

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: WATTS COORDINATED  
PRETRIAL PROCEEDINGS )  
 ) Master Document No. 19-cv-01717  
 )  
 ) Judge Andrea R. Wood  
 )  
 ) Magistrate Sheila M. Finnegan  
 )

## **EXHIBIT A**

**Excerpt One**

MR. BAZAREK: Okay. What's the most serious felony you've ever been convicted of?

PHILLIP THOMAS: When I was 14 years old. Let me refer to --

PHILLIP THOMAS: Can I answer that? Can I bring up an old, old case? Or how -- Can I talk to you?

MR. RAUSCHER: Can you give us a second to confer?

MR. BAZAREK: Take a break?

MR. RAUSCHER: Just -- I want to make sure --

MR. BAZAREK: Yeah. I think he answered it, but go ahead. And then --

MR. RAUSCHER: Yeah. I think he answered it, too.

MR. BAZAREK: Yeah. You can take a break. Go ahead. You can take a break.

PHILLIP THOMAS: I didn't answer it completely, but --

MR. RAUSCHER: Okay.

THE VIDEOGRAPHER: We are now going off the record at 10:32 a.m.

P. Thomas Dep. 30:1 – 30:17

**Excerpt Two**

MR. BAZAREK: So, Mr. Thomas, what was this arrest from when you were 14 years old?

PHILLIP THOMAS: I was arrested for robbery and rape.

MR. BAZAREK: And you were convicted of that, sir?

PHILLIP THOMAS: Yes, sir.

MR. BAZAREK: And what was the victim's name?

PHILLIP THOMAS: I have no idea.

MR. BAZAREK: Was there a trial? Or you pled guilty?

PHILLIP THOMAS: I pled guilty.

MR. BAZAREK: What was your sentence, sir?

PHILLIP THOMAS: Four years in a juvenile facility.

MR. BAZAREK: Were you -- Was it at the Audy Home? Or where were you housed?

PHILLIP THOMAS: They first put me in a County jail, and then they transferred me back when they found out I was only 14. And from the Audy Home, that's when the guilty plea was entered. And from there, they sent me down to Joliet Youth Center to do the sentence.

MR. BAZAREK: How much time did you actually serve?

PHILLIP THOMAS: Two years.

MR. BAZAREK: Were you arrested with anyone else?

PHILLIP THOMAS: No.

MR. BAZAREK: Do you know whatever became of the victim?

PHILLIP THOMAS: No.

P. Thomas Dep. 30:23 – 30:24, 31:1 – 31:22

### Excerpt Three

MR. BAZAREK: So that was a serious felony conviction. Have you also been arrested for bank robbery?

PHILLIP THOMAS: Yes.

MR. BAZAREK: And when was that?

PHILLIP THOMAS: 1993.

MR. BAZAREK: And --

PHILLIP THOMAS: I think. I'm not exactly sure. But I think it was 1993.

MR. BAZAREK: Okay. '93, '94, somewhere in that area?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And what bank was it?

PHILLIP THOMAS: I believe it was the First National Bank in downtown Chicago.

MR. BAZAREK: Okay. And who were you arrested by for that offense?

PHILLIP THOMAS: By the FBI. Or was it the City of Chicago and then they took me to the FBI? I think they were together, and it was first the Chicago Police.

MR. BAZAREK: Were you with anyone for that bank robbery?

PHILLIP THOMAS: No.

MR. BAZAREK: And generally, can you describe the circumstances of that bank robbery?

PHILLIP THOMAS: Went in, and I gave the teller a note. And the teller put some money in the bag. And I left out the bank. And I noticed that I was being followed, so I turned myself in.

MR. BAZAREK: Same day?

PHILLIP THOMAS: Same day.

MR. BAZAREK: Okay. I mean, was it moments after --

PHILLIP THOMAS: Moments after.

MR. BAZAREK: -- you committed the bank robbery?

PHILLIP THOMAS: I think I actually ran about a block and a half.

MR. BAZAREK: Did the money explode or anything --

PHILLIP THOMAS: No.

MR. BAZAREK: -- red dye all over the place?

PHILLIP THOMAS: No.

MR. BAZAREK: Were you armed when you committed the bank robbery?

PHILLIP THOMAS: No.

MR. BAZAREK: What did you -- Did you tell the teller that you were armed?

PHILLIP THOMAS: On the note, I don't think I said I was armed. I didn't.

MR. BAZAREK: Okay.

PHILLIP THOMAS: I just told her this was a -- this was a holdup.

MR. BAZAREK: And then how much -- Do you know how much money the teller gave you?

PHILLIP THOMAS: I think it turned out to be right around \$2,000.

MR. BAZAREK: Were you wearing a mask or anything?

PHILLIP THOMAS: No.

MR. BAZAREK: Any other federal -- You were prosecuted federally? Do I have that right?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And then for the bank robbery -- I didn't ask you this -- what was the sentence?

PHILLIP THOMAS: For the bank robbery, the sentence -- I did three and a half years. I think they gave me 50 months or 60 months.

MR. BAZAREK: And where were you incarcerated for that?

PHILLIP THOMAS: At Pekin.

MR. BAZAREK: Okay. Is it, like, same place as the --

PHILLIP THOMAS: Same place.

MR. BAZAREK: Okay. Any other federal crimes to which you've been convicted?

P. Thomas Dep. 31:23 – 31:24; 32:1 – 32:24; 33:1 – 33:24; 34:1 – 34:6; 35:12 – 35:22

#### **Excerpt Four**

MR. BAZAREK: All right. Let's jump ahead a little bit to this 2019 case you had up in Wisconsin.

PHILLIP THOMAS: Yeah.

MR. BAZAREK: And in that case, you were charged with possession of cocaine among other charges, the crack that the officers found. Do you remember that?

PHILLIP THOMAS: Yeah.

MR. BAZAREK: Okay. And the charge against you involved what they call a second and subsequent offense. You were charged, weren't you, with a second cocaine offense based on -- in part, on that 2002 case we just talked about?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And you pleaded guilty to the Wisconsin charge, correct?

PHILLIP THOMAS: I did.

MR. BAZAREK: You admitted to a judge, "Judge, it's all true"?

PHILLIP THOMAS: That I had possession of crack cocaine?

MR. BAZAREK: In 2019.

PHILLIP THOMAS: That's true.

MR. BAZAREK: And it is also true that in 2002, you had been convicted of this other possession of cocaine case?

PHILLIP THOMAS: That's right.

MR. BAZAREK: All right. And you didn't -- Well, strike that. In any event, you've told us today that your use of cocaine or crack cocaine over the years was kind of up and down in terms of the quantity and number of times you would use it?

PHILLIP THOMAS: I did.

P. Thomas Dep. 318:17 – 318:24; 319:1 – 319:23

**Excerpt Five**

MR. BAZAREK:

Okay. Who was Big Shorty?

PHILLIP THOMAS:

He was a drug dealer over there. That was a known fact just from word of mouth, not because I actually saw him.

MR. BAZAREK:

Okay. And then was there a particular building that Big Shorty was involved in or buildings?

PHILLIP THOMAS:

574 and 540. No, no. That was the -- Yeah. 574, 574, 57- -- 574, 575, and 540. Those are the buildings Big Shorty frequented.

MR. BAZAREK:

Okay. And then what about the other buildings? Do you know any of the higher level drug dealers?

PHILLIP THOMAS:

Yeah. I knew --

MR. RAUSCHER:

So I actually -- I think these are not appropriate questions. He's already said he didn't personally see it. And I think if we're going to start getting into whether he knew who drug dealers were and you're going to ask him to be identifying specific people, I think that's an issue we're going to have to ask Judge -- the Court to resolve.

MR. BAZAREK:

Well, I think I'm entitled to know about what his knowledge is of the narcotics activity at these buildings.

MR. RAUSCHER:

Why? What would it possibly be relevant for? I mean, I think we're going to have a dispute. If you want to resolve it by us calling the Court, we can do that. Or we're in court on Tuesday, I think. We can put it in the status conference and put our positions out and do it that way in a more -- I assume this will come up more than today.

MR. BAZAREK:

So are you going to instruct him not to answer? Or we're just tabling these questions and we're going to reconvene on another day?

MR. RAUSCHER:

Well, for now, I'm instructing him not to answer. I will agree if the Court says yes, to answer, of course, we'll bring him back to answer those questions.

P. Thomas Dep. 109:8 – 109:24; 110:1 – 110:3;

### **Excerpt Six**

MR. BAZAREK: Do you know someone named Ben Baker?  
PHILLIP THOMAS: I do.  
MR. BAZAREK: Who is he?  
PHILLIP THOMAS: Ben Baker, he's the guy that lives in 527 with his wife and kids.  
MR. BAZAREK: Is he --  
PHILLIP THOMAS: Or used to. They don't live there no more.  
MR. BAZAREK: Did you know him to be a drug dealer?  
MR. RAUSCHER: Objection. It's the same -- We've already discussed this. I think if you want -- If you want to address it with the Court, we can call the Court now. I'm fine with that. I'm also comfortable presenting it in our status report or moving for a protective order.  
MR. BAZAREK: Well, let's call the Court.  
MR. RAUSCHER: Okay

P. Thomas Dep. 117:9 – 117:24

**Excerpt Seven**

MR. KOSOKO: Which buildings did you buy your crack cocaine from?

MR. RAUSCHER: I'm going to object to that. It seems to me to be the same thing as asking him to identify drug dealers.

MR. KOSOKO: We'll reserve that questions. We'll deal with that questions.

P. Thomas Dep. 384:21-385: 3.

**Excerpt Eight**

MR. RAVITZ: Did you tell your -- Did you tell court personnel in the Wisconsin case that, in fact, you expect to be a millionaire as a result of this lawsuit?

PHILLIP THOMAS: No, I didn't. I said I could possibly be a millionaire.

MR. RAVITZ: And is that your expectation?

PHILLIP THOMAS: Yeah. From the cases that I've seen that's similar to mine, it's very likely.

P. Thomas Dep. 325:5 – 325:12

# Exhibit J

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JAMAR LEWIS,  
Defendant. } Case No. 18 CR 215-1  
Chicago, Illinois  
November 6, 2019

**VOLUME 2**  
**TRANSCRIPT OF PROCEEDINGS - Sentencing**  
**BEFORE THE HONORABLE ELAINE E. BUCKLO**

## APPEARANCES:

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(Proceedings heard in open court:)

THE CLERK: 18 CR 215, USA versus Jamar Lewis, for sentencing.

MR. VANDENBERG: Good morning, your Honor.

Cornelius Vandenberg on behalf of the United States. My apologies.

THE COURT: Good morning.

MR. HIMEL: Good morning, your Honor. My name is Frank Himmel, H-i-m-e-l. I represent Jamar Lewis. He is also before the court.

THE COURT: Good morning.

Okay. This was reset until today.

MR. VANDENBERG: Yes, your Honor. I mistakenly calendared it for 11:30. My apologies.

THE COURT: Okay. Somebody said you called and you said, what sentencing? So I thought maybe you didn't realize it was today, but, okay.

All right. We continued -- you can all -- well, I guess we continued this because I felt like I needed to look more at this proposed enhancement of -- on the gun and being in the proximity of, in this case, I guess drug proceeds. I looked at some of the cases, and I looked at this, and I decided that, I mean, the government certainly makes a legal case, and, depending on the facts, a factual case for why it would be appropriate. But I actually don't think that I

1       could do this without having more information, and I don't  
2       think it's going to make a difference, so I'm not going to  
3       give it. There is no -- it really isn't worth everybody's  
4       time and probably then an appeal of it.

5           That doesn't mean that I can't take into account  
6       the fact that there is a gun under -- that was there under  
7       3553, I think. So that's what I'm going to do with it. So  
8       maybe we didn't need to come back. I'm sorry, I just hadn't  
9       realized there was an issue last time.

10          Okay. I think, then -- first of all, let's make  
11       sure that we -- so it is, as I think as the probation had put  
12       it, which is an offense level of 29, Criminal History  
13       Category 3; is that right?

14           MR. VANDENBERG: That's correct, your Honor.

15           THE COURT: Okay. Then unless there are any other  
16       issues on the pre-sentence report, I will listen to the  
17       government, and then you can respond. Is there any other  
18       issue?

19           MR. HIMEL: No other issues, your Honor.

20           THE COURT: Okay. Go ahead.

21           MR. VANDENBERG: Your Honor, in that case, the  
22       sentencing guideline range is 108 to 135 months. The  
23       government would request a sentence in that guideline range.

24           THE COURT: Okay. Wait a minute. Is that correct?  
25       Because that's actually not what probation has -- they have

1 120 to 135.

2 MR. VANDENBERG: Well, because there is a mandatory  
3 minimum sentence of 120 here.

4 THE COURT: Oh, okay.

5 MR. VANDENBERG: So, yes, the effective guideline  
6 range, then, becomes 120 to 135.

7 THE COURT: All right. Yes, of course.

8 MR. VANDENBERG: Yes, your Honor. The government  
9 does think that that range is appropriate here.

10 I'd like to begin by addressing the seriousness of  
11 the crimes. The defendant was the primary target of a  
12 federal narcotics investigation. The defendant was a drug  
13 dealer who trafficked in heroin, by his own admission, for  
14 two years prior to his arrest in this case. In this case  
15 alone, the defendant trafficked over a kilogram of fentanyl  
16 and heroin. Defendant personally mixed the heroin and  
17 fentanyl, calling his girlfriend when he was doing it, to  
18 tell her how the mixing was getting him high. He roped his  
19 girlfriend into the case, directing her to go pick up the 1.2  
20 kilograms of heroin and deliver it to the defendant for his  
21 deal.

22 The defendant also distributed crack cocaine. He  
23 dealt 28 grams of crack cocaine to another federal defendant  
24 who has been charged in a separate case as part of a covert  
25 parking lot transaction. When arrested, that customer told

1 law enforcement that the defendant had been providing crack  
2 cocaine to him on a regular basis for four months.

3 These drugs that the defendant delivered are all  
4 incredibly serious and potentially deadly. Heroin is at the  
5 center of an opioid crisis facing our country and our  
6 community, and fentanyl is even worse. It's 80 to 100 times  
7 stronger than morphine. And when it's used interchangeably  
8 with heroin, as it was in this case, it creates a strong  
9 probability of a fatal overdose, since the drug users don't  
10 know how strong the drug is that they are buying.

11 In addition to all of his drug dealing, the  
12 defendant, a previously convicted felon for multiple  
13 offenses, which I'll get to in a minute, kept a gun in his  
14 apartment in violation of the law. Not only did the  
15 defendant possess -- not only did the defendant, a drug  
16 dealer, possess that firearm, he possessed one with a defaced  
17 serial number, a feature designed chiefly to make weapons  
18 untraceable when used in a shooting or other means. And he  
19 kept that firearm fully loaded. And, again, the possession  
20 of that firearm is not entered into in any way of the  
21 guideline range, per your Honor's ruling, but we ask that you  
22 consider it as a 3553 factor even more because it's not  
23 reflected in that guideline range. These are serious actions  
24 that do not warrant any departure -- downward departure from  
25 the sentencing guidelines.

1                   The defendant presents, as mitigation, his argument  
2 that the defendant provided substantial assistance to the  
3 government.

4                   THE COURT: Yeah, I wanted to hear that.

5                   MR. VANDENBERG: The defendant is not a government  
6 cooperator, as he stands here today. He has not testified in  
7 any case. He does not have a plea agreement with a 5K  
8 departure. The government disagrees with the defendant's  
9 assertion that his cooperation led to the guilty pleas of  
10 other federal defendants. The government did not inform any  
11 federal defendant in this case, or any other, that the  
12 defendant was meeting with the government. The defendant is  
13 correct when he states the defendant met with the government  
14 in a proffer-protected setting and did provide information  
15 about his suppliers and customers. Now, typically the  
16 government would not go into the substance of the defendant's  
17 statements during those proffers. However, given the  
18 defendant's sentencing arguments and the fact that they rely  
19 primarily on these meetings, we do feel obligated to share  
20 other statements made by the defendant during the course of  
21 these meetings with the court to provide context for the  
22 defendant's argument.

23                   Specifically, the defendant admitted that he began  
24 dealing kilograms of cocaine in 2015. That in 2015, he dealt  
25 one to two kilograms of cocaine every month to

1 month-and-a-half. That from 2016 to 2018, approximately  
2 every month he dealt three to four kilograms of heroin and  
3 two to three kilograms of cocaine. In total, he talked about  
4 distributing approximately 108 to 144 kilograms of heroin and  
5 80 to 132 kilograms of cocaine.

6 Now, pursuant to 1B1.8, we are not arguing that his  
7 guidelines range should be increased according to these  
8 amounts. We are still making the same recommendation of 108  
9 to 135 months that we made before the defendant filed his  
10 sentencing memorandum, relying primarily on his ostensible  
11 cooperation. We provide this information solely to place the  
12 defendant's sentencing arguments in context with the court.

13 I'd like to next address the history and  
14 characteristics of the defendant. The defendant is a  
15 37-year-old man that has never held regular employment. He  
16 has supported himself by dealing drugs. He has six prior  
17 felony convictions, including four narcotics-based  
18 convictions, an aggravated unlawful use of a firearm  
19 conviction, and an attempted battery conviction. He also has  
20 42 minor traffic citations and eight convictions for  
21 driving-related offenses. None of those are baked into the  
22 defendant's criminal history or guideline range, and we  
23 typically wouldn't bring up such minor offenses, except for  
24 the sheer volume of offenses in this case.

25 A guideline sentence here would serve the needs of

1       deterrence and protection. Obviously the community needs to  
2       be protected from this defendant's drug dealing, which is  
3       extensive.

4               With regards to specific deterrence, the  
5       defendant's previous convictions for narcotics and other  
6       felonies, including two convictions resulting in  
7       incarceration, have been insufficient to deter the defendant  
8       from taking the actions in this case. More generally, the  
9       drug dealers -- drug dealers engage in this conduct because  
10      the cash reward outweighs the risk of a prison sentence.  
11      Guideline sentences in this and similar cases send a message  
12      that the risks they take are real, that those risks are not  
13      worth the money they are paid and can act to deter these  
14      actions and make it more difficult for drug traffickers to  
15      bring drugs into our community.

16               For all those reasons, the government seeks an  
17      effective guideline sentence of 120 to 135 months  
18      imprisonment.

19               THE COURT: Thank you. Go ahead.

20               MR. HIMEL: Just as a general statement, the  
21      government's arguments seem tailored to design against a  
22      sentence not within the guidelines. We didn't ask for a  
23      sentence not within the guidelines, we're asking for a  
24      sentence squarely within the guidelines. You heard that the  
25      guideline range was -- would be 108 to 135, absent the

1 ten-year mandatory minimum. So the 120 lands him squarely in  
2 the middle of the guideline range, or in the case of someone  
3 with the mandatory minimum, it falls at the bottom of the  
4 guideline range, which is a totally appropriate sentence for  
5 someone that, A, accepted responsibility, pled guilty within  
6 a timely manner, and cooperated with the government.

7 I take offense to the argument that somehow asking  
8 for leniency because of the failed cooperation should lead to  
9 a request for increased punishment, which seems to be the  
10 reasoning of the government's arguments. Well, when he sat  
11 down with us on those numerous times that are laid out in  
12 your sentencing paper, when he sat down with us during all  
13 those times that we wanted information from us, you know  
14 what, Judge? He was complete with us. He was truthful with  
15 us. He didn't try to tell us that the only dope you caught  
16 me with was the only dope I ever move. No, he was what you  
17 want him to be. He was what Mr. Vandenberg wanted him to be.  
18 He was complete. He was truthful. They don't come to court  
19 and say, you know, Judge, the reason why he didn't get a 5K  
20 was because we didn't find the information complete and  
21 truthful. They come to court and say, you should give him an  
22 increased punishment because he -- because we didn't give him  
23 a 5K, he could have got 108 months, if we would have just  
24 given him the 5K, but we didn't give it to him. And since  
25 you decide you want to bring it up to the court that he told

1 us all this stuff, we used all this information or had use  
2 for this information, now we want to increase punishment  
3 because he told us about additional drug amounts, and that  
4 should somehow justify. That type of reasoning turns this  
5 building on its head, absolutely on its head. He should be  
6 punished because he was complete with them. You would look  
7 at him with a jaundiced eye if you heard tale of Mr. --  
8 who -- the part of the plea, part of the facts you just heard  
9 was he admitted to ongoing drug sales over a period of years.  
10 He admitted it.

11 THE COURT: Honestly, I'm not concerned with that  
12 here today as I am concerned with what he did. And the  
13 fentanyl, and drawing his girlfriend into it.

14 MR. HIMEL: Those are valid concerns. And the  
15 fentanyl, it's something, when we're talking about a sentence  
16 within the guidelines or outside the guidelines, think about  
17 what the guideline range did to -- on the basis of it was  
18 fentanyl. The guideline range doubled the quantity of the  
19 drugs. He was -- the amount of the drugs was heroin. One  
20 kilogram. But since it was -- since it was -- had fentanyl  
21 in there, for purposes of the guideline, it was increased  
22 double. So the guidelines took that into consideration that  
23 it was fentanyl, and it actually increased the drug amounts  
24 score by two points. So that's something that the guidelines  
25 took into consideration.

1                   The part about his girlfriend, that's -- that's  
2 certainly unfortunate. But -- and I left that out of there.  
3 But I could have also put in the fact that, not only did  
4 Mr. Lewis' cooperation lead to the guilty plea of Jerome  
5 McCullough, this -- the government says that that's not what  
6 happened. And it transformed right before your very eyes.  
7 We were in court, the case was set for trial, Jerome  
8 McCullough was telling, he wanted to go to trial, he wanted  
9 to go to trial. I told the court, you said: Is that trial  
10 date good? I said: We have no intention of going to trial.  
11 We have no intention of going to trial. And Jerome  
12 McCullough knew because -- because I told his lawyer, he is  
13 cooperating, he is pleading guilty. Go ahead, you're at your  
14 own risk. And so the guy tucked tail, he pleads guilty right  
15 in front your very eyes. I can't even believe the government  
16 would take a position that Jerome McCullough wasn't set for  
17 trial, and then he found out that this man was going to  
18 cooperate against him, then the next day he called in for a  
19 change of plea. It was almost like -- it was almost  
20 immediate, the reaction, the domino effect, as I said.

21                   I can't recall a time in this building where I  
22 represented someone and they agreed to cooperate and on the  
23 basis that the person that they were cooperating against  
24 pleaded guilty that that didn't result in a 5K. Now,  
25 sometimes the fact that getting on the witness stand might

1 make a difference between you got 33 percent off from the  
2 guideline range, if he agrees to testify, and then if he  
3 actually got on the witness stand and put himself at such  
4 great risk, then maybe he could get a 50 percent off. I've  
5 lived through that. I've witnessed that. But I haven't  
6 heard where you're denied a 5K because the person who you  
7 were cooperating against decided to plead guilty. So that  
8 was one.

9                   The other one was Dealbert Johnson in an unrelated  
10 case. I know exactly, again, for a fact, I don't see how the  
11 government takes a position. They certainly can't take a  
12 position that they called Jamar Lewis in specifically to  
13 hammer out the statement of facts for Dealbert Johnson.

14                   So the same thing happened with Ms. Mayfield. He  
15 was got her involved, but then she is pleading guilty because  
16 where is she going to go? So I can't say he didn't get her  
17 involved with it. I can't also say she wasn't predisposed to  
18 it. But at the same time, he caused all these -- these  
19 dominoes to tumble. So they all pled guilty. No one went to  
20 trial on the sole basis of Jamar Lewis.

21                   And so for that I ask for a middle-of-the-road  
22 guideline sentence on a -- where I just don't see how  
23 that's -- that's inappropriate. A ten-year sentence in this  
24 case certainly does not at all deprecate the seriousness of  
25 what Jamar Lewis did. And so the difference between 120 and

1       135, the only difference between those two numbers is just  
2       punitive. And I don't -- I don't think that that's what the  
3       guidelines is all about. I don't think that's what it's all  
4       about. It's almost inconsequential difference only just to  
5       say it's punitive. A man pleads guilty, accepts  
6       responsibility, attempts to cooperate with the government, is  
7       complete and truthful in his recitation to the government on  
8       repeated, repeated meetings, and for that he should get a  
9       high end of the guideline sentence? I just don't think that  
10      that's fair.

11           So for all those reasons, 120 months is certainly  
12       not a slap in the face to justice. That's a long sentence.  
13       It takes into effect all those negative things that the court  
14       brought out. That he was transporting fentanyl, that he got  
15       his girlfriend involved. And so that ten years is going to  
16       impact his life, a number of people's lives before him. And  
17       just to extend him to the top of the guidelines when out of  
18       spite, I don't know, and I don't think that that's fair. And  
19       so my request is for a reasonable sentence, and a reasonable  
20       sentence in this case is 120 months.

21           THE COURT: Do you want to speak?

22           THE DEFENDANT: Yes, I want to speak, but I'm  
23       actually just super nervous. But I'm not good at speaking in  
24       front of people. But I wrote a letter, though. So if you  
25       would let me read it, if you don't mind.

1                   THE COURT: Go ahead.

2                   THE DEFENDANT: I'm actually nervous, but. Your  
3 Honor, I would like to show my appreciation and thank the  
4 court and yourself for giving me the opportunity to address  
5 and express myself personally. I am very grateful for this  
6 chance to tell you a bit about myself and where I come from  
7 and some of the things I've experienced in my life, both  
8 positive and negative that I feel the impact on my life.

9                   I don't wish to makes excuses for the mistakes I've  
10 made or justify the horrible decisions I made in the past. I  
11 meant to accept full responsibility for my actions and to let  
12 you know, your Honor, that I'm truly and sincerely  
13 remorseful. I regret a lot of decisions I made in my life,  
14 not only because I find myself in prison, but due to the  
15 stress and the pain that I brought upon my family. I never  
16 knew how bad the decisions I was making would hurt the ones I  
17 love the most.

18                   My children are my world, and I have now forced  
19 them in a situation where they no longer have me to turn to  
20 in their everyday life. I, myself, growing up without a  
21 father or any positive male role model know the effects it  
22 can have on a child. And that's one of the biggest fears of  
23 my life, growing up without my kids. That's one of the  
24 biggest fears.

25                   I realize now that the decisions I made in life not

1 only affect me but impacts the ones I cherish the most in  
2 life. Now and in the future, I will always take that in mind  
3 when encountered by any negativity that's put in front of me.  
4 I failed everyone close to me that depended on me so much,  
5 knowing the struggle that I left them in.

6           Although the things I did were wrong, growing up in  
7 the environment I was in, I had no one to show me the right  
8 way. No one told me how to be a man, how to have a good,  
9 honest work ethic and struggle a bit to get ahead in life.  
10 Instead, I followed the negative role models I found in the  
11 neighborhood that never cared about me and told me the quick  
12 and dishonest way that hurts many people.

13           Through the negativity, I tried to do something  
14 positive for my family, but, honestly, now I know that I took  
15 the wrong path. The fast way is never the easy way. It's  
16 not worth your life and the wellness of your family. I want  
17 to learn to walk as a man and be able to hold my head high  
18 and not be ashamed of the way I live. To be able to provide  
19 for my family the honest way and to teach my children how to  
20 push toward success in a positive way and install the values  
21 of hard work ethic and dedication that I didn't have growing  
22 up.

23           I really wish to apologize to my children most. I  
24 have an 11-year-old daughter and a nine-year-old son and  
25 daughter that are twins, and they mean the world to me, as I

1 do to them. It wasn't until I had kids that I really started  
2 to see what life is truly about. I've been with my kids  
3 nearly every day since they were born. This situation that I  
4 got myself in has hurt them the most, and I now feel like a  
5 complete failure.

6 I grew up without a father, so I know what it's  
7 like growing up without one. I just know that I failed them,  
8 and that hurts -- and that hurt will never go away. Not  
9 being able to motivate them and guide them in a positive  
10 direction can only put them at a disadvantage, and I only  
11 have myself to blame for that.

12 After I pay my debt to society and reunite with  
13 them, I plan to devote myself to them again to give them the  
14 personal attention that they have gotten accustomed to.

15 Also, to my mother, I wish to apologize for leaving  
16 her at a time when she needed me the most. Shortly after my  
17 incarceration, she suffered a major stroke, and I wasn't  
18 there to take care of her and give her the support that she  
19 needed. That may never -- I may never forgive myself for  
20 that either. After my brother was killed when I was young,  
21 it was only me and her, and she struggled to get through it,  
22 but she still managed to take care of me the best she could.  
23 And now that this is my time, I owe it to her to be there and  
24 support her in every way. But due to the foolishness of the  
25 way I chose to live my life, my mother that I love dearly

1       became a victim in my horrible decisionmaking.

2           To my family, I want to thank them for their  
3       support and not giving up on me now that I am down. To my  
4       younger family members, I pray that you can see and learn  
5       from my actions and the mistakes that I've made and stay on  
6       the positive track and don't allow peer pressure or the lure  
7       of easy money to misguide you, as it did me. Nothing in this  
8       life worthwhile comes easy, but with good work and  
9       dedication, success can be achieved.

10           And, your Honor, I also would like to ask, if  
11       possible, if you can consider or recommend placement at Milan  
12       Prison. I've read of some of the programs they have and to  
13       offer. They have help, and I really feel that I can benefit  
14       from what they have to offer. I have been interested in real  
15       estate and also wish to one day own my own home. And they  
16       have HVAC and a plumbing, electrician, carpentry program, and  
17       I believe it can help me succeed in some of the future goals  
18       that I set for myself upon my release. They also have an  
19       automotive course which would interest me, seeing that the  
20       only job I've had was selling cars. Also, if I take a career  
21       in one of these fields, I feel I can be able to provide for  
22       my family and learn every day and teach my son to work and do  
23       the things a man should be able to do for his household.

24           Again, I would like to thank you, your Honor, for  
25       your time and the opportunity to express myself to you and to

1 my family. Thank you.

2 MR. VANDENBERG: Your Honor, may the government  
3 respond?

4 THE COURT: Yes.

5 MR. VANDENBERG: Just two points. First of all,  
6 for the record, the government wants to make very clear that  
7 we are not arguing for any type of increased sentence based  
8 on the defendant's meeting with the government. I tried to  
9 make that clear. Defense argued that. I just want that to  
10 be on the record.

11 I also want to make clear that this defendant,  
12 again, was not cooperating against any of those other federal  
13 defendants. He was never told that he would be asked to  
14 provide testimony against any of these other defendants.  
15 None of those federal defendants were told that he was going  
16 to cooperate or testify against any of them. And as your  
17 Honor is probably aware, it would be highly unusual for our  
18 office to take a supplier and primary target of an  
19 investigation and get them to testify against their customers  
20 and their girlfriend.

21 THE COURT: It has happened.

22 MR. VANDENBERG: It did not in this case. And  
23 there is no representations made to that effect. That's --  
24 those are the only things I wanted to clarify, your Honor.

25 THE COURT: I want to see something here. Okay.

1                   All right. Well, we start with guideline  
2 provision. I guess it would be 108 to 135, except that there  
3 is a minimum sentence of 120 months that I must impose. But  
4 it's an offense level of 29, Criminal History Category 3.

5                   The nature and circumstances of the offense. Gee,  
6 I mean, it -- it is certainly serious. Heroin and fentanyl,  
7 I mean, at least my understanding of it is that, yes, indeed,  
8 there is a likelihood that it could easily kill somebody. It  
9 apparently has, not maybe in this case, but in -- it's a  
10 terrible -- I mean, they're both bad drugs, from what I can  
11 understand, and together, I don't really understand how  
12 somebody could decide to do that.

13                  The circumstances of the offense. Well, I already  
14 brought up that I thought in this particular offense, on top  
15 of it, you know, he brought his girlfriend into it and  
16 others. And he was a major -- he was the person who was  
17 mostly involved.

18                  Okay. History and characteristics. There is a  
19 history here. I mean, Criminal History Category of 3. He  
20 has had other opportunities, you've had other opportunities  
21 where you could have changed your life, and so far you have  
22 not. It's really hard to see much here that is mitigating,  
23 other than that you did decide to, you know, to talk to the  
24 government in this case.

25                  The need for this -- and there is -- do I remember

1 right that there was actually a lot of cash found?

2 MR. VANDENBERG: He admitted to \$180,000, I  
3 believe, in proceeds. He also admitted to the forfeiture  
4 of --

5 THE COURT: What was found in his apartment?

6 MR. VANDENBERG: What was found in his apartment?

7 THE COURT: Wasn't it quite a bit, I mean, that  
8 was --

9 MR. VANDENBERG: Yes, give me just a minute, your  
10 Honor. \$70,977 in cash --

11 THE COURT: All right. So this looks like.

12 MR. VANDENBERG: -- and several items of jewelry.

13 THE COURT: This looks like that this was -- I  
14 mean, he was, indeed, making considerable money doing this.  
15 I mean, there isn't any other explanation. Indeed, I  
16 don't -- I think he has admitted that there wasn't any  
17 explanation, and that this was how he was making the money.

18 Partly, the other side, but I suppose it cuts both  
19 ways is, I think you must be a very bright person and have  
20 the potential to be a good leader. Yes, at this point in  
21 life you have hurt not only yourself but other -- a lot of  
22 other people.

23 So I need the sentence to reflect the seriousness  
24 of the offense, promote respect for the law and provide just  
25 punishment, and I guess, yes, I also haven't mentioned that,

1 indeed, that there was a -- on top of it all, there was a gun  
2 found in his apartment that I don't think he is denying was  
3 his. I need this sentence to afford adequate deterrence to  
4 criminal conduct, protect the public from further crimes by  
5 you and provide you with needed educational and vocational  
6 training, which I think you're agreeing would be good and  
7 hopefully will turn a lot of this around.

8 The other thing I didn't mention is, you know,  
9 you're not a kid. You're old enough to have understood  
10 exactly the seriousness of what you were doing. So, still, a  
11 sentence should be sufficient but not greater than necessary.

12 I am going to commit you to the custody of the  
13 Bureau of Prisons for a term of 128 months on Count 2. I  
14 will recommend that you participate in a residential drug  
15 abuse program while you're in custody. I find that you do  
16 not have the ability to pay a fine, and so I will waive that.  
17 There is a special assessment of \$100, which is due  
18 immediately. Upon your release from prison, you will be on  
19 supervised release for a term of five years. Within 72 hours  
20 of your release from custody, you shall report in person to  
21 the probation office in the district in which you are  
22 released. While on supervised release, you shall comply with  
23 the following conditions.

24 First are mandatory. That you not commit another  
25 federal, state or local crime. That you not unlawfully

1 possess a controlled substance. That you cooperate in the  
2 collection of a DNA sample, if that is required by law. That  
3 you refrain from any unlawful use of a controlled substance  
4 and submit to one drug test within 15 days of your release on  
5 supervised release and at least two periodic tests  
6 thereafter, up to 104 periodic tests for use of a controlled  
7 substance during each year of supervised release.

8 The probation office has proposed a number of  
9 discretionary conditions. Have you had the opportunity to  
10 look at them?

11 MR. HIMEL: We have, Judge.

12 THE COURT: Do you have any objection to any of  
13 those?

14 MR. HIMEL: No.

15 THE COURT: Okay. First, that you provide  
16 financial support to your dependents, if you are financially  
17 able to do so.

18 That you seek and work conscientiously at lawful  
19 employment, or if you are not gainfully employed, that you  
20 pursue conscientiously a course of study or vocational  
21 training that will equip you for employment.

22 That you not knowingly meet or communicate with any  
23 person whom you know to be engaged or planning to be engaged  
24 in criminal activity and shall not knowingly meet or  
25 communicate with the following persons: Ben Baker, Latoya

1 Mayfield, Jerome McCullough and Dealbert Johnson.

2                   That you refrain from any use of alcohol defined --  
3 well, defined as having a blood alcohol concentration greater  
4 than .08 percent, but I suppose any is any, and from any use  
5 of a narcotic drug or other controlled substance as defined  
6 in Section 102 of the Controlled Substances Act without a  
7 prescription by a licensed medical practitioner.

8                   That you not possess a firearm, destructive device  
9 or other dangerous weapon.

10                  That you participate at the direction of a  
11 probation officer in a substance abuse treatment program,  
12 which may include urine testing up to a maximum of 104 tests  
13 per year.

14                  That you participate at the direction of a  
15 probation officer in a mental health treatment program and  
16 shall take any medications prescribed by the mental health  
17 treatment provider.

18                  You shall not knowingly leave from the Federal  
19 Judicial District where you are being supervised unless  
20 granted permission to leave by the court or a probation  
21 officer. The geographic area of the Northern District of  
22 Illinois currently consists of the Illinois counties of Cook,  
23 DuPage, Grundy, Kane, Kendall, Lake, LaSalle, Will, Boone,  
24 Carol, DeKalb, Jo Davis, Lee, McHenry, Ogle, Stevenson,  
25 Whiteside and Winnebago.

1                   You shall report to a probation officer as directed  
2 by the court or a probation officer. You shall permit a  
3 probation officer to visit you at any reasonable time, at  
4 home, at work, at school, at a community service location or  
5 other reasonable locations specified by a probation officer.

6                   You shall permit confiscation of any contraband  
7 observed in plain view of the probation officer.

8                   You shall notify a probation officer within  
9 72 hours after becoming aware of any change in residence,  
10 employer, or work place. And absent constitutional or other  
11 legal privilege, answer inquiries by a probation officer.

12                  You shall answer truthfully any inquiries by a  
13 probation officer, subject to any constitution or other legal  
14 privilege. You shall notify a probation officer within  
15 72 hours if after being arrested, charged with a crime or  
16 questioned by law enforcement officer.

17                  You shall participate in an approved job skill  
18 training program at the direction of a probation officer  
19 within the first 60 days of placement on supervision.

20                  You shall, if unemployed after the first 60 days of  
21 supervision, or if unemployed for 60 days after termination  
22 or layoff from employment, perform at least 20 hours of  
23 community service per week at the direction of the US  
24 probation officer until gainfully employed. The amount of  
25 community service shall not exceed 400 hours.

1                   You shall not enter into any agreement to act as an  
2 informer or special agent of the law enforcement agency  
3 without the permission of the court.

4                   You shall observe one re-entry court session as  
5 instructed by your probation officer.

6                   Do we have a forfeiture issue to deal with?

7                   MR. VANDENBERG: Yes, your Honor.

8                   THE COURT: And?

9                   MR. VANDENBERG: The defendant, in his plea  
10 declaration, agreed to a personal money judgment in the  
11 amount of \$180,000, which represents proceeds from his  
12 narcotics dealing.

13                   THE COURT: How much was it?

14                   MR. VANDENBERG: \$180,000.

15                   THE COURT: Okay. Then we will enter that. I'll  
16 make a recommendation of where you would like to serve your  
17 sentence. You said it, and I wasn't sure I heard where you  
18 wanted.

19                   THE DEFENDANT: Milan, Michigan. Milan Prison.

20                   THE COURT: Oh, Milan, okay.

21                   THE DEFENDANT: Yes, ma'am.

22                   THE COURT: We will make that recommendation.

23                   THE DEFENDANT: Thank you.

24                   THE COURT: You have 14 days to file a notice of  
25 appeal. I hope -- I know that it's very difficult to be in

1       prison, but I hope that you will have the opportunity to  
2       acquire skills where you really can use your life in a good  
3       way and to help other people. So good luck. Thank you.

4                   THE DEFENDANT: Thank you.

5                   (Which were all the proceedings heard.)

6                   CERTIFICATE

7                   I certify that the foregoing is a correct transcript  
8       from the record of proceedings in the above-entitled matter.

9  
10       /s/ SANDRA M. MULLIN

March 12, 2020

11       SANDRA M. MULLIN, CSR, RMR, FCRR  
12       Official Court Reporter

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# Exhibit B

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

COORDINATED CASES	)	)
<i>Baker v. Chicago et al.</i> , No. 16-cv-8940	)	No. 16-CV-8940
<i>White v. Chicago et al.</i> , No. 17-cv-2877	)	
<i>Powell v. Chicago et al.</i> , No. 17-cv-5156	)	Honorable Judge Andrea R. Wood
<i>Carter v. Chicago et al.</i> , No. 17-cv-7241	)	and Honorable Magistrate Judge Sheila Finnegan
<i>Forney v. Chicago et al.</i> , No. 18-cv-3474	)	
<i>Shenault v. Chicago et al.</i> , No. 18-cv-3477	)	
<i>Shenault Jr. v. Chicago et al.</i> , No. 18-cv-3478	)	
<i>Gibbs v. Chicago, et al.</i> , No. 18-cv-5119	)	
<i>Gipson v. Chicago, et al.</i> , No. 18-cv-5120	)	
<i>Jackson v. Chicago, et al.</i> , No. 18-cv-5121	)	
<i>Sanders v. Chicago, et al.</i> , No. 18-cv-5122	)	
<i>James v. Chicago, et al.</i> , No. 18-cv-5123	)	
<i>Jefferson v. Chicago, et al.</i> , No. 18-cv-5124	)	
<i>Saunders v. Chicago, et al.</i> , No. 18-cv-5125	)	
<i>McDaniels v. Chicago, et al.</i> , No. 18-cv-5126	)	
<i>McNairy v. Chicago, et al.</i> , No. 18-cv-5127	)	
<i>Scott v. Chicago, et al.</i> , No. 18-cv-5128	)	
<i>Rainey v. Chicago, et al.</i> , No. 18-cv-5129	)	
<i>Smith v. Chicago, et al.</i> , No. 18-cv-5130	)	
<i>Thomas v. Chicago, et al.</i> , No. 18-cv-5131	)	
<i>Thomas v. Chicago, et al.</i> , No. 18-cv-5132	)	
<i>White, Jr. v. Chicago, et al.</i> , No. 18-cv-5133	)	
<i>Jefferson v. Chicago et al.</i> , No. 18-cv-8182	)	
<i>Blair v. Chicago et al.</i> , No. 19-cv-0127	)	
<i>Curtis v. Chicago et al.</i> , No. 19-cv-0128	)	
<i>Henderson v. Chicago, et al.</i> , No. 19-cv-0129	)	
<i>Ollie v. Watts et al.</i> , No. 19-cv-0131	)	
<i>Wilbourn v. Chicago et al.</i> , No. 19-cv-0132	)	
<i>Thomas v. Chicago et al.</i> , No. 19-cv-0133	)	
Plaintiffs,	)	
v.	)	
CITY OF CHICAGO, et al.,	)	
Defendants	)	
	)	
	)	

**COORDINATED PLAINTIFFS' FEBRUARY 4, 2019  
RULE 26(a)(1) DISCLOSURES**

**In addition to the individuals previously disclosed in the *Baker* and *White Sr.* cases, Plaintiffs in the coordinated cases hereby make the following disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1):**

i. The following people are likely to have discoverable information that Plaintiffs may rely on to support their claims:

1. Ben Baker, Plaintiff, can be reached through Plaintiff's counsel.
2. Clarissa Glenn, Plaintiff, can be reached through Plaintiff's counsel.
3. Lionel White Sr., Plaintiff, can be reached through Plaintiff's counsel.
4. Bruce Powell, Plaintiff, can be reached through Plaintiff's counsel.
5. William Carter Plaintiff, can be reached through Plaintiff's counsel.
6. Robert Forney, Plaintiff, can be reached through Plaintiff's counsel.
7. Angelo Shenault, Plaintiff, can be reached through Plaintiff's counsel.
8. Angelo Shenault Jr., Plaintiff, can be reached through Plaintiff's counsel.
9. Marcus Gibbs, Plaintiff, can be reached through Plaintiff's counsel.
10. Leonard Gipson, Plaintiff, can be reached through Plaintiff's counsel.
11. Jamell Sanders, Plaintiff, can be reached through Plaintiff's counsel.
12. Shaun , Plaintiff, can be reached through Plaintiff's counsel.
13. Thomas Jefferson, Plaintiff, can be reached through Plaintiff's counsel.
14. Frank Saunders, Plaintiff, can be reached through Plaintiff's counsel.
15. Anthony McDaniels, Plaintiff, can be reached through Plaintiff's counsel.
16. Andre McNairy, Plaintiff, can be reached through Plaintiff's counsel.
17. Christopher Scott, Plaintiff, can be reached through Plaintiff's counsel.
18. Lee Rainey, Plaintiff, can be reached through Plaintiff's counsel.
19. Taurus Smith, Plaintiff, can be reached through Plaintiff's counsel.
20. Henry Thomas, Plaintiff, can be reached through Plaintiff's counsel.
21. Phillip Thomas, Plaintiff, can be reached through Plaintiff's counsel.
22. Lionel White, Jr., Plaintiff, can be reached through Plaintiff's counsel.
23. Goleather Jefferson Plaintiff, can be reached through Plaintiff's counsel.
24. Harvey Blair Plaintiff, can be reached through Plaintiff's counsel.
25. Joshua Curtis, Plaintiff, can be reached through Plaintiff's counsel.
26. Rickey Henderson, Plaintiff, can be reached through Plaintiff's counsel.
27. George Ollie, Plaintiff, can be reached through Plaintiff's counsel.
28. Vondell Wilbourn, Plaintiff, can be reached through Plaintiff's counsel.

29. Nephus Thomas, Plaintiff, can be reached through Plaintiff's counsel. Plaintiffs have information pertaining to the corruption, extortion, robberies, drug dealing, illegal gun trade, and physical and psychological violence perpetuated by Defendant Ronald Watts and his tactical team, as well as the circumstances surrounding Plaintiffs' false arrests, their criminal prosecution and wrongful convictions and incarceration, and the resulting injuries they sustained from these events.

30. Ronald Watts, Defendant, can be reached through counsel.
31. Kallatt Mohammed, Defendant, can be reached through counsel.
32. Alvin Jones, Defendant, can be reached through counsel.
33. Elsworth Smith Jr., Defendant, can be reached through counsel.
34. Kenneth Young, Jr., Defendant, can be reached through counsel.
35. Lamonica Lewis, Defendant, can be reached through counsel.
36. Robert Gonzalez, Defendant, can be reached through counsel.
37. Douglas Nichols, Defendant, can be reached through counsel.
38. Manuel Leano, Defendant, can be reached through counsel.
39. Brian Bolton, Defendant, can be reached through counsel.
40. Calvin Ridgell, Defendant, can be reached through counsel.
41. George Summers, Defendant, can be reached through counsel.
42. Michael Spargaaren, Defendant, can be reached through counsel.
43. Darrel Edwards, Defendant, can be reached through counsel.
44. Matthew Cadman, Defendant, can be reached through counsel.
45. Lt. Michael J. Stevens, Defendant, can be reached through counsel.
46. Miguel Cabrales, Defendant, can be reached through counsel.
47. John Griffin, Defendant, can be reached through counsel.
48. D. Soltis, Defendant, can be reached through counsel.
49. Ronald Heard, Defendant, can be reached through counsel.
50. Darryl Akins, Defendant, can be reached through counsel.
51. Katherine Moses-Hughes, Defendant, can be reached through counsel.
52. Officer Lane, Defendant, can be reached through counsel.
53. Officer Bogard, Defendant, can be reached through counsel.
54. Sergeant J. Bostak, Defendant, can be reached through counsel.
55. Sergeant L. Panepinto, Defendant, can be reached through counsel.
56. Sergeant E.A. Richards, Defendant, can be reached through counsel.
57. Sergeant Jose Lopez, Defendant, can be reached through counsel.
58. Mike Ryle, Defendant, can be reached through counsel.
59. Edward Griffin, Defendant, can be reached through counsel.
60. Philip Cline, Defendant, can be reached through counsel.
61. Karen Rowan, Defendant, can be reached through counsel.

62. Debra Kirby, Defendant, can be reached through counsel.

Defendants may have information concerning the unconstitutional and unlawful acts perpetuated by Defendant Ronald Watts and other Defendants, including: the role Defendants played in the illegal drug trade at the Ida B. Wells public housing development during the late 1990s through early 2012; the systematic fabrication of evidence and creation of false and fraudulent police reports; the corruption, extortion, robberies, drug dealing, illegal gun trade, and the physical and psychological violence perpetuated by Defendant Ronald Watts and his tactical team; murders during the late 1990s into early 2012; Plaintiffs' wrongful arrests and convictions; Defendants' contact, conversations, and other communications with Plaintiffs; Defendants' contact, conversations, and other communications with witnesses relating to Plaintiffs; fabrication of police reports and other records documenting the investigations of Plaintiffs and others; falsely testifying in courtrooms and in front of grand juries; promoting and participating in the criminal prosecution of Plaintiffs and others; and concealing material and exculpatory evidence concerning Defendant Ronald Watts's and his team's criminal empire both during the criminal proceedings and after Plaintiffs' and others' wrongful convictions.

\*\*\*\*\*

The following witnesses may have knowledge as to Defendant Watts's and his team's pattern of engaging in unconstitutional and unlawful conduct, particularly involving Defendant Watts's and his team's framing, false arrests, and wrongful convictions of innocent these witnesses:

63. Zarice Johnson – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

64. Theodore "Ed" Wilkins – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

65. Bobby Coleman – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

66. Larry Lomax – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

67. Mister Lucky Pearson – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

68. Deon Willis – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

69. Martez Wise – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

70. Cordero Payne – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

71. Kim Wilbourn – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

72. George Almond – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

73. Alvin Waddy – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

74. Deandre Bell – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

75. Landon Allen – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

76. James Moore – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

77. Gregory Warren – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

78. Tyronne Fenton – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

79. Gregory Dobbins – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

80. Russ Lipscomb – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

81. Milton Delaney – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

82. Brian Hunt – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

83. Cleon Glover – see Baker GLENN 28757-29109. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

84. Leonard Sanders – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

85. Herbert Anderson – see Baker GLENN 28757-29109. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

86. Willie Martin – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

87. Octavia McDonald – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

88. Sean Bush – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

89. Christopher Jones – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

90. Derrick Lewis – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

91. Anthony Mays – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

92. Isaac Weekly – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

93. Joseph Roberts – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

94. Bobby Coleman – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

95. Stefon Harrison – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

96. Raynard Carter – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

97. Darron Byrd – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

98. Lapon Thompson – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900

99. Sydney Harvey – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

100. Lloyd Newman – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

101. Anthony Harris – see Baker GLENN 29975-30544. Can be reached through his counsel, Josh Tepfer, Exoneration Project.

102. Kenneth Hicks – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

103. Craig Colvin – see Baker GLENN 29975-30544. Can be reached through his counsel at Loevy & Loevy - 311 N. Aberdeen, Third Floor, Chicago, Illinois (312) 243-5900.

104. David Holmes – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

105. Gregory Haynes – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
106. Torrence Ivory – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
107. Deonta Anderson – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
108. Alhummza Stokes – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
109. LeRoy Williams – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
110. Hasaan Potts – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
111. Jajaun Nile – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
112. Lakiya Gresham – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
113. Oliver Sims – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
114. Dorian Wells – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
115. Antwan Bradley – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
116. Eson Claybron – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
117. Darnell Howard – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
118. Javon Bradley – Can be reached through his counsel, Josh Tepfer, Exoneration Project.
119. Joshua King – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

120. Terrance Hogan – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

121. Rasaan Shannon – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

122. Kimberly Watkins – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

123. Marc Giles – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

124. Darryl Hall – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

125. Stephen Shelton – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

126. Tyree Smith – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

127. Teshama Beal – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

128. Darryl Boyd – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

129. Jimmie Bell – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

130. Joseph Wright – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

131. Sherman Johnson – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

132. Sherman Lewis – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

133. Elgen Moore – Can be reached through his counsel, Josh Tepfer, Exoneration Project.

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The following witnesses may have knowledge as to Defendant Watts's and his team's pattern of engaging in unconstitutional and unlawful conduct:

134. Willie Gaddy – Address/phone number currently unknown.
135. Daniel Hopkins – Address/phone number currently unknown.
136. Jerome Fears – Address/phone number currently unknown.
137. Arthur Kirksey – Address/phone number currently unknown.
138. Stacy Graham – 319-371-6938 – Address currently unknown.
139. Lolita Claybron – Address/phone number currently unknown. See CR 1017012.
140. Deaonte Claybron –Address/phone number currently unknown. See CR 1017012.
141. Debra Gustard –Address/phone number currently unknown. See CR 1017012.
142. Derek Clay –Address/phone number currently unknown. See CR 313523.
143. Charles Rogers – Address/phone number currently unknown. See CR 1031334.
144. Derrick Collins – Address/phone number currently unknown. See CR 1031334.
145. Marcus Williams – Address/phone number currently unknown. See CR 254205.
146. Alexis Sugges – Address/phone number currently unknown. See CR 258817.
147. Ricardo Burns – Address/phone number currently unknown. See CR 260658.
148. Joseph Sylles – Address/phone number currently unknown. See CR 260658.
149. Kenneth Haymn – Address/phone number currently unknown. See CR 263095.
150. Latanya Book (Haymon) – Address/phone number currently unknown. See CR 263095.
151. Sonia Booth – Address/phone number currently unknown. See CR 263095.
152. Isaac Thorne – Address/phone number currently unknown. See CR 263459.
153. Brenetta Stephenson – Address/phone number currently unknown. See CR

274930.

154. Rodney Campbell –Address/phone number currently unknown. See CR 274930.
155. Roderick Vasser – Address/phone number currently unknown. See CR 274930.
156. Sandra Baker – Address/phone number currently unknown. See CR 287011.
157. Beverly McKnight – Address/phone number currently unknown. See CR 298336.
158. Alphonso Coleman – Address/phone number currently unknown. See CR 298336.
159. Faye Wilson – Address/phone number currently unknown. See CR 300175.
160. Angela Dixon – Address/phone number currently unknown. See CR 301221.
161. Jerome Bynum – Address/phone number currently unknown. See CR 301221.
162. Garold Brown – Address/phone number currently unknown. See CR 303646.
163. Kevin Ross – Address/phone number currently unknown. See CR 305723.
164. Natayvia McDonald – Address/phone number currently unknown. See CR 305849.
165. Pamela Nooner – Address/phone number currently unknown. See CR 305849.
166. Gresandra Shumaker – Address/phone number currently unknown. See CR 305849.
167. Vincent Randle – Address/phone number currently unknown. See CR 305849.
168. Eana Adams – Address/phone number currently unknown. See CR 305849.
169. Erica Johnson –Address/phone number currently unknown. See CR 305849.
170. Ebony Johnson – Address/phone number currently unknown. See CR 305849.
171. Charles Pictures – Address/phone number currently unknown. See CR 305849.
172. Eric Finley – Address/phone number currently unknown. See CR 311300.
173. Cicero Patton – Address/phone number currently unknown. See CR 311300.
174. Shawn Hyche – Address/phone number currently unknown. See CR 314992.

175. Cornelia Lucas – Address/phone number currently unknown. See CR 1004698.
176. Terra Johnson Bell – Address/phone number currently unknown. See CR 1005766.
177. Eric Davis – Address/phone number currently unknown. See CR 1005855.
178. Curtis Camp – Address/phone number currently unknown. See CR 1014553.
179. Terrell Champagne – Address/phone number currently unknown. See CR 1008820.
180. Annitra Nix – Address/phone number currently unknown. See CR 1008820.
181. Darlene Key – Address/phone number currently unknown. See CR 1008820.
182. Tatiana Blackburn – Address/phone number currently unknown. See CR 1008820.
183. Lawrence Jackowiak – Address/phone number currently unknown. See CR 1028854.
184. Michael Kassim–Address/phone number currently unknown. See CR 1026056.
185. Shawana Tarbor – Address/phone number currently unknown. See CR 1029004.
186. Zaron Graham – Address/phone number currently unknown. See CR 1029004.
187. Mable Price – Address/phone number currently unknown. See CR 1030958.
188. Dominique Horton – Address/phone number currently unknown. See CR 1030958.
189. Corey Davis – Address/phone number currently unknown. See CR 1030009.
190. Willie Houston –Address/phone number currently unknown. See CR 1030009.
191. Ann Ware – Address/phone number currently unknown. See CR 1030009.
192. Marjora Houston – Address/phone number currently unknown. See CR 1030009.
193. Sandy Johnson – Address/phone number currently unknown. See CR 1046046.
194. Marvin Mosley – Address/phone number currently unknown. See CR 1053673.
195. Lewis Williams – Address/phone number currently unknown. See CR 1059446.

196. Amanda Parker – Address/phone number currently unknown. See CR 284536.
197. Bekenya Coker – Address/phone number currently unknown. See CR 284602.
198. Rochelle Garth – Address/phone number currently unknown. See CR 296428.
199. Marquita Cooper– Address/phone number currently unknown. See CR 273870.
200. Wilbert Kellogg – Address/phone number currently unknown. See CR 273870.
201. Shirely Wallace – Address/phone number currently unknown. See CR 273870.
202. Charles Butler – Address/phone number currently unknown. See CR 1012897.
203. Kelvin Lawrence – Address/phone number currently unknown. See CR 1037238.
204. Kevin Jones – Address/phone number currently unknown. See CR 1037238.
205. Yolanda Willis – Address/phone number currently unknown. See CR 1037238.
206. Jakharri Washington – Address/phone number currently unknown. See CR 1044250.
207. Charles Lawrence – Address/phone number currently unknown.
208. Rasheed Brakes – Address/phone number currently unknown.
209. Kimberly Collins – Address/phone number currently unknown.
210. Delores Allen – Address/phone number currently unknown.
211. Marquite Moore – Wilbert Moor’s sister – 773-412-2290; Address currently unknown.
212. Charlene Campbell – Address/phone number currently unknown.
213. Lashina Weekly – Address/phone number currently unknown.
214. Anthony Stroud – Address/phone number currently unknown.
215. Charles Wicks –Address/phone number currently unknown.
216. LeRoy McCambray – Address/phone number currently unknown.
217. James McGee – Address/phone number currently unknown.

218. Akira Reynolds – Address/phone number currently unknown.
219. Christolth Washington – Address/phone number currently.
220. Ciera Clark –Address/phone number currently unknown.
221. Qiana Clark Marble – Address/phone number currently unknown.
222. Sandra Clark –Address/phone number currently unknown.
223. Winnie Lewis – Address/phone number currently unknown.
224. Avis Roberts – Address/phone number currently unknown.
225. Orlando MacIntosh – Address/phone number currently unknown.
226. Siobahn Thompson – Address/phone number currently unknown.
227. Dawn King – Address/phone number currently unknown.
228. Rashad Shannon – Address/phone number currently unknown.
229. Gregory Young, Sr. – Address/phone number currently unknown.
230. Latrice Harris – Address/phone number currently unknown.
231. Vanessa King – Address/phone number currently unknown.
232. Vinson Khary Willis – Address/phone number currently unknown.
233. Tennyson Gibson – Address/phone number currently unknown.
234. Kenny Jackson – Address/phone number currently unknown.
235. Michelle Shaw – Address/phone number currently unknown.
236. Jermaine Morris – Address/phone number currently unknown.
237. Darnell Martin – Address/phone number currently unknown.
238. Domingas Franklin – Address/phone number currently unknown.
239. Talf Lumpkins – Address/phone number currently unknown.
240. Michelle Caldwell – Address/phone number currently unknown.

241. Donetta Watts – Address/phone number currently unknown.
242. Richard Hale – Address/phone number currently unknown.
243. Lynette Ewing – Address/phone number currently unknown.
244. Johnnie Tolliver – Address/phone number currently unknown.
245. Robert Lindsey – Address/phone number currently unknown.
246. Troy Clark – Address/phone number currently unknown.
247. Charlie Miller – Address/phone number currently unknown.
248. Aquanda Brooks – Address/phone number currently unknown.
249. Vincent Sparks – Address/phone number currently unknown.
250. William Moody – Watts’ half-brother – Address/phone number currently unknown.

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Law enforcement named in Chicago Police Department reports and who may have information concerning the investigation that caused Plaintiffs’ wrongful arrests, prosecutions, and convictions, as well as knowledge of the code of silence within the Chicago Police Department, and of the Department’s systematic failure to investigate and discipline officers and employees accused of wrongdoing. Based on records available at this time, these witnesses include but are not limited to:

251. Pete Koconis, retired police officer– (312) 415-2110; Address currently unknown.
252. Robert Stegmiller – Chicago police officer – Address/phone number currently unknown.
253. Dorian Smith – Chicago police officer – Address/phone number currently unknown.
254. Stephen Watts – Watts’ brother and Chicago police officer – Address/phone number currently unknown.

255. Roderick Watson, Chicago police officer– Address/phone number currently unknown.

256. Edwin Uteras – Chicago police officer – Address/phone number currently unknown.

257. Sean Brandon – Chicago police officer – Address/phone number currently unknown.

258. Officer A. Curetan, Star # 8148 – Chicago police officer – Address/phone number currently unknown.

259. Officer M. Jakob, Star # 8148 – Chicago police officer – Address/phone number currently unknown.

260. Alfie Patterson, Star #9206 – Chicago police officer – Address/phone number currently unknown.

261. Officer Savikas, Star #5991 – Chicago police officer – Address/phone number currently unknown.

262. James Davis – Chicago police officer – Address/phone number currently unknown.

263. Raymond Piwicki – Chicago police officer – Address/phone number currently unknown. See CR 309085.

264. Mitchell Wells – Chicago police officer – Address/phone number currently unknown.

265. Michael Wells – Chicago police officer – Address/phone number currently unknown.

266. Paul Kirner – Chicago police officer – Address/phone number currently unknown. See CR 314992.

267. Ron Rempas – Chicago police officer – Address/phone number currently unknown. See CR 314992.

268. Fred Waller – Chicago police officer – Address/phone number currently unknown.

269. Walter Green – Chicago police officer – Address/phone number currently unknown.

270. Officer Farrel, Star #6 – Chicago police officer – Address/phone number currently unknown.

271. Officer P.D. Dumas, Star #9182 – Chicago police officer – Address/phone number currently unknown.

272. Sgt. James Heneghan – Chicago police officer – Address/phone number currently unknown.

273. Torence Smith – Chicago police officer – Address/phone number currently unknown.

274. Jeffrey Haddon – Chicago police officer – Address/phone number currently unknown.

275. Daria Ringo – Chicago police officer – Address/phone number currently unknown.

276. Sgt. Joseph Gorman – Chicago police officer – Address/phone number currently unknown.

277. Sgt. Tony Di Cristofano – Chicago police officer – Address/phone number currently unknown.

278. Alonzo Harris – Chicago police officer – Address/phone number currently unknown.

279. Sgt. Luz Nieves – Chicago police officer – Address/phone number currently unknown.

280. Joseph Barnes – Chicago police officer – Address/phone number currently unknown.

281. Sgt. Nedra Nelson-Jones – Chicago police officer and wife of Defendant Alvin Jones – Address/phone number currently unknown.

282. Timothy Moragne – Chicago Police officer – Address/phone number currently unknown.

283. Lt. Cobb “Batman” – Chicago police officer – Address/phone number currently unknown.

284. Det. Griffin – Chicago police officer – may have knowledge of the CPD investigation into Plaintiff Anthony McDaniels – Address/phone number currently unknown.

285. Juan Rivera – former head of IAD – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

286. Garry McCarthy– former CPD superintendent – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

287. Eddie Johnson – former current CPD superintendent – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

288. Tina Skahill – Chicago Internal Affairs officer – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

289. Nick Spanos– Chicago police detective – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

290. Nick Roti– former CPD BOC chief – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team – Address/phone number currently unknown.

291. Rahm Emanuel, Mayor of the City of Chicago, may have knowledge of the Code of Silence that exists within the Chicago Police Department – 121 N. LaSalle Street, Chicago City Hall 4th Floor, Chicago, Illinois 60602.

292. Shannon Spaulding – former CPD officer – may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it relates to Watts and his tactical team, last known counsel: Daniel J. Stohr – 222 N LaSalle St # 200, Chicago, IL 60601; 312-726-1180.

293. Daniel Echeverria, may have knowledge of Defendant Watts's and his Team's unconstitutional and unlawful acts as well as the code of silence within CPD, especially as it

relates to Watts and his tactical team, last known counsel: Daniel J. Stohr – 222 N LaSalle St # 200, Chicago, IL 60601; 312-726-1180.

294. Kenneth Biggs – Chicago Internal Affairs officer – Address/phone number currently unknown.

295. Allen J. Boehmer – Chicago Internal Affairs officer – Address/phone number currently unknown.

296. Keith Calloway – Chicago Internal Affairs officer – Address/phone number currently unknown.

297. Thomas Chester – Chicago Internal Affairs officer – Address/phone number currently unknown.

298. Calvin Holliday – Chicago Internal Affairs officer – Address/phone number currently unknown.

299. Joel Howard – Chicago Internal Affairs officer – Address/phone number currently unknown.

300. Robert Klimas – Chicago Internal Affairs officer – Address/phone number currently unknown.

301. Kenneth Mann – Chicago Internal Affairs officer – Address/phone number currently unknown.

302. Tim Moore – Chicago Internal Affairs officer – Address/phone number currently unknown.

303. Wilbert Neal – Chicago OPS investigator – Address/phone number currently unknown.

304. James Spratte – Chicago Internal Affairs officer – Address/phone number currently unknown.

305. Daniel Dacanay – Chicago Internal Affairs officer – Address/phone number currently unknown.

306. Tiffany Williams – Chicago Internal Affairs officer – Address/phone number currently unknown.

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Other witnesses include members of law enforcement not employed by the Chicago Police Department who may have information concerning investigations into Defendants' unconstitutional and unlawful misconduct, as well as as knowledge of the code of silence within the Chicago Police Department, and of the Department's systematic failure to investigate and discipline officers and employees accused of wrongdoing. Based on records available at this time, these witnesses include but are not limited to:

307. Patrick Smith – Former FBI agent – Address/phone number currently unknown.
308. Craig Henderson – FBI agent– Address/phone number currently unknown.
309. Margaret Schneider – Federal prosecutor– Address/phone number currently unknown.
310. Susan Bray – ATF S/A agent– Address/phone number currently unknown.
311. William Warren, Jr. – DEA S/A agent – Address/phone number currently unknown.
312. Eric A. Ellis – ATF S/A agent– Address/phone number currently unknown.
313. Andrew Traver – ATF S/A agent– Address/phone number currently unknown.
314. Raymond Hart – FBI S/A agent – Address/phone number currently unknown.
315. Sean MacManus – FBI S/A agent – Address/phone number currently unknown.
316. Wes Riesmeyer– FBI S/A agent – Address/phone number currently unknown.
317. Phil Andrew– FBI S/A agent– Address/phone number currently unknown.
318. Brendan J. O'Leary– FBI S/A agent – Address/phone number currently unknown.
319. Ginger M. Miller– FBI S/A agent – Address/phone number currently unknown.
320. Don M. Anderson III– FBI S/A agent – Address/phone number currently unknown.
321. Wesley D. Riesmeyer– FBI S/A agent – Address/phone number currently unknown.

- 322. Philip J. Andrew – FBI S/A agent – Address/phone number currently unknown.
- 323. Lorenzo D. Benedict – FBI S/A agent – Address/phone number currently unknown.
- 324. Stephen J. O'Reilly – FBI S/A agent – Address/phone number currently unknown.
- 325. Julie A. Anderson – FBI S/A agent – Address/phone number currently unknown.
- 326. Jeremy Ashcroft – FBI S/A agent – Address/phone number currently unknown.
- 327. Joan Hyde – FBI S/A agent – Address/phone number currently unknown.
- 328. Timothy J. Keese – FBI S/A agent – Address/phone number currently unknown.
- 329. Dana Depooter – FBI S/A agent – Address/phone number currently unknown.
- 330. Bryan Butler – FBI S/A agent – Address/phone number currently unknown.
- 331. Keith Hennings – FBI S/A agent – Address/phone number currently unknown.
- 332. Jeffrey Moore – FBI S/A agent – Address/phone number currently unknown.
- 333. Eugene Jackson – FBI S/A agent – Address/phone number currently unknown.
- 334. Karen K. Kelly – FBI S/A agent – Address/phone number currently unknown.
- 335. Matthew J. Kern – FBI S/A agent – Address/phone number currently unknown.
- 336. Lora Belle Richardson – FBI S/A agent – Address/phone number currently unknown.
- 337. AUSA Thomas Shakeshaft — Address/phone number currently unknown.
- 338. Patrick Johnson, Assistant United States Attorney, or other witness designated by the United States Department of Justice to address the report and investigation regarding the Investigation of the Chicago Police Department, issued on January 13, 2017, available here: <https://www.justice.gov/opa/file/925846/download> .  
Mr. Johnson's contact information is US Attorneys Office, 219 S. Dearborn St., Suite 500, Chicago, IL 60604; (312) 353-5327.

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Other witnesses may have information as to the following occurrences: Plaintiffs' innocence, the proceedings in Plaintiffs' criminal trials, Plaintiffs' convictions, material produced by CPD pursuant to subpoena or otherwise, and Plaintiffs' prosecution and incarceration. These witnesses may also have information concerning the evidence that was concealed by the Defendants throughout the prosecution; the facts and circumstances of Plaintiffs' arrests; and Defendants' unconstitutional and unlawful acts. Based on records available at this time, these witnesses include but are not limited to:

339. Matthew Mahoney – certain Plaintiffs' criminal trial counsel – 40001 85th Street, Genoa City, WI.

340. Dennis Cooley – certain Plaintiffs' criminal trial counsel – 155 N Michigan Ave # 561, Chicago, IL 6060/ 312-565-1966.

341. Travis Richardson – certain Plaintiffs' criminal trial counsel – 135 S LaSalle St #1930, Chicago, IL 60603/ 312- 256-5846.

342. Terrance MacCarthy – certain Plaintiffs' criminal trial counsel – phone/address unknown at this time.

343. Patrick Boyle – certain Plaintiffs' criminal trial counsel – 155 N Michigan Ave Ste 562, Chicago, IL 60601/312-565-2888.

344. Elizabeth Ribbeck – certain Plaintiffs' criminal trial counsel – phone/address unknown at this time.

345. Patrick White – certain Plaintiffs' criminal trial counsel – phone/address unknown at this time.

346. Frank Himel – certain Plaintiffs' criminal trial counsel – 650 N Dearborn Pkwy # 700, Chicago, IL 60654/ 312-643-0855.

347. Rose Joshua – certain Plaintiffs' criminal trial counsel – 7600 S Merrill Ave, Chicago, IL 60649/ 773-933-7233.

348. Honorable Dave Navarro – former States Attorney Prosecutor – Leighton Criminal Court Building 2650 S. California Ave. Chicago, Illinois 60608/773-674-0513.

349. William Laskaris – States Attorney Prosecutor – phone/address unknown at this time.

350. Kevin Hughes – States Attorney Prosecutor – phone/address unknown at this time.

351. Fabio Valentini – States Attorney Prosecutor – phone/address unknown at this time.

352. Honorable Michael P. Toomin – Cook County Juvenile Center 1100 S. Hamilton Ave., Rm. 8004 Chicago, Illinois 60612/ (312) 433-4757.

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Individual Plaintiffs also disclose additional individual witnesses that may have knowledge of their arrests, convictions, outcries of innocence, and damages. These witnesses are broken out by Plaintiff for ease of reference. Each witness may also have information relevant to Plaintiffs' *Monell* claims and may be used as Rule 404(b) witnesses. Based on records and information available at this time, these witnesses include but are not limited to:

**Plaintiff Leonard Gipson Additional Rule 26(a)(1)(A)(i) Disclosures**

353. Nicole Parker – Plaintiff's wife – may have knowledge of Plaintiff Leonard Gipson's damages, as well as the circumstances surrounding his arrests. In addition, Ms. Parker may have knowledge of the corrupt activities of Defendant Watts and his tactical team – 773-673-8570

354. Velma Parker – Plaintiff's mother-in-law – may have knowledge of Plaintiff Leonard Gipson's damages, as well as the circumstances surrounding his arrests. 773-709-6452.

355. Theresa Gipson – Plaintiff's mother – may have knowledge of Plaintiff Leonard Gipson's damages, as well as the circumstances surrounding his arrests. 773-217-3133.

356. Demetrius Travis – Plaintiff's father – may have knowledge of Plaintiff Leonard Gipson's damages, as well as the circumstances surrounding his arrests. 312-934-5052.

357. Clifford Roberts – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

358. Bobby Coleman – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

359. Larry Lomax – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel..

360. George Ollie – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

361. Marc Giles – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

362. Marcus Gibbs – may have knowledge of the circumstances surrounding Plaintiff’s arrest – may be contacted through counsel.

363. Bill Laskaris – States Attorney prosecutor in Plaintiff’s January 2003 case – may have knowledge of the circumstances surrounding Plaintiff’s false conviction.

364. Dennis Cooley – Plaintiff’s Defense Attorney – may have knowledge of the circumstances surrounding Plaintiff’s arrests and false convictions.

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#### **Plaintiff Allen Jackson’s Additional Rule 26(a)(1)(A)(i) Disclosures**

365. Shamika Booker – may have knowledge of the circumstances surrounding Plaintiff’s arrest – phone/address unknown at this time.

366. Roy “Shock” Bennett – may have knowledge of the circumstances surrounding Plaintiff’s arrest as well as Defendant Watts and his Team’s misconduct – phone/address unknown at this time.

367. Latanya Woods – Plaintiff’s sister – may have knowledge of Plaintiff’s damages – 773-798-1852.

368. Alexis Woods – Plaintiff’s sister – may have knowledge of Plaintiff’s damages – 773-879-2863.

369. Clarice Woods – Plaintiff’s sister – may have knowledge of Plaintiff’s damages, as well as Defendant Watts’ misconduct – phone/address unknown at this time.

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#### **Plaintiff Shaun James’s Additional Rule 26(a)(1)(A)(i) Disclosures**

370. Taurus Smith – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest as well as Watts’s Team’s misconduct – may be contacted through counsel.

371. Timothy Conner – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

372. Crystal Looney – Plaintiff’s co-arrestee – may have knowledge of the circumstances surrounding his arrest as well as Watts’s Team’s misconduct – phone/address unknown at this time.

373. Joseph D. Cook – States Attorney prosecutor on Plaintiff’s 2007 case – may have information about Plaintiff’s wrongful conviction – phone/address unknown at this time.

374. Carol J. Milder – Plaintiff’s public defender on Plaintiff’s 2007 case – may have information about Plaintiff’s wrongful conviction – phone/address unknown at this time.

375. Trevor Trotter – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

376. Van E. Smith – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

377. Jerry Metcalf – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

378. Earl Black – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

379. Carshea D. Anderson – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

380. Regina Mobley – Plaintiff’s co-defendant on 2007 case – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

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#### **Plaintiff Thomas Jefferson’s Additional Rule 26(a)(1)(A)(i) Disclosures**

381. Lee Rainey – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

382. Vercell Wilbourn – may have knowledge of the circumstances surrounding Plaintiff’s arrest – phone/address unknown at this time.

383. Patrice Briggs – Plaintiff’s girlfriend – may have knowledge of Plaintiff’s damages, – 312-383-1452

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**Plaintiff Anthony McDaniels’ Additional Rule 26(a)(1)(A)(i) Disclosures**

384. Antonio Riles – tow truck driver – may have knowledge of the circumstances surrounding Plaintiff’s arrest – phone/address unknown at this time.

385. Lawshawn McDaniels – Plaintiff’s sister – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – phone/address unknown at this time.

386. Annette Ester – Plaintiff’s sister – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – phone/address unknown at this time.

387. Lewis McDaniels – Plaintiff’s Brother – may have knowledge of Plaintiff’s damages – 2336 Fox Hollow Dr., Titusville, FL 32796.

388. ASA Park – States Attorney Prosecutor – may have knowledge of the circumstances surrounding Plaintiff’s false conviction.

389. Patrick White – Plaintiff’s public defender – may have knowledge of the circumstances surrounding Plaintiff’s false conviction.

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**Plaintiff Andre McNairy’s Additional Rule 26(a)(1)(A)(i) Disclosures**

390. Mohammed Blandon – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

391. Latice Delphie – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

392. Mario Hollingsworth – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

393. Bert Gaines – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

394. Theresa Smith – States Attorney Prosecutor – may have knowledge of the circumstances surrounding Plaintiff’s false conviction.

395. Elizabeth Ribbeck – Plaintiff’s public defender – may have knowledge of the circumstances surrounding Plaintiff’s false conviction.

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**Plaintiff Lee Rainey’s Additional Rule 26(a)(1)(A)(i) Disclosures**

396. Thomas Jefferson – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

397. Vercell Wilbourn – may have knowledge of the circumstances surrounding Plaintiff’s arrest – phone/address unknown at this time.

398. Keena Sanders – Plaintiff’s friend – may have knowledge of Plaintiff’s damages – 419 E 45th street 1st floor 773 569 2261.

399. Ruby McGregory – Plaintiff’s mother – may have knowledge of Plaintiff’s damages – 773-494-5118 6430 S Green #2 60621.

400. Devon Rainey – Plaintiff’s son – may have knowledge of Plaintiff’s damages as well as knowledge of Watts’ Team’s misconduct – 773-494-5118 6430 S Green #2 60621.

401. Yolanda Toppins – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

402. Deangelo Campbell – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

403. Diana Newman – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

404. Charlie Lockett – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

405. Gabrielle Rainey – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

406. Boo Boo Shirley – may have knowledge of Watts’ Team’s misconduct – phone/address unknown at this time.

407. Lloyd Newman – may have knowledge of Watts’ Team’s misconduct – may be contacted through counsel.

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**Plaintiff Jamell Sanders’ Additional Rule 26(a)(1)(A)(i) Disclosures**

408. Yvonne Sanders – Plaintiff’s mother – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest.

409. Marcus Gibbs – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – may be contacted through counsel.

410. Christopher Scott – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – may be contacted through counsel.

411. Kevin Ochalla – Plaintiff’s public defender – may have knowledge of the circumstances surrounding Plaintiff’s false conviction – phone/address unknown at this time.

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#### **Plaintiff Frank Saunders’ Additional Rule 26(a)(1)(A)(i) Disclosures**

412. Catrina Bonner – may have knowledge of the circumstances surrounding Plaintiff’s arrest – phone/address unknown at this time.

413. Frances White – Plaintiff’s Grandma – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest.

414. Siohbahn Thompson – may have knowledge of the circumstances surrounding Plaintiff’s arrest – 312-934-7664/ Address unknown at this time.

415. Aleka Stanton – Plaintiff’s wife – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – 319-400-1801; 704 14<sup>th</sup> Ave Coralville Iowa 52241.

416. Danielle Williams – Plaintiff’s daughter – may have knowledge of Plaintiff’s damages – 704<sup>th</sup> Ave Coralville Iowa 52241.

417. Derek Stanton – Plaintiff’s uncle-in-law – may have knowledge of Plaintiff’s damages – 319-936-4555; 1950 S. Gilbert Apartment #5 Iowa City, Iowa 52240.

418. Navante Johnson – Plaintiff’s wife’s cousin – may have knowledge of Plaintiff’s damages – 319-400-4894; 618 11<sup>th</sup> Ave Coralville 52241.

419. Fazon Stanton – Plaintiff’s step-son – may have knowledge of Plaintiff’s damages – 319-853-3621.

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#### **Plaintiff Christopher Scott’s Additional Rule 26(a)(1)(A)(i) Disclosures**

420. Ollie Grant – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

421. David Mayberry – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

422. Victor Lyles – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

423. Anthony Woods – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

424. Angelo Maurice Shenault – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through his counsel, Joel Flaxman.

425. Rosalyn Scott – Plaintiff’s mother – may have knowledge of Plaintiff’s damages – phone/address unknown at this time.

426. Crystal Scott – Plaintiff’s sister – may have knowledge of Plaintiff’s damages – phone/address unknown at this time.

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#### **Plaintiff Taurus Smith’s Additional Rule 26(a)(1)(A)(i) Disclosures**

427. Shaun James – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

428. Theresa Smith – Plaintiff’s mother – may have knowledge of Plaintiff’s damages – 773-979-0093; 2626 E. 77<sup>th</sup> Street Chicago, IL 60649.

429. Michael Smith – Plaintiff’s cousin – may have knowledge of Plaintiff’s damages – 773-678-0881.

430. Marsha Rich – Plaintiff’s aunt – may have knowledge of Plaintiff’s damages – 312-852-4067.

\*\*\*\*\*

#### **Plaintiff Henry Thomas’s Additional Rule 26(a)(1)(A)(i) Disclosures**

431. Stanley Beck – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

432. Lester Boyd – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

433. Gregory Robertson – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

434. Eugene Thompson – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

435. Patrick Frazier – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – 312-953-7536; 4012 S Oakenwald Chicago, IL 60653.

436. LaToya Lewis – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – 773-538-7503; 7639 S Marshfield Chicago, IL.

437. Penny Owens – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his arrest – phone/address unknown at this time.

438. Andrea Michelle Johnson – Plaintiff’s friend – may have knowledge of Plaintiff’s damages, as well as the circumstances surrounding his 2006 false arrests – phone/address unknown at this time.

439. Stefon Harrison – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest – may be contacted through Plaintiff’s counsel.

440. Chauncey Ali – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

441. Tyrone Herron – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

442. Cameo Potts – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

443. Antion Payton – Plaintiff’s co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

444. Corey Owens – Plaintiff’s friend – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

445. Gregory Owens – Plaintiff’s friend – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

446. Terrell Williams – Plaintiff’s co-defendant – may have knowledge of the

circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

447. Mcclinnon Smith – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

448. Jeffrey Brown – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

449. Alfreda Pritchett – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

450. Gerard Butler – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

451. Robert Simmons – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

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#### **Plaintiff Phillip Thomas' Additional Rule 26(a)(1)(A)(i) Disclosures**

452. Sondra Cartwright – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

453. Vanessa Thomas – Plaintiff's ex-wife – may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his arrest – phone/address unknown at this time.

454. Brenayder Williams – Plaintiff's wife – may have knowledge of Plaintiff's damages – 414-349-9791 - 4660 N. 46th Street Milwaukee, WI 53218.

455. Tiesha Williams – Plaintiff's daughter – may have knowledge of Plaintiff's damages – 414-467-3088 - 3303 N 52nd Street Milwaukee, WI 53216.

456. Aleon Thomas – Plaintiff's son – may have knowledge of Plaintiff's damages – 920-360-7596.

457. Cindy Thomas – Plaintiff's sister – may have knowledge of Plaintiff's damages – 773-640-3067 lives in Texas.

458. Suzi Collins – States Attorney Prosecutor – may have knowledge of the circumstances surrounding Plaintiff's false conviction.

459. Lori Rosen – States Attorney Prosecutor – may have knowledge of the circumstances surrounding Plaintiff's false conviction.

\*\*\*\*\*

**Plaintiff Lionel White Jr.'s Additional Rule 26(a)(1)(A)(i) Disclosures**

460. Kevin Ochalla – Plaintiff's public defender – may have knowledge of the circumstances surrounding Plaintiff's false conviction – phone/address unknown at this time.

Plaintiffs' investigation into this matter continues. Plaintiffs reserve the right to modify and supplement this list as more information becomes available.

**ii.** The following documents, data compilations, and tangible things in the possession, custody, or control of Plaintiff may be used to support Plaintiffs claims or defense:

Plaintiff has already produced a significant amount of documents during the course of litigation in *Baker v. Chicago*, Case No. 16-CV-8940. These documents include, *inter alia*, police reports, criminal trial transcripts, post-conviction petitions, post-conviction transcripts, judicial opinions, pleadings in Plaintiffs' certificate of innocence proceedings, and a variety of other case materials. The documents bear bates numbers BAKER GLENN 000001-036191.

Plaintiffs' investigation into this matter continues and Plaintiffs reserve the right to modify and supplement this list as more information becomes available.

**iii.** Plaintiffs have suffered and continue to suffer incalculable damage, including psychological damage, anguish, and humiliation, which were caused by their wrongful conviction and loss of freedom, the destruction of their reputations, the disruption of their life and intimate relationships, and the suspension of their ability to pursue a career and raise a family. In addition, Plaintiffs Gibbs, McDaniels, P. Thomas, Rainey; Sanders, White Jr., Saunders, and Baker have suffered physical damage as a result of Defendants' wrongdoing, and several Plaintiffs, including Gipson and P. Thomas, incurred substantial costs defending

themselves against the wrongful charges brought against them. Plaintiffs seek compensatory damages from all Defendants and punitive damages from the Individual Defendants. A jury or juries will determine the appropriate amount of these damages. In addition, Plaintiffs seek attorney's fees pursuant to 42 U.S.C. ¶ 1988. At this time, Plaintiffs have not made any computation of their damages.

**iv.** Not applicable.

Respectfully submitted,

/s/ Sean Starr

One of the Attorneys for Plaintiffs Ben Baker, Clarissa Glenn, Marcus Gibbs, Leonard Gipson, Allen Jackson, Shaun James, Thomas Jefferson, Anthony McDaniels, Andre McNairy, Lee Rainey, Jamell Sanders, Frank Saunders, Christopher Scott, Taurus Smith, Henry Thomas, Phillip Thomas, Lionel White, Jr., and Lionel White, Sr.

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311 N. Aberdeen St., Third Floor  
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# Exhibit C

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**PLAINTIFF'S RESPONSE TO DEFENDANT  
BRIAN BOLTON'S INTERROGATORIES TO PLAINTIFF**

Plaintiff, Lionel White, by and through his undersigned attorney, and pursuant to Federal Rule of Civil Procedure 33, responds to Defendant Brian Bolton's Interrogatories to Plaintiff as follows:

1. In April 2006, were you using \$100 worth of heroin daily? If yes, please describe, as specifically as possible, other period(s) of time for which your heroin habit would consist of using \$100 worth of heroin daily?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and to the extent that it seeks irrelevant information, is an invasion of privacy. Subject to and without waiving these objections, Plaintiff Lionel White was not using \$100 of heroin daily in April of 2006.

2. Apart from the time period(s) identified in your answer to interrogatory number 1, have there been other periods of time that you used heroin. If yes, describe the amount of heroin that you would use, the frequency of the heroin use, and the time period for when you would use heroin.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, unduly burdensome and, to the extent that it seeks irrelevant information, is an invasion of privacy.

3. Describe the amount of heroin in weight (measured in grams) and by packaging (ziplock bag, cigarette-pack cellophane, aluminum foil, glass or plastic vials, etc.) that constituted your daily usage of \$100 worth of heroin in April 2006?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome and, to the extent that it seeks irrelevant information, is an invasion of privacy. Plaintiff also objects to the premise of the question, which assumes that he used \$100 worth of heroin daily. Subject to and without waiving these objections, *see* Plaintiff's Objections and Response to Interrogatory No. 1, which is incorporated herein.

4. During April 2006, what is the most amount of heroin, at any one time, measured by weight in grams, that you possessed, either on your person or under your control?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome, not proportional to this case, and to the extent that it seeks irrelevant information, is an invasion of privacy.

5. Where did you purchase or otherwise obtain heroin during the period of time in which you used \$100 worth of heroin daily?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome, and to the extent that it seeks irrelevant information, is an invasion of privacy. Plaintiff also objects

to the premise of the question, which assumes that he used \$100 worth of heroin daily.

6. From whom would you purchase or otherwise obtain heroin during the period of time in which you used \$100 worth of heroin daily.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome and to the extent that it seeks irrelevant information, is an invasion of privacy. Plaintiff also objects to the premise of the question, which assumes that he used \$100 worth of heroin daily.

7. Have you ever traded personal services in exchange for heroin? If yes, please describe each instance in which you performed a service in exchange for heroin, by stating what services you provided, when you provided such services, to whom did you provide such services, and how much heroin you received as part of the exchange.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, vague ambiguous with respect to the phrases “traded personal services” and “performed a service in exchange for heroin,” overly broad, and seeks irrelevant information. Subject to and without waiving these objections, Plaintiff answers no to this Interrogatory.

8. Have you ever sold heroin in return for monetary compensation? If yes, please describe each instance in which you sold heroin by describing when you sold the heroin, where you sold the heroin, who did you sell the heroin for, and how much monetary compensation you received in exchange for selling heroin.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome, and to the extent that it seeks irrelevant information, is an invasion of privacy. Subject to and without

waiving these objections, Plaintiff was not selling heroin when Sergeant Watts framed him.

9. Have you ever sold heroin and received heroin or any other controlled substance in return as compensation? If yes, please describe each instance in which you sold heroin by describing when you sold the heroin, where you sold the heroin, who did you sell the heroin for, and the amount of heroin or other controlled substance that you received in exchange for selling heroin.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome, and to the extent that it seeks irrelevant information, is an invasion of privacy. Subject to and without waiving these objections, Plaintiff was not selling heroin when Sergeant Watts framed him.

10. During the period of time in which you used \$100 worth of heroin daily, please list all the places in which you purchased or otherwise obtained heroin and from whom you would receive the heroin?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad and unduly burdensome and to the extent that it seeks irrelevant information, is an invasion of privacy. Plaintiff also objects to the premise of the question, which assumes that he used \$100 worth of heroin daily.

11. Did you ever have contact, communicate with, or know of Ben Baker while you were at Ida B. Wells? If so, please describe your interactions with Ben Baker and whether or not you ever received heroin from Ben Baker?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it seeks irrelevant information, objects to the phrase “while you were at Ida B. Wells” as vague and ambiguous, and further objects to the request that Plaintiff

explain whether he ever received heroin from Ben Baker as harassing and an invasion of privacy. Subject to and without waiving these objections, Plaintiff and Ben Baker were childhood friends when each attended Doolittle East Grade School. Plaintiff believes that he and Baker also may have been classmates for a time as students at Phillips High School; however Plaintiff and Baker were nothing more than acquaintances during high school. Plaintiff's and Baker's families are familiar with each other because they lived in the same community.

12. Did you ever have contact, communicate with, or know of Jamar Lewis while you stayed at Ida B. Wells? If so, please describe all interactions you had with Jamar Lewis and whether or not you ever received any controlled substances from Jamar Lewis.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing and not relevant. Plaintiff further objects to this Interrogatory to the extent that it is vague as to the term "controlled substances" and as to the term "while you stayed at Ida B. Wells." Subject to and without waiving this objection, Plaintiff White answers that he is familiar with Jamar Lewis, but, does not presently recall any specific interactions with Mr. Lewis.

13. Did you use heroin the night before your arrest? If so, please state where you used the heroin, the identity of any person that used the heroin with you, the identity of any person that was present when you used the heroin, and the amount of heroin that you used.

**ANSWER:** Yes. Plaintiff consumed approximately \$10 of heroin the night before he was arrested in April of 2006. Plaintiff consumed the heroin in Apartment 507 at 575 E. Browning. Plaintiff was alone when he consumed the heroin.

12. Did you use heroin or any other controlled substance on April 24, 2006? If so, please identity the controlled substance that you used, where you used the controlled substance, the identity of any person that used the controlled substance with you, the identity of any person that was present when you used the controlled substance, and the amount of the controlled substance that you used.

**ANSWER:** Yes. Plaintiff consumed approximately \$10 of heroin on April 24, 2006. Plaintiff consumed the heroin in Apartment 507 at 575 E. Browning. Plaintiff was alone when he consumed the heroin.

13. Please account for your whereabouts, including who you were with and where you were in the 12 hours before your April 24, 2006 arrest. If you are to say you were at 575 E. Browning, please specify where exactly you were in the building.

**ANSWER:** To the best of Plaintiff's present recollection, he spent the night in Apartment 507 at 575 E. Browning. Plaintiff awoke in the morning, sometime between about 9 or 10 a.m. and went out. Plaintiff then returned to the apartment. It was at that time that Defendants Watts and Jones forcibly entered the apartment, assaulted Plaintiff, and wrongfully arrested him.

14. Have you ever been a part of a street gang? If so, please provide the following information:

- A. Which gang did you belong to?
- B. When did you join?
- C. List all of the ranks that you held and when you held each such rank?
- D. Did you ever participate in selling narcotics or narcotics trafficking as part of gang activity? If yes, please describe your role in the selling of narcotics or narcotics trafficking.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing and seeks irrelevant information.

15. Have you committed any armed robberies? If so, how many have you committed?

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is harassing, seeks irrelevant information, and is an invasion of privacy.

16. With respect to Defendants Smith, Bolton, Leano, Gonzalez, and Nichols, please state with specificity what wrongful action each defendant performed related to your April 24, 2006 arrest and the facts upon which you base the allegations.

**ANSWER:** Plaintiff objects to this Interrogatory as a premature contention interrogatory, as discovery is at an early stage and Defendants have not yet been deposed, and so Plaintiff does not yet have complete information about Defendants' specific actions that gave rise to the claims in Plaintiff's complaint. Subject to and without waiving these objections, Plaintiff responds by reference to his First Amended Complaint and the documents that have been produced in the case to date. Specifically, Plaintiff refers to the police reports, which indicate that these Defendants were present for and attested to the fabricated facts underlying Plaintiff's false arrest. *See LIONEL WHITE 00368-00372.* Investigation continues.

17. On April 24, 2006, did you have a conversation with Captain Edward W. Griffin? If so, please describe in detail the contents of the conversation.

**ANSWER:** Plaintiff does not presently recall any conversation with Captain Edward W. Griffin on April 24, 2006. It is possible that viewing documents might refresh his recollection on this question.

18. Identify by name and address the "bad company" you were in with that you relayed to Captain Griffin on April 24, 2006.

**ANSWER:** Plaintiff does not presently recall any conversation with Captain Edward W. Griffin on April 24, 2006. It is possible that viewing documents might refresh his recollection on this question.

19. Were you truthful when you spoke to Judge Prantle [sic] in your criminal court proceedings June 26, 2006.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is vague, in that Defendants have not identified any specific statement or statements. Subject to and without waiving this objection, Plaintiff White truthfully explained to Judge Pantle that Chicago Police Department officers beat and framed him.

20. Have you committed any unlawful acts subsequent to April 24, 2006 that did not result in arrest. If so, describe all unlawful acts and the location and dates of occurrence.

**ANSWER:** Plaintiff objects to his Interrogatory on the basis that it is harassing, overly broad, and unduly burdensome, not proportional to the needs of this case.

21. Please identify any and all statements you have made about the events giving rise to your complaint by providing the date of such statement, the purpose of the statement, the identity of all individuals present for the statement, the location where the statement was made, and whether the statement was in any way recorded.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it is overly broad, and unduly burdensome in requiring he identify every single statement made about the events giving rise to his complaint, and that it seeks privileged information to the extent it requests information about conversations that Plaintiff had with his attorneys or with mental health

practitioners. Plaintiff further objects that it is overly burdensome, and disproportionate to the needs of the case, and that the qualifier, “the purpose of the statement,” is vague and ambiguous. Plaintiff further objects because he could not possibly recall all statements that he has made about the events that gave rise to the complaint, which took place many years ago.

Subject to and without waiving these objections, over the years, Plaintiff made statements to various people about the facts giving rise to his Complaint. Plaintiff presently recalls that, in addition to statements he made to his attorneys, he made statements to the intake nurse at Provident Hospital about the physical abuse the police inflicted on him upon his hospital visit resulting from the assault by Defendants during his arrest. Additionally, Plaintiff recalls that he made statements to the Stateville and Dixon penitentiary psychiatrists regarding his mental health being adversely affected by the police assaulting him and wrongfully arresting him. He also recalls giving a statement to internal affairs at Stateville Prison. Plaintiff also has made various statements to his family members about being assaulted and framed by the police. He furthermore made statements to the media upon his exoneration. Investigation continues.

22. Have you ever communicated with (either directly or through a legal representative) any federal investigator or prosecutor regarding alleged corruption and/or alleged misconduct by Chicago Police Officers? If so, please state the approximate date(s) of the communication; the subject of the communication; provide a substantive summary of the statements made in connection with the communication; identify all persons present and/or privy to the communication; and whether the communication was recorded in any way, and, if so, how.

**ANSWER:** Plaintiff wrote to the FBI while incarcerated at Stateville Prison to inform federal authorities that Sergeant Watts and other officers had abused and framed him.

23. Provide complete names, current addresses, and telephone numbers along with birth dates and/ or approximate ages for Nina, Shabook, and Sabrina identified as witnesses in CR 313536.

**ANSWER:** Plaintiff objects to this Interrogatory on the basis that it seeks information outside his possession, custody, and control. Subject to those objections, Plaintiff does not have the requested information.

Dated: September 17, 2018

Respectfully submitted,

**LIONEL WHITE**

/s/Sean Starr  
*One of Plaintiff's attorneys*

*Attorneys for Plaintiff*

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**CERTIFICATE OF SERVICE**

I, Sean Starr, an attorney, certify that on September 17, 2018, I served Plaintiff's Response to Defendant Bolton's First Set of Interrogatories to Plaintiff on all counsel of record.

/s/ Sean Starr

**Sean Starr**

*Counsel for Lionel White*

Counsel for Defendant Officers  
(Brian Bolton, Robert Gonzalez,  
Alvin Jones, Manuel Leano, Douglas  
Nichles, Eslworth Smith, Jr.

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**VERIFICATION**

I, Lionel White, verify that I have reviewed the attached Plaintiff Lionel White's Response to Defendant Brian Bolton's Interrogatories and I certify that the answers are true and correct to the best of my knowledge, information, and memory.

Date: 9-17-18

Lionel White

# Exhibit D

## TACTICAL RESPONSE REPORT/Chicago Police Department

SUBJECT INFORMATION	1. DATE OF INCIDENT <b>24-APR-2006</b>	TIME <b>11:30:00</b>	2. ADDRESS OF OCCURRENCE <b>575 E BROWNING AVE CHICAGO, IL 60653</b>				3. LOCATION CODE <b>122</b>	4. BEAT/OCCUR <b>0212</b>	
	6. POSITION <b>9161</b>	6. LAST NAME <b>JONES</b>	7. FIRST NAME <b>ALVIN</b>	8. STAR NO. <b>19462</b>	9. SEX <input checked="" type="checkbox"/> 01 M <input type="checkbox"/> 02 F	10. RACE CODE <b>BLK</b>	11. AGE <b>30-APR-1967</b>	12. HT. <b>507</b>	13. WT. <b>195</b>
	14. DATE OF APPT. <b>18-MAR-1996</b>	15. EMPLOYEE NO. <b>39506</b>	16. UNIT & BEAT OF ASSIGNMENT <b>002 0264D</b>	17. DUTY STATUS <input checked="" type="checkbox"/> 01 On <input type="checkbox"/> 02 Off	18. MEMBER INJURED? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No	19. MEMBER IN UNIFORM? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No			
	20. LAST NAME <b>WHITE</b>	21. FIRST NAME <b>LIONEL</b>	22. M.I. <b>D</b>	23. SEX <input checked="" type="checkbox"/> 01 M <input type="checkbox"/> 02 F	24. RACE <b>BLK</b>	25. D.O.B. <b>26-APR-1972</b>	26. HT. <b>511</b>	27. WT. <b>165</b>	
	28. ADDRESS <b>6155 S LOOMIS ST CHICAGO, IL</b>	29. TELEPHONE NO.	30. WAS SUBJECT ARMED? HANDS/FISTS <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No	31. SUBJECT INJURED? <input checked="" type="checkbox"/> 01 Yes <input type="checkbox"/> 02 No	32. SUBJECT ALLEGED INJURY? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No				
	33. WHERE WAS MEDICAL TREATMENT OBTAINED?	34. BY WHOM?	35. CONDITION <input type="checkbox"/> 03 Hospitalized	36. CHARGES PLACED <b>725 ILCS 5.0/110-3, 720 ILCS 5.0/12-2-A-6, 720 ILCS 570.0/407-B-1</b>	37. CB NO. <b>16515553</b>	IR NO.	DNA		
	38. <input type="checkbox"/> DNA	PASSIVE RESISTER		ACTIVE RESISTER		ASSAILANT:ASSAULT		ASSAILANT:BATTERY	
	REASON FOR USE OF FORCE (Check all that apply)	SUBJECT'S ACTIONS		FLED PULLED AWAY OTHER _____		IMMINENT THREAT OF BATTERY OTHER _____		ATTACK WITH WEAPON ATTACK WITHOUT WEAPON OTHER _____	
		MEMBER'S RESPONSE		OPEN HAND STRIKE TAKE DOWN / EMERGENCY HANDCUFFING OC CHEMICAL WEAPON CANINE TASER (Probe Discharge) TASER (Contact Stun) TASER (Laser Targeted) TASER (Spark Displayed) OTHER <u>GAVE CHASE</u>		ELBOW STRIKE CLOSED HAND STRIKE/PUNCH IMPACT WEAPON (Describe in Box 40) OTHER _____		KNEE STRIKE KICKS IMPACT MUNITION (Describe in Box 40)	
		39. <input checked="" type="checkbox"/> DNA		*OC/CHEMICAL WEAPON AUTHORIZED BY (NAME)		40. ADDITIONAL INFORMATION			
WEAPON DISCHARGE INCIDENT		POSITION	STAR NO.	UNIT					
41. WEAPON TYPE <input type="checkbox"/> 01 REVOLVER <input type="checkbox"/> 02 RIFLE <input type="checkbox"/> 03 SHOTGUN		42. INCIDENT OCCURRED <input checked="" type="checkbox"/> Indoors <input type="checkbox"/> Outdoors		43. LIGHTING CONDITIONS <input type="checkbox"/> 02 Night <input type="checkbox"/> 03 Dawn <input checked="" type="checkbox"/> 01 Daylight <input type="checkbox"/> 05 Poor Artificial <input type="checkbox"/> 04 Dusk <input type="checkbox"/> 06 Good Artificial	44. WEATHER CONDITIONS <b>CLEAR</b>				
45. MAKE/MANUFACTURER		46. MODEL		47. BARREL LENGTH	48. CALIBER/GAUGE				
49. TASER DART ID NO.		50. WEAPON SERIAL NO. (Include Letters)		51. CHICAGO GUN REG. NO.	52. IL FIREARM OWNER ID. NO.	53. HANDGUN CERTIFICATE NO.			
54. SPECIAL WEAPON CERTIFICATE NO.		55. PROPERTY INVENTORY NO.		56. TYPE OF AMMUNITION USED	57. NO. OF WEAPONS DISCHARGED BY THIS MEMBER	58. TOTAL NO. OF SHOTS MEMBER FIRED			
59. WHO FIRED FIRST SHOT <input type="checkbox"/> 01 MEMBER <input type="checkbox"/> 02 OFFENDER		60. WAS FIREARM RELOADED DURING INCIDENT <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO		61. NO OF CARRIDGES/SHOT SHELLS RELOADED	62. HOW WAS MEMBER'S HANDGUN WORN <input type="checkbox"/> 01 RT. SIDE (WAIST) <input type="checkbox"/> 02 LT. SIDE (WAIST)	63. OTHER (Specify)			
63. HOW WAS MEMBER'S HANDGUN DRAWN <input type="checkbox"/> 01 STRONG SIDE DRAW <input type="checkbox"/> 02 CROSS DRAW		64. SPECIFY METHOD/EQUIPMENT USED TO RELOAD		65. DID MEMBER USE SIGHTS <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO					
66. DESCRIBE PROTECTIVE COVER USED (LIGHT POLES, DOORWAYS, CAR, FURNITURE, ETC)		67. DISTANCE BETWEEN INVOLVED MEMBER & OFFENDER WHEN FIRST SHOT WAS FIRED <input type="checkbox"/> 01 0 - 05 FT. <input type="checkbox"/> 02 05 - 10 FT. <input type="checkbox"/> 03 10 - 15 FT. <input type="checkbox"/> 04 OVER 15 FT.							
68. PERSON/OBJECT STRUCK AS RESULT OF THE DISCHARGE OF MEMBERS WEAPON <input type="checkbox"/> 01 PERSON <input type="checkbox"/> 02 OBJECT <input type="checkbox"/> 03 BOTH <input type="checkbox"/> 04 UNKNOWN		69. POSITION OF MEMBER DISCHARGING WEAPON <input type="checkbox"/> 01 STANDING <input type="checkbox"/> 02 LYING DOWN <input type="checkbox"/> 03 SITTING <input type="checkbox"/> 04 KNEELING <input type="checkbox"/> 05 OTHER (SPECIFY)							
72. CASE INFO.		NOTIFICATIONS (OC OR TASER INCIDENT): <input type="checkbox"/> OEMC <input type="checkbox"/> DSS & LT./DIST. OF OCCUR.		CPIC					
NOTIFICATIONS (FIREARM INCIDENT): <input type="checkbox"/> OEMC <input type="checkbox"/> DSS/DIST. OF OCCUR & OCIC		CPIC		DET. DIV.					
Members will ensure that all required notifications and all witnesses to this use of force are documented in the appropriate case report.									
SIGNATURES		73. REPORTING MEMBER (Print Name) <b>JONES, ALVIN</b> 24-APR-2006 16:15:21		STAR/EMPLOYEE NO. <b>19462</b> <b>39506</b>	SIGNATURE <b>PC01503</b>				
74. REVIEWING SUPERVISOR (Print Name) <b>WATTS, RONALD</b>		STAR NO. <b>2640</b>	SIGNATURE <b>PC0J774</b>	DATE REVIEWED <b>24-APR-2006 16:28:16</b>		TIME			
CPD-11-377 (REV. 10/07)									

LOG# 1085254  
ATTACHMENT 1006289

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

**LIEUTENANT OR ABOVE/OCIC REVIEW**

THE ON-CALL INCIDENT COMMANDER (OCIC) WILL COMPLETE THE REVIEW SECTION FOR 1.) ALL INCIDENTS INVOLVING THE DISCHARGE OF A FIREARM BY A DEPARTMENT MEMBER; 2.) ALL INCIDENTS INVOLVING THE SERIOUS INJURY OR DEATH OF A MEMBER OF THE PUBLIC SUBSEQUENT TO INTERACTIONS WITH A DEPARTMENT MEMBER; 3.) ANY LESSER USE OF FORCE BY A DEPARTMENT MEMBER WHEN THAT USE OF FORCE STEMS FROM THE SAME INCIDENT DESCRIBED HERE IN 1 OR 2.

THE ASSIGNED INVESTIGATING SUPERVISOR THE RANK OF LIEUTENANT OR ABOVE FROM THE DISTRICT OF OCCURRENCE WILL COMPLETE THE REVIEW SECTION FOR ALL OTHER INCIDENTS.

## 75. SUBJECT'S STATEMENT REGARDING THE USE OF FORCE

 DNA REFUSED UNABLE TO INTERVIEW (Specify Reason)

The subject White was interviewed in the 002nd District tactical unit. He related that he is currently unemployed. He stated that he has been in the penitentiary on four separate occasions for armed robbery and drugs for a total of twelve years. He stated that he has been arrested by the Chicago Police many times. He has been arrested by Chicago Police officers in uniform and Chicago police officers in civilian dress and that he knew that the officer on todays arrest was a Chicago police Officer. He further related that he has a bad drug habit and is in with bad company. He related that he needs help for his problem.

On todays date he did not want to be arrested and attempted to flee and break away from the arresting officer.

## 76. LIEUTENANT OR ABOVE/OCIC RATIONALE FOR BOX 77 FINDING

The reporting Captain's investigation at this time concludes that the member's actions were in compliance with Department procedures and directives for an active assailant

## 77. LIEUTENANT OR ABOVE/OCIC FINDING BASED UPON CURRENTLY AVAILABLE INFORMATION:

I HAVE CONCLUDED THAT THE MEMBER'S ACTIONS WERE IN COMPLIANCE WITH DEPARTMENT PROCEDURES AND DIRECTIVES.

I HAVE CONCLUDED THAT FURTHER INVESTIGATION IS REQUIRED.

LOG NO./CRNO. \_\_\_\_\_ OBTAINED

## 78. LIEUTENANT OR ABOVE/OCIC (Print Name)

GRiffin, Edward W

SIGNATURE

PC0Q084

DATE COMPLETED

24-APR-2006 17:44:50

## 79. DISTRIBUTION OF ORIGINAL TRR:

A TRR PACKET, INCLUDING THE TRR AND COPIES OF THE BELOW LISTED ATTACHMENTS WILL BE FORWARDED TO THE INDEPENDENT POLICE REVIEW AUTHORITY.

ATTACHMENTS - PHOTOCOPIES OF:	<input type="checkbox"/> SUPPLEMENTARY REPORT	<input type="checkbox"/> I.O.D. REPORT	50. TOTAL TRR's THIS EVENT No.
<input type="checkbox"/> CASE REPORT	<input checked="" type="checkbox"/> OFFICER BATTERY REPORT	<input type="checkbox"/> CR INITIATION REPORT	1
<input type="checkbox"/> ARREST REPORT	<input type="checkbox"/> TO-FROM-SUBJECT REPORTS FROM DEPARTMENT WITNESS(ES)		

# Exhibit E



**CHICAGO POLICE DEPARTMENT**  
3510 South Michigan Avenue/Chicago, Illinois  
60653  
Identification Section



**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

**>>> CONVICTED FELON <<<**

**WHITE, TORRENCE**

IR # **864966**

SID # **28869290**

FBI # **223248LA7**

IDOC # **B09681**

Current Arrest Information:

Date of Birth: **28-APR-1970**

Age: **43 years**

Place of Birth:

Drivers License #:

Drivers Lic. State:

Scars, Marks & Tattoos:

**SCAR, LEG, LEFT - STAB WOUND**

**SCAR, LEG, LEFT - GSW**

**TATTOO, FOREARM, LEFT - DOC 4-26-72**

Key Historical Identifiers:

<u>Alias or AKA used</u>	<u>Date Used</u>	<u>Dates of Birth Used</u>
WHITE, LIONEL DEMOND	24-MAY-2014	26-APR-1972
WHITE, LIONEL	10-JAN-2012	26-APR-1972
WHITE, LIONEL S	13-APR-2010	26-APR-1972
WHITE, LIONEL	29-NOV-2009	28-APR-1970
WHITE, LIONEL D	17-JUL-2009	26-APR-1972
WHITE, LIONEL D	17-JUN-2004	26-APR-1972
WHITE, LIONEL D	06-MAR-1997	26-APR-1972
WHITE, LIONEL D	29-MAR-1996	26-APR-1972
WHITE, LIONEL D	13-OCT-1993	26-APR-1972
WHITE, LENELL	11-SEP-1990	17-APR-1971
LARRUE, EDDIE	25-AUG-1990	23-FEB-1968
WHITE, LIONEL	29-OCT-1989	26-APR-1972
WHITE, TORRENCE	27-SEP-1988	28-APR-1970
WHITE D LIONEL	Not Available	Not Available
TORRENCE WHITE	Not Available	Not Available
LUNCH BOX	Not Available	Not Available
LIONEL WHITE	Not Available	Not Available
LIONEL S WHITE	Not Available	Not Available

CPD photo

MALE

5'9"

174 lbs

EYES : BRO

HAIR : BLK

COMPLEXION :



LIONEL DEMOND WHITE	Not Available	Not Available
LIONEL D WHITE	Not Available	Not Available
LENNELL WHITE	Not Available	Not Available
LENELL WHITE	Not Available	Not Available
LENELL WAITE	Not Available	Not Available
EDDIE LARUE	Not Available	Not Available
BOX	Not Available	Not Available
WHITE, LIONEL D	Not Available	Not Available

Criminal Justice Summary: Total arrests: 35 (15 Felony, 13 Misdemeanor)

Total convictions: 10

---

IDOC EVENT

---

EVENT: ON  
PAROLE

Institution Name: Parole Date: 2015-07-21  
 Case Number: Discharge Date: 22-MAY-2016  
 Conditions of Parole: DRUG ABUSE PGM COND, ELECTRONIC DETENTION, NO VICTIM CONTACT, CLOSE SUPERVISION COND,

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ARREST

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Arrest Name: WHITE, LIONEL D Arrest Date: 12-AUG-2015 Holding Facility: CPD - DISTRICT 003  
 Date of Birth: 26-APR-1972 Arrest Address: 400 E 63RD ST CHICAGO, IL 60637  
 DCN or CB: 019168285 Residence: 6127 S INDIANA AVE CHICAGO, IL 60637  
 Officer: ARCE Officer Badge#: 12425 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 5.0/25-5-A-4	Streetgang Contact/Parole	OFFENSE AS CITED

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COURT CHARGES/DISPOSITION

---

Statute	Charge	Class	Case#
720-5/25-5-A-4	STREETGANG CONTACT/PAROLE	M	15121821201

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE Disposition Date: 14-SEP-2015  
 Sentence: Sentence Date:

---

IDOC EVENT

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EVENT: RECEIVED Received Date: 24-JUN-2014  
 Institution Name: STATEVILLE Discharge Date: NOT CALCED

---

ARREST

---

Arrest Name: WHITE, LIONEL DEMOND Arrest Date: 24-MAY-2014 Holding Facility: CPD - DISTRICT 002 MALE  
 Date of Birth: 26-APR-1972 Arrest Address: 3510 S RHODES AVE CHICAGO, IL 60653  
 DCN or CB: 018900399 Residence: 10 W 35TH ST CHICAGO, IL 60609  
 Officer: ANDERSON Officer Badge#: 3712 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	2	F	720 ILCS 5.0/18-1-A	Robbery	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/21-5	Criminal Trespass To State Land	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/12-3.05(D)(9)	AGGRAVATED BATTERY/MERCHANT	F	14CR0979301
<i>Disposition:</i> SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS	<i>Disposition Date:</i> 20-JUN-2014		
<i>Sentence:</i> DOC 002 YEARS 00 MONTHS 000 DAYS	<i>Sentence Date:</i> 20-JUN-2014		<b>CONVICTED</b>

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/16-25(A)(1)	RET THEFT/DISP MERCH/>\$300	F	14CR0979301
<i>Disposition:</i> NOLLE PROSEQUI	<i>Disposition Date:</i> 20-JUN-2014		
<i>Sentence:</i>	<i>Sentence Date:</i>		

**IDOC EVENT****EVENT: ON****PAROLE**

Institution Name: Parole Date:  
 Case Number: Discharge Date: 30-JAN-2013

**ARREST**

Arrest Name: WHITE, LIONEL Arrest Date: 11-AUG-2012 Holding Facility: CPD - DISTRICT 002 MALE  
 Date of Birth: 28-APR-1970 Arrest Address: 327 E 37TH ST CHICAGO, IL 60653  
 DCN or CB: 018470630 Residence: 3637 S GILES AVE # 2S CHICAGO, IL 60653  
 Officer: ROTKVICH Officer Badge#: 17755 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	720 ILCS 570.0/402-C	Pcs - Possession - Poss Amt Con Sub Except (A)(D)	OFFENSE AS CITED
[1]	4	F	720 ILCS 550.0/4-D	Cannabis - Possess 30-500 Grms	OFFENSE AS CITED
[1]	-		730 ILCS 5.0/3-3-9	Violation Of Parole	OFFENSE AS CITED
[1]	1	F	720 ILCS 570.0/402-A-2	Pcs - Possession - 15+Grms - Cocaine	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-550/5(D)	MFG/DEL CANNABIS/30-500 G	F	12CR1609601
<i>Disposition:</i> FINDING OF NOT GUILTY	<i>Disposition Date:</i> 10-DEC-2013		
<i>Sentence:</i>	<i>Sentence Date:</i>		

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-570/401(C)(1)	MFG/DEL 1<15 GR HEROIN/AN	F	12CR1609601
<i>Disposition:</i> FINDING OF NOT GUILTY	<i>Disposition Date:</i> 10-DEC-2013		
<i>Sentence:</i>	<i>Sentence Date:</i>		

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#

720-570/401(C)(2)

MFG/DEL 1&lt;15 GR COCAINE/A

F 12CR1609601

Disposition: FINDING OF NOT GUILTY

Disposition Date: 10-DEC-2013

Sentence:

Sentence Date:

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ARREST

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Arrest Name: WHITE, LIONEL

Arrest Date: 23-MAR-2012 Holding Facility: CPD - DISTRICT 002 MALE

Date of Birth: 26-APR-1972

Arrest Address: 749 E 43RD ST CHICAGO, IL 60653

DCN or CB: 018369763

Residence: 1458 S CANAL ST CHICAGO, IL 60607

Officer: SUSNIS

Officer Badge#: 3187 Arresting Agency: CPD

Count Class Type Statute

Arrest Charge Description

Inchoate

[1] 4 F 720 ILCS 570.0/402-C

Pcs - Possession - Poss Amt Con Sub Except (A)(D)

OFFENSE AS CITED

---

COURT CHARGES/DISPOSITION

---

StatuteChargeClass Case#

720-570/402-C

PCS - POSSESSION - POSS A

M 12111071001

Disposition: FINDING - NO PROBABLE CAUSE - DISMISSED

Disposition Date: 12-APR-2012

Sentence:

Sentence Date:

---

ARREST

---

Arrest Name: WHITE, LIONEL

Arrest Date: 10-JAN-2012 Holding Facility: CCSPD - DISTRICT 6

Date of Birth: 26-APR-1972

Arrest Address: 700 W LINCOLN PONTIAC, IL 61764

DCN or CB: 018309794

Residence: 1204 E 73RD ST CHICAGO, IL 60619

Officer: MCHUGH

Officer Badge#: 10707 Arresting Agency: CCSPD - DISTRICT 6

Count Class Type Statute

Arrest Charge Description

Inchoate

[1] X F 720 ILCS 570.0/407-B-1

Mfg/Del Heroin/Sch/Pub Hs/Pk

OFFENSE AS CITED

---

COURT CHARGES/DISPOSITION

---

StatuteChargeClass Case#

725 ILCS 5.0/110-3

ISSUANCE OF WARRANT

10CR1943102

Disposition: ARRESTED ON WARRANT

Disposition Date: 10-JAN-2012

Sentence:

Sentence Date:

---

IDOC EVENT

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## EVENT: RECEIVED

Received Date:

13-JUL-2011

Institution Name:

STATEVILLE

Discharge Date:

28-MAY-2012

---

ARREST

---

Arrest Name: WHITE, LIONEL D

Arrest Date: 11-JUL-2011 Holding Facility: CPD - CENTRAL MALE

Date of Birth: 26-APR-1972

Arrest Address: 3803 S CALUMET AVE CHICAGO, IL 60653

DCN or CB: 018185549

Residence: 3726 S INDIANA AVE CHICAGO, IL 60653

Officer: AGUIRRE Officer Badge#: 5459 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
COOK COUNTY WARRANT	COOK COUNTY WARRANT	10CR1943101	
<i>Disposition:</i> ARRESTED ON WARRANT		<i>Disposition Date:</i> 11-JUL-2011	
<i>Sentence:</i>		<i>Sentence Date:</i>	

**DOC EVENT****EVENT: ON****PAROLE**

Institution Name:	Parole Date:
Case Number:	Discharge Date: 28-MAY-2012

**ARREST**

Arrest Name: WHITE, LIONEL	Arrest Date: 12-APR-2011	Holding Facility: OFF	COOK COUNTY STATES ATTORNEYS
Date of Birth: 26-APR-1972	Arrest Address: 2650 S CALIFORNIA BLVD	COOK COUNTY STATE ATTORNEY, IL	
DCN or CB: 018118033	Residence: 522 E 45TH ST CHICAGO, IL 60653	COOK COUNTY STATES ATTORNEYS	
Officer: KOVACS	Officer Badge#: 551	Arresting Agency: OFF	

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 570.0/401-C-1	Pcs - Mfg/Del 1<15 Gr Heroin/Analog	OFFENSE AS CITED
[1]	X	F	720 ILCS 570.0/407-B-1	Mfg/Del Heroin/Sch/Pub Hs/Pk	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720-570/402(c)	POSS AMT CON SUB EXCEPT(A)/(D)	F	10CR1943102
<i>Disposition:</i> SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS		<i>Disposition Date:</i> 27-JAN-2012	
<i>Sentence:</i> DOC 001 YEARS 00 MONTHS 000 DAYS		<i>Sentence Date:</i> 27-JAN-2012	

**CONVICTED****COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720-570/407(b)(1)	MFG/DEL HEROIN/SCH/PUB HS/PK	F	10CR1943102
<i>Disposition:</i> ARREST WARRANT - ORDERED AND ISSUED		<i>Disposition Date:</i> 02-JUN-2011	
<i>Sentence:</i>		<i>Sentence Date:</i>	
<i>Disposition:</i> NOLLE PROSEQUI		<i>Disposition Date:</i> 27-JAN-2012	
<i>Sentence:</i>		<i>Sentence Date:</i>	

**DOC EVENT****EVENT: RECEIVED** Received Date: 30-OCT-2010

Institution Name:

STATEVILLE

Discharge Date:

NOT CALCED

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **29-AUG-2010** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **1320 E 47TH ST CHICAGO, IL 60653**  
 DCN or CB: **017958999** Residence: **522 E 45TH ST CHICAGO, IL 60653**  
 Officer: **WHITTINGHAM** Officer Badge#: **17345** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	720 ILCS 5.0/12-1-A	Assault - Simple	OFFENSE AS CITED
[1]	4	F	720 ILCS 570.0/402-C	Pcs - Possession - Poss Amt Con Sub Except (A)(D)	OFFENSE AS CITED
[1]			725 ILCS 5.0/110-10-A-4	Conditions Of Bail Bond	OFFENSE AS CITED

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/402(c)	POSS AMT CON SUB EXCEPT(A)/(D)	F	10CR1706201

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS Disposition Date: 14-OCT-2010  
 Sentence: DOC 000 YEARS 18 MONTHS 000 DAYS Sentence Date: 14-OCT-2010

**CONVICTED**

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **09-AUG-2010** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **4321 S LANGLEY AVE CHICAGO, IL 60653**  
 DCN or CB: **017943238** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **ALLEN** Officer Badge#: **15090** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	B	M	720 ILCS 550.0/4-B	Cannabis - Possess 2.5-10 Grms	OFFENSE AS CITED
[1]	A	M	720 ILCS 600.0/3.5-A	Pcs - Drug Paraphernalia - Possess	OFFENSE AS CITED

## ARREST

Arrest Name: **WHITE, LIONEL S** Arrest Date: **13-APR-2010** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **4059 S PRAIRIE AVE CHICAGO, IL 60653**  
 DCN or CB: **017845966** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **EVANS** Officer Badge#: **8234** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 600.0/3.5-A	Pcs - Drug Paraphernalia - Possess	OFFENSE AS CITED

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-600/3.5-A	PCS - DRUG PARAPHERNALIA	M	10122336701

Disposition: BAIL BOND FORFEITURE Disposition Date: 20-MAY-2010  
 Sentence:  
 Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE Disposition Date: 20-MAY-2010

Sentence:

Sentence Date:

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **25-JAN-2010** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **3825 S CALUMET AVE CHICAGO, IL 60653**  
 DCN or CB: **017779833** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **GOLDIE** Officer Badge#: **10478** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	P		720 ILCS 5.0/16-2	Theft Of Lost/Mislaid Property	OFFENSE AS CITED

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/16-2	THEFT OF LOST/MISLAID PRO	M	10118683401

*Disposition: BAIL BOND FORFEITURE* Disposition Date: **02-FEB-2010**  
*Sentence:* Sentence Date:  
*Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE* Disposition Date: **02-FEB-2010**  
*Sentence:* Sentence Date:

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **19-JAN-2010** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **330 E PERSHING RD CHICAGO, IL 60653**  
 DCN or CB: **017775427** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **BOLTON** Officer Badge#: **15903** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		8-4-030	Drinking Alcohol On The Public Way	OFFENSE AS CITED

## ARREST

Arrest Name: **WHITE , LIONEL** Arrest Date: **29-NOV-2009** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **28-APR-1970** Arrest Address: **330 E PERSHING RD CHICAGO, IL 60653**  
 DCN or CB: **017738287** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **GONZALEZ** Officer Badge#: **12152** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		8-4-030	Drinking Alcohol On The Public Way	OFFENSE AS CITED

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **18-NOV-2009** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **326 E PERSHING RD CHICAGO, IL 60653**  
 DCN or CB: **017729206** Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer: **RODRIGUEZ** Officer Badge#: **10870** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		4-64-191	Certain Transactions Prohibited	OFFENSE AS CITED

**ARREST**

Arrest Name: **WHITE, LIONEL D**  
 Date of Birth: **26-APR-1972**  
 DCN or CB: **017710432**  
 Officer: **NICHOLS JR**

Arrest Date: **27-OCT-2009** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Arrest Address: **330 E PERSHING RD CHICAGO, IL 60653**  
 Residence: **3722 S INDIANA AVE CHICAGO, IL 60653**  
 Officer Badge#: **12415** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	B	M	720 ILCS 5.0/21-3-A-1	Criminal Trespass To Real Property	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
<b>720-5/21-3-A-1</b>	<b>CRIMINAL TRESPASS TO REAL</b>	<b>M</b>	<b>09127296701</b>
<i>Disposition:</i> <b>STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE</b>		<i>Disposition Date:</i>	<b>29-DEC-2009</b>
<i>Sentence:</i>		<i>Sentence Date:</i>	

**ARREST**

Arrest Name: **WHITE, LIONEL D**  
 Date of Birth: **26-APR-1972**  
 DCN or CB: **017645119**  
 Officer: **SONLEY**

Arrest Date: **12-AUG-2009** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Arrest Address: **323 E PERSHING RD CHICAGO, IL 60653**  
 Residence: **3618 S ELLIS AVE CHICAGO, IL 60653**  
 Officer Badge#: **9583** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		4-64-191	Certain Transactions Prohibited	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
<b>4-64-191</b>	<b>CERTAIN TRANSACTIONS PROH</b>	<b>M</b>	<b>09126877601</b>
<i>Disposition:</i> <b>SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS</b>		<i>Disposition Date:</i>	<b>16-OCT-2009</b>
<i>Sentence:</i> <b>JAIL 000 YEARS 00 MONTHS 001 DAYS</b>		<i>Sentence Date:</i>	<b>16-OCT-2009</b>

**CONVICTED****ARREST**

Arrest Name: **WHITE, LIONEL D**  
 Date of Birth: **26-APR-1972**  
 DCN or CB: **017622405**  
 Officer: **LOMAX**

Arrest Date: **17-JUL-2009** Holding Facility: **CPD - CENTRAL MALE**  
 Arrest Address: **100 N WABASH AVE CHICAGO, IL 60602**  
 Residence: **3618 S ELLIS AVE CHICAGO, IL 60653**  
 Officer Badge#: **17434** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		8-4-025(B)(2)	Panhandle Prohibit Manner	OFFENSE AS CITED

**ARREST**

Arrest Name: **WHITE, LIONEL** Arrest Date: **03-JUN-2009** Holding Facility: **CPD - DISTRICT 002 MALE**

Date of Birth: 26-APR-1972

Arrest Address: 328 E PERSHING RD CHICAGO, IL 60653

DCN or CB: 017584469

Residence: 3618 S ELLIS AVE CHICAGO, IL 60653

Officer: JONES

Officer Badge#: 19462 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	B	M	720 ILCS 5.0/21-3-A-3	Criminal Trespass - Remain On Land	OFFENSE AS CITED
[1]			725 ILCS 5.0/110-10-A-4	Conditions Of Bail Bond	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/21-3-A-3	CRIMINAL TRESPASS - REMAI	M	09118674701
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i>	12-JUN-2009
<i>Sentence:</i>		<i>Sentence Date:</i>	
Statute	Charge	Class	Case#
725-5/110-10-A-4	CONDITIONS OF BAIL BOND	M	09118674701
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i>	12-JUN-2009
<i>Sentence:</i>		<i>Sentence Date:</i>	

**ARREST**

Arrest Name: WHITE, LIONEL

Arrest Date: 11-MAY-2009 Holding Facility: CPD - DISTRICT 002 MALE

Date of Birth: 26-APR-1972

Arrest Address: 330 E PERSHING RD CHICAGO, IL 60653

DCN or CB: 017563690

Residence: 1516 W 78TH ST CHICAGO, IL 60620

Officer: JONES

Officer Badge#: 19462 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	B	M	720 ILCS 5.0/21-3-A-2	Criminal Trespass To Land	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/21-3-A-2	CRIMINAL TRESPASS TO LAND	M	09119884101
<i>Disposition:</i> BAIL BOND FORFEITURE		<i>Disposition Date:</i>	30-JUN-2009
<i>Sentence:</i>		<i>Sentence Date:</i>	
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i>	30-JUN-2009
<i>Sentence:</i>		<i>Sentence Date:</i>	

**IDOC EVENT****EVENT: RECEIVED**

Institution Name: STATEVILLE

Received Date:

17-JAN-2009

Discharge Date:

25-JUN-2009

**IDOC EVENT****EVENT: ON****PAROLE**

Institution Name:

Parole Date:

Case Number:

Discharge Date:

25-JUN-2009

**ARREST**

Arrest Name: **WHITE, LIONEL D** Arrest Date: **05-JAN-2009** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **3625 S LAKE PARK AVE CHICAGO, IL 60653**  
 DCN or CB: **017457215** Residence: **6155 S LOOMIS BLVD CHICAGO, IL 60636**  
 Officer: **WINNERS** Officer Badge#: **5374** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED
[1]	B	M	720 ILCS 5.0/21-3-A-2	Criminal Trespass To Land	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/21-3-A-2	CRIMINAL TRESPASS TO LAND	M	09119201601

Disposition: **STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE** Disposition Date: **14-JAN-2009**  
 Sentence: Sentence Date:

**ARREST**

Arrest Name: **WHITE, LIONEL** Arrest Date: **04-OCT-2008** Holding Facility: **CPD - CENTRAL MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **2320 S STATE ST CHICAGO, IL 60616**  
 DCN or CB: **017380239** Residence: **1458 S CANAL ST CHICAGO, IL 60607**  
 Officer: **MARZANO** Officer Badge#: **18810** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/31-1-A	Resist/Obstruct - Peace Officer/ Correctional Emp	OFFENSE AS CITED
[1]	A	M	720 ILCS 5/8-4	Attempt - Pcs - Possession - Less Than 15 Grms - Cocaine	ATTEMPT
[1]	B	M	720 ILCS 5.0/21-3-A-2	Criminal Trespass To Land	OFFENSE AS CITED
[1]	B	M	720 ILCS 5.0/21-3-A-1	Criminal Trespass To Real Property	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/21-3-A-2	CRIMINAL TRESPASS TO LAND	M	08126455101

Disposition: **SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS** Disposition Date: **06-OCT-2008**  
 Sentence: **JAIL 000 YEARS 00 MONTHS 002 DAYS** Sentence Date: **06-OCT-2008**

**CONVICTED****COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/31-1-A	RESIST/OBSTRUCT - PEACE O	M	08126455101

Disposition: **SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS** Disposition Date: **06-OCT-2008**  
 Sentence: **JAIL 000 YEARS 00 MONTHS 002 DAYS** Sentence Date: **06-OCT-2008**

**CONVICTED****IDOC EVENT**

EVENT: RECEIVED

Received Date:

02-MAY-2006

Institution Name: STATEVILLE

Discharge Date:

01-MAR-2007

## IDOC EVENT

EVENT: ON  
PAROLEInstitution Name:  
Case Number:Parole Date:  
Discharge Date: 01-MAR-2007

## ARREST

Arrest Name: **WHITE, LIONEL D** Arrest Date: **24-APR-2006** Holding Facility: **CPD - DISTRICT 002 MALE**  
 Date of Birth: **26-APR-1972** Arrest Address: **575 E BROWNING AVE CHICAGO, IL 60653**  
 DCN or CB: **016515553** Residence: **6155 S LOOMIS ST CHICAGO, IL 60636**  
 Officer: **JONES** Officer Badge#: **19462** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/12-2-A-6	Agg Assault - Peace Officer/Fireman	OFFENSE AS CITED
[1]	X	F	720 ILCS 570.0/407-B-1	Mfg/Del Heroin/Sch/Pub Hs/Pk	OFFENSE AS CITED

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/12-2-A-6	AGG ASSAULT - PEACE OFFIC	M	06111665201

Disposition: **NOLLE PROSEQUI** Disposition Date: **25-MAY-2006**  
 Sentence:

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/401(c)(1)	MFG/DEL 1-14 GR HEROIN/ANALOG	F	06CR1209201

Disposition: **NOLLE PROSEQUI** Disposition Date: **26-JUN-2006**  
 Sentence:

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/402(c)	POSS AMT CON SUB EXCEPT(A)/(D)	F	06CR1209201

Disposition: **SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS** Disposition Date: **26-JUN-2006**  
 Sentence: **DOC 005 YEARS 00 MONTHS 000 DAYS** Sentence Date: **26-JUN-2006** **CONVICTED**

## COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/407-B-1	PCS-MFG/DEL-SCH/PUB HS/PR	M	06111665201

Disposition: **SUPERCEDED BY INDICTMENT** Disposition Date: **25-MAY-2006**  
 Sentence:

## IDOC EVENT

## EVENT: RECEIVED

Institution Name: STATEVILLE

Received Date: 26-APR-2005  
Discharge Date: 16-JAN-2007

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IDOC EVENT

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**EVENT: ON  
PAROLE**

Institution Name: Parole Date:  
 Case Number: Discharge Date: 16-JAN-2007

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: 17-APR-2005 Holding Facility: CPD - DISTRICT 006  
 Date of Birth: 26-APR-1972 Arrest Address: 7820 S EMERALD AVE CHICAGO, IL 60620  
 DCN or CB: 016152517 Residence: 522 E 46TH ST CHICAGO, IL 60653  
 Officer: PERSON JR Officer Badge#: 16501 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 570.0/402-A-2	Pcs - Possession - 15+Grms - Cocaine	

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-570/401(c)(2)	MFG/DEL 01-15 GR COCAINE/ANLG	F	05CR1419801

*Disposition: ARREST WARRANT - RECALLED AND QUASHED Disposition Date: 19-JUL-2005*  
*Sentence: Sentence Date:*

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IDOC EVENT

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**EVENT: RECEIVED** Received Date: 13-JUL-2004  
 Institution Name: STATEVILLE Discharge Date: 03-MAR-2007

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IDOC EVENT

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**EVENT: ON  
PAROLE**

Institution Name: Parole Date:  
 Case Number: Discharge Date: 03-MAR-2007

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: 17-JUN-2004 Holding Facility: CPD - DISTRICT 002 MALE  
 Date of Birth: 26-APR-1972 Arrest Address: 575 E BROWNING AVE CHICAGO, IL 60653  
 DCN or CB: 015855255 Residence: 8124 S OGLESBY AVE CHICAGO, IL 60617  
 Officer: BENITEZ Officer Badge#: 12678 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		9-24-010(B)	Stop At Stop Sign	
[1]	4	F	720 ILCS 550.0/4-D	Cannabis - Possess 30-500 Grms	
[1]	U		625 ILCS 5.0/3-707	Insurance - Operate Mtr Vehicle Without	
[1]	B	M	625 ILCS 5.0/6-101	Driving/Never Issued License	

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: **06-MAR-1997** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **900 E 47 ST CHICAGO,**  
 DCN or CB: **010462681** Residence: **2955 E 80TH PL CHICAGO, IL 60653-0000**  
 Officer: Officer Badge#: Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	ARM ROBB	Armed Robbery	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/18-2(A)	ARMED ROBBERY	0	1997CR09516

Disposition:	SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS	Disposition Date:	13-OCT-1998
Sentence:	DOC 015 YEARS 00 MONTHS 000 DAYS	Sentence Date:	13-OCT-1998

**CONVICTED**

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: **29-MAR-1996** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **3800 S VINCENNES AV CHICAGO, IL**  
 DCN or CB: **010192432** Residence: **2955 E 80TH PL CHICAGO, IL 60617-0000**  
 Officer: **MOORE** Officer Badge#: **753** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	PCS	Possess Controlled Substance	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-570/402(C)	POSS AMT CON SUB EXCEPT(A)	F	96CR1191901

Disposition:	FINDING OF NOT GUILTY	Disposition Date:	13-JAN-1997
Sentence:	NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS	Sentence Date:	

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: **14-DEC-1993** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **4658 S VINCENNES AV CHICAGO, IL**  
 DCN or CB: **009551972** Residence: **2955 E 80TH PL CHICAGO, IL**  
 Officer: Officer Badge#: Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	PCS	Possess Controlled Substance	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
56.5-1401-D	DCS ANY OTHER AMT I/II	F	94CR0177001

Disposition:	SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS	Disposition Date:	24-MAY-1994
			<b>CONVICTED</b>

Sentence: DOC 005 YEARS 00 MONTHS 000 DAYS

Sentence Date: 24-MAY-1994

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ARREST

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Arrest Name: **WHITE, LIONEL D** Arrest Date: **13-OCT-1993** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address:  
 DCN or CB: **009508831** Residence: **4353 S GREENWOOD AVE CHICAGO, IL**  
 Officer: Officer Badge#: Arresting Agency:

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	<b>SOLICITATION</b>	<b>Solicitation</b>	<b>OFFENSE AS CITED</b>

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
<b>SOLICITATION</b>	<b>SOLICITATION</b>		<b>93227511</b>

*Disposition:* **NOLLE PROSEQUI** *Disposition Date:* **14-NOV-1993**  
*Sentence:* **NO SENTENCE** *Sentence Date:*

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ARREST

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Arrest Name: **WHITE, LENELL** Arrest Date: **19-SEP-1990** Holding Facility:  
 Date of Birth: **17-APR-1971** Arrest Address: **5101 S WENTWORTH CHICAGO, IL**  
 DCN or CB: **008652352** Residence: **2955 S GREENWOOD AVE CHICAGO, IL**  
 Officer: **FERRELL** Officer Badge#: **9314** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	<b>STR ARM ROBB</b>	<b>Strong Armed Robbery</b>	

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
<b>720 ILCS 5.0/18-1-A</b>	<b>ROBBERY</b>		<b>90CR-0231680</b>

*Disposition:* **SUPERCEDED BY INDICTMENT** *Disposition Date:* **02-OCT-1990**  
*Sentence:* *Sentence Date:*

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ARREST

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Arrest Name: **WHITE, LENELL** Arrest Date: **11-SEP-1990** Holding Facility:  
 Date of Birth: **17-APR-1971** Arrest Address: **636 E 38TH PL CHICAGO, IL**  
 DCN or CB: **008644959** Residence: **706 E 39TH PL CHICAGO, IL**  
 Officer: **HARRIS** Officer Badge#: **8163** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	X	F	<b>STR ARM ROBB</b>	<b>Strong Armed Robbery</b>	

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
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ARM ROBB	ARMED ROBBERY	90CR-23618
Disposition: PLEA/GUILTY - FINDING OF GUILTY		Disposition Date: 11-SEP-1993
Sentence: ILLINOIS DEPT. CORRECTIONS 7 YEARS		Sentence Date:
<b>CONVICTED</b>		

**ARREST**

Arrest Name: **LARRUE, EDDIE** Arrest Date: **25-AUG-1990** Holding Facility:  
 Date of Birth: **23-FEB-1968** Arrest Address: **633 E 38TH ST CHICAGO, IL**  
 DCN or CB: **008627725** Residence: **706 E 39TH PL CHICAGO, IL**  
 Officer: **MICKEL** Officer Badge#: **10974** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	DIS CON	Disorderly Conduct	

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720 ILCS 5.0/26-1-A-1	DISORDERLY CONDUCT - BREACH OF PEACE		90360386

Disposition: **BAIL BOND FORFEITURE - STRICKEN WITH LEAVE TO REINSTATE** Disposition Date: **26-SEP-1990**  
 Sentence: **NO SENTENCE** Sentence Date:

**ARREST**

Arrest Name: **WHITE, LIONEL** Arrest Date: **13-MAY-1990** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **706 E 39TH ST CHICAGO, IL**  
 DCN or CB: **008546080** Residence: **3831 S DR MARTIN LUTHER KING JR DR CHICAGO, IL**  
 Officer: **BRANDON** Officer Badge#: **11900** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	ASSLT	Assault	

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720 ILCS 5.0/12-1-A	ASSAULT - SIMPLE		

Disposition: **BAIL BOND FORFEITURE - WARRANT** Disposition Date: **21-JUN-1990**  
 Sentence: **NO SENTENCE** Sentence Date:

**ARREST**

Arrest Name: **WHITE, LIONEL** Arrest Date: **27-DEC-1989** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **3756 S VINCENNES CHICAGO, IL**  
 DCN or CB: **008445620** Residence: **706 E 39TH PL CHICAGO, IL**  
 Officer: **HART** Officer Badge#: **16347** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	2	F	BURG	Burglary	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720 ILCS 5.0/19-3	RESIDENTIAL BURGLARY		
<i>Disposition:</i> NOLLE PROSEQUI		<i>Disposition Date:</i> 18-JAN-1990	
<i>Sentence:</i>		<i>Sentence Date:</i>	

**ARREST**

Arrest Name: **WHITE, LIONEL** Arrest Date: **29-OCT-1989** Holding Facility:  
 Date of Birth: **26-APR-1972** Arrest Address: **401 E PERSHING CHICAGO, IL**  
 DCN or CB: **008407605** Residence: **706 E PERSHING RD CHICAGO, IL**  
 Officer: **WILLIAMS JR** Officer Badge#: **17802** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	THEFT	Theft	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
			89321439
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i> 27-NOV-1989	
<i>Sentence:</i>		<i>Sentence Date:</i>	

**ARREST**

Arrest Name: **WHITE, TORRENCE** Arrest Date: **27-SEP-1988** Holding Facility:  
 Date of Birth: **28-APR-1970** Arrest Address: **347 E 35 ST CHICAGO, IL**  
 DCN or CB: **008120715** Residence: **706 E 39TH PL CHICAGO, IL**  
 Officer: **DOBY** Officer Badge#: **5485** Arresting Agency: **CPD**

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	THEFT	Theft	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
38-16-1-A(1)	THEFT	F	88CR1593101
<i>Disposition:</i> STRICKEN WITH LEAVE TO REINSTATE - WARRANT		<i>Disposition Date:</i> 18-OCT-1988	
<i>Sentence:</i> NO SENTENCE 000 YEARS 00 MONTHS 000 DAYS		<i>Sentence Date:</i>	
<i>Disposition:</i> PROBATION - VIOLATION - ILLINOIS DEPARTMENT OF CORRECTION		<i>Disposition Date:</i> 19-NOV-1990	
<i>Sentence:</i> DOC 007 YEARS 00 MONTHS 000 DAYS		<i>Sentence Date:</i> 19-NOV-1990	
<i>Disposition:</i> SENTENCED/PROBATION		<i>Disposition Date:</i> 29-JAN-1990	
<i>Sentence:</i> PROBATION 000 YEARS 24 MONTHS 000 DAYS		<i>Sentence Date:</i> 29-JAN-1990	<b>CONVICTED</b>

\*\*\*End of Report\*\*\*

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your

LEADS terminal.

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30-JUN-2017 10:22

Requested by: PC0X870

# Exhibit F

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

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

PEOPLE OF THE STATE OF ILLINOIS, )

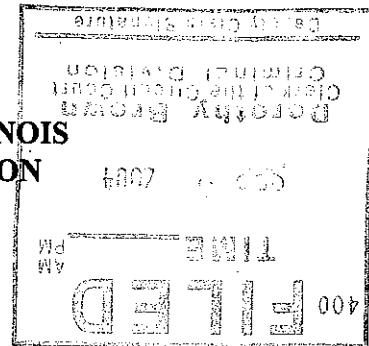
Plaintiff, )

v. )

) Case No. 04 CR 19000

BEN BAKER, )

Defendant. )



**ANSWER TO PEOPLE'S MOTION FOR PRE-TRIAL DISCOVERY**

NOW COMES, the defendant, BEN BAKER, by and through his attorney, MATTHEW L. MAHONEY, and in answer to the People's motion states as follows:

1. Defendant denies each and every allegation set forth in the indictment and will rely upon the State's inability to prove him guilty beyond a reasonable doubt. Additionally, defendant intends to assert the affirmative defense of alibi. On the date and time of the offense, defendant was at the Hyatt Regency Hotel, McCormick Place, Room 504, located at 2233 S. Martin Luther King Drive, Chicago, Illinois 60616.

2. Defendant may or may not testify. The defendant may call any witnesses whose names appear in Chicago Police Case Report, State's List of Witnesses, Grand Jury Testimony and Preliminary Hearing, or which appear on the State's Answer to Discovery.

A) **Alibi Witnesses**

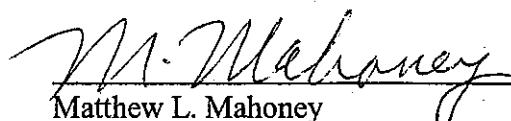
1. Jamar Lewis  
511 E. Browning, Unit 301.  
Chicago, Illinois 60653

2. Clarissa Glenn  
527 E. Browning, Unit 206  
Chicago, Illinois 60653
3. Carolyn Baker  
4308 S. Michigan  
Chicago, Illinois 60653
4. C. Scott  
Public Service Coordinator  
Cook County Adult Probation Department  
2650 S. California Avenue  
Chicago, Illinois 60608

Investigation continues for purposes of the affirmative defense of alibi and will forward information as it is tendered to Defendant.

3. None at this time.
4. See attached hotel receipt and community service time card.
5. Will comply.

Respectfully submitted,

  
\_\_\_\_\_  
Matthew L. Mahoney  
Attorney for Defendant  
820 W. Jackson Boulevard, Suite 300  
Chicago, IL 60607  
312-669-1700

# Exhibit G

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

)  
In re: WATTS COORDINATED ) Master Docket Case No. 19-cv-01717  
PRETRIAL PROCEEDINGS )  
)  
)  
)  
Magistrate Judge Sheila M. Finnegan  
)

THIS DOCUMENT RELATES TO CASE NO. 16 CV 8940

**PLAINTIFF BEN BAKER'S RESPONSES TO  
DEFENDANT KALLATT MOHAMMED'S  
FIRST SET OF INTERROGATORIES IN CASE NO. 16 CV 8940**

Plaintiff Ben Baker, by and through his undersigned counsel, and pursuant to Federal Rule of Civil Procedure 33, provides the following responses to Defendant Kallatt Mohammed's First Set of Interrogatories to Plaintiff Ben Baker:

1. Have you ever personally engaged in drug related activities? If your answer is yes, then please identify by specific year or a specific period of years any time that you engaged in drug related activities, and for each such year or period of years describe your activities, i.e., sold, manufactured, etc., and the types of controlled substances involved.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad with respect to temporal and subject matter scope, and not proportional to the needs of the case. Subject to and without waiving these objections and limited to the time period 1997 to present, Plaintiff Baker sold cocaine and heroin at various times between approximately 1998 to 2004.

**SUPPLEMENTAL ANSWER:** Plaintiff maintains all of his previous objections to these interrogatories, including that they are irrelevant and overly broad, and not proportional to the needs of the case given that there is no relevance to this case. Whether Mr. Baker has ever "engaged in drug related activities" is not an issue in this case. Rather, the issue is whether Defendants violated Mr. Baker's constitutional rights by framing him for crimes he did not commit. They undoubtedly did that, as evidenced by, among other things, the fact that Mr. Baker's convictions were vacated and he received a certificate of innocence.

Subject to those objections and his previous objections, Plaintiff notes that Ben Baker was criminally charged with distributing approximately 5 grams of heroin and/or fentanyl on three days in 2017. Those charges are pending in case No. 18-cr-216 (N.D. Ill.). Plaintiff pled not guilty to the charges.

2. If your answer to Interrogatory 1 was yes, then please state whether any of your drug related activities occurred after the date of your release from prison for attempt murder in Cook County criminal docket number 93 CR 28397 (or your release from prison for unlawful use of a weapon by a felon in Cook County criminal docket number and 93 CR 27089). If your answer is yes, then specifically identify every geographic location where you

engaged in such activities, including, if known, the street address.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad with respect to temporal and subject matter scope, and not proportional to the needs of the case. Subject to and without waiving these objections, 527 E. Browning Street.

**SUPPLEMENTAL ANSWER:** Plaintiff incorporates his objections and answer to Interrogatory No. 1 herein.

3. With reference to the time frame described in Interrogatory 2, have you ever engaged in drug related activity jointly with another person or persons or on behalf of any a group? If so, please

- (a) identify each such individual by his/her name, street name or nickname and
- (b) any group with whom you acted jointly, and;
- (b) identify each specific location or locations where these acts occurred.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad with respect to temporal and subject matter scope, harassing, and not proportional to the needs of the case.

**SUPPLEMENTAL ANSWER:** Plaintiff incorporates his objections and answer to Interrogatory No. 1 herein.

4. Please state the last year during which you engaged, directly or indirectly, in any drug related activity.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant and also on the basis that it is vague and ambiguous. Subject to and without waiving any objections, Plaintiff used marijuana in 2017.

**SUPPLEMENTAL ANSWER:** Plaintiff incorporates his objections and answer to Interrogatory No. 1 herein.

5. Have you ever belonged to or been associated with any street gang or criminal organization, for example, the Black Disciples, Gangster Disciples, or Hobos? If your answer is yes, then please specifically identify each such gang or criminal organization, state your approximate age when you first joined or began to associate with it, and indicate the highest rank, if any, that you attained in it.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is irrelevant and overly broad with respect to temporal and subject matter scope. Subject to and without waiving this objection, Plaintiff joined the Gangster Disciples when he was approximately 18 years old. He did not hold rank.

6. If your answer to Interrogatory 5 is yes, then state whether you currently are a member or associate of any gang or criminal organization. If your answer is no, then please indicate the year in which you stopped being a member or associate and describe with specificity the circumstances behind your departure from the gang(s) or organization(s) you identified in Interrogatory 5.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is irrelevant,

overbroad, and also on the basis that it is vague and ambiguous. Subject to and without waiving these objections, no. Plaintiff left the Gangster Disciples in or around 2011 or 2012.

7. With reference to the time frame described in Interrogatory 2, did you personally earn cash or other valuable property from your drug related activities, and, if so, estimate the average amount of cash or the average value of any property that you would earn on a weekly basis. Also, what is the most money or the highest value of any property that you earned in any one week from your drug related activities?

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad with respect to temporal and subject matter scope, and harassing.

**SUPPLEMENTAL ANSWER:** Plaintiff incorporates his objections and answer to Interrogatory No. 1 herein.

8. With reference to the time frame described in Interrogatory 2, have you ever possessed, used or carried any firearm.

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad, harassing, and not proportional to the needs of the case.

9. Did you engage at any time in any drug related activities in the 527 building of the Ida B. Wells Housing project? If your answer is yes, what was the last date on which you were involved, directly or indirectly, in such activity?

**ANSWER:** Plaintiff objects to this interrogatory on the basis that it is not relevant, overly broad, and not proportional to the needs of the case. Subject to and without waiving these objections, 2005.

Respectfully submitted,

/s/ Scott Rauscher

Arthur Loevy  
Jon Loevy  
Scott Rauscher  
Josh Tepfer  
Theresa Kleinhaus  
Sean Starr  
LOEVT & LOEVT  
311 North Aberdeen Street. Third Floor  
Chicago, Illinois 60607  
Phone: (312) 243-5900  
Fax: (312) 243-5902

**CERTIFICATE OF SERVICE**

I, Scott Rauscher, an attorney, certify that I caused a copy of Plaintiff Ben Baker's Supplemental Responses to Defendant Kallatt Mohammed's First Set of Interrogatories on all counsel of record via electronic mail.

/s/ Scott Rauscher

**VERIFICATION**

I, Ben Baker, verify that I have reviewed the attached Supplemental Responses to Defendant Mohammed's Interrogatories, and I certify that the answers are true and correct to the best of my knowledge, information, and memory.

Date: 4-4-19

Ben Baker  
Ben Baker

# Exhibit H

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Cornelius Vandenberg (312) 353-5310

FILED

APR 06 2018

MAGISTRATE JUDGE  
SHEILA M. FINNEGAN

UNITED STATES OF AMERICA

v.

BEN BAKER

CASE NUMBER  
UNDER SEAL

18CR 216

MAGISTRATE JUDGE FINNEGAN

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Count One

On or about March 3, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section*

Title 21, United States Code, Section 841(a)(1)

*Offense Description*

Knowingly and intentionally distributed a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance

Count Two

On or about March 15, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section*

Title 21, United States Code, Section 841(a)(1)

*Offense Description*

Knowingly and intentionally distributed a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance

RECEIVED

APR 06 2018 *YJ*THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**Count Three**

On or about March 28, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section*

Title 21, United States Code, Section 841(a)(1)

*Offense Description*

Knowingly and intentionally distributed a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance

**Count Four**

On or about May 3, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section*

Title 21, United States Code, Section 841(a)(1)

*Offense Description*

Knowingly and intentionally distributed a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-1 [1-(2-phenylethyl)-4-piperindinyl] propanamide), a Schedule II Controlled Substance; and a quantity of a mixture and substance containing furanylfentanyl, an analogue of fentanyl (N-phenyl-N-1 [1-(2-phenylethyl)-4-piperindinyl] propanamide), a Schedule II Controlled Substance

This criminal complaint is based upon these facts:

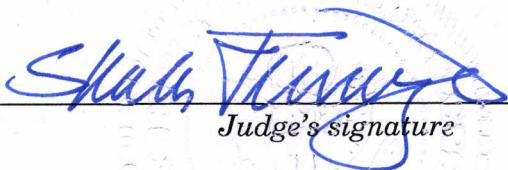
X Continued on the attached sheet.

  
JOHN GONZALEZ  
Task Force Officer,  
Drug Enforcement Administration (DEA)

Sworn to before me and signed in my presence.

Date: April 6, 2018

City and state: Chicago, Illinois

  
SHEILA FINNEGAN, U.S. Magistrate Judge  
Printed name and Title

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS | ss

**AFFIDAVIT**

I, JOHN GONZALEZ, being duly sworn, state as follows:

1. I am a Task Force Officer with the Drug Enforcement Administration, and have been so employed for 5 years. Prior to becoming a Task Force Officer with the DEA, I was a police officer with the Chicago Police Department, Chicago, Illinois for 19 years. As a police officer, I investigated various criminal offenses, including narcotics offenses.

2. As part of my duties as a DEA Task Force Officer, I investigate criminal violations relating to narcotics trafficking offenses, including criminal violations of the Federal Controlled Substance laws, including, but not limited to Title 18, United States Code, Sections 1956, and 1957, and Title 21, United States Code, Sections 841, 843, 846, 848, 952 and 963. I have been involved with various electronic surveillance methods, the debriefing of defendants, informants, and witnesses, as well as others who have knowledge of the distribution, transportation, storage and importation of controlled substances.

3. This affidavit is submitted in support of a criminal complaint alleging that Ben BAKER has violated Title 21, United States Code, Section 841(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BAKER with distribution of heroin, fentanyl and furanylfentanyl, an analogue of fentanyl, I have not included

each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and in law enforcement records, review of recorded conversations, review of public records databases, and my training and experience, as well as the training and experience of other law enforcement agents.

**I. FACTS SUPPORTING PROBABLE CAUSE**

5. In summary, and as set forth in more detail below, on or about March 3, 2017, BAKER sold a total of 5.3 grams of heroin to CS-2<sup>1</sup>; on or about March 15, 2017, BAKER sold approximately 4.9 grams of heroin to CS-2; on or about March 28, 2017, BAKER sold approximately 5 grams of heroin to CS-2; and on or about May 3, 2017, BAKER sold approximately 5 grams of fentanyl and furanylfentanyl, an analogue of fentanyl, to CS-2.

**A. March 3, 2017: BAKER Sold CS-2 a Total of with Approximately 5.3 Grams of Heroin.**

6. On or about March 1, 2017, CS-2 informed law enforcement that CS-2

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<sup>1</sup> Confidential Source-2 (CS-2) has been a confidential source for CPD since March 2010 and has been an active confidential source for DEA since March 2017. Information provided by CS-2 has been reliable and credible, and certain information has been corroborated from external sources, including consensually recorded calls, surveillance, and the successful controlled purchases of narcotics. CS-2 has agreed to assist law enforcement in exchange for payments. Criminal records reflect that CS-2 has nine convictions, including multiple convictions for narcotics offenses, as well as convictions for invasion of privacy, prostitution and larceny. To date, CS-2 has received cash payments totaling approximately \$6,450 from law enforcement during the course of this investigation, and a total of approximately \$9,126 for assisting CPD in other investigations.

had known Ben BAKER and Individual A for years and was aware that BAKER and Individual A were engaged in the sale of heroin. According to CS-2, earlier that day, CS-2 had seen BAKER and Individual A and had discussed purchasing heroin from them.

7. On or about March 3, 2017, at approximately 9:30 a.m., law enforcement met with CS-2 at an area near the 6200 block of South Rhodes Street, in Chicago. Law enforcement discussed with CS-2 a plan for CS-2 to drop by BAKER's home, unannounced, to purchase 4 grams of heroin from BAKER. Law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to purchase heroin as well as a concealed audio and video recording device. Law enforcement officers maintained continuous surveillance of CS-2 from this meeting until they observed CS-2 enter an address on the 6200 block of South Rhodes Street, in Chicago, (the "Baker Residence")<sup>2</sup>, at approximately 10:11 a.m.

8. According to CS-2, inside the Baker Residence, BAKER<sup>3</sup> handed CS-2 a

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<sup>2</sup> This was determined to be the Baker Residence at the time of these purchases for the following reasons: First, BAKER's Illinois driver's license listed this location as his residence as of March of 2017. Second, CS-2 has identified this as BAKER's home. Third, law enforcement officers observed BAKER at this residence on multiple occasions between March and June 2017. Fourth, as set forth in Paragraph 8, (773) 354-5774 was identified as Baker's Phone and Baker's Phone is registered to this address. Fifth, the Ben Baker Vehicle, identified in Paragraph 8, is registered to this residence, albeit under the name of a different person with the last name "Baker."

<sup>3</sup> The identification of BAKER and his voice in this affidavit is based on the following: (1) CS-2 identified BAKER's photograph and voice; (2) agents have positively identified BAKER based on a comparison of his appearance in the video recordings made during the transactions set forth in this affidavit and BAKER's CPD database photograph and driver's

small Ziploc bag of user quantities of a white powdery substance that had the appearance of heroin. According to the recording, BAKER then stated, "He told me to tell you let him know what's to it.<sup>4</sup>" Based on my training and experience, and as understood by CS-2, this meant that BAKER wanted CS-2 or someone else test the quality of the heroin so BAKER could report back to his supplier. CS-2 then told BAKER, "Look, my brother [unintelligible] needs 4 grams [of heroin]. BAKER replied, "They [each gram of heroin] 70 dollars a piece." CS-2 replied, "What time can I get it?" BAKER responded, "I'm fin [plan] to call him [BAKER's heroin supplier], so I guess within the hour they will be here [to deliver heroin]." During the course of the conversation, BAKER told CS-2 to call (773) 354-5774<sup>5</sup>, ("Baker's Phone") later that day to set up the heroin purchase. After the transaction, CS-2 departed the Baker Residence.

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license photograph; and (3) agents have also positively compared BAKER's voice in recorded meetings with CS-2 to the voice of the user of Baker's Phone.

<sup>4</sup> Some of the consensually recorded conversations from this investigation are summarized in this Affidavit. The language that is quoted from the recorded conversations throughout this Affidavit is based upon a preliminary review of the recorded conversations, not final transcripts. These summaries do not include all statements or topics covered during the course of the recorded conversations. At various points in the Affidavit, I have indicated (sometimes in brackets) my interpretation of words and phrases used in the recorded conversations. My interpretations are based on information received from confidential sources, the contents and context of the recorded conversations, events that took place before and after the conversations, my knowledge of the investigation as a whole, my experience and training, and the experience and training of other law enforcement agents in this investigation.

<sup>5</sup> According to documents from MetroPCS, this phone is subscribed to a woman with the last name "Baker," who is also the registered owner of a 2008 Cadillac STS with license plate XXXX824 (the "Baker Vehicle"), which is registered to the Baker Residence. Law enforcement conducting surveillance has witnessed BAKER driving the Baker Vehicle on several occasions, and it is frequently parked outside the Baker Residence.

9. Law enforcement officers conducting surveillance observed CS-2 exit the Baker Residence, at approximately 10:15 a.m., and walk to a pre-determined meeting location, where CS-2 provided law enforcement with the recording device and one small Ziploc bag containing a white powdery substance. A search of CS-2 revealed no cash or contraband.

10. The Illinois State Police Division of Forensic Services tested the substance in the bag recovered from CS-2 and found it to contain .4 grams of heroin.

11. At approximately 10:54 a.m., on March 3, 2017, CS-2 placed a recorded call to Baker's Phone, at the direction of law enforcement. According to a recording of that call, CS-2 asked BAKER whether his source had arrived. BAKER replied that he was still waiting to hear from his source.

12. At approximately 11:11 a.m., CS-2 received an unrecorded call from BAKER, who was using Baker's Phone. According to CS-2, BAKER said that the supplier was in the suburbs. CS-2 then asked BAKER to call CS-2 when the supplier arrived at the Baker Residence. CS-2 reported this call to law enforcement; CS-2's receipt of the call was verified by toll records for Baker's Phone.

13. At approximately 1:12 p.m., CS-2 received an unrecorded call from Baker's Phone, in which BAKER told CS-2 that the heroin supplier was 20 minutes away and that BAKER would call CS-2 back in 20 minutes. CS-2 reported this call to law enforcement; CS-2's receipt of the call was verified by toll records for Baker's Phone.

14. At approximately 2:06 p.m., at the direction of law enforcement, CS-2

placed a recorded call to Baker's Phone. According to that recording, BAKER said, "It [the heroin] will be here today, I don't want to keep people waiting. Well, these [expletive] ain't got it. It [the heroin] should be here by now." CS-2 responded, "I'm going to wait." BAKER responded, "You ain't tell me shit about that [quality of the heroin provided earlier]." CS-2 responded, "Oh, hell yes, it [the heroin] is real decent."

15. At approximately 3:38 p.m., CS-2 received an unrecorded call from Baker's Phone. CS-2 reported this call to law enforcement; CS-2's receipt of this call was verified by toll records for Baker's Phone. According to CS-2, BAKER told CS-2 to come back in an hour.

16. Shortly before 4:20 p.m., law enforcement met with CS-2 at an area near the 6200 block of South Rhodes Street, in Chicago. Law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to purchase drugs from BAKER as well as a concealed audio and video recording device. Law enforcement officers maintained continuous surveillance of CS-2 from this meeting until they observed CS-2 enter the Baker Residence at approximately 4:31 p.m.

17. According to CS-2, once inside the Baker Residence, CS-2 gave BAKER \$350. According to the recording, BAKER counted the money and stated, "This is \$350." According to CS-2, BAKER then walked to the back of the first floor residence. BAKER returned shortly thereafter and gave CS-2 a bag containing a rocklike substance. According to the recording, BAKER then stated, "I didn't goddamit, take nothing off that for you." Based on my training and experience, and CS-2's

understanding, this meant that BAKER did not add a cutting agent to dilute the quality of the heroin he provided to CS-2. As CS-2 and BAKER continued talking, BAKER stated that CS-2 needed to pay an additional \$100. CS-2 then gave BAKER an additional \$100. Later during the conversation BAKER asked CS-2, "You said that [the heroin BAKER gave CS-2 earlier in the day] was a decent." CS-2 replied, "That shit [sample of heroin] was the bomb [high quality]. I didn't even snort my other one." After the transaction, CS-2 departed the Baker Residence.

18. Law enforcement officers conducting surveillance observed CS-2 walk from the Baker Residence to a pre-determined meeting location, where CS-2 provided law enforcement with the recording device and one small Ziploc bag containing approximately 5 grams of a rock-like substance. A search of CS-2 revealed no cash or contraband.

19. The Illinois State Police Division of Forensic Services tested the substance in the bag recovered from CS-2 and found it to contain 4.9 grams of heroin.

**B. March 15, 2017: BAKER Sold CS-2 Approximately 4.9 Grams of Heroin.**

20. On or about March 15, 2017, shortly before 10:45 a.m., law enforcement met with CS-2 at an area near the 6200 block of South Rhodes Street, in Chicago. At approximately 10:55 a.m., at the direction of law enforcement, CS-2 placed a recorded call to Baker's Phone. BAKER answered the phone. CS-2 told BAKER, "I need you, I need you again." BAKER replied, "What's up?" CS-2 replied, 'Only you dig on 5 grams [can you sell me five grams of heroin]?" BAKER responded, "Well shit give me like 10 minutes [unintelligible] at the DMV [Illinois Department of Motor Vehicles].

I'll call you when I leave there."

21. At approximately 11:45 a.m., at the direction of law enforcement, CS-2 placed two recorded calls to Baker's Phone, but BAKER did not answer. Law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to purchase drugs from BAKER, as well as a concealed audio and video recording device. At approximately 12:39 p.m., law enforcement drove CS-2 nearer to the Baker Residence and dropped off CS-2.

22. At approximately 12:46 p.m., CS-2 made a recorded call to Baker's Phone. According to CS-2, and as verified by the recording, BAKER told CS-2 to come to the Baker Residence.

23. Law enforcement officers maintained continuous surveillance of CS-2 from the time CS-2 was dropped off at approximately 12:39 p.m., until they observed CS-2 enter the Baker Residence at approximately 1:05 p.m.

24. According to CS-2, once CS-2 was inside the Baker Residence, BAKER handed CS-2 a small hand knotted plastic bag containing a white powdery substance. CS-2 then handed BAKER \$400. According to the recording, CS-2 stated, "It's \$400, I um going to owe you fifty dollars. Alright?" According to the recording, BAKER did not respond, but did count the money provided by CS-2. After the transaction, CS-2 departed the Baker Residence.

25. Law enforcement officers conducting surveillance observed CS-2 walk from the Baker Residence to a pre-determined meeting location, where CS-2 provided law enforcement with the recording device and a small hand-knotted plastic bag

containing approximately 5 grams of a tan rock-like substance. A search of CS-2 revealed no cash or contraband.

26. The Illinois State Police Division of Forensic Services tested the substance in the bag recovered from CS-2 and found it to contain 4.9 grams of heroin.

**C. March 28, 2017: BAKER Sold CS-2 Approximately 5 Grams of Heroin.**

27. On or about March 28, 2017, shortly before 10:30 a.m., law enforcement met with CS-2 at an area near the 6200 block of South Rhodes Street, in Chicago. At approximately 11:05 a.m., at the direction of law enforcement, CS-2 placed a recorded call to Baker's Phone. BAKER answered the phone. CS-2 asked BAKER, "Please can I come slide on you [buy heroin from you]...the same number." BAKER replied, "For a five [5 grams of heroin]?" CS-2 replied, "Yeah." BAKER responded, "Sure, I guess. In about 20 minutes."

28. On or about March 28, 2017, shortly before 11:39 a.m., law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to purchase drugs from BAKER as well as a concealed audio and video recording device. Law enforcement maintained continuous surveillance of CS-2 from this meeting until they observed CS-2 enter the Baker Residence at approximately 11:39 a.m.

29. According to CS-2, once CS-2 was inside Baker Residence, BAKER handed CS-2 one small plastic bag of a tan rock-like substance. CS-2 then gave BAKER \$500. According to the recording, BAKER then counted the money given to him by CS-2. After the transaction, CS-2 departed the Baker Residence.

30. Law enforcement officers conducting surveillance observed CS-2 exit the Baker Residence at 11:41 a.m. and walk to a pre-determined meeting location, where CS-2 provided law enforcement with the recording device and one small plastic bag containing approximately 5 grams of a white powdery substance. A search of CS-2 revealed no cash or contraband.

31. The Illinois State Police Division of Forensic Services tested the substance in the bag provided by CS-2 and found it to contain 5.0 grams of heroin.

**D. May 3, 2017: BAKER Provided CS-2 with Approximately 5 Grams of Fentanyl and Furanylfentanyl.**

32. On or about May 3, 2017<sup>6</sup>, at approximately 10:30 a.m., law enforcement met CS-2 at an area near the 6200 block of South Rhodes Street, in Chicago. At approximately 11:05 a.m., at the direction of law enforcement, CS-2 placed a recorded call to Baker's Phone. BAKER answered the phone. In this call, CS-2 and BAKER agreed to meet at the Baker Residence. Law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to

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<sup>6</sup> Between the March 28, 2017, transaction and the May 3, 2017, transaction, BAKER provided controlled substances to CS-2 on two additional occasions:

- i.) On or about April 6, 2017, at the direction of law enforcement and in a manner consistent with the methods used for the narcotics transactions described in this affidavit, CS-2 purchased 4.9 grams of a white powdery substance from BAKER. The Illinois State Police Division of Forensic Services tested the substance and found it to contain 4.9 grams of a mixture and substance containing a detectable amount of fentanyl. Due to a mechanical failure of the recording devices used, no calls or meetings were recorded for the April 6, 2017 buy.
- ii.) On or about April 25, 2017, CS-2 reported that CS-2 unexpectedly ran into BAKER near the Baker Residence and BAKER offered CS-2 a sample of heroin. CS-2 informed law enforcement of the interaction and provided law enforcement with the baggie CS-2 had received from BAKER. The Illinois State Police Division of Forensic Services tested the substance and found it to contain .2 grams of heroin.

purchase drugs from BAKER as well as a concealed audio and video recording device.

33. Law enforcement officers maintained continuous surveillance of CS-2 from this meeting until they observed CS-2 enter Baker Residence at approximately 11:15 a.m.

34. According to CS-2, and as verified by the recording, CS-2 walked to the front porch of Baker Residence and called out, "I am on the porch, bring me the five [grams of heroin]." BAKER then opened the door and let CS-2 in the house. According to CS-2, BAKER then handed CS-2 one plastic bag containing a white powdery substance. CS-2 then handed BAKER \$450. According to the recording, after BAKER counted the \$450, BAKER asked CS-2, "Where's my \$20 [the remainder of the \$470 cost of the five grams of heroin]?" CS-2 responded, "What, I'll give it to you next time." After the transaction, CS-2 departed the Baker Residence.

35. Law enforcement officers conducting surveillance observed CS-2 walk from the Baker Residence to a pre-determined meeting location, where CS-2 provided law enforcement with one small plastic bag containing approximately 5 grams of a white rock-like substance that had the appearance of heroin. A search of CS-2 revealed no cash or contraband.

36. The Illinois State Police Division of Forensic Services tested the substance and found it to contain 5.004 grams of a mixture and substance containing detectable amounts of fentanyl and furanylfentanyl (an analogue of fentanyl).

37. At the direction of law enforcement, following CS-2's meeting with BAKER, at approximately 11:50 a.m. that same day, CS-2 texted BAKER at Baker's

Phone, "Got THE 20 [dollars still owed for heroin purchased that day] Bring it [the money to BAKER] or keep it." BAKER responded, "bring it."

38. Law enforcement searched CS-2 and did not find any money or contraband. Law enforcement then supplied CS-2 with money to pay to BAKER as well as a concealed audio and video recording device.

39. On or about May 3, 2017, at approximately 12:15 p.m., law enforcement observed CS-2 walk up to a black Lincoln SUV that was parked in front of the Baker Residence. According to CS-2, and as verified by the recording, CS-2 walked up to the passenger window of the Lincoln SUV and gave BAKER \$20.

40. Law enforcement officers conducting surveillance observed CS-2 walk from the Baker Residence to a pre-determined meeting location, where CS-2 provided law enforcement with the recording device. A search of CS-2 revealed no cash or contraband.<sup>7</sup>

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<sup>7</sup> After the May 3, 2017, transaction, BAKER provided controlled substances to CS-2 on two additional occasions:

- i.) On or about July 6, 2017, at the direction of law enforcement and in a manner consistent with the methods used for the narcotics transactions described in this affidavit, CS-2 purchased 4.9 grams heroin from BAKER. Due to a mechanical failure of the recording devices used, no calls or meetings were recorded for the July 6, 2017, buy. The heroin that CS-2 purchased was tendered to law enforcement officers after the purchase, tested by Illinois State Police and found to contain 4.9 grams of heroin.
- ii.) On or about August 17, 2017, at the direction of law enforcement and in a manner consistent with the methods used for the previous narcotics transactions, CS-2 purchased 4.9 grams heroin from BAKER. The heroin that CS-2 purchased was tendered to law enforcement officers after the purchase, tested by Illinois State Police and found to contain 4.9 grams of heroin.

## II. Conclusion

41. Based on the foregoing, I respectfully submit there exists probable cause to believe that:

- a. on or about March 3, 2017 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, BEN BAKER, did knowingly and intentionally distribute a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance;
- b. on or about March 15, 2017 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, BEN BAKER, did knowingly and intentionally distribute a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance;
- c. on or about March 28, 2017 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, BEN BAKER, did knowingly and intentionally distribute a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance; and
- d. on or about May 3, 2017 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, BEN BAKER, did knowingly and intentionally distribute a controlled substance, namely a quantity of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-1 [1-(2-

phenylethyl)-4-piperindinyl] propanamide), a Schedule II Controlled Substance; and a quantity of a mixture and substance containing furanylfentanyl, an analogue of fentanyl (N-phenyl-N-1 [1-(2-phenylethyl)-4-piperindinyl] propanamide), a Schedule II Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

  
JOHN GONZALEZ  
Task Force Officer,  
Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on April 6, 2018.

  
SHEILA FINNEGAN  
United States Magistrate Judge

# Exhibit I

5x  
FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAY 29 2019

JUDGE CHARLES R. NORGLE  
U.S. District Court Judge

UNITED STATES OF AMERICA  
v.  
BEN BAKER

No. 18 CR 216

Judge Charles R. Norgle

**PLEA AGREEMENT**

1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, JOHN R. LAUSCH, JR., and defendant BEN BAKER, and his attorney, MOLLY ARMOUR, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

**Charges in This Case**

2. The indictment in this case charges defendant with distribution of a quantity of heroin, in violation of Title 21, United States Code, Section 841(a)(1) (Counts 1-3), and distribution of a quantity of fentanyl (N-phenyl-N-1 [1-(2-phenylethyl)-4-piperindinyl] propanamide), and furanylfentanyl, an analogue of fentanyl (N-phenyl-N-1 [1-(2-phenylethyl)-4-piperindinyl] propanamide), in violation of Title 21, United States Code, Section 841(a)(1) (Count 4).

3. Defendant has read the charges against him contained in the indictment, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.

**Charge to Which Defendant Is Pleading Guilty**

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following count of the indictment: Count One, which charges defendant with distribution of a quantity of heroin, in violation of Title 21, United States Code, Section 841(a)(1).

**Factual Basis**

6. Defendant will plead guilty because he is in fact guilty of the charge contained in Count One of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt and constitute relevant conduct pursuant to Guideline § 1B1.3:

On or about March 3, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, BEN BAKER did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

More specifically, from in or about March 2017 through May 2017, BAKER distributed heroin, fentanyl and a fentanyl analogue to Individual A, who, unbeknownst to BAKER at the time, was cooperating with law enforcement (“CS”).

March 3, 2017 Distribution of Heroin to CS

On or about March 3, 2017, BAKER and CS met inside BAKER's house on the 6200 block of South Rhodes Street, in Chicago (the "BAKER Residence") at approximately 10:10 a.m. Inside the Baker Residence, BAKER distributed to CS a small Ziploc bag, which BAKER knew contained user quantities of heroin. BAKER then asked CS to test the quality of the heroin so BAKER could report back to his supplier. CS asked BAKER for an additional 4 grams of heroin, and BAKER responded, "They [each gram of heroin] 70 dollars a piece." CS asked when he/she could pick up the heroin. BAKER responded that he was planning on calling his supplier and assumed the supplier would be at the BAKER residence within an hour. BAKER told CS to call him later that day to set up the additional heroin purchase. The Ziploc bag BAKER distributed to CS contained 0.4 grams of heroin.

BAKER called CS at approximately 3:38 p.m. and told CS to return to the BAKER residence in one hour. CS returned to the BAKER residence at approximately 4:31 p.m., and, once inside, CS gave BAKER \$350. In return, BAKER distributed to CS a bag containing a rocklike substance, which BAKER knew to be heroin. BAKER then told CS that he did not add a cutting agent to dilute the quality of the heroin he provided to CS. BAKER told CS to pay an additional \$100 and CS complied. The rock-like substance in the bag BAKER distributed to CS contained 4.9 grams of heroin.

### Relevant Conduct

Mr. BAKER acknowledges that he is also responsible for the following relevant conduct that took place at the BAKER residence in Chicago, Illinois:

- On or about March 15, 2017, BAKER knowingly and intentionally sold CS 4.9 grams of a mixture and substance containing a detectable amount of heroin;
- On or about March 28, 2017, BAKER knowingly and intentionally sold CS 5.0 grams of a mixture and substance containing a detectable amount of heroin;
- On or about April 6, 2017, BAKER knowingly and intentionally sold CS 4.9 grams of a mixture and substance containing a detectable amount of fentanyl;
- On or about April 25, 2017, BAKER knowingly and intentionally gave CS 0.2 grams of a mixture and substance containing a detectable amount of heroin;
- On or about May 3, 2017, BAKER knowingly and intentionally sold CS 5.0 grams of a mixture and substance containing a detectable amount of fentanyl and furanylfentanyl, a fentanyl analogue;
- On or about July 6, 2017, BAKER knowingly and intentionally sold CS 4.9 grams of a mixture and substance containing a detectable amount of heroin; and

- On or about August 17, 2017, BAKER knowingly and intentionally sold CS 4.9 grams of a mixture and substance containing a detectable amount of heroin.

In total, BAKER distributed at least 24.8 grams of heroin and 9.9 grams of fentanyl and furanylfentanyl to the CS as described above.

#### **Maximum Statutory Penalties**

7. Defendant understands that the charge to which he is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 20 years' imprisonment. This offense also carries a maximum fine of \$1,000,000. Defendant further understands that the judge also must impose a term of supervised release of at least three years, and up to any number of years, including life.

b. Pursuant to Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which he has pled guilty, in addition to any other penalty imposed.

#### **Sentencing Guidelines Calculations**

8. Defendant understands that in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii)

the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2018 Guidelines Manual.

b. **Offense Level Calculations.**

i. The amount of controlled substances involved in the offense of conviction and relevant conduct for which defendant is accountable is approximately 24.8 grams of heroin and 9.9 grams of fentanyl and a fentanyl analogue (furanylfentanyl), which pursuant to Application Note 8(B) to Guideline § 2D1.1, is equivalent to 49.5 kilograms in converted drug weight, which is more than

40 kilograms but less than 60 kilograms. Therefore, the base offense level is 18, pursuant to Guideline §§ 2D1.1(a)(5) and (c)(11).

ii. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to accept responsibility for his actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense level is appropriate.

iii. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government and stipulated below, defendant's criminal history points equal 3 and defendant's criminal history category is II:

i. On or about November 28, 1989, defendant was convicted of felony possession of a controlled substance, in the Circuit Court of Cook County, Illinois, and sentenced to 13 months' probation. Pursuant to Guideline § 4A1.2(e), defendant does not receive criminal history points for this prior sentence.

ii. On or about June 4, 1990, defendant was convicted of possession of a controlled substance, in the Circuit Court of Cook County, Illinois, and sentenced to 18 months' probation. Pursuant to Guideline § 4A1.2(e), defendant does not receive criminal history points for this prior sentence.

iii. On or about September 16, 1994, defendant was convicted of unlawful use of a weapon, in the Circuit Court of Cook County, and sentenced to 2 years' imprisonment. Pursuant to Guideline § 4A1.2(e), defendant does not receive criminal history points for this prior sentence.

iv. On or about September 16, 1994, defendant was convicted of attempted murder, in the Circuit Court of Cook County, Illinois and sentenced to 6 years' imprisonment. Pursuant to Guideline § 4A1.2(e), defendant does not receive criminal history points for this prior sentence.

v. On or about April 14, 2003, defendant was convicted of manufacture/delivery of a controlled substance, in the Circuit Court of Cook County, Illinois, and sentenced to 2 years' probation. Pursuant to Guideline § 4A1.2(e), defendant does not receive criminal history points for this prior sentence.

vi. On or about October 12, 2005, defendant was convicted of possession of a firearm by a felon in the Circuit Court of Cook County, Illinois, and sentenced to 2 years' imprisonment. Pursuant to Guideline § 4A1.1(a), defendant receives 3 criminal history points for this prior sentence.

vii. On or about July 7, 2006, defendant was convicted of manufacture/delivery of heroin in the Circuit Court of Cook County, Illinois, and sentenced to 18 years' imprisonment. This conviction was later vacated and expunged. Pursuant to Guideline § 4A1.2(j), defendant does not receive criminal history points for this prior sentence.

**d. Anticipated Advisory Sentencing Guidelines Range.**

Therefore, based on the facts now known to the government, the anticipated offense level is 15, which, when combined with the anticipated criminal history category of II, results in an anticipated advisory sentencing guidelines range of 21 to 27 months' imprisonment, in addition to any supervised release and fine the Court may impose.

e. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing,

and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

#### **Agreements Relating to Sentencing**

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

13. The parties further agree, pursuant to Title 18, United States Code, Section 3583(d), that the sentence to be imposed by the Court shall include, as a condition of any term of supervised release or probation imposed in this case, a requirement that defendant repay the United States ~~\$3,260 as compensation~~ for government funds that defendant received during the investigation of the case. *C.V. (M)*

14. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

15. Before sentence is imposed, the government will move to dismiss the notice of prior conviction relating to defendant filed pursuant to Title 21, United States Code, Section 851.

16. After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment as to defendant.

#### **Acknowledgments and Waivers Regarding Plea of Guilty**

##### **Nature of Agreement**

17. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 18 CR 216.

18. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or

release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

### **Waiver of Rights**

19. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt and that it was to consider each count of the indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be

drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

b. **Appellate rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

20. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

**Presentence Investigation Report/Post-Sentence Supervision**

21. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

22. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's

Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

23. For the purpose of monitoring defendant's compliance with his obligations to pay a fine during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

#### Other Terms

24. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine for which defendant is liable, including providing

financial statements and supporting records as requested by the United States Attorney's Office.

25. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

### Conclusion

26. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

27. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of

limitations between the signing of this Agreement and the commencement of such prosecutions.

28. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

29. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

30. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: 5/29/19

John R. Lausch, Jr. c. Hotaling  
JOHN R. LAUSCH, JR.  
United States Attorney

Cornelius A. Vandenberg  
CORNELIUS A. VANDENBERG  
Assistant U.S. Attorney

Ben Baker  
BEN BAKER  
Defendant  
Molly Armour  
MOLLY ARMOUR  
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: WATTS COORDINATED PRETRIAL PROCEEDINGS ) Master Docket Case No. 19-cv-01717  
 ) Judge Andrea R. Wood  
 ) Magistrate Judge Sheila M. Finnegan

**This document relates to all cases.**

**DEFENDANTS' JOINT RESPONSE TO PLAINTIFFS' MOTION FOR  
A PROTECTIVE ORDER**

Defendants request the Court deny the Loevy & Loevy Plaintiffs' motion for a protective order. Specifically, Plaintiffs seek to bar questions that relate to "whether the Plaintiffs have violated the law after their alleged wrongful arrest . . . and more specifically whether Plaintiffs have been involved in the drug trade (whether they bought or sold illegal drugs), regardless if there are any arrests or convictions for such acts on their records."<sup>1</sup> Dkt. 124, Plaintiffs' Motion for a Protective Order, p. 2. Plaintiffs also seek to bar questioning regarding their narcotics-related activity involving third parties that post-date the arrest at issue in their lawsuits. *Id.*

Questioning Plaintiffs regarding any subsequent criminal conduct<sup>2</sup> is proper and well within the scope of discovery. Such questioning is relevant to defend against Plaintiffs' claims that Defendants fabricated narcotics cases against them. This line of questioning is also relevant

<sup>1</sup> Plaintiffs later characterize the dispute as “whether Defendants may ask questions … about whether Plaintiffs have committed potentially illegal acts after the Ida B. Wells housing development was torn down if those acts did not lead to arrests or convictions.” Dkt. 124, p. 6.

<sup>2</sup> Plaintiffs' belief that Defendants spent "more time than necessary" on certain arrests of Plaintiff Phillip Thomas, Dkt. 124, p. 1, is of no consequence to this motion. *See Flores v. Board of Trustees of Community College District No. 508*, 14 CV 7905, 2015 WL 7293510, at \* 3 (N.D. Ill. Nov. 19, 2015) ("the court has no business micromanaging how many questions a lawyer should ask on a topic or how much time or energy should be expended on a certain aspect of a case, as long as the questions are designed to lead to discoverable information").

because it may reveal previously unknown connections and associations between and among Plaintiffs and the over 118 alleged Rule 404(b) witnesses. Furthermore, Plaintiffs' recent drug-related history, if any, is relevant to the issues of damages. Finally, Plaintiffs' post-Ida B. Wells narcotics history is relevant to each Plaintiffs' ability to recall the specifics of their arrests.

Moreover, Plaintiffs have failed to demonstrate good cause for the entry of the protective order. Although certain Plaintiffs may be uncomfortable testifying about their narcotics-related history, this line of questioning is not intended to and does not embarrass, harass, or annoy Plaintiffs. Plaintiffs' concern that truthful answers to these questions may incriminate them is not a basis for entry of a protective order. Rather, Plaintiffs, like any other witness, should analyze whether truthful answers to questions would incriminate them and then decide whether they should assert their rights under the Fifth Amendment. Whether or not Plaintiffs' answers are ultimately admissible should not be decided on a preemptive motion for a protective order, but after the Defendants have had the opportunity to conduct full and complete discovery. Finally, Plaintiffs have not articulated any specific reason why answering narcotic-related questions poses a safety risk to them.

### **Background**

Plaintiffs take issue with the length of Thomas' deposition and that Thomas testified about prior criminal conduct which in Plaintiffs' view is irrelevant to the case.<sup>3</sup> At his deposition, Thomas was asked what his most serious felony conviction was. *See Ex. A. Thomas Deposition Excerpts* ("Thomas Dep."), Excerpt One. He responded he was convicted of robbing and raping an

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<sup>3</sup> This position is curious in that Plaintiffs have questioned certain Defendant Officers over multiple days and have utilized their currently unlimited deposition time to question officers about topics such as *every* arrest that they have an independent recollection of and conduct at a bachelor party. In fact, it is common for Plaintiffs to spend an entire half a day questioning officers about other topics before Plaintiffs ask a single question about a specific Plaintiffs' complained of arrest.

individual whose name he could not remember when he was fourteen years old. *Id.* at Excerpt Two. The Defendant Officers' questioning of Thomas about this rape lasted approximately two pages. *Id.* at Excerpt Two. Similarly, questioning on Thomas's federal bank robbery conviction lasted approximately three pages. *Id.* at Excerpt Three. Regarding recent criminal conduct, Thomas admitted that in 2019 he was arrested and has a felony conviction stemming from an incident where he possessed cocaine in his car. *Id.* at Excerpt Four.

The current dispute arose when the Defendant Officers asked Thomas to identify drug dealers who operated out of the Ida B. Wells, whether Plaintiff Ben Baker was a drug dealer, and out of what building did Thomas purchase cocaine.<sup>4</sup> *See id.* at Excerpts Five, Six, and Seven. Through the meet-and-confer process, Plaintiffs have agreed that Thomas and all other Loevy and Loevy Plaintiffs will answer questions regarding criminal and drug-related activity that occurred in the Ida B. Wells, including the identities of drug dealers, whether certain Plaintiffs or other witnesses were involved in drug-related activity, and the details of any drug-related activity that they engaged in at the Ida B. Wells.<sup>5</sup> However, Plaintiffs maintain that they will not answer questions about criminal or drug-related activity after the Ida B. Wells were torn down that did not result in an arrest or conviction.

### **Legal Standard**

The scope of discovery under Federal Rule of Civil Procedure 26 is broad and liberal. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002). Discovery, however, is not unlimited, Fed. R. Civ. P. 26(b)(2); *Swierkiewicz*, 534 U.S. at 512, and a court has broad discretion

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<sup>4</sup> The record belies Plaintiffs' assertion that Thomas did not refuse to answer questions because he believed them to be irrelevant. Dkt. 124, p. 6.

<sup>5</sup> Defendants expect that any questioning of Plaintiffs whose underlying crimes occurred off of Ida B. Wells property (e.g., Anthony McDaniels or Bruce Powell) would not be subject to any such limitation. This would include any knowledge they may have had regarding any drug-related activity that Plaintiffs have agreed they could be questioned on.

to control discovery. *See* Fed. R. Civ. P. 26(c)(1)(D); *Cent. States, S.E. & S.W. Areas Pension Fund v. Waste Mgmt. of Mich., Inc.*, 674 F.3d 630, 636 (7th Cir. 2012).

The court may, for good cause, issue an order protecting a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Fed. R. Civ. P. 26(c)(1). A protective order limiting discovery, however, requires the moving party to show good cause by submitting “a particular and specific demonstration of fact.” *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 102 n.16 (1981); *see Nieves v. OPA, Inc.*, 948 F.Supp.2d 887, 891 (N.D. Ill. Jun. 14, 2013). “Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning are insufficient” to show good cause for the entry of a protective order. *Flores*, 2015 WL 7293510, at \* 3 (*citing Gulf Oil Co.*, 452 U.S. at 102 n.16); *see Johnson v. Jung*, 242 F.R.D. 481, 483 (N.D. Ill. May 10, 2007) (conclusory statements are insufficient to show sufficient hardship to justify entry of a protective order). The burden to show good cause for a protective order is upon the party seeking the order. Fed. R. Civ. P. 26(c); *Jepson, Inc. v. Makita Elec. Works, Ltd.*, 30 F.3d 854, 858 (7th Cir. 1994); *Johnson*, 242 F.R.D. at 483.

## **Argument**

### **I. Questioning Plaintiffs on Subsequent Criminal Activity is Proper.**

Defendants are entitled to inquire into the criminal activity, if any, committed by Plaintiffs after their complained of arrest. Eliciting such testimony is relevant to: (1) Plaintiffs’ request for damages for alleged mental/psychological distress, emotional harm, and reputational harm; (2) the claims and defenses asserted by the parties; (3) the bias, interest, and motive between Plaintiffs and alleged Rule 404(b) witnesses; and (4) Plaintiffs’ credibility and their ability to recall details and information related to their arrests.

#### **A. Testimony Regarding Subsequent Criminal Activity is Relevant to Damages.**

In addition to alleging a claim for intentional infliction of emotional distress, Plaintiffs claim that they suffered “incalculable damage, including psychological damage, anguish, and humiliation, which were caused by their wrongful conviction, the *destruction of their reputations*, the disruption of their life and intimate relationships, and the suspension of their ability to pursue a career and raise a family.” *See* Ex. B, Plaintiffs’ Rule 26(a)(1) Disclosure, p. 32 (“Pls.’ R. 26”) (emphasis added).

A plaintiff’s prior and subsequent criminal activity is relevant to any emotional damages he claims to have suffered. *Cobige v. City of Chicago*, 651 F.3d 780, 784 (7th Cir. 2011); *see also Flores* 2015 WL 7293510, at \*2 (denying protective order relating to personal and intimate relationships because plaintiff sought damages for emotional and psychological injuries thus defendants were allowed to explore potential other stressors in plaintiff’s life). In *Cobige*, the deceased plaintiff’s son testified about his close mother-son relationship with the plaintiff. *Cobige*, 651 F.3d at 784. The district court excluded evidence at trial of the plaintiff’s drug addiction and arrest record. *Id.* The Seventh Circuit reversed, finding that evidence of the plaintiff’s drug history and arrest record was admissible to undermine the favorable picture of the plaintiff as testified to by her son. *Id.* The court further found that evidence the plaintiff’s drug addiction when she was not imprisoned would have tended to rebut the claim that she provided wise advice and support to her son. *Id.* In *United States v. Mendoza-Prado*, 314 F.3d 1099 (9th Cir. 2002), the defendant testified at trial “that he was a family man who was busy providing for his family and lacked the time, the inclination, and the courage to become involved in dealing cocaine,” and a defense witness “implied that [the] [d]efendant was law-abiding and hard-working” when he testified that the defendant “worked long hours in construction and took no significant time off.” 314 F.3d at 1105. In affirming the defendant’s conviction, the Ninth Circuit recognized that this character

evidence opened the door to evidence of prior bad acts to demonstrate bad character, and that exclusion of the negative character evidence would have been error because it could have “misled” the jury “into believing that Defendant was merely a hard-working, upstanding citizen who was bewildered by crime.” *Id.*

Like in *Cobige* and *Mendoza-Prado*, the Plaintiffs in these coordinated proceedings maintain that they were not engaging in illegal activity at the time of their arrest and, as a result of their arrest, they have suffered emotional and mental harm. Thus, they have put their character and conduct at issue and the Defendants should be allowed to explore the actual impact of one arrest – out of many for the vast number of the Plaintiffs – on their emotional well-being and other damages. For example, the Plaintiffs are seeking damages, in part, based on the disruption of their “intimate relationships” and the “suspension of their ability to pursue a career and raise a family.” *See* Ex. B, Pls.’ R. 26(a)(1), p. 32. Seeking these types of damages opens to the door to the discovery of other factors that could have impacted Plaintiffs’ “intimate relationships,” pursuit of a career or ability to raise a family. Two factors that can impact those types of damages are criminal activity and drug use. As in *Cobige* and *Mendoza-Prado*, the Defendants should be allowed to pursue avenues which tend to rebut Plaintiffs’ damages claim.

Plaintiffs also claim that their complained of convictions destroyed “their reputations.” *See id.* Although it remains to be seen how a relatively small narcotics conviction impacts the reputation of Thomas, who, prior to his complained of conviction, had already been convicted of, among other things, rape and bank robbery, it is clear that the Defendants should be allowed to develop evidence that calls into question the reputations that Plaintiffs claim were destroyed. For example, Thomas seemingly claims that he was not involved in the drug trade that occurred daily at the Ida B. Wells, and thus being convicted of a narcotics crime negatively impacted his

reputation. Ignoring for a moment Thomas multiple criminal convictions ranging from crimes of violence, drug offenses, forgery, thefts, use of false names to deceive law enforcement, and willful violations of court orders, if Thomas is currently or recently engaging in the buying or selling narcotics, that evidence is relevant to whether his reputation suffered by being convicted of a narcotics offense.

Similarly, by seeking psychological and emotional distress damages, Plaintiffs have put other factors, like current or recent drug use, that may affect their mental health, at issue. *See Bovey v. Mitsubishi Motor Mfg. of Am., Inc.*, No. 00 CV 1402, 2002 WL 820670, at \* 1 (C.D. Ill. Apr. 3, 2002); *EEOC v. Kim and Ted, Inc.*, No. 95 CV 1151, 1996 WL 26871, at \* 2 (N.D. Ill. Jan. 22, 1996) (noting that “some of the emotional suffering may be attributable to [the plaintiff’s] drug use and alcohol abuse”); *see also Solis-Marrufo v. Bd. of Comm’rs*, No. 11-0107, 2013 WL 1658203 (D.N.M., March 28, 2013) (finding evidence of a plaintiff’s drug use is relevant to issue of emotional damages); *Mitchell v. Iowa Interstate R.R., Ltd.*, No. 07 CV 1351, 2009 WL 2431590, at \*\* 1-2 (C.D. Ill. Aug. 5, 2009) (holding mental condition in controversy because plaintiff alleged more than mere embarrassment). Documents received in this litigation indicates that a number of the Plaintiffs have used narcotics for a number of years and the extent to which repeated, prolonged narcotics use has affected any facet of a Plaintiff’s life is certainly fair game for inquiry at deposition. The Defendants have propounded interrogatories on this issue, but have been met with a litany of boilerplate objections, including “overly broad” and “an invasion of privacy.”<sup>6</sup> *See, e.g.*, Ex. C, Lionel White, Sr.’s Response to Defendant Bolton’s interrogatories, nos. 1-4. In fact, Plaintiffs have asserted the same or similar objections to virtually every interrogatory related to

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<sup>6</sup> During Rule 37.2 conferences between counsel for the Loevy Plaintiffs and counsel for the individual defendants, Plaintiffs have decided to maintain their objections to these interrogatories not only as to White, Sr., but to all of the Loevy Plaintiffs.

narcotics, regardless of whether it asks about selling or use of narcotics. Putting aside the propriety of such objections, it is unfair to prevent the Defendants from learning how a particular Plaintiff's drug use may have impacted any claims of mental or emotional damages. This is especially true at this stage in the litigation and where Plaintiffs have not been entirely precise in identifying their damages.

Thomas's deposition and the interrogatory responses of White, Sr. illustrate why the Defendants should be allowed to inquire as to narcotics use and the impact it may have had on their damages. As to Thomas, he responded to an interrogatory asking him to identify his damages by claiming that he "cannot presently quantify" his injuries but that his injuries would "manifest well into the future, and that his "investigation ...continues..." Thomas did, however, testify at his deposition that "it's very likely" that he will become a millionaire as a result of this lawsuit. Ex. A, Thomas Dep., Excerpt 8. As to White, Sr., the Tactical Response Report from his April 24, 2006 arrest for possession of heroin indicates that he stated to the watch commander that he was using one hundred dollars' worth of heroin daily.<sup>7</sup> See Ex. D, Tactical Response Report. White Sr.'s criminal history report reveals numerous other drug-related arrests subsequent to his 2006 arrest. See Ex. E, White, Sr.s' Criminal History Report. A daily drug habit, regardless of amount, could certainly affect how one lives their life, including their interaction with family members or neighbors and getting and holding down a job, which are among the types of damages the Plaintiffs are seeking in this case. See Ex. B, Pls.' R. 26, p. 32. If Plaintiffs' motion is granted, it would unfairly hinder the Defendants' ability to conduct deposition discovery on these types of issues while leaving Plaintiffs free to seek unlimited - and still unspecified - damages.

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<sup>7</sup> White has denied the substance of this statement, so the Defendants should be allowed to question him on the facts and circumstances surrounding this statement and, even if it wasn't \$100 a day, what amount of heroin he did use on a daily basis.

Because Plaintiffs are seeking damages for psychological and emotional harm, damages for the “destruction of their reputations,” “disruption of their life and intimate relationships,” and ability to pursue a career and raise a family, Defendants are entitled to inquire as to subsequent criminal activity and drug-related activity which may tend to negate the types of damages Plaintiffs claim to have suffered.

**B. Questioning Plaintiffs About Uncharged Criminal Conduct is Relevant to the Parties’ Claims and Defenses.**

Federal Rule of Evidence 401 broadly defines relevant evidence, but relevance in the context of a discovery has an even broader meaning. *Eggleston v. Chicago Journeymen Plumbers’ Local Union No. 130*, 657 F.2d 890, 903 (7th Cir. 1981). According to Plaintiffs, the subject matter of the Phillip Thomas litigation involves the allegation that he was framed on a drug charge by certain defendants; further, “Mr. Thomas’ case is now one of approximately 60 [alleged frame-ups].” Dkt. 124, p. 3. Thomas’ complaint, which is typical, alleges that he was convicted of a crime that simply never happened. *See* No. 18 CV 05132, Dkt. 1, ¶¶ 1-2. Indeed, Thomas alleges that he was merely selling food at 574 E. 36th Street when he was detained by the police and transported to a police station where officers fabricated police reports indicating that he possessed narcotics. *Id.* at ¶¶ 30, 31, 33, 38. Further, he alleges that his type of encounter with the police was “quite common.” *Id.* at ¶ 4.

Now Plaintiffs seek to avoid being questioned about uncharged criminal conduct, including whether they bought or sold narcotics, the attendant circumstances, and the identities of any third parties involved in such transactions, asserting such “potentially illegal activity is *unconnected to the litigation*.<sup>8</sup> Dkt. 124, p. 4 (emphasis added). However, Plaintiffs’ extremely narrow view of

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<sup>8</sup> Plaintiffs apparently now concede that questions concerning uncharged criminal activity during the time the Ida B. Wells’ Housing complex existed is connected to the litigation. *See* Dkt. 124, p. 3.

the issues in this litigation does not comport with Rule 26(b)(1) or with their broad pleadings that the defendants routinely fabricated drug cases against scores of individuals.

Defendants are not bound by Thomas' self-serving declaration that he was innocently in the wrong place at the wrong time. Thomas, like many Plaintiffs, did not reside in the building where his arrest took place, and evidence of his crack cocaine addiction could provide a motive that explains his presence on scene. Additionally, certain Defendants have testified that they knew certain Plaintiffs to be narcotics sellers or users. Thus, questioning Plaintiffs about current illegal narcotics activity could undermine the allegation that Plaintiffs were simply in the wrong place at the wrong time.

Moreover, questioning on this topic may tend to rebut any motive or opportunity that Plaintiffs claim the Defendants had for planting drugs on them. For example, Thomas' story is that Defendant Watts demanded that Thomas provide him with narcotics information. After Thomas declined because he had no information to provide, certain Defendants planted drugs on him. If the Defendants can show that Thomas regularly possesses narcotics, from before his arrest to the present, that evidence tends to rebut Plaintiff's story that he had no narcotics-related information and that the defendants had the opportunity to plant drugs on him. While Plaintiffs may claim that this is improper propensity evidence, such a determination should not be made before the Defendants have an opportunity to develop the evidence. In fact, this type of evidence is no different than Plaintiffs' over 118 alleged 404(b) witnesses. Courts do not determine whether a witness or question is improper propensity evidence or admissible evidence under Rule 404(b)<sup>9</sup> until the parties have developed the facts of the other incidents through discovery.

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<sup>9</sup> During discovery, however, courts may engage in the analysis of whether the number of alleged Rule 404(b) witnesses is overly burdensome and proportional to the needs of the case. *See DeLeon-Reyes v. Guervara*, 18-cv-1028, Dkt. 313 (limiting proposed 404(b) witnesses to five individuals for purposes of discovery).

**C. Questioning Plaintiffs About Uncharged Narcotics-Related Activity is Designed to Develop Evidence of the Bias, Interest, and Motive of Plaintiffs and Their Witnesses.**

Questioning Plaintiffs about their recent drug-related activity allows the defense to develop evidence of connections between and among the over sixty Plaintiffs and the approximately 118 alleged Rule 404(b) witnesses in order to show bias, interest, and motive to falsely accuse Defendants of fabricating drug cases against them. *See* Ex. B, Pls.’ R. 26. The relationship between Plaintiffs Ben Baker and Jamar Lewis is illustrative. In 2004, Baker identified Lewis as an alibi witness for Baker’s July 11, 2004 arrest. *See* Ex. F, Baker’s Answer to Discovery. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Defendants believe that Baker and Lewis have engaged in a narcotics-related conspiracy. When Baker was asked in an interrogatory whether he ever engaged in narcotics-related activity, he responded he had sold cocaine and heroin at times between 1998 and 2004, but that such activity concluded in 2004. *See* Ex. G, Baker’s Responses to Defendants Mohammed’s interrogatories, no. 4 (which also references his response to no 1). Baker’s verified interrogatory answer was demonstrably false as he was subsequently federally charged and pled guilty to selling narcotics

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10 These records are subject to the amended privacy act order entered in this case and thus redacted in the electronic filing. An unredacted copy of this brief will be provided to counsel for the parties and the Court, unless the Court directs otherwise.

from the home he shared with Plaintiff Glenn in 2017. *See* Exs. H and I, Baker's Criminal Complaint and Plea Agreement.

The Defendants believe that Baker's supplier of heroin and fentanyl-laced heroin was Plaintiff Lewis, who was also federally charged and pled guilty to narcotics crimes. Ex. J, Transcript of Jamar Lewis' November 6, 2019 plea and sentencing. It appears that Plaintiff Lewis mixed the heroin at a property belonging to Plaintiff Baker, in which Baker's son, Gerard Baker<sup>11</sup>, who Baker identified as a "damages" witness, resided.

The bias, interest, and motive of Plaintiff Baker and Lewis is particularly important because Baker identified Lewis as an alibi witness for Baker's July 11, 2004 arrest. The bias, interest, and motive for Lewis to testify as Baker's alibi witness is, at the very least, viewed differently with evidence that they recently engaged in narcotics-activity together.

Moreover, the investigation which led to the arrest of Plaintiff Baker, Plaintiff Lewis, and Gerard Baker was titled Operation Wheel of Fortune II. During a 2016 federal and state investigation titled Operation Wheel of Fortune, Plaintiff Bruce Powell was arrested, charged, and convicted. The Defendants intend to, and should be allowed to ask Plaintiffs Baker, Lewis, and Powell about any narcotics-related connections between them, including uncharged criminal conduct.

Defendants recognize that even under Plaintiffs' proposal, Baker would be required to answer questions about his recent drug sales because he was arrested and convicted. However, the mere fact that a Plaintiff was not arrested or convicted of recent narcotics-related activity should not bar Defendants from developing evidence of bias, interest, and motive of witnesses. The Baker/Lewis example shows why Plaintiffs' arrest/conviction rule is unreasonable: Lewis' bias,

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<sup>11</sup> Gerard Baker was arrested and charged with state crimes stemming from the same federal narcotics investigation. Like his father and Lewis, Gerard Baker pled guilty.

interest, and motive to testify for Baker changed when they decided to sell narcotics together, irrespective of them ultimately being charged and convicted. The more reasoned position is requiring Plaintiffs to, unlike Baker, truthfully answer questions about recent narcotics activity in order for the Defendants to develop bias, motive, and interest evidence.

**D. Inquiry Into Prior Uncharged Criminal Conduct is Proper as it Relates to Plaintiffs' Ability to Recall.**

As Plaintiffs have pointed out, the arrests at issue occurred between 8 and 20 years ago. With such a significant passage of time, whether or not Plaintiffs can credibly testify about what happened during their arrest and what other factors may be present in their lives that would affect their ability to accurately recall what happened. Therefore, Defendants are entitled to explore these areas, including any recent drug use, during Plaintiffs' depositions.

Evidence of a witness's drug use may be admitted to show the effect of the drug use on the witness's memory or recollection of events. *United States v. Cameron*, 814 F.2d 403 405 (7th Cir. 1987). A witness' ability to perceive the underlying events and testify lucidly at trial may be attacked through evidence of the witness' use of illicit substances. *See Jarrett v. United States*, 822 F.2d 1438, 1446 (7th Cir. 1987).

In their motion, Plaintiff asserts that "Thomas' cocaine addiction issues" are not relevant, but concedes that he "has struggled with drug addiction on and off for many years." Dkt. 124, p. 5. Thomas' drug use is relevant to his ability to accurately testify to the facts and circumstances surrounding his underlying arrest. *See Solis-Marrufo*, 2013 WL 1658203, at \* 11 (citing *Jarrett*, 822 F.2d at 1446 (7th Cir. 1987)). The same holds true for White, Sr., discussed *supra*. Persistent drug use is an issue that may affect a plaintiff's memory or ability to accurately recall events from the distant past. If a plaintiff claims to have an independent recollection of such events, Defendants should have the opportunity to test their memory with questions regarding the frequency and

amount of their drug use prior and subsequent to their arrest and to explore just what effect years and years of drug use may have had on them.

## **II. Plaintiffs Have Failed to Show Good Cause for the Entry of a Protective Order.**

The party seeking a protective order bears the burden of showing good cause for its entry. Fed. R. Civ. P. 26(c); *Jepson*, 30 F.3d at 858. Plaintiffs have failed to show there is good cause for limiting the questions posed to them; instead, their motion is based on broad generalizations and conclusions.

The cases cited by Plaintiffs are inapposite and fail to support their motion. None of those cases were decided in a motion for protective order, but at different stages of litigation. *Nelson v. City of Chicago*, 810 F.3d 1061 (7th Cir. 2016), *Barber v. City of Chicago*, 725 F.3d 702 (7th Cir. 2013), and *Cruz v. Safford*, 579 F.3d 840 (7th Cir. 2009) all involved post-trial motions and *Young v. Cook County*, 06 CV 552, 2009 WL 2231782 (N.D. Ill. Jan. 27, 2009) was a ruling on motions *in limine*. The rules and law governing the scope of permissible discovery differ significantly questions involving relevance, admissibility, or prejudice, an analysis better suited for pretrial motions and trial objections than a motion for protective order.

Further, Plaintiffs have failed to coherently explain why their deposition testimony should be limited. General assertions that questioning is not relevant and answers would not be admissible does not support the entry of a protective order. *Flores*, 2015 WL 7293510, \* 3 (a plaintiff's "generalized argument based on relevance and impropriety is insufficient to warrant a protective order."). Nor does Plaintiffs' proclamation that Defendants' questioning will not lead to admissible evidence make it so. Instead of articulating why such questions are improper, Plaintiffs serve up platitudes about "fishing" expeditions. *Craftwood II, Inc. v. Generac Power Sys.*, No. 17 CV 4105, 2018 WL 497282, at \* 2 (N.D. Ill. Jan. 22, 2018) (rejecting the assertion that depositions sought

were part of a “fishing expedition that [would] yield nothing of value” as “judges are not clairvoyant. [citations omitted]. And neither are lawyers”). Spouting boilerplate and conclusory objections or speculating that Defendants will abuse depositions to “embarrass, harass” and “annoy” Plaintiffs does not warrant the granting of a protective order. *See Flores*, 2015 WL 7293510, at \* 3 (“Merely asserting that answering questions about [the plaintiff’s] private affairs will be embarrassing and humiliating is insufficient to warrant a protective order.”).

Plaintiffs’ bald and ominous assertion, without basis or elaboration, that answering questions about recent narcotics-related activity would create a “potential safety risk” does not qualify as good cause. Rather, it provides another example of why the questions are relevant to damages. If Plaintiffs are engaging in illicit activity that puts their safety at risk, such activity is relevant to and may contribute to any psychological or emotional issues Plaintiffs were or are dealing with.

**A. Questions Concerning Plaintiff’s Recent Drug-Related Activity Does not Annoy, Embarrass or Oppress Plaintiffs.**

The claim that questioning Plaintiffs regarding any recent drug-related activity is annoying or oppressive is a non-starter. While understandably Plaintiffs may not be proud of any recent drug-related activity, Plaintiffs are surely aware that filing lawsuits alleging they were convicted of drug crimes that were fabricated out of whole cloth and claiming that the drug convictions destroyed their reputations would subject them to the rigors of discovery and require that they answer questions they may prefer not to answer. Plaintiffs have provided no authority and failed to advance a persuasive argument as to why questions about drug-related activity rises to the level of annoyance or oppression to justify the entry of a protective order. *See Flores*, 2015 WL 7293510, at \* 3 (recognizing “that extensive intrusion into the affairs of both litigants and third parties is permissible and common in modern discovery”).

Plaintiffs' claim that the questions at issue are designed solely to embarrass them fares no better. "Whether a discovery request imposes undue embarrassment or humiliation is a case- and fact specific question." *Id.* at \* 3; *see also Hollinger Int'l Inc. v. Hollinger Inc.*, No. 04 CV 698, 2005 WL 3177880, at \*3 (N.D. Ill. Jan. 19, 2005) ("generalized claims of embarrassment do not establish good cause"). In *Flores*, the plaintiff sought a protective order to limit a line of questioning about personal and intimate relationships and argued that such questions would embarrass or humiliate her. *Flores*, 2015 WL 7293510, at \*3. The court rejected the plaintiff's argument, citing "a lack of concrete examples or support" for her position. Moreover, the court found her description of embarrassment and humiliation was "too general and lacking in specificity to warrant a protective order." *Id.*

It is not enough to simply assert, as Plaintiffs have done, that answering such questions would be embarrassing and humiliating. There has been no showing as to why such questioning should be limited by way of a protective order. Many of the Plaintiffs have lengthy criminal histories and it is difficult to believe they are not embarrassed when discussing uncharged criminal conduct which occurred at the Ida B. Wells, but so embarrassed when discussing recent drug-related activity that they need court intervention and a protective order.

**B. Plaintiffs Having to Decide Whether to Invoke Their Fifth Amendment Rights is not a Reason to Enter a Protective Order.**

Plaintiffs have raised the possibility that they may invoke their Fifth Amendment protections in response to questions about uncharged criminal conduct which they claim would be unfair to them. Dkt. 124, p. 7. The only case cited by Plaintiffs in support of this argument is *U.S. Election Corp. v. Microvote Corp.*, 51 F.3d 276 (7th Cir. 1995). Like the other cases relied upon in Plaintiffs' motion, *Microvote* did not address the proper scope of discovery, but rather concerned whether the trial court's motion *in limine* order precluding the defense from commenting on a

witness's prior invocation of the Fifth Amendment was an abuse of discretion. Not only is *Microvote* distinguishable (and unpublished), it also diminishes any concerns that Plaintiffs will be forced to "unfairly" invoke the Fifth Amendment rights by providing a mechanism to bar evidence of the invocation at trial if the evidence is ultimately immaterial. Thus, the proper course would be for Plaintiffs, like all other witnesses, to evaluate whether truthful answers to questions potentially subject them to criminal liability, and if so, whether they wish to assert their Fifth Amendment rights. If Plaintiffs believe that any invocation is immaterial they can file a motion *in limine* prior to trial. There is nothing "unfair" about this procedure.

Date: May 8, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Anthony E. Zecchin, an attorney, hereby certify that, on May 8, 2020, I electronically filed the foregoing DEFENDANTS' JOINT RESPONSE TO PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all Counsel of Record.

*/s/ Anthony E. Zecchin*