

Exhibit 13



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Transcript of Elsworth Smith, Jr., Volume II

Date: March 5, 2020
Case: Watts Coordinated Cases

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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WATTS COORDINATED CASES. : Master Docket
: Case No. 19-cv-01717

Videotaped Deposition of
ELSWORTH SMITH, JR., Volume II
Chicago, Illinois
Thursday, March 5, 2020

Thursday, March 5, 2020

10:28 a.m.

Job No.: 287768

Pages: 315 - 573

Reported by: Joanne E. Ely, CSR, RPR

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1 Videotaped deposition, Volume II, of ELSWORTH
2 SMITH, JR., held at the location of:

3
4
5 LOEVY & LOEVY
6 311 North Aberdeen Street
7 Third Floor
8 Chicago, Illinois 60607
9 312.243.5902

10
11
12
13 Pursuant to notice, before Joanne E. Ely,
14 a Certified Shorthand Reporter, and a Notary
15 Public in and for the State of Illinois.

16
17
18
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22
23
24

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1 A P P E A R A N C E S C O N T I N U E D

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10 ALSO PRESENT:

11 RICK KOSBERG, Videographer

12 ANDREW SEGAL

13

14

15

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1 (Proceedings held outside the video
2 record.)

ELSWORTH SMITH, JR.,

having been duly sworn, testified as follows:

5 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS 11:40:16

BY MR. FLAXMAN: 11:40:16

7 Q Could you state and spell your name for 10:28:51
8 the record, please. 10:28:52

9 A My name is Elsworth Smith. My first name 10:28:53
10 is spelled E-l-s-w-o-r-t-h. My last name is 10:28:56
11 Smith, S-m-i-t-h. 10:29:00

12 Q Okay. And, Officer Smith, you understand 10:29:01
13 you're under the same oath that you were under on 10:29:05
14 February 17th, 2020? 10:29:06

15 A Yes. 10:29:07

16 Q Okay. Since the first day of your 10:29:08
17 deposition, have you spent some time preparing for 10:29:20
18 today's deposition? 10:29:23

19 A Yes, I have. 10:29:24

20 Q What have you done to prepare for today's 10:29:25
21 continuation of your deposition? 10:29:28

22 A Just reviewed case reports, arrest 10:29:28
23 reports and other case reports 10:29:34

24 Q Okay. Have you met with your attorney? 10:29:36

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1	A Yes, I have.	10:29:39
2	Q How many times have you met with your	10:29:40
3	attorneys since the first day of your deposition?	10:29:42
4	A I don't recall how many times.	10:29:45
5	Q Okay. And for your meeting or meetings	10:29:46
6	with your attorneys, was anyone present other than	10:29:50
7	you and your attorneys?	10:29:54
8	A No.	10:29:55
9	Q I want to start with the arrests of Robert	10:29:55
10	Lindsey and Germain Sims on October 15th, 2009.	10:30:02
11	Do you remember Robert Lindsey?	10:30:04
12	A Vaguely.	10:30:06
13	Q Okay. What do you remember about	10:30:07
14	Mr. Lindsey?	10:30:09
15	A I would have to see his picture. Right	10:30:10
16	now off the top of my head, I don't recall him.	10:30:13
17	Q Okay. Do you remember Germain Sims?	10:30:15
18	A No, I do not.	10:30:18
19	Q And do you remember the arrest of Robert	10:30:21
20	Lindsey and Germain Sims on October 15th, 2009?	10:30:24
21	A No, I do not.	10:30:28
22	Q Did you look at any documents about that	10:30:29
23	arrest before today's deposition?	10:30:32
24	A Yes, I did.	10:30:34

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1 Q And did those documents refresh your 10:30:35
2 memory about the arrest? 10:30:39
3 A No, it did not. 10:30:39
4 Q Okay. Did it refresh your memory about 10:30:40
5 either Mr. Sims or Mr. Lindsey? 10:30:40
6 A No. 10:30:42
7 Q Did you say that looking at a picture of 10:30:46
8 Mr. Lindsey would help you remember him? 10:30:49
9 A Possibly. 10:30:50
10 Q Did you do that before today's deposition? 10:30:51
11 A I believe so. 10:30:54
12 Q And what did you remember when you looked 10:30:54
13 at his picture? 10:30:56
14 A I don't recall at this time. I would have 10:30:58
15 to see his picture again. I don't recall. 10:31:00
16 (Smith Deposition Exhibit 23 marked for 10:31:00
17 identification and attached to the transcript.) 10:31:00
18 MR. FLAXMAN: Let's mark this as 10:31:12
19 Exhibit 23. We had a long discussion about 10:31:16
20 getting the numbers right. I got them wrong. 10:31:27
21 (An off-the-record discussion was held.) 10:31:51
22 Q Is this the arrest report of Robert 10:31:52
23 Lindsey dated October 15th, 2009? 10:31:54
24 A Yes, it is. 10:31:56

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1 Q And having looked at the picture on this 10:31:56
2 arrest report, can you remember anything about 10:32:00
3 Mr. Lindsey? 10:32:02
4 A No, I do not. 10:32:02
5 MR. STEFANICH: I'll just put on the 10:32:05
6 record this is a pretty unclear black-and-White 10:32:05
7 picture of Mr. Lindsey. 10:32:09
8 MR. FLAXMAN: The record will so reflect. 10:32:12
9 Q But you believe that a better picture of 10:32:17
10 Mr. Lindsey could help refresh your recollection? 10:32:20
11 A Possibly but I don't know. 10:32:23
12 Q Okay. Looking at Exhibit No. 23, do you 10:32:25
13 see that Mr. Lindsey was arrested for possession 10:32:35
14 of a controlled substance? 10:32:37
15 A That's what's stated on the report. 10:32:39
16 Q And it states that the location of the 10:32:41
17 arrest was 4210 South Prairie Avenue. 10:32:44
18 Do you see that? 10:32:49
19 A That's correct. 10:32:50
20 Q Are you familiar with that address? 10:32:50
21 A Yes, I am. 10:32:51
22 Q What's at 4210 South Prairie Avenue? 10:32:52
23 A Off the top of my head, I don't know; but 10:32:55
24 it's in the 2nd District where I work at. 10:32:57

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1 Q Okay. Is it near to the Ida B. Wells 10:33:02
2 where -- excuse me. I'll start again. 10:33:04
3 Is that address near where the Ida B. 10:33:05
4 Wells homes were located? 10:33:08
5 A No, it is not. 10:33:09
6 Q How far is it from where the Ida B. Wells 10:33:10
7 homes were located? 10:33:16
8 A I don't know exactly how many miles it 10:33:17
9 may be from the Ida B. Wells, but it's not close 10:33:19
10 to it. 10:33:24
11 Q Okay. In 2009 were there other public 10:33:24
12 housing complexes that were near to 4210 South 10:33:33
13 Prairie Avenue? 10:33:33
14 A At the time, I don't recall. 10:33:38
15 Q Have you looked at the narrative on page 2 10:33:46
16 of this arrest report? 10:33:51
17 A Yes. I did not commit it to memory. 10:33:54
18 Q Okay. Well, my question is having 10:33:57
19 reviewed the narrative, are you able to remember 10:33:58
20 anything about this arrest? 10:34:03
21 A No, I do not. 10:34:05
22 Q Did you see on the last page that you are 10:34:08
23 listed as an assisting arresting officer? 10:34:11
24 A That is correct. 10:34:17

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1 Q And did you see that your beat number 10:34:18
2 listed on page 5 is 264A? 10:34:21
3 A That's what it states. 10:34:24
4 Q And did you see that on page 3, the beat 10:34:25
5 numbers of the first and second arresting officers 10:34:28
6 are also 264A? 10:34:31
7 A That's correct. 10:34:33
8 Q Okay. What does it mean for all three of 10:34:33
9 you to have the same beat number? 10:34:37
10 A We probably were assigned to work in the 10:34:38
11 same beat on that day. 10:34:42
12 Q Were you assigned to work in the same car? 10:34:43
13 A Like I said, not recalling this date, if 10:34:46
14 that's what is stated on the report, yes. It 10:34:49
15 wouldn't be uncommon. 10:34:51
16 Q Would you consider the other two officers 10:34:53
17 on this same number and letter beat as you to be 10:34:58
18 your partners on that day? 10:35:03
19 A That's what's stated on the report, yes. 10:35:05
20 Q So based on the report, on the date of 10:35:07
21 this arrest, you were partners with Officer Jones 10:35:11
22 and Officer Mohammed; right? 10:35:16
23 A If that's what is stated on the report, 10:35:18
24 yes. I don't have -- recall -- I don't recall 10:35:20

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1 this arrest; but if that's what's in the report, 10:35:20
2 then I have no doubt that's what -- I was working 10:35:23
3 with Officer Jones and Mohammed. 10:35:26

4 (Smith Deposition Exhibit 24 marked for 10:35:26
5 identification and attached to the transcript.) 10:35:26

6 BY MR. FLAXMAN: 10:35:26

7 Q Let's mark this as 24. 10:35:43

8 Is Exhibit 24 the arrest report of Germain 10:36:03
9 Sims on October 15th, 2009? 10:36:07

10 A That's correct. 10:36:09

11 Q And do you see the picture of Mr. Sims at 10:36:10
12 the top right of this report? 10:36:19

13 A Yes, I do. 10:36:20

14 Q Okay. This one is also not a very good 10:36:21
15 copy; right? 10:36:23

16 A No, it is not. 10:36:24

17 Q Does reviewing the picture of Mr. Sims on 10:36:25
18 his arrest report refresh your memory about 10:36:28
19 Mr. Sims? 10:36:32

20 A No, it does not. 10:36:32

21 Q And this report also states that Mr. Sims 10:36:35
22 was charged with possession of a controlled 10:36:38
23 substance? 10:36:41

24 A That's what's stated on the report. 10:36:41

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1 Q Okay. And does this report state on the 10:36:44
2 third page that Officer Jones and Officer Mohammed 10:36:49
3 were both assigned to Beat 264A for the first and 10:36:53
4 second arresting officers? 10:36:58

5 A That is correct. 10:37:00

6 Q And does it state on the fifth page that 10:37:00
7 you were also assigned to Beat 264A on 10:37:03
8 October 15th, 2009? 10:37:06

9 A That's correct. 10:37:07

10 Q Was it your practice to review arrest 10:37:08
11 reports that were created by your partners? 10:37:16

12 A I don't recall from this particular day. 10:37:18
13 I'm certain at some point in time during my time 10:37:22
14 working as a tactical officer, I probably had 10:37:26
15 reviewed reports by my partners. But I can't 10:37:31
16 speak for this day because I don't recall. 10:37:34

17 Q So there were sometimes that you reviewed 10:37:36
18 reports by your partners and sometimes that you 10:37:39
19 didn't? 10:37:40

20 A No. I'm not saying that. I'm saying I'm 10:37:40
21 certain I've reviewed reports written by my 10:37:41
22 partners or anyone that I worked with, but I don't 10:37:44
23 recall from this date, October 15th, 2009. 10:37:48

24 Q Was it your practice to always review 10:37:51

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1 reports written by your partners? 10:37:57

2 A I'm certain, but I don't recall. I'm 10:37:58

3 certain I may have; but, again, specifically, I 10:38:01

4 don't recall from this particular date. 10:38:06

5 Q Can you answer whether it was your 10:38:07

6 practice to review reports created by your 10:38:12

7 partners? 10:38:14

8 MR. STEFANICH: Objection; asked and 10:38:16

9 answered. 10:38:16

10 A That is generally the practice, but I 10:38:18

11 don't recall what I did on October 15th concerning 10:38:21

12 this arrest. 10:38:24

13 (Smith Deposition Exhibit 25 marked for 10:38:24

14 identification and attached to the transcript.) 10:38:24

15 Q All right. Is Exhibit 25, the original 10:39:27

16 case incident report for the arrests of Mr. Sims 10:39:30

17 and Mr. Lindsey on October 15th, 2009? 10:39:34

18 A Yes, this is the case report. 10:39:35

19 Q And does this report list you as an 10:39:39

20 assisting arresting officer on the third page? 10:39:59

21 A Yes, it does. 10:40:03

22 Q I understand that you do not remember this 10:40:04

23 arrest; correct? 10:40:09

24 A That's correct. 10:40:09

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1 Q Based on your review of the case report 10:40:10
2 and the arrest reports, are you able to tell what 10:40:13
3 role you had in the arrests? 10:40:17
4 A It just states that I'm an assisting 10:40:19
5 officer, and I don't recall from this particular 10:40:24
6 arrest. 10:40:29
7 Q So you can't tell what your role was; 10:40:29
8 right? 10:40:32
9 A No, I cannot. 10:40:32
10 Q Do you recall that Mr. Lindsey made a 10:40:35
11 complaint about this arrest? 10:40:52
12 A Yes, I am aware of that. 10:40:54
13 Q Okay. Do you remember reviewing 10:40:56
14 information about his complaint in 2011? 10:40:59
15 A Sitting here today, I do not recall a 10:41:02
16 complaint made by him in 2011. 10:41:07
17 Q Well, during your career, do you recall 10:41:10
18 receiving allegations based on citizen complaints? 10:41:15
19 A Are you asking me for this particular case 10:41:20
20 or overall in total in my career? 10:41:23
21 Q My question is in your career. 10:41:27
22 A Yes, I have. 10:41:29
23 Q Okay. Were you served with those 10:41:30
24 allegations in writing? 10:41:32

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1 A Yes. 10:41:33

2 Q Okay. And would sometimes you would 10:41:33

3 respond to those allegations in writing? 10:41:35

4 A Yes. 10:41:36

5 Q But you don't recall receiving them about 10:41:37

6 Mr. Lindsey; right? 10:41:41

7 A As I'm sitting here today, no, I do not. 10:41:41

8 MR. FLAXMAN: Mark that as 26. 10:41:57

9 (Smith Deposition Exhibit 26 marked for 10:41:57

10 identification and attached to the transcript.) 10:41:57

11 Q Is Exhibit 26 a notification -- I'm sorry. 10:42:50

12 Is the first page of Exhibit 26 a 10:42:54

13 notification of charges and allegations made by 10:42:56

14 Robert Lindsey? 10:42:59

15 A Yes, it is. 10:42:59

16 Q Okay. Having looked at this notification 10:43:00

17 of charges and allegations, do you remember 10:43:04

18 receiving it? 10:43:07

19 A No, I do not. 10:43:07

20 Q And it states that you received it on 10:43:08

21 June 16th of 2011. 10:43:12

22 A That's correct. 10:43:13

23 Q And then it lists your name as the name of 10:43:14

24 accused? 10:43:18

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1 A Yes, it does. 10:43:18

2 Q And that's your Star No. 11737? 10:43:19

3 A Yes, it is. 10:43:23

4 Q Is that your signature on the line that 10:43:24

5 says signature? 10:43:26

6 A Yes, it is. 10:43:26

7 Q And is that the signature of Sergeant 10:43:27

8 Watts under witnesses? 10:43:30

9 MR. STEFANICH: Objection; foundation. 10:43:31

10 You can answer. 10:43:33

11 A From the best of my memory, yes. 10:43:35

12 Q Did you review the three lines in this box 10:43:36

13 that state Mr. Lindsey's allegations? 10:43:44

14 A Just sitting here now, yes, I have. 10:43:46

15 Q Do you disagree with these allegations? 10:43:50

16 A Yes, I do. 10:43:55

17 Q And why is that? 10:43:56

18 A Because these are false. 10:43:57

19 Q Okay. How do you know they were false? 10:43:58

20 A Because I never stole drugs or planted 10:44:00

21 drugs on any individual. 10:44:06

22 Also I had the chance to look over on the 10:44:07

23 last page at my to/from that was addressed on this 10:44:10

24 date, June 16th, 2011, stating that I did not 10:44:16

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1 observe any other officers involved in this arrest 10:44:21
2 plant drugs on Robert Lindsey. 10:44:26
3 Q The allegation also states, "The 10:44:28
4 complainant alleges that you took the drugs from 10:44:48
5 another individual and let that person go." 10:44:52
6 Do you also disagree with that? 10:44:54
7 A Yes, I do. 10:44:56
8 Q And why do you disagree with that? 10:44:57
9 A Because although I don't remember this 10:44:58
10 arrest, I have never done that before. 10:45:01
11 Q Have you ever known anyone on your 10:45:03
12 tactical team to do that? 10:45:06
13 A As I stated before -- I don't know if I've 10:45:07
14 stated it today, but I've stated it in the past -- 10:45:09
15 I've never seen anyone that I worked with do that. 10:45:11
16 Q Have you heard of anybody on your tactical 10:45:13
17 team doing that? 10:45:16
18 A No, I have not. 10:45:16
19 Q The second page of this Exhibit No. 26, do 10:45:17
20 you see that's an administrative proceeding 10:45:24
21 rights? 10:45:26
22 A Yes, it is. 10:45:26
23 Q Okay. Is that your signature on the 10:45:28
24 signature line there? 10:45:30

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1 A Yes, it is. 10:45:31

2 Q Is that the signature of Sergeant Watts 10:45:32

3 for witnesses? 10:45:34

4 A It appears so. 10:45:35

5 Q The next page, states that it's a waiver 10:45:36

6 of counsel/request to secure counsel. 10:45:44

7 Do you see that? 10:45:47

8 A Yes, I do. 10:45:48

9 Q Okay. And did you check the box for 10:45:48

10 request to secure legal counsel? 10:45:51

11 A Yes, I did. 10:45:54

12 Q And was it always your practice to request 10:45:55

13 legal counsel when you are served with a 10:45:57

14 civilian's complaint? 10:46:00

15 A That's what we are always advised, as a 10:46:01

16 police officer, to request counsel. 10:46:04

17 Q And did you always do that? 10:46:06

18 A From the best of my memory, yes. 10:46:08

19 Q Is that your signature on the third 10:46:10

20 page of the exhibit? 10:46:12

21 A Yes, it is. 10:46:13

22 Q And you wrote that the date was June 16th, 10:46:14

23 2011; correct? 10:46:18

24 A Yes. 10:46:18

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1 Q And what did you write for the time there? 10:46:19
2 A It appears 1847. 10:46:22
3 Q Okay. And is that the signature of 10:46:24
4 Sergeant Watts for witnesses? 10:46:26
5 A It appears so. 10:46:27
6 Q And then the next page you mentioned 10:46:28
7 earlier. 10:46:32
8 You called this a to/from; right? 10:46:34
9 A Yes. It's a to/from subject report. 10:46:35
10 Q Okay. Did you write this memo? 10:46:39
11 A Yes. 10:46:41
12 Q And this was dated June 16th, 2011; 10:46:42
13 correct? 10:46:53
14 A That is correct. 10:46:53
15 Q At that time, did you have a recollection 10:46:54
16 of the arrest of Mr. Lindsey on October 15th, 10:46:58
17 2009? 10:47:02
18 A How can I answer that question if I don't 10:47:02
19 recall today? I don't know what I recalled on 10:47:11
20 June 16th, 2011. 10:47:14
21 Q Okay. Have you ever written a memo that 10:47:15
22 states what you observed on a certain date without 10:47:19
23 remembering what you actually observed on that 10:47:23
24 date? 10:47:25

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1	MR. MICHALIK: Object to form.	10:47:25
2	MR. STEFANICH: Join.	10:47:27
3	A I don't understand your question.	10:47:29
4	BY MR. FLAXMAN:	10:47:29
5	Q The second paragraph of your memorandum	10:47:34
6	says on October -- I'm sorry -- "On 15	10:47:41
7	October 2009, R/O arrested Robert E. Lindsey."	10:47:44
8	Did I read that right?	10:47:49
9	A That's correct.	10:47:50
10	Q What did you mean when you wrote R/O?	10:47:51
11	A Responding officer.	10:47:52
12	Q Were you referring to yourself?	10:47:53
13	A The way -- looking at this report, the way	10:47:56
14	it's worded, yes.	10:48:01
15	Q Okay. When you wrote that you arrested	10:48:02
16	Mr. Lindsey on October 15th, 2009, did you	10:48:06
17	remember arresting Mr. Lindsey?	10:48:09
18	A I don't know what I recall from that date.	10:48:10
19	Q Okay. The next sentence says, "R/O	10:48:15
20	arrested the complainant for PCS."	10:48:17
21	Does PCS mean possession of a controlled	10:48:20
22	substance?	10:48:23
23	A Yes, it does.	10:48:24
24	Q Okay. When you wrote that, did you	10:48:25

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1 remember your arrest of Mr. Lindsey? 10:48:26

2 MR. STEFANICH: Objection; asked and 10:48:28

3 answered. 10:48:28

4 A As I'm sitting here today, as I stated 10:48:32

5 before, I don't recall what I remembered on 10:48:33

6 September -- I mean, sorry -- June 16th, 2011. 10:48:35

7 BY MR. FLAXMAN: 10:48:35

8 Q The next sentence says, "At no time, did 10:48:38

9 R/O or any other officer involved in the arrest 10:48:40

10 take narcotics from another individual and plant 10:48:43

11 them on Robert E. Lindsey." 10:48:45

12 Did you write that in your memo? 10:48:47

13 A That's what's stated. 10:48:49

14 Q Did you write that in your memo? 10:48:49

15 A Yes. 10:48:51

16 Q And when you wrote that, did you remember 10:48:51

17 the incident you were writing about? 10:48:54

18 MR. STEFANICH: Objection; asked and 10:48:59

19 answered. 10:48:59

20 A As I stated, I don't recall; but if I 10:49:01

21 wrote this in my report, maybe at that particular 10:49:02

22 point in time I did have a memory at that time; 10:49:06

23 and also I might have had a chance to review the 10:49:09

24 reports at that time also in preparing this 10:49:13

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1 to/from report. 10:49:17

2 Q So your memory may have been based on your 10:49:18

3 review of the reports? 10:49:26

4 A I don't know at this particular point in 10:49:27

5 time but possibly, yes. 10:49:29

6 Q The next sentence says, "Robert E. Lindsey 10:49:30

7 pled guilty to the charges of the arrest in Cook 10:49:34

8 County Circuit Court, room 306 at 2600 South 10:49:37

9 California on 22 September 2010, under Case No. 10:49:42

10 09 CR 2036102." 10:49:46

11 Did I read that right? 10:49:50

12 A That is correct. 10:49:51

13 Q And is that what you wrote in your memo? 10:49:51

14 A Yes, it does state that. 10:49:53

15 Q How did you learn the details of 10:49:55

16 Mr. Lindsey's guilty plea? 10:49:57

17 A From the best of my memory, you can look 10:49:58

18 it up in the computer system and find out. 10:50:02

19 Q Did you look it up? 10:50:04

20 A If I put that in my report, like I said, 10:50:06

21 I don't recall from June 11th, 2016 [sic], then 10:50:10

22 perhaps I did. 10:50:14

23 Q Okay. And it's June 16th, 2011; right? 10:50:15

24 A Yes, that's what's stated on this to/from 10:50:17

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1 report. 10:50:20

2 Q Okay. I think you may have said 2016. I 10:50:20

3 just wanted to make sure the record -- 10:50:23

4 A I'm sorry. I'm sorry. June 16th, 2011. 10:50:23

5 Q Okay. In your experience as a police 10:50:28

6 officer, after you make an arrest and the 10:50:35

7 arrestee's criminal case is completed, do you 10:50:40

8 receive notification of the outcome of the 10:50:44

9 criminal case? 10:50:46

10 A Based on my memory, sometimes you might 10:50:47

11 have, but I don't recall. 10:50:51

12 Q Okay. How would you receive that 10:50:52

13 notification? 10:50:53

14 A Through inter- -- you would receive it 10:50:54

15 through the mail. 10:50:58

16 Q Okay. Would you get a letter from the 10:50:58

17 state's attorney? 10:51:00

18 A From the best of my memory, yes. 10:51:00

19 Q And was that always done on paper, or 10:51:03

20 would you ever get that electronically? 10:51:07

21 A Sitting here today, I don't recall; but to 10:51:08

22 the best of my memory, it was usually paper. 10:51:14

23 Q And what did you do with those paper 10:51:17

24 notifications after you received them? 10:51:20

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1 A I don't recall what I've done with them. 10:51:22

2 MR. FLAXMAN: Let's mark this as 27. 10:51:22

3 (Smith Deposition Exhibit 27 marked for 10:51:22

4 identification and attached to the transcript.) 10:51:22

5 BY MR. FLAXMAN: 10:51:22

6 Q Is Exhibit 27 a sworn affidavit for a 10:52:04

7 complaint log investigation from Robert E. Lindsey? 10:52:08

8 A Yes. 10:52:12

9 Q Okay. Do you see this contains a similar 10:52:13

10 allegation to what we looked at a few moments ago? 10:52:18

11 A Yes, it does. 10:52:21

12 Q And this says, "The complainant stated 10:52:21

13 that Officer Brown, along with about five other 10:52:23

14 officers, took the drugs from another individual." 10:52:26

15 Were you ever familiar with an Officer 10:52:29

16 Brown? 10:52:31

17 A No, I am not. 10:52:31

18 Q There was never anybody on your tactical 10:52:32

19 team who you referred to as Brown? 10:52:34

20 A From the best of my memory, no. 10:52:36

21 Q And I mean referred to by civilians or 10:52:39

22 officers or anyone else? 10:52:52

23 A From the best of my memory, I don't recall 10:52:44

24 anybody referred to as Officer Brown. 10:52:48

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1 Q Okay. Have you ever heard of someone 10:52:50
2 named Willie Brownlee? 10:52:59

3 MR. STEFANICH: Say that again. 10:53:01

4 MR. FLAXMAN: Willie Brownlee. 10:53:03

5 MR. STEFANICH: Do you know how to spell 10:53:04
6 that? 10:53:05

7 MR. FLAXMAN: B-r-o-w-n-l-e-e? 10:53:06

8 A Sitting here today, the name does not ring 10:53:10
9 a bell. I don't recall. 10:53:13

10 MR. FLAXMAN: Let me take a very short 10:53:16
11 break, and I'll find a better picture of 10:53:18
12 Mr. Lindsey for you. 10:53:21

13 (A recess was taken from 10:53 a.m. to 10:57:38
14 10:57 a.m.) 10:57:38

15 (Smith Deposition Exhibit 28 marked for 10:57:38
16 identification and attached to the transcript.) 10:57:41

17 BY MR. FLAXMAN: 10:57:41

18 Q We're going to mark this as Exhibit 28, 10:57:43
19 and I'm going to replace it with a copy. I'm 10:57:48
20 going to show you a picture on my computer, which 10:57:53
21 we'll get a printout of and mark as Exhibit 28. 10:57:59

22 MR. FLAXMAN: For the record, this is a 10:58:05
23 picture of Mr. Lindsey from the IDOC website. 10:58:06
24 We're going to print out a copy, so everybody can 10:58:09

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1 have it. 10:58:12

2 BY MR. FLAXMAN: 10:58:12

3 Q Having reviewed that picture, do you have 10:58:14

4 any memory of Robert Lindsey? 10:58:16

5 A No, I do not. 10:58:17

6 Q And do you know that Mr. Sims also says 10:58:21

7 that he was falsely arrested on October 15th, 10:58:41

8 2009? 10:58:45

9 A Yes. 10:58:45

10 Q Okay. And do you disagree with that? 10:58:45

11 A Yes, I do. 10:58:48

12 Q And why do you disagree with that? 10:58:48

13 A Because I know his allegations are false 10:58:50

14 because I never planted any drugs on Germain Sims. 10:58:53

15 Q Having reviewed all the documents and the 10:58:59

16 pictures, are you still unable to remember 10:59:08

17 anything about the arrests of Robert Lindsey and 10:59:11

18 Germain Sims on October 15th, 2009? 10:59:15

19 MR. STEFANICH: Objection; form. 10:59:18

20 A Sitting here today, I don't recall. After 10:59:23

21 reviewing these reports, I don't have a memory of 10:59:25

22 the arrest of October 15th, 2009. 10:59:28

23 Q Is there anything that could help you 10:59:31

24 remember the arrests on October 15th, 2009? 10:59:34

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1 A At the present moment, I don't know. 10:59:36

2 Q All right. I'm going to ask you now about 10:59:39

3 the arrest of Nephus Thomas on March 6th, 2008. 10:59:44

4 Do you remember Nephus Thomas? 10:59:49

5 A I remember Nephus Thomas. 10:59:50

6 Q What do you remember about Nephus Thomas? 10:59:52

7 A Nephus Thomas was involved with the drug 10:59:52

8 activity in Ida B. Wells, and he was a drunk 10:59:57

9 as well as a drug user. 11:00:00

10 Q Did you observe him to be drunk? 11:00:03

11 A Yes. 11:00:07

12 Q How many times? 11:00:07

13 A I don't remember how many times. 11:00:08

14 Q Okay. How could you tell that he was 11:00:09

15 drunk? 11:00:12

16 A The way he'd act. He appeared to be drunk 11:00:12

17 or either under the influence of some type of 11:00:15

18 drug. 11:00:22

19 Q Did you ever -- well, were there times 11:00:22

20 that you could tell he was under the influence of 11:00:25

21 drugs and not drunk? 11:00:29

22 A From the best of my memory, sitting here 11:00:31

23 today, I couldn't tell you. Like I said, based 11:00:36

24 off of my memory of my observations of him, he was 11:00:38

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1 under some type of influence of some type of 11:00:41
2 substance. 11:00:45

3 Q Did you ever see him using drugs? 11:00:45

4 A To the best of my memory, I don't recall. 11:00:48

5 Q Did you ever see Mr. Thomas holding drugs? 11:00:51

6 A Sitting here right now, I don't recall 11:00:54
7 but -- I don't recall. 11:00:57

8 Q Okay. Do you remember ever speaking to 11:00:59
9 Mr. Thomas? 11:01:02

10 A Yes, I do. 11:01:02

11 Q And when did you speak to Mr. Thomas? 11:01:03

12 A I don't remember the last time I've spoke 11:01:06
13 to him, but I've spoke to him in the past. 11:01:08

14 Q What conversations do you remember with 11:01:10
15 Mr. Thomas? 11:01:12

16 A A conversation I had -- the last time I 11:01:12
17 saw Nephus Thomas was a couple of years ago. I 11:01:21
18 saw him in a grocery store near where I live at, 11:01:25
19 and that was the last time I had a conversation 11:01:27
20 with him. 11:01:29

21 Q Okay. So a couple years ago being 2018 or 11:01:30
22 2019? 11:01:36

23 A I don't remember what year it was. Like I 11:01:36
24 said, it could have been a couple years ago. I 11:01:39

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1 remember seeing him in a grocery store. 11:01:42
2 Q Did you speak to him? 11:01:43
3 A Yes, I did. 11:01:44
4 Q And what did you say? 11:01:45
5 A I spoke, and he, you know, had his 11:01:46
6 daughter or some child with him, and he introduced 11:01:50
7 me to them. 11:01:54
8 Q What did he say? 11:01:54
9 A I don't recall what he said; but, like I 11:02:00
10 said, he had a child with him. He introduced me 11:02:02
11 to him at some point in time, and I guess he might 11:02:05
12 have stated that was his child. 11:02:07
13 Q Was it a cordial conversation? 11:02:08
14 A For the most part, yes. As I recall, yes. 11:02:12
15 Q What was the part that wasn't cordial? 11:02:14
16 A Like I said, for the most part. I don't 11:02:17
17 recall the conversation. It was cordial. It 11:02:20
18 wasn't -- 11:02:20
19 Q All right. 11:02:20
20 A I'm trying to remember the specifics of 11:02:25
21 the conversation. I do remember at some point in 11:02:28
22 time he did mention the fact that -- brought up 11:02:29
23 Mohammed and Watts and just told me that, you 11:02:33
24 know, I'm glad you -- or he said, I know you're 11:02:37

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1 glad you didn't get arrested and stuff when they 11:02:38
2 were arrested because you was a nice guy, and, you 11:02:41
3 know, you wasn't -- didn't appear to be that type 11:02:46
4 of officer and stuff to do what they were accused 11:02:47
5 of. 11:02:50

6 Q That's what Mr. Thomas said to you? 11:02:50

7 A Yes. 11:02:55

8 Q Okay. What did you say back to him? 11:02:55

9 A I don't recall what I said to him. 11:02:57

10 Q Did you consider yourself to be a nice 11:02:58
11 officer? 11:03:04

12 A I am a nice officer. 11:03:04

13 Q Was Mr. Thomas under the influence of 11:03:06
14 drugs or alcohol during this conversation? 11:03:13

15 A No. His appearance that day was totally 11:03:16
16 different than it was in the time that he was -- I 11:03:20
17 remember seeing him in the Ida B. Wells. 11:03:21

18 Q He looked better? 11:03:25

19 A Yes, he looked like he was sober, and he 11:03:26
20 seemed a much different -- like a much different 11:03:31
21 person also. 11:03:34

22 Q Did you ever know him by a nickname? 11:03:37

23 A From the best of my memory, no. 11:03:40

24 Q Do you remember ever being involved in 11:03:48

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1 recall at this particular moment. 11:05:01

2 Q Well, what does a lookout do? 11:05:03

3 A A lookout usually will alert the drug 11:05:04

4 dealers or potential buyers, people who are coming 11:05:08

5 to buy drugs that police are coming or near the 11:05:12

6 building or the area. 11:05:16

7 Q Is that somebody who would say "clean up"? 11:05:17

8 A They used -- sometimes they would use 11:05:23

9 clean up. They might have used other terminology. 11:05:25

10 I don't remember all the terminology that they 11:05:29

11 might have used. 11:05:31

12 Q And you said that he might also be the 11:05:32

13 person who was holding drugs; is that right? 11:05:34

14 A I said that's possible. At this time, I 11:05:36

15 don't recall. 11:05:38

16 Q Okay. What was your understanding of the 11:05:38

17 responsibility of the person holding drugs? 11:05:41

18 A Based on my memory and my experience, the 11:05:42

19 person that would be holding the drugs would be 11:05:45

20 the person that would distribute the drugs out to 11:05:47

21 people who were coming to buy drugs. 11:05:49

22 Q Would there be a different person holding 11:05:51

23 drugs from the person accepting money for drugs? 11:05:55

24 A It would depend. 11:05:55

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1	MR. MICHALIK: Objection; foundation.	11:06:01
2	A It would depend.	11:06:01
3	BY MR. FLAXMAN:	11:06:01
4	Q Sometimes there might be. Sometimes there	11:06:03
5	might not be.	11:06:05
6	A That's correct.	11:06:06
7	Q Okay. The conversation you described with	11:06:07
8	Mr. Thomas at the grocery store, was that sometime	11:06:10
9	after Ida B. Wells was demolished?	11:06:13
10	A Yes. Like I said, it was a couple of	11:06:16
11	years ago. I don't remember what year it was, but	11:06:18
12	it was most -- it was recently.	11:06:20
13	MR. FLAXMAN: All right. Let's mark this	11:06:23
14	as the next Exhibit, No. 29.	11:06:25
15	(Smith Deposition Exhibit 29 marked for	11:06:25
16	identification and attached to the transcript.)	11:06:25
17	Q Is that a picture of Mr. Thomas?	11:06:38
18	A Yes, it is.	11:06:40
19	(Smith Deposition Exhibit 30 marked for	11:06:40
20	identification and attached to the transcript.)	11:06:40
21	MR. FLAXMAN: Exhibit 30.	11:06:50
22	MR. KOSOKO: Joel, just a question. 28 is	11:07:20
23	going to be the IDOC of -- and 29 and 30.	11:07:22
24	MR. FLAXMAN: Yeah. I'm sorry. For the	11:07:25

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1 record, I skipped 28 because we're going to add 11:07:26
2 it in. 11:07:29

3 MR. KOSOKO: Sure. 11:07:30

4 BY MR. FLAXMAN: 11:07:43

5 Q Is Exhibit No. 30 the arrest report of 11:07:46
6 Nephus Thomas on March 6th, 2008? 11:07:50

7 A Yes, it is. 11:07:52

8 Q Okay. And do you see that Mr. Thomas was 11:07:52
9 charged with manufacture and delivery of heroin? 11:07:55

10 A Yes. 11:07:58

11 Q Do you see your name on the third page of 11:07:59
12 this arrest report? 11:08:05

13 A Yes, I do. 11:08:05

14 Q Okay. And what are you listed as? 11:08:07

15 A The second arresting officer. 11:08:09

16 Q Did you review the narrative on the second 11:08:15
17 page of the arrest report? 11:08:17

18 A Yes, I have. 11:08:18

19 Q And having reviewed this narrative and the 11:08:19
20 other parts of the report, are you able to 11:08:21
21 remember the arrest of Nephus Thomas on March 6th, 11:08:25
22 2008? 11:08:28

23 A No, I do not. 11:08:28

24 Q Based on the listing of officers on the 11:08:31

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1 third page, can you tell who wrote this arrest 11:08:53
2 report? 11:08:57

3 A I don't recall, but Alvin Jones, who I was 11:08:57
4 partnered with on that day, is listed as the first 11:09:05
5 arresting officer. So he perhaps wrote this 11:09:09
6 report. 11:09:11

7 Q Is he the most likely officer to have 11:09:11
8 written the report? 11:09:16

9 A Yes. Usually, the first arresting officer 11:09:17
10 is the one who prepared the report. Also looking 11:09:20
11 at Page No. 3, he is the attesting officer. 11:09:24

12 Q And that suggests to you that he's the one 11:09:27
13 who wrote the report? 11:09:30

14 A That is possible. 11:09:31

15 Q What are some other possibilities? 11:09:32

16 A It's possible that myself or other members 11:09:36
17 of my team could have assisted him with this 11:09:40
18 report and prepared the report also. 11:09:42

19 Q Is there any way to tell who assisted in 11:09:45
20 preparing the report? 11:09:50

21 A No, I cannot tell based off of the 11:09:51
22 handwriting -- or not handwriting, but the way 11:09:55
23 this report is typed. 11:09:58

24 Q The second-page narrative states that the 11:09:59

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1 above subject was observed during a narcotics 11:10:14
2 mission exiting the hallway inside of 575 East 11:10:17
3 Browning. 11:10:17

4 Do you see that? 11:10:21

5 A Yes, I do. 11:10:22

6 Q Okay. And was 575 East Browning a 11:10:23
7 building at the Ida B. Wells housing project? 11:10:25

8 A Yes, it was. 11:10:27

9 Q Do you know what it means to exit a 11:10:29
10 hallway? 11:10:32

11 A Exit means you're leaving. 11:10:33

12 Q Okay. And were you familiar with the 11:10:36
13 hallways inside that building? 11:10:40

14 A At the time I was; but sitting here today, 11:10:42
15 I do not recall. 11:10:45

16 Q Do you know where somebody could go if 11:10:46
17 they were exiting a hallway inside of 575 East 11:10:52
18 Browning? 11:10:54

19 A Out of the building. 11:10:54

20 Q This states that Mr. Thomas attempted to 11:10:55
21 place an item from his hand into his boot. 11:11:01

22 Do you see that? 11:11:04

23 A Yes, I do. 11:11:04

24 Q Do you remember ever seeing Mr. Thomas try 11:11:05

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1 to place an item into his boot? 11:11:08

2 A I do not recall this arrest from that 11:11:10

3 date. 11:11:13

4 Q Okay. And do you recall any other time 11:11:13

5 when you observed Mr. Thomas attempting to place 11:11:16

6 an item from his hand into his boot? 11:11:19

7 A Not off the top of my head, no. 11:11:21

8 Q Okay. The next sentence says, "A/O 11:11:23

9 recovered the item and found it to be a clear 11:11:27

10 plastic bag with 45 Ziploc baggies with white 11:11:30

11 powder suspect heroin." 11:11:35

12 Did I read that right? 11:11:39

13 A That's correct. 11:11:39

14 Q Okay. Are you able to tell who the 11:11:40

15 A/O is? 11:11:42

16 A No. 11:11:43

17 Q Based on the report, you don't know who 11:11:43

18 that is? 11:11:46

19 A No. But Alvin Jones is the first 11:11:46

20 arresting officer. So the only thing I can assume 11:11:50

21 is that he is probably stating that he was the 11:11:53

22 recovering officer. 11:11:55

23 Q Is it possible that you, as the second 11:11:57

24 arresting officer, could be the A/O in the 11:11:59

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1 narrative? 11:12:01

2 A That is possible, but it does not state in 11:12:01

3 the report or in the narrative. 11:12:04

4 (Smith Deposition Exhibit 31 marked for 11:12:04

5 identification and attached to the transcript.) 11:12:06

6 Q I'm going to give you Exhibit 31. 11:12:06

7 Is Exhibit 31 the general offense case 11:14:33

8 report for an arrest of five individuals on 11:14:37

9 March 6th, 2008? 11:14:44

10 A Yes. 11:14:45

11 Q Do you see that you're listed as one of 11:14:47

12 the witnesses -- well, actually, I'm sorry. Let 11:14:51

13 me ask that a better way. 11:14:55

14 Do you see your name on this report? 11:14:56

15 A Yes, I do. 11:14:57

16 Q And how are you listed on this report? 11:14:58

17 A As an assisting officer. 11:15:00

18 Q Okay. Where does it say assisting 11:15:03

19 officer? 11:15:05

20 A It doesn't state assisting in particular, 11:15:05

21 but I know that the way we wrote our reports at 11:15:10

22 this time, when we list the other officers in the 11:15:15

23 box -- I can't make out the number right here, but 11:15:17

24 when we list all the officers on our reports, that 11:15:21

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1 they had to be assisting in the arrest in some 11:15:23
2 capacity. 11:15:28

3 Q Do you know how you assisted in these 11:15:28
4 arrests? 11:15:31

5 A No, I do not. I do not recall this arrest 11:15:31
6 on this date. 11:15:34

7 Q And do you see that it says -- it has an 11:15:35
8 arrest date and time of 20 minutes after the 11:15:37
9 arrest of Mr. Thomas that we looked at a moment 11:15:41
10 ago? 11:15:45

11 A I see that on the report. 11:15:45

12 Q But you don't remember the arrest that's 11:15:46
13 reported on Exhibit 31 either; correct? 11:15:49

14 A No. As I stated, I'm listed as an 11:15:52
15 assisting officer, and the reporting officer 11:15:56
16 appears to be Robert Gonzalez, who was my teammate 11:15:59
17 at that time. 11:16:07

18 Q All right. Do you remember Terrence Moye, 11:16:07
19 who is listed as the first offender? 11:16:17

20 A Sitting here today, I do not recall him. 11:16:20

21 Q Okay. Do you have any memory of Donald 11:16:22
22 Sanders? 11:16:24

23 A As I'm sitting here today, I do not 11:16:26
24 recall. 11:16:28

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1 Q Do you remember Jordan Key? 11:16:29
2 A To the best of my memory, I do not. 11:16:31
3 Q Do you remember Jimmie Bell? 11:16:32
4 A From the best of my memory, no, I do not. 11:16:34
5 Q And do you remember Milton Allison? 11:16:37
6 A From the best of my memory, I do not. 11:16:39
7 Q You mentioned this list of assisting 11:16:46
8 officers. 11:16:46
9 It looks to me like that's in Box 31; is 11:16:51
10 that right? 11:16:54
11 A It appears so. I can hardly see. 11:16:54
12 Q Okay. And it starts with P.O.B. Bolton; 11:16:57
13 right? 11:17:02
14 A Yes. 11:17:02
15 Q Okay. And the next one is P.O.M. Leano; 11:17:02
16 correct? 11:17:06
17 A Yes. 11:17:06
18 Q And the next one I see is P.O.L. Smith. 11:17:06
19 Do you see that? 11:17:11
20 A Yes. 11:17:11
21 Q Was there ever an officer on your team 11:17:11
22 with the last name Smith, first initial L.? 11:17:13
23 A From the best of my memory, no. 11:17:17
24 Q Do you have any idea who L. Smith might 11:17:19

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1 refer to on this report? 11:17:23

2 A No, I do not. 11:17:24

3 Q And your name is on the third line, 11:17:25

4 E. Smith; right? 11:17:28

5 A It appears to be so, yes. 11:17:28

6 Q And you don't have any idea why this lists 11:17:30

7 L. Smith; right? 11:17:34

8 A No. I did not prepare this report based 11:17:35

9 off the names that are listed as the reporting 11:17:40

10 officers. 11:17:50

11 Q I'm sorry. You said because of who is 11:17:50

12 listed as the reporting officers, you could tell 11:17:53

13 that you didn't prepare it? 11:17:56

14 A Like I said, I don't recall this arrest 11:17:57

15 from that particular date; but based on the names 11:17:59

16 that are listed as the reporting officers, I do 11:18:02

17 not know. 11:18:06

18 Not having any memory of this incident, to 11:18:08

19 the best of my memory, I do not know; but if I'm 11:18:12

20 listed as an assisting officer, then I probably 11:18:16

21 assisted in this arrest in some capacity. From 11:18:20

22 the best of my memory, I don't recall writing this 11:18:23

23 report. 11:18:25

24 Q Based on reviewing the report, are you 11:18:25

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1 able to tell what capacity you assisted in the 11:18:29
2 arrest? 11:18:32

3 A No, I do not. No, I cannot. 11:18:32

4 Q The narrative refers to arresting these 11:18:35
5 individuals for trespassing. 11:18:43

6 Do you see that? 11:18:45

7 A Yes. 11:18:46

8 Q And this is -- the address of occurrence 11:18:46
9 for this is 575 East Browning; correct? 11:18:51

10 A That's correct. 11:18:53

11 Q That's also where Mr. Thomas was arrested; 11:18:53
12 right? 11:18:57

13 A That's correct. 11:18:57

14 Q Okay. Do you recall arresting 11:18:59
15 individuals, not on this day, but at other times 11:19:04
16 for trespassing in buildings at Ida B. Wells? 11:19:11

17 A I'm sure at some point in time we probably 11:19:13
18 have. 11:19:16

19 Q And was it your practice to give a verbal 11:19:16
20 warning before making a trespassing arrest? 11:19:26

21 A From the best of my memory, yes. 11:19:30

22 Q Was that a requirement? 11:19:31

23 A I don't recall what the requirement is, 11:19:32
24 but signs are usually posted; and sometimes, from 11:19:35

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1 the best of my memory, we would tell people. 11:19:39

2 Q But have you ever made a trespassing 11:19:41

3 arrest of somebody who had not been given a verbal 11:19:45

4 warning before that arrest? 11:19:49

5 A From the best of my memory, I don't recall 11:19:50

6 if we did or did not. 11:19:52

7 Q You just don't know either way. 11:19:54

8 A I don't recall either way. 11:19:56

9 Q The general offense case report on the 11:20:07

10 second page, there's two columns in the narrative, 11:20:19

11 and I'm looking at the second column on the right. 11:20:24

12 Well, I'm sorry. The last sentence on the last 11:20:27

13 line of the narrative begins the offenders. 11:20:30

14 Do you see that? 11:20:33

15 A The offenders were placed into; is that 11:20:33

16 what you mean? The offenders were placed into -- 11:20:41

17 Q Right. The offenders were placed into, 11:20:42

18 and I believe it then goes to the charges. 11:20:45

19 MR. STEFANICH: No. 11:20:50

20 Q No, I'm sorry. 11:20:51

21 A It looked like -- 11:20:51

22 Q It goes all the way to the top, and it 11:20:52

23 says, "The offenders were placed into custody, 11:20:55

24 advised of rights and charges, and transported to 11:20:57

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1 002 for processing by Beat 2171." 11:21:00

2 Did I get that right? 11:21:05

3 A Yes. 11:21:07

4 Q Okay. Does 002 mean the 2nd District? 11:21:10

5 A Yes. 11:21:13

6 Q And what is Beat 2171? 11:21:14

7 A That was the 21st District squad or wagon. 11:21:18

8 Q Do you know how many people could fit in 11:21:23

9 the wagon? 11:21:29

10 A No, I do not. 11:21:29

11 Q But it would be more than just one or two; 11:21:30

12 right? 11:21:34

13 A Yes. 11:21:34

14 Q Did you ever drive the wagon? 11:21:34

15 A Yes, I have. 11:21:37

16 Q When were you assigned to drive the wagon? 11:21:38

17 A I can't give you an exact date or time or 11:21:42

18 how many times I have worked the wagon, but I have 11:21:46

19 worked the wagon before. 11:21:49

20 Q Did you ever do that when you were on the 11:21:50

21 tactical team? 11:21:52

22 A At some point in time, I believe I did, 11:21:52

23 but I don't recall working the wagon on this 11:21:56

24 particular date. 11:21:59

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1 Q Well, I just want to know when you were 11:21:59
2 assigned to the 264 tactical team, were you ever 11:22:01
3 tasked with driving the wagon? 11:22:10

4 A Yes, I believe so. I can recall working 11:22:12
5 the Bud Billiken parade one year, and I couldn't 11:22:14
6 tell you what year that was. It was myself, and I 11:22:18
7 was working with Officer Mohammed at that 11:22:20
8 particular time. We were working the wagon. 11:22:22

9 Q On days when you were doing your typical 11:22:24
10 policing as a member of the 264 tactical team, was 11:22:30
11 it ever your responsibility to drive the wagon? 11:22:34

12 A From the best of my memory, no. 11:22:37

13 Q Do you know that Nephus Thomas says that 11:22:39
14 he was falsely arrested on March 6th, 2008? 11:22:42

15 A Yes. 11:22:45

16 Q And do you disagree with that? 11:22:46

17 A Yes, I do. 11:22:47

18 Q Why do you disagree with that? 11:22:48

19 A Because I did not falsely arrest Nephus 11:22:50
20 Thomas. 11:22:52

21 Q And at the time these reports were 11:22:52
22 prepared, would you have reviewed on them -- at 11:23:00
23 the time these reports, Exhibit 30 and 31, were 11:23:08
24 prepared, would you have reviewed them based on 11:23:10

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1 your usual practice? 11:23:12

2 A I don't recall what my usual practice was, 11:23:13

3 but it's possible that -- I don't recall. I don't 11:23:16

4 recall what my usual practice was, but I don't 11:23:18

5 recall either way if I reviewed them or if I did 11:23:21

6 not. 11:23:23

7 MR. FLAXMAN: Rick, if we take a short 11:23:33

8 break, can you start the video? 11:23:34

9 THE VIDEOGRAPHER: Yes. 11:23:36

10 MR. FLAXMAN: Okay. Let's take a 11:23:36

11 five-minute break and start the video. 11:23:39

12 (A recess was taken from 11:23 a.m. to 11:35:13

13 11:35 a.m.) 11:35:13

14 THE VIDEOGRAPHER: This is day two of the 11:35:18

15 video portion of Elsworth Smith, Jr., and the 11:35:27

16 earlier non-video portion was taken today. 11:35:31

17 The video deposition is taken by Loevy & 11:35:35

18 Loevy in the matter of the Watts coordinated 11:35:38

19 pretrial proceedings, Master Docket 19 cv 01717, 11:35:40

20 held at Loevy & Loevy, 311 North Aberdeen Street, 11:35:45

21 Chicago, Illinois. 11:35:49

22 Today is March 5th. The time is 11:35. 11:35:50

23 The court reporter is Joanne Ely of Planet Depos. 11:35:54

24 The videographer is Rick Kosberg. 11:36:01

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1	Counsel can now introduce themselves, and	11:36:01
2	the court reporter is free to administer the oath	11:36:05
3	should she need to.	11:36:07
4	MR. FLAXMAN: Joel Flaxman for the various	11:36:09
5	plaintiffs. My paralegal Andrew Segal is also	11:36:12
6	present.	11:36:15
7	MR. RAUSCHER: Scott Rauscher for	11:36:15
8	plaintiffs represented by Loevy & Loevy in the	11:36:17
9	coordinated proceedings; and just for the record,	11:36:19
10	we started with and will continue for now cases	11:36:21
11	covered by -- represented by Mr. -- plaintiffs	11:36:24
12	represented by Mr. Flaxman's firm.	11:36:29
13	MR. SCHALKA: Michael Schalka on behalf of	11:36:31
14	Defendants Cadman and Spaargaren.	11:36:34
15	MR. PALLE: Eric Palles on behalf of	11:36:36
16	Kallatt Mohammed.	11:36:39
17	MR. KOSOKO: Ahmed Kosoko on behalf of	11:36:40
18	Ronald Watts.	11:36:42
19	MR. MICHALIK: Paul Michalik on behalf of	11:36:43
20	Defendant City of Chicago and various supervisory	11:36:45
21	officials.	11:36:48
22	MR. STEFANICH: And Brian Stefanich for	11:36:48
23	Officer Elsworth Smith and other defendant	11:36:51
24	officers.	11:36:52

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1 BY MR. FLAXMAN: 11:36:53

2 Q Okay. Sir, you took an oath before the 11:37:03

3 video was here; correct? 11:37:05

4 A That's correct. 11:37:07

5 Q And you understand that you're still under 11:37:07

6 oath; right? 11:37:09

7 A Yes. 11:37:10

8 Q Is there any reason you wouldn't be able 11:37:10

9 to truthfully and accurately answer questions 11:37:11

10 today? 11:37:14

11 A No. 11:37:14

12 Q All right. During the break, I changed 11:37:14

13 the exhibit sticker for No. 28. 11:37:19

14 Do you see Exhibit 28 in front of you? 11:37:23

15 A Yes, I do. 11:37:25

16 Q And is that the picture you looked at on 11:37:26

17 my computer a few minutes ago? 11:37:28

18 A Yes. 11:37:30

19 Q Okay. And having looked at it on the 11:37:30

20 computer and looked at it on paper, do you have 11:37:32

21 any recollection of Robert Lindsey? 11:37:36

22 A No, I do not. 11:37:38

23 Q I wanted to very quickly go back to 11:37:39

24 Exhibit 26 about Mr. Lindsey. I think you're 11:37:45

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1 holding it in your left hand, and we talked 11:37:52
2 briefly about the last page of that, which was 11:37:58
3 your to/from memo. 11:38:00
4 Are you looking at that now? 11:38:03
5 A Yes. 11:38:04
6 Q Okay. When you completed to/from memos, 11:38:05
7 was it your practice to discuss the contents of 11:38:15
8 your memo with other officers who were also 11:38:20
9 accused? 11:38:23
10 A Sitting here, based off of my memory, I'm 11:38:23
11 certain I might have, but I don't recall for this 11:38:28
12 particular report. 11:38:30
13 Q Okay. But for responding to some 11:38:31
14 allegations, you would have spoken to your officer 11:38:35
15 colleagues who were also accused. 11:38:40
16 MR. MICHALIK: Just are you asking in 11:38:42
17 general? I think the question is vague. 11:38:44
18 MR. FLAXMAN: I'm sure I can improve it. 11:38:47
19 A As I stated, I do not recall what I did in 11:38:49
20 preparation for this to/from report. 11:38:52
21 Q Okay. In general, when you were 11:38:54
22 completing a to/from in response to a citizen 11:38:57
23 complaint, would you ever confer with officers who 11:39:01
24 are also accused? 11:39:08

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1 A Based on my memory and my experience as a
2 police officer, it would not be out of the
3 ordinary, but I do not recall.

4 Q Okay. Going back to Mr. Thomas, I think
5 the reports are under your left hand, but my
6 question is not about anything in any of the
7 reports.

8 My question is having reviewed the reports
9 related to Mr. Thomas, are you still unable to
10 remember the arrest of Mr. Thomas on March 6th,
11 2008?

12 A No, I cannot.

13 Q And is there anything that would help you
14 remember the arrest of Mr. Thomas on March 6th,
15 2008?

16 A I don't know.

17 Q All right. You can put aside the
18 Mr. Thomas exhibits.

19 I want to ask you about the arrest of
20 Angelo Shenault, Sr.

21 MR. PALLES: Excuse me. I noticed that
22 since yesterday about 5:00 p.m., there was a
23 substantial --

24 MR. FLAXMAN: Yeah. I'm not going to ask

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1 about that. 11:40:22

2 MR. PALLE: Okay. 11:40:22

3 MR. FLAXMAN: I can put it on the record. 11:40:23

4 MR. PALLE: I was going to say there was 11:40:25

5 a substantial amount of documents received last 11:40:26

6 night -- I received it from -- 11:40:30

7 MR. KOSOKO: COPA. 11:40:30

8 MR. PALLE: -- on behalf of -- COPA, 11:40:34

9 citizens -- sorry -- whatever it is. 11:40:36

10 MR. FLAXMAN: So I'm not going to ask 11:40:38

11 about Shenault, Jr., who is the subject of that 11:40:39

12 log because we just got all those documents. 11:40:42

13 MR. PALLE: Okay. Thank you. 11:40:46

14 MR. FLAXMAN: Counsel for the witness has 11:40:47

15 agreed that we're going to postpone that 11:40:50

16 questioning. 11:40:51

17 MR. STEFANICH: Correct. 11:40:51

18 MR. PALLE: Okay. Thank you. 11:40:52

19 BY MR. FLAXMAN: 11:40:52

20 Q So do you remember somebody named Angelo 11:40:53

21 Shenault? 11:40:57

22 A Vaguely. 11:40:58

23 Q Okay. And do you remember that there were 11:40:59

24 two people around Ida B. Wells with that name? 11:41:00

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1 A I am aware of it now. 11:41:03

2 Q Okay. Well, let me -- do you have any 11:41:05

3 memory of the arrests of either person named 11:41:12

4 Angelo Shenault? 11:41:15

5 A No, I do not. 11:41:16

6 (Smith Deposition Exhibit 32 marked for 11:41:16

7 identification and attached to the transcript.) 11:41:18

8 Q Well, let me show you what we will mark as 11:41:18

9 Exhibit 32. 11:41:28

10 Do you recognize the man depicted in 11:41:28

11 Exhibit 32? 11:41:43

12 A No, I do not. 11:41:43

13 (Smith Deposition Exhibit 33 marked for 11:41:43

14 identification and attached to the transcript.) 11:41:44

15 Q Okay. Let me give you Exhibit 33. 11:41:44

16 Is Exhibit 33 the arrest report of Angelo 11:43:02

17 Shenault on November 26th, 2006? 11:43:06

18 A Yes, it is. 11:43:08

19 Q Okay. And this Angelo Shenault has a date 11:43:09

20 of birth in 1963. 11:43:13

21 Is that what the report says? 11:43:15

22 A Yes. 11:43:18

23 Q Okay. Based on your memory of someone 11:43:18

24 named Angelo Shenault, do you think he is the 11:43:23

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1 person depicted in this arrest report, or was he 11:43:27
2 roughly a different age? 11:43:29
3 A Like I said, I don't recall Angelo 11:43:31
4 Shenault. So it depends on -- I am aware that 11:43:33
5 there's an Angelo Shenault, Jr., so I don't know 11:43:37
6 which one you are referring to. 11:43:41
7 Q Okay. 11:43:42
8 MR. STEFANICH: If you want to show him 11:43:49
9 his picture, that's fine. 11:43:51
10 MR. FLAXMAN: I didn't bring a picture. 11:43:54
11 You said we're not going to question on it. 11:43:55
12 A Maybe I misunderstood. 11:44:03
13 Q Sure. And maybe I've asked a bad 11:44:04
14 question. 11:44:07
15 When I first asked you if you knew of 11:44:07
16 Angelo Shenault, you said you -- what did you say? 11:44:10
17 A Vaguely. 11:44:11
18 Q Okay. And is there anything you remember 11:44:11
19 about the Angelo Shenault that you have a 11:44:14
20 recollection of? 11:44:17
21 A As I'm sitting here today, no, I do not 11:44:18
22 know. 11:44:21
23 Q Okay. Well, then I will just ask directly 11:44:22
24 about this report. For the record, I'm going to 11:44:24

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1 refer to this as Angelo Shenault, Sr. 11:44:27

2 Do you remember the arrest of Angelo 11:44:30

3 Shenault, Sr., on November 26th, 2006? 11:44:35

4 A No, I do not. 11:44:39

5 Q But you understand that I'm talking about 11:44:40

6 the report that's depicted in Exhibit 33; right? 11:44:42

7 A That's correct. 11:44:45

8 Q You see that the location of the arrest is 11:44:45

9 3753 South Vernon Avenue? 11:44:50

10 A That's correct. 11:44:52

11 Q Okay. Are you familiar with that 11:44:53

12 location? 11:44:57

13 A Yes. 11:44:54

14 Q And what's at that location? 11:45:01

15 A At that time, I believe it was a set of 11:45:03

16 row houses in the Ida B. Wells. 11:45:04

17 Q And by "at that time," what are you 11:45:06

18 referring to? 11:45:07

19 A The address. 11:45:07

20 Q I'm sorry. You mean the time that's 11:45:10

21 listed in this arrest report? 11:45:13

22 A Yes. 11:45:14

23 Q Meaning in 2006? 11:45:15

24 A Yes. 11:45:16

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1 Q Do you see that Mr. Shenault, Sr., was 11:45:17
2 charged with possession of a controlled substance? 11:45:29
3 A That's what's stated on the report. 11:45:32
4 Q And on the third page of this report, 11:45:34
5 you're not listed as an attesting officer or the 11:45:41
6 first or second arresting officer; right? 11:45:44
7 A No, I am not. 11:45:46
8 Q Okay. Do you see yourself listed on the 11:45:47
9 fifth page of the arrest report? 11:45:50
10 A Yes. 11:45:51
11 Q What are you listed as? 11:45:52
12 A As an assisting arresting officer. 11:45:55
13 Q Did you review the narrative of this 11:46:00
14 report? 11:46:03
15 A I don't recall if I did on that date 11:46:04
16 or not, but I've reviewed it prior to coming here. 11:46:07
17 Q Okay. And -- 11:46:09
18 A And I've looked at it now. 11:46:09
19 Q Okay. And having reviewed this report, 11:46:11
20 are you able to remember the arrest of 11:46:14
21 Mr. Shenault, Sr., on November 26th, 2006? 11:46:16
22 A No, I do not. 11:46:20
23 Q This narrative refers to narcotics being 11:46:23
24 sold out of the Madden Park area. 11:46:28

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1	Are you familiar with the Madden Park	11:46:31
2	area?	11:46:33
3	A Yes.	11:46:34
4	Q Was there a park called Madden Park?	11:46:34
5	A Yes.	11:46:37
6	Q And do you know if Madden Park is still	11:46:38
7	there?	11:46:44
8	A From the best of my memory, I don't	11:46:44
9	recall.	11:46:46
10	Q Is Madden Park near 3753 South Vernon	11:46:46
11	Avenue?	11:46:50
12	A I believe so.	11:46:50
13	Q Do you recall making any arrests in the	11:46:51
14	Madden Park area?	11:46:59
15	A Off the top of my head, I don't recall.	11:47:00
16	Q Do you ever recall learning about drugs	11:47:03
17	being sold at Madden Park?	11:47:11
18	A As I'm sitting here today, I don't recall;	11:47:14
19	but I'm certain probably during that time, yes.	11:47:16
20	Q How close was Madden Park to the Ida B.	11:47:19
21	Wells homes?	11:47:26
22	A Like I said, I don't remember the	11:47:26
23	distance. I couldn't tell you how many feet or	11:47:29
24	how many -- but it was fairly close.	11:47:31

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1 Q Okay. The report states that Mr. Shenault 11:47:33
2 discarded to the ground a Cheetos chip bag that 11:47:41
3 contained Ziploc baggies each filled with suspect 11:47:41
4 heroin. 11:47:41

5 Do you see where I read that? 11:47:43

6 A Yes. 11:47:43

7 Q Do you remember ever being involved in an 11:47:51
8 arrest where a suspect was storing narcotics in a 11:47:55
9 chip bag? 11:48:00

10 A I don't recall this arrest, but, yes, I 11:48:01
11 have. 11:48:05

12 Q Okay. And what do you remember from those 11:48:05
13 arrests that you recall? 11:48:08

14 A That sometimes drug dealers put the 11:48:08
15 narcotics in a bag. 11:48:15

16 Q And did you ever learn why drug dealers 11:48:16
17 would put narcotics into a chip bag? 11:48:26

18 A Sometimes it wasn't specifically narcotics 11:48:28
19 dealers. It was also people who purchased drugs 11:48:31
20 also that was trying to hide them from the police. 11:48:34

21 MR. FLAXMAN: Mark this as 34. 11:49:09

22 (Smith Deposition Exhibit 34 marked for 11:49:09
23 identification and attached to the transcript.) 11:49:09

24 Q Is Exhibit 34 a vice case report for the 11:49:38

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1 arrest of Angelo Shenault, Sr., on November 6th -- 11:49:46
2 excuse me -- on November 26th, 2006? 11:49:50
3 A Yes. 11:49:50
4 Q Do you see your name on this report? 11:49:50
5 A No, I do not. 11:50:00
6 Q The first line of the narrative says, "In 11:50:05
7 summary, this is a narcotics investigation arrest 11:50:09
8 by Beats 264A, B, C, D." 11:50:12
9 Do you see that? 11:50:16
10 A Yes, I do. 11:50:16
11 Q Okay. Based on the arrest report, can you 11:50:17
12 tell if you were included in that group on 11:50:22
13 November 26th, 2006? 11:50:26
14 A Yes. It doesn't mention me specifically 11:50:27
15 by name, but it has several beats listed there. 11:50:31
16 So I would have been assigned to one of those 11:50:35
17 units. 11:50:37
18 Q Do you know why it doesn't mention you by 11:50:38
19 name? 11:50:41
20 A I do not recall this particular arrest; 11:50:42
21 and based on the names that are listed as the 11:50:46
22 reporting officers, I don't speak for them. So I 11:50:54
23 cannot answer for Robert Gonzalez or Brian Bolton. 11:50:55
24 Q If you had prepared a vice case report, 11:50:58

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1 would you have listed the names of all the 11:51:00
2 officers involved in the arrest? 11:51:03

3 A I would try to, but I'm certain at some 11:51:04
4 point in time officers probably have made mistakes 11:51:07
5 on reports, and it was probably unintentionally 11:51:11
6 done. 11:51:17

7 Q Do you recognize the signature below 11:51:18
8 Officer Gonzalez's name? 11:51:31

9 A I don't recall Robert Gonzalez' signature; 11:51:32
10 but as I see there, the report has been signed by 11:51:35
11 Gonzalez and Bolton. 11:51:40

12 Q Do you recognize Officer Bolton's 11:51:41
13 signature? 11:51:44

14 A No, I do not. 11:51:44

15 Q Box No. 42 of this report says 11:51:46
16 "gang-related affiliation." 11:52:05

17 Do you see where I am? 11:52:07

18 A Yes. 11:52:08

19 Q And victim is checked, and what does it 11:52:22
20 say for victim? 11:52:28

21 A None. 11:52:29

22 Q And then offender is checked, and what 11:52:30
23 does it say for that? 11:52:31

24 A G/D. 11:52:32

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1 Q Okay. Do you know what G/D means? 11:52:34
2 A Gangster Disciple. 11:52:36
3 Q Was that a -- were you familiar with the 11:52:39
4 Gangster Disciple gang? 11:52:42
5 A Yes. 11:52:45
6 Q Were they active at the Ida B. Wells 11:52:45
7 homes? 11:52:47
8 A From the best of my memory, yes. 11:52:47
9 Q I understand that you didn't create this 11:52:49
10 vice case report; but I want to ask when you would 11:52:51
11 create vice case reports, how would you get the 11:52:54
12 information for the gang-related affiliation box? 11:52:56
13 A From the computer system. You could 11:52:59
14 check -- I think there's a gang file that you 11:53:02
15 could check, and sometimes some offenders might 11:53:05
16 admit that they are affiliated with a particular 11:53:11
17 gang. 11:53:13
18 Q Was it your responsibility to ask them if 11:53:13
19 they were affiliated with a particular gang? 11:53:18
20 A Yes. To the best of my memory, I believe 11:53:20
21 so. 11:53:24
22 Q And in the computer system, you would put 11:53:24
23 in a person's name, and the system would say 11:53:27
24 whether they were listed; is that right? 11:53:30

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1 A Yes, I believe you could check them on the 11:53:31
2 computer, and then they would tell you if they 11:53:34
3 were involved in a gang or part of a gang. 11:53:35
4 Q All right. Well, having looked at 11:53:42
5 Exhibits 33 and 34, do you have any memory of the 11:53:45
6 arrest of Mr. Shenault, Sr., on November 26th, 11:53:48
7 2006? 11:53:52
8 A No, I do not. 11:53:52
9 Q Okay. Are you aware of anything that 11:53:53
10 would help you remember the arrest of Angelo 11:53:55
11 Shenault, Sr., on November 26th, 2006? 11:53:59
12 A Not at this present moment. 11:54:01
13 Q Okay. Do you know that Shenault, Sr., 11:54:04
14 says that he was falsely arrested? 11:54:07
15 A Yes. 11:54:09
16 Q Okay. Do you disagree with that? 11:54:09
17 A Yes, I do. 11:54:11
18 Q Why do you disagree with that? 11:54:12
19 A Mr. Shenault, as well as many other 11:54:14
20 people, are making false accusations against 11:54:17
21 myself. Because I know myself, I have never 11:54:21
22 falsely arrested anyone, and I don't recall anyone 11:54:23
23 that I worked with at that particular time making 11:54:26
24 any false arrests of any other individuals. 11:54:29

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1 Q So you never knew anyone on your team to 11:54:31
2 make a false arrest? 11:54:35

3 A Based on my time working with the 264 team 11:54:36
4 and my experience in working around these 11:54:39
5 individuals that I was working with at that time, 11:54:42
6 I do not recall anyone else doing anything that we 11:54:44
7 are being alleged of. 11:54:48

8 Q Do you know that Mr. Shenault, Sr., claims 11:54:49
9 that a member of your team took money from him and 11:54:53
10 bought fast food for team members? 11:54:58

11 A Yes. I am aware of those allegations. 11:55:00

12 Q Okay. Do you disagree with that? 11:55:01

13 A Yes, I do. 11:55:02

14 Q And why do you disagree with that? 11:55:03

15 A Because, like I said, we never stole any 11:55:04
16 money from anyone and bought food with money that 11:55:08
17 we had taken from any individual. 11:55:10

18 Q Have you ever seen an officer buy fast 11:55:11
19 food for someone who is under arrest? 11:55:14

20 A Have I seen anyone do that? I'm not -- 11:55:16
21 can't recall sitting here, but I'm certain we 11:55:21
22 might have. I do recall at times that we were 11:55:23
23 preparing reports that we ate while we were doing 11:55:26
24 our reports; and sometimes there would be extra 11:55:29

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1 food, we would sometimes offer it to offenders, 11:55:32
2 not just people who we would lock up, if there was 11:55:35
3 other offenders in the tac office at that 11:55:38
4 particular time. 11:55:41

5 Q What fast food restaurants are near the 11:55:41
6 2nd District? 11:55:49

7 A There's a bunch of fast food restaurants. 11:55:49
8 I couldn't name you -- tell you all the names of 11:55:51
9 the different fast food restaurants in the 11:55:54
10 2nd District. 11:55:56

11 Q Well, my question was what was near the 11:55:56
12 police station? 11:55:58

13 A There again, I don't recall at that 11:55:59
14 particular time. Sitting here today, we don't 11:56:06
15 have that many. The only place I can think of 11:56:08
16 right now today, there is a Dunkin' Donuts at 55th 11:56:11
17 and State Street, and I don't recall the Dunkin' 11:56:15
18 Donuts being at that location at that particular 11:56:19
19 time. So I can't recall from that particular day 11:56:32
20 on 2006. 11:56:25

21 Q Was there a McDonald's near the police 11:56:34
22 station? 11:56:50

23 A At this particular time, I don't recall. 11:56:50
24 I do -- I'm sorry. I don't know what year that -- 11:56:54

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1 there used to be a McDonald's at 50th and, I 11:56:58
2 guess, Wentworth; but I don't remember if it was 11:57:02
3 still open at that particular point in time in 11:57:04
4 2006. I know it's not there now. 11:57:08
5 Q Was there a Burger King near the police 11:57:10
6 station? 11:57:14
7 A To the best of my memory, no. 11:57:14
8 Q Was there a Wendy's near the police 11:57:15
9 station? 11:57:18
10 A It's nearby. 11:57:18
11 Q Yes? 11:57:19
12 A Yes. From the best of my memory, yes. 11:57:19
13 Q Was there a Subway near the police 11:57:21
14 station? 11:57:23
15 A From the best of my memory, I believe so. 11:57:23
16 Q Okay. Was there a Popeyes near the police 11:57:26
17 station? 11:57:28
18 A It's not close, but there's a Popeyes in 11:57:28
19 the 2nd District. 11:57:30
20 Q I'm going to ask you about an arrest of 11:57:30
21 Vondell Wilbourn and Joshua Curtis. 11:57:44
22 Do you remember someone named Vondell 11:57:44
23 Wilbourn? 11:57:49
24 A Yeah. Vondell. 11:57:49

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1 Q What do you remember about Vondell 11:57:50
2 Wilbourn? 11:57:52
3 A He was a drug dealer. 11:57:52
4 Q How did you know he was a drug dealer? 11:57:55
5 A From what I may have heard from other 11:57:58
6 members of my team or prior experience dealing 11:58:00
7 with him. 11:58:03
8 Q Do you remember what you heard from 11:58:03
9 members of your team? 11:58:05
10 A I don't recall specifically other than 11:58:06
11 that he was a drug dealer. 11:58:07
12 Q Okay. Do you remember your own experience 11:58:09
13 that led you to conclude that Mr. Wilbourn was a 11:58:12
14 drug dealer? 11:58:16
15 A In my experience, like I said, dealing 11:58:16
16 with -- working in the Ida B. Wells and also from 11:58:18
17 my other teammates, that's the information that I 11:58:22
18 recall. 11:58:26
19 Q Do you remember what specifically that 11:58:26
20 information was? 11:58:28
21 A No, I don't recall specifically. 11:58:28
22 Q Do you remember arresting Mr. Vondell 11:58:30
23 Wilbourn? 11:58:32
24 A At the present moment, I don't. 11:58:33

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1 Q Do you remember Joshua Curtis? 11:58:35
2 A Yes, I do. 11:58:38
3 Q What do you remember about Mr. Curtis? 11:58:38
4 A Joshua Curtis was also involved in drugs 11:58:40
5 in Ida B. Wells also. 11:58:43
6 Q How did you learn that Joshua Curtis was 11:58:44
7 involved in drugs? 11:58:48
8 A I don't recall at the present moment. 11:58:48
9 Either through my teammates or probably prior 11:58:50
10 arrests, but I do recall Joshua Curtis and I -- 11:58:53
11 based off of my memory sitting here today, that he 11:58:56
12 was involved in the drug activities in Ida B. 11:59:00
13 Wells. 11:59:02
14 Q Do you remember the specifics of what you 11:59:02
15 learned about that? 11:59:06
16 A No, I do not recall the specifics. 11:59:06
17 Q Do you remember arresting Joshua Curtis? 11:59:08
18 A Not at the present moment. 11:59:10
19 Q Did you look at any documents about an 11:59:11
20 arrest of Mr. Curtis and Mr. Wilbourn to prepare 11:59:15
21 for the deposition? 11:59:17
22 A I just looked at some documents on Vondell 11:59:18
23 Curtis [sic] this morning, and I did look at some 11:59:18
24 documents on Joshua Curtis, but I don't recall the 11:59:26

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1 specifics in either of those reports. 11:59:29

2 Q I'll show you some pictures. 11:59:34

3 (Smith Deposition Exhibit 35 marked for 11:59:34

4 identification and attached to the transcript.) 11:59:34

5 Q Looking at Exhibit 35, do you recognize 12:00:03

6 that as Joshua Curtis? 12:00:05

7 A Yes, that's Joshua Curtis. 12:00:06

8 (Smith Deposition Exhibit 36 marked for 12:00:06

9 identification and attached to the transcript.) 12:00:08

10 Q Okay. And Exhibit 36, which I'm going to 12:00:08

11 pass out, do you recognize that as Vondell 12:00:12

12 Wilbourn? 12:00:16

13 A Yes. 12:00:17

14 (Smith Deposition Exhibit 37 marked for 12:00:17

15 identification and attached to the transcript.) 12:00:17

16 Q All right. Is Exhibit 37 the arrest 12:00:17

17 report of Joshua Curtis from September 2nd, 2005? 12:01:13

18 A Yes, it is. 12:01:16

19 Q And do you see yourself listed on this 12:01:17

20 arrest report? 12:01:26

21 A Yes, I do. 12:01:26

22 Q Okay. What's your role on this arrest 12:01:28

23 report? 12:01:30

24 A As an assisting officer. 12:01:30

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1	Q Is that on the fifth page?	12:01:33
2	A That is correct.	12:01:35
3	Q Okay. You don't remember this arrest;	12:01:35
4	correct?	12:01:39
5	A No, I do not.	12:01:39
6	Q The location of this arrest is 559 East	12:01:40
7	Browning Avenue?	12:01:48
8	A That's what's stated on the report.	12:01:48
9	Q Okay. Do you recognize that as an address	12:01:50
10	at the Ida B. Wells homes?	12:01:53
11	A From the best of my memory, yes.	12:01:54
12	Q Do you remember what kind of building it	12:01:56
13	was?	12:01:57
14	A A CHA building.	12:01:57
15	Q Was it a row house? Was it a high-rise?	12:02:00
16	Do you remember?	12:02:03
17	A That was a high-rise.	12:02:03
18	Q And having reviewed the report, are you	12:02:04
19	able to tell what your role was as an assisting --	12:02:19
20	what you did as an assisting officer?	12:02:21
21	A No, I cannot.	12:02:21
22	Q The narrative section, that's on the	12:02:23
23	second page; right?	12:02:31
24	A Yes.	12:02:32

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1 Q This begins, "This is an arrest by 12:02:37
2 2nd District Tac Units 264A and 264C." 12:02:49
3 Did I read that right? 12:02:54
4 A That's correct. 12:02:55
5 Q Okay. And does the report list yourself 12:02:56
6 as 264C on September 2nd, 2005? 12:02:58
7 A Yes. That's listed on page 5. 12:03:02
8 Q Okay. This also lists Officer Nichols and 12:03:04
9 Officer Leano as your partner that day? 12:03:10
10 A Yes. 12:03:12
11 Q And the next sentence says, "The above 12:03:12
12 subject was observed by A/O give a subject now 12:03:17
13 known as Wilbourn Vondell J. M/1/29 a bundle of 12:03:17
14 U.S.C. totaling \$120 in exchange for a clear 12:03:29
15 plastic bag with suspect narcotics." 12:03:33
16 Did I read that right? 12:03:34
17 A That's correct. 12:03:35
18 Q Okay. What does M/1/29 mean in a police 12:03:36
19 report? 12:03:40
20 A I'm sorry? 12:03:40
21 Q What does M/1/29 mean? 12:03:41
22 A Male black, age 29. 12:03:45
23 Q Okay. And so the 1 refers to black? 12:03:47
24 A Yes. That's the demographical code that 12:03:50

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1 the Chicago Police Department uses to describe 12:03:53
2 race, African-African. 12:03:56
3 Q What does U.S.C. mean? 12:03:57
4 A U.S.C. is United States currency. 12:03:59
5 Q And this sentence that I just read said 12:04:01
6 that it was observed by A/O. 12:04:04
7 A Yes. 12:04:08
8 Q Can you tell who that refers to? 12:04:09
9 A No, I do not. 12:04:11
10 Q Okay. Is it likely to refer to one of the 12:04:12
11 first or second arresting officers? 12:04:17
12 A That's possible. 12:04:23
13 Q Could it refer to you as an assisting 12:04:23
14 officer? 12:04:26
15 A It's possible, but it doesn't state that. 12:04:26
16 Arresting officer could mean arriving officer, it 12:04:30
17 could be mean arresting officer, or it could mean 12:04:34
18 assisting officer. But it does not state in the 12:04:36
19 narrative of the report. 12:04:38
20 Q It doesn't state which one it is? 12:04:39
21 A No, it does not. 12:04:41
22 Q The next sentence says, "The subject 12:04:43
23 Wilbourn, Vondell was also heard saying to the 12:04:47
24 above subject, 'this is all we have until later.'" 12:04:50

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1 Did I read that right? 12:04:54

2 A That's correct. 12:04:55

3 Q Okay. Have you ever heard somebody in the 12:04:55

4 drug business saying, "This is all we have until 12:04:57

5 later"? 12:05:00

6 A I don't recall. 12:05:00

7 Q Okay. Based on your experience as a 12:05:01

8 police officer, can you tell what that means? 12:05:04

9 A Based on my experience, that means that 12:05:08

10 it's probably all the drugs that they might have. 12:05:10

11 Q Okay. Based on the description of this 12:05:13

12 exchange, do you believe that Mr. Wilbourn and 12:05:18

13 Mr. Curtis were selling drugs together? 12:05:23

14 A I don't know. 12:05:24

15 Q You can't tell. 12:05:25

16 A I can't tell. I don't recall the arrest 12:05:27

17 on this date. 12:05:31

18 MR. FLAXMAN: Let's mark this next one 12:06:03

19 as 38. 12:05:40

20 (Smith Deposition Exhibit 38 marked for 12:05:40

21 identification and attached to the transcript.) 12:05:40

22 Q Is Exhibit 38 the arrest report of Vondell 12:06:38

23 Wilbourn from an arrest on September 2nd, 2005? 12:06:42

24 A Yes, it is. 12:06:45

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1 Q Okay. And what is your role on this 12:06:45
2 arrest report? 12:06:49

3 A Again, on page 5, it's states that I was 12:06:49
4 an assisting officer on Beat 264 Charlie or 264C. 12:06:54

5 Q And it's the same listing as the report 12:06:59
6 for Mr. Curtis; right? 12:07:02

7 A That's correct. 12:07:04

8 Q Can you tell on the report from 12:07:04
9 Mr. Wilbourn what you did as the assisting 12:07:08
10 officer? 12:07:11

11 A No. 12:07:11

12 Q And this narrative has a similar 12:07:12
13 description of the exchange and the words in 12:07:23
14 quotes that we read from Mr. Curtis's report; 12:07:26
15 right? 12:07:29

16 A That's correct. That's correct. 12:07:29

17 Q Okay. When you wrote -- when you write 12:07:35
18 police reports, do you ever put language in 12:07:41
19 quotation marks like we see in this report? 12:07:43

20 A It would not be uncommon, but I did not 12:07:45
21 write this report. 12:07:49

22 Q Okay. When you write reports and put 12:07:50
23 words in quotation marks, does that mean that 12:07:52
24 you're recording exactly what you heard said? 12:07:55

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1 A I can't speak for Officer Jones or Young; 12:07:57
2 but technically, it could be paraphrasing what 12:08:01
3 they said. I don't know if I -- if I wrote it, it 12:08:04
4 might be exactly what they said, but I can't speak 12:08:07
5 for Jones or Young and how they prepared this 12:08:10
6 report. 12:08:13

7 Q Okay. I want to ask you about your 12:08:13
8 practice in preparing reports. 12:08:15

9 In your practice when you put words within 12:08:17
10 quotation marks, do you mean that's the exact 12:08:19
11 words that you heard spoken? 12:08:22

12 A Like I said, based on my memory, I 12:08:23
13 probably would put -- or perhaps put what they 12:08:27
14 said exactly or try to -- or to the best of my 12:08:31
15 memory, put as closely, exactly what they said or 12:08:36
16 paraphrase what they said. 12:08:40

17 So I don't know if I'm confusing you, but 12:08:41
18 the best way to answer it -- to the best of your 12:08:44
19 knowledge, I would try to answer that question 12:08:47
20 to -- in some way try to get exactly what they 12:08:50
21 would state. I don't know if I would -- because a 12:08:53
22 lot of times you might have misheard someone, but 12:08:55
23 you would try to, to the best of your knowledge, 12:08:59
24 record -- like I said, paraphrase what they might 12:09:01

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1 have stated. 12:09:05

2 Q Did you ever use the phrase "words to the 12:09:05

3 effect of" in your police reports? 12:09:08

4 A Sitting here today, without looking at any 12:09:10

5 of my old reports, I don't recall, but I possibly 12:09:16

6 may have. 12:09:18

7 Q If you were paraphrasing, would you use 12:09:19

8 something like "words to the effect of" rather 12:09:22

9 than using quotation marks? 12:09:25

10 A Sitting here today, I could not tell you 12:09:27

11 what I might have done in the past, and it might 12:09:32

12 vary from each report. 12:09:34

13 (Smith Deposition Exhibit 39 marked for 12:09:34

14 identification and attached to the transcript.) 12:09:36

15 Q Is Exhibit 39 a vice case report for the 12:09:36

16 arrest report of Mr. Curtis and Mr. Wilbourn on 12:10:32

17 September 2nd, 2005? 12:10:36

18 A That's correct. 12:10:37

19 Q Okay. And is your name listed on this 12:10:39

20 report? 12:10:42

21 A Yes, it is. 12:10:42

22 Q Where is it listed? 12:10:43

23 A In Box 18. 12:10:45

24 Q Okay. And what -- what does it mean for 12:10:46

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1 your name to be listed in Box 18? 12:10:49

2 A As an assisting officer. 12:10:51

3 Q Was Sergeant Watts an assisting officer? 12:10:56

4 A Not recalling this arrest report from that 12:11:00

5 particular date, I'm not certain; but it's 12:11:04

6 possible that he could have been there at the time 12:11:07

7 of this arrest. 12:11:10

8 Q Was it your understanding that listing him 12:11:10

9 in Box 18 meant that he was an assisting officer? 12:11:13

10 MR. MICHALIK: Objection; foundation. 12:11:16

11 A Again, I did not prepare this report; but 12:11:19

12 if he's listed on here, it could be possible that 12:11:21

13 he was an assisting officer at some point in time. 12:11:24

14 Q Have you reviewed the narrative in the 12:11:26

15 vice case report? 12:11:48

16 A I have now. 12:11:48

17 Q Okay. And are you able to tell, after 12:12:06

18 reviewing this narrative, what your role was in 12:12:11

19 the arrest of Mr. Wilbourn and Mr. Curtis? 12:12:13

20 A No. It does not state in the report. 12:12:15

21 Q This lists the first reporting officer as 12:12:18

22 Officer Jones; correct? 12:12:29

23 A That's correct. 12:12:29

24 Q Do you recognize the signature below 12:12:30

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1 from a White Ford Contour that did not look like a 12:14:08
2 police car. I recognized those officers as Ronald 12:14:11
3 Watts, Kenny, Al, and Smitty." 12:14:14

4 When you were on the 264 tactical team, 12:14:20
5 did you ever use a vehicle that did not look like 12:14:25
6 a police car? 12:14:28

7 A Sometimes -- 12:14:29

8 MR. STEFANICH: Objection; foundation. 12:14:29

9 You can answer. 12:14:31

10 A Sometimes we did. 12:14:31

11 Q And when would you do that? 12:14:32

12 A I don't recall the specific dates or times 12:14:34
13 that we did; but, like I said, sometimes we did. 12:14:37

14 Q And why would you use a vehicle that did 12:14:38
15 not look like a police car? 12:14:41

16 A So we can sneak into the building and try 12:14:42
17 to catch people selling drugs or buying drugs. 12:14:45

18 Q Did you ever use a White Ford Contour? 12:14:48

19 A If that's what's stated in this report, I 12:14:51
20 don't -- I don't recall one way or the other. 12:14:53

21 Q And in the instances when you would use a 12:14:54
22 vehicle that didn't look like a police car, how 12:14:58
23 would you get that vehicle? 12:15:01

24 A Well, myself, and best off of my memory, I 12:15:02

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1 don't recall how it was done. A sergeant or some 12:15:08
2 type of supervisor probably had to get it. So I 12:15:10
3 don't recall the specifics of how it was obtained. 12:15:13

4 Q Was it your understanding that vehicles 12:15:15
5 like that were owned by the department? 12:15:18

6 A Yes. 12:15:19

7 Q Did your team ever use a vehicle that 12:15:21
8 wasn't owned by the Chicago Police Department? 12:15:26

9 A From the best of my memory, no. 12:15:27

10 Q The next paragraph states, "Watts asked me 12:15:29
11 words to the effect of, 'where that shit at?'" 12:15:36

12 Did you ever hear officer Watts say 12:15:39
13 anything like that to somebody? 12:15:44

14 A I don't recall from this particular day. 12:15:45

15 I'm certain he probably has said that. I'm 12:15:47
16 certain that we all may have used profanity at 12:15:50
17 some point in time, but I don't recall for that 12:15:52
18 particular date. 12:15:54

19 Q The next sentence -- I'm sorry -- the next 12:15:55
20 paragraph is 7. It says, "I understood that he 12:16:03
21 wanted to know where illegal drugs were." 12:16:04

22 Is that what you would take "where that 12:16:07
23 shit at" to mean? 12:16:12

24 A I don't know what Joshua Curtis meant by 12:16:13

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1 that; but based off of reading this, you can 12:16:22
2 assume that, but I don't know what he meant by 12:16:25
3 that. 12:16:28

4 Q This states that after Mr. Curtis was 12:16:28
5 handcuffed -- excuse me -- after Mr. Curtis was 12:16:39
6 handcuffed to Mr. Wilbourn, Watts went up the 12:16:42
7 stairs and then came back and showed Mr. Curtis a 12:16:47
8 bag of drugs. 12:16:50

9 Were you ever present for anything like 12:16:52
10 that happening? 12:16:57

11 MR. STEFANICH: Joel, is that like a 12:16:58
12 specific paragraph you're looking at? 12:17:01

13 MR. FLAXMAN: I'm on paragraph 9. 12:17:06

14 Q Do you see that? 12:17:08

15 MR. STEFANICH: Okay. Got you. 12:17:08

16 A Yes, I see that. 12:17:10

17 Q That paragraph states, "Watts handcuffed 12:17:11
18 me to Vondell, and Watts went up the stairs where 12:17:12
19 I could not see him." 12:17:15

20 Paragraph 10 states, "At that time, Al 12:17:17
21 searched my pants. He also did not find anything 12:17:19
22 illegal." 12:17:23

23 Paragraph 11 states, "Watts came right 12:17:23
24 back and showed me a bag of drugs and said words 12:17:27

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1 to the effect of, 'I found it. You should have 12:17:29
2 just gave it to me.'" 12:17:32

3 Do you recall ever observing Watts doing 12:17:33
4 anything like that? 12:17:37

5 MR. KOSOKO: Object to form. 12:17:43

6 A As I stated before, I have not seen 12:17:46
7 officer -- I'm sorry -- Sergeant Watts or any 12:17:46
8 other officer that I worked with at that time do 12:17:48
9 anything that's stated in this report by Joshua 12:17:51
10 Curtis or possibly Vondell Wilbourn or any other 12:17:55
11 of these individuals making these false 12:18:00
12 allegations against us do any of these things that 12:18:03
13 are -- that he's describing. 12:18:06

14 Q Okay. Paragraph 13 says, After I said the 12:18:07
15 drugs weren't mine, Al slapped me. 12:18:15

16 Did you ever observe Officer Jones slap 12:18:19
17 anybody? 12:18:23

18 A Sitting here, I don't have recall from 12:18:23
19 this particular date. I don't believe that he 12:18:28
20 probably slapped someone just out of -- for no 12:18:30
21 reason at all. Like I said, and I don't recall 12:18:34
22 from this particular date, but I don't believe 12:18:37
23 that Al would have slapped anyone without any 12:18:39
24 justification. 12:18:44

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1 Q Did you ever observe Al slap someone with 12:18:45
2 justification? 12:18:48

3 A Sitting here today, I don't recall. I'm 12:18:49
4 certain at some point in time to effect an arrest, 12:18:52
5 that Alvin Jones might have used the necessary 12:18:55
6 force. 12:18:57

7 Q Would it ever be necessary to slap 12:18:58
8 somebody to effectuate an arrest? 12:19:00

9 MR. KOSOKO: Object to form, foundation, 12:19:02
10 legal conclusion. 12:19:04

11 A When we use the words "necessary force," 12:19:06
12 that means whatever force is necessary. If a slap 12:19:10
13 is necessary at that particular point in time to 12:19:13
14 effect an arrest, then it would be necessary. 12:19:15

15 As long as it's not unwanted or -- I'm 12:19:17
16 trying to find the correct word -- if it's 12:19:23
17 unlawful force or excessive force. But, like I 12:19:25
18 said, necessary force is whatever force you have 12:19:32
19 to use to possibly protect your safety or as well 12:19:34
20 as your partner's safety. 12:19:37

21 Q Did you ever observe Officer Young use 12:19:38
22 more force than was necessary to make an arrest? 12:19:48

23 MR. KOSOKO: Objection; form, foundation, 12:19:52
24 legal conclusion. 12:19:54

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1 A From the best of my memory, sitting here 12:19:54
2 today, I don't recall if I did observe Officer 12:19:57
3 Young use force. I'm certain he -- I can't say if 12:20:00
4 he did one way or the other. 12:20:03
5 Q You can't remember an instance when you 12:20:04
6 saw Officer Young use force? 12:20:09
7 A As I sit here today, I don't recall if I 12:20:10
8 ever saw Kenny Young use force or not. 12:20:13
9 Q Have you ever used force? 12:20:15
10 A I'm certain I have, yes. 12:20:17
11 Q Has there ever been a time where you used 12:20:18
12 more force than was necessary? 12:20:21
13 A No, I have not. 12:20:23
14 Q Have you ever kicked a suspect after other 12:20:23
15 officers took him to the ground? 12:20:32
16 A No, I have not. To the best of my memory, 12:20:33
17 no. 12:20:35
18 Q So you understand that Mr. Curtis and 12:20:35
19 Mr. Wilbourn both say they were falsely arrested 12:20:42
20 on September 2nd, 2005; right? 12:20:45
21 A Yes, I do. And I read these false 12:20:46
22 accusations; and as I stated before, I did not 12:20:49
23 witness any of these accusations that they are 12:20:51
24 making in these -- in this affidavit. 12:20:54

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403

1 Q And you believe the police reports 12:20:56
2 prepared by your team members over those 12:21:01
3 affidavits? 12:21:04
4 A Yes. I would believe my teammates over 12:21:04
5 these drug dealers' words any day of the week. 12:21:06
6 Q Besides what we've talked about, is there 12:21:09
7 anything else you can remember about Vondell 12:21:27
8 Wilbourn? 12:21:30
9 A He had a brother named Valentino Wilbourn. 12:21:30
10 Q Did you ever see the two of them together? 12:21:33
11 A I don't recall ever seeing them together. 12:21:38
12 I can't say. Possibly they may have been together 12:21:41
13 at some point in time, but I don't recall, sitting 12:21:43
14 here today. 12:21:47
15 Q How did you know he had a brother named 12:21:47
16 Valentino Wilbourn? 12:21:50
17 A From the best of my memory, that's what I 12:21:50
18 recall, he had a brother named Valentino. 12:21:53
19 Q Other than what we've talked about with 12:21:56
20 respect to Mr. Curtis, do you remember anything 12:21:58
21 else about Joshua Curtis? 12:22:00
22 A Not off the top of my head. 12:22:01
23 Q Okay. And having reviewed everything that 12:22:02
24 we've reviewed, are you still unable to recall the 12:22:05

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404

1 arrest of Mr. Wilbourn and Mr. Curtis on 12:22:09
2 September 2nd, 2005? 12:22:12
3 A No, I cannot. 12:22:12
4 Q And are you still unable to think of 12:22:13
5 anything that would help you remember that arrest? 12:22:16
6 A Not at the present moment. 12:22:18
7 Q I want to ask you now about Goleather 12:22:20
8 Jefferson. 12:22:26
9 Do you remember Goleather Jefferson? 12:22:27
10 A I believe so. 12:22:28
11 Q What do you remember about Goleather 12:22:28
12 Jefferson? 12:22:31
13 A We pronounce his name as Goleather, but I 12:22:32
14 don't know if that's the correct pronunciation. 12:22:35
15 Goleether (phonetic) or Goleather, I'm not 12:22:35
16 certain; but I'm aware that he was involved in the 12:22:41
17 drug activity in the Ida B. Wells. 12:22:42
18 Q Okay. And for the written transcript, the 12:22:43
19 way you're saying it is the way you'd normally 12:22:47
20 pronounce the word "leather"; right? 12:22:50
21 A Yes. 12:22:53
22 Q Okay. How did you know that he was 12:22:53
23 involved in drugs? 12:22:55
24 A Like I said, from my prior experience in 12:22:55

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405

1 working in the Ida B. Wells. 12:22:59

2 Q Did you ever arrest Mr. Jefferson? 12:22:59

3 A I don't recall, sitting here right now, 12:23:03

4 without looking at some reports or anything, but 12:23:06

5 I'm certain I -- it's possible I may have. 12:23:08

6 Q Okay. So you don't recall the specific 12:23:10

7 information you learned to make you aware that 12:23:13

8 Mr. Jefferson was involved in drugs; right? 12:23:17

9 A Not off the present -- at the present 12:23:19

10 moment, not off the top of my head. 12:23:22

11 Q Do you remember the arrest of 12:23:25

12 Mr. Jefferson on September 12th, 2006? 12:23:27

13 A What was the date? 12:23:29

14 Q September 12th, 2006. 12:23:30

15 A No, I do not. 12:23:33

16 Q Okay. 12:23:34

17 MR. FLAXMAN: Okay. Let's mark the next 12:23:36

18 exhibit. 12:23:36

19 (Smith Deposition Exhibit 41 marked for 12:23:36

20 identification and attached to the transcript.) 12:23:36

21 Q Is Exhibit 41 the arrest report of 12:24:44

22 Goleather Jefferson on September 12th, 2006? 12:24:48

23 A Yes, it is. 12:24:51

24 Q And this is kind of a blurry picture up at 12:24:51

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1 the top right, but do you recognize that as a 12:24:54
2 picture of Mr. Jefferson? 12:24:57
3 A Yes. Based on my memory, yes. 12:24:58
4 Q Did you ever know him to go by a nickname? 12:24:59
5 A From the best of my memory, I thought that 12:25:03
6 was his nickname. 12:25:06
7 Q You thought Goleather was his nickname? 12:25:07
8 A Yes. 12:25:10
9 Q Do you see this arrest report states that 12:25:10
10 he was arrested at 559 East Browning? 12:25:16
11 A Yes. 12:25:18
12 Q Okay. And it also states that was his 12:25:19
13 residence? 12:25:23
14 A That's what is stated on the report. 12:25:23
15 Q Okay. And what is your role listed on 12:25:27
16 this arrest report? 12:25:32
17 A On page 3, it's states that I'm the second 12:25:33
18 arresting officer. 12:25:39
19 Q Can you -- and who is the first arresting 12:25:40
20 officer? 12:25:42
21 A Kallatt Mohammed. 12:25:42
22 Q Okay. And who is the attesting officer? 12:25:45
23 A Kallatt Mohammed. 12:25:47
24 Q Based on that listing, can you tell who 12:25:49

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407

1 created the report? 12:25:52

2 A Like I said, not having an independent 12:25:53

3 recollection from September 12th, 2006, just based 12:25:55

4 off of reading the report, I would state Kallatt 12:25:58

5 Mohammed. 12:26:02

6 Q When you prepare arrest reports, how do 12:26:07

7 you determine the residence of the person 12:26:17

8 arrested? 12:26:21

9 A If they have an ID on them or some type of 12:26:21

10 identification, maybe a check stub. I don't know. 12:26:29

11 Anything to identify them, or you might ask them 12:26:32

12 what their residence might be. So I don't know 12:26:35

13 what we did on that particular date for this 12:26:37

14 particular arrest. 12:26:40

15 Q The narrative section of this report 12:26:40

16 begins, "In summary, R/Os while conducting a 12:26:57

17 premise check at 559 East Browning due to 12:27:02

18 complaints of narcotics sales." 12:27:06

19 Do you see that? 12:27:08

20 A Yes, I do. 12:27:08

21 Q It says p-r-i-m-i-s-e. 12:27:09

22 Do you think that should be p-r-e -- 12:27:12

23 A Yeah. That's misspelled. 12:27:12

24 Q And what should that be? 12:27:14

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408

1 A Be an E, but, like I said, people make 12:27:15
2 mistakes also. 12:27:19

3 Q I just want to -- I just want to make it 12:27:19
4 clear for record. I think we all understand what 12:27:21
5 it should be. 12:27:24

6 A Right. It's supposed to be premise, but 12:27:24
7 it's misspelled. 12:27:26

8 Q Okay. And what's a premise check? 12:27:26

9 A You walk into a building and check. When 12:27:27
10 we do premise checks, normally we would check to 12:27:34
11 see if there was some type of narcotics activity 12:27:38
12 taking place. 12:27:41

13 Q Is that something you would do on a daily 12:27:41
14 basis when you were on the 264 tactical team? 12:27:44

15 A Yes. 12:27:47

16 MR. FLAXMAN: Let's mark this as Exhibit 12:27:55
17 as 42. 12:27:57

18 (Smith Deposition Exhibit 42 marked for 12:27:57
19 identification and attached to the transcript.) 12:27:57

20 Q Is Exhibit 42 the vice case report for the 12:28:53
21 arrest of Mr. Jefferson on September 12th, 2006, 12:28:58
22 and another man, Willie Martin? 12:29:02

23 A Yes. 12:29:04

24 Q Okay. And it looks like Mr. Jefferson's 12:29:05

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409

1 name is -- first name is spelled a little bit 12:29:07
2 differently on this vice case report than the 12:29:10
3 arrest report. 12:29:12

4 Do you see that? 12:29:12

5 A Yes, I do. 12:29:12

6 Q It looks like it has a different date of 12:29:13
7 birth too. 12:29:21

8 Do you see that? 12:29:22

9 A Yes, I do. That's obviously a mistake. 12:29:25

10 Q Right. Because based on the other 12:29:44
11 information, you can tell that these are about the 12:29:46
12 same Mr. Jefferson; right? 12:29:49

13 A Yes. Because one says March 5th -- yeah, 12:29:50
14 March 5th, 1961, that's on the vice case report; 12:29:54
15 and on the arrest report, it says March 5th, 12:29:56
16 1961 -- I mean, sorry, 1964. 12:30:03

17 Q Okay. 12:30:03

18 A So, obviously, there was a mistake. 12:30:04

19 Q And that's just a mistake. 12:30:05

20 They are the same man as you read these 12:30:08
21 reports; right? 12:30:11

22 A Well, looking at the picture on the arrest 12:30:12
23 report, I would assume that is Goleather 12:30:15
24 Jefferson; and based on my memory, that is. But 12:30:18

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410

1 on the arrest report -- I mean, the vice case 12:30:21
2 report, it has no picture, but I'm certain that 12:30:23
3 they're both the same person. 12:30:26

4 Q Okay. And do you see that a nickname is 12:30:27
5 listed on the vice case report, Colors? 12:30:30

6 A Yes. 12:30:31

7 Q But you never -- I think you said before 12:30:32
8 you never knew Mr. Jefferson by a nickname; right? 12:30:35

9 A To the best of my memory, I could not 12:30:37
10 recall if he had a nickname or not. 12:30:40

11 Q This vice case report, in addition to 12:30:42
12 yourself and Officer Mohammed, lists Officers 12:30:47
13 Jones, Leano, and Nichols as assisting officers; 12:30:52
14 is that right? 12:30:52

15 A That's correct. 12:30:52

16 Q Okay. And at the bottom, Officer Mohammed 12:30:59
17 is listed as the first reporting officer; is that 12:31:01
18 right? 12:31:03

19 A That is correct. 12:31:03

20 Q Do you recognize Officer Mohammed's 12:31:04
21 signature under his name? 12:31:05

22 A No. That's my handwriting. 12:31:07

23 Q Okay. You're listed as the second 12:31:09
24 reporting officer; is that correct? 12:31:12

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411

1 A That's correct. 12:31:13

2 Q Is that your signature under your name? 12:31:13

3 A Yes, it is. 12:31:16

4 Q Okay. Do you know why you signed this for 12:31:16

5 Officer Mohammed? 12:31:16

6 A If I was working with Mohammed at that 12:31:16

7 point in time, he probably authorized me to sign 12:31:21

8 for him. 12:31:22

9 Q Did you ever sign a report for somebody 12:31:22

10 without authorization? 12:31:25

11 A No, I did not. 12:31:25

12 Q If you were the one signing, does that 12:31:27

13 mean that you were the one who wrote the narrative 12:31:33

14 on the report? 12:31:36

15 A No. 12:31:37

16 Q How do you know that? 12:31:37

17 A Based on how this report is written, I 12:31:39

18 know -- pretty much I could tell my handwriting or 12:31:44

19 the way I've written a report from someone else. 12:31:46

20 Q Okay. So you can tell, based on reading 12:31:49

21 the report, that it wasn't written by you. 12:31:54

22 A That's correct. 12:31:55

23 Q Can you tell who wrote it? 12:31:56

24 A If I was working with Mohammed, I would 12:31:58

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412

1 assume that he was writing -- was the first 12:32:01
2 reporting officer, and he wrote this report. 12:32:06
3 Q Can you tell from the way it's written 12:32:08
4 that -- 12:32:10
5 A I haven't worked with Mohammed in over 10 12:32:10
6 years, and I don't recall how he wrote; but based 12:32:13
7 on, you know, my style of writing, this does not 12:32:16
8 appear to be my style of writing. And, like I 12:32:18
9 said, assuming that I was working with him or 12:32:21
10 probably the other -- one of the other assisting 12:32:23
11 officers could have prepared this report also. 12:32:25
12 Q Is there something in particular that does 12:32:27
13 not match your style of writing? 12:32:29
14 A Yes. 12:32:32
15 Q And what is that? 12:32:32
16 A There's a couple misspelled words. I'm 12:32:33
17 not saying that I'm perfect or anything like that; 12:32:37
18 but, like I said, prior to you -- when you first 12:32:39
19 asked me about Goleather, I wasn't aware that he 12:32:44
20 had a nickname of Colors. I thought his real name 12:32:47
21 was his nickname. But this doesn't appear to be 12:32:50
22 my style of writing. 12:32:53
23 Q What are the misspellings that you're 12:32:55
24 referring to? 12:32:57

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413

1 A Number one, on the arrest report, they 12:32:57
2 misspelled premise. 12:33:03
3 Q Correct. 12:33:05
4 A And then on this vice case report, he 12:33:05
5 misspelled Goleather. 12:33:08
6 Q Okay. 12:33:09
7 A And I can't -- there might be some other 12:33:10
8 errors on here that I have overlooked right now; 12:33:12
9 but, like I said, I know my style of writing. It 12:33:16
10 does not appear to be my style of handwriting or 12:33:19
11 the way I typed my reports at that particular 12:33:22
12 point in time. 12:33:25
13 Q Okay. And do you mean that the narrative 12:33:26
14 doesn't sound like your words? 12:33:32
15 A I'm not stating that this is a false 12:33:33
16 report, but this does not appear to be the way I 12:33:38
17 have written or might have prepared a typewritten 12:33:41
18 or handwritten report. 12:33:45
19 Q This vice case report states that the 12:33:47
20 address of the occurrence was 559 East Browning. 12:34:07
21 Do you see that? 12:34:10
22 A Yes, I do. 12:34:11
23 Q Okay. And the report says that the 12:34:13
24 officers observed Mr. Martin and Mr. Jefferson 12:34:17

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414

1 standing in the rear bottom stairwell of that 12:34:23
2 address. 12:34:25
3 Do you see that? 12:34:26
4 A Yes, I do. 12:34:27
5 Q Did you -- well, were you familiar with 12:34:28
6 there being more than one stairwell at 559 East 12:34:31
7 Browning? 12:34:35
8 A Sitting here today, I do not recall 12:34:35
9 because it's been over 10 years ago since the Ida 12:34:39
10 B. Wells was constructed -- torn down, and I don't 12:34:43
11 recall the specific layouts of the Ida B. Wells. 12:34:44
12 MR. FLAXMAN: Mark that as 43. 12:35:11
13 (Smith Deposition Exhibit 43 marked for 12:35:11
14 identification and attached to the transcript.) 12:35:11
15 Q Is Exhibit 43 a property inventory sheet 12:35:30
16 for a bundle of U.S. currency that was recovered 12:35:35
17 from Mr. Jefferson? 12:35:38
18 A Yes, it is. 12:35:39
19 Q And this was recovered on September 12th, 12:35:40
20 2006, the date of the arrest report and vice case 12:35:44
21 report that we just reviewed? 12:35:48
22 A Yes. 12:35:49
23 Q Okay. Did you prepare this inventory 12:35:49
24 sheet? 12:35:51

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415

1 A I'm looking at the bottom. No, I did not. 12:35:52
2 Q And you can -- 12:35:52
3 A Where it says "created by," it has a PC 12:35:58
4 number that each officer is assigned to, and 12:36:00
5 that's not my PC number. 12:36:02
6 Q Okay. Do you know whose PC number that 12:36:04
7 is? 12:36:07
8 A No, I do not. 12:36:07
9 Q What's your PC No.? 12:36:07
10 A PC0U037. 12:36:08
11 Q Are you listed on this inventory? 12:36:13
12 A Yes. As the second officer. 12:36:24
13 Q Okay. The same role you had on the arrest 12:36:30
14 report and vice case report; right? 12:36:33
15 A That is correct. 12:36:34
16 Q Do you know that Mr. Jefferson says he was 12:36:35
17 falsely arrested on September 12th, 2006? 12:36:45
18 A Yes, I am. 12:36:47
19 Q And do you disagree with that? 12:36:48
20 A Yes, I do. 12:36:50
21 Q Why do you disagree with it? 12:36:50
22 A Because I don't recall falsely arresting 12:36:53
23 officer -- I'm sorry -- not officer, but Goleather 12:36:56
24 Jefferson. When we arrested Goleather Jefferson, 12:36:59

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416

1 it was a truthful -- or it was an actual arrest. 12:37:03
2 It was not unlawful. 12:37:07
3 Q And is that because you -- you believe 12:37:08
4 that you and your team always made truthful and 12:37:14
5 lawful arrests? 12:37:17
6 A Well, I know myself, if I was working with 12:37:18
7 Kallatt Mohammed on this particular day -- I don't 12:37:21
8 recall the incident; but I know while I was 12:37:23
9 working with Kallatt Mohammed, if we arrested 12:37:25
10 Goleather Jefferson, we did not make a false 12:37:27
11 arrest. 12:37:31
12 Q Having reviewed all this material, are you 12:37:32
13 still unable to recall the arrest of Mr. Jefferson 12:37:35
14 on September 12th, 2006? 12:37:38
15 A I don't have no memory of the arrest. The 12:37:38
16 only thing I know for certain, that the arrest was 12:37:41
17 a truthful arrest. 12:37:41
18 Q Okay. Is there anything else that would 12:37:42
19 help you remember the arrest of Mr. Jefferson on 12:37:45
20 September 12th, 2006? 12:37:48
21 A At the present moment, nothing I can 12:37:49
22 think of. 12:37:53
23 MR. FLAXMAN: I'm going to turn it over to 12:37:58
24 Mr. Rauscher to ask you about Mr. Martin, and then 12:38:01

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417

1 I think we'll take a lunch break, if that's okay. 12:38:04
2 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS 11:40:16
3 BY MR. RAUSCHER: 12:38:08
4 Q The reports we were just looking at -- 12:38:12
5 well, in particular Exhibit 42, the vice case 12:38:15
6 report, you see there are two people listed as 12:38:18
7 being arrested? 12:38:22
8 A Yes, I do. 12:38:22
9 Q The first offender in Box 19 is Willie D. 12:38:23
10 Martin? 12:38:26
11 A That's correct. 12:38:26
12 Q Do you know Mr. Martin? 12:38:27
13 A Yes. I recall Willie Martin. 12:38:29
14 Q What do you recall about Willie Martin? 12:38:31
15 A That he was involved in drug activities in 12:38:34
16 Ida B. Wells. 12:38:35
17 Q And what do you mean he was involved in 12:38:36
18 drug activities at Ida B. Wells? 12:38:38
19 A Sitting here today, I don't recall what 12:38:40
20 his specific role is, but I know that he was 12:38:43
21 involved based off my memory and my time as a 12:38:46
22 tactical officer at the 2nd District. 12:38:51
23 Q Is that just sort of, like, a vague memory 12:38:52
24 of him, or do you have any specifics? 12:38:54

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1 A I don't have any specific memories of him, 12:38:55
2 but I do recall Willie Martin. 12:38:57

3 Q What do you recall about him? 12:39:00

4 A As I stated before, that he was a drug 12:39:02
5 dealer in Ida B. Wells. 12:39:05

6 Q He was a drug dealer? 12:39:06

7 A He was involved -- like I said, I don't 12:39:07
8 recall specifically if he was a dealer, he may 12:39:11
9 have possibly been, but he was involved in drugs 12:39:14
10 at some point in time in the Ida B. Wells. 12:39:16

11 Q Do you know if he worked with anyone else 12:39:18
12 in the drug trade? 12:39:27

13 A Sitting here today -- 12:39:31

14 MR. KOSOKO: Objection. 12:39:31

15 THE REPORTER: Pardon me? 12:39:31

16 MR. KOSOKO: Objection; foundation. 12:39:32

17 A Based off the best of my memory, I don't 12:39:33
18 recall who he worked with. 12:39:36

19 Q Do you recall any -- well, do you recall 12:39:37
20 if he worked with anybody else? 12:39:38

21 A As I stated before, I don't recall who he 12:39:40
22 worked with. As of today, I don't recall. 12:39:43

23 Q I know but you're saying you don't recall 12:39:45
24 who he worked with. Which maybe -- tell me if I'm 12:39:47

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1 wrong. I hear that and I say -- I understand 12:39:50
2 you're saying you know he worked with at least 12:39:53
3 somebody else. 12:39:56

4 A I don't recall who he worked with. 12:39:56

5 Q Do you recall if he worked with anybody 12:39:57
6 else? 12:40:00

7 A If he worked with -- I'm certain he 12:40:00
8 probably did, but I don't recall who he worked 12:40:03
9 with. 12:40:03

10 Q Why are you certain he probably worked 12:40:05
11 with at least one other person? 12:40:07

12 A That's just based on a guess or an 12:40:08
13 assumption. I don't -- like I said, sitting here 12:40:11
14 today, I don't recall. I don't recall a lot of 12:40:13
15 specifics from over the time -- during my time 12:40:17
16 when I worked with Sergeant Watts. It's been over 12:40:20
17 two years ago. 12:40:22

18 And I do not internalize any of this 12:40:25
19 information and did not keep a journal or any type 12:40:27
20 of record that could help me refresh my memory on 12:40:29
21 a lot of these arrests or incidents that occurred 12:40:32
22 during my time working with Ronald Watts or other 12:40:35
23 members of the 264 housing tactical team. 12:40:39

24 Q Try to answer -- yeah. 12:40:41

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1	MR. STEFANICH: So just listen to his	12:40:41
2	question and then just try to answer his question.	12:40:43
3	THE WITNESS: I understand. I thought I	12:40:43
4	was doing that. I'm sorry if I'm frustrating	12:40:46
5	people.	12:40:48
6	A But no, from the best of my memory, I do	12:40:48
7	not recall if he worked with a partner or not.	12:40:50
8	BY MR. RAUSCHER:	12:40:50
9	Q Do you recall anything else about	12:40:55
10	Mr. Martin other than your belief that he was	12:40:57
11	involved somehow in the drug trade at Ida B.	12:40:59
12	Wells?	12:41:02
13	A No. I do not recall anything else about	12:41:02
14	Willie Martin.	12:41:05
15	Q Do you recall anything at all about being	12:41:06
16	involved in arresting Mr. Martin on September	12:41:09
17	12th, 2006?	12:41:13
18	A I don't recall the arrest; but I'm certain	12:41:13
19	if he's listed on here, that we, obviously,	12:41:17
20	arrested him on that date.	12:41:20
21	Q You don't have any personal knowledge as	12:41:21
22	to whether it was a valid arrest?	12:41:24
23	MR. STEFANICH: Objection to form.	12:41:25
24	A I do know that. It was a valid arrest.	12:41:26

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1	BY MR. RAUSCHER:	12:41:26
2	Q Why do you know it was a valid arrest?	12:41:29
3	A Because I would not have falsely arrested	12:41:30
4	Willie Martin or Goleather Jefferson.	12:41:32
5	Q Well, what if you didn't personally arrest	12:41:34
6	him and Mohammed did? How would you know that?	12:41:38
7	A Well, based on my memory of working with	12:41:39
8	Officer Mohammed, we never falsely arrested	12:41:41
9	anyone.	12:41:44
10	Q What if it was just Mohammed on his own	12:41:44
11	who arrested Mr. Martin? Would you then still be	12:41:49
12	able to say you have personal knowledge that it	12:41:51
13	was a valid arrest?	12:41:52
14	MR. STEFANICH: Objection to form.	12:41:54
15	A As, again, my experience of working with	12:41:56
16	Officer Mohammed, I never witnessed him or known	12:41:57
17	him to make any false arrest. I know what he's	12:41:59
18	being accused of, and the reason why I'm here	12:42:03
19	today is because of, you know, the arrest of	12:42:06
20	Mohammed and Watts and stuff.	12:42:09
21	And I can tell you that all these	12:42:10
22	allegations that Jefferson -- Goleather Jefferson	12:42:12
23	and Willie Martin are making are false. If I was	12:42:16
24	working on this day and we arrested those two	12:42:20

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1 individuals, that this was an actual -- or, sorry, 12:42:22
 2 a factual report. 12:42:25

3 Q All right. What if you were working that 12:42:26
 4 day and they were arrested, but you had nothing to 12:42:28
 5 do with the arrest? 12:42:31

6 A Sir, again, like I said, based on my 12:42:31
 7 experience working with Officer Mohammed, I do not 12:42:34
 8 believe that he would falsify a report. 12:42:36

9 Q So you're making an assumption that the 12:42:39
 10 arrest is valid because you don't think Mohammed 12:42:42
 11 would frame somebody? 12:42:45

12 MR. STEFANICH: Objection to form. 12:42:46

13 MR. PALLE: Object. 12:42:47

14 A Yes. I am making that assumption, if you 12:42:47
 15 want to call it an assumption. But based on my 12:42:52
 16 experience of working with Officer Mohammed, I 12:42:53
 17 never witnessed him do anything of that nature. 12:42:55

18 Q Did you and/or Mohammed see Mr. Jefferson 12:43:01
 19 and Mr. Martin together on September 12th, 2006? 12:43:04

20 A Like I said, I don't recall the arrest, 12:43:07
 21 sir; and the information in the report, I stand by 12:43:10
 22 that. 12:43:14

23 Q Is it fair to say you don't remember if 12:43:14
 24 Martin and Jefferson were arrested at the same 12:43:22

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1 time? 12:43:25

2 A Again, sir, I do not recall; but I said I 12:43:25

3 stand by the information that's based in this 12:43:28

4 report. 12:43:30

5 Q Okay. But that wasn't my question. 12:43:30

6 A I understand your question; and as I 12:43:33

7 stated before, I do not recall the arrest; but I 12:43:35

8 stand by the information in the report. 12:43:37

9 Q I understand that, but just please try to 12:43:39

10 just answer the question. If your lawyer has 12:43:42

11 other questions for you later, then your lawyer is 12:43:45

12 entitled to ask you other questions. 12:43:47

13 A Well, what is your question? I thought I 12:43:49

14 answered your question. I'm sorry if I'm being -- 12:43:51

15 MR. STEFANICH: Let's take a five-minute 12:43:51

16 break. 12:43:51

17 A -- frustrated by the questioning. Maybe I 12:43:55

18 misunderstand your question. 12:43:57

19 MR. STEFANICH: We're going to take a 12:43:57

20 break. 12:43:59

21 MR. RAUSCHER: We'll take a break. 12:43:59

22 THE VIDEOGRAPHER: Off the record, 12:43. 12:44:01

23 (A recess was taken from 12:43 p.m. to 12:55:52

24 12:56 p.m.) 12:55:52

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1	THE VIDEOGRAPHER: Back on the record,	12:55:53
2	12:56.	12:56:12
3	MR. RAUSCHER: Could you read back the	12:56:12
4	last question, please.	12:56:14
5	(The Reporter read the record as follows:	12:56:14
6	Is it fair to say you don't remember if Martin and	12:56:14
7	Jefferson were arrested at the same time?)	12:56:14
8	A That's correct.	12:56:27
9	MR. RAUSCHER: All right. I am going to	12:56:28
10	mark -- are we on 44? I'm going to mark the next	12:56:29
11	exhibit as 44.	12:56:34
12	(Smith Deposition Exhibit 44 marked for	12:56:34
13	identification and attached to the transcript.)	12:56:34
14	BY MR. RAUSCHER:	12:56:34
15	Q Do you recognize this as an arrest report	12:57:00
16	for Willie Martin, September 12th, 2006?	12:57:02
17	A Yes, I do.	12:57:05
18	Q Do you recognize Mr. Martin in the picture	12:57:06
19	in the top right-hand corner?	12:57:09
20	A That's not a clear picture of him, so I	12:57:10
21	really don't -- can't tell from this picture.	12:57:14
22	Q All right. It is not a great picture, but	12:57:15
23	does it give you -- does it look at all like the	12:57:17
24	Willie Martin you remember?	12:57:20

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1 A I can't tell off of this picture. 12:57:20

2 Q Do you remember about how old Mr. Martin 12:57:23

3 was in the mid-2000s? 12:57:25

4 A Without looking at the report, I would 12:57:27

5 assume that he was, like, in his mid-20s. 12:57:31

6 Q Yeah. I meant though -- I meant from your 12:57:34

7 memory. 12:57:35

8 Do you remember how old about he was? 12:57:36

9 A From my memory, I thought he was -- I 12:57:38

10 looked at his age now; but from the best of my 12:57:42

11 memory, I thought, like I said, he was in his 12:57:44

12 mid-20s. 12:57:47

13 Q And we've already talked about how you 12:57:47

14 don't remember the arrest, so I'm not going to go 12:57:49

15 through the whole report with you, but I have a 12:57:51

16 question about the transport details on 12:57:53

17 CITY-BG-052090, page 4 of 5. 12:58:01

18 Do you see that, transport details? 12:58:03

19 A Yes, I do. 12:58:12

20 Q Does that mean that he was transported by 12:58:13

21 Unit 264D? 12:58:17

22 A That's correct. 12:58:18

23 Q Do you know who Unit 264D was? 12:58:19

24 A On that date, it was myself and Officer 12:58:22

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1 Mohammed. 12:58:33

2 Q You were D, or were you C that day? 12:58:33

3 A Like I said, it states on the vice case 12:58:38

4 report that we were listed as David; and from the 12:58:41

5 best of my memory, when we were working with 12:58:44

6 Mohammed, we were David. 12:58:51

7 Q Do you see the third page of the report? 12:58:52

8 It looks like it says you were 264C that day. Is 12:58:54

9 that a mistake? 12:58:55

10 A That's probably a mistake. 12:58:56

11 Q So when looking at the transport detail, 12:58:57

12 if you were 264D, does that mean you and Mohammed 12:59:02

13 transported Martin to the lockup? 12:59:06

14 A That's correct. 12:59:08

15 Q Do you have any memory of the transport? 12:59:09

16 A No, I do not. 12:59:11

17 Q So other than looking at this report, you 12:59:12

18 don't know whether you transported Willie Martin? 12:59:15

19 A Well, it's stated in the report that we 12:59:17

20 transported him. So I would not have any reason 12:59:20

21 to doubt that we did the transport. 12:59:23

22 Q Do you know if you took him straight from 12:59:24

23 the location of his arrest to the 2nd District? 12:59:27

24 A Not recalling this arrest or the incident 12:59:29

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1	that occurred, I know we'd probably have to	12:59:34
2	transport him to the 2nd District. I don't know	12:59:39
3	if it was right after the arrest or not.	12:59:40
4	Q Do you know if he was in a car with	12:59:42
5	Sergeant Watts at all on September 12th, 2006?	12:59:45
6	A I don't recall.	12:59:47
7	Q Do you know whether Sergeant Watts was	12:59:48
8	with you when you transported Mr. Martin to the	12:59:50
9	2nd District, assuming that you did that	12:59:53
10	transport?	12:59:56
11	A I don't recall.	12:59:56
12	MR. RAUSCHER: I don't have any other	13:00:09
13	questions for Mr. Martin. It's maybe a good time	13:00:09
14	for lunch, if you all want to.	13:00:14
15	MR. STEFANICH: Yeah.	13:00:16
16	THE VIDEOGRAPHER: Off the record,	13:00:18
17	1:00 o'clock.	13:00:19
18	(A recess was taken from 1:00 p.m. to	13:04:14
19	1:54 p.m.)	13:54:08
20	(Mr. Burns joined the deposition, and	13:54:08
21	Mr. Michalik did not return to the deposition.)	13:54:09
22	THE VIDEOGRAPHER: Back on the record,	13:54:09
23	1:54.	13:54:14
24		13:54:14

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1 BY MR. RAUSCHER: 13:54:14

2 Q All right. Officer Smith, I'm going to 13:54:19

3 ask you about the arrest of Lionel White, Sr., and 13:54:22

4 some others who were arrested around the same time 13:54:25

5 as him in April of 2006 -- April 24, 2006. Okay? 13:54:28

6 A Okay. 13:54:34

7 Q I believe that you remember something 13:54:35

8 about Mr. White's arrest on April 24, 2006; is 13:54:39

9 that correct? 13:54:43

10 A Yes. 13:54:43

11 Q All right. Tell me what you remember 13:54:44

12 about that arrest. 13:54:45

13 A That he was placed in custody; and at some 13:54:46

14 point in time, I remember other members of my team 13:54:52

15 talking about a physical altercation which 13:54:56

16 occurred between Lionel White, Sr., I believe, and 13:55:00

17 Alvin Jones. 13:55:03

18 Q You remember -- all right. Let's go 13:55:04

19 piece-by-piece here. 13:55:10

20 You said you do remember he was placed in 13:55:11

21 custody? 13:55:13

22 A Yes. 13:55:13

23 Q What do you remember about him being 13:55:14

24 placed in custody? 13:55:16

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1 A Based off the reports -- like I said, I 13:55:17
2 don't recall the specifics of the arrest; but I do 13:55:20
3 remember him being arrested, and, like I said, 13:55:23
4 other members in the 2nd District, my team talking 13:55:26
5 about an altercation which occurred between Lionel 13:55:30
6 White and Alvin Jones. 13:55:34

7 Q All right. What I was trying to ask at 13:55:36
8 the beginning was what is your personal 13:55:41
9 recollection, if anything, about Lionel White, 13:55:44
10 Sr., being placed in custody on April 24, 2006? 13:55:46

11 A I don't recall. 13:55:49

12 Q But you just know from reading the report 13:55:49
13 that he was placed in custody; is that fair? 13:55:52

14 A Yes. 13:55:54

15 Q And then you said you remember people on 13:55:54
16 your team talking about an altercation between 13:55:59
17 Mr. White and Alvin Jones? 13:56:03

18 A Yes. 13:56:05

19 Q When did you hear those people on your 13:56:05
20 team talking about the altercation between 13:56:08
21 Mr. White and Jones? 13:56:11

22 A From the best of my memory, it was -- 13:56:12
23 excuse me. From the best of my memory, I remember 13:56:15
24 it was possibly in the 2nd District. 13:56:17

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430

1 Q Do you remember if it was the same day as 13:56:20
2 the arrest? 13:56:22

3 A I believe so. 13:56:22

4 Q Who was having the conversation? 13:56:24

5 A I don't really recall who. I don't 13:56:30
6 recall. 13:56:34

7 Q Do you recall what they said? 13:56:34

8 A No. I don't remember any specific 13:56:37
9 conversations. I just remember that guys were 13:56:41
10 talking about, you know, why was, you know, Lionel 13:56:44
11 White trying to fight with Al. 13:56:47

12 Q People were saying why was Lionel White 13:56:49
13 trying to fight with Al? 13:56:53

14 A Yeah. I don't remember the exact words 13:56:54
15 that was said. You know, like, basically that he 13:56:57
16 was like being, you know, foolish trying to fight 13:57:00
17 with Al. 13:57:02

18 Q Why was it foolish for Lionel White to try 13:57:02
19 to fight with Al? 13:57:05

20 A I can't speak for all the members of the 13:57:05
21 team, but that's specifically what I -- the 13:57:08
22 conversation that I recall hearing. 13:57:09

23 Q Were people laughing? What was the 13:57:10
24 demeanor like? 13:57:15

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1	A I don't recall people laughing. I just	13:57:16
2	remember that people were just like, you know,	13:57:18
3	questioned why, you know, Lionel White was	13:57:20
4	fighting with Alvin Jones.	13:57:22
5	Q Were people upset?	13:57:24
6	A From what I recall, I don't recall anyone	13:57:25
7	being upset or anything like that or celebrating	13:57:27
8	any, you know -- you know, what had occurred.	13:57:30
9	But I don't remember what state people	13:57:33
10	were in, or, like I said, the exact words that was	13:57:38
11	you used.	13:57:41
12	Q And why do you think this conversation	13:57:42
13	happened at the 2nd District?	13:57:44
14	A I don't recall why.	13:57:45
15	Q When did you first remember hearing this	13:57:46
16	conversation about the fight or the altercation	13:57:50
17	between White, Sr., and Alvin Jones?	13:57:53
18	A I don't understand your question.	13:57:56
19	Q So you gave a statement to COPA; correct?	13:57:58
20	A Yes.	13:58:04
21	Q And I think you told them -- or you had an	13:58:04
22	interview. I shouldn't say you gave a statement.	13:58:06
23	You had an interview with COPA about this	13:58:08
24	incident; is that right?	13:58:12

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1 A Yes. 13:58:12

2 Q And did you tell them you didn't have any 13:58:13

3 recollection of the incident? 13:58:15

4 A That's what I -- yes, that's correct. 13:58:16

5 Q And when you had that interview, did you 13:58:17

6 remember this conversation that you're talking 13:58:20

7 about today? 13:58:23

8 A I don't recall if I had stated to them 13:58:23

9 whether or not if I did or not. 13:58:25

10 Q No. I'm not asking if you told them about 13:58:26

11 the conversation. I'm asking if when you talked 13:58:29

12 to COPA -- let me rephrase that. 13:58:31

13 What I was trying to ask is at the time of 13:58:34

14 your interview with COPA, did you remember that 13:58:36

15 you had heard a conversation on the day of Lionel 13:58:41

16 White's arrest about an altercation between White 13:58:44

17 and Alvin Jones? 13:58:48

18 A I don't recall. 13:58:49

19 Q Do you remember giving a to/from statement 13:58:54

20 in response to a complaint that Lionel White made 13:58:57

21 to IPRA or OPS at the time of or near the time of 13:59:03

22 his arrest? 13:59:07

23 A Yes. 13:59:07

24 Q And did you talk about hearing this 13:59:07

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1	conversation at the time?	13:59:11
2	A I don't recall if I talked to anybody	13:59:13
3	about that to/from that I submitted at that time.	13:59:15
4	Q Do you know, do you remember if your	13:59:19
5	to/from included any reference to you hearing a	13:59:22
6	conversation about an altercation between White	13:59:26
7	and Jones?	13:59:28
8	A Without having my to/from in front of me,	13:59:28
9	I don't know what I stated in my to/from.	13:59:32
10	Q Do you remember being involved in any	13:59:34
11	arrests on April 24, 2006?	13:59:46
12	A Not off the top of my head.	13:59:48
13	Q Did you look at reports from that day to	13:59:50
14	prepare for your deposition today?	13:59:53
15	A I believe so.	13:59:55
16	Q You know, let me back up a step.	13:59:55
17	You said that you heard people asking why	13:59:58
18	Lionel White was trying to fight with Al Jones.	14:00:01
19	Were they saying Lionel White's name?	14:00:05
20	A To the best of my memory, I believe so.	14:00:08
21	Q Was Lionel White known to members of your	14:00:11
22	team?	14:00:15
23	A I don't know. I don't recall at this	14:00:15
24	particular point in time.	14:00:17

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1 Q Did you know Lionel White before he was 14:00:18
2 arrested April 24, 2006? 14:00:20
3 A No, I did not. 14:00:22
4 Q Did you see a picture of him -- do you 14:00:23
5 know what he looks like now? 14:00:30
6 A Yes, I certainly -- I know what he looks 14:00:31
7 like now. 14:00:34
8 Q And when you -- is that because you've 14:00:35
9 seen pictures of him? 14:00:36
10 A Yes, I have. 14:00:37
11 Q When you've seen pictures of him, did that 14:00:39
12 refresh your recollection or make you think you 14:00:41
13 knew him back in 2006? 14:00:43
14 A No. I think I might have stated to my 14:00:44
15 attorneys that -- 14:00:47
16 MR. STEFANICH: Stop. You don't have to 14:00:47
17 say what -- 14:00:49
18 Q Yeah. Don't tell me the part that you 14:00:51
19 told your attorneys; but if there's just factual 14:00:53
20 information that you can answer, then you have to 14:00:55
21 answer the question. 14:00:57
22 A No. To the best of my knowledge, I don't 14:00:58
23 recall whether or not if I had any encounters with 14:01:01
24 him or knew him at that particular point in time. 14:01:04

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1 Q And seeing his picture didn't change that? 14:01:06
2 A No. 14:01:09
3 Q All right. And you think you looked at 14:01:10
4 some reports from April 24, 2006? 14:01:15
5 A Yes. 14:01:17
6 Q And then you also talked about a bunch of 14:01:18
7 reports, maybe the same ones, when you met with 14:01:21
8 COPA and talked about Lionel White; is that right? 14:01:23
9 A I believe so. 14:01:27
10 Q Did seeing your reports refresh your 14:01:28
11 recollection at all about any events that took 14:01:31
12 place April 24, 2006? 14:01:33
13 A No. 14:01:34
14 Q Do you know whether you participated in a 14:01:37
15 reverse sting on April 24, 2006? 14:01:40
16 A I believe -- based off the reports that 14:01:44
17 we -- that might have been submitted for that day, 14:01:48
18 I don't recall the reverse sting offhand, but I 14:01:51
19 believe I've reviewed reports that there was a 14:01:57
20 reverse sting operation that was done on the same 14:01:59
21 day that Lionel White was arrested. 14:02:01
22 Q And you're saying that in a passive voice, 14:02:04
23 I think -- well, let me rephrase that. You said a 14:02:08
24 reverse sting was done. 14:02:11

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436

1 Did you participate in the reverse sting? 14:02:12

2 A As I'm sitting here, I've reviewed the 14:02:14

3 reports, and I remember that, like I said, 14:02:18

4 reflected on my conversations or my interview with 14:02:20

5 COPA. They did ask me about other people that was 14:02:23

6 arrested at the time of Lionel White. 14:02:26

7 I don't recall the date of the arrest of 14:02:28

8 Lionel White or other individuals that were 14:02:30

9 arrested; but I am aware that there was a reverse 14:02:32

10 sting operation that occurred at the time that 14:02:35

11 Lionel White was arrested. 14:02:38

12 Q But you're not sure if you participated in 14:02:40

13 the reverse sting? 14:02:42

14 A If my name is on the report, then I had to 14:02:43

15 participate in it, but I don't recall the reverse 14:02:46

16 sting operation. 14:02:48

17 Q And your name was on the reports, and also 14:02:48

18 you signed at least -- or about half of them; 14:02:51

19 correct? 14:02:54

20 A I would have to look at the reports, but I 14:02:54

21 believe I did. 14:02:54

22 Q And then do you think that someone else 14:02:58

23 signed your name on the other half of the vice 14:03:02

24 case reports? 14:03:06

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1 A If someone did sign my name on any 14:03:06
2 reports, it would not have been without my 14:03:09
3 authorization. 14:03:11

4 MR. RAUSCHER: That's okay. 14:03:12

5 BY MR. RAUSCHER: 14:03:12

6 Q You would have reviewed those reports 14:03:15
7 before they were signed with your name? 14:03:17

8 A Yes. 14:03:19

9 Q Do you remember Lionel White talking trash 14:03:19
10 to Al Jones April 24, 2006? 14:03:26

11 A I believe at some point in time that there 14:03:28
12 was a verbal altercation which occurred. 14:03:31

13 Q Do you remember Lionel White talking trash 14:03:33
14 to Alvin Jones on April 24, 2006? 14:03:39

15 A As I stated, at some point in time, I do 14:03:42
16 believe that there was a verbal altercation. I 14:03:45
17 cannot state if I -- well, let me answer. 14:03:48

18 As I stated before, I think I stated at my 14:03:49
19 COPA interview I do not recall specifically. 14:03:51

20 MR. RAUSCHER: Let's mark -- Exhibit 45 14:04:00
21 will be the next exhibit. 14:04:13

22 (Smith Deposition Exhibit 45 marked for 14:04:13
23 identification and attached to the transcript.) 14:04:13

24 Q Have you had a chance to review these? 14:05:00

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1 A Yes. 14:05:01

2 Q This is an interrogatory response that you 14:05:01

3 signed under penalty of perjury two days ago? 14:05:04

4 A Yes. 14:05:08

5 Q It says in here, "Specifically, Defendant 14:05:08

6 Smith recalls Lionel White, Sr., at some point in 14:05:12

7 the lobby of 575 East Browning talking trash to 14:05:14

8 Officer Jones." 14:05:18

9 Is that -- 14:05:18

10 A That's correct. 14:05:18

11 Q So do you recall Defendant Smith -- I'm 14:05:19

12 sorry. 14:05:19

13 Do you recall Lionel White, Sr., at some 14:05:26

14 point in the lobby of 575 East Browning talking 14:05:27

15 trash to Officer Jones? 14:05:31

16 A As of now, yes. Based on if I stated -- 14:05:32

17 if I stated anything differently at the time 14:05:36

18 during my COPA investigation, it wasn't because I 14:05:39

19 lied. Like I said, because I had time to review 14:05:42

20 my statement from COPA and reflect over it against 14:05:47

21 that. 14:05:50

22 I don't recall the incident of the arrest 14:05:51

23 in totality. I just, like I said, remember 14:05:53

24 certain things, and I think if you -- and I don't 14:05:56

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1 have my to/from in front of me. When I initially 14:06:00
2 did my to/from, I do recall stating I was not in a 14:06:03
3 position to observe the physical altercation which 14:06:08
4 was documented by Alvin Jones in the report. 14:06:11

5 And I did not state that I observed that 14:06:13
6 altercation which occurred, the physical 14:06:15
7 altercation; and without looking at my to/from 14:06:18
8 report, I don't know if it asked me a question if 14:06:21
9 I observed a verbal altercation. 14:06:25

10 Q What does your to/from report have to do 14:06:27
11 with whether you currently recall Lionel White -- 14:06:27

12 A But if I -- 14:06:27

13 Q -- talking trash to -- 14:06:30

14 A I understand, sir. 14:06:30

15 Q -- Mr. -- to Alvin Jones? 14:06:32

16 A Okay. Sir, as, again, I'm trying to 14:06:32
17 answer your question. The idea of reading this 14:06:35
18 statement now I -- like I said, I've had time to 14:06:37
19 reflect. It's been a year since I gave my COPA 14:06:39
20 interview. 14:06:42

21 And based on my last conversation with my 14:06:43
22 attorneys, I do recall that there was some point 14:06:46
23 in time that there was a verbal altercation which 14:06:48
24 had occurred between Lionel White and Alvin Jones. 14:06:51

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1 Q You said maybe less than two minutes ago 14:06:54
2 that you don't recall Lionel White talking trash 14:06:57
3 to Alvin Jones in the lobby. 14:07:00
4 A I don't think I recall saying that. 14:07:01
5 Q So do you recall telling -- do you recall, 14:07:03
6 as you sit here today, Lionel White at some point 14:07:07
7 in the lobby of 575 East Browning talking trash to 14:07:10
8 Officer Jones? 14:07:15
9 A I don't know if -- 14:07:15
10 Q Yes or no? 14:07:15
11 A I don't know if it was in the lobby or 14:07:16
12 not. I do remember at some point in time that 14:07:17
13 there was a verbal altercation between Alvin Jones 14:07:18
14 and Lionel White. 14:07:21
15 Q You're saying verbal altercation today, 14:07:22
16 but you said talking trash -- 14:07:29
17 A Talking trash, verbal altercation, it's 14:07:29
18 the same thing; isn't it? 14:07:33
19 Q Is that the same thing to you? 14:07:34
20 A I don't know. You asked me, you know -- 14:07:34
21 Q I'm using the signed sworn interrogatory 14:07:40
22 that you -- that you signed. 14:07:42
23 A Yes. Talking trash could mean verbal 14:07:43
24 altercation also. I mean I don't mean that they 14:07:48

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1 were named -- I don't recall what -- the 14:07:50
2 specifics, like I said, but a verbal altercation, 14:07:51
3 talking trash is an altercation at some point. 14:07:53
4 Q So you do remember Lionel White, Sr., 14:07:57
5 talking trash to Officer Jones. 14:08:01
6 A As I stated before, it's -- I did say at 14:08:03
7 some point in time that I do recall Lionel White 14:08:07
8 talking trash to Officer Jones. 14:08:10
9 Q All right. 14:08:12
10 A Yes, I did sign this, and I'm not 14:08:13
11 falsifying any reports or lying about anything. 14:08:15
12 Q So it is true that you do recall Lionel 14:08:17
13 White at some -- 14:08:21
14 A Yes. 14:08:22
15 Q Let me just finish. 14:08:22
16 It is true that you recall Lionel White, 14:08:23
17 Sr., at some point at 575 Browning talking trash 14:08:26
18 to Officer Jones, and I omitted in the lobby 14:08:32
19 because I think you've said you're not sure if it 14:08:34
20 was in the lobby. 14:08:34
21 A I don't recall if it was in the lobby or 14:08:37
22 not, but I do remember that Lionel White and 14:08:39
23 Alvin -- was talking to trash to Alvin Jones at 14:08:41
24 some point in time. 14:08:43

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1 Q What did Lionel White say to Alvin Jones? 14:08:44
2 A I don't recall exactly what he said. 14:08:48
3 Q Do you recall generally what he said? 14:08:49
4 A No, I do not. 14:08:51
5 Q Was it common that civilians would talk 14:08:52
6 trash to members of your team? 14:08:56
7 A It's not uncommon for any offender to talk 14:08:57
8 trash to a police officer. 14:09:00
9 Q Why is it that you think you have a 14:09:02
10 specific memory of Lionel White, Sr., of all the 14:09:04
11 offenders over the years, talking trash to Officer 14:09:08
12 Jones? 14:09:11
13 A I don't know why. I mean, after reviewing 14:09:11
14 reports, certain things might refresh your memory 14:09:14
15 and stuff. I don't know why, but it did come to 14:09:17
16 my mind that at some point in time, that he had 14:09:19
17 exchanged words or said something to Alvin Jones. 14:09:22
18 Q Do you know why you remember that after 14:09:26
19 looking at some -- that's not in a report; is it? 14:09:30
20 A I don't believe so. I don't know. Like I 14:09:32
21 said, I don't have the report in front of me, so I 14:09:35
22 don't know. 14:09:37
23 Q And you said it might not be in the lobby. 14:09:37
24 Where else could it have been? Where else 14:09:43

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1 was Lionel White? 14:09:45

2 A He was brought into the 2nd District for 14:09:46

3 processing. 14:09:48

4 Q So it could have been at the 2nd District 14:09:48

5 you heard him talking trash to Jones? 14:09:50

6 A I don't recall where it was at. At some 14:09:53

7 point in time, I do remember him talking trash to 14:09:55

8 Alvin Jones. 14:09:57

9 Q So it might not even have been at the 14:09:58

10 building at all. 14:10:00

11 A It could not have been any other place 14:10:01

12 because based off of the reports -- and, like I 14:10:03

13 said, I don't recall the arrest which occurred 14:10:05

14 that day -- the only time that we would have 14:10:06

15 encountered Lionel White would have been in the 14:10:10

16 Ida B. Wells or in the 2nd District police 14:10:12

17 station. 14:10:14

18 Q Right. So it might not have been at 575 14:10:14

19 East Browning where you heard him talking trash; 14:10:17

20 it could have been the police building? 14:10:20

21 A Sir, I don't recall; but if that's 14:10:21

22 what's -- the location where the arrest had 14:10:22

23 occurred at 575 East Browning, then based off of 14:10:24

24 what I know, it would not have occurred anywhere 14:10:27

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1 else. 14:10:30

2 Q Anywhere else other than what? 14:10:30

3 A The address that is listed, 575 East 14:10:31

4 Browning. 14:10:35

5 Q I thought you just said it could have also 14:10:35

6 occurred at the station. 14:10:38

7 A Yes. That's what I said. It could 14:10:39

8 possibly happen -- we were only in two other 14:10:40

9 places at that time, based off of what I recall, 14:10:42

10 either at 575 East Browning or in the 14:10:45

11 2nd District. 14:10:47

12 Q All right. So why is it that you said in 14:10:47

13 your statement that it could be possible that you 14:10:59

14 didn't go into 575 East Browning was incorrect, if 14:11:01

15 you might not have heard Lionel White talking in 14:11:04

16 the building? 14:11:08

17 A Based off of this, of what I remember of 14:11:09

18 my conversation, like I said, I might not have 14:11:15

19 been in the lobby. I don't know where I was at. 14:11:19

20 I think I stated that in my COPA interview. I 14:11:21

21 don't recall if I -- where I was at at the time 14:11:24

22 that the physical altercation which took place 14:11:26

23 between Lionel White and Alvin Jones also. 14:11:29

24 Q Do you know how many physical altercations 14:11:32

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1 there were between the two of them? 14:11:35

2 A That I don't recall. I looked at the 14:11:36

3 report; and based off the report, that Alvin Jones 14:11:38

4 put in the report that they believed two 14:11:41

5 altercations occurred. 14:11:44

6 Q You think that you've seen reports saying 14:11:45

7 two altercations occurred? 14:11:50

8 A I don't have the report in front of me, 14:11:51

9 but I believe that's what was stated in the 14:11:54

10 report. I know that the altercation was 14:11:55

11 documented by Alvin Jones. A physical altercation 14:11:57

12 took place, and he documented it in the police 14:12:01

13 report. 14:12:02

14 Q Maybe somebody told you there were two? 14:12:02

15 A I don't recall. 14:12:05

16 Q If the report doesn't say two, then you 14:12:08

17 would have had to have learned that from somebody 14:12:11

18 else; right? 14:12:12

19 A Well, I'm certain I did. I don't recall 14:12:12

20 who told me at the present moment. 14:12:14

21 Q When is the last time you talked to Jones 14:12:16

22 about Lionel White, Sr.'s, arrest? 14:12:19

23 A I haven't talked to Alvin Jones in several 14:12:21

24 years. 14:12:24

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1 Q At all? 14:12:24

2 A At all. 14:12:25

3 Q This also says toward the end, "Answering 14:12:33

4 further, Defendant Smith states that he mistakenly 14:12:36

5 stated that he had never seen John Pierce before." 14:12:38

6 You said you mistakenly said that to COPA, 14:12:42

7 but then you looked at a report and you saw him on 14:12:45

8 April 24, 2006? 14:12:48

9 A Yes. If he was arrested, then I would 14:12:49

10 have had to have seen him. 14:12:53

11 Q But you don't have a memory of seeing him. 14:12:53

12 You're just saying, of course, if I was there and 14:12:55

13 he was arrested, I saw him. 14:12:57

14 A Based on the report, yes, I probably -- I 14:12:59

15 had to have seen him on that day; but prior to 14:13:02

16 that day and as of today, I have not seen John 14:13:04

17 Pierce. 14:13:07

18 Q And do you remember seeing him that day, 14:13:07

19 or are you just basing it on the reports? 14:13:09

20 A Based on the pictures that I've seen of 14:13:11

21 John, this individual John Pierce, and based off 14:13:14

22 of what I know now, other than that day, 14:13:20

23 April 24th, 2006, no. 14:13:24

24 Q No, you don't remember him? 14:13:26

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1 A Prior to 2000 -- April 2000 -- 14:13:31

2 Q Well, no, I'm sorry. Not at all. 14:13:35

3 Do you remember him at all? I know that 14:13:37

4 you said you looked at a report and understand 14:13:39

5 that you saw him that day. 14:13:41

6 A No, I do not recall John Pierce. 14:13:41

7 Q All right. Now that you've had a chance 14:13:44

8 to look at this answer today, the one -- this 14:13:46

9 answer sworn to under penalty of perjury, is there 14:13:49

10 anything that you need to change in here? 14:13:51

11 MR. STEFANICH: Object to the form. 14:13:59

12 A No, not that I see. Not that I can think 14:14:10

13 of. 14:14:13

14 Q So does that mean that you do recall 14:14:13

15 Lionel White, Sr., at some point in the lobby of 14:14:21

16 575 East Browning talking trash to Officer Jones, 14:14:23

17 or should that be changed to say something 14:14:26

18 different? 14:14:30

19 MR. STEFANICH: Objection; form. 14:14:30

20 A Yes. I guess you could change that to -- 14:14:49

21 Q All right. 14:14:49

22 A -- lobby. 14:14:51

23 Q How should that be changed? 14:14:51

24 A I don't know. Say at some point in time, 14:14:53

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1 that Officer Smith was aware of a verbal -- I'm 14:14:56
2 sorry. Defendant Smith recalls Lionel White, Sr., 14:15:04
3 at some point in time on the date of April 24th, 14:15:07
4 2006, talking trash to Officer Jones. 14:15:12

5 Q Because you remember it happening, but you 14:15:14
6 don't remember where. 14:15:19

7 A Yes, I don't recall where. 14:15:20

8 Q So it is -- you're still -- the next 14:15:22
9 sentence then, should that also be changed? 14:15:22

10 Because it says you were wrong when you told COPA 14:15:25
11 that it could not be -- that it could be -- I'm 14:15:27
12 sorry -- let me do it again. 14:15:29

13 It says you told COPA -- it says, 14:15:31
14 Defendant Smith's statement, and I'm going to 14:15:34
15 insert to COPA, then it keeps going, that it could 14:15:36
16 be possible that he did not go into the 575 East 14:15:40
17 Browning building on April 24, 2006, was 14:15:43
18 incorrect. 14:15:46

19 Was that statement to COPA incorrect, or 14:15:49
20 are you not sure? 14:15:52

21 A My statement to COPA was correct. Maybe 14:15:52
22 my statement and how I answered the question was a 14:15:56
23 mistake. But none of my answers to COPA or the 14:15:59
24 answers that I gave to COPA was incorrect. I was 14:16:01

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1	just probably confused about the questions, like	14:16:04
2	I've been confused and crossed up about some of	14:16:06
3	the questions earlier today. But at no point in	14:16:09
4	time have I -- during my testimony and my	14:16:12
5	statements that I've given to you or to COPA has	14:16:14
6	anything been false.	14:16:17
7	Now, it's possible at that -- yeah, it	14:16:22
8	could be changed. I don't recall. Like I said, I	14:16:24
9	don't recall the arrest or the specifics on	14:16:27
10	April 24th, 2006; and if there was a reverse sting	14:16:29
11	operation that took place at some point in time,	14:16:34
12	it's possible that I was in the lobby at 575 East	14:16:36
13	Browning --	14:16:36
14	Q So you -- I'm sorry.	14:16:36
15	A But I don't recall if I was there when	14:16:42
16	this verbal altercation occurred between Lionel	14:16:44
17	White and Officer Jones.	14:16:51
18	Q You don't know one way or the other, as	14:16:52
19	you sit here today, whether you went into 575 East	14:16:55
20	Browning on April 24, 2006?	14:16:57
21	A Sitting here today, I do not recall.	14:16:59
22	Q Are you aware that a number of the times	14:17:01
23	on different reports from that vice -- from that	14:17:10
24	reverse sting on April 24, 2006, don't match up?	14:17:15

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1 A Yes. 14:17:18

2 MR. STEFANICH: Objection to form. 14:17:18

3 A Yes, I am aware of that. 14:17:20

4 BY MR. RAUSCHER: 14:17:20

5 Q How, if at all, when you were working on 14:17:23

6 reverse stings, did you keep track of the time of 14:17:26

7 events? 14:17:29

8 A Sitting here today, I do not recall how we 14:17:29

9 kept time; but most of the time, when you do 14:17:34

10 reports, the times are approximated. 14:17:37

11 Q Do you know what a reverse sting kit is? 14:17:39

12 A I never heard a police officer refer to a 14:17:41

13 reverse sting kit. I've heard about it during the 14:17:47

14 preparation of this trial, but I've never heard a 14:17:51

15 police officer specifically state anything about a 14:17:53

16 reverse sting kit. 14:17:56

17 Q What do you mean you heard about reverse 14:17:57

18 sting -- I guess I probably know the answer. 14:18:02

19 Are you saying when you were preparing 14:18:04

20 with your attorneys -- 14:18:05

21 A That's what I said, preparing for this -- 14:18:06

22 MR. STEFANICH: Just yes. 14:18:08

23 A Yes. 14:18:10

24 Q All right. Outside of conversations with 14:18:10

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1 your attorneys, you have no knowledge of a reverse 14:18:12
2 sting kit. 14:18:14

3 A No. I've never heard a police officer 14:18:15
4 refer to a reverse sting kit. 14:18:18

5 Q Safe to say you never used a reverse sting 14:18:19
6 kit with Al Jones? 14:18:22

7 A I don't know what a reverse sting kit is. 14:18:24

8 Q What materials would you have with you 14:18:26
9 typically when you conducted reverse stings on the 14:18:29
10 Watts team? 14:18:33

11 A If we were -- if we were planning for a 14:18:33
12 reverse sting -- because sometimes we did reverse 14:18:35
13 stings at the spur of the moment. If we were 14:18:38
14 planning a reverse sting, the only thing that we 14:18:40
15 would preprint is a vice case report. 14:18:44

16 Q You would preprint the vice case reports 14:18:47
17 before you conducted the reverse stings? 14:18:51

18 A Yes. 14:18:54

19 Q What would you pre- -- what would you 14:18:54
20 preprint on the reports? 14:18:56

21 A I don't remember exactly how it is we 14:18:58
22 worded the information. We would just say -- we'd 14:19:01
23 leave blank where the individual or a possible 14:19:04
24 offender would come say he tendered money in an 14:19:07

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1	attempt to purchase narcotics from a blank subject	14:19:11
2	or whatever. And we would leave the space open	14:19:14
3	for the amount tendered or whatever or the --	14:19:18
4	maybe the drugs that they may have asked for --	14:19:22
5	Q So you --	14:19:22
6	A -- such as heroin or crack cocaine or	14:19:26
7	whatever.	14:19:31
8	Q So, like, the narrative, when there's a	14:19:31
9	typed narrative section for a reverse sting, you	14:19:33
10	have done -- you create that before you go out and	14:19:36
11	do the reverse sting?	14:19:39
12	MR. STEFANICH: Objection; form.	14:19:41
13	A Yes.	14:19:43
14	Q And then you just assume it's going to be	14:19:43
15	true?	14:19:51
16	A It's not an assumption. Like I said, if	14:19:52
17	you heard me when I stated earlier, if the person	14:19:55
18	were coming to make a purchase or attempt to buy	14:19:58
19	narcotics is not -- then we assume -- I mean, we	14:20:03
20	would leave the spots open.	14:20:06
21	We would just basically make an outline,	14:20:07
22	say the above subject come to -- the above subject	14:20:11
23	or whatever. Like I said, I don't remember	14:20:16
24	because it's been many years. I don't recall. I	14:20:17

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1 have not written a report in over two years, and I 14:20:19
2 haven't been a tactical officer in over 10-plus 14:20:22
3 years. 14:20:26

4 Based off of my memory -- and I don't 14:20:27
5 think that's illegal when we preprinted a report, 14:20:29
6 and that does include -- necessarily state that -- 14:20:32
7 and you're trying to imply if we were making a 14:20:35
8 false report. It's not a false report if someone 14:20:38
9 is coming to attempt to buy narcotics because, 14:20:40
10 like I said, we didn't have any individual name 14:20:43
11 written in the report prior to producing these 14:20:46
12 reports. 14:20:49

13 We would leave that blank and then fill in 14:20:49
14 the information about the individual, the drugs 14:20:53
15 that they was asking to purchase and the amount 14:20:55
16 that they -- money that they offered for whatever 14:20:59
17 substance, illegal substance that they were trying 14:21:02
18 to purchase. 14:21:04

19 Q On April 24, 2006, you didn't leave the 14:21:04
20 kind of drugs blank, did you? 14:21:08

21 A I don't know. I don't have the report in 14:21:09
22 front of me, so I don't know how it was written or 14:21:12
23 prepared. 14:21:13

24 Q Well, would it be appropriate to type in 14:21:13

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1 offender came asking for "blows," blows in quotes, 14:21:15
2 before you went out and did the reverse sting? 14:21:18

3 A From the best off -- to the best of my 14:21:20
4 memory, yes. 14:21:21

5 Q Why would that be appropriate? How do you 14:21:22
6 know anyone is going to come ask you for blows? 14:21:25

7 A Based off, like I said, we probably had -- 14:21:27
8 I don't recall how we wrote the reports in 14:21:30
9 general. Based off of my memory, we might have 14:21:34
10 had some written for blows, and we might have had 14:21:37
11 some written for crack. 14:21:38

12 Q I thought you -- what do you mean you 14:21:40
13 don't know how you wrote them in general? I 14:21:42
14 thought you did. 14:21:46

15 A I don't re- -- okay. Maybe I misstated. 14:21:46

16 I didn't recall how we wrote it -- worded 14:21:50
17 them on this particular day, April 24th, 2006; but 14:21:52
18 if we preprinted the reports in preparation for a 14:21:57
19 reverse sting operation, we would prepare a 14:22:01
20 report. 14:22:05

21 If we didn't leave -- we would leave that 14:22:05
22 section blank or sometimes we might have prepared 14:22:07
23 it and stated for blows or if they asked for crack 14:22:09
24 cocaine. 14:22:13

Transcript of Elsworth Smith, Jr., Volume II

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1 A I don't recall specifically; but as I 14:23:00
2 stated before, it's possible that we did. 14:23:04
3 Q Well, do you mean it's -- I'm asking if 14:23:05
4 you remember, not if it's possible. 14:23:06
5 A There's a lot of things I don't recall, 14:23:08
6 but I don't recall for that particular day or from 14:23:10
7 10 years ago or 15 years ago. I don't recall. 14:23:12
8 Q But do you recall having a practice of 14:23:15
9 preprinting different kinds of drugs on the 14:23:19
10 reports for a reverse sting? 14:23:21
11 A I don't recall, sir. 14:23:22
12 Q How would you know in advance what kind of 14:23:23
13 drugs different people were going to come ask for? 14:23:26
14 A Sir, as I'm trying to point out to you, 14:23:29
15 hypothetically, we were preparing this report. 14:23:34
16 Like I said, someone was coming to buy dope. We 14:23:36
17 would not put dope down there. 14:23:39
18 If they were coming to buy heroin, we 14:23:41
19 might say that they're coming to buy blows or ask 14:23:44
20 for blows. If they're coming to buy crack, we 14:23:46
21 might put crack, in parentheses crack cocaine or 14:23:50
22 whatever. I forgot what the other street 14:23:54
23 terminology they might have used for crack 14:23:55
24 cocaine. 14:23:55

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

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1 But at no point in time -- if you're 14:23:55
2 trying to imply that we falsified any reports, as 14:23:58
3 I stated before, I never falsified any reports, 14:24:01
4 and I don't recall anybody on my team at the time 14:24:04
5 when I was working with them falsifying any 14:24:06
6 reports. 14:24:09

7 Q A lot of people have accused you of 14:24:09
8 falsifying reports. 14:24:12

9 A I understand that, but they are lying. 14:24:13

10 Q Could you see a problem now with 14:24:15
11 preprinting a bunch of reports that say "offender 14:24:18
12 came and asked for blows"? 14:24:19

13 A No. 14:24:22

14 MR. KOSOKO: Objection; form. 14:24:22

15 Q What if that was the only kind of report 14:24:23
16 you wrote that day? You didn't preprint any with 14:24:24
17 crack cocaine on it. 14:24:27

18 A What is your question? I don't 14:24:28
19 understand. 14:24:29

20 Q Would that be problematic? 14:24:29

21 A What is your question? I don't understand 14:24:29
22 your question. 14:24:31

23 Q My question is if you came and did a 14:24:31
24 vice -- if you came and did a reverse sting on 14:24:34

Transcript of Elsworth Smith, Jr., Volume II

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1 April 24, 2006, and the only vice case reports you 14:24:36
2 preprinted before you did that reverse sting said 14:24:39
3 "offender came and asked for blows," do you see 14:24:42
4 any problem with that? 14:24:45

5 A No. I'm certain we would -- if they asked 14:24:46
6 for crack cocaine, we would probably change the 14:24:49
7 report to reflect that they asked for crack 14:24:53
8 cocaine. 14:24:54

9 Q So if everybody arrested in the reverse 14:24:54
10 sting that day is on the same -- has the same 14:24:58
11 preprinted language about blows, that means that 14:24:59
12 everybody came and asked for blows; nobody asked 14:25:02
13 for anything else? 14:25:05

14 A Like I said, I don't have the report in 14:25:05
15 front of me. I don't recall what -- the specifics 14:25:07
16 of that arrest on that particular day; and if they 14:25:09
17 asked for blows, then I'm certain the preprinted 14:25:12
18 report -- like I said before, hypothetically, we 14:25:16
19 probably produced a report that said blows, and we 14:25:18
20 produced a report that said crack. 14:25:22

21 So, like I said, we would put the 14:25:24
22 appropriate offender's name on the appropriate 14:25:26
23 arrest or the vice case report and what they asked 14:25:30
24 for specifically. 14:25:33

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1 Q So there should probably be a mix of 14:25:34
2 different kinds of drugs? 14:25:37
3 A From the best of my memory, yes. 14:25:38
4 Q Do you remember what your role was on the 14:25:40
5 reverse sting on April 24, 2006? 14:25:46
6 A I don't recall on that particular day. 14:25:48
7 Q Do you -- and seeing the reports didn't 14:25:51
8 refresh your recollection at all? 14:25:56
9 A No, it does not. 14:25:56
10 MR. RAUSCHER: We're going to mark 14:26:10
11 Exhibit 46. 14:26:11
12 (Smith Deposition Exhibit 46 marked for 14:26:11
13 identification and attached to the transcript.) 14:26:11
14 Q You had a chance to look at this? 14:26:49
15 A Yes, I have. 14:26:51
16 Q You see it's a vice case report for 14:26:52
17 Cleothus Morris, 24 -- April 24, 2006? 14:26:53
18 A Yes. 14:26:56
19 Q And it says it's a reverse sting 14:26:57
20 operation? 14:26:59
21 A That's correct. 14:27:00
22 Q Your name is in the bottom left-hand 14:27:01
23 corner? 14:27:05
24 A That's correct. 14:27:05

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1 Q Is that your signature underneath? 14:27:06

2 A No. 14:27:08

3 Q Whose signature is that? 14:27:08

4 A I was working -- it says the second 14:27:10

5 arresting officer was Mohammed. I don't recall 14:27:17

6 his handwriting, but I probably authorized someone 14:27:18

7 else to sign my name on the report. 14:27:19

8 Q Do you know who prepared this report? 14:27:21

9 A I do not recall, but I am in Box 1, and 14:27:24

10 everything that's in this report -- I would not 14:27:29

11 have allowed anyone to sign my name on a report if 14:27:31

12 I didn't feel that the report was truthful. It's 14:27:36

13 a truthful report. 14:27:39

14 Q How can you possibly say that? 14:27:40

15 A Because I wouldn't have signed my name on 14:27:42

16 a report or allowed someone else to sign my name 14:27:46

17 on a report that was false. 14:27:49

18 Q How do you even know if you allowed 14:27:49

19 someone else to sign your name or if they just 14:27:50

20 did it? 14:27:53

21 A Just because I don't recall what happened 14:27:53

22 on April 26 [sic] at that point in time, as I'm 14:27:55

23 sitting here today, does not mean that this report 14:27:59

24 is false. I stand by my report and what's in the 14:28:01

Transcript of Elsworth Smith, Jr., Volume II

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1 report. 14:28:04

2 Q You didn't make this report, did you? 14:28:04

3 A I do not have a recollection if I prepared 14:28:06

4 this report at this point in time. I know that I 14:28:10

5 am listed as the first arresting officer on this 14:28:13

6 report, and my name is down here typewritten. 14:28:16

7 If another member of my team signed my 14:28:21

8 name on the report, I had to have given them 14:28:22

9 authorization to do so, and I would not have 14:28:26

10 allowed them to do so if I felt this report was 14:28:28

11 false. 14:28:31

12 Q All right. Do you know if the time on 14:28:31

13 here is accurate, date of occurrence, 11:30? 14:28:35

14 A I don't recall. 14:28:39

15 Q Date of arrival, 11:30? 14:28:40

16 A I don't recall, sir. 14:28:42

17 Q Is your handwriting anywhere on this 14:28:43

18 report, if you can tell? 14:28:47

19 A It doesn't appear to be my handwriting. 14:28:48

20 Q Okay. It says in the -- did you type up 14:28:59

21 the narrative? 14:29:02

22 A I don't recall who typed the narrative up. 14:29:02

23 Q Do you know what kind of drug or drugs 14:29:04

24 were sold out of 575 East Browning, if any, in 14:29:07

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

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1 April 2006? 14:29:11

2 A As of today, I don't recall. 14:29:11

3 Q All right. It says in the narrative 14:29:14

4 section, In summary, above offender placed in 14:29:17

5 custody after offender approached an undercover 14:29:22

6 officer and asked to purchase, quote, "blow," 14:29:24

7 unquote. 14:29:27

8 Do you see that? 14:29:28

9 A Yes, I do. 14:29:28

10 Q So Cleothus Morris came and said, I want 14:29:29

11 to purchase blow? 14:29:33

12 A Yes. As I stated before, if he -- if 14:29:36

13 that's what he asked for, then we would have put 14:29:38

14 that in the report and reflect that he attempted 14:29:41

15 to purchase blow, which is a street -- which is a 14:29:42

16 street terminology for heroin. 14:29:46

17 Q But you said that you wrote the -- the 14:29:48

18 reports were typed before you encountered anybody. 14:29:50

19 A And -- 14:29:52

20 MR. STEFANICH: Object to -- 14:29:55

21 A -- now you're trying to twist my words 14:29:55

22 around. 14:29:55

23 MR. STEFANICH: -- the form of that 14:29:55

24 question. I think that misstates his prior 14:29:58

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

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1 testimony. 14:30:01

2 BY MR. RAUSCHER: 14:30:01

3 Q So the narrative report on the vice case 14:30:01

4 report was not typed up before you went out to do 14:30:02

5 the reverse sting? 14:30:05

6 A Sir, like I said, we typed up reports that 14:30:06

7 might -- if we did a report, we would type it up 14:30:10

8 to say "blows" as well as "crack" and we made -- 14:30:13

9 if -- whatever the person that we placed in 14:30:16

10 custody, we would reflect that or use the 14:30:19

11 appropriate report for what they all were asked 14:30:22

12 for. 14:30:25

13 Q I thought you just said it was a 14:30:25

14 possibility that you would write up both kinds, 14:30:28

15 that you don't actually remember doing it. 14:30:30

16 A Sir, based on my experience -- again, you 14:30:32

17 maybe -- I miss -- you misunderstood what I was 14:30:35

18 trying to say. At no point in time did I say 14:30:38

19 that. 14:30:41

20 I'm trying to tell you if we made a 14:30:42

21 report, it would reflect what that particular 14:30:45

22 offender asked to purchase. Now, like I said, if 14:30:47

23 we did preprinted reports and stuff like that, we 14:30:49

24 would make up some that say "blows" and some that 14:30:52

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1 would say "crack cocaine." 14:30:55

2 And, like I said, each person wrote the 14:30:56

3 reports differently. So if you saw and compared 14:30:59

4 this particular -- if I say, assuming that myself 14:31:03

5 or Mohammed wrote this report out, another officer 14:31:06

6 on our team, how they prepared their reverse sting 14:31:10

7 operation reports might be worded differently from 14:31:13

8 ours, and I don't recall from this particular 14:31:16

9 date. 14:31:18

10 Q But this is a quote. It says, purchase, 14:31:18

11 quote/unquote, "blow." 14:31:23

12 It is used to justify an arrest; right? 14:31:24

13 A Quote -- I wouldn't say that's a specific 14:31:26

14 quote. 14:31:30

15 Q It's in quote marks. 14:31:30

16 A It's in quotation marks, but that doesn't 14:31:32

17 mean that he asked specifically for blow. Blow is 14:31:35

18 a, you know, like I said -- and I am aware of, you 14:31:37

19 know, from my experience in working in the Ida B. 14:31:41

20 Wells, that each building or -- you know, had 14:31:44

21 different names for their dope lines. 14:31:47

22 And we put blows in the report because 14:31:49

23 sometimes we -- they changed the names of the 14:31:51

24 lines of dope frequently, and I can't tell you how 14:31:54

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1 many times they changed the names of the dope, and 14:31:58
2 it was hard to keep up with each individual dope 14:32:00
3 line. So we would put blow, which is street 14:32:03
4 terminology for heroin. That's why we would put 14:32:04
5 blow in -- or at least based off the way I 14:32:07
6 remember me writing my reports, we would put blow 14:32:12
7 in parentheses or crack in parentheses. 14:32:14

8 That don't mean that they specifically 14:32:17
9 said let me purchase -- because it doesn't say 14:32:19
10 anything exactly, from what I'm reading here, that 14:32:22
11 the offender exactly stated this. Hey, man, give 14:32:26
12 me some blow or whatever. It just says "blow." 14:32:29
13 Blow is in quotation marks, but that doesn't mean 14:32:31
14 he specifically said blow. 14:32:34

15 Q Isn't that what quotation marks indicate, 14:32:35
16 that it's a quote? 14:32:39

17 A Okay. Maybe that's what, I guess, your 14:32:39
18 terminology would be but based on -- it's not 14:32:43
19 always like that. As I said, blow is just showing 14:32:46
20 that -- based off of what I was taught in my 14:32:51
21 experience as a police officer from the police 14:32:53
22 academy, we put blows in quotation marks, and 14:32:55
23 that's to reflect that it's a type of -- the name 14:32:57
24 or the slang that they use for heroin. 14:32:59

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1 Q All right. What training class was that 14:33:54
2 in? 14:33:56

3 A I don't recall the exact name of the 14:33:56
4 class, but it had to be a class on report writing. 14:33:58

5 Now, you're questioning my ability to 14:34:01
6 remember something or the training that I 14:34:04
7 received. 14:34:05

8 THE WITNESS: Excuse me. I need a break. 14:34:06
9 Excuse me. 14:34:08

10 MR. STEFANICH: All right. Let's take a 14:34:09
11 break. 14:34:11

12 THE VIDEOGRAPHER: Off the record, 2:34. 14:34:13

13 (A recess was taken from 2:34 p.m. to 14:37:58
14 2:55 p.m.) 14:55:29

15 THE VIDEOGRAPHER: Back on the record, 14:55:30
16 2:55. 14:55:35

17 BY MR. RAUSCHER: 14:55:36

18 Q When is the handwritten part of the vice 14:55:40
19 case report filled out on a reverse sting day? 14:55:43

20 A I don't recall, as I'm sitting here today. 14:55:45

21 Q What's the typical practice? 14:55:49

22 A I don't remember the typical practice, 14:55:51
23 sir. 14:55:53

24 Q Would it be done at the scene, or would it 14:55:53

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1 be done at the station or somewhere else? 14:55:56

2 A All the reports, based off of my memory, 14:55:57

3 would not have been done at the scene. It could 14:56:01

4 have been done in the police station. 14:56:04

5 Q Would you take notes when you were at the 14:56:05

6 scene about what various offenders asked for? 14:56:08

7 A Based off of my memory, yes, that's 14:56:11

8 possible. 14:56:13

9 Q It's possible, or it happened typically? 14:56:13

10 A Sir, normally, I did not play the role of 14:56:15

11 the security officer. So I'm certain that the 14:56:21

12 security officers could answer that better. But 14:56:24

13 based off of my memory, I believe they did. 14:56:26

14 Q What do you believe the security officers 14:56:29

15 wrote down at the scene? 14:56:32

16 A I do not know. 14:56:33

17 Q Do you have any idea of what they might 14:56:34

18 have written down? 14:56:36

19 A Based off of what I recall, the security 14:56:37

20 officers might have wrote down what time that the 14:56:40

21 offender might have been placed in custody, or 14:56:43

22 what type of dope that they was coming to purchase 14:56:45

23 or attempt to purchase, and the amount of money 14:56:48

24 that they may have been offering to attempt to -- 14:56:50

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1 for whatever dope that they attempted to purchase. 14:56:53

2 Q You said they might have written down what 14:56:58
3 time the offender might have been arrested? 14:57:00

4 A That's a possibility. Like I said, I 14:57:02
5 don't recall specifically. 14:57:04

6 Q Are you just guessing at what the security 14:57:04
7 officers would have written down? 14:57:07

8 A Yes. I guess you could say I am guessing. 14:57:08
9 I don't recall, sir. 14:57:12

10 Q Do you recall -- were you -- you were 14:57:12
11 sometimes the fake drug dealer in a reverse sting; 14:57:20
12 correct? 14:57:24

13 A Yes. 14:57:24

14 Q And do you recall telling security 14:57:25
15 officers this person just asked -- just tried to 14:57:26
16 hand me \$10 and asked for X type of drug? 14:57:30

17 A Based -- best of my memory, yes. 14:57:33

18 Q And did you do that every single time? 14:57:35

19 A Best on -- based on my memory, yes. 14:57:38

20 Q Did you ever take notes at the scene of a 14:57:39
21 reverse sting? 14:57:49

22 A From what I recall, I do not recall doing 14:57:49
23 so. 14:57:52

24 Q Do you recall seeing anybody else take 14:57:52

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1 notes during a reverse sting? 14:57:55

2 A I don't recall, but I'm certain it perhaps 14:57:55

3 happened, and I don't recall. 14:57:58

4 Q What does it mean to be certain it perhaps 14:57:59

5 happened? 14:58:02

6 A I do not recall, sir. 14:58:02

7 Q All right. 14:58:03

8 A Do not recall. 14:58:04

9 Q Do you recall ever seeing any notes that 14:58:05

10 were taken during a reverse sting? 14:58:10

11 A As I'm sitting here today, I do not 14:58:11

12 recall, sir. 14:58:14

13 Q Do you recall being at the police station 14:58:15

14 and participating in filling out reports of a 14:58:17

15 reverse sting? 14:58:19

16 A I do not recall, but I'm certain that I 14:58:20

17 had at some point in time. I do not recall. 14:58:24

18 Q Do you recall what that process looked 14:58:26

19 like of filling out reports related to reverse 14:58:29

20 stings at the station? 14:58:32

21 A It's been over 10 years ago, and I don't 14:58:34

22 recall the specifics. If we did a reverse sting 14:58:38

23 operation, we're filling out whatever part -- 14:58:41

24 partly putting in the information on the 14:58:42

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1 offenders' names, you know, possibly the amount of 14:58:45
2 money that they offered to purchase, the drugs 14:58:51
3 which they asked for. And I don't recall all the 14:58:54
4 specifics. 14:58:58

5 Q Do you recall what sources of information 14:58:58
6 you used to fill in the details? 14:59:02

7 A Again, I do not recall, sitting here 14:59:04
8 today, sir. 14:59:08

9 Q Do you recall how the team decided who 14:59:08
10 would be the attesting officer on the arrest 14:59:15
11 reports? 14:59:18

12 A Again, I do not recall each operation. 14:59:18

13 Q Do you recall any of the decisions on who 14:59:21
14 would be the attesting officer for the 4/26/2006 14:59:25
15 [sic] reverse sting? 14:59:31

16 A No, sir, I do not recall. 14:59:31

17 Q Is the attesting officer on a reverse 14:59:33
18 sting the one who would be completing the arrest 14:59:38
19 report typically? 14:59:41

20 A The arresting officer would be the officer 14:59:41
21 who is going to court on the arrest, and I don't 14:59:46
22 recall from this particular date how we decided 14:59:50
23 that. But if I'm listed as Box 1, then that 14:59:52
24 determination was based off of probably -- I don't 14:59:55

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1	know how that determination was made. I don't	14:59:58
2	recall from April 24th, 2006.	15:00:02
3	Q Well, is the person going to court --	15:00:05
4	should that person have personal knowledge of what	15:00:08
5	happened that day?	15:00:11
6	A Either they played a role as a buy	15:00:11
7	officer -- or I'm sorry -- the person that was	15:00:15
8	selling drugs or the guy who was collecting money.	15:00:17
9	And I don't know what role that I played on that	15:00:21
10	particular day. I know I'm listed as Box 1, as	15:00:23
11	the first reporting officer or the first arresting	15:00:26
12	officer.	15:00:30
13	Q You either were the one pretending to have	15:00:30
14	drugs to sell or the one collecting money from	15:00:33
15	people?	15:00:36
16	A Possibly but I don't recall April 24th.	15:00:37
17	Q When you say "possibly," were there other	15:00:40
18	roles you could have had and still be listed as	15:00:42
19	the first arresting officer?	15:00:44
20	A No. Like I said, I don't recall from this	15:00:44
21	arrest; but the role that I usually play, I was	15:00:48
22	not the process -- I mean, the security officer	15:00:50
23	who would place the individuals in custody after	15:00:52
24	they attempted to purchase narcotics.	15:00:55

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1 Q And it was your typical practice -- well, 15:00:57
2 the team's typical practice that the first -- Box 15:01:01
3 1, which here is actually Box 45; right? I just 15:01:06
4 want to make sure that the record is clear. 15:01:09

5 We're saying "Box 1" because you're the 15:01:10
6 first officer listed in the box? 15:01:13

7 A That's correct. 15:01:14

8 Q But that's in Box 45? 15:01:15

9 A That's correct. 15:01:17

10 Q And the typical practice of the team would 15:01:17
11 be whoever is listed in that box was either the 15:01:20
12 one selling -- or pretending to sell the drugs or 15:01:22
13 collecting money from potential buyers. 15:01:26

14 A That's correct. 15:01:30

15 Q And I think I did though -- before we went 15:01:30
16 down this road -- tried to ask you a different 15:01:34
17 question, which is is the person who is listed as 15:01:36
18 the attesting officer on the arrest reports, is 15:01:39
19 that the person who creates those arrest reports? 15:01:44

20 A The person that's on the first -- as the 15:01:49
21 arresting officer is the person that's going to go 15:01:51
22 to court. He prepared -- 15:01:53

23 Q I know, but that's a different question. 15:01:54

24 A And I'm trying -- I understand. 15:01:56

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1 MR. STEFANICH: He said attesting, not 15:01:56
2 arresting. 15:02:00

3 A The first attesting officer basically is 15:02:00
4 the same as the first arresting officer. 15:02:02

5 But to answer your question, we will -- as 15:02:04
6 a team, we all assisted in some form or fashion in 15:02:08
7 helping write these reports. 15:02:11

8 Now, if I was the first arresting officer, 15:02:13
9 my other team members would help me out when we 15:02:16
10 would do these reverse sting operations because 15:02:21
11 sometimes we will lock up multiple offenders. 15:02:22

12 To make the processing go faster, once we 15:02:25
13 were inside the 2nd District, they would help 15:02:28
14 assist in writing reports. And in none of these 15:02:30
15 words we would ask an individual to falsify any 15:02:33
16 information in the reports or do anything of that 15:02:36
17 nature. 15:02:39

18 Q I know you've said repeatedly you didn't 15:02:39
19 falsify any reports. So please just try to answer 15:02:41
20 the question. If I ask you if you've falsified a 15:02:44
21 report, give me that information, but it will make 15:02:46
22 things go faster today if you can just try to 15:02:48
23 answer the questions. 15:02:50

24 A And I thought I was. How am I not 15:02:50

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1 answering the question? 15:02:54

2 Q The question didn't ask you anything about 15:02:55
3 falsifying a report. It asked if the person who 15:02:57
4 was the attesting officer after a reverse sting 15:03:00
5 was the person who created the arrest report. 15:03:02

6 A And I thought I gave an example. I said 15:03:05
7 sometimes members of my team, they would help 15:03:07
8 assist me writing these reports. We would all 15:03:10
9 have a part to play in the processing of all the 15:03:12
10 individuals that we would arrest during the 15:03:16
11 reverse sting operation. 15:03:19

12 Q So sometimes, yes; sometimes, no? 15:03:19

13 A Yes. Sometimes, yes; sometimes, no. 15:03:21

14 Q I'm just going to show you an example. So 15:03:23
15 let's mark this as Exhibit 47. This is the arrest 15:03:30
16 report of Cleothus Morris. 15:03:30

17 (Smith Deposition Exhibit 47 marked for 15:03:30
18 identification and attached to the transcript.) 15:03:30

19 Q You've had a chance to look at this 15:04:16
20 report? 15:04:17

21 A Yes, I have. 15:04:18

22 Q So this is -- is this an arrest report 15:04:18
23 that is memorializing the same arrest as in 15:04:20
24 Exhibit 46, the vice case report? 15:04:26

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1 A Yes. 15:04:27

2 Q You're the first arresting officer listed 15:04:28

3 on page 3; correct? 15:04:32

4 A That's correct. 15:04:33

5 Q And Robert Gonzalez is the attesting 15:04:35

6 officer? 15:04:39

7 A Yes. 15:04:39

8 Q And can you tell by looking at this report 15:04:40

9 who created the arrest report? 15:04:47

10 MR. STEFANICH: I'll object to the form 15:04:49

11 and the term "created." 15:04:51

12 MR. RAUSCHER: Yeah. That's fair. 15:04:52

13 Q Did multiple people work on preparing the 15:04:57

14 information -- I'm going to try again. 15:05:00

15 Did multiple people prepare this arrest 15:05:02

16 report, or did one person do that? 15:05:07

17 A As I stated before, we did sometimes have 15:05:08

18 multiple teammates to help out and help prepare 15:05:10

19 reports. 15:05:13

20 Q And when you look at this report, can you 15:05:13

21 tell whether multiple people had a role in 15:05:17

22 preparing it one way or the other? 15:05:20

23 A Only by the names that are listed on the 15:05:21

24 report -- first, second, and assisting officers. 15:05:24

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1 Q What is the first, second -- what does the
2 fact that there are multiple people listed as
3 first, second, and assisting officers tell you
4 about whether multiple people prepared the actual
5 document?

6 A Well, first and second arresting officers
7 are officers that would be the officers that would
8 possibly testify if this particular arrest had to
9 go to trial. Attesting officer is someone who
10 probably attested to the report because they
11 created the report on the computer-generated
12 arrest report.

13 And they would have -- Robert Gonzalez,
14 listed as the attesting officer, he would have
15 helped me -- while helping prepare this report,
16 probably something -- prepared the narrative that
17 I -- since this is a preprinted -- not preprinted,
18 but this is from an attempted PCS arrest, you
19 know, it's pretty much he was just assisting in
20 that, and the narrative is going to be basically
21 the same as reflected in the vice case report.

22 So that's -- and like I said, that would
23 help us during the process when you have multiple
24 offenders, to help speed up the process.

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1 Q So the fact that Robert Gonzalez is listed 15:06:42
2 as the attesting officer suggests to you that he 15:06:45
3 is the one who pulled together the information and 15:06:48
4 typed up this report? 15:06:50

5 A Yes. He created the arrest report. 15:06:52

6 Q Okay. What does it mean to you to create 15:06:56
7 an arrest report? Actually, let me ask it more 15:06:58
8 specifically. 15:06:58

9 What does it mean to you to create this 15:06:59
10 arrest report? 15:07:01

11 A That he was assisting by helping write the 15:07:01
12 report based off of my -- off of my arrest. Like 15:07:05
13 I said, if I allowed him to attest this report, 15:07:11
14 it's not something that would be nefarious or 15:07:13
15 anything like that. 15:07:18

16 He was just simply helping out based off 15:07:19
17 the information that was already on the vice case 15:07:21
18 report. Like I said, he was assisting to help 15:07:25
19 speed up the process while we had multiple 15:07:28
20 offenders on an arrest. 15:07:31

21 Q Let me try it a different way because it 15:07:32
22 might have been confusing the way I asked it. 15:07:34

23 What would Robert Gonzalez have done? 15:07:36
24 Like what were the mechanical steps? 15:07:39

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1 Mechanically, what would he have done to draft 15:07:41
2 this report? Like to make this report a thing, 15:07:44
3 what would he have to do? He would -- I'm just 15:07:46
4 giving an example, I don't know if this is right, 15:07:48
5 but I want to make sure that -- I want to try to 15:07:50
6 make the question understandable. 15:07:51

7 A I understand. 15:07:51

8 Q Would he look at a vice case report and 15:07:53
9 type in that information? Pull down boxes? What 15:07:54
10 sorts of things would he have had to do? 15:07:57

11 A The arrest report is on the computer 15:07:59
12 system. He would have to put in his PC number and 15:08:02
13 his password to enter the computer system to do 15:08:05
14 so, to generate an arrest report, which is already 15:08:08
15 preprinted out in the computer system. 15:08:11

16 And then he would just put in the 15:08:13
17 offender's demographics, like the height and 15:08:18
18 weight, the date of birth, the color of their 15:08:20
19 eyes, the color of their hair, their home address. 15:08:23

20 He is also, like I said, assisting us on 15:08:27
21 this arrest. He could put down the charge. Like 15:08:30
22 I said, for right here, so it was attempt PCS. 15:08:36
23 Like I said, he could have put in the narrative 15:08:38
24 based off the narrative from my vice case report. 15:08:39

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1 Q And then would he have had to get the 15:08:42
2 information -- for example, on the time of arrest, 15:08:46
3 would he have had to get that from you or 15:08:49
4 Mohammed? 15:08:51

5 A I'm certain he probably would have. 15:08:51

6 Q And how would you have kept track of the 15:08:54
7 time of arrest for all the various people who were 15:08:57
8 arrested that day? 15:09:00

9 A I don't recall from that day; but, like I 15:09:01
10 said, most report times are usually approximation 15:09:03
11 times -- approximated. 15:09:07

12 Q Why approximate at all? 15:09:08

13 A I can't recall from that particular day; 15:09:12
14 but based off of experience, a lot of times when 15:09:15
15 you're out there in the field and you're doing a 15:09:17
16 mission like a reverse sting operation or 15:09:20
17 something like that or a narcotics mission, you 15:09:22
18 might lose track of the time. So you would try to 15:09:24
19 reflect the time as accurately as possible and 15:09:28
20 make it as close to the time that the incident 15:09:31
21 actually occurred. 15:09:34

22 Q What's the reason -- like does it matter 15:09:35
23 if the time is right for the arrest? 15:09:38

24 MR. KOSOKO: Objection to form and may 15:09:43

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1 potentially call for a legal conclusion. 15:09:46

2 A I don't understand your question. 15:09:48

3 BY MR. RAUSCHER: 15:09:48

4 Q Well, as a police officer, does it matter 15:09:49

5 to you if you get the time of an arrest correct on 15:09:51

6 a report? 15:09:54

7 A Yes, that's correct. But, like I said, a 15:09:55

8 lot of times you might not have a chance to look 15:09:57

9 at your watch while you're dealing with an 15:09:59

10 offender which you're trying to place into 15:10:01

11 custody. Because if you have a combative offender 15:10:04

12 or if a person is trying to run from you, your 15:10:07

13 first thought is to try to apprehend this 15:10:09

14 offender. 15:10:12

15 Once they're placed in -- can I finish 15:10:12

16 saying what I was going to say? 15:10:14

17 Q Yes. 15:10:14

18 A After you place them in custody, stuff 15:10:15

19 like that, then you might look at your watch, and 15:10:18

20 you might say, Okay, well, this incident might 15:10:20

21 have occurred at this time or something like that. 15:10:23

22 So you're trying to make it as close to 15:10:25

23 the time -- the actual time, but if something is 15:10:26

24 taking place in the event that's going on, you 15:10:29

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1 would say -- it's like if someone is shooting at 15:10:32
2 you. You don't have time to look at your watch. 15:10:34
3 Okay. Now, the shooting began at 1510 hours. 15:10:36
4 Q Sir, I really do not think that was at all 15:10:40
5 responsive to my question. I understand that you 15:10:44
6 are -- 15:10:45
7 A And as I stated, sir, sometimes the times 15:10:45
8 are approximated because we might not have the 15:10:48
9 chance to look at our watch. 15:10:51
10 Q I did not ask you that question. Why it 15:10:52
11 is the case that a time might be wrong. 15:10:54
12 We know that the times are wrong on a lot 15:10:57
13 of these because there are two different times of 15:10:59
14 arrest for the same person; right? 15:11:01
15 A That's correct. 15:11:03
16 Q Okay. What I asked you, what I tried to 15:11:04
17 ask was as a police officer, does it matter to you 15:11:08
18 to try to get the time right? Can you answer that 15:11:11
19 yes or no? 15:11:14
20 A yes. 15:11:14
21 MR. STEFANICH: Objection; he did answer 15:11:15
22 yes at the beginning. 15:11:17
23 Q All right. Maybe the next question was 15:11:17
24 why -- as a police officer, why does it matter to 15:11:23

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1 you to try to get the time of arrest right? I 15:11:26
2 don't want to know why it might not be right. I 15:11:29
3 just want to know why it matters to you, as a 15:11:31
4 police officer, to try to get it right. 15:11:33

5 A Like I said, you try to get it right so it 15:11:34
6 could be somewhat correct or as accurate as 15:11:38
7 possible. 15:11:40

8 Q Is there any reason why it matters to have 15:11:40
9 it accurate? 15:11:43

10 A I don't know, sir. I can't give you a 15:11:43
11 clear definition for that because, as I said, 15:11:47
12 there's a lot of factors come into play when 15:11:49
13 you're making these arrests, and so our times 15:11:53
14 being off maybe a minute or two. 15:11:57

15 Q Well, for example, if someone said I was 15:11:59
16 actually in a different place when they're saying 15:12:02
17 I was arrested, it would be important to be able 15:12:04
18 to look back at the report and say this is an 15:12:05
19 accurate time of arrest; right? 15:12:09

20 A And that's -- again, that's a hypothetical 15:12:10
21 question. Like I said, I would not falsify a 15:12:11
22 different location, if it occurred -- if the 15:12:16
23 arrest didn't occur at the exact location that I 15:12:18
24 reflected in my report. 15:12:21

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1 Q It would help you to support the 15:12:22
2 prosecution if someone had an alibi defense, and 15:12:28
3 you said my time on the report is correct; right? 15:12:32
4 MR. KOSOKO: Objection; form, calls for a 15:12:35
5 legal conclusion, and incomplete hypothetical. 15:12:38
6 Go ahead. 15:12:41
7 A Yes. As I stated before, you try to get 15:12:42
8 the times as accurate as possible. There's many 15:12:44
9 circumstances that could prevent you from 15:12:48
10 accurately telling the correct time. 15:12:50
11 Q What are the circumstances that could 15:12:51
12 prevent you from getting the time right when 15:12:55
13 you're just typing up two reports, a vice case 15:12:58
14 report and an arrest report? 15:13:00
15 A Again, sir, I don't recall from this 15:13:01
16 particular date. 15:13:05
17 Q I mean, are there any that you can think 15:13:05
18 of when you're just -- why -- any reasons you 15:13:08
19 could think of why an arrest time -- 15:13:10
20 A Human error. 15:13:12
21 Q Okay. Do you know why there were two 15:13:13
22 different attesting officers used on arrest 15:13:18
23 reports from this reverse sting April 24, 2006? 15:13:21
24 A No, I do not. 15:13:24

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1 Q Would you put the gender of the person who 15:13:25
2 was arrested on the report before you went out to 15:13:35
3 the location for a reverse sting? 15:13:38
4 A To the best of my memory, no. 15:13:39
5 Q Can you think of any valid reason to do 15:13:41
6 that? 15:13:45
7 A As I stated before, to the best of my 15:13:45
8 memory, I don't recall if we did or did not. 15:13:48
9 Q But you think you didn't do it; right? 15:13:50
10 A I don't recall. 15:13:52
11 Q Who would -- and I'm sorry if I asked you 15:13:54
12 this; and if I did, just tell me. 15:14:02
13 But who would make the determination of 15:14:04
14 when someone was arrested during a reverse sting? 15:14:06
15 A Sir, I don't recall. 15:14:08
16 Q Do you recall who was supposed to make the 15:14:10
17 call -- rephrase -- I'm going to rephrase that. 15:14:13
18 Would the -- would it be one of the two 15:14:17
19 officers who interacted with the person, or would 15:14:21
20 it be security who would be responsible for 15:14:24
21 looking at the clock and saying about what time 15:14:26
22 it was? 15:14:28
23 A Based off my memory, my experience working 15:14:29
24 as a tactical officer, it would probably be the 15:14:31

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1 officer who is placing the offender in custody. 15:14:35

2 Q And is that the security person or the 15:14:37

3 drug seller? 15:14:39

4 A The security person. 15:14:39

5 Q Got it. 15:14:40

6 Are there any documents you can think of, 15:14:42

7 that you can look at to determine who was doing 15:14:47

8 security on April 24, 2006? 15:14:50

9 A Possible but I don't know at this 15:14:52

10 particular moment. 15:15:00

11 MR. RAUSCHER: We're going to mark the 15:15:10

12 next one 48. 15:15:11

13 (Smith Deposition Exhibit 48 marked for 15:15:11

14 identification and attached to the transcript.) 15:15:11

15 Q Is this another arrest as part of the 15:16:08

16 reverse sting on April 24, 2006? 15:16:10

17 A Yes, it is. 15:16:11

18 Q Is this a report of -- a vice case report 15:16:12

19 of John Pierce's arrest? 15:16:15

20 A Yes, it is. 15:16:17

21 Q And is that your name in the bottom 15:16:17

22 left-hand corner, what we call "Box 1"? 15:16:21

23 A That's correct. 15:16:23

24 Q And I say "what we call," but I mean it's 15:16:23

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1 been referred to in this deposition as Box 1 and 15:16:26
2 what you all call as Box 1? 15:16:27

3 A That's correct. 15:16:29

4 Q And Mohammed is in Box 2, which is 46 on 15:16:30
5 the report? 15:16:34

6 A That's correct. 15:16:34

7 Q Who signed this report? 15:16:35

8 A That appears to be my hand signature. 15:16:37

9 Q Do you know why -- did you sign for both 15:16:40
10 of you? 15:16:42

11 A Yes. 15:16:43

12 Q Do you know why you signed this one and 15:16:43
13 Mohammed signed the last one we just looked at for 15:16:46
14 Cleothus Morris? 15:16:49

15 A I could not tell you. 15:16:50

16 Q Does it look like it's your handwriting, 15:16:52
17 the rest of the things that are written in here? 15:16:55

18 A Yes, it is. 15:16:57

19 Q All right. How did you get the date of 15:16:57
20 arrival time? 15:17:01

21 A I don't recall, sir. 15:17:01

22 Q As you see it now, 11:15, do you think 15:17:03
23 it's wrong or right? 15:17:07

24 A Sitting here today, I don't recall. 15:17:09

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1 Q And you know that Lionel White's arrest 15:17:10
2 report says 11:30 arrival time. 15:17:14
3 A I don't recall. 15:17:17
4 Q You don't recall that? 15:17:18
5 A I don't recall without looking at the 15:17:19
6 Lionel White report, and it states one time -- if 15:17:22
7 I stated a different arrival time, someone made a 15:17:24
8 mistake. Like I said, sometimes you do have human 15:17:29
9 error that occurs. 15:17:32
10 Q And then date of arrest time -- well, 15:17:33
11 sorry, it says "date of occurrence" in Box 5. 15:17:38
12 That time is supposed to signify the time 15:17:40
13 of arrest; right? 15:17:43
14 A Yes. And I also said the times are 15:17:46
15 approximated also. 15:17:49
16 Q Understood. I just want to make sure 15:17:50
17 because it says "occurrence." I want to make sure 15:17:51
18 that we mean -- we're talking about arrest when it 15:17:53
19 says that. I know you've said they're 15:17:55
20 approximate. 15:17:57
21 A That's correct. 15:17:57
22 Q Do you know how you came up with 11:35 for 15:17:57
23 John Pierce's -- 15:18:00
24 A No, I do not. 15:18:01

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1 Q -- arrest? 15:18:02

2 A Sitting here today, I do not recall. 15:18:02

3 Q You don't know if you went off memory or 15:18:03

4 if someone gave you that information? 15:18:05

5 A I do not recall. 15:18:06

6 Q How are the -- how is the money 15:18:07

7 inventoried during a reverse sting? 15:18:10

8 A Like I said, I do not recall because I 15:18:12

9 wasn't part of the security team. Somehow they 15:18:14

10 would keep track of it. They were -- like I said, 15:18:18

11 maybe make a note of it, for whatever that 15:18:18

12 particular offender might -- the amount of money 15:18:23

13 that a particular offender offered or tendered to 15:18:25

14 purchase whatever said drug of choice that they 15:18:29

15 were asking for. 15:18:33

16 Q Do you think that you memorized how much 15:18:33

17 money each person asked you; or when you prepared 15:18:36

18 this report, would you have had to go back and 15:18:39

19 look at something or ask someone? 15:18:42

20 A Again, I'm not certain how it was done, 15:18:44

21 and I can't speak from -- recall from April 24th. 15:18:46

22 Q Would you and Mohammed have been switching 15:18:49

23 on and off roles of who would be selling the drugs 15:18:53

24 and who would be collecting the money? 15:18:55

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1 A I don't recall from April 24th. 15:18:57

2 Q What about normally how would it work 15:18:59

3 during a reverse sting? 15:19:01

4 A Sometimes we would. 15:19:01

5 Q Okay. Do you see where it says, 15:19:02

6 "nickname, DJ," on here? 15:19:09

7 A Yes. 15:19:10

8 Q Do you know if that's John Pierce's 15:19:10

9 nickname? 15:19:13

10 A If it's written in the report, yes. I 15:19:13

11 would have had to have discovered that by 15:19:17

12 interviewing him when I was processing him or 15:19:20

13 somehow by running his name. 15:19:23

14 Q You don't know who John Pierce is, do you? 15:19:25

15 A As stated before, I do not recall him at 15:19:29

16 this present moment, and I don't recall ever 15:19:32

17 seeing him prior to this arrest. 15:19:34

18 Q And it says "number of arrestees" and 15:19:36

19 "number of offenders," and it says one in both of 15:19:41

20 those? 15:19:43

21 A That's correct. 15:19:43

22 Q Why does it say that instead of listing 15:19:44

23 all the people arrested during the reverse sting? 15:19:47

24 A Again, I don't know. Because like I said, 15:19:50

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1 it's probably an error. 15:19:53

2 Q Should it -- for a reverse sting, should 15:19:54

3 it list everybody who was arrested? 15:19:56

4 A Generally, it should state that; but like 15:19:59

5 I said, there is a -- people do make mistakes, and 15:20:01

6 there is a chance that it was a mistake. 15:20:04

7 Q Is there a chance that you swept someone 15:20:07

8 up in this reverse sting who didn't come and ask 15:20:10

9 for drugs? 15:20:12

10 A No, sir, because we never did that. 15:20:12

11 Q And it says again in here, an 15:20:15

12 undercover -- offender approached an undercover 15:20:17

13 officer and asked to purchase quote, "blow," end 15:20:19

14 quote, which is a street terminology for heroin. 15:20:22

15 Do you see that? 15:20:24

16 A Yes, I do. 15:20:25

17 Q Is that an actual quote? 15:20:25

18 A That is not an actual quote. 15:20:28

19 Q And you did that because you were trained 15:20:30

20 to do it exactly that way? 15:20:33

21 MR. STEFANICH: Objection; asked and 15:20:35

22 answered. 15:20:35

23 A As I stated before, based off of my 15:20:37

24 memory, that is the way I was trained to write the 15:20:40

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1 report. 15:20:42

2 Q And so maybe we can save some time today. 15:20:42

3 If every report, every vice case report 15:20:46

4 from this reverse sting says the exact same thing, 15:20:49

5 is it fair to say none of them are actual quotes 15:20:53

6 attributed to the person who was arrested? 15:20:57

7 A That's correct. 15:20:59

8 Q Do you know whether there are any reports 15:21:00

9 out there from April 24, 2006, for people asking 15:21:06

10 for any drugs other than heroin? 15:21:09

11 A I don't believe so. I would have to see 15:21:10

12 all the reports. 15:21:13

13 Q Would you ever arrest someone during a 15:21:14

14 reverse sting who came up and asked for drugs but 15:21:20

15 not specifically heroin? Would you ever use a 15:21:23

16 vice case report saying they asked for blow, or 15:21:27

17 would that be wrong? 15:21:29

18 A As I stated before, if they asked for 15:21:29

19 anything other than blows, then I would reflect 15:21:32

20 that they asked for crack cocaine. I would have 15:21:33

21 put crack cocaine in the report or put rocks, 15:21:35

22 which is street terminology for crack cocaine. 15:21:38

23 Q What's the difference? Why would it 15:21:40

24 matter if they're just coming there asking for 15:21:43

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1 drugs? Why not just use the report you already 15:21:43
2 have? 15:21:45

3 MR. KOSOKO: Objection. That's fine. 15:21:47

4 A People have a different choice of drugs or 15:21:49
5 different preferences for drugs that they use. 15:21:52

6 BY MR. RAUSCHER: 15:21:52

7 Q Yeah. But so what? It's illegal to ask 15:21:55
8 for drugs. What's the difference if the report 15:21:57
9 says blow or crack or a name or anything else? 15:21:59

10 A Because I wouldn't try to falsify a 15:22:02
11 report, and I would put down what they asked for. 15:22:05

12 Q What would be false if you said that they 15:22:07
13 asked for blow but they really asked for crack 15:22:08
14 cocaine? 15:22:11

15 A Because they asked for one particular drug 15:22:11
16 instead of the other. 15:22:15

17 Q So it's not false to say they asked for 15:22:16
18 blow because they asked for a different kind of 15:22:20
19 heroin, but it is false to say they asked for blow 15:22:22
20 if they asked for crack cocaine? 15:22:24

21 A Blow is -- 15:22:26

22 MR. STEFANICH: Objection to form. 15:22:26

23 A As I said, blow is the street terminology 15:22:29
24 for heroin. Whether -- I am aware -- like I said, 15:22:31

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1 I don't recall all the different names of the 15:22:33
2 different heroin lines that they used in Ida B. 15:22:36
3 Wells. 15:22:39

4 We used blow to cover all of the different 15:22:39
5 heroin that was sold. Heroin is heroin. Whether 15:22:42
6 they called it, whatever, X-Box or what other 15:22:45
7 names they were using in the Ida B. Wells. Heroin 15:22:49
8 is heroin. Blow is the street terminology for 15:22:52
9 heroin. That's why we would put blow in the 15:22:55
10 reports. Based off of my training, that's what I 15:22:58
11 said. 15:23:01

12 Now, someone else might have written their 15:23:02
13 report differently than I did, but that's the 15:23:03
14 way -- based off of my training and what I recall, 15:23:05
15 how I've written my reports. 15:23:09

16 Q Do you think that that was sensible 15:23:12
17 training you received? 15:23:14

18 MR. STEFANICH: Objection; foundation, 15:23:15
19 form. 15:23:17

20 A Well, you would have to talk to someone in 15:23:18
21 the training academy at the Chicago -- the Chicago 15:23:19
22 Police Academy. 15:23:24

23 Q About whether -- well, no, I want to know 15:23:24
24 if you have an opinion. 15:23:27

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1 Does it make sense, as a police officer a 15:23:28
2 long time, to write something specific that 15:23:30
3 somebody didn't actually say as opposed to just 15:23:34
4 saying a general they asked for drugs or they 15:23:37
5 asked for heroin? 15:23:39

6 MR. STEFANICH: Objection; form 15:23:40
7 foundation. 15:23:41

8 MR. BURNS: Join. 15:23:42

9 A Sir, again, if the person asks for blows, 15:23:43
10 okay, or whatever, they're saying they're coming 15:23:47
11 to buy X-Box or whatever, they're still asking for 15:23:49
12 heroin. And, like I said, I put -- and I can't 15:23:52
13 speak for other members of my team. I'm speaking 15:23:56
14 for myself based off of how I've written my 15:23:59
15 reports. 15:24:01

16 From the best of my memory, I put blows in 15:24:02
17 there because I didn't remember all of the 15:24:05
18 different dope lines that they used in the Ida B. 15:24:06
19 Wells because they would change the names of the 15:24:08
20 dope lines frequently. They would change them 15:24:11
21 every week. They would change them monthly. I 15:24:13
22 could not keep track of all the times that they 15:24:15
23 changed the names of the lines of dope that they 15:24:17
24 had. 15:24:17

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1	BY MR. RAUSCHER:	15:24:17
2	Q Would it have been more accurate to just	15:24:20
3	wait until you did the reverse sting and actually	15:24:22
4	do the reports based on what happened?	15:24:25
5	A Sir, if a person was coming to buy dope,	15:24:27
6	my job is to arrest them. And I -- this is a	15:24:30
7	truthful report. They're coming to buy heroin.	15:24:35
8	It doesn't mean that they actually -- as I stated	15:24:37
9	before, that they actually said let me buy blows	15:24:40
10	or whatever.	15:24:40
11	If they stated they was coming to buy	15:24:43
12	X-Box, it's still blow. It's -- X-Box is blow,	15:24:45
13	heroin. Blow is the street terminology for	15:24:50
14	heroin, and I would try to keep it -- that was my	15:24:54
15	practice.	15:24:57
16	Q I thought that you said earlier you don't	15:24:57
17	remember if you're the one who wrote this report.	15:25:01
18	A I don't recall, but like I said, this is	15:25:03
19	based -- based on the way I'm looking at it, like	15:25:06
20	I said, sitting here today, it looked like I may	15:25:09
21	have wrote this -- written this report. But I	15:25:13
22	don't recall from -- you know, like I said, all	15:25:15
23	the people assisting me on this, on my team	15:25:17
24	helping prep these reports, I can't state one way	15:25:20

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1 or another. 15:25:23

2 But this do look like it could have been 15:25:24

3 my report; but, like I said, I don't recall the 15:25:26

4 arrest. And this is a truthful report. Nothing 15:25:29

5 in this report is false. 15:25:32

6 Q Well, it is false if you were attributing 15:25:33

7 a quote to someone they didn't say? 15:25:37

8 A It's not a direct quote. As I stated 15:25:38

9 before, the blow is not directly what they said, 15:25:41

10 just because blow is in quotation marks. 15:25:43

11 Q It doesn't say that on the report, though; 15:25:46

12 right? You're explaining it now, but it doesn't 15:25:49

13 say what you're saying on the report, does it? 15:25:51

14 A No. It doesn't state specifically that 15:25:53

15 they asked for X-Box or China White. I can't 15:25:55

16 remember all the different names of the different 15:25:59

17 heroin lines in the Ida B. Wells, and I've stated 15:26:02

18 that many times. I stated that during my COPA 15:26:04

19 investigation. I've said that several times this 15:26:07

20 afternoon. 15:26:10

21 Q It does say they specifically asked to 15:26:10

22 purchase, quote/unquote, "blow." 15:26:13

23 A It does not state that specifically, that 15:26:15

24 they -- 15:26:17

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1 Q I just read it. Are you saying I misread 15:26:17
2 that? 15:26:20

3 A Yes, you are. 15:26:20

4 Q All right. 15:26:20

5 A You're misinterpreting it. It says in 15:26:22
6 summary -- 15:26:22

7 Q Right. But hold on. I'm asking you a 15:26:23
8 different question. 15:26:25

9 Did I misread it? 15:26:26

10 A Yes. You are misreading it. 15:26:27

11 Q So you're saying it does not say here 15:26:31
12 asked to purchase, quote/unquote, "blow." 15:26:31

13 A As I said, quote/unquote blow -- 15:26:33

14 Q Does it say that? 15:26:35

15 A It says "blow," and blow is in quotation 15:26:36
16 marks -- 15:26:40

17 Q So I accurately -- 15:26:40

18 A -- but that doesn't mean that they -- 15:26:42

19 Q Hold on. Please hold on. 15:26:42

20 I want to make sure for the record that 15:26:43
21 you are not saying -- I understand. You may have 15:26:45
22 a disagreement on how to interpret this, but I 15:26:47
23 think it's important -- 15:26:50

24 A You're misinterpreting it. 15:26:50

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1 Q Hold on. Okay. Sir, just hold on a 15:26:51
2 second. 15:26:52

3 MR. STEFANICH: Let him answer -- or let 15:26:52
4 him ask the question. 15:26:53

5 Q I want to make sure for the record that it 15:26:54
6 is clear that you are not saying that I am 15:26:56
7 misstating or misreading what it says. 15:26:58

8 The words on there are "asked to purchase 15:27:00
9 'blow.'" Blow is in quotes; correct? 15:27:03

10 A That is correct. 15:27:05

11 Q All right. 15:27:05

12 A And you're misinterpreting -- 15:27:07

13 Q That's my question. 15:27:07

14 A -- that. 15:27:07

15 Q Okay. Your attorney can ask you follow-up 15:27:08
16 questions later. We may have exhausted this topic 15:27:10
17 for now. 15:27:13

18 MR. RAUSCHER: We're going to mark 15:27:27
19 Exhibit 49. 15:27:29

20 (Smith Deposition Exhibit 49 marked for 15:27:29
21 identification and attached to the transcript.) 15:27:29

22 Q Have you had a chance to review this 15:27:55
23 report? 15:27:57

24 A Yes, I have. 15:27:57

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1 Q Robert Gonzalez is the attesting officer? 15:27:57
2 A Yes. 15:28:00
3 Q And so does that mean he likely created 15:28:01
4 this report? 15:28:04
5 A That is likely. 15:28:05
6 Q And do you know where he got the 11:40 15:28:07
7 arrest time from? 15:28:12
8 A I do not recall. 15:28:12
9 Q You don't remember talking to him about 15:28:13
10 the arrest time? 15:28:22
11 A I do not recall. 15:28:22
12 Q Other than human error, do you have any 15:28:23
13 explanation for why the times of arrest don't 15:28:26
14 match between the vice case report and the arrest 15:28:29
15 report? 15:28:30
16 A As I'm sitting here today, no, I do not. 15:28:30
17 Q Did you ever see during reverse stings 15:28:33
18 people have inventory kits? 15:28:36
19 A I don't recall, sir. 15:28:38
20 Q When you created vice case reports from 15:28:40
21 reverse stings, did you try to space out the time 15:29:00
22 of arrests in sort of even increments on the 15:29:02
23 reports? 15:29:05
24 A I don't recall. If you're trying to say 15:29:06

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1 are we fabricating times, I don't recall ever 15:29:09
2 doing anything of that nature. Whatever time that 15:29:12
3 was reflected on the report is the time that -- 15:29:15
4 approximation time. As I stated before, we would 15:29:17
5 try to keep the times as close to the actual 15:29:21
6 occurrence. 15:29:24

7 Q How would the flow of traffic work during 15:29:24
8 reverse stings? Would a lot of people come up at 15:29:30
9 once? Would it be spaced out -- 15:29:33

10 MR. STEFANICH: Objection; form. 15:29:33

11 Q -- a certain amount of time? 15:29:35

12 A And that varies. It happened at various 15:29:37
13 amount of times. I can't sit here and say what 15:29:39
14 happened exactly on April 24th, but sometimes it 15:29:43
15 would happen at different times, varying -- you 15:29:45
16 know, sometimes it could happen all at once. I 15:29:46
17 don't recall from April 24th. 15:29:50

18 Q Would there be times when there would be a 15:29:51
19 line of people waiting to buy drugs? 15:29:52

20 A They would not be lined up waiting to buy 15:29:54
21 drugs. 15:29:57

22 Q How would you -- where would they be 15:29:58
23 waiting to buy drugs? 15:30:00

24 A They would be waiting in many different 15:30:02

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1 locations. 15:30:04

2 Q During a reverse sting, where would people 15:30:04

3 wait to buy drugs? 15:30:06

4 A During a reverse sting operation, I don't 15:30:08

5 know where they would be lined up. But if you're 15:30:10

6 asking me as my experience as a police officer, if 15:30:13

7 people were coming to purchase, to buy drugs, they 15:30:15

8 would be waiting all over the place. The Ida B. 15:30:19

9 Wells was a pretty big area. 15:30:20

10 MR. RAUSCHER: All right. We're going to 15:30:24

11 mark Exhibit 50. 15:30:36

12 (Smith Deposition Exhibit 50 marked for 15:30:36

13 identification and attached to the transcript.) 15:30:36

14 Q You've had a chance to look at this? 15:31:00

15 A Yes, I have. 15:31:01

16 Q You're Box 1? 15:31:03

17 A Yes. 15:31:03

18 Q Kallatt Mohammed is Box 2? 15:31:04

19 A That's correct. 15:31:08

20 Q Who signed this report? 15:31:08

21 A That's not my hand signature. I don't 15:31:09

22 know if Mohammed signed for me or if someone else 15:31:12

23 on my team signed for me, but it wouldn't have 15:31:15

24 happened without my authorization. 15:31:19

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1 Q Is that Ronald Watts' signature on the 15:31:20
2 bottom right-hand corner. 15:31:23

3 MR. BURNS: Object to foundation. 15:31:25

4 A Based on my memory, it appears to be so. 15:31:26

5 Q That looks like his handwriting to you? 15:31:30

6 A Based on my memory, it appears to be so. 15:31:31

7 Q Did he authorize people to sign his name 15:31:33
8 on reports, to your knowledge? 15:31:37

9 MR. KOSOKO: Objection. 15:31:40

10 A I don't recall. 15:31:41

11 Q Do you remember anything about the arrest 15:31:41
12 of Cleveland Smith? 15:31:47

13 A No, I do not. 15:31:48

14 Q Do you know who Cleveland Smith is? 15:31:49

15 A No, I do not, sir. 15:31:56

16 MR. RAUSCHER: Let's mark 51. This is 15:32:00
17 going to be the arrest report. 15:32:02

18 (Smith Deposition Exhibit 51 marked for 15:32:02
19 identification and attached to the transcript.) 15:32:02

20 Q Leano is the attesting officer here? 15:32:35

21 A That is correct. 15:32:39

22 Q That means he likely created the report? 15:32:39

23 A That's correct. 15:32:41

24 Q And do you know where he got the 15:32:42

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1	information to put in this report from?	15:32:43
2	A Just guessing, he would have probably	15:32:45
3	gotten it from me or possibly from the vice case	15:32:47
4	report.	15:32:49
5	Q Do you know whether you were in the room	15:32:49
6	with him when he completed this report?	15:32:55
7	A I do not recall, sir.	15:32:57
8	Q Actually, just looking at the picture in	15:32:59
9	the top right-hand corner on the front of	15:33:23
10	Exhibit 51, does that refresh your recollection as	15:33:26
11	to whether you know Cleveland Smith?	15:33:27
12	A It's not a clear picture of him. We have	15:33:30
13	the same last name, but he's definitely not	15:33:32
14	related to me. As I sit here today, I don't	15:33:35
15	recall Cleveland Smith.	15:33:42
16	Q Would the arrest report narratives be	15:33:44
17	filled out before you went out on the reverse	15:33:52
18	stings, or would that all be done after?	15:33:54
19	A That would be done after.	15:33:56
20	MR. RAUSCHER: We're going to mark	15:34:00
21	Exhibit 52.	15:34:04
22	(Smith Deposition Exhibit 52 marked for	15:34:04
23	identification and attached to the transcript.)	15:34:04
24	Q Have you had a chance to look at this	15:34:33

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1 report? 15:34:34

2 A Yes, I have. 15:34:35

3 Q Again, you're Box 1. Mohammed is Box 2. 15:34:35

4 A That's correct. 15:34:38

5 Q This is your signature this time? 15:34:39

6 A Yes, it is. 15:34:41

7 Q Do you know why you signed some and 15:34:42

8 Mohammed signed some? 15:34:44

9 MR. STEFANICH: Objection; asked and 15:34:46

10 answered. 15:34:46

11 A No, I cannot guess. I mean, I could give 15:34:46

12 you a guess, and I do not know from this 15:34:49

13 particular day -- 15:34:51

14 Q All right. 15:34:51

15 A -- other than he was my partner, and I 15:34:53

16 authorized him to sign my reports. 15:34:54

17 Q Yeah. I guess I will take -- is that the 15:34:56

18 only reason? Like was it just a workload thing 15:34:59

19 you think, or is there any particular reason why 15:35:03

20 you would have split up signing? 15:35:05

21 A As I stated earlier, when we did reverse 15:35:08

22 sting operations, we all assisted one another 15:35:11

23 because we were dealing with multiple offenders. 15:35:14

24 Q And this one again says 11:15 arrival 15:35:16

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1	time?	15:35:21
2	A That's correct.	15:35:21
3	Q You don't know where that came from, do	15:35:21
4	you?	15:35:21
5	A No. Like I said, probably an approximated	15:35:24
6	time.	15:35:26
7	Q Do you know how you approximated the time?	15:35:26
8	A As of today, I do not recall.	15:35:30
9	Q Do you know Lorainer (phonetic) or Lorener	15:35:33
10	Williams?	15:35:36
11	A No, I do not recall that name.	15:35:37
12	Q Do you remember anyone with the name	15:35:38
13	Peaches being around Ida B. Wells?	15:35:40
14	A No, I do not.	15:35:41
15	Q Or do you know anyone by the name Peaches	15:35:41
16	from anywhere from your police work?	15:35:43
17	A No, I do not.	15:35:46
18	MR. RAUSCHER: All right. We're going to	15:35:50
19	mark Exhibit 53.	15:36:02
20	(Smith Deposition Exhibit 53 marked for	15:36:02
21	identification and attached to the transcript.)	15:36:02
22	Q You had a chance to look at this?	15:36:33
23	A Yes, I have.	15:36:34
24	Q Do you know why Leano is the attesting	15:36:35

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1 officer? 15:36:38

2 A Probably because he was assisting us in 15:36:38

3 preparing these reports. 15:36:40

4 Q You don't know why that work was split up 15:36:41

5 between Leano and Gonzalez that day? 15:36:45

6 A Because he probably was also assisting us. 15:36:47

7 That's the only thing I can assume, sir. 15:36:50

8 Q Were the vice case reports definitely 15:36:53

9 signed on April 24, 2006? 15:36:56

10 A Like I said, I don't recall if on that 15:36:58

11 particular time. The best off of my memory, the 15:37:02

12 reports were signed on the day that the reports 15:37:04

13 were prepared. 15:37:07

14 Q And they were typically prepared -- from a 15:37:07

15 reverse sting, they would be prepared the day of 15:37:09

16 the sting? 15:37:12

17 A No. But I meant by prepared on the day 15:37:12

18 that the actual arrests were made. 15:37:15

19 Q They were signed after the arrests? 15:37:17

20 A Yes. 15:37:19

21 Q Were the reports prepared on a day that 15:37:19

22 was before the arrest? 15:37:23

23 A Like I said, if we did a reverse sting 15:37:24

24 operation, sometimes we did some on the fly and 15:37:27

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1 sometimes we prepared for them. 15:37:30

2 Now, if the reports -- if we were -- knew 15:37:32

3 that we were going to do a reverse sting 15:37:36

4 operation, we might have prepared those reports 15:37:37

5 the day before. 15:37:40

6 Q Got it. 15:37:40

7 These -- the way that these read, where 15:37:41

8 they're identical with spaces for the money, that 15:37:46

9 suggests to you this was a preplanned reverse 15:37:49

10 sting; right? 15:37:52

11 A I don't recall. I can only guess. I 15:37:52

12 don't recall -- 15:37:56

13 Q What's your guess? 15:37:56

14 A -- on this particular day. 15:37:57

15 Q I know you don't recall this date, but I 15:37:58

16 mean, looking at the reports, they are all 15:37:58

17 identical, the space for money. 15:38:02

18 Does that suggest to you, based on your 15:38:04

19 practice, that it was a preplanned reverse sting? 15:38:05

20 MR. KOSOKO: Objection; form. 15:38:08

21 A Like I said, I don't recall from this 15:38:10

22 particular date. It looked like it could have 15:38:12

23 been pre-prepared. I don't recall, sir. 15:38:14

24 Q Why is it that it looks like it could have 15:38:16

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1 get into the building? What did you do to get in 15:39:38
2 the building? 15:39:40

3 A Again, we used different methods. 15:39:41

4 Usually, like anyone else, when you walk -- you 15:39:43
5 have to walk into the building. 15:39:45

6 Q You just walked in? 15:39:46

7 A We would run sometimes, might walk. Like 15:39:47
8 I said, it varied from time -- each day. I don't 15:39:52
9 recall from this particular date. 15:39:54

10 Q Was it more common that you'd walk in or 15:39:55
11 run in? 15:39:58

12 A I don't recall each time how specifically 15:39:59
13 that we did it. Sometimes if -- it depended on 15:40:01
14 how many people were out there doing security and 15:40:04
15 stuff. I don't recall each time. 15:40:06

16 Q When you say depended on how people are 15:40:08
17 out there doing security, do you mean civilians 15:40:11
18 who are working security for drug sales outside of 15:40:15
19 the building? 15:40:17

20 A Wherever they had working security. 15:40:18

21 Q But do you mean -- you mean civilians who 15:40:20
22 are working security for drug sales? 15:40:22

23 A Everybody we encountered were civilians. 15:40:23

24 Q Well, I'm trying to draw a distinction 15:40:25

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1 between you doing pretend security on a reverse 15:40:27
2 sting and civilians doing security. 15:40:30
3 You're talking about civilians. 15:40:32
4 A Yes. Like I said, yeah, they were not the 15:40:33
5 police. 15:40:35
6 Q So you would approach; and depending upon 15:40:35
7 how much security there was, that might change 15:40:39
8 whether you walk or run into the building? 15:40:42
9 A It might change our approach and how we'd 15:40:44
10 do it, if we ran or walk. Like I said, I don't 15:40:46
11 recall how we did it each specific time. 15:40:48
12 Q And you don't recall how you did it 15:40:51
13 April 24, 2006? 15:40:53
14 A No, I do not. 15:40:54
15 Q Did people frequently yell "clean up" or 15:40:54
16 something like that when you approached the 15:40:57
17 buildings? 15:40:59
18 A Sometimes. 15:40:59
19 Q Was there some period of time between when 15:41:00
20 you got to the building and when you started the 15:41:02
21 reverse sting? 15:41:04
22 A I'm sorry? 15:41:04
23 Q So when you got to a building, did it take 15:41:06
24 some time to get set up for a reverse sting? 15:41:09

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1 A I'm certain it probably did. 15:41:11

2 Q What steps did you have to take typically 15:41:13

3 to get set up for a reverse sting once you got to 15:41:15

4 the building? 15:41:18

5 A I don't recall each particular time. If 15:41:18

6 we were coming down there, if people were buying 15:41:22

7 drugs, we would place some people in custody. We 15:41:26

8 would try to get people out of that area that do 15:41:30

9 not belong. That was the main objective, trying 15:41:34

10 to clear the people out. 15:41:36

11 Q How long would it typically take to clear 15:41:37

12 out the area so that you could set up a reverse 15:41:39

13 sting? 15:41:42

14 A I couldn't give you a time frame. I 15:41:42

15 couldn't tell you how long it took. 15:41:45

16 Q 5 minutes? 10? 15? An hour? 15:41:45

17 A I don't recall if it was five minutes or 15:41:48

18 an hour. I can't recall how long it took. I 15:41:50

19 can't -- 15:41:50

20 Q Do you think sometimes it was really 15:41:56

21 short, and sometimes it might have even been up to 15:41:57

22 an hour? 15:42:00

23 A It depends. 15:42:00

24 Q Would there be anywhere you could -- I'm 15:42:01

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513

1 sorry. 15:42:01

2 A Sometimes it would be short. Sometimes it 15:42:01

3 could be long. And I don't recall how long -- how 15:42:03

4 many minutes. I don't recall it being an hour, 15:42:06

5 but I couldn't give you -- again, give you an 15:42:08

6 exact time. 15:42:11

7 Q You're saying you don't recall it ever 15:42:12

8 taking an hour, or you're just not sure? 15:42:15

9 A Like I said, I'm not certain. 15:42:16

10 Q Is there anywhere you could look? Like, 15:42:17

11 did you keep records of that type of information? 15:42:20

12 A From the best of knowledge, I don't know 15:42:23

13 if they kept time on that or not. 15:42:26

14 Q If you arrested someone -- so, say, you 15:42:28

15 had a reverse sting planned. You got to the 15:42:31

16 building. You immediately arrested somebody 15:42:33

17 before you started the reverse sting. 15:42:35

18 Would you write in the report that you 15:42:36

19 went to the building to conduct a reverse sting? 15:42:38

20 A I'm certain we probably did. I'm not 15:42:40

21 certain how we did it from time to time. 15:42:44

22 Q Just quickly going back to Exhibit 53, the 15:42:46

23 narrative says "he approached an undercover 15:42:52

24 officer," but it's talking about a female 15:42:55

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1 offender. 15:42:57

2 Do you see that? 15:42:59

3 A Yes, I do. 15:42:59

4 Q Do you know why it says "he" instead of 15:43:02

5 "she"? 15:43:05

6 A I don't know. It probably was a mistake. 15:43:05

7 Q But this information was not -- this 15:43:08

8 wasn't pre-prepared; correct? 15:43:11

9 A No. The arrest reports are not pre- -- 15:43:12

10 preprinted because they have a CB number, and each 15:43:14

11 CB number gets generated -- the number is 15:43:18

12 generated, and it cannot be prepared in advance. 15:43:23

13 (Smith Deposition Exhibit 54 marked for 15:43:23

14 identification and attached to the transcript.) 15:43:25

15 Q We're on Exhibit 54. 15:43:25

16 You've had a chance to look at this? 15:43:44

17 A Yes, I have. 15:44:09

18 Q Is this a report you prepared or someone 15:44:10

19 else? 15:44:12

20 A I don't -- can't tell if I prepared it 15:44:12

21 or not but that's my -- appears to be my signature 15:44:15

22 at the bottom. 15:44:17

23 Q All right. Does it look like you signed 15:44:18

24 for Mohammed also? 15:44:20

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515

1 A Yes, it does. 15:44:22

2 Q And so you filled in the date of arrest 15:44:23

3 and date of arrival at the top? 15:44:25

4 A It appears so. 15:44:31

5 Q The date of arrival -- it says, Date R/O 15:44:32

6 arrived, dash, time. 15:44:38

7 Does that signify when you arrived at the 15:44:39

8 building? 15:44:41

9 A And as I stated many times before, all of 15:44:41

10 the times are approximated. 15:44:45

11 Q Let me re-ask that one. 15:44:46

12 A That's what's stated on the report. 15:44:48

13 Q I know that you're saying they're 15:44:50

14 approximate. I just want to make sure that what 15:44:51

15 it is supposed to signify is when you got to the 15:44:54

16 building, not some other time. 15:44:56

17 A That is correct. 15:44:58

18 Q Okay. Do you know who Lynn Howard is? 15:44:59

19 A No, I do not. 15:45:04

20 Q And I'm going to -- well, do you know 15:45:05

21 where the time of arrest came from? 15:45:19

22 A No, I do not. 15:45:22

23 MR. RAUSCHER: We'll mark the arrest 15:45:31

24 report as 55. 15:45:32

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1	(Smith Deposition Exhibit 55 marked for	15:45:32
2	identification and attached to the transcript.)	15:45:32
3	BY MR. RAUSCHER:	15:45:32
4	Q Does seeing this report refresh your	15:45:52
5	recollection about who Lynn Howard is?	15:45:54
6	A No, it does not.	15:45:57
7	Q Do you see the picture in the top	15:45:58
8	right-hand corner?	15:46:00
9	A Yes, I do.	15:46:00
10	Q That doesn't help you remember who he is?	15:46:02
11	A No, it does not.	15:46:04
12	Q Robert Gonzalez is the attesting officer.	15:46:05
13	That means he likely is the one who filled	15:46:07
14	out this report?	15:46:10
15	A That is correct.	15:46:10
16	Q And he would have needed to get the	15:46:11
17	substantive information from you or Kallatt	15:46:12
18	Mohammed?	15:46:15
19	A That is correct.	15:46:15
20	Q You don't know why the arrest time on this	15:46:16
21	report doesn't match up to the time on the vice	15:46:22
22	case report that you prepared?	15:46:25
23	A No. Again, I just attribute it to human	15:46:25
24	error.	15:46:28

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1 Q When you -- back at the time, would it 15:46:28
2 have been your practice to review this type of 15:46:30
3 arrest report when you were first arresting 15:46:35
4 officer even if Gonzalez or Leano prepared the 15:46:37
5 report? 15:46:40

6 A Yes, as long -- as well as the sergeant 15:46:40
7 and also the watch commander also. 15:46:42

8 Q If you would have caught the difference in 15:46:45
9 times on the arrest reports versus the vice case 15:46:48
10 reports, would you have corrected it? 15:46:51

11 MR. KOSOKO: Objection; form. 15:46:53

12 A If I noticed the times in the arresting -- 15:46:54
13 I mean, my supervisor also as well as the watch 15:46:58
14 commander should have noticed that. The final 15:47:01
15 determination on these or the final approval is 15:47:04
16 given by the watch commander. So if he -- if I 15:47:07
17 didn't notice it, he didn't notice it either. 15:47:09

18 Q Let me try that again. 15:47:12

19 A I understand your question, sir. 15:47:15

20 Q Can you answer it, please? 15:47:16

21 A I do not have an answer for that. I gave 15:47:18
22 you an example. 15:47:21

23 Q You don't have -- all right. Well, let me 15:47:22
24 just make sure you did answer the question because 15:47:26

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1 you answered a different one. 15:47:28

2 The question was if you would have caught 15:47:30

3 the difference in time on the arrest time from the 15:47:31

4 arrest report and the vice case report, would you 15:47:34

5 have corrected it? 15:47:37

6 A Yes, I possibly would have. 15:47:38

7 Q You're just not sure either way if you 15:47:40

8 would have? 15:47:42

9 A I would have probably corrected it, sir. 15:47:42

10 Q And why would you have wanted to correct 15:47:44

11 it? 15:47:46

12 A Again, like I said, these times are 15:47:46

13 approximated; but if I noticed that, then I would 15:47:48

14 have probably corrected it and made it the correct 15:47:50

15 time. 15:47:53

16 Q Because you want your reports to be 15:47:53

17 accurate. 15:47:55

18 A Yes, and this report is accurate. 15:47:55

19 Q One of the two is not accurate in some 15:47:58

20 ways; right? 15:48:00

21 A As again -- 15:48:01

22 MR. KOSOKO: Object to form. 15:48:01

23 MR. STEFANICH: Join. 15:48:03

24 A Just because the times are off by a few 15:48:04

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1 minutes here or there does not mean that the 15:48:06
2 narrative part or the portion of the incident that 15:48:07
3 is described in the narrative is not accurate. 15:48:10
4 Again, the times are approximated, but that does 15:48:14
5 not mean that the -- like I said, the incident 15:48:17
6 which occurred that led to the arrest is false. 15:48:20
7 BY MR. RAUSCHER: 15:48:20
8 Q All right. So it doesn't really matter if 15:48:22
9 the time of arrest is right. 15:48:24
10 MR. KOSOKO: Objection to form, misstates 15:48:26
11 testimony. 15:48:28
12 A No. You keep making that assumption, and 15:48:28
13 I've never said that. 15:48:30
14 Q Okay. Does it matter? 15:48:31
15 A The time -- yes, it does. You try to be 15:48:32
16 as accurate as possible, sir, but there is human 15:48:33
17 error. And when you're out there in the field, we 15:48:36
18 don't have -- you know, like I said, you don't 15:48:39
19 always look at your watch. I don't know how we 15:48:41
20 determined the times. These times are 15:48:43
21 approximated. We try to be as close to the time 15:48:45
22 as possible. 15:48:48
23 Q One of them is wrong, though. It has 15:48:49
24 to be. 15:48:51

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1 A Yeah. But I'm still not going to admit 15:48:51
2 that that is -- the time is off by five minutes or 15:48:53
3 two minutes or whatever, that that makes the 15:48:57
4 report false. That is a human error. 15:48:58

5 As you see, this report was attested by 15:49:02
6 Robert Gonzalez. At some point in time, he may 15:49:05
7 have made a mistake when he was preparing the 15:49:08
8 arrest report as far as the time that was -- the 15:49:11
9 offender was placed in custody. 15:49:14

10 Q It's your position that the reports are 15:49:15
11 accurate because these people were coming to 15:49:24
12 purchase heroin; is that right? 15:49:27

13 A That is correct. 15:49:28

14 Q And so if you got the details wrong, it 15:49:28
15 doesn't mean that the report is inaccurate? 15:49:31

16 A The details are not wrong, sir. The 15:49:32
17 information is truthful that they came to purchase 15:49:34
18 narcotics. 15:49:36

19 Q That's a summary of what happened, but the 15:49:36
20 details aren't all accurate. 15:49:38

21 A The details -- 15:49:40

22 MR. KOSOKO: Objection; form. 15:49:41

23 A -- are accurate. Like I said, again, the 15:49:43
24 times are approximated; and the person could make 15:49:43

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1 a mistake. One person might have reported the 15:49:46
2 time differently than another person. That does 15:49:49
3 not mean that the information or that what had 15:49:52
4 occurred, the incident that occurred is false. 15:49:54

5 Q That's not the only detail that's not 15:49:56
6 accurate because we've already established that 15:49:58
7 nobody actually asked to purchase, quote/unquote, 15:50:00
8 "blow"; right? 15:50:03

9 MR. KOSOKO: Objection; form, misstates 15:50:04
10 prior testimony. 15:50:06

11 MR. STEFANICH: Join. 15:50:07

12 A Sir, I did not state that they -- it 15:50:08
13 specifically stated to buy blows. Blow is, like I 15:50:11
14 said, the street terminology for heroin. You keep 15:50:14
15 putting that in my mouth and saying that I said 15:50:17
16 that. I did not say that. 15:50:19

17 Q So you're saying somebody did come up and 15:50:20
18 say they wanted to purchase, quote/unquote, 15:50:22
19 "blow"? 15:50:25

20 MR. STEFANICH: Objection; 15:50:25
21 mischaracterizes his testimony. 15:50:27

22 A I'm not going to answer that question 15:50:28
23 because I've answered it numerous times, what I 15:50:29
24 meant by that. 15:50:29

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1	BY MR. RAUSCHER:	15:50:29
2	Q I'm not asking you what you meant by it.	15:50:33
3	What I'm saying is can we agree that the	15:50:35
4	people who were arrested on this date did not come	15:50:37
5	up to you and say they wanted to, quote, "purchase	15:50:39
6	blow," end quote?	15:50:43
7	MR. STEFANICH: Objection; asked and	15:50:45
8	answered.	15:50:47
9	You can answer it again.	15:50:47
10	A And that's not what I'm saying, that they	15:50:49
11	specifically asked to buy blow.	15:50:51
12	Q You're agreeing with me that that didn't	15:50:55
13	happen that way?	15:50:57
14	A No, I am not agreeing with you.	15:50:58
15	Q So they did ask to purchase,	15:51:00
16	quote/unquote, "blow"?	15:51:03
17	A Not quote/unquote "blow." They attempted	15:51:03
18	to purchase blow or heroin, which is street	15:51:06
19	terminology. That's why -- you keep saying that	15:51:09
20	they specifically asked for blow, and I did not	15:51:11
21	say what they specifically said. All I said is	15:51:14
22	that they came to purchase blow, and that does not	15:51:17
23	mean that they exactly said "blow."	15:51:20
24	Nobody is going to walk up to an officer	15:51:22

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1 and say "blow." Like looking at them, what do you 15:51:25
2 mean by blow? Because if we -- I'm not going to 15:51:27
3 get in that because blow could be something more 15:51:29
4 porn- -- if you want to get into the terminology, 15:51:33
5 more pornographic than anything. 15:51:35

6 So they did not specifically say "blow." 15:51:42
7 They were attempting to purchase blow, which is 15:51:47
8 the street terminology for heroin. 15:51:50

9 Q Why didn't you put quotes around any other 15:51:52
10 words in here? 15:52:02

11 A Sir, I stand by my report. 15:52:03

12 MR. RAUSCHER: All right. We're going to 15:52:29
13 mark Exhibit 56. 15:52:29

14 (Smith Deposition Exhibit 56 marked for 15:52:29
15 identification and attached to the transcript.) 15:52:29

16 Q Have you had a chance to look at this? 15:52:58

17 A Yes, I have. 15:52:59

18 Q Do you know who Teresa Butler is? 15:53:00

19 A No, I do not. 15:53:02

20 Q Who signed this report? 15:53:03

21 A I don't know by the handwriting, but 15:53:04
22 that's not my signature. But, again, like I said, 15:53:09
23 if someone on my team signed for me, it would not 15:53:11
24 have been without my authorization. 15:53:15

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1 Q You don't know where the time of arrest 15:53:16
2 came from on this report? 15:53:25
3 A No, I do not. 15:53:26
4 MR. RAUSCHER: We're going to mark this 15:53:34
5 as 57. 15:53:35
6 (Smith Deposition Exhibit 57 marked for 15:53:35
7 identification and attached to the transcript.) 15:53:35
8 Q Do you recognize Teresa Butler in the 15:54:04
9 picture here? 15:54:06
10 A No, I do not. 15:54:06
11 Q Again, this also refers to "he" in the 15:54:07
12 narrative for a female arrestee. 15:54:12
13 A Yes, I see that. 15:54:16
14 Q And this is -- Leano was the attesting 15:54:17
15 officer here? 15:54:20
16 A That is correct. 15:54:20
17 Q That means he's likely the one who typed 15:54:20
18 that; is that correct? 15:54:24
19 A That is correct. 15:54:24
20 Q Just a typo you think? 15:54:24
21 A I would assume so. 15:54:27
22 Q Do you know where he got that 15:54:29
23 12:00 o'clock arrest time from? 15:54:31
24 A No, I do not. 15:54:33

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1 And I'd like to point -- 15:54:48

2 MR. STEFANICH: There's no question 15:54:49

3 pending. 15:54:50

4 BY MR. RAUSCHER: 15:54:50

5 Q Go ahead. What do you want to point out? 15:54:51

6 A In the narrative of the arrest reports, 15:54:53

7 "blows" is not in quotation marks. 15:54:57

8 Q So that's violating your training? 15:55:01

9 A No. 15:55:04

10 MR. BURNS: Objection; foundation. 15:55:05

11 A It's not violating my training. But, like 15:55:07

12 I say, if we're making a big issue about the exact 15:55:08

13 word "blow" being in quotation marks, it's not 15:55:12

14 quotated (phonetic) -- in quotation marks on the 15:55:14

15 narrative of the arrest report. 15:55:17

16 Q So are you saying you were trained only to 15:55:19

17 use the word quotes and blows on -- I mean, I'm 15:55:20

18 not going to ask it that way. 15:55:22

19 You can't be saying that you were trained 15:55:24

20 to only use the word quotes and blows on vice case 15:55:27

21 reports and not arrest reports; right? 15:55:30

22 A I'm not saying that. 15:55:32

23 MR. BURNS: Objection; form, foundation. 15:55:32

24 A I'm not saying that, sir. 15:55:34

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1 BY MR. RAUSCHER: 15:55:34

2 Q All right. 15:55:34

3 A You're just trying to make -- like I said, 15:55:37

4 errors can occur in the reports; and you're making 15:55:39

5 a big issue about the word being quoted in the 15:55:42

6 vice case report. 15:55:44

7 And also -- and as far as the difference 15:55:46

8 of times and all of that, like I said, it could be 15:55:48

9 a mistake that occurred. I'm just trying to point 15:55:51

10 out that the word "blow" is not quoted -- in 15:55:55

11 quotation marks in the narrative of the arrest 15:56:00

12 report. 15:56:02

13 Q All right. So was it a mistake to use 15:56:02

14 quotes in the vice case report? 15:56:05

15 A I'm not saying that it is a mistake 15:56:06

16 at all. 15:56:08

17 Q So why are you pointing out that it's not 15:56:08

18 in quotes in the arrest report? 15:56:10

19 A I'm just trying to reflect -- 15:56:11

20 MR. STEFANICH: Objection; asked and 15:56:11

21 answered. 15:56:11

22 A -- that matter. 15:56:14

23 Q Why? What is the difference to you? 15:56:14

24 A It's the same difference as you saying 15:56:16

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1	that they said specifically -- according to my	15:56:18
2	vice case report, that they specifically said	15:56:21
3	"blow."	15:56:23
4	Q One has quotes and one doesn't, which	15:56:28
5	wouldn't that suggest that the quote is a quote?	15:56:30
6	A I didn't state that they specifically said	15:56:33
7	"blows." Because if they had said -- you know,	15:56:37
8	like I said, blow, I put in quotation marks is to	15:56:38
9	signify -- this is based on my knowledge or my	15:56:42
10	training that I received. Blow is in quotation	15:56:45
11	marks; and as I stated before earlier, each person	15:56:48
12	write their reports differently.	15:56:52
13	Q So they may not --	15:56:53
14	A Blow is just to signify that it's the	15:56:53
15	street terminology for heroin.	15:56:56
16	Q Leano and Gonzalez may have had different	15:56:59
17	training, and they may not have been trained to	15:57:01
18	put the word "blow" in quotation marks?	15:57:03
19	MR. BURNS: Objection; form, foundation.	15:57:05
20	A I don't know. You would have to ask them.	15:57:06
21	Q Well, I'm asking because you said other	15:57:08
22	people may have had different training, and you're	15:57:09
23	pointing out a difference in the reports.	15:57:11
24	A I don't know why they wrote that. I'm	15:57:12

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1 just saying -- trying to point out the difference. 15:57:13

2 Q Why go to the trouble of explaining that 15:57:15
3 blows is street terminology for heroin instead of 15:57:16
4 just saying they wanted to purchase heroin, if 15:57:19
5 you're not trying to attribute something to the 15:57:22
6 person who is doing the potential buying? 15:57:24

7 MR. STEFANICH: Objection; asked and 15:57:27
8 answered. 15:57:27

9 A Again, as I stated before, we put blows in 15:57:28
10 there because, like I said, that was the street 15:57:31
11 term for heroin. 15:57:32

12 Q I thought you said nobody used that term 15:57:33
13 because it was pornographic? 15:57:36

14 A No. I said you're making the -- you're 15:57:37
15 trying to say that they specifically said "blows." 15:57:38
16 And I'm saying blow could mean many different 15:57:42
17 things. There's a pornographic terminology for 15:57:45
18 blow also. I'm not going to go into that. 15:57:47

19 Q But just to be clear, nobody today at all 15:57:50
20 has said anything like that except for you; 15:57:55
21 correct? 15:57:57

22 A No. I'm just bringing -- making an 15:57:57
23 example. You're trying to twist my words 15:57:59
24 around -- 15:57:59

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1 Q I never said -- 15:57:59

2 A -- put words in my mouth. 15:58:02

3 Q Sir, I never said anything at all remotely 15:58:02

4 like what you just said about -- 15:58:07

5 A Yes, you did. When you said -- 15:58:08

6 Q About being pornographic? 15:58:09

7 A -- the offenders -- no, I was making an 15:58:10

8 example -- 15:58:13

9 Q Okay. But I didn't ask you anything like 15:58:13

10 that. 15:58:16

11 A -- what the word could be also used for. 15:58:16

12 Because as I said, you know, street terminology 15:58:18

13 could mean different things. 15:58:20

14 Q But no -- I'm sorry. 15:58:22

15 A You specifically said that each individual 15:58:23

16 that was arrested during this reverse sting 15:58:25

17 operation came and asked to buy blows. I did not 15:58:26

18 state in my reports, and it's not reflected that 15:58:30

19 just because the word "blow" is in quotation 15:58:33

20 marks, that that's what they said. Because if 15:58:36

21 they just came up to me and said "blow," that 15:58:38

22 would suggest something else. I don't know what 15:58:40

23 you mean by blow. 15:58:43

24 Q When you say, I don't know what you mean, 15:58:45

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1 you're talking about -- 15:58:48

2 A I said they came to ask to buy blows. 15:58:48

3 They came to -- they asked to buy blows. I didn't 15:58:51

4 say that they specifically said "blows." 15:58:53

5 Q So you're saying if someone came up to you 15:58:56

6 during a reverse sting and said I want to buy 15:58:59

7 blows, you would not know what they meant? 15:59:03

8 A It does say in the report -- 15:59:05

9 Q I'm asking you a question. 15:59:05

10 A And I'm trying to answer the question. 15:59:06

11 It does not say that I want to buy blows. 15:59:07

12 It does not say in quotation marks in my report, 15:59:10

13 in the vice case reports that I want to buy blows. 15:59:12

14 It said that they came and I -- you're trying to 15:59:15

15 be in quotation marks specifically what they're 15:59:20

16 saying. 15:59:21

17 Q I'm not trying to be. It says it on the 15:59:21

18 report. I'm reading from the report. 15:59:23

19 A Okay. And it does not state specifically 15:59:25

20 that they said, "I came to buy blows." They asked 15:59:27

21 to purchase blow. 15:59:30

22 Q And are you saying to me that if someone 15:59:32

23 came up to you during a reverse sting and said 15:59:34

24 they want to purchase blows, you might have 15:59:36

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1	misinterpreted that to be --	15:59:36
2	A No, I'm not.	15:59:36
3	Q -- a pornographic --	15:59:41
4	A You're misinterpreting the report.	15:59:41
5	MR. RAUSCHER: All right. We're on	16:00:12
6	Exhibit 58.	16:00:13
7	(Smith Deposition Exhibit 58 marked for	16:00:13
8	identification and attached to the transcript.)	16:00:13
9	BY MR. RAUSCHER:	16:00:13
10	Q Have you had a chance to review this?	16:00:40
11	A Yes, I have.	16:00:41
12	Q Did you sign this?	16:00:42
13	A Yes, I did.	16:00:43
14	Q You also filled in the handwritten parts?	16:00:44
15	A It appears to be my writing, yes.	16:00:49
16	Q Do you know who Charles Riley is?	16:00:54
17	A No, I do not.	16:00:56
18	Q No memory of arresting Mr. Riley or	16:00:57
19	participating in his arrest?	16:01:01
20	A I do not recall the arrest of anyone. I'm	16:01:02
21	not saying I wasn't there because, obviously, I	16:01:05
22	was there; but I do not recall Charles Riley or	16:01:08
23	the individuals on April 24th, 2006.	16:01:10
24	Q All right. You're not sure when -- where	16:01:11

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1 the time came from; is that right? 16:01:14

2 A No. Again, like I said, it was probably 16:01:17

3 an approximated time. 16:01:18

4 Q I am going to ask you a question. I am 16:01:20

5 not trying to dwell on this point, but did you 16:01:25

6 ever participate in reverse stings or anything 16:01:28

7 like that of like fake prostitution stings? 16:01:30

8 A Yes, we have. 16:01:35

9 Q You have. That was part of the Watts tac 16:01:35

10 team? 16:01:39

11 A It wasn't just a part of the Watts tac 16:01:39

12 team. It was a part of all tac teams in the 16:01:42

13 Chicago Police Department, not just in the 16:01:43

14 2nd District. 16:01:45

15 Q So you've done it -- you've been in 16:01:45

16 reverse prostitution stings throughout the Chicago 16:01:49

17 Police Department? 16:01:52

18 A I'm not saying throughout the Chicago -- 16:01:52

19 just in the 2nd District. I'm just trying to make 16:01:54

20 you aware that that's a mission that was done by 16:01:56

21 other tac teams in all the districts in the 16:01:59

22 Chicago Police Department. 16:01:59

23 Q I'm just asking about your personal 16:02:02

24 experience. 16:02:04

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1 A Yes. 16:02:04

2 Q And did you do that when you were a member 16:02:04

3 of the Watts tac team? 16:02:07

4 A Yes, I did. 16:02:10

5 Q And was that -- other members of the team, 16:02:11

6 did they participate in those? 16:02:11

7 A Yes, they did. 16:02:13

8 Q Where did those happen? 16:02:14

9 A They happened in different areas in the 16:02:15

10 2nd District. I don't remember all of the 16:02:18

11 specific locations. 16:02:19

12 Q Did it happen at Ida B. Wells? 16:02:20

13 A From the best of my -- what I recall, I 16:02:21

14 don't recall it happening in the Ida B. Wells. 16:02:24

15 Q You do not recall participating in such an 16:02:25

16 operation at Ida B. Wells; is that what you're 16:02:29

17 saying? 16:02:31

18 A From the best of my knowledge, I do not 16:02:31

19 recall. 16:02:33

20 MR. RAUSCHER: All right. We're going to 16:02:42

21 mark the next one as 59. 16:02:58

22 (Smith Deposition Exhibit 59 marked for 16:02:58

23 identification and attached to the transcript.) 16:02:58

24

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1 BY MR. RAUSCHER: 16:02:58

2 Q Is this a five-page report in your copy, 16:03:12

3 sir? 16:03:15

4 A Yes, it is. 16:03:15

5 Q Do you recognize the person in the 16:03:20

6 first -- upper right-hand part of the first page? 16:03:22

7 A No, I do not. 16:03:26

8 Q All right. This is an arrest report of 16:03:27

9 Charlie Riley, it says, from the same day as the 16:03:30

10 vice case report? 16:03:33

11 A That's correct. 16:03:34

12 Q Leano is the attesting officer? 16:03:34

13 A Yes. 16:03:37

14 Q So he created the report? 16:03:37

15 A Yes, it appears so. 16:03:39

16 Q And do you know where he got the 12:05 16:03:40

17 arrest time from? 16:03:44

18 A No, I do not. 16:03:44

19 MR. RAUSCHER: Let's take a quick break 16:03:53

20 actually. 16:03:55

21 MR. STEFANICH: Sure. 16:03:55

22 THE VIDEOGRAPHER: Off the record, 4:03. 16:03:58

23 (A recess was taken from 4:04 p.m. to 16:11:35

24 4:11 p.m.) 16:11:35

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1 THE VIDEOGRAPHER: Back on the record, 16:11:55
2 4:11. 16:12:01

3 MR. RAUSCHER: We're going to mark this as 16:12:07
4 Exhibit 60. Maybe it will speed it up, maybe now 16:12:09
5 let's just mark Exhibit 61 at the same time. 16:12:22

6 (Smith Deposition Exhibits 60 and 61 16:12:22
7 marked for identification and attached to the 16:12:22
8 transcript.) 16:12:22

9 MR. KOSOKO: Vice is -- 16:12:22

10 MR. RAUSCHER: Vice is 60. 16:12:42

11 MR. KOSOKO: Vice is 60? 16:12:42

12 MR. RAUSCHER: And the arrest report is -- 16:12:43
13 right? 16:12:44

14 MR. KOSOKO: 61, yeah. 16:12:44

15 MR. RAUSCHER: Yes, 61. 16:12:44

16 BY MR. RAUSCHER: 16:12:44

17 Q Have you had a chance to review these two 16:13:01
18 reports? 16:13:03

19 A Yes, I have. 16:13:04

20 Q Is it your handwriting on Exhibit 60? 16:13:04

21 A No, it is not. 16:13:07

22 Q All right. You think it might be 16:13:08
23 Mohammed's? 16:13:10

24 A I don't recall if it was Mohammed's hand 16:13:10

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1 signature. Someone on my team, probably with my 16:13:13
2 authorization, signed the report. 16:13:17

3 Q And given your roles in the reverse sting, 16:13:18
4 it's likely it was your -- or it's likely 16:13:21
5 Mohammed; right? 16:13:23

6 A Again, I don't recall Mohammed's 16:13:23
7 handwriting. As I said, it could be possibly 16:13:26
8 someone else on the team; but it would have been 16:13:28
9 someone I authorized to sign for my report. 16:13:30

10 Q Do you know Dale Morrow? 16:13:32

11 A No, I do not. 16:13:34

12 Q Looking at his picture on the top 16:13:35
13 right-hand corner of the first page of Exhibit 61, 16:13:39
14 does that refresh your recollection as to whether 16:13:40
15 you knew him? 16:13:42

16 A No, it does not. 16:13:43

17 Q He doesn't look familiar to you? 16:13:44

18 A No, he does not. 16:13:45

19 Q Where did you get the information, if you 16:13:47
20 know, it says "vehicle used by offender," and it 16:13:54
21 says "on foot." 16:13:57

22 A I do not recall. 16:13:58

23 Q All right. We'll mark -- actually right 16:14:00
24 before we do that, Gonzalez as the attesting 16:14:17

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1 where the time of arrest comes from on the two 16:16:25
2 reports -- or the times I should say? 16:16:28
3 A I do not recall. 16:16:30
4 Q For the arrest report, Gonzalez is the 16:16:31
5 attesting officer. 16:16:40
6 That means he likely created the report 16:16:42
7 but with information from you or Mohammed? 16:16:44
8 A That is correct. 16:16:46
9 MR. RAUSCHER: All right. We'll mark two 16:16:53
10 more. 64 will be the vice case report, and 65 16:16:55
11 will be the arrest report. 16:17:01
12 (Smith Deposition Exhibits 64 and 65 16:17:01
13 marked for identification and attached to the 16:17:01
14 transcript.) 16:17:49
15 MR. KOSOKO: Vice is 64? 16:17:49
16 MR. RAUSCHER: Yes. And the arrest report 16:17:52
17 is 65. 16:17:53
18 Q Have you had a chance to look at these 16:17:58
19 reports? 16:18:00
20 A Yes, I have. 16:18:00
21 Q Do you recognize George Green in the 16:18:01
22 picture in Exhibit 65? 16:18:03
23 A No, I do not. 16:18:05
24 Q You have no memory of participating in the 16:18:05

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1 arrest of Mr. Green on April 24, 2006? 16:18:08

2 A I do not recall the arrest on April 24th, 16:18:11

3 2006. 16:18:13

4 Q On Exhibit 65, Leano is listed as the 16:18:13

5 attesting officer; right? 16:18:17

6 A That is correct. 16:18:18

7 Q And so he likely created the report but 16:18:18

8 with information from you or Mohammed? 16:18:21

9 A That is correct. 16:18:22

10 Q Is it your handwriting and signature on 16:18:23

11 Exhibit 64? 16:18:26

12 A It appears it is. 16:18:26

13 Q So you filled out this report, the 16:18:28

14 typed -- you filled out the handwritten portions 16:18:32

15 of Exhibit 64? 16:18:34

16 A It appears so. 16:18:35

17 Q Why did you put 1438 for the time of 16:18:36

18 occurrence and time of arrival? 16:18:41

19 A I have no clue, sir. 16:18:42

20 Q Those are incorrect. 16:18:45

21 A I'm just guessing it could be. I have no 16:18:46

22 clue, sitting here today. 16:18:50

23 Q Well, do you think you did two reverse 16:18:51

24 stings that day? 16:18:54

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1 A I don't recall, sir. 16:18:55

2 Q There is -- 11:15 to 1438, how many hours 16:18:58

3 are there in between there? 16:19:03

4 A From what time to what time? 16:19:04

5 Q From 11:15 in the morning or 11:30 in the 16:19:07

6 morning to 1438, how many hours? 16:19:11

7 A That was probably at least three hours 16:19:14

8 or so. 16:19:17

9 Q Do you think you left 575 East Browning at 16:19:17

10 some point and then came back at 1438? 16:19:25

11 A I don't recall, sir. 16:19:28

12 Q That would be, what, 2:38? 16:19:29

13 A Yeah, 2:38. 16:19:32

14 Q So about three some hours in there? 16:19:34

15 A Yes. 16:19:36

16 Q Do you think you spent about three hours 16:19:37

17 at 575 East Browning running a reverse sting that 16:19:39

18 day, April 24, 2006? 16:19:43

19 A I don't recall, but it is possible. 16:19:44

20 Q Would that be on the long side for a 16:19:46

21 reverse sting? 16:19:49

22 A Again, like I said, I don't recall how 16:19:49

23 many -- how much time we spent on a reverse sting 16:19:51

24 operation but it's not -- it would not be 16:19:53

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1 A&A sheet or some -- or PCAD to show what time 16:20:47
2 that we were down on the -- in total during this 16:20:52
3 reverse sting operation. 16:20:56

4 Q I'm sorry. So if you had an A&A sheet and 16:20:57
5 it said what time you ended and if it was before 16:21:00
6 1438, then you would know that -- you'd think 1225 16:21:04
7 is more accurate; is that what you're saying? 16:21:06

8 A I'm saying if I had the A&A sheet, we 16:21:08
9 could probably -- or the PCAD, which is like an 16:21:10
10 event history, to document how many times -- how 16:21:14
11 much time we spent on this event. It would 16:21:17
12 probably let me know what the accurate times were. 16:21:19

13 Q Would they specify what time you were 16:21:22
14 arresting people? 16:21:26

15 A I'm not certain. I'm not a supervisor, 16:21:27
16 and I don't recall. 16:21:30

17 Q Have you ever seen an A&A sheet that 16:21:31
18 listed arrest times on it? 16:21:34

19 A It wouldn't be on the attendance sheet. 16:21:35
20 I'm sorry. I misspoke and said attendance -- the 16:21:38
21 A&A sheet. It would be on the PCAD, which is like 16:21:40
22 an event history of the arrest. 16:21:43

23 Q Got it. 16:21:44

24 Have you reviewed PCADs as a police 16:21:46

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Conducted on March 5, 2020

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1 officer? 16:21:49

2 A Yes, and it's been years ago. 16:21:49

3 Q Do you know if any such records exist 16:21:52

4 of these arrests, the ones we've just been 16:21:55

5 looking at? 16:21:58

6 A I do not know. 16:21:58

7 (Smith Deposition Exhibits 66 & 67 marked 16:21:58

8 for identification and attached to the 16:21:58

9 transcript.) 16:21:58

10 MR. RAUSCHER: All right. We're going to 16:22:10

11 mark 66 and 67. The vice case report will be the 16:22:11

12 first one. 16:22:14

13 Q Have you had a chance to look at these? 16:23:02

14 A Yes, I have. 16:23:04

15 Q Do you recognize Thomas Mitchell in the 16:23:05

16 picture in the first -- or in the arrest report, 16:23:07

17 first page? 16:23:10

18 A No, I do not. 16:23:10

19 Q Do you know who Mr. Mitchell is? 16:23:11

20 A No, I do not. 16:23:13

21 Q Is it your handwriting on Exhibit 66? 16:23:17

22 A It appears to be. 16:23:21

23 Q Again, do you know why it says arrival 16:23:22

24 time was 1438? 16:23:23

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Conducted on March 5, 2020

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1 A Again, I do not know. 16:23:24

2 Q On that one you didn't put any time of 16:23:27

3 arrest; right? 16:23:29

4 A Yes, it appears to be an error. 16:23:31

5 Q And so do you know how Gonzalez got a 16:23:32

6 12:30 arrest time when he filled out the arrest 16:23:37

7 report? 16:23:40

8 A No, I do not, sir. 16:23:40

9 Q And I guess I should back up a step. 16:23:42

10 Gonzalez, as the attesting, likely is the 16:23:44

11 person who created this arrest report? 16:23:47

12 A That appears to be true. 16:23:48

13 Q And he would have had to use information 16:23:50

14 from you or Mohammed to do that? 16:23:52

15 A Apparently so. 16:23:54

16 Q You have no idea whether Mr. Thomas was 16:23:55

17 arrested at 12:30 on April 24, 2006, do you? 16:23:58

18 A I don't recall. 16:24:01

19 MR. PALLE: I believe you mean 16:24:03

20 Mr. Mitchell. 16:24:05

21 MR. RAUSCHER: Yeah, I do. Thank you. 16:24:07

22 A I don't recall. 16:24:09

23 Q All right. We've looked at, what I will 16:24:14

24 represent, what I believe is the complete list of 16:24:19

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1 reports, at least that I've seen, of the reverse 16:24:22
2 sting -- or a complete list of arrestees for the 16:24:26
3 reverse sting that you participated in April 24, 16:24:29
4 2006. 16:24:32

5 None of them tried to purchase anything 16:24:32
6 other than heroin, according to the reports; is 16:24:36
7 that true? 16:24:38

8 A That appears to be so. 16:24:39

9 Q Did you let anybody go who tried to 16:24:41
10 purchase a different type of drug like crack 16:24:46
11 cocaine? 16:24:49

12 A I do not recall the arrest and what 16:24:49
13 occurred on that date; and from my knowledge and 16:24:51
14 experience doing the reverse sting operations, I 16:24:53
15 don't recall us ever letting anyone go. 16:24:57

16 Q So if someone would have tried to purchase 16:24:59
17 crack cocaine, you would have arrested them? 16:25:01

18 A That is possible. 16:25:03

19 Q It's possible or that's what would have 16:25:04
20 happened? 16:25:07

21 A That's what would have happened. 16:25:07

22 Q You would not have picked a day and said 16:25:08
23 we're only arresting the people that try to buy 16:25:10
24 heroin today. 16:25:12

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1 A Based on my memory, we did not do that. 16:25:13

2 Q So does that mean that nobody tried to 16:25:15

3 purchase any drugs from you on April 24, 2006, 16:25:18

4 during the reverse sting other than heroin? 16:25:21

5 A That's what I'm saying. 16:25:23

6 Q That's -- you don't have a memory, but 16:25:24

7 that's how it looks based on the reports? 16:25:27

8 A Based on the reports, that's what's in the 16:25:30

9 reports, yes. 16:25:33

10 Q And was that a common occurrence where 16:25:34

11 people throughout a whole reverse sting would only 16:25:36

12 try to buy one kind of drug? 16:25:39

13 A I don't know if it's common or uncommon. 16:25:41

14 Q Would that happen more frequent -- was it 16:25:44

15 more common that people would try to buy different 16:25:49

16 kinds of drugs throughout the reverse sting or 16:25:52

17 that every single person who came through tried to 16:25:54

18 buy the same kind of drugs? 16:25:56

19 A I couldn't tell you how often it happened. 16:25:57

20 I didn't keep a record of how often a person came 16:25:59

21 to buy one particular drug or another. 16:26:01

22 Q How -- was it more common that you'd have 16:26:03

23 to fill out -- I'm going to rephrase that. 16:26:06

24 Did you commonly create narrative sections 16:26:11

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1 of vice case reports in advance of reverse stings 16:26:15
2 that had different kinds of drugs? So you'd have 16:26:19
3 one that said heroin and one that said crack 16:26:21
4 cocaine. Was it common that you did that, or was 16:26:25
5 that infrequent? 16:26:27

6 A Again, as I stated, sir, I don't recall 16:26:28
7 how we did it on that particular day. Like I 16:26:32
8 said, at some point in time we may -- it's 16:26:33
9 possible that we did for both heroin and crack 16:26:35
10 cocaine. 16:26:38

11 Q It's possible that you did it that way, 16:26:38
12 and it's possible you didn't do it that way? 16:26:41

13 A It's possible that we probably did not 16:26:42
14 also, but I don't recall on that particular day. 16:26:45

15 Q You said it's possible that you probably 16:26:46
16 did not do it that way also, where you filled out 16:26:48
17 two different kinds of reports? 16:26:52

18 A There's a possibility; but to the best of 16:26:53
19 my memory, we did both. 16:26:55

20 Q Your best memory is that you usually would 16:26:56
21 have both reports ready to go? 16:26:58

22 A From the best of my memory, yes. 16:27:01

23 Q And that's frequently how you did it? 16:27:02

24 A I wouldn't say how frequently that we did 16:27:03

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1 it; but to the best of my memory, we did it. 16:27:07

2 Q And so presumably on this day, you had 16:27:08

3 both kinds of reports ready to go, but nobody came 16:27:11

4 up and tried to buy anything other than heroin. 16:27:14

5 A I cannot state; but if it's in the report 16:27:17

6 that's all they asked for, and that's what we 16:27:19

7 arrested these individuals for, for blows, then 16:27:21

8 yes, I stand by the report. 16:27:23

9 Q What's the number on the top -- it says RD 16:27:26

10 number in the top right-hand corner. 16:27:43

11 A That's a report number -- record number. 16:27:45

12 Q When does that number get generated or how 16:27:48

13 does it -- well, how and when does the RD number 16:27:51

14 get generated? 16:27:54

15 A On the date and time of the occurrence. 16:27:54

16 Q Once you're back at the station? 16:27:57

17 A No. You can ask for an event number on 16:28:00

18 scene. 16:28:02

19 Q Okay. If during a reverse sting -- would 16:28:03

20 you ever get event numbers during the sting, or 16:28:06

21 would it at least wait until after the reverse 16:28:10

22 sting was over? 16:28:12

23 MR. STEFANICH: Event numbers or RD 16:28:12

24 numbers? 16:28:14

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1	MR. RAUSCHER: RD numbers. Thanks.	16:28:14
2	A Yes. You can get an event number prior to	16:28:16
3	you obtaining an RD number. So based off of my	16:28:18
4	information, you can get the RD number after the	16:28:22
5	event had occurred.	16:28:25
6	BY MR. RAUSCHER:	16:28:25
7	Q You'd get the RD number after the event	16:28:27
8	had occurred.	16:28:29
9	A I said you can, but I can't recall how it	16:28:29
10	was done on that day.	16:28:32
11	Q You could get it --	16:28:33
12	A You can generate an event number prior to	16:28:34
13	generating an RD number.	16:28:39
14	Q So just looking at the RD number up here	16:28:40
15	in the right-hand corner, when is that number	16:28:43
16	generated?	16:28:45
17	A I don't know if it was done before or	16:28:45
18	after the offenders were placed in custody.	16:28:47
19	Q And you don't know whether it was done	16:28:49
20	before or after they were taken back to the	16:28:51
21	2nd District?	16:28:53
22	A No, I do not.	16:28:54
23	Q Do you know where Lionel White, Sr., was	16:28:55
24	arrested on April 24, 2006? It's not in there	16:29:19

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1 from what you've seen so far. I'm asking if you 16:29:24
2 know. 16:29:26

3 A Off the top of my head, no, I do not. 16:29:26

4 Q Do you know where he first encountered 16:29:29
5 police officers on April 24, 2006? 16:29:31

6 A Not off the top of my head, no. 16:29:33

7 Q Do you know whether he was taken down to 16:29:34
8 the lobby of 575 East Browning by officers from an 16:29:39
9 apartment on a higher floor? 16:29:43

10 A From the best of my memory, no. 16:29:44

11 Q That didn't happen to the best of your 16:29:46
12 memory. 16:29:49

13 A To the best of my memory, no, it did not. 16:29:49

14 Q Is that an independent memory or something 16:29:52
15 that you are basing on reading in reports? 16:29:53

16 A It's not based on what I read. If you -- 16:29:57
17 I recall the arrest that was made of Lionel White; 16:30:00
18 and though I don't recall the incident that 16:30:04
19 occurred from the arrest or the physical 16:30:06
20 altercation that was described in the report, but 16:30:09
21 there's nothing in the reports that I believe that 16:30:12
22 he was taken from another location and brought to 16:30:14
23 a different location and processed and arrested. 16:30:17

24 So I'm saying I -- you know, I do not 16:30:24

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1 believe that he was at a different location prior 16:30:27
2 to being arrested at the address that is listed in 16:30:30
3 the reports. 16:30:34

4 Q I'm not even saying a different building. 16:30:35

5 I'm just saying from one place in the building to 16:30:38
6 another, from an apartment to the lobby. 16:30:41

7 A I don't believe so. 16:30:42

8 Q And now you're saying you don't believe 16:30:43
9 that it happened. 16:30:45

10 Is that because the reports don't reflect 16:30:46
11 that or because you have a memory of where you saw 16:30:48
12 him being arrested? 16:30:51

13 A I don't recall the -- all of the incident, 16:30:51
14 like I said, what had occurred on that date; but 16:30:55
15 based on my knowledge of working with the officers 16:30:58
16 on my team, I do not think that they would falsify 16:31:01
17 a report. 16:31:03

18 Q So you're basing it on reports, not your 16:31:04
19 personal memory. That's all I'm trying to say. 16:31:10

20 A Based on my personal memory and also the 16:31:11
21 reports. 16:31:14

22 Q Okay. Which part of Lionel White's arrest 16:31:15
23 do you remember? 16:31:18

24 A Like I said, all I remember, as I stated 16:31:18

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1 before, at some point in time that there was a -- 16:31:21
2 Lionel White, he was transported -- I placed him 16:31:24
3 in the transport vehicle to take to the 16:31:29
4 2nd District and also there was him talking trash 16:31:31
5 to Alvin Jones at some point in time, and that's 16:31:36
6 all I can recall. 16:31:40

7 Q You remember that you placed Lionel White 16:31:41
8 in the transport vehicle? 16:31:45

9 A Yes. And I believe -- and I don't recall 16:31:46
10 the exact words I used, but it was in my to/from 16:31:47
11 report that I stated that. 16:31:50

12 Q Okay. What -- tell me about getting 16:31:51
13 Lionel White into the transport vehicle. 16:31:54

14 A I don't recall. Like I said, just based 16:31:56
15 off of my to/from report, that they asked me what 16:32:02
16 physical contact did I have with Lionel White on 16:32:02
17 that date. I stated in my to/from report that I 16:32:04
18 put him in the transport vehicle. 16:32:06

19 Q All right. And was he brought to you, 16:32:08
20 or did you have to go get him to bring him out 16:32:10
21 to the -- 16:32:13

22 A I do not recall, sir. 16:32:13

23 Q How would it typically work? 16:32:14

24 A I do not recall. I can't say how it 16:32:16

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1 typically worked. It could depend on -- it 16:32:18
2 depends. 16:32:20

3 Q Is it fair to, at least, say that the 16:32:20
4 physical scuffle didn't happen when he was being 16:32:22
5 placed into the transport vehicle? 16:32:25

6 A Yes. The altercation could have happened 16:32:26
7 before -- had to happen before he was placed into 16:32:30
8 custody. 16:32:33

9 Q Because you didn't see it. 16:32:33

10 A Yes. As I state in my to/from report, I 16:32:34
11 wasn't in a position to observe the physical 16:32:38
12 altercation which took place. 16:32:40

13 Q Do you remember which other officers were 16:32:41
14 around, if any, when you placed Lionel White into 16:32:46
15 the transport vehicle? 16:32:49

16 A I don't recall. 16:32:49

17 MR. RAUSCHER: All right. We're going to 16:32:56
18 mark Exhibit 68, a vice case report. 16:32:57

19 (Smith Deposition Exhibit 68 marked for 16:32:57
20 identification and attached to the transcript.) 16:32:57

21 Q Have you had a chance to review this 16:34:06
22 report? 16:34:08

23 A Yes, I have. 16:34:08

24 Q All right. This is a vice case report of 16:34:09

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1 Lionel White's arrest on April 24, 2006, at 575 16:34:12
2 East Browning; correct? 16:34:17
3 A That's correct. 16:34:18
4 Q The same location as the reverse sting 16:34:18
5 that we just looked at on all those reports on the 16:34:20
6 same day at the same building; right? 16:34:23
7 A That's correct. 16:34:25
8 Q Did you prepare this report? 16:34:25
9 A It doesn't appear to be. 16:34:27
10 Q Your name is Box 2; right? 16:34:29
11 A That's correct. 16:34:32
12 Q That's actually Box 46 but referred to as 16:34:32
13 Box 2? 16:34:38
14 A That's correct. 16:34:38
15 Q What does it mean that your name is Box 2 16:34:39
16 on this report? 16:34:42
17 A That I was working with Alvin Jones at 16:34:42
18 this particular time. 16:34:44
19 Q You were working with Al Jones when Lionel 16:34:44
20 White was arrested? 16:34:49
21 A I was working with him on that day. 16:34:50
22 Q Why is your name Box 2 on this report with 16:34:51
23 Jones but Box 1 with Mohammed and not Jones on all 16:34:56
24 the other reports? 16:35:01

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1 A I have no idea, sir. At some point in 16:35:01
2 time, like I said, obviously, if he's listed on 16:35:04
3 this report, we had to be working together at some 16:35:08
4 point in time. That's all I can state. I don't 16:35:11
5 know why. Alvin Jones prepared this report, so I 16:35:14
6 can't answer for him. 16:35:19

7 Q But you would have reviewed it. 16:35:20

8 Well, who signed your signature? Is that 16:35:22
9 your handwriting or his? 16:35:24

10 A It appears to be Alvin Jones' signature. 16:35:24

11 Q But you reviewed this before he signed it 16:35:26
12 because you wouldn't have had him sign it if he 16:35:27
13 wasn't authorized to. 16:35:31

14 A That's his signature; but I'm certain if 16:35:31
15 he signed for me, I would have not allowed him to 16:35:33
16 sign my name if I did not review it. And I can't 16:35:37
17 recall the incident which occurred, but I 16:35:41
18 definitely would not have allowed him if I 16:35:44
19 believed the information in the report was false. 16:35:47

20 Q Why didn't you -- did you ask him at the 16:35:49
21 time why are you putting me as the second? 16:35:52

22 A I don't recall what I asked him on that 16:35:54
23 day. 16:35:56

24 Q You don't know whether any of the 16:35:56

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1 substantive information in this report is 16:36:00
2 accurate, do you? 16:36:02
3 A I believe it's accurate because based on 16:36:03
4 my experience of working with him, that I wouldn't 16:36:06
5 believe that he would falsify a report. 16:36:09
6 Q All right. There's something -- a 16:36:11
7 notification to Detective Cisco. 16:36:19
8 Do you see that? 16:36:22
9 A Yes, I do. 16:36:22
10 Q What does that mean? 16:36:23
11 A That he had to notify the detectives. 16:36:24
12 Q Do you know why? 16:36:29
13 A Because if he -- there was a fight or 16:36:30
14 physical altercation between himself and an 16:36:32
15 offender, he probably was trying to charge the 16:36:35
16 offender with a battery to a police officer, and 16:36:37
17 that's why he would have to contact the 16:36:41
18 detectives. 16:36:43
19 Q This report is almost entirely printed 16:36:43
20 except for the signatures; right? 16:36:51
21 A That's correct. 16:36:52
22 Q There may be a couple things filled in 16:36:52
23 like age or end of an inventory number; right? 16:36:55
24 A That's correct. 16:36:58

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1 Q So this is one -- this was completed after 16:36:59
2 the arrest of Mr. White; right? 16:37:02
3 A I would assume so. 16:37:04
4 Q That would be the practice for a fully 16:37:05
5 typed report like this; wouldn't it? It would be 16:37:09
6 done after an arrest? 16:37:10
7 A That is generally the practice; but, like 16:37:12
8 I said, I do not recall on this particular date. 16:37:15
9 Q Do you know why this report lists so many 16:37:16
10 people as witnesses and the other reports from 16:37:19
11 that day didn't list anybody? 16:37:22
12 A I do not know, sir. It's two different 16:37:24
13 type of arrests. 16:37:27
14 Q What's the differences between the 16:37:27
15 arrests? 16:37:29
16 A One is for an actual possession of a 16:37:29
17 controlled substance, and I don't know if he was 16:37:31
18 charged with aggravated battery, it doesn't appear 16:37:34
19 to be listed on this report or not, and the other 16:37:38
20 one was part of a reverse sting operation. 16:37:40
21 Q So Lionel White was not part of the 16:37:42
22 reverse sting arrests? 16:37:45
23 A Like I said, I don't recall but to the 16:37:46
24 best -- based on the best of my memory, I do not 16:37:48

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1 believe so. 16:37:51

2 Q Well, if you don't recall, how do you have 16:37:51

3 a memory of it? 16:37:54

4 A Like I said, based on the best of memory, 16:37:54

5 I don't recall. 16:37:56

6 Q So you don't know one way or the other 16:37:57

7 whether he was part of the reverse sting arrests? 16:38:00

8 A No, I do not. 16:38:02

9 Q Did you do any of the inventorying of the 16:38:09

10 material that was taken from Lionel White? 16:38:12

11 A I don't recall, sir. 16:38:15

12 Q Do you know whether the times on this 16:38:21

13 report are accurate as to the occurrence time and 16:38:24

14 the arrival time? 16:38:26

15 A I'm not the arresting officer. I'm the 16:38:28

16 second reporting officer, and I do not know. I 16:38:32

17 believe that my partner prepared this report, that 16:38:36

18 the times would be as close to -- as accurate as 16:38:40

19 possible. 16:38:42

20 Q When did you review this report at the 16:38:42

21 time -- around the time? Would it have been the 16:38:46

22 same day, April 24, 2006? 16:38:47

23 A Yes. Possibly, I would have. 16:38:49

24 Q I'm sorry. Go ahead. 16:38:52

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1 A No. I'm just saying I don't recall the 16:38:54
2 arrest, but I would have possibly reviewed it. 16:38:57

3 Q Would that have been your practice, to 16:38:59
4 review the vice case report the same day as the 16:39:01
5 arrest? 16:39:04

6 A Yes. That's what you do. 16:39:04

7 Q So at the time, you would have known 16:39:06
8 whether the date of occurrence and date of arrival 16:39:08
9 time was correct; right? 16:39:11

10 A Again, like I said, the times are 16:39:13
11 approximate and may be overlooked at times. It 16:39:15
12 could have been an error. 16:39:18

13 Q When your name is going on somewhere as 16:39:19
14 the second reporting officer, when your signature 16:39:22
15 is going on there, what does that mean? What does 16:39:24
16 it signify? 16:39:27

17 A That you was assisting in some -- at some 16:39:28
18 part of the arrest or something, or you was just 16:39:31
19 working with that individual on that particular 16:39:34
20 day of the arrest. 16:39:37

21 Q Why -- what would be the purpose of 16:39:37
22 putting your name in there and signing a report if 16:39:40
23 all you did was work with somebody or you didn't 16:39:44
24 have anything to do with the arrest? 16:39:46

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1 A That's typically how we did it. I was 16:39:48
2 assigned to work with this person, and that's how 16:39:51
3 we would do it. We would work -- put the 16:39:52
4 individual who you was working with at the 16:39:53
5 particular time of the incident which occurred. 16:39:56

6 Q Did you ever think about why you were 16:39:59
7 doing it that way? 16:40:02

8 A No, I did not. 16:40:03

9 Q Have you given it any thought since you 16:40:03
10 stopped working on the 2nd District Watts team? 16:40:07

11 A No, I have not. 16:40:09

12 Q As you look at the report now, can you 16:40:10
13 think of any good reasons why someone who may not 16:40:12
14 have been in the arrest at all should be listed as 16:40:14
15 the second reporting officer and sign the report? 16:40:15

16 A No, I do not. 16:40:17

17 Q Are you signing onto the accuracy of the 16:40:18
18 report when you put your name and your signature 16:40:21
19 on there? 16:40:23

20 A Yes. Again, like I said, I would not have 16:40:23
21 allowed Officer Jones or any other officer to sign 16:40:26
22 my name on a report if I didn't feel that the 16:40:30
23 information in the report was accurate. 16:40:32

24 Q Do you have a personal recollection of 16:40:33

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1 bringing Lionel White to the transport, or are you 16:40:37
2 just basing that off of the fact that you wrote 16:40:39
3 something like that in a to/from report a long 16:40:41
4 time ago? 16:40:44

5 MR. STEFANICH: Object; asked and 16:40:44
6 answered. 16:40:44

7 A I don't recall this -- the date of this 16:40:47
8 arrest or the incident that occurred; but I would 16:40:49
9 not have wrote something in a to/from, which is 16:40:51
10 also an official police document -- and also I 16:40:54
11 know the ramifications of lying on or falsifying a 16:40:58
12 report. No, I would not have done that. 16:41:02

13 BY MR. RAUSCHER: 16:41:02

14 Q I'm not asking you that right now. I'm 16:41:05
15 asking you -- 16:41:07

16 A Just because I don't -- sitting here 16:41:07
17 today, I don't recall the arrest or the incident 16:41:09
18 which occurred, at that time I probably did have 16:41:12
19 knowledge of it. 16:41:16

20 Q That's actually my question is just do you 16:41:17
21 have a personal recollection of bringing Lionel 16:41:19
22 White to the transport, or were you saying that 16:41:23
23 because you wrote it in a to/from? I'm not trying 16:41:25
24 to give an -- I'm just asking you a question. 16:41:27

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1 A I don't recall. Sitting here today, I do 16:41:29
2 not recall. 16:41:35

3 MR. RAUSCHER: All right. Let's mark this 16:41:46
4 as Exhibit 69. 16:41:47

5 16:41:47
6 (Smith Deposition Exhibit 69 marked for
identification and attached to the transcript.) 16:41:47

7 BY MR. RAUSCHER: 16:41:47

8 Q Do you recognize this document? 16:42:12

9 A This is an inventory report. 16:42:13

10 Q For Lionel White's April 24, 2006, arrest? 16:42:15

11 A That is correct. 16:42:19

12 Q Did you prepare this report? 16:42:20

13 A It doesn't appear to be. 16:42:21

14 Q And why do you think you didn't prepare 16:42:23
15 it? 16:42:25

16 A Because that's not my PC number at the 16:42:25
17 bottom of the -- in the left-hand -- very bottom 16:42:28
18 left-hand corner. 16:42:31

19 Q Do you know whose PC number that is? 16:42:32

20 A No, I do not. 16:42:35

21 Q Do you know how this report was created? 16:42:36

22 A It was created on the computer. 16:42:39

23 Q Do you know where the information came 16:42:40
24 from to go into this report? 16:42:42

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1 A No, I do not. 16:42:43

2 Q Did you ever create inventory reports as a 16:42:45

3 part of the Watts tac team? 16:42:48

4 A Yes, I have. 16:42:50

5 Q And how did you -- what was your practice 16:42:51

6 for creating inventory reports? How did you get 16:42:53

7 the information you needed? 16:42:56

8 A As I'm sitting here, I can't recall how I 16:42:57

9 did it. Based off of information or -- whatever 16:43:01

10 occurred that day, you know, based off of my own 16:43:06

11 observation; or if I'm helping assist another 16:43:10

12 teammate or my partner, based off the information 16:43:13

13 that they provided to me. 16:43:16

14 Q Do you remember a time when you were 16:43:17

15 sending Fentanyl to the DEA? 16:43:21

16 A Do I recall specifically myself? 16:43:25

17 Q Was there a program in place that you 16:43:29

18 remember where heroin -- or some of the heroin or 16:43:31

19 Fentanyl that the team recovered would go to the 16:43:34

20 DEA? 16:43:36

21 MR. KOSOKO: Objection; form. 16:43:37

22 A From the best of my memory, I do not 16:43:38

23 recall. 16:43:40

24

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1 MR. RAUSCHER: Okay. We're going to 16:43:41
2 mark 70. 16:43:54
3 (Smith Deposition Exhibit 70 marked for 16:43:54
4 identification and attached to the transcript.) 16:43:54
5 BY MR. RAUSCHER: 16:43:54
6 Q Do you recognize this document? 16:44:19
7 A Yes, I do. 16:44:20
8 Q And what is this? 16:44:21
9 A A to/from report. 16:44:22
10 Q Is this the to/from report you were 16:44:23
11 referring to a little bit ago when you talked 16:44:26
12 about escorting White to the transport vehicle? 16:44:29
13 A Yes. 16:44:32
14 Q Fair to say that at the time you 16:44:32
15 drafted -- well, let me ask. 16:44:34
16 Did you create this by yourself? 16:44:35
17 A Yes, I did. 16:44:37
18 Q And did you do that in November of 2006? 16:44:38
19 A Yes, sir. 16:44:41
20 Q When you drafted this to/from statement, 16:44:41
21 did you have a memory of transporting White to the 16:44:45
22 transport vehicle? 16:44:48
23 A If that's what I put in my to/from report, 16:44:48
24 yes. 16:44:52

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1 Q And is everything in this to/from report 16:44:52
2 accurate? 16:44:57

3 A Yes, it is because I would not falsify a 16:44:57
4 report. 16:45:01

5 Q Why did you start the to/from report by 16:45:01
6 saying, "This statement is not being given 16:45:04
7 voluntarily, but under duress. I am only giving 16:45:07
8 this statement at this time because I know that I 16:45:08
9 could lose my job if I refuse the direct order 16:45:12
10 being given to me." 16:45:12

11 MR. KOSOKO: Objection to form. It may 16:45:13
12 also possibly call for a legal conclusion. 16:45:16

13 A Because we are always advised by the FOP, 16:45:18
14 the Fraternal Order of Police, to begin our 16:45:21
15 to/froms with that statement. 16:45:22

16 Q Do you have any issue with OPS or IPRA or 16:45:25
17 COPA investigating civilian complaints? 16:45:31

18 A No, I do not. 16:45:34

19 Q So is it true that you were only giving 16:45:35
20 this statement under duress? 16:45:37

21 MR. KOSOKO: Objection to the form, 16:45:40
22 foundation, may possibly violate attorney/client 16:45:42
23 privilege, and may call for a legal conclusion. 16:45:45
24

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1	BY MR. RAUSCHER:	16:45:45
2	Q Does that -- can you answer that without	16:45:48
3	revealing any attorney/client discussions?	16:45:52
4	A What was your question again?	16:45:53
5	Q Were you giving this statement under	16:45:55
6	duress?	16:45:57
7	A Yes.	16:45:57
8	Q Did you want to cooperate in the	16:45:57
9	investigation into Lionel White's complaint?	16:46:02
10	A I'm willing to cooperate in any	16:46:04
11	investigation. That's why I'm here.	16:46:05
12	MR. KOSOKO: Can we go off the record.	16:46:07
13	MR. RAUSCHER: Yeah. Sure.	16:46:07
14	MR. KOSOKO: It's important.	16:46:09
15	MR. RAUSCHER: That's fine.	16:46:12
16	THE VIDEOGRAPHER: Off the record, 4:46.	16:46:12
17	(A recess was taken from 4:46 p.m. to	16:47:19
18	4:47 p.m.)	16:47:19
19	THE VIDEOGRAPHER: Back on the, 4:47.	16:47:22
20	Q So I just asked you some questions about	16:47:36
21	the statement that you wrote, that you were under	16:47:38
22	duress, and I'm not trying to ask for a legal	16:47:41
23	conclusion about what duress might mean, but I	16:47:44
24	think you've already answered.	16:47:48

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1 My question at the end was did you want to 16:47:49
2 help in the investigation into Lionel White's 16:47:53
3 complaint? 16:47:57

4 A Not only Lionel White, any investigation. 16:47:57

5 That's why I'm sitting here today. I'm 16:48:00
6 cooperating with this investigation. 16:48:02

7 Q And because of that, you told the truth 16:48:04
8 when you wrote this to/from statement. 16:48:07

9 A Yes, I did. 16:48:09

10 MR. RAUSCHER: All right. We're going to 16:48:21
11 mark 71. 16:48:22

12 (Smith Deposition Exhibit 71 marked for 16:48:22
13 identification and attached to the transcript.) 16:48:22

14 Q Do you recognize this document? 16:49:18

15 A Yes, I do. 16:49:19

16 Q Can you tell us what it is? 16:49:20

17 A It's an arrest report. 16:49:22

18 Q Is it the arrest report of Lionel White 16:49:24
19 from April 24, 2006? 16:49:27

20 A That is correct. 16:49:29

21 Q Did Alvin Jones create this report? 16:49:29

22 A Yes, he did. 16:49:32

23 Q And you're listed as the second arresting 16:49:33
24 officer because you were his partner that day? 16:49:36

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1 A Yes. 16:49:38

2 Q Would you have reviewed this report around 16:49:38

3 the time it was created? 16:49:40

4 A I don't recall if I did, but I'm certain I 16:49:42

5 possibly did. 16:49:45

6 Q It would have been your practice to review 16:49:45

7 this report because your name is listed as the 16:49:48

8 second arresting officer? 16:49:50

9 A Yes. 16:49:51

10 Q Does the second arresting officer signify 16:49:51

11 something different than assisting arresting 16:49:54

12 officer to you? 16:49:56

13 A Well, the second arresting officer could 16:49:57

14 be also an assisting officer also. 16:49:59

15 Q So when you look at a report, unless it 16:50:01

16 specifies a particular person's role, you can't 16:50:04

17 tell what the second arresting officer did as 16:50:07

18 opposed to the assisting arresting officer? 16:50:10

19 A No, you cannot. 16:50:11

20 Q Do you know whether you gave chase to 16:50:14

21 Lionel White on April 24, 2006? 16:50:22

22 A No, I do not. 16:50:24

23 Q It says "A/O gave chase." 16:50:28

24 You don't know who that -- do you know who 16:50:31

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1 that refers to? 16:50:31

2 A From the best of my memory, I don't recall 16:50:32

3 chasing Lionel White. I think I would recall 16:50:35

4 that. But based off of reading this report, A/O, 16:50:37

5 I would assume that would have been Alvin Jones. 16:50:41

6 Q What's the 2 -- what's 0271 for the 16:50:42

7 transport? 16:50:53

8 A That's the wagon, Beat 271. 16:50:55

9 Q And do you know how the time for the 16:50:58

10 transport is filled in? 16:51:05

11 A I don't recall how it was. 16:51:06

12 Q If the time for the -- the time on the 16:51:17

13 transport is the same for Lionel White and 16:51:20

14 everybody else, does that mean they were all 16:51:23

15 transported in the wagon together? 16:51:25

16 A Like I said, I don't know how the time was 16:51:27

17 placed in here. I don't know. 16:51:32

18 Q It would have been -- 16:51:32

19 A So it could have been an approximate time. 16:51:35

20 I'm not certain. 16:51:37

21 Q You don't know how that information gets 16:51:38

22 filled into an arrest report about transport 16:51:52

23 details? 16:51:54

24 A There again, it's been many years since 16:51:55

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1 I've done any report; and, like I said, just 16:51:59
2 looking at this, referencing these other reports 16:52:01
3 that you mentioned, the transport time was 16:52:05
4 similar. Obviously, it was handwritten in here. 16:52:08
5 So it could have been an error on the reports. 16:52:11
6 Q No. I'm not saying that they were 16:52:13
7 handwritten anywhere. They're typed in the arrest 16:52:15
8 reports. 16:52:17
9 A Or typed in the reports. It could have 16:52:17
10 been typed in the report. It could have been an 16:52:20
11 error. 16:52:22
12 Q Or they could have been transported at the 16:52:22
13 same time. I'm just asking. 16:52:25
14 A I don't have a -- I don't recall what 16:52:26
15 time. If they were transported all at the same 16:52:29
16 time or not, I don't recall. 16:52:32
17 Q Do you know why the vice case report for 16:52:34
18 Lionel White's arrest doesn't list aggravated 16:52:39
19 assault of a peace officer? 16:52:42
20 A No. But just guessing, I don't know. He 16:52:44
21 had to try to get approval from the state's 16:52:48
22 attorneys' office. Again, human error, probably 16:52:52
23 didn't put it on there at that point in time. I 16:52:55
24 don't know why, but you would have to ask Officer 16:52:58

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1	Jones.	16:53:06
2	MR. RAUSCHER: All right. Let's take a	16:53:06
3	short break.	16:53:07
4	THE VIDEOGRAPHER: Off the record, 4:53.	16:53:15
5	(A recess was taken from 4:53 p.m. to	16:54:57
6	4:55 p.m.)	16:54:57
7	THE VIDEOGRAPHER: Back on the record,	16:54:59
8	4:55.	16:55:12
9	MR. RAUSCHER: I think by agreement of all	16:55:13
10	the counsel for scheduling, we are going to end	16:55:15
11	today's deposition. We just completed plaintiffs'	16:55:17
12	questioning for Officer Smith on Lionel White,	16:55:20
13	Sr.'s, arrest, and then we will resume at a	16:55:24
14	different date for different cases.	16:55:26
15	THE VIDEOGRAPHER: This concludes day two	16:55:30
16	of Elsworth Smith, Jr., the time, 4:55.	16:55:31
17	(Off the record at 4:55 p.m.)	
18		
19		
20		
21		
22		
23		
24		

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1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, ELSWORTH SMITH, JR., do hereby

4 acknowledge that I have read and examined the

5 foregoing testimony, and the same is a true,

6 correct, and complete transcription of the

7 testimony given by me and any corrections appear

8 on the attached errata sheet signed by me.

9

10

11

12 _____

13 (DATE) (SIGNATURE)

14

15

16

17

18

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2

3 I, Joanne Ely, Certified Shorthand

4 Reporter No. 84-4169, CSR, RPR, and a Notary

5 Public in and for the County of Kane, State of

6 Illinois, the officer before whom the foregoing

7 deposition was taken, do hereby certify that the

8 foregoing transcript is a true and correct record

9 of the testimony given; that said testimony was

10 taken by me stenographically and thereafter

11 reduced to typewriting under my direction; that

12 review was requested; and that I am neither

13 counsel for, related to, nor employed by any of

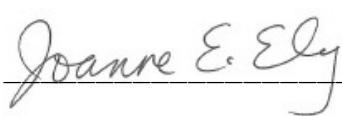
14 the parties to this case and have no interest,

15 financial or otherwise, in its outcome.

16 IN WITNESS WHEREOF I have hereunto set my
17 hand and affixed my notarial seal this 17th day of
18 March, 2020.

19

20 My commission expires: May 16, 2020

21 

22

Notary Public in and for the
23 State of Illinois

24