

DAILY COPY TRANSCRIPT - NOT FOR APPEAL PURPOSES

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
STATE OF ILLINOIS)
6)
vs.) No 09 CR 00762
7)
WILLIAM BALFOUR)
8)

9 REPORT OF PROCEEDINGS at the trial of
10 the above-entitled cause, had before the HONORABLE
11 CHARLES P. BURNS on the 24th day of April 2012 at
12 11:00 o'clock a.m.

13
14 A P P E A R A N C E S:

15 THE STATE'S ATTORNEY OF COOK COUNTY
BY: MR. JAMES MC KAY
MS. VERYL GAMBINO
16 MS. JENNIFER BAGBY
Assistant State's Attorneys
17 Appeared on behalf of the People;

18 THE COOK COUNTY PUBLIC DEFENDER
BY: MS. AMY THOMPSON
19 MS. CYNTHIA BROWN
MR. SCOTT KOZICKI
20 MR. EDWARD KOZIBOSKI
Assistant Public Defenders
21 Appeared on behalf of the Defendant.

22

23

24 JO ANN KROLICKI, CSR
Official Court Reporter
Illinois License No. 084-002215

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I N D E X

People vs. William Balfour
Date of Hearing: 4-24-12, A.M. Session
Page Numbers: 1 through 120

PROCEEDINGS

				PAGE
WITNESSES:	DX	CX	RDX	RCX
RICHARD DOWLING	5	27	32	
JENNIFER BRYK	34	46	51	
ABDULLAH KARRIM SMITH	53	92	102	103
MICHAEL HURST	105			

EXHIBITS

	ID	REC.
None		

1 (WHEREUPON, the following was
2 had in open court, outside the
3 presence of the jury:)

4 THE DEPUTY SHERIFF: All rise.

5 THE COURT: Okay. Good morning everyone.
6 Sorry for the late start. We have Mr. Balfour out.
7 Are we ready for the jury?

8 MR. MC KAY: State's ready.

9 MS. THOMPSON: We are, your Honor.

10 THE DEPUTY SHERIFF: All rise for the jury.

11 (WHEREUPON, the following was
12 had in open court, in the
13 presence of the jury:)

14 THE COURT: Okay. You can all have a seat.
15 Good morning, everybody. Sorry I'm late again. I
16 thought I would be a little bit better, but I
17 apologize. Everybody follow my order last night and
18 this morning?

19 THE JURY: Yes.

20 THE COURT: Great to hear. We're going to
21 try to do it the same way. We're going to try to
22 break at about 1:30 again for lunch.

23 By the way, we played with the
24 microphones a little bit, so if you had any trouble

1 hearing the witnesses before the mikes have been put
2 up. Please get my attention if you don't hear
3 something that one of the witnesses say or a question
4 that the attorneys ask and we'll make sure that we
5 hear it.

6 And again, if at any point in time
7 you need to take a break for whatever reason, just
8 get my attention or the sheriff's attention and we'll
9 proceed forward. Okay?

10 All right. Are you prepared to call
11 a witness, Miss Bagby?

12 MS. BAGBY: Yes.

13 (Brief pause.)

14 THE COURT: Okay. Officer, raise your
15 right hand.

16 (Witness sworn.)

17 THE COURT: Have a seat. Keep your voice
18 up loud enough so everyone can hear you.

19 Mr. McKay, you may proceed.

20

21

22

23

24

1 WHEREUPON,

2 RICHARD DOWLING,

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

7 DIRECT EXAMINATION

8 BY MR. MC KAY:

9 Q. Sir, in a loud clear voice, can you
10 introduce yourself to the ladies and gentlemen of the
11 jury and spell your last name for the benefit of the
12 court reporter?

13 A. Yes, sir. My name is Richard Dowling,
14 D-o-w-l-i-n-g.

15 Q. By whom are you employed?

16 A. The City of Chicago, the Chicago Police
17 Department.

18 Q. In what capacity?

19 A. I'm a sergeant.

20 Q. How long have you been a Chicago Police
21 Officer?

22 A. Since 6 May, 1985.

23 Q. How long have you been --

24 A. That's 27 years.

1 Q. Thanks for doing the math.

2 How long have you been a sergeant?

3 A. Five years.

4 Q. After you graduated from the police
5 academy, what was your first assignment?

6 A. I was a recruit in the 11th and 9th
7 Districts.

8 Q. After that, what was your next assignment?

9 A. After that, I worked in the 9th District
10 patrol for two years, and then I went on the tactical
11 team in the 9th District from '87 to '95.

12 Q. What was your next assignment after that?

13 A. I was in the mass transit unit for three
14 years until 1998 and from '98 to 2004, I was in a
15 unit called Detached Services.

16 I was actually detailed outside of
17 the police department to aid other department
18 entities in criminal matters.

19 Q. After that, what was your next assignment?

20 A. I went to the 8th District and worked
21 tactical there for one year, and then I was promoted
22 to sergeant and was in sergeant school three months
23 in the Detective Division and then back in sergeant
24 school, and then on September 1st of 2007, I went to

1 the 7th District.

2 Q. I'm going to ask you about the 7th
3 District. What are the boundaries of the 7th
4 District in the City of Chicago at the police
5 department?

6 A. The 7th District encompasses the Dan Ryan
7 Expressway to the east to Hamilton Avenue on the
8 west, which is approximately 23 blocks, 24 blocks.
9 And from the north is Garfield Boulevard, which is
10 55th Street, and it ends at 75th Street.

11 Q. Does the 7th District include the
12 neighborhood of Englewood?

13 A. Yes, sir.

14 Q. How long have you been working in the 7th
15 District?

16 A. For five years.

17 Q. What is your star number, sir?

18 A. 972.

19 Q. Sergeant, I'm going to take you back to
20 October 4, 2008. Were you working as a Chicago
21 Police Sergeant on that day?

22 A. Yes, sir, I was.

23 Q. What time approximately did your shift
24 start?

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1 A. I was on days, which was roughly 8:00 to
2 4:30.

3 Q. Were you in uniform or in plain clothes
4 that day?

5 A. I was in plain clothes.

6 Q. By that, what do you mean?

7 A. I was in blue jeans and a blue hoody
8 sweatshirt. I'm a tactical sergeant, so I have a
9 plain clothes team.

10 We drove in unmarked vehicles. Those
11 are the black or brown Crown Vics you see riding
12 around.

13 Q. On your person or in your police vehicle,
14 did you have a radio?

15 A. Yes, sir, on my person.

16 Q. Sometime after 2:42 p.m., did you have
17 occasion to monitor a call that led you to go to a
18 specific location?

19 A. Yes, sir.

20 Q. What was the nature of that radio call?

21 A. The radio call was assigned to a beat car
22 was a possible person shot at 7019 South Yale.

23 Q. Where were you when you received that radio
24 call?

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1 A. I was actually at 69th and Yale coming from
2 St. Bernard Hospital and heading to 75th Street.

3 Q. In your vehicle?

4 A. In my squad car, yes, sir.

5 Q. Anybody with you at that time?

6 A. Yes. I had one of my officers with me
7 whose partner was off, Matt Mellett.

8 Q. Could you spell the last name?

9 A. M-e-l-l-e-t-t.

10 Q. After you heard that radio call, where did
11 you drive to?

12 A. I got on the radio, and my beat was 761,
13 and I said, 761, I'm close. I'm going to go there.
14 And then I proceeded directly there.

15 Q. What happened -- strike that.

16 Did you pull on to Yale Avenue?

17 A. I did. I came from the south -- I'm sorry.
18 From the north and pulled up approximately 7013 Yale
19 just short of the house.

20 Q. After you got out of your vehicle, what did
21 you do?

22 A. After we got out of the vehicle, myself and
23 Officer Mellett approached, and there was a very
24 young man standing by the front gate, and I

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1 approached him and all he said was, in there.

2 Q. Did you learn that young man's name to be
3 Jarvis?

4 A. Yes, sir.

5 Q. Now, when you said in there, what did you
6 do?

7 A. I had the officer that was with me, I told
8 him go around to the back.

9 Q. Why?

10 A. In case there is a crime going on or just
11 occurred, and if anybody tries to go out a back door.

12 Q. Did Officer Mellett do what you ordered him
13 to do?

14 A. Yes, sir.

15 Q. What did you do?

16 A. I then went into the front.

17 Q. When you say, the front, what do you
18 mean?

19 A. As I approached the house, there's a few
20 stairs going up, and there's a door which was open.
21 I looked inside, and then I walked into the
22 doorway.

23 Q. Now, is that the building at 7019 South
24 Yale?

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1 A. Yes, sir.

2 Q. Is that in Chicago, Cook County, Illinois?

3 A. Yes, sir, it is.

4 Q. Why don't you tell the ladies and gentlemen
5 what you did -- strike that.

6 Were you the first police officer to
7 walk into that house that afternoon?

8 A. Yes, sir, I was.

9 Q. Tell the folks what you did when and what
10 you saw?

11 A. As I walked in -- I should say that as I
12 pulled up, the paramedic ambulance pulled up right
13 behind me.

14 When I walked in, I knew they were
15 out there. I walked into -- you walk into almost
16 like a built-in porch, enclosed. I stepped in there
17 into the main door, and to your left was stairs going
18 up and a short hallway. I walked passed the stairs
19 into the hallway, and on my right-hand side was
20 another doorway which led to, like, a front room
21 area, I would best describe it.

22 Q. What happened when you went to that part of
23 the house?

24 A. When I went into -- when I went into the

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1 doorway entering this front room area, I saw a woman
2 lying on her face or on her stomach, and she had
3 gunshot wounds in her back that I could see.

4 Q. What did you do at that point?

5 A. I went right outside. I backed out, got
6 the ambulance, the paramedics, brought them in so
7 they could treat her.

8 Q. Were you there when the paramedics tended
9 to this lady?

10 A. Yes, I was.

11 Q. What happened next?

12 A. They did what they do, and they looked up
13 at me and said she was deceased.

14 Q. All right. At that point, what happened?

15 A. At that point, I escorted them out because
16 of the crime scene, and when I went back outside with
17 them, I stood in the doorway, and another sergeant
18 who was working approached me.

19 Q. Let me ask you this, Sergeant Dowling.
20 Approximately what time did you get to 79th and South
21 Yale?

22 A. I would say it was probably about ten
23 minutes to 3:00.

24 Q. How long were you in that house before you

1 and the paramedics from the Chicago Fire Department
2 walked out after discovering the lady?

3 A. Maybe a minute, a minute and a half. It
4 was not long at all. Obviously, I took my time
5 looking both ways as you walked in, but a minute and
6 a half.

7 Q. When the paramedics left the house, were
8 you still at that front door?

9 A. Yes, sir.

10 Q. Now, you mentioned another sergeant
11 approached?

12 A. Yes, sir.

13 Q. What was his name?

14 A. Sergeant McDermott.

15 Q. What's his first name?

16 A. Thomas McDermott.

17 Q. What happened when Sergeant McDermott
18 walked up the front steps?

19 A. I explained to him what we had, and he and
20 I then turned around and went back in. I brought him
21 to where I discovered the first body, and we decided
22 that we were going to check the house.

23 Q. Why?

24 A. For any other victims, for possible

1 offenders. It was a large house, and there certainly
2 could be a lot of things going on in there.

3 Q. When you and Sergeant McDermott made that
4 decision to search that house, what did you do?

5 A. We walked to the back of the house, which
6 would be walking east into the kitchen area, and then
7 we just checked each room walking back west and
8 the -- then we went into a room where the first
9 female was.

10 We walked past her into a bedroom
11 area, and we found the second victim on the bed.

12 Q. Was that a man or a woman?

13 A. It was a man.

14 Q. How was he situated when you saw him?

15 A. Actually, when we first saw him, we didn't
16 know who he was, because he was mostly covered in
17 blankets, but we could see the head. So we
18 approached, and when we got right to his head, then
19 we could see that it was a male and that he had a
20 gunshot wound to his head.

21 Q. The manner in which this man was situated,
22 was he in bed?

23 A. Yes, sir.

24 Q. Did he have blankets over him, but for his

1 head?

2 A. The way he was lying down, he was on his
3 right side, basically like he was asleep, covers
4 covering him. About the only thing not covered was
5 the top of his head.

6 Q. Now, at the time you and Sergeant McDermott
7 were searching this house from the kitchen area
8 towards this man's bedroom, was anybody else in the
9 house with you?

10 A. At that time, no, sir.

11 Q. When you discovered this man with a
12 gunshot wound to his head in that bed, what did you
13 do next?

14 A. I stayed in the area while Sergeant
15 McDermott went out, alerted the paramedics. They
16 came in again to check the victim.

17 Q. Did those paramedics reenter that home at
18 that time?

19 A. Yes, sir, they did.

20 Q. What happened when these paramedics from
21 the Chicago Fire Department reentered the house?

22 A. They again did what they do, and they told
23 us that he, too, was deceased.

24 Q. When these paramedics told you that

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1 regarding the male victim in the bed, what did you
2 do?

3 A. We walked them out again, the paramedics.

4 Q. Then what happened?

5 A. Sergeant McDermott got on the radio, and I
6 heard him say that we have a second victim and we're
7 also looking for a seven year old boy.

8 Q. Now, until Sergeant McDermott mentioned
9 that on the radio, did you know that a child was
10 missing?

11 A. No, sir, I did not.

12 Q. However, when Sergeant McDermott was
13 outside, was he the only police officer outside while
14 you were in the house?

15 A. No, sir.

16 Q. Were there female police officers from the
17 7th District responding to that scene shortly after
18 you got there?

19 A. Yes, sir, there were.

20 Q. Do you recall their names?

21 A. I do.

22 Q. What are their names?

23 A. Officer Jennifer Bryk and Officer Tina
24 Casey.

1 Q. When Sergeant McDermott -- strike that.

2 After Sergeant McDermott talked to
3 those lady police officers and went on the radio,
4 what did you do next?

5 A. Once I heard Sergeant McDermott announce
6 that there's a seven year old victim, he came back
7 in, and we started our search from scratch again.

8 Q. Why -- strike that.

9 What was the main focus of the search
10 at that point?

11 A. To hopefully locate a seven year old who
12 was maybe hiding or -- and it makes our search more
13 thorough, because now a little boy can be anywhere.

14 Q. Did anybody join you and Sergeant Thomas
15 McDermott during the search of the house for this
16 child?

17 A. At this point, no, nobody was there. Just
18 the two of us.

19 Q. Tell us how you and Sergeant McDermott
20 started your search for this child?

21 A. Again, we went all the way to the back of
22 the house, but instead of just looking for just
23 people standing or -- now we actually started opening
24 doors, moving furniture.

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1 Again, because a seven year old can
2 hide in a great many places.

3 Q. Were you wearing gloves?

4 A. No, sir, I was not.

5 Q. How about Sergeant McDermott?

6 A. No, sir.

7 Q. What items were you touching? What things
8 were you moving around?

9 A. Just about everything in the house that
10 somebody could be behind, next to, crouched near.
11 Most of the furniture, if not, you know, kitchen
12 furniture, bedroom furniture.

13 Q. What would you do with the furniture?

14 A. We would move it to see behind it or under
15 it, like the beds. Piles of clothes we would move
16 from one side to the other in case they hid under the
17 clothes.

18 Q. Besides the piles of clothes and furniture,
19 what about closets and other doorways?

20 A. Yes. We definitely opened every door,
21 every, like, storage area, closets. In there, we
22 would move clothes left and right so we could see
23 completely in either side of anything in there.

24 Q. What about dresser drawers and kitchen

1 cabinets and things such as that?

2 A. We might have moved the dressers and moved
3 the drawers and stuff to help move the dresser, yes.

4 Q. What part of the house did you start your
5 search for this child?

6 A. We started again in the first floor all the
7 way in the rear, which is the east end of the house.
8 We worked our way to the front, because the stairs
9 were in the front going up.

10 Q. The front of the house would be facing
11 west?

12 A. Yes, sir.

13 Q. After you completed -- strike that.

14 Did you complete a search of the
15 first floor?

16 A. We did, yes.

17 Q. You say we -- it's still you --

18 A. It's myself and Sergeant McDermott.

19 Q. After you and Sergeant McDermott were
20 finished searching the first floor, where did you
21 go?

22 A. We went to the second floor up the stairs
23 that are in the front of the house.

24 Q. Again, what was your main goal at that

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1 time?

2 A. To first and foremost try to find the seven
3 year old and, second, offenders, maybe victims,
4 whatever was there.

5 Q. Before you started to walk up this stairway
6 from the first floor up to the second floor -- let me
7 ask you this. If you're at the bottom of that step
8 on the first floor --

9 A. Yes, sir.

10 Q. -- can you see where that lady was lying
11 face down in that other room?

12 A. No, sir.

13 Q. Tell us what happened when you went
14 upstairs to the second floor?

15 A. We went upstairs to the second floor, and
16 we just started -- we decided how we were going to
17 search up there, and some other officers came up the
18 stairs.

19 Q. What other officers are we talking about?

20 A. They were actually three officers that
21 worked for me. They were -- I can tell you their
22 names, but --

23 Q. Well, when you saw these three officers
24 that worked for you, what did you tell them?

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1 A. I ordered them out of the house.

2 Q. Did they?

3 A. Yes.

4 Q. What happened next?

5 A. When they went down the stairs and out of
6 the house, we started our search again, and I believe
7 we did the same from east to west, again going in
8 every room and opening doors and storage areas,
9 anywhere that somebody could be hiding.

10 But when we enter a room, the first
11 thing we look for is any danger to us offenders,
12 et cetera. Once we realize that that's not obvious,
13 then we start the smaller, looking under beds,
14 looking in closets, moving stuff that's in a pile
15 that somebody could be hiding under. Moving the
16 dressers to see if anybody is hiding behind there.

17 Q. Did you find any child on the second floor?

18 A. No, sir.

19 Q. Sergeant Dowling, what did you and Sergeant
20 McDermott do next?

21 A. Once we were content with the search of the
22 second floor, we then went to the third floor.

23 Q. Tell us what happened when you got there.

24 A. Again, we decided what -- because it's hard

1 to describe. There's rooms, so we decided we'd go
2 front to back or back to front again, and again, as
3 we entered each room, we would look, make sure nobody
4 was obviously there, and then we would do a tighter
5 search again, moving furniture, clothes, mattresses,
6 lifting them up to see if people are underneath,
7 opening any doors that somebody could crawl into or
8 hide.

9 Q. Did you find a child up on the third floor?

10 A. No, sir, we did not.

11 Q. What did you and Sergeant McDermott do
12 next?

13 A. Once we were finished with the third floor,
14 we then went down the stairs and went out of the
15 building.

16 Q. Can you estimate for all of us
17 approximately how long you and Sergeant McDermott
18 searched the first, second, and third floor of that
19 house?

20 A. Probably about 20, 25 minutes.

21 Q. After you completed your search -- strike
22 that.

23 After you completed your unfruitful
24 search for this child, what did you do?

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1 A. We exited the house, and at that time, we
2 stated doing our sergeant jobs, ensuring that the
3 detectives are notified, having the officers, Bryk
4 and Casey, notified and make sure they pull an RD
5 number so we can get an Amber Alert going.

6 Q. What's an Amber Alert?

7 A. It's -- whenever a child is missing either
8 suspiciously or unsuspectingly, it's an alert that
9 allows multiple police departments and agencies to be
10 notified to look for this kid, who or what he may be
11 in or with. It gives a description of the child,
12 height, weight, sex, clothing that they may be
13 wearing, et cetera.

14 Q. A picture as well?

15 A. Photos, yes.

16 Q. In fact, was an Amber Alert done in this
17 case that afternoon?

18 A. Yes, sir, it was.

19 Q. All right. You say you notified a number
20 of other police officers, including detectives?

21 A. Yes, sir.

22 Q. Did some detectives from Area 1 Violent
23 Crimes arrive at the scene of 79th and South Yale
24 that afternoon?

1 A. Yes, sir.

2 Q. Did that include a Detective Thomas Kelly
3 and a Detective Al Szudarski?

4 A. Yes, sir.

5 Q. What happened after notifications were made
6 by you and other members of your 7th District team?

7 A. Once notifications were made, I had the
8 team that works for me outside the building around
9 it, because once a search is done and we're happy, we
10 don't want anybody in, anybody out. That's for the
11 detectives. They then take over.

12 Q. Okay. Is something done around the
13 perimeter of that house or any crime scene for that
14 matter?

15 A. Oh, yes, sir. The area was taped out. We
16 have two kinds of tape, yellow and red. Red is an
17 inner perimeter. You have to actually ask permission
18 to get in.

19 And yellow is an outer perimeter.
20 The yellow -- on the outside of the yellow is where
21 people can come. Nobody inside the yellow to red but
22 police officers or anyone doing any work with --
23 regarding the matter.

24 Q. At that point after your job and the

1 members of your 7th District team jobs were
2 completed, did somebody take over this
3 investigation?

4 A. Yes, sir.

5 Q. Who?

6 A. The area detectives take over, and then
7 they do what they do and pass it on.

8 Q. Among other notifications, were forensic
9 investigators from the Chicago Police Department also
10 notified?

11 A. Yes, sir.

12 MR. MC KAY: May I approach, Judge?

13 THE COURT: Yes.

14 BY MR. MC KAY:

15 Q. Sergeant Dowling, I'll show you an exhibit
16 we've marked as People's Exhibit Number 1. Can you
17 tell us what's depicted in this photograph?

18 A. It's the building located at 7019. It
19 depicts it pretty much the way it looked when I
20 approached it, doors open. You can see through the
21 hallways.

22 The red tape was placed by my
23 officers that are on the outside of it, but
24 everything else is exactly how it was when I arrived

1 there.

2 MR. MC KAY: I'd ask leave to publish
3 People's Exhibit Number 1 again.

4 THE COURT: Any objection?

5 MR. KOZIBOSKI: No objection.

6 THE COURT: Okay. You may do so.

7 BY MR. MC KAY:

8 Q. Looking at the screen, Sergeant Dowling --

9 A. Yes, sir.

10 Q. -- you talked about the red tape?

11 A. Yes.

12 Q. Is that how the inner perimeter of this
13 house was secured after the tape was placed?

14 A. Yes, sir, that's correct.

15 Q. Now, Sergeant, when you got there at
16 approximately 2:50 p.m., what was the weather like
17 that afternoon?

18 A. It was overcast. It was a little cool.
19 Rain was expected that day.

20 Q. But was it raining that afternoon when you
21 got there?

22 A. When I got there, I don't recall that it
23 was raining, but it did rain shortly after I was
24 there.

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1 MR. MC KAY: Your Honor, may I have a
2 moment?

3 THE COURT: Sure.

4 (Brief pause.)

5 MR. MC KAY: Your Honor, thank you very
6 much. No further questions.

7 THE COURT: Any cross?

8 CROSS EXAMINATION

9 BY MR. KOZIBOSKI:

10 Q. Good afternoon, Sergeant?

11 A. Good afternoon.

12 Q. When you arrived at Yale, you didn't know
13 what you were walking into, did you?

14 A. That is correct, yes.

15 Q. You just had the report of a person shot?

16 A. Yes.

17 Q. And when you arrived there, you saw the
18 young man that you came to know to be Jarvis
19 Williams; is that correct?

20 A. Yes, sir.

21 Q. And you didn't -- did you see anyone else
22 out there as you approached Yale?

23 A. The paramedics who were pulling up as well
24 as one of my the people assigned to me, which was

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1 Officers Bryk and Casey, were pulling up.

2 Q. And you didn't see Julia Hudson at that
3 point?

4 A. No, sir, I did not.

5 Q. Upon Jarvis' direction, you walked into the
6 house?

7 A. Yes, sir.

8 Q. Still not knowing what you would see?

9 A. Yes, sir.

10 Q. When you walked into the house, you saw
11 that the house was in disarray?

12 A. Yes, sir.

13 Q. And you walked in and you, unfortunately,
14 saw Miss Donerson?

15 A. Yes, sir.

16 Q. And you walked out and you walked back in
17 with the paramedics and found out what you found out
18 from the paramedics?

19 A. Yes, sir.

20 Q. And after you found the second person,
21 Mr. Hudson, you commenced with your search?

22 A. After the paramedics left, yes, sir.

23 Q. And you went through every single room in
24 that house?

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1 A. Yes, sir.

2 Q. And you were very careful about your
3 search?

4 A. As careful as we could be. Crime scene
5 prevention is important, but locating a seven year
6 old is more important.

7 Q. You had two goals?

8 A. Yes, sir.

9 Q. The first was locating that young boy?

10 A. Yes, sir.

11 Q. And that's obviously very important, the
12 most important thing that anyone would want in this
13 situation; right?

14 A. Yes.

15 Q. However, you didn't want to disturb the
16 crime scene unnecessarily?

17 A. Yes.

18 Q. You moved furniture; right?

19 A. Yes, sir.

20 Q. You moved piles of clothes?

21 A. Yes.

22 Q. You didn't take piles of clothes and dump
23 them on to the floor from drawers, did you?

24 A. No, sir.

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1 Q. You may have opened doors, but you didn't
2 take anything out of the closet and throw it on to
3 the floor, did you?

4 A. I don't recall. I may have moved clothes
5 or something that may have been on the floor in there
6 to see if anybody was behind it or under it.

7 Q. And as you walked through this entire
8 house, the whole house was in disarray; correct?

9 A. Yes, sir.

10 Q. Every single room?

11 A. Yes.

12 Q. And after you completed your search, you
13 went back outside?

14 A. Yes, sir.

15 Q. And as you said, I think, you began your
16 sergeant's duties?

17 A. Yes, sir.

18 Q. And one of those duties is securing the
19 crime scene?

20 A. Yes.

21 Q. And why is securing the crime scene
22 important?

23 A. Preservation of evidence.

24 Q. And you taped off the interior of the crime

1 scene and the exterior of the crime scene. I don't
2 know if I'm using the words right, but you created an
3 inner perimeter and an outer perimeter?

4 A. That's correct.

5 Q. And it's your job to make sure that no
6 one who didn't belong there came through there;
7 right?

8 A. Yes, sir.

9 Q. And you did your job; right?

10 A. Yes, sir.

11 MR. KOZIBOSKI: May I have one moment,
12 Judge?

13 THE COURT: Sure.

14 (Brief pause.)

15 BY MR. KOZIBOSKI:

16 Q. Sergeant, when we talked about the inner
17 perimeter, that included the driveway of the home;
18 correct?

19 A. Yes.

20 Q. And no one was permitted to walk on to the
21 driveway?

22 A. Until the detectives get there. What they
23 do, I don't control. They control that.

24 Q. But no one who was unauthorized was

1 permitted to walk on to the driveway?

2 A. Once the crime scene was taped off, yes.
3 Prior to that, no. Because we didn't know what we
4 had. I had officers completely surrounding the
5 house, including in the driveway. In case anybody is
6 in there that tries to escape, jump out a window, I
7 have people there. So prior to being taped off in
8 red tape, there were several officers back and forth
9 in there.

10 Q. And certainly no civilians in the interior
11 perimeter; correct?

12 A. Correct.

13 MR. KOZIBOSKI: Nothing further. Thank
14 you, Judge.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. MC KAY:

18 Q. Did you say crime scene prevention or
19 preservation?

20 A. Preservation I said. If I said prevention,
21 I mean preservation.

22 Q. When a child is missing, what's more
23 important, crime scene preservation or finding that
24 child?

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1 A. The child tenfold is more important.

2 MR. MC KAY: Thank you, Judge.

3 THE COURT: Anything else?

4 MR. KOZIBOSKI: Nothing based on that.

5 THE COURT: Thank you, Sergeant. You can
6 step down. Please do not discuss your testimony with
7 anyone who may testify.

8 THE WITNESS: Thank you, Judge.

9 (Witness excused.)

10 THE COURT: State, you may call your next
11 witness.

12 (Brief pause.)

13 THE COURT: Officer, turn towards me.
14 Raise your right hand, please.

15 (Witness sworn.)

16 THE COURT: Have a seat. Make yourself
17 comfortable. Keep your voice up so everyone can hear
18 you.

19

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1 WHEREUPON,

2 JENNIFER BRYK,

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

7 DIRECT EXAMINATION

8 BY MS. BAGBY:

9 Q. Officer, in a nice loud clear voice, could
10 you introduce yourself and spell your last name?

11 A. Officer Jennifer Bryk, B-r-y-k, Star 6262.

12 Q. By whom are you employed?

13 A. Chicago Police Department.

14 Q. How long have you been employed at the
15 Chicago Police Department?

16 A. It will be 13 years next month.

17 Q. And where are you currently assigned to?

18 A. To the 7th District.

19 Q. How long have you been assigned to the 7th
20 District?

21 A. Approximately six years.

22 Q. What is your current assignment within the
23 7th District?

24 A. Patrol.

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1 Q. Now, I want to direct your attention back
2 to October 24th of 2008. Where were you assigned
3 back then?

4 A. In the 7th District.

5 Q. And what unit or what was your assignment
6 or your work detail in October of 2008?

7 A. At that time, I was working on a Tactical
8 Team.

9 Q. Were you working on October 24th of 2008?

10 A. Yes.

11 Q. What shift or watch did you work that day?

12 A. I was working days.

13 Q. What are the hours approximately of the day
14 shift?

15 A. 7:00 to 3:00.

16 Q. 7:00 a.m. to 3:00 p.m.?

17 A. Yes.

18 Q. Were you working alone, or did you have a
19 partner?

20 A. I had a partner.

21 Q. Who was your partner?

22 A. Officer Christina Casey.

23 Q. Does she sometimes go by the name Tina
24 Casey?

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1 A. Yes.

2 Q. Were you and your partner working in a
3 marked Chicago Police squad car or unmarked car?

4 A. Unmarked car.

5 Q. At approximately 2:45 or so in the
6 afternoon of October 24th of 2008, did you monitor a
7 radio call while you were with your partner in your
8 squad car?

9 A. Yes.

10 Q. And what was the nature of that radio
11 call?

12 A. A person shot came out on the -- over the
13 radio.

14 Q. And was there an address associated with
15 the call of a person shot?

16 A. Yes.

17 Q. What was that address?

18 A. 7019 South Yale.

19 Q. The location of 7019 South Yale, that is an
20 address within the 7th District?

21 A. Yes, it is.

22 Q. Specifically, it's an address within the
23 Englewood neighborhood?

24 A. Yes.

1 Q. Now, where were you and your partner
2 when you were patrolling and you heard that radio
3 call?

4 A. A few blocks from that address.

5 Q. And did you and your partner then proceed
6 or go to drive towards 7019 South Yale?

7 A. Yes, we did.

8 Q. Did you approach the 7000 south block of
9 South Yale?

10 A. Yes.

11 Q. From which direction did you and your
12 partner approach that block?

13 A. We were traveling westbound on 70th Street.

14 Q. And as you approached the block, did you
15 observe anything or anyone as you were nearing the
16 location?

17 A. Yes.

18 Q. What did you see?

19 A. I saw a young teenage boy running
20 northbound on Yale from the direction of 7019 South
21 Yale.

22 Q. Now, were you the passenger or the driver
23 of your squad car?

24 A. I was the passenger.

1 Q. And when you saw this young teenage boy
2 running from that location, what did you do?

3 A. Got out of the squad car and stopped the
4 young boy.

5 Q. And did you -- did you speak to him and do
6 you now know his name to be Jarvis Williams?

7 A. Yes.

8 Q. After speaking with Jarvis Williams, were
9 you directed to the location of 7019 South Yale?

10 A. Yes.

11 Q. That's a single family home at that
12 location?

13 A. Yes.

14 Q. When you approached the residence there,
15 the house there, what were you looking for, or who
16 were you looking for?

17 A. When we approached and we were in front of
18 that address, we were looking for the caller that
19 made that first call of a person shot.

20 Q. And how did you go about -- were there
21 people around in front of the house?

22 A. Yes. They were starting to gather.

23 Q. And how did you go about trying to figure
24 out who the caller was, the person who belonged or

1 who lived at that house?

2 A. I started asking who made the phone call,
3 who called from here.

4 Q. And did you meet a woman that you now know
5 to be Julia Hudson?

6 A. Yes.

7 Q. Did she identify herself to you as the
8 person who had made the call?

9 A. Yes.

10 Q. Did you have an opportunity to speak with
11 Julia Hudson?

12 A. Yes, I did.

13 Q. Where did you talk to Julia Hudson?

14 A. A little off to the side of 7019 South
15 Yale.

16 Q. Who was present when you spoke to Julia
17 Hudson?

18 A. My partner.

19 Q. And what did you say to Ms. Hudson?

20 MS. THOMPSON: Objection.

21 THE COURT: Objection overruled.

22 BY THE WITNESS:

23 A. I asked Ms. Hudson who could have done
24 this.

1 BY MS. BAGBY:

2 Q. When you say, who could have done this,
3 what were you referring to?

4 A. We later found out that when she walked
5 into the residence, someone had shot and killed her
6 mother.

7 Q. You knew the nature of the call and what
8 was being investigated?

9 A. Yes.

10 Q. When you asked Miss Hudson who could have
11 done this, what did Miss Hudson say to you?

12 MS. THOMPSON: Objection.

13 THE COURT: Does this not call for a
14 hearsay response, Miss Bagby?

15 MS. BAGBY: Judge, it goes to the course of
16 investigation.

17 THE COURT: It's not offered for the truth
18 of the matter asserted?

19 MS. BAGBY: No.

20 THE COURT: I disagree. Sustained.

21 BY MS. BAGBY:

22 Q. Did Miss Hudson answer your question?

23 A. Yes.

24 Q. During that conversation with Miss Hudson,

1 did you also learn that her son, seven year old
2 Julian Hudson was missing?

3 A. Yes.

4 Q. Now, did you relay the information that you
5 received from Miss Hudson from that conversation to
6 anyone?

7 A. Yes.

8 Q. Who did you relay that information to?

9 A. My sergeant.

10 Q. Is that Sergeant McDermott?

11 A. Yes.

12 Q. Now, did you remain on the block of --
13 around 7019 South Yale, or did you go anywhere that
14 evening?

15 A. Later left that area, yes, I did.

16 Q. And where did you go?

17 A. To Area 1 at 51st and Wentworth.

18 Q. And did you take anybody with you when you
19 went to Area 1?

20 A. Yes.

21 Q. Who did you take with you?

22 A. Julia Hudson.

23 Q. Once you got back to Area 1, did you
24 receive an assignment to write up the case report, or

1 were you assigned the investigation or the case
2 report investigation regarding the missing person,
3 that being Julian Hudson?

4 A. Yes.

5 Q. What type of information did you have to
6 gather in order to prepare the report for the missing
7 person?

8 A. The physical characteristics of the
9 individual birth date, the clothing that he was last
10 seen wearing.

11 Q. And did you receive that information, or
12 did you get that information from speaking with
13 Miss Hudson?

14 A. Yes.

15 MS. BAGBY: If I could have just a moment?

16 THE COURT: Sure.

17 (Brief pause.)

18 BY MS. BAGBY:

19 Q. I'm going to go back with your initial
20 conversation with Miss Hudson on the side of or near
21 her house.

22 When Miss Hudson answered your
23 question that you had asked of her, did you relay
24 that information to anyone else?

1 MS. THOMPSON: Objection. Asked and
2 answered.

3 BY THE WITNESS:

4 A. Yes.

5 THE COURT: Overruled.

6 BY MS. BAGBY:

7 Q. Who did you relay that information to?

8 A. My sergeant.

9 Q. And at that point, were you looking for
10 anyone?

11 MS. THOMPSON: Objection.

12 THE COURT: Overruled to that question.

13 BY THE WITNESS:

14 A. Was I looking for anyone?

15 BY MS. BAGBY:

16 Q. Was the police investigation looking for
17 anyone?

18 A. Yes.

19 Q. Who?

20 A. A William Balfour.

21 Q. Now, when you were speaking with
22 Miss Hudson, did she -- on the scene there, did she
23 receive a phone call?

24 A. Yes.

1 Q. And when Miss Hudson received a phone
2 call, did she say anything to you as the phone was
3 ringing?

4 A. Yes.

5 Q. What did Miss Hudson say to you as the
6 phone was ringing?

7 MS. THOMPSON: Objection.

8 THE COURT: What's the basis of this
9 question?

10 MS. BAGBY: Course of the investigation,
11 Judge.

12 THE COURT: I'll allow it. It's probably
13 hearsay, but I'll allow a limited inquiry into this.
14 I believe this witness testified to this already
15 yesterday, did she not?

16 MS. BAGBY: This witness has not testified
17 to this.

18 THE COURT: I'm asking you, did the witness
19 yesterday testify to this?

20 MS. BAGBY: Yes.

21 THE COURT: I'll allow a limited inquiry
22 into this. You don't get to put it in twice.

23 Go ahead.

24

1 BY THE WITNESS:

2 A. Yes, she did say something. She told me
3 that William Balfour was on the phone.

4 BY MS. BAGBY:

5 Q. And did you tell her anything after she
6 relayed that information to you?

7 A. Yes.

8 MS. THOMPSON: Objection.

9 THE COURT: Objection is overruled as to
10 what she told Miss Hudson.

11 Go ahead.

12 BY MS. BAGBY:

13 Q. What did you tell Miss Hudson?

14 A. I told her not to say anything and just
15 have a normal conversation with him.

16 Q. When you say, not say anything, what did
17 you mean?

18 A. Just to be quiet about what she had come
19 home to and found and just act as if it was normal so
20 that she could find out where he possibly was at that
21 time.

22 MS. BAGBY: If I could have just a moment?

23 (Brief pause.)

24 MS. BAGBY: Thank you, Judge. No further

1 questions.

2 THE COURT: Cross?

3 MS. THOMPSON: I need just a few seconds,
4 Judge.

5 (Brief pause.)

6 CROSS EXAMINATION

7 BY MS. THOMPSON:

8 Q. Officer Bryk, I'm going to start where the
9 State's Attorney left off. You didn't speak to the
10 person on the phone; correct?

11 A. Correct.

12 Q. At the time that you were out there, you
13 didn't know William Balfour?

14 A. Correct.

15 Q. You didn't know his phone number?

16 A. Correct.

17 Q. And when you were out there, what she told
18 you is, it's William, Miss Hudson; correct?

19 A. Correct.

20 Q. Now, the day that this happened, you
21 weren't the first police officer on the scene;
22 correct?

23 A. Correct.

24 Q. And when you were out there, your sergeant

1 had been there first?

2 A. Yes.

3 Q. But you responded to the call immediately
4 upon receiving it; correct?

5 A. I didn't receive the call. I responded to
6 it, yes.

7 Q. Over the radio?

8 A. Yes.

9 Q. You responded to the call immediately after
10 receiving it?

11 A. After the call came out, I went to that
12 address, correct.

13 Q. And you say that what you saw was a
14 teen-aged boy running north; correct?

15 A. Yes.

16 Q. And that would be going from 70th towards
17 69th Street?

18 A. Correct.

19 Q. And you detained that young man?

20 A. Yes.

21 Q. And you learned that his name was Jarvis
22 Williams?

23 A. Yes.

24 Q. Now, it was after that that you spoke to

1 Miss Hudson; correct?

2 A. Yes.

3 Q. After you took Miss Hudson into the police
4 station, you said you got some information from her
5 about her son; correct?

6 A. Yes.

7 Q. Your assignment was not to deal with the
8 deaths that happened at 70th and Yale; correct?

9 A. Correct.

10 Q. Your assignment was to deal with the
11 missing person of Julian King?

12 A. Yes. I took the missing person's report on
13 him.

14 Q. And the reason you were getting such
15 detailed information about the young man is that
16 alerts were going to be issued; correct?

17 A. I had to fill out the missing person's
18 report first, correct.

19 Q. Well, I'm not asking about that. I'm
20 asking you that the purpose of filling out such a
21 report is so that people can start to look for him;
22 right?

23 A. Correct.

24 Q. I mean, the report isn't the goal, it's the

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1 finding the young man that's the goal; correct?

2 A. Yes.

3 Q. So what you were doing was you were trying
4 to get as much detailed information as you could
5 about Julian King?

6 A. Yes.

7 Q. And after you got that information, an
8 Amber Alert was issued; correct?

9 A. Yes.

10 Q. What an Amber Alert is, it's information
11 that's given not just to police agencies, but to news
12 agencies; correct?

13 A. Yes.

14 Q. And to -- it's posted on those signs that
15 are over highways?

16 A. Yes.

17 Q. And it has the kind of detailed information
18 like the age of the person?

19 A. Yes.

20 Q. The last time they were seen?

21 A. Yes.

22 Q. What they might be wearing?

23 A. Yes.

24 Q. And that information went out in this case

1 almost immediately after you went back to Area 1;
2 correct?

3 A. Yes.

4 Q. And the purpose of doing it that quickly is
5 to make sure that that person is found with the best
6 chance of him being in good health; correct?

7 A. Yes.

8 Q. And you did that?

9 A. Yes. I filled out the missing person's
10 report. I didn't have anything to do with an Amber
11 Alert. I do the report, and then the detectives take
12 over and issue the Amber Alert.

13 Q. Okay. And it's a quick process; correct?

14 A. Yes.

15 Q. And in this case it was a quick process?

16 A. Yes.

17 MS. THOMPSON: If I can have just a moment?

18 THE COURT: Yes.

19 (Brief pause.)

20 MS. THOMPSON: I have nothing further,
21 Judge. Thank you.

22 THE COURT: Any redirect?

23 MS. BAGBY: Yes.

24

1 REDIRECT EXAMINATION

2 BY MS. BAGBY:

3 Q. Officer, let's just clear this up. Was
4 this a call or an assignment to you and your partner,
5 or was this a broadcast radio call throughout the 7th
6 District?

7 A. It was a broadcast, not assigned to my
8 partner and I in particular.

9 Q. And were you the first police car that
10 arrived on the 7000 south block of Yale?

11 A. No.

12 Q. Who was the first car there?

13 A. That was Sergeant Dowling.

14 MS. BAGBY: If I can have just a moment?

15 THE COURT: Yes.

16 MS. BAGBY: Nothing further.

17 MS. THOMPSON: Nothing based on that,
18 Judge.

19 THE COURT: So no questions?

20 MS. THOMPSON: No, thank you.

21 THE COURT: You can step down. Please do
22 not discuss your testimony with anybody who may
23 testify in this matter.

24 (Witness excused.)

1 THE COURT: State, you may call your next
2 witness.

3 (Brief pause.)

4 THE COURT: Sir, if you would step in the
5 witness box and turn towards me, please and raise
6 your right hand.

7 (Witness sworn.)

8 THE COURT: Okay. Mr. McKay, you may
9 proceed.

10 MR. MC KAY: Thank you.

11 WHEREUPON,

12 ABDULLAH KARRIM SMITH,
13 called as a witness on behalf of the People of
14 the State of Illinois, having been first duly
15 sworn, under oath was examined and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. MC KAY:

19 Q. Sir, in a loud, clear voice, could you
20 please introduce yourself to the ladies and gentlemen
21 of the jury and spell your first and middle name for
22 the court reporter?

23 A. Abdullah Karrim Smith, A-b-b-u-l-l-a-h.
24 K-a-r-r-i-m, Smith.

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- 1 Q. Mr. Smith, how old are you?
- 2 A. 37 years old.
- 3 Q. Without giving your specific address, what
- 4 town do you live in?
- 5 A. Chicago, Illinois.
- 6 Q. Who do you live there with?
- 7 A. My girlfriend and my children.
- 8 Q. How many children?
- 9 A. Three.
- 10 Q. What are their ages?
- 11 A. Seven years. Seven years old and 11 years
- 12 old.
- 13 Q. You have twins that are 11?
- 14 A. Yes.
- 15 Q. Do you work?
- 16 A. Yes.
- 17 Q. What do you do?
- 18 A. I work for a place called Bay Fabrication
- 19 out in Burbank by Royal Crown Services, a temp
- 20 service.
- 21 Q. Do you know a man named William Balfour?
- 22 A. Yes, I do.
- 23 Q. Do you see him in the courtroom today?
- 24 A. Yes, I do.

1 Q. Can you point him out and describe what
2 he's wearing today?

3 A. White button-up, blue tie, purple tie
4 (indicating.)

5 MR. MC KAY: Your Honor, may the record
6 reflect an in-court identification of the defendant,
7 William Balfour?

8 THE COURT: The record will so reflect.

9 BY MR. MC KAY:

10 Q. Mr. Smith, back in October of 2008, what if
11 anything was your relationship with the defendant?

12 A. I'd say we was associates, not best
13 friends, but we did communicate. We did, what you
14 would call, kick it from time to time. Somebody I
15 associated with.

16 Q. Not best friends?

17 A. No, I wouldn't say best friends.

18 Q. How long did you know this associate by the
19 later part of October, 2008?

20 A. Roughly, probably like seven, eight months
21 about, almost a year.

22 Q. Mr. Smith, before I continue, were you
23 arrested in Milwaukee, Wisconsin, in October of
24 1998?

1 A. Yes, I was.

2 Q. In two separate bank robberies?

3 A. Yes, I was.

4 Q. Did you plead guilty to one case to
5 armed robbery, and did you plead guilty in the other
6 case to robbery late December or early January, late
7 December of 1998 or early January of 1999?

8 A. Yes, I did.

9 Q. In the armed robbery case, did you get a
10 sentence of seven years in the Wisconsin Department
11 of Corrections?

12 A. Yes, I did.

13 Q. And in the robbery case, did you get four
14 years in the Wisconsin Department of Corrections?

15 A. Yes, I did.

16 Q. Were those two sentences to run concurrent
17 or at the same time?

18 A. Concurrent, big time eat up the little
19 time.

20 Q. I'm sorry?

21 A. Concurrent, big time eats up the little
22 time.

23 Q. Okay. Could you tell us what year you
24 first got out of the Wisconsin Penitentiary on these

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1 two sentences?

2 A. 2003.

3 Q. At some point, did you return on some type
4 of a parole violation?

5 A. Yes, I did.

6 Q. When was that, sir?

7 A. 2005.

8 Q. How long were you in after you went back in
9 2005?

10 A. Two years.

11 Q. So when did you finally get out of the
12 Wisconsin Department of Corrections on these two
13 cases never to return?

14 A. 2007.

15 Q. Thank you, sir.

16 Mr. Smith, could you tell us where
17 you were living in October of 2008?

18 A. 7207 South Yale.

19 Q. What type of building is located at 7207
20 South Yale?

21 A. Big old apartment building, probably 30, 40
22 units.

23 Q. What apartment did you live in?

24 A. Basement.

1 Q. Who did you live there with in that
2 basement apartment?

3 A. My girlfriend and my children.

4 Q. Did you have a cell phone back then?

5 A. Yes, I did.

6 Q. What was the carrier of that cell phone?

7 A. Sprint.

8 Q. Was your cell phone number at that time
9 773-406-8312?

10 A. Yeah.

11 Q. Do you remember where you purchased that
12 cell phone?

13 MS. THOMPSON: Objection to the relevance,
14 Judge.

15 THE COURT: Is this relevant, Mr. McKay?

16 MR. MC KAY: Yes, Judge, it is.

17 THE COURT: All right. I'll allow it.

18 BY THE WITNESS:

19 A. I believe I purchased that cell phone at
20 ABC Communications on, I think, 74th and Halsted
21 or either Ashland. I believe it was probably
22 Halsted.

23 BY MR. MC KAY:

24 Q. In whose name was that cell phone

1 registered to at that time?

2 A. George W. Bush.

3 Q. Not your name?

4 A. No.

5 Q. In the apartment on Yale near the corner of
6 72nd Street, did you and your girlfriend have a land
7 line?

8 A. Yes.

9 Q. Who was the carrier of that land line?

10 A. Comcast.

11 Q. Was that phone number 773-952-8794?

12 A. Yes, it was.

13 Q. In whose name was that land line?

14 A. My name.

15 Q. Would that be Karrim Smith, your middle
16 name?

17 A. Yes.

18 Q. Thank you, sir.

19 In 2008, did you call this defendant
20 by his first name or something else?

21 A. I called him by an alias, nickname.

22 Q. What was that nickname?

23 A. Flex.

24 Q. How did you meet Flex?

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1 A. Because we had mutual friends.

2 Q. Would that include somebody by the name of
3 Smurf?

4 A. Yes.

5 Q. Who is Smurf?

6 A. A friend of mine basically. Smurf is
7 really like my neighbor. He stayed with his sister
8 upstairs. I stayed in the basement.

9 Q. Did Smurf have a brother?

10 A. Yes.

11 Q. What was Smurf's brother's name?

12 A. Michael Hurst.

13 Q. Did Michael Hurst have a nickname?

14 A. Yes.

15 Q. What's that nickname?

16 A. Daddy-O.

17 Q. Daddy-O?

18 During 2008, did you have occasion to
19 exchange telephone numbers with Flex?

20 A. Yes.

21 Q. You gave him yours?

22 A. Yes. I forget exactly how it went, but we
23 both had each other's number.

24 Q. He had your number?

1 A. Yes.

2 Q. You had his?

3 A. Yes.

4 Q. Now, I want to direct your attention to
5 late May 2008 in the early evening hours around 6:00
6 p.m. Did you have occasion to be in somebody's
7 vehicle at that time?

8 MS. THOMPSON: Objection, your Honor,
9 relevance.

10 THE COURT: Overruled.

11 BY THE WITNESS:

12 A. Would you repeat the question?

13 BY MR. MC KAY:

14 Q. Yes, sir.

15 In late May of 2008, sometime around
16 5:30, 6:00 o'clock p.m., did you have occasion to be
17 in somebody's car?

18 A. Yes.

19 Q. Whose?

20 A. Flex.

21 Q. What kind of car did he have at that
22 time?

23 MS. THOMPSON: Your Honor, may we have a
24 sidebar?

1 THE COURT: Okay. Let's have a sidebar.

2 (WHEREUPON, the following was
3 had outside the
4 hearing of the jury:)

5 * * *

6 (WHEREUPON, the following was
7 had in open court, in the
8 presence of the jury:)

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1 THE COURT: Okay. The objection is
2 overruled.

3 You may inquire.

4 MR. MC KAY: Thank you.

5 BY MR. MC KAY:

6 Q. Mr. Smith, what kind of vehicle -- strike
7 that.

8 Yeah. What kind of vehicle were you
9 sitting in in late May of 2008?

10 A. I'd say a Bonneville.

11 Q. Whose Bonneville was it?

12 A. It was Flex's Bonneville.

13 Q. Where was Flex's Bonneville parked at that
14 time?

15 A. We was across the street from -- that's
16 Jennifer Hudson's mother's house, like, a little
17 field right there.

18 Q. A little field?

19 A. Yeah. A vacant lot right across the street
20 from the house. A vacant lot basically like right up
21 in there.

22 Q. Was anybody else in the car besides you and
23 the defendant?

24 A. No.

1 Q. At that time, did the defendant tell you
2 anything?

3 A. Yeah, he was basically -- I don't know. He
4 was maybe -- he was texting, I'm taking it he was
5 texting his wife. But he had told me that he was
6 having problems with his marriage, and then out the
7 blue, he just showed me his phone, I guess whatever
8 text it was.

9 Q. What did he show you?

10 A. The text from her saying she didn't love
11 him no more.

12 Q. When you say, her, are you talking about --

13 A. I'm guessing his wife.

14 MS. THOMPSON: Objection, Judge.

15 THE COURT: Sustained as to that.

16 BY THE WITNESS:

17 A. Because this is the person he was just
18 talking about so.

19 MS. THOMPSON: Objection.

20 BY MR. MC KAY:

21 Q. Where was he living at that time when you
22 were sitting in this Bonneville in this lot across
23 the street from the Hudson house?

24 A. I'm not sure.

1 Q. Now, I want to direct your attention to
2 late August 2008, approximately 3:00, 4:00 o'clock in
3 the afternoon. Did you see the defendant at that
4 time?

5 A. Yes.

6 Q. Where?

7 A. Across the street from my apartment
8 building, 72nd and Yale.

9 Q. Where was the defendant situated across the
10 street from your apartment building?

11 A. He was parked in a car on the corner.

12 Q. What street was he on, Yale or 72nd Street?

13 A. He was on the corner of 72nd and Yale. It
14 runs on a point. He was at the point.

15 Q. Now, what kind of a car -- strike that.

16 Was he on foot or in a vehicle?

17 A. He was in a car.

18 Q. What kind of car did he have that day?

19 A. A Chrysler.

20 Q. What color was it?

21 A. Green.

22 Q. Where was he sitting in this vehicle?

23 A. On the driver's side.

24 Q. Anybody in the car with him?

1 A. No.

2 Q. Did you walk across the street from your
3 apartment building?

4 A. Either across from my apartment building or
5 the apartment building across the street. But either
6 way it go, I walked up on him. He was sitting.

7 Q. When you walked up on him, did you get into
8 the car?

9 A. No.

10 Q. Where were you situated then when you were
11 by his car?

12 A. I think I leaned on the hood.

13 Q. At that time, did you have a conversation
14 with the defendant?

15 A. Yeah.

16 Q. Was anybody else present besides you
17 leaning against the car and him sitting in the
18 driver's side of that car?

19 A. No, nobody present.

20 Q. How did he appear to you at that time?

21 A. A little upset.

22 Q. What did he say to you at that time?

23 A. At that time, he specifically said that one
24 of these days that he basically wish he could just

1 whoop Jason's ass, like beat the shit out of
2 Jason.

3 Q. Did you know who he was talking about?

4 A. Yeah.

5 Q. Who was he talking about?

6 A. His brother-in-law.

7 Q. Mr. Smith, now I want to direct your
8 attention to Thursday, October 23, 2008. On that
9 date, did you have a vehicle?

10 A. Yes.

11 Q. What kind?

12 A. A white and turquoise Dodge Ram.

13 Q. A van?

14 A. Yeah.

15 Q. Sometime that day, did you have occasion to
16 travel in that van?

17 A. Yeah.

18 Q. Where did you go?

19 A. East Chicago.

20 Q. Indiana?

21 A. Yes.

22 Q. Did you go to East Chicago, Indiana, with
23 anyone?

24 A. Yeah.

1 Q. Who?

2 A. Me, Daddy-O, and probably one of Daddy-O's
3 partners or whatever. I don't even remember the
4 dude's name.

5 Q. All right. Now, why were you and Daddy-O
6 and one of Daddy-O's partners going to East Chicago,
7 Indiana, on Thursday, the April 23rd?

8 A. To drop this guy off.

9 Q. Did you?

10 A. Yes.

11 Q. Okay. And after you dropped this guy off
12 in Indiana, did you and Daddy-O return to Chicago?

13 A. Yeah.

14 Q. Now, during your return trip to Chicago,
15 did you have any problems with your van?

16 A. Yeah. It start running hot, because -- it
17 was running hot or whatever, the radiator.

18 Q. Okay. As a result of it running hot, did
19 something happen to your van?

20 A. Yeah, it cut off. I think the oil light
21 kept popping on and off. Plus the radiator, it just
22 cut off. The van cut off. We made it so far back,
23 and it just shut down.

24 Q. Where?

1 A. 9th and South Chicago.

2 Q. What's located at 79th and South Chicago?

3 A. Well, we was in between the church on the
4 left-hand side of the street, and Maxwell's
5 Restaurant on the right-hand side of the street.

6 Q. Who was in the van with you at that time?

7 A. Me and Daddy-O.

8 Q. Did Daddy-O know anything about auto
9 mechanics?

10 MS. THOMPSON: Objection.

11 BY THE WITNESS:

12 A. I doubt it.

13 THE COURT: Overruled. The answer stands.

14 BY MR. MC KAY:

15 Q. Did you have your cell phone with you?

16 A. Yeah.

17 Q. Starting at around 6:35 p.m., did you use
18 your cell phone and call somebody?

19 A. Yeah.

20 Q. Who?

21 A. Flex, I called Flex (indicating.)

22 MR. MC KAY: Your Honor, may the record
23 reflect the witness has pointed to the defendant a
24 second time?

1 BY MR. MC KAY:

2 Q. Could you tell the ladies and gentlemen of
3 the jury, Mr. Smith, how many times you called Flex
4 starting at around 6:35 that night?

5 A. Maybe four or five. I'm not quite sure on
6 the number, but I think it was more than three, so
7 I'm going with, like, four.

8 Q. Sometime after those four or five phone
9 calls, did somebody show up at 79th and South
10 Chicago?

11 A. Yeah.

12 Q. Who?

13 A. Flex.

14 Q. How did he get there?

15 A. In his car.

16 Q. What kind?

17 A. Green Chrysler.

18 Q. Was he with anybody?

19 A. Yeah, he was with a female.

20 Q. Did you see that female?

21 A. Yeah, I seened her.

22 Q. Did you talk to that female?

23 A. No, I didn't say two words to her.

24 Q. Where was she situated when Flex arrived?

1 A. She was sitting on the passenger's side,
2 and they was parked behind the Maxwell's.

3 Q. So did you have any contact with her that
4 night?

5 A. No. Just as far as seeing her, that's it.
6 But I didn't say nothing to her.

7 Q. Okay. After Flex arrived there at 79th
8 and South Chicago, why don't you tell us what
9 happened?

10 A. He gave me the two -- I had initially when
11 I had called him -- the only reason I called Flex is
12 because I knew Flex knew more -- probably a little
13 bit more about cars than me, and then he was the only
14 person that I could think of with a car that would
15 come save me and Daddy-O right now, because we was
16 basically stranded.

17 And I told him to bring me some oil,
18 and he brought the oil. I had a bucket, a white
19 bucket in the back of the van. I used the bucket to
20 get some water out of Maxwell's, poured the water in
21 the van, put the oil in the van, and we blew every
22 stop sign everywhere until we got back to 72nd and
23 Yale.

24 Q. So was Flex able to help you get your van

1 restarted?

2 A. Yes.

3 Q. Who was in your van when you traveled back
4 from 79th and South Chicago to 72nd and Yale?

5 A. Me and Daddy-O.

6 Q. Where was Flex at that time as you traveled
7 back to the neighborhood?

8 A. He was in his car. I'm thinking he's
9 behind me, but, like I say, I'm flying past red
10 lights and whatever. So I'm really not too much
11 paying attention in the rear view mirror. I'm trying
12 to get my car back to the block.

13 Q. Okay. Did you make it back home?

14 A. Yes, I did.

15 Q. Now, Mr. Smith, I want to direct your
16 attention to the next morning, October 24, 2008.
17 Where were you in the morning hours?

18 A. In my house.

19 Q. The basement apartment?

20 A. Yes.

21 Q. At 7207 South Yale?

22 A. Yes.

23 Q. Who were you in your apartment with at that
24 time?

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- 1 A. Me and the kids.
- 2 Q. Why were the kids home from school?
- 3 A. Some of the public schools -- I know it
4 just wasn't no school. I didn't really know all the
5 details. They didn't have school that day.
- 6 Q. That morning, that Friday morning?
- 7 A. Yeah, they didn't have no school.
- 8 Q. Did your girlfriend go to work?
- 9 A. Yeah.
- 10 Q. Now, Mr. Smith, did somebody ring your
11 doorbell that morning?
- 12 A. Yeah.
- 13 Q. About what time?
- 14 A. About 10:00 o'clock, something up in there.
- 15 Q. When your doorbell rang at about 10:00 a.m.
16 on October 24th, what did you do?
- 17 A. I got up and went to the basement window
18 and answered the door like I always do. Raised up
19 the window.
- 20 Q. When you raised up your basement window,
21 could you see outside to where your doorbell is?
- 22 A. Yes.
- 23 Q. When you looked outside, who did you see?
- 24 A. I seen Daddy-O and I seen Flex.

1 Q. Where was Flex when you saw him?

2 A. He was at my -- at my doorbell.

3 Q. Is that -- all right. Strike that.

4 A. He was at the door.

5 Q. And where was Daddy-O?

6 A. A couple of feet standing back.

7 Q. And what was Flex wearing at that time when
8 he rang your doorbell that morning?

9 A. I really couldn't tell with the jeans, but
10 I'm thinking the same white hoody that he had on the
11 night before.

12 Q. Tell me about this white hoody. Was the
13 hood over his head, or was it off his head?

14 A. It was on his head at the time.

15 Q. When you saw him outside in this white
16 hoody, what was the weather like at 10:00 a.m. that
17 morning?

18 A. It was cold.

19 Q. Was it raining at that time?

20 A. No, no, it wasn't raining. It was just
21 cold out.

22 Q. When you opened up your window and you saw
23 the defendant there, did he say anything to you?

24 A. Yeah.

1 Q. What?

2 A. He walked over to the window, and he bent
3 down, and I asked him, like, what was up, and he
4 asked me could I come outside and bust a move with
5 him or something.

6 Q. What were his exact words?

7 A. Can I come outside and bust a move with him
8 real quick or something to that effect.

9 Q. When he said -- strike that.

10 When he asked if you could bust a
11 move, did you know what he meant?

12 A. No. Not at that time, no. I'm thinking
13 just come outside and probably go somewhere or
14 something.

15 MS. THOMPSON: Objection, Judge.

16 THE COURT: Sustained.

17 BY THE WITNESS:

18 A. I didn't --

19 BY MR. MC KAY:

20 Q. Let me ask you this. Did he ask you to go
21 take a nap in your apartment?

22 MS. THOMPSON: Objection.

23 BY THE WITNESS:

24 A. No.

1 THE COURT: Basis?

2 BY THE WITNESS:

3 A. No.

4 MS. THOMPSON: I'll withdraw it.

5 THE COURT: Okay. You can answer.

6 BY THE WITNESS:

7 A. No.

8 BY MR. MC KAY:

9 Q. When he asked you to come out and bust a
10 move with you, what did you say to him?

11 A. I think I told him something about ain't no
12 moves going to be bust right now because I had the
13 kids. I couldn't go nowhere. I was stuck there.
14 I'm in the house. I can't leave the kids in the
15 house.

16 Q. Mr. Smith, had the defendant ever rung your
17 doorbell before?

18 MS. THOMPSON: Objection, relevance.

19 THE COURT: Overruled.

20 BY THE WITNESS:

21 A. No.

22 BY MR. MC KAY:

23 Q. Had the defendant ever been in your
24 apartment?

1 A. No.

2 MS. THOMPSON: Judge, we can't hear the
3 answers.

4 THE COURT: If you can please answer
5 audibly? You need to answer out loud.

6 THE WITNESS: No, no, no to the last two
7 questions.

8 BY MR. MC KAY:

9 Q. When you told him you had to stay home with
10 the kids that morning, what happened next?

11 A. I shut the window and walked away.

12 Q. Did you see him again that day?

13 A. No, I didn't.

14 Q. Mr. Smith, what nickname do you go by?

15 A. Duke, D-u-k-e.

16 Q. Mr. Smith, were you home in your basement
17 apartment at 5:05 p.m. on October 4, 2008?

18 A. Yes.

19 Q. Were you watching the television that
20 afternoon?

21 A. Yeah.

22 Q. Did you see the news when it came on?

23 A. Yeah, breaking news.

24 Q. At 5:05 p.m., did you use your land line

1 from your apartment and call anybody?

2 A. Yes.

3 Q. Who?

4 A. Flex.

5 Q. Did your call go into his voice mail?

6 A. Yes.

7 Q. Mr. Smith, at 5:32 p.m., did you use
8 your land line again from inside that basement
9 apartment?

10 A. Yeah.

11 Q. And who did you call at that time?

12 A. Flex.

13 Q. Did that second call go into the
14 defendant's voice mail?

15 A. Yes.

16 Q. Do you recall if you even left any messages
17 on his voice mail?

18 A. No, I don't think I left no message. As a
19 matter of fact, I'm quite sure I didn't. Just when
20 didn't nobody answer, I hung up.

21 Q. Did you know where the defendant was living
22 during most of 2008?

23 A. No, not really.

24 Q. Did you know if he had any family anywhere

1 in the City of Chicago?

2 MS. THOMPSON: Objection, relevance.

3 BY THE WITNESS:

4 A. Yeah. I knew --

5 THE COURT: Overruled.

6 BY THE WITNESS:

7 A. I knew he had some family. I used to see
8 his little brother all the time over there.

9 BY MR. MC KAY:

10 Q. What's his little brother's name?

11 A. Widget.

12 Q. That's his nickname; right?

13 A. Yeah, that's the name I know.

14 Q. Okay. Did you know his real name?

15 A. No.

16 Q. Where did he and the defendant's mother
17 live?

18 MS. THOMPSON: Objection, Judge, relevance.

19 BY THE WITNESS:

20 A. You say where --

21 THE COURT: Just one second, sir. When you
22 hear an objection, that means you've got to stop.

23 What's the basis of this line of
24 questioning, Mr. McKay?

1 MR. MC KAY: Your Honor, it goes to the
2 defendant's presence on the block despite the fact
3 he's not living there.

4 MS. THOMPSON: Objection, Judge. I'd ask
5 for a sidebar if Mr. McKay is going to argue.

6 THE COURT: I'll allow a limited inquiry.
7 Get to the point.

8 BY MR. MC KAY:

9 Q. Where did the defendant's mother and
10 Raymond -- strike that -- Widget live?

11 A. I'm not sure. I just know one time Flex --
12 we went over east, and I think he said this is his
13 mom's house.

14 Q. On the east side?

15 A. Yeah.

16 Q. Do you have a cousin that lived down on the
17 700 block of Yale?

18 A. Yeah, stay right across the street from the
19 Hudson house.

20 Q. What's your cousin's name?

21 A. Michelle.

22 Q. What building did your cousin, Michelle,
23 live in?

24 MS. THOMPSON: Objection to the relevance,

1 Judge.

2 THE COURT: Overruled.

3 BY THE WITNESS:

4 A. I don't know the address, but I know it was
5 right across the street. It was next to the field.
6 There's a church, a field, then a building, a big,
7 old apartment building.

8 BY MR. MC KAY:

9 Q. The field you just talked about earlier?

10 A. It was connected to it.

11 Q. Did you ever see the defendant at that
12 building during 2008?

13 A. Yeah.

14 Q. Do you know anybody else that lived in that
15 building besides your cousin, Michelle?

16 A. Yeah.

17 Q. Who?

18 A. Her neighbors, her upstairs neighbors.

19 Q. Who are they?

20 A. I just know the dude, Butter, and Lecretia
21 or whatever.

22 Q. Butter and --

23 A. And they had some little kids.

24 Q. When you say Butter and Lecretia, for the

1 court reporter is Lecretia spelled L-e-c-r-e-t-i-a?

2 A. I would reckon so.

3 Q. Who is Butter in relation to Lecretia?

4 MS. THOMPSON: Objection, Judge, to the
5 relevance.

6 THE COURT: Overruled.

7 BY THE WITNESS:

8 A. His girlfriend, I guess.

9 MS. THOMPSON: Again, Judge, move to
10 strike.

11 THE COURT: The objection is overruled.
12 Your objection is noted.

13 BY MR. MC KAY:

14 Q. Do you know where Lecretia worked back
15 then?

16 A. Popeye's, Popeye's Chicken.

17 Q. How do you know that, Mr. Smith?

18 A. Because I done been in Popeye's Chicken and
19 seen her cooking.

20 Q. Where is that Popeye's located?

21 A. 75th and Perry.

22 Q. How far is 75th and Perry from that
23 building your cousin, Michelle, lived in?

24 A. Maybe seven or eight blocks, give or take.

1 Q. How often would you see this defendant at
2 that building during 2008?

3 A. I seened him a few times, quite a few
4 times. I wouldn't say every day, but I done seen him
5 at the building.

6 Q. Inside or outside or both?

7 A. Both.

8 Q. When he was inside, was he in your cousin's
9 apartment?

10 MS. THOMPSON: Objection, Judge.

11 BY THE WITNESS:

12 A. No.

13 THE COURT: Okay.

14 BY MR. MC KAY:

15 Q. Whose apartment was he in?

16 THE COURT: Hold on a second. When there's
17 an objection, Mr. McKay, I'm going to rule. Okay?

18 MR. MC KAY: Yes, sir.

19 THE COURT: What's the basis of this line
20 of questioning?

21 MR. MC KAY: Well, it goes to show --

22 THE COURT: No, no. Give me the legal
23 reason why you are attempting to introduce this.

24 MR. MC KAY: It goes to show his location

1 on the block when he doesn't live there, and it's
2 going to be tied up by other witnesses.

3 THE COURT: Fine. Ask the questions that
4 are relevant on this. Let's not make this a
5 mini-trial. Okay, let's go.

6 BY MR. MC KAY:

7 Q. What apartment would you see him in?

8 A. All I knows, he be at the second floor.
9 That's Butter and them crib.

10 Q. Mr. Smith, I'm going to show you a couple
11 of photographs.

12 First I'm going to show you People's
13 Exhibit Number 22. Do you recognize what's shown in
14 this photograph?

15 A. Mm-hmm.

16 Q. What is it?

17 A. Green Chrysler.

18 Q. Whose green Chrysler?

19 A. Flex.

20 MR. MC KAY: Your Honor, at this time, I'd
21 ask to publish People's Exhibit 22.

22 THE COURT: Any objection?

23 MS. THOMPSON: No, Judge.

24 THE COURT: You may do so.

1 BY MR. MC KAY:

2 Q. Is this how Flex's green Chrysler looked
3 back in October 2008?

4 A. Yes.

5 Q. Do you see the building in the background
6 of this photograph?

7 A. Yeah.

8 Q. Are you familiar with Robeson High School?

9 A. Not really.

10 Q. Okay.

11 A. I'm not from Englewood.

12 Q. Had you ever been over by Robeson
13 High School?

14 A. Have I ever been?

15 MS. THOMPSON: Objection to the relevance.

16 THE COURT: Hold on one second. Again,
17 sir, when you hear an objection, that means I've got
18 to rule.

19 The basis of your objection?

20 MS. THOMPSON: He just said he's not
21 familiar with it.

22 THE COURT: The basis?

23 MS. THOMPSON: Relevance.

24 THE COURT: Objection is overruled.

1 You can answer.

2 BY THE WITNESS:

3 A. You say have I ever been by Robeson
4 High School?

5 BY MR. MC KAY:

6 Q. Yes.

7 A. Yes.

8 Q. Do you see Robeson High School in the
9 background of People's Exhibit Number 22?

10 A. Yes.

11 Q. Now, I want to show you People's Exhibit
12 Number 26. Do you recognize what's shown in this
13 photograph?

14 A. Yes.

15 Q. What is it, sir?

16 A. It's the building across the street from
17 Jennifer Hudson's house.

18 MR. MC KAY: Can we publish People's
19 Exhibit Number 26?

20 THE COURT: Any objection?

21 MS. THOMPSON: No, Judge.

22 BY MR. MC KAY:

23 Q. Is this the building your cousin, Michelle,
24 stayed in?

1 A. Yes.

2 Q. Is this the building Butter and Lecretia
3 stayed in?

4 A. Yes.

5 Q. What floor did Butter and Lecretia stay in?

6 A. The second floor.

7 Q. What side of the building, right side or
8 left side if you look at the front of the building?

9 A. I guess you would say, if you walk in the
10 building, you go to the left side. They live right
11 here, and my cousin, Michelle, live right here.

12 Q. Michelle lives on the first floor?

13 A. This is Michelle's house. This is Butter
14 house.

15 Q. Okay. The arrow indicates where Michelle
16 lives; right?

17 A. Yes.

18 Q. Now, is there a field or lot right next to
19 that building?

20 A. Yes.

21 Q. You see that on the picture?

22 A. Yes.

23 Q. Is that the field that you and the
24 defendant were sitting in his Bonneville in late May

1 of 2008?

2 A. No. We were sitting along the curb right
3 here.

4 Q. Could you touch the screen at that
5 location?

6 A. Yeah, somewhere up in here (indicating.)

7 MR. MC KAY: Your Honor, could we print off
8 the photograph with the markings placed by the
9 witness on People's Exhibit Number 26.

10 THE COURT: Could you print that, please?

11 (Brief pause.)

12 THE COURT: Go ahead.

13 MR. MC KAY: Could I have a moment?

14 THE COURT: Sure.

15 (Brief pause.)

16 MR. MC KAY: Thank you, Judge. I have
17 nothing further.

18 THE COURT: Okay. Cross.

19 CROSS EXAMINATION

20 BY MS. THOMPSON:

21 Q. Mr. Smith, back in 2008, you were
22 associates with Flex; correct?

23 A. Yes.

24 Q. That didn't mean you did any activities

1 with him, you were friends or friendly with him;
2 correct?

3 A. Yeah, we talk and kick it from time to
4 time. We weren't best friends, though.

5 Q. I'm going to have to ask you to try and
6 talk almost as loud as I'm talking; all right? If
7 you can; okay?

8 Mr. Smith, your nickname was Duke?

9 A. Yes.

10 Q. And in October of 2008, you lived less than
11 two blocks away from the Hudson house?

12 A. Yes.

13 Q. And you lived on the same side of Yale;
14 right?

15 A. Yes.

16 Q. And just past 72nd Street?

17 A. Yes.

18 Q. Now, William didn't often come to see you
19 at your place; correct?

20 A. No, he come on the block. I might be
21 standing in front of my building. I might be around
22 the corner.

23 Q. You would often see him around your place,
24 though; correct? Like outside of it?

1 A. Yeah.

2 Q. And it was not an unusual thing for William
3 to be on the 72nd block of Yale; correct?

4 A. No.

5 Q. In fact, he was out there pretty often?

6 A. Often enough.

7 Q. And that's not where the Hudsons live;
8 right?

9 A. No.

10 Q. The Hudsons live two blocks to the north?

11 A. Yeah.

12 Q. And when he was out there, he was friendly
13 with people other than you out on the 72nd block of
14 Yale; right?

15 A. Yeah.

16 Q. And he would come in his green Chrysler,
17 and he'd drive over there, and he would talk to
18 people on the block?

19 A. Yeah.

20 Q. Now, you had that cousin who lived in
21 the building across the street from the Hudsons'
22 house?

23 A. Yes.

24 Q. You would visit her?

1 A. Yes.

2 Q. And you knew of Lecretia and of Butter?

3 A. Yes.

4 Q. And you were friendly with them?

5 A. Yeah.

6 Q. They never caused you any problem; you
7 never caused them any problem?

8 And you knew --

9 THE COURT: Was there an answer?

10 BY THE WITNESS:

11 A. No. We didn't never -- no problems, no
12 problems.

13 BY MS. THOMPSON:

14 Q. But you weren't real close friends with
15 them?

16 A. No. I just met these people. I'm not from
17 Englewood. So I can see if I was from Englewood,
18 then I would probably know everybody in Englewood.
19 But I'm not from Englewood. I'm from the low end,
20 the projects.

21 Q. And which projects were you from?

22 A. The Ida B. Wells.

23 Q. Ida B. Wells, okay.

24 And when you moved to Englewood, that

1 was after you were released from Wisconsin;
2 correct?

3 A. Yeah. I done stayed in Englewood other
4 times, but at this particular time, yeah.

5 Q. And on the day of October 24th, William
6 came to your house with Daddy-O; right?

7 A. Yeah. I believe -- I believe what it was,
8 that he didn't know exactly what doorbell or what
9 apartment, and by Daddy-O being outside Daddy-O,
10 Daddy-O like oh, Duke live right here.

11 Q. So Daddy-O is more familiar with where you
12 live?

13 A. Yes.

14 Q. Because Daddy-O lived in that building,
15 too?

16 A. Yeah.

17 Q. He lived upstairs with his sister?

18 A. Yeah.

19 Q. So he was able to tell William where --

20 A. Yeah, it's the basement.

21 Q. And direct him to how to get in touch with
22 you?

23 A. Well, if he wanted to get in touch with
24 me, he could call me for one. But as far as showing

1 him the doorbell to my apartment, that's another
2 thing.

3 Q. So after he rang the bell, you opened the
4 window?

5 A. Yeah.

6 Q. And kind of wanted to know what he wanted?

7 A. Yeah.

8 Q. And the only thing he said to you is he
9 wanted you to come and bust a move?

10 A. Yeah.

11 Q. And that's all he said to you; right?

12 A. Yeah. Yeah.

13 Q. And you told him that you weren't
14 available; right?

15 A. Yeah.

16 Q. Now, he didn't seem panicked or rushing or
17 anything?

18 A. No.

19 Q. He was just asking you if you had time to
20 spend him with; right?

21 A. Yes.

22 Q. Is that a yes?

23 A. Yes.

24 Q. And you told him that you didn't?

1 A. No, I didn't have time.

2 Q. And the reason that you didn't have time is
3 you were taking care of your children that day?

4 A. Yes.

5 Q. And so after you said that, that was the
6 end of the conversation?

7 A. I shut the window.

8 Q. And then you shut the window, and that's
9 the last you saw of William Balfour?

10 A. Yeah.

11 Q. Until probably today; right?

12 A. Yeah.

13 Q. Now, I want to talk to you about that
14 conversation you had with him in May of 2008?

15 A. Okay.

16 Q. Actually, let me change it a little. Right
17 after this happened, you spoke to the police;
18 correct? After what happened on October 4th?

19 A. Yeah, like two weeks later.

20 Q. And you told them everything that happened?

21 A. Yeah, that I could think of.

22 Q. And you even told them when you remembered
23 it that there's a video camera on your building;
24 right?

1 A. There was.

2 Q. And that video camera works; right?

3 A. I thought it worked. I didn't install it,
4 so I don't know.

5 Q. But you even told the police that?

6 A. Yeah.

7 Q. So that they could see what happened --

8 A. Yeah.

9 Q. -- outside of your building?

10 A. Yeah.

11 Q. Now, that conversation that happened in May
12 of 2008 in the car, the Bonneville that you showed on
13 the picture where you were sitting for that
14 conversation, do you recall that?

15 A. Yeah.

16 Q. Now, that conversation, William wasn't
17 angry and threatening, was he?

18 A. No, he didn't never -- he didn't never
19 mention no threat at the time, nothing like that.

20 Q. Did he ever threaten Julia to you?

21 A. No. I never even heard him -- I may have
22 heard him say her name once or twice, but I didn't --
23 he never said nothing threatening towards her or
24 nothing.

1 Q. What he told you was that he was upset
2 because his wife sent him a text that said she didn't
3 love him anymore; right?

4 A. Yeah. What it was, they was texting each
5 other. We had the radio on in the car. He's sitting
6 on the driver's side texting. I'm sitting on the
7 passenger's side looking out the window listening to
8 the radio.

9 And whatever the case may be, that's
10 when he reached over with his phone and showed me the
11 text. I glanced at the text, and that was it.

12 I think he said one or two words
13 about her, but he didn't never make no threats about
14 her.

15 Q. And you never heard him make any threats
16 about her; right?

17 A. No. I can't say that, no.

18 Q. And you have never heard him make any
19 threats against her mother?

20 A. No.

21 Q. Or her son; right?

22 A. No, I never even really heard him say
23 nothing about the little boy before, period.

24 Q. But you did hear once in August was that he

1 would have liked to --

2 A. Beat Jason's ass.

3 Q. Beat Jason's ass, and that's all he said
4 about fighting with Jason; right?

5 A. Yeah.

6 Q. You never heard him threaten to kill Jason
7 Hudson, did you?

8 A. No.

9 Q. And you never heard him threaten to kill
10 anybody; right?

11 A. No.

12 Q. And you never saw William Balfour with a
13 gun; right?

14 A. No.

15 Q. And he never told you that he had a gun?

16 A. Not to my knowledge, no.

17 Q. And you would see him -- as the state told
18 you, you would -- or asked you, you would see him in
19 that building where your cousin lived?

20 A. Yes, I seen him.

21 Q. And you would see him on your block?

22 A. Yeah.

23 Q. And it wasn't an unusual circumstance for
24 him to see him; right?

1 A. He's from Englewood. From Englewood, you
2 live on this side of town, of course, I'm going to
3 see him passing by in traffic.

4 Q. And all the time that you saw William
5 Balfour, you never saw him with a gun?

6 A. No.

7 Q. Including the morning of October 24th,
8 2008?

9 A. I most definitely didn't.

10 MS. THOMPSON: If I could have just a
11 moment.

12 THE COURT: Yes.

13 (Brief pause.)

14 MS. THOMPSON: Nothing further, Judge.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. MC KAY:

18 Q. When counsel asked you about video
19 cameras on your building, you told the police that;
20 right?

21 A. Yeah. Because the only reason I told the
22 police about the video cameras is so they can see for
23 they self.

24 Q. And the problem was they didn't talk to you

1 until November 5th of 2008; right?

2 A. Yeah.

3 Q. Now, counsel asked you about the statement
4 Flex made to you about Jason. Remember those
5 questions?

6 A. Yeah.

7 Q. Back then in 2008, how tall was Flex?

8 MS. THOMPSON: Objection, Judge.

9 THE COURT: Overruled.

10 BY THE WITNESS:

11 A. Five five, five six, five four, short dude.

12 BY MR. MC KAY:

13 Q. Back then in 2008, how much did Flex weigh?

14 A. Probably 140, 150, I'm not sure.

15 Q. How tall and how big was Jason Hudson back
16 in 2008 before he was shot in the head?

17 A. He was a big boy. I'd say probably like
18 six two, six three, maybe 300 pounds or something.

19 MR. MC KAY: Thank you, Judge.

20 THE COURT: Anything further?

21 REDIRECT EXAMINATION

22 BY MS. THOMPSON:

23 Q. Mr. Smith, did you ever know William to
24 fist fight somebody who was bigger than he was?

1 A. No, I never seen William fight nobody.

2 Q. You have never even seen him fight anybody;
3 right?

4 A. No.

5 Q. What he said was he'd like to whoop his
6 ass; right?

7 A. Yeah.

8 MS. THOMPSON: Thank you.

9 THE COURT: Okay. You can step down.
10 Please do not discuss your testimony with anyone who
11 may testify in this matter.

12 (Witness excused.)

13 THE COURT: Are you prepared to call
14 your next witness? We're going to break in a half
15 hour.

16 MS. THOMPSON: Actually, Judge, I was
17 hoping to have a restroom break.

18 THE COURT: Go ahead.

19 (Brief pause.)

20 THE COURT: Sir, step into the witness box.
21 You can all have a seat now.

22 Before you sit down, please raise
23 your right hand.

24 (Witness sworn.)

1 THE COURT: Have a seat. Keep your voice
2 up a little bit louder than you normally speak.

3 Mr. McKay, you may proceed.

4 MR. MC KAY: Thank you, Judge.

5 WHEREUPON,

6 MICHAEL HURST,
7 called as a witness on behalf of the People of
8 the State of Illinois, having been first duly
9 sworn, under oath was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. MC KAY:

13 Q. Sir, in a loud clear voice, can you please
14 introduce yourself to the ladies and gentlemen and
15 spell your last name for the benefit of the
16 court reporter?

17 A. Michael Hurst, H-u-r-s-t.

18 Q. Mr. Hurst, how old are you?

19 A. 31.

20 Q. Do you have a nickname?

21 A. Yeah, it's Daddy-O.

22 Q. Could you spell your nickname for the
23 court reporter?

24 A. D-a-d-d-y-O.

1 Q. Mr. Hurst, do you know a man by the name of
2 William Balfour?

3 A. I know him by Flex.

4 Q. You know him by Flex?

5 A. Yeah.

6 Q. Do you see Flex in the courtroom today?

7 A. Yes.

8 Q. Could you point to him and describe what
9 he's wearing today?

10 A. In the white shirt with a gray tie
11 (indicating.)

12 MR. MC KAY: Your Honor, may the record
13 reflect an in-court identification of the defendant?

14 THE COURT: The record will so reflect.

15 BY MR. MC KAY:

16 Q. Mr. Hurst, by late October 2008, how long
17 did you know Flex?

18 A. I just like knew him probably in the
19 summertime of 2008.

20 Q. What was your relationship, if any, with
21 Flex in 2008?

22 A. I didn't have no relationship. I just knew
23 him, like, through Duke.

24 Q. Mm-hmm. Do you have a brother, by the way?

1 A. Yeah.

2 Q. What's your brother's name?

3 A. Octavius Hurst.

4 Q. Could you spell your brother's first name?

5 A. O-c-t-a-v-i-u-s.

6 Q. And does your brother, Octavius, have a
7 nickname?

8 A. Smurf.

9 Q. Did your brother, Smurf, know Flex?

10 A. Yeah.

11 Q. By the way, Mr. Hurst, in June of 2001,
12 were you convicted of aggravated unlawful use of
13 weapon and receive a sentence of three years in the
14 Illinois Department of Corrections?

15 A. Yes.

16 Q. Mr. Hurst, I'm going to take you back to
17 Thursday, October 23, 2008. Did you have the
18 occasion to travel from Chicago to another location?

19 A. We had went to East Chicago, me and Duke.
20 We were dropping somebody off.

21 Q. I see.

22 A. And I guess his radiator bust. The car
23 went hot, and we were stuck. And we walked off the
24 expressway. We had -- we got back. We managed to

1 get back, because we didn't never get back on the
2 expressway. We took the back streets back from
3 east Indiana, and the car stopped on 79th and
4 Stony Island.

5 Q. How did you get to East Chicago, Indiana?

6 A. In Duke's van.

7 Q. And who was with you in the van?

8 A. Just me and Duke. We were dropping
9 somebody off.

10 Q. Mm-hmm. And who was that person?

11 A. I don't know. I don't even know who the
12 dude was. Somebody just called and asked us to drop
13 him off in East Chicago.

14 Q. He wasn't a partner of yours?

15 A. No.

16 Q. After dropping this -- well, strike that.

17 Do you know this guy's name?

18 A. Un-uhn. I didn't know him. I just know
19 my buddy had asked me to ask Duke could he drop him
20 off. And he paid him some gas money and dropped him
21 off.

22 Q. This guy have a nickname?

23 A. I didn't know dude. I just was riding with
24 Duke.

1 Q. Was he Duke's partner?

2 A. Un-uhn. Me or Duke didn't know him. My
3 buddy knew him.

4 Q. After dropping off this guy, whoever he is,
5 did you and Duke leave the state of Indiana and drive
6 back to Illinois?

7 A. Yeah. We made it back through the back
8 streets, back on the streets, because we didn't take
9 the expressway. But we made it on the back of the
10 streets, and some older people told us how to get
11 back.

12 Q. Well, did something happen to Duke's van at
13 a specific intersection?

14 A. It stopped on 79th and Stony Island.

15 Q. Okay. Where were you in the van when it
16 stopped?

17 A. I was in the passenger's seat.

18 Q. Okay. Did Duke call anybody to your
19 knowledge?

20 A. We sat there for, like, two hours in the
21 middle of the -- 79th and Stony Island and Flex
22 popped up.

23 Q. Well, how did Flex pop up?

24 A. I guess Duke called him.

1 Q. Weren't you sitting next to Duke at the
2 time?

3 A. Yeah.

4 Q. Well, after Flex popped up -- strike that.

5 How did Flex get there?

6 A. He pulled -- he pulled up in his car.

7 Q. What kind of car was that?

8 A. A little green car.

9 Q. Was he with anybody in that green car?

10 A. I never got out. I never got out of Duke
11 car. I just sat right there. He came and brought
12 two quarts of oil, and Duke went back to Maxwell to
13 get some more water for to put up in the van.

14 Q. So when I asked was there anybody in the
15 car with Flex, what's your answer?

16 A. I never seen who. I never seen him pull
17 up. He just came from behind us. I ain't never -- I
18 never seen -- I never seen who got out. I never seen
19 him get out of no car with nobody or nothing. I
20 didn't even see where his car was at.

21 Q. Okay. After Flex arrived, did anybody help
22 Duke with Duke's van?

23 A. Flex helped him. He brought him two quarts
24 of oil.

1 Q. You didn't?

2 A. Un-uhn. I didn't know nothing about -- I
3 was fittin' to leave.

4 Q. But you didn't help with the engine on that
5 van, did you?

6 A. No.

7 MS. THOMPSON: Objection.

8 BY MR. MC KAY:

9 Q. At some point -- strike that.

10 At some point, did Flex get Duke's
11 van restarted?

12 A. Yeah. It started back up.

13 Q. And when that happened, where did you and
14 Duke go?

15 A. We pulled off. We kept -- we pulled off.
16 We ran every light from there to 72nd and Yale.

17 Q. Where were you living back in October of
18 2008?

19 A. 7207 South Yale.

20 Q. And what apartment did you live in?

21 A. The first floor.

22 Q. With who?

23 A. With my sister and who two kids.

24 Q. What's your sister's name?

1 A. Marqwietha Readus.

2 Q. Can you spell her name for the
3 court reporter?

4 A. M-a-r-q-w-i-e-t-h-a.

5 Q. And her last name?

6 A. R-e-a-d-u-s.

7 Q. Where did your brother, Smurf, live back
8 then?

9 A. He stayed, like, on 74th and Yale.

10 Q. Now, the next morning, October 24, 2008,
11 did you have an occasion to see somebody outside
12 of Duke's building that you see in the courtroom
13 today?

14 A. When I came out the house, I seen one of
15 the little buddies I got the bike from, because I was
16 fitting to go get me a beer, and I seen Flex pull up.

17 Q. What did he pull up in?

18 A. In his little green car.

19 Q. When you say, his little green car, was
20 that the green Chrysler?

21 A. Yeah.

22 Q. Was that the same car that he used to pop
23 up at 79th and South Chicago the night before?

24 A. Yeah, yes.

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1 MS. THOMPSON: Objection.

2 THE COURT: Overruled.

3 BY MR. MC KAY:

4 Q. When you saw Flex in the green car the next
5 morning, was he with anybody?

6 A. No.

7 Q. Where did Flex park that car that morning?

8 A. He parked on the side, like in between
9 Wentworth and Yale. On the side, though.

10 Q. On 72nd Street?

11 A. On 72nd.

12 Q. Well, if you were in Duke's basement
13 apartment looking out a window, could you see where
14 that car was parked?

15 MS. THOMPSON: Objection.

16 BY THE WITNESS:

17 A. No.

18 THE COURT: Overruled.

19 BY MR. MC KAY:

20 Q. Did Flex get out of that car?

21 A. He got out and asked me where Duke was at.
22 I rode back around the corner and rung Duke bell.

23 Q. Flex asked you where Duke lived?

24 A. He asked me where Duke was at, and I rode

1 back around the corner with him when he walked
2 around, and I rung the bell.

3 Q. What happened after the doorbell was rung?

4 A. Duke raised up his window. Flex say he
5 need some help with his car, because his car got
6 messed up on him when we rode off on 79th. He said
7 his car got messed up. So he said he needed Duke to
8 help him with his car.

9 And I heard Duke say he got his kids
10 because Tammy went to work.

11 Q. All right. Let me ask you this, Mr. Hurst.
12 Can you tell us the exact words Flex used after Duke
13 rolled up his basement window?

14 A. Like, what's up, G. I need you to help me
15 with my car. My car got messed up yesterday when you
16 all rolled off.

17 Q. Those were Flex's exact words?

18 A. Mm-hmm. That's what I remember.

19 Q. Did you hear the words, I need you to bust
20 a move with me?

21 A. No.

22 MS. THOMPSON: Objection. Misstates the
23 evidence, Judge.

24 THE COURT: Overruled.

1 You can inquire. The answer stands.

2 BY THE WITNESS:

3 A. No.

4 BY MR. MC KAY:

5 Q. Did you hear Flex ask Duke to take a nap in
6 his apartment?

7 A. No.

8 Q. When Duke told Flex that he had to stay
9 home with the kids, what did Flex do?

10 A. He walked back off and walked towards his
11 car.

12 Q. What did Flex do when he went back to his
13 car?

14 A. I'm, like, you cool? He like, yeah, I'm
15 gonna to holler at you later. He jumped in his car
16 and rode off.

17 Q. And again, when the defendant jumped in his
18 car and rode off, was he with anyone?

19 A. No.

20 Q. Did you see anything unusual about Flex's
21 car as he drove away from that parking spot?

22 A. I couldn't say. It didn't look like it.

23 Q. Which direction did he travel?

24 A. He went back towards Wentworth way.

1 Q. Is that eastbound?

2 A. Yeah.

3 Q. Did you ever see Flex again that day?

4 A. No.

5 Q. Does your brother, Smurf -- strike that.

6 Did your brother, Smurf have a
7 telephone -- strike that.

8 Did your brother, Smurf, have a cell
9 phone back in October 2008?

10 A. Yeah.

11 Q. Was your brother, Smurf's, telephone number
12 773-587-1149?

13 A. I can't recall, because he be -- he done
14 have so many phones, I couldn't recall on that.

15 Q. Mr. -- back then in 2008, did you drive?

16 A. No.

17 Q. Did you have a car?

18 A. No.

19 MR. MC KAY: Judge, can I have one moment?

20 THE COURT: Sure.

21 (Brief pause.)

22 BY MR. MC KAY:

23 Q. Mr. Hurst, regarding this third person in
24 the van the night before, did somebody ask you to

1 give this unknown person a ride?

2 MS. BROWN: Objection.

3 THE COURT: Hold on a second.

4 Objection is overruled.

5 Go ahead. You can answer.

6 BY THE WITNESS:

7 A. He call -- he called my phone and told me
8 to ask Duke could he drop his buddy off. I thought
9 he was going to East End Chicago on South Chicago,
10 but we had hopped on the expressway on 79th going --
11 I'm like, I ain't never been on that expressway so I
12 ain't never knew where we was going.

13 BY MR. MC KAY:

14 Q. Okay. But who called somebody for a ride?

15 MS. BROWN: Objection.

16 THE COURT: Overruled. If he knows.

17 BY THE WITNESS:

18 A. One of my buddies.

19 BY MR. MC KAY:

20 Q. One of your buddies called who?

21 A. He called me and asked me to ask Duke could
22 he drop him off at East End -- well, East Chicago.

23 Q. And you didn't have a car?

24 A. Un-uhn.

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1 MR. MC KAY: Thank you, Judge.

2 THE COURT: Okay. Cross?

3 MS. BROWN: We have no questions.

4 THE COURT: No questions.

5 MS. BROWN: No questions.

6 THE COURT: Okay. You can step down, sir.

7 Please do not discuss your testimony with anyone who
8 may testify in this matter.

9 (Witness excused.)

10 THE COURT: How long will the next witness
11 be?

12 MS. GAMBINO: We don't have the next
13 witness out there, Judge.

14 THE COURT: We're going to break a little
15 early. Apparently, we don't have a witness right on
16 deck here. So if you can call over and see if we can
17 get the lunches sent over.

18 How long do you need? 45 minutes?

19 Is that enough?

20 We can break for about 45 minutes.

21 Hopefully, the meals will come on time. I know a lot
22 of times it doesn't take really as long to eat as the
23 breaks we take. I'm trying to expedite this as much
24 as we can, but I am trying to expedite this as much

1 as we can. So we're going to break for lunch at this
2 time.

3 You can't talk about this case even
4 among yourselves. The proper time to do so is at the
5 conclusion of the case after hearing all the evidence
6 in this matter, the arguments of counsel, and my
7 instructions of law.

8 If somebody tries to talk to you
9 about this case or talks about this case in your
10 presence, it is your legal duty and obligation to
11 report it to the Court immediately. Feel free to
12 socialize, but just don't talk about the case.

13 All rise for the jury, please.

14 (WHEREUPON, the following was
15 had in open court, outside the
16 presence of the jury:)

17 THE COURT: Okay. Let's shoot for about
18 five after 2:00.

19 MR. MC KAY: Judge, can I put this on the
20 record and seal it, too? Can we do something back in
21 chambers?

22 * * * .)

23

24

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4 I, JO ANN KROLICKI, an Official Shorthand
5 Reporter for the Circuit Court of Cook County, County
6 Department, Criminal Division, do hereby certify that
7 I reported in shorthand the proceedings had in the
8 above-entitled cause, and that the foregoing is a
9 true and correct transcript of my shorthand notes so
10 taken before Judge Charles P. Burns on February 24,
11 2012.

12

13

JO ANN KROLICKI, CSR, RPR
OFFICIAL COURT REPORTER
ILLINOIS LICENSE NO. 084-002215

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