

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

3	VICTOR DILLON,	)	
		)	
4	Plaintiff,	)	
		)	
5	vs.	)	No. 09 C 5251
		)	
6	CITY OF CHICAGO, ILLINOIS; M.D.	)	
	KEENEY, Chicago Police Officer,	)	
7	Star No. 11437; A. TORRES, JR.,	)	
	Chicago Police Officer, Star No.	)	
8	13901; and D.C Cross,	)	Chicago, Illinois
		)	April 9, 2012
9	Defendants.	)	

EXCERPT OF  
TRANSCRIPT OF PROCEEDINGS - (Closing and Final Argument on  
behalf of Plaintiff)  
BEFORE THE HONORABLE JOAN HUMPHREY LEFKOW, and a jury

APPEARANCES:

13	For the Plaintiff:	LAW OFFICES OF JEFFREY GRANICH
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15		Chicago, Illinois 60604
16		BY: MR. JEFFREY BROOKS GRANICH
		MS. KATIE Z. EHRMIN

17	For the Defendants:	GRANT SCHUMANN, LLC
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20		BY: MR. ANTHONY L. SCHUMANN
		MR. MAURICE L. GUE

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APPEAL, PLEASE CHECK TO SEE IF A FULL TRANSCRIPT IS ON FILE.  
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CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

MR. GRANICH: Thank you, your Honor.

Hi. Ladies, I stood here a week ago, almost a week ago, and I predicted that these men would lie to you. What I did not predict was how often and how badly they would lie to you.

These men lied to you about every significant fact in this case. Every who, what, where, and when. Their testimony contradicted themselves, each other. They were contradicted by their own sworn reports. And they were contradicted ultimately by the only one witness they called to support them.

And what's amazing, ladies and gentlemen, is do you know what these guys are? I mean, other than perjurers. They are professional witnesses. A major part of their job is to testify. And they have done it over the years hundreds of times. They get paid to testify.

Cross got paid time and a half for his disgusting performance from that witness chair.

And who did I call to go against these professionals? Who did I call to bring these professionals to their knees, to destroy them? Children. Two children who have never been in a courtroom like this before. Two children who have never been cross examined a day in their life.

This was like that game show, are you smarter than a

1 fifth grader? Well, this trial could be called, are you more  
2 honest than a fifth grader? And they were not. That's why  
3 they lost spectacularly.

4 Ladies and gentlemen, I don't think it is really in  
5 dispute anymore whether or not they lied. Anybody sitting in  
6 this courtroom, anybody who happened to be here during this  
7 trial, you all know this now to be true.

8 So that really leaves us only one interesting question  
9 left to talk about. Why? Two whys actually. The first why,  
10 why did they lie from that witness stand in here? That's the  
11 easy why. Because they are in trouble. Because they will do  
12 anything and say anything no matter how absurd to avoid the  
13 consequences of what they did to this man and his family. They  
14 lied in this room for the oldest reason in the world, to avoid  
15 being punished.

16 The second why is a little bit tricky. Why did they  
17 do this to this man, August 31st, 2008? Why did they do this?

18 Cross gave us the answer. You remember when Victor  
19 said to him after he was grabbed by somebody who he didn't know  
20 who he was, and after Victor said, who is you? What did Cross  
21 tell him? And I'm not a 12-year-old girl so I will use the  
22 profanity that Cross used that day. I'll show you who the fuck  
23 I am. That's why he did this. He wanted to give Victor a  
24 lesson in power.

25 And then when Victor complained about the way he was

1 treated, when Victor was at the police station hours later when  
2 these guys had gone back out and grabbed Deandre Stewart, the  
3 real drug dealer, when Victor was still talking, Cross again  
4 gave us the answer why. We should put this shit on you.

5           These guys think they are the law. That's why they do  
6 it. They think they can do anything they want because, look at  
7 him, who is he? He's just a guy. He's not rich or powerful.  
8 They can do whatever they want because whoseever going to  
9 believe him over them?

10           Look at their shiny uniforms. They can say anything.  
11 He bought drugs. He bought drugs. They all -- they can say  
12 anything, and they think they will always be believed.

13           They are wrong. They are not the law. This Judge,  
14 you, me, Tony, this room, Katie, 42 United States Code, Section  
15 1983, that is the law. We are not a nation ruled by men, we're  
16 a nation ruled by law. And they are not the law.

17           It is time for you to teach them a lesson. It is time  
18 for you to teach them a lesson in power. We, the people, have  
19 the power in this country, not them.

20           Ladies and gentlemen, it is time now for you -- I'm  
21 sorry. I'm sure I'm going to do that ten more times.

22           Ladies, it is time now for you to do your job. And  
23 you have two jobs. You'll get it in the first jury instruction  
24 given by Judge Lefkow. The first job, determine the facts from  
25 the evidence. And we'll talk about facts in a moment.

1           The second job, once you have the facts, apply the law  
2 that Judge Lefkow will give you to those facts. That's your  
3 jobs.

4           Now I told you in opening statement that we would  
5 carry our burden. And keep something in mind, I talked about  
6 it in opening, I want to mention it again. Unfortunately we  
7 are not here to convict these men of a criminal case,  
8 unfortunately. But fortunately it means I do not have to prove  
9 them guilty beyond a reasonable doubt. That is not our  
10 burden. I don't have to prove to you -- although I think we  
11 did -- that they are lying beyond a reasonable doubt. Just a  
12 preponderance.

13           The only thing we have to prove to meet our burden is  
14 that it is more probably true what Victor and his family said  
15 than what they say. That's all. And remember, Judge Lefkow  
16 and the scale, how much do we need to prove it by? A feather.  
17 If by a feather you believe more probably, more likely, he's  
18 telling you the truth than them, we win. And that's why we  
19 did. And that's what we did, we proved it.

20           Now as we go through -- and, by the way, you remember  
21 in opening statement I said to you, we don't have a video, no  
22 iPhone. We did this the old-fashioned way, with testimony from  
23 that witness stand.

24           And, ladies and gentlemen, as you go through, and I'm  
25 about to, ad nauseam, go through the testimony in this case,

1 there are jury instructions that will help you, as if you  
2 needed any help at all.

3 And here they are. First one, you should use common  
4 sense. And, ladies and gentlemen -- ladies, that is important  
5 because if you use common sense, what these guys told you is  
6 crazy. Use common sense in weighing the evidence. And  
7 consider the evidence in light of your own observations, common  
8 sense.

9 Next. Prior inconsistent statements, impeachment.  
10 Lawyers live for this, ladies. We live for this.  
11 Impeachment. You may consider statements given by a party,  
12 these three guys, under oath before trial as evidence of the  
13 truth of what he or she said in earlier statements as well in  
14 deciding what weight to give the testimony. In considering the  
15 prior inconsistent statement or conduct, you should consider  
16 whether it is simply an innocent error an intentional  
17 falsehood, whether it concerns an important fact or unimportant  
18 detail.

19 That's impeachment. That means that a party says  
20 something different here than he said before. I spent hours  
21 doing that. Remember the request to admit? You said it was  
22 this way then, now it is something different now. That is the  
23 lawyer Hollywood question. So were you lying then or are you  
24 lying now?

25 How many times did I do that to these guys? Over and

1 over. Sometimes while they were up there. You just said one  
2 thing, now it is something else, now it is something  
3 different. Do you remember how many times I did that? This  
4 goes to whether you believe someone.

5 Last, but not least, believability of a witness.

6 Can you all see that?

7 You must decide whether the testimony of each of the  
8 witnesses is truthful and accurate in part, in whole or, like  
9 in this case, not at all. You must also decide what weight, if  
10 any, you give to the testimony of each witness.

11 And here are the. Lawyers love factors. Here they  
12 are. The ability and opportunity the witness had to see, hear  
13 or know the things he testified about. That's important  
14 because when they got done, you wondered were they even there.

15 Their memory. That was important because half of the  
16 time they didn't remember what they were talking about.

17 And the interest, bias or prejudice. They don't want  
18 to be punished.

19 Their intelligence.

20 Their manner. We saw their manner.

21 And the reasonableness of their testimony in light of  
22 all the evidence. We'll get to reasonableness in a moment.

23 So these are the jury instructions that should help  
24 you, if you need any, in deciding whom to believe.

25 So what did we give you? What did we give you to

1 decide this case? First, I gave you her, Valeria Dillon. And  
2 to be honest, that's all you needed. If her intelligence,  
3 manner, and demeanor while testifying are any indication of  
4 this young lady's future, she should do fine at Yale.

5           What did she tell you? She told you that her mother  
6 didn't raise her. She told you that this man did, and that he  
7 did a good job. Well, that was fairly obvious.

8           She told you what happened on August 31st, 2008. She  
9 told you that she woke up with her family. They went to  
10 Rainbow to get school clothes at about 10:30. And then they  
11 went to 35th Street so that her brother could get his hair  
12 cut. Then they went across to the McDonald's where they saw  
13 June, their godmother, and had lunch. That her father went  
14 outside to see some friends and drink a beer.

15           And then they walked by a park. Valeria and her  
16 brother saw some friends and asked their dad if they could  
17 play. And her dad talked to some adults to watch them and then  
18 told them that he was going to Quincy's house to drop off the  
19 clothes because he didn't want to get them -- forget them or  
20 get them wet or have somebody take them.

21           And this is an important point. Because later when  
22 this whole, horrible day ended and they were picked up by their  
23 uncle, where did she tell you they went? To Quincy's to pick  
24 up the clothes.

25           Do you know what that is, ladies? That's



1 corroboration.

2           You remember he made this big point. Well, you didn't  
3 see where your father went. No. But later in the day when  
4 they had to go get their school clothes, where were they?  
5 Exactly where he said he went, to Quincy's. That's  
6 corroboration. Something completely lacking every time these  
7 guys testified.

8           So what did she tell you she saw? While she's playing  
9 her father goes, and as she sees her father come back. She saw  
10 him crossing the lot. And then she saw a car, not a squad car,  
11 not a blue and white police car, but an old car on top of the  
12 lot crossing right after her father. Now why did she say  
13 that? It doesn't help our case. It doesn't prove anything.  
14 Why didn't she just say that the police car pulled up on the  
15 street? Because that's not what she saw. She told you what  
16 she saw. Their car went over the lot basically almost running  
17 him down.

18           And then she said that she saw what they described as  
19 an interview. Yeah, she told you she saw four doors open, four  
20 guys get out. And who did she identify clearly? This man and  
21 that man.

22           And she said this man said to her father, get your  
23 ummm over here. And her father said, who is you? And this man  
24 who, I'll show you who the ummm I am, grabbed him by his  
25 shirt. And that's when her father -- because nobody knew who

1 these guys were because she described them in plain clothes, in  
2 civilian clothes -- grabbed at her father. And her father  
3 pulled away when this man grabbed her father. And they both  
4 slammed him down on the car.

5 And, by the way, remember -- well, we'll get there.

6 Slammed him down on the car. And that's when her  
7 father was complaining. And that's when Officer Cross said,  
8 shut the ummm up. Smacked her father in the face, in the jaw.

9 And, by the way, who brought out that question? I  
10 didn't; Mr. Schumann did. And what else did you see? I saw  
11 this man punch my father in the face.

12 By the way, remember when Mr. Schumann had Valeria how  
13 he grilled her. And she remained strong. And then she told  
14 you that when she saw this, she was upset and she was crying.  
15 And she told you she saw her father taken away. And she told  
16 you she was taken to the station and she learned what DCFS was,  
17 and she was scared. But thankfully her uncle came, and they  
18 went to Quincy's to get the clothes.

19 And then Valeria told you how her father didn't come  
20 home that night and didn't come home for two weeks and how her  
21 father didn't get to drop her off at school. Now he had never  
22 missed that.

23 And she told you how she spent her ninth birthday, not  
24 at home with her father, without him for the first time ever.  
25 She told you all that. She told you all that because that's

1 what happened.

2           And again, ladies, she had never been cross examined  
3 in her life. And this man, the trained 20 -- 30-year  
4 experienced attorney went after her with cross examination and  
5 didn't touch her. Why? Because she had the truth to make her  
6 strong.

7           These guys, I went through these guys like a knife  
8 through butter. Why? Because their lies are weak under cross  
9 examination.

10           Cross examination is the greatest truth-finding tool  
11 we have ever invented. And you saw it in action. You take a  
12 little girl, a trained lawyer, he didn't touch her.

13           Trained professional witnesses, a nut like me, and I  
14 went right through them. That's cross examination. That's the  
15 truth versus lies.

16           But then we called Vic, Jr. And that's important,  
17 ladies and gentlemen, because notice something, when Vic  
18 testified, Vic, Jr., he was out of the room when his sister  
19 testified. He didn't see what questions she was asked. He  
20 didn't see what questions Mr. Schumann asked.

21           These guys were in the room the whole time. They saw  
22 what questions and heard what questions were asked, and they  
23 still couldn't get their answers straight.

24           But Victor came in here, Vic, Jr., came in here, and  
25 did what? Told the same set of facts. Same set of facts.

1 Woke up, we went to Rainbow. They went to Office Depot. They  
2 took a bus to 35th Street. Got his hair cut by Tyrone. Went  
3 to McDonald's. Saw June. Went to the park. Father walked  
4 away to go to Quincy's. And then Vic, Jr., told you what  
5 happened to his father.

6 How -- remember how Mr. Schumann said, well, they  
7 placed your father on the car. What did Vic, Jr., tell you?  
8 No, they slammed him down on the car, and then he got punched  
9 in the face. And Vic, Jr., told you he was angry, and he was  
10 upset that his sister was crying.

11 And he told you that after this happened, it was his  
12 sister, his eight-year-old sister, who said, let's pick up  
13 dad's belongings.

14 By the way, ladies, both Valeria and Vic, Jr.,  
15 unfortunately, because of TV and the South Side where they  
16 live, they have seen bags of drugs. And I asked them, did you  
17 see any drugs taken from your father? And they both said no.

18 But I went one step beyond. I asked them, would you  
19 really tell these ladies of the jury if you saw drugs on your  
20 father? And do you remember their faces? Ladies, many of you  
21 said you have children. Were they lying? Their faces showed  
22 you, no, I wouldn't lie, because the idea of lying under oath  
23 was impossible to them. Not like breathing, like these guys.  
24 They told you they would not lie, and they did not. They did  
25 not see any drugs taken from their father because he didn't

1 have any.

2 And Vic told you they picked up their father's  
3 belongings. And he also learned about DCFS. And he was  
4 scared. And he told you they went to pick up the clothes at  
5 Quincy's. He actually had to direct his uncle how to get to  
6 Quincy's, and that's where the clothes were.

7 And he told that you his father had never missed  
8 school, never missed a holiday, never missed a birthday. And  
9 he told you how upset he was.

10 But then Vic, Jr., told you something very  
11 interesting. He told you about the virtue of letting it go.  
12 He told you that -- it is a Christian virtue, I guess, of  
13 forgiveness. He did something, ladies, I can't do. He's a  
14 better man at 14 than I am. He is in the process of forgiving  
15 these men. I can't, and I won't, and neither should you.

16 And then Victor testified. And Victor told you about  
17 growing up at Stateway Gardens, how it is not like the  
18 stereotype you might have heard, and it was a good place to  
19 grow up. It was a community where people cared about each  
20 other and each other's kids.

21 And he told you how when he was young he met a woman  
22 and they got married, and she was in a horrible accident. She  
23 watched a friend die on a motorcycle, and she was horribly  
24 injured. And she spent a year in the hospital and was never  
25 the same. And how after that accident, the courts found her

1 unfit. And he told you what he did. He stepped up. He became  
2 a mother and a father for these children.

3 And he told you something very interesting. He told  
4 you that he didn't want his children to be sad that they didn't  
5 have a mother, so he went the extra mile for their birthdays.  
6 He was worried about their feelings. Now, ladies, why is that  
7 important? Because let me tell you something about crack  
8 addicts, they don't care about people's feelings. Addicts  
9 don't care about anyone. And all this man does is care about  
10 his children. That's not somebody who buys crack on the  
11 street.

12 And he told you what happened to him August 31st,  
13 2008. He told you that when that car came, as he was running  
14 across that lot to get back to his kids, he was grabbed by  
15 somebody who is not wearing a uniform, and he didn't know who  
16 they were. And he had been jumped before. And he said, who  
17 are you? And he got grabbed. And he tried to get away. And  
18 they threw him down and punched him when he complained, when he  
19 heard his kids screaming and crying because he kept talking.  
20 And he admitted that to you, he kept talking. He wouldn't shut  
21 up. And maybe you get the idea. Neither will I. He wouldn't  
22 stop.

23 Cross hit him. Shut the fuck up. And he wouldn't.  
24 And at the police station he still wouldn't stop complaining.  
25 And that's when Cross said to him, we're going to put this shit

1 on you.

2 Do you remember when Tony said to my client, well,  
3 that's when Cross said, we're going to put this stuff on. And  
4 what did he say? That's not what he said. He said he was  
5 going to put this shit on me. Talk about the ring of truth.

6 Victor told you everything that happened to him. He  
7 told you about spending that night on the floor of the cell.  
8 He told you about for the first time missing the first day of  
9 school. He told you about missing his daughter's ninth  
10 birthday. He told you about two weeks in jail because he  
11 didn't have \$100 because he had just spent almost everything he  
12 owned at Rainbow and Office Depot for his children.

13 He told you what those two weeks were like. And he  
14 told you what it was like when he got out and he saw his  
15 children again at school. Those are his damages. We'll talk  
16 about it in a moment.

17 Three strong witnesses. Three same facts. Three  
18 truths. All the same.

19 But I didn't stop there. I wanted you to know the  
20 difference between the truth and a lie, so I called these  
21 guys. And here's the funny thing. When I was done with them,  
22 what did Mr. Schumann do? He called them again. I guess  
23 hoping that maybe you would have forgotten what happened the  
24 day before. Maybe he thought they were like pizza, that the  
25 next day they'd taste better, cold pizza. They didn't taste

1 better; they tasted worse. Rancid, spoiled.

2           So let's go through these professional witnesses in  
3 their shiny uniforms and talk about their lies for a moment.  
4 I'm not going to give you all their lies because if I did you  
5 would be here all day. I'm just going to give you a medley of  
6 their greatest hits.

7           Let's start with Keeney, the best of them. Keeney is  
8 not a very good liar. He should stay being a teacher because  
9 he's really not very good at being a bad cop. These two guys  
10 are perfect for the role. Keeney, he's the only one I like.  
11 He should quit and go back to being a teacher because he's a  
12 horrible bad cop.

13           Let me explain what I mean. Keeney, where were you  
14 when you saw this alleged drug deal? That's a pretty simple  
15 question to ask a professional witness. That's a pretty simple  
16 question to ask a police officer. Where were you when you saw  
17 this deal you saw, you say you saw? I was right here. That's  
18 what he said one day, right? He pointed it out. Right here.  
19 The drug deal was right here. That's what I saw.

20           Okay. And then the next day, 24 hours later -- and  
21 look at the colors of these houses, ladies and gentlemen.  
22 White, brown, orange, red, brown, orange, red.

23           Where is Keeney one day later? Three houses down the  
24 street. Now he's here.

25           I mean, where are you, man? I'm here. I saw the drug



1 deal here. I'm here. I saw the drug deal here.

2 When you ask a witness two questions and get four  
3 answers, that's when you know you have got problems. That's  
4 three-card Monte. They play it in New York. Keep your eye on  
5 the queen. Everybody is a winner.

6 Where are you? Where was the drug deal? Lies.  
7 That's his first lie.

8 Next. Yeah, another simple question to ask a police  
9 officer. What did you see? I saw a drug transaction. Are you  
10 sure? And you remember I kept saying to Keeney, are you sure?  
11 Because the other guys I didn't really want to give a chance  
12 to. Keeney, I gave him a chance.

13 Are you sure? Yes, I saw one drug transaction. Well,  
14 that's not what the reports say. That's not what your partners  
15 say. They say you saw drug transactions.

16 What did you see? When you ask a witness what they  
17 saw and they give you two different answers, that's a problem,  
18 especially when people are swearing to this under oath in sworn  
19 police reports.

20 And then I asked Keeney, would you ever swear to  
21 something that you didn't see? No, I would never swear to  
22 something I didn't see. How could I? Fair enough. How could  
23 you swear to something you didn't see?

24 Were you there when he got arrested? No, I wasn't.  
25 So you wouldn't swear to what happened to him. No, I

1 wouldn't.

2 Well, then here's a question, Keeney, why did you?  
3 Defendant Cross punched plaintiff. Denies the truth. How  
4 could he deny the truth of something he didn't see? Defendant  
5 Keeney punched plaintiff. Denies it. Torres choked plaintiff.  
6 Denies it. Cross chokes denies. How is he denying things he  
7 didn't see? How can he swear to something he didn't see?  
8 Well, that's this whole case, these guys swearing to things  
9 that they didn't see.

10 That's how they do it. It is called lying. Now  
11 Mr. Schumann may call it error or mistake over -- it is just  
12 lies.

13 More Keeney lies. Oh, by the way, keep this in mind,  
14 make a note, he started work at 5:00.

15 Keeney doesn't remember what they were wearing, but he  
16 remembers guys that he arrested four years ago that weren't  
17 even convicted. Sure he does.

18 Remember the second day of his testimony?  
19 Mr. Schumann went through the inventory process, how involved  
20 it is, that they have to check the bag, check the reports, and  
21 get it checked by a supervisor, and make sure it is all  
22 accurate.

23 And that's why it is wrong. Savickas found the  
24 drugs. That's what the inventory reports says. Because  
25 Savickas took the drugs from the drug dealer Deandre Stewart.

1 But somehow these guys got these reports wrong twice. No, they  
2 didn't. Savickas took the drugs from the drug dealer. That's  
3 what happened, not from him.

4 And then Keeney told us he sent the drugs to the crime  
5 lab. Well, why not fingerprint him? Remember we talked about  
6 that? Why not fingerprint the bags? If his fingerprints are  
7 on the bags, well, then what I am doing up here? But they  
8 didn't because they don't.

9 And last, but not least, Keeney signed the complaint.  
10 You saw it. He signed the complaint that started this. He  
11 showed up in court and testified when the Judge said, I don't  
12 think so. And there was no probable cause, and the case was  
13 dismissed. His lies last time. His lies this time.

14 Now let's get to Officer Cross. Officer Cross, what a  
15 piece of work is Officer Cross. He's why we're here.  
16 Shameful. That's what Officer Cross is, shameful.

17 You know, ladies, they teach us in law school that if  
18 we do our homework as lawyers, if we do our job, there are no  
19 surprises in a trial. Why? Because we have every single  
20 document. We have every single piece of paper that's ever been  
21 written about a case. And if we review them and study them,  
22 there are no surprises at a trial.

23 Well, I have a confession, a real confession to make.  
24 I was surprised when Maurice got up here and said there was a  
25 confession in this case because I was -- confession? There is

1 a confession in here? No, there isn't.

2           You think Chicago police officers get a confession on  
3 a drug case that a guy says, I had drugs, and they don't write  
4 it in 20 pages of reports that that's -- what he did call that  
5 one? An oversight. Two confessions that no one else heard but  
6 Cross.

7           Do you know what that was, ladies, that was special.  
8 That was a gift just for you. New lies because their old lies  
9 aren't enough. They came up with new ones just for you. You  
10 should be honored or disgusted, your choice.

11           The confession. Two confessions. I never even heard  
12 what the second one was.

13           And, by the way, do you remember how uncooperative  
14 Cross said my client was? How uncooperative -- why would an  
15 uncooperative guy volunteer, I have drugs? Yeah, that's what  
16 uncooperative guys do.

17           Then we get to the dependent children. Because in  
18 Officer Cross's world yes is no. You saw the children, yes.  
19 They were dependent children, yes. You swore a report that  
20 says there were no dependent children. Error, error, error.  
21 Yes is no.

22           Cross was the attesting officer. He's the one -- he's  
23 the one who swore that the report that was false was true  
24 because that's what they do. That's what he does. He swears  
25 that things that are false are true.

1           He swears to things he didn't see. Remember the  
2 request to admit that I showed him said, you don't know how far  
3 Keeney was because you weren't there? Right? I'm not present,  
4 I can't say what Keeney saw.

5           But then he does, the next question, and the next  
6 question, and the next question. He swears to things he  
7 doesn't see because that's what these guys did on this case,  
8 swear to things they didn't see.

9           In Cross's world a dime can become a half a dollar.  
10 It is like turning lead into gold. I'm sure there are addicts  
11 in Chicago that wish they could turn a dime bag into a half a  
12 gram. He can do it, no problem.

13           Because there are no men on this jury, let me give you  
14 a little bit of man input. No man would let another man put  
15 his hand in the front of his pants. And that's what this guy  
16 said, yeah, go ahead. Ridiculous.

17           And then once he's done putting his hand in his pants,  
18 then he flails -- garbage.

19           According to Officer Cross they had confirmation that  
20 he bought drugs. What does his -- Torres, his partner, back  
21 him up and say? We didn't have any confirmation he bought  
22 drugs. Yes is no. No is yes.

23           They are both sitting in the room. They could at  
24 least match their lies up when they hear them. No, they can't.

25           Ah, and my favorite. My favorite of all of Cross's

1 lies, the baby mama drama. According to Officer Cross when he  
2 arrests somebody with crack, if that guy says, hey, you see  
3 that woman across the street with the kids, those are my kids,  
4 Officer Cross is going to take those kids from that woman and  
5 never ask her a question.

6 Be careful, ladies, if you are walking with your  
7 children in Chicago because if a junkie gets arrested Cross is  
8 going to take your kids from you without talking to you.

9 That's the baby mama drama that Cross talked about. Absurd.

10 Then last, but not least, Officer Friendly. After  
11 this girl saw him punch her father in the face, according to  
12 Cross, she is sitting on his knee at the station. Isn't that  
13 lovely? Isn't that heartwarming? Please.

14 By the way, he started at 6:00. What a team. He's  
15 5:00. He's 6:00.

16 Then we get to Torres. Torres. Torres is worthless.  
17 And I have got to give it to Torres, he accuses me of creating  
18 false documents. These guys could teach a class in it.

19 Oh, those are your answers. No, they were not my  
20 answers. They were his answers. They were his lies to my  
21 questions.

22 And what was the simple question that we must have  
23 spent 20 minutes of our lives on? Where did you arrest  
24 Victor? Near the park? Yes. No. Yes, no. That question  
25 confuses me. I -- it is too much for me to handle, where were

1 you. I mean, Keeney couldn't get it right. How the hell is  
2 Torres going to get it right? Your questions are too much for  
3 me.

4 Oh, and what did Torres tell us? Near is close, but  
5 close is not near. Torres told us that the observation of what  
6 someone is wearing when they buy drugs is extremely important  
7 information. He is wearing the blue shirt. Extremely  
8 important information.

9 So I gave him the reports. Do you remember that sad  
10 moment during this trial? Go ahead, Torres, find them for us.  
11 And I'm sure you knew they weren't there. I knew it because I  
12 actually read them.

13 Show us, Torres, where this extremely important  
14 information that you observed him wearing a blue shirt that day  
15 is. It wasn't there because that was a new lie they came up  
16 with just for you. Recent fabrication. Because if they saw  
17 it, it would be in their reports because he told you it is  
18 extremely important.

19 Officer Torres is a unique human being. His memory  
20 gets better with time. Most of us normal human beings, as time  
21 go by, we forget things. Not Torres, Torres's memory gets  
22 better.

23 Two years ago when I asked him if they were wearing  
24 their uniforms he didn't know. I don't know. Today his memory  
25 is better.

1           And remember, ladies, he pays for that incredible  
2 memory, I have really bad hearing.

3           Let's do it, shall we? One, two, three, four, five  
4 six.

5           Torres can't hear from right here. He can't hear a  
6 confession.

7           THE COURT REPORTER: I'm sorry, he can't hear a --

8           MR. GRANICH: He can't hear a confession.

9           I think your hearing is just fine.

10          That was Torres.

11          Dependent children: Yes, no.

12          Torres doesn't confirm that he had drugs, even though  
13 his partner just did ten minutes before.

14          By the way, what time does he start? Late, 4:00,  
15 5:00, late.

16          That was the defendants. That was their lies. Their  
17 absurd, ridiculous lies for days.

18          And then who do they call? Remember how many officers  
19 were out there? The transportation officers, the guys in the  
20 blue and whites, the guys in the SUVs. All these copes were  
21 out there. Who did they call to confirm their stories?  
22 Savickas, an officer who has so many complaints of false  
23 arrests and false reports he can't even remember how many he's  
24 gotten. This is who they call to support them? The poster  
25 child of bad cop.



1           Do you have ten complaints? I don't know. Twenty?  
2           Maybe. Thirty? Maybe. Forty? I mean, isn't this something  
3           you might want to keep track of, how many times have you been  
4           accused of falsifying reports and arresting people falsely? I  
5           don't know. Fifty? Yeah, maybe. This is who they call.

6           And then remember Mr. Schumann, well, that's not  
7           intentional, that's just a mistake. Ladies, when you do  
8           something fifty times, it is not a mistake, it is a way of  
9           life.

10          And what does Savickas do when he comes here? He  
11          simply confirms that the reports contain lies.

12          So the things you swore were true, Savickas, are  
13          false? Oh, yeah. I mean, that's what I do, I confirm that  
14          things that are false are true.

15          What time did he start work? 4:00.

16          This is a great team, 4:00, 5:00, 6:00.

17          But what did Savickas tell us? That all the drugs he  
18          recovered that day were from Deandre. And what did the reports  
19          say, that all the drugs that were found came from Savickas.  
20          Savickas found all the drugs. Savickas found all the drugs on  
21          Deandre Stewart. Yeah, because he was the drug dealer.

22          Probably the only truth we got in this whole case.  
23          They are up there saying, oh, no, that's not -- that's a  
24          mistake. No, that's the truth. Savickas found the drugs on  
25          Deandre Stewart, all the drugs. That's what the reports say.

1 All the drugs were found by Savickas, and Savickas found all  
2 the drugs on Deandre Stewart. That's the truth which they are  
3 trying to deny.

4 And there it is. There is your job. Job one. Those  
5 are the facts. Those are the lies. We're done.

6 Those are the predictions I made. And that's what  
7 came true.

8 And let me make one more prediction. Let me predict  
9 the next hour of your life that you are never going to get  
10 back. Mr. Schumann is going to get up, and he is going to take  
11 an hour of your life, and he's going to say, he bought drugs, I  
12 showed them to you. Yeah, well, I can show you a bridge in  
13 Brooklyn. Don't buy it from me.

14 He showed you the drugs that Savickas took from  
15 Deandre. He bought drugs. Keeney said he saw it. Yeah, from  
16 where, the moving house?

17 He bought drugs. Cross found them. That's not what  
18 Savickas said. That's not what the reports say.

19 Vic, Jr., identified Keeney, and Keeney wasn't there.  
20 How do we know where Keeney was? Keeney doesn't know where  
21 Keeney is.

22 There were no white people in that car. He's going to  
23 waste an hour of your life trying to convince you up is down.  
24 And he is good. He is an experienced lawyer. God bless him,  
25 he's going to try.

1           But the Judge was right, don't believe what we say.  
2 Don't believe what I say. Don't believe what he says. Believe  
3 your own hearts and your own minds and your own ears.

4           Okay. We're done with job one.

5           Now let's move on to job two, applying the law to the  
6 facts. You're going to get the law from Judge Lefkow in a  
7 little bit. You're going to be able to take it back with you  
8 and read it.

9           Let's go through. These are our claims. This is the  
10 law. We are claiming that Keeney, Torres, and Cross falsely  
11 arrested Victor in violation of the Fourth Amendment. They  
12 did.

13           Second, plaintiff claims that Cross used excessive  
14 force. Torres did give us one useful piece of information.  
15 When you have somebody bent over a car and his hands are  
16 handcuffed, you can't punch him in the face. And that's what  
17 they did. That's why we're claiming that Torres used,  
18 excessive force.

19           Plaintiff claims that Keeney and Torres failed to  
20 intervene or take steps to prevent the excessive force because  
21 they didn't stop Cross. And they saw him grabbing him, and  
22 throwing him, and they could have stopped him, and they didn't.

23           And fourth we complain against all of them that they  
24 maliciously prosecuted him because they did until the Judge  
25 stopped it at the preliminary hearing.

1           Those are our claims.

2           Let's go through the first one. False arrest. What  
3 do we have to show to win this claim for false arrest? And  
4 there was a typo in this.

5           In this case plaintiff claims that Police Officers  
6 Keeney, Torres, and Cross falsely arrested him. To succeed we  
7 must prove by a preponderance that they did not have probable  
8 cause. That's all. If they didn't have probable cause, we  
9 win.

10           What's probable cause? Well, you can't lie. You  
11 can't say you saw things you didn't see, and that's what they  
12 did.

13           But here's the definition for probable cause, just in  
14 case you need it. Let me explain what probable cause means.  
15 Probable cause to arrest is at the moment the arrest was made  
16 -- by the way, when was that?

17           According to Torres you were approaching to arrest  
18 him? Yes.

19           You're approaching to talk to him? Yes.

20           You weren't going to arrest him? No.

21           You were going to arrest him? Yes.

22           We don't even know when that was.

23           Did they believe he was committing a crime? They  
24 didn't. They arrested him because he argued with them. They  
25 arrested him because he wouldn't do what they said fast

1 enough. It requires more than a suspicion, and that's all they  
2 had.

3 If you believe that they are not telling the truth,  
4 more likely than not about him buying drugs, they did not have  
5 probable cause. They did not have probable cause. Lies are  
6 not probable cause. That's false arrest.

7 We're done. For all three we're done. We win.

8 Next, excessive force. Well, again Torres told us if  
9 you have got somebody bent over a car and his hands are  
10 handcuffed, you can't punch him in the head. Torres told us  
11 that. Probably the only useful thing he said in this entire  
12 trial.

13 We must prove by a preponderance that the defendants,  
14 Torres, Cross used unreasonable force. If we proved it, you go  
15 on to the question of damages.

16 What is excessive force? Well, again, you punch  
17 somebody who is handcuffed, bent over a car, that's excessive.  
18 But, once again, we have the factor. We love factors.

19 Here they are: The need for the use of force. This  
20 is how you determine if force is excessive. The need for the  
21 force. Well, if you handcuff a guy and bend him over a car,  
22 there is really no need to punch him in the face.

23 The relationship between the need of the force used  
24 and the amount. If there was no need, so punching the guy is  
25 too much.

1           The extent of his injuries. He told you it hurt.

2           Any effort made by the defendant to temper? Well, he  
3 didn't. He just hit him as hard as he could.

4           The severity of the crime at issue. The crime at  
5 issue was he said, who are you?

6           The threat. He never threatened them.

7           And he was actively resisting? No, he was handcuffed  
8 at that point bent over a car. Excessive force.

9           Failure to intervene. Here are the factors for  
10 failure to intervene: Cross used excessive force. We know  
11 that. Keeney or Torres knew that the use of excessive force  
12 was about to occur. Well, they saw him grab him. They had a  
13 real opportunity to do something, like, hey, Cross, lay off,  
14 relax, he's not going anywhere. They failed to take reasonable  
15 steps. They didn't take any steps to prevent the harm.

16           And then failed -- their failure to act caused the  
17 plaintiff to suffer harm. Yeah, because they didn't pull Cross  
18 off him, Cross punched him. Failure to intervene, we proved  
19 that claim.

20           Malicious prosecution, last, but not least. Here are  
21 the factors we need to prove: Keeney, Torres, and Cross  
22 commenced a criminal proceeding. They did.

23           Without probable cause. They did.

24           They acted with criminal malice. We'll get to malice  
25 in a minute.

1           It was terminated in his favor. It was. It was  
2 dismissed.

3           He suffered damages. Two weeks in jail. He missed  
4 his daughter's birthday. He missed the first day of school.  
5 And he got punched in the face for good measure. We proved  
6 malice prosecution.

7           And, by the way, I like this, this is the definition  
8 of malice. This is actually the definition of this case. In a  
9 malicious prosecution case, malice is the institution or  
10 continuation of proceedings with an improper motive, like  
11 trying to teach somebody you're the law or to teach them a  
12 lesson. It may be inferred by circumstances that are  
13 inconsistent with good faith. An improper motive is any  
14 reason, other than to bring the party to justice, like to teach  
15 him a lesson that you are the man. That's malice. That's  
16 these three sitting right here.

17           We have proved each and every claim. You'll get a  
18 jury instruction that tells you once we have proved our claim,  
19 you move on to damages.

20           At beginning of this case I told you what it was  
21 about, it was about getting justice for Victor. And do you  
22 know how people in the law have personified justice for  
23 thousands of years, since the Greeks? By the statue of a  
24 woman. And that makes sense because women are smarter. And  
25 the statue of justice has three things. She is wearing a

1 blindfold because she doesn't care if the person in front of  
2 her is wearing a fancy uniform. She treats everyone the same.  
3 And she has a scale because her job is to bring back balance,  
4 to compensate, to make things equal. Compensation, plus  
5 compensatory damages, that's the scale. That's the first part  
6 of damages.

7           If you find in plaintiff's favor, which we just went  
8 through, then you are to determine the amount of money that  
9 will fairly compensate him. Let's stop there for a minute.  
10 Money. He'd rather have that time back. He'd rather have  
11 those two weeks out of the jail, back at his daughter's  
12 birthday, but you can't give him that. This is the only thing  
13 we can ask here, and that's what we're asking for.

14           We must award -- your award must be based on evidence  
15 and not speculation and guesswork. Done. That does not mean,  
16 however, that compensatory damages are restricted to the actual  
17 loss of money. They include mental aspects of injury, even if  
18 they are not easy to measure, and they are not.

19           You should consider the following types of damages:  
20 Physical, mental, emotional, pain and suffering. No evidence  
21 of the dollar value has been or needs to be introduced. There  
22 is no exact standard. You are to determine an amount that will  
23 fairly compensate the plaintiff.

24           So how much? I don't know. That's your job. You  
25 have to go back into that room and figure out what your



1 daughter's ninth birthday worth. What's two weeks sitting in a  
2 jail cell worried about your children alone out there with  
3 relatives worth? I know what the credit card commercials call  
4 it, priceless.

5           You figure it out. That's your job and your job  
6 alone.

7           Put it on the scale, Lady Justice, how much does it  
8 weigh? I'll give you one hint. A lot.

9           Ladies, justice has one other thing in her hands, she  
10 has the blindfold, she has the scale, she has a sword. Because  
11 sometimes making things equal is not enough. Sometimes Lady  
12 Justice has to take that sword and whack somebody with it.  
13 That's punitive damages, and this case screams out for them.

14           If you find that plaintiff -- if you find for  
15 plaintiff, you are -- you may, but are not required to, assess  
16 punitive damages against the defendants. The purpose of  
17 punitive damages are to punish a defendant for his conduct and  
18 to serve as an example or warning to defendants and to others  
19 not to engage in similar conduct in the future.

20           These guys need to be taught never to do this again.  
21 And they need to go back to the station and tell all their  
22 friends. That's what punitive damages are for.

23           Can we have prove them? We have.

24           You may assess them if their conduct was malicious or  
25 in reckless disregard of his rights. Arresting a guy who

1 hasn't broken the law just to teach him a lesson is in reckless  
2 disregard.

3           Ill will or spite. Yeah.

4           Done for the purpose of injuring plaintiff. Yeah.

5           So let's go to the factors. What should you consider  
6 when you are coming up with this amount of punitive damages to  
7 teach these guys a lesson? The reprehensibility of their  
8 conduct. I was reminded by watching that Charlton Heston movie  
9 over the weakened that bearing false witness is one of the top  
10 ten. They carved it in stone so we would never do it. That's  
11 what they did, bear false witness. That's how reprehensible it  
12 is. Charlton Heston came down from a mountain with it carved  
13 in stone. I guess they haven't seen that movie.

14           The impact of their conduct on him. He lost two weeks  
15 of his life. He was locked up. Missed his daughter -- we know  
16 how it impacted him.

17           The relationship between plaintiff and the  
18 defendants. They met him for a minute when they did this to  
19 him.

20           The likelihood that they would repeat the conduct if  
21 you don't hit them. What do you think? Did they seem  
22 remorseful up there? Do you think they got the idea that what  
23 they did was wrong? Hit them, and maybe they will get the  
24 idea.

25           The relationship of any award to the amount of actual

1 harm. He suffered actual harm.

2 Ladies and gentlemen, I don't -- ladies, I don't want  
3 you to kill them. I want you to lock them up for two weeks.  
4 But I want you to make sure that they get the message.

5 And what do they say? Money talks. Actually I like  
6 what Bob Dylan says, Bob Dylan says, money doesn't talk, it  
7 swears. I think some profanity. They used it, use it back.

8 This weekend that we just went through was a holiday  
9 weekend. And hopefully you got to spend some time away from  
10 here with your family. And, you know, what we do in our  
11 lives? Our jobs, they end, we retire. All of our objects,  
12 they become obsolete, and they are replaced.

13 There is really only one thing that matters while  
14 we're here on this planet, there is only one thing that matters  
15 in our life, the time we spend with our families and our loved  
16 ones. Everything else is transitory. It is our loved ones and  
17 our families, that's what makes our life.

18 And they stole this from him. And that's what we're  
19 doing, just trying to get it back. Trying to get him this much  
20 justice.

21 And with your help, with each and every one of your  
22 help, today, after four years, we will get him his justice.

23 Thank you.

24 THE COURT: Thank you, Mr. Granich. We'll take a  
25 15-minute recess.

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1 FINAL ARGUMENT ON BEHALF OF PLAINTIFF

2 MR. GRANICH: Yes. I'm not going to make this very  
3 long. I don't think it needs to be. So I'll start at the end  
4 of what Mr. Schumann just said.

5 I have never made the argument and this case is not  
6 about cops being bad. Cops aren't bad; cops are good. We  
7 should respect them. We should thank them. He's right, cops  
8 are good. That's not what this case is about.

9 These cops are bad. That's what this case is about.

10 He said, why would they put their careers in  
11 jeopardy? Is that what they testified to you? I asked them,  
12 what happens if you guys find them guilty? What did they say?  
13 Well, we have no idea. They are not worried about their  
14 careers.

15 And that gets us to Savickas. I love that. How could  
16 Savickas still be a cop if he is so bad? Good question.  
17 That's why we're here because the city won't take care of its  
18 garbage, it is up to you to take it out. Here is a guy who has  
19 so many complaints, he doesn't even know how many. And where  
20 is he? Out there doing it. And why did they call Savickas to  
21 get involved? Because he's happy to do it. That's what he  
22 does. That's what he's known for. That's why there are no  
23 other cops here supporting these guys. Savickas is the only  
24 garbage they could find to bring in.

25 Let me just say this, ladies and gentlemen, I have

1 been accused of being a lot of things, but smooth is definitely  
2 not one of them. Not like smooth jazz over here. I have been  
3 called loud. I have been called a drama queen, but I have  
4 never been called smooth.

5 So thank you for that.

6 All right. I want to talk about one specific point  
7 Mr. Schumann made, but it doesn't make sense. A case doesn't  
8 make sense because we said it took place in the afternoon and  
9 they all started at night.

10 You know what doesn't make sense? And I asked Keeney  
11 about this. They worked for the city. They have time cards.  
12 If they simply would have brought in their time cards that  
13 proved when they started, I would be standing here like a  
14 schmuck. But they never brought in their time cards. Why  
15 not? Because their time cards show when they really started,  
16 earlier in the afternoon. That's why they are not here.

17 What doesn't make sense is all they have to do is  
18 present that evidence to prove they are telling you the truth.  
19 They don't present it to you. That doesn't make sense.

20 Mr. Schumann began his remarks with where is the June,  
21 the woman who had lunch at McDonald's? Where is Quincy who got  
22 the clothes delivered? We presented the witnesses who saw what  
23 happened, Mr. Dillon and his two children.

24 Where is the concerned citizen? Please tell us. Do  
25 you have the picture? Can we find it?

1 I would like John Mustachio, whatever his name is, to  
2 tell us which one of these houses is his. Please,  
3 Mr. Concerned Citizen, would you just tell me one thing, where  
4 do you live? Because they don't know.

5 Where are all the other cops? There were two other  
6 guys in that car. Where are they? They aren't here because  
7 they don't want to put their careers in jeopardy supporting  
8 these lies. The only guy who was willing to do that was the  
9 poster child for bad cop, Officer Savickas.

10 How many times did Mr. Schumann say in his argument,  
11 innocent error, unimportant detail. Unimportant detail? What  
12 did you see? Where were you? Who found the drugs?

13 Ladies, on a drug case where you are, what you saw,  
14 who found the drugs, these are the important details. There  
15 are no others.

16 What is unimportant? What the temperature was.

17 Why did he show you pictures of the drug dealers so  
18 many times? Because he is hoping that if you see these  
19 pictures and you don't like them, you won't like him. There  
20 were drug dealers out there on the street. Don't like them.  
21 But he's not one of them.

22 Ladies, maybe some of you are in my age group and you  
23 might remember in the '70s there was a show Columbo. I used to  
24 watch Columbo on Sunday nights with my parents. And I loved  
25 Columbo because he had always that one small fact that bugged

1 him.

2           And as I have gone to do criminal law, there is always  
3 one fact in a case that bugs you, that just won't let you rest,  
4 and that's where the truth lies.

5           And in this case, in this case I'll tell you where the  
6 truth lies. The weed. The weed. This was my Columbo moment  
7 of this case. Why would guys be saying we got the weed if you  
8 don't have any weed? Deandre Stewart didn't have it. The boys  
9 didn't have it. Why did they not have weed if they said they  
10 had weed? I couldn't figure it out.

11           And then I had my Columbo moment. Because they took  
12 the weed off Deandre and put it on him. They did have the  
13 weed. That's the truth teller. They were advertising they had  
14 weed that Deandre had.

15           What did Mr. Schumann tell us? That he hoped if he  
16 told Chicago police he had marijuana he wouldn't be arrested.  
17 He's afraid to show that he is drinking a beer, but it is okay  
18 to tell police you have marijuana because the Chicago police  
19 are so understanding. I have marijuana, let me go. Sure, no  
20 problem.

21           That's common sense? You could walk up to Chicago  
22 police and say, here's my marijuana, let me go.

23           I alleged that they committed perjury. I sure did  
24 every time they lied. But it is not perjury if it is not  
25 important.



1           What did you see? That's important.

2           Who found the drugs? That's important.

3           Where were you when you saw it? That's important.

4           And that's perjury.

5           We know where Keeney was. Keeney was -- we don't know  
6           where Keeney -- Keeney doesn't know where Keeney was.

7           Mr. Schumann asks, what's their motivation? I talked  
8           about that in the first ten minutes. But I'll talk about it  
9           again for a minute. Why would they do this? Professors have  
10          an expression for this, it is called the banality of evil. You  
11          can do something so bad often enough, like Savickas, that it  
12          becomes boring. They did this for the same reason like in that  
13          joke, why a dog does a certain thing, because they can. They  
14          do it because they get away with it because no one ever stops  
15          them. And if you challenge them, they will just throw some  
16          weed at you and you're done. That's why they do it, because  
17          they can, until you stop them. That's why we're here.

18          One last point. He's doing this because he wants to  
19          save face in front of his daughter? His daughter saw it. She  
20          told you if she saw the drugs, she would tell you. Ridiculous.

21          I mean, but then again I have to give Mr. Schumann  
22          credit, he didn't have anything to work with, so he's trying to  
23          make bricks without straw. He's trying to get you to believe  
24          liars who we all know are liars. Not an easy job. So when he  
25          failed, we understand why.

1 I agreed with one thing that Mr. Schumann said. This  
2 weekend I didn't play golf, I don't play golf, but I did talk  
3 to my mom. Because in all the words that were said in this  
4 courtroom, something that was said I didn't know, I wrote it  
5 down the first day. And it wasn't said by me or Schumann or  
6 any of the players or any of witnesses, it was actually said  
7 before we even started by Judge Lefkow. I wrote it down.  
8 Justice, the lynchpin of Democracy.

9 And my mom is an English teacher. And I didn't know  
10 what lynchpin meant exactly. So I said to my mom, mom, what  
11 does lynchpin mean? And because my mother is an English  
12 teacher, she told me to do what she has told me to do my whole  
13 life, look it up. So I did.

14 And lynchpin is the necessary part of something.  
15 Justice is the necessary part of Democracy. That's what Judge  
16 Lefkow told us. And she's right. That's why she's got the  
17 robe, she's smart, and she's right.

18 Think about this for a minute. If you live in Russia  
19 or China or Syria or North Korea or Egypt, the police have to  
20 be corrupt, they have to be unjust, otherwise the government  
21 can't survive. Bad governments need bad police.

22 But here it is the opposite. The only way this  
23 country can survive is with justice, with good police, which we  
24 have, thank God. Thank God this is the exception to the rule.

25 You guys can now go do justice. You guys can go make

1 sure that our Democracy survives by bringing justice to this  
2 case.

3 My mom taught me one other thing -- many things. But  
4 this weekend she taught me something else. She told me that  
5 when I asked the jury to do what I want, say please.

6 So, mom, this is for you. Please go back there and do  
7 justice to this case. Go back to that jury room and please  
8 call a lie a lie and the truth the truth.

9 Go back in that jury room and please give this man and  
10 this family the justice they deserve. Go back there and do the  
11 right thing, please, please.

12 Thank you.

13 \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\*

14 (Which concluded the proceedings in the above-entitled  
15 matter.)

16 CERTIFICATE

17 I HEREBY CERTIFY that the foregoing is a true, correct  
18 and complete transcript of the proceedings had at the hearing  
19 of the aforementioned cause on the day and date hereof.

21 /s/ **Pamela S. Warren**  
22 Official Court Reporter  
23 United States District Court  
Northern District of Illinois  
Eastern Division

May 21, 2012  
Date

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