



NO. 22-CV-4337

DENNIS JACKSON

V.

CITY OF CHICAGO, ET AL.

DEPONENT:

GERALD LAU

DATE:

OCTOBER 31, 2023

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ALONSO
5 No. 22-cv-4337

6
7 DENNIS JACKSON,
8 Plaintiff

9
10 v.

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12 CITY OF CHICAGO, ET AL.,
13 Defendants

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23 DEPONENT: GERALD LAU
24 DATE: OCTOBER 31, 2023
25 REPORTER: ZOE NYHUS

1	APPEARANCES	Page 2	1	STIPULATION	Page 4
2			2		
3	ON BEHALF OF THE PLAINTIFF, DENNIS JACKSON:		3	The deposition of GERALD LAU was taken at KENNETH N.	
4	Joel A. Flaxman		4	FLAXMAN P.C., 200 SOUTH MICHIGAN AVENUE, SUITE 201	
5	Kenneth N. Flaxman P.C.		5	CHICAGO, ILLINOIS 60604 on THURSDAY the 31st day of	
6	200 South Michigan Avenue		6	OCRTOBER 2023 at 10:20 a.m. (CT); said deposition was	
7	Suite 201		7	taken pursuant to the ILLINOIS Rules of Civil Procedure.	
8	Chicago, Illinois 60604		8		
9	Telephone No.: (312) 427-3200		9	It is agreed that ZOE NYHUS, being a Notary Public and	
10	E-mail: jaf@kenlaw.com		10	Court Reporter for the State of ILLINOIS, may swear the	
11			11	witness and that the reading and signing of the	
12	ON BEHALF OF THE DEPONENT, EDWARD GARCIA:		12	completed transcript by the witness is not waived.	
13	Alexander Michlini, Esquire		13		
14	Bollinger Connolly Krause		14		
15	500 W Madison Street		15		
16	Suite 3900		16		
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20			20		
21			21		
22			22		
23			23		
24			24		
25			25		
1	INDEX	Page 3	1	PROCEEDINGS	Page 5
2		Page	2	THE REPORTER: We are now on record. The time	
3	DIRECT EXAMINATION BY MR. FLAXMAN	5	3	is 10:20 a.m. Mr. Lau, will you please raise your	
4	CROSS-EXAMINATION BY MR. MICHLINI	34	4	right hand for me? Do you solemnly swear or affirm	
5			5	that the testimony you're about to give will be	
6	EXHIBITS		6	truth, the whole truth, and nothing but the truth?	
7		Page	7	THE WITNESS: Yes, ma'am.	
8	1 - Original Case Incident Report -		8	THE REPORTER: Thank you. You may begin.	
9	Carreno	25	9	DIRECT EXAMINATION	
10	2 - CPD Inventory Sheet	28	10	BY MR. FLAXMAN:	
11	3 - Original Case Incident Report -		11	Q. Can you please state and spell your name for	
12	Garcia	31	12	the record?	
13			13	A. Officer Gerald Lau, G-E-R-A-L-D L-A-U.	
14			14	Q. Okay. And Officer Lau, how are you currently	
15			15	employed?	
16			16	A. The Chicago Police Department.	
17			17	Q. And what is your rank?	
18			18	A. Patrolman.	
19			19	Q. Okay. How long have you been a Chicago Police	
20			20	Officer?	
21			21	A. Sixteen years.	
22			22	Q. And patrolman the whole time?	
23			23	A. Yes, sir.	
24			24	Q. Okay. Have you ever sought promotion?	
25			25	A. Yes.	

<p style="text-align: right;">Page 6</p> <p>1 Q. When was that?</p> <p>2 A. I couldn't give you the exact dates. I took a</p> <p>3 sergeant's test and detective's test.</p> <p>4 Q. Okay. Do you remember how you did on the</p> <p>5 tests?</p> <p>6 A. The first detective's test, I did not get it.</p> <p>7 I don't remember my number.</p> <p>8 Q. Okay.</p> <p>9 A. The sergeant's test, I did not get it either.</p> <p>10 Q. Do you plan to take the tests again?</p> <p>11 A. Yes, sir. Probably. And then I believe there</p> <p>12 was -- I'm sorry. I believe there was the last</p> <p>13 detective test I also took --</p> <p>14 Q. Okay.</p> <p>15 A. -- and it's -- it's -- the list is still</p> <p>16 ongoing.</p> <p>17 Q. Oh, okay. Do you know where you are on the</p> <p>18 list?</p> <p>19 A. 300 and something. Yeah.</p> <p>20 Q. Okay. And do you have any outside employment?</p> <p>21 A. No, sir.</p> <p>22 Q. Have you ever had outside employment while you</p> <p>23 worked for CPD?</p> <p>24 A. I've done, like, security.</p> <p>25 Q. Okay. When was the last time you did that?</p>	<p style="text-align: right;">Page 8</p> <p>1 THE WITNESS: Gun team.</p> <p>2 THE REPORTER: Thank you, sir.</p> <p>3 BY MR. FLAXMAN:</p> <p>4 Q. Okay. Do you know what a tactical team is?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what's the difference between a gun team</p> <p>7 and a tactical team?</p> <p>8 A. Basically, just a different -- different name,</p> <p>9 I guess. The tactical teams are basically out of a</p> <p>10 district and then, the gun team was out of the det --</p> <p>11 like the area.</p> <p>12 Q. And the area covers multiple districts?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Was there a name for the gun team you were</p> <p>15 assigned to in 2017?</p> <p>16 A. Area South Gun Team.</p> <p>17 Q. Are you assigned to any kind of team today?</p> <p>18 A. I'm assigned to -- it would be the Homicide</p> <p>19 Investigation Support Team.</p> <p>20 Q. How long have you had that assignment?</p> <p>21 A. Approximately three years.</p> <p>22 Q. Is that a detail or an assignment?</p> <p>23 A. It's -- it's a detail. Yeah.</p> <p>24 Q. Where are you detailed from?</p> <p>25 A. Gang Investigations.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Maybe six, seven years.</p> <p>2 Q. Okay. My name is Joel Flaxman. I think your</p> <p>3 lawyer probably explained to you why we're here today --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- but I do want to make sure you understand I</p> <p>6 want to ask you questions about the arrest of Dennis</p> <p>7 Jackson on November 6, 2017?</p> <p>8 A. Yes, sir.</p> <p>9 Q. You understand that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And are you able to give me truthful</p> <p>12 answers today?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And are you able to give accurate answers?</p> <p>15 A. To the best of my ability. Yes.</p> <p>16 Q. Okay. Is there anything that would hinder</p> <p>17 your ability to give truthful and accurate answers?</p> <p>18 A. No.</p> <p>19 Q. Okay. In November of 2017, can you tell me</p> <p>20 what your assignment was?</p> <p>21 A. I was assigned as a patrolman for the Chicago</p> <p>22 Police Department.</p> <p>23 Q. Were you on a tactical team?</p> <p>24 A. Gun team.</p> <p>25 THE REPORTER: I'm sorry, what was that?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And what do you --</p> <p>2 THE REPORTER: Sorry, what's that?</p> <p>3 THE WITNESS: Gang Investigations.</p> <p>4 THE REPORTER: Gang. Thank you.</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. And what do you do on the Homicide</p> <p>7 Investigation Support Team?</p> <p>8 A. Just assist detectives in the area.</p> <p>9 Q. And what area are you assigned to?</p> <p>10 A. Area 5.</p> <p>11 Q. Where is Area 5?</p> <p>12 A. Grand and Central.</p> <p>13 Q. Okay. Going back to 2017, do you remember the</p> <p>14 arrest of Dennis Jackson?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you remember?</p> <p>17 A. A narcotic surveillance was conducted by</p> <p>18 members of my team.</p> <p>19 Q. And what was your role in the surveillance?</p> <p>20 A. I was enforcement officer.</p> <p>21 Q. What does that mean?</p> <p>22 A. My role would be to take enforcement action</p> <p>23 based on their observations.</p> <p>24 Q. Okay. And was it Carreno and Garcia who were</p> <p>25 on surveillance?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Yes, sir.</p> <p>2 Q. Do you remember why those officers were doing 3 surveillance that night?</p> <p>4 A. I don't -- I don't know. Narcotic 5 surveillance, I guess you could say.</p> <p>6 Q. Well, did you know where they were doing 7 surveillance?</p> <p>8 A. Yes.</p> <p>9 Q. Where were they doing surveillance?</p> <p>10 A. In the area of a 120th Street.</p> <p>11 Q. Do you know why they chose that area?</p> <p>12 A. No, sir.</p> <p>13 Q. And where were you as an enforcement officer?</p> <p>14 A. I don't remember exactly where I was, 15 somewhere near that area.</p> <p>16 Q. Were you in a vehicle?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And were you with a partner?</p> <p>19 A. Yes.</p> <p>20 Q. Who was your partner that night?</p> <p>21 A. Officer Evans.</p> <p>22 Q. Okay. E-V-A-N-S?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And at some point, were you called upon to 25 take enforcement action?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. Well, so, first of all, this is 2 information, did you hear over the radio?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And do you remember who it was? Was it 5 Carreno or Garcia talking over the radio?</p> <p>6 A. I don't remember who communicated.</p> <p>7 Q. Okay. But it was one of those two those two?</p> <p>8 A. One of -- yes, sir.</p> <p>9 Q. And did one of those two direct you to stop 10 the gold Impala?</p> <p>11 A. Yes.</p> <p>12 Q. And the reason given was that an individual 13 who had gotten to the back seat had been part of a drug 14 transaction, right?</p> <p>15 A. Correct.</p> <p>16 Q. Now, before you got that direction, had you 17 heard over the radio from Garcia and Carreno that they 18 were monitoring drug transactions?</p> <p>19 A. I'm not sure.</p> <p>20 Q. Okay. Had they told you before this person to 21 stop anybody else who had they had seen buy drugs?</p> <p>22 A. I'm not sure.</p> <p>23 Q. When Carreno or Garcia gave the direction to 24 stop the person in the gold Impala, did they tell you 25 whether it was a man or a woman?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes, sir.</p> <p>2 Q. And what happened?</p> <p>3 A. Myself and Officer Evans conducted a traffic 4 stop on a vehicle.</p> <p>5 Q. Okay. Do you remember what information you 6 got before you did the traffic stop?</p> <p>7 A. We received information that there was a gold 8 Impala, and the individual got into the back seat of the 9 Impala at that time, and we stopped the vehicle.</p> <p>10 Q. And was that information you got from Carreno 11 and Garcia?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. So, they told you there was individual 14 in the back seat of the gold Impala?</p> <p>15 A. Yes. They said -- they relayed there was -- 16 they observed, you know, some sort of narcotics 17 transaction and the in -- individual entered the rear 18 seat of the vehicle.</p> <p>19 Q. And do you understand that the individual had 20 bought narcotics?</p> <p>21 A. That's -- basically, that's what we -- we 22 believed. Yes.</p> <p>23 Q. Okay. And do you remember what else you knew 24 about that individual from Carreno and Garcia?</p> <p>25 A. I'm not sure.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Man.</p> <p>2 Q. And did they tell you the man's race?</p> <p>3 A. I don't remember.</p> <p>4 Q. Did they tell you any clothing that he was 5 wearing?</p> <p>6 A. I believe they gave a description. I don't 7 remember what it was, but, you know, you -- technically 8 that's like the practice of you'd give a description of 9 the person, and so, I believe so, but I -- I don't 10 remember off the top of my head.</p> <p>11 Q. Right. And with understanding that you don't 12 remember exactly what they said, is it fair that they 13 would have told you race and items of clothing?</p> <p>14 A. It's possible. Yes.</p> <p>15 Q. Would you have expected them to tell you 16 things like that to identify the man?</p> <p>17 A. Yeah. I assume so. Yes.</p> <p>18 Q. Okay. And after you got the direction from 19 Carreno or Garcia to stop this man, what did you do?</p> <p>20 A. We, myself and Officer Evans, conducted a 21 traffic stop.</p> <p>22 Q. Do you remember who was driving the car?</p> <p>23 A. I believe that it was a woman.</p> <p>24 Q. Who was driving the gold Impala?</p> <p>25 A. Yes.</p>

Page 14

1 Q. Okay. And what does it mean to do a traffic
 2 stop?
 3 A. Pulled behind the vehicle and activate the
 4 lights.
 5 Q. Okay. Were you in a marked car that night?
 6 A. We were in an unmarked car.
 7 Q. But it had lights on it?
 8 A. Yes, sir.
 9 Q. Okay. And who was driving, you or your
 10 partner?
 11 A. I believe, Officer Evans was driving.
 12 Q. And do you know where you were when you pulled
 13 behind the gold Impala?
 14 A. Like where my position was in the -- behind
 15 the car?
 16 Q. No. What street you were on?
 17 A. Oh, 121st Street.
 18 Q. And did the gold Impala stop when your car's
 19 lights were turned on?
 20 A. Yes, sir.
 21 Q. Well, before you got out of your car, had you
 22 seen the people in the gold Impala?
 23 A. Did I see them out of the car? Is that what
 24 you mean?
 25 Q. Yeah. I'm sorry. I'll ask it again. How

Page 15

1 long was your vehicle behind the gold Impala before the
 2 gold Impala stopped?
 3 A. I don't remember. I don't think it would be
 4 that long.
 5 Q. Okay. And after the gold Impala stopped, did
 6 you get out of your car to go to the gold Impala?
 7 A. Yes.
 8 Q. And before that time, had you seen the people
 9 inside the gold Impala?
 10 A. No.
 11 Q. You just knew that you were stopping the gold
 12 Impala?
 13 A. Correct.
 14 Q. Okay. And once you got out of your vehicle,
 15 did you walk to the gold Impala?
 16 A. Yes, sir.
 17 Q. And what was the first thing you saw when you
 18 looked at that car?
 19 A. We observed the individuals in the -- in the
 20 vehicle, the women and the back seat passenger.
 21 Q. How many people were in the Impala?
 22 A. Three, I believe.
 23 Q. And where were they seated?
 24 A. There was the male was in the back seat and
 25 the women were in the front seat.

Page 16

1 Q. And did the male in the back seat match the
 2 description you had gotten from Carreno or Garcia?
 3 A. They -- I don't remember the exact
 4 description. I'm sorry about that, but he was -- they
 5 related that he entered the rear of the vehicle. I -- I
 6 can -- I remember that. I don't --
 7 Q. So, you -- yeah.
 8 A. I don't remember exactly what the description
 9 was that they gave out at the time.
 10 Q. But you do remember that he was in the right
 11 position of the car?
 12 A. Correct.
 13 Q. And you did know that it was the right car?
 14 A. Correct.
 15 Q. Okay. What did you do after walking to the
 16 car?
 17 A. My partner, Officer Evans, informed me that
 18 the man in the back seat was moving around, fidgeting
 19 around, so I asked him to exit the vehicle.
 20 Q. Had you seen the man in the back seat moving
 21 around?
 22 A. I don't remember.
 23 Q. What were you doing when Evans saw that?
 24 A. Could have been approaching the vehicle. I --
 25 I -- I really don't remember. I'm sorry.

Page 17

1 Q. Okay. Do you know why Evans told you to take
 2 him out of the vehicle instead of doing it himself?
 3 MR. MICHLINI: Objection. Speculation. You
 4 can answer.
 5 A. I would've been closest to him.
 6 BY MR. FLAXMAN:
 7 Q. And did you then tell the man to get out of
 8 the vehicle?
 9 A. Yes. I asked him. Yes.
 10 Q. Okay. And did he?
 11 A. He did.
 12 Q. Okay. Do you know what Evans was doing at
 13 that time?
 14 A. I'm assuming he would've been standing by the
 15 driver's side of the vehicle.
 16 Q. Could you hear him talking to the women in the
 17 car?
 18 A. I don't re -- I don't -- I'm -- I could've. I
 19 don't -- if -- I'm sure he was, but I ca -- I don't
 20 remember that, you know.
 21 Q. Did you ever talk to the women in the front of
 22 the car?
 23 A. I don't believe so, but I don't remember.
 24 Q. Sure. And what happened after the man got out
 25 of the car?

Page 18	Page 20
1 A. I asked him if there was anything illegal on	1 A. I don't remember.
2 him and he said, "No. Go ahead and check me."	2 Q. Okay. Would you have put it in one of your
3 Q. Were those the words you used, "Is there	3 pockets?
4 anything illegal on you"?	4 A. Could've been in my pocket. Yeah.
5 A. Something along those lines, I believe. Yes.	5 Q. But you don't remember?
6 Q. Okay. And he said, "No. Go ahead and check	6 A. I don't remember.
7 me"?	7 Q. Is it possible you gave it to another officer?
8 A. Yes.	8 A. It could've been later on. Yeah.
9 Q. Was he in handcuffs at this time?	9 Q. And what do you mean when you say "later on"?
10 A. I don't believe so.	10 A. Like maybe at the station, I would give it to
11 Q. And did you search the man?	11 someone else or, you know -- you know, something like
12 A. Yes.	12 that, or if --
13 Q. And tell me what kind of search you did.	13 Q. Okay.
14 A. Just checked his pockets and then checked his	14 A. -- or if, you know -- or, you know, it could
15 wallet.	15 have been -- like I said, I don't remember exactly what
16 Q. And at the time that you were checking his	16 I did with it, you know, or it could -- you know, it's
17 pockets, had you put him in handcuffs?	17 probably -- it -- it was probably placed in my pocket.
18 A. No. I don't believe so.	18 Q. All right. And then, you expect that you
19 Q. And do you remember where you got his wallet	19 would be the one to take it back to the station?
20 from?	20 A. I believe so. Yes.
21 A. His pant pocket.	21 Q. And then, at some point at the station, you
22 Q. Okay. And did you open the wallet?	22 might have given it to somebody else?
23 A. Yes.	23 A. Yeah.
24 Q. And did you find something in the wallet?	24 Q. Yes?
25 A. I did.	25 A. Yes.
Page 19	Page 21
1 Q. What was it?	1 Q. You said you don't remember anything the man
2 A. Knotted plastic bag of suspected heroin.	2 said to you at the time you were finding the bag, right?
3 Q. And did you suspect that it was heroin when	3 A. No.
4 you first saw it?	4 Q. Do you remember anything that he said at any
5 A. Yes.	5 time, other than telling you that he didn't have
6 Q. Based on its appearance?	6 anything and you could search him?
7 A. Yes.	7 A. I don't remember.
8 Q. Was it based on the color?	8 Q. Do you remember talking to him at the station?
9 A. Yes.	9 A. I don't.
10 Q. What was the color of it?	10 Q. Okay. Do you know who took him to the
11 A. Like a powdery tan-ish, white-ish substance.	11 station?
12 Q. And what did you do after you found that	12 A. I believe possibly Officer Higgins took him.
13 plastic bag?	13 Q. Was that somebody else on your team?
14 A. I'm sure he was handcuffed.	14 A. Yes.
15 Q. Did you handcuff him?	15 Q. After -- sorry, let me start that again. At
16 A. Probably. I don't -- but I don't remember.	16 some time after you stopped the car and took the man out
17 Q. Do you remember what he said when you found	17 of the car, was he positively identified by Garcia or
18 that bag?	18 Carreno?
19 A. Not off the top of my head.	19 A. At the traffic stop you're saying -- you're
20 Q. And what did you do with the bag?	20 asking, or...
21 A. Held onto it.	21 Q. Well, let's start of the traffic stop. At the
22 Q. Were you in plain clothes on this night?	22 traffic stop, was he positively identified by Garcia or
23 A. Yes, sir.	23 Carreno?
24 Q. Well, did you put it on your person somewhere,	24 A. I don't believe at that time.
25 the bag?	25 Q. Okay. Was he positively identified by them at

<p>1 some later time?</p> <p>2 A. I'm assuming he would've been, but I -- I -- I 3 don't know.</p> <p>4 Q. Okay. What's your understanding of what it 5 means to positively identify somebody?</p> <p>6 A. Well, if they -- you know, if they observed 7 someone, you know, in a narcotic transaction. They see 8 his clothing and like you said, race, possibly. They 9 would say, "Okay. That's the guy that we saw."</p> <p>10 Q. So, somebody who they had seen in the 11 transaction earlier --</p> <p>12 A. Maybe prior. Yeah.</p> <p>13 Q. Okay. And let me put the whole thing into one 14 question. Is it your understanding that if Garcia or 15 Carreno positively identified the man you arrested, that 16 means that based on their earlier observation, they 17 looked at him later and said he's the man we saw 18 earlier?</p> <p>19 MR. MICHLINI: Objection to speculation. Form. 20 You can answer if you understand.</p> <p>21 A. I believe so.</p> <p>22 BY MR. FLAXMAN:</p> <p>23 Q. Okay.</p> <p>24 A. I'm kind of confused.</p> <p>25 Q. Yeah. I --</p>	<p>Page 22</p> <p>1 drugs?</p> <p>2 A. No.</p> <p>3 Q. Do you remember transporting either of those 4 men to the police station?</p> <p>5 A. No.</p> <p>6 Q. And do you remember talking to either of them 7 at the police station?</p> <p>8 A. No.</p> <p>9 Q. Going back to the gold Impala, do you know if 10 either of the women in the front of the car were 11 arrested?</p> <p>12 A. No. They were not.</p> <p>13 Q. They were not? Okay. Did either of them ever 14 get out of the car while you were there?</p> <p>15 A. No.</p> <p>16 Q. And after the man in the back seat was 17 arrested, were they allowed to leave?</p> <p>18 A. Yes.</p> <p>19 Q. For the man who you searched, do you remember 20 what his wallet looked like?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you remember if the bag was in some kind of 23 pouch in the wallet?</p> <p>24 A. I don't remember. I remember, you know, it 25 was in the wallet. I couldn't tell you if it was in a</p>
<p>1 A. I'm sorry.</p> <p>2 Q. Yeah. There were a lot of clauses and phrases 3 in there. So, like, I could try asking it again.</p> <p>4 A. Just if -- if -- if you're asking if they, at 5 some point, said this was the person that they observed 6 by; is that right?</p> <p>7 Q. That's the question. Yes.</p> <p>8 A. Yes. I'm assuming that would have happened, 9 but I don't -- I don't recall.</p> <p>10 Q. Okay. After the stop of this man, what did 11 you do next?</p> <p>12 A. After the stop of that man, I believe we went 13 and did -- stopped -- we stopped the other two 14 individuals.</p> <p>15 Q. Okay. And those were the individuals who 16 Carreno and Garcia had observed selling drugs, right?</p> <p>17 A. Correct.</p> <p>18 Q. And you never saw any of those transactions, 19 right?</p> <p>20 A. No, sir.</p> <p>21 Q. You were relying on the statements you heard 22 from Carreno and Garcia?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Do you remember speaking to either of the men 25 who arrested who Carreno and Garcia had seen selling the</p>	<p>Page 23</p> <p>1 pouch or -- I'm sorry.</p> <p>2 Q. I will show you a report. I'm giving you 3 what's marked as Exhibit number 1. Do you recognize 4 that as an original case incident report dated November 5 6, 2017?</p> <p>6 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>7 A. Yes, sir.</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. And the suspect name on here is Nathaniel F. 10 Johnson?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is this a report related to the arrest of the 13 man in the back seat of the gold Impala?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And the second to last box on the second page 16 was the reporting officer, Michael J. Higgins. Do you 17 see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you understand that to mean that Officer 20 Higgins wrote this report?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Were you involved in writing this report?</p> <p>23 A. Officer -- Officer Higgins wrote the report.</p> <p>24 Q. Okay. If you look at the narrative section, 25 it starts at the top of the second page. Do you see</p>

<p style="text-align: right;">Page 26</p> <p>1 where that is?</p> <p>2 A. Excuse me, sir?</p> <p>3 Q. Yeah. At the top of the second page, there's</p> <p>4 a narrative section. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And if we skip down a few lines in the</p> <p>7 middle, it says, "PO Carreno then contacted Beat 4271-</p> <p>8 C." Do you see that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And it says that, "PO Carreno then contacted</p> <p>11 Beat 4271-C and PO Lau, number 5744 and informed PO Lau</p> <p>12 that a gold Chevrolet Impala is heading westbound in the</p> <p>13 direction of Beat 4271-C." Did I read that right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And that's your star number, 5744?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you know how Officer Higgins knew that</p> <p>18 Officer Carreno had given you that information?</p> <p>19 MR. MICHLINI: Objection to the speculation.</p> <p>20 You can answer.</p> <p>21 A. I'm assuming that -- well, we're all on the</p> <p>22 same radio channel.</p> <p>23 BY MR. FLAXMAN:</p> <p>24 Q. Okay.</p> <p>25 A. So, it's -- he -- I'm assuming he heard it on</p>	<p style="text-align: right;">Page 28</p> <p>1 you another exhibit. We'll mark it as Exhibit 2. Sorry,</p> <p>2 I'm missing my copy. Let's go off the record for a</p> <p>3 minute.</p> <p>4 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>5 THE REPORTER: We're off the record.</p> <p>6 (OFF THE RECORD)</p> <p>7 THE REPORTER: Back on record.</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. Is Exhibit number 2 an inventory sheet from</p> <p>10 the Chicago Police Department?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. Do you have experience preparing</p> <p>13 inventory sheets?</p> <p>14 A. Yes.</p> <p>15 Q. And this is an inventory sheet for,</p> <p>16 "Narcotic/drug knotted bag of a tan powder substance,</p> <p>17 suspect heroin"; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Is this the bag that you took from Mr.</p> <p>20 Johnson's wallet?</p> <p>21 A. Yes.</p> <p>22 Q. And are you listed as the "found by" officer</p> <p>23 on this inventory?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Meaning that you're the one who found it?</p>
<p style="text-align: right;">Page 27</p> <p>1 the radio.</p> <p>2 Q. Okay. And does looking at this report refresh</p> <p>3 your recollection that it was Officer Carreno who</p> <p>4 provided the information about the gold Chevy Impala?</p> <p>5 A. Yes, sir.</p> <p>6 Q. I don't have specific questions about what's</p> <p>7 described here, but to the extent that it states things</p> <p>8 that you said and things that were said to you, would</p> <p>9 you expect that you would have told that to Officer</p> <p>10 Higgins before he wrote the report?</p> <p>11 A. Yes.</p> <p>12 Q. And the last thing is closer to the bottom.</p> <p>13 There's in the middle of the line, it says, "PO Lau</p> <p>14 searched arrestee." Do you see that?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And it says, "And removed a black wallet from</p> <p>17 arrestee's back left pants pocket." Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Does that refresh your recollection about</p> <p>20 where the wallet was on Mr. Johnson?</p> <p>21 A. Yes.</p> <p>22 Q. And it was in his back left pants pocket?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. You can put that exhibit aside. Just</p> <p>25 put it over there for the reporter, please. Let me give</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes, sir.</p> <p>2 Q. Do you know if you prepared this inventory</p> <p>3 sheet?</p> <p>4 A. It says, "Created by PC0U929". I'm -- that's</p> <p>5 -- I'm PC0Z660.</p> <p>6 Q. Okay. Is that what's called a "PC number"?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know whose PC number is listed as the</p> <p>9 created by officer?</p> <p>10 A. No.</p> <p>11 Q. Do you know why whoever that officer is, is</p> <p>12 the one who created this inventory sheet?</p> <p>13 MR. MICHLINI: Objection. Speculation. You</p> <p>14 can answer.</p> <p>15 A. No.</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. Was it the regular practice on your team that</p> <p>18 the officer who found the evidence would create an</p> <p>19 inventory sheet about the evidence?</p> <p>20 MR. MICHLINI: Same objection. Speculation.</p> <p>21 Hypothetical. You can answer.</p> <p>22 A. Sometimes, yes. Sometimes, other people did</p> <p>23 it.</p> <p>24 BY MR. FLAXMAN:</p> <p>25 Q. There was nothing unusual about somebody else</p>

<p>1 doing the inventory sheet?</p> <p>2 A. No.</p> <p>3 Q. Would an officer, other than the officer who</p> <p>4 found the evidence, do the inventory sheet if the</p> <p>5 original officer was busy with something else?</p> <p>6 MR. MICHLINI: Objection. Hypothetical.</p> <p>7 Speculation. You can answer.</p> <p>8 A. Could have been.</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. If another officer was preparing an inventory</p> <p>11 sheet for evidence that you found, would you review that</p> <p>12 inventory sheet before it was finalized?</p> <p>13 MR. MICHLINI: Same objection. You can answer.</p> <p>14 A. Yes.</p> <p>15 BY MR. FLAXMAN:</p> <p>16 Q. When you were preparing an inventory sheet for</p> <p>17 narcotics, what were your responsibilities?</p> <p>18 A. Just note what -- what was recovered of the</p> <p>19 narcotics.</p> <p>20 Q. Would you weigh the narcotics?</p> <p>21 A. Yes.</p> <p>22 Q. And would you try to write down an accurate</p> <p>23 description of what you had found?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know what "chain of custody" means?</p>	Page 30	<p>1 A. Yes, sir.</p> <p>2 Q. Do you understand this to be referencing the</p> <p>3 two men who Carreno and Garcia observed selling the</p> <p>4 narcotics?</p> <p>5 A. Yes, sir.</p> <p>6 Q. I just wanted to point you to the very end of</p> <p>7 the narrative section on page 3 and the, I guess, third</p> <p>8 to last line --</p> <p>9 A. Okay.</p> <p>10 Q. -- on the right side says, "Dennis Jackson</p> <p>11 (offender)." Do you see that?</p> <p>12 A. Yes, sir.</p> <p>13 Q. It says, "Dennis Jackson (offender) was</p> <p>14 transported by Beat 4271C, PO Lau, number 5744, and PO</p> <p>15 Evans, Star number 5815." Do you see that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And it says "BT.". Does that mean "beat"?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Because I did read it that way. I</p> <p>20 wanted to make sure. Does looking at that refresh your</p> <p>21 recollection that you and Officer Evans transported</p> <p>22 Dennis Jackson to the police station?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And do you remember speaking to Mr. Jackson</p> <p>25 while he was in your vehicle?</p>	Page 32
<p>1 A. Yes.</p> <p>2 Q. Well, what does "chain of custody" mean?</p> <p>3 A. If evidence is recovered, basically, you know,</p> <p>4 just making sure that it gets, you know, inventoried</p> <p>5 properly, that, you know, if someone finds it, just so</p> <p>6 you know where the narcotics were or whatever it was.</p> <p>7 Q. Okay. And is it important to keep a written</p> <p>8 record of the chain of custody for evidence that was</p> <p>9 seized from a suspect?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Okay. Do you know if you were involved in the</p> <p>12 processing Nathaniel Johnson at the police station?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. Is there anything else you remember</p> <p>15 about the arrest of Mr. Johnson other than what we've</p> <p>16 talked about?</p> <p>17 A. No, sir.</p> <p>18 Q. I have, I think, just one more exhibit, which</p> <p>19 I'll mark as number 3. Do you recognize this as an</p> <p>20 original case incident report dated November 6, 2017?</p> <p>21 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>22 A. Yes, sir.</p> <p>23 BY MR. FLAXMAN:</p> <p>24 Q. And this lists two suspects, Dennis Jackson</p> <p>25 and James McIntyre, on the second page?</p>	Page 31	<p>1 A. No, sir.</p> <p>2 Q. And do you remember speaking to Mr. Jackson at</p> <p>3 any other time?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. And aside from the arrest this night</p> <p>6 and transporting Mr. Jackson, can you recall interacting</p> <p>7 with him on any other date?</p> <p>8 A. No, sir.</p> <p>9 Q. Is anything else in the report refreshing your</p> <p>10 recollection?</p> <p>11 A. No. No, sir.</p> <p>12 Q. Nothing else in the report refreshed your</p> <p>13 recollection about ever speaking to Mr. Jackson?</p> <p>14 A. No.</p> <p>15 Q. And I said, "Interact on another day". Do you</p> <p>16 have any memory of ever seeing Mr. Jackson on some other</p> <p>17 day, other than this one?</p> <p>18 A. I mean, we've seen him, you know, before I'm</p> <p>19 sure. That was our area.</p> <p>20 Q. Okay.</p> <p>21 A. You know, I can't give you like a specific</p> <p>22 time or, you know.</p> <p>23 Q. But why are you sure that you had seen Mr.</p> <p>24 Jackson before?</p> <p>25 A. Well, that's our -- that was near our station</p>	Page 33

Page 34

1 and, you know, we recognized them from being out there.
 2 Q. So, on the night of this arrest, you believe
 3 that when you saw Mr. Jackson, you recognized him as
 4 someone you'd seen in the area before?

5 A. Yes.

6 Q. Had you seen him selling drugs before?

7 A. No.

8 Q. Had you seen him doing anything else illegal
 9 before?

10 A. No, sir.

11 Q. Okay. So, as far as you knew before this
 12 night, he was somebody who lived in the area or spent
 13 time in the area?

14 A. Yes.

15 Q. And after this the arrest in November of 2017,
 16 did you see Mr. Jackson ever again?

17 A. No. I don't believe so.

18 MR. FLAXMAN: I don't have any other questions
 19 for you.

20 MR. MICHLINI: Let's take a break. I shouldn't
 21 have too many.

22 (OFF THE RECORD)

23 THE REPORTER: We're back on record.

24 CROSS-EXAMINATION

25 BY MR. MICHLINI:

Page 35

1 Q. Officer Lau, you testified earlier that the
 2 two females that were in the gold Impala never exited
 3 the car during that traffic stop; is that fair?

4 A. Yes.

5 Q. Okay. And so, it's fair to say that those
 6 females were never searched?

7 A. Yes.

8 Q. Okay. And did you or anybody else involved in
 9 that traffic stop of the gold Impala ever search the
 10 gold Impala?

11 A. No.

12 Q. Okay. And why is that?

13 A. I would say that there was narcotics located
 14 on Mr. Johnson's person.

15 Q. Okay. And the information you received from
 16 either Officer Carreno or Garcia was specific to the
 17 male back seat passenger of that Impala; is that fair?

18 A. Yes.

19 Q. Okay. Officer Higgins was also on scene
 20 during the stop of the Impala at some point?

21 A. Yes.

22 Q. Okay. And Officer Higgins was the one that
 23 transported Nathaniel Johnson, the rear seat passenger,
 24 of that gold Impala to the police district?

25 MR. FLAXMAN: Objection. Foundation. Asked

Page 36

1 and answered.

2 BY MR. MICHLINI:

3 Q. Officer Higgins was the one that transported
 4 him?

5 A. Yes.

6 MR. FLAXMAN: Same objection.

7 BY MR. MICHLINI:

8 Q. Okay. The answer is "yes"?

9 A. Yes.

10 MR. MICHLINI: I don't have anything further.

11 MR. FLAXMAN: Okay. Thanks for your time.

12 THE WITNESS: Thank you, sir.

13 THE REPORTER: We are now off the record.

14 (OFF THE RECORD)

15 THE REPORTER: Mr. Michlini, how would you like
 16 your copy?

17 MR. MICHLINI: What's that?

18 THE REPORTER: How would you like your copy?

19 MR. MICHLINI: PDF, please.

20 THE REPORTER: PDF?

21 MR. MICHLINI: Yeah.

22 THE REPORTER: Mr. Flaxman?

23 MR. FLAXMAN: Electronic, please. Thanks.

24 THE REPORTER: Great. Read or waive for you?

25 Sorry. Read or waive for Mr. Lau?

Page 37

1 MR. MICHLINI: We'll reserve, please.

2 THE REPORTER: Reserve?

3 MR. MICHLINI: Yes.

4 THE REPORTER: Do you want me to send it to
 5 you?

6 MR. MICHLINI: Yeah. Just send it to me just
 7 like how you guys have been doing, so...

8 THE REPORTER: Yeah. Cool.

9 (DEPOSITION CONCLUDED AT 11:02 A.M. CT)

1 CERTIFICATE OF DIGITAL REPORTER
2 STATE OF ILLINOIS
3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page here of by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded digitally by me and then reduced to
10 type written form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel, and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

16

17

18



22 ZOE NYHUS,

23 DIGITAL REPORTER / NOTARY

24 MY COMMISSION EXPIRES ON: 09/20/2027

25 SUBMITTED ON: 11/07/2023

Exhibits	6	assuming 17:14 22:2 23:8 26:21,25	Carreno 9:24 11:10,24 12:5, 17,23 13:19 16:2 21:18,23 22:15 23:16,22, 25 26:7,10,18 27:3 32:3 35:16	Correct 12:15 15:13 16:12,14 23:17
Exhibit 1_Lau 25:3,6	6 7:7 25:5 31:20	B	could've 17:18 20:4,8	
Exhibit 2_Lau 28:1,4,9	A	back 9:13 11:8, 14 12:13 15:20, 24 16:1,18,20 20:19 24:9,16 25:13 27:17,22 28:7 34:23 35:17	case 25:4 31:20	covers 8:12
Exhibit 3_Lau 31:21	a.m. 5:3 37:9	bag 19:2,13,18, 20,25 21:2 24:22 28:16,19	Central 9:12	CPD 6:23
1	ability 7:15,17	based 9:23 19:6,8 22:16	chain 30:25 31:2,8	create 29:18
1 25:3,6	accurate 7:14, 17 30:22	basically 8:8,9 11:21 31:3	channel 26:22	created 29:4,9, 12
10:20 5:3	action 9:22 10:25	beat 26:7,11,13 32:14,17	check 18:2,6	CROSS-
11:02 37:9	activate 14:3	begin 5:8	checked 18:14	EXAMINATIO
120th 10:10	affirm 5:4	believed 11:22	checking 18:16	N 34:24
121st 14:17	ahead 18:2,6	black 27:16	Chevrolet 26:12	CT 37:9
	allowed 24:17	bottom 27:12	Chevy 27:4	custody 30:25
2	answers 7:12, 14,17	bought 11:20	Chicago 5:16, 19 7:21 28:10	31:2,8
2 28:1,4,9	appearance 19:6	box 25:15	chose 10:11	
2017 7:7,19 8:15 9:13 25:5 31:20 34:15	approaching 16:24	break 34:20	clauses 23:2	
3	Approximately 8:21	BT." 32:17	closer 27:12	
3 31:19,21 32:7	area 8:11,12,16 9:8,9,10,11 10:10,11,15 33:19 34:4,12, 13	busy 30:5	closest 17:5	
300 6:19		buy 12:21	clothes 19:22	
4	arrest 7:6 9:14 25:12 31:15 33:5 34:2,15		clothing 13:4, 13 22:8	
4271- 26:7		color 19:8,10	Department 5:16 7:22 28:10	
4271-C 26:11, 13	arrested 22:15 23:25 24:11,17		DEPOSITION 37:9	
4271C 32:14	arrestee 27:14	C	description 13:6,8 16:2,4,8 30:23	
5	arrestee's 27:17	ca 17:19	CONCLUDED 37:9	
5 9:10,11	assigned 7:21 8:15,17,18 9:9	called 10:24 29:6	conducted 9:17 11:3 13:20	
5744 26:11,15 32:14	assignment 7:20 8:20,22	car 13:22 14:5, 6,15,21,23 15:6,18 16:11, 13,16 17:17,22, 25 21:16,17 24:10,14 35:3	confused 22:24	
5815 32:15	assist 9:8	car's 14:18	contacted 26:7,10	
	assume 13:17		Cool 37:8	
			copy 28:2 36:16,18	
			detectives 9:8	
			difference 8:6	

direct 5:9 12:9	27:24 28:1,4,9 31:18,21	Gang 8:25 9:3, 4	heading 26:12	information 11:5,7,10 12:2 26:18 27:4 35:15
direction 12:16,23 13:18 26:13	exit 16:19	Garcia 9:24 11:11,24 12:5, 17,23 13:19	hear 12:2 17:16	informed 16:17 26:11
district 8:10 35:24	exited 35:2	16:2 21:17,22 22:14 23:16,22, 25 32:3 35:16	heard 12:17 23:21 26:25	inside 15:9
districts 8:12	expect 20:18 27:9	Gerald 5:13	Held 19:21	Interact 33:15
driver's 17:15	expected 13:15	give 5:5 6:2 7:11,14,17 13:8 20:10 27:25 33:21	heroin 19:2,3 28:17	interacting 33:6
driving 13:22, 24 14:9,11	experience 28:12	Higgins 21:12 25:16,20,23 26:17 27:10 35:19,22 36:3	hinder 7:16	inventoried 31:4
drug 12:13,18	explained 7:3	Homicide 8:18 9:6	Homicide 8:18 9:6	inventory 28:9,13,15,23 29:2,12,19 30:1,4,10,12,16
drugs 12:21 23:16 24:1 34:6	extent 27:7	Hypothetical 29:21 30:6	Investigation 8:19 9:7	
<hr/>				
E				
E-V-A-N-S 10:22	F		I	
earlier 22:11, 16,18 35:1	fair 13:12 35:3, 5,17	gold 11:7,14 12:10,24 13:24 14:13,18,22	IDENTIFICATI ON 25:6 28:4 31:21	
Electronic 36:23	females 35:2,6	15:1,2,5,6,9,11, 15 24:9 25:13 26:12 27:4 35:2,9,10,24	identified 21:17,22,25 22:15	Investigations 8:25 9:3
employed 5:15	finalized 30:12	Grand 9:12	identify 13:16 22:5	involved 25:22 31:11 35:8
employment 6:20,22	find 18:24	Great 36:24	illegal 18:1,4 34:8	items 13:13
end 32:6	finding 21:2	guess 8:9 10:5 32:7	Impala 11:8,9, 14 12:10,24 13:24 14:13,18, 22 15:1,2,5,6,9, 12,15,21 24:9 25:13 26:12 27:4 35:2,9,10, 17,20,24	
enforcement 9:20,22 10:13, 25	finds 31:5	guys 37:7	important 31:7	<hr/>
entered 11:17 16:5	Flaxman 5:10 7:2 8:3 9:5 17:6 22:22 25:8 26:23 28:8 29:16,24 30:9, 15 31:23 34:18 35:25 36:6,11, 22,23	gun 7:24 8:1,6, 10,14,16	incident 25:4 31:20	Jackson 7:7 9:14 31:24 32:10,13,22,24 33:2,6,13,16,24 34:3,16
Evans 10:21 11:3 13:20 14:11 16:17,23 17:1,12 32:15, 21	Form 22:19	guy 22:9	individual 11:8,13,17,19, 24 12:12	James 31:25
evidence 29:18,19 30:4, 11 31:3,8	found 19:12,17 28:22,25 29:18 30:4,11,23	guys 37:7	important 31:7	Joel 7:2
exact 6:2 16:3	Foundation 35:25	hand 5:4	incident 25:4 31:20	Johnson 25:10 27:20 31:12,15 35:23
EXAMINATIO N 5:9	front 15:25 17:21 24:10	handcuff 19:15	individual 11:8,13,17,19, 24 12:12	Johnson's 28:20 35:14
Excuse 26:2	<hr/>	handcuffed 19:14	individuals 15:19 23:14,15	<hr/>
exhibit 25:3,6	G	handcuffs 18:9,17		kind 8:17 18:13 22:24 24:22
	G-E-R-A-L-D 5:13	happened 11:2 17:24 23:8		knew 11:23 15:11 26:17 34:11

knotted 19:2 28:16	marked 14:5 25:3,6 28:4 31:21	night 10:3,20 14:5 19:22 33:5 34:2,12	pant 18:21	25:1
L	match 16:1	note 30:18	pants 27:17,22	powder 28:16
L-A-U 5:13	McIntyre 31:25	November 7:7, 19 25:4 31:20 34:15	part 12:13	powdery 19:11
Lau 5:3,13,14 26:11 27:13 32:14 35:1 36:25	Meaning 28:25	number 6:7 25:3 26:11,15	partner 10:18, 20 14:10 16:17	practice 13:8 29:17
lawyer 7:3	means 22:5,16 30:25	members 9:18	passenger 15:20 35:17,23	prepared 29:2
leave 24:17	memory 33:16	number 6:7 25:3 26:11,15 28:9 29:6,8 31:19 32:14,15	patrolman 5:18,22 7:21	preparing 28:12 30:10,16
left 27:17,22	men 23:24 24:4 32:3	O	PC 29:6,8	prior 22:12
lights 14:4,7, 19	Michael 25:16	objection 17:3 22:19 26:19	PC0U929 29:4	PROCEEDING
lines 18:5 26:6	Michlini 17:3 22:19 26:19 29:13,20 30:6, 13 34:20,25	29:13,20 30:6, 13 35:25 36:6	PC0Z660 29:5	S 5:1
list 6:15,18	observation 22:16	observation 22:16	PDF 36:19,20	processing 31:12
listed 28:22 29:8	observations 9:23	observations 9:23	people 14:22 15:8,21 29:22	promotion 5:24
lists 31:24	middle 26:7 27:13	observed 11:16 15:19 22:6 23:5,16	person 12:20, 24 13:9 19:24 23:5 35:14	properly 31:5
lived 34:12	minute 28:3	missing 28:2	phrases 23:2	provided 27:4
located 35:13	monitoring 12:18	monitoring 12:18	plain 19:22	pulled 14:3,12
long 5:19 8:20 15:1,4	moving 16:18, 20	moving 16:18, 20	plan 6:10	put 18:17 19:24 20:2 22:13 27:24,25
looked 15:18 22:17 24:20	multiple 8:12	multiple 8:12	plastic 19:2,13	Q
lot 23:2	N	N	PO 26:7,10,11 27:13 32:14	question 22:14 23:7
M	narcotic 9:17 10:4 22:7	narcotic 9:17 10:4 22:7	pocket 20:4,17 27:17,22	questions 7:6 27:6 34:18
make 7:5 32:20	Narcotic/drug 28:16	Narcotic/drug 28:16	pockets 18:14, 17 20:3	R
making 31:4	narcotics 11:16,20 30:17, 19,20 31:6 32:4 35:13	narcotics 11:16,20 30:17, 19,20 31:6 32:4 35:13	point 10:24 20:21 23:5 32:6 35:20	race 13:2,13 22:8
male 15:24 16:1 35:17	narrative 25:24 26:4 32:7	narrative 25:24 26:4 32:7	police 5:16,19 7:22 24:4,7 28:10 31:12 32:22 35:24	radio 12:2,5,17 26:22 27:1
man 12:25 13:1,16,19 16:18,20 17:7, 24 18:11 21:1, 16 22:15,17 23:10,12 24:16, 19 25:13	original 25:4 30:5 31:20	ongoing 6:16	position 14:14 16:11	raise 5:3
man's 13:2	original 25:4 30:5 31:20	open 18:22	positively 21:17,22,25 22:5,15	rank 5:17
mark 28:1 31:19	packet 18:21	original 25:4 30:5 31:20	possibly 21:12 22:8	read 26:13 32:19 36:24,25
			packet 18:21	rear 11:17 16:5 35:23
				reason 12:12
				recall 23:9

24:21 31:13 33:6	27:2,10 31:20 33:9,12	side 17:15 32:10	32:22 33:25	13:7
received 11:7 35:15	reporter 5:2,8 7:25 8:2 9:2,4 27:25 28:5,7 34:23 36:13,15, 18,20,22,24	sir 5:23 6:11,21 7:4,8,13 8:2,5, 13 10:1,12,17, 23 11:1,12 12:8 14:8,20 15:16	stop 11:4,6 12:9,21,24 13:19,21 14:2, 18 21:19,21,22 23:10,12 35:3, 9,20	telling 21:5 test 6:3,6,9,13 testified 35:1 testimony 5:5 tests 6:5,10 thing 15:17 22:13 27:12
recognize 25:3 31:19	37:2,4,8	19:23 23:20,23 25:7,11,14,18, 21 26:2,9,14,16 27:5,15 28:11,	stopped 11:9 15:2,5 21:16 23:13	things 13:16 27:7,8
recollection 27:3,19 32:21 33:10,13	reporting 25:16	24 29:1 31:17, 22 32:1,5,12, 16,18,23 33:1, 4,8,11 34:10 36:12	stopping 15:11	time 5:2,22 6:25 11:9 15:8 16:9 17:13 18:9,16 21:2,5, 16,24 22:1
record 5:2,12 28:2,5,6,7 31:8 34:22,23 36:13, 14	reserve 37:1,2	street 10:10 14:16,17	substance 19:11 28:16	33:3,22 34:13 36:11
recovered 30:18 31:3	responsibilities 30:17	skip 26:6	Support 8:19 9:7	today 7:3,12 8:17
referencing 32:2	review 30:11	solemnly 5:4	surveillance 9:17,19,25 10:3,5,7,9	told 11:13 12:20 13:13 17:1 27:9
refresh 27:2,19 32:20	role 9:19,22	sort 11:16	sought 5:24	top 13:10 19:19 25:25 26:3
refreshed 33:12	S	South 8:16	suspect 19:3 25:9 28:17 31:9	traffic 11:3,6 13:21 14:1 21:19,21,22 35:3,9
refreshing 33:9	scene 35:19	speaking 23:24 32:24 33:2,13	suspected 19:2	transaction 11:17 12:14 22:7,11
regular 29:17	search 18:11, 13 21:6 35:9	specific 27:6 33:21 35:16	suspects 31:24	transactions 12:18 23:18
related 16:5 25:12	searched 24:19 27:14 35:6	speculation 17:3 22:19 26:19 29:13,20 30:7	swear 5:4	transported 32:14,21 35:23 36:3
relayed 11:15	seated 15:23	spell 5:11	T	transporting 24:3 33:6
relying 23:21	section 25:24 26:4 32:7	spent 34:12	tactical 7:23 8:4,7,9	truth 5:6
remember 6:4, 7 9:13,16 10:2, 14 11:5,23 12:4,6 13:3,7, 10,12,22 15:3 16:3,6,8,10,22, 25 17:20,23 18:19 19:16,17 20:1,5,6,15 21:1,4,7,8 23:24 24:3,6, 19,22,24 31:14 32:24 33:2	security 6:24	standing 17:14	talk 17:21	truthful 7:11, 17
removed 27:16	seized 31:9	star 26:15 32:15	talked 31:16	turned 14:19
report 25:2,4, 12,20,22,23	selling 23:16, 25 32:3 34:6	start 21:15,21	talking 12:5 17:16 21:8 24:6	
	send 37:4,6	starts 25:25	tan 28:16	
	sergeant's 6:3,9	state 5:11	tan-ish 19:11	
	sheet 28:9,15 29:3,12,19	statements 23:21	team 7:23,24 8:1,4,6,7,10,14, 16,17,19 9:7,18 21:13 29:17	
	30:1,4,11,12,16	states 27:7	teams 8:9	
	sheets 28:13	station 20:10, 19,21 21:8,11 24:4,7 31:12	technically	
	show 25:2			

U	would've 17:5, 14 22:2
understand	write 30:22
7:5,9 11:19 22:20 25:19 32:2	writing 25:22
understanding	written 31:7
13:11 22:4,14	wrote 25:20,23 27:10
unmarked	Y
14:6	
unusual 29:25	years 5:21 7:1 8:21
V	
vehicle 10:16 11:4,9,18 14:3 15:1,14,20 16:5,19,24 17:2,8,15 32:25	
W	
waive 36:24,25	
walk 15:15	
walking 16:15	
wallet 18:15, 19,22,24 24:20, 23,25 27:16,20 28:20	
wanted 32:6, 20	
wearing 13:5	
weigh 30:20	
westbound	
26:12	
white-ish	
19:11	
woman 12:25	
13:23	
women 15:20, 25 17:16,21 24:10	
words 18:3	
worked 6:23	