

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)
8 Plaintiff,) No. 14 CR 15852(01)
9 vs.)
10 EMAD KARAKRAH,)
11 Defendant.)

12 REPORT OF PROCEEDINGS had at the hearing of
13 the above-entitled cause before the Honorable
14 EVELYN B. CLAY on the 7th day of January, A.D., 2015.

15 PRESENT:

16 HON. ANITA M. ALVAREZ, State's Attorney
17 of Cook County, by:
18 MS. CHERISE VALENTE,
19 Assistant State's Attorney
20 on behalf of the People;

21 HON. ABISHI C. CUNNINGHAM, JR.,
22 Public Defender of Cook County, by:
23 MS. KARIN TALWAR,
24 Assistant Public Defender
on behalf of the Defendant.

25 REPORTED BY;
26 Magdalena Perez, CSR 084-004569
27 Official Court Reporter

1 THE COURT: We have before the court Mr. Emad
2 Karakrah. Attorney's identify yourselves.

3 MS. VALENTE: Assistant State's Attorney Cherise
4 Valente.

5 MS. TALWAR: Assistant Public Defender Karin
6 Talwar on behalf of Mr. Karakrah.

7 THE COURT: All right. What kind of a date is
8 this today? Is this a status date or possible 402
9 conference? What's going on, Defense?

10 MS. TALWAR: We're asking for a 402 conference.

11 THE COURT: All right. Mr. Karakrah, I understand
12 you wish to have the Court conference your case; is that
13 correct?

14 DEFENDANT KARAKRAH: Yes.

15 THE COURT: What that means is the prosecutor will
16 tell me the facts of this case and your criminal
17 background if any. Your attorney will tell me facts about
18 your background that she deems relevant and helpful toward
19 disposition. After I've heard the facts of the case and
20 your background, I will then tell you what the sentence
21 would be should you decide to plead guilty. Now, if you
22 decline the Court's offer, you will not be able to get a
23 new judge assigned to your case.

24 Mr. Karakrah, do you understand all that I just

1 told you?

2 DEFENDANT KARAKRAH: Yes.

3 THE COURT: With that understanding do you still
4 wish to have the Court conference your case?

5 DEFENDANT KARAKRAH: Yes.

6 THE COURT: Very well. What we'll do is have the
7 prosecutor put the facts on the record and then we'll go
8 off record for the conference. There are three charges
9 here. Are we conferencing all three charges, State?

10 MS. VALENTE: Yes. The highest being a class
11 three felony, your Honor.

12 THE COURT: All right. State, what's the facts of
13 the case here?

14 MS. VALENTE: Certainly, Judge. In the facts,
15 Judge, do you also want at the conclusion of the facts
16 what the defendant's criminal history is?

17 THE COURT: Off the record.

18 MS. VALENTE: Okay. Got it.

19 THE COURT: Right now we're putting the undisputed
20 facts on the record and those facts are what I consider in
21 making my offer.

22 MS. VALENTE: Okay. That's what I wanted to ask
23 before I gave the proffer.

24 THE COURT: Yes.

1 MS. VALENTE: Your Honor, we believe that the
2 evidence would show that on August 27th of 2014 at
3 approximately 9:15 in the morning this defendant was
4 driving his vehicle. He was flying a large flag outside
5 of the window that appeared to be a modified Palestinian
6 national flag. The flag had been modified by writing in
7 some type of black ink or marker the word I-S-I-S on the
8 white field. Officer's from the Chicago police department
9 attempted to stop the defendant's vehicle and instead he
10 led the police on a high speed chase at some points going
11 between an estimated 80 to 90 miles per hour on the city
12 streets, going through traffic lights, and various things.

13 The defendant eventually did stop his car when he
14 ran out of gas. He parked it on the sidewalk near a fuel
15 station. He got out of the car. He had his hands raised
16 and said to the officer's, "He don't have nothing", that
17 would be his quotation. At which point once the defendant
18 was placed into custody and was asked what was in the car,
19 he said to the officer's, "There's a bomb in the car. Go
20 look for it", necessitating evacuating the area cordoning
21 it off, calling a bomb squad, and conducting a sweep of
22 the car explosive devices were in fact found.

23 I do have a copy of a photograph of the flag as
24 well as some other evidence that was recovered from the

1 seat the defendant was sitting on. There appears to be
2 some type of metal bracelet with spikes on it and two
3 appear to be switchblade knives that I would like to
4 tender to the Court for purposes of the conference.

5 THE COURT: All right.

6 MS. TALWAR: Judge, my understanding -- If I may?

7 THE COURT: All right. Yes.

8 MS. TALWAR: -- is that in response to a question
9 of what do you have in the car it was, there's a bomb go
10 look for it. It wasn't exactly -- It was in response to a
11 question.

12 THE COURT: You're saying it wasn't a voluntary
13 statement?

14 MS. TALWAR: No. What I'm saying is I think the
15 -- I mean one of the problems with statements or things is
16 that you don't have a tone. So when I read that, I
17 thought it could possibly be a flippant kind of, Oh. Yeah.
18 There's a bomb in the car. Go look for it. Especially
19 since he already said I don't have anything.

20 MS. VALENTE: And, Judge, just to be clear there's
21 nothing from the preliminary transcript that was held with
22 Counsel from the Public Defender's Office having gotten
23 discovery. Not this counsel obviously, but another one.
24 There was nothing about the officer's tone at the prelim

1 or anything in the reports that indicated the officer's
2 from the police department took it flippantly since they
3 cordoned off the area, had a bomb squad come and the
4 defendant had modified terrorist flag hanging from his car
5 and led them on a high speed chase. So I don't believe
6 that the police in any fashion viewed this to be anything
7 as flippant or anything less than extremely serious, which
8 is why he was then in fact charged, and we believe we can
9 sustain the class three and class four felony.

10 MS. TALWAR: I agree that they obviously took it
11 very seriously.

12 THE COURT: Very well. Obviously. So those two
13 takes on that statement is spread of record. All right.
14 Now we'll go off the record.

15 (Discussion held off the record.)

16 THE COURT: All right. We're passing the case for
17 more information.

18 (The matter was passed and recalled,
19 after which the following
20 proceedings were had:)

21 THE COURT: All right. Mr. Karakrah is again
22 before the court. We started a 402 conference earlier and
23 I inquired as to the probation sentence that the defendant
24 served in New Mexico; is that right? And that would have

1 been again -- What year is that '09?

2 MS. TALWAR: '99.

3 THE COURT: And I inquired as to whether or not
4 that was completed satisfactorily.

5 MS. VALENTE: Judge, I did actually speak to both
6 somebody from the D-A's office out in Dona Ana County New
7 Mexico as well as their adult probation. This was
8 actually a jury trial where the defendant was only found
9 guilty of the lesser count of fourth degree felony. And
10 from their review of the computer system neither the D-A's
11 office nor adult probation was able to find any indication
12 that a violation had been filed or that his probation had
13 been revoked in any fashion.

14 THE COURT: All right. So no indication of a
15 violation ever filed.

16 MS. VALENTE: Correct.

17 THE COURT: All right.

18 MS. VALENTE: They couldn't tell me the
19 terminology that it had been terminated satisfactorily or
20 unsatisfactorily because their system didn't go back that
21 far, but they indicated there was absolutely no violations
22 filed and no revocations from what that could see.

23 THE COURT: All right. So I believe there is a
24 clear presumption that it was terminated satisfactorily

1 according to all of these terms. All right. Off the
2 record.

3 (Discussion held off the record.)

4 THE COURT: The Court has concluded the 402
5 conference and the Court has extended an offer to
6 Mr. Karakrah. Does your client wish to accept the Court's
7 offer?

8 MS. TALWAR: Yes.

9 THE COURT: Is that correct, Mr. Karakrah?

10 DEFENDANT KARAKRAH: Yes.

11 THE COURT: First of all, I must advise you that
12 if you're not a citizen of the United States, you are
13 hereby advised that a conviction on this offense that you
14 want to plead guilty to may have the consequences of
15 deportation, exclusion from admission to the United States
16 or denial of naturalization under the laws of the United
17 States. Do you understand, sir?

18 DEFENDANT KARAKRAH: Yes.

19 THE COURT: Do you still wish to go forward with
20 your acceptance of Court's offer?

21 DEFENDANT KARAKRAH: Yes, ma'am.

22 THE COURT: Again, before I take your plea I must
23 advise you of the nature of the charges that you're
24 pleading guilty to and the range of penalties for each of

1 them. You're charged with one count of -- Well, count one
2 is the charge of giving a false bomb alarm. Let's see the
3 proper title for that. That's a class 3 offense.
4 Officially it's called disorderly conduct in that you
5 issued a false bomb or gas threat. And that's a class
6 three felony offense.

7 In Illinois the penalty for violation of a class
8 three criminal statute ranges from probation to
9 incarceration. The incarceration range on a class three
10 felony charge is 2 to 5 years in the Illinois Department
11 of Corrections and that period of imprisonment will be
12 followed by one year of parole and parole is now called
13 mandatory supervised release.

14 And now on the second count, the count of
15 aggravated fleeing and eluding the police, that's a class
16 four felony offense. In Illinois the penalty for
17 violation of a class four criminal statute ranges from
18 probation to incarceration. The incarceration range on a
19 class four felony offense is 1 to 3 years in the Illinois
20 Department of Corrections. And that period of
21 incarceration will be followed by one year of parole and
22 parole again is now called mandatory supervised release.

23 Now in your case, you may be eligible for an
24 extended sentence on that New Mexico conviction of

1 18 months probation. It certainly was not a misdemeanor;
2 is that correct?

3 MS. VALENTE: It was not, Judge.

4 THE COURT: All right. That is not clear, but
5 it's a possibility that you could be extended up to six
6 years on this class four felony offense based on that New
7 Mexico conviction being the same class as this class 4
8 charge of aggravated fleeing the police. Do you
9 understand, Mr. Karakrah?

10 DEFENDANT KARAKRAH: Yes.

11 THE COURT: Now do you understand all that I just
12 told you, the nature of the these charges. You're charged
13 with a class three giving a false alarm and that's
14 disorderly conduct and a class four aggravated fleeing the
15 police. And the range of penalties for a three and four
16 would be probation to incarceration. On a three it's 2 to
17 5. On a four it's 1 to 3 and you possibly could be
18 extended up to six years. And those periods of
19 imprisonment on three and four would be followed by one
20 year of parole.

21 Mr. Karakrah, do you understand all that I just
22 told you about the nature of these charges that you wish
23 to plead guilty to and the range of penalties that apply?

24 DEFENDANT KARAKRAH: Yes.

1 THE COURT: With that understanding do you still
2 wish to accept the Court's offer and plead guilty to these
3 two charges?

4 DEFENDANT KARAKRAH: Yes.

5 THE COURT: Mr. Karakrah, when you plead guilty to
6 a charge, you give up certain constitutional rights that
7 you have. One of those rights is your right to trial by
8 jury. Do you know what kind of trial that is, a jury
9 trial?

10 DEFENDANT KARAKRAH: Yes.

11 THE COURT: You have a right, Mr. Karakrah, to
12 have that kind of trial. Are you giving up your right to
13 have a jury trial, sir?

14 DEFENDANT KARAKRAH: Yes.

15 THE COURT: The Court accepts both your oral and
16 your written waivers of your right to have a jury trial.
17 You also have a right to have a written report of your
18 background available to the Court before sentence is
19 imposed on a felony charge. Now that written report is
20 called a presentence investigative report. Are you
21 waiving your right to have that presentence investigative
22 report available to the Court today?

23 DEFENDANT KARAKRAH: Yes.

24 THE COURT: The Court accepts both your oral and

1 your written waivers of your right to have the presentence
2 investigative report.

3 Further, Mr. Karakrah, when you plead guilty to a
4 charge, you give up your right to have a trial of any
5 kind. You give up your right to confront the witnesses
6 that would brought into court against you at trial and to
7 have your attorney cross-examine those witnesses. You
8 also give up your right to put on any defense to these
9 charges if you wanted to do that. Do you understand?

10 DEFENDANT KARAKRAH: Yes.

11 THE COURT: Are you pleading guilty voluntarily of
12 your own free will?

13 DEFENDANT KARAKRAH: Yes.

14 THE COURT: Did anyone force you to accept the
15 Court's offer?

16 DEFENDANT KARAKRAH: No.

17 THE COURT: Is there a stipulation that the Court
18 heard the factual basis to support the plea of guilty and
19 that the factual basis is on the record?

20 MS. VALENTE: Yes.

21 MS. TALWAR: Yes.

22 THE COURT: Mr. Karakrah, the Court accepts your
23 plea of guilty to the charges of disorderly conduct and
24 aggravated fleeing and eluding the police and the Court

1 finds you guilty. The Court enters judgment of guilty.

2 Further, the Court finds that you were advised of
3 your rights and that you understand them. That you were
4 advised of the nature of these charges and the range of
5 penalties. The Court finds that your plea is voluntary
6 and that there is a factual basis to support the plea of
7 guilty.

8 Is there anything else in aggravation, State?

9 MS. VALENTE: Your Honor, you did spread of record
10 his prior conviction. The only thing I would ask is to
11 note that we did ask for the five years Illinois
12 Department of Corrections.

13 THE COURT: Is there anything else in mitigation?

14 MS. TALWAR: Your Honor, he is 49-years-old. He's
15 lived in the United States since 1982. He has a seventh
16 grade education in Palestine. He was working as a truck
17 driver and has been trying to be continuously employed.
18 He has two children. There was an issue with the child
19 support which would not allow him to renew his driver's
20 license so he was in I guess a bad state with not being
21 able to work, but then not being able to get his driver's
22 license to pay off the child support. No one was injured.
23 There was no damage to property. His previous conviction
24 was 15 years ago and he doesn't appear to have any other

1 background that I'm aware of.

2 THE COURT: All right. Mr. Karakrah, is there
3 anything you wish to say before sentence is imposed?

4 DEFENDANT KARAKRAH: No, ma'am.

5 THE COURT: You're hereby sentenced to 24 months
6 of probation on count 1 and 2 concurrently and you are to
7 spend eight months in Cook County jail. You have credit
8 of 134 days time considered served against that jail time.
9 You have to pay ten dollars per month probation fee.

10 Now that you've been sentenced judgment of guilty
11 has been entered and I must now advise you of your
12 appellate rights. You do have the right to appeal this
13 sentence and the judgment of guilty. However, before you
14 can appeal you must first file a written motion with this
15 court. That must be done within the next 30 days. That
16 would either be a motion seeking reconsideration of this
17 sentence or a motion seeking to take back your plea of
18 guilty. If this court allows you to take back your plea
19 of guilty, then the prosecutor will be allowed to
20 reinstate the original three felony charges against you
21 and then of course there would have to be a trial.

22 If you cannot pay for today's transcript, the
23 court will provide this transcript to you free of cost and
24 appoint counsel for purposes of appeal upon a finding that

1 you are indigent. Now you should include in the motion I
2 just told you about any claim of error that you believe
3 that occurred in this proceeding otherwise such claim of
4 error will be deemed waived for purposes of appeal if it's
5 not in that motion.

6 Good luck to you, Mr. Karakrah. The adult
7 probation officer representing this courtroom will speak
8 with you today to give you the information that you need
9 to start serving this sentence of probation after you've
10 completed the eight months of Cook County jail portion of
11 this sentence.

12 DEFENDANT KARAKRAH: Thank you.

13 THE COURT: Do you understand?

14 DEFENDANT KARAKRAH: Yes, ma'am.

15 THE COURT: All right. Cook County mittimus to
16 issue and did he sign off on the probation specks.

17 MS. VALENTE: No, I didn't. I'm sorry.

18 THE COURT: That's all right.

19 MS. VALENTE: Judge, we are making a motion for
20 reimbursement of county funds.

21 THE COURT: The State's motion for reimbursement
22 of county funds expended on the Public Defender that was
23 assigned to this case, that motion is denied. The
24 appointment was based on indigency and the Court will not

1 require this defendant to reimbursement the county.

2 MS. VALENTE: Thank you, Judge.

3 (Conclusion of today's proceedings.)

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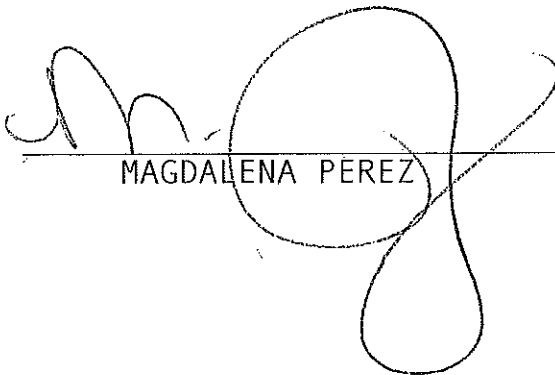
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2) SS.
3 COUNTY OF C O O K)

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5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT-CRIMINAL DIVISION

7 I, MAGDALENA PEREZ, an Official Court
8 Reporter of the Circuit Court of Cook County, County
9 Department-Criminal Division, do hereby certify that I
10 reported in shorthand the evidence had in the
11 above-entitled cause and that the foregoing is a true
12 and correct transcript of all the evidence heard before
13 the HONORABLE EVELYN B. CLAY, Judge of said court.

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MAGDALENA PEREZ

Dated this 3 day
of February, 2015.