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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 vs.) No. 08 CR 846
) Judge Joan Humphrey Lefkow
 JON BURGE)

NOTICE OF PAPER FILING

Pursuant to this court's General Order on Electronic Case Filing, No. 09-014, Section VII(C), and by agreement with the government, the transcript in support of Defendant's Motion *In Limine* Regarding Prior Testimony Of Andrew Wilson is being filed on paper because the transcript is voluminous and contains highlighted text that cannot be reduced to an electronic format.

CERTIFICATE OF SERVICE

I, Marc W. Martin, an attorney, certify that above-mentioned transcript has been hand delivered on the 11th day of May, 2010 to the United States Attorney's Office, 219 S. Dearborn, Fifth Floor, Chicago, Illinois, 60604.

Respectfully submitted,

/s/ Marc W. Martin

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2856

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

3	ANDREW WILSON,)	
4)	
	Plaintiff,)	
5)	
	vs.)	
6	CITY OF CHICAGO, RICHARD)	No. 86 C 2360
7	BRZECZEK, JON BURGE, PATRICK)	9:30 o'clock a.m.
	O'HARA and JOHN YUCAITIS,)	July 7, 1989
8)	
	Defendants.)	Chicago, Illinois
9)	

VOLUME 38
REPORT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN BARNETT DUFF

APPEARANCES:

13	For The Plaintiff:	PEOPLES LAW OFFICE
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		Chicago, Illinois 60604
15		By: Mr. John L. Stainthorp
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		Chicago, Illinois 60606
23		By: Mr. William J. Kunkle, Jr.
		Mr. Jeffrey Rubin
24		Mr. Christopher Gustafson

SP 000392

Wilson - Direct

2911

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THE COURT: Please swear the witness.

ANDREW WILSON, PLAINTIFF'S WITNESS, SWORN

Direct Examination

BY MR. STAINTHORP:

Q Will you please state your name.

A Andrew Wilson.

Q Mr. Wilson, you are the plaintiff in this matter, is that correct?

A Yes.

Q And where do you currently live?

A Pontiac.

Q And is that in Pontiac prison?

A Yes.

Q And that is in Illinois, is that correct?

A Yes.

Q Okay. And how long have you been living in Pontiac?

A Almost a year now.

Q Okay. And you are serving a term of imprisonment at Pontiac, is that correct?

A Yes.

Q And what is that term of imprisonment?

A Natural life.

Q Okay. And is that pursuant to a conviction in 1988?

A Yes.

SP 000447

Wilson - Direct

2912

- 1 Q All right. And what were you convicted of in 1988?
- 2 A Murder.
- 3 Q And was that the murder of two police officers?
- 4 A Yes.
- 5 Q And you were also, I believe, at the same time convicted of
- 6 armed robbery of the two police officers, is that correct?
- 7 A Yes.
- 8 Q And that's Officers Fahey and O'Brien, is that correct?
- 9 A Yes.
- 10 Q And the incident for which you were convicted occurred back
- 11 in 1982, is that correct?
- 12 A Yes.
- 13 Q And, more specifically, February the 9th of 1982, is that
- 14 correct?
- 15 A Yes, I guess.
- 16 Q Now, Mr. Wilson, where did you grow up?
- 17 A Chicago.
- 18 Q I'm sorry?
- 19 A In Chicago.
- 20 Q And did you attend school in Chicago?
- 21 A Yes.
- 22 Q Did you go to high school?
- 23 A No.
- 24 Q What's the highest grade of education that you completed in
- 25 the Chicago public school system?

SP 000448

Wilson - Direct

2913

- 1 A I don't know.
- 2 Q Are you able to read?
- 3 A No.
- 4 Q And at any time of your life have you been able to read?
- 5 A No.
- 6 Q Are you able to read your name?
- 7 A Yes.
- 8 Q Are you able to write?
- 9 A What I know how, yes.
- 10 Q I'm sorry. What you know how?
- 11 A Yes.
- 12 Q What you know how to write?
- 13 A The words that I know.
- 14 Q And what words are those?
- 15 A Not that many.
- 16 Q Do you know how many words that is?
- 17 A No.
- 18 Q Can you write your name?
- 19 A Yes.
- 20 Q Can you tell me any other words that you know how to write
- 21 besides your name?
- 22 A Well, minor stuff.
- 23 Q Minor stuff?
- 24 A Yes.
- 25 Q And at any time in your life have you been able to write

SP 000449

Wilson - Direct

2914

1 more than minor stuff?

2 A No.

3 Q Mr. Wilson, in 1975 you were convicted of two armed
4 robberies, is that correct?

5 A Yes.

6 Q And as a result of those two convictions you were sentenced
7 to the Illinois Department of Corrections, is that correct?

8 A Yes.

9 Q And you received -- what was the sentence you received at
10 that point?

11 A Eight to sixteen.

12 Q Eight to sixteen years?

13 A Yes.

14 Q And you did, in fact, serve time in the Illinois Department
15 of Corrections as a result of those convictions, is that
16 correct?

17 A Yes.

18 Q Mr. Wilson, I'm going to call your attention to February
19 the 14th of 1982 and ask you where you were in the early
20 morning hours of that day?

21 A In a basement.

22 Q And where was the basement?

23 A I don't know.

24 Q Was it in Chicago?

25 A Yes.

SP 000450

Wilson - Direct

2915

1 Q And do you know what area of Chicago it was?

2 A No.

3 Q In the early morning hours of February the 14th, 1982 were
4 you awoken?

5 A Yes.

6 Q Okay. And what woke you up?

7 A Police car.

8 Q At the time that you were awoken by the police car, how
9 were you dressed?

10 A In my underwear.

11 Q And when you were awoken by the police car, what did you do
12 at that point?

13 A I raised up, looked out the window and it was a brown plain
14 clothes car out there.

15 Q And were there any police officers?

16 A One officer.

17 Q At that point what did do?

18 A Got up and put my pants on.

19 Q And at the point that you put your pants on, did you have
20 any other clothes on besides your pants and your underwear?

21 A No.

22 Q Now, when you put your pants on, were the lights on or off
23 in the apartment?

24 A On.

25 Q And what was the lighting condition in the apartment?

SP 000451

Wilson - Direct

2916

1 A It was good.

2 Q What happened next?

3 A They was breaking in. The police was breaking in
4 downstairs.

5 Q Okay. You heard a noise, is that correct?

6 A Yes.

7 Q All right. And then at some point did the police come to
8 the door of the apartment where you were?

9 A Well, they was going upstairs, then they came downstairs.

10 Q Okay. Did they come to the door?

11 A Yeah.

12 Q And describe the door to that apartment.

13 A It's a wooden door, had burglar bars on it.

14 Q Were the burglar bars a separate part?

15 A Yes.

16 Q A separate door, right?

17 A Two, two --

18 Q One burglar bars and one solid door, is that correct?

19 A Yes.

20 Q Now, did the police come to the door?

21 A Yes.

22 Q And what happened next?

23 A The dude -- the person that I was staying in the apartment
24 with, he came -- he was already out the room. He opened the
25 door, but they couldn't get in. I was still sitting on the

SP 000452

WIL_PBT_009A-03653

Wilson - Direct

2917

1 couch, but they could see me.

2 Q Now, you say he opened the door, is that correct?

3 A Yeah.

4 ~~Q You are referring to the solid door?~~

5 ~~A Yeah.~~

6 ~~MR. KUNKLE: Objection to the leading, your Honor.~~

7 ~~THE COURT: Sustained.~~

8 BY MR. STAINTHORP:

9 Q Which door are you referring to when he say he opened the
10 door?

11 A The wooden door.

12 Q Excuse me?

13 A The wooden door.

14 Q Now, at the time that the wooden door was opened, where
15 were you?

16 A Still sitting on the couch.

17 Q And at that point could you see who was behind the burglar
18 bars?

19 A A bunch of polices.

20 Q And did the police who were behind the burglar bars say
21 anything to you at that point?

22 A One of them told me to get up. I got up and went over
23 there and put my hands on --

24 Q When you -- I'm sorry. When you were sitting on the couch,
25 how far away from the police at the burglar bars were you?

SP 000453

Wilson - Direct

2918

1 A How far was I?

2 Q Yes. How far away from the police were you?

3 A I don't know. Not that far.

4 Q Well, were you further or closer than the distance I'm
5 standing from you right now?

6 A Probably right where you at.

7 MR. STAINTHORP: Okay. The record should indicate
8 that I'm, approximately, 20 feet from Mr. Wilson.

9 THE COURT: Twenty-seven maybe.

10 ~~MR. STAINTHORP: Twenty-seven?~~

11 ~~THE COURT: Mr. Kunkle? Ms. Murphy?~~

12 MR. KUNKLE: Twenty to twenty-seven is all right.

13 ~~MR. MCCARTHY: That's fine, your Honor.~~

14 BY MR. STAINTHORP:

15 Q At the time that you were seated on the couch and the
16 police officers were behind the burglar bars, what were the
17 lighting conditions at that time?

18 A Run over that again. I didn't understand that.

19 Q You don't understand that.

20 A What did you say?

21 Q At that time that you were sitting on the couch, were there
22 any lights on in the apartment?

23 A Yeah.

24 Q Were you able to see the police officers?

25 A Yes.

SP 000454

Wilson - Direct

2919

1 Q And, to the best of your knowledge, were the police
2 officers able to see you?

3 A Yeah, they could see.

4 Q And then you say a police officer told you to walk over?

5 A Yeah.

6 Q All right. And did you do that?

7 A Yes.

8 Q When you walked over, what portion of your body was facing
9 the police officers?

10 A My chest, my front.

11 Q And how were you dressed at that time?

12 A Just my pants on.

13 Q Did you have anything covering your chest?

14 A No.

15 Q When you walked over towards the burglar bars, what did you
16 do then?

17 A Put my hands on the wall.

18 Q Okay. Was that pursuant to their instructions to you?

19 A I don't know if they told me to do it or not. More than
20 likely, they did.

21 Q Now, you say you put your hands on the wall?

22 A Yes.

23 ~~Q Was this above your head, putting them above your head
24 against the wall?~~

25 ~~A Just putting them on the wall.~~

SP 000455

Wilson - Direct

2920

1 ~~MR. KUNKLE: Objection. Leading, your Honor.~~

2 BY MR. STAINTHORP:

3 Q ~~Just tell me how you put your hands against the wall.~~

4 ~~THE COURT: Don't lead the witness.~~

5 BY THE WITNESS:

6 A Just put my hands up on the wall.

7 BY MR. STAINTHORP:

8 Q At the time that you had your hands against the wall, how
9 far were you from the burglar bars?

10 A Just right in back of me.

11 Q Okay. Do you have any estimate in terms of distance?

12 A I was standing -- say, I was standing here (indicating),
13 and the door is probably where that -- this thing, maybe a
14 little further back.

15 THE COURT: Where what is?

16 THE WITNESS: I'm standing here (indicating) --

17 BY MR. STAINTHORP:

18 Q You are saying if you were standing at the bar of the
19 witness box, the door would be where?

20 A Maybe a little further back.

21 Q (Indicating.)

22 A Not that much.

23 Q (Indicating.)

24 A Hold it. That about do it.

25 Q About where I'm standing now?

SP 000456

Wilson - Direct

2921

1 A Yes, perhaps where.

2 Q Indicating perhaps eight, nine feet?

3 A Maybe a little farther.

4 Q Okay. Now, long were you standing there, do you know?

5 A No.

6 Q Well, was it a long time, short time?

7 A It wasn't that long.

8 Q And what happened next?

9 A They wanted the keys to the bars.

10 Q Okay. And do you know who had the keys to the burglar
11 bars?

12 A The party I was with, the dude was standing next to me, his
13 lady came out with the keys.

14 Q Okay. Do you know if -- had the police officers made any
15 attempts to open the burglar bars before?

16 A They was -- they was sending for some bolt cutters, but she
17 came out with the keys.

18 Q All right. And what happened next?

19 A She came out with the keys. She was, you know, real
20 scared. She handed them the keys and ran back to her room.

21 Q Okay. Were the burglar bars then opened?

22 A Yes.

23 Q And what happened next?

24 A They all came in.

25 Q All right. And what happened to you at that point?

SP 000457

Wilson - Direct

2922

1 A One grabbed one arm and one grabbed the other arm and they
2 pushed me back around the corner -- well, they walked me back
3 around the corner.

4 Q ~~And you subsequently were handcuffed, is that correct?~~

5 ~~MR. KUNKLE: Objection. Leading.~~

6 ~~THE COURT: Sustained.~~

7 BY MR. STAINTHORP:

8 Q Well, after they grabbed you and brought you around the
9 wall, what happened next?

10 A Then they reached their hands in my pocket, pulled
11 everything out and threw me down to the floor.

12 Q Okay. And after you were thrown to the floor, what
13 happened to your hands?

14 A They handcuffed me.

15 Q And this was -- do you know who handcuffed you?

16 A No, not right offhand.

17 Q Do you know how long you stayed on the floor?

18 A Not long.

19 Q Now, at the time that you were on the floor, how were you
20 dressed?

21 A Just my pants still.

22 Q And after you had been on the floor for this time that you
23 say was not long, what happened next?

24 A They pulled me -- they got me up.

25 Q And what happened next?

SP 000458

Wilson - Direct

2923

1 A They was getting ready to take my out, but I had no clothes
2 on -- or without my jacket and my shoes on.

3 Q You say they were getting ready to take you out?

4 A Yeah.

5 Q What do you mean by that?

6 A Take me out to the car.

7 Q How long were you standing there before they were going to
8 take you out?

9 A Not that long. They got me up --

10 Q I'm sorry?

11 A They got me up and they was getting ready to walk me out
12 and somebody said -- that's right. Somebody said, "No." And
13 so one of them got my jacket and put it over me and zipped it
14 up, and another one got the shoes and put them on me.

15 Q Now, at the time before they put the jacket on and the
16 shoes on and they were getting ready to take you out, what were
17 you doing at that time?

18 A Just standing there.

19 Q And was any -- where were the various police officers that
20 had come in and arrested you at that time?

21 A They were all over the -- walking all over the place.

22 Q Well, were there any in your vicinity?

23 A The ones that, when they first came in, the first two that
24 grabbed me.

25 Q At that time that you were standing there with your hands

SP 000459

Wilson - Direct

2924

1 cuffed behind your back, was anyone holding you?

2 A Yeah. The two who was with me, the two when they first
3 came in; same two.

4 Q And at the time that you were standing there with your
5 hands behind your back and the officers holding you, how were
6 you dressed?

7 A Nothing. My pants on.

8 Q Okay. Did you have anything covering your chest at that
9 time?

10 A No.

11 Q And at that time what was the lighting in the apartment?

12 A It was still the same, good.

13 Q At that time as you were standing there with your hands
14 behind your back, what was the condition of your chest?

15 A There was nothing wrong with it.

16 Q And at that time as you were standing there, what was the
17 condition of your head and face?

18 A There was nothing wrong.

19 Q And, again, at that time what was the condition of your
20 right leg?

21 A They didn't throw me down to hurt me. There was nothing
22 wrong with me when they brought me up. I wasn't damaged at
23 all.

24 Q Now, you say that someone put a jacket around you, is that
25 correct?

SP 000460

Wilson - Direct

2925

1 A Yes, one of the polices.

2 Q When the jacket was put on you, were you unhandcuffed?

3 A No.

4 Q And when the jacket was put on you, were your arms put
5 through the arm holes of the jacket?

6 A No, they didn't take the cuffs off. Just threw the
7 jacket over me and zipped it up.

8 Q And do you know who it was that zipped up the jacket?

9 A No.

10 Q When the -- was it a police officer who zipped up the
11 jacket?

12 A Yeah.

13 Q The officers who came and arrested you on that morning --
14 by the way, do you know what time it was that you were
15 arrested?

16 A About four-something.

17 Q All right. Was it light or dark out?

18 A Dark.

19 ~~MR. KUNKLE: I'm sorry. I didn't hear that. Was that~~
20 ~~4:00 o'clock?~~

21 ~~MR. STAINTHORP: About 4:00 o'clock.~~

22 Q And do you know which officer zipped up the jacket?

23 A No.

24 Q When the officer zipped up the jacket, where was the
25 officer standing?

SP 000461

Wilson - Direct

2926

1 A In front of me.

2 Q And besides putting the jacket on you at that point, was
3 any other -- excuse me.

4 Besides putting the jacket and boots on you at that
5 point, was any other clothing put on you at that point?

6 A No.

7 ~~Q Now, after the jacket had been placed around you, the shoes~~
8 ~~had been placed on your feet --~~

9 ~~MR. KUNKLE: Objection. Mischaracterizes the~~
10 ~~testimony. He said boots.~~

11 ~~THE COURT: Boots, shoes.~~

12 ~~THE WITNESS: I said shoes. He said boots.~~

13 ~~MR. KUNKLE: Somebody said boots, Judge. I don't know~~
14 ~~who.~~

15 ~~THE COURT: Go ahead.~~

16 BY MR. STAINTHORP:

17 Q At the time that you were standing there after the jacket
18 had been placed on you and the shoes or boots had been placed
19 on your feet, do you know the identities of any of the officers
20 who were present in the apartment at that time?

21 A Burge.

22 Q Excuse me?

23 A Burge.

24 Q You say "Burge."

25 A Yeah.

SP 000462

Wilson - Direct

2927

1 Q Can you indicate whether or not the person who you are
2 identifying as Burge or calling Burge is present in court
3 today?

4 A Yes, he's here.

5 Q Okay. Can you describe him?

6 A That's Burge there.

7 Q Okay. The gentleman who just stood up, is that correct?

8 A Yes.

9 MR. KUNKLE: For the record, Commander Burge
10 (indicating).

11 BY MR. STAINTHORP;

12 Q Now, prior to February the 14th, 1982 had you two, to your
13 knowledge, ever met? Ever previously met Commander Burge?

14 A No.

15 Q And did you have any knowledge about Commander Burge prior
16 to February the 14th, 1982?

17 A No.

18 Q After the jacket and footwear had been placed on you, what
19 happened next?

20 A They was getting ready to take me out the door, getting
21 ready to take me to the car. As we got out the door getting
22 ready to go out the other door, Burge told them don't bother me
23 or don't mess with me; they would deal with me when they get to
24 the station.

25 Q Now, you say this was after you went out one door?

SP 000463

Wilson - Direct

2928

1 A Yeah. After we got through the first door -- after
 2 somebody told them, stop, don't take me out with nothing on.
 3 They put all the stuff on me and then they got ready -- they
 4 start taking me out.

5 After we got through one of the doors, I think before
 6 we got to the second door, that's when he spoke.

7 Q And who was he speaking to?

8 A Polices that was taking me out.

9 Q How many police were taking you out?

10 A There was a woman standing out there, the two that was with
 11 me and they had a bunch of more; a bunch of them was still in
 12 the apartment.

13 Q Do you know who the two police were who were taking you
 14 out?

15 A No.

16 ~~Q At the time that Burge said this to the police officers,~~
 17 ~~did you know what he meant?~~

18 ~~A He was going to beat me up.~~

19 ~~MR. KUNKLE: Objection.~~

20 ~~THE COURT: Sustained.~~

21 BY MR. STAINTHORP:

22 Q What did you understand when Defendant Burge said, "Don't
 23 mess with him now. We will get him at the station"?

24 A They was going to beat me up when they got me there.

25 Q And at that point did you say anything?

SP 000464

Wilson - Direct

2929

1 A No.

2 Q Did the officers who were taking you out say anything in
3 response to what Burge just said?

4 A I don't think so.

5 Q What happened next?

6 A They hustled me in the car, four of them; two in the front
7 and two in the back. I was in the middle.

8 Q And at that point were you handcuffed?

9 A Yes.

10 Q What happened then?

11 A They took me to the station.

12 Q And which station did they take you to?

13 A Area II.

14 Q Where was Area II located at that time?

15 A I don't know.

16 Q Excuse me?

17 A I don't know.

18 Q What happened when you got to the -- strike that.

19 Approximately, how long did it take to get to the police
20 station?

21 A Not long. They was speeding.

22 Q Okay. Did anything unusual happen on the way to the police
23 station?

24 A No.

25 Q Did you say anything to any of the --

SP 000465

Wilson - Direct

2930

1 A No.

2 Q (Continuing) -- detectives? Did any of the detectives say
3 anything to you?

4 A No.

5 Q What happened when you got to the police station?

6 A We got there and they hustled me up some stairways. We
7 went through a door.

8 They hustled me up some stairways and we went
9 through another door, and then they took me to an office.

10 Q Now, you say you went up a stairway?

11 A Yes.

12 Q When you got to the top of that stairway, what direction
13 did you go in?

14 A Right, and then left.

15 Q And then what did you do?

16 A They hustled me into the office.

17 Q Describe this office.

18 A It had a desk in there, a chair, a garbage can and a window
19 with a shade over it.

20 Q You said that four officers transported you from the place
21 of your arrest to the police station. Do you know the
22 identities of the -- or the identity of any of those police
23 officers?

24 A One of them was Yucaitis.

25 Q And can you describe Yucaitis?

SP 000466

Wilson - Direct

2931

1 A There he is.

2 MR. KUNKLE: For the record, Detective Yucaitis
3 (indicating).

4 BY MR. STAINTHORP:

5 Q To your knowledge, have you ever met Detective Yucaitis
6 before February the 14th, 1982?

7 A No.

8 Q And did you know anything about Detective Yucaitis before
9 February the 14th, 1982?

10 A No.

11 Q When you got to the police station, you say you went up the
12 stairs.

13 A Yes.

14 Q Did the police officers accompany you up the stairs?

15 A Yes.

16 Q Okay. And how many?

17 A All of them. The two and the other two.

18 Q All right. So you say four police officers went up the
19 stairs?

20 A There was only four of us, five with me.

21 Q And were those the same four that had been in the car?

22 A Yes.

23 Q What happened? You say you went --

24 A They hustled me --

25 Q Excuse me?

SP 000467

Wilson - Direct

2932

1 A Go ahead.

2 Q You went into an office. What happened when you went in
3 the office?

4 A We went in the office and they started beating me up.

5 Q Specifically, what do you recall happening to you in that
6 office?

7 A Knocking me down, hitting me, putting a plastic bag over my
8 head. One of them kicked me in the eye -- at least tried to
9 kick me in the eye. He glanced it. They slammed me into a
10 window. It broke. One of them burned me on my arm with a
11 cigarette.

12 Q Do you recall what the first thing was that happened to you
13 when you went into that office?

14 A He knocked me to the floor. I think that's the first
15 thing. The jacket came off. It ripped off. It didn't tear
16 up, but just -- you know, just came a part.

17 Q Now, at the time that you were taken into the room, into
18 the office, were you still handcuffed?

19 A Yes.

20 Q When you were thrown to the floor, were you still
21 handcuffed?

22 A Yes.

23 Q And when was it that the jacket came off?

24 A I think the first time they threw me to the floor.

25 Q After -- do you know who it was who threw you to the floor?

SP 000468

Wilson - Direct

2933

1 A No.

2 Q How many persons besides yourself were in that office with
3 you?

4 A With the four polices, there was some more already in
5 there. Maybe about seven. I don't know.

6 Q Do you know the identities of any of the police officers
7 who were present in that room?

8 A Other than Yucatis, no. An oldster, white hair, thick
9 glasses; big young cocky stud, clean cut. That's the one that
10 tried to kick me. He had some brown boots on. One of the
11 other ones was in the car. He was kind of fat.

12 Q After you were thrown to the floor and your jacket came
13 off, do you know what happened to you next?

14 A They was hitting on me.

15 Q And how were they hitting on you?

16 A Their fists. They wasn't hitting me in the face. They
17 wasn't hitting me. They was hitting me in the body, maybe
18 slapping, kicking.

19 They grabbed me up and they knocked me back down. One
20 of them grabbed a garbage bag out of the garbage can, put it
21 over my head. I bit a hole through it. I got -- started
22 panicking 'cause of the bag over my head, bit a hole through
23 it.

24 Q All right. Do you know who it was who placed a garbage bag
25 over your head?

SP 000469

24

WIL_PBT_009A-03670

Wilson - Direct

2934

- 1 A Un-uh. One of them.
- 2 Q And what kind of garbage bag was this?
- 3 A I think it was black.
- 4 Q Do you know what it was made of?
- 5 A Plastic.
- 6 Q Okay. And when the bag was placed over your head, what
- 7 effect did that have on you?
- 8 A I started panicking. I couldn't breathe. I bit a hole
- 9 through it.
- 10 Q Do you know how long the bag was over your head before you
- 11 bit a hole through it?
- 12 A It wasn't too long, because one of them had it like
- 13 (indicating), trying to choke me to where I couldn't breathe;
- 14 but I bit a hole through it, so they took it off of my head.
- 15 Q You just said that one of them was holding it so you
- 16 couldn't breathe. You had your hand on the side of your neck.
- 17 A Yes, holding it.
- 18 Q Can you tell me precisely --
- 19 A Holding it.
- 20 Q You are saying that the officer was holding the bag --
- 21 A Yeah.
- 22 Q (Continuing) -- around your neck?
- 23 A Yeah.
- 24 Q And after you bit a hole in the bag, what happened next?
- 25 A They took it off. I don't know when they slammed me into

SP 000470

25

WIL_PBT_009A-03671

Wilson - Direct

2935

1 that window, but I didn't get out from it; but one of them,
2 like this (indicating), slung me around and the window broke.

3 Q You described getting kicked or a glancing kick in the eye.

4 A Yes.

5 Q Which eye was that?

6 A To tell you the truth, I can't remember right now.

7 Probably was my left eye. Let me see. Maybe it was my right
8 eye.

9 Q Okay. And describe the circumstances under which you got
10 kicked in your right eye.

11 A I was down on the floor and he was kicking at me. And I
12 seen it coming so I kind of moved, got out of the way a little
13 bit.

14 Q As a result of the person kicking at your right eye, did
15 you suffer any injury?

16 A Yeah. They scratched my retina.

17 Q And do you know, approximately, how many times you were
18 struck while you were in this first room?

19 A No.

20 Q Besides the kick that injured your right eye, was there any
21 other injury that you were aware of to your head or face at
22 that time?

23 A Don't hold me to my right eye. I'm not sure which eye it
24 was. I'm trying to think, but I can't recall.

25 Q Okay.

SP 000471

Wilson - Direct

2936

- 1 A I think it was my right eye.
- 2 Q Okay. Besides that injury, was there any other injury to
- 3 your head or face at that time?
- 4 A No, no.
- 5 Q And do you know how long this beating in this room
- 6 continued?
- 7 A Un-uh. Oh, I don't know how long it lasted, but Burge came
- 8 in. I think they stopped then or they had already stopped --
- 9 no, they was still doing it because Burge came in. I think
- 10 they stopped then, when he came in.
- 11 Q Now, when Burge came in, what, if anything, happened?
- 12 A He was saying -- what did he say? If it was him, that he
- 13 wouldn't have -- he wouldn't have got no marks on me, or he
- 14 wouldn't put no marks on me. Told them to get me out of there.
- 15 Q When he said that he wouldn't -- if it were him, he
- 16 wouldn't have put any marks on you --
- 17 A Uh-huh.
- 18 Q (Continuing) -- do you know what, if any, marks he was
- 19 referring to?
- 20 A No.
- 21 Q When he said -- what marks did you have on you at that
- 22 point?
- 23 A Other than my eye was messed up, none. Nothing.
- 24 Q When Burge said to get you out of there, what happened
- 25 next?

SP 000472

Wilson - Direct

2937

1 A They took me to another room.

2 Q And who took you to another room?

3 A Yucatis.

4 THE COURT: Mr. Stainthorp, I think this is a good
5 spot to break. It's 12:30.

6 Ladies and gentlemen, we will break for one hour until
7 1:30. Remember, don't discuss the case amongst yourselves.
8 Don't let anybody else discuss it in front of you. Everybody
9 please rise. The jury is excused.

10 (Whereupon at 12:30 p.m. further proceedings were
11 adjourned until 1:30 p.m. of the same day.)

12
13 REPORTED BY:

14 Debra Drehabil Pas, C.S.R.

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SP 000473

2938

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANDREW WILSON,)
)
Plaintiff,)
)
- vs -)

No. 86 C 2360
July 7, 1989
1:40 p.m.

CITY OF CHICAGO, RICHARD)
BRZECZEK, JON BURGE, PATRICK)
O'HARA, and JOHN YUCAITIS,)
)
Defendants.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN BARNETT DUFF

APPEARANCES:

For the Plaintiff:

PEOPLES LAW OFFICE
343 South Dearborn Street
Chicago, Illinois 60604
BY: Mr. John L. Stainthorp
Mr. G. Flint Taylor, Jr.
Mr. Jeffrey H. Haas

For Defendant City of
Chicago:

ASSISTANT CORPORATION COUNSEL
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Chicago, Illinois 60602
BY: Mr. James McCarthy
Ms. Maureen A. Murphy

For other Defendants:

PHELAN, POPE & JOHN, LTD.
180 North Wacker Drive
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BY: Mr. William J. Kunkle, Jr.
Mr. Jeffrey Rubin
Mr. Christopher Gustafson

Theresa A. Pincola
Official Court Reporter
219 South Dearborn, #2280
Chicago, Illinois 60604

SP 000474

Wilson - direct

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THE CLERK: Case on trial.

THE COURT: All right. Counsel, this court reporter
this afternoon is Diana Crane. All right.

Please bring the jury in, please.

(WHEREUPON, the following proceedings were had in
open court in the presence and hearing of the jury:)

THE COURT: Mr. Wilson, you were previously sworn.

Do you understand you are still under oath?

THE WITNESS: Yes.

ANDREW WILSON, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

DIRECT EXAMINATION (Continued)

BY MR. STAINTHORP:

Q. Mr. Wilson, before we broke for lunch, you had described
being in an initial room, and then had described Defendant
Commander Burge coming into the room and making a statement,
and then you being taken to another room.

Do you recall that?

A. Yes.

Q. Now, who was it who took you to the next room?

A. Yucaitis.

START →

Q. And do you know if it was anyone else?

A. Might have been some of the other officers, too.

Q. And how far away from the first room was this second room?

A. Not far.

Q. Did you go up or down stairs, or --

SP 000475

30

Wilson - direct

2940

1 A. No.

2 Q. -- stay at the same level?

3 A. Same level.

4 Q. And at the time that you were taken over to the second
5 room, how were you dressed?

6 A. Shoes and pants.

7 Q. Where was your jacket, if you know?

8 A. Still in the room.

9 Q. Did you have any shirt on at that point?

10 A. No.

11 Q. And at the time that you were taken over to the second
12 room, were you still handcuffed?

13 A. Yes.

14 Q. ~~And at any point up until then, after you had been~~
15 ~~handcuffed at the scene of the arrest, had you been~~
16 ~~unhandcuffed? Let's strike that.~~

17 At the time that you are taken to the second
18 room, had you been unhandcuffed at any time since your arrest?

19 A. Do that again.

20 Q. All right. Had you had the handcuffs removed from your
21 wrists at any time after your arrest and until you were taken
22 to the second room?

23 A. No.

24 Q. When you got to the -- you got to another room; is that
25 correct? You got to a second room?

SP 000476

31

Wilson - direct

2941

1 A. Second room, yes.

2 Q. All right. Can you describe that room?

3 A. It was a chair in the corner, a ring on the wall. It had
4 a garbage can in it and a heat radiator, a window with a grill
5 over it, mesh grill.

6 Q. And how big was that second room?

7 A. It wasn't that big.

8 Q. What happened when you were taken to the second room?

9 A. They handcuffed me to the wall.

10 Q. Who handcuffed you to the wall?

11 A. I think it was Yucaitis. I am not certain.

12 Q. Which hand was handcuffed to the wall?

13 A. Right hand.

14 Q. And can you show me the position, demonstrate the position
15 in which you were handcuffed?

16 A. It was up on the wall like that (indicating).

17 Q. Okay. You are holding your right hand up, so the wrist is
18 approximately shoulder height; is that correct?

19 A. I was like this on the wall (indicating).

20 Q. All right. Were you seated or standing?

21 A. Sitting.

22 Q. At the point that you were handcuffed with your right
23 wrist cuffed to the -- to the ring on the wall, how were you
24 dressed?

25 A. Still in pants.

SP 000477

32

WIL_PBT_009A-03678

Wilson - direct

2912

1 Q. Did you have any shirt or jacket on at that point?

2 A. No.

3 Q. What happened next?

4 A. Somebody brought me my coat a little while later. I think
5 it was Yucaitis came back in. They took me off the wall. He
6 wanted me to call my brother. Unhandcuffed me from the ring on
7 the wall and wanted me to call my brother.

8 Q. When he unhandcuffed you from the ring on the wall, did he
9 do anything?

10 A. We went out the room.

11 Q. Where did you go when you went out the room?

12 A. To a bunch of phones.

13 Q. Where were the phones?

14 A. On a desk.

15 Q. And where was the desk in relation to the room?

16 A. Right across.

17 Q. Do you know how far away from the room the desk was?

18 A. Not that far, just -- go out the room and walk over to the
19 desk.

20 Q. Now, when you got out to the desk, what happened?

21 A. He wanted me to call my brother.

22 Q. Who wanted you to call your brother?

23 A. Yucaitis.

24 Q. And which brother was that?

25 A. Jackie.

SP 000478

33

Wilson - direct

2943

1 Q. When Yucaitis wanted you to call your brother, what, if
2 anything, did you do?

3 A. I told him I didn't want to talk. I wanted my lawyer.

4 Q. What happened next?

5 A. They were just sitting there for a minute. They still
6 wanted me to make the call. I wasn't making no calls. They
7 took me back to the room.

8 Q. And when you were taken back to the room, what happened?

9 A. Handcuffed me back to the wall.

10 Q. Now, when you were taken out of the room to the desk with
11 the phones on it, who was in the immediate vicinity?

12 A. Some of the police that beat me up.

13 Q. Okay. Do you know how many police were there?

14 A. Not right offhand. But the one that -- the old one with
15 the white hair and the glasses, he was there. Yucaitis was
16 there. I didn't see Burge. But the rest of them, they were
17 just sitting around looking at me.

18 ~~Q. When you were taken back into the room, after you had been~~
19 ~~taken out to the desk, where were you placed?~~

20 ~~A. Excuse me?~~

21 ~~Q. Strike that. What happened when you went back to the~~
22 ~~room, after you had been taken to the desk?~~

23 A. Handcuffed me back to the wall.

24 Q. And was that in the same or a different --

25 A. Same wall.

SP 000479

34

Wilson - direct

2944

1 Q. Which hand was handcuffed to the wall?

2 A. Right hand.

3 Q. Were you in the same position as before?

4 A. Yes.

5 Q. And the -- in terms of the -- which corner of the room, or
6 whereabouts in the room were you when you were seated and
7 handcuffed to the wall?

8 A. On the wall.

9 Q. But in terms of the layout of the room, what portion of
10 the room were you in?

11 A. The corner.

12 Q. Which corner? As you went in the door to the room, was
13 the corner to the left, the right, straight ahead?

14 A. Right.

15 Q. Okay. And the heat radiator that you described, where was
16 that in relation to the ring on the wall to which you were
17 handcuffed?

18 A. Right across (indicating).

19 Q. I am going to show you what's previously been marked as
20 Plaintiff's Exhibit 7-B, and ask you to look at that, if you
21 recognize -- and ask if you recognize what is shown in that
22 exhibit?

23 A. It's a room with a radiator.

24 Q. Does Plaintiff's 7-B appear to be similar to the room that
25 you were in and which you have been describing as the second

SP 000480

35

WIL_PBT_009A-03681

Wilson - direct

2945

1 room you were in?

2 A. Yes. That is the same way the door was. It's open the
3 same way.

4 Q. Okay. And in terms of the positioning of the window and
5 the radiator, are those positions the same as they were in the
6 room that you were in?

7 A. Yes.

8 Q. Now, in relation to Plaintiff's 7-B, can you -- does this
9 show any ring on the wall?

10 A. No.

11 ~~Q. And can you show me on Plaintiff's 7-B -- can you put a~~
12 ~~mark where the ring was on the wall when you were in that room?~~

13 ~~MR. KUNKLE: Objection, your Honor.~~

14 ~~THE COURT: Sustained.~~

15 ~~MR. KUNKLE: I have no objection if he is saying it~~
16 ~~is the room. He is saying it's similar.~~

17 ~~THE COURT: I understand that.~~

18 ~~MR. KUNKLE: Okay.~~

19 BY MR. STAINBORG:

20 Q. Can you tell me what, if any, differences there are
21 between the room shown in Plaintiff's 7-B and the room that you
22 remember being in and which you described as the second room
23 you were in?

24 A. I didn't understand that.

25 Q. What differences are there between this photograph and the

SP 000481

36

Wilson - direct

2946

1 room that you were in, that you can see?

2 A. None, other than the ring is not there, the ring on the
3 wall. That's what you asked.

4 Q. Yes. Are there any other differences that you see?

5 A. No. The door is there. Probably a better door. But the
6 window and the heat radiator, that's right.

STOP

7 Q. Okay.

8 MR. STAINTHORP: Judge, could I be heard for a
9 second?

10 THE COURT: Relative to Mr. Kunkle's objection?

11 MR. STAINTHORP: Yes.

12 THE COURT: You understand the objection.

13 MR. STAINTHORP: I do understand that objection. I
14 need to -- I am not seeking to admit this at this point, Judge,
15 but I do want him to indicate where the ring is.

16 THE COURT: The objection was already ruled on. I
17 don't think you should be putting that in front of the jury.
18 The objection is a valid ruling of law. The ruling was solid,
19 and you know it. And I don't know why you keep bringing it up.

20 MR. STAINTHORP: The reason I do, Judge, is because I
21 have another witness. And I need to --

22 THE COURT: You should have called him.

23 MR. STAINTHORP: Well, I am going to call him. I
24 need to establish one fact through this witness and then
25 another fact through the next witness.

SP 000482

Wilson - direct

2947

1 THE COURT: If you want to do it, you are going to
2 have to do it right.

3 MR. STAINTHORP: Well, I am doing it right, Judge.

4 THE COURT: You can continue with your examination.
5 You are doing it wrong, sir, and I ruled that way two times.
6 If you want to argue with me, you are going to lose.

7 BY MR. STAINTHORP:

START

8 Q. Now, when you are in this second room and handcuffed --
9 after Yucaitis has taken you out and taken you back, handcuffed
10 to the wall, what happened next?

11 A. Nothing right then. I was just there.

12 Q. And what were you doing there?

13 A. Just sitting, just sitting there.

14 Q. Well, what is the next thing that you recall happening?

15 A. I think Yucaitis came in. I am not certain. Burge came
16 in. And he told me I was going to make a statement, because
17 his reputation was at stake. Okay. Then Yucaitis came back.
18 He had a bag with him, a brown bag.

19 Q. Okay.

20 A. A brown paper bag.

21 Q. Now, when Burge came in and said you were going to make a
22 statement, that his reputation was at stake, what, if anything,
23 did you say to him?

24 A. I just looked at him.

25 Q. Did Burge say anything else to you at that point?

SP 000483

38

Wilson - direct

2948

- 1 A. Hmm-mm. Just looked at me and went on back out the room.
- 2 Q. How long after Burge came in and said that you were going
- 3 to make a statement, that his reputation was at stake, was it
- 4 that Yucaitis came in?
- 5 A. Not long after.
- 6 Q. And you say that Yucaitis -- Yucaitis came in with a bag?
- 7 A. Yes, a brown paper bag.
- 8 Q. And what did he do with the bag?
- 9 A. Set it down.
- 10 Q. Where did he set it down?
- 11 A. On the floor.
- 12 Q. Whereabouts on the floor did he set it down in relation to
- 13 you?
- 14 A. In front of me, right on the side, I guess, you say. But
- 15 he opened it, and he took out a box. It's a black box.
- 16 Q. Describe the box that Yucaitis took out of the brown paper
- 17 bag.
- 18 A. It was black.
- 19 Q. How big was it?
- 20 A. I don't know. About like that (indicating), and might set
- 21 up about like that (indicating).
- 22 Q. Okay. Indicating perhaps 12 to 14 inches in length and
- 23 perhaps 8 or 9 inches high?
- 24 A. I don't know. About that wide (indicating), and about
- 25 this high (indicating).

SP 000484

39

WIL_PBT_009A-03685

Wilson - direct

2949

1 Q. Okay. Can you show me again how long it is?

2 A. About that wide (indicating), maybe, about like that

3 (indicating).

4 Q. Indicating about 13 to 14 inches in length. Can you show
5 me how high --

6 ~~THE COURT: Counsel, that was more than 14 inches.~~

7 ~~MR. STAINTHORP: Judge, it wasn't.~~

8 BY MR. STAINTHORP:

9 Q. ~~Can you indicate again, please?~~

10 A. ~~Something like that (indicating).~~

11 ~~THE COURT: You just moved the tape. Now, put it~~
12 ~~down and hold it steady and don't be a witness, Mr. Stainthorp.~~

13 ~~MR. STAINTHORP: I am not being a witness, Judge.~~

14 ~~THE COURT: Now, it says 13.~~

15 ~~MR. STAINTHORP: Thank you.~~

16 BY MR. STAINTHORP:

17 Q. Can you show me how high it is?

18 A. About like that (indicating).

19 Q. Indicating about 6-and-a-half to 7 inches high.

20 Do you know how wide the box was?

21 A. Wide, about like that (indicating).

22 Q. Okay. Indicating -- well, you tell me on this -- can you
23 read -- excuse me?

24 A. I don't know.

25 Q. All right. You are indicating how wide it is?

SP 000485

40

wilson - direct

2950

- 1 A. Yes, like that (indicating).
- 2 Q. You are indicating between 8 and 9 inches wide?
- 3 A. Okay.
- 4 Q. Do you recall what color the box was?
- 5 A. Black on the outside, and I think it was red on the
- 6 inside.
- 7 Q. And can you describe the box any more? Anything more --
- 8 A. It had a crank on it.
- 9 Q. Excuse me?
- 10 A. A crank.
- 11 Q. Where was the crank?
- 12 A. On the side of it.
- 13 Q. Do you know what color the crank was?
- 14 A. I think it was black.
- 15 Q. And anything else about the box?
- 16 A. It had wires.
- 17 Q. Do you know how many wires it had?
- 18 A. Two.
- 19 Q. And besides -- was there anything on the wires?
- 20 A. Clamps.
- 21 Q. And about how big were the clamps?
- 22 A. I don't know.

STOP

23 MR. STAINTHORP: Judge, at this point I would request
 24 a side bar.

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Wilson - direct

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(The following proceedings were had at side bar outside the presence of the jury:)

MR. STAINTHORP: Judge, at this point I would like to offer a replica of the box as evidence for Mr. Wilson to use as a demonstrative evidence to show --

THE COURT: This hasn't changed since the first trial. And I have already told you in the first trial that I wasn't going to allow it. In addition to which, Mr. Stainthorp, I want to caution you, in my opinion, you did not give a fair representation of the width of that box that the witness pointed to on that measure. You said 8 to 9 inches wide. I don't think it was more than 7. Now, I am not sure it is important. But I caution you all, don't testify.

MR. STAINTHORP: Well, Judge, I want to make a motion for a mistrial based upon your comments to the jury. I thought that was outrageous what you just did to me, to tell me --

THE COURT: Mr. Stainthorp, you are fortunate that I didn't call you on this point that I am trying to make right now. Because in my opinion, when you said 8 to 9 inches, it was clearly not what the man was showing with his fingers. And I didn't do that in front of the jury. And you should probably consider yourself fortunate that I didn't. Now, the motion for mistrial is denied; and you cannot show the box.

(The following proceedings were had in open court in the presence and hearing of the jury:)

1

SP 000487

4/a

Wilson - direct

2952

4

START

1 BY MR. STAINTHORP:

2 Q. When Detective Yucaitis took the box out of the brown
3 paper bag, what did he do with it?

4 A. He set it on the floor.

5 Q. How far from you was the box when he set it on the floor?

6 A. It was right in front of me. He was right in front of me.

7 Q. Where was the box --

8 A. Squatting down in front of me. The box was, I think,
9 between his legs.

10 Q. Had you ever seen a box like that before?

11 A. No.

12 Q. At that point, did you know what Detective Yucaitis was
13 going to do with the box?

14 A. No.

15 Q. What did he do with the box?

16 A. He shocked me.

17 Q. How did he shock you?

18 A. Put one clamp in my nose and one on my ears and cranked
19 it.

20 Q. When he cranked the box, what happened?

21 A. It shocks you. It shocks you.

22 Q. Well --

23 A. It makes your teeth grind.

24 Q. What do you feel when Detective Yucaitis cranked it and it
25 shocked you?

Wilson - direct

2953

1 A. It's a flickering. It shocks you. It's pain.

2 Q. Had you ever been shocked by a similar device prior to
3 Detective Yucaitis shocking you on February the 14th, 1982?

4 A. I don't understand the question.

5 Q. Had you ever been shocked with this kind of device before?

6 A. No.

7 Q. When he shocked you, you say he -- strike that. You say
8 he put the wires on your nose and your ear; is that correct?

9 A. Yes.

10 Q. Can you tell me how he attached the wires?

11 A. Clamped one to my nose and clamped one on my ear.

12 Q. What did you do when he shocked you?

13 A. Well, I hollered and knee'd him, kicked him.

14 Q. And where was Detective Yucaitis when he was cranking the
15 box?

16 A. Squatting in front of me, squatting down in front of me.

17 Q. And where were you at the time?

18 A. Sitting in the chair.

19 Q. Were you still handcuffed?

20 A. Yes.

21 Q. You say you knee'd him?

22 A. Yes.

23 Q. Where did you knee him?

24 A. Between his legs. Hit him with my -- kicked him with my
25 shin.

SP 000489

43

Wilson - direct

2954

- 1 Q. What happened then?
- 2 A. He punched me in the mouth.
- 3 Q. Then what happened?
- 4 A. He did it again.
- 5 Q. When you say, did it again --
- 6 A. He cranked it, cranked it again.
- 7 Q. And what happened the second time when he cranked it?
- 8 A. I started hollering and screaming. He stopped. Actually,
- 9 somebody came to the door, I think, is what stopped him.
- 10 Q. Do you know how long he cranked the box?
- 11 A. Not long. But he cranked it.
- 12 Q. Do you know how many times he turned the handle?
- 13 A. No. I know he did it twice.
- 14 Q. Now, the second time that he did it, what did you feel
- 15 that time?
- 16 A. This -- pain.
- 17 Q. You say someone came to the door.
- 18 A. Yes.
- 19 Q. What happened next?
- 20 A. He left the room. It was another officer with him, a
- 21 younger one.
- 22 Q. Did the other officer do anything to you?
- 23 A. No. He just stood there.
- 24 Q. Do you know the identity of the other officer?
- 25 A. No.

SP 000490

44

Wilson - direct

2955

1 Q. Have you ever seen that other officer?

2 A. No.

3 Q. Have you ever seen a photograph of that other officer?

4 A. No.

5 Q. When Detective Yucaitis left the room, do you know where
6 the box was?

7 A. Still setting there.

8 Q. What happened next?

9 A. He left and came back and disconnected it, if he hadn't
10 already did, took all the wires off me.

11 Q. I am sorry?

12 A. If he had already did it already before he left, I don't
13 recall.

14 Q. Now, during this time that Detective Yucaitis
15 electroshocked you with the box, did he say anything to you?

16 A. I don't think so.

17 Q. And did you say anything?

18 A. I hollered. No. Other than that, nothing. I didn't
19 talk.

20 Q. And when he came back in, what did he do then?

21 A. Gathered everything up and left.

22 Q. When you say he gathered everything up, what did he gather
23 up?

24 A. The box and put it back in the bag and left, him and that
25 other one.

SP 000491

Wilson - direct

2956

1 Q. What happened to you at that point?

2 A. I was just sitting there.

3 Q. And do you know how long you sat there?

4 A. No.

5 Q. What is the next thing that you recall happening?

6 A. I think this one came in (indicating), the one over there
7 with the red tie on.

8 Q. Okay. You are referring to another of the defendants; is
9 that correct?

10 A. That one (indicating).

11 MR. KUNKLE: Detective O'Hara, for the record.

12 BY MR. STAINTHORP:

13 Q. Now, do you recall having seen that officer, Detective
14 O'Hara, previously that day?

15 A. No.

16 Q. And what happened when Detective O'Hara came in?

17 A. Come and take me to see Hyman.

18 Q. ~~When he came in the room, did he tell you what he was~~
19 ~~coming to do?~~

20 A. ~~I don't recall.~~

21 ~~MR. KUNKLE: Object to the leading, your Honor.~~

22 ~~THE COURT: Sustained.~~

23 BY MR. STAINTHORP:

24 Q. Well, what, if anything, did Detective O'Hara say when he
25 came in the room?

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1 A. I don't know if he said he was taking me to this -- taking
2 me to see the states attorney or what. I don't know what he
3 said, if he said anything. Probably said something. But I
4 don't recall what it was.

5 Q. And what did he do?

6 A. Unhandcuffed me, took me down the hallway.

7 Q. Now, you say he took you down a hallway. Do you know
8 which direction you went in when you came out of the room
9 number two?

10 A. This way (indicating).

11 Q. You are indicating to your left.

12 And how far away did he take you?

13 A. Not far. I think we passed one office, and we went in the
14 second one.

15 Q. And --

16 ~~THE COURT: Excuse me, Mr. Stainthorp.~~

17 ~~Did you get that? Would you read it back to me?~~

18 ~~(WHEREUPON, the record was read by the reporter as~~
19 ~~requested.)~~

20 ~~THE COURT: Mr. Stainthorp, I would suggest that you~~
21 ~~try to make sure that your witness can be heard by everyone.~~

22 BY MR. STAINTHORP:

23 Q. Now, can you describe that third office that you were in?

24 A. It's much bigger. Has more desks. Had another adjoining
25 office. I was sitting at one of the desks. He was sitting

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1 across from me (indicating).

2 Q. And when you say "he", who are you referring to?

3 A. I don't know his name.

4 Q. Well, can you tell me which of the --

5 A. The red tie on.

6 Q. Can you describe the person you are pointing to?

7 A. The red tie.

8 MR. STAINTHORP: Okay. The record shall reflect that
9 Detective O'Hara has a red tie.

10 BY MR. STAINTHORP:

11 Q. Is it the person who just stood up a few minutes ago?

12 A. Yes.

13 Q. And what happened in this third room?

14 A. Waiting for Hyman. They was over in the other room

15 talking. He was just sitting there. Then Hyman finally came

16 out, wherever he came from. I don't know. He come from -- out

17 the door or come from the other office. But he came over. And

18 he set down.

19 And I told him, I say, you want me to make a
20 statement after they been torturing me?

21 And then he told me, to get me out, said, get
22 the jagoff out of here.

23 Q. At the time that you said this to Hyman and Hyman said
24 this to you --

25 A. Yes.

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1 Q. -- who else was in that room?

2 A. Just him.

3 Q. And how far away -- "him", you are referring to Detective
4 O'Hara, correct?

5 A. Yes.

6 Q. How far away was Detective O'Hara --

7 A. Sitting right across from me.

8 Q. When Hyman said -- well, you made the statement to Hyman
9 about being tortured, correct?

10 A. Hyman said something to me. And I responded, you want me
11 to make a statement after they been torturing me?

12 And he said, get the jagoff out of here.

13 Q. When he said, get the jagoff out of here, what, if
14 anything, happened?

15 A. He gave -- took me back to the room (indicating).

16 Q. And when you say, "he", are you referring to Detective
17 O'Hara?

18 A. Yes.

19 Q. What happened when you were taken back to the room?

20 A. Handcuffed me back to the wall.

21 Q. And was that in the same or different --

22 A. The second room.

23 Q. Okay. And was your position in the room the same or
24 different?

25 A. Same, same.

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Wilson - direct

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1 Q. Now, once you are back in the room -- you say back in the
2 room. Are you talking about -- which room are you talking
3 about?

4 A. The second room.

5 Q. When you are back in the second room, what happens then?

6 A. Nothing right then. I was just there.

7 Q. Excuse me?

8 A. I was just there.

9 Q. What were you doing, if anything?

10 A. Just sitting there, thinking.

11 Q. Was anyone else in the room with you?

12 A. No. Polices kept coming by and looking in. That's all.

13 Q. When you had been in the room number two for -- the first
14 time, before Yucaitis had taken you out to the table, was the
15 door open or closed?

16 A. It stayed closed all the time.

17 Q. When you say police officers would come in and look at
18 you --

19 A. Mm-hmm.

20 Q. -- can you tell me more about that? Do you know who any
21 of those officers were who would come in and look at you?

22 A. No.

23 Q. Have you subsequently ever been able to identify who those
24 officers were who came in and looked at you?

25 A. No.

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