



URBANA — A Champaign County jury is set to continue deliberations today in the case of a man accused of discharging a firearm outside a business and unlawfully possessing weapons during the past summer.

Herbert Shah, aged 27, with an address listed on Leeper Drive in Champaign, faces charges stemming from over a year ago. Specifically, he was charged with aggravated discharge of a firearm for allegedly firing shots at an individual in the parking lot of Hollywood Liquors, located at 512 S. Neil St., Champaign, on June 22, 2019.

Shah also faces two counts of unlawful possession of weapons by a felon, one involving the firearm he purportedly used that day and another firearm found at his residence approximately a week later.

Due to a prior felony conviction, Shah is prohibited from possessing firearms.

The jury, consisting of nine women and three men, deliberated for around seven hours on Thursday but did not reach verdicts on all three counts. Judge Randy Rosenbaum allowed them to return home for the night.

Early in their deliberations, jurors sought clarification on the definition of "possession" and requested transcripts of testimony from two witnesses.

The trial commenced on Tuesday afternoon and concluded on Wednesday, with Assistant State's Attorney Kristin Alferink presenting 16 witnesses in support of the state's case.

Chicago attorney Cierra Norris, representing Shah, opted not to call any witnesses on his behalf. Instead, she raised doubts about the state's case through her cross-examination of the prosecution's witnesses.

Witnesses testified that shortly before 7 p.m. on the relevant Saturday, they observed two men engaged in an altercation in the parking lot of the strip mall. They reported hearing or seeing multiple gunshots, followed by a man with a walking cast fleeing north and then east down an alley near the Fat City bar. Surveillance video from Jet's Pizza, adjacent to the liquor store, captured the person in question.

One witness, situated across Neil Street in the Dunkin Donuts parking lot, was watching the altercation when a man in a white shirt allegedly brandished a firearm and discharged it in the direction of an SUV. The witness recorded the altercation but ceased recording upon hearing gunshots and taking cover. One witness described the gun as black or dark gray,

while another claimed to have seen the man in the white shirt using a pink firearm to fire at a parked SUV. All witnesses indicated that the shooter fled north, in alignment with a third person who heard the shots but did not witness the act itself.

An employee of Hollywood Liquors mentioned hearing gunshots but did not witness the shooting. Moments before the incident, a store camera recorded two men, both wearing white shirts, engaged in a verbal exchange. Gunshots were heard shortly after the men, along with a woman, exited the store.

Champaign police detectives Cully Schweska and Corey Phenicie reported that, following their initial response to the shooting, they received anonymous information from a man and woman, leading them back to the area later that evening. On the roof of Fat City, northeast of the shooting location, Schweska discovered a pink Ruger handgun equipped with an extended magazine.

Crime scene technicians collected several projectiles and bullet casings from the parking lot near the SUV, which a state crime lab analyst confirmed as originating from the pink Ruger. They also discovered at least four bullet holes and a damaged window in the SUV.

Shah's girlfriend testified for the state, identifying herself and Shah in the video recorded by the witness across the street. On that day, Shah was reportedly wearing a white shirt, jeans, a white ball cap, and a walking boot. She claimed not to know the other man in the video, who was later identified as the alleged victim of the shooting. She also could not recall whether Shah had a dispute with him or if he accompanied her home that day.

When confronted with a recorded statement she had given to Phenicie shortly after the shooting, in which she mentioned an exchange between the man and Shah in the store, she stated that she did not remember making such a statement. She also claimed not to recall any threats from the man via social media.

Shah's parole agent testified that Shah was indeed wearing a walking boot during their June 2019 meeting.

After identifying Shah as a suspect, the police obtained a search warrant for his Leeper Drive residence. They executed the warrant on June 28 and discovered a Smith & Wesson revolver on the front passenger floorboard of a car in the garage. Mail addressed to Shah was also found in the vehicle.

Furthermore, Alferink presented evidence from a state crime lab analyst who stated that Shah "could not be excluded" as a contributor of DNA found on both the pink Ruger and the Smith & Wesson. However, the scientist noted the presence of DNA from other individuals on both firearms.

Norris emphasized the ambiguity and inconclusiveness of the DNA evidence, contending that the state had not met its burden of proof. She also argued that the man alleged to be

the target of the shooting was not called as a witness, as he had declined to testify in court, according to a Champaign police officer. Similarly, the SUV driver, who was unable to identify the shooter, was not called as a witness.

Norris further argued that the witness across the street was never presented with a photo lineup. Alferink defended this decision, as the witness had previously stated that he did not get a clear view of the shooter's face.

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