




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

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, DENNIS JACKSON:</p> <p>4 Joel A. Flaxman</p> <p>5 Kenneth N. Flaxman P.C.</p> <p>6 200 South Michigan Avenue</p> <p>7 Suite 201</p> <p>8 Chicago, Illinois 60604</p> <p>9 Telephone No.: (312) 427-3200</p> <p>10 E-mail: jaf@kenlaw.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEPONENT, EDWARD GARCIA:</p> <p>13 Alexander Michlini, Esquire</p> <p>14 Bollinger Connolly Krause</p> <p>15 500 W Madison Street</p> <p>16 Suite 3900</p> <p>17 Chicago, IL 60661</p> <p>18 Telephone No.: (312) 253-6200</p> <p>19 E-mail: alexander.michlini2@cityofchicago.org</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">STIPULATION</p> <p>1</p> <p>2</p> <p>3 The deposition of GERALD LAU was taken at KENNETH N.</p> <p>4 FLAXMAN P.C., 200 SOUTH MICHIGAN AVENUE, SUITE 201</p> <p>5 CHICAGO, ILLINOIS 60604 on THURSDAY the 31st day of</p> <p>6 OCTOBER 2023 at 10:20 a.m. (CT); said deposition was</p> <p>7 taken pursuant to the ILLINOIS Rules of Civil Procedure.</p> <p>8</p> <p>9 It is agreed that ZOE NYHUS, being a Notary Public and</p> <p>10 Court Reporter for the State of ILLINOIS, may swear the</p> <p>11 witness and that the reading and signing of the</p> <p>12 completed transcript by the witness is not waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2</p> <p>3 DIRECT EXAMINATION BY MR. FLAXMAN</p> <p>4 CROSS-EXAMINATION BY MR. MICHLINI</p> <p>5</p> <p>6</p> <p style="text-align: center;">EXHIBITS</p> <p>7</p> <p>8 1 - Original Case Incident Report -</p> <p>9 Carreno</p> <p>10 2 - CPD Inventory Sheet</p> <p>11 3 - Original Case Incident Report -</p> <p>12 Garcia</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1</p> <p>2 THE REPORTER: We are now on record. The time</p> <p>3 is 10:20 a.m. Mr. Lau, will you please raise your</p> <p>4 right hand for me? Do you solemnly swear or affirm</p> <p>5 that the testimony you're about to give will be</p> <p>6 truth, the whole truth, and nothing but the truth?</p> <p>7 THE WITNESS: Yes, ma'am.</p> <p>8 THE REPORTER: Thank you. You may begin.</p> <p>9</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>10 BY MR. FLAXMAN:</p> <p>11 Q. Can you please state and spell your name for</p> <p>12 the record?</p> <p>13 A. Officer Gerald Lau, G-E-R-A-L-D L-A-U.</p> <p>14 Q. Okay. And Officer Lau, how are you currently</p> <p>15 employed?</p> <p>16 A. The Chicago Police Department.</p> <p>17 Q. And what is your rank?</p> <p>18 A. Patrolman.</p> <p>19 Q. Okay. How long have you been a Chicago Police</p> <p>20 Officer?</p> <p>21 A. Sixteen years.</p> <p>22 Q. And patrolman the whole time?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Have you ever sought promotion?</p> <p>25 A. Yes.</p>

<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</p> <p>3 surveillance that night?</p> <p>4 A. I don't -- I don't know. Narcotic</p> <p>5 surveillance, I guess you could say.</p> <p>6 Q. Well, did you know where they were doing</p> <p>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,</p> <p>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</p> <p>25 take enforcement action?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. Well, so, first of all, this is</p> <p>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</p> <p>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</p> <p>10 the gold Impala?</p> <p>11 A. Yes.</p> <p>12 Q. And the reason given was that an individual</p> <p>13 who had gotten to the back seat had been part of a drug</p> <p>14 transaction, right?</p> <p>15 A. Correct.</p> <p>16 Q. Now, before you got that direction, had you</p> <p>17 heard over the radio from Garcia and Carreno that they</p> <p>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</p> <p>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</p> <p>24 stop the person in the gold Impala, did they tell you</p> <p>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</p> <p>4 stop on a vehicle.</p> <p>5 Q. Okay. Do you remember what information you</p> <p>6 got before you did the traffic stop?</p> <p>7 A. We received information that there was a gold</p> <p>8 Impala, and the individual got into the back seat of the</p> <p>9 Impala at that time, and we stopped the vehicle.</p> <p>10 Q. And was that information you got from Carreno</p> <p>11 and Garcia?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. So, they told you there was individual</p> <p>14 in the back seat of the gold Impala?</p> <p>15 A. Yes. They said -- they relayed there was --</p> <p>16 they observed, you know, some sort of narcotics</p> <p>17 transaction and the in -- individual entered the rear</p> <p>18 seat of the vehicle.</p> <p>19 Q. And do you understand that the individual had</p> <p>20 bought narcotics?</p> <p>21 A. That's -- basically, that's what we -- we</p> <p>22 believed. Yes.</p> <p>23 Q. Okay. And do you remember what else you knew</p> <p>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</p> <p>5 wearing?</p> <p>6 A. I believe they gave a description. I don't</p> <p>7 remember what it was, but, you know, you -- technically</p> <p>8 that's like the practice of you'd give a description of</p> <p>9 the person, and so, I believe so, but I -- I don't</p> <p>10 remember off the top of my head.</p> <p>11 Q. Right. And with understanding that you don't</p> <p>12 remember exactly what they said, is it fair that they</p> <p>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</p> <p>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</p> <p>19 Carreno or Garcia to stop this man, what did you do?</p> <p>20 A. We, myself and Officer Evans, conducted a</p> <p>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>

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. And what does it mean to do a traffic 2 stop?</p> <p>3 A. Pulled behind the vehicle and activate the 4 lights.</p> <p>5 Q. Okay. Were you in a marked car that night?</p> <p>6 A. We were in an unmarked car.</p> <p>7 Q. But it had lights on it?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And who was driving, you or your 10 partner?</p> <p>11 A. I believe, Officer Evans was driving.</p> <p>12 Q. And do you know where you were when you pulled 13 behind the gold Impala?</p> <p>14 A. Like where my position was in the -- behind 15 the car?</p> <p>16 Q. No. What street you were on?</p> <p>17 A. Oh, 121st Street.</p> <p>18 Q. And did the gold Impala stop when your car's 19 lights were turned on?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Well, before you got out of your car, had you 22 seen the people in the gold Impala?</p> <p>23 A. Did I see them out of the car? Is that what 24 you mean?</p> <p>25 Q. Yeah. I'm sorry. I'll ask it again. How</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And did the male in the back seat match the 2 description you had gotten from Carreno or Garcia?</p> <p>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 --</p> <p>7 Q. So, you -- yeah.</p> <p>8 A. I don't remember exactly what the description 9 was that they gave out at the time.</p> <p>10 Q. But you do remember that he was in the right 11 position of the car?</p> <p>12 A. Correct.</p> <p>13 Q. And you did know that it was the right car?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. What did you do after walking to the 16 car?</p> <p>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.</p> <p>20 Q. Had you seen the man in the back seat moving 21 around?</p> <p>22 A. I don't remember.</p> <p>23 Q. What were you doing when Evans saw that?</p> <p>24 A. Could have been approaching the vehicle. I -- 25 I -- I really don't remember. I'm sorry.</p>
<p style="text-align: right;">Page 15</p> <p>1 long was your vehicle behind the gold Impala before the 2 gold Impala stopped?</p> <p>3 A. I don't remember. I don't think it would be 4 that long.</p> <p>5 Q. Okay. And after the gold Impala stopped, did 6 you get out of your car to go to the gold Impala?</p> <p>7 A. Yes.</p> <p>8 Q. And before that time, had you seen the people 9 inside the gold Impala?</p> <p>10 A. No.</p> <p>11 Q. You just knew that you were stopping the gold 12 Impala?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And once you got out of your vehicle, 15 did you walk to the gold Impala?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And what was the first thing you saw when you 18 looked at that car?</p> <p>19 A. We observed the individuals in the -- in the 20 vehicle, the women and the back seat passenger.</p> <p>21 Q. How many people were in the Impala?</p> <p>22 A. Three, I believe.</p> <p>23 Q. And where were they seated?</p> <p>24 A. There was the male was in the back seat and 25 the women were in the front seat.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Do you know why Evans told you to take 2 him out of the vehicle instead of doing it himself?</p> <p>3 MR. MICHLINI: Objection. Speculation. You 4 can answer.</p> <p>5 A. I would've been closest to him.</p> <p>6 BY MR. FLAXMAN:</p> <p>7 Q. And did you then tell the man to get out of 8 the vehicle?</p> <p>9 A. Yes. I asked him. Yes.</p> <p>10 Q. Okay. And did he?</p> <p>11 A. He did.</p> <p>12 Q. Okay. Do you know what Evans was doing at 13 that time?</p> <p>14 A. I'm assuming he would've been standing by the 15 driver's side of the vehicle.</p> <p>16 Q. Could you hear him talking to the women in the 17 car?</p> <p>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.</p> <p>21 Q. Did you ever talk to the women in the front of 22 the car?</p> <p>23 A. I don't believe so, but I don't remember.</p> <p>24 Q. Sure. And what happened after the man got out 25 of the car?</p>

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1 A. I asked him if there was anything illegal on
2 him and he said, "No. Go ahead and check me."
3 Q. Were those the words you used, "Is there
4 anything illegal on you?"
5 A. Something along those lines, I believe. Yes.
6 Q. Okay. And he said, "No. Go ahead and check
7 me?"
8 A. Yes.
9 Q. Was he in handcuffs at this time?
10 A. I don't believe so.
11 Q. And did you search the man?
12 A. Yes.
13 Q. And tell me what kind of search you did.
14 A. Just checked his pockets and then checked his
15 wallet.
16 Q. And at the time that you were checking his
17 pockets, had you put him in handcuffs?
18 A. No. I don't believe so.
19 Q. And do you remember where you got his wallet
20 from?
21 A. His pant packet.
22 Q. Okay. And did you open the wallet?
23 A. Yes.
24 Q. And did you find something in the wallet?
25 A. I did.

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1 Q. What was it?
2 A. Knotted plastic bag of suspected heroin.
3 Q. And did you suspect that it was heroin when
4 you first saw it?
5 A. Yes.
6 Q. Based on its appearance?
7 A. Yes.
8 Q. Was it based on the color?
9 A. Yes.
10 Q. What was the color of it?
11 A. Like a powdery tan-ish, white-ish substance.
12 Q. And what did you do after you found that
13 plastic bag?
14 A. I'm sure he was handcuffed.
15 Q. Did you handcuff him?
16 A. Probably. I don't -- but I don't remember.
17 Q. Do you remember what he said when you found
18 that bag?
19 A. Not off the top of my head.
20 Q. And what did you do with the bag?
21 A. Held onto it.
22 Q. Were you in plain clothes on this night?
23 A. Yes, sir.
24 Q. Well, did you put it on your person somewhere,
25 the bag?

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1 A. I don't remember.
2 Q. Okay. Would you have put it in one of your
3 pockets?
4 A. Could've been in my pocket. Yeah.
5 Q. But you don't remember?
6 A. I don't remember.
7 Q. Is it possible you gave it to another officer?
8 A. It could've been later on. Yeah.
9 Q. And what do you mean when you say "later on"?
10 A. Like maybe at the station, I would give it to
11 someone else or, you know -- you know, something like
12 that, or if --
13 Q. Okay.
14 A. -- or if, you know -- or, you know, it could
15 have been -- like I said, I don't remember exactly what
16 I did with it, you know, or it could -- you know, it's
17 probably -- it -- it was probably placed in my pocket.
18 Q. All right. And then, you expect that you
19 would be the one to take it back to the station?
20 A. I believe so. Yes.
21 Q. And then, at some point at the station, you
22 might have given it to somebody else?
23 A. Yeah.
24 Q. Yes?
25 A. Yes.

Page 21

1 Q. You said you don't remember anything the man
2 said to you at the time you were finding the bag, right?
3 A. No.
4 Q. Do you remember anything that he said at any
5 time, other than telling you that he didn't have
6 anything and you could search him?
7 A. I don't remember.
8 Q. Do you remember talking to him at the station?
9 A. I don't.
10 Q. Okay. Do you know who took him to the
11 station?
12 A. I believe possibly Officer Higgins took him.
13 Q. Was that somebody else on your team?
14 A. Yes.
15 Q. After -- sorry, let me start that again. At
16 some time after you stopped the car and took the man out
17 of the car, was he positively identified by Garcia or
18 Carreno?
19 A. At the traffic stop you're saying -- you're
20 asking, or...
21 Q. Well, let's start of the traffic stop. At the
22 traffic stop, was he positively identified by Garcia or
23 Carreno?
24 A. I don't believe at that time.
25 Q. Okay. Was he positively identified by them at

<p style="text-align: right;">Page 22</p> <p>1 some later time?</p> <p>2 A. I'm assuming he would've been, but I -- I -- I</p> <p>3 don't know.</p> <p>4 Q. Okay. What's your understanding of what it</p> <p>5 means to positively identify somebody?</p> <p>6 A. Well, if they -- you know, if they observed</p> <p>7 someone, you know, in a narcotic transaction. They see</p> <p>8 his clothing and like you said, race, possibly. They</p> <p>9 would say, "Okay. That's the guy that we saw."</p> <p>10 Q. So, somebody who they had seen in the</p> <p>11 transaction earlier --</p> <p>12 A. Maybe prior. Yeah.</p> <p>13 Q. Okay. And let me put the whole thing into one</p> <p>14 question. Is it your understanding that if Garcia or</p> <p>15 Carreno positively identified the man you arrested, that</p> <p>16 means that based on their earlier observation, they</p> <p>17 looked at him later and said he's the man we saw</p> <p>18 earlier?</p> <p>19 MR. MICHLINI: Objection to speculation. Form.</p> <p>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 style="text-align: right;">Page 24</p> <p>1 drugs?</p> <p>2 A. No.</p> <p>3 Q. Do you remember transporting either of those</p> <p>4 men to the police station?</p> <p>5 A. No.</p> <p>6 Q. And do you remember talking to either of them</p> <p>7 at the police station?</p> <p>8 A. No.</p> <p>9 Q. Going back to the gold Impala, do you know if</p> <p>10 either of the women in the front of the car were</p> <p>11 arrested?</p> <p>12 A. No. They were not.</p> <p>13 Q. They were not? Okay. Did either of them ever</p> <p>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</p> <p>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</p> <p>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</p> <p>23 pouch in the wallet?</p> <p>24 A. I don't remember. I remember, you know, it</p> <p>25 was in the wallet. I couldn't tell you if it was in a</p>
<p style="text-align: right;">Page 23</p> <p>1 A. I'm sorry.</p> <p>2 Q. Yeah. There were a lot of clauses and phrases</p> <p>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</p> <p>5 some point, said this was the person that they observed</p> <p>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,</p> <p>9 but I don't -- I don't recall.</p> <p>10 Q. Okay. After the stop of this man, what did</p> <p>11 you do next?</p> <p>12 A. After the stop of that man, I believe we went</p> <p>13 and did -- stopped -- we stopped the other two</p> <p>14 individuals.</p> <p>15 Q. Okay. And those were the individuals who</p> <p>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,</p> <p>19 right?</p> <p>20 A. No, sir.</p> <p>21 Q. You were relying on the statements you heard</p> <p>22 from Carreno and Garcia?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Do you remember speaking to either of the men</p> <p>25 who arrested who Carreno and Garcia had seen selling the</p>	<p style="text-align: right;">Page 25</p> <p>1 pouch or -- I'm sorry.</p> <p>2 Q. I will show you a report. I'm giving you</p> <p>3 what's marked as Exhibit number 1. Do you recognize</p> <p>4 that as an original case incident report dated November</p> <p>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.</p> <p>10 Johnson?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is this a report related to the arrest of the</p> <p>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</p> <p>16 was the reporting officer, Michael J. Higgins. Do you</p> <p>17 see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you understand that to mean that Officer</p> <p>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,</p> <p>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 style="text-align: right;">Page 30</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 notate 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>	<p style="text-align: right;">Page 32</p> <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>
<p style="text-align: right;">Page 31</p> <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>	<p style="text-align: right;">Page 33</p> <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, 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>

<p style="text-align: right;">Page 34</p> <p>1 and, you know, we recognized them from being out there.</p> <p>2 Q. So, on the night of this arrest, you believe</p> <p>3 that when you saw Mr. Jackson, you recognized him as</p> <p>4 someone you'd seen in the area before?</p> <p>5 A. Yes.</p> <p>6 Q. Had you seen him selling drugs before?</p> <p>7 A. No.</p> <p>8 Q. Had you seen him doing anything else illegal</p> <p>9 before?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. So, as far as you knew before this</p> <p>12 night, he was somebody who lived in the area or spent</p> <p>13 time in the area?</p> <p>14 A. Yes.</p> <p>15 Q. And after this the arrest in November of 2017,</p> <p>16 did you see Mr. Jackson ever again?</p> <p>17 A. No. I don't believe so.</p> <p>18 MR. FLAXMAN: I don't have any other questions</p> <p>19 for you.</p> <p>20 MR. MICHLINI: Let's take a break. I shouldn't</p> <p>21 have too many.</p> <p>22 (OFF THE RECORD)</p> <p>23 THE REPORTER: We're back on record.</p> <p>24 CROSS-EXAMINATION</p> <p>25 BY MR. MICHLINI:</p>	<p style="text-align: right;">Page 36</p> <p>1 and answered.</p> <p>2 BY MR. MICHLINI:</p> <p>3 Q. Officer Higgins was the one that transported</p> <p>4 him?</p> <p>5 A. Yes.</p> <p>6 MR. FLAXMAN: Same objection.</p> <p>7 BY MR. MICHLINI:</p> <p>8 Q. Okay. The answer is "yes"?</p> <p>9 A. Yes.</p> <p>10 MR. MICHLINI: I don't have anything further.</p> <p>11 MR. FLAXMAN: Okay. Thanks for your time.</p> <p>12 THE WITNESS: Thank you, sir.</p> <p>13 THE REPORTER: We are now off the record.</p> <p>14 (OFF THE RECORD)</p> <p>15 THE REPORTER: Mr. Michlini, how would you like</p> <p>16 your copy?</p> <p>17 MR. MICHLINI: What's that?</p> <p>18 THE REPORTER: How would you like your copy?</p> <p>19 MR. MICHLINI: PDF, please.</p> <p>20 THE REPORTER: PDF?</p> <p>21 MR. MICHLINI: Yeah.</p> <p>22 THE REPORTER: Mr. Flaxman?</p> <p>23 MR. FLAXMAN: Electronic, please. Thanks.</p> <p>24 THE REPORTER: Great. Read or waive for you?</p> <p>25 Sorry. Read or waive for Mr. Lau?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Officer Lau, you testified earlier that the</p> <p>2 two females that were in the gold Impala never exited</p> <p>3 the car during that traffic stop; is that fair?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so, it's fair to say that those</p> <p>6 females were never searched?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did you or anybody else involved in</p> <p>9 that traffic stop of the gold Impala ever search the</p> <p>10 gold Impala?</p> <p>11 A. No.</p> <p>12 Q. Okay. And why is that?</p> <p>13 A. I would say that there was narcotics located</p> <p>14 on Mr. Johnson's person.</p> <p>15 Q. Okay. And the information you received from</p> <p>16 either Officer Carreno or Garcia was specific to the</p> <p>17 male back seat passenger of that Impala; is that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Officer Higgins was also on scene</p> <p>20 during the stop of the Impala at some point?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And Officer Higgins was the one that</p> <p>23 transported Nathaniel Johnson, the rear seat passenger,</p> <p>24 of that gold Impala to the police district?</p> <p>25 MR. FLAXMAN: Objection. Foundation. Asked</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. MICHLINI: We'll reserve, please.</p> <p>2 THE REPORTER: Reserve?</p> <p>3 MR. MICHLINI: Yes.</p> <p>4 THE REPORTER: Do you want me to send it to</p> <p>5 you?</p> <p>6 MR. MICHLINI: Yeah. Just send it to me just</p> <p>7 like how you guys have been doing, so...</p> <p>8 THE REPORTER: Yeah. Cool.</p> <p>9 (DEPOSITION CONCLUDED AT 11:02 A.M. CT)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CERTIFICATE OF DIGITAL REPORTER

STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page here of by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to type written form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.



ZOE NYHUS,
DIGITAL REPORTER / NOTARY
MY COMMISSION EXPIRES ON: 09/20/2027
SUBMITTED ON: 11/07/2023

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