

# **Exhibit 6**

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

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST MUNICIPAL DIVISION

THE PEOPLE OF THE STATE )  
5 OF ILLINOIS, )  
 )  
6 Plaintiff, )  
 )  
7 vs. )  
 )  
8 ROBERT LINDSEY, ) No. 09 MC1 142406  
GERMIN SIMS, ) No. 09 MC1 142402  
9 ) Branch 48  
Defendants. )

11 PRELIMINARY HEARING

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled cause, before the Honorable JIM  
RYAN, judge of said court, on the 4th day of  
November, 2009.

PRESENT:

17 HONORABLE ANITA M. ALVAREZ,  
State's Attorney of Cook County, by:  
18 MR. KEVIN DeBONI,  
Assistant State's Attorney,  
19 appeared on behalf of the People;

20 MR. ABISHI C. CUNNINGHAM, JR.,  
Public Defender of Cook County, by:  
21 MS. CANDACE COLLINS,  
Assistant Public Defender,  
22 appeared on behalf of the Defendants.

23 Shirley F. Kelly  
Official Court Reporter  
24 CSR #084-001706

1 THE CLERK: Germin Sims, Robert Lindsey.

2 (Witness duly sworn.)

3 THE COURT: Are you Germin Sims?

4 DEFENDANT SIMS: Yes.

5 THE COURT: Who is Lindsey?

6 DEFENDANT LINDSEY: I'm Lindsey.

7 THE COURT: Go ahead, State.

8 OFFICER ALVIN JONES,

9 called as a witness herein by the People, having been  
10 first duly sworn, was examined and testified as  
11 follows:

12 DIRECT EXAMINATION

13 BY MR. DeBONI

14 Q Officer, please, state your name, star  
15 number and unit of assignment.

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

19 Q Officer, directing your attention to the  
20 date of October 15, 2009, were you on duty at  
21 approximately 10:00 a.m. in the area of 4210 South  
22 Prairie, in Chicago, Cook County, Illinois?

23 A Yes.

24 Q Do you see anyone here in court today that

1       you saw on that date, time and location?

2           A     Yes, I do.

3           Q     Would identify each individual?

4           A     Defendant Sims, with the khaki DOC uniform,  
5       Defendant Lindsey with the yellow jumpsuit.

6           THE COURT: In-court i.d. of the defendants.

7           MR. DeBONI: Q   Officer, were you working  
8       with a surveillance team on that date and time?

9           A     Yes, I was.

10          Q     Were you the enforcement officer?

11          A     Yes, I was.

12          Q     Do you recall who the surveillance officer  
13       was?

14          A     Yes, I do.

15          Q     Who was that?

16          A     Officer Mohammed.

17          Q     Did you communicate with Officer Mohammed  
18       over the radio?

19          A     Yes.

20          Q     What did Officer Mohammed relate to you he  
21       was observing on that date and time from his point of  
22       surveillance?

23          A     He observed several unknown individuals  
24       approach the vehicle which Mr. Sims was sitting in

1 the passenger's seat. Those individuals would tender  
2 him paper U.S.C., and he, in turn, would tender them  
3 items from under his pants.

4 Q And after these several transactions were  
5 related to you, were you told to approach that  
6 vehicle?

7 A Yes, I was.

8 Q Did you and enforcement officers approach a  
9 vehicle at 4210 South Prairie?

10 A Yes.

11 Q And what occurred when you approached that  
12 vehicle?

13 A As I approached the passenger's side of the  
14 vehicle where Mr. Sims was, I observed him trying to  
15 place suspect narcotics under the front seat.

16 Q Did you have him exit the vehicle, and did  
17 you recover those items?

18 A Yes, I did.

19 Q Were there seven items with suspect heroin?

20 A Yes.

21 Q Where was Defendant Lindsey?

22 A In the driver's seat.

23 Q Did you ask Defendant Lindsey to exit for  
24 officer safety?

1 A Yes.

2 Q What did you see him do at that time?

3 A As he was exiting, he dropped an item to the  
4 floor on the driver's side.

5 Q Was that recovered?

6 A Yes, it was.

7 Q Was that found to be items containing  
8 suspect heroin as well?

9 A Yes.

10 Q Was he placed into custody?

11 A Yes, he was.

12 Q Were all of the items inventoried and sent  
13 to State Police Crime Lab for testing and analysis?

14 A Yes.

15 Q With respect to the items recovered from  
16 Defendant Sims, did they have a total and tested  
17 weight of 1.5 grams positive for heroin?

18 A Yes.

19 Q With respect to the items dropped by  
20 Defendant Lindsey, did they have a total weight of  
21 2.6 grams of which 1.2 grams were tested and tested  
22 positive for heroin?

23 A Yes.

24 MR. DeBONI: Nothing further.

1 THE COURT: Your witness, Counsel.

2 CROSS EXAMINATION

3 BY MS. COLLINS

4 Q Officer, the vehicle that you say that  
5 Mr. Lindsey and Mr. Sims was in, was that 4210?

6 A Yes.

7 Q After you approached, that vehicle was still  
8 at 4210, after these alleged transactions, correct?

9 A Yes.

10 Q Could you tell me how far away that vehicle  
11 was, without telling me the point of surveillance of  
12 Officer Mohammed?

13 A I'm not sure.

14 Q So did Officer Mohammed tell you that he saw  
15 Mr. Lindsey engage in any transaction?

16 A No.

17 Q Did he see him hand anyone any suspect  
18 narcotics or receive any money?

19 A Mr. Lindsey, no.

20 Q The first time that you see Mr. Lindsey  
21 personally is when you approached his vehicle?

22 A Yes.

23 Q It's still parked at the same address?

24 A Yes.

1 Q When you approach, are you in plain clothes  
2 or uniform?

3 A Plain clothes.

4 Q Do you approach that vehicle from the front,  
5 behind, the passenger or driver's side?

6 A From behind.

7 Q You're approaching alone?

8 A No.

9 Q You're approaching with how many other  
10 officers?

11 A Two.

12 Q Weapons drawn?

13 A No.

14 Q It's 10:00 o'clock in the morning, correct?

15 A Yes.

16 Q How close would you say you got to the  
17 vehicle when you say you observed Mr. Lindsey drop  
18 items?

19 A I was standing right there on the passenger  
20 side of the vehicle.

21 Q Was the door opened or closed?

22 A Which door?

23 Q The door to the driver's side where  
24 Mr. Lindsey was seated?



1           A     The door was open. He was exiting.

2           Q     How close are you to Mr. Lindsey when he  
3     dropped these items?

4           A     I'm on the passenger side of the vehicle.

5           Q     How close would that have been?

6           A     Four to five feet.

7           Q     When you make your observations, are you  
8     looking through the passenger window at Mr. Lindsey?

9           A     I'm looking through the opened door of the  
10    passenger side.

11          Q     The item that you say he dropped to the  
12    floor, did you see where they came from?

13          A     No.

14          Q     Did he drop it with his left hand or right  
15    hand?

16          A     I don't recall.

17          Q     Do you recall if Officer Mohammed told you  
18    how many alleged transactions he observed Mr. Sims  
19    engage in?

20          A     No, he did not.

21          Q     Did he tell you that he could see how much  
22    money was allegedly exchanged?

23          A     No, he did not.

24          Q     Did you stop anybody that was allegedly

1 involved in these transactions?

2 A No, I did not.

3 MS. COLLINS: Nothing further.

4 THE COURT: Finding of probable cause.

5 Order of Court Chief Judge 11-25-09.

6 Defendants demand trial.

7 (Whereupon, the above-entitled

8 cause was continued to

9 November 25, 2009 for arraignment

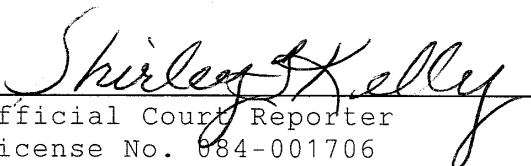
10 before the Presiding Judge of the

11 Criminal Division.)

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

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 MUNICIPAL DEPARTMENT-FIRST MUNICIPAL DISTRICT

6 I, SHIRLEY F. KELLY, Official Court Reporter  
7 of the Circuit Court of Cook County, Municipal  
8 Department-First Municipal District, do hereby  
9 certify that I reported in shorthand the proceedings  
10 had at the hearing of the above-entitled cause; that  
11 I thereafter caused the foregoing to be transcribed  
12 into typewriting, which I hereby certify to be a true  
13 and accurate transcript of the proceedings.

14  
15   
16 Official Court Reporter  
17 License No. 984-001706

18 Dated this 27th day  
19 of May, 2010.  
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