

No. 81-1339

Dept. No. AZ-C

IN THE COOK COUNTY COURTHOUSE OF THE STATE OF ILLINOIS  
THE HONORABLE JACKSON E. RISLING, DISTRICT JUDGE

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THE STATE OF ILLINOIS	>	PARTIAL TRANSCRIPT
	>	
Plaintiff,	>	OF PROCEEDINGS
	>	
vs.	>	November 9-12, 1981
	>	
SAMUEL ADAMS	>	
	>	
Defendant.	>	
	>	

CHARGE: Aggravated Assault

APPEARANCES:

For the People: Marcia J. Stankiewicz  
Assistant District Attorney

For the Defendant: Patrick D. Boyle  
Public Defender's Office

Reported by: Sarah Martin-Conley, C.S.R. #4447

### The Prosecution

The Defendant, Mr. Samuel Adams, was charged with the crime of aggravated assault for the stabbing of Michael Zemp. Zemp owed Adams money, so he set up a time and place to meet and talk about the debt. The two men sat at a corner table in the back of the Jackson tavern. During what became a heated discussion, Zemp accidentally pushed the table into Adams, who fell to the floor. At that point, a fight broke out. The State believes that Adams then stabbed Zemp in the stomach with a piece of broken glass, with intent to injure, and should be found guilty.

The first witness for the prosecution was Hal Simon, a bartender at the tavern the night of the incident. Simon testified that he heard a loud argument. He went to check it out, but when he got to the back of the tavern, the table was turned over and several men were fighting. Through all the confusion, Simon managed to notice Michael Zemp doubled over on the floor, bleeding.

Testimony was next received from Dr. Jeffrey Peterson, a resident at the local community hospital. Dr. Peterson testified that Zemp suffered from abdominal lacerations resulting from two stab wounds. At present, Zemp is weak and unable to physically exert himself.

Michael Zemp also testified. Zemp explained that he and Adams met by pre-arrangement at the Jackson Tavern, and that he, Zemp, had insisted on a public meeting to prevent a fight from breaking out. Zemp said that, at one point, he accidentally pushed the table forward with his knees, knocking it into Adams and forcing him to the ground. Adams was furious and screamed as he fell. At that point, several other customers in the bar came to see what all the commotion was about. A fight then broke out, others joined in, and there was a great deal of confusion. Before he knew it, Zemp was knocked to the ground, bleeding, with a sharp pain in his stomach. All he could remember from then on was waking up in a hospital bed.

The next witness was police officer James Thompson. When he arrived on the scene, Thompson saw Adams and others in the parking lot. Adams was looking shaken and disoriented. Hal Simon immediately pointed at Adams and yelled, "He just stabbed a guy in my bar!" When confronted with the charge, Adams flatly denied it, claiming that although he hit Zemp, he did not--and could not--have stabbed him. Adams was very upset, and his right hand was bruised and cut.

After Hal Simon accused Adams, Officer Thompson put Adams under arrest, read him his rights, and took him to the police station for questioning. After about an hour, Adams confessed. He said he was drinking, Zemp had provoked him, and everything was very confusing. Seeing broken glass on the floor, and being "pissed off" about the situation, Adams admitted that he stabbed Zemp in the stomach.

The State closed its case by arguing that the evidence compelled

the conclusion that Adams brutally stabbed Zemp in the heat of an argument because he was angry.

### The Defense

The defense argued that Adams was not guilty. Zemp had pushed him to the ground, he said, and threatened to beat him, but he did not stab the man.

The first witness for the defense was Steven Jackson, proprietor of the Jackson Tavern. Jackson testified that Zemp is the one who called to make sure that there was a back table available on the night of the fight. On cross-examination, Hal Simon, the bartender, admitted that he never actually saw the stabbing, but he did hear Adams scream. He described the fight as "out of control."

The Defendant testified that he went to the bar because Zemp owed him money. The defendant said Zemp got angry and refused to repay the loan. According to Adams, Zemp shoved the table at him, knocked him to the ground, and challenged him to a fight. Adams said that he was scared because at 6'1" and 210 pounds, Zemp is bigger than he is and was in a state of rage. Before he knew it, others jumped in to break up the scuffle, but it got worse. According to Adams, someone in the crowd--not him--stabbed Zemp in the stomach. "I would never do such a thing," he said. "I've never even been arrested before." When asked about his confession, Adams explained that he was interrogated at a time when he was upset and vulnerable. The next morning, he withdrew the confession and claimed his innocence.

Under cross-examination, Michael Zemp admitted to the defense that he had been drinking that night and had confronted Adams in a "direct manner." The defense then cross-examined Officer Thompson. Thompson reported that the Defendant did not resist arrest or try to escape. He also described Adams as "shaking" and "disoriented."

Summarizing its case, the defense argued that Adams feared for his life and simply called for help to protect himself. The two men were hidden in a back corner of the bar, and Zemp was in a state of rage and becoming physical. When the fight broke out, someone--not Adams--stabbed Zemp in the stomach. The defense concluded that the State had failed to prove its case beyond a reasonable doubt and that the jury should submit a verdict of not guilty.

### Instructions to the Jury

Members of the jury. You have now heard the relevant facts in this case. The defendant is being tried for aggravated assault. However, he claims that he did not commit this crime. Bear in mind that the defendant is presumed innocent and that the burden of proof is on the prosecution to convince you of his guilt beyond a reasonable doubt. You will now retire to deliberate and arrive at a verdict.