

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

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

5

11 BENCH TRIAL

12 REPORT OF PROCEEDINGS had at the hearing of the
13 above-entitled cause before the HONORABLE JACKIE
14 PORTMAN-BROWN, Judge of said court, on the 19th day of
15 December, 2019.

16 APPEARANCES:

17 HONORABLE KIMBERLY M. FOXX,
18 State's Attorney of Cook County, by:
19 MS. KARIN SULLIVAN and
MS. HAZEL GUMBS,
Assistant State's Attorneys,
appeared for the People;

21 MR. RICHARD KLOAK,
Attorney At Law,
appeared for the Defendant.

23 Alexandra Hartzell, CSR
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1 THE CLERK: Tyerie Johnson.

2 MR. KLOAK: He is present. Richard Kloak on his behalf,
3 we are set for a bench trial, I saw the file in the jury room
4 and I believe the state is prepping its witnesses to see if
5 they can be ready.

6 MS. GUMBS: Two officers are here on this case.

7 THE COURT: Are you answering ready?

8 MS. GUMBS: Not at the moment, your Honor, because some
9 additional officers came in.

10 THE COURT: We'll pass it momentarily.

11 (Whereupon, the above-entitled case was
12 passed and later recalled.)

13 THE CLERK: Tyerie Johnson.

14 THE COURT: State your name.

15 THE DEFENDANT: Tyerie Johnson.

16 THE COURT: Thank you kind, sir. Three counts are in
17 front of me.

18 MS. SULLIVAN: That is correct.

19 THE COURT: Is the state answering ready?

20 MS. SULLIVAN: Yes, we are.

21 THE COURT: Counsel as well?

22 MR. KLOAK: Yes.

23 THE COURT: Are we proceeding on all three counts?

24 MS. SULLIVAN: Yes, Judge, we are.

1 THE COURT: Three counts in front of me, possession of a
2 controlled substance with intent to deliver, Count 2 is
3 possession of a controlled substance with intent to deliver
4 and Count 3 is possession of cannabis with intent to deliver.

5 MS. SULLIVAN: Correct.

6 THE COURT: I'm holding up a form where you elected to
7 have a bench trial.

8 THE DEFENDANT: Correct.

9 THE COURT: I'm holding up a jury waiver, is your
10 signature on the form?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand by signing this form you
13 were saying I want a bench trial, I do not want a jury trial?

14 THE DEFENDANT: Yes.

15 THE COURT: Is it your intention to have a bench trial
16 here today?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Thank you kind, sir. Counsel, any
19 preliminary motions?

20 MS. SULLIVAN: Motion to exclude. I don't know if the
21 defendant -- he has been Curry admonished in the past.

22 MR. KLOAK: We join.

23 THE COURT: I will leave it to both parties who should
24 not be in the room will not be in the room at this point.

1 Have a seat.

2 THE COURT: Who from the state's side is handling the
3 case?

4 MS. GUMBS: Hazel Gumbs, G-u-m-b-s, Assistant State's
5 Attorney with Karin Sullivan.

6 THE COURT: Excellent. Any preliminary motions or
7 anything we need to discuss before the trial begins?

8 MS. GUMBS: No.

9 THE COURT: Opening.

10 OPENING STATEMENT

11 BY MS. GUMBS:

12 Briefly. Your Honor, we are asking you to make a
13 finding of guilty on all three counts in this case. You'll
14 hear evidence on the 8th of February 2019 around 7:50
15 officers executed a search warrant at 6832 South Dorchester
16 Avenue, Apartment 2 -- Unit 2 in that building Cook County.
17 After a systematic search of that residence officers
18 recovered from that residence narcotics from a bedroom as
19 well as proof of residency bearing the defendant's name and
20 address which was that same address that the search warrant
21 was executed at. They also recovered narcotics paraphernalia
22 in the kitchen being there were packets of baggies. They
23 also recovered a digital scale at that residence as well. As
24 a result of all the evidence that were recovered from that

1 location including the defendant's proof of residency as well
2 as he was in the vicinity of the location we are asking that
3 you do make findings of guilt on all three counts we have
4 today.

5 THE COURT: Counsel?

6 OPENING STATEMENT

7 BY MR. KLOAK:

8 Judge, the police were executing a search warrant at
9 6832 South Dorchester at 7:50 p.m. on February 8th, 2019 and
10 they found the drug dealer at the house and his name was
11 Justin Murph, the defendant's girlfriend's cousin. The scale
12 that the state just talked about was found in a bookbag that
13 belonged to him along with a medicine bottle with Justin
14 Murph's name on it in the room and Justin Murph was also the
15 target of the search warrant, defendant was not.

16 The defendant did have a presence at that house in
17 that he had at one time been living there and -- but had no
18 longer done that but he did have children by the lady of the
19 house named Dominique Latrice Turner who was not present at
20 7:50 p.m. when the police executed the search warrant but the
21 children that the defendant fathered, the twin boys, that he
22 had were at the house and he was downstairs visiting the
23 first floor tenant. The defendant didn't have a key to the
24 house, his name is not on the mailbox, he hadn't live there

1 for about a year but he would go over there periodically to
2 visit his children and on January 22nd a couple weeks before
3 this raid of the search the mother had sent him to the Cook
4 County Clerk's Office to get birth certificate for the twin
5 boys that he had with her and the police found the purchase
6 or record from the clerk's office where the defendant had
7 purchased those two birth certificates on January 22nd, that
8 is the proof of residence that they are pointing to. There
9 was also an undelivered letter that -- an unopened letter
10 from a governmental agency that had been about four or five
11 months old that the defendant never opened, they found that
12 as proof of residency and the defendant was also there on the
13 first floor.

14 The police found in this execution of the search
15 warrant on a bedroom in a dresser a salt shaker and inside
16 the salt shaker was a large quantity of heroin and in the
17 dresser drawer in one of those bedrooms they found five bags
18 of cannabis. The defendant is accused of possessing those
19 with intent to deliver. He did not possess any of that. His
20 fingerprints aren't on the bags, the room where they found
21 the heroin they did find medicine bottles belonging to the
22 lady of the house, no men's clothing, the defendant isn't
23 guilty of the charges, Judge, and we believe the evidence
24 will not prove him guilty beyond a reasonable doubt.

1 THE COURT: State, call your first witness.

2 MS. GUMBS: We also Officer Angel, your Honor.

3 (Witness sworn.)

4 OFFICER SAMUEL ANGEL

5 called as a witness on behalf of the People of the State of
6 Illinois, having been first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MS. GUMBS:

10 Q. Officer, can you please state your name, star number
11 and unit of assignment?

12 A. Officer Angel, 16501, 17th District currently.

13 Q. And how long have you been a Chicago police officer?

14 A. About five and a half years.

15 Q. And can you tell me I'll take you to the date of
16 February 8th, 2019 at approximately 7:50 p.m. were you a part
17 of a team that was executing a search warrant at 6823 South
18 Dorchester Avenue in Unit No. 2 in Chicago, Illinois?

19 A. Yes, ma'am.

20 Q. And have you conducted search warrant cases before?

21 A. Yes.

22 Q. How many would you say?

23 A. I would say roughly 7 to 10.

24 Q. On that date and time what was your role?

1 A. I was front building security.

2 Q. What is that exactly?

3 A. Meaning that the breach team is either going to go
4 through the back or the side or there's another point of
5 entry to the building, the perimeter is charged with making
6 sure that nobody runs out of the front door basically or the
7 other doors of exit.

8 Q. And how many times have you been breach security in
9 search warrant operations?

10 A. Most of my experience with search warrants have been
11 perimeter security except for one.

12 Q. And on that date and time you were in the front of
13 that residence?

14 A. Yes.

15 Q. Can you describe the residence?

16 A. Chicago style building first floor and second floor
17 it looks like a basement as well, about seven or eight stairs
18 in the front of the building.

19 Q. And the search warrant was that search warrant
20 19SW4872?

21 A. Yes.

22 Q. Was that for the second floor of that building?

23 A. Yes.

24 Q. And so while -- in your capacity as security tell me

1 what, if anything, you observed.

2 A. After the breach team entered and made entry into
3 the second floor through the rear I observed --

4 MR. KLOAK: I will object unless he has personal
5 knowledge of that, he wasn't there, he didn't see that
6 personally.

7 THE COURT: State?

8 MS. GUMBS: Your Honor, we can strike his answer to that
9 question and I'll ask another question.

10 THE COURT: Okay.

11 BY MS. GUMBS:

12 Q. So when you are in the back tell me what you
13 observed while you were in the back?

14 A. While I was in the front what I observed was through
15 the front door there was about a one and a half to two inch
16 gap in the front door, I observed three adults running down
17 the stairs and one of the three cracked the door open, I was
18 able to hear a female say, oh, shit, they are out front as
19 well, a door slammed shut and they ran into the first floor
20 apartment.

21 Q. Was anybody able to exit the building at that time?

22 A. Negative.

23 Q. How can you tell it was adults?

24 A. Just by the sound of their footsteps, it didn't

1 sound like children and the female definitely sounded like an
2 adult.

3 Q. You said they were coming down from the second
4 floor?

5 A. Yes.

6 Q. And then you said you observed them go into the
7 first floor?

8 A. Yes.

9 Q. Did you see anybody leave that first floor?

10 A. Negative. Once they enter that first floor they
11 slammed the door shut and minutes thereafter the breach team
12 that went in through the second floor upstairs came down
13 those stairs and a Sergeant Brown opened up the door and
14 asked me if anybody had exited the building; I said before he
15 even finished the sentence I said, no, whoever ran down ran
16 into the first floor.

17 Q. And at that time was anybody brought out of that
18 first floor apartment?

19 A. Yes, one of the gentleman sitting to my left.

20 Q. Can you please identify an article of clothing he is
21 wearing?

22 A. A blue hoody.

23 MS. GUMBS: I would like the record to reflect an in
24 court identification.

1 THE COURT: It shall reflect. You may continue.

2 MS. GUMBS: Nothing further, your Honor.

3 THE COURT: Cross.

4 CROSS EXAMINATION

5 BY MR. KLOAK:

6 Q. Officer, had you been to that building before?

7 A. Negative, this was the first time.

8 Q. Now, you said your -- first of all what is your
9 first name?

10 A. Samuel.

11 Q. Last name Angel?

12 A. Yes.

13 Q. Chicago police officer for how long?

14 A. About five and a half years.

15 Q. On February 8th, 2019 were you assigned to the 3rd
16 District rather than the 17?

17 A. Yes.

18 Q. What was your job in the 3rd District?

19 A. I was on the 06 mission team at the time.

20 Q. What is that?

21 A. It's a mission team that they put in an area that is
22 not a regular beat car.

23 Q. And as part of the execution of a search warrant
24 your role was to stay in front of the building?

1 A. Yes.

2 Q. With your eyes open?

3 A. Yes.

4 Q. Arrest anybody doing something wrong?

5 A. Negative, it's basically security so nobody exits
6 the building.

7 Q. Watching the windows, watching the doors, making
8 sure nothing comes out the window or doors?

9 A. Yes, my portion of the building.

10 MR. KLOAK: Could I approach the witness with what I will
11 call Defendant's 1 through 7 for identification?

12 THE COURT: You may.

13 BY MR. KLOAK:

14 Q. Before I show you these pictures, Officer, were you
15 familiar with the appearance of the building before that day?

16 A. Prior to making entry, yes.

17 Q. And are familiar with the appearance of the building
18 now?

19 A. Yes.

20 Q. Showing you Defendant's Exhibit No. 1 through 7
21 would you look through those and see if it appears to be
22 familiar to you.

23 A. Yes.

24 Q. Is that 6832 South Dorchester?

1 A. Yes, sir.

2 Q. Is that the way it looked that day when your team
3 was executing a search warrant?

4 A. From the best of my knowledge, yes.

5 Q. Does it show -- you said one of the doors was open?

6 A. No, all doors were closed, there is a gap between
7 the front -- in the front door that lets you see into the
8 building.

9 Q. A gap in the door itself?

10 A. Yes, the bottom.

11 Q. So the door is not a continuous door, there is hole
12 in the door?

13 A. No, it's lifted, it's elevated off of the platform
14 where it's supposed to be level to.

15 Q. So above the ground where the door would be above
16 the threshold there is a space?

17 A. Yes.

18 Q. How much space?

19 A. About an inch and a half, two inches.

20 Q. Enough for you to see feet?

21 A. Yes.

22 Q. So were you looking through any of the windows?

23 A. No, at that time I was just looking through the door
24 there were two other officers in the front.

1 Q. How far from the building were you?

2 A. I was at the foot, at the very bottom of the stairs
3 so I was able to see, look through that crack.

4 Q. Was there anybody between where you were and where
5 that crack was?

6 A. Negative.

7 Q. Were any police officers standing on the front
8 porch?

9 A. Negative.

10 Q. Were you looking through the windows?

11 A. I had two other officers looking through the window.

12 Q. Was one window to the right of the porch to the
13 north side of the porch but facing east, was it a glass block
14 window?

15 A. I wouldn't be able to tell you, I was looking at the
16 door.

17 Q. Is the window that is to the right of the door
18 depicted in any of the photographs 1 through 7?

19 A. Yes, there is a block window on the right of the
20 door.

21 Q. Was that in place at that time?

22 A. I believe so, I don't know if they restructured the
23 building.

24 Q. So could you tell who it was that was running from

1 two to one?

2 A. Negative, just three adults one being a female.

3 Q. And you heard a woman's voice?

4 A. Yes.

5 Q. Was Tyerie Johnson one of them?

6 A. I didn't hear his voice, I didn't see his face.

7 Q. So the first time you saw him he was being brought
8 out of the first floor apartment?

9 A. Yes, he was in custody and they were walking him out
10 of the first floor apartment.

11 Q. Was there a mailbox at the building?

12 A. I wouldn't be able to tell you.

13 Q. Did you see any signal that Tyerie Johnson's name
14 was on the building or on a mailbox?

15 A. No.

16 Q. When Johnson was brought out of the building did he
17 have keys to any of the apartments?

18 A. I wouldn't be able to tell you, I didn't search him.

19 Q. Would somebody else have that job?

20 A. You would have to ask them.

21 Q. As part of your team was somebody assigned to search
22 the prisoners?

23 A. I'm sure somebody on the team searched him but it
24 wasn't me.

1 Q. You know how long Tyerie Johnson had been in that
2 first floor apartment before he was brought out?

3 A. Not to my knowledge.

4 Q. Were there young children also in that first floor
5 apartment?

6 A. Yes.

7 Q. Did you go up to the second floor?

8 A. Negative.

9 Q. Did you see any drug transactions being committed
10 prior to the execution of the search warrant of that
11 building?

12 A. Negative.

13 MR. KLOAK: I have no more questions.

14 THE COURT: State, redirect?

15 MS. GUMBS: No, your Honor.

16 THE COURT: Officer, a few questions. When you were
17 standing at the bottom of the stairs I'm going to presume you
18 were looking up at the door to the building?

19 THE WITNESS: Yes, I witnessed that there was a gap
20 between the doors so I knew if I went all the way up the
21 stairs I wasn't going to see that gap, it was dark at night,
22 there were lights inside of the hallway and those staircases
23 so I purposefully stayed at the bottom of the stairs so I
24 could see anybody coming down or hear them, I would be able

1 to see footsteps before they would even open the door.

2 THE COURT: And what kind of door was it, a door you
3 could see through?

4 THE WITNESS: No, it was a solid door, it was just
5 elevated off the ground about 2 inches enough to see if
6 anyone was trying to run out.

7 THE COURT: When counsel asked whether or not you saw
8 that -- saw his client's name on a mailbox did you actually
9 look for any of that?

10 THE WITNESS: No.

11 THE COURT: Is that a part of what you were asked to do?

12 THE WITNESS: No, just security in case somebody walked
13 out.

14 THE COURT: How did you come to learn there were children
15 on the first floor?

16 THE WITNESS: Once the area was secure, individuals were
17 placed into custody, I walked into the first floor and there
18 was multiple children in the apartment.

19 THE COURT: But you never went to the second floor?

20 THE WITNESS: Negative.

21 THE COURT: Let me ask this question, when you saw the
22 feet coming down the stairs and you had to see they had on
23 shoes, did they have on shoes or were they barefoot?

24 THE WITNESS: I can't recall, ma'am, I'm pretty sure they

1 had shoes on.

2 THE COURT: Because my next question would be then if you
3 saw -- did you see those shoes again in the first floor while
4 you were down there?

5 THE WITNESS: Negative, I don't recall if they had shoes
6 or not.

7 THE COURT: Anything based on what I asked?

8 MS. GUMBS: No.

9 MR. KLOAK: A few questions.

10 BY MR. KLOAK:

11 Q. For your vantage point outside on the east side of
12 the stairs you were facing west towards the door was it about
13 10, 15 feet from where you were and where the door was?

14 A. Whatever the distance between the bottom step is to
15 the front of the door.

16 Q. Is it shown in the photographs the distance?

17 A. Yes.

18 Q. Now, so you can see behind that door, right?

19 A. I --

20 Q. On the floor level?

21 A. I could see about 2 inches at the bottom.

22 Q. But that would be the ground level, correct?

23 A. It would be the first floor.

24 Q. The first floor of the building?

1 A. Yes.

2 Q. Can you see the stairs leading to the second floor
3 when you are looking through that space you were looking
4 through?

5 A. Negative not until they -- not until they step down
6 from that final step, not until they step down from the final
7 step.

8 Q. So you saw people stepping behind the door, correct?

9 A. Yes.

10 Q. You don't know whether they were coming from the
11 first floor apartment or from the second floor apartment?

12 A. They came from the right to the left.

13 Q. So they came -- as you were looking --

14 A. From my vantage point they came down from the right
15 side and they went into the left side.

16 Q. So the right side would be the north side of the
17 building?

18 A. Yes, where the stairs were.

19 Q. And the left side would be the south side of the
20 building?

21 A. Yes, where there was a door into the first floor.

22 Q. How many pairs of feet?

23 A. Three pairs of feet so six feet total.

24 Q. But no children's feet?

1 A. No children's feet, all adults, two of which were
2 pretty heavy set so I knew they were adults and then I heard
3 a female speak.

4 Q. How many adults on the first floor at the time the
5 police went in there?

6 A. Once the team made entry to the first floor I
7 believe there were three adults, everybody else was a minor.

8 Q. What about the lady of the house, was she home?

9 A. She was not home at the time.

10 Q. Did you go and count the number of adults that were
11 on the first floor?

12 A. No, just told by the rest of the team there were
13 three adults on the first floor.

14 Q. So you didn't see how many adults?

15 A. No.

16 Q. You didn't see or did see?

17 A. I did not see how many total adults were on the
18 first floor.

19 Q. You were told that by somebody else?

20 A. Yes.

21 Q. Who was that someone?

22 A. The guide of the team or the sergeant.

23 MR. KLOAK: No other questions.

24 THE COURT: Do you know how many children were on the

1 floor, do you recall?

2 THE WITNESS: There must have been more than five.

3 THE COURT: Do you know who the children were?

4 THE WITNESS: Negative, all I know the -- their mom was
5 not there at the time.

6 THE COURT: Of the children?

7 THE WITNESS: Yes.

8 THE COURT: So you were able to ascertain that the five
9 kids that were in the building actually lived on that first
10 floor?

11 THE WITNESS: Yes, some alleged that they lived there and
12 others alleged that they had nothing to do with the building
13 and did not live there.

14 THE COURT: Okay. Did any of the kids stay on the second
15 floor?

16 THE WITNESS: During the time of the event, no, not until
17 afterwards, I believe there was a 15 year old that lived on
18 the second floor.

19 THE COURT: And he was part of the kids that was
20 downstairs on the first floor?

21 THE WITNESS: He actually stayed upstairs when they made
22 entry, he didn't run, he stayed on the second floor.

23 THE COURT: My questions are in regards to the first
24 floor, the kids you saw on the first floor, so no one from

1 the first floor left nor did you have information that they
2 ever lived on the second floor?

3 THE WITNESS: No.

4 MR. KLOAK: Objection to having information unless he's
5 got a basis for that, it's hearsay, somebody is telling him
6 something about where people live, all he knows is there are
7 five children on the floor, where they come from and where
8 they live is unknown.

9 THE WITNESS: I mean the judge's question is do they live
10 downstairs or did they go upstairs; no, they did not move.
11 There were no children that went from the first floor to the
12 second floor at all.

13 THE COURT: Any questions based on that?

14 MS. GUMBS: No.

15 BY MR. KLOAK:

16 Q. So you're saying just because they didn't go
17 upstairs you assume they didn't live up there?

18 MS. SULLIVAN: Objection, argumentative.

19 THE COURT: Do you understand the question?

20 THE WITNESS: Sort of, yeah.

21 BY MR. KLOAK:

22 Q. You said that the five children that were found on
23 the first floor lived on the first floor, correct?

24 A. I didn't say they lived on the first floor, they

1 were in the first floor.

2 Q. Do you know if they had -- if they lived with their
3 mother who wasn't there or do you know if they ordinarily
4 lived up on the second floor?

5 A. I don't know where they lived.

6 MR. KLOAK: That's all I have, no more.

7 THE COURT: Anything based on that?

8 MS. SULLIVAN: No, your Honor, and we are requesting this
9 officer be allowed to leave the courtroom, I don't believe
10 that we are anticipating calling him again.

11 MR. KLOAK: I have no objection to him leaving, I believe
12 he has an appointment somewhere that is time sensitive so I
13 have no objection to that.

14 THE COURT: Thank you, you may leave. Thank you.

15 (Witness excused.)

16 THE COURT: State?

17 MS. GUMBS: I would call Officer Anderson.

18 (Witness sworn.)

19 OFFICER ANDERSON,

20 called as a witness on behalf of the State of Illinois,
21 having been first duly sworn, was examined and testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MS. GUMBS:

1 Q. Officer, can you please state your name, star number
2 and unit of assignment?

3 A. Anderson, 2768, 3rd District, Chicago Police
4 Department.

5 Q. And how long have you been a Chicago police officer?

6 A. Six going on seven years.

7 Q. And on February 8th, 2019 at approximately 7:50 p.m.
8 were you a part of a team that formulated a plan to execute a
9 search warrant at 6832 South Dorchester Avenue, Apartment or
10 Unit 2 in Chicago, Illinois?

11 A. Yes.

12 Q. And what was your role?

13 A. I was the evidence recovery officer.

14 Q. And can you explain what that is?

15 A. I will photograph and recover any evidence that we
16 find.

17 Q. And were you working -- were you working with other
18 team members?

19 A. Yes.

20 Q. Who were the team members?

21 A. Part of my team was Sergeant Bruno, my direct
22 partner was Officer Westman, Angel, Officer McClay, and then
23 there was another team that was there, the 368 team, that was
24 Officer Alvarez, DeLeon, Coronza (phonetic).

1 Q. And were you aware if there was a Sergeant Brown as
2 well?

3 A. Sergeant Brown.

4 Q. You mention Officer Angel, was he part of security?

5 A. He was part of front security.

6 Q. And how many search warrant cases have you worked?

7 A. I have been the affiant of eight, I have been on
8 about 25.

9 Q. On that day what -- you said your role was evidence
10 collection?

11 A. Yes.

12 Q. And were you able to recover anything that day?

13 A. Yes.

14 Q. When you went into the second floor apartment can
15 you describe the apartment briefly?

16 A. Yes, we entered through the rear, once you go up the
17 wooden staircase there is a vestibule and then you go into
18 the actual unit, it starts in the kitchen, there are two
19 bedrooms to your right, bedroom one and bedroom two. If you
20 proceed further towards the front of the unit toward the left
21 is the bathroom and then there is a dining room area where
22 the front door or the front door would be and then the living
23 room where they had a couch and TV and then the back there is
24 another bedroom.

1 Q. And when you -- so a total of three bedrooms?

2 A. Yes.

3 Q. When you entered the building the breach team had
4 entered before you, correct?

5 A. Yes.

6 Q. And once they entered what did you do next, where
7 did you go next?

8 A. Could you re-ask the question.

9 Q. After you entered where did you go?

10 A. I followed behind the breach team to the first
11 floor.

12 Q. So that is from the second floor down to the first
13 floor?

14 A. Yes.

15 Q. Once you got to the first floor were you able to see
16 anyone inside of that first floor apartment?

17 A. Yes.

18 Q. And can you tell me if there were adults in the
19 first floor apartment?

20 A. Yes.

21 Q. How many adults did you observe?

22 A. Three.

23 Q. And can you tell me whether they were male or
24 female?

1 A. There was two males and a female.

2 Q. Was anybody else in the first floor apartment?

3 A. Multiple children.

4 Q. Why did you follow the breach team to the first
5 floor?

6 A. We heard that --

7 MR. KLOAK: Objection, hearsay.

8 THE COURT: Sustained.

9 BY MS. GUMBS:

10 Q. Tell me why you followed?

11 A. I heard units stating that people ran to the first
12 floor.

13 MR. KLOAK: I object, hearsay.

14 THE COURT: Sustained.

15 MS. GUMBS: Your Honor, at this point it's not being
16 offered for the truth of the matter asserted but for the
17 actions of the officer as to what he did.

18 THE COURT: I'll allow it.

19 BY MS. GUMBS:

20 Q. Of those two men that you observed in the first
21 floor apartment did you observe anybody in court today?

22 A. Yes.

23 Q. Can you please point to that individual and identify
24 an article of clothing they are wearing?

1 A. The gentleman sitting over here with a blue hoody
2 and white gym shoes.

3 Q. Did you -- after that you did then have occasion to
4 go back up to the second floor?

5 MR. KLOAK: Could the record reflect that he has
6 identified Tyerie Johnson?

7 THE COURT: The record will so reflect.

8 MS. GUMBS: Thank you.

9 BY MS. GUMBS:

10 Q. Did you then go back to the second floor at that
11 point?

12 A. Yes.

13 Q. And once you were on the second floor was the
14 defendant also on the second floor?

15 A. I walked him to the second floor, yes.

16 Q. And at that point was a systematic search conducted
17 of the second floor apartment?

18 A. Yes.

19 Q. As a result of that systematic search were you
20 pointed to any areas in the home?

21 A. Yes.

22 Q. Specifically were you pointed to any of the
23 bedrooms?

24 A. Yes.

1 Q. Which bedroom?

2 A. The first bedroom.

3 Q. And in that first bedroom can you tell me what if
4 anything you recovered?

5 A. In a dresser there was a salt container with a false
6 bottom with multiple -- various narcotics. Also in the
7 bedroom there was two, three bags of suspect cannabis in the
8 dresser drawers and in -- underneath the bed there was a
9 lockbox with two pieces of residency one being a Cook County
10 receipt with the defendant's name and address and then also a
11 piece of mail for -- child support with the defendant's name
12 and address.

13 Q. And you also took pictures of all the items that
14 were recovered?

15 A. Yes.

16 MS. GUMBS: Your Honor, I'm showing counsel what I
17 previously marked as People's Exhibits No. 1 through 9. May
18 I approach the witness?

19 THE COURT: You may.

20 BY MS. GUMBS:

21 Q. Can you look at Exhibits 1 through 9 and tell me if
22 you recognize those?

23 A. One is the salt container with the false bottom, two
24 is the bags of cannabis that were in the drawer, three is

1 another bag of cannabis in the drawer, four is the bedroom
2 with the dresser that I was referring to, five is after the
3 search was done -- similar to picture four.

4 THE COURT: I'm sorry, what was that?

5 THE WITNESS: The picture four was before the search
6 warrant, picture five is after it was executed. Six is a
7 digital scale. Seven is baggies that were located in the
8 kitchen. Eight is a small bag of cannabis that we recovered
9 from an infant's mouth. And nine is again a picture from the
10 bedroom, bedroom number one.

11 BY MS. GUMBS:

12 Q. And those pictures -- are -- those pictures
13 accurately reflect the residence and the items recovered back
14 on that day?

15 A. Yes.

16 MS. GUMBS: Your Honor, I would ask to enter Exhibit 1
17 through 9 into evidence.

18 THE COURT: Any objection?

19 MR. KLOAK: No, I have no objection.

20 THE COURT: That will be allowed.

21 (People's Exhibit Nos. 1-9 were
22 admitted into evidence.)

23 MS. GUMBS: Thank you, your Honor.

24 BY MS. GUMBS:

1 Q. So you told us the items that you recovered in the
2 bedroom from the photos did you also recover items in other
3 parts of the house?

4 A. There was the baggies that were recovered in the
5 kitchen.

6 Q. And you also stated a digital scale as well?

7 A. There was a digital scale recovered in the second
8 unit, yes.

9 Q. Was there anything recovered in the second bedroom?

10 A. No.

11 Q. Was there anything recovered in the third bedroom?

12 A. No.

13 Q. Can you describe the second bedroom?

14 A. The second bedroom had children's bunk beds.

15 Q. And what about the third bedroom?

16 A. There was no bed.

17 Q. Can you tell me where you recovered the two proofs
18 of residency from?

19 A. It was in the first bedroom.

20 Q. Where was that in the first bedroom?

21 A. It was in a lockbox underneath the bed.

22 Q. And who was present in that second floor apartment
23 when you executed the search warrant?

24 A. There was an infant child, a teenager and an older

1 male that stayed present in the unit.

2 Q. The items that you recovered from the second floor
3 apartment did you keep them in your constant care and control
4 until you got back to the 3rd District?

5 A. Yes.

6 Q. While at the 3rd District did you inventory those
7 items?

8 A. Yes, ma'am.

9 Q. Did you give each item a unique inventory number?

10 A. Yes.

11 Q. And with regards to inventory number 14371297 was
12 that a unique inventory number given to the items that you
13 refer to as proof of residency?

14 A. Yes.

15 MS. GUMBS: Your Honor, I'm approaching counsel with what
16 I previously marked as People's Exhibit No. 10.

17 MR. KLOAK: Okay.

18 MS. GUMBS: May I approach the witness?

19 THE COURT: You may.

20 BY MS. GUMBS:

21 Q. Showing you what I marked as People's Exhibit No.
22 10, can you look at that and tell me if you recognize it?

23 A. Yes.

24 Q. And what do you recognize it to be?

1 A. The two articles of residency that I spoke about
2 earlier.

3 Q. And do they bear the inventory number that you
4 created for them?

5 A. Yes.

6 Q. And are they in the same or substantially the same
7 condition as they were when you put them in that bag?

8 A. Yes.

9 Q. Can you tell me the name that is on the circuit
10 court piece of mail?

11 A. Tyerie Johnson.

12 Q. And what is the address on that?

13 A. 6832 South Dorchester Avenue, Apartment 2, Chicago,
14 Illinois 60637.

15 Q. What is the date on that?

16 A. January 22, 2019.

17 Q. And the second piece of mail whose name is on that
18 piece of mail?

19 A. Tyerie L. Johnson.

20 Q. What is the address?

21 A. 6832 South Dorchester Avenue, Apartment 2, Chicago,
22 Illinois 60637.

23 Q. What is the date on that?

24 A. There is a postage date of July 18th, 2018.

1 MS. GUMBS: Your Honor, if there is no objection we would
2 ask to enter People's Exhibit No. 10 into evidence.

3 THE COURT: Counsel, any objection?

4 MR. KLOAK: No objection.

5 THE COURT: It will be allowed.

6 (People's Exhibit No. 10 was
7 admitted into evidence.)

8 BY MS. GUMBS:

9 Q. With regards to the other items that were
10 inventoried did you inventory 45 items containing a chunky
11 substance that was recovered from a salt shaker under
12 inventory number 14371221?

13 A. Yes.

14 Q. And did you inventory one item of suspect cannabis
15 -- three items of suspect cannabis from inventory number
16 14371225?

17 A. Yes.

18 Q. Did you inventory from one item containing suspect
19 cannabis under inventory number 14731228?

20 A. Yes.

21 Q. And did you inventory two items containing a chunky
22 substance under inventory number 14371234?

23 A. Yes.

24 Q. Did you inventory 26 items of suspect heroin under

1 inventory number 14371236?

2 A. Yes.

3 Q. And did you inventory two items, suspect heroin

4 under inventory number 14371237?

5 A. Yes.

6 Q. And did you inventory one item under inventory
7 number -- that is from -- under inventory number 14371239?

8 A. Yes.

9 Q. And -- and all of the narcotics that were suspect
10 heroin or suspect cocaine were they found in that salt
11 shaker?

12 A. Yes.

13 Q. And the cannabis that was recovered that was just
14 separate in the dresser?

15 A. Yes.

16 Q. And in addition to that the last inventory that was
17 14371239 that was containing cannabis that was found in the
18 baby's mouth?

19 A. Yes.

20 Q. And at that time did you then send the -- continue
21 your inventory using proper Chicago police procedures and
22 insure that the narcotics were sent to the Illinois crime lab
23 for testing and analysis?

24 A. Yes.

1 Q. And at any point did you obtain an identification
2 for the defendant in the home?

3 A. We found a state ID in the bedroom I believe.

4 Q. And whose name was on it?

5 A. Tyerie Johnson.

6 Q. And what was the address?

7 A. 6832 South Dorchester, Unit 2.

8 MS. SULLIVAN: One moment, your Honor.

9 THE COURT: You may.

10 (Short pause.)

11 BY MS. GUMBS:

12 Q. Showing you People's Exhibit No. 5. Showing
13 counsel. Is that exhibit a photo of room number one?

14 A. Yes.

15 Q. Can you circle the dresser where you recovered the
16 narcotics from. Thank you.

17 MS. GUMBS: Your Honor, let the record reflect that the
18 officer circled the top portion of a dresser in People's
19 Exhibit No. 5, the dresser is to the left side of the photo.

20 THE COURT: It shall so reflect.

21 MR. KLOAK: I want to object. What narcotics, there are
22 two types, cannabis and suspect heroin, I don't think they
23 were found in the same spot. He just said narcotics.

24 BY MS. GUMBS:

1 Q. To clarify, the salt shaker, where was the salt
2 shaker recovered from?

3 A. In the bedroom dresser drawer.

4 Q. Is that the dresser drawer that you just circled?

5 A. Yes.

6 Q. Where was the cannabis recovered?

7 A. In the dresser drawer.

8 Q. Was that the dresser drawer you just circled?

9 A. Yes.

10 MS. GUMBS: Nothing further, your Honor.

11 THE COURT: Counsel.

CROSS EXAMINATION

13 BY MR. KLOAK:

14 Q. Officer, you and your team made police reports,
15 didn't you, about this investigation?

16 A. Yes.

17 Q. You're saying today that the salt shaker with the
18 false bottom was found inside of the dresser in one of the
19 drawers?

20 A. Yes.

21 Q. Did you write the police report?

22 A I don't know

23 Q. Did Officer Westman (phonetic) write -- the affiant
24 on the search warrant?

1 A. It was either him or me, if I can see it.

2 MR. KLOAK: Judge, can I approach the witness with what I
3 will call Defendant's Exhibit No. 8 for identification?

4 THE COURT: You may.

5 BY MR. KLOAK:

6 Q. Officer Anderson, I am showing you Exhibit 8 for
7 identification, do you recognize that?

8 A. Yes.

9 Q. What is that?

10 A. A case report.

11 Q. Is that the report that your team made in the
12 execution of this search warrant?

13 A. Yes.

14 Q. And on the -- did you participate in making this
15 report?

16 A. Yes.

17 Q. Did you read it after it was made?

18 A. Yes.

19 Q. Were you satisfied it was accurate?

20 A. Yes.

21 Q. And it was written by Officer Westman, on the last
22 page it will identify the author?

23 A. Yes.

24 Q. But in the narrative of the report doesn't it state

1 that the false bottom salt shaker was on top of a dresser
2 rather than inside?

3 A. Yes.

4 Q. So was it found on top of the dresser or was it
5 found in one of the drawers?

6 A. I was told it was in the dresser.

7 Q. You were told?

8 A. Yes.

9 Q. Who told you?

10 A. Sergeant Bruno.

11 Q. Who recovered it?

12 A. I did.

13 Q. And it was inside the dresser at the time?

14 A. When I picked it up, yes.

15 Q. But you saw this report stating it was on top of the
16 dresser and you were satisfied it was accurate?

17 A. Yes.

18 Q. You also testified in front of the Cook County Grand
19 Jury that Tyerie Johnson, the man you identified in court,
20 was the target of the search warrant, correct?

21 MS. GUMBS: Objection.

22 MR. KLOAK: It goes to his credibility, Judge.

23 THE COURT: I'll allow it.

24 BY MR. KLOAK:

1 Q. Did you testify in front of the Cook County Grand
2 Jury that Tyerie Johnson was the target of the search
3 warrant?

4 A. I said Tyerie Johnson was the target of our
5 narcotics investigation at the unit that day.

6 Q. Officer, you were under oath in front of the Cook
7 County Grand Jury, weren't you?

8 A. Yes.

9 Q. And did that take place in room 406 in this building
10 on April 11th, 2019?

11 A. Yes.

12 Q. And you were sworn to tell the truth, the same oath
13 that you swore today before you testified, correct?

14 A. Yes.

15 Q. And you were asked questions and gave answers about
16 the events of February 8th, 2019, weren't you?

17 A. Yes.

18 Q. And were you asked this question and did you give
19 this answer on page three of the Grand Jury, "Question, the
20 defendant was the target of that search warrant and was
21 present, correct?" And your answer was, "yes," correct, did
22 you say that?

23 A. I did say that and from what I understood is when we
24 wrote the search warrant the target was for Lord and then

1 during our investigation we used Tyerie as the target's term.

2 Q. Well, the target was a male black --

3 MS. SULLIVAN: I would object to this testimony, it's not
4 relevant at this point in time, it's hearsay who the target
5 of the search warrant.

6 MR. KLOAK: It goes to his credibility, Judge, he knows
7 the defendant is not the target and the search warrant will
8 demonstrate that.

9 THE COURT: I will allow it.

10 BY MR. KLOAK:

11 Q. Showing you Defendant's Exhibit No. 9 for
12 identification, do you recognize this document?

13 A. Yes.

14 Q. What is it?

15 A. This is the complaint for a search warrant.

16 Q. Does it identify the target?

17 A. No.

18 Q. Well, it does, doesn't it, on the line above and the
19 premises?

20 A. Yes.

21 Q. It talks about a male black 35 to 40, 6'2", 6'3",
22 300 pounds, long black dreadlocks, correct?

23 A. Yes.

24 Q. Did the defendant have long black deadlocks?

1 A. No.

2 Q. Was he 300 pounds?

3 A. No.

4 Q. Was he 6'2" to 6'3"?

5 A. No.

6 Q. Was there a man fitting that description in the
7 apartment?

8 A. Yes.

9 Q. Was his name Justin Murph, M-u-r-p-h?

10 A. I don't recall.

11 MS. SULLIVAN: Objection.

12 THE COURT: I'll allow it.

13 BY MR. KLOAK:

14 Q. You said one of the items of interest in this case
15 was a digital scale, correct?

16 A. Yes.

17 Q. Was that found inside of a bag in a bedroom?

18 A. It was -- I don't recall where it was found, it was
19 in the unit.

20 Q. Did you take a picture of it?

21 A. Yes.

22 Q. Next to a pill bottle?

23 A. Yes.

24 Q. Was Justin Murph's name on the pill bottle?

1 A. I don't recall.

2 MR. KLOAK: Judge, could I mark this Defendant's Exhibit
3 No. 10 for identification?

4 THE COURT: You may.

5 BY MR. KLOAK:

6 Q. I'll call this Defendant's 10.

7 MS. SULLIVAN: Your Honor, it's the same exhibit as
8 People's Exhibit No. 6.

9 THE COURT: Thank you.

10 MR. KLOAK: People's 6.

11 BY MR. KLOAK:

12 Q. I'm showing a black and white copy of a picture
13 apparently taken by the police in the execution of the search
14 warrant, are you familiar with this?

15 A. Yes.

16 Q. It has been identified earlier by you as People's
17 Exhibit No. 6?

18 A. Yes.

19 Q. Does it show a picture of a digital scale?

20 A. Yes.

21 Q. Is it inside of a bag of some sort?

22 A. It seems to be.

23 Q. Is there a pill bottle next to the digital scale?

24 A. Yes.

1 Q. Is Justin Murph's name on the pill bottle?

2 A. Yes.

3 Q. Was he one of the men that was at the building that
4 day?

5 A. Yes.

6 Q. Did he fit the description of the target?

7 A. Yes.

8 Q. When you testified in front of the Grand Jury that
9 Tyerie Johnson was the target that wasn't true, was it?

10 A. I'm sorry?

11 Q. When you testified in front of the Grand Jury about
12 this case that Tyerie Johnson was the target it wasn't true,
13 was it?

14 A. From what I understood this was my first search
15 warrant that I presented it so the term that we use was --
16 was target.

17 Q. You know what a target is, don't you?

18 A. The target, yes, he be -- Tyerie Johnson became our
19 target throughout --

20 Q. Even though he was not named on the search warrant?

21 A. Correct.

22 Q. He became the target why, because he opened his
23 mouth and was arguing with the police?

24 MS. GUMBS: Objection.

1 THE COURT: Sustained.

2 BY MR. KLOAK:

3 Q. Why did he become the target when he was not the
4 target on the search warrant?

5 MS. GUMBS: Objection.

6 THE WITNESS: He became the target because all the
7 suspect narcotics was recovered in his bedroom that we deemed
8 his bedroom with articles of mail in the bedroom.

9 BY MR. KLOAK:

10 Q. You said you found a state ID with his name and
11 address on it?

12 A. Yes.

13 Q. Where did you find it?

14 A. In the second unit.

15 Q. Second?

16 A. The second floor unit somewhere.

17 Q. Anywhere in particular?

18 A. I don't recall.

19 Q. Was it in Tyerie Johnson's pocket?

20 A. No.

21 Q. Who received it?

22 A. I'm sorry?

23 Q. Who took it?

24 A. Nobody took it.

1 Q. So you didn't inventory it?

2 A. We don't inventory state IDs.

3 Q. Did you make reference in the police report that
4 your team made that Tyerie Johnson had a state ID card either
5 in his pocket or in that unit that said that he lived at 6832
6 South Dorchester, does that say that anywhere in the police
7 report?

8 A. For a state ID?

9 Q. Yes.

10 A. No.

11 Q. So the only pieces of residency proof that you
12 inventoried and mentioned in your police report was a letter
13 from the Cook County Clerk's Office, correct, dated January
14 22nd, right?

15 A. That was part one.

16 Q. And a second piece of child support mail that was
17 found in the apartment also?

18 A. Yes.

19 Q. And that piece of child support mail wasn't even
20 opened, was it?

21 A. No.

22 Q. And it dated back to July of 2018, right?

23 A. Yes.

24 Q. And was found in a lockbox underneath the bed?

1 A. Yes.

2 Q. Did you find any male clothing inside of the bedroom
3 where you found the salt shaker with the suspect heroin
4 inside?

5 A. There was various articles of clothes.

6 Q. How about male clothing, did you find that in that
7 bedroom?

8 A. I didn't look.

9 Q. Were there female cosmetics on the dresser?

10 A. I don't recall.

11 Q. There was proof of residency on top of that dresser,
12 wasn't there, in the form of pill bottles that did not belong
13 to Tyerie Johnson?

14 A. I don't recall.

15 Q. You took pictures of that, didn't you?

16 A. I didn't read individual pill bottles, no.

17 MR. KLOAK: Judge, can I approach, I'll call it
18 Defendant's Exhibit 11, it might duplicate --

19 THE COURT: It should be People's 10 because you struck
20 your last 10, this would be Defendant's 10 so People's 5.

21 MR. KLOAK: Judge, People's 5 so I won't have another
22 defense exhibit at this time.

23 BY MR. KLOAK:

24 Q. Officer Anderson, showing you People's Exhibit No.

1 5, you've identified this earlier, correct?

2 A. Yes.

3 Q. Is that the bedroom where the salt shaker with the
4 suspect heroin was found?

5 A. And crack cocaine, yes.

6 Q. We don't have a lab report that says there was any
7 crack cocaine so let's just talk about the salt shaker with
8 the heroin that was found according to you inside the
9 dresser?

10 A. Yes.

11 Q. And the dresser is on the left middle portion of the
12 photograph?

13 A. Yes.

14 Q. What is behind the dresser like a television screen?

15 A. It looks like it, yes.

16 Q. On the dresser in front of the television screen are
17 there pill bottles?

18 A. Yes.

19 Q. Do any of them have Tyerie Johnson's name on them?

20 A. I can't make out the writing.

21 Q. I know that but if you had seen a pill bottle with
22 Tyerie Johnson's name and address in that apartment would you
23 have seized that as proof of residency?

24 A. No.

1 Q. Why not?

2 A. It's somebody medical pills.

3 Q. Whose name was on the pill bottles when you were
4 there that day and looked closely to examine them?

5 A. I don't know.

6 Q. If it had been Tyerie Johnson's pill bottles would
7 you have made reference to that in the police report?

8 A. No.

9 Q. So you don't know whose pills bottles those are?

10 A. No.

11 Q. It could are been Tyerie Johnson's?

12 A. Possibly.

13 Q. It could have established hopefully that that was
14 his bedroom but you don't know whose name was on there?

15 MS. SULLIVAN: Objection, speculation.

16 THE COURT: I'll allow it.

17 THE WITNESS: No.

18 BY MR. KLOAK:

19 Q. Did you see any drug transactions take place at this
20 building?

21 A. Did I, yes.

22 Q. You did. What drug transactions did you see take
23 place at this building?

24 A. We set up surveillance for the search warrant.

1 Q. Did you see drug transactions?

2 A. Yes.

3 Q. Where?

4 A. Where what?

5 Q. Was this 6832 South Dorchester?

6 A. I don't understand the question.

7 Q. You understand what drug surveillance is, don't you?

8 A. Yes.

9 Q. Where were you doing this drug surveillance?

10 A. Outside.

11 Q. In front?

12 A. No.

13 Q. In the back?

14 A. Yes.

15 Q. On the railroad tracks behind the building?

16 A. Yes, behind, yes.

17 Q. Did you see Tyerie Johnson at that time?

18 A. No.

19 Q. But you said you saw a drug transaction?

20 A. Yes.

21 Q. What did you see?

22 A. We saw two people engaging in a short conversation
23 and walk away.

24 Q. Was it one of the people that was in the apartment

1 when you executed the search warrant?

2 A. I'm sorry?

3 Q. Was it one of the people that was in the apartment
4 at the time you executed the search warrant?

5 A. I wasn't able to see the person, no.

6 Q. But you saw them talking?

7 A. I did.

8 Q. Did you see an exchange of something?

9 A. I did.

10 Q. What was exchanged?

11 A. I don't know.

12 Q. How far from the building were you?

13 A. I was 200 feet.

14 Q. With binoculars?

15 A. No, there was a CI who made the purchase.

16 Q. From Tyerie Johnson?

17 A. No.

18 Q. Did you make reference in police reports that you
19 saw drug transactions taking place at the building?

20 A. The search warrant describes this.

21 Q. And when did that take place?

22 A. I would have to see the complaint.

23 Q. Was Tyerie Johnson at the building then?

24 A. I didn't go inside.

1 Q. Did you ever see Tyerie Johnson up on the second
2 floor?

3 A. On the date of the execution, yes.

4 Q. After he was brought upstairs by the police
5 department, correct?

6 A. Yes.

7 Q. Was the lady of the house that wasn't there a woman
8 by the name of Dominique Latrice (phonetic) Turner?

9 MS. GUMBS: Objection.

10 THE COURT: Basis?

11 MS. GUMBS: If he knows I guess.

12 THE COURT: You may answer, if you understand the
13 question you may answer.

14 THE WITNESS: What was the question?

15 BY MR. KLOAK:

16 Q. There were small children upstairs, correct?

17 A. Upstairs?

18 Q. Yes.

19 A. There was a small child, yes.

20 Q. But there were other children on the first floor,
21 right?

22 A. First floor, yes.

23 Q. Apparently there is a mother of the children, do you
24 know where she was at the time this happened?

1 A. She was not home.

2 Q. You know who I'm talking about, don't you?

3 A. Not the name you said earlier.

4 Q. Was there a lady named Dominique Turner that was
5 found to be an occupant of the second floor apartment?

6 A. I have never heard that name.

7 Q. Was she listed as the mom of the twin boys that
8 Tyerie Johnson got the Cook County clerk birth certificates
9 for at 6832 South Dorchester?

10 A. I have never heard that name until now.

11 Q. I'm going to show you the sale receipt from the Cook
12 County Clerk, it is one of the proof of residency that was in
13 People's 10, are you familiar with that?

14 A. Yes.

15 Q. Is that the document you recovered?

16 A. Yes.

17 Q. And does this help identify Tyerie Johnson as having
18 some connection to this apartment?

19 A. Yes.

20 Q. Does it have his name and address and phone number
21 there, right?

22 A. Yes.

23 Q. And it's talking about purchasing two birth
24 certificates of twin boys, right?

1 A. It looks like it.

2 Q. They both have the birth date 6/14 of '17, right?

3 A. Yes.

4 Q. One name is named Levar and the other one is named
5 Lenox, right?

6 A. Tyler.

7 Q. Tyler Lenox Johnson and Levar Tyson Johnson. And
8 they identified --

9 MS. SULLIVAN: Objection to the relevance of this, Judge,
10 the document speaks for itself, I don't know how this is
11 relevant.

12 MR. KLOAK: This is the proof of residency, Judge, that
13 they want to show you that the defendant has a presence
14 there.

15 THE COURT: I'll allow it.

16 BY MR. KLOAK:

17 Q. Does it identify the mom of these two boys?

18 A. It says mom Dominique Turner.

19 Q. Did you see anything in the apartment that showed
20 that she resided there?

21 A. I don't recall.

22 Q. It could have been she lived there, right?

23 MS. GUMBS: Objection, speculative.

24 THE COURT: You can answer.

1 BY MR. KLOAK:

2 Q. It could have been her name on the pill bottles on
3 the dresser where you found the heroin?

4 MS. GUMBS: Objection.

5 THE COURT: You may answer.

6 THE WITNESS: I don't know.

7 MR. KLOAK: No more questions, Judge.

8 THE COURT: Redirect?

9 MS. GUMBS: One moment, your Honor.

10 (Short pause.)

11 MS. GUMBS: Nothing further, your Honor.

12 THE COURT: I have a question. Officer, you indicated
13 that a scale was recovered during the course of this search
14 warrant, did you recover that scale yourself?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Where was the scale recovered from?

17 THE WITNESS: From, it was from a bag.

18 THE COURT: Where was the bag?

19 THE WITNESS: I don't recall, in the unit.

20 THE COURT: Anything else based on that?

21 BY MR. KLOAK:

22 Q. The bag containing the scale had Justin Murph's pill
23 bottle in it, didn't it?

24 A. In that picture, yes.

1 Q. And Justin Murph was the heavy set 6 foot 2, 6 foot
2 3 man with the dreadlocks, wasn't he?

3 A. Yes.

4 MR. KLOAK: No further questions.

5 THE COURT: Anything based on that?

6 MS. GUMBS: No.

7 THE COURT: You may step down, Officer, thank you.

8 (Witness excused.)

9 MS. SULLIVAN: Your Honor, at this time we are proceeding
10 by way of stipulation.

11 THE COURT: You may.

12 MS. SULLIVAN: If called to testify Sarah Reeder
13 (phonetic) would be qualified as an expert in the field of
14 forensic chemistry and she would indicate she was working as
15 a forensic chemist at the Illinois State Police Crime Lab and
16 received numerous inventories in a sealed condition from the
17 Chicago Police Department.

18 She would testify that upon receiving them in the
19 sealed condition she opened up the items and conducted
20 testing on the items using equipment that was functioning
21 properly at the time of her testing. She weighed the items
22 and also determined whether or not the items were controlled
23 substances or cannabis.

24 She would testify that she received inventory number

1 14371231 -- I'm sorry, that she received inventory number
2 14371221 and she opened the item and found it to contain 45
3 chunky substance, weighed the item, found it to be 7 grams
4 but it was not analyzed as to substance.

5 She would testify that she also received items
6 inventoried under 14371225 and found it to contain three
7 items of a plant material. She would testify that she
8 weighed two of the items and found it to weigh 52 grams and
9 in fact the 52 grams of the plant like material weighed or
10 was cannabis. That she weighed the other item and found it
11 to be 28.2 grams but did not analyze that plant material so
12 the estimated total weight of being 80.2 grams.

13 She also received inventory number 14371228 and
14 found it to contain one item of plant material weighing 3.5
15 grams but did not analyze the substance. She received items
16 14371234, also found it to contain two items of a chunky
17 substance that weighed 0.3 grams but it was not analyzed.

18 She received inventory 14371236 in a sealed
19 condition, performed testings on the items, found it to
20 contain 26 items of powder. She weighed seven of the items
21 and found it to be 3.1 grams and it was heroin. The
22 estimated total weight of the items is 11.7 grams. She did
23 not test the additional 8.6 grams.

24 She also received items under inventory number

1 14371237. And that was found to be two items of a chunky
2 substance. She weighed one of the items and found it to be
3 8.1 grams and it was fentanyl and heroin, a combination of
4 both substances. The other item weighed 4.7 grams and tested
5 positive for heroin. The chain of custody was proper at all
6 times. So stipulated?

7 MR. KLOAK: Yes.

8 MS. GUMBS: Your Honor, at this time we ask that all the
9 identification marks be stricken and that they be entered at
10 this time.

11 THE COURT: Counsel, any objection?

12 MR. KLOAK: No objection.

13 THE COURT: The evidence will be -- the marks will be
14 stricken and the evidence will be allowed.

15 MS. GUMBS: The people rest at this time.

16 MR. KLOAK: We move for a finding of not guilty, we argue
17 that the state has not proven its case beyond a reasonable
18 doubt.

19 THE COURT: State?

20 MS. GUMBS: Your Honor, at this time we believe that we
21 have proven that the defendant is guilty of all three counts,
22 your Honor, the evidence taken in the light most favorable to
23 the state at this time, that is why we believe that. The
24 evidence showed that the officers after executing a search

1 warrant on a second floor apartment after observing -- sorry,
2 what they believed to be the defendant and several others
3 running down the stairs of that apartment were able to go
4 into the apartment, find the defendant, take him back
5 upstairs, conduct a search of the apartment during which time
6 in a bedroom which they believed to be the defendant's
7 because there were two pieces of mail at least in that
8 bedroom with his name and that address on that location and
9 where the narcotics were found as well. Within that room
10 there were cannabis found on a dresser as well as several
11 items of narcotics being heroin and heroin with fentanyl
12 found in that dresser as well in that same bedroom.

13 Your Honor, the defendant didn't have the narcotics
14 on his person but we believe an inference can be made for
15 constructive possession considering that having his mail in
16 that room he -- it was his room and as a result he would
17 be -- have ownership over the things in that room. The
18 officers testified that there was nothing in the third
19 bedroom as in no beds or anything of that nature and in the
20 second bedroom there were kids beds so from an inference,
21 your Honor, the room with adults would be the first bedroom
22 which is where the defendant would be and where the narcotics
23 were found. As a result of that, your Honor, we believe that
24 we have met our burden in this case.

1 THE COURT: Counsel, anything else?

2 MS. GUMBS: And we ask that this motion be denied.

3 MR. KLOAK: Nothing else at this time.

4 THE COURT: Thank you, Counsel. After hearing the
5 testimony presented here in court with the state's case in
6 chief counsel -- defense counsel's motion for finding of not
7 guilty is allowed. I have had an opportunity to review the
8 exhibits that were presented to the court and based upon the
9 testimony that was tendered it appeared that there was a
10 search warrant of this unit on this date and at this time
11 however the defendant is not the named target. However there
12 was someone within the unit who matched the target's
13 description and that individual was not stopped.

14 In addition to getting proof of residency allegedly
15 from this defendant found in the apartment proof of residency
16 was also recovered from an individual who matched the
17 description on the search warrant who again was not arrested.
18 The officer indicated that a scale was recovered in a bag, he
19 did not know where the bag -- where he found the bag at but
20 that a bag was found and inside the bag was a scale and in
21 addition to a scale being in that bag there was also a pill
22 bottle inside the bag with the scale in the name of someone
23 other than the defendant who coincidentally according to the
24 search warrant matched the description of the search warrant

1 as well as was in the apartment at the time of the offense.

2 They indicated that plastic bags was recovered
3 within the bag -- within the unit, didn't explain anything
4 about the relation to where the bags were found, were they
5 empty plastic bags or anything in the plastic bags, the
6 pictures indicate that the plastic bags are on a shelf, I
7 believe it appears to be in a kitchen or a bedroom, I don't
8 know, but it's on a shelf where there is a baby bottle and
9 some candy and some other household goods sitting right next
10 to it. So last time I checked having plastic bags in a house
11 is not indicative of possession with the intent to deliver
12 narcotics.

13 In relation to the mail that was tendered it is two
14 letters, one letter from one January 22nd, 2019 in the
15 defendant's name and there is a second letter from I believe
16 June 18th in the defendant's name however the officer who
17 testified testified that the June letter had not been opened,
18 it was in a sealed condition. They indicated that in the
19 same lockbox they found a receipt for birth certificates for
20 twins in which the defendant is the individual who requested
21 copies of the birth certificates and the individual named as
22 the mother also resided at that unit. Based upon all of the
23 information that the court has heard finding of not guilty is
24 my ruling.

1 (Which were all the proceedings had in
2 the above-entitled cause.)
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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

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

5

6 I, Alexandra Hartzell, Official Court Reporter, of
7 the Circuit Court of Cook County, County Department -
8 Criminal Division, do hereby certify that I reported in
9 shorthand the proceedings had on the hearing in the
10 aforementioned cause; that I thereafter caused the foregoing
11 to be transcribed into typewriting, which I hereby certify to
12 be a true and accurate transcript of the proceedings had
13 before the HONORABLE JACKIE PORTMAN-BROWN, Judge of said
14 court.

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Alexandra Hartsell

Alexandra Hartzell, CSR
Official Court Reporter
License No. 84-004590

Dated this 12th day of February, 2020.

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