

BEFORE THE TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Darrell Fair

TIRC Claim No. 2011-018-

13 MAY '11 PM 2:15
CLERK OF THE CIRCUIT COURT
CRIMINAL DEPT.
DOROTHY BROWN
CLERK

FILED

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude the Claim is credible and merits judicial review for appropriate relief. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. In September of 1998 Claimant Darrell Fair (“DF”) was arrested at his home for a shooting during an armed robbery outside a nightclub at 104th and Michigan. DF suffers from asthma and needs medication to assist him in breathing. Before he was taken from his house DF told the arresting officers that he needed his asthma medication, but DF was not allowed to take the medication with him.
2. DF was taken to Area 2 of the Chicago Police Department where he was interrogated by detectives and an Assistant State’s Attorney (“ASA”). During the course of this questioning, which lasted about 30 hours, DF was kicked in the leg, and threatened with being shot while the detective rested his hand upon his service weapon. DF also continued to be denied his asthma medication, and was refused food until he agreed to talk to the police and the ASA.
3. The product of this interrogation is a very troublesome statement written by the ASA, which is attached as Exhibit A. On the signature line on the first page to demonstrate the waiver of rights, the ASA printed DF’s name; the waiver is not signed by DF. The ASA’s “explanation” makes no sense:

Q. And who wrote Darrell Fair there?

A. I wrote Darrell Fair there.

Q. And why did you do that?

A. That would have been his name and after we reviewed his statement if he had wished to sign he probably would have signed there indicating that he understood those rights.

(Transcript of Proceedings dated January 9, 2003 at 24-25)

The ASA's testimony is a non sequitur: it in no way explains why the ASA would print DF's name on the signature line.

4. In addition, none of the corrections, which the ASA claims were made at DF's request, are initialed by DF.¹ The ASA's testimony on this issue, which is attached as Exhibit B, is again nonsensical and confusing. According to the ASA, he made the corrections requested by DF as they went along and the ASA initialed them at that point. But he did not ask DF to do the same. Then, for some unexplained reason, well into the statement at about page 3, for the first time he asked DF to begin to initial the corrections and DF refused. However, the ASA continued to make the corrections and initial them himself. This testimony begs a host of questions: Why would he not ask DF from the outset to initial the corrections as they went along, while the corrections were fresh in the minds of all? What caused him to suddenly decide approximately halfway into the statement that he wanted DF to start initialing them as well? Why did he not make some note of when DF was first asked to initial the corrections and refused, so that it's clear on the face of the statement what is taking place?
5. The statement handwritten by the ASA is not signed by DF. Neither DF's signature nor his initials appear on the statement. Only the ASA's signature and initials appear on it.
6. Confidence in the voluntariness of the statement handwritten by DF's ASA is further undermined when it is compared to that of the shooter in the incident, Lamont Reeves, whose case was handled separately. This statement, taken by another ASA² and attached as Exhibit C, presents an entirely different version of the events:

<u>Event</u>	<u>DF</u>	<u>LR</u>
Location of gun	LR put gun under hood	DF told LF that gun under hood
Activity before shooting	Drove around 4-5 hrs. looking for someone to rob	Went straight to scene from 122 nd and Emerald
Location of DF	Stayed in car	Got out of car
The robbery	LR took gun from under hood and snatched chain off neck of	Another occupant of car was showing chain to person accompanying

¹ Contrary to the standard practice, the corrections are not initialed by the detective who was present either. The detective admitted that this was the only case he could recall where he had not initialed corrections to a handwritten statement. (*Id.* at 169)

² Note that Reeves has signed the waiver of rights on the signature line.

	person accompanying the deceased	deceased, and this person and LR got into brief fight
The shooting	LR snatched chain and shot deceased	After the fight, LR got gun from under hood, deceased ran, and LR shot him

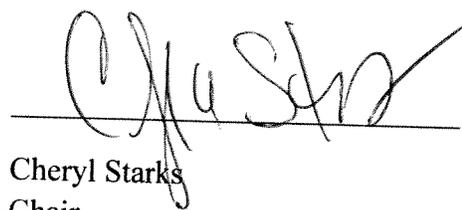
7. DF filed a motion to suppress the statement before trial which is consistent with his TIRC Claim, except that the motion did not allege that DF was threatened with a gun. After filing the motion, the attorney later withdrew it. The attorney is now deceased, so the reasons the motion was withdrawn are not known.
8. DF was convicted of aiding and abetting the murder after a jury trial at which the statement was used against him. The conviction rests almost entirely upon the statement. Although a car belonging to DF was identified as being present at the scene, none of the prosecution witnesses identified DF as being an occupant of the car or otherwise being present at the scene. There was no physical evidence, other than the car, introduced linking DF to the offense. DF was sentenced to 50 years.
9. In 2005 DF filed a *pro se* post-conviction petition alleging the ineffective assistance of trial counsel for failing to pursue the motion to suppress, and ineffective assistance of appellate counsel for failing to raise the issue on direct appeal. DF filed an affidavit in support of the petition alleging that, while at Area 2, he had been denied medication for his asthma. He also claimed that a detective wearing cowboy boots kicked him in the leg, and that the detective rested his hand on his service weapon so that DF feared being shot. Finally, he stated that he was denied food for over 24 hours and was allowed to eat only after he agreed to talk to the police. The petition was summarily denied on procedural grounds without an evidentiary hearing.

Conclusions

1. Although this Claim is not corroborated by physical evidence, or by a pattern of such conduct by the police officers involved, the troublesome nature of the handwritten statement itself, as well as the dubious testimony of the ASA concerning the circumstances surrounding its taking, are significant indicators of the fact that it was not voluntarily made.
2. The contrast with LR's statement is also striking and raises questions about the accuracy and voluntariness of the statement attributed to DF.
3. The prosecution case against DF was practically non-existent without the statement, creating a powerful incentive to obtain the statement.

4. DF has been consistent in making the Claim. The written motion to suppress asserts the asthma and kicking claims, and the post-conviction petition is completely consistent with the TIRC Claim.
5. For all the reasons set forth above and in the Findings of Fact, this Claim is credible based upon a preponderance of the evidence and merits judicial review for consideration of appropriate relief.

DATED: May 20, 2013

A handwritten signature in black ink, appearing to read "Cheryl Starks", is written over a horizontal line.

Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

Statement Written by Assistant State's Attorney Mebane

STATEMENT OF

Darrell Fair

Taken September 2, 1998 at 9:32 P.M.

At Area 2 Violent Crimes

Present ASA Adrian D. McBane
~~DET. M. PORTER # 20265~~ ^{ADM}

This statement taken regarding the shooting death
of Chris Stubblefield which occurred on July 22, 1998
at 75 E. 104th Street at approximately 12:30 A.M.

I understand I have the right to remain silent and that anything I say can be used against me in a court of law. I understand that I have the right to talk to a lawyer and have him present with me during questioning, and if I cannot afford to hire a lawyer one will be appointed by the court to represent me before any questioning. Understanding these rights, I wish to give a statement.

Darrell Fair

After being advised of his constitutional rights and after stating that he understood each of those rights, and after being advised that Adrian D. McBane is an assistant state's attorney, a prosecutor and a lawyer and not his lawyer, Darrell Fair agreed to give the following statement which is a summary and not verbatim statement. Darrell states that he is 30 years old and that his date of birth is November 11, 1967. Darrell states that he goes to Roosevelt College in Downers Grove, Chicago and is in his senior year. Darrell states that he lives at 125th S. Wood in Chicago with his mother, Aisia Fairrell and his 2 little brothers Lewis and James. Darrell states that he has lived at this address for his entire life. Darrell states

that on July 21, 1998 in the afternoon he was at his friend Jack's house. Darrell states that he has known Jack for about a year or two. Darrell states that it was just himself and Jack in the house. Darrell states that they were talking about pistols. Darrell states that Jack showed him 2 guns a .38 and a larger. Darrell states that Jack loaded the .38 revolver and put the larger empty. Darrell states that he and Jack left the house while Jack had both guns in a plastic bag. Darrell states that Jack put the guns in his trunk behind the speakers. Darrell states that he and Jack then drove around around and looked at it. Darrell states they drove around for about 4 or 5 hours. Darrell states that Jack then showed him off at home and gave him the bag with the .38 revolver in it. Darrell states that Jack told him "It's yours, take care of it." Darrell states that this means that if he did a robbery to give him some money and in the case of the gun. Darrell states that he took the gun into his house and took it to a store in the basement. Darrell states that he put the gun in a paper up in the ceiling to hide it. Darrell states that after he hid the gun he went to sleep.

Darrell states that the next day July 22 he called Chris Thomas to come and see him at home. Chris had his car. Darrell states that he owns a 1990 white Corvair. Darrell states that Chris came by in the early afternoon. Darrell states that he told Chris that

ADA Admin. D. Wehrman

we got a gun from Jack - the day before, Darrell states that they drove around for a couple of hours and pulled up at a friend's house on 123rd and Emerald. Darrell states that he, Chris, and a couple of other people were standing around outside drinking beers. Darrell states that "King" walked over to him. Darrell states that he has known "King" for a few months. Darrell states that "King" has 3 scars under his eye. Darrell states that "King" is in the Latin King street gang. Darrell states that the person depicted in People's Exhibit #1 is the person he knows as "King". Darrell states that they started talking. Darrell states that "King" said he had a "lick" in his name. Darrell states that "lick" means a robbery. Darrell states that he told him ~~that~~ he got a gun from Jack. Darrell states that he, Chris, and King drove back to Darrell's house. Darrell states he went into his house and got the gun from the panel in the ceiling. Darrell states that he took the gun and wrapped it up in a towel. Darrell states that he went back outside and gave "King" the gun. Darrell states that "King" then put the gun under the hood of Darrell's white Camaro by the battery to hide it. Darrell states that he and Chris were both standing with "King" when he did this. Darrell states that the gun was put under the hood in case they were pulled over by police and they wanted to search the car. Darrell states that this was to make it harder for the police to find it. Darrell states

A-A Adrian D. Durham

that they got into the Camaro and drove to Harvey.
Darrell states that Chris was driving because he (Darrell)
had a suspended license. Darrell states that they
drove around Harvey looking for someone to rob
for about 4 or 5 hours. Darrell states that they
stopped only once while they were in Harvey. Darrell
states they stopped at King's girl's house for a little
while and then to talk to some other Latin King's
on the street. Darrell states that ^{at} he, Chris, and
King headed back to the city. Darrell states they
drove back to 123rd to drop "King" off but they
kept on towards 104th St. instead. Darrell states that
"King" knew some guys over there. Darrell states that
they parked at 114th and McKinlay. Darrell states that
"King" got out and started talking to some of his guys.
Darrell states he and Chris then got out of the car.
Darrell states that he saw a car pull up on the opposite
side of the street and parked. Darrell states that
"Chris" said in one of his cars was was in line to, "Can
I get him?" Darrell states that ^{about} he took
this to mean a car King was there. Darrell states that
the two people in the car got out. Darrell states that
King turned to him and told him to pop the trunk.
~~King then told him to pop the trunk and~~
~~he then popped the trunk and~~
~~King then told him to pop the trunk and~~
Darrell states that Chris

ADU
Darrell
states
that he
wanted
to make
some money
by selling
some liquor
to King

ADU

ASA Adrian D. ...

popped the hood and King walked over and took the gun out. Darrell states that King walked over to the two guys and told them to come here. Darrell states that King put the gun to the forehead of one of the guys and snatched his chair. Darrell states that the other guy next to him started to walk away. Darrell states that King walked up to the other man who was trying to walk away. Darrell states the guy had his hands behind his back. Darrell states that he never saw any other man other than it was one of that guy. Darrell states that King shot the guy one time in the back and the guy fell. Darrell states that he was always in the exhibit 112 which is a photograph depicting Chris Smith. Darrell states that the person depicted in exhibit 112 is the person that King shot in the back. Darrell states that he, Chris, and King got back in the car and spoke 112. Darrell states that he was on the car that time. Darrell states the drive to 131st to keep King off. Darrell states that King crossed the gun up in the house and out of another floor of the house. Darrell states that King got out and Darrell and Chris drove to 114th and state to keep Chris off. Darrell states that he then drove to the house and took his gun into the house. Darrell states that he went to sleep. Darrell states that he took the gun back to work the next day with a bullet witness. Darrell states that he told Jack what happened in advance to the house.

and gave the gun back to Jack. Darrell states he has been hiding out on the westside since this incident happened. Darrell states that he was treated good by ASA McBane. Darrell states that he was given food to eat. Darrell states that he had hamburgers and fries to eat and soda and water to drink. Darrell states that he was allowed to use the bathroom when he needed. Darrell says that he was made to sign a promise to him in exchange of this statement. Darrell says that he made the statement freely under duress and that he was under the effects of drugs and alcohol at the time of making this statement.

ASA Adams McBane

Darrell states that he does not want to sign the statement without legal representation.

ASA Adams McBane

EXHIBIT B:

Excerpts of Testimony of Assistant State's Attorney Mebane

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

3
4 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 vs.) Case No. 02-CR-25742-01
8 DARRELL FAIR) Charge: Murder

9
10 EXCERPT OF REPORT OF PROCEEDINGS had before
11 the HONORABLE BERTINA E. LAMPKIN, Judge of said court,
12 on the 9th day of January, 2003.

13 APPEARANCES:

14 HONORABLE RICHARD A. DEVINE,
15 State's Attorney of Cook County, by:
16 MS. DOMENICA STEPHENSON,
17 MR. JAMES PAPA,
Assistant State's Attorneys,
appeared on behalf of the People;

18 MS. RITA A. FRY,
19 Public Defender of Cook County, by:
20 MR. ROBERT CAVANAUGH,
MR. ROBERT JOHNSON,
Assistant Public Defenders,
appeared on behalf of the Defendant.

21
22 Mary M. Flagg, CSR
23 Official Court Reporter
Lic. #084-001447
24 2650 South California Avenue
Chicago, Illinois 60608

1 being a true and accurate photo of how his son Chris
2 Stubblefield appeared in death.

3 MR. CAVANAUGH: So stipulated, yes.

4 MR. PAPA: Judge, I have no further questions.

5 THE COURT: Okay thank you. Cross.

6 MR. CAVANAUGH: No questions, Your Honor.

7 THE COURT: All right, sir. You can step down.

8 Thank you.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 ADRIAN MEBANE,

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

15 THE COURT: You may proceed.

16 MS. STEPHENSON: Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MS. STEPHENSON:

19 Q Sir in a loud clear voice can you please
20 introduce yourself to the ladies and gentlemen of the
21 jury and spell both your first and last name for the
22 benefit of the court reporter?

23 A Sure. My name is Adrian Mebane. First name
24 A-d-r-i-a-n, last name is M-e-b-a-n-e.

1 Q Now when you met with the defendant can you
2 tell the ladies and gentlemen of the jury what you
3 did?

4 A At that point I again told him what a
5 handwritten statement was and we sat down. I pulled
6 out the paper to start the handwritten and sat down
7 next to him and began the statement.

8 Q Now can you explain to us how you prepared
9 the handwritten statement in front of the defendant?

10 A I sit down right next to the defendant and
11 from the things that he had told me before I would put
12 in the handwritten, what -- I would also have a give
13 and take. I would ask the defendant as we went along
14 in the handwritten what took place, what was said and
15 I would write it down directly as he told me.

16 Q Did you review the handwritten statement with
17 the defendant?

18 A Yes.

19 Q How did you do that?

20 A We reviewed it throughout as we went along
21 and also at the end.

22 Q As you were writing out the statement did you
23 tell the defendant whether or not he could make
24 changes or corrections or additions to the statement?

1 A Right. I told him before and I suspect I'm
2 sure I told him during as well.

3 Q Can you tell us then as you were reviewing
4 the statement were any changes, corrections or
5 additions made?

6 A There were some made, yes.

7 Q Now at those changes additions or corrections
8 did anybody place their initials?

9 A I placed my initials there.

10 Q Did you ask anyone else to place their
11 initials there?

12 A I asked the defendant Darrell Fair to place
13 his initials as well.

14 Q And did he agree to do so?

15 A No, he did not.

16 Q Did he give you a reason as to why he would
17 not put his initials there?

18 A He indicated he didn't want to sign anything
19 without legal representation.

20 Q Did he tell you -- Strike that. Did he tell
21 you that he didn't want to talk to you anymore at that
22 point?

23 A No.

24 Q Did he tell you that he wanted you to stop

1 writing out the statement?

2 A Not at all.

3 Q Did you continue to write out the statement?

4 A Yes, I did.

5 Q And did you continue to review it with the
6 defendant?

7 A I continued -- Yes, I did.

8 Q Did anybody sign the handwritten statement?

9 A I signed it.

10 Q Did you ask anyone else to sign it?

11 A I asked the defendant to sign it as well. He
12 again said he didn't want to sign anything without
13 legal representation.

14 Q The handwritten statement that you prepared
15 was it substantially the same as the oral statement
16 that the defendant had given to you when you first
17 spoke to him at about 7 o'clock p.m.?

18 A Substantially the same yes.

19 Q During the course of the handwritten
20 statement did you use any exhibits?

21 A Yes, I did.

22 Q What exhibits did you use?

23 A I used the photographs of Mr. Stubblefield
24 and also the photograph of Lamont Reeves who the

1 A Right.

2 Q And the next line is crossed out?

3 A Right.

4 Q Where you had Detective A. Brown and his star
5 number, correct?

6 A Correct.

7 Q Now you have your initials next to that
8 crossout correct, sir?

9 A Yes.

10 Q But yet Mr. Fair's initials aren't next to
11 your initials to acknowledge that he sees that it was
12 crossed out and he put his initials there. They're
13 not there, correct?

14 A Correct.

15 Q But you told the ladies and gentlemen of the
16 jury a moment ago that Mr. Fair only refused to
17 initial anything about halfway through the statement?

18 A Correct.

19 Q And halfway through this six page statement
20 would be probably about page three, correct? I mean
21 if that's your testimony that approximately halfway
22 through?

23 A Approximately.

24 Q Well into the meat or the body of the

1 statement, correct, is when you say he said -- Mr.
2 Fair said he would not initial?

3 A Right.

4 Q But yet we're speaking of the first two
5 inches of the first page where the first mistake is?

6 A Okay.

7 Q Well if Mr. Fair refused to initial halfway
8 through the statement why aren't his initials on the
9 first page two inches from the top of the first page?

10 A I didn't ask him to yet.

11 Q So now -- Rather, you are testifying that
12 you are going through a statement, crossing things out
13 and then later on you're going to let the person put
14 his initials next to yours?

15 MS. STEPHENSON: Objection. That's not the
16 testimony.

17 THE COURT: All right. That is not what he said,
18 counsel, so the objection is sustained.

19 BY MR. CAVANAUGH:

20 Q Mr. Mebane, when did you put your initials on
21 the fifth line of page one of this statement "ADM."
22 At what point?

23 A My initials there would have been right when
24 I crossed out Detective Brown name.

1 Q And that would have been after you wrote a
2 few things, "Darrell Fair, September 2, 1998, 9:32
3 p.m. Area 2 violent crimes, ASA Adrian Mebane," then
4 the cross out "Detective A. Brown?"

5 A Right.

6 Q That would have been in the first, would it
7 be fair to say, ten seconds?

8 A It would have been early, sure.

9 Q Early on. And you put your initials there at
10 that point?

11 A Yes.

12 Q And Mr. Fair's, you didn't ask Mr. Fair to
13 initial this crossout as you put your initials there
14 at the same time?

15 A Not at that point, no.

16 Q Now your testimony is as well if I understand
17 you correctly that you never left the room and went to
18 another room to prepare this document, is that true,
19 sir?

20 A That is true.

21 Q You wrote it right in front of Mr. Fair is
22 your testimony?

23 A That is correct.

24 Q And Detective Porter never left that room

EXHIBIT C:

Statement of Lamont Reeves

STATEMENT OF

LAMONT T. REAVES

Taken 28 AUG 98 At 2033

At AREA 2

Present ASA SAMPSON

DET BROWN * 21174

This statement taken regarding the SHOOTING DEATH
of CHRIS STUBBLEFIELD which occurred on JULY 22, 1998
at 75 E. 104TH STREET at 12:30 AM.

I understand I have the right to remain silent and that anything I say can be used against me in a court of law. I understand that I have the right to talk to a lawyer and have him present with me during questioning, and if I cannot afford to hire a lawyer one will be appointed by the court to represent me before any questioning. Understanding these rights, I wish to give a statement.

Lamont Reaves

AFTER BEING ADVISED OF HIS CONSTITUTIONAL
RIGHTS AND AFTER STATING THAT HE UNDERSTOOD
EACH OF THOSE RIGHTS AND AFTER BEING ADVISED
THAT MARGIE SAMPSON IS AN ASSISTANT STATE'S
ATTORNEY, A PROSECUTOR AND A LAWYER BUT NOT
HIS LAWYER, LAMONT REAVES AGREED TO GIVE
THE FOLLOWING STATEMENT WHICH IS A SUMMARY
AND NOT VERBATIM STATEMENT. LAMONT STATES
THAT ASA SAMPSON EXPLAINED THE DIFFERENCE
BETWEEN A HANDWRITTEN STATEMENT AND A
COURT REPORTED STATEMENT, AND THAT HE WISHES
TO GIVE A HANDWRITTEN STATEMENT AT THIS
TIME. LAMONT STATES THAT HE IS 29 YEARS
OF AGE, AND THAT HE GRADUATED FROM SENN
HIGH SCHOOL IN ^{OF ME} 1986 1987 LAMONT STATES THAT

HIS SENIOR YEAR BEGAN IN 1986, BUT HE DIDN'T GRADUATE UNTIL 1987. LAMONT STATES THAT HE LIVES AT 12244 S. EMERALD WITH HIS GRANDMOTHER, GRANDFATHER AND FATHER. LAMONT STATES THAT HE IS A MEMBER OF THE LATIN KING STREET GANG. LAMONT STATES THAT HE HAS BEEN A MEMBER SINCE HIS 12TH BIRTHDAY. LAMONT STATES THAT ON JULY 22, 1998, AROUND 9:30-10:00PM, HE WAS STANDING ON THE CORNER OF 122ND AND EMERALD WHEN HIS FRIENDS CHRIS AND DARRYL DROVE UP. LAMONT STATES THAT THEY WERE IN DARRYL'S CAR WHICH IS A WHITE CAMARO. LAMONT STATES THAT HE DOES NOT KNOW CHRIS' OR DARRYL'S FULL NAMES, BUT THEY ARE BOTH MEMBERS OF THE GANGSTER DISCIPLE STREET GANG. LAMONT STATES THAT DARRYL SAID, "MAN, LETS GO SALE THE CHAIN AND WE WILL TAKE THE MONEY." LAMONT STATES THAT BY "TAKE THE MONEY," DARRYL MEANT ONLY THE PERSON TAKES OUT MONEY TO BUY THE CHAIN, ^{OR, NOTHEY} HE WOULD GRAB ALL OF THE PERSON'S MONEY AND RUN. LAMONT STATES THAT HE WAS IN AGREEMENT WITH THIS PLAN. LAMONT STATES THAT HE, CHRIS AND DARRYL DECIDED TO GO OVER ON 104TH STREET TO A CLUB AT 104TH AND MICHIGAN. LAMONT STATES THAT THEY CHOSE THAT AREA BECAUSE THAT IS WHERE ALL THE "HIGH ROLLERS" HANG OUT. LAMONT STATES THAT BY "HIGH ROLLERS," HE MEANS BIG DOPE DEALERS WITH MONEY AND EXPENSIVE CARS.

Atampa, ASA Lamont Reave Det A. Brown 2/11/98

LAMONT STATES THAT HE GOT INTO DARRYL'S CAR, AND THEY DROVE OVER TO THE CLUB. LAMONT STATES THAT DARRYL TOLD HIM THAT HE HAD A GUN UNDER THE HOOD OF THE CAR. DARRYL STATED THAT THE GUN WAS NEAR THE BATTERY. LAMONT STATES THAT HE ALSO SAW A GUN IN THE BACK OF CHRIS' WAISTBAND. LAMONT STATES THAT WHEN THEY WERE OUTSIDE OF THE CLUB, TWO GUYS WALKED TOWARD THEM. LAMONT STATES THAT HE RECOGNIZED ONE OF THE GUYS AS A GUY FROM THE NEIGHBORHOOD. LAMONT STATES THAT THE GUY'S NAME IS CHRIS, AND THAT PHOTO "A" IS A PICTURE OF THE GUY. LAMONT STATES THAT CHRIS (LAMONT'S FRIEND) WENT OVER TO THE GUYS AND SHOWED THE CHAIN TO THEM. LAMONT STATES THAT THE CHAIN WAS A GOLD MEDALLION WITH DIAMONDS. LAMONT STATES THAT CHRIS CALLED HIM OVER. LAMONT STATES THAT HE WENT OVER AND TOLD THE GUYS THAT THEY COULD HAVE THE CHAIN FOR \$150. LAMONT STATES THAT THE TALL, DARK GUY SAID, "PUNK ASS NIGGA THAT'S NOT REAL." LAMONT STATES THAT HE AND THE GUY "LOCKED UP." LAMONT STATES THAT BY "LOCKED UP" HE MEANS HE AND THE GUY GRABBED EACH OTHER BY THE SHIRT. LAMONT STATES THAT THEY PUSHED ONE ANOTHER, AND THEN THE GUY "BROKE OFF" LAMONT STATES THAT BY "BROKE OFF," HE MEANS THE GUY RAN TOWARD MICHIGAN AVENUE. LAMONT STATES THAT CHRIS, ^{(DELENT) AND} ~~THE GUYS FRIEND,~~ ^{HE} WAS

[Signature], ASA Lamont Review Det. A. Brown 2/1/14

STANDING NEAR THE DRIVER'S SIDE OF A CAR WHICH WAS ABOUT 10 FEET FROM WHERE HE WAS STANDING. LAMONT STATES THAT HE WENT TO THE HOOD OF DARRYL'S CAR AND GOT THE GUN. LAMONT STATES THAT THE HOOD WAS ALREADY POPPED OPEN. LAMONT STATES THAT ~~THEY~~ ^{CRIMINALS} DARRYL POPPED THE HOOD 10 MINUTES AFTER THEY ARRIVED AT THE CLUB. LAMONT STATES THAT DARRYL POPPED THE HOOD JUST IN CASE THEY NEEDED THE GUN FOR PROTECTION DURING THE ROBBERY. LAMONT STATES THAT WHEN HE TURNED AND WENT TO THE HOOD, CHRIS (DECEDENT) WAS STILL STANDING NEAR THE DRIVER'S SIDE OF A CAR. LAMONT STATES THAT HE DID NOT SEE A GUN IN CHRIS' ^{(DECEDENT) AND} ~~HAND~~ ^{CRIMINALS} AT THE TIME. LAMONT ALSO STATES THAT CHRIS ^{(DECEDENT) AND} ~~NEVER~~ ^{CRIMINALS} SAID THAT HE HAD A GUN. LAMONT STATES THAT WHEN HE TURNED AROUND WITH THE GUN, HE SAW CHRIS (DECEDENT) RUN OVER TO THE PASSENGER SIDE OF THE CAR. LAMONT STATES THAT CHRIS (DECEDENT) STARTED TO RUN TOWARD STATE STREET, IN HIS DIRECTION, BUT TURNED AROUND UPON LOOKING AT LAMONT STANDING IN THE STREET WITH A GUN. LAMONT STATES THAT CHRIS TURNED AROUND AND RAN IN THE OPPOSITE DIRECTION AWAY FROM HIM. LAMONT STATES THAT HE SHOT TOWARD CHRIS (DECEDENT). LAMONT STATES THAT CHRIS' (DECEDENT'S) BACK WAS TO HIM WHEN HE SHOT THE GUN. LAMONT STATES THAT HE, AND CHRIS (LAMONT'S FRIEND) JUMPED INTO DARRYL'S CAR, AND THEY DROVE OFF TOWARD STATE STREET.

N. Sampson, ASA CR Lamont Review D.A. Brown 2/17/14

LAMONT STATES THAT HE GAVE THE GUN TO DARRYL, AND THAT HE DOES NOT KNOW WHAT DARRYL DID WITH THE GUN. LAMONT STATES THAT DARRYL REMAINED IN HIS CAR THROUGHOUT THE SHOOTING. LAMONT STATES THAT CHRIS (DECEDENT) DID NOT RUN IN HIS DIRECTION BECAUSE HE (LAMONT) HAD THE GUN. LAMONT STATES THAT CHRIS ^{NOT DECEDENT} HAD TO RUN THE OTHER WAY BECAUSE IT WAS THE ONLY OTHER WAY FOR HIM TO RUN. LAMONT STATES THAT A FENCE PREVENTED CHRIS (DECEDENT) FROM RUNNING ANY OTHER WAY. LAMONT STATES THAT HE WAS NOT TELLING THE TRUTH WHEN HE TOLD THE ASSISTANT STATE'S ATTORNEY THAT HIS FRIEND CHRIS PANICKED AND SHOT THE GUY. LAMONT STATES THAT HE DID NOT SEE CHRIS (DECEDENT) WITH A GUN. LAMONT STATES THAT HE WAS TREATED FAIRLY DECENT BY THE POLICE. LAMONT STATES THAT HE WAS TREATED GOOD BY THE DETECTIVES. LAMONT STATES THAT HE WAS TREATED GOOD BY ASA SAMPSON. LAMONT STATES THAT HE WAS GIVEN FOOD TO EAT. LAMONT STATES THAT HE WAS GIVEN A BOLOGNA SANDWICH AND A BAG OF CHIPS. LAMONT STATES THAT HE ATE THE CHIPS BUT NOT THE SANDWICH. LAMONT STATES THAT HE WAS GIVEN A CHEESEBURGER, FRIES AND A COKE FROM MCDONALDS. LAMONT STATES THAT HE WAS ALLOWED TO GO TO THE BATHROOM WHEN HE NEEDED TO. LAMONT STATES THAT NO ONE MADE ANY THREATS OR PROMISES TO HIM IN EXCHANGE OF THIS STATEMENT.

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LAMONT STATES THAT HE MADE THIS STATEMENT FREELY AND VOLUNTARILY, AND THAT HE WAS FREE FROM THE EFFECTS OF DRUGS AND ALCOHOL AT THE TIME OF MAKING THIS STATEMENT.

~~ASA~~ Sampson, ASA Lamont Brewer Det. G. Brown 21174

LAMONT STATES THAT HE DEMONSTRATED HIS ABILITY TO READ ENGLISH BY READING ALOUD THE FIRST FEW LINES OF THIS STATEMENT, THE RIGHTS' PORTION WHICH HE SIGNED. LAMONT STATES THAT HE READ THE STATEMENT TO HIMSELF, AND HE HEARD ASA SAMPSON READ THE STATEMENT TO HIM. LAMONT STATES THAT HE DOES NOT WISH TO MAKE ANY CHANGES OR CORRECTIONS TO THE STATEMENT. LAMONT STATES THAT HE LISTENED AS ASA SAMPSON READ THE STATEMENT TO HIM.

~~ASA~~ Sampson, ASA LR Lamont Brewer Det. G. Brown 21174