Exhibit 4

AFFIDAVIT OF LESHURN HUNT

I, Leshurn Hunt, being duly sworn, do state on oath that the following facts are true to the best of my knowledge:

1. I was born on ~~May~~ July 22, 1962.

2. I understand that this affidavit is being prepared for the case of *People v. Gabriel Solache and People v. Arturo De Leon Reyes,* Cook County Nos. 98 CR 12440 and 98 CR 12440-03, and that this affidavit may be filed in court in those cases.

3. I am making this statement of my own free will. No one has offered, promised, or given me anything in exchange for making this statement. No one has threatened me in connection with this statement.

4. I have reviewed the letter I sent to Eugene Hudson at the Office of Professional Standards on February 28, 1986. The letter, which is attached and incorporated herein by reference, describes my arrest and interrogation by several police officers, including Reynaldo Guevara, on February 15, 1983. During this interrogation, I was denied food, water, and the assistance of counsel, and I was beaten.

5. The letter accurately reflects what occurred, and my statements are true and correct to the best of my knowledge.

6. Prior to signing this two-page affidavit, I have read and initialed each page, and I have made and initialed any necessary corrections to this affidavit.

Leshurn Hunt

SUBSCRIBED AND SWORN TO BEFORE ME
this 26th day of January, 2008.

Paula L. Summers
NOTARY PUBLIC

OFFICIAL SEAL
PAULA L SUMMERS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:03/15/08

Stateville Correctional
Box 112
Joliet, Illinois 60434

February 28, 1986

Mr. Eugene Hudson
Investigator #69
Office of Professional Standards
City of Chicago/Department of Police
1121 South State Street
Chicago, Illinois 60605

Dear Mr. Hudson:

In response to your letter of December 20, 1985, regarding Case No. CR 145129, I am writing this letter to elaborate on my treatment by several Chicago police officers during my arrest and interrogation in February, 1983.

At about 5:00 a.m. on February 15, 1983, I was awakened at my apartment at 3437 North Damen Avenue in Chicago, Illinois. I saw some people at the back door, talking to my roommate, Richard Crawford. My brother, Rodney Hunt, was also there. A Spanish officer, whom I believe is Reynaldo Guevara, was holding him.

The next thing I knew, two police officers grabbed me, handcuffed me, and dragged me, in my underwear, onto the back porch. At my and Richard's request, they brought me back into the house and let me dress.

As they brought me back outside, three or four other officers started to search our apartment. When Richard asked them if they had a search warrant, they told him to shut up. Although I was taken away before the officers finished searching, Richard later told me they tore up our apartment.

The same two officers who had grabbed me drove me to the police station. While I was sitting handcuffed in the back seat, one officer, whom I believe to be Daniel Noon, punched me three times in the stomach. I asked him to stop. He then slapped me across the face and called me a "woman."

At the police station at 5555 West Grand Avenue, the driver, whose name I am unsure of, opened the door for me. As I got out, he jammed a briefcase into my stomach and told me to run, so he could blow my . . . . head off.

CR 145129

I was then taken to an interview room, where Officer Noon and the driver questioned me. Altogether, I was interrogated about 22 hours by police. I was not allowed food, water or sleep during that time. I was usually handcuffed to a waist-high ring on the wall, and was not allowed a chair to sit on.

In the first interview room I asked to call my lawyer, Jerry Kurz, as I had a court date that day before Judge Vincent Bentivenga. My request was denied, as were all my requests to see my lawyer throughout my interrogation.

I was never read my Miranda rights throughout my interrogation. The officers kept asking me about a murder, and reading the statement of my brother, Rodney, saying that I was involved. I kept denying any knowledge. The officers then would yell and curse at me.

At one point, Officer Noon punched me in the stomach. I stooped down and told him to stop.

After this, I was taken to the lockup, then back to the interview room, where I was left alone for about an hour. Then two officers drove me to a lie detector test.

Afterward, two new officers, whom I believe to be Detectives Allen Jaglowski and Nick Gaudio, questioned me for several hours. They, too, kept reading my brother's statement, and I kept denying involvment and asking for my lawyer.

At about 7:00 p.m., I believe, I was put in a lineup. A black officer told me I was not identified, but the detectives told me that I was.

At some point, I was allowed to talk with my brother, Rodney. He told me to confess; I suggested the police had put him up to it. Then Officer Guevara slapped me on my face with his open hands and I was taken away.

I was again interrogated by Detectives Gaudio and Jaglowski. At points in these interrogations, Detective Jaglowski hit me several times, slamming my back and head against a wall; attacking me with a chair; punching me in the stomach with his fist and a flashlight; and kicking me in my leg and groin.

Finally, after some further threats I agreed to go along with the detectives and gave a statement, which they prepared for me.

I was fed at this time.

After my arraignment, I was checked by a doctor at Cermak Health Services. I told him about my beating and injuries. After he treated me, I was put into Cook County Jail.

After my public defender, John McNamara, introduced evidence of my beatings and denial of counsel, Judge Vincent Bentivenga suppressed my statements on January 4, 1984. I was convicted of armed robbery and murder later that year, and am currently serving a 38-year sentence at Stateville Correctional Center.

On February 14, 1985, I sued Officers Noon and Guevara and Detective Jaglowski under Sect. 1983 for my treatment during my arrest and interrogation. That suit is still pending; my attorney is John S. Elson of the Northwestern University Legal Clinic, 357 East Chicago Avenue, Chicago, Illinois 60611, telephone (312) 908-8576.

Sincerely,

Leshurn Hunt
#N-42562

MR. FELDMAN: Leshurn Hunt will take the stand.

THE COURT: Mr. Hunt.

LESHURN HUNT,

called as a witness herein, duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FELDMAN:

Q. Leshurn, will you state your full name and spell your last name, please.

A. My full name is Leshurn Hunt. My last name is spelled H-u-n-t, Hunt.

Q. Now, Leshurn, this is a big courtroom, so I'm going to have to ask you to speak at least as loud as I'm speaking so everyone can hear you.

Q. Yes, sir.

Q. How old are you, Leshurn?

A. I'm 25.

Q. You are the plaintiff in this lawsuit, is that right?

A. Yes, sir, I am.

Q. And you were the subject of an arrest and an interrogation on February 15th and 16th 1983, is that correct?

A. Yes, sir.

Q. Let me ask you a few questions about your background.

Where were you born?

A. I was born in Chicago, Illinois.

Q. Where were you raised?

A. I was raised in Chicago.

Q. Did you go to school in Chicago?

A. Yes, I did.

Q. Were you ever in the military service?

A. Yes, I was.

Q. When were you in the military service and what type of military service was it?

A. I can't specifically state what year, but it was back in 1979 or possibly 1980.

Q. And what branch of the service were you in?

A. National Guard.

Q. How long were you in the National Guard?

A. I was in there six months.

Q. Was that six months of continuous duty or reserve duty?

A. That was reserve duty.

Q. Where were you stationed?

A. I was stationed at Fort Knox, Kentucky.

Q. And when did your service end?

A. When I did my last AIT, which was in Aberdeen, Maryland.

Q. After you completed your service with the National

Guard did you have any jobs?

A. Yes, I did.

Q. What jobs did you hold until your arrest?

A. I held a job at Holsum Bread Company, Rosen's Bakery, and I was a janitor at 2719 West Potomac for a lawyer.

Q. What did you do for the Holsum Bread Company, what generally were your duties?

A. I was a janitor there.

Q. And you mentioned --

MR. RYAN: Your Honor, could you ask the witness to please speak up. We're having trouble hearing back here.

THE COURT: Mr. Hunt, everybody at all those tables and all the jurors have to be able to hear you so try to speak right up, okay?

THE WITNESS: Yes, your Honor.

BY MR. FELDMAN:

Q. The second job that you mentioned, what were your duties there?

A. Which one I just stated to you?

Q. You stated Holsum Bread and I believe the second one was another bread company.

A. The other one was at Rosen's Bakery.

Q. Rosen's Bakery, excuse me. What were your duties there?

A. I was the janitor there too.

Q. And the third job you said you were working for a lawyer?
A. Right. I was a janitor for him. I was more like a caretaker of his buildings.
Q. So he wasn't a practicing lawyer doing, say, what these lawyers are, but he had real estate that you worked in?
A. No, sir, I have no knowledge of the law, not that much.
Q. He had buildings that you worked in?
A. Yes.
Q. In February of 1983 where were you living?
A. I was living at 3437 North Damen.
Q. Is that in Chicago?
A. That's in Chicago, yes.
Q. Who were you living with at 3437 North Damen?
A. With my roommate.
Q. What is your roommate's name?
A. Richard Crawford.
Q. How long had you lived there at 3437 North Damen with Richard Crawford?
A. Well, it was off and on. I stayed there about thirty days straight at the most.
Q. Thirty days straight when?
A. Back in the month of January or February, somewhere in

there.

Q. 1983?

A. 1983.

Q. Did you move in together with Mr. Crawford or was he already living there when you moved in?

A. No, we moved in together.

Q. Let's talk a little bit about the living arrangement the two of you had at 3437 North Damen.

Do you remember how much the rent was?

A. No, sir.

Q. Do you remember who paid the rent?

A. We went half and half on everything.

Q. So I take it you're saying you paid half the rent?

A. Yes, sir.

Q. Was there any furniture in that apartment?

A. Yes, there were.

Q. Who contributed what furniture to the apartment?

A. Sir, we bought the furniture. Who contributed? We both did. We both did.

Q. Let me ask you this: Was there a bed in the apartment?

A. Yes, there was.

Q. Whose bed was it?

A. It was my bed.

Q. Was there a sofa in the apartment?

A. Yes, there was.
Q. Who owned the sofa?
A. We went half and half on it.
Q. What kind of sofa was it, was it a regular sofa or a pullout kind of bed?
A. It was a pullout sofa.
Q. Where were your clothes?
A. My clothes was -- I had clothes upstairs and I had clothes also in the basement.
Q. So I take it you're saying your clothes were in the apartment?
A. Right.
Q. How many rooms were in this apartment?
A. I believe it was four.
Q. What were the four rooms?
A. Kitchen, living room and a dining room and one bedroom.
Q. How many floors did this building have?
A. This building had three -- no, it had two flats to it and a basement.
Q. And what floor was this apartment on that you were living in?
A. The first floor.
Q. Where did you normally sleep in this apartment?
A. I slept mainly in the living room.

Q. On what?
A. On the sofa.
Q. And where did Richard sleep?
A. He was sleeping in the bedroom and sometimes he would sleep out in the living room at times too.
Q. At the time of your arrest in February 1983 did you have a girlfriend?
A. Yes, I did.
Q. What's her name?
A. Lillian Garcia.
Q. How long had you known Lillian Garcia in February 1983?
A. I had known Lillian since the '70s, maybe '76 to on up.
Q. Now, the night before you were arrested, February 14, 1983, were you with someone that evening?
A. What day was that, excuse me?
Q. The night before you were arrested, February 14, 1983.
A. Yes.
Q. In the evening, were you with someone that evening?
A. Yes, I were.
Q. Who were you with?
A. I was with Lillian.
Q. Where were you that evening?

A. That evening I was -- I was in the apartment that evening.

Q. When you were with Lillian that evening in the apartment, did you have any bruise or injury of any kind on your forehead?

A. No, sir.

Q. Did you have any bruises or injury of any kind on your back?

A. No, sir.

Q. On your leg?

A. No, sir.

Q. On your collarbone?

A. No, sir.

Q. Anywhere on your body?

A. No.

Q. When did you go to sleep that night?

A. I believe I went to sleep somewhere at nine, but I'm not too sure.

Q. Why did you go to sleep at nine? That's kind of early.

A. Because I wanted to be prepared for my court date. I had a court date scheduled in front of Judge Bentivenga.

Q. When was that court date?

A. It was on the -- I believe it was on the 15th or the 16th, I'm not too sure.

Q. Did you have an attorney representing you for that court date?
A. Yes, I did.
Q. What is that attorney's name?
A. His name was Jerry B. Kurz from Hall & Kurz.
Q. Did you have any way to contact Jerry Kurz if you wanted to call him?
A. Yes, I did.
Q. How could you contact him if you wanted to call him?
A. During the first time that he interviewed me and we talked, he gave me a little small card with his address on it and his telephone number on there, and he gave me a couple of them.
Q. On February 14, 1983 did you have that card in your apartment?
A. I had it in my pocket, yes.
Q. Now, Leshurn, let's talk about two phone calls that happened in the middle of the night, early morning hours of February 15th, 1983.

Let's start with the first phone call. Did the phone ring at some point in the middle of the night?
A. Yes, it did.
Q. Were you asleep or awake when the phone rang the first time?
A. The first time, sir, I was half asleep.

Q. Do you know what time it was that the phone rang?
A. It was in the morning somewhere. I can't give you an exact time, but I can estimate a time for you like five o'clock or something like that.
Q. Who answered the phone?
A. I believe it was Richard Crawford answered the phone the first time, yes.
Q. Did you speak on the phone that first time at any point?
A. No, sir.
Q. What happened after that first phone call?
A. After the first phone call we received a second phone call.
Q. Now, in between the first and second phone call what did you do?
A. Run that through me again.
Q. After the end of the first phone call what did you do before the second phone call came?
A. I laid my head right back down and stayed where I was at.
Q. How long after the first about did the second phone call come?
A. It was something like a couple of minutes or so.
Q. Who answered the phone the second time?
A. The second time it was Richard Crawford, my roommate.

Q. Did you speak on the phone this time?
A. Yes, I did speak on the phone.
Q. Did you recognize who was at the other end of the phone line?
A. Yes, I did.
Q. Who was on the other end of the line?
A. My brother.
Q. What is your brother's name?
A. His name is Rod Hunt.
Q. What did you say to Rod and what did Rod say to you in this phone call?
A. Well, Rod told me, my brother, he told me, he said, "Leshurn" -- no, Lemay, he called Lemay, that's my nickname, he said, "Meet me on Armitage and Kedzie," and I told him, I said, "Man, you crazy, man, at five o'clock in the morning?" And I hung the phone up on him, and that was it. That was the end of the conversation.
Q. When was the last time you had seen Rod?
A. It was awhile, a couple of months or so.
Q. Had he ever called you in the middle of the night before?
A. No, sir.
Q. Now, at some point after that second phone call did some police officers come to your apartment?
A. Yes, they did.

Q. How soon after that second phone call did police officers arrive?
A. It was, I would say, close to a few minutes or so.
Q. Were you asleep or awake when they came?
A. I was in between, sir.
Q. Kind of half asleep, is that what you're saying?
A. Right, I was half asleep.
Q. Where were you half asleep?
A. On the sofa.
Q. From the sofa in that apartment if you're lying on that sofa can you see the kitchen?
A. Yes, you can.
Q. What is the first sound you heard when the police came?
A. I heard like -- the first -- I heard like some little noise, little, you know, tumbling noise like, you know.
Q. Where did you hear that coming from?
A. It was coming from the back door, the kitchen.
Q. What did you hear after the tumbling noise?
A. I heard like, like, you know, people talking real loud and a struggle like, you know, somebody was like putting up a force at the back door.
Q. Did you hear any voices that you recognized?
A. Yes, I heard Richard Crawford, he was like shouting, you know.

Q. What was Richard Crawford saying?
A. He said, "What do you want, what do you want? Hey, what's up? You can't come in here," you know, "You got a search warrant, sir?" This and that. He was just saying all kind of things to them like asking, you know, "What you want?" You know.
Q. Did you hear any other voices besides his?
A. Yeah, I heard the officers' voices.
Q. What did you hear those voices saying?
A. I heard someone, I'm not for sure who it was, but I heard someone said, he said, "Get out the way," he said, "Get the" -- you know, he like, he said, "Get the hell out the way," you know, he said, "Before I take you, too," or something like that and he, you know --
Q. Did you see how many officers came into the apartment?
A. Yes, sir, I seen very clear.
Q. How many officers came into the apartment at that time?
A. Well, at the first time you could see like, okay, Richard Crawford was in front trying to like, you know, block people out and you could see like my brother in front of Richard and you could see like that Spanish guy right there, Guevara, he was one, okay, I seen four altogether, four.
Q. How many did you see come in the door right then? How many came in right then?

A. Like three.
Q. Do you see them in court today?
A. Yes, I do.
Q. You have already mentioned Mr. Guevara. Who else did you see come in?
A. I seen Officer Noon.
Q. Will you point to Officer Noon if you see him.
A. Officer Noon is the guy right there in the blue suitcoat.
MR. FELDMAN: May the record reflect an identification of Officer Noon?
THE WITNESS: Not the one with the red tie, the one with the blue tie.
MR. MC CARTHY: Do you want to stand up, Officer Noon.
BY MR. FELDMAN:
Q. Do you see the other officer in court who came in?
A. I seen Officer Guevara.
Q. Will you point to Officer Guevara, please.
A. Right there in the brown jacket, light brown suitcoat.
MR. FELDMAN: May the record reflect an identification?
THE WITNESS: And I seen Officer Kaupert, which is, right there.
BY MR. FELDMAN:

Q. Now, Officer Kaupert, did he come in then or did he come in later?
A. No, he came in later on, later.
Q. Was there another officer who came in then with these officers?
A. Those are the only three I can remember.
Excuse me, sir, there is one officer -- pardon me, my mistake. There is one officer I did see -- it was four. It was Officer Weingart, which he is not here. I don't know where he is at, but I seen him too.
Q. Was he one of the first three who came in or one who came in later?
A. He was the first -- no, Officer Guevara was the first one that came in.
Q. What I asked was whether Officer Weingart was one of the first three officers who came in?
A. Yes, he was.
Q. What happened after they came in the door?
A. Well, after they came through the door and they sort of like pushed Richard to the side to get through, they came towards my way where I was at, which was on the sofa.
Q. And what happened when they came to you on the sofa?
A. They put my brother in front of me and they said, "Rodney," they said, "which one is Sear?" They called me Sear. That's what they said, said, "Which one is Sear?" And

he said, "That one right there," and he said, "Lemay, it's the police," like that, and they immediately grabbed me up at that time.

Q. What did they do with you when they grabbed you up?

A. As soon as they grabbed me up they put the handcuffs behind my back.

Q. What happened after they put the handcuffs behind your back?

A. They -- after that they dragged me to the -- out on the back porch.

Q. What were you wearing at the time the officers arrested you?

A. At that time I had a pair of shorts on -- they were shorts, but they was longjohns more like, you know.

Q. Were you wearing anything on your top?

A. I didn't have nothing on my top, no.

Q. So you were bare-chested?

A. Yes.

Q. Did you have anything on your feet?

A. No, sir.

Q. Did you have anything on other than those longjohns you just said?

A. No.

Q. Now, you said they took you on to the porch. Was it light or dark outside on that porch?

A. It was like -- it was dark like. It was just beginning trying to get some daylight out there, but it was still dark like.

Q. What was the temperature like?

A. It was very "frigy" out there.

Q. Did you say anything or did the officers say anything on the porch, while you were out on the porch?

A. I said something to them.

Q. What did you say?

A. You know, accidentally I said, "Let me put some clothes on, let me put some clothes on," and they just kept on doing -- then they like, they sort of like thought about it for awhile and then they dragged me right back into the apartment, and then that's when they began like where I was sleeping at, snatched the clothes that was right there -- I had my clothes there, you know, because I was scheduled to go to court, and they just grabbed the boots, threw it there, the clothes, and just told me like "Get dressed," you know, and they uncuffed me, you know, put the stuff on me, and that was it.

Q. When the officers came into the apartment and then later on when they dragged you on the porch, what were you thinking and feeling at that time?

MR. MC CARTHY: Objection, your Honor.

MR. DAVY: Objection.

THE COURT: Sustained.

MR. FELDMAN: Judge, this goes to damages.

THE COURT: I think you can do it a little more artfully than that.

BY MR. FELDMAN:

Q. Leshurn, these officers who came into the apartment, were they armed?

A. Yes, they were.

Q. What were they armed with?

A. They had weapons.

Q. What kind of weapons did they have?

A. Little handguns like.

Q. Which officers had handguns?

A. I seen Officer Noon had a handgun and Officer Weingart and Officer Guevara, I seen his weapon first.

Q. What was Guevara doing with his weapon?

A. He had it on the side of my brother, like when he was trying to bring him through the door, he had it right on his side. You could see it.

Q. What was Noon doing with his weapon?

A. Noon, when he came toward me he had his weapon out, but he put it away because he had to help me get dressed.

Q. What about Weingart, what was he doing with his weapon?

A. He put his away too.

Q. At any point did any of the officers use their weapon on Richard?
A. Richard was at gunpoint to the side, somewhere by the side of his bedroom where he wouldn't go too far, I guess.
Q. After you got dressed, what happened next after you got dressed?
A. Well, after I got dressed they began to drag me right back out on the porch the same way they was dragging me when they drug me out there at first, okay, and then they proceeded to take me to the squad car.
Q. At that point when you were being taken out on the porch did you see any other officers?
A. Yes, I seen quite a few officers.
Q. Do you see any of those officers today in the courtroom who came in then?
A. I see the same officers that I identified at first, which is Officer Guevara, Officer Noon and Weingart and Kaupert.
Q. At what point did Officer Kaupert come in?
A. Officer Kaupert, he came in with Officer -- no, he came in at the last moment, at the last. Like when they was bringing me out, that's when he came in. He was on the side first and then after they proceeded to take me out he came -- he began to come all the way in.
Q. What did you see Officer Kaupert doing then?

A. He was like -- like the roommate got, Richard -- the roommate is right here and the bedroom is right here from the kitchen, okay? He would go to the door, he would go to the bedroom. He would shoot just like this, and there is a little washroom right here. He would shoot just like this. He will look through here and he will come out real quick and look through the washroom. I don't know where he went after that.

Q. After that you were taken away, right?

A. I was gone.

Q. Before you were taken away did you have any conversation with Richard Crawford?

A. Yes, I did.

Q. What did you tell Richard?

A. I told Richard Crawford see if he can call my lawyer and I told him get in contact with Lillian if he can.

Q. By "Lillian" who did you mean?

A. It was my fiancee.

MR. FELDMAN: Judge, at this point I would like to read into the record some of the uncontested facts.

THE COURT: Share them.

MR. FELDMAN: Once again, these are uncontested facts.

"Plaintiff Leshurn Hunt was arrested and handcuffed" --

THE COURT: Just one moment. I want to remind the jury that if there is something that both sides agree to and stipulate to it, then you may accept it as a fact.

MR. FELDMAN: Okay. "Plaintiff Leshurn Hunt was arrested and handcuffed by Chicago police officers at 3437 North Damen on February 15, 1983 at about five or six a.m. The officers had no arrest or search warrant.

"When the police arrested plaintiff at 3437 North Damen, someone other than plaintiff opened the door. It was Rod Hunt, not the police who asked for plaintiff.

"Four of the defendants, William Kaupert, Russell Weingart, Reynaldo Guevara, and Daniel Noon, were present at the scene of the arrest. Each of those four defendants, as well as defendants Nick Gaudio and Allen Jaglowski were and are members of the Chicago Police Department. In all of their dealings of any kind with plaintiff these six defendants were acting under color of state law.

"Also present at the scene of Leshurn Hunt's arrest was Rod Hunt, who is Leshurn Hunt's brother.

"Defendants Weingart, Kaupert, Noon, and Guevara did not formally arrest anyone but the plaintiff at the scene of plaintiff's arrest. These four defendants did not seize any property from the scene of the arrest.

"The police took plaintiff to Area 5 police headquarters at 5555 West Grand Avenue in Chicago where they

placed him in an interview room.

"Plaintiff was not observed committing a crime when he was arrested, nor was he fleeing the scene of a crime just committed."

THE COURT: Wait, did you mean to read -- was he at the scene of the crime just committed or was he at the scene of the crime just committed?

MR. FELDMAN: No, it was: "Plaintiff was not observed committing a crime when he was arrested, nor was he fleeing the scene of a crime just committed when he was arrested."

THE COURT: It's different, you notice.

Some of the jury was puzzled at that. I want to make it clear that I'm not correcting what you did except that you paused as you read one time and came out with a different meaning than I think you meant, and the second time you read what you meant.

MR. FELDMAN: Yes.

THE COURT: Do you want to read it again?

MR. FELDMAN: I thought it was the same meaning both times, but I'll read it again.

THE COURT: No, you paused before the words "just committed" the first time.

MR. FELDMAN: Okay. "Plaintiff was not observed committing a crime when he was arrested, nor was he fleeing the scene of a crime just committed."

THE COURT: Okay.

BY MR. FELDMAN:

Q. After the arrest at the apartment you were taken to a police station, right?

A. Yes, sir.

Q. Who drove you to that police station?

A. Officer Noon and Officer Weingart.

Q. Who drove?

A. Officer Weingart did the driving and --

Q. Where was Noon?

A. Officer Noon was on the driver's side -- passenger's side.

Q. Where were you?

A. I was in the back seat.

Q. Were you handcuffed at this point?

A. Yes, I were.

Q. How were you handcuffed?

A. I was handcuffed behind my back.

Q. What happened after you got into the car with Noon and Weingart?

A. Well, as I was placed in the back seat of the car, I was -- I hollered to Noon, I was telling Noon, I said, "Hey, man," I said -- I was telling him at first, I said, "Like this don't make no sense, man."

Then I said, "Hey," I said, "I got a court date in

front of Judge Bentivenga," you know. I say, "Do you think you could check that out? Can you call my lawyer?" I say, "I got his card." I was informing him. I say, "If you like his card, I have his card," you know.

Q. How did he respond to that?

A. Like first he told me, he say, "Shut up," then he say, "Shut up," and I just looked at him like, you know, I paused and I just looked at him like, you know, for the way he said it. You know, he said it like out of anger.

Q. What happened after that?

A. Then after that, you know, I continued, I waited for a little while, but then I asked him again, I said, "Hey, sir," I said, "I got a court date." I said, "Do you think you could call my lawyer?" And he turned around and he hauled off and he just smacked me. He did just like that (indicating) with a, you know, open hand slap. He raised up first and he just slapped me, and he called me a woman, you know. He said, "Shut the hell up, woman," like that there.

And I looked at him, you know. I just -- you know, I like froze, you know.

Q. Did it hurt when he slapped you?

A. Yes, it hurt.

Q. What else happened?

A. Then after that, as we was driving on everything came to a little ease for awhile. Then as we was driving on, he

said, "Hey," he said, you know, he said something about my brother implicated me as we was driving on and stuff like that and some few other words he was saying, you know --

MR. DAVY: Objection, your Honor, as to who "he" is.

THE COURT: I didn't think there was much question.

MR. FELDMAN: Well, we can narrow it down to either Noon or Weingart.

THE COURT: Go ahead.

BY MR. FELDMAN:

Q. Who was doing the talking?

A. Officer Noon, he told me, he say, "You little fucking black ass going to tell me what happened." He said, "Your brother implicated you in a murder, you know," and he said, "You know about it, you know about it." He say, "You're going to tell us," and a few other words he was saying that I can't recall right now.

Q. Were you hit at all other than that slap?

A. Yes, I was punched -- as we was going to the police station I was punched by him a few more times in the stomach and I was sort of punched over my shoulders like.

MR. FELDMAN: Judge, may the witness step out of the box for a demonstration?

THE COURT: You may step down.

BY MR. FELDMAN:

Q. Leshurn, I would like you to step over here in front of the podium.

I would like to designate this first chair as the front seat of the car where you testified that Noon was sitting.

A. Yes.

Q. And this is the back seat.

A. Right.

Q. I would like you to take that chair, if you would, sit down, and show the jury how Noon slapped you on the face as you described on the stand.

A. First he turned around like this and he raised up and he said, "Didn't I tell you to shut up?" just like that, and he just, you know, open hand slapped me like that there.

Q. How did he punch you as you described?

A. First he was trying to reach up and he punched me in my stomach, you know, a few times and he tried to grab me and hit me on my shoulder because I was like -- I was moving over trying to get away from him, you know.

Q. Did it hurt when he punched you?

MR. RYAN: Your Honor, can I ask the record reflect that he was using his left hand when he was striking Mr. Feldman.

THE COURT: The back of his left hand.

MR. RYAN: May it also indicate he was punching Mr.

Feldman in the stomach with his left hand also?

THE COURT: Yes.

BY MR. FELDMAN:

Q. Leshurn, do you know which hand Noon was striking you with?

A. I know he used -- the car is right here. If he turns around right here he used his left hand.

MR. FELDMAN: You can take the witness box.

BY MR. FELDMAN:

Q. About how long did the ride to the station take?

A. It took about eight, nine minutes.

Q. Who got out of the car first when you got to the station?

A. Officer Noon got out the car first.

Q. And then who got out next?

A. Weingart got out second.

Q. Where did Officer Weingart walk to when he got out of the car?

A. Okay, Officer Weingart when he got out of the car first -- I don't know really who got out first, I believe it was Noon who got out first, though.

When he got -- when Weingart got out the car on the driver's side he went directly to the trunk of his car.

Q. What happened after he went to the trunk of the car?

A. He opened the door up for me. Okay, first after he

came back from the trunk of the car he had a briefcase, a small briefcase about this size right here and about that high.

Q. Would it be fair to say about two and a half feet by a foot and a half? I believe that's about what you indicated.

A. Yes.

Q. What happened after he got the briefcase?

A. Then he opened the door for me, okay, and he told me, he say -- first he opened the door and he said, "Get out." I got out like he told me.

Then he told me, he say, "Walk." Then I got ready to take one step, I took one step, and before I could take that step he shoved a briefcase right up in my stomach, in the center of my stomach.

Q. Did he say anything when he did that?

A. Yes, he did, because when the briefcase went into my stomach I flew back against the car the same way I was getting out. I flew back -- the door was shut, though. I flew back against the car and he grabbed me forward and he pushed me, he say, "Go ahead," he say, "Go ahead, run, run. You know you want to run." He say, "Go ahead, run, so I can blow your mother fucking head off," just like that.

And I told him, I said, "Sir, what I'm going to run for?" I said, "I don't have no reason to run."

Q. That briefcase, was it a hard briefcase or a soft

briefcase?

A. It was a pretty hard briefcase, but it was like -- it was hard. It was hard.

Q. Did it hurt when when he shoved it in you?

A. Yes, it hurt.

Q. Where were you pushed into? You said you were pushed.

A. He grabbed me first, okay? After I was pushed -- I was pushed when the suitcase went into my stomach. I call that the push back into the car.

Q. Where did you end up? Were you actually in the car?

A. No, I, like my butt and my back part and the lower little part of my neck hit the car.

Q. Were you still handcuffed at this point or not handcuffed?

A. I was handcuffed behind my back, yes.

MR. FELDMAN: Judge, may the witness rise once again?

THE COURT: Yes.

MR. FELDMAN: Please step forward.

BY MR. FELDMAN:

Q. Show the jury the motion -- why don't we grab a briefcase, actually.

Will you please show the jury how Officer Weingart shoved the briefcase into your stomach.

A. We will just say the car is right here. Boom, I'm getting out the car, I'm taking a step, and he do just like this here right in my stomach (indicating). I fly right back.

Q. Okay, thank you.

What was Officer Noon doing when Weingart was shoving the briefcase into your stomach?

A. Officer Noon, he was standing at the police station by the door, holding the door open for me, waiting on me to come in.

Q. Did Officer Noon do or say anything at that time to prevent Weingart from hitting you with the briefcase?

A. No, he didn't.

Q. What happened after that; were you taken somewhere?

A. Yes, I was taken upstairs.

Q. Where were you brought?

A. I was brought to -- where was I brought at the police station?

Q. Yes.

A. I was brought upstairs.

Q. And where were you put upstairs?

A. I was put into a little small room.

Q. About how big was the room?

A. It was an 8 x 8 room.

Q. What kind of furniture was in the room?

A. I believe there was a couple of chairs, could have been three, and a table and a ring on the wall. That was it.

Q. That ring on the wall, what did it look like, what was it made of?

A. It was made out of steel.

Q. Let me show you what's been marked and I believe is in evidence as Plaintiff's Exhibit No. 1.

I ask you to take a look at those photographs. What are those, Leshurn?

A. These are pictures look like the room that I was in.

Q. And the table and the chairs that you described, are those -- are there tables and chairs in that photograph?

A. Yes, it is.

MR. FELDMAN: Judge, may I publish these pictures to the jury?

THE COURT: No objection?

MR. MC CARTHY: No objection, your Honor.

THE COURT: Yes. Let the marshal do it.

(Documents published to jury.)

BY MR. FELDMAN:

Q. Leshurn, this chair over here, pointing to an orange chair in front of the jury box, do you recognize this type of chair? It's marked as Defendant's Exhibit 17.

A. The chair was similar to something like that.

Q. This is what one of the chairs looked like in the

room?

A. Yes. I'm not too sure if it was that comfortable, but that chair look pretty comfortable. I don't know if that material was made out of that or not.

Q. Now, when you were brought into the room were you still handcuffed?

A. Yes, I were.

Q. Which officers were with you when you were brought into the room?

A. Officer Weingart and Officer Noon.

Q. Were there any conversations happening in this room while you were there?

A. In the room?

Q. Yes.

A. Yes, there was.

Q. What did the officers say to you and how did you respond?

MS. DOOLING: Objection to which officer, Judge.

THE COURT: If he knows.

BY MR. FELDMAN:

Q. If you can identify the officer who said whatever, identify who said what.

MS. DOOLING: I would object to foundation as far as this conversation coming into evidence. I don't believe an adequate foundation is laid for the conversation.

THE COURT: I don't know what's lacking. You know when it was and you know who was there, don't you?

MS. DOOLING: Judge, I don't know when it was, no, your Honor, I don't.

THE COURT: It was when he took him into the police station, wasn't it?

MS. DOOLING: But I don't know the time frame. Obviously, it was when he went into the police station, but as far as foundation --

THE COURT: Did they take him into the police station more than once?

MS. DOOLING: Well, he was in the police station for a period of time.

THE COURT: This was the first time they took him into the police station, wasn't it?

MS. DOOLING: Right.

THE COURT: I think you know when it is.

BY MR. FELDMAN:

Q. What did these officers say to you and if you can remember which officer was talking, identify him.

A. Okay, I believe Officer Noon -- you know, they both were close by, but I believe Officer Noon was talking to me first, you know, asking me questions like -- he was asking me questions, you know, first they let me sit down in the chair and I sit down in the chair, you know, with my hands cuffed

behind my back slightly -- I wasn't fully in the chair, I was like halfway in the chair and I was talking to Officer Noon and his partner was on the side, was like on the side of him.

He was telling me, he said, "Now, tell me about the murder," he said. He said, "Why don't you level with us, Hunt." He said, "We know you was there." He said, "Your brother named you so why don't you tell about it. You ain't going nowhere," and got to saying things like that there and --

Q. How did you respond?

A. I just looked at them. I told them, I say, "I want to call my lawyer. Can I call my lawyer?" I say -- I said, "This don't make no sense." I was saying things like that.

Q. What happened after that?

A. He told me, he say, "You don't want to cooperate with us, don't you, Hunt?" You know, he said a lot of other things before then, though, but I can't remember everything, but then after that he said, "You don't want to level with us, don't you, Hunt?"

I said, "Man, I told you, man," I said, "I don't know nothing about the case. I don't know nothing, you know."

I said, "My brother told you this. Why don't you go talk to him. You got it from him." He said, "All right, all

right," so what he did, he left out the room.

Q. Who left out of the room?

A. Officer Noon left out the room and his partner was still there.

Q. What happened after that?

A. What happened after that?

Q. Who was still there?

A. His partner, Weingart, he was still there present in the room with me.

Q. What happened then?

A. Officer Noon left out the room and he came back in with a statement and he claimed that he got the statement from my brother. And he said, "You see this? You see this?" And he got to, you know, got to reading parts off to me, like, you know, reading it off and I just was looking at him, you know, and he was telling me like, you know, "You know about this. You were there. Weren't you were there? Weren't you were there?"

And I looked at him and I said, "No, man, no," you know, and like I said, my hands were still cuffed behind my back and then he began to look in my face, he said, "You fucking know" -- he said, "Maybe this way," and he grabbed a chair and he snatched the chair up from me and I fell on the floor, I fell on the floor.

Then after that, after I fell on the floor I

remember him -- he took the, you know, he took my hand and, you know, he began to handcuff me to the wall. He put one of my hands on the wall.

Okay, after that one of my hands were cuffed to the wall, then he told me, he say, "Empty your pockets," you know, told me to take everything out of my pockets. So, you know, I had one hand --

Q. Let me interrupt you there and let's go back for a second. We will get everything.

Which officer -- you said one of the officers kicked the chair out from under you. Which officer kicked the chair out from under you?

A. I believe it was Officer Noon kicked the chair out from under me.

Q. Who handcuffed you to the wall?

MR. MC CARTHY: Your Honor, I just object. I believe it's a mischaracterization of the testimony. I believe he said he pulled the chair out from him is what Mr. Hunt had initially said.

THE COURT: Well, the jury heard the testimony, and I'm not sure what your point is.

MR. MC CARTHY: I'm not certain -- I believe Mr. Feldman --

THE COURT: Well, you're going to get a chance to cross examine.

MR. MC CARTHY: Well, I just objected that he mischaracterized the testimony.

THE COURT: The jury heard it, you heard it, and counsel heard it. It's his witness and if you want to modify it, challenge it or correct it, you're going to get a chance on cross-examination.

BY MR. FELDMAN:

Q. What happened after you were cuffed with one hand to the ring on the wall?

A. Okay, after I was cuffed to the ring on the wall that's when he, you know, he began to like tell me, "You know about it," and him and his partner would get a little bit more closer to me and they would come to me and that's when they begin calling me all kind of names, "You fucking nigger, you're going to tell us about it."

His partner Weingart, he would take one of his kneecaps, his knee, and he would brace -- they both, you know, I couldn't see everything because I'm trying to like, you know, duck them. I only had one hand available so I'm trying to duck them and draw up in the corner to keep from them trying to do what they got to do to me, and they were -- like one of them braced his knee on me or hold me against the wall and began to punch me and stuff like that there and call me all kind of nasty names and stuff like that.

Q. What were some of these nasty names that they were

calling you?

A. They call me, you know, "You a punk mother fucker, you a stupid black ass," or, you know, "Your brother told us, you fucking going to fry," and all this here, "Nobody care about your little ass," and all this here and stuff like that, "You ain't going nowhere," and all kind of crazy stuff.

MR. FELDMAN: Judge, may the witness step out?

THE COURT: Yes.

BY MR. FELDMAN:

Q. Will you show the jury first of all how the chair was either pulled or kicked -- I don't remember exactly what you said -- out from under you.

A. Okay. I was sitting in the chair, he grabbed the chair just like this here (indicating), snatched it out just like that, I believe -- yes, snatched it out just like that there, and I fell out the chair.

MS. DOOLING: We would ask the record to indicate the actions that the plaintiff just took. He placed his hand on the front edge of the chair facing him in a forward motion and in the forward motion he pulled the chair toward him.

THE COURT: Correct.

MS. DOOLING: Thanks, Judge.

MR. FELDMAN: Stay here.

BY MR. FELDMAN:

Q. Now, later on you said that one of the officers used

his knee against you. Will you show the jury how that officer used his knee against you.

A. I just say just the corner of the wall right here, because the room I was in, the wall was right here. Like he would take his, you know, in a clockwise, just like a corner like, and he would clockwise -- they both would like clockwise me in the corner like that.

Q. Why don't you step back because I don't think the jury can see you. Show what they were doing.

A. Okay, I'm in the corner where the ring is on the wall, okay, and they like grabbing me, be grabbing me like and trying to, you know, kicking me and stuff like that there, and I'm not trying to look and really see who is doing this, all I'm trying to do is use the hand I got right here, and I'll go down, I'll go all the way down and try to just cover up.

Q. When you say you went all the way down, were you standing or what position were you in when you went down?

A. When they first started off I was standing up and I wind up in a standing position to a kneeling position.

MR. FELDMAN: You can return to your seat.

BY MR. FELDMAN:

Q. What part of your body was kneed?

A. My stomach part, the side, and that's it as I remember, maybe on the side of my hipbone.

Q. Did it hurt when you were kneed?
A. Yes, it hurt.
Q. What did it feel like?
MS. DOOLING: Objection, calls for a conclusion.
BY THE WITNESS:
A. Felt painful.
THE COURT: Overruled.
BY MR. FELDMAN:
Q. Now, when you were in this room were officers constantly with you or were you sometimes left alone?
A. No, I was sometimes left alone.
Q. Did you have a clock with you in the room?
A. No, sir.
Q. Did you ever get to see what time it was while you were at the station?
A. No, sir.
Q. Could you tell whether it was day or not outside while you were in that room?
A. No.
Q. Do you know exactly -- could you say how many hours you were in that room?
A. I don't know exactly how many hours I was in the room.
Q. At some point after you were with Officers Noon and Weingart in that room, were you brought from that

interrogation room somewhere else?

A. Can you rephrase the question.

Q. Did you stay in that interrogation room the whole time or were you brought somewhere else?

A. Yes, I was brought -- I was taken somewhere else.

Q. Where were you taken?

A. I was taken downstairs to a little lockup room.

Q. What did you do while you were brought to the lockup?

A. As I was brought to the lockup I asked one of the bailiffs if I could make a telephone call.

Q. Did you make a telephone call?

A. Yes, I did.

Q. Who did you call?

THE COURT: Excuse me just a minute. Mr. Hunt, keep trying to speak up. I think some people in the back of the room are having a little trouble hearing you.

THE WITNESS: Yes, sir. Okay.

BY MR. FELDMAN:

Q. Who did you call while you were in the lockup?

A. I called Lillian Garcia.

Q. That's the girlfriend you mentioned earlier?

A. Yes.

Q. Why did you call Lillian and not your lawyer, Jerry Kurz?

MS. DOOLING: Objection, leading, Judge.

THE COURT: Overruled.

MR. FELDMAN: Do you remember the question?

THE WITNESS: Yes. Because at that particular time that was the only thing I had on me at the time, you know, in my mind by memory because it was a lot of my property that was left upstairs on the table when they made me take everything out of my pocket, so I only had -- you know, I only remembered her telephone number by memory.

BY MR. FELDMAN:

Q. Did you have your lawyer's card that you described earlier with you down in the lockup?

A. No, I didn't.

Q. What did you tell Lillian in that phone call?

A. I believe --

MS. DOOLING: Objection, hearsay.

MR. FELDMAN: Judge, this is going to intent and state of mind of Mr. Hunt.

THE COURT: Objection sustained.

MR. FELDMAN: Judge, may I have a sidebar on this?

THE COURT: Sure.

(The following proceedings transpired out of the presence and hearing of the jury:)

THE COURT: Read the prior question to me, please.

(Record read.)

THE COURT: A leading question is a question that suggests the answer. That question didn't suggest the answer.

MS. DOOLING: I was listening. There was a lot of leading ones and maybe I just objected at the wrong time.

THE COURT: What about this?

MR. FELDMAN: Judge, I believe Mr. Hunt would testify that he asked Lillian to call his lawyer. That is a request, it's not a statement, an assertion of fact that goes to the truth of the matter asserted. It's simply a request for a lawyer, and I believe it's not hearsay because it is simply a request, it's not a statement of fact going to the truth of the matter asserted, which is the definition of hearsay.

THE COURT: What do you want to put it in evidence for if it doesn't go to the truth of the matter?

MR. FELDMAN: To show he was requesting a lawyer.

THE COURT: That's the truth of the matter.

MR. FELDMAN: No, because there is no fact outside of that that's going to be proved. If he was going to say the sky is blue that's something that is true in the outside world, but it's simply the fact of a request, there is no --

THE COURT: You're trying to get in evidence that he requested a lawyer, but what's really important, by the way, is whether he requested a lawyer of the defendants, not whether he told his girlfriend he wanted a lawyer.

It is hearsay and objection sustained.

(The following proceedings transpired in the presence and hearing of the jury:)

THE COURT: Objection sustained. You may continue.

BY MR. FELDMAN:

Q. Leshurn, after this phone call to Lillian, how long were you in the lockup?

A. I would say at the most no more than ten minutes.

Q. Where were you taken after that ten minutes?

A. I was taken right back upstairs.

Q. Were you placed in the same room or a different room?

A. Yes, I were.

Q. Which one, the same room or a different room?

A. I was placed in the same room.

Q. Were you questioned again?

A. Yes, I were.

Q. Who was there?

A. I was questioned by the same officers, which was Officer Noon and Officer Weingart. I was questioned by them.

Q. At any point during that morning when you were at the please station did you see Detective Kaupert?

A. I may have seen him coming like in and out, in and out, but I didn't -- as far as like remaining there, I did

not see him.

Q. Did Detective Kaupert ever participate in any beatings of you?

A. Not to my knowledge.

Q. Did Detective Kaupert ever try to prevent any other officer from hitting you?

A. No, he didn't.

MS. DOOLING: Objection, calls for a conclusion.

THE COURT: Overruled.

BY MR. FELDMAN:

Q. Now, what happened this second time you were in the interrogation room when the officers came in?

A. Well, first, there is still some more things to the other part when they got ready to turn me over to the other officers.

Q. Well, I don't think we are there yet.

A. Okay.

Q. Were you with -- you said just a moment ago that you were with Officers Noon and Weingart still?

A. Right, right.

Q. What happened with Officers Noon and Weingart?

A. Okay. They handcuffed me back to the wall. One of my hands was handcuffed to the wall. And he informed me, he say --

Q. Who is "he"?

A. Officer -- I believe it was both of them. They wasn't speaking at the same time, but they both were present and I believe -- I can't be specific on who was speaking first, okay, but one of them told me, they said, "We are going to turn you over -- we're going to turn you over to some more detectives," and they say, "We don't want to see you here when we get back," you know, and stuff like that there. And they say, "Don't let us see you here, Hunt, when we get back," and they left out the room for awhile.

There were some other things that went on, but I can't remember everything that went on, you know. And after that they left out, they left out, and they turned me over to two other detectives.

Q. Who were these two other detectives that you were turned over to?

A. I was turned over to Officer -- Detective Nick Gaudio and Allen Jaglowski.

Q. Do you see Nick Gaudio in court today?

A. Yes, I do.

Q. Will you point him out, please, and pick out an article of clothing he is wearing.

A. That's Nick Gaudio right there.

Q. And Allen Jaglowski, do you see him in court today?

A. Yes, I do.

MR. FELDMAN: May the record reflect that Mr.

Jaglowski stood?

THE COURT: Yes.

BY MR. FELDMAN:

Q. What happened when Nick Gaudio and Allen Jaglowski came into that room?

A. Well, when they first came into the room, I believe they uncuffed my hand from the wall and they handcuffed me behind my back, and they gave me a chair to sit in, you know, told me to sit down and he say -- you know, then I told him what went on, I say -- first he asked me a question.

Q. What was the question?

A. He asked me, he said do I know anything about the murder and I told him no, you know, and I told him -- I complained to him on what took place during the first time with the other two officers.

I told him, I say, "I have been beat up by the other officers, man." I said, "Man, I'm tired." I say, "They won't let me call my lawyer," this and that.

I told him, I say, "Sir, you know, they been beating me up, you know, treating me wrong and stuff." You know, I don't know if those was my exact words, but they was similar to that.

Q. How did they respond when you informed them of the beating?

A. Well, after I said what I said, he told me, he say,

"You think you're hurting now" --

MR. MC CARTHY: Your Honor, if I may just ask if we can get a determination as to "he" is or "they." I'm not quite certain as to who is saying what.

THE WITNESS: Allen Jaglowski.

BY MR. FELDMAN:

Q. What did Allen Jaglowski say to you?

A. Allen Jaglowski was the main one that was talking to me at that particular time. He told me, he say, "You think you're hurting now," he say, "Wait until I get through with your little black ass," he say, "you will be hurt."

He said, "Don't you know," he say, "there was a man shot and killed and your brother told us that you know about it, and you're going to tell us what the fuck happened."

Q. After he said those words to you, what happened?

A. You know, I looked at him. I just stared at him and looked at him like, you know, I didn't know what to say.

Q. So you didn't respond to him or did you say something?

A. I told him, I said, "Man, I just want to call my lawyer, man." I said, "Man, I tried to call, they won't let me call my lawyer, man." I said, "Why don't you call my lawyer, man," you know, and I told him, "I ain't have nothing to do with the case, man." I said, "You all got the statement you all said from my brother." I said, "Go to him."

That's when he got to telling me, say, "You being

fucking smart? You being smart? You being smart with me?" He began to like smack me and stuff like that.

Q. How did he smack you? What did he do specifically?

A. First he hit me across my head like that there.

Q. Who is "he"?

A. Allen Jaglowski.

Q. How many times did he hit you across your head?

A. He hit me across my head a few times.

MS. DOOLING: Excuse me, I don't mean to interrupt the witness and I apologize, but I would like the record to reflect when the witness said, "He slapped me up across my head" that he took his right hand and he hit the point of his head being his forehead area.

THE WITNESS: I see no problem with that.

THE COURT: We can be more specific than that if you like.

THE WITNESS: Yes, I can.

THE COURT: He hit the top of his head and his forehead area over his left eye.

MS. DOOLING: Thank you, Judge.

BY MR. FELDMAN:

Q. What happened after you were hit on the head by Allen Jaglowski?

A. After I was hit on the head with him, he took the chair from me, I was handcuffed right back to the wall, and

he left out because his partner, like Nick Gaudio was telling me telling him like, you know, "Cool out, man, you know, cool out. Let's just talk to him."

Q. When Nick Gaudio was in the room, was Jaglowski still in the room at that point or had he left?

A. No, they both were present in the room.

Q. When Nick Gaudio started talking to you, were they both present in the room?

A. No, not to my knowledge, not as I could remember.

Q. And what did Nick Gaudio say to you while you were alone in the room with him?

A. While I was in the room alone with Nick Gaudio?

Q. Yes.

A. He had told me, he say, "Listen, Leshurn," he said, "my partner had a bad day with his wife, you know, and he is mad, he upset. Don't give him a hard time." He said, "Cooperate with him."

And I said, "Man, I have been cooperating, man," I said, you know, just like that.

Q. And what happened after you responded to Nick Gaudio?

A. After I responded to him, I was being handcuffed into the same -- yes, I was being handcuffed back into the wall the same way for awhile, and then after that -- that would be like -- there would be like other action. He would go in the room, come out, Nick Gaudio would talk to me for a little

while, he was sort of like trying to play the friendly guy like, you know, talk to me, you know. Then he say, "Why don't you tell him. Just tell him what happened."

I said, "Man, I already told you, man, I want to call my lawyer, man." I said, "I don't know what happened, man."

I said, "Don't I have some kind of rights, man, you know?"

Q. What happened after you responded in that way?

A. Well, Nick Gaudio, then after that he told me, he said, "Well, I'm going to leave out, and he is going to come back into the room then. I can't do anything, you know, I can't control him," you know, and he came back in.

Q. What happened when Allen Jaglowski came back into the room?

A. After he came back in the room he began to talk to me about other things, read off the statement, read off the statement in front of my face, such and such, such and such. I can't remember what was said, but he read off the statement to me, he would put it in my face, say, "Read this, read this," you know, say, "Look at it. It's signed. It's signed."

And I just looked at him and stuff like that, you know. He beginning like grabbed me by my face and just, you know, take my chin bone and say, you know, do like "You know,

you fucking know, you're going to tell us, you little black ass nigger, you're going to tell us," and stuff like that there, you know, all kind of crazy stuff.

Q. Did he touch you any other way other than grabbing by the chin?

A. He grabbed me by my chin, he take me by my throat here and he would take his hand and he would just push my head into, you know, push my head, this part right here, I'm already lower down on my knees, you know, and one of my hands cuffed to the wall and I'm like this, I'm like, you know, "Come on, man," and he was choking me real hard and some saliva, you know, it jumped out on his hand and he took it and he wiped it on my clothes. He said, "You fucking nigger, look at what you did," and he would wipe it on my clothes and I couldn't hardly -- when he let me go I couldn't hardly like talk, you know, I had lost my breath and --

MS. DOOLING: Ask the record to reflect when the plaintiff put his hands to the front of his neck he motioned to touch the area right in the upper neck area.

THE COURT: The throat.

MS. DOOLING: Sure. Thank you.

THE WITNESS: And the chin too.

MS. DOOLING: The chin too.

MR. FELDMAN: Judge, I think at this point I am going to object to what I think is interruptions of direct

testimony.

THE COURT: She wants it to be graphic. Why don't you make it more graphic. You can put it on the record if you want, Mr. Feldman. It doesn't make any difference who puts it on the record. The record can reflect it. The jury sees it.

BY MR. FELDMAN:

Q. Leshurn, what did it feel like when Allen Jaglowski was grabbing you by the neck?

A. It was painful. I had lost my wind, you know, I couldn't catch my breath or anything, you know.

Q. What happened after he grabbed you by the neck and after what happened with the saliva?

A. He had walked -- his partner had like told him, he said, "Come on," you know. His partner like got him out the room and they went out, they both went out, and I don't know, you know, they came back after that a little while later, but they left me in the room for a while like, you know.

Q. Was this similar to before or different from before? Like earlier you had said that sometimes you were alone and you weren't with them constantly.

Were you alone at some times?

MS. DOOLING: Objection, Judge.

BY THE WITNESS: Yes, I was alone.

THE COURT: What's the objection?

MS. DOOLING: Judge, the question is unclear. Is this like before or like now?

THE COURT: If you want to make a general objection, Ms. Dooling, general objections go to relevance. I'm not going to guess what you're trying to object about.

MS. DOOLING: Objection, relevance, Judge.

THE COURT: Is it relevance, is that what you're objecting to, because you just explained yourself a moment ago and you sort of spoke as if it was ambiguous. Now, which is it?

MS. DOOLING: Ambiguous, please.

THE COURT: Read the question back to me, please.

MR. FELDMAN: I'll just be happy to rephrase it Judge, if it will save some time.

BY MR. FELDMAN:

Q. Leshurn, were you with Jaglowski and Gaudio constantly or were there times when they left you alone?

A. No, there was many times that they left me alone for a little small period of time.

Q. After this last time you were left alone that you just described, what happened when they returned?

A. Then after that they would like, they would come back in and I still, you know, I be like -- I be on my knees falling down because I was like getting tired, you know, my body was exhausted, so I was on my knees like and they would

come in and they would say, "Get the fuck up," you know, get to kicking me and stuff like that, "get up," you know, and want me to talk, you know, tell them that I did this here and did that, and I would never, you know, I would never say that I did anything, and that would not fit them and he would go into his other crazy ways.

Q. Who is "he" that you're referring to?

A. Allen Jaglowski.

Q. Who did the kicking that you just referred to?

A. Allen Jaglowski.

Q. Where were you kicked?

A. I was kicked on my lower part right here.

MR. FELDMAN: Let the record reflect he is indicating his shin bone.

THE WITNESS: Right here (indicating).

MR. FELDMAN: I believe it's his left shin bone.

THE WITNESS: I was kicked on both of my legs, both my shin bones.

THE COURT: Both shin bones.

BY MR. FELDMAN:

Q. Did Nick Gaudio do any kicking or striking of any kind?

A. No, he didn't do any kicking. At one time -- at one time in the first room he held one of my hands like. I only had one arm to sort of like defend myself and he had held it

for awhile, but then he -- I don't know if he called himself trying to hold my hand against his partner or what, but he held my hand for awhile.

Q. Did Nick Gaudio try to stop Allen Jaglowski from hitting you in any way?

A. Yes, he did.

Q. What did he do?

A. He restrained -- after he held my hand he grabbed his partner and he say, "Cool out, man," and he took him out and they went out the room and stuff like that there and they -- I don't know what was said or whatever, but I know they went out the room.

Q. Now, you said you were kicked in the legs.

A. Yes.

Q. Were you ever kicked anywhere else by Allen Jaglowski?

A. When I was placed in the second room, I was kicked some more by him.

Q. Where were you kicked?

A. I was kicked in my groin.

Q. How many times were you kicked in your groin?

A. I was kicked one good time.

MR. FELDMAN: Judge, may the witness leave the box for a demonstration of this?

THE COURT: You may step down.

BY MR. FELDMAN:

Q. Leshurn, will you please show the jury how Allen Jaglowski kicked you in the groin.
A. He just came and just kicked me just like this here, boom. I don't know what part met, but I know it made contact and he kicked me, he kicked me right up in there and I just, you know, I flew up in the air and I passed straight out, just passed out.
Q. When you were kicked in the groin, were you handcuffed or unhandcuffed?
A. No, I was cuffed.
Q. Were you cuffed to the wall or not to the wall?
A. I was cuffed to the wall.
MR. FELDMAN: Please take your seat.
BY MR. FELDMAN:
Q. What did it feel like when Allen Jaglowski kicked you in the groin?
A. It felt like I was going to die or something.
Q. Now, Leshurn, at some point later were you put in a lineup?
A. Yes.
Q. Do you know how soon or later after you were kicked in the groin you were put in that lineup?
A. I was kicked in the groin before I was put in the lineup.
Q. Do you know how long before?

A. No, sir.
Q. How were you feeling during that lineup?
A. I was in pain during that lineup. I could barely even walk or stand up.
Q. I would like to show you what is in evidence as Plaintiff's Exhibits 5 thru 8.

I would like you to take a look at these, Leshurn, and ask you if you recognize those photographs?
A. Yes, I do.
Q. What are they, Leshurn?
A. Those are photographs of me taken in the lineup.
Q. Are there other people in those photographs?
A. Yes, there is.
Q. What are you doing with your hands in those photographs?
A. I had my hands down there because I was in pain and I was trying to like -- I was trying to hold down the pain, you know, because I was anxious to stand up and don't go nowhere. I couldn't do nothing else but to do what they required me to do. They told me do this and do that and I had no other choice but to do what they told me.
Q. When you say your hands were down there, what do you mean by "down there"?
A. I held them down there because I was in pain at the time and I was trying to eliminate some pressure, you know.

Q. You still haven't said specifically where "down there" is.

A. Below my groin.

Q. Thank you.

Where were you taken after that lineup?

A. After that lineup I was placed right back into the same second room.

Q. Who placed you there?

A. It was Officer Allen Jaglowski and Nick Gaudio, I believe.

Q. When they placed you in that room, was Allen Jaglowski carrying anything?

A. Pardon?

Q. When you were placed in that room after the lineup, was Allen Jaglowski carrying anything?

A. He had something with him, you know.

Q. What did he have with him?

A. He had a black flashlight, a long black flashlight about this size (indicating).

MR. FELDMAN: Let the record reflect that he is indicating that that would be approximately eighteen inches to two feet, would that be fair?

THE COURT: Let me see it again.

THE WITNESS: About this size, your Honor (indicating).

MR. FELDMAN: We'll see how good my measurement is.

THE COURT: It's going to be 16-1/2 inches.

MR. FELDMAN: Taking a ruler, it is 16-1/2 on the button.

BY MR. FELDMAN:

Q. Leshurn, what was that flashlight made out of?

A. It was kind of like hard rubber like.

Q. What was Allen Jaglowski doing with that flashlight when he came into the room?

A. He would begin to talk to me and he would play with it in his hand like that there and be looking at it and be telling me, "You ready to talk, Hunt? You ready to cooperate with me?"

MR. FELDMAN: May the record reflect Mr. Hunt was making a tapping motion with the flashlight from one hand into the other hand?

BY MR. FELDMAN:

Q. What happened after Allen Jaglowski was tapping the flashlight?

A. He would lay it on the table, then he will rest up, you know, talk to me for awhile, and then he would take, he would say, "You don't want to fucking cooperate with me." He said, "I'm tired of you, fooling around with your little black ass," and he would take it, begin to jam it in my stomach and, you know, just jam it in my stomach and stuff

like that, and I begin -- I fold up and use my legs and sort of draw up like, you know.

Q. How many times did he jab you in the stomach with that flashlight?

A. He probably jabbed me in the stomach with that about seven times.

Q. What was Nick Gaudio doing while Allen Jaglowski was jabbing you in the stomach with that flashlight?

A. I'm not too sure if Nick Gaudio was present during that time. He may have been.

Q. What did it feel like to have that flashlight jabbed in your stomach?

A. It felt -- it was hurting me, you know. I had on like a blue jacket and it was like -- what I was doing, I was trying to like block some of the pain off, but I couldn't, you know, because if he hit me here, he would strike me on the side or something like that, and he would say, "Talk," you know, "Tell me what happened" and stuff like that there.

Q. Leshurn, at some point later were you brought face to face with your brother Rod at the police station?

A. Yes, I was.

Q. Up until this point had you been with Rod at any point at the police station?

A. No, only during the lineup. That's the only time I

seen my brother. That's the only time.
Q. Were any officers present when you were with Rod?
A. Yes, there were.
Q. What happened when you were with Rod -- well, let me step back for a second, strike that.
What officers were present when you were with Rod?
A. When I was with Rod -- okay, now, like I say, I was present with Rod twice. During the time of the lineup, that's the first time. Who was present was Officer Noon, Officer Allen Jaglowski, and Officer Nick Gaudio was present. On the outside of the door you could see them.
Q. Okay, I'm asking now about the second time when you were with Rod.
A. Okay, the second time when I was with Rod, the officer, the Spanish guy, Guevara, Allen Jaglowski, and those are the only three I could remember. Nick Gaudio was there too.
Q. What happened when you were in that room with Rod and these other officers?
A. Well, at that time, they put us in a room. I was being handcuffed behind my back, my brother Rod, he was handcuffed behind his back, and they left us in the room, you know, for about a few seconds or a minute or so.
Q. What happened while you were in the room with Rod?
A. While I was in the room with Rod -- you mean with the

officers present?

Q. No, after, when you said they left you with Rod.

A. This is what happened, what I'm going to tell you now.

Q. Okay.

A. Me and my brother was like talking, you know, and I was asking, "I said, man, what's up, man?" I said, "What's going on?" I said, "You know" -- he said, "Man," he say, "Man, look like you're tired, man," and this and that to me.

He said, "Man," he say, "Go ahead, man, just tell them you did it, man." He said, "Just go along with it." He say, "I know them officers, man. I know they're beating you. I can hear you, man."

MR. MC CARTHY: Objection, your Honor, hearsay.

MR. FELDMAN: Judge, this goes to the state of mind. It bears on the Fifth Amendment claim in terms of the overcoming of his will at this point.

THE COURT: Sidebar.

(The following proceedings transpired out of the presence and hearing of the jury:)

THE COURT: The reason I wanted to go sidebar is I don't know if it is hearsay. Could they overhear them in the room?

MR. MC CARTHY: The officers?

THE COURT: Yes.

MR. MC CARTHY: I believe they were in the room with them.

THE COURT: Then it wasn't hearsay.

MR. MC CARTHY: What his brother said to him?

THE COURT: In the presence of your officers.

MR. MC CARTHY: I'm not certain -- he said, "I was left alone with my brother."

THE COURT: That's what I just asked you.

MR. MC CARTHY: I'm not certain what point in time we are dealing with when this conversation took place.

THE COURT: Get it straight. I thought we were talking about when they were alone in the room. Then you're telling me you think the officers were in the room. Then I say if the officers were in the room it wasn't hearsay.

What are you talking about? If you're talking about when they're outside the room, that's why we are here. It was my understanding they were outside the room and I'm asking you could they overhear them.

MR. MC CARTHY: My understanding is my officers are going to testify they were in the room whenever the two brothers met.

THE COURT: Then it wasn't hearsay. But if they're outside the room my question is could they overhear them. Were they left in the room alone on purpose is what --

MR. MC CARTHY: They were not left in the room alone

is what my officers' testimony is going to be.

THE COURT: Then it's not hearsay.

MR. MC CARTHY: It is to the extent he is offering the statement, "I know you were being beaten."

MR. FELDMAN: We are not offering it for that.

THE COURT: If it was in the presence of your officers it was not hearsay.

MR. MC CARTHY: He said that the police officers were not present when he had this conversation with his brother.

THE COURT: You can't have your cake and eat it too.

MR. MC CARTHY: Under the circumstances of the scenario the plaintiff has set up, he is attempting to say the police officer wasn't present and he said, "I know you're beating the man," and if it's under those conditions I know it's hearsay.

THE COURT: That's not bad.

MR. FELDMAN: We have a claim, a Fifth Amendment claim in Count 3 of the complaint. The theory of the claim is that over a period of time Mr. Hunt's will was overcome and he was forced to incriminate himself. The things that he hears, the things that are said to him are relevant to the gradual wearing down of his will.

This confrontation is a tactic by the police to eventually overcome someone's will, and what happens in this conversation with Rod is relevant to his state of mind and

the eventual wearing down of his will.

We are not offering anything that Rod says for the truth of anything Rod says, it's just for the fact that Leshurn hears it and it eventually contributes --

THE COURT: If they were outside the room then it wasn't anything they were doing and you haven't sued Rod as a member of the conspiracy, even an unindicted -- or an unnamed member of the conspiracy, and so he wasn't trying to wear down his brother's will, unless you're making that accusation, and so it doesn't fit with that purpose and if it was outside the presence of officers, under those circumstances it would be hearsay.

MR. FELDMAN: May I raise one other matter while we're here? I'm just wondering in terms of the time --

THE COURT: I was planning on breaking around four.

(The following proceedings transpired in the presence and hearing of the jury:)

THE COURT: Objection sustained. Ladies and gentlemen, we are going to work until my four o'clock meeting gets here. Usually I let you break after an hour and a half. You have been working an hour and 48 minutes, and we may only work five more minutes, we may work ten more minutes, depending on when my next group gets here, so why don't we stand up and stretch. You folks haven't had a chance

to stretch. Everybody can stand up and stretch.

(Pause.)

THE COURT: Go ahead, Mr. Feldman.

I tell you what, is this a good breaking point for you?

MR. FELDMAN: We could break here. This would be fine.

THE COURT: Then why don't we. Then my staff can get a few minutes before I have to go into my next meeting.

It's 4:00. We will quit for tonight and it looks like I have got quite a bit early tomorrow morning, so instead of having you here at 10:00, we will have you here at 10:30.

Now, I have a number of things, quite a number of things to do tomorrow morning. I expect I'll be finished with them. If I'm not, then I will get to you, and I have already told you, you know, you can bring things down. If you have got a book or a game or a deck of cards or whatever, you can bring it down and while away the time.

So I'll ask you all to be here at 10:30 also, promptly. I think I can probably finish by 10:30. We will give it a good shot.

Then let the jury be excused for the evening, and remember, don't discuss the matter amongst yourselves or let anybody discuss it in front of you, and you have already

found out that when you go home everybody is curious. Stick to it.

The jury is excused. Have a good night's sleep. Tomorrow will be a long day.

(Adjournment to April 6, 1988, at 10:30 a.m.)

88-2102

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

88-2183

FILED
SEP 14 1989

LESHURN HUNT,

Plaintiff,

v

ALLEN JAGLOWSKI, et al.,

Defendants.

Docket No. 85 C 1976

Chicago, Illinois

April 6, 1988

10:00 a.m.

CLERK'S
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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN BARNETT DUFF
AND A JURY

PRESENT:

RECEIVED

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175-2

(The following proceedings transpired out of the presence and hearing of the jury:)

THE CLERK: 85 C 1976, Hunt v Jaglowski, case on trial. Please be seated.

THE COURT: I have issued an order this morning, I believe, I don't know if you received it yet, on the motion of Petrocelli. I'm denying the motion and you can have a copy of the minute order. Have you got it?

THE CLERK: No.

THE COURT: Oh.

MR. RYAN: Which motion?

THE COURT: It was a motion for summary judgment on qualified immunity and --

MR. RYAN: Absolute immunity?

THE COURT: -- absolute immunity.

Is there anything else?

MR. FELDMAN: Yes, could we take up a few things before we call in the jury?

THE COURT: Yes.

MR. FELDMAN: One is -- I don't know whether we will get to it later today or whether it will be tomorrow, but we will be reading part of a deposition of John McNamara into the record. I wanted to tender a copy to your Honor to follow along. I'll just leave it here.

THE COURT: No, give it to Ms. LaCorte.

MR. FELDMAN: Okay.

THE COURT: Thank you.

MR. FELDMAN: And the designated pages are set forth in the pretrial order.

THE COURT: By the way, if you're interested in why we do that, that honors the classic distinction of the bar and the bench. There is supposed to be a bar and that's it.

MR. FELDMAN: I see.

THE COURT: Okay. Now, what were you saying?

MR. FELDMAN: I was just saying that the designated parts of the deposition to be read are in the pretrial order and there are some objections to parts of it which are in the pretrial order.

I don't know, Judge, if you have a typical practice.

THE COURT: Are they marked in here?

MR. FELDMAN: I don't believe they're marked in that copy. They're marked in the pretrial order, the line and the page number and any objections are marked in Section F, I believe.

THE COURT: Well, I would rather have an entire copy so I can follow through with you and take them in context and rule on them in particular. Is that what you're asking me? Have they been ruled on?

MR. FELDMAN: No, they have not been ruled on. Some

of it -- actually, you did make a general ruling in one of the pretrial conferences last week that there were certain --

THE COURT: When do you want to use this?

MR. FELDMAN: When?

THE COURT: This morning?

MR. FELDMAN: No, it would be maybe this afternoon, perhaps tomorrow morning, depending on how long --

THE COURT: Then take the copy that you furnished me with, if you will, later and take a yellow marker and mark out those points that are contentious and maybe tag the pages and then we will all -- it will take us what, ten minutes?

MR. FELDMAN: I think so.

THE COURT: All right. We will do it probably -- I don't know when we will do it. We will fit it in. And, Ms. LaCorte, you can give this back to Mr. Feldman.

Ms. Murphy, you look like you want to say something.

MS. MURPHY: It was pertaining to an objection. Our main objection is there was opinion testimony in there of the deponent as to the source of the injuries and we had gone over that point as far as Judge Bentivenga's testimony would be concerned and we wanted to address that.

THE COURT: Same thing. Other people's opinions are not warranted, but other people's observations of facts are relevant.

MR. FELDMAN: Yes, and I was no longer even going to

go into that.

THE COURT: Okay, fine. And then if there are others remaining, talk to each other about them. If you can narrow them down to a half dozen, we can toss them off easily, all right?

MR. FELDMAN: Yes. There is a couple other things I would like to raise now. Maybe we can deal with them later.

What is designated as our Exhibits 25 and 26, which are reports regarding an OPS investigation of Officer Guevara, a couple of the other incidents, which was subject to the motion in limine of the City which was denied, we would like to put those in evidence in our case.

I have spoken to Mr. McCarthy about that yesterday. They will have certain relevance objections, but with regard to the fact that they are business records and just part of the regular business records of the Chicago Police Department, in order to expedite the trial I was hoping not to have to call someone from the Chicago Police Department just to say, "Yes, this is prepared in the regular course of business."

THE COURT: Mr. McCarthy, is there any reason you can't stipulate to their admissibility, not in terms of their relevance, but in terms of business record foundation?

MR. MC CARTHY: To the extent they're prepared by our office or the City of Chicago's offices, I'm not certain

they're even business records. It's my understanding of the rule, I believe it's 803, that reports generated on the basis of anticipated use at trial, these have been excluded in the past as being --

THE COURT: It's my understanding that those reports are done for the internal administration of the police department and not for litigation.

Am I incorrect?

MR. MC CARTHY: That's been our position, but we have had problems in the past where the determination has been made that they're not unlike the insurance company's investigative file that's done also with the purpose in mind of litigation as a very distinct possibility and therefore, it shouldn't be treated as as a normal business record and to that extent we would object to them in addition to the relevancy, your Honor.

THE COURT: Well, I don't know what you're referring to about insurance company reports because they are admissible in evidence unless they are correspondence with counsel in preparation for trial.

MR. ELSON: Your Honor, I'm unclear on the City's position. Is it their position that these reports are inadmissible because they are prepared in anticipation of litigation against the City?

MR. MC CARTHY: Well, what I'm saying is they

shouldn't come in underneath the business records, your Honor, that's my -- there may be other means in which to bring them in, but I don't know as how they're under business records.

THE COURT: Put your objection in writing so I can rule on it then, but do it today. You're not going to put them in today?

MR. FELDMAN: No, we can wait.

THE COURT: Put your objection in writing.

MR. MC CARTHY: Fine.

THE COURT: What's the next one?

MR. FELDMAN: Just one other thing that we wanted to raise at this time. I just was not sure, I wanted to make sure from yesterday the record was clear in terms of our position.

There were two conversations that your Honor excluded as hearsay. One was what Mr. Hunt said to his girlfriend, Lillian Garcia, when he phoned her in the lockup. I just want to make sure the record is clear --

THE COURT: The record is absolutely clear and I don't even know why you asked me for a sidebar. I already reconsidered it. We went sidebar and we made it clear.

MR. FELDMAN: Okay. I just wasn't sure, my memory wasn't --

THE COURT: I'm not going to rule forever on these

things. We have got a long trial to go through. I have not only ruled once, but you asked me to go sidebar to rule again on something that should have been as clear as a bell to you and now you're asking me to rule again. That's silly.

MR. FELDMAN: I wasn't asking you to rule again. I just wanted to make sure our record was clear.

THE COURT: Your record is absolutely clear. It's absolutely hearsay.

Now, what's the next one?

MR. FELDMAN: I have nothing else to raise at this point, your Honor.

THE COURT: Okay. Now, one thing I didn't give you all before we started the trial is a little sheet that I hand out, and if you have ever tried a case down the street there are a half dozen judges that use it also and maybe one or two others in this building.

Basically, it says that if you're going to offer something in evidence, offer it outside the presence of the jury. Reason: If I have to turn you down or if there is some discussion on the law, I don't want the jury to have seen the thing flagged to them and then not understand and get a message from them at 8:00 at night and say, "Can we see Exhibit 36" when in fact Exhibit 36 for some reason has not been allowed in evidence.

So if you have something you want to offer in

evidence, if you can do it in advance, do it in advance, if you can do it later, do it later, and if you need to do it right that moment, then ask for a sidebar.

Same thing with publishing things to the jury. If I have to for whatever reason -- and it doesn't happen too often -- say no, then you're embarrassed, so if you want to publish something to the jury and you know you're going to ask to have it published to the jury, anticipate, bring it up a little in advance, or ask for a quick sidebar.

And I almost -- I usually let things go to the jury, but there are occasions when it shouldn't happen. And also, if you're going to give things to publish to the jury, it's better to have duplicates wherever you can so they can all read it at once and we don't have to wait for them to go down the line, especially if it's two or three pages of something.

MR. FELDMAN: Maybe I should address that right now since there are a few things that I was planning on publishing.

THE COURT: This morning?

MR. FELDMAN: Yes.

THE COURT: Okay.

MR. FELDMAN: One is there are a couple of photographs which are already in evidence of the general detective area at Area 5.

THE COURT: If they're in evidence, you may publish

them.

MR. FELDMAN: Okay. Another is --

THE COURT: I don't hear an objection. I wouldn't anticipate one.

MR. MC CARTHY: As I recall from my notes, your Honor, I believe they were admitted.

THE COURT: All right.

MR. MC CARTHY: So to the extent that --

THE COURT: What's next?

MR. FELDMAN: Next is I wasn't planning on giving the whole document to the jury, I wanted to read a few parts of it, and that is parts of the medical records of Mr. Hunt, which are in evidence, from when he went to the clinic at Cook County Jail.

THE COURT: Do you object to them being read rather than the entire record going --

MR. MC CARTHY: I object to those portions being read, your Honor. I have no objection to all of the records coming in that we have been provided with from Cermak Health Services on the plaintiff.

THE COURT: All right. Now, what's your reasons for --

MR. DAVY: That would also be Defendant Petrocelli's position.

THE COURT: What's your reason for doing otherwise,

Mr. Feldman?

MR. FELDMAN: Well, there is a lot of stuff in there that is first of all hard to read and that isn't really directly relevant. If they want to read other parts, that's fine with me, but I just thought it would save time rather than having them leaf thumb through and take ten minutes just to read through the whole --

THE COURT: What's the reason for your objection, Mr. Mc Carthy?

MR. MC CARTHY: Well, your Honor, I believe that the plaintiff intends to limit themselves to the 16th of February and some of the records that were produced by plaintiff to us as well as from Cermak Health Services indicate there was some medical treatment approximately three weeks later, March 6th, which we believe also should be --

THE COURT: What is it?

MR. MC CARTHY: And that just indicates that that was the next time he saw any medical services and the purpose for which they saw him at that time. We believe that goes to the injuries, the extent of injuries, the duration of the treatment that he received.

THE COURT: I would think then that the entire document should be put in, but you don't have to put in the page they want if you don't want, they can put that page in.

MR. FELDMAN: Well, actually, what is designated as

our Exhibit 18, which is the medical records, doesn't include that. Maybe they have included that in their exhibit.

THE COURT: I think you should not single out some part of a medical record. I don't know what's involved, but in this instance although I don't like the objection that something speaks for itself, because no piece of paper ever speaks, I do think you should put the whole document in instead of reading a portion of it.

MR. FELDMAN: All right. I may or may not decide to actually give them the whole document.

THE COURT: Something like that, by the way, I wouldn't publish to the jury in the course of the trial anyway.

MR. FELDMAN: Pardon me?

THE COURT: Something like that I wouldn't publish to the jury in the course of the trial anyway. That's the sort of thing you can let go into the jury room with them. You can discuss it in argument or with oral testimony that's connected with it, but I don't want to be passing around a sheet that's going to have minutiae as well as illegibility in some aspects. It takes forever, and it's not necessary.

MR. FELDMAN: Yes.

THE COURT: Do you have anything else?

MR. FELDMAN: One more. We were going to seek admission during the testimony of the Plaintiff's Exhibit 27,

the blow-up of the back, and ask that to be published to the jury.

MR. MC CARTHY: I don't believe a proper foundation has been laid for that, your Honor, by any of the witnesses we have heard from to date.

THE COURT: Not yet.

MR. FELDMAN: Not yes.

THE COURT: It may, and if it is, it will be allowed.

MR. FELDMAN: And when I seek admission I guess I will ask for a sidebar to seek admission.

THE COURT: I think, depending on the timing, that might be a good idea.

MR. FELDMAN: All right.

THE COURT: Anything else?

MR. FELDMAN: No.

MR. MC CARTHY: No, your Honor.

THE COURT: Let's please bring in the jury.

We'll work for one hour and we'll break until two and we'll work until shortly after four today.

We have everybody here. I guess I didn't say that for the record. Apparently, all counsel are present.

MR. MC CARTHY: Your Honor, we do have the additional defendant that hadn't been here prior to today.

THE COURT: Would you like to introduce him to the

jury?

MR. MC CARTHY: I would, your Honor.

THE COURT: We will take care of that when the jury comes in.

(The following proceedings transpired in the presence and hearing of the jury:)

THE COURT: Good morning, ladies and gentlemen. Our schedule today will go something like this. We will work now for about an hour and then we will work from two until shortly after four. That will be your part of the day today.

Did we have somebody on the stand?

MR. FELDMAN: Yes, Mr. Hunt.

THE COURT: Mr. Hunt, would you please take the stand again.

MR. MC CARTHY: That one other matter about the Defendant.

THE COURT: Oh, yes, that's right. Be seated, Mr. Hunt.

There is one defendant here that wasn't here yesterday. Would you like to introduce him, Mr. McCarthy?

MR. MC CARTHY: Yes, I would, your Honor.

Ladies and gentlemen of the jury, this is Russell Weingart.

THE COURT: Thank you.

Mr. Hunt, you were previously sworn, do you understand you're still under oath.

THE WITNESS: Yes, sir.

THE COURT: Very well.

Mr. Feldman, you may continue.

LESHURN HUNT,

called as a witness herein, duly sworn, was examined and testified further as follows:

FURTHER DIRECT EXAMINATION

BY MR. FELDMAN:

Q. Leshurn, yesterday when we left off I believe where we were at was you were alone in an interrogation room with your brother Rod.

A. Right.

Q. Now, without going into the contents of that conversation you had with Rod, what happened after that conversation you had with Rod?

A. Okay. After that conversation with Rod --

THE COURT: Remember to speak up, Mr. Hunt.

THE WITNESS: Yes, your Honor.

After that conversation with Rod, we were sort of -- it was sort of -- Guevara, the Spanish officer, came into that room and he just hollered, "You lying," and then he hauled off and he smacked me right in my face like that

there, just smacked me right up in my face and he pulled me up right away by my shoulders and he just dragged me out, you know, took me right back immediately back in the same room that I was in before I came in the room where my brother was at.

BY MR. FELDMAN:

Q. Who was he saying "you're lying" to? Who was he directing it to?

A. He told me I was lying.

Q. What happened after you were brought into that interrogation room you had been in before?

A. After I returned right back into that same room, he began to start beating me again, started, you know, picking up chairs like. First I was handcuffed.

Q. Let's slow down for a second. Who was in the room with you?

A. Officer Allen Jaglowski and I believe it was Nick Gaudio.

Q. Was anyone else present in the room?

A. No.

Q. By the way, Reynaldo Guevara you just mentioned a moment ago --

A. Right.

Q. -- did he at any time ever try to prevent any other officer from hitting you or abusing you?

A. No, he didn't.

Q. What happened when you were in the interrogation room with Nick Gaudio and Allen Jaglowski?

A. Okay, I did not see Officer Guevara again after that no more, after he smacked me. I was right back in custody with Officer Noon -- not Officer Noon excuse me, Officer Allen Jaglowski and Officer Nick Gaudio because they was working partners.

I was back with them and then he began to start back in the same little routine again beginning like, you know, calling me a liar, this and that, and then he began like, you know, I was handcuffed to the wall, one of my arms was being handcuffed to the wall, and -- I was, like I say I was exhausted, I was kind of tired, so I began to stoop down and every time I tried to stoop down he would grab me back up and say, "What the hell you think you doing," he would grab me by the back of my pants part right here -- can I stand up, your Honor, and show them?

He would grab me right here by my pants and then he would just try to pull me up and lift me up, you know. He said, "What you think this here, what the hell you think this here," and he would just begin to throw me and I would try to just -- like I would just take my arm and I move and just put it up near my face, you know, and try to block him off.

Q. Leshurn, who was grabbing you?

A. It was Allen Jaglowski.
Q. What happened after he was grabbing you by your pants?
A. He just -- after that, what happened was I was just trying to, you know, block him off, like, you know, I wasn't really looking at him or anything like that there, you know. You know, he would lean off, when he think like I'm in some type of serious pain or something he would get up off me, back up off me and then he'll cool out for a little.
Q. What was Nick Gaudio doing while Allen Jaglowski was doing this?
A. Nick Gaudio, he wasn't doing anything at that time.
Q. Were any of the officers saying anything at this time?
A. Allen Jaglowski, he was -- you know, he was saying something.
Q. What?
A. He was saying like I knew that I was going to tell them, that I'm not going nowhere, "You ain't going no fucking where, you might as well tell me," telling me that I was stupid because somebody was saying this and I wouldn't, you know, I wouldn't sort of participate in going along with that, to try to say something else and I didn't want to go along with what he wanted me to say. He wanted me to go along to saying something else on paper, you know, that he was hooking up, and I was in disagreement with that with him and, you know, he didn't like that.

Q. So what happened after he didn't like that?

A. Okay. He would walk out the room for a little while, then he will come back and ask me things like, he will say questions like, "You got your mind straight? You got your mind together? Is you ready to cooperate? Is you ready to give me a statement now, Hunt?" He would say, "I'm telling you going to fucking fry." I'm trying to save your fucking black ass," and stuff like that, you know, all crazy kind of talk.

Q. Was it just talk at this point or did something else happy?

A. No, he was like -- he would grab me by my face, take my chin and stuff and hold my face and say, "Look at me, look at me, look at me, look me in my eye, tell me I'm fucking lying, tell me I'm lying," he would say things like that to me.

Q. Did he touch you anywhere else other than your face?

A. Yes, you know, he was grabbing chairs and stuff.

Q. Tell the jury what he did with the chair.

A. He would grab the chair -- like I was in the corner, okay, he would grab the chair and he would push it at me, just, you know, jam and be hitting me all on my back and stuff with the chair, back and forth, just, you know, like he was a madman or something, you know, crazy stuff.

Q. What part of the chair was he hitting you with?

A. I was being hit with the leg part, the ends of the leg part of the chair. I wasn't trying to pay attention to really what part I was being hit with, but as I could see I was being hit with the legs part because I felt them hit my back.

MR. FELDMAN: Judge, may the witness step out of the box?

THE COURT: You may step down.

MR. FELDMAN: Will you step forward here, Leshurn.

BY MR. FELDMAN:

Q. And first I just want you to show the jury what position you were in, how you were handcuffed. Show them the position you were in when you were being hit with the chair.

A. Okay. Like I say, the beating with the chair took place in the second room, in the second room.

The second room, the cuff on the wall was placed -- okay, it was placed on this side right here in the corner and the doorway is right here, so he would take -- he would take the chair --

Q. Show me your position first.

A. Okay. Say this is the ring on the wall right here or maybe it was on that side, whatever, but anyway, I was in this position, like I was in a position like this here with my hand on the wall and then I wind up -- when he beat me with the chair I wind up in a position like this. I be

trying to duck, you know, trying to duck him. He was steady moving and I would wind up going down and try to move with my hand and I would just get the chair all on my back and stuff.

Q. What was he doing with the chair? Show the jury what he was doing with the chair.

A. He was taking the chair, he would jam me with the chair just like this, you know, jam me, you know, like that there, and he would leave it on me and press it on me for awhile. He would say, "Are you ready to talk, are you ready to talk," and stuff like that, and then he would lean up off me.

MR. MC CARTHY: Your Honor, I would like the record to reflect that Mr. Hunt picked up the chair and held it by the top as well as the seat and was jamming the legs down at an angle in his demonstration.

THE COURT: All right.

MR. FELDMAN: Yes, we could say perhaps it was even about a 45 degree angle.

THE COURT: All right.

MR. FELDMAN: Okay, Leshurn, you can take your seat.

BY MR. FELDMAN:

Q. What did it feel like on your back to have those legs jammed into your back?

A. It felt, it felt -- you know, I felt like burns and a little pain like, you know. Like I didn't really, you know,

after so much of the beating like I didn't really -- I was feeling the pain, but it became like, began to get like numb to me, you know. I began to get sort of like -- I wasn't, I wouldn't say -- I was beginning to get used to them hitting me, but I was still feeling the pain like, you know, and I was trying to just, like I say, just trying to find a way to avoid it, you know, just trying to block myself the best way I know how.

Q. Now, Leshurn, at any time while you were being hit with the chair did you say anything?

A. Did I say anything? Yes, I told them like, "What's up? This don't make no sense, man, this don't make no sense," you know, and he was telling me, "Shut up, shut up," you know, and stuff like that.

Q. How loud was he saying "shut up"?

A. Man, he hollered, he would say, "Shut the fuck up. What did I tell you?" You know, and then at times he would say, he would say, "Just look at me, just look at me. Look me in my face. Look me in my face," you know, stuff like that there.

Q. Yesterday you talked about being kicked in the groin. Did you say or shout or cry anything when you were hit in the groin?

A. I shouted, I shouted very loud when I was kicked in the groin.

Q. Show the jury how loud you shouted when you were kicked in the groin.

A. I shouted, I said, "Ah," like that there, you know.

Q. Now, Leshurn, I would like to show you what is in evidence as Plaintiff's Exhibits 3 and 4.

Do you recognize what that is?

A. Yes, I recognize it. I recognize it.

Q. What is that?

A. That was the outside office.

Q. The outside of what?

A. In the police station.

Q. Outside of what?

A. Outside the room.

Q. The interrogation room you were in?

A. Right.

Q. Were there times -- I think yesterday you said there were times that you were alone in the room, interrogation room, right?

A. Right.

Q. When you were alone in the room could you hear any noises from outside of that room?

A. Yes, I could hear like -- yes, I heard a lot of noise like people typing and stuff like that there and you could hear people talking and you could hear things like that. You know, that was it.

MR. FELDMAN: Judge, I would like to publish these two exhibits at this time.

THE COURT: No objection?

MR. MC CARTHY: We have no objections, your Honor.

THE COURT: You may.

Mr. Davy?

MR. DAVY: No objection, your Honor.

(Plaintiff's Exhibits Nos. 3 and 4 published.)

BY MR. FELDMAN:

Q. Leshurn, while the jury is looking at that, let me ask you this: Where are the interrogation rooms with respect to that general area, detective area that's depicted in those photographs?

A. Okay. I just say the room is on this side right here (indicating).

THE COURT: Indicating the left.

THE WITNESS: Right, indicating.

BY MR. FELDMAN:

Q. Let me ask it this way, Leshurn: When the door is opened from an interrogation room, what do you walk out into in Area 5?

A. You walk out right into the front office, you know, where the desk is at.

Q. Is that the same area that's depicted in those photographs or something else?

A. Yes, it is.
Q. Now, Leshurn, at some point after being hit with the chair and earlier with the flashlight, did you eventually agree to give a statement?
A. Yes, I did.
Q. Why did you agree to give a statement?
A. Because I got tired of Allen Jaglowski and I got tired of the other officers from the first shift, I got tired of what they was doing to me, and I told him, "Go ahead, you know, put it down, I'll go along with you."
Q. How were you feeling at this time when you decided to go along with them?
A. I was exhausted, I was tired, I was being molested by them. I was finished.
MR. DAVY: Objection to the word "molested."
THE WITNESS: Well, what I mean by that, I was being troubled, I was being interfered with.
THE COURT: I'm not going to change his testimony. You can inquire into it if you wish to in the examination.
BY MR. FELDMAN:
Q. After you said yes, you would give a statement, what did you and Allen Jaglowski do?
A. He was like -- I didn't quite come to agreement with him on the statement and he was like, you know, reading my brother's statement off to me and telling me, "Look, all we

got to do -- look, look, eliminate this, eliminate that, and we will say this, you could say, you know, that this person did that," and I told him no, I said, "No," I said, "I'm not going to do that."

I said, "Man, I wasn't even there, I can't, man." Then he say, "Look, I'm trying to fucking give you a break," you know, and stuff like that. He began to tell me, you know, certain things like, "I'm trying to help you now. You don't want to" -- you know, and I looked at him like, you know, I know what he trying to do, I'm not -- you know, I'm not stupid.

And I was looking and I told him, I said, "No, we will come to" -- he said, "Well, what you want to do," you know, and this and that and get to acting crazy again because I didn't want to agree with that because he was trying to tell me to say that this person did that, and I didn't want that, I told him I wasn't there, I didn't have nothing to do with it, and then we came to agreement after awhile after that. I told him, "You just put it down," and he wrote it down, he began to write down all this stuff, and then I, he told me to look at it and I looked at it and he wrote it down and kept writing it down and it took awhile, and then he said all right, and I was like repeating things what he had me to say and different things like that.

Q. Why did you agree to it ultimately?

A. I agreed to it because I got tired of him, you know, harassing me.
Q. After going over the statement with Allen Jaglowski did eventually an Assistant State's Attorney arrive?
A. Yes, he did.
Q. Do you see him in court today?
A. Yes, I do.
Q. Will you point him out, please.
A. He is on this side right here.
MR. RYAN: May the record reflect that the plaintiff has identified Assistant State's Attorney Joseph Ryan.
BY MR. FELDMAN:
Q. Leshurn, are you sure that that is the State's Attorney who took the statement?
A. I'm not positive, but, you know, he just look -- the guy that came from the room, he was looking -- he was a young type of guy and he sort of feature him over there at the table, but I'm not positive that that's the guy.
Q. When was the last time you saw the State's Attorney?
A. Since the last time I was -- the first time I was at the police station.
Q. Now, when the police station -- excuse me, when the Assistant State's Attorney came into the interrogation room, was he alone or was he with someone?
A. He was -- when he first came in the room with me?

Q. Yes.
A. Where I was at?
Q. Yes.
A. I believe he was alone.
Q. What happened while you were alone with that Assistant State's Attorney?
A. While I was alone with the Assistant State's Attorney he asked me, he say -- he came in the room and he took a seat and I believe he stated his name to me, and that was it, and then he say, "Are you ready to give a statement?" And I looked at him, you know, I looked at him when he told me that, I began to tell him what happened.

I said, sir, I say, "They won't let me call my lawyer," I say, "I'm tired, man," I say, "They been beating me," I said, "My legs are sore."

And he looked at me and he said, "There is nothing I can do. I'm just here to take your statement if you're ready to give a statement."

I saw like, you know, we began to stare at each other, eye to eye contact, and I just looked at him, you know, like I was wondering, you know, because I thought he was like -- was going to give me a hand on something, you know --

MR. DAVY: Objection to the conclusions.

THE WITNESS: -- but it didn't go that way.

THE COURT: The question wasn't asked, the response was spontaneous, the objection is overruled.

BY MR. FELDMAN:

Q. When you said your legs were sore to the Assistant State's Attorney who was there, did you do anything else?

A. Did I do anything else? No, I don't remember doing anything else, not exactly, no.

Q. Did you ever show an Assistant State's Attorney any injury on any part of your body?

MR. DAVY: Objection, leading.

THE COURT: Sustained.

BY THE WITNESS:

A. I believe --

MR. FELDMAN: Let me ask another question.

BY MR. FELDMAN:

Q. When you said before you said to the State's Attorney that your legs were sore, did you do anything else?

A. I believe I did --

MR. DAVY: Objection, asked and answered.

THE COURT: Overruled.

THE WITNESS: So what's -- can I speak?

THE COURT: You may answer.

THE WITNESS: Okay.

BY THE WITNESS:

A. I believe I showed the State's Attorney my legs. You

know, I believe I told him -- I told him that I was hurting, that I was in pain and stuff like that there, but he wasn't concerned about that.

MR. DAVY: Objection.

THE COURT: Sustained.

BY MR. FELDMAN:

Q. Okay. Now, Leshurn --

THE COURT: In terms of the fact that there was a speculation as to what might have been in the mind of somebody else, that objection is sustained.

BY MR. FELDMAN:

Q. Leshurn, earlier you said the State's Attorney said there was nothing he could do. What happened after he said that?

A. He left out the room.

Q. What happened after he left the room?

A. After he left the room, I would say about a few minutes after that, it was very short, Allen Jaglowski, he returned back into the room.

He said, "You" -- you know, he began to start, you know, into his little crazy act again. He began to start pushing the chair real hard, pushing the chair, you know, saying, "You fucking -- you like to take an ass-whipping, don't you, little fucking nigger, you like to take an ass-whipping, don't you?"

You know, he say, "You fucking telling" -- you know, he was saying like I was telling on him and stuff like that there and saying this and that, and, you know, I just looked at him, I looked at him in his face, and I said, "All right, man, all right, man, come on," you know, I told him, "We don't have to go through all this again."

I said, "All right," you know, I gave in, you know, to what he wanted me to do. I told him, "All right," like that there.

Q. Did he touch you or hit you at any point at this time when he was in the room with you?

A. Yes, he began to like push me on my shoulders, began to push me on my shoulders like this here, and, you know, he would snag the chair, just shake it like that there, you know, and look me right there in my face, just look at me.

Q. Was he hitting you with the chair at this time?

A. No, he wasn't hitting me with the chair, not as I can remember.

Q. What was he doing with the chair specifically?

A. He was like -- okay, the top part of the chair, he was like pushing on it. He was like pushing on it, jerking on it real hard and was like, you know, saying names like, you know, "You like to take an ass-whipping" and stuff like that there, you know, this and that, you know, "You fucking telling him that I did this and that," you know.

Q. What was your response when he came back in and did that?

A. My response to him was, I told him, "Okay, man, all right, we don't have to go through this no more."

Q. Did you see that Assistant State's Attorney again?

A. Did I see him again?

Q. Did you see him again after what happened with Allen Jaglowski?

A. Yes, I did, I seen him again.

Q. How soon did he come back in after you were with Allen Jaglowski?

A. It was almost a little bit -- I would say something like about seven or eight minutes, it took him, he came back, you know, and then he told me, he say, "Are you ready to give a statement this time?" I told him yes, but only at that time there was Allen Jaglowski and the Assistant State's Attorney, they was together, you know, when they came in there at that time.

Q. Did you eventually sign a court-reported statement, put your name to the bottom?

A. Yes, I did. Sir, I didn't sign, I printed.

Q. Did you put your name to the bottom of a court-reported statement?

A. Yes.

Q. Why did you put your name to the bottom of a

court-reported statement?

A. Because I had no other choice. I couldn't but put my name there.

Q. Now, you just said a moment ago you printed your name.

A. Yes, I did.

Q. Why did you print your name?

A. Because I told him, I said -- I told Allen Jaglowski, I say, "I'm not going to sign it," you know, I say, "I'll print it. I'm not going to sign it man," you know, like that there.

And he said, "Oh, yeah," he say, "Okay, that will work too, come on," like that there.

Q. Let me show you what's been marked for identification as Plaintiff's Exhibit No. 23.

MR. MC CARTHY: Your Honor, if we may have a sidebar on this.

THE COURT: Yes.

(The following proceedings transpired out of the presence and hearing of the jury:)

MR. FELDMAN: You can look at the exhibit. It's the signature line.

MR. MC CARTHY: Your Honor, our objection to that is that is a selective edition, editing of a complete document

which all should be brought in. There are other initials on that. There are other annotations on there.

THE COURT: Can I see it.

MR. MC CARTHY: I believe there is approximately four other pages of that.

THE COURT: You can achieve the same purpose, can't you, Mr. Feldman, by simply having a stipulation that the time the statement was signed was 4:55 a.m.?

MR. FELDMAN: There is no question about the time. I just want an exhibit showing the signature line just for the printing, to demonstrate it was printed.

If they want to use the whole thing later on, fine. It's simply to show he printed his name.

THE COURT: Well, I don't think that this is even necessary under a fairness response.

Would it be just as useful to you to stipulate that it was printed, not signed?

MR. FELDMAN: Well, I would like them to see, I mean, I'm not going to publish it now, but I would like them to see what was actually printed.

THE COURT: I'll allow it in evidence. The question remains as to whether it will go to the jury in that form or not.

(The following proceedings transpired in the presence and hearing

of the jury:)

THE COURT: All right, objection overruled.

BY MR. FELDMAN:

Q. Leshurn, let me show you Plaintiff's Exhibit No. 23. Let me ask you, is that how your name appears at the bottom of the court-reported statement that you gave?

A. Yes.

Q. Now, Leshurn, why did you print your name rather than write your name in a cursive script?

A. Because I feel if I would print the name, you know, it wouldn't -- it wouldn't mean really that much, you know, it wouldn't hold against me or anything like that, that's the way I felt, so, you know, I printed my name.

Q. Now, Leshurn, while you were in that room with Petrocelli and the court reporter, did Petrocelli ever ask you how you were treated?

MS. DOOLING: Objection, assumes a fact not in evidence.

BY THE WITNESS:

A. He never asked me how I was treated.

THE COURT: Excuse me, on the grounds stated, overruled. It doesn't assume a fact not in evidence.

MR. MC CARTHY: Your Honor, I would suggest it's leading and make the objection on that basis.

THE COURT: Sustained.

MR. FELDMAN: Judge, it's a question designed to elicit a negative, which is not technically a leading question. It's not suggesting the answer. There is only one way to ask the question.

THE COURT: Wrong.

BY MR. FELDMAN:

Q. Leshurn, did the Assistant State's Attorney ask you any questions about the Chicago police officers?

A. No, he didn't.

Q. After you put your name to the bottom of that statement, what was the reaction of the police officers who were present?

First, who was present?

A. At that time it was Allen Jaglowski and Nick Gaudio.

Q. What was their reaction after you put your name to the bottom?

MS. DOOLING: Objection, calls for a conclusion.

THE COURT: Overruled. He can speak to what he observed.

BY THE WITNESS:

A. Their reactions were -- it was like, you know, they was happy, you know, "See how easy that was, see," you know, and then Nick Gaudio would tell me, "See, see, Hunt, it's all over now," you know, and their reaction was, they was happy like, they was excited about it, you know.

BY MR. FELDMAN:

Q. Leshurn, up until the point that the Assistant State's Attorney arrived had you had any food during the whole time you were at Area 5?

A. No, I didn't.

Q. Had you had anything to drink during the whole time you were at Area 5?

A. No, I didn't.

Q. When is the first time you got something to eat while you were at Area 5?

A. The first time I got something to eat, when they was getting ready to take me down, back downstairs to the lockup room after I printed my name on the statement.

Q. What did you get and who brought it for you?

A. They gave me, I believe it was two pieces of bread and a piece of bologna, that was it.

Q. And who brought it for you?

A. I believe it was Nick Gaudio, if I'm not mistaken.

Q. Leshurn, was that statement ultimately used against you at your criminal trial?

A. Yes, it was.

Q. At your trial?

A. No, it was not, no.

Q. What was the outcome of that trial without the statement?

A. Can you --
Q. Were you found guilty or innocent at the trial?
A. I was found guilty.
Q. What was your sentence, Leshurn?
A. I received 38 years.
Q. Where are you serving that sentence?
A. In Statesville Correctional Center.

MR. FELDMAN: Judge, at this point I would like to read some uncontested facts into the record, and I have gone over these with counsel before we started.

THE COURT: All right.

No objection?

MR. MC CARTHY: No, your Honor, at least not prior to.

MR. DAVY: No objection.

MR. FELDMAN: These again are uncontested facts.

"After being held for about 23 hours at the station, at about 5:00 a.m. on February 16, 1983, plaintiff gave a written statement.

"The written statement was taken by Defendant Alfred Petrocelli, who was an Assistant State's Attorney for Cook County.

"When he took the statement from plaintiff, Defendant Petrocelli was acting under color of state law.

"Plaintiff's statement was not introduced at his

criminal trial."

BY MR. FELDMAN:

Q. Leshurn, after you gave the statement and you had the bologna sandwich, where were you taken?

A. I was taken downstairs to a lockup room.

Q. Were you alone or with someone else while you were in the lockup?

A. I was alone by myself.

Q. Where were you taken after you were in the lockup?

A. I was taken to a court building.

Q. How were you taken there?

A. I was taken there by a paddy wagon and I was handcuffed behind my back.

Q. Was anyone else in the paddy wagon?

A. Yes, there was.

Q. Who?

A. It was my brother, he was in the paddy wagon too.

Q. Was he cuffed or uncuffed?

A. He was cuffed behind his back.

Q. How many officers were in the paddy wagon?

A. At that time there was two officers.

Q. Where were they?

A. They was in the front.

Q. When you were in the paddy wagon were you able to see those officers?

A. Yes, you can. They had like a -- okay, they had like a glass, a glass about this size, okay, and then they had like a screen with little holes in it like that, about the size like that there, you know, that, you know, you could see real clear. They had like four screws on each side, you know, but you could see, you know, I could see them and they could see me.

Q. Now, where were you taken to in that paddy wagon?

A. I was taken to -- I believe I was taken to 26th and California. I'm not too sure though.

Q. Where were you taken -- where in that building were you taken to?

A. I was taken to see Judge Urso, I believe.

Q. Now, did you eventually appear before Judge Urso?

A. Yes, I did.

Q. Do you know what time that was?

A. No, I don't.

Q. When you appeared before Judge Urso, how were you feeling at that point?

A. I was exhausted. I was glad to see the judge, though, you know, I was glad that I was released from their custody to see the judge, you know. That's how I was feeling.

Q. When you appeared before the judge, did you have a conversation with the judge?

A. Yes, I did.
Q. What did you tell the judge?
A. I can't remember exact words, but I remember some of them. I told the judge, I say, "Your Honor, they beat me and made me say those things, your Honor." I said, "They wouldn't let me see my lawyer."

That's all I can remember, you know. I could have said something else, but that's all I remember.

Q. Was there a lawyer representing you at that hearing?
A. There was a PD, a public defender just came out of nowhere and just took the case.
Q. After you told the judge what you just said you told the judge, was there any orders entered?
A. Yes, there were.
Q. To what effect?
A. The judge ordered that -- the judge ordered that I be -- that this public defender represent me and then he told him, he say,"Take that man in the back," and I believe he said, you know, my lawyer told me that there would be pictures taken of me and stuff like that.
Q. Were pictures taken of you?
A. Yes, there were.
Q. Who took pictures of you?
A. The public defender and another guy.
Q. Now, when you appeared in court that day, February 16,

1983, and had the pictures taken, did you have visible injuries on your body?

A. What do you mean by that?

Q. Did you have injuries that you could see on your body when you were in court that day and your pictures were taken?

A. Okay. The injuries that I was able to see --

Q. Did you have injuries on your body that were --

A. Yes, I did.

Q. Let's work from the top down.

A. Okay.

Q. Did you have any injuries on your head?

A. Yes.

Q. What kind of injury did you have on your head?

A. I had a slight, like a slight bump on my head and a loose, you know, skid mark like.

MR. FELDMAN: For the record, the plaintiff is indicating approximately the center of his forehead.

BY MR. FELDMAN:

Q. How did you receive that bump on your forehead that you just described?

A. I believe I received that bump on my forehead by, you know, by me kept trying to duck and turn my head, you know, to the wall and stuff when I was being handcuffed -- one of my arms was being handcuffed and Allen Jaglowski kept grabbing me and grabbing me by my face and stuff, you know.

I don't know if that was the exact time that it got there, but it got there in between during that time.

Q. Do you know whether you got that before or after the lineup?

A. I got that after the lineup.

Q. Did it hurt, the bump on your forehead?

A. Yes, it did.

Q. Describe the pain to the jury.

A. It was like -- you know, I had like a headache, you know.

Q. Let's work down your body. Now, what was the next injury that was visible on your body, the front of your body?

A. The front of my body?

Q. Yes.

A. I had an injury right here somewhere on my collarbone. I'm not too sure what side, whether it was on the right or left, but it was somewhere, I had a mark on my shoulder like.

Q. How did you get that injury on your collarbone?

A. I got that from an officer.

Q. Which officer, do you remember?

A. I'm not too sure which officer put that there on me because I never had a chance to actually look at my body during that time, you know, but I knew the mark was there because I felt burning marks, something like was stinging me,

you know, all in my back and on my shoulders.

Q. By the way, Leshurn, what were you wearing on your top when you were in the police station and when you were in court?

A. Okay. I was wearing a -- I had a checkered blue and white jacket, I believe, and I had a, I believe, two T-shirts shirts on, two T-shirts on. I believe that was it.

Q. Now, you said earlier you were hit to the groin?

A. Right.

Q. How did your groin feel when you were in court?

A. They was painful. I still felt that pressure.

Q. Describe what the pain felt like.

A. It was like a burning pain, you know, it was like a pain from, to my groins to the inside of my stomach like.

Q. Did that pain affect your bodily functions at all?

A. Right today, like I be going to the washroom a whole lot, you know.

Q. But then did it affect how you went to the washroom?

A. Yes, you know, I received swelling from that too.

Q. What did it feel like when you went to the washroom?

A. You know, it felt like, you know, I'd catch a cramp like up in my stomach like.

Q. Now, you said earlier you were hit on the shins while you were at the police station.

Did you have any visible injury on one of your

shins?

A. You mean on my chin?

Q. Shin, your leg bone, lower leg bone.

A. Oh. Yes, I had like my -- okay, my shin bone, it was like skinned up, it was real skinned up, like reddish like, on both of my legs.

Q. What did that feel like? Describe the pain to the jury.

A. It felt painful. It was real painful, you know.

Q. Did you have any injuries to your back?

A. Yes, I did.

Q. What kind of injuries did you have on your back?

A. I had like -- you know, I had long marks on my back like, you know, they was -- they was like red like.

Q. What did your back feel like, those marks on your back?

A. My back was like burning me, you know, it was just burning me, real stingy like.

Q. How did you get those marks on your back?

A. Okay, I believe the marks occurred on my back when he was hitting me with the chair.

Q. When who was hitting you with the chair?

A. When Allen Jaglowski was hitting me with the chair and when he was picking me up by the back -- from the back of my, you know, the back, the lower part of my belt part and just

grabbed me by my shirt and jacket and just snatched me up into the wall like, just kept throwing me in a wall.

Q. Now, Leshurn, did you see the pictures that were taken of your injuries?

A. Yes, I did.

Q. What kind of camera were they taken with?

A. They had an instant develop camera that develop the films right away.

Q. Did those pictures truly and accurately show your injuries?

A. Yes, they did.

MR. FELDMAN: Now, at this point I would like to read some more uncontested facts which I have gone over with opposing counsel.

"Plaintiff was first brought before a judicial officer at about noon on February 16, 1983.

"At various times during 23 hours at the police station plaintiff was in contact with Defendants Kaupert, Weingart, Jaglowski, Gaudio, Noon, and Guevara.

"From the time of his arrest until his first court appearance, Leshurn Hunt was in the custody of the Chicago Police Department and the Cook County Sheriff.

"At no time did plaintiff resist his arrest or use force against any of the defendants.

"At no time did plaintiff try to flee from the

officers.

"When he first appeared in court at noon on February 16, 1983, plaintiff had injuries to his forehead, collarbone, back and shin. Specifically, these injuries included a bruise on his right collarbone, including discoloration and swelling, a red bruise on his right shin, including a scraping of skin."

BY MR. FELDMAN:

Q. Leshurn, those marks that you had on your body, do you still have any of those marks on your body?

A. I'm not too sure if I still have any of them on my back or anything like that there. I think I still got the marks on my leg, though, on my, you know, shin part right here.

Q. Do you still feel any pain from --

A. No, I don't, no.

Q. Now, after court, were you taken to be seen by any medical personnel somewhere?

A. Yes, I was.

Q. Where were you taken?

A. I was taken -- I was taken downstairs to the intake room in the County Jail like.

Q. Did you speak to a doctor at some point when you were there?

A. Yes, I did.

Q. What did you tell that doctor?
A. I had told the doctor what happened, you know, as far as -- you know, the doctor asked me, he said, "What happened?"

I told the doctor what happened. I said that I was jumped on by some officers, you know, at the police station, and I told him that they jumped me.

Q. What treatment did you receive at that clinic?
A. I received treatment like -- okay, they told me to take my shirt off, I took my shirt off, and they gave me like some Tylenols and they gave me like some salves, they put some type of salves on my back that I don't know the name of or anything like that.

MR. FELDMAN: Now, at this point there is one more uncontested fact to read and I'm done with the uncontested facts.

"Later that afternoon" -- that's the 16th of February, 1983 -- "medical personnel at Cermak Health Services found that plaintiff had injuries to his forehead, collarbone, back and shin."

BY MR. FELDMAN:

Q. Leshurn, I would like to show you what has been marked for identification as Plaintiff's Exhibit No. 27. I'll ask you if you recognize this exhibit.
A. Yes, I do.

Q. What is it?
A. That's the photograph taken of me by one --
Q. You have to keep your voice up.
A. Okay. That was one of the photographs that was taken of me when I was at 26th and California after I had saw the judge from my public defender -- from my public defender and some other guy. I don't know his name.
Q. Now, is this the actual photograph or is it an enlargement of that photograph?
A. That's not the exact photograph. That's exactly a picture. I mean, the photograph that was taken was a small one, pretty small one.
Q. Is this a bigger version of one of those photographs?
A. Yes, it is.
Q. Now, Leshurn, in this photograph is there some kind of old injury shown in the photograph?
A. Yes, that's a lower injury right here.
Q. Where on your back is the old injury?
A. It's on the left side, the lower part of my spine.
Q. Do you still have that old injury on your back?
A. Yes, I do.

MR. FELDMAN: Judge, with your permission I would like Mr. Hunt to show the jury that old injury that is on his back.

THE COURT: Why?

MR. FELDMAN: Just to make sure this is identified as his back.

THE COURT: Oh. All right, any objection?

MR. MC CARTHY: No, your Honor.

THE COURT: All right. Or do you want to stipulate that that's his back?

MR. MC CARTHY: No, we would like to see it.

THE COURT: All right.

MR. FELDMAN: Turn around.

THE COURT: You can go out in front of the jury if you want.

MR. FELDMAN: Why don't you turn --

THE COURT: Stand right in front of the jury.

MR. FELDMAN: Over here?

THE COURT: Yes.

MR. FELDMAN: Okay, Leshurn, let's walk over here.

For the record, I think we can indicate that there is a horizontal scar to the left of Mr. Hunt's spine just above the waistline.

MR. MC CARTHY: I didn't get a chance to see it, if I may.

THE COURT: Mr. Davy.

MR. DAVY: I had an opportunity, your Honor, thank you.

BY MR. FELDMAN:

Q. Leshurn, did that scar come from anything the police officers did?

A. No, sir.

Q. Leshurn, is this a fair and accurate blow-up of one of those photographs that you saw?

A. I'll agree with you it's an adequate blow-up, yes.

MR. FELDMAN: Judge, may I have a sidebar at this time?

THE COURT: Yes. I think we can do this over here with just lead counsel.

(Sidebar conference off the record.)

MR. FELDMAN: Judge, I offer Plaintiff's 27 at this time.

THE COURT: With the stipulation on the fact that it's a photograph of that time and place.

MR. FELDMAN: Yes, at the time and place in court.

THE COURT: Is that what you wanted, Mr. McCarthy?

MR. MC CARTHY: That's correct, your Honor.

THE COURT: Mr. Davy.

MR. DAVY: Yes, your Honor.

THE COURT: You may.

MR. FELDMAN: And at this point I would like to publish Plaintiff's Exhibit 27.

THE COURT: You may.

MR. FELDMAN: May I show it to the jury and then have

it handed to them?

THE COURT: Yes.

(Plaintiff's Exhibit No. 27 published.)

MR. FELDMAN: Just one or two more questions. Thank you.

BY MR. FELDMAN:

Q. Earlier you said that there were some time periods when you were alone in an interrogation room and you could hear noises outside of the interrogation room.

A. Yes.

Q. Was the door open or closed when you could hear those noises?

A. The door was closed, but you could also hear while it was closed and you could also hear while, you know, someone opening it and someone shutting it.

Q. And while the officers were hitting you in the room, was the door open or closed?

A. The door was shut.

MR. FELDMAN: No further questions.

THE COURT: Well, I think rather than start the cross now, it's probably just as well to break with a natural breaking point.

We will start the cross-examination, let's make it -- let's make it five minutes of two. All right, ladies and gentlemen, be back here by five minutes of two, we will start

then with cross examination.

Remember, keep your minds open throughout the matter. Now, wait a minute, please. I'm dismissing this jury. Everybody please remain seated.

Don't discuss the matter amongst yourselves, don't let anybody discuss it in of front of you. Remember what I said about elevators, corridors, and hallways.

Have a nice lunch, come back ready to work clear-headed and keep your minds open throughout the proceedings.

Mr. Hunt, you may step down during the recess.

THE WITNESS: Thank you.

THE COURT: But wait until the jury is excused.

The jury is excused. Everybody please rise.

Court is adjourned until 1:55.

(Recess from 12:25 p.m. to 1:55 p.m.)

THE CLERK: Case on trial.

(The following proceedings transpired out of the presence and hearing of the jury:)

THE COURT: Do we have any matters to take care of before we go forward?

Would you please bring in the jury.

MR. FELDMAN: Judge, I have yellowed this part of the deposition. We don't have to go through it now, but I can tender it now.

THE COURT: Please, and we won't go through it right now.

(The following proceedings transpired out of the presence and hearing of the jury:)

THE COURT: Good afternoon, ladies and gentlemen.

Mr. Hunt.

Mr. McCarthy, you were about to start your cross.

MR. MC CARTHY: That's correct, your Honor.

THE COURT: Mr. Hunt, you were previously sworn, do you understand you're still under oath?

THE WITNESS: Yes, your Honor.

MR. MC CARTHY: May it please the Court.

LESHURN HUNT,

called as a witness herein, duly sworn, was examined and

sides to sit down with each other in that room there and start talking about this trial in terms of either making it go faster or talking about your strategies, getting all these silly issues out of the way, deciding even if indeed how much you want to go forward with it, all of you, both sides.

MR. FELDMAN: We will sit down after the close of the evidence today.

(The following proceedings transpired in the presence and hearing of the jury:)

THE COURT: Be seated, please.

You may call your next witness.

MR. MARGULIES: Your Honor, the plaintiff would call Mr. Richard Crawford.

MR. MARGULIES: Good afternoon, Mr. Crawford. Could you keep your voice up nice and loud.

THE WITNESS: Sure.

RICHARD ARNOLD CRAWFORD,

called as a witness herein, duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MARGULIES:

Q. Could you state your full name, please.

A. Richard Arnold Crawford.

Q. Where are you living, sir?

A. 1429 West Lunt.
Q. In Chicago?
A. Yes, sir.
Q. Are you from Chicago, sir?
A. Yes, sir.
Q. Mr. Crawford, do you know a man named Leshurn Hunt?
A. Yes, sir.
Q. How is it you know him, sir?
A. He is a friend of mine.
Q. How long have you known him?
A. For about seven years now.
Q. Mr. Crawford, do you remember where you were living in February of 1983?
A. Yes, I do.
Q. Tell us where.
A. 3437 North Damen.
Q. Did you have a roommate at that time?
A. Yes, I did.
Q. Who was your roommate, sir?
A. Leshurn Hunt.
Q. Mr. Crawford, did Leshurn pay rent?
A. Yes, he did.
Q. Did Leshurn help you out with the bills?
A. Oh, yes, yes.
Q. Did the two of you split expenses?

A. Yes, we did.
Q. Mr. Crawford, I would like to direct your attention now to the evening of February 15th, 1983.
A. Um-hmm.
Q. Do you remember that night, sir?
A. Yes, I do.
Q. At some point during that night, Mr. Crawford, did someone come to your apartment during the evening?
A. Yes, they did.
Q. All right. Can you describe what happened for us.
A. Okay. I went to the door --
MR. MC CARTHY: Your Honor, if I may, could we have a few foundational questions as to time so we're not --
MR. MARGULIES: That's no problem.
BY MR. MARGULIES:
Q. Do you remember approximately what time we are about to talk about?
A. Not exactly. I know it was around four or five in the morning. I'm not too for sure.
Q. And this is the night of February 15th?
A. Yes.
Q. Go ahead. You were about to tell us what happened. Go ahead.
A. I heard some knocking on the door and --
Q. Which door?

A. The back door.
Q. Fine.
A. And I went to the back door and I asked who it was and --
Q. Did you hear an answer?
A. Yes, I did.
Q. What did you hear?
A. They said, "Rodney, Rodney."
Q. Did you hear one person answer?
A. Just one person said "Rodney, Rodney."
Q. Do you know anyone named Rodney?
A. Yes, not very well, but I just know him by face, that's all.
Q. Who did you know -- in February of 1983 who did you know Rodney to be?
A. Leshurn's brother.
Q. Okay, go ahead, I'm sorry.
A. And so I went to the back door and I asked who it was and he said it was Rod, Rodney, and I went to open the door. As soon as I opened the door, Rodney was pulled aside and then the police came into the door and they put the gun up to my head and, you know, just came charging in.
Q. All right. Now, prior to the point that you opened the door, did you hear anyone else outside besides Rodney?
A. No.

Q. When you went to the door could you see anyone else outside?
A. No.
Q. You said the police came in. At the point that they came in, can you tell us how they were dressed?
A. In plainclothes.
Q. By that you mean what, sir?
A. Regular clothes.
Q. Let me put it this way: Was anybody wearing a police uniform?
A. Not that I have seen.
THE COURT: Counsel, I expect we all know what he means by "plainclothes."
MR. MARGULIES: I'm sorry, your Honor.
BY MR. MARGULIES:
Q. Once these people were inside, can you tell me what happened?
A. They came in and, you know, I asked them, I said, "Who are you," you know, "do you have" -- I assumed that they were police, I didn't know exactly, but I just asked, "Do you have a warrant or anything to search around?" And they told me to, you know, shut the -- they swore at me and then --
Q. Excuse me, sir, what did they say to you?
A. They said, "Shut the fuck up," you know, "We don't need no warrant."

Q. All right.
A. And then they told me, you know, just to keep my mouth shut. Then they started searching everywhere and the other went to the front room and they searched everywhere on their way to the front room.
Then they picked up Leshurn from where he was sleeping.
Q. Where was he sleeping, sir?
A. In the front room, in the front room.
Q. Is this a bedroom -- do you know the room he was sleeping in?
A. Yes, the front room, the front room.
Q. Go ahead. I'm sorry, please go ahead.
A. And they were searching everywhere asking is there a gun in the house.
Q. They were asking if there was a gun in the house?
A. Yes. They said, "Where is the gun? Where do you keep the guns?"
Q. All right. You said that they went and arrested Leshurn. Can you describe how they arrested him?
A. They just picked him up and, you know, dragged him back towards the kitchen where I was and he didn't have no shirt on or anything.
Q. Let's go into that. What was he wearing, sir?
A. I remember it was -- you know, he didn't have no shirt