

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

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
)
7 -VS-) No. 15 CR 12745
)
8 ANTOINE WATKINS)

9
10 EXCERPT OF THEREPORT OF PROCEEDINGS in the
11 above-entitled cause taken before the Hon. JOSEPH M.
12 CLAPS, Judge of said court, on January 19, 2018.

13 PRESENT:

14 HON. KIMBERLY M. FOXX,
15 State's Attorney of Cook County, by
16 MS. HOLLY KREMIN, MS. JANE SACK,
Assistant State's Attorneys,
representing the People;
17 MR. STEVEN RICHARDS, SR., MR. STEVEN.
18 RICHARDS, JR.,
Private Attorneys,
representing the Defendant.

19
20 Victoria A. Wronski
21 Official Court Reporter
22 #084-001457
23
24

1 * * * *.

2 MS. SACK: Good morning.

3 Two stop signs, a speed limit sign that said
4 30, a speed limit side that said speed limit 25, a
5 one-way sign in the direction pointing north. Do not
6 enter. Lights and sirens on four police cars.

7 The defendant, Antoine Watkins, ignored all of
8 those traffic signals, and when he blatantly disregarded
9 them he put countless numbers of people's lives in
10 jeopardy.

11 On July 11, 2015, this defendant put himself in
12 the driver's seat of a red Toyota Avalon. And when he
13 got pulled over by the police on Richards Drive, he had a
14 decision to make. Was he going to stay there and learn
15 what the police business was about, or was he going to
16 drive off? He chose to take off.

17 And when he did that, he put himself, his
18 passengers, and everyone else on the streets in that area
19 in danger of death or great bodily harm.

20 But no one more so than little Dylan Harris.
21 Little, innocent, defenseless Dylan Harris had no idea
22 what was coming at him when the car going 60 miles an
23 hour plowed into him at this bus stop.

24 MR. RICHARDS, Sr.: Objection.

1 THE COURT: Overruled.

2 MS. SACK: When this defendant drove over him and
3 dragged his body in that field, he committed the offense
4 of first degree murder.

5 Now, before you go back and deliberate today,
6 Judge Claps is going to read to you the law that you are
7 to use in your decision making. And one of the laws that
8 you are going to get is regarding the law of first degree
9 murder.

10 And in this case, that law will state that to
11 sustain the charge of first degree murder, the State must
12 prove the following propositions.

13 First, that the defendant performed the acts
14 which caused the defendant of Dylan Harris; and, second,
15 that when the defendant did so, he knew his acts created
16 a strong probability of death or great bodily harm to
17 Dylan Harris.

18 Now, with regard to the first proposition, it's
19 pretty clear the defendant performed the acts which
20 caused the death of Dylan Harris. You heard testimony
21 from Officer Franklin who stated that as he was driving,
22 or as he was seated as a passenger in an unmarked car he
23 saw the red Avalon coming towards him and he focused on
24 the driver. He told you he saw the face of this

1 defendant and identified him before you in court.

2 He then told you that they followed that car.
3 There's no testimony that it ever stopped, or anyone else
4 got out. When it did stop after it crashed, the person
5 he was focused on again was the driver. He saw this
6 defendant exit the driver's door of that Avalon and flee.

7 Officer Franklin told you that he followed the
8 driver over a fence through a lot into a wooded area with
9 bushes, and he placed this defendant in custody.

10 Furthermore, you heard yesterday from Wendy
11 Gruhl (phonetic) from the Illinois State Police Crime Lab
12 who said that the swabs from the driver's, the steering
13 wheel and the column -- or I'm sorry -- the gearshift had
14 a major profile which matched the DNA profile of this
15 defendant. It is pretty clear that the person driving
16 that car that day was the defendant.

17 You also heard from the medical examiner who
18 indicated that Dylan Harris died from a severed spinal
19 cord caused by blunt force injury, which we know is from
20 getting hit by the car driven by this defendant.

21 So we have met our burden with regards to the
22 first element of first degree murder.

23 Now, with regard to the second, which states
24 again, that when the defendant did so, he knew that his

1 acts created a strong probability of death or great
2 bodily harm to Dylan Harris. We also know that we have
3 met our burden in proving that element as well. And you
4 know that because when you go back into the jury room to
5 deliberate, you will not be alone, you are allowed to
6 bring something with you, and that is your common sense.
7 We do not ask you to leave that at the door when you look
8 at the facts and apply it to the law.

9 In this case, you heard evidence that while the
10 defendant was driving that he made decisions that the
11 driver himself made alone. He made a decision to take
12 off on Richards Drive. He made that decision after two
13 police officers had stepped out of their car. Why, you
14 ask? Well, obviously he wanted to get away from the
15 situation. He wanted to get away from the police.

16 You heard from Officer Patton that when she
17 stepped out of her vehicle, this, the red Avalon that was
18 being driven by the defendant sped off. She saw it go
19 north on Richards through the first stop sign. No brake
20 lights, no slowing down, no stopping, accelerating
21 through the stop sign. And then as it made the curve, as
22 you saw on the photographs he also went through that stop
23 sign.

24 You saw in the photographs that there is a

1 large statue, the statue of the Republic that the officer
2 referred to as the Golden Lady. You will notice in those
3 photographs where those stop signs that the defendant
4 blew right through, it is an obstructed view as you're
5 coming around. He didn't care. He just went right past
6 the statue and went on his way.

7 There's also a sign there that says, speed
8 limit 30 miles an hour. You heard testimony from Officer
9 Patton that as she attempted to catch up to the defendant
10 and was going down Hayes Drive towards Cornell, towards
11 Stony Island, she estimated the defendant's speed to be
12 approximately 60 miles an hour. That's twice the speed
13 limit of the sign that he just passed.

14 You heard testimony from Officer Franklin that
15 around that point in time that Officer Patton is putting
16 his speed at about 60 miles an hour is when Officers
17 Franklin and Brown are now beginning to overtake Officer
18 Patton as the lead police vehicle as they are following
19 the defendant. Officer Franklin told you that as they
20 were behind the defendant with a clear view and no
21 obstruction, he believed that the defendant was also
22 going approximately 60 miles an hour.

23 As the defendant approached Ellis, there is a
24 speed limit sign in the photographs that you saw, and it

1 says now that the speed limit is 25 miles an hour. The
2 defendant at this point, still trying to get away from
3 the police, is going approximately 60 miles an hour down
4 63rd Street.

5 When he gets to Ellis, for whatever reason,
6 presumably to try to flee from the police, he makes a
7 left turn. He makes this left turn on a street that has
8 no obstructions, there is a vacant lot on both sides of
9 Ellis at 63rd Street in that area. And you can see from
10 the pictures, it's wide open. There's nothing to
11 obstruct his view from the sign that says one-way going
12 north, yet he still makes a turn going south.

13 There is also a sign there, a large, red circle
14 bigger than my head that says do not enter. He still
15 makes the turn. And when he makes the turn, he doesn't
16 even go down Ellis. He hits the sidewalk. He hits the
17 curb, hits the sidewalk, drives on the sidewalk, striking
18 Dylan Harris in his stroller, dragging him into the
19 vacant lot, and then the defendant continues to drive the
20 car. He done stop in the lot. He continues to go
21 through, you can see the marks going through the lot,
22 which by the way, is quite a large lot that he hits at a
23 diagonal, which is the length of a city lot to where he
24 comes to rest in the alley by the pole. All the while

1 while he is ignoring speed limit signs, stop signs, wrong
2 way, he is being pursued by four police officers with
3 lights and sirens. Not once does he make an attempt to
4 pull over or stop.

5 Because he is on a mission to get away. And we
6 know that that is what's going on in his mind because
7 after the car comes to a rest, because he hits a pole,
8 because the tires are blown out from hitting the curbs at
9 such a great speed, he doesn't stay there. He flees. He
10 runs off. He runs down Ellis. And Officers Franklin and
11 McClay (phonetic) have to chase him. They run after him.
12 He jumps a fence. He goes through another vacant lot.
13 He goes through an alley. He goes into another vacant
14 lot, hides in the bushes, where he is ultimately found
15 and captured by the officers.

16 It is ridiculous to think that throughout all
17 of these actions that the defendant is performing that he
18 does not know that his actions have a strong probability
19 of death or great bodily harm to anyone out there. And I
20 will have you take note of this instruction that it does
21 not say that we need to prove that the defendant intended
22 to kill anyone or intended to harm anyone that day. We
23 do not have to say that the defendant as he was driving
24 that car says, hey, I'm going to pick off some people

1 while I am driving. We don't have to prove that. All it
2 says we have to prove is that he knew his acts created a
3 strong probability -- strong probability; not a certainty

4 --

5 MR. RICHARDS, Sr.: Objection.

6 THE COURT: Overruled.

7 MS. SACK: -- of death or great bodily harm. So we
8 don't even have to prove that his actions caused a strong
9 probability of death; just great bodily harm to anybody
10 that was in his way.

11 MR. RICHARDS, Sr.: Objection. Not the law.

12 THE COURT: Okay, Ladies and Gentlemen, I will give
13 you the law. The lawyers aren't in charge of reading the
14 law; I am. You will pay attention to the law as I give
15 it to you.

16 Go ahead.

17 MS. SACK: The instruction says that the defendants;
18 acts, that he knew that his acts created a strong
19 probability of death or great bodily harm. He put -- his
20 acts caused a strong probability of great bodily harm to
21 every person that he came in contact with along that
22 route.

23 MR. RICHARDS, Sr.: Objection. Ask for a continuing
24 objection.

1 THE COURT: All right. Objection is sustained.

2 Move on to the facts of this case.

3 MS. SACK: At any point in time while he was driving
4 in this vehicle trying to get away from the police he
5 could have hit anyone, and we are fortunate that we are
6 here today with only one victim.

7 MR. RICHARDS, Sr.: Objection.

8 THE COURT: Overruled.

9 MS. SACK: Multiple people -- there was testimony
10 there was multiple people on that bus stop at that day.
11 There were multiple police officers involved in the
12 pursuit of the defendant. There were passengers in the
13 defendant's car. And the defendant created a strong
14 probability of death or great bodily harm even to
15 himself.

16 The defendant ran stop signs. He went through
17 obstructed view stop signs. He disregarded speed limit
18 signs. He went in excess of double the speed limit. He
19 drove, attempted to drive the wrong way down a one-way
20 street, and he struck a human being in the process. He
21 did all this with a motive to get away, and he knew that
22 he, his acts created a strong probability of death or
23 great bodily harm.

24 When you go back to deliberate, look at each of

1 these facts in their totality. The defendant didn't blow
2 one stop sign and t-bone a car. This defendant time
3 after time after time after time created a totality of
4 circumstances that showed that he knew his acts caused a
5 strong probability of death or great bodily harm.

6 And when you look at all those facts in their
7 totality and you apply it to the law as the judge gives
8 you, we are confident that you will agree that this
9 defendant is guilty of first degree murder.

10 Thank you.

11 THE COURT: Mr. Richards?

12 MR. RICHARDS, Sr.: Ladies and Gentlemen, the
13 defendant is guilty of first degree murder if first
14 degree murder was defined as it was just mis-defined by
15 the state's attorney.

16 But that's not definition of first degree
17 murder. And I'll read it to you right away so we know.

18 To sustain the charge of first degree murder,
19 the State must prove the following propositions: That
20 the defendant performed the acts which caused the death
21 of Dylan Harris; and, second, that when the defendant did
22 so, he knew that his acts created a strong probability of
23 death or great bodily harm to Dylan Harris.

24 The words to Dylan Harris were left out every

1 time the state's attorney mentioned that instruction.
2 Why? Because that's the charge of first degree murder.

3 MS. KREMIN: Objection.

4 THE COURT: Overruled.

5 MR. RICHARDS, Sr.: Knowing of a strong probability
6 of death or great bodily harm to Dylan Harris.

7 And since I want to be accurate, I'll read the
8 whole instruction. It continues: If you find from your
9 consideration of all the evidence that each one of these
10 propositions has been proved beyond a reasonable doubt,
11 you should find the defendant guilty.

12 If you find from your consideration of all the
13 evidence that any one of these propositions has not been
14 proved beyond a reasonable doubt, you should find the
15 defendant not guilty.

16 I'll tell you why in a few minute. But
17 proposition number 2, has not been proved beyond a
18 reasonable doubt. There is zero evidence of it. Zero.
19 And we'll get to that in a moment.

20 If the proposition were different, strong
21 probability of death or great bodily harm to somebody,
22 sometime? Maybe? That would be their case. But that's
23 not the law. That's not what they proved. And that's
24 not what this charge should be.

1 Now, let me go backwards tell you what the
2 proper charge is and what you should find Antoine Watkins
3 guilty of. What he is guilty of. What these fine
4 prosecutors have proved him guilty of beyond a reasonable
5 doubt.

6 I told you that that charge was reckless
7 homicide. And in fact, the charge of reckless homicide
8 is the charge that was mis-ascribed by the State as first
9 degree murder. Because reckless homicide, unlike first
10 degree murder, means creating a risk of death or great
11 bodily harm to anyone. Not a specific person. Anyone.

12 Let's go over that. What's the instruction on
13 reckless homicide?

14 To sustain the charge of reckless homicide the
15 State must prove the following propositions. First
16 proposition, that the defendant caused the death of Dylan
17 Harris by driving motor vehicle; second proposition, that
18 the defendant drove the motor vehicle recklessly; and
19 third proposition, that the defendant drove the motor
20 vehicle in a manner likely to cause death or great bodily
21 harm.

22 So those are the three propositions for
23 reckless homicide. If you can find from your
24 consideration of all the evidence that each one of these

1 propositions has been proved beyond a reasonable doubt,
2 you should find the defendant guilty.

3 If you find from your consideration of all the
4 evidence that any one of these propositions has not been
5 proved beyond a reasonable doubt, you should find the
6 defendant not guilty.

7 Before we go on, let me talk to you about the
8 difference between first degree murder and reckless
9 homicide in general. You heard the medical examiner say
10 that from the medical point of view if you are not using
11 a car intentionally trying to kill somebody they call it
12 an accident. That's medical.

13 Legally, however, the legislature has decided
14 that not every, that not every time somebody hits
15 somebody with a car is first degree murder. That happens
16 often. It happens when people drive recklessly, when
17 people drive carelessly, happens when they drive drunk,
18 happens a lot.

19 But those cases are not first degree murder.
20 There's another category for that. The category is
21 called reckless homicide. Because the law recognizes
22 that if people drive cars recklessly, even if they don't
23 intend any harm, even if they don't know the strong
24 probability of harm, they have to pay for the

1 consequences if somebody dies. That's what reckless
2 homicide means. That's why it's in the law.

3 Now, has the State proved reckless homicide
4 beyond a reasonable doubt? Yes. Let's look at each of
5 these propositions. First, that Antoine Watkins caused
6 the death by driving a motor vehicle. Proved beyond a
7 reasonable doubt. Car went into the baby carriage.
8 Dylan Harris died because the car struck the baby
9 carriage. Antoine Watkins is driving the car. The car,
10 him driving it caused Dylan Harris' death. He caused the
11 death. No question about it.

12 So that has been proved beyond a reasonable
13 doubt.

14 Now, the second proposition is that he drove
15 the car recklessly. And you just heard a very good
16 description from the state's attorney of why you can
17 infer that he was driving the car recklessly. Reckless
18 is a term, a person act recklessly when he consciously
19 disregards a substantial and unjustifiable risk that
20 circumstances exists or that a result will follow and
21 such disregard constitutes a gross deviation from the
22 standard care which a reasonable person would exercise in
23 that situation.

24 Do we have evidence of that? Yes. He went

1 through one stop sign. That was reckless, even though
2 there were no people around, no cars aren't. Went
3 through a second sign. That was also reckless. He sped
4 on city streets, 60 miles an hour. That was reckless.

5 Now, he was not totally crazy. He was not
6 trying to hit cars. He was trying to escape from the
7 police. He wasn't trying to cause mayhem along the way.
8 Obviously, that was not his intent.

9 And you heard from Officer Franklin that in
10 fact when he approached intersections, he slowed down.
11 Why?

12 MS. KREMIN: Objection. Mis-statement of the
13 evidence.

14 THE COURT: All right, Ladies and Gentlemen. I
15 told you what the lawyers say is not evidence. It should
16 be based on the evidence and the reasonable inferences.

17 If what the lawyers say is not supported by the
18 evidence, you should reject it.

19 MR. RICHARDS, Sr.: Well, you all remember my
20 questions to Officer Franklin. He was a little
21 reluctant. But he was forced to concede, yes, at times
22 he saw the brake lights go on. In other words, the brake
23 lights were going on because Antoine Watkins was slowing
24 down the car to avoid collisions. He was. He was still

1 acting recklessly, because he was travelling at 60 miles
2 an hour trying to get away from the police. But he
3 wasn't acting with knowing of a strong probability of
4 death or great bodily harm.

5 And it wouldn't matter if he was, because the
6 essential act which causes the death is not all of the
7 speeding. It's that turn. Had the turn never been made,
8 had Antoine Watkins continued along 63rd, Dylan Harris
9 would be alive today and the State would have no case as
10 to first degree murder.

11 The act which causes Dylan Harris' death is not
12 going through stop signs two miles away. It's not
13 speeding down 63rd Street. It's making that turn.
14 That's it. All the other conduct tends to prove reckless
15 homicide, has nothing to do with first degree murder.

16 So was he consciously disregarding a known risk
17 for definition of reckless homicide? Yes. Because it's
18 risky when you go 60 miles an hour down the city streets.
19 It's risky when you blow stop signs. And it's risky when
20 you make high speed turns.

21 He engaged in risky acts. That's why he's
22 guilty of reckless homicide.

23 Now, we don't know that at 60 miles an hour he
24 saw the do not enter sign or he didn't see the do not

1 enter sign. It doesn't really matter. Making the turn
2 at that high speed no matter what the street was a risky
3 act in and all itself, because your common sense tells
4 you that you're driving at a high rate of speed, you try
5 to make too sharp a turn, you're taking a risk of losing
6 control of the car. Are you trying to lose control of
7 the car? No. Do you know there's a strong probability
8 that you're going to lose control? No. Obviously, a
9 person trying to get away from the police, making a sharp
10 term isn't trying to go in a field. He's not trying to
11 go into a bus stop. He's not trying to hit somebody.
12 He's trying to make the turn on to Ellis.

13 And there's evidence that it's too sharp a
14 term. There was a screeching sound. Was it the brakes
15 being applied? Was it screeching just because the car is
16 making too sharp a turn and there's friction between the
17 tires and pavement? We don't know. It doesn't matter.

18 But again, it's risky, and he's creating an
19 unjustifiable risk by making that turn. And when he
20 makes the turn he loses control.

21 Now, remember, what the State has to prove is a
22 strong probability of death or great bodily harm to Dylan
23 Harris. Is there in any proof of that whatsoever that
24 when he made that turn he knew of a strong probability of

1 death or great bodily harm to Dylan Harris? Is there any
2 proof he even saw the baby carriage? Is there any proof
3 he even saw the people at the bus station?

4 Even if he did, obviously, in his mind what he
5 thought was, I'm going to make the turn, I'm going to go
6 on to Ellis. And in fact, he almost does make the turn.
7 He almost does go on to Ellis. He goes, he loses control
8 of the car.

9 Officer Franklin testified without any rebuttal
10 that he sees him losing control of the car. If you lose
11 control of a high speed car, do you know of a strong
12 probability where it's going to go? No.

13 But even beyond that, the only reason the car
14 struck the baby carriage was because it hit the pole.

15 Now, think about that for a moment. If he was
16 aiming, why would he be aiming for the pole if he's
17 trying to get away from the police? I mean, had he
18 struck the pole head on, he could be dead himself. Had
19 he struck the pole head on, his air bag would have gone
20 out, not just the passenger side air bag.

21 He struck the pole, the direction of his car
22 changed, and then the car went into the baby carriage.
23 That's what happened. No, he could not possibly know
24 there's a strong probability there. In fact, this was

1 the deviation from the standard of care, reckless conduct
2 which caused the death of Dylan Harris. Clear, classic
3 case of reckless homicide.

4 Now, you'll notice, we have not had much
5 contest about credibility, the police telling the truth,
6 the police lying, things like that. it's not really a
7 part of this case.

8 I do note that some of the crucial facts had to
9 be brought out by us. We brought out that Officer
10 Franklin said the car lost control. We brought out that
11 the car hit the pole. We brought out that the car was
12 damaged on the left side. We brought out that the two
13 tires on the left side are flat because of the collision.

14 Now, the State's Attorney makes an argument,
15 probably the only argument she makes, is that Antoine
16 Watkins continued on and that shows something. Well,
17 first of all, the act of first degree murder was complete
18 when the baby carriage was struck and when Dylan Harris
19 died. As soon as Dylan Harris was dead, that was it.
20 Nothing Antoine Watkins would do at that point, good or
21 bad, would change his liability, or change his guilt, or
22 change anything about that. He caused the death. He was
23 guilty of reckless homicide at that moment.

24 The State says the cause continues to the

1 field. So what? He was going at a high rate of speed.
2 He had just hit a pole. And we know that he had slowed
3 down substantially by the time it finally hit the alley,
4 because when it makes the final push in the alley, what
5 happens with the air bags? Driver's side air bag doesn't
6 go off. It's still there. The passenger's side air bag
7 went off when the car hit the pole.

8 The reason why the driver's side air bag has
9 not gone off is because the car had slowed down to
10 sufficient speed by the time it gets to the end that it's
11 crashing at a rate which doesn't set off the driver's
12 side air bag.

13 Antoine Watkins may have been trying to brake.
14 There's no evidence that he tried to accelerate. If you
15 go 60 miles an hour, you try to brake, or you're stopped,
16 it takes a long time to stop. Just simple law of
17 physics.

18 The fact that he ran away. Well, he was
19 running from the police. He didn't know he had struck a
20 baby carriage. There's no evidence of that. And even if
21 he had, he had just committed a crime, reckless homicide.
22 He's running from the police. So what? Establishes
23 nothing. Establishes he's running from the police and
24 that he may have known that he hit the baby carriage. It

1 does not establish first degree murder by any means
2 whatsoever.

3 Let me just give you some more examples to say
4 it was clear. First degree murder can involve
5 intentionally killing somebody. Doesn't have to, but
6 that's one form of it. But the law also recognizes there
7 may be other forms of first degree murder that we want to
8 punish as first degree murder.

9 If I take a bat, and --

10 MS. KREMIN: Objection.

11 THE COURT: Overruled.

12 MR. RICHARDS, Sr.: If I take a bat, deliberately
13 strike somebody on the arm intending to break his arms,
14 and instead I miss, hit his skull and kill him, what am I
15 guilty of? First degree murder. Why? Because when I
16 swung that bat, I knew of a strong probability of either
17 death or great bodily harm, even though I didn't want to
18 kill somebody.

19 But that is a far cry from driving a car at a
20 high rate of speed turning in an area where there are
21 vacant lots, trying to turn on to a street and losing
22 control of a car. There's a world of difference between
23 those two things. The first, the bat, is first degree
24 murder. The second, the car, is reckless homicide proven

1 beyond a reasonable doubt. And proven by these facts to
2 the exclusion of any argument as to first degree murder.

3 As I said to you at the beginning of opening
4 statement, I'm in an unusual position here. And so is my
5 client. My client is not saying he's innocent. He's
6 guilty of reckless homicide beyond a reasonable doubt.
7 He's manned up to it. He could have said, oh, it wasn't
8 me driving. Officer Franklin was mistaken. The DNA
9 isn't really conclusive. Maybe somebody else was
10 driving, et cetera. He did none of that. He did not, we
11 did not raise those arguments in any manner, shape or
12 form. Because they would have been untrue. They would
13 have been false. It would be neither safe or honest to
14 say something that isn't true.

15 What is true is that he is guilty of reckless
16 homicide. That's the verdict you can and should return,
17 and we ask you to return it.

18 Thank you.

19 MS. KREMIN: A clear, classic case of reckless
20 homicide is driving your 3,000 pound car, looking down
21 reading your text, and when you look up, you've just
22 struck the pedestrian in front of you. That is reckless.

23 What a clear classic case of reckless homicide?
24 Is turning around while you're driving your car and

1 yelling at your kids in the back seat who are arguing,
2 turning back and striking somebody. That is reckless.
3 That's not paying attention to what you're doing.

4 Make no mistake what the defendant did on July
5 11, 2015, is first degree murder. He knew what he was
6 doing that day. He knew there was a strong probability
7 of death or great bodily harm. He was paying attention,
8 and he had a mission that day. And his mission was to
9 run from the police. Why? Doesn't matter.

10 We would not be here today if he would have
11 stayed stopped on Richards in Jackson Park. He was
12 stopped by two Chicago police officers in marked cars.
13 And you want to know what his mind set was? He waited
14 until Officer Patton and Officer Lock got out of their
15 cars and started to walk toward his car. Because you
16 know what? It gave him the lead. He then put his foot
17 on the accelerator and he floored it like a bat out of
18 hell to get away from them.

19 That is first degree murder.

20 This was paying attention to his surroundings
21 knowing what he was doing. He accelerated to over 60
22 miles an hour. That was not not paying attention. That
23 was not looking down for a second and striking somebody.

24 What do you think is going to happen when

1 you're driving at those speeds and you want to take a
2 left-hand turn? Imagine taking a left-hand turn at 40
3 miles an hour. Imagine 50 miles an hour. How about in
4 excess of 60 miles an hour? What do you think is a
5 strong probability that's going to happen?

6 Make no mistake, Ladies and Gentlemen, first
7 degree murder, it didn't matter that it was Dylan Harris.
8 You could insert the names George Mosely --

9 MR. RICHARDS, Sr.: Objection.

10 THE COURT: Overruled.

11 MS. KREMIN: The law says an individual. You could
12 put the name George Mosely in. You could put the
13 defendant's name in. You could put --

14 MR. RICHARDS, Sr.: Objection.

15 THE COURT: Overruled.

16 MS. KREMIN: It doesn't matter. We don't need to
17 prove he intended to kill Dylan. He did kill Dylan.
18 That's why Dylan's name is mentioned in the instruction.
19 But it could have been anybody out there that day.

20 MR. RICHARDS, Sr.: Objection.

21 THE COURT: Overruled.

22 MS. KREMIN: In fact, when you look at the video
23 that you saw earlier, there were two guys walking down
24 the street westbound on 63rd at Stony Island, and you

1 could see how they looked back, because they know
2 something's going on. Guess what? What do you think
3 they're hearing? Lights and sirens and seeing what's
4 happening and that's why they're looking back? He's
5 lucky he didn't kill those two guys while he was at it.

6 MR. RICHARDS, Sr.: Objection.

7 THE COURT: All right. Move on. Objection
8 sustained.

9 MS. KREMIN: We do not need to prove intent.

10 The difference between reckless homicide and
11 first degree murder is the defendant's complete
12 indifference towards life.

13 MR. RICHARDS, Sr.: Objection. Not the law.

14 THE COURT: Okay, Ladies and Gentlemen, I give you
15 the law; not the lawyers.

16 MS. KREMIN: The way that the defendant was driving
17 away from the police on a beautiful sunny day in July of
18 2015 was with a complete indifference towards life.
19 Towards anyone's life. That is first degree murder.

20 MR. RICHARDS, Sr.: Objection. Not the law.

21 THE COURT: Okay, Ladies and Gentlemen, I have
22 already told you who gives the law, and that's me.

23 Move on with your argument, please.

24 MS. KREMIN: What you have to consider is the

1 totality of the circumstances, all of the actions that
2 the defendant took that day, not just the turn at 63rd
3 and Ellis. But everything that he did up to it goes
4 towards exactly what he knew could happen that afternoon.

5 Defense Counsel would like you to believe that
6 you can disregard everything that happened for over a
7 mile before he reached 63rd and Ellis.

8 And let's be clear as to Officer Franklin's
9 testimony. The defendant never braked. Officer Franklin
10 testified -- Page 89 --

11 So you saw the defendant make a left turn, is
12 that correct?

13 Answer: Yes.

14 Question: Is the baby in the stroller the
15 first thing that his car struck?

16 Answer: He hit the pole, and then, yeah, he
17 struck the baby.

18 Question: And when you say he hit the pole,
19 did he continue forward?

20 Answer: Yes.

21 Question: And the baby was in the stroller, is
22 that correct?

23 Answer: Yes.

24 Question: What did you see happen to the baby

1 in the stroller when the defendant's car struck the baby?

2 Answer: The car rolled over the baby, and I
3 remember the stroller tumbling in the lot. He continued
4 to go forward.

5 Let's go through some of this about braking and
6 not braking.

7 People's Exhibit No. 47.

8 And you will have these photos when you go back
9 with you.

10 What you can see on the pavement is the
11 direction in which the defendant's car went. Do you see
12 tread marks, skid marks? Those are not skid marks or
13 tread marks. He did not brake at 60 plus miles an hour.

14 You could see he starts to turn, but there's no
15 skid marks. It would be black.

16 Then what he does is he hits this pole here
17 (indicating.) Okay. You have plenty of evidence showing
18 that the pole scraped against the entire side of the
19 passenger's side of the vehicle. He did not go bouncing
20 off poles as Counsel would like you to believe.

21 And what direction is Dylan? He is continuing
22 pass the pole, right on the sidewalk. And what happens
23 to Dylan? Ladies and Gentlemen, you have the photos.
24 You had the opportunity to see the stroller, and you can

1 see it again today. That stroller was mangled and torn.
2 The strap that Chatrell (phonetic) used to secure her son
3 inside that stroller was ripped off. There's a
4 photograph of that. And that's how Dylan was catapulted
5 out of his stroller where he hit the ground so hard that
6 the force severed his spinal cord.

7 So what does the defendant do? He comes off --
8 and he's lucky he didn't kill George Mosely who's sitting
9 in the front passenger's seat --

10 MR. RICHARDS, Sr.: Objection.

11 THE COURT: Objection sustained.

12 Move on.

13 MS. KREMIN: You can also see the mirror from his
14 passenger side.

15 Next photo.

16 And you can see where the stroller lands.

17 Next photo.

18 Clear path, you can see where he goes straight
19 through, and he continues where his car ends only because
20 of the barrier by the alley.

21 Let's talk about that for a moment. What
22 happens when a vehicle strikes an object, for instance, a
23 pole, and a stroller with a person in it? It would slow
24 down.

1 If he was braking, he would have stopped at
2 some point. He would not have made it through an entire
3 vacant lot where he then crashes at the end.

4 Next photograph, please.

5 You can see again, the straight path all the
6 way through the vacant lot where he crashes, and finally
7 -- he -- you could see the damage to his car. He was
8 going so fast when he took that turn and hit that curb,
9 look at the damage to the tire, Ladies and Gentlemen. He
10 ripped the rubber off the tire off the rim.

11 That's what hit Dylan Harris. That is first
12 degree murder.

13 Counsel said that Officer Franklin may have saw
14 a brake light, once, he said. One time he may have seen
15 the brake lights on. But if he wants you to believe that
16 his client actually slowed down in an intersection, that
17 goes to exactly what we're trying to tell you. That if
18 you're speeding through intersections, there's a great
19 probability of death or great bodily harm. He knew it.
20 He knew it way back at Cornell and Stony Island and
21 Woodlawn and Dorchester. He knew it at Greenwood, and he
22 knew it at Ellis.

23 MR. RICHARDS, Sr.: Objection. Move to strike.

24 THE COURT: Overruled.

1 MS. KREMIN: The defendant was on a mission that day
2 to get away from the police after he was stopped.

3 He's on a mission today, too, asking for a
4 break, asking for you to buy into this reckless homicide,
5 give him a break. He is not the victim. Dylan Harris
6 who was a child waiting with his family at a bus stop to
7 go to a beach was the victim in this case.

8 MR. RICHARDS, Sr.: Objection.

9 THE COURT: Overruled.

10 MS. KREMIN: What defendant did on that day is first
11 degree murder. He earned that seat where he's sitting
12 over there.

13 And we are confident that justice in this case
14 is first degree murder.

15 Thank you.

16 * * * *

17

18

19

20

21

22

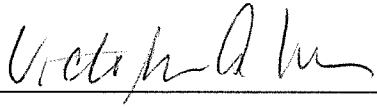
23

24

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I, VICTORIA A. WRONSKI, Official Court Reporter
for the Circuit Court of Cook County, Criminal Division,
do hereby certify that I reported in shorthand the
proceedings had at the hearing of the above-entitled
cause; that I thereafter caused the foregoing to be
transcribed into typewriting, which I hereby certify to
be a true and correct transcript of the proceedings.


Victoria A. Wronski
Official Court Reporter