

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION**

Alvin Waddy,)	
)	
Plaintiff,)	
)	Case No. 2019 L 010035
v.)	
)	
City of Chicago, et al.,)	
)	
Defendants.)	

DEFENDANTS' JOINT RULE 213(f)(3) DISCLOSURES

NOW COME Defendants and hereby submit the following Rule 213(f)(3) disclosures:

1. Pursuant to Illinois Supreme Court Rule 213(f)(3), the following is a list of every controlled expert witness Defendants may call at trial:

A. Alexander Obolsky, M.D, P.C.
Health and Law Resource, Inc.
134 N. LaSalle St., Ste. 1810
Chicago, IL 60602

i. Subject Matter

Dr. Obolsky has been retained by the Defendants to review relevant discovery in this matter, and make and render expert opinions pertaining to Plaintiff's claims and Plaintiff's expert Dr. Allison Redlich's findings and opinions regarding Plaintiff's guilty plea. Based on Dr. Redlich's findings and opinion that Plaintiff "did not fully understand the information that he [had], and may not have all of the information he should have had" at the time of his guilty plea, and therefore "it was not possible [for Plaintiff to have made] a truly voluntary plea decision under these circumstances," defense counsel requested that Plaintiff submit to a mental evaluation by Dr. Obolsky. Plaintiff's counsel refused this request. The parties held a Rule 201(k) conference on September 11, 2023, but remain at an impasse. Consequently, Defendants will be filing a motion for Plaintiff to submit to a Rule 215 examination. In the event Defendants' motion is granted, Defendants reserve the right to supplement this Disclosure and tender an expert report in accordance with Rule 215.

Presently, Dr. Obolsky is expected to testify that his opinions are based upon his review of the materials provided to him by counsel, his education, training and experience, as well as his knowledge of the customs, practices and standards applicable to this matter. He will provide testimony on any and all subject matters, and all logical corollaries thereof, that are discussed and/or arise at his deposition; on any and all subject matters that are discussed and/or arise at Dr. Redlich's deposition and that are logical corollaries to the research, data, findings, conclusions, and opinions within her report; any and all subject matters contained in his examiner's report

(should Defendants' Motion for Plaintiff to Submit to a Rule 215 Examination be granted, this Disclosure will also be supplemented); and additionally he will provide testimony on the following subject matters and any and all logical corollaries thereof:

- a. Dr. Obolsky will discuss whether Waddy's August 6, 2007 guilty plea was knowing, intelligent, and voluntary. Specifically, Dr. Obolsky will testify as to how and why the materials and information he received and reviewed demonstrate that Mr. Waddy had the mental competence and capacity in 2007 to knowingly, intelligently, and voluntarily plead guilty to felony charges.
- b. Dr. Obolsky will testify that Dr. Redlich uses her general findings and data from her research to conclude and opine regarding Mr. Waddy's mental competency, mental capacity, and inducement to "falsely" plead guilty without ever having reviewed or performed a requisite individualized mental examination of Mr. Waddy.
- c. Dr. Redlich's application of her general research to this particular case is methodologically improper within the fields of forensic psychology and psychiatry.
- d. Dr. Obolsky will testify that Dr. Redlich's cited situational and dispositional risk factors that led to Waddy's "false guilty plea" are applicable to and affect a significant population of individuals within the criminal justice system and society at-large. Dr. Obolsky will discuss each of the situational and dispositional risk factors cited by Dr. Redlich, and address how simply because a factor exists in any given individual's life, or an individual may fall into a certain risk-factor category, does not therefore lead to the conclusion that an individual gave a "false guilty plea," that an individual was unlawfully induced into giving a "false guilty plea," or that said individual (or Waddy specifically) has/had an inability to exercise his or her own judgment during plea negotiations and hearings.
- e. Dr. Obolsky will testify that Dr. Redlich changes and creates her own definitions of "knowing, intelligent, and voluntary" in the context of plea agreements, in contravention to prevailing Supreme Court authority that establishes the necessary standards for voluntary guilty pleas. *See Godinez v. Moran*, 509 U.S. 389, 113 S.Ct. 2680 (1993); *Bordenkircher v. Hayes*, 434 U.S. 357 (1978); *Brady v. United States*, 397 U.S. 742, 90 S.Ct. 1463 (1970).
- f. Dr. Obolsky will testify regarding Mr. Waddy's Illinois Department of Corrections ("IDOC") and West Care records, and the inconsistencies between his deposition testimony and the information he provided to his custodial, medical and mental health care providers contained therein. He will additionally testify regarding the specific evaluations Mr. Waddy received and underwent while under the care of IDOC and West Care; the findings and conclusions of said evaluations; the impact of certain findings and conclusions on Mr. Waddy's claims in this matter; and how the information contained within Waddy's IDOC and West Care records is

informative, indicative, and/or helpful to an analysis as to whether Waddy's August 6, 2007 guilty plea was knowing, intelligent and voluntary.

- g. Dr. Obolsky will testify regarding Mr. Waddy's testimony that he lived in fear of Watts, and the severity of that fear. Dr. Obolsky will discuss Mr. Waddy's claims that he was in severe fear of Watts and that he was being harassed by Watts and his team, but nevertheless continued to return to the same locations, where he admittedly did not reside. He will further discuss this fear of Watts in the context of Mr. Waddy's criminal and parole history.

ii. Conclusions and Opinions

In reaching his conclusions and opinions, with the caveat that he will be supplementing these conclusions and opinions if given the opportunity to perform a mental evaluation of Plaintiff, Dr. Obolsky relied upon his experience, education, training, knowledge, articles, treatises, textbooks, journals, case law cited *infra*, and other authorities reviewed in his experience and continuing education, and the following materials:

- a. All non-duplicate attachments to Dr. Redlich's report: WADDY-REDLICH 000001-543; 686-773; 783-810; 1094-1101, specifically:
 - 1) Deposition of Alvin Waddy, WADDY-REDLICH 000190-382
 - 2) Deposition of Winona Waddy, WADDY-REDLICH 000383-472
 - 3) Deposition of Sharika Dotts, WADDY-REDLICH 000063-180
 - 4) Affidavit of Alvin Waddy, WADDY-REDLICH 000542-543
 - 5) August 6, 2007 Report of Proceedings for *People v. Waddy*, 07CR0938601, WADDY-REDLICH 00783-810
 - 6) OPS Complaint No. 100541, filed by Winona Waddy, WADDY-REDLICH 000686-773
 - 7) Alvin Waddy's Health and Mental Health Records, WADDY-REDLICH 000686-773; 1094-1101
 - 8) Early release rules and regulations in existence in 2007, WADDY-RELICH 000031-36
 - 9) Extended term rules and regulations in existence in 2007, WADDY-RELICH 000037-38
 - 10) Alvin Waddy's arrest records, WADDY-REDLICH 000181-189
 - 11) Alvin Jones' Complimentary History, WADDY-RELICH 000031-36
 - 12) Elsworth Smith, Jr.'s Complimentary History, WADDY-RELICH 000031-36
 - 13) Dr. Redlich's Invoice, WADDY-REDLICH 000473-474
- b. Alvin Waddy's Certified Statements of Dispositions: Watts-Waddy 000001-5, 8-13, 46-52, 61-73, 92-99, 103-106
- c. Alvin Waddy's Parole Records, IND DEF-AW 001786-1840
- d. Alvin Waddy's Criminal History, DO-JOINT 048011-48025

- e. Alvin Waddy's Marion County, Ohio records pertaining to his narcotics arrest, IND DEF-AW 000927-934
- f. Case law:
 - 1) *Bordenkircher v. Hayes*, 434 U.S. 357 (1978)
 - 2) *Godinez v. Moran*, 509 U.S. 389, 113 S.Ct. 2680 (1993)
 - 3) *Brady v. United States*, 397 U.S. 742, 90 S.Ct. 1463 (1970)

Dr. Obolsky's conclusions and opinions, and the basis for his conclusions and opinions, are formed from the totality of his specialized knowledge, skill, education, research, literature, training and information he has reviewed. His conclusions and opinions, are based on the facts of this matter and his review of Dr. Redlich's report and corresponding exhibits; are the product of reliable and generally accepted principals and methods in the fields of forensic psychology and psychiatry; and he has applied these principals and methods reliably to the facts and circumstances of this case, in addition to his review and evaluation of Dr. Redlich's report. His conclusions and opinions are based on the body of knowledge in literature about the practices and standards to which psychologists and psychiatrists must adhere.

In summary, based upon the record and materials provided to him, other documents cited herein, and his professional knowledge and experience, Dr. Obolsky will testify as to the conclusions and opinions fully set forth in any deposition given in this matter, and as follows:

- a. Mr. Waddy had the mental competence and capacity in August 2007 to knowingly, intelligently, and voluntarily plead guilty to felony charges.
- b. Mr. Waddy knowingly, intelligently, and voluntarily pleaded guilty to felony charges on August 6, 2007.
- c. Dr. Redlich's conclusions and opinions are not reasonable and give rise to errors in logic, because she uses her general findings and data from her research to specifically conclude and opine regarding Mr. Waddy's mental competency, mental capacity, and inducement to "falsely" plead guilty without ever having reviewed or performed a requisite individualized mental examination of Waddy, and her conclusions and opinions regarding Mr. Waddy are not held to a "reasonable degree of scientific certainty."
- d. Dr. Redlich's application of her general research to this particular case is methodologically improper within the fields of forensic psychology and psychiatry.
- e. The situational and dispositional risk factors cited by Dr. Redlich that purportedly led to and/or induced Mr. Waddy to provide a "false guilty plea" on August 6, 2007, are applicable to and affect a significant population of individuals within the criminal justice system and society at-large. Simply because a factor exists in any given individual's life, or an individual may fall into a certain risk-factor category, does not therefore lead to the conclusion that an individual gave a "false guilty plea," or that said individual (or Mr. Waddy specifically) has/had an inability to

exercise his or her own judgment in plea negotiations and hearings. Indeed, the situational and dispositional risk factors cited and explored by Dr. Redlich in the context of Mr. Waddy's decision-making in this case indicate that he was rationally, knowingly, intelligently, and voluntarily able to plead guilty by weighing the pros and cons of his decision.

- f. Dr. Redlich improperly changes and creates her own definitions of "knowing, intelligent, and voluntary" in the context of plea agreements, in contravention to prevailing Supreme Court authority that establishes the necessary standard for voluntary guilty pleas. *See Bordenkircher v. Hayes*, 434 U.S. 357 (1978); *Godinez v. Moran*, 509 U.S. 389, 113 S.Ct. 2680 (1993); *Brady v. United States*, 397 U.S. 742, 90 S.Ct. 1463 (1970).
- g. Mr. Waddy's IDOC and West Care records, and the inconsistencies between his deposition testimony and the information he provided to his custodial, medical and mental health care providers contained therein, provide further evidence that Mr. Waddy's August 6, 2007 guilty plea was knowing, intelligent and voluntary.
- h. The disparity between Mr. Waddy's testimony that he lived in severe fear of Watts, yet Waddy nevertheless continued to return to the same locations that Watts frequented, in addition to Mr. Waddy's repeated interactions with Watts and his team, calls his purported fear and its severity into question.
- i. Mr. Waddy had experience with plea hearings and pleading guilty prior to his August 6, 2007 guilty plea, as he had previously plead guilty to three prior felonies; this factor is indicative of Mr. Waddy making a knowing, intelligent and voluntary plea on August 6, 2007.
- j. Mr. Waddy subsequently continued to have experience with plea hearings and pleading guilty, as he pled guilty to three felonies following his August 6, 2007 guilty plea. Indeed, Mr. Waddy continued to utilize plea negotiations and plea hearings to manage his criminal career as a drug dealer, as his repeated choices to forgo trials and plead guilty likely allowed him to receive lower sentences and return more quickly to his criminal enterprises. Thus, this factor is indicative of Mr. Waddy making a knowing, intelligent and voluntary plea on August 6, 2007.
- k. There is no evidence in the records and materials reviewed that Mr. Waddy experienced any condition of mental ill-being that impaired his ability to reason intelligently and competently, or impaired his ability to think rationally, during the plea negotiations and hearing on August 6, 2007.

iii. Qualifications

Dr. Obolsky's qualifications are contained in his attached curriculum vitae. *See Exhibit A.*

iv. Reports Prepared

As noted *supra*, this section will be supplemented should the Court grant Defendants' motion for Plaintiff submit to a Rule 215 evaluation. Dr. Obolsky has not prepared any reports at this time.

B. Judge John A. Wasilewski (Ret.)

i. Subject Matter

Presently, Judge Wasilewski is expected to testify that his opinions are based upon his review of the materials provided to him, his review of Illinois case law, his education, training, and experience. He will provide testimony on any and all subject matters identified below and that are discussed and/or arise at his deposition and any and all logical corollaries thereto.

Judge Wasilewski is expected to testify on the subject matter of plea negotiations and plea hearings. He is expected to testify about the types of guilty pleas that defendants can enter into in Illinois, including: *Alford* pleas; pleas in which the defendant is sworn to the factual basis; and pleas where the defense counsel stipulates that the State would be able to present the evidence recited in the factual basis. Judge Wasilewski is expected to testify about the reasons and import of a defendant swearing to the factual basis of a guilty plea. Judge Wasilewski is expected to testify about Rule 402 conferences, their purpose, and what occurs at such conferences. He is expected to testify that at Rule 402 conferences the judge learns additional information about the defendant and the arrest that goes beyond what a judge would normally learn during the course of discovery, pretrial motions, and trial. At the conference, the defendant and/or his counsel have an opportunity to tell the judge information that could impact the court's view of the charges or sentence, including claims of innocence, mitigating evidence, or what the criminal defendant believes the evidence would show at a trial. He is expected to testify about the waiver forms the jury waiver and presentence investigation waiver forms that criminal defendants sign prior to entering into a guilty plea. He will further testify regarding the language used by courts when taking and accepting a criminal defendant's guilty plea. Judge Wasilewski will discuss why drug charges can be reduced by the State prior to a plea agreement, and why the court may make a recommendation of reduced charges during a Rule 402 conference.

Judge Wasilewski will also testify about criminal procedure. He is expected to testify about options available to criminal defendants who are having issues with or are unhappy with their counsel. Judge Wasilewski will discuss that in his experience criminal defendants can and do tell judges if issues of perceived improper representation arise during a case, and the tools courts have to ensure proper representation. Judge Wasilewski will discuss motions that can be filed and litigated prior to the entry of a guilty plea in which a criminal defendant can challenge the circumstances of his arrest, whether that process was available to Plaintiff, and whether Plaintiff utilized it. Judge Wasilewski will discuss the charges that Mr. Waddy faced and his potential sentence if found guilty. He will testify that contrary to Dr. Redlich's report, Mr. Waddy was not charged with possessing 30 bags of crack cocaine. He will testify that contrary to the assertion Dr. Redlich made in her report, Plaintiff never faced a 120-year sentence because of the one act, one crime rule and that any sentences based on convictions of the separate counts could not be entered

consecutively. Under no circumstance could Waddy receive a 120-year sentence under Illinois law.

Judge Wasilewski will testify about the guilty plea that Plaintiff entered into stemming from his April 2007 arrest. He will discuss that although Judge Jones took multiple pleas simultaneously, Plaintiff was the first of the criminal defendants spoken to throughout the plea hearing. Judge Wasilewski will testify about the Rule 402 conference in Plaintiff's criminal case, including, Plaintiff voluntarily stating that he did not know if he wanted to participate in a conference. He will also testify about Plaintiff's prior convictions that were resolved by a plea agreement. Judge Wasilewski will discuss whether Alvin Waddy's plea was knowingly, intelligently, and voluntarily made and discuss whether there was a sufficient factual basis for the entry of a finding of guilt. Judge Wasilewski is expected to testify that Plaintiff never filed a motion to withdraw his guilty plea after being advised of the option to do so.

ii. Conclusions and Opinions

In reaching his conclusions and opinions, Judge Wasilewski relied upon his experience, education, training, knowledge, case law cited *infra*, and other authorities reviewed in his experience and continuing education, and the following materials:

- a. *People v. Waddy*, 07 CR 09386(02), ROP, (March 18, 2019)
- b. Allison Redlich's Amended Report dated August 3, 2023
- c. *People v. Mays*, 07 CR 09386(01), ROP, Mtn. to Quash Arrest and Suppress Evidence and Plea (Sept. 11, 2007)
- d. *People v. Waddy*, 07 CR 09386(02), Order, (March 18, 2019)
- e. *People v. Waddy*, 07 CR 09386 (02), Petition for Certificate of Innocence Pursuant to 735 ILCS 5/2-702
- f. *People v. Waddy*, 07 MC 115604, ROP (April 25, 2007)
- g. *People v. Waddy*, 07 CR 09386(02), ROP (Aug. 6, 2007)
- h. Deposition of Alvin Waddy (June 9, 2023)
- i. Cook County State's Attorney's Office's file, IND DEF-AW 000841-890
- j. Information from Clerk's system regarding Waddy's prior convictions
- k. Portion of Bench Book
- l. *Case law*:
 - 1) *People v. Barker*, 83 Ill.2d 319 (1980)

- 2) *People v. Barnslater*, 373 Ill.App.3d 512 (1st Dist. 2007)
- 3) *People v. Eubanks*, 2021 IL 126271 (2021)

All of Judge Wasilewski's conclusions and opinions are rendered in accordance with generally accepted standards within his former law practice and profession as a lawyer, Cook County Assistant State's Attorney, Cook County Associate Judge, Cook County Acting Presiding Judge of the Sixth Municipal District, Cook County Judge assigned to the Criminal Division, and Cook County Circuit Court Judge, and are based on and expressed to a reasonable degree of certainty within the legal field in Illinois. Judge Wasilewski is also of the opinion that it is reasonable for experts in the legal field to rely on the materials and information he has reviewed in this case for the formulation of his substantive conclusions and opinions.

Judge Wasilewski's conclusions and opinions, and the basis for his conclusions and opinions, are formed from the totality of his specialized knowledge, skill, experiences, education, research, training, continuing education, and information and materials he has reviewed. His conclusions and opinions are based on sufficient facts and materials reviewed; are the product of reliable legal principals and methods; and he has applied these legal principals and methods reliably to the facts and circumstances of this case.

Judge Wasilewski has reached the following conclusions and opinions in this matter to a reasonable degree of certainty and would be generally accepted by other judges and Illinois courts:

Alvin Waddy freely, voluntarily, intelligently, and knowingly pled guilty to possession of a controlled substance. There was a sufficient factual basis, that Alvin Waddy admitted to under oath, for the finding of guilt and entry of conviction.

Judge Wasilewski's opinions are based on the materials identified above and his knowledge, training, and his 22-years of experience as a felony court trial judge. The circumstances of the plea hearing is one of the bases for his opinions. At the plea hearing, Alvin Waddy was present when his co-defendant Jermaine Mays filed a motion to quash arrest and suppress evidence, while Waddy's attorney requested a Rule 402 conference. The court asked Mr. Waddy if he wished to have a Rule 402 conference and Waddy responded that he did not know. The court then explained what the conference would entail and Waddy indicated that he wanted to have the conference. Mr. Waddy was asked whether he understood what would occur at the Rule 402 conference and Waddy indicated that he did. When asked by the court if he had any questions, Mr. Waddy responded that he did not. Mr. Waddy's responses were appropriate and he voluntarily stated that he initially did not know if he wanted a conference. After further explanation, Mr. Waddy agreed to participate in the conference.

The court held a Rule 402 conference on the record with Mr. Waddy present. At the conference, the State indicated what it believed the evidence would show, namely that officers observed Mr. Waddy possessing suspect narcotics at the front of the line in the lobby of a building at 574 E. 36th Street in Chicago, Illinois. The court was also informed that Mr. Waddy had three prior felony convictions, a Class 2 manufacture and delivery, a Class 4 possession of a controlled substance, and a Class 4 manufacture and delivery of cannabis. The State represented that Mr. Waddy was charged with a Class X offense because he was within 1000 feet of a school when he

was selling narcotics. The State offered Mr. Waddy four years in the Illinois Department of Corrections (“IDOC”) on the Class 1 offense that was charged.

Mr. Waddy’s counsel responded that Mr. Waddy was 21-years-old at the time and had received his G.E.D. Mr. Waddy’s counsel also pointed out that the officers did not observe Mr. Waddy engaged in any narcotics transactions and suggested a sentence based on a straight possession of narcotics charge.

After an off the record discussion, Mr. Waddy’s counsel informed the court that Mr. Waddy wanted to plead guilty to a straight possession of a controlled substance charge with a sentence of three years in the IDOC.

During the plea hearing, Mr. Waddy stated he understood that he was charged with possession of a controlled substance. Mr. Waddy was advised that the charge was a Class 4 felony and if found guilty he could be sentenced to between one to three years in the IDOC with one-year mandatory supervised release or could possibly be placed on probation. Mr. Waddy indicated he understood the possible sentences. Mr. Waddy was advised that he had a right to a jury trial and stated that he understood that right. Mr. Waddy was advised that he could give up his right to a jury trial and have the judge decide whether the State proved the charges against him beyond a reasonable doubt and Mr. Waddy stated he understood that right. Mr. Waddy stated that he did not want a jury trial and signed a written jury waiver form. Mr. Waddy was advised that by pleading guilty he was giving up his right a trial of any kind, his right to confront and cross-examine witnesses, and to call witnesses on his behalf. Mr. Waddy stated he understood the rights he was giving up. Mr. Waddy was asked how he pleads, and Mr. Waddy responded, “guilty.” Mr. Waddy was asked whether he understood that the agreement reached in the Rule 402 conference was that he would be sentenced to three years in the IDOC, with 125 days of credit for time already served, and that he would be assessed court costs and fees. Mr. Waddy indicated he understood the agreement and agreed with it. Mr. Waddy was asked whether anyone forced, threatened, coerced, or promised him anything in exchange for him to take the plea of guilty and Mr. Waddy responded, no. Mr. Waddy was asked if he was pleading guilty freely and voluntarily and Mr. Waddy responded, yes.

Prior to the State providing a factual basis, the Court had Mr. Waddy raise his right hand and he was put under oath. The Court then told Mr. Waddy to “listen to what the State’s Attorney is about to tell me. I want to make sure you understand what the State tells me what happened. Let me know if that’s in fact what happened. Do you understand?” Mr. Waddy responded that he understood. The State proceeded with the factual basis of the plea. The State indicated that on April 4, 2007, at approximately 8:25 p.m., officers Jones and Smith were at 574 E. 36th Street in Chicago where they observed Mr. Waddy. The officers would testify that they observed Mr. Waddy at the front of a line containing individuals with money in their hands. The officers would testify that they observed Mr. Waddy holding a clear plastic bag containing suspect narcotics. The bag recovered from Mr. Waddy contained 14 knotted plastic bags containing suspect crack cocaine, the suspect narcotics were inventoried, a proper chain of custody was maintained at all times, and the Illinois State Police Crime Lab tested the suspect narcotics and determined that they tested positive for cocaine. After the State completed the factual basis, the Court asked Mr. Waddy if he understood that he was under oath. Mr. Waddy indicated that he did. Mr. Waddy was asked,

“you heard what the State’s Attorney said what happened that led to your arrest in this case?” Mr. Waddy indicated he did. The Court then asked, “Is that what happened?” Mr. Waddy responded, “Yes, sir.”

The Court then found that Alvin Waddy entered into the plea voluntarily and entered judgment on the finding of guilt. Mr. Waddy was then advised what a presentence investigation was and signed a document waiving his right to a presentence investigation. Prior to sentencing, Mr. Waddy was asked if he wanted to say anything, and Mr. Waddy responded that he did not. Mr. Waddy was then sentenced to three years in the IDOC, with 145 days credit for time considered served even though the agreement had only been for 125 days credit. Mr. Waddy was then advised of his right to appeal, and that prior to appealing he must file within 30 days a motion setting forth the grounds to withdraw the guilty plea, vacate the judgment, and reconsider the sentence. Mr. Waddy was also told that if he could not afford it, he could obtain a free copy of his plea transcript and be appointed a lawyer who could file the motion to vacate his guilty plea. Mr. Waddy was asked if he understood his rights, and Mr. Waddy stated that he did. Mr. Waddy never filed a motion to withdraw his guilty plea within 30 days of entry of the judgment.

The plea hearing shows that Mr. Waddy was not afraid nor intimidated to admit if he did not understand something as he did when he was initially asked about the Rule 402 conference. Aside from receiving clarification on the Rule 402 conference, Mr. Waddy did not indicate during the plea hearing that he did not understand the questions that the Court was asking him or the consequences of pleading guilty. Dr. Redlich claims Mr. Waddy may not have understood the legalese used during the hearing. However, Mr. Waddy was represented by an attorney from the Cook County Public Defender’s Office, who stood next to him during the hearing. The judge explained the plea in simple terms, using words like “give up” rights and “in exchange for,” and not legal terms like “waived” rights and “*nolle pros*” with which Dr. Redlich takes issue. The court at the plea hearing also posed questions that required a “yes” answer, a “no” answer, and asked an open-ended question, as opposed to simply asking questions requiring a “yes” answer. Mr. Waddy answered all the questions appropriately. Mr. Waddy also demonstrated at his deposition the ability to understand and answer more complex questions than what was posed to him during his plea hearing. Finally, the judge made a legal finding that the plea was entered voluntarily.

Although the Court took two other guilty pleas at the same time as Mr. Waddy’s guilty plea, Mr. Waddy was the first criminal defendant to be advised of his rights and was asked if he understood those rights. Therefore, Mr. Waddy’s responses were not influenced by the other two guilty pleas that were occurring.

In addition to his admissions during the plea hearing, Mr. Waddy was a streetwise individual who was knowledgeable of the criminal justice system and plea hearings. On April 25, 2003, Mr. Waddy pled guilty to possession of a controlled substance, cannabis and received a 1-year probation sentence. He violated his probation and on September 11, 2003, he was sentenced to Cook Boot Camp. On December 17, 2003, he pled guilty to a violation of Boot Camp and received a sentence of 30 months in the IDOC. On January 6, 2005, Mr. Waddy pled guilty to possession of a controlled substance with intent to deliver and received a 5-year sentence in the IDOC with a recommendation of impact incarceration. Mr. Waddy’s prior convictions were

resolved by guilty pleas. This suggests Mr. Waddy understood both the process and consequences of pleading guilty.

Although Mr. Waddy claims that he pled guilty, in part, because his attorney advised him to, that does not rise to the level of being coercive or involuntary. Nor does the fact that Mr. Waddy was offered a three-year sentence on reduced charges show that the plea hearing was coercive. Dr. Redlich relies on Mr. Waddy's deposition testimony that going home to see his son was an important factor in his decision to plead guilty, but Mr. Waddy admitted in his deposition that he did not know whether he found out his son's mother was pregnant before or after he pled guilty on August 6, 2007. Dr. Redlich further states that Mr. Waddy only had an 8th grade education, and relies on that as fact as indicating he was "undereducated," but during the Rule 402 conference Mr. Waddy's counsel averred that Mr. Waddy had received a GED, which is generally a part of the Cook County Boot Camp that Mr. Waddy had previously participated in, and Mr. Waddy testified at his deposition that he attended 9th grade at Wendell Phillips High School. Thus, contrary to Dr. Redlich's conclusions and opinions, the circumstances of the plea negotiations support that the plea was knowing, intelligent, and voluntary because Mr. Waddy considered his lawyer's advice, the risks of proceeding to trial, the potential sentences he faced, and chose to plead guilty.

iii. Qualifications

Judge Wasilewski's qualifications are contained in his biography and credentials that are attached hereto. *See Exhibits B and C.*

iv. Reports

Judge Wasilewski did not prepare any reports.

C. Celeste Stack

i. Subject Matter

Presently, Ms. Stack is expected to testify that her opinions are based upon her review of the materials provided to her and her education, training, and experience as a former Cook County State's Assistant State's Attorney. She will provide testimony on any and all subject matters identified below that that are discussed and/or arise at her deposition and any and all logical corollaries thereto.

Ms. Stack is expected to testify about the Certificate of Innocence statute, the process for individuals to obtain a certificate of innocence, the State's options when it is served with a petition for a certificate of innocence, and the various forms of judicial hearings that can occur during a certificate of innocence hearing. Ms. Stack is expected to testify about the contents of Mr. Waddy's petition for a certificate of innocence, the State's position on the petition for a certificate of innocence, the type of hearing Mr. Waddy's petition for a certificate of innocence received, and whether either Mr. Waddy or the State informed the court that Mr. Waddy swore under oath that the factual basis for his August 6, 2007 guilty plea was what happened.

ii. Conclusions and Opinions

In reaching her conclusions and opinions, Ms. Stack relied upon her experience, education, training, knowledge, and other authorities reviewed in her experience and continuing education, and the following materials:

- a. *People v. Waddy*, 07 CR 09386(02), ROP, (March 18, 2019)
- b. *People v. Mays*, 07 CR 09386(01), ROP, Mtn. to Quash Arrest and Suppress Evidence and Plea (Sept. 11, 2007)
- c. *People v. Waddy*, 07 CR 09386(02), Order, (March 18, 2019)
- d. *People v. Waddy*, 07 CR 09386 (02), Petition for Certificate of Innocence Pursuant to 735 ILCS 5/2-702
- e. *People v. Waddy*, 07 MC 115604, ROP (April 25, 2007)
- f. *People v. Waddy*, 07 CR 09386(02), ROP (Aug. 6, 2007)
- g. Certificate of Innocence statute

All of Ms. Stack's conclusions and opinions are rendered in accordance with generally accepted standards within her former field of law and law practice as a Cook County State's Assistant State's Attorney, and are based on and expressed to a reasonable degree of certainty within the field of criminal law in Illinois. Ms. Stack is also of the opinion that it is reasonable for experts in the field of law to rely on the materials and information she has reviewed in this case for the formulation of her substantive conclusions and opinions.

Ms. Stack's conclusions and opinions, and the basis for her conclusions and opinions, are formed from the totality of her specialized knowledge, skill, experiences, education, training, continuing education, and information and materials she has reviewed. Her conclusions and opinions are based on sufficient facts and materials reviewed; are the product of reliable legal principals and methods; and she has applied these legal principals and methods reliably to the facts and circumstances of this case.

Ms. Stack is expected to testify that the purpose of the Certificate of Innocence statute is to provide individuals with an opportunity to obtain a certificate in order to petition the Illinois Court of Claims for compensation for time the individual spent in custody. The remedy of receiving a Certificate of Innocence was not intended by the Legislature to be used by an individual in a subsequent civil suit against government officials.

Once an individual has his conviction vacated or is found not guilty at a trial, the individual can file a petition for a certificate of innocence, generally supported by an affidavit from the individual. If the conviction or not guilty judgment is entered in Cook County, the petition must be served on the Cook County State's Attorney's Office and the Illinois Attorney General's Office. Police officers who participated in the underlying arrest are generally not notified about the filing

of a petition for a certificate of innocence. A police officer or any other citizen who may have information concerning the petitioner's guilt or innocence may not intervene in the proceeding, as only the presiding State's Attorney's Office and the Illinois Attorney General's Office are given the statutory authority to intervene.

When served with a petition, the Cook County State's Attorney's Office generally has three options: (1) it can intervene and object to the petition; (2) it can take no position on the petition; or (3) it can join the petition. If the Cook County State's Attorney's Office intervenes and objects to the petition, it will generally file a responsive document and the petitioner files a reply in support of the petition. Once all legal briefs are filed, the State, the petitioner, and the Court will generally determine if arguments on the petition are appropriate or if the parties wish to hold an evidentiary hearing.

An evidentiary hearing is a process where witnesses are called to testify in court, are put under oath, subject to cross-examination, and the judge is allowed to view the witness when testifying in order to help assess that witness's credibility. In addition to witnesses being called to testify, the State and the petitioner can introduce exhibits into evidence, and make opening and closing statements. The State may object to a petition where the State believes that the petitioner is in fact guilty, or fails to satisfy one of the other requirements under the Certificate of Innocence statute. The court system views hearings in which witnesses testify under oath and are subject to cross-examination as the best avenue for its truth-seeking function.

At a hearing in which the State takes no position, the hearing is not adversarial. Thus, the court only receives the petitioner's view of the case. In such circumstances, the court will generally review the allegations contained in the petition and any attachments to the petition. In these circumstances, since there is no opposing view or facts for the court to consider, the court will generally accept the allegations contained in the petition as true and, if the petitioner satisfies the procedural requirements, will grant the petition and enter a form one-page order regarding the petition.

The fact that the State does not take a position on a petition does not mean that the State believes the petitioner is factually innocent. Rather, in Ms. Stack's experience, there are reasons apart from factual innocence for why the State may take no position on a petition. For example, the State may not have the resources to effectively litigate a petition for a certificate of innocence or may wish to utilize its resources to litigate other active criminal or post-conviction cases. The State may also take no position on a petition in circumstances in which they believe the petitioner is guilty, but do not believe that it could adequately rebut the petitioner's evidence contained in the petition.

At a hearing in which the State joins the petition, the hearing is once again non-adversarial. In this circumstance, the State is agreeing with the allegations contained in the petition and the relief requested; namely, that the petitioner is entitled to a certificate of innocence.

In this case, Mr. Waddy's conviction was vacated on February 11, 2019. Mr. Waddy filed a petition for a certificate of innocence in March 2019. Mr. Waddy attached to his petition and brief in support the vice case report documenting Mr. Waddy's arrest, and an affidavit executed

by Mr. Waddy's signature. Mr. Waddy presented his petition to the Court on March 18, 2019. On this date, which was the first court appearance for the petition, the State indicated that it was taking no position on the petition. In total, the State spoke four words during the hearing: "Judge, we're not intervening." There were no witnesses called and no testimony adduced at the hearing. The court listened to the argument by Mr. Waddy's counsel, and without any input from the State, concluded that it read the petition and concluded the elements under the statute were satisfied. The court then entered a form order granting the petition. There is no indication from the record and the materials reviewed, that the State notified the police officers of the petition or afforded them an opportunity to object to the petition. Notably, while Mr. Waddy informed the court that he pled guilty to the underlying charge, Mr. Waddy and his counsel failed to inform the court that he swore under oath that the factual basis of his guilty plea is what actually happened during his arrest.

Ms. Stack will opine that it is her opinion, to a reasonable degree of certainty, that the State took no position on Mr. Waddy's petition for reasons other than innocence. Had the State believed Mr. Waddy was factually innocent, it would have joined the petition. In Ms. Stack's experience, the fact that the State made the decision to take no position within a short period of time after the petition was filed, signifies that a belief in Mr. Waddy's innocence was not the driving force of the State's decision.

Ms. Stack will opine that in her opinion, to a reasonable degree of certainty, the State had could have objected to the petition based on Mr. Waddy's sworn testimony at his plea hearing that the State's recitation of the facts during the factual basis of the plea is what occurred. It is Ms. Stack's opinion based on her experience and to a reasonable degree of certainty that had the State objected to the petition based on Mr. Waddy swearing to the factual basis of the plea, or the court otherwise having been informed of that fact, the court likely would have denied Mr. Waddy's petition.

iii. Qualifications

Ms. Stack's qualifications are attached hereto. *See* Exhibit D.

iv. Reports

Ms. Stack did not prepare any reports.

Defendants continue to reserve the right to call anyone named in any party's, including Plaintiff's and co-Defendant City of Chicago's, Rule 213(f) disclosures; anyone deposed; anyone mentioned in a discovery deposition; anyone mentioned during the course of expert discovery; and anyone identified through documents produced during the ongoing fact and expert discovery of this matter. Defendants reserve the right to move *in limine* to bar any subject covered in this, or future, disclosures. Defendants further reserve the right to supplement this disclosure.

Dated: September 11, 2023

Respectfully Submitted,

/s/ Kelly M. Olivier

Special Assistant Corporation Counsel
One of the Attorneys for Individual Defendants

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Chicago, IL 60604
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Firm No. 63360

Exhibit A

134 North LaSalle Street, Suite 1810, Chicago, Illinois 60602

ALEXANDER E. OBOLSKY, M.D.

**Board Certified in
General, Addiction, and Forensic Psychiatry
Distinguished Fellow of the American Psychiatric Association**

EXPERIENCE

1999 – Present	Alexander E. Obolsky, M.D., P.C. Private Practice in General and Occupational Psychiatry	Chicago, IL
1999 – Present	Medical Director Health and Law Resource, Inc. Consultant and Expert Witness services: *Causation In Complex Trauma Cases *Personal Injury Cases including Catastrophic Bodily Injuries *Medical Malpractice *Complex Workers' Compensation Claims *Fitness For Duty *Civil Competencies	Chicago, IL
1998 – 2001	Assistant Medical Director Inpatient Forensic Treatment Program Elgin Mental Health Center Supervised patient treatment; provided clinical and risk assessment consultations; supervised psychiatric medical staff; provided clinical and administrative leadership for the hospital.	Elgin, IL
1998 – 1999	Director Psychiatric Services The Pain & Rehabilitation Clinic of Chicago Clinical practice in general and occupational psychiatry. Performed corporate and legal psychiatric evaluations.	Chicago, IL
1996 – 1999	Consultant Health and Law Resource, Inc.	Chicago, IL
1995 – 1998	Director Division of Forensic Psychiatry Department of Psychiatry and Behavioral Sciences Northwestern University Feinberg School of Medical Developed and conducted educational programs and research, developed and conducted medical student, psychiatric resident, and physician education and training. Provided administrative leadership for program development and management.	Chicago, IL

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1993 – 1998	Staff Psychiatrist Northwestern Medical Faculty Foundation, Inc. Clinical practice in general and occupational psychiatry. Trained medical students and psychiatric residents.	Chicago, IL
1993 – 1998	Director Psychiatry and Law Program Department of Psychiatry and Behavioral Sciences Northwestern Medical Faculty Foundation, Inc. Performed corporate and legal psychiatric evaluations. Supervised medical-legal services of over 20 psychiatrists and psychologists.	Chicago, IL
1993 – 1998	Co-Director Professionals at Risk Program Department of Psychiatry and Behavioral Sciences Northwestern Medical Faculty Foundation, Inc. Evaluation of professionals who were involved in sexual boundary violations.	Chicago, IL
1995 – 1997	Regional Associate Medical Director Occupational Behavioral Health American Day Treatment Center Provided short-term partial hospitalization treatment to patients with psychiatric illness due to psychological and physical trauma and resultant work impairments. Provided clinical and administrative leadership for program development and management.	Westmont, IL
1994 – 1996	Director Program for the Study of Organizational Behavior Department of Psychiatry and Behavioral Sciences Northwestern University Feinberg School of Medicine Performed work related employee crisis debriefing, fitness for duty evaluations, and corporate behavioral consulting.	Chicago, IL
1994 – 1995	Associate Medical Director Adult Services American Day Treatment Centers – West Suburban Provided short-term partial hospitalization treatment to general psychiatric patients.	Westmont, IL
1990 – 1995	Psychiatrist Illinois Youth Center at Warrenville State of Illinois, Department of Corrections, Juvenile Division Provided and supervised treatment of adolescents in a correctional facility.	Warrenville, IL

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I. ACADEMIC APPOINTMENTS

2003 – Present	Assistant Professor of Clinical Psychiatry and Behavioral Science Department of Psychiatry and Behavioral Sciences Northwestern University Feinberg School of Medicine	Chicago, IL
1997 – 1998	Adjunct Professor of Law DePaul University College of Law	Chicago, IL
1994 – 2006	Adjunct Professor of Law Northwestern University School of Law	Chicago, IL
1993 – 2003	Instructor of Psychiatry Department of Psychiatry and Behavioral Sciences Northwestern University Feinberg School of Medicine	Chicago, IL

II. LICENSURE

State of Illinois License of Physician and Surgeon
#036-081074

State of Wisconsin License of Medicine and Surgery
#69111-20

State of Nevada License of Physician
#17875

III. HOSPITAL PRIVILEGES

1993 – Present	Northwestern Memorial Hospital	Chicago, IL
1998 – Present	Shirley Ryan Ability Lab	Chicago, IL
2010 – 2020	NorthShore University Health System	Chicago, IL
1998 – 2001	Elgin Mental Health Center	Elgin, IL
1994 – 1997	American Day Treatment Centers	Westmont, IL

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IV. EDUCATION

1992 – 1993	Loyola University Medical Center <i>Forensic Psychiatry Fellowship</i>	Maywood, IL
1988 – 1992	Northwestern University Feinberg School of Medicine Northwestern Memorial Hospital <i>General Psychiatry Residency</i>	Chicago, IL
1984 – 1988	Northwestern University Feinberg School of Medicine <i>Doctor of Medicine</i>	Chicago, IL
1980 – 1984	Northwestern University <i>BA in Chemistry</i>	Evanston, IL

V. PROFESSIONAL BOARDS

1994 – 1998	Board Examiner American Board of Psychiatry and Neurology
1997 – 2007 2007 – 2017 2017 – 2027	Diplomate American Board of Psychiatry and Neurology Addiction Psychiatry <i>Certificate No. 1233</i>
1994 – 2004 2003 – 2013 2013 – 2023	Diplomate American Board of Psychiatry and Neurology Forensic Psychiatry <i>Certificate No. 178</i>
1993 – Present	Diplomate American Board of Psychiatry and Neurology General Psychiatry <i>Certificate No. 38348</i>

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VI. HONORS

2016 – 2018	Teaching Award Nominated by Northwestern University Feinberg School of Medicine students for outstanding teaching
2012	Joost Award Nomination Nominated by Northwestern University Feinberg School of Medicine students for outstanding teaching
2012 – 2013	Chicago Super Doctors®
2003 – 2016	Distinguished Fellow of the American Psychiatric Association
2002 – 2016	America's Top Psychiatrists, selected annually Consumers' Research Council of America
1996 – 2016	Best Doctors in America®, selected annually Elected by peers for inclusion in Best Doctors in America
1997	Five Hundred Best Physicians in Chicago Chicago Magazine
1992 – 1993	Resident Fellow of the American Psychoanalytic Association
1992 – 1993	AAP/Mead Johnson Fellowship in Academic Psychiatry
1984 – 1988	Forest Hospital Fellowship, renewed annually
1982 – 1984	Evanston Hospital Research Fellowship, renewed annually

VII. VOLUNTEER ACTIVITIES

1992 – Present	Volunteer Faculty Medical Ethics and Humanities Program Northwestern University Feinberg School of Medical
2011 – 2017	The Ark Psychiatrist Not-for-profit, community-funded health and human services agency
2001 – 2012	American Red Cross Disaster Mental Health Program

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2000 – 2012	Disaster Psychiatry Outreach Volunteer organization committed to alleviating mental suffering in the aftermath of disaster
2008 – 2011	Community Health Psychiatry Clinic Attending and Supervising Psychiatrist
2001 – 2010	Illinois Department of Human Services Rapid Response Team

VIII. PUBLICATIONS

Obolsky, A.: (Abstract) **Review of the Current State of Knowledge of Comorbid Mild Traumatic Brain Injury (mTBI) and PTSD in NATO Military Personnel who Served in Iraq and Afghanistan**

XXXIIIrd International Congress on Law and Mental Health (2013)
International Academy of Law and Mental Health, Amsterdam, The Netherlands. Abstract: page 99-100.

Obolsky, A.: (Abstract) **Long Term Psychiatric Conditions Following Traumatic Physical Injury**

XXXIst International Congress on Law and Mental Health (2009) International Academy of Law and Mental Health, New York, NY. Abstract: page 351.

Obolsky, A.: (Abstract) **Forensic Evaluation of Memory Complaints after Mild Traumatic Brain Injury (mTBI)**

XXXth International Congress on Law and Mental Health (2007) International Academy of Law and Mental Health, Padua, Italy. Abstract: page 328.

Obolsky, A.: **Homicide Due to a Sudden Intense Passion**

Psychiatric Times, Vol. XXI,
No. 5; May 2004, pages 31-32.

Obolsky, A.: (Abstract) **Psychological Responses to Disaster**

XXVIIth International Congress on Law and Mental Health (2002)
International Academy of Law and Mental Health, Amsterdam, The Netherlands. Abstract: page 178.

Obolsky, A., Cockrell, M.L.: (Abstract) **Posttraumatic Stress Disorder's Effect on an Individual's Ability to Work**

XXVth Anniversary Congress on Law and Mental Health (2000).
International Academy of Law and Mental Health, University of Siena, Tuscany, Italy. Abstracts: page 117.

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Obolsky A., Cockrell, M.L.: (Abstract) **Psychiatric Employability Evaluation**
XXIVth International Congress on Law and Mental Health (1999).
International Academy of Law and Mental Health, Ministry of Health of Toronto,
Ontario, Canada Abstracts: page 213.

Obolsky A., Miller, I.S. (1998) **Addiction Psychiatry and the Law**
In Richard J. Francis, Sheldon I. Miller (editors)
Clinical Textbook of Addictive Disorders, Second Edition, New York: Guilford.

Lansing, A.E., Lyons, J.S. Martens L.C., O'Mahoney, M.T. Miller, S.I., and Obolsky, A:
**The Treatment of Dangerous Patients In Managed Care: Psychiatric Hospital
Utilization and Outcome**
General Hospital Psychiatry Volume 19, No. 2, March 1997, pages 112 –118.

Obolsky A: (br) **Hypnosis, Memory, and Behavior in Criminal Investigations**
By Kevin M. McConkey, Ph.D. and Peter W.
Sheehan, Ph.D. Doody's Health Science Book
Review Journal Volume 4, No. 1, 1996.

Obolsky A: (br) **Serial Killers: The Insatiable Passion**
By David Lester
Doody's Health Science Book Review
Journal Volume 4, No. 1, 1996

Obolsky A: (br) **Dissociation: Clinical and Theoretical Perspectives**
Eds. Lynn, Steven Jay and Rhue, Judith W.
Doody's Health Science Book Review Annual, 1994 – 1995

Obolsky A: (br) **Treating the Homeless Mentally
Ill** Eds. H. Richard Lamb, Leona L. Bachrach,
Frederic I. Kass. Bulletin of the American Academy
of Psychiatry and the Law
Volume 22, No. 2, 1994, page 301.

Obolsky A: (br) **Testifying in Court: Guidelines and Maxims**
By Stanley L. Brodsky.
The Loyola Psychiatric Forum,
Vol. V No. 1, November 1992, page 19.

Obolsky A: **Conversations in
Psychiatry** APA Psychiatric News, Vol.
XXVII, No. 22; November 20, 1992,
page 14.

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IX. PEER REVIEWER

2001 – 2002 **Physician Reviewer**
 CIMRO Quality Healthcare Solutions

X. TEACHING AND SUPERVISION

2015 – Present	The Conundrum of Malingering Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminars for First- and Second-Year Medical Students	Chicago, IL
2014 – 2015	Mass Murder Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminars for First- and Second-Year Medical Students	Chicago, IL
2013	Psychiatric Nosology-Epistemology: Definition of Reasonable Degree of Certainty Department of Psychiatry Northwestern University Feinberg School of Medicine Forensic Psychiatry Fellowship	Chicago, IL
2012 – 2014	Tales from the Forensic Couch Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminars for First- and Second-Year Medical Students	Chicago, IL
2008 – 2010	From Within the Whirlwind Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminars for First- and Second-Year Medical Students	Chicago, IL
2001 – 2007	Physician in Court: Medical Expertise in a Legal Setting Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminar for Second Year Medical Students	Chicago, IL

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2001 – 2007	Psychiatric Dimensions of Medical Practice Department of Medical Humanities and Bioethics Northwestern University Feinberg School of Medicine Seminar for First Year Medical Students	Chicago, IL
1994 – 2004	Mental Health Law Northwestern University School of Law Semester Course for Law Students	Chicago, IL

XI. PRESENTATIONS

07/05/19	Careers in Forensic Psychiatry and Psychology The Chicago School of Professional Psychology	Chicago, IL
05/22/19	PTSD Claims from First Responders CLM Workers' Compensation Conference	Chicago, IL
05/09/19	Annual Workers' Compensation Seminar Pollart Miller LLC	Denver, CO
01/08/18	Head Injury and Bewilderment: Bringing Clarity to Confusion in Cases of Head Injury, mild Traumatic Brain(mTBI) Injury, and Post concussive Syndrome (PCS) Illinois Risk Management Services Illinois Hospital Association	Naperville, IL
07/14/17	Decision-Making among the Mentally Disordered XXXV th International Congress on Law and Mental Health International Academy of Law and Mental Health	Prague, Czech Republic
07/14/17	Bias in Forensic Mental Health Evaluations XXXV th International Congress on Law and Mental Health International Academy of Law and Mental Health	Prague, Czech Republic
03/08/17	Use of Psychological Testing in Employment Litigation Lake County Bar Association Employment Law Committee	Vernon Hills, IL
11/07/16	PTSD & Workplace Violence CorVel U	Chicago, IL
09/26/16	Psychiatric Consequences of Workplace Violence ESIS	Chicago, IL

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09/06/16	Mock Trial Financial Capacity 3 rd International Conference on Capacity International Psychogeriatric Association	San Francisco, CA
10/23/14	Mock Trial Malpractice Suicide Risk Assessment 45 th Annual Meeting American Academy of Psychiatry and the Law	Chicago, IL
05/15/14	Demoralization in Medical and Surgical Patients Northwestern HealthCare Corporation	Chicago, IL
03/15/14	Mild Traumatic Brain Injury (mTBI) & Occupational Functioning 90 th Annual Spring Seminar Central States Occupational and Environmental Medicine Association	Lisle, IL
03/14/13	Psychiatric Aspects of Chronic Regional Pain Syndrome (CRPS) Northwestern HealthCare Corporation	Chicago, IL
04/19/12	Anatomy of a Forensic Psychiatric IME 19 th Annual Conference Case Manager Society of America	Oak Brook Terrace, IL
02/21/12	How Forensic Psychiatry is Utilized in Case Management Woodlake Medical	Chicago, IL
08/04/11	“Why Me?” Grief in Patients After Loss of Physical and/or Psychological Functioning Morning & Afternoon Continuing Medical Education Program Northwestern HealthCare Corporation	Chicago, IL
04/28/11	Psychiatric Conditions Following Trauma The Ark	Chicago, IL
03/25/11	Psychiatric Morbidity Following Electrical Injury 29 th Annual Symposium American College of Forensic Psychiatry	San Diego, CA
04/16/10	Forensic Psychiatric Evaluation in Cases of Alleged Traumatic Chronic Pain Conditions 28 th Annual Symposium American College of Forensic Psychiatry	San Francisco, CA

Last revised 09/15/21

Exhibit B

Biography

Personal

John A. Wasilewski

Education

- Northern Illinois University, College of Law, DeKalb, Illinois, graduated February, 1978, J.D.
- DePaul University, Chicago, Illinois, graduated June, 1974, B.A.
- DePaul University, Chicago, Illinois, graduate work towards Master in Public Administration, one semester, Fall, 1974, not finished because started Law School in February of 1975.
- Certified Instructor, National Institute for Trial Advocacy (N.I.T.A.), Teacher Training Trial Advocacy Workshop, University of California, School of Law, Berkeley, California, November, 1987.

Professional Licenses

- United States Supreme Court, 1983
- Illinois Supreme Court, 1978; Retired Status 2023
- United States District Court, N.D., Illinois, 1978; Notified retirement 2023
- Federal Trial Bar, 1983; Notified Retirement 2023

Employment

- **Administrative Magistrate**, Sheriff of Cook County; Appointed pursuant to U.S. District Court Order (3 judge panel), *U.S.A. v. Cook County, et. al.*, 10C2946; review pre-trial detainees incarcerated at Cook County Jail and approve release from jail on electronic monitoring; November, 2011 to present.
- **Circuit Court Judge**, Cook County, Appointed by Illinois Supreme Court on May 6, 2009 from Associate Judge; Retired December 6, 2010 with 22 years of judicial service.
 - * Criminal Division, Chicago Felony Trial Courts, Bridgeview Branch, from appointment to retirement. During entire felony trial career disposed over 7,500 felony cases; presided over 100 felony jury trials including capital cases; presided over hundreds of felony bench trials and contested evidentiary hearings.
- **Associate Judge**, Cook County, December 8, 1988 - May 6, 2009
 - * Criminal Division, Chicago Felony Trial Courts, September, 2001 to appointment to Circuit Court Judge
 - * Acting Presiding Judge of 6th Municipal Dist. and Supervising Judge of Markham Felony Trial Courts, July, 1992 to August, 2001
 - * Preliminary Hearings Dec., 1988 -April, 1989; Felony Trial Courtroom April, 1989-July, 1992 - Markham Courthouse

- **Cook County State's Attorney's Office, 1978-1988**
 - *Deputy Supervisor, First Municipal District (entire city of Chicago)
 - *Felony Trial Assistant for 7 years

Professional Memberships

- Illinois Supreme Court, Access to Justice Commission, Criminal Forms Subcommittee 2019 - present; prepare criminal forms and instructions for prose defendants and public.
- Illinois Supreme Court, Judicial Performance Facilitator, 1998-present; Pursuant to Illinois Supreme Court Rule 58 meet with a judge who has received a performance evaluation.
- Silver Fellow, Illinois Bar Foundation
- Illinois State Bar Association
 - *Assembly Representative, 1984-87; 1990-95; 2002-2007; 2010-2015.
 - *Member of the Criminal Justice Section Council, 1984-88; 1990-94; 1997-2002; 2005-2015,
 - *Member of Standing Committee on Corrections and Sentencing, 2014-2020; Secretary 2016-2017; Vice Chair 2017-2018; Chair 2018-2019; As Chair had ISBA Handbook on Post-Trial Remedies translated in Spanish and distributed to Illinois Department of Corrections, Cook County Jail, and other correctional facilities.
 - *Member of Mental Health Law Section Council, 2016-2020.
 - *Commentator for ISBA on criminal law for various television programs
 - *Speaker, Criminal Law Update Programs and CLE programs, Chicago, Springfield and other locations in Illinois
 - *Associate Editor, Criminal Justice Section Council Newsletter, 1985-88
 - *Assistant Editor, Criminal Justice Section Council Newsletter, 2007.
- Advocates Society (Polish American Lawyers)
- National Advocates Society (National Association of Polish American Lawyers)
- South Suburban Bar Association
 - * Recipient of 1999 Hon. Edwin Richardson Humanitarian Award

Organizations

- Board of Directors, Family Service and Mental Health Center of Cicero, 1981-1999
- Polish National Alliance, Lodge 1189
- Alumni Representative, Northern Illinois University, College of Law, 1988-1994
 - *Alumni Outstanding Service Award (first one awarded) June, 1996.
 - *NIU Outstanding Alumni Award, April, 2002.

Articles

- *Pre-Trial Motions in Drug Cases Including Informant Issues*, ISBA Criminal Justice CLE, Springfield, November 14, 2013; Chicago, November 22, 2013

- *Pre-Trial Motions, A Felony Trial Judge's Perspective*, ISBA Criminal Justice CLE, Chicago, May 31, 2013; Bloomington, IL, June 7, 2013.
- *Expert Witnesses*, Southwest Bar Association, January 29, 2013.
- *Sentencing*, ISBA Seminar, April 4, 2003.
- *Guilty Pleas and Sentencing*, ISBA Seminar, May 9, 2002.
- *The Hearsay Exception in Cases Involving Criminal Sexual Assault of a Child*, South Suburban Bar Association, January 16, 1991 (prepared for that date).

Published Articles:

- *The Knock and Announce Requirements in Search Warrants*, ISBA Criminal Justice Newsletter, March, 2004
- *Expert Witnesses: A View from the Bench*, ISBA Criminal Justice Newsletter, December, 2002; Reprinted: ISBA General Practice, Solo, and Small Firm Newsletter, February, 2003.

Speaker

- Panelist, Panel Discussion: The Destruction of Evidence Prior to Trial, ISBA Criminal Justice CLE, Chicago, November 14, 2014.
- Pre-Trial Motions in Drug Cases Including Informant Issues, ISBA Criminal Justice CLE, Springfield, November 14, 2013; Chicago, November 22, 2013.
- Pre-Trial Motions, A Felony Trial Judge's Perspective, ISBA Criminal Justice CLE, Chicago, May 31, 2013; Bloomington, IL, June 7, 2013.
- Guest Speaker, Illinois Expert Evidence, John Marshall Law School; Illinois Evidence Class, January 30, 2013, Chicago.
- Expert Witnesses, Southwest Bar Association CLE Seminar, January 29, 2013, Bridgeview, Illinois.
- Judge, International Moot Court in Information Technology and Privacy Law, John Marshall Law School; October 25, 2014 (Final Round); October 24, 2014; October 24, 2013; October 25, 2012; October 27, 2011, Chicago.
- Panelist, Judicial Clerkships, John Marshall Law School, April 17, 2012, Chicago.
- Sentencing, ISBA Seminar: "Current Issues in Criminal Sentencing Law", April 4, 2003, Oak Brook, Illinois
- Guilty Pleas and Sentencing, ISBA Seminar: "Basic Nuts and Bolts of Illinois Criminal Procedure" November 10, 2002, Lombard, Illinois.
- Panelist, Sentencing Enhancement Issues in the Wake of Apprendi, "Trial Issues", November 12, 2001, Bloomington, Illinois.
- Expert Witness Testimony, National Medical and Dental Association, National Advocates Society, July 16, 2001, St. Petersburg, Florida.
- Drug Courts – A Powerful Weapon, Illinois State's Attorney's Association, August 6, 1998, Chicago.
- Fitness to Stand Trial Procedures, Circuit Court of Cook County, November 21, 1995, Bridgeview, Illinois.
- Presentence Investigations, Cook County Probation Department, January 24, 1994,

- Chicago.
- Alternative Sentencing, Northern Illinois University, College of Law Program, October, 1993, DeKalb, Illinois.
- Exhibits, Instructor and Mock Trial Judge in Federal Trial Bar Training Program, Chicago Bar Association, October, 1993; October, 1994; October, 1988; October, 1987, Chicago.
- Judge and Evaluator, American Bar Association Mock Trial Competition, January, 1993, Chicago.
- Hearsay Rule in Child Sex Cases, South Suburban Bar Association, February, 1991.

Seminars Attended

- *Administrative Office of the Illinois Courts:
- *Education Conference 2008, Jan. 29 –Feb. 1, 2008, Chicago.
- *Capital Cases: Fourth Seminar Series, Sept. 6-7, 2007, Springfield, Illinois.
- *Education Conference 2006, Feb. 1-3, 2006, Chicago.
- *Capital Cases: Third Seminar Series, Sept. 7-8, 2005, Springfield, Illinois.
- *Education Conference 2004, Feb. 4-6, 2004, Chicago.
- *Capital Cases: Evidence and Other Issues, Sept. 18-19, 2003, Springfield, Illinois.
- *Case Management of a Felony Trial, Feb. 26-27, 2003, Bloomington, Illinois.
- *Managing Caseloads and Trial Dockets, May 22-23, 1996, Effingham, Illinois.
- Criminal Law, October 24-26, 1991, Lisle, Illinois.
- *Jury Management in Civil and Criminal Cases, November 16-18, 1989, Rockford, Illinois
- *Statutory Changes Affecting Third Party Actions, Medical Malpractice, Contribution, Joint and Several Liability and other matters, March 30-April 1, 1989, Rockford, Illinois.
- *Evidence in Civil and Criminal Cases, February 2-4, 1989, Oak Brook, Illinois.
- Associate Judge Seminars, 1989, 1990, and 1991, Chicago.
- *Illinois Supreme Court, Committee on Judicial Performance Evaluation, Facilitator Training: October 14, 2011, Chicago; February 25, 2005, Rosemont, Illinois; July, 1998, Pontiac, Illinois.
- *Illinois Supreme Court, Judicial Mentoring Training Program, October 14, 1998, Springfield, Illinois.
- *U.S. Department of Energy, Conference on Genetics in the Courtroom – DNA, Loyola University, College of Law, June 4-6, 1998, Chicago.
- Illinois Department of Mental Health, Statewide Forensic Conference, October 20-21, 1997, Chicago; October 25-26, 1995, Chicago.
- *National Association of Drug Court Professionals, Second Annual Training Conference, May 9-12, 1995, Washington, D.C.
- *American Bar Association, Summit on Crime and Violence, January 25-26, 1994, Washington, D.C.
- *Drug Courts – The Next Steps, December 1-3, 1993, U.S. Department of Justice, Miami, Florida.

Exhibit C

Judge John A Wasilewski (Ret.)

Credentials

My credentials are as follows. I was admitted to the Illinois bar in May of 1978; the United States District Court, N.D., Illinois, in 1978; the Federal Trial Bar in 1983 (Voluntarily Relinquished in April, 2017); and the Bar of the United States Supreme Court in 1983. I am presently on retired status with the Illinois Bar (2023) and I have informed the United States District Court, N.D. Illinois of my retired status. I was an Assistant Cook County State's Attorney from June, 1978 until December, 1988. While in the State's Attorney's Office, I was assigned to the Criminal Division Felony Trial Courts from August, 1980 until March, 1987. I have tried 45 jury trials and several hundred felony bench trials. As a Felony Trial Assistant, I tried over 25 murder trials. Some of these murder trials were capital cases. I prosecuted many murder cases in which the cases were disposed by pleas of guilty after pre-trial conferences. I have also tried many other cases involving other serious felonies.

During the course of my assignment as a Felony Trial Assistant, I was assigned to the Felony Review Unit (City of Chicago) for a period of time to act as the Team Supervisor of five other ASAs for that shift of the day or night. The Felony Review Unit decides if an arrestee is charged with a felony and what the charge would be. At that time, the Team Supervisor had to be contacted when a murder case was being reviewed. I was contacted many times by the ASAs I supervised about reviewing a murder case. I personally reviewed many murder cases and took statements from defendants who were charged with murder as well as other serious felonies.

In March, 1987, I was appointed by the State's Attorney to the position of Deputy Supervisor of the First Municipal District (entire City of Chicago) and additionally put in charge of the Domestic Violence Courts. I also reviewed all child sex cases that had been rejected by the Felony Review Unit. I assisted in the supervision of 45 ASAs and reported directly to the State's Attorney.

In December, 1988, I was sworn in as a Cook County Associate Judge after having been elected to that position by the Circuit Court Judges. My first assignment was the Felony Preliminary Hearing Courtroom in the Sixth Municipal District (Markham). In February, 1989, I was assigned to a Felony Trial Courtroom for one month; in March, 1989, I was permanently assigned to a Felony Trial Courtroom. In 1993 and in addition to my felony trial court assignment, I was designated as Supervising Judge of the Markham Felony Trial Courts. Shortly after that assignment, I received an additional designation as Acting Presiding Judge of the Sixth Municipal District (when the Presiding Judge was not available). I held these assignments under three different Presiding Judges until September, 2001.

In September, 2001, and at my request, I was assigned to the Criminal Division (Trial of Felony Cases occurring in the City of Chicago) by the Chief Judge. My felony trial courtroom was in the Bridgeview Courthouse but my Presiding Judge was Judge Paul Biebel. On April 30, 2009, I was appointed to the office of Circuit Court Judge by the Illinois Supreme Court.

In December, 2010, after 22 years of judicial service, I retired from the bench. During the course of my judicial career, I disposed of well over 7,500 felony cases. In the course of my duties as a felony trial judge, I participated in hundreds of the pre-trial plea conferences pursuant to Illinois Supreme Court Rule 402. I have presided over 5,000 felony plea of guilty proceedings. During those conferences, the Assistant State's Attorney and the defense attorney would present their version of what the evidence in the case would be. They would also tell me the background of the defendant including prior convictions and any relevant sentencing evidence. After listening to both sides, I would give my opinion as to the strength of the case and what sentence I would impose should the defendant choose to plead guilty.

I have presided over 75 First Degree Murder trials including 49 First Degree Murder jury trials. This included cases where the death penalty was sought by the State. I have presided well over 100 felony jury trials some involving serious felonies, hundreds of contested bench trials and evidentiary hearing motions. I have also presided over dozens of post-conviction petition proceedings involving serious felonies including first degree murder

In November, 2011, I was appointed by a federal three judge panel to assist in alleviating the overcrowding of the Cook County jail. My official title was Administrative Magistrate and I was given authority to release pre-trial detainees, who could not make bail, onto electronic monitoring. In April, 2015, the federal three judge panel found that Cook County jail was no longer overcrowded and suspended the temporary release order.

I am on the Criminal Forms subcommittee of the Access to Justice Conference of the Illinois Supreme Court. The subcommittee drafts criminal forms and instructions for *pro se* defendants. I am a Judicial Performance Facilitator for the Illinois Supreme Court. From time to time, I am assigned to meet with a judge who has received a performance evaluation pursuant to Illinois Supreme Court Rule 58 and discuss with that judge the meaning of the results.

I am a career long member of the Illinois State Bar Association (ISBA). I was a member of the Assembly which is the governing body of the ISBA. I served on the Assembly for approximately 16 years.

I was a member of the ISBA Criminal Justice Section Council which is a council made up of approximately twenty members consisting of judges, defense attorneys and prosecutors. The Section Council reviews criminal law and makes recommendations to the ISBA on legislation, litigation, etc. involving criminal law. I have been appointed to the Criminal Justice Section Council by various presidents of the ISBA and have served approximately 20 years on the Council. I have been the Associate Editor and Assistant Editor of the Criminal Justice

Section Newsletter in the past. I have written various articles for that newsletter. I have prepared written articles on criminal law and made CLE presentations on behalf of the ISBA. I have appeared on television programs on behalf of the ISBA to discuss criminal law subjects.

I was the Secretary, Vice Chair, and Chair of the ISBA Standing Committee on Corrections and Sentencing. During my tenure as Chair, I was able, with the help of the Cook County Sheriff and Mexican Consulate, to have the ISBA Post Conviction Handbook for incarcerated individuals translated into Spanish. The handbook was then distributed to inmates at the Cook County Department of Corrections, the Illinois Department of Corrections, and other correctional facilities within the State of Illinois. I was also a member of the ISBA Mental Health Section Council. I am a Silver Fellow of the Illinois Bar Foundation which is the charitable arm of the ISBA.

I am a career long member of the Advocates Society (Polish American Lawyers and Judges). I am also a member of the National Advocates Society. I was a member of the Judicature Society until it disbanded. The Judicature Society was an organization which endeavors to study and make recommendations for improvements in the state and federal judicial systems. I was a member of the Southwest Bar Association which is a local bar association of lawyers and judges in southwest Cook County. The South Suburban Bar Association (organization of lawyers and judges in south suburban Cook County) awarded me the Honorable Edwin Richardson Humanitarian Award in 1999.

I was an Alumni Representative of Northern Illinois University, College of Law, Alumni Association from 1988 to 1994. I was awarded the College of Law Alumni Outstanding Service Award (first one awarded) in 1996. Northern Illinois University awarded me the University's Outstanding Alumni Award in 2002.

I was a member of the Board of Directors of the Family Service and Mental Health Center of Cicero from 1981 until 1999.

Exhibit D