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STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF DU PAGE COUNTY
FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
)
-vs-)
STEPHEN BUCKLEY,)
ROLANDO CRUZ and)
ALEJANDRO HERNANDEZ,)
a/k/a ALEX HERNANDEZ,)
)
Defendants.)

Nos. 84 CF 361-01-12
84 CF 362-01-12
84 CF 363-01-12

BEFORE JUDGE KOWAL
AND A JURY

Thursday, January 31,
1985, 1:30 o'clock p.m.

DUPLICATE

The trial of the above-entitled cause
resumed pursuant to adjournment.

PRESENT:

MR. KNIGHT

MR. KING

MR. JOHNSON

MR. LUND

MR. WESOLOWSKI

MR. LAZ.

ERNEST C. SCOLA,
Official Court Reporter
Wheaton, Illinois

1 R O B E R T L. W I N K L E R ,
 2 called as a witness by The People of the State of
 3 Illinois, having been first duly sworn, was examined
 4 and testified as follows:

DIRECT EXAMINATION

by: Mr. Knight

Q Would you tell us your name, please, sir?

A Lt. Robert L. Winkler, W-i-n-k-l-e-r.

Q And what is your occupation or profession,
 11 sir?

A I am a watch commander, second watch,
 13 DuPage County Correction Center.

Q And for how long have you been associated
 15 with the DuPage County Sheriff's Office?

A 14 years.

Q Back in May and June of 1984, last May and
 18 June, what were your duties and responsibilities
 19 at that time?

A At that time I was referred to as a
 21 superintendent.

I carried the same duties as I do now.

23 I'm in charge of the afternoon watch
 24 from 3:00 until 11:30 at night.

1 Q Is that the same time period that you worked
2 back in May and June or --

3 A That is, sir.

4 Q Okay.

5 And directing your attention to
6 approximately June 6th, 1984, did you have a
7 conversation with an inmate in the DuPage County
8 Jail by the name of Alex Hernandez?

9 A Yes, sir, I did.

10 Q And where did that conversation take place?

11 A The conversation itself took place in
12 my office.

13 Q Okay.

14 What circumstances led to that
15 conversation, if you can tell us?

16 A I was making a tour of the facility on the
17 first floor in the receiving area where Mr. Hernandez
18 was currently housed.

19 Q What happened at that time?

20 A He yelled out to me through his door and stated
21 that he would like to talk to me as soon as possible
22 alone in my office.

23 Q Okay.

24 Apprently, then, you knew him at that time

1 as an inmate in the County Jail, correct?

2 A Correct, sir.

3 Q And he knew who you were?

4 A Yes, sir.

5 Q Had you ever known him before he became
6 an inmate in the County Jail?

7 A No, sir.

8 Q Okay.

9 What did you do when he called out to
10 you and said he wanted to talk to you?

11 A Well, initially I was busy doing other
12 duties.

13 I told him I would get back to him
14 in about 10 or 15 minutes, which I did.

15 I had an officer escort him to my
16 office, where we then conversed.

17 Q Okay.

18 Was there anyone else present when
19 you talked to him at that time?

20 A No, sir, there wasn't.

21 Mr. Hernandez stated that he wanted
22 this conversation purely between himself and myself.

23 Q And about what time of day or night was it
24 when the conversation took place on June 6th?

1 A Approximately between 6:00 p.m. and
2 6:30 p.m.

3 Q Would you tell us, to the best of your
4 recollection, whether you gave him any admonishments
5 at the outset of that conversation?

6 A Yes, sir, I did.

7 Q Would you tell us what transpired at the
8 outset?

9 A Well, when Mr. Hernandez came into the
10 room, he first stated to me that he would like to
11 talk to me about his case.

12 I immediately advised him that he did
13 not have to do so.

14 I stated to him that if he wished to
15 talk to me, that I would have to give him his rights
16 by Miranda, which I did.

17 I advised him that he did have the
18 right to remain silent.

19 Anything that he said can and will be
20 used against him concerning his current case, if that's
21 what he was going to explain.

22 I also advised him that he had the
23 right to have counsel present, and also to make a phone
24 call before he even talked to me to either talk to a

1 friend or his attorney.

2 I went through the normal, having
3 counsel at a line-up and also being appointed counsel
4 if he didn't have any. I wasn't sure if he did or
5 not.

6 He then acknowledged his rights as
7 given.

8 Q Okay.

9 And after he acknowledged that he
10 understood his rights, what was said next and by whom?
11 What if anything did he say at that time?

12 A He stated that he wished to explain some
13 circumstances surrounding this case to myself purely
14 on the basis that he felt he could trust me to convey
15 this information.

16 He felt at the time that he could
17 not trust other authorities involved, such as the
18 State's Attorney's Office or the detectives assigned
19 to the case or the FBI.

20 Q Did you say anything in particular to him
21 about talking to other people instead of you?

22 A I asked him if he wanted such as yourself
23 or Det. Wilkosz. And he expressed at the time that
24 he did not want to talk to either of you.

1 Q Okay.

2 But he did want to talk to you?

3 A He did want to talk to me.

4 I then told him that I would then clear
5 the situation both through by deputy chief and also
6 the State's Attorney's Office, which I did.

7 Q Okay.

8 And after clearing the transaction,
9 did the conversation resume then at that time?

10 A Yes.

11 I advised Mr. Hernandez before we
12 even got into the conversation concerning the case
13 that I'm a busy person. I have a lot of duties to do
14 during my tour. And that if he wanted to talk to me, --
15 I didn't want to push him into anything -- I would just
16 appreciate it if he would come out strict to the point
17 and if he wanted to tell me anything.

18 Q How did he respond at that time?

19 A He said, no problem.

20 I also informed him that, you know,
21 due to my position, my duties, I would naturally have
22 to make a written report on what took place. He said,
23 fine.

24 Q All right.

1 And what did he say then?

2 A He proceeded to state that on the day of --
3 on a certain day in February he was referring to a
4 burglary. He was invited, had been planning with two
5 other named individuals for some time a home located
6 in Naperville, not too far off Route 65, a short ways
7 from Aurora, they had been planning to commit a burglary
8 at this location.

9 They proceeded to the scene in a late
10 model Lincoln Continental, Mr. Hernandez and two named
11 individuals.

12 Q Did he describe the color of that car at all
13 to you?

14 A Dark green, late model Lincoln Continental.

15 Q What if anything did he say they did when
16 they reached the area of that home?

17 A He stated that when they got to the area
18 they drove around for a while.

19 He wasn't specific on the time. He
20 couldn't really give me an exact time.

21 He stated that when it was determined
22 that they were going to go into this dwelling, he
23 became very nervous. In other words, he lost his nerve.

24 Q That's what he told you?

1 A. That's what he told me.

2 He then told the two other named
3 individuals that he wished not to go through with the
4 incident, which they then dropped him off three blocks
5 from the dwelling.

6 Q Did he say what they did then after they
7 dropped him off?

8 A He stated a short while later -- again, he
9 was not specific on time -- but a short while later
10 he stated that the Green Lincoln, late model Lincoln
11 Continental, then returned to his location, again
12 with the other two named individuals, to retrieve
13 him from his location three blocks away.

14 He then entered the vehicle and
15 immediately noticed a little girl on the rear seat
16 of this vehicle along with several items, he states,
17 were fruits of the crime.

18 Q Did he describe any of those items as he
19 remembered them?

20 A He stated that specifically one of the
21 items was a white automatic coffee maker, similar
22 to a Mr. Coffee, but not a Mr. Coffee.

23 Q Did you have any conversation about who
24 had that item, where it was located?

1 A He indicated to me that he knew who now
2 possessed that item and who it was and where he was,
3 but he refused to go any further, which I did not
4 pursue at that time.

5 Q Did you have any conversation about what
6 the little girl was doing when he saw her when they
7 came back for him in this car?

8 A He described the little girl as, obviously,
9 frightened.

10 Her lip was bleeding and she was
11 pleading that she wanted to go home.

12 Q Now, did he -- what did he tell you next as
13 to what happened after they brought the little girl
14 back in the car?

15 A I'm sorry, could you repeat the question?

16 Q What if anything did he tell you after
17 they brought the little girl back in the car where
18 he was?

19 A He continued with the fact that they
20 proceeded back to the Aurora area to his residence,
21 where he states these two named individuals dropped
22 him off at the house, at his house, and then left.

23 Q According to what he was telling you
24 at that time, did he see the little girl again at any

1 time after that?

2 A He stated, no, he had not.

3 Q Is that inmate that you referred to
4 as Alex Hernandez present here in this courtroom
5 today?

6 A Yes, sir, he is.

7 Q Can you point to him, describe where
8 he's sitting, what he's wearing so the ladies and
9 gentlemen of the jury know who it is you are
10 referring to?

11 A From my location, he's on the left, front
12 desk, directly in front of the bench, wearing the
13 blue suit, light blue tie with the stripes, dark
14 hair.

15 MR. KNIGHT: Your Honor, may the record
16 reflect the identification of the defendant, Alejandro
17 Hernandez?

18 THE COURT: The record may so show identification.
19 BY MR. KNIGHT:

20 Q Approximately a week or ten days earlier
21 did you have occasion to have a conversation with
22 another inmate by the name of Ronnie Cruz, or Rolando
23 Cruz?

24 A Yes, sir, I did.

1 Q Do you remember the exact date of that
2 conversation?

3 A It was approximately a week or ten days;
4 I'm not certain exactly on the date itself.

5 Q About ~~what~~ time of day or night was that one?

6 A It was in the evening, around 7:00, 7:00 in
7 the evening.

8 Q And can you tell us what led to that
9 conversation that evening?

10 A Mr. Cruz requested to speak with me; that
11 it was very urgent, and, as he termed, he was about
12 to go off.

13 Q And was that the only conversation that
14 you had with him concerning the case or was there
15 another one either before or after that?

16 A There was one the day prior.

17 Q Okay.

18 This second conversation, then, that
19 he had just called to you, what you were talking
20 about now, what did you do when he asked to see you
21 that time?

22 A Well, again, when I spoke with him, he
23 indicated that he wanted to tell me information
24 reference this case.

1 And I again admonished him of his
2 rights, just as I had done with Mr. Hernandez.

3 Again, I cleared it with my deputy
4 chief and through the State's Attorney's Office.
5 But this time I told him that, again, I was extremely
6 busy, and that if he wanted to talk to me, such as
7 he did the day prior, I wanted him to get to the
8 point.

9 Q Was it a long conversation the day before?

10 A Yeah. It was lengthy.

11 Q What did he respond when you told
12 him you wanted him to get to the point this time?

13 A He said, fine. He understood his rights.
14 And he wanted to tell me that -- what he had told
15 me the day prior, he wanted me to just forget about it,
16 that it never happened.

17 Q Okay.

18 What did you say to that?

19 A Well, I told him, I said, well, okay, fine.
20 I guess I'll forget about it. What do you want to
21 talk to me about today?

22 He says, well, I want to tell you the
23 truth today.

24 Q And what did he say then?

1 A. He stated that on the day -- he was approached
2 one day in February of '83, and that some friends of
3 his asked him if he wanted to be involved in a
4 burglary, be involved in it. And he said, no,
5 he didn't want to.

6 And they told him that they had a
7 problem. They didn't have a vehicle, and they would
8 like to know if they could borrow his vehicle to use
9 in the commission of this felony.

10 And he stated, no. However, he would
11 then assist them in how to hot wire a vehicle. Then
12 they could gain possession of a vehicle to use.

13 Q Did he tell you that that's what he did?

14 A Yes, sir, he did.

15 Q All right.

16 And after he, according to what he was
17 telling you, showed them how to hot wire a vehicle,
18 what did he say was the next contact he had with these
19 individuals?

20 A The named individuals then approached him,
21 as he stated, two days later and asked him if he wanted
22 to have sex with a little girl.

23 And he said, no, he didn't want to --
24 he wasn't into that.

1 Q Did he tell you what they had told him
2 about -- if anything, about where this little girl
3 was?

4 MR. LAZ: I'm going to object at this point.

5 THE COURT: Overruled.

6 THE WITNESS: He stated that the little girl
7 was at the residence of one of the named individuals.

8 BY MR. KNIGHT:

9 Q And then did he say what happened after
10 he told them that no, he didn't want to be involved
11 in that?

12 A They left. There was no further conversation
13 at that time.

14 Q Is the man you have referred to as inmate
15 Ronnie Cruz, or Rolando Cruz, is he present here in
16 this courtroom today?

17 A Yes, sir, he is.

18 Q Can you point to him, describe where he's
19 sitting, what he's wearing so we know who it is you
20 are referring to?

21 A He's at the center, rear counsel table in
22 the light brown coat, brown tie, yellow shirt, dark
23 hair.

24 MR. KNIGHT: Your Honor, may the record reflect the

1 identification of the defendant, Rolando Cruz?

2 THE COURT: The record may show identification.

3 BY MR. KNIGHT:

4 Q Thank you, sir.

5 MR. KNIGHT: That's all I have on direct, your
6 Honor.

7 THE COURT: You may cross examine.

8 MR. JOHNSON: No, sir.

9 MR. LAZ: Judge, I'll defer to Mr. Wesolowski
10 first.

11 THE COURT: All right.

12 Mr. Wesolowski, any questions?

13

14

CROSS EXAMINATION

15

by: Mr. Wesolowski

16

17

Q Lt. you didn't know that the defendants
17 had been to court several times in June, prior to June?

18

A You're asking me if I knew or not?

19

20

Q Did you know that Alex Hernandez had been
20 to court several times prior to the date of this
21 conversation?

21

22

A Not specifically. I don't keep track of when
23 inmates go to court.

23

24

Q Exactly what day was this conversation?