

Exhibit 8

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

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

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)
8)
9 Plaintiff,)
10) No. 17 CR 15482-01
11 vs.)
12) No. 18 CR 06609-01
13 GERARD BAKER,)
14)
15 Defendant.)

16 REPORT OF PROCEEDINGS of the hearing had
17 before the HONORABLE CHARLES P. BURNS, on the 29th day
18 of August 2018, in Chicago, Illinois.

19 APPEARANCES:

20 HON. KIMBERLY M. FOXX,
21 State's Attorney of Cook County, by
22 MS. ELIZABETH DIBLER,
23 Assistant State's Attorney,
24 on behalf of the People;

MRS. AMY P. CAMPANELLI,
Public Defender of Cook County, by
MS. MEGAN TOMLINSON,
Assistant Public Defender,
on behalf of the Defendant.

22 Sandra Battaglia
23 Official Court Reporter
24 Criminal Division
C.S.R. #084-003168

1 THE CLERK: Gerard Baker.

2 THE COURT: Baker.

3 MS. TOMLINSON: Let me see if he is in the hallway.

4 THE COURT: Baker.

5 MS. DIBLER: It is a plea.

6 THE COURT: All right. What is the story on

7 Mr. Baker?

8 MS. TOMLINSON: It is going to be a plea, Judge.

9 MS. DIBLER: Judge, subject to your approval -- can
10 I have the file 18 CR 6609?

11 THE COURT: What file do you need?

12 MS. DIBLER: 6609.

13 Judge, subject to your approval, the
14 defendant will be pleading guilty of -- for a Class 3
15 theft and a Class 4 PCS for concurrent probation.

16 THE COURT: Is he pleading on both cases?

17 MS. DIBLER: Yes.

18 THE COURT: Kelly, do we have the other file?

19 MS. DIBLER: I am amending it right now, Judge.

20 MS. TOMLINSON: This is for the theft, and then
21 this is for the possession.

22 THE COURT: All right. Mr. Baker -- did you say
23 you are amending the '18?

24 MS. DIBLER: Yes, Judge. I am asking leave to

1 amend it to a Class 4 PCS.

2 THE COURT: Any objections?

3 MS. TOMLINSON: No, Judge. I am just going to
4 correct the waiver in that case to a possession.

5 THE COURT: Waive re-swearing and re-execution?

6 MS. TOMLINSON: Yes, Judge.

7 THE COURT: All right. Mr. Baker, you have two
8 separate cases. Under Case Number 17 CR 15482, you are
9 charged with a count of theft, alleging on or about the
10 date of September 27th, 2017, that you knowingly
11 obtained or exerted control over property; to wit, a
12 laptop computer, iPhone, wallet, and bag, exceeding \$500
13 but not exceeding \$10,000 in value, the property of
14 Nicole Richie, intending to deprive Nicole Richie
15 permanently of the use and benefit of said property.

16 Is restitution a part of this?

17 MS. DIBLER: Yes, Judge.

18 MS. TOMLINSON: Yes, Judge. There is an order in
19 there with respect to the restitution. There is a bond
20 up that is almost half of the amount due that's been
21 calculated.

22 THE COURT: "Almost half", what does that mean?

23 MS. TOMLINSON: I think that it is 1400, and the
24 amount is 1500 -- 1650 up total that he has posted in

1 bond. The total amount due is 3400. Very close.

2 And I have drafted the order and made all
3 of the calculations with respect to what's been paid and
4 what is still due.

5 It is with the theft paperwork. It is
6 right here.

7 THE COURT: Under Case Number 18 CR 6609, you are
8 charged with an amended count of possession of a
9 controlled substance, less than 15 grams of a substance
10 containing heroin.

11 Do you understand the charges against you
12 in both of these cases, sir?

13 THE DEFENDANT: Yes.

14 THE COURT: How do you plead on these charges,
15 guilty or not guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: Mr. Baker, by pleading guilty, you give
18 up certain rights. You give up the right to plead not
19 guilty and go to trial. Specifically, you give up the
20 right to plead not guilty and have a trial by a jury.

21 The document I have in my hand -- two
22 separate documents -- are jury waivers.

23 Mr. Baker, do these contain your
24 signatures?

1 THE DEFENDANT: Yes.

2 THE COURT: By signing those documents, do you
3 understand you are giving up the right to have a trial
4 by a jury, sir?

5 THE DEFENDANT: Yes.

6 THE COURT: Also, you are giving up the right to
7 have a bench trial where I would make the determination
8 based on the evidence presented in court.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Because you are pleading guilty, things
12 that normally occur during the course of a trial will
13 not occur -- your ability to see and hear the witnesses
14 testify against you, for you and your attorney to ask
15 those witnesses questions. You have a right to subpoena
16 and call witnesses to testify during your trial. You
17 give up the right to have the State prove the charges
18 against you beyond a reasonable doubt.

19 Do you understand the rights you are
20 giving up by pleading guilty today.

21 THE DEFENDANT: Yes.

22 THE COURT: Is he extendible on either one of these
23 cases?

24 MS. DIBLER: No, Judge, no background.

1 THE COURT: And the theft is a Class 3.

2 MS. DIBLER: Yes.

3 THE COURT: On the theft charge, you are looking at
4 a sentence of two to five years in the penitentiary. On
5 the drug case, you are now looking at a sentence of one
6 to three years in the penitentiary.

7 I assume these are mandatory consecutive
8 upon going to the penitentiary?

9 MS. DIBLER: Yes.

10 THE COURT: It is bond on bond.

11 MS. DIBLER: Yes.

12 MS. TOMLINSON: Yes.

13 THE COURT: You could be fined \$25,000.

14 Restitution is also a --

15 MS. TOMLINSON: Judge, it is not bond on bond. The
16 delivery -- it was an indictment later for an earlier --

17 MS. DIBLER: That's correct. I stand corrected.

18 MS. TOMLINSON: I am sorry.

19 THE COURT: So you are looking at two to five on
20 the one and one to three on the other that could
21 possibly be run consecutively but does not have to, a
22 \$25,000 fine on the -- potentially. As to the theft
23 charge, you can be required to pay restitution also.
24 You will be on a period of -- if you went to the

1 penitentiary, you would be on a period of one year of
2 mandatory supervised release commonly known as parole if
3 you were sent to the penitentiary.

4 Do you understand the range of sentences
5 and possible --

6 THE DEFENDANT: Yes.

7 THE COURT: Have any force, any threats, or any
8 promises been made to get you to plead guilty today?

9 THE DEFENDANT: No.

10 THE COURT: Are you pleading guilty of your own
11 free will?

12 THE DEFENDANT: Yes.

13 THE COURT: How old are you?

14 THE DEFENDANT: Twenty-five.

15 THE COURT: How far did you go in school?

16 THE DEFENDANT: My junior year is my last year. My
17 senior year, I had my AA with a 3.8, and that's it.

18 THE COURT: Okay. So when you say junior year, you
19 are talking about college or high school?

20 THE DEFENDANT: Yes, college.

21 THE COURT: You have three years of college?

22 THE DEFENDANT: Yes.

23 THE COURT: With an AA degree?

24 THE DEFENDANT: Yes.

1 THE COURT: Did you talk to your attorney about
2 your decision to plead guilty today, sir?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you satisfied with how your
5 attorney has represented you?

6 THE DEFENDANT: Yes.

7 THE COURT: State, give me a factual basis.

8 MS. DIBLER: As to the matter, 17 CR 15482, if this
9 matter proceeded to trial, the State would call Nicole
10 Richie who would testify and identify the defendant in
11 open court, that on September 26th of 2017, she met up
12 with the defendant and they went back to her apartment,
13 at which time -- when the victim woke up the next
14 morning, her computer, her iPhone, her wallet, her bag
15 were all missing. Video surveillance showed the
16 defendant exiting the apartment with those items. The
17 victim positively identified the defendant in a photo
18 array. He was subsequently arrested on those matters.

19 If this -- if the matter 18 CR 6609 were
20 to proceed to trial, the State would call Officer Carter
21 to testify -- of the Chicago Police Department to
22 testify and identify the defendant in open court; that
23 on September 15th of 2017, at -- near 6900 South
24 Lafayette, in the City of Chicago, the defendant

1 possessed 3.9 grams of heroin. The officer recovered
2 those items from the defendant's person, inventoried
3 them, and sent them to the Illinois State Police Crime
4 Lab where Jorge Gomez of the Illinois State Police Crime
5 Lab received that one item, tested it, and 3.9 grams did
6 test positive for heroin.

7 So stipulated?

8 MS. TOMLINSON: So stipulated.

9 THE COURT: Let the record reflect the defendant
10 understands the nature and charge against him, the
11 possible penalties under the law, his rights under the
12 law, the pleas are freely, voluntarily and intelligently
13 entered into, and a factual basis exists to support
14 these pleas. There will be a finding of guilty as the
15 offense of theft, a Class 3 felony, under Case Number
16 17 CR 11582, and possession of a controlled substance as
17 amended under Case Number 18 CR 6609, all in the manner
18 and in the form charged in the criminal information. I
19 will enter judgment on the finding.

20 Aggravation? What's his background?

21 MS. DIBLER: Judge, he has no felony convictions.
22 He does have a misdemeanor theft from Iowa back in 2008.
23 I have spoken to the witness in this matter.

24 MS. TOMLINSON: Judge, I would just note in

1 mitigation, as the Court heard, Mr. Baker is about to
2 complete college.

3 THE COURT: Sir, I have in front of me two separate
4 presentence investigation waivers. Do these contain
5 your signatures, Mr. Baker?

6 THE DEFENDANT: Yes.

7 THE COURT: By signing those documents, do you
8 understand you are giving up your right to have a
9 presentence investigation and I am going to sentence you
10 right now. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Is there anything you want to tell me?

13 THE DEFENDANT: Being on house arrest really
14 changed me, and I learned a lot and was able to see
15 things when my freedom was taken away from me. And it
16 just -- it just opened my eyes to a lot.

17 THE COURT: And how did it open your eyes?

18 THE DEFENDANT: I was making a lot of bad
19 decisions, stressed about money, just learning to be
20 patient. And being in jail for the first time and then
21 going back and not being able to even leave, like no
22 bond, like all of that stuff, changed me for the better,
23 I think. I think I learned a lot.

24 THE COURT: All right. Mr. Baker, you are a young

1 man. I mean, you seem to be very motivated. You are
2 getting through school, you know, and a lot of people
3 walk away from that. You are doing that. There is a
4 life out there for you.

5 But don't self-destruct. Don't be doing
6 things like this. You know, the little bit of money you
7 can make is not worth losing your liberty, losing your
8 good name, losing opportunities in the future.

9 THE DEFENDANT: I understand.

10 THE COURT: Believe it or not, the fact that you
11 have a felony conviction probably has less than a stigma
12 today than any time in my lifetime. In other words,
13 people give individuals second chances. So don't drop
14 the ball here.

15 You have been coming into my courtroom for
16 a long period of time. You -- I think you understand
17 that while I want you to succeed, I am going to hold you
18 responsible. And if you violate the probation, there
19 will be consequences. I do that because I want you to
20 be responsible.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: You are going to get concurrent
24 probation on both of these matters. Probation is what I

1 call a condition of liberty. You abide by the
2 conditions of probation, you stay free obviously.

3 All of the conditions of probation apply.
4 That means you have to keep in contact with your
5 caseworker. You must make all of your scheduled
6 appointments. You cannot pick up any new misdemeanor
7 felony cases. You cannot own or possess any handguns,
8 firearms, ammunition. And you also cannot leave the
9 state without my permission.

10 Additionally, I impose my own conditions.
11 You have to do five days with the Sheriff's Work
12 Alternative Program. It is a work detail that the
13 sheriff has. They have it almost every day of the year.
14 It has got to be completed by the next court date.

15 I am just going to make you do one series
16 of five days of SWAP. I am not going to make you do
17 ten. So, in other words, I am not making you do each
18 case. It will be concurrent.

19 You are also going to be regularly and
20 randomly urine dropped. So you have to be testing
21 clean. Again, no designer drugs, no street drugs, no
22 type of prescription drugs unless you are caring that
23 prescription in your name. And while if you have a
24 marijuana -- medicinal marijuana card, that's one thing.

1 But you can't be using drugs. Even if they legalize
2 drugs during the period of time you are on this
3 probation, you cannot use drugs. You cannot use
4 marijuana.

5 Do you understand that, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: On the theft case, apparently there is
8 a bond up, and it is going to be a bond deduct --

9 MS. TOMLINSON: Three bonds, Judge.

10 THE COURT: So that is 1485 --

11 MS. TOMLINSON: That's correct, Judge, after taking
12 out the ten percent.

13 THE COURT: Okay. Do we need to put anything in
14 either one of these orders?

15 MS. TOMLINSON: So I was on the phone with the
16 clerk to address that issue right as the case was
17 called. We are going to look into it and figure it out.
18 And, if so, I can do an amended order. The bond clerk
19 was out today, the individuals who handles that
20 situation.

21 THE COURT: Do you understand that the money you
22 have posted for bonds is going to be applied for
23 restitution, and you are also going to owe -- after that
24 is applied -- \$1915.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: That's going to be a requirement. I am
4 not saying you have to pay it off today or next month.
5 But as -- as I call it, it is rehabilitative. It is
6 restorative. It not only puts the victim in the same
7 situation before she met you, but, also, I think it
8 holds you responsible for your actions.

9 I do expect this to be paid. Do you
10 understand? I want a good faith basis to move towards
11 extinguishing this restitution debt.

12 Do you understand that, sir?

13 THE DEFENDANT: Yes.

14 THE COURT: Court fines and fees in the amount of
15 \$649 off a credit on Case Number 17 CR 15482, and court
16 fines and fees of 1,049 minus credit 325, 724.

17 You also have to give a sample of your DNA
18 to the Illinois State Police. That's for purpose of the
19 new DNA database and for analysis of genetic markers,
20 which likely what they'll do is they will swab you.

21 Do you understand that's also a condition
22 of your probation?

23 THE DEFENDANT: Yes.

24 THE COURT: Can we get a check date?

1 Do you have your cases for this semester
2 yet? Do you know when you are going to class?

3 THE DEFENDANT: No, I missed the deadline. They
4 told me that I can't start while my case is still open;
5 that they were recommending to wait.

6 THE COURT: All right. I am just asking that
7 because -- is there any day of the week that's better
8 Monday through Friday for you to come back for your
9 check date?

10 THE DEFENDANT: Oh, whatever day you feel --

11 THE COURT: Fine. We will do it on a Wednesday.
12 We will do it Wednesday, October 24th. On October 24th,
13 which gives you about nine weeks, make sure the SWAP is
14 complete and your drops are clean.

15 Do you understand that?

16 THE DEFENDANT: Okay. Yes.

17 THE COURT: If you come back to court and assuming
18 that you are doing well, you probably will only have to
19 be coming back to court to check with regards to your
20 progress towards paying your restitution.

21 Yes, sir.

22 THE DEFENDANT: I notice you said that I cannot
23 leave the state.

24 THE COURT: Yes.

1 THE DEFENDANT: I am with someone -- I have been
2 with her for about a year now, and she stays in Indiana.
3 Is there any way that I can move with her?

4 THE COURT: You want to move in with her you said?

5 THE DEFENDANT: Yes, I am planning on doing it.

6 MS. TOMLINSON: Can we address that in six weeks?

7 THE COURT: Can we address this in October?

8 MS. TOMLINSON: Yes.

9 THE COURT: Fine. Let's do it that way. Have her
10 come visit you in the meantime.

11 Even though you pled guilty and I found
12 you guilty, you do have the right to appeal this
13 decision. To do so, first you would have to file a
14 written motion within 30 days of today's date asking
15 leave to withdraw this plea of guilty and asking me to
16 vacate the sentence and judgment I have entered today.
17 You would have to list all of the grounds you wish to
18 raise.

19 Now, if I grant the first motion, I would
20 vacate everything we did today. The original violations
21 and charges would be reinstated against you. You then
22 would go to trial on the matter. So it would be the
23 original charge, not the knocked-down charge upon
24 request of the State.

1 If you could not afford an attorney for
2 either one of these purposes, one will be appointed for
3 you free of cost. And you would be entitled to get a
4 free copy of the transcript of proceedings.

5 Do you understand your right to appeal?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. And the reason I am holding off,
8 I want to make sure you are in compliance with your
9 probation first. If you are in compliance, I will
10 probably grant that. I usually will. Okay. But I want
11 to watch you for a little bit.


12 THE DEFENDANT: That's fine.

13 THE COURT: Okay. Good luck.

14 (WHEREUPON the above-entitled cause
15 was continued to 10-24-18 in
16 Courtroom 404.)

1
2 STATE OF ILLINOIS)
3) SS.
4 COUNTY OF C O O K)
5

6 I, SANDRA BATTAGLIA, Official Shorthand
7 Reporter of the Circuit Court of Cook County, County
8 Department, Criminal Division, do hereby certify that I
9 reported in shorthand the proceedings had at the hearing
10 of the above-entitled cause, and that the foregoing is a
11 true and correct transcript of the proceedings had.
12
13
14

15 
16 Official Shorthand Reporter
17 C.S.R. #084-003168
18 Circuit Court of Cook County
19 County Department
20 Criminal Division

21
22
23
24
Dated this 14th day of
December 2018