

EXHIBIT 15



KENTUCKIANA
— COURT REPORTERS —

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

**DEPONENT:
DAVID NAVARRO**

**DATE:
July 18, 2023**



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 JUDGE VALDERRAMA
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717
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14 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
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23 DEPONENT: DAVID NAVARRO
24 DATE: JULY 18, 2023
25 REPORTER: SYDNEY LITTLE

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STIPULATION

The VIDEO deposition of DAVID NAVARRO was taken at KENTUCKIANA COURT REPORTERS, 110 NORTH WACKER DRIVE, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on TUESDAY the 18th day of JULY 2023 at 10:05 a.m. CENTRAL TIME; said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. THE OATH IN THIS MATTER WAS SWORN REMOTELY PURSUANT TO FRCP 30.

It is agreed that SYDNEY LITTLE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

THE REPORTER: We're on record. My name is Sydney Little. I'm the online video technician and court reporter today, representing Kentuckiana Court Reporters, located at 110 North Wacker Drive, Chicago, Illinois, 60606. Today is the 18th day of July 2023, and the time is 10:06 a.m. Central. We are convened by videoconference to take the deposition of Judge David

Navarro, In Re: Watts Coordinated Pretrial Proceedings, pending in the United States District Court for the Northern District of Illinois Eastern Division, Master Docket Case Number 19-CV-01717. Will everyone but the witness please state your appearance, how you're attending, and the location you are attending from, starting with Plaintiff's counsel?

MR. STARR: Good morning. My name is Sean Starr from Loevy & Loevy. I represent the plaintiffs in the consolidated proceeding in the State Court case. I'm attending remotely from the City of Chicago.

MR. FLAXMAN: I am Kenneth Flaxman, appearing for a variety of plaintiffs, known as the Flaxman plaintiffs. Thank you.

MR. STEFANICH: Brian Stefanich for the

1 defendant officers, and I'm appearing remotely via
2 Zoom.

3 MR. GAINER: Brian Gainer. I represent Ronald
4 Watts. I'm remote via Zoom in Chicago.

5 MR. PALLES: Eric Palles. I represent Kallatt
6 Mohammed, also in from Chicago.

7 MR. OBERTS: Good morning. Bill Oberts -- oh,
8 I'm sorry, Megan.

9 MS. MORRISON: Katherine Morrison for the City
10 of Chicago, remote via Chicago.

11 MS. MCGRATH: Megan McGrath for Defendants
12 Cadman and Spaargaren, remote in Chicago.

13 MR. OBERTS: Bill Oberts on behalf of the
14 deponent, remote in Chicago.

15 MR. FANGMAN: Paul Fangman on behalf of the
16 Cook County State's Attorney, remote in Chicago.

17 THE REPORTER: Thank you. Judge Navarro, will
18 you please state your name for the record.

19 THE WITNESS: My name is David R. Navarro.

20 THE REPORTER: Thank you. And do all parties
21 stipulate that the witness is, in fact, Judge David
22 Navarro?

23 MR. STARR: Plaintiff so stipulates --
24 Plaintiff Loevy.

25 MR. OBERTS: Yes.

1 MR. FLAXMAN: The Flaxman Plaintiffs so
2 stipulate.

3 MR. PALLES: So stipulate.

4 MS. MCGRATH: So stipulated.

5 MR. GAINER: Stipulated.

6 MS. MORRISON: So stipulated.

7 THE REPORTER: Great. Thank you. And Judge,
8 will you please raise your right hand? Do you
9 solemnly swear or affirm that the testimony you're
10 about to give will be the truth, the whole truth,
11 and nothing but the truth?

12 THE WITNESS: I do.

13 THE REPORTER: Thank you. Counsel may begin.

14 DIRECT EXAMINATION

15 BY MR. STARR:

16 Q. Good morning, Your Honor. As I stated
17 earlier, my name is Sean Starr and I represent certain
18 plaintiffs in this proceeding. Could you just state and
19 spell your name for the record, sir.

20 A. My name is David R. Navarro, spelled D-A-V-I-D
21 R. N-A-V-A-R-R-O.

22 Q. Okay. Excellent.

23 MR. STARR: Let the record reflect that this is
24 the videotape -- or videotaped Zoom deposition of
25 David Navarro, taken pursuant to the federal rules -

1 - notice in the Federal Rules of Civil Procedure.

2 BY MR. STARR:

3 Q. Good morning again, Your Honor. I will do my
4 best to just refer to you as Mr. Navarro, if that's
5 okay.

6 A. Yes.

7 Q. I certainly could -- some of us may slip up,
8 but I think for the purpose of this deposition, it makes
9 sense to just refer to you as Mr. Navarro. Thank you.

10 A. Understood.

11 Q. Mr. Navarro, have you taken -- have you given
12 a deposition before?

13 A. I have.

14 Q. How many different occasions have you been
15 deposed, sir?

16 A. I think twice. One -- one second.

17 THE WITNESS: Hey, Bill, can you mute, like,
18 your speaker? It's -- it's just a -- it's a weird
19 echo.

20 BY MR. STARR:

21 Q. Let me ask a question. See if it makes any --
22 it sounds any better to you. You said you've been
23 deposed on two occasions, sir?

24 A. Yes.

25 Q. Okay. Do you know what those cases were?

1 A. About two or three years ago, it was a
2 deposition -- a case involving Detective Rey Guevara.

3 Q. Okay. Was that the Reyes and Solache case?

4 A. Correct.

5 Q. Okay. And were you a party defendant in that,
6 your --

7 A. Yes.

8 Q. Mr. Navarro? And then the other case, when
9 was that and what was the name of that case?

10 A. I -- I don't remember what the name of the
11 case was. It was several years ago, involving Anthony
12 Abbate. I think it was involving Anthony Abbate.

13 Q. Were you a party in that case or just a
14 witness?

15 A. A witness.

16 Q. Okay. So you probably, you know, as an
17 officer of the Court and as a former deponent are
18 familiar with the rules of depositions, but I'm just
19 going to go over them so they were all in the same
20 playing ground here. You understand that you're under
21 oath today, sir?

22 A. I do.

23 Q. Okay. And you understand that telling a lie
24 at a deposition is a crime, correct?

25 A. I do.

1 Q. Okay. And you understand that there's a court
2 reporter here and she's taking down everything that we
3 say?

4 A. I understand that.

5 Q. Okay. So it's important that we give verbal
6 answers, you know, yeses or no's or more developed
7 answers, depending on the question, but it's important
8 not to give any kind of other physical cues or -- in
9 response to questions, okay?

10 A. Yes.

11 Q. All right. And this is more informal than a
12 court, but it's important we make a clear record and let
13 one another talk. There will be objections to questions
14 I ask and probably objections to questions that other
15 attorneys ask. It's important to let the attorneys make
16 their objections on the record and let the court
17 reporter do her job; is that fair?

18 A. That's fair.

19 Q. Great. And I'm going to ask a bunch of
20 questions today. I will try to make sure that the
21 questions make sense. If I ask something that you don't
22 understand, please ask me to rephrase it and I certainly
23 will, okay?

24 A. Yes.

25 Q. If I ask you a question and you give an

1 answer, we're all going to assume that you understood
2 what the question was; is that fair?

3 A. Yes.

4 Q. Okay. I don't intend to take the entire day
5 of your time. I understand that you are a busy person,
6 but I'm going to ask you a number of questions here. If
7 you need a break at some point in time, please let us
8 know and we can certainly take a break. The only thing
9 that I ask, if there's a pending question, that you
10 answer that question before we take that break, okay?

11 A. Yes.

12 Q. Excellent. Sir, where are you sitting today
13 for this deposition?

14 A. I'm at the law offices of my attorney, Tribler
15 and Orpett.

16 Q. Okay. And who is in the room with you as you
17 sit there today?

18 A. My attorney Bill Oberts is sitting across the
19 table from me.

20 Q. Okay. Anyone else in the room, sir?

21 A. No.

22 Q. Please let us know if anyone does enter the
23 room, okay?

24 MR. OBERTS: And Sean, can you hear me okay?
25 I'm -- I muted my computer. I'm listening through

Judge Navarro's computer.

MR. STARR: Yeah. I hear you loud and clear, Bill.

MR. OBERTS: But could you mute, like, on the - on the Zoom, can you mute just the, you know, in the bottom left corner? Sorry to have this -- okay. Try - - I think now we should have less echo.

MR. STARR: Yeah. It's better to get all this - all the kinks worked out in the beginning than the midway through.

BY MR. STARR:

Q. Okay. Do you have any conditions that might affect your ability to provide truthful and accurate testimony today?

A. No.

Q. Okay. Do you have any conditions that affect your memory?

A. No.

Q. Okay. Are you taking any medications that could affect your ability to provide truthful and accurate testimony?

A. No.

Q. Are you taking any medications that affect your memory?

A. No.

1 Q. Okay. Is there anything else that you can
2 think of that may affect your ability to provide
3 accurate and truthful testimony today?

4 A. The passage of time.

5 Q. Certainly. Other than the passage of time,
6 anything else?

7 A. No.

8 Q. Okay. Excellent. Do you have any documents
9 in front of you as you sit here currently?

10 A. I -- to my side, I do.

11 Q. Okay. Could you tell us what documents you
12 have in front of you, sir?

13 A. There's -- there's three groups of documents
14 that I'm looking at. One is entitled the -- I'll start
15 with the first group. There's a transcript from a
16 report of proceedings before Judge Michael Toomin from
17 December 8th of 2005. There's a transcript from a
18 report of proceedings from Judge Michael Toomin on
19 December 14th of 2005. There's a transcript from a
20 report of proceedings from September 18th of 2006. There
21 is a grand jury subpoena deuces tecum from August of
22 2005 to the Majestic Star Casino. There's a handwritten
23 page of notes that has on the bottom -- it -- it's --
24 the bottom right corner says "DO JOINT 046257." There
25 is an arrest report, Chicago arrest report, for an

1 [REDACTED] bottom corner, Baker Glenn 010044.
2 There is Chicago criminal history report, nine pages,
3 for [REDACTED], bottom corner, Baker Glenn 010049.
4 There is a letter from -- that is -- has -- the top of
5 it says, "Matthew L. Mahoney, attorney at law," dated
6 May 5, 2005. The identifier on the bottom corner is DO
7 JOINT 046371. And the last document that is in -- that
8 was in this stack is -- looks like a memo, captioned
9 "Internal Affairs Division Confidential Investigation
10 Section," that is -- has an identifying stamp on the
11 bottom corner, Baker Glenn 010947.

12 **Q. Okay. Excellent. And I apologize, the**
13 **transcript that you told me -- us about, I did not get**
14 **the date on that. Could you --**

15 A. The -- well, December 14, 2005.

16 **Q. Yeah, I got that one. There wasn't one before**
17 **that, though?**

18 A. I didn't -- I don't think so.

19 **Q. Okay. Okay. Then maybe it was my mistake.**

20 MR. OBERTS: There are three total, Sean. I
21 can represent those were proposed exhibits from the
22 defense counsels.

23 MR. STARR: Right. Sure. I got those.

24 MR. OBERTS: There was three total transcript.

25 MR. STARR: I got the September 18th one --

2006 one, the December 14, 2001, and then there was one that I didn't mark down.

A. Was there another one? December 14th, December 18th. Oh, December 8, 2005.

BY MR. STARR:

Q. Okay. Thank you, sir. That's the one --

A. And then also, looks like attached to one of those or stapled to -- attached to the staple of one is a document entitled CL Report, with an identifying stamp in the bottom corner, Baker Glenn 009959.

Q. Okay. Thanks. I appreciate that. Besides the screen that you are looking at and using to participate in this deposition, do you have any other screens in front of you or any other tablets or phones that are currently looking at?

A. No.

Q. Okay. Sir, what did you do to prepare for today's deposition?

A. Specifically for today's deposition, I met with my attorney, Bill Oberts.

Q. And I'm not asking about any conversations you may have had with your attorney. I'm sure you understand that. When did you meet with your -- with Attorney Oberts?

A. In preparation for this deposition, I met on a

1 couple of occasions yesterday and we met last week,
2 also.

3 Q. When you met yesterday, did you meet in-
4 person?

5 A. We did.

6 Q. Okay. And how long did you meet for, sir?

7 A. Oh, I didn't remember before we said where we
8 met. We -- we met in-person. We met for several hours.

9 Q. Several being five hours?

10 A. Approximately.

11 Q. Okay.

12 A. Maybe -- maybe a little less.

13 Q. And then you said you also met last week. Was
14 that an in-person meeting?

15 A. It was.

16 Q. Okay. And how long did you meet last week
17 for?

18 A. It was a shorter meeting, probably two or
19 three hours.

20 Q. Okay. Any other meetings with your attorneys
21 in preparation for today's dep besides those two?

22 A. In preparation for today's deposition? No, I
23 don't.

24 Q. Yeah. And I know that this deposition was
25 scheduled a couple of other times. And so I guess my

1 question is -- maybe needs to be more expansive. In
2 preparation for your deposition in this case, are there
3 any other occasions in which you met with your attorney
4 and -- to prepare?

5 A. Well, so -- right. This -- this deposition
6 had been scheduled a few times. Each time in
7 anticipation or in the week or weeks prior, I met with
8 my attorney.

9 Q. Okay. And I imagine this might be difficult
10 to estimate, but do you have a general idea of how many
11 times you met to prepare for the deposition in this
12 case?

13 A. It would've been once or twice any time that
14 this deposition had been scheduled.

15 Q. Okay.

16 A. And then -- I know it had been scheduled a few
17 times.

18 Q. Okay. So there was several other occasions
19 that you met with your attorney. And on those
20 occasions, did you meet with your attorney for multiple
21 hours to prepare?

22 A. Sometimes shorter, sometimes longer, yes.

23 Q. Okay. Do you know when the last occasion was
24 that you met with your attorney before the two times you
25 already testified to today?

1 A. I -- I don't recall. If you tell me what the
2 date of the last scheduled deposition was, it would've
3 been in the day or week before that.

4 Q. Okay. Yeah. I don't have that right in front
5 of me, but maybe I can look it up at a break. So you
6 met several times for several hours to prepare for the
7 deposition today, correct?

8 A. Yes, sir.

9 Q. Okay. Did you meet with anybody besides your
10 attorney, Oberts?

11 A. No.

12 Q. Okay. And did you review documents in
13 preparation for today?

14 A. With my attorney, yes.

15 Q. Yeah. Do you know what documents you
16 reviewed?

17 A. Well, I'm looking at some of the documents
18 that I reviewed with him right now. Like, the documents
19 that I identified with you -- that I identified just a
20 moment ago to you are an example of those documents that
21 I reviewed with my attorney.

22 Q. Okay. So the documents that you listed for us
23 are documents that you reviewed at some point with your
24 attorney in preparation for today?

25 A. Not -- not all of those documents. Among --

1 among those documents are -- among the documents I just
2 listed are documents that I reviewed with my attorney.

3 **Q. Okay. Were there other documents that you**
4 **didn't list that you also reviewed in preparation for**
5 **today?**

6 A. Yes.

7 **Q. And do you know what those documents are, sir?**

8 A. Well, there was a -- a report of interview
9 from COPA. The date -- I don't remember the date of
10 that interview, but it was an interview quarterly of me
11 from COPA.

12 **Q. Okay. And we'll look at that document. So**
13 **you reviewed the COPA report of the -- yeah, as you**
14 **called, the purported interview of you, correct?**

15 A. Yes.

16 **Q. Any other docs you recall specifically**
17 **reviewing?**

18 A. There was a -- a file -- a file jacket or --
19 or a file folder that I looked at.

20 **Q. Would that have been a -- and I think that in**
21 **State's Attorney parlance, it's referred to as a felony**
22 **review folder. Is that what you're talking about or is**
23 **this something different?**

24 A. Well, I'm -- I'm going to just -- I'm going to
25 reach to my side and see -- this is a rudimentary share

1 screen, but this -- this document, it's stamped in the
2 bottom corner, CCSAO CAB00001.

3 **Q. Okay. Excellent. Any other documents as**
4 **those that you specifically recall reviewing in**
5 **preparation for today's dep, either in the two times**
6 **leading up to today's actual deposition or previous**
7 **occasions?**

8 A. Not -- there was a -- a fax. There was a fax
9 cover sheet. I don't have it in front of me right now.
10 There's a fax cover sheet and a -- and a court order
11 that was, I think, part of that fax cover sheet.

12 **Q. Do you know what that court order was from?**

13 A. I don't remember. Right now, I don't
14 remember. It was related to Baker.

15 **Q. Okay.**

16 MR. OBERTS: And Sean, I just represent that
17 was contained within the production of documents
18 from the CCSAO.

19 MR. STARR: Excellent. Thank you.

20 MR. OBERTS: Judge Navarro identified the cover
21 sheet of whatever that was.

22 MR. STARR: Okay. Thanks.

23 BY MR. STARR:

24 **Q. Any other documents besides the ones that**
25 **you've listed to -- so far, that you have a specific**

1 recollection or reviewing in preparation for today?

2 A. I don't. None that I have a specific
3 recollection.

4 Q. Okay. Did you ever review an affidavit by Ben
5 Baker or Clarissa Glenn?

6 A. I don't know that I did. I don't know that I
7 did review that.

8 Q. Okay. Okay. Excellent. And you said you
9 mentioned one specific police report. Do you recall
10 reviewing any additional police reports?

11 A. I think we talked about police reports. I
12 don't know that I looked at other specific police
13 reports.

14 Q. All right. Did you review any personal notes
15 that you have or that you created related to any of the
16 underlying matters?

17 A. When you say personal notes, are you saying
18 notes that I had on -- that I had myself?

19 Q. Well, and maybe I'll break it down, so yes. So
20 my first question is, did you review any personal notes
21 you had related to this matter whatsoever?

22 A. No. No, I didn't have any personal notes
23 myself, so I didn't review any personal notes.

24 Q. Okay. Did you review any notes that you
25 created at some other point in time that were given to

1 **you related to this matter?**

2 A. So the only -- if I -- if there was anything
3 that I reviewed, I -- I think I made reference to, there
4 was a -- earlier when I had a stack of documents that I
5 was looking at, there was one handwritten note from the
6 stack of documents immediately to my side titled or --
7 or identified as DO JOINT 046257. That's the only note
8 I recall, like, handwritten or personal notes.

9 **Q. Okay. Thank you. Sir, what is your**
10 **understanding of why you were being called as a witness**
11 **to sit for this deposition today?**

12 MR. OBERTS: Objection, speculation.

13 A. I'll have to get used to waiting for the
14 ruling. So the -- my role or my involvement in the Ben
15 Baker, Clarissa Glenn allegations against Ronald Watts.
16 BY MR. STARR:

17 **Q. Okay. So you understand that you were a**
18 **witness because you have personal knowledge of your own**
19 **and the State's Attorney's investigation into the**
20 **allegations made by Ben Baker and Clarissa Glenn against**
21 **Ronald Watts; is that correct?**

22 A. Yes, I understand.

23 **Q. Okay. Did the process of meeting, again, not**
24 **asking for conversations you had with your attorney, but**
25 **did the process of meeting with your attorney to prepare**

1 for this deposition bring back any independent memories
2 regarding the State's Attorney's investigation into the
3 allegations made against former Sergeant Ronald Watts?

4 A. It -- it's difficult to say. Some -- I -- I'd
5 -- I'd say some -- certainly it resurrected some memory,
6 but it -- it's hard to -- this -- this happened in 2005
7 or '06, so I don't have -- I didn't have a lot of
8 independent memory of this -- this matter.

9 Q. Okay. And I will do my best to let you know
10 if I'm asking about your specific independent memory
11 versus a knowledge that you have from some other source,
12 okay?

13 A. Yes.

14 Q. Okay. Sir, are you currently employed?

15 A. I am.

16 Q. Where are you currently employed?

17 A. I'm employed at -- as a judge at the Illinois
18 Appellate Court.

19 Q. Okay. Were you appointed -- strike that. How
20 long have you been a judge at the Illinois Appellate
21 Court?

22 A. Since February of this year. February 7th.

23 Q. Excellent. And were you appointed or how did
24 you become an appellate court judge?

25 A. I was appointed.

1 Q. Okay. Prior --

2 A. Assigned -- assigned, appointed.

3 Q. And are those two terms interchangeable in the
4 judiciary?

5 A. Yeah. I'd -- I'd say yes.

6 Q. Okay. Prior to your appointment or assignment
7 as an appellate court judge, were you a judge in another
8 circuit?

9 A. I -- I was a -- I was a Cook County Circuit
10 Court judge. Yes.

11 Q. And how long were you a Cook County Circuit
12 Court judge?

13 A. I was appointed as a -- a Cook County Circuit
14 Court judge in May of 2017. I was elected to that
15 position in November of 2018.

16 Q. Prior to becoming a Circuit Court judge, were
17 you employed as an attorney?

18 A. I was.

19 Q. Okay. Can you just walk me through a general
20 overview of your employment history as an attorney?

21 A. I -- oh, from swearing in?

22 Q. Yeah. Starting at the beginning up until you
23 were appointed in May of 2017 to the bench.

24 A. I was admitted to the bar November '93, after
25 graduating in May of '93. I -- I practiced for a short

1 time at a bankruptcy law firm, the law offices of Melvin
2 Kaplan, until February of '94, when I joined the Cook
3 County State's Attorney's Office. I was in the Cook
4 County State's Attorney's Office until 2001. I left the
5 State's Attorney's Office for about a year and was in
6 private practice at the law offices of David Wiener,
7 primarily in criminal defense. I came back to the Cook
8 County State's Attorney's Office in 2002. I was in the
9 Cook County State's Attorney's Office from 2002 through
10 2009. I left the Cook County State's Attorney's Office
11 and went to the Illinois Attorney General's Office,
12 where I served until my appointment in May of '17.

13 **Q. Okay. Thank you for that. During your first**
14 **stint in the Cook County State's Attorney's Office, were**
15 **you assigned to any specific division or department?**
16 **And excuse my parlance, you can correct me if there's a**
17 **different way of labeling it, but were you assigned to**
18 **any particular area within the Cook County State**
19 **Attorney's Office?**

20 A. I -- so yes, I -- I -- I was.

21 **Q. Could you tell me what -- could you tell me**
22 **what those assignments were?**

23 A. Sure. I was assigned -- I -- I first started
24 out in the State's Attorney's Office in the Criminal
25 Appeals Division. I was there for a few months, I think

1 in -- from February until June or July. Then I was
2 assigned to the presiding judge of the criminal
3 division. At the time they called it Chief Judge. The
4 I was in Chief Judge for two years. After Chief Judge,
5 I was in the First Municipal Division, which is city
6 misdemeanor cases, you get -- you can be assigned to
7 different municipal branch courtrooms, when they used to
8 have misdemeanor branch courtrooms in the different
9 police areas and at what used to be police headquarters
10 at 11th and State, 13th and Michigan. From First
11 Municipal, I was assigned to the Felony Review Unit.
12 From the Felony Review Unit, I was in Preliminary
13 Hearings, then that accumulated in the Branch 66 unit.
14 Then I was in the -- assigned to the Felony Trial
15 Division in different courtrooms in the Felony Trial
16 Division as a third chair and a second chair. I left
17 the Trial Division -- when I, when I left the office, I
18 was the second chair in the Felony Trial Division.

19 **Q. And that was -- and I'm not going to make you**
20 **go back through it in the years, but that was from**
21 **approximately 1994 to 2001; is that correct?**

22 A. Correct.

23 **Q. Okay. Why did you leave in 2001? Any**
24 **particular reason?**

25 A. No. I -- to do criminal defense.

1 Q. Okay. And the entire time that you were doing
2 criminal defense after your -- leaving the State
3 Attorney's Office in 2001, that was just for the law
4 offices of David Wiener?

5 A. Correct.

6 Q. Okay. And then you went back to the State
7 Attorney's Office in 2002. Could you walk me through
8 your assignments during that 2002 to 2009 period?

9 A. I -- when I came back to the office, I was
10 assigned to the Special Prosecutions Bureau. When I --
11 initially, that was specifically within the Special
12 Prosecutions Bureau. I was in a unit that was called
13 the Public Integrity Unit. Then -- it -- it -- it lived
14 under different titles while I was assigned to it, I
15 think, at different time didn't -- I think it started as
16 Public Integrity then it was Governmental and Financial
17 Crimes and then it was the Public Corruption and
18 Financial Crimes Unit. I don't remember the -- the
19 different time periods that had lived under those names,
20 but had different titles, same basic roles.

21 Q. Okay.

22 A. From the -- from that unit, I went to be -- be
23 the supervisor of the Professional Standards Unit. That
24 was from '07 through '09. And just before I left the
25 office, I was in first chair in the Felony Trial

1 Division.

2 **Q. And when you left the State Attorney this time**
3 **in 2009, was there any specific reason you left?**

4 A. For -- to go to the Illinois Attorney
5 General's Office, just an opportunity at the Illinois
6 Attorney General's Office.

7 **Q. Okay. So you told me that there was three**
8 **different iterations of the same type of unit that were**
9 **part of the Special Prosecution Bureau. I believe you**
10 **said the Public Integrity unit, the Government and**
11 **Financial Crimes unit, and the Public Corruption and**
12 **Financial Crimes unit; is that correct?**

13 A. Yes.

14 **Q. Okay. And was your role within those three**
15 **different units the same?**

16 A. Yes.

17 **Q. Could you explain to us what your role was**
18 **within the Special Prosecutions Bureau?**

19 A. It -- when I was assigned to, let's say Public
20 Integrity or Public Governmental Financial Crimes, it
21 was to work on the cases that were assigned to you
22 involving either matters of Public Integrity, which were
23 just, broadly speaking, public employees or public
24 officials alleged in some misconduct or a financial
25 crime is just straight up white -- white collar theft,

1 embezzlement. Sometimes I think we used to call them
2 paper capers. The -- those would be -- those didn't
3 have to involve public officials or public employees.

4 Q. Okay. And did you do -- did you work in both
5 of those areas within the Public Integrity Unit?

6 A. I did.

7 Q. Okay. Regarding your work investigating
8 public employees or officials in alleged misconduct,
9 were you -- did you have any responsibilities regarding
10 investigating and prosecuting allegations of police
11 misconduct?

12 A. I did.

13 Q. Okay. And was there a division of -- between
14 the two different areas, the financial crimes and the
15 public employee or public officials misconduct, was
16 there a -- an area that you worked more frequently in or
17 was it pretty split?

18 A. I -- I think I -- it was pretty split. I -- I
19 had police cases. There -- oftentimes there was an
20 overlap, a public official, public corruption case,
21 oftentimes had a financial component.

22 Q. That makes sense. Can you give me a general
23 overview of what type of responsibilities you had within
24 the public employer officials category that you
25 described? Like what kind of work did you specifically

1 do?

2 A. You would work with -- as an assistant, you
3 worked with a referring agency or individuals who would
4 bring a case to the State's Attorney's Office, whether
5 that's -- could be the Chicago Police, the Illinois
6 State Police, any municipal police agency. And then
7 there's different -- different -- other investigative
8 bodies, we'll -- we'll call them. Whether they're
9 inspector generals that could bring a case to the -- to
10 the state's attorneys, work with them as they
11 investigate the case to see if that's a case that can be
12 prosecuted. And ultimately, if it is, to charge the
13 case and -- was -- would be then, my responsibility to
14 prosecute the case. Which is to say handle the case in
15 a trial courtroom.

16 Q. Okay. And so these agencies would -- you said
17 they would bring the cases to the State's Attorney's
18 Office; is that correct?

19 A. In general, yes.

20 Q. Okay. And then you would work alongside them
21 during the course of the investigation; is that right?

22 MR. OBERTS: Objection, vague. Work. Go
23 ahead.

24 A. Yes. Work -- work alongside them, work with
25 them. Yes.

1 BY MR. STARR:

2 Q. Okay. And so you would be, as a state's
3 attorney working in the Public Integrity Unit on any
4 given case involving public employer or official
5 misconduct that was brought to your office, you would be
6 aware of investigative steps that were taken during the
7 course of an investigation?

8 MR. OBERTS: Objection to -- objection, assumes
9 fact not in evidence. And speculation to the
10 question.

11 THE WITNESS: You -- you can hear him, Sean?

12 MR. STARR: I think he said he'd object to
13 speculation.

14 THE WITNESS: Okay. I just want -- I -- I
15 didn't know if -- okay.

16 A. I -- I was aware, yes. I -- I would say I --
17 I would hope to be aware of what was going on, on a
18 case, yes.

19 BY MR. STARR:

20 Q. Okay. Why was it important for the State's
21 Attorney's Office to be aware of the investigation, any
22 given investigation?

23 A. Well, I don't -- I don't know. I can't speak
24 to any given investigation. I can just speak to if it
25 was a case that had been -- that I had, in general, I

1 think I would want to know what was going on. What the
2 officers were doing regarding that case.

3 Q. Okay. And I was -- I said any given case,
4 that was a poorly phrased question. What I meant was,
5 you know, in a -- in a case brought to you by an agency
6 involving police or other public figure misconduct, I'm
7 just trying to pin down why, as a state's attorney
8 working in the Special Public Integrity Bureau, would
9 you want to know what was going on with an
10 investigation?

11 MR. OBERTS: Well, your -- Sean, just --
12 objection. Your direction -- your question is
13 directed to him personally as opposed to speaking on
14 behalf of the office, he's not a 30 (b) (6) witness,
15 correct?

16 MR. STARR: It is directed to him specifically.
17 I mean, I don't know if I need to differentiate.
18 But yes, it was directed to him specifically.

19 MR. OBERTS: Okay. I would object to him
20 speaking regarding policy, practices and procedures,
21 or why the office would've done X, Y, or Z because
22 he is not a 30 (b) (6) witness. But specifically to
23 him, I -- yes, please answer the question to the
24 extent you can.

25 A. Well, I -- look, I -- I remember every case

1 that I worked on, I don't. But in general, I think I'd
2 want to know whether it was a -- a public corruption
3 case, public integrity case, or a financial -- straight
4 up financial case. If the officer's agencies are asking
5 for a case to be worked on, they're going to work it and
6 you hope that they're making progress on the case. Or -
7 - or that they're -- they're doing something with it to
8 move the case along.

9 BY MR. STARR:

10 Q. Okay. And you would want to be abreast of the
11 investigation because it -- because of the possibility
12 that at the conclusion of the investigation, you would
13 be asked to prosecute the case, correct?

14 A. Right. In general, yes. Yes.

15 Q. Okay. Did you have any -- as a state's
16 attorney, did you -- in the in the Public Integrity
17 Unit, did you have any responsibilities for
18 investigating the allegations made against public
19 officials, specifically?

20 A. You're asking me did I -- was I investigating
21 the -- the individuals? I would work with the
22 investigators who would conduct the investigations. I
23 was the state's -- I was an assistant state's attorney
24 who worked with the investigators, whoever those
25 investigators were.

1 Q. Okay. Would you take active steps to
2 investigate any specific case that was brought to you?

3 MR. OBERTS: Objection with respect to the term
4 investigating, it's vague. Go ahead.

5 A. I don't know what you mean by active steps.
6 Did I -- if you're asking me, did I participate in
7 interviews? I -- I would participate in interviews,
8 yes.

9 BY MR. STARR:

10 Q. Okay. And I'm not trying to parse words here.
11 Like, you know, there's all sorts of things that one
12 might do during an investigation, I imagine. Would you
13 subpoena documents to find out information?

14 A. Yes.

15 Q. Okay. And would you follow-up on
16 investigative leads?

17 MR. OBERTS: Objection, vague.

18 A. Yeah. I'd -- follow-up on investigative
19 leads. I -- I'm not exactly sure what that means.

20 BY MR. STARR:

21 Q. Sure. If you were interviewing a subject and
22 they gave you information about another subject, would
23 you, as a state's attorney, be allowed to reach out to
24 that other subject to request an interview, for
25 instance?

1 MR. OBERTS: Objection, vague and incomplete
2 hypothetical. Go ahead.

3 A. I -- I don't -- so be allowed to, I mean, I
4 think if -- if I was part of an interview of -- of a
5 subject and that interview yielded other information, it
6 possibly -- that might lead to other interviews. Okay.

7 BY MR. STARR:

8 Q. Okay.

9 A. Yes.

10 Q. So you were -- would you characterize it as a
11 cooperative relationship, that you worked with the
12 agencies that were investigating public misconduct?

13 MR. OBERTS: Objection, vague.

14 A. It -- it was a -- it was a relationship, yeah.
15 Cooperative? Okay.

16 BY MR. STARR:

17 Q. Okay. And did your work as a Public Integrity
18 Bureau state's attorney ever involve prosecuting Chicago
19 police officers?

20 A. Yes.

21 Q. Did it ever involve investigating Chicago
22 police officers?

23 A. Working with investigative agencies, if they
24 were Chicago police officers, yes.

25 Q. Okay. We've touched on a couple of different

1 kind of responsibilities and aspects of your job in the
2 Public Integrity Unit. Is there any other overview,
3 responsibilities that you had as a state's attorney in
4 that unit that you can tell us about?

5 A. Not that comes to mind right now.

6 Q. Okay. So in addition to participating in
7 interviews, communicating with outside agencies, you
8 know, using subpoena powers, were there any other
9 specific things that you would do as a state's attorney
10 in the Public Integrity Unit during the course of an
11 investigation of a public official?

12 MR. OBERTS: Object to the extent it
13 mischaracterizes testimony.

14 A. I don't recall what else. I think that's
15 accurate, what you just said is accurate. There may
16 have been other things that I -- that -- that I did that
17 I don't recall right now.

18 BY MR. STARR:

19 Q. Okay. Approximately in 2005, if you can
20 recall, how many different state's attorneys were
21 working in the Public Integrity Unit?

22 A. I don't recall.

23 Q. Were there, you know, it's -- I actually don't
24 know, so was there, you know, 20 plus attorneys working
25 in the Public Integrity Unit or was it a smaller number

1 **than that?**

2 A. I think it was fewer than 20. Let's say -- I
3 think it was fewer than 20. More than ten, fewer than
4 20.

5 Q. Okay. That's fair. And how many different
6 supervisors were part of that unit?

7 A. There was a supervisor and a deputy
8 supervisor.

9 Q. Okay. And during your tenure there, did you
10 have more than one supervisor -- yeah, did you have more
11 than one supervisor? Strike that, that's a bad
12 question. During your tenure, you said there was a
13 deputy supervisor and a head supervisor. Is that what
14 you said?

15 A. A supervisor and a deputy supervisor.

16 Q. Okay. So using the higher position of
17 supervisor, during your tenure in the Public Integrity
18 Unit, were there more than one supervisor?

19 A. More than one supervisor? Yes.

20 Q. Head supervisor is what I'm asking --

21 A. Yes.

22 Q. -- it --

23 A. Yes.

24 Q. It's a little confusing --

25 A. Yes.

1 Q. -- because of the designation. Okay. Could
2 you tell me the names of the head supervisors that you
3 had during your tenure in the public unit?

4 A. I think the first supervisor when I was there
5 was Nancy Donaho. I don't remember how to spell Nancy's
6 last name. Then Tom Bilyk, B-I-L-Y-K. Then John
7 Mahoney.

8 Q. And was John Mahoney your head supervisor in
9 the year of 2005?

10 A. I -- I believe he was, yes.

11 Q. Okay. And then during your tenure in that
12 unit, was there more than one deputy supervisor?

13 A. There was, yes.

14 Q. Can you recall the individuals' names that
15 were your deputy supervisors during your tenure?

16 A. I don't. I mean, I -- other than when Tom --
17 when Tom Bilyk was the supervisor, John Mahoney was the
18 deputy.

19 Q. And --

20 A. Actually, and Jim Knibbs was the supervisor
21 also in there. So I think it went Bilyk, then Jim
22 Knibbs, then Mahoney.

23 Q. Okay. And at any given time, there was only
24 one individual filling the role of deputy supervisor; is
25 that correct?

1 A. Correct.

2 Q. Okay. How long did you work with -- it sounds
3 like you worked with Mr. Mahoney, John Mahoney, in a --
4 two different capacities. He was your deputy supervisor
5 at one point, and then he was your supervisor; is that
6 correct?

7 A. You know -- right. Yes.

8 Q. Okay. And did you have a good professional
9 relationship with John Mahoney?

10 MR. OBERTS: Objection, vague. Go ahead.

11 A. Yes.

12 BY MR. STARR:

13 Q. Okay. Were you and John Mahoney friends?

14 A. We -- we were colleagues, yes.

15 Q. Okay.

16 A. Friends. Colleagues.

17 Q. Did you have any -- do you have any -- in
18 2005, did you have any professional opinion of his work?

19 A. His work was good.

20 Q. Okay. During your time in the Public
21 Integrity Unit, did you ever work alongside another
22 state's attorney by the name of Matt Mahoney?

23 A. When I was in the -- you're asking me when I
24 was in public integrity?

25 Q. Yes.

1 A. No, I did not. Not as -- I didn't work with
2 Matt Mahoney as an -- as an assistant state's attorney.
3 Which is to say we were not colleagues together in
4 public integrity.

5 Q. Were you colleagues together in another unit
6 within the state attorney's office?

7 A. You know, I -- the State's Attorney's Office
8 is a big office. But I think when I was in the office
9 in my first stint, Matt was in the office. A different
10 unit. So I -- I knew him as a state's attorney, but we
11 didn't work together.

12 Q. Was --

13 A. If that makes --

14 Q. Yeah, that makes sense. Was Matt Mahoney ever
15 a supervisor of yours?

16 A. No.

17 Q. Were you ever a supervisor of Matt Mahoney's?

18 A. No.

19 Q. Okay. Were you and Matt Mahoney friends?

20 A. We were -- I -- I knew him in the -- in the
21 office. And then I knew him after he left the office
22 and was a defense attorney.

23 Q. Okay. Did you have any professional opinion
24 of Matt Mahoney back in 2005?

25 A. He was a good attorney.

1 **Q. Okay. Did you believe Matt Mahoney to be an**
2 **honest attorney?**

3 MR. OBERTS: Objection. To the extent it calls
4 for his personal beliefs -- on work product. But if
5 you can say factually?

6 MR. PALLES: I'm also go -- sir, I'm also going
7 interject to the lack of foundation.

8 MR. FANGMAN: I'd also object. Paul Fangman,
9 on behalf of Cook County State's Attorneys, to the
10 extent that Mr. Navarro's response would reveal
11 deliberate process privileged information as to the
12 State's Attorney's Office's deliberations.

13 THE WITNESS: So --

14 BY MR. STARR:

15 **Q. And then it's strange --**

16 A. I'm -- I'm answering that question?

17 **Q. Yeah. I mean --**

18 A. Okay. Okay.

19 **Q. To the extent that you can, sir. I'm not --**

20 A. Sure.

21 **Q. -- sure --**

22 A. No. I -- I just -- I don't -- I'm -- I'm not
23 -- just making sure, following the lawyers here. I -- I
24 -- Matt was a good attorney.

25 **Q. That's fair. Did you have any opinion as to**

1 whether or not he was an honest attorney?

2 A. I have no reason -- I -- I don't -- I don't
3 remember any reason to believe him to be -- yeah, he was
4 an honest attorney. Yes.

5 Q. Did you consider Matt Mahoney, to the extent
6 that you knew, to be a hardworking attorney?

7 A. He -- yes, I -- I think that encompasses --
8 when I say he was a good attorney, he was a hard working
9 attorney.

10 Q. Yeah, excellent. And I think you kind of
11 answered this in a roundabout way, but I'm just going to
12 clarify. So during your time in the Public Integrity
13 Unit, were you ever part of a joint investigation with
14 the Chicago Police Department's Internal Affairs
15 Division?

16 A. I worked with Internal Affairs on -- on
17 different cases, yes.

18 Q. Okay. So that would be one of the agencies
19 that may bring a case to the State's Attorney's Office
20 to investigate the -- Chicago's IAD, correct?

21 A. Internal Affairs would bring a case to the
22 State's Attorney's Office? Yeah, yes.

23 Q. Okay. And if I use the acronym IAD, you
24 understand that to mean Internal Affairs Division?

25 A. I do.

1 **Q. Can you tell me -- beyond what you've already**
2 **testified today, can you tell me in any kind of broad**
3 **sense how you would cooperate with the Chicago Police**
4 **Department's IAD?**

5 MR. OBERTS: Objection, overbroad. I just --
6 objection, overbroad and to the extent it asks for
7 an answer on behalf of the office. But certainly
8 ask him to provide how he did --

9 MR. STARR: Sure. Let me actually rephrase it
10 because I think that I wasn't specific enough. So
11 strike that question.

12 BY MR. STARR:

13 **Q. Can you tell me in any kind of broad sense how**
14 **you as a state's attorney would cooperate with the**
15 **Chicago Police Department's IAD during investigations**
16 **into public official misconduct?**

17 MR. OBERTS: Objection, overbroad and vague. Go
18 ahead.

19 A. I -- I don't know that I can speak to specific
20 examples of how I would, by your term, cooperate. If
21 the police brought a case, I -- I'm having trouble as I
22 sit here right now thinking of specific examples, but
23 there might be subpoenas that were needed, that would --
24 that would be something that the police couldn't do on
25 their own, that -- that the state's attorneys would need

1 to do to assist the police. If any search warrants or
2 any other court ordered actions were taken, like an --
3 an overhear, that would be something that we would work
4 with the police to review as they drafted those. Those
5 are -- those are examples, I guess I could think of now,
6 of working with the -- working with the police and --
7 and -- and to your question specifically, IAD.

8 BY MR. STARR:

9 Q. Okay. And you, I think, previously testified
10 that the agency, the outside law enforcement agencies
11 that were investigating official misconduct would --
12 they would initiate the investigation and bring it to
13 the State's Attorney's Office, correct?

14 A. I think that's a -- right. Yes, that's a
15 normal path. Yes.

16 Q. Okay. And IAD would do that same thing, it
17 would bring investigations to the State's Attorney's
18 Office that would -- they would ask for a -- cooperation
19 from the State's Attorney's Office during the
20 investigation, correct?

21 A. Yes, correct.

22 Q. Okay.

23 MR. OBERTS: Just -- Sean?

24 MR. STARR: Yeah?

25 MR. OBERTS: I hate to do it so early, and I'm

1 not stopping you now, but whenever you get done with
2 whatever topic you're on, if we could take a very
3 short break?

4 MR. STARR: Certainly. And -- just a couple
5 more questions, but anytime you need a break just
6 let us know. No problem.

7 BY MR. STARR:

8 Q. Did it ever happen the other way around, sir,
9 that the State's Attorney's Office would bring an
10 investigation of, for instance, a Chicago police officer
11 to Internal Affairs division?

12 A. Well, I -- I -- it -- I can't think of a lot
13 of examples but we're here talking about, today, an
14 example of that.

15 Q. Okay. So the example that you're referencing,
16 I believe, is the allegations that Ben Baker and
17 Clarissa Glenn made against Sergeant Watts and members
18 of his tactical team, correct?

19 A. Against Sergeant Watts, yes.

20 Q. Okay. And can you think of any other occasion
21 where the State's Attorney's Office, during your tenure,
22 brought an investigation to IAD?

23 MR. OBERTS: Just to object to him testifying
24 on behalf of the office, but as far as him
25 personally, of cases, him personally, that he's

1 aware of.

2 A. You know, there -- there likely were other
3 instances. I don't -- I can't name specific examples.
4 Cases could come in, people could -- would call the
5 State's Attorney's Office and say, we've got this
6 allegation. And that might have triggered something
7 where we would then reach out to IAD. But I can't think
8 of -- as I sit here right now, I can't think of a
9 specific example of instances.

10 BY MR. STARR:

11 Q. Okay. So other than other hypotheticals that
12 you can imagine, the only case specifically you recall
13 where the State's Attorney's Office had to bring the
14 investigation to IAD was the case involving Ben Baker,
15 Clarissa Glenn, Sergeant Watts, correct?

16 A. As I sit here today, right now, yes.

17 Q. Okay. And during the course of any given
18 investigation, not specifically the one we're here to
19 talk about. But any investigation in which you did with
20 the Chicago Police Department's Internal Affairs
21 Division, if you -- if the State's Attorney's Office or
22 you as a state's attorney had a view, had an opinion,
23 that the allegations made against a Chicago police
24 officer were credible, is that something that you would
25 openly share with the Internal Affairs Division?

1 MR. OBERTS: Objection, vague and incomplete
2 hypothetical.

3 A. I don't know if -- if I -- as I understand
4 your question, if I found the -- the allegations
5 credible, would I share that? It's -- it's possible I
6 did. I don't -- I -- it's possible I did.

7 BY MR. STARR:

8 Q. Okay. And I'm just going to ask it another
9 way so that we're -- so we're clear. So if, as a
10 state's attorney working in cooperation with Internal
11 Affairs Division and investigating police misconduct,
12 you determined in your professional opinion, that the
13 allegations of police misconduct were credible, is that
14 information that you would communicate to Internal
15 Affairs?

16 MR. OBERTS: Objection, vague and incomplete
17 hypothetical.

18 A. I don't -- I guess I can't say that I would
19 communicate that. I mean, ultimately, if I -- if we
20 charged the case, that would be an indicator that the
21 allegations were credible and provable. So that I --
22 certainly that I would do that.

23 BY MR. STARR:

24 Q. Well, let me ask you this. If you came to
25 that conclusion that the allegations were credible,

1 would you have any obligation in your role as a state's
2 attorney to communicate that to IAD?

3 MR. OBERTS: Objection, vague. Incomplete
4 hypothetical.

5 A. I -- I -- I can't say that -- that -- that I
6 have an obligation to communicate that to Chicago.
7 Chicago's -- Chicago IAD or -- they've got their own
8 assessment. My assessment is my assessment, their
9 assessment is their assessment.

10 BY MR. STARR:

11 Q. Okay. So you --

12 A. I can't say that I have an -- any -- what
13 obligation I have? I don't know that I could say I have
14 an obligation.

15 Q. Okay. So you don't -- you're not certain if
16 you had an obligation to do that but you may have done
17 it, correct?

18 MS. MORRISON: Objection, asked and answered.

19 A. I -- I don't recall that specific -- that --
20 that specific thing. Like, I -- this -- I don't recall
21 that. That -- to that specific question.

22 BY MR. STARR:

23 Q. Okay. Would it be possible in any given
24 investigation to determine that allegations of police
25 misconduct were credible but did not have the evidence

1 **necessary to prosecute a case?**

2 MR. PALLES: Object to form.

3 MS. MORRISON: Objection. Incomplete
4 hypothetical.

5 MR. GAINER: This is Brian Gainer --

6 MR. FANGMAN: Objection --

7 MR. GAINER: I'd just object to form.
8 Incomplete hypothetical. Calls for speculation.

9 MR. FANGMAN: Assistant State's Attorney Paul
10 Fangman on behalf of the State's Attorney's Office
11 objecting. Deliberative process privilege, and I'm
12 directing the deponent not to answer the question if
13 it will reveal deliberative process privileged
14 information.

15 MR. OBERTS: And Bill Oberts joining in those
16 objections. And so first, we take the deliberative
17 process privilege objection. You understood that
18 objection?

19 THE WITNESS: I -- yes.

20 MR. OBERTS: So to the extent -- if you could
21 answer it to the extent -- based on those
22 objections, if you could answer to the extent that
23 it doesn't reveal deliberate process. Do you
24 remember the question?

25 A. I -- could you repeat the question?

1 BY MR. STARR:

2 Q. Sure. And maybe I can reframe it in a way
3 that makes it easier for you to answer, sir. Did you
4 ever have an occasion where you were investigating
5 allegations of police misconduct and you personally
6 determined that those allegations were credible, but had
7 insufficient as -- evidence to prosecute that police
8 officer?

9 MR. FANGMAN: Objection, deliberative process
10 privilege. I'm asking the deponent not to answer.

11 THE WITNESS: I --

12 MR. OBERTS: He -- there's been an objection -
13 - by the office -- by the -- attorney's office
14 asking you not to answer, based on the question.

15 THE WITNESS: Oh. Okay. Okay. So on the
16 advice of the attorney --

17 MR. OBERTS: Well --

18 THE WITNESS: Oh.

19 MR. OBERTS: -- you're not taking the
20 attorney's advice. It's the State's Attorney's
21 Office -- asserting the objection.

22 THE WITNESS: Oh. Oh, okay.

23 MR. OBERTS: -- asking you not to answer.

24 THE WITNESS: Okay.

25 BY MR. STARR:

1 **Q. Well, let me just ask you this. Are you going**
2 **to take the State's Attorney's advice and refuse to**
3 **answer my question, sir?**

4 MR. OBERTS: I would just state that he's not
5 taking their advice, he is just -- he would be
6 adhering to their objection.

7 MR. STARR: I don't know if -- Bill, if there's
8 a difference. If the State's Attorney's Office is
9 instructing him not to answer and he is refusing to
10 answer, I just want to clarify that that's what's
11 happening.

12 BY MR. STARR:

13 **Q. Sir, are you -- the State's Attorney's Office**
14 **has instructed you not to answer my question. You would**
15 **refrain from answering my question based on the State's**
16 **Attorney's Office's instruction?**

17 A. Yes, I'm refraining from answering based on
18 the state's attorney's objection.

19 **Q. Okay.**

20 MR. OBERTS: And Sean, the only point I made
21 was in your second part, you said instruction versus
22 advice. That's the only thing that I --

23 MR. STARR: Yeah, I changed it to make this
24 easier for everybody. Sir -- And I -- we'll take a
25 break in just a moment. I -- Bill, I recognize that

1 you asked for a break, I just want to get through
2 this last line of questions here.

3 BY MR. STARR:

4 **Q. For a circumstance, do you ever -- would you**
5 **ever work on an investigation with IAD where you**
6 **determined that the allegations of police misconduct**
7 **were credible, but were you specifically refrained from**
8 **communicating that information to IAD?**

9 MR. OBERTS: Going to object to the extent it
10 calls for his work product and mental impressions
11 and beliefs regarding an investigation. I'm not
12 going to object to the extent that he would
13 communicate anything. Whatever he might -- may or
14 may not communicate with IAD, but it's up to his
15 personal impression and beliefs. To -- so to the
16 extent that you could answer, go ahead.

17 A. I -- I don't recall an instance where I -- I
18 declined to prosecute a case and did not tell the police
19 that I was declining to prosecute.

20 BY MR. STARR:

21 **Q. That's a little bit different than what I**
22 **asked.**

23 A. Okay.

24 **Q. So did you ever have a circumstance where you**
25 **were working on an investigation with the Internal**

1 **Affairs Division in which you determined that you**
2 **believe the allegations of police misconduct were**
3 **credible, but you refrained from specifically**
4 **communicating that determination to IAD?**

5 MR. OBERTS: Going to object to that question
6 and ask him not to answer as it calls for his
7 personal beliefs and mental impression. Not
8 communication with IAD, but his personal beliefs and
9 mental. So I do ask you not to -- instruct you not
10 to answer.

11 THE WITNESS: Okay.

12 MR. OBERTS: Based upon product.

13 THE WITNESS: All right.

14 MR. STARR: Okay. I'm just going to complete
15 this circuit.

16 BY MR. STARR:

17 **Q. So are you going to take your attorney's**
18 **advice and refuse to answer my question?**

19 A. I -- I am.

20 **Q. Okay.**

21 MR. STARR: Bill, I would note for the record,
22 I believe that I asked him earlier if he had ever,
23 you know, determined that the allegations were
24 credible and communicated that, and you allowed him
25 to answer that question. I don't know if that

1 changes your perspective on this at all, but I just
2 wanted to note that.

3 MR. OBERTS: In that latter one that you just
4 described, if he's communicating that to IAD, I
5 understand. But in the -- this prior one, you asked
6 him about his beliefs that were not communicated.
7 And that's why I objected to it, it's his personal
8 work product that was never communicated to others.

9 MR. STARR: Okay.

10 MR. PALLES: You know, the record is clear.
11 Excuse me, Palles here, the record is clear as to
12 where we stand on this. And at this point,
13 Mr. Starr, I -- I'd suggest you save your argument
14 for Judge Finnegan, either now or at some future
15 time.

16 MR. STARR: Okay. Thanks for your suggestion,
17 Eric. Duly noted.

18 BY MR. STARR:

19 Q. Sir, if you were going to communicate that you
20 found -- strike that. If during the course of an
21 investigation that you were working with IAD, you were
22 going to communicate to IAD that you found allegations
23 credible, is that something that you would document?

24 MR. OBERTS: Speculation and foundation.

25 A. I --

1 MR. PALLES: Same objection.

2 A. I -- I don't recall. I mean, I -- I may have.
3 I don't -- I don't recall.

4 BY MR. STARR:

5 Q. Okay. Was there any kind of specific memo
6 that you were expected to write in circumstances like
7 that?

8 MS. MORRISON: Objection, incomplete
9 hypothetical.

10 A. When you asked was that -- a memo that I was
11 expected to write? I don't -- I -- I don't -- I can't
12 say that I was expected to write. I don't recall being
13 expected to write anything.

14 BY MR. STARR:

15 Q. Okay. And I think this is my last question in
16 this section here. If -- are there any types of
17 allegations that if you deemed credible, during the
18 course of a -- an investigation with IAD, that you would
19 be certain to communicate to I -- to IAD?

20 MR. OBERTS: Objection. Speculation,
21 foundation, and object to form.

22 A. I can't think of an example that -- where one
23 allegation stands above another allegation. I -- so I --
24 - I can't think of -- of an example like that.

25 MR. STARR: Okay. We can take a break. How

1 much time do you guys need?

2 THE REPORTER: Okay. We're off the record, the
3 time is 11:12 a.m. Central.

4 (OFF THE RECORD)

5 THE REPORTER: We are back on the record for
6 the deposition of Mr. David Navarro, being conducted
7 by videoconference. My name is Sydney Little.
8 Today is July 18, 2023, and the time is 11:22 a.m.
9 Central.

10 BY MR. STARR:

11 **Q. Mr. Navarro, as a state's attorney tasked with**
12 **working with various different agencies to investigate**
13 **and potentially prosecute police officers, were you**
14 **familiar with different types of police misconduct?**

15 A. Yes.

16 **Q. Generally speaking, during your time as a**
17 **prosecutor did you ever become aware of specific Chicago**
18 **police officers who had engaged in misconduct?**

19 MR. OBERTS: Objection, vague.

20 A. The --

21 MR. OBERTS: And overbroad.

22 A. So -- so was I -- did I become aware of
23 specific officers? Yes, because allegations would be
24 brought to me regarding specific officers, yes.

25 BY MR. STARR:

1 Q. Okay. And other than your time in the Public
2 Integrity Unit as a state's attorney, did you also have
3 other occasions to become aware of Chicago police
4 officers who had allegations of misconduct leveled
5 against them?

6 A. Well, when I related my different positions
7 within the office, I was also -- after I left Public
8 Integrity, I was in Professional Standards and that also
9 involved officer -- allegations of officer misconduct,
10 more specifically allegations of excessive force and
11 officer-involved shootings.

12 Q. Yeah. And I -- thanks for reminding me that.
13 I neglected to ask you. Did you say you were a
14 supervisor in the Professional Standards unit?

15 A. I was.

16 Q. Could you tell me what your job
17 responsibilities were in that role?

18 A. So I just, like I said, the -- the
19 Professional Standards unit at the time, the division
20 between Public Integrity and Professional Standards, the
21 Professional Standards unit was, at the time, was more
22 or less a counterpart to the Chicago Police -- or
23 Chicago's Office of Professional Standards, which then
24 handled, again, allegations of excessive force and
25 officer-involved shootings.

1 Q. Okay. And so let me just ask to clarify, if I
2 understand what you're saying here, the attorney's
3 office that was called the Professional Standards unit,
4 that worked in tandem on investigations in that OPS did?

5 A. Worked to handle referrals from OPS. And not
6 just OPS, but also the agency that would bring -- so
7 officer involved shootings could involve officers from
8 not just the Chicago Police or -- or allegations of
9 excessive force, that would be any municipality, again,
10 not just Chicago Police.

11 Q. Okay. And so the types of allegations that
12 you investigated and prosecuted potentially in your role
13 in the Professional Standards unit were excessive force
14 and police-involved shootings. Any other types of in --
15 allegations that you investigated and prosecuted in that
16 role?

17 A. As part of that unit, that -- that's -- unit's
18 responsibility or that units -- that unit -- when I was
19 there, no, other than cases that I would've had when I
20 was in Public Integrity, that for lack of a better term,
21 followed me or I kept when I was in Professional
22 Standards.

23 Q. Okay. And then in your role in the Public
24 Integrity unit, what types of allegations of police
25 misconduct would you investigate in that position?

1 A. So it is easier to say anything that isn't
2 excessive force or officer-involved shootings.

3 Q. And could you give me some examples of what
4 types of specific allegations would fall under that more
5 broad umbrella?

6 A. Allegations of theft, allegations of -- just
7 broader allegations of official misconduct, false
8 report, or bribery, those are the examples that come to
9 mind.

10 Q. Okay. Would you investigate in that position
11 in the Public Integrity unit allegations of fabrication
12 of evidence? I'm sorry, I didn't hear you.

13 A. I'm sorry. I'm repeating the -- fabrication
14 of evidence. I'm thinking what fabricate -- I -- I
15 don't -- I -- I -- I can't -- I -- I don't -- I'm trying
16 to think of what fabrication of evidence would be, false
17 report, if that -- if that's what you want to term it as
18 a false report.

19 Q. Okay. So let me ask you this, would you in
20 your role in the Public Integrity unit investigations
21 investigate allegations regarding police misconduct that
22 a police officer -- or police officer falsely attributed
23 drugs to an individual? Is that something that you
24 would investigate?

25 MR. OBERTS: Objection, vague, and

1 hypothetical. Go ahead.

2 A. So I -- apologize, stepping on my attorney.
3 The -- if the police brought that allegation, yes.

4 BY MR. STARR:

5 Q. Okay. What about allegations of false
6 confessions or coerced confessions? Is that something
7 that your unit would investigate?

8 A. I don't remember. I don't remember ever
9 looking at a case of false confession.

10 Q. Okay. Any other examples of specific types of
11 police misconduct that you can recall investigating
12 during your time in the Public Integrity unit?

13 A. Not that I -- not that I can recall.

14 Q. Okay. I asked you about specific police
15 officers that you became aware of, had allegations
16 against them. During your time in the Public Integrity
17 unit, did -- were there any Chicago Police Department
18 officers that had a specific reputation for falsifying
19 information in police reports?

20 MR. GAINER: This is Brian Gainer. Object to
21 the form. Go ahead.

22 MR. OBERTS: I agree. Object to the form. And,
23 Sean, do you want to accept that other counsel could
24 join?

25 MR. STARR: Yeah, I think that's totally fine.

1 It would probably make it easier for everybody than
2 having a chorus of objections.

3 A. I -- if you're saying that there was this --
4 was there known officers? No, I can't -- I don't
5 remember any known officers, known bad actors, no.

6 BY MR. STARR:

7 **Q. Okay. Were there any known bad actors during**
8 **your time in the Special Prosecutions unit? Strike**
9 **that. During your time in that unit, were there any**
10 **Chicago police officers who had a reputation for taking**
11 **bribes that you're aware of?**

12 MR. GAINER: This is Brian Gainer. Same
13 objection.

14 MR. OBERTS: I also object to the extent it
15 calls for his personal beliefs and/or impression of
16 his work product.

17 A. I don't remember where -- you're saying, was -
18 - was there known officers who had a reputation for
19 taking bribes other than a case that I prosecuted for an
20 officer taking a bribe. I can't think of an example
21 where I just -- where there was known officers, a known
22 officer, that was known for taking bribes.

23 BY MR. STARR:

24 **Q. In what case are you referring to when you**
25 **referenced a case that you prosecuted?**

1 A. I'm trying to think of the name of the
2 officer. I know I prosecuted officer -- an officer for
3 -- officer for bribery, but I can't think of the name on
4 the -- off the top of my head now.

5 **Q. Okay. To your knowledge, during your time as**
6 **a prosecutor, did any officers of the Chicago Police**
7 **Department have a reputation for extortion or shaking**
8 **down drug dealers that you're aware of?**

9 MR. STEFANICH: Objection. Form. It's Brian
10 Stefanich.

11 MR. GAINER: No, you beat me there, Brian. I
12 join that objection although one is good for one for
13 all. Thanks.

14 MR. OBERTS: Object to the extent it calls for
15 his personal beliefs or impression. You may answer
16 the question.

17 A. I -- I can't say that there was, again, this
18 group of officers or any specific officer that was known
19 to be -- have -- have such a reputation, no. I mean,
20 you either -- there was either a case, an allegation, or
21 there wasn't. Just names in the -- in the ether, that
22 doesn't -- no, that didn't exist.

23 BY MR. STARR:

24 **Q. So I'm not necessarily asking you for names in**
25 **the ether. I'm wondering if there were officers who had**

1 had multiple allegations made against them that existed
2 during your time in the Public Integrity unit that you
3 were aware of. Is that clear?

4 MR. STEFANICH: Objection. Form, foundation.

5 A. I -- I can't -- that's clear. And I can't
6 think of an example of -- of that where the case wasn't
7 -- where there wasn't a case.

8 BY MR. STARR:

9 Q. Okay. And I just want to make sure that my
10 question's -- what I was seeking is my question was
11 clear to you. It sounds like it was. So I'm going to
12 ask one more. To your knowledge, during your time as a
13 prosecutor in the Public Integrity unit, were there any
14 Chicago police officers that had a reputation for
15 framing individuals by falsely attributing drugs to
16 them?

17 MR. GAINER: Objection. Form.

18 MR. OBERTS: Objection to the extent it calls
19 for his personal work product.

20 MR. GAINER: And asked and answered.

21 A. Again, are you -- if you're saying, was there
22 -- was there a case that was prosecuted where that was -
23 - where that was an incident? That was the -- where an
24 officer did that? Yes. If you're saying is there --
25 were there -- were there officers that I could think of

1 that had that reputation? I can't think of an instance
2 separate from cases that were prosecuted.

3 BY MR. STARR:

4 **Q. Okay. Yeah. I was asking for the latter. And**
5 **so my questions specifically, what I'm seeking is, were**
6 **you aware of officers that had a, you know, a number of**
7 **allegations, as I described them, made against them that**
8 **were not prosecuted?**

9 MR. GAINER: Well, this is Brian Gainer. I
10 mean, Sean, respectfully, having a reputation for
11 something, having multiple allegations against you,
12 those are two completely different things. You're
13 using them interchangeably, which is why there are
14 multiple objections for form. So I object to form.
15 You've asked these questions over and over, so asked
16 and answered.

17 MR. OBERTS: Object to foundation as well.

18 A. Multiple allegations, I -- I don't -- I -- I
19 don't recall multiple allegations, again, other than if
20 those were -- if those were cases that were actual
21 charged defenses or -- but a reputation, just that
22 doesn't -- I don't recall that ever being the case.

23 BY MR. STARR:

24 **Q. Okay. Did anyone at the Chicago Police**
25 **Department or the Cook County State's Attorney's Office**

1 ever advise you that any particular police officer
2 should not be called to testify in a criminal
3 investigation for any reason?

4 MR. STEFANICH: Objection. Form.

5 MR. OBERTS: Objection. Overbroad, it's past
6 scope. Go ahead.

7 A. I was never told that, no.

8 BY MR. STARR:

9 Q. And at some point, sir, in approximately 2005,
10 you worked on an investigation regarding former Sergeant
11 Ronald Watts, correct?

12 MR. OBERTS: Vague and ambiguous.

13 MR. GAINER: Object to form. Go ahead, sir.

14 A. I did.

15 BY MR. STARR:

16 Q. Okay. Did you know former Chicago Police
17 Sergeant Ronald Watts outside of that investigation?

18 A. I did not.

19 Q. Okay. Did you know him at all when you were a
20 prosecutor in any other position besides the Public
21 Integrity unit?

22 A. I did not.

23 Q. Did you ever, to your knowledge, did you ever
24 call Ronald Watts as a witness in any of the cases that
25 you prosecuted?

1 A. I -- I don't recall ever calling him as a
2 witness.

3 Q. Okay.

4 A. If I did -- if I did, I don't recall ever
5 calling him as a witness.

6 Q. Okay. Did you ever learn from anyone in
7 particular that Sergeant Watts had a reputation for
8 falsifying information in police reports?

9 MR. GAINER: Object to form. Go ahead, sir.

10 A. I don't -- no.

11 BY MR. STARR:

12 Q. Did you ever learn from anyone in particular
13 that Sergeant Watts had a reputation for taking bribes
14 from individuals?

15 MR. GAINER: Object to form.

16 MR. OBERTS: And object to foundation but go
17 ahead.

18 A. Other than the specific referral that was made
19 to me, no, not -- no, no reputation that I can speak of.

20 BY MR. STARR:

21 Q. When you say the specific referral, what are
22 you referring to?

23 A. The -- the case that is -- that we're here on
24 now, the Baker Glenn referral.

25 Q. Okay. Did you ever learn from anyone that

1 **Sergeant Watts had a reputation for framing innocent**
2 **people?**

3 MR. GAINER: Object to form.

4 A. No.

5 BY MR. STARR:

6 **Q. Do you have a personal opinion about Sergeant**
7 **Ronald Watts' work as a Chicago Police officer?**

8 MR. GAINER: Object to form, foundation.

9 MR. OBERTS: Further object to providing his
10 opinion as he is not a 26(a)(2) witness.

11 A. So what I -- what I had was the -- the -- the
12 allegations brought to me by Baker and Glenn. I didn't
13 have a personal opinion. I don't have a personal
14 opinion about Watts.

15 BY MR. STARR:

16 **Q. Okay. And just for clarity, do you have a**
17 **personal opinion, as you sit here today, about Sergeant**
18 **Ronald Watts' work as a Chicago Police officer?**

19 MR. GAINER: Object to form and foundation.

20 MR. OBERTS: Further to object to the -- for
21 this fact witness providing an opinion. He's not a
22 26(a)(2) witness.

23 A. Well, he's a convicted -- he's a federally
24 convicted felon, so I guess I -- my opinion is that he's
25 a convicted felon.

BY MR. STARR:

Q. Okay. And are you aware, as you sit here today, that a very significant number of people have alleged that Sergeant -- former Sergeant Ronald Watts improperly and falsely attributed drugs to them and framed them for crimes they did not commit?

MR. GAINER: Object to form and foundation. Go ahead, sir.

MR. OBERTS: Objection, is vague and ambiguous as well.

A. As I sit here today, I'm aware of that, yes.

BY MR. STARR:

Q. Okay. And as you sit here today, are you aware that there have been over 100 convictions that have been reversed or vacated based on allegations made about Sergeant Watts and his tactical team's misconduct?

MR. GAINER: Object to form, foundation, and that assumes facts not in evidence. Go ahead, sir.

A. I don't know that I -- I knew that any -- any specific number. I'll -- I'll take your -- take your number.

BY MR. STARR:

Q. Okay. And are you aware that there's multiple federal civil rights lawsuits that have been filed and that are now pending against former Sergeant Ronald

1 Watts and members of his tactical team?

2 A. I'm aware of this lawsuit.

3 Q. Okay. And when you say this lawsuit, what are
4 you specifically referring to?

5 A. The case that I'm being deposed on.

6 Q. Okay. And I don't want to ask for
7 conversations you may or may not have had with your
8 attorney, but what is your understanding of what the
9 case that you're being deposed on is?

10 MR. OBERTS: Objection to the extent that that
11 answer -- that the information provided in that
12 answer would be limited to the information he would
13 be -- we -- he would've received from his attorney.
14 Outside of his attorney, did if -- he could answer.

15 A. You know, I don't -- I mean, I don't have the
16 specific allegations. There's -- I would -- I believe
17 there's an allegation. Like, it's a -- you caption at
18 the start, a civil rights case where Ben Baker, Clarissa
19 Glenn have filed against Ronald Watts. So that's what I
20 know about.

21 BY MR. STARR:

22 Q. Okay. And you referenced Ben Baker and
23 Clarissa Glenn, you -- are you aware that in 2006, they
24 were both convicted in cases that involved arrests by
25 Sergeant Watts and his tactical team?

1 A. Yes.

2 Q. Okay. And are you -- as you sit here today,
3 are you aware that both of those individuals, the
4 convictions that they had, have been vacated?

5 A. Yes.

6 Q. And are you -- as you sit here today, are you
7 aware that both of those individuals have received
8 certificates of innocence for those convictions?

9 A. I don't know if I was aware of that.

10 Q. Okay. Are you aware of how many different
11 times Ben Baker alleges he was falsely arrested by
12 Sergeant Watts?

13 A. I don't recall the specific number of times,
14 if there was more than -- more than once, but I -- I
15 don't remember a specific number.

16 Q. Okay. And this is like one of those examples
17 of I was just asking the question kind of generally and
18 not asking for your specific recollection. Do you know
19 the number of times that Ben Baker alleges he was
20 falsely arrested based on any knowledge?

21 MR. GAINER: Objection. Asked and answered and
22 form. Go ahead, sir.

23 MR. OBERTS: Foundation. Go ahead.

24 A. I don't know.

25 BY MR. STARR:

1 Q. Okay. And for context, are you aware that
2 there's a July of 2004 arrest, which is often referred
3 to as the mailbox case in which the state eventually
4 dropped the charges? Are you familiar with that case?

5 A. I -- I'm not refer -- I'm not familiar with
6 the reference, the mailbox case, or even that specific
7 date, July 2004.

8 Q. Okay. That is another case that stems from
9 arrest that happened on March 23, 2005, which we'll be
10 largely discussing today, in which Baker was arrested
11 for possession and to distribute cocaine and heroin and
12 convicted in June of 2006. Are you familiar with that
13 arrest and conviction?

14 A. To the -- if that's the case that brought
15 Baker and Glenn to meet with me, I'm generally familiar.
16 But the specifics of the arrest, I don't recall.

17 Q. Okay. And then finally there's a December 11,
18 2005 case in which Ben Baker was arrested with his wife,
19 Clarissa Baker, or Clarissa Glenn. And eventually he
20 took a deal -- they took a deal and they were convicted
21 as well. Are you familiar with that arrest?

22 A. Not the specifics of the arrest.

23 Q. Okay. Are you familiar with the fact that
24 both Ben Baker and his wife were at one point arrested
25 by Sergeant Watts and his tactical team?

1 A. That they were arrested, yes.

2 Q. Okay. All right. Before I move on, I just
3 want to ask you a few general questions about the legal
4 process, if you'll indulge me. To begin with, what do
5 you understand the term, "proffer," to refer to?

6 MR. OBERTS: Objection to the extent it calls
7 for legal conclusion. Go ahead.

8 A. Proffer is a term that I recall being used as
9 a less formal use immunity agreement.

10 BY MR. STARR:

11 Q. What a -- is a proffer considered to be part
12 of a plea deal?

13 MR. OBERTS: Objection. It calls for a legal
14 conclusion.

15 A. Not necessarily.

16 BY MR. STARR:

17 Q. Okay. Regarding plea deals, do you know what
18 circumstances give rise to judges having criminal
19 defendants swear to the factual basis of the plea?

20 MR. OBERTS: Objection. Incomplete
21 hypothetical and vague.

22 A. I don't know that I understand where a
23 defendant -- let me repeat that question to you, where a
24 defendant pleads guilty and is sworn to facts?

25 BY MR. STARR:

1 Q. Yeah. It's my understanding that in certain
2 circumstances where there's a plea deal, the court will
3 require the criminal defendants to swear in open court
4 to the factual basis of the plea. Is that something
5 you're familiar with?

6 A. I recall that, yes.

7 Q. And do you know what the -- what circumstances
8 give rise to an occasion like that, where a court would
9 require a factual basis to be sworn to in open court?

10 MR. GAINER: Objection. Incomplete
11 hypothetical. Go ahead, sir.

12 A. I don't --

13 MR. OBERTS: Speculation and overbroad.

14 A. I don't recall the specifics -- specific
15 instances of why -- of why that would be, other than
16 maybe there were the -- that -- I don't recall the
17 specifics of -- of that -- of -- of witnesses being
18 sworn to facts that might be used later at -- at a
19 subsequent trial.

20 BY MR. STARR:

21 Q. During your time as the prosecutor, were you
22 ever in a position in which you were tasked with the
23 responsibility of prosecuting people with -- for drug
24 crimes?

25 A. Yes.

1 **Q. Okay. And during -- and what specific**
2 **assignment were you in when you were tasked with that**
3 **responsibility?**

4 MR. OBERTS: Objection. Vague regarding "Drug
5 crimes." Go ahead.

6 A. There would -- there would be different
7 instances. I -- I think I don't recall the specific
8 cases I handled when I was in Criminal Appeals. It's
9 possible that one or more of those cases involved
10 someone who was convicted of narcotics and was appealing
11 that conviction. But I -- but I don't recall the
12 specific cases I worked on in Criminal Appeals. When I
13 was in Misdemeanors, City Misdemeanors, cannabis was
14 still being prosecuted at that point. Attempt
15 possession of a controlled substance was prosecuted as a
16 class A misdemeanor. Those were narcotics cases,
17 broadly speaking, that would've been prosecuted by me.
18 As a preliminary hearings assistant, I would've
19 prosecuted narcotics cases in different forms,
20 possession of controlled substance, possession with
21 intent cases. And then as a trial assistant, I would've
22 prosecuted narcotics cases in different -- at different
23 levels.

24 BY MR. STARR:

25 **Q. Okay. So during your tenure as a State's**

1 Attorney, is it correct to say you're generally familiar
2 with the policies and practices as they related to the
3 State's Attorney's Office -- charge people with drug
4 related crimes?

5 MR. OBERTS: Object to the extent it seeks the
6 policy practice procedure, the State's Attorney's
7 office, as he is not a 26(a)(2) -- excuse me, a
8 30(b)(6) witness. But to the extent you can testify
9 to his practice regarding such prosecutions.

10 A. I don't -- I don't recall any policy or
11 practices regarding the charging of narcotics cases. I
12 -- I prosecuted the case that was in front of me at the
13 time.

14 BY MR. STARR:

15 Q. Okay. Are you able to, as you sit here today,
16 recall the process by which drug charges were instituted
17 against offenders?

18 MR. STEFANICH: I object to form.

19 MR. OBERTS: Object to overbroad. And to the
20 extent it seeks -- object to overbroad, no objection
21 to him providing his -- how he did and such.

22 A. That they were prosecuted by someone being
23 arrested. They -- they were initiated by someone being
24 arrested. That's how they were started.

25 BY MR. STARR:

1 Q. Okay. Did the State's Attorney's Office and
2 during your time in the State's Attorney's Office, did
3 they -- did the State's Attorney's Office determine what
4 charges to bring against an offender accused of
5 possession or intent to distribute or any other drug
6 crimes?

7 MR. STEFANICH: Objection. Form.

8 MR. OBERTS: Object to the extent it calls for
9 an answer by the State's Attorney's Office that's
10 individually. I'd ask him to answer based on his
11 personal.

12 A. I don't remember how -- what I remember is the
13 -- as a felony case, narcotics cases didn't go through
14 felony review. So the police charged someone with
15 narcotics, that case went to -- went to preliminary
16 hearing and was charged. That was -- I don't remember
17 the -- the -- the specific determination of the classes
18 or any of that. I don't -- I don't remember how that --
19 how we did that.

20 BY MR. STARR:

21 Q. But do you remember that the specific
22 classifications were something that was determined by
23 the State's Attorney's Office or was determined before
24 it got to the State's Attorney's Office?

25 MR. STEFANICH: Objection. Form.

1 MR. OBERTS: Objection. Vague. Object to the
2 extent it calls for an answer on behalf of the
3 State's Attorney's Office.

4 A. I don't remember how -- I mean, if someone
5 possessed small amount, the charge was a -- was a lesser
6 charge. If someone possessed a larger amount, that was
7 a greater charge. More than that, I don't remember how
8 the process of determining the charges.

9 BY MR. STARR:

10 Q. Okay. You said that -- I believe you
11 testified that the police charged someone with narcotics
12 and that would institute the proceedings. Did the police
13 need the State's Attorney's Office to sign off on a drug
14 arrest?

15 MR. OBERTS: Objection. They -- it calls for
16 an answer on behalf of the State's Attorney's Office
17 and he is not a 30(b)(6) witness. But to the extent
18 he can answer personally.

19 A. I remember, no, they did not.

20 BY MR. STARR:

21 Q. Okay. Did the police need the State's
22 Attorney's Office prosecutors to approve a probable
23 cause in a drug case?

24 MR. OBERTS: Objection to the extent it asks
25 for an answer on behalf of the State's Attorney's

Office, and he is not an 30(b)(6) witness. But to the extent you can answer personally, please proceed.

A. I didn't know what you mean by probable cause.
BY MR. STARR:

Q. Yeah. So in your experience, did the State's Attorney's Office -- strike that. In your experience, was the State's Attorney's Office the entity that approved probable cause in any given drug arrest?

MR. OBERTS: Objection, calls for -- to the extent it calls for a legal conclusion. Objection. Speculation, incomplete hypothetical, and to the extent it calls for an answer on behalf of the office, as he is not a 30(b)(6) witness. But to the extent he can answer personally, please proceed.

A. I don't -- I -- I don't know that the State's Attorney's Office approved probable cause for any charge.

BY MR. STARR:

Q. Okay. When someone is arrested for drugs, does the State's Attorney's Office rely on the police reports when making the decisions on what charges to bring against that person?

MR. GAINER: Objection, form and foundation.

MR. FANGMAN: Deliberative process, privilege.

1 I'm asking Justice Navarro not to answer.

2 A. I'm not -- based on that objection, I'm not
3 going to answer that question.

4 BY MR. STARR:

5 Q. Okay. You're going to take the State's
6 Attorney's Office instruction and refrain from answering
7 my question; is that correct, sir?

8 A. That's correct.

9 Q. All right. And so just for the record, so as
10 not to belabor the -- all of us here today and waste any
11 more of the judge's time, you know, we -- Plaintiff
12 reserves the right to address the questions that were --
13 that he refrained from answering based on the
14 instruction of the State's Attorney's Office and/or his
15 attorney. But I'll move on. Do you know what specific
16 police reports the State's Attorney's Office relies on
17 when making a charge in determination -- in a drug case?

18 MR. FANGMAN: Objection. Form, foundation.
19 Sorry, deliberative process privilege. I'm asking
20 the witness not to answer.

21 MR. OBERTS: I further object based upon
22 product to the extent of his beliefs in determining
23 what specific report is useful or not useful or how
24 it would apply to a given case.

25 A. So based on those objections and the

1 direction, I'm not going to answer those -- that
2 question.

3 BY MR. STARR:

4 Q. Okay. And just for -- so we're clear on the
5 record, are you refraining from answering my question
6 because of the instruction of the State's Attorney's
7 Office, sir?

8 A. Yes.

9 Q. Okay. As a general matter, are you aware that
10 in a felony drug arrest, there are at least two arrest
11 reports that are created? Strike that. As a general
12 matter, are you aware that in Chicago Police Department
13 felony drug arrests, there are generally at least two
14 reports generated, a police arrest report and a vice
15 case report? Are you familiar with those two types of
16 reports?

17 MR. OBERTS: Objection. Compound.

18 A. I'm familiar with an arrest report and a case
19 report, yes.

20 BY MR. STARR:

21 Q. Okay. And do you know whether or not the
22 State's Attorney's Office gives more weight in
23 determining charges against an offender to an arrest
24 report, or gives more weight to a vice case report?

25 MR. OBERTS: Objection. Form and foundation.

MR. FANGMAN: Process privilege. I'm asking the witness not to answer.

BY MR. STARR:

Q. Are you going to take the State's Attorney's Office instruction and refrain from answering my question, sir?

A. Yes.

Q. Okay.

MR. OBERTS: I -- just for the record, I further object that he is not a 30(b)(6) witness. We talked about on him to testify on behalf of the State's Attorney's Office, whether it calls for his work product and/or his position.

BY MR. STARR:

Q. Do you know whether or not the State's Attorney's Office would wait for the crime lab to test suspect drugs before it determined when to make -- what type of charges to make?

MR. FANGMAN: Objection, deliberative processed privilege. I'm asking the witness not to answer.

BY MR. STARR:

Q. Are you going to take the State's Attorney's Office instruction and refrain from answering my question, sir?

A. Yes. I -- I am going -- yes, I am.

MR. OBERTS: Just -- and I also object to him
testifying on behalf of the office as he is not a --
30(b)(6) witness. I keep messing up my rules.

BY MR. STARR:

**Q. Sir, as you sit here today, do you have an
independent recollection of the investigation of the
allegations made by Ben Baker and Clarissa Glenn against
former Sergeant Ronald Watts and his tactical team?**

MR. GAINER: This is Brian Gainer. Object to
form.

MR. STEFANICH: Yeah, I'll join the objection.
Facts not in evidence.

A. I have some recollection of those allegations,
yes.

BY MR. STARR:

**Q. What do -- what independent recollection do
you have of those allegations, sir?**

A. I recall meeting with Ben Baker and Clarissa
Glenn along with their attorney Matt Mahoney.

**Q. Besides meeting with Ben Baker, Clarissa
Glenn, and their attorney Matt Mahoney, do you have any
other independent recollection of those allegations or
the State's Attorney's Office investigation into that?**

A. No, not really much beyond that.

Q. Okay. Do you have any independent

1 **recollection of this -- the meeting that you refer to?**

2 A. I -- I don't -- I -- I remember it taking
3 place at -- at 26th Street, at a conference room on 26th
4 -- in 26th Street, but not much beyond that.

5 **Q. Do you recall when that meeting took place?**

6 A. Do I have an -- if you're asking me do I have
7 an independent recollection of that, I don't recall when
8 that meeting took place.

9 **Q. Okay.**

10 A. When I -- it took place when I was a state's
11 attorney in Public Integrity. Independent of any
12 looking at any paper, I don't remember.

13 **Q. Okay. Do you have an independent recollection**
14 **of how long that meeting took?**

15 A. I do not.

16 **Q. Do you have an independent recollection of**
17 **what the allegations Mr. Baker or Ms. Glenn were making?**

18 A. Very broadly. It was a allegation of being --
19 that Baker was being shook down or extorted for money by
20 Watts.

21 **Q. Any other independent recollection of anything**
22 **else that was alleged during that meeting?**

23 A. Independent of any other review? No.

24 **Q. Okay. Do you have any independent**
25 **recollection of anything you -- any steps you took to**

1 **investigate those allegations?**

2 MR. OBERTS: Objection. Vague regarding
3 investigate. Go ahead.

4 MR. GAINER: Yeah. Object to form. Brian
5 Gainer. Go ahead, sir.

6 A. Independent -- independent of looking -- of --
7 of looking at any documents, no, I don't -- I don't have
8 any memory.

9 BY MR. STARR:

10 **Q. Okay. Do you have any independent**
11 **recollection of anyone in the State's Attorney's Office**
12 **that you spoke to about those allegations?**

13 A. Independent of -- of looking at any documents,
14 I don't.

15 **Q. And do you have any independent recollection**
16 **of communicating what you learned during that meeting to**
17 **any other agency?**

18 A. I -- independent of any -- just independent of
19 any documents, I recall speaking to Chicago -- the
20 Chicago Police Department. The specific officers, I
21 don't recall.

22 **Q. Do you have any independent recollection of**
23 **what you told the Chicago Police Department regarding**
24 **what you learned at that meeting?**

25 A. I do not.

1 Q. Do you have any independent recollection of
2 speaking to any other agencies besides the Chicago
3 Police Department about what you learned at that meeting
4 with Ben Baker, Clarissa Glenn, and Matt Mahoney?

5 A. I do not.

6 Q. Okay. Do you have any independent
7 recollection of --

8 A. Well --

9 Q. How -- go ahead.

10 A. I'm sorry.

11 Q. Sure.

12 A. I recall speaking to individuals from COPA and
13 other individuals in 2017.

14 Q. Okay. We can table that and focus on the time
15 period in which the meeting occurred, if that's fair.

16 A. Okay.

17 MR. OBERTS: And this be -- so while he was in
18 Public Integrity as opposed to outside this? That's
19 the scope of your questions?

20 MR. STARR: Yes.

21 MR. OBERTS: Okay.

22 BY MR. STARR:

23 Q. That makes sense to you, sir?

24 A. Yes. I just didn't -- I didn't want to say --
25 independently I do remember that also.

1 Q. Yeah, that's fair. Do you have any
2 independent recollection of the outcome of any
3 investigation that was spurred by the allegations that
4 were made during that meeting?

5 A. Yes.

6 Q. What is your independent recollection of the
7 outcome of the investigation into those allegations?

8 A. We weren't able to make the case.

9 Q. And what is your specific memory of arriving
10 at that conclusion?

11 MR. FANGMAN: Objection. Deliberative process
12 privilege. I'm asking the witness not to respond.
13 BY MR. STARR:

14 Q. Sir, are you going to take the State's
15 Attorney's Office instruction not to testify in response
16 to my question?

17 A. I am following the direction of the State's
18 Attorney's Office attorney.

19 MR. STARR: Okay.

20 MR. PALLES: For the record, it sounded more
21 like a request to me.

22 BY MR. STARR:

23 Q. Do you have any independent recollection of
24 any other individuals that were involved in the decision
25 to conclude that investigation?

1 A. I do not.

2 Q. Okay. Do you have any independent
3 recollection of ever speaking to John Mahoney about the
4 allegations that Ben Baker and Clarissa Glenn had made?

5 A. I don't have any independent recollection of
6 that. I -- I -- no, I don't.

7 Q. Okay. Outside of the confines of the meeting
8 as you described it, do you have any independent
9 recollection of speaking to Matt Mahoney about those
10 allegations?

11 A. I recall speaking to Matt Mahoney. I don't
12 recall the specifics of any conversation.

13 Q. Do you recall where you were when you spoke to
14 Matt Mahoney?

15 A. No, I don't.

16 Q. Okay. And do you recall any individual
17 Chicago Police Department member that you spoke to about
18 the allegations that Ben and Clarissa had made?

19 A. Independently? No, I don't.

20 Q. Okay. Do you recall whether or not there were
21 any other individuals in the meeting that you had with
22 Baker, Glenn, and Matt Mahoney?

23 A. Well, I think I had more than one meeting, and
24 I don't recall when -- I know -- I know that there was
25 more than one meeting, and I don't recall when there

1 would've been other individuals present, but I believe
2 there was other individuals from Chicago present at some
3 point.

4 Q. Okay. So in at least one of the meetings that
5 you had with Baker, Glenn, and Matt Mahoney, there were
6 other individuals from the City of Chicago present; is
7 that correct?

8 A. Correct.

9 Q. Okay. Do you have an independent recollection
10 of how many meetings you had with Baker Glenn and Matt
11 Mahoney regarding these allegations?

12 A. I don't.

13 Q. Do you have an independent recollection of
14 having any meetings with any other individuals besides
15 Baker, Glenn, and Matt Mahoney regarding the allegations
16 made by Baker and Glenn?

17 A. When you say meetings, are you saying meetings
18 with -- I don't -- I -- I don't recall having other --
19 other meetings.

20 Q. Okay. Do you have an independent recollection
21 of how you were assigned to work on the case involving
22 Baker and Glenn's allegations?

23 A. Independent of the review of -- of anything,
24 no, I don't.

25 Q. Okay. Do you know -- separate from your

1 independent recollection, do you know how it came to be
2 that you were assigned to work on that case?

3 MR. OBERTS: Objection. Foundation,
4 speculation, but go ahead.

5 A. After looking at documents provided by
6 whomever they were provided by, I think I was assigned
7 this case by John Mahoney.

8 BY MR. STARR:

9 Q. Okay. And just to go back to your independent
10 recollection again, is there anything additional that
11 you have an independent recollection of that you haven't
12 testified to today regarding the investigation into the
13 allegations by Baker and Glenn?

14 MR. OBERTS: Objection. Overbroad, but go
15 ahead.

16 A. No, I don't believe so.

17 BY MR. STARR:

18 Q. Okay. If at any point during the course of
19 this deposition you have any new independent
20 recollection, could you please let us know?

21 A. Yes, I will.

22 Q. Okay. What steps did you take after being
23 assigned to this case?

24 MR. OBERTS: Vague. Overbroad.

25 BY MR. STARR:

1 Q. Yeah. Let me re-ask it. What steps in your
2 capacity as a state's attorney did you take regarding
3 the allegations made by Baker and Glenn after you were
4 assigned to the case?

5 A. I met with Baker and Glenn and Baker's
6 attorney Matt Mahoney.

7 Q. Any other steps that you took after meeting
8 with Baker and Glenn and their attorney Matt Mahoney in
9 your capacity as the state's attorney regarding the
10 allegations that were made by Glenn and Baker?

11 MR. OBERTS: Objection. Foundation, and vague,
12 but go ahead.

13 A. I met with investigators officers from
14 Internal Affairs, Chicago Police Department, along with
15 Baker and Glenn.

16 BY MR. STARR:

17 Q. When you say you met with officers from
18 Internal Affairs along with Baker and Glenn, do you mean
19 in the same meeting or do you mean you met with IAD and
20 then you also met with IAD and Baker and Glenn?

21 A. I don't remember. I don't -- I don't remember
22 if I met with them separately or just in that meeting. I
23 -- I -- I don't -- I don't have a separate memory -- I
24 don't have a -- a refreshed memory, a reviewed memory,
25 independent memory of that.

1 Q. Okay. And it's fair. I understand it's been
2 quite some time. I'm just trying to get at what you
3 know. Did you conduct an interview with Ben Baker?

4 A. Yes.

5 Q. Did you interview Clarissa Glenn?

6 A. Yes.

7 Q. Okay. And did you interview their attorney,
8 Matt Mahoney?

9 A. I don't know that I would characterize it --
10 characterize a -- a conversation as an interview.

11 Q. Okay. Did you meet with Baker and Glenn and
12 Mahoney without IAD on more than one occasion?

13 A. I don't recall. I know whether -- whether --
14 my independent memory is that I met with them first
15 without Internal Affairs Division officers. Whether I
16 met with them afterwards, I don't remember that.

17 Q. Okay. Did you ever interview Sergeant Ronald
18 Watts about the allegations that were made against him?

19 A. No.

20 Q. Did you ever interview any other members of
21 his tactical team about the allegations that were made
22 by Baker and Glenn?

23 A. No.

24 Q. Did you ever interview any third party
25 witnesses based on the allegations that Baker and Glenn

1 made?

2 A. I don't recall interviewing any other
3 witnesses.

4 Q. And at this point, I'm asking more generally,
5 not so much about your specific recollection, do you
6 know whether or not you ever interviewed any witnesses
7 during your work on this case?

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

9 Q. Okay. Do you know whether or not you spoke to
10 any other state's attorneys during your work on this
11 case about the allegations made by Baker and Glenn?

12 A. I don't remember doing that, but I've been
13 shown transcripts that would say otherwise.

14 Q. Okay. Do you -- can you tell me who you're --
15 based on your review of transcripts, who you think you
16 may have spoke to about the allegations made by Baker
17 and Glenn?

18 A. Well, when you say allegations, or at least I
19 -- I spoke to assistants that would've been assigned to
20 Judge Toomin during this period of time. I can't say -
21 - I don't recall what I would've said anything specific,
22 but I -- but at least I spoke to assistants assigned to
23 Judge Toomin where Baker's cases were pending.

24 Q. Okay. And I believe you earlier testimony
25 testified that you had an independent recollection of

1 closing this case; is that right?

2 A. Yes.

3 Q. Do you have an independent recollection of
4 communicating your findings to the state's -- strike
5 that. Do you have an independent recollection of
6 communicating your findings in this case to Internal
7 Affairs Division?

8 A. I don't.

9 Q. Okay. Do you know whether or not you in fact
10 communicated your findings in this case to the Internal
11 Affairs Division?

12 A. I believe I did.

13 Q. What is the basis of your belief?

14 A. Because I closed the case.

15 Q. Was it your regular practice in cases that you
16 closed to communicate that information to this -- to the
17 Internal Affairs Division?

18 MR. OBERTS: Objection. Overbroad.

19 A. I wouldn't have closed a case without Chicago
20 knowing that.

21 BY MR. STARR:

22 Q. Okay. So is it correct to say that your
23 general practice was, in cases you were investigating
24 with Internal Affairs, that you would communicate to
25 them if you were closing the case?

1 A. Yes.

2 Q. Okay. And was there any particular format in
3 which you -- or medium in which you would communicate
4 that information to IAD?

5 MR. FANGMAN: Objection. Deliberative process
6 privilege, and I'm directing the witness not to
7 respond.

8 BY MR. STARR:

9 Q. I disagree with that, but are you going to
10 take your -- the state attorney's instruction not to
11 answer my question about what your format or medium were
12 to communicate the closure of a case that you were
13 working on?

14 A. The direction of the assistant state's
15 attorney, I'm not going to answer that question.

16 Q. Okay. Did you ever talk to anybody outside of
17 the State's Attorney's Office or the Internal Affairs
18 Division during dependency of this investigation about
19 this case? Besides Baker, Glenn, and Matt Mahoney?

20 A. I -- I don't recall speaking to anybody else.

21 MR. STARR: Okay.

22 MR. OBERTS: There's a lot of rumbling here.
23 Lot of -- there's some -- something's going on.

24 THE WITNESS: There's some construction noise
25 next door.

MR. STARR: Why don't we take a short time?

THE WITNESS: No, it's okay.

MR. OBERTS: It's going to probably continue.

MR. STARR: Okay.

MR. OBERTS: So --

MR. STARR: Okay. Okay.

MR. OBERTS: Unless you want to take a break, certainly, but I -- we're not asking for a break based upon that.

MR. STARR: Okay. Okay. And moving -- I think I'm going to move into a different section of my exam. So if anybody needs a break, this might be a good time. Why don't we take five minutes, if that's okay with you, Bill?

MR. OBERTS: Sure.

THE REPORTER: All right. We're off the record. The time is 12:16 p.m. Central.

(OFF THE RECORD)

THE REPORTER: We are back on the record for the deposition of Mr. David Navarro being conducted by videoconference. My name is Sydney Little. Today is July 18, 2023, and the time is 12:23 p.m. Central.

BY MR. STARR:

Q. Mr. Navarro, do you have an independent

1 recollection of whether or not you found Baker and
2 Glenn's allegations to be -- strike that. Do you have
3 an independent recollection of whether or not you found
4 Baker and Glenn to be credible when you interviewed them
5 the first time?

6 MR. GAINER: Object to form. Go ahead, sir.

7 MR. OBERTS: Object to the extent it calls for
8 his work product impression and/or belief.

9 MR. FANGMAN: Deliberative process privilege
10 objection if the question requires the witness to
11 reveal what his opinion was. But otherwise, no
12 objection.

13 A. I -- I independently remember them to be
14 credible.

15 BY MR. STARR:

16 Q. And do you --

17 A. He's -- there's someone objecting.

18 MR. FANGMAN: I'm sorry. I was muted.
19 Objection to the answer about -- objection.
20 Deliberative process privilege. I'm asking you to
21 strike the answer.

22 MR. OBERTS: I also object to his work product.

23 BY MR. STARR:

24 Q. Okay. Sir, do you have an independent
25 recollection as to whether or not you were able to

1 **develop any evidence that corroborated their**
2 **allegations?**

3 MR. FANGMAN: Objection. Deliberative process
4 privilege as to the opinion about corroborating.
5 And I'm asking Justice Navarro not to answer the
6 question.

7 MR. STARR: So for the record, I just asked if
8 he has an independent recollection. I didn't ask if
9 he did develop any evidence. Are you still
10 instructing him not to answer?

11 MR. FANGMAN: If the question requires him to
12 reveal an opinion about whether or not information
13 is corroborated, yes.

14 A. So --

15 BY MR. STARR:

16 **Q. I mean, having -- whether he has an**
17 **independent recollection or not, I think -- I don't**
18 **think it implicates that, but --**

19 A. I -- I -- I don't have an independent memory
20 of -- so let's just shortcut this. I don't -- I don't
21 have an independent memory of -- of what -- of -- of
22 what the reasons were or the basis was.

23 **Q. Okay. Thank you, sir. And just I don't mean**
24 **to prolong this, but my question specifically was**
25 **whether you had an independent recollection of being**

1 able to develop any evidence that corroborated their
2 allegations, not about the outcome of the investigation.
3 Do you understand the distinction I'm making?

4 A. I'm trying to an independent let me rephrase
5 it. Let me repeat it back to you. Do I have an
6 independent memory of being able to develop the evidence
7 to make the case?

8 Q. To corroborate what the allegations were? Is
9 what my question is? I'm not sure if there's a
10 distinction.

11 A. To -- to corroborate the allegations. I don't
12 I don't have an independent memory of being -- being
13 able to of that.

14 MR. STARR: Okay. Thank you. All right. I'm
15 going to show you a document, I'm going to mark this
16 as Exhibit 1. I'm going to share my screen so give
17 me a minute to get this up. But for the record, the
18 Bates is DO JOINT 46371-46408.

19 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

20 MR. OBERTS: What was the first part? DO?

21 MR. STARR: Yeah. DO JOINT.

22 MR. OBERTS: DO JOINT.

23 MR. STARR: Yeah. Did you get the rest of it,
24 Bill?

25 MR. OBERTS: Yeah, the 46371-46408?

MR. STARR: I believe that's correct.

46371-46408, yes.

BY MR. STARR:

Q. All right. So this is a multiple page document. I'm just -- first, you can see that I'm sharing my screen, you can see a document on your screen?

A. I can.

Q. Okay. And just, you know, so you have a general sense, this is the first page, and scrolling through there's a number of additional pages of police documents and post-it notes, as you can see. We'll take a look at in more detail, but I just wanted you to get a general sense of what it is.

A. Yes.

Q. Okay. All right. So focusing on the first page, which is DO JOINT 46371, I'm going to make it a little smaller, so it fits the screen, but then I can certainly zoom in if you need me to. Do you see this document on your screen, sir?

A. I do.

Q. Have you seen this document before today?

A. I have.

Q. Okay. And the document is dated May 5, 2005, correct? Do you see that?

1 A. Yes.

2 Q. Okay. And have you reviewed this document in
3 preparation for today's deposition?

4 A. I -- my attorney showed this -- this to me,
5 yes.

6 Q. Had you ever seen this document prior to when
7 your attorney showed it to you?

8 A. I don't recall seeing it prior to my attorney
9 showing it to me.

10 Q. And do you know what this document is, sir?

11 A. It -- well, it -- the document directly in
12 front -- on screen is -- is a -- a letter or letterhead
13 from Matthew Mahoney, Attorney at Law, to ASA John
14 Mahoney.

15 Q. Okay. Did John Mahoney ever tell you anything
16 about this letter?

17 A. If he did, I don't remember.

18 Q. Okay. And you don't have any recollection of
19 John Mahoney ever giving you a copy of this letter,
20 correct?

21 A. No, I don't.

22 Q. Do you know whether or not he ever
23 communicated the substance of this letter to you in any
24 form?

25 A. Well, likely he did, I just don't remember. I

1 don't -- I -- I don't remember that conversation. I --
2 if -- if John -- if Matt Mahoney made this request to
3 John Mahoney, and at some point I was working on the
4 case, likely John relayed some information to me, but I
5 -- but I just don't have any memory of that conversation
6 taking place.

7 **Q. Okay. Do you see the first sentence there, it**
8 **references an enclosure of copies of discovery from the**
9 **cases of individual?**

10 MR. FANGMAN: I am, but I'm muted and my
11 camera's off. I'm in dep.

12 MR. STARR: Paul? Paul, you're not muted.

13 MR. FANGMAN: I'm so sorry. Thank you, you
14 guys.

15 MR. STARR: Okay. I didn't want you to reveal
16 any deliberative process. All right.

17 MR. FANGMAN: Sorry to interrupt you, thanks.

18 MR. STARR: No worries. No worries. It's
19 okay.

20 BY MR. STARR:

21 **Q. Let me ask my question again. Do you see that**
22 **first sentence, references an enclosure of some**
23 **discovery that Matt Mahoney has from cases of people he**
24 **represented?**

25 A. I -- I do see that.

1 Q. Okay. Do you -- did you ever -- do you know
2 if -- strike that. Did you ever see, and I'll go
3 through it just slowly, did you ever see this packet of
4 this enclosure that he included with this letter?

5 A. I don't recall seeing that.

6 Q. Okay. Do you think going through this slowly
7 through every single police report will refresh your
8 recollection of whether you actually ever saw it or not?

9 A. No.

10 Q. Okay. Then I won't do that. Do you -- sir,
11 do you know the date on which -- and I referenced it
12 earlier, so maybe you know from this deposition, but do
13 you recall what the date Ben Baker was initially
14 arrested on that led him to come speak to you?

15 A. No, I don't.

16 Q. Okay. If I represented you that the date that
17 Ben Baker was arrested on that led to him coming to your
18 office to make those allegations, the date of arrest was
19 March 23, 2005, would you believe my representation?

20 MR. OBERTS: Speculation.

21 A. I -- I don't have any reason to question your
22 representation, Mr. Starr. And that is consistent with
23 the May 5th letter that Matt Mahoney is sending or
24 request he's making to John Mahoney, a March arrest.
25 That -- that's consistent.

1 BY MR. STARR:

2 Q. And just for clarity's sake, what do you mean
3 when you say it's consistent with the letter that's in
4 front of us on the screen?

5 A. Well, it's a March arrest, and so then within
6 a month and change, Matt Mahoney is sending a letter to
7 John Mahoney.

8 Q. Okay. So this letter from Ben Baker's
9 attorney is roughly, you know, a little more than a
10 month after Ben Baker's arrest, correct?

11 A. Yes.

12 MR. OBERTS: Speculation.

13 A. Yes. Based on -- based on a March arrest,
14 yes.

15 BY MR. STARR:

16 Q. Okay. And this communication is directed to
17 State's Attorney John Mahoney at the Cook County State's
18 Attorney's Office, correct?

19 A. Yes.

20 Q. And as you previously testified, Mr. Mahoney
21 is someone that was your supervisor and someone that you
22 knew, correct?

23 A. Correct.

24 Q. Okay. I just want to look at part of this
25 letter and talk a little bit through it. The

1 correspondence states, "Dear John, per our conversation,
2 I've enclosed copies of discovery from the cases of
3 individuals I represented in the area of 527 East
4 Browning, Chicago, Illinois." Do you see that, sir?

5 A. I do.

6 Q. Does this indicate to you that Matt Mahoney
7 had previously communicated with John Mahoney about the
8 issues detailed in this letter primed -- prior to
9 writing this letter?

10 MR. OBERTS: Objection. Speculation.

11 MR. GAINER: Objection. Foundation. Go ahead,
12 sir.

13 A. It -- it does indicate to me that they'd
14 spoken before, yes.

15 BY MR. STARR:

16 Q. Do you know if prior to May 5, 2005, you had
17 ever spoken to John Mahoney about any of the allegations
18 made to him by Matt Mahoney?

19 A. I don't recall.

20 Q. Okay. Do you have any recollection whatsoever
21 of John Mahoney telling you that Matt Mahoney had
22 reached out regarding allegations of police misconduct?

23 A. I don't.

24 Q. Okay. Do you know what cases this letter is
25 referring to?

1 A. No, I don't. I mean, than what is being
2 described on the letter, no, I don't know.

3 Q. Okay. Do you recall whether or not -- strike
4 that. Okay. The next line here that I want to direct
5 you to is in the first paragraph. It says, "All
6 arresting officers are members of Watts' team." And
7 then it goes on to say, "I want to reiterate that I am
8 not looking for any special consideration for any of my
9 clients in any way (unless they actively participate in
10 a future investigation)," which is in the parenthetical.
11 Do you see that?

12 A. I do.

13 Q. Did John Mahoney ever communicate to you that
14 the allegations Matt Mahoney were bringing to the
15 State's Attorney's Office involved officers other than
16 Sergeant Ronald Watts?

17 A. I don't recall any conversation with John
18 Mahoney.

19 Q. Okay. And then the next paragraph starts off
20 with the with the line that says, "Watts is dirty and
21 needs to be caught." Do you see that?

22 A. I do.

23 Q. Did John Mahoney ever communicate any of that
24 information to you?

25 MR. OBERTS: Objection. Foundation.

1 A. I don't recall any conversation with John
2 Mahoney.

3 BY MR. STARR:

4 Q. Okay. Did Matt Mahoney ever tell you the
5 same?

6 A. He may have, but I don't recall him
7 specifically saying that.

8 Q. Okay. Do you see the third paragraph? It
9 reads, "I realize that I have not yet provided you with
10 the 'smoking gun' to get to Watts. I hope that I will
11 be able to in the future, but I don't know." Do you see
12 that?

13 A. I do.

14 Q. Did you ever discuss a smoking gun with Matt
15 Mahoney?

16 A. I don't recall that -- using that phrase or
17 that conversation with -- with Matt Mahoney.

18 Q. Okay. Do you know whether or not this letter
19 prompted the public and corruption unit to open an
20 investigation into Sergeant Ronald Watts?

21 MR. OBERTS: Objection. Speculation.

22 A. I don't know specifically. I believe that
23 this letter led to John Mahoney directing me, asking me,
24 assigning me in some way to meet with Matt Mahoney and
25 his client.

MR. STARR: Okay. Okay. Put this document aside for right now. I think I'm going to come back to it, but I'm going to show you a different document, which I'm going to mark as Exhibit 2. And for the record, the Bates for this second exhibit, it is PL

JOINT 10850.

(EXHIBIT 2 MARKED FOR IDENTIFICATION)

MR. OBERTS: It's 10850, correct?

MR. STARR: That's it.

BY MR. STARR:

Q. All right. Sir, this is a one-page document. Do you see it on your screen?

A. I do.

Q. Okay. And you see the Bates down here at the bottom says PL JOINT 010850?

A. Yes.

Q. Okay. And then at the top of the document, the date in the right-hand corner is May 11, 2005. Do you see that, sir?

A. I do.

Q. Have you seen this document before today?

A. I have not.

Q. Okay. Do you -- just taking a moment to look at it, do you know what this document is?

1 A. If you could, scroll up to the top.

2 Q. Yeah.

3 A. It -- it looks to be a memo from a sergeant in
4 Internal Affairs to the deputy superintendent of
5 Internal Affairs.

6 Q. Okay. And are you familiar during your time
7 working in collaboration or connection with the Chicago
8 Police Department of the term, "a to-from memo"?

9 A. I -- you know what? I -- I -- I hadn't
10 thought about that term in many years. But now that you
11 say that, yes.

12 Q. Okay. And this appears to be a -- an IAD
13 to-from -- or yeah. An IAD to-from memo; is that
14 correct, sir?

15 MR. OBERTS: Objection. Speculation.
16 Foundation.

17 A. Yes. Right. To-from.

18 BY MR. STARR:

19 Q. Okay. And it's from a sergeant by the name of
20 Maureen Kennedy based on the document, correct, sir?

21 A. Yes.

22 Q. It's to Assistant Deputy Superintendent Debra
23 Kirby, correct, based on the document?

24 A. Based on the document, yes.

25 Q. Okay. And then I'll just scroll down to the -

1 - there's a short amount of correspondence on it. Can
2 you take a moment to read that, sir?

3 A. Okay.

4 Q. And this short correspondence in summary
5 fashion indicates that you called IAD to inform them
6 that you had been approached by what -- well, it says "a
7 complainant who alleges that the accused had been
8 shaking down drug dealers for money." Do you think that
9 this letter memorializes the point in time in which you
10 reached out to the IAD to inform them that you were
11 assigned to this case?

12 MR. GAINER: Objection. Foundation.

13 MR. OBERTS: Object to foundation.

14 MS. MORRISON: Join.

15 A. It would appear to be from that -- from that
16 time period. Yes.

17 BY MR. STARR:

18 Q. Okay. And as a matter of your general
19 practice, when you were assigned cases, I think you
20 previously testified that you would reach out -- cases
21 that involve Chicago Police Officers, you would reach
22 out to IAD to let them know, correct?

23 A. Well, no. I guess my general practice
24 would've been IAD would've reached out to me or reached
25 out to the state attorney's office. This is a little

1 different that I'm contacting Internal Affairs about an
2 officer within them.

3 Q. Okay. That's fair. So it was unusual for you
4 to be the one to reach out to Internal Affairs to let
5 them know that you were you were investigating a Chicago
6 Police Officer, correct?

7 A. Well, it's not -- it's just not -- it's not
8 unusual. It's just I don't know that I'd say unusual or
9 usual. It's just normally the agency brings a case to
10 the state's attorney's office. It's not the state's
11 attorney's office bringing a referral to the
12 investigators.

13 Q. And this document is dated May 11, 2005. Do
14 you believe that you were assigned to the Watts
15 investigation at this point in time?

16 MR. OBERTS: Foundation.

17 A. I -- I don't remember the date that I was
18 assigned or tasked the -- this case. But it would
19 appear from this memo that -- that yes, I had been
20 assigned it by that point.

21 BY MR. STARR:

22 Q. Okay. You wouldn't -- you would not have
23 reached out to Internal Affairs to tell them that you
24 were working on an investigation to a police officer
25 unless you had in fact been working on an investigation

1 into a police officer, correct?

2 A. Well, I guess it's -- it's kind of like a --
3 it's -- I -- I can't tell them that I'm doing something
4 until I did it. So right. I -- I -- right. I wouldn't
5 have told them about it until it had happened.

6 Q. Okay. Do you know what information you had at
7 your disposal as of May 11, 2005?

8 A. I do not.

9 Q. Okay. Do you know if you had any other source
10 for information on this case other than John Mahoney on
11 May 11, 2005?

12 A. Other than John Mahoney?

13 MR. OBERTS: Objection to foundation.

14 BY MR. STARR:

15 Q. Right. I think you testified earlier that you
16 believe that John Mahoney assigned you to the case,
17 correct?

18 A. Right.

19 Q. And we previously looked at a letter from Matt
20 Mahoney to John Mahoney in which Matt Mahoney
21 communicated some information and provided some
22 documents, right?

23 A. Right.

24 Q. Okay. So do you know, on May 11, 2005, did
25 you have any other source of information other than what

1 **John Mahoney may or may not have communicated to you?**

2 A. Well, I don't know. I -- I don't know that --
3 I imagine. But I don't know that I had met with Baker,
4 Glenn, and Matt Mahoney at the time that I'm making
5 this, that -- that this memo was being drafted. But I -
6 - I don't remember calling Internal Affairs to -- on
7 this date. And I didn't -- I didn't write this memo.

8 **Q. Okay. So you think it's possible that you met**
9 **with Baker, Glenn, and Matt Mahoney prior to**
10 **communicating to IAD that you were investigating**
11 **allegations against a Chicago Police Officer, correct?**

12 A. It's likely that -- that seems like that --
13 that would follow. But -- but I can't say.

14 **Q. Okay.**

15 A. I -- I don't remember the date of the -- the
16 Matt Mahoney letter that was just up before. I think it
17 was May 5th?

18 **Q. It was May 5th, sir.**

19 A. Right. So that's six days later. It -- it's
20 likely that I met with them between the date of that
21 letter and the date of this memo.

22 **Q. Okay. Thank you.**

23 A. I just can't -- I don't -- I just don't
24 remember when I met with them.

25 **Q. Thank you. Do you know who Maureen Kennedy**

1 is, sir?

2 A. I don't. I mean, I can see on here that she
3 is -- she's a Chicago Police Sergeant. But I don't
4 remember Maureen Kennedy.

5 Q. Okay. That's what I meant. Did you have any
6 independent recollection of who she was or know her
7 personally?

8 A. No.

9 Q. Okay. And do you know -- other than seeing
10 this document in front of you, do you know who Debra
11 Kirby is?

12 MR. OBERTS: Object to form. Speculation.

13 A. I do remember independently who Debra Kirby
14 was.

15 BY MR. STARR:

16 Q. And who do you remember her to be?

17 A. The head of Internal Affairs.

18 Q. Okay. Did you have communications with Debra
19 Kirby while you were in the state's attorney's office?

20 A. I did.

21 Q. Okay. Did you have communications about
22 investigations that you were working on collaboratively
23 with IAD while you were in the state attorney's office?

24 A. I did.

25 Q. Okay. Do you know if you ever had

1 communications with Debra Kirby about the allegations
2 against Sergeant Ronald Watts?

3 A. I don't remember.

4 Q. Okay. I'm going to move that aside. Oh,
5 actually, let me just ask you, does this -- seeing this
6 document on your screen and reviewing it refresh your
7 recollection any further about your involvement in this
8 investigation?

9 A. It does not.

10 Q. All right. I'm going to mark and show you
11 another exhibit. I'm going to mark it as Exhibit number
12 3. And for the record, the Bates for this document is
13 PL JOINT 10947 through 10948. Okay. Sir, we're going
14 to look through this in more specific detail. But do
15 you see the document on your screen?

16 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

17 A. I do.

18 BY MR. STARR:

19 Q. Okay. And you see it's a two-page document,
20 sir?

21 A. Yes.

22 Q. Okay. And you see the first page, the Bates
23 on the bottom there is PL JOINT 10947, correct?

24 A. I -- I can see that. Yes.

25 Q. Okay. And then you -- can you see at the top

1 that this document is dated June 28, 2005?

2 A. Yes.

3 Q. Sir, have you seen -- and I'll scroll through
4 this a little more slowly so you can absorb what it is.

5 Have you seen this document before today, sir?

6 A. No.

7 Q. Okay. Do you know what this document is?

8 A. Well, it -- it's a memo. It's an Internal
9 Affairs memo. What is -- you -- you're going to -- you
10 could categorize it as a to-from. I would say it's --
11 it's a memo.

12 Q. Okay. And it's from someone by the name of
13 Police Agent Calvin Holliday. Do you see that?

14 A. I do.

15 Q. And he -- it's listed that he is assigned to a
16 Internal Affairs division confidential investigation
17 section. Do you see that, sir?

18 A. I do.

19 Q. Okay. Do you know who Calvin Holliday is?

20 A. I remember the name. I don't -- I don't
21 remember Agent Holliday, Officer Holliday specifically.
22 I remember the name.

23 Q. Okay. And then it's to the commanding officer
24 of the Internal Affairs Division, correct?

25 A. Yes.

MR. OBERTS: Object to the foundation.

BY MR. STARR:

Q. Okay. And so let's just take a look at this document in a little more details so you can familiarize yourself with it. Since it's only a two- page document and you haven't seen it, I'm just going to ask that you just read it to yourself and let us know --

A. Okay.

Q. -- when you want me to scroll down.

A. Okay.

Q. Okay. So just go ahead and --

A. I'm just -- I'm just going to shrink down our, like, faces here so I can see the document.

Q. Sure.

A. Just so it's just me leaning in here.

Q. Yeah. Take your time.

A. Okay. Okay. You can scroll down. Okay.
Okay. Okay.

Q. Thanks for taking the time to read that, sir. Is it fair to say that the first part of this letter, the first full -- the second full paragraph is a summary -- purports to be a summary of a meeting that you participated in May of 2005?

A. Yes.

MR. GAINER: Objection to foundation.

MR. OBERTS: And speculation. Go ahead.

A. Yes. That purports to be a summary of a meeting. Yes.

BY MR. STARR:

Q. And this document indicates that that included yourself, Ben Baker, his wife, Clarissa Glenn, Matt Mahoney, and then a few other people, correct?

A. Yes.

MR. GAINER: Objection to foundation.

BY MR. STARR:

Q. And this letter or this memo also seems to indicate that there were members of the Chicago Police Department that were present at this meeting, correct?

MS. MORRISON: Object --

MR. GAINER: Objection to foundation.

MS. MORRISON: Join. And form.

A. Other members of the Chicago Police Internal Affairs present. Yes.

BY MR. STARR:

Q. Okay. And one member of the Chicago Police Department who this memo indicates was present at that meeting was Calvin Holliday; is that correct?

MR. GAINER: Objection to foundation.

A. Well, he's the -- he's the report writer. Yes.

BY MR. STARR:

1 **Q. Okay. Do you have any independent**
2 **recollection of meeting with Calvin Holliday and Ben**
3 **Baker, Clarissa Glenn, and Matt Mahoney at any point in**
4 **time?**

5 A. I don't. I -- I -- I remember meeting with
6 Chicago and -- and -- and Baker and Glenn. But I don't
7 remember who the officers were.

8 **Q. Okay. So it's possible you did meet with**
9 **Calvin Holliday, Ben Baker, Clarissa Glenn, Matt**
10 **Mahoney, and others, correct?**

11 MR. GAINER: Objection to foundation.

12 MR. OBERTS: Objection to foundation.

13 A. Are you -- you're saying like -- am -- am I
14 saying that this is an accurate memo? I mean, that I
15 met with them, yes. I -- I likely -- I'm not saying
16 that I -- that this -- that I didn't meet with them. I
17 just don't remember who was present.

18 BY MR. STARR:

19 **Q. Okay. And as you indicated, Calvin Holliday**
20 **is the -- and we can look at the last section here.**
21 **Calvin Holliday seems to be the individual who wrote**
22 **this memo, correct?**

23 A. Correct.

24 MR. GAINER: Objection to foundation.

25 BY MR. STARR:

1 Q. Do you know if you knew Calvin Holliday prior
2 to this May 2005 meeting?

3 A. I may have. But I don't -- I -- it doesn't --
4 I don't -- I don't remember.

5 Q. Okay. Did Calvin Holliday ever tell you that
6 as early as September of 2004 Officer Alvin Jones was
7 also implicated in Watts' legal activities and police
8 misconduct?

9 MR. STEFANICH: Objection to form.

10 A. I don't remember that. Oh.

11 THE REPORTER: I'm sorry. I didn't catch that
12 objection.

13 MR. STEFANICH: Form objection by Brian
14 Stefanich.

15 BY MR. STARR:

16 Q. Okay.

17 A. I don't -- I don't remember them telling me or
18 Holliday telling me anything about -- about Jones.

19 Q. Okay. Do you recall whether or not Holliday
20 ever told you as early as September 2004 that it had
21 been determined by IAD that alleged officers in the
22 public housing unit were accepting money from drug
23 dealers to allow them to continue to sell narcotics?

24 MS. MORRISON: Object to foundation and form.

25 A. I don't remember them ever telling me that.

BY MR. STARR:

Q. Do you know if Holliday ever told you that?
Besides having an independent recollection of it, do you
know if he ever did tell you that?

A. No. I don't.

Q. Okay. Did you ever -- besides having an
independent recollection, do you know if Holliday ever
told you that Al Jones was also implicated in legal
activities of Sergeant Watts?

MR. STEFANICH: Objection. Form. Foundation.

A. No.

BY MR. STARR:

Q. Okay. This memo indicates that there was also
two Chicago Police Department Sergeants that were
present for the May 2005 meeting, correct?

A. Correct.

MR. GAINER: Objection to foundation.

BY MR. STARR:

Q. And one of those sergeants that this memo
indicates was present at that meeting was a sergeant by
the name of Ray Broderdorf. Do you see that, sir?

A. I do.

MR. GAINER: Objection to foundation.

BY MR. STARR:

Q. Do you know who Ray Broderdorf is?

1 A. I remember him being a sergeant in Internal
2 Affairs.

3 Q. Okay. Do you have any independent
4 recollection of meeting with Ray Broderdorf regarding
5 the allegations against Sergeant Watts?

6 A. I don't.

7 Q. Okay. And then the other sergeant that this
8 memo indicates was present at the May 2005 meeting as a
9 sergeant by the name of Kenneth Bigg. Do you see that,
10 sir?

11 A. I do.

12 MR. GAINER: Objection to foundation.

13 BY MR. STARR:

14 Q. Do you know who Sergeant Kenneth Bigg is?

15 A. I -- I do.

16 Q. How -- who do you know him to be?

17 A. Well, at -- at that time, he would've been a
18 sergeant. I don't -- I don't remember him at that
19 specific time. But this -- this is consistent with him
20 being a sergeant in Internal Affairs. I -- I knew him
21 previously when he was a detective in Area 4.

22 Q. Do you have any independent recollection of
23 meeting with Sergeant Kenneth Bigg to discuss the
24 allegations that were made against Sergeant Ronald
25 Watts?

A. I do not.

Q. Okay. Do you know whether or not you ever met with Broderdorf and Bigg at any point in time during the allegation against Watts?

A. Other than what is documented in this memo, no.

Q. Okay. Do you know what information was presented by Ben Baker, Clarissa Glenn, and Matt Mahoney at this May 2005 meeting?

A. Other than what is -- well --

MR. OBERTS: Objection. Vague regarding this 2005 meeting. You're referring to the meeting reference in this Exhibit 3, correct?

BY MR. STARR:

Q. I am. I am referring to the meeting reference in this exhibit.

A. Other -- other than what is documented here in this, I don't have any independent memory of what was discussed.

Q. Okay. Does reading what's documented here refresh your recollection at all, sir?

A. Really, just in -- in just the most general ways, yes.

Q. And what do you mean by in the most general ways, sir?

1 A. That -- that there were allegations Baker was
2 making against Watts. That -- that refreshes my -- that
3 -- my memory is refreshed as to that.

4 **Q. In the general sense that there were multiple**
5 **allegations; is that correct?**

6 A. In -- in the general sense, yes.

7 **Q. Okay. Do you recall having any impression of**
8 **whether or not you believe the information that was**
9 **being presented to you in this May 2005 meeting that is**
10 **referenced in this memo?**

11 MR. GAINER: Object to form and foundation.

12 MR. OBERTS: This is a work product. But here,
13 you're just asking if he recalls if he had an
14 impression.

15 MR. STARR: Yes.

16 MR. FANGMAN: Objection. Deliberative process
17 privilege if it -- if the question is intended or
18 has the effect of asking the witness to reveal his
19 decision about what was credible.

20 A. So the question is, do I recall if I believed
21 them? I -- I --

22 MR. OBERTS: I don't think. Go ahead. I'm
23 objecting to the extent it calls for your mental
24 impression work product.

25 A. Oh, well --

MR. OBERTS: And I just ask you not to answer to the extent it calls for your impression or belief. But to the extent if you had a belief, that I don't believe is calling for work product. Don't mean to make a speaking objection. But I wanted to clarify.

MR. STARR: Understood.

A. So I don't recall. I mean, I -- I recall that I -- this is getting a little mocked up in the -- in the -- what I recall. I -- I recall meeting with them. I recall the officers being -- the -- those other officers being present. That, I recall. Yes.

BY MR. STARR:

Q. And you do -- you do or do not recall whether or not you had an impression of whether or not you believed them?

MR. GAINER: Form and foundation.

A. I -- I must have had an impression. I don't remember what the impression was.

BY MR. STARR:

Q. Okay. Do you recall whether or not your impression of whether or not you believed them was different from the first meeting you had with them to the second meeting that you had with them that's documented in this memo?

1 MR. GAINER: Form and foundation.

2 MR. OBERTS: Objection. Vague. And I just
3 object to the extent that it seeks his disclosure of
4 his impression or belief.

5 A. Based on this general paragraph, that
6 paragraph seems consistent with what I remember the
7 first meeting being about.

8 BY MR. STARR:

9 Q. Okay. So you -- I know -- and I know that the
10 state's attorney's office has moved to strike the
11 question. I -- we're going to probably have to litigate
12 this. But you previously testified that you found Baker
13 and Glenn credible at that first meeting. So is it safe
14 to assume that you found what Baker and Glenn told IAD
15 at this meeting that's documented in this memo also to
16 be credible?

17 MR. GAINER: Object to form and foundation.

18 MR. OBERTS: I'd also object to him disclosing
19 his work product, his mental impressions, and ask
20 him not to answer.

21 MR. FANGMAN: Objection. Deliberative process
22 privilege. And I'd ask the witness not to answer.

23 MR. STARR: And I would just note that I think
24 he's waived that privilege. But --

25 A. Oh, so --

1 MR. STARR: Bill, I can't hear you. If you're
2 talking to your client, I can't hear you.

3 MR. FANGMAN: And just to clarify, I -- I'm
4 sorry, this is ASA Paul Fangman. I'm -- I -- I'm
5 asking -- I'm directing the witness not to answer
6 this question because I believe it will reveal
7 deliberative process privilege.

8 A. Okay. Okay. Really, I was -- okay. Thank
9 you, Mr. Fangman. So I really was just trying to see
10 -- I -- I was trying to see there's a -- I was trying to
11 understand if there was an objection or should answer.
12 So on the advice of Attorneys Fangman and Attorney
13 Oberts, I'm not going to answer that question.

14 MR. OBERTS: Just to clarify, it's not the
15 advice of --

16 THE WITNESS: Oh. The direction?

17 MR. OBERTS: -- of anyone. It's the
18 instruction that's --

19 A. The -- the direction of Fangman, the advice of
20 my attorney.

21 BY MR. STARR:

22 Q. Okay. Yeah. That's fair. Thank you, sir. Do
23 you recall whether or not you had any impression of Matt
24 Mahoney during the meeting that's documented in this
25 memo?

1 A. No. I don't recall my impression -- my
2 impression of Matt Mahoney.

3 Q. Okay. Do you recall what IAD member Calvin
4 Holliday's reaction to the information that was
5 presented at this May 2005 meeting was?

6 A. I don't.

7 MS. MORRISON: Object to form.

8 A. I remember -- I don't remember him being
9 present. So I don't remember his impression.

10 BY MR. STARR:

11 Q. Okay. Do you have any recollection about what
12 Sergeant Ray Broderdorf's reaction was to the
13 information that was presented by Baker and Glenn at
14 this May 2005 meeting?

15 MR. GAINER: Object to form and foundation.

16 MR. OBERTS: Objection. Foundation.

17 A. I do not recall.

18 BY MR. STARR:

19 Q. Do you recall what Sergeant Kenneth Bigg's
20 reaction was to the information that was presented by
21 Ben Baker and Clarissa Glenn at the 2005 meeting that's
22 documented in this memo?

23 MR. GAINER: Object to form and foundation.

24 A. I do not recall.

25 BY MR. STARR:

1 Q. Do you recall whether or not after this
2 meeting it was your expectation that there was going to
3 be an Internal Affairs division investigation in to
4 Sergeant Watt -- watts and his -- and his tactical team?

5 A. Yes. I -- right. That's why Internal Affairs
6 would've been contacted to --

7 Q. Okay.

8 A. -- act as the investigators for these
9 allegations.

10 Q. Right. So at this point in time, if this
11 meeting did in fact occur, which I think you've
12 testified that you have no reason to doubt that it did
13 based on the representations in this document --

14 A. Yes.

15 Q. -- after this meeting, it was your expectation
16 that IAD would then take up the investigation of
17 Sergeant Watts and any of his particular tact team
18 officers, correct?

19 A. Yes.

20 MR. STEFANICH: Objection. Objection to form.
21 BY MR. STARR:

22 Q. I didn't hear your answer, sir.

23 A. Yes.

24 Q. Okay. And why did you expect that at that
25 point in time?

1 MR. OBERTS: Objection to the extent it calls
2 for his personal beliefs and/or impressions as work
3 product. And I ask him not to answer to that
4 regarding beliefs. But to the extent factually he
5 could answer, I ask him to proceed.

6 A. Because Internal Affairs would've been the
7 investigators for these allegations.

8 BY MR. STARR:

9 Q. Okay. And that was the normal process,
10 correct?

11 A. Yes.

12 MR. STARR: I don't know if somebody is
13 objecting. But it sounds like there's someone who's
14 maybe breaking up. Does anybody else hear that?
15 Okay.

16 MR. OBERTS: I did hear it. I don't know who
17 that was.

18 MR. STARR: Okay. Just flagging that. If
19 anybody is trying to make an objection, I think
20 maybe we didn't hear you.

21 BY MR. STARR:

22 Q. Did the Chicago Police Department ever inform
23 you or your office that they were going to in fact
24 investigate these allegations?

25 MR. OBERTS: Object to speculation regarding

his office. As to him, please proceed.

A. I don't remember a specific conversation like, "Yes. ASA Navarro, we are going forward on this investigation." I don't remember that specific conversation. But it -- I recall -- as I generally recall, that was who was -- that's what was going to happen.

BY MR. STARR:

Q. Do you have any independent recollection of the alternative? Do you have any independent recollection of the Chicago Police Department ever telling you that they were not going to in fact investigate these allegations?

A. No. I -- I do not recall them ever saying that to me.

Q. Okay. All right. So we've established that this letter is from June of 2005. But it's referencing a May of 2005 meeting, right?

MR. OBERTS: Object to the foundation.

MR. GAINER: Objection. Foundation. Go ahead, sir.

A. Yes. Referencing a May meeting.

BY MR. STARR:

Q. Okay. And then I want to direct you to a portion of this large second paragraph that we've been

1 talking about sort of starting the middle. Do you see
2 where it says, "Baker also exposed Sergeant Watts having
3 shot at [REDACTED] for not paying him protection
4 money"?

5 A. Yes.

6 Q. Do you recall Baker telling you that at any
7 meeting?

8 A. I don't.

9 Q. Okay. Do you recall Baker telling IAD that at
10 this meeting?

11 A. I -- I -- I don't recall that. No.

12 Q. Okay. This allegation -- you know, given your
13 wealth of experience with the judicial process, this
14 allegation amounts to an allegation of attempted murder,
15 correct?

16 MR. GAINER: Objection. Foundation. Go ahead.

17 MR. OBERTS: Objection. Calls for a legal
18 conclusion.

19 MR. FANGMAN: Objection if it calls for a
20 deliberative process privilege opinion. But
21 otherwise, no objection.

22 A. Shooting at someone could be attempted murder.
23 Yes.

24 BY MR. STARR:

25 Q. Okay. So if Ben Baker did in fact make this

1 allegation at a meeting that involved Internal Affairs,
2 would you have expected that Internal Affairs would've
3 investigated that specific allegation?

4 MR. GAINER: Objection. Foundation. Go ahead.

5 MS. MORRISON: Join. And form.

6 MR. OBERTS: Speculation and incomplete
7 hypothetical. Go ahead.

8 A. I -- I don't know what I would've expected
9 them to do. They would've acted on what they -- they
10 would've acted on the information they had.

11 BY MR. STARR:

12 Q. Okay. Would you have expected the Internal
13 Affairs Division to have interviewed Mr. [REDACTED] based on
14 this allegation by Ben Baker?

15 MS. MORRISON: Object to foundation.
16 Speculation.

17 MR. OBERTS: Object to the extent it assumes
18 fact not in evidence.

19 A. I -- I don't know what I expected them to do
20 based on that.

21 BY MR. STARR:

22 Q. Okay.

23 A. I don't remember what I expected them to do,
24 honestly.

25 Q. Do you know whether or not the Chicago Police

1 Department Internal Affairs Division ever made any
2 attempt to investigate this specific allegation?

3 A. I don't.

4 MS. MORRISON: Object to foundation.

5 BY MR. STARR:

6 Q. So is it correct to say that you don't recall
7 the IAD ever telling you specifically that they were
8 going to investigate an action that Sergeant Watts had
9 shot at a man named -- by the name of [REDACTED] [REDACTED]

10 A. No. I do not recall them telling me that.

11 Q. Do you know who [REDACTED] [REDACTED] is?

12 A. I do not.

13 Q. Did you ever attempt to interview [REDACTED] [REDACTED]
14 to corroborate this allegation?

15 MR. OBERTS: Objection. Foundation.

16 A. I don't recall ever interviewing [REDACTED] [REDACTED]

17 BY MR. STARR:

18 Q. Okay. In your normal practice, if someone
19 made an allegation like this to you, is that something
20 that you would've done and in your function as a state's
21 attorney that you would've reached out to attempt to
22 interview the subject?

23 MR. GAINER: Objection. Incomplete
24 hypothetical. Go ahead, sir.

25 MR. OBERTS: Speculation and foundation.

1 A. Are you saying, would I, Dave Navarro, pick up
2 a phone and call [REDACTED]? Is that the question?

3 BY MR. STARR:

4 **Q. Essentially, yes.**

5 A. I don't -- I'm -- I'm -- I'm having a -- I --
6 I -- I don't think I ever would've -- I as the attorney
7 would've called someone and say, hello, I want to -- I
8 need to talk to you. I think that that's what the
9 investigators are for.

10 **Q. Okay. That's what the Internal Affairs**
11 **investigators are for?**

12 A. That's what -- whichever investigators. In
13 this instance, Internal Affairs. But in any instance,
14 investigators would be -- I -- I -- I'm -- I'm having a
15 hard time thinking of where it would be me or the -- an
16 Assistant State's Attorney doing that. Specifically,
17 me.

18 **Q. That's fair. And that's what I'm asking. So**
19 **it was your understanding that it wasn't your**
20 **responsibility to reach out to interview [REDACTED]**
21 **given these allegations, correct?**

22 A. I don't remember a -- I don't remember an
23 allegation of someone being shot at. And if that were
24 the case, it would be the police to follow-up -- the
25 investigators to follow-up.

1 Q. Okay. And I want to direct you back to the
2 memo. The next sentence reads, "Baker spoke of others
3 selling drugs in the Ida B. Wells housing projects, and
4 that these individuals paid Sergeant Watts in order to
5 continue to deal drugs." Do you see that?

6 MR. GAINER: Objection. Foundation.

7 A. I -- I see that sentence, yes.

8 BY MR. STARR:

9 Q. And is that consistent with what Ben Baker
10 told you at the first meeting you had with him?

11 A. I -- I believe so, yes.

12 Q. Okay. And then the next line there says,
13 "Baker's allegations against Sergeant Watts are
14 essentially the same as those told by two other known
15 drug dealers at the Ida B. Wells housing projects,
16 [REDACTED] and Wilbert Moore." Do you see that?

17 MR. GAINER: Objection. Foundation.

18 A. I do.

19 BY MR. STARR:

20 Q. Do you recall being made aware of that, sir?

21 A. I don't.

22 Q. Is there -- do you -- is there a reason why --
23 strike that. Would it be important to note that there
24 was other individuals making similar allegations during
25 one of the invest -- one of these types of

1 **investigations?**

2 MR. GAINER: Objection. Foundation and form.

3 MR. OBERTS: I -- I'm just objecting to the
4 extent it calls for his work product, mental
5 impressions, or beliefs with regards to this, but
6 factually, I -- I'm not -- I -- he can proceed. Do
7 you understand?

8 A. Is -- is that -- would I -- would I want to
9 know if other individuals are making that allegation or
10 an allegation? Yes.

11 BY MR. STARR:

12 **Q. Okay. And why would you want to know that,**
13 **sir?**

14 MR. FANGMAN: Objection, deliberative process
15 privilege. And I'm asking the witness not to
16 answer.

17 MR. GAINER: I also object to the extent that
18 it calls for his work product.

19 BY MR. STARR:

20 **Q. You're going to take the State's Attorney's**
21 **Office instruction to refrain from answering my**
22 **question?**

23 A. I -- I am.

24 **Q. Okay. And then the next sentence there at the**
25 **end of the paragraph notes that, "These three men had no**

1 knowledge the other was talking to a law enforcement
2 agency." You see that?

3 A. I do.

4 MR. GAINER: Objection. Foundation.

5 BY MR. STARR:

6 Q. Given your experience working on these types
7 of investigations, is there a reason why the
8 investigators would want to keep the three individual
9 witnesses in the dark about their collective knowledge?

10 MR. OBERTS: That statement. Excuse me.

11 Objection, speculation, incomplete hypothetical.

12 A. I -- I can't speak to the police motivation,
13 just in general, investigations -- you want to conduct
14 investigations confidentially.

15 BY MR. STARR:

16 Q. Okay. And why do you want to do that, sir?

17 MR. OBERTS: Objection, to the extent calls for
18 his work product and mental impressions. But
19 factually, if you could answer, please do so.

20 MR. FANGMAN: Objection. Deliberative process
21 privilege. And I'm asking the witness not to
22 answer.

23 BY MR. STARR:

24 Q. Are you going to take the State's Attorney's
25 instruction not to answer my question, sir?

1 A. Yes. I'm going to take the instruction of the
2 Assistant State's Attorney.

3 Q. Okay. Okay. Were you aware prior to this
4 meeting, that [REDACTED] and Wilbert Moore were
5 cooperating with law enforcement on a similar
6 investigation into it allegations made against Ronald
7 Watts?

8 MR. OBERTS: Oh, well, objection. Foundation.
9 And to the extent it assumes that not in evidence
10 that -- objection. Foundation, to the extent it
11 assumes that kind of evidence.

12 A. I don't -- I don't believe I was aware. I
13 don't believe I was aware. The -- the -- you asked me
14 earlier was I familiar with Ronald Watts. When I became
15 familiar with Ronald Watts is when I was assigned the
16 case from Mahoney. That -- that's the first time I
17 recall being familiar with Ronald Watts. And so was I
18 aware that there were prior allegations by other
19 individuals? No, I wasn't, because the first time I
20 knew about Ronald Watts, the name, the officer, was when
21 the -- this case was referred to me.

22 BY MR. STARR:

23 Q. Do you know if you were ever made aware that
24 there were other individuals, specifically [REDACTED]
25 and Wilbert Moore, who were making similar allegations

1 **against Ronald Watts and his team?**

2 MR. OBERTS: Objection, overbroad.

3 MR. FANGMAN: Objection. Form.

4 A. I don't know.

5 BY MR. STARR:

6 **Q. Prior to reading this report during this**
7 **deposition, do you know whether or not you were ever**
8 **made aware that [REDACTED] and Wilbert Moore made**
9 **similar allegations against Watts and his team?**

10 MR. STEFANICH: Objection. Form.

11 A. I don't recall. I don't re -- I don't recall
12 those names, [REDACTED] or Wilbert Moore.

13 BY MR. STARR:

14 **Q. And then the next paragraph reads, "To date,**
15 **the undersigned has heard nothing from Ben Baker or his**
16 **attorney. Another method of investigation, possibly an**
17 **integrity check, will be sought." Do you see that?**

18 MR. GAINER: Objection. Foundation.

19 A. I do.

20 BY MR. STARR:

21 **Q. Okay. After this May 2005 meeting that's**
22 **documented in this memo, do you know if you had any**
23 **subsequent conversations with Matt Mahoney about the**
24 **allegations against Ronald Watts and his team?**

25 MR. STEFANICH: Objection. Form.

A. I believe I did.

BY MR. STARR:

Q. Do you recall the substance of any of those conversations?

A. I do not.

Q. Okay. Do you know if after this May 2005 meeting that's documented in this memo, if you had any further conversations regarding these allegations with Calvin Holliday?

MR. OBERTS: Objection. Foundation.

A. I don't recall.

BY MR. STARR:

Q. After this May of 2005 meeting that's documented in this memo, do you recall whether or not you had any further conversations about the allegations against Watts and his tactical team with either Sergeants Broderdorf or Sergeant Bigg?

MR. STEFANICH: Objection. Form.

A. I don't recall.

BY MR. STARR:

Q. After this May of 2005 meeting that's documented in this memo, do you recall whether or not you had any further conversations regarding these actions with anyone from the Chicago Police Department?

A. I -- I don't have any independent recollection

1 of that. There's at least a fax cover sheet dated
2 later, after this meeting, to Chicago Police, but I
3 don't recall any specific conversations.

4 **Q. Okay. What were your expectations following**
5 **the meeting with Baker, Glenn, Matt Mahoney, and members**
6 **from IAD?**

7 MR. OBERTS: Object to the extent it calls for
8 his personal beliefs and mental impressions. Go
9 ahead. Factually, you can answer.

10 A. That the case was going to be investigated by
11 the Chicago Police Department, Internal Affairs
12 Division.

13 MR. STARR: Okay. I am going to move on to
14 another exhibit. It's a longer exhibit and I wanted
15 to just check in about people's desire to -- for
16 lunch. Do you want to go off the record?

17 THE REPORTER: Okay. Sure. We're off the
18 record. The time is 1:21 p.m. Central.

19 (OFF THE RECORD)

20 THE REPORTER: We are back on the record for
21 the deposition of Mr. David Navarro being conducted
22 by videoconference. My name is Sydney Little.

23 Today is July 18, 2023, and the time is 2:03 p.m.
24 Central.

25 BY MR. STARR:

1 Q. Mr. Navarro, before we broke for lunch, I
2 believe you testified that you expected the Internal
3 Affairs Division to fully investigate the allegations
4 that were made by Ben and Clarissa; is that correct?

5 A. To investigate the allegations, yes.

6 Q. Did -- in your capacity as a State's Attorney,
7 did you do anything to inhibit the Internal Affairs
8 Division's investigation of Ben and Clarissa's
9 allegations?

10 MR. OBERTS: Objection, vague. Go ahead.

11 A. I -- I don't know what you mean by inhibit. I
12 don't recall doing anything to -- directing them to stop
13 anything.

14 BY MR. STARR:

15 Q. Okay. Do you recall doing anything whatsoever
16 that would've limited the ability of the Internal
17 Affairs Division to investigate the claims that Ben
18 Baker and Clarissa Glenn made against Watts and members
19 of his tac team?

20 A. No, I don't recall doing anything.

21 MR. STEFANICH: Objection. Form. Sorry,

22 Judge. Objection. Form.

23 BY MR. STARR:

24 Q. Can you imagine a scenario in which you
25 would've done anything to inhibit an investigation by

1 the Chicago Police Department into allegations made
2 against a member of the Chicago Police Department?

3 MS. MORRISON: Objection. Form.

4 MR. OBERTS: Objection. Go ahead.

5 A. I -- no, I --

6 MR. OBERTS: Speculation, incomplete
7 hypothetical, foundation.

8 A. I -- no, I can't imagine that situation.

9 BY MR. STARR:

10 Q. Okay. And nowhere in your job description was
11 it the case that you were tasked with ever inhibiting an
12 investigation from any law enforcement agency, correct?

13 MR. OBERTS: Objection. Form. Vague. Assumes
14 fact not in evidence.

15 A. I don't remember a job description, but no. If
16 there was a job description, then that wouldn't be in
17 it.

18 BY MR. STARR:

19 Q. Okay. And it wasn't part of your job
20 responsibilities to inhibit any other law enforcement
21 agency from investigating claims of misconduct, correct?

22 A. No, it was not.

23 Q. Okay. And if the Chicago Police Department
24 had wanted to bring charges against Sergeant Watts or
25 any members of his team, you were not going to stand in

1 the way of that, were you?

2 MR. STEFANICH: Objection. Form.

3 MS. MORRISON: Join.

4 A. I -- if -- if the Chicago Police had presented
5 a case to charge somebody, no, I would not have -- you -
6 - your question is -- stood in the way. I would've
7 assessed it, like any other case.

8 BY MR. STARR:

9 Q. Okay. And did the Chicago Police Department
10 ever bring a case to you where they asked you to bring
11 charges against Sergeant Watts or any members of his
12 team?

13 A. No.

14 Q. Okay. I'm going to show you another document.
15 Give me a moment to share my screen again. Mark this as
16 Exhibit number 4. And for the record, it's Bates PL
17 JOINT 9961. It's a one-page document. Mr. Navarro, you
18 have, a couple times, referred to a fax cover sheet. Is
19 this the document that you -- you're referencing?

20 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

21 A. Yes.

22 BY MR. STARR:

23 Q. Okay. And what is this document, sir?

24 A. It's -- it -- it's a fax cover -- fax cover
25 sheet from the State's Attorney's Office, Branch 66

Unit, dated October 31st of '05.

Q. And it says it's from David Navarro, ASA. Do you see that?

A. I do.

Q. Is that your handwriting, sir?

A. I -- I believe it to be, yes.

Q. Okay. And it says it's to Sergeant -- I believe it says Karen Konow; is that correct?

A. Karen Konow? Yes.

Q. Konow. Okay. And the date is 10-31-05. Is that right, sir?

A. Yes.

Q. Okay. Is there any reason you would've sent a fax from the Branch 66 homicide/sex unit to Karen Konow related to the Watts investigation?

MR. OBERTS: Objection, speculation, vague.

A. Well, you're asking me -- is it why I sent it from that --

BY MR. STARR:

Q. Yeah. Let's break --

A. -- cover sheet?

Q. That's fair. Let's break it down. Why did you -- what -- did you send this fax, sir?

A. I don't recall doing it, but I -- but yes, I -- I must have, yes.

1 Q. Do you know why you would've sent it from a
2 fax cover sheet listing Branch 66 homicide/sex unit?

3 MR. OBERTS: Objection. Speculation.
4 Foundation.

5 A. I don't recall why I did from Branch 66, no.
6 BY MR. STARR:

7 Q. Were you assigned to Branch 66 at -- on
8 10-31-05?

9 A. I was not.

10 Q. Okay. So could it be that you just used the
11 fax cover sheet from the state's attorney's office and
12 happened to be from Branch 66?

13 A. It -- it very well could have been.

14 Q. Okay. Do you think of any other reasons why
15 you might have chosen to use this particular fax cover
16 sheet?

17 A. I -- I --

18 MR. OBERTS: Objection, speculation. Go ahead.

19 A. I don't know. I don't know.
20 BY MR. STARR:

21 Q. Okay. And then at the bottom, it indicates
22 that there's three pages that make up the fax. Is that
23 -- do you see that?

24 A. I do.

25 Q. Do you know what the two other pages are?

1 A. I don't have any independent recollection of
2 what the other two pages are.

3 **Q. Okay. I think when I asked you earlier about**
4 **any additional communications or conversations you had**
5 **with the state's attorney -- strike that. I think what**
6 **I asked you earlier about any additional communications**
7 **or conversations you had after that May '05 meeting, you**
8 **referenced this. Is this the only communication or --**
9 **that you had with the Chicago Police Department that**
10 **you're aware of after May of 2005 regarding the**
11 **allegations against Sergeant Watts?**

12 A. I don't have any other independent
13 recollection of communications after -- so this is
14 something that I -- I don't even -- I don't recall doing
15 this or -- or sending this, but -- but after seeing it,
16 this is -- this is certainly a communication.

17 **Q. Okay. And do you know who Sergeant Karen**
18 **Konow is?**

19 A. I remember the name, but I don't remember -- I
20 don't remember her.

21 **Q. Do you recall whether or not Sergeant Konow**
22 **worked in Internal Affairs Division in 2005?**

23 A. I want to say yes, but I -- but again, I don't
24 -- I don't remember specifically, but I want to say yes.

25 **Q. Okay. I'm going to stop sharing this exhibit**

1 and show you another exhibit, which I'm going to mark as
2 Exhibit number 5. And this is, for the record, Bates PL
3 JOINT 9959 through 9960.

4 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

5 MR. FANGMAN: Objection, deliberative process
6 privilege. And I wonder if we could have a moment
7 to clarify my objection.

8 MR. STARR: Yeah. I mean, I haven't asked the
9 question.

10 MR. FANGMAN: My objection is to the exhibit.

11 MR. STARR: Okay. Sure. What do you want to
12 clarify?

13 MR. FANGMAN: There's this piece of paper, it's
14 headlined CL report, CL 05448. There's two versions
15 of it that the parties have. There's a different
16 version that's not the one that you have on the
17 screen that's Bates stamped number CCSAO CAB 0004,
18 which is part of a production that the State's
19 Attorney's Office made, that is 186 pages long.
20 That was produced to your firm a few months ago, I
21 think, in response to a subpoena that you sent --
22 Lilia Martinez sent from your office, seeking the
23 complete file for CL 05448. So our office produced
24 this page and it's redacted -- our production is
25 redacted. Most notably, there's one small redaction

1 in the third paragraph that we redacted for
2 deliberative process privilege. I see that this
3 page does not have a CCSAO Bates stamp at the
4 bottom. Instead, it says, Plaintiff JOINT 009959,
5 Baker Glenn 00959. So our office has not waived the
6 privilege, particularly through the production that
7 we made recently. We asserted the privilege of
8 redacted. And I guess I'm just wanting to know where
9 you got this exhibit.

10 MR. STARR: So I don't know off the top of my
11 head where we specifically got this document. I
12 know that it was produced some time ago in this
13 litigation.

14 MR. STEFANICH: So Sean, I'm going to jump in,
15 because --

16 MR. STARR: Sure.

17 MR. STEFANICH: I think I do know. This
18 document I think was produced by the State's
19 Attorney's Office early on in the litigation when it
20 was just the Baker case in response to a subpoena
21 from Mr. Starr's office. So I understand, Paul,
22 your objection based on the recent production, but
23 at least my position would be, I think the office
24 has waived it when it first produced this in 2017, I
25 believe.

1 MR. STARR: Yeah. I think that would be my
2 position as well. And I think that that sounds
3 right. I just didn't have that at my immediate
4 disposal. Mr. Fangman, go ahead.

5 MR. FANGMAN: So Brian, can you explain a
6 little bit more, provide any more details that you
7 know of about this earlier production?

8 MR. STEFANICH: So my understanding is, and I
9 know Sean wasn't assigned to the case from his
10 office at the time, was that Loevy & Loevy
11 subpoenaed the Baker criminal file for all three
12 case numbers at issue. And I think this document
13 was in the '05, the March '05, criminal case number
14 and it was produced in response to that subpoena.
15 No, I don't. I mean, I obviously, Paul, I don't
16 have, like, the subpoena and the response, like,
17 correspondence offhand, but --

18 MR. FANGMAN: So just two more questions and
19 then I move on. I don't mean to stop this. Was
20 that subpoena directed to the State's Attorney's
21 Office or to one of the defendants in the case or to
22 people -- do you know?

23 MR. STEFANICH: It was produced.

24 MR. FANGMAN: Who was actually producing it on
25 behalf of which part of our office, if you know.

MR. STEFANICH: That I -- that I don't know.

MR. FANGMAN: Okay. And then --

MR. OBERTS: Excuse me.

MR. STEFANICH: Sorry. I'm trying to think back of who -- I think Sisavanh Baker was the one responding to the subpoenas in what we'll call the Watts case is now at that time period. So I -- whatever unit she was in would be the one that was responding to these subpoenas.

MR. FANGMAN: Sisavanh Baker was the supervisor of the municipal litigation section previously before me. So I can -- I can let you know that. I do see that at the bottom, the only concern I have is that there's no Bates stamp from our office. There's Bates stamps from other people, but our office -- it's -- it would be unusual for our office to produce documents with no Bates stamp, particularly if it says subpoena issued to the office, generally. Maybe if it was discovery, if there was a county defendant in the case, I have seen instances where there's no Bates stamp.

MR. STEFANICH: Yeah, there was no county defendant in the case at any at any time.

MR. FANGMAN: Okay. I guess, Sean, just generally, I would make a deliberative process

1 objection to -- particularly that one sentence in
2 that third paragraph, because we were asked by your
3 firm to produce documents that we did and we
4 asserted the privilege. I guess I would take the
5 representation of counsel, if the representation is
6 that this document was produced by the State's
7 Attorney's Office previously. If that's the
8 representation that's being made on the record, I
9 would agree that, if that happened, that would waive
10 the privilege. I just don't -- I don't know that we
11 know for sure. Now, if that's a representation,
12 then -- I mean, if the privilege wasn't waived and
13 you ask questions about it, I -- and we later
14 determined that there was no waiver, I would ask to
15 claw back any testimony about that today, but I'm
16 willing to accept the representation of
17 Mr. Stefanich and anyone else who has any knowledge
18 that our office did voluntarily previously produce
19 it. I just don't know that. But if you guys know
20 that, it sounds like that's what you're saying.

21 MR. STARR: Okay. Anybody else want to weigh
22 in before we move forward?

23 MR. PALLES: I -- I'd just say that I --
24 general -- I -- without knowing the specifics, I
25 generally agree with Brian and I've been in from day

1 one of this saga. So as has Brian Gainer, so I --
2 but I think that's -- I think Brian is -- Brian
3 Stefanich is correct.

4 MR. FANGMAN: The last thing I'll just say, you
5 know, the date at the bottom, Monday, October 17,
6 2005, is different than the date on the exhibit that
7 we produced that you're not showing today, which is
8 CCSAO CAB 0005, and the date on that is January 17,
9 2023, which may indicate the date that this form was
10 printed out in each case.

11 MR. STEFANICH: Yeah. And I think that is
12 consistent then with -- the October 17, 2005 date is
13 consistent with it being in the Baker March, 2005
14 file, I guess, is how I sort of view that.

15 MR. STARR: Yeah, I don't know if I necessarily
16 agree with that, but I -- this is the time to figure
17 all that out. So can we proceed?

18 MR. FANGMAN: Yeah. So with just the caveat
19 that if at some point in the future, it appears I
20 honestly don't see that happening, but if it appears
21 that this form was not voluntarily produced by our
22 office waiving the privilege, I -- we obviously
23 would reassert the privilege and seek to claw back
24 any information revealed today.

25 MR. STEFANICH: Yes, I would agree with that.

1 MR. STARR: Okay.

2 MR. OBERTS: I just add in, all this discussion
3 has been with regards to privilege. That's the
4 State's Attorney's privilege with regards to
5 deliberative processes, not any other privilege.
6 That'd be all in my head.

7 BY MR. STARR:

8 Q. Okay. Mr. Navarro, do you see this document
9 in front of you, sir?

10 A. I do.

11 Q. I believe that you testified earlier on in
12 this deposition that you reviewed this document; is that
13 correct?

14 A. That's correct.

15 Q. Okay. And this document as noted by counsel
16 has a date to the bottom left-hand corner of Monday,
17 October 17, 2005. Do you see that?

18 A. I do.

19 Q. Do you know what this date indicates, sir?

20 A. I -- I don't. I -- there was just some
21 reference to the printing date. That's -- that's
22 possible, but I don't know.

23 Q. Do you have independent -- that's what this
24 date represents?

25 A. I don't.

1 Q. Okay. Have you seen a document like this,
2 besides this one, in your career?

3 A. Yes.

4 Q. Okay. Do you know what a CL report is?

5 MR. OBERTS: Objection. Vague. Go ahead.

6 A. Yes, generally, yes, I do.

7 BY MR. STARR:

8 Q. Generally, what is a CL report, sir?

9 A. It's a report that was created about cases
10 within Special Pros.

11 Q. Okay. So this is a document -- a CL report is
12 a document that would've been created by the State's
13 Attorney's Office?

14 A. By assistance within the State's Attorney's
15 Office in Special Prosecutions.

16 Q. Okay. Is -- does CL stand for anything?

17 A. It -- it does, but I don't -- it does.

18 Q. Okay. And then you see that the -- on the
19 left-hand side of the top second column, there's a CL
20 number there?

21 A. Yes.

22 Q. Do you know what the significance of the CL
23 number is?

24 A. I don't know the significance of it, other
25 than that's what I recall being, like, the -- that's the

1 case number. That's the -- that's the CL number is a
2 case number.

3 Q. Okay. And then at the -- on the left-hand
4 side, the unit is listed as government and financial
5 crime. Do you see that, sir?

6 A. I do.

7 Q. And does that refer to the government and
8 financial crime that's part of the State's Attorney's
9 Office?

10 A. Right. I think earlier I -- I made reference
11 to the -- the units have existed in different iterations
12 and that government and financial crimes is functionally
13 Public Integrity.

14 Q. Okay. And then the ASA that's listed there is
15 your name, Dave Navarro. Do you see that?

16 A. I do.

17 Q. And the source is listed to be Matthew
18 Mahoney. Do you see that?

19 A. I do.

20 Q. Okay. And the charge listed there is bribery,
21 intimidation, official misconduct, correct?

22 A. I do.

23 Q. Okay. Does the fact that you're listed as the
24 ASA indicate to you that you're the author of this
25 report?

A. It -- yes. I -- I -- I would -- yes.

Q. Okay. And does your experience in the State's Attorney's Office with these reports further bolster the idea that you're the author of this report?

MR. OBERTS: Objection, vague.

BY MR. STARR:

Q. Yeah. Let me re-ask that. Does your experience as a state's attorney with these reports in the State's Attorney's Office and the fact that you're listed there as the ASA, does that indicate to you furthermore that you were likely the author of this report?

A. Likely, yes.

Q. Okay. Do you recall drafting this report, sir?

A. I do not.

Q. Okay. Do you know, for a fact, whether or not you did draft this report?

A. I -- I can't say that I didn't -- that I did not draft it, but -- but the fact that I don't remember drafting it, doesn't mean that I didn't draft it. I just don't remember drafting it.

Q. Okay. There's a number of other categories on the top section there that don't have any information. Do you see there's no judge, no requester? Do you see

1 that?

2 A. I do.

3 Q. There's no RD number, correct?

4 A. Correct.

5 Q. And there's no OPSCR number; is that correct?

6 A. Correct.

7 Q. Does that indicate to you that there was no
8 OPSCR number that you were aware of when you draft --
9 when this report was drafted?

10 A. It doesn't indicate anything to me. It just
11 indicates that that wasn't filled out.

12 Q. Okay. And did you read this document in its
13 entirety before today's deposition?

14 A. I did.

15 Q. Okay. Did reading this document refresh your
16 recollection at all of anything in -- regarding the
17 allegations made against Sergeant Watts?

18 A. It -- it -- it did refresh my memory.

19 Q. Okay. How so did it refresh your memory, sir?

20 A. Well, it -- as I said --

21 MR. OBERTS: I object to the extent it calls
22 for his product, mental impressions or beliefs, but
23 otherwise, please answer the question.

24 A. So it -- it -- I didn't -- I didn't remember
25 the specifics or kind of the details of a -- of any

1 meeting with Ben Baker and Clarissa Glenn. This gave me
2 more context to that meeting.

3 BY MR. STARR:

4 **Q. Okay. Did it refresh your recollection in any**
5 **other ways, sir?**

6 MR. OBERTS: Object to the extended cause for
7 his mental impression to work product.

8 A. Just in terms of what Matt may have said to
9 me.

10 BY MR. STARR:

11 **Q. Okay.**

12 A. Matt Mahoney -- Matt Mahoney may have said to
13 me.

14 **Q. All right. Did it refresh your recollection**
15 **at all that the investigation was focused on more than**
16 **just Sergeant Watts and that it was also focused on**
17 **other individual members of his tactical team?**

18 A. It did not.

19 **Q. Okay. Do you see further down here, there's**
20 **another set of categories after the narrative section of**
21 **the document. And did you see that there's a subject**
22 **name. Do you see that as being Sergeant Ronald Watts?**

23 A. Yes, I see that.

24 **Q. Okay. And then it has his place of employment**
25 **as being the Chicago Police Department, and then what it**

-- I believe to be his star number. Do you see that, sir?

A. I do.

Q. Okay. So let's look at this first paragraph here. It says, "Source of case, Attorney Matthew Mahoney contacted our office stating that over the past one and a half years, he has represented several clients in narcotic cases. All of whom independently state they have been victimized by the target in a similar fashion. Do you see that?

A. I do.

Q. Besides Ben Baker and Clarissa Glenn, do you know what clients of Matthew Mahoney's he was referring to?

MR. GAINER: Objection to form and foundation.

This is Brian Gainer.

A. I do not recall.

BY MR. STARR:

Q. Okay. Do you know whether or not Matthew Mahoney told you the names of other individuals that he represented that had been victims of Sergeant Ronald Watts?

MR. OBERTS: Objection regarding scope, vague regarding scope. At this meeting or in general?

A. I -- I don't remember. You earlier showed me

1 an exhibit with -- with a letter from Matt Mahoney to
2 John Mahoney that had several police reports attached to
3 it. So if that is what -- what he's referring to, I
4 don't remember discussing that with him.

5 BY MR. STARR:

6 Q. Yeah. That document that you just referenced
7 with the several police reports, did -- have you looked
8 through that document independent of when I had it up on
9 the screen?

10 A. You -- when you just showed it to me, I -- I
11 looked at it. I didn't look at it before, no.

12 Q. Okay. We'll take another look at it in a
13 moment then. During Mr. Mahoney's civil deposition --
14 strike that. All right. Next paragraph, it says that
15 "The target is a 2nd District sergeant with the Chicago
16 Police Department who had regularly patrolled at 527
17 East Browning Building, which is located in the Ida B.
18 Wells, CHA Housing Projects. Target is alleged to be on
19 the payroll of narcotic dealers and does not interfere
20 with their narcotics sales or operations." Do you see
21 that, sir?

22 A. I do.

23 Q. Is that consistent with what you recall Ben
24 Baker telling you during your meetings with him?

25 A. As I -- when I read that, that seems

1 consistent with what I remember Baker telling me, yes.

2 Q. Okay. Does reading that now, right here,
3 refresh your recollection any further?

4 A. No, it does not.

5 Q. Okay. The next section, the third paragraph
6 here starts by stating, "The target and several other
7 police officers also routinely recovered narcotics from
8 inside departments and from individuals." And it goes
9 on to say, "It is alleged that the officers arrest
10 individual -- innocent individuals and put cases on them
11 if they do not periodically pay the target." Do you see
12 that?

13 A. I do.

14 Q. Is that consistent with what Ben Baker told
15 you during your meetings with him?

16 MR. OBERTS: Objection. Foundation.

17 A. I -- I don't have any independent memory, but
18 this seems consistent with what he told.

19 BY MR. STARR:

20 Q. Okay. Does reading that the target, meaning
21 Ronald Watts, and several other police officers were
22 involved in this, does that refresh your recollection
23 any further than you've already testified to today?

24 A. It does not.

25 Q. Do you know other officers are implicated by

1 **this?**

2 MR. STEFANICH: Objection. Form.

3 A. I do not recall. Oh, sorry about that. No, I
4 don't recall.

5 BY MR. STARR:

6 Q. Okay. Do you see the next line that says that
7 "Victim 1 alleges that the target has extorted money
8 from him on three different occasions, but has not paid
9 the target."

10 A. Yes, I see that.

11 Q. Does that seem consistent with what Ben Baker
12 told you when you met with him?

13 MR. OBERTS: Foundation.

14 A. Yes. As I recall, that seems consistent.

15 BY MR. STARR:

16 Q. Okay. And does hearing that now refresh your
17 recollection any further?

18 A. It does not.

19 Q. And then it goes on to say, the next sentence,
20 "As a result of his failure to pay, the target has
21 arrested Victim number 1 on three occasions and charged
22 him with felonies." Do you see that?

23 A. I do.

24 Q. Is that consistent with what Ben Baker told
25 you when you met with him?

1 A. I -- I believe it was consistent -- believe it
2 was consistent with what he was saying, but I --
3 separate from this, I don't have any other in -- any
4 other recollection.

5 **Q. Okay. And does reading this now refresh your**
6 **recollection any further?**

7 A. It does not.

8 **Q. Okay. And the last sentence of that paragraph**
9 **reads, "Witness 1 is credible and corroborates Victim**
10 **1's allegations to a large extent." Do you see that?**

11 A. I do.

12 **Q. Do you know who Witness 1 is in this report?**

13 A. I believe it to be Clarissa Glenn.

14 **Q. Okay. And so this reiterates your prior**
15 **testimony, right, that you believed that Clarissa Glenn**
16 **was credible when she spoke to you about the allegations**
17 **against Ronald Watts and members of his team?**

18 MR. OBERTS: Objection as it calls for work
19 product, his beliefs, and mental impressions, and
20 ask him not to answer.

21 MR. GAINER: Object to form. Brian Gainer.

22 MR. STARR: I think he waived that already. Are
23 you going to refuse to answer my question?

24 MR. OBERTS: Well, just that I instruct him not
25 to answer based on work product.

1 BY MR. STARR:

2 Q. Are you going to take your attorney's advice
3 and refuse to answer my question?

4 A. Yeah, yeah. I'm going to take my attorney's
5 advice.

6 Q. Okay. But you did author a report that states
7 that Witness 1 was credible and you do believe Clarissa
8 Glenn to be Witness 1, correct?

9 A. Correct.

10 Q. Okay. Earlier in the paragraph, the part that
11 I asked you about where it says that it is alleged that
12 other officer -- that the officers arrest individuals
13 and put cases on them who don't periodically pay the
14 target. Did anyone ever tell you -- anyone else ever
15 tell you that besides Ben Baker and Clarissa Glenn?

16 A. I don't recall anyone else ever saying that.
17 No.

18 Q. And do -- did Ben Baker tell this to the CPD
19 personnel that were present in the meeting that you had
20 with him and members from IAD?

21 MR. OBERTS: Foundation.

22 A. I don't recall what Baker told the CPD
23 Internal Affairs officers. My general impression was
24 that it was consistent with the -- that the first
25 interview was consistent with the second interview.

1 BY MR. STARR:

2 Q. Okay.

3 A. But I don't recall specifics.

4 Q. Okay. That's fair. Going into the final
5 paragraph on this page there, it says, "Victim 1 claims
6 that there are several other individuals who have been
7 similarly victimized by the target." Do you see that?

8 A. I do.

9 Q. Is that consistent with what Ben Baker told
10 you during his meeting?

11 MR. OBERTS: Objection. Foundation.

12 A. I don't recall.

13 BY MR. STARR:

14 Q. Okay. Do you have any reason to put this in a
15 report unless he had told you that?

16 MR. GAINER: Objection. Calls for speculation.

17 Go ahead.

18 A. I can't think of a reason why I would've
19 included that unless I would've been told that.

20 BY MR. STARR:

21 Q. Okay. Do did you ever investigate any other
22 members of Watts' team?

23 MR. OBERTS: Vague regarding investigation, but
24 go ahead.

25 A. I don't recall looking at any other members.

1 BY MR. STARR:

2 Q. Do you know who a member of -- former member
3 of Watts' tactical team by the name of Kallatt Mohammed
4 is?

5 A. I don't know who that individual is. I've --
6 I've heard that name now in this -- in our current world
7 or much later, but I -- I don't remember the name at the
8 time.

9 Q. Okay. Were you ever made aware of any
10 allegations of misconduct against Mr. Mohammed?

11 MR. OBERTS: Vague and scope.

12 A. I don't recall any allegations against an
13 Officer Mohammed, a Sergeant Mohammed, CPD Mohammed.

14 BY MR. STARR:

15 Q. Okay. Do -- are you familiar with who a
16 former member of Watts' tactical team by the name of
17 Alvin Jones is?

18 MR. OBERTS: Vague regarding scope, time frame.

19 A. I don't remember that name.

20 BY MR. STARR:

21 Q. Do you know if you were ever made aware of any
22 allegations of misconduct against Alvin Jones?

23 A. I don't know if I was ever made aware of any
24 allegations.

25 Q. Okay. Do you know who a former team member by

1 the name of Elsworth Smith Jr. is?

2 MR. OBERTS: Objection. Vague as far as time
3 frame and scope.

4 A. I don't know.

5 BY MR. STARR:

6 Q. Do you know if you ever made of any -- aware
7 of any allegations of misconduct against Mr. Smith?

8 A. I don't recall being ever made aware of that.

9 Q. Okay. Do you know who a former tact team
10 member by the name of Kenneth or Kenny Young is?

11 A. I do not.

12 Q. Do you know if you were ever made aware of any
13 issues of misconduct against Mr. Young?

14 A. I do not.

15 Q. Do you know who a former tactical team member
16 by the name of Brian Bolton is?

17 A. I do not.

18 Q. Do you know if you were ever made aware of any
19 allegations of misconduct against a man by the name of
20 Brian Bolton?

21 A. No. I don't remember ever being made aware of
22 any allegations against Brian Bolton.

23 Q. Okay. Do you know who a former tact team
24 member by the name of Manuel Leano is?

25 A. I do not.

1 Q. Do you know if you ever made aware of any
2 allegations of misconduct against Manuel Leano?

3 A. I don't remember receiving any allegations
4 against that individual.

5 Q. Okay. Do you know who a former tact team
6 member by the name of Robert Gonzalez is?

7 A. I -- I do not.

8 Q. Okay. Do you know if you were ever made aware
9 of any allegations of misconduct against Mr. Gonzalez?

10 A. I -- I don't remember being made aware of any
11 allegations.

12 Q. Okay. When you say you don't remember being
13 aware -- made aware of any allegations against all the
14 members I just listed, is it your testimony that you
15 can't recall one way or the other if you were ever made
16 aware or is your testimony that you were not made aware?

17 A. My -- my testimony is I -- I don't recall. I
18 don't recall learning those names, ever hearing those
19 names before.

20 Q. Okay. Regarding the last sentence of that
21 third paragraph where you state that Witness number 1 is
22 credible and corroborates Victim number 1's allegations
23 to a large extent. Is that -- in your practice as a
24 State's Attorney, is that something that you would, in
25 circumstances where you felt that way or believed that,

1 **was that something you would regularly make a note of?**

2 MR. GAINER: Object to form. Foundation. Calls
3 for speculation. Go ahead.

4 A. I don't -- you're asking me what I what I did
5 as a state's attorney several years -- many years ago. I
6 don't remember what -- whether I made those type of
7 statements in CL reports or any of the reports that I
8 completed.

9 BY MR. STARR:

10 **Q. Okay. Can you think of a reason why you would**
11 **want to make that -- a note of that in a CL report like**
12 **this?**

13 MR. OBERTS: Speculation and the extent it
14 calls for his mental impression and/or belief, and
15 his work product.

16 A. I -- no, I can't think of a reason why I
17 included that.

18 BY MR. STARR:

19 **Q. Is it correct to say that you would not have**
20 **included that fact unless you had believed that fact?**

21 MR. OBERTS: Just I object to the question to
22 the extent it calls for his belief, the tail end
23 regarding whether he believed that fact. However,
24 the first part regarding inclusion, whether he would
25 include a sentence if it wasn't accurate, let's say,

1 or whether it didn't -- I would object to the latter
2 part as work product, but I don't object to the
3 former if he could answer without discussing his
4 belief.

5 MR. GAINER: I object to form and foundation
6 and it calls for speculation.

7 A. Okay. Well, I -- I think when I completed a
8 report or a document with the State Attorney's Office, I
9 would try to be accurate. I think I would not have
10 included something that was inaccurate.

11 BY MR. STARR:

12 Q. And as the state's attorney, you took your job
13 seriously, correct, sir?

14 A. I did.

15 Q. And as the state's attorney who investigated
16 allegations of public officials' misconduct, you took
17 those investigations seriously, correct, sir?

18 A. Any allegations I took seriously.

19 Q. Okay. Back to the actual content of the
20 narrative here. There's the last paragraph section I
21 didn't read. It says, "Victim 1 alleges that several of
22 these individuals have lodged formal complaints with the
23 Office of Professional Standards." Do you see that,
24 sir?

25 A. Yes, I do.

1 Q. Is that consistent with what Ben Baker told
2 you during your meetings with him?

3 MR. OBERTS: Objection. Foundation.

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

5 BY MR. STARR:

6 Q. And then I want to direct your attention a
7 little farther down the document here and we can just
8 look at the second page has just got some biographical
9 or narrative information about individuals. But the
10 last part on the first page, do you see this smaller
11 font? And if you want me to make it bigger, I can, sir.
12 I want to ask you a couple questions about this section
13 that's denoted by the IAP note. Do you see that
14 section?

15 A. I do.

16 Q. Okay. Do you do you know what IAP stands for?

17 A. I don't remember what it stands for.

18 Q. Okay. There's three different things listed
19 after a colon. It says, IAP note, double colon, and
20 there's three things listed. Do you see that, sir?

21 A. I do.

22 Q. Okay. First one, number one as it's labeled
23 states, "Contact OPS and obtain files relative to any
24 complaints filed against the target." Do you see that?

25 A. I do.

1 Q. Did you or anyone from the State's Attorney's
2 Office do that?

3 A. I don't recall.

4 Q. Okay. Does the inclusion of that information
5 in this report suggest to you that's something that you
6 intended to do?

7 MR. OBERTS: I'm just going to object to the
8 extended calls for his work product and legal
9 strategies and beliefs. But to the extent he could
10 answer factually, go ahead.

11 A. It -- it just indicates to me that it's
12 consistent with next steps to be taken.

13 BY MR. STARR:

14 Q. Okay. As a regular part of your practice as
15 the state's attorney in this position, when there were
16 allegations against Chicago Police officers, would you
17 make it a regular habit to contact OPS and obtain files
18 relative to any complaints filed against the individual
19 the allegations were made against?

20 MR. OBERTS: Objection. Vague, speculation,
21 and assumes facts not in evidence and incomplete
22 hypothetical.

23 A. I don't know that I could say that there was a
24 regular practice and I don't remember that that was a
25 regular practice of mine.

1 BY MR. STARR:

2 Q. Okay. Do you know whether or not in this case
3 you ever received those documents from IAD or -- strike
4 that. Do you know in this case whether or not you ever
5 received those documents or those files from OPS?

6 A. I do not. No.

7 Q. Do you know whether or not you ever received
8 any files from IAD relative to any complaints made
9 against Sergeant Ronald Watts?

10 A. I don't know.

11 Q. Okay. Do you know if you requested any files
12 from IAD relative to any complaints made against
13 Sergeant Ronald Watts?

14 MR. OBERTS: Objection. Asked and answered. Go
15 ahead.

16 A. I don't recall.

17 BY MR. STARR:

18 Q. Okay. I did -- I asked about OPS earlier.
19 That was a question about IAD, you understand the
20 distinction, correct?

21 MR. OBERTS: I do.

22 MR. STARR: Okay.

23 MR. OBERTS: And I didn't -- you know what? I
24 didn't catch that. I understand --

25 MR. STARR: No worries, Bill. No worries.

1 BY MR. STARR:

2 Q. All right. So then number two in this list
3 states that, "Source of case will provide police reports
4 of cases where he was -- where he has represented client
5 complained of target's activities." Do you see that?

6 A. I do.

7 Q. And earlier we established that the source
8 refers to Matt Mahoney, correct?

9 A. Correct.

10 Q. Do you know whether or not you ever received
11 police reports of cases on -- for clients Matt Mahoney
12 represented who have complained of Sergeant Watts'
13 criminal activities?

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

15 Q. Okay. Do you know if you attempted to get
16 those from Matt Mahoney?

17 A. That would -- that would make sense, but I
18 don't recall.

19 Q. And then the last one in this list states,
20 "If, after receipt of OPS files and the attorney files,
21 there appears to be a pattern of criminal activity,
22 contact Chicago Police Department Internal Affairs
23 Division to conduct a joint investigation with a view
24 towards arranging a situation where criminal activity
25 can be recorded via electronic/video." Do you see that?

1 A. I do.

2 Q. Do you know whether or not you or anyone else
3 from the State's Attorney's Office ever arranged a
4 situation where criminal activity could be recorded via
5 electronic or video?

6 MR. OBERTS: Objection, vague.

7 A. I -- I don't believe --

8 BY MR. STARR:

9 Q. In this case.

10 A. Well --

11 Q. Sorry. Let me just make sure that it's clear.
12 Maybe my question was vague. I apologize. Did you or
13 anyone from the State's Attorney's Office ever arrange a
14 situation where criminal activity by Sergeant Watts or
15 anyone on his tactical team could be recorded via
16 electrical or video device?

17 MR. OBERTS: Objection. Vague. Go ahead.

18 A. No, we never were able to do that.

19 BY MR. STARR:

20 Q. Do you know why you were never able to do
21 that?

22 MR. STEFANICH: Objection. Calls for
23 deliberative process privilege.

24 A. So my -- the attorney from the State's
25 Attorney's Office is --

MR. STEFANICH: Yes --

THE WITNESS: Oh, I'm sorry.

MR. STEFANICH: I'm sorry, Your Honor. Yes.

And I would ask that the witness not answer the question.

BY MR. STARR:

Q. Okay. So are you going to take the State's Attorney's Office and instruction to refrain from answering my question?

A. I'm going to follow the direction of the State's Attorney's Office and not answer the question.

Q. So this has a date of October 17, 2005 on it we've established, correct?

A. Yes.

Q. Do you know whether or not Ben Baker had a pending criminal case related to his allegations at this time?

A. I --

Q. As of that date, just for clarity's sake.

MR. FANGMAN: I'm going to object to the form. You can you answer.

A. I -- I don't have any independent memory of that, but in -- in review of transcripts that were provided, it would appear that he did, yes.

BY MR. STARR:

1 **Q. Okay. He had a pending case from his March**
2 **2005 arrest, correct?**

3 MR. OBERTS: Objection. Foundation.
4 Speculation.

5 A. I -- I believe he did, yes.

6 BY MR. STARR:

7 **Q. And you had actually been appearing in court**
8 **during Ben Baker's criminal proceedings to ensure that**
9 **Mr. Baker remained on an I-Bond at that point in time,**
10 **correct?**

11 MR. OBERTS: Objection regarding appearing.

12 A. I don't recall appearing.

13 MR. OBERTS: And vague.

14 THE WITNESS: Oh --

15 MR. OBERTS: Sorry. You can go.

16 THE REPORTER: I'm sorry. I can't hear your
17 objections.

18 MR. OBERTS: Objection. Vague regarding
19 appearing. Sorry about that.

20 A. I don't recall appearing, but certainly
21 there's transcripts that would indicate that I did.

22 BY MR. STARR:

23 **Q. Okay. And those transcripts also indicate**
24 **that you on the record made efforts to ensure that**
25 **Mr. Baker remained on an I-Bond during the pending**

1 **criminal case, correct?**

2 A. At least at one of those hearings, yes.

3 **Q. Okay. Why did you do that, sir?**

4 MR. OBERTS: Objection. Calls for work
5 product.

6 THE WITNESS: I think that that's where she's
7 having trouble hearing you.

8 MR. OBERTS: Objection. Calls for work
9 product.

10 MR. FANGMAN: Objection. Deliberative process
11 privilege. And I would ask the witness not to
12 answer the question.

13 BY MR. STARR:

14 **Q. Are you going to refrain from answering my**
15 **question given the instruction of the State's Attorney's**
16 **Office?**

17 A. I am -- I -- I am going to refrain.

18 THE WITNESS: Sorry about that, Bill. I didn't
19 mean to point at you.

20 MR. OBERTS: That's fine.

21 BY MR. STARR:

22 **Q. Were Ben Baker and Clarissa Glenn being**
23 **treated as cooperating witnesses in an active state's**
24 **attorney's investigation at this time?**

25 MR. OBERTS: Objection. Vague.

MR. GAINER: Object to form.

A. I think those -- those -- those --

MR. OBERTS: Objection. Vague and to the extent it calls for a legal conclusion. Go ahead.

A. I don't know that I -- what I would characterize them as. They were witnesses in an -- in an investigation that was being conducted by the Chicago Police Internal Affairs Division. Cooperating witnesses? I don't know -- I -- I don't know that I would use that term or characterize that term.

BY MR. STARR:

Q. Would it be unusual for someone from the State's Attorney's Office to appear at a criminal proceeding and advocate for a criminal defendant to remain on an I-Bond?

MR. FANGMAN: Objection to form.

MR. GAINER: Object to form. Particularly given what happened today with the Supreme Court. Go ahead.

MR. OBERTS: Objection. Speculation. Incomplete hypothetical. And to the extent it calls for his personal mental impressions. And I would just also object to the extent it calls for the actions of the State's Attorney's Office as opposed to this witness. But go ahead to the extent you can

1 answer based upon that.

2 A. It would be unusual, yes.

3 BY MR. STARR:

4 **Q. At any point, other than in Ben Baker's case,**
5 **did you ever appear in Court and advocate for a criminal**
6 **defendant to stay on an I-Bond?**

7 MR. STEFANICH: Objection. Form.

8 A. Well --

9 MR. OBERTS: Objection. Vague as to advocate,
10 but go ahead.

11 A. I guess that's a -- that's a pretty broad
12 question. Were -- were there times where I would agree
13 to an I-Bond as a state's attorney? Yes. Throughout my
14 career? Yes. In this is kind of a -- but this is a
15 different situation.

16 BY MR. STARR:

17 **Q. Okay. In any other situations similar to Ben**
18 **Baker, did you ever advocate for a criminal defendant to**
19 **stay on an I-Bond?**

20 MR. GAINER: Object to form.

21 MR. STEFANICH: Objection. Form.

22 THE WITNESS: I apologize. I didn't mean to
23 step on anyone's objection there.

24 MR. OBERTS: I'm just objecting as vague
25 regarding advocate.

1 A. I don't remember doing this in any other
2 instance.

3 BY MR. STARR:

4 Q. And at the time that you appeared in court --
5 and we'll look at the transcript in due course, but at
6 the time you appeared in court to ensure that Ben Baker
7 stayed on an I-Bond, was there still an ongoing
8 investigation into Mr. Baker's allegations against
9 Sergeant Watts and members of his tact team?

10 MR. OBERTS: Object to form.

11 MR. STEFANICH: Objection. Form.

12 MR. OBERTS: I object to the term ensured as a
13 fact not in evidence.

14 A. Right. I -- I mean, so the state's attorney
15 can make a -- a -- a recommendation or a request. It's
16 ultimately -- it's the judge that's going to make the
17 determination. So I don't know that to say ensure seems
18 like a -- a bit over -- overstating the authority. But
19 -- but the -- I'm sorry. Sorry, I lost the question. I
20 apologize.

21 BY MR. STARR:

22 Q. Yeah. No problem. And I -- I'll rephrase it
23 in a way that hopefully accommodates your understanding
24 of what you were doing. At the time that you
25 recommended to the Court that Ben Baker should remain on

1 an I-Bond, was there a pending investigation into his
2 allegations against Sergeant Watts and members of his
3 tact team?

4 MR. STEFANICH: Objection. Form.

5 MR. OBERTS: I just object to the term
6 recommended to the extent that it mischaracterizes
7 the transcript. Go ahead.

8 A. I -- I believe the -- in looking at the
9 documents that the -- that the investigation with
10 Chicago was still ongoing.

11 BY MR. STARR:

12 Q. Okay. We talked earlier about an arrest in
13 December of 2005 that involved Ben Baker and Clarissa
14 Glenn. Do you recall that?

15 A. I don't have a separate recollection of it,
16 but I recall discussing it with you, yes.

17 Q. Do you know if you ever saw the police reports
18 from Ben and Clarissa's arrest?

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

20 Q. Were you made aware of Ben and Clarissa's
21 arrest at the time it occurred?

22 A. Well, I don't know when I was aware. The only
23 thing I can say is that there's a -- there's transcripts
24 that make reference, but I -- but I don't know when I
25 was made aware of it.

1 Q. Do you know who made you aware of it?

2 A. I don't know.

3 Q. Okay. I'm going to take this document off the
4 screen so we can have the regular Zoom in a minute, but
5 just since I have it up still, do you know is this CL
6 report, the -- these two pages, is this what you faxed
7 to Karen Konow on October -- I forget the date on --
8 October 31st of 2005?

9 A. Oh, I don't know. No, I -- I -- I don't think
10 so, but I -- but I don't know.

11 Q. Okay. When you would create a document like
12 this CL report, what would you do with it?

13 MR. OBERTS: Objection. Vague. Speculation.
14 Incomplete hypothetical. Go ahead.

15 A. I don't recall what I would do with it. This
16 is -- what I recall this is kind of a -- a record of
17 open cases within Special Prosecutions.

18 BY MR. STARR:

19 Q. Okay. So this document -- strike that. A CL
20 report would indicate that at the time of its creation,
21 there was an ongoing investigation, correct?

22 A. An ongoing case. Ongoing -- you want to call
23 it investigation? Yes.

24 Q. Okay. Would this kind of report be
25 transmitted to the -- to Internal Affairs?

MR. OBERTS: Objection. Speculation.

Incomplete hypothetical.

A. I don't ever remember sending a report like this to Chicago.

BY MR. STARR:

Q. Okay. So this would be an internal document within the State's Attorney's Office then?

A. That would be my recommend -- my -- my memory, yes.

Q. So when I asked you if you -- if this was possibly the thing that you faxed to Karen Konow, and you said you didn't think so. Is that why you don't think it would be something that you had faxed?

A. Correct.

Q. Okay. Was there any purpose to the -- to a CL report that you recollect?

MR. OBERTS: Object to the extent calls for his mental impression and beliefs regarding the case. Go ahead, factually.

MR. STEFANICH: Objection --

MR. FANGMAN: And I'll object to -- I apologize. I would only object if the answer requires revealing deliberative process privilege as well, but if it doesn't, I have no objection.

A. I think it was basically -- or not basically.

1 It was to keep track of cases that were within Special
2 Prosecutions.

3 BY MR. STARR:

4 Q. Before I asked you about the CL report again,
5 I was asking you about the December 11, 2005 arrest of
6 Ben and Clarissa. Do you know, did Matt Mahoney -- and
7 forgive me if I already asked this, but did Matt Mahoney
8 ever communicate to you that Ben and Clarissa had been
9 arrested in December of 2005?

10 A. He may have. He represented Baker and I think
11 -- I don't remember who represented Clarissa. But given
12 that he represented Baker, he may have contacted me. I
13 just don't -- I just don't remember how I -- how I
14 learned of that.

15 Q. Did you ever communicate with IAD about Ben
16 Baker's allegations after December 11, 2005?

17 MR. OBERTS: Objection. Vague.

18 A. I don't remember.

19 BY MR. STARR:

20 Q. Did you ever communicate with Internal Affairs
21 about Ben Baker's allegations after becoming aware that
22 Ben and Clarissa were arrested in December of 2005?

23 A. I don't recall.

24 Q. Are you aware that, at some point in the
25 spring and early summer of 2006, Ben Baker went to trial

1 on his March 2005 arrest?

2 A. I don't have independent memory of that, but I
3 -- but I am aware at looking at documents here, yes.

4 Q. Are you aware that during that trial, Ben
5 Baker testified about Sergeant Watts' misconduct?

6 A. I -- I don't remember. I don't -- I -- I
7 don't remember, that he testified or what he testified
8 to, but -- but that seems consistent, yes.

9 Q. And do you know whether or not your
10 investigation into the allegations against Sergeant
11 Watts had concluded before the spring of 2006?

12 A. I don't know. I don't remember.

13 Q. And then is it safe to assume that you don't
14 know what the last date of your investigation into the
15 allegations against Sergeant Watts was?

16 MR. OBERTS: Object to the form. Go ahead.

17 A. I don't. No, I -- that's correct. I don't
18 remember.

19 BY MR. STARR:

20 Q. Did the Cook County State's Attorney's Office
21 take any steps in 2005 or 2006 to prosecute Sergeant
22 Watts or any member of his team?

23 MR. OBERTS: Objection. Vague. And object to
24 the extent -- objection. Vague and speculation.

25 A. No. Did we prosecute? You're asking -- the

question is, did we prosecute them? No.

BY MR. STARR:

Q. My question was, did you take any steps to prosecute them? I'm not sure --

MR. OBERTS: Objection. Vague.

BY MR. STARR:

Q. -- there's a difference, but you can tell me if there is.

A. Well --

MR. OBERTS: Objection. Vague.

A. I -- I guess we've been talking about things up until this moment, about steps that were taken to prosecute them, meeting with Baker and Glenn, meeting with Chicago, whatever -- any meetings, those are meetings towards -- any -- any actions taken were -- were actions taken towards the furtherance of a possible prosecution.

BY MR. STARR:

Q. In order to prosecute Sergeant Watts or any members of his team, would you have to have reached an agreement with Internal Affairs Division regarding that?

MR. GAINER: Objection. Foundation.

MS. MORRISON: Objection to form. Foundation. Speculation.

MR. OBERTS: And vague. And vague. I don't

1 know. Sydney, can you hear me okay?

2 THE REPORTER: Yes, I got you. Thank you.

3 A. I don't -- I don't know what you mean by
4 agreement.

5 BY MR. STARR:

6 Q. Okay. That's fair. So in order to prosecute
7 Sergeant Watts, as is [sic] Illinois Cook County State's
8 Attorney, he would have to have been arrested, correct?

9 MR. OBERTS: Object to the extent it calls for
10 a legal conclusion. Incomplete hypothetical and
11 vague. Go ahead.

12 A. Well, certainly that's -- that is a way to
13 initiate the case. You -- you could indict someone
14 directly. That would be unusual, but that -- that --
15 you could direct-indict someone --

16 BY MR. STARR:

17 Q. Okay.

18 A. -- and then they wouldn't be arrested prior to
19 charges.

20 Q. Have you ever directly -- in your career,
21 directly indicted any Chicago police officers without
22 the Chicago Police Department arresting them?

23 A. I can't say. I don't -- that's -- it's
24 possible that I did. I don't -- but I don't remember.

25 Q. Did the State's Attorney's Office make any

1 **recommendations at all stemming from its investigation**
2 **into Sergeant Watts, that you're aware of?**

3 MR. OBERTS: Objection. Vague.

4 MS. MORRISON: Object to form.

5 MR. OBERTS: And object to the extent it calls
6 for -- well, speculation and it calls for a
7 determination of the office rather than the
8 deponent. But go ahead, if you can --

9 A. I --

10 THE REPORTER: Sorry. I'm sorry. Speculation
11 and what was the rest of that objection? I'm sorry.

12 MR. OBERTS: Speculation. Vague. And to the
13 extent it calls for determination by someone else or
14 -- and/or the Office rather than this specific
15 deponent.

16 A. I don't know what the -- what the Office --
17 when you say the Office with a capital O, made any
18 recommendations. Are you asking me if I made any
19 recommendation towards charging somebody?

20 BY MR. STARR:

21 **Q. No. I -- I'm just asking if you're aware**
22 **whether or not the State's Attorney's Office made any**
23 **recommendations at all stemming from the investigation**
24 **into Sergeant Watts?**

25 MR. OBERTS: Same objections.

1 A. I don't -- I don't -- I don't know. And I --
2 I guess I don't have a full understanding of that
3 question. I -- any recommendation -- ultimately, the
4 case was closed.

5 BY MR. STARR:

6 **Q. And was the case closed upon your**
7 **recommendation?**

8 MR. OBERTS: Objection. Speculation.

9 MR. FANGMAN: Objection. Deliberative-
10 process-privileged information, and I would ask Mr.
11 Navarro not to answer.

12 BY MR. STARR:

13 **Q. Are you going to take the State's Attorney's**
14 **instruction not to answer my question?**

15 A. I am going to take the State's Attorney's
16 instruction.

17 **Q. Was it your recommendation that no charges be**
18 **filed against Sergeant Watts or any members of his team?**

19 MR. OBERTS: Objection. Vague and form. And
20 to the extent it assumes facts not evidence.

21 A. I don't recall making any recommendation
22 regarding any individual other than Watts.

23 BY MR. STARR:

24 **Q. And was it your recommendation that the --**
25 **strike that. What was your recommendation regarding**

1 **Watts?**

2 A. Close the case.

3 **Q. Did you ever inform Matt Mahoney that the case**
4 **was closed?**

5 A. I'm sure I did. I don't remember having that
6 conversation, but I'm sure I did.

7 **Q. Did you ever personally inform Ben Baker or**
8 **Clarissa Glenn that the case was closed?**

9 A. No, I wouldn't have. By -- by the time --
10 when -- when I would've made that determination, Baker
11 was in -- Baker was in the Illinois Department of
12 Corrections, so no.

13 **Q. And can you tell me why you determined that**
14 **the case should be closed?**

15 MR. FANGMAN: Objection. Calls for
16 deliberative-process privilege and I'm asking the
17 witness not to answer.

18 BY MR. STARR:

19 **Q. Are you going to take the state's attorney's**
20 **instruction not to answer my question?**

21 A. I'm going to follow the instruction of the
22 State's Attorney's Office and not answer your question.

23 MR. OBERTS: I'd also add the objection of work
24 product, but --

25 BY MR. STARR:

1 **Q. As you sit here today, do you believe that you**
2 **should've closed the investigation into Ronald Watts?**

3 MR. GAINER: Object to form and foundation. Go
4 ahead.

5 MR. FANGMAN: Objection. Calls for
6 deliberative-process privilege and I would ask the
7 witness not to answer.

8 MR. OBERTS: I also add objection as to work
9 product.

10 BY MR. STARR:

11 **Q. Are you going to take your attorney's and the**
12 **state's attorney's advice and refuse to answer my**
13 **question?**

14 A. Yes. I am refusing to answer your question
15 based on the advice of my attorney and the instruction
16 of the State's Attorney's Office.

17 **Q. Thanks for clarifying that. Do you know what**
18 **the resolution of Ben Baker's trial was?**

19 MR. OBERTS: Objection. Vague.

20 A. I -- I recall he was found guilty.

21 BY MR. STARR:

22 **Q. Did you attend any of the trial dates?**

23 A. I don't remember. I may have, but I don't
24 remember.

25 **Q. Okay. All right. I'm going to show you what**

1 I'm going to mark as Exhibit number 6. And the Bates on
2 this is COPA WATTS 17159 through 17162. I'm going to
3 share my screen with you, Mr. Navarro. All right. Do
4 you see the document on your screen?

5 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

6 A. I do.

7 BY MR. STARR:

8 Q. And do you see the Bates at the bottom here,
9 17159?

10 A. I do.

11 Q. And then 17160?

12 A. Yes.

13 Q. And it goes all the way to a blank sheet,
14 which is 17162, correct?

15 A. Correct.

16 Q. Okay. This document is -- have you seen this
17 document before, sir?

18 A. I saw it with my attorney.

19 Q. Okay. Is this the document that you were
20 referring to regarding a -- an interview that COPA did
21 of you?

22 A. Yes.

23 Q. Okay. Did you review this document in
24 preparation for today?

25 A. I did.

1 Q. The top left-hand side dates this document
2 June 17, 2019. Do you see that?

3 A. I do.

4 Q. And I highlighted certain sections of this to
5 make it a little easier for you, since it's a single-
6 spaced and it's kind of a long-form narrative. We're
7 not going to go through the entire thing, but that's
8 what the highlights are, just so you are aware. I made
9 them.

10 A. Okay.

11 Q. So the date of the report is June 17, 2019. Do
12 you see that the first paragraph states that the
13 interview took place on March 22, 2018?

14 A. I do.

15 Q. Okay. So this report was filed more than a
16 year after the interview, correct?

17 MR. OBERTS: Objection. Foundation.
18 Speculation.

19 A. Well, I -- I don't know when the report was
20 filed, but I -- I can see by the date -- I -- the date
21 of that report says June 17, 2019, so yes.

22 BY MR. STARR:

23 Q. Okay.

24 A. It's dated -- it's dated more than a year
25 after the interview.

1 **Q. Yeah. Do you recall this interview, sir?**

2 A. I -- I do, but not -- not the specifics of the
3 interview.

4 **Q. And do you recall who was present for the**
5 **interview?**

6 A. You know, that's interesting because when I
7 looked at this report, I was looking to see who was
8 present for this interview, and I -- and I don't see who
9 was present. I -- I recall a number of people were
10 present.

11 **Q. Okay. Who do you recall being present besides**
12 **yourself?**

13 A. Different individuals from COPA. I -- I
14 recall this interview taking place at the FBI
15 headquarters on Roosevelt Road, not at COPA on 35th
16 Street. Well, I don't even know if those guys are still
17 on 35th Street, but I -- it -- I recall it being at --
18 on Roosevelt Road at the FBI offices.

19 **Q. They're not on 35th Street anymore, just so**
20 **you know.**

21 A. Oh, okay.

22 **Q. They're on Chicago Avenue, I believe.**

23 A. Okay.

24 **Q. Okay. So you recall --**

25 A. Dating myself.

1 Q. No, no worries. I remember they were there at
2 some point in time. You recall this interview taking
3 place at FBI headquarters on Roosevelt Road. Is that
4 what you testified to?

5 A. Yes.

6 Q. Okay. And do you recall this interview taking
7 place approximately March 22, 2018, or some other time?

8 A. No, I think it was -- that -- that date sticks
9 out.

10 Q. Okay. So you think that date is correct?

11 A. Yeah, I do. I -- I -- I was contacted earlier
12 in March and we weren't able to make that date work
13 until March 22nd.

14 Q. Who were you contacted by in preparation for -
15 - in advance of this interview?

16 A. I don't remember who contacted me.

17 Q. Do you remember what agency the person who
18 contacted you worked for?

19 A. I -- no, I don't. Likely it was COPA, but I
20 don't remember.

21 Q. You said that you thought there were multiple
22 individuals from COPA at this meeting?

23 A. Yes.

24 Q. Do you remember this individual that's listed
25 who wrote the report, Greg Masters?

1 A. No. No, I don't -- I don't know him. I don't
2 know him and I don't remember him being present.

3 Q. Okay.

4 A. Or rather, I just -- I don't know who he is.
5 He -- he could have been present. I just don't know who
6 Greg Masters is.

7 Q. And other than individuals from COPA, who else
8 was present at this meeting?

9 A. Like I said, there was a number of individuals
10 present. Because it was at the FBI offices, I believe
11 there were agents from the FBI present.

12 Q. When you say agents from the FBI, you mean
13 more than one?

14 A. Agent. Agents.

15 Q. But is --

16 A. Yes.

17 Q. If you're --

18 A. But it --

19 Q. Go ahead.

20 A. I -- so just to -- I'll just set a scene here.
21 I -- I remember it being in a large conference room at
22 the -- at the headquarters, and that there were a number
23 of people present in this large conference room.

24 Q. Do you know if there was any individuals from
25 any other agencies besides COPA and the FBI present?

1 A. I don't know. I -- I think -- I think there
2 were individuals from the U.S. Attorney's Office
3 present, but I -- but I -- but I also don't remember
4 specifically.

5 Q. Do you recall if there was any individuals
6 from Internal Affairs Division City of Chicago present?

7 A. I don't remember. I think so, but I don't
8 remember.

9 Q. You think there were people from IAD, but
10 you're not sure?

11 A. Correct.

12 Q. Was it -- you earlier testified that you were
13 familiar with some people that worked at IAD back when
14 you were at the State Attorney's Office, correct?

15 A. Correct.

16 Q. Were any of those people present at this
17 meeting?

18 A. I don't remember. Now, this is take -- this,
19 even in 2018, was -- I'd been away from that Internal
20 Affairs world for a while, so I don't remember if there
21 was anyone there -- if there was someone there, if that
22 would've been someone that I would've known.

23 Q. Okay. Do you recall whether or not FBI agent
24 Mark Blumberg was present at this meeting?

25 A. He may have been. I don't remember that name.

1 Q. Do you recall who -- strike that. Do you
2 recall whether or not more than one person interviewed
3 you?

4 A. I think that there were -- well, if you're
5 saying, was -- were multiple interviews being -- were
6 multiple interviews conducted? It was one meeting. If
7 the question is, were multiple people asking questions?
8 Yes. I believe multiple people were asking questions.

9 Q. Okay. That clarifies. Thank you. Did
10 anybody from the FBI office ask you any questions?

11 A. They may have --

12 MR. OBERTS: Foundation.

13 THE WITNESS: Oh.

14 MR. OBERTS: Speculation.

15 A. They may have. I don't remember.

16 BY MR. STARR:

17 Q. Do you have any specific recollection of
18 anyone from COPA asking any questions at all?

19 A. I -- I -- I believe so, yes.

20 Q. Do you have any specific recollection of
21 anyone from the U.S. Attorney's Office asking any
22 questions?

23 A. They may have, but I don't recall.

24 Q. Do you have any specific recollection from
25 anyone from the Internal Affairs Division asking you any

1 questions?

2 A. They may have. I -- I don't recall.

3 Q. Okay. And in case I -- I'm not -- forgive me.
4 I may have asked this this way, but just let me ask it
5 again. Do you recall anyone from the FBI office asking
6 you any questions?

7 A. As I said earlier, they may have. I don't --
8 I don't recall.

9 Q. Okay.

10 A. But as I said, I was asked questions by
11 different individuals. I don't remember what agency
12 they were with.

13 Q. I'm going to direct your attention to actually
14 something in this first -- second full paragraph that I
15 didn't highlight. It's -- it says -- second sentence
16 says, "Judge Navarro also said that he did not keep any
17 records from his time with the State's Attorney's
18 Office." Do you see that?

19 A. I do.

20 Q. Is that correct?

21 A. Well, that I don't -- I don't keep any
22 personal records from the time I was with the State
23 Attorney's Office. That is correct.

24 Q. Do you keep any records whatsoever?

25 MR. OBERTS: Objection. Vague.

A. I don't -- I don't know what that means.

BY MR. STARR:

Q. Well, I do -- you seem like you differentiated between records and personal ones.

A. Oh. Records -- I guess, records -- do I keep records from my -- do I keep records personally? No, I don't.

Q. Okay. Did -- when you read this summary of the interview with you in preparation for today's deposition, did you notice anything in here that you took issue with or you thought to be incorrect?

MR. OBERTS: Objection. Oh, go ahead. You can answer.

THE REPORTER: I'm sorry. All I heard was objection.

MR. OBERTS: I didn't even have one. Sorry.

THE REPORTER: Okay.

A. Yes.

BY MR. STARR:

Q. Could you please tell me for the record, what information in this summary of an interview do you believe to be incorrect?

A. Well, I just -- incorrect or I don't remember saying those things. Right now, from what is being shared on screen, I don't think it's -- there's anything

1 there --

2 **Q. Okay.**

3 A. -- that's necessarily incorrect. I don't
4 remember saying the most prominent case I worked on was
5 the SOS Scandal, but I'm -- I may have said it. That --
6 that I said that that was a case that I worked on, I
7 think I likely would've said that. I don't remember
8 saying, "aware of Mohammed, but never focused on
9 Mohammed." Mike Barz, well --

10 **Q. What about Mike Barz, sir?**

11 A. No. Mike Barz, I just -- I -- I made
12 reference to Mike Barz. Barz was not -- doesn't appear
13 that Barz had anything to do with the investigation.

14 **Q. So is that something you think that you --**
15 **that's incorrect?**

16 A. No. I don't -- I just don't -- no, I just --
17 I'm just noticing -- I noticed that, but that's not --
18 that's not -- that was me saying that I -- Barz was
19 probably the person I worked with. That's not --
20 there's nothing that I've been shown that -- that has
21 Barz's name on it.

22 **Q. And do you have any recollection of Mike Barz**
23 **being your point-of-contact person at IAD?**

24 A. For some reason or whatever -- that was the
25 name that I -- that I said at that time, that's on that

1 report. But there's nothing in the documents that I've
2 seen to date that has Barz's name and there's nothing
3 that otherwise would indicate to me that he was
4 involved.

5 **Q. Okay. But do you -- my question is do -- is**
6 **it correct that Mike Barz was your usual point of**
7 **contact at IAD?**

8 A. So that's a -- I mean --

9 MR. OBERTS: Objection. Vague.

10 A. I -- I don't remember saying Barz was my --
11 Mike Barz was my usual contact. He is -- he was a
12 sergeant that I worked with at that -- at different
13 times at the -- at the -- at Chicago.

14 BY MR. STARR:

15 **Q. And you have no recollection of Mike Barz**
16 **being involved in the IAD investigation of Sergeant**
17 **Watts and his team, correct?**

18 A. No.

19 MR. OBERTS: Objection. Form. What was your
20 answer?

21 THE WITNESS: I'm sorry. I didn't mean to step
22 on your objection.

23 A. But my answer is no. I don't remember him
24 being involved in any way.

25 BY MR. STARR:

1 **Q. So do you think you did not read the**
2 **interviewees this?**

3 A. No, I -- I just don't --

4 MR. OBERTS: Form.

5 A. I -- I'm saying if I told the interviewees
6 this, that was not accurate. That was -- that was not
7 an accurate memory. Bar -- saying Barz is the person I
8 probably dealt with.

9 BY MR. STARR:

10 **Q. Okay. Anything else in that paragraph that**
11 **you think is incorrect?**

12 A. No.

13 **Q. What about this next paragraph?**

14 MR. OBERTS: Objection. Form and foundation.

15 BY MR. STARR:

16 **Q. Yeah. Let me just rephrase the question. You**
17 **testified that you thought there was certain things in**
18 **this summary of an interview that were incorrect. I'm**
19 **wondering what they are. Is there anything in this**
20 **paragraph that starts, "Judge Navarro remembered that**
21 **Matt Mahoney brought in Ben Baker" that you think is**
22 **incorrect?**

23 MR. OBERTS: Objection. Foundation. Go ahead.

24 MR. STARR: Okay.

25 A. No, I don't think that there's anything in

1 there that is -- that would be incorrect.

2 BY MR. STARR:

3 Q. And then the next paragraph, anything in that
4 paragraph that you believe is incorrect or that you did
5 not tell the interviewees?

6 MR. OBERTS: Objection. Foundation.

7 BY MR. STARR:

8 Q. Interview -- interviewers. I'm sorry.

9 MR. OBERTS: Objection. Foundation.

10 A. I don't remember using the exact phrasing,
11 saying Baker admitted he was a bad guy or -- I don't
12 remember using those specific words, but that -- that is
13 -- the general gist of that paragraph is accurate.

14 BY MR. STARR:

15 Q. Okay. So other than -- so you don't recall
16 telling them that Baker's a bad guy. The rest of it,
17 you think, is correct?

18 A. Right.

19 Q. Okay. How about his next paragraph that
20 starts off, "Judge Navarro wanted to arrange an
21 overhear"? And I'll scroll down whenever you want me
22 to.

23 MR. OBERTS: Objection. Form and foundation,
24 but go ahead.

25 A. That -- that seems accurate.

1 BY MR. STARR:

2 Q. Okay. Anything in the rest of that paragraph,
3 that proceeds on the next page that you think is not,
4 correct?

5 MR. OBERTS: Objection. Foundation.

6 A. That seems generally, correct.

7 BY MR. STARR:

8 Q. Okay. The following paragraph that starts
9 "Judge Navarro said that there was never any effort." Is
10 there anything in this paragraph that you think is
11 incorrect based on what you told the interviewers?

12 MR. OBERTS: Objection. Foundation. Go ahead.

13 A. Well, that there was never any effort to
14 expand the investigation to include any of the other
15 officers. I -- I wasn't -- if -- if Chicago was going
16 to expand the investigation, I don't know that I -- I
17 could characterize anything that Chicago did to expand
18 or limit or do anything with the investigation. What I
19 remembered was Baker talking about Watts.

20 BY MR. STARR:

21 Q. Okay. So do you think it's incorrect that you
22 -- that this summary characterizes your statement as
23 being that you told them there was never any effort to
24 expand the investigation to include any of the officers?

25 A. Right. That just -- that -- that doesn't --

1 there's never any effort to expand the investigation to
2 include any of the officers. There wasn't any -- I -- I
3 never was -- whether Chicago made the effort or didn't
4 make the effort, that was Chicago's investigation to
5 expand, not mine.

6 **Q. And in -- isn't it correct that if Chicago --**
7 **Chicago's Internal Affairs had decided to expand the**
8 **investigation, you may not be privy to that?**

9 A. Yes, exactly.

10 **Q. Okay. Anything else in that paragraph that is**
11 **incorrect, besides that first sentence?**

12 A. You know, there's this reference to "Navarro's
13 plan was to get a wire on Watts and proceed from there."
14 That -- that's a -- I don't -- I don't know that I could
15 characterize it as Navarro's -- Navarro's plan. An
16 investigative plan was to get a wire -- to get a wire on
17 Watts. Okay. Yes. But, like, my plan or my -- that --
18 that kind of overstates my -- Navarro's plan doesn't --
19 did I say that there was a -- would I have said there
20 was a plan, that we planned, we wanted to get a wire on
21 Watts? Yes. That -- that would seem right, but to
22 characterize it as Navarro's plan just doesn't seem
23 accurate.

24 **Q. Okay. And then the following sentence there**
25 **seems to suggest that the reason why a wire was never**

1 gotten for Sergeant Watts was because you were not able
2 to get what's called a predicate conversation and
3 justify getting a court to approve the wire; is that
4 correct?

5 MR. GAINER: Object to form --

6 MR. OBERTS: Object --

7 MR. GAINER: -- and foundation.

8 MR. OBERTS: Just object to vague regarding
9 you.

10 A. Is -- is it correct that you need a predicate
11 conversation to obtain a COH? Yes, that is correct.

12 BY MR. STARR:

13 Q. Well, my question is, did you tell the
14 interviewers that the reason you never got a wire is
15 because you couldn't get a predicate -- you didn't
16 obtain a predicate conversation and you couldn't justify
17 to a court getting a wire?

18 A. Well --

19 MR. OBERTS: Objection. Foundation.

20 A. I don't recall saying that, but that's true,
21 that we -- we'd never -- there was never a predicate
22 conversation that would've given rise to seeking
23 approval of a COH.

24 BY MR. STARR:

25 Q. Could you explain for me -- to me what a

1 **predicate conversation is?**

2 MR. OBERTS: Objection to the extent it calls
3 for legal conclusion. Please go ahead.

4 A. So the -- for the application of a consensual
5 overhear, Illinois, one-party state, you need -- you
6 need authorization to record a conversation, so you need
7 -- so the -- so you need author -- court authorization
8 in Illinois to -- to record a conversation. The -- in
9 order to establish that you're going to have a
10 conversation involving criminal activity, you need to be
11 able to give details in that application that there was
12 -- there was at least a conversation or conversations
13 about criminal activity. And then you're going to have a
14 subsequent conversation that person X and person Y had a
15 conversation about criminal activity and -- on this
16 date, and then they agreed that they were going to talk
17 or meet for some subsequent date to have another
18 conversation. Well, now you've got a predicate
19 conversation and an indication that there's going to be
20 further conversations.

21 BY MR. STARR:

22 **Q. And the --**

23 A. We never got -- this seems to say it, and what
24 I remember now from looking at this, is we never got to
25 that stage.

1 Q. So the allegations that Ben make -- Ben Baker
2 made didn't rise to that level of predicate
3 conversation?

4 A. No. Those were the allegations he made.
5 There's no -- there wasn't a basis there to then say
6 that you need something now to say we're -- we're going
7 to have something more, a conversation subsequent.

8 Q. So if Ben Baker had told you that he -- that
9 Sergeant Watts had called him on the phone and requested
10 a bribe, would that rise to the occasion of a predicate
11 conversation?

12 MR. OBERTS: Objection. Vague. Speculation.

13 A. It --

14 MR. OBERTS: Calls for a legal conclusion and
15 incomplete hypothetical.

16 MR. GAINER: Object to form.

17 MR. OBERTS: Go ahead, if you can answer.

18 A. It depends on what that conversation was, when
19 that conversation took place. It would depend on the --
20 on the circumstances of that conversation, but that
21 could.

22 BY MR. STARR:

23 Q. Okay. What about the -- we looked at that IAD
24 memo that summarized the allegations that were made by
25 [REDACTED]. Was anything in those summary -- that

1 **summary that would rise to predicate conversation?**

2 MR. GAINER: Just object because that
3 mischaracterizes that document. Go ahead. You can
4 answer.

5 MR. OBERTS: Objection. Form. Speculation.
6 Calls for legal conclusion and incomplete
7 hypothetical.

8 A. I don't recall any of the reference to [REDACTED]
9 [REDACTED]

10 BY MR. STARR:

11 **Q. Okay. What about any of the references to**
12 **summaries with conversations with Wilbert Moore? Would**
13 **any of those summaries rise to the occasion of a**
14 **predicate conversation?**

15 MR. OBERTS: Same objections.

16 A. Or Wilbert Moore. I don't remember any of the
17 conversations or any of these -- any -- anything about
18 Wilbert -- Wilbert Moore.

19 BY MR. STARR:

20 **Q. And I believe you testified earlier that you**
21 **don't even know if you were made aware of the**
22 **allegations by [REDACTED] and Wilbert Moore, correct?**

23 A. Correct.

24 **Q. Okay. So if you didn't know about them, then**
25 **there's no way for you to evaluate whether or not they**

1 rose to the occasion of a predicate conversation; is
2 that correct?

3 A. That's correct.

4 Q. Okay. What about this next paragraph?
5 Anything in this next paragraph that you think is
6 incorrect in terms of what the interviewers asked you
7 and what you told them?

8 MR. OBERTS: Sean, could you just state the
9 first sentence? Which paragraph are you referring
10 to now?

11 MR. STARR: Yeah. The one that starts "Judge
12 Navarro said that the SAO did employ its own
13 investigative staff."

14 MR. OBERTS: Okay.

15 A. Just the characterization -- characterization
16 of Navarro's investigation of Watts. It wasn't my
17 investigation of Watts. Otherwise, I think that that --
18 that paragraph is generally true, and it seems to echo
19 what we previously said. Chicago normally brought a
20 case to the state's attorneys, not state's attorneys
21 contacting Internal Affairs.

22 BY MR. STARR:

23 Q. When you say it was not your investigation, is
24 that because it was a joint investigation between the
25 State's Attorney's Office and the Chicago Police

1 Department?

2 A. Right.

3 Q. That last sentence, "Navarro remembered that
4 IAD personnel seemed to take Baker's allegations
5 seriously and seemed to believe that the allegations
6 against Watts might be legitimate." Do you see that
7 sentence?

8 A. I do.

9 Q. Did you tell the interviewers that?

10 A. I -- yes. All right. I -- I recall -- I
11 don't recall. I'm not saying that I -- that's -- that
12 seems consistent with what I -- I would've said, yes.

13 Q. Okay. Just I'm a little confused by what
14 you're saying. So you don't recall not saying it. Do
15 you recall --

16 A. Well, I just -- I -- I don't remember saying
17 that specific sentence, but that -- that seems right,
18 yeah.

19 Q. Okay. Do you --

20 A. There's nothing inaccurate about that.

21 Q. Do you recall the IAD investigators, IAD and
22 personnel who were part of the investigation, taking
23 Baker's allegations seriously?

24 MS. MORRISON: Object to form and foundation.

25 MR. GAINER: It also mischaracterizes what's

1 said in the document right in front of us.

2 A. "Baker's allegations seriously and seem to
3 believe" -- yes, I've seen that. Yes, it seems right.

4 BY MR. STARR:

5 **Q. Okay. Do you recall IAD personnel seeming to**
6 **believe the allegations against Watts?**

7 MR. GAINER: That also mischaracterizes the
8 document that's right in front of us. Objection to
9 the mischaracterization.

10 MS. MORRISON: Foundation.

11 A. That they believe the allegations might be
12 legitimate? That -- that -- yes.

13 BY MR. STARR:

14 **Q. Okay. And you have a recollection of that,**
15 **correct?**

16 A. I don't have an independent recollection of
17 it. But this -- but that seems consistent with what I
18 would -- what I would've said and what I remember about
19 the investigation. Yes.

20 **Q. Did you have an independent recollection of**
21 **that fact back in 2018 when you were interviewed at FBI**
22 **headquarters?**

23 MR. GAINER: Object to form.

24 A. Well, I had some memory of it when I spoke to
25 them in 2018.

1 BY MR. STARR:

2 Q. But you have no memory of it today; is that
3 correct? I'm just trying to --

4 A. Correct. Correct. Yes. Correct.

5 Q. Okay.

6 A. Correct.

7 Q. Okay. Do you know what you were basing that
8 opinion on in 2018 when you told the interviewers that
9 you believed that IAD personnel seemed to take Baker's
10 allegations seriously and seemed to believe that the
11 allegations against Watts might be legitimate?

12 MR. OBERTS: Object to the extent it calls for
13 his mental impressions and/or beliefs. But
14 factually he could answer the question, please.

15 MR. GAINER: Just object to form. This is
16 Brian Gainer.

17 A. I don't recall what I was basing that on.

18 BY MR. STARR:

19 Q. Okay. Anything in this next paragraph, the
20 one that starts, "Judge Navarro remembered receiving
21 little, if any, help from other ASAs," anything in that
22 paragraph that you don't recall telling the interviewers
23 or you think is inconsistent with what you told them?

24 A. That I attended Baker's court hearings to see
25 what would happen? I don't -- that seems to imply that

1 I was at -- if -- to the extent that that implies that I
2 was at each of his court hearings or that I -- that I
3 needed to apply -- needed to attend them to see what
4 would happen, I don't -- I don't remember that. But
5 clearly there's transcripts that say I was present at
6 hearings, so that's true.

7 Q. Right. There's transcripts that you have an
8 appearance during his hearings.

9 A. Right. Yes. Yes.

10 Q. Do you know if you were present for any other
11 hearings where you didn't have an appearance on the
12 record?

13 A. I don't. I don't recall being present for any
14 other hearings.

15 Q. Okay. Anything else about that paragraph that
16 you take issue with?

17 A. No.

18 Q. How about the paragraph after "Judge Navarro
19 left the SAO"? Anything in that paragraph that you did
20 not tell interview -- the interviewers?

21 MR. OBERTS: Objection. Foundation.

22 A. No.

23 BY MR. STARR:

24 Q. What about this last paragraph that says,
25 "Navarro believes that Loevy & Loevy and Josh Tepfer

1 prodded the SAO to act later"? Did you tell the
2 investigators that?

3 A. I --

4 MR. OBERTS: Objection. Foundation.

5 A. I don't recall saying -- yes. I mean, that --
6 that -- that says that's there. Yes.

7 BY MR. STARR:

8 Q. But if you don't recall saying it, why do you
9 think it's correct?

10 A. Well, I just -- I recall separate and apart
11 from everything, just in the world, Attorney Tepfer
12 being an advocate for Baker in this.

13 Q. And where, to your recollection, what is the
14 basis of that?

15 A. Just I think newspaper or just separate. Just
16 --

17 Q. How about this next paragraph that starts,
18 "Judge Navarro said that his attempt to investigate
19 Watts occurred before his involvement in the SOS
20 scandal"? Anything in that paragraph that you take
21 issue, that you believe that maybe you didn't tell the
22 investigators?

23 A. I don't --

24 MR. OBERTS: Objection. Form and foundation.

25 But go ahead.

1 A. I don't remember saying that the SOS scandal
2 opened my eyes to the extent of possible CPD corruption.
3 I don't remember saying that. If I -- if I said that, I
4 don't remember saying that. It -- I prosecuted police
5 officers before Watts and before SOS, and I prosecuted
6 cases -- well, I guess I left the office during the
7 prosecution of SOS, but I probably certainly prosecuted
8 cases before Watts and before SOS. I don't -- but I
9 don't remember saying it -- saying it opened my eyes.

10 BY MR. STARR:

11 **Q. Okay. So that's not correct; is that right?**

12 A. I -- I don't -- I don't take -- I take issue
13 with that statement.

14 **Q. How about this next statement that says,**
15 **"While looking at Watts, it never occurred to Navarro**
16 **that he should look 'higher up' in CPD to see if CPD**
17 **members in leadership positions were possibly aware of**
18 **Watts' activities"? Did you ever tell the interviewers**
19 **that?**

20 MR. OBERTS: Objection. Foundation.

21 A. I don't remember saying that. If -- if -- if
22 the question was, "Did you look higher up?" and I said
23 no, maybe that's -- maybe that -- that question was
24 asked. But I don't remember saying it never occurred to
25 me to look higher up.

1 BY MR. STARR:

2 Q. Is that true? Did it never occur to you to
3 look higher up?

4 A. It -- it just --

5 MR. OBERTS: Just objection as it calls for his
6 beliefs and/or work product. And I'd ask him not to
7 answer with regards to his belief or work product or
8 impressions.

9 MR. STARR: I -- just maybe I didn't hear that
10 entire objection. Are you instructing your client
11 not to answer?

12 MR. OBERTS: Correct. You can certainly ask if
13 he did do that act, but his beliefs regarding such,
14 I'm objecting to as work.

15 A. I did not look -- I did not look higher up.

16 BY MR. STARR:

17 Q. Why not?

18 A. If -- well, if --

19 MR. OBERTS: To the counsel's question, I'm
20 objecting as work product and instructing him not to
21 answer, that being the question, "Why not?"

22 BY MR. STARR:

23 Q. Okay. You're -- you were answering. I think
24 I interrupted you when you were answering my previous
25 question. You were saying, "If Chicago." What were you

1 **saying?**

2 A. If Chicago brought any -- whatever Chicago
3 brings is what Chicago brings. Chicago brings
4 allegations against Watts, any other officer, any other
5 officer higher, lower, then that's something that I
6 would look at.

7 **Q. But in this case, Chicago didn't bring the**
8 **allegations, correct?**

9 A. Well, Chicago didn't bring them. If Chicago
10 brought something after Chicago had the investigation --
11 no, they didn't bring anything.

12 **Q. So once you had brought the allegation that**
13 **the State's Attorney's Office received about Watts to**
14 **IAD, it was your understanding that any further**
15 **allegations would come from IAD; is that correct?**

16 MS. MORRISON: Object to form, foundation,
17 speculation.

18 MR. OBERTS: That and incomplete hypothetical.
19 But go ahead.

20 A. That's not to say that that's the only place
21 that it could come from, but that's where -- that's
22 where I would be looking for developments in a case.

23 BY MR. STARR:

24 **Q. Well, in a circus situation like that where**
25 **there was allegations against one or one team of**

1 officers, would you expect if the investigation was to
2 expand, would you expect that expansion would take place
3 at the behest of IAD or at the behest of the State's
4 Attorney's Office?

5 MS. MORRISON: Objection to form, foundation,
6 incomplete hypothetical.

7 MR. OBERTS: And assumes facts not in evidence.

8 A. I don't -- I can't say that there's one way
9 that I -- that I would expect something to happen or
10 would've expected something to happen.

11 BY MR. STARR:

12 Q. Could your investigation during the Watts --
13 could your investigation into Watts have generated
14 additional allegations against CPD higher-ups from the
15 State's Attorney's Office perspective?

16 MR. FANGMAN: Objection. Calls for
17 deliberative process privilege information. And I
18 would ask the witness not to answer.

19 BY MR. STARR:

20 Q. Are you going to take the State Attorney's
21 instruction not to answer and refuse to answer my
22 question?

23 A. I'm going to take the direction of the State's
24 Attorney's Office and refuse to answer.

25 Q. Okay. Anything else in that paragraph that

you take issue with?

A. The subject paragraph is "Judge Navarro said that his attempt to investigate"?

Q. Yep. Same one we were just looking at.

A. The -- the question is, or rather around the middle of it, it's not highlighted, "When asked what he would've done differently, Navarro said he would've requested the CR histories for Watts and his team." I don't know that I didn't. I don't know that I didn't ask for the histories of Watts and -- Watts and his team.

Q. In that previous document you looked at, the CL report, seemed to indicate that you had intended to do so, correct?

A. Correct. I also didn't have that CL report when -- I didn't have any documents when I was doing this meeting.

Q. But you don't have any recollection of telling the interviewers that you would've done things differently, including requesting CR histories for Watts and his team, right?

A. I -- right. I don't -- I don't have memory of saying that, no.

Q. Okay.

A. That doesn't --

1 Q. Anything else? There's one more sentence in
2 that paragraph, or two more sentences. Anything else
3 that you take issue with?

4 A. No.

5 Q. The last sentence that says that, "Navarro
6 noted that he was trying to be discreet while he was
7 looking at Watts, and he didn't want to broadcast his
8 suspicions," do you see that?

9 A. Yes.

10 Q. Is that true?

11 A. Well, I think that's true to the extent that
12 any investigation involving a police officer should be
13 confidential. Well, I'd say any investigation involving
14 anybody should be confidential. An allegation, unless -
15 - until it's charged should be confidential. And so was
16 I trying to be discreet? Yes. Did I not want to
17 broadcast allegations until they were -- yes.

18 Q. Would requesting the CR histories of Watts and
19 his team been not being discreet?

20 A. No.

21 Q. Okay. Next paragraph that says, "Judge
22 Navarro said that he thought IAD kept investigating
23 Watts." Anything in that paragraph that you think you
24 did not tell the interviewers?

25 MR. OBERTS: Objection. Foundation.

A. No.

BY MR. STARR:

Q. Okay. It was your belief that, in fact, IAD kept investigating Sergeant Watts after you had completed your investigation, correct?

A. Correct.

Q. Why did you believe that?

A. I don't know.

Q. Was it because of the seriousness of the allegations?

MS. MORRISON: Objection to the form of the question.

MR. OBERTS: Objection. Foundation.

A. I don't know why I believe that, but I believe that they did.

BY MR. STARR:

Q. How about this next paragraph? "Judge Navarro said that he probably saw Watts and Mohammed testify in court at some point, but does not remember," and it goes into the next page. I think I can capture it all on my screen. Anything in that paragraph that you did not tell the interviewers?

MR. OBERTS: Objection. Foundation.

A. No, I -- I don't -- that -- those are -- those paragraphs are -- that paragraph has put together, I --

1 I don't know that I said that, that I -- that I probably
2 saw Watts and Mohammed testify at some point, and then
3 tying that to perjury. Seems to tie that, that I was
4 watching -- I was watching their testimony for perjury.
5 I don't -- I don't know that it -- that was ever the
6 case or that -- that those -- that -- that was part of
7 one conversation while we were speaking.

8 BY MR. STARR:

9 Q. Okay. Did you tell the interviewers either of
10 the -- those two statements?

11 MR. OBERTS: Objection. Foundation.

12 A. Yes. I -- I -- I don't have any reason to say
13 I -- I didn't say that. The -- the -- yes.

14 BY MR. STARR:

15 Q. So this, the last sentence there is correct
16 that you recalled earlier cases where you tried to
17 prosecute officers for perjury, but you lost those
18 cases?

19 A. Yes.

20 Q. Do you recall any of the names of those cases?

21 A. I don't.

22 Q. Okay. There's another paragraph that starts,
23 "Judge Navarro did not remember speaking with other
24 putative victims of Watts." Do you see that?

25 A. I do.

1 Q. Anything in that paragraph that you did not
2 tell the interviewers?

3 A. I don't ever remember using the word putative.

4 Q. Okay. Anything else in that paragraph?

5 A. No.

6 Q. It says that, "Navarro was 99 percent sure
7 that Matt Mahoney did not bring any other clients to
8 Navarro's attention." Is that correct?

9 A. When -- if you're -- if -- if the -- if the
10 statement is Mahoney did not bring any other clients to
11 me, like to me, bring a client to me, bring Baker to me,
12 bring Glenn to me, bring another client to me, yes, that
13 is correct.

14 Q. What about if the statement is as written, "to
15 your attention"?

16 A. That -- I don't think that that was -- I don't
17 think that that's accurate.

18 Q. Okay. So you don't think it -- you don't
19 think that you told the interviewers that you were 99
20 percent sure that Matt Mahoney did not bring any other
21 clients to your attention?

22 A. I don't believe that that is accurate.

23 Q. Okay. Because based on that other document we
24 looked at, you think that he may have brought other
25 clients to your attention, correct?

1 A. Yes. Not physically, but yes, to my
2 attention, yes. Based --

3 Q. In the form of police?

4 A. Based on that other -- based on the letter
5 that was sent from Matt Mahoney to John Mahoney.

6 Q. Okay. In the form -- and he brought them to
7 your attention in the form of police reports and/or
8 conversation, correct?

9 A. Correct.

10 Q. Okay. This next paragraph, I believe it's the
11 last paragraph. Yeah. It starts, "Judge Navarro
12 remembers taking notes while he conducted his
13 investigation." Do you see that?

14 A. I do.

15 Q. Anything in this paragraph that you see that
16 you think is incorrect or that you did not tell the
17 interviewers?

18 MR. OBERTS: Objection. Foundation.

19 A. Well, this whole paragraph is -- I don't
20 remember saying that record keeping practices were poor.
21 That files -- "Records that Navarro had created would
22 not have been transferred to the convection --
23 conviction Integrity Unit." I don't know how I would've
24 known that any records I created would not have been
25 transferred to -- to Conviction Integrity. And I don't

1 even know like -- Conviction Integrity, I don't think
2 that that unit existed when I was in the office. That
3 whether any records existed, they would be in the Public
4 Integrity Unit. Unless the Conviction Integrity Unit
5 has specifically requested those records, I -- I don't -
6 - that whole paragraph just doesn't ring to what I
7 would've known or the process I would've known in the
8 State's Attorney's Office. And I don't recall joking
9 "the shit that was in Dave's desk," using that term. I
10 don't recall using that. That just doesn't ring to what
11 I would've said in an interview. But if that's what I
12 said, I don't -- I don't remember -- remember saying
13 that.

14 BY MR. STARR:

15 **Q. Okay.**

16 A. That doesn't -- that does not seem consistent
17 with the way I approached the investigation or a meeting
18 with a number of individuals from COPA or any other of
19 those agencies.

20 **Q. This first sentence of that paragraph, did you**
21 **tell them that?**

22 A. I may have.

23 **Q. Okay. So other than this first sentence, do**
24 **you think that all the rest of the information here is**
25 **stuff that you did not, in fact, tell the interviewers,**

1 correct?

2 A. Correct.

3 Q. Are you disappointed that there's a summary of
4 an interview with you that has so many inconsistencies
5 and incorrect statements?

6 A. I am disappointed that I'm also looking at a
7 report, again, from over a year past when it was -- when
8 it took place.

9 MR. STARR: Okay. Let's take -- thank you for
10 going through that with me. I may have a few
11 additional questions about this report, but just
12 let's take a five-minute break. I want to get some
13 water. And we'll resume after five minutes if that's
14 okay with everyone.

15 THE REPORTER: We're off the record. The time
16 is 3:55 p.m. Central.

17 (OFF THE RECORD)

18 THE REPORTER: We are back on the record for
19 the deposition of Mr. David Navarro being conducted
20 by videoconference. My name is Sydney Little.
21 Today is July 18, 2023, and the time is 4:05 p.m.
22 Central.

23 BY MR. STARR:

24 Q. Mr. Navarro, I'm going to reshare that
25 exhibit. I believe it was Exhibit 6. I just have a

1 couple of questions that I didn't go over, that I want
2 to go over with you briefly regarding this document.
3 This paragraph that's highlighted here, do you see that
4 on your screen, sir?

5 A. I do.

6 Q. It's the paragraph that starts, "Judge Navarro
7 remembered that defense attorney Matt Mahoney, who was
8 resenting -- representing Ben Baker, brought Sergeant
9 Watts to his attention." It's here that you remembered
10 bringing the case to the attention of IAD and that you
11 remembered being focused almost exclusively on Watts
12 because Watts was the supervisor of the tactical team
13 that was allegedly involved in the wrongdoing. Do you
14 see that?

15 A. I do.

16 Q. Do you -- is that correct? Do you remember
17 focusing on Watts specifically because he was a
18 supervisor?

19 A. If I said that, I don't remember that. I
20 don't remember why I made reference to him being the
21 supervisor other than he was the sergeant.

22 Q. Right. Was your focus on -- in this
23 investigation on Watts because of the allegations that
24 Ben Baker made about Watts?

25 A. The -- the allegations, what I recall the

1 allegations being focused on, was on Baker's
2 allegations, Baker's and Glenn's allegations against
3 Watts, not because of his position.

4 Q. Okay. And do you -- I think you already
5 testified that you don't have a recollection of focusing
6 on any members of his tact team specifically, correct?

7 A. Correct.

8 Q. Okay. And then the next paragraph that I want
9 to draw your attention to, it's further down. It says,
10 "Judge Navarro remembered that Matt Mahoney brought Ben
11 Baker to speak with him a few times." Do you see that
12 --

13 A. I do.

14 Q. -- paragraph? Does that comport with your
15 recollection that Ben Baker came in to speak with you a
16 few times?

17 MR. OBERTS: Objection. Foundation.

18 A. It -- it does.

19 BY MR. STARR:

20 Q. Okay. And then do you see towards the end of
21 that paragraph -- and actually the sentence before the
22 highlighted sentence is where I want to draw your
23 attention. It says, "Baker and Glenn told Navarro that
24 Sergeant Watts was extracting a 'tax' from drug dealers
25 who worked in the Ida B. Wells." Do you see that?

A. I do.

Q. Did Ben Baker tell you that, sir?

A. In some form, yes. I don't know if he -- if he said a tax or if I characterize it as a tax. But extorting money, shaking down from money, yes.

Q. Okay. And then that next highlighted sentence reads that, "Navarro found Baker and Glenn credible." Did you tell the interviewers that, sir?

A. Yes. I -- I mean, I don't recall specifically saying that, but yes, I -- I -- that was true, yes.

Q. Okay. And if you did tell him that, it's because you did believe that, correct, sir?

A. Right.

Q. Okay. And then the rest of that sentence reads, "But Navarro realized he wouldn't be able to make a case against Sergeant Watts based on the word of a -- word of a drug dealer with a long criminal record." Is that accurate, sir?

A. Well, it's -- it's -- well --

MR. OBERTS: I'm sorry. I object. I don't object to a realization, but I object to the -- whether or not his belief of whether -- I object to the -- any -- the question to the extent it addresses his belief and/or impression of whether he could make a case based upon the word of a drug

1 dealer with a law and criminal record. To the
2 extent you can answer factually without providing
3 your mental impression as to that, please do so.

4 A. The -- the word of a drug dealer with a long
5 criminal record is to say that if that's all you have,
6 that would be hard to make a case. You would need more
7 than an allegation from an individual with a criminal
8 history to make a case. That's true.

9 BY MR. STARR:

10 **Q. Okay. Did you tell the interviewers that?**

11 A. I -- I don't recall saying that, but that's --
12 but I would've -- that's true that I would've said
13 something along those lines, yes.

14 **Q. Then I want to draw your attention to farther**
15 **down the page, the final paragraph on this page. There's**
16 **a bunch of highlights, but the one I want to ask you**
17 **about is the last one. It says, "Navarro wanted to have**
18 **Baker's 'lieutenant' approach Watts, but this never**
19 **happened." Do you see that, sir?**

20 A. I do.

21 **Q. Did you tell the investigators that?**

22 A. I don't remember using the word lieutenant or
23 someone in Watts' or someone in -- in Baker's, someone -
24 - one of other -- Baker's other guys, the guy with him,
25 one of the other dealers in -- in the -- in the Ida B.

1 Wells projects. Whether -- if I refer to him as a
2 lieutenant, I -- I don't remember using that specific
3 term, but maybe I did.

4 **Q. But is that something that you -- during the**
5 **investigation into Watts, that you thought that, thought**
6 **about doing and wanted to do?**

7 A. Well, if -- I don't remember how it all
8 exactly played out, but as I -- as I try and remember
9 all this, it's possible that if one person isn't going
10 to have a conversation that you need, maybe a different
11 person could have that conversation with the target.
12 That seems consistent with -- with an approach to take.
13 I -- I just don't remember, you know, specific --
14 specific investigative steps.

15 **Q. So as you sit here today, you have no**
16 **independent recollection of take -- taking those or**
17 **attempting to take those particular investigative steps,**
18 **correct?**

19 A. Right.

20 **Q. Is it possible that in 2018 you had an**
21 **independent recollection of taking those?**

22 A. Yes. Yes, that is possible.

23 **Q. Okay. Okay. All right. Just a few more**
24 **things with this document, sir. I wanted to ask you**
25 **about this first highlighted section. It says, "Navarro**

1 said that Baker's criminal case was being handled by
2 prosecutors from the State's Attorney's trial division,
3 and prosecutors in PI did not typically share
4 information with the trial division." Do you see that?

5 A. Yes.

6 Q. Did you tell the interviewers that?

7 A. I don't recall specifically saying that, but I
8 think that that's -- that's an accurate statement.

9 Q. In this particular case, is it also true that
10 the prosecutors in the PI did not share their
11 information with the prosecutors that were handling
12 Baker's criminal case?

13 A. As -- so are you saying that in this
14 particular case, I did share information with the trial
15 division? Is that the -- is that the --

16 Q. Yeah, that's another way of saying it. Sure.

17 MR. OBERTS: Objection. Vague and exception to
18 the extent it calls for the disclosure of work
19 product.

20 A. I don't remembers sharing specifics of -- of
21 the investigation with the -- with the trial assistants,
22 other than at some point obviously I stepped into the
23 courtroom. But the -- it was unusual -- unusual to say
24 that there's a usual way of a criminal case proceeding
25 and there isn't. But the -- this was unusual in that

1 the defense attorney representing Baker was in the trial
2 courtroom, and the defense attorney is the one bringing
3 the allegation, initiating that allegation to the
4 State's Attorney's Office. So in terms of -- and the
5 defense attorney is putting that defense on -- in at
6 trial. So are the state's attorneys aware of what is
7 being alleged against an officer in the trial division?
8 Yes. But -- and is that part of what is a public
9 integrity investigation? Yes. So it's just a different
10 situation.

11 BY MR. STARR:

12 **Q. So does the fact that you had more than one**
13 **appearance on Ben Baker's criminal case indicate to you**
14 **at all that you would've shared any information with the**
15 **prosecutors who were doing his criminal trial?**

16 MR. OBERTS: Objection. Vague and --
17 objection. Objection, vague regarding information.
18 And objection, speculation.

19 A. I don't remember having more than one
20 appearance. I had more than one appearance?

21 BY MR. STARR:

22 **Q. Yeah. I'll show you another one in just a**
23 **moment.**

24 A. Okay. That -- that doesn't necessarily say
25 that I was sharing information. That doesn't tell me

1 that I'm sharing information.

2 Q. Okay. And then this next full paragraph,
3 highlighted section, "Judge Navarro said that there was
4 never any effort to expand the investigation to include
5 any of the officers, other than Sergeant Watts, who were
6 listed on arrest reports. When asked why, Navarro said,
7 'I don't know,' but then explained that Ben Baker's
8 personal relationship appeared to be with Watts and not
9 with other members of the team." Did you tell the
10 invest -- the interviewers that you thought Baker had a
11 personal relationship with Watts?

12 MR. OBERTS: Objection. Foundation.

13 A. I don't -- if I said that, I don't remember
14 saying that. Maybe that's what I said, and that's what
15 I recalled there in 2018.

16 BY MR. STARR:

17 Q. Did you tell them --

18 A. But as previously said, that there was never
19 any effort to expand the investigation, is not accurate.

20 Q. Right, right. I just wanted to clarify the
21 part about the personal relationship. This highlighted
22 section here, it says, "The state's attorney's
23 investigators never became involved in Navarro's
24 investigation of Watts." Is that correct?

25 A. It's correct that state's attorney

1 investigators were not involved, but it was -- it's not
2 correct to say it was my investigation. But the state's
3 attorneys were not involved, state's attorney
4 investigators were not involved, is correct.

5 Q. Okay. This paragraph here that's fully
6 highlighted says, "After Navarro left the State's
7 Attorney's Office, he went to work in the AG's office.
8 Baker sent Navarro a letter. Navarro then sent a letter
9 to the State's Attorney's Office Public Integrity Unit,
10 asking them to look into Baker's case." Is that correct?

11 A. That's correct.

12 Q. Do you have a copy of the letter that Ben
13 Baker sent you?

14 A. I do not.

15 Q. Do you have a copy of the letter that you sent
16 to the State's Attorney's Office on his behalf?

17 A. I do not. I -- I do not.

18 Q. And this was after you had conducted an
19 investigation into the allegations that Ben Baker made,
20 right?

21 A. Yes.

22 Q. Why did you write a letter on his behalf
23 asking the State's Attorney's Office to look back into
24 his case?

25 MR. OBERTS: Objection to the extent it

1 mischaracterizes that sentence. And vague and
2 vague.

3 A. Baker sent -- as I recall, Baker sent that
4 letter from the Illinois Department of Corrections where
5 he was incarcerated. At the point that he sent that
6 letter and I -- when I was at the AG's office, Watts and
7 -- Watts and -- Watts and other members or Watts and
8 someone else had been convicted federally at that point.
9 So it was a -- it was a different world.

10 BY MR. STARR:

11 Q. Okay. So it's your recollection that Baker
12 sent you the letter after Watts and Mohammed had been
13 federally convicted; is that correct?

14 A. Correct.

15 Q. Okay. Do you recall what the substantive
16 content of the letter that you sent to the State's
17 Attorney's Office was?

18 A. I -- I don't. Just -- no, I don't. Just
19 saying can anything be done?

20 Q. When was the first time that you learned that
21 Sergeant Ronald Watts and Kallatt Mohammed had been
22 arrested?

23 A. I don't remember.

24 Q. Do you remember learning when they had been
25 convicted?

1 A. I must have, but I don't -- I don't remember.
2 I wasn't necessarily -- I certainly wasn't assigned any
3 -- to that case or -- or working on the case. If I
4 learned of it, I learned of it in the news like anybody
5 else.

6 **Q. So you don't think you learned about it from**
7 **Ben Baker's letter; is that correct?**

8 A. I don't think so. I think I learned of it
9 from the news.

10 **Q. When you learned about it from the news, did**
11 **you recall that you had previously investigated Sergeant**
12 **Watts?**

13 A. Yes.

14 **Q. And what was your reaction to learning about**
15 **his conviction?**

16 A. I don't remember. Just I don't remember.

17 **Q. Did it make you recall your investigation?**

18 MR. OBERTS: Objection. Foundation.

19 A. Likely, but I don't remember my reaction.
20 BY MR. STARR:

21 **Q. Do you look back on it now and think that more**
22 **could have been done to investigate Sergeant Watts by**
23 **the Internal Affairs Division?**

24 MR. OBERTS: Objection. Foundation,
25 speculation.

A. I think more was done.

BY MR. STARR:

Q. After your investigation ended?

A. Correct.

Q. Okay. And do you think the outcome of the Internal Affairs investigation was proper?

MS. MORRISON: Foundation. Speculation.

A. I -- I don't know what you mean by proper. Do you mean that -- that Watts was charged and convicted?

BY MR. STARR:

Q. Well, was Watts charged and convicted because of IAD's investigation?

MR. OBERTS: Objection. Speculation.

A. You know, I -- I don't know the full scope of what -- what brought Watts and Mohammed in, whether that was -- I don't know what the full scope of it was.

BY MR. STARR:

Q. Okay. I think that's all I have with this document.

MR. OBERTS: Can we just take a -- just a two-minute break real quick? Just have to check something. We don't even need to leave or anything.

THE WITNESS: Okay. I'll just stay here.

THE REPORTER: Okay. We're off the record. The time is 4:20 Central.

(OFF THE RECORD)

THE REPORTER: We are back on the record for the deposition of David Navarro being conducted by videoconference. My name is Sydney Little. Today is July 18, 2023, and the time is 4:21 p.m. Central.

MR. STARR: Bill, were you trying to ask a question about the time or something?

MR. OBERTS: Yeah, but that's okay.

MR. STARR: Okay.

MR. OBERTS: It was just like a couple minutes.

No big deal.

BY MR. STARR:

Q. Mr. Navarro, I believe you previously testified that you recall that you subpoenaed some casino records; is that correct?

A. I -- well --

MR. OBERTS: Objection. That mischaracterizes his testimony.

A. I -- I don't -- I don't recall subpoenaing casino records, but I -- but I do know that I saw a subpoena as part of documents that were shown or I -- that I looked at prior to this deposition. This -- I just saw that this morning.

BY MR. STARR:

Q. Okay. And do you recall receiving documents

1 pursuant to a subpoena to a casino?

2 A. I don't.

3 Q. Okay. I'm just going to show you part of the
4 subpoena response and just ask you a couple of questions
5 about it. I'm not going to spend a lot of time on this.
6 So this is going to be Exhibit 7. And for the record,
7 the Bates for this is DO JOINT 4649947 through 47048.
8 Okay. Sir, do you see the document on your screen?

9 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

10 A. I -- I see the -- what is the top captioned,
11 "Majestic Star Casino" now with my name on it.

12 BY MR. STARR:

13 Q. Yeah. I'm just trying to make it a little
14 smaller so you can see it better. And did you see this
15 when you were reviewing the subpoena response at some
16 point today?

17 A. No, I didn't. I didn't see this subpoena
18 response. I only saw the -- the grand jury subpoena.

19 Q. Okay.

20 A. So this is the first time I'm seeing this
21 response.

22 Q. Yeah. Do you remember getting this letter in
23 response to a subpoena?

24 A. I don't remember issuing the subpoena. I
25 don't remember getting the response.

1 Q. Okay. It says it's dated September 13, 2005,
2 correct?

3 A. Correct.

4 Q. Would that have been during the pendency of
5 your investigation into the allegations against Sergeant
6 Watts?

7 A. Yes, it would've.

8 Q. Okay. And this seems to suggest that your
9 subpoena was for an Eric Watts, do you see that?

10 A. I do.

11 Q. Do you know that -- do you know if Sergeant
12 Watts ever had a different name by the name of Eric
13 Watts?

14 A. I don't.

15 MR. GAINER: Objection. Form. Foundation.

16 BY MR. STARR:

17 Q. Okay. I'm going to show you the pages here.
18 All right. This is going to be -- this is DO JOINT
19 46674. This is another letter and response, I believe,
20 to the subpoena. I'm just going to show it to you, see
21 if it refreshes your recollection. This is from the
22 Horseshoe Casino in Hammond dated August 5, 2005. You
23 see that?

24 A. I do.

25 Q. And then it says, "Pursuant to the subpoena

1 regarding the above-referenced individual, enclosed
2 please find the documents responsive to your request."

3 Do you see that, sir?

4 A. I do.

5 Q. Any recollection based on reviewing this
6 document?

7 A. No.

8 Q. Okay. Let's look at another page briefly
9 here. So this is 46683. And if you zoom in a little
10 bit, you can see on this page, you see that this
11 indicates this is responsive documents for the year
12 2004. It's -- it came highlighted. It's not my
13 highlighting. Do you see that, sir?

14 A. I do.

15 Q. Okay. And then above that, it indicates that
16 the person that the records are for is Ronald Watts. You
17 see that?

18 A. I do.

19 Q. Have you ever looked at casino reports like
20 this as far as you can recall?

21 A. I -- I -- yes. Yes.

22 Q. Okay. In your time as a state's attorney, at
23 some point, you had an occasion to review documents like
24 this; is that correct?

25 A. In both my time as a state's attorney and my

1 time as assistant attorney general, I did.

2 **Q. Okay. Do you know what the kind of different**
3 **categories mean as you sit here today?**

4 A. As I sit here today, I don't. I mean --

5 **Q. Okay.**

6 A. It's kind of -- no, I -- I don't know.
7 Buy-in, I think, was the cash in. Beyond that, I
8 remember there -- there's different terms. Those --
9 those -- each of those means something, but -- but I
10 don't remember.

11 **Q. Okay. And buying in cash, that top category,**
12 **would be -- you would understand to mean what?**

13 MR. GAINER: Objection. Foundation.

14 A. What I remember --

15 MR. OBERTS: Speculation.

16 A. -- that's the -- the amount of money bought
17 in. The amount of money put in, cash.

18 BY MR. STARR:

19 **Q. By the individual that records are reflective**
20 **of?**

21 A. Right.

22 MR. GAINER: Objection. Foundation.

23 BY MR. STARR:

24 **Q. I didn't hear --**

25 A. Yes.

1 Q. Yeah. Okay. Do you know what handle refers
2 to?

3 MR. GAINER: Objection. Foundation.

4 A. I don't.

5 BY MR. STARR:

6 Q. Okay.

7 A. I -- I may have at one time. I don't right
8 now.

9 Q. Sure. Do you recall subpoenaing Sergeant
10 Watts' phone records?

11 A. I -- I do not.

12 Q. Okay. So the response to the subpoena
13 includes pages 46721 through 47048. I'm not going to go
14 through all those. I just want to show you this. And
15 this is -- this indicates this is like a some sort of
16 manila folder. You see that, sir?

17 A. I do.

18 Q. And it says, "Phone records plus CD," and it
19 says, "Ronald Watts." Do you see that?

20 A. Yes.

21 Q. And just going to show you what these look
22 like. Say Verizon. There's various information on
23 them. Do you -- I'm just going to scroll through these
24 briefly. Some of it's redacted. It says, "Ronald
25 Watts." You see that there, sir?

1 A. I do.

2 Q. Okay. And that's on page 46725, correct?

3 A. Yes.

4 Q. Okay. And then there's this kind of
5 individual information, some of it's redacted, but you
6 see it says, "Ronald Watts," there again?

7 A. I do.

8 Q. And that's in 46723 -- 726, correct?

9 A. Correct.

10 Q. Okay. And then there's a series of pages that
11 look like this, and I'm not going to belabor the point.
12 Do you see these documents on your screen, sir?

13 A. I -- I do.

14 Q. This is at 46730. Do you recall receiving
15 phone records like this pursuant to a subpoena that you
16 sent?

17 A. I don't.

18 Q. Okay. All right. I'm going to show you
19 another document. I'm going to mark it as Exhibit
20 number 8 and close this. And for the record, this is PL
21 JOINT 379 through 383. All right. Sir, do you see the
22 document on your screen?

23 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

24 A. I -- I do.

25 BY MR. STARR:

1 Q. And just to show you the Bates stamp at the
2 bottom here, it says PL JOINT 379. Do you see that?

3 A. Yes.

4 Q. And scrolling through the document, I'm going
5 to show you the last Bates stamp, it's three -- PL JOINT
6 383, correct?

7 A. Correct.

8 Q. Okay. And the caption -- this is a court
9 transcript, correct?

10 A. Yes.

11 Q. And the caption is, "People of the State of
12 Illinois v. Ben Baker," and the case number is
13 5-CR-8982-01, correct?

14 A. Correct.

15 Q. Okay. And then I just want to scroll down
16 here and show you. Do you see under the present -- do
17 you see your name listed as an appearing attorney for
18 the state's attorney's office?

19 A. I do.

20 Q. Okay. And this is a hearing that occurred on
21 December 8th of 2005, correct?

22 A. Correct.

23 Q. In front of Judge Toomin?

24 A. Yes.

25 Q. Did you review this transcript in preparation

1 for today's deposition, sir?

2 A. I reviewed it this morning as part of the
3 documents that were to my left when I got here at my
4 attorney's office.

5 Q. Okay. And so this is the transcript that we
6 were talking about, without looking at it earlier, when
7 we were talking about that you recommended an I-Bond be
8 sent for Ben Baker, correct?

9 MR. OBERTS: Objection. Vague and to the
10 extent it mischaracterizes the transcript to the
11 term, "recommend."

12 A. Yes.

13 BY MR. STARR:

14 Q. Okay. And as you can see on what is marked PL
15 JOINT 380 through 381, the Court asked, "What is the
16 bond situation in this case?" You state, "It is a
17 direct indictment." Mr. Mahoney states, "After
18 dismissal at the preliminary stage." And then you
19 state, "Bond needs to be set. We have no objection to
20 an I-Bond, Judge." Do you see that?

21 A. I do.

22 Q. Okay. Do you recall this hearing, sir?

23 A. I do not.

24 Q. And then I believe there's one other thing.
25 Okay. That's all I have for this document right now.

1 Okay. I'm going to show you one other transcript, sir.
2 I'll mark this as Exhibit 8 [sic]. This is PL JOINT
3 47889 through 47894.

4 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

5 THE REPORTER: This is actually going to be 9.

6 MR. OBERTS: I think it's 9.

7 MR. STARR: It's 9? I'm sorry.

8 MR. OBERTS: Could you repeat the Bates,
9 please?

10 MR. STARR: Yeah, it's PL JOINT 47889 through
11 47894.

12 MR. OBERTS: Thank you.

13 BY MR. STARR:

14 Q. And let me share it. Okay. Sir, do you see
15 the Bates at the bottom here, 47889?

16 A. I do.

17 Q. And then scrolling ahead to the last Bates, do
18 you see the Bates of 47894?

19 A. Correct.

20 Q. Okay. And back to the first page, the caption
21 indicates that this is a transcript of a court hearing
22 in People v. Ben Baker, correct?

23 A. Yes.

24 Q. And the case number is 5-CR-8982-01. Do you
25 see that?

1 A. Yes.

2 Q. Okay. And then again, this is in front of
3 Judge Toomin, and the date of the hearing is
4 October 31, 2005. Do you see that?

5 A. I do.

6 Q. Okay. I believe that was Halloween. Do you
7 see your name as an appearance there, sir?

8 A. I -- I do.

9 Q. Okay. And I just -- so this is the second
10 transcript in which you have an appearance in a Ben
11 Baker case, correct?

12 A. Yes.

13 Q. Okay. Do you have any recollection of this
14 hearing, sir?

15 A. No, I don't.

16 Q. Have you reviewed this document in preparation
17 for today's deposition?

18 A. I -- I don't think I saw this October 14th. If
19 I did, I don't remember seeing an October 14th.

20 MR. OBERTS: 30.

21 A. October -- October 31st.

22 BY MR. STARR:

23 Q. Okay. I don't want to spend too much time
24 with that. I'm just going to show you a couple of
25 discrete things on the record and ask you about them,

1 see if they refresh your recollection. Do you see here
2 on the bottom of 47890, Mr. Mahoney states to the Court
3 that, "I'm still waiting for those IAD records. They
4 were subpoenaed. The Court did sign an order, which I
5 did send certified mail to Internal Affairs." Do you
6 see that, sir?

7 A. I do.

8 Q. Do you have any -- does that refresh to your
9 recollection at all of being -- having a court
10 appearance at Ben Baker's criminal proceedings when
11 Mr. Mahoney was informing the Court that he was seeking
12 IAD records on -- regarding Ben Baker's case?

13 A. It -- no, it doesn't.

14 Q. Okay. And then on the next page, there's a
15 section here I've highlighted. Do you see that, sir?

16 A. Yes.

17 Q. And it's you speaking on the record, correct?

18 A. Yes.

19 Q. And it says, "Judge, I've spoken to Internal
20 Affairs Department regarding this file. They're aware
21 of the subpoena and I don't know why someone isn't here
22 to respond to it, either way, to either comply with the
23 subpoena or to say they're not complying with it. I did
24 make calls at the last court date to try and get some
25 response either way and to make sure they're aware of

1 the subpoena. They are aware of it." Do you see that,
2 sir?

3 A. I do.

4 Q. Do you remember telling the Court that?

5 A. I don't remember telling the Court that I'm --
6 I'm -- clearly that's what was said. I'm not contesting
7 the -- the transcript of the court proceeding. I just
8 don't remember stepping up or saying any of that.

9 Q. Sure. And I'm just showing -- I don't mean to
10 suggest that you're taking offense to or contesting the
11 court transcript. I'm just making sure that seeing this
12 on the screen and reading it, none of it refreshes your
13 recollection, okay?

14 A. It does not.

15 Q. Okay. The next passage where you're speaking,
16 you indicate that you talked to Lieutenant Clark from
17 Internal Affairs Division. "I talked to the Internal
18 Affairs officer who is in charge of the investigation.
19 That's who Mr. Mahoney subpoenaed. And so they're aware
20 of the subpoenas." You see that, sir?

21 A. Yes.

22 Q. Does that refresh your recollection at all of
23 being involved in this hearing?

24 A. It does not.

25 Q. Okay. And then on 47892, Mr. Mahoney states,

1 "Judge, could you give the sheriffs permission of
2 Mr. Navarro to speak to my client?" Do you see that?

3 A. Yes.

4 Q. Do you ever recall having spoken to Ben Baker,
5 you know, at a court proceeding or after a court
6 proceeding pursuant to the Court giving you permission?

7 A. No.

8 Q. Okay. Was it unusual for you to speak
9 directly to defendants in cases in which you were
10 representing the State's Attorney's Office?

11 A. Yes.

12 Q. Would've been unusual for a defense attorney
13 to request the judge to allow the sheriff to speak to
14 you -- for you to speak directly to a defendant?

15 A. Yes. I don't know that -- I don't -- I don't
16 know that the -- I don't know why the defense attorney
17 would need the judge's permission for me to speak to his
18 client. All -- all of this is unusual. Yes.

19 Q. Okay. And -- but it doesn't refresh your
20 recollection, correct?

21 A. It does not.

22 Q. Okay. And then there's a reference, and it's
23 not highlighted, but in the next passage there by
24 Mr. Mahoney, he states that he's talking about the
25 original subpoena was dated September 28th, "Deputy

1 Debra Kirby, that's who I would ask to speak to." Do
2 you see that?

3 A. Yes.

4 Q. Does that refresh your recollection at all,
5 participation in this hearing?

6 A. No.

7 Q. Okay. Would -- do you have any recollection
8 of -- would Debra Kirby be the person to send the
9 subpoena to if you were seeking IAD records back in
10 2005?

11 MR. OBERTS: Foundation.

12 A. I don't remember what -- I don't have an
13 independent memory of where Debra Kirby was, but at some
14 point, Debra Kirby was the deputy superintendent in
15 charge of the Internal Affairs Division. Likely that
16 was in 2005. And if I was making that reference, I was
17 making reference -- any -- or reference was being made
18 to her being basically the -- the head of that division.

19 BY MR. STARR:

20 Q. Okay. Do you have any knowledge of -- as to
21 whether or not Mr. Mahoney ever received those IAD
22 records?

23 MS. MORRISON: Object to foundation.

24 MR. OBERTS: Object to speculation.

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

1 BY MR. STARR:

2 Q. And were you still actively investigating
3 Sergeant Ronald Watts on October 31, 2005?

4 MR. OBERTS: Objection. Vague regarding him --
5 the deponent actively taking -- investigating, but
6 go ahead.

7 A. There was an open investigation at that time,
8 yes.

9 BY MR. STARR:

10 Q. Okay. Anything about that transcript refresh
11 your recollection any further than what you've already
12 testified to today, sir?

13 A. No.

14 Q. Okay. So I want to show you -- and this is a
15 little labor-intensive, but I want to show you -- I
16 believe I asked you earlier, sir, whether or not you had
17 ever seen Ben Baker's affidavit. Is -- and I believe
18 you said you had not; is that correct?

19 A. Correct.

20 Q. All right. I'm going to mark what's -- I'm
21 going to mark it Exhibit number 10. The Bates of this
22 are PL JOINT 4020 through 4024. And I'm going to put
23 this up on the screen for you, sir. I'm going to ask
24 that you read this. Let me know -- first of all, can
25 you see the document on your screen?

(EXHIBIT 10 MARKED FOR IDENTIFICATION)

A. Yes.

BY MR. STARR:

**Q. All right. And do you see that it's labeled
Affidavit of Ben Baker?**

A. Yes.

**Q. And do you see that it has a PL JOINT 4020
stamp?**

A. Correct.

**Q. And that the last page of this document is PL
4024?**

A. Yes.

**Q. Okay. And that it's notarized and dated
February 4th of 2016?**

A. Yes.

**Q. And then it appears to be Ben Baker's
signature at the end of it. Do you see that?**

A. Yes.

MR. GAINER: Objection. Foundation.

BY MR. STARR:

**Q. Okay. I'm going to ask that you read this
document, sir. Let me know when to scroll down. And I
just have one or two questions about it.**

A. Yes. Or you can continue down. Okay. Yes.
Yes. Yes. Okay. Yes. Yes.

1 Q. Okay. Were you able to read that in its
2 entirety, sir?

3 A. I was.

4 Q. Anything in this affidavit refresh your
5 recollection about anything you learned during the
6 investigation that you have not already testified to?

7 A. No.

8 Q. Okay. So starting at paragraph one through
9 paragraph six, the information is about information that
10 -- things that happened to Mr. Baker in 2005, correct?

11 MR. OBERTS: Objection. Foundation.
12 Speculation.

13 MR. STARR: I'm sorry.

14 MR. GAINER: Object to foundation.

15 BY MR. STARR:

16 Q. Yeah. Let me just re-ask it. You reviewed
17 paragraphs one through six, correct, sir?

18 A. I did.

19 Q. And the information that is presented in
20 paragraphs one through six is information that Mr. Baker
21 alleges happened in 2004 and 2005, correct?

22 MR. GAINER: Objection to foundation.

23 A. Yes.

24 BY MR. STARR:

25 Q. Okay. So that's information that Mr. Baker

1 **potentially could have presented to you when he met with**
2 **you in 2005, correct?**

3 MR. GAINER: Objection. Foundation. Calls for
4 speculation.

5 MR. OBERTS: Objection. Speculation.
6 Foundation.

7 THE REPORTER: I'm sorry. Can you repeat those
8 objections?

9 MR. OBERTS: Objection. Speculation and
10 foundation.

11 MR. GAINER: I said the exact same thing,
12 Sydney. This is Brian Gainer.

13 A. Yes. That -- yes. That could have been the -
14 - the things that he was telling me. Yes.

15 BY MR. STARR:

16 **Q. Is the information presented in this affidavit**
17 **in paragraphs one through six substantively the same as**
18 **what Mr. Baker told you when he met with you and**
19 **Mr. Mahoney and Clarissa Glenn in 2005?**

20 MR. OBERTS: Objection. Speculation and
21 foundation.

22 MR. GAINER: And form.

23 A. I -- I believe it to be consistent.

24 BY MR. STARR:

25 **Q. Okay. And then draw your attention to one**

1 more thing here. Do you see paragraph 11 here where it
2 says, "Upon information and belief, Sergeant Watts and
3 other members of his team learned about Clarissa and my
4 attempts to expose their criminal conduct"?

5 A. Yes.

6 Q. Did you ever hear from anyone that Sergeant
7 Watts had been tipped off about the investigation into
8 his misconduct?

9 A. No.

10 Q. Do you have -- I assume the answer is no, but
11 do you have any idea who tipped off Sergeant Watts about
12 the investigation into his misconduct?

13 MR. GAINER: Objection. Form. Foundation.

14 MR. OBERTS: Objection. Foundation.

15 Speculation.

16 MR. GAINER: Sorry. Form. Foundation. It
17 assumes facts not in evidence. Go ahead.

18 A. I -- I do not. I have no idea who would've --
19 who or if that -- that happened.

20 BY MR. STARR:

21 Q. If somebody, who was investigating allegations
22 of misconduct against Sergeant Watts and his team,
23 communicated that information to Sergeant Watts or
24 members of his team, would that compromise the
25 investigation?

1 MR. OBERTS: Objection. Speculation.

2 MS. MORRISON: Join.

3 A. Yes, that would.

4 BY MR. STARR:

5 Q. Okay. I just have a couple more questions
6 here and then I'll be done, sir. Are you familiar with
7 an FBI agent by the name of Julie Anderson?

8 A. No, I'm not.

9 Q. Are you familiar with an FBI agent by the name
10 of [REDACTED]?

11 A. No, I am not.

12 Q. Other than your meeting with the FBI that you
13 previously testified to back in 2018, did anyone from
14 the FBI ever reach out to you about your investigation
15 of Sergeant Watts?

16 A. No, I don't -- I -- I don't remember anyone --
17 speaking to anyone from the FBI. No.

18 Q. Were you ever, at any point in time, made
19 aware of an incident where Sergeant Watts was alleged to
20 have been caught with a large amount of cash in a
21 shoebox in a closet?

22 MR. GAINER: Object to form. Foundation. Go
23 ahead.

24 A. I don't recall that.

25 BY MR. STARR:

1 Q. Were you ever made aware of any incidents
2 involving Sergeant Watts and allegations of domestic
3 abuse against a female significant other?

4 MR. GAINER: Same objection. Go ahead.

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

6 BY MR. STARR:

7 Q. Were you ever made aware of the names of any
8 of the other civilians who had made allegations about
9 Sergeant Watts and his team framing innocent people at
10 Ida B. Wells by attributing drugs to them?

11 MR. OBERTS: Objection. Vague. Foundation.

12 MR. GAINER: Asked and answered. Go ahead.

13 A. I don't recall names of other individuals. But
14 if I was -- or Mahoney presented or provided other
15 reports, those would've had names on them.

16 BY MR. STARR:

17 Q. Okay. And you think that that was that packet
18 of information that he had sent to John Mahoney,
19 correct?

20 A. Correct.

21 Q. Okay. Were you ever made aware of any other
22 specific allegations about Sergeant Watts and his team
23 extorting or shaking down people at Ida B. Wells for
24 drugs?

25 MR. GAINER: Asked and answered.

A. Not beyond what I've already testified to.

BY MR. STARR:

Q. So I asked about allegations of Sergeant Watts being -- extorting people for drugs, for money. What about allegations of Sergeant Watts or his team extorting people for guns?

MR. OBERTS: Objection. Form.

BY MR. STARR:

Q. Have you ever made aware of those allegations?

MR. OBERTS: Objection. Form and foundation.

Go ahead.

A. I don't recall those allegations.

BY MR. STARR:

Q. Were you ever made aware of any other allegations about Sergeant Watts and his team extorting people or shaking down people at Ida B. Wells for information?

MR. GAINER: Object to form.

A. No. I don't recall that information. Whatever that information is, I don't recall that type of allegation.

BY MR. STARR:

Q. Were you ever made aware of any other allegations about Sergeant Watts having anyone shot at besides [REDACTED]

1 MR. GAINER: Objection. Form.

2 MR. OBERTS: Objection. Assumes facts not in
3 evidence and foundation.

4 A. I don't remember the allegation of Watts
5 shooting at anybody, including [REDACTED]

6 BY MR. STARR:

7 **Q. Were you ever made of any other allegations**
8 **about Sergeant Watts having anyone killed?**

9 A. No.

10 **Q. You took the investigation of Ben Baker and**
11 **Clarissa Glenn's allegations very seriously, correct,**
12 **sir?**

13 A. I --

14 MR. GAINER: Objection. Asked and answered.

15 A. I treated it like I treated any case that I
16 handled, which is to say I treated it seriously.

17 BY MR. STARR:

18 **Q. And you did what you could to corroborate**
19 **their claims against Sergeant Watts and his team,**
20 **correct?**

21 MR. OBERTS: Objection. Vague.

22 MR. STEFANICH: Objection. Form.

23 A. I did.

24 BY MR. STARR:

25 **Q. And during your investigation of Baker and**

1 Glenn's allegations, you shared or turned over any
2 information or evidence that you uncovered to
3 representatives of IAD and the Chicago Police
4 Department, correct?

5 A. I -- yes. I believe I would've shared --
6 right. They -- they would've shared what they had to me
7 and I would've shared anything I got with them. They're
8 the investigators.

9 Q. And that's your expectation, that they
10 would've shared any information they had with you as
11 well, correct?

12 A. Correct.

13 MR. GAINER: Asked and answered.

14 BY MR. STARR:

15 Q. Did you hide anything that you learned during
16 investigation of Ronald Watts from the Chicago Police
17 Department?

18 A. No.

19 Q. And you expected the Chicago Police Department
20 to take the allegations that were made by Ben Baker and
21 Clarissa Glenn seriously as you did, correct?

22 MR. OBERTS: Objection. Speculation to the
23 extent he had an expectation. Go ahead.

24 A. Yes.

25 BY MR. STARR:

1 **Q. And you expected the Chicago Police Department**
2 **to vigorously investigate the allegations that Sergeant**
3 **Watts and members of his team were framing and extorting**
4 **people at Ida B. Wells, correct?**

5 MS. MORRISON: Object to form.

6 MR. OBERTS: Objection. Speculation and
7 foundation. Speaks that he had an expectation.

8 A. I don't know about vigorous. I would expect
9 them to investigate it like they would investigate any
10 case that they had. Thoroughly, completely.

11 MR. STARR: Okay. I want to take a
12 five-minute break. I think that's all my questions.

13 MR. OBERTS: And just during this five minute
14 break, Ms. Court Reporter, can you just state where
15 we are?

16 THE REPORTER: I can. One moment. We're off
17 the record. The time is 4:54 p.m. Central.

18 (OFF THE RECORD)

19 THE REPORTER: We are back on the record for
20 the deposition of Mr. David Navarro being conducted
21 by videoconference. My name is Sydney Little.

22 Today is July 18, 2023, and the time is 4:59 p.m.

23 Central.

24 BY MR. STARR:

25 **Q. Mr. Navarro, I just have a few more questions.**

1 Do you -- are you familiar with a state's attorney by
2 the name of Jeff Pabacus (phonetic) or Pabacus?

3 A. I'm not.

4 Q. Okay. At your meeting at the FBI
5 headquarters, was anybody from the Cook County State's
6 Attorney's Office present besides, and I know you don't
7 work there any longer, but -- strike that. At your
8 meeting at the FBI headquarters that we previously
9 talked about, was anybody from the Cook County State's
10 Attorney's Office present?

11 A. I don't think so.

12 Q. Okay. Does -- do you know anyone by the name
13 of Kurt Harrelson?

14 A. I do not.

15 Q. Do you know if anyone named Kurt Harrelson was
16 present at the FBI meeting?

17 MR. OBERTS: Objection. Foundation.

18 A. Is -- is that supposed to be a State's
19 Attorney or I don't know.

20 BY MR. STARR:

21 Q. I don't know, sir. I'm just wondering if you
22 remember anyone by the name of Kurt Harrelson being
23 present at that meeting?

24 A. I -- I don't remember the names of anybody
25 present at the meeting. So Kurt Harrelson could have

1 been there. I don't know.

2 **Q. That name doesn't ring any bells though,**
3 **correct?**

4 A. It does not.

5 **Q. How about the name Janaya or Janaya (phonetic)**
6 **Sears? Does that ring any bells?**

7 A. It does not.

8 MR. STARR: Okay. I believe that's all the
9 questions I have. Thank you for your time today. I
10 appreciate it, sir.

11 THE WITNESS: Thank you.

12 MR. STEFANICH: I can be next to go.

13 CROSS-EXAMINATION

14 BY MR. STEFANICH:

15 **Q. Judge Navarro, my name is Brian Stefanich. I**
16 **represent the police officers apart from Watts,**
17 **Mohammed, Spaargaren, and Cadman. Have a couple of**
18 **follow-up questions, so I'm going to be jumping around a**
19 **little bit here. Want to start though with Matt**
20 **Mahoney. Prior to the Baker-Glenn case, did Mr. Mahoney**
21 **ever bring you any other cases or investigations while**
22 **you were in Public Integrity?**

23 MR. OBERTS: Objection to the extent it assumes
24 Mr. Mahoney brought this deponent in any case, but
25 to -- aside from that, please proceed.

1 A. I don't remember getting any other referrals
2 from Matt Mahoney, no.

3 BY MR. STEFANICH:

4 Q. And you looked at the COPA report of your
5 interview, and in that COPA report, COPA is at least
6 representing that you -- that Mr. Mahoney vouched for
7 Baker and Glenn. Do you recall saying that in your
8 interview at the FBI headquarters?

9 A. Yes. I -- I think he -- he said something
10 akin to that in his letter to John Mahoney and I think
11 he likely said something like that to me, yes.

12 Q. And did that play a role in your assessment of
13 Baker and Glenn's credibility?

14 MR. OBERTS: Going to object to the extent it
15 would call for his personal beliefs, impression,
16 work product. But go ahead.

17 MR. STARR: And foundation.

18 MR. FANGMAN: Objection. Calls for
19 deliberative process privilege. I would ask Mr.
20 Navarro not to answer the question.

21 BY MR. STEFANICH:

22 Q. Are you going to take --

23 A. On -- on the --

24 Q. Forget the word we used for when Mr. Fangman
25 objects.

A. On the instruction of direction?

Q. Yeah, direction of the State's Attorney's Office?

A. On the direction of the State's Attorney's, I am not going to answer that question.

Q. When you were being interviewed at the FBI headquarters, did you have anybody from the State's Attorney's Office directing you not to answer based on deliberative process?

A. No.

MR. STEFANICH: Okay. Sean, could we pull up the -- could you pull up for me or screen share for me the COPA report?

MR. STARR: The COPA report of the interview?

MR. STEFANICH: Yes, please.

MR. STARR: Yeah, give me a moment here. All right, Brian, I closed it out. One second. Here we go.

MR. STEFANICH: Okay.

MR. STARR: There you go.

MR. STEFANICH: Okay. Sorry, Sean, maybe I should have just done this, but could you scroll down to the section about him vouching? Keep on going. Yeah, stop right there.

MR. STARR: Okay.

1 BY MR. STEFANICH:

2 Q. So do you see the paragraph that says, "Judge
3 Navarro found Baker and Glenn credible because Baker
4 admitted that he was a bad guy who was involved in the
5 drug trade, but Baker denied doing what Watts had
6 accused him of doing"? And then the last sentence --

7 A. I see that there.

8 Q. The last sentence of the paragraph states,
9 "Navarro also trusted Mahoney, and Mahoney was vouching
10 for Baker and Glenn."

11 A. Yes --

12 Q. My --

13 A. I see that sentence.

14 Q. Okay. So my question is, the part where
15 Mahoney is vouching for Baker and Glenn, when you told
16 COPA that, was that part of the conversation when you
17 were talking about Baker and Glenn's credibility?

18 MR. GAINER: Objection to form.

19 MR. OBERTS: Objection. Foundation and
20 speculation.

21 A. It -- I don't remember what I was -- what I
22 was basing my assessment on specifically, but that could
23 be part of it, yes.

24 BY MR. STEFANICH:

25 Q. Why would it matter if Matt Mahoney was

1 **vouching for Baker and Glenn?**

2 MR. STARR: Objection to form.

3 MR. OBERTS: Objection for the work product. I
4 wouldn't -- I instruct him not to discuss his
5 beliefs, impression, or work product.

6 MR. STARR: Objection to form from Plaintiff.

7 MR. OBERTS: Object to the extent it talks
8 about your impression, beliefs, what have you,
9 because the answer is -- the question is why.
10 Instruct you not to answer. If you can answer
11 without doing so, then please do so.

12 A. I -- I don't know that I can answer without --
13 I -- I -- I don't -- I'm not able to answer that
14 question based on the advice of my attorney.

15 BY MR. STEFANICH:

16 **Q. Okay. Understood. The target of the**
17 **investigation that you were involved in was Ronald**
18 **Watts, correct?**

19 A. Correct.

20 **Q. The target wasn't anybody else on the tactical**
21 **team that he was a sergeant of, correct?**

22 A. Well, the initial target was Ronald Watts. If
23 the Chicago Police developed leads that led to other
24 individuals, then certainly that would go to wherever
25 else -- the investigation would go wherever else it led.

1 **Q. When you were involved, it was -- the target**
2 **was only Watts, though, correct?**

3 A. Well, so what I brought to -- what -- what I
4 brought to Chicago was the allegations against Watts,
5 yeah, against Ronald Watts. It -- it would appear from
6 looking at things being shown to me that Chicago knew
7 about other officers, that Chicago -- if Chicago brought
8 me information about other officers, I certainly would
9 act -- would have acted on those other officers.

10 MR. STEFANICH: Sean, could you stop the share?

11 MR. STARR: Yeah.

12 MR. STEFANICH: I think I'll try it and see if
13 it works for me.

14 MR. STARR: Cool, cool.

15 BY MR. STEFANICH:

16 **Q. All right. Judge, can you see the CL Report**
17 **that we --**

18 A. What I -- what I'm looking at is a list of
19 PDFs --

20 **Q. PDFs, okay.**

21 A. -- starting with Holliday memo. Right now
22 you've highlighted Navarro Report.

23 MR. OBERTS: It's your Navarro Exhibit folder
24 that's up, not the --

25 MR. STEFANICH: Yeah, okay. Let me try that

again.

MR. OBERTS: What kind of pictures do you have?

MR. STEFANICH: This is why I have Sean do all my screen share.

MR. STARR: Yeah, I'm great at it.

BY MR. STEFANICH:

Q. Okay. How about now?

A. I see a CL Report.

Q. Oh, okay. So this is the CL Report that we looked at earlier when Mr. Starr was asking you some questions, and I want to just draw your attention to the last sentence in the one, two, third paragraph where you write, "Witness 1 is credible and corroborates Victim 1's allegations to a large extent." Do you see that?

A. I do.

Q. And Witness 1 was Ms. Glenn; is that correct?

A. That's what it looks like, yes, Clarissa Glenn.

Q. All right. And in this report, you do not write that Mr. Baker is credible; is that correct?

A. That --

MR. OBERTS: Objection. Form. But --

A. That's -- no, I don't write that.

MR. OBERTS: That is correct that you do not write that?

1 A. That -- that's correct. I didn't write that.

2 BY MR. STEFANICH:

3 Q. You talked before at the beginning of your
4 deposition about a one-page handwritten note that was on
5 the table next to -- table by you. Do you recall that?

6 A. Yes.

7 Q. Do you have that handy? Do you have that
8 still next to you?

9 A. Yes.

10 Q. Okay. So this is a handwritten note, it's
11 Bates stamped DO JOINT 46257; is that correct?

12 A. Yes.

13 Q. Okay. So I guess my first question is --

14 MR. OBERTS: DO JOINT 046257?

15 THE WITNESS: DO JOINT 046257.

16 BY MR. STEFANICH:

17 Q. Correct.

18 A. I'm -- I'm -- I'm holding it up. I'm showing
19 it to my lawyer.

20 Q. Okay. I can try to screen share that I guess.

21 A. It doesn't -- this -- I think because of the
22 way the sun is shining doesn't work well me sharing it.
23 There, yes.

24 Q. Okay. Is this your handwriting?

25 A. I -- yes, I think that is my handwriting.

1 Q. Okay. You read this before your deposition;
2 is that correct?

3 A. Yes.

4 Q. Do you know what these notes are of?

5 A. I don't.

6 Q. Okay. And could you just read, I guess, your
7 handwriting?

8 A. The poor handwriting? Is that what you're
9 asking?

10 Q. Yeah. Yes. From -- it looks like it's
11 unsustained and then down.

12 A. Well, okay. So do you -- you had like the
13 arrow over the word in kind of the middle. I -- I'm
14 going to move my arrow, but it doesn't matter what my --
15 what my mouse says. Yes, that -- where you have the
16 mouse, it says that looks like to say unsustained and
17 right under that unfounded.

18 Q. And then under that is what?

19 A. That looks to say, "No allegation similar to
20 our CL," and the CL in a box.

21 Q. Does CL in a box indicate anything to you?

22 A. It doesn't.

23 Q. What about this entry?

24 MR. OBERTS: Object to form.

25 A. Now it says, where you have the highlight or

1 the -- the mouse next to the words "2002-not sustained,"
2 under that looks to say, "Echoes shaken down for guns."
3 BY MR. STEFANICH:

4 **Q. Having reviewed this document, does this**
5 **document indicate to you that you were writing these**
6 **notes while looking at CR's Complaint Registers?**

7 MR. STARR: Objection. Form. Foundation.
8 Calls for --

9 MR. OBERTS: Same objection. Foundation.

10 MR. STARR: Sorry. Go ahead. Go ahead, Bill.
11 I'll get mine afterwards.

12 MR. OBERTS: Objection. Speculation.
13 Foundation. Go ahead.

14 MR. STARR: Same objection.

15 MR. OBERTS: Sean, do you have anything?

16 MR. STARR: Same objection. Just add the form
17 to that.

18 A. It doesn't -- it doesn't refresh my memory as
19 in anything. I don't know what the -- what -- what I --
20 what I was writing down here and what -- what any of
21 these notes were about.

22 BY MR. STEFANICH:

23 **Q. Do you even know if it was about the**
24 **Baker-Glenn allegations?**

25 A. No, I don't.

1 **Q. Okay.**

2 MR. OBERTS: Just quickly, Brian.

3 MR. STEFANICH: Uh-huh?

4 MR. OBERTS: Did you want to mark that as an
5 exhibit or just reference it?

6 MR. STEFANICH: Yeah, I'll mark it as an
7 exhibit, so we can mark that as Exhibit 11. Thanks.

8 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

9 THE WITNESS: I'm -- I'm just asking my
10 attorney, Bill, could you turn the blinds? Just
11 because it's like -- the way the sun is coming in
12 right now, it -- it's like really -- it's sneaking
13 past and making me look like a halo or something.
14 BY MR. STEFANICH:

15 **Q. I'm going to show you the -- I'll screen share**
16 **with you, Judge, the arrest report of [REDACTED],**
17 **and just have a couple of questions on that.**

18 THE WITNESS: That's better. Thank you.

19 MR. OBERTS: Just so there's no twisting. And
20 just hold on one second, if you'd like --

21 THE WITNESS: Yep.

22 MR. OBERTS: You could move over more to behind
23 here, so it's not --

24 THE WITNESS: I'm sorry, just it's --

25 MR. STEFANICH: No, no, no.

THE WITNESS: I get -- I get the -- this -- the evening sun is shining in. It's just kind of reflecting in on -- I apologize. Okay. Thanks, Bill. Sorry to get distracted there.

MR. STEFANICH: No, no worries. So we'll mark this as Exhibit 12. It's the arrest -- it's an arrest report of [REDACTED]

(EXHIBIT 12 MARKED FOR IDENTIFICATION)

BY MR. STEFANICH:

Q. I want to call your attention to the bottom of the page where it says, "Print generated by David Navarro." And then there's a bunch of -- it looks like L and then some numbers and letters. Do you see that?

A. I do.

Q. Does that indicate to you that you were able to -- that you were the one that pulled or printed Arthur -- this arrest report by [REDACTED]

A. It -- it seems to say to me either that I -- that I printed it or that I requested it to be printed, yes.

Q. Okay. Having looked at this Arrest Report prior to the deposition, did that refresh your recollection at all about who [REDACTED] was?

A. No.

Q. Did it refresh your recollection about any

1 role that [REDACTED] may have played in the
2 investigation into Sergeant Watts?

3 A. It did not.

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

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

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

12 MR. OBERTS: Is this Matt or John?

13 BY MR. STEFANICH:

14 Q. Sorry, Matt.

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

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

21 A. That's correct.

22 MR. STARR: Object to form, foundation.

23 BY MR. STEFANICH:

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

1 MR. STARR: Form. Foundation.

2 A. I think in some fashion, yes.

3 BY MR. STEFANICH:

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

7 MR. STARR: Form. Foundation.

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

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

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

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

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

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

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

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

25 THE WITNESS: And so --

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

BY MR. STEFANICH:

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

MR. STARR: Form. Foundation.

MR. OBERTS: Foundation. But go ahead.

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

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

MR. STEFANICH: Sure.

BY MR. STEFANICH:

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

A. I -- I did not.

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

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

1 Q. Okay. And the reason that you found Clarissa
2 Glenn credible -- strike that. You told COPA that the
3 reason you found Clarissa Glenn credible was because she
4 was aware of Baker's drug dealing, correct?

5 MR. STARR: Form. Foundation.

6 A. Yes. I believe that's what -- what is in the
7 report. Yes, that I said that, yes.

8 BY MR. STEFANICH:

9 Q. Why did you think that made Clarissa Glenn
10 credible?

11 MR. OBERTS: That's -- objection. Work
12 product. Asking for his mental impressions I
13 believe and would instruct him not to answer.

14 BY MR. STEFANICH:

15 Q. Will you take your attorney's advice and not
16 answer that question?

17 A. Yes. Mr. Stefanich, on -- on -- on the advice
18 of my attorney, I'm refusing to answer that question.

19 Q. So I -- I'm going to ask some questions, I
20 think we're going to get objections and instructions not
21 to answer, but I want to make the record -- I want to
22 make my record. Did you find -- which part of -- what
23 part of Mr. Baker's story did you find credible?

24 MR. OBERTS: Objection to the extent it
25 mischaracterizes his testimony and objection

1 regarding work product. And I'd instruct him not to
2 answer.

3 MR. STARR: I'll join the first part of that
4 objection.

5 BY MR. STEFANICH:

6 **Q. Are you going to follow --**

7 A. I'm going to -- I'm going to adhere to my
8 attorney's direction, instruction, advice, counsel, and
9 not answer that question.

10 **Q. Did you find Mr. Baker's allegation that he**
11 **was falsely arrested credible?**

12 MR. OBERTS: Objection, as it seeks his mental
13 impressions or beliefs, seeking work product, and
14 ask - - instruct him not to answer.

15 A. On the advice of my attorney, I'm refusing to
16 answer that question.

17 **Q. Do you have any -- I'll -- let me show you**
18 **another document. We'll mark this as Exhibit number 13.**
19 **Judge, this is -- I can scroll up. This is a document**
20 **that is the blueback of Baker's March 23, 2005, arrest.**
21 **It's Bates stamped Baker-Glenn 10666 through -- can't**
22 **actually see that, through Baker-Glenn 10679. I want to**
23 **draw your attention to one entry.**

24 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

25 MR. OBERTS: You said 10666 to 10?

MR. STEFANICH: Let me scroll down.

MR. STARR: 679.

MR. OBERTS: 679. Thank you.

BY MR. STEFANICH:

Q. I want to draw your attention to the entry with the date 4-24-06 by it. Do you see that entry?

A. I do.

Q. Are the -- handwriting next to that entry, is that your handwriting?

A. It is not. I'm -- I'm looking at this for the first time.

Q. Okay. Do you know ASA Nazarian?

A. I -- I think it's ASA Nazarian.

Q. Okay. Do you know -- you obviously know who that is?

A. I -- I know who she is, yes.

Q. Was she an ASA assigned to Judge Toomin's courtroom in 2006?

A. She must have been, and I don't remember her being assigned there or -- or I don't remember talking to her, but if this is the blueback for a case in front of Toomin, yes, she would have been assigned there.

Q. I want to just read this for you and ask if it refreshes your recollection on anything. "Per Navarro, it's okay for Judge to distribute IAD records to parties

1 and it's okay to proceed with trials. There are no
2 surprises in records per Navarro, i.e., defense attorney
3 already knows the contents." Do you see that?

4 A. I do.

5 Q. I want to ask about the phrase, "It's okay to
6 proceed with trials." Do you recall telling that ASA it
7 was okay to proceed with the trial against Baker and
8 Glenn?

9 MR. FANGMAN: Objection, deliberative process
10 privilege. This is the same issue that we talked
11 about many hours ago. There is no CCSAO's Bates
12 stamp on this, and this normally would be
13 deliberative process privilege. I don't know where
14 this record came from or whether anyone believes
15 that it was voluntarily produced by the State's
16 Attorney's Office and a waiver of privilege. So I
17 don't know, Brian, if you want to address that.

18 MR. STEFANICH: Yeah, so I don't have a -- my
19 memory isn't as good as it was a few hours ago, so I
20 don't have a specific memory. It's -- so I don't
21 have a specific memory. It seems like the Bates
22 stamps are close to each other to where the previous
23 one we talked about was, I think that was in the
24 9,000s. But I don't have a -- that's all I can
25 really say at this point.

MR. FANGMAN: The phrase that you read in your question, "It's okay to proceed with trials," is the only part of that entry that our office would normally object to for deliberative process privilege. And I guess --

MR. STEFANICH: That's the only part I want to ask him about, so --

A. Well, can I -- I'll -- I'll say this. I don't remember this conversation. I don't remember ever saying anything like it's okay to proceed to trials. I -- I -- I don't remember saying anything like that. I -- I'm not saying that I didn't have a conversation with the ASA. I just don't remember this conversation at all.

BY MR. STEFANICH:

Q. Okay. I'm going to show you the COPA report one more time, and I just have a couple questions on that. I want to draw your attention to the first page, this last paragraph, where in the COPA report it states, "Judge Navarro wanted to arrange an overhear, to catch Watts making incriminating statements, but Navarro's investigation never reached the stage where he had evidence to even attempt setting up the overhear." Do you see that?

A. I do. Is there any way that you could make

1 that just a little larger on the screen?

2 Q. Yes.

3 A. Thank you.

4 Q. Yes.

5 A. Thank you.

6 Q. Yes.

7 A. Yes, I -- I see that.

8 Q. My question is, is that in reference to the
9 same predicate conversation that you had mentioned
10 before, or is this something else?

11 A. No, this would be reference to the same
12 predicate and an overhear or a COH. I think in
13 different times, it's referred to as a wire. It's a --
14 that's a consensual overhear.

15 Q. Okay. And then I know you talked before about
16 Baker's lieutenant, you weren't sure if you had used
17 that phrase, but do you remember any of Baker's
18 associates that you might have been able to use, the
19 names of any of those individuals?

20 A. I don't -- I don't know. I don't remember, or
21 didn't know. I don't know if I knew the names of any of
22 the other associates.

23 MR. STEFANICH: All right. Okay. That's all
24 the questions I have, Judge. Thanks.

25 MR. OBERTS: Sydney, could you give us a quick

1 time check?

2 MR. PALLES: Unless somebody else -- Katherine
3 or --

4 THE REPORTER: Yeah, we're at six hours and 16
5 minutes.

6 MR. OBERTS: Okay.

7 MR. PALLES: I've only got a few minutes, but
8 I'll proceed, if there's no objection.

9 EXAMINATION

10 BY MR. PALLES:

11 Q. We were just talking about that paragraph, Mr.
12 Navarro, about the -- about the consensual overhears.
13 And I believe earlier in the deposition, you thought,
14 you know, that characterizing that whole project there
15 as Navarro's plan, was giving a little bit more -- well,
16 it was not exactly accurate. Do you remember that?

17 A. Yes.

18 Q. Okay. Now in -- on the other hand, as we've
19 looked through the COPA report, would you agree that,
20 notwithstanding certain narrative spin, the report's a
21 fairly accurate description of your conversation? The
22 best you could remember?

23 MR. STARR: Object to form and foundation.

24 MR. OBERTS: And objection. Overbroad and
25 vague, to the extent that he went through it, and

1 it's very -- so objection. Overbroad and vague.

2 A. I think I -- I think when -- when I went
3 through it, upon questions from Mr. Starr, I -- I
4 indicated the parts that I -- that I thought were
5 accurate, and parts that I --

6 BY MR. PALLES:

7 Q. Okay.

8 A. -- did not.

9 Q. Okay. Do you remember we looked at those IAP
10 notes, on the -- at the bottom of the CL report, in the
11 smaller type. Do you remember that?

12 A. IAP notes, yes.

13 Q. Okay.

14 A. P, as in Paul? Yes.

15 Q. Yeah, okay. Now it occurred to me, it doesn't
16 -- it -- whether or not it makes sense, that the IAP
17 stands for investigative action plan. Does that refresh
18 your memory?

19 A. That's possible. That's possible.

20 Q. And then was it something that the COPA people
21 may have interpreted as part of your action plan,
22 correct?

23 MR. OBERTS: Objection. Speculation.

24 BY MR. PALLES:

25 Q. Would it be a reasonable inference?

1 A. Well, I -- I don't know. I -- we weren't
2 referencing any specific documents when -- because I
3 remember when we were having that conversation, that
4 meeting.

5 **Q. Okay. And if you look at the IAP notes, it**
6 **appears that you only suggested that upon further**
7 **investigation by CPD, some sort of attempt to record or**
8 **videotape might be appropriate; is that correct?**

9 MR. OBERTS: Form and foundation.

10 BY MR. PALLES:

11 **Q. Am I -- have I accurately stated that?**

12 MR. OBERTS: He doesn't have the document in
13 front of him.

14 MR. PALLES: Oh, I'm sorry, I thought they had
15 --

16 MR. OBERTS: Or he does have it -- I have a
17 paper copy, if you'd like him to reference. If you
18 don't --

19 MR. PALLES: Yeah, if you'd -- I thought that's
20 why I --

21 MR. OBERTS: Of course you can put it on the
22 screen, but I can certainly pull it for him.

23 MR. PALLES: Yeah, I thought he -- I thought he
24 had it right in front of you, but you know what? I'm
25 going to withdraw the question.

1 BY MR. PALLES:

2 Q. Let's go back to your first meetings with Ben
3 Baker, and Clarissa Glenn, Matt Mahoney, and Ann Dalore
4 (phonetic), the Chicago Police officers. Do you recall
5 any discussion about a drug dealer named Big Shorty?

6 A. So if you're asking -- well, I'll say this, I
7 don't recall any conversation about Big Shorty, whether
8 it was the first meeting without Chicago or subsequent
9 meetings with Chicago. I don't remember the --

10 Q. Right.

11 A. I don't remember the name Big Shorty.

12 MR. PALLES: Okay. And now again -- you know,
13 maybe it -- Bill, if you have that CL report and
14 close by, just handy for a --

15 MR. OBERTS: All right. Hold on one second. So
16 I'm tendering the witness Baker Glenn 009959 to
17 009960?

18 MR. PALLES: Yeah, that sounds right.

19 THE WITNESS: Okay.

20 MR. PALLES: That's it, thank you.

21 THE WITNESS: Okay.

22 BY MR. PALLES:

23 Q. Okay. Yeah. No. All right. So there's a
24 reference there to -- obviously, Victim 1 is Ben Baker,
25 the other victims, I just want to clarify, is it your

1 interpretation today that those other victims are the
2 other case reports that Matt Mahoney had presented to
3 John Mahoney?

4 A. When -- when you say --

5 MR. OBERTS: That's what paragraph again?

6 A. I apologize, I'm stuck on my attorney. What -
7 - what -- I -- I don't know where -- which specific are
8 you referring to?

9 BY MR. PALLES:

10 Q. So I'm going to have to get it up, hold on and
11 let's see. All right. It's the -- it's on the last
12 narrative paragraph, "Victim 1 claims that are several
13 other individuals who have been similarly victimized by
14 the target." Okay. "Several of these have filed --
15 have lodged formal complaints with OPS." Okay?

16 A. Yes.

17 Q. Okay. Now, do you have an understanding
18 whether or not those individuals -- who those
19 individuals were that he was talking about?

20 A. I don't remember who those individuals were,
21 whether those were Mahoney's -- Matt Mahoney's clients,
22 or other -- other case reports that he had forwarded to
23 John Mahoney, that could have been it, or whether Baker
24 was making reference to other individuals. I don't
25 remember.

1 Q. Okay. But at this point in time, it was Baker
2 who was identifying other individuals. You don't
3 remember who those individuals are?

4 A. If -- if he did and if he identified them by
5 name, I certainly don't remember them by name.

6 Q. Okay. All right. What we'll have to do, just
7 a slight memory check. Do you remember any discussions
8 of a guy named Tweak?

9 MR. OBERTS: And this is during this meeting
10 referenced in the CL report?

11 MR. PALLES: Yeah, referenced in your --

12 A. I don't ever remember -- I don't ever remember
13 -- Tweak? No, I don't remember that name --

14 BY MR. PALLES:

15 Q. Okay.

16 A. -- as part of this investigation. Actually, I
17 don't remember it, period.

18 Q. Okay. Now -- and although we quibbled a
19 little bit with the use of the word Baker's lieutenants,
20 did Baker -- well, let me back up a minute. The idea of
21 having consensual recordings, is that something that
22 came up -- who initiated that subject in your initial
23 conversations, if you recall?

24 MR. STARR: Form.

25 MR. OBERTS: Objection. Vague, too.

1 Conversations with whom? Vague and ambiguous.

2 A. Is it -- is it -- your question, like, whether
3 that was on the state police side, or whether that was
4 on the Matt Mahoney/Baker side? Is that the question?

5 BY MR. PALLES:

6 Q. Matt Mahoney, right. The Matt Mahoney -- was
7 it -- well, was it Matt Mahoney who first suggested that
8 his people might be willing to record conversations?

9 A. Well, I don't -- that seems unusual, that an
10 attorney would have made that offer. That seems
11 unusual. I don't -- I don't remember, but I don't
12 remember who brought it up.

13 Q. Okay. Do you recall whether or not Ben Baker
14 ever suggested to you that he would be willing to wear a
15 wire?

16 A. That -- no, I don't recall him saying that
17 ever.

18 Q. And how about Clarissa Glenn?

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

20 Q. Okay. All right. The -- when you met at the
21 FBI building -- let me ask you. We talked about the
22 federal agents. Do you have any recollection as to
23 whether or not those officials included representatives
24 of the Department of Justice's Civil Rights Division?

25 A. I don't -- I don't know.

1 Q. Okay.

2 A. It's -- it's possible, but I don't know.

3 Q. All right. Going back to the COPA statement
4 and your comments about the credibility of the Bakers,
5 what you told them. According to the report, this is a
6 -- one of the reasons that, you know, they were
7 credible, is that Clarissa, you know, was a -- had stuck
8 by this guy, and she herself seemed very credible. Was
9 that accurate about what you told them? Is that accurate
10 and reflect --

11 A. I don't -- I don't remember, or I don't -- I
12 don't understand the question. She had stuff by this
13 guy?

14 Q. Stuck. Stuck by him.

15 A. Oh, stuck, stuck by the guy. Stuck by the
16 guy.

17 Q. Yeah. Yeah.

18 A. If -- if that's what -- if that's what the
19 report said.

20 Q. Okay.

21 A. Yes.

22 Q. All right. Well, you know, I mean when this -
23 - when this subject matter -- well, I start with that.
24 Matt Mahoney's described Clarissa Glenn as a force of
25 nature. Would you agree with that?

MR. STARR: Objection. Form and foundation.
Calls for speculation.

BY MR. PALLES:

Q. Based on your encounters with her.

A. I -- I don't remember. I don't know if I
would -- I don't remember my impression enough to give
that characterization.

**Q. Okay. When you first met the Bakers and
interviewed them, did you interview them separately or
together?**

A. Together.

**Q. Okay. And also in the presence of Matt
Mahoney?**

A. Yes.

MR. OBERTS: Objection. Form.

BY MR. PALLES:

**Q. Okay. And Ben Baker called you at that time,
"Look, I -- I'm a drug dealer, but I wasn't carrying
drugs this particular time." Is that true?**

MR. STARR: Objection. Form and foundation.

A. I -- I don't know if he used those specific
words, but in -- in sum, yes.

BY MR. PALLES:

**Q. Okay. Have you ever heard any criminal
defendants make similar claims?**

MR. STARR: Objection. Form. Foundation.
Similar -- strike that.

A. Yes.

BY MR. PALLES:

Q. Similar claims to, "The police set me up this time, sure. I have a record." You've heard that before, right?

MR. STARR: Form and foundation.

A. Well, I -- I guess it -- it --

MR. OBERTS: Objection. Vague. But go ahead.

A. In my role as a -- in Special Prosecutions, yes.

BY MR. PALLES:

Q. In addition to looking into the disciplinary - Watts' disciplinary history, et cetera, you also -- did you also review Ben Baker's criminal history back in 2005?

MR. STARR: Form. Foundation.

MR. OBERTS: Objection. Compound. Objection, to the extent it mischaracterizes testimony, and foundation.

MR. STARR: I'll join that.

A. Did I --

BY MR. PALLES:

Q. Did you -- I'm sorry. You could answer my

question, if you can. If not, I'll rephrase. Let me rephrase. Were you aware, in 2005, when you first met Baker or shortly thereafter, that he had a criminal history?

A. Yes.

Q. Okay. In fact, he had a substantial criminal record, correct?

MR. STARR: Form and foundation.

A. Yes. He did.

BY MR. PALLES:

Q. Okay. And made no attempt to mitigate his role as a major distributor of drugs at the Ida B. Wells complex, right?

MR. STARR: Form. Foundation.

A. He had a criminal history, and he admitted being involved in narcotic sales.

BY MR. PALLES:

Q. Okay. Did you ever become aware that he was viewed to be a manager of the 527 building -- manager for the Gangster Disciples, by a joint drug taskforce investigation known as Sin City?

MR. STARR: Objection. Form. Foundation.

A. No, I don't remember ever knowing that.

BY MR. PALLES:

Q. Okay. All right. The basis for -- there was

1 a comment in the COPA report, and I have it typed out
2 here, "Navarro believes that Loevy & Loevy and Josh
3 Tepfer prodded the SAO to act later." Now --

4 MR. OBERTS: What paragraph is that?

5 BY MR. PALLES:

6 Q. -- I believe you testified earlier that the --
7 your basis for that was newspaper reports principally.
8 Am I correct?

9 A. Yes.

10 Q. Okay. Did you have any discussions with
11 former associates at the State's Attorney's Office, not
12 the policymakers, about that subject?

13 MR. STARR: Form.

14 MR. OBERTS: And vague.

15 A. Well, I previously testified that after Baker
16 sent a letter to me at the Attorney General's Office,
17 that I forwarded that to the State's Attorney's Office
18 Public Integrity. I don't know if you call those --
19 those assistants policymakers or not. And I -- and I'm
20 not really clear about what that means, policymaker.

21 BY MR. PALLES:

22 Q. I meant not policymakers. In other words, I
23 don't want to know what the top brass -- if you had
24 discussions with the -- with the top brass, I'm not
25 interested right now. I'll -- for purposes of my

1 question, I'm asking you whether you learned from any
2 source, other than newspapers, and specifically any
3 former associates associated with the Cook County
4 State's Attorney's Office, who gave you any additional
5 information concerning the actions of -- the actions in
6 respect to the Bakers?

7 MR. STARR: Objection to form.

8 MR. OBERTS: Objection. Vague.

9 A. I -- I guess I don't -- Mr. Palles, I -- I
10 don't understand your question.

11 BY MR. PALLES:

12 Q. Okay.

13 A. I -- I don't -- if you're asking me did I talk
14 to other state's attorneys about Baker, no, other than
15 the letter that -- that I sent, no.

16 Q. Well, I'm -- you know, I'm really sorry
17 because I must have gone a long way around, but that was
18 the question, and I thank you for the answer. Let me
19 ask you this. Do you still engage with some of your
20 former associates at the State's Attorney's Office?

21 MR. OBERTS: Objection. Vague. Relevance.

22 A. Some. Most -- at this point, most of them
23 have left the office.

24 BY MR. PALLES:

25 Q. Okay. Have you had any discussions with any

1 of them, as to how this complaint by Ben Baker has grown
2 exponentially to federal civil rights' claims brought by
3 in excess of 150 people?

4 MR. STARR: Objection to form.

5 A. No.

6 MR. PALLES: Okay. Those are all the questions
7 I have, and I really do appreciate your time today,
8 sir.

9 MR. OBERTS: Could we just get a time check
10 before Brian?

11 MR. GAINER: Judge, this is Brian Gainer. I --
12 sorry, I didn't hear that, whatever it was.

13 MR. OBERTS: I was saying -- just said that,
14 Sudney, if we could just get a time check before
15 Brian started?

16 THE REPORTER: Sure. We're at six hours and 36
17 -- 27 minutes right now.

18 EXAMINATION

19 BY MR. GAINER:

20 Q. I endeavor to take six minutes of your time,
21 because I think most everything has been covered. We
22 did talk earlier in the deposition about the fact that
23 when Matt Mahoney approached the office and you got
24 involved in this investigation, that Ben Baker had a
25 criminal case pending, and that was the impetus for Matt

1 Mahoney approaching John Mahoney, and then you getting
2 assigned to this investigation; is that correct?

3 MR. STARR: Objection to form. Foundation.

4 Mischaracterizes prior testimony.

5 A. Well, I don't know if it -- I -- I can't speak
6 to what was Matt Mahoney's impetus, but yes, the timing
7 was after -- after an arrest.

8 BY MR. GAINER:

9 Q. Okay. Fair enough. And the allegations of
10 misconduct by Ron Watts, that were aired to you and that
11 were the topics of all of these meetings, they were also
12 shared with Judge Toomin during the course of the
13 criminal cases that Ben Baker had pending before him; is
14 that correct?

15 MR. STARR: Form and foundation.

16 MR. OBERTS: Foundation and speculation. But
17 go ahead.

18 A. I don't know the extent of what was Matt
19 Mahoney's defense of Baker in the trial before Judge
20 Toomin, but I believe that the -- the defense was along
21 the lines of the -- that this was a staged or -- or put
22 on case, whatever -- however Matt characterized it to
23 Judge Toomin. Yes, similar to what had been reported --
24 detailed to me.

25 BY MR. GAINER:

1 Q. Okay. And we saw some transcripts of you
2 appearing before Judge Toomin at various times, while
3 Ben Baker's criminal trial or criminal case was pending,
4 right?

5 A. Correct.

6 Q. And in those transcripts, do you remember -- I
7 seem to remember that there were discussions between
8 you, and Mahoney, and Judge Toomin, about the need for
9 IAD documents, and the need for continuances so that
10 Matt Mahoney could look into these allegations. Do you
11 remember reading that?

12 A. Yes.

13 Q. Okay. So at least Judge Toomin was made
14 aware, prior to maybe the trial that you weren't
15 involved in, he was made aware of, by you and Matt
16 Mahoney, that there were these issues outstanding, with
17 regard to IAD documents and allegations of misconduct by
18 the police, right?

19 A. Correct.

20 Q. And as you just said, your belief is that Matt
21 Mahoney's defense, ultimately when the case went to
22 trial, was that, for lack of a better word or better
23 phrase, the officers put this case on him, right?

24 A. Correct.

25 Q. And so the trier of fact heard Ben Baker's

1 version of, or Matt Mahoney's version of, Ben Baker's
2 allegations relating to misconduct by the police
3 officers, specifically Watts, who arrested him, right?

4 MR. STARR: Form and foundation. Speculation.

5 A. Yes.

6 BY MR. GAINER:

7 Q. And Ben Baker was found guilty anyway, right?

8 A. Yes.

9 Q. And your investigation then closed without any
10 charges being brought against Ronald Watts based on
11 these allegations, correct?

12 A. Subsequently, yes.

13 MR. GAINER: All right. That's it. Thanks for
14 your time.

15 MS. MORRISON: I don't have any questions for
16 you, Judge. Thank you for your time today.

17 THE WITNESS: Thank you.

18 MS. MCGRATH: I don't have any questions for
19 you, Judge. Thanks for your time.

20 THE WITNESS: Thank you.

21 REDIRECT EXAMINATION

22 BY MR. STARR:

23 Q. Yeah, I just -- I have one follow-up, I know
24 it's going to get objected to, but I'm just going to
25 throw it out there. Regarding your determination of

1 **credibility on behalf of Clarissa Glenn, were there**
2 **multiple reasons why you found Ms. Glenn credible?**

3 MR. GAINER: I'll object to form. But I was
4 waiting for the other ones too, Sean.

5 MR. OBERTS: Yeah. I'm going to object to the
6 extent it calls for his work product, mental
7 impressions, or beliefs. The actual beliefs,
8 whether a number of beliefs would be work product.
9 I don't know if the actual beliefs and impressions
10 would be work product, so I'm going to object to the
11 extent it would call for disclosure of his mental
12 impressions, beliefs, and/or work product, but if
13 you can answer factually --

14 A. I don't -- I don't know that there was -- that
15 I can say that there was one thing that -- that I --
16 that I said, oh, there's -- there's one thing, or
17 there's two things, or three things. I don't know what
18 was -- at that point, what -- what -- how many things it
19 was that formed the basis of that -- that note or my
20 determining she was credible.

21 BY MR. STARR:

22 **Q. Right. But nonetheless, you found Clarissa**
23 **Glenn to be credible, correct?**

24 MR. OBERTS: Objection. Work product. I'd ask
25 him not to answer, based on his work product.

1 A. Yeah, so -- my attorney has directed me not to
2 answer, and on the advice of my attorney, I'm not
3 answering that question.

4 MR. STARR: Okay. No further questions. Thank
5 you. Appreciate it, sir.

6 MR. OBERTS: Can you believe it?

7 THE REPORTER: All right.

8 MR. OBERTS: Right, Counsel?

9 THE REPORTER: Okay.

10 MR. OBERTS: We will reserve signature.

11 THE REPORTER: Reserve.

12 MR. OBERTS: Sydney, if you could get me a
13 transcript for review of the signature?

14 THE REPORTER: Okay. Great.

15 MR. OBERTS: Also, nice to see everybody.
16 Sydney, nice seeing you.

17 THE REPORTER: Nice to see you. All right.
18 Before we get off the record, really quick, I'm
19 going to get some orders. Sean, would you like a
20 copy of the transcript or the video at this time?

21 MR. STARR: Not at this time. Thank you.

22 THE REPORTER: Okay. Bill, would you like a
23 copy of the transcript or the video at this time?

24 MR. OBERTS: No, I'm not ordering. I'll take
25 it for reserving signature, so if you would, that's

1 fine.

2 THE REPORTER: I got you. Okay. And then just
3 to make it faster, I guess, instead of going through
4 everyone, would anyone like a copy of the transcript
5 or video?

6 MR. PALLES: If you could make a note, please,
7 that if the original's ordered by Plaintiff's
8 counsel, I'll take a copy.

9 MS. MORRISON: Correct.

10 MR. PALLES: I think that'll be fine.

11 MR. STEFANICH: I'm going to short circuit, I
12 want to order it.

13 THE REPORTER: I'm sorry?

14 MR. STEFANICH: Brian Stefanich.

15 THE REPORTER: You would like to order it?

16 MR. STEFANICH: Yup.

17 THE REPORTER: Okay. And how would you like
18 it? Like format?

19 MR. STEFANICH: PDF.

20 THE REPORTER: PDF, okay.

21 MR. STEFANICH: Yes.

22 THE REPORTER: And so that would be the
23 original. And then Mr. Gainer, would you like a
24 copy then?

25 MR. OBERTS: Take care, everyone.

THE WITNESS: Are we done? Okay.

MR. GAINER: I don't need a copy at this time.
Thanks.

MR. STARR: Yeah, thanks, Judge.

THE REPORTER: Okay. Let me get us off the
record. One second. I have, like, two spellings.
One second.

(DEPOSITION CONCLUDED AT 6:03 P.M. CT)

1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page here of by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded digitally by me and then reduced to
10 type written form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel, and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

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21

22 SYDNEY LITTLE,

23 COURT REPORTER / NOTARY

24 MY COMMISSION EXPIRES ON: 03/18/2026

25 SUBMITTED ON: 07/26/2023