

APPENDIX A

Illinois Appellate Court, Fourth District, order affirming the denial of LaDarrius Williams' motion to quash arrest and suppress evidence, *People v. Williams*, 2023 IL App (4th) 220481-U (June 22, 2023)

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2023 IL App (4th) 220481-U

NO. 4-22-0481

IN THE APPELLATE COURT

FILED

June 22, 2023

Carla Bender

4th District Appellate Court, IL

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,
v.
LaDERRIUS WILLIAMS,
Defendant-Appellant.

) Appeal from the
) Circuit Court of
) Peoria County
) No. 20CF346
)
) Honorable
) Katherine S. Gorman,
) Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Presiding Justice DeArmond and Justice Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* Because the police had probable cause to arrest defendant for fleeing or attempting to elude a peace officer (625 ILCS 5/11-204(a) (West 2020)) and for reckless driving (*id.* § 11-503(a)(1)), the arrest was valid, as was the search incident to the arrest, and the denial of defendant's motion for suppression of evidence was correct.

¶ 2 In a stipulated bench trial, the circuit court of Peoria County found defendant, LaDerrius Williams, guilty of a single count of unlawfully possessing a controlled substance (720 ILCS 570/401(c) (West 2020)). The court sentenced him to probation for 30 months. He appeals, contending that the court erred by denying his motion to suppress evidence.

¶ 3

I. BACKGROUND

¶ 4 In the motion for suppression, which defendant filed on February 4, 2021, he claimed that the police lacked probable cause to stop him or to arrest him. Therefore, he requested

that the circuit court “suppress any and all evidence and statements obtained pursuant [to]” the “stop, detention[,] and/or arrest.”

¶ 5 In the hearing on the motion for suppression, the evidence tended to show the following. On June 20, 2020, around 1:45 a.m. or 2 a.m., Peoria police officers were investigating a shots-fired incident. At the intersection of Laramie Street and Krause Avenue, they found a wrecked car pierced with bullet holes.

¶ 6 A large crowd was at Laramie Liquors, across the street. A red Chevrolet pickup truck bolted out of the parking lot of the liquor store, squealing its tires, and sped south on Laramie Street. Peoria Police Officer Jonathan Irving got into his patrol car and pursued the truck, with the overhead lights of his patrol car flashing. He intended to pull the truck over for squealing its tires and for reckless driving. The truck turned east onto Montana Street and lengthened its lead, traveling, by Irving’s estimate, at 50 miles per hour. From afar, Irving saw the truck pull into Harrison Homes via the Montana Street entrance.

¶ 7 When Irving arrived at the Harrison Homes parking lot, he saw the truck parked on the west side of the parking lot. The truck was idling, its headlights were on, and its doors were unlocked, but nobody was in the truck. The Peoria police department had a policy of impounding any vehicle that had been used to flee or elude the police. Accordingly, Irving and another Peoria police officer, Chad Oberle, began an inventory search of the truck in preparation for impounding it. As they were searching the truck, defendant approached.

¶ 8 To quote from Oberle’s testimony, defendant told the police “the truck was his and [that] he wanted to get in the truck.” Oberle continued:

“A. He asked if he could get in. I told him he could not. He continued to walk towards the truck. I put my hand out in front of me on his chest. He continued to try to push past me to get in the truck. At that point, we took him into custody.

Q. For what?

A. For obstructing police.”

¶ 9 At the time of his encounter with defendant, Oberle was wearing a body camera. The video footage from the body camera is in the record and is broken up into two parts—neither of which, however, has sound. In one part, Oberle appears to be driving in his patrol car toward Harrison Homes. Upon arriving there, he gets out of his patrol car and approaches the red truck, which is parked over one of the white parking lines. Oberle opens a door of the truck and looks in the front and in the back. The truck is unoccupied. Then the footage appears to show Oberle backing out of the truck and going around the truck. Other police officers are seen milling around, and the emergency lights of several patrol cars are seen flashing.

¶ 10 In the other part of the video footage, police officers are opening the doors of the truck and are shining flashlights into it. Another police officer is stooping down next to an open door of the truck and is rummaging through some things on the rear passenger floorboard. Then the camera swings to the left. An African American man in an orange T-shirt has come onto the scene, and he is talking with a police officer. The camera comes closer to the man. While talking, the man gestures in the direction of the truck with both hands and then gestures with a palm facing upward. A police officer’s hand can be seen gesturing back. During this conversation, two other police officers approach from the side, and one of the police officers shines his flashlight at the man. Still talking, the man moves toward the truck. The moment he does so, police officers grab

him and put him in handcuffs. After the man is handcuffed, one of the police officers stoops to the ground next to him, and the man looks down at where the officer is stooping.

¶ 11 Although the videos in the record are silent films, the parties do not appear to dispute one another's accounts of what is said in the videos. According to the briefs, Irving tells Oberle and other police officers that “ ‘all [he] saw was a black guy.’ ” As police officers search the truck, defendant approaches and asks them what they are doing. One of the police officers asks him if the truck is his, and defendant answers that it is. Oberle asks defendant why the truck is parked illegally. Defendant answers that he knows nothing about that. A police officer asks him who was driving. Defendant replies that he let someone use his truck to go to the store. Defendant asks, “ ‘What’s up?’ ” The police officer requests that defendant provide identification. Defendant answers that he has no identification with him. Oberle informs defendant that a tow truck is coming for the pickup truck. Defendant says, “ ‘Alright, you got a tow truck coming for it, let me get my—,’ ” and he moves toward the truck. Oberle grabs defendant’s arm, telling him, “ ‘[Y]ou’re not going in it.’ ” Defendant says, “ ‘Why you grabbing me? I’m not resisting arrest or nothing.’ ” Police officers then cuff defendant’s hands behind his back. A police officer accuses defendant of obstructing justice, and he asks defendant for his name. As defendant identifies himself, a police officer standing behind him bends down and exclaims, “ ‘Ah!’ ” Defendant looks down at the ground, where the police officer apparently has found something. What the police officer says next cannot be made out, but the parties appear to agree it presumably is, “You are under arrest,” because defendant then asks, “ ‘[F]or what?’ ” The police officer answers, “ ‘[P]ossession.’ ” Oberle says, “ ‘[Y]ep.’ ” The police officer who found the object on the ground tells other police officers to “ ‘watch that evidence.’ ” The record does not appear to reveal what this object on the ground was. A couple of police officers then pat down defendant and search his pockets. According

to the stipulation in the bench trial, the 6.6 grams of cocaine that were the subject of the charge in this case were found in defendant's pocket. Shortly before leaving the scene, Irving tells Oberle that he cannot identify defendant as the driver who fled from the liquor store but that, earlier in the day, someone saw defendant in the truck.

¶ 12 In the suppression hearing, defense counsel asked Irving, “And the arrest was not anything dealing with the vehicle driving, is that correct?” Irving answered, “Correct.” Nevertheless, the circuit court found that the police had probable cause to “detain and search [defendant,] given the fact that his truck *** had fled from an officer and then [defendant] appeared.”

¶ 13 II. ANALYSIS

¶ 14 The federal and state constitutions forbid unreasonable seizures of persons and their possessions. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. A warrantless arrest is unreasonable unless it is supported by probable cause. *People v. Marcella*, 2013 IL App (2d) 120585, ¶ 26. Evidence obtained through the exploitation of an illegal arrest is inadmissible. *Wong Sun v. United States*, 371 U.S. 471, 488 (1963). Under section 114-12(a)(1) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-12(a)(1) (West 2020)), “[a] defendant aggrieved by an unlawful search and seizure may move the court for the return of property and to suppress as evidence anything so obtained on the ground that *** [t]he search and seizure without a warrant was illegal.”

¶ 15 The Illinois Supreme Court has held:

“Whether the trial court erred in denying the motion to suppress evidence is subject to a two-part standard of review: the trial court’s findings of historical fact are reviewed for clear error and may be rejected only if they are against the manifest

weight of the evidence, but the trial court's ultimate ruling as to whether suppression is warranted is reviewed *de novo*.” *People v. Bass*, 2021 IL 125434, ¶ 21.

The only findings of historical fact the circuit court made were that “[defendant’s] truck *** had fled from an officer and then [defendant] appeared.” Because those facts appear to be undisputed, we have no occasion to decide whether the court’s factual findings are against the manifest weight of the evidence. Therefore, by default, we proceed to the remaining part of the two-part standard of review that the supreme court prescribed: we decide *de novo* whether suppression is warranted.

See *id.*

¶ 16 If the police arrested defendant illegally, suppression might be warranted, for the police would not have searched his pockets, and would not have found the cocaine, unless they had arrested him. See *Wong Sun*, 371 U.S. at 488. The search of his pockets was incident to the arrest. See *People v. Bailey*, 159 Ill. 2d 498, 503 (1994) (observing that “[i]t is reasonable,” under the fourth amendment (U.S. Const., amend. IV), “for police to search the arrestee for weapons that the arrestee could use to resist arrest or escape, or for evidence that the arrestee could conceal or destroy” and adding that “[t]he search is restricted to the person of the arrestee and any area into which the arrestee can reach”). If the warrantless arrest was unsupported by probable cause, the arrest was invalid, and so was the search incident to the arrest. See *People v. Grant*, 2013 IL 112734, ¶ 11. On the other hand, if the warrantless arrest was supported by probable cause, “the arrest is deemed lawful, and evidence obtained during a warrantless search incident to that arrest is admissible to prove defendant’s guilt.” *People v. Tisler*, 103 Ill. 2d 226, 237 (1984).

¶ 17 Whether there was probable cause for the arrest depends on the totality of the circumstances at the time of the arrest. See *Grant*, 2013 IL 112734, ¶ 11. “Probable cause to arrest

exists when the facts known to the officer at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the arrestee has committed a crime.” *Id.* “The probability of criminal activity, rather than proof beyond a reasonable doubt, is the standard for determining whether probable cause is present. [Citations.] Whether the necessary probability exists is governed not by technical legal rules, but rather by common-sense considerations that are factual and practical.” *Tisler*, 103 Ill. 2d at 236.

¶ 18 According to the United States Supreme Court, it is a “commonsense inference” that the owner of the vehicle is likely the driver. *Kansas v. Glover*, ____ U.S. ____ , ____ , 140 S. Ct. 1183, 1188 (2020); see also *Village of Lake in the Hills v. Lloyd*, 227 Ill. App. 3d 351, 353 (1992) (concluding that, “[b]ased on such common sense, *** an officer may reasonably presume that the owner of a vehicle is also the driver”); *People v. Barnes*, 152 Ill. App. 3d 1004, 1006 (1987) (saying it is a “reasonable inference” that “the owner is driving the vehicle,” for “[w]hile other people may drive an owner’s vehicle, it is clear that the owner will do the vast amount of driving”). In *Glover*, a police officer was on routine patrol when he ran a license-plate check on a pickup truck. *Glover*, ____ U.S. at ____ , 140 S. Ct. at 1187. The information came back that the truck was registered to someone whose driver’s license had been revoked, namely, the defendant. *Id.* The police officer did not attempt to identify the driver. *Id.* Instead, solely on the basis of the information that the registered owner of the truck had a revoked driver’s license, the police officer pulled the truck over. *Id.* The question before the Supreme Court was whether this information was sufficient, under the fourth amendment (U.S. Const., amend. IV), to justify an investigative traffic stop. *Glover*, ____ U.S. at ____ , 140 S. Ct. at 1186. The Supreme Court concluded that it was. *Id.* at ____ , 140 S. Ct. at 1188. The Supreme Court held, “The inference that the driver of a car is its registered owner *** is a reasonable inference made by ordinary people

on a daily basis.” *Id.* at ____, 140 S. Ct. at 1189. The police officer “drew the commonsense inference that [the defendant] was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop.” *Id.* at ____, 140 S. Ct. at 1188.

¶ 19 To be sure, the reasonable suspicion required for a traffic stop is a less demanding standard than the probable cause required for an arrest. See *id.* *Glover*, *Barnes*, and *Lloyd* were all reasonable-suspicion cases, not probable-cause cases. Even so, according to the United States Supreme Court in *Glover*, “the commonsense inference” that the registered owner of the vehicle was “likely” the person driving the vehicle “provided *more than reasonable suspicion*.” (Emphasis added.) *Id.* Thus, according to the Supreme Court, the facts in *Glover* exceeded the standard of reasonable suspicion. Admittedly, the Supreme Court did not specifically hold in *Glover* that the more demanding standard of probable cause was met. Likelihood, however, is likelihood, and common sense is common sense, regardless of whether the question is reasonable suspicion to initiate an investigatory traffic stop or probable cause to arrest a suspect involved in that stop. To reiterate, the Illinois Supreme Court has explained that “[t]he *probability* of criminal activity *** is the standard for determining whether probable cause is present” and that “[w]hether the necessary probability exists is governed *** by *common-sense* considerations.” (Emphases added.) *Tisler*, 103 Ill. 2d at 236. The Supreme Court has said it is common sense that the owner of a vehicle is probably the individual who is driving it. *Glover*, ____ U.S. at ____, 140 S. Ct. at 1188. That statement would be just as true in the assessment of probable cause to arrest as in the assessment of reasonable suspicion to initiate a stop—and as *Tisler* teaches, commonsense considerations govern probable cause (*Tisler*, 103 Ill. 2d at 236). Because defendant admitted to the police that the truck was his, common sense would suggest that he likely was the individual who had driven the truck.

¶ 20 Even if we assumed, for the sake of argument, that the owner-driver inference in *Glover* would fall short of probable cause, this inference would contribute to probable cause. Whether the Peoria police had probable cause to arrest defendant depends on the totality of the circumstances known to the Peoria police when they arrested him. See *Grant*, 2013 IL 112734, ¶ 11 (holding that “[p]robable cause to arrest exists when the facts known to the officer at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the arrestee has committed a crime”). In addition to the commonsense inference that the owner of a vehicle is usually its driver—an inference that a reasonably cautious person could regard as not dispelled by defendant’s claim that an unnamed friend drove the truck—the totality of the circumstances included defendant’s behavior at Harrison Homes. In the videos, defendant does not come across as being an inhibited individual. A reasonably cautious person could regard it as significant that when the police informed defendant that his truck was going to be towed, defendant never asked why. Granted, before telling defendant that his truck would be towed, a police officer remarked to him that the truck was improperly parked. Surely, however, defendant did not think that multiple patrol cars had converged on his truck at 2 a.m. in a public-housing parking lot (as opposed to a busy market thoroughfare) because a tire of his truck was over a parking line. Instead of asking what would have otherwise been the obvious question of why his truck was being towed, defendant said, “ ‘Alright, you got a tow truck coming for it, let me get my [things out of the truck].’ ” By arguable inference, the reason that defendant never asked the police why they were towing his truck was that he already knew why: because his truck had been used to flee the police. And he already knew, it could be further inferred, because he was the individual who had led the police on this chase.

¶ 21 In sum, then, in our *de novo* review, we find that the police had probable cause to arrest defendant for fleeing or attempting to elude a peace officer (625 ILCS 5/11-204(a) (West 2020)) and for reckless driving (*id.* § 11-503(a)(1)). Because “the arrest is deemed lawful, *** evidence obtained during a warrantless search incident to that arrest is admissible to prove defendant’s guilt.” *Tisler*, 103 Ill. 2d at 237.

¶22 It is true that, in the suppression hearing, Irving answered, “Correct,” when asked, “And the arrest was not anything dealing with the vehicle driving, is that correct?” Nevertheless, “[w]hether an officer has probable cause to arrest is an objective consideration, and the subjective intent of the officer in initiating the encounter, including whether the officer planned to arrest the individual, is irrelevant.” *People v. White*, 2021 IL App (1st) 191095, ¶23. If it is irrelevant whether the police officer planned to arrest the individual, it is equally irrelevant whether the officer planned to arrest the individual on certain grounds as opposed to other grounds. As we have discussed, there were objective grounds for believing that defendant likely had committed two Class A misdemeanors. See 625 ILCS 5/11-204(a), 11-503(b) (West 2020). Because the arrest was supported by probable cause, the arrest was valid, as was the search incident to the arrest. Therefore, we find no error in the denial of defendant’s motion for suppression of evidence.

¶ 23 III. CONCLUSION

¶24 For the foregoing reasons, we affirm the circuit court's judgment.

¶ 25 Affirmed.

APPENDIX B

Illinois Appellate Court, Fourth District, order denying Williams' Petition for Rehearing (July 17, 2023)

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2023 IL App (4th) 220481-U

Rule 23 filed June 22, 2023

NO. 4-22-0481

Modified upon denial of Rehearing July 17, 2023

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff-Appellee,

v.

LADERRIUS WILLIAMS,

Defendant-Appellant.

) Appeal from the

) Circuit Court of

) Peoria County

) No. 20CF346

)

) Honorable

) Katherine S. Gorman,

) Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.

Presiding Justice DeArmond and Justice Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* Because the police had probable cause to arrest defendant for reckless driving (625 ILCS 5/11-204(a) (West 2020)) and for fleeing or attempting to elude a peace officer (*id.* § 11-503(a)(1)), the arrest was valid, as was the search incident to the arrest, and the denial of defendant's motion for suppression of evidence was correct.

¶ 2 In a stipulated bench trial, the circuit court of Peoria County found defendant, LaDerrius Williams, guilty of a single count of unlawfully possessing a controlled substance (720 ILCS 570/401(c) (West 2020)). The court sentenced him to probation for 30 months. He appeals, contending that the court erred by denying his motion to suppress evidence. In our *de novo* review, we find probable cause. Therefore, we affirm the judgment, and we deny defendant's petition for rehearing.

¶ 3

I. BACKGROUND

¶ 4 The motion for suppression claimed that the police lacked probable cause to stop defendant or to arrest him. Therefore, the motion requested that the circuit court “suppress any and all evidence and statements obtained pursuant to” the “stop, detention[,] and/or arrest.”

¶ 5 In the hearing on the motion for suppression, the evidence tended to show the following. On June 20, 2020, around 1:45 a.m. or 2 a.m., Peoria police officers were investigating a shots-fired incident. At the intersection of Laramie Street and Krause Avenue, they found a wrecked car pierced with bullet holes.

¶ 6 A large crowd was at Laramie Liquors, across the street. A red Chevrolet pickup truck bolted out of the parking lot of the liquor store, squealing its tires, and sped south on Laramie Street. Peoria Police Officer Jonathan Irving got into his patrol car and pursued the truck, with the overhead lights of his patrol car flashing. He intended to pull the truck over for squealing its tires and for reckless driving. The truck turned east onto Montana Street and lengthened its lead, travelling, by Irving’s estimate, at 50 miles per hour. From afar, Irving saw the truck pull into Harrison Homes *via* the Montana Street entrance.

¶ 7 When Irving arrived at the Harrison Homes parking lot, he saw the truck parked on the west side of the parking lot. The truck was idling, its headlights were on, and its doors were unlocked, but nobody was in the truck. The Peoria police department had a policy of impounding any vehicle that had been used to flee or elude the police. Accordingly, Irving and another Peoria police officer, Chad Oberle, began an inventory search of the truck in preparation for impounding it. As they were searching the truck, defendant approached.

¶ 8 To quote from Oberle’s testimony, defendant told the police “the truck was his and [that] he wanted to get in the truck.” Oberle continued:

“He asked if he could get in. I told him he could not. He continued to walk towards the truck. I put my hand out in front of me on his chest. He continued to try to push past me to get in the truck. At that point, we took him into custody.

Q. For what?

A. For obstructing justice.”

¶ 9 At the time of his encounter with defendant, Oberle was wearing a body camera. The video footage from the body camera is in the record and is broken up into two parts. In one part, Oberle appears to be driving in his patrol car toward Harrison Homes. Upon arriving there, he gets out of his patrol car and approaches the red truck, which is parked over one of the white parking lines. Oberle opens a door of the truck and looks in the front and in the back. The truck is unoccupied. Then the camera backs out of the truck and goes around the truck. Other police officers are milling around, and the emergency lights of several patrol cars are flashing.

¶ 10 In the other part of the video footage, police officers are opening the doors of the truck and are shining flashlights into it. Another police officer is stooping down next to an open door of the truck and is rummaging through some things on the rear passenger floorboard. The parties do not appear to dispute one another’s accounts of what is said in the videos. According to the briefs, Irving tells Oberle and other police officers that “all [he] saw was a black guy.” As police officers search the truck, defendant approaches and asks them what they are doing. One of the police officers asks him if the truck is his, and defendant answers that it is. Oberle asks defendant why the truck is parked illegally. He answers that he knows nothing about that. A police officer asks him who was driving. He replies that he let someone use his truck to go to the store. Defendant asks, “What’s up?” The police officer requests that defendant provide identification. Defendant answers that he has no identification with him. Oberle informs defendant that a tow

truck is coming for the pickup truck. Defendant says, "Alright, you got a tow truck coming for it, let me get my—," and he moves toward the truck. Oberle grabs defendant's arm, telling him, "You're not going in it." Defendant says, "Why you grabbing me? I'm not resisting arrest or nothing." Police officers then cuff defendant's hands behind his back. A police officer accuses defendant of obstructing justice, and he asks defendant for his name. As defendant identifies himself, a police officer standing behind him bends down and exclaims, "Ah!" Defendant looks down at the ground, where the police officer apparently has found something. What the police officer says next cannot be made out, but it must be, "You are under arrest," because defendant then asks, "For what?" The police officer answers, "Possession." Oberle says, "Yep." The police officer who found the object on the ground tells other police officers to "watch that evidence." The record does not appear to reveal what this object on the ground was. A couple of police officers then pat down defendant and search his pockets. According to the stipulation in the bench trial, the 6.6 grams of cocaine that were the subject of the charge in this case were found in defendant's pocket. Shortly before leaving the scene, Irving tells Oberle that he cannot identify defendant as the driver who fled from the liquor store but that, earlier in the day, someone saw defendant in the truck.

¶ 11 In the suppression hearing, defense counsel asked Irving, “And the arrest was not anything dealing with the vehicle driving, correct?” Irving answered, “Correct.” Nevertheless, the circuit court found that the police had probable cause to “detain and search [defendant,] given the fact that his truck *** had fled from an officer and then [defendant] appeared.”

¶ 12 II. ANALYSIS

¶ 13 The federal and state constitutions forbid unreasonable seizures of persons and their possessions. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. A warrantless arrest is

unreasonable unless it is supported by probable cause. *People v. Marcella*, 2013 IL App (2d) 120585, ¶ 26. Evidence obtained through the exploitation of an illegal arrest is inadmissible. *Wong Sun v. United States*, 371 U.S. 471, 488 (1963). Under section 114-12(a)(1) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114-12(a)(1) (West 2020)), “[a] defendant aggrieved by an unlawful search and seizure may move the court for the return of the property and to suppress as evidence anything so obtained on the ground that *** [t]he search and seizure without a warrant was illegal.”

¶ 14 The Illinois Supreme Court has held:

“Whether the trial court erred in denying the motion to suppress evidence is subject to a two-part standard of review: the trial court’s findings of historical fact are reviewed for clear error and may be rejected only if they are against the manifest weight of the evidence, but the trial court’s ultimate ruling as to whether suppression is warranted is reviewed *de novo*.” *People v. Bass*, 2021 IL 125434,

¶ 21.

The only findings of historical fact the circuit court made were that “[defendant’s] truck *** had fled from an officer and then [defendant] appeared.” Because those facts appear to be undisputed, we have no occasion to decide whether the court’s finding of those facts is against the manifest weight of the evidence. Therefore, by default, we proceed to the remaining part of the two-part standard of review that the supreme court prescribed: we decide *de novo* whether suppression is warranted. See *id.*

¶ 15 If the police arrested defendant illegally, suppression might be warranted, for the police would not have searched his pockets, and would not have found the cocaine, unless they had arrested him. See *Wong Sun*, 371 U.S. at 488. The search of his pockets was incident to the

arrest. See *People v. Bailey*, 159 Ill. 2d 498, 503 (1994) (observing that “[i]t is reasonable,” under the fourth amendment (U.S. Const., amend. IV), “for police to search the arrestee for weapons that the arrestee could use to resist arrest or escape, or for evidence that the arrestee could conceal or destroy” and adding that “[t]he search is restricted to the person of the arrestee and any area into which the arrestee can reach”). If the warrantless arrest was unsupported by probable cause, the arrest was invalid, and so was the search incident to the arrest. See *People v. Grant*, 2013 IL 112734, ¶ 11. On the other hand, if the warrantless arrest was supported by probable cause, “the arrest is deemed lawful, and evidence obtained during a warrantless search incident to that arrest is admissible to prove defendant’s guilt.” *People v. Tisler*, 103 Ill. 2d 226, 237 (1984).

¶ 16 Whether there was probable cause for the arrest depends on the totality of the circumstances at the time of the arrest. See *Grant*, 2013 IL 112734, ¶ 11. “Probable cause to arrest exists when the facts known to the officer at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the arrestee has committed a crime.” *Id.* “The probability of criminal activity, rather than proof beyond a reasonable doubt, is the standard for determining whether probable cause is present. [Citations.] Whether the necessary probability exists is governed not by technical legal rules, but rather by common-sense considerations that are factual and practical.” *Tisler*, 103 Ill. 2d at 236.

¶ 17 According to the Supreme Court, it is a “commonsense inference” that the owner of the vehicle is likely the driver. *Kansas v. Glover*, ____ U.S. ____ , ____ , 140 S. Ct. 1183, 1188 (2020); see also *Village of Lake in the Hills v. Lloyd*, 227 Ill. App. 3d 351, 353 (1992) (concluding that, “[b]ased on common sense, *** an officer may reasonably presume that the owner of a vehicle is also the driver”); *People v. Barnes*, 152 Ill. App. 3d 1004, 1006 (1987) (saying it is a “reasonable inference” that “the owner is driving the vehicle,” for “[w]hile other

people may drive an owner's vehicle, it is clear that the owner will do the vast amount of driving"). In *Glover*, a police officer was on routine patrol when he ran a license-plate check on a pickup truck. *Glover*, ____ U.S. at ____ , 140 S. Ct. at 1187. The information came back that the truck was registered to someone whose driver's license had been revoked, namely, the defendant. *Id.* The police officer did not attempt to identify the driver. *Id.* Instead, solely on the basis of the information that the registered owner of the truck had had his driver's license revoked, the police officer pulled the truck over. *Id.* The question before the Supreme Court was whether this information was sufficient, under the fourth amendment (U.S. Const., amend. IV), to justify an investigative traffic stop. *Glover*, ____ U.S. at ____ , 140 S. Ct. at 1186. The Supreme Court concluded that it was. *Id.* at ____ , 140 S. Ct. at 1188. The Supreme Court held, "The inference that the driver of a car is its registered owner *** is a reasonable inference made by ordinary people on a daily basis." *Id.* at ____ , 140 S. Ct. at 1189. The police officer "drew the commonsense inference that [the defendant] was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop." *Id.* at ____ , 140 S. Ct. at 1188.

¶ 18 To be sure, the reasonable suspicion required for a traffic stop is a less demanding standard than the probable cause required for an arrest. See *id.* *Glover*, *Barnes*, and *Lloyd* were all reasonable-suspicion cases, not probable-cause cases. Even so, according to the Supreme Court in *Glover*, "the commonsense inference" that the registered owner of the vehicle was "likely" the person driving the vehicle "provided *more than reasonable suspicion*." (Emphasis added.) *Id.* Thus, according to the Supreme Court, the facts in *Glover* exceeded the standard of reasonable suspicion. Admittedly, the Supreme Court did not specifically hold in *Glover* that the more demanding standard of probable cause was met. Likelihood, however, is likelihood, and common sense is common sense, regardless of whether the question is reasonable suspicion or probable

cause. To reiterate, the Illinois Supreme Court has explained that “[t]he *probability* of criminal activity *** is the standard for determining whether probable cause is present” and that “[w]hether the necessary probability exists is governed *** by *common-sense* considerations.” (Emphases added.) *Tisler*, 103 Ill. 2d at 236. The Supreme Court of the United States has said it is only common sense that the owner of a vehicle is probably the individual who is driving it. *Glover*, ____ U.S. at ____, 140 S. Ct. at 1188. That statement would be just as true in a probable-cause case as in a reasonable-suspicion case—and as *Tisler* teaches, commonsense considerations govern probable cause (*Tisler*, 103 Ill. 2d at 236). Because defendant admitted to the police that the truck was his, common sense would suggest that he likely was the individual who had driven the truck.

¶ 19 Even if we assumed, for the sake of argument, that the owner-driver inference in *Glover* would fall short of probable cause, this inference would contribute to probable cause. Whether the Peoria police had probable cause to arrest defendant depends on the totality of the circumstances known to the Peoria police when they arrested him. See *Grant*, 2013 IL 112734, ¶ 11 (holding that “[p]robable cause to arrest exists when the facts known to the officer at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the arrestee has committed a crime”). In addition to the commonsense inference that the owner of a vehicle is usually its driver—an inference that a reasonably cautious person could regard as not dispelled by defendant’s claim that an unnamed friend drove the truck—the totality of the circumstances included defendant’s behavior at Harrison Homes. In the videos, defendant does not come across as being very inhibited. A reasonably cautious person could regard it as significant that when the police informed defendant that his truck was going to be towed, defendant never asked why. Granted, before telling defendant that his truck would be towed, a police officer remarked to him that the truck was improperly parked. Surely, however, defendant did not think that multiple patrol

cars had converged on his truck at 2 a.m. in a public-housing parking lot (as opposed to a busy market thoroughfare) because a tire of his truck was over a parking line. Instead of asking what would have otherwise been the obvious question of why his truck was being towed, defendant said, “Alright, you got a tow truck coming for it, let me get my [things out of the truck].” By arguable inference, the reason that defendant never inquired why the police were towing his truck was that he already knew why they were towing his truck: because his truck had been used to flee the police. And he already knew, it could be further inferred, because he was the individual who had led the police in this chase.

¶ 20 Granted, as defendant points out in his petition for rehearing, he asked questions of the police officers. Before the police told him that a tow truck was on its way, he asked the police what they were doing. Also, he asked them, “ ‘What’s up?’ ” Under the circumstances, a police officer might have considered whether defendant came across as sincere, whether defendant was really in the dark or whether, alternatively, he was playacting. Arguably, someone who was really in the dark would not have said “ ‘[a]lright’ ” when police officers told him they were going to take his pickup truck. Defendant argues that “although [he] did not ask the officers why they were towing his truck,” this omission “is not surprising considering the officers’ failure to answer his earlier questions.” If defendant truly had no idea why the police were seizing his valuable property, in the middle of the night, in a residential parking lot, one might have expected the questions from him to be more pointed and more specific than “ ‘What’s up?’ ” One might have expected him to ask, for instance, why the police were seizing his truck or what his friend had done to precipitate this drastic action. In short, to a reasonable police officer in the circumstances, defendant’s reaction could have seemed so implausible that its very implausibility contributed to probable cause.

¶ 21 In sum, then, in our *de novo* review, we find that the police had probable cause to arrest defendant for reckless driving (625 ILCS 5/11-204(a) (West 2020)) and for fleeing or attempting to elude a peace officer (*id.* § 11-503(a)(1)). Because “the arrest is deemed lawful, *** evidence obtained during a warrantless search incident to that arrest is admissible to prove defendant’s guilt.” *Tisler*, 103 Ill. 2d at 237.

¶ 22 It is true that, in the suppression hearing, Irving answered, “Correct,” when asked, “And the arrest was not anything dealing with the vehicle driving, correct?” Nevertheless, “Whether an officer has probable cause to arrest is an objective consideration, and the subjective intent of the officer in initiating the encounter, including whether the officer planned to arrest the individual, is irrelevant.” *People v. White*, 2021 IL App (1st) 191095, ¶ 23. If it is irrelevant whether the police officer planned to arrest the individual, it is equally irrelevant whether the officer planned to arrest the individual on certain grounds as opposed to other grounds. As we have discussed, there were objective grounds for believing that defendant likely had committed two Class A misdemeanors. See 625 ILCS 5/11-204(a), 11-503(b) (West 2020). Because the arrest was supported by probable cause, the arrest was valid, as was the search incident to the arrest. Therefore, we find no error in the denial of defendant’s motion for suppression of evidence.

III. CONCLUSION

¶ 24 For the foregoing reasons, we affirm the circuit court's judgment.

¶ 25 Affirmed.

APPENDIX C

Illinois Appellate Court, Fourth District, modified order upon denial of Williams' Petition for Rehearing, *People v. Williams*, 2023 IL App (4th) 220481-U (July 17, 2023)



STATE OF ILLINOIS
APPELLATE COURT
FOURTH DISTRICT
201 W. MONROE STREET
SPRINGFIELD, IL 62704

CLERK OF THE COURT
(217) 782-2586

RESEARCH DIRECTOR
(217) 782-3528

July 17, 2023

RE: People v. Williams, LaDerrius
General No.: 4-22-0481
Peoria County
Case No.: 20CF346

The court has this day entered the following order in the above referenced case:

Upon consideration of the Petition for Rehearing, the Petition for Rehearing is denied.

A modified decision, upon denial of the Petition for Rehearing is hereby filed this date and is accessible at www.illinoiscourts.gov.

Carla Bender
Clerk of the Appellate Court

c: Elizabeth A. Botti
Hon. Katherine S. Gorman
Laura DeMichael Bialon
Peoria County Circuit Court

APPENDIX D

Illinois Supreme Court order denying Williams' Petition for Leave to Appeal, *People v. Williams*, No. 129918 (Sept. 27, 2023)



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721
(217) 782-2035

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

September 27, 2023

In re: People State of Illinois, respondent, v. LaDerrius Williams,
petitioner. Leave to appeal, Appellate Court, Fourth District.
129918

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 11/01/2023.

Very truly yours,

A handwritten signature in black ink that reads "Cynthia A. Grant".

Clerk of the Supreme Court

APPENDIX E

Transcript of Report of Proceedings, *People v. Williams*, 20-CF-346



CAUSE NO. 20-CF-00346-1

THE STATE OF ILLINOIS

VS

WILLIAMS, LADERRIUS

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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
Plaintiff,)
-vs-) No. 20-CF-346
LADERRIUS WILLIAMS,)
Defendant.)

ARRAIGNMENT

REPORT OF PROCEEDINGS of the arraignment held
before CIRCUIT JUDGE PAUL P. GILFILLAN, commencing
on July 16, 2020.

APPEARANCES:

BRIAN FITZSIMONS, ESQUIRE
Assistant State's Attorney,
for the People of the State of Illinois;

NATE BACH, ESQUIRE
Public Defender,
for the Defendant.

Becky J. Noble, RPR, CSR
Official Court Reporter 3
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
CSR License No. 084.003907

1 THE COURT: Mr. Laderrius Williams, can you
2 come forward?

3 All right. Right up to the tape, sir. Are
4 you Mr. Williams?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. You're here in court today
7 out of custody on your Case 20-CF-346.

8 Mr. FitzSimons is here for the State?

9 MR. FITZSIMONS: Yes, sir.

10 THE COURT: And on this new charge I'll read to
11 you in a minute, will you be able to hire your own
12 attorney or will you be requesting the public
13 defender?

14 THE DEFENDANT: As of now I'll be requesting the
15 public defender.

16 THE COURT: Okay. Do you have funds to hire an
17 attorney?

18 THE DEFENDANT: I'm working on it.

19 THE COURT: You're working on it?

20 THE DEFENDANT: Yeah.

21 THE COURT: Okay. The public defender will be
22 appointed for you. Mr. Bach is in court in that
23 capacity today for you. There's been a charge of
24 unlawful possession with intent to deliver a

1 controlled substance that claims on or about June
2 20th of this year you did knowingly and unlawfully
3 possess with intent to deliver to another more than
4 1 but less than 15 grams of a substance containing a
5 controlled substance, cocaine.

6 This is a Class 1 felony. And do we know if
7 he's extendable?

8 MR. FITZSIMONS: No, sir. I don't believe he
9 is.

10 THE COURT: If convicted of this, the standard
11 Class 1 sentencing range would be 4 to 15 years on
12 the high side, day-for-day eligible in DOC with a
13 potential fine of up to \$25,000 and 2 years of
14 mandatory supervised release to serve thereafter.
15 Or if convicted the least you could be sentenced to
16 could be up to 48 months of probation with some
17 potential jail time.

18 The record will show that defendant's
19 counsel for today and the defendant both received a
20 copy of this Bill of Indictment.

21 MR. BACH: Thank you, Your Honor.

22 I acknowledge receipt of the one-count Bill
23 of Indictment, waive any further reading or
24 explanation of the charges or penalties, enter a

1 plea of not guilty, ask that the matter be set for a
2 jury trial, make a motion for reciprocal discovery.
3 And Mr. Williams will be represented by Mr. Rose
4 from our office.

5 THE COURT: All right. Mr. Rose will be your
6 attorney. His contact information has just been
7 given to you. He will need a few days before he
8 gets the case details so you can talk intelligently
9 with him about.

10 In the meantime, I'll also have you fill out
11 your information sheet for him so that he knows how
12 to reach you. Now I'll give you your next court
13 dates. And those will be?

14 MR. FITZSIMONS: Sir, if we could please set the
15 scheduling October 8th at one o'clock and the jury
16 trial October 19th at 9 a.m.

17 THE COURT: Okay. Those are your court dates.
18 They will be on this order that you're going to get
19 a copy of today and for which you must return.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Great. Have a seat. We'll get you
23 the order.

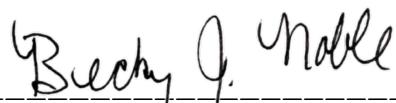
24 (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL
CIRCUIT OF PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATE

I, BECKY J. NOBLE, Official Court Reporter
for the Circuit Court of Peoria County, Tenth
Judicial Circuit of Illinois, reported in machine
shorthand the proceedings had on the hearing in the
above-entitled cause and transcribed the same, which
I hereby certify to be a true and accurate
transcript of the proceedings had before CIRCUIT
JUDGE PAUL P. GILFILLAN.

Dated this 23rd day of June, 2022.



Becky J. Noble, RPR, CSR
Official Court Reporter 3
License No. 084.003907

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
) Case No. 20 CF 346
vs.)
)
LADERRIUS WILLIAMS)
)
Defendant.)

HEARING

REPORT OF PROCEEDINGS of the HEARING before
HONORABLE JUDGE PAUL GILFILLAN on OCTOBER 8, 2020.

APPEARANCES:

MS. JODI HOOS,
State's Attorney of Peoria County, by
MR. BRIAN FITZSIMONS,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. MARK ROSE,
Assistant Public Defender,
on behalf of the Defendant.

Transcribed by:

Chelsae A. Smith
Official Court Reporter
324 Main Street
Peoria, IL 61602

1 THE COURT: People v. Laderrius Williams is 20 CF
2 346. Do I understand our bailiff called him three times?

3 THE BAILIFF: That's correct.

4 THE COURT: And he doesn't appear. It's 2:00
5 o'clock for his 1:00 o'clock hearing. Mr. Rose is his
6 attorney. He's here. Mr. FitzSimons is here for the
7 State.

8 Any word, Mr. Rose?

9 MR. ROSE: No, sir.

10 THE COURT: Mr. FitzSimons?

11 MR. FITZSIMONS: Judge, Mr. Williams had posted a
12 bond in the amount of 30,000, 10 percent so I'd ask the
13 forfeiture date be set and that a warrant issue, but I'd
14 ask the warrant issue at 60,000, 10 percent.

15 THE COURT: What class felony is that, unlawful
16 possession with intent to deliver?

17 MR. FITZSIMONS: Class 1. Hold on. I'm sorry.
18 Hold on.

19 Yeah, it's a Class 1.

20 THE COURT: Okay. 50,000, 10 percent to apply, bond
21 forfeited that he had posted, and a new forfeiture
22 date.

23 THE CLERK: November 9th, 9:00 o'clock.

24 MR. FITZSIMONS: I already sent a proposed order.

1 Can you just amend it or do want --

2 THE COURT: I definitely can amend it.

3 THE CLERK: That one is in the cue.

4 (End of proceedings.)

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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

CERTIFICATE

I, Chelsae A. Smith, CSR# 084.004770, an Official Court Reporter for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the trial in the above-entitled cause and transcribed the same by Computer-Aided Transcription, which I hereby certify to be a true and accurate transcript of the proceedings had before Honorable Judge Paul Gilfillan.



Official Court Reporter

Dated this 24th day
of June, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
)
 Plaintiff,)
)
-vs-) No. 20-CF-346-1
)
LADERRIUS WILLIAMS,)
)
 Defendant.)

HEARING

REPORT OF PROCEEDINGS of the hearing held
before CIRCUIT JUDGE PAUL P. GILFILLAN, commencing
on November 9, 2020.

APPEARANCES:

BRIAN W. FITZSIMONS, ESQUIRE
Assistant State's Attorney,
for the People of the State of Illinois;

MARK A. ROSE, ESQUIRE
Assistant Public Defender,
for the Defendant.

Cheryl L. Zeone, CSR, RPR
Official Court Reporter 4
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
CSR License Number: 084-004114

1 THE COURT: This is Peoria, 20-CF-436, People
2 versus Laderrius Williams.

3 Are you Mr. Williams?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. You're here in person
6 today, out of custody, on your case -- I already
7 mentioned it. Mr. Rose is your attorney. He's here
8 with you. Mr. FitzSimons for the State.

9 This is the Defense motion to vacate
10 forfeiture of bond and to recall the arrest warrant
11 for the reasons mentioned in the motion as to why
12 the Defendant was not here on October 8th. Counsel
13 has provided various medical records backing that
14 up.

15 Anything else, Mr. Rose?

16 MR. ROSE: No, Judge. I believe Mr. FitzSimons
17 has indicated that the State would have no objection
18 to that and setting the appropriate dates then.

19 THE COURT: Mr. FitzSimons.

20 MR. FITZSIMONS: I have no objection to it.

21 THE COURT: Okay. The motion is granted. The
22 bond forfeiture is vacated, the arrest warrant is
23 recalled, and we'll simply get your case back on the
24 trial docket.

1 Those dates will be?

2 MR. FITZSIMONS: Sir, if we could set it

3 February 4th at 1:00 for scheduling and

4 February 16th for trial.

5 THE COURT: Okay, Mr. Rose?

6 MR. ROSE: Yes, sir.

7 THE COURT: All right. Those are your court
8 dates. Those will be on the order you get a copy of
9 and for which you must return.

10 Understood and agreed, Mr. Williams?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. Great. Have a seat. We'll
13 get you the order.

14 (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATE

I, Cheryl L. Zeone, Official Court Reporter for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same, which I hereby certify to be a true and accurate transcript of the proceedings had before Circuit Judge Paul P. Gilfillan.

Dated this 11th day of July, 2022.



Cheryl L. Zeone, CSR, RPR
Official Court Reporter 4
License No. 084.004114

IN THE TENTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS

PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiffs,)
)
v.) Case No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

REPORT OF PROCEEDINGS

REPORT OF PROCEEDINGS of the hearing had before the
HONORABLE KATHERINE GORMAN, Judge of said Court, on
the 4th of February, 2021.

APPEARANCES:

MR. BRIAN FITZSIMONS
Assistant State's Attorney
REPRESENTING THE PEOPLE OF THE STATE OF ILLINOIS

MR. MARK ROSE
Assistant Public Defender
REPRESENTING THE DEFENDANT

REPORTED BY: Michelle Farney, CSR-RPR
Official Court Reporter
License No. 084-003569

1 THE COURT: This is 20-CF-346, the State of
2 Illinois vs. Laderrius Williams. Brian FitzSimons
3 for the State. Mark Rose for Mr. Williams. This is
4 set for scheduling conference. What needs to come
5 to the Court's attention, please?

6 MR. ROSE: We've caused a Motion To Suppress to be
7 filed in this matter. We would need to set that as
8 well as I would suggest trial dates as a result of
9 that.

10 THE COURT: All right. Have you selected --

11 MR. ROSE: No.

12 THE COURT: -- any dates?

13 MR. FITZSIMONS: No.

14 THE CLERK: How about -- March 25th at 2:30 for
15 scheduling and suppression. A trial date of
16 April 5th.

17 MR. FITZSIMONS: Judge, I don't object to the
18 continuance and setting a motion. I just was handed
19 the motion now.

20 Just glancing at it, I don't know what, it
21 really informs me what the theory of the motion is.
22 I would ask Mr. Rose put something in writing that
23 specifically spells it out. That way I can make
24 sure I have the right witnesses here, and we can

1 tighten up the argument.

2 MR. ROSE: The theory is they had no reason to
3 arrest him, to take him into custody, and search
4 him.

5 MR. FITZSIMONS: So, then those paragraphs dealing
6 with his interrogation wouldn't apply.

7 THE COURT: All right. So, have the two of you
8 worked through the issue with respect to the motion?

9 MR. ROSE: Mr. FitzSimons seems to be unsure about
10 the utilization of the Miranda which I don't think
11 that will come into play.

12 THE COURT: Okay. So, then the answer is, yes, we
13 can go ahead and set it for --

14 MR. ROSE: We can set it for hearing. I'll talk
15 to him. If he has further objection, we can
16 reschedule if necessary.

17 THE COURT: So, we're setting this for March 25th
18 at 2:30 for the motion and scheduling conference;
19 and then April 5th for jury trial at 9:00 a.m.

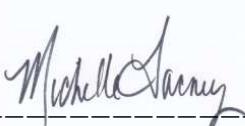
20 So, you'll need to appear at both those
21 times. Should you fail to appear, the matter could
22 proceed in your absence up to and including
23 sentencing. As soon as you get a copy, you're good
24 to go.

IN THE TENTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS
PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATION

I, MICHELLE FARNEY, CSR-RPR, an Official Court Reporter in the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in machine shorthand the foregoing proceedings had before the HONORABLE KATHERINE GORMAN, in the above-entitled cause, and that I thereafter caused the same to be transcribed into typewritten form which I now certify to be a true and accurate transcription of same.

Dated this 25th of July, 2022.



Michelle Farney, CSR-RPR
Official Court Reporter
License No. 084-003569

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF)
THE STATE OF ILLINOIS,)
Plaintiff,)
vs.) Case No. 20-CF-346
LADERRIUS WILLIAMS,)
Defendant.)

CONTINUANCE

REPORT OF PROCEEDINGS held in the above
entitled cause on the 3rd day of June, 2021, before the
HONORABLE KATHERINE S. GORMAN at the Peoria County
Courthouse, Peoria, Illinois.

APPEARANCES:

BRIAN FITZSIMONS
Assistant State's Attorney
On Behalf of the People

MARK ROSE
Attorney at Law
On Behalf of the Defendant

Rebecca Sollberger, Certified Shorthand Reporter
License# 084-004863
324 Main Street, Room 215
Peoria, IL 61602

1 THE COURT: This is 20CF346 the State of Illinois vs.
2 Laderrius Williams. Brian FitzSimons for the State and
3 Mark Rose for Mr. Williams.

4 What needs to come to the Court's attention,
5 please? This was set for hearing.

6 MR. ROSE: Judge, it's my understanding that one of
7 the officers involved is still on military leave, and
8 the State, as a result of that, is not ready to proceed.

9 THE COURT: All right.

10 MR. ROSE: And I believe by agreement we're setting
11 it out to the --

12 THE COURT: 19th or 30th.

13 MR. ROSE: 19th?

14 MR. FITZSIMONS: Yes.

15 THE COURT: Any objection from the State?

16 MR. FITZSIMONS: No. It's in fact our motion.

17 MR. ROSE: It's by agreement.

18 MR. FITZSIMONS: And it's my understanding that he
19 will be back in July, so hopefully this new date will
20 work.

21 THE COURT: So, Mr. Williams, you'll need to appear
22 on August the 19th at 2:00 p.m. for the motion and
23 scheduling conference and August 30th at 9:00 a.m. for
24 the jury trial.

1 Should you fail to appear the matter can proceed
2 in your absence up to and including sentencing, and as
3 soon as you get a copy of the order you're good to go.

4 MR. ROSE: Thank you.

5 THE COURT: Thank you.

6 (End of proceedings.)

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1 IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

5 I, REBECCA D. SOLLBERGER, certify the foregoing
6 to be a true and accurate transcript of the proceedings
7 in the above entitled cause.

Rebecca Sollberger
Rebecca D. Sollberger
Official Court Reporter

084-004863
CSR Number

24 Dated this 25th day
of July, 2022.

IN THE TENTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS

PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
 Plaintiffs,)
)
 v.) Case No. 20-CF-346
)
 LADERRIUS WILLIAMS,)
)
 Defendant.)

REPORT OF PROCEEDINGS

REPORT OF PROCEEDINGS of the hearing had before the
HONORABLE KATHERINE GORMAN, Judge of said Court, on
the 19th of August, 2021.

APPEARANCES:

MR. BRIAN FITZSIMONS
Assistant State's Attorney
REPRESENTING THE PEOPLE OF THE STATE OF ILLINOIS

MR. MARK ROSE
Assistant Public Defender
REPRESENTING THE DEFENDANT

REPORTED BY: Michelle Farney, CSR-RPR
Official Court Reporter
License No. 084-003569

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1 THE COURT: 20-CF 346, State of Illinois vs.
2 Laderrius Williams. Brian FitzSimons for the State.
3 Mark Rose for Mr. Williams. This is set for a
4 Motion To Suppress. Everybody ready to proceed?

5 MR. ROSE: Yes.

6 MR. FITZSIMONS: Yes.

7 THE COURT: All right. Mr. Rose, anybody want to
8 make opening statement?

9 MR. ROSE: I can very briefly, your Honor. Judge,
10 what we expect is that various officers of the
11 Peoria Police Department came into contact with
12 Mr. Williams. There was a vehicle located in a
13 parking area in the housing project.

14 The officers approached, or, Mr. Williams
15 approached the area of the officers. Asked if it
16 was his vehicle. At one point, he indicates it is.
17 There was a brief conversation. He was standing,
18 or, approaching the vehicle.

19 He was arrested in the course of that, and
20 the officers subsequently searched the vehicle.
21 The question being whether or not it was
22 appropriate to arrest him in that setting and
23 whether or not as a result of that they were
24 entitled to search the vehicle.

THE COURT: Mr. FitzSimons?

MR. FITZSIMONS: Well, they found the car after chasing it from a shots fired location and after it had fled from the police. But we're ready.

THE COURT: All right. Do you have any evidence you wish to present?

MR. ROSE: We would.

(Witness sworn.)

CHAD OBERLE,

was called as a witness on behalf of Defendant, after having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY

MR. ROSE

Q State your name and occupation.

A Chad Oberle. Sergeant with the Peoria
Police Department.

Q How long have you had that business or occupation?

A I've been with the City of Peoria for a little less than 21 years.

Q And, directing your attention to the gentleman seated next to me, have you had occasion

1 to come into contact with him on or about June 20th
2 of last year?

3 A Yes.

4 Q And approximately what time was that?

5 A I'm sorry. I don't recall the time.

6 Q Nighttime?

7 A Yeah. Early morning hours.

8 Q And did you -- where did you come into
9 contact with him?

10 A 2700 block of Trewyn in the Harrison Homes.

11 Q That's a housing project in the Peoria area,
12 is that correct?

13 A Yes.

14 Q And you were wearing a body camera at the
15 time?

16 A I believe so. Yes, I was.

17 MR. ROSE: Judge, I believe the parties would
18 stipulate to the DVD in question particularly
19 Officer Oberle's section that we will ultimately
20 tender to the Court.

21 MR. FITZSIMONS: That's fine.

22 THE COURT: All right.

23 Q (By Mr. Rose) Now, Officer, would it be
24 correct that you came upon a vehicle that you were

interested in?

A Yes.

Q And where was that vehicle?

A It was parked in the 2700 block of Trewyn.

Q Was it parked in a parking area?

A Yeah. It was in the parking lot.

Q The area where cars park for that housing?

A Yeah. I don't recall if it was legally
arked. I think it might have been over the line
I remember correctly, but it was in the parking,
the parking lot area.

Q Okay. Now, at that point -- and it had its lights on, is that correct, if you remember?

A I don't specifically recall.

Q In the course of that, did you come into contact with Mr. Williams?

A Yes.

Q And did you approach him or did he approach you? You were not alone, is that correct?

A I was there with other officers, and he approached us

Q And was there a discussion held at that time?

He indicated that the truck was his.

1 and he wanted to get in the truck.

2 Q And, in the course of that, what happened?

3 A He tried to get in the truck. I told him he
4 wasn't allowed to. We were conducting an
5 investigation. We were in the process of towing
6 the truck.

7 It fled from an officer. We were going to
8 tow it. Inventory and tow it.

9 He asked if he could get in. I told him he
10 could not. He continued to walk towards the truck.
11 I put my hand out in front of me on his chest. He
12 continued to try to push past me to get in the
13 truck. At that point, we took him into custody.

14 Q For what?

15 A For obstructing police.

16 Q For attempting to get into his truck?

17 A The truck that we had in our possession as
18 evidence for an investigation.

19 Q And what were you seizing it for?

20 A It had fled from an officer, so we were
21 going to impound it for fleeing and eluding.

22 Q What identification did you have for it?

23 A Officer Irving was the one that tried to
24 stop it. I don't specifically recall exactly if he

1 had the license plate number, but I know he had
2 seen it pulling into the Harrison Homes off of
3 Montana. At that time, I was coming into the
4 Harrison Homes off Oregon which at the time was the
5 only other exit.

6 He saw the truck pulling into the Harrison
7 Homes. You'd have to ask him if he saw it parked.
8 I don't know specifically. It was unoccupied when
9 I got there.

10 Q Would it be correct that that information
11 was conveyed subsequent to the arrest of
12 Mr. Williams?

13 A Conveyed to whom?

14 Q You and everyone else.

15 A Well, I knew before we got there. Before we
16 arrested him, it was the truck that he was trying
17 to stop and we were going to impound it.

18 Q You don't know if you had a license number,
19 is that correct?

20 A Say that again.

21 Q I said you don't know if you had a license
22 number, is that correct?

23 A I don't recall right now if he did or not.
24 I don't recall.

1 Q Do you recall what identifiers there may
2 have been?

3 A I know he said that he had seen the truck
4 pull into the Harrison Homes; and he had tried to
5 stop it by activating his emergency lights; and
6 that he fled from him.

7 Q That was the information there was?

8 A I don't recall if there was anymore. I know
9 there was at least that much.

10 MR. ROSE: If I could have a second?

11 THE COURT: Yep.

12 Q (By Mr. Rose) Does your body cam, as far as
13 you know, correctly convey the circumstances --

14 MR. FITZSIMONS: We already stipulated to it. I,
15 we stipulated it does.

16 MR. ROSE: That's fine. I'll withdraw that.

17 THE COURT: All right.

18 MR. ROSE: I don't have any other questions.

19 THE COURT: Mr. FitzSimons?

20

21 CROSS-EXAMINATION BY

22 MR. FITZSIMONS

23 Q Sir, were you the first officer there in the
24 Harrison Homes parking lot?

1 A No. Officer Irving was, he pulled in from
2 Montana shortly before I came in.

3 Q So, when you got there, other officers were
4 already around that -- is it a truck?

5 A Officer Irving was there. I don't recall if
6 other officers were there. I know he was. He and
7 I were the first two I believe.

8 Q Did you know what color the vehicle was
9 that --

10 A Yes. I knew it was a red pickup.

11 Q It was a red pickup in the lot that other
12 officers were around?

13 A Yes. And it had not come out the other
14 exit. The only other exit there is, to the
15 Harrison Homes, I was coming in that, the other
16 entrance/exit off Oregon as he was coming in off
17 Montana or around the same time. It had not left.

18 Q Then Mr. Rose asked you if there was any
19 identifiers. You knew the car was red?

20 A Yes.

21 Q Before you got there?

22 A Yeah. I knew it was a red pickup. I don't
23 recall if it had a license plate number.

24 Q All right. Thank you.

THE COURT: Mr. Rose.

MR. ROSE: Nothing further.

THE COURT: Thank you. You may step down. Call your next witness.

MR. ROSE: We would offer the DVD. There are two portions on the DVD and you can look at it at your leisure. There are two portions on it that are captioned Oberle when it's pulled up to play.

(Witness sworn.)

JONATHAN IRVING,

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

DIRECT EXAMINATION BY

MR. FITZSIMONS:

Q Sir, can you give us your full name?

A Jonathan Irving.

Q Sir, you're an officer with the Peoria Police Department?

A Yes, I am.

Q Were you duty on June 20th in the early morning hours about 1:45 to 2:00 in the morning?

A Yes, I was.

1 Q And, that morning, did you come into contact
2 with Laderrius Williams at the Harrison Homes?

3 A Yes, I did.

4 Q Describe for us, please, how that came
5 about. How did you end up in the Harrison Homes
6 and making contact with Laderrius Williams?

7 A Prior to going into the Harrison Homes,
8 myself and multiple other officers were in the area
9 of Krause and Laramie Streets investigating a shots
10 fired incident. When the other officers arrived to
11 the area of Laramie and Krause, they located a
12 wrecked vehicle with a gunshot, or, bullet holes on
13 the vehicle.

14 While we were investigating that incident,
15 there were multiple squad cars parked on both sides
16 of Laramie Street with overhead lights on. We
17 observed a large crowd gathered.

18 MR. ROSE: I would object to the utilization of
19 we.

20 MR. FITZSIMONS: What?

21 THE COURT: You want him to --

22 MR. ROSE: I would like him to testify about what
23 he observed as opposed to what he thinks other
24 people might have.

1 THE COURT: Fair enough.

2 Q (By Mr. Fitzsimons) You observed other
3 officers?

4 A Yes, I did.

5 Q Is that what you meant by we?

6 A Yes, I did.

7 Q Okay. Are you telling me everything that
8 you saw for yourself?

9 A Yes, sir.

10 Q All right. Let me ask you, though, so, when
11 you say you were investigating the shots fired, how
12 did that call come about?

13 A It was generated from an alert from our
14 ShotSpotter.

15 Q When you say you were investigating it, how
16 long -- to the point where you just stopped telling
17 the story, about how long were you on the scene?

18 A I would have to estimate a few minutes.

19 Q Not hours?

20 A No, sir.

21 Q All right. So, you're at that scene of the
22 ShotSpotter. How accurate is the ShotSpotter?

23 A Generally within a few feet of the dot we
24 locate evidence.

1 Q And you can see the dot for yourself in the,
2 in your squad car?

3 A Yes. On our MDT screens.

4 Q I'm sorry. So, you're at the place where
5 the dot, the alert, ShotSpotter alert happened.

6 You see that red car with what looks to be bullet
7 strikes in it. Tell me what you observed then.

8 A When I arrived, there was a vehicle wrecked
9 on the side of Laramie Street at Krause with bullet
10 strikes on the vehicle. While assisting other
11 officers in that investigation, I observed a large
12 crowd gathered at the Laramie Liquors.

13 While observing that crowd, other officers
14 began to walk in the area to search for more
15 evidence. I observed a red Chevrolet pickup truck
16 exit that lot at a high rate of speed, screeching
17 and squealing its tires, and proceed southbound on
18 Laramie towards the intersection with Montana
19 Street.

20 Q And what did you do when you saw that?

21 A When I saw that, because I was currently not
22 in a position where I needed to assist with the
23 current investigation any longer, I went to pursue
24 that vehicle for the reckless driving and Illinois

1 vehicle statute screeching and squealing tires.

2 Q Was there some type of truck that might be
3 involved with the shooting that you guys responded
4 to?

5 A Yes. At that time, we were not aware of who
6 may be a suspect in that shooting and there was a
7 large group gathered at that vicinity prior to, or,
8 just after our arrival of the ShotSpotter.

9 Q Did you try to pull the truck over?

10 A Yes. I had my overhead lights activated. I
11 followed the truck southbound on Laramie and then
12 eastbound on Montana where the truck began to pull
13 away from my patrol car at a high rate of speed at
14 which time I saw it enter the Harrison Homes from
15 the Montana Street entrance.

16 Q Can you estimate -- when you say high rate
17 of speed, about how fast it was going?

18 A I would say an estimated 50 miles an hour.

19 Q You were chasing it that whole time?

20 A At the time, I was attempting to catch up to
21 the vehicle to perform a traffic stop with my
22 overhead lights activated.

23 Q Why were you not able to do that?

24 A With our pursuit policies, when the vehicle

1 began to flee at a high rate of speed, for the
2 safety of the public, we do not pursue in
3 accordance with the Peoria police policy.

4 Q Who makes that decision, you or a sergeant?

5 A Officers are allowed to use their discretion
6 on the pursuit policy when they have knowledge what
7 the policy is and what the offense the vehicle is
8 being pursued for.

9 Q So, is that -- you're the one that made the
10 decision?

11 A I made that decision.

12 Q All right. Did you, but did you keep
13 overall following in the direction of the red
14 truck?

15 A Yes. I continued to follow the red truck
16 from a distance and watch it enter the Harrison
17 Homes from the Montana Street entrance and come to
18 a stop on the left or west side of the parking lot
19 located inside the housing complex.

20 Q Did you ever lose sight of the red truck?

21 A Just for a slight moment prior to it
22 parking. When I came around the building in my
23 patrol car, I was unable to see the vehicle.

24 Q How far is the Harrison Homes from Laramie

1 and Krause?

2 A Approximately six to seven blocks.

3 Q How long -- can you estimate for me how long
4 it took then to get from Laramie and Krause down to
5 Harrison Homes?

6 A Probably 10 to 15 seconds.

7 Q And you are -- as this is happening, are you
8 calling out on your radio to other officers what is
9 happening and what you're doing?

10 A Yes, I am.

11 Q So, in other words, Officer Irving would
12 have been one of those officers?

13 A I am.

14 Q Oberle?

15 A Sergeant Oberle responded as backup in this
16 situation.

17 Q Do you know, when you got there, what's, can
18 you describe any observations you made about the
19 truck when you caught up to it in the Harrison
20 Homes parking lot?

21 A When I arrived in the Harrison Homes parking
22 lot, I observed the truck I had seen at Laramie
23 Liquors parked again on the west side of the
24 parking lot. I believe it's the 2700 block of

1 Trewyn right there.

2 At that time, the truck was still running.
3 The lights were on. And the doors were unlocked
4 when I approached it. It was not occupied by
5 anyone.

6 Q At some point, Laderrius Williams shows up?

7 A Yes. Myself and Sergeant Oberle began the
8 process of a mandatory search of the vehicle to
9 impound that vehicle in accordance with Peoria
10 police policy impounding vehicles for fleeing and
11 eluding. At that time, a male later identified as
12 Laderrius Williams approached myself and Sergeant
13 Oberle.

14 Q Thank you.

15 MR. FITZSIMONS: I have no other questions.

16 THE COURT: Mr. Rose.

17

18 CROSS-EXAMINATION BY

19 MR. ROSE

20 Q Was Mr. Williams arrested?

21 A He was later, yes, arrested.

22 Q And was he searched as part of that arrest?

23 A Yes, he was.

24 Q Were various items seized as part of that

1 search?

2 A Yes, sir. They were.

3 Q You did the seizure, is that correct?

4 A Yes, sir.

5 Q And the arrest was not anything dealing with
6 the vehicle driving, is that correct?

7 A Correct.

8 Q So, all of the description about the vehicle
9 really isn't anything to do with why he was
10 arrested but merely his background; would that be a
11 fair statement?

12 A It would be background of why we arrived at
13 the location we were in.

14 Q Correct.

15 A Correct.

16 Q But the --

17 MR. FITZSIMONS: Can I object in that probable
18 cause is a determination of whether or not this was
19 grounds to seize him for any reason not whether or
20 not the officer has to declare it at the moment
21 something was seized? So, whether or not he was
22 arrested for pushing past the officer or if there's
23 probable cause for any number of other incidences,
24 it doesn't matter as long as there was probable

1 cause overall.

2 THE COURT: What was the question again?

3 MR. FITZSIMONS: The question was for what reason,
4 as I followed it, for what reason did the officer
5 arrest Laderrius Williams?

6 MR. ROSE: I think actually the question was
7 whether or not all of the information that was
8 conveyed about the traffic incident was lead-up to
9 his arrest for something else. I think it was more
10 than just the question.

11 THE COURT: Let's see what the question is.

12 (Record read.)

13 THE COURT: All right. So, there's no question
14 pending. Carry on.

15 Q (By Mr. Rose) And would it be fair to say
16 that the entire time up until his arrest that
17 Mr. Williams was involved in conversation with you
18 and officer or Sergeant Oberle was probably 30
19 seconds?

20 A It was not a very long period of time.

21 Q You would not be surprised if I were to use
22 the term 30 seconds as perhaps the long side.
23 Would that be fair?

24 A It would be a strict estimation on my part

1 on how long we actually conversed with him prior to
2 being arrested.

3 Q You have seen Sergeant Oberle's body cam?

4 A I have not.

5 MR. ROSE: I don't believe I have any other
6 questions.

7 THE COURT: All right.

8

9 REDIRECT EXAMINATION BY

10 MR. FITZSIMONS

11 Q Did you have reason to believe the red truck
12 you found in the Harrison Homes was the same red
13 truck that had left at a high rate of speed from
14 Laramie and Krause?

15 A Yes. Except for the minor time of passing
16 between buildings, I never lost sight of that red
17 truck.

18 Q Okay. Is it fair to say not only he pushed
19 back past Sergeant Oberle, but you were, also,
20 interested in the red truck for that driving, were
21 you not?

22 A We were conducting an investigation into the
23 red truck for the driving violations. Yes.

24 Q Okay. Thank you.

1 MR. FITZSIMONS: I have no other questions.

2 MR. ROSE: I don't have anymore questions.

3 THE COURT: Thank you.

4 Any further evidence, Mr. FitzSimons?

5 MR. FITZSIMONS: No.

6 THE COURT: Anything further?

7 MR. ROSE: No. I believe we offered the DVD and,
8 as I say, there are two segments that are captioned
9 Oberle when it's pulled up.

10 THE COURT: All right.

11 MR. ROSE: And this is a different comment on it.
12 When you play it, you may want, you may have to try
13 it on different players because some players it
14 seems to be extraordinarily jerky and some it plays
15 quite well.

16 THE COURT: Okay. Does anybody want to make
17 argument or are you, are we satisfied with the Court
18 can evaluate what I've heard and what I'll see on
19 the video and make the determination?

20 MR. ROSE: I can very briefly what our portion is
21 to clarify.

22 THE COURT: All right.

23 MR. ROSE: What it amounts to is the officers, for
24 whatever reason, as they describe, were

1 investigating an apparent truck. What is shown on
2 the video is that Mr. Williams approaches, advises
3 he is the owner of the truck, and that someone else
4 had used the truck.

5 He approaches the vehicle and essentially is
6 arrested. I believe that clearly what is shown on
7 the video and the entire circumstances demonstrate
8 the officers had no basis to arrest him but were on
9 essentially a finding expedition, if you will, and
10 were more concerned with somehow trying to tie it
11 together with the traffic issues.

12 They may arguably have had some basis to say
13 we'd like to ask you about it, but that's not what
14 took place. It is demonstrated on the video. I
15 believe that what is shown on the video clearly
16 demonstrates there was no basis to arrest
17 Mr. Williams at that point let alone then to search
18 him and seize items.

19 THE COURT: Mr. FitzSimons?

20 MR. FITZSIMONS: Well, the police weren't just
21 roaming the Harrison Homes parking lot looking for
22 something to do, start going through a truck, then a
23 guy shows up and says, hey, that's my truck.

24 Moments before it fled from an officer that had its

1 lights on chasing it down the street and had just
2 left the scene where there was a shooting.

3 So, the only issue is was there a probable
4 cause to seize Laderrius Williams. He pushes past
5 an officer after they say hold on because they're
6 checking out the car. They tell him to wait. He
7 flies down that street.

8 The police don't have to, when they arrest
9 someone, yell out what probable cause is. It's
10 only was there probable cause. Let's just pick
11 one. The reckless driving, that happened just
12 moments before, or, obstructing Sergeant Oberle.
13 They had a right to detain Laderrius Williams. And
14 then items were found on him which is the subject
15 of the motion. I'd ask the motion be denied.

16 THE COURT: All right.

17 MR. ROSE: Very briefly. It would seem they
18 should have known who the driver was before they
19 engaged in that.

20 THE COURT: All right.

21 MR. ROSE: And very briefly. It defies common
22 sense that if he was the driver he would approach
23 them if he had gotten away and, in essence, as
24 Mr. FitzSimons' theory, why approach them and raise

1 the issue?

2 THE COURT: This is set for jury trial on
3 August 30th.

4 MR. ROSE: Yes, ma'am.

5 THE COURT: Why don't we address this a week from
6 today at one o'clock and I'll rule. That way you
7 don't have to wait until Monday the day of jury
8 trial to see what is gonna happen.

9 MR. ROSE: Thank you.

10 (End of proceedings.)

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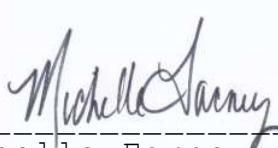
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IN THE TENTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS
PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATION

I, MICHELLE FARNEY, CSR-RPR, an Official Court Reporter in the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in machine shorthand the foregoing proceedings had before the HONORABLE KATHERINE GORMAN, in the above-entitled cause, and that I thereafter caused the same to be transcribed into typewritten form which I now certify to be a true and accurate transcription of same.

Dated this 25th of July, 2022.



Michelle Farney, CSR-RPR
Official Court Reporter
License No. 084-003569

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.) No. 20 CF 346
)
 LADERRIUS WILLIAMS,)
)
 Defendant.)

COURT'S RULING ON
DEFENDANT'S MOTION TO SUPPRESS

REPORT OF PROCEEDINGS of the hearing before the
HONORABLE JUDGE KATHERINE S. GORMAN on August 26, 2021.

APPEARANCES:

MS. JODI M. HOOS,
State's Attorney of Peoria County, by
MR. BRIAN W. FITZSIMONS,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. MARK A. ROSE,
Assistant Public Defender,
for the Defendant.

Reported by: Jamie L. Bickett
Official Court Reporter
License No. 083-002613

1 (The following proceedings were had in open
2 court.)

3 THE COURT: This is 20 CF 346, the State of Illinois
4 versus Laderrius Williams. Brian FitzSimons for the
5 State. Mark Rose for Mr. Williams.

6 A motion to suppress was heard -- I believe it
7 was on August 19 of last week -- where we heard
8 testimony and then the Court was given a DVD to review.
9 The Court has had the opportunity to review the DVD and
10 consider whether or not the officers had probable cause
11 to arrest Mr. Williams and then search the truck.

12 | And --

13 MR. ROSE: Judge, I'm sorry. The search had to do
14 with the defendant directly, not the issue of the
15 truck.

16 THE COURT: Thank you. Well, and Mr. Williams'
17 person.

18 The Court finds that there was sufficient
19 probable cause, after reviewing the DVD, to search --
20 well, detain and search Mr. Williams given the fact
21 that his truck had been -- had fled from an officer and
22 then Mr. Williams appeared. The Court finds that
23 that's sufficient probable cause. So the motion is
24 denied.

1 And this is set for Monday, right?

2 MR. ROSE: Yes, ma'am.

3 THE COURT: All right. So we'll see you on Monday,
4 Mr. Williams. And if you fail to appear, the matter
5 could proceed in your absence up to and including
6 sentencing.

7 You want to do an order?

8 MR. FITZSIMONS: Yes, Judge.

9 MR. ROSE: Judge, he's on his way for a child.

10 THE COURT: Okay.

11 MR. ROSE: I'll get a copy of the order, and he
12 already has the order with the date.

13 | THE COURT: All right.

14 (End of proceedings.)

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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Jamie L. Bickett, an Official Court Reporter for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in Case Number 20 CF 346 and transcribed the same by computer-aided transcription, which I hereby certify the foregoing to be a true and accurate transcript of the proceedings had before the Honorable Judge Katherine S. Gorman.



Court Reporter
License No. 083-002613

Dated this 19th day
of July, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
)
 Plaintiff,)
)
-vs-) No. 20-CF-346-1
)
LADERRIUS WILLIAMS,)
)
 Defendant.)

HEARING

REPORT OF PROCEEDINGS of the hearing held
before CIRCUIT JUDGE KATHERINE S. GORMAN, commencing
on August 30, 2021.

APPEARANCES:

BRIAN W. FITZSIMONS, ESQUIRE
Assistant State's Attorney,
for the People of the State of Illinois;

MARK A. ROSE, ESQUIRE
Assistant Public Defender,
for the Defendant.

Cheryl L. Zeone, CSR, RPR
Official Court Reporter 4
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
CSR License Number: 084-004114

1 THE COURT: This is 20-CF-346, the State of
2 Illinois versus Laderrius Williams. Brian
3 FitzSimons for the State. Mark Rose for
4 Mr. Williams.

7 MR. ROSE: Judge, I think there's a likelihood
8 that we'll be filing an additional motion that we'll
9 deal with, perhaps a reconsideration of the Court's
10 ruling from last Thursday. As a result of that, I
11 believe we'd be asking for the first October dates.

12 THE COURT: The 13th and 25th.

13 MR. ROSE: Yes.

14 THE COURT: All right. So, Mr. Williams, we
15 will see you on October the 13th at 1:00 p.m. and
16 October 25th at 9:00 a.m. You'll need to appear at
17 both of those times. Should you fail to appear, the
18 matter can proceed in your absence up to and
19 including sentencing.

20 As soon as you get a copy of the order,
21 you're free to go.

22 THE DEFENDANT: Thank you.

23 THE COURT: You're welcome.

24 | (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATE

I, Cheryl L. Zeone, Official Court Reporter for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same, which I hereby certify to be a true and accurate transcript of the proceedings had before Circuit Judge Katherine S. Gorman.

Dated this 11th day of July, 2022.



Cheryl L. Zeone, CSR, RPR
Official Court Reporter 4
License No. 084.004114

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

HEARING

BE IT REMEMBERED and CERTIFIED that on
October 13, 2021, the following proceedings were held
before Honorable DAVID BROWN, Presiding Judge.

APPEARANCES:

MR. TERRY MUENCH,
Assistant State's Attorney for Peoria County,
for the People of the State of Illinois.

MR. MARK ROSE,
Attorney at Law,
for the Defendant.

Diane R. Newcomer, CSR, RPR
Official Court Reporter
CSR 084.004848
Peoria County, Illinois

1 THE COURT: This is Case Number 20-CF-346, People
2 of the State of Illinois versus Laderrius Williams.
3 Mr. Williams appears in person, out of custody,
4 represented by Mr. Rose, who is also present;
5 Mr. Muench is here for the State.

6 And, Mr. Rose, looks like your client's
7 case is set for jury trial setting of October 25th,
8 but there is an agreement to set it over for some new
9 dates; is that correct?

10 MR. ROSE: That's correct, Judge. Couple things,
11 there's obviously, as the Court is aware, a murder
12 that's going to go that day. Mr. Williams is likely
13 to have some surgery on his hand somewhere near that
14 date. So rather than trying to juggle things, we
15 thought it most appropriate to move it.

16 THE COURT: All right. Mr. Williams, I'm going
17 to vacate or cancel the October 25th trial date.
18 Okay?

19 THE DEFENDANT: I don't have to come to court
20 that date?

21 MR. ROSE: Yes.

22 THE COURT: Correct.

23 THE DEFENDANT: Okay. Thanks.

24 THE COURT: Your new court dates are going to be

1 December 16th at 1 o'clock for scheduling conference
2 and then January 3rd at 9:00 a.m. for jury trial
3 setting. Both of those are going to be back down in
4 courtroom 210. You'll need to appear for both of
5 those dates. If you fail to appear for either of
6 them, a warrant would issue for your arrest.

7 THE DEFENDANT: Okay.

8 THE COURT: If you fail to appear for your trial
9 date, we could have the trial in your absence. Do
10 you understand that, sir?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You need to make sure you're here for
13 all your court dates. And be in touch with Mr. Rose
14 as to your surgery. Okay?

15 THE DEFENDANT: Yes, sir.

16 MR. ROSE: Thank you.

17 (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

I, Diane R. Newcomer, an Official Court Reporter in and for the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.



Official Court Reporter

License No. 084.004848

Dated this 30th day
of June, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

HEARING

BE IT REMEMBERED and CERTIFIED that on
December 16, 2021, the following proceedings were held
before Honorable KATHERINE GORMAN, Presiding Judge.

APPEARANCES:

MR. BRIAN FITZSIMONS,
Assistant State's Attorney for Peoria County,
for the People of the State of Illinois.

MR. MARK ROSE,
Assistant Public Defender for Peoria County,
for the Defendant.

Diane R. Newcomer, CSR, RPR
Official Court Reporter
CSR 084.004848
Peoria County, Illinois

1 THE COURT: This is 20-CF-346, the State of
2 Illinois versus Laderrius Williams. Brian Fitzsimons
3 for the State; Mark Rose for Mr. Williams.

4 Mr. Williams, can you hear me okay?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. This is set for scheduling
7 conference today. And what needs to come to the
8 Court's attention?

9 MR. FITZSIMONS: Judge, it's my understanding we
10 will number this for trial. However, some time ago
11 we added a Count 2. And it occurred to me this
12 morning when I was going over everything that I can't
13 remember if he was actually arraigned on that count
14 or not.

15 MR. ROSE: I believe we have. We can certainly
16 proceed with it again if the Court would like.

17 Judge, I already have copies. We don't
18 need additional copies.

19 THE COURT: All right.

20 MR. ROSE: And we waive further reading and
21 admonitions, enter a plea of not guilty, ask it be
22 set contemporaneously with the other count.

23 THE COURT: Okay. Well, Mr. Williams, bearing --
24 Brian, are you satisfied with that?

1 MR. FITZSIMONS: Yes, that's fine.

2 THE COURT: Okay. Mr. Williams, have you
3 provided Mr. Rose with a list of any witnesses that
4 you think may need to testify at trial?

5 THE DEFENDANT: No, not yet.

6 THE COURT: Do you intend to do that in short
7 order?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: All right. You're satisfied with
10 Mr. Rose's investigation and representation at this
11 time; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. And you're ready to go to
14 trial on January the 3rd?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. If you fail to appear on
17 that date, the matter can proceed in your absence up
18 to and including sentencing. And so we'll expect you
19 here on January the 3rd at 9:00 a.m.

20 Anything else we need to address today?

21 MR. ROSE: No.

22 MR. FITZSIMONS: No, Judge.

23 THE COURT: All right.

24 (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

I, Diane R. Newcomer, an Official Court Reporter in and for the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.



Official Court Reporter

License No. 084.004848

Dated this 30th day
of June, 2022.

IN THE CIRCUIT COURT OF THE 10TH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
)
Plaintiff,)
) Case No. 20 CF 346
vs.)
)
LADERRIUS WILLIAMS,)
)
Defendant.)

SET FOR JURY TRIAL

REPORT OF PROCEEDINGS of the hearing before
Circuit Judge Katherine S. Gorman on January 3,
2022.

APPEARANCES:

MR. BRIAN W. FITZSIMONS
Assistant State's Attorney,
for the People of the State of Illinois;

MR. NATHAN R. BACH
Public Defender,
for the Defendant.

Wes Schmidgall, CSR
Official Court Reporter 3
CSR License No. 084-004791
324 Main St., Room 215
Peoria, IL 61602

1 THE COURT: Where is Mr. Williams? Can you
2 hear me, Mr. Williams?

3 MR. WILLIAMS: Yes, Your Honor.

4 THE COURT: All right. This is 20-CF-346, the
5 State of Illinois vs. Laderrius Williams. Brian
6 FitzSimons for the State. Nate Bach for Mark Rose
7 for Mr. Williams. And what needs to come to the
8 Court's attention today, please?

9 MR. BACH: Judge, in light of the fact that Mr.
10 Rose is unavailable due to an illness, we are asking
11 to continue the matter. The parties have agreed to
12 dates of March 16th for scheduling conference and
13 March 28th for jury trial.

14 THE COURT: So, Mr. Williams, March 16th at
15 1:30, your scheduling conference, is scheduled, and
16 the jury trial is set for March 28th at 9:00 a.m.
17 You'll need to appear on both those dates. If you
18 fail to appear, the matter can proceed in your
19 absence, up to and including sentencing. And as
20 soon as you get a copy, you're free to go.

21 MR. WILLIAMS: Okay. Thank you.

22 THE COURT: Thank you.

23 (End of proceedings.)

CERTIFICATE OF REPORTER

I, Wes Schmidgall, CSR, transcribed the proceeding in the above-entitled cause to the best of my ability, and I hereby certify the foregoing to be a true and accurate transcript of said proceeding.

Wes Schmidgall
Wes Schmidgall
Certified Shorthand Reporter
License No. 084-004791

Dated this 5th day
of July, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

HEARING

BE IT REMEMBERED and CERTIFIED that on
March 16, 2022, the following proceedings were held
before Honorable KATHERINE GORMAN, Presiding Judge.

APPEARANCES:

MR. BRIAN FITZSIMONS,
Assistant State's Attorney for Peoria County,
for the People of the State of Illinois.

MR. MARK ROSE,
Attorney at Law,
for the Defendant.

Diane R. Newcomer, CSR, RPR
Official Court Reporter
CSR 084.004848
Peoria County, Illinois

1 THE COURT: This is 20-CF-346, the State of
2 Illinois versus Laderrius Williams. Brian Fitzsimons
3 for the State; Mark Rose for Mr. Williams. What
4 needs to come to the Court's attention, please?

5 MR. ROSE: Judge, I believe the parties are
6 asking to leave the matter set for trial. I would
7 indicate that there are some discussions and it may
8 well resolve itself.

9 THE COURT: All right. Mr. Williams, are you
10 ready to go to trial? Yes?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you given Mr. Rose any and all
13 information that is required for him to defend you in
14 this matter?

15 THE DEFENDANT: I believe so.

16 THE COURT: All right. Are there any witnesses
17 that you have left off the list?

18 THE DEFENDANT: No.

19 THE COURT: All right. And you're satisfied with
20 Mr. Rose's counsel?

21 THE DEFENDANT: Yes.

22 THE COURT: And you're ready to proceed?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. We'll see you March 28th

1 at 9:00 a.m. If you fail to appear, the matter can
2 proceed in your absence up to and including
3 sentencing and you're free to go.

4 (End of proceedings.)

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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

I, Diane R. Newcomer, an Official Court Reporter in and for the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.



Official Court Reporter

License No. 084.004848

Dated this 30th day
of June, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

HEARING

BE IT REMEMBERED and CERTIFIED that on
March 28, 2022, the following proceedings were held
before Honorable KATHERINE GORMAN, Presiding Judge.

APPEARANCES:

MR. BRIAN FITZSIMONS,
Assistant State's Attorney for Peoria County,
for the People of the State of Illinois.

MR. MARK ROSE,
Assistant Public Defender for Peoria County,
for the Defendant.

Diane R. Newcomer, CSR, RPR
Official Court Reporter
CSR 084.004848
Peoria County, Illinois

1 THE COURT: This is the State of Illinois versus
2 Laderrius Williams. Brian Fitzsimons for the State
3 and Mark Rose for Mr. Williams.

4 For the sake of the record, Mr. Williams,
5 back in -- on June 9th of 2021 the Grand Jury
6 returned -- oh, excuse me, an information was filed
7 alleging a Class 4 felony of unlawful possession of a
8 controlled substance in that on or about June 20th of
9 2020 you knowingly and unlawfully had in your
10 possession a substance containing a controlled
11 substance, cocaine. That is punishable one to three
12 years in the Department of Corrections, up to six if
13 you're extendible, with no mandatory supervised
14 release.

15 Correct, Mr. Fitzsimons?

16 MR. FITZSIMONS: Yes, Judge.

17 THE COURT: And it is probational. And as a
18 condition of probation you could be ordered to serve
19 up to 180 days in the Peoria County jail. Do you
20 understand what you've been charged with and the
21 penalty range for that charge?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right. Then --

24 MR. ROSE: Judge, I'm sorry, we would indicate we

1 received the same back sometime ago and had been
2 aware of that as well and would enter a plea of not
3 guilty as well.

4 THE COURT: All right. And then I also have
5 before me a waiver of trial by jury which appears to
6 have been signed by you; is that correct?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. You understand that you
9 do have the right to have a jury decide the question
10 of your guilt or innocence, correct?

11 THE DEFENDANT: Yes.

12 THE COURT: And that if you give up that right,
13 that a judge, me, will decide your guilt or
14 innocence. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And with a jury trial, the law
17 requires that all 12 jurors must agree on a decision,
18 guilty or not guilty, before a verdict can be
19 accepted. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: And you made this decision after
22 consulting with Mr. Rose who went over the pros and
23 cons of your decision; is that correct?

24 THE DEFENDANT: Yes.

1 THE COURT: And you are satisfied with Mr. Rose
2 as counsel?

3 THE DEFENDANT: Yes.

4 THE COURT: But it was you and you alone who made
5 the decision; is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. And you're making this
8 decision of your own free will, correct?

9 THE DEFENDANT: Yes.

10 THE COURT: No one forced or threatened you to
11 make this decision?

12 THE DEFENDANT: No.

13 THE COURT: And no one has made any promises
14 to --

15 MR. ROSE: Judge.

16 THE COURT: Yes.

17 MR. ROSE: Perhaps for purposes of the record,
18 all of this, the jury waiver and so forth, is all as
19 a result of some partial negotiations our --
20 certainly our promise in that context, what the goal
21 is and what we expect to do with this, and proceed
22 with the stipulated bench trial as to the Count 2
23 that we were talking about today, with Count 1 not
24 being proceeded with to preserve the right to appeal

1 a suppression hearing on. And there would be a
2 maximum penalty of two years in the Department of
3 Corrections as part of that agreement as well.

4 THE COURT: Aside from those discussions were any
5 promises made to you?

6 THE DEFENDANT: No.

7 THE COURT: All right. And, again, you've
8 discussed this with Mr. Rose and it's your decision?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: All right. Then with that what needs
11 to come to the Court's attention, please?

12 MR. FITZSIMONS: Judge, can I just clarify?

13 THE COURT: Sure.

14 MR. FITZSIMONS: Mr. Williams is also waiving his
15 right to an indictment.

16 MR. ROSE: Yes.

17 MR. FITZSIMONS: Okay.

18 MR. ROSE: That's correct.

19 THE COURT: Thank you.

20 And you understand you're waiving your
21 right to have this matter presented to the Grand Jury
22 and then them returning a Bill of Indictment which is
23 just this -- just via information?

24 THE DEFENDANT: Yes.

1 THE COURT: Do you understand what I've said?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Then with that what needs
4 to come to the Court's attention?

5 MR. FITZSIMONS: Judge, I believe we proceed by
6 way of a stipulated bench trial to Count 2 and People
7 dismissed Count 1. And as part of that stipulation
8 I'd proffer that, had we proceeded to trial the
9 People would have called Officers Connor and Faulkner
10 to testify that they were investigating an incident
11 near Laramie Liquors where gunshots had occurred.
12 And they could see that a red truck had driven in
13 what they would describe as a dangerous and reckless
14 manner out from Laramie Liquors. And that they had
15 chased the truck and that -- the People would also
16 call Officer Irving of the Peoria Police Department
17 who would testify that he found the same red truck at
18 the Harrison Homes with the lights on. And while
19 they were investigating the truck, the defendant had
20 walked up to them, said it was his truck. He was
21 placed under arrest. And in his pocket was found a
22 substance that they suspected to be cocaine.

23 Officer Skaggs would testify that he took
24 that same cocaine and transferred it to the Morton

1 crime lab. We would also call Michelle Pomerito
2 (phonetic) who we would submit is qualified as an
3 expert in the analysis of controlled substances who
4 would testify that the substance was, in fact,
5 cocaine at 6.6 grams. And that the cocaine was then
6 returned to the Peoria Police Department by
7 Officer Sylvester. So that would be the sum and
8 substance of the evidence of that case, Judge.

9 THE COURT: Mr. Rose, would Mr. Williams present
10 any evidence?

11 MR. ROSE: Judge, we would not. And to clarify,
12 there was a suppression hearing and we believe that
13 the officers would testify consistent with what they
14 testified to at that hearing.

15 THE COURT: All right. Mr. Williams, how old are
16 you, sir?

17 THE DEFENDANT: I am 31.

18 THE COURT: What's your date of birth?

19 THE DEFENDANT: February 14, 1991.

20 THE COURT: And what's your educational
21 background?

22 THE DEFENDANT: Got a GED.

23 THE COURT: Can you read and write English?

24 THE DEFENDANT: Yes.

1 THE COURT: Are you a United States citizen?

2 THE DEFENDANT: Yes.

3 THE COURT: Are you in good health?

4 THE DEFENDANT: I don't know.

5 THE COURT: Do you take any medication that
6 affects your ability to make decisions?

7 THE DEFENDANT: No.

8 THE COURT: Okay. Are you under the influence of
9 any drugs or alcohol right now?

10 THE DEFENDANT: No.

11 THE COURT: All right. You've had the
12 opportunity to discuss the waiver of jury trial and
13 the stipulated bench trial with Mr. Rose; is that
14 correct?

15 THE DEFENDANT: Yes.

16 THE COURT: And you understand what is happening
17 with respect to the waiver of jury trial and the
18 stipulated bench trial; is that correct?

19 THE DEFENDANT: Yes.

20 THE COURT: And you're satisfied with Mr. Rose's
21 counsel?

22 THE DEFENDANT: Yes.

23 THE COURT: And, let's see, the parties have
24 agreed to a cap of two years arising from the

1 stipulated bench trial, correct?

2 MR. FITZSIMONS: Yes, Judge.

3 MR. ROSE: Yes.

4 THE COURT: And that's your understanding as
5 well, Mr. Williams?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. And you understand prior
8 to your waiver of the jury trial, you would have had
9 the right to a jury trial or a bench trial; where you
10 would have the right to be represented by counsel.

11 If you couldn't afford counsel, counsel would be
12 appointed to you. At that trial it would be the
13 State's burden to prove you guilty beyond a
14 reasonable doubt. The State would present its
15 evidence and then you would present your evidence.

16 If you chose not to testify, it could not be used
17 against you. And you understand it's the State's
18 burden to prove you guilty beyond a reasonable doubt,
19 correct?

20 THE DEFENDANT: Yes.

21 THE COURT: And you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And you were not forced or threatened
24 to agree to a stipulated bench trial or waive your

1 right to a jury trial?

2 THE DEFENDANT: No.

3 THE COURT: All right. And you understand that
4 if you are found guilty, it could affect your ability
5 to obtain employment?

6 THE DEFENDANT: Yes.

7 THE COURT: And it could affect your ability to
8 carry a gun?

9 THE DEFENDANT: Yes.

10 THE COURT: And it could affect your ability to
11 obtain housing in certain areas?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. With that the Court,
14 based upon the stipulated bench trial, find
15 Mr. Williams guilty of a Class 4 felony of unlawful
16 possession of a controlled substance. And the matter
17 is set for sentencing and any post-trial motions on
18 May the 23rd at 9:00 a.m. And the Court notes that
19 joint sentencing recommendation of a cap of two years
20 and Count 1 is dismissed.

21 Is there anything else we need to address?

22 MR. FITZSIMONS: No, Judge.

23 MR. ROSE: No, ma'am.

24 THE COURT: All right. Mr. Williams, in the

1 event that you do not appear at the sentencing
2 hearing, you could be sentenced in your absence. So
3 it's important that you cooperate with the PSI and
4 appear on May the 23rd. Okay?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. As soon as you get a
7 copy, you're good to go.

8 (End of proceedings.)

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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

I, Diane R. Newcomer, an Official Court Reporter in and for the Tenth Judicial Circuit of the State of Illinois, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.



Official Court Reporter

License No. 084.004848

Dated this 27th day
of May, 2022.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
)
 Plaintiff,)
)
-vs-) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
 Defendant.)

HEARING

REPORT OF PROCEEDINGS of the hearing held
before the Honorable Judge Katherine Gorman,
commencing on May 23, 2022.

APPEARANCES:

BRIAN FITZSIMONS
Assistant State's Attorney,
for the People of the State of Illinois;

MARK ROSE
Assistant Public Defender,
for the Defendant.

Gale G. Everhart, CSR, RPR
Official Court Reporter 2
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
CSR License Number: 084-004217

1 THE COURT: This is 20-CF-346, The State of
2 Illinois versus Laderrius Williams.
3 Brian Fitzsimons for the State, Mark Rose for
4 Mr. Williams. And before we address the sentencing
5 hearing, there was a motion to withdraw the plea of
6 guilty/participation in a stipulated bench trial
7 filed April 27th.

8 Mr. Rose, is there anything you would like
9 to add to that?

10 MR. ROSE: Judge, there is also a motion for
11 new trial that was filed the same date. Your Honor,
12 I gave you a hard copy.

13 THE COURT: All right. Is there anything you
14 would like to add to those?

15 MR. ROSE: No, Judge, except I think the motion
16 to, quote, withdraw the plea of guilty, to refresh
17 the Court's recollection, there was a stipulated
18 bench trial as I'm sure you remember this one. I
19 believe that that likely would -- under the
20 circumstances would require transcripts of both that
21 stipulated bench trial and today's hearing before we
22 could actually have that so there could be a
23 certification filed with it.

24 THE COURT: And there was also -- did we -- on

1 the same date, did we do a 402?

2 MR. FITZSIMONS: No.

3 THE COURT: Okay.

4 MR. ROSE: We had a suppression hearing on the
5 date and then we had a stipulated bench trial.

6 THE COURT: All right.

7 Mr. Fitzsimons?

8 MR. FITZSIMONS: Well, Judge, the problem with
9 that motion, and there is a few problems. I
10 understand because we don't really have a no contest
11 plea so defendants have to go through this kind of a
12 silly process where we had a stipulated bench trial
13 and -- you know, and then they pin their hopes on
14 some appeal for the suppression hearing. I get all
15 that. But the problem with this motion to withdraw
16 is that before we had gone through all this, we even
17 talked about it, what the admonishments would be.
18 The motion doesn't say in which way the
19 admonishments were defective. So I guess we are to
20 guess which admonishments weren't given because the
21 defendant, as I recall, was admonished
22 appropriately. The admonishments have to be the
23 same as they were for a plea in that you -- you
24 know, the minimum and maximum penalties are

1 explained. He has the right to persist in his not
2 guilty plea. He is waiving the witnesses. I get
3 all that, and I think that was done. So it's
4 somewhat of a problem that its kind of somewhat
5 against the nature of our agreement that we agreed
6 to a -- I guess, a partial disposition after that
7 stipulated bench trial. But I propose if he thinks
8 the admonishments were wrong, we just do it all over
9 again right now as opposed to wasting time and
10 getting a transcript, or just let him out of this
11 plea -- although it wasn't a plea -- and we will
12 just put it back on the trial calendar. It's a
13 wrinkle that didn't need to be there at all.

14 MR. ROSE: But it does go to appeal. The
15 suppression is the problem.

16 MR. FITZSIMONS: They can file -- a motion for a
17 new trial would do that. I understand that motion.

18 MR. ROSE: But it doesn't because the stipulated
19 bench trial and the fact that it's to the one count,
20 I think -- as I read the supreme court cases and the
21 appellate court cases, it requires the motion to
22 withdraw as well, not because necessarily there was
23 something done improperly in the action. It's
24 simply that it's required under the current rules,

1 which I would agree with Mr. Fitzsimons make no
2 sense, but they are what we have. The goal is
3 simply to appeal the suppression hearing. No
4 question about that.

5 THE COURT: Anything else, Mr. Fitzsimons?

6 MR. FITZSIMONS: Well, I think the motion for a
7 new trial is sufficient if that's the goal. But he
8 has filed a motion saying his admonishments were
9 improper without telling us which admonishments are
10 missing. And that's adding a whole new issue that I
11 don't think existed and doesn't have to exist. So
12 wouldn't today be the day to tell us which
13 admonishment was wrong, or should we just admonish
14 him all over again?

15 THE COURT: Well, Mr. Rose?

16 MR. ROSE: I don't have great problems with the
17 admonishments, Judge. I understand that. My
18 problem always goes back to the same thing that the
19 rule requires us to proceed in a fashion that makes
20 no sense. I wish that I would say, yeah, the motion
21 for new trial covers it because it should, but it
22 doesn't. That's my only concern, which I believe we
23 indicated at the time of the stipulated bench trial
24 that it was our goal to appeal the suppression. And

1 that's the reason that we entered into the
2 stipulated bench trial because of that.

3 THE COURT: Well, what's the cleanest way to get
4 all of this accomplished as the two of you see it,
5 because I don't want to do any of this over again.

6 MR. ROSE: Nor do we. I think it requires a
7 transcript to do that one. I don't think it
8 requires a transcript to do the motion for new
9 trial.

10 THE COURT: Mr. Fitzsimons?

11 MR. FITZSIMONS: I would think the motion for a
12 new trial preserves his appeal and that the cleanest
13 way to do that is to withdraw the motion to withdraw
14 his plea if he is saying as he sits here today he
15 doesn't really have a problem with the
16 admonishments.

17 MR. ROSE: Judge, if on the record they will
18 waive the fact that it may not be appealable, that's
19 fine. I'm all on board with that. My concern is
20 that it winds up being appealed and they send it
21 back going, well, you didn't move to withdraw the
22 guilty plea so you were ineffective and go through
23 all of that. And that's the dance that I really
24 don't think any of us want because that's not the

1 purpose of any of it, but --

2 THE COURT: The goal when the stipulated bench
3 trial was done was there was a cap, and everybody
4 understood what was happening. So --

5 MR. ROSE: Certainly.

6 THE COURT: -- if there is a -- I mean, this
7 just seems like we are trying to circumvent the
8 process. And I appreciate what you are trying to do
9 from the standpoint of the motion to suppress.

10 MR. ROSE: Not at all, Judge. I am not --
11 Mr. Williams isn't trying to withdraw in that
12 context or anything else. I simply receive
13 materials back all the time from the appellate
14 defender saying we're ineffective for not filing for
15 this, for not filing a certificate in these
16 situations. And if the State says that somehow that
17 can be protected, I have -- I have no interest in
18 complicating that. That's not my purpose at all,
19 nor are we trying to do anything other than appeal
20 the suppression hearing as we indicated at the time
21 we did it as we have done throughout this.

22 THE COURT: So Mr. Fitzsimons?

23 MR. FITZSIMONS: Well, I'm not -- I guess I
24 don't know quite what Mr. Rose means by filing

1 anything that's appealable. I just don't -- as I
2 understood it, the motion for a new trial would
3 preserve his appeal rights. That's just always been
4 my understanding. If he is saying he still wants to
5 persist with the motion to withdraw his plea, then I
6 would agree he needs to see the transcripts first.
7 So I guess the bottom line, I suppose we -- I mean,
8 if that's where we are at, I would agree that we
9 need to see the transcripts. It just seems to me
10 like that's a frivolous motion.

11 MR. ROSE: I don't disagree it's frivolous in
12 the context of making no sense. My concern simply
13 is I have gotten too many appeals back where the
14 appellate defenders raise that. And my goal is to
15 avoid that part of it so that that doesn't become an
16 issue so that we can all move on and Mr. Williams
17 can, in fact, appeal the suppression hearing, which
18 is what our goal was in proceeding on the stipulated
19 bench trial.

20 MR. FITZSIMONS: Judge, can I just suggest --
21 because I don't want to guess any more than what I
22 have done just having read the motion. If we can
23 maybe set it over and perhaps I could do some
24 research and get a better understanding, make sure

1 that Mr. Rose and I are on the same page on that.

2 MR. ROSE: That's fine. Mr. Williams' goal is
3 not to complicate life for the Court or for
4 Mr. Fitzsimons or for me for that matter, nor is
5 mine. But I understand Mr. Fitzsimons' point of
6 view. Nonetheless, I dance to the tune often enough
7 that I realize that it's likely to become a
8 complication on the appeal of that issue because I
9 have had them come back on that. That makes no
10 sense to me to begin with.

11 THE COURT: Form over substance.

12 MR. ROSE: I would say that's a fair assessment.
13 I have never understood the need to do it. It's
14 never made sense to me, but it has bit me on the
15 rear more than once.

16 THE COURT: Well, I can't imagine that it would
17 take too long to prepare the transcripts.

18 MR. ROSE: No. We have to do the sentencing
19 hearing because that has to be part of it. But if
20 we can obviate -- if we can come back later this
21 week, that's fine. Mr. Fitzsimons and I can talk.
22 And if we can obviate that would be great. I
23 wholeheartedly agree with that.

24 THE COURT: Anything from you, Mr. Fitzsimons?

1 MR. FITZSIMONS: No, Judge.

2 THE COURT: All right. Let's do it June 2nd at
3 2:30.

4 And, Mr. Williams, there is nothing to
5 suggest you won't be here, but just for the record,
6 should you not appear, the matter can proceed in
7 your absence, that means the sentencing hearing.

8 Okay?

9

10

11 WHICH WERE ALL OF THE PROCEEDINGS

12 MADE OF RECORD IN THIS CAUSE ON SAID DATE

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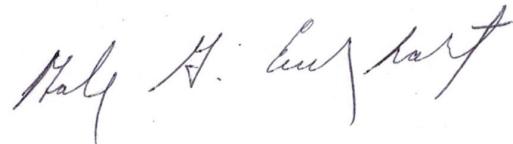
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IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

CERTIFICATE

I, GALE EVERHART, an Official Court Reporter and Certified Shorthand Reporter in and for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, do hereby certify that the foregoing transcript constitutes a true and accurate transcript of the shorthand notes of the proceedings had at the time and place aforesaid.

Dated this 5th day of July, 2022.



Gale G. Everhart, CSR, RPR
Official Court Reporter 2
License No. 084-004217

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Plaintiff,)
)
-vs-) No. 20-CF-346
)
LADERRIUS WILLIAMS,)
)
Defendant.)

SENTENCING HEARING

REPORT OF PROCEEDINGS of the hearing held
before CIRCUIT JUDGE KATHERINE S. GORMAN, commencing
on June 2, 2022.

APPEARANCES:

BRIAN W. FITZSIMONS, ESQUIRE
Assistant State's Attorney,
for the People of the State of Illinois;

MARK A. ROSE, ESQUIRE
Assistant Public Defender,
for the Defendant.

Elise E. Vrchota, CSR
Official Court Reporter 2
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
CSR License Number: 084.00493

1 THE COURT: This is 20-CF-346, The State of
2 Illinois versus Laderrius Williams. Brian
3 FitzSimons for the State. Mark Rose for
4 Mr. Williams.

5 And you were here on May the 23rd for
6 Mr. Rose's motion for a new trial and motion to
7 withdraw the guilty plea/bench trial. And then we
8 were going to proceed to sentencing, and there
9 was -- this was a stipulated bench trial on Count 2.

10 There was a motion to suppress that was
11 denied, and my review of the transcript indicates
12 that when the stipulated bench trial was conducted
13 on March the 28th, Mr. Rose stated, and I quote,
14 "Perhaps for the purpose of the record, all of this,
15 the jury waiver and so forth, is all as a result of
16 some partial negotiations certainly our promise in
17 that context, what the goal is and what we expect to
18 do with this, and proceed with the stipulated bench
19 trial as to the Count 2 that we were talking about
20 today, with Count 1 not being proceeded with to
21 preserve the right to appeal a suppression hearing
22 on. And there would be a maximum penalty of two
23 years."

24 So we proceeded with the bench trial with

1 respect to Count 2. And then it looks like Count 1
2 was dismissed, and that was everyone's intention.

3 Is that right?

4 MR. ROSE: Yes, ma'am.

5 THE COURT: All right. So are we prepared -- do
6 you have anything to add to your -- well, to the
7 discussion before we proceed on the motions?

8 MR. FITZSIMONS: No, Judge.

9 MR. ROSE: Only to the extent that, again, for
10 purposes to appeal the suppression hearing always
11 has been and continues to be.

12 THE COURT: All right. And then is there
13 anything you want to add on the motion for a new
14 trial or the other motion?

15 MR. ROSE: No, Judge. We stand on those.

16 THE COURT: Mr. FitzSimons?

17 MR. FITZSIMONS: I ask they be denied, Judge.

18 THE COURT: All right. It would appear --

19 MR. ROSE: Judge, I'm sorry.

20 THE COURT: That's okay.

21 MR. ROSE: Judge, I think Mr. Williams may have
22 a question or a comment. Thank you, Judge.

23 THE COURT: All right. Then with that
24 backdrop -- with the understanding of everyone that

1 participated on March the 28th, I'm going to deny
2 both motions.

3 And is everybody ready to proceed to
4 sentencing?

5 MR. ROSE: Yes, ma'am.

6 MR. FITZSIMONS: Yes.

7 THE COURT: All right. And there is a cap of
8 two years, and is it probationable?

9 MR. FITZSIMONS: Yes, Judge.

10 THE COURT: All right. And I have received and
11 reviewed the PSI filed on May the 18th. There was a
12 supplemental letter filed on May the 23rd, and then
13 today Mr. Rose filed --

14 MR. ROSE: Judge, I'm sorry. I think there may
15 have been two documents with the questionnaires that
16 were filed. One from his mother and one from his
17 girlfriend.

18 THE COURT: Kimberley Franklin, three pages.

19 MR. ROSE: Yes, and Paige Moss.

20 THE COURT: On the 23rd?

21 MR. ROSE: I'm not sure. I received them
22 together. I have a copy I can give the Court if you
23 want.

24 THE COURT: I only have one from Kimberley

1 Franklin on the 23rd.

2 MR. ROSE: Probation gave me this one
3 simultaneously when they gave it me.

4 THE COURT: Okay. In addition, Mr. Rose filed
5 about a 10-page packet including Mr. Williams's GED,
6 a Lakeland College certificate of food service, a
7 card dated 4-1-14 indicating he had successfully
8 completed the 10-hour Occupational and Safety Health
9 course, and that was from OCIA. Some photographs of
10 Mr. Williams from Black Squirrel Services. No dates
11 are indicated.

12 MR. ROSE: That was essentially the same
13 timeframe, I believe, Judge.

14 THE COURT: A HBI Building Careers certificate,
15 pre-apprenticeship certificate training and dated
16 April 1st, 2014. He was designated a graduate of
17 plumbing. Then there's an HBI card that basically
18 says that same thing. An OCIA certificate dated
19 4-1-14, Construction of Safety and Health. I think
20 that's a repeat. And then a flyer for the 4th
21 Annual Building Trade Fair.

22 Did you receive all those documents,
23 Mr. FitzSimons?

24 MR. FITZSIMONS: Yes, Judge.

1 THE COURT: All right. And you also received
2 the PSI, Mr. FitzSimons?

3 MR. FITZSIMONS: Yes, Judge.

4 THE COURT: And are there any additions or
5 corrections on behalf of the State?

6 MR. FITZSIMONS: No, Judge.

7 THE COURT: Mr. Rose, same question.

8 MR. ROSE: No, Judge.

9 THE COURT: All right. And you received and
10 reviewed it, and there are no additions or
11 corrections?

12 MR. ROSE: That's correct.

13 THE COURT: All right. Any formal evidence in
14 aggravation for the State?

15 MR. FITZSIMONS: No, Judge.

16 THE COURT: Any formal evidence in mitigation
17 for the Defense?

18 MR. ROSE: No, Judge.

19 THE COURT: All right. Argument regarding
20 sentencing alternatives.

21 MR. FITZSIMONS: Well, Judge, I think as is
22 often the case when we have a cap to a sentencing,
23 the argument is just essentially -- or the issue is
24 whether or not the defendant will go to the

1 Department of Corrections or probation. And I'd
2 argue that probation for this defendant -- for
3 Mr. Williams is just not appropriate almost purely
4 because of the circumstances.

5 This was the case in which the -- or how
6 the police come upon the defendant is after he had
7 sped away from a store in a place where shots were
8 fired -- although, I don't think those were
9 attributed to the defendant -- but that caught the
10 police's attention when he drove recklessly from
11 that area, and they had to chase the car down, and
12 they lost sight of him all the way down and found
13 him later. And when they found him, he was
14 particularly uncooperative with the police.

15 He then has in his history -- criminal
16 history in some instances he's gone to the
17 Department of Corrections for serious offenses. In
18 some instances, he's been given probation. And then
19 when I reviewed the PSI it seems in those instances
20 where he seeks probation, petitions to revoke have
21 been filed.

22 So, I guess, factoring all that in, it
23 would indicate that Mr. Williams would simply not be
24 a good candidate for probation and the requirements

1 that would come with it because there's absolutely
2 no indication that he's going to at all be willing
3 to abide by those conditions and to follow along
4 with that program.

5 And so given that, I think he built up the
6 criminal history where, unfortunately, what's
7 appropriate for him is a sentence to the Department
8 of Corrections. And as you have pointed out, we've
9 already agreed to a cap of two years. But that
10 would be the People's request.

11 THE COURT: Thank you. Mr. Rose?

12 MR. ROSE: Judge, I think in part I would
13 disagree with Mr. FitzSimons's suggestion of what
14 happened. I believe what the evidence was and what
15 was demonstrated on the video during this
16 suppression hearing was the circumstance where the
17 police didn't find Mr. Williams, Mr. Williams found
18 the police and suggested that someone had used his
19 car, and he was coming to pick it back up when he
20 saw the officers.

21 The circumstances were such that they
22 weren't dealing with him, he came up to them and was
23 trying to recover his material out of his own
24 vehicle and move the vehicle that led to the

1 circumstances of the arrest, which was the entire
2 question about the suppression of whether or not he,
3 in fact, had even done anything to warrant that. So
4 as a starting point, I think we're in somewhat of a
5 disagreement as to that.

6 Nonetheless, I think that what we have is a
7 circumstance where Mr. Williams has made some
8 terrible choices in his life that did result in a
9 substantial DOC sentence, and he realizes that. I
10 think that -- and I should draw the Court's
11 attention, we're not unaware that a number of the
12 documents we've provided the Court today predate
13 that circumstance. And I think that Mr. Williams
14 will address here and what -- certainly what he has
15 conveyed to me and what I think he will convey to
16 the Court is essentially in preparing for the
17 sentencing hearing, he wanted to locate his GED,
18 which was in the documents, which his mother had but
19 also had these other documents. And I think he has
20 had for want of a better phraseology is somewhat of
21 a come-to-Jesus moment.

22 And part in looking at those and talking to
23 his mother about it, he certainly has a significant
24 support circumstance. We find that with Ms. Moss's

1 correspondence with the Court as well as his
2 mother's, who I would suggest is present. It is one
3 where he was making headway with the probation when
4 he, unfortunately, committed the crime that sent him
5 to the Department of Corrections and resulted in the
6 significant probation and revocation and the
7 imposition of the sentence in question.

8 He does not deny that he served, obviously,
9 a significant period of time on that, and his -- I
10 think he realized that he is a little reluctant to
11 use the word "embarrassment", for want of a better
12 phraseology, an embarrassment to his family and to
13 his girlfriend in allowing himself to be in this
14 situation.

15 He, obviously, has a history of drug abuse
16 and drug usage. We see it going back to cough
17 syrup-type of circumstances. It is something that
18 our system and redeploy and even regular probation
19 are certainly in a position to address given the
20 limitation of the sentence on this. It strikes me
21 that this is one of those where we are out nothing
22 by placing Mr. Williams on probation and seeing if,
23 in fact, he does follow through on what I believe is
24 an honest realization of need to get back to where

1 he was before he went to the Department of
2 Corrections.

3 He's not blaming anyone else. He realizes
4 that he's here because of his actions not because of
5 friends or anything else in the course of that. And
6 it is one where I don't think he's much different
7 than many of the clients that I have that come
8 through the system and are unwilling, unable, and
9 unreceptive to accepting the things that are out
10 there.

11 I think that this circumstance and, in
12 fact, coming across those 2014 documents where he
13 realized how much he had actually going on favorably
14 that he let get away was quite an eye-opening
15 experience. And I think this is a situation that,
16 as I've suggested, certainly probation and the
17 facilities and the programs that are capable of
18 being utilized within that system are such that can
19 put him back into the situation that he was prior to
20 falling off, if you will, in 2014, 2015.

21 Clearly, he has some potential. I don't
22 think anybody can read the presentence and related
23 materials and realize that he does not. And it is
24 one of those situations where I would suggest to the

1 Court that it actually is make-or-break for him, and
2 I think he has come to grips with that and realized
3 that. And I would encourage the Court to place him
4 on a period of probation and allow him to take
5 advantage of those systems and to move on with his
6 life in a favorable way.

7 We are all winners if that's what comes to
8 pass, and I don't think there's a significant reason
9 to think there's any detriment to giving that
10 attempt. Whether or not he's successful and whether
11 or not the drug treatment proves that, of course,
12 the proof is in the pudding on that, and it is one
13 where he realizes the burden is on him to
14 demonstrate that is the case.

15 THE COURT: All right. Thank you, Mr. Rose.
16 Mr. Williams, at this point you have the right to
17 make what is called a statement of allocution. It's
18 where you tell me anything you think I need to know
19 before I impose a sentence. Whether you make a
20 statement or not is voluntary on your part. You
21 don't have to if you don't want to, but if you would
22 like to say something, you may do so at this time.
23 And you may be seated or stand, whatever you feel
24 most comfortable doing.

1 THE DEFENDANT: Your Honor, I take full
2 responsibility of my actions. I don't feel like my
3 past actions or past criminal history defines me as
4 a person today. I would like to be a legitimate
5 citizen of -- you know, to society and further my
6 education.

7 Like, I have sat back since this whole
8 situation, and I've done some soul-searching. I
9 even, like, bonded with family that I was kind of
10 out of touch with, and we seen potential in, like,
11 my future. So, like, you know, I don't expect a
12 pity party or nothing today. I just want to put
13 this behind me.

14 I've got a little boy. I have a lot of
15 younger cousins, neighborhood kids. They look up to
16 me as, like, a role model from racing cars to just
17 hands-on, fixing things -- manly things. And I just
18 -- I'm ready to put all this behind me and do what
19 I've got to do.

20 THE COURT: All right. Thank you, Mr. Williams.
21 I have considered the PSI, the documentary evidence
22 submitted by Mr. Rose today, along with the
23 supplements to that PSI, the arguments, Mr.
24 Williams's statement of allocution, the statutory

1 factors in aggravation, mitigation, history and
2 character of the defendant, and having due regard
3 for the circumstances, and the nature of the offense
4 finds as follows: in aggravation, Mr. Williams does
5 have a criminal history in his background. And,
6 Mr. Williams, it's clear to me that you are really
7 -- you were really on the right track there in the
8 mid 2000's, you know, 2014. You were really getting
9 some things done, and I appreciate your remarks
10 today where you took responsibility for the behavior
11 and realized that that's -- you aren't a victim.
12 And I'm going to take a chance on you and put you on
13 redeploy probation. I think you are going to get it
14 done.

15 So as a condition -- as a condition of
16 redeploy, whatever probation sees fit and seeing to
17 it that you can have some success going forward and
18 put your past behind you. And I commend you for
19 acknowledging your past and your heartfelt remarks,
20 and I wish you good luck.

21 I'm going to have the lawyers come up here
22 for a minute for me.

23 (A side bar conference was held.)

24 THE COURT: All right. Mr. Williams, though you

1 voluntarily participated in a stipulated bench trial
2 with a cap as to sentence, you still have the right
3 to appeal.

4 Prior to taking an appeal, you must first
5 file in the trial court within 30 days of the date
6 on which the sentence is imposed a written motion
7 asking that the trial court reconsider the sentence
8 or have the judgment vacated and leave to withdraw
9 the stipulation in the bench trial setting forth all
10 the reasons or grounds for the motion. If the
11 motion is allowed, the sentence will be modified or
12 the stipulated bench trial sentence and judgment
13 will be vacated, and a trial date will be set on the
14 charges to which the Court heard facts relating to
15 the stipulated bench trial upon request of the
16 State.

17 Any charges that may have been dismissed as
18 part of that agreement will be reinstated and set
19 for trial. If you are indigent, a copy of the
20 transcript of the proceedings at the time of your
21 plead of guilty and sentence will be provided
22 without cost to you, and counsel will be appointed
23 to assist you with the preparation of motion.

24 In any appeal taken from the judgment on

1 the plea, any issue or claim of error not raised in
2 the motion to reconsider or vacate the judgment and
3 withdraw the participation in the stipulated bench
4 trial shall be deemed waived.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Good luck, Mr. Williams.

8 MR. ROSE: Judge, I'm sorry. If I may. I would
9 ask the Court to in effect reconsider it's ruling on
10 that motion since that was the motion that we did
11 file previously.

12 THE COURT: Mr. FitzSimons?

13 MR. FITZSIMONS: I'd have the same response,
14 Judge.

15 THE COURT: It's denied.

16 MR. FITZSIMONS: Judge, can I -- just for some
17 clarification. The redeploy order does have
18 standard terms. One of them being to perform 30 to
19 100 hours of public service work, and I just -- was
20 it the Court's thought that the probation office
21 would determine that, whether there are hours to be
22 done? And, if so, how many?

23 THE COURT: I'll order him to do 50.

24 MR. FITZSIMONS: Okay.

1 MR. ROSE: Judge, I'm sorry. I didn't note a
2 period of time from the probation.

3 THE COURT: 36 months.

4 MR. ROSE: I think this is --

5 THE COURT: Is it 24 months max?

6 MR. ROSE: That's questionable.

7 THE COURT: Whatever the max is. And will you
8 just visit with him?

9 PROBATION OFFICER: So, I believe, he'll go to
10 the fifth floor up to probation. Since I'm not a
11 redeploy officer, he'll get assigned a new officer.

12 THE COURT: Okay. So you can take it on
13 upstairs as soon as we get this all handled, okay,
14 Mr. Williams?

15 THE DEFENDANT: Yes, Your Honor.

16 | THE COURT: Good luck.

17 THE DEFENDANT: Thank you.

18 MR. ROSE: Judge, we would ask that the clerk
19 perfect the appeal and file the notice as well as
20 preparation of transcripts without cost.

21 THE COURT: Your request is granted.

22 MR. ROSE: Oh, and appoint the Appellate
23 Defender.

24 (End of proceedings.)

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF PEORIA COUNTY, ILLINOIS

REPORTER'S CERTIFICATE

I, Elise E. Vrchota, Official Court Reporter for the Circuit Court of Peoria County, Tenth Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same, which I hereby certify to be a true and accurate transcript of the proceedings had before Circuit Judge Katherine Gorman.

Dated this 9th day of June, 2022.

Elise Vrchota
Elise E. Vrchota, CSR
Official Court Reporter 2
License No. 084.004931