Q. Okay. And then after that, you had a partner?

16 A. Yes.

17 Q. Who was that partner?

18 A. I always had a partner.

19 Q. Okay.

20 A. But when a partner's not there, then you can
21 get in the car with somebody.

22 Q. Okay.

23 A. Uh-huh.

24 Q. Who was your partner?

25 A. Darryl Edwards. I had -- let me see, Lamonica

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21

1 Lewis, and sometimes me and Elsworth rode together.

2 Q. That's Elsworth Smith?

3 A. Yes. Elsworth Smith.

4 Q. Okay. And during the time period when you
5 were partners with these other three individuals, you
6 would see Watts and Jones always be together; is that
7 your testimony?

8 A. Yes.

9 MR. BAZAREK: Object to the form of the
10 question. Foundation.

11 BY MR. TEPFER:

12 Q. When I asked you if you ever witnessed
13 misconduct from Jones and Mohammed, do you remember --
14 between Jones and Watts. Do you remember that?

15 A. Yes.

16 Q. Okay. What does misconduct mean to you?

17 A. Doing something wrong.

18 Q. Okay. When I say misconduct, I'm meaning
19 violating a criminal law. Did you ever witness them
20 violate a criminal law?

21 MR. PALLES: Objection. This is beyond the
22 scope of what we agreed we were going to talk to
23 today -- talk about today, Josh, which are the test
24 cases and your interview with him.

25 MR. TEPFER: Okay. I think it's continuous of

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1 what our interview was talking about, so I think
2 it's consistent with that.

3 MR. PALLES: Okay. Well --

4 THE WITNESS: On the advice of my attorney --

5 MR. PALLES: You -- well, yes. What?

6 THE WITNESS: Oh, I'm going to take the Fifth.

7 BY MR. TEPFER:

8 Q. Okay. So you're going to take the -- and
9 you're taking the Fifth because answering that question
10 would subject you to prosecution, potentially?

11 MR. PALLES: Objection. Calls for attorney-
12 client privilege. Instruct him not to answer.

13 MR. TEPFER: You're instructing him not to
14 answer what -- why he's taking the Fifth?

15 MR. PALLES: Correct.

16 BY MR. TEPFER:

17 Q. Okay. And are you taking your attorney's
18 advice not to answer my question?

19 A. Yes.

20 Q. Okay. One more question before we get to the
21 cases. Have you been contacted by any federal
22 investigators?

23 A. Yes.

24 Q. Who?

25 A. I don't remember their names.

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1 Q. When?

2 A. I think it was in -- it might have been
3 November.

4 Q. Of this year?

5 A. Last -- last year, I believe it was. It was
6 cold outside. I remember that.

7 Q. In November of 2022 you were contacted by
8 federal investigators?

9 A. Yes.

10 Q. Did you speak to them?

11 A. None other than answering what they asked me.

12 Q. Okay. So you had a conversation with them?

13 A. No. They asked me if I -- they asked me -- I
14 can't remember exactly what they asked me. It had
15 something to do with giving -- they wanted to question
16 me about something.

17 Q. What did you tell them?

18 A. Told them I needed an attorney.

19 Q. Okay. So your attorney was not there when
20 they approached you?

21 A. Right. They called me on the phone.

22 Q. And when you told them you wanted an attorney,
23 that was the end of the conversation?

24 A. No, they tried to say that we could get you an
25 attorney, and they said that I probably wouldn't need

1 one, but...

2 Q. They told you, you probably would not need an
3 attorney?

4 A. Yeah.

5 Q. Okay. How many people contacted you?

6 A. Two.

7 Q. Were they male or female?

8 A. Male.

9 Q. Were they FBI agents?

10 A. No. One was a assistant -- assistant state's
11 attorney, and the other one -- well, yeah, it was, the
12 other one. I think he was.

13 Q. Okay. So I asked about federal agents. An
14 assistant state's attorney, I understand, as being a
15 state agent. Do you believe that the people who talked
16 to you were from Cook County State's Attorney's Office,
17 or from the federal government?

18 A. No, they were from the federal government.

19 Q. Okay. So do you mean possibly it was an
20 assistant U.S. attorney?

21 A. U.S. attorney. Yeah.

22 Q. Got it. And they were both male, you said?

23 A. Yes.

24 Q. So one was an assistant U.S. attorney and
25 another was an FBI agent, is your understanding?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

25

1 A. Yes.

2 Q. Did they ever follow up with you through your
3 attorney?

4 A. No.

5 Q. Where were you when this conversation
6 happened?

7 A. I believe I was at home.

8 Q. They just showed up at your door?

9 A. No, no, no. They called me.

10 Q. Called. I'm sorry. Okay. All right. Tell
11 me everything you remember about this conversation.

12 A. That's all I remember.

13 Q. How long was the conversation?

14 A. Brief.

15 Q. Like, under five minutes?

16 A. About four minutes. I know they told me that
17 it'll take 15 minutes.

18 Q. They told -- did they want to talk to you
19 substantively, ask you questions over the phone, or did
20 they want to meet with you?

21 A. They wanted to meet with me.

22 Q. Okay. And they told you that meeting would
23 take 15 minutes?

24 A. Yes.

25 Q. And you -- did you tell them that you would

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

26

1 meet with them?

2 A. No.

3 Q. You told them you -- to talk to your lawyer?

4 A. Yep.

5 Q. Did you give them your lawyer's name?

6 A. I didn't have one at the time.

7 Q. In November 2022, you didn't have a lawyer?

8 A. Well, federal attorney. I couldn't --

9 Q. Okay.

10 A. Yeah.

11 Q. Did you give them your civil attorney's name?

12 A. No.

13 Q. Okay. Did you ever -- you never heard from
14 them again?

15 A. No.

16 Q. How did you leave the call? What was -- did
17 you just say, I'm going to get an attorney and I'll give
18 you a call back?

19 A. I don't -- I don't remember.

20 Q. Did you ever obtain --

21 A. They --

22 Q. Go ahead.

23 A. Did I obtain an attorney? No.

24 Q. Okay. Do you have any idea if the attorney
25 who came and met with you was from Washington, D.C. or

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27

1 from Chicago?

2 A. I have no idea.

3 Q. What did he look like?

4 A. You said, met with me?

5 Q. I'm sorry. You're right. That doesn't make
6 any sense. Strike that. The one who called you, did he
7 say he was from the Department of Justice, or the U.S.
8 Attorney's office?

9 A. I don't -- I don't remember if he even
10 mentioned those words.

11 Q. Okay. If I said a name, would you remember or
12 no?

13 A. I don't --

14 Q. You don't know? Was it Mark Blumberg?

15 A. Blumberg. That -- Mark -- yeah, that sounds
16 about right.

17 Q. Did they tell you they wanted to talk to you
18 about your time as a Chicago Police officer?

19 A. No.

20 Q. What did they tell you they wanted to talk to
21 you about?

22 A. It's -- I believe it was something where Watts
23 was on a podcast or something.

24 Q. Did you listen to that podcast with Watts?

25 A. Did I listen to it of him?

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28

1 Q. Yes.

2 A. Yes. Yes.

3 Q. You did?

4 A. Yes.

5 Q. What did you think?

6 MR. PALLES: Objection. It's beyond the scope
7 of what we agreed to discuss today. I'm instructing
8 you not to answer.

9 BY MR. TEPFER:

10 Q. Okay. Are you taking your attorney's advice
11 not to answer?

12 A. Yes.

13 Q. Okay. Did you -- what else do you remember
14 them asking you about, besides the Watts podcast?

15 A. That's it.

16 Q. Anything else you remember about the
17 conversation at all?

18 A. No.

19 Q. Okay. You know who Ben Baker is?

20 A. Yes.

21 Q. Okay. How do you know him?

22 A. From being in Ida B. Wells.

23 Q. Okay. Were you involved -- are you aware that
24 Ben Baker has sued you?

25 A. Am I aware of it? Yes.

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1 Q. Okay. And he's -- depending on how you define
2 it, would you understand that there's sort of three
3 arrests that are subject to the lawsuit?

4 A. Yes.

5 Q. Okay. Have you heard the phrase mailbox case?

6 A. I've heard of it.

7 Q. Okay. Were you involved in any way whatsoever
8 in the arrest of Ben Baker on the mailbox case?

9 A. No.

10 Q. Do you recall the mailbox case in any way?

11 A. No.

12 Q. So you have no memory whatsoever of the
13 mailbox case, so you have no -- is that correct?

14 A. Yes.

15 Q. Okay. And when we're talking about the
16 mailbox case, just to make sure we're talking about the
17 same thing, we're talking about two different incidents
18 -- well, let me strike that. We're talking about an
19 incident that happened in June of 2004 and then an
20 arrest that happened in July 2004. Is that your
21 understanding of what we're talking about with the
22 mailbox case?

23 MR. PALLES: I object to lack of foundation. Go
24 ahead, if you know.

25 THE WITNESS: I don't know.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

30

1 BY MR. TEPFER:

2 Q. You don't know because you had nothing to do
3 with it?

4 A. That is correct.

5 Q. Okay. All right. I'm going to show you.
6 Okay. There's another case that's subject to the
7 lawsuit that involves a March 23, 2005 arrest of Ben
8 Baker. Are you aware of that in any general way?

9 A. No.

10 Q. Okay. Here, let me back track for a second.
11 All right. I'm going to show you what I'm marking as
12 Exhibit 1. Oh, wrong way. Sorry. One second.

13 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

14 MR. PALLES: Are we getting copies, or am I --

15 MR. TEPFER: I'm sorry.

16 MR. PALLES: -- just have the -- That's fine.
17 I'll look with him.

18 MR. TEPFER: I apologize. I might have
19 another. Yeah, I do. I think I got one just for
20 you.

21 MR. PALLES: Thank you, sir. I can't download
22 on my phone, the digital.

23 MR. TEPFER: I forgot who I'm dealing with.

24 BY MR. TEPFER:

25 Q. This is City-BG 21 to 22. Have you ever seen

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

31

1 this document before?

2 A. No.

3 Q. Do you know -- just in a -- do you know what a
4 vice case report is?

5 A. Yes.

6 Q. Okay. So you've seen a vice case report, but
7 you don't recall ever seeing this vice case report; is
8 that right?

9 A. That's correct.

10 Q. Okay. Look in the very -- so this is on the -
11 - Box 5, it says the date of occurrence is June 17,
12 2004. Do you see that?

13 A. Uh-huh.

14 Q. Okay. And it says -- in Box 19, it says the
15 offender's name is Baker, Ben, correct?

16 A. Yes.

17 Q. Okay. And then, in Box 40 on the first page,
18 just at the bottom, it says, male 01, known as Ben Baker
19 standing at the mailboxes. Do you see that? We're still
20 on the first page, just in the narrative portion.

21 A. You said, standing at the -- so the --

22 MR. TEPFER: Do you want to direct him through
23 it?

24 MR. PALLES: I'm sorry. We're talking about
25 Box 5, did you say?

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32

1 MR. TEPFER: Box 40.

2 MR. PALLES: Box 40.

3 MR. TEPFER: The narrative section, just the
4 last little part.

5 THE WITNESS: Okay, I see it. You said the
6 last of it?

7 BY MR. TEPFER:

8 Q. So it says, Ben Baker standing at the
9 mailboxes.

10 A. Right. Okay. Yes.

11 Q. Okay. So that's why we refer to it as the
12 mailbox case, at least in part. Do you understand that?

13 A. Uh-huh.

14 Q. Okay. In that same section in the narrative,
15 it says, right, in the first part it says, also
16 assisting P.O.'s Mohammed number 14122. Do you see
17 that?

18 A. Yes.

19 Q. Okay. Is that -- was that your star number?

20 A. Yes.

21 Q. Why are you listed as an assisting officer if
22 you had nothing to do with it?

23 A. Well --

24 MR. PALLES: Objection. Lack of foundations.

25 THE WITNESS: I have no idea.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

33

1 BY MR. TEPFER:

2 Q. You have no idea. You didn't write this
3 report, right?

4 A. No.

5 Q. Okay. Does it bother you that you're listed
6 as an assisting officer when you had nothing to do with
7 it?

8 MR. PALLES: Object to the form.

9 THE WITNESS: Yes.

10 BY MR. TEPFER:

11 Q. And why does it bother you?

12 A. Well, I didn't have anything to do with it.

13 Q. Okay. So we talked about -- one second.

14 MR. BAZAREK: I'm just going to I have a
15 standing objection to the questions about the
16 mailbox case. Mr. Baker doesn't have a specific
17 claim for that mailbox case.

18 MR. PALLES: I'll join.

19 MR. TEPFER: I don't see a copy of this. So
20 I'm going to mark this as Exhibit 2. This is City-
21 BG- 00019 to 20. You see that? That's a
22 supplementary report. There we go. Thank you. Do
23 you want me to flip that over with the highlighting
24 on, or do you care?

25 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

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34

1 MR. PALLES: I don't. Is there a highlighter?

2 MR. TEPFER: There's like -- his name's
3 highlighted there.

4 MR. PALLES: Okay, good.

5 BY MR. TEPFER:

6 Q. Do you see that supplementary report?

7 A. Yes.

8 Q. Okay. And do you see this is related to a
9 supplementary report on July 11, 2004, also relating to
10 the same mailbox case? Do you see that?

11 A. Yes.

12 Q. Okay. And do you see on the bottom, it says
13 assisting, and your name and star number are listed?

14 A. Yes.

15 Q. Okay. Does this in any way refresh your
16 recollection of whether you were involved in any way
17 with the mailbox case?

18 A. No, it doesn't.

19 Q. Okay. Does it bother you that your name's on
20 this report?

21 A. I'd like to say that this -- whenever someone
22 did a report and everybody's on it, they were listed as
23 a team. And I wasn't -- I don't -- I wasn't there
24 because I don't remember that.

25 Q. So you weren't there for either the incident

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

35

1 of the criminal acts allegedly committed by Ben Baker in
2 June, nor the arrest on July 11th?

3 A. No.

4 Q. Wait, are you testifying that it's
5 nevertheless the practice of your team to list people
6 who weren't present in any way for the criminal act or
7 the arrest on police reports?

8 MR. PALLES: Object to the form.

9 THE WITNESS: I'm saying everybody was included
10 as a team.

11 BY MR. TEPFER:

12 Q. Even if they weren't there, they would be
13 included on police reports?

14 A. Yes.

15 Q. Okay. And that was the practice of the team?

16 A. Yes.

17 Q. Okay. And that's what you did when you wrote
18 reports?

19 A. Yes.

20 Q. Okay. Did you ever have a conversation with
21 Ben Baker personally?

22 A. No.

23 Q. Do you know someone named C.K. (phonetic)?

24 A. No.

25 Q. Did you ever tell Ben Baker in the presence of

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36

1 C.K. that, man, it costs a lot of money to bond out and
2 pay lawyers?

3 A. Did I -- could you say that one more time?

4 Q. Sure. Did you ever have a conversation with
5 Ben Baker, in the presence of someone named C.K. were
6 you told Ben Baker, "Man, it costs a lot of money to
7 bond out and pay lawyers?"

8 A. No, I never said that.

9 Q. Okay. This conversation would have happened
10 sometime between March of December -- in March and
11 December of 2005.

12 A. No.

13 Q. Never happened?

14 A. Never happened.

15 Q. How is it that someone assists in an arrest if
16 they weren't there?

17 A. Well, it's the practice of the police
18 department.

19 Q. Okay. Is there a policy you're referring to?

20 A. I don't know about a policy, but I said it's a
21 practice.

22 Q. Okay. Who instructed you or trained you to
23 comply with this practice?

24 A. With the practice of the team? Well, Watts
25 was the sergeant, so...

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37

1 Q. Okay. So Sergeant Watts was the one who told
2 you to put everyone's name who's on the team on the
3 police reports --

4 A. Yes.

5 Q. -- even if they weren't there?

6 MR. GAINER: Object to form. And that
7 mischaracterizes his testimony. Go ahead.

8 BY MR. TEPFER:

9 Q. Can you answer the question?

10 A. Yes.

11 Q. Okay. So it doesn't mischaracterize your
12 testimony, right?

13 MR. GAINER: Just objection to argumentative. I
14 think you're probably arguing with me instead of
15 him, but I object anyway.

16 THE WITNESS: Yes.

17 BY MR. TEPFER:

18 Q. Oh, okay. Let me ask you, just straight up
19 again and he can make an objection. Is Sergeant Watts
20 the one who instructed you to put everyone's name on the
21 arrest report who's on the team, even if they weren't
22 involved in the arrest in any way?

23 A. Yes.

24 MR. GAINER: This -- objection. This is not an
25 arrest report. This is a supplementary report. So

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

38

1 I object to the mischaracterization of the document.

2 BY MR. TEPFER:

3 Q. Okay. I'll ask it again. Is it Sergeant
4 Watts's -- is it Sergeant Watts who instructed you to
5 put any member of your team on a supplemental report or
6 a vice case report or an arrest report if they were --
7 even when they weren't present?

8 MR. GAINER: Object to form.

9 THE WITNESS: He didn't instruct me personally,
10 but that's the way the team wrote up a report.

11 BY MR. TEPFER:

12 Q. Okay. So he instructed the team to do that?

13 A. Yes.

14 MR. GAINER: Objection. Foundation.

15 MR. BAZAREK: Yeah. And I'm going to join in
16 the objection. And then Mr. Tepfer, is it agreed
17 that an objection by, you know, one party, that it
18 will also be adopted by the other parties, so we
19 don't have to say join and have multiple objections
20 throughout the deposition?

21 MR. TEPFER: Absolutely.

22 MR. BAZAREK: Okay. Thank you.

23 MR. TEPFER: You're welcome.

24 BY MR. TEPFER:

25 Q. Do you know Clarissa Glenn or Clarissa Baker?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

39

1 A. I heard of her.

2 Q. Have you ever met her?

3 A. I've met her.

4 Q. You have met her?

5 A. I've -- I've met her. I know who she is.

6 Q. When did you meet her?

7 A. I couldn't tell you when I met her, but in my
8 travels as a police officer.

9 Q. Okay. Did you ever arrest her?

10 A. No.

11 Q. Okay. Can you --

12 A. Not that I can -- no.

13 Q. Okay. Do you recall any conversations you've
14 ever had with her?

15 A. Not offhand, no.

16 Q. Okay. How is it that you remember her?

17 A. She was always in Ida B. Wells.

18 Q. Okay. So you would just see her and you knew
19 her name?

20 A. Yes.

21 Q. Okay. Do you recall speaking to Clarissa at
22 the police station at 51st and Wentworth on July 11,
23 2004?

24 A. No, I don't -- I don't -- I don't recall. No.

25 Q. Okay. It would have been actually outside --

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

40

1 just outside of the police station. She came to the
2 police station and then you walked outside with her. Do
3 you recall that?

4 A. No, I don't.

5 Q. Okay. Do you recall her telling you, your
6 buddies, your friends, they locked Ben up on some BS?

7 A. I don't recall.

8 Q. Okay. Did you recall saying something, like,
9 that you didn't know that she was in a relationship with
10 Ben Baker?

11 A. No.

12 Q. Were you ever attracted to Clarissa?

13 A. She's not my type.

14 Q. Why?

15 A. She's just not my type.

16 Q. Like, physically?

17 A. Physically, mentally, whatever. She's not my
18 type.

19 Q. Well, what mentally about her is not your
20 type?

21 A. She's just not my type.

22 Q. What about her makes her not your type?

23 A. I don't like -- not interested.

24 Q. Okay. Well, you said --

25 A. Never looked at her as being in -- never

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

41

1 looked at her that way.

2 Q. Okay. You said mentally, she's not your type.
3 What do you know about her mentally that makes you say
4 --

5 A. I don't know anything.

6 Q. -- she's not your type? Let me finish the
7 question, please.

8 A. Okay.

9 Q. What do you know about her mentally that makes
10 her -- that makes you say she's not your type?

11 A. Well, I don't know anything mentally about
12 her, but just the whole Clarissa. I don't -- she's not
13 -- I'm not interested in her.

14 Q. The whole Clarissa, you're not interested in
15 her?

16 A. Right.

17 Q. Okay. During this conversation with Clarissa,
18 do you ever recall telling her that Elgen Moore got
19 locked up for drinking?

20 A. No.

21 Q. Do you know who Elgen Moore is?

22 A. No, I don't. Don't remember.

23 Q. Okay. I asked you briefly about this March
24 23, 2005 arrest. You said -- I think you said you have
25 no idea what I'm even talking about; is that right?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

42

1 A. I don't remember, yes.

2 Q. Okay. Do you recall ever hearing about Ben
3 Baker getting arrested at 527 East Browning and running
4 away from some of the members of your team?

5 A. I don't -- I can't recall any arrest about Ben
6 Baker.

7 Q. Okay. All right. There's one more then.
8 December 11, 2005, that's another arrest involved in
9 this current case. Do you recall that at all?

10 A. No.

11 Q. Okay. Do you recall ever being involved in
12 any arrest of Ben Baker?

13 A. No.

14 Q. Are you testifying you've never been involved
15 in an arrest of Ben Baker?

16 A. I didn't say. I just don't remember.

17 Q. Okay. So you just don't know one way or the
18 other?

19 A. Right.

20 MR. TEPFER: Okay. All right, I'm going to
21 show you what's marked as Exhibit 3, right?

22 THE REPORTER: Yes.

23 MR. TEPFER: There. She's going to mark it.

24 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

25 BY MR. TEPFER:

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

43

1 Q. Okay. This is City-BG-29 to 30. This is
2 another vice case report, okay?

3 A. Uh-huh.

4 MR. PALLES: You got to answer verbally, yes or
5 no.

6 A. Oh. Oh, yes. Yes.

7 BY MR. TEPFER:

8 Q. I want you to look right at the top, paragraph
9 -- or I'm sorry, Box 5. That's the date of occurrence.
10 It says December 11, 2005. Do you see that?

11 A. Yes.

12 Q. Okay. And then I want you to look at Box 46,
13 the second reporting officer. That's your name and star
14 number, right?

15 A. Correct.

16 Q. Okay. Now, I want you to spend a minute --
17 have you looked at this document before? Have you ever
18 seen this document?

19 A. No.

20 Q. Okay. I want you to take a minute and read
21 it. The -- read the entire thing you want. Look at the
22 Narrative 40 -- Paragraph 40 through the back. Take
23 whatever time you need to read that, okay? Just tell me
24 when you're done.

25 MR. BAZAREK: Hey, Josh, what's the number on

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

44

1 that one again? The vice case?

2 MR. TEPFER: City-BG-29 to 30.

3 MR. BAZAREK: No, no. Just the exhibit number.

4 MR. PALLES: 3.

5 MR. TEPFER: Oh, sorry.

6 MR. BAZAREK: Thanks. Thank you.

7 BY MR. TEPFER:

8 Q. Are you finished?

9 A. Uh-huh. Yes. Yes, yes, yes. I'm sorry. Yes.

10 Q. You're better than me. Sorry, I always forget
11 that. After reviewing this, does this in any way
12 refresh your recollection in any way regarding this
13 December 11, 2005 incident?

14 A. No, it doesn't.

15 Q. You have no recollection of being involved in
16 any way?

17 A. None.

18 Q. Okay.

19 A. No.

20 Q. Any recollection of typing the report in this
21 case?

22 A. No recollection.

23 Q. Okay. Do you have any recollection of
24 testifying at a hearing related to the impounding of the
25 car?

1 A. No, I don't.

2 Q. That would've been in January of 2006.

3 A. I don't -- I don't remember.

4 Q. You don't remember? Have you ever testified
5 at Superior Street or in a car impound --

6 A. I have.

7 Q. Okay. Let me just finish. You have. Okay.

8 A. Right.

9 Q. You just don't remember ever testifying in
10 this one?

11 A. No.

12 Q. How many times have you testified in those
13 types of proceedings?

14 A. I believe more than -- might be more than ten.

15 Q. Okay. Do you remember seeing Clarissa and
16 Ben, Clarissa Glenn, or Baker, and Ben Baker at the
17 police station on December 11, 2005?

18 A. Yes.

19 Q. You do?

20 A. I remember seeing them there, yes.

21 Q. Okay. So you have some recollection of
22 December 11, 2005?

23 A. Yes.

24 Q. Okay. What do you remember?

25 A. They was sitting there on a bench.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

46

1 Q. Okay. What else do you remember?

2 A. That's -- that's about it.

3 Q. Did you speak to either of them?

4 A. I spoke to them. They spoke back.

5 Q. What did you talk about?

6 A. Nothing.

7 Q. Do you remember what you talked about?

8 A. No, I don't remember. No.

9 Q. How long was the conversation -- well, let me
10 break it up. Did you speak to Ben Baker?

11 A. No.

12 Q. Did you speak to Clarissa Glenn?

13 A. No. Nothing other than hi, and that's it.

14 Q. Okay. So you remember saying hi?

15 A. That's it.

16 Q. And did you say hi to Clarissa?

17 A. I spoke to both of them at the same time.

18 Q. Okay. And they both said hi back?

19 A. Yeah. And then they just stared at me.

20 Q. Okay. So they didn't say anything to you?

21 A. Not really, no. They just stared at me.

22 Q. Okay. So you remember seeing them, and you
23 remember them staring at you, and you remember you
24 saying hi. Is there anything else? And you remember
25 them on a bench, right?

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

47

1 A. Yeah. Right.

2 Q. Is there anything else that you remember?

3 A. I don't -- I don't remember anything else.

4 Q. What were you doing at the police station when
5 you saw them?

6 A. Well, I had just came in to work.

7 Q. You had just come into work?

8 A. Yes.

9 Q. What time was it?

10 A. I don't remember the time.

11 Q. Well, what shift did you work in December of
12 2005?

13 A. I believe it was the morning shift.

14 Q. That would've been 7:00 a.m.?

15 A. Yes. I believe it was the morning shift.

16 Q. Okay. Well, this arrest time is listed as
17 noon. Is there any shift that starts at noon?

18 A. No.

19 Q. Okay. So are you sure you just had arrived to
20 work?

21 A. Yes.

22 Q. Do you know why you were late to work?

23 A. Yes.

24 Q. Why?

25 A. My mother was sick, and she was -- I was

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

48

1 taking her to chemotherapy -- chemotherapy in the
2 morning.

3 Q. I'm sorry to hear that. This was in December
4 of 2005?

5 A. Yes.

6 Q. Here we go. This is going to be Exhibit 4.
7 It's City-BG-25018.

8 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

9 MR. PALLES: Over here.

10 MR. TEPFER: Sorry.

11 BY MR. TEPFER:

12 Q. You know, why don't we just do Exhibit 5 as
13 well, and that'll be DO-Joint 48313. Okay. Those are
14 pictures of Ben Baker in Exhibit 5 and Clarissa Glenn in
15 Exhibit 4; is that right?

16 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

17 A. Yes.

18 BY MR. TEPFER:

19 Q. Okay. Is that who we've been speaking about?
20 Is that who you remember?

21 A. Yes.

22 Q. And you saw those two people on the bench on
23 December 11, 2005, right?

24 A. Yes.

25 MR. TEPFER: Okay. It's not usually the

1 practice to consult while --

2 MR. PALLES: You know, he's my client.

3 MR. TEPFER: Fine. All right. This -- I'm
4 going to mark this as Exhibit 6 through 10.

5 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

6 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

7 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

8 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

9 (EXHIBIT 10 MARKED FOR IDENTIFICATION)

10 MR. PALLES: And let me just say, first of all,
11 that this is absolutely beyond our agreement to
12 discuss the big -- the --

13 MR. TEPFER: This is the same date as that
14 arrest.

15 MR. PALLES: I don't care. It's a different
16 arrest. It's completely beyond --

17 MR. TEPFER: That is absolutely not true, Eric,
18 and you know that.

19 MR. PALLES: Well, I'm not letting him answer.

20 MR. TEPFER: You're not going to let him answer
21 questions about the arrest date of December 11,
22 2005?

23 MR. PALLES: I am not letting him answer about
24 an arrest that took place at the 574 building on
25 that date.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

50

1 MR. TEPFER: Then we're going to have to call
2 the judge. That's ridiculous.

3 MR. PALLES: I'll tell you what. You don't
4 have to call the judge. He's taken five on any
5 question having to do with this (Inaudible).

6 MR. TEPFER: All right. Then I'm going to ask
7 the questions.

8 MR. PALLES: Fine.

9 MR. TEPFER: Okay. See the Exhibit 6 is City-
10 B --

11 MR. BORKAN: Counsel, excuse me just one
12 moment. Could we dispense with the pejoratives and
13 ad hominem attacks going forward, okay?

14 MR. TEPFER: What ad hominin attacks?

15 MR. BORKAN: Like, that's ridiculous, and
16 things like that. We don't need that, sir, okay?

17 MR. TEPFER: Who's talking?

18 MR. PALLES: That's Steve Borkan. And I'm
19 going to take a five-minute break.

20 MR. TEPFER: Okay.

21 THE VIDEOGRAPHER: All right. We are off the
22 record. The time is 10:50 a.m.

23 (OFF THE RECORD)

24 THE VIDEOGRAPHER: Back on the record. The
25 time is 10:56 a.m.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

51

1 MR. PALLES: Let me simply say for the record,
2 Josh, that I seem to recall, and maybe Bill could
3 back me up on this, but during the course of the
4 deposition of Elsworth Smith concerning the Baker
5 case, at the time that this -- these events came up
6 in the deposition, it was agreed that those would
7 not be the subject because they weren't disclosed at
8 the time. I'm simply saying that.

9 BY MR. TEPFER:

10 Q. Okay. So Exhibit 6 is City-BG-56721 to 725.
11 Exhibit 7 is City-BG-56716 to 720. City-BG is 56711 to
12 715. Sorry. That was Exhibit 8, did I just say?
13 Exhibit 9 is City-BG-56706 to 710. And Exhibit 10 is
14 City-BG-56701 to 705. Go ahead and take a look at all
15 of those documents and tell me when you're finished
16 looking at them.

17 MR. PALLES: You want me to take a look at
18 them, at least one or two of them?

19 BY MR. TEPFER:

20 Q. Are you done?

21 A. Yes.

22 Q. Okay. And those are all arrest reports
23 related to an arrest on December 11, 2005, just after
24 noon; is that right?

25 A. That's what it says, yes.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

52

1 Q. Okay. And you're listed as the second
2 arresting officer in each of these reports?

3 A. On the advice of Counsel, I'm not going to
4 answer that.

5 Q. Are you not going to answer that question
6 because answering that question would potentially
7 subject you to criminal liability?

8 MR. PALLES: Objection. Attorney-client
9 privilege. Instruct him not to answer.

10 BY MR. TEPFER:

11 Q. Are you taking your advice -- your attorney's
12 advice and not answering that question?

13 A. Yes.

14 Q. Would you be taking the fifth at any question
15 I ask you about anything in Exhibits 6 through 10 going
16 forward?

17 A. Yes.

18 Q. And that's because answering any question at
19 all related to your arrests of these five individuals on
20 December 11, 2005, for you to answer would subject you
21 to criminal prosecution?

22 MR. PALLES: Objection. Attorney-client
23 privilege. Instruct him not to answer.

24 BY MR. TEPFER:

25 Q. Okay. And you're taking your attorney's

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

53

1 advice?

2 A. Yes.

3 Q. All right. I want to go back to when you saw
4 Clarissa and Ben at -- on December 11, 2005, at the
5 police station, okay?

6 A. Okay.

7 Q. Did you ask one or both of them what they were
8 doing there?

9 A. I don't recall.

10 Q. Do you remember Watts calling you a dumbass
11 that day?

12 A. I don't remember that.

13 Q. Has he ever called you a dumbass?

14 A. Oh, yeah. Yeah.

15 Q. Okay. Did you type the vice case report or
16 any arrest reports on December 11, 2005?

17 A. No.

18 Q. Did you have a typewriter? Did you ever type
19 reports?

20 A. No, I didn't.

21 Q. You've never typed a police report?

22 A. Not that I can remember, because I don't know
23 how to type, so...

24 Q. Okay. So during your entire career, you would
25 have --

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

54

1 A. I wrote. Before we got into the type, I wrote
2 my --

3 Q. Okay. So you would hand-write police reports
4 during your career, but there wasn't any time during
5 your career as Chicago Police Officer where you typed
6 reports?

7 A. I'm quite sure I did, but I didn't type those
8 reports.

9 Q. You didn't type those reports, but there were
10 reports that you typed?

11 A. Right.

12 Q. Okay. And you -- are you testifying that you
13 just weren't a quick typer, or not a good typer?

14 A. Correct. Yes.

15 Q. Did Watts ever call you a dumbass for being a
16 slow typer?

17 A. I don't -- I can't remember.

18 Q. You can't remember?

19 A. Uh-uh.

20 Q. Did you see anyone else at the police station
21 with Ben and Clarissa on 12-11-05?

22 A. I don't remember. It was -- it was just -- I
23 just remember seeing them. I don't recall. I just
24 remember seeing them there.

25 Q. Do you ever have a conversation with any of

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

55

1 the other guys and said that Ben Baker always took his
2 own weight?

3 A. No.

4 Q. Did you ever have a conversation on 12-11-05
5 with Clarissa where she complained that you were typing
6 the report?

7 A. No.

8 Q. You're sure these conversations never
9 happened, or you just don't remember?

10 A. I don't remember.

11 MR. PALLES: My objection would've been asked
12 and answered.

13 BY MR. TEPFER:

14 Q. Okay. But you're testifying you just don't
15 remember these conversations happening?

16 A. I don't remember.

17 Q. Okay. What do they call that testimony --
18 we've talked about it a little bit. Is there a name for
19 the type of proceeding where they -- where they impound
20 the car and there -- there's a determination of whether
21 or not the individual can get their car back?

22 A. I don't -- I don't remember what -- it's been
23 a while, so I don't know.

24 Q. Okay. But you know what I'm talking about?

25 A. Yes.

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56

1 Q. Okay. Is it at Superior Street?

2 A. Yes.

3 Q. Okay. Do you know the address?

4 A. No, I can't. I don't remember.

5 Q. Have you ever been present when there was a
6 default judgment entered?

7 A. Yes.

8 Q. Yeah? Do you recall when?

9 A. No, I don't.

10 Q. Okay. Can I see the exhibits real quick? The
11 marked ones. You see -- go back to Exhibit 2 for a
12 second. Do you see that name Calvin Ridgell on the
13 report?

14 A. Yes.

15 Q. Do you know him?

16 A. Yes.

17 Q. Has he ever witnessed you engage in
18 misconduct?

19 MR. PALLES: Object. Lack of foundation.

20 BY MR. TEPFER:

21 Q. You can answer.

22 A. No.

23 Q. When's the last time you've seen Calvin
24 Ridgell?

25 A. Probably in '05.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

57

1 Q. Okay. Do you know someone named Chauncey Ali?

2 A. Name doesn't ring a bell.

3 Q. It does?

4 A. It doesn't.

5 Q. It does not. Okay. All right. It's not a
6 great picture -- oh, it's not a picture at all. Sorry.
7 Right. I'm going to mark this as Exhibit 11. This is
8 DO-Joint 31268 -- you know what? Strike that for a
9 second. I might have a different picture. Okay. All
10 right. We're going to -- Exhibit 11 is DO-Joint 31268
11 to 270. Got it. Actually, sorry.

12 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

13 MR. PALLES: Don't worry about it.

14 MR. TEPFER: Do you see that? Oh, I was still
15 showing him.

16 MR. PALLES: Yeah. Whatever. We'll just use
17 it.

18 BY MR. TEPFER:

19 Q. Not a great picture. It's black and white. I
20 just want you to look at the picture up top on the first
21 page, actually.

22 MR. PALLES: Yeah.

23 BY MR. TEPFER:

24 Q. Do you in any way -- does that in any way
25 refresh your recollection of who Chauncey Ali is?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

58

1 A. No.

2 Q. Okay. Do you recall being involved in any way
3 whatsoever in the arrest of Chauncey Ali on December 4,
4 2006?

5 A. No, I don't recall.

6 Q. Do you recall stealing money in the summer of
7 2006 from Chauncey Ali?

8 A. No.

9 Q. Okay. Money that he won in a dice game, and
10 you were with Watts, and the two of you stole it?

11 A. No.

12 Q. Do you recall detaining Chauncey Ali two times
13 prior to December 4, 2006?

14 A. Don't recall.

15 Q. Do you recall telling Chauncey Ali on December
16 4, 2006 that he needs to come up with some money while
17 Watts was present with you?

18 A. No, I don't.

19 Q. Do you recall telling Chauncey Ali, in
20 reference to Watts, that you know the dude want the
21 money?

22 A. No, I don't.

23 Q. Do you recall taking Chauncey Ali from the
24 lobby of the 527 building to the second floor and then
25 again asking him for money?

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59

1 A. No, I don't.

2 Q. Do you recall witnessing Ronald Watts slap
3 Chauncey Ali on the second floor?

4 A. No, I don't.

5 Q. Do you recall, after Ali's arrest, him asking
6 why he was being arrested and Watts told him that you'll
7 find out?

8 A. No, I don't.

9 Q. Do you recall Watts at the police station
10 later that day telling Ali that he's taking some of the
11 bags?

12 A. No, I don't.

13 Q. Do you know who Stefon Harrison is?

14 A. No recollection.

15 MR. TEPFER: Okay. I'm going to show you
16 Exhibit 12. Is -- we're at 12, right?

17 THE REPORTER: Yes.

18 MR. TEPFER: Okay. It's a DO-Joint 41059.

19 (EXHIBIT 12 MARKED FOR IDENTIFICATION)

20 A. I'm sorry. No -- no recollection who he is.
21 BY MR. TEPFER:

22 Q. You have no recollection of that person? Is
23 that what you're saying?

24 A. Yes.

25 Q. Okay. Do you recall arresting Stefon Harrison

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

60

1 on September 27, 2006?

2 A. No.

3 MR. TEPFER: Okay. I'm going to show you
4 Exhibit 13, right?

5 THE REPORTER: Yes.

6 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

7 BY MR TEPFER:

8 Q. This is DO-Joint 37201 to 202. It's a vice
9 case report. I want you to go ahead and read that
10 entire thing. Take as long as you need. Read the
11 narrative. Read the date. Excuse me.

12 MR. PALLES: Can I ask, is this a test case?

13 MR. TEPFER: Well, he's got two cases.

14 MR. PALLES: I'm sorry. He's got two cases,
15 including this one?

16 MR. TEPFER: Yeah, I think so. Doesn't he?

17 MR. PALLES: I don't believe this is a test
18 case.

19 MR. TEPFER: Well, the test cases are the ones
20 with it, and isn't -- I mean, he's sued in one
21 lawsuit, so...

22 MR. PALLES: He is sued in one lawsuit, but not
23 this law -- but not involving this arrest, as far as
24 I'm aware, okay? I mean, you -- we could check
25 that, but, you know, I believe that Mr. Mohammed is

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

61

1 only sued in one case, which involves an arrest with
2 Mr. Ali.

3 MR. TEPFER: Can we take a quick break, so we
4 can just check --

5 MR. PALLES: Let's check that.

6 MR. TEPFER: -- the complaint?

7 MR. PALLES: Yeah, absolutely.

8 MR. TEPFER: And I mean, I'll give you time
9 though, to talk to him about it, if you want. I'd
10 rather just knock it out if it's going to happen
11 though.

12 MR. PALLES: Okay.

13 THE VIDEOGRAPHER: All right. We're off the
14 record. The time is 11:14 a.m.

15 (OFF THE RECORD)

16 THE VIDEOGRAPHER: We're back on the record.
17 The time is 11:17 a.m.

18 MR. TEPFER: Eric, I think you eloquently
19 wanted to say something.

20 MR. PALLES: No, no, that's okay. Just proceed
21 with the questions.

22 BY MR. TEPFER:

23 **Q. Okay. We're going to go ahead and ask you**
24 **some questions about this document. So go ahead and**
25 **take, I think, what are we at? Is it Exhibit --**

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

62

1 MR. PALLES: 13.

2 BY MR. TEPFER:

3 Q. -- 13? All right. Take whatever time you
4 need to review this document, okay?

5 A. Okay.

6 Q. You've now reviewed this entire exhibit. Is
7 there anything about that that refreshes your
8 recollection about who Stefon Harrison is, or your
9 involvement in this arrest?

10 A. No.

11 Q. Okay. And it does say that you're the second
12 reporting officer in this vice case report, correct?

13 A. Yes.

14 Q. And you're also listed as -- in Exhibit -- in
15 Box 18 as witnessing the event, correct?

16 A. Yes.

17 Q. Okay. But you don't recall --

18 A. No. No.

19 Q. -- one way or the other?

20 A. No.

21 Q. Okay. Do you recall an incident where Stefon
22 Harrison was talking back to Jones when he felt that
23 Jones was harassing him?

24 A. No, I don't.

25 Q. Or Stefon Harrison was holding some barbecue

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

63

1 or eating some barbecue?

2 A. No, I don't recall.

3 Q. Okay. And then Jones said to him -- and then
4 Watts approached, and Jones said to him that this guy,
5 meaning Harrison, was being a smart-ass?

6 A. No, I don't -- I don't --

7 Q. You don't recall?

8 A. No, I don't recall that. No.

9 Q. Okay. And then Watts asked Jones if he wanted
10 any drugs to put on Harrison?

11 A. I don't -- I don't remember that.

12 Q. Okay. And then Watts pushed Harrison up
13 against the wall and cuffed him, and took him to the
14 police station?

15 A. No, I don't -- don't recall that.

16 Q. Okay. All right. You can put that one to the
17 side. This is Exhibit 14. Oh, no, this is already --
18 did we already do this exhibit? Well, let me see. Okay.
19 All right. Exhibit 14 is DO-Joint 31258, which is non-
20 readable, but to 31259, so I assume it's 31258. It's a
21 vice case report for the 12-4-06 arrest.

22 (EXHIBIT 14 MARKED FOR IDENTIFICATION)

23 MR. PALLES: You have another one?

24 MR. TEPFER: Oh, sure. Sorry.

25 MR. PALLES: Thanks.

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64

1 BY MR. TEPFER:

2 Q. Actually, this relates not just to Stefon
3 Harrison's arrest, but also Chauncey Ali, Henry Thomas,
4 and someone else named Tyrone Herron, okay? Is that
5 right?

6 A. What -- what was the question?

7 Q. It wasn't really a question. It was a --

8 A. A statement.

9 Q. -- a fact. Sorry. Does this -- take your
10 time to review it --

11 A. Yeah.

12 Q. -- and you're going to answer when you're
13 ready, but -- because I'm going to ask you if this Vice
14 Case Report refers to a -- an arrest on December 4, 2006
15 of Henry Thomas, Stefon Harrison, Chauncey Ali, and
16 Tyrone Herron. Does it relate to that?

17 A. Does this relate to this?

18 Q. No. I'm sorry. Let me strike it. I'm just
19 confirming -- can you just confirm for me that this vice
20 case report that you looked at, December 4, 2006
21 arrests, relates to the arrest of Henry Thomas, Stefon
22 Harrison, Chauncey Ali, and Tyrone Herron?

23 A. I don't -- I don't recall.

24 Q. Okay. You don't recall this arrest in any
25 way, correct?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

65

1 A. No.

2 Q. Okay. And your name's not on this report in
3 any place, as far as you can see, right?

4 A. No, it isn't.

5 Q. It is not, right?

6 A. It's not.

7 Q. Okay. And there's nothing upon reading this
8 report that refreshes your recollection of this matter
9 in any way whatsoever?

10 A. No.

11 Q. Okay. Do you remember putting a gun to Stefon
12 Harrison's face on December 4, 2006?

13 A. No.

14 Q. Do you remember telling Stefon Harrison to
15 freeze while he was in the stairwell on December 4,
16 2006, of the 527 building?

17 A. No.

18 Q. Do you remember Watts, in your presence,
19 saying to Stefon Harrison that since you have the money
20 to bond out, you should have money to pay him?

21 A. No.

22 Q. Did you ever see Stefon Harrison at the
23 station on December 4, 2006?

24 A. No.

25 Q. You don't recall seeing --

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66

1 A. I don't recall. Uh-uh.

2 MR. TEPFER: Okay. You off the -- well, can we
3 go off the record one second?

4 MR. PALLES: For one second, guys. We're going
5 off the record for a second.

6 THE VIDEOGRAPHER: We're off the record. It's
7 11:24 a.m.

8 (OFF THE RECORD)

9 THE VIDEOGRAPHER: Back on the record. The
10 time is 11:25 a.m.

11 BY MR. TEPFER:

12 Q. Okay. Do you know who Henry Thomas is?

13 A. I don't recall.

14 Q. Okay. I'm going to try to show you pictures.

15 See if that sparks some memory, and it's going to be
16 DO-Joint 7380.

17 MR. TEPFER: And that's Exhibit 15?

18 THE REPORTER: 15.

19 (EXHIBIT 15 MARKED FOR IDENTIFICATION)

20 MR. TEPFER: I'm crushing it on exhibits today.

21 MR. PALLES: Yes, you are.

22 BY MR. TEPFER:

23 Q. Does that individual look familiar?

24 A. No.

25 Q. No recollection?

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67

1 A. No recollection.

2 Q. No recollection of ever being involved in any
3 arrest with Henry Thomas?

4 A. No.

5 Q. Okay. All right, I'm going to show you an
6 arrest report. It's Exhibit 16. This is City-BG-32862
7 to 863. Sorry. You see that you're listed on this
8 arrest report as an assisting officer --

9 (EXHIBIT 16 MARKED FOR IDENTIFICATION)

10 A. Yes.

11 BY MR. TEPFER:

12 Q. -- in assisting in the arrest?

13 A. Yes.

14 Q. Okay. And this is an arrest dated February 5,
15 2003, of Henry C. Thomas. Do you see that?

16 A. Yes.

17 Q. All right. Do you recall arresting anyone who
18 was on crutches that day?

19 A. No.

20 Q. Do you recall ever arresting anyone on
21 crutches?

22 A. No, I don't. No.

23 Q. Do you remember -- recall ever seeing any
24 individual on crutches at the police station?

25 A. No, I don't.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

68

1 Q. Did you get a chance -- did I ask you, did you
2 get a chance -- did you get a chance to fully read this
3 Exhibit 16?

4 A. Yes.

5 Q. Okay. Anything about that refresh your
6 recollection of this arrest in any way?

7 A. No. No, it doesn't.

8 Q. Okay. And then I want you to look back at
9 Exhibit 14 again. Okay. And that's December 4, 2006.
10 That also involved the arrest of Henry Thomas. Do you -
11 - that's what -- that's -- the vice case report related
12 to that arrest, correct?

13 A. Let me see. Henry Thomas. Okay, yeah, I see
14 it. Yes, it has that name.

15 Q. Okay. And now that you've seen the picture in
16 Exhibit 15 and asked some questions about Henry Thomas,
17 do you -- does this in any way refresh your
18 recollection, taking all this -- these reports and
19 exhibits regarding the arrest of Henry Thomas on
20 December 4, 2006?

21 A. No recollection.

22 Q. Okay. Do you ever remember being involved in
23 an arrest of someone where they stored drugs in a sock?

24 A. I don't recall. I don't.

25 Q. You ever see Watts holding, like, a sock that

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

69

1 had drugs in it?

2 A. No, I don't recall that.

3 Q. Okay. All right. We're moving right along.

4 MR. PALLES: Beautiful.

5 BY MR. TEPFER:

6 Q. You ever heard of an individual named Lionel
7 White, or Lionel White Senior?

8 A. Yes.

9 Q. Oh, you do? Okay. You've heard of him. I
10 should say, do you know him?

11 A. I -- I don't know him. I heard of him.

12 Q. Okay. Have you ever been involved in
13 arresting him?

14 A. I don't remember. Don't recall.

15 Q. Okay. Are you aware that Lionel White Junior
16 has filed a lawsuit in this case?

17 MR. PALLES: Excuse me? Do you mean Lionel
18 White Senior?

19 MR. TEPFER: Did I say Junior?

20 MR. PALLES: You did.

21 MR. TEPFER: Sorry.

22 BY MR. TEPFER:

23 Q. Are you aware that Lionel White Junior has
24 named you as a defendant in his lawsuit related to an
25 April 24, 2006 arrest?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

70

1 A. Yes, I'm aware.

2 Q. Okay. Do you recall the arrest of Lionel
3 White Junior -- Lionel White Senior in any way on that
4 date?

5 A. No, I don't.

6 Q. I'm going to show you what's marked as Exhibit
7 17. It's City-LW-66. Actually, make it 66 to 67. We
8 can put them together.

9 (EXHIBIT 17 MARKED FOR IDENTIFICATION)

10 MR. PALLES: Yeah, that's fine.

11 BY MR. TEPFER:

12 Q. Do you -- is this the person you remember as
13 Lionel White Senior, or do you just not recall?

14 A. Yes. This -- this is him.

15 Q. Okay. Seeing this picture, do you recall the
16 arrest of Lionel White?

17 A. No, I don't -- I don't recall the -- the
18 arrest of him

19 Q. Okay. Look at that second page of that photo,
20 City-LW-67. Do you see that scratch on the side of his
21 -- Lionel White Senior's face?

22 A. Yes.

23 Q. Okay. Do you recall Lionel White Senior and
24 Alvin Jones ever getting in a physical altercation?

25 A. No.

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71

1 Q. Do you know Kimberly Collins (phonetic)?

2 A. Name doesn't sound familiar.

3 Q. Rasaan Brakes (phonetic)?

4 A. Nope.

5 Q. All right. I'm going to show you Exhibit 18.

6 This is City-LW-30 to 31. I want you to take as much
7 time as you need to read this. Okay. Does that -- you
8 -- have you finished reviewing --

9 (EXHIBIT 18 MARKED FOR IDENTIFICATION)

10 A. Yes.

11 BY MR. TEPFER:

12 Q. -- Exhibit 18? Does that in any way refresh
13 your recollection of this arrest?

14 A. No, it doesn't.

15 Q. If you have any idea why you're named as a
16 witnessing officer on that report in number 18 -- in Box
17 18?

18 A. Because it's a -- it was a team arrest.

19 Q. Okay. But beyond it being a team arrest, and
20 it being the practice of your team to list everyone on
21 the team on the police reports, do you have any
22 recollection of any act you took in regards to this
23 arrest?

24 A. No, I don't.

25 Q. Okay. Do you recall prior to this April 24,

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

72

1 2006, sometime in March, three to four weeks earlier,
2 going to the same -- or going with Watts to Lionel
3 White's home and threatening to break the door down, or
4 tear the door down, if he didn't open the door?

5 A. No.

6 Q. No recollection of that?

7 A. No. No recollection.

8 MR. TEPFER: Okay. Can we go off the record
9 for a second?

10 MR. PALLES: Sure.

11 THE VIDEOGRAPHER: We're off the record. The
12 time is 11:35 a.m.

13 (OFF THE RECORD)

14 THE VIDEOGRAPHER: Back on the record. The
15 time is 11:36 a.m.

16 MR. PALLES: All right. I understand that Mr.
17 Tepfer's going to go into a bunch of arrests that
18 are not involved in the target cases but are
19 contemporaneous -- roughly contemporaneous to Mr.
20 White's arrest on April 24, 2006. I object to the
21 relevance of this line of questioning, but I'm going
22 to allow it to proceed.

23 MR. TEPFER: Thank you. Actually, I guess I
24 need a minute to get this ready. Hold on.

25 MR. BAZAREK: Eric, I think he called it the

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

73

1 target cases, the test cases.

2 MR. PALLES: I -- you know, I always do. Why
3 did -- I did that in court the other day. Test
4 cases. I'll never get that right.

5 MR. TEPFER: I think someday, Eric, you may get
6 it right. I have confidence in you.

7 MR. PALLES: Yeah. In my closing.

8 MR. TEPFER: I'm missing one. I've got five in
9 this one and three in that one. Okay.

10 MR. PALLES: Are these going to -- just give
11 them to her. Are these --

12 MR. TEPFER: Yeah. I'm just trying to get them
13 all in one and I already screwed up. Sorry guys, I
14 need a minute. There's a lot of them. There's
15 going to be one more that's added. I got to see
16 which one I duplicated here. Sorry, I'm sorry. All
17 right, put that one as the fourth one, maybe.

18 MR. PALLES: Whatever.

19 MR. TEPFER: Or you want to do this, the last
20 one?

21 MR. PALLES: Huh?

22 MR. TEPFER: Nothing. Put that at the end. All
23 right.

24 MR. PALLES: See you.

25 MR. TEPFER: Here we go. We're going to mark

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

74

1 as Exhibit 19, City-LW-127 to 128. And I give a
2 whole bunch.

3 (EXHIBIT 19 MARKED FOR IDENTIFICATION)

4 MR. PALLES: It would be the same, so...

5 MR. TEPFER: Okay. So that is -- that -- which
6 one? What's the name on that one? Can I just see
7 real quick? Sorry. All right. That's the George
8 Green arrest vice case report. Then Exhibit 20 is
9 City-LW-121 to 122. This is the Teresa Butler vice
10 case report. And 21, it's going to be LW-113 to
11 114. This is the John Pierce vice case report. 22
12 is going to be LW-125 to 126. This is the Dale
13 Morrow Vice Case Report.

14 (EXHIBIT 20 MARKED FOR IDENTIFICATION)

15 (EXHIBIT 21 MARKED FOR IDENTIFICATION)

16 (EXHIBIT 22 MARKED FOR IDENTIFICATION)

17 THE WITNESS: Excuse me.

18 MR. TEPFER: Okay. Then 20 -- where are we at?
19 23?

20 THE REPORTER: 23.

21 BY MR. TEPFER:

22 Q. 23 is LW-111 to 112. This is the Cleothus
23 Morris vice case report. I might want -- all right. 24
24 is LW-119 to 120. It's the Lynn Howard vice case
25 report. 25 is LW-123 to 124. It's the Charles Riley

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

75

1 vice case report. And 26 is LW-117 to 118. And that's
2 the Lorener Williams vice case report. All right. You
3 can go ahead and take as much time as you need. I want
4 you to look at all of those exhibits. They all relate
5 to arrest on April 24, 2006 during various times of that
6 day. Do you want to take a look at them, or you already
7 have them? Just take whatever time you need.

8 (EXHIBIT 23 MARKED FOR IDENTIFICATION)

9 (EXHIBIT 24 MARKED FOR IDENTIFICATION)

10 (EXHIBIT 25 MARKED FOR IDENTIFICATION)

11 (EXHIBIT 26 MARKED FOR IDENTIFICATION)

12 MR. PALLES: What are the --

13 THE WITNESS: I don't know.

14 MR. PALLES: -- you've read what? A couple of
15 them?

16 THE WITNESS: Yeah. Yeah.

17 MR. PALLES: Okay. If you have any specifics
18 about signature lines or whatever, he'll look at
19 those separately.

20 BY MR. TEPFER:

21 Q. Okay. Your name is the reporting officer 2 on
22 the Box 45 and or Box -- I'm sorry, Box 46 on each of
23 those exhibits, correct?

24 A. Yes.

25 Q. Okay. Do you recall the arrests of any of

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1 these individuals?

2 A. No, I don't. I don't recall.

3 Q. Okay. And nothing in any of these vice case
4 reports, in anything that you've read, refreshes your
5 recollections?

6 A. No.

7 Q. And I just --

8 A. No.

9 Q. I know you and your lawyer had a brief
10 conversation, saying you've read a couple of them. I
11 really -- I want to give you a chance to read as much or
12 little as you want to make sure. Because I just want to
13 make sure there's nothing in any of these reports that
14 refresh your recollection. So just whenever you're
15 ready to comfortably answer that question.

16 A. It --

17 MR. PALLES: He's -- what you can't ask me
18 anything. He is asking you if you've read enough
19 that you feel comfortable --

20 THE WITNESS: Oh, yeah. Yeah.

21 MR. PALLES: Well, is there any -- it -- from
22 what you've seen, will it refresh your recollection
23 if you continue to look at this right now?

24 THE WITNESS: No. The only thing that we -- is
25 the attempt possession narcotics. To -- to me,

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

77

1 that's the only recollection is this is -- was a
2 suppress -- narcotics suppression mission.

3 BY MR. TEPFER:

4 Q. Where are you looking at?

5 MR. PALLES: The very top.

6 THE WITNESS: The very top, secondary
7 classification.

8 BY MR. TEPFER:

9 Q. The very top of which exhibit?

10 A. It's Box number 2.

11 MR. PALLES: All of them.

12 A. All of them.

13 BY MR. TEPFER:

14 Q. Box number 2. Okay. Secondary attempt
15 possession of narcotics?

16 A. Yes.

17 Q. Okay. What did you -- explain. Can you
18 repeat what you said?

19 A. I said that it is a -- a suppression mission
20 of narcotics.

21 Q. Okay.

22 A. And that's people who came down and attempted
23 to buy narcotics.

24 Q. Okay. But do you recall any of these
25 individuals, or witnessing, or being involved in the

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

78

1 arrest in any way of any, of these individuals --

2 A. No.

3 Q. -- attempting to buy narcotics that day?

4 A. No, I don't recall.

5 Q. Oh, okay. So you're just saying that point --
6 correct me if I'm wrong, but noting that it was a
7 secondary classification as attempt possession of
8 narcotics, why is that significant to you, I guess, is
9 my question?

10 A. Because all these -- they read the same, just
11 about. And it -- they come in at every 15 minutes --
12 every five minutes, I think.

13 Q. Okay. So is that different than some of the
14 other vice case reports we looked, where it was actual
15 non-attempts, but they were, like, actual possession of
16 narcotics?

17 A. Right.

18 Q. Is that of some significance to you?

19 A. Yes.

20 Q. But that doesn't in any way refresh your
21 recollection of this actual attempt, as opposed --

22 A. No.

23 Q. Okay. I got it. I think that's all on that
24 one. You don't recall one way or the other -- actually,
25 it's not one, whether you were at 575 East Browning on

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

79

1 April 24, 2006?

2 A. No.

3 Q. Okay.

4 A. No.

5 Q. Okay. We're going to get lunch today.

6 MR. PALLES: Great.

7 BY MR. TEPFER:

8 Q. Okay. Okay. Do you know who Bobby Coleman
9 is?

10 A. Yes.

11 Q. You do?

12 A. Yes, sir.

13 Q. What do you recall about Bobby Coleman?

14 A. That he was always in Ida B. Wells.

15 Q. Okay. Could you recognize him if you saw him?

16 A. Yes.

17 Q. Have you ever arrested Bobby Coleman?

18 A. I can't remember.

19 Q. Is there anything else you remember about him,
20 besides that he was always in Ida B. Wells?

21 A. None other than that. And he was -- yeah.

22 Narcotics.

23 Q. He wasn't -- he was narcotics?

24 A. Yeah.

25 Q. You mean he was involved? What do you mean by

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

80

1 that?

2 A. He was involved with narcotics.

3 Q. Okay. Did you ever witness him being involved
4 in narcotics?

5 A. On one arrest.

6 Q. Okay. So you were involved in one arrest?

7 A. The arrest of -- yeah, one. Yeah.

8 Q. Okay. What arrest?

9 A. It was the -- well, we were hiding in a
10 building.

11 Q. Okay. Do you remember what year?

12 A. I don't remember what year it was.

13 Q. Do you remember if anyone else was arrested?

14 A. There was a Fuzz (phonetic). I think -- I
15 just remember Fuzz and Bob Coleman.

16 Q. Okay. So is this about referring to the
17 January 4, 2003 arrest of Leonard Gipson and Bobby
18 Coleman and others?

19 A. That's correct.

20 Q. Okay. Tell me everything you remember about
21 that arrest.

22 A. The day that we came in at, believe it was --
23 I want to, say 2:00 in the morning. We was sitting in
24 an apartment full of roaches and rats and stuff like
25 that, and waited until they came. And Fuzz was

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

81

1 directing traffic, and he was waiting for Bob. And when
2 Bob came around, they exchange -- from what I could see,
3 exchanged something. And Fuzz, Leonard Gipson, was
4 telling people to get their ass in -- in line, in order.
5 And did you-all walk the building down.

6 Q. Okay. Let's back up there for a second. You
7 said you were sitting in an apartment with -- what
8 building were you in?

9 A. I believe it was 574 or 527. I'm -- one of
10 the two. I don't know.

11 Q. And who were you with?

12 A. Sergeant Watts, Al Jones. Darryl Edwards. I
13 think Gerome -- let me see.

14 Q. Gerome Summers?

15 A. Yeah. Gerome Summers. It was more than that.
16 That's -- those are all the people I can remember.

17 Q. There were more officers that were with you in
18 this rat-infested -- filled apartment, but you just
19 don't remember who else?

20 A. Yeah.

21 Q. Were there any white-skinned officers with
22 you?

23 A. Gonzalez. Gonzalez and Bolton. Did I mention
24 them?

25 Q. I don't think so.

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82

1 A. Okay. Gonzalez and Bolton. Yeah.

2 Q. Okay.

3 A. Leano.

4 Q. Leano was there as well?

5 A. Yeah, I believe Doug (phonetic).

6 Q. Okay. And you said, if I -- what I heard you
7 say was you were waiting until they come. Is that what
8 you said?

9 A. Yes. We were waiting until they got set up.

10 Q. And who were you talking -- who were you
11 waiting for? Who's they?

12 A. Fuzz. Leonard Gipson.

13 Q. And anyone else?

14 A. And Bob.

15 Q. Meaning Bobby Coleman?

16 A. Bobby Coleman, yeah.

17 MR. TEPFER: All right. This is city -- what
18 number are we on? 27?

19 THE REPORTER: 27.

20 (EXHIBIT 27 MARKED FOR IDENTIFICATION)

21 BY MR. TEPFER:

22 Q. This is City BD-51-681. Is that Bobby
23 Coleman?

24 A. Yes.

25 Q. Okay. So why were you waiting for them to set

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

83

1 up?

2 A. Because we had information that they were
3 selling drugs. And --

4 Q. Did -- go ahead. Sorry.

5 A. I don't recall who gave us the information,
6 but we had the information that they were setting up
7 drugs and it usually started at 6:00. Bob brought the
8 drugs in and Fuzz gave it to the workers.

9 Q. Okay. So some --

10 A. That was the information.

11 Q. Okay. And you -- wherever you were set up,
12 you had information that they were going to start their
13 day's drug sales on 6:00 a.m. in or around that
14 building?

15 A. Yes.

16 Q. Okay. And you don't recall who gave you the
17 information?

18 A. No.

19 Q. Do you recall if it was a citizen or a police
20 officer that gave you the information?

21 A. It was a citizen.

22 Q. Okay. And do you recall whether that citizen
23 gave the information directly to you, or did it give it
24 to one of your police officer teammates?

25 A. Teammates. Didn't give it directly to me.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

84

1 Q. Do you know who that citizen, who you don't
2 remember, who gave that information to?

3 A. No.

4 Q. Was it Watts?

5 A. I don't -- I don't -- probably was, but I
6 don't know.

7 Q. Okay. So if I understand, you were informed
8 by one of your teammates that a citizen had given them
9 information that Leonard Gipson and Bobby Coleman were
10 going to start their drug sales at 6:00 a.m. that
11 morning at that building where you were at?

12 A. Yes.

13 Q. Okay. And so you set up some sort of, is it
14 correct --

15 A. Surveillance.

16 Q. Surveillance? Okay. And so you were
17 surveilling Bobby Coleman and Leonard Gipson. They were
18 the targets of your surveillance?

19 A. Yes.

20 Q. Okay. And all of you were in the same rat-
21 infested building or apartment?

22 A. Yeah. Yes.

23 Q. Okay. What did you see?

24 A. Well, we saw -- saw and heard Leonard Gipson
25 come out, yelling, search the building, do a walk-down,

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

85

1 and get you-all wake up.

2 Q. Okay. So let me back up. What time did you
3 first see Leonard Gipson?

4 A. I don't recall the time.

5 Q. Okay. Was Leonard Gipson alone when you saw
6 him?

7 A. He appeared by himself, yes.

8 Q. How did he appear? Like, how did he get
9 there?

10 A. That, I don't know. He just -- he walking --
11 I guess he walked because he didn't drive a car. So he
12 walked through and came up the -- I think it's called
13 the fire lane.

14 Q. Okay. And you could see the fire lane from
15 the apartment that you were surveilling from?

16 A. Right.

17 Q. Okay. So you saw Leonard Gipson in the fire
18 lane and was he alone?

19 A. Yes.

20 Q. Okay. Had you seen Bobby Coleman prior to
21 sustain Leonard Gipson?

22 A. No.

23 Q. Okay. And what happened when you saw
24 interview with someone?

25 A. He was yelling, walk the building down, get

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

86

1 you-all ass in the -- in -- in order, and told them
2 where to set up at, the lookouts and the workers. And
3 then I guess he gave them they work -- work -- wake-up.
4 That's what it's called. He gave them the drugs.

5 Q. Okay. So he when you say he gave them the
6 wake-up, you're -- you say the wake-up is the drugs?

7 A. Uh-huh.

8 Q. And he would -- who did he --

9 THE REPORTER: Is that a yes?

10 THE WITNESS: Yes. Oh, yes. I'm sorry.

11 BY MR. TEPFER:

12 Q. That's okay.

13 A. Yes.

14 Q. And who was he giving the drugs?

15 A. Whoever was arrested. I don't remember their
16 names, but --

17 Q. Okay. So what you're saying is he wasn't
18 giving drugs to people who were purchasing drugs, he was
19 giving people drugs who were --

20 A. Guys who working for him.

21 Q. Who were working for him. Just try to let me
22 finish the question, but I know you know where I'm
23 going. It's just for her. So let me just make sure
24 it's clear. Leonard Gipson started announcing that he
25 was giving the drugs to individuals who were working for

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

87

1 him. And by working for him, you mean that they were
2 going to sell the drugs that he provided to them?

3 A. No.

4 Q. No. Okay.

5 A. No.

6 Q. Go ahead. Then what did I get wrong?

7 A. What -- what you got wrong was he had -- the
8 people that was outside, he gave them what they call a
9 wake-up, that being they gave him the -- I think it was
10 heroin, to do in the morning, in the evening, and in the
11 afternoon. They gave them three of them. That was for
12 their personal use.

13 Q. Okay.

14 A. Then, Bob showed up.

15 Q. Okay. Let's stop there before Bob shows up.
16 When you say he gave individuals the wake-up and I
17 believe you mean like -- did he give him each three
18 baggy -- bags --

19 A. Yeah.

20 Q. -- of heroin?

21 MR. PALLES: Wait until he finishes.

22 A. Yes. That's what they told us. Yes.

23 BY MR. TEPFER:

24 Q. Who told you that?

25 A. The arrestees.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

88

1 Q. Oh, the arrestees. Did you witness this?

2 A. No.

3 Q. Okay. Did you hear him say, here's your wake-
4 up?

5 A. Yep.

6 Q. Okay. You could hear that from where you
7 were?

8 A. Yes.

9 Q. Okay. Did you see anyone else when Leonard
10 was talking from your vantage point?

11 A. No.

12 Q. Did you ever see any of the individuals that
13 he gave the wakeups to?

14 A. Yes. They was in the building.

15 Q. They were in the building?

16 A. Right.

17 Q. Okay. Could you see them in the building?

18 A. Not from my -- where I was.

19 Q. Okay. Was there anyone else surveilling from
20 other apartments or other places while you were
21 surveilling?

22 A. No, we only had that surveillance and I
23 believe there was some marked cars out there on the
24 street.

25 Q. Were those marked cars working with you on

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

89

1 this surveillance?

2 A. Yes.

3 Q. Okay. Do you remember who was in the marked
4 cars?

5 A. No, I don't -- I don't remember.

6 Q. When you say marked cars, do you mean blue and
7 white cars?

8 A. Blue and white. Yes, sir.

9 Q. Okay. Were the blue and white cars that were
10 participating in the surveillance, were they, like,
11 normal -- were they part of Watts's supervising team?

12 A. No.

13 Q. Okay. They were just people who came in to
14 help with this surveillance?

15 A. Yes.

16 Q. Okay. Okay. So was Cadman there?

17 A. I don't -- don't remember.

18 Q. Was Spaargaren there?

19 A. Don't remember.

20 Q. Do you know who those people are?

21 A. I know who they are, yeah.

22 Q. Just don't remember? Okay. Do you review any
23 reports prior -- did you review any reports related to
24 this arrest prior to this deposition?

25 A. No.

1 Q. Okay. So you just have an independent memory
2 of this incident on January 4, 2003?

3 A. Yes.

4 Q. Okay. All right. So you -- we left off
5 Leonard -- you hear Leonard Gipson. What did he say
6 again? What were -- what did you hear him say?

7 A. He said -- want me start over?

8 Q. Sure.

9 A. Okay. He said, walk the building down and get
10 you-all ass in gear. And then he -- he said, I got your
11 wake-up. And he went toward -- inside the building.
12 That's where everybody was.

13 Q. Okay.

14 A. And then they, before they can get out good, I
15 believe that's when we came down. Because they -- we
16 had a radio and they told us Bob was coming.

17 Q. Okay. So somebody -- did somebody radio from
18 one of the blue and white cars?

19 A. Yes.

20 Q. Okay. And someone said Bob was coming and
21 that was the other target?

22 A. Yep.

23 Q. Okay. And did you see Bob arrive?

24 A. Yeah, I saw him coming.

25 Q. Okay. Was he on foot or in a car?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

91

1 A. No, he was in a car.

2 Q. Okay. What kind of car?

3 A. I can't remember his car.

4 Q. Okay.

5 A. But he drove the same car.

6 Q. Do you remember the color?

7 A. No, I don't remember the color of it.

8 Q. Big car, small car, anything?

9 A. Big car.

10 Q. Okay. And could you see him coming up, like,
11 Bobby Coleman actually in the car, or could you just --
12 did you just recognize his car?

13 A. I seen him come up the lane.

14 Q. Okay.

15 A. In his car.

16 Q. Okay.

17 A. I recognized it.

18 Q. Okay. And you could see through the
19 windshield or the window that it was him driving the
20 car?

21 A. Yes.

22 Q. Okay. And he was coming up the lane?

23 A. Uh-huh.

24 Q. And then what happened?

25 A. Then, once they said that, it was -- it --

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

92

1 over the radios, everybody said go. We came down the
2 stairs, and the blue and whites pulled up where they
3 couldn't get out and they tried to run in the building,
4 but we had all the exits closed off so they couldn't get
5 up.

6 Q. Okay. I'm going to have to back up here a
7 little bit. All right. So Bobby Coleman pulled up. Did
8 you hear him say anything?

9 A. No.

10 Q. Did he -- did you see him get out of the car?

11 A. No, he didn't get out.

12 Q. Okay. Was he -- did he pull up near where
13 Leonard Gipson was?

14 A. Yep. Right up to him.

15 Q. How far?

16 A. Like, if this was the car, like I am to him.

17 MR. PALLES: Okay. For the record, pointing to
18 his attorney about approximately two --

19 THE WITNESS: Two feet.

20 MR. PALLES: -- feet away.

21 BY MR. TEPFER:

22 Q. Okay. So Bobby Coleman's car was two feet
23 away from where Leonard Gipson was standing?

24 A. Right.

25 Q. And you could still see Leonard Gipson from

1 where you were surveilling?

2 A. Right.

3 Q. Okay. And some point while he was -- when you
4 got the radio announcement to break, you -- did you get
5 a radio announcement to break your surveillance?

6 A. Yep.

7 Q. Okay.

8 A. Yes.

9 Q. And was that while he was -- Bobby Coleman's
10 car was still driving, or was it when it was stopped?

11 A. It was -- it was stopped.

12 Q. It was stopped. And then you got a call to
13 break the surveillance?

14 A. Yes.

15 Q. And it was from one of the blue and white
16 cars?

17 A. Yes.

18 Q. Okay. And you said something about, at the
19 time that all the -- did you say entrances or exits were
20 closed off to the buildings?

21 A. The stairways.

22 Q. Stairways. Okay.

23 A. We -- there's two stairways. You go in the
24 back, you come in the front. So we had those closed off
25 where they couldn't run up through the building.

1 Q. When you say those were closed off, do you
2 mean there was police presence there?

3 A. Yes.

4 Q. Okay. Who were the police officers who were
5 guarding the stairways?

6 A. The ones on the team.

7 Q. Do you remember who?

8 A. I don't remember who was in what stairway, but
9 we came down the stairwells. The police officers that I
10 named.

11 Q. Okay.

12 A. Yeah. We came down the stairways and one -- a
13 couple went to the back and a couple went to the front.

14 Q. Oh, I see. So is it the same officers who
15 closed off the stairways who were in that build -- in
16 the apartment -- or rat-infested apartment --

17 A. Yes.

18 Q. -- that you were surveilling?

19 A. Yes.

20 Q. Okay. I see. So as soon as you got the radio
21 notification, you -- what floor were you surveilling
22 from?

23 A. The fourth floor, I think it was. I believe
24 it was the fourth floor.

25 Q. Okay. Did you witness any drug transaction?

1 A. They didn't have any. Nobody got a chance to
2 do that.

3 Q. Okay.

4 A. Yeah.

5 Q. So why did -- you know why you broke --

6 A. Because we -- when we came down, that's when
7 we -- we had got everybody. So the people that was
8 coming went away once they saw the police come.

9 Q. Okay. And you're talking -- the people you're
10 talking about --

11 A. The -- the -- the drug -- people that was
12 buying drugs.

13 Q. Okay.

14 A. Yeah.

15 Q. Right. So that's what I meant. So you're
16 anticipating that they were about to begin some sales of
17 drugs, but you'd never witnessed it because people left
18 after you broke surveillance --

19 A. Right.

20 Q. -- correct?

21 A. Uh-huh.

22 Q. Okay. So my question is, did you see any drug
23 transactions at all that day before you broke
24 surveillance?

25 A. No.

1 Q. Okay. So what were you arresting him for?

2 A. Arresting who? The -- Bobby Coleman and them?

3 Q. Yes.

4 A. Because they was setting up to sell narcotics.

5 Q. Okay. And what was the basis that they were
6 setting up to sell narcotics from -- that caused you to
7 make the arrest?

8 A. Because it's an illegal activity.

9 Q. Okay. Did you see them selling any narcotics?

10 A. No, I didn't.

11 Q. Okay. Did you -- what -- beyond the -- you
12 got some information through a different officer that
13 they were going to be selling narcotics that day, right?

14 A. Yes.

15 Q. And that's why you set up a surveillance?

16 A. Yes.

17 Q. So I'm asking you, what did you witness that
18 caused you to break surveillance and actually effectuate
19 the arrests?

20 A. Well, I said that when Bob Coleman, he was the
21 one that was delivering the drugs to Fuzz. When the
22 other officers, because we gave them a description of
23 the car and the -- and when they saw him coming, they
24 radioed to us that he was coming and that's when we saw
25 him coming, so we broke surveillance.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

97

1 Q. Okay. Did you see Bobby Coleman while he was
2 in the car with drugs?

3 A. No, I didn't.

4 Q. Okay. Did you see him provide Leonard Gipson
5 with drugs before you broke surveillance?

6 A. We saw Fuzz walk over to the car.

7 Q. Did you see them make any sort of exchange?

8 A. Yes.

9 Q. What did you see?

10 A. I didn't get to see it, but I saw Fuzz at the
11 car. And once we got down there, I don't know who
12 recovered the drugs or -- or whatever, but they had
13 drugs on them.

14 Q. Okay. Did you see Coleman hand Fuzz drugs?

15 A. No, I didn't.

16 Q. Did any officer tell you that they saw Coleman
17 hand --

18 A. No, they didn't.

19 Q. Let me finish the question. Did any officer
20 tell you that they saw Coleman hand Fuzz or Leonard
21 Gipson Drugs?

22 A. I don't recall.

23 Q. Okay.

24 A. I said I don't recall.

25 Q. And you got the radio to break surveillance,

1 what did you testify, while he was driving or while it
2 was stopped? I can't remember.

3 A. Did I testify?

4 Q. Yeah. Just five minutes ago, when I asked you
5 was the car stopped when you got the radio surveillance,
6 or was it still driving?

7 A. It was stopped.

8 Q. It was stopped. Okay. And it was two feet
9 away from Leonard Gipson at the time?

10 A. Yes.

11 Q. But Bobby Coleman was still in the car?

12 A. Yes.

13 Q. Was Bobby Coleman's window open?

14 A. Yes, it was.

15 Q. Okay. This was January 2003?

16 A. Yes.

17 Q. Okay. Was it open the entire time he was
18 driving, or did it open --

19 A. I don't --

20 Q. -- after that?

21 A. I don't know.

22 Q. How long were you on surveillance before you
23 saw Leonard Gipson?

24 A. I can't recall. It just seemed like forever.
25 So it could've been four hours to -- I think we got

1 there about 2:00. Not for sure, but...

2 Q. Did you ever see Leonard Gipson in a car that
3 day?

4 A. No.

5 Q. Do you remember testifying in any proceeding
6 relating to this arrest?

7 A. I don't remember.

8 Q. Do you know who George Ollie is?

9 A. I heard of him.

10 Q. What do you remember about him?

11 A. He was -- he was a worker.

12 Q. Okay.

13 A. Selling drugs. Yeah.

14 Q. Was -- did you see him that day?

15 A. I don't recall.

16 Q. Do you know who Larry Lomax is?

17 A. Larry. I heard that name before.

18 Q. Do you recall how you heard it?

19 A. No, I don't. In Ida B. Wells, I heard his
20 name, but that's it.

21 Q. Okay. Do you recall if you saw Larry Lomax
22 that day?

23 A. I -- I can't remember.

24 Q. You can't recall?

25 A. No, I can't recall.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

100

1 Q. Okay. Did you arrest George Ollie that day?

2 A. I don't remember who was arrested that day.

3 Q. Okay. Did you arrest anyone that day?

4 A. I can't recall.

5 Q. But did you arrest Leonard Gipson?

6 A. I remember -- I can't remember, unless -- I

7 have to see the case report.

8 Q. Okay. Did you arrest Bobby Coleman?

9 A. No, I remember, I didn't arrest him.

10 Q. You remember you did not arrest him?

11 A. I did not arrest him.

12 Q. Was he arrested?

13 A. Yes.

14 Q. Do you know who arrested him?

15 A. I -- I can't recall.

16 Q. Okay. Do you know Clifford Roberts?

17 A. I don't remember the name.

18 Q. Do you know Marc Giles?

19 A. Don't remember the name.

20 Q. We're on 28. All right. This is Exhibit 28.

21 It's City-BG-52-081. Oops.

22 (EXHIBIT 28 MARKED FOR IDENTIFICATION)

23 THE WITNESS: Oh, okay.

24 MR. PALLES: Whatever.

25 THE WITNESS: Oh, okay.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

101

1 BY MR. TEPFER:

2 Q. Do you know who that person is?

3 A. No.

4 Q. Did you arrest that person that day?

5 A. I can't remember.

6 Q. Was that person arrested that day?

7 A. He could've been. I don't remember.

8 Q. You just don't remember?

9 A. Right.

10 Q. All right. Exhibit 29, DO-Joint-48319. Do
11 you recognize this person?

12 (EXHIBIT 29 MARKED FOR IDENTIFICATION)

13 THE WITNESS: No. Uh-huh.

14 BY MR. TEPFER:

15 Q. Do you know if that person was arrested on
16 January 4, 2003?

17 A. He could've been. I don't -- I don't
18 remember.

19 Q. You just don't recall one way or the other?

20 A. No.

21 Q. Okay. What do you remember about after
22 breaking surveillance?

23 A. Just that we were running down the stairs.

24 Q. Where did you go?

25 A. I can't remember where I went.

Kentuckiana Reporters
30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



502.589.2273 Phone
502.584.0119 Fax
schedule@kentuckianareporters.com
www.kentuckianareporters.com

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

102

1 Q. Did you go to one of the stairwells?

2 A. Yeah. I went to one of the stairwells and I
3 grabbed somebody. I can't remember who it was, that
4 they was trying to go up the stairs and I grabbed
5 somebody. I can't remember who.

6 Q. Okay. But the person you grabbed, is that the
7 person you arrested?

8 MR. PALLES: You know what, I'm going to object
9 to the form. I think it calls for a legal
10 conclusion. But if you --

11 BY MR. TEPFER:

12 Q. Well, let me ask you. Sure. Okay. The
13 person that you grabbed, did that person end up getting
14 arrested?

15 A. Yes.

16 Q. Did you cuff that person?

17 A. I could have, yes.

18 Q. Okay. What was that person arrested for?

19 A. Attempt narcotics.

20 Q. Attempt narcotics?

21 A. Uh-huh.

22 Q. Okay. Meaning attempt --

23 A. That would -- not to cut you off, but that
24 would be the reason.

25 Q. For attempting to sell narcotics?

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

103

1 A. Yes.

2 Q. Okay. And what was the facts or the evidence
3 that you saw that person attempted to sell narcotics?

4 A. That they were out there selling narcotics.
5 Well, attempting to sell narcotics. Setting up. I
6 would have to read the case report of how it was
7 written.

8 Q. Okay. When you say case report, do you mean
9 the vice case report?

10 A. Yes.

11 Q. Okay. I will show to you, this is Exhibit 30.
12 This is Plaintiff's Joint 827 -- 82-107 to 82-108. I
13 have a redacted one but it should be fine. You know
14 what? Let's do a better one. Here's one that's not
15 redacted. Sorry.

16 MR. PALLES: Okay.

17 MR. TEPFER: Can we strike that?

18 MR. PALLES: Yeah. Here, I'll take to use.

19 THE WITNESS: Okay.

20 MR. TEPFER: This is City-BG-52039 to 040.
21 Still Exhibit 30, right?

22 THE REPORTER: Uh-huh.

23 (EXHIBIT 30 MARKED FOR IDENTIFICATION)

24 MR. TEPFER: Do you need one? I'm sorry. Do
25 you need one, Eric?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

104

1 MR. PALLES: Yeah, I'll use the redacted one.

2 MR. TEPFER: No, here. I got one for you.

3 MR. PALLES: Okay.

4 BY MR. TEPFER:

5 Q. I'm not sure it's the same -- yeah, it is.

6 We're just going to throw this one out. Okay. Sure. So
7 this is the vice case report and I believe where we were
8 was you were going to --

9 MR. PALLES: Read it.

10 BY MR. TEPFER:

11 Q. Okay. Read it and tell me if this refreshed
12 your recollection of what you arrested the individual
13 you detained for exactly. To be honest, it's a
14 complicated read, so take your time.

15 A. Okay.

16 Q. Okay. So why did you arrest the individual at
17 the stairwell?

18 A. Oh, it just doesn't tell why I did it, but he
19 was -- it just tells -- from me reading this, he was
20 part of the individuals that was attempting to sell
21 drugs.

22 Q. Okay.

23 A. And it wasn't a individual arrest. I grabbed
24 him, put the cuffs on him. And --

25 Q. What do you mean it wasn't an individual

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

105

1 arrest?

2 A. Well, it doesn't state that I individually
3 arrest him for -- for certain.

4 Q. Okay. Is there any document that would state
5 which person you individually arrested?

6 A. No, I don't think it would be.

7 Q. Would an arrest report indicate that you
8 personally were the one that arrested the individual?

9 A. I don't know. I'd have to see it. But it was
10 just a group effort where --

11 Q. Okay. Wait, what was the last thing you said?
12 I'm sorry.

13 A. No, I was just saying it was a group effort.

14 Q. Oh, it was a group effort. Okay.

15 A. Yes.

16 Q. But there was one individual that you
17 particularly detained and cuffed, right?

18 A. Yes. I do remember that. I don't remember
19 who, but yes. 2003. January 4, 2003.

20 MR. TEPFER: All right. What are we on?

21 THE REPORTER: This'll be 31.

22 BY MR. TEPFER:

23 Q. I'm going to mark as Exhibit 31 plaintiff's
24 joint 41353 through 41469.

25 (EXHIBIT 31 MARKED FOR IDENTIFICATION)

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

106

1 MR. PALLES: What is that, the suppression
2 hearing?

3 MR. TEPFER: Yeah.

4 BY MR. TEPFER:

5 Q. And I'm going to direct you particularly to
6 41368 through 4137 -- 4 -- through 41372, okay?

7 MR. PALLES: Why don't you put on, like, a
8 mark. Here, take a look. This is what-you-call-it
9 here. Look. I'm sorry. Did you give us the last
10 page or -- I'm looking at --

11 MR. TEPFER: Want the whole exhibit or just
12 that? It's --

13 MR. PALLES: What pages are you -- are we
14 supposed to be looking at?

15 MR. TEPFER: His testimony, 368 to 372.

16 MR. PALLES: 368. Okay. Here you go. There
17 you go.

18 BY MR. TEPFER:

19 Q. When you're done through your testimony, okay?

20 A. Is that -- you just wanted me to read my
21 testimony?

22 Q. Yeah. Not the rest.

23 A. Oh.

24 Q. And then you can look at the very first page
25 too, which just shows what date this was and what

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

107

1 proceeding.

2 A. Okay.

3 Q. Okay. So if you go to the very first page --

4 MR. PALLES: Oops. Okay. Here. To where he
5 was at.

6 MR. TEPFER: The very --

7 MR. PALLES: Okay. Yeah.

8 MR. TEPFER: The very first page of the exhibit
9 --

10 MR. PALLES: Oh.

11 BY MR. TEPFER:

12 Q. -- not the testimony. That's proceeding
13 related to people the -- Bobby Coleman, Leonard Gipson,
14 and George Ollie. Do you see that?

15 A. Yes.

16 Q. Okay. And you reviewed your testimony at
17 these proceedings, which was, I don't know what you
18 reviewed says it, but it was a pretrial motion hearing,
19 correct?

20 A. Uh-huh.

21 Q. Okay.

22 A. Yes.

23 Q. And after reviewing that, does that in any way
24 refresh your recollection of who is the individual that
25 you detained at the stairway?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

108

1 A. No, it doesn't.

2 Q. Okay. It doesn't -- it -- the fact that you
3 took -- on Plaintiff joint 41372, you testified that you
4 arrested Ollie. Do you see that right on top?

5 A. On --

6 Q. Page 20, Plaintiff joint 41372, right at the
7 bottom.

8 MR. PALLES: 20.

9 BY MR. TEPFER:

10 Q. So the very top of the page. The Court asked,
11 who did you arrest? And the witness is you, it says, I
12 arrested Ollie. Do you see that?

13 A. Yes.

14 Q. Okay. Does that in any way indicate to you
15 that that's the person that you detained at the
16 stairway?

17 A. Yes.

18 Q. Okay.

19 A. If it's on here, yes.

20 Q. Okay. So you don't -- if I'm understanding
21 correctly, and these are always complicated questions,
22 it's not that you independently really remember that
23 it's George Ollie, but you're making some sort of
24 conclusion in your mind that -- that's the person in the
25 stairway that you -- based on this testimony --

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

109

1 A. Yes.

2 Q. -- is that right?

3 A. Yes.

4 Q. Okay. Because you didn't cuff or detain
5 anyone else that day, right?

6 A. No. I can't remember.

7 Q. Okay. And then the next sentence after that,
8 right below that, you were asked the question, did you
9 see any criminal activity before you arrested Mr. Ollie
10 or had simply responded to an order to arrest? And you
11 answered, I wasn't in a position to do that. I can't
12 testify to that. I wasn't in a position to do that.
13 Question, you were not? Answer, no; is that right?

14 A. Yes.

15 Q. So does that mean that you didn't witness
16 George Ollie engaged in any criminal activity?

17 A. No, not -- no.

18 Q. It doesn't mean that, or it does mean that?

19 A. It does mean that, yes.

20 Q. Okay. So you didn't actually arrest him? You
21 didn't actually witness George Ollie engaged in any
22 criminal activity, right?

23 A. No.

24 Q. Okay. And you didn't actually witness Leonard
25 Gipson pass any drugs to Bobby Coleman, right?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

110

1 A. Correct.

2 Q. And you don't remember any of the other guys I
3 mentioned, Marc Giles, Larry Lomax, or Clifford Roberts,
4 right?

5 A. No.

6 Q. Okay. And you don't remember George Ollie?

7 A. No.

8 Q. Okay. Is there anything else you remember
9 about this incident?

10 A. No.

11 Q. Okay. I want you to go back now and look at -
12 - I think it's Exhibit 30. It's this one here. It's
13 the vice case report, okay?

14 A. Okay.

15 Q. I think you started to review that, maybe
16 finished, and I maybe I didn't ask you enough questions
17 about it.

18 MR. PALLES: He did look at it before.

19 MR. TEPFER: He did look at, right?

20 MR. PALLES: Right. We've looked at this?

21 THE WITNESS: Yes. I looked at it.

22 BY MR. TEPFER:

23 Q. Okay. So the narrative portion in 40, up
24 until the next page, it talks about an Offender number
25 1, correct?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

111

1 A. One minute.

2 Q. And it talks about it both in Offender number
3 1 and an Offender number 2, correct?

4 A. Yes.

5 Q. Okay. And if I'm reading this report
6 correctly -- well, tell me if I am, does Offender number
7 1 refer to Bobby Coleman and Offender number 2 refer to
8 Leonard Gipson?

9 A. Yes.

10 Q. Okay. All right. I want to go to the one,
11 two, three, four, fifth line of the narrative on this -
12 - on the second page, on BG-5204, so the back, and it
13 says -- I'm going to start reading. It says, the driver
14 of the silver, now known as Offender number 2, parked
15 that vehicle in the rear of 527 East Browning and
16 approached the rear door. Do you see that?

17 A. Yes.

18 Q. Okay. So Offender number 2 is Leonard Gipson.
19 So that means he was in a car, correct?

20 A. I -- I don't know. I just seen -- I told you
21 I'd seen him walking up.

22 Q. You saw him walking? That's what I was going
23 to ask.

24 A. Yeah.

25 Q. So you didn't actually ever see Leonard Gipson

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

112

1 in the car, you only saw him walking, right?

2 A. Right. That's correct.

3 Q. Okay. Who wrote this? Do you know who wrote
4 this report?

5 A. No, I don't know.

6 Q. Do you assume it's their first reporting
7 officer, or could it be somebody else?

8 A. I -- I don't know.

9 Q. You don't know one way or the other?

10 A. Yeah. I'm not --

11 Q. When you wrote the -- when you wrote like just
12 case reports, whether you hand wrote them or typed them,
13 would you put yourself -- generally put yourself as the
14 first reporting officer?

15 A. Yes.

16 Q. Okay. So is it the practice of the team and
17 the police department to have the first reporting
18 officer write the report?

19 A. Yes.

20 Q. Okay. And that first reporting officer on
21 this vice case report is C. Ridgell, right?

22 A. Yes.

23 Q. And that's Calvin Ridgell?

24 A. Yes.

25 Q. Okay. Do you ever recall talking to him about

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

113

1 whether he observed Leonard Gipson in a vehicle?

2 A. No, I don't.

3 Q. Okay. And right at -- okay. The vehicle
4 number -- Vehicle number 2 is described on the top of
5 page -- of the second page of the vice case report. It
6 says, '93 Chevy, four door, silver, and then it gives a
7 long VIN number. Do you see that?

8 A. Yes.

9 Q. Is that Bobby Coleman's car that you remember?

10 A. I -- I don't know. I -- I don't know.

11 Q. Is there anywhere on this report that lists
12 Vehicle number 1? Take your time to review the report.

13 A. What was your question again?

14 Q. Is there anywhere on this report that
15 references a Vehicle number 1?

16 MR. PALLES: You know, I'm going to object. The
17 document is clear on its face.

18 MR. TEPFER: I'm just asking. I don't --
19 there's no --

20 BY MR. TEPFER:

21 Q. Let's just frame it this way. Does any -- do
22 you see anywhere on this report that lists a Vehicle
23 number 1? And then I'll ask another question.

24 A. I don't see that, but I see a '99 Chrysler,
25 green.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

114

1 Q. Right. Okay. That's what I was going to ask
2 about.

3 A. Okay.

4 Q. So where do you see -- wait, sorry. Where do
5 you see the '99 Chrysler?

6 A. On Page 1.

7 MR. PALLES: Box 36.

8 A. Yeah. 36.

9 BY MR. TEPFER:

10 Q. Terrific. All right. That's very helpful.
11 Thank you. All right. Is that green Chrysler the car
12 you associated with Bobby Coleman?

13 A. I don't -- I don't remember.

14 Q. You don't recall?

15 A. No.

16 Q. Okay. But on Page --

17 A. But I know he drove -- is this a -- Chrysler.
18 I don't remember.

19 Q. You don't recall one way or the other?

20 A. No.

21 Q. Okay. On Page 2, back to the next page, in
22 the second -- there's a narrative that starts, in
23 summary, and I want to go to the second sentence of
24 that. It says, the CI -- well, let's just read the
25 whole thing. In summary, R/Os received information from

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

115

1 a CI that two male Blacks known as Bob and Fuzz would be
2 delivering narcotics to 527 East Browning," correct?

3 A. Correct.

4 Q. Right. Does that refresh your recollection of
5 whether or not you were setting up surveillance at 527
6 East Browning, because I think you said you didn't
7 remember?

8 A. Yeah, it was 527. Yes.

9 Q. It was 527?

10 A. Yes.

11 Q. Okay. All right. Seeing this sentence and
12 the fact that there was a CI, does that in any way
13 refresh your recollection of who the CI was?

14 A. No.

15 Q. Okay.

16 A. No.

17 Q. Do you think you ever knew who the CI was?

18 A. No.

19 Q. So no --

20 A. I don't -- no.

21 Q. So the police just told you that a -- one of
22 your partners, who you're don't -- one of your pro-
23 police officers involved in this surveillance and arrest
24 just told you that they got information from a CI, but
25 you don't think they ever told you who the CI was?

1 A. Right. And I never asked because everybody --
2 you got different information from -- some was credible
3 and some was not.

4 Q. And that's why you didn't ask?

5 A. No, I didn't ask. It wasn't my CI because
6 they -- nobody is going to tell who is the CI.

7 Q. You're -- you generally didn't share the
8 identities of CIs with your partners on the team?

9 A. Well, they did, but I didn't ask who it was.

10 Q. In this case, you didn't ask?

11 A. Right.

12 Q. Okay. Okay. And then it says, the CI stated
13 that Bob would be driving a green car and that Fuzz
14 would be in a silver car similar to an unmarked police
15 vehicle. Do you see that?

16 A. Yes.

17 Q. Okay. And you just said you're -- we
18 referenced a green Chrysler earlier. Do you recall now
19 that Bobby Coleman's car was green, or does this not
20 refresh your recollection?

21 A. No, it doesn't. No.

22 Q. Okay. And the next sentence says, R/Os and
23 their sergeant then set up surveillance points within
24 the building and outside the perimeter. Do you see
25 that? It's just the next sentence.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

117

1 A. Yeah, I see it.

2 Q. It. Okay. What does outside the perimeter
3 mean, if you know?

4 A. That would be the building.

5 Q. Okay. So the surveillance points within the
6 building, you said there was just one that was the rat-
7 infested apartment you were all in, right?

8 A. Yes.

9 Q. And then you said there were some blue and
10 whites in the parking lot, I think?

11 A. No. They were on their patrol.

12 Q. On their patrol?

13 A. Right.

14 Q. Okay. But they were part of this
15 surveillance, right?

16 A. Right.

17 Q. Okay. Is that the --

18 A. Well, I -- I don't mean to cut you off. We
19 asked them to do it, you know?

20 Q. All right.

21 A. To let us know.

22 Q. Did you ask them that day?

23 A. Yes.

24 Q. Were you the one who asked?

25 A. No, I wasn't.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

118

1 Q. Who was the one that asked?

2 A. I believe Sergeant asked.

3 Q. Sergeant Watts?

4 A. Yes.

5 Q. Okay. But you don't recall who they were?

6 A. No.

7 Q. Were you there when Sergeant Watts asked them?

8 A. No.

9 Q. Did he -- did Sergeant Watts -- did he tell
10 you if he briefed them on the mission, so to speak?

11 A. Yes.

12 Q. And he did --

13 A. That's what he told us, that he briefed them
14 on it.

15 Q. Okay. So they -- he told them what cars they
16 should look for?

17 A. Right. Correct.

18 Q. And a general description of who these --

19 A. Yes.

20 Q. -- individuals were?

21 A. Uh-huh.

22 Q. Yes?

23 A. Yes.

24 Q. Okay. If you know, is this -- are they -- are
25 those blue and white cars, are those the ones that are

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

119

1 referenced as surveilling from outside the perimeter, or
2 is outside -- are the -- or is that something else?

3 MR. PALLES: Objection. Lack of foundation.

4 THE WITNESS: I'm -- I'm not for sure.

5 BY MR. TEPFER:

6 Q. You're not for sure? Okay. Okay. Do you
7 recall seeing Bobby Coleman circling the area in his
8 car?

9 A. No.

10 Q. Okay. You just recall --

11 A. Seeing him pull up.

12 Q. -- seeing him pull up and right next to where
13 Leonard Gipson was standing, right?

14 A. That's right. That's correct.

15 Q. Okay.

16 A. Yes.

17 Q. Okay. And then you never saw the individuals
18 Leonard Gipson was talking to, or handed three bags of
19 heroin for their wake-up, correct?

20 A. No, I never saw that.

21 Q. All right. Was Ridgell in the apartment with
22 you?

23 A. Yes.

24 Q. How many windows were the -- in the apartment
25 that you were surveilling on?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

120

1 A. I think -- two, three, I believe it was three
2 -- three or four.

3 Q. Okay. Were they all facing the same
4 direction, or a different direction?

5 A. Same direction.

6 Q. Okay. So were you-all looking out the same
7 three or four windows?

8 A. Yes.

9 Q. Okay. You never saw Bobby Coleman exit the
10 vehicle, right?

11 A. No, I -- I didn't see him.

12 Q. Did you see him arrested?

13 A. I -- I don't believe I saw his arrest.

14 Q. Did you see Gipson's arrest?

15 A. Yes.

16 Q. Who arrested Gipson?

17 A. I don't recall who arrested --

18 Q. Where were you when you saw him arrested?

19 A. In -- standing outside the building.

20 Q. Like were you -- had you already arrested the
21 individual we believe is probably Ollie?

22 A. Right.

23 Q. Okay. Was it -- how long after you arrested
24 Ollie did you see Gipson get arrested?

25 A. Maybe two or three minutes.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

121

1 Q. Okay.

2 A. He was being walked down the fire lane.

3 Q. Oh, so you saw him in custody; is that right?

4 A. Yes.

5 Q. But you didn't actually see him --

6 A. Him get --

7 Q. -- detained, correct?

8 A. No. Uh-uh.

9 Q. Yeah. We're talking over each other again, so

10 --

11 MR. PALLES: It's okay. Calm down.

12 THE WITNESS: Got it. Yeah. Yeah. Okay.

13 MR. TEPFER: It probably is just as much my
14 bad, but just so the record -- did you get that
15 pretty clear?

16 THE REPORTER: Yeah.

17 BY MR. TEPFER:

18 Q. I think I already asked you this, but you
19 didn't see who had detained Leonard Gipson, which of
20 your officers, teammates, right?

21 MR. PALLES: Objection. Asked and answered.

22 BY MR. TEPFER:

23 Q. You can answer again.

24 A. No, I didn't.

25 Q. Well, you just said no, I didn't. You don't

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

122

1 recall who it was?

2 A. I don't recall, no.

3 Q. Okay. And you never saw Bobby Coleman reach
4 into his front pants pocket and hand a clear plastic bag
5 to Leonard Gipson, right?

6 A. Right. No, I didn't see that.

7 Q. You never saw Leonard -- oh, let me ask you
8 this. I know you don't remember who they were, but this
9 report reflects that there's -- besides Leonard Gipson
10 and Bobby Coleman, five other individuals arrested,
11 right?

12 A. Yes.

13 Q. And I never -- I haven't even mentioned this
14 name yet. Do you remember George Scroggins?

15 A. No, I don't remember that name.

16 Q. Okay. Besides Leonard -- I already asked you
17 about Bobby Coleman and Leonard Gipson, and we already
18 know about what we think is George Ollie, the one you
19 detained. Did you see any of the other individuals who
20 were arrested actually getting arrested, like being
21 detained by the officer?

22 A. No, I -- I -- I didn't.

23 Q. Okay. And you never saw Gipson give Clifford
24 Roberts or Mark Giles a bundle of suspect narcotics,
25 right?

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

123

1 A. No, I didn't.

2 Q. No, you did not?

3 A. No, I didn't see that. No.

4 Q. Okay. And you never heard Leonard Gipson tell
5 Clifford Roberts to give Larry Lomax, George Ollie, or
6 George Scroggins their wake-up, right?

7 A. Yeah. You could hear that.

8 Q. Oh, okay. So you did hear that?

9 A. Yeah. That's what I told you he was going
10 toward the building.

11 Q. Okay. Okay. You heard him -- you heard
12 Leonard Gipson talk about wake-up and giving individuals
13 their wake-up, correct?

14 A. Yes.

15 Q. Okay. But you didn't see him hand it?

16 A. No.

17 Q. If you didn't see him hand it, how do you know
18 that he gave them each three bags?

19 A. If he said it, that's what happened.

20 Q. Okay. So you heard him say wake-up?

21 A. Yes.

22 Q. Did you hear him say three bags?

23 A. No, but for me working out there, I know what
24 it is because they -- when we catch them, they tell us
25 what it is.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

124

1 Q. Okay. So that's what I was asking. So
2 basically --

3 A. Yes.

4 Q. -- you heard him say wake-up, and then you
5 understood that from your experience as a police officer
6 in January of 2003, that a wake-up was three servings,
7 so to speak, of drugs?

8 A. Yes.

9 MR. PALLES: Blows.

10 MR. TEPFER: Is it -- what?

11 MR. PALLES: Blows.

12 MR. TEPFER: Blows. Okay. You're a lot hipper
13 than me.

14 BY MR. TEPFER:

15 Q. Okay. Did you ever see Clifford Roberts and
16 just to direct you where I'm on the report, it's like -
17 - well, it's very hard to describe. It's like, the very
18 middle of the second page, in the first floor hallway.
19 Did you ever see -- oh, sorry, I'm doing this one.
20 Sorry. Strike that. Did you ever see anyone recover 22
21 small, clear plastic baggies with a white powder,
22 suspect heroin, from Clifford Roberts?

23 A. No, I -- I didn't see that.

24 Q. Did you ever see them --

25 A. No.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

125

1 Q. -- take any officer take \$129 from Clifford
2 Roberts' hand?

3 A. I don't recall any of that.

4 Q. Okay. When you arrested the individual you
5 were arrested at the stairway, did he have any narcotics
6 on him?

7 A. I don't remember. Can't remember.

8 Q. Did you search him?

9 A. No, I didn't.

10 Q. Okay. Who searched him? Did anyone search
11 him?

12 A. Yeah, he was searched --

13 Q. Okay.

14 A. -- when they -- once he got to the station.

15 Q. So he wasn't searched upon his arrest?

16 A. No.

17 Q. You weren't concerned that he had a weapon or
18 anything?

19 A. No.

20 Q. Why not?

21 A. Well, in my practice, they didn't carry guns -

22 -

23 Q. Okay.

24 A. -- or knives.

25 Q. Okay. So you arrested them and they weren't

1 searched until they got back to the station?

2 A. Yes.

3 Q. Okay. Did you witness Marc Giles in
4 possession of 20 small, clear Ziploc baggies with white
5 powder, suspect heroin, in his hand?

6 A. Don't recall.

7 Q. Okay. Do you witness or, in fact, recover
8 from George Ollie, three small Ziploc baggies with white
9 powder, suspect heroin?

10 A. Don't recall.

11 Q. That was in his hand?

12 A. Don't recall.

13 Q. Okay. Well, when you arrested him, whoever
14 you arrested, did they have any drugs in their hands?

15 A. I don't recall. He could have, but I didn't -
16 - don't recall.

17 Q. Just don't recall? Okay. Did you witness
18 either Larry Lomax or George Scroggins with one clear --
19 let's just do one at a time. Strike it. Did you
20 witness Larry Lomax in possession of one clear plastic
21 baggy with white powder, suspect heroin?

22 A. Don't recall.

23 Q. Did you witness George Scroggins with one
24 clear plastic baggy, white powder, suspect heroin?

25 A. Don't recall.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

127

1 Q. Did you ever witness Bobby Coleman or Leonard
2 Gipson attempt to flee?

3 A. No.

4 Q. Did you ever witness Leonard Gipson holding or
5 possessing 53 small, Ziploc baggies with white powder,
6 suspect heroin, in his -- period, did you?

7 MR. BAZAREK: Objection. Foundation.

8 THE WITNESS: Don't recall.

9 BY MR. TEPFER:

10 Q. Did you ever search Leonard Gipson's jacket?

11 A. Don't recall.

12 Q. Do you recall witnessing anyone search his
13 jacket and recover 53 small Ziploc baggie with white
14 powder, suspect heroin?

15 A. Don't recall.

16 Q. Do you recall any interaction -- do you recall
17 driving any of the individuals to the police station?

18 A. No.

19 Q. Do you recall any of them being in a car that
20 you were in, whether you drove or not?

21 A. No.

22 Q. Do you recall any interactions at the police
23 station with any of these individuals?

24 A. No. I don't remember. I don't --

25 Q. Do you recall anything else about this arrest?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

128

1 A. No, I don't.

2 MR. TEPFER: Did I show him -- you're -- did we
3 do this one?

4 THE REPORTER: No, not yet.

5 MR. TEPFER: okay.

6 THE REPORTER: This will be 32.

7 MR. TEPFER: Sure.

8 MR. BAZAREK: Is there going to be a break at
9 some point?

10 MR. TEPFER: I think I'm pretty close to done,
11 but we can take a break whenever you want. I
12 should've asked. Sorry, I should've warned you.

13 MR. BAZAREK: No, that's okay. If you're
14 almost done. There might be some follow-ups, so
15 that's fine.

16 BY MR. TEPFER:

17 Q. Oh, okay. City-BG 52230 is Exhibit 32. Sorry,
18 I missed this. All right. Do you recognize that
19 individual?

20 (EXHIBIT 32 MARKED FOR IDENTIFICATION)

21 A. I don't recognize him, but I -- his name is
22 George Ollie.

23 BY MR. TEPFER:

24 Q. Yeah. Okay. Well, that's what it says on the
25 exhibit, right?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

129

1 A. Yes.

2 Q. Okay. And you're just trusting that that's
3 George Ollie because that's the name that it's on the
4 exhibit, right?

5 A. That's correct.

6 Q. And you don't know if that's the person that
7 you arrested at the stairwell on January 4, 2003?

8 A. No. No.

9 MR. TEPFER: All right. Good idea, Bill. Why
10 don't we take a break and I probably have some more
11 questions, but it's not --

12 THE VIDEOGRAPHER: All right. We're off the
13 record. The time is 12:46 p.m.

14 (OFF THE RECORD)

15 THE VIDEOGRAPHER: We're back on the record.
16 The time is 12:59 p.m.

17 MR. PALLES: All right. As I indicated,
18 Mr. Mohammed has been looking at the vice case
19 report and wanted to make it a statement about
20 something of his prior testimony.

21 BY MR. TEPFER:

22 Q. All right. Let me just make the record clear.
23 You're looking at Exhibit 30. Is that what you're
24 talking about?

25 A. Oh, yes, yes. All right.

1 Q. And if that's the vice case report for the
2 January 4, 2003, arrest?

3 A. Yes.

4 Q. Okay. And on the break, you were reviewing
5 that and your Counsel is telling us that you want to
6 change one of your answers or something?

7 A. Yes.

8 Q. All right. What do you want to tell me?

9 A. With -- as the officers that was listed was
10 Spaargaren, Cadman, and Young, instead of -- and it
11 wasn't Doug, Manny (phonetic), or Gonzalez.

12 Q. Okay. Can I see that?

13 A. Sure.

14 Q. All right. So now -- so what does that mean
15 to you? Does that mean you're -- are you saying now
16 that the individuals that you named who are not listed
17 on this report, you're now are testifying, they were not
18 with you in that rat-infested apartment?

19 A. Right. Correct.

20 Q. And that -- and that they weren't involved in
21 this arrest in any way?

22 A. Correct.

23 Q. Okay. And are you now saying that Cadman was
24 with you in that rat-infested apartment?

25 A. Yes.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

131

1 Q. All right. But -- do you -- as you sit here
2 today, do you specifically remember Cadman being there?

3 A. I remember Cadman there, yeah.

4 Q. Okay. Same question for Spaargaren. As you
5 sit here today, do you remember Spaargaren being with
6 you?

7 A. Yes.

8 Q. Okay. As you sit here today, you remember
9 Bolton being with you?

10 A. Yes.

11 Q. As you sit here today, you remember Kenny
12 Young being with you?

13 A. Yes.

14 Q. As you sit here today, you remember Al Jones
15 being with you?

16 A. Yes.

17 Q. And you -- as you sit here today, you remember
18 Gerome Summers being with you?

19 A. Yes.

20 Q. As you sit here today, you remember Darryl
21 Edwards being with you?

22 A. Yes.

23 Q. As you sit here today, you remember Sergeant
24 Watts being there with you?

25 A. Yes.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

132

1 Q. And as you sit here today, you remember Calvin
2 Ridgell being with you?

3 A. Yes.

4 Q. And those weren't super precise questions.
5 When I say with you, what I mean is you remember each of
6 those individuals we just talked about being with you,
7 in that rat-infested apartment, conducting the
8 surveillance?

9 A. Yes.

10 Q. And that's how you understood my questions?

11 A. Yes.

12 Q. Okay. You -- is there anything else, any
13 other testimony, you wanted to change after you reviewed
14 this report?

15 A. No, that's -- that's it.

16 Q. Okay. Is there anyone else that you remember
17 in that rat-infested apartment, as you sit here today,
18 conducting surveillance on January 4, 2003? Horrible
19 question. Let me strike that. As you sit here today,
20 is there anyone else, besides the ones we just
21 mentioned, and the individuals who are on this report,
22 that you also remember being in that -- with you on
23 January 4, 2003?

24 A. That's it.

25 Q. Okay.

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133

1 A. Yep. Yes.

2 Q. And nothing in the -- nothing in this report
3 refreshes your recollection of who the blue and white --
4 who was in the blue and white cards that were assisting
5 you with the surveillance?

6 A. No, nothing.

7 Q. Okay. And is there any report that you can
8 think of that may document who those individuals were?

9 A. No.

10 Q. Okay. Okay. Did I already ask you this? Is
11 there anything else that you want to correct after
12 reviewing this report?

13 A. Yes, you asked me that. Answer is no.

14 Q. No, right?

15 A. Yes.

16 Q. The answer -- the question -- the answer is,
17 you have nothing else that you want to correct from your
18 prior testimony, correct?

19 A. That's correct.

20 Q. Okay, thanks. All right. Prior to this
21 January 4, 2003 arrest, I think the only individual you
22 say you remember is Coleman, correct?

23 A. Yes.

24 Q. Do you recall any interactions with him prior
25 to January 4, 2003?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

134

1 A. None, other than I would see him driving
2 around.

3 Q. Okay. Did you ever solicit a bribe from him?

4 A. No.

5 Q. Did you ever witness Watts solicit a bribe
6 from him?

7 A. No.

8 Q. And I guess I'm asking prior to January 4,
9 2003, on January 4, 2003, or after January 4, 2003, did
10 you ever solicit a bribe from Bobby Coleman?

11 A. No.

12 Q. Did you ever witness Watts solicit a bribe
13 from Bobby Coleman during any time in your life?

14 A. No.

15 MR. TEPFER: I think that's all the questions I
16 have for you today on these topics.

17 THE WITNESS: Okay.

18 MR. PALLES: Important caveat. Okay,
19 gentlemen, it looks like Bill, you're ready to roll
20 here with some questions?

21 MR. BAZAREK: Yes. Yes.

22 MR. TEPFER: Okay. Let her go.

23 CROSS-EXAMINATION

24 BY MR. BAZAREK:

25 Q. Good afternoon, Mr. Mohammed.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

135

1 A. Good afternoon.

2 Q. Nice to see you again.

3 A. Yes.

4 Q. I have a question. Earlier in the deposition,
5 you talked about this meeting that you had with
6 Mr. Tepfer; do you recall that?

7 A. Yes.

8 Q. And what year was that?

9 A. I don't -- I don't remember what year it was.

10 Q. Was it after --

11 A. Might have been --

12 Q. Go ahead.

13 A. It might've been 2011 or '12. I'm -- I'm not
14 for sure.

15 Q. Okay. Where were you at when you had this
16 interview with Mr. Tepfer and this other individual he
17 was with?

18 MR. PALLES: Objection. Asked and answered,
19 Bill.

20 BY MR. BAZAREK:

21 Q. Go ahead.

22 A. At my house.

23 Q. Who was the other person Mr. Tepfer was with?

24 A. I don't -- I don't remember. It was just big
25 guy that was with him. He was a big guy. I don't

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

136

1 remember him.

2 Q. Do you recall the race of him?

3 A. Oh, he was -- I guess he was -- could've been
4 a white guy. I don't -- I don't know.

5 Q. Did you invite Mr. Tepfer and the big guy into
6 your home?

7 A. Yes.

8 Q. Did Mr. Tepfer tell you that he was an
9 attorney?

10 A. I don't remember. I don't -- no, I don't
11 think so. I don't -- I don't -- no.

12 Q. Did Mr. Tepfer tell you that he was
13 representing any individuals that would have adverse
14 interest to you?

15 MR. TEPFER: Objection to form. Go ahead.

16 THE WITNESS: No.

17 BY MR. BAZAREK:

18 Q. What did Mr. Tepfer say to you?

19 A. He's -- he mentioned that he needed to know
20 some information about what had happened in -- in my
21 case. Well, if I --

22 Q. Did he --

23 A. -- I wanted to talk about it.

24 Q. Did you tell him that you were represented by
25 a criminal defense attorney in your case?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

137

1 A. No.

2 Q. At the time, did you have an attorney during
3 the time you spoke with Mr. Tepfer?

4 A. No.

5 Q. Was Mr. Tepfer taking notes when you spoke
6 with him?

7 A. I don't -- I don't recall.

8 Q. What about the other individual he was with?
9 Was he taking notes, if you could tell?

10 A. I -- I couldn't tell.

11 Q. Were you being recorded, if you know?

12 A. No, I -- I wouldn't know. No, I didn't know.

13 Q. Did Mr. Tepfer ever tell you that he was using
14 a recording device to record what you were saying?

15 A. No, he didn't.

16 Q. What else did Mr. Tepfer say during this
17 interview?

18 A. That's all that I remember.

19 Q. How long was Mr. Tepfer and this other
20 individual inside your house?

21 A. Maybe ten minutes.

22 Q. Other than Mr. Tepfer and this unknown man,
23 was -- and yourself, was anyone else inside your
24 residence?

25 A. No.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

138

1 Q. Did Mr. Tepfer, during this time, tell you
2 that he was representing Ben Baker?

3 A. No.

4 Q. Did Mr. Tepfer tell you that if he was able to
5 vacate Ben Baker's convictions, that he would be able to
6 bring a lawsuit against you and other members of the
7 Chicago Police Department?

8 A. I can't remember, but I -- I remember him
9 saying that it was -- some other people were done wrong,
10 to that effect.

11 Q. Mr. Tepfer said some other people had done
12 wrong?

13 A. Had been done wrong by, you know, the police
14 department, or Watts. I'm not for sure the exact
15 wording.

16 Q. So what -- what's your understanding of what
17 Mr. Tepfer wanted you to do --

18 A. Well --

19 Q. -- when he met with you?

20 A. At --

21 MR. TEPFER: Objection. Calls for speculation.
22 Go ahead.

23 THE WITNESS: At that point, once I thought
24 about it, you know, I thought about, anything I say
25 can will be used against you, that's what I thought

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

139

1 about myself. And I didn't want to get too much
2 into it, so I cut off the conversation -- that it
3 wouldn't have been good for me.

4 BY MR. BAZAREK:

5 Q. So at that point you knew you'd -- you know, I
6 should consult with an attorney on this, right?

7 A. Correct.

8 Q. Did Mr. Tepfer ask you if you had an attorney
9 when he was inside your house?

10 A. I -- I don't remember that. I don't remember.

11 Q. You think if he did, you would've remembered
12 that?

13 A. Yeah.

14 MR. TEPFER: Objection. Calls for speculation.

15 THE WITNESS: Yes.

16 BY MR. BAZAREK:

17 Q. How was it -- how was it arranged that Mr.
18 Tepfer was going to come inside your house?

19 A. Well, I don't -- I don't know how they got
20 there in the first place. I'm not for sure about that,
21 but because of everything going on, I invited them in
22 because they said they wanted to talk to me.

23 Q. But were -- did they phone you first, or just
24 you had some people show up in your doorstep?

25 A. Showed up at my doorstep.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

140

1 Q. So you had -- they were unannounced visitors,
2 right?

3 A. Yes.

4 Q. You had no idea that they were going to come
5 to your home?

6 A. No idea.

7 Q. Did Mr. Tepfer say that he had in -- any
8 information about other members of the team that Ronald
9 Watts supervised?

10 A. I don't remember -- I don't remember that
11 whole conversation at that first point.

12 Q. Did Mr. Tepfer mention Shannon Spalding to you
13 during this home visit that he made to you?

14 A. No.

15 Q. How about Daniel Echeverria?

16 A. No.

17 Q. Did Mr. Tepfer -- did he have a laptop or a
18 computer with him when he was inside your home?

19 A. I don't -- I don't remember.

20 Q. So this -- the big fellow who was with Mr.
21 Tepfer, what was he doing during this whole home visit,
22 so to speak?

23 A. He was just standing there. He might've said
24 something. I'm -- I'm not for sure.

25 Q. Did -- do you recall, did he have a pad of

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1 paper, or a pen?

2 A. When I first saw him, he didn't have nothing
3 in his hand.

4 Q. This is on your, what? Front porch?

5 A. Yeah, on my front door. Yeah.

6 Q. Okay. By the way, was it -- was, like, a
7 single-family residence, or were you in an apartment
8 building?

9 A. No. Single-family residence.

10 Q. Did you ask Mr. Tepfer how he learned where
11 you lived?

12 A. No, I didn't. But my assumption is that when
13 this first happened -- not my assumption, what I know
14 the -- the -- when this happened, they put my address,
15 my license plates, and everything else out there in the
16 -- on -- what was it? In the news. I do remember that.

17 Q. Okay. What other things do you remember Mr.
18 Tepfer saying to you while inside your home?

19 A. That's -- that's all I can remember. That's
20 all I can remember.

21 Q. So how did the -- how did the conversation end
22 with Mr. Tepfer and the big fellow he was with?

23 A. I don't -- I don't remember how it ended. You
24 know, that's all I remember, those little bits and
25 pieces right there.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

142

1 Q. Did Mr. Tepfer ever make any further attempts
2 to, you know, contact you?

3 A. No.

4 Q. So the -- so he never showed up again, no
5 phone calls, nothing like that?

6 A. No. Uh-uh. No.

7 Q. Did you mention to him when you were meeting
8 with him that you wanted to consult with an attorney?

9 A. I don't know if I was thinking that or I said
10 it to him, but I -- I think -- I don't -- I don't know
11 if I said it to him or I was just thinking that, and I
12 just cut it off.

13 Q. Did Mr. Tepfer mention Ben Baker by name to
14 you while he was inside your home?

15 A. No, not that I remember. No.

16 Q. If you know, did he mention any of the -- any
17 of the plaintiffs in these lawsuits involving, you know,
18 your former team?

19 A. No.

20 Q. Did Mr. Tepfer make any promises to you while
21 he was inside your home?

22 A. No, not that I can remember.

23 Q. Let me ask you, that -- when Mr. Tepfer made
24 this unannounced visit to your house, how long of a time
25 period had it been since you were released from federal

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

143

1 prison?

2 A. I'm not for sure. I don't -- I don't
3 remember. I can't remember when it happened, because
4 everything was a blur to me, so I really wasn't paying
5 attention.

6 Q. Okay. Did Mr. Tepfer ever e-mail you, or
7 write you letters, anything like that?

8 A. No. No. Uh-uh.

9 Q. Did any other attorneys, you know, show up --
10 or strike that. Not talking about federal prosecutors,
11 FBI agents, but did any other criminal defense attorneys
12 or plaintiff's attorneys ever show up at your home
13 unannounced before?

14 A. No.

15 Q. I want to make sure I understand. I want to
16 go to the -- do you recall getting a -- was it a phone
17 call from Mr. Bloomberg and another individual who
18 identified himself as an FBI agent; is that right?

19 A. Yes, that's correct.

20 Q. That was just over the phone?

21 A. Over the phone, yes.

22 Q. Okay. Did Mr. Bloomberg or the FBI agent tell
23 you that they were investigating Ben Baker for
24 falsifying his interrogatory answers in his case?

25 A. No.

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

144

1 Q. How long was that phone call with Mr.
2 Bloomberg and the FBI agent?

3 A. No more than ten to 15 minutes.

4 MR. BAZAREK: That's all I have.

5 MR. TEPFER: Does anyone else have questions?

6 MR. GAINER: No questions here.

7 MR. TEPFER: Okay.

8 MR. DAFFADA: No questions.

9 MR. TEPFER: Okay. I have a couple follow-up.

10 MR. PALLES: Wait, wait, let's make sure.

11 Everybody weigh in on the defense?

12 MR. DAFFADA: No questions.

13 MR. PALLES: Okay. It looks like it --

14 MS. HARRIS: I have a -- just a few questions.

15 Very short questions.

16 MR. PALLES: Dhaviella.

17 MR. TEPFER: Okay.

18 MR. PALLES: Go ahead, Dhavi.

19 EXAMINATION

20 BY MS. HARRIS:

21 Q. Hi, Kallatt. I represent the City of Chicago.
22 Just a -- like I said, just a few short questions. But
23 earlier in the day, you testified that it was a practice
24 of the tactical team with Watts to -- on report writes
25 to include all the members of the team, regardless if

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

145

1 they were present, correct?

2 A. Yes.

3 Q. And this was not a policy that you learned
4 from CPD, correct?

5 A. No.

6 Q. Do you recall when you were instructed to
7 report -- complete your reports like this?

8 A. When I first got on the tact team.

9 Q. And what year was that?

10 A. Let me see.

11 Q. Or around what year?

12 A. Let me see. I -- it might've been after two
13 years that I was on the job. So I came on in '96, so it
14 might've been in '98.

15 Q. And that's when -- this is when Watts
16 instructed you to complete your reports this way?

17 A. Yes.

18 Q. And how many times throughout your career
19 working with Watts on the tactical team did he instruct
20 you or the team personally to complete reports this way?

21 A. Well, it was -- after you made an arrest and
22 if you wanted credit for everybody getting credit,
23 whether you was there or not, or you just came up and
24 surrounded some people, or caught somebody, yeah, that's
25 -- that's the only time.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

146

1 Q. Okay. So when you say that everyone on the
2 team was listed on the reports, it was everyone that was
3 in attendance that day that was listed on the report?

4 A. Yes.

5 Q. Okay. So if you were not working that day,
6 you were not listed on the report?

7 A. If you weren't working, you weren't on that.

8 Q. Okay. Understand. And you said that he never
9 personally instructed you to complete a report this way?

10 MR. TEPFER: Objection. Misstates the
11 evidence.

12 THE WITNESS: No, it was just -- made
13 understand, put everybody on the report so that they
14 get credit for the arrest.

15 BY MS. HARRIS:

16 Q. Okay.

17 A. For helping.

18 Q. And was this ever memorialized in a Post-It,
19 an e-mail, a text message?

20 A. No.

21 Q. Okay. And did this occur before narcotic
22 missions or other missions?

23 A. It was just something that was -- that was
24 done. It wouldn't be -- you know, if you were -- if we
25 went on a narcotics mission, or -- or however, that's

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The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

147

1 how it would be understood.

2 Q. Okay.

3 A. To do -- to put everybody on it.

4 Q. And where did this conversation or instructing
5 -- instruction usually occur?

6 A. In the office. In the tact office.

7 Q. Where --

8 A. To -- in the station.

9 Q. Which station is that? I know there was two
10 of them.

11 A. Second district.

12 MS. HARRIS: Okay. Okay. Those are all my
13 questions. Thank you.

14 THE WITNESS: You're welcome.

15 REDIRECT EXAMINATION

16 BY MR. TEPFER:

17 Q. And a couple more follow-up, based on Bill's
18 line of questioning. Just for context, I'm not asking
19 about this, but what year did you get out of prison?

20 A. It was 2012, I believe it was.

21 Q. Okay. And I didn't come and see you before
22 you went to prison, right?

23 A. No.

24 Q. So when you testified it was 2011, 2012,
25 that's probably not right, correct?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

148

1 A. It's -- yeah, it's probably after because it -
2 - I think everything happened in 2011.

3 MR. PALLES: Yep. Let's stipulate --

4 THE WITNESS: Okay.

5 MR. PALLES: -- that he wasn't arrested until
6 February of 2012.

7 BY MR. TEPFER:

8 Q. Okay. So you probably got out of prison in
9 2013 sometime?

10 A. Right, right.

11 Q. Okay. And it was after that, correct?

12 A. Yes.

13 Q. Okay. And it was a garden apartment, correct?

14 A. My house?

15 Q. Yeah.

16 A. No.

17 Q. It was like a garden house. Like, it was a --
18 you know, bottom floor, correct?

19 A. No, it was the basement.

20 Q. Basement.

21 A. Yeah, basement. Uh-huh.

22 Q. Okay. And you opened the door?

23 A. Uh-huh.

24 Q. Okay. And I told you who I was?

25 A. Yes.

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

149

1 Q. Okay.

2 A. You gave your name. Yes.

3 Q. Okay. And I gave you a business card, right?

4 A. Yeah, yeah. I remember your business card.

5 Q. Okay.

6 A. Uh-huh.

7 Q. And that business card said Exoneration
8 Project on it, correct?

9 A. Yes.

10 Q. Okay. And do you know whether or not I
11 started working at the Exoneration Project in May of
12 2015?

13 A. No. I don't know.

14 Q. You don't know one way or the other, right?

15 A. No.

16 Q. Okay. And I told you that I represented
17 someone named Ben Baker, correct?

18 A. I don't remember If you said that or not.

19 Q. You don't remember one way or the other?

20 A. No. Uh-uh.

21 Q. Okay. And the big man that we're referring
22 to, he introduced himself, or I introduced him, correct?

23 A. Yeah.

24 Q. Okay. And his name was Eladio Valdez. Do you
25 remember that?

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

150

1 A. I don't remember.

2 Q. You don't remember. Okay. All right. And I
3 told you that I wanted to talk to you about Watts
4 related case, correct?

5 A. Yes.

6 Q. And you invited me in?

7 A. Yes.

8 Q. Okay. And we talked for, I think you said ten
9 minutes?

10 A. About ten minutes.

11 Q. Okay.

12 A. Ten, 15 minutes.

13 Q. Okay. And then at some point, you indicated
14 that you wanted to consult an attorney, right?

15 A. Yes.

16 Q. And then I left, right?

17 A. Yes.

18 MR. TEPFER: Okay. That's it.

19 MR. PALLES: Okay. Boy, let me think. All
20 right. For now, I'm going to reserve signature if
21 it's printed.

22 THE REPORTER: Okay.

23 MR. PALLES: Okay. Thank you, everybody.

24 MR. TEPFER: Thank you.

25 THE REPORTER: We're now off the record. It is

The Deposition of KALLATT MOHAMMED , taken on November 15, 2023

151

1 1:24.

2 (DEPOSITION CONCLUDED AT 1:24 P.M. CT)

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152

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, after first being duly sworn to testify the truth, the whole truth, and nothing but the truth by KRYSTAL BARNES; and that the said matter was recorded digitally by TALIA JACKSON 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 skill 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.



KRYSTAL BARNES,

NOTARY

MY COMMISSION EXPIRES: 02/18/2026



TALIA JACKSON,

DIGITAL REPORTER

SUBMITTED ON: 11/21/2023

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30 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606



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