

Exhibit 41

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

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

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS)
8) Case No. 06-13571
9 VS)
10) Before JUDGE JOHN KIRBY
11 WILLIAM CARTER (AND A JURY)

12 FEBRUARY 1, 2007

13 Court convened pursuant to adjournment.

14 Present:

15 HONORABLE RICHARD DEVINE,
16 State's Attorney of Cook County, by
17 MS. LISA EGAN and
18 MS. MELANIE FIALKOWSKI,
19 Assistant State's Attorneys,
20 appeared for the People;

21 MR. EDWIN BURNETTE,
22 Public Defender of Cook County, by
23 MR. ADOLFO SIMMONDS AND
24 MR. ANDREW SHIH,
Assistant Public Defenders,
appeared for the defendant.

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

FILED
JAN 02 2008
DOROTHY BROWN
CLERK OF CIRCUIT COURT

I N D E X

DATE: 2/1/07

PAGES: J1 through J74

Jury TRIAL.....

OPENING STATEMENT BY:

Ms. Egan.....10

Mr. Shih.....13

DX

CX

OFF JONES

18

39

THOMAS HALLORAN

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68

1 (The following proceedings
2 were had out of the
3 hearing of the jury:)

4 THE COURT: Okay. Tell them to bring out William
5 Carter and we'll get started.

6 MS. FIALKOWSKI: He's still getting dressed. She
7 doesn't have a male partner yet.

8 THE COURT: Okay. Do you have the instructions?

9 MS. EGAN: Yes. I have a rough draft. I'll
10 definitely have them by lunch for you.

11 THE COURT: Okay.

12 MS. EGAN: We just want to double-check them for
13 your Honor.

14 THE COURT: Okay.

15 (Whereupon, there was a recess
16 had in the above-entitled
17 cause, after which the
18 following proceedings were had:)

19 THE COURT: All right.

20 This is the case of People versus
21 William Carter. All parties are present. Mr. Carter is
22 now also here. Counsels, please approach.

23 Any motions prior to starting trial?

24 MS. EGAN: Yes, Judge.

1 First of all, and I informed
2 counsel, I'm going to be nolleing the possession of a
3 controlled substance charge, the last charge, a Class 4.

4 MR. SIMMONDS: DDT.

5 THE COURT: Okay.

6 The record should reflect that I did
7 read that to the jury.

8 MS. EGAN: That's correct.

9 THE COURT: Motion State nolle on Count 3 will be
10 noted, and the demand for trial will be noted. Okay.
11 Go ahead.

12 MS. EGAN: I have two issues with regard to a
13 witness that the Defense has told me that they intend on
14 calling, Sandra Berry.

15 She is the buyer in this case. Your
16 Honor did rule in the State's favor yesterday with
17 regard to that witness being allowed to -- or that the
18 Defense being allowed to elicit that that person's case
19 was a finding of no probable cause. At such time that
20 she testifies, I'm just going to ask that your Honor
21 admonish that witness on the record so that that witness
22 is clear of what should or should not be said.

23 THE COURT: Okay.

24 I believe that the ruling was there

1 will be no testimony concerning the finding of no
2 probable cause and the Defense would be able to ask her
3 she has no cases pending.

4 MR. SIMMONDS: We already talked to her several
5 times.

6 THE COURT: I will admonish her beforehand.

7 MS. EGAN: Thank you.

8 Judge, with respect to that same
9 witness, I don't know what that witness is going to
10 testify to.

11 She may get up and testify that she
12 did, in fact, purchase drugs and she purchased them from
13 someone else. If that's the case, the fact that there's
14 a finding of no probable cause does not prohibit at this
15 time the State from ultimately filing charges against
16 her.

17 THE COURT: Well, what I would do I will have to
18 -- do you know whether or not she's going to make an
19 admission against her penal interest?

20 MR. SIMMONDS: No, she won't, Judge. She won't.

21 THE COURT: Okay.

22 The only thing I could do is if she
23 does admit it at that time, I would remove the jury and
24 explain to her -- I'll admonish her beforehand. The

1 safest thing to do is admonish her beforehand.

2 MR. SIMMONDS: Judge, for the record, I talked to
3 Sandra Berry extensively about any possibility of a
4 Fifth Amendment claim on her part and there is none,
5 Judge.

6 THE COURT: Okay.

7 MR. SIMMONDS: I would be the most surprised
8 person in the building.

9 MS. EGAN: Since we are in agreement then, I
10 would ask the defendant be precluded from arguing any of
11 that in an opening statement to the jury.

12 MR. SIMMONDS: Absolutely.

13 THE COURT: Okay. That will be noted.

14 MR. SIMMONDS: Thank you.

15 THE COURT: Are both sides ready?

16 MR. SIMMONDS: Yes.

17 MS. EGAN: Yes, Judge.

18 THE COURT: All right. We can call for the jury.

19 (The following proceedings were had in
20 the hearing and the presence of the
21 jury:)

22 THE COURT: You may be seated. The jury's now
23 present. Please be seated.

24 At this time, ladies and gentlemen

1 of the jury, I'm going to ask you to stand and please
2 raise your right hand.

3 THE CLERK: Do you and each of you solemnly swear
4 that you will and well truly try the issues herein and
5 make a true deliverance between the People of the State
6 of Illinois and the defendant at bar and render a true
7 verdict according to the law and the evidence?

8 THE JURORS: I do.

9 THE COURT: Okay.

10 You may be seated. The jury has now
11 been sworn. Ladies and gentlemen, you have now been
12 sworn in as a jury to hear and decide this case.

13 By your verdicts, you will decide
14 the disputed issues of fact. This Court will decide the
15 questions of law that arise during the course of the
16 trial. Before you retire to the jury room to begin your
17 deliberations at the close of trial, the Court will
18 instruct you as to the law that you are to follow and
19 apply in reaching your verdict.

20 You should give careful attention to
21 the testimony and evidence as it is received and
22 presented for your consideration. But you should not
23 form or express any opinion about the case until you
24 have retired to the jury room to consider your verdict,

1 verdicts after hearing all of the evidence, the closing
2 arguments of the attorneys and the instructions of the
3 Court.

4 You have the right to take notes
5 during the course of this trial. Note pads have been
6 provided for your convenience.

7 Please place your name on the cover
8 of the note pad. No one else will be allowed to look at
9 your notes at anytime. You do not have to take notes.
10 This is entirely up to you. I have no preference one
11 way or another.

12 If you do take notes, don't let that
13 stop you from listening to all of the evidence. You may
14 use your notes to refresh your memory at anytime. Your
15 notes are yours and yours alone, not for any other
16 juror. Do not show them to anyone at anytime. That
17 includes other jurors, and it includes the time when you
18 are deliberating on your verdict.

19 You should rely upon your own memory
20 of the evidence. If your notes conflict with your
21 memory, or if someone else's notes conflict with with
22 your memory, you are free to use your own memory of the
23 evidence. Just because a juror has taken notes does not
24 mean that his or her memory of the evidence is any

1 better than the memory of a juror who has not taken
2 notes.

3 Your notes will not leave this
4 courtroom. They will be collected by the deputy sheriff
5 when you leave the courtroom. At the end of the trial,
6 the notes will be collected and destroyed by the deputy
7 sheriff. No one will be allowed to look at notes before
8 they are destroyed. Your notes, if you choose to take
9 them, are yours and yours alone.

10 During the trial, you must not
11 discuss the case amongst yourselves or with anyone else
12 or permit anyone to discuss it in your presence.

13 The case will proceed in the
14 following order. The state's attorney may make an
15 opening statement outlining their case. Then the
16 defendant may make an opening statement outlining his
17 case if he so chooses. Neither party is required to
18 make an opening statement.

19 The opening statements are not
20 evidence and should not be considered evidence by you.
21 They are merely an aid to you in understanding the
22 significance of the evidence when it is introduced.

23 After the opening statements, you
24 will hear evidence. At the conclusion of all of the

1 evidence, the attorneys may make their closing arguments
2 to you if they so choose. Closing arguments made by the
3 attorneys are not evidence and should not be -- should
4 not be considered as evidence by you.

5 After the closing arguments, you
6 will be instructed as to the law that applies in this
7 case, and you will receive written instructions as to
8 the law which you will take back into the jury room to
9 begin your deliberations.

10 You will then begin your
11 deliberations and arrive -- and arrive at a verdict.
12 Counsel for the State, do you wish to make an opening?

13 OPENING STATEMENT

14 BY MS. EGAN:

15 MS. EGAN: Yes, your Honor.

16 Everyday in this city, people get up
17 and go to work. They go to work to do a job and make an
18 honest living.

19 Chicago police officers for this
20 city are some of those people. They go to work to serve
21 and protect, to serve the people of this city by
22 protecting the communities they live in.

23 MR. SIMMONDS: Objection.

24 THE COURT: Overruled.

1 MS. EGAN: By fighting crime. Some people get up
2 and go to work to make a not so honest living. This
3 defendant is one of those people.

4 See, while the Chicago police
5 officers go to work to serve and protect, this defendant
6 goes to work to serve and to profit. He serves drugs,
7 cocaine. He does it for profit, money, and that's
8 exactly what this defendant was doing on May 19th of
9 2006 when Chicago Police Officer Jones was doing his job
10 of serving and protecting the citizens of the Ida B.
11 Wells Chicago Housing Authority complex here in Chicago,
12 and he encountered this defendant doing his not so
13 honest job.

14 Officer Jones and his fellow
15 officers went into that complex that day in plain
16 clothes. They didn't go in uniform with their badges or
17 their guns showing. They went in dressed like anyone
18 else that would be in that building because Officer
19 Jones knows that sometimes the best police work is done
20 when the criminals don't know the police are coming.

21 And when Officer Jones turned that
22 corner in that hallway, he saw this defendant, but he
23 wasn't alone. He saw this defendant with a woman by the
24 name of Sandra Berry, and Sandra Berry was handing this

1 defendant his profit, \$20. And in return for that \$20,
2 this defendant gave her cocaine.

3 Officer Jones knew what he just saw
4 was a drug transaction. So, he and his fellow officers
5 arrested this defendant and Sandra Berry. The law has a
6 name for what this defendant did in that housing complex
7 that day. The law calls it possession of a controlled
8 substance with intent to deliver on CHA property.

9 Officer Jones and his partners go to
10 work everyday to fight the war on drugs. And yesterday
11 in this courtroom, you all took a front row seat to that
12 war. And today in this courtroom, you will have the
13 right and the power to say something very important.
14 You will have the right in your collective voice to tell
15 this defendant you can't serve drugs for profit in a
16 place where people live, where children are supposed to
17 grow up in a safe environment. You can't do that, and
18 you can tell this defendant.

19 You can tell him that with your
20 verdicts of guilty because at the end of this trial, my
21 partner and I will come before you again, and we will
22 ask you to find this defendant guilty because that's
23 what the evidence and the law is going to demand. Thank
24 you.

1 THE COURT: Thank you. Counsel for the Defense?

2 OPENING STATEMENT

3 BY MR. SHIH:

4 MR. SHIH: William Carter is sitting right there.
5 William Carter, the young man, is charged with selling
6 drugs to Sandra Barry. This incident occurred on
7 May 19, 2006, at about 7:15 p.m..

8 The incident allegedly occurred on
9 the first floor of 527 East Browning, which is in fact a
10 Chicago Housing complex. That's what the defendant,
11 William Carter, is charged with.

12 First of all, 527 East Browning,
13 that building, was the defendant there? Yes, he was.
14 He was in that building. He was in the Ida homes
15 building, and he was there not to sell drugs. He was
16 there because he lives there. He lives in apartment
17 number 506 with his aunt and his cousins. Her name is
18 Valencia Cline, and she will testify later.

19 His mother, Janine Maxwell, does not
20 live with him. She lives elsewhere, but she does help
21 support her son, and she gives him money, allowance
22 periodically to pay for necessities such as clothing.

23 One week before May 19th, before the
24 defendant was arrested, she gave him \$300 to buy clothes

1 and to buy other necessities. And of that money, the
2 defendant, William Carter, had some money on him when he
3 was arrested. That was the money which his mother had
4 given him previously.

5 Now, on May 19th, 2006, at about
6 7:15 p.m., the time when the State's -- the police and
7 the State's witnesses are saying that the defendant was
8 selling drugs, the defendant was not on the first floor.
9 He was not anywhere near the first floor. The defendant
10 was on the sixth floor. This is a high-rise building,
11 527 East Browning.

12 He was on the six floor in apartment
13 Number 608. The person who lives in apartment 608 is
14 Damica Nickerson. She will testify later on in the
15 trial. She sells food from her apartment. She cooks
16 food, and she sells food to the residents. That's just
17 one of the ways in which she makes money.

18 There were several people on the
19 sixth floor that evening. Damica Nickerson was there
20 because she was serving the food and taking the orders,
21 and she lives there.

22 Additionally, William Carter was
23 there. He was ordering food. And Deana Coleman was
24 there. Deana Coleman will testify later on in the

1 trial. She will say that she was this along with Damica
2 Nickerson, along with William Carter. And what William
3 was doing was he was ordering food. She will say she
4 was with him, that she never lost sight of him, and she
5 saw him for about 15 minutes.

6 Meanwhile, on the fifth floor -- on
7 the fifth floor, police officer Al Jones went to
8 apartment number 506. That is the defendant's
9 residence. That's also where Valencia Cline, the
10 defendant's cousin, lives. He went into apartment
11 number 506, and he started searching the apartment.

12 He did not find anything. Valencia
13 Cline was right there on the scene. She will testify
14 later on at trial that that is what happened.

15 After he had finished his search,
16 William Carter walked in. He walked in. He had just
17 been on the sixth floor. He walked into his home and he
18 saw Officer Al Jones there.

19 Officer Al Jones arrested and
20 detained William Carter. William Carter -- at that
21 point, William Carter was not doing anything. He was
22 just going home.

23 And, furthermore, after -- after --
24 after -- after William Carter was detained in the

1 hallway of the fifth floor, Damica Nickerson and Deana
2 Coleman were still on the sixth floor.

3 They came down a short time later to
4 see what happened to William Carter, how come he didn't
5 pick up his food yet. He had ordered it. He hadn't
6 picked it up yet. It's a really short distance between
7 the sixth and fifth floor, just a flight of stairs. It
8 only takes two minutes.

9 And so we have three witnesses,
10 Valencia Cline, who lives in apartment number 506 and
11 was there, as well as Damica Nickerson and Deana
12 Coleman. All three will place where the defendant was
13 arrested on the fifth floor. If he was arrested on the
14 fifth floor, he was not selling drugs on the first
15 floor.

16 So, the State's case, after you have
17 listened to all of the evidence, for one thing will
18 prove to be implausible. It will not really make sense
19 in terms of what they're saying happened and exactly how
20 it occurred.

21 There are issues as to the point of
22 view concerning what the officer is saying as far as
23 what he saw and how he saw it.

24 Very crucially, there is going to be

1 lack of physical evidence in the State's case. They
2 will not be presenting any videotapes, any audiotapes,
3 any surveillance tapes, and no fingerprints, no physical
4 evidence whatsoever connecting the defendant with the
5 narcotics. They will present physical evidence as to
6 narcotics, but no physical evidence connecting the
7 defendant to the narcotics.

8 In summary, William Carter was on
9 the 6th floor. He was on the 6th floor, and he was
10 arrested on the 5th floor. He was not selling drugs on
11 the first floor, nor was he even arrested on the first
12 floor as the State would say. So, William Carter on the
13 evening of May 19th of 2006, at about 7:15 p.m., he
14 wasn't selling drugs. He was getting ready to eat
15 dinner. This is what the evidence will show happened.
16 And after you have heard all of the evidence, we ask you
17 to enter a verdict of not guilty. Thank you.

18 THE COURT: Thank you. State, you may call your
19 first witness.

20 MS. FIALKOWSKI: Call Officer Alvin Jones.

21 THE COURT: Anytime, there is a witness you can't
22 here just raise your right hand and I'll ask him to
23 speak up, okay, because the acoustics aren't so great in
24 this building.

1 Do you want to move that podium
2 back? Officer, please step forward stand at the chair
3 there and raise your right hand.

4 ALVIN JONES
5 called as a witness on behalf of the People of the State
6 of Illinois, being first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 By MS. FIALKOWSKI:

10 THE CLERK: You may be seated.

11 THE COURT: All right. Officer, please keep your
12 voice up.

13 A. Yes, sir.

14 MS. FIALKOWSKI:

15 Q. Officer, please introduce yourself to the
16 jury?

17 A. Officer Alvin Jones, star number 19462,
18 assigned to the Chicago Police Department.

19 Q. And what district do you work in?

20 A. The Second District.

21 Q. And what is your assignment within the
22 Second District?

23 A. I'm a tactical officer. I work within the
24 CHA development mainly the Ida B. Wells.

1 Q. And were you so assigned and on duty on
2 May 19th of 2006?

3 A. Yes.

4 Q. At approximately 7:15 in the evening.

5 A. Yes.

6 Q. And on that date and time, were you at the
7 Ida B. Wells building located at 527 East Browning in
8 Chicago?

9 A. Yes.

10 Q. And while you were at that building that
11 evening, do you see anyone in court today that you saw
12 that evening?

13 A. Yes.

14 Q. Could you point to that person and
15 describe something that that person is wearing?

16 A. He's the gentleman to the left of counsel
17 with the light blue shirt and the necktie on.

18 MS. FIALKOWSKI: Your Honor?

19 THE COURT: The in court ID will be noted.

20 MS. FIALKOWSKI: Thank you.

21 Q. And what -- and what brought you to the
22 Ida B. Wells building that evening?

23 A. I basically work in that area, and I
24 conduct building walkdowns of the high-rises there.

1 Q. And were you working by yourself or with
2 partners?

3 A. With partners.

4 Q. Who were your partners?

5 A. Officer Smith and Officer Young.

6 Q. And when you say you conduct walkdowns of
7 the building, could you describe what that is?

8 A. That's when we go to the building, and we
9 go within that building looking for illegal activity
10 such as drug sales or people trespassing in that area.

11 Q. And could you describe the Ida B. Wells
12 building at 527 East Browning?

13 A. It's a seven-story building with multiple
14 units.

15 Q. And about how many apartments are there in
16 that building?

17 A. Approximately 70.

18 Q. And, Officer, how long have you worked
19 within that Ida B. Wells complex?

20 A. The last seven years.

21 Q. And are you familiar with the residents
22 that live in the building at 527 East Browning?

23 A. Yes.

24 Q. And, Officer, do children reside in that

1 building?

2 A. Yes.

3 Q. And do elderly people reside in that
4 building?

5 A. Yes.

6 Q. And have you in your seven years of
7 experience within that building had the occasion to
8 interact with anyone from the housing authority?

9 A. Yes.

10 Q. Who have you interacted with from the
11 housing authority?

12 A. CHA management, Mrs. Osborne.

13 Q. And are there signs on that building or
14 within that building that indicate that it is owned and
15 operated by the Chicago Housing Authority?

16 A. Yes.

17 Q. And when you were -- when you entered that
18 building approximately 7:15 on May 19th, did you go in
19 the front door or the back door?

20 A. I went in the rear door.

21 MS. FIALKOWSKI: Judge, may I approach?

22 THE COURT: Sure.

23 MS. FIALKOWSKI:

24 Q. Officer, I'm going to show you what's been

1 marked as People's Exhibit Number 1 for identification.

2 MR. SIMMONDS: Judge, may I approach?

3 THE COURT: Sure.

4 MS. FIALKOWSKI:

5 Q. Do you recognize that picture, sir, what's
6 in that picture?

7 A. Yes. That's the rear entrance of 527 East
8 Browning.

9 Q. Is that the door that you went into that
10 -- that you entered that building through on that
11 evening?

12 A. Yes.

13 Q. And when you entered that building that
14 evening, where did you go upon entering?

15 A. When you enter the building there, you
16 make a quick left and you head down a short hallway.

17 MS. FIALKOWSKI: May I approach?

18 THE COURT: Sure.

19 MS. FIALKOWSKI:

20 Q. Showing you what's been previously marked
21 as People's Exhibit Number 2. Do you recognize what's
22 pictured in that photo?

23 A. Yes.

24 Q. What is that a picture of?

1 A. That's the short hallway.

2 Q. And is that the hallway that you walked
3 down on May 19th?

4 A. Yes.

5 Q. And after you went down that hallway,
6 where did you -- where did you go?

7 A. There's about three stairs at the end of
8 that short hallway that lead up to a landing.

9 Q. Showing you what's been previously marked
10 as People's Exhibit Number 3 for identification. Do you
11 recognize what's pictured in that photograph?

12 A. Yes.

13 Q. And what's pictured in that photograph?

14 A. Those are the stairs that lead to the
15 landing there.

16 Q. And that's the same landing that you
17 approached approximately 7:15 on May 19th?

18 A. Yes.

19 Q. And as you approached that landing, were
20 you -- who was with you?

21 A. Officer Smith and Officer Young.

22 Q. What order were you -- were the three of
23 you in as you went up those stairs and approached that
24 landing?

1 A. I was first, Officer Smith was second and
2 Officer Young was third.

3 Q. And when you got to that landing what did
4 you see?

5 A. To my immediate right there where the
6 stairwell would be to go up, I saw the defendant and a
7 female black.

8 Q. And what did you see the defendant and the
9 female black do?

10 A. The female black tendered the defendant a
11 \$20 bill USC and the defendant at that time removed two
12 items of suspect narcotics from a clear plastic bag and
13 gave them to that female black.

14 Q. Officer, when you made these observations,
15 how far were you from the defendant and this female
16 black?

17 A. Approximately three to five feet.

18 Q. And, Officer, could you describe how you
19 were dressed that evening?

20 A. I was dressed in civilian clothing.

21 Q. Now, when you say civilian clothing, did
22 you have your police vest is on?

23 A. Yes.

24 Q. Was it inside or outside of your shirt?

1 A. Underneath.

2 Q. And did you have your gun?

3 A. Yes.

4 Q. Was that visible?

5 A. No.

6 Q. Did you have your police star?

7 A. Yes.

8 Q. Was that visible?

9 A. No.

10 Q. Did you have a police radio?

11 A. Yes.

12 Q. Was that visible?

13 A. No.

14 Q. So, you were approximately three to five
15 feet away from the defendant and the female when you
16 observed this exchange?

17 A. Yes.

18 Q. Now, you testified earlier that you have
19 been a tactical officer in the housing authority
20 buildings for approximately seven years?

21 A. Yes.

22 Q. And how many narcotics transactions, how
23 many transactions similar to the one you saw that
24 evening would you say you've seen in your seven years of

1 experience?

2 A. At least one hundred.

3 Q. And of those one hundred, how many turned
4 out to be narcotics transactions?

5 A. Most of them.

6 Q. And based upon your experience, what did
7 you think you were observing between the defendant and
8 that female that night?

9 A. A narcotics transaction.

10 Q. And you said that the -- the female handed
11 the defendant a \$20 bill?

12 A. Yes.

13 Q. How could you tell it was a \$20 bill?

14 A. It had a two and a zero on it.

15 Q. And you said that the defendant then
16 tendered that individual two items?

17 A. Yes.

18 Q. And could you see what those items looked
19 like?

20 A. Yes.

21 Q. And what did they look like?

22 A. They were two small white rocklike
23 substance in a small plastic knotted bags.

24 MS. FIALKOWSKI: May I approach?

1 THE COURT: Sure. Sure.

2 MS. FIALKOWSKI: Okay.

3 THE COURT: Anytime.

4 MS. FIALKOWSKI:

5 Q. Okay.

6 Officer, I'm going to show you what
7 I previously marked as People's Exhibit 5A. Do you
8 recognize what's inside of that bag?

9 A. Yes.

10 Q. And what's inside of that bag?

11 A. Two small white rocklike substances,
12 suspect crack cocaine.

13 Q. Are those the same items that you saw the
14 defendant hand to that female that night?

15 A. Yes.

16 Q. And when you saw that, what did you do?

17 A. At that time, I detained the defendant.

18 Q. And what happened next?

19 A. I told my partner to detain the female,
20 and I recovered from the defendant's hand the 20 dollar
21 bill I saw the female tender him and a clear plastic bag
22 with suspect narcotics he was holding.

23 Q. Officer, I'm going to show you what's
24 marked as People's Exhibit Number 4. Do you recognize

1 what's pictured in this photograph?

2 A. Yes.

3 Q. What's pictured in this photograph?

4 A. That's the little small hallway area there
5 leading to the stairwell upstairs where the narcotics
6 transaction took place.

7 MR. SIMMONDS: I'm sorry. What number was that?

8 MS. FIALKOWSKI: That's four.

9 MR. SIMMONDS: What was the --

10 THE COURT: Five.

11 MS. FIALKOWSKI: Five.

12 MR. SIMMONDS: Thank you.

13 MS. FIALKOWSKI:

14 Q. Officer, I'm going to show you what we
15 marked as People's Exhibit Number 6 and 6A for
16 identification. Do you recognize what's contained in
17 these envelopes? Or do you recognize these envelopes?

18 A. Yes.

19 Q. And what are those envelopes?

20 A. Suspect crack cocaine.

21 Q. Okay.

22 Are those the same items that you
23 recovered from the defendant on May 19th?

24 A. Yes.

1 Q. Where on the defendant did you recover
2 these items?

3 A. From his hand.

4 Q. What did you do with those items after you
5 recovered them from the defendant's hand?

6 A. I held onto them until I went back to the
7 station and processed the defendant.

8 Q. What about the two that were tendered to
9 the female?

10 A. I held onto those also in a separate
11 pocket.

12 Q. And you said that you also recovered the
13 \$20 bill from the defendant?

14 A. Yes.

15 Q. Where did you recover that from?

16 A. From his hand.

17 Q. And that female that was with the
18 defendant, was she placed under arrest as well?

19 A. Yes.

20 Q. And were you able to find out her
21 identity?

22 A. Yes.

23 Q. What is her -- what's her name?

24 A. Sandra Barry.

1 Q. And after the defendant was placed under
2 arrest, was a search of the defendant's person done?

3 A. Yes.

4 Q. And what, if anything, did that search
5 reveal?

6 A. \$115 USC.

7 Q. That was recovered from the defendant's
8 person?

9 A. Yes.

10 Q. Do you recall from where on the
11 defendant's person?

12 A. One of his front pants pockets.

13 Q. Now, the defendant and Sandra Barry were
14 placed under arrest and you returned to the Second
15 District?

16 A. That's correct.

17 Q. And what you what did you do when you got
18 to the Second District with regards to the items that
19 were recovered from Sandra Barry and from the defendant?

20 A. I made a count of them for the inventory
21 purposes.

22 Q. Okay.

23 And did you count the items
24 recovered from Sandra Barry?

1 A. Yes.

2 Q. And how many were there?

3 A. Two.

4 Q. And what did you do with them after you
5 counted them for inventory purposes?

6 A. I gave them to my partner who placed them
7 in an inventory bag and heat sealed it.

8 Q. And were those items assigned a unique
9 inventory number?

10 A. Yes.

11 Q. And was that inventory number 10750917?

12 A. Yes.

13 Q. Officer, I'm going to show you again what
14 we previously marked as 5 and 5A?

15 Do you recognize People's Exhibit 5.

16 A. Yes.

17 Q. What is that?

18 A. That's an envelope.

19 Q. And what kind of envelope is that?

20 A. This is a narcotics envelope inventoried
21 from the Chicago Police Department.

22 Q. And is that the envelope that your partner
23 created?

24 A. Not that one.

1 Q. Okay.

2 Let me show you 5A. What is that?

3 A. This is the envelope that he produced.

4 Q. Did you see him -- which partner was it?

5 A. That was Officer Young.

6 Q. Did you see him prepare that envelope?

7 A. Yes.

8 Q. Did you see him take custody of those
9 items from you?

10 A. Yes.

11 Q. Did you watch him fill out that envelope?

12 A. Yes.

13 Q. What did -- what did you and Officer Young
14 do after the writing on that envelope was filled out?

15 A. After he filled the envelope out, I gave
16 him the narcotics and he placed it in the bag.

17 Q. What did you do then?

18 A. He then went to the heat sealer and he
19 sealed it and then I have to sign it.

20 Q. And did you sign it?

21 A. Yes.

22 Q. Do you recognize your signature on that
23 bag?

24 A. Yes.

1 Q. And that signature is in the same place
2 that you placed it on May 19th?

3 A. Yes.

4 Q. What happened to that bag after it was
5 heat sealed and signed?

6 A. It was placed in a safe in the station.

7 Q. And what happened to it after that?

8 A. The Evidence and Recovered Property
9 Section comes and picks it up and takes it to the lab.

10 Q. I'm going to show you what we previously
11 marked as 6 and 6A.

12 Do you recognize -- did Officer
13 Young -- did you give Officer Young custody of these
14 items as well?

15 A. Yes.

16 Q. And did you watch him inventory those
17 items?

18 A. Yes.

19 Q. And did you watch him assign them a unique
20 inventory number?

21 A. Yes.

22 Q. And was that inventory number 10750906?

23 A. Yes.

24 Q. And did you count those items before you

1 turned them over to Officer Young?

2 A. Yes, I did.

3 Q. And describe -- because they're not
4 exactly in the same packaging that they were in when you
5 recovered them, are they?

6 A. No.

7 Q. What kind of packaging were those items in
8 when you recovered them?

9 A. They were in a small plastic sandwich bag.

10 Q. And did you take them all, each item out,
11 and individually count it?

12 A. No. I counted them within the bag.

13 Q. Why do you count them within the bag?

14 A. Not to contaminate the area where I'm
15 working or my hands or myself.

16 Q. And when you counted those items within
17 the bag on May 19th, how many items did you count?

18 A. Sixteen.

19 Q. And after you counted them and came up
20 with 16, is that when you turned them over to Officer
21 Young?

22 A. Yes.

23 Q. And what did he do with them after you
24 turned them over to him?

1 A. He placed them in this bag. He went again
2 to the heat sealer and he sealed it and then I signed
3 it.

4 Q. Okay.

5 Is your signature still on that bag?

6 A. Yes.

7 Q. And that bag is aside from the cut at the
8 top is in the same condition it was in when you saw
9 Officer Young seal it?

10 A. Yes.

11 Q. And what did Officer Young do with these
12 items after he heat sealed them and after you signed
13 them?

14 A. He placed them in a narcotics safe.

15 Q. That's the same safe that the other items
16 were placed in --

17 A. Yes.

18 Q. -- to go to the lab?

19 A. Yes.

20 Q. Officer, when was the next time that you
21 saw the items, these items that were inventoried that
22 night?

23 A. Yesterday when I was being prepped for
24 this case.

1 Q. And did you have an opportunity to count
2 those items again yesterday?

3 A. Yes.

4 Q. And how many were there?

5 A. 17.

6 Q. Officer, but you counted 16 on the 19th?

7 A. That's correct.

8 Q. How did that happen?

9 A. I made a mistake.

10 Q. On which day?

11 A. On the date of the arrest.

12 MS. FIALKOWSKI: May I have a moment, your Honor?

13 THE COURT: Sure.

14 MS. FIALKOWSKI:

15 Q. Your Honor -- or, Officer, going back to
16 the two items recovered from Sandra Barry, did you
17 recover those items?

18 A. No, I did not.

19 Q. Who recovered those items?

20 A. Officer Smith.

21 Q. And did you see him recover those items?

22 A. Yes, I did.

23 Q. Where did Officer Smith recover those
24 items from?

1 A. From Sandra Barry's hand.

2 Q. And with regards to the State's
3 photographs, do those photographs depict the hallway and
4 the landing of the Ida B. Wells building that you were
5 in that evening the same?

6 Does it look the same? Do those
7 pictures show it the way it looked on May 19th?

8 A. Yes.

9 Q. Officer, just to clarify.

10 I'm going to show you what's been
11 marked as People's Exhibit 7. Do you recognize what
12 this is?

13 A. This is a diagram of the building of 527
14 East Browning.

15 Q. Specifically, what floor of the building
16 of 527 East Browning?

17 A. The first floor.

18 Q. Okay.

19 And does it show the door that you
20 entered the building from?

21 A. Yes.

22 Q. Okay.

23 Using my pen, could you circle the
24 door that you came in that evening?

1 A. That would be here.

2 Q. Okay.

3 Does it show that hallway?

4 A. Yes.

5 Q. Okay.

6 Can you draw a line from that door
7 down the hallway that you walked down that evening?

8 MR. SIMMONDS: Judge, may I approach?

9 THE COURT: Sure.

10 MR. SIMMONDS: Thank you.

11 THE COURT: Go ahead.

12 A. This is the door I entered. I traveled
13 along this route here and at this point right here is
14 where the transaction took place.

15 MS. FIALKOWSKI:

16 Q. And you have marked with an X and a circle
17 around it for the record the place where you observed
18 the defendant tender items to Sandra Barry, is that
19 correct?

20 A. That's correct.

21 Q. Thank you.

22 And with regards to People's 5A, the
23 two items that were were recovered from Sandra Barry,
24 those are in the same or substantially the same

1 condition the night that they were recovered, is that
2 correct?

3 A. That's correct.

4 Q. And the same with items, the 17 items --
5 strike that.

6 And with regards to the items that
7 were inventoried in 6A, aside from that original
8 packaging, do those look exactly like they did the night
9 that you recovered them?

10 A. Yes.

11 Q. Okay.

12 MS. FIALKOWSKI: I have nothing further.

13 THE COURT: Cross.

14 MR. SIMMONDS: Thank you, Judge. One second.

15 CROSS EXAMINATION

16 By Mr. Simmonds:

17 MR. SIMMONDS:

18 Q. You indicate that you were with two other
19 officers, is that right?

20 A. That's correct.

21 Q. And that was Officer Smith and Officer
22 Young?

23 A. That's correct.

24 Q. Officer Smith was right behind you when

1 you went into the building, right?

2 A. Officer Smith was, yes.

3 Q. And Officer Young as well?

4 A. Yes.

5 Q. And did you arrive there, at the area in a
6 vehicle or on foot?

7 A. We arrived at the area in a vehicle.

8 Q. And how far away -- I'm sorry.

9 How many of you were in that one
10 vehicle that you were in?

11 A. The three of us.

12 Q. And was any other vehicle involved?

13 A. Excuse me?

14 Q. Was there any other vehicles involved?

15 A. Were there other members of the teams in
16 other vehicles? Is that the question?

17 Q. Yes.

18 A. Yes.

19 Q. How many other vehicles were involved?

20 A. At least one.

21 Q. And how many team members were in that
22 vehicle?

23 A. Two.

24 Q. And do you recall where you parked, how

1 far away from 527 East Browning you parked your vehicle?

2 A. No.

3 Q. You indicate that you entered -- well,
4 strike that.

5 Did you approach up to the back door
6 of 527 East Browning in a vehicle or on foot?

7 A. On foot.

8 Q. And so your car was parked at least what,
9 a block away?

10 A. The blocks don't separate that area. It's
11 one big area. So, I don't know exactly where I parked
12 it, or what building, or some other building out of
13 sight there, but it wasn't directly behind that
14 building.

15 Q. So, you had to walk a considerable
16 distance, is that right?

17 A. Yeah, I walked aways.

18 Q. And so did the other two officers, right?

19 A. Yes.

20 Q. Did any of the officers in the other
21 vehicles enter the building with you?

22 A. They entered later.

23 Q. How much later?

24 A. I would say a few minutes after I made the

1 arrest.

2 Q. All right.

3 MR. SIMMONDS: Judge, if I may?

4 Q. I'm going to show you Defendant's
5 Exhibit 1, collective Exhibit 1, which I have previously
6 shown to counsel. May I approach?

7 THE COURT: Sure.

8 MR. SIMMONDS: Thank you.

9 Q. Would you please take a look at
10 Defendant's Exhibit Number 1 for identification? There
11 are three photos on that exhibit, is that correct?

12 A. Yes.

13 Q. And photo A, which is on the left corner,
14 would that be a photo of the rear door of 527 East
15 Browning that you have indicated you walked into?

16 THE COURT: For the record, is that marked 1A?

17 MR. SIMMONDS: It is marked 1A, Judge.

18 THE COURT: Okay.

19 And, Officer, just keep your voice
20 up even though the attorney may be standing next to you.

21 A. Yes.

22 MR. SIMMONDS:

23 Q. All right.

24 And you see Defendant's Exhibit 1B,

1 another photo. Is that a close-up of the door that you
2 indicate that you walked into, into 527 East Browning?

3 A. Yes.

4 Q. And Defendant's Exhibit 1C, a third
5 photograph, would that be a photo looking out from the
6 door that you entered at 527 East Browning?

7 A. Yes.

8 Q. Okay.

9 Thank you. Now, you indicate that
10 you walked into that back door and you walked ten feet
11 down a corridor, is that right?

12 A. Yeah, approximately ten feet.

13 Q. And when you turned the corner in the
14 stairwell you saw the back of Sandra Barry?

15 A. That's correct.

16 Q. And you were three to five feet away?

17 A. Yes.

18 Q. And your two officers were with you right
19 there?

20 A. Yes.

21 Q. And past Sandra Barry you saw my client,
22 Mr. Carter, is that right?

23 A. That's correct.

24 Q. And Miss Barry was between you and my

1 client, is that correct?

2 A. That's correct.

3 Q. And according to you, you saw Miss Berry
4 handing a \$20 bill, is that correct?

5 A. That's correct.

6 Q. And then you saw my client accept the
7 bill, is that right?

8 A. That's correct.

9 Q. And then you saw my client take out a bag,
10 a plastic bag?

11 A. He didn't take out a bag. He was holding
12 the bag already.

13 Q. All right.

14 So, he took two items out of that
15 plastic bag, is that right?

16 A. That's correct.

17 Q. And then he handed the two items to Miss
18 Berry, is that right?

19 A. That's correct.

20 Q. And you observed him for five seconds?

21 A. Approximately five seconds.

22 Q. Okay.

23 Five seconds.

24 A. Approximately five seconds for that to

1 happen, yes.

2 Q. And you were three to five feet away from
3 him, is that right?

4 A. Yes, sir.

5 Q. Now, my client, Mr. Carter, was facing
6 you, is that right?

7 A. That's correct.

8 Q. During those five seconds?

9 A. That's correct.

10 Q. Now, do you recall what Miss Berry was
11 wearing that night?

12 A. No, I do not.

13 Q. Do you recall what hand she used to hand
14 him the money?

15 A. No, I do not.

16 Q. Do you recall if there was anything else
17 in her hands, like a pocketbook?

18 A. No.

19 Q. Now, you indicated you had those two other
20 officers observing this transaction with you, is that
21 right?

22 A. That's correct.

23 THE COURT: Can we stop here for a minute?

24 Sidebar.

1 (The following proceedings
2 were had out of the
3 hearing of the jury:)

4 THE COURT: Let the record reflect at this time
5 it's 12:25. The Court has just observed that the
6 Defense witnesses were sitting in court. I'm putting
7 both sides on notice. We will address this when we get
8 a break, okay?

9 MR. SIMMONDS: Thank you, Judge.

10 THE COURT: All right.

11 (The following proceedings were had in
12 the hearing and the presence of the
13 jury:)

14 MR. SIMMONDS:

15 Q. You have indicated that those three
16 officers were with you, is that right, when you observed
17 this alleged transaction?

18 A. Yes, sir.

19 Q. Okay.

20 Do you recall testifying at a
21 preliminary hearing in this matter?

22 A. Yes, sir.

23 Q. And you testified in front of Judge
24 Bourgeois, is that correct?

1 A. I don't recall what his name was.

2 Q. Well, you testified on June 7th of 2006 in
3 a hearing before Judge Bourgeois, is that correct?

4 A. Okay.

5 Q. All right.

6 And at that time, you swore to tell
7 the truth, did you not?

8 A. Yes, I did.

9 Q. And June 7th, 2006, is fairly close to the
10 time that you made this arrest, isn't that correct?

11 A. Yes.

12 MR. SIMMONDS: Counsel, the preliminary hearing
13 transcript, page five.

14 Q. Were you asked this question under oath
15 and did you give the following answer?

16 Were you the only policeman there,
17 or were other police present at the scene?

18 Answer: There were other police
19 officers with me.

20 How many other police were in the
21 lobby or that area at the time you made these
22 observations, if you remember?

23 Answer: One.

24 Did you make that -- did you answer

1 in that way?

2 A. Yes, I did.

3 Q. Now, you indicate that you searched my
4 client yourself, is that right?

5 A. Yes, I did.

6 Q. You found \$115 on him, is that right?

7 A. Yes, I did.

8 Q. And you recovered the drugs?

9 A. From your client?

10 Q. Yes.

11 A. Yes, I did.

12 Q. And you recovered the money?

13 A. Yes, I did.

14 Q. And you inventoried the way you described.
15 You inventoried what you counted as 16 bags, is that
16 right?

17 A. I made the count. My partner made out the
18 bag and the inventory.

19 Q. So, your answer is you counted the bags,
20 is that right?

21 A. Yes, sir.

22 Q. And you helped your partner heat seal the
23 bag?

24 A. He heat sealed the bag.

1 Q. And it was sent to the lab for processing,
2 right?

3 A. Yes, sir.

4 Q. And you indicate that you made a mistake,
5 is that right?

6 A. Yes, sir.

7 Q. So, one extra bag was in that -- I'm sorry
8 -- one extra bag of suspect drugs was in the heat sealed
9 bag than you counted, is that right?

10 A. Yes.

11 MR. SIMMONDS: Judge, thank you. Nothing
12 further.

13 THE COURT: Any redirect?

14 MS. FIALKOWSKI: We have no redirect.

15 THE COURT: Thank you, Officer. You may step
16 down. You may call your next witness.

17 MS. EGAN: Yes, Judge.

18 The People call Mr. Halloran. He's
19 across the hall. It may take a minute.

20 THE COURT: Officer, please -- Mr. Halloran,
21 please raise your right hand.

22

23

24

1 THOMAS HALLORAN

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

5 DIRECT EXAMINATION

6 By MS. EGAN:

7 MS. EGAN: Your Honor, may I proceed?

8 THE COURT: Sure.

9 MS. EGAN:

10 Q. Mr. Halloran, in a loud clear voice,
11 please introduce yourself to the Court and members of
12 the jury by stating and spelling your name?

13 A. My name is Thomas Halloran, H A L L O R A
14 N.

15 Q. And, Mr. Halloran, are you employed?

16 A. Yes, I am.

17 Q. Where at?

18 A. By the Illinois State Police Forensic
19 Science Center.

20 Q. And is that here in Chicago?

21 A. Yes, it is.

22 Q. And how long have you been employed by the
23 Illinois State Police?

24 A. Since June of 1996.

1 Q. What is your position with the Illinois
2 State Police?

3 A. I'm a forensic scientist in the chemistry
4 section.

5 Q. Prior to having this position, where did
6 you work?

7 A. I worked for the Chicago Police Department
8 crime laboratory from November of 1991 until we
9 transitioned into the State in June of 96.

10 Q. And what is your -- well, you're a
11 forensic chemist?

12 A. That's correct.

13 Q. And what are your duties as a forensic
14 chemist for the Illinois State Police Crime Lab?

15 A. To analyze evidence for the possible
16 presence of controlled substance or cannabis.

17 Q. And were your duties similar when you were
18 working for the Chicago Police Department?

19 A. Yes.

20 Q. What is your educational background?

21 A. I have a Bachelor of Science in biology
22 from DePaul University.

23 Q. And did you complete any sort of training
24 programs to do what you do?

1 A. With the Chicago Police Department I was
2 trained as a forensic chemist. That was a four-month
3 training program, and it consisted of written and
4 laboratory practicals, identifying unknown substances.

5 Q. Approximately, how many times have you
6 tested for the presence of controlled substances?

7 A. Approximately 70 thousand times.

8 Q. And within those 70 thousand times, did
9 you test for the presence of cocaine specifically?

10 A. Yes.

11 Q. And have you ever been qualified as an
12 expert witness?

13 A. Yes, I have.

14 Q. Approximately how many times?

15 A. Approximately 50 times.

16 Q. And has that always been in Cook County?

17 A. I have also been qualified in Lake County
18 and DuPage County.

19 MS. EGAN: Your Honor, at this time, we tender
20 this witness as an expert in the area of forensic
21 chemistry.

22 MR. SIMMONDS: Judge, no objection.

23 MS. EGAN: Judge, accordingly, we would ask that
24 this witness be allowed to use his notes, if necessary.

1 MR. SIMMONDS: No objection.

2 THE COURT: Is there any objection to Mr.
3 Halloran's qualifications as an expert?

4 MR. SIMMONDS: Waive voir dire. We have no
5 objection.

6 THE COURT: Okay.

7 At this time, Mr. Halloran will be
8 treated as an expert witness in the field of forensic
9 chemistry. And based upon no objection of either party.
10 Mr. Halloran, you can use your notes during the course
11 of your testimony.

12 MS. EGAN: Your Honor, I'm showing opposing
13 counsel what's been previously marked as People's
14 Exhibit Number 5A.

15 Q. Mr. Halloran, I'm going to show you what's
16 been previously marked as People's Exhibit Number 5A.
17 Can you take a look at that and tell me if you recognize
18 it?

19 A. Yes.

20 Q. What is it?

21 A. It's a Chicago Police Department evidence
22 bag.

23 Q. And is that evidence bag inventoried under
24 10750917?

1 A. That's correct.

2 Q. And where did you receive this particular
3 item?

4 A. I received this at the Forensic Science
5 Center at Chicago.

6 Q. And when was that?

7 A. On May 25th of 2006.

8 Q. And what does this particular item or
9 envelope contain?

10 A. It contains a plastic bag containing two
11 smaller plastic bags containing a chunky substance.

12 Q. And when you received this envelope, as
13 you can see, there's a cut that's open right now. When
14 you received this envelope, what was the condition of
15 the envelope on that day?

16 A. It was in a properly sealed condition.

17 Q. And after you received this item you said
18 that was from your evidence vault at the Illinois State
19 Police Crime Lab?

20 A. Yes.

21 Q. Where did you take that item after you
22 received it?

23 A. I brought that back to my work station and
24 then I checked to see that the RD and inventory number

1 matched between the evidence bag and the inventory
2 sheet.

3 Q. And this item, is it in the same or
4 substantially the same condition as it was when you last
5 saw it?

6 A. Yes, it is.

7 Q. You said you checked to make sure that the
8 RD numbers and the inventory numbers were correct.
9 What's an RD number?

10 A. That's a records division number used by
11 the Chicago Police Department.

12 Q. And the inventory number that you checked
13 was that inventory number that is on the front of this
14 bag, is that correct?

15 A. Yes. There is -- when we receive it,
16 there is an inventory sheet on the front of the
17 evidence.

18 Q. After confirming that all of the numbers
19 were correct, what did you do next?

20 A. I then placed it into my locked drawer at
21 my work station. I began -- I actually began the
22 analysis on June 1st of 2006.

23 Q. And from May 25th of 2006 until you began
24 your analysis, did this item remain in your locked desk?

1 A. That's correct.

2 Q. Tell us what you did on June 1st with
3 regard to the analysis of that item.

4 A. I removed the evidence from my locked
5 drawer. I then opened the evidence bag and opened and
6 checked the contents of the inventory.

7 Q. And why do you do that?

8 A. Just to make sure that the contents match
9 between the inventory sheet, the evidence bag and then
10 the actual contents inside of the bag.

11 Q. And did it match with regard to People's
12 Exhibit 5A?

13 A. Yes, it did.

14 Q. After you did that, what did you do?

15 A. I then began my analysis on that case.

16 Q. And how did you begin that analysis?

17 A. I selected one of the samples to be
18 weighed. I then took the a small weigh boat, placed it
19 on to my electronic balance, removed the chunky
20 substance from the plastic bag, placed that into the
21 weigh boat and recorded the weight.

22 Q. And what was the weight of those items?

23 A. For that exhibit, it was 0.2 grams.

24 Q. After weighing the samples, what did you

1 do?

2 A. I then --

3 THE COURT: Hold on. He said sample. You're
4 using plural now.

5 MS. EGAN:

6 Q. I'm sorry.

7 It was one sample you put in the
8 weigh boat?

9 A. Yes.

10 Q. And what was the weight of that sample?

11 A. 0.2 grams.

12 Q. The weigh boat and the equipment that you
13 were using, was it properly working at the time of your
14 analysis?

15 A. Yes.

16 Q. And how do you know that?

17 A. With our balances, we check them once a
18 week to insure that they the balances are working
19 correctly.

20 Q. And after determining the weight of that
21 sample, did you do anything else?

22 A. I then proceeded to do preliminary
23 analysis on it.

24 Q. And what did that preliminary analysis

1 consist of?

2 A. Two color tests.

3 Q. And can you describe for us what those
4 color tests are?

5 A. Yes. The first test was a cobalt
6 thiocynate test.

7 THE COURT: Could you spell that?

8 A. Cobalt is C O B A L T. Thiocynate is T H
9 I O C Y N A T E.

10 THE COURT: Okay.

11 A. Test and then a ferric chloride test.

12 THE COURT: Go ahead.

13 A. And I then -- okay. So I performed those
14 two color tests on the sample.

15 MS. EGAN:

16 Q. And are those two color tests what you
17 would call preliminary tests?

18 A. That's correct.

19 Q. What is the purpose of those two
20 preliminary tests?

21 A. To provide an indication of what the
22 substance might contain so that you can do your
23 confirmatory analysis.

24 Q. And the equipment that you were using to

1 perform the two preliminary color tests, was that
2 operating properly at the time of your analysis in this
3 case?

4 A. Well, it was just a color reagent that's
5 placed into a spot well and then a sample is added to
6 that.

7 Q. What were the results of each of those
8 preliminary color tests?

9 A. After I added a small amount of sample to
10 the cobalt thiocynate test, I received a blue color
11 reaction. And after a small amount was added to the
12 ferric chloride reaction, I received an orange
13 insoluable reaction.

14 Q. And what did those colors indicate to you?

15 A. They were indicative for the presence of
16 cocaine.

17 Q. After performing those two preliminary
18 color tests, did you perform any other analysis on that
19 sample?

20 A. I performed a confirmatory analysis.

21 Q. Can you explain to us how you did that?

22 A. A small amount of the sample is placed
23 into an AOS, an auto liquid sampler vial, and a small
24 amount of methanol reagent is added. The same time a

1 blank sample is made which is just the methanol reagent
2 into an empty auto liquid sampler vial. Those are
3 capped and then brought to the gas chromatograph, mass
4 spectrometer instrument, and the samples are run on
5 that.

6 Q. And where is that machine? Is that in
7 your office?

8 A. It's in the next room from my work
9 station.

10 Q. And what is the purpose of placing the
11 vials into that particular machine?

12 A. That's the instrument that will run the
13 confirmatory analysis.

14 Q. And did the tests that you performed on
15 the sample in People's Exhibit 5A, are those generally
16 accepted by the scientific community?

17 A. Yes, they are.

18 Q. After completing the confirmatory test,
19 did you obtain results from those tests?

20 A. Yes, I did.

21 Q. And what were the results of the
22 confirmatory test on People's Exhibit 5A?

23 A. It was positive for the presence of
24 cocaine.

1 Q. And after completing that analysis, what
2 did you do with the evidence in People's 5A?

3 A. I repackaged the evidence, placed it back
4 into the Chicago Police Department evidence bag, and
5 then resealed that evidence bag.

6 Q. And based upon your education, training
7 and experience in drug chemistry and the tests
8 performed, did you formulate an opinion within a
9 reasonable degree of scientific certainty as to the
10 presence -- as to the presence of a controlled substance
11 in this Exhibit 5A?

12 A. Yes, I did.

13 Q. And what is that opinion?

14 A. It was positive for the presence of
15 cocaine.

16 MS. EGAN: Your Honor, I'm showing counsel what
17 has been previously marked as People's Exhibit 6A. May
18 I approach?

19 THE COURT: Sure.

20 MS. EGAN:

21 Q. Mr. Halloran, I'm going to show you what's
22 been previously marked as People's Exhibit Number 6A.
23 Can you take a look at that and tell us if you recognize
24 it and what it is?

1 A. It's a Chicago Police Department evidence
2 bag with with my initials and seals along the bottom of
3 the bag.

4 Q. And when did you receive this exhibit?

5 A. Also on May 25th of 2006.

6 Q. And what condition was this envelope in
7 when you received it?

8 A. In a properly sealed condition.

9 Q. And was this inventoried under Chicago
10 Police Department inventory number 10750906?

11 A. That's correct.

12 Q. And after receiving this envelope in a
13 sealed condition, what did you do with it?

14 A. I placed it into my locked evidence drawer
15 until I began my analysis on the 1st of June, June 1st
16 of 2006.

17 Q. And is this exhibit, People's Exhibit 6A,
18 in the same or substantially the same condition as it
19 was when you last saw it?

20 A. Yes, it is.

21 Q. And after you placed it in that locked
22 cabinet, when was the next time that you worked on
23 People's Exhibit 6A?

24 A. On June 1st of 2006.

1 Q. And tell us what you did with respect to
2 this on June 1st.

3 A. After retrieving it from my locked
4 cabinet, I opened the evidence bag, took the contents
5 out and then examined the contents.

6 Q. And when you examined the contents of this
7 envelope, what did you learn?

8 A. That there was one plastic bag containing
9 17 smaller plastic bags containing a chunky substance.

10 MS. EGAN: Judge, may I approach again with
11 People's 6A?

12 THE COURT: Sure.

13 MS. EGAN:

14 Q. Mr. Halloran, would you please just remove
15 the two items that are inside of that envelope? I'm
16 going to show you People's Exhibit 6B. Can you take
17 that? What is that?

18 A. It's a small plastic bag which I have
19 covered in tape and then marked.

20 Q. And when you say that's a small plastic
21 bag, how is that plastic bag in that envelope when you
22 first received it?

23 A. It was -- it was in the envelope and then
24 the smaller plastic bags were inside of this plastic

1 bag.

2 Q. And the smaller plastic bags were
3 containing the chunky substance, is that correct?

4 A. That's correct.

5 Q. And they were inside the plastic bag that
6 you folded and taped and marked as People's 6B, is that
7 correct?

8 A. That's correct.

9 Q. Now, directing your attention to
10 People's 6C, describe for us what that is.

11 A. That's seven plastic bags stapled and
12 taped together, six bags containing a loose chunky
13 substance in a small plastic bag and then one plastic
14 bag containing 11 knotted plastic bags containing a
15 chunky substance.

16 Q. And why are those separated as they are?

17 A. The six where the chunky substance is
18 opened, I did analysis on. I didn't analyze the
19 remaining 11 plastic bags.

20 Q. And why is that?

21 A. When I did my analysis, I received -- I
22 went to the highest weight class that I would achieve
23 with the first six that I tested, and that would be our
24 policy, to test to the highest weight class.

1 Q. And after you determined or after you
2 counted all of the items that are in People's Exhibit
3 6A, what did you do next?

4 A. I then issued a discrepancy on the case.

5 Q. And what does that mean?

6 A. We would write up a discrepancy form to
7 inform CPD that there was a discrepancy between our
8 count of the items in an evidence bag and their count
9 from the inventory sheet.

10 Q. And it was the 16 that the police officers
11 listed and the 17 that you counted, is that correct?

12 A. That's correct.

13 Q. When you count them, you actually take
14 them out of their packaging and separate them and count
15 them in that way, is that right?

16 MR. SIMMONDS: Objection, leading.

17 THE COURT: Overruled.

18 A. That's correct.

19 MS. EGAN:

20 Q. And after counting the items in that
21 envelope, what did you do next?

22 A. I then took the 17 items, placed them into
23 a weigh boat onto my electronic balance and took a
24 weight of the -- a gross weight of the samples.

1 Q. And what was that?

2 A. The gross weight for the chunky substance,
3 including the packaging, was 4.764 grams.

4 I then took six of the samples out,
5 removed the chunky substance from the packaging, placed
6 the packaging back onto the weigh boat, and then
7 recorded the weight at that point for the chunky
8 substance.

9 Q. And what was that weight?

10 A. 1.2 grams.

11 Q. And the equipment that you are were using,
12 was it properly functioning at the time of your analysis
13 in this case?

14 A. Yes, it was.

15 Q. And again how did you know that?

16 A. That morning, I had checked my balance to
17 make sure it was working properly.

18 Q. After weighing the items did you do
19 anything else?

20 A. I then did the preliminary tests on the
21 six items.

22 Q. And those were the two color tests that
23 you explained to us earlier?

24 A. That's correct.

1 Q. And what was the result of those two
2 preliminary color tests?

3 A. For the cobalt thiocynate test, I received
4 a blue color formation and for the ferric chloride, I
5 received an orange insoluable color formation.

6 Q. And what did those colors indicate to you?

7 A. It was indicative for the presence of
8 cocaine.

9 Q. And after completing the two preliminary
10 tests, did you then perform the confirmatory test?

11 A. Yes, I did.

12 Q. And how did you do that?

13 A. I took a small portion of the six samples,
14 of each of the six samples, placed those into auto
15 liquid sampler vials, filled those with methanol
16 reagent, created a blank with methanol reagent, capped
17 those, and then loaded those onto the mass spectrometer.

18 Q. And are all of the tests that you used to
19 perform on those items in People's Exhibit 6A, are they
20 commonly accepted in the scientific community?

21 A. Yes, they are.

22 Q. And after completing the confirmatory
23 test, did you receive a result?

24 A. Yes.

1 Q. And what was that?

2 A. It was positive for the presence of
3 cocaine.

4 Q. Mr. Halloran, based upon your education,
5 training and experience in drug chemistry and the tests
6 that you performed in this case, did you form an opinion
7 within a reasonable degree of scientific certainty as to
8 the presence of controlled substance in this exhibit,
9 People's Exhibit 6A?

10 A. Yes, I did.

11 Q. And what was that opinion?

12 A. It was positive for the presence of
13 cocaine.

14 MS. EGAN: Your Honor, may I have a moment?

15 THE COURT: Sure.

16 MS. EGAN: Judge, I have no further questions of
17 this witness.

18 THE COURT: Cross.

19 MR. SIMMONDS: Thank you, Judge.

20 CROSS EXAMINATION

21 By Mr. Simmonds:

22 MR. SIMMONDS:

23 Q. Good afternoon, Mr. Halloran.

24 A. Good afternoon.

1 Q. So, there was a discrepancy in the
2 evidence that you received, is that correct?

3 A. That's correct.

4 Q. You received more drugs, right, than the
5 envelope that you received them in indicated, is that
6 right?

7 A. Yes. It indicated 16, and I had received
8 17.

9 Q. And this was important enough that you had
10 to make out a discrepancy report and report it, is that
11 right?

12 A. Yes.

13 Q. Now, you also indicated that the amount of
14 the weight, that is to say the amount of the drugs is
15 important because of the class of crime that would be
16 charged, is that right?

17 A. When we -- when we receive our evidence,
18 our policy is to test something to the highest possible
19 weight class.

20 Q. All right.

21 So, it's important what weight, how
22 much drugs, you receive, is that correct?

23 A. That's correct.

24 Q. With regard to the charge that's going to

1 be made, right?

2 A. Yes.

3 Q. All right.

4 And so it's true that -- it's
5 critical the amount of drugs that you receive, is that
6 right, with regard to the possible case?

7 MS. EGAN: Objection to the form of the question.

8 THE COURT: Do you understand the question?

9 A. Not necessarily.

10 THE COURT: Rephrase.

11 MR. SIMMONDS: All right.

12 Q. It's true that the amount that you weigh
13 is critical to your -- to your -- to the case?

14 A. I'm just going to weigh whatever amount.
15 I mean, for me, the weight is not critical in the sense
16 that if I'm below a weight class or above doesn't -- it
17 makes no difference to me. In terms of how I would test
18 it, I'm going to test to get to the weight class if
19 that's possible. But if it's not possible, it doesn't
20 make -- it's not critical to me.

21 Q. Okay.

22 But it's important to the eventual
23 charge that's going to be made, isn't that right?

24 A. If I was able to get past a weight class,

1 yes.

2 Q. Yes, all right.

3 Now, you weren't asked to do any
4 fingerprint tests on those bags, were you?

5 A. No, I wasn't.

6 Q. And the office or the lab where you work,
7 there's a fingerprint unit there, is that correct?

8 A. There's a fingerprint section, yes.

9 Q. Right.

10 And they do the fingerprinting right
11 there in the same building that you work, isn't that
12 right?

13 A. Yes.

14 Q. Ordinarily, you receive the requests for
15 the type of work to do on the evidence that you receive
16 from the police officers, right?

17 A. That's correct.

18 MR. SIMMONDS: Thank you. I have nothing
19 further.

20 THE COURT: Okay.

21 MS. EGAN: Your Honor, I have no further
22 questions of this witness.

23 THE COURT: Thank you, Mr. Halloran. You may
24 step down.

1 A. Okay.

2 MS. EGAN: Judge, may we approach for a second
3 for scheduling purposes?

4 THE COURT: Sure. Defense?

5 (Whereupon, there was a sidebar
6 discussion had out of the hearing of the
7 court reporter and jury, after which the
8 following proceedings were had:)

9 THE COURT: All right.

10 You can step back. Ladies and
11 gentlemen, we are going to take our lunch break now, and
12 we will be back probably 1:45, and we will finish up.
13 We will continue the case. We will finish today though.
14 If you step in the back, our deputy will be with you in
15 a moment, okay?

16 (The following proceedings
17 were had out of the
18 hearing of the jury:)

19 THE COURT: Alicia, are they bringing lunch over?

20 THE SHERIFF: Yeah.

21 THE COURT: All right.

22 Counsel, do you want to approach?
23 Mr. Carter, step up.

24 MR. SIMMONDS: Judge, my apologies.

1 THE COURT: About what?

2 MR. SIMMONDS: About the witnesses.

3 THE COURT: Don't worry about it. You got to
4 move over to the other side.

5 All right. Counsels, there will be
6 a stipulation I believe in regards to the foundation for
7 the three photos, I think Defendant's Exhibit 1A, B and
8 C.

9 MS. EGAN: Yes.

10 THE COURT: So we don't need the officer to be
11 recalled.

12 MR. SIMMONDS: No.

13 THE COURT: All right.

14 And any -- any further motions prior
15 to lunch? Lisa?

16 MS. EGAN: I'm sorry.

17 THE COURT: All right. Any motions prior to
18 lunch?

19 MS. EGAN: No, just what I brought up earlier
20 with respect to the witness, Sandra Barry, should she be
21 called.

22 THE COURT: We will do that. Then you can rest
23 when we get back and you'll be ready to go.

24 MR. SIMMONDS: Yes.

1 THE COURT: All right.

2 MR. SIMMONDS: Thank you, Judge.

3 THE COURT: 1:45 then.

4 MR. SIMMONDS: Yes, Judge.

5 THE COURT: Your client wants to talk to you.

6 MR. SIMMONDS: Okay.

7 (Whereupon, there was a recess
8 had in the above-entitled
9 cause, after which the
10 following proceedings were had:)

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