

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MARYLAND

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3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 vs.) CRIMINAL NO.: JKB-17-106
6 MAURICE KILPATRICK WARD, JR.,)
7 Defendant.)
8

9 Transcript of Proceedings
10 Before the Honorable James K. Bredar
11 Friday, July 21st, 2017
12 Baltimore, Maryland

13 For the Plaintiff:
14 Leo J. Wise, AUSA
15 Derek E. Hines, AUSA

16 For the Defendant:
17 Paul Enzinna, Esquire

18 Also Present: Nikki Martin, U.S. Probation
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Christine T. Asif, RPR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

1 THE COURT: Good afternoon. Be seated, please.

2 Mr. Wise, you may call the case.

3 MR. WISE: Thank you, Your Honor. The case is
4 United States of America versus Maurice Kilpatrick Ward,
5 criminal number JKB-17-106. And we're here this afternoon for
6 re-arraignment on the indictment.
7

8 THE COURT: Thank you. Mr. Enzinna.

9 MR. ENZINNA: Your Honor, Paul Enzinna for Maurice
10 Ward.

11 THE COURT: Thank you. And, sir, are you Maurice
12 Ward?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And Mr. Enzinna, if you and your client
15 would move up to the forward podium I would appreciate it. A
16 multi-count indictment was returned against this defendant on
17 February 23rd of this year. The defendant appear bed before a
18 magistrate judge of this court on March the 2nd, entered pleas
19 of not guilty. It's my understanding today that the defendant
20 is here because he wishes to change his plea on Count 1 to
21 guilty. Is that your understanding, Mr. Enzinna?

22 MR. ENZINNA: Yes, it is, Your Honor.

23 THE COURT: Mr. Ward, is that what you want to do?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Please swear the defendant.

1 THE CLERK: Good afternoon, Mr. Ward.

2 (Defendant sworn.)

3 THE DEFENDANT: Yes, ma'am.

4 THE CLERK: Thank you. Please state your full name
5 for the Court.

6 THE DEFENDANT: Maurice Kilpatrick Ward, Jr.

7 THE CLERK: Thank you. You don't need to bend over.
8 That microphone will pick you up.

9 THE COURT: When were you born.

10 THE COURT: XX/XX/1980.

11 THE COURT: And how old are you now?

12 THE DEFENDANT: 37.

13 THE COURT: Have you received a copy of the
14 indictment that was returned against you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you feel like you understand it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I want to review Count 1 in particular
19 with you because that's the count you tell me you want to
20 plead guilty to today; right?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you have a copy in front?

23 MR. ENZINNA: Yes, sir.

24 THE COURT: All right. Let's go over it together.
25 Charges you with racketeering conspiracy in violation of 18,

1 United States Code, Section 1962(d). This is a very lengthy
2 count, many, many paragraphs. It begins by describing the
3 enterprise that is at the center of this alleged criminal
4 scheme. And that enterprise is the Baltimore Police
5 Department, which this indictment goes on to contend, at least
6 an element of, which was a criminal enterprise.

7 On page 2, the grand jury tells us the purpose of
8 the enterprise, the legitimate purpose of it, of course, is to
9 operate as a police department. Do the things that police
10 departments are all expected to do; protect and preserve life,
11 protect property, serve the people of Baltimore.

12 On Page 3, begins a description of the defendant's
13 in this case. An identification of them, including you
14 defined in paragraph 12, Detective Maurice Kilpatrick Ward
15 joined the BPD on October 8, 2003 and was assigned to the gun
16 task force that we're talking about here, on or about June
17 13th of 2016.

18 Page 4, the indictment tells us the purposes of the
19 defendants, which was various illegal things like enriching
20 themselves through illegal conduct, extortion, robbery, time
21 and attendance fraud. And then formal charging language is
22 set out further down page 4, I'll read that for you word for
23 word.

24 It reads like this: Beginning on a date unknown to
25 the grand jury, but at least by in or about 2015, through on

1 or about the date of this indictment, which of course is the
2 23rd of February of 2017, in the District of Maryland and
3 elsewhere, the defendants, and seven individuals are named
4 there, including you Maurice Kilpatrick Ward, being persons
5 employed by and associated with the BPD, an enterprise which
6 engaged in and the activities of which affected interstate and
7 foreign commerce, together with persons known and unknown to
8 the grand jury, did knowingly, intentionally, and unlawfully
9 combine, conspire, confederate and agree to violate Section
10 1962(c) of Title 18, United States Code, that is to conduct
11 and participate directly and indirectly in the conduct of the
12 enterprise's affairs through a pattern of racketeering
13 activity, consisting of multiple acts indictable under: And
14 then three statutory schemes are set out. The first is the
15 federal scheme prohibiting wire fraud. The second is the
16 Maryland state code provisions prohibiting robbery. And the
17 third is the Maryland state code prohibiting extortion by
18 state or local government officers.

19 The count goes on from there to describe in some
20 significant detail the alleged means and methods of the
21 conspiracy. The things that different conspirators did to
22 accomplish specifically the criminal objectives that the group
23 had.

24 And then, finally, on page 6 we begin the most
25 lengthy section of the count, titled "Overt Acts." And this

1 goes on for many paragraphs, detailing the grand jury's
2 accusations as to specific acts committed by members of the
3 conspiracy in furtherance of the conspiracy.

4 Overt acts charging Mr. Ward, Mr. Wise?

5 MR. WISE: Overt Acts 24 through 27, which relate to
6 the robbery and extortion of a victim identified by the
7 initials M.M. Overt Act 70, which relates to an overtime
8 submission that was false. Overt Act 73, which also relates
9 to time and attendance fraud. And then Overt Act 85 through
10 87, which relate to the robbery and extortion of a victim
11 identified by the initials S.S.

12 THE COURT: So turning to Overt Act 24, there the
13 grand jury alleges that on or about June 24, 2016, Sergeant
14 Jenkins and Detectives Hendrix and Ward, acting in their
15 capacities as police officers entered a residence where M.M.
16 was staying with a SWAT team. When SWAT left Jenkins Ward,
17 and Hendrix remained to execute a search warrant. Jenkins
18 asked M.M. how much money he had in the house. And M.M. told
19 him he had money in the upstairs bedroom.

20 Next Overt Act 25, M.M. then took Jenkins Ward, and
21 Hendrix to the upstairs bedroom, showed them a shoe box that
22 contained \$10,000. The officers then sent M.M. downstairs and
23 remained in the room.

24 Overt Act 26, Jenkins, Ward and Hendrix stole
25 approximately \$2,000 from the shoe box that contained \$10,000.

1 They also stole \$15,000 from a boot in the bedroom that also
2 contained approximately 50 grams of heroin, but left the
3 heroin. 27, Jenkins, Ward, and Hendrix did not submit the
4 \$2,000 from the shoe box that they stole to BPD, and did not
5 submit the \$15,000 that they stole from M.M.'s boot to BPD.

6 Overt act No. 70, Ward submitted an individual
7 overtime report for July 23, 2016, where he falsely claimed to
8 have worked on a, quote, mandatory 12-hour shift, close quote,
9 from 3:00 p.m. to 11:00 p.m., and then overtime from 11:16
10 p.m. to 3:15 a.m. on July 23rd, 2016. Jenkins approved the
11 individual overtime report. Ward was in, fact in the vicinity
12 of his home in Middle River, Maryland, outside of Baltimore
13 City, for the entire day of July 23, 2016. Ward signed the
14 report under the affirmation that quote, "We certify that the
15 overtime hours reported herein are authorized were, in fact,
16 worked and are correct," close quote.

17 Overt act No. 73. Hendrix, Taylor, and Ward went on
18 vacation in the Dominican Republic from August 5 to 9, 2016,
19 Hendrix, Taylor, and Ward failed to request time off for
20 vacation, and instead were paid for their assigned shift 8:00
21 a.m. to 4:00 p.m. on August 8 and 9, 2016.

22 85. On or about September 7, 2016, Sergeant Jenkins
23 and Detectives Gondo, Hersl, Rayam, Taylor, and Ward, in their
24 capacity as police officers, stopped S.S. as he attempted to
25 leave the parking lot of a storage facility in Baltimore City.

1 Taylor told S.S. that they had a warrant to search his storage
2 unit when, in fact, they did not. Hersl, Jenkins, and Rayam
3 then went into S.S.'s storage unit and took a sock containing
4 \$4,800 from the unit and took \$2,000 from it. Rayam then gave
5 the sock now containing only \$2,800 back to S.S. and told him
6 to leave.

7 Overt Act 86. At the scene of the incident, inside
8 a BPD vehicle, Rayam described to Gondo how he told Jenkins
9 that he had only taxed S.S. a little bit, referring to only
10 stealing some of S.S.'s cash and not because they had arrested
11 S.S. Quote, "he -- meaning S.S. -- won't say nothing to other
12 law enforcement authorities." Rayam also told Gondo that he
13 had to give quote, "Wayne," close quote, referring to Wayne
14 Jenkins, quote, "a hundred dollars," close quote, of the cash
15 stolen from S.S.

16 Overt Act 87. To conceal the robbery and extortion
17 Sergeant Jenkins and Detectives Gondo, Hersl, Rayam, Taylor,
18 and Ward did not prepare an incident report regarding the
19 arrest. Sergeant Jenkins and Detectives Gondo, Hersl, Rayam,
20 Taylor, and Ward did not submit to BPD the money stolen from
21 S.S.

22 Mr. Ward?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How do you plead to that charge I just
25 detailed for you, guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: Before I can accept your guilty plea I
3 must ask you a number of questions and consider the answers
4 that you give me in response to those questions. So please
5 listen carefully and respond as best you are able. If at any
6 time you need to speak to your attorney, just indicate that
7 you need a moment to do that. And we will pause and allow you
8 to confer with him. Are you with me?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that you're now under
11 oath and that if you answer any of my questions falsely your
12 answers may later be used against you in another prosecution
13 for perjury or for making a false statement?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: How far did you go in school?

16 THE DEFENDANT: Graduated high school.

17 THE COURT: Are you having any trouble understanding
18 me today?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you been treated recently for any
21 mental illness or drug addiction or alcohol addiction?

22 THE DEFENDANT: No, sir.

23 THE COURT: Are you currently under the influence of
24 any drug or medication or alcohol?

25 THE DEFENDANT: No, sir.

1 THE COURT: Mr. Enzinna, any question in your mind
2 as to whether or not your client's competent to proceed
3 today.

4 MR. ENZINNA: No, sir.

5 THE COURT: Mr. Ward, have you fully discussed the
6 charges in the indictment and the case in general with your
7 lawyer.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you fully satisfied with the legal
10 representation that you've received from him?

11 THE DEFENDANT: Very much.

12 THE COURT: Do you believe that he's given you good
13 advice?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you believe that he has been a
16 zealous and effective legal advocate on your behalf?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I understand there's a plea agreement in
19 the case, Mr. Wise?

20 MR. WISE: Yes, Your Honor.

21 THE COURT: Mr. Enzinna?

22 MR. ENZINNA: Yes, Your Honor.

23 THE COURT: It will be marked as the Government's
24 Exhibit No. 1. It will be received at the conclusion of these
25 proceedings. Directing everyone's attention now to page 8.

1 Mr. Wise, did you sign there and bind the government
2 to the terms of this plea agreement?

3 MR. WISE: I did, Your Honor.

4 THE COURT: Over to page 9. Mr. Ward, please read
5 to me the paragraph that immediately precedes your signature?

6 THE DEFENDANT: "I have read this agreement
7 including the sealed supplement and carefully reviewed every
8 part of it with my attorney. I understand it and voluntarily
9 agree to it. Specifically, I have reviewed the factual and
10 advisory guidelines stipulations with my attorney. I do not
11 wish to change any part of it. I am completely satisfied with
12 the representation of my attorney."

13 THE COURT: Is that your statement, Mr. Ward?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is it true?

16 THE DEFENDANT: Yes.

17 THE COURT: Did you sign right afterwards to
18 indicate that you adopt this statement?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Mr. Enzinna, did you sign the plea
21 agreement as well, after the standard statement for defense
22 counsel in this context?

23 MR. ENZINNA: Yes, Your Honor.

24 THE COURT: Mr. Ward, did you have an opportunity to
25 read and discuss the plea agreement with your lawyer before

1 you signed it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you fully reviewed each and every
4 term of that plea agreement with your lawyer?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand your plea agreement?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Under the terms of the plea agreement, I
9 understand that the defendant's agreed to plead guilty to
10 Count 1. I further understand that the government, at the
11 time of sentencing, will move the Court to dismiss any other
12 counts naming this defendant and will agree that they will not
13 otherwise prosecute the defendant in relation to the
14 activities that are generally referred to in this indictment.

15 In addition, I understand that both sides have
16 reserved the right to make the sentencing recommendations and
17 arguments that they think are appropriate at the time of
18 sentencing. The sealed supplement to the plea agreement is
19 also a part of the agreement. We'll discuss the sealed
20 supplement separately under seal.

21 Have I correctly summarized the plea agreement, Mr.
22 Wise?

23 MR. WISE: You have, Your Honor.

24 THE COURT: Mr. Enzinna?

25 MR. ENZINNA: Yes, Your Honor.

1 THE COURT: Most importantly, Mr. Ward, have I
2 correctly summarized your plea agreement?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you agree that the Government's
5 Exhibit No. 1, together with the sealed supplement, sets out
6 the entire agreement that you've made with the government, and
7 that there are no other agreements or promises or deals or
8 anything like that that have been made here?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Has anybody made any promises or
11 assurances that are not in the plea agreement or the sealed
12 supplement, to try to get you to plead guilty and take this
13 deal?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody made any threats or used any
16 force or violence against you or somebody close to you in
17 order to try to persuade you to plead?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you understand that the Court is not
20 a party to the agreement, this is between you and the
21 government?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that to the extent the
24 terms of the plea agreement allow the parties to make
25 sentencing recommendations to the Court, that while I will

1 consider those recommendations, I can reject them without
2 permitting you to withdraw your plea of guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that I might impose a
5 sentence that's more severe than that which you might be
6 expecting?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: So are you pleading guilty of your own
9 free will because you're guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The offense to which you're proposing to
12 plead guilty is a felony offense. If I accept your guilty
13 plea you will be adjudged guilty of that offense. And that
14 adjudication may deprive you of valuable civil rights, such as
15 the right to vote, the right to hold public office, the right
16 to serve on a jury, the right to obtain or keep certain
17 benefits like student loans or public housing, the right to
18 obtain certain permits and licenses, and the right to possess
19 any kind of a firearm. Do you understand that you may lose
20 all those rights if you plead guilty?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Immigration status advisement necessary,
23 Mr. Wise?

24 MR. WISE: No, Your Honor.

25 THE COURT: Mr. Enzinna, do you believe your client

1 is indeed a U.S. citizen.

2 MR. ENZINNA: Yes, Your Honor.

3 THE COURT: Maximum possible penalty for this
4 offense, Mr. Ward, is 20 years in prison, did you know that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that if you're ordered
7 incarcerated that as part of your sentence you will be ordered
8 to serve a term of supervised release with a maximum term of
9 three years after you're released from incarceration?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that while you're on
12 supervised release you'll be subject to supervision and that
13 you'll be required to comply with certain conditions?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that if you violate
16 the terms and conditions of supervised release, that you could
17 be returned to prison for a term that may be as great as the
18 term of supervised release, and that upon return to prison you
19 may not be given credit for your street time?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that you may be
22 required to pay a fine with a maximum amount of \$250,000 as an
23 additional consequence if your guilty plea is accepted?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that the Court may

1 also order you to pay restitution to any victim of your
2 offense?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Forfeiture, Mr. Wise?

5 MR. WISE: No, Your Honor.

6 THE COURT: Mr. Ward, do you understand that if you
7 are currently on probation, parole, or supervised release, or
8 if you were at the time of the offense to which you're
9 pleading guilty, you may be subject to the imposition of
10 additional incarceration for violation of that probation,
11 parole, or supervised release, in the court that originally
12 imposed that sanction, as a result of your conviction in this
13 case in this court, you follow me?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are we backing up any time anywhere, Mr.
16 Enzinna?

17 MR. ENZINNA: No, Your Honor.

18 THE COURT: Do you understand that you must pay a
19 special assessment of \$100 if your guilty plea is accepted?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that the Court may
22 order you to provide notice of your conviction to certain
23 third parties, including victims or potential employers,
24 people like that, if your guilty plea is accepted?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand all these possible
2 consequences of your guilty plea?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Your sentence will be determined by the
5 Court after consulting the United States Sentencing
6 Guidelines, which are advisory, after considering possible
7 departures from those guidelines, as permitted in federal
8 sentencing law, and after considering other sentencing factors
9 that are set out in Title 18 of the United States Code,
10 Section 3553(a). Have you and your lawyer talked about how
11 the Federal Sentencing Guidelines likely apply in your case?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Direct your attention to page 4 of your
14 plea agreement, the Government's Exhibit No. 1. This document
15 that you've signed, the government signed, your lawyer signed,
16 all of you together are telling me here that you believe and
17 suggest the base offense level is 20. That there should be a
18 five-level upward enhancement to reflect the fact that you
19 were armed when these offenses were committed. A two-level
20 upward adjustment to reflect the fact that physical restraint
21 was employed to facilitate commission of the offense. Next, a
22 one-point increase to reflect the loss of greater than
23 \$20,000. Next, the parties all agree that this crime by you
24 involved an abuse of a position of trust, that's a two-level
25 increase. And then everybody agrees, including you, that

1 you're subject to a two-level increase for obstructing or
2 impeding the administration of justice. All of that brings us
3 to a grand total of 32 criminal offense levels. Both sides
4 tell me that they believe the defendant should receive a
5 three-level downward adjustment to reflect his acceptance of
6 responsibility. That would leave us at an offense level of
7 29.

8 Mr. Enzinna, do you believe there's any prior
9 criminal history.

10 MR. ENZINNA: No Your Honor.

11 THE COURT: So offense level 29, Criminal History
12 Category I, that would carry with it an advisory guidelines
13 range of 87 to 108 months.

14 Mr. Ward, have you heard about numbers like that
15 before?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And have you been through the Federal
18 Sentencing Guidelines carefully with your lawyer to see how
19 these guidelines get computed and how the Court is accordingly
20 advised?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has your lawyer gone over this little
23 chart with you that I've got in my hand, which shows offense
24 levels down the left side, Criminal History Categories across
25 the top, and allows you to go down and then over and figure

1 out which range applies to you, at least in your lawyer's
2 opinion?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that the Court will
5 not be able to finally determine the guidelines range for your
6 case until after the presentence report has been completed,
7 and after you and the government have had an opportunity to
8 challenge the computation, the reported facts, and the
9 proposed application of the guidelines by the probation
10 department?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that any criminal
13 history you may have will affect the computation of your
14 sentencing guidelines?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that in addition to
17 considering the Sentencing Guidelines and any departures from
18 the guidelines, that under 18, United States Code, Section
19 3553(a), the Court will apply additional factors that are set
20 out there, and then may impose a sentence that's either
21 greater or lesser than that specified by the Sentencing
22 Guidelines and any departures thereunder?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that the sentence
25 ultimately imposed might be different from any estimate that

1 your lawyer may have provided to you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that parole's been
4 abolished, and if you are sentenced the a term of
5 incarceration you're not going to be released on parole,
6 because there is no parole in the federal system?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Ordinarily, when a person's convicted of
9 an offense in federal court they have a right to appeal their
10 conviction, did you know that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: They also have a right to appeal their
13 sentence, did you know that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: But under the terms of this plea
16 agreement that you've signed and submitted to me, together
17 with your lawyer and the government's lawyer, you tell me that
18 you waive or give up your right to appeal your conviction, and
19 that you waive or give up your right to appeal your sentence
20 all as part of this deal; is that true?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Ward, do you understand that you're
23 not required to plead guilty in this case?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that you have the

1 right to plead not guilty to any offense charged against you
2 and then to persist in that not guilty plea?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that if you pled not
5 guilty you would then have the right to a trial by jury?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that your lawyer and
8 the government's lawyer would assist me in selecting 12
9 members of the community, who would be brought into this
10 courtroom, seated right over here in this jury box to your
11 left, and who would serve as your jury?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that at trial you
14 would be presumed to be innocent, and that the government
15 would be required to prove your guilt beyond a reasonable
16 doubt to the unanimous satisfaction of the jury. And if the
17 government couldn't do that, you couldn't be convicted in the
18 case?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that at trial, and
21 every other critical stage of the proceedings in your case,
22 you are entitled to the assistance of a competent attorney, to
23 assist you, to advise you, to represent you, and to advocate
24 for you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that if you cannot
2 afford an attorney one will be appointed to represent you at
3 no cost to you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Appointed or retained?

6 MR. ENZINNA: Appointed, Your Honor.

7 THE COURT: So, in fact, that's already happened in
8 this case, Mr. Enzinna was appointed to represent you and has
9 been doing so faithfully and you haven't had to pay him
10 anything; true?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that during your trial
13 you would have the right to see and hear all the witnesses,
14 and that you and your lawyer would be permitted to question or
15 cross-examine all the witnesses testifying against you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that you would have
18 the right to present the testimony of your own witnesses, and
19 if those witnesses would not come to court voluntarily you
20 would be permitted to subpoena them and force them to come to
21 court?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that you have the
24 right to present the testimony -- do you understand, first of
25 all, that you have the right to testify yourself during a

1 trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that you would also
4 have the right to decline to testify, and that if you did so
5 decline, the fact that you did not testify during your trial
6 could not be held against you in any way?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: In fact, do you understand that if you
9 elected to present no defense at all at trial that could not
10 be held against you?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that if you were
13 convicted after a trial you could appeal that conviction to a
14 higher court?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that after you enter a
17 plea of guilty, if that plea is accepted by the Court, there
18 will be no trial and you will have waived or given up your
19 right to a trial, as well as the other rights associated with
20 a trial as I've just been describing them to you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I want to explain to you now what we
23 call the essential elements of this offense. These are things
24 the government would have to prove in order for you to be
25 convicted in this case, are you with me?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: First of all, they'd have to prove this
3 misconduct occurred between 2015 and February 23rd of 2017.
4 Second, they'd have to prove that the misconduct occurred, at
5 least in part, in the state and district of Maryland. Third,
6 they'd have to prove that an enterprise existed as alleged in
7 the indictment. Fourth, they'd have to prove that the
8 enterprise affected interstate or foreign commerce. And
9 fifth, they'd have to prove that you were associated with or
10 employed by the enterprise. And sixth, and maybe most
11 importantly, they'd have to prove that you knowingly and
12 willfully became a member of this criminal conspiracy.

13 Do you understand that these are the essential
14 elements of the offense. And if the government could not
15 prove each and every one of these elements beyond a reasonable
16 doubt, to the unanimous satisfaction of the jury, you could
17 not be convicted on that count?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Before I can accept your guilty plea, I
20 must be satisfied that there is a factual basis for it. So
21 please now turn to a document labeled Attachment A, comes at
22 the very back of the Government's Exhibit No. 1, the plea
23 agreement. Got that document in front of you?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Seen it before?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Read every single word of it?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Gone over it carefully with your
5 attorney?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is it true?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Wise, you may proffer your factual
10 basis for the plea of guilty.

11 MR. WISE: Thank you, Your Honor.

12 The defendant Maurice Kilpatrick Ward joined the
13 Baltimore Police Department, an agency of the state of
14 Maryland, whose jurisdiction covers Maryland's largest city,
15 Baltimore, on October 8th, 2005. The BPD constituted an
16 enterprise as defined in Title 18, United States Code, Section
17 1961(4). The BPD engaged in and its activities affected
18 interstate commerce.

19 The Gun Trace Task Force, or GTTF, was a specialized
20 unit within the Operational Investigation Division of the BPD.
21 The primary mission of the GTTF was the tracking and tracing
22 of recovered firearms in order to identify and suppress the
23 possession, purchasing, and trafficking of illegal firearms
24 within Baltimore City. And to assist with the investigation
25 and prosecution of firearms related offenses. Ward was

1 assigned to the GTTF on or about June 13th of 2016.

2 The purpose of the BPD was to protect and preserve
3 life, protect property, understand and serve the needs of
4 Baltimore City's neighborhoods, and to improve the quality of
5 life in Baltimore City. The purposes of Ward and his
6 co-defendants included violating the legitimate purposes of
7 the BPD in order to enrich themselves through illegal conduct,
8 including extortion, robbery, and time and attendance fraud.

9 Among the means and methods by which Ward and his
10 co-defendants and others pursued their illegal purposes were
11 the following: Detaining individuals and stealing money,
12 property, and narcotics from them; entering residences and
13 stealing money, property, and narcotics from the owners and
14 occupants of those residences; conducting traffic stops of
15 vehicles and stealing money, property, and narcotics from the
16 vehicle occupants; swearing out false affidavits to obtain
17 search warrants in order to steal money, property, and
18 narcotics; preparing false and fraudulent official incident
19 and arrest reports, reports of property seized from arrestees
20 and charging documents, to conceal the fact that Ward and his
21 co-defendants stole money, property, and narcotics from
22 individuals; and finally, defrauding the BPD and the state of
23 Maryland by submitting false and fraudulent time and
24 attendance records in order to obtain salary and overtime
25 payments for times when Ward and his co-defendants did not

1 work.

2 Ward agrees that he associated with the enterprise
3 described in the indictment, and knowingly became a member of
4 the conspiracy described in the indictment. Ward admits that
5 he participated in the robberies listed in Attachment A, the
6 factual statement to his plea agreement, among others.
7 Further, Ward admits he was armed with his BPD service firearm
8 during the commission of these robberies; that individual
9 victims of the robberies were physically restrained to
10 facilitate the commission of the offense; and that he authored
11 false and fraudulent incident reports and other official
12 documents, or failed to do so, in order to conceal his and his
13 co-defendants criminal conduct and otherwise obstruct justice.

14 On or about February 17th, 2016, Ward, Jenkins, and
15 Taylor, acting in their capacity as police officers, arrested
16 a victim, who we're referring to with the initials R.B., after
17 chasing him on the street. Ward and Taylor stole
18 approximately \$500 from R.B. when they searched him. To
19 conceal the robbery from authorities, Ward authored a false
20 incident report for the arrest of R.B. Above his signature
21 Ward certified that, quote, I affirm and declare that the
22 statements above are true to the best of my knowledge, end
23 quote. Jenkins approved the report. In that statement Ward
24 and Jenkins did not disclose that \$500 had been seized from
25 R.B. Ward and Taylor did not submit to BPD the money they

1 stole from R.B.

2 On or about March 22nd, 2016, Hendrix, Jenkins,
3 Taylor, and Ward, acting in their capacity as police officers,
4 conducted a traffic stop and arrested a victim identified by
5 the initials O.S. Following the arrest of O.S., Hendrix,
6 Jenkins, Taylor, and Ward entered O.S.'s residence. Hendrix,
7 Jenkins, Taylor, and Ward stole approximately \$200,000 from a
8 safe they opened, and from two bags they seized, and property
9 including a Breitling men's wristwatch valued at \$4,000 from
10 the location. Following the search, Hendrix, Jenkins, Taylor,
11 and Ward went to Taylor's house, where Jenkins gave Ward and
12 Hendrix and Taylor a portion of the money stolen from O.S.
13 Ward received approximately \$20,000.

14 On or about June 24th, 2016, Hendrix, Gondo,
15 Jenkins, and Ward, acting in their capacity as police
16 officers, entered a residence where M.M. was staying, and they
17 entered with SWAT team. When SWAT left Jenkins, Ward, and
18 Hendrix remained to execute a search warrant. While Hendrix
19 and Ward were searching a bedroom, Hendrix found a quantity of
20 cash which he stole. Later that day Hendrix gave Ward a
21 portion of the cash he stole from M.M.

22 On or about August 24th, 2016, Ward, Jenkins, Gondo,
23 Rayam, Hendrix, and Hersl, acting in their capacity as police
24 officers, conducted a traffic stop of A.F. and detained him.
25 While A.F. was detained, Hendrix stole cash from him. Hendrix

1 later gave some of the cash that was taken from A.F. to Ward.
2 To conceal the robbery from authorities Ward and Hendrix did
3 not prepare an incident report or statement of probable cause
4 regarding the traffic stop. Hendrix and Ward did not submit
5 to BPD the money they stole from A.F.

6 Ward routinely submitted false and fraudulent
7 individual overtime reports. On these reports Ward falsely
8 certified that he worked his entire regularly assigned shift
9 when he did not, and that he worked additional hours for which
10 he received overtime pay, when in truth in fact he had not
11 work all and in some cases any of those overtime hours. Ward
12 engaged in these practices with the approval of and at the
13 direction of his co-defendant Sergeant Jenkins.

14 As the officer in charge of the GTTF and the unit
15 that Ward served in prior to joining the GTTF, Jenkins
16 instructed Ward and his co-defendants when to arrive for work,
17 in many cases hours after his regular shift began. And also
18 instructed Ward and his co-defendants how much overtime to
19 claim. Including routinely directing them to claim more
20 overtime than they had actually worked. This degree of
21 coordination was necessary in order to conceal from BPD that
22 the GTTF was overbilling for overtime.

23 Specifically, it was necessary that the members of
24 the GTTF submit individual overtime reports for the same hours
25 to create the illusion that Ward and his co-defendants, who

1 were working as a unit, were actually working. Ward submitted
2 false and fraudulent overtime reports for himself and for his
3 co-defendants, who were members of the GTTF, with their
4 knowledge and at their direction. His co-defendants also
5 submitted false and fraudulent individual overtime reports
6 with his knowledge and at his direction on Ward's behalf.

7 The practice at the GTTF was that if a subset of the
8 GTTF had a gun arrest, all members of the GTTF, regardless of
9 whether they had actually participated in the arrest, would
10 submit individual overtime reports as if they did. On some
11 occasions this occurred when Ward and his co-defendants were
12 not working at all on the day of the arrest. In that
13 circumstance, it was necessary for one of his co-defendants to
14 submit the individual overtime report for Ward, or for Ward to
15 do it for one or more of them. In submitting false and
16 fraudulent individual overtime reports, Ward acted with the
17 intent to defraud the BPD and the citizens of the state of
18 Maryland.

19 THE COURT: If there was a trial in this case, Mr.
20 Ward, could the government prove those facts?

21 THE DEFENDANT: Yes.

22 THE COURT: In conducting proceedings under Rule 11
23 of the Federal Rules of Criminal Procedure in every case this
24 court proceeds to an in camera segment, the transcript of
25 which is sealed, in order to determine the content of the

1 sealed supplement to the plea agreement. This portion of the
2 proceedings is sealed. And the record shall remain sealed
3 until I order otherwise.

4 (Conference at the bench. It is the policy of this
5 court that every guilty plea and sentencing proceeding include
6 a bench conference concerning whether the defendant is or is
7 not cooperating.)

8 THE COURT: Mr. Ward, do you understand that if I
9 accept your guilty plea I will refer your case to the U.S.
10 probation office for this district and direct them to prepare
11 a presentence report. And only after I've reviewed the
12 contents of that report, and only after the government and you
13 and your lawyer have had the opportunity to respond to the
14 report, only then will I impose sentence in your case. Do you
15 follow that procedure?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. So we started out what 35,
18 40 minutes ago, I asked you how you wanted to plead to this
19 charge, racketeering conspiracy, you told me you wanted to
20 plead guilty.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I told you that I couldn't accept your
23 guilty plea right then, but instead I needed to first ask you
24 a series of questions and listen to the answers that you gave
25 me; right?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The purpose of that exercise was to
3 allow me, by listening to your answers, to reach my own
4 judgment, my own conclusion about whether or not I thought you
5 really knew what you were doing today. Whether you understood
6 your rights, understood what you were charged with, understood
7 what the penalties could be in relation to a guilty plea for
8 this charge. I wanted to make sure you understood that you
9 didn't have to plead guilty, you could plead not guilty. Have
10 a trial, how that trial would be conducted, the role of the
11 jury. The fact if you were convicted there you could appeal
12 that conviction to a higher court. Talked with you about the
13 sentencing laws in some detail, about how they work. I
14 verified that you have a good relationship with your lawyer,
15 that you trust him, that you have faith in him.

16 You've answered all my questions. You satisfied me.
17 So now I'm ready to circle back to where I started. I think
18 you understand the fundamental choice that you face today
19 about whether to plead guilty or plead not guilty. That you
20 understand the implications to everything. Am I right about
21 that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right then, in a second I am going
24 to ask you again how you plead to the charge. This time you
25 need to understand, your answer's for keeps, it's irrevocable,

1 you can't take it back.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How do you plead to Count 1 in this
4 case, racketeering conspiracy, guilty or not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: It's the finding of the Court in this
7 case of the United States versus Maurice Kilpatrick Ward, that
8 the defendant is fully competent and capable of entering an
9 informed plea; that the defendant is aware of the nature of
10 the charges and the consequences of the guilty plea; that the
11 guilty plea is a knowing and voluntary plea supported by an
12 independent basis in fact, containing each of the essential
13 elements of the offense. The plea is, therefore, accepted and
14 the defendant is now adjudged guilty of that offense.

15 A written presentence report will be prepared by the
16 probation office. The defendant is instructed to provide the
17 probation office with the information that it requests as it
18 prepares that report. The defendant's attorney may be present
19 when the probation officer interviews the defendant. The
20 defendant and his lawyer will be permitted to read the
21 presentence report and file any objections to that report
22 before the sentencing hearing. During the sentencing hearing
23 the defendant and his lawyer shall have the right to speak, to
24 allocute, before sentence is imposed.

25 Mr. Wise, are there any victims of this offense

1 present, and if so, do they wish to speak?

2 MR. WISE: I don't believe so, Your Honor.

3 THE COURT: Similarly, if any victims are present at
4 the time of sentencing, they'll be afforded an opportunity to
5 address the Court. The defendant was previously ordered
6 detained without bail by a magistrate judge of this Court. I
7 take it that it is the government's position that that
8 detention order should remain in effect?

9 MR. WISE: Yes, Your Honor.

10 THE COURT: I take it, Mr. Enzinna, that there's no
11 request for reconsideration of that order at this time.

12 MR. ENZINNA: That's correct, Your Honor.

13 THE COURT: Mr. Enzinna, I propose a sentencing date
14 of February 21st, 2018, at 10:00 o'clock in the morning. Is
15 that convenient?

16 MR. ENZINNA: Yes, Your Honor.

17 THE COURT: Mr. Wise?

18 MR. WISE: Yes, Your Honor.

19 THE COURT: Court's entered a regular sentencing
20 order setting that date and time for sentencing, as well as
21 establishing other dates and deadlines relevant to the
22 sentencing process. Obviously, the defendant's required to be
23 present for his sentencing. The government's directed to
24 prepare a necessary writ or comeup order.

25 Any other matters we can productively address today,

1 Mr. Wise?

2 MR. WISE: No, Your Honor. Thank you.

3 THE COURT: Mr. Enzinna?

4 MR. ENZINNA: No, Your Honor.

5 THE COURT: The defendant is remanded to the custody
6 of the United States Marshal pending sentencing. Counsel are
7 excused. Court's in recess. Thank you.

8 (The proceedings were concluded.)

9
10 I, Christine Asif, RPR, FCRR, do hereby certify that
11 the foregoing is a correct transcript from the stenographic
12 record of proceedings in the above-entitled matter.

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_____/s/_____
Christine T. Asif
Official Court Reporter

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