





**NO. 22-cv-4337**  
**DENNIS JACKSON**  
**V.**  
**CITY OF CHICAGO, ET AL.**

**DEPONENT:**  
**JOHN FOERTSCH**

**DATE:**  
**December 20, 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

8 DENNIS JACKSON,  
9 Plaintiff  
10

11 V.  
12

13 CITY OF CHICAGO, ET AL.,  
14 Defendants  
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23 DEPONENT: JOHN FOERTSCH

24 DATE: DECEMBER 20, 2023


25 REPORTER: ESTHER HEATH

<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, Esquire</p> <p>5 Kenneth N. Flaxman, PC</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 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>14 JOHN FOERTSCH:</p> <p>15 Alexander Michelini, Esquire</p> <p>16 Jordan Yurchich, Esquire</p> <p>17 City of Chicago, Department of Law</p> <p>18 30 North LaSalle Street</p> <p>19 Suite 700</p> <p>20 Chicago, Illinois 60602</p> <p>21 Telephone No.: (312) 744-7684</p> <p>22 E-mail: alexander.michelini2@cityofchicago.org</p> <p>23 E-mail: jordan.yurchich2@cityofchicago.org</p> <p>24 (Appeared via videoconference)</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 JOHN FOERTSCH was taken at CHURCHILL</p> <p>4 REPORTING, 110 NORTH WACKER DRIVE, SUITE 2500, CHICAGO,</p> <p>5 ILLINOIS 60606, via videoconference in which all</p> <p>6 participants attended remotely, on WEDNESDAY the 20th</p> <p>7 day of DECEMBER 2023 at 1:04 p.m. (CT); said deposition</p> <p>8 was taken pursuant to the FEDERAL Rules of Civil</p> <p>9 Procedure. The oath in the matter was sworn remotely</p> <p>10 pursuant to FRCP 30.</p> <p>11</p> <p>12 It is agreed that ESTHER HEATH, being a Notary Public</p> <p>13 and Digital Reporter for the State of ILLINOIS, may</p> <p>14 swear the witness.</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 PROCEEDINGS 5</p> <p>4 DIRECT EXAMINATION BY MR. FLAXMAN 6</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</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>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1</p> <p>2</p> <p>3 THE REPORTER: We're on the record. Will all</p> <p>4 parties, except for the witness, please state your</p> <p>5 appearance and how you're attending?</p> <p>6 MR. FLAXMAN: This is Joel Flaxman, attending</p> <p>7 virtually from Chicago, Illinois.</p> <p>8 MR. MICHELINI: Alex Michelini, attending</p> <p>9 virtually from Chicago on behalf of the defendant.</p> <p>10 MR. YURCHICH: Jordan Yurchich on behalf of the</p> <p>11 defendants.</p> <p>12 THE REPORTER: Thank you. And, sir, would you</p> <p>13 please state your full name for the record,</p> <p>14 Mr. Foertsch? Sorry if I mispronounced that.</p> <p>15 THE WITNESS: Yeah. It's fine. John, last</p> <p>16 name is spelled F-O-E-R-T-S-C-H.</p> <p>17 THE REPORTER: And do all parties agree that</p> <p>18 the witness is, in fact, John Foertsch?</p> <p>19 MR. FLAXMAN: Yes.</p> <p>20 MR. MICHELINI: Yes.</p> <p>21 THE REPORTER: Sir, would you raise your right</p> <p>22 hand? Do you solemnly swear or affirm that the</p> <p>23 testimony you're about to give will be the truth,</p> <p>24 the whole truth, and nothing but the truth?</p> <p>25 THE WITNESS: Yes.</p>

<p style="text-align: right;">Page 6</p> <p>1 THE REPORTER: You may begin.</p> <p>2 DIRECT EXAMINATION</p> <p>3 BY MR. FLAXMAN:</p> <p>4 Q. Good afternoon. My name is Joel Flaxman. Do</p> <p>5 you understand I'm going to be asking you questions</p> <p>6 about an arrest of Dennis Jackson on November 6, 2017?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. And are you prepared to answer those</p> <p>9 questions?</p> <p>10 A. Yeah. To the best of my ability, yeah.</p> <p>11 Q. Okay. Is there some reason that you wouldn't</p> <p>12 be able to answer the questions?</p> <p>13 A. Just being able to recall everything.</p> <p>14 Q. Okay. But other than the time that's passed</p> <p>15 since 2017, is there any reason you could not give me</p> <p>16 truthful and accurate answers?</p> <p>17 A. No.</p> <p>18 Q. Okay. And since we're appearing over Zoom,</p> <p>19 it's important to please let me know if you have any</p> <p>20 trouble hearing me or understanding what I'm saying; is</p> <p>21 that okay?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And is that a yes?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Please be sure you give verbal yeses or</p>	<p style="text-align: right;">Page 8</p> <p>1 Area -- well, they changed unit names. I really don't</p> <p>2 remember what the last unit name was, but it was the</p> <p>3 Area 2 Gun Team, Area South Gun Team. They had</p> <p>4 different names for it. I don't know. The -- the last</p> <p>5 four or five months of my career, there -- there were --</p> <p>6 the last four or five months working, it had changed a</p> <p>7 few times.</p> <p>8 Q. Okay. Before that time, what was it called?</p> <p>9 A. Area South Gun Team or Area 2 Gun Team.</p> <p>10 Q. And how long were you assigned to the gun</p> <p>11 team?</p> <p>12 A. 17 years, approximately.</p> <p>13 Q. Okay. All right. So I said I wanted to ask</p> <p>14 you about this arrest on November 6th of 2017. Were you</p> <p>15 involved in the arrest of Dennis Jackson?</p> <p>16 A. I was unfamiliar with it, but I see the</p> <p>17 reports now, yes.</p> <p>18 Q. Okay. And which reports did you look at?</p> <p>19 A. The inventory.</p> <p>20 Q. Okay. What was that an inventory for?</p> <p>21 A. Inventory was the knotted bag of tan powder,</p> <p>22 suspect heroin, or --</p> <p>23 Q. Okay.</p> <p>24 A. -- I think that's what it was.</p> <p>25 Q. Do you have that paper? Do you have that on</p>
<p style="text-align: right;">Page 7</p> <p>1 noes; is that okay?</p> <p>2 A. Yes.</p> <p>3 Q. Thank you. And you can hear me and see me</p> <p>4 fine?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Are you currently employed?</p> <p>7 A. No, I am not.</p> <p>8 Q. Okay. Are you retired?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Where did you retire from?</p> <p>11 A. Chicago Police Department.</p> <p>12 Q. Okay. When did you retire?</p> <p>13 A. September of '21.</p> <p>14 Q. Okay. Why did you retire?</p> <p>15 A. I was old, and I basically had enough.</p> <p>16 Q. Okay. And you receive a pension now?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And am I correct that you do not live</p> <p>19 in Illinois anymore?</p> <p>20 A. Correct.</p> <p>21 Q. Am I right that you live in Wisconsin?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. What was your assignment when you</p> <p>24 retired from the police department?</p> <p>25 A. My last time, I was -- I was assigned to the</p>	<p style="text-align: right;">Page 9</p> <p>1 paper, or did you look at it on the computer?</p> <p>2 A. Yes. It's on the screen, but Zoom is covering</p> <p>3 it. I -- if I --</p> <p>4 Q. Oh, okay.</p> <p>5 A. -- look, I'm going to lose you and --</p> <p>6 Q. Sure. Well, let me -- I think I can make it</p> <p>7 come up in Zoom. Give me a minute.</p> <p>8 A. I guess I can try to -- yeah.</p> <p>9 Q. Well, don't -- don't -- don't lose anything,</p> <p>10 all right? All right. Do you see that inventory sheet</p> <p>11 now?</p> <p>12 A. Yeah.</p> <p>13 Q. And I don't know if I'm changing the way it</p> <p>14 looks. Is this the inventory sheet that you looked at?</p> <p>15 A. Yeah. Yeah, it looks like it. I mean, it's</p> <p>16 -- well, that's why I can't enlarge it.</p> <p>17 Q. Okay. Well, I'll zoom in just so we have on</p> <p>18 the record -- do you see at the bottom corner --</p> <p>19 A. It would be the other corner. It would be my</p> <p>20 PC number.</p> <p>21 Q. Okay. And before we get to that, can you read</p> <p>22 at the bottom that it says FCRL 000162?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. And then if I go over, you said on the</p> <p>25 other side, does that list your PC number next to</p>

<p style="text-align: right;">Page 10</p> <p>1 "created by"?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And what was your PC number?</p> <p>4 A. PCU082 -- or 929.</p> <p>5 Q. PC0U929?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So then what we're looking at on this</p> <p>10 report is your PC number, right?</p> <p>11 A. Yes.</p> <p>12 Q. And does that mean that you created this</p> <p>13 inventory sheet?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. Do you have any recollection of</p> <p>16 creating this inventory sheet?</p> <p>17 A. No. I -- no.</p> <p>18 Q. Okay. And the owner's name listed on the</p> <p>19 inventory sheet is Johnson, Nathaniel. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you have any recollection of the</p> <p>22 arrest of Nathaniel Johnson?</p> <p>23 A. No.</p> <p>24 Q. Underneath Mr. Johnson's name, it's -- there's</p> <p>25 a box that says, "Found by." Do you see that?</p>	<p style="text-align: right;">Page 12</p> <p>1 person, I guess, to finalize an arrest.</p> <p>2 Q. Okay. So based on your reading of the</p> <p>3 incident report, you can tell that you took Mr. Johnson</p> <p>4 back to the station; is that right?</p> <p>5 A. Yeah. According to the paperwork, yeah, but I</p> <p>6 -- I don't recall. But --</p> <p>7 Q. Yeah. And to be clear, you're answering</p> <p>8 according to the paperwork. You don't have a memory of</p> <p>9 this incident, right?</p> <p>10 A. Correct.</p> <p>11 Q. And if Officer Lau stayed in the field and was</p> <p>12 involved in something else, you wouldn't have been</p> <p>13 present for that, right?</p> <p>14 A. No. I would not. I -- no.</p> <p>15 Q. And just in general, was it the practice of</p> <p>16 your team to work together to complete police reports</p> <p>17 and inventory sheets?</p> <p>18 A. Depends on what was on the agenda. I mean,</p> <p>19 you know, we wrote search warrants. We, you know, did</p> <p>20 other investigations. There's times that, you know, we</p> <p>21 would ask others for help. There's times that we did</p> <p>22 stuff together. It --</p> <p>23 Q. Okay.</p> <p>24 A. There was no norm.</p> <p>25 Q. Okay. But there was nothing unusual about you</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. And it lists Officer Gerald Lau, L-A-U. Do</p> <p>3 you see that?</p> <p>4 A. Correct. Yes.</p> <p>5 Q. Was Officer Lau also on the same gun team as</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 Q. And what's your understanding of what it means</p> <p>9 for his name to be in the "found by" box on the</p> <p>10 inventory sheet?</p> <p>11 A. During a search of the person or the area</p> <p>12 around the person, this was located, narcotics was</p> <p>13 located.</p> <p>14 Q. Okay. Does Officer Lau's name in the "found</p> <p>15 by" box mean that Officer Lau is the one who found the</p> <p>16 narcotics?</p> <p>17 A. Yeah. That's what it means, yes.</p> <p>18 Q. Okay. Do you know why Officer Lau didn't</p> <p>19 prepare the inventory sheet?</p> <p>20 A. No, I -- I -- no, I do not know. I mean, we</p> <p>21 all go in and we help each other out. I don't have</p> <p>22 recollection of it, but during the case report, it looks</p> <p>23 like Officer Lau stayed out in the field.</p> <p>24 Q. Okay.</p> <p>25 A. Officer Higgins and I went in with this</p>	<p style="text-align: right;">Page 13</p> <p>1 creating the inventory sheet when it was another officer</p> <p>2 who found the narcotics on the sheet, right?</p> <p>3 A. No. Because sometimes the person who found</p> <p>4 the one is the arresting officer, and they're the one</p> <p>5 handling the case report and the arrest report. And</p> <p>6 other people in the -- on the team would be doing the</p> <p>7 inventories, the other paperwork, you know, complaints,</p> <p>8 so and on.</p> <p>9 Q. Okay. And if -- I'm going to just go up to</p> <p>10 the top of the inventory sheet. You did already mention</p> <p>11 this, that the -- under description of property, it</p> <p>12 says, "Narcotic drug", and then it says, "Knotted bag of</p> <p>13 a tan powder substance, suspect heroin." Do you see</p> <p>14 that?</p> <p>15 A. Correct.</p> <p>16 Q. And based on your PC number, you can tell that</p> <p>17 you're the one who put that information into the</p> <p>18 inventory sheet; is that right?</p> <p>19 A. Correct.</p> <p>20 Q. But you don't actually remember doing it,</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Was it your practice to create a description</p> <p>24 like that based on looking at the item, or would you</p> <p>25 have relied on another officer describing it to you?</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. MICHELINI: Objection to speculation.</p> <p>2 Hypothetical. You can answer the question.</p> <p>3 THE WITNESS: I'm sorry. I -- there was some</p> <p>4 breakup.</p> <p>5 MR. FLAXMAN: Yeah.</p> <p>6 THE WITNESS: You want me to answer the</p> <p>7 question, or is there an objection?</p> <p>8 MR. FLAXMAN: Yes. So basically, his</p> <p>9 objection's on the record, and then we'd ask you to</p> <p>10 ask -- answer the question.</p> <p>11 THE WITNESS: Okay. Yeah. Somebody probably</p> <p>12 would have told me what they thought it was. I</p> <p>13 wouldn't -- I'm just putting in there what they, you</p> <p>14 know, have suspected it to be.</p> <p>15 BY MR. FLAXMAN:</p> <p>16 Q. Okay. And can you tell by looking at the</p> <p>17 inventory sheet which officer it was who gave you that</p> <p>18 information?</p> <p>19 A. No. I mean, it might have been Officer</p> <p>20 Carreno because it was basically his investigation. It</p> <p>21 might have been Officer Lau. No, I have no recollection</p> <p>22 of who thought that was that. I mean, it did look like</p> <p>23 whatever it was they said, and I had no problem putting</p> <p>24 it in there.</p> <p>25 Q. All right. And how did you know that it was</p>	<p style="text-align: right;">Page 16</p> <p>1 of anybody else besides Mr. Johnson?</p> <p>2 A. No.</p> <p>3 Q. Okay. And for Mr. Johnson, what you do know</p> <p>4 is just based on what's in the reports, right?</p> <p>5 A. Correct. Yeah. I don't have any recollection</p> <p>6 of Mr. Johnson per se.</p> <p>7 Q. Sure. Besides the inventory sheet and the</p> <p>8 arrest report, did you look at any other documents?</p> <p>9 A. There were -- I'm sorry. What?</p> <p>10 Q. Oh, I -- that was the end of my question. I'm</p> <p>11 sorry.</p> <p>12 A. Oh. There were five things that I got. I</p> <p>13 think there was an arrest report, a case report, the</p> <p>14 inventory, the state inventory, and there might have --</p> <p>15 I don't know what the fifth one was.</p> <p>16 Q. Okay.</p> <p>17 A. It might have been the other guy's arrest</p> <p>18 report. I'm -- I'm not sure.</p> <p>19 Q. And so looking at all of those documents did</p> <p>20 not help you recall the arrest of Mr. Johnson or anybody</p> <p>21 else on the same night?</p> <p>22 A. No. I mean, I've -- no. I've had -- I had</p> <p>23 thousands of arrests. I'm not going to be able to</p> <p>24 remember this one, no.</p> <p>25 Q. Okay. And are you aware of anything else, any</p>
<p style="text-align: right;">Page 15</p> <p>1 Officer Carreno's investigation?</p> <p>2 A. Through that report.</p> <p>3 Q. Which -- this report or a different one?</p> <p>4 A. A different -- the arrest report, I think.</p> <p>5 Q. Okay. And was the arrest report for --</p> <p>6 A. I -- I -- I don't know if you're saying</p> <p>7 something. I don't hear you.</p> <p>8 Q. Oh, okay. I'm sorry. You said you knew it</p> <p>9 was Officer Carreno's investigation because you looked</p> <p>10 at an arrest report; is that right?</p> <p>11 A. Yeah. I think he was in the first box,</p> <p>12 arresting officer.</p> <p>13 Q. Okay.</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. And this inventory sheet is about a man</p> <p>16 named Nathaniel Johnson, right?</p> <p>17 A. Yeah, and that's what it says. Yeah.</p> <p>18 Q. Okay. Do you know that officers on your team</p> <p>19 arrested two other men on the same night?</p> <p>20 A. I don't recall it.</p> <p>21 Q. Okay.</p> <p>22 A. I mean, you know, on that case report, I think</p> <p>23 it had somebody else. I don't know if it was one or</p> <p>24 two.</p> <p>25 Q. Okay. Do you know anything about the arrests</p>	<p style="text-align: right;">Page 17</p> <p>1 other documents or recordings that would help you</p> <p>2 remember this incident?</p> <p>3 A. With the one little bag here, no. I mean, if</p> <p>4 it was a couple of pounds or something that, you know --</p> <p>5 but this little bit of narcotic, no. I would not be</p> <p>6 able to comment clearly on it.</p> <p>7 Q. Okay. And I just want to make sure you</p> <p>8 understood my question. Besides the documents that you</p> <p>9 looked at -- I'm sorry? Oh, I'm sorry. I thought you</p> <p>10 were saying something. Besides the documents that you</p> <p>11 looked at, are you aware of anything else that would</p> <p>12 help you remember the arrest of Mr. Johnson or anybody</p> <p>13 else on that same night?</p> <p>14 A. No. I mean, prior to receiving this</p> <p>15 inventory, I -- I had no knowledge of -- because I guess</p> <p>16 they couldn't find my name anywhere on the -- my name</p> <p>17 was in the report as an assisting officer, but there was</p> <p>18 no -- there was nothing that showed that I did anything.</p> <p>19 Like, Higgins might have did the arrest report. Somebody</p> <p>20 else did this. Until this came up, I had no knowledge</p> <p>21 of this -- no recollection, I should say, of this case.</p> <p>22 Q. Okay. And if you had some kind of significant</p> <p>23 participation in this incident, would you expect you</p> <p>24 were to be -- that to be listed on one of the reports?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 18</p> <p>1 THE REPORTER: Did you want to mark that as an</p> <p>2 exhibit?</p> <p>3 MR. FLAXMAN: You know, we don't need to mark</p> <p>4 it because I have the Bates label in the record.</p> <p>5 THE REPORTER: Okay.</p> <p>6 MR. FLAXMAN: I mean, just for the record, it's</p> <p>7 the Bates label I read, FCRL 162 through 163. I</p> <p>8 don't have any other questions for you, so thank you</p> <p>9 for your time today.</p> <p>10 THE WITNESS: No problem.</p> <p>11 MR. MICHELINI: Take a short break, and I don't</p> <p>12 have anticipate really having too many questions.</p> <p>13 So just give me --</p> <p>14 MR. FLAXMAN: Okay.</p> <p>15 MR. MICHELINI: -- two minutes, and I'll be</p> <p>16 right back.</p> <p>17 THE REPORTER: Okay.</p> <p>18 MR. MICHELINI: All right. Thanks, Alex.</p> <p>19 THE REPORTER: Going off record.</p> <p>20 (OFF THE RECORD)</p> <p>21 THE REPORTER: We are back on the record.</p> <p>22 MR. MICHELINI: I don't have any questions</p> <p>23 based on that.</p> <p>24 THE REPORTER: Okay. And would anyone like the</p> <p>25 transcript for this at this time?</p>	<p style="text-align: right;">Page 20</p> <p>1 CERTIFICATE OF DIGITAL REPORTER</p> <p>2 STATE OF ILLINOIS</p> <p>3</p> <p>4 I do hereby certify that the witness in the foregoing</p> <p>5 transcript was taken on the date, and at the time and</p> <p>6 place set out on the Stipulation page hereof by me after</p> <p>7 first being duly sworn to testify the truth, the whole</p> <p>8 truth, and nothing but the truth; and that the said</p> <p>9 matter was recorded digitally by me and then reduced to</p> <p>10 typewritten form under my direction, and constitutes a</p> <p>11 true record of the transcript as taken, all to the best</p> <p>12 of my skills and ability. I certify that I am not a</p> <p>13 relative or employee of either counsel, and that I am in</p> <p>14 no way interested financially, directly or indirectly,</p> <p>15 in this action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20</p> <p>21</p> <p>22 ESTHER HEATH,</p> <p>23 DIGITAL REPORTER/NOTARY</p> <p>24 COMMISSION EXPIRES ON: 01/09/2024</p> <p>25 SUBMITTED ON: 12/29/2023</p>
<p style="text-align: right;">Page 19</p> <p>1 MR. MICHELINI: Yeah. We'll take a PDF.</p> <p>2 THE REPORTER: Okay.</p> <p>3 MR. MICHELINI: And --</p> <p>4 MR. FLAXMAN: We don't need it. Thanks,</p> <p>5 Esther.</p> <p>6 MR. MICHELINI: And we'll waive signature.</p> <p>7 THE REPORTER: And waive signature? Got it.</p> <p>8 Okay. We're off the record.</p> <p>9 (DEPOSITION CONCLUDED AT 2:21 P.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>	

<b>0</b>	<b>appearance</b> 5:5	<b>bottom</b> 9:18,22	<b>D</b>	<b>finalize</b> 12:1
<b>000162</b> 9:22	<b>appearing</b> 6:18	<b>box</b> 10:25 11:9, 15 15:11	<b>defendant</b> 5:9	<b>find</b> 17:16
<b>1</b>	<b>approximately</b> 8:12	<b>break</b> 18:11	<b>defendants</b> 5:11	<b>fine</b> 5:15 7:4
<b>162</b> 18:7	<b>area</b> 8:1,3,9 11:11	<b>breakup</b> 14:4	<b>Dennis</b> 6:6 8:15	<b>Flaxman</b> 5:6, 19 6:3,4 14:5,8, 15 18:3,6,14 19:4
<b>163</b> 18:7	<b>arrest</b> 6:6 8:14, 15 10:22 12:1 13:5 15:4,5,10 16:8,13,17,20 17:12,19	<b>C</b>	<b>department</b> 7:11,24	<b>Foertsch</b> 5:14, 18
<b>17</b> 8:12	<b>arrested</b> 15:19	<b>called</b> 8:8	<b>Depends</b> 12:18	<b>found</b> 10:25 11:9,14,15 13:2,3
<b>2</b>	<b>arresting</b> 13:4 15:12	<b>career</b> 8:5	<b>DEPOSITION</b> 19:9	<b>full</b> 5:13
<b>2</b> 8:3,9	<b>arrests</b> 15:25 16:23	<b>Carreno</b> 14:20	<b>describing</b> 13:25	<b>G</b>
<b>2017</b> 6:6,15 8:14	<b>assigned</b> 7:25 8:10	<b>Carreno's</b> 15:1,9	<b>description</b> 13:11,23	<b>gave</b> 14:17
<b>21</b> 7:13	<b>assignment</b> 7:23	<b>case</b> 11:22 13:5 15:22 16:13 17:21	<b>DIRECT</b> 6:2	<b>general</b> 12:15
<b>2:21</b> 19:9	<b>assisting</b> 17:17	<b>changed</b> 8:1,6	<b>documents</b> 16:8,19 17:1,8, 10	<b>Gerald</b> 11:2
<b>6</b>	<b>attending</b> 5:5, 6,8	<b>changing</b> 9:13	<b>drug</b> 13:12	<b>give</b> 5:23 6:15, 25 9:7 18:13
<b>6</b> 6:6	<b>aware</b> 16:25 17:11	<b>Chicago</b> 5:7,9 7:11	<b>E</b>	<b>Good</b> 6:4
<b>6th</b> 8:14	<b>B</b>	<b>clear</b> 12:7	<b>employed</b> 7:6	<b>guess</b> 9:8 12:1 17:15
<b>9</b>	<b>back</b> 12:4 18:16,21	<b>comment</b> 17:6	<b>enlarge</b> 9:16	<b>gun</b> 8:3,9,10 11:5
<b>929</b> 10:4	<b>bag</b> 8:21 13:12 17:3	<b>complaints</b> 13:7	<b>Esther</b> 19:5	<b>guy's</b> 16:17
<b>A</b>	<b>based</b> 12:2 13:16,24 16:4 18:23	<b>complete</b> 12:16	<b>EXAMINATION</b> 6:2	<b>H</b>
<b>ability</b> 6:10	<b>basically</b> 7:15 14:8,20	<b>computer</b> 9:1	<b>exhibit</b> 18:2	<b>hand</b> 5:22
<b>accurate</b> 6:16	<b>Bates</b> 18:4,7	<b>CONCLUDED</b> 19:9	<b>expect</b> 17:23	<b>handling</b> 13:5
<b>affirm</b> 5:22	<b>begin</b> 6:1	<b>corner</b> 9:18,19	<b>F</b>	<b>hear</b> 7:3 15:7
<b>afternoon</b> 6:4	<b>behalf</b> 5:9,10	<b>correct</b> 7:18, 20,22 10:2 11:4 12:10 13:15,19 16:5 17:25	<b>F-O-E-R-T-S-C-H</b> 5:16	<b>hearing</b> 6:20
<b>agenda</b> 12:18	<b>bit</b> 17:5	<b>couple</b> 17:4	<b>fact</b> 5:18	<b>heroin</b> 8:22 13:13
<b>agree</b> 5:17		<b>covering</b> 9:2	<b>FCRL</b> 9:22 18:7	<b>Higgins</b> 11:25 17:19
<b>Alex</b> 5:8 18:18		<b>create</b> 13:23	<b>field</b> 11:23 12:11	<b>Hypothetical</b> 14:2
<b>answering</b> 12:7		<b>created</b> 10:1, 12		
<b>answers</b> 6:16		<b>creating</b> 10:16 13:1		
<b>anticipate</b> 18:12		<b>CT</b> 19:9		
<b>anymore</b> 7:19				



<b>I</b>	<b>knotted</b> 8:21 13:12	<b>months</b> 8:5,6	<b>parties</b> 5:4,17	<b>reading</b> 12:2
<b>Illinois</b> 5:7 7:19	<b>knowledge</b> 17:15,20	<b>N</b>	<b>passed</b> 6:14	<b>reason</b> 6:11,15
<b>important</b> 6:19	<b>L</b>	<b>named</b> 15:16	<b>PC</b> 9:20,25 10:3,10 13:16	<b>recall</b> 6:13 12:6 15:20 16:20
<b>incident</b> 12:3,9 17:2,23	<b>L-A-U</b> 11:2	<b>names</b> 8:1,4	<b>PC0U929</b> 10:5	<b>receive</b> 7:16
<b>information</b> 13:17 14:18	<b>label</b> 18:4,7	<b>narcotic</b> 13:12 17:5	<b>PCU082</b> 10:4	<b>receiving</b> 17:14
<b>inventories</b> 13:7	<b>Lau</b> 11:2,5,15, 18,23 12:11 14:21	<b>narcotics</b> 11:12,16 13:2	<b>PDF</b> 19:1	<b>recollection</b> 10:15,21 11:22 14:21 16:5 17:21
<b>inventory</b> 8:19,20,21 9:10,14 10:13, 16,19 11:10,19 12:17 13:1,10, 18 14:17 15:15 16:7,14 17:15	<b>Lau's</b> 11:14	<b>Nathaniel</b> 10:19,22 15:16	<b>pension</b> 7:16	<b>record</b> 5:3,13 9:18 14:9 18:4, 6,19,20,21 19:8
<b>investigation</b> 14:20 15:1,9	<b>list</b> 9:25	<b>night</b> 15:19 16:21 17:13	<b>people</b> 13:6	<b>recordings</b> 17:1
<b>investigations</b> 12:20	<b>listed</b> 10:18 17:24	<b>noes</b> 7:1	<b>person</b> 11:11, 12 12:1 13:3	<b>relied</b> 13:25
<b>involved</b> 8:15 12:12	<b>lists</b> 11:2	<b>norm</b> 12:24	<b>police</b> 7:11,24 12:16	<b>remember</b> 8:2 13:20 16:24 17:2,12
<b>item</b> 13:24	<b>live</b> 7:18,21	<b>November</b> 6:6 8:14	<b>pounds</b> 17:4	<b>report</b> 10:10 11:22 12:3 13:5 15:2,3,4,5,10, 22 16:8,13,18 17:17,19
<b>J</b>	<b>located</b> 11:12, 13	<b>number</b> 9:20, 25 10:3,10 13:16	<b>powder</b> 8:21 13:13	<b>REPORTER</b> 5:3,12,17,21 6:1 18:1,5,17, 19,21,24 19:2,7
<b>Jackson</b> 6:6 8:15	<b>looked</b> 9:14 15:9 17:9,11	<b>O</b>	<b>practice</b> 12:15 13:23	<b>reports</b> 8:17, 18 12:16 16:4 17:24
<b>Joel</b> 5:6 6:4	<b>lose</b> 9:5,9	<b>objection</b> 14:1,7	<b>prepare</b> 11:19	<b>retire</b> 7:10,12, 14
<b>John</b> 5:15,18	<b>M</b>	<b>objection's</b> 14:9	<b>prepared</b> 6:8	<b>retired</b> 7:8,24
<b>Johnson</b> 10:19,22 12:3 15:16 16:1,3,6, 20 17:12	<b>make</b> 9:6 17:7	<b>officer</b> 11:2,5, 14,15,18,23,25 12:11 13:1,4,25 14:17,19,21 15:1,9,12 17:17	<b>present</b> 12:13	<b>S</b>
<b>Johnson's</b> 10:24	<b>man</b> 15:15	<b>officers</b> 15:18	<b>prior</b> 17:14	<b>screen</b> 9:2
<b>Jordan</b> 5:10	<b>mark</b> 18:1,3	<b>owner's</b> 10:18	<b>problem</b> 14:23 18:10	<b>search</b> 11:11 12:19
<b>K</b>	<b>means</b> 11:8,17	<b>P</b>	<b>PROCEEDING</b> <b>S</b> 5:1	<b>September</b> 7:13
<b>kind</b> 17:22	<b>memory</b> 12:8	<b>P.M.</b> 19:9	<b>property</b> 13:11	<b>sheet</b> 9:10,14 10:13,16,19 11:10,19 13:1,
<b>knew</b> 15:8	<b>men</b> 15:19	<b>paper</b> 8:25 9:1	<b>put</b> 13:17	
	<b>mention</b> 13:10	<b>paperwork</b> 12:5,8 13:7	<b>putting</b> 14:13, 23	
	<b>Micheline</b> 5:8, 20 14:1 18:11, 15,18,22 19:1, 3,6	<b>participation</b> 17:23	<b>Q</b>	
	<b>minute</b> 9:7		<b>question</b> 14:2, 7,10 16:10 17:8	
	<b>minutes</b> 18:15		<b>questions</b> 6:5, 9,12 18:8,12,22	
	<b>mispronounce</b> <b>d</b> 5:14		<b>R</b>	
			<b>raise</b> 5:21	
			<b>read</b> 9:21 18:7	

2,10,18 14:17 15:15 16:7	16:23	<b>Wisconsin</b> 7:21	
<b>sheets</b> 12:17	<b>time</b> 6:14 7:25 8:8 18:9,25	<b>work</b> 12:16	
<b>short</b> 18:11	<b>times</b> 8:7 12:20,21	<b>working</b> 8:6	
<b>showed</b> 17:18	<b>today</b> 18:9	<b>wrote</b> 12:19	
<b>side</b> 9:25	<b>told</b> 14:12	<hr/> <b>Y</b> <hr/>	
<b>signature</b> 19:6,7	<b>top</b> 13:10	<b>years</b> 8:12	
<b>significant</b> 17:22	<b>transcript</b> 18:25	<b>yeses</b> 6:25	
<b>sir</b> 5:12,21	<b>trouble</b> 6:20	<b>Yurchich</b> 5:10	
<b>solemnly</b> 5:22	<b>truth</b> 5:23,24	<hr/> <b>Z</b> <hr/>	
<b>South</b> 8:3,9	<b>truthful</b> 6:16	<b>zoom</b> 6:18 9:2, 7,17	
<b>speculation</b> 14:1	<hr/> <b>U</b> <hr/>		
<b>spelled</b> 5:16	<b>Uh-huh</b> 6:22 10:6		
<b>state</b> 5:4,13 16:14	<b>Underneath</b> 10:24		
<b>station</b> 12:4	<b>understand</b> 6:5		
<b>stayed</b> 11:23 12:11	<b>understanding</b> 6:20 11:8		
<b>stuff</b> 12:22	<b>understood</b> 17:8		
<b>substance</b> 13:13	<b>unfamiliar</b> 8:16		
<b>suspect</b> 8:22 13:13	<b>unit</b> 8:1,2		
<b>suspected</b> 14:14	<b>unusual</b> 12:25		
<b>swear</b> 5:22	<hr/> <b>V</b> <hr/>		
<hr/> <b>T</b> <hr/>	<b>verbal</b> 6:25		
<b>tan</b> 8:21 13:13	<b>virtually</b> 5:7,9		
<b>team</b> 8:3,9,11 11:5 12:16 13:6 15:18	<hr/> <b>W</b> <hr/>		
<b>testimony</b> 5:23	<b>waive</b> 19:6,7		
<b>things</b> 16:12	<b>wanted</b> 8:13		
<b>thought</b> 14:12, 22 17:9	<b>warrants</b> 12:19		
<b>thousands</b>			