

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

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

Videotaped Deposition of
ELSWORTH SMITH, JR., Volume II
Chicago, Illinois
Thursday, March 5, 2020
10:28 a.m.

Job No.: 287768
Pages: 315 - 573
Reported by: Joanne E. Ely, CSR, RPR

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

316

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
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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
19
20
21
22
23
24

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

317

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Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

318

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Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

319

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Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

320

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ANDREW SEGAL

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Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

321

C O N T E N T S

(Video starts on Page 366)

EXAMINATION OF ELSWORTH SMITH	PAGE
By Mr. Flaxman	325
By Mr. Rauscher	417

E X H I B I T S

(Attached to transcript.)

SMITH DEPOSITION EXHIBITS	PAGE
Exhibit 23 Robert Lindsey Arrest Report	327
Exhibit 24 Germain Sims Arrest Report	331
Exhibit 25 Sims and Lindsey Original Case Incident Report	333
Exhibit 26 Notification of Charges/Allegations, Complainant Robert Lindsey	335
Exhibit 27 Robert Lindsey Sworn Affidavit For Complaint Log Investigation	344
Exhibit 28 Photo of Robert Lindsey	345
Exhibit 29 Photo of Nephus Thomas	353
Exhibit 30 Nephus Thomas Arrest Report	353

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

322

E X H B I T S C O N T I N U E D

SMITH DEPOSITION EXHIBITS	PAGE
Exhibit 31 Moye, Sanders, Key, Bell, Milton General Offense Case Report	358
Exhibit 32 Photo of Angelo Shenault, Sr.	372
Exhibit 33 Angelo Shenault, Sr., Arrest Report	372
Exhibit 34 Angelo Shenault, Sr., Vice Case Report	377
Exhibit 35 Photo of Joshua Curtis	387
Exhibit 36 Photo of Vondell Wilbourn	387
Exhibit 37 Joshua Curtis Arrest Report	387
Exhibit 38 Vondell Wilbourn Arrest Report	391
Exhibit 39 Joshua Curtis and Vondell Wilbourn Vice Case Report	394
Exhibit 40 Affidavit of Joshua Curtis	396
Exhibit 41 Goleather Jefferson Arrest Report	405
Exhibit 42 Willie Martin and Goleather Jefferson Vice Case Report	408
Exhibit 43 Property Inventory Form	414
Exhibit 44 Willie Martin Arrest Report	424

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

323

E X H I B I T S C O N T I N U E D

SMITH DEPOSITION EXHIBITS	PAGE
Exhibit 45 Smith's Answer to White, Sr.'s 8/20/19 Interrogatory	437
Exhibit 46 Cleothus Morris Vice Case Report	459
Exhibit 47 Cleothus Morris Arrest Report	475
Exhibit 48 John Pierce Vice Case Report	486
Exhibit 49 John Pierce Arrest Report	499
Exhibit 50 Cleveland Smith Vice Case Report	502
Exhibit 51 Cleveland Smith Arrest Report	503
Exhibit 52 Lorener Williams Vice Case Report	504
Exhibit 53 Lorener Williams Arrest Report	506
Exhibit 54 Lynn Howard Vice Case Report	514
Exhibit 55 Lynn Howard Arrest Report	516
Exhibit 56 Teresa Butler Vice Case Report	523
Exhibit 57 Teresa Butler Arrest Report	524
Exhibit 58 Charlie Riley Vice Case Report	531
Exhibit 59 Charlie Riley Arrest Report	533
Exhibit 60 Dale Morrow Vice Case Report	535
Exhibit 61 Dale Morrow Arrest Report	535

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

324

E X H I B I T S C O N T I N U E D

SMITH DEPOSITION EXHIBITS	PAGE
Exhibit 62 Timothy Brown Vice Case Report	537
Exhibit 63 Timothy Brown Arrest Report	537
Exhibit 64 George Green Vice Case Report	538
Exhibit 65 George Green Arrest Report	538
Exhibit 66 Thomas Mitchell Vice Case Report	543
Exhibit 67 Thomas Mitchell Arrest Report	543
Exhibit 68 Lionel White, Sr., Vice Case Report	553
Exhibit 69 Property Inventory Form	562
Exhibit 70 To/From Report	564
Exhibit 71 Lionel White, Sr., Arrest Report	567

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

325

1 (Proceedings held outside the video
2 record.)

3 ELSWORTH SMITH, JR.,
4 having been duly sworn, testified as follows:

5 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS
6 BY MR. FLAXMAN:

7 Q Could you state and spell your name for
8 the record, please.

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

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

15 A Yes.

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

19 A Yes, I have.

20 Q What have you done to prepare for today's
21 continuation of your deposition?

22 A Just reviewed case reports, arrest
23 reports, and other case reports.

24 Q Okay. Have you met with your attorneys?

11:40:16

11:40:16

10:28:51

10:28:52

10:28:53

10:28:56

10:29:00

10:29:01

10:29:05

10:29:06

10:29:07

10:29:08

10:29:20

10:29:23

10:29:24

10:29:25

10:29:28

10:29:28

10:29:34

10:29:36

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

326

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

327

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

328

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

329

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

330

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

331

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

332

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

333

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

334

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

335

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

336

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

337

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

338

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

339

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

340

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

341

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

342

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

343

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

344

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

345

1 Q Okay. Have you ever heard of someone
2 named Willie Brownlee?

3 MR. STEFANICH: Say that again.

4 MR. FLAXMAN: Willie Brownlee.

5 MR. STEFANICH: Do you know how to spell
6 that?

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

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

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

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

15 (Smith Deposition Exhibit 28 marked for
16 identification and attached to the transcript.)

17 BY MR. FLAXMAN:

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

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

346

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

347

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

348

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

349

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

350

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

351

1	arresting Nephus Thomas?	11:03:52
2	A Sitting here today, I don't recall, but	11:03:54
3	perhaps I may have been.	11:03:56
4	Q Did you look at any documents before the	11:03:57
5	deposition about an arrest of Mr. Thomas?	11:04:01
6	A I don't recall.	11:04:03
7	Q Aside from that conversation at the	11:04:04
8	grocery store, do you remember any other	11:04:11
9	conversations you had with Mr. Thomas?	11:04:13
10	A Not offhand.	11:04:14
11	Q And how did you know that Mr. Thomas was	11:04:15
12	involved with drug activity at Ida B. Wells?	11:04:24
13	A To the best of my memory, that's what he	11:04:26
14	did. Like I said, I don't recall a particular	11:04:30
15	incident; but from what I recall, Nephus Thomas	11:04:34
16	was involved as either a lookout or sometimes he	11:04:36
17	might have been the guy holding drugs. But I	11:04:40
18	don't recall, but I do know he was involved in	11:04:45
19	drug activity.	11:04:47
20	Q Okay. But you don't know how you learned	11:04:48
21	that?	11:04:51
22	A Like I said, probably from my memory	11:04:51
23	observing him in the Ida B. Wells. It could have	11:04:54
24	been from other members of my team. I don't	11:04:56

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

352

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

353

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

354

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

355

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

356

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

357

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

358

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

359

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

360

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

361

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

362

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

363

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

364

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

365

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

366

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

367

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. PALLES: 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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

368

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

369

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

370

1	A	Based on my memory and my experience as a	11:39:09
2		police officer, it would not be out of the	11:39:12
3		ordinary, but I do not recall.	11:39:13
4	Q	Okay. Going back to Mr. Thomas, I think	11:39:15
5		the reports are under your left hand, but my	11:39:29
6		question is not about anything in any of the	11:39:31
7		reports.	11:39:33
8		My question is having reviewed the reports	11:39:33
9		related to Mr. Thomas, are you still unable to	11:39:37
10		remember the arrest of Mr. Thomas on March 6th,	11:39:40
11		2008?	11:39:43
12	A	No, I cannot.	11:39:43
13	Q	And is there anything that would help you	11:39:45
14		remember the arrest of Mr. Thomas on March 6th,	11:39:47
15		2008?	11:39:50
16	A	I don't know.	11:39:50
17	Q	All right. You can put aside the	11:39:53
18		Mr. Thomas exhibits.	11:39:57
19		I want to ask you about the arrest of	11:39:58
20		Angelo Shenault, Sr.	11:40:05
21	MR. PALLES:	Excuse me. I noticed that	11:40:09
22		since yesterday about 5:00 p.m., there was a	11:40:14
23		substantial --	11:40:19
24	MR. FLAXMAN:	Yeah. I'm not going to ask	11:40:20

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

371

1	about that.	11:40:22
2	MR. PALLES: Okay.	11:40:22
3	MR. FLAXMAN: I can put it on the record.	11:40:23
4	MR. PALLES: 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. PALLES: -- 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. PALLES: 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. PALLES: 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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

372

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

373

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

374

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

375

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

376

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

377

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

11:47:33

11:47:41

11:47:41

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
8 arrest where a suspect was storing narcotics in a
9 chip bag?

11:47:51

11:47:55

11:48:00

10 A I don't recall this arrest, but, yes, I
11 have.

11:48:01

11:48:05

12 Q Okay. And what do you remember from those
13 arrests that you recall?

11:48:05

11:48:08

14 A That sometimes drug dealers put the
15 narcotics in a bag.

11:48:08

11:48:15

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

11:48:16

11:48:26

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

11:48:28

11:48:31

11:48:34

21 MR. FLAXMAN: Mark this as 34.

11:49:09

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

11:49:09

11:49:09

24 Q Is Exhibit 34 a vice case report for the

11:49:38

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

378

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

379

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

380

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

381

1 A Yes, I believe you could check them on the
2 computer, and then they would tell you if they
3 were involved in a gang or part of a gang.

4 Q All right. Well, having looked at
5 Exhibits 33 and 34, do you have any memory of the
6 arrest of Mr. Shenault, Sr., on November 26th,
7 2006?

8 A No, I do not.

9 Q Okay. Are you aware of anything that
10 would help you remember the arrest of Angelo
11 Shenault, Sr., on November 26th, 2006?

12 A Not at this present moment.

13 Q Okay. Do you know that Shenault, Sr.,
14 says that he was falsely arrested?

15 A Yes.

16 Q Okay. Do you disagree with that?

17 A Yes, I do.

18 Q Why do you disagree with that?

19 A Mr. Shenault, as well as many other
20 people, are making false accusations against
21 myself. Because I know myself, I have never
22 falsely arrested anyone, and I don't recall anyone
23 that I worked with at that particular time making
24 any false arrests of any other individuals.

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

382

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

383

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

5 Q What fast food restaurants are near the
6 2nd District?

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

11 Q Well, my question was what was near the
12 police station?

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

21 Q Was there a McDonald's near the police
22 station?

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

384

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

385

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

386

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

387

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

388

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

389

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

390

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

391

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

392

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

393

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

7 Q Okay. I want to ask you about your
8 practice in preparing reports.

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

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

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

12:07:57
12:08:01
12:08:04
12:08:07
12:08:10
12:08:13
12:08:13
12:08:15
12:08:17
12:08:19
12:08:22
12:08:23
12:08:27
12:08:31
12:08:36
12:08:40
12:08:41
12:08:44
12:08:47
12:08:50
12:08:53
12:08:55
12:08:59
12:09:01

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

394

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

395

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

396

1	Officer Jones' name?	12:12:33
2	A From the best of my memory, it appears to	12:12:33
3	be Alvin Jones' signature.	12:12:36
4	Q Okay. The second reporting officer is	12:12:38
5	listed as Officer Young.	12:12:38
6	Do you see that?	12:12:43
7	A Yes, I do.	12:12:44
8	Q Do you recognize the signature below	12:12:44
9	Officer Young's name?	12:12:48
10	A I see a signature, but I don't recall	12:12:48
11	Officer Young's handwriting.	12:12:51
12	MR. FLAXMAN: Okay. Let's mark this the	12:13:06
13	next exhibit.	12:13:08
14	(Smith Deposition Exhibit 40 marked for	12:13:08
15	identification and attached to the transcript.)	12:13:08
16	Q Exhibit 40 is the affidavit of Joshua	12:13:37
17	Curtis.	12:13:40
18	Have you reviewed Mr. Curtis's affidavit	12:13:40
19	before today?	12:13:42
20	A Yes, I have.	12:13:43
21	Q All right. I want to point you to the	12:13:44
22	fifth paragraph where Mr. Curtis states, "I heard	12:13:58
23	Vondell say that he saw police officers coming. I	12:14:02
24	looked and I saw four officers quickly running	12:14:05

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

397

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

398

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

399

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

400

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

401

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

402

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

406

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

414

1 standing in the rear bottom stairwell of that
2 address.

12:34:23

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
6 there being more than one stairwell at 559 East
7 Browning?

12:34:28

12:34:31

12:34:35

8 A Sitting here today, I do not recall
9 because it's been over 10 years ago since the Ida
10 B. Wells was constructed -- torn done, and I don't
11 recall the specific layouts of the Ida B. Wells.

12:34:35

12:34:39

12:34:43

12:34:44

12 MR. FLAXMAN: Mark that as 43.

12:35:11

13 (Smith Deposition Exhibit 43 marked for
14 identification and attached to the transcript.)

12:35:11

12:35:11

15 Q Is Exhibit 43 a property inventory sheet
16 for a bundle of U.S. currency that was recovered
17 from Mr. Jefferson?

12:35:30

12:35:35

12:35:38

18 A Yes, it is.

12:35:39

19 Q And this was recovered on September 12th,
20 2006, the date of the arrest report and vice case
21 report that we just reviewed?

12:35:40

12:35:44

12:35:48

22 A Yes.

12:35:49

23 Q Okay. Did you prepare this inventory
24 sheet?

12:35:49

12:35:51

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

418

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

419

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

420

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

421

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

422

1 individuals, that this was an actual -- or, sorry,
2 a factual report.

3 Q All right. What if you were working that
4 day and they were arrested, but you had nothing to
5 do with the arrest?

6 A Sir, again, like I said, based on my
7 experience working with Officer Mohammed, I do not
8 believe that he would falsify a report.

9 Q So you're making an assumption that the
10 arrest is valid because you don't think Mohammed
11 would frame somebody?

12 MR. STEFANICH: Objection to form.

13 MR. PALLES: Object.

14 A Yes. I am making that assumption, if you
15 want to call it an assumption. But based on my
16 experience of working with Officer Mohammed, I
17 never witnessed him do anything of that nature.

18 Q Did you and/or Mohammed see Mr. Jefferson
19 and Mr. Martin together on September 12th, 2006?

20 A Like I said, I don't recall the arrest,
21 sir; and the information in the report, I stand by
22 that.

23 Q Is it fair to say you don't remember if
24 Martin and Jefferson were arrested at the same

12:42:22

12:42:25

12:42:26

12:42:28

12:42:31

12:42:31

12:42:34

12:42:36

12:42:39

12:42:42

12:42:45

12:42:46

12:42:47

12:42:47

12:42:52

12:42:53

12:42:55

12:43:01

12:43:04

12:43:07

12:43:10

12:43:14

12:43:14

12:43:22

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

423

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

424

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

425

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

426

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

427

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

428

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

429

1 A Based off the reports -- like I said, I
2 don't recall the specifics of the arrest; but I do
3 remember him being arrested, and, like I said,
4 other members in the 2nd District, my team talking
5 about an altercation which occurred between Lionel
6 White and Alvin Jones.

13:55:17

13:55:20

13:55:23

13:55:26

13:55:30

13:55:34

7 Q All right. What I was trying to ask at
8 the beginning was what is your personal
9 recollection, if anything, about Lionel White,
10 Sr., being placed in custody on April 24, 2006?

13:55:36

13:55:41

13:55:44

13:55:46

11 A I don't recall.

13:55:49

12 Q But you just know from reading the report
13 that he was placed in custody; is that fair?

13:55:49

13:55:52

14 A Yes.

13:55:54

15 Q And then you said you remember people on
16 your team talking about an altercation between
17 Mr. White and Alvin Jones?

13:55:54

13:55:59

13:56:03

18 A Yes.

13:56:05

19 Q When did you hear those people on your
20 team talking about the altercation between
21 Mr. White and Jones?

13:56:05

13:56:08

13:56:11

22 A From the best of my memory, it was --
23 excuse me. From the best of my memory, I remember
24 it was possibly in the 2nd District.

13:56:12

13:56:15

13:56:17

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

431

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

432

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

433

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

434

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

435

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

437

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

438

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

439

1 have my to/from in front of me. When I initially
2 did my to/from, I do recall stating I was not in a
3 position to observe the physical altercation which
4 was documented by Alvin Jones in the report.

5 And I did not state that I observed that
6 altercation which occurred, the physical
7 altercation; and without looking at my to/from
8 report, I don't know if it asked me a question if
9 I observed a verbal altercation.

10 Q What does your to/from report have to do
11 with whether you currently recall Lionel White --

12 A But if I --

13 Q -- talking trash to --

14 A I understand, sir.

15 Q -- Mr. -- to Alvin Jones?

16 A Okay. Sir, as, again, I'm trying to
17 answer your question. The idea of reading this
18 statement now I -- like I said, I've had time to
19 reflect. It's been a year since I gave my COPA
20 interview.

21 And based on my last conversation with my
22 attorneys, I do recall that there was some point
23 in time that there was a verbal altercation which
24 had occurred between Lionel White and Alvin Jones.

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

440

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

441

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

442

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

443

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

444

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

445

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

446

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

447

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

448

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

449

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

450

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

451

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

452

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

453

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

454

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
Conducted on March 5, 2020

455

1	Q So you think you'd have some reports that	14:22:14
2	were preprinted and say blow and some said crack	14:22:16
3	cocaine?	14:22:20
4	A I don't recall for that particular day;	14:22:20
5	but based off of my memory, that's probably how we	14:22:22
6	would prepare the report.	14:22:25
7	Q So you remember doing that?	14:22:25
8	A I said I don't recall for that particular	14:22:27
9	day, and I can't state if we always did that. I	14:22:29
10	don't know for that particular day.	14:22:33
11	Q I understand. Let me ask it a different	14:22:33
12	way.	14:22:35
13	Do you remember ever, even one time --	14:22:36
14	A I'm certain we probably did but I don't --	14:22:37
15	Q You've got to let me finish the question.	14:22:38
16	I know you understand where I'm going because	14:22:41
17	we've been talking about it, but for the record I	14:22:42
18	have to be able to finish.	14:22:43
19	Do you remember ever, even once	14:22:45
20	preprinting narrative sections on a vice case	14:22:47
21	report before you conducted a reverse sting with	14:22:51
22	some of the reports saying "offender came and	14:22:53
23	asked for blows" and others saying "offender came	14:22:55
24	and asked for crack cocaine"?	14:22:59

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

456

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

457

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
Conducted on March 5, 2020

458

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

459

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

460

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
Conducted on March 5, 2020

461

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

462

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

463

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

464

1 would say "crack cocaine."

14:30:55

2 And, like I said, each person wrote the
3 reports differently. So if you saw and compared
4 this particular -- if I say, assuming that myself
5 or Mohammed wrote this report out, another officer
6 on our team, how they prepared their reverse sting
7 operation reports might be worded differently from
8 ours, and I don't recall from this particular
9 date.

14:30:56

14:30:59

14:31:03

14:31:06

14:31:10

14:31:13

14:31:16

14:31:18

10 Q But this is a quote. It says, purchase,
11 quote/unquote, "blow."

14:31:18

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 quote.

14:31:26

14:31:30

15 Q It's in quote marks.

14:31:30

16 A It's in quotation marks, but that doesn't
17 mean that he asked specifically for blow. Blow is
18 a, you know, like I said -- and I am aware of, you
19 know, from my experience in working in the Ida B.
20 Wells, that each building or -- you know, had
21 different names for their dope lines.

14:31:32

14:31:35

14:31:37

14:31:41

14:31:44

14:31:47

22 And we put blows in the report because
23 sometimes we -- they changed the names of the
24 lines of dope frequently, and I can't tell you how

14:31:49

14:31:51

14:31:54

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

465

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

466

1	Q So you're saying that putting the word in	14:33:02
2	quotes is not trying to attribute that statement	14:33:06
3	to the offender?	14:33:08
4	A I'm trying to state to you that is not	14:33:09
5	exactly -- that he necessarily asked for blow	14:33:12
6	specifically. Blow is street terminology for	14:33:15
7	heroin, which is indicated in the report.	14:33:18
8	Q But why write that someone asked to	14:33:21
9	purchase blow, which is a street terminology for	14:33:24
10	heroin, if they didn't? Why not just say they	14:33:27
11	asked to purchase heroin?	14:33:28
12	MR. STEFANICH: Objection to form.	14:33:29
13	A Sir, that's -- what I remember from my	14:33:31
14	training in the police academy, that's how we were	14:33:33
15	taught to write the report.	14:33:36
16	Q You were taught to write police reports --	14:33:37
17	specifically to write --	14:33:40
18	A From the best of my memory, yes, sir.	14:33:40
19	Q Someone at the police academy told you	14:33:42
20	when you write a report arresting someone for	14:33:44
21	heroin, write down blow in quotes and explain	14:33:46
22	that's street terminology for heroin?	14:33:49
23	A From the best of my memory, sir, that's	14:33:51
24	what I recall.	14:33:54

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

467

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

468

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

469

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

470

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

471

1 offenders' names, you know, possibly the amount of
2 money that they offered to purchase, the drugs
3 which they asked for. And I don't recall all the
4 specifics.

5 Q Do you recall what sources of information
6 you used to fill in the details?

7 A Again, I do not recall, sitting here
8 today, sir.

9 Q Do you recall how the team decided who
10 would be the attesting officer on the arrest
11 reports?

12 A Again, I do not recall each operation.

13 Q Do you recall any of the decisions on who
14 would be the attesting officer for the 4/26/2006
15 [sic] reverse sting?

16 A No, sir, I do not recall.

17 Q Is the attesting officer on a reverse
18 sting the one who would be completing the arrest
19 report typically?

20 A The arresting officer would be the officer
21 who is going to court on the arrest, and I don't
22 recall from this particular date how we decided
23 that. But if I'm listed as Box 1, then that
24 determination was based off of probably -- I don't

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

472

1 know how that determination was made. I don't
2 recall from April 24th, 2006.

3 Q Well, is the person going to court --
4 should that person have personal knowledge of what
5 happened that day?

6 A Either they played a role as a buy
7 officer -- or I'm sorry -- the person that was
8 selling drugs or the guy who was collecting money.
9 And I don't know what role that I played on that
10 particular day. I know I'm listed as Box 1, as
11 the first reporting officer or the first arresting
12 officer.

13 Q You either were the one pretending to have
14 drugs to sell or the one collecting money from
15 people?

16 A Possibly but I don't recall April 24th.

17 Q When you say "possibly," were there other
18 roles you could have had and still be listed as
19 the first arresting officer?

20 A No. Like I said, I don't recall from this
21 arrest; but the role that I usually play, I was
22 not the process -- I mean, the security officer
23 who would place the individuals in custody after
24 they attempted to purchase narcotics.

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

473

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

474

1 MR. STEFANICH: He said attesting, not
2 arresting.

3 A The first attesting officer basically is
4 the same as the first arresting officer.

5 But to answer your question, we will -- as
6 a team, we all assisted in some form or fashion in
7 helping write these reports.

8 Now, if I was the first arresting officer,
9 my other team members would help me out when we
10 would do these reverse sting operations because
11 sometimes we will lock up multiple offenders.

12 To make the processing go faster, once we
13 were inside the 2nd District, they would help
14 assist in writing reports. And in none of these
15 words we would ask an individual to falsify any
16 information in the reports or do anything of that
17 nature.

18 Q I know you've said repeatedly you didn't
19 falsify any reports. So please just try to answer
20 the question. If I ask you if you've falsified a
21 report, give me that information, but it will make
22 things go faster today if you can just try to
23 answer the questions.

24 A And I thought I was. How am I not

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

475

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

476

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

477

1 Q What is the first, second -- what does the 15:05:27
2 fact that there are multiple people listed as 15:05:29
3 first, second, and assisting officers tell you 15:05:31
4 about whether multiple people prepared the actual 15:05:34
5 document? 15:05:38

6 A Well, first and second arresting officers 15:05:38
7 are officers that would be the officers that would 15:05:41
8 possibly testify if this particular arrest had to 15:05:43
9 go to trial. Attesting officer is someone who 15:05:46
10 probably attested to the report because they 15:05:51
11 created the report on the computer-generated 15:05:56
12 arrest report. 15:06:00

13 And they would have -- Robert Gonzalez, 15:06:01
14 listed as the attesting officer, he would have 15:06:05
15 helped me -- while helping prepare this report, 15:06:09
16 probably something -- prepared the narrative that 15:06:13
17 I -- since this is a preprinted -- not preprinted, 15:06:16
18 but this is from an attempted PCS arrest, you 15:06:21
19 know, it's pretty much he was just assisting in 15:06:27
20 that, and the narrative is going to be basically 15:06:30
21 the same as reflected in the vice case report. 15:06:32

22 So that's -- and like I said, that would 15:06:34
23 help us during the process when you have multiple 15:06:37
24 offenders, to help speed up the process. 15:06:40

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

478

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

479

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

480

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

481

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

482

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

483

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

484

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

485

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

486

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

487

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

488

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

489

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

490

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

491

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

492

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
4 from this reverse sting says the exact same thing,
5 is it fair to say none of them are actual quotes
6 attributed to the person who was arrested?

15:20:46

15:20:49

15:20:53

15:20:57

7 A That's correct.

15:20:59

8 Q Do you know whether there are any reports
9 out there from April 24, 2006, for people asking
10 for any drugs other than heroin?

15:21:00

15:21:06

15:21:09

11 A I don't believe so. I would have to see
12 all the reports.

15:21:10

15:21:13

13 Q Would you ever arrest someone during a
14 reverse sting who came up and asked for drugs but
15 not specifically heroin? Would you ever use a
16 vice case report saying they asked for blow, or
17 would that be wrong?

15:21:14

15:21:20

15:21:23

15:21:27

15:21:29

18 A As I stated before, if they asked for
19 anything other than blows, then I would reflect
20 that they asked for crack cocaine. I would have
21 put crack cocaine in the report or put rocks,
22 which is street terminology for crack cocaine.

15:21:29

15:21:32

15:21:33

15:21:35

15:21:38

23 Q What's the difference? Why would it
24 matter if they're just coming there asking for

15:21:40

15:21:43

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

493

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

494

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

495

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

496

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

497

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

498

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

499

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

500

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

501

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

502

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

503

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

504

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

505

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

506

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

507

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

508

1 sometimes we prepared for them.

15:37:30

2 Now, if the reports -- if we were -- knew
3 that we were going to do a reverse sting
4 operation, we might have prepared those reports
5 the day before.

15:37:32

15:37:36

15:37:37

15:37:40

6 Q Got it.

15:37:40

7 These -- the way that these read, where
8 they're identical with spaces for the money, that
9 suggests to you this was a preplanned reverse
10 sting; right?

15:37:41

15:37:46

15:37:49

15:37:52

11 A I don't recall. I can only guess. I
12 don't recall --

15:37:52

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
16 mean, looking at the reports, they are all
17 identical, the space for money.

15:37:58

15:37:58

15:38:02

18 Does that suggest to you, based on your
19 practice, that it was a preplanned reverse sting?

15:38:04

15:38:05

20 MR. KOSOKO: Objection; form.

15:38:08

21 A Like I said, I don't recall from this
22 particular date. It looked like it could have
23 been pre-prepared. I don't recall, sir.

15:38:10

15:38:12

15:38:14

24 Q Why is it that it looks like it could have

15:38:16

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

509

1	been pre-prepared?	15:38:25
2	A Because the space for the amount of money	15:38:26
3	that was tendered is left blank and there's no --	15:38:30
4	the names on this report, just looking at the	15:38:32
5	report, are handwritten for the names of the	15:38:35
6	offenders.	15:38:38
7	Q And everything else in the narrative is	15:38:38
8	the same in all of them; correct?	15:38:41
9	A That is correct. And the times have not	15:38:43
10	been -- they were handwritten also.	15:38:48
11	Q Okay. On a day when you preplanned a	15:38:51
12	reverse sting, how did you approach the building	15:39:07
13	typically? I know you don't remember this day	15:39:09
14	specifically, but how did you typically approach a	15:39:12
15	building where you were going to conduct a reverse	15:39:15
16	sting when you had preplanned the sting?	15:39:18
17	A We would come from different locations --	15:39:19
18	different -- different positionings.	15:39:22
19	Q Tell me about -- tell me what you mean by	15:39:25
20	that.	15:39:27
21	A We used all types of different methods.	15:39:27
22	Sometimes we would come on foot. Sometimes we	15:39:31
23	would come by vehicle.	15:39:34
24	Q And then when you got there, how did you	15:39:35

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

510

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

511

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

512

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

514

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

516

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

517

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

518

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

519

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

520

1 A Yeah. But I'm still not going to admit
2 that that is -- the time is off by five minutes or
3 two minutes or whatever, that that makes the
4 report false. That is a human error.

5 As you see, this report was attested by
6 Robert Gonzalez. At some point in time, he may
7 have made a mistake when he was preparing the
8 arrest report as far as the time that was -- the
9 offender was placed in custody.

10 Q It's your position that the reports are
11 accurate because these people were coming to
12 purchase heroin; is that right?

13 A That is correct.

14 Q And so if you got the details wrong, it
15 doesn't mean that the report is inaccurate?

16 A The details are not wrong, sir. The
17 information is truthful that they came to purchase
18 narcotics.

19 Q That's a summary of what happened, but the
20 details aren't all accurate.

21 A The details --

22 MR. KOSOKO: Objection; form.

23 A -- are accurate. Like I said, again, the
24 times are approximated; and the person could make

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

521

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

522

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

523

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

524

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

525

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	quoted (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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

526

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 quotated 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 quotated -- 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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

527

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

528

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

529

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

530

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

531

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

532

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

533

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		

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

534

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

535

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

536

1 signature. Someone on my team, probably with my
2 authorization, signed the report.

3 Q And given your roles in the reverse sting,
4 it's likely it was your -- or it's likely
5 Mohammed; right?

6 A Again, I don't recall Mohammed's
7 handwriting. As I said, it could be possibly
8 someone else on the team; but it would have been
9 someone I authorized to sign for my report.

10 Q Do you know Dale Morrow?

11 A No, I do not.

12 Q Looking at his picture on the top
13 right-hand corner of the first page of Exhibit 61,
14 does that refresh your recollection as to whether
15 you knew him?

16 A No, it does not.

17 Q He doesn't look familiar to you?

18 A No, he does not.

19 Q Where did you get the information, if you
20 know, it says "vehicle used by offender," and it
21 says "on foot."

22 A I do not recall.

23 Q All right. We'll mark -- actually right
24 before we do that, Gonzalez as the attesting

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

537

1	officer for 61 means he likely is the one who	16:14:19
2	created this report?	16:14:23
3	A Most likely, yes.	16:14:24
4	Q Using information from you or Mohammed?	16:14:25
5	A That is correct.	16:14:26
6	MR. RAUSCHER: All right. Let's mark	16:14:28
7	Exhibit 62 as the vice case report and 63, the	16:14:30
8	arrest report.	16:14:32
9	(Smith Deposition Exhibits 62 and 63	16:14:32
10	marked for identification and attached to the	16:14:32
11	transcript.)	16:14:32
12	Q Have you had a chance to look at these two	16:16:02
13	reports?	16:16:03
14	A Yes, I have.	16:16:04
15	Q Do you recognize the man whose picture	16:16:04
16	appears on the top right-hand corner of	16:16:06
17	Exhibit 63?	16:16:09
18	A No, I do not.	16:16:10
19	Q Is it your handwriting on Exhibit 62?	16:16:11
20	A It does not appear to be.	16:16:13
21	Q These are both reports of an arrest of	16:16:15
22	Timothy Brown on April 24, 2006; correct?	16:16:18
23	A That's correct.	16:16:23
24	Q And do you know where the -- do you know	16:16:23

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

538

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

539

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

540

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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

541

1	uncommon.	16:19:55
2	Q If you did spend that much time with the	16:19:56
3	reverse sting, would the date and time arrived	16:19:59
4	still be incorrect?	16:20:02
5	A I don't recall why I put that date and	16:20:03
6	time of arrival at that time -- using that time on	16:20:06
7	that particular date.	16:20:09
8	Q But that isn't when you arrived at 575	16:20:10
9	East Browning on April 24, 2006.	16:20:14
10	A Again, it had to be an error. I don't	16:20:16
11	recall, sir.	16:20:19
12	Q The arrest time on George Green's arrest	16:20:19
13	report and on his vice case report appears to be	16:20:24
14	hours off to me.	16:20:27
15	Am I reading that incorrectly?	16:20:28
16	A No, you're not.	16:20:30
17	Q Do you have any opinion as to which one,	16:20:31
18	if either, is accurate?	16:20:33
19	A I am not certain, sir.	16:20:35
20	Q Is there anything you could look at to	16:20:38
21	help you determine which, if either, are	16:20:41
22	accurate?	16:20:43
23	A At the present moment, I don't know.	16:20:44
24	Maybe if there was some type of reflection on an	16:20:46

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

542

1 A&A sheet or some -- or PCAD to show what time
2 that we were down on the -- in total during this
3 reverse sting operation.

4 Q I'm sorry. So if you had an A&A sheet and
5 it said what time you ended and if it was before
6 1438, then you would know that -- you'd think 1225
7 is more accurate; is that what you're saying?

8 A I'm saying if I had the A&A sheet, we
9 could probably -- or the PCAD, which is like an
10 event history, to document how many times -- how
11 much time we spent on this event. It would
12 probably let me know what the accurate times were.

13 Q Would they specify what time you were
14 arresting people?

15 A I'm not certain. I'm not a supervisor,
16 and I don't recall.

17 Q Have you ever seen an A&A sheet that
18 listed arrest times on it?

19 A It wouldn't be on the attendance sheet.
20 I'm sorry. I misspoke and said attendance -- the
21 A&A sheet. It would be on the PCAD, which is like
22 an event history of the arrest.

23 Q Got it.

24 Have you reviewed PCADs as a police

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

543

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

544

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. PALLES: 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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

545

1 reports, at least that I've seen, of the reverse
2 sting -- or a complete list of arrestees for the
3 reverse sting that you participated in April 24,
4 2006.

16:24:22

16:24:26

16:24:29

16:24:32

5 None of them tried to purchase anything
6 other than heroin, according to the reports; is
7 that true?

16:24:32

16:24:36

16:24:38

8 A That appears to be so.

16:24:39

9 Q Did you let anybody go who tried to
10 purchase a different type of drug like crack
11 cocaine?

16:24:41

16:24:46

16:24:49

12 A I do not recall the arrest and what
13 occurred on that date; and from my knowledge and
14 experience doing the reverse sting operations, I
15 don't recall us ever letting anyone go.

16:24:49

16:24:51

16:24:53

16:24:57

16 Q So if someone would have tried to purchase
17 crack cocaine, you would have arrested them?

16:24:59

16:25:01

18 A That is possible.

16:25:03

19 Q It's possible or that's what would have
20 happened?

16:25:04

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
23 we're only arresting the people that try to buy
24 heroin today.

16:25:08

16:25:10

16:25:12

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

546

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

547

1 of vice case reports in advance of reverse stings
2 that had different kinds of drugs? So you'd have
3 one that said heroin and one that said crack
4 cocaine. Was it common that you did that, or was
5 that infrequent?

16:26:15

16:26:19

16:26:21

16:26:25

16:26:27

6 A Again, as I stated, sir, I don't recall
7 how we did it on that particular day. Like I
8 said, at some point in time we may -- it's
9 possible that we did for both heroin and crack
10 cocaine.

16:26:28

16:26:32

16:26:33

16:26:35

16:26:38

11 Q It's possible that you did it that way,
12 and it's possible you didn't do it that way?

16:26:38

16:26:41

13 A It's possible that we probably did not
14 also, but I don't recall on that particular day.

16:26:42

16:26:45

15 Q You said it's possible that you probably
16 did not do it that way also, where you filled out
17 two different kinds of reports?

16:26:46

16:26:48

16:26:52

18 A There's a possibility; but to the best of
19 my memory, we did both.

16:26:53

16:26:55

20 Q Your best memory is that you usually would
21 have both reports ready to go?

16:26:56

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

548

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

549

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

550

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

551

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

552

1 before, at some point in time that there was a --
2 Lionel White, he was transported -- I placed him
3 in the transport vehicle to take to the
4 2nd District and also there was him talking trash
5 to Alvin Jones at some point in time, and that's
6 all I can recall.

7 Q You remember that you placed Lionel White
8 in the transport vehicle?

9 A Yes. And I believe -- and I don't recall
10 the exact words I used, but it was in my to/from
11 report that I stated that.

12 Q Okay. What -- tell me about getting
13 Lionel White into the transport vehicle.

14 A I don't recall. Like I said, just based
15 off of my to/from report, that they asked me what
16 physical contact did I have with Lionel White on
17 that date. I stated in my to/from report that I
18 put him in the transport vehicle.

19 Q All right. And was he brought to you,
20 or did you have to go get him to bring him out
21 to the --

22 A I do not recall, sir.

23 Q How would it typically work?

24 A I do not recall. I can't say how it

16:31:21
16:31:24
16:31:29
16:31:31
16:31:36
16:31:40
16:31:41
16:31:45
16:31:46
16:31:47
16:31:50
16:31:51
16:31:54
16:31:56
16:32:02
16:32:02
16:32:04
16:32:06
16:32:08
16:32:10
16:32:13
16:32:13
16:32:14
16:32:16

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

553

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

554

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

555

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

556

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

557

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

558

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

559

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

560

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

561

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

562

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	(Smith Deposition Exhibit 69 marked for	16:41:47
6	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

Transcript of Elsworth Smith, Jr., Volume II

Conducted on March 5, 2020

563

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		

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

564

1 MR. RAUSCHER: Okay. We're going to
2 mark 70.

3 (Smith Deposition Exhibit 70 marked for
4 identification and attached to the transcript.)

5 BY MR. RAUSCHER:

6 Q Do you recognize this document?

7 A Yes, I do.

8 Q And what is this?

9 A A to/from report.

10 Q Is this the to/from report you were
11 referring to a little bit ago when you talked
12 about escorting White to the transport vehicle?

13 A Yes.

14 Q Fair to say that at the time you
15 drafted -- well, let me ask.

16 Did you create this by yourself?

17 A Yes, I did.

18 Q And did you do that in November of 2006?

19 A Yes, sir.

20 Q When you drafted this to/from statement,
21 did you have a memory of transporting White to the
22 transport vehicle?

23 A If that's what I put in my to/from report,
24 yes.

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

565

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		

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

566

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

567

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

568

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

569

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

570

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

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

571

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		
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21		
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23		
24		

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

572

ACKNOWLEDGMENT OF DEPONENT

I, ELSWORTH SMITH, JR., do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct, and complete transcription of the
testimony given by me and any corrections appear
on the attached errata sheet signed by me.

(DATE)

(SIGNATURE)

Transcript of Elsworth Smith, Jr., Volume II
Conducted on March 5, 2020

573

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Joanne Ely, Certified Shorthand
Reporter No. 84-4169, CSR, RPR, and a Notary
Public in and for the County of Kane, State of
Illinois, the officer before whom the foregoing
deposition was taken, do hereby certify that the
foregoing transcript is a true and correct record
of the testimony given; that said testimony was
taken by me stenographically and thereafter
reduced to typewriting under my direction; that
review was requested; and that I am neither
counsel for, related to, nor employed by any of
the parties to this case and have no interest,
financial or otherwise, in its outcome.

IN WITNESS WHEREOF I have hereunto set my
hand and affixed my notarial seal this 17th day of
March, 2020.

My commission expires: May 16, 2020

Joanne E. Ely



Notary Public in and for the
State of Illinois