

Exhibit 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 1

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

ROBERT LINDSEY and GERMAIN)
SIMS,)
Plaintiffs,)
vs.) No. 19-CV-2347
CITY OF CHICAGO, et al.,)
Defendants.)

The videotaped deposition of GERMAIN
SIMS, called by the Defendants for
examination, taken pursuant to notice and
pursuant to the Federal Rules of Civil Procedure
for the United States District Courts pertaining
to the taking of depositions, taken at the
offices of Mohan Groble Scolaro, P.C., 55 West
Monroe Street, Suite 1600, Chicago, Illinois,
before Kari Wiedenhaupt, Certified Shorthand
Reporter commencing at 10:00 a.m. on
April 25, 2025.

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 2

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 3

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12 ALSO PRESENT: Nate Karney, Videographer.
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 4

1	I N D E X	
2	WITNESS	PAGE
3	GERMAIN SIMS	
4	Examination by Mr. Pallas	7
5	Examination by Mr. Gainer	119
6	Examination by Ms. Olivier	161
7	Further Examination by Mr. Pallas	201
8	Examination by Mr. Flaxman	203
9	Further Examination by Mr. Gainer	204
10		
11		
12		
13		
14		
15	E X H I B I T S	
16	NUMBER	MARKED FOR ID
17	Sims Deposition Exhibit	
18	No. 1	61
19	No. 2	82
20	No. 3	92
21	No. 4	102
22	No. 5	110
23		
24		

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 5</p> <p>1 THE VIDEOGRAPHER: For the record, my name is 2 Nate Karney of Video Instanter. I'm the 3 video-recording device operator for this 4 deposition. Our business address is 5 134 North LaSalle Street, Suite 1400, Chicago, 6 Illinois 60602. This deposition is being video 7 recorded pursuant to the Federal Rules of Civil 8 Procedure and all other applicable rules. 9 We're at 55 West Monroe Street, 10 Chicago, Illinois, to take the video-recorded 11 deposition of Germain Sims in the matter of 12 Germain Sims and Robert Lindsey versus City of 13 Chicago et al., Case No. 19 CV 2347 in the 14 United States District Court for the Northern 15 District of Illinois, Eastern Division. 16 Today's date is April 25th, 2025, and 17 the time is 10:00 p- -- 10:00 a.m. Excuse me. 18 This deposition is being video recorded at the 19 instance of the defendant and is being taken on 20 behalf of the defendant. 21 Would the attorneys present please 22 introduce yourself for the record by stating who 23 you represent, please? 24 MR. FLAXMAN: Joel Flaxman for the witness.</p>	<p style="text-align: right;">Page 7</p> <p>1 Court of Illinois. 2 GERMAIN SIMS, 3 having been first duly sworn, was examined and 4 testified as follows: 5 EXAMINATION 6 BY MR. PALLAS: 7 Q. Mr. Sims, I'm going to ask you a series 8 of questions. Your attorney may have told you 9 that we're going to need you to answer verbally 10 to my questions; in other words, with words, yes 11 or no, as opposed to a shake of the head or 12 shrug, something like an "uh-huh" or "uh-uh." 13 We're going to need yes-or-no-type answers. 14 Okay? 15 If you don't understand my question, 16 I'll be happy to repeat it or rephrase it for 17 you. And, you know, please allow me time to 18 complete my question because sometimes you'll 19 know where I'm headed, and you'll anticipate and 20 you'll maybe break in, but that's going to make 21 it tougher for the court reporter to transcribe 22 our -- our conversation. 23 Finally, if you need to take a break 24 for any reason, you -- comfort or otherwise,</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. PALLAS: Eric Pallas for Kallatt 2 Mohammed. 3 MR. GAINER: Jack Gainer for Ronald Watts. 4 MR. FLAXMAN: Kelly Olivier, O-L-I-V-I-E-R, 5 on behalf of the Hale & Monico individual 6 defendants. 7 MR. BURNS: Good morning. 8 Daniel Burns on behalf of the City of 9 Chicago, Phillip Cline, and Debra Kirby. 10 THE VIDEOGRAPHER: Would the court reporter 11 please introduce yourself and please swear in 12 the witness? 13 THE COURT REPORTER: Kari Wiedenhaupt with 14 Royal Reporting Services. 15 (Whereupon, the witness was duly 16 sworn.) 17 MR. PALLAS: Thank you, sir. 18 Will you please state your name for the 19 record? 20 THE WITNESS: My name is Germain Sims. 21 MR. PALLAS: Let the record reflect this is 22 the deposition of Germain Sims taken pursuant to 23 the Federal Rules of Civil Procedure and the 24 applicable local rules of the Northern District</p>	<p style="text-align: right;">Page 8</p> <p>1 feel free to do so other than when there's a 2 pending question. 3 Okay? 4 A. Yes. 5 Q. Okay. Good. All right. 6 So, now, first of all, your name is 7 Germain Sims, and that is spelled 8 G-E-R-M-A-I-N -- 9 A. Yes. 10 Q. -- correct? Okay. 11 Now, we're here today for -- as you 12 know, for a case involving your 13 October 15th, 2009, arrest and conviction. 14 Do you remember that incident as we're 15 sitting here today? 16 A. Yes. 17 Q. Okay. Did you look at any documents 18 over the past several weeks to help you remember 19 the incident? 20 A. No. 21 Q. Okay. So you have not seen -- am I 22 correct; you have not seen the arrest report? 23 A. No. 24 Q. Okay. Have you seen an affidavit that</p>

5 (Pages 5 to 8)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 9	Page 11
<p>1 you prepared in 2018?</p> <p>2 A. No.</p> <p>3 Q. Okay. So you've literally seen nothing</p> <p>4 having to do with this case?</p> <p>5 A. No. Ah -- no.</p> <p>6 Q. Okay. Now, over the course of your</p> <p>7 lifetime, have you had any problems with your</p> <p>8 memory?</p> <p>9 A. No. Ah -- no. I -- no.</p> <p>10 Q. Okay. And so you're -- you have a</p> <p>11 pretty good memory of these events of -- of</p> <p>12 October of 2009?</p> <p>13 A. Yes.</p> <p>14 Q. Oh, okay. All right. Well, let me --</p> <p>15 let's start out -- And I would like you to tell</p> <p>16 me what you remember.</p> <p>17 First of all, where was the arrest?</p> <p>18 A. The arrest was on 42nd and Prairie.</p> <p>19 Q. Okay. And what time of day was it, if</p> <p>20 you recall?</p> <p>21 A. It was in the morning time around</p> <p>22 probably like 10:00.</p> <p>23 Q. Okay. And who were you with at the</p> <p>24 time?</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And where were you coming from?</p> <p>3 A. I was coming from -- from my fianc e</p> <p>4 house off 61st and Cottage Grove.</p> <p>5 Q. Okay. Do you know where Robert was</p> <p>6 living at the time?</p> <p>7 A. No.</p> <p>8 Q. Do you know where he was coming from?</p> <p>9 A. No. I guess he was coming from home</p> <p>10 picking me up.</p> <p>11 Q. Okay. Do you know where he lived at</p> <p>12 that time?</p> <p>13 A. No.</p> <p>14 Q. Okay. Let's -- let's go back with</p> <p>15 Robert.</p> <p>16 How long have you known Robert?</p> <p>17 A. I've been knowing Robert since we</p> <p>18 stayed in the projects.</p> <p>19 Q. Okay. And which projects were those?</p> <p>20 A. That was, like, the Robert Taylors. I</p> <p>21 can't -- Bronzeville something. I -- I don't</p> <p>22 know. It was -- it was at 4120, one of these</p> <p>23 long buildings, a project.</p> <p>24 THE COURT REPORTER: Sorry?</p>
<p>1 A. I was with Robert Lindsey.</p> <p>2 Q. Anybody else?</p> <p>3 A. That's it.</p> <p>4 Q. Do you remember the events of that day</p> <p>5 that -- which took place before your arrest?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let's start out with when you</p> <p>8 first saw Robert Lindsey that day.</p> <p>9 A. When he picked me up from the -- the</p> <p>10 train station.</p> <p>11 Q. Okay.</p> <p>12 A. And --</p> <p>13 Q. I'm sorry.</p> <p>14 A. I apologize for that.</p> <p>15 Q. Okay. Well, you answered the question,</p> <p>16 and I'm sure your lawyer is going to tell you</p> <p>17 just answer the question. Don't give me</p> <p>18 everything else. So you're -- you're</p> <p>19 well-trained on that.</p> <p>20 So now -- okay. So where was the train</p> <p>21 station?</p> <p>22 A. On 55th, the boulevard.</p> <p>23 Q. Okay. What is that? Was that the</p> <p>24 Green Line?</p>	<p>1 BY MR. PALLAS:</p> <p>2 Q. Okay.</p> <p>3 A. It was a project, a -- I don't know.</p> <p>4 The -- the Bronzeville. I think it's called</p> <p>5 Bronzeville, I think.</p> <p>6 Q. Okay. And this is on the 4100 block of</p> <p>7 South Prairie?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So how old were you when you</p> <p>10 first knew Robert?</p> <p>11 A. We was kids. We went to school with</p> <p>12 each other.</p> <p>13 Q. Did you?</p> <p>14 Where did you go to school?</p> <p>15 A. Fuller Elementary.</p> <p>16 Q. Okay. Now, are you guys the same age?</p> <p>17 A. No. He -- he older than me.</p> <p>18 Q. How much older?</p> <p>19 A. Probably two or -- two years or a year.</p> <p>20 Q. Okay. Now, I understand that Robert</p> <p>21 has some learning disabilities, and -- and I</p> <p>22 understand that you do, too.</p> <p>23 Am I correct?</p> <p>24 A. Yes.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 13</p> <p>1 Q. Okay. Were both of you in any special 2 programs at Fuller?</p> <p>3 A. Yes. He was in a -- he was in the MH 4 class, and I was in the LD class.</p> <p>5 Q. MH, what would that -- do you know 6 if --</p> <p>7 A. I don't --</p> <p>8 Q. -- what that would stand for?</p> <p>9 A. I don't know what that stand for. I 10 know the learning disability for me.</p> <p>11 Q. Is LD?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Now, and -- when did you get out 14 of grammar school, if you remember?</p> <p>15 A. I graduated in '05. I mean --</p> <p>16 Q. 1995?</p> <p>17 A. Yeah, 1995.</p> <p>18 Q. Okay. And after 1995, were you still 19 living at 41st and Prairie?</p> <p>20 A. Yes.</p> <p>21 Q. Was Robert?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Now, as I understand it then, 24 you went to high school --</p>	<p style="text-align: center;">Page 15</p> <p>1 about my language, but...</p> <p>2 Q. No problem. No problem. Okay.</p> <p>3 So you're saying you weren't close 4 friends?</p> <p>5 A. No, not -- not really, no.</p> <p>6 Q. Okay. All right. Let's -- let's jump 7 to 2009. Okay? We're talking about -- this is 8 in October of 2009.</p> <p>9 How frequently during that year would 10 you see Robert?</p> <p>11 A. Like every -- every day, every blue 12 moon when it's -- we outside.</p> <p>13 Q. Okay. Okay. Every -- I'm sorry.</p> <p>14 A. Every day, every day.</p> <p>15 Q. Every day?</p> <p>16 A. Yeah, every day.</p> <p>17 Q. But where would you see him?</p> <p>18 A. Like he'll be roaming around or fixing 19 some shit on the bike or doing something.</p> <p>20 Q. But this would be in the area of 41st 21 and Prairie?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What -- so in 2009, were you 24 still living at 41st and Prairie?</p>
<p style="text-align: center;">Page 14</p> <p>1 A. Ah...</p> <p>2 Q. -- for one year?</p> <p>3 A. Yes, yes.</p> <p>4 Q. Okay. And where was that again?</p> <p>5 A. King High School.</p> <p>6 Q. Okay. Do you know whether Robert 7 attended King High School?</p> <p>8 A. No.</p> <p>9 Q. You don't know or he didn't?</p> <p>10 A. No, no. He didn't, no.</p> <p>11 Q. Okay. Okay. Were -- during that 12 period of time in your early teens, were you 13 still in contact with Robert?</p> <p>14 A. Yeah, from my building.</p> <p>15 Q. Okay.</p> <p>16 A. We all stayed in the same project.</p> <p>17 Q. Okay. Was there any time from 1995 to 18 the time of this incident in 2009 -- that's 19 about 14 years -- where you lost touch with 20 Robert?</p> <p>21 A. No. We wasn't friends. We was just -- 22 we was -- like, we been in -- we was, like, into 23 it. We fighting each other and all just -- all 24 that type of shit in the project. I mean, sorry</p>	<p style="text-align: center;">Page 16</p> <p>1 A. 2000- --</p> <p>2 Q. Oh, no. I'm sorry. Let me back up a 3 second.</p> <p>4 I think you told me a few minutes ago 5 that in 2009 you were living with your fianc e?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And that was -- I wrote it down 8 someplace. Well, you'll have to tell me again 9 if you don't mind.</p> <p>10 Where was that?</p> <p>11 A. 61st and Cottage Grove.</p> <p>12 Q. Right. Sorry about that.</p> <p>13 And -- and do you know where Robert was 14 living at the time?</p> <p>15 A. Oh, no.</p> <p>16 Q. You said no. I apologize. I -- I've 17 got to start operating on all cylinders.</p> <p>18 MR. FLAXMAN: Did you get some coffee?</p> <p>19 MR. PALLAS: I -- I probably should have.</p> <p>20 BY MR. PALLAS:</p> <p>21 Q. So -- but during that period of time, 22 is it your testimony that you would see each 23 other almost daily in the area of 41st and 24 Prairie?</p>

7 (Pages 13 to 16)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 17</p> <p>1 A. Yeah. We -- he stayed around there. 2 We -- that's where I -- like, the little area we 3 hang out, like, the park, basketball court, 4 that's where we see each other at. 5 Q. Okay. So would it be fair to say that 6 although you were living at 61st and 7 Cottage Grove, you spent a lot of your 8 socializing time back in the area where you -- 9 A. Where my old -- the old area, yes. 10 THE COURT REPORTER: Sorry? 11 BY THE WITNESS: 12 A. Yes. 13 BY MR. PALLAS: 14 Q. All right. Let's -- let's -- let me go 15 back. 16 When did you first live at 41st and 17 Prairie? 18 A. Well, my mother moved there. 19 Q. And when -- how old were you? 20 A. I was young. I was a baby. 21 Q. Okay. 22 A. I can't -- can't -- I was a child. 23 Q. Okay. So most of your life? 24 A. Yes.</p>	<p style="text-align: center;">Page 19</p> <p>1 BY MR. PALLAS: 2 Q. Yeah. What -- 3 A. I mean, with my fianc e, or I stay with 4 my mama. 5 Q. Okay. And who's your fianc e? 6 A. Her name Vicky. 7 Q. Vicky what? 8 A. Vicky -- I forgot her last name. I 9 don't know her last name. 10 Q. Okay. I hope -- I hope you'll get to 11 know her before you decide to get married. 12 A. No. I ain't marry no woman now. 13 Q. Okay. Got you. Was this the same -- 14 did you have a different fianc e -- 15 A. I had a different fianc e, yes, back 16 then. 17 Q. You've got to let me finish my 18 question. 19 A. All right. I'm sorry, sorry, sorry. 20 Q. No problem. It takes a little 21 practice. 22 Who was your fianc e back in 2009? 23 A. Naquisha Hampton. That's my baby 24 mother, my baby mother.</p>
<p style="text-align: center;">Page 18</p> <p>1 Q. Okay. 2 A. Yes, yes. 3 Q. And who did you grow up with? Who 4 lived with you? 5 A. My mother and my sister. 6 Q. Okay. And your mom's name is? 7 A. Helen Sims. 8 Q. And what's your sister's name? 9 A. Equathy Sims. 10 Q. Okay. Are -- are both of these women 11 still alive? 12 A. Yes. 13 Q. Where does your mom live? 14 A. Where does my mom live now? 15 Q. Yeah. 16 A. 6048 South Prairie. 17 Q. Okay. And where does your sister live? 18 A. 6848 [sic] South Prairie. She's in the 19 same household. 20 Q. Okay. And how about you? Where are 21 you living today? 22 A. Right now I'm -- I'm with a fianc e, 23 back at my mama, like, just -- 24 THE COURT REPORTER: Sorry?</p>	<p style="text-align: center;">Page 20</p> <p>1 Q. Okay. And you're going to have to 2 spell -- Well, I know you have some issues 3 spelling. 4 A. Yeah. It's gonna be hard for me to 5 spell them. 6 Q. Okay. Can you repeat her first name? 7 A. Naquisha. 8 Q. Naquisha? 9 A. Yeah. 10 Q. Okay. And do we know her last name? 11 A. Hamilton. 12 Q. Hamilton. Okay. Now, you say Naquisha 13 is your baby mama. 14 How many children do you have? 15 A. I have four children. 16 Q. Are they all with La-- Naquisha? 17 A. No. 18 Q. Okay. How many kids are with Naquisha? 19 A. One. 20 Q. And what's that child's name? 21 A. Az- -- Azyrea Hamilton. 22 Q. Male or female? 23 A. Female. 24 Q. How old is she?</p>

8 (Pages 17 to 20)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 21	Page 23
<p>1 A. She -- she just made 20. 2 Q. Okay. And now we have three other 3 children -- 4 A. Yes. 5 Q. -- to account for. 6 Can you tell me their names and ages? 7 A. Germain, Jr. -- 8 Q. Yeah. 9 A. -- and Shikela Sims -- 10 Q. Okay. 11 A. -- and -- 12 Q. And who's their mom? 13 A. Misti Montgomery. 14 Q. Okay. And do you know where Misti 15 Montgomery lives? 16 A. Not at this time right now. 17 Q. Okay. Are you in touch with those 18 children or Misti -- 19 A. They come -- they come -- 20 THE COURT REPORTER: Sorry? 21 MR. FLAXMAN: Yeah. Let him -- let him 22 finish. It's hard. 23 BY MR. PALLAS: 24 Q. It's hard. It's hard. You've got to</p>	<p>1 A. Yes. 2 Q. Okay. And your other daughter, I 3 believe -- 4 A. She stay with Misti, too. 5 Q. Okay. And how old is she? 6 A. She's 23 -- 23, 24 -- 24 or 25, one of 7 them. 8 Q. Okay. All right. Now we got another 9 child to talk about -- 10 A. Yes, that's the youngest. 11 Q. And what's that child's name? 12 A. Her name -- fuck, damn. I forgot my 13 damn daughter name. 14 Q. Oh. 15 A. Her name -- Az- -- did I -- Azyrea. 16 Q. Okay. 17 A. Did I say Azyrea? 18 Q. You did say Azyrea. 19 A. I did. Man, I forgot my fucking 20 daughter name. That's crazy. 21 Q. Are you in touch with her? 22 A. Yes. 23 Q. Is she -- 24 A. Her name Jaliyah, Jaliyah. Jaliyah</p>
<p style="text-align: center;">Page 22</p> <p>1 get used to it. It's not a real conversation 2 we're having. 3 A. Sorry. 4 Q. We're having a legal conversation. 5 A. All right. 6 Q. Go ahead. 7 MR. FLAXMAN: Why don't you just state the 8 question again. 9 BY MR. PALLAS: 10 Q. I'm sorry. I think where -- Well, 11 first of all, let me just ask, are you 12 in touch -- you're not in touch with Misti 13 anymore? 14 A. No. 15 Q. Okay. Are you in touch with the 16 children? 17 A. Yes. 18 Q. Okay. And how old is Germain, Jr.? 19 A. Germain is 22 -- 22 or 21, right? 20 Q. Okay. Where does he live? 21 A. He stay with his mother. 22 Q. Okay. Wherever that is? 23 A. Yeah. I don't know. 24 Q. Okay. In the city of Chicago?</p>	<p style="text-align: center;">Page 24</p> <p>1 Sims. I'm sorry about that. 2 Q. Okay. 3 A. All right. 4 Q. Yeah. 5 A. And that's a different baby mother. 6 Q. Got you. 7 Who's that baby mom? 8 A. Her name is Jasmine. 9 Q. Okay. And you've never been married? 10 A. No. 11 Q. And you don't intend to get married? 12 A. No. 13 Q. Yeah, good. Okay. So let's go back to 14 the day of the incident. 15 So Robert picked you up at the train 16 station on 55th? 17 A. Yes. 18 Q. How was that arranged? Did you call 19 him? Did he call you, or did you have previous 20 plans? 21 A. I called him to pick me up. He was, 22 like, the only ride I could have to take me to 23 Power & Son. 24 Q. And why was he the only ride? Was he</p>

9 (Pages 21 to 24)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 25</p> <p>1 the -- 2 A. Because he was -- he had a car at that 3 time. 4 Q. Okay. And is that the only reason you 5 thought to call him? 6 A. Yeah. 7 Q. Okay. There were other people you were 8 closer with, but they didn't have a car -- 9 A. They didn't have a car. 10 THE COURT REPORTER: Sorry? 11 THE WITNESS: Sorry. Oh, sorry. 12 BY MR. PALLAS: 13 Q. There were other people, but they 14 didn't have cars who you were closer with? 15 A. Yes. 16 Q. Okay. So -- all right. 17 So as I understand it then, he picked 18 you up and he took you where? 19 A. To Power & Son. That's, like, a -- a 20 construction company for landscaping. 21 Q. Okay. And as I understand, it was -- 22 Well, you had a relationship with Power & Son at 23 that time? 24 A. Yes.</p>	<p style="text-align: center;">Page 27</p> <p>1 A. Yes. 2 Q. Okay. In -- now, how far -- Well, 3 was -- was Robert -- did you arrive there for 4 Robert to drop you off? 5 A. No. 6 Q. Okay. Why did you go there? 7 A. We went there to talk to a mechanic. 8 Q. Okay. And that mechanic's name was 9 Bug, if I understand correctly, correct? 10 A. Yes. 11 Q. Do you know Bug's real name, government 12 name? 13 A. No. 14 Q. Okay. And I understand also that his 15 nickname was White Boy Bug; is that correct? 16 A. Yes. 17 Q. Okay. And, in fact, he was a white 18 Caucasian male, is that -- am I right? 19 A. Yes. 20 Q. Okay. Now, do you have any 21 understanding of what kind of problems Robert 22 was having with the car? 23 A. No, not at that time. 24 Q. Did you learn at the time you were with</p>
<p style="text-align: center;">Page 26</p> <p>1 Q. Okay. And what -- what -- were you 2 working for them? 3 A. Yes. 4 Q. And how long had you been working for 5 them? 6 A. I just -- I just started, like, two 7 weeks ago before I got the job. 8 Q. Mm-hmm. 9 A. And when we -- when I got the job, they 10 wanted me to bring my state ID, birth 11 certificate and social security card before I 12 could get my union card. 13 Q. Got you. 14 And is that the reason that you went 15 over to Power & Son that day? 16 A. Yes. 17 Q. Okay. And did you provide them with 18 that -- those documents at the time? 19 A. Yes. 20 Q. Okay. And then I understand you guys 21 went out to breakfast or lunch, right? 22 A. Yes. 23 Q. Okay. And then you returned near your 24 home at -- on Prairie?</p>	<p style="text-align: center;">Page 28</p> <p>1 him -- with Robert and Bug at 42nd and Prairie? 2 A. Excuse me? 3 Q. Did Bug tell Robert in your presence 4 what, if anything, needed to be repaired on the 5 car? 6 A. Ah -- 7 Q. If you remember. 8 A. No. No, I don't. But I -- I told him 9 that -- that my fianc e car needed to get fixed. 10 That was Jasmine's. And we were -- Robert was 11 talking to him and I was talking to him. I was 12 telling him what my fianc e needed fixed, and he 13 was telling what he needed fixed. 14 Q. Okay. Now, I understand Bug lived on 15 the 4200 block of Prairie? 16 A. Yes. 17 Q. Okay. 18 A. At that time. 19 Q. Okay. So Bug no longer lives there? 20 A. No. 21 Q. Do you know what the address was on -- 22 A. I -- 23 Q. -- 42nd and Prairie? 24 A. I don't remember the address, but it</p>

10 (Pages 25 to 28)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p>Page 29</p> <p>1 was -- no, no.</p> <p>2 Q. Okay. Do you know where Bug lives now?</p> <p>3 A. No.</p> <p>4 Q. Do you know if Bug lives now?</p> <p>5 A. No.</p> <p>6 Q. Okay. Okay. So you were -- as I</p> <p>7 understand it, you two guys were talking to Bug.</p> <p>8 What -- where were you? What -- were</p> <p>9 you in the car or outside the car?</p> <p>10 A. We was in the car.</p> <p>11 Q. And where was Bug?</p> <p>12 A. Bug was on the sidewalk.</p> <p>13 Q. Okay. So both of you were talking</p> <p>14 through --</p> <p>15 A. Through the car.</p> <p>16 Q. And I take it that Robert was driving?</p> <p>17 A. Yes.</p> <p>18 Q. And you were in the passenger's seat?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Okay. So then what happened?</p> <p>21 A. Then we talking to Bug and to -- like,</p> <p>22 three unmarked cars pull up in front of us.</p> <p>23 Like, they -- like, they was coming one way</p> <p>24 and -- and they parked in front of the car. So</p>	<p>Page 31</p> <p>1 cars pull up.</p> <p>2 All three pull up in front of you?</p> <p>3 A. One was like -- they, like, cut the car</p> <p>4 off, like, they --</p> <p>5 Q. Okay.</p> <p>6 A. -- cut the car off.</p> <p>7 THE COURT REPORTER: Cut the...</p> <p>8 BY THE WITNESS:</p> <p>9 A. I mean, they, like --</p> <p>10 BY MR. PALLAS:</p> <p>11 Q. Cut the car off?</p> <p>12 A. -- like, blocked the car off, I mean.</p> <p>13 Q. Okay. Okay. So one car is blocking</p> <p>14 you so you can't move southbound, right?</p> <p>15 A. One car in front of the car, and the</p> <p>16 other car on the side of the car, and one car --</p> <p>17 Q. And then behind?</p> <p>18 A. -- pulled in the back.</p> <p>19 Q. Got you. Okay. Now, so then what</p> <p>20 happens? Police come out of the car?</p> <p>21 A. They jumped out the car.</p> <p>22 Q. Okay. Now, the police had jumped out</p> <p>23 of the car.</p> <p>24 Were they -- the first police that you</p>
<p>Page 30</p> <p>1 they jumped out the car, and they jumped out.</p> <p>2 They asked Robert to get out. So they got him</p> <p>3 out, and they got me out. They came with a</p> <p>4 strip search, and I was, like, "Strip search?</p> <p>5 Why the fuck is y'all -- why y'all want to strip</p> <p>6 search us? Like, y'all could strip search us</p> <p>7 right here."</p> <p>8 And he was like, "Nah, nah." And then</p> <p>9 they got to getting on their phones, and two</p> <p>10 cars pulled off and went up to the street, to</p> <p>11 41st and Prairie, and they had a whole commotion</p> <p>12 going on down there, and they end up taking us,</p> <p>13 letting Bug go back into his house and took me</p> <p>14 and Robert.</p> <p>15 Q. We're going to have to break that down</p> <p>16 a little bit, but thanks. That gives me a nice</p> <p>17 overview.</p> <p>18 So you guys are parked facing in what</p> <p>19 direction?</p> <p>20 A. We were going back towards 43rd way.</p> <p>21 Q. Okay. So facing south towards 43rd</p> <p>22 Street?</p> <p>23 A. Yeah.</p> <p>24 Q. Three cars -- three unmarked police</p>	<p>Page 32</p> <p>1 observed, were they from the car in -- that was</p> <p>2 blocking you?</p> <p>3 A. I can't tell you. They all jumped out</p> <p>4 at the same time.</p> <p>5 Q. Okay. How many police officers in</p> <p>6 total?</p> <p>7 A. Probably like six or eight.</p> <p>8 Q. Okay. Now, were you familiar with any</p> <p>9 of those officers?</p> <p>10 A. The officers that -- that ride that</p> <p>11 area.</p> <p>12 Q. Okay. So are you saying that you had</p> <p>13 seen those officers before?</p> <p>14 A. They -- plenty of times. They -- they</p> <p>15 arrested me plenty of times.</p> <p>16 Q. Okay. So the -- at any particular</p> <p>17 time, did you learn the names of those officers?</p> <p>18 A. No. I just know them by face.</p> <p>19 Q. Okay. Okay. So can you describe the</p> <p>20 officers?</p> <p>21 Now, you're saying there is six to</p> <p>22 eight of them?</p> <p>23 A. They -- I don't -- I -- like, they had</p> <p>24 on plain clothes. It was Black, Mexican,</p>

11 (Pages 29 to 32)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 33</p> <p>1 chubby. It was -- like, they --</p> <p>2 Q. Okay.</p> <p>3 A. It was -- like, I can't --</p> <p>4 Q. Okay. How many Black officers do you remember?</p> <p>5 A. It was, like -- it was a lot of them, 6 you know, a couple -- it was, like -- it was a 7 lot of Black officers.</p> <p>8 Q. Okay.</p> <p>9 A. It was a lot of them.</p> <p>10 Q. Do you remember any white officers?</p> <p>11 A. Just -- he wasn't white. I think he 12 was, like, Latino or something --</p> <p>13 Q. Okay.</p> <p>14 A. -- or Mexican or something.</p> <p>15 Q. Okay. Are you saying there was one officer that you identified as being Latino?</p> <p>16 A. Probably, yeah, one.</p> <p>17 Q. Okay.</p> <p>18 A. One.</p> <p>19 Q. All right.</p> <p>20 A. White or Mexican. I don't know.</p> <p>21 Q. Okay. But the rest were -- the rest of the officers were Black?</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Yes.</p> <p>2 Q. Who -- was there a particular officer who directed you out of the car?</p> <p>3 A. It was the chubby officer.</p> <p>4 Q. A Black male?</p> <p>5 A. Yeah.</p> <p>6 Q. Any females?</p> <p>7 A. I didn't see no females.</p> <p>8 Q. Okay. So the chubby Black officer had you step out of the car.</p> <p>9 And then what did he do?</p> <p>10 A. He told me we was -- he wanted a strip 11 search, and I told him, "Shit, y'all can 12 strip-search me right here."</p> <p>13 Q. Okay. Were you placed in handcuffs at that time?</p> <p>14 A. No. My hands are still on the car.</p> <p>15 Q. Were you ever strip-searched?</p> <p>16 A. No.</p> <p>17 Q. Were you -- while your hands were on the car, am I correct that you were on the curb side of the car?</p> <p>18 A. No. We was on the si- -- we was on the 19 street.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. They was Black.</p> <p>2 Q. Okay. You mentioned chubby.</p> <p>3 How many of the officers were chubby?</p> <p>4 A. It was, like -- it was one of them, 5 chubby.</p> <p>6 Q. Okay. Were there -- and -- Well, did 7 you wind up interacting more with one officer 8 than the others?</p> <p>9 A. I was in -- I was -- I was snapping on 10 all of them. Like, "Why is -- why the fuck" -- 11 I mean, sorry about my language, but --</p> <p>12 Q. No problem.</p> <p>13 A. "Why y'all got us -- It's raining. 14 Y'all got us outside the car. Y'all talking 15 about a strip search. Y'all didn't find nothing 16 in the car. And then y'all telling -- y'all -- 17 y'all finna take us in after y'all just grabbed 18 all them people down there on 41st Street."</p> <p>19 Q. Okay.</p> <p>20 A. "Y'all got us on 42nd. So why is we 21 going into the station if you didn't find 22 nothing?"</p> <p>23 Q. Okay. So at some point, you were directed out of the car?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay.</p> <p>2 A. And then the -- in the street.</p> <p>3 Q. So were you and Robert standing next to each other on the street?</p> <p>4 A. Robert is on the front of the car. I 5 was on the side of the car. We was all -- both 6 on the hood of the car.</p> <p>7 Q. Okay. Did -- was there another police officer who was attending to Robert at that time?</p> <p>8 A. Yeah. I think searching him, searching 9 his pocket.</p> <p>10 Q. Okay.</p> <p>11 A. I don't know what officer it was. It 12 was a Black officer.</p> <p>13 Q. Okay. Were you searched out of -- were you patted down as well?</p> <p>14 A. Yes. And he -- and they told me that I 15 had on a U.S. Army jacket currency [sic]. I 16 ain't supposed to have it on. But that's why 17 they said they was taking me in, too, for that, 18 for an Army jacket. It was an Army 19 U.S.-something jacket, and they said I ain't 20 supposed to have it on. The chubby officer told</p>

12 (Pages 33 to 36)

Royal Reporting Services, Inc.
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 37	Page 39
<p>1 me that.</p> <p>2 Q. The chubby officer. Okay. Now, you 3 mentioned the commotion down the street.</p> <p>4 Where -- where exactly was that taking 5 place?</p> <p>6 A. The commotion when the -- the two 7 unmarked cars pulled off from us and went down 8 to the -- the street on 41st.</p> <p>9 Q. Okay.</p> <p>10 A. And that's when they got Will.</p> <p>11 Q. Okay. We'll be talking about Will in a 12 little while.</p> <p>13 But you're talking about a gentleman 14 who we now know his name is Will -- Willie 15 Brownlee; am I correct?</p> <p>16 A. Yes, yes.</p> <p>17 Q. Okay. Now, earlier in the case, am I 18 correct, that you thought that his name was 19 Willie Martin?</p> <p>20 A. Yes. I made a mistake.</p> <p>21 Q. Okay.</p> <p>22 A. I didn't have it.</p> <p>23 Q. Do you know a Will -- Willie Martin?</p> <p>24 A. No. I just know he was a handyman. He</p>	<p>1 Q. Yeah. Okay.</p> <p>2 A. And -- and I can see everything in the 3 middle of the street when we was in the street.</p> <p>4 Q. Okay. Where was Willie? Was he on the 5 sidewalk or --</p> <p>6 A. They had him in the street.</p> <p>7 Q. In the street as well?</p> <p>8 A. On 41st.</p> <p>9 Q. Got you.</p> <p>10 Now, you -- Those officers you 11 understand were the same officers who had 12 originally blocked you off, part of the 13 three-car --</p> <p>14 A. It was the same officers.</p> <p>15 Q. -- I'm sorry -- part of the three-car 16 group?</p> <p>17 A. Sorry.</p> <p>18 Yes.</p> <p>19 Q. Okay. Okay. Did -- the police 20 officers on 41st Street, were they interacting 21 with anybody else other than Willie Brownlee?</p> <p>22 A. They had a lot of people down there.</p> <p>23 Q. How many?</p> <p>24 A. I can't tell you. I know they -- When</p>
<p style="text-align: center;">Page 38</p> <p>1 was -- fix shit; like, fix bikes and fix shit.</p> <p>2 Q. Okay. Let me just be clear: When you 3 say that he was a handyman, are you talking 4 about Willie Brownlee?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. Yes.</p> <p>8 Q. And I'm asking you whether or not you 9 knew anybody named Willie Martin.</p> <p>10 A. I -- I made a mistake on his last name.</p> <p>11 Q. Okay. Okay. But there aren't two 12 people that you know, one Willie Martin and one 13 Willie Brownlee?</p> <p>14 A. No. I just made a mistake.</p> <p>15 Q. Okay. Okay. Good. All right.</p> <p>16 So, now, how did you know Willie?</p> <p>17 A. From the neighborhood, fixing stuff.</p> <p>18 Q. Okay. And how old was Willie?</p> <p>19 A. I can't tell you that. I don't know.</p> <p>20 Q. Okay. And how far away was Willie at 21 the time you were arrested?</p> <p>22 A. He was like -- this 40 and this 41st, 23 he on 41st and we on 42nd, like, probably like a 24 couple blocks down.</p>	<p style="text-align: center;">Page 40</p> <p>1 we got to the station, it was a lot of people 2 there.</p> <p>3 Q. Okay. So when you got to the station, 4 you saw Willie as part of a larger group of 5 people who had been arrested?</p> <p>6 A. No. I saw them taking Willie for a 7 strip search. They went -- when they got us 8 into the station, they handcuffed us to the 9 bench, and they took him in the back. He was 10 screaming and talking about he -- they can't 11 strip-search him. So they finally strip-search 12 him and came out -- came out with the -- with 13 the stuff and put it on the table.</p> <p>14 Q. Okay. Were you ever strip-searched?</p> <p>15 A. No.</p> <p>16 Q. Was Robert ever strip-searched?</p> <p>17 A. No.</p> <p>18 Q. Where was Bug during the time all this 19 was going on?</p> <p>20 A. They let Bug go. Bug went back into 21 his house.</p> <p>22 Q. Was Bug patted down at all?</p> <p>23 A. I don't think so.</p> <p>24 Q. Was there anybody else in the area when</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 41</p> <p>1 you were talking to Bug other than you three? 2 A. Just me and Robert. 3 Q. Okay. When did you learn you were 4 under arrest? 5 A. When we got into the station and they 6 put the shit on the table that they got off Will 7 and said that's me and his, me and Robert's. 8 Q. Okay. Okay. So as I understand it, 9 Willie Brownlee was taken to a back room. 10 When officers emerged, they put drugs 11 on the table in this area that you were -- 12 A. They -- 13 Q. You've got to let me finish the 14 question. 15 A. Oh, sorry. 16 Q. And I ask long questions. I'm sorry. 17 They -- they put it on the table where 18 you and -- in the same room where you and Robert 19 were handcuffed to the bench? 20 A. Yes. 21 Q. And then they said, "These drugs are 22 your drugs"? 23 A. Yes. 24 Q. And you understood that to mean that</p>	<p style="text-align: center;">Page 43</p> <p>1 Q. Okay. That's the first time you'd -- 2 A. No. It ain't the first time. It 3 was the -- he had been -- I've been getting 4 harassed with him a lot of times. They -- 5 whatever he couldn't find, he'll lock them up 6 for -- 7 THE COURT REPORTER: Sorry? 8 BY THE WITNESS: 9 A. I mean, whatever he couldn't get -- 10 find or nobody didn't have nothing for him, he 11 was going to take us in, so... 12 BY MR. PALLAS: 13 Q. Had he taken you in at any previous 14 time before this arrest? 15 A. Yes. He -- he gave me a delivery, but 16 I beat it once upon a time. And then we -- he 17 just kept locking me up. 18 Q. Okay. The arrest for delivery, when -- 19 when did that take place? 20 A. Oh, I don't know. When I -- when I 21 found out what I was charged with. 22 Q. But -- 23 A. At the -- at -- at the Cook County Jail 24 when they processed me. I mean, when I got out</p>
<p style="text-align: center;">Page 42</p> <p>1 they were going to arrest and prosecute you for 2 possession or delivery of a -- drugs? 3 A. Yes. At that time, I was -- 4 Q. Yeah. 5 A. I was bugged up at that time. Like, I 6 told they ass -- I told they ass, "Why is y'all 7 doing me like this? I'm trying to -- I'm doing 8 good getting me a job, and y'all finna put a 9 case on me." 10 Q. Mm-hmm, mm-hmm. Okay. 11 A. And I told them that God was going to 12 get they ass for it. 13 Q. Well, when -- How many officers came 14 out of the room with Brownlee? 15 A. Like three. 16 Q. Do you know who they were? 17 A. It was -- I remember Watts, Mohammed, 18 and -- and Al, Al -- Al, I think. That was Al, 19 the chubby one, I guess. 20 Q. Okay. 21 A. I don't know. 22 Q. All right. Well, let's back up. 23 How do you know Ron Watts? 24 A. When -- when we got to the station.</p>	<p style="text-align: center;">Page 44</p> <p>1 on bond or whatever. 2 Q. Yeah. 3 But I'm asking you this: You're saying 4 that he arrested you for delivery before this 5 incident; am I correct? 6 A. Yes. 7 Q. Okay. How long before the incident? 8 A. It was like probably a year, a year ago 9 or something like that, if I ain't mistaken. 10 Q. A year before? 11 A. Yeah, before. 12 Q. And where did that arrest take place? 13 A. That happened on 39th and Calumet. It 14 was really Prairie. They said it was Calumet, 15 but it was Prairie. 16 Q. Okay. And were there other officers 17 with him at that time? 18 A. Yeah. It was a lot of officers, his -- 19 yeah, his officers, his team. 20 Q. Do you remember anybody in particular? 21 A. The same ones. 22 Q. The same ones? 23 A. They're the same officers. 24 Q. Okay. Now, other than -- Well, how</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 45</p> <p>1 many times were you arrested by Watts's team? 2 A. Several times. I can't -- several 3 times. 4 Q. Okay. And were there any charges 5 brought against you at that time? 6 A. Yeah. It was -- it was misdemeanors, 7 drug cases. 8 Q. Mm-hmm. 9 A. It was -- it was a couple cases. 10 Q. Okay. So am I correct that on those 11 occasions, you were able to bond out of the 12 station, the police station or were you -- 13 A. No. 14 Q. -- held? 15 A. No, no. No. 16 Q. Okay. You were held in custody -- 17 A. Yes. 18 Q. -- pending a resolution at trial? 19 A. I don't -- yes. I don't know. Yeah, I 20 guess. 21 Q. Okay. All right. Or in court, a 22 resolution in court? 23 A. Yes. 24 Q. Okay. Other than the arrests -- Well,</p>	<p style="text-align: center;">Page 47</p> <p>1 Q. Okay. Where was he? 2 A. He out the car with -- with the other 3 team. 4 Q. Okay. Had Mohammed ever been involved 5 with arresting you beforehand? 6 A. Yes. 7 Q. And how many times? 8 A. All the times they -- or all the times 9 I've been locked -- I mean, the couple of times 10 I've been locked up. 11 Q. Okay. Well, you've been locked up by 12 other officers other than the Watts -- 13 A. I'm talking about as far as me being -- 14 getting harassed and -- and -- by them. 15 Q. Okay. When you say "harassed," what -- 16 what exactly do you mean? 17 A. Like if we out kicking it or doing 18 anything, they'll pull up and just put us on the 19 wall just on bullshit, and then we'll start 20 arguing with them and why we getting harassed, 21 and we ain't doing nothing. 22 Q. Okay. And then did they drive away 23 after? 24 A. No, no. They hem us up. And, shit,</p>
<p style="text-align: center;">Page 46</p> <p>1 do you remember having any -- having any 2 conversations with Watts? 3 A. Where at? The police station? 4 MR. FLAXMAN: Do you want before the 5 incident? 6 BY MR. PALLAS: 7 Q. At any time. 8 Say before -- before this incident 9 before this 2009 arrest, had you had a chance -- 10 any chance to speak directly with -- 11 A. No, no. 12 Q. Okay. When you were testifying a 13 moment ago, you mentioned Officer Mohammed? 14 A. Yes. 15 Q. How did you know Officer Mohammed? 16 A. Through the arrests. He was lock -- 17 they -- him and his -- they team locked me up. 18 Q. Okay. So it was as a result of the 19 previous arrests that you recognized 20 Officer Mohammed? 21 A. Yes. 22 Q. Okay. Did you see Officer Mohammed on 23 the scene at 42nd and Prairie at the time? 24 A. Yes.</p>	<p style="text-align: center;">Page 48</p> <p>1 sometimes they take people to jail. Sometimes 2 they'll let them off or go and come back. 3 Q. Were there any times that -- when they 4 stopped you while you were with any of your 5 friends or associates that they let you go but 6 arrested somebody else? 7 A. No. They -- they'll take us for 8 trespassing or sh- -- or somebody he want or 9 somebody they want. They'll take them or -- 10 Q. Mm-hmm. 11 Where were you arrested for 12 trespassing? What location? 13 A. In that -- in that area, 41st; like, 14 41st, if it -- we'll -- they'll be -- make us 15 move from right there. We'll move somewhere 16 else. They'll come right there, and it's, like, 17 hard for us standing out. We can't stand -- 18 THE COURT REPORTER: Sorry? 19 BY THE WITNESS: 20 A. It's hard for us to stand where we live 21 at. 22 BY MR. PALLAS: 23 Q. Okay. So are you saying that you were 24 arrested for trespassing at or around 4120 South</p>

15 (Pages 45 to 48)

Royal Reporting Services, Inc.
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 49</p> <p>1 Prairie where you lived? 2 A. Yes, like, in that area. 3 Q. Okay. In other public housing projects 4 in that area? 5 A. No. Yeah, yeah, yeah, it is. It's, 6 like, little row houses and -- 7 Q. Mm-hmm. 8 Do you recall any specific areas there 9 where you were arrested for trespassing? 10 A. Indiana, 41st and Indiana, 41st and -- 11 39th and Prairie. 12 Q. Okay. 13 A. 42nd and Prairie, 41st and Prairie. 14 Q. Okay. Same area? 15 A. Same area. 16 Q. Okay. Have you -- before this date, 17 did you ever have any direct conversations with 18 Kallatt Mohammed? 19 A. No. 20 Q. Do -- did you have any conversations 21 with him that day of the arrest, October of 22 2009? 23 A. Yes. I had told them ass, "Y'all 24 locking me up is bogus. What the -- what the</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Got you. Okay. 2 Now, have you had any interactions with 3 Mohammed since this arrest? 4 A. No. 5 Q. Okay. Now, finally you mentioned Alvin 6 Jones, I believe? Al Jones? 7 A. Who is -- 8 Q. Officer Al Jones? 9 A. Oh, yeah, yeah. 10 Q. Okay. 11 A. That's the -- oh -- yeah, yeah. 12 Q. And who is he? 13 A. A police officer, I guess. 14 Q. Okay. How do you describe Jones? 15 A. He -- he chubby. 16 Q. Okay. Is he the chubby guy that you 17 were talking about? 18 A. If I ain't mistaken. I -- if I ain't 19 mistaken. I think so. 20 Q. Okay. Do you know an Officer Brown? 21 A. Brown -- I think Brown's the chubby 22 one. If I ain't -- I -- I just got to see their 23 picture before I know them. 24 Q. Okay. Let me just go back momentarily</p>
<p style="text-align: right;">Page 50</p> <p>1 fuck are y'all locking me up for? All my 2 paperwork on the dashboard that show y'all where 3 I just came from." 4 Q. Okay. So the conversation you had with 5 Mohammed was at 40 -- 6 A. Well, all of them. 7 Q. -- sorry. You've got to let me 8 finish -- was at the time of your arrest on 9 42nd -- 41st -- 42nd Street and Prairie? And I 10 think you're a little unclear. Let me start 11 over. 12 The conversation that you're talking 13 about having with Mohammed, that was on the 14 street before they took you to the station? 15 A. No. That was at the station. 16 Q. Oh, okay. 17 Do you remember having any 18 conversations with Mohammed on the street? 19 A. About the strip search, yes. 20 Q. Okay. And that was a conversation that 21 was directed to all the officers, correct? 22 A. Yes. 23 Q. Not just Mohammed? 24 A. All the officers.</p>	<p style="text-align: right;">Page 52</p> <p>1 to your current living situation. 2 Are you contributing rent to your 3 fiance when you stay with her? 4 A. Yes. 5 Q. Okay. Do you contribute rent to your 6 mom? 7 A. No. 8 Q. Okay. How much rent do you contribute 9 to your fiance? 10 A. Whatever I could come up with after I 11 get through washing cars. 12 Q. Okay. All right. So you're washing 13 cars right now? 14 A. Yes. That's what I was doing for a 15 living, washing cars. 16 Q. Okay. Are you full-time employed at a 17 car wash or -- 18 A. No, no. I just -- like a handyman. 19 MR. FLAXMAN: Make sure -- make sure you let 20 him finish the question. 21 THE WITNESS: All right. 22 BY MR. PALLAS: 23 Q. Okay. All right. 24 So, basically, you have your own</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 53	Page 55
<p>1 equipment, and if I were to say, "Hey, I need my 2 car washed," you'd -- 3 A. Yes. 4 Q. You're what they call freelance, right? 5 You don't know free- -- 6 A. However -- however you call it. 7 Q. You're on your own? self-employed? 8 A. Yes. 9 Q. And how much money do you make a week 10 washing cars? 11 A. It depends how many cars I wash. 12 Q. Sure. 13 What do you charge per car? 14 A. Probably 15, 20. 15 Q. Okay. 16 A. It depends who you is. 17 Q. All right. Do you want me to pull up 18 my car for you? I'm joking. 19 MR. FLAXMAN: Objection. 20 BY MR. PALLAS: 21 Q. Okay. All right. How long have you 22 been living with your fiance, your current 23 fiance? 24 A. When I met her. She -- it ain't been</p>	<p>1 Q. How much do you get per month? 2 A. Probably like 960. 3 Q. Okay. And you make a little extra 4 money washing cars? 5 A. Washing -- yes. 6 Q. Okay. Do you make any money selling 7 drugs? 8 A. No. 9 Q. Do you drink alcohol? 10 A. No. 11 Q. You smoke cannabis? 12 A. Yes. 13 Q. Okay. Still pretty frequently? 14 A. Yes. 15 Q. Okay. When's the last time you had 16 some? 17 A. Probably last week sometime. 18 Q. Okay. And -- I -- I have seen, of 19 course, that you have a health history. 20 Are you currently on any prescription 21 meds? 22 A. I don't take them -- 23 Q. Mm-hmm. 24 A. -- because I get sick, and I -- and I</p>
<p>1 that long. Probably like two, two or 2 three years. 3 Q. Okay. 4 A. Two years. 5 Q. Where did you live before then? 6 A. With my mother. 7 Q. Okay. On 60- -- 68th and Prairie? 8 A. No. My mother stayed at 40- -- 4120. 9 Q. Okay. 10 A. Oh. She stay 61st and Prairie now, 11 yeah. 12 Q. Oh, 60- -- yeah. Okay. 13 We were talking about you working for 14 two weeks at Power & Son. 15 Since that time, have you had any 16 full-time employment? 17 A. No. Not really because my background 18 is shot. So it's hard for me to get a job right 19 now. 20 Q. Understood. 21 Now, am I correct that your major 22 source of income right now is social security 23 disability? 24 A. Yes.</p>	<p>1 can't have no bowel movement when I take the 2 medicine. 3 Q. Ah, okay. 4 So the medicine is for what? 5 A. Stress. 6 Q. Okay. 7 A. Just stress. 8 Q. Okay. And you don't know what -- what 9 the medicine is or do you know what the medicine 10 is? 11 A. I don't -- I don't know. I ain't -- I 12 ain't trying to take it. 13 Q. Okay. Nothing that you'd take is or 14 would affect your ability to answer my questions 15 today? 16 A. No. 17 Q. Okay. All right. So, now, do you 18 remember -- I want to go back to 2019 where we 19 have a snapshot of you applying for social 20 security disability. Okay? And you were 21 interviewed by a professional, and you told them 22 at that time that you had difficulty in school 23 and you had been placed in special ed classes. 24 Do you remember that?</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 57</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And that was true at the time?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And also that you had dropped 5 out of high school after one year?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, the -- why did you drop out 8 of high school?</p> <p>9 A. Because I was -- I felt -- I felt the 10 shame of myself in front of the classroom trying 11 to read out, and -- and I ain't just -- and I 12 ain't wanted to go back.</p> <p>13 Q. Okay. During the year that you 14 attended high school, it appears that you were 15 not able to get any high school credits.</p> <p>16 Is that right? You failed every 17 course?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, was that because -- Well, 20 let me put it this way: Was that simply because 21 you weren't showing up?</p> <p>22 A. That's because of my learning 23 disability. I was ashamed to be in front of the 24 reading -- trying to read out loud, and I</p>	<p style="text-align: center;">Page 59</p> <p>1 in 2019, you also indicated to the evaluator 2 that when you were in prison, you had been 3 offered what we call psychotropic medication.</p> <p>4 Do you know what that is?</p> <p>5 A. No, I don't. But I wouldn't have taken 6 it if they did prescribe me the medicine.</p> <p>7 Q. Yes. And, in fact, you mentioned that 8 during your interview that you didn't feel 9 comfortable taking medication while you were in 10 prison?</p> <p>11 MR. FLAXMAN: Objection, foundation.</p> <p>12 BY MR. PALLAS:</p> <p>13 Q. Okay. Oh, okay. Well, we will get 14 back to that foundation later.</p> <p>15 Is that true, that you felt that you --</p> <p>16 A. Yeah, yes.</p> <p>17 Q. -- that -- yeah.</p> <p>18 You felt uncomfortable taking 19 medication in prison?</p> <p>20 A. Yes.</p> <p>21 Q. Why?</p> <p>22 A. Because I didn't want to take the 23 medicine. I wasn't taking it out here. So why 24 would I take it in prison?</p>
<p style="text-align: center;">Page 58</p> <p>1 couldn't do it.</p> <p>2 Q. Okay. I understand. And I'm not 3 trying to make you feel uncomfortable.</p> <p>4 But it would -- it would seem to me 5 that that frustration might result in a lot of 6 just saying "I'm not going in to school"?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So, I mean, a lot of your record 9 could be explained by the fact you simply 10 weren't there?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Were -- were you just -- did you 13 just blow it off your freshman year, or were you 14 actually going in to class?</p> <p>15 A. I was -- I was going, and then I wasn't 16 going.</p> <p>17 Q. Okay. Okay. What -- can you break it 18 down; like, what percentage, let's say, in a 19 five-day week?</p> <p>20 A. Some -- sometimes I'd go. Sometimes I 21 won't. Like, if it -- if it's -- if they -- if 22 I feel that was -- they was going to pick me out 23 to read, then I wouldn't go.</p> <p>24 Q. Okay. Now, when you were interviewed</p>	<p style="text-align: center;">Page 60</p> <p>1 Q. Okay. Is that because you didn't trust 2 the prison officials?</p> <p>3 A. It didn't -- I just wouldn't have taken 4 it.</p> <p>5 Q. Okay.</p> <p>6 A. It don't make me feel right.</p> <p>7 Q. What was the -- Why did they think you 8 needed the medication? What condition was it 9 for?</p> <p>10 A. I don't -- I don't know.</p> <p>11 Q. Was it because of stress?</p> <p>12 MR. FLAXMAN: Objection, foundation, asked 13 and answered.</p> <p>14 BY MR. PALLAS:</p> <p>15 Q. If you -- if you know.</p> <p>16 A. No, no.</p> <p>17 Q. Okay. Have you ever had any 18 hallucinations?</p> <p>19 A. No.</p> <p>20 Q. Have you had -- ever had any incidents 21 where you lost touch with reality?</p> <p>22 A. No.</p> <p>23 Q. You also reported that your mother was 24 an addict --</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 61	Page 63
<p>1 MR. FLAXMAN: Objection. 2 BY MR. PALLAS: 3 Q. -- is that true? 4 MR. FLAXMAN: Objection, form, foundation. 5 BY THE WITNESS: 6 A. No. 7 BY MR. PALLAS: 8 Q. No? 9 A. (Nonverbal response.) 10 Q. Well, let's -- let's break that down. 11 Do you recall telling an evaluator in 12 2019 that your mother was an addict? 13 A. No. 14 Q. Has your mother ever been an addict? 15 A. No, not if I know that, shit. 16 Q. Okay. Do you know whether your mother 17 has ever taken illegal drugs? 18 A. No. 19 MR. PALLAS: Okay. All right. Let's -- 20 let's mark this Exhibit 1, please. 21 (Whereupon, Sims Deposition 22 Exhibit No. 1 was marked for 23 identification.) 24 MR. PALLAS: For those on Zoom, it's the</p>	<p>1 A. I guess -- I guess what I talked about, 2 I guess. 3 Q. Okay. And you understood that when you 4 talked about it in this document, you swore to 5 the truth of it? 6 A. Yes. 7 Q. Okay. And if I may direct your 8 attention to the last page here -- 9 MR. FLAXMAN: It's the -- 10 BY MR. PALLAS: 11 Q. -- page 4? 12 MR. FLAXMAN: Yeah. Turn to the last page. 13 BY MR. PALLAS: 14 Q. That -- that's your signature? 15 A. Yes. 16 Q. Okay. Now, did you actually prepare 17 this document? 18 MR. FLAXMAN: Objection. I'm instructing the 19 witness not to answer. It's attorney-client 20 work product and privilege. 21 BY MR. PALLAS: 22 Q. Okay. All right. I'm going to ask 23 you, are you going to follow your attorney's 24 advice and not answer the question?</p>
<p style="text-align: center;">Page 62</p> <p>1 affidavit of Germain Sims. Here, I've got it. 2 Did I give a -- a copy to -- 3 THE COURT REPORTER: Sorry. I have to -- 4 MR. GAINER: There should be one. I can pull 5 it up. 6 MR. PALLAS: No. It's not a problem. Oh, 7 sorry. I didn't mean to throw it at you. Okay. 8 BY MR. PALLAS: 9 Q. Now, I know you have difficulty 10 reading, but you -- have you ever seen this 11 document before? 12 A. Yes. 13 Q. Okay. And do you know what it is? 14 A. A document, like a -- 15 Q. Okay. It's a -- we call it an 16 affidavit. Okay? 17 Do you understand that? 18 A. Yes, yes. 19 Q. Okay. And what do you understand an 20 affidavit to be? 21 MR. FLAXMAN: Objection, foundation. 22 Go ahead. 23 BY MR. PALLAS: 24 Q. If you --</p>	<p style="text-align: center;">Page 64</p> <p>1 A. Yes. 2 Q. Of course. 3 MR. PALLAS: Now, may we agree that in the 4 future if you give that instruction, I don't 5 have to go through the rigmarole of asking him 6 whether he'll accept your advice? 7 MR. FLAXMAN: Sure. 8 MR. PALLAS: Okay. 9 MR. FLAXMAN: No one has ever asked me that 10 before. 11 MR. PALLAS: Well, I mean, I -- I don't see 12 much point. 13 BY MR. PALLAS: 14 Q. You -- let me put it this way: Any 15 time Mr. Flaxman instructs you not to answer, 16 you're going to follow his advice; am I correct? 17 A. Yes. 18 Q. Okay. Good. All right. 19 Whose idea was it to draft the 20 affidavit? 21 MR. FLAXMAN: Objection, attorney-client 22 privilege, work product privilege. 23 I instruct the witness not to answer. 24 BY MR. PALLAS:</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 65</p> <p>1 Q. How long did the affidavit take to 2 prepare? 3 A. Like, what do you mean by that? Sorry 4 about that. 5 MR. FLAXMAN: Yeah. I -- I guess I'd just 6 ask you that. I mean, I -- I think there's a 7 way you can ask that, but I want you to lay a 8 better foundation for what you're asking him. 9 BY MR. PALLAS: 10 Q. Okay. Well, let me ask you this: Is 11 this -- the first time you saw this affidavit, 12 was that -- were you in your attorney's office 13 at the time? 14 A. Yes. 15 Q. Okay. And do you know whether the 16 affidavit was prepared on the same day that you 17 signed it? 18 MR. FLAXMAN: That -- 19 BY MR. PALLAS: 20 Q. That is, September 14th of 2018? 21 MR. FLAXMAN: Objection to attorney-client 22 privilege and attorney work product. 23 Instruct the witness not to answer. 24 BY MR. PALLAS:</p>	<p style="text-align: center;">Page 67</p> <p>1 Q. In other -- 2 A. I don't -- 3 Q. Yeah. 4 A. Could you -- could you say that -- 5 Q. Yeah. 6 Did you remember -- did you remember 7 the incident surrounding this arrest better at 8 the time you signed the affidavit back in 9 2018 -- 10 A. I don't -- 11 Q. -- than you do today? 12 A. I don't get where you coming from with 13 that, but I don't -- I don't understand what 14 you -- what you getting at right there. 15 Q. Okay. All right. As we sit here 16 today -- and we will go through this a bit, but 17 do you stand by the accuracy of what's in your 18 affidavit? 19 MR. FLAXMAN: Objection, form, foundation. 20 BY THE WITNESS: 21 A. Do -- do I under- -- 22 BY MR. PALLAS: 23 Q. Do you stand by the truth -- 24 A. Yes, yes.</p>
<p style="text-align: center;">Page 66</p> <p>1 Q. Was -- your memory of this arrest and 2 prosecution, was it better in 2009 when you were 3 arrested than it was nine years later when you 4 signed the affidavit? 5 A. I don't -- no. You said was it 20 6 years -- I don't -- I don't get that question. 7 Q. Okay. Let me try it again: Were these 8 events pressure in your -- were these events 9 fresher in your mind in 2009 when they happened 10 than they were when you prepared the affidavit 11 in 2018? 12 MR. FLAXMAN: Objection, form. 13 Go ahead. 14 BY THE WITNESS: 15 A. Yes. I guess. 16 BY MR. PALLAS: 17 Q. Okay. 18 A. I don't know. I guess. 19 BY MR. PALLAS: 20 Q. Okay. Was your memory better in 2018 21 when you prepared the affidavit than it is 22 today? 23 MR. FLAXMAN: Objection, form, foundation. 24 BY MR. PALLAS:</p>	<p style="text-align: center;">Page 68</p> <p>1 Q. -- okay -- of what's in the affidavit? 2 A. Yes. 3 Q. All right. I'm going to go to page 2, 4 paragraph 12. And what it says there is, 5 "While -- While handcuffed to the bench, I saw 6 some of the officers who had stopped us bring 7 Willie Martin to [sic] the station." 8 So let me -- let me start this way -- 9 MR. FLAXMAN: I don't know if you -- you -- I 10 don't know if you said to or into. 11 MR. PALLAS: Into the -- well, whatever. 12 Into the station. Okay. 13 MR. FLAXMAN: Bring Willie Martin into the 14 station. 15 MR. PALLAS: Okay. Good. 16 BY MR. PALLAS: 17 Q. In any event, how long after you were 18 in the station did they bring Willie in? 19 A. They brung him right in when -- when 20 they brung us in. 21 Q. Okay. Were you guys transported to 22 the -- in the same vehicle? 23 A. No. 24 Q. How did you get to the station?</p>

20 (Pages 65 to 68)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 69	Page 71
<p>1 A. I got to the station in the police 2 tr -- a -- a squad car, a -- a police truck. 3 Q. Okay. Let's make sure -- police 4 truck -- 5 A. The -- 6 Q. -- that is a paddy wagon? 7 A. No, no, not the wagon, but the box -- 8 the -- the -- the -- the -- the car, the Ford, 9 whatever -- 10 Q. SUV? 11 A. Yeah. 12 Q. Okay. Who drove you, if you know? 13 A. A blue and white. 14 Q. Okay. Uniformed officers? 15 A. Yes. 16 Q. Now, you mentioned before that Willie 17 was taken into another room. And according to 18 your affidavit on paragraph 14, he -- the 19 officers came out about 20 minutes later. 20 When they did, was Willie with them? 21 A. No. 22 Q. Okay. And correct me if I'm wrong, but 23 the officers you identified coming out of that 24 room were Watts, Mohammed, and Al, correct?</p>	<p>1 A. Yes. 2 Q. Was that the first time you spoke with 3 Willie about this arrest? 4 A. Yes, when I got out. 5 Q. Okay. And where was this conversation? 6 A. Back on 41st where they -- 42nd and 7 Prairie -- 8 Q. Okay. 9 A. -- where they picked him up at. 10 Q. Okay. And what did he tell you at that 11 time? 12 A. He didn't tell me nothing. I -- I 13 tried -- we need -- I needed his affidavit to 14 show them that -- they got the shit out of his 15 ass, and they had DNA feces on a plastic bag. 16 Q. Okay. All right. Well, that's new 17 information. 18 So -- so Willie told you that the 19 police had recovered drugs that he had stuffed 20 up his rectum? 21 A. Yes. 22 Q. And when you observed the bag that it 23 was contained in, you observed that it was 24 covered in feces?</p>
<p style="text-align: center;">Page 70</p> <p>1 A. Yes. 2 Q. Now, you also mentioned earlier that 3 you heard Willie yelling or screaming through 4 the door? 5 A. Yes. 6 Q. Okay. Tell me a little bit more about 7 that. 8 What did you hear? 9 A. He was hollering, "Rah, ah, ah, ah," 10 and that's all I heard. 11 Q. Okay. And you ultimately had an 12 occasion to talk to Willie; am I correct? 13 A. Yes. 14 Q. Okay. 15 A. After I got out of jail. 16 Q. Okay. When you say after you got out 17 of jail, do you mean after you got out of 18 prison? 19 A. Yes. 20 Q. Okay. 21 A. Yes. 22 Q. Okay. So it was at the end of -- it 23 was after you completed your sentence in this 24 case that you spoke with Willie?</p>	<p style="text-align: center;">Page 72</p> <p>1 A. It was feces on there. 2 Q. Okay. Now, did -- did Willie tell you 3 at the time how the police officers obtained 4 those drugs? 5 A. He said they got them out his ass. 6 Q. Okay. Now, just so I'm clear, you had 7 not seen Willie at all -- 8 A. No. 9 Q. -- the day of the arrest? 10 A. No. 11 Q. Okay. Now, you -- at the time you 12 spoke with Willie was the first time that you 13 learned that he was the source of those drugs? 14 A. I knew when I -- when they got us into 15 the station and when they got it off him, shit, 16 they put it on us. That's how I knew it was 17 and -- and shit. I -- when I got out of jail, I 18 was trying to get his affidavit, the -- the -- 19 appeal my case back. 20 THE COURT REPORTER: The appeal? 21 BY THE WITNESS: 22 A. I mean, get my case back going. 23 BY MR. PALLAS: 24 Q. Okay.</p>

21 (Pages 69 to 72)

Royal Reporting Services, Inc.
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 73</p> <p>1 A. The time I took. 2 Q. Okay. So you -- now, this is -- this 3 is when you got out of prison. 4 That would have been sometime around 5 2011? 6 A. Yeah, something like that, I think, 7 yeah. 8 Q. Okay. 9 A. If I ain't mistaken. 10 Q. So this would've been about seven years 11 before you signed this affidavit, correct? This 12 is in 2018. 13 A. Yes, I guess. 14 Q. Okay. 15 A. Yeah. 16 Q. When did you decide -- was it -- how 17 long before you signed your affidavit did you 18 have this conversation with Willie about getting 19 his affidavit? 20 A. Yes. I was -- I talked to him first to 21 get his affidavit. 22 Q. Mm-hmm. 23 A. To get in touch with an attorney. 24 Q. Okay. Were you represented by an</p>	<p style="text-align: center;">Page 75</p> <p>1 Q. And when you say "the lawyer," you mean 2 Mr. Flaxman? 3 A. Yes. 4 MR. FLAXMAN: So let me -- don't tell him 5 anything -- 6 THE WITNESS: All right. All right. 7 MR. FLAXMAN: -- that I might be telling you. 8 THE WITNESS: All right. 9 MR. PALLAS: Okay. Yeah. No. 10 THE WITNESS: Sorry about that. 11 MR. FLAXMAN: Move to strike. 12 MR. PALLAS: No problem. 13 BY MR. PALLAS: 14 Q. Now, am I correct that Willie Brownlee 15 is now deceased? 16 A. Yes. 17 Q. Okay. Do you know when he died? 18 A. No. 19 Q. Do you know how he died? 20 A. They say he got stabbed or shot or 21 something. I don't know. They just -- I 22 don't -- no, no, no. I don't know. 23 Q. Okay. But it's your understanding he 24 did not die of natural causes?</p>
<p style="text-align: center;">Page 74</p> <p>1 attorney at that time? 2 A. When I got locked up? 3 Q. No. When you had the conversation with 4 Willie. 5 A. No. I recorded that. 6 Q. You recorded this conversation? 7 A. Yes, off a cell phone. 8 Q. Do you still have that recording? 9 A. No, no. My -- I don't know where that 10 phone at right now. 11 Q. Okay. When -- how long -- did -- how 12 long did you keep the recording? 13 A. Probably that next day until I talked 14 to an attorney. 15 Q. And who -- 16 A. Probably one day. 17 Q. Who was the attorney you spoke with? 18 A. Joel Flaxman. 19 Q. Okay. Why did you believe you needed 20 an affidavit from Willie? 21 A. Because, I guess, the lawyer ain't 22 believe what I was -- like, what I was talking 23 about. So I needed him to tell the -- the 24 truth, what really happened.</p>	<p style="text-align: center;">Page 76</p> <p>1 A. No. 2 Q. Is that your understanding or -- 3 A. I don't know if he -- no, no. 4 Q. You -- 5 A. I don't know if he died of natural 6 causes or not. 7 Q. Okay. Let's talk about a few other 8 officers who you've sued. 9 Do you know who Brian Bolton is? 10 A. Like I told you before, I don't know 11 them officers til I see by face. 12 Q. Okay. Do you know who Robert Gonzalez 13 is? 14 A. No. I guess an officer. 15 Q. Do you know an officer named Manuel 16 Leano? 17 A. No. 18 Q. Do you know an officer named Elsworth 19 Smith? 20 A. No. 21 Q. Do you know an officer named Douglas 22 Nichols? 23 A. No. 24 Q. Am I correct, though, that if any of</p>

22 (Pages 73 to 76)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 77	Page 79
<p>1 these officers were Caucasian, they were not 2 involved in your arrest?</p> <p>3 MR. FLAXMAN: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I wouldn't --</p> <p>6 MR. FLAXMAN: Misstates testimony.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Oh, I got to see their picture. I 9 don't know. I don't know them by name. So I --</p> <p>10 BY MR. PALLAS:</p> <p>11 Q. Okay. All right. But you testified 12 earlier that there were no white officers on the 13 scene at the time; am I correct?</p> <p>14 A. I said --</p> <p>15 MR. FLAXMAN: Objection, misstates testimony.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I said they was Mexican or white. I 18 didn't say never say they wasn't. I just 19 said --</p> <p>20 BY MR. PALLAS:</p> <p>21 Q. Now, in this affidavit, paragraph 19, 22 which is on page 3, you say that you told your 23 lawyer, Dennis Sherman, that you were framed?</p> <p>24 A. Yes.</p>	<p>1 Q. How much? 2 A. Probably like 5,000, 4,000 or something 3 like that.</p> <p>4 Q. Okay. And where did you get the money? 5 A. My family.</p> <p>6 Q. Okay. The -- and you are saying that 7 you asked Mr. Sherman to get DNA off of the 8 bags?</p> <p>9 A. Yes.</p> <p>10 Q. And he refused to do so? 11 A. He was -- I guess he -- he wouldn't -- 12 he wouldn't do -- he wasn't doing nothing I 13 asked him to do.</p> <p>14 Q. Okay.</p> <p>15 A. So I had to get rid of him.</p> <p>16 Q. Okay. And then after that -- and, 17 well, he represented you, am I correct, in a 18 motion to suppress evidence?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. That's after I got rid of him, after we 22 lost the motion.</p> <p>23 Q. Okay. And then you were represented by 24 a public defender named Warren Richardson; am I</p>
<p style="text-align: center;">Page 78</p> <p>1 Q. Okay. First of all, let me ask you: 2 At what stage during this lawsuit did you hire 3 Mr. Sherman?</p> <p>4 MR. FLAXMAN: Objection.</p> <p>5 BY MR. PALLAS:</p> <p>6 Q. Excuse me?</p> <p>7 MR. FLAXMAN: You mean the criminal case?</p> <p>8 MR. PALLAS: The criminal case. I'm sorry.</p> <p>9 MR. FLAXMAN: Okay. You said the lawsuit.</p> <p>10 MR. PALLAS: I'm sorry. I apologize.</p> <p>11 BY MR. PALLAS:</p> <p>12 Q. Was Mr. Sherman the only lawyer who 13 represented you in this criminal case?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. I fired Mr. Sherman. I fired -- I 17 fired my attorney because he wouldn't get the 18 DNA off the plastic, and he wasn't going out to 19 take -- take pictures of the -- where -- where 20 they said this happened at. So I had to get rid 21 of him.</p> <p>22 Q. Okay. So, now, you had to pay 23 Mr. Sherman, right?</p> <p>24 A. Yes.</p>	<p style="text-align: center;">Page 80</p> <p>1 correct?</p> <p>2 A. Yes, sir. I don't -- I don't pronounce 3 the name -- I don't know the public defender's 4 name, but I know it was a public defender.</p> <p>5 Q. Okay. And eventually -- did you tell 6 the public defender that you were framed?</p> <p>7 A. Yes.</p> <p>8 Q. Did you tell -- did you ask the public 9 defender to obtain DNA evidence on your behalf?</p> <p>10 A. Yes.</p> <p>11 Q. And what did he tell you?</p> <p>12 A. He wouldn't -- he said that was gonna 13 be hard to get, so I'm -- it -- it was -- he -- 14 it was -- he was lack of -- he wouldn't take 15 care -- he wouldn't do the job neither, so --</p> <p>16 Q. Okay. All right. And, ultimately, 17 though, you decided to plead guilty to the 18 charges?</p> <p>19 A. Yes, for a lesser charge.</p> <p>20 Q. Okay. Well, when you say "a lesser 21 charge," you were convicted of delivery of a 22 controlled substance, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you pled guilty to that</p>

23 (Pages 77 to 80)

Royal Reporting Services, Inc.
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 81	Page 83
<p>1 crime on July 12th of 2010?</p> <p>2 A. Yes.</p> <p>3 Q. Does that make sense? Yeah?</p> <p>4 A. Yes.</p> <p>5 Q. And, in fact, you were then sentenced</p> <p>6 to four years in the IDOC?</p> <p>7 A. Yes.</p> <p>8 MR. PALLAS: Okay. Let me -- I just want</p> <p>9 to -- For the record, I'm going to -- well, I</p> <p>10 had originally designated this as Exhibit No. 4.</p> <p>11 I don't know whether we want to go in order or</p> <p>12 not.</p> <p>13 MR. FLAXMAN: It's your deposition.</p> <p>14 MR. PALLAS: Oh, thank you.</p> <p>15 MR. FLAXMAN: We can -- we can go letters if</p> <p>16 you want.</p> <p>17 MR. PALLAS: Come on. This is above my pay</p> <p>18 grade, Joel. You have to help me. All right.</p> <p>19 Let's -- well, let's just make it Exhibit 2,</p> <p>20 right?</p> <p>21 THE COURT REPORTER: Okay.</p> <p>22 MR. PALLAS: Okay.</p> <p>23 MR. FLAXMAN: Make it Exhibit XX and YY.</p> <p>24</p>	<p>1 And you said, "Yes, sir."</p> <p>2 Do you remember that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you understood what the</p> <p>5 charge was, what you were being charged with,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And then do you recall the judge</p> <p>9 asking the state's attorney for a factual basis</p> <p>10 for the plea; in other words, what the</p> <p>11 underlying circumstances were of your arrest?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And after the state's attorney</p> <p>14 had done that, you -- you heard that and you</p> <p>15 agreed to what the state's attorney had said?</p> <p>16 MR. FLAXMAN: Objection, form, foundation.</p> <p>17 You're misstating the transcript.</p> <p>18 MR. PALLAS: Okay. Well, you'll be able to</p> <p>19 work on that.</p> <p>20 BY MR. PALLAS:</p> <p>21 Q. Let me -- let me ask you this: At the</p> <p>22 end or towards the end on page 9 -- I thought it</p> <p>23 was page 9. It doesn't look like page 9. It</p> <p>24 must be page 7 -- do you recall the judge saying</p>
<p style="text-align: center;">Page 82</p> <p>1 (Whereupon, Sims Deposition</p> <p>2 Exhibit No. 2 was marked for</p> <p>3 identification.)</p> <p>4 MR. PALLAS: And this is obviously -- this is</p> <p>5 the guilty plea proceeding, folks.</p> <p>6 THE COURT REPORTER: Sorry...</p> <p>7 BY MR. PALLAS:</p> <p>8 Q. All right. You -- you recall appearing</p> <p>9 before Judge Flood in July of 2010?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And I'm referring you to page 2,</p> <p>12 but do you recall the judge telling you that he</p> <p>13 said -- and I quote -- "Mr. Sims, it's my</p> <p>14 understanding there's been a plea agreement</p> <p>15 reached between the state's attorney and your</p> <p>16 attorney and it contemplates you're [sic]</p> <p>17 withdrawing your plea of not guilty to the</p> <p>18 charge of possession of controlled substance</p> <p>19 with intent to deliver and entering a plea of</p> <p>20 guilty to that charge pursuant to the plea</p> <p>21 agreement.</p> <p>22 "Do you wish to withdraw your plea of</p> <p>23 not guilty and enter a plea of guilty to that</p> <p>24 charge?"</p>	<p style="text-align: center;">Page 84</p> <p>1 to you the following: "Sir, I want you to</p> <p>2 understand even though you have pled guilty you</p> <p>3 do have a right to appeal. In order to appeal,</p> <p>4 you must within 30 days of today's date file a</p> <p>5 written motion asking the Court to either</p> <p>6 reconsider the sentence or the judgment being</p> <p>7 entered here today for leave to withdraw your</p> <p>8 guilty plea. If that motion is granted, the</p> <p>9 plea of guilty, sentence, and judgment will be</p> <p>10 vacated and a trial date set. If you cannot</p> <p>11 afford an attorney for the cost of the appeal,</p> <p>12 one will be provided to you," et cetera, et</p> <p>13 cetera.</p> <p>14 Do you remember the judge telling you</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Fine.</p> <p>18 Now, you did not appeal at that time,</p> <p>19 correct?</p> <p>20 A. No.</p> <p>21 Q. Okay. When did you decide that you</p> <p>22 were going to reverse -- you were going to seek</p> <p>23 to reverse this conviction?</p> <p>24 A. When I got out of jail. When I got out</p>

24 (Pages 81 to 84)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 85</p> <p>1 of prison.</p> <p>2 Q. Okay. In 20-- in 2011?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. At any -- and am I correct that 5 when you first sought to vacate this particular 6 conviction, you met with Mr. Flaxman?</p> <p>7 A. Yes.</p> <p>8 Q. Now, at any time before you met with 9 Mr. Flaxman, had you seen any news or heard any 10 information about Sergeant Watts?</p> <p>11 A. No, not at that time.</p> <p>12 Q. Okay. When did you first become aware 13 that Sergeant Watts was -- had been arrested by 14 federal authorities?</p> <p>15 A. Probably a week later on the news. It 16 was all over the news.</p> <p>17 Q. Okay. But that was -- correct me if 18 I'm wrong. Was -- was that -- wasn't that 19 several years before --</p> <p>20 A. Yes, yes, yes.</p> <p>21 Q. Okay. Did you ever --</p> <p>22 A. When I --</p> <p>23 Q. I'm sorry. Go ahead.</p> <p>24 A. When I saw the news, I told -- I said,</p>	<p style="text-align: right;">Page 87</p> <p>1 A. I can't -- I don't know when, but he 2 came to me and said, "You got a lawsuit. You 3 need to talk to this lawyer."</p> <p>4 Q. Okay.</p> <p>5 A. And that's exactly what I did.</p> <p>6 Q. And was it your understanding at that 7 time that Robert had already spoken with a 8 lawyer?</p> <p>9 A. Probably. Robert spoke with a lot of 10 people, FBI agents and all the type of stuff.</p> <p>11 Q. Okay. And was it after that that you 12 had a conversation with --</p> <p>13 A. Ah...</p> <p>14 Q. -- Robert about this suit?</p> <p>15 A. I don't -- I don't know. I can't -- I 16 don't know. I don't know. I don't remember. I 17 don't remember. No. I don't remember.</p> <p>18 Q. Do you still talk to Robert?</p> <p>19 A. Every blue moon.</p> <p>20 Q. What does that mean? I'm sorry. That -- that just seems like rarely.</p> <p>21 A. Like, once -- like, when I see him.</p> <p>22 Q. Okay. A few times a year, maybe?</p> <p>23 A. Something like that, yes.</p>
<p style="text-align: right;">Page 86</p> <p>1 "God -- God worked for me."</p> <p>2 THE COURT REPORTER: Sorry?</p> <p>3 BY THE WITNESS:</p> <p>4 A. I said, "God did the work for me."</p> <p>5 BY MR. PALLAS:</p> <p>6 Q. Okay. By bringing Sergeant Watts --</p> <p>7 A. Them -- them crooked officers in, yes.</p> <p>8 Q. Do you know a gentleman named Ben 9 Baker?</p> <p>10 A. Ben? No.</p> <p>11 Q. Did you ever hear about Ben Baker 12 bringing a federal lawsuit against Watts and his 13 team?</p> <p>14 A. No.</p> <p>15 Q. How did you first become aware that 16 Mr. Flaxman was involved in representing people 17 who had been arrested by Sergeant Watts and his 18 team?</p> <p>19 MR. FLAXMAN: Objection, foundation.</p> <p>20 Go ahead.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Through Robert.</p> <p>23 BY MR. PALLAS:</p> <p>24 Q. Okay. And when -- when was that?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. When's the last time you spoke with 2 him?</p> <p>3 A. Probably last week. Probably when I 4 was down that way. Probably last week we spoke, 5 "Hi." That was it.</p> <p>6 Q. When you were arrested on this case, 7 you spent some time in Cook County Jail, 8 correct?</p> <p>9 A. Yes, that's right.</p> <p>10 Q. Okay. As did Robert?</p> <p>11 A. Yeah -- no. He was in -- I think he 12 was in Stateville.</p> <p>13 Q. Oh, okay.</p> <p>14 A. He was on parole.</p> <p>15 Q. Right. He --</p> <p>16 A. And they had us mixed up. So I was -- 17 I was -- first time it was -- it was just all 18 fucked up for me.</p> <p>19 Q. You weren't -- you didn't violate any 20 parole?</p> <p>21 A. No. I wasn't on nothing.</p> <p>22 Q. Okay. And you weren't on probation or 23 anything like that?</p> <p>24 A. No.</p>

25 (Pages 85 to 88)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 89</p> <p>1 Q. When is the first time you remember 2 talking to Robert after your arrest about this 3 arrest?</p> <p>4 A. Say that again?</p> <p>5 Q. Yeah. Okay. If I understand it, after 6 you were arrested, Robert was shipped to 7 Stateville. You were in Cook County. There 8 were several court -- court appearances.</p> <p>9 Were you --</p> <p>10 A. Yeah.</p> <p>11 Q. Were you there together for the court 12 appearances?</p> <p>13 A. Yes. We was in a cell together, like.</p> <p>14 Q. Okay. Did you talk about this 15 incident?</p> <p>16 A. No. We was too busy fighting each 17 other, shit, because we was fucked up. We was 18 locked up.</p> <p>19 Q. You --</p> <p>20 A. He was telling me, "Don't take no 21 time." I was talking about, "I -- I -- I'm 22 ready to go. Shit, I'm ready to get back home."</p> <p>23 And he -- "Don't take no time," and we 24 was into it, fighting each other, so --</p>	<p style="text-align: center;">Page 91</p> <p>1 the lawsuit?</p> <p>2 A. No.</p> <p>3 Q. Do you have any expectations about how 4 much money you would expect from the lawsuit?</p> <p>5 A. No.</p> <p>6 Q. Now, going back to your affidavit for a 7 moment, you said that you knew you could get a 8 substantial sentence if you were found guilty, 9 right?</p> <p>10 A. Yeah. I knew I was on -- I wasn't -- I 11 wasn't going to trust the -- go to jury trial 12 and trust the police credibility. That's why I 13 just took -- copped out for the lesser time.</p> <p>14 Q. Okay. Well, now, four years is a lot 15 of time; am -- am I right?</p> <p>16 A. Four years is longer than 30 years.</p> <p>17 Q. It's shorter than --</p> <p>18 A. I mean, it's shorter than 30 years.</p> <p>19 Shorter than 30 years.</p> <p>20 Q. Okay. And you were concerned that you 21 might take as -- get hit with as much as 22 30 years?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Was that at all having to do</p>
<p style="text-align: center;">Page 90</p> <p>1 Q. Okay.</p> <p>2 A. We couldn't be by each other in the 3 same cell. So they moved him and moved me.</p> <p>4 Q. Were you guys in touch after you were 5 sent to IDOC?</p> <p>6 A. No.</p> <p>7 Q. Do you recall the first time you saw 8 him after you got out?</p> <p>9 A. No. No. I don't remember seeing him 10 when I got out. Probably a week or two later or 11 something like that.</p> <p>12 Q. Okay. And did you guys have any 13 discussion about this --</p> <p>14 A. We was just --</p> <p>15 Q. -- incident?</p> <p>16 A. We was just happy to see each other.</p> <p>17 Q. Have you guys talked about your case 18 with each other outside the presence of 19 Mr. Flaxman?</p> <p>20 A. No.</p> <p>21 Q. Have you ever -- when -- when Robert 22 told you about the possibility of this lawsuit, 23 did he have any discussions with you about what 24 type of money you might expect as a result of</p>	<p style="text-align: center;">Page 92</p> <p>1 with the fact that you had a prior criminal 2 history?</p> <p>3 A. Yes.</p> <p>4 MR. PALLAS: All right, folks. We sent 5 Mr. Sims's answers to interrogatories as 6 Exhibit No. -- No. 2, I believe, but it's going 7 to now be Exhibit No. 3. 8 (Whereupon, Sims Deposition 9 Exhibit No. 3 was marked for 10 identification.)</p> <p>11 BY MR. PALLAS:</p> <p>12 Q. Okay. Mr. Sims, looking at this 13 document, do you know what this is?</p> <p>14 A. Yes, yeah, yeah, I guess.</p> <p>15 Q. Yeah? Okay. Well, it's called the 16 answers to interrogatories.</p> <p>17 And do you understand that these are 18 questions that the defendants asked you about 19 and you were supposed to provide written 20 answers? Is that -- do you have any 21 understanding as to what this is?</p> <p>22 A. No, no. Could you explain it to me?</p> <p>23 Q. Okay. This is entitled "Plaintiff 24 Germain Sims's Answers to Interrogatories."</p>

26 (Pages 89 to 92)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 93</p> <p>1 Now, the interrogatories are the numbered 2 paragraphs. They ask you for certain 3 information, and then after that, we have a 4 series of answers in a different typeset that 5 was prepared, I believe, by your attorney, who 6 signed on page 5, if we turn to page 5, on 7 July 6th of 2022.</p> <p>8 Now, that's also your signature?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So -- and -- and, again, I -- I 11 understand you've had trouble reading, but were 12 the contents of this document ever explained to 13 you?</p> <p>14 Did you know what you were signing 15 before you signed it?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Now, Question No. 8 asks 18 you whether or not you had ever sold heroin or 19 received heroin or any other controlled 20 substance in return as compensation.</p> <p>21 In other words, did you sell it?</p> <p>22 A. No.</p> <p>23 Q. Okay. That was your answer at the 24 time.</p>	<p style="text-align: right;">Page 95</p> <p>1 it -- somebody gave me some marked -- changed 2 money. I changed some money from -- I gave them 3 two fives for a solid ten, and the police pulled 4 up. After he charged the -- changed the money, 5 he walked off. The police pulled up, grabbed 6 him, grabbed both of us, searched the -- 7 searched me, searched him. They found the -- 8 the marked money on me and took me in for it.</p> <p>9 Q. Do you know who the guy was who was 10 arrested with you?</p> <p>11 A. His name was Biggie. That's how I know 12 him by, his street name, Biggie.</p> <p>13 Q. Now, were you also convicted after an 14 arrest of October 21st, 2006, that took place at 15 202 East 43rd Street by an Officer Hoffman?</p> <p>16 A. Yes, I remember that.</p> <p>17 Q. Okay. And you were convicted for that, 18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Were you, in fact, guilty of that 21 crime?</p> <p>22 A. Yes. So -- yes, yes.</p> <p>23 Q. Okay. Now, you also said in response 24 to Interrogatory No. 10 here that you were</p>
<p style="text-align: right;">Page 94</p> <p>1 Let me ask you: When we talk about the 2 fact that you have not sold any controlled 3 substance, would that include cocaine?</p> <p>4 A. Yes.</p> <p>5 Q. You've never sold cocaine?</p> <p>6 A. No.</p> <p>7 Q. Have you ever sold ecstasy?</p> <p>8 A. No.</p> <p>9 Q. Have you ever sold speed?</p> <p>10 A. No.</p> <p>11 Q. Have you ever used cocaine?</p> <p>12 A. No.</p> <p>13 Q. Have you ever used ecstasy?</p> <p>14 A. No.</p> <p>15 Q. Have you ever used speed?</p> <p>16 A. No.</p> <p>17 Q. Okay. Now, do you remember being 18 arrested for an attempted possession of cocaine 19 on May 24th, 2001, at or about 20 4120 South Indiana?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. I take it that this was -- you 23 believe this was a false charge?</p> <p>24 A. Yes, because -- it was because I think</p>	<p style="text-align: right;">Page 96</p> <p>1 arrested in 2004 in Tomah, Wisconsin. 2 Do you recall that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, it says you were charged 5 with drugs and lying about a driver's license, 6 and the drug charges were dismissed, and you 7 pleaded guilty to obstruction of justice.</p> <p>8 Do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, what kind of drugs were 11 they charging you for?</p> <p>12 A. I don't know; whatever he had. 13 Whatever they had in the back of that car. I 14 don't know what they had in that car.</p> <p>15 Q. Who is the "they" that you're speaking 16 about?</p> <p>17 A. The friend I was with.</p> <p>18 Q. Okay. Well, why don't you -- Let's 19 back up. Maybe you'd tell -- can you tell me a 20 little bit about the circumstances of that 21 arrest? You say you were in a friend's car?</p> <p>22 A. I know we was just --</p> <p>23 THE COURT REPORTER: Sorry.</p> <p>24 THE WITNESS: Sorry about that.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 97</p> <p>1 BY MR. PALLAS:</p> <p>2 Q. Yeah. I -- because I interrupt, too.</p> <p>3 You said you were in your friend's car.</p> <p>4 Start there.</p> <p>5 A. Yeah. I was in a friend's car. He was 6 high, and I took over the steering wheel for 7 him. I did over the speed limit, and they 8 pulled us over. So when they pulled us over, 9 instead of me giving them -- I gave them my ID 10 and -- and -- and they told us to pull over to a 11 Kwik -- Kwik Trip when they had my ID. We get 12 to the Kwik Trip.</p> <p>13 We go get a -- a money order and I -- 14 and I ain't sign my name on the money order, and 15 that's what -- and they locked me up with -- I 16 did. They locked me up.</p> <p>17 Q. Okay.</p> <p>18 THE COURT REPORTER: Sorry. "I didn't sign 19 my name or I" --</p> <p>20 BY THE WITNESS:</p> <p>21 A. I did -- I did not sign my name on 22 the --</p> <p>23 BY MR. PALLAS:</p> <p>24 Q. On the money order?</p>	<p style="text-align: center;">Page 99</p> <p>1 A. So they put out a warrant out for his 2 arrest.</p> <p>3 Q. I broke in on you that time.</p> <p>4 Why was -- why did he go to the hospital?</p> <p>5 A. Because he was high.</p> <p>6 Q. On what?</p> <p>7 A. I don't know what he was off on. He 8 was just high, shit.</p> <p>9 Q. Okay. Interrogatory No. 17, you were asked with respect to Defendants Jones, Bolton, Gonzalez, Leano, Nichols, and Smith, please state what wrongful ac- -- with specificity what wrongful action each defendant took in relationship to your October 15th, 2009, arrest et cetera.</p> <p>10 Your answer was, those officers are on the reports of my arrest. They helped write reports or they knew they were false and didn't do anything about it.</p> <p>11 Again, I think we've been over this, but as we sit here today, can you add anything more specific about what you believe these defendants' involvement was in your arrest? And</p>
<p style="text-align: center;">Page 98</p> <p>1 A. Right.</p> <p>2 Q. What was the money order for --</p> <p>3 A. The --</p> <p>4 Q. -- to kind of post your bond, so to speak?</p> <p>5 A. No. The -- for the traffic -- for the 6 speeding violation.</p> <p>7 Q. The ordinance. Okay. Okay.</p> <p>8 And it -- is that your understanding as to why you were charged with obstruction of justice?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You -- but you -- you were unaware of any drugs being recovered in the car at that --</p> <p>11 A. I didn't know nothing about no drugs 12 was in the car, but they told me it was, though.</p> <p>13 Q. Was your friend charged with -- on drugs?</p> <p>14 A. Yes. He was charged, but he -- he 15 ran -- he -- he left from the hospital. So they 16 took me to jail. He left from the hospital and 17 he got free.</p> <p>18 Q. Why was he --</p>	<p style="text-align: center;">Page 100</p> <p>1 I'll start out with Officer Jones.</p> <p>2 Do you -- what -- what did he do specifically other than what you've said in this response?</p> <p>3 MR. FLAXMAN: And what he's testified to 4 already?</p> <p>5 BY MR. PALLAS:</p> <p>6 Q. And what you've testified to already.</p> <p>7 A. They -- shit, they did -- they -- they 8 did me bogus. It's like they -- shit, they was 9 all together.</p> <p>10 Q. Okay. But you can't, for example, tell me anything specifically that Brian Bolton did?</p> <p>11 A. Oh. I know for -- I know for a fact 12 that they told -- Watts out of his mouth said, 13 "Deal with it in the court."</p> <p>14 Q. All right.</p> <p>15 A. And I told them, "God was going to get 16 y'all ass for this."</p> <p>17 Q. Okay. So you told one or more of the officers that the claim was bogus, and they said, "You will have to deal with it in court"?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And do you remember who</p>

Germin Sims, et al. v. City of Chicago, et al.
 Deposition of Germain Sims - Taken 4/25/2025

Page 101	Page 103
1 specifically told you that?	1
2 A. Watts.	2
3 Q. Okay. All right. I'll -- I'll let	3
4 Mr. Watts's attorney ask you about that.	4
5 What about my -- my client, Mohammed?	5
6 Do you recall specifically anything that he did	6
7 that day other than what you've testified to so	7
8 far?	8
9 A. I was talking to -- I was talking the	9
10 shit to all of them when they was taking me in.	10
11 So it -- we was -- I was having a lot of words	11
12 with everybody.	12
13 Q. Okay.	13
14 A. Everybody who was in the station.	14
15 Q. Okay. All right.	15
16 Now, the -- the social security	16
17 disability that you are on now, do you know	17
18 specifically what disabilities you're being	18
19 compensated for?	19
20 A. Being shot.	20
21 Q. Okay. So now -- I'll tell you what.	21
22 Let me mark what -- we had sent this out as	22
23 Exhibit No. 6, but it's now going to be --	23
24 what -- No. 4? It's a report by the Chicago	24

Page 102	Page 104
1 Medical Group on April 9th of 2019.	1
2 Excuse me there.	2
3 MR. FLAXMAN: Sorry. You said Exhibit 4?	3
4 MR. PALLAS: Yeah.	4
5 MR. FLAXMAN: And this is under a protective	5
6 order. So I'd ask --	6
7 MR. PALLAS: Okay.	7
8 MR. FLAXMAN: -- this portion of the	8
9 deposition be under the protective order.	9
10 MR. PALLAS: Okay. We are going	10
11 confidential.	11
12 (Whereupon, Sims Deposition	12
13 Exhibit No. 4 was marked for	13
14 identification.)	14
15 BY MR. PALLAS:	15
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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

	Page 105	
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	Page 106	Page 108
1		1
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30 (Pages 105 to 108)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p>Page 109</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 Q. Okay. Okay. Now, other than this 13 particular case we're here -- today, have you 14 brought any suits against the Chicago Police 15 Department? 16 MR. FLAXMAN: We can go off the -- 17 MR. PALLAS: Oh, yeah. I'm sorry. 18 MR. FLAXMAN: -- confidential. 19 MR. PALLAS: Sorry. We're off confidential 20 now. Thank you, Joel. 21 BY THE WITNESS: 22 A. Yes. 23 BY MR. PALLAS: 24 Q. Okay. Now, one of them I'm familiar</p>	<p>Page 111</p> <p>1 BY MR. PALLAS: 2 Q. Okay. On August 26, 2024, you were 3 arrested on the 4000 block of South Prairie by 4 an Officer Sanchez? 5 MR. FLAXMAN: We're -- we're taking a break 6 to confer about a privilege. 7 MR. PALLAS: Okay. 8 THE VIDEOGRAPHER: Okay. The time is 9 12:01 p.m. We are now going off the record. 10 (Whereupon, a short break was 11 taken.) 12 THE VIDEOGRAPHER: Okay. The time is 13 12:11 p.m. We are now back on the record. 14 BY MR. PALLAS: 15 Q. Okay. Before we went off the record, 16 Mr. Sims, we were -- I was going to ask you some 17 questions about an August 26th, 2024, arrest 18 that took place at -- 4000 block of South 19 Prairie with the arresting officer, Officer 20 Sanchez. 21 Do you remember that arrest? 22 A. Yes. 23 Q. Okay. And at that time, you were in a 24 white GMC Acadia truck?</p>
<p>Page 110</p> <p>1 with. It's a case involving Randy Johnson and 2 Jonathan Shields. 3 Do you know them? 4 A. Yes. 5 Q. Okay. We're not going to talk about 6 that one today. 7 MR. FLAXMAN: Good. 8 BY MR. PALLAS: 9 Q. We are, however, going to talk about 10 another arrest that took place on August 26th of 11 2024, and in case you need to refer to it, this 12 would be -- 13 MR. FLAXMAN: We're -- we're not going to 14 talk about that one. 15 MR. PALLAS: Yeah, we are. 16 THE COURT REPORTER: This is 5? 17 (Whereupon, Sims Deposition 18 Exhibit No. 5 was marked for 19 identification.) 20 MR. FLAXMAN: You're going to ask him 21 questions about his pending criminal case and 22 expect him to answer? 23 MR. PALLAS: Yes. 24 MR. FLAXMAN: Okay.</p>	<p>Page 112</p> <p>1 MR. FLAXMAN: Objection. 2 I am instructing the witness not to 3 answer questions about his pending criminal 4 case. He's going to exercise his Fifth 5 Amendment rights. 6 BY MR. PALLAS: 7 Q. Okay. Well, I guess, first of all, let 8 me ask, is this case currently pending? 9 A. Yes. 10 Q. Okay. And are you asserting the Fifth 11 Amendment -- your Fifth Amendment right against 12 self-incrimination to the question I just asked? 13 A. Yes. 14 Q. Okay. And is that because you fear 15 that if you answer truthfully, that evidence 16 would hurt you in your criminal prosecution? 17 MR. FLAXMAN: Objection, foundation, form. 18 BY THE WITNESS: 19 A. Yes. 20 BY MR. PALLAS: 21 Q. Okay. Can -- why do you think that 22 testifying truthfully about that case will hurt 23 you -- 24 MR. FLAXMAN: I -- objection.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 113</p> <p>1 I instruct him not to answer it. 2 MR. PALLAS: Based on? 3 MR. FLAXMAN: Invades the Fifth Amendment 4 privilege. He can't answer that without waiving 5 the privilege. 6 BY MR. PALLAS: 7 Q. And you're asserting your Fifth 8 Amendment privilege? 9 A. Yes. 10 Q. Can you tell me anything more about 11 your decision to take the Fifth Amendment? 12 MR. FLAXMAN: You mean more than the fact he 13 has -- 14 MR. PALLAS: More than -- 15 MR. FLAXMAN: -- a pending case? 16 MR. PALLAS: -- has been stated in the 17 record. 18 MR. FLAXMAN: Okay. I'm instructing you not 19 to say anything beyond telling him you are 20 asserting the Fifth Amendment because you have a 21 pending criminal case about this arrest. 22 BY MR. PALLAS: 23 Q. Are you relying on the advice of your 24 counsel in the asserting the Fifth Amendment</p>	<p style="text-align: right;">Page 115</p> <p>1 BY MR. PALLAS: 2 Q. Are you asserting your Fifth -- 3 MR. FLAXMAN: I have -- I have a right under 4 the rules to give him instruction to assert 5 those rights. 6 BY MR. PALLAS: 7 Q. Okay. Fine. 8 Are you asserting your Fifth 9 Amendment -- 10 A. Yes. 11 Q. Okay. Fine. 12 Did that pistol contain live rounds and 13 a laser sight? 14 MR. FLAXMAN: Objection. 15 Instruct the witness not to answer. 16 He's asserting his Fifth Amendment rights not to 17 answer questions about a pending criminal case. 18 BY MR. PALLAS: 19 Q. And you're asserting those rights 20 because if you were to answer truthfully, you 21 believe that would jeopardize your position in 22 the criminal case? 23 A. Yes. 24 Q. Okay. Now, at the time, did you tell</p>
<p style="text-align: right;">Page 114</p> <p>1 today? 2 A. Yes. 3 Q. Okay. Who is your counsel involving 4 the August 24th arrest? 5 A. Her name is Breanna, if I ain't 6 mistaken. 7 Q. Okay. Is -- does Mr. Flaxman represent 8 you in your criminal case? 9 A. No. 10 Q. Okay. On August 24th -- excuse me. 11 On August 26th, 2024, were you found to 12 be in a possession of a .45 caliber Glock 13 pistol? 14 MR. FLAXMAN: Objection. 15 Instruct the witness to not answer 16 based on his Fifth Amendment rights. 17 MR. PALLAS: Okay. You know, I think it 18 might be more appropriate if he actually 19 asserted his Fifth Amendment rights rather than 20 you instructing him not to answer. I'm not -- 21 it's to me not clear that he's actually 22 asserting his rights. 23 MR. FLAXMAN: You could ask him, are you 24 asserting your Fifth Amendment right?</p>	<p style="text-align: right;">Page 116</p> <p>1 the police officer that the gun was yours and 2 that you carried it for protection? 3 MR. FLAXMAN: Objection. 4 I'm instructing the witness not to 5 answer questions about a pending criminal case 6 based on his Fifth Amendment rights. 7 BY MR. PALLAS: 8 Q. Okay. And do you intend to assert your 9 Fifth Amendment rights? 10 A. Yes. 11 Q. Okay. And you're doing so because to 12 testify truthfully would jeopardize your 13 position in that case? 14 MR. FLAXMAN: We -- we need to talk about 15 that question. 16 THE VIDEOGRAPHER: Okay. The time is 17 12:16 p.m. We are now going off the record. 18 (Whereupon, a short break was 19 taken.) 20 THE VIDEOGRAPHER: Okay. The time is 21 12:20 p.m. We are now back on the record. 22 BY MR. PALLAS: 23 Q. Okay. The question was --</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p>1 (Whereupon, the record was read 2 as requested.)</p> <p>3 BY THE WITNESS:</p> <p>4 A. Yes. It's something like -- yes. 5 Something like that, yes.</p> <p>6 BY MR. PALLAS:</p> <p>7 Q. Okay. Now -- now, do you hold an FOID 8 card or a concealed carry permit?</p> <p>9 A. No.</p> <p>10 Q. Okay. When you got to the station, 11 were -- did you remove from your groin area a 12 knotted bag containing cocaine and 25 pills of 13 Percocet?</p> <p>14 A. No.</p> <p>15 MR. FLAXMAN: Oh --</p> <p>16 THE WITNESS: Oh, sorry.</p> <p>17 MR. FLAXMAN: You've got to let me object.</p> <p>18 THE WITNESS: All right.</p> <p>19 MR. FLAXMAN: Objection.</p> <p>20 I instruct the witness not to answer 21 questions about his pending criminal case based 22 on his Fifth Amendment rights.</p> <p>23 MR. PALLAS: Okay. Well, as I understand, he 24 has already answered.</p>	<p>1 though.</p> <p>2 EXAMINATION</p> <p>3 BY MR. GAINER:</p> <p>4 Q. All right. Mr. Sims, my name is Jack 5 Gainer. I represent Ronald Watts in this case.</p> <p>6 Earlier you said that you're familiar 7 with who Ronald Watts is; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And how do you know who Ronald 10 Watts is?</p> <p>11 A. The police officer. He ride that beat. 12 He's the sergeant.</p> <p>13 Q. Okay. And when was the first time you 14 became aware of Ronald Watts?</p> <p>15 A. When they -- when they -- I don't -- I 16 don't remember the date, but when I got -- when 17 they arrested me on 39th and he did a sweep and 18 locked everybody up.</p> <p>19 Q. What do you mean by "a sweep"?</p> <p>20 A. Like they came and hit and they grabbed 21 everybody and took everybody in.</p> <p>22 Q. Do you mean -- when you say everyone, 23 is that everyone you were with?</p> <p>24 A. Yes.</p>
<p>Page 118</p> <p>1 MR. FLAXMAN: He made a mistake and answered, 2 and I am not going to let you ask him more 3 questions about this incident.</p> <p>4 MR. PALLAS: Okay.</p> <p>5 MR. FLAXMAN: And I -- especially based on 6 the lack of relevance, I think continuing along 7 this path is -- is harassing and improper.</p> <p>8 BY MR. PALLAS:</p> <p>9 Q. Okay. Are you aware that as a 10 convicted felon, it is illegal for you to have a 11 weapon?</p> <p>12 A. Yes.</p> <p>13 MR. PALLAS: Okay. Those are all the 14 questions I have today.</p> <p>15 MR. FLAXMAN: Good.</p> <p>16 MR. PALLAS: Thank you.</p> <p>17 MR. GAINER: Are you good?</p> <p>18 MR. PALLAS: I -- Kelly, are you -- you're 19 ready?</p> <p>20 MR. GAINER: Yeah, I'm good.</p> <p>21 MR. PALLAS: Jack is going to go, Kelly.</p> <p>22 MS. OLIVIER: Okay. Yeah. I'll go after 23 Jack.</p> <p>24 MR. GAINER: Kelly has -- can if she wants,</p>	<p>Page 120</p> <p>1 Q. And who were you with?</p> <p>2 A. A couple of friends. I don't know the 3 names, though, just friends; people outside, 4 rather.</p> <p>5 Q. Okay. And do you know what year that 6 might have been in?</p> <p>7 A. It was, like -- I can't pr -- remember 8 what day. It was like 0 -- 0-something. 9 Zero -- it was like -- I don't remember. I -- 10 no. I can't remember.</p> <p>11 Q. Okay. Do you remember what you were 12 charged with?</p> <p>13 A. I think he took me in for a disorderly 14 or it was a delivery. It was one of them cases. 15 I've been in a few times with him.</p> <p>16 Q. Okay.</p> <p>17 A. A couple times.</p> <p>18 Q. Is it safe to say you don't remember 19 which one was your first --</p> <p>20 A. No.</p> <p>21 Q. -- time with --</p> <p>22 A. Exactly, exactly.</p> <p>23 Q. -- Ronald Watts? Okay.</p> <p>24 Did you know who Ron was before he was</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 121</p> <p>1 a sergeant? 2 A. No. 3 Q. Do you know what Ronald Watts looks 4 like? 5 A. Yes. 6 Q. Can you describe him? 7 A. He -- he's Black, low-cut, and wear 8 glasses. 9 Q. About how tall would you say he is? 10 A. He's taller than me, a little bit 11 taller than me, like, probably like 12 6-something -- I don't know -- 7, 7-something. 13 Q. Okay. And how tall are you? 14 A. Probably like 7-something. 15 Q. Okay. Five-something, like 5'1" or 16 5'9"? 17 A. Five -- 5 -- 5 -- 5'2". I don't know. 18 I don't -- he's like -- he -- he taller than me 19 a little bit. 20 Q. Okay. Do you know what type of car 21 Ronald Watts drove? 22 MR. FLAXMAN: Objection. 23 BY THE WITNESS: 24 A. A police car.</p>	<p style="text-align: right;">Page 123</p> <p>1 you said was early 2000 sometime. 2 You don't remember when? 3 A. I -- I don't remember the time frame, 4 but -- no. Yes. He -- around there. I don't 5 remember the time frame. 6 Q. Okay. How old were you in 2009? 7 A. Probably -- 2009? 8 MR. PALLAS: I think I could do the math for 9 you; 29. 10 BY THE WITNESS: 11 A. Twenty -- twenty-something. I don't 12 know. 13 MR. FLAXMAN: We'll -- we'll stipulate it. 14 MR. GAINER: Okay. 15 MR. FLAXMAN: We'll stipulate -- Was it 28 or 16 29? 17 THE WITNESS: Twenty -- it was 18 twenty-something. 19 MR. FLAXMAN: It depends on the year. 20 MR. PALLAS: You were born in -- in 1980, 21 correct? 22 THE WITNESS: Yeah. 19- -- yeah, 1980. 23 BY MS. OLIVIER: 24 Q. So this first interaction you had with</p>
<p style="text-align: right;">Page 122</p> <p>1 BY MR. GAINER: 2 Q. It was just a marked police car? 3 A. Yes. 4 Q. Okay. Is that the only type of police 5 car you've seen him in? 6 A. Yes. 7 Q. Is that the only type of car you've 8 seen him in? 9 A. Yes. 10 Q. Okay. How many interactions with 11 Ronald Watts did you have before your arrest in 12 October of 2009? 13 A. Probably like six, five, something like 14 that. Probably four or five. 15 Q. And did each of those interactions 16 result in an arrest? 17 A. Yes. I went to the police station. 18 Q. For every time you -- 19 A. Every time I -- 20 THE COURT REPORTER: Sorry? 21 BY THE WITNESS: 22 A. Yes, yes. 23 BY MR. GAINER: 24 Q. Okay. And the -- was -- the first one</p>	<p style="text-align: right;">Page 124</p> <p>1 Ronald Watts, do you recall any of the other 2 police officers that were there? 3 A. It was his -- I don't -- I don't know 4 the -- it was his team. It was his team. I 5 don't know his team, who he ride -- I mean, who 6 he ride with. 7 Q. About how many of his team members were 8 there? 9 A. Like, it was -- it was like eight, 10 eight or six, eight, like eight. 11 You're talking about the time I got 12 arrested? 13 Q. I'm talking about the first time you 14 encountered or -- 15 A. Oh, they all -- they all was -- 16 THE COURT REPORTER: Sorry? 17 MR. FLAXMAN: Wait, wait. Yeah. Wait. 18 THE WITNESS: Sorry about that. 19 MR. FLAXMAN: Let him finish his question. 20 THE WITNESS: All right. 21 BY MR. GAINER: 22 Q. So the first time -- you said every 23 time you interacted with Ronald Watts you got 24 arrested, right?</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 125</p> <p>1 A. Yes.</p> <p>2 Q. The first time you interacted with Ron</p> <p>3 Watts and got arrested, we're talking about the</p> <p>4 officers -- the other officers that may have</p> <p>5 been involved.</p> <p>6 So what other officers were involved</p> <p>7 the first time --</p> <p>8 A. I don't --</p> <p>9 THE COURT REPORTER: Sorry?</p> <p>10 BY MR. GAINER:</p> <p>11 Q. -- you were arrested with Ronald Watts</p> <p>12 involved?</p> <p>13 A. I don't know the names of them, but I</p> <p>14 know they was -- they was his team. He -- they</p> <p>15 always came when he came.</p> <p>16 Q. Okay. Was it the same group that</p> <p>17 rolled up on you and Robert Lindsey on</p> <p>18 October 15th, 2009?</p> <p>19 A. Yes.</p> <p>20 Q. Are you -- so it was -- and you</p> <p>21 described the group of officers that were</p> <p>22 involved in your arrest in 2009.</p> <p>23 That was, you said, again, six to eight</p> <p>24 officers, right?</p>	<p style="text-align: center;">Page 127</p> <p>1 that approached your ve- -- or Robert Lindsey's</p> <p>2 vehicle?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what was he wearing that</p> <p>5 day?</p> <p>6 A. Plain clothes.</p> <p>7 Q. Okay. Was he wearing a vest or</p> <p>8 anything?</p> <p>9 A. They had -- yeah. They had on vests</p> <p>10 with plain clothes. They had on jackets. It</p> <p>11 was raining. So I don't know if he had a vest</p> <p>12 on or not.</p> <p>13 Q. And on October 15th, 2009, how long had</p> <p>14 you known Ronald Watts?</p> <p>15 A. Since he'd been arresting me.</p> <p>16 Q. If you --</p> <p>17 A. I mean --</p> <p>18 Q. If you had to estimate a -- a period of</p> <p>19 time, months or years?</p> <p>20 A. I'd say months.</p> <p>21 Q. Months.</p> <p>22 So are you saying that it hadn't been a</p> <p>23 full year since you knew Ronald Watts before</p> <p>24 October 15th, 2009?</p>
<p style="text-align: center;">Page 126</p> <p>1 A. Yeah.</p> <p>2 Q. And you said --</p> <p>3 A. Around -- around that, yeah.</p> <p>4 Q. Okay. And you said that there were a</p> <p>5 lot of Black guys.</p> <p>6 One officer was a male, possibly white,</p> <p>7 possibly Hispanic?</p> <p>8 A. I said Latino, Mexican, one of them.</p> <p>9 Q. Latino.</p> <p>10 So there is one Latino and then --</p> <p>11 A. He had long hair.</p> <p>12 Q. -- the rest were African American</p> <p>13 males, right?</p> <p>14 A. Light Black, yeah.</p> <p>15 Q. Okay. Did you see Ronald Watts on</p> <p>16 October 15th, 2019?</p> <p>17 A. Yes.</p> <p>18 Q. When was the first time you saw him on</p> <p>19 that day?</p> <p>20 A. We was on the street and in the police</p> <p>21 station --</p> <p>22 Q. Umm...</p> <p>23 A. -- when they pulled up on us.</p> <p>24 Q. Okay. So was he one of the officers</p>	<p style="text-align: center;">Page 128</p> <p>1 A. Say that again?</p> <p>2 Q. So as of October 15th, 2009, right, you</p> <p>3 said you had known Ronald Watts for a number of</p> <p>4 months?</p> <p>5 A. A -- probably a -- yeah. Probably a</p> <p>6 year -- a year -- a year or something -- or</p> <p>7 something like that.</p> <p>8 Q. A year and some months?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay.</p> <p>11 A. He had that beat around there, that</p> <p>12 area, the -- our area where we from, he had that</p> <p>13 route, whatever -- however you call it.</p> <p>14 Q. Okay. And before October 15th, 2009,</p> <p>15 had you ever had any conversation with Ronald</p> <p>16 Watts?</p> <p>17 A. His team.</p> <p>18 MR. FLAXMAN: No. Him.</p> <p>19 THE WITNESS: Him?</p> <p>20 BY MR. GAINER:</p> <p>21 Q. No. Him specifically.</p> <p>22 A. Yes, yes, yes, yes, yes.</p> <p>23 Q. What was the first conversation you</p> <p>24 recall having with Ronald Watts?</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 129</p> <p>1 A. "Why does y'all keep harassing us? 2 Every time y'all come around y'all locking us 3 up. For what? We ain't doing shit but standing 4 out here."</p> <p>5 Q. And is that -- are you talking about 6 October 15th, 2009, or are you talking about the 7 very first time --</p> <p>8 A. No. I'm talking about --</p> <p>9 THE COURT REPORTER: Sorry?</p> <p>10 MR. GAINER: Sorry.</p> <p>11 MR. PALLAS: You've done pretty well.</p> <p>12 BY THE WITNESS: 13 A. I'm talking about before October 15th.</p> <p>14 BY MR. GAINER: 15 Q. Okay. 16 A. I mean, the -- before you locked us 17 up -- I mean, the case.</p> <p>18 Q. Okay. And on October 15th, 2009 -- so 19 you were with Robert Lindsey, and at one point, 20 you ended up in front of white Boy Bug's house, 21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And that was to get -- to talk to him 24 about repairing --</p>	<p style="text-align: right;">Page 131</p> <p>1 A. We was on the -- the street. I was in 2 the passenger's seat or between the car and Bug.</p> <p>3 Q. Okay. So the car -- so if you're 4 looking out the front windshield, the curb was 5 on your right?</p> <p>6 A. If you looking out the -- the 7 passenger's side, the curb is on your left.</p> <p>8 Q. Okay.</p> <p>9 A. We in the middle of the street. The -- 10 I'm in the street now.</p> <p>11 Q. Yes.</p> <p>12 A. The car parked in the -- in a parking 13 spot, then the sidewalk.</p> <p>14 Q. Are you saying that you guys were 15 double parked?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. I understand now.</p> <p>18 So did -- were you in the car when you 19 were talking to Bug?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And were you communicating 22 through an open window?</p> <p>23 A. Yes.</p> <p>24 Q. Was it the passenger -- the front</p>
<p style="text-align: right;">Page 130</p> <p>1 A. A car.</p> <p>2 Q. -- Robert Lindsey's car and for talking 3 about repairing your fianc e's car, right?</p> <p>4 A. Yes.</p> <p>5 Q. And earlier you talked about the 6 conversation you had with Bug.</p> <p>7 And you said that you and Robert were 8 sitting in the car and that Bug was on the curb, 9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Were -- and you were in the passenger's 12 seat of Mr. Lindsey's car?</p> <p>13 A. Yes.</p> <p>14 Q. Was -- where you were sitting in the 15 passenger's seat, was that closer to the curb or 16 was that on the street side?</p> <p>17 A. That's, like, closer to the curb. There's a car, then a curb. It's a car parked, then a -- then a sidewalk, then the -- the street, the car, sidewalk.</p> <p>18 Q. Got you.</p> <p>19 And you were in --</p> <p>20 A. I was on the --</p> <p>21 Q. -- curbside?</p>	<p style="text-align: right;">Page 132</p> <p>1 passenger window that was down?</p> <p>2 A. Yes.</p> <p>3 Q. And where was Bug?</p> <p>4 A. Bug was on the sidewalk.</p> <p>5 Q. Okay. Did he ever come up to the 6 window?</p> <p>7 A. No.</p> <p>8 Q. Okay. And at some point, the police 9 officers arrive, right?</p> <p>10 A. Yes.</p> <p>11 Q. Where was the first time you saw Ronald 12 Watts in front of white Boy Bug's house?</p> <p>13 A. When they all jumped out the car.</p> <p>14 Q. Okay. But on the scene, where was 15 Ronald Watts standing?</p> <p>16 A. He was -- he was a -- he was, like, closer by Robert.</p> <p>17 Q. Okay. So he was on the driver's side?</p> <p>18 A. Right.</p> <p>19 Q. Okay. Who -- which of the officers -- 20 and just describe as best as you can -- were on 21 your side of the car?</p> <p>22 A. It was a couple officers on my side. I don't -- I know who the one searched me. He was</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 133</p> <p>1 kind of chubby.</p> <p>2 Q. And you said chubby.</p> <p>3 He was one of the Black officers,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Were -- any of the other officers on</p> <p>7 your side of the car, were they all --</p> <p>8 A. It was a -- it was -- they was all by</p> <p>9 the car until two of them -- til two cars pulled</p> <p>10 off.</p> <p>11 Q. Okay. And two cars pulled off.</p> <p>12 Was it two cars or two officers?</p> <p>13 A. It was two -- two cars pulled off.</p> <p>14 They --</p> <p>15 Q. Okay.</p> <p>16 A. Two and two jumped in each car and they</p> <p>17 shot down to the other -- to -- to 41st --</p> <p>18 Q. Okay.</p> <p>19 A. -- while they still had us.</p> <p>20 Q. So four officers left the scene --</p> <p>21 A. Yeah.</p> <p>22 Q. -- while you were still being --</p> <p>23 were -- were they still searching the car when</p> <p>24 those four officers left?</p>	<p style="text-align: right;">Page 135</p> <p>1 MR. FLAXMAN: Just answer the question.</p> <p>2 But did you not understand? Start</p> <p>3 bugging up?</p> <p>4 THE COURT REPORTER: I didn't understand.</p> <p>5 Sorry.</p> <p>6 MR. FLAXMAN: Started bugging up.</p> <p>7 THE WITNESS: Bugging up.</p> <p>8 BY MR. GAINER:</p> <p>9 Q. I'll ask you about bugging up in a</p> <p>10 minute.</p> <p>11 But was -- the officer that searched</p> <p>12 your seat, was it a Caucasian male, a Black</p> <p>13 male, or a Hispanic male?</p> <p>14 A. I can't tell you at that -- I -- I</p> <p>15 really couldn't tell you because I was talking</p> <p>16 to the officer who's searching me and asking him</p> <p>17 what -- like, "Why the fuck is we going in for a</p> <p>18 strip search?"</p> <p>19 Q. Okay. So you didn't see them search</p> <p>20 your seat?</p> <p>21 A. I ain't -- I saw them searching the</p> <p>22 car, but I don't know what officer it was</p> <p>23 searching the car. I seen them searching the</p> <p>24 car, yes. We on the car while they searching</p>
<p style="text-align: right;">Page 134</p> <p>1 A. Not at that time.</p> <p>2 Q. Okay. Was it after they searched?</p> <p>3 A. After they searched, yes.</p> <p>4 Q. Okay. Did you observe the police</p> <p>5 officers searching your car?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you recall which officer --</p> <p>8 A. I don't know --</p> <p>9 THE COURT REPORTER: Sorry?</p> <p>10 MR. FLAXMAN: Yeah. Let him ask the</p> <p>11 question.</p> <p>12 THE WITNESS: Yeah, all right.</p> <p>13 BY MR. GAINER:</p> <p>14 Q. Do you recall which officer -- and I</p> <p>15 know you don't know them by name, but if you</p> <p>16 could just describe them by physical</p> <p>17 description, which officer searched your seat in</p> <p>18 the car?</p> <p>19 A. At that time, I don't know which</p> <p>20 officer it was checking the seat, but I know</p> <p>21 they didn't find shit and I started bugging up.</p> <p>22 Q. Was --</p> <p>23 THE COURT REPORTER: Sorry?</p> <p>24 THE WITNESS: I mean --</p>	<p style="text-align: right;">Page 136</p> <p>1 the car.</p> <p>2 Q. Right. So you're on -- you're on the</p> <p>3 street side --</p> <p>4 A. We on the --</p> <p>5 Q. -- or on the driver's side?</p> <p>6 A. We on the --</p> <p>7 MR. FLAXMAN: Wait, wait. Wait for him to --</p> <p>8 THE WITNESS: Oh, all right. All right.</p> <p>9 Sorry about that.</p> <p>10 MR. FLAXMAN: No, no.</p> <p>11 BY MR. GAINER:</p> <p>12 Q. So based on my understanding, you</p> <p>13 were -- and what -- just based off of what you</p> <p>14 said earlier, you had your hands on the car.</p> <p>15 You were on the street side, right?</p> <p>16 A. The hood of the car.</p> <p>17 Q. You were on the hood?</p> <p>18 A. Yes, yes.</p> <p>19 Q. Okay. And while they were searching</p> <p>20 the car, you were talking to another officer</p> <p>21 about being searched?</p> <p>22 A. About being strip-searched.</p> <p>23 Q. And was it the chubby officer you were</p> <p>24 speaking to about being searched?</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 137</p> <p>1 A. I think it was. 2 Q. Okay. And while you were having that 3 conversation with the chubby officer, you didn't 4 see who was searching the vehicle or who was 5 searching your seat? 6 A. No, not at that time. 7 Q. Okay. And you mentioned that the four 8 officers pulled off and went down the street. 9 And I think earlier you testified 10 something about a cell phone? 11 A. They was on their cell phones. 12 Q. Who was on their cell phones? 13 A. All of them. 14 Q. All six to eight officers were on their 15 cell phone? 16 A. The -- the ones that was left talking 17 to the ones that pulled off down that way. 18 Q. So the ones that left were talking to 19 the other ones that left? 20 A. No. The ones pulled off was talking to 21 the ones that was on the -- the -- by us on 22 their cell phone. 23 Q. Okay. How do you know that? 24 A. Because they was -- when they got off</p>	<p style="text-align: center;">Page 139</p> <p>1 THE WITNESS: I'm sorry. 2 BY MR. GAINER: 3 Q. While they were talking on the phone, 4 how far away were you from them? 5 A. Like, from here. 6 Q. So -- 7 A. Distant -- right -- right by -- 8 Q. About two feet away? 9 A. -- each other, yes. 10 THE COURT REPORTER: Sorry? Sorry? 11 THE WITNESS: All right. Sorry, sorry, 12 sorry, sorry. 13 BY MR. GAINER: 14 Q. So about -- you were about two feet 15 away? 16 A. Yes. 17 Q. Okay. And could you hear what the 18 officers were saying into the phone? 19 A. No. All I know is they was saying they 20 was going to take him in, take -- take them in. 21 Q. So the only -- 22 A. That's all I heard is say, "Take them 23 in." 24 Q. Okay. And did you hear what the</p>
<p style="text-align: center;">Page 138</p> <p>1 the phone with them, they was, like, "Fucking 2 take them in, too." So they took us in. 3 Q. Okay. Can you describe the officers 4 that were near you that were on their cell 5 phone? 6 A. It was the -- the -- the one with the 7 ponytail and -- and, ah, Mohammed, if I ain't 8 mistaken. 9 Q. And the ponytailed officer is a 10 separate officer than Officer Mohammed, right? 11 A. Excuse me? 12 Q. You said there was an officer with a 13 ponytail and Officer Mohammed, or are you saying 14 the -- 15 A. The -- 16 Q. -- officer with the ponytail was 17 Officer Mohammed? 18 A. The -- no. The officer with the 19 ponytail was on the cell phone. Him and 20 Mohammed was on the cell phone. 21 Q. Okay. And how close were you in -- 22 A. I was right -- 23 Q. -- proximity -- 24 THE COURT REPORTER: Sorry?</p>	<p style="text-align: center;">Page 140</p> <p>1 per- -- the people on the other end of that 2 phone call were -- 3 A. No. 4 Q. -- saying? 5 THE COURT REPORTER: Sorry? 6 BY THE WITNESS: 7 A. No. 8 BY MR. GAINER: 9 Q. Okay. Could you see where the officers 10 went from where you were standing in -- out 11 front of Bug's house? 12 A. Yes. 13 Q. Okay. And down the street, that's 14 where they picked up Willie? 15 A. Yes. 16 Q. Okay. When did you first meet Willie? 17 A. When did I first meet Willie? 18 Q. Mm-hmm. 19 A. When he was, shit, a handyman 20 outside in the -- I don't know when, but he be 21 fixing shit and I -- 22 Q. Okay. The officer with the ponytail, 23 was it a male or a female? 24 A. It was a male.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 141</p> <p>1 Q. Black, white, or Hispanic? 2 A. I think it was Hispanic. 3 Q. Okay. 4 A. Mexican, Latino, or white. I don't 5 know. He looked white to me. 6 Q. Okay. And about how tall would you say 7 this officer was? 8 A. I can't -- he was taller than me. I 9 can't tell you how tall he was. 10 Q. Okay. So when you got to the police 11 station, can you describe just the first thing 12 you remember observing once you got in? 13 A. When we got in, it was a lot -- they 14 bring a lot of people in, and -- and I'm -- I'm 15 so frustrated. I was bugging up. I was -- I 16 was snapping. "What the fuck is I'm here for? 17 Whoo-whoo-whoo" and just going off. 18 Q. Okay. 19 A. And that's when they came bringing Will 20 past us taking him to the back and where I heard 21 him screaming. We heard him screaming, and when 22 they come back, threw the shit on the table. 23 Q. Okay. And I'm going to jump back to 24 the -- back to the scene when they're on the</p>	<p style="text-align: right;">Page 143</p> <p>1 know? 2 A. No. I know for -- I know for a fact 3 they told them to take us in. 4 Q. Okay. How do you know for a fact that 5 it was Ronald Watts who said that? 6 A. He was the sergeant. Shit, they gonna 7 listen to what their sergeant say. 8 Q. So you're basing -- 9 A. They follow the rules what they 10 sergeant said. I heard somebody say, "Take them 11 in," so... 12 Q. You heard somebody say it? 13 A. I mean, I heard -- I -- yeah. I -- I 14 can't say who it was, but I was suspecting that 15 the sergeant told him, bring -- bring us in. 16 Q. Okay. But you never heard Ronald Watts 17 say that? 18 A. No. 19 Q. Okay. Now, back at the police station, 20 you said that you and Robert -- Robert Lindsey 21 were brought in and sat down and cuffed to a 22 bench, right? 23 A. Yes. 24 Q. Were you sitting right next to Robert?</p>
<p style="text-align: right;">Page 142</p> <p>1 phone. 2 What was Ronald Watts doing when these 3 officers were on the phone? 4 A. He -- he pulled off down to the -- to 5 the other scene where Will was. 6 Q. Okay. And do you know whether Ronald 7 Watts was on the phone with the officers that 8 were by you? 9 A. I couldn't tell. I -- I wouldn't know. 10 I wouldn't know because he was down the street. 11 Q. Okay. Did you see any of the officers 12 down the street pull out a cell phone? 13 A. I couldn't -- I couldn't -- no. I 14 couldn't see. 15 Q. Okay. So is it fair to say that you 16 can't say for certain whether the officers that 17 left were on the phone with the officers that 18 were with you in front of Bug's house? 19 A. When they got on the -- when they was 20 on the phone, whoever they was talking to, like, 21 "Take them in." So they brung us in. That -- 22 so I was suspecting that they was talking to 23 them down there. 24 Q. So you -- you suspected, but you don't</p>	<p style="text-align: right;">Page 144</p> <p>1 A. In between Robert. It was somebody 2 else and then Robert. 3 Q. Okay. Did you talk to Robert at all 4 while you were on the bench? 5 A. We couldn't talk. I was too busy 6 bug -- snapping. 7 Q. Okay. And when you say "bugging," does 8 that just mean -- 9 A. Going off. 10 Q. -- talking to whoever. 11 A. Like, why the fu -- 12 THE COURT REPORTER: Sorry? 13 THE WITNESS: Yeah, sorry, sorry. 14 BY MR. GAINER: 15 Q. No. Go ahead. 16 A. Talking about why is I'm being 17 arrested. "Why y'all locking me up?" I was 18 crying. I was just frustrated, like, just -- 19 Q. Were you saying these things to anyone 20 specific or -- 21 A. I'm talking to the -- 22 Q. -- just in general? 23 THE WITNESS: Sorry about that.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 145	Page 147
<p>1 BY THE WITNESS:</p> <p>2 A. I'm talking to all the officers who</p> <p>3 locked me up.</p> <p>4 BY MR. GAINER:</p> <p>5 Q. Okay. Were they all right by you?</p> <p>6 A. Yes. They was at -- in the station at</p> <p>7 that time, yes.</p> <p>8 Q. Okay. And how big is the room you were</p> <p>9 in --</p> <p>10 A. I wouldn't know --</p> <p>11 Q. -- while you were on the bench?</p> <p>12 A. About this -- about this size.</p> <p>13 Q. Okay. And at one point -- let me ask</p> <p>14 you this: How long were you seated on the</p> <p>15 bench?</p> <p>16 A. Til they got through with Will. Like,</p> <p>17 probably like 20 -- if -- I mean, probably like</p> <p>18 15, 5 -- 10 minutes. They went in there and</p> <p>19 made him scream and did what they did and came</p> <p>20 back out. Like 10 minutes.</p> <p>21 Q. Ten minutes. Okay.</p> <p>22 And what happened after they came out?</p> <p>23 A. They came out. Watts had the plastic</p> <p>24 bag with a glove on with the feces on there.</p>	<p>1 A. It was very noticeable.</p> <p>2 THE COURT REPORTER: Sorry?</p> <p>3 THE WITNESS: Sorry about that.</p> <p>4 BY MR. GAINER:</p> <p>5 Q. Okay. It was very noticeable. There's</p> <p>6 a noticeable amount of, as you said, brown shit</p> <p>7 on the bag?</p> <p>8 A. Yes.</p> <p>9 MR. FLAXMAN: Doo-doo.</p> <p>10 MR. GAINER: Doo-doo. Pardon me.</p> <p>11 MR. FLAXMAN: We don't want to curse.</p> <p>12 BY MR. GAINER:</p> <p>13 Q. And when Sergeant Watts came out, was</p> <p>14 he holding it in his bare hand?</p> <p>15 A. I just told you they had on a rubber</p> <p>16 glove.</p> <p>17 Q. He had a rubber glove. I missed that.</p> <p>18 I apologize.</p> <p>19 And did -- what did you say back to</p> <p>20 Sergeant Watts when he said, "This is yours"?</p> <p>21 A. I told his ass, "Y'all -- you do -- God</p> <p>22 gonna get you for this and -- shit, God gonna</p> <p>23 get you -- God gonna punish you for this." And</p> <p>24 God punished his ass.</p>
<p style="text-align: center;">Page 146</p> <p>1 Q. And you're still on the bench?</p> <p>2 A. And we still on the bench, yes.</p> <p>3 Q. At any time, were you removed from the</p> <p>4 bench and taken into a separate room?</p> <p>5 A. No.</p> <p>6 Q. Okay. Was Mr. Lindsey?</p> <p>7 A. No.</p> <p>8 Q. Okay. So while you were on the bench,</p> <p>9 Ronald Watts came out with --</p> <p>10 A. The shit --</p> <p>11 Q. -- the bag?</p> <p>12 A. -- and said, "This is y'all's."</p> <p>13 Q. And this is the same bag that had the</p> <p>14 feces on it?</p> <p>15 A. Yes.</p> <p>16 Q. How -- this is a strange question, but</p> <p>17 how did you know there was feces on the bag?</p> <p>18 A. It was brown shit on the plastic bag.</p> <p>19 Q. Okay.</p> <p>20 A. It was doo-doo on the bag. What the</p> <p>21 fuck? Anybody could tell that.</p> <p>22 Q. No. I understand. I'm more so</p> <p>23 wondering if it was very noticeable or if you</p> <p>24 just saw a --</p>	<p style="text-align: center;">Page 148</p> <p>1 Q. How so?</p> <p>2 A. What do you mean by that, "how so"?</p> <p>3 Q. How did God punish Ron Watts?</p> <p>4 A. All the bogus shit he was doing, and it</p> <p>5 came back on him.</p> <p>6 Q. Is that -- When you say "all the bogus</p> <p>7 shit," are you talking about just what happened</p> <p>8 that day?</p> <p>9 A. To me and everybody else.</p> <p>10 Q. Who is everybody else?</p> <p>11 A. Whoever he -- whoever he did something</p> <p>12 to.</p> <p>13 Q. Do you know anyone else?</p> <p>14 A. No. With me and Robert, but that's</p> <p>15 about it.</p> <p>16 Q. Okay. When did you realize that it was</p> <p>17 Willie Brownlee and not Willie Martin that got</p> <p>18 brought into the station?</p> <p>19 A. Til we talked to his -- til we got his</p> <p>20 correct name or something, or I don't -- til we</p> <p>21 talked -- til we found out his real last name.</p> <p>22 Q. Right. I'm wondering when.</p> <p>23 A. Like a -- probably a week later or -- a</p> <p>24 week later.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 149</p> <p>1 Q. And how did you find that out? 2 A. Through him and his -- his fianc e. 3 Q. And you're talking about a week after 4 October 15th, 2009 -- 5 MR. FLAXMAN: Yeah. 6 BY MR. GAINER: 7 Q. -- or are you talking about a week 8 after you signed the affidavit? 9 A. A week after I signed the affidavit. 10 Q. Okay. And who did you talk to? 11 You said you talked to Willie -- 12 A. Fianc e. 13 Q. -- and his fianc e -- Willie's fianc e? 14 A. Yeah, because Will died. He -- we 15 didn't have his name right. So she gave us the 16 right name. 17 Q. Okay. So is there a Willie Martin at 18 all? 19 A. No. 20 Q. Not that you know? 21 A. No. 22 Q. Okay. And how did you -- how did the 23 conversation come about with Willie's fianc e? 24 A. She was there when they -- when -- when</p>	<p style="text-align: center;">Page 151</p> <p>1 that conversation? 2 A. No. 3 Q. Do you recall any -- any facts 4 regarding -- So earlier you said you had 5 somewhere between five and six interactions with 6 Ron Watts, right? 7 A. (Nonverbal response.) 8 Q. And is that the total number of 9 interactions you've ever had with Ronald Watts? 10 A. I think so. Yeah, I think -- yes. 11 Yeah, yeah, I think, yeah. 12 Q. So about five or six? 13 A. (Nonverbal response.) 14 Q. And the first one you said you don't 15 remember what time it was, but you -- 16 THE COURT REPORTER: Sorry? 17 THE WITNESS: No. 18 MR. FLAXMAN: Go ahead. Yeah. Let -- 19 What was the whole -- did you finish 20 your question? 21 MR. GAINER: No. I -- I didn't want to cross 22 up the reporter. I will reask. 23 BY MR. GAINER: 24 Q. The -- the first arrest or the first</p>
<p style="text-align: center;">Page 150</p> <p>1 they locked him up, too, and they let him go. 2 She was there. How -- how did I get his name? 3 Q. Yes. 4 A. We -- because Will died and -- and we 5 thought we had the right name, and it was the 6 wrong name. So we asked her what was his last 7 name. 8 Q. Who is we? 9 A. We had the first name. 10 Me and Robert. 11 Q. You and Robert. 12 So did you approach Willie's fianc e? 13 A. No. Robert -- I think Robert got in 14 touch with her first, I think, if I ain't 15 mistaken. 16 Q. Okay. Did you guys meet up or 17 something like that? 18 A. Yeah. We met up and talked to her. 19 Q. Okay. 20 A. She stayed on the block anyways, so... 21 Q. Okay. Where did you guys meet up? 22 A. By her house, by their house where they 23 stay at on 41st and Prairie. 24 Q. Okay. And was Mr. Flaxman there for</p>	<p style="text-align: center;">Page 152</p> <p>1 interaction you had with Ron you got arrested, 2 you don't remember when it was, right? 3 How about the second time? 4 A. No. 5 Q. No what? 6 A. No. I don't remember the second time 7 that he arrested me. I don't remember the time 8 frame when he kept arresting me. I -- I've 9 been -- 10 Q. You don't need to know the time frame, 11 but the second time, what happened? 12 A. The second time he took me in for 13 another trespass. We -- he used to always take 14 me in for it, like, just take -- take me in. He 15 used to -- I don't know why he used to take me 16 in, but he'd take me in. 17 Q. Okay. But do you remember -- do you 18 remember where you were arrested for -- 19 A. I've been -- 20 Q. -- the second time? 21 A. 42nd and Indiana, if I ain't mistaken. 22 Q. Okay. 23 A. We've been locked up some -- everywhere 24 with him. Shit, everywhere he seen me at he</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p>1 was --</p> <p>2 Q. Did you get convicted for that crime?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. Misdemeanor, I think, if I ain't</p> <p>6 mistaken.</p> <p>7 Q. Were you found innocent, or were the</p> <p>8 charges dropped?</p> <p>9 MR. FLAXMAN: Objection, form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. It was dropped, I guess.</p> <p>12 BY MR. GAINER:</p> <p>13 Q. Okay.</p> <p>14 A. I think it was dropped. The only case</p> <p>15 I have with him was this case he -- the case --</p> <p>16 the -- when I went to the -- when he sent me to</p> <p>17 the penitentiary.</p> <p>18 Q. So the October 15th case, or are you</p> <p>19 talking about --</p> <p>20 A. I'm talking about the October the</p> <p>21 9th -- 9th case. October -- I mean, '09 case.</p> <p>22 Q. Okay. So the October 15, 2009, the one</p> <p>23 we're talking about today, right?</p> <p>24 A. Yeah.</p>	<p>Page 153</p> <p>1 and shit.</p> <p>2 MR. FLAXMAN: Wait until he asks a question.</p> <p>3 BY MR. GAINER:</p> <p>4 Q. Earlier -- so at the station, you</p> <p>5 told -- you told Watts that -- and this is your</p> <p>6 words from earlier: You said you were --</p> <p>7 something along the lines of he did you bogus or</p> <p>8 phony charges?</p> <p>9 What did you say to Watts at the</p> <p>10 station?</p> <p>11 A. I said that "You giving me this case.</p> <p>12 God gonna get your ass for this."</p> <p>13 Q. Okay.</p> <p>14 A. Bogus case, yeah. It's still the same.</p> <p>15 Q. And did he say anything back to you?</p> <p>16 A. He told me to deal with it at -- deal</p> <p>17 with it in the court.</p> <p>18 Q. Okay. Did you have any other</p> <p>19 conversations with Ronald Watts that day?</p> <p>20 A. I was just fucked up. I was mad. I</p> <p>21 was -- I was talking -- I was saying shit. I</p> <p>22 don't know what I was saying. I had a lot --</p> <p>23 yeah, yes. I don't know what I was -- it was</p> <p>24 just "Y'all bogus as hell putting this case on</p>
<p>Page 154</p> <p>1 Q. That's the only case you've had with</p> <p>2 Ronald Watts?</p> <p>3 A. I had a couple of cases with him, but</p> <p>4 he ain't booked me on these cases.</p> <p>5 Q. What do you mean by he didn't book you?</p> <p>6 A. I mean it'd been criminal trespass.</p> <p>7 Q. Okay.</p> <p>8 A. That's what he'd been locking me up</p> <p>9 for, criminal case. And then the last time he</p> <p>10 gave me a case, sent me to the penitentiary.</p> <p>11 Q. Okay. But before that, he had never</p> <p>12 put a case on you or anything?</p> <p>13 A. Yeah. Sending me to jail, going to the</p> <p>14 police station.</p> <p>15 Q. I understand that.</p> <p>16 But you were -- you never ended up</p> <p>17 in IDOC --</p> <p>18 A. Wasn't no conviction --</p> <p>19 THE COURT REPORTER: Sorry?</p> <p>20 BY THE WITNESS:</p> <p>21 A. No, no.</p> <p>22 BY MR. GAINER:</p> <p>23 Q. Okay.</p> <p>24 A. I could just say he been harassing me</p>	<p>Page 156</p> <p>1 me."</p> <p>2 Q. Okay. Are there any other cases in</p> <p>3 your criminal history that were bogus?</p> <p>4 A. All of my case was bogus to me.</p> <p>5 Q. Okay. So how long were you on the</p> <p>6 bench in total when you were at the station?</p> <p>7 A. We was on the bench for like a couple</p> <p>8 hours, like, probably like three -- I mean, two</p> <p>9 hours, three hours. I ain't make it to the back</p> <p>10 til the night. So I was -- it was -- it was a</p> <p>11 while. They had us out for -- standing out for</p> <p>12 a while. So it was like -- like three -- three</p> <p>13 hours.</p> <p>14 Q. So three hours handcuffed to the bench?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. And in that three hours, you saw</p> <p>17 Willie Brownlee come in or get brought in by</p> <p>18 officers, right?</p> <p>19 A. Willie, yes.</p> <p>20 Q. Can you describe the officers that</p> <p>21 walked in with him?</p> <p>22 A. It was the same officers who arrested</p> <p>23 us.</p> <p>24 Q. That arrested you and --</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 157</p> <p>1 A. That -- yeah. 2 Q. -- Mr. Lindsey? 3 THE COURT REPORTER: Sorry? 4 BY THE WITNESS: 5 A. That -- yes. 6 BY MR. GAINER: 7 Q. Okay. So if the officers that arrested 8 you and Mr. Lindsey were with Willie, what 9 officers took you in? 10 A. They didn't never take us in. I told 11 you, an unmarked car took us in. They -- 12 Q. Blue and -- 13 A. They had a transport. 14 Q. Blue and whites, right? 15 A. Yes. 16 Q. Did you ever see anyone come out of the 17 room other than Ronald Watts? So they brought 18 Willie into a room, right? And you said Ronald 19 Watts came out. 20 Did anyone -- did you see anyone else 21 come out of that room? 22 A. Watts, Mohammed, and Al. Al took Will 23 in the room. 24 Q. Right.</p>	<p style="text-align: center;">Page 159</p> <p>1 Q. Okay. And then you, Mr. Lindsey, and 2 Willie all got to the station about the same 3 time, right? 4 A. Yes. 5 Q. So where in relation to the -- I guess, 6 where is the table he threw the drugs down on? 7 A. Right in front of us. And say this 8 the -- the bench right here we handcuffed to. 9 They on the other side of the table. 10 Q. How big is the table? 11 A. With the computers -- where they 12 computers -- like, just like this, a room with 13 computers. They had computers we sitting at and 14 they typing and right there. 15 Q. Okay. Did either Mohammed -- or who 16 was the -- the third officer, you said? 17 A. Al. Al -- 18 Q. Officer -- 19 A. -- I think, Al. 20 Q. Officer Al? 21 A. Yeah. 22 Q. Did they say anything when they came 23 out of the room? 24 A. They was sweating commotion. Like --</p>
<p style="text-align: center;">Page 158</p> <p>1 A. They took Willie in the room, and they 2 came back out, and they -- they -- like, they 3 had a strug -- struggle. Watts had the gloves 4 on. All of them had on gloves because they were 5 struggling with Will back there. He was 6 hollering. Watts came back in with the gloves 7 on and threw -- threw the -- the sh -- the 8 feces, the stuff with the feces on the table and 9 said that was ours. 10 Q. Earlier -- earlier you said that you 11 were on the bench for this conversation, right? 12 A. No. I ain't -- not -- earlier I said I 13 was on the -- handcuffed to the bench when they 14 brung him -- Willie -- when they brung Willie 15 past us. 16 Q. Right. 17 And then you -- you said you were on 18 the bench for about three hours, right? 19 A. Yes. 20 Q. But they were in the room with Willie 21 for like ten minutes, you said? 22 A. No. I said they wasn't -- like 23 probably -- yeah, 15 -- 15 to 10 minutes, 24 something like that. He was screaming.</p>	<p style="text-align: center;">Page 160</p> <p>1 like they was pissed off they had to go through 2 what they had to go through with him. 3 Q. But did they say anything? 4 A. I was talking to them. "Ya'll bogus as 5 hell." They -- 6 MR. FLAXMAN: Just answer -- answer his 7 question. 8 THE WITNESS: Oh, all right. Sorry about 9 that. 10 BY MR. GAINER: 11 Q. You're good. 12 Did they say anything to you? 13 A. I just told them God was gonna -- they 14 didn't -- couldn't say nothing to me because I 15 was too busy doing all the talking. 16 Q. Is it safe to say you didn't hear them 17 say anything to you? 18 A. They were saying something, but I 19 really wasn't trying to hear them because I was 20 getting -- going to jail for the shit. So I 21 was -- I wasn't really trying to hear them no 22 more. I was trying to get my point across. 23 Q. Okay. 24 A. They was talking, yes.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 161</p> <p>1 Q. Did you make any phone calls when you 2 were at the police station?</p> <p>3 A. No, I couldn't. They wouldn't let me.</p> <p>4 Q. Okay.</p> <p>5 A. Probably when I got in the back, I told 6 them they was locking me up. When you get in 7 the lockup, they let you make one phone call in 8 the lockup.</p> <p>9 Q. Oh, okay. So not until you get to 10 lockup?</p> <p>11 A. Yeah.</p> <p>12 MR. GAINER: I got you.</p> <p>13 That's all I have for now.</p> <p>14 MR. FLAXMAN: Folks on Zoom have questions 15 or --</p> <p>16 MS. OLIVIER: I do.</p> <p>17 EXAMINATION</p> <p>18 BY MS. OLIVIER:</p> <p>19 Q. Good afternoon, Mr. Sims.</p> <p>20 Can you hear me okay?</p> <p>21 A. Yes.</p> <p>22 Q. All right. My name is Kelly Olivier.</p> <p>23 I am one of the attorneys that represents not 24 Watts or Mohammed but the remaining officers</p>	<p style="text-align: center;">Page 163</p> <p>1 chubby officer that you've described?</p> <p>2 A. Yes. If I ain't mistaken, I'm thinking 3 the chubby officer is Al, if I ain't mistaken, 4 if -- if I ain't mistaken.</p> <p>5 Q. Okay. So I just want to make sure that 6 I'm clear.</p> <p>7 When you've referenced the chubby 8 officer and the actions that officer took with 9 respect to searching you on the scene and also 10 placing you in handcuffs, you believe that that 11 officer was Al --</p> <p>12 A. Yes.</p> <p>13 Q. -- Jones?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And that chubby officer, Alvin 16 Jones, was also the same officer who you saw 17 come out of the room with Mohammed and Watts 18 after they had searched, you believe, 19 Mr. Brownlee?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Had you had any interactions 22 with Officer Jones prior to October 15th, 2009, 23 that you can specifically remember?</p> <p>24 A. Shit, the time he was with Watts when</p>
<p style="text-align: center;">Page 162</p> <p>1 you've named in this case. So bear with me a 2 little bit. Most of the questions that I have 3 for you have been covered, but I do have some 4 additional ones. I know that you've identified 5 by name Officers Watts, Mohammed, and Jones, and 6 I know you've discussed some of the things that 7 Jones did with respect to your arrest.</p> <p>8 I'm wondering, with respect to 9 Officer Jones's involvement from the moment he 10 got on the scene, are you able to describe for 11 me what he did once he got out of the marked 12 vehicles that -- or unmarked vehicles that 13 surrounded you?</p> <p>14 A. If I ain't mistaken, he was the one 15 that said I had on the -- a U.S. currency Army 16 jacket. If I ain't mistaken, that was him. And 17 I -- and he told me that I ain't supposed to 18 have it on me. And I told him this was a -- a 19 gift from my uncle.</p> <p>20 Q. Did you see any actions that 21 Officer Jones performed, for example, searching 22 the car or anything like that?</p> <p>23 A. Me. He searched me.</p> <p>24 Q. Okay. He searched you along with that</p>	<p style="text-align: center;">Page 164</p> <p>1 they locked me up.</p> <p>2 Q. For the trespass case?</p> <p>3 A. The tress- -- every time they came they 4 all came with each others.</p> <p>5 Q. Okay. I know you were asked a couple 6 of questions with respect to Officer Bolton, but 7 to the extent he's one of my clients, I do have 8 to kind of ask you these same questions again, 9 and I do apologize if they get repetitive -- 10 repetitive. And I'm sorry. I won't ask you the 11 same questions, but I'm going to ask you some 12 similar questions.</p> <p>13 Are you able to describe for me what 14 Officer Bolton's involvement in your 15 October 15th, 2009, arrest was?</p> <p>16 A. I wouldn't know who Officer Bolton is 17 til I see his picture.</p> <p>18 Q. Okay. Are you able -- so the answer 19 is, no, you cannot --</p> <p>20 A. No.</p> <p>21 Q. No, okay.</p> <p>22 With respect to Officer Doug Nichols 23 who you've also sued, can you describe for me 24 his involvement in your October 15th, 2009,</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p>Page 165</p> <p>1 arrest?</p> <p>2 A. No.</p> <p>3 Q. With respect to Officer Ellsworth</p> <p>4 Smith, can you describe for me what his</p> <p>5 involvement was in your October 15th, 2009,</p> <p>6 arrest?</p> <p>7 A. No. Because I don't -- I don't know</p> <p>8 who the names is; so, no.</p> <p>9 Q. With respect to Officer Robert</p> <p>10 Gonzalez's involvement in your October 15th,</p> <p>11 2009, arrest, can you describe for me his</p> <p>12 involvement?</p> <p>13 A. No.</p> <p>14 Q. And then with respect to Manuel Leano's</p> <p>15 involvement in your October 15th, 2009, arrest,</p> <p>16 can you describe what that involvement was for</p> <p>17 me?</p> <p>18 A. Excuse me again?</p> <p>19 Q. Pardon?</p> <p>20 A. I didn't hear.</p> <p>21 Q. Sure. I'll re-- I'll ask it again.</p> <p>22 Can you describe for me what</p> <p>23 Officer Manuel Leano's involvement was with your</p> <p>24 October 15th, 2009, arrest?</p>	<p>Page 167</p> <p>1 them.</p> <p>2 Q. He called you when you were in prison</p> <p>3 or he was in prison?</p> <p>4 A. No. He called me when he was present</p> <p>5 with the FBIs.</p> <p>6 Q. Oh, okay. So he was present with the</p> <p>7 FBI, and he called you on your --</p> <p>8 A. Yeah, and tell me -- tell -- wanted me</p> <p>9 to tell them about my case. So I'm like, "I</p> <p>10 ain't -- I ain't doing none of that."</p> <p>11 Q. Why did you not want to --</p> <p>12 A. Because --</p> <p>13 THE COURT REPORTER: Sorry?</p> <p>14 MR. FLAXMAN: Let her finish the question.</p> <p>15 BY THE WITNESS:</p> <p>16 A. All right. I don't -- I don't know why</p> <p>17 I didn't. Because -- probably because it was</p> <p>18 dealing with the FBI I was going to talk to my</p> <p>19 lawyer about it and see was it okay for me to</p> <p>20 talk to -- talk to them with -- about it.</p> <p>21 BY MS. OLIVIER:</p> <p>22 Q. Do you recall who your lawyer was at</p> <p>23 the time that you wanted to talk to first?</p> <p>24 A. Joel Flaxman.</p>
<p>Page 166</p> <p>1 A. No, I can't. I don't know who the</p> <p>2 officer is.</p> <p>3 Q. Is there a reason why you did not try</p> <p>4 to report this false arrest once it occurred?</p> <p>5 MR. FLAXMAN: Objection, form, foundation.</p> <p>6 Go ahead.</p> <p>7 BY THE WITNESS:</p> <p>8 A. No. Til I got out with Robert, he told</p> <p>9 me that I -- that I could file this case.</p> <p>10 Robert had been talking -- dealing with the FBIs</p> <p>11 and internal affairs about -- about these</p> <p>12 crooked officers.</p> <p>13 BY MS. OLIVIER:</p> <p>14 Q. Have you ever spoken with the FBI?</p> <p>15 A. No. He was trying to get me to talk to</p> <p>16 them, but I ain't wanted to do no talking.</p> <p>17 Q. What was -- what occurred in the</p> <p>18 context of him trying to get you to talk to the</p> <p>19 FBI?</p> <p>20 Do you remember when that was?</p> <p>21 A. I don't remember the date, but I re--</p> <p>22 I don't remember the date, but I remember he</p> <p>23 was -- he had -- he called me when they was</p> <p>24 present, and he was trying to get me to talk to</p>	<p>Page 168</p> <p>1 BY MS. OLIVIER:</p> <p>2 Q. Okay. So Flaxman was your lawyer at</p> <p>3 this time when Robert Lindsey called you because</p> <p>4 he was speaking with the FBI?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Was -- do you know if this was</p> <p>7 before or after you filed your lawsuit?</p> <p>8 A. I think this was -- this was after we</p> <p>9 filed our lawsuit.</p> <p>10 Q. Okay.</p> <p>11 A. I think, if I ain't mistaken.</p> <p>12 Q. So this was in -- within the past few</p> <p>13 years then?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you -- so you've never</p> <p>16 been -- so you didn't want to speak with him in</p> <p>17 that moment.</p> <p>18 Have you made any efforts to reach back</p> <p>19 out to them or to try to speak with them?</p> <p>20 A. No, no, no, no.</p> <p>21 Q. Do you have any plans to?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. For what? I already got somebody</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 169</p> <p>1 handling my case.</p> <p>2 Q. You also mentioned that Robert had 3 tried to report them to the IAD, I believe you 4 said?</p> <p>5 A. What is that?</p> <p>6 MR. FLAXMAN: He said internal affairs.</p> <p>7 MS. OLIVIER: Okay. So then I --</p> <p>8 MR. FLAXMAN: Do you want to say that?</p> <p>9 THE WITNESS: The --</p> <p>10 BY MS. OLIVIER:</p> <p>11 Q. Are you aware that Robert filed a 12 complaint with the Chicago Police Department 13 within a few years of your arrest?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Did Robert discuss that with 16 you?</p> <p>17 A. No. He just say he filed a complaint. That was it.</p> <p>18 Q. And what was the context of that 19 conversation when he told you that?</p> <p>20 A. He just said, "I filed a complaint on the officers."</p> <p>21 Q. Did he ask you to back him up or to --</p> <p>22 A. No. He just said he filed the</p>	<p style="text-align: center;">Page 171</p> <p>1 that you're having with Robert about him filing 2 a complaint and you indicating the reason why 3 you didn't want to join was because you already 4 had a lawyer?</p> <p>5 A. No, no, no, no. I ain't -- I ain't -- 6 no, no. I ain't -- he had -- he filed a 7 complaint against the -- some officers -- 8 officers. So he's telling me about it. So I -- 9 I ain't want nothing to -- I didn't have no 10 cases back then, so why is I'm putting in the 11 complaint for?</p> <p>12 Q. Well, Robert was putting in a complaint 13 even though he had --</p> <p>14 A. He'd been getting --</p> <p>15 THE COURT REPORTER: Sorry?</p> <p>16 THE WITNESS: Sorry about that. He'd been 17 getting harassed. That's what he -- I mean, 18 sorry about that. He --</p> <p>19 MR. FLAXMAN: Yeah. Why -- I think -- I 20 think you guys are misunderstanding.</p> <p>21 What -- listen to her question. Okay?</p> <p>22 THE WITNESS: Okay.</p> <p>23 BY MS. OLIVIER:</p> <p>24 Q. Sure.</p>
<p style="text-align: center;">Page 170</p> <p>1 complaint.</p> <p>2 Q. What was your response when he said 3 that?</p> <p>4 A. I said, "Shit, that's on you."</p> <p>5 THE COURT REPORTER: Sorry?</p> <p>6 THE WITNESS: I said, "That's on you."</p> <p>7 BY MS. OLIVIER:</p> <p>8 Q. Is there -- Or strike that.</p> <p>9 Why did you not file a complaint?</p> <p>10 A. Because I had a lawyer at the time. So 11 why is I'm talking to somebody else when I got 12 an attorney?</p> <p>13 Q. So the complaint that Robert filed was 14 actually in approximately like 2011, if I'm 15 getting my date correct.</p> <p>16 So do you recall having this 17 conversation with Robert about the complaint he 18 filed before you had Mr. Flaxman as your lawyer?</p> <p>19 A. No. Yes. I -- I don't -- say that again?</p> <p>20 Q. Robert filed a complaint with the 21 Chicago Police Department well before any 22 lawsuits were filed.</p> <p>23 So I'm wondering if this conversation</p>	<p style="text-align: center;">Page 172</p> <p>1 So Robert obviously had a -- a case 2 against him at the time, right, or he had 3 already served time for this case when he made 4 the complaint, and so I'm just wondering why you 5 didn't want to assist him with that complaint or 6 make your own complaint.</p> <p>7 MR. FLAXMAN: Just objection, form, 8 foundation.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Because I -- I didn't have no lawyer at 11 the ti- -- I mean, I had a -- I ain't -- I don't 12 get what you -- I really don't. I'm -- I'm kind 13 of confused right now.</p> <p>14 BY MS. OLIVIER:</p> <p>15 Q. I'm just wondering, if Robert informed 16 you, "Hey, this arrest we have, you know it's 17 bogus. I'm going to file a complaint with the 18 Chicago Police Department" why you didn't join 19 him by making your own complaint or saying, "You 20 know what? Your right. I'll be a witness for 21 you."</p> <p>22 A. Right. I don't -- I don't know what I 23 was doing there. I don't -- I don't know why. I don't -- I don't know.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 173</p> <p>1 Q. Okay. You described one of the 2 officers that was either white or Hispanic, 3 maybe Mexican, having a ponytail; is that right? 4 A. Yes. 5 Q. Okay. Are you able to describe what 6 specifically that officer did once he got out of 7 an unmarked vehicle when he was on the scene 8 besides I know you said he was on his cell phone 9 with Officer Mohammed, but is there anything 10 else you can recall him doing? 11 A. Not at this time. I know I was bugging 12 up on all of them at the station. 13 Q. You mentioned that Watts in the 14 presence of his team had been harassing you for 15 at least like a year before this arrest. 16 So is there a reason why you kept going 17 back to that area despite that harassment? 18 A. That's my -- the only area where I stay 19 at. That's where I grew up at. That's where I 20 play basketball at. 21 Q. So even though you were living with 22 your fiance at the time, that's where you were 23 going because that's where all your friends were 24 essentially still?</p>	<p style="text-align: center;">Page 175</p> <p>1 you've also never sold or attempted to sell any 2 narcotics including heroin, cocaine, ecstasy? 3 A. No. 4 Q. Sorry. I just want to make sure the 5 record is clear. 6 It's -- you -- have you ever sold 7 heroin, cocaine, ecstasy, or any narcotic or 8 illegal drug? 9 A. No. 10 Q. So to the extent that in your criminal 11 history you have arrests for possessing 12 narcotics or attempting to sell narcotics or 13 selling narcotics, those -- in each and every 14 one of those cases when drugs were recovered, 15 those drugs were planted on you? 16 A. Yes. 17 Q. Okay. And that also includes that 18 arrest you have out of Wisconsin? 19 A. Yes. They -- yes. 20 Q. Going to some of the damages that 21 you're claiming in this case, you have indicated 22 that you've undergone stress, trouble eating, 23 trouble sleeping, and experiencing anger. 24 Have you -- in addition to those</p>
<p style="text-align: center;">Page 174</p> <p>1 A. And my mother still stayed down that 2 way. 3 Q. Your mother was there at the time as 4 well? 5 A. Yes. 6 MR. FLAXMAN: Make sure you -- move your 7 hands so we can hear you. 8 THE WITNESS: Oh, sorry. Sorry about -- 9 MR. FLAXMAN: No, no. It's natural. 10 BY MS. OLIVIER: 11 Q. Sorry. I'm just looking over my notes 12 if you could be patient with me, Mr. Sims. I 13 just want to make sure that your testimony is 14 clear. 15 Is it your testimony that you have 16 never possessed any narcotic, including heroin, 17 cocaine, ecstasy? 18 A. No. 19 Q. No, that's not correct or, no, you have 20 never possessed -- 21 A. No. I have never possessed it. 22 Q. -- any narcotic? 23 A. No. 24 Q. And is it your testimony then that</p>	<p style="text-align: center;">Page 176</p> <p>1 symptoms, are there any physical symptoms that 2 you've endured as a result or that you're 3 claiming as a result of this case? 4 A. Could you say that -- could you make 5 that -- I'm trying to understand what you 6 saying. 7 Q. Sure. 8 To the extent you experienced stress, 9 did you experience any physical symptoms, 10 whether that be losing weight or having chest 11 pains or experiencing anxiety, anything like 12 that physically that you experienced? 13 A. Yes. 14 Q. -- as a result of this case? 15 A. Yes, yes. 16 Q. Okay. What have you physically 17 experienced? 18 A. I can't sleep, bad headaches, off and 19 on eating. I don't eat like I usually eat 20 because of the time schedule. 21 Q. To the extent that you answered that 22 thinking about prison makes you angry, it's true 23 that you've been to prison more than just for 24 this case, correct?</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 177</p> <p>1 A. I've been to prison -- my first time 2 was with the Watts case. That was my first time 3 ever going to the prison. 4 Q. But you have been to prison since then, 5 correct? 6 A. Yes. 7 Q. Okay. So to the extent that thinking 8 about prison makes you angry, is it -- which 9 stint in prison makes you angry? 10 A. Being in the -- a hole -- being in the 11 cell. I can't -- a little cell, toilet is -- is 12 stressful. You can't -- can't move like you -- 13 you can't -- you gotta -- you gotta -- you 14 can't -- ain't nowhere to walk. You get out 15 your bed. You walking to the toilet and the 16 sink. You gotta lay back down. Ain't enough 17 room to walk. You -- you can't. It's 18 stressful, like, being locked in the room, a 19 dark room, shit. 20 Q. Are you able to parse out -- was it -- 21 Or strike that. 22 Was there a difference in your prison 23 experience for this case versus your experience 24 as in other cases?</p>	<p style="text-align: center;">Page 179</p> <p>1 went to -- or once you pled guilty and went to 2 prison for this case, correct? 3 A. Yes, yes. 4 Q. In 2010? 5 A. Yes. 6 Q. Had you experienced having a temper or 7 being too aggressive prior to your arrest in 8 October of 2009? 9 A. Probably -- no, no. I'm -- no. 10 Q. You also indicated that you experienced 11 bad dreams. 12 What do you mean by that? 13 A. Like, people be bothering me in my -- 14 in my dreams, like spirits, ghosts, like -- 15 Q. Is there -- and do you attribute those 16 dreams to your October 15th, 2009, arrest? 17 A. Excuse me? 18 Q. Pardon? 19 A. To my -- 20 MR. PALLAS: He asked you to repeat. 21 BY MS. OLIVIER: 22 Q. Sure. 23 So I'm just wondering -- so the bad 24 dreams you've described as kind of, like,</p>
<p style="text-align: center;">Page 178</p> <p>1 A. Excuse me? 2 Q. Pardon? 3 A. Say that again? 4 Q. Was there something about your prison 5 experience that you served on this case that was 6 different, whether better or worse, in 7 comparison to the other times you've spent in 8 prison? 9 A. It's -- there's nothing better than 10 nothing. It's all worse. 11 Q. Essentially, every time you went to 12 prison -- 13 A. Yes. 14 Q. -- it was terrible? 15 A. It was bad, yeah. 16 Q. You also noted that you have a temper 17 and that you're too aggressive. 18 When did you first start experiencing a 19 temper or feeling that you were being too 20 aggressive? 21 A. In jail, the first time in prison. 22 Q. The first time you went to prison? 23 A. Yes. 24 Q. Okay. So that started then after you</p>	<p style="text-align: center;">Page 180</p> <p>1 spirits are bothering you in your dreams, do you 2 attribute those spirits with your October 2009, 3 arrest? 4 A. Yes. 5 Q. Okay. And in what way do -- do those 6 two connect for you in your mind? 7 A. What do it connect? 8 Q. Sure. 9 A. Stress. 10 Q. Okay. So, basically, these bad dreams 11 you're attributing to stress, and the stress is 12 from your October 2009 -- 13 A. Yes. 14 Q. -- arrest? 15 A. Yes. 16 Q. Okay. Are you having bad dreams about 17 what happened on October 15th, 2009, or are they 18 just what you've already described for me? 19 A. It's just -- it's -- it fucked me up 20 being in prison, period. Like, I've been -- 21 I've been messed up ever since I went to prison. 22 Q. With respect to your private attorney 23 that you had on this case, Mr. Sherman, you 24 indicated that you told him that you were</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 181</p> <p>1 framed; is that right? 2 A. Yes. 3 Q. What was his response when you told him that? 4 A. He told me he was going to -- we were going to try to put in a couple of motions and beat it, but he wasn't doing what I told him to do. He wasn't getting all the evidence that I needed, and so I had to get rid of him. 5 Q. You're -- you were -- after you got rid of him, you went with a public defender, correct? 6 A. Yes. 7 Q. All right. And you remember -- and was it the same public defender that you maintained from once you fired Mr. Sherman through your guilty plea? 8 A. Yes. 9 Q. Okay. Did you ever tell that public defender that you had been framed? 10 A. Yes. 11 Q. All right. And what was that attorney's response? 12 A. The same like Dennis Sherman. Shoo --</p>	<p style="text-align: center;">Page 183</p> <p>1 just following the lead, what he told me to do, but it didn't go right. So I still ended up going to prison. 2 BY MS. OLIVIER: 3 Q. When you ultimately pled guilty in July of 2010, what led to you making that decision? 4 A. Lesser time. 5 Q. But were -- 6 A. From 4 years to 30. 7 Q. -- you had conversations with your attorney prior to entering that plea? 8 THE COURT REPORTER: Kelly, I didn't understand the question. It cut out. Could you repeat it? 9 MS. OLIVIER: Sure. 10 BY MS. OLIVIER: 11 Q. Did you have conversations with your attorney prior to entering your guilty plea in July of 2010? 12 A. Yes. 13 Q. And what took place in those conversations? 14 A. She told me to take the lesser charge, and I took the lesser charge.</p>
<p style="text-align: center;">Page 182</p> <p>1 they wouldn't -- they was lacking on the -- to get my evidence and everything I was asking for, they was, like, shooting me down for it. So it wasn't nothing else I could do but cop out for a lesser time. 2 Q. Do you recall at one of your first court dates at your arraignment requesting to plead guilty? 3 A. No. 4 Q. Do you recall having a 402 conference in front of a judge named Judge Ford where he offered to sentence you to four years, but you felt that was too much time so you opted to fight the case at that point? 5 A. It was a -- it was a mixed fusion [sic] with my lawyer at that time. We -- 6 THE COURT REPORTER: Sorry? 7 THE WITNESS: I mean, sorry about that. 8 THE COURT REPORTER: I didn't understand the word. 9 BY THE WITNESS: 10 A. It was a -- it was a mixed confusion between me -- between me and my lawyer. So he told me to go into a 402 conference. So I was</p>	<p style="text-align: center;">Page 184</p> <p>1 Q. Did you discuss going to trial? 2 A. She said we go -- we go to trial, we lose, they going to give you 30 years. So I'm -- told her, "We not going to trial." We gonna -- I'm gonna cop out because the -- they gonna believe the police, and we just lost a motion so they was gonna believe the police credibility," so... 3 Q. Were you cellmates with Robert at this time? 4 A. No. 5 Q. Okay. How long were you two cellmates for? 6 A. We weren't never cellmates. 7 Q. Oh, okay. I think I misunderstood. You were never in the same house with Robert? 8 A. No. Robert went to prison. He was on parole. 9 Q. Did you ever have any conversations with Robert about your decision to plead guilty? 10 A. No. 11 Q. Why not? 12 A. Because I wasn't -- I ain't never --</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 185</p> <p>1 I -- we was seeing each other, and then we had a 2 separate court date. They -- we -- we had 3 separate court days.</p> <p>4 Q. Did you ever attempt to get in contact 5 with Mr. Brownlee during your criminal 6 proceedings?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Because I was locked up.</p> <p>10 Q. Were you in communications with anyone 11 on the outside when you were in jail prior to 12 your plea?</p> <p>13 A. My family.</p> <p>14 Q. Did you ever ask your family to try to 15 speak with Mr. Brownlee or get ahold of him?</p> <p>16 A. No. Til I got out.</p> <p>17 Q. Why did you not try to get ahold of him 18 until you got out?</p> <p>19 A. Because it was hard to catch up with 20 him. Nobody couldn't find him. There -- nobody 21 couldn't find him.</p> <p>22 Q. Well, had you attempted to find him 23 prior to --</p> <p>24 A. I think I tried -- I think --</p>	<p style="text-align: center;">Page 187</p> <p>1 Q. And what happened?</p> <p>2 A. They ain't never show up. They 3 couldn't get up with him. They couldn't -- they 4 said they was coming, and then they didn't come.</p> <p>5 Q. Did you tell your attorneys about 6 Mr. Brown -- excuse me -- yeah -- about 7 Mr. Brownlee?</p> <p>8 A. Yes. I told them they got the shit out 9 of -- got the stuff out of his ass, out of his 10 anal.</p> <p>11 Q. Do you recall if your attorneys 12 investigated Mr. Brownlee's locations?</p> <p>13 A. Not of I -- no, no. Not of I -- I 14 don't -- no. I don't know. I don't think so.</p> <p>15 Q. Do you know where Mr. Brownlee was 16 living at the time?</p> <p>17 A. Yes. He was staying on 41st and 18 Prairie.</p> <p>19 Q. Did you tell your attorneys that 20 Mr. Brownlee -- where Mr. Brownlee could be 21 found?</p> <p>22 A. No. I ain't tell -- my family knew. I 23 told my family.</p> <p>24 Q. Did you ever have any conversations</p>
<p style="text-align: center;">Page 186</p> <p>1 THE COURT REPORTER: Sorry. I didn't get the 2 question.</p> <p>3 THE WITNESS: Sorry, sorry. I keep cutting 4 you off. I'm sorry about that, y'all.</p> <p>5 MR. FLAXMAN: Could you ask it again, Kelly? 6 Sorry.</p> <p>7 MS. OLIVIER: Sure.</p> <p>8 BY MS. OLIVIER:</p> <p>9 Q. Did you attempt to find Mr. Brownlee 10 prior to entering your guilty plea in July of 11 2010?</p> <p>12 A. Yes. I probably did when I was locked 13 up, try to get them to -- to -- have him come to 14 say they got the drugs off him, but it was 15 hard -- they was -- it was hard to catch up with 16 him. Yes, I did. Yes.</p> <p>17 Q. Okay. So the answer is -- your answer 18 is that, yes, you did?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And what efforts did you make to 21 try to connect with Mr. Brownlee while you 22 were -- before you pled guilty?</p> <p>23 A. Tried to have him come to court, him 24 and Bug.</p>	<p style="text-align: center;">Page 188</p> <p>1 with your family about them going and talking 2 with Mr. Brownlee about helping you with your 3 case?</p> <p>4 A. No. They couldn't find him.</p> <p>5 Q. Which family member specifically 6 attempted to --</p> <p>7 A. My little sister.</p> <p>8 THE COURT REPORTER: Sorry?</p> <p>9 THE WITNESS: Sorry.</p> <p>10 MR. FLAXMAN: Yeah. Let her finish. Let her 11 finish.</p> <p>12 THE COURT REPORTER: I didn't hear the 13 question.</p> <p>14 BY THE WITNESS:</p> <p>15 A. My --</p> <p>16 BY MS. OLIVIER:</p> <p>17 Q. Which family members attempted to find 18 Mr. Brownlee for you?</p> <p>19 A. My sister.</p> <p>20 Q. And how many years apart are you and 21 your sister, or are you twins?</p> <p>22 A. I'm like probably three years, two or 23 three years. It's probably four. I don't know. 24 Two or four or something. I don't know.</p>

50 (Pages 185 to 188)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: right;">Page 189</p> <p>1 Q. And this is the same sister that 2 currently lives with your mom? 3 A. Yes. 4 Q. And who is older, you or your sister? 5 A. Me. 6 Q. Besides your attorney, have you spoken 7 with anyone about the fact that you were going 8 to be deposed today? 9 A. No. 10 Q. Besides your attorneys and, obviously, 11 you had conversations with the police officers 12 at the scene and then at the station when you 13 were arrested, did you ever tell anyone else 14 that you were falsely arrested on 15 October 15th, 2009? 16 A. My mama and sister. 17 Q. When did you first tell them that you 18 were falsely arrested? 19 A. When we -- when I made it to 20 Cook County -- when I made it to the jail. 21 Q. So shortly after you were arrested? 22 A. Yes. 23 Q. All right. And what was their response 24 when you told them?</p>	<p style="text-align: right;">Page 191</p> <p>1 Q. When you said that you never saw any 2 drug activity in the location when you were 3 arrested at that time, are you talking -- are 4 you referring to specifically the date that you 5 were arrested, October 15th, 2009? 6 A. Yes. 7 Q. Okay. Had you seen drug activity 8 taking place at that location prior to your 9 arrest? 10 A. No. 11 Q. All right. I just have a few other 12 more general questions for you, and then I 13 believe I'll be done. 14 Do you have any social media accounts, 15 Mr. Sims? 16 A. I did. Not no more. 17 Q. Okay. When did you stop using social 18 media? 19 A. When my fian- -- when my girlfriend 20 started catching me up, so I stayed off of it. 21 Q. Is this the fianc e who you referred to 22 earlier? 23 A. I -- I got a couple of them. 24 Q. Okay. So is the girlfriend different</p>
<p style="text-align: right;">Page 190</p> <p>1 A. She -- my mother said she was going to 2 get me a lawyer to try to fight my case to help 3 me. 4 Q. What did your sister say? 5 A. She -- same thing what my mother said. 6 Q. To the extent that you were frequently 7 in the area where you were arrested, had you 8 ever observed any drug activity taking place? 9 And by that I mean, people making, you know, 10 drug purchases or anything like that? 11 A. Not -- not -- not -- no, no. 12 Q. In your life, have you ever seen drug 13 activity taking place in front of you? 14 A. Yeah, the project I stay in. 15 Q. Okay. But in terms of this area where 16 you were arrested, you did not see any drug 17 activity taking place there? 18 A. No, not at that time. 19 Q. Okay. Did you ever hear anyone 20 shouting out, like, blows or rocks or anything 21 like that -- 22 A. No. 23 Q. -- in that area? 24 A. No.</p>	<p style="text-align: right;">Page 192</p> <p>1 from the fianc e? 2 A. It's the same, the same. 3 Q. Okay. Is she still your fianc e, or is 4 she your girlfriend? 5 A. They -- we just -- we -- we -- we cool. 6 We -- we -- we cool. She ain't my girlfriend. 7 Q. You don't put a label on it? 8 A. She alright. 9 Q. Do -- I -- now that we have been here 10 for a few hours, do you remember her last name 11 at this time? 12 A. I had a couple of them. 13 Q. The one from right now? 14 A. Hamilton. 15 Q. The one right now? 16 A. The one right now, Jamison. I think 17 Victoria Jamison. I -- if I -- if I ain't 18 mistaken. 19 Q. Have you spoken with her about your 20 case? 21 A. No. 22 Q. Have you spoken with any of your former 23 fianc es or love interests about your case? 24 A. No.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 193</p> <p>1 Q. The fiance whose home you were coming 2 from that day, did you ever have a conversation 3 with her about the fact that you were falsely 4 arrested?</p> <p>5 A. The -- yeah. She was trying to figure 6 out why I didn't come back, and -- and she -- I 7 got arrested. They put some drugs on me, and 8 she knew I was going out to Power & Son to get 9 my -- my documents.</p> <p>10 THE COURT REPORTER: Sorry. "I was going 11 out..." Could you repeat that?</p> <p>12 BY THE WITNESS:</p> <p>13 A. I was going out to get my documents to 14 Power & Son; like ID, social security card, 15 birth certificate.</p> <p>16 BY MS. OLIVIER:</p> <p>17 Q. What -- you -- so when you were 18 arrested, did you have your -- those documents 19 with you --</p> <p>20 A. Yes. I had --</p> <p>21 THE COURT REPORTER: Sorry.</p> <p>22 BY MS. OLIVIER:</p> <p>23 Q. Okay. And if you could just clarify 24 for me, what were the specific documents that</p>	<p style="text-align: center;">Page 195</p> <p>1 what happened with his car?</p> <p>2 A. No. I just know they impounded it.</p> <p>3 Q. When you were on social media, what 4 platforms were you on? And when I say platform, 5 I mean, were you on Instagram or Snapchat, 6 TikTok?</p> <p>7 A. It was just TikTok, cooking and showing 8 all my cook shows and cooking. Just showing a 9 lot of cooking, working, handyman stuff.</p> <p>10 Q. What was your TikTok handle?</p> <p>11 A. Handle?</p> <p>12 Q. Your name on TikTok.</p> <p>13 A. Oh.</p> <p>14 Q. What was your name?</p> <p>15 A. Bino Sims.</p> <p>16 Q. How do you spell that?</p> <p>17 A. B-I-N-O, Sims, S-I-M-S.</p> <p>18 Q. And is Bino a nickname?</p> <p>19 A. Yes. That's my street name they call 20 me.</p> <p>21 Q. Okay. And how did that name originate?</p> <p>22 A. Somebody gave me that.</p> <p>23 Q. And was it from a specific --</p> <p>24 A. No. It's just -- they just gave me</p>
<p style="text-align: center;">Page 194</p> <p>1 you had with you at that time --</p> <p>2 A. It was a --</p> <p>3 Q. -- in addition to your birth 4 certificate?</p> <p>5 A. -- state ID, social security card, and 6 my birth certificate.</p> <p>7 Q. What happened to those documents?</p> <p>8 A. They were still in the car when they 9 arrested -- they impounded the car and all my 10 documents was still on -- on the dashboard 11 because that's where I left it at. It was on 12 the dashboard, because I was eating at the time.</p> <p>13 Q. Were you ever able to retrieve them?</p> <p>14 A. No. Because I was still incarcerated, 15 and they had the car in the impound. I'd been 16 trying to tell them that, to get the -- my 17 lawyer, the public defender, all the stuff 18 that's in the car that shows that -- that proof 19 that -- that I'm telling y'all. So nobody never 20 got it.</p> <p>21 Q. Do you know ultimately what happened to 22 the car?</p> <p>23 A. No.</p> <p>24 Q. Have you ever spoken with Robert about</p>	<p style="text-align: center;">Page 196</p> <p>1 Bino and -- and I just went with it.</p> <p>2 Q. Do you know how old you were when you 3 got that name?</p> <p>4 A. Probably 20.</p> <p>5 Q. Besides Mr. Lindsey, do you know any of 6 the other individuals that have filed lawsuits 7 against Sergeant Watts and members of his team?</p> <p>8 A. No.</p> <p>9 Q. Are you -- have you ever met any of 10 them at your attorney's office or attended a 11 press conference with them or anything like 12 that?</p> <p>13 A. No.</p> <p>14 Q. Do you know if Mr. Lindsey has ever 15 sold drugs?</p> <p>16 A. No. I don't know. No. I don't know.</p> <p>17 Q. Have you ever seen him sold -- sell 18 drugs?</p> <p>19 A. No.</p> <p>20 Q. Have you ever seen him use drugs?</p> <p>21 A. No.</p> <p>22 Q. Have you ever seen him in possession of 23 drugs?</p> <p>24 A. No. Only the time they caught us</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 197</p> <p>1 with -- they said they found on us. That's 2 about it.</p> <p>3 Q. And then going back to that bag that 4 you said was covered in feces, was it just one 5 bag?</p> <p>6 A. It was a plastic bag. Like, it was a 7 plastic bag, like a jab or whatever -- however 8 you would call it.</p> <p>9 Q. Did you say jab, J-A-B?</p> <p>10 A. I guess. It was like a big bag. It 11 was a clear bag with feces on it.</p> <p>12 Q. When you refer to the term "jab," what 13 does that mean?</p> <p>14 A. It's a -- a big -- a bundle, like a 15 bundle.</p> <p>16 Q. It's a bundle of drugs?</p> <p>17 A. Whatever -- whatever was in the plastic 18 bag. It was like a bundle.</p> <p>19 Q. So a "jab" is a -- a "jab" is a term 20 for a certain amount of drugs, right?</p> <p>21 A. I guess so.</p> <p>22 Q. Okay. How do you know what a jab is?</p> <p>23 A. Because I heard people talking about a 24 jab.</p>	<p style="text-align: center;">Page 199</p> <p>1 BY THE WITNESS: 2 A. I couldn't -- no.</p> <p>3 BY MS. OLIVIER: 4 Q. And to your knowledge, it was just one 5 bag of narcotics that they placed on you and 6 Robert?</p> <p>7 A. Yes, the bag -- 8 THE COURT REPORTER: "Yes, the..."</p> <p>9 BY THE WITNESS: 10 A. Yes, yes. The -- the bag or whatever 11 the fuck it was, jab, bag, whatever.</p> <p>12 BY MS. OLIVIER: 13 Q. And then -- I'm sorry. You gave me the 14 last name Jamison of your current fianc e. 15 Is her first name Vicky?</p> <p>16 A. Yes. 17 Q. Okay. And then the fianc e that you 18 were living with at the time was Laquisha [sic] 19 Hamilton?</p> <p>20 A. Yes. 21 Q. And she's also the individual who you 22 explained when you didn't come home, "I got 23 picked up and falsely arrested"?</p> <p>24 A. Yes.</p>
<p style="text-align: center;">Page 198</p> <p>1 Q. When have you heard people talk about a 2 jab?</p> <p>3 A. When -- when we was at the station, the 4 customer is saying, "That's a jab right there. 5 They putting a jab on y'all."</p> <p>6 Q. Do you remember who that individual 7 was --</p> <p>8 A. I don't --</p> <p>9 Q. -- or do you know that person's name?</p> <p>10 A. I don't know. It was a lot of people 11 there, and they was, like, "Shorty, they putting 12 a jab on y'all."</p> <p>13 Q. Besides it being a plastic bag, could 14 you tell what was inside --</p> <p>15 A. I couldn't --</p> <p>16 Q. -- that plastic bag?</p> <p>17 A. I couldn't tell what was in there. It 18 was a clear bag with feces on there.</p> <p>19 Q. So you couldn't see through to see what 20 was --</p> <p>21 A. It was --</p> <p>22 Q. -- within the plastic bag?</p> <p>23 THE COURT REPORTER: Sorry?</p> <p>24</p>	<p style="text-align: center;">Page 200</p> <p>1 Q. Okay. Have you ever spoken with your 2 children about this case?</p> <p>3 A. My children was young at the time. 4 They -- they couldn't come and see me when I was 5 locked up because they parents didn't want 6 them -- want them to see me like that.</p> <p>7 MS. OLIVIER: All right. Those are all the 8 questions I believe I have for you. Thank you 9 very much for your time and your patience today, 10 Mr. Sims.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 MR. PALLAS: Dan, may I -- It's Eric. May I 13 jump in for about three questions?</p> <p>14 MR. BURNS: Sure.</p> <p>15 MR. PALLAS: Thank you.</p> <p>16 MR. FLAXMAN: Hold -- hold on. I -- you've 17 asked your questions.</p> <p>18 MR. PALLAS: I'm going to ask one other 19 question.</p> <p>20 MR. FLAXMAN: Is it based on what the 21 questions were before? Because if it's not, I 22 object to it.</p> <p>23 MR. PALLAS: Okay. You can object, and you 24 can instruct him not to answer if you want.</p>

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

<p style="text-align: center;">Page 201</p> <p>1 FURTHER EXAMINATION 2 BY MR. PALLAS: 3 Q. Robert Lindsey suggested that Bug had 4 some relationship with the police officers, 5 providing information to them because he was a 6 neighborhood guy. 7 Do you know anything about that? 8 MR. FLAXMAN: I -- 9 BY THE WITNESS: 10 A. No. 11 MR. FLAXMAN: Objection, form, foundation. 12 BY MR. PALLAS: 13 Q. Okay. Before I asked you how many 14 suits you had against the City. We know about 15 the Dicks Sporting Goods. We know about this 16 one. 17 Are there any others? 18 A. Yes. It was one more about from the -- 19 from me getting charged being a felony [sic] 20 with -- with this Watts case. 21 Q. This Watts -- okay. 22 MR. FLAXMAN: No. He is asking about 23 lawsuits. 24 THE WITNESS: Oh, lawsuits.</p>	<p style="text-align: center;">Page 203</p> <p>1 BY THE WITNESS: 2 A. I went to jail for trespass. I -- no. 3 MR. PALLAS: Okay. That's all the questions 4 I have. 5 I'm sorry, Dan, if you have anything? 6 MR. BURNS: I have no questions. 7 MR. FLAXMAN: Okay. 8 EXAMINATION 9 BY MR. FLAXMAN: 10 Q. I -- I did want to clarify one quick 11 thing; the -- Ms. Olivier asked you about the 12 bag that you saw, correct? 13 A. Yes. 14 Q. At the -- at the police station? 15 A. Yes. 16 Q. Could you see inside the bag? 17 A. No. 18 Q. Okay. And did you -- how did you know 19 that there were drugs in the bag? 20 A. When we -- when they said they was 21 charging me for it. That's how I knew it was 22 drugs. 23 MR. FLAXMAN: Okay. Okay. I don't have 24 anything else.</p>
<p style="text-align: center;">Page 202</p> <p>1 BY MR. PALLAS: 2 Q. Lawsuits. 3 A. Oh, no, no. 4 Q. Okay. Fine. 5 And then, now, as far as the trespass 6 arrests from the Watts members, am I correct 7 that on one occasion when you were arrested, you 8 were living at 50th and Champlain? 9 A. Yes. I think -- if I ain't mistaken, 10 yes. 11 Q. Okay. And who were you living with 12 there? 13 A. My mother. 14 Q. Okay. And on another occasion when you 15 were arrested for trespass, were you living at 16 70 East 57th Street? 17 A. Yes, yes. 18 Q. And who were you living with there? 19 A. My mother. 20 Q. Okay. And on neither occasion did 21 those officers plant any illegal drugs on you, 22 correct? 23 MR. FLAXMAN: Objection, foundation. 24</p>	<p style="text-align: center;">Page 204</p> <p>1 MR. PALLAS: Signature? 2 MR. FLAXMAN: We'll reserve signature, 3 please. 4 MR. PALLAS: Okay. 5 MR. GAINER: Could I ask one more question 6 before we call it? 7 MR. PALLAS: Okay. Sorry. 8 MR. GAINER: In rebuttal. It's about the 9 bag. 10 MR. FLAXMAN: All right. 11 FURTHER EXAMINATION 12 BY MR. GAINER: 13 Q. How big was the bag? 14 A. It was like a handful, like -- 15 Q. Like a grapefruit? 16 A. Like a ball. 17 Q. Like a baseball? 18 A. Like a -- say like a tennis ball, 19 something like that. 20 MR. GAINER: Okay. That's it. 21 THE VIDEOGRAPHER: All right. This is the 22 end of the deposition. This is the end of 23 today's testimony. The time is 1:36 p.m., and 24 the running length of this recording is 3 hours,</p>

54 (Pages 201 to 204)

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MSJ-SL EXHIBIT 13

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 205

1 22 minutes, and 37 seconds.

2 We are now off the record.

3 (Whereupon, the following
4 discussion was had off the
5 video record.)

6 THE COURT REPORTER: And did you need to
7 order the transcript?

8 MR. PALLAS: Thank you. Expedited.

9 THE COURT REPORTER: Did you need a copy,
10 Mr. Gainer?

11 MR. GAINER: Not at this time.

12 THE COURT REPORTER: Did you need a copy?

13 MR. FLAXMAN: We'll take a copy. I don't
14 need it expedited.

15 (Deposition concluded at
16 1:36 p.m.)

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 206

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 ROBERT LINDSEY and GERMAIN)
5 SIMS,)
6 Plaintiffs,)
7 vs.) No. 19-CV-2347
8 CITY OF CHICAGO, et al.,)
9 Defendants.)
10

I, GERMAIN SIMS, state that I
have read the foregoing transcript of the
testimony given by me at my deposition on
April 25, 2025, and that said transcript
constitutes a true and correct record of the
testimony given by me at said deposition except
as I have so indicated on the errata sheets
provided herein.

14

15 GERMAIN SIMS

16

17

18 SUBSCRIBED AND SWORN to
19 Before me this _____ day
20 of _____, 2025.

21

22 NOTARY PUBLIC

23

24

Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 207

4

5

6 I, Kari Wiedenhaupt, Certified Shorthand
7 Reporter, do hereby certify that GERMAIN SIMS
8 was first duly sworn by me to testify to
9 the whole truth and that the above deposition
10 was reported stenographically by me, and reduced
11 to typewriting under my personal direction.

12 I further certify that the said
13 deposition was taken via videoconference and
14 that the taking of said deposition commenced on
15 April 25, 2025, at 10:00 a.m.

16 I further certify that I am not a
17 relative or employee or attorney or counsel of
18 any of the parties, nor a relative or employee
19 of such attorney or counsel, nor financially
20 interested directly or indirectly in this
21 action.

22 The signature of the witness, GERMAIN
23 SIMS, was reserved by agreement of counsel.

24

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Germin Sims, et al. v. City of Chicago, et al.
Deposition of Germain Sims - Taken 4/25/2025

Page 208

1 Witness my signature as a Certified
2 Shorthand Reporter in the State of Illinois, on
3 April 29, 2025.

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