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ex 12

MAR 17 2003

CLERK OF CIRCUIT COURT #41  
BE IT REMEMBERED AND CERTIFIED, that heretofore on  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

1 to-wit: The 30th day of October, 1997, said cause entitled  
2 as hereinabove set forth, came on for hearing before the  
3 Madison County Grand Jury, at the Courthouse, in the City of  
4 Edwardsville, Madison County, Illinois.  
5

6 WHEREUPON the following proceedings were held of  
7 record, to-wit:

8 COURT CONVENED: November 7th, 1996.

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10 (Witness was sworn.)

11 MICHAEL HOOKS

12 called as a witness herein, having been duly sworn,  
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MRS. JENSEN:

16 MRS. JENSEN: Could you state your name, please?

17 THE WITNESS: Michael Hooks.

18 Q. And where do you live?

19 A. Alton, Illinois.

20 Q. Okay. Mr. Hooks, my name is Susan Jensen, I am  
21 an Assistant State's Attorney in Madison County, Illinois.

22 So the grand jurors can note, you are presently in  
23 custody, is that correct?

24 A. Yes, it is.

1 Q. And that is with the Illinois Department of  
2 Corrections?

3 A. Yes.

4 Q. And I assume that that is for a felony  
5 conviction?

6 A. Yes.

7 Q. And what is that for?

8 A. Possession of controlled substance.

9 Q. Okay. And you are due to be released shortly,  
10 is that correct?

11 A. That's correct.

12 Q. Okay. The grand jury is investigating the death  
13 of Nekemar Pearson. Did you know him?

14 A. Yes, I did.

15 Q. And are you familiar with any of the  
16 circumstances surrounding his disappearance or the last time  
17 he was seen?

18 A. Somewhat.

19 Q. Okay. Directing your attention to the summer of  
20 1995, did you have occasion to come upon an incident  
21 involving Mr. Pearson and some other men?

22 A. Yes, I did.

23 Q. Okay. Could you tell us about when that was,  
24 and what time of the day?

1 A. It was around, I would say six or seven,  
2 something like that. Getting close to dark.

3 Q. And do you remember about when it was during the  
4 summer?

5 A. Not exactly.

6 Q. Okay. Where were you?

7 A. I was coming up on Powahattan Street, I had  
8 turned off of Clausen on to Powahattan.

9 Q. Okay. Were you heading in any particular, to any  
10 particular place?

11 A. Just out riding.

12 Q. Okay. And what did you observe when you came  
13 around the corner?

14 A. As I came around the corner, I observed Nekemar  
15 Pearson and Brian and another guy. And I observed them  
16 arguing, they was arguing about something. I got out of the  
17 car to see what they was arguing about.

18 Next thing I know, they started jumping on Nekemar.

19 Q. Okay. And the people jumping on him were Brian,  
20 do you know Brian's last name?

21 A. No, I don't know Brian's last name.

22 Q. Okay. And someone that you don't know?

23 A. Someone I don't know.

24 Q. Okay. Was he a black male? White male?

1 A. Black.

2 Q. Okay. Had you ever seen him around?

3 A. I had never seen him before.

4 Q. Okay. And was there anybody else there?

5 A. Yes, I can't think of his name right now.

6 Q. Well, why don't you think about it real hard,  
7 because I think you know who it is.

8 (Short pause in proceedings.)

9 A. I think his name is James, but they call him  
10 something else. He go by another name him.

11 Q. Where does he live?

12 A. He lives on Powahattan.

13 Q. And what kind of a house, can you describe his  
14 house?

15 A. I don't know for sure if he stays, I know his  
16 mother's house. His mother's house has got a fence, red  
17 house.

18 Q. It is a red house?

19 A. Yes, with a fence.

20 Q. In reference to where this fight was going on,  
21 where was his mother's house?

22 A. Right there, it was, they was fighting in between  
23 two houses, between his mother's house and another house.

24 Q. Okay. Did you hear what any of the conversation

1 was about?

2 A. Not exactly.

3 Q. Not exactly. Do you remember parts of it?

4 A. Well, no, I didn't really hear what was going on,  
5 as far as the argument. I didn't hear what was going on.

6 Q. Okay. What happened after that?

7 A. After they was arguing for so long, they started  
8 jumping on him. And then he fell to the ground. They  
9 started stomping on him.

10 After that, I got back in my car. And after I got  
11 in the car, I heard a, you know, gunshot. And as I was  
12 pulling, then I pulled off, and I heard a second gunshot.

13 Q. Okay. Where did the gunshots come from?

14 A. I assume it came from over there. I didn't see  
15 exactly, you know, when I observed the fight I did not see  
16 nobody with a gun. But after I jumped in the car, I heard.

17 Q. That is where you thought the gunshots came from?

18 A. Yes, that is where I thought the gunshots came  
19 from.

20 Q. Did you see anything as you were driving away?

21 A. No, I hurried up and drove off after I hear the  
22 first gunshot.

23 Q. Okay, you didn't look back or look over to see  
24 what was going on?

1 A. Not at all.

2 Q. Did you know Brian?

3 A. Yes.

4 Q. Did you know James?

5 A. Yes.

6 Q. But you didn't know the third person?

7 A. No, I did not.

8 Q. Did you hear anything afterwards about what

9 happened, from either one of those people?

10 A. No, I didn't hear nothing from neither one of

11 them.

12 Q. Did you see Nekemar Pearson any time after that?

13 A. No, not once.

14 Q. Any questions?

15 Q. Do you know whether there had been any problems

16 between James and Nekemar Pearson before this fight?

17 A. Yes, there was going around town that Nekemar had

18 robbed James, had stolen, had stuck him up for his stereo,

19 his car stereo, some speakers, and some money, or whatever.

20 Q. Okay. And did James know that Nekemar had done

21 that? Or was supposed to have done that?

22 A. Yes, it was supposed to have been Nekemar and

23 another fellow that did it.

24 Q. Okay. Anything else? Okay, that's all.