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Douglass Park Police Brutality Case set for March 25

Submitted by Local Yocal on March 20, 2008 - 5:13am

Local Interest

Douglass Park Police Brutality Case set for March 25

From the IMC Newsroom

URBANA- Pre-trial motions were heard yesterday in the case against Brian Chesley, a Champaign teenager who was 17 last March 30, when 4 Champaign Police officers; patrol officers Shannon Bridges, Justus Clinton, Andre Davis, and Sgt. David Griffet, beat and pepper sprayed Chesley, sending the youth to the hospital after a police stop in Douglass Park. Circuit Court Judge John Kennedy ruled on six defense pre-trial motions and two pre-trial motions filed by the state and has set the jury trial for next Tuesday, March 25, at 9:00 a.m. in Courtroom E.

Brian Chesley is being charged with one count of Resisting a Peace Officer filed in May of 2007. After Chesley refused an offer from the state's attorney's office for adult diversion (the defendant must plead guilty to qualify for adult diversion), prosecutors added a second charge of Obstructing a Peace Officer nearly a year after the incident. Both criminal charges are Class A misdemeanors and if found guilty, Chesley faces maximum sentences of 364 days in jail, 2 years of probation, and a \$2500 fine for each charge.

The Kirchner Law Office, representing Chesley, first motioned for a public trial. Defense attorney Ruth Wyman said the defense is concerned members of the public may be denied entrance to the courtroom during what is expected to be an all-day trial. Judge Kennedy ruled that the court is given discretion to prevent distractions during verbal testimony. The defendant's right to a public trial is not hindered by the court's refusal to allow members of the public from walking in and out of the courtroom whenever

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they feel like it. Kennedy said the public will be allowed in the courtroom before the trial is to commence and during any recesses that occur in mid-trial.

The Defense motioned to have the new charge of Obstructing a Peace Officer to be dismissed, reasoning that walking away from a police officer does not qualify as an obstruction preventing the police from performing their official duty. Judge Kennedy refused to drop the additional charge, observing the state is alleging Chesley's act of walking away hindered Officer Andre Davis' investigation.

Defense Attorney Wyman pressed further for the state to produce any new information or evidence relating to the new charge against Chesley. Assistant State's Attorney Robert Scales said all the evidence against Chesley was disclosed to the defense in August of 2007. Kennedy agreed that the new charge is based on the same set of police reports and there exists no new evidence for the defense to obtain.

In an unusual move, Defense attorneys motioned for the names and addresses of potential jury members to be provided 3 days before the trial. Wyman said the defense will need to know if any potential jury members live near the Douglass Park area, and what will be the racial mix of the jury. Judge Kennedy considered the 3-day notice ahead of time to be authorizing an invasion of the jurors' privacy, and that the usual one-day notice is sufficient, declaring also that issues about the juror's residence and race can be addressed during jury selection.

The Defense filed a sweeping motion to have all heresay evidence barred from the jury's consideration, citing heresay evidence would prejudice the jury against the defendant. When Judge Kennedy asked Wyman to be more specific, Wyman said it was a concern that Officer Davis' description of events of March 30 to METCAD dispatch is prejudicial, and Wyman noted officers claimed to have overheard comments made by Brian Chesley's mom at the hospital.

Judge Kennedy agreed with Wyman that most of what officers talk about in their cars is heresay and irrelevant to proving what happened. But Kennedy found the motion to be too broad and issues of heresay would have to be dealt with at trial. Wyman countered that objected testimony can still influence a jury despite instructions to the jury to disregard such comments. Kennedy said he can't anticipate what will be considered heresay testimony, and denied the motion anyway.

This misdemeanor case may have over 17

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witnesses subpoenaed to testify. "An unheard of number for a misdemeanor case," said Prosecutor Robert Scales. Judge Kennedy agreed with the Defense that all the witnesses should not be allowed to discuss the case with one another and should be excluded from the courtroom.

Prosecutor Scales then asked the court to require the Defense to provide all names and addresses of the witnesses the Defense plans to call. Judge Kennedy denied the state's motion, calling it "unnecessary".

Scales then asked all evidence and testimony relating to what Brian Chesley thought to be unlawful acts on the part of police officers be barred from the jury to hear. Scales argued that the courts have held there exists no legal justification to resist a police officer even if the officer's actions were later determined to be unlawful. Scales said that what Chesley believed at the time, therefore, is irrelevant to whether Chesley resisted police officers or not. Kennedy denied the state's motion, finding Chesley's understanding of police officer's commands is relevant to Chesley's intent on the night of March 30, 2007.

Defense Attorneys for Chesley stated for the record that all four Champaign Police officers will be subpoenaed to testify.

People v. Brian Chesley
March 25, 2008
9:00 a.m. in Courtroom E.

[3792 reads](#)

Wednesday 9am

Submitted by Brian Dolinar on March 25, 2008 - 8:15pm.

The trial of Brian Chesley begins Wednesday 9am in Courtroom E.

Slated to testify are Andre Davis, Shannon Bridges, and Justice Clinton, the three Champaign police involved in the beating.

Also to testify are Michael LaDue and Gina Jackson, city council reps who witnessed the aftermath as well as Chief RT Finney and Sgts. Griffet and Murphy and many members of the Douglass Park community.

Today another all-white jury was picked.

See you in court.

Peace, BD

[reply](#)

Wednesday lunch recess

Submitted by Brian Dolinar on March 26, 2008 - 11:52am.

Its lunch recess, Wednesday.
This morning consisted of opening arguments and lengthy testimony by Andre Davis.
Justice Clinton and Shannon Bridges will testify this afternoon.

BD

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Thursday afternoon the last

Submitted by Brian Dolinar on March 27, 2008 - 6:30pm.

Thursday afternoon the last witnesses appeared.

9am Friday: ground rules with judge and lawyers

10am: closing arguments before jury.

Should be verdict by Friday afternoon.

BD

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A Sad Day For Police/Community Relations

Submitted by Local Yocal on March 29, 2008 - 12:20am.

Despite the numerous inconsistencies of the 3 officer's testimonies, and the numerous witnesses that saw what they saw, the jury convicted Chesley on both counts as Judge Kennedy favored the prosecution and limited the evidence and scope of inquiry into the incident.

Sentencing is set for May 9, 2008 at 9:00 a.m, in Courtroom E.

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