

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF DU PAGE)

3
4 IN THE CIRCUIT COURT OF DU PAGE COUNTY
FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

5 THE PEOPLE OF THE STATE)
6 OF ILLINOIS,)

7 Plaintiff,)

8 -vs-)

9 STEPHEN BUCKLEY,)
10 ROLANDO CRUZ and)
ALEJANDRO HERNANDEZ,)
11 a/k/a ALEX HERNANDEZ,)

12 Defendants.)

DUPLICATE

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

BEFORE JUDGE KOWAL
AND A JURY

Friday, February 1, 1985,
9:30 o'clock A.M.

13
14 The trial of the above-entitled cause
15 resumed pursuant to adjournment.

16 PRESENT:

17 MR. KNIGHT

18 MR. KING

19 MR. JOHNSON

20 MR. LUND

21 MR. WESOLOWSKI

22 MR. LAZ

23 ERNEST C. SCOLA,
24 Official Court Reporter

1 But we do have some matters we'd
2 like to take up.

3 I think one was a matter --

4 THE COURT: Well, wait a minute.

5 You have no witnesses right now?

6 MR. KNIGHT: But, I mean, we have evidence
7 that I think -- the statement.

8 We'd like to read the one that
9 was admitted to the jury now. It's part of the
10 evidence.

11 I think we can do that now without
12 sending them out.

13 THE COURT: Fine.

14 You may proceed.

15 MR. KNIGHT: Okay.

16 THE COURT: That's 66-A.

17 MR. KNIGHT: 66.

18 I'll just check for a moment to make
19 sure.

20 THE COURT: Double check.

21 MR. KNIGHT: I will identify that this is --
22 I'm reading from People's Exhibit No. 66, the
23 transcript of the tape recorded statement referred
24 to by the witness Det. Kurzawa earlier today in his

1 testimony as a transcript of a conversation of May 10th,
2 1983.

3 "The time is --"

4 DK will be Det. Kurzawa.

5 RC will be Rolando Cruz.

6 "DK: The time is now

7 10:00 A.M. in the morning.

8 It's May 10, 1983. We're at the

9 DuPage County Sheriff's Office.

10 This is Detective Kurzawa. Present

11 with me is Rolando Cruz.

12 "Would you please spell your
13 name for me?

14 "RC: R-o-l-a-n-d-o C-r-u-z.

15 "DK: Okay. Do you have a
16 middle initial?

17 "RC: No, I don't.

18 "DK: Okay. And what's your
19 address, please?

20 "RC: 116 W. Galena, Aurora.

21 "DK: Okay. Do you have
22 a phone number?

23 "RC: Yes. It's 859-9515.

24 "DK: Okay. And one other

1 thing, would you please give
2 me your date of birth?

3 "RC: May 26, 1960.

4 "DK: Okay. You came into our
5 office last night, or you made a
6 phone call to our office, and you
7 were somewhat upset in regards to,
8 that you got shot at?

9 "RC: Yeah. I got shot at
10 again. Third time.

11 "DK: Okay. Have you had a
12 conversation with Alex Hernandez?

13 "RC: Yes, I did. About 30
14 minutes, an hour to 30 minutes
15 before.

16 "DK: Okay. What did Alex tell
17 you?

18 "RC: He started talking
19 and he started telling me how I knew
20 too much and then he touched me on
21 my head, behind where I messed up
22 my head in my accident, and he told
23 me, he goes 'Right here, right here
24 is where, bust her head, she got hit

1 with that bat,' And he goes,
2 'But I didn't do it,' he goes,
3 'I just finished it 'cause I was
4 getting blamed for it anyhow.'
5 And he goes 'But you know too much.
6 You know way too much.' And then
7 he looked at me, he just like smiled,
8 he goes, in a real funny voice he
9 goes "What good is a dead Chinaman?"
10 And I looked at him, I said, 'So,
11 you're the one, huh?' He just
12 looked and he just took off his way,
13 and I went my way. And I don't
14 know. I started walking around.
15 I didn't know what to do, and I just
16 went to the library and called over here.

17 "DK: Okay. Did he say
18 anything else to you, in regards
19 to the little girl from Naperville?

20 "RC: Yeah. He had told
21 me how he had to finish it but
22 that Emilio done something.

23 "DK: Okay. Now, this
24 Emilio, is he the guy? Where does

1 he live?

2 "RC: Behind Payless Shoes, on
3 uh, I don't know if it's Smith or
4 Spring Street, one of the two,
5 by an alley, upstairs.

6 "DK: What does the house look
7 like?

8 "RC: It's raggedy. I think
9 it's like a green, or a gray color?
10 I'm not really too sure. Steps on
11 the left-hand side, there's an alley
12 on the left-hand side. Steps all
13 raggedy, about, I don't know, I'd
14 say about three stories high, that's
15 pretty high, 'cause those ceilings are
16 real high in the house.

17 "DK: So, it's a big house?

18 "RC: Yeah, it's a real big house.

19 "DK: And with raggedy stairs
20 along the side?

21 "RC: Yes.

22 "DK: Okay. Did you ever
23 have a conversation with this
24 Emilio?

1 "RC: Yes, I did. Uh, we
2 talked about the case. He told me how
3 him and Ray were sniffing upstairs
4 in his house and that, Alex came
5 over with that girl and when he
6 came over, he told something to Emilio
7 about Emilio could have sex with her.

8 So, I guess Emilio took her in
9 the bedroom, in his bedroom, and started,
10 I don't know, he beat her up, I guess.
11 He knocked her out or something like
12 that; he said in order to make love to
13 her; she started yelling again and
14 started fighting him, I guess he beat her
15 up real bad and Ray got pissed about
16 it. And Ray was standing around
17 watching the whole thing, sniffing.
18 Ray told them 'Get that girl out
19 of here.' And Emilio hit her.
20 They say, Emilio told me with a bat,
21 he hit her.

22 "DK: Emilio said he hit
23 her with a bat?

24 "RC: Yeah. And Ray, Ray

1 just said 'Get this dumb girl out
2 of here,' you know, and called
3 her a couple of names, and --

4 "DK: What kind of names
5 did he call her? That's okay to say
6 it.

7 "RC: Bitch. Get this fucking
8 bitch out of here, man. Nobody needs
9 her. And uh, Ray kicked her. She
10 fell down the steps. Them are pretty
11 steep steps. They're all screwed
12 up as it is. And, Alex picked her
13 up, you know, like made her stand on her
14 feet. Took off with her. They got in
15 the car and left.

16 "I don't know what kind of car.
17 Emilio and Ray left, they went on
18 top of Thor Power Tools, and started
19 sniffing and, they went back to
20 Emilio's and Alex was there. They
21 asked him what, where that girl was
22 at and he said 'done got rid of her.'

23 And they just, I guess they all
24 sniffed.

1 I don't know.

2 "DK: Okay. So Emilio never
3 actually seen her dead?

4 "RC: No. Emilio didn't
5 see her dead. Neither did

6 "DK: Did Emilio hit her with
7 the bat?

8 "RC: Yeah. He hit her
9 with the bat. There's, 'cause, when
10 they showed me, they showed me right
11 on my head, said I swear you know,
12 I swear, and --

13 "DK: Okay. Emilio showed
14 you where? Or did Alex show you
15 where they hit her with the bat?

16 "RC: Alex showed me. Where it
17 was at, and Emilio told me with what
18 though.

19 "DK: Okay. Do you know where
20 that bat is at?

21 "RC: No, I don't.

22 "DK: And this happened in,
23 uh, Alex had brought the little girl
24 to Emilio's house. Emilio had sex

1 with her?

2 "RC: Yes.

3 "DK: Did he give you any
4 specifics on how, or, what he did?

5 "RC: No, I know he beat her,
6 that's about it, where he was,
7 I don't know how or nothing.

8 "DK: Okay. Was she tied up
9 or anything?

10 "RC: I don't know that.

11 "DK: Okay.

12 "RC: But I know Ray had
13 mentioned that her nose busted when
14 she fell down the steps, or before,
15 or something. I'm not really too sure
16 if it was before or after, but her nose
17 was busted.

18 "DK: Did Emilio say why he
19 started hitting her?

20 "RC: 'Cause she was crying and
21 yelling, and I guess she was rejecting
22 him or something. I really don't know,
23 but, she was yelling her head off.
24 He got sick of it so he started beating

1 the shit out of her.

2 "DK: So Emilio is the one who
3 hit her first?

4 "RC: Yeah.

5 "DK: That you know of. Did
6 Alex ever hit her?

7 "RC: No. Not, all I know is
8 Alex said that he just had to finish
9 it so I guess he did, but then, what
10 they told me was that Emilio was the
11 person that hit on her. Nobody else
12 had hit her. Just Emilio. And then
13 when Ray kicked her down the steps,
14 but Alex took off with her. She was
15 walking then.

16 "DK: Okay. Was anybody else
17 present when this happened? That you
18 know of?

19 "RC: No. Just them.

20 "DK: Okay, did they say if it
21 was light out, or dark out, when this
22 happened, or?

23 "RC: They didn't say but, I'm
24 pretty sure it was dark because, to go

1 on top of Thor Power Tools it has
2 to be dark out so nobody can see you
3 go up there, sneak in, 'cause they
4 got security guards and they'll arrest
5 you.

6 "DK: Okay, when you say they
7 were sniffing, you mean they were
8 sniffing like glue or paint?

9 "RC: They were sniffing paint.

10 "That's all they sniff. They
11 don't sniff no touelene.

12 "DK: Okay. Now this happened,
13 Alex told you this yesterday?

14 "RC: Yes.

15 "DK: You said about 30 minutes
16 prior to getting shot at?

17 "RC: Um-hum.

18 "DK: Okay. So today is the
19 10th. That would have been on the 9th?

20 "RC: The 9th. Yeah.

21 "DK: On Monday. What, about
22 what time did he say this to you?

23 "RC: Uh, I really don't know.

24 "DK: Well, was it evening or --

1 "RC: Yeah, it was in the
2 evening. It was probably about
3 8:30, 8:00 'cause I waited at the
4 library. That's where I called from,
5 it was about, the library closed
6 at 9:00, so I know it had to be
7 there, around there somewheres,
8 about 8:00, 8:30.

9 "DK: All right. When he
10 made this statement to you, was there
11 anybody with Alex?

12 "RC: No. And those people
13 on the streets, in cars, that's about
14 it. I started like, I raised my
15 voice at him, we started arguing about
16 it, and he was mad, you know. When
17 he was telling me, he was pissed off,
18 you know, like he just told me like,
19 yeah you know, I did it, you know, and
20 pushed my head real hard, like he tried
21 to squeeze it or something.

22 "DK: Did Alex walk there?

23 "RC: Did Alex go?

24 "DK: Did Alex walk when, was he

1 walking when he met you or did he
2 drive up in his car?

3 "RC: No. He was walking. He
4 was walking.

5 "DK: You said that there was,
6 when you got shot at, was there a car
7 involved in that?

8 "RC: Yes.

9 "DK: What kind of car was it?

10 "RC: Black one. A 98.

11 Before I thought it was a Chevy,
12 but I seen it close up today,
13 I mean yesterday, last night,
14 went right past it.

15 "DK: When Tom Vosburgh, Det.
16 Vosburgh, drove you by this car, or ...

17 "RC: Yes. He drove me by it.

18 "DK: And where was the car at?

19 "RC: In front of Ray's house.

20 "DK: When you say Ray, you mean
21 Ray Ortega?

22 "RC: Yes.

23 "DK: Okay. He lives on
24 Jefferson?

1 "RC: On Jefferson.

2 "DK: Okay.

3 "RC: I know Alex was there 'cause
4 I heard his voice. He started talking
5 about cops. And 'kill the
6 fucking cops,' or 'fucking cops,'
7 and he was saying about the same things
8 that he said about me.

9 "DK: Why do you think these
10 guys are telling you this stuff,
11 Rolando?

12 "RC: Well, they just tell me
13 'cause we're just friends, you know.
14 Well, like now he told me I know too
15 much, you know, and I figure he
16 figures to hell with it, you know,
17 a guy who doesn't, knows, you know,
18 we can get rid of him. He shot at me,
19 you know.

20 "DK: Have you been friends with
21 these guys for a long time?

22 "RC: Yeah. I've know them for
23 a long time. They, they never, we
24 never had no grudges against each other.

1 We're pretty good friends, to tell
2 you the truth. Real good friends.

3 "DK: Okay. So you know this Emilio,
4 who lives by the Payless Shoe Store,
5 and you know Ray Ortega, and do you know
6 Alex?

7 "RC: Yes. I know Alex also.

8 "DK: Okay. When I say Alex
9 Hernandez, you, based on our other
10 interview we had, you know who we're
11 making reference to, right?

12 "RC: Yes, I do.

13 "DK: Okay. Do you know where
14 Alex is living right now?

15 "RC: On Spring Street, His
16 father kicked him out. So he lives
17 on Spring. His father kicked him
18 out awhile ago 'cause when I went to
19 court, he wasn't even living at home
20 no more.

21 "DK: Do you know where at on
22 Spring Street?

23 "RC: No, I don't.

24 "DK: Okay, or who he's living

1 with?

2 "RC: No, well, he, his brother
3 told me, but I couldn't even pronounce
4 the name. Some Puerto Rican name. I
5 couldn't even pronounce it.

6 "DK: When Alex or Leslie brought
7 this little girl up to Emilio's
8 apartment or house, was there anybody
9 else in that apartment or house?

10 "RC: People downstairs most
11 likely, 'cause they're always home, all
12 the times I've been by there, I've
13 always seen them home. But uh,
14 upstairs I don't think there was, 'cause
15 Emilio's sister, she's against that
16 stuff.

17 "DK: Okay. Did they give
18 any specifics about how they hit her with
19 the baseball bat? Did they hit her hard?

20 "RC: No. He hit her once. That's
21 all I know.

22 "DK: Emilio hit her once?

23 "RC: Yep.

24 "DK: Did he hit her, did he say

1 if he hit her with it really
2 hard, or --

3 "RC: No. He didn't say. He just
4 said he got her once, real, you know.

5 "DK: He said he hit her once with
6 the bat?

7 "RC: Yeah. The bat broke,
8 I guess.

9 "DK: Uh-hum. Did he say that
10 to you?

11 "RC: Yeah.

12 "DK: That it broke?

13 "RC: Yeah.

14 "DK: Did he say what he did
15 with the parts to the bat, or where
16 these items are at right now?

17 "RC: No. He hasn't. I've
18 been asking him little questions like
19 that, you know, just curiosity, like
20 sure, where did it happen at, then,
21 you know, or where, this or that, like
22 trying to call their bluff in a way,
23 you know, like tell them they're lying
24 to me. They really don't say too much

1 about that. They just, they tell me.

2 "I don't know if they tell me
3 because they know that I don't know
4 too much, but I know a lot. Like they
5 told me but it's just my word. I mean,
6 they figure it ain't gonna help too
7 much, so, I don't know.

8 "DK: All right. Where, specifically,
9 did Emilio take the girl, once Alex
10 brought her up there?

11 "RC: In his bedroom. First room,
12 right when you walk in the door, look
13 straight across the room, and there's
14 another door. That's his bedroom,
15 right there.

16 "DK: Did he say that's where he
17 hit her with the bat?

18 "RC: No. In the living room.
19 When you first walk in, that first room.
20 'Cause she got up, Ray kicked her, that's
21 when she went down the steps, and
22 Alex went after her.

23 "DK: Okay. So she was hit with
24 the baseball bat in the living room,

1 you say?

2 "RC: Yes.

3 'DK: Okay. Did they take anything
4 off of the girl? Did he say?

5 "RC: I don't know. Well,
6 apparently he had to 'cause he said he
7 did, you know, make love to her. He
8 knocked her out, but --

9 "DK: Did he keep anything? From
10 the little girl?

11 "RC: I don't know.

12 "DK: Did they take anything
13 from the house, did they say?

14 "RC: No, he didn't say he
15 took anything from the house. They keep
16 saying that just Alex went to the house.
17 I don't know.

18 "DK: Okay. Can you think of
19 anything else you can tell me in regards
20 to this that maybe we didn't touch
21 on, or is that pretty much it?

22 "RC: No. That's all I can really
23 think of right now.

24 "DK: Okay.

1 "RC: Oh, I know. I remember that
2 when they were telling me like, they
3 were, everytime, I don't know if it means
4 anything but like everytime you can
5 tell, he was always real mad. Especially
6 Alex, like you know, they start raising
7 their voice about it, like they get
8 real pissed and they just want to do
9 something 'cause of that, you know, like
10 I don't know if they feel good 'cause
11 of that, think they got away, so they
12 can do it again or what, but like
13 they'll like urge him and Emilio but
14 Ray just, Ray just sits back and listens
15 and watches. I don't know. That's all
16 I was going to say.

17 "DK: Okay. This interview will be
18 concluded. It is now, I've got 10:14,
19 10:14 a.m."

20 And that completes the reading
21 of People's Exhibit 66, your Honor, which has been
22 admitted as evidence.

23 Is that correct?

24 THE COURT: That's correct.