

Exhibit 7

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

THE PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 09 CR 20361-01
)
GERMIN SIMS,)
)
Defendant.)

Report of Proceedings had in the above-entitled
cause, before HON. LAWRENCE FLOOD, Judge of said Court,
at 2650 South California Avenue, Chicago, Illinois, on
the 12th day of July, 2010.

APPEARANCES:

HON. ANITA M. ALVAREZ,
State's Attorney of Cook County, by:
MS. MELANIE FIALKOWSKI
Assistant State's Attorney,
appeared on behalf of the People;

HON. ABISHI C. CUNNINGHAM, JR.,
Public Defender of Cook County, by:
MR. WARREN RICHARDSON
Assistant Public Defender,
appeared on behalf of the Defendant.

Reported by:
Christine Golden, CSR
License No. 84-2126

1 THE CLERK: Germin Sims.

2 THE COURT: Good morning.

3 THE DEFENDANT: Good morning.

4 MR. RICHARDSON: Judge, I motioned this matter up
5 on a motion to advance. The Court granted the motion.

6 THE COURT: Sure. What are we doing on the case
7 today?

8 MR. RICHARDSON: This matter was set for jury trial
9 on 9-18. We're asking you strike that date. Mr. Sims
10 is withdrawing his previously entered plea of not guilty
11 and entering a plea of guilty.

12 THE COURT: Is this on the Class 1?

13 MS. FIALKOWSKI: Yes, it is. Four years IDOC, the
14 minimum on that.

15 THE COURT: Okay. Mr. Sims, it's my -- first of
16 all, your motion to advance is granted. Mr. Sims, it's
17 my understanding there's been a plea agreement reached
18 between the state's attorney and your attorney and it
19 contemplates you withdrawing your plea of not guilty to
20 the charge of possession of controlled substance with
21 intent to deliver and entering a plea of guilty to that
22 charge pursuant to the plea agreement. Do you wish to
23 withdraw your plea of not guilty and enter a plea of
24 guilty to that charge?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand by pleading guilty
3 you're giving up your rights? You're giving up your
4 right to a trial by jury. You understand a trial by
5 jury is a trial where 12 persons are chosen to hear the
6 evidence and make a determination regarding guilt or
7 innocence? Do you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand I've been tendered an
10 executed waiver of trial by jury? You've signed that,
11 is that right?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand by signing that
14 document you're formally giving up your right to trial
15 by jury?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You also understand when you plead
18 guilty you're giving up your right to any trial at all,
19 including a trial before this Court? That includes a
20 right to see and hear the witnesses testify against you,
21 cross examine those witnesses, present any evidence you
22 may have or remain silent and say nothing and require
23 the State to find you guilty beyond a reasonable doubt
24 and not have your silence considered in making that

1 determination? Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you also understand the charge
4 you're pleading guilty to is a Class 1 felony and under
5 Illinois law the range of sentence for a Class 1 felony
6 is anywhere from four to 30 years in the Illinois
7 Department of Corrections with a two-year period of
8 mandatory supervised release, fine up to \$25,000 and up
9 to four years probation or conditional discharge? Do
10 you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anyone threatened you or promised
13 you in any way to get you to plead guilty?

14 THE DEFENDANT: No, sir.

15 THE COURT: You're pleading guilty of your own free
16 will?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You understand I'm not bound by the plea
19 agreement by the state's attorney and public defender, I
20 was not a party to that?

21 THE DEFENDANT: Yes.

22 THE COURT: Factual basis.

23 MS. FIALKOWSKI: The State's evidence would show on
24 October 15, 2009 at approximately 10:00 a.m. in the

1 vicinity of 4210 South Prairie in Chicago Chicago police
2 officers were conducting a narcotics surveillance and
3 observed the Defendant whom they would identify in open
4 court in the passenger seat of a burgundy vehicle. They
5 would testify that the Defendant was approached on
6 several occasions by unknown individuals who would
7 tender the Defendant United States currency. The
8 Defendant would then tender those individuals suspect
9 narcotics.

10 The officers would tell us as they called for
11 enforcement units they observed the subject trying to
12 place -- observed the Defendant trying to place suspect
13 narcotics he received. The Defendant was detained.
14 Under the Defendant's seat were seven Ziploc baggies
15 each containing suspect heroin.

16 The Defendant was placed into custody, revealed
17 was \$280 in United States currency. With regards to the
18 seven item that were retrieved, they were in the
19 officer's constant control until he returned to his unit
20 and inventoried them under No. 11818223, sent to the
21 Illinois State Police Crime Lab where Corina Cox, C-O-X,
22 would testify she is a forensic scientist employed by
23 the Illinois State Police Crime Lab, she received
24 inventory No. 11818223 in a sealed condition from the

1 Chicago Police. After performing tests commonly used in
2 testing suspect narcotics her finding would be beyond a
3 reasonable doubt that 1.5 grams of powder from seven
4 items tested positive of heroin. The chain of custody
5 was intact. So stipulated?

6 MR. RICHARDSON: If we were to proceed to trial
7 defense would accept and stipulate.

8 THE COURT: I find the Defendant understands the
9 nature of the charge against him, the penalties and his
10 rights under the law, I find his plea has been made
11 freely and voluntarily. A factual basis exists for the
12 plea, the plea will be accepted. There will be a
13 finding of guilty as to the charge.

14 Sir, you're entitled to a presentence
15 investigation. I have a waiver of that. By waiving
16 that I'll hear matters in aggravation and mitigation.

17 MS. FIALKOWSKI: The Defendant does have three
18 prior felonies, all narcotics related. The last one was
19 in 2006, a Class 2 delivery where he received two years
20 probation. He's extendable, nonprobationable, not Class
21 X, though.

22 THE COURT: Anything in mitigation?

23 MR. RICHARDSON: Defense rests on the agreement.

24 THE COURT: Anything you wish to say?

1 THE DEFENDANT: Do I leave tomorrow?

2 THE COURT: Wednesday or Friday.

3 THE DEFENDANT: I want to leave on the next bus.

4 THE COURT: It's not like an airport.

5 THE DEFENDANT: I know. I know. I'm just saying.

6 THE COURT: You'll leave the next time they get a
7 group together. I think it's either Wednesday or
8 Friday. Anything else?

9 THE DEFENDANT: No.

10 THE COURT: I'm going to go along with the plea
11 agreement. I'm going to sentence you to four years
12 IDOC, two-year period of mandatory supervised release. I
13 give you credit for 271 days incarceration. That leaves
14 your fines and court costs at \$1355.

15 Sir, I want you to understand even though you
16 have pled guilty you do have a right to appeal. In
17 order to appeal you must within 30 days of today's date
18 file a written motion asking the Court to either
19 reconsider the sentence or the judgment being entered
20 here today for leave to withdraw your plea of guilty.
21 If that motion is granted the plea of guilty, sentence
22 and judgment will be vacated and a trial date be set.
23 If you cannot afford an attorney for the cost of the
24 appeal one will be provided to you as well as a copy of

1 the transcript which resulted in your plea of guilty and
2 sentence. However, you must understand if you fail or
3 forget to put something in your petition for the Court
4 to reconsider its sentence or in vacating your plea it's
5 waived for all time.

6 Do you understand those rights on appeal? You
7 have to answer yes.

8 THE DEFENDANT: Yes.

9 THE COURT: Mitt to enter. Good luck to you.

10 (Which were all the proceedings had
11 in the above-entitled cause.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF DUPAGE)

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4 I, Christine Golden, Official Shorthand
Reporter of the State of Illinois, do hereby certify
5 that I reported in shorthand the proceedings had in the
6 above-entitled cause and that the foregoing Report of
7 Proceedings is a true and correct transcript of the
8 proceedings had before the Honorable Lawrence Flood,
9 Judge of said court.

10
11
12
13
14 Christine Golden

15 _____
Official Shorthand Reporter
Christine Golden, CSR
16 License No. 84-2126
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