

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

RONALD KITCHEN,)
)
Plaintiff,) No. 10 C 4093
)
.vs.)
)
JON BURGE, et al.,) Hon. Elaine Bucklo
)
Defendants.)

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The deposition of MICHAEL KILL, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Carmella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at 1180 North Milwaukee Avenue, in the City of Chicago, Cook County, Illinois, commencing at 10:15 a.m. on the 25th day of May, 2011.

1 There were present during the taking
2 of this deposition the following counsel:
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101	103
<p>1 memory.</p> <p>2 Q Do you remember a witness by the name</p> <p>3 of Brenda -- I misspoke, not Barbara, but Brenda</p> <p>4 Hall, that you dealt with?</p> <p>5 A It is Brenda, not Barbara?</p> <p>6 Q Yes.</p> <p>7 A I still don't remember.</p> <p>8 Q Okay. But regardless of the names of</p> <p>9 the witnesses that you don't remember, is it your</p> <p>10 testimony that you neither participated in nor -- nor</p> <p>11 witnessed any coercion of any witnesses in that case,</p> <p>12 meaning the Terrence Brooks and Deloni case?</p> <p>13 A I -- I think there were more than</p> <p>14 those two, right?</p> <p>15 Q I'm asking you as to any witnesses</p> <p>16 that you either --</p> <p>17 A Are there two cases or -- I think</p> <p>18 there were more people involved. I think there were</p> <p>19 a couple --</p> <p>20 Q There were five -- I said there were</p> <p>21 five defendants, sir.</p> <p>22 A Five defendants. Right. So I -- I</p> <p>23 don't know who -- I have no clue. I don't remember</p> <p>24 who the other three were. But in those two cases, I</p>	<p>1 A We're not friends anymore.</p> <p>2 Q You questioned him, right?</p> <p>3 A Right.</p> <p>4 Q And you questioned some witnesses who</p> <p>5 originally named him, didn't you?</p> <p>6 A I may have.</p> <p>7 Q And some of them recount -- recanted</p> <p>8 later on, didn't they?</p> <p>9 A I remember one recantation.</p> <p>10 Q You do?</p> <p>11 A Well, that's what the special grand</p> <p>12 jury said, there was one recantation.</p> <p>13 Q Okay. What -- what special grand</p> <p>14 jury?</p> <p>15 A The one you kept mentioning earlier in</p> <p>16 these depositions, the one that happened in, was it</p> <p>17 2004, 2005, I think I testified. That grand jury,</p> <p>18 where they made its conclusion and you made your</p> <p>19 Shadow Report. They made their report.</p> <p>20 Q You read the Shadow Report?</p> <p>21 A Oh, it was very good.</p> <p>22 Q And you read their report, meaning the</p> <p>23 special prosecutor's report?</p> <p>24 A Um-hum.</p>
<p>1 think they were tried -- I can't remember whether</p> <p>2 there was a motion to sever or not, so I don't know</p> <p>3 whether they were tried together or at one -- at the</p> <p>4 same time.</p> <p>5 Q Okay. So let me -- let me --</p> <p>6 A I'm confused.</p> <p>7 Q Okay. So -- so let me give you --</p> <p>8 A I'm confused.</p> <p>9 Q Let me give you --</p> <p>10 MR. McGOVERN: He'll reask the question.</p> <p>11 BY MR. TAYLOR:</p> <p>12 Q Let me unconfuse you, if I can. There</p> <p>13 were five defendants in this case; the two Delonis,</p> <p>14 Smith, Ivan Smith; Terrence Brooks, and a fifth</p> <p>15 defendant. In any of those cases of those</p> <p>16 codefendants, did you witness or participate in any</p> <p>17 coercion of any witnesses?</p> <p>18 A No. Little Terry and I were friends.</p> <p>19 We understood each other.</p> <p>20 Q Little whom?</p> <p>21 A Little Terry, Terry Brooks.</p> <p>22 Q Okay. You and he were friends?</p> <p>23 A Right.</p> <p>24 Q And you ques --</p>	<p>1 Q Did you read all -- yes?</p> <p>2 A Yes.</p> <p>3 Q And you read all the attachments to</p> <p>4 the special prosecutor's report?</p> <p>5 A They didn't send a whole lot of</p> <p>6 attachments.</p> <p>7 Q Well, you must have read the</p> <p>8 attachments having to do with the Terry Brooks case,</p> <p>9 right?</p> <p>10 A No. I remember Little Terry because</p> <p>11 Little Terry was a murderer and still is.</p> <p>12 Q Now, did you either participate --</p> <p>13 strike that.</p> <p>14 Did you ever in an interrogation call</p> <p>15 a suspect a "nigger"?</p> <p>16 A To answer that question, we're going</p> <p>17 to have to go a little bit afield, might I say? I</p> <p>18 don't recall saying that word to any suspect in a</p> <p>19 derogatory manner.</p> <p>20 When I was growing up -- I take it</p> <p>21 you're a northsider, correct?</p> <p>22 Q I'm --</p> <p>23 A Well, then you don't know where St.</p> <p>24 George's parish was at 39th and Wentworth, right</p>

1 comfortable with me using" --
 2 A You're right.
 3 Q -- "nigger?"
 4 A You got it.
 5 Q And then they'd say, "Yeah" --
 6 A No, no, no. You don't say, "Are you
 7 comfortable with it?" and use the word. What you
 8 do -- because obviously you're not comfortable with
 9 it. The way you said it, it's, like, you had to
 10 squeeze it out of your head. You know by the way
 11 they're communicating with you. You can see the look
 12 in their eye if it's just casual conversation.
 13 I lived and played in the projects. I
 14 sat in the swimming pools that were that deep
 15 (indicating), filled with filth. I know what it's
 16 all about. You don't. There's a big difference
 17 between the two of us, and that gap will never be
 18 closed because you're about 70 years too late in
 19 getting in. So when I say I can tell by looking at
 20 somebody whether it's acceptable conduct in that
 21 community, I can.
 22 Q So when you concluded that it was
 23 acceptable to use it with a person you were
 24 interrogating, you used it to help facilitate your

1 interrogation; am I correct?
 2 A No. You want to be the person's
 3 friend. You don't want facilitating him. You don't
 4 want --
 5 Q To help facilitate your -- your --
 6 A You don't want him acting like you're
 7 acting --
 8 Q Does it facilitate --
 9 A -- inadversely (sic).
 10 Q -- your interrogation to have the
 11 person think of you as a friend? You're trying to
 12 get a confession --
 13 A And --
 14 Q -- right?
 15 A -- be comfortable. Yes.
 16 Q You want him to be comfortable,
 17 right --
 18 A Um-hum.
 19 Q -- if possible, right?
 20 A Right.
 21 Q And if the use of the term "nigger" to
 22 get him poss -- comfortable, you would use it, right?
 23 A If -- if I could tell that that was
 24 the way they talked, most of the time. You -- see,

1 the difference, -- when I try to explain something --
 2 Q Let me --
 3 A -- to you, it's like --
 4 MR. McGOVERN: Let him -- let him answer the
 5 question.
 6 THE WITNESS: Wait. It's like trying to
 7 explain physics to my grandson, who's three months
 8 old. You haven't been there, you don't understand
 9 it. Okay. It's got to be -- you got to live it.
 10 You have to live it. Just like they say on TV with
 11 the people when they bring up political correctness,
 12 you -- people that come out of the suburbs and go,
 13 "This is terrible," no, they haven't lived it. They
 14 can sit there and stand back and go, "Oh, that's
 15 horrible, because I heard a movie star say that was
 16 horrible." No. You don't know how the people really
 17 live. You have to understand how people live and
 18 what they're comfortable with.
 19 Guess what? If I go to Germany and I
 20 don't speak German -- or, better yet, try France. Go
 21 to France and don't speak French and then order some
 22 food. You're going to get -- you're going to get the
 23 bottom of the pot every time. Speak French, you get
 24 a good meal, all right?

1 Q Well, let me bring you back to your
 2 interrogations. The point to your interrogations was
 3 to get a statement from the person you were
 4 interrogating, right?
 5 A I've -- I've got to explain it to you.
 6 Q You can't answer that yes or no?
 7 A No. When you interrogate somebody,
 8 witness, you do not necessarily want to get a
 9 statement from them.
 10 Q Well, what else do you want from
 11 them --
 12 A How about information?
 13 Q -- if not a statement or --
 14 A How about information?
 15 Q All right.
 16 A Now, because your idea of interview
 17 and interrogation are one and the same, and they're
 18 not the same, okay?
 19 Q Other than information --
 20 A I read --
 21 Q -- or a statement --
 22 A I read your reports --
 23 Q -- what else do you want from them?
 24 A I read your --