

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

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

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)

7 Plaintiff,)

8 -vs-)

9 WILLIAM BALFOUR,)

10 Defendant.)

11 Case No. 09 CR 00762-01
12 (AFTERNOON SESSION)

13 JURY TRIAL

14 REPORT OF PROCEEDINGS had before the
15 Honorable CHARLES P. BURNS, heard on the 24th day of
16 April, A.D., 2012.

17 APPEARANCES:

18 HON. ANITA M. ALVAREZ,
19 State's Attorney of Cook County, by
20 MR. JAMES MCKAY, MS. VERYL GAMBINO and
21 MS. JENNIFER BAGBY
22 Assistant State's Attorneys,
23 appeared on behalf of the People;

24 HON. ABISHI C. CUNNINGHAM
Public Defender of Cook County, by
MS. CYNTHIA BROWN, MS. AMY THOMPSON,
MR. SCOTT KOZICKI and MR. EDWARD KOZIBOSKI
Assistant Public Defenders,
appeared on behalf of the Defendant.

Nancy Muscolino, RPR/CSR No. 084-001532
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PEOPLE vs. WILLIAM BALFOUR
09 CR 762

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(Case continued to 4-25-12.)

1 THE SHERIFF: Court is now back in session.

2 THE COURT: Everybody that's supposed to be in
3 is in now, right? Let's bring out the jury.

4 THE SHERIFF: All rise for the jury.

5 (Whereupon, the following was had
6 in open court, inside the presence
7 and hearing of the jury.)

8 THE COURT: We are still in the state's
9 case-in-chief.

10 State, are you prepared to call your
11 next witness?

12 MS. GAMBINO: We are checking on our witness at
13 this moment, Judge.

14 THE COURT: Would you step in the witness box,
15 sir?

16 (Witness duly sworn.)

17 THE COURT: Have a seat. Make yourself
18 comfortable.

19 Miss Gambino, you may proceed.

20 MS. GAMBINO: Thank you, your Honor.

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TYRONE DUNBAR,
called as a witness on behalf of the People of the
State of Illinois, having been first duly sworn on
oath, was examined and testified as follows:

DIRECT EXAMINATION

BY

MS. GAMBINO:

Q Good afternoon, Mr. Dunbar.
A Hello.
Q You have to talk real loud so everybody
can hear you; okay?
A Good afternoon.
Q Could you tell us your name?
A Tyrone A. Dunbar.
Q Spell your first and last name for us?
A T-y-r-o-n-e. D-u-n-b-a-r.
Q Mr. Dunbar, how old are you?
A 57 years old.
Q What's your date of birth?
A 12-4-54.
Q I don't want you to give me your exact
address, but do you live in the City of Chicago?
A Yes, I do.
Q What area of the city?

1 A I live on the south side.

2 Q Do you know someone named William
3 Balfour?

4 A Yes, I do.

5 Q Do you see him in court today?

6 A Yes, ma'am.

7 Q Could you identify him by telling us --
8 pointing at him and telling us what he's wearing?

9 A The guy with the white shirt, blue tie
10 on (indicating).

11 MS. GAMBINO: May the record reflect the
12 in-court identification of the defendant?

13 THE COURT: The record will so reflect.

14 BY MS. GAMBINO:

15 Q Did you know him by the name of William
16 or William Balfour?

17 A No, ma'am.

18 Q What did you know him by?

19 A Flex.

20 Q Before we go any further, Mr. Dunbar,
21 you were convicted of possession of a controlled
22 substance under Case Number 03 CR 23740; is that
23 correct?

24 A Yes, ma'am.

1 Q And you received 2 years probation?

2 A Yes.

3 Q And that probation was terminated
4 satisfactorily?

5 A Yes, ma'am.

6 Q What is your profession by trade or your
7 trade?

8 A Automotive technician.

9 Q Do you still work as an automotive
10 technician?

11 A Yes. Self-employed.

12 Q You're self-employed now. Back in 2008,
13 were you working for someone else?

14 A Yes, ma'am.

15 Q Who were you working for?

16 A W. J. Alt (phonetic.)

17 Q Where was that located?

18 A 75 East 71st Street.

19 Q What kind of automotive work did you do?

20 A All kinds. Brakes, shocks, everything.

21 Q Did you ever do any auto work for Flex?

22 A Yes, I have.

23 Q On which car?

24 A On, I think it was a Camaro or something

1 or Ford.

2 Q Now I want to call your attention to
3 October 24th of 2008. At that time, where were you
4 living?

5 A 7024 South Wentworth.

6 Q Was 7024 South Wentworth near the Julia
7 Hudson, Jason Hudson, and Darnell Donerson house at
8 7019 South Yale?

9 A Yes, ma'am.

10 Q How close were you?

11 A My back -- you go out the back door.
12 You're right at their back door.

13 Q So you were across the alley from them?

14 A Yes, ma'am.

15 Q What apartment did you live in?

16 A A, on the second floor.

17 Q Who do you live there with?

18 A With my wife and my sons.

19 Q How many children do you have?

20 A Four.

21 Q How old are they?

22 A 37, 34, 23 -- wait a minute.

23 Q Are they all grown-ups?

24 A Yes. They're adults.

1 Q What was the first thing you did on the
2 morning of October 24, 2008?

3 A I got up with my wife, waiting for her,
4 her and my friend outside to come pick us up to take
5 her to the el.

6 Q Let me stop you there. Who was going to
7 come and pick you up and take your wife to the el?

8 A My partner, Shelby.

9 Q Where was your wife going?

10 A To the el on 69th Street.

11 Q Where was she going to take the el?

12 A Downtown to work.

13 Q Did Shelby come and pick you up?

14 A Yes, ma'am.

15 Q What kind of car was Shelby driving?

16 A A Pontiac, red Pontiac.

17 Q When Shelby -- he came over to that
18 address on Wentworth?

19 A Yes.

20 Q When Shelby came over, were you outside
21 alone, or were you with your wife at first?

22 A He was outside. I met him -- I came
23 down when he pulled up.

24 Q What did you do when you came down?

1 A Sitting in the car waiting for my wife
2 to come down.

3 MR. KOZIBOSKI: Your Honor, there's a technical
4 problem.

5 THE COURT: Do you want to come up and take a
6 look at this?

7 (Brief pause.)

8 THE COURT: Sorry for the delay, ladies and
9 gentlemen. We will resume the trial now.

10 You may proceed.

11 BY MS. GAMBINO:

12 Q Mr. Dunbar, about what time was it when
13 you were outside with Shelby before your wife came
14 down?

15 A About 7:25.

16 Q I can't hear you.

17 A About 7:25.

18 Q As you're waiting for your wife, do you
19 see anyone?

20 A Yes.

21 Q Who did you see?

22 A My friend, Flex.

23 Q Where did you see Flex?

24 A Walking down the street coming from

1 south, coming back north on Wentworth.

2 Q On what street?

3 A Wentworth Avenue.

4 Q Was he on the side of the street that
5 you were parked or across the street?

6 A On the side I was parked on.

7 Q What happened as you saw him walking?

8 A I asked him what he's doing walking.

9 Q Okay. And why did you ask him that?

10 A Because he usually don't walk. He
11 usually drive.

12 Q Did the defendant stop by where you
13 were?

14 A Yes, ma'am.

15 Q At this point, are you standing or are
16 you in Shelby's car?

17 A I'm in the car sitting down.

18 Q What happened when he stopped by the
19 car?

20 A We stopped and talked about his car.

21 Q What did he tell you about his car?

22 A That the power steering was messed up.

23 Q Did he ask you to do anything with his
24 car?

1 A Yes, he did.

2 Q What did he ask you?

3 A Can I look at it and see what the
4 problem was.

5 Q Did you tell him you would do it that
6 day?

7 A No. I told him maybe the next day I
8 would, because I had to go to work.

9 Q Did you ask him anything else?

10 A Not at that time.

11 Q When did you ask him something else?

12 A When my wife was coming down.

13 Q Is that a few minutes later?

14 A Yes, ma'am.

15 Q As your wife was coming down, what did
16 you ask Flex?

17 A Do we have any products.

18 Q What did you mean by products?

19 A Rocks.

20 Q What are rocks?

21 A Cocaine.

22 Q Why did you want to know if he had any
23 rocks?

24 A Because I was gonna purchase some from

1 him.

2 Q What did the defendant say when you
3 asked if he had any rocks?

4 A He said, yes, he does.

5 Q Did he tell you where?

6 A On 69th and Yale.

7 Q Where?

8 A At the end of the block on Yale.

9 Q Did he tell you where those rocks were
10 contained, what were they in?

11 A By his car.

12 Q With your wife coming down, what
13 happened next?

14 A I told him I'd meet him at his car, I
15 have to drop her off at the el, and I'll be right back
16 around.

17 Q Did you then drop your wife off at the
18 el with Shelby?

19 A Yes, ma'am.

20 Q Who's driving?

21 A Shelby is driving.

22 Q After you dropped your wife off at the
23 el, what did you do?

24 A Made a U-turn to go meet Flex at his

1 car.

2 Q And is Shelby still driving?

3 A Yes, ma'am.

4 Q Where do you go to?

5 A 69th and Yale. It's a dead end street.

6 Q Is he parked -- let me ask you a
7 different way. Do you see Flex's car?

8 A Yes, ma'am.

9 Q What kind of car did he have that day?

10 A A Chrysler.

11 Q What color?

12 A I think it's green.

13 Q Where was it parked?

14 A Parked on the west side of Yale at the
15 very end of 69th.

16 Q Did you and Shelby go over to that
17 car?

18 A Yes, ma'am.

19 Q When you were by that car, could you see
20 the Hudson house?

21 A Yes, ma'am.

22 Q Was the defendant sitting in the car or
23 outside of it?

24 A At first, he was standing outside, till

1 I got over there. We both sitting in his car after
2 that, after I got over there.

3 Q At this point, what was the defendant
4 wearing?

5 A He had on a white hoody.

6 Q What kind of pants?

7 A I don't remember the pants.

8 Q Well, were they dark or light?

9 A They was dark color.

10 Q When you got in the car, where did you
11 sit and where did he sit?

12 A He sit in the driver seat. I sat on the
13 passenger side.

14 Q In the front seat?

15 A Yes, ma'am.

16 Q Where was Shelby?

17 A In his car behind us.

18 Q What did you talk to the defendant about
19 once you got inside the car?

20 A Rocks.

21 Q And again, rocks are?

22 A Cocaine.

23 Q Cocaine.

24 What did you tell the defendant you

1 wanted?

2 A A dime bag of cocaine.

3 Q What does a dime bag mean?

4 A \$10.

5 Q What did he say?

6 A Yes, he had it and that he didn't have
7 change for a \$20.

8 Q Did you tell him you only had a 20?

9 A Yes, ma'am.

10 Q What was suggested then about how you
11 would get change?

12 A We'd go to the store and get change.

13 Q Who suggested that?

14 A I suggested it.

15 Q What store were you going to go to?

16 A 71st and Vincennes, to the Citgo gas
17 station.

18 Q Does the Citgo, in addition to having
19 gas, does it have a little store inside?

20 A Yes, ma'am.

21 Q At that time, did you see any rocks?

22 A Yes.

23 Q Where were they?

24 A He had them in his hands.

1 Q How were you going to get to the Citgo
2 gas station?

3 A My friend, Shelby.

4 Q You were already sitting in Flex's car?

5 A Yes.

6 Q Why didn't you drive in Flex's car?

7 A Because his power steering was messed up
8 and he said he couldn't drive.

9 MR. KOZIBOSKI: Objection.

10 THE COURT: What's the basis?

11 MR. KOZIBOSKI: Could I have a sidebar, Judge?

12 THE COURT: Statements by your client?

13 MR. KOZIBOSKI: It was subject to a motion in
14 limine, Judge.

15 THE COURT: Fine, we'll have a sidebar.

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(Whereupon, the following is a sidebar conference had outside the hearing of the jury.)

THE COURT: What's the basis of the objection?

MR. KOZIBOSKI: The basis is previously there is a motion in limine I believe filed by the state seeking to elicit testimony from this witness indicating that Mr. Balfour told him, this witness, that he was dirty, and that Mr. Dunbar took that to mean that Mr. Balfour had a pistol and drugs.

My understanding of the ruling is that your ruling was that he could say that Mr. Balfour said he was dirty, but not what his understanding of what Mr. Balfour said was.

THE COURT: That was my ruling.

MS. GAMBINO: Yes.

THE COURT: Why are we back here?

MR. KOZIBOSKI: I just wanted to make sure.

THE COURT: Okay. Fine. You're not trying to elicit what he suspected that to be?

MS. GAMBINO: No.

THE COURT: Okay.

1 (Whereupon, the following was had in
2 open court, inside the presence and
3 hearing of the jury.)

4 THE COURT: Do you want to reread the question,
5 Miss Gambino, or do you recall the question, sir?

6 THE WITNESS: No, I don't.

7 MS. GAMBINO: I'll just ask it again.

8 THE COURT: Fine.

9 BY MS. GAMBINO:

10 Q Mr. Dunbar, what did the defendant say
11 to you?

12 A That he didn't have change.

13 Q Beyond that now, you agreed to go to the
14 gas station with him, correct?

15 A Yes.

16 Q And you're sitting in his car, correct?

17 A Right.

18 Q Why don't you drive in the defendant's
19 car?

20 A Because his power steering was messed
21 up.

22 Q Did he say anything else about why he
23 couldn't drive his car to the gas station?

24 A He was dirty.

1 Q Did you and Flex then get out of his car
2 and go in Shelby's car?

3 A Yes, ma'am.

4 Q When you got to Shelby's car, who sat
5 where?

6 A I sat in the back, Flex sat in the front
7 on the passenger side.

8 Q Did you talk, the three of you, you and
9 Shelby and Flex once you got in the car?

10 A I couldn't really hear what they was
11 saying because the music was playing.

12 Q When you got to the gas station, what
13 happened?

14 A Flex opened the door and let me out. I
15 go inside, buy a Hostess cupcake and come out. He
16 let's me back in, and I give him his money.

17 Q Why did he have to get out of the car to
18 let you out?

19 A Because I was in the backseat. It's a
20 two door car.

21 Q Did you get the drugs before you left
22 69th and Yale?

23 A Yes, ma'am.

24 Q So when you go to the gas station,

1 you're just going to get change and pay him for those
2 drugs?

3 A Yes, ma'am.

4 Q Did you go back to the car after you
5 bought the Hostess cupcakes?

6 A Yes.

7 Q Did you give the defendant his money?

8 A Yes, ma'am.

9 Q After that, where did you go?

10 A Back in front of my house, dropped Flex
11 off.

12 Q You dropped him off in front of your
13 house?

14 A 7024 -- about 7029, right across the
15 street from my house.

16 Q Why didn't you drop him off by his car?

17 A He said he could make it from there.

18 Q Where did you go after that?

19 A Towards work.

20 Q Did the defendant tell you that he had
21 anything else as he sat in the car?

22 A No. Only thing he said he was dirty,
23 that's all.

24 Q Did you testify before the Grand Jury on

1 November 17th of 2008?

2 A Yes, I did.

3 Q And you came to this building and went
4 to the Grand Jury on the 4th floor, correct?

5 A Yes, ma'am.

6 MS. GAMBINO: Judge, if I could have just a
7 moment to let them know where I'm at?

8 (Brief pause.)

9 Q You went to the Grand Jury on
10 November 17, 2008?

11 A Yes, ma'am.

12 Q And you were asked questions about what
13 happened on October 24, 2008?

14 A Yes.

15 Q You were sworn to tell the truth?

16 A Yes, ma'am.

17 Q A lady state's attorney, not me, asked
18 you questions; is that correct?

19 A That's correct.

20 Q I'm going to ask you now, were you asked
21 this one question, and did you give this answer?

22 A Okay.

23 Q "Question: What happens once you get
24 into Flex's car?"

1 Answer: We transact business. He
2 didn't have no change, okay. We got in a little
3 conversation where I had to go get change. He said,
4 well, I can't drive. I'm dirty, you know, plus I got
5 a gun on me. So I say, well, we'll take you to the
6 station."

7 Were you asked that question and did you
8 give that answer?

9 A No, I didn't.

10 Q Now, when you were in the car and in the
11 backseat, you just told us -- this is on the drive to
12 the gas station -- that you couldn't hear the
13 conversation between the people in the front seat of
14 the car, correct?

15 A Correct.

16 Q And that was Shelby and Flex?

17 A Yes.

18 Q Did you have a conversation with Flex
19 inside the car on the way to the gas station?

20 A Not really. He was upset because his
21 wife, he say he saw her kissing somebody, a co-worker
22 or something.

23 MS. GAMBINO: May I approach, Judge?

24 THE COURT: Sure.

1 BY MS. GAMBINO:

2 Q Mr. Dunbar, showing you what's
3 previously been marked as People's Exhibit Number 22,
4 do you recognize what's in that picture?

5 A Yes, ma'am.

6 Q Talk loud.

7 A Yes, ma'am.

8 Q What is that?

9 A That's Flex car.

10 Q Is that how it looked back in 2008?

11 A Yes.

12 Q Now I'm going to show you a picture that
13 has been previously marked as People's 25. Do you
14 recognize who is in that picture?

15 A That's Flex.

16 Q Is that how Flex was dressed when you
17 saw him that morning?

18 A No, ma'am.

19 MS. GAMBINO: Judge, I'm now going to ask to
20 publish a video, People's Exhibit Number 31 for
21 identification.

22 THE COURT: Okay. I assume the defense has
23 seen the video.

24 MR. KOZIBOSKI: Yes.

1 THE COURT: Any objection to publishing it?

2 MR. KOZIBOSKI: No objection.

3 THE COURT: You may do so.

4 BY MS. GAMBINO:

5 Q Mr. Dunbar, on your screen it should
6 appear.

7 (Whereupon, exhibit played in open
8 court.)

9 BY MS. GAMBINO:

10 Q Do you recognize the car that's shown in
11 the video right there?

12 A Yes, ma'am.

13 Q Whose car is that?

14 A Shelby's.

15 Q Can you see whether people are sitting
16 in the front seat of that car?

17 A Yes, I can.

18 Q Do you see someone dressed in white?

19 A Yes, ma'am.

20 Q Who is that?

21 A Flex.

22 Q Do you recognize who is getting out of
23 the car?

24 A Flex.

1 Q Is that how he was dressed that morning?

2 A Yes, ma'am.

3 Q What is that that he has on?

4 A A white hoody, dark pants.

5 Q Who is getting out of the car now?

6 A That's me getting out the back.

7 Q Again, who is driving this car?

8 A Shelby.

9 Q What are you doing in this part of the

10 video?

11 A Purchasing a Hostess cupcake to get

12 change.

13 Q What are you doing right there?

14 A Seeing which cake I want to buy.

15 Q Is that you going up to the counter?

16 A Yes, ma'am. That's me right there.

17 Q Is that you getting your change?

18 A Yes, ma'am.

19 Q What's happening in this part of the

20 video?

21 A Flex get out to let me back in the car.

22 Q After you leave the gas station, then

23 you go back to Wentworth Avenue; is that correct?

24 A Yes, ma'am.

1 Q When you got back in the car after what
2 we just saw, did you give anything to Flex?

3 A Yes. I gave him his \$10 for the
4 purchase of the cocaine.

5 MS. GAMBINO: If I could have just a moment,
6 Judge?

7 THE COURT: Sure.

8 (Brief pause.)

9 Q Mr. Dunbar, did that video that you just
10 watched truly and accurately show what happened the
11 morning of October 24, 2008?

12 A Yes, ma'am.

13 Q And the people who were pictured were
14 you and Flex that you identified?

15 A Yes, ma'am.

16 MS. GAMBINO: Thank you.

17 THE COURT: Cross.

18 MS. GAMBINO: I have no other questions right
19 now. Thank you.

20 CROSS-EXAMINATION

21 BY

22 MR. KOZIBOSKI:

23 Q Good afternoon, Mr. Dunbar.

24 A How you doing, sir?

1 Q I'm well, thank you.

2 Mr. Dunbar, when you first saw Flex on
3 the morning of October 24th, he was walking south on
4 Wentworth, correct?

5 A He was walking back north, walking from
6 south.

7 Q He was walking from the south, back to
8 the north?

9 A Yes.

10 Q And I'm sorry if I missed this, he was
11 on the east side or west side of the street?

12 A West side.

13 Q West side of the street. Same side as
14 where you live?

15 A Yes.

16 Q And your house is right behind the
17 Hudson house?

18 A Yes.

19 Q And you had this conversation about his
20 car?

21 A Yes.

22 Q His power steering was --

23 A Busted.

24 Q Was busted?

1 A Right.

2 Q How long have you been a mechanic?

3 A About 40 years.

4 Q Entire adult life?

5 A Yes. From 11 years old.

6 Q Since you were 11 years old.

7 Before you could legally drive, you were
8 a mechanic?

9 A No. I had it in grade school. From 7th
10 grade until we graduated, Indiana.

11 Q And you've dealt with all kinds of
12 problems with cars?

13 A Yes, sir.

14 Q You've dealt with power steering
15 problems?

16 A Yes, sir.

17 Q And you know what it's like to try to
18 drive a car when power steering is broken?

19 A Yes.

20 Q You can drive the car?

21 A That's true.

22 Q But it's much more difficult to steer?

23 A A lot of muscle.

24 Q And sometimes it gets more and more

1 difficult as the problem gets worse, right?

2 A No.

3 Q It stays equally difficult?

4 A Yes.

5 Q But it's hard to drive a car, but you
6 can do it, right?

7 A Right.

8 Q And that was the problem that
9 Mr. Balfour said that he was having with his car,
10 right?

11 A Yes, sir.

12 Q When you saw Mr. Balfour's car, it was,
13 you said, at 69th and Yale, right?

14 A Yes.

15 Q And you were at 7024 South Wentworth at
16 the time, right?

17 A I was living at.

18 Q Where you lived?

19 A Yes.

20 Q So this would be one block over from
21 you?

22 A Yes.

23 Q One block to the west and about a block
24 to the north?

1 A Right.

2 Q And Yale at that point goes up into a
3 little sort of cul-de-sac or traffic circle type
4 thing?

5 A Yes, sir.

6 Q And when you drove to Mr. Balfour's car,
7 he was up in that traffic circle type thing, right?

8 A No. He was parked out of the circle.
9 Because we had to make a U, and we pulled right behind
10 him. He was parked legally, so he wasn't in the
11 circle.

12 Q Okay. So he was actually parked a
13 little bit south of the circle, but toward the far end
14 of the street; would that be accurate?

15 A No. Down at the end of the street.

16 Q So closer to 69th than to 70th, correct?

17 A Right.

18 Q And your house is in the middle of the
19 block of 70th to 71st and Wentworth?

20 A Right.

21 Q About halfway?

22 A Right.

23 Q Now, when you mentioned about this gun,
24 about what Mr. Balfour said about the gun?

1 A No, he didn't say nothing to me about no
2 gun. He told me he was dirty. He didn't say nothing
3 about no gun.

4 Q He never told you about a gun?

5 A No.

6 Q And you were in his car?

7 A Yes.

8 Q And you never saw a gun?

9 A Not as far as I know.

10 Q And you saw him?

11 A Yes.

12 Q And you never saw a gun?

13 A No.

14 MS. GAMBINO: Objection.

15 THE COURT: Basis?

16 MS. GAMBINO: This is beyond direct.

17 THE COURT: Objection is overruled.

18 BY MR. KOZIBOSKI:

19 Q You said -- strike that.

20 When you were in his car, did you look
21 in the backseat of the car?

22 A No.

23 Q So you couldn't tell if there were any
24 clothes in the backseat or anything like that?

1 A No.

2 Q You didn't look in the trunk of the car?

3 A No, sir.

4 Q After you dropped Mr. Balfour off, he
5 gets out of Mr. Lightfoot's car?

6 A Yes.

7 Q Because he said he could walk from
8 there?

9 A Yes.

10 Q And he walked back towards where his car
11 was, right?

12 A I don't know which way he went.

13 Q You don't know which way he went?

14 A No.

15 MR. KOZIBOSKI: May I have a moment?

16 THE COURT: Yes.

17 (Brief pause.)

18 MR. KOZIBOSKI: Nothing further. Thank you,
19 sir.

20 THE COURT: Any redirect?

21 REDIRECT EXAMINATION

22 BY

23 MS. GAMBINO:

24 Q Mr. Dunbar, to be clear, you can have

1 trouble with your power steering, but you can still
2 drive that car?

3 A Yes, ma'am.

4 Q I want to clarify one other thing.
5 Flex's car, is it down by the dead end, or was it at
6 the other end of the block?

7 A It was down by the dead end.

8 Q But not in the dead end?

9 A Not in the dead end.

10 Q Was there enough room behind Flex's car
11 for Shelby to pull up behind him?

12 A Yes, ma'am.

13 MS. GAMBINO: Thank you.

14 THE COURT: Any recross?

15 MR. KOZIBOSKI: Nothing on that, Judge. Thank
16 you.

17 THE COURT: Any recross?

18 MR. KOZIBOSKI: No, Judge. Thank you.

19 THE COURT: You can step down. Please do not
20 discuss your testimony with anyone who might testify
21 in this matter.

22 THE WITNESS: Okay.

23 (Whereupon, the witness was excused.)

24 MS. GAMBINO: Judge we're going to proceed by

1 way of stipulation now.

2 THE COURT: Ladies and gentlemen, a
3 stipulation, I believe I told you yesterday, is an
4 agreement by and between the parties that certain
5 items or evidence is not in dispute. You can consider
6 a stipulation as if a live witness testified to that
7 particular fact or event.

8 You may proceed.

9 MS. GAMBINO: I'm sorry, Judge. It may take me
10 a minute to get the stipulation.

11 (Brief pause.)

12 MS. GAMBINO: It is here by stipulated by and
13 between the parties that if called to testify Mohammad
14 Vika, M-o-h-a-m-m-a-d, V-i-k-a, would testify as
15 follows:

16 In October of 2008, Mohammad Vika was
17 the manager of the Citgo gas station located at 7114
18 South Vincennes in Chicago. On October 24, 2008, the
19 Citgo gas station was equipped with security cameras.
20 These cameras were linked to a video surveillance
21 system which was equipped with a time and date stamp.

22 On October 24, 2008, security cameras
23 and video surveillance system were functioning
24 properly and the time and date stamp accurately

1 reflected the time and date of the events captured by
2 the security cameras.

3 Mr. Vika would identify People's Exhibit
4 Number 32 as a recording of images captured by the
5 video surveillance system at the Citgo gas station on
6 October 24, 2008. It is a true and accurate recording
7 of the images captured by the system at the date and
8 time stamped on the video.

9 Mr. Vika made a copy of the video for
10 Chicago Police Department personnel. The video was
11 inventoried by Chicago police officers under Inventory
12 Number 11499942 using standard Chicago Police
13 Department inventory procedure.

14 A proper chain of custody was maintained
15 over the evidence at all times.

16 So stipulated?

17 MR. KOZIBOSKI: So stipulated.

18 THE COURT: That stipulation will be entered
19 into as evidence.

20 MS. GAMBINO: Judge, we'd now ask to play
21 People's Exhibit Number 32, the video referred to in
22 this stipulation.

23 MS. THOMPSON: No objection.

24 THE COURT: You may do so.

1 (Whereupon, videotape was played in
2 open court.)

3 MS. GAMBINO: That concludes it.

4 THE COURT: Are you prepared to call a witness?

5 MS. GAMBINO: Yes.

6 THE COURT: You may do so.

7 Sir, could you step in the witness box.

8 (Witness duly sworn.)

9 LONNIE SIMPSON,

10 called as a witness on behalf of the People of the
11 State of Illinois, having been first duly sworn on
12 oath, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY

15 MS. BAGBY:

16 Q In a nice, loud, clear voice, could you
17 introduce yourself by stating your first and last
18 name?

19 A Simpson.

20 Q Lonnie, how old are you?

21 A 36.

22 Q Do you currently live in the City of
23 Chicago?

24 A No.

1 Q Where do you live?

2 A I live in Lansing, Michigan.

3 Q Did you grow up in Chicago, or did you
4 grow up in Michigan?

5 A I grew up in Chicago.

6 Q Do you currently work?

7 A Yes.

8 Q What do you do for a living?

9 A I work security for the J. Hudson
10 Productions.

11 Q You work security for Jennifer Hudson?

12 A Yes.

13 Q I want to talk to you about your
14 relationship with Jennifer Hudson and Julia Hudson and
15 Jason Hudson. How are you related to them?

16 A We have the same father.

17 Q And did you grow up knowing Jennifer and
18 Julia and Jason your whole life?

19 A No.

20 Q When did you discovery that you were the
21 half brother of Jason Hudson and Julia and Jennifer?

22 A Well, I went to my grandmother's funeral
23 in 1998, and I met them there.

24 Q And from the time that you met them in

1 1998, did you become friends with your brother, Jason
2 Hudson?

3 A Yes.

4 Q How close were you -- did you and Jason
5 Hudson become in your life?

6 A Very close.

7 Q At the time that you first met Jason,
8 were you living in Chicago, or were you living up in
9 Michigan?

10 A I was living in Michigan.

11 Q How often would you come to Chicago to
12 see Jason when you first met him?

13 A Probably a lot, like out of a week,
14 probably anywhere from three to five times.

15 Q At some point in time, did Jason move to
16 Michigan?

17 A Yes.

18 Q Do you recall approximately when Jason
19 moved to Michigan?

20 A I don't recall approximately when he
21 moved to Michigan, but probably about 2001.

22 Q While Jason was in Michigan, what was
23 Jason doing for a living?

24 A In Michigan? Well, we hung out

1 together. We just basically hanging out, he hung out
2 with me.

3 Q At some point in time while Jason was in
4 Michigan, did he get shot?

5 A Yes.

6 Q Where did he get shot?

7 A He got shot in his leg.

8 Q Now, after Jason got shot in the leg,
9 did he move back to Chicago?

10 A Yes.

11 Q And he moved back into the house with
12 his mom on Yale?

13 A Yes.

14 Q 7019 South Yale?

15 A Yes.

16 Q After Jason moved back to Chicago, would
17 you come down to Chicago to see him and see the rest
18 of the family?

19 A Yes.

20 Q What did Jason do for a living when he
21 was living on Yale?

22 A Sold drugs basically.

23 Q He sold drugs?

24 A Yes.

1 Q Did he sell what would be referred to
2 the street as weight?

3 A No.

4 Q What does that mean, to sell weight?

5 A To sell weight is -- well, you have to
6 have a lot of drugs to sell weight.

7 Q And how do you know about Jason's drug
8 business?

9 A I sold drugs with him.

10 Q What kind of drugs would Jason sell?

11 A Well, he sold \$10 rocks. \$10 bags of
12 crack.

13 Q In order to conduct his business, did
14 Jason have a cell phone?

15 A Yes. He had two.

16 Q Was one of those phones a phone number
17 with a Michigan prefix?

18 A Yes.

19 Q Was the other one with a Chicago area
20 code?

21 A Yes.

22 Q How would Jason conduct his business?

23 A People would call him, and he'd get in
24 his trunk and go to their house or meet them wherever

1 they were.

2 Q Did Jason sell drugs out of the house on
3 Yale?

4 A No.

5 Q When Jason would drive to meet the
6 people to sell drugs in 2008, what kind of vehicle was
7 Jason driving?

8 A He had a white Chevy Suburban.

9 Q Did you ever ride in the white Chevy
10 Suburban with Jason?

11 A Yes.

12 Q Did you ever drive the white Chevy
13 Suburban?

14 A Yes.

15 Q What kind of keys did Jason have for his
16 Suburban? Can you describe the key, his keys? Did he
17 have a remote on his keys?

18 A Yes.

19 Q Can you describe the remote that he had
20 for his you suburban on his keys?

21 A The remote, probably about three inches.
22 It was shaped like a car, like a four door car, and
23 like if someone was touching the passenger door, then
24 on the remote from his key fob, then that's the door

1 that would go off. It would blink red. Or if someone
2 touched the trunk, then where the trunk at it would
3 blink red. So all the positions on the car were
4 accounted for on the key, on the alarm.

5 Q When you would drive Jason's SUV, would
6 you use that same set of keys to drive the SUV, or
7 would you use different keys?

8 A I used that same set.

9 Q Do you know someone by the name of
10 Reggie?

11 A Yes.

12 Q Who is Reggie?

13 A Reggie was -- he's a good friend of my
14 brother's that stays through the alley.

15 Q He's a good friend of Jason's?

16 A Yes.

17 Q He lived behind the house on Yale,
18 behind the alley in a building on Wentworth?

19 A Yes.

20 Q Now, would Reggie ever drive Jason's
21 SUV?

22 A Yes.

23 Q You'd see that?

24 A Yes.

1 Q When Reggie would drive Jason's SUV, did
2 you see what keys Reggie used to drive the SUV?

3 A Yes.

4 Q What keys?

5 A The same keys I used.

6 Q Now I'm going to ask you if you know
7 some other individuals. Do you know an individual by
8 the name of James Payton?

9 A Yes.

10 Q Who is James Payton?

11 A He's good friends with my brother.

12 Q He was good friends with your brother,
13 Jason?

14 A Yes.

15 Q How long have you known James Payton?

16 A I've known James since I've known Jason.

17 Q Does James have a nickname?

18 A Bear.

19 Q Bear?

20 A Yes.

21 Q Would you ever see James Payton in the
22 SUV?

23 A Yes.

24 Q Do you know an individual by the name of

1 Big John or John Jones?

2 A Yes.

3 Q How do you know Big John?

4 A He was at my brother's house, him and my
5 brother were good friends. He stayed down the street,
6 but on the same block.

7 Q Would you ever see Big John in Jason's
8 SUV?

9 A Yes.

10 Q Do you know somebody by the name of
11 Little Bobby or Bobby Moore?

12 A Yes.

13 Q How do you know Little Bobby?

14 A He was one of my brother's friends.

15 Q Did he also stay on the block on Yale
16 sometimes?

17 A Yes.

18 Q Did you ever see Little Bobby in Jason's
19 SUV?

20 A Yes.

21 Q Do you know somebody by the name of
22 Franzell Hill or Allen?

23 A Yes.

24 Q How do you know that person?

1 A He stayed down the street from Jason,
2 and they were good friends.

3 Q Would you ever see Allen or Fronzell
4 Hill in Jason's SUV?

5 A Yes.

6 Q Do you know a young boy by the name of
7 Jarvis Williams?

8 A Yes.

9 Q How do you know Jarvis?

10 A He stayed down the street on the dead
11 end on 71st and Yale. When they moved on 71st and
12 Yale, my brother took a liking to him and kind of kept
13 him around and made sure he had his hair cut and made
14 sure he was going to school and stuff like that.

15 Q Was Jason like a big brother to Jarvis?

16 A Yes.

17 Q Do you know one of Jason's cousins by
18 the name of Charles Hudson?

19 A Yes.

20 Q How do you know Charles Hudson?

21 A It was Jason's cousin. He used to be at
22 the house with Jason.

23 Q Would you ever see Charles Hudson in
24 Jason's SUV?

1 A Yes.

2 Q Did you ever see Charles Hudson drive
3 Jason's SUV?

4 A Yes.

5 Q Let me back up. Jarvis, the kid that
6 Jason took under his wings, did you see Jarvis ride in
7 Jason's SUV?

8 A Yes. He's ridden in it before many
9 times.

10 Q Do you know someone by the name of Kent
11 Williams?

12 A Yes.

13 Q How do you know Kent Williams?

14 A He stayed across the street. He was
15 friends with Jason.

16 Q Did you ever see Kent Williams riding in
17 Jason's SUV?

18 A Yes.

19 Q Now, I'm going to ask you, do you know
20 somebody by the name of Flex?

21 A Yes.

22 Q How do you know Flex?

23 A He was married to my sister, Julia.

24 Q Do you see Flex in court today?

1 A Yes.

2 Q Can you point to him and describe
3 something he's wearing?

4 A Right there. He's wearing a white shirt
5 and nice-looking tie.

6 MS. BAGBY: I'd ask the record to reflect the
7 in-court identification of the defendant by the
8 witness.

9 THE COURT: The record will so reflect.

10 BY MS. BAGBY:

11 Q Now I want to talk to you a little bit
12 about some other people and ask whether or not you
13 know any of them.

14 Do you know somebody by the name of QB
15 or Quincy Brown?

16 A No.

17 Q Patrick Norman?

18 A No.

19 Q Damien Williams?

20 A No.

21 Q A guy by the nickname of Duke?

22 A No.

23 Q A guy by the nickname of Ty?

24 A No.

1 Q You talked a little bit -- or we talked
2 a little bit about the fact that Jason had been shot
3 before up in Michigan. After Jason got shot in
4 Michigan and came back to Chicago, did you get
5 anything for Jason?

6 A Yes.

7 Q What did you get for him?

8 A I got him a gun.

9 Q Why did you get him a gun?

10 A I got him a gun for his protection.
11 When my father first told me that I had a brother, he
12 told me that someone had shot him in the leg, and he
13 told me to get him a gun. He felt like I needed to
14 get him a gun.

15 Q So you got Jason a gun. Where did you
16 get the gun?

17 A I got it at Hartford, Michigan.

18 Q Do you recall when in 2007 you got the
19 gun?

20 A Somewhere around November, it could have
21 been.

22 Q After you bought the gun, did you ever
23 fire the gun?

24 A Yes.

1 Q Where did you shoot the gun?

2 A I shot the gun at my house in Michigan.

3 Q In your backyard?

4 A Yes.

5 Q At some point after November of 2007,
6 did you give the gun to Jason?

7 A Yes.

8 MS. BAGBY: Judge, may I approach?

9 THE COURT: Yes. Just have the sheriff check
10 it.

11 BY MS. BAGBY:

12 Q Showing you what's previously been
13 marked as People's Exhibit Number 27 for
14 identification, do you recognize what this is?

15 A Yes.

16 Q What is this?

17 A It's a handgun.

18 Q What handgun is this?

19 A That's the gun I gave to my brother,
20 Jason.

21 Q This is the gun that you bought in
22 Michigan and gave to Jason?

23 A Yes.

24 Q How do you recognize it?

1 A (No audible response.)

2 Q You've seen it before?

3 A I've seen it before. I shot it. It
4 looks like the same gun.

5 Q Does this gun -- with the exception of
6 the markings and writing on it, does this gun look to
7 be in the same or substantially the same condition as
8 it was when you bought it for your brother, Jason, and
9 gave to it to him?

10 A Yes. This kind of stuff -- that little
11 rust, that wasn't there.

12 Q With the exception of the rust and the
13 markings?

14 A Yes.

15 Q Sometime in February of 2008, were you
16 living in Chicago, or were you living in Michigan?

17 A I was living in Michigan.

18 Q At that point, you had given this gun to
19 your brother Jason?

20 A Correct.

21 Q At some point in time did you have a
22 conversation with the defendant about this gun?

23 A Yes.

24 Q Who called who? I'm sorry, was that a

1 conversation in person or was it over the phone?

2 A It was a phone conversation.

3 Q Who called who?

4 A I called William.

5 Q When you called the defendant did you
6 ask him if he had the gun?

7 A Yes.

8 Q What did the defendant tell you about
9 the gun?

10 A At first he said no, he didn't have it.

11 Q Did he then state to you that he had, in
12 fact, taken the gun?

13 A Yes, he did.

14 Q After the defendant told you in that
15 phone conversation that he took the gun, did you tell
16 him to give the gun back to Jason?

17 A Yes.

18 Q What did the defendant say he was going
19 to do regarding the gun and Jason?

20 A He said he was gonna give it back to
21 Jason and apologize to Jason.

22 Q After you had that phone conversation
23 with the defendant, at some point did you see your
24 brother Jason?

1 A After?

2 Q Yes.

3 A Yes.

4 Q Did you see the gun in Jason's
5 possession at that point in time?

6 A Yes.

7 Q You talked a little bit before about the
8 fact that Jason sold dime bags of cocaine?

9 A Yes.

10 Q Are you familiar with where Jason would
11 get his drugs from?

12 A Yes.

13 Q And the way Jason would buy his drugs
14 from his supplier?

15 A Yes.

16 Q Did Jason buy his drugs on credit?

17 A No.

18 Q He paid cash?

19 A Yes.

20 Q To your knowledge from helping Jason
21 with the business, did he owe anybody any money for
22 drugs?

23 A Not one person.

24 Q Can you describe Jason's relationship

1 with the people in the neighborhood, what you saw of
2 his interactions with the people in his neighborhood.

3 MS. THOMPSON: Objection to the vagueness,
4 Judge.

5 THE COURT: I'll allow it, if he can answer.

6 BY MS. BAGBY:

7 Q You can answer.

8 A How was Jason's relationship with the
9 people in the neighborhood?

10 Q Yes.

11 A Very beautiful.

12 Q Did Jason have any enemies in the
13 neighborhood?

14 A No.

15 MS. THOMPSON: Objection.

16 THE COURT: Overruled. Answer stands.

17 MS. BAGBY: If Jason saw somebody in the
18 neighborhood that didn't have something to eat, what
19 would he do?

20 MS. THOMPSON: Objection, your Honor.

21 THE COURT: Sustained.

22 MS. BAGBY: Can you explain or describe Jason's
23 relationships and the way Jason was with the people in
24 the neighborhood?

1 MS. THOMPSON: Objection, your Honor.

2 THE COURT: Objection to the form of the
3 question. Sustained.

4 MS. BAGBY: Did Jason have any enemies?

5 MS. THOMPSON: Objection. Asked and answered.

6 THE COURT: I think I did allow that. That's
7 been asked and answered.

8 MS. BAGBY: Just a moment.

9 (Brief pause.)

10 BY MS. BAGBY:

11 Q When you would come to visit Jason in
12 the city would he have a barbecue?

13 A Yes.

14 Q How many people would be at the
15 barbecue?

16 MS. THOMPSON: Objection. Relevance.

17 THE COURT: I don't know whether it's relevant
18 or not. I'll allow it, though. Go ahead.

19 THE WITNESS: A lot of people. Like everyone
20 from the neighborhood basically would come, stop
21 through, or they'd be driving down passed the block,
22 they will stop and grab a piece of something to eat,
23 kids would come, they could get pops and know they
24 could have hot dogs. Basically if Jason cooked, then

1 that --

2 MS. THOMPSON: Objection to the narrative,
3 Judge.

4 THE COURT: Objection sustained. Pose another
5 question.

6 BY MS. BAGBY:

7 Q Were you in Chicago on October 24th of
8 2008?

9 A No.

10 Q When was the last time that you saw your
11 brother Jason alive?

12 A October 22nd.

13 Q When you would come to Chicago and visit
14 the family where would you stay?

15 A I stayed in a room with Jason.

16 Q So you're familiar with how Jason slept?

17 A Yes.

18 Q What kind of sleeper was Jason?

19 A Very heavy.

20 Q Did he get up early in the morning?

21 A No.

22 Q Sleep late?

23 A Yes.

24 Q Did it take a lot to wake him up?

1 A Yes.

2 Q So on October 24th of 2008 you were in
3 Michigan?

4 A Yes.

5 Q Did you find out something that happened
6 to your brother Jason and to Julian and to Jason's
7 mom?

8 A Yes.

9 Q Did you come to Chicago then on
10 October 25th of 2008?

11 A Yes.

12 Q At some point after Julian Hudson was
13 found, around the 28th or 29th of October, did you go
14 into the Hudson house?

15 A I did.

16 Q Who did you go into the house with?

17 A I went into the house with James Payton.
18 Well, we were police escorted in the house. I went in
19 the house with James Payton, my sister's friend
20 Robbyn, my sister Angela, my sister Karen, and my
21 niece Latrice. I think that was it.

22 Q When you went into the house did you see
23 any items of value still in the house on Yale?

24 A Yes.

1 Q What kind of things did you see in the
2 house on Yale on October 28th or 29th of 2008?

3 A Everything basically. Wasn't nothing
4 missing. I got a flat screen TV that was in my
5 brother's room. I got his Playstation 3 that was on
6 the floor. He had like a basketball or football
7 jersey collection, high priced jerseys.

8 Q Were the jerseys still in the house?

9 A Yes. I took them out of the house.

10 Q About how many jerseys did Jason have?

11 A Around ten.

12 Q How much, if you know, did each one of
13 those jerseys cost?

14 A The cheapest one was like \$300.

15 Q And they were all still there when you
16 went back in the house after Julian's body was
17 discovered?

18 A Yes.

19 Q Were there computers in the house?

20 A Yes.

21 Q Were those computers still there when
22 you went in the house?

23 A Yes.

24 Q Was there stereo equipment in the house?

1 A Yes.

2 Q Was the stereo equipment still there in
3 the house when you went back in?

4 A Yes.

5 Q Did Julia have a pretty extensive
6 collection of shoes in her room?

7 A Yes. Like 200 new pair of gym shoes
8 still in the box.

9 Q Were they all still in her room when you
10 went back in the house after Julian's body was
11 discovered?

12 A Yes.

13 Q Was there a treadmill in the living room
14 of the house?

15 A Yes.

16 Q Do you remember when the Hudson family
17 got that treadmill?

18 A Yes. Jennifer bought it for Julia
19 because Julia said she wanted to workout.

20 Q That treadmill was pretty new in October
21 of 2008?

22 A Yes.

23 Q Do you know how much that treadmill
24 cost?

1 A It cost like --

2 MS. THOMPSON: Objection.

3 THE COURT: If he has any personal knowledge
4 I'll allow it. If he's just speculating I'm going to
5 sustain it.

6 THE WITNESS: It cost \$7,000.

7 BY MS. BAGBY:

8 Q Was the treadmill still there when you
9 went back in the house in October of 2008?

10 A Yes, it was.

11 Q We talked about some of the people who
12 would ride in Jason's SUV. Obviously you knew Julian
13 King?

14 A Yes.

15 Q Would you ever see Julian ride in the
16 SUV with Jason?

17 A He could have been in there with him,
18 yes. Yes.

19 Q And what was Julian's nickname?

20 A Juice.

21 Q May I approach the witness?

22 THE COURT: Sure.

23 BY MS. BAGBY:

24 Q I'm showing you what's already been

1 marked as People's Exhibit Number 1 for
2 identification. What is this a picture of?

3 A My brother's house.

4 Q And I'm showing you what's been marked
5 as People's Exhibit Number 24 for identification. Do
6 you recognize what this is a picture of?

7 A My brother's truck.

8 Q That's Jason's white SUV?

9 A Yes.

10 Q At this time I would seek leave to
11 publish People's Exhibits 1 and 24. They've
12 previously been admitted into evidence.

13 THE COURT: They've been previously been
14 published, too, have they not?

15 MS. BAGBY: I know 1 has.

16 THE COURT: Any objection to that?

17 MS. BROWN: No objection.

18

19 BY MS. BAGBY:

20 Q If you look on your screen, People's
21 Exhibit Number 1, that's the house on Yale?

22 A Yes.

23 Q People's Exhibit Number 24, what's that?

24 A Jason's truck.

1 Q Thank you. If I could have just a
2 moment.

3 THE COURT: Yes.

4 (Brief pause.)

5 BY MS. BAGBY:

6 Q What town were you living in when you
7 bought the gun for Jason and you shot it in your
8 backyard?

9 A I was living in Lansing, Michigan.

10 Q We talked about when Jason got shot in
11 the leg?

12 A Yes.

13 Q Were you there when he got shot?

14 A Yes.

15 Q Do you know approximately when that was
16 when he got shot in the leg?

17 A I think it was early December of 2007.
18 I know it was in December. I don't remember the
19 actual year.

20 Q Well, would it have been -- it would
21 have been before you bought Jason the gun?

22 A He got shot before I bought him the gun,
23 yes.

24 Q Could it have been in 2004?

1 A It could have been.

2 Q After Jason got shot in the leg in 2004
3 how was his mobility? Was he able to get around?

4 A Not too good. At first not too good, he
5 wasn't able to get around. At first not too good,
6 when he first got out of the hospital.

7 Q Did he walk with a cane?

8 A Yes.

9 Q Even in 2008 was his leg wound healed?

10 A It wasn't healed, but he was able to
11 walk much better.

12 Q May I approach?

13 THE COURT: Yes. You don't have to keep
14 asking.

15 BY MS. BAGBY:

16 Q Showing you what's been marked
17 previously as People's Group Exhibit 29, specifically
18 one part of it which I believe labeled 29B, do you
19 recognize any of the key alarms or the car alarms on
20 this ring of keys?

21 A No.

22 Q Are either one of these car alarms on
23 these key chains Jason's car alarm?

24 A No.

1 Q Aside from all the people that I asked
2 you about earlier, did you ever see any female friends
3 of Jason's in the SUV with him?

4 A I seen two ladies in there with him
5 before, I don't remember their names, but yes, I have.

6 MS. BAGBY: I have nothing further.

7 THE COURT: Cross.

8 CROSS-EXAMINATION

9 BY

10 MS. THOMPSON:

11 Q Afternoon, Mr. Simpson.

12 A How you doing, ma'am.

13 Q Good. How are you?

14 A All right.

15 Q Mr. Simpson, you've just testified that
16 although you're brothers with the Hudson siblings,
17 Jennifer, Julia and Jason, you hadn't met them until
18 1998, correct?

19 A Correct.

20 Q But when you met them you became very
21 close to Jason, correct?

22 A Yes.

23 Q In fact, you testified that there were
24 times when you would come down to Chicago in October

1 of 2008 and, in fact, a lot of 2008, and you would
2 sleep in the same bed with Jason, correct?

3 A Correct.

4 Q And this is a nine bedroom house,
5 correct?

6 A Yes.

7 Q But you would sleep in the same bed with
8 your brother?

9 A Yes.

10 Q Because you were extremely close with
11 him?

12 A Well, when Julia was at work I used to
13 get up and go lay in her bed also.

14 Q Well, you were extremely close with your
15 brother?

16 A Yes.

17 Q And, in fact, in 1998, after your father
18 told you about him, you said you met him at your
19 grandmother's funeral, correct?

20 A Yes.

21 Q And then your father explained to you
22 that you had a brother?

23 A Yes, and two sisters.

24 Q When he talked to you about that, you

1 found out from your father that he had been shot
2 before you even met him, correct?

3 MS. BAGBY: Objection. Hearsay.

4 THE COURT: That would be hearsay. Objection
5 sustained.

6 BY MS. THOMPSON:

7 Q Well, your father is the person who
8 asked you to get Jason a gun, right?

9 A Correct.

10 Q And he asked you to do that in 1998?

11 A Yes.

12 Q And you didn't do that in 1998?

13 A No.

14 Q Even though he told you he had been
15 shot, right?

16 MS. BAGBY: Objection. Hearsay.

17 THE COURT: Objection is going to be sustained.
18 I think this has come out, but go ahead. It is
19 hearsay, so I'll sustain it.

20 MS. THOMPSON: That was the purpose for getting
21 him a gun in 1998, was that he needed protection then,
22 correct?

23 MS. BAGBY: Objection.

24 THE COURT: Overruled. He can answer.

1 THE WITNESS: Yes.

2 BY MS. THOMPSON:

3 Q But you really hadn't spent any time
4 with him yet, correct?

5 A Correct.

6 Q And you didn't want to go and risk
7 something like buying a gun because you didn't really
8 know him yet, right?

9 A No.

10 Q And in 1998 he was living in -- I'm
11 sorry?

12 A No, I didn't. The question that you
13 asked me, I'm telling you no, I'm not in agreeance
14 with you.

15 Q So you didn't tell the Grand Jury that
16 the reason you didn't want to buy him a gun in 1998 is
17 because you didn't know him yet?

18 MS. BAGBY: Objection. Improper.

19 THE COURT: If you could be a little more
20 specific with foundation.

21 BY MS. THOMPSON:

22 Q You testified before the Grand Jury in
23 this case?

24 A Yes.

1 Q And that was here in Chicago?

2 A Yes.

3 Q And, in fact, it was a juror who asked
4 you a question, right?

5 A True.

6 Q And the juror asked you --

7 MS. BAGBY: Objection. No foundation. It's
8 not impeaching.

9 THE COURT: I don't know if it's impeaching
10 yet. I didn't hear the question. Can you lay the
11 date of the Grand Jury testimony, please.

12 BY MS. THOMPSON:

13 Q Sure. It will take me a minute. This
14 is out of order.

15 You testified before the Grand Jury
16 November 19, 2008?

17 A Yes.

18 Q And when you were talking in front of
19 the Grand Jury you told them that your father asked
20 you to buy Jason a gun in 1998?

21 A Yes.

22 Q And they asked you why you didn't get --

23 MS. BAGBY: Objection. Foundation and it's
24 improper impeachment.

1 THE COURT: I assume we're talking about the
2 Grand Jury testimony in November of 2008, correct?

3 MS. THOMPSON: Yes.

4 THE COURT: Ask the specific question if you're
5 seeking to lay a foundation or to impeach this
6 witness.

7 BY MS. THOMPSON:

8 Q It's your testimony today that you
9 didn't buy him a gun for some other reason than you
10 didn't know him yet, correct?

11 A I had never met him.

12 Q I'm sorry. I apologize. I misspoke.
13 So you never bought him a gun because in 1998 you
14 learned about your brother before the funeral, right?

15 A I learned about my brother before the
16 funeral. I never seen him. I never met him.

17 Q I'm sorry, that was my misunderstanding,
18 I apologize. The story you told about meeting him for
19 the first time, that's when you met him, but you did
20 know about him from your father?

21 A Yes. I knew about him, but I didn't
22 meet him.

23 Q And the way you knew about him from your
24 father is that your father asked you to buy him a gun?

1 A That wasn't the first thing he said.

2 Q But it was before you had even met him
3 at your grandmother's funeral?

4 A Yes.

5 MS. BAGBY: Objection, Judge. Relevance.

6 THE COURT: Can we get to something relevant
7 here. Just ask specific questions.

8 MS. THOMPSON: Judge, he's answering my
9 questions. It was relevant.

10 THE COURT: Please don't argue with me. Pose
11 another question.

12 BY MS. THOMPSON:

13 Q Mr. Simpson, when you met him he was
14 living in Chicago and you were living in Michigan?

15 A Correct.

16 Q And at some point he came to live with
17 you in Michigan?

18 A Correct.

19 Q And that was Lansing, Michigan?

20 A No. That was Covert, Michigan.

21 Q In Covert, Michigan when was it that
22 Jason came to live with you?

23 A I don't remember the actual date.

24 Q Do you remember what year?

1 A No, I don't remember the actual year.

2 Q He lived with you for approximately four
3 years, correct?

4 A Correct.

5 Q And you know he was living there in
6 2004, right?

7 A Yes.

8 Q Because that's when he was living with
9 you that he got his leg shot?

10 A Yes.

11 Q And he got his leg shot seven times,
12 correct?

13 A I think it was like five gunshots to his
14 leg.

15 Q It's your testimony today that you think
16 it was five gunshots?

17 A Yes.

18 Q But it was when someone broke into your
19 house in Covert, Michigan?

20 A Yes.

21 Q Your testimony to the jury today was
22 that when Jason lived in Covert, Michigan he was an
23 adult, right?

24 A Yes.

1 Q How much younger was Jason than you?

2 A He's four years younger than me.

3 Q So he was an adult living there,
4 correct?

5 A Correct.

6 Q And you said that what he did for a
7 living was he hung out with you in Covert, Michigan?

8 A Yes.

9 Q He didn't have a regular job?

10 A No.

11 Q He didn't get a paycheck?

12 A No.

13 Q He basically lived off you is your
14 testimony?

15 A Yes.

16 Q What was your job?

17 A I sold drugs.

18 Q So when somebody broke into the house in
19 Covert, Michigan, that's where you were living when
20 you were selling drugs in Covert, Michigan?

21 A Yes.

22 Q You also said that at some point you did
23 decide to buy Jason a gun?

24 A Yes.

1 Q And when you decided to buy Jason a gun
2 you didn't go to a gun store?

3 A No.

4 Q You didn't go and get a FOID card?

5 A No, I didn't.

6 Q You didn't do any of the legal processes
7 it takes to get a legal gun for your brother, correct?

8 A Correct.

9 Q You went on the street, right?

10 A Correct.

11 Q And you said today it was Hartford,
12 Michigan, but it was Benton Harbor, Michigan, correct?

13 A Yes, it could have been. It's the next
14 town over, you know.

15 Q So it's not a big memory of yours where
16 you bought this gun on the street.

17 MS. BAGBY: Objection. Argumentative.

18 THE COURT: It is. Sustained. Pose another
19 question, please.

20 BY MS. THOMPSON:

21 Q You don't remember the precise area
22 where you bought this gun?

23 A I bought the gun in Hartford, Michigan.

24 Q Before I asked you if it was Benton

1 Harbor and you said yes, it was Benton Harbor?

2 MS. BAGBY: Objection. Argumentative.

3 THE COURT: Sustained. Let's move on.

4 BY MS. THOMPSON:

5 Q You talked at the Grand Jury about where
6 you bought the gun, didn't you?

7 A Yes, I did.

8 Q And at the Grand Jury -- Judge, I'll
9 move on.

10 Once you bought the gun for Jason, you
11 gave it to Jason?

12 A No. I shot it first.

13 Q You shot it. Where did you shoot it?

14 A In Covert, Michigan, behind my house.

15 Q Were you living at Covert, Michigan at
16 the time?

17 A No. My grandmother was. I was living
18 in Lansing, Michigan.

19 Q Is this place where your grandmother
20 lived in Covert, Michigan the same place where Jason
21 was living when he got his leg shot?

22 A No.

23 Q So there was another location in Covert,
24 Michigan?

1 A Yes.

2 Q And that was where your grandmother
3 lived?

4 A Yes.

5 Q Back in October of 2008 you were living
6 in Lansing?

7 A Yes.

8 Q In Lansing you didn't have a job?

9 A No.

10 Q What you would do for a living is you
11 would come to Chicago and sell drugs with Jason?

12 A Basically.

13 Q In fact, that's how you earned your
14 money?

15 A Yes.

16 Q You said that Jason was able to pay for
17 the drugs that both of you sold in cash, correct?

18 A I was able to pay for them, also.

19 Q You made enough money to pay for them in
20 cash?

21 A Yes.

22 Q And he made enough money to pay for them
23 in cash?

24 A Yes.

1 Q And you understand that selling weight
2 or selling something more than a dime bag is a more
3 serious crime than selling drugs at a dime bag,
4 correct?

5 A Would you say that again?

6 Q You understand that you can get in more
7 trouble legally for selling weight or selling large
8 amounts of drugs than you can for selling dime bags,
9 right?

10 MS. BAGBY: Objection to relevance.

11 THE COURT: I'll allow the witness to answer
12 this question. Do you understand that, sir?

13 THE WITNESS: No. Would you explain that.

14 BY MS. THOMPSON:

15 Q You understand that it's a crime to sell
16 illegal drugs, correct?

17 A Yes.

18 Q And we are talking about you selling
19 illegal drugs with Jason, correct?

20 A Correct.

21 Q And you understand that selling large
22 amounts of drugs, you can get a harsher criminal
23 penalty than if you sell smaller amounts of drugs,
24 correct?

1 A If you get caught.

2 Q And it's your testimony that you and
3 Jason only sold dime bags?

4 A Yes.

5 Q Now, you testified that there were a lot
6 of people that would be in Jason's SUV, right?

7 A Yes.

8 Q And in Jason's SUV you said there
9 sometimes was a Bobby Moore?

10 A Yes.

11 Q Sometimes there was Jarvis?

12 A Yes.

13 Q Sometimes there was Reggie?

14 A Yes.

15 Q Sometimes there was -- you said a number
16 of other people, correct?

17 A Correct.

18 Q A lot of people from the neighborhood?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes.

22 Q James Payton?

23 A Yes.

24 Q You also told the ladies and gentlemen

1 of the jury that one of the things that Jason used
2 this SUV for was to deliver drugs, correct?

3 A Correct.

4 MS. THOMPSON: I have nothing further, Judge.

5 THE COURT: No other questions.

6 MS. THOMPSON: No other questions.

7 THE COURT: Any redirect?

8 MS. BAGBY: No, Judge. No redirect.

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

12 MS. BAGBY: May we approach?

13 THE COURT: Sure. If you want to get up and
14 stretch, go ahead.

15 (Whereupon, a sidebar conference
16 was had outside the hearing of the
17 jury and the court reporter.)

18 THE COURT: We're going to take a short recess.
19 The jury can go back to the jury room. Before
20 everybody leaves, remember, you can't talk about the
21 case.

22 (Whereupon, a recess was taken.)

23 THE COURT: Bring the jury in.

24

1 (Whereupon, the following was had
2 in open court, inside the presence
3 and hearing of the jury.)

4 THE COURT: We're back in court with the
5 jurors. We have Mr. Balfour and the attorneys here.
6 State, are you prepared to call your next witness?

7 MS. BAGBY: Yes, Judge.

8 (Witness duly sworn.)

9 DONALD FANELLI,
10 called as a witness on behalf of the People of the
11 State of Illinois, having been first duly sworn on
12 oath, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY

15 MS. BAGBY:

16 Q In a nice loud, clear voice could you
17 introduce yourself by stating your first and last
18 name, and if you could spell your last name for the
19 court reporter?

20 A My name is Donald Fanelli.
21 F-a-n-e-l-l-i.

22 Q Are you currently employed?

23 A No. I'm retired.

24 Q Who are you retired from?

1 A Chicago Police Department.

2 Q When did you retire from the Chicago
3 Police Department?

4 A January of last year.

5 Q How long were you employed with the
6 Chicago Police Department?

7 A 28 years.

8 Q What was the last position that you had
9 with the Chicago Police Department at the time that
10 you retired?

11 A Forensic investigator.

12 Q How long were you a forensic
13 investigator?

14 A Six years.

15 Q Prior to being a forensic investigator
16 what was your position with the police department?

17 A I was an evidence technician for a
18 number of years and I was a patrolman for most of my
19 career.

20 Q I want to talk to you specifically about
21 your work as a forensic investigator. What are your
22 duties or what were your duties as a forensic
23 investigator?

24 A Well, we process crime scenes that are

1 either homicides, serious aggravated batteries likely
2 to cause death, multiple involved scenes, police
3 involved shootings, and scenes that might require
4 specialized equipment.

5 Q Were you working as a forensic
6 investigator on October 24th of 2008?

7 A Yes.

8 Q What shift or watch were you working
9 that day?

10 A Third watch.

11 Q And the third watch, was that
12 afternoons?

13 A It's 2:00 to midnight. 2:00 in the
14 afternoon until midnight.

15 Q Did you receive an assignment on
16 October 24, 2008, to go to the location of 7019 South
17 Yale?

18 A Yes.

19 Q What was the nature of that assignment?

20 A We were told there was a double homicide
21 in the residence at that address.

22 Q Did you go to that location alone or did
23 you go with other forensic investigators?

24 A Well, I went with my partner for the

1 day, it was Susan Wolverton, another forensic
2 investigator.

3 Q Did you arrive at that location sometime
4 after 3:00 o'clock in the afternoon?

5 A Yes.

6 Q When you first arrived at 7019 South
7 Yale did you speak with anybody?

8 A Yes, I did.

9 Q Who did you speak with?

10 A Well, my direct supervisor, Sergeant
11 Gibson was there, and Detective Szudarski was there on
12 the scene.

13 Q After speaking with the detectives and
14 with your direct supervisor, were you aware of how
15 many victims there were inside the house?

16 A Yes.

17 Q How many victims, to your knowledge,
18 were there inside the house?

19 A Two.

20 Q Were you aware of any other potential
21 victims that may or may not be inside the house?

22 A Yes. After I arrived they said there
23 was an unaccounted for seven year old little boy that
24 was supposed to have been in that residence.

1 Q At the time that you learned that
2 information did you have any concerns about processing
3 that scene knowing that there was an unaccounted for
4 seven year old child?

5 A Yes.

6 Q What did you do prior to processing the
7 scene knowing that there was a missing child involved?

8 A Well, I walked through all three floors,
9 plus the basement of the building.

10 Q Did you find the missing seven year old
11 child during your initial walkthrough of the building?

12 A No.

13 Q Let's back up a little bit. Can you
14 describe for the ladies and gentlemen of the jury the
15 house located at 7019 South Yale?

16 A Well, it's at least a two-flat or
17 possibly a three-flat. The third floor, I don't know,
18 it didn't appear to have a separate kitchen, so the
19 second floor possibly was a two level apartment. The
20 first floor was a full apartment with a kitchen.
21 There was an unfinished basement with a laundry room
22 and equipment down there.

23 Q When you walked through that house
24 looking for the little boy, how did you go about doing

1 it or what did you do?

2 A I walked through. I walked up to the
3 third floor and just walked through for my own peace
4 of mind that this kid is not here somewhere, at least
5 not obviously there. Because the first thing you have
6 to do, he could be injured, you have to worry about
7 that before you do anything else.

8 Q After you learned or realized that the
9 little boy wasn't in the house, did you then go about
10 your typical forensic investigator duties of
11 processing the crime scene?

12 A I was informed by the sergeant that they
13 were going to process this crime scene as a team, so
14 they brought in further help because it was such a
15 large building.

16 Q And there were other evidence
17 technicians and forensic investigators that came to
18 assist in processing the house?

19 A Yes.

20 Q Typically when a crime scene is
21 processed, what are the things that you as a forensic
22 investigator do?

23 A Well, on a normal crime scene my partner
24 and I, we'd walk through the scene, then we'd

1 photograph the scene, videotape it, try to look for
2 evidence while we're doing that, and then we'd begin
3 identifying and processing the crime scene for
4 evidence.

5 Q Did you and your partner, Susan
6 Wolverton, walk through the scene at 7019 South Yale?

7 A Yes, we did.

8 Q Were photographs of the scene taken?

9 A Yes. But I wasn't with her during the
10 photography. We were divided up then. She had a
11 partner. She was given Evidence Technician Beam and
12 he went with her on the photographs.

13 Q When photographs are taken of a crime
14 scene, are there different stages of photographs that
15 are taken?

16 A Well, we take the photographs when we
17 get there, just how it appeared when we arrived. Then
18 as we locate evidence we put numbers on the evidence
19 or markers, depending on the type of evidence, and
20 photograph that.

21 In a scene like this, when we have to
22 turn over a lot of the rooms to look for stuff, then
23 we'll take a picture, a brief, couple of pictures to
24 show how it looked when we left.

1 Q Those steps were followed at the address
2 of 7019 South Yale?

3 A Yes.

4 Q During your initial walkthrough of the
5 residence did you observe the victims in the house?

6 A Yes, I did.

7 Q Who was the first victim that you
8 observed?

9 A Well, you walk through the enclosed
10 porch, through the stair hall, to the right was a
11 living room through a door and she was right side of
12 the door on the living room floor.

13 Q Let me backup. In addition to taking
14 photographs and looking for physical evidence, was a
15 sketch or a diagram made of the crime scene
16 specifically of the first floor of the residence on
17 Yale?

18 A Yes, there was.

19 Q Have you had an opportunity to review
20 the crime scene diagram in addition to the photographs
21 that were taken of the scene?

22 A Yes.

23 Q May I approach the witness?

24 THE COURT: Sure.

1 BY MS. BAGBY:

2 Q Showing you a single sheet of paper
3 that's marked People's Exhibit Number 136, do you
4 recognize what this is?

5 A That would be the first floor apartment.

6 Q This is the crime scene diagram that was
7 done on October 24th of 2008 when the scene was -- and
8 into the early morning hours of October 25th of 2008?

9 A Yes. Forensic Investigator Otten, and
10 he had a helper that did that.

11 Q And this is a fair and accurate
12 representation of the layout of the first floor of
13 that house on Yale and where the victims were located
14 and items of physical evidence were found on the first
15 floor?

16 A Yes, it is.

17 Q And the large plat or the large board in
18 the center of the courtroom which is also marked,
19 we'll call it People's 136B, is that just an enlarged
20 diagram of what I've shown you?

21 A Yes.

22 Q At this time, your Honor, the state
23 would seek leave to strike the identification marks
24 from this and publish it on the ELM0, so the forensic

1 investigator can explain his walkthrough of the scene.

2 THE COURT: Any objection?

3 MS. THOMPSON: No.

4 THE COURT: You can do so.

5 BY MS. BAGBY:

6 Q Investigator Fanelli, are you able to
7 see on your monitor?

8 A Very clear.

9 Q Can you explain to the ladies and
10 gentlemen of the jury what you observed when you
11 walked through the scene at 7019 South Yale?

12 A Does the pointer work on this?

13 Q Yes.

14 A Am I showing up on there? No. Not me.
15 I've never used this before.

16 Q Use your finger.

17 A Oh, I see. It's a little different.

18 Okay. If you go up the front steps through the
19 enclosed porch there is a foyer here, a stair to the
20 second and third floors. You go through and this is
21 the entry to the apartment right here. That's where
22 you'd find Ms. Donerson's body. It was laying in that
23 direction facing the door.

24 Q You're describing it as an apartment

1 because that's the way the building looked like it way
2 laid out, a multiple unit building?

3 A To me it was originally an apartment
4 building. Now I know it's a single family residence.

5 Q So that room is where you observed the
6 body of Ms. Donerson?

7 A Yes.

8 Q As you continued to walk through the
9 first floor of the residence what did you observe?

10 A There is a door opening here, and if you
11 look this way, this was Jason Hudson's body on the bed
12 in the west bedroom.

13 THE COURT: Ms. Bagby, if I could stop you for
14 a second. We do have a plat up. Those in the
15 courtroom, can you see the screen?

16 A JUROR: Yes.

17 BY MS. BAGBY:

18 Q You may continue. As you walked through
19 after observing Jason Hudson's body in front bedroom?

20 A That's correct, on the bed.

21 Q What other rooms did you observe on the
22 first floor of the building as you walked through?

23 A If you go through the living room this
24 way, there is another hallway. You go this way to the

1 kitchen, and also you'd go into the north bedroom.
2 That was the child's bedroom. It was obviously a
3 child's bedroom right there. There is another
4 doorway, too, this is going to show up in the photos,
5 it's a little confusing right here, but it was blocked
6 with stuff.

7 Q Having walked through the first floor of
8 the residence and observing the two victims,
9 Ms. Donerson and Jason Hudson on the first floor of
10 the residence, where did you as a forensic
11 investigator believe that the center of this crime
12 scene was located? Where did you think you were going
13 to find the most evidence related to this crime in
14 this building?

15 A The living room and the west bedroom.

16 Q On the first floor?

17 A On the first floor.

18 Q Now, you did walk upstairs and take --
19 and photographs were also taken of the upstairs of the
20 residence?

21 A My partner took the photos. I wasn't
22 there for all the photos. But I did go up there and I
23 did go with her during the process of the scene, what
24 we think was Mrs. Donerson's second floor bedroom.

1 There was a TV on up there, so that lead you to
2 believe somebody was recently up there.

3 Q Thank you. Prior to you coming down to
4 testify today, over the lunch break I showed you a
5 number of photographs.

6 A Yes.

7 Q Specifically, I showed you what were
8 marked as People's Exhibits 1, 8 through 16, 18, 19
9 and 33 through 119?

10 A Yes.

11 Q The photographs that I've just described
12 and are contained in this stack, do they truly and
13 accurately depict the way the residence at 7019 South
14 Yale appeared on the evening of October 24th of 2008?

15 A Yes.

16 Q At this time, your Honor, I would seek
17 leave to strike the identification marks and to
18 publish the photographs to the jury and have the
19 investigator describe the photographs in more detail.

20 THE COURT: Okay. I assume you showed these to
21 defense?

22 MS. BAGBY: I did.

23 THE COURT: Any objection?

24 MS. THOMPSON: No objection.

1 THE COURT: You may do so.

2 BY MS. BAGBY:

3 Q Showing you what's previously been
4 marked and published as People's Exhibit Number 1, is
5 this the initial photograph that was taken of 7019
6 South Yale when you processed the scene on
7 October 24th of 2008?

8 A That's how it appeared.

9 Q Next, showing you People's Exhibit
10 Number 33.

11 A That's a close-up of the address on the
12 front door, 7019.

13 Q People's Exhibit Number 8.

14 A This is a view of the south side and the
15 front of the house. And what's important here that
16 came up, and the reason we took this particular angle
17 is in this area here, that's where they said that
18 Jason Hudson's vehicle was parked, but it was missing
19 and unaccounted for.

20 Q What did you observe in that location
21 where you made the mark on the photograph that we'll
22 see later on in the photos?

23 A We did take some photos. There are some
24 tire tracks that appear to be fresh in the mud.

1 Q People's Exhibit Number 34.

2 A That's the front porch when we arrived.

3 Q There appear to be some paper markers on
4 the steps of the front, going in the front porch.
5 What are those?

6 A That's what several officers will use,
7 they have in their pocket, to put down if they see
8 something like a fired cartridge case or fired bullet,
9 they'll put that on there so that somebody don't step
10 on it. We all know what it is when we first arrive.
11 It's just the initial officers, if they see it they'll
12 mark it off.

13 Q Did you observe any items of evidence on
14 the front stairs going into the house when you walked
15 through the scene?

16 A Yes, we did. We saw there was a fired
17 cartridge case under the car, and then this was a
18 cigarette butt that looked fairly fresh, and there was
19 another one. I can't pick it up in this particular
20 photo, but it's on the top stair here, there was
21 another cigarette butt there.

22 Q People's Exhibit Number 34. People's
23 Exhibit Number 10, what is this?

24 A That's going up the stairs entering the

1 building. It really was to show the entry hall.
2 Should I keep pointing on the screen?

3 Q Yes.

4 A This would be going in, and if you went
5 that way, that would be the front door where
6 Mrs. Donerson was, after you entered that entry.

7 Q People's Exhibit Number 11.

8 THE COURT: Ms. Bagby, you're not asking for
9 these to be printed. I assume you don't want them
10 printed.

11 MS. BAGBY: No.

12 THE WITNESS: This was a coin bottle, we saw
13 it, We thought it was odd sitting on the front inside
14 porch. There was coins in the bottom of that 5-gallon
15 jug. It's on the enclosed porch. It was inside the
16 building.

17 BY MS. BAGBY:

18 Q People's Exhibit Number 35.

19 A Just a close-up of that same bottle.

20 Q People's Exhibit Number 36.

21 A The interior. There is the bottle on
22 that side. There are some toys. Then over here there
23 was a set of keys. There is also a lock that's laying
24 there that was taken apart. But there is a new lock

1 on the door, so obviously we determined later that
2 that lock was the old lock that had been taken off by
3 a locksmith. The keys, though, were not accounted
4 for.

5 Q People's Exhibit Number 12.

6 A Just a close-up. Here you can see the
7 keys and the lock.

8 Q People's Exhibit Number 9.

9 A This is the new lock on the front door.

10 Q Did you notice anything about the front
11 door as you approached the residence and entered the
12 residence?

13 A Well, because it was a fired shell
14 casing on the front porch, this appeared to be a
15 bullet hole in the front door right here.

16 Q If you would, could you take your finger
17 and trace it around, making a circle around what you
18 say would be a bullet hole?

19 A (Witness complied.)

20 Q May the record reflect the witness is
21 complying.

22 A Legally that could be a bullet hole.

23 Q If the court could print?

24 THE COURT: You want this one printed?

1 BY MS. BAGBY: This one we would like.

2 THE COURT: This is Number 9.

3 MS. BAGBY: Judge, because there are already
4 marks on there, I apologize, if you could just circle
5 the hole you observed in the door, we'll reprint it
6 before moving on.

7 THE COURT: The circle is on the copy. Do you
8 want it circled again?

9 MS. BAGBY: Yes. Because I believe there were
10 some other markings that were on the screen.

11 THE COURT: Print it again.

12 BY MS. BAGBY:

13 Q People's Exhibit Number 13, what is in
14 this photograph?

15 A If you were standing right at the body,
16 looking out the entry door to that apartment back into
17 the foyer area, I'll have to point it out also. This
18 door here, the body would be here just out of frame.
19 You go this way, this would be the basement door.
20 Then I talked about that north bedroom, there was a
21 door that wasn't used, it was kind of blocked. That's
22 this door. So if you wanted to go out the front door,
23 you'd go that way. (Indicating.)

24 Q People's Exhibit Number 14?

1 A That's another view. In the foyer area,
2 this is the stairs going up to the second and third
3 floor. Now you're looking from the front porch back
4 in. There is the basement stairs and there is the
5 front door, entry door to the apartment where
6 Mrs. Donerson's body was.

7 Q People's Exhibit Number 38.

8 A That's the basement stair going
9 downstairs, under the stairs going up to the second
10 and third floor.

11 Q People's Exhibit Number 39.

12 A Now you enter the front door to the
13 first floor and there is the body of Mrs. Donerson.

14 Q People's Exhibit Number 40.

15 A There is the body of Mrs. Donerson
16 again, and then just this way, just in frame there is
17 Jason Hudson's body on the bed.

18 Q People's Exhibit Number 41?

19 A That's Mrs. Donerson again, plus there
20 was a broom across her hand. We kind of felt that she
21 might have had it in her hand trying to fend off her
22 attacker.

23 Q People's Exhibit Number 42.

24 A That's another view, that's standing in

1 the bedroom, the west bedroom looking into the living
2 room this way here.

3 Q People's Exhibit Number 43?

4 A That's the body of Jason Hudson on his
5 bed in the west bedroom. This direction is west right
6 here. (Indicating.)

7 Q And those windows in Jason Hudson's
8 windows that are behind him, did they look out onto
9 the street or onto that enclosed front porch?

10 A They look out onto the enclosed front
11 porch.

12 Q People's Exhibit Number 44.

13 A Just a close-up of Mr. Hudson.

14 Q People's Exhibit Number 45.

15 A It appeared to us that Mr. Hudson is
16 pretty much disabled. There was a severe wound. His
17 leg was wrapped here. This would be his left leg. It
18 was wrapped in elastic bandages. There was some sort
19 of a wound, a severe older wound there. But it didn't
20 appear to us that could walk very well. He had it
21 propped also.

22 Q People's Exhibit Number 46.

23 A This is a closet in that bedroom. This
24 is Mrs. Donerson's body. If you were standing right

1 next to the body of Jason Hudson, you'd be looking at
2 that closet and then you'd be looking at the body of
3 Mrs. Donerson.

4 Q People's Exhibit Number 47.

5 A In the room at the foot of the bed,
6 again there is Mrs. Donerson. We took this picture
7 just because there was a dog in the room. Never did
8 bark. We were surprised to see him there. He was in
9 a cage. So we took him out. I don't know who, but a
10 family member took the dog.

11 Q People's Exhibit Number 48.

12 A That's the north wall in the bedroom.
13 This would be Jason's bed in this area here.

14 Q People's Exhibit Number 49.

15 A That's under the bed. That's Jason
16 Hudson's driver's license. It was in reach here of
17 Jason, right up above.

18 Q People's Exhibit Number 50.

19 A That's another view of Mrs. Donerson.
20 Again, the door is this way to leave the apartment.
21 There is the broom. There is a piece of cardboard
22 here that we took. It had blood spatter on it. There
23 was some blood spatter on the wall.

24 Q People's Exhibit Number 51.

1 A That's the stair going from the front
2 entryway to the second floor.

3 Q People's Exhibit Number 52.

4 A That's the entrance to the second floor
5 apartment.

6 Q People's Exhibit Number 53.

7 A You go up to the third floor, this is
8 the stairwell going to the third floor. I had never
9 heard of Jennifer Hudson, but they had told me she was
10 a celebrity and that was some of her old stuff on the
11 wall with her name on it, her trophies.

12 Q People's Exhibit Number 54.

13 A Just a close-up.

14 Q 55.

15 A That's back down on the second floor.

16 This is the entrance to what we believe is
17 Mrs. Donerson's room. There is another bedroom, that
18 would be the second floor southwest bedroom here.
19 There is also another northwest bedroom here.

20 Q People's Exhibit Number 56.

21 A That's Mrs. Donerson's room here and
22 this is that other bedroom. Supposedly, I don't know
23 for sure, that was occupied by another family member
24 sometimes there, an uncle or something.

1 Q People's Exhibit Number 57.

2 A That's the inside of Mrs. Donerson's
3 room.

4 Q People's Exhibit Number 58.

5 A I mentioned the TV was on in the room.
6 It drew us up there to see if anything was going on up
7 there. As you can see, the TV is on. This is her bed
8 here.

9 Q People's Exhibit Number 15.

10 A This would be just east of the bed.
11 There is a chair in the room and that was a purse that
12 appeared to be a normal purse that nobody had really
13 done anything with. We wanted to see if that was
14 hers, and it was, had her IDs in it.

15 Q People's Exhibit Number 16.

16 A That's just a close-up of the purse, of
17 how it looked, just like a normal purse.

18 Q People's Exhibit Number 59.

19 A That's the second floor bathroom.

20 Q People's Exhibit Number 60.

21 A Well, this is outside the second floor
22 apartment on the way up to the third floor.

23 Q People's Exhibit Number 61.

24 A This would be the kitchen on the second

1 floor.

2 Q People's Exhibit Number 62.

3 A Another view of the stair going to the
4 third floor.

5 Q People's Exhibit Number 63.

6 A This is the first floor kitchen.

7 Q People's Exhibit Number 64.

8 A It's the east wall of the kitchen. If
9 you walk out the door you'd be going out to the
10 backyard.

11 Q This is the first floor kitchen?

12 A First floor kitchen.

13 Q People's Exhibit Number 65.

14 A Just to show that the doors were intact.

15 Q People's Exhibit Number 66.

16 A This is a rear entry door to the
17 building from the rear porch.

18 Q People's Exhibit Number 67.

19 A Just a close-up. It's a secure door.

20 Q People's Exhibit Number 68.

21 A The lock is intact, that's what that's
22 supposed to show.

23 Q People's Exhibit Number 69.

24 A This is the door in the kitchen that was

1 closed, the white door. After you open the door it
2 showed that that was also locked with a burglar gate
3 and the locks on the gate. That's the rear yard.

4 Q People's Exhibit Number 70.

5 A First floor bathroom.

6 Q Were you able to see a shower curtain in
7 the first floor bathroom?

8 A I don't recall seeing any shower curtain
9 in that bathroom.

10 Q People's Exhibit Number 71.

11 A This is the child's room that I talked
12 about earlier. This is next to the living room where
13 Mrs. Donerson's body was found. This is what we find
14 out later is Julian's playroom.

15 Q People's Exhibit Number 18.

16 A That would be the east bedroom on the
17 first floor.

18 Q People's Exhibit Number 72.

19 A It's another view of the living room
20 with Mrs. Donerson on the floor, and again Jason
21 Hudson is still in bed there.

22 Q People's Exhibit Number 73.

23 A Another view of Mrs. Donerson on the
24 floor.

1 Q People's Exhibit Number 74.

2 A This is the rear of the building. This
3 is the gated entry door to the kitchen, and you have
4 the porch that goes to the other floors. That's on
5 the south side of the building. This is the east side
6 of the building.

7 Q People's Exhibit Number 75.

8 A That's a view of the house. It's a
9 little obscured, but it shows the crime scene tape
10 that surrounded the building. This is the rear of the
11 building again right here. This is a vacant lot that
12 we're taking from the alley.

13 Q People's Exhibit Number 76.

14 A The rear of the house from the alley.

15 Q People's Exhibit Number 77.

16 A These are some close-ups of the
17 evidence. Now we're back on the front porch, where I
18 showed you the little orange card that was on the
19 porch when we first arrived. That's a fired cartridge
20 case there. We marked it Number 1.

21 Q Could you draw a circle around the fired
22 cartridge case marked Number 1?

23 A Right there. (Witness complied.)

24 Q May the record reflect the witness has

1 complied with my request.

2 A Also, this is the first step up off the
3 sidewalk.

4 MS. BAGBY: Is it printing?

5 THE COURT: I don't know. Do you want it
6 printed?

7 MS. BAGBY: Yes, please.

8 THE COURT: Can you print that.

9 BY MS. BAGBY:

10 Q I apologize, which step up was this?

11 A First step up off the sidewalk. The
12 first step.

13 Q Marker Number 2 was a cigarette butt?

14 A It was a cigarette butt. You can see it
15 in the frame there.

16 Q People's Exhibit Number 77.

17 THE COURT: I thought that was 77.

18 BY MS. BAGBY:

19 Q I'm sorry. 78.

20 A That's a close-up of the same fired
21 cartridge case.

22 Q People's Exhibit Number 79.

23 A That's just a view of all three pieces
24 of evidence that were on the porch with marker, crime

1 scene markers on them. We know what 1 and 2 are.
2 Number 3 is the cigarette butt. You can see it now on
3 the top, it would be on the sixth step.

4 Q People's Exhibit Number 80.

5 A That's the cigarette butt that we
6 recovered before you walked into the house on the top
7 stair, we marked it Number 3.

8 Q People's Exhibit Number 81.

9 A That's that five-gallon plastic water
10 bottle with change in it, we marked it Number 4.

11 Q Let me ask you, Investigator Fanelli,
12 did you take the water bottle that's marked as
13 Number 4 and inventory it or recover it from the scene
14 on the night of October 24th of 2008?

15 A No.

16 Q People's Exhibit Number 82.

17 A That's the front entry door. You're
18 inside the house, the enclosed porch is right here.
19 This is the interior side of the front entry door.

20 Q People's Exhibit Number 83.

21 A That just shows locks, locking devices
22 on the door. Nothing is pulled off, tore off, broken.

23 Q People's Exhibit Number 84.

24 A Where I pointed out from the exterior

1 photos of the front of that house where the car was
2 not there, so it's an unaccounted for car. We took
3 pictures to show where that car would have been or at
4 least the car at one time had been parked. And there
5 were some tire tracks that appeared to be pretty
6 fresh.

7 Q When you were at the scene on Yale what
8 was the weather like?

9 A The temperature was decent for October,
10 but there were storms coming and going, some pretty
11 severe there. At one time we were trying to put up
12 tents and it was blowing them over out on the street.

13 Q Did it rain off and on while you were
14 processing the scene?

15 A Yes.

16 Q People's Exhibit Number 19.

17 A This is the north bedroom on the first
18 floor that we were told was the seven year old's
19 playroom. That's a cartridge case again on the floor
20 in that room. I should circle that. And we marked it
21 Number 7.

22 Q Your Honor, could you please print that.

23 THE COURT: Bobby, could you print this,
24 please.

1 BY MS. BAGBY:

2 Q People's Exhibit Number 85.

3 A That's a close-up of that fired
4 cartridge case. Do you need it circled again?

5 Q No. People's Exhibit Number 86.

6 A That's the interior side of the front
7 door, the bullet hole that I pointed out on the front
8 of the door, that's the backside, actually inside the
9 house looking out.

10 Q May the record reflect the witness has
11 circled what appears to be a hole in the door, and if
12 the court could please print.

13 THE COURT: Record will so reflect. Do you
14 want that printed?

15 MS. BAGBY: Yes, please.

16 THE COURT: Print it.

17 BY MS. BAGBY:

18 Q People's Exhibit Number 87.

19 A That's the keys that were on the porch,
20 the enclosed front porch, and then the lock that we
21 pointed out earlier before you enter the residence.

22 Q People's Exhibit Number 88.

23 A We set markers down. The 5, we
24 inventoried the broom under crime scene marker 5.

1 Number 6 is that cardboard, the piece of pink
2 cardboard.

3 And there is a snap on the floor, and we
4 didn't know exactly where that snap came from so we
5 inventoried those under marker 6, the cardboard and
6 the snap. There is another little piece of snap that
7 will come into view after we moved the body. That was
8 also under marker 6.

9 Q People's Exhibit Number 89.

10 A That's the wall that's just next to
11 Ms. Donerson's head, and there is some blood spatter
12 on it, so we put a crime scene scale on the wall and
13 photographed it within scale.

14 Q People's Exhibit Number 90.

15 A That's a wound to Mrs. Donerson's left
16 wrist, apparent bullet wound.

17 Q People's Exhibit Number 91.

18 A Bullet wounds to her back,
19 Ms. Donerson's back.

20 Q People's Exhibit Number 92.

21 A Wound on the side.

22 Q People's Exhibit Number 93.

23 A After we rolled her over, that's really
24 what we would consider an identification photo. She's

1 in the body bag now.

2 Q It appears there is paper in the bag?

3 A Yes. I put a paper sheet in the bag to
4 protect any evidence that might be on the body. You
5 line the body.

6 Q People's Exhibit Number 94.

7 A That's a cut on her right finger, little
8 finger. That's Miss Donerson's finger.

9 Q Is this you?

10 A That's me holding the finger.

11 Q And you're wearing gloves in the
12 photograph?

13 A Yes.

14 Q And are you also wearing a paper suit?

15 A Yes.

16 Q Did you wear gloves and a paper suit and
17 coverings on your shoes the entire time you were in
18 the house?

19 A And a hair net, yes.

20 Q People's Exhibit Number 95.

21 A That's her robe and the top snap is torn
22 off.

23 Q Can you draw a circle around the area
24 where you say the snap was torn off?

1 A It looked like a snap was missing there.
2 As you can see, there is a snap here.

3 Q May the record reflect the witness has
4 complied with my request. And if you could print
5 that, as well.

6 THE COURT: Sure. Bobby, print that, please.

7 BY MS. BAGBY:

8 Q People's Exhibit Number 96.

9 A That's the piece of the snap that was
10 picked up off the floor we talked about before, off
11 right next to the body.

12 Q People's Exhibit Number 97.

13 A That's a wound to the middle of
14 Ms. Donerson's chest, a bullet wound. Should I
15 circle it?

16 Q No, thank you.

17 A Okay.

18 Q People's Exhibit Number 98.

19 A Same wound, different view.

20 Q People's Exhibit Number 99.

21 A That's a wound to her left arm, and also
22 we bagged her hands with what we call handbags or tie
23 bags that are made for that purpose, to protect any
24 evidence that might be on her, defensive DNA evidence

1 that might be in her fingernails or on her hands.

2 Q People's Exhibit Number 100.

3 A That's a wound to the left shoulder of
4 Ms. Donerson.

5 Q People's Exhibit Number 101?

6 A This is Jason Hudson's left foot. I
7 told you his foot, his leg seemed extremely injured
8 and I don't know how well he could get around on it.

9 Q People's Exhibit Number 102?

10 A That's his left leg and the wound at his
11 knee. That was knee level, the wound. It's old.

12 Q People's Exhibit Number 103?

13 A That's another view of Jason Hudson.

14 Q Did you observe any injuries to Jason
15 Hudson aside from the leg?

16 A Yes. There was a wound on the back of
17 his head.

18 Q What type of wound?

19 A Looked like a gunshot wound to me.

20 Q People's Exhibit Number 104?

21 A That would be like an ID photo of Jason.

22 Q People's Exhibit Number 105?

23 A That's his identification off the floor.
24 We picked it up and took a photo of it to identify it

1 was Jason Hudson.

2 Q People's Exhibit Number 106?

3 A The bodies are now moved at this point,
4 so now after we look through the room to see if
5 anything obvious was -- any evidence that we needed to
6 collect, once that was done we started moving. We had
7 to clear one side of the room. There was a lot of
8 objects in these rooms. So as we moved -- this is
9 where the treadmill that was in view earlier, as we
10 moved the treadmill and all the bags and clothing and
11 all the other stuff, there was a fired bullet on the
12 floor. That's the north wall of the living room on
13 the first floor, and if you go this way you'll be
14 going into the kitchen and that other little child's
15 room. That's Number 9. We marked it as Number 9,
16 fired bullet.

17 Q People's Exhibit Number 107.

18 A That's a close-up of the fired bullet.

19 Q People's Exhibit Number 108.

20 A That was a hole in the wall, on the
21 south wall in the living room. Didn't know what made
22 that hole, so I put a scale on the wall and
23 photographed it and then we took the wall apart to see
24 what it was.

1 Q People's Exhibit Number 109.

2 A That's the same scale on the wall, the
3 little scale you see in the hole right below the
4 window.

5 Q You say you took the wall apart to
6 figure out what it was?

7 A I think there is a photo of it. It was
8 a cable TV hole, but we didn't know it at the time.

9 Q People's Exhibit Number 110.

10 A We pulled the wall down and then we
11 realized it's a table TV wire.

12 Q When you saw the hole in the wall what
13 were you looking for?

14 A We thought it would be a fired bullet;
15 it could be.

16 Q People's Exhibit Number 111.

17 A This is me in the frame right here.
18 That's me with my boots on, paper boots. Jason Hudson
19 is now removed from the room and this was a comfort
20 that he was on top of and wrapped up in. Actually, on
21 top of. As I took it off I searched it on top for
22 anything, and I couldn't find anything and I took it
23 down. And as I took it down that bullet, that's a
24 fired bullet that fell out of it. It was somewhere in

1 that comforter, wrapped up in the fold of the
2 comforter.

3 Q People's Exhibit Number 112.

4 A That's another picture of the fired
5 bullet at the foot of the bed.

6 Q People's Exhibit Number 113.

7 A We put crime scene marker Number 10 on
8 it, and there is a fired bullet, a close-up.

9 Q People's Exhibit Number 114.

10 A We're back to Jason in the bed. That's
11 the wound on the back of his head, just above the ear,
12 his left ear.

13 Q 115.

14 A Jason has been removed from the bed now
15 and that's the bed.

16 Q People's Exhibit Number 116.

17 A First we searched the south side of the
18 room, threw all the objects there, then we lifted up
19 the mattress box spring which is against the wall
20 here. We observed a fired cartridge case under the
21 bed, right at the head of the bed, and that would be
22 right here, and we put marker 11 on it. It's just in
23 view.

24 Q People's Exhibit Number 118.

1 A That's a close-up of that fired
2 cartridge case.

3 Q People's Exhibit Number 119.

4 A That would be an exit photo, after we
5 were through searching the room. Because we had to
6 move things from one side to the other, back and
7 forth, to search for any kind of evidence that might
8 be buried in the clothing or the bags or the objects
9 or the shells.

10 Q After you moved the mattress up and
11 found the fired cartridge case under the bed, did you
12 continue to search for any additional firearms
13 evidence that might be in that bedroom?

14 A Yes. That's why now we started using
15 that area to pile all the stuff from the north wall
16 into that area, so we could search along that wall and
17 make sure we didn't miss anything there.

18 Q Now, you described in the photographs,
19 various items of physical evidence that you observed
20 inside of the house?

21 A Yes.

22 Q As part of your duties as a forensic
23 investigator do you recover and inventory items of
24 physical evidence from a crime scene?

1 A Yes.

2 Q How do you go about recovering items of
3 physical evidence? What exactly do you do?

4 A Well, most important thing to do first
5 is you photograph it in place, get detailed photos of
6 it. In this case also a sketch was compiled before it
7 was picked up as to its location. And then we put it
8 in an evidence envelope, a preliminary envelope, take
9 it in and then we seal it up with crime scene tape.
10 We initial the evidence tape and we inventory it in
11 the computer. Each piece of evidence has its own
12 number. Or each group of evidence, I should say, has
13 its own number, distinct number.

14 Q If I could show again People's Exhibit
15 Number 79. These are the markers that you put down on
16 the front steps of the Hudson house?

17 A Yes.

18 Q I'm showing you what's been marked for
19 identification purposes as People's Exhibit
20 Number 137. Can you tell the ladies and gentlemen of
21 the jury what this is?

22 A This is a S & B .45 auto fired cartridge
23 case which we recovered under marker 1 on the front
24 porch. This is the cartridge case we recovered. This

1 is the initial envelope I put it in with a notation of
2 where it was recovered.

3 Q When you took that back to the police
4 station at the end of the day, did you seal that up
5 and did you inventory that fired cartridge case under
6 number 11478773?

7 A Yes.

8 Q Is People's Exhibit Number 137 in the
9 same or substantially the same condition as it was
10 when you recovered it and you inventoried it back on
11 October 24th of 2008?

12 A Yes, it is.

13 Q I'm showing you what I've marked for
14 identification as People's Group Exhibit 138, which
15 consists of 138A and 138B. Can you tell us what those
16 are?

17 A That would be the cigarette butt that's
18 on the first stair, Number 2; marker Number 2.

19 Q That's 138A?

20 A Yes, it is. I see your numbering.

21 Okay. And this would be 138B, this is the other
22 cigarette butt that was up on the sixth step under
23 marker 3.

24 Q Did you inventory those two cigarette

1 butts in separate envelopes, but under the same
2 inventory number of 11478755?

3 A Yes.

4 Q People's Exhibit Number 120. Showing
5 you what's been marked as People's Exhibit Number 139
6 for identification, do you recognize what that is?

7 A This would be that set of keys that was
8 on the enclosed front porch next to the door and the
9 lock that was laying on the front porch.

10 Q Did you inventory that set of keys under
11 number 11478827?

12 A Yes.

13 Q Showing you what's been marked as
14 People's Exhibit Number 140, do you recognize --

15 A Do you want me to take it out?

16 Q Yes.

17 A This is the broom that was across
18 Mrs. Donerson's hands in the living room on the floor.

19 Q Did you inventory the broom under
20 inventory number 11478756?

21 A Yes.

22 Q People's Exhibit Number 141.

23 A These are little metal snaps that were
24 off the living room floor right near the body. There

1 is one there, the other one is just out of view
2 because it's kind of under the victim.

3 Q Did you place those two pieces of the
4 snap in that envelope and inventory it under number
5 11478757?

6 A Yes.

7 Q People's Exhibit Number 142, which you
8 also have there.

9 A You see that piece of cardboard that's
10 right near both hands of Mrs. Donerson, this is that
11 piece of cardboard. Apparently some blood spray or
12 spatter on that cardboard.

13 Q Did you inventory the piece of cardboard
14 under number 11478844?

15 A Yes.

16 Q Photograph 114. Showing you what's been
17 marked for identification as People's Exhibit
18 Number 143, do you recognize what this is?

19 A In the view of marker Number 9, there is
20 a fired bullet down on the floor. That's after we dug
21 down in the living room along the north wall, just
22 north of Mrs. Donerson's body, this is the fired
23 bullet that was on the floor.

24 Q Did you inventory that fired bullet

1 under inventory number 11478828?

2 A Yes.

3 Q People's Exhibit Number 144, do you
4 recognize what this is?

5 A Are you going to put the photo up?

6 Q Yes. People's Exhibit Number 113, which
7 is Y96.

8 A In the picture I have of me standing
9 there holding the comforter and the bullet on the
10 floor, below the bed of Jason Hudson. This is the
11 bullet that fell out of that comforter to the floor.
12 I had it under Marker 10.

13 Q Did you inventory that under number
14 11478829?

15 A Yes.

16 Q Handing you what's been marked as
17 People's Exhibit Number 145 and 146, let's talk about
18 People's Exhibit 145. Can you tell the ladies and
19 gentlemen of the jury what that is?

20 A This is a .45 auto fired cartridge case
21 that was recovered from the bedroom floor in the north
22 bedroom on the first floor under marker Number 7.
23 Crime scene marker 7 indicates its location.

24 Q Did you inventory that fired cartridge

1 case under number 11478880?

2 A Yes.

3 Q You also have there People's Exhibit
4 Number 136. Y99.

5 A This is a S & B .45 auto fired cartridge
6 case. This is the one we found under the bed just
7 under Jason Hudson when we were able to move the bed.

8 Q Did you seal that in that coin envelope
9 and inventory that under number 11478882?

10 A Yes.

11 Q All of those items that you were
12 recovered when you processed the scene on October 24,
13 2008, they were placed in a sealed condition?

14 A Yes.

15 Q And they were kept in your constant
16 care, control and custody from the time they were
17 recovered on the scene until the time that they were
18 inventoried back at the police station?

19 A We inventory them and set them in an
20 evidence vault at our office until they're picked up
21 by the evidence people. It's unavailable to anybody.

22 Q Did you go back to the scene on Yale on
23 October 29, 2008?

24 A Yes, I did.

1 Q Why did you go being back to the scene
2 on October 29, 2008?

3 A Well, this scene was so involved and
4 such a large scene and there was so much in the house
5 that it was determined on the first day that we were
6 going to seal the building, put a police guard on it
7 and return as the investigation went on to see if we
8 could find anything else.

9 On this particular day I was sent back
10 with my partner, Forensic Investigator Wolverton,
11 Sergeant Gibson and Detectives Volvos and Henry
12 accompanied us from the Area 1 Detective Division. We
13 were going to go through nothing else but that child's
14 bedroom. Because by that time they found out that --
15 now I find out his name is Julian King was found dead
16 in a vehicle. Now they wanted to see as to where he
17 was possibly killed at or if he was injured while he
18 was still in the house. We went back and searched
19 that room.

20 Q Were additional photographs taken of
21 your search on October 29, 2008?

22 A Yes. I was the photographer on that
23 date.

24 Q Showing you what's been marked for

1 identification as People's Exhibit Number 120 through
2 135, did you have an opportunity to view these
3 photographs of upstairs before you testified today?

4 A Yes, I did.

5 Q Do these photographs truly and
6 accurately depict the way the scene at 7019 South Yale
7 looked on October 29, 2008?

8 A Yes, it does.

9 Q Your Honor, at this time I would seek
10 leave to strike the identification marks and to
11 publish these photographs.

12 THE COURT: I assume you've seen them.

13 MS. THOMPSON: Yes, Judge.

14 THE COURT: Any objection?

15 MS. THOMPSON: No.

16 THE COURT: You can publish them. .

17 BY MS. BAGBY:

18 Q People's Exhibit 120.

19 A It just shows the front of the residence
20 with the 7019 address.

21 Q People's Exhibit Number 121.

22 A This is that north bedroom and the first
23 floor. This is the north wall with the window, the
24 east wall, the kitchen is on the other side of that

1 wall, possibly the bathroom. Bathroom and kitchen are
2 just out of view on the other side of the wall. This
3 is like a bunk bed with a little tent underneath.

4 Q This is the room that you specifically
5 went to search for additional evidence?

6 A This is all we were assigned to do that
7 day is that room.

8 Q People's Exhibit Number 122.

9 A That's just a view of the room before we
10 started.

11 Q People's Exhibit Number 123.

12 A It's another view.

13 Q People's Exhibit Number 124.

14 A That's another view of the room and
15 you're looking out, you would go this way right
16 through out the door. This is the room that I said
17 was barricaded in the first set of crime scene photos,
18 so you knew people didn't use that door too often.

19 Q People's Exhibit Number 125.

20 A You could see a better view now looking
21 out to the front door. You could see the front door
22 on the porch, with the oval glass in view.

23 Q In order to conduct a search for
24 additional physical evidence, what did you have to do

1 with all the items that were in that bedroom?

2 A We moved them out.

3 Q People's Exhibit Number 126.

4 A This is the room after we cleaned
5 everything out.

6 Q People's Exhibit Number 127.

7 A This is the west wall of that bedroom.
8 There is a light switch and there was a hole in the
9 wall. We weren't sure what caused that hole.
10 Remember there was a cartridge case, fired cartridge
11 case on the floor in that room the first day, so we
12 didn't know what caused that hole.

13 Q People's Exhibit Number 128.

14 A That's a close-up of the hole in the
15 wall.

16 Q What were you specifically looking for
17 in the wall when you saw the hole?

18 A I was looking for a bullet, a possible
19 bullet. I didn't know if it was a bullet hole or not.
20 Just like in the living room, you see a hole in the
21 wall that's the right size or about the right size,
22 you have to assume that it could be a bullet hole.

23 Q What did you do in order to determine
24 whether that was a bullet hole and whether there was a

1 bullet in the wall?

2 A The first thing I did was I probed the
3 wall, and the hole didn't go through the lath, so that
4 kind of tells me if the bullet is not there and there
5 is not one on the floor, that it probably wasn't a
6 bullet hole. So I cut the wall out just to be sure.
7 Just like in the living room I removed the wall, I
8 removed the wall here.

9 Q People's Exhibit Number 129.

10 A That's a close-up of that hole. This is
11 after I removed the plaster with the hole in it, which
12 we have here now. If you look, before I moved that
13 plaster, the piece of plaster board, I marked the hole
14 with my pencil. I put an X there. You see the lath.
15 That's the lath behind that hole, and there is my
16 pencil mark indicating there was no hole in the lath.

17 Q The witness has drawn a circle on the
18 photograph. Your Honor, could we print a copy of
19 this.

20 THE COURT: Sure.

21 BY MS. BAGBY:

22 Q People's Exhibit Number 130.

23 A Most of this plaster board was loose and
24 it just came off. There is a light switch and you'll

1 see my X on the lath over here again. That's where I
2 cut the plaster out of, cutting of the plaster, where
3 that hole was. There is the X.

4 Q People's Exhibit Number 131.

5 A That's a close-up again. It should be
6 rotated, though. It's rotated wrong.

7 Q People's Exhibit Number 132.

8 A That's just a better view from a
9 distance, standing from the bathroom, kitchen area
10 looking in the bedroom. There is where I removed the
11 hole in the wall.

12 Q In addition to looking at the wall for
13 any possible evidence, did you also examine the
14 carpet?

15 A Our real object that day was to look for
16 blood evidence to indicate that a crime or violence
17 was committed in that room. That was our real goal.

18 Q At that time the body of Julian King had
19 been recovered?

20 A Yes.

21 Q And the police were trying to determine
22 if he had been shot in the house?

23 A That's correct.

24 Q Showing you People's Exhibit Number 133,

1 what is this?

2 A This is the bed, the little bunk bed
3 that remained in the room after we cleaned it all out.
4 We could see under it and everything and we tipped the
5 mattresses over. This is a red stain. We didn't
6 believe it to be blood, but it was the only actual
7 stain on the carpet. We didn't believe it to be
8 blood, but we took the precautions and tested it and
9 inventoried that carpet.

10 Q People's Exhibit Number 134.

11 A That's a close-up of that red stain that
12 was on the carpet and a scale. I put a crime scene
13 scale to give you an idea of the size of the stain.
14 It's metric, but it's about a six inch scale.

15 Q And in order to determine whether or not
16 that was blood on the carpet did you do any testing of
17 the carpet?

18 A I took a swab, it's like a Q-tip swab,
19 you wet it and you pick up some of the stain off the
20 carpet. There was enough there. I did what they call
21 a hexagon, OBTI, blood test on the scene. It come
22 back negative. It didn't indicate that it was blood.

23 Q Finally, People's Exhibit Number 135.

24 A That's a distant shot. That same stain

1 I just cut the carpet, as you can see. The carpet is
2 missing now and it's inventoried.

3 MS. BAGBY: I have nothing further.

4 THE COURT: Cross.

5 CROSS-EXAMINATION

6 BY

7 MS. THOMPSON:

8 Q Good afternoon, Mr. Fanelli.

9 A Good afternoon.

10 Q Do you prefer still officer, from your
11 28 years, or is Mister okay?

12 A Anything is okay.

13 Q Mr. Fanelli, you worked for the Chicago
14 Police Department for 28 years?

15 A Yes.

16 Q Back in October of 2008 you were what's
17 called a forensic investigator?

18 A That's correct.

19 Q And before you were a forensic
20 investigator you were an evidence technician?

21 A That's correct.

22 Q And before you were an evidence
23 technician you were a patrolman?

24 A That's correct.

1 Q To become a patrolman you go through the
2 police academy and you go through training, correct?

3 A Correct.

4 Q When you become an evidence technician
5 you go through more training?

6 A Yes.

7 Q More specialized training?

8 A Yes.

9 Q Training specific to the preservation of
10 crime scenes?

11 A Preservation? The processing of crime
12 screens.

13 Q The processing of crime screens?

14 A Preservation, I would consider that as a
15 patrolman, to make sure that nobody goes in and
16 contaminates. Or if it has to be gone into, that you
17 do as little damage as possible.

18 Q And you did that; as a patrolman you did
19 that?

20 A Yes.

21 Q And you're taught how to do that as a
22 patrolman?

23 A Yes.

24 Q That's where you put the crime scene

1 tape of different colors to make an outer and inner
2 perimeter?

3 A That's correct.

4 Q When you got to the scene at 7019 South
5 Yale that had already been done?

6 A That's correct.

7 Q When you got to the scene at 7019 South
8 Yale you were not the first officer there, correct?

9 A No.

10 Q It would be very untypical for a
11 forensic investigator to be the first officer there,
12 right?

13 A I only did it one time. I was just in
14 the vicinity on a shooting going by, otherwise no.

15 Q Usually you're called to the scene by
16 somebody else, correct?

17 A Correct.

18 Q Usually there is a detective on the
19 scene?

20 A That's correct.

21 Q In this case there was at least one
22 detective on the scene when you got there?

23 A That's correct.

24 Q I'm going to step back again to your

1 training as an evidence technician. As an evidence
2 technician you're taught to photograph things?

3 A Correct.

4 Q And you're taught how to take the actual
5 photographs, correct?

6 A Correct.

7 Q It's not just, they don't just hand you
8 a camera and say go and take pictures. They teach you
9 how to do the settings on the camera and to take a
10 good picture, correct?

11 A Correct.

12 Q That's because things like those
13 photographs will be used in court like this, correct?

14 A Correct.

15 Q And they might also be used for people
16 to review for the purpose of investigation, right?

17 A That's correct.

18 Q So it's important that those photographs
19 be clear?

20 A Correct.

21 Q And you received special training to do
22 that?

23 A Correct.

24 Q Now, besides photographic training, you

1 learn how to recognize potential evidence, correct?

2 A I believe so.

3 Q One of the things we just talked about
4 was a red stain and what you've referred to as both
5 the playroom and the north bedroom on the first floor
6 in this case, correct?

7 A Correct.

8 Q Your training told you that that
9 probably wasn't blood, right?

10 A In the north bedroom?

11 Q Right.

12 A I didn't believe it to be blood.

13 Q But you didn't just consider your
14 training good enough. You took that piece of
15 evidence, correct?

16 A Correct.

17 Q And even though you did first time
18 testing there on the scene, you took it so that it
19 might be tested later if that was necessary, correct?

20 A Correct.

21 Q In this case there was a point at which
22 you wanted to look for blood evidence?

23 A Yes.

24 Q And you told us to look again for blood

1 evidence, because you found blood evidence on
2 October 24, 2008, correct?

3 A Near both bodies.

4 Q You found it near Ms. Donerson?

5 A Correct.

6 Q And on Ms. Donerson?

7 A Correct.

8 Q And you found it near Mr. Hudson and on
9 Mr. Hudson?

10 A That's correct.

11 Q But you were looking at the north
12 bedroom for any blood evidence dealing with Julian
13 King?

14 A That would be correct.

15 Q Because you had come to know that Julian
16 King had spent quite a bit of time in that room; that
17 that was a location that was his room?

18 A They told me, probably the sergeant, I
19 can't tell you exactly who, there were different
20 people discussing things, that that belonged to the
21 little boy.

22 Q So that's where you focused looking for
23 blood evidence on October 29th?

24 A Correct.

1 Q And you found none?

2 A Correct.

3 Q Besides looking for blood evidence
4 you're also taught how to preserve other evidence,
5 correct?

6 A Correct.

7 Q In this case you preserved a lot of
8 different firearms evidence, correct?

9 A Correct.

10 Q And you preserved that firearm evidence
11 on the front steps of the house?

12 A Yes.

13 Q And you took photos of where that was?

14 A Yes.

15 Q And you were wearing gloves and
16 protective covering?

17 A Yes.

18 Q And the reason you wear gloves and
19 protective covering when you recover evidence is so
20 that you don't taint any evidence that might already
21 be on an object, correct?

22 A Correct.

23 Q And that's how you're taught to do it as
24 an evidence technician?

1 A Correct.

2 Q Let me also say this. An evidence
3 technician, that's not where you ended your career.
4 You became a forensic investigator?

5 A Correct.

6 Q That's even more training than to become
7 an evidence technician?

8 A That's correct.

9 Q And that's the people who deal with the
10 most serious crimes, correct?

11 A Correct.

12 Q And the ones that are likely to have the
13 most forensic evidence that might need to be
14 preserved?

15 A Correct.

16 Q And you received that kind of training
17 at least four years before this scene, correct, this
18 crime scene on Yale?

19 A Three.

20 Q So you had been practicing as a forensic
21 investigator for three years before you went to the
22 crime scene on Yale?

23 A Correct.

24 Q Before that you had worked as an

1 evidence technician doing the same kind of collection,
2 but not necessarily at a murder scene?

3 A It could be, though.

4 Q You could even do it at a murder scene
5 as an evidence technician?

6 A Yes.

7 Q And in this case, this scene was so
8 large that you had other people coming to help you
9 preserve the scene?

10 A It was broken down to a team concept by
11 the sergeant and the detectives.

12 Q And you had some assignments on the day
13 that you went to the house?

14 A Yes.

15 Q Some other forensic investigators had
16 other assignments?

17 A That's correct.

18 Q And other technicians also helped in
19 other assignments?

20 A That's correct.

21 Q The photographs that were taken here,
22 they were taken by a Susan Wolverton who was a
23 forensic investigator?

24 A That's correct.

1 Q But you were able to see the scene on
2 the day that you went out there, correct?

3 A Most everything, yes.

4 Q Before any photographs were taken
5 Ms. Wolverton and you spoke to the detective that had
6 been on the scene before you arrived, right?

7 A That's correct.

8 Q As you went through the scene you said
9 that the first thing that you did was take overall
10 photographs?

11 A That would be what my partner did.

12 Q What Investigator Wolverton did. But
13 you viewed the scene before.

14 A I viewed the scene before.

15 Q And then things were sometimes moved in
16 this house, correct?

17 A Well, yeah. During the processing of
18 the scene, yes.

19 Q There were a lot of things that were
20 covering some of the floor area of this house,
21 correct?

22 A Correct.

23 Q And your focus you said, because of
24 where the bodies were, was the first floor of the

1 house, right?

2 A That's correct.

3 Q And there were a lot of things all over
4 the first floor of the house, correct?

5 A That's correct.

6 Q In all the different rooms?

7 A That's correct.

8 Q And you would preserve what you could
9 without moving things, but if you had to move things
10 you would, to recover objects, correct?

11 A That's correct.

12 Q You would look through things if you
13 needed to recover objects, correct?

14 A Correct.

15 Q For instance, you showed a picture of
16 yourself holding up the comforter. That comforter had
17 been on top of Mr. Hudson at one point or he had been
18 inside of it, in a way?

19 A In a way. It was around his legs.

20 Q In order to find the fired evidence you
21 moved that so that you could find the fired evidence,
22 correct?

23 A That was after his body was removed,
24 yes.

1 Q And during your entire investigation in
2 this house you recovered several different items,
3 correct?

4 A Correct.

5 Q What time did you get to the house that
6 day?

7 A 3:57 p.m.

8 Q And you remember that because you
9 detailed the time that you arrive?

10 A Yes. And I studied the report.

11 Q And it's important to know when you get
12 there and how long it takes to process things?

13 A Correct.

14 Q And when did you finish processing that
15 house?

16 A Well, we were told that it was enough
17 for that day at 10:55 at night. We were pretty much
18 done for that day.

19 Q So you spent from 3:57 until a little
20 before 11:00 o'clock?

21 A 11:00 o'clock at night.

22 Q So you spent eight hours at the house?

23 A Is that eight? Seven. Seven hours.

24 Q Seven hours at the house?

1 A Yes.

2 Q And after you collected these items, and
3 you collected each of these items, either you or
4 another forensic investigator?

5 A Most of those I was pretty much
6 collected, I think I pretty much collected all the
7 pieces.

8 Q So the ones that you identified today,
9 your recollection is that you were the one who
10 recovered them?

11 A Correct.

12 Q And that would be consistent. That
13 might be an assignment that you have where
14 Investigator Wolverton was taking photographs?

15 A That's correct.

16 Q So what you did when you took those was
17 that you meticulously placed them in something to
18 preserve them, like the bullet envelopes, correct?

19 A That's correct.

20 Q And then you transported them to the
21 police station, correct?

22 A Our crime lab, yeah. Our office.

23 Q When you transport them to the crime lab
24 were they already sealed or did you seal them when you

1 got to the crime lab?

2 A They weren't sealed. They were in a
3 bag. We keep them in our possession until we get
4 there, locked in our truck. We have an evidence
5 compartment in our truck that we put everything in as
6 we collect it.

7 Q So you have a particular part of your
8 truck that's specifically made to preserve the
9 evidence and the chain of custody to get it from the
10 crime scene to the crime lab?

11 A Well, the back of the truck is locked.
12 It's similar to an ambulance. It's a large ambulance.
13 In fact, that's what they order these, they could be
14 ambulances and then they have all the compartments in
15 there. If it's a big object we use the inside of the
16 compartment anywhere to put it. Small stuff, to keep
17 track of it so it don't get lost, you put it in a
18 compartment, one of the side compartments. But there
19 also could be stuff, not in this particular case, you
20 know, set inside the truck, the body of the truck.

21 Q You took those items from the house to?

22 A The truck, and locked the truck.

23 Q Once they were in the truck where did
24 you take them?

1 A Well, then we take them to the crime lab
2 for inventory.

3 Q When you got to the crime lab it was
4 what time of the day?

5 A Well, I didn't document when I exactly
6 arrived, but I would say 11:30 at night.

7 Q So after 11:30 at night did you then
8 inventory all of the items that were recovered?

9 A Yep.

10 Q And you did that before you left the
11 police station, correct?

12 A Yes.

13 Q And it's part of your general orders
14 that you inventory items as soon as is possible,
15 correct?

16 A I never read the order, but that's what
17 we do.

18 Q And you do it so that the evidence is
19 preserved?

20 A Correct. The evidence was sealed with
21 evidence tape and put away before we left.

22 Q So before you even inventoried it you
23 had another process where you sealed and did the tape?

24 A Initial the back of the crime scene

1 tape.

2 Q And then you inventoried each of those
3 items?

4 A Evidence tape. I get mixed up.
5 Evidence tape I initial.

6 Q On each of those items you did that
7 process?

8 A Correct.

9 Q And you did that process that night?

10 A Oh, yes.

11 Q And before you left the police station?

12 A Correct.

13 Q And then you inventoried each one of
14 those items?

15 A Well, we inventory them then we secure
16 them in an upstairs locked room.

17 Q Before you left that night everything
18 was in its proper place with an inventory number and
19 in the locker?

20 A All of these items were, yes.

21 Q And everything that was recovered by you
22 and your team at the Yale house?

23 A Yes. That would be both days, also.

24 Q And the other day on October 29th you

1 did the exact same process?

2 A Yes.

3 Q I'm showing you an inventory sheet
4 that's inventory 11478880. I'm marking this as
5 Defense Exhibit Number 1. This is a copy of an
6 inventory sheet, correct?

7 A Okay. Correct.

8 Q And on the top of the inventory sheet
9 there is a bar code?

10 A Correct.

11 Q There is actually another bar code to
12 the left of the first one?

13 A Yes.

14 Q A bar code, the kind of thing like a UPC
15 label?

16 A There are two different ones. I believe
17 this bar code is for the inventory. These are the
18 inventory numbers. This here, the package number, I'm
19 not sure exactly what that is. I believe that's our
20 evidence coordinator that collects all this to forward
21 to the lab. That's her numbers. I don't have
22 anything to do with those.

23 Q But the bar code that's to the left at
24 the top of the sheet?

1 A I believe that's the inventory bar code.
2 If I scanned it, that should come up.

3 Q So if you scanned that bar code the
4 inventory number should come up?

5 A Yes.

6 Q And some of the information on there is
7 who recovered the property?

8 A Correct.

9 Q In this case it's the casing at marker
10 Number 11, correct?

11 A That's correct.

12 Q And that information is documented at
13 the top, on the line describing the property, correct?

14 A Marker 11, yes, cartridge case.

15 Q And this is a truly and accurately copy
16 of what that inventory looked like, correct?

17 A Yes. There is Susan's -- the reason her
18 name is first is she actually did the computer work.
19 I was probably packaging it and I was the reporter
20 officer for that day. So there is my name, I was the
21 second officer.

22 Q And the date that this is approved by
23 your sergeant is also on there, correct?

24 A Yes.

1 Q And that would be October 25th at
2 3:53 in the morning, right?

3 A Correct.

4 Q Mr. Fanelli, of all of the things that
5 you inventoried at the house at 70th and Yale, you
6 didn't inventory any money, right?

7 A No.

8 Q You did inventory that ID that was found
9 under Jason Hudson's bed, correct?

10 A No.

11 Q Was it recovered at all?

12 A Not that I know of.

13 Q Would it help you to -- is your memory
14 exhausted or is it your understanding that it wasn't
15 inventoried?

16 A Well, I didn't inventory it.

17 Q You did take a photograph of it?

18 A Right. That was just to establish that
19 the person in bed was Jason Hudson, according to that
20 identification.

21 Q You took a photograph of that and then
22 you moved it and took another photograph, correct?

23 A Correct.

24 Q And that was to establish the identity

1 of Mr. Hudson?

2 A That's correct.

3 Q That was found directly under the bed of
4 Mr. Hudson, right?

5 A That's correct.

6 Q The bed where he was found murdered?

7 A That's correct.

8 Q And there was no wallet with that ID,
9 that license, was there?

10 A No.

11 Q To your recollection, no wallet for
12 Mr. Hudson was recovered?

13 A That's correct.

14 Q To your recollection no money was
15 recovered from the bedroom of Jason Hudson?

16 A That's correct.

17 Q And there was no money recovered from
18 the entire first floor of that house, correct?

19 A Not by us. Not on that day, no.

20 Q And you were the forensic investigators
21 in charge of recovering evidence at that scene,
22 correct?

23 A Correct.

24 Q There was no illegal narcotics recovered

1 inside that house either, was there?

2 A I saw no evidence of any narcotics or
3 narcotics paraphernalia in that house.

4 Q So as you looked through that house
5 there was nothing, no scales?

6 A No.

7 Q No drugs?

8 A No.

9 Q Nothing recovered of any drug business?

10 A That's correct.

11 MS. THOMPSON: Nothing further, Judge.

12 THE COURT: Any redirect?

13 MS. BAGBY: If we could have just a moment.

14 (Brief pause.)

15 REDIRECT EXAMINATION

16 BY

17 MS. BAGBY:

18 Q Counsel asked you questions about
19 whether or not you had recovered any money from the
20 house.

21 A That's correct, she asked me.

22 Q You explained and described to the
23 ladies and gentlemen of the jury about the water jug
24 full of money that was on the front porch when you

1 entered the residence?

2 A Correct.

3 Q Did you recover or inventory that when
4 you were at the scene that night?

5 A No, we did not.

6 Q And you described in the photographs the
7 purse that you later learned belonged to Darnell
8 Donerson that was upstairs in her bedroom?

9 A That's correct.

10 Q Did you recover or inventory that?

11 A The purse? No.

12 Q And there was a television set in
13 Ms. Donerson's bedroom that was on and depicted in the
14 photographs. Did you recover and inventory that?

15 A No.

16 MS. THOMPSON: Objection, your Honor.

17 THE COURT: Sustained.

18 MS. BAGBY: I have no further questions.

19 MS. THOMPSON: One question, Judge.

20 THE COURT: Go ahead.

21 RECROSS-EXAMINATION

22 BY

23 MS. THOMPSON:

24 Q The jug of coins on the front porch,

1 that was a jug of coins, right?

2 A That's correct.

3 Q There was no folding money in there?

4 A No.

5 MS. THOMPSON: Nothing further.

6 THE COURT: Nothing?

7 MS. BAGBY: No, Judge. No questions.

8 THE COURT: You can step down.

9 THE WITNESS: Am I excused, your Honor?

10 THE COURT: Yes, you are.

11 THE WITNESS: Thank you.

12 (Whereupon, the witness was excused.)

13 THE COURT: I assume we're done for the day; is
14 that correct?

15 MS. BAGBY: We have more witnesses.

16 THE COURT: Let me talk to you over here for a
17 minute.

18 (Whereupon, a sidebar conference
19 was had outside the hearing of the
20 jury and the court reporter.)

21 THE COURT: We're going to put on one more
22 witness.

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(Witness duly sworn.)

KEVIN BARRY,

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

DIRECT EXAMINATION

BY

MS. GAMBINO:

Q Please tell us your full name.

A Sergeant Kevin Barry, Chicago Police Department, Star 1816.

Q How do you spell your last name?

A B-a-r-r-y.

Q How long have you worked for the Chicago Police Department?

A 12 years.

Q You said you are a sergeant now?

A Yes.

Q Where are you assigned?

A Area South Detective Division.

Q In 2008, specifically in October of 2008 where were you assigned?

A I was assigned to Special Victims Unit out of Area 1 as a detective.

1 Q What is the Special Victims Unit?

2 A We're assigned domestic violence cases,
3 missing persons cases and child abuse cases.

4 Q And you had a different star number when
5 you were a detective, correct?

6 A Yes.

7 Q What was your star number then?

8 A 20671.

9 Q On October 24, 2008, did you get
10 involved in a missing persons case?

11 A Yes.

12 Q What hours were you working that day?

13 A 5:00 o'clock at night until 1:00 o'clock
14 in the morning.

15 Q About what time did you become involved
16 in this case?

17 A As soon as I got in at 5:00 o'clock.

18 Q Who did you meet with as soon as you got
19 in?

20 A My sergeant, Nancy Higgins.

21 Q What information were you given by
22 Sergeant Higgins?

23 A Everything about the case up to that
24 point from that morning of a missing person, Julian

1 King, the progress.

2 Q What was your assignment?

3 A To follow-up. I was assigned as the
4 lead detective on the missing person case to document
5 all the steps we were taking to locate him.

6 Q What kind of information did you need to
7 try and put out an Amber alert for this child?

8 A For the Amber alert the information
9 that's needed is any vehicle information, the
10 description of the missing person themselves and
11 circumstances surrounding their disappearance.

12 Q Did you gather that information?

13 A Yes.

14 Q How did you gather that information?
15 From whom did it come?

16 A The detectives from the second watch,
17 everything was kind of given to me, and from the
18 detectives working in the Homicide Unit.

19 Q You mentioned vehicle information. In
20 this particular case the missing person of Julian
21 King, what vehicle information were you alerting
22 people about?

23 A A Chevy Suburban, white in color.

24 Q Was a license number given?

1 A Yes.

2 Q Do you remember what that license number
3 is at this point?

4 A No, I don't.

5 Q Is there anything that would refresh
6 your memory?

7 A Yes.

8 Q What would refresh your memory?

9 A The Amber alert or the LEADS printout.

10 Q If I could have just a moment.

11 (Brief pause.)

12 I'm just going to move on at this point.

13 What other information did you gather to be
14 disseminated?

15 A In regard to the alert?

16 Q Yes. Particularly what information
17 about the child did you disseminate?

18 A A picture of him, a height, weight
19 description, clothing description.

20 Q When you do this, where does this
21 information go?

22 A It goes to the Illinois State Police.
23 They're in charge of the Amber alert system.

24 Q Are there photos of the child attached

1 to the actual Amber alert?

2 A I believe on their website there is a
3 picture available.

4 Q With a description of the child?

5 A Yes.

6 Q A description of the truck?

7 A Yes.

8 Q And was there any other information in
9 this Amber alert?

10 A No. That's the primary.

11 Q Are you the person who actually
12 distributes the Amber alert?

13 A No.

14 Q Who does that?

15 A A commander of the Youth Investigation
16 Division through the Chicago Police Department has to
17 have it forwarded through the Illinois State Police
18 and they actually issue the alert.

19 Q In this particular case if information
20 is known about a person of interest connected to the
21 missing person, is that included in the alert?

22 A Yes.

23 Q In this particular case was there a
24 person of interest?

1 A Yes.

2 Q Who is that?

3 A William Balfour.

4 Q Was information about William Balfour
5 included in the Amber alert?

6 A Yes.

7 MS. GAMBINO: Thank you. I don't have any
8 other questions.

9 THE COURT: Cross.

10 CROSS-EXAMINATION

11 BY

12 MS. BROWN:

13 Q The information about -- well, you
14 gathered the information for the Amber alert when you
15 were at work on October 24th; is that correct?

16 A Yes.

17 Q And you disseminated it, you passed that
18 information on to your commander; is that correct?

19 A Yes.

20 Q And the Amber alert went out that night
21 on October 24th; is that correct?

22 A Yes.

23 Q As soon as possible it went out; is that
24 correct?

1 A Yes.

2 Q Included in the Amber alert was the
3 information about Julian King, right?

4 A Correct.

5 Q Also included was the information about
6 the vehicle that was being looked for; is that
7 correct?

8 A Yes.

9 Q And that was a white SUV suburban; is
10 that correct?

11 A Yes.

12 Q Along with a license plate of that SUV
13 that was being looked for; is that correct?

14 A Yes.

15 MS. BROWN: I have nothing further.

16 THE COURT: State, any redirect?

17 MS. GAMBINO: No.

18 THE COURT: Okay. Thank you, Sergeant. You
19 may step down. Please do not discuss your testimony
20 with anyone who may testify in this matter.

21 (Whereupon, the witness was excused.)

22 Ladies and gentlemen it's a couple
23 minutes before 6:00, so we're going to break for the
24 day. We're going to start back up at 10:30 again, and

1 I'm going to do better tomorrow. I promise. There
2 are other matters that required my attention unrelated
3 to this case. I'll put all the blame on me on this
4 one, but we will start closer to the start time.

5 I want to start again at 10:30 tomorrow.
6 Obviously arrangements are made with you as to how you
7 get into the building. Hopefully that's working out
8 okay. I do want to read the admonishment, the longer
9 admonishment that I gave you yesterday, and you're
10 going to hear this from me at the end of everyday. I
11 know you remember it, but I just have to do this for
12 the record.

13 Do not discuss the case with anyone, not
14 your own family, your friends, or among yourselves.
15 That includes by cell phone, through e-mail
16 Blackberry, iPhone, text messaging, or on Twitter,
17 through any blog or website, through any internet chat
18 room, or by way of any other social networking
19 websites, including Facebook, MySpace, LinkedIn and
20 YouTube.

21 Do not let anyone, including your fellow
22 jurors, discuss the case with you until you retire to
23 the jury room to deliberate. If anyone has spoken to
24 you or should speak to you about this case or tries to

1 influence you, directly or indirectly, it is your
2 legal duty to report it to the court immediately.

3 You are not to read or listen to any
4 outside comments or past, present, or future news
5 accounts of this trial.

6 Finally, do not view, either personally
7 or electronically, or go to the place where the
8 offense was allegedly committed or any other location
9 indicated during the trial testimony.

10 You should consider this an order of
11 court, and any attempt to violate it should be
12 reported at once.

13 Again, if you want to bring your own
14 lunch, that's fine. I guess we're doing pretty well
15 feeding you so far, but feel free to do that, if you
16 desire. With that being said, be careful going home
17 and we'll see you back here, hopefully we'll start at
18 10:30.

19
20 (Which were all the proceedings
21 had at the hearing of the
22 above-entitled cause. Case
23 continued to 4-25-12.)

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STATE OF ILLINOIS)
)
COUNTY OF COOK) SS:

I, NANCY MUSCOLINO, CSR/RPR, an
Official Court Reporter of the Circuit Court of Cook
County, County Department-Criminal Division, do hereby
certify that I reported in shorthand the proceedings
had in the above-entitled cause, that I thereafter
caused the foregoing to be transcribed into
typewriting, which I hereby certify to be a true and
accurate transcript of the proceedings had before the
Honorable CHARLES P. BURNS, Judge of said Court.

Official Court Reporter of the
Circuit Court of Cook County
CSR #084-001532