

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MARYLAND  
3 NORTHERN DIVISION

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, )  
5 vs. ) CRIMINAL CASE NO. CCB-16-051  
6 ANTOINE WASHINGTON, et al., )  
7 Defendants. )  
\_\_\_\_\_ )

8 Wednesday, October 25, 2017  
9 Courtroom 1A  
10 Baltimore, Maryland

11 BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE  
(AND A JURY)

12 VOLUME VII - EXCERPT

13 TESTIMONY OF MOMODU GONDO & JEMELL RAYAM

14  
15 For the Plaintiff:

16 Leo J. Wise, Esquire  
17 Derek E. Hines, Esquire  
Assistant United States Attorneys

18 For the Defendant Antoine Washington:

19 Robert C. Bonsib, Esquire

20 For the Defendant Alexander Campbell:

21 David W. Fischer, Esquire

22 \_\_\_\_\_  
23 Reported by:

24 Douglas J. Zweizig, RDR, CRR  
25 Federal Official Court Reporter  
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Baltimore, Maryland 21201

1 For the Defendant Antonio Shropshire:

2 Alfred Guillaume, III, Esquire

3 For the Defendant Omari Thomas:

4 Harry D. McKnett, Esquire

5 For the Defendant Glen Kyle Wells:

6 Marshall T. Henslee, Esquire

7  
8 Also Present:

9 Amy Bonsib, Legal Assistant

10 Corporal David McDougall, Harford County Sheriff's Office

11 Detective Scott Kilpatrick, Baltimore County Police

12 Matthew Kerrigan, Government's Trial Technician

P R O C E E D I N G S

(12:07 p.m.)

(Excerpted as follows:

**THE COURT:** All right. Let's see. Is the Government calling another witness?

**MR. WISE:** We are, Your Honor. The United States calls Momodu Gondo.

**THE COURT:** Okay.

**THE CLERK:** Please raise your right hand.

MOMODU GONDO, GOVERNMENT'S WITNESS, SWORN.

**THE CLERK:** Please be seated.

Please speak directly into the microphone. State your full name for the record and spell your last name, please.

**THE WITNESS:** It's Momodu Bondeva Kenton Gondo. Last name is spelled G-O-N-D-O.

**THE COURT REPORTER:** Spell your full name, please.

**THE WITNESS:** It's M-O-M-O-D-U, then B-O-N-D-E-V-A, then K-E-N-T-O-N, then G-O-N-D-O.

DIRECT EXAMINATION

**BY MR. WISE:**

**Q.** Mr. Gondo, are you currently incarcerated?

**A.** Yes.

**Q.** And are you a defendant in this case?

**A.** Yes.

**Q.** What have you pled?

1 **A.** Guilty.

2 **Q.** And why did you plead guilty?

3 **A.** 'Cause I'm guilty.

4 **Q.** Are you -- were you formerly a member of the  
5 Baltimore City Police Department?

6 **A.** Yes.

7 **Q.** And were you charged in another case for crimes related to  
8 your former employment with the Baltimore City Police  
9 Department?

10 **A.** Yes.

11 **Q.** And what are you charged with in that other case?

12 **A.** Racketeering conspiracy.

13 **Q.** And who are you charged with in the racketeering  
14 conspiracy case?

15 **A.** Detective -- well, Former Detective Rayam,  
16 Detective Hersl, Detective Ward, Detective Hendrix,  
17 Sergeant Jenkins.

18 I believe that's it. Seven of us, including myself.

19 **Q.** And why did you plead guilty in the racketeering case  
20 you've just described?

21 **A.** 'Cause I was guilty.

22 **Q.** Tell the members of the jury what you did.

23 **A.** I pled guilty basically to overtime fraud, robberies,  
24 numerous robberies, and also giving information -- when we were  
25 being investigated internally, we spoke, you know, within the

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1 unit and others, you know, trying to protect ourselves when we  
2 had to go to Internal Affairs, basically.

3 **Q.** Mr. Gondo, who did you rob? Not asking for names, but  
4 what kinds of people did you rob?

5 **A.** Oh, citizens.

6 **Q.** And when did you rob them? Again, I'm not asking for  
7 specific incidents, but when and under what circumstances did  
8 you rob citizens?

9 **A.** Oh, this was all during the time that I was employed. And  
10 one incident was when I wasn't employed, when I wasn't working,  
11 basically off duty.

12 **Q.** What unit were you with?

13 **A.** Gun Trace Task Force.

14 **Q.** And so did you rob citizens when you executed  
15 search warrants --

16 **A.** Yes.

17 **Q.** -- at their homes or where they were staying?

18 **A.** Yes.

19 **Q.** And did you also rob citizens when you encountered them on  
20 the street either in traffic stops or when they were briefly  
21 detained?

22 **A.** Yes.

23 **Q.** And what did you steal from them?

24 **A.** U.S. currency.

25 **Q.** And what else?

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1 A. Drugs.

2 Q. And what else?

3 A. A firearm.

4 Q. If you can, Mr. Gondo, approximately how much money did  
5 you steal along with your six co-conspirators as part of the  
6 racketeering conspiracy that you pled guilty to?

7 A. As a total, before the investigation?

8 Q. Yeah.

9 A. Over a hundred thousand, probably.

10 Q. And you've spoken about being charged with six other  
11 members of the Gun Trace Task Force, so I think I know the  
12 answer to this. But did you act alone, Mr. Gondo?

13 A. No.

14 Q. Were you armed when you committed these robberies?

15 A. Yes, I was.

16 Q. And what were you armed with?

17 A. I had my Glock .22. It was an off-duty weapon that I  
18 purchased, but it was with the police -- police department.

19 Q. And did you and other members of the Gun Trace Task Force  
20 physically restrain people with handcuffs when they were being  
21 robbed?

22 A. Yes.

23 Q. Did you create false police reports when you robbed  
24 people?

25 A. Yes.

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1 Q. Why did you do that?

2 A. Basically, to cover our tracks, you know. If we'd seize  
3 money, we would write a report saying that we didn't or we  
4 would only submit a little bit of the proceeds and then we will  
5 take the rest. And we'll just document that, you know, just to  
6 cover our tracks, basically.

7 Q. Now, you also testified, Mr. Gondo, that you committed  
8 overtime fraud?

9 A. Yes.

10 Q. And how did you commit overtime fraud?

11 A. Basically, sometimes half of the squad would be working on  
12 the street; myself, I may be home or on my way to work or not  
13 even working. If they got a gun, we all got paid.

14 Q. So would the members of the GTTF that were actually  
15 working and got a gun, as you put it, would they put in for  
16 overtime for you and other members of the GTTF that weren't  
17 working?

18 A. Yes.

19 Q. And did you sometimes -- did you also do that for them?

20 A. Yes.

21 Q. Now, who prosecuted you for the crimes you committed in  
22 this case and in the Baltimore Police Department racketeering  
23 case?

24 A. You.

25 Q. And is that the U.S. Attorney's Office?

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1 **A.** Yes, U.S. Attorney's Office.

2 **Q.** As part of your plea agreement, did you agree to cooperate  
3 with the United States in this case and in the ongoing  
4 investigation related to the racketeering case?

5 **A.** Yes, I did.

6 **Q.** And what does that mean, Mr. Gondo? What does it mean to  
7 cooperate?

8 **A.** Basically, cooperation is you just -- I confessed to all  
9 the robberies. I mean, I just put everything out there to the  
10 Government. And I agreed to assist them in other  
11 investigations that they may be looking into or even the  
12 investigation I was involved in.

13 **Q.** And, in fact, did you admit to robberies that you were not  
14 charged with in the indictment that was returned against you?

15 **A.** Yes.

16 **Q.** Additional robberies that you committed?

17 **A.** Yes.

18 **Q.** And did you do that without knowing whether  
19 law enforcement even knew about those?

20 **A.** Yes.

21 **Q.** And have you also promised and agreed, as part of your  
22 cooperation agreement, to testify truthfully in court if called  
23 to do so?

24 **A.** Yes.

25 **Q.** And what, if anything, do you hope to get in return for



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1 your cooperation?

2 **A.** Just leniency. That's all, basically.

3 **Q.** And leniency from who?

4 **A.** The judge.

5 **Q.** Have you been sentenced?

6 **A.** No.

7 **Q.** And who will sentence you?

8 **A.** The judge.

9 **Q.** And is the judge part of your plea agreement with the  
10 United States --

11 **A.** No.

12 **Q.** -- Attorney's Office?

13 **A.** No.

14 **Q.** And so have any promises been made to you as to what  
15 sentence you will actually get?

16 **A.** No, I have no idea.

17 **Q.** And do you know what the maximum penalties are in this  
18 case and in the racketeering case where you pled guilty?

19 **A.** It's a total of 60 years.

20 **Q.** Is that 40 years in this case and a maximum sentence of  
21 20 years in the racketeering case?

22 **A.** 20, yes.

23 **Q.** Mr. Gondo, do you know the Defendant Glen Kyle Wells?

24 **A.** Yes.

25 **Q.** And do you see him in the courtroom today? You can stand

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1 up if you need to.

2 **A.** Right there (indicating).

3 **Q.** Can you describe what he's wearing?

4 **A.** Black sweater; gray, collared shirt; dreads, braided to  
5 the back.

6 **MR. WISE:** Let the record reflect, Your Honor, that  
7 the witness has identified the Defendant Glen Kyle Wells.

8 **THE COURT:** It will.

9 **BY MR. WISE:**

10 **Q.** And how do you know him?

11 **A.** Known him majority of my life, over 25 years.

12 **Q.** Where did you grow up, Mr. Gondo?

13 **A.** Northeast Baltimore.

14 **Q.** Did or does Mr. Wells have a nickname or a street name?

15 **A.** Lou.

16 **Q.** And do you know the Defendant Antonio Shropshire?

17 **A.** Yes.

18 **Q.** Do you see him in the courtroom?

19 **A.** Yes.

20 **Q.** And can you describe what he's wearing?

21 **A.** A gray sweater, pink shirt, regular haircut.

22 **MR. WISE:** Let the record reflect, Your Honor, that  
23 the witness has identified the Defendant Antonio Shropshire.

24 **THE COURT:** It will.

25 **BY MR. WISE:**

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1 Q. And how do you know the Defendant Antonio Shropshire?

2 A. I knew him for like five years, just around the  
3 neighborhood, you know.

4 Q. And when were those five years or when have you known him?

5 A. I'd say since 2012, 2011, around that time.

6 Q. So this isn't someone you knew in the past five years ago.  
7 This is sort of from today working back about five years?

8 A. Yeah, working back, but we got close, yeah.

9 Q. When did you get close?

10 A. During that time, in the five-year period. I knew of him  
11 before that, but we got close during that five-year time.

12 Q. And does he have a nickname or a street name?

13 A. Brill.

14 Q. Does the Defendant Wells sell heroin?

15 A. Yes.

16 Q. And how do you know that?

17 A. Talking to him. That was like my best friend. We always  
18 talked. So it's not too many things I didn't know about Kyle.

19 Q. So did he specifically tell you he sold heroin, talk about  
20 his business selling heroin?

21 A. Um, not in great detail, but we talked, you know.

22 Q. Okay. Were there also times when you saw him in -- doing  
23 things that, frankly, consistent with your law enforcement  
24 training, you knew to be drug behavior, drug-selling behavior?

25 A. Yes.

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1           **MR. HENSLEE:** Objection.

2           **THE COURT:** Sustained.

3           **BY MR. WISE:**

4           **Q.** What did you see him do? Did you see him -- did you see  
5 him sell drugs or do things that looked like selling drugs?

6           **MR. HENSLEE:** Objection.

7           **THE COURT:** Are we looking for a time frame or was it  
8 form of the question or --

9           **MR. HENSLEE:** Form of the question, Your Honor.

10           **THE COURT:** Then overruled.

11           **BY MR. WISE:**

12           **Q.** You can answer, Mr. Gondo.

13           **A.** Just with my training and experience, if I'm in the  
14 neighborhood and a car pulls up, you know, Kyle will walk over,  
15 get in the car briefly, and come back, have a conversation with  
16 me. You know, with my training, I've locked up numerous people  
17 doing those same activities.

18           You know, I haven't seen it -- I wasn't in the car. But  
19 due to my training and expertise at the time, that's what it  
20 looked like, drug transactions.

21           **Q.** All right. And does Antonio Shropshire sell heroin?

22           **A.** Yes.

23           **Q.** And how do you know that?

24           **A.** Just conversations, just same pattern that I saw with --  
25 saw with Kyle. You know, vehicles pulling up; you know, he

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1 would get in -- or they would get in his vehicle just very  
2 briefly, same thing, then we'd continue a conversation.

3 **Q.** Did Wells talk to you about what he was doing selling  
4 drugs or things he was doing selling drugs with Shropshire?

5 **MR. HENSLEE:** Objection; form of the question.

6 **THE COURT:** Okay. I'm going to overrule.

7 But can we get a time frame.

8 **BY MR. WISE:**

9 **Q.** So in the -- you described that you have known Shropshire  
10 in the last five years?

11 **A.** Yes.

12 **Q.** You said you knew Wells your entire -- basically, almost  
13 your whole life?

14 **A.** Yes.

15 **Q.** Shropshire in the last five years.

16 So in the last five years when you've known Shropshire,  
17 did Wells talk to you about selling drugs with him?

18 **A.** Yeah. Yes.

19 **Q.** Now, Mr. Gondo, prior to coming here to testify today, as  
20 part of your -- as part of agreeing to cooperate, you've met  
21 with law enforcement; right?

22 **A.** Yes.

23 **Q.** And I think you testified you've provided information,  
24 made admissions about things you did; right?

25 **A.** Yes.

1 **Q.** And in the course of those debriefings, have you also been  
2 played phone calls and asked to identify if it's your voice on  
3 them or to explain what's happening?

4 **A.** Yes.

5 **Q.** All right. Well, I'm going to play a number of calls with  
6 you now, Mr. Shropshire, and ask you some questions about them.

7 There's a monitor just to your left that will have a  
8 transcript on it. And what I'll do is we're going to play --  
9 Mr. Kerrigan will play the call, segments of these calls, in  
10 all like -- in most cases. And then I'm going to ask you some  
11 questions with the transcript on the screen; okay?

12 **THE COURT:** And are these in the jury's binders, or  
13 are they just going to be in the --

14 **MR. WISE:** They are in the jury's binders as well. So  
15 I'll call out the page numbers.

16 **THE COURT:** All right. And I'll just remind the jury,  
17 again, the transcript is just an aid. The call itself is the  
18 evidence. So it's up to you what you hear on the call.

19 **BY MR. WISE:**

20 **Q.** The first call will be off of -- the audio is off the  
21 Government Exhibit 1A, and the transcript is 1B at Page 148.

22 **MR. WISE:** If we could have that on the screen.

23 All right. Mr. Kerrigan, if you could play the call.

24 (Audio was played but not reported.)

25 **MR. WISE:** And if we could have the first page of that

1 and if you could enlarge it, Mr. Kerrigan.

2 **BY MR. WISE:**

3 **Q.** So, Mr. Gondo, is that your voice that says, "Hello"?

4 **A.** Yes.

5 **Q.** And whose voice is it that says, "Hola, Papi"?

6 **A.** Shropshire.

7 **Q.** And where were you when he called you?

8 **A.** Philly, Philadelphia.

9 **Q.** And when -- I want you to tell me what you heard, because  
10 I think the transcript may have an error in it. But when he  
11 says, "I took the car -- I took the car to the shop and, um,  
12 the thing was, um, what I heard was the thing was lit," is that  
13 what you heard?

14 **A.** Yes.

15 **Q.** And what did you -- what did you understand him to mean  
16 when he said "the thing was lit"?

17 **A.** A tracker.

18 **Q.** What's a tracker?

19 **A.** A tracker is a GPS device that law enforcement puts on  
20 vehicles to track suspects or individuals that they're  
21 investigating to gain a pattern.

22 **Q.** And are those used in drug investigations, among others?

23 **A.** Yes.

24 **Q.** All right. So when he said, "I took the car -- I took the  
25 car to the shop," what did -- what did you understand him to be

1 telling you -- what did you understand him telling you he had,  
2 I guess, discovered?

3 **A.** Basically, when he took his vehicle to the shop, you know,  
4 whatever repairs or whatever he had to get done, you know,  
5 somebody obviously saw it and brought it to his attention, saw  
6 the GPS tracker.

7 **Q.** And then when he says, "What to do wit it" -- and then if  
8 we go to the next page.

9 You said to him, "What time the shop close?" Why did you  
10 ask him that?

11 **A.** Because I was in Philly -- you know, he was a friend and I  
12 was going to try to help him out, basically, try to go to the  
13 shop to see it firsthand.

14 **Q.** All right. So since you were in Philly -- I guess he  
15 tells you they close at 8:00, and you're in Philadelphia at  
16 this point. What did you ask him to do?

17 **A.** Oh, FaceTime me.

18 **Q.** And I think most -- probably most people know what  
19 FaceTime means, but just remind everybody what FaceTime means.

20 **A.** FaceTime is just a -- the live feed, you know, on the  
21 iPhone that you can talk to the person and see their face,  
22 basically.

23 **Q.** All right. And did he FaceTime you, then, after this call  
24 ended?

25 **A.** Yes.



1 Q. And what, if anything, did he show you?

2 A. He showed me a tracker, black tracker in aluminum foil.

3 Q. All right. And then did you two get back on -- and it  
4 sounds like you obviously knew what it was?

5 A. Yes.

6 Q. And was this consistent with a law enforcement tracker?

7 A. Yes.

8 Q. And did you two get back on the phone, then?

9 A. Yes.

10 MR. WISE: All right. And if we could have the next  
11 call -- I should have -- the previous call, just for the  
12 record, the session was 421 on Exhibit 1A.

13 This call is, again, on Exhibit 1A, and it's  
14 Session 422. This is on Page 50 of the transcript binder.

15 (Audio was played but not reported.)

16 BY MR. WISE:

17 Q. All right. And so when you told Shropshire, "Yeah,  
18 basically when something like that happens, Yo is basically,  
19 you know what I mean, on the other side," who's the other side?

20 A. Law enforcement.

21 Q. And when you told him, "Definitely somebody been tracking  
22 you," who are you talking about?

23 A. Law enforcement.

24 Q. And when Shropshire says, "Ain't no question. I'ma pop it  
25 on somebody else's car, like a working-people car," what's he

1 talking about doing?

2 **MR. GUILLAUME:** Objection.

3 **THE COURT:** Sustained.

4 **BY MR. WISE:**

5 **Q.** What did you understand him to be talking about doing?

6 **A.** Taking the GPS, placing it on another vehicle so the other  
7 vehicle can be tracked instead of his vehicle.

8 **Q.** And when you tell him -- or when you say, "Um, you know, I  
9 ain't even know who I'm talking to -- you. So whatever you  
10 do," why did you say that? Why did you say, "I ain't even know  
11 who I'm talking to"?

12 **A.** I mean, at that point I did too much talking on the phone.  
13 Me being in law enforcement, I knew better. So I'm just  
14 basically trying to step back from the situation now that I  
15 already dug my -- a hole into, basically, saying that, you  
16 know, I already said too much. I don't even know who I'm  
17 talking to -- even though I do know who I'm talking to, I'm  
18 just trying to, you know, just end the conversation.

19 **Q.** What were you concerned about when you said that?

20 **A.** A wiretap.

21 **Q.** Which is what we're listening to; right?

22 **A.** Yes.

23 **Q.** Did you know there was a wiretap on his phone at the time?

24 **A.** No.

25 **Q.** When you tell him, "Just be mindful," what do you mean?

1 **A.** I mean, basically, look out. I mean, you're being -- at  
2 that point if a tracker's on your vehicle, I mean, you being  
3 investigated. So just be mindful what you're doing, your  
4 actions that you take from after this phone call, once we hung  
5 up. You know, that's the advice I gave him.

6 **Q.** And so why did you -- why did you help him? Or what were  
7 you helping him to do?

8 **A.** I mean, he was a friend of a childhood friend. I was just  
9 looking out for him, and I was just helping him so he didn't  
10 get in trouble by law enforcement, basically.

11 **Q.** And did you understand that by -- what did you understand  
12 that by helping him avoid law enforcement you were helping him  
13 do?

14 **A.** Oh, sell drugs, basically, continue what he was doing with  
15 whatever organization he had.

16 **MR. GUILLAUME:** Objection. Objection, Your Honor;  
17 move to strike.

18 **THE COURT:** Overruled.

19 **BY MR. WISE:**

20 **Q.** Now, the next call we're going to hear is on a different  
21 topic. And it's from June. It's a few months later. These  
22 last two calls were from March of 2016. We're now going to  
23 move forward in time to June of 2016. This is Call No. 12 off  
24 of 1A, and the transcript is Page 105.

25 (Audio was played but not reported.)

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1 **BY MR. WISE:**

2 **Q.** Now, Mr. Gondo, is that your voice on the call?

3 **A.** Yes.

4 **Q.** And it says the person you're talking to is Ward, with the  
5 exception of that first entry says Wells. But who are you  
6 talking to? Is it Ward or Wells?

7 **A.** Oh, Ward.

8 **Q.** And who's Ward?

9 **A.** He was one of the members in Gun Trace Task Force.

10 **Q.** And did he -- is he also charged with you in the  
11 racketeering case?

12 **A.** Yes.

13 **Q.** And did he also plead guilty in that case?

14 **A.** Yes.

15 **Q.** Now, in the first thing you say, you said, "Hey, yo, I  
16 called Wayne and shit to see where y'all was at."

17 Who's Wayne?

18 **A.** Oh, that was my supervisor at the time.

19 **Q.** And what's his name?

20 **A.** Sergeant -- well, Wayne Jenkins.

21 **Q.** And is he also charged in the racketeering case with you?

22 **A.** Yes.

23 **Q.** Why were you calling the sergeant of the  
24 Gun Trace Task Force to find out where the unit was?

25 **A.** Because I know they had a pattern of going in the

1 Northeast, and Kyle was my friend. So, you know, I didn't like  
2 the way Wayne was operating when it came to my friend Kyle at  
3 the time. So I just wanted to know where they were at,  
4 basically, before we got on the street.

5 Q. And what were you going to do with that information?

6 A. Share with Kyle.

7 Q. And why were you going to do that?

8 A. I was protecting him.

9 Q. From what?

10 A. From law enforcement, from Wayne, basically.

11 Q. What was Kyle doing that you needed to protect him from  
12 law enforcement from?

13 MR. HENSLEE: Objection.

14 THE COURT: Well, I think -- do you want to come up to  
15 the bench?

16 MR. HENSLEE: Yes.

17 (Bench conference on the record:

18 MR. HENSLEE: I guess the first thing I'm curious  
19 about is the question that what was Kyle -- what was Glen Wells  
20 doing at that exact moment that he needed protection for? Or  
21 is the questioning more general: What was Kyle Wells doing in  
22 general that he needed protection from?

23 Either way, you know, I think a little bit more of a  
24 foundation might need to get laid for him to have factual  
25 knowledge.

1           Certainly if we're talking about what was going on  
2 right then, there's been some foundation maybe laid about, in  
3 general, about what he told Kyle to do, but those are my  
4 objections.

5           **MR. WISE:** And I can ask at this time, Was Kyle -- Was  
6 Kyle selling drugs in Northeast Baltimore where he said they  
7 were operating?

8           He said that Wells made admissions to him that he did  
9 that, and they talked about it on more than one occasion and  
10 that he saw hand-to-hand transactions involving. So I can set  
11 it up that way and ask him, Is that what you were concerned  
12 about?

13           **MR. HENSLEE:** If I might, and you -- your question was  
14 not -- was specific to on that particular day in question. You  
15 were just --

16           **MR. WISE:** Well, I think that's -- I mean, what he's  
17 going to testify next to is he then sent Kyle the location  
18 information so that Kyle, who was operating, selling drugs on  
19 that day, could avoid them. So it's a little -- the objection  
20 is a little premature in that regard.

21           **THE COURT:** I guess the question is, I mean, there was  
22 some testimony earlier that, according to this witness, he knew  
23 from observations on the street, basically, that Mr. Wells was  
24 involved in selling drugs.

25           **MR. WISE:** And what Wells told him. What Wells told

1 him.

2 **THE COURT:** And what Wells told him.

3 I understood the question to relate to that  
4 generally --

5 **MR. WISE:** Yes.

6 **THE COURT:** -- that he was aware of Mr. Wells selling  
7 drugs generally. If you -- I do think we need to ask, Who's  
8 Kyle?

9 **MR. WISE:** Okay.

10 **THE COURT:** But --

11 **MR. WISE:** I'll do that, certainly.

12 **THE COURT:** -- if you want the Government to go back  
13 and ask some of the more specific questions . . .

14 **MR. HENSLEE:** No. Actually, I think the better  
15 question, though, would be, What did you believe Mr. Wells to  
16 be doing that he needed protection from so that you took -- I  
17 don't know why that's doing that.

18 **MR. WISE:** He's testified that he knows this. I don't  
19 want to suggest it's just his belief. He knows it 'cause Kyle  
20 told him. It's not -- it's not a belief. It's not like a  
21 law enforcement belief statement. So . . .

22 **THE COURT:** Just ask him what he believed -- who's  
23 Kyle and what he believed Kyle was doing.

24 **MR. WISE:** I'll say, What were you concerned --

25 **THE COURT:** What were you concerned about? Sure.

**MR. WISE:** I'll do that. Thank you.)

(Bench conference concluded.)

**BY MR. WISE:**

**Q.** Mr. Gondo -- and just so it's clear, when you say "Kyle," who are you talking about?

**A.** Glen Wells.

**Q.** Okay. So that's -- that's one of the names you knew him by?

**A.** Yeah; Kyle, yeah.

**Q.** And you also testified that you also knew him as Lou; right?

**A.** Yes.

**Q.** Okay. Now, you testified that Defendant Wells had at very -- I think you said on more than one occasion told you that he sold drugs; right?

**A.** Yeah.

**Q.** And you talked about the observations you made.

This call is in June of 2016, and you've testified that you were trying to protect Wells, right --

**A.** Yes.

**Q.** -- from Wayne Jenkins and the other GTTF members that were out that day; correct?

**A.** Yes.

**Q.** So what were you concerned about that might happen to Kyle? What were you -- what were you protecting him from?



1 **A.** Just knowing how my supervisor, Wayne Jenkins, at the time  
2 operated -- I mean, he normally targeted people for money in  
3 like robberies. So I didn't want him to target my childhood  
4 friend and rob him or, you know, I'll be stuck in between  
5 'cause I was working for him. He was my supervisor. So I just  
6 tried to alleviate that by letting Kyle know what was going on.

7 **Q.** And in June 2016, around this time, was Wells selling  
8 drugs in the Northeast where you said you were concerned  
9 Jenkins was operating?

10 **A.** Yes.

11 **Q.** Now, when Ward -- was Ward with -- did Ward normally go  
12 out with Jenkins? Is that why you're calling Ward?

13 **A.** Yes, that's correct.

14 **Q.** So when Ward says, "I'm going to send you a pin," what  
15 ultimately happened? What did he send you?

16 **A.** Oh, he just sent me on an iPhone a pin. You can send  
17 location where you're at. It can be, you know, Loch Raven and,  
18 you know, whatever side street. That's all he sent me to my  
19 phone so myself and Rayam could meet up with them and do  
20 law enforcement.

21 **Q.** And then what did you do with the information about where  
22 they were located, in addition to meeting up with them? Who  
23 else did you share it with?

24 **A.** I shared it with Kyle.

25 **MR. WISE:** And if we could go to, this is Call No. 14,

1 same day, and the transcript is at Page 106, the next page.

2 (Audio was played but not reported.)

3 **BY MR. WISE:**

4 **Q.** And who are you talking to -- well, is that your voice,  
5 Mr. Gondo?

6 **A.** Yes.

7 **Q.** And who are you talking to?

8 **A.** Kyle; Glen Wells.

9 **Q.** And when you say, "Whoa, you got my text," what text are  
10 you talking about?

11 **A.** A text that I sent him about Wayne and the other  
12 individuals being in the Northeast.

13 **Q.** Their location?

14 **A.** Yes.

15 **MR. WISE:** And if we could have Call No. --

16 **BY MR. WISE:**

17 **Q.** And when you said "everything's straight" -- when you  
18 said, "All right. Just look at your text. Everything's  
19 straight," what did you mean?

20 **A.** I mean it wasn't really no -- once I sent the message, I  
21 met up with the other guys. I was with 'em, so nothing was  
22 going to happen to him. But just basically everything's  
23 straight; just look at your message. That's all.

24 **Q.** And when you say nothing was going to happen to them once  
25 you met up with them, what does that mean? What were you going

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1 to do to make sure nothing didn't happen -- nothing happened to  
2 Wells and whoever he was with?

3 **A.** I just will make sure no law enforcement actions were  
4 taken upon them, you know, in my presence.

5 **Q.** Okay. Even if they were selling drugs?

6 **A.** Yes.

7 **MR. WISE:** Now, if we could have Call No. 51, which is  
8 from the next day, June 28<sup>th</sup>, 2016. This is from Page 107.

9 (Audio was played but not reported.)

10 **BY MR. WISE:**

11 **Q.** And if we could go back to the first page, I wanted to ask  
12 you some questions about that.

13 **MR. WISE:** And if you could enlarge the text there.

14 **BY MR. WISE:**

15 **Q.** Is that your voice, Mr. Gondo?

16 **A.** Yes.

17 **Q.** And who are you talking to?

18 **A.** Glen Wells; Kyle.

19 **Q.** And so when you say you -- "You got the text, though  
20 yesterday; right?" what text are you talking about?

21 **A.** The text that we were talking about -- earlier about, you  
22 know, being in the Northeast.

23 **Q.** The location of Jenkins --

24 **A.** Yes.

25 **Q.** -- and the GTTF?

1 A. Yes.

2 Q. And then when he says -- he says, "Yeah, hell, yeah.  
3 Hell, yeah."

4 Right?

5 A. Yes.

6 Q. And then you say, "Yeah. He's Stew Love."  
7 Who's Stew Love?

8 A. Sergeant Wayne Jenkins at the time.

9 Q. Is that how you and Wells referred to him?

10 A. Yeah. It's slang.

11 Q. And then when you say, "I ain't know it's like that, yo,"  
12 and you say it again and Wells said, "Oh, you didn't," what are  
13 you talking about?

14 A. Sergeant Jenkins was new to my squad or new to our squad,  
15 a new supervisor. So I worked with him before, before he was a  
16 supervisor. So when he came, he was a supervisor.

17 And what I saw, Kyle -- we always had conversations about  
18 him. And I saw firsthand what he was talking about.

19 Sergeant Wayne Jenkins was very reckless, you know. I mean, he  
20 was just out of control, putting citizens at risk, you know,  
21 driving on the side of the street, going in people bumpers. I  
22 just never saw anything like this.

23 So, you know, prior -- prior to talking with Kyle, it's  
24 just like, you know, now I'm just like, Oh, shit, I see --  
25 excuse me, I see what you're saying, basically. This dude is

1 out of control. You know, I couldn't believe it.

2 **MR. WISE:** And then if we could have the next page and  
3 maybe stop at that -- start at that part (indicating).

4 **BY MR. WISE:**

5 **Q.** Wells said, "That shit real."

6 And you say, "That is like some straight, like,  
7 off-the-wall-type shit."

8 Is that what you're talking about, what you just  
9 described?

10 **A.** Yeah. It was crazy. Yeah. His -- his tactics in  
11 law enforcement, you know, he was -- you know what I mean? He  
12 was -- it was crazy. It was bad. It was bad.

13 **Q.** And then when you say, "So you know, I'ma hit your phone,  
14 man. That's like, yo, any doubt that real shit's bad" -- when  
15 you say, "I'ma hit your phone, man," what did you mean?

16 **A.** I was going to let him know whenever we were in the  
17 Northeast or whenever, you know, I had any -- I was just  
18 protecting him from Wayne Jenkins at that time, basically, you  
19 know, his law enforcement actions.

20 **Q.** So you're -- the phone, you're going to call Wells and  
21 tell him if -- if Jenkins is conducting law enforcement  
22 operations in the Northeast; is that right?

23 **A.** Yes.

24 **Q.** To protect him?

25 **A.** Yes.

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1 Q. And does that include when Wells is selling drugs in the  
2 Northeast?

3 A. Yes.

4 MR. WISE: And if we could have, I guess, the bottom  
5 part of that page.

6 If you can enlarge that.

7 And if we can go to -- we're going to --

8 BY MR. WISE:

9 Q. The next part I don't have questions about, Mr. Gondo.

10 MR. WISE: If we could go to Page 110 in the  
11 transcript, which is two minutes and thirty seconds in the  
12 call.

13 (Audio was played but not reported.)

14 MR. WISE: And so if we can go back to Page 110,  
15 Mr. Kerrigan. And if you could enlarge where we picked up at  
16 2:30.

17 BY MR. WISE:

18 Q. So when you and Wells both -- Wells first says, "I already  
19 know it's code red."

20 And then you say, "Yeah, he code red."

21 What's code red?

22 A. Code red, I mean, we were talking about Wayne Jenkins,  
23 like he's just reckless; you know what I mean? That's  
24 basically what we were talking about.

25 Q. All right. Reckless in how he's conducting

1 law enforcement operations?

2 **A.** Yes.

3 **Q.** And then is that what you two were discussing when Wells  
4 says, "Yeah, he's on a different wave," and then you say, "A  
5 whole different wave"?

6 **A.** Yes.

7 **Q.** And then when Wells says, "Like a Rottweiler with the pink  
8 thing hanging out," what's -- you don't have to go into graphic  
9 detail, but what's that mean?

10 **A.** I mean, like a human being that's horny. You know, when  
11 he was working, he was like an animal in heat, you know,  
12 just -- just going about investigations all the wrong way, just  
13 overly aggressive, you know, and just putting people in harm's  
14 way.

15 **MR. WISE:** Okay. And if we could have the next page.

16 **BY MR. WISE:**

17 **Q.** And then when Wells says, "Yeah, must be workin'," what  
18 did that -- what did you understand that to mean, "must be  
19 workin'?"

20 **A.** Basically, you know, if it's a technique, if a person  
21 continues to do something over and over and over again, you  
22 know, that's what I got out of it. Just normally working with  
23 him, he did it every day. And it was working, you know. And  
24 Kyle being on the other side, he, you know, can understand  
25 that. That's how I took it.

1 Q. When you say, "Kyle being on the other side," what do you  
2 mean?

3 A. Selling drugs.

4 MR. WISE: All right. And if I could have the second  
5 part of that page.

6 BY MR. WISE:

7 Q. Wells says, "Crashes and all that type of shit."

8 And then when he says, "Give you what you looking for,"  
9 what did that mean?

10 A. I mean, basically, he's not stopping. You know, Wayne  
11 knows that. I mean, we knew that going in the Northeast. A  
12 lot of guys won't stop if you pull them over if they're riding  
13 with illegal contraband.

14 You know, Kyle, he knew -- well, Wayne knew that Kyle  
15 wasn't going to stop if he had something on him. So that's all  
16 that -- that's all Kyle was saying, basically.

17 Q. When you say "not stop," you mean if he's driving and  
18 Jenkins tries to pull him over, he's not going to stop?

19 A. He's not going to stop, yeah.

20 Q. And so "crashes and all that type of shit" is a reference  
21 to what?

22 A. Fleeting, fleeing the scene, you know.

23 Q. And then having a crash?

24 A. Yeah. If a person got in an accident or if he got in an  
25 accident, you know, he was going to do whatever he had to do to



1 get away. That's how I took it.

2 **Q.** And that's what you're -- that's what you're protecting  
3 Wells from?

4 **A.** Yes.

5 **MR. WISE:** And can I have the next page.

6 And then you can enlarge that, Mr. Kerrigan.

7 **BY MR. WISE:**

8 **Q.** And then when Wells says, "He knows that, though. He  
9 knows that when he comes in the North, he knows how he needs --  
10 you know what I mean? He knows that much," what did you  
11 understand him to be telling you there?

12 **A.** Before Wayne came to our squad, Kyle had interactions with  
13 him prior to me even working with Wayne. So he just -- he  
14 knows how Wayne operates. And I just figure -- I just knew  
15 that in depth now because I began working for him. That's all  
16 that was, basically.

17 **Q.** So you knew from Wells that Jenkins had previously  
18 targeted him in law enforcement operations?

19 **A.** Yes.

20 **Q.** All right. And then at the bottom, you say, "That's what  
21 it is. I'll get up with you, yo."

22 When you say, "I'll get up with you," what do you mean?

23 **A.** I mean, I'll just talk to him. He was a childhood friend.  
24 Besides this, we did talk. So it wasn't uncommon for me to  
25 just say, "I'll talk to you," basically.

1 Q. And did you talk to him frequently?

2 A. Yes.

3 Q. Okay. All right.

4 MR. WISE: I think that's it for that call.

5 Moving forward in time -- actually, Your Honor, the  
6 next -- I have sort of three or four calls that relate to the  
7 same subject. So rather than -- we could probably get one in,  
8 but then it would sort of cut it off. Might be a good time to  
9 break.

10 THE COURT: All right. We'll take the lunch recess  
11 now. I'll ask everybody to be back, start up again at  
12 2 o'clock.

13 MR. WISE: Thank you, Your Honor.

14 (Jury left the courtroom at 12:51 p.m.)

15 (Luncheon recess taken.)

16 (2:04 p.m.)

17 THE COURT: You can be seated, please.

18 Just one thing quickly before we get the jury,  
19 Mr. McKnett.

20 MR. MCKNETT: It's been resolved, Your Honor.

21 THE COURT: Yes. Okay.

22 MR. MCKNETT: I just mentioned your name and done.

23 THE COURT: I made a phone call this morning as well.  
24 So I thanked the judge very much. It was very kind of her.

25 MR. MCKNETT: Yes, she is.

**THE COURT:** All right.

(Jury entered the courtroom at 2:06 p.m.)

**THE COURT:** All right. You can all be seated, please.

**THE CLERK:** Mr. Gondo, you're still under oath.

**THE COURT:** All right. We'll be continuing, Mr. Wise.

**MR. WISE:** Yes, Your Honor. Thank you.

**BY MR. WISE:**

**Q.** When we broke, Mr. Gondo, I was going to ask you about a call on July the 5<sup>th</sup>, 2016. This is Call No. 548 from 1A, and it's on Page 113 of the exhibit binder.

**MR. WISE:** And I'll switch over to you, Mr. Kerrigan.

(Audio was played but not reported.)

**BY MR. WISE:**

**Q.** Is that your voice, Mr. Gondo?

**A.** Yes.

**Q.** And who are you talking to?

**A.** Kyle; Glen Wells.

**MR. WISE:** And if you could enlarge the text.

**BY MR. WISE:**

**Q.** So when you say, "That sounds like Stew Love, yo," what are you talking about?

**A.** I'm referring to Wayne Jenkins.

**Q.** Right. And you testified to that previously. And what has Mr. Wells shown you, forwarded you before you say, "That sound like Stew Love, yo"?

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1 **A.** Basically a screenshot of a conversation.

2 **Q.** A text message conversation?

3 **A.** Yes. Yes.

4 **Q.** So explain -- the jury obviously doesn't see that.

5 Explain what Wells sent you and what you two are then talking  
6 about in this call.

7 **A.** Basically, in the screenshot, it was a conversation from  
8 his phone, coming from his phone, that another individual was  
9 trying to buy narcotics from Kyle; Glen Wells.

10 **Q.** And so what are you two trying to figure out in this call?

11 **A.** We're basically trying to -- well, we did figure it out  
12 that it was Wayne.

13 **Q.** Jenkins?

14 **A.** Jenkins.

15 **Q.** Okay. So the jury has heard a lot of testimony about  
16 controlled buys and undercover buys.

17 Just to be clear, was this a text message -- this wasn't  
18 from Jenkins like in his name; right?

19 **A.** No.

20 **Q.** So was this to try to set up a controlled buy or an  
21 undercover buy with Wells?

22 **A.** Yes.

23 **MR. HENSLEE:** Objection.

24 **THE COURT:** Do you want to ask -- basis of knowledge  
25 or --

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1           **MR. HENSLEE:** Yes.

2           **THE COURT:** Do you want to ask how he knows?

3           **BY MR. WISE:**

4           **Q.** Have you participated in controlled buys and  
5 undercover buys?

6           **A.** Yes.

7           **Q.** And have you seen text messages that are sent by  
8 law enforcement in an attempt to make it look like it's really  
9 a real drug deal?

10          **A.** Yes; numerous times.

11          **Q.** And so is that what this text looked like?

12          **A.** Yes.

13          **Q.** Is that how you recognized it as a law enforcement text?

14          **A.** Yes.

15          **Q.** All right. And when you say -- well, what made you think  
16 it was Jenkins?

17          **A.** Just working with him, I know that that was common  
18 practice for him. You know, sometimes we would have an  
19 individual who would go on the person's phone and text, you  
20 know, trying to set up names. You know, I've seen it with my  
21 own eyes, basically.

22          **Q.** And Wells says, "That's the same thing I was saying, yo."

23                 So did you understand that he was also suspicious that it  
24 was Jenkins?

25          **A.** Yes.

1 Q. Trying to set up a controlled buy of narcotics with him?

2 A. Yes.

3 Q. And then when Wells says, "That's a text, one of those  
4 text-back numbers. You can't call it," what's that mean?

5 A. That's why I said, "Maybe it's a Google number or  
6 something like that." You know, just with me dealing with  
7 State's Attorneys at the time, sometimes they use a Google  
8 number where you can't really call it back or text it.

9 Q. So is that a law enforcement technique?

10 A. Yeah, yeah, that's a law enforcement technique.

11 Q. And what's -- so when you say you can't -- you can't call  
12 it back or you can't text back, what does that mean? You  
13 can't -- is that you can't figure out who it's from?

14 A. Basically, yes.

15 MR. WISE: And then if we could have the next page.

16 And if you could just do the top third, Mr. Kerrigan.  
17 Down a little bit further, please. Thank you.

18 BY MR. WISE:

19 Q. So when you say, "Yo, I -- I pull him up, yo," what are  
20 you talking about?

21 A. I was basically going to confront Wayne Jenkins.

22 Q. On whose behalf?

23 A. Glen Wells; Kyle.

24 Q. And what were you going to confront him about?

25 A. Basically, just stop targeting my friend, you know, stop

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1 targeting him.

2 Q. And targeting him for what?

3 A. Investigation, drug investigations.

4 Q. Okay. And why were you going to tell Jenkins to stop  
5 targeting your friend in drug investigations?

6 A. I was protecting him.

7 Q. And what was your friend doing that you were trying to  
8 protect him from from Jenkins?

9 A. Selling illegal narcotics.

10 Q. And who's your friend?

11 A. Glen Wells; Kyle.

12 Q. And we're going to come -- and at some point, did you, in  
13 fact, do what you just said? Did you -- and we'll get to this  
14 in a few moments. But did you, in fact, pull up Wayne Jenkins  
15 and tell him to -- and describe -- and tell him what you just  
16 described?

17 A. Yes, I confronted him.

18 Q. All right. Like I said, we'll come to that in a minute.

19 **MR. WISE:** Staying with July the 5<sup>th</sup>, the next call  
20 is Session 554. This is on Page 116.

21 Now, if we could have that call.

22 (Audio was played but not reported.)

23 **BY MR. WISE:**

24 Q. So the first voice we heard --

25 **MR. WISE:** If you can enlarge about the top third of

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1 that.

2 **BY MR. WISE:**

3 **Q.** That first voice you heard, is that yours, Mr. Gondo?

4 **A.** Yes, "yo," yes.

5 **Q.** And who are you talking to?

6 **A.** Rayam.

7 **Q.** And you mentioned him earlier, but who's Rayam?

8 **A.** Jemell Rayam, that was my side partner from several years  
9 in the Gun Unit.

10 **Q.** All right. So this is -- what kind of partner did you say  
11 he was?

12 **A.** Side partner. That was my partner every day. Everyday  
13 activities with work and law enforcement, that was my partner.  
14 That's who I rode with.

15 **Q.** And is he -- was he also charged in the racketeering case  
16 with you?

17 **A.** Yes.

18 **Q.** And has he pled guilty?

19 **A.** Yes.

20 **Q.** And we're going to hear more about him later. But what  
21 did you tell -- so just setting up this exchange, you testified  
22 earlier that Wells gave you a screenshot of this attempt to set  
23 up a drug buy; right?

24 **A.** Yes.

25 **Q.** What did you do with it before this call?



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1     **A.**    Oh, I sent it to Rayam.

2     **Q.**    Okay.  So that's what you're talking about in this call --

3     **A.**    Yes.

4     **Q.**    -- that same screenshot?

5     **A.**    Yes.

6     **Q.**    So what do you say to Rayam about this text message to  
7     Wells trying to set up a drug deal?

8     **A.**    Basically, I'm just letting him know, you know, what me  
9     and Wells talked about.  You know, we just politicking and  
10    having a conversation about it.  And he's just as shocked as I  
11    am that we even go this far, knowing my relationship with  
12    Wells.

13    **Q.**    Knowing your relationship with Wells?

14    **A.**    Yes, my relationship.

15    **Q.**    You're both shocked that Jenkins would go that far,  
16    knowing your relationship with Wells?

17    **A.**    Yes.

18    **Q.**    So when you say, "That's Wayne," who are you talking  
19    about?

20    **A.**    Wayne Jenkins.

21    **Q.**    And when you say, "Texting bro," who are you talking  
22    about?

23    **A.**    Glen Wells; Kyle.

24            **MR. WISE:**  And then if we could have the bottom third  
25    of the page.

1 **BY MR. WISE:**

2 **Q.** And you tell Rayam [reading]: I mean, he already, you  
3 know what I mean, he text me.

4 And who's the "he" you're talking about? Is that Wells?

5 **A.** Yes.

6 **Q.** You say, "That was his first thought. That was his first  
7 thought. Then I read how the text messages were stated, and I  
8 knew that was him.

9 So who's the "him" you're talking about?

10 **A.** Wayne Jenkins.

11 **Q.** So was it -- there was something about the way the message  
12 was written that you -- was there something you recognized or  
13 the language he used or something like that?

14 **A.** The language, the black emojis, just being around him, you  
15 know, how he talks, trying to talk slang, you know, that's just  
16 something I picked up on and I believed that it was him.

17 **MR. WISE:** All right. And then if we go to the next  
18 page. And if you could, the bottom -- well, you could do the  
19 whole thing, I guess. Actually, could you just do the bottom,  
20 sort of half of the bottom?

21 Yeah. That makes it bigger. Thank you.

22 **BY MR. WISE:**

23 **Q.** So then you say, "Yeah, man. I'm gonna pull Ward up  
24 first. Yeah, I gotta say something to Ward. Think. Come on,  
25 man. You been at my house, man. You seen that man there. Man

1 know your face, man."

2 So you mentioned Ward before, but remind us who Ward is.

3 **A.** Ward was another member in the Gun Trace Task Force.

4 **Q.** And he's the person that sent you the location information  
5 that you testified you then sent to Wells so he could avoid  
6 Jenkins doing law enforcement operations?

7 **A.** Yes.

8 **Q.** And so when you say, "I got to say something to Ward. I'm  
9 gonna pull him up first," what were you intending to do?

10 **A.** Basically, just confront Ward, like, You've seen Kyle  
11 before, Glen Wells before. You know he's my friend. You  
12 basically know that Wayne's not right, you know. You shouldn't  
13 be, you know, a part of that, you know.

14 **Q.** And what were you going to confront him or ask him, I  
15 guess, to do?

16 **A.** To not target Wells.

17 **Q.** For law enforcement operations?

18 **A.** Yes.

19 **Q.** And explain the dynamic between you and Rayam and then  
20 Jenkins and Ward and Hendrix. How did the GTTF, how did you  
21 all sort of go out and work?

22 **A.** Those guys came together. They were the -- their own  
23 group of guys, them four. They rode in their own car. Prior  
24 to that, it was just me and Rayam.

25 **Q.** Okay.

1 **A.** So, you know, sometimes we would come in, they would  
2 already be on the street doing what they'll do. And that's why  
3 I'd text them basically saying, What's y'all location? So we  
4 could kind of be their backup and work as a unit.

5 **Q.** I see.

6 **A.** But for the most thing, they did their own thing; we did  
7 our own thing, unless we were really targeting the area to get  
8 guns.

9 **Q.** So was Ward commonly or, frankly, almost all the time with  
10 Jenkins?

11 **A.** Yes, all the time.

12 **Q.** All right. And so by going to Ward, what did you -- what  
13 was your goal? What were you trying to accomplish?

14 **A.** Basically, just confront him. You know, that was just my  
15 goal and just let him know how I felt about the whole  
16 situation.

17 **Q.** Okay. And get him to stop law enforcement --

18 **A.** Yeah, basically to speak up for me as well to Wayne to  
19 tell him to stop, you know, 'cause he had Wayne's ear as well.

20 **Q.** And to leave Wells alone?

21 **A.** Yes.

22 **Q.** And then at the bottom you say, "And you know they're not  
23 gonna really go out here and really -- they're gonna go --  
24 they're gonna try and get drugs. They're gonna try and get  
25 drugs that early. You feel me? Probably try and set it up."

1           What are you talking about -- and then you say, "And ain't  
2 nobody else doing that text and the phone-type shit. You feel  
3 me? That Yo MO."

4           So who's Yo again?

5   **A.**    Oh, Wayne Jenkins.

6   **Q.**    So explain what you're saying there. "They're going to  
7 try and get drugs. They're going to try and get drugs that  
8 early."

9   **A.**    Basically, I mean, it was kind of odd. I mean, Wayne was  
10 just targeting Kyle for money. That's how I took it at first,  
11 you know, and for them to be out that early, you know, in that  
12 area, that's what I was talking to Rayam about. Like, it just  
13 seemed odd, you know.

14           And then as far as, you know, texting the phone, he's the  
15 only person -- I know a few other people. But firsthand, he's  
16 the only person -- Wayne Jenkins is the only one that I knew  
17 with the phone as far as texting people from other people's  
18 phone and using other sources like Google and stuff to try to  
19 set up deals.

20   **Q.**    Okay. All right. Next we're going to -- so this is  
21 staying on July the 5<sup>th</sup>. This is Session 1435. It's  
22 Page 118.

23           Oh, actually, hold on one second.

24           **MR. WISE:** If I can just have a moment.

25           So if we could have Call No. 1435.

(Audio was played but not reported.)

**MR. WISE:** Actually, could you pause it, Mr. Kerrigan. I want to make sure -- I think that's -- we're going to play that next. I want to play one call before that. That call's actually July 18<sup>th</sup>. We're going to go to July 9<sup>th</sup>, Call 824. And 824 is on Page 151.

(Audio was played but not reported.)

**MR. WISE:** Can you pause it, Mr. Kerrigan. If we could have that first page.

**BY MR. WISE:**

**Q.** Now, the date of this, Detective -- Mr. Gondo, is July the 9<sup>th</sup>. Well, first, is that your voice?

**A.** Yes.

**Q.** Had you been drinking? Is that why it sounds like you're slurring?

**A.** Yes.

**Q.** And what had you been doing prior to this call on the evening of July the 9<sup>th</sup>, 2016?

**A.** Working.

**Q.** And what did you do when you were working?

**A.** We did a search warrant in Westminster.

**Q.** And what happened at this search warrant in Westminster?

**A.** \$20,000 was taken.

**Q.** And was \$20,000 taken as part of a seizure, or were the people that owned this house robbed?

1 **A.** They were robbed, basically, yeah.

2 **Q.** And who was there with you during this robbery?

3 **A.** Myself, Jemell Rayam, Daniel Hers -- Dan, Daniel Hersl,  
4 and Wayne Jenkins.

5 **Q.** And so when you say, "I got up Stew Love's butt for you  
6 tonight," again, who's Stew Love?

7 **A.** Wayne Jenkins.

8 **Q.** All right. And explain what you mean when you tell Wells  
9 that you got up Stew Love's butt tonight. What happened?

10 **A.** I basically confronted Wayne Jenkins, told him, you know,  
11 that we just had words as far as him targeting Glen Wells;  
12 Kyle. You know, I told him to back off. You know, you know  
13 that's my friend. You know, there's plenty of other people out  
14 here you can target. That's basically it.

15 **Q.** And what -- why did you -- previously you'd been talking  
16 about going to Ward; right?

17 **A.** Yes.

18 **Q.** Did you, in fact, go to Ward, if you remember?

19 **A.** No, I don't really remember if I confronted Ward.

20 **Q.** So what between that call on July 5<sup>th</sup> and now July 9<sup>th</sup>  
21 made you decide to then directly confront Jenkins?

22 **A.** Just probably speaking to the search warrant that we did  
23 do. You know, even though we took some money, I believe that,  
24 you know, those guys or Wayne and Hersl might have took extra.  
25 And we were splitting it, so I was already feeling some type of

1 way. With alcohol involved, I just confronted him.

2 **Q.** All right. And what was his reaction -- I'm not asking  
3 for the words he said, but what was his reaction when you  
4 confronted him?

5 **A.** He basically bowed out.

6 **Q.** He bowed out?

7 **A.** Yeah.

8 **Q.** So you were successful --

9 **A.** Yes.

10 **Q.** -- in that regard?

11 **A.** Yes.

12 **Q.** Was there anything about the fact that you had just  
13 committed a robbery with Jenkins that made you feel like you  
14 could confront him at this time?

15 **A.** I wouldn't say that. It was just about that. It was just  
16 right setting, you know, drinkin'. We did, like you said, do  
17 the robbery. But it was a list of things; just wasn't that,  
18 you know, the robbery.

19 **Q.** Now we're going to go to Call 1435, which is July 18<sup>th</sup>,  
20 so about nine days later. And this is on Page 118 of the  
21 transcript book.

22 (Audio was played but not reported.)

23 **MR. WISE:** Could you pause that for a second.

24 **BY MR. WISE:**

25 **Q.** So is that your voice, Mr. Gondo?



1 A. Yes.

2 Q. And who are you talking to?

3 A. Glen Wells; Kyle.

4 Q. And you start the conversation talking about Brill,  
5 Brill's girl; is that right?

6 A. Yes.

7 Q. And, again, who's Brill?

8 A. Antonio Shropshire.

9 MR. WISE: And then when we get to the second page --  
10 if you could enlarge the bottom third of it, Mr. Kerrigan.

11 BY MR. WISE:

12 Q. And Wells tells you, "At the end of the day, I'm the  
13 enforcer. I ain't gonna -- she watching me to make sure I'm  
14 watching him."

15 Right?

16 A. Yes.

17 Q. Who's Wells talking about that he's watching?

18 A. Oh, Antonio Shropshire.

19 MR. GUILLAUME: Objection.

20 THE COURT: Rephrase the question.

21 BY MR. WISE:

22 Q. When he said, "I'm watching him," who did you understand  
23 "him" to mean?

24 A. Brill; Antonio Shropshire.

25 Q. And when Wells said, "I'm the enforcer," what did you

1 understand that to mean?

2 **A.** Enforcer, I just took it as, you know, I mean, if  
3 something need to be done, he's going to handle it, basically.  
4 You know, he's more hands-on.

5 **Q.** And then when Wells said, "Yo bigger than me as far as  
6 like weight-wise," who's Yo? Who did you understand Yo to be?

7 **A.** Brill; Antonio Shropshire.

8 **Q.** So when Wells said, "Yo bigger than me as far as like  
9 weight-wise," what did you understand "weight-wise" to mean?

10 **A.** I took it as just size, basically, you know, Brill's  
11 physical appearance.

12 **Q.** Well, if we go on -- so is the enforcing like physical  
13 enforcing?

14 **MR. HENSLEE:** Objection.

15 **THE COURT:** Approach the bench.

16 (Bench conference on the record:

17 **THE COURT:** Where's this going, Mr. Wise?

18 **MR. WISE:** We don't -- I don't know.

19 **THE COURT:** Then don't ask the question.

20 **MR. WISE:** Well, but -- I mean, I want to find out  
21 what he's going to say.

22 **THE COURT:** No, you don't find out what he's going to  
23 say in the middle of a trial like this.

24 **MR. WISE:** Well -- but if he's the enforcer and that  
25 means that he uses violence, I think that's a perfectly

1 relevant element.

2 **THE COURT:** Well, then you should have figured that  
3 out before the trial so we would know what that was sort of  
4 about, and we could assess whether that was going to be fair or  
5 unfair or prejudicial to any of the other people on trial.

6 If you have no idea what he's going to say, please do  
7 not ask the question. Let's move on.)

8 (Bench conference concluded.)

9 **BY MR. WISE:**

10 **Q.** Is "weight" also a term used to refer to quantities of  
11 drugs?

12 **A.** Yes.

13 **MR. GUILLAUME:** Objection.

14 **THE COURT:** Sustained.

15 **MR. GUILLAUME:** Move to strike.

16 **THE COURT:** The answer is stricken.

17 **MR. WISE:** All right. Let's have -- if you could pick  
18 up the call again, Mr. Kerrigan.

19 (Audio was played but not reported.)

20 **MR. WISE:** If you could pause there for a second.

21 **BY MR. WISE:**

22 **Q.** When you said, "Brill don't be trying to kick out no cash,  
23 Yo," what did you mean?

24 **A.** Paying, basically, spending money.

25 **Q.** What's that?

1 **A.** Spending money.

2 **Q.** Okay.

3 **MR. WISE:** And if you could start it again,  
4 Mr. Kerrigan.

5 (Audio was played but not reported.)

6 **MR. WISE:** Can you pause that, Mr. Kerrigan.

7 **BY MR. WISE:**

8 **Q.** So when Wells says [reading]: So, like, when we out in  
9 the spot, when we bustin' down and she see Yo not really  
10 pickin', takin' out, she know Yo not bustin' down, what did you  
11 understand that to mean?

12 **A.** It's just when we were out partying, you know, he wasn't  
13 paying, you know. Obviously Kelly's saying it, that he's not  
14 paying, you know, paying any money or putting up to what we --  
15 what we were spending in the clubs.

16 **MR. WISE:** Okay. And if you could pick it up again,  
17 Mr. Kerrigan.

18 (Audio was played but not reported.)

19 **MR. WISE:** Can you pause that, Mr. Kerrigan.

20 **BY MR. WISE:**

21 **Q.** So if we could look at that page, Page 121.

22 Where -- this is July 18<sup>th</sup>, 2016; right?

23 **A.** Yes.

24 **Q.** And was Wells going to report to jail, as he says, in an  
25 unrelated case shortly after this call, maybe even the next

1 day?

2 **A.** Yes.

3 **Q.** All right. And so when he tells you, "I'm going to go  
4 home -- I'm going to go to jail like I usually do any other  
5 time and I'm gonna come home and I'm gonna be even further than  
6 I was in front of him than I was when I started, yo," what's he  
7 talking about?

8 **A.** Selling illegal narcotics.

9 **Q.** And who's he going to be further in front of when he comes  
10 home and starts selling illegal narcotics again?

11 **A.** Brill, Antonio Shropshire.

12 **Q.** All right. And so . . .

13 And then when he says --

14 **MR. WISE:** If we could just get a little bit more of  
15 the page, Mr. Kerrigan.

16 **BY MR. WISE:**

17 **Q.** When he says, "I shouldn't come home and be in front of  
18 you. Come on, man. What the F is wrong with you? When I come  
19 home, you should be -- yo, when I come home, you should be  
20 givin' me -- you should be givin' me 10, 15," what's he talking  
21 about?

22 **MR. HENSLEE:** Objection.

23 **BY MR. WISE:**

24 **Q.** What did you understand him to be talking about?

25 **A.** Oh, giving him money.

1 Q. So those would be amounts of money, ten, fifteen thousand?

2 A. Yeah, ten or fifteen thousand.

3 Q. For -- from what?

4 A. Selling illegal narcotics.

5 MR. HENSLEE: Objection.

6 THE COURT: It's his understanding. Overruled.

7 BY MR. WISE:

8 Q. All right. Now, Mr. Gondo, who is Aaron Anderson?

9 MR. WISE: You can take that down.

10 BY MR. WISE:

11 Q. Do you know that name?

12 A. I didn't know his name, but I grew to know his name  
13 through the course of this.

14 Q. And so who did you know -- how did you know Aaron Anderson  
15 in October of 2015?

16 A. Oh, through a conversation with Kyle; Glen Wells.

17 Q. All right. And what was the conversation you had with  
18 Wells about Aaron Anderson?

19 A. He basically described that Twan had some information on  
20 that individual as far as him having 100,000 or more at his  
21 residence.

22 Q. And what did Twan and Wells, who I gather -- what did  
23 Wells tell you Twan wanted to do?

24 A. He wanted to leave him laying.

25 MR. BONSIB: Objection.

1           **THE WITNESS:** Basically --

2           **THE COURT:** I'm sorry. Wait a minute.

3           Is there an objection?

4           **MR. BONSIK:** I'm objecting, yes.

5           **THE COURT:** Why don't you come up to the bench.

6           (Bench conference on the record:

7           **MR. BONSIK:** It seems to me we're getting in the back  
8 door now stuff about Twan having something to do with the setup  
9 of this robbery.

10          **MR. WISE:** I think you need to turn that off. See  
11 that?

12          **MR. BONSIK:** It's off.

13          And I'm not sure where we're going with that, but I  
14 object to it. Right now he's saying somebody told him  
15 something. And, you know, we've not been charged as a  
16 co-conspirator with respect to anything to do with this  
17 robbery.

18          And the implication seems to be going that they're  
19 going to try to say that Twan somehow had something to do with  
20 setting up this robbery. I just thought we had sort of gotten  
21 that speculative sort of stuff out of the case with Anderson,  
22 and now we're trying to put it back in indirectly through  
23 Anderson.

24          **MR. WISE:** This is in the Jencks material. Mr. Gondo  
25 said that from the beginning, that Wells came to him and said,

1 "Twan wants to rob this drug dealer and kill him."

2 And instead Wells said, "Why don't we just rob him?"

3 And so he went to Gondo. Gondo went to Rayam.

4 But this is in the Jencks material. It's in the  
5 motion in response. And Twan was paid, then. He got part of a  
6 cut of what they stole for the information.

7 This was in our response to Mr. Wells' motion to  
8 sever, so this isn't anything new.

9 **MR. BONSI**: Well, it -- I'm sorry.

10 It may not be anything new, but that doesn't mean that  
11 it can't be objected to at this point as being both  
12 inadmissible and highly prejudicial. He's saying that Twan  
13 came to somebody else and asked him to commit a crime that  
14 wasn't committed and -- you know.

15 **MR. WISE**: It's clearly a co-conspirator statement,  
16 and the crime was committed. I mean, he robbed the guy, and  
17 then Twan got a cut.

18 **MR. BONSI**: Well, what's the proffer as to how that's  
19 going to come out?

20 **MR. WISE**: He's going to say, "Kyle told me Twan" -- I  
21 mean, he just started to say it. Twan knew this guy Black.  
22 And then Twan gave them the address. He gave them the make and  
23 the model of the guy's car that they put the tracker on. He  
24 pointed out where the house was so they knew where to go. He  
25 was -- I mean, this is not some speculation. He was involved.



1           **THE COURT:** Sounds like statement in furtherance of  
2 the conspiracy and not speculation. I mean, I understood as to  
3 Mr. Anderson that he didn't seem to really have specific  
4 knowledge. But this was in the Jencks, and this is what -- the  
5 conversation that Mr. Gondo had about setting this all up.

6           **MR. BONSIB:** All right. Well, I object to it. You  
7 know, I don't believe that it is in furtherance of the  
8 conspiracy that we're charged with. And, you know, it should  
9 not come in as a co-conspirator statement for the conspiracy  
10 that we have been charged with in this case.

11           I don't know what's going to happen in terms of  
12 statements they're going to suggest were said were made after  
13 the fact.

14           But if there were statements made after the fact that  
15 suggest that Twan somehow got proceeds of this, I don't know  
16 how that's in furtherance of the conspiracy.

17           Sounds to -- you know, I don't know exactly how it's  
18 going to come out, but some mere conversation from somebody to  
19 somebody else after the fact about somebody getting some money  
20 is not in furtherance of the conspiracy. That act has been  
21 completed.

22           **MR. WISE:** It was in furtherance of the conspiracy  
23 because they stole drugs and sold drugs -- sold those drugs,  
24 which is precisely what the conspiracy did. And they shared  
25 the proceeds, which was precisely what the conspiracy did.

1 I mean, this is not . . .

2 **THE COURT:** Right. I mean, that's been the theory of  
3 the case as I've understood it, and we talked about that when  
4 Mr. Henslee raised the 404(b) motion. And it does not seem to  
5 be 404(b). It seems to be part of the conspiracy that's  
6 charged.

7 **MR. BONSIB:** All right. Well, my objection is on the  
8 record.

9 **THE COURT:** Okay.

10 **MR. BONSIB:** Thank you.

11 **THE COURT:** Overruled.)

12 (Bench conference concluded.)

13 **BY MR. WISE:**

14 **Q.** So, Mr. Gondo, if you don't remember my question, I'll ask  
15 it again: What did Wells tell you Twan wanted to do with this  
16 other person you've identified?

17 **A.** I mean, the slang that he said was "leave him laying,"  
18 meaning kill him.

19 **Q.** I'm sorry. What did you say?

20 **A.** The slang "leaving him laying," that's what it was  
21 described to me; but it means kill him, kill him, Mr. Anderson.

22 **Q.** All right. So that's what Wells said Twan wanted to do  
23 with Mr. Anderson?

24 **A.** Yes.

25 **Q.** And you testified that Wells told you that Twan said

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1 Anderson had out about \$100,000 in his apartment?

2 **A.** Yes.

3 **Q.** And so after -- well, why did you -- what were you and  
4 Wells talking about? What was your role in this, if any?

5 **A.** Basically, he just contacted me. We had that  
6 conversation. And he knew that I had a partner, Rayam, you  
7 know, that I could talk to. And he had experience, you know,  
8 with doing home invasions, just running into a person's house,  
9 which I didn't. You know, so I used that to help us with the  
10 situation.

11 **Q.** Okay. So just -- like, just to understand this, so where  
12 were you when you had the conversation with Wells -- I don't  
13 mean specific location. But when Wells brought up what Twan  
14 said about laying Anderson down and this money, where were you?  
15 Was that --

16 **A.** Evesham, Northeast.

17 **Q.** Where was it?

18 **A.** Evesham, Northeast Baltimore.

19 **Q.** And were you -- did you meet him in person?

20 **A.** Yes.

21 **Q.** How did you -- what was the setup to meeting him in  
22 person?

23 **A.** Basically, he just needed to talk to me, you know, face to  
24 face.

25 **Q.** Is that what he told you?

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1 **A.** Yes.

2 **Q.** And then did you meet him right away?

3 **A.** Yes; 'cause of the tone and, you know, that's just  
4 something -- if I have to talk to Kyle, he has to talk to me  
5 face to face. It's almost like a code, you know, that it's  
6 some urgency to it. So I made my way to meet him.

7 **Q.** And so when you met him, just so I understand it, if  
8 this -- was this something Twan was going to do or something  
9 Twan and Wells were going to -- how did you get involved?

10 **MR. BONSIB:** Objection to the form of the question.

11 **MR. HENSLEE:** Objection.

12 **THE COURT:** Yes. What happened next?

13 **BY MR. WISE:**

14 **Q.** All right. What happened next?

15 **A.** Basically, what happened next, after the conversation,  
16 myself and Rayam, we got a tracker, tracking device.

17 **Q.** Well, before you -- how did you -- you said -- who did you  
18 meet with next after you met with Wells?

19 **A.** Rayam.

20 **Q.** And how did you get in touch with him?

21 **A.** Called him on the phone.

22 **Q.** And then what happened?

23 **A.** Same tactic. You know, when I called Rayam, "I need to  
24 talk to you face to face," he knew it was something urgent. We  
25 met face to face. You know, I gave him the information. You

1 know, he had some other avenues we could have went about going  
2 about on the robbery.

3 **Q.** Was this face-to-face meeting with Rayam the same day?

4 **A.** Yes.

5 **Q.** And when you said that Rayam was somebody who knew about  
6 home invasions, what did you mean?

7 **A.** I mean, that was like his MO. I mean, he had done it  
8 numerous times, you know, at work and definitely outside of  
9 work.

10 **Q.** Okay. But I think you said that wasn't something you had  
11 done before this?

12 **A.** Yeah. I never -- the most I've done is robberies within  
13 work. I never did anything outside the realm of work as far as  
14 going into an individual's house.

15 **Q.** So when you robbed somebody in their house, it was when  
16 you were either executing a search warrant or pretending to be  
17 executing a search warrant, something that kind of looked  
18 official?

19 **A.** Yes.

20 **Q.** As opposed to just a straight-up home invasion/robbery?

21 **A.** Yes.

22 **Q.** Okay. But that's what Wells was proposing to you here;  
23 right?

24 **A.** Yes.

25 **Q.** And was Twan -- was Twan going to do it with you, or what

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1 was his role going to be?

2 **MR. BONSIB:** Objection.

3 **THE COURT:** Sustained.

4 **BY MR. WISE:**

5 **Q.** Did Wells say anything to you about what Twan's role was  
6 going to be?

7 **A.** Once I was involved, I didn't want no dealings with Twan  
8 or anybody else. I just wanted to be closed in as possible,  
9 Wells and Rayam. That was basically it.

10 **Q.** Okay. And so you testified you talked to Rayam about it.  
11 Did he agree to do this?

12 **A.** Yes.

13 **Q.** And then what did you do?

14 **A.** With the information, we located Mr. Anderson's dwelling,  
15 his house.

16 **Q.** How did you find Mr. Anderson's dwelling?

17 **A.** Through the information from Wells.

18 **Q.** And where did Wells get the information?

19 **MR. HENSLEE:** Objection.

20 **BY MR. WISE:**

21 **Q.** If he told -- well, where did Wells tell you he got the  
22 information from?

23 **A.** From Twan.

24 **Q.** Okay. So Wells told you that Twan gave him Anderson's  
25 address?

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1 A. Yes.

2 Q. Any other information?

3 A. Basically, that he was -- that Twan was there and that I  
4 was just real adamant that the money was there. And he was --  
5 Wells assured me that, yeah, he saw it; it should be there,  
6 over 100,000, inside Anderson's dwelling.

7 Q. So Wells said that Twan had seen the money in the  
8 apartment?

9 A. Yes.

10 Q. Okay. And that it should be over 100,000?

11 A. Yes.

12 Q. And then I think you started to say that -- well, after  
13 you talked to Rayam, did you do anything?

14 A. Yes.

15 Q. What did you do?

16 A. We responded to the -- Mr. Anderson's dwelling.

17 Q. Who did you go there with?

18 A. Rayam.

19 Q. Okay. Just the two of you?

20 A. Yes.

21 Q. All right. With the information you got from Wells that  
22 he got from Twan?

23 A. Yes.

24 Q. And so what did you do once you got to the residence?

25 A. Ironically, it was the same -- it was right where Rayam

1 used to live at, you know, right across, adjacent apartment.

2 And we laughed about that. We were provided the vehicle  
3 description that Mr. Anderson drove.

4 **Q.** Who provided you with that information?

5 **A.** Wells.

6 **Q.** And where did he tell you he got it from?

7 **A.** Twan.

8 **Q.** And so then with the vehicle information, what did you do?

9 **A.** With the vehicle information, we placed a GPS track [sic]  
10 on the vehicle.

11 **Q.** And why did you place a GPS tracker on Anderson's vehicle?

12 **A.** For one, we wanted Anderson to be far away from the  
13 dwelling. So once placing the track [sic] on the vehicle -- we  
14 knew that he used the vehicle daily, you know. And we can see  
15 with our phones where he is and gain a pattern. And once he's  
16 far away from the dwelling, we could go inside the dwelling.

17 **Q.** All right. For what purpose?

18 **A.** To take the money.

19 **Q.** Now, where did you get the tracker that you -- well, so  
20 did you put a tracker on that car?

21 **A.** Yes.

22 **Q.** You testified about meeting with Wells and him telling you  
23 about this, then you meeting with Rayam and you telling him  
24 about this. And now going to the residence, is that all in the  
25 same day or within a couple of days? What's the time frame?



1 A. It was very quickly, you know, within a day, day or so.

2 Q. And did you, in fact, put a tracker on that car?

3 A. Yes.

4 Q. Where did you get the tracker from?

5 A. I believe we got it from another individual in our squad.

6 Q. And who was that?

7 A. John Clewell.

8 Q. Did you tell John Clewell what you were going to use the  
9 tracker for when you got it from him?

10 A. Yes.

11 Q. And what did you tell him?

12 A. We just basically told him that we were just looking into  
13 something. You know, we didn't want him to have any knowledge  
14 of it. I lost a couple trackers, and I was just like -- we  
15 were just like, "Can we just use it real quick? We're just  
16 looking into something."

17 Q. When you said the -- okay. So once you put the tracker  
18 on, what happened next?

19 A. We started observing Mr. Anderson, you know, watching him  
20 from [sic] a couple days, like a day or so. And we gained a  
21 pattern, which is what --

22 Q. How did you and Rayam watch the tracker? How does that --  
23 I just -- how does that work?

24 A. Through the trackers, they have an app called LiveViewGPS  
25 where it's a three-second delay. You know, once the car is

1 moving, it's (snaps fingers) pretty much pinpoint on, you know.

2 Q. Okay. So I think you started to say you and Rayam watched  
3 the tracker?

4 A. Yes.

5 Q. How long did you watch it for, if you recall?

6 A. Like a day or so. Couple days.

7 Q. And then what happened?

8 A. When we were watching it, we observed him go further out,  
9 away from his location.

10 Q. And who's "him"?

11 A. Mr. Anderson.

12 Q. And so what did you decide once -- is this -- were you and  
13 Rayam watching the tracker together? Were you together the  
14 day --

15 A. Yes.

16 Q. -- you were watching the tracker?

17 A. Yes.

18 Q. Was Wells with you, or was he somewhere else while you  
19 were watching the tracker?

20 A. He's somewhere else.

21 Q. And so once you said he was far enough away or far away,  
22 what did you -- what happened next?

23 A. Myself and Rayam, we staged in the shopping center,  
24 Miller's Shopping Center, not too far from Mr. Anderson's  
25 location. I called Wells, let him know that, you know, it may

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1 be time to go and could he meet me at that location.

2 **Q.** At Miller's?

3 **A.** Yes.

4 **Q.** And did he?

5 **A.** Yes.

6 **Q.** Did Rayam call anyone?

7 **A.** He called a friend of his, Tom.

8 **Q.** And what was Tom's role going to be?

9 **A.** I'm not too sure because I had a bad dealing with Tom. So  
10 when he talked, I really wasn't involved with that. I really  
11 didn't want to talk to Tom.

12 **Q.** Okay. Did Tom come to the staging -- you referred to it  
13 as the staging area, at Miller's?

14 **A.** Yes.

15 **Q.** All right. Once you and Rayam and Wells and Tom were at  
16 Miller's, what happened next?

17 **A.** We geared up -- well, not geared up. We basically went to  
18 execute the plan of going inside the home.

19 **Q.** And so describe how you did that.

20 **A.** We all were in separate vehicles. We all converged on the  
21 location. I parked -- the apartment complex, I parked adjacent  
22 to it so I had the perfect view.

23 **MR. WISE:** If I could have Government Exhibit 12A.

24 **BY MR. WISE:**

25 **Q.** Do you recognize this?

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1 A. Yes.

2 Q. What's that?

3 A. That's the apartment building where Mr. Anderson lived at.

4 Q. All right. So you said you parked adjacent?

5 A. Yes.

6 Q. All right. And what was your role going to be in this  
7 home invasion?

8 A. Just basically the lookout.

9 Q. And who was going to go inside?

10 A. Wells and Rayam.

11 Q. And so you said you pulled up, and then what happened?

12 A. Once we pulled up, I parked. They also parked. Rayam got  
13 out, sweatshirt, bandana, baseball cap on. Wells got out,  
14 black hoodie, bandana. And they walked --

15 Q. When you say "bandana," you mean they covered their face?

16 A. Covered their face.

17 Q. All right. And then what did they do?

18 A. They walked inside the vestibule of the apartment  
19 building.

20 Q. Okay. And where did you stay?

21 A. I stayed in the vehicle.

22 Q. What radio band were you listening to when you were in the  
23 vehicle?

24 A. Baltimore County.

25 Q. And is this location in Baltimore County?

~~CONDO DIRECT~~

1 **A.** Yes.

2 **Q.** Why were you listening to the Baltimore County radio band?

3 **A.** Being as though I was the lookout, I just wanted to make  
4 sure that it was no calls or if any calls, where I could  
5 alert -- alert Wayne or -- I mean not Wayne, Rayam or Wells for  
6 police presence.

7 **Q.** Okay. At some point did Rayam and Wells come back out?

8 **A.** Yes.

9 **Q.** And what did -- what did you observe that Wells had with  
10 him?

11 **A.** A bag, a shopping bag.

12 **Q.** As he came out of the apartment?

13 **A.** Yes.

14 **Q.** And did Rayam have anything? Did you see Rayam with  
15 anything in his hands as they came out of the apartment?

16 **A.** No. They both had gloves. Wells had the blue gloves with  
17 the bag. Rayam just came out with his hands free with just the  
18 blue gloves on.

19 **Q.** Was Rayam armed when he went in?

20 **A.** Yes.

21 **Q.** Do you know what he was armed with?

22 **A.** His departmental firearm.

23 **Q.** After Wells came out with the shopping bag and Rayam came  
24 out, where did you all go?

25 **A.** Oh, we met at my condo in Owings Mills.

~~CONDO DIRECT~~

1 Q. And what happened when you and -- well, had Tom gone in  
2 with them?

3 A. No.

4 Q. So what happened when you and Rayam and Wells met at your  
5 condo in Owings Mills?

6 A. We met at my residence to split -- to look over everything  
7 and split it.

8 Q. All right. So what -- what had they -- what had Rayam and  
9 Wells robbed from Marnat Road, this location on Marnat Road?

10 A. 10,000, a few necklaces, Rolex watch, and a firearm and  
11 some heroin.

12 Q. Okay. What did -- I'll go through each of those.

13 What did the three of you do with the money?

14 A. We split it.

15 Q. And do you recall how much you got?

16 A. Out the 10,000, we split it actually in -- it was four --  
17 well, one, two -- three, but we split it in four because of  
18 Twan. He had to give Twan a little bit of the proceeds.

19 Q. So you said you split the money four ways because who had  
20 to give Twan a little bit?

21 A. Kyle. He had to give -- well, Glen Wells had to give Twan  
22 a little bit of the money. Like a finder's fee, basically.

23 Q. So what's a -- just so that's clear -- I mean, I think I  
24 know what the phrase means, but you said Wells had to give Twan  
25 one-quarter of the money as a finder's fee?

~~CONFIDENTIAL~~

1 **A.** Yeah; basically because he gave Wells information. You  
2 know, Wells executed it. So he wanted some of what, you know,  
3 whatever was recovered from that location, basically.

4 **Q.** Okay. And what did you -- what did you three do with the  
5 heroin?

6 **A.** With the heroin, it was sold.

7 **Q.** And who sold it?

8 **A.** Wells sold some. Rayam sold some of the heroin.

9 **Q.** Who did Wells sell some of it to?

10 **A.** It was an individual in like --

11 **MR. HENSLEE:** Objection.

12 **THE COURT:** Basis of knowledge?

13 **MR. HENSLEE:** Yes.

14 **BY MR. WISE:**

15 **Q.** Did you actually go with Wells to sell some of the heroin?

16 **A.** Yes.

17 **Q.** Okay. So describe -- we'll come back to the Rolex and the  
18 gun.

19 But describe what happened when you went with Wells to  
20 sell the heroin.

21 **A.** Basically was his lookout. We were law enforcement. You  
22 know, it was a significant amount of drugs, so we --

23 **Q.** Do you remember how much heroin it was that was taken out  
24 of this apartment?

25 **A.** I mean, it was over a thousand grams.

1 Q. You -- to your --

2 A. To my -- yeah.

3 Q. It looked to you like it was over a thousand grams?

4 A. Yes.

5 Q. Was it weighed or anything? Or you're just doing this  
6 from sight?

7 A. Just sight.

8 Q. Okay. So I think you started to say you acted as a  
9 lookout; is that right?

10 A. Yes.

11 Q. So what happened? How did the deal -- how did Wells set  
12 up the deal?

13 A. Basically got on the phone, made a phone call. We then  
14 traveled to the Northeast, all in separate cars. We went to a  
15 location. It's like northeast, northern, off of York Road. He  
16 met with an individual at like a nursing home facility. You  
17 know, we just circled around, circled around, waitin'.

18 Q. And then did he come out at some point having successfully  
19 sold the heroin -- or sold some of the heroin?

20 MR. HENSLEE: Objection. Basis of knowledge.

21 THE COURT: Sustained.

22 BY MR. WISE:

23 Q. All right. What happened -- you said he -- well, where  
24 did he sell the heroin?

25 MR. HENSLEE: Objection.



~~CONFIDENTIAL~~

1           **MR. WISE:** I think he already testified to this.

2           **THE COURT:** Well, we need to ask what he saw. We've  
3 gotten as far as the nursing home.

4 **BY MR. WISE:**

5 **Q.** So what did you see -- did he have the heroin with him  
6 when he went into the nursing home?

7 **A.** Yes.

8 **Q.** And when he came out, what did he have?

9 **A.** Money.

10 **Q.** Okay. And then you said Rayam sold some?

11 **A.** Yes.

12 **Q.** Well, when -- how close in time to the robbery was this  
13 sale by Wells?

14 **A.** This was same -- same day, same night.

15 **Q.** Okay. And then when did -- how do you know Rayam, then,  
16 sold some of the heroin?

17 **A.** That was afterwards, 'cause it was still a lot left.

18 **Q.** Okay. And did you participate in the sales Rayam made, or  
19 did Rayam tell you that he had sold some of the heroin?

20 **A.** He told me.

21 **Q.** Okay. And now you also testified that taken from  
22 Marnat Road was, I think you said, some necklaces or a  
23 necklace; is that right?

24 **A.** Yes.

25 **Q.** Who got that?

~~GONDO - CROSS~~

1 **A.** I believe I did.

2 **Q.** And you testified that there was a Rolex taken?

3 **A.** Yes.

4 **Q.** Who got that?

5 **A.** That was sold along with the heroin.

6 **Q.** And who was it sold to?

7 **A.** The individual that we followed Kyle down to in, like, the  
8 northeast/northern area.

9 **Q.** And what happened to the gun?

10 **A.** I gave it to Wells.

11 **Q.** You gave the gun to Wells?

12 **A.** Yes.

13 **MR. WISE:** Nothing further, Your Honor.

14 **THE COURT:** All right.

15 Mr. Henslee.

16 **MR. HENSLEE:** Thank you, Your Honor.

17 CROSS-EXAMINATION

18 **BY MR. HENSLEE:**

19 **Q.** Mr. Gondo, how long ago did you become a police officer?

20 **A.** 11/29/05.

21 **Q.** And was that with the Baltimore City Police Department?

22 **A.** Yes.

23 **Q.** Did you -- you went through the police academy?

24 **A.** Yes.

25 **Q.** How long does that take?

~~SONDO~~ ~~CROSS~~

1 **A.** I can't remember. Almost a year, I believe. I can't  
2 really remember.

3 **Q.** And up until that time, you're not a sort of a legitimate  
4 official police officer until you graduate from the police  
5 academy; is that right?

6 **A.** Say that again.

7 **Q.** You're not an actual police officer until you graduate  
8 from the police academy; is that right?

9 **A.** Yes.

10 **Q.** And so what was your first job as a police officer?

11 **A.** I worked in the Northwest District, patrol.

12 **Q.** And what kind of -- what were your responsibilities during  
13 that time?

14 **A.** Answering cars -- calls, calls for service.

15 **Q.** How long were you in that position?

16 **A.** A few months.

17 **Q.** Did you get promoted from that?

18 **A.** No. I actually got shot, so I was out for a while. And  
19 then I came back and did patrol just for a little bit.

20 **Q.** So that second time after you came back, did you  
21 eventually get promoted out of patrol?

22 **A.** I went to a drug unit.

23 **Q.** Okay. And then was that your final destination before you  
24 went to this task force that we're talking about here?

25 **A.** I went to Western District drug unit -- well, VCID at the

~~SONDO~~ ~~GROSS~~

1 time. Then I went back to the Northwest VCID. And then I went  
2 to Gun Trace Task Force.

3 **Q.** And all of these were promotions of some sort. You were  
4 being moved up; your rank was being moved up?

5 **A.** I don't know about rank. Just a title. I just went from  
6 police officer to detective.

7 **Q.** Okay. And so your final rank or title as a police officer  
8 was as detective?

9 **A.** Yes.

10 **Q.** And as you were being promoted from patrol officer to  
11 detective, it was a reward for doing a good job; is that right?

12 **A.** As far as?

13 **Q.** Well, do police officers who are not good at being a  
14 police officer, do they get promoted usually, in your  
15 experience?

16 **A.** I can just speak for me. I mean, I was out there doing my  
17 job, and supervisors were fond on me. So, you know, I was good  
18 at doing drug work, so I went to drugs.

19 **Q.** And your supervisor promoted you on that basis?

20 **A.** Yes.

21 **Q.** Did your supervisor know that you were committing crimes?

22 **A.** No.

23 **Q.** Did your supervisor know that you were being dishonest by  
24 filing fraudulent reports?

25 **A.** No.

~~SONDO - CROSS~~

1 Q. Did your supervisor know that you were filling out false  
2 time sheets in order to get overtime payments that you didn't  
3 deserve?

4 A. No.

5 Q. So you weren't really being truthful with those  
6 supervisors; is that fair to say?

7 A. Are you speaking during this investigation? When I got  
8 arrested?

9 Q. No. I'm just saying in general, as you were being  
10 promoted and moved around.

11 A. Well, my supervisor did know that we were filling out  
12 false -- with overtime and knew about the robberies. I mean, I  
13 worked under a supervisor that was -- well, two supervisors  
14 that were very aware what we were doing.

15 Q. Was that when you were on the task force?

16 A. Yes.

17 Q. But not before that? Supervisors before that didn't know?

18 A. No.

19 Q. As a detective, what kind of training did you get  
20 regarding -- did you have to study, say, the criminal laws of  
21 the state of Maryland?

22 A. While in the academy? Is that what --

23 Q. At all, during your training either in the academy or as a  
24 police officer, were you required to have the familiarity with  
25 the criminal laws of the State of Maryland?

~~SONDO~~ ~~CROSS~~

1 A. Yes.

2 Q. And there are also some criminal laws that are just  
3 specific to Baltimore City as well; correct?

4 A. Yes.

5 Q. And you had to know those as well?

6 A. Yes.

7 Q. And part of your job as a police officer would be to --  
8 you would occasionally be called to testify in court; is that  
9 correct?

10 A. Yes.

11 Q. You took an oath here today to testify truthfully;  
12 correct?

13 A. Correct.

14 Q. Did you take an oath when you became a police officer?

15 A. Yes.

16 Q. Fair to say you violated that oath many, many times;  
17 correct?

18 A. That's correct.

19 Q. So you have immunity -- you have an agreement with the --  
20 with the Government for your testimony here today; is that  
21 correct?

22 A. That's correct.

23 Q. And as long as the Government feels that you have been  
24 truthful, they've agreed they're not going to use what you say  
25 here against you or prosecute you for anything you say here

~~SONDO~~ ~~CROSS~~

1 today; is that correct?

2 **A.** That's correct.

3 **Q.** And you've confessed to committing a lot of crimes; is  
4 that right?

5 **A.** Yes.

6 **Q.** And so with this immunity, it's as if, frankly, all those  
7 crimes are sort of being washed away; is that right?

8 **A.** I don't want to say "washed away." But, I mean --

9 **Q.** You're not going to be prosecuted for them?

10 **A.** Yeah. I'm not going to be prosecuted. Yes.

11 **Q.** And, in fact, you signed a plea agreement back in June of  
12 this year; is that right?

13 **A.** Yes.

14 **Q.** And you -- you've been represented by an attorney in this  
15 matter?

16 **A.** Yes.

17 **Q.** And did you go over that plea agreement with your  
18 attorney?

19 **A.** Yes.

20 **Q.** He explained what the plea agreement was. He went through  
21 it very carefully with you, told you everything about it; is  
22 that right?

23 **A.** Yes.

24 **Q.** If you had any questions for that attorney, did he answer  
25 them?

~~GONDO - CROSS~~

1 **A.** Yes.

2 **Q.** So you feel like when you signed that, you knew exactly  
3 what it meant?

4 **A.** Yes.

5 **Q.** And did your attorney speak to you about the benefits of  
6 cooperating with the Government?

7 **MR. WISE:** Your Honor, I'm going to object. I think  
8 it's attorney-client, what his attorney told him. I don't  
9 think we can get into that.

10 **MR. HENSLEE:** I'm not specifically asking what he  
11 said. I'm just asking if the conversation happened.

12 **THE COURT:** Right.

13 **BY MR. HENSLEE:**

14 **Q.** Mr. Gondo, I just want to know, did your attorney speak to  
15 you about the benefits of cooperating with the Government?

16 **A.** He spoke on situations that -- with cooperation, yes, he  
17 gave me information about it, yes.

18 **Q.** All right. The answer sort of confused me, so I want to  
19 make sure.

20 When you were going over -- before you signed the plea --  
21 the plea agreement, did you have a discussion with your  
22 attorney about the benefits of cooperating with the Government  
23 in this matter?

24 **A.** Yes.

25 **Q.** And, in fact, the benefits are really spelled out in that



~~SONDO~~ ~~CROSS~~

1 plea agreement, aren't they?

2 **A.** As far as?

3 **Q.** As to -- you've agreed to testify here today, and there  
4 are some obligations that the Government would have as well as  
5 long as it's deemed that you testified truthfully; is that  
6 right?

7 **A.** Obligations as far as what?

8 **Q.** As far as a sentence -- any recommendation that they might  
9 make as to a sentence you would receive.

10 **A.** They gave a recommendation in my plea agreement, yes.

11 **Q.** Right. And that's -- in the plea agreement, it's all  
12 spelled out; is that correct?

13 **A.** Yes.

14 **Q.** And one of the big benefits, frankly, is that it could  
15 result in a much lighter sentence for you; is that right?

16 **A.** Yes.

17 **Q.** Did your attorney ever go over sentencing guidelines with  
18 you?

19 **A.** To be frank with you, no.

20 **Q.** Did you ever have a conversation with your attorney about  
21 the possible sentences that you might receive in this matter?

22 **A.** No.

23 **Q.** Did he talk to you about how if you cooperated with the  
24 Government, that it might result in you getting a lighter  
25 sentence than you would have?

~~SONDO - CROSS~~

1 **A.** The way my attorney, Mr. Brown, brought it to me, you  
2 know, the Government makes their recommendation, but solely the  
3 judge has the discretion.

4 So I'm -- you know, they can recommend what they want to  
5 recommend, but the judge has the last say. So that's all he  
6 always said during our conversations.

7 **Q.** Because the under -- the agreement is between you and the  
8 Government; correct?

9 **A.** Yes.

10 **Q.** And is it your understanding that your cooperation here  
11 today could result in the Government asking the sentencing  
12 judge to give you a lighter sentence?

13 **A.** If I fulfill all my obligations, yes.

14 **Q.** Do you know how sentencing guidelines work?

15 **A.** Yes.

16 **Q.** And you know that in Federal Court for each crime that you  
17 plead guilty to or you're found guilty of, there's what we call  
18 a base offense level. Are you familiar with that?

19 **A.** Yes.

20 **Q.** And there's also another factor that goes in. Are you  
21 under -- do you have a familiarity with criminal history  
22 categories?

23 **A.** Yes.

24 **Q.** And is it your understanding that because you've never  
25 been convicted of a crime before your plea in this matter, that

~~SONDO~~ ~~CROSS~~

1 you would be in Criminal History Category I?

2 **A.** Yes.

3 **Q.** And that's the lightest category you can be in as far as a  
4 criminal history category; is that your understanding?

5 **A.** Yes.

6 **Q.** Now, you pled guilty to two different crimes; is that  
7 right?

8 **A.** Yes.

9 **Q.** The first is a racketeering conspiracy; correct?

10 **A.** Yes.

11 **Q.** And that is not in this case; that is in the other matter?

12 **A.** That's correct.

13 **Q.** And then in this matter, you pled guilty to conspiracy to  
14 distribute and possess with the intent to distribute heroin;  
15 correct?

16 **A.** Yes.

17 **Q.** And do you know that -- in your plea agreement, do you  
18 know that the base offense level for the racketeering  
19 conspiracy is 32?

20 **A.** Yes.

21 **Q.** And isn't it true that --

22 **A.** You said the base offense level?

23 **Q.** I'm sorry. Yes, that's what I said.

24 **A.** The base offense level? After all my -- after everything  
25 was combined, it came -- it comes up to --

~~CONDO - CROSS~~

1 Q. I understand that. I'm just talking in the beginning,  
2 though, before anything's added or taken away --

3 A. Okay.

4 Q. -- that it was 32; is that right?

5 A. Yes.

6 Q. Okay. And did your attorney ever show you that if you  
7 pled guilty to racketeering with a base offense level of 32,  
8 without any sort of cooperation, did he ever discuss with you  
9 what your sentencing guidelines would be in that situation?

10 A. We never discussed guidelines, like I said before.

11 Q. And he told you, I'm sure -- do you know that if you did  
12 take a plea in that case, you get three levels down off of the  
13 base offense level of 32?

14 A. After me being arrested and reading up, I educated myself  
15 on that, yeah.

16 Q. That's something that you know?

17 A. Yes.

18 Q. Okay. And then by cooperating with the Government, you  
19 can bring that base offense level down potentially even  
20 further; is that correct?

21 A. Yes.

22 Q. In fact, the agreement that you have with the Government  
23 is that if they believe you testified truthfully here, that  
24 they can recommend to the sentencing judge that you receive an  
25 additional four levels down; is that right?

~~GONDO - CROSS~~

1 A. Yes.

2 Q. And that reduces -- again, we're not talking about you  
3 know what your sentence is -- but it reduces your sentencing  
4 guidelines considerably; is that fair?

5 A. That's fair.

6 Q. And all you need to do to get that benefit is to persuade  
7 the Government that you're being truthful here today; right?

8 A. I mean, testify, yeah.

9 Q. And provide them with testimony that will help them prove  
10 this case; right?

11 A. Yes.

12 Q. But as Mr. Wise said, you are facing a maximum in this  
13 case of 60 years; is that correct?

14 A. 40 for one and 20 for the other.

15 Q. Mr. Gondo, it's true, then, that you would steal money  
16 from people when you were a police officer?

17 A. Yes.

18 Q. And it's also true that you would steal property from  
19 people when you were a police officer?

20 A. Yes.

21 Q. Also true that you would steal narcotics from people as a  
22 police officer?

23 A. Yes.

24 Q. You would also swear out false/fraudulent affidavits to  
25 obtain search warrants?

~~SONDO~~ ~~GROSS~~

1 A. Yes.

2 Q. And that was in order to obtain money, property,  
3 narcotics?

4 A. Yes.

5 Q. And those false affidavits are sworn under oath; is that  
6 correct?

7 A. Yes.

8 Q. And it's true, then, that you were committing perjury each  
9 time you submitted one of those affidavits; is that correct?

10 A. That's correct.

11 Q. Isn't it also true that you would prepare false incident  
12 reports to conceal the fact that you were stealing money,  
13 property, and narcotics?

14 A. Yes.

15 Q. And in those reports, you were swearing that those reports  
16 were true; correct?

17 A. Correct.

18 Q. But you were lying; right?

19 A. Yes.

20 Q. And isn't it true that you would also prepare false arrest  
21 reports to conceal the fact that you were stealing money,  
22 property, and narcotics from people?

23 A. Yes.

24 Q. And in those reports, you were also swearing that those  
25 reports were true; correct?

~~SONDO~~ ~~GROSS~~

1     **A.**    Correct.

2     **Q.**    And you were lying then as well?

3     **A.**    Yes.

4     **Q.**    And isn't it true that you would prepare false charging  
5 documents to conceal the fact that you were stealing money,  
6 property, and narcotics from people?

7     **A.**    Explain what you mean by as far as charging --

8     **Q.**    A charging document, like a statement of facts,  
9 application for statement of facts.

10    **A.**    Yeah. As far as with money being taken, yes, but not as  
11 far as the arrests. Yeah.

12    **Q.**    Okay. So you would prepare false charging documents to  
13 conceal the fact that you were stealing money from people?

14    **A.**    Yes.

15    **Q.**    And you were committing perjury each time you filed a  
16 fraudulent charging document; right?

17    **A.**    Yes.

18    **Q.**    Isn't it true that you would obstruct and evade  
19 law enforcement efforts to uncover your criminal conduct?

20    **A.**    As far as?

21    **Q.**    You might turn off your body camera?

22    **A.**    Yes.

23    **Q.**    You might consult with your other officers who were  
24 committing these crimes with you to come up with a good story  
25 to explain what happened?

~~SONDO~~ ~~GROSS~~

1 **A.** Yes.

2 **Q.** Dishonest things to cover up the truth?

3 **A.** Yes.

4 **Q.** And it's also true that you defrauded the Baltimore City  
5 Police Department and the state of Maryland by filing  
6 fraudulent time and attendance records; correct?

7 **A.** Correct.

8 **Q.** And you did this to obtain salary and overtime payments  
9 that you didn't deserve; is that right?

10 **A.** Correct.

11 **Q.** Have you ever -- I believe you testified earlier that you  
12 had been called as a witness in trials before; is that correct?

13 **A.** Yes.

14 **Q.** Was that just in state court or was that in Federal Court  
15 as well?

16 **A.** I testified in Federal Court one time.

17 **Q.** And how many times do you think you testified in  
18 state court?

19 **A.** I mean, over 50, probably.

20 **Q.** And did you ever lie when you were testifying in those  
21 matters?

22 **A.** As far as taking money, yes.

23 **Q.** Are you aware that in Baltimore City, that the State's  
24 Attorney's Office will not call you as a witness in criminal  
25 cases?



~~GONDO - CROSS~~

1 **A.** As far as . . .

2 **Q.** Are you aware that the State's Attorney's Office, if you  
3 know, is dropping cases because you are the officer in those  
4 cases?

5 **A.** They're dropping cases? Okay, yeah.

6 **Q.** I'm asking if you know.

7 **A.** No. I'm not following news like that about what's going  
8 on on the outside.

9 **Q.** Mr. Gondo, we went over it sort of vaguely. I want to ask  
10 you some questions about some of the incidents that are covered  
11 in your plea agreement.

12 So if at some point I ask you a question and you don't  
13 remember, I'd be happy to show you the plea agreement. Just  
14 let me know if you need to see it; okay?

15 **MR. WISE:** Your Honor, may we approach?

16 **THE COURT:** All right.

17 (Bench conference on the record:

18 **MR. WISE:** We would object to going through specific  
19 instances of crimes outside of this case. I have some case law  
20 that I can bring to the Court's attention. But counsel can  
21 clearly establish incentive to lie or bias by inquiring about,  
22 just as he's done, you know, the scope of his crimes, the  
23 variations on them.

24 But to have a mini trial where he is simply -- he's  
25 already pled and he agreed to have committed, I think, eight or

1 nine robberies, all with specific details about victims and  
2 money and locations. To now sort of march through those I  
3 think is beyond the scope of establishing his -- it isn't -- I  
4 mean, it isn't even tangentially related to incentive. It's  
5 not even really related to incentive to lie. It's that he's  
6 sort of a bad person.

7 So I think there should be a limit on it. I don't  
8 think we should go into specific instances.

9 **MR. HENSLEE:** I will say that I don't plan on asking  
10 20 questions for each incident. I do plan on asking about  
11 maybe five or six questions for each incident.

12 Just isn't it true that on such-and-such a date, you  
13 and Officer Rayam robbed -- and I'll give the initials that are  
14 in the plea agreement. I'm not going to name anybody's names.  
15 And isn't it true on that day that you stole \$7,000? And isn't  
16 it true that you didn't file an incident report? And isn't it  
17 true that's not proper police -- just that kind of stuff.

18 And then at the end, you know, say, You were dishonest  
19 about what happened on that day, weren't you?

20 That's what I'm doing. I think it affects his  
21 credibility as a witness, clearly. It's in the plea agreement.  
22 It's something he's admitted to. I think the jury could hear  
23 about it.

24 **THE COURT:** If you have something extremely persuasive  
25 you want to show me, Mr. --

1           **MR. WISE:** Well, this is United States versus Cropp.  
2 It's Fourth Circuit, 127 F.3d. And it talks about the Court --  
3 the confrontation clause is concerned to impose reasonable  
4 limits on such cross-examination based on concerns about, among  
5 other things, harassment, prejudice, confusion of the issues,  
6 the witness' safety, of [sic] interrogation that is repetitive  
7 or only marginally relevant.

8           And then they cite Odom, a trial court's decision to  
9 a -- not to allow further cross-examination about bias when the  
10 witness already answered enough questions to show that she  
11 indeed possessed a reason to lie.

12           **THE COURT:** Okay. Now, I'm generally familiar with  
13 Cropp. I thought it had more to do with not going into  
14 specifics of the intricacies of sentencing guidelines, which  
15 we've somewhat stayed away from, although not entirely.

16           **MR. HENSLEE:** I'm not going to anything more.

17           **THE COURT:** I'm going to overrule the objection. It  
18 seems to me that other limited questioning about specific acts  
19 that certainly to me could reflect on his credibility, that, I  
20 mean, he's admitted to under oath, as long as -- again, it  
21 doesn't need to be repetitive, but --

22           **MR. HENSLEE:** I'll try not to be.

23           **MR. HINES:** And, Your Honor, there's 15 robberies for  
24 the next detective.

25           **MR. BONSI:** Well -- this is Mr. Bonsib. It is the

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1 acts that are repetitive, not the cross-examination.

2 **MR. WISE:** I agree with the first part. I disagree  
3 with the second part.

4 **MR. HENSLEE:** I will be limited.

5 **THE COURT:** The cross-examination should not be  
6 repetitive. Yes, the acts are separate, but we don't need lots  
7 of questions about all of them. I think you're making your  
8 point, so --

9 **MR. HENSLEE:** Okay.

10 **MR. WISE:** Thank you.)

11 (Bench conference concluded.)

12 **BY MR. HENSLEE:**

13 **Q.** Mr. Gondo, I told you before -- I just want to make sure  
14 you understand -- I'm going to go through a series of incidents  
15 that are covered in your plea agreement. If at some point you  
16 need to -- can't remember, let me know and I'll be happy to  
17 show you that document.

18 It's true that you and Mr. Rayam, on March 11<sup>th</sup>, 2015,  
19 committed a robbery of someone named G.W.; is that right?

20 **A.** Yes, that's correct.

21 **Q.** And if you could just speak -- make sure that the -- speak  
22 next to the mic.

23 **A.** That's correct.

24 **Q.** Thank you.

25 And when you -- you were searching this person's house; is

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1 that correct?

2 **A.** You would have to read the particulars of that, what's in  
3 that plea agreement.

4 **THE COURT:** Do you have a -- do you want to give him a  
5 copy of it?

6 **MR. HENSLEE:** I was going to ask you if I could  
7 approach to hand him . . .

8 **BY MR. HENSLEE:**

9 **Q.** Mr. Gondo, let me ask you, first, if you recognize that  
10 document (handing).

11 **A.** Yes, I do.

12 **Q.** And is that the plea agreement that you signed with the  
13 Government in this matter?

14 **A.** Yes.

15 **MR. HENSLEE:** One moment, Your Honor.

16 Your Honor, I'd like to mark that as Defendant Wells  
17 Exhibit 1.

18 **THE COURT:** For identification?

19 **MR. WISE:** Your Honor, we would --

20 **MR. HENSLEE:** For identification purposes --

21 **BY MR. HENSLEE:**

22 **Q.** Mr. --

23 **MR. HENSLEE:** May I approach the witness one more  
24 time, Your Honor?

25 **THE COURT:** Yes.

~~GONDO~~ ~~CROSS~~

1 **BY MR. HENSLEE:**

2 **Q.** So, Mr. Gondo, isn't it true that on March 11<sup>th</sup>, 2015,  
3 that you and Officer Rayam committed a robbery of someone named  
4 G.W.?

5 **A.** That's correct.

6 **Q.** You were searching that person's home and found cash; is  
7 that right?

8 **A.** That's correct.

9 **Q.** Between, I think between eight and ten thousand dollars;  
10 is that correct?

11 **A.** That's correct.

12 **Q.** And you never submitted any of that money as evidence, did  
13 you?

14 **A.** No.

15 **Q.** In fact, you didn't fill out a report about that money at  
16 all, did you?

17 **A.** No.

18 **Q.** Fair to say that's not proper police procedure; correct?

19 **A.** That's fair to say, yes.

20 **Q.** And you did that -- you didn't follow proper police  
21 procedure because you wanted to cover up the fact that you  
22 stole that money; correct?

23 **A.** Yes.

24 **Q.** And so you were dishonest about that incident?

25 **A.** Yes.

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1 Q. If you'll go down to the next incident, it's true to say  
2 that on July 31<sup>st</sup>, 2015, you committed another robbery with  
3 Mr. Rayam of a person named Z.N., those initials; is that  
4 correct?

5 A. That's correct.

6 Q. You were searching that person's house and found cash  
7 again; correct?

8 A. That's correct.

9 Q. And you and Mr. Rayam took that cash, didn't submit it as  
10 evidence?

11 A. That's correct.

12 Q. Didn't fill out a report about that, about the money?

13 A. About the money, no. That's correct.

14 Q. And, again, that's not proper police procedure?

15 A. No.

16 Q. And, again, you did that to cover up the fact that you  
17 stole that money; correct?

18 A. Correct.

19 Q. On February 10<sup>th</sup>, 2016, you committed yet another  
20 robbery with Mr. Rayam of a person with the initials P.E.; is  
21 that right?

22 A. That's correct.

23 Q. And you found more cash in that residence as well;  
24 correct?

25 A. That's correct.

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1 Q. And you and Mr. Rayam stole that money?

2 A. That's correct.

3 Q. Didn't submit it as evidence?

4 A. That's correct.

5 Q. Didn't fill out a report about that money?

6 A. No.

7 Q. And, again, not proper police procedure; correct?

8 A. Correct.

9 Q. And, again, you didn't follow proper police procedure  
10 because you wanted to cover up the fact that you stole that  
11 money?

12 A. Yes.

13 Q. On February 23<sup>rd</sup>, 2016, isn't it true that you and  
14 Mr. Rayam committed another robbery?

15 A. Yes.

16 Q. Of a person with the initials B.C.?

17 A. Yes.

18 Q. You searched that house?

19 A. Yes.

20 Q. And found cash?

21 A. Yes.

22 Q. And I think it was about \$7,000; is that right?

23 A. Yes.

24 Q. And you and Mr. Rayam stole that money. You didn't submit  
25 it as evidence; correct?



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1 A. Yes.

2 Q. And you didn't file -- in fact, in that matter isn't it  
3 true that you filled out a fraudulent incident report and did  
4 not mention in that matter -- in that report that the money was  
5 there or that it had been seized?

6 A. That's correct.

7 Q. And you swore that that incident report was true, didn't  
8 you?

9 A. Yes.

10 Q. Just like you're swearing today that your testimony is  
11 true; right?

12 A. Yes.

13 Q. Isn't it true that on May 28<sup>th</sup>, 2016, you committed  
14 another robbery with Mr. Rayam?

15 A. Yes.

16 Q. You were executing a search warrant at the home of a  
17 person with the initials A.C.?

18 A. Yes.

19 Q. Searched that home and found cash; is that right?

20 A. Yes.

21 Q. About \$700?

22 A. Yes.

23 Q. And you and Mr. Rayam stole that money; correct?

24 A. Yes.

25 Q. Did not submit it as evidence?

~~SONDO - CROSS~~

1 A. That's correct.

2 Q. And you didn't fill out a report about that money; right?

3 A. No.

4 Q. Again, not proper police procedure; correct?

5 A. Correct.

6 Q. And the reason you didn't follow proper police procedure  
7 is you wanted to cover up the fact that you stole money; right?

8 A. Yes.

9 Q. For \$700?

10 A. Yes.

11 Q. Isn't it also true that in June of 2016, that you and  
12 Mr. Rayam and Wayne Jenkins stole a pound of marijuana and a  
13 handgun from somebody?

14 A. Yes.

15 Q. Stole that property and the drugs, later sold them?

16 A. That's correct.

17 Q. You didn't submit an incident report for that, of course,  
18 did you?

19 A. No.

20 Q. And you did that -- you didn't follow this proper police  
21 procedure because you wanted to cover up the fact that you had  
22 stolen the drugs and the gun; correct?

23 A. I mean, we a group, but you say yeah -- I can say that,  
24 yeah. That's correct.

25 Q. Okay. Now, on July 8<sup>th</sup>, 2016, you testified earlier

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1 about an incident in Westminster where -- that led to you  
2 confronting Wayne Jenkins.

3 Do you remember that testimony?

4 **A.** Yes.

5 **Q.** And that was July 8<sup>th</sup>, 2016?

6 **A.** That's correct.

7 **Q.** And on that day it's true that Mr. Rayam submitted a  
8 fraudulent affidavit to a judge to get a search warrant?

9 **A.** Yes.

10 **Q.** You knew he was doing that?

11 **A.** Yes.

12 **Q.** You knew he was submitting a fraudulent affidavit?

13 **A.** I didn't know he was submitting a -- I knew he was  
14 submit -- applying for a warrant. I didn't know the full  
15 details in the affidavit. But I had knowledge that he was  
16 getting the warrant for the residence.

17 **Q.** Did you ever see the affidavit?

18 **A.** Did I read over it? I mean, I saw it, you know, once we  
19 passed it to the supervisor, but I didn't read over it  
20 thoroughly.

21 **Q.** Did you know that in there he indicated that you and he  
22 and Wayne Jenkins conducted surveillance on this house for a  
23 full day?

24 **A.** Once his case came about and I read it, yeah, and I found  
25 out.

1 Q. That wasn't true; correct?

2 A. No, it wasn't true.

3 Q. You did -- the three of you did not have any surveillance  
4 for a full day on this?

5 A. No.

6 Q. And you knew that, you know, that judge was lied to;  
7 correct?

8 When you -- let me back up. When you submit a search, an  
9 affidavit, an application for a search warrant, it's got to be  
10 taken to a judge; right?

11 A. That's correct.

12 Q. That judge was lied to by you guys; correct?

13 A. That judge was lied to by Rayam. He filled that affidavit  
14 out. I didn't fill that affidavit. So you'll have to ask him.

15 Q. And then after the search warrant was signed, isn't it  
16 true that you and Mr. Rayam and other police officers detained  
17 two people who were the subject of the search warrant? The  
18 initials are R.H. and N.H.?

19 A. That's correct.

20 Q. Didn't have any lawful authority to stop those people, did  
21 you?

22 A. At the time that we were conducting an investigation, you  
23 know, you can say -- I mean, we can beg to differ, but at the  
24 time I believe we did.

25 Q. Who ordered the detention of those two people?

1 **A.** During the course of the investigation, we all did  
2 observations.

3 **Q.** But let me ask this question: Did Wayne Jenkins order the  
4 detention of those two people?

5 **A.** Yes. He was aware of what was going on, as our  
6 supervisor.

7 **Q.** And at that point when these two individuals were stopped,  
8 it's true that officer -- that Mr. Rayam stole about \$3,500  
9 from the person with the initials R.H.; is that right?

10 **A.** Yeah, that's correct.

11 **Q.** And then at some point Wayne Jenkins ordered these two  
12 individuals to be brought to the barn; is that correct?

13 **A.** That's correct.

14 **Q.** What is the barn?

15 **A.** It's like an off-site facility right next door to the  
16 academy where several of the drug units work out of -- or  
17 enforcement units work out of.

18 **Q.** And did you eventually take those individuals to the barn?

19 **A.** Yes.

20 **Q.** Was Wayne Jenkins with you when you first got there?

21 **A.** No.

22 **Q.** And, in fact, he called you at some point. And he told  
23 him [sic] that when he arrived, you should treat him like the  
24 U.S. Attorney; is that right?

25 **A.** Yes.

1 **Q.** And why did he -- well, why -- what was your impression of  
2 why he wanted you to do that?

3 **MR. WISE:** Your Honor, could we -- I mean, we're  
4 now -- can we approach?

5 **THE COURT:** Okay.

6 (Bench conference on the record:

7 **MR. WISE:** So the last question was having him testify  
8 about why Wayne Jenkins told him to tell the people they  
9 detained that he was the U.S. Attorney. And we're in the weeds  
10 on this, so it's --

11 **MR. HENSLEE:** I asked what --

12 **MR. WISE:** We just had a series of questions about  
13 Rayam swearing out a false affidavit that he wasn't even aware  
14 of at the time.

15 So, I mean, he can ask Rayam about that. If  
16 Wayne Jenkins was a witness, he could impeach his credibility  
17 by saying, You lied and told someone -- but we're now going  
18 like line by line through the indictment I wrote and the  
19 factual statement, which I'm, you know, proud of, but I don't  
20 think we really need to -- I'm a little reluctant to object  
21 but, you know --

22 **MR. HENSLEE:** I think I began to ask the question that  
23 Mr. Wise was worried that I would ask.

24 **THE COURT:** I'm sorry. I was distracted momentarily.

25 **MR. HENSLEE:** I did begin to ask the question that

1 Mr. Wise was going to be upset about, but then I corrected it.  
2 And I said, What was your impression of why he asked you to do  
3 that?

4 **THE COURT:** Right. And then it's an example --

5 **MR. HENSLEE:** Which is a question, frankly, that  
6 Mr. Wise has asked of a lot of different witnesses, and that's  
7 the appropriate question.

8 As for the detailed questioning, this is a much more  
9 complicated incident. And so I think I'm allowed to ask a few  
10 more questions of this incident than I am of these kind of  
11 these easier, simpler matters.

12 **THE COURT:** And it simply leads to -- it's another  
13 piece of conduct from which the jury may infer dishonesty. If  
14 Mr. Gondo was aware that Sergeant Jenkins is going to pretend  
15 to be the U.S. Attorney or if he played along with it, then  
16 he's not being honest. So at a certain point, you're beating a  
17 dead horse.

18 **MR. HENSLEE:** I understand.

19 **THE COURT:** So --

20 **MR. HENSLEE:** Only a couple more.

21 **THE COURT:** -- I might sustain the dead-horse  
22 objection; but, otherwise, you can go ahead.

23 **MR. HENSLEE:** Understood. I'll try to speed it up.

24 **THE COURT:** Okay.)

25 (Bench conference concluded.)

~~GONDO~~ ~~CROSS~~

1 **BY MR. HENSLEE:**

2 **Q.** Mr. Gondo, what was your impression of why Wayne Jenkins  
3 asked you to treat him like he was the U.S. Attorney?

4 **A.** To be honest with you, I have no idea. That was probably  
5 the first search warrant I did with Wayne as our supervisor, so  
6 that kind of caught me off guard. You know, I never worked  
7 with him doing search warrants or him being my supervisor. So  
8 for him to say that, that was probably like -- probably the  
9 first or the second time I even heard that. You know, I wasn't  
10 used to hearing that.

11 **Q.** And at some point the individual with the initials R.H.  
12 was interrogated there at the barn; is that correct?

13 **A.** That's correct.

14 **Q.** And safe to say that none of this was really proper police  
15 procedure the way that this all played out?

16 **A.** As far as what part?

17 **Q.** Well, your supervisor asking you to treat him like he's a  
18 U.S. Attorney, that's not proper police procedure; correct?

19 **A.** I wouldn't say that. You know, it's -- I mean, I guess --  
20 I can't speak on behalf of him. But, you know, I don't think  
21 it's a charge for saying, I'm the U.S. State's Attorney. You  
22 know, I don't -- I mean, I'm not -- I can't really answer you  
23 with that.

24 **Q.** Well, let me just ask you, as a basis -- as a result of  
25 the interrogation that was done there at the barn, did you end



~~GONDO~~ ~~CROSS~~

1 up going to the house of those two people, R.H. and N.H.?

2 **A.** Yes.

3 **Q.** And stole about \$20,000 --

4 **A.** Yes.

5 **Q.** -- from that location?

6 And are you -- isn't it true that Officer Rayam wrote a  
7 fraudulent incident report about this?

8 **A.** Yes.

9 **Q.** You knew he did that?

10 **A.** Yes.

11 **Q.** How much money did you receive from that?

12 **A.** We split it, so probably four or five thousand within the  
13 four of us.

14 **Q.** You also testified that you were, in some of the  
15 text messages and phone calls that were played, that you were  
16 warning Mr. Wells about being targeted by Wayne Jenkins; right?

17 **A.** Yes.

18 **Q.** Wayne Jenkins himself, you have personal knowledge that he  
19 was involved in robberies and thefts from people; is that  
20 correct?

21 **A.** Yes.

22 **Q.** He would steal money from people?

23 **A.** Yes.

24 **Q.** And you were worried that Wayne Jenkins might rob  
25 Mr. Wells; correct?

1 **A.** That's correct.

2 **Q.** You were arrested earlier this year, in February, I think;  
3 is that correct?

4 **A.** I was arrested March 1<sup>st</sup>.

5 **Q.** March 1<sup>st</sup>.

6 All right. Were Mr. Rayam and the other officers arrested  
7 around the same time?

8 **A.** Yes.

9 **Q.** So let's go through -- I think in the beginning of your  
10 direct examination there was some mention of these other  
11 officers. Can you tell the jury who these officers are that  
12 you have been charged with, not in this matter, of course, but  
13 the other one?

14 **A.** All their names?

15 **Q.** Yes, please.

16 **A.** You have myself, Momodu Gondo. You have  
17 Sergeant Wayne Jenkins at the time. You have Maurice Ward.  
18 You have Hendrix. I can't pronounce his first name.

19 You have Daniel Hersl. You also have Taylor. I think his  
20 first name was Marcus Taylor.

21 I don't think I'm forgetting anybody.

22 **Q.** Is there someone name Allers?

23 **A.** Oh, Sergeant Allers as well.

24 **Q.** And I think except for Sergeant Allers, all of you were  
25 arrested right around the same time back then, earlier this

~~GONDO~~ ~~CROSS~~

1 year; is that right?

2 **A.** That's correct.

3 **Q.** And you were all housed in the same facility for a while?

4 **A.** About a week or two, two weeks, I believe, yes.

5 **Q.** And you had an opportunity to speak to those other  
6 officers while you were housed there in the same facility?

7 **A.** Yes.

8 **Q.** You spoke with, say, Officer Rayam while you were  
9 incarcerated together?

10 **A.** Yes.

11 **Q.** And isn't it true that you spoke with Mr. Rayam and the  
12 other officers about the charges that you were facing?

13 **A.** Yes.

14 **Q.** And isn't it also true that there were discussions about  
15 how to avoid blame and get out of this?

16 **A.** As far as with?

17 **Q.** As far as weren't there discussions between you and the  
18 other officers about how to avoid being convicted of anything?

19 **A.** As far as with me, I stood up and I said, I'm going to  
20 take my -- take my charges. As far as other individuals,  
21 everybody was talking among themselves, doing whatever they  
22 were doing, you know.

23 **Q.** How many times do you think you've had to go to court to  
24 testify in state court? I think you said about 50?

25 **A.** Yeah, probably over 50 times.

1 Q. And how many times -- is that the amount of times you  
2 think you actually testified at a trial in state court?

3 A. Yeah, probably, yeah.

4 Q. And I believe you also said one time in Federal Court?

5 A. Yes.

6 Q. Was that in this building?

7 A. Yes.

8 Q. Was it in front of a jury?

9 A. May have been just a judge trial, I believe. I'm not too  
10 sure if it was a jury trial.

11 Q. How about the 50 times in state court; was that -- were  
12 any of those times in front of juries?

13 A. Those are all in jury -- in front of juries.

14 Q. Did you ever lie on the stand in front of a jury?

15 A. As far as taking money, yes.

16 Q. You used confidential sources when you were a police  
17 officer; is that right?

18 A. That's correct.

19 Q. You also used confidential informants when you were a  
20 police officer; correct?

21 A. That's correct.

22 Q. Did you ever have a suspect or a defendant work off the  
23 charge by cooperating with the Government or the state?

24 A. Yes.

25 Q. Did you ever have a defendant or a suspect supply names of

1 other people as a way to not get charged or maybe get a lighter  
2 sentence?

3 **A.** With us, we were gun guys, so we were mainly targeting  
4 guns. As far as like cases and all that, our main focus was  
5 getting guns, so I really can't answer that, the second part of  
6 your question.

7 **Q.** But you're aware that that happens, that defendants  
8 occasionally supply names of other people in order to cooperate  
9 and get a lighter sentence or maybe not even get charged at  
10 all?

11 **A.** I really found that out at this level, you know, at --  
12 when I was working, we were just getting guns. We were  
13 flipping guys to get guns. We were getting information about  
14 guns. As far as getting time and time off of sentences, I  
15 wasn't really -- you know, I didn't really have knowledge of  
16 that.

17 **Q.** And when you say you were flipping guys to get guns, what  
18 did you mean by that?

19 **A.** Getting guns. Like if an individual had information about  
20 guns, you know, that can benefit us, we would use that  
21 information, you know.

22 **Q.** And were there times when maybe you wouldn't charge  
23 somebody with a crime that you could have because they gave you  
24 a name of someone who might have a gun?

25 **A.** Yes; we just put it "pending," yes.

1 Q. So to summarize, you stole money as a police officer;  
2 correct?

3 A. That's correct.

4 Q. You stole property?

5 A. That's correct.

6 Q. You stole narcotics?

7 A. That's correct.

8 Q. You lied to other police officers?

9 A. As far as?

10 Q. When you're filling out an incident report or an arrest  
11 report, you know that another officer might rely on that  
12 report; right?

13 A. I mean, State's Attorneys, I mean, officers, yeah, I guess  
14 the courts, yeah.

15 Q. So fair to say, then, that you -- through that, you lied  
16 to prosecutors?

17 A. Yes.

18 Q. You lied to judges?

19 A. Yes.

20 Q. And juries (indicating)?

21 A. Yes.

22 Q. You filled out fraudulent incident reports?

23 A. Yes. Anything involving -- revolving [sic] taking money,  
24 yes.

25 Q. And you filled out fraudulent arrest reports?

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1 **A.** If it wasn't involving money, then no.

2 **Q.** But you did fill out fraudulent arrest reports to cover up  
3 the fact that you stole money?

4 **A.** Money, yes.

5 **Q.** You filled out fraudulent time records and submitted  
6 those; correct?

7 **A.** Overtime, is that what you --

8 **Q.** Yes.

9 **A.** Yes.

10 **Q.** You lied under oath in order to protect yourself; is that  
11 correct?

12 **A.** Yes.

13 **MR. HENSLEE:** Your Honor, I don't have any further  
14 questions.

15 **THE COURT:** All right. I think we'll take the  
16 mid-afternoon break and then continue.

17 (Jury left the courtroom at 3:42 p.m.)

18 (Recess taken.)

19 **THE COURT:** All right. You can be seated.

20 Bring in the jury.

21 (Jury entered the courtroom at 4:01 p.m.)

22 **THE COURT:** All right. You can be seated.

23 **THE CLERK:** Mr. Gondo, you're still under oath.

24 **THE COURT:** Mr. Bonsib.

25 **MR. BONSI:** Thank you, Your Honor.

GONDO CROSS  
CROSS-EXAMINATION

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**BY MR. BONSI:**

**Q.** Mr. Gondo, how many armed robberies have you committed, not just necessarily including the ones that were referred to in your plea agreement?

**A.** I don't think there's too much that I didn't confess to the Government, you know.

**Q.** Well, I understand. Did you do more than eight or nine?

**A.** You saying outside of what I've confessed to or what I've . . .

**Q.** Well, in your plea agreement, there are -- I don't remember how many there were. I stopped countin' -- looked like seven or eight, maybe nine. Were there others besides that that you told the Government about?

**A.** Yes.

**Q.** How many more, roughly?

**A.** It wasn't that many more.

**Q.** What to you means "that many more"?

**A.** A handful.

**Q.** All right. So let's say 10, 12, total?

**A.** A handful is one to five.

**Q.** Okay. Well, tell me where on your hand that is.

**A.** A handful. I can't remember the exact number.

**Q.** So in your plea agreement, you have one, two, three, four, five, six, seven, eight -- looks like eight that are listed.



1 So somewhere between nine and twelve is what you're saying?

2 **A.** Yes.

3 **Q.** And when you negotiated this plea agreement through your  
4 attorney, you knew that the Government could have charged you  
5 in this Court with a series of armed robberies that carried not  
6 only significant penalties for the armed robbery, but a  
7 mandatory sentence of seven years for each time you brandished  
8 a firearm; correct?

9 **A.** Are you talking about my process with the plea  
10 negotiations?

11 **Q.** You knew that the Government could charge you with each of  
12 those individual robberies, didn't you?

13 **A.** As far as in the plea agreement?

14 **Q.** Yes.

15 **A.** I'm trying to understand what you're saying.

16 **Q.** Well, if you didn't plead guilty, they could have charged  
17 you.

18 **A.** Yes.

19 **Q.** In each and every one of those?

20 **A.** Yes.

21 **Q.** And you would have faced a sentence not only for the  
22 robbery, but you would have faced a seven-year consecutive  
23 sentence on -- one on top of each other for every robbery in  
24 which you brandished a firearm; correct?

25 **A.** Correct.

1 Q. And so when we are looking at your benefit in this case,  
2 we're not looking just to guidelines; we're looking at you  
3 maybe having as many as 50 to 70 years of mandatory time just  
4 for the counts relating to the firearms, forgetting about the  
5 lies and the racketeering and everything else; right?

6 A. Correct.

7 Q. But the way this plea agreement stands, you're not charged  
8 with any firearm offenses, are you?

9 A. I'm charged with a firearm offense in my plea agreement.

10 Q. You're charged with a robbery offense --

11 A. Robbery.

12 Q. -- as part of racketeering.

13 A. Right.

14 Q. But it's really a racketeering charge that has no  
15 mandatory minimum.

16 A. That's correct.

17 Q. So what they've -- what your plea agreement has  
18 accomplished for you is that they have taken a count that could  
19 have been -- one count or a series of counts -- that could have  
20 carried up to 50 to 70 years. And they folded them in to act  
21 as a racketeering count where the sentence is anywhere from 0  
22 to 20; correct?

23 A. That's correct.

24 Q. And they've also charged you with a five-year mandatory  
25 drug count that when they make their cooperation recommendation

1 breaks the mandatory minimum; correct?

2 **A.** That's correct.

3 **Q.** And so here we -- when you were on the street and when you  
4 were testifying and you were filling out reports, you lied  
5 freely and repeatedly just to get money; right?

6 **A.** That's correct.

7 **Q.** And today when you're facing 70, maybe 70 years in jail,  
8 the incentives -- strike that question.

9 You're facing 70 years in jail -- you could have been and  
10 you're not; correct?

11 **A.** Yeah. I'm not facing 70 years.

12 **Q.** You got promises from the Government; right?

13 **A.** No, I didn't get promises from the Government.

14 **Q.** No promises?

15 **A.** No promises.

16 **Q.** Well, so you don't expect when you come before the judge  
17 for sentencing that the Government's going to stand up and say  
18 anything on your behalf?

19 **A.** The Government's going to speak on cooperation like this.  
20 You know, that's about it. All I'm -- all I know basically,  
21 the judge has the last say. The Government makes a  
22 recommendation, but the judge gives me my sentence.

23 **Q.** The Government has the first say, don't they, sir?

24 **A.** This is my first time in Federal Court. I don't know if  
25 they have the first say --

~~GONDO~~ ~~CROSS~~

1 Q. How long you been a cop?

2 A. I was in my 12<sup>th</sup> year.

3 Q. All right. Have you been locked up with other people,  
4 other police officers, talking about how the federal system  
5 works?

6 A. How long have I been locked up with other people that  
7 talks about how --

8 Q. Let me rephrase this.

9 You said you were locked up in, what, February?

10 A. I got locked up March 1<sup>st</sup>.

11 Q. March 1<sup>st</sup>.

12 And you're a smart guy; right?

13 A. Yeah, I'm smart.

14 Q. And you have educated yourself as to how the federal  
15 sentencing system works, even if you didn't know it before you  
16 were locked up, didn't you?

17 A. Absolutely not.

18 Q. You didn't have discussions with your --

19 A. No. I had no -- we had no reason to talk federal -- about  
20 federal cases. We were Baltimore City detectives. We rarely  
21 even testified in Federal Court.

22 Q. You misunderstood my question or I mis -- I didn't make it  
23 clear.

24 A. Okay.

25 Q. Once you were locked up for racketeering, once you were

1 locked up in this case and you now knew you were going to face  
2 federal prosecution, you then educated yourself about how the  
3 federal system worked, did you not?

4 **A.** Yes; through my lawyer, yes.

5 **Q.** Through your lawyer?

6 **A.** Yes.

7 **Q.** And he explained to you how the sentencing systems work in  
8 Federal Court?

9 **A.** As far as?

10 **Q.** Did he explain to you anything?

11 **A.** Mr. Brown, we went over my charges and what I did. I  
12 basically confessed to everything that I did, so it wasn't  
13 really too much --

14 **Q.** You reviewed and signed a detailed plea letter that goes  
15 through how your guidelines were set up; correct?

16 **A.** It show [sic] my base level with additional -- with  
17 additional abuse of trust with the firearm, yes. That's what I  
18 read about --

19 **Q.** Abuse of trust, restraint of victims?

20 **A.** Yes.

21 **Q.** Mandatory minimums for drug possession -- drug  
22 distribution. You -- you went through and signed a 12-,  
23 13-page letter that detailed the plea agreement you entered  
24 into; correct?

25 **A.** Yes.

1 Q. And you spent time with your lawyer so that you understood  
2 that; correct?

3 A. Correct.

4 Q. And you went in front of a judge who went through that  
5 with you in detail to make sure you understood it; correct?

6 A. Correct.

7 Q. And part of that plea agreement included a cooperation  
8 agreement that says that the Government may recommend up to  
9 four levels and may request that the Court be able to impose a  
10 sentence below the mandatory minimum of five years; correct?

11 A. That's correct.

12 Q. So you do know that in the first instance, unless the  
13 Government stands before the Court and says, We make a  
14 cooperation motion, the judge has no authority to go below the  
15 five years; correct?

16 A. I won't know that till sentencing.

17 Q. You know -- you may not know whether the Government's  
18 going to make that recommendation; but you know if they don't,  
19 the Court can't go below five years; correct?

20 A. If they don't make the recommendation --

21 Q. Yes.

22 A. -- the Court can't go below --

23 Q. Cannot go below five years. It's a five-year mandatory  
24 minimum; correct?

25 A. If they do make the recommendation, the Court can; and if

1 the judge approves it, yes.

2 **Q.** Right. But they have to first make the motion?

3 **A.** Yes.

4 **Q.** So they have to take the first step, not the Court. The  
5 Court can't do anything below five years unless the Government  
6 says, Judge, we believe this person, for whatever reason,  
7 cooperated with us; correct?

8 **A.** That's correct.

9 **Q.** And not only that, the Government took the first step in  
10 agreeing not to charge you with all of these other mandatory  
11 minimums that stack on each other that are not included as a  
12 requirement of your plea agreement; correct?

13 **A.** That's correct.

14 **Q.** So it is the Government that hold the gate [sic] to you  
15 having the opportunity to try to convince somebody that you  
16 should get less than 50 to 70 years; correct?

17 **A.** It's the Government -- say again.

18 **Q.** The Government holds the key as to whether or not you get  
19 a chance to ask for less than five years or whether you will be  
20 faced with charges that could carry 50 to 70 years of mandatory  
21 time?

22 **A.** With my plea agreement, how I read it, the Government gave  
23 a recommendation. When at sentencing, they can say no, he  
24 didn't follow through; or he did. I mean, I don't -- I have no  
25 idea what's going --

1 Q. It's up to them (indicating)?

2 A. It's up to them. I have no idea.

3 Q. It's up to them (indicating); right?

4 A. Yes.

5 Q. Just like what charges were going to be filed is up to  
6 them (indicating); correct?

7 A. That's right.

8 Q. It's not up to the judge?

9 A. That's correct.

10 Q. So the Government has made you significant promises;  
11 correct?

12 A. I don't even know what I'm going to get, so no.

13 Q. They promised not to charge you with these other offenses,  
14 didn't they?

15 A. They didn't promise. They told me if -- with the  
16 cooperation, if I confess and talk openly and be trust -- I  
17 mean, sound trustworthy about what I did, you know, that's just  
18 basically it.

19 Q. And that's the same sort of trustworthiness that other  
20 judges and juries heard you testify to when you were under oath  
21 before; correct?

22 A. You comparing talking to the Government to the jurors?

23 Q. You testified under oath how many times?

24 A. I'm just confusing your questions now.

25 Q. How many times have you lied under oath before today?



~~GONDO~~ ~~CROSS~~

1 **A.** I said over 50 times I testified in court.

2 **MR. BONSIK:** Your Honor, I have nothing further.

3 **THE COURT:** All right.

4 Mr. Fischer.

5 CROSS-EXAMINATION

6 **BY MR. FISCHER:**

7 **Q.** Mr. Gondo, in this case you pled guilty to Count 1 of an  
8 indictment that charged you with conspiracy to distribute  
9 100 grams or more of heroin; is that correct?

10 **A.** That's correct.

11 **Q.** And as a part of that indictment, you admitted to your  
12 involvement in what the Government is calling the Shropshire  
13 drug-trafficking organization; correct?

14 **A.** That's correct.

15 **Q.** And you admitted to protecting that organization during  
16 the time period of 2010 to 2016 in that indictment; correct?

17 **A.** That's correct.

18 **Q.** And, in fact, you've known Mr. Shropshire for more than  
19 five years; right?

20 **A.** That's correct.

21 **Q.** Correct?

22 And Mr. Wells you've known practically all your life;  
23 right?

24 **A.** Yes.

25 **Q.** You grew up in the same neighborhood; right?

~~GONDO~~ ~~CROSS~~

1 A. Yes.

2 Q. Did you guys go to school together?

3 A. For the most part, I think, yeah. For the most part,  
4 yeah, we went to the same schools.

5 Q. But you used to hang out with him when you were a young  
6 man in your teenage years; right?

7 A. Yes.

8 Q. And you used to hang out with people he would hang out  
9 [sic] as well; right?

10 A. Yes.

11 Q. Okay. So you got to know the people that Mr. Wells knew  
12 over a period of -- over a period of your life; right?

13 A. Yes.

14 Q. Okay. And Shropshire, during these past five years, I  
15 know you've made some allegations -- allegations that he  
16 committed crime, but there were other times where he wasn't  
17 committing crime that you had interaction with him as well; is  
18 that correct?

19 A. As far as?

20 Q. Well, you'd go out with him to the club sometimes; right?

21 A. Yeah, yeah.

22 Q. Okay. You'd hang out with him sometimes; right?

23 A. Yes.

24 Q. Okay. So Mr. Shropshire and Mr. Wells certainly,  
25 according to your testimony, had been no stranger to you for at

1 least, both of them, in the last five years; right?

2 **A.** Yes.

3 **Q.** Okay. And you certainly had conversations during that  
4 time and during your interactions in the last five years; is  
5 that right?

6 **A.** Yes.

7 **Q.** Okay. Now, sir, you certainly went through many proffer  
8 sessions with the Government in anticipation of entering a  
9 cooperation deal; is that correct?

10 **A.** Correct.

11 **Q.** And during those proffer meetings, that's an opportunity  
12 where you sit down with an Assistant U.S. Attorney -- or maybe  
13 two -- and investigators who want to debrief you and hear your  
14 story; right?

15 **A.** That's correct.

16 **Q.** And during those meetings, because you are cooperating,  
17 you have every incentive to put out every piece of dirt you  
18 know on every possible crime you know; correct?

19 **A.** Are you speaking with me, what I did?

20 **Q.** Yes.

21 **A.** Or are you just speaking in general?

22 What I did was confess to what I did.

23 **Q.** I understand that, sir.

24 But you would have every incentive to what you did -- you  
25 would have every incentive to lay it out there in front of the

1 Government; right?

2 **A.** (No response.)

3 **Q.** Well, sir, let me withdraw. Let me rephrase the question.

4 Under the cooperation deal, you're required to be truthful  
5 with the Government; right?

6 **A.** Yes.

7 **Q.** You're supposed to give them the information -- if they  
8 ask questions, you're supposed to answer them truthfully;  
9 correct?

10 **A.** Yes.

11 **Q.** And at these proffer sessions, they sat down and they went  
12 over the very -- the two investigations that you're involved  
13 with, one with the city police and one with the alleged  
14 Shropshire trafficking organization; correct?

15 **A.** That's correct.

16 **Q.** And they laid a -- and, sir, as a police officer, you've  
17 also been involved in these proffer sessions when you were on  
18 the other side with -- on law enforcement; right?

19 **A.** Yes.

20 **Q.** So during those proffer sessions, when you would give 'em,  
21 you certainly would ask questions of suspects; right?

22 **A.** Yes.

23 **Q.** Okay. And you would show them pictures of potential  
24 suspects to identify; right?

25 **A.** Yes; but with my proffer session, I told on myself and

1 what I did. That was it.

2 **Q.** Fair --

3 **A.** The Government just listened to what I said.

4 **Q.** Sir, I understand.

5 But you would agree that during the proffer sessions you  
6 were involved with, you were asked to look at photographs,  
7 various photographs of individuals; right?

8 **A.** Proffer sessions that -- I only been in probably one or  
9 two proffers, and we didn't do photographs. We were in the  
10 Gun Unit. We -- we -- when we proffered someone, we put 'em  
11 back out on the street because they can get us guns, so that  
12 was it.

13 **Q.** So you're talking about when you were a police officer --

14 **A.** Yes.

15 **Q.** -- that's what you did?

16 **A.** Yes.

17 **Q.** Okay. Fair enough.

18 I'm talking about now -- let's talk about you being  
19 charged in this case.

20 **A.** Yes.

21 **Q.** You sat down with the Government on at least three  
22 occasion -- at least three occasions --

23 **A.** Yes.

24 **Q.** -- having proffer sessions?

25 Okay. And, sir, they specifically questioned you about

1 any alleged role you had in the Shropshire drug-trafficking  
2 organization; correct?

3 **A.** Correct.

4 **Q.** Okay. And they laid a copy of the indictment in front of  
5 you to go over; right?

6 **A.** I can't remember if they laid -- actually laid a copy of  
7 it in front of me.

8 **Q.** Well, sir, when you got arrested you were served with a  
9 copy of the third superseding indictment in this case; correct?

10 **A.** Yes.

11 **Q.** And certainly prior to today, you've read the -- every --  
12 every single page of that indictment, which is 29 pages long.  
13 You've read the indictment that was filed against you; correct?

14 **A.** Correct. Your question was, did they lay it in front of  
15 me. I was just answering you saying that I don't know -- I  
16 can't remember if they laid it out --

17 **Q.** Okay. Fair enough.

18 **A.** -- when I was answering questions.

19 **Q.** Fair enough. Okay.

20 And, sir, they asked you about individual defendants on  
21 that indictment that were charged with you on the indictment,  
22 the six individuals who were charged with you; right? Or five  
23 individuals, plus you; right? They asked you questions about  
24 that.

25 **A.** Once I gave the Government information of what I did and

1 that involved other individuals, yes, they began to ask  
2 questions.

3 **Q.** Yeah. So obviously, for example, you made some  
4 allegations about Mr. Shropshire; you made some allegations  
5 about Mr. Wells. They asked you questions about the  
6 individuals who were listed on the indictment; right?

7 **A.** Yes.

8 **Q.** Okay. And, sir, at one point the Government asked you --  
9 and the agents that were involved that were in this room --  
10 asked you about a guy named Munch; correct?

11 **A.** Yes.

12 **Q.** Okay. Now, let's be clear. Prior to you having answered  
13 that question, you have admitted to being involved in this  
14 organization. On a charging document, you've admitted that  
15 you've been involved in this organization for many years;  
16 correct?

17 **A.** Yes.

18 **Q.** You provided protection for this organization; right?

19 **A.** Yes.

20 **Q.** You made phone calls to other police officers to run  
21 interference for members of this alleged trafficking  
22 organization so they wouldn't get arrested selling drugs;  
23 right?

24 **A.** Yes.

25 **Q.** Okay. So despite your long-term position as the protector

~~CONDO~~ ~~CROSS~~

1 of the Shropshire drug-trafficking organization, when you were  
2 asked the question, "Do you know a guy named Munch?" your  
3 answer was "no"?

4 **A.** Yes.

5 **MR. FISCHER:** Thank you. I have nothing else.

6 **THE COURT:** Okay. Anyone else?

7 (No response.)

8 **THE COURT:** Any redirect?

9 **MR. WISE:** No, Your Honor.

10 **THE COURT:** Okay. Thank you. This witness is  
11 excused.

12 **THE WITNESS:** Thank you.

13 (Witness excused.)

14 **THE COURT:** Mr. Hines.

15 **MR. HINES:** Your Honor, the United States calls  
16 Jemell Rayam.

17 **THE COURT:** I think it will be just another minute.

18 **MR. HINES:** Thank you, Your Honor.

19 **THE CLERK:** Please raise your right hand.

20 JEMELL RAYAM, GOVERNMENT'S WITNESS, SWORN.

21 **THE CLERK:** Please be seated.

22 Please speak directly into the microphone.

23 State your full name for the record, and please spell  
24 your first and your last name.

25 **THE WITNESS:** Jemell Rayam. First name, J-E-M-E-L-L;



~~RAYAM~~ ~~DIRECT~~

1 last name, Rayam, R-A-Y-A-M.

2 **THE CLERK:** Thank you.

3 DIRECT EXAMINATION

4 **BY MR. HINES:**

5 **Q.** Mr. Rayam, are you formerly a member of the Baltimore City  
6 Police Department?

7 **A.** Yes.

8 **Q.** What was your last rank?

9 **A.** Detective.

10 **Q.** And are you a defendant in a pending federal case?

11 **A.** Yes.

12 **Q.** What are you charged with in that case?

13 **A.** RICO, racketeering.

14 **Q.** And who are you charged with in that case?

15 **A.** Momodu Gondo, Wayne Jenkins, Danny -- Daniel Hersl,  
16 Hendrix, Ward, and Taylor.

17 **Q.** And what have you pled in that case?

18 **A.** Guilty.

19 **Q.** Why did you plead guilty?

20 **A.** Because it was the right thing to do and I'm guilty.

21 **Q.** What did you do?

22 **A.** I -- I robbed individuals and stole drugs and sold drugs  
23 and guns.

24 **Q.** So you said you robbed individuals?

25 **A.** Yes; while acting as a police officer.

~~RAYAN DIRECT~~

1 Q. And were there occasions when you robbed individuals while  
2 not acting as a police officer?

3 A. Yes.

4 Q. And you said you robbed drugs as well?

5 A. Yes.

6 Q. And did you sell those drugs?

7 A. Yes.

8 Q. And did you rob and steal guns?

9 A. Yes.

10 Q. And were those guns sold?

11 A. Yes.

12 Q. Who did you steal from?

13 A. Multiple individuals. As far as while I was working and  
14 also while I wasn't working.

15 Q. Did you commit 15 robberies?

16 A. Yes.

17 Q. And have you admitted to those robberies, each and every  
18 one of them in your plea agreement?

19 A. Yes, I have.

20 Q. Did you act alone during these robberies?

21 A. No.

22 Q. Can you provide an example of another officer who you  
23 committed robberies with?

24 A. I participated in a robbery with Gondo.

25 Q. I'll ask the question now: Did you follow proper police

~~RAYAN DIRECT~~

1 procedure when you committed any of these 15 robberies?

2 **A.** No, I didn't.

3 **Q.** Were you armed when you robbed these people?

4 **A.** Yes.

5 **Q.** And were these people citizens of Baltimore and the  
6 surrounding counties?

7 **A.** Yes.

8 **Q.** Did you and other members of your unit physically restrain  
9 people with handcuffs when they were being robbed?

10 **A.** Yes.

11 **Q.** Did you create false police reports when you robbed  
12 people?

13 **A.** Yes.

14 **Q.** Did you create other false paperwork as well?

15 **A.** Yes; as far as overtime, saying that I was at work when I  
16 wasn't.

17 **Q.** And with respect to the overtime, how did it work that you  
18 would say you were at work when you were not?

19 **A.** I would just file -- they'd just submit a slip and mark  
20 down the hours that I said I was there, but I truly wasn't  
21 there.

22 **Q.** So you were paid for time in which you, in fact, did not  
23 work?

24 **A.** Yes.

25 **Q.** And with respect to the false police reports, why did you

1 file false documents such as police reports?

2 **A.** A lot of the incidents, money was taken. And it just  
3 showed -- just to cover up my tracks and the other individual  
4 tracks.

5 **Q.** Who prosecuted you for the crimes you committed in the  
6 racketeering case?

7 **A.** The United States Attorney, you guys, the Government.

8 **Q.** That's the United States Attorney's Office for this  
9 district?

10 **A.** Yes; for Maryland.

11 **Q.** As part of your plea agreement, did you agree to cooperate  
12 with the United States in this case and in the ongoing  
13 investigation in the corruption at the Baltimore City Police  
14 Department?

15 **A.** Yes.

16 **Q.** What does that mean?

17 **A.** As far as cooperating, just being honest and telling the  
18 truth and just standing up for my actions and what I did.

19 **Q.** And what obligations do you have in your testimony?

20 **A.** To be honest and to talk -- to tell the truth.

21 **Q.** What, if anything, do you hope -- hope you will get in  
22 return for cooperation?

23 **A.** I feel in doing the right thing, that I would hope to get  
24 a reduced sentence.

25 **Q.** And who decides your sentence?

~~RAYAN~~ ~~DIRECT~~

1 A. Judge Blake.

2 Q. Is Judge Blake a party to your plea agreement?

3 A. No.

4 Q. Even if the United States recommends that you get a lower  
5 sentence, is Judge Blake free to not follow that  
6 recommendation?

7 A. Yes.

8 Q. Have any promises been made to you about what sentence you  
9 will actually receive?

10 A. No.

11 Q. What is the maximum penalty for the crime that you've pled  
12 guilty to?

13 A. 20 years.

14 Q. So Judge Blake can sentence you up to 20 years in prison?

15 A. Yes, sir.

16 Q. Are you detained right now?

17 A. Yes, sir.

18 Q. Why is that?

19 A. I was considered a threat to the community, so I wasn't  
20 able to go home.

21 Q. Did you commit a robbery in October of 2015?

22 A. Yes, sir.

23 Q. Who did you commit this robbery with?

24 A. With Gondo and -- with Mr. Gondo and Mr. Kyle.

25 Q. Mr. Kyle?

1 A. Wells, yes.

2 Q. Mr. Kyle Wells, you say?

3 A. Yes.

4 Q. Did you know Mr. Kyle Wells as that name, or did you know  
5 any other nicknames for him?

6 A. As of -- Lou as well.

7 Q. And how many times had you seen or interacted with  
8 Mr. Kyle Wells before the home invasion robbery in  
9 October 2015?

10 A. I've seen him and interacted with him quite a few times  
11 through association with Mr. Gondo.

12 Q. More or less than ten times?

13 A. I would say more.

14 Q. You can stand if you need a better look from your seat.  
15 Do you see Kyle Wells in the courtroom here today?

16 A. Yeah. I would have to stand up.

17 Q. You can stand up.

18 A. You have moved out the way. He's right there  
19 (indicating), the --

20 Q. Can you identify him by an article of clothing that he's  
21 wearing?

22 A. Black sweater and a collared shirt.

23 **MR. HINES:** Your Honor, let the record reflect that  
24 the witness has identified Kyle Wells as the defendant,  
25 Glen Kyle Wells.

**THE COURT:** It will.

**BY MR. HINES:**

**Q.** What does Kyle Wells do for a living?

**A.** I've known him to sell drugs.

**Q.** What kind of drugs?

**A.** Heroin and weed and coke.

**Q.** And has he told you about the drugs that he sells?

**A.** I participated with him on one occasion and also on an occasion sold him a pound of marijuana at one time, approximately somewhere around there.

**Q.** So we'll talk, I think, extensively about the first occasion.

You said there was a second occasion that involved marijuana as well?

**A.** Yes.

**Q.** And the first occasion, what drug did that involve?

**A.** Marijuana.

**Q.** So there's two occasions; correct?

**A.** Yes.

**Q.** That you sold drugs with him?

**A.** Yes.

**Q.** And what were the drugs on both of those occasions?

**A.** One occasion was marijuana and another occasion was heroin.

**Q.** The robbery in October of 2015 with Gondo and Wells, where

1 did it occur?

2 **A.** On Marnat Road, 2835 Marnat Road.

3 **Q.** And how do you know that address?

4 **A.** I used to live in the adjacent apartment.

5 **Q.** I'm showing you what's been admitted as

6 Government's Exhibit 12A.

7 **A.** Yes. That's the location.

8 **Q.** That's the location of what?

9 **A.** Of the apartment and where I used to live at and where I  
10 committed the robbery.

11 **Q.** Who did you rob?

12 **A.** Mr. Anderson and his -- his female friend/companion that  
13 was also living there.

14 **Q.** Whose idea was it to commit the robbery?

15 **A.** I was told by Mr. Kyle that him and another guy, associate  
16 or friend of his had information about a large amount of money  
17 at this location at the house.

18 **Q.** Did Mr. Kyle tell you how much money that he and his  
19 associate knew was at this location?

20 **A.** Yeah; at one point I think it was like somewhere around  
21 eighty to a hundred thousand dollars.

22 **Q.** And did Kyle or Mr. Wells tell you how he knew that that  
23 money was at this location?

24 **A.** It was something like that a drug deal gone by -- a drug  
25 deal gone bad with Mr. Anderson and that he probably, you know,



1 stole it from somewhere else or by illegal proceeds.

2 Q. Did Mr. Wells tell you that he and his associate had a  
3 plan to steal the money?

4 A. Yeah. Their plan was just to -- to run up in there and  
5 steal the money and, if they had to, kill the individuals.

6 Q. Mr. Wells said that he and his associate would kill the  
7 individuals --

8 A. Yes.

9 Q. -- if that's what it took to take the money?

10 A. Yes.

11 Q. How did you become involved in this robbery?

12 A. Gondo had called me up and, you know, informed me, asked  
13 me and told me about the information that he got from Kyle and  
14 asked if I wanted to be a part of it. And -- you know, and I  
15 agreed to it.

16 Q. Why did you believe that Gondo called you to ask you to be  
17 a part of it?

18 A. Well, 'cause I didn't really have -- I believe that he  
19 felt that I would participate with it as well.

20 Q. Had you participated in other robberies with Mr. Gondo?

21 A. Yes.

22 Q. What was the plan that you and Mr. Wells and Mr. Gondo and  
23 the associate came up with during the robbery?

24 A. Well, I had considered to do a fake search warrant. That  
25 way, you know, it wouldn't be any violence or anything

1 involved; and we just can confiscate the money, and that would  
2 be it.

3 But Mr. Wells had other ideas and just said, "We just  
4 going to run up in there." So that's what -- that's what we  
5 wound up doing.

6 **Q.** So, Mr. Rayam, do I understand that you -- some of the  
7 robberies you committed were with a search warrant, you said?

8 **A.** Yes.

9 **Q.** And that was while acting as a Baltimore City Police  
10 Department officer?

11 **A.** Yes -- well, acting as a Baltimore City police officer,  
12 yes.

13 **Q.** And it was your idea -- when Wells told you that he wanted  
14 to run up in there and kill the individual, if necessary, it  
15 was your idea to actually do a search warrant instead?

16 **A.** Yes.

17 **Q.** And why would you -- why did you want to do a  
18 search warrant instead?

19 **A.** I just felt that you do a search warrant. I didn't feel  
20 like anyone would complain, especially if there was drugs  
21 there. And it would be a lot less stressful, just a little bit  
22 easier.

23 **Q.** But ultimately, you decided -- you agreed not to do the  
24 search warrant and instead go with Wells?

25 **A.** Yes, go with -- go with his idea.

1 Q. Did you take any steps to set up the robbery?

2 A. Yes.

3 Q. What did you do to set up the robbery?

4 A. Myself and along with Gondo, we retrieved -- we got a  
5 tracking device from another individual of ours that was in  
6 the -- that was in the squad and we placed that tracking device  
7 on Mr. Anderson [sic] vehicle.

8 Q. Who did you get the tracking device from in your squad?

9 A. Mr. Clewell.

10 Q. Was this a Baltimore City Police-issued tracking device?

11 A. No.

12 Q. What kind of tracking device was this?

13 A. This is a GPS, just to track where a vehicle goes. So you  
14 just place it on a vehicle and it tracks wherever the location  
15 of the vehicle is at.

16 Q. So was it something that was purchased independently of  
17 the police department?

18 A. Yes, it was purchased independently.

19 Q. I'm showing you what's been marked as  
20 Government's Exhibit 12E. (Handing.)

21 Do you recognize 12E?

22 A. Yes.

23 Q. What is 12E?

24 A. It's the tracking device that we had used to go on  
25 Mr. Anderson [sic] vehicle.

1 Q. After you got that tracking device, can you describe when  
2 and how you put it on Mr. Anderson's vehicle?

3 A. Gondo and I had put it on the night before. We just -- I  
4 can't recall the exact time, but it was dark out. It was late.  
5 And I just scooped under his vehicle and placed the metal part  
6 on another piece of metal, and it sticks (indicating).

7 Q. So is it like a magnet?

8 A. It's a magnet, yes.

9 Q. And what did you do after you had placed the tracking  
10 device on the vehicle? What were you looking for?

11 A. Just -- just movement. Even though, you know, Mr. Kyle  
12 had ideas to just run in there, I figured that if we tracked  
13 the vehicle, then we could just go inside the house and no one  
14 would be there and just, you know, no one would be there or be  
15 able to see us. So that's what the tracking device was for.  
16 So the individuals wouldn't be home.

17 Q. So was it your intention that Mr. Anderson would not be  
18 home and you would know that by monitoring the GPS device?

19 A. Yes.

20 Q. And you wanted to do that so that Mr. Wells did not run up  
21 in there and kill Mr. Anderson?

22 A. Yes.

23 Q. Did you, in fact, monitor that GPS device?

24 A. Yes, I did.

25 Q. How did you do it?

1 **A.** The application that I had downloaded on my phone called  
2 LiveViewGPS. And you put the log-in information and the  
3 password in, and you're able to monitor the location and track  
4 the vehicle by your phone.

5 **Q.** Prior to the robbery, were you, in fact, monitoring it?

6 **A.** Yes.

7 **Q.** And what did the GPS application show?

8 **A.** It showed at the time of the robbery that Mr. Anderson was  
9 in Towson, Maryland, or out -- he wasn't around in Towson, but  
10 I knew it was like somewhere out in the county.

11 **Q.** And what did you do with that information once you learned  
12 that Mr. Anderson was out in the county?

13 **A.** Well, from there it was -- from there we had -- myself,  
14 along with Gondo, along with Mr. Kyle and another associate of  
15 mines, Mr. Finnegan, the first occasion, we had met at the  
16 parking lot at -- on Smith Avenue, kind of like right around  
17 the corner from where the incident happened.

18 And from there we talked about what we were going to do.  
19 And since Mr. Anderson was showing not to be home, we had went  
20 to knock on the door.

21 **Q.** And you said this was an individual named Tom that was  
22 with you?

23 **A.** Yes.

24 **Q.** And who went -- did you guys, in fact, after this  
25 conversation at the parking lot go to Mr. Anderson's house?

1 A. Yes.

2 Q. Who went to Mr. Anderson's house?

3 A. Myself, Gondo, Mr. Kyle, and Mr. Finnegan.

4 Q. You said the purpose was to knock on the door?

5 A. Well, just to make sure that no one was home. I knew that  
6 he -- there was a female also living there, and so I didn't  
7 want to do it with the female also there. So I had my -- an  
8 associate of mine just knock on the door just to make sure  
9 that no one was home.

10 When there was no answer, he initially tried to just bang  
11 in the door, but we weren't successful.

12 So we had left, myself, Gondo -- Mr. Gondo was the  
13 lookout. And myself, Mr. Kyle, and Mr. Finnegan, we had left.

14 Q. So do I understand that you essentially attempted to get  
15 into the apartment initially?

16 A. Yes.

17 Q. And it was unsuccessful; you couldn't get into the door?

18 A. Yes.

19 Q. And so you -- the four of you guys then left?

20 A. Yes.

21 Q. That was you, Mr. Gondo, Wells, and another individual  
22 named Tom?

23 A. Yes.

24 Q. What happened after the four of you left?

25 A. We had went our separate ways. And I don't know how much

1 time approximately had expired. But we was -- I was called  
2 back and said, "Hey, you know, we're going to do this, no  
3 matter what."

4 So myself and Mr. Kyle and Mr. Gondo, we met back at the  
5 parking lot where we previously had met before. Mr. Tom wasn't  
6 there at this time. And it still showed that -- that  
7 Mr. Anderson wasn't home. So I felt comfortable to say, okay,  
8 you know, no one's home.

9 And like I said, Mr. Kyle was just like, "Look, I'm  
10 running in there today, no matter what."

11 So, you know, I said, "Okay." And we all went back to  
12 2835 Marnat Road and --

13 **Q.** Let me ask you a couple of follow-up questions.

14 You said you got a call and you were told it's happening  
15 today?

16 **A.** Yes.

17 **Q.** Who called you?

18 **A.** I can't really, really, truly recall who called me.

19 **Q.** Who were you talking to leading up to the robbery on the  
20 phone?

21 **A.** Myself -- well, I was talking to Mr. Gondo and Mr. Kyle.

22 **Q.** And what was your phone number at the time?

23 **A.** (443) 314-3621.

24 **Q.** What kind of phone -- who was the service provider for  
25 this phone number?

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1 A. Sprint.

2 Q. And did you use it prior to the robbery?

3 A. Yes.

4 Q. Did you ever contact Mr. Wells on your phone?

5 A. I possibly could have called him like the night before the  
6 robbery, but -- and, of course, the day of; but before then, I  
7 never contacted Mr. Wells before.

8 Q. So you believe it's possible you could have contacted or  
9 had communications with Mr. Wells over your phone the night  
10 before the robbery --

11 A. Yes.

12 Q. -- but you're not sure?

13 A. Yes.

14 Q. But on the day of the robbery, you know you did have --

15 A. Yes. I had called him multiple times, yes.

16 Q. That was with Mr. Wells?

17 A. Yes.

18 Q. And apart -- what were the nature of those calls?

19 A. Just to talk about how we were -- how we were going to  
20 plan for the robbery.

21 Q. And this was Mr. Wells who wanted to run up in there?

22 A. Yes.

23 Q. Apart from these conversations around the time of the  
24 robbery, did you ever talk to Mr. Wells by phone?

25 A. No.



1 Q. Did you socialize with Mr. Wells?

2 A. On one occasion I think for Mr. Gondo [sic] birthday, we  
3 all -- you know, I went out for his birthday party. And  
4 Mr. Wells showed up as well.

5 But other than that, we never socialized.

6 Q. So we were at the second parking lot meet. You said that  
7 you, Mr. Wells, and Mr. Gondo were headed back to the  
8 apartment; is that right?

9 A. Yes.

10 Q. And it was Mr. Wells' idea to run up in the apartment --

11 A. Yes.

12 Q. -- and kill, if necessary?

13 A. Yes.

14 Q. And what happened when you guys got back to the apartment?

15 A. This time, like I said, it was just me and Mr. Wells and  
16 Gondo was the lookout. And I knocked on the door just to make  
17 sure that no one was there. And no one answered. So I had  
18 used my shoulder to force -- to force -- forcibly get into the  
19 apartment, and the door popped open.

20 Myself and Mr. Kyle, we ran into the bedroom. Mr. Kyle  
21 was in front of me, but then he ran out. I didn't know why,  
22 but that's when I ran in. And that's when I saw -- I don't  
23 know her name, but that's when I saw the female in the bedroom,  
24 in the bed.

25 Q. Okay. What did the female look like?

1 **A.** I know she was African-American. I can't -- even though I  
2 used to live there, I can't really recall, like, her exact  
3 physical -- I know she was kind of short. But I can't really  
4 recall her exact physical features 'cause I -- I just -- I was  
5 surprised as well. And I just knew --

6 **Q.** I didn't mean to cut you off. You can finish your answer.

7 **A.** And I just -- I just knew that. I felt that no one else  
8 would be in there, so I was just shocked.

9 **Q.** You said she was an African-American female?

10 **A.** Yes.

11 **Q.** And when you and Kyle had run up into the apartment, where  
12 was Gondo?

13 **A.** He was outside.

14 **Q.** What did you have on you when you went up into the  
15 apartment?

16 **A.** I did have my service weapon on me.

17 **Q.** That's a firearm?

18 **A.** A firearm. I had a gun on me, yes.

19 **Q.** What kind of gun?

20 **A.** It was a Glock.

21 **Q.** And when you busted in and Mr. Wells came running back out  
22 of the bedroom, did you have a mask or a covering or anything  
23 over your face at this point in time?

24 **A.** Initially, I didn't. But once I came in and I saw her, I  
25 had a hoodie on and I just wrapped it over my -- my head

1 (indicating). And I just shrunk it. Like I pulled on the  
2 cords so that it would look like a mask so, you know, she won't  
3 be able to see me.

4 **Q.** So when you say a "hoodie," it was like drawstrings  
5 (indicating)?

6 **A.** A drawstring, yes, like a zipper hoodie, but -- and I  
7 just -- a drawstring, yes (indicating).

8 **Q.** And you brought it so, you know, just a portion of your  
9 face was --

10 **A.** Yes.

11 **Q.** -- shown?

12 **A.** Yes.

13 **Q.** And then what happened next?

14 **A.** I -- I pulled out my gun to startle her, and I was trying  
15 to scare her. And I know I gave her some orders, like, "Just  
16 don't move." I could have even said, "I'ma kill you, and  
17 where's the money?"

18 And she had pointed to the "chester," and that's when I  
19 just ran over to the "chester." And she said, you know, "Take  
20 the jewelry. Take my -- take the money."

21 And that's when I saw another gun in the -- in the  
22 "chester." So I grabbed the money, and I grabbed the gun. And  
23 I grabbed the watch -- it was the Rolex -- and a chain and I  
24 ran out.

25 **Q.** So after you threatened or recalled possibly threatening

1 to kill her, you said you ran over to the dresser, like a  
2 nightstand?

3 **A.** Yes.

4 **Q.** And what was in that nightstand?

5 **A.** It was the -- it was drugs and a gun -- and a gun in the  
6 nightstand. And the watch was in the nightstand area as well  
7 with the -- with the chain.

8 **Q.** Where was Mr. Wells during this time?

9 **A.** Well, after he ran out of the bedroom, he also -- he had  
10 like a black bandana covering his face. He had went to the  
11 kitchen.

12 And once I got the stuff, I don't know how we met back up;  
13 but we met back up in the living room. He had a bag from the  
14 kitchen, and we had just -- we walked out. We ran out.

15 **Q.** So you see Mr. Wells in the kitchen?

16 **A.** Yes.

17 **Q.** And you see him get a bag?

18 **A.** Yes. Well, I saw him with the bag.

19 **Q.** And did you see him ultimately leave with the bag?

20 **A.** Yes.

21 **Q.** And in addition to the bag, what else was taken from the  
22 apartment?

23 **A.** Drugs. The bag that he had took had heroin in it.

24 **Q.** Okay. And I'll ask you some questions about that heroin  
25 in a bit.

1 But just so I understand, what did you take from the  
2 apartment?

3 **A.** I took the money, the -- the gun, the watch, and the  
4 chain.

5 **Q.** So I count five items. You said a chain. Let's start  
6 with that first.

7 What kind of chain was it that you took?

8 **A.** I believe it was a -- it was like a clothing line. It  
9 could have been actually -- I'd say it was like a Gucci or a  
10 Versace chain, something. But it had a medallion on it, a gold  
11 chain.

12 **Q.** It was a gold chain. And can you just -- was it like a  
13 heavy chain, thick, or was it a small --

14 **A.** It was a smaller chain.

15 **Q.** And what kind of watch did you take?

16 **A.** It was a Rolex.

17 **Q.** And how about the gun; what kind of gun did you take?

18 **A.** It was a Glock.

19 **Q.** A Glock like what you had?

20 **A.** Yes.

21 **Q.** So you ran out with two guns, your gun and the gun that  
22 you took from inside the apartment?

23 **A.** Yes.

24 **Q.** And how much money did you take?

25 **A.** Approximately like \$12,000.

1 Q. So the \$12,000, the gun, the watch, and the chain, was  
2 that all from in the bedroom area where the female was?

3 A. Yes.

4 Q. And were those items on the nightstand or in the  
5 nightstand?

6 A. I -- I know for sure that the money and the gun was on  
7 the -- was inside the nightstand and the watch was on top of  
8 the nightstand. Everything -- but it was -- everything was  
9 in --

10 Q. But everything was in the bedroom?

11 A. Yes.

12 Q. And then you said heroin was taken by Mr. Wells. How did  
13 you learn that he had taken heroin?

14 A. We -- he told me that it was heroin, and plus I saw it.  
15 And when we went back to Mr. Gondo [sic] house, that's where we  
16 divided everything else -- divided the money up.

17 Q. And did the heroin come from the bag that you saw  
18 Mr. Wells taking out of there?

19 A. Yes. Yes.

20 Q. How much heroin did Mr. Wells take out of the apartment?

21 A. It was around 800 grams of -- of heroin.

22 Q. And is that an approximation by you, or did you have a  
23 chance to weigh it?

24 A. Mr. Wells weighed it.

25 Q. And what did he weigh it with?

1 **A.** A scale.

2 **Q.** And were you with him when he weighed it?

3 **A.** Yes.

4 **Q.** Where did you and Mr. Wells weigh the heroin?

5 **A.** Well, I wasn't, like, directly side by side, but it was in  
6 Mr. Gondo's place.

7 **Q.** Okay. Just to close the gap, so when you and Mr. Wells  
8 leave the apartment, sort of tell us how you get to Mr. Gondo's  
9 house.

10 **A.** We -- everyone drove separate vehicles. And I just -- he  
11 jumped in his vehicle; I jumped in my vehicle. And we all just  
12 drove -- we went to Smith Avenue to Greenspring to 695.

13 **Q.** And did you divide items up afterwards?

14 **A.** Yes.

15 **Q.** Who got the chain?

16 **A.** Mr. Gondo took the chain.

17 **Q.** And what happened to the watch?

18 **A.** Mr. Wells said that he wanted the watch so that he can  
19 make -- to see if it was real and that he was going to get  
20 money for it and pay the person that bought him -- or pay the  
21 person that gave him the information on the house.

22 So we -- we had to, you know, or -- I guess more so he had  
23 to make sure that the information that he got, you know, the  
24 person was paid as well.

25 **Q.** So Mr. Wells owed money for the information he received

1 about Anderson's location?

2 **A.** Yes.

3 **Q.** And did he -- was that the same person that he owed that  
4 money to that -- the associate you referenced earlier?

5 **A.** Yes.

6 **Q.** This is the same associate that planned with Mr. Wells  
7 initially to go into the apartment and kill, if necessary?

8 **MR. HENSLEE:** Objection.

9 **THE COURT:** Sustained.

10 **BY MR. HINES:**

11 **Q.** Did -- in addition to the watch, did you guys divide up  
12 the other items?

13 **A.** The -- after the drugs was weighed and the gun, Mr. Gondo  
14 didn't want to leave it in his house. And Mr. Wells didn't  
15 want to take it being that -- you know, just in case he got  
16 pulled over, he didn't want that. So I was left with taking  
17 the stuff, and I put it in the basement over a friend house.

18 **Q.** Who ultimately ended up with the gun?

19 **A.** Mr. Wells.

20 **Q.** And of the 800 grams of heroin, ultimately how was that  
21 roughly divided?

22 **A.** About, I believe, approximately out of the 800, he took  
23 about 5 -- about 550 grams, around there. Around 550, 600,  
24 somewhere around there.

25 **Q.** And what did you see Mr. Wells do with the heroin, the



1 roughly five to six hundred grams of heroin that he took?

2 **A.** We had went -- we were driving separately, and he had a  
3 connect or someone that he was able to get rid of some of the  
4 drugs through. And we drove to like an apartment building or a  
5 senior citizen home. I don't know which. It's a high-riser on  
6 Old York Road in Baltimore, Maryland.

7 **Q.** The senior citizen home is on the Old York Road area? Is  
8 that what you said?

9 **A.** It could have been a senior citizen home. I'm not -- but  
10 it was just a -- I know it was just an apartment building, but  
11 it was on Old York Road, yes.

12 **Q.** And did you see Mr. Wells go in the apartment building  
13 with the heroin?

14 **A.** I didn't see him go in there, no.

15 **Q.** You knew that he was going there to sell the heroin?

16 **A.** Yes, yes.

17 **Q.** Did Mr. Wells ultimately pay you any money from the  
18 heroin?

19 **A.** Yes.

20 **Q.** What did he pay you from the sale of the 600 grams of  
21 heroin? What was your cut?

22 **A.** Approximately somewhere around like four to six thousand  
23 dollars. After he had made the sale himself and Mr. Gondo came  
24 to my house and -- actually, I didn't really want anyone at my  
25 house. But they came anyway, and I let them into the basement

1 of my house. And they gave me my portion of what Mr. Wells had  
2 sold.

3 **Q.** The remaining portion of 800 grams, so 800 minus 600 is  
4 about 200 grams; right?

5 **A.** Yes.

6 **Q.** And was that ultimately sold, those 200 grams?

7 **A.** Not all of it. I had took some and I had gave -- took  
8 some and gave it to another associate of mine as well just to,  
9 I guess, help out and to get another portion -- just to get  
10 more money. And so from that, I gave the proceeds to Mr. Wells  
11 and Mr. Gondo.

12 **Q.** So Mr. Wells sold a majority of the heroin and gave you  
13 some of the proceeds, but you also sold a portion of the heroin  
14 and gave Mr. Wells some of those proceeds?

15 **A.** Yes.

16 **Q.** What was the amount of money that you gave to Mr. Wells?

17 **A.** I can't -- I can't -- it's a rough estimate.

18 **Q.** What is your rough estimate as to the amount of money that  
19 you gave to Mr. Wells?

20 **MR. HENSLEE:** Objection, Your Honor.

21 **MR. HINES:** Can I rephrase?

22 **THE COURT:** Overruled, but it's approximate.

23 If you can remember. If you can't, you can't.

24 **THE WITNESS:** I know it had to be in the thousands,  
25 maybe a couple thousand. I just can't -- can't recall

~~RAYAM~~ ~~CROSS~~

1 too . . .

2 **BY MR. HINES:**

3 **Q.** So Mr. Wells got the gun. Mr. Wells got the watch.

4 Mr. Wells sold a majority of the heroin. What happened to the  
5 cash, the roughly \$12,000 that you had taken out of the  
6 apartment?

7 **A.** While we were at Mr. Gondo [sic] house, myself, along with  
8 Mr. Wells and Gondo, we split it up amongst the three of us.

9 **MR. HINES:** No further questions, Your Honor.

10 **THE COURT:** All right. Cross-examination,  
11 Mr. Henslee?

12 **MR. HENSLEE:** Thank you, Your Honor.

13 Begging the Court's indulgence.

14 (Mr. Henslee conferred with Government counsel.)

15 CROSS-EXAMINATION

16 **BY MR. HENSLEE:**

17 **Q.** Mr. Rayam, how long ago did you become a police officer?

18 **A.** In 2005.

19 **Q.** And was that with the Baltimore City Police Department?

20 **A.** Yes.

21 **Q.** But you haven't always only been a Baltimore City police  
22 officer; is that correct?

23 **A.** Yes. I was only a Baltimore City police officer.

24 **Q.** Did you ever work for any other agencies or anything?

25 **A.** I did get hired in between Baltimore City by the New York

1 State Police where I left Baltimore City and went there for  
2 like three weeks in the police academy, but I decided to come  
3 back to Baltimore City.

4 Q. And immediately went back to your old job?

5 A. Yes.

6 Q. And what was the first job that you had as a  
7 Baltimore City police officer?

8 A. Patrol in the Northern District.

9 Q. And how long did that last in that -- did you stay in that  
10 position?

11 A. Maybe about -- about two -- well, from 2005, I have to  
12 factor in the academy, which took about six months, and then  
13 field training, which took another couple months. So from 2006  
14 to around maybe about July of 2007, two thousand -- yeah, about  
15 July 2007.

16 Q. Where did you move after that?

17 A. I still was in the Northern District, but I was part of  
18 the plainclothes unit in the Northern District.

19 Q. And as plainclothes, did your -- and being put in the  
20 plainclothes unit, did that change your title, your rank?

21 A. No, it didn't.

22 Q. At some point when you were a patrol officer, did your --  
23 has your -- I assume you were a detective when you were most  
24 recently a police officer; is that right?

25 A. I didn't make the rank of detective until around about --

1 when I went over to the Northwest -- it was at the time called  
2 Violent Crime Impact Section. So once I got into that squad,  
3 that's when I had made the rank of detective.

4 **Q.** And that's a promotion from being a patrol officer?

5 **A.** I can't really say it's a promotion because you don't get  
6 a pay raise.

7 **Q.** But you got a new title?

8 **A.** A new title.

9 **Q.** Okay. And you received that promotion because your  
10 superiors thought you were doing a good job?

11 **A.** Yes.

12 **Q.** Did these superiors who promoted you or gave you the new  
13 title know that you were committing crimes?

14 **A.** No.

15 **Q.** Did those superiors who promoted you or gave you a new  
16 title knew you were -- know you were being dishonest by filing  
17 false police reports and incident reports?

18 **A.** Well, at the time before my new title, I wasn't committing  
19 any crimes.

20 **Q.** Okay. And how about the false time sheets, the fraudulent  
21 time sheets in order to get overtime that you didn't deserve;  
22 when did that start?

23 **A.** That started pretty much when I got into the -- when I --  
24 when I got into the Gun Unit, but a few years ago.

25 **Q.** And was that -- so you talked about the Gun Unit. Can

1 you -- can you explain what the Gun Unit is?

2 **A.** It was originally set up to go after violent offenders who  
3 were in possession of guns and to trace handguns and see where,  
4 you know, it came from or try to trace its origins by the  
5 serial number.

6 **Q.** And you were on that Gun Unit up until the time when you  
7 were arrested for this crime; is that correct?

8 **A.** Yes.

9 **Q.** Who else was on that Gun Unit with you?

10 **A.** At the time of the arrest?

11 **Q.** Sure.

12 **A.** All the individuals that are detained right now: Myself,  
13 Gondo, Hersl, Jenkins, Taylor, Hendrix, and Ward.

14 **Q.** How about -- did you say Sergeant Allers?

15 **A.** Well, I had asked you, "At the time of the arrest?" So --

16 **Q.** Good question.

17 So -- but was Sergeant Allers on that Gun Task Force at  
18 the time that you were arrested?

19 **A.** No, he wasn't on the Gun Task Force at the time I was  
20 arrested, no.

21 **Q.** And how about there was another officer, Clewell?

22 **A.** Yes. He was on the task force as well; but at the time of  
23 the arrest, he wasn't on the task force.

24 **Q.** He had left the task force by that time?

25 **A.** Yes.

~~RAYM~~ ~~CROSS~~

1 Q. The training that you received either in the police  
2 academy or later as a police officer, did that involve being  
3 familiar with the criminal laws of the state of Maryland?

4 A. Yes.

5 Q. And also there are certain criminal laws that are just  
6 specific to Baltimore City; is that right?

7 A. Yes.

8 Q. And you had to be familiar with that as well?

9 A. Yes.

10 Q. You were familiar with the court system of Maryland in  
11 Baltimore City; right?

12 A. Yes.

13 Q. You knew how cases were charged?

14 A. Yes.

15 Q. You knew what charges you were able to bring and what your  
16 limits were in charging documents?

17 A. Yes.

18 Q. You were aware of the role of a judge in a criminal case?

19 A. Yes.

20 Q. And the role of a prosecutor in a criminal case?

21 A. Yes.

22 Q. Did you -- strike that.

23 So you took an oath here today to testify truthfully here  
24 before you testified; is that correct?

25 A. Yes.

1 Q. Did you take an oath when you became a police officer?

2 A. Yes.

3 Q. Safe to say that you violated that oath many, many times;  
4 correct?

5 A. Unfortunately, I did. I did, yes.

6 Q. So you do have immunity here for your testimony today; is  
7 that correct?

8 A. Yes.

9 Q. You have a -- in fact, you can't be prosecuted -- as long  
10 as the Government feels that you were truthful, you can't be  
11 prosecuted for anything that you say here?

12 A. No.

13 Q. And you have confessed here and in your plea agreement to  
14 committing a lot of crimes; is that right?

15 A. Yes.

16 Q. A lot of crimes, some that you've been charged with, some  
17 that you haven't been charged with; correct?

18 A. Yes.

19 Q. And with the immunity and the plea agreement, the  
20 Government is saying, as long as we believe that you testified  
21 truthfully, we're not going to charge you with any other  
22 crimes. And this plea -- this -- what you have pled guilty to,  
23 that's the only penalty you'll have to pay; correct?

24 A. Yes.

25 Q. In fact, you signed the plea agreement, I think, back in



1 June?

2 **A.** No.

3 **Q.** When was that?

4 **A.** I signed it maybe a few weeks ago, beginning of October,  
5 the end of September, somewhere around there. I can't . . .

6 **Q.** You're represented by an attorney in this case?

7 **A.** Yes.

8 **Q.** And you went over the plea agreement with your attorney;  
9 is that correct?

10 **A.** Yes.

11 **Q.** And it's a lengthy document, 10, 12 pages; right?

12 **A.** Maybe a little bit more.

13 **Q.** And you went over it very carefully with your attorney?

14 **A.** I went over it with my attorney, yes.

15 **Q.** Any questions that you had about that, your attorney  
16 answered them for you?

17 **A.** Yes, I believe so, yes.

18 **Q.** And it's an important document; correct?

19 **A.** Yes.

20 **Q.** I mean, it -- you know, it's your protection from getting  
21 charged with other crimes or getting worse penalties; is that  
22 right?

23 **A.** I wouldn't say it's my protection. I was just doing the  
24 right thing.

25 **Q.** So the plea agreement, though, that you have hammered out,

1 as long as the Government feels that you're going to be  
2 truthful, though, you're not going to be charged with these  
3 other crimes that you could be charged with; correct?

4 **A.** Correct.

5 **Q.** Your attorney, did he speak to you about the benefits of  
6 cooperating with the Government?

7 **A.** Yes.

8 **Q.** Talked to you -- in fact, those benefits, a lot of them  
9 are spelled out in the plea agreement; is that correct?

10 **A.** As far as what's -- I guess, yes, it is.

11 **Q.** I mean, look, one of the big benefits of that is that  
12 you're hoping to get a lighter sentence. It's no secret;  
13 right?

14 **A.** Yes.

15 **Q.** And your obligations and the Government's obligations are  
16 spelled out in this plea agreement; is that right?

17 **A.** Yes.

18 **Q.** Did your attorney go over sentencing guidelines with you?

19 **A.** No.

20 **Q.** Did your attorney ever have any conversations with you  
21 about a range of a sentence that you could be exposed to or  
22 anything like that?

23 **A.** Actually, no. He -- he gave his honest opinion, but  
24 nothing as far as what the -- he felt like the judge would  
25 give.

1 Q. Well, no, I'm not necessarily asking for you to even tell  
2 me what your attorney told you.

3 A. Okay.

4 Q. I'm just asking: Did he ever speak with you about  
5 potential sentences that you might receive?

6 A. No.

7 Q. And did he talk to you about his best guess about what  
8 might happen?

9 A. Yes, his expertise, yes.

10 Q. And it's your understanding that your cooperation here, as  
11 long as the Government feels that you're testifying  
12 consistently with what you have said before, that they can make  
13 a motion in front of your sentencing judge to reduce your  
14 offense level in this case; is that right?

15 A. Honestly, I was a police officer and I took an oath; so,  
16 therefore, the judge could go even higher because I'm different  
17 or I was different from everyone else. So, therefore, I don't  
18 know what to expect. But I'm just tired of doing the wrong  
19 thing, and it's time to do the right thing. So . . .

20 Q. Well, I think everybody understands and appreciates how  
21 you are different as a witness and as a defendant.

22 But my question is: Is it your understanding that by  
23 cooperating and testifying in a manner consistent with what you  
24 have said before that the Government can ask the Court to  
25 reduce your sentence?

~~RAYAN~~ ~~CROSS~~

1 **A.** The Government can do that.

2 **Q.** Do you know how sentencing guidelines work?

3 **A.** No.

4 **Q.** Before -- you testified about an incident in October of  
5 2015, this robbery at Marnat, I think it's Avenue or Road;  
6 correct?

7 **A.** Yes.

8 **Q.** Had you committed robberies before that day?

9 **A.** Yes.

10 **Q.** And were all of those robberies that were committed before  
11 that day done as -- on the job as a police officer or had you  
12 committed robberies outside of your duties?

13 **A.** Both.

14 **Q.** Isn't it true that you would steal money from people as an  
15 officer?

16 **A.** Yes.

17 **Q.** You would steal property from people as an officer?

18 **A.** Yes.

19 **Q.** And you would steal narcotics from people as an officer?

20 **A.** Yes.

21 **Q.** You would swear out false affidavits to obtain  
22 search warrants to get into places where you knew there was  
23 money or property or narcotics that you wanted to steal;  
24 correct?

25 **A.** Yes.

~~RAYAN~~ ~~CROSS~~

1 Q. And those affidavits that were false, those are sworn out  
2 under oath; correct?

3 A. Yes.

4 Q. And isn't it true that each time you submitted a false  
5 affidavit, you were committing perjury?

6 A. Yes.

7 Q. How many times do you think you did that?

8 A. As far as a false warrant, it wasn't any more times than  
9 five, honest. It wasn't that -- well, one was too many, but it  
10 wasn't --

11 Q. Around five?

12 A. Around five.

13 Q. So around five times.

14 Isn't it also true that you would prepare false incident  
15 reports to conceal the fact that you were stealing that money,  
16 property, and narcotics?

17 A. Oh, I've done that multiple times, yes.

18 Q. And in those reports, you were swearing that, to the best  
19 of your knowledge, they were true; correct?

20 A. Yes.

21 Q. But you were lying in those reports; right?

22 A. Yes. I was taking property.

23 Q. Isn't it true that you would also prepare false arrest  
24 reports to conceal the fact that you were stealing money and  
25 property and narcotics?

1 A. Yes.

2 Q. And in those reports, you were also swearing that those  
3 reports were true; correct?

4 A. Yes.

5 Q. But they were not?

6 A. They were not.

7 Q. You were lying?

8 A. Yes.

9 Q. And isn't it true that you would sometimes prepare false  
10 charging documents, like a statement of charges, in order to  
11 conceal the fact that you had taken money, property, or  
12 narcotics?

13 A. As far as charges, if anything, with me taking stuff would  
14 lessen the charges. So the charges were always true.

15 Q. What I mean to say is that when you filled out the  
16 application for that statement of charges, you were not  
17 completely honest when you were writing down what happened in  
18 these incidents?

19 A. Well, I guess you could say yes. I --

20 Q. Because you were stealing things, and you didn't put that  
21 in the report?

22 A. Correct.

23 Q. And each time that you're submitting an application in a  
24 situation like that that's false or doesn't contain everything,  
25 that's perjury; right?

1 **A.** Correct.

2 **Q.** How many times do you think you did that?

3 **A.** To the best of my knowledge, I told the prosecution  
4 everything, everything. They had 15, I believe it was 15 -- 15  
5 times. That's what -- I told 'em everything.

6 **Q.** Is it possible that there are incidents that just happened  
7 a while ago and you just didn't have a memory of them?

8 **A.** It's possible.

9 **Q.** And it's true also that you would attempt to make efforts  
10 to evade law enforcement looking at what you were doing in  
11 these situations?

12 **A.** I was -- I was law enforcement, so I wasn't too worried  
13 about it at the time.

14 **Q.** Did you ever turn a body camera off?

15 **A.** No.

16 **Q.** Did you ever -- well, we know you filed false reports,  
17 though, to cover up what you were doing; correct?

18 **A.** Correct. I didn't have a body camera at these times, so I  
19 didn't turn -- I couldn't turn one off.

20 **Q.** Isn't it also true that you defrauded the Baltimore City  
21 Police Department and the State of Maryland by filing fake time  
22 reports and attendance sheets?

23 **A.** Yes.

24 **Q.** And how long do you think that went on?

25 **A.** For a few years.

1 Q. Any best guess as to what year that started?

2 A. I can give it approximately, maybe 2014, 2013, 2014.

3 Q. And how often do you think you filed these fraudulent time  
4 reports?

5 A. It got out of hand the last couple years.

6 Q. So how often is "out of hand"?

7 A. Well, maybe once or twice a week. The thing is a lot of  
8 times I would say I'm working or say if I put in two hours or  
9 three hours, then I would also -- if I wasn't there, I would  
10 also say I worked five hours, so I would pay myself more. So  
11 it happened quite often. I can't give a number, but I can  
12 admit to what I did.

13 Q. Once or twice a week, I think you said?

14 A. Yes.

15 Q. So once or twice a week, you were submitting these fake  
16 reports. You're lying to the Baltimore City Police Department  
17 about the hours you were working; right?

18 A. Yes.

19 Q. And you did this to obtain money, basically, that you  
20 didn't deserve, salary and overtime payments; right?

21 A. Yes.

22 Q. Mr. Rayam, how many times have you been called as a  
23 witness in either state or Federal Court to come testify at a  
24 trial?

25 A. In Federal Court, I testified one time. And in state,



~~RAYAN~~ ~~CROSS~~

1 numerous times.

2 Q. So I just want to make sure I understood the first part of  
3 that question. Did you mean Federal Court in that first part  
4 of your answer?

5 A. Yes.

6 Q. So you think you've testified once in Federal Court?

7 A. To -- yes.

8 Q. And then -- I'm sorry. What was your answer to how many  
9 times in state court?

10 A. Numerous times.

11 Q. Ten? A hundred?

12 A. Yeah, a lot. A lot. I can't -- yeah, it's a lot.

13 Q. And many of those times that you testified -- I assume in  
14 all of the times that you testified, there was a judge  
15 presiding over the event?

16 A. Yes.

17 Q. And often there were juries?

18 A. Yes.

19 Q. Are you aware that the State's Attorney's Office in  
20 Baltimore City will no longer call you as a witness?

21 A. Right now?

22 Q. Yes.

23 A. Yeah. They won't call me as a witness, no.

24 Q. And that's because of the many lies that you have told and  
25 the many crimes you have committed; correct?

~~RAYAM~~ ~~CROSS~~

1 **A.** Well, because I -- yeah, because I'm locked up, like, I  
2 guess they can't call me.

3 **Q.** Well, they could. They could issue a writ to bring you  
4 from jail; right?

5 **A.** Yes.

6 **Q.** But because of your actions in this case, your dishonest  
7 actions, they won't call you as a witness; right?

8 **A.** I can't say what they would do. I haven't spoken with  
9 them.

10 **Q.** Mr. Rayam, I want to go through some incidents that are  
11 reflected in your plea agreement.

12 **A.** Okay.

13 **MR. HENSLEE:** May I approach the witness, Your Honor?

14 **THE COURT:** Yes.

15 **MR. HENSLEE:** I'd like to just have this marked for  
16 identification purposes only as Defendant Wells Exhibit 2.

17 **THE CLERK:** Yes.

18 **BY MR. HENSLEE:**

19 **Q.** (Handing.)

20 Mr. Rayam, if you have any trouble remembering these  
21 incidents that I'm going to ask you about, feel free to  
22 reflect -- or look at the plea agreement that you have in front  
23 of you.

24 It's true that, isn't it, that you did commit a robbery on  
25 June 27<sup>th</sup>, 2014?

~~RAYAN~~ ~~CROSS~~

1 A. Yes.

2 Q. And that was of a house, people the initials of D.C. and  
3 J.S.; is that right?

4 A. Yes.

5 Q. And you and Gondo were there earlier executing a  
6 search warrant that day; correct?

7 A. Yes.

8 Q. And you knew from that -- from being there in that house  
9 earlier that this couple had a lot of cash in the house; right?

10 A. Yes.

11 Q. And it's true, isn't it, that you and two friends went  
12 back later that evening and robbed those people of \$20,000 in  
13 cash; isn't that right?

14 A. Yes.

15 Q. And you actually supplied those two friends with police  
16 equipment to make it look like they were law enforcement  
17 officers; isn't that right?

18 A. Yes.

19 Q. And, of course, you didn't -- you weren't doing this as a  
20 police officer. This was -- you didn't have a uniform on or  
21 anything like that?

22 A. No.

23 Q. Okay. And it's true also that you and Mr. Gondo committed  
24 crimes together; correct?

25 A. Yes.

1 Q. In the course of committing those crimes with Mr. Gondo,  
2 were there times when the two of you would, after the crime had  
3 been committed, discuss how you were -- what you were going to  
4 do to not get caught?

5 A. Can you kind of explain that.

6 Q. Sure. You -- you said that you and Mr. Gondo had  
7 committed crimes together during the -- during this course of  
8 time; is that right?

9 A. Yes.

10 Q. And isn't it true that at times after these crimes had  
11 [sic] committed, that you and Mr. Gondo would talk about or  
12 take actions together to make sure you didn't get caught?

13 A. Well, Gondo and myself, the majority -- like I said, I  
14 told this -- the prosecution everything, even this and being  
15 honest and even though it makes me look bad. And Gondo and I,  
16 really, the most of our robberies took place while working in  
17 the capacity of a -- the police officer.

18 And we wasn't really too worried about getting caught. We  
19 just, you know, split the money. And the incident report, I  
20 guess, yeah, would cover -- would be the coverup as far as  
21 getting caught, whatever was on the incident report.

22 Q. And that's where I was going. You guys would take actions  
23 like filing false reports or not filing a report at all, which  
24 was not proper police procedure, in order to avoid being  
25 caught; right?

1 **A.** Well, I mean, myself, I would like to file a report 'cause  
2 then it's just my word against theirs. So it's just like I  
3 would file a report especially if something was recovered. I  
4 wouldn't take everything.

5 **Q.** But there were times when you either -- you did not file a  
6 report at all about certain incidents; correct?

7 **A.** Yes, you could say yes, yes.

8 **Q.** Okay. And there were certainly times when reports were  
9 filed, either by you or Mr. Gondo, in which you weren't  
10 completely honest about what happened; is that right?

11 **A.** That's correct.

12 **Q.** And all of that was in order to avoid being caught;  
13 correct?

14 **A.** Yes.

15 **Q.** Okay. And it's true, isn't it, that on March 11<sup>th</sup>,  
16 2015, that you and Mr. Gondo did commit a robbery at the house  
17 of a person with the initials G.W.; is that right?

18 **A.** Yes.

19 **Q.** And you found a large amount of cash in that house when  
20 you were searching it; is that right?

21 **A.** Yes.

22 **Q.** Somewhere between eight and ten thousand dollars?

23 **A.** Yes.

24 **Q.** And you and Mr. Gondo took that money; correct?

25 **A.** Yes.

1 Q. You did not submit it as evidence?

2 A. No.

3 Q. And that is clearly not proper police procedure; right?

4 A. Can I -- can I go to where --

5 Q. Yes, you can.

6 A. -- you're talking?

7 Yes.

8 Q. And the reason you didn't fill out a report mentioning the  
9 money is because you didn't want to get caught; right?

10 A. Yes.

11 Q. You were lying to protect yourself?

12 A. Yes.

13 Q. It's true also that on April 3<sup>rd</sup>, 2015, that you  
14 committed another robbery with Mr. Gondo; is that correct?

15 A. Yes.

16 Q. Searching a house belonging to a person with the initials  
17 D.M.?

18 A. Yes.

19 Q. And while you were searching that house, you found about  
20 \$7,000 in cash?

21 A. Yes.

22 Q. And you and Mr. Gondo took that cash and did not submit it  
23 as evidence; correct?

24 A. Yes.

25 Q. And didn't fill out a report saying that you had seized

1 that money; correct?

2 **A.** Correct.

3 **Q.** And did that to avoid being caught for the theft you  
4 committed; right?

5 **A.** Yes.

6 **Q.** On July 31<sup>st</sup>, 2015, you committed another robbery with  
7 Mr. Gondo in a house of a person with the initials Z.N.; right?

8 **A.** Yes.

9 **Q.** Found cash there when you were there?

10 **A.** Yes.

11 **Q.** You guys took that same deal, didn't report it?

12 **A.** Yes.

13 **Q.** Didn't fill out a report about the money?

14 **A.** No.

15 **Q.** And in order to avoid being caught?

16 **A.** Yes.

17 **Q.** Also, on February 10<sup>th</sup>, 2016, committed another robbery  
18 with Mr. Gondo; is that right?

19 **A.** Yes.

20 **Q.** Searching the house of a guy or a person with the initials  
21 P.E.?

22 **A.** Yes.

23 **Q.** And found cash in that residence also?

24 **A.** Yes.

25 **Q.** And exact same situation. You didn't report it; you just

~~RAYAN~~ ~~CROSS~~

1 took it for yourselves?

2 **A.** Yes.

3 **Q.** Didn't submit it as evidence?

4 **A.** No.

5 **Q.** And did not fill out a report indicating that you had  
6 seized that money?

7 **A.** No.

8 **Q.** On February 23<sup>rd</sup>, 2016, you and Mr. Gondo committed  
9 another robbery; is that right?

10 **A.** Yes.

11 **Q.** And went into the home of a person with the initials B.C.;  
12 correct?

13 **A.** Yes.

14 **Q.** And from that home, you stole about \$7,000 in cash; right?

15 **A.** Yes.

16 **Q.** Same deal: didn't report it, didn't fill out a report,  
17 seized it, took it for yourselves; correct?

18 **A.** Yes.

19 **Q.** And didn't fill out the report in order to cover up the  
20 fact that you had taken the money?

21 **A.** Yes.

22 **Q.** On May 11<sup>th</sup>, 2016, just three months later, not quite,  
23 you and Mr. Gondo committed another robbery after a traffic  
24 stop of two people; is that right?

25 **A.** Yes.



~~RAYAN~~ ~~CROSS~~

1 Q. Initials of N.D. and M.A.?

2 A. Yes.

3 Q. And stole about \$700 from them; is that right?

4 A. Yes.

5 Q. And you didn't fill out a police report, of course, about  
6 that either; correct?

7 A. About the money being taken, no.

8 Q. Right. You lied in order to cover up the fact that you  
9 stole \$700?

10 A. Yes.

11 Q. On May 28<sup>th</sup>, committed another robbery with Mr. Gondo,  
12 the house of a person with the initials A.C.; is that correct?

13 A. Yes. Yes.

14 Q. Found another -- again, about \$700 there?

15 A. Yes.

16 Q. Same deal: took it, didn't submit it as evidence; right?

17 A. Correct.

18 Q. Just took it for yourselves, didn't fill out a police  
19 report about it?

20 A. Correct.

21 Q. Also true that in June of 2016, you and Mr. Gondo and  
22 Wayne Jenkins stole about a pound of marijuana and a handgun?

23 A. Yes.

24 Q. And it's true that you sold the marijuana and the handgun?

25 A. Yes; through an associate, yes.

~~RAYAN~~ ~~CROSS~~

1 Q. And then you did that to pay off a drug debt that you owed  
2 to Mr. Jenkins?

3 A. Yes.

4 Q. Of course, that's not proper police procedure; right?

5 A. No, it's not.

6 Q. Didn't submit an incident report for that either, I'm  
7 sure?

8 A. No.

9 Q. Now, on July 8<sup>th</sup>, 2016, there was a search of a home  
10 belonging to people with the initials R.H. and N.H.; right?

11 A. Yes.

12 Q. Was that pursuant to a search warrant that you obtained?

13 A. Yes.

14 Q. And were you the one who filled out the affidavit for that  
15 search warrant?

16 A. Yes.

17 Q. And in that search warrant, you indicated that you and  
18 Mr. Jenkins and Mr. Gondo conducted surveillance on one of  
19 those individuals for a full day; is that right?

20 A. Yes.

21 Q. But that was not true?

22 A. I have to take full blame for putting them in there that  
23 they were with me. But they weren't with me, or I wasn't there  
24 as well.

25 Q. So that was a lie --

~~RAYAN~~ ~~CROSS~~

1 A. That was a lie, yes.

2 Q. -- in that affidavit?

3 A. Yes.

4 Q. And you submitted that affidavit -- in order to get the  
5 search warrant, you have to go to a judge; correct?

6 A. Yes.

7 Q. And you submitted that affidavit and told the judge that's  
8 what you had done in order to get that search warrant; right?

9 A. Yes.

10 Q. You lied to that judge?

11 A. Yes.

12 Q. And then you and Mr. Gondo and others detained those two  
13 individuals, R.H. and N.H., later at a traffic stop; is that  
14 correct?

15 A. Yes.

16 Q. And you later transported them to a place called the barn;  
17 is that right?

18 A. Yes.

19 Q. And can you tell, what is the barn?

20 A. It's like a substation for the Baltimore City Police  
21 Department.

22 Q. And who ordered that to happen?

23 A. Our supervisor at the time, Jenkins.

24 Q. Wayne Jenkins?

25 A. Wayne Jenkins, yes.

1 Q. And at that barn, then these individuals were  
2 interrogated; correct?

3 A. Just R.H. was interviewed; questioned.

4 Q. And when he was interrogated, he admitted to having a lot  
5 of cash at his house; correct?

6 A. Correct.

7 Q. And so you and Mr. Gondo and Mr. Jenkins and also  
8 Mr. Hersl went to their home; is that right?

9 A. Correct.

10 Q. Was that out in Westminster, Carroll County?

11 A. Yes.

12 Q. You don't have any jurisdiction out in Westminster, do  
13 you?

14 A. No.

15 Q. You didn't have any Carroll County police officers with  
16 you when you went out there, did you?

17 A. They arrived later on.

18 Q. And before they arrived, it's true, isn't it, that you  
19 stole \$20,000 in cash from those people?

20 A. Yes.

21 Q. And I assume you stole that before they arrived, before  
22 the Carroll County police arrived 'cause you didn't want them  
23 to know that you had taken it?

24 A. Correct.

25 Q. And you didn't fill out any sort of incident report or

1 arrest report that mentioned that \$20,000, did you?

2 **A.** No, I didn't.

3 **Q.** The four of you took that and split it amongst yourselves?

4 **A.** Correct.

5 **Q.** On August 8<sup>th</sup>, 2016, did you commit a robbery with  
6 Wayne Jenkins and Hersl?

7 **A.** Yes.

8 **Q.** Pulled over a person with the initials of D.A.?

9 **A.** Yes.

10 **Q.** Took money from him?

11 **A.** In that case it was just Hersl and myself that took money  
12 from him.

13 **Q.** Okay. But you did?

14 **A.** Yes. I was part of that, yes.

15 **Q.** Split it with all three of you or just the two of you?

16 **A.** Just the two of us.

17 **Q.** And, again, didn't submit that as evidence, didn't fill  
18 out any sort of incident report or arrest report that mentioned  
19 that money; right?

20 **A.** No.

21 **Q.** And did all of that to conceal the fact that you had  
22 stolen money; correct?

23 **A.** Correct.

24 **Q.** On August 24<sup>th</sup>, 2016, did you commit another robbery  
25 with Mr. Gondo at the home of J.B.?

~~RAYAN~~ ~~CROSS~~

1 A. Yes.

2 Q. And you were there searching that home; correct?

3 A. Yes.

4 Q. And you found about \$1500 in cash?

5 A. Yes.

6 Q. And you and Mr. Hersl and Mr. Gondo stole that money;  
7 correct?

8 A. Correct.

9 Q. Did not submit it as evidence?

10 A. No.

11 Q. Did not fill out any reports for the incident/arrest,  
12 whatever, that mentioned that that money was found?

13 A. Correct.

14 Q. And, in fact, you did that just to cover up the fact that  
15 you had stolen money?

16 A. Correct.

17 Q. On September 7<sup>th</sup>, 2016, you committed yet another  
18 robbery at the house -- storage unit belonging to a person with  
19 the initials A.C.; is that right?

20 A. Yes.

21 Q. And, in fact, you lied to A.C. about the fact that you had  
22 a search warrant; right?

23 A. I'm not exactly sure if that came out of my mouth, but I  
24 know that was said to him. So the comment was made.

25 Q. And it's clear, there was never a search warrant; right?

~~RAYAM~~ ~~CROSS~~

1 A. No.

2 Q. And you found money in that storage unit?

3 A. Yes.

4 Q. And you stole that money?

5 A. Well, not all of it; just a little bit. And I gave the  
6 rest back to Mr. A.C. --

7 Q. But you stole some of it?

8 A. -- or S.S.

9 Yes.

10 Q. And you didn't -- you didn't submit any sort of police  
11 report or incident report mentioning that money; correct?

12 A. No.

13 Q. Okay. And on October 3<sup>rd</sup>, 2016, there was yet another  
14 robbery with Mr. Gondo and Wayne Jenkins involving a high-speed  
15 car chase; right?

16 A. Yes.

17 Q. And eventually the person who you were chasing, I think  
18 the initials are G.H.; is that right?

19 A. Yes.

20 Q. And whoever that person out -- threw narcotics out of the  
21 window before the car crashed?

22 A. Correct.

23 Q. And Wayne Jenkins retrieved that and gave that narcotics  
24 to you?

25 A. Yes.

~~RAYAN~~ ~~CROSS~~

1 Q. He told you to sell it and give him the money; right?

2 A. Correct.

3 Q. And you agreed to do that?

4 A. Yes.

5 Q. And did do that?

6 A. Yes.

7 Q. And, of course, you didn't fill out a report about the  
8 narcotics that were found, did you --

9 A. No.

10 Q. -- in order to cover up the fact that you were seizing  
11 these drugs for your own use, selling them, and keeping the  
12 money, sharing it with Wayne Jenkins; right?

13 A. Correct.

14 Q. Were you arrested on March 1<sup>st</sup> of this year?

15 A. Yes.

16 Q. And you weren't the only police officer arrested at that  
17 time, were you?

18 A. No.

19 Q. Was Mr. Gondo amongst the police officers who were  
20 arrested at that time?

21 A. Yes.

22 Q. Wayne Jenkins?

23 A. Yes.

24 Q. Danny Hersl?

25 A. Yes.



1 Q. And for a while you were all housed in the same facility;  
2 is that right?

3 A. Yes.

4 Q. And you all -- you had an opportunity to speak to these  
5 officers while you were incarcerated during that time; correct?

6 A. Yes.

7 Q. You spoke to Mr. Gondo at times; correct?

8 A. Yes.

9 Q. And you spoke to Mr. Jenkins at times; correct?

10 A. Yes.

11 Q. And you'd spoke about the charges that you were all  
12 facing; right?

13 A. Yes.

14 Q. And you also -- there were discussions amongst you about  
15 how to avoid getting convicted or how to get out of this; is  
16 that correct?

17 A. It was discussions amongst them, but not me. I was going  
18 to do the right thing from day one, from March 1<sup>st</sup>, so that's  
19 what I did.

20 Q. So you mentioned earlier that you had testified many times  
21 in state court in front of juries --

22 A. Yes.

23 Q. -- is that right?

24 A. Yes.

25 Q. Were there times when you testified in front of juries

1 where you were either outright lying or not being completely  
2 honest about what happened?

3 **A.** I guess you can say there was a lot of times because I  
4 took a lot of money, and I falsified a lot of reports saying  
5 that property was taken. So it was a lot of times.

6 **Q.** And when you took the stand in front of a jury, it's not  
7 as if when you got up there, you corrected your lies; right?

8 **A.** No, I did not.

9 **Q.** You lied again to keep protecting yourself?

10 **A.** Yes, I lied.

11 **Q.** You used confidential sources when you were an officer;  
12 correct?

13 **A.** Yes.

14 **Q.** Confidential informants?

15 **A.** Yes.

16 **Q.** Did you ever have a defendant work off the charges by  
17 supplying you with other information?

18 **A.** Yes, that's -- yes.

19 **Q.** And were there times when maybe you didn't charge someone  
20 with a crime when they provided you with other information?

21 **A.** Yes.

22 **Q.** Did you ever have a defendant give up names of other  
23 people who might have committed crimes as a way of avoiding  
24 being charged?

25 **A.** Yes.

~~RAYAM~~ ~~CROSS~~

1 Q. Or as a way of maybe getting a lighter sentence by  
2 cooperating in that fashion?

3 A. Yes.

4 Q. So you, as a police officer and sometimes not as a police  
5 officer, you've stolen money from people?

6 A. Yes.

7 Q. You have stolen property from people?

8 A. Yes.

9 Q. You have stolen narcotics from people?

10 A. Yes.

11 Q. You have, in fact, sold narcotics?

12 A. Yes.

13 Q. You have illegally sold a handgun or two in your time;  
14 correct?

15 A. Yes.

16 Q. You have lied to other police officers?

17 A. Yes.

18 Q. You have lied to prosecutors?

19 A. Yes.

20 Q. You have lied to judges?

21 A. Yes.

22 Q. And you have lied to juries?

23 A. Yes, I did.

24 Q. You filled out fraudulent incident reports; is that  
25 correct?

1 **A.** Yes.

2 **Q.** You filled out fraudulent arrest reports?

3 **A.** Yes.

4 **Q.** Fraudulent charging documents?

5 **A.** Yes.

6 **Q.** And fraudulent time records and attendance records?

7 **A.** Yes, I did.

8 **Q.** You have lied over and over under oath in order to protect  
9 yourself and get what you wanted; correct?

10 **A.** Yes, I did.

11 **MR. HENSLEE:** I don't have any further questions,  
12 Your Honor.

13 **THE COURT:** Okay. May I see counsel at the bench,  
14 please.

15 (Bench conference on the record:

16 **THE COURT:** I'm just wondering if anyone else is going  
17 to be asking questions.

18 (No response.)

19 **THE COURT:** Okay. Good. Thank you.

20 **MR. WISE:** Thanks.)

21 (Bench conference concluded.)

22 **THE COURT:** I understand no other questions on the  
23 defense side.

24 Any redirect?

25 **MR. HINES:** No redirect, Your Honor.

1 Thank you.

2 **THE COURT:** All right. This witness is excused.

3 **THE WITNESS:** Okay. Thank you.

4 (Witness excused.)

5 **THE COURT:** And I'll ask counsel to stick around.

6 Actually, ladies and gentlemen, I need to talk to  
7 counsel again for just one minute before I send you out.

8 (Bench conference on the record:

9 **THE COURT:** Just wanted to make sure we'll have  
10 something for them at 10:00. You're going to have witnesses at  
11 10:00?

12 **MR. WISE:** We have two very short witnesses. Yeah, so  
13 we'll have something right at 10:00.

14 **THE COURT:** Okay. And then you'll have.

15 **MR. HINES:** Yeah. We'll finish in the morning.

16 **MR. WISE:** Yeah. Not very much at all.

17 **THE COURT:** Okay. Great. Thanks.)

18 (Bench conference concluded.)

19 **THE COURT:** All right. Ladies and gentlemen, thank  
20 you for your patience in staying and finishing this today.

21 There will be some additional evidence tomorrow. I'm  
22 going to tell you generally, because I think we told you three  
23 weeks at the beginning of this trial that we may be making  
24 more -- progress more quickly than three weeks, but I will give  
25 you updates as I can.

1 In any event, for right now I'm sending you home, and  
2 please be back tomorrow morning at 10 o'clock to hear some  
3 additional evidence tomorrow.

4 And same instructions: Don't talk about the case.  
5 Leave your notes.

6 Thank you very much, and we'll see you all tomorrow  
7 morning at 10:00.

8 (Jury excused at 5:30 p.m.)

9 **THE COURT:** All right. You can be seated.

10 Who are you expecting tomorrow, Mr. Wise?

11 **MR. WISE:** Our final two witnesses will be, very  
12 briefly, Special Agent Erika Jensen of the FBI for a few  
13 discrete pieces of evidence related to the testimonies of Gondo  
14 and Rayam, and then Te'Ana Cousins, who was the young woman in  
15 the apartment at the time of the robbery. And then that would  
16 be our final witness, and we would rest.

17 **THE COURT:** That will be your final witness. So  
18 you're not planning to call Special Agent Wilde?

19 **MR. WISE:** We're not. Yeah. Now having -- the way  
20 the testimony came in, we do not intend to call him.

21 **THE COURT:** Okay. All right. And defense counsel,  
22 your best estimates of who you'll have available tomorrow?

23 **MR. GUILLAUME:** Your Honor, I have one witness. I'm  
24 working out his availability now. I think he would be  
25 available tomorrow afternoon, but I'd have to confirm once I

1 leave here.

2 **THE COURT:** Okay. Please try to do that. Thank you.

3 Mr. Fischer?

4 **MR. FISCHER:** Your Honor, two witnesses, 45,  
5 50 minutes, my estimate for both of them, total.

6 **THE COURT:** Okay. And they are -- they may be subject  
7 to objection or something by the Government, but they're going  
8 to be available?

9 **MR. FISCHER:** Yeah; Detective McDougall is, and I  
10 think we're making sure that Special Agent Neikirk is as well.

11 **MR. WISE:** So the latest I heard is that Special Agent  
12 Neikirk has a medical issue in the morning but that they  
13 would -- we heard about the desire to call him at 7 o'clock  
14 last night.

15 So he apparently has a medical procedure or something  
16 planned in the morning.

17 But I heard from his supervisor that he thought he  
18 could be here by 1:00 p.m., again, with the caveat that if  
19 it's -- what I understand is it's just to talk about the  
20 previous investigation.

21 So we can have him here, but then we would want to be  
22 heard on that.

23 **THE COURT:** Right. Right. Issues to talk about.  
24 Okay. All right.

25 **MR. BONSI:** Your Honor, I'll have a witness available

1 at 10 o'clock, Sarah Ghatineh.

2 **THE COURT:** Great.

3 **MR. BONSIIB:** I'm not sure how I'm pronouncing it.

4 G-H-A-T-I-N-E-H.

5 **THE COURT:** All right. Thank you. And Mr. McKnett?

6 **MR. McKNETT:** Your Honor, I may have a few, four or  
7 five very short witnesses. I don't think I would take more  
8 than an hour.

9 **THE COURT:** Okay.

10 **MR. HENSLEE:** I don't anticipate calling any  
11 witnesses.

12 **THE COURT:** Right. Okay. All right.

13 Sounds like we should be able to finish the evidence  
14 tomorrow.

15 I have a draft -- and it's a draft. We need to talk,  
16 but I have a draft of jury instructions that should be going  
17 out to you by e-mail from Ms. Childs.

18 **MR. WISE:** It's already gone out.

19 **THE COURT:** Already gone. I'm looking at it, and it's  
20 5:30. She's already sent them -- she's already sent them out.

21 So we'll see how the day goes tomorrow. Maybe there  
22 will be a chance during the day tomorrow to discuss the jury  
23 instructions.

24 And we'll see whether we are able to proceed to  
25 instructions and argument possibly on Friday, it looks like.





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Case 1:16-cr-00051-CB Document 291 Filed 11/03/17 Page 194 of 221

\$100,000 [1] 59/1

\$12,000 [3] 149/25 150/1 155/5

\$1500 [1] 182/4

\$20,000 [6] 46/23 46/24 105/3  
171/12 180/19 181/1

\$3,500 [1] 101/8

\$7,000 [4] 90/15 96/22 174/20  
176/14

\$700 [5] 97/21 98/9 177/3 177/9  
177/14

'

'Cause [11] 4/3 4/21 23/19 25/5  
44/19 60/3 73/17 137/18 146/4  
173/1 180/22

'em [4] 26/21 124/20 125/10  
167/5

.

.22 [1] 6/17

/

/s [1] 193/13

0

05 [1] 74/20

051 [1] 1/4

1

10 [3] 53/20 112/20 161/11

10 o'clock [2] 190/2 192/1

10,000 [2] 70/10 70/16

100 grams [1] 121/9

100,000 [3] 54/20 63/6 63/10

101 [1] 1/24

105 [1] 19/24

106 [1] 26/1

107 [1] 27/8

10:00 [5] 189/10 189/11 189/13  
190/7 193/2

10th [2] 95/19 175/17

11/29/05 [1] 74/20

110 [2] 30/10 30/14

112 [1] 193/7

113 [1] 35/10

116 [1] 39/20

118 [2] 45/22 48/20

11th [4] 92/18 94/2 173/15  
176/22

12 [4] 19/23 112/20 117/22  
161/11

121 [2] 52/21 193/7

127 F.3d [1] 91/2

129 [1] 193/8

12:07 p.m [1] 3/2

12:51 p.m [1] 34/14

12A [2] 67/23 136/6

12E [3] 139/20 139/21 139/23

12th [1] 116/2

13-page [1] 117/23

14 [1] 25/25

1435 [3] 45/21 45/25 48/19

148 [1] 14/21

15 [7] 53/20 91/23 130/15 131/1  
167/4 167/4 167/4

151 [1] 46/6

155 [1] 193/8

18th [3] 46/5 48/19 52/22

1:00 p.m [1] 191/18

1A [6] 1/8 14/21 17/12 17/13

19/24 35/9

1st [6] 106/4 106/5 116/10

116/11 184/14 185/18

2

2 o'clock [1] 34/12

20 [6] 9/22 85/14 90/10 114/22  
133/13 133/14

20 years [1] 9/21

200 grams [2] 154/4 154/6

2005 [2] 155/18 156/11

2006 [1] 156/13

2007 [2] 156/14 156/15

2010 [1] 121/16

2011 [1] 11/5

2012 [1] 11/5

2013 [1] 168/2

2014 [3] 168/2 168/2 170/25

2015 [11] 54/15 92/18 94/2 95/2  
133/21 134/9 135/25 164/5  
173/16 174/13 175/6

2016 [24] 19/22 19/23 24/18  
25/7 27/8 35/9 46/18 52/22  
95/19 96/13 97/13 98/11 98/25  
99/5 121/16 175/17 176/8 176/22  
177/21 178/9 181/5 181/24  
182/17 183/13

2017 [2] 1/8 193/16

21201 [1] 1/25

23rd [2] 96/13 176/8

24th [1] 181/24

25 [2] 1/8 10/11

27th [1] 170/25

2835 Marnat Road [2] 136/2  
143/12

28th [3] 27/8 97/13 177/11

29 [1] 126/12

2:04 p.m [1] 34/16

2:06 p.m [1] 35/2

2:30 [1] 30/16

3

314-3621 [1] 143/23

31st [2] 95/2 175/6

32 [4] 83/19 84/4 84/7 84/13

3621 [1] 143/23

3:42 p.m [1] 111/17

3rd [2] 174/13 183/13

4

40 [2] 9/20 85/14

404 [2] 58/4 58/5

421 [1] 17/12

422 [1] 17/14

443 [1] 143/23

45 [1] 191/4

4:01 p.m [1] 111/21

4th [1] 1/24

5

50 [10] 17/14 88/19 107/24  
107/25 108/11 114/3 114/20  
119/16 119/20 121/1

50 minutes [1] 191/5

51 [1] 27/7

548 [1] 35/9

550 [1] 152/23

550 grams [1] 152/23

554 [1] 39/20

5:30 [1] 192/20

5:30 p.m [1] 190/8

5:34 p.m [1] 193/3

5th [4] 35/9 39/19 45/21 47/20

6

60 [2] 9/19 85/13

600 [2] 152/23 154/3

600 grams [1] 153/20

695 [1] 151/12

7

7 o'clock [1] 191/13

70 [8] 114/3 114/20 115/7 115/7  
115/9 115/11 119/16 119/20

74 [1] 193/7

7th [1] 182/17

8

800 [2] 152/22 154/3

800 grams [3] 150/21 152/20  
154/3

824 [2] 46/6 46/6

8:00 [1] 16/15

8th [4] 98/25 99/5 178/9 181/5

9

9th [4] 46/5 46/12 46/18 47/20

:

: I [1] 42/2

A

A.C [5] 97/17 177/12 182/19  
182/21 183/6

Aaron [3] 54/8 54/14 54/18

Aaron Anderson [3] 54/8 54/14  
54/18

able [9] 118/9 133/20 140/15  
141/3 147/3 153/3 159/15 192/13  
192/24

about [212]

above [1] 193/12

above-entitled [1] 193/12

Absolutely [1] 116/17

abuse [2] 117/17 117/19

academy [9] 74/23 75/5 75/8  
77/22 77/23 101/16 156/2 156/12  
159/2

accident [2] 32/24 32/25

accomplish [1] 44/13

accomplished [1] 114/18

according [2] 22/22 122/25

across [1] 64/1

act [4] 6/12 57/20 114/20  
130/20

acted [1] 72/8

acting [4] 129/25 130/2 138/9  
138/11

actions [8] 19/4 27/3 29/19  
132/18 170/6 170/7 172/12  
172/22

activities [2] 12/17 40/13

acts [3] 91/18 92/1 92/6

actual [1] 75/7

actually [20] 7/14 9/15 23/14  
34/5 42/19 45/23 46/2 46/5  
70/16 71/15 75/18 108/2 126/6  
133/9 138/15 149/9 153/24  
162/23 171/15 189/6

adamant [1] 63/4

added [1] 84/2

addition [3] 25/22 148/21  
152/11

**A**

additional [6] 8/16 84/25  
 117/16 117/17 189/21 190/3  
 address [3] 56/22 62/25 136/3  
 adjacent [4] 64/1 67/21 68/4  
 136/4  
 adjourned [1] 193/3  
 admissions [2] 13/24 22/8  
 admit [2] 8/13 168/12  
 admitted [9] 90/22 91/20 121/11  
 121/15 127/13 127/14 130/17  
 136/5 180/4  
 advice [1] 19/5  
 Affairs [1] 5/2  
 affects [1] 90/20  
 affidavit [13] 99/8 99/12 99/15  
 99/17 100/9 100/13 100/14  
 102/13 165/5 178/14 179/2 179/4  
 179/7  
 affidavits [5] 85/24 86/5 86/9  
 164/21 165/1  
 African [2] 146/1 146/9  
 African-American [2] 146/1  
 146/9  
 after [29] 16/23 19/4 52/25  
 57/12 57/14 57/19 59/3 60/15  
 60/18 63/12 69/23 75/20 83/24  
 83/24 84/14 100/15 140/1 140/9  
 141/24 142/24 147/25 148/9  
 152/13 153/23 156/16 158/2  
 172/2 172/10 176/23  
 afternoon [2] 111/16 190/25  
 afterwards [2] 73/17 151/13  
 again [29] 5/6 14/17 17/13  
 28/12 31/21 34/11 45/4 47/6  
 49/7 51/18 52/3 52/16 53/10  
 58/15 75/6 85/2 91/20 95/7  
 95/14 95/16 96/7 96/9 98/4  
 119/17 177/14 181/17 186/9  
 189/7 191/18  
 against [4] 8/14 78/25 126/13  
 173/2  
 agencies [1] 155/24  
 Agent [4] 190/12 190/18 191/10  
 191/11  
 agents [1] 127/9  
 aggressive [1] 31/13  
 ago [6] 11/6 74/19 155/17  
 157/24 161/4 167/7  
 agree [5] 8/2 62/11 92/2 125/5  
 132/11  
 agreed [8] 8/10 8/21 78/24 81/3  
 89/25 137/15 138/23 184/3  
 agreeing [2] 13/20 119/10  
 agreement [46] 8/2 8/22 9/9  
 78/19 79/11 79/17 79/20 80/21  
 81/1 81/10 81/11 82/7 83/17  
 84/22 89/11 89/13 90/14 90/21  
 92/15 93/3 93/12 112/5 112/11  
 112/24 113/3 113/13 114/7 114/9  
 114/17 117/23 118/7 118/8  
 119/12 119/22 130/18 132/11  
 133/2 160/13 160/19 160/25  
 161/8 161/25 162/9 162/16  
 170/11 170/22  
 ahead [1] 103/22  
 aid [1] 14/17  
 ain't [6] 17/24 18/9 18/10  
 28/11 45/1 49/13  
 al [1] 1/5  
 alcohol [1] 48/1

alert [2] 69/5 69/5  
 Alexander [1] 1/29  
 Alexander Campbell [1] 1/20  
 Alfred [1] 2/2  
 Alfred Guillaume, III [1] 2/2  
 all [130] 3/4 5/9 7/13 8/8 9/2  
 12/21 14/5 14/10 14/16 14/23  
 15/24 16/14 16/23 17/3 17/10  
 17/17 25/18 26/18 26/23 30/25  
 31/12 32/4 32/7 32/15 32/16  
 32/20 33/15 33/20 34/3 34/10  
 35/1 35/3 35/3 35/5 37/15 39/18  
 40/10 42/17 43/21 44/9 44/11  
 44/12 45/20 47/8 48/2 51/17  
 53/3 53/12 54/8 54/17 57/5 57/6  
 58/7 58/22 60/14 63/21 64/17  
 64/24 67/15 67/20 67/20 68/4  
 68/6 68/17 69/24 70/8 72/14  
 72/23 74/14 76/3 77/23 79/6  
 80/18 81/11 82/5 82/13 83/24  
 85/6 89/16 90/1 92/7 94/16  
 101/1 104/15 106/6 106/14  
 106/24 107/3 108/13 109/4  
 109/10 111/15 111/19 111/22  
 112/20 115/20 115/20 116/3  
 119/10 121/3 121/22 143/11  
 145/3 150/2 151/11 154/7 155/10  
 158/12 164/10 169/14 172/23  
 173/6 173/12 181/15 181/21  
 183/5 185/1 185/4 185/11 189/2  
 189/16 189/19 190/6 190/9  
 190/21 191/24 192/5 192/12  
 193/1 193/1  
 allegations [4] 122/15 122/15  
 127/4 127/4  
 alleged [3] 124/13 126/1 127/21  
 Allers [5] 106/22 106/23 106/24  
 158/14 158/17  
 alleviate [1] 25/6  
 allow [1] 91/9  
 allowed [1] 103/9  
 almost [4] 13/12 44/9 60/5 75/1  
 alone [3] 6/12 44/20 130/20  
 along [7] 6/5 74/5 103/15 139/4  
 141/14 141/14 155/7  
 already [13] 18/15 18/16 30/18  
 42/2 44/2 47/25 73/1 89/25  
 91/10 192/18 192/19 192/20  
 192/20  
 also [57] 2/7 4/24 5/19 7/7  
 7/19 8/21 11/22 14/1 20/10  
 20/13 20/21 24/10 24/10 37/23  
 40/15 51/10 68/12 73/21 78/2  
 82/20 85/18 85/21 85/24 86/11  
 86/20 86/24 88/4 98/11 105/14  
 106/19 107/14 108/4 108/19  
 114/24 124/17 130/14 135/8  
 136/13 142/6 142/7 148/9 154/13  
 159/5 165/14 165/23 166/2 167/9  
 167/20 168/9 168/10 171/23  
 174/13 175/17 175/23 177/21  
 180/7 185/14  
 although [1] 91/15  
 aluminum [1] 17/2  
 always [5] 11/17 28/17 82/6  
 155/21 166/14  
 am [2] 41/11 103/10  
 AMERICA [1] 1/3  
 American [2] 146/1 146/9  
 among [3] 15/22 91/4 107/21  
 amongst [5] 155/8 181/3 184/19  
 185/14 185/17

amount [6] 71/22 108/1 136/16  
 154/16 154/18 173/24  
 amounts [1] 54/1  
 Amy [1] 2/8  
 Amy Bonsib [1] 2/8  
 Anderson [25] 54/8 54/14 54/18  
 55/21 55/23 57/3 58/21 58/23  
 59/1 59/14 64/3 64/12 65/19  
 66/11 68/3 136/12 136/25 139/7  
 139/25 140/17 140/21 141/8  
 141/12 141/19 143/7  
 Anderson's [11] 62/14 62/16  
 62/24 63/6 63/16 64/11 66/24  
 140/2 141/25 142/2 152/1  
 animal [1] 31/11  
 another [36] 3/5 4/7 18/6 36/8  
 43/3 65/5 82/20 95/2 95/19  
 96/14 97/14 103/12 110/11  
 128/17 130/22 135/23 136/15  
 139/5 140/6 141/14 142/21  
 147/21 154/8 154/9 156/13  
 158/21 174/14 175/6 175/17  
 176/9 176/23 177/11 177/14  
 181/24 182/17 183/13  
 answer [13] 6/12 12/12 51/16  
 79/24 80/18 104/22 109/5 124/8  
 128/3 142/10 146/6 169/4 169/8  
 answered [4] 91/10 127/12  
 145/17 161/16  
 answering [3] 75/14 126/15  
 126/18  
 anticipate [1] 192/10  
 anticipation [1] 123/8  
 ANTOINE [2] 1/5 1/18  
 ANTOINE WASHINGTON [2] 1/5 1/18  
 Antonio [10] 2/1 10/16 10/23  
 11/1 12/21 49/8 49/18 49/24  
 50/7 53/11  
 Antonio Shropshire [10] 2/1  
 10/16 10/23 11/1 12/21 49/8  
 49/18 49/24 50/7 53/11  
 any [45] 9/14 29/14 29/17 51/5  
 52/14 53/4 59/4 63/2 65/13 69/4  
 79/24 81/8 84/8 94/12 100/3  
 100/20 108/12 111/13 114/8  
 126/1 128/8 131/1 133/8 134/5  
 137/25 139/1 153/17 155/24  
 157/19 160/21 161/15 162/20  
 165/8 168/1 170/20 180/12  
 180/15 180/25 181/18 182/11  
 183/10 188/11 188/24 190/1  
 192/10  
 anybody [2] 62/8 106/21  
 anybody's [1] 90/14  
 anyone [5] 67/6 128/6 138/20  
 153/24 188/16  
 anything [28] 8/25 17/1 28/22  
 48/12 55/16 56/8 56/10 61/13  
 62/5 63/13 69/14 69/15 72/5  
 78/25 91/16 107/18 110/23  
 115/18 117/10 119/5 132/21  
 137/25 146/22 155/24 160/11  
 162/22 166/13 171/21  
 anything's [1] 84/2  
 anyway [1] 153/25  
 anywhere [1] 114/21  
 apart [2] 144/18 144/23  
 apartment [29] 59/1 63/8 64/1  
 67/21 68/3 68/18 69/12 69/15  
 71/24 136/4 136/9 142/15 145/8  
 145/10 145/14 145/19 146/11  
 146/15 148/22 149/2 149/22

**A**

apartment... [8] 150/20 151/8  
 152/7 153/4 153/10 153/12 155/6  
 190/15

app [1] 65/24

apparently [1] 191/15

appearance [1] 50/11

application [6] 87/9 100/9  
 141/1 141/7 166/16 166/23

applying [1] 99/14

appreciates [1] 163/20

approach [6] 50/15 89/15 93/7  
 93/23 102/4 170/13

appropriate [1] 103/7

approves [1] 119/1

approximate [1] 154/22

approximately [7] 6/4 135/10  
 143/1 149/25 152/22 153/22  
 168/2

approximation [1] 150/22

April [1] 174/13

April 3rd [1] 174/13

are [84] 3/6 3/21 3/23 4/4 4/11  
 4/13 9/17 12/7 14/12 14/13  
 14/14 15/22 17/22 20/5 22/3  
 24/5 26/4 26/7 26/9 27/17 27/20  
 28/12 35/16 35/21 36/5 36/10  
 37/7 38/19 40/5 41/18 41/21  
 45/1 49/2 76/13 77/7 78/2 78/2  
 79/7 80/25 81/4 82/18 82/20  
 85/12 86/5 88/23 89/2 89/3  
 89/10 90/13 92/1 92/6 92/15  
 100/18 105/6 106/11 108/13  
 112/11 112/25 113/9 114/1 114/8  
 119/11 123/16 123/19 123/21  
 129/5 129/10 129/12 129/14  
 133/16 158/12 159/5 159/5 162/9  
 162/15 163/21 165/1 167/6  
 169/19 170/10 183/18 190/10  
 191/6 192/24

area [7] 44/7 45/12 67/13 74/8  
 148/6 150/2 153/7

aren't [1] 81/1

argument [1] 192/25

armed [8] 6/14 6/16 69/19 69/21  
 112/3 113/5 113/6 131/3

around [26] 11/2 11/5 25/7  
 42/14 72/17 72/17 77/10 106/7  
 106/25 135/10 136/20 141/9  
 141/16 144/23 150/21 152/23  
 152/23 152/24 153/22 156/14  
 156/25 161/5 165/11 165/12  
 165/13 189/5

arrest [12] 86/20 110/10 110/25  
 111/2 158/10 158/15 158/23  
 165/23 181/1 181/18 182/11  
 188/2

arrested [14] 77/8 84/14 106/2  
 106/4 106/6 106/25 126/8 127/22  
 158/7 158/18 158/20 184/14  
 184/16 184/20

arrests [1] 87/11

arrived [5] 101/23 180/17  
 180/18 180/21 180/22

article [1] 134/20

as [232]

ask [42] 14/6 14/10 16/10 16/16  
 22/5 22/11 23/7 23/13 23/22  
 27/11 34/11 35/8 36/24 37/2  
 43/14 50/19 51/7 58/14 73/2  
 89/9 89/12 93/6 93/9 100/14

101/3 102/15 102/22 102/23  
 102/35 103/9 104/24 118/19  
 124/8 124/21 127/1 130/25

137/16 143/13 148/24 163/24  
 170/21 189/5

asked [16] 14/2 56/13 102/11  
 103/2 103/6 104/3 125/6 126/20  
 126/23 127/5 127/8 127/10 128/2  
 137/12 137/14 158/15

asking [13] 5/3 5/6 48/2 80/10  
 80/11 82/11 89/6 90/9 90/10  
 104/17 163/1 163/4 188/17

assess [1] 51/4

assist [1] 8/10

Assistant [3] 1/17 2/8 123/12

associate [11] 136/15 136/19  
 137/2 137/6 137/23 141/14 142/8  
 152/4 152/6 154/8 177/25

association [1] 134/11

assume [3] 156/23 169/13 180/21

assured [1] 63/5

attempt [3] 37/8 40/22 167/9

attempted [1] 142/14

attendance [3] 88/6 167/22  
 188/6

attention [2] 16/5 89/20

attorney [30] 79/14 79/18 79/24  
 80/5 80/8 80/8 80/14 80/22  
 81/17 81/20 82/1 84/6 101/24  
 102/9 103/15 104/3 104/18  
 104/21 113/4 123/12 132/7 161/6  
 161/8 161/13 161/14 161/15  
 162/5 162/18 162/20 163/2

Attorney's [7] 7/25 8/1 9/12  
 88/24 89/2 132/8 169/19

attorney-client [1] 80/8

Attorneys [3] 1/17 38/7 110/13

audio [15] 14/20 14/24 17/15  
 19/25 26/2 27/9 30/13 35/12  
 39/22 46/1 46/7 48/22 51/19  
 52/5 52/18

August [2] 181/5 181/24

August 24th [1] 181/24

August 8th [1] 181/5

authority [2] 100/20 118/14

availability [1] 190/24

available [4] 190/22 190/25  
 191/8 191/25

Avenue [3] 141/16 151/12 164/5

avenues [1] 61/1

avoid [10] 19/12 22/19 43/5  
 107/15 107/18 172/24 173/12  
 175/3 175/15 185/15

avoiding [1] 186/23

aware [10] 23/6 77/14 88/23  
 89/2 101/5 102/13 103/14 109/7  
 159/18 169/19

away [11] 33/1 60/2 64/12 64/16  
 66/9 66/21 66/21 79/7 79/8 84/2  
 91/15

**B**

B-O-N-D-E-V-A [1] 3/17

B.C [2] 96/16 176/11

back [42] 10/5 11/7 11/8 12/15  
 17/3 17/8 18/14 23/12 27/11  
 30/14 34/11 38/4 38/8 38/12  
 38/12 47/12 55/7 55/22 69/7  
 71/17 75/19 75/20 76/1 79/11  
 100/8 106/25 125/11 143/2 143/4  
 143/11 145/7 145/14 146/21  
 148/12 148/13 150/15 156/3

156/4 160/25 171/12 183/6 190/2

backpack [1] 195/4 221

bad [7] 29/12 29/12 29/14 67/9  
 90/6 136/25 172/15

bag [11] 69/11 69/11 69/17  
 69/23 148/13 148/17 148/18  
 148/19 148/21 148/23 150/17

Baltimore [37] 1/9 1/25 2/10  
 4/5 4/8 7/22 10/13 22/6 59/18  
 68/24 68/25 69/2 74/21 78/3  
 88/4 88/23 116/20 129/5 131/5  
 132/13 138/9 138/11 139/10  
 153/6 155/19 155/21 155/23  
 155/25 156/1 156/3 156/7 159/6  
 159/11 167/20 168/16 169/20  
 179/20

Baltimore City [24] 4/5 4/8  
 74/21 78/3 88/4 88/23 116/20  
 129/5 132/13 138/9 138/11  
 155/19 155/21 155/23 155/25  
 156/1 156/3 156/7 159/6 159/11  
 167/20 168/16 169/20 179/20

Baltimore City Police-issued [1]  
 139/10

Baltimore County [4] 2/10 68/24  
 68/25 69/2

band [2] 68/22 69/2

bandana [4] 68/13 68/14 68/15  
 148/10

bang [1] 142/10

barn [8] 101/12 101/14 101/18  
 104/12 104/25 179/16 179/19  
 180/1

base [8] 82/18 83/18 83/22  
 83/24 84/7 84/13 84/19 117/16

baseball [1] 68/13

based [1] 91/4

basement [2] 152/17 153/25

basically [71] 4/23 5/2 5/11  
 7/2 7/6 7/11 8/8 9/2 13/12 16/3  
 16/12 16/22 17/18 17/18 18/14  
 18/15 19/1 19/10 19/14 21/4  
 21/10 22/23 26/22 28/25 29/18  
 30/24 31/20 32/10 32/16 33/16  
 33/25 36/1 36/7 36/11 37/21  
 38/14 38/21 38/25 41/8 43/10  
 43/12 44/3 44/14 44/18 45/9  
 47/1 47/10 47/14 48/5 50/3  
 50/10 51/24 54/19 55/1 59/5  
 59/23 60/15 62/9 63/3 65/12  
 67/17 68/8 70/22 71/1 71/3  
 71/21 72/13 115/20 117/12  
 120/18 168/19

basis [5] 36/24 71/12 72/20  
 76/19 104/24

be [125] 3/11 7/11 7/12 8/11  
 11/24 14/13 14/20 15/25 18/5  
 18/7 18/25 19/3 23/15 23/16  
 25/4 25/17 31/17 31/18 33/11  
 34/8 34/11 34/17 35/3 35/5  
 36/17 43/13 44/2 44/4 45/11  
 50/3 50/6 51/4 51/22 53/5 53/9  
 53/17 53/19 53/19 53/20 53/24  
 54/1 55/18 56/10 56/11 58/5  
 58/5 61/16 62/1 62/6 62/8 63/5  
 63/10 64/12 67/1 67/8 68/6 78/7  
 78/8 79/9 79/10 81/19 83/1 83/3  
 84/9 89/13 90/7 91/21 91/22  
 92/4 92/5 92/16 100/9 101/12  
 103/1 103/15 104/4 111/19  
 111/22 118/9 119/19 120/5  
 120/16 124/4 127/12 128/17

**B**

be... [40] 128/21 132/20 137/14  
 137/16 137/25 138/2 138/21  
 140/14 140/14 140/14 140/16  
 140/17 141/19 146/8 147/3  
 154/24 159/8 160/9 160/10 162/1  
 162/2 162/3 162/21 172/20  
 188/17 189/21 189/23 190/2  
 190/9 190/11 190/16 190/17  
 190/24 191/6 191/8 191/18  
 191/21 192/13 192/16 192/22

beating [1] 103/16

became [2] 78/14 160/1

because [30] 15/9 16/11 20/25  
 33/15 57/23 67/9 70/17 70/19  
 71/1 82/7 82/24 89/3 94/21  
 96/10 98/21 109/23 123/16  
 125/11 129/20 157/5 157/9  
 163/16 166/20 169/24 170/1  
 170/1 170/6 174/9 186/3 189/22

become [3] 74/19 137/11 155/17

bed [1] 145/24

bedroom [6] 145/20 145/23  
 146/22 148/9 150/2 150/10

been [40] 9/5 9/14 14/1 17/21  
 22/2 34/20 42/25 46/14 46/17  
 47/15 55/15 57/10 57/20 58/2  
 78/23 79/14 82/25 88/12 97/5  
 106/12 108/9 114/19 115/9 116/1  
 116/3 116/6 122/25 124/17 125/8  
 127/15 133/8 136/5 139/19 149/9  
 153/9 155/21 160/16 160/17  
 168/22 172/3

before [50] 1/10 6/7 11/11 21/4  
 28/15 28/15 33/12 34/18 35/24  
 40/25 43/2 43/11 43/11 46/4  
 51/3 60/17 61/11 75/23 77/17  
 77/17 80/20 82/25 84/2 84/10  
 88/12 92/13 115/16 116/15  
 118/13 120/21 120/25 134/8  
 140/3 143/5 144/5 144/6 144/7  
 144/10 157/18 159/24 163/12  
 163/24 164/4 164/8 164/10  
 180/18 180/21 180/21 183/21  
 189/7

beg [1] 100/23

began [3] 33/15 102/22 127/1

Begging [1] 155/13

begin [1] 102/25

beginning [5] 55/25 84/1 106/9  
 161/4 189/23

behalf [3] 38/22 104/20 115/18

behavior [2] 11/24 11/24

being [47] 4/25 6/10 6/20 18/13  
 19/1 19/2 26/12 27/22 31/10  
 31/24 32/1 42/14 56/11 69/3  
 76/4 76/4 76/10 76/13 76/23  
 77/5 77/9 79/7 84/14 85/7 87/10  
 103/16 104/7 105/16 107/18  
 125/18 127/13 131/9 132/17  
 152/15 156/19 157/4 157/16  
 159/2 171/8 172/14 172/24  
 173/12 175/3 175/15 177/7 186/1  
 186/24

belief [3] 23/19 23/20 23/21

believe [23] 4/18 23/15 29/1  
 47/23 57/7 65/5 74/1 75/1 84/23  
 88/11 100/24 107/4 108/4 108/9  
 119/6 137/16 137/18 144/8 149/8  
 152/22 160/20 161/17 167/4

believed [3] 23/22 23/23 42/16

belonging [3] 174/16 178/10  
 182/18

below [6] 118/10 118/14 118/19  
 118/22 118/23 119/5

bench [18] 21/15 21/17 24/2  
 50/15 50/16 51/8 55/5 55/6  
 58/12 89/17 92/11 102/6 103/25  
 188/13 188/15 188/21 189/8  
 189/18

benefit [3] 85/6 109/20 114/1

benefits [8] 80/5 80/15 80/22  
 80/25 81/14 162/5 162/8 162/11

besides [2] 33/24 112/13

best [6] 11/17 163/7 165/18  
 167/3 168/1 190/22

better [3] 18/13 23/14 134/14

between [10] 25/4 43/19 47/20  
 82/7 94/9 94/9 107/17 113/1  
 155/25 173/22

beyond [1] 90/3

bias [2] 89/21 91/9

big [2] 81/14 162/11

bigger [3] 42/21 50/5 50/8

binder [2] 17/14 35/10

binders [2] 14/12 14/14

birthday [2] 145/2 145/3

bit [12] 7/4 21/23 38/17 53/14  
 70/18 70/20 70/22 75/19 138/21  
 148/25 161/12 183/5

black [7] 10/4 17/2 42/14 56/21  
 68/14 134/22 148/10

BLAKE [5] 1/10 133/1 133/2  
 133/5 133/14

blame [2] 107/15 178/22

blue [2] 69/16 69/18

body [3] 87/21 167/14 167/18

Bondeva [1] 3/14

Bonsib [4] 1/19 2/8 91/25  
 111/24

book [1] 48/21

both [8] 30/18 41/15 56/11  
 69/16 123/1 135/22 164/13 191/5

bottom [8] 30/4 33/20 41/24  
 42/18 42/19 42/20 44/22 49/10

bought [1] 151/20

bowed [2] 48/5 48/6

braided [1] 10/4

brandished [2] 113/7 113/24

break [2] 34/9 111/16

breaks [1] 115/1

briefly [4] 5/20 12/15 13/2  
 190/12

Brill [7] 11/13 49/4 49/7 49/24  
 50/7 51/22 53/11

Brill's [2] 49/5 50/10

bring [5] 84/19 89/20 111/20  
 159/15 170/3

bro [1] 41/21

broke [1] 35/8

brought [5] 16/5 59/13 82/1  
 101/12 147/8

Brown [2] 82/1 117/11

building [6] 68/3 68/19 108/6  
 153/4 153/10 153/12

bumpers [1] 28/21

business [1] 11/20

busted [1] 146/21

bustin' [2] 52/9 52/10

butt [2] 47/5 47/9

buy [5] 36/9 36/20 36/21 38/1  
 40/23

buys [4] 36/16 36/16 37/4 37/5

**C**

call [1] 1/19  
 call [53] 14/9 14/15 14/17  
 14/18 14/20 14/23 16/23 17/11  
 17/11 17/13 19/4 19/20 19/23  
 20/2 24/18 25/25 26/15 27/7  
 29/20 30/12 34/4 34/23 35/9  
 35/9 36/6 36/10 38/4 38/8 38/11  
 39/19 39/21 40/25 41/2 45/25  
 46/4 46/6 46/17 47/20 48/19  
 51/18 52/25 67/6 72/13 82/17  
 88/24 143/14 169/20 169/23  
 170/2 170/7 190/18 190/20  
 191/13

Call 1435 [1] 48/19

Call 824 [1] 46/6

Call No [1] 26/15

Call No. 12 [1] 19/23

Call No. 14 [1] 25/25

Call No. 1435 [1] 45/25

Call No. 51 [1] 27/7

Call No. 548 [1] 35/9

call's [1] 46/4

called [22] 8/22 15/7 20/16  
 60/21 60/23 65/24 66/25 67/7  
 78/8 88/12 101/22 137/12 137/16  
 141/1 143/1 143/17 143/18 144/5  
 144/15 157/1 168/22 179/16

calling [5] 3/5 20/23 25/12  
 121/12 192/10

calls [14] 3/7 14/2 14/5 14/9  
 19/22 34/6 69/4 69/4 75/14  
 75/14 105/15 127/20 128/15  
 144/18

came [24] 21/2 28/16 33/12  
 43/22 55/25 56/13 69/12 69/15  
 69/17 69/23 69/23 73/8 75/19  
 75/20 83/25 99/24 137/23 146/21  
 146/24 153/23 153/25 158/4  
 182/23 190/20

camera [3] 87/21 167/14 167/18

Campbell [1] 1/20

can [78] 6/4 9/25 10/3 10/20  
 12/12 13/7 16/21 18/7 22/5  
 22/10 25/16 25/17 30/6 30/7  
 30/14 31/24 33/5 33/6 34/17  
 35/3 39/25 45/24 46/8 47/14  
 52/6 52/19 54/9 64/14 65/15  
 76/16 80/9 82/4 83/3 84/19  
 84/24 89/20 89/20 98/23 100/23  
 100/23 102/4 102/15 103/22  
 106/11 109/20 111/19 111/22  
 118/25 119/23 125/11 130/22  
 133/14 134/14 134/17 134/20  
 138/1 140/1 146/6 149/12 151/18  
 154/21 154/23 157/25 158/1  
 163/12 163/24 164/1 168/2  
 168/11 172/5 174/4 174/4 174/5  
 179/19 186/3 189/25 190/9  
 191/21

can't [40] 38/4 38/8 38/11  
 38/11 38/12 38/13 38/13 56/11  
 75/1 75/1 92/16 104/20 104/22  
 106/18 109/5 112/23 118/19  
 118/22 119/5 126/6 126/16 140/4  
 143/18 146/1 146/2 146/3 154/17  
 154/17 154/23 154/23 154/25  
 154/25 157/5 160/9 160/10 161/5  
 168/11 169/12 170/2 170/8

Cannot [1] 118/23

cap [1] 68/13

<p><b>C</b></p> <p>capacity [1] 172/17</p> <p>car [16] 12/14 12/15 12/18 15/11 15/11 15/24 15/25 17/25 17/25 43/23 56/23 64/20 65/2 65/25 183/15 183/21</p> <p>carefully [2] 79/21 161/13</p> <p>carried [2] 113/5 114/20</p> <p>Carroll [3] 180/10 180/15 180/22</p> <p>Carroll County [3] 180/10 180/15 180/22</p> <p>carry [1] 119/20</p> <p>cars [2] 72/14 75/14</p> <p>case [48] 1/4 3/23 4/7 4/11 4/14 4/19 7/22 7/23 8/3 8/4 9/18 9/18 9/20 9/21 20/11 20/13 20/21 40/15 52/25 55/21 57/10 58/3 83/11 84/12 85/10 85/13 89/19 89/19 99/24 114/1 117/1 121/7 125/19 126/9 129/10 129/12 129/14 129/17 132/6 132/12 152/15 159/18 159/20 161/6 163/14 170/6 181/11 190/4</p> <p>cases [8] 14/10 88/25 89/3 89/4 89/5 109/4 116/20 159/13</p> <p>cash [19] 51/22 94/6 95/6 95/9 95/23 96/20 97/19 155/5 171/9 171/13 173/19 174/20 174/22 175/9 175/23 176/14 180/5 180/19 182/4</p> <p>categories [1] 82/22</p> <p>category [3] 83/1 83/3 83/4</p> <p>Category I [1] 83/1</p> <p>CATHERINE [1] 1/10</p> <p>caught [10] 104/6 172/4 172/12 172/18 172/21 172/25 173/12 174/9 175/3 175/15</p> <p>caveat [1] 191/18</p> <p>CCB [1] 1/4</p> <p>CCB-16-051 [1] 1/4</p> <p>center [2] 66/23 66/24</p> <p>certain [3] 103/16 159/5 173/6</p> <p>certainly [9] 22/1 23/11 91/19 122/24 123/3 123/7 124/21 126/11 173/8</p> <p>Certified [1] 193/15</p> <p>certify [1] 193/10</p> <p>chain [13] 147/23 148/7 149/4 149/5 149/7 149/10 149/11 149/12 149/13 149/14 150/1 151/15 151/16</p> <p>chance [3] 119/19 150/23 192/22</p> <p>change [1] 156/20</p> <p>charge [9] 104/21 108/23 109/22 113/11 114/14 119/10 120/13 160/21 186/19</p> <p>charged [34] 4/7 4/11 4/13 6/10 8/14 20/10 20/21 40/15 55/15 57/8 57/10 58/6 106/12 109/1 109/9 113/4 113/16 114/7 114/9 114/10 114/24 121/8 125/19 126/21 126/22 129/12 129/14 159/13 160/16 160/17 161/21 162/2 162/3 186/24</p> <p>charges [13] 107/12 107/20 117/11 119/20 120/5 159/15 166/10 166/13 166/14 166/14 166/16 185/11 186/16</p> <p>charging [9] 87/4 87/7 87/8 87/12 87/16 127/14 159/16</p>	<p>166/10 188/4</p> <p>chase [1] 183/15</p> <p>chasing [1] 183/17</p> <p>chester [3] 147/18 147/19 147/22</p> <p>childhood [3] 19/8 25/3 33/23</p> <p>Childs [1] 192/17</p> <p>circled [2] 72/17 72/17</p> <p>Circuit [1] 91/2</p> <p>circumstances [1] 5/7</p> <p>cite [1] 91/8</p> <p>citizen [3] 153/5 153/7 153/9</p> <p>citizens [6] 5/5 5/8 5/14 5/19 28/20 131/5</p> <p>city [26] 4/5 4/8 74/21 78/3 88/4 88/23 116/20 124/13 129/5 132/13 138/9 138/11 139/10 155/19 155/21 155/23 155/25 156/1 156/3 156/7 159/6 159/11 167/20 168/16 169/20 179/20</p> <p>clause [1] 91/3</p> <p>clear [6] 24/4 36/17 70/23 116/23 127/12 182/25</p> <p>clearly [4] 56/15 89/21 90/21 174/3</p> <p>Clewell [4] 65/7 65/8 139/9 158/21</p> <p>client [1] 80/8</p> <p>close [7] 11/8 11/9 11/11 16/9 16/15 73/12 151/7</p> <p>closed [1] 62/8</p> <p>clothing [2] 134/20 149/8</p> <p>club [1] 122/20</p> <p>clubs [1] 52/15</p> <p>co [4] 6/5 55/16 56/15 57/9</p> <p>co-conspirator [3] 55/16 56/15 57/9</p> <p>co-conspirators [1] 6/5</p> <p>code [5] 30/19 30/20 30/21 30/22 60/5</p> <p>coke [1] 135/6</p> <p>collared [2] 10/4 134/22</p> <p>combined [1] 83/25</p> <p>come [24] 12/15 21/14 39/12 39/18 42/24 44/1 53/5 53/17 53/18 53/18 53/19 55/5 56/19 57/9 57/18 67/12 69/7 71/17 72/18 87/24 115/16 150/17 156/2 168/23</p> <p>comes [3] 33/9 53/9 83/25</p> <p>comfortable [1] 143/7</p> <p>coming [2] 13/19 36/8</p> <p>comment [1] 182/24</p> <p>commit [10] 7/10 56/13 130/15 133/21 133/23 136/14 170/24 173/16 181/5 181/24</p> <p>committed [38] 6/14 7/7 7/21 8/16 48/13 56/14 56/16 89/25 92/19 94/3 95/2 95/19 96/14 97/13 112/3 122/16 130/23 131/1 132/5 136/10 138/7 164/8 164/10 164/12 169/25 171/23 172/3 172/7 172/11 174/14 175/4 175/6 175/17 176/8 176/23 177/11 182/17 186/23</p> <p>committing [11] 76/21 79/3 86/8 87/15 87/24 122/17 157/13 157/18 160/14 165/5 172/1</p> <p>common [1] 37/17</p> <p>commonly [1] 44/9</p> <p>communications [1] 144/9</p> <p>community [1] 133/19</p>	<p>companion [1] 136/12</p> <p>comparing [1] 129/22</p> <p>complain [1] 138/20</p> <p>completed [1] 57/21</p> <p>completely [3] 166/17 173/10 186/1</p> <p>complex [1] 67/21</p> <p>complicated [1] 103/9</p> <p>conceal [8] 86/12 86/21 87/5 87/13 165/15 165/24 166/11 181/21</p> <p>concerned [7] 18/19 22/11 23/24 23/25 24/24 25/8 91/3</p> <p>concerns [1] 91/4</p> <p>concluded [7] 24/2 51/8 58/12 92/11 103/25 188/21 189/18</p> <p>condo [2] 69/25 70/5</p> <p>conduct [2] 87/19 103/13</p> <p>conducted [2] 99/22 178/18</p> <p>conducting [3] 29/21 30/25 100/22</p> <p>conference [14] 21/17 24/2 50/16 51/8 55/6 58/12 89/17 92/11 102/6 103/25 188/15 188/21 189/8 189/18</p> <p>conferred [1] 155/14</p> <p>confess [3] 112/6 120/16 123/22</p> <p>confessed [5] 8/8 79/3 112/9 117/12 160/13</p> <p>confidential [4] 108/16 108/19 186/11 186/14</p> <p>confidential informants [2] 108/19 186/14</p> <p>confidential sources [2] 108/16 186/11</p> <p>confirm [1] 190/25</p> <p>confiscate [1] 138/1</p> <p>confront [7] 38/21 38/24 43/10 43/14 44/14 47/21 48/14</p> <p>confrontation [1] 91/3</p> <p>confronted [5] 39/17 47/10 47/19 48/1 48/4</p> <p>confronting [1] 99/2</p> <p>confused [1] 80/18</p> <p>confusing [1] 120/24</p> <p>confusion [1] 91/5</p> <p>connect [1] 153/3</p> <p>consecutive [1] 113/22</p> <p>considerably [1] 85/4</p> <p>considered [2] 133/19 137/24</p> <p>consistent [3] 11/23 17/6 163/23</p> <p>consistently [1] 163/12</p> <p>conspiracy [16] 4/12 4/14 6/6 57/2 57/8 57/9 57/16 57/20 57/22 57/24 57/25 58/5 83/9 83/13 83/19 121/8</p> <p>conspirator [3] 55/16 56/15 57/9</p> <p>conspirators [1] 6/5</p> <p>consult [1] 87/23</p> <p>contact [1] 144/4</p> <p>contacted [3] 59/5 144/7 144/8</p> <p>contain [1] 166/24</p> <p>continue [3] 13/2 19/14 111/16</p> <p>continues [1] 31/21</p> <p>continuing [1] 35/5</p> <p>contraband [1] 32/13</p> <p>control [2] 28/20 29/1</p> <p>controlled [4] 36/16 36/20 37/4 38/1</p> <p>controlled buy [2] 36/20 38/1</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>C</b></p> <p>controlled buys [2] 36/16 37/4  converged [1] 67/20  conversation [18] 12/15 13/2  18/18 36/1 36/2 36/7 41/10 49/4  54/16 54/17 57/5 57/18 59/6  59/12 60/15 80/11 81/20 141/25  conversations [6] 12/24 28/17  82/6 123/3 144/23 162/20  convicted [3] 82/25 107/18  185/15  convince [1] 119/15  cooperate [5] 8/2 8/7 13/20  109/8 132/11  cooperated [2] 81/23 119/7  cooperating [10] 80/6 80/15  80/22 84/18 108/23 123/16  132/17 162/6 163/23 187/2  cooperation [15] 8/8 8/22 9/1  80/16 82/10 84/8 114/25 115/19  118/7 118/14 120/16 123/9 124/4  132/22 163/10  cop [1] 116/1  copy [4] 93/5 126/4 126/6 126/9  cords [1] 147/2  corner [1] 141/17  Corporal [1] 2/9  Corporal David McDougall [1]  2/9  correct [210]  corrected [2] 103/1 186/7  corruption [1] 132/13  could [78] 14/22 14/23 14/25  15/1 17/10 22/19 25/19 25/25  26/15 27/7 27/11 27/13 29/2  30/4 30/10 30/15 31/15 32/4  34/7 35/18 38/15 38/16 39/21  41/24 42/18 42/18 42/19 43/5  44/4 45/25 46/2 46/9 48/14  48/23 49/10 51/4 51/17 51/20  52/3 52/16 52/21 53/14 59/7  61/1 64/16 67/1 67/23 69/4  81/14 82/11 90/22 91/19 92/21  93/6 102/3 102/16 109/23 113/4  113/11 113/16 114/18 114/19  115/9 119/20 140/13 144/5 144/8  147/16 149/9 153/9 162/3 162/21  163/16 166/19 170/3 170/3 173/7  191/18  couldn't [3] 29/1 142/17 167/19  counsel [6] 89/20 155/14 188/13  189/5 189/7 190/21  count [6] 114/18 114/19 114/21  114/25 121/7 149/5  Count 1 [1] 121/7  counties [1] 131/6  countin' [1] 112/12  counts [2] 114/4 114/19  county [10] 2/9 2/10 68/24  68/25 69/2 141/10 141/12 180/10  180/15 180/22  couple [10] 64/25 65/14 65/20  66/6 103/20 143/13 154/25  156/13 168/5 171/9  course [12] 14/1 54/13 98/17  101/1 106/12 144/6 171/19 172/1  172/7 177/5 178/4 184/7  court [37] 1/1 1/24 8/22 78/8  82/16 88/14 88/14 88/16 88/18  91/2 107/23 107/24 108/2 108/4  108/11 113/5 115/24 116/21</p>	<p>117/8 118/9 118/13 118/19  118/32 118/25 119/4 118/5 117/31  159/10 163/24 168/23 168/25  169/3 169/6 169/9 185/21 193/3  193/16  court's [3] 89/20 91/8 155/13  courtroom [8] 1/8 9/25 10/18  34/14 35/2 111/17 111/21 134/15  courts [1] 110/14  Cousins [1] 190/14  cover [16] 7/2 7/6 88/2 94/21  95/16 96/10 98/7 98/21 111/2  132/3 167/17 172/20 176/19  177/8 182/14 184/10  covered [4] 68/15 68/16 89/10  92/15  covering [2] 146/22 148/10  coverup [1] 172/20  CR [1] 193/6  crash [1] 32/23  crashed [1] 183/21  crashes [2] 32/7 32/20  crazy [2] 29/10 29/12  create [3] 6/23 131/11 131/14  credibility [3] 90/21 91/19  102/16  crime [13] 56/13 56/16 82/16  82/25 109/23 122/16 122/17  123/18 133/11 157/2 158/7 172/2  186/20  crimes [23] 4/7 7/21 76/21 79/3  79/7 83/6 87/24 89/19 89/22  132/5 157/13 157/19 160/14  160/16 160/22 161/21 162/3  169/25 171/24 172/1 172/7  172/10 186/23  criminal [13] 1/4 77/20 77/25  78/2 82/21 83/1 83/4 87/19  88/24 159/3 159/5 159/18 159/20  Cropp [2] 91/1 91/13  cross [9] 74/17 91/4 91/9 92/1  92/5 112/1 121/5 155/10 155/15  cross-examination [9] 74/17  91/4 91/9 92/1 92/5 112/1 121/5  155/10 155/15  CRR [3] 1/23 193/10 193/14  curious [1] 21/18  currency [1] 5/24  currently [1] 3/21  cut [5] 34/8 56/6 56/17 146/6  153/21</p>	<p>61/3 64/25 65/1 65/1 65/20 66/6  66/14 73/16 80/15 90/19 99/7  99/23 100/4 144/6 144/14 164/8  164/11 171/6 178/19 185/18  192/21 192/22  days [4] 48/20 64/25 65/20 66/6  dead [2] 103/17 103/21  dead-horse [1] 103/21  deal [9] 37/9 41/7 72/11 72/12  123/9 124/4 136/24 136/25  175/11  deal: [2] 176/16 177/16  deal: didn't [1] 176/16  deal: took [1] 177/16  dealer [1] 56/1  dealing [2] 38/6 67/9  dealings [1] 62/7  deals [1] 45/19  debrief [1] 123/13  debriefings [1] 14/1  debt [1] 178/1  decide [2] 47/21 66/12  decided [2] 138/23 156/2  decides [1] 132/25  decision [1] 91/8  deemed [1] 81/5  defendant [22] 1/18 1/20 2/1  2/3 2/5 3/23 9/23 10/7 10/16  10/23 11/1 11/14 24/13 93/16  108/22 108/25 129/10 134/24  163/21 170/16 186/16 186/22  Defendant Glen Kyle Wells [1]  9/23  Defendant Wells [4] 11/14 24/13  93/16 170/16  defendants [3] 1/6 109/7 126/20  defense [2] 188/23 190/21  definitely [2] 17/21 61/8  defrauded [2] 88/4 167/20  delay [1] 65/25  department [14] 4/5 4/9 6/18  7/22 74/21 88/5 129/6 132/14  138/10 139/17 155/19 167/21  168/16 179/21  departmental [1] 69/22  depth [1] 33/15  Derek [1] 1/16  Derek E. Hines [1] 1/16  describe [7] 10/3 10/20 39/15  67/19 71/17 71/19 140/1  described [6] 4/20 13/9 29/9  39/16 54/19 58/21  description [1] 64/3  deserve [4] 77/3 88/9 157/21  168/20  desire [1] 191/13  despite [1] 127/25  destination [1] 75/23  detail [3] 11/21 31/9 118/5  detailed [3] 103/8 117/14  117/23  details [2] 90/1 99/15  detained [6] 5/21 100/16 102/9  133/16 158/12 179/12  detective [17] 2/10 4/15 4/15  4/16 4/16 4/16 46/11 76/6 76/8  76/11 77/19 91/24 129/9 156/23  156/25 157/3 191/9  Detective Hendrix [1] 4/16  Detective Hersl [1] 4/16  Detective McDougall [1] 191/9  Detective Scott Kilpatrick [1]</p>
	<p><b>D</b></p> <p>D. [1] 2/4  D.A [1] 181/8  D.C [1] 171/2  D.M [1] 174/17  daily [1] 64/14  Dan [1] 47/3  Daniel [4] 47/3 47/3 106/19  129/15  Daniel Hers [1] 47/3  Daniel Hersl [3] 47/3 106/19  129/15  Danny [2] 129/15 184/24  Danny Hersl [1] 184/24  dark [1] 140/4  date [3] 46/11 90/12 193/16  David [2] 1/21 2/9  David W. Fischer [1] 1/21  day [31] 22/14 22/19 24/22 26/1  27/8 31/23 40/12 49/12 53/1</p>	

**D**

Detective Scott Kilpatrick... [1] 2/10

Detective Ward [1] 4/16

detectives [1] 116/20

detention [2] 100/25 101/4

device [13] 15/19 60/16 139/5 139/6 139/8 139/10 139/12 139/24 140/1 140/10 140/15 140/18 140/23

did [359]

didn't [96] 7/3 11/18 19/9 21/1 25/3 27/1 28/12 54/12 57/3 59/9 62/7 65/13 67/11 77/2 77/17 88/9 90/16 94/15 94/20 95/9 95/12 96/3 96/5 96/9 96/24 97/2 97/7 98/2 98/6 98/17 98/20 99/13 99/14 99/19 100/14 100/20 109/15 112/6 113/12 113/16 115/13 116/15 116/16 116/18 116/22 119/24 120/14 120/15 125/9 131/2 137/18 138/19 142/6 145/21 146/6 146/24 152/14 152/14 152/16 153/14 153/24 156/21 156/25 157/21 166/20 167/7 167/18 167/19 168/20 171/19 171/20 172/12 174/8 174/9 174/25 175/11 175/13 175/25 176/3 176/16 176/16 176/19 177/5 177/16 177/18 178/6 180/15 180/22 180/25 181/2 181/17 181/17 183/10 183/10 184/7 186/19

differ [1] 100/23

different [8] 19/20 31/4 31/5 83/6 103/6 163/16 163/17 163/21

Diplomate [1] 193/15

direct [3] 3/19 106/10 129/3

directly [4] 3/12 47/21 128/22 151/5

dirt [1] 123/17

disagree [1] 92/2

discovered [1] 16/2

discrete [1] 190/13

discretion [1] 82/3

discuss [3] 84/8 172/3 192/22

discussed [1] 84/10

discussing [1] 31/3

discussion [1] 80/21

discussions [5] 107/14 107/17 116/18 185/14 185/17

dishonest [6] 76/23 88/2 90/18 94/24 157/16 170/6

dishonesty [1] 103/13

distracted [1] 102/24

distribute [3] 83/14 83/14 121/8

distribution [1] 117/22

district [8] 1/1 1/1 75/11 75/25 132/9 156/8 156/17 156/18

divide [2] 151/13 152/11

divided [3] 150/16 150/16 152/21

DIVISION [1] 1/2

do [143] 7/1 7/19 8/18 8/23 8/25 9/17 9/23 9/25 10/10 10/16 10/18 11/1 11/16 12/4 12/5 12/23 14/8 16/7 16/16 18/10 18/17 18/25 19/7 19/13 21/5 21/7 21/14 22/3 23/7 23/11 24/1 25/19 25/21 27/1 31/21 32/1

32/25 32/25 33/22 36/24 37/2 38/16 39/13 40/25 41/6 42/18 42/19 43/9 43/15 44/2 46/20 47/23 48/16 51/6 53/4 54/11 54/23 55/8 55/16 55/19 58/15 58/22 60/8 61/25 62/11 62/13 63/13 63/15 63/24 64/8 67/25 68/17 69/21 70/13 70/15 71/4 71/23 73/15 76/13 76/14 82/14 82/21 83/17 83/17 84/11 85/6 88/17 90/10 91/13 93/4 93/4 93/11 99/3 102/2 103/2 107/23 112/8 118/12 118/25 119/5 125/9 128/2 129/20 129/21 132/19 132/21 134/15 135/3 136/3 137/24 138/6 138/15 138/17 138/19 138/23 139/3 139/21 140/9 140/20 140/25 141/11 141/18 142/7 142/14 143/2 152/25 160/6 163/19 164/1 164/2 165/7 167/2 167/24 168/3 170/8 172/4 180/12 184/3 184/5 185/18 190/20 191/2 193/10

document [8] 7/5 87/8 87/16 92/17 93/10 127/14 161/11 161/18

documents [6] 87/5 87/12 132/1 159/16 166/10 188/4

does [15] 8/6 8/6 10/14 11/12 11/14 12/21 26/25 30/1 38/12 58/4 65/22 65/23 74/25 132/16 135/3

doesn't [4] 36/4 56/10 91/21 166/24

doing [38] 11/22 12/17 13/3 13/4 18/1 18/5 19/3 19/14 21/11 21/20 21/21 23/16 23/17 23/23 39/7 43/6 44/2 45/2 46/17 59/8 72/5 76/11 76/16 76/18 77/14 90/20 99/10 104/7 107/21 107/22 132/23 138/5 157/10 161/23 163/18 167/10 167/17 171/19

dollars [4] 94/9 136/21 153/23 173/22

don't [53] 18/16 23/17 23/18 30/9 31/8 47/19 50/18 50/18 50/19 50/22 51/22 55/5 56/2 57/7 57/11 57/15 57/17 58/14 59/12 76/5 79/8 80/8 89/12 90/7 90/9 92/6 102/19 104/20 104/22 106/21 111/13 112/6 112/11 115/16 115/23 115/24 118/18 118/20 119/24 120/12 126/15 142/25 145/22 147/16 148/12 153/5 157/5 163/17 180/12 188/11 190/4 192/7 192/10

done [11] 16/4 34/22 50/3 61/7 61/11 61/12 89/22 104/25 164/11 165/17 179/8

door [9] 55/8 101/15 141/20 142/4 142/8 142/11 142/17 145/16 145/19

doubt [1] 29/14

Douglas [3] 1/23 193/10 193/14

down [15] 38/17 52/9 52/10 54/9 59/14 74/7 84/12 84/19 84/25 95/1 123/12 124/11 125/21 131/20 166/17

downloaded [1] 141/1

DR [1] 193/6

draft [3] 192/15 192/15 192/16

drawstring [2] 147/6 147/7

drawstrings [1] 147/4

draws [1] 10/4

dresser [1] 148/1

drinkin' [1] 48/16

drinking [1] 46/14

driving [3] 28/21 32/17 153/2

dropping [2] 89/3 89/5

drove [4] 64/3 151/10 151/12 153/4

drug [24] 11/24 11/24 12/20 15/22 37/9 39/3 39/5 40/23 41/7 56/1 75/22 75/25 76/18 101/16 114/25 117/21 117/21 121/13 126/1 128/1 135/16 136/24 136/24 178/1

drug-selling [1] 11/24

drug-trafficking [3] 121/13 126/1 128/1

drugs [44] 6/1 12/5 12/5 13/4 13/4 13/17 19/14 22/6 22/18 22/24 23/7 24/15 25/8 27/5 30/1 32/3 44/24 44/25 45/7 45/7 51/11 57/23 57/23 57/23 71/22 76/18 98/15 98/22 127/22 129/22 129/22 130/4 130/6 135/4 135/5 135/7 135/20 135/22 138/20 148/5 148/23 152/13 153/4 184/11

dude [1] 28/25

due [1] 12/19

dug [1] 18/15

during [24] 5/9 11/10 11/11 47/2 75/12 77/7 77/23 82/6 101/1 121/15 122/14 123/3 123/4 123/11 123/16 124/20 125/5 130/20 137/23 148/8 172/7 172/7 185/5 192/22

duties [1] 164/12

duty [2] 5/11 6/17

dwelling [7] 62/14 62/16 63/6 63/16 64/13 64/16 64/16

dynamic [1] 43/19

**E**

e-mail [1] 192/17

E. [1] 1/16

each [14] 70/12 82/16 86/8 87/15 90/10 90/11 113/7 113/11 113/19 113/23 119/11 130/17 165/4 166/23

ear [1] 44/19

earlier [12] 22/22 27/21 40/7 40/22 88/11 98/25 106/2 106/25 152/4 171/5 171/9 185/20

early [3] 44/25 45/8 45/11

easier [2] 103/11 138/22

educated [3] 84/14 116/14 117/2

efforts [2] 87/19 167/9

eight [7] 89/25 94/9 112/8 112/13 112/25 112/25 173/22

eighty [1] 136/21

either [11] 5/20 21/23 61/16 77/23 159/1 168/23 173/5 173/9 177/6 178/6 186/1

element [1] 51/1

else [19] 5/25 6/2 25/23 45/2 56/13 57/19 62/8 66/18 66/20 114/5 128/5 128/6 137/1 146/7 148/21 150/16 158/9 163/17 188/16

else's [1] 17/25

emojis [1] 42/14



**E**

employed [2] 5/9 5/10  
 employment [1] 4/8  
 encountered [1] 5/19  
 end [5] 18/18 49/12 90/18  
 104/25 161/5  
 ended [2] 16/24 152/18  
 enforcement [35] 8/19 11/23  
 13/21 15/19 17/6 17/20 17/23  
 18/13 19/10 19/12 21/10 21/12  
 23/21 25/20 27/3 29/11 29/19  
 29/21 31/1 33/18 37/8 37/13  
 38/9 38/10 40/13 43/6 43/17  
 44/17 71/21 87/19 101/17 124/18  
 167/10 167/12 171/16  
 enforcer [4] 49/13 49/25 50/2  
 50/24  
 enforcing [2] 50/12 50/13  
 enlarge [8] 15/1 27/13 30/6  
 30/15 33/6 35/18 39/25 49/10  
 enough [5] 66/21 91/10 125/17  
 126/17 126/19  
 entered [3] 35/2 111/21 117/23  
 entering [1] 123/8  
 entire [1] 13/12  
 entirely [1] 91/15  
 entitled [1] 193/12  
 entry [1] 20/5  
 equipment [1] 171/16  
 Erika [1] 190/12  
 Erika Jensen [1] 190/12  
 error [1] 15/10  
 especially [2] 138/20 173/3  
 Esquire [7] 1/16 1/16 1/19 1/21  
 2/2 2/4 2/6  
 essentially [1] 142/14  
 establish [1] 89/21  
 establishing [1] 90/3  
 estimate [3] 154/17 154/18  
 191/5  
 estimates [1] 190/22  
 et [1] 1/5  
 evade [2] 87/18 167/10  
 even [30] 7/13 8/11 8/19 18/9  
 18/10 18/16 18/17 27/5 33/13  
 41/11 47/23 52/25 53/5 84/19  
 90/4 90/5 102/13 104/9 109/9  
 116/15 116/21 120/12 133/4  
 140/11 146/1 147/16 163/1  
 163/16 172/14 172/15  
 evening [2] 46/18 171/12  
 event [2] 169/15 190/1  
 eventually [3] 75/21 101/18  
 183/17  
 ever [19] 81/17 81/20 84/6 84/8  
 88/11 88/20 99/17 108/14 108/22  
 108/25 144/4 144/24 155/24  
 162/20 163/4 167/14 167/16  
 186/16 186/22  
 every [12] 31/23 40/12 113/19  
 113/23 123/17 123/17 123/18  
 123/24 123/25 126/11 126/12  
 130/17  
 everybody [4] 16/19 34/11  
 107/21 163/20  
 Everyday [1] 40/12  
 everyone [2] 151/10 163/17  
 everything [16] 8/9 70/6 79/21  
 83/24 114/5 117/12 150/8 150/8  
 150/10 150/16 166/24 167/4  
 167/4 167/5 172/14 173/4

everything's [3] 26/17 26/18  
 26/28  
 Evesham [2] 59/16 59/18  
 evidence [17] 14/18 94/12 95/10  
 96/3 96/25 97/25 174/1 174/23  
 176/3 177/16 181/17 182/9  
 189/21 190/3 190/13 192/13  
 193/5  
 exact [6] 21/20 112/23 140/4  
 146/2 146/4 175/25  
 exactly [3] 57/17 80/2 182/23  
 examination [12] 3/19 74/17  
 91/4 91/9 92/1 92/5 106/10  
 112/1 121/5 129/3 155/10 155/15  
 example [3] 103/4 127/3 130/22  
 except [1] 106/24  
 exception [1] 20/5  
 EXCERPT [1] 1/12  
 Excerpted [1] 3/3  
 exchange [1] 40/21  
 excuse [1] 28/25  
 excused [5] 128/11 128/13 189/2  
 189/4 190/8  
 execute [1] 67/18  
 executed [2] 5/14 71/2  
 executing [4] 61/16 61/17 97/16  
 171/5  
 exhibit [9] 14/21 17/12 17/13  
 35/10 67/23 93/17 136/6 139/20  
 170/16  
 Exhibit 1 [1] 93/17  
 Exhibit 1A [2] 17/12 17/13  
 Exhibit 2 [1] 170/16  
 expect [2] 115/16 163/18  
 expecting [1] 190/10  
 experience [3] 12/13 59/7 76/15  
 expertise [2] 12/19 163/9  
 expired [1] 143/1  
 explain [11] 14/3 36/4 36/5  
 43/19 45/6 47/8 87/7 87/25  
 117/10 158/1 172/5  
 explained [2] 79/20 117/7  
 exposed [1] 162/21  
 extensively [1] 135/11  
 extra [1] 47/24  
 extremely [1] 90/24  
 eyes [1] 37/21

**F**

F.3d [1] 91/2  
 face [18] 16/21 43/1 59/23  
 59/24 60/5 60/5 60/24 60/24  
 60/25 60/25 61/3 61/3 68/15  
 68/16 117/1 146/23 147/9 148/10  
 face-to-face [1] 61/3  
 faced [3] 113/21 113/22 119/20  
 FaceTime [5] 16/17 16/19 16/19  
 16/20 16/23  
 facility [5] 72/16 101/15 107/3  
 107/6 185/1  
 facing [6] 85/12 107/12 115/7  
 115/9 115/11 185/12  
 fact [45] 8/13 39/13 39/14  
 47/18 48/12 57/13 57/14 57/19  
 65/2 79/11 80/25 84/22 86/12  
 86/21 87/5 87/13 94/15 94/21  
 95/16 96/10 97/2 98/7 98/21  
 101/22 111/3 121/18 131/22  
 140/23 141/5 141/24 160/9  
 160/25 162/8 165/15 165/24  
 166/11 176/20 177/8 181/21  
 182/14 182/14 182/21 182/21

184/10 187/11  
 factor [2] 82/20 85/12  
 facts [2] 87/8 87/9  
 factual [2] 21/24 102/19  
 fair [12] 51/4 77/6 78/16 85/4  
 85/5 94/18 94/19 110/15 125/2  
 125/17 126/17 126/19  
 fake [3] 137/24 167/21 168/15  
 false [26] 6/23 77/1 77/12  
 85/24 86/5 86/11 86/20 87/4  
 87/12 102/13 131/11 131/14  
 131/25 132/1 157/17 157/20  
 164/21 165/1 165/4 165/8 165/14  
 165/23 166/9 166/24 167/16  
 172/23  
 false/fraudulent [1] 85/24  
 falsified [1] 186/4  
 familiar [5] 82/18 91/12 159/3  
 159/8 159/10  
 familiarity [2] 77/24 82/21  
 far [46] 41/11 41/15 45/14  
 45/17 47/11 50/5 50/8 54/20  
 61/13 64/12 64/16 66/21 66/21  
 66/24 73/3 76/12 81/2 81/7 81/8  
 83/3 87/7 87/10 87/11 87/20  
 88/22 89/1 104/16 107/16 107/17  
 107/19 107/20 108/15 109/4  
 109/14 110/9 113/13 117/9  
 122/19 130/13 131/15 132/17  
 162/10 162/24 165/8 166/13  
 172/20  
 fashion [1] 187/2  
 FBI [1] 190/12  
 features [1] 146/4  
 February [6] 95/19 96/13 106/2  
 116/9 175/17 176/8  
 February 10th [2] 95/19 175/17  
 February 23rd [2] 96/13 176/8  
 federal [20] 1/24 82/16 88/14  
 88/16 108/4 115/24 116/4 116/14  
 116/19 116/20 116/21 117/2  
 117/3 117/8 129/10 168/23  
 168/25 169/3 169/6 193/16  
 Federal Court [11] 82/16 88/14  
 88/16 108/4 115/24 116/21 117/8  
 168/23 168/25 169/3 169/6  
 fee [2] 70/22 70/25  
 feed [1] 16/20  
 feel [7] 44/25 45/2 48/13 80/2  
 132/23 138/19 170/21  
 feeling [1] 47/25  
 feels [4] 78/23 160/10 162/1  
 163/11  
 felt [6] 44/15 137/19 138/19  
 143/7 146/7 162/24  
 female [7] 136/12 142/6 142/7  
 145/23 145/25 146/9 150/2  
 few [12] 19/21 39/14 45/15  
 70/10 75/16 103/9 134/10 157/24  
 161/4 167/25 190/12 192/6  
 field [1] 156/13  
 fifteen [2] 54/1 54/2  
 figure [4] 33/14 36/10 36/11  
 38/13  
 figured [2] 51/2 140/12  
 file [7] 90/16 97/2 131/19  
 132/1 173/1 173/3 173/5  
 filed [6] 87/15 120/5 126/13  
 167/16 168/3 173/9  
 filing [6] 76/24 88/5 157/16  
 167/21 172/23 172/23  
 fill [18] 94/15 95/12 96/5 98/2

**F**

fill... [14] 100/14 111/2 174/8  
 174/25 175/13 176/5 176/16  
 176/19 177/5 177/18 180/25  
 181/17 182/11 184/7  
 filled [9] 97/3 100/13 110/22  
 110/25 111/5 166/15 178/14  
 187/24 188/2  
 filling [4] 77/1 77/11 110/10  
 115/4  
 final [5] 75/23 76/7 190/11  
 190/16 190/17  
 find [4] 20/24 50/20 50/22  
 62/16  
 finder's [2] 70/22 70/25  
 fingers [1] 66/1  
 finish [3] 146/6 189/15 192/13  
 finishing [1] 189/20  
 Finnegan [3] 141/15 142/3  
 142/13  
 firearm [10] 6/3 69/22 70/10  
 113/8 113/24 114/8 114/9 117/17  
 146/17 146/18  
 firearms [1] 114/4  
 first [41] 14/20 14/25 20/5  
 20/15 21/18 27/11 30/18 39/24  
 40/3 42/6 42/6 42/24 43/9 45/10  
 46/9 46/12 75/10 83/9 92/2 93/9  
 101/20 104/5 104/9 106/18  
 106/20 115/23 115/24 115/25  
 118/12 119/2 119/4 119/9 128/24  
 128/25 135/11 135/16 141/15  
 149/6 156/6 169/2 169/3  
 firsthand [3] 16/13 28/18 45/15  
 Fischer [3] 1/21 121/4 191/3  
 five [34] 11/2 11/4 11/6 11/7  
 11/10 11/11 13/10 13/15 13/16  
 90/11 105/12 112/21 112/25  
 114/24 118/10 118/15 118/19  
 118/23 118/23 119/5 119/19  
 121/19 122/14 123/1 123/4  
 126/22 149/5 153/1 165/9 165/11  
 165/12 165/13 168/10 192/7  
 five-year [4] 11/10 11/11  
 114/24 118/23  
 fleeing [1] 32/22  
 Fleeting [1] 32/22  
 flipping [2] 109/13 109/17  
 Floor [1] 1/24  
 focus [1] 109/4  
 foil [1] 17/2  
 folded [1] 114/20  
 follow [8] 94/20 96/9 98/6  
 98/20 119/24 130/25 133/5  
 143/13  
 follow-up [1] 143/13  
 followed [1] 74/7  
 following [1] 89/7  
 follows [1] 3/3  
 fond [1] 76/17  
 force [16] 5/13 6/11 6/19 20/9  
 20/24 43/3 75/24 76/2 77/15  
 145/18 145/18 158/17 158/19  
 158/22 158/23 158/24  
 forcibly [1] 145/18  
 foregoing [1] 193/11  
 forgetting [2] 106/21 114/4  
 form [4] 12/8 12/9 13/5 60/10  
 former [2] 4/8 4/15  
 Former Detective Rayam [1] 4/15  
 formerly [2] 4/4 129/5

forward [2] 19/23 34/5  
 forwarded [1] 35/24  
 found [17] 82/17 94/6 95/6  
 95/23 96/20 97/19 99/24 109/11  
 173/19 174/19 175/9 175/23  
 177/14 182/4 182/12 183/2 184/8  
 foundation [2] 21/24 22/2  
 four [15] 34/6 43/23 70/16  
 70/17 70/19 84/25 105/12 105/13  
 112/24 118/9 142/19 142/24  
 153/22 181/3 192/6  
 Fourth [1] 91/2  
 Fourth Circuit [1] 91/2  
 frame [3] 12/7 13/7 64/25  
 frank [1] 81/19  
 frankly [5] 11/23 44/9 79/6  
 81/14 103/5  
 fraud [3] 4/23 7/8 7/10  
 fraudulent [18] 76/24 85/24  
 87/16 88/6 97/3 99/8 99/12  
 105/7 110/22 110/25 111/2 111/5  
 157/20 168/3 187/24 188/2 188/4  
 188/6  
 free [3] 69/17 133/5 170/21  
 freely [1] 115/5  
 frequently [1] 34/1  
 Friday [1] 192/25  
 friend [18] 11/17 16/11 19/8  
 19/8 21/1 21/2 25/4 33/23 38/25  
 39/5 39/7 39/10 43/11 47/13  
 67/7 136/12 136/16 152/17  
 friend/companion [1] 136/12  
 friends [2] 171/11 171/15  
 front [18] 53/6 53/9 53/17  
 108/8 108/12 108/13 108/14  
 118/4 123/25 126/4 126/7 126/14  
 145/21 163/13 170/22 185/21  
 185/25 186/6  
 fulfill [1] 82/13  
 full [8] 3/13 3/16 99/14 99/23  
 100/4 128/23 178/19 178/22  
 further [11] 38/17 53/5 53/9  
 66/8 74/13 84/20 91/9 111/13  
 121/2 155/9 188/11  
 furtherance [5] 57/1 57/7 57/16  
 57/20 57/22

**G**

G-H-A-T-I-N-E-H [1] 192/4  
 G-O-N-D-O [2] 3/15 3/18  
 G.H [1] 183/3  
 G.W [3] 92/19 94/4 173/17  
 gain [2] 15/21 64/15  
 gained [1] 65/20  
 gap [1] 151/7  
 gate [1] 119/14  
 gather [1] 54/22  
 gave [29] 19/5 40/22 56/22  
 56/22 60/25 62/24 71/1 74/10  
 74/11 80/17 81/10 109/23 119/22  
 126/25 147/15 151/21 154/1  
 154/7 154/8 154/10 154/12  
 154/14 154/16 154/19 157/12  
 157/15 162/23 183/5 183/23  
 geared [2] 67/17 67/17  
 general [5] 21/21 21/22 22/3  
 77/9 123/21  
 generally [4] 23/4 23/7 91/12  
 189/22  
 gentlemen [2] 189/6 189/19  
 get [79] 8/25 9/15 11/9 12/15  
 13/1 13/1 13/7 16/4 17/3 17/8

19/10 21/24 33/1 33/21 33/22  
 34/3 34/18 39/13 44/7 44/17  
 44/24 44/24 45/7 45/7 49/9  
 53/14 60/9 60/20 62/18 64/19  
 65/4 75/17 75/21 76/14 77/2  
 77/19 80/9 84/12 85/6 99/8  
 107/15 109/1 109/1 109/9 109/9  
 109/13 109/17 115/5 115/13  
 119/16 119/18 120/12 125/11  
 127/22 132/21 132/23 133/4  
 139/8 142/14 142/17 145/18  
 148/17 151/8 151/19 153/3 154/9  
 154/9 155/25 157/5 157/21  
 162/12 164/22 172/4 172/12  
 174/9 179/4 179/8 185/15 188/9  
 getting [15] 55/7 57/19 81/24  
 99/16 109/5 109/12 109/13  
 109/14 109/19 161/20 161/21  
 172/18 172/21 185/15 187/1  
 Ghatineh [1] 192/1  
 girl [1] 49/5  
 give [17] 32/8 70/18 70/20  
 70/21 70/21 70/24 82/12 90/13  
 93/4 124/7 124/20 162/25 168/2  
 168/11 184/1 186/22 189/24  
 gives [1] 115/22  
 givin' [2] 53/20 53/20  
 giving [2] 4/24 53/25  
 Glen [18] 2/5 9/23 10/7 21/19  
 24/6 26/8 27/18 35/17 36/9  
 38/23 39/11 41/23 43/11 47/11  
 49/3 54/16 70/21 134/25  
 Glen Kyle Wells [3] 2/5 10/7  
 134/25  
 Glen Wells [14] 21/19 24/6 26/8  
 27/18 35/17 36/9 38/23 39/11  
 41/23 43/11 47/11 49/3 54/16  
 70/21  
 Glock [4] 6/17 146/20 149/18  
 149/19  
 gloves [3] 69/16 69/16 69/18  
 go [64] 5/2 16/8 16/12 23/12  
 25/11 25/25 27/11 30/7 30/10  
 30/14 31/8 37/19 41/11 41/15  
 42/17 43/21 44/23 44/23 46/5  
 47/18 48/19 50/12 53/3 53/4  
 56/24 63/17 64/16 66/8 67/1  
 68/9 69/24 70/12 71/15 79/17  
 81/17 90/8 92/14 95/1 103/22  
 106/9 107/23 118/14 118/19  
 118/22 118/23 122/2 122/20  
 126/5 133/20 138/24 138/25  
 138/25 139/24 140/13 141/25  
 152/7 153/12 153/14 158/2  
 162/18 163/16 170/10 174/4  
 179/5  
 goal [2] 44/13 44/15  
 goes [4] 82/20 117/14 139/13  
 192/21  
 going [118] 13/6 14/5 14/8  
 14/10 14/13 16/12 19/20 19/22  
 20/25 21/5 21/7 22/1 22/17 25/6  
 25/14 26/22 26/24 26/25 28/21  
 29/16 29/20 30/7 31/12 32/11  
 32/15 32/18 32/19 32/25 35/8  
 38/21 38/24 39/4 39/12 40/20  
 43/14 44/12 45/6 45/7 45/20  
 46/3 46/5 47/16 48/19 50/3  
 50/17 50/21 50/22 51/4 51/6  
 52/24 53/3 53/4 53/9 55/13  
 55/18 55/19 56/19 56/20 57/11  
 57/12 57/18 60/8 60/9 61/1

G		H
<p>going... [54] 61/14 61/25 62/71  62/6 64/24 65/8 67/8 67/18 68/6  68/9 78/24 79/9 79/10 80/7  80/20 89/7 89/18 90/14 91/13  91/16 91/17 92/14 93/6 101/5  102/17 103/1 103/14 105/1  107/19 115/17 115/19 117/1  118/18 119/25 120/5 120/12  138/4 141/18 143/2 144/19  151/19 153/15 160/21 162/1  162/2 170/21 172/3 172/22  185/17 188/16 189/10 189/22  191/7 192/16  gold [2] 149/10 149/12  GONDO [104] 1/13 3/7 3/10 3/14  3/21 5/3 6/4 6/12 7/7 8/6 9/23  10/12 12/12 13/19 15/3 20/2  24/4 26/5 27/15 30/9 35/4 35/8  35/14 40/3 46/11 48/25 54/8  55/24 56/3 56/3 57/5 58/14  74/19 80/14 85/15 89/9 92/13  93/9 94/2 103/14 104/2 106/16  111/23 112/3 121/7 129/15  130/24 133/24 133/24 134/11  135/25 137/12 137/16 137/20  137/22 139/4 140/3 141/14 142/3  142/12 142/12 142/21 143/4  143/21 145/2 145/7 145/16  146/12 150/15 151/16 152/13  153/23 154/11 155/7 155/8  158/13 171/5 171/23 172/1 172/6  172/11 172/13 172/15 173/9  173/16 173/24 174/14 174/22  175/7 175/18 176/8 176/23  177/11 177/21 178/18 179/12  180/7 181/25 182/6 183/14  184/19 185/7 190/13 193/7  Gondo's [2] 151/6 151/8  gone [5] 70/1 136/24 136/25  192/18 192/19  gonna [9] 42/23 43/9 44/23  44/23 44/24 44/24 49/13 53/5  53/5  good [8] 34/8 76/11 76/13 76/17  87/24 157/10 158/16 188/19  Google [3] 38/5 38/7 45/18  got [56] 7/13 7/13 7/15 11/8  11/11 21/4 26/9 27/19 31/22  32/24 32/24 43/8 47/5 47/9 56/5  56/17 57/15 60/16 62/21 63/21  63/22 63/24 64/6 65/5 65/9  68/12 68/13 70/15 72/13 73/25  74/4 75/18 77/7 100/9 101/20  115/12 116/10 122/11 126/8  137/13 139/4 140/1 143/14  145/14 148/12 151/15 151/23  152/15 155/3 155/3 157/2 157/7  157/23 157/24 168/5 186/7  gotta [1] 42/24  gotten [2] 55/20 73/3  Government [56] 3/4 8/10 14/21  23/12 67/23 78/20 78/23 80/6  80/15 80/22 81/4 81/24 82/2  82/8 82/11 84/18 84/22 85/7  93/13 108/23 112/7 112/14 113/4  113/11 115/12 115/13 115/21  115/23 118/8 118/13 119/5 119/9  119/14 119/17 119/18 119/22  120/10 120/22 121/12 123/8  124/1 124/5 125/3 125/21 126/25</p>	<p>127/8 132/7 155/14 160/10  160/80 162/1 162/6 163/11  163/24 164/1 161/7  Government Exhibit 12A [1]  67/23  Government Exhibit 1A [1] 14/21  Government's [10] 2/11 3/10  115/17 115/19 118/17 128/20  136/6 139/20 162/15 193/5  Government's Exhibit [1] 136/6  Government's Exhibit 12E [1]  139/20  GPS [9] 15/19 16/6 18/6 64/9  64/11 139/13 140/18 140/23  141/7  grabbed [3] 147/22 147/22  147/23  graduate [2] 75/4 75/7  grams [11] 71/25 72/3 121/9  150/21 152/20 152/23 153/1  153/20 154/3 154/4 154/6  graphic [1] 31/8  gray [2] 10/4 10/21  great [3] 11/21 189/17 192/2  Greenspring [1] 151/12  grew [2] 54/12 121/25  group [2] 43/23 98/23  grow [1] 10/12  GTTF [5] 7/14 7/16 24/21 27/25  43/20  guard [1] 104/6  Gucci [1] 149/9  guess [18] 16/2 16/14 21/18  22/21 30/4 42/19 43/15 104/19  110/13 151/22 154/9 162/10  163/7 166/19 168/1 170/2 172/20  186/3  guidelines [10] 81/17 82/14  84/9 84/10 85/4 91/14 114/2  117/15 162/18 164/2  Guillaume, [1] 2/2  guilty [22] 4/1 4/2 4/3 4/19  4/21 4/23 6/6 9/18 20/13 40/18  82/17 82/17 83/6 83/13 84/7  113/16 121/7 129/18 129/19  129/20 133/12 160/22  gun [41] 5/13 6/11 6/19 7/13  7/15 20/9 20/24 40/9 43/3 71/18  74/9 74/11 76/2 98/22 109/3  109/24 125/10 146/18 146/19  147/14 147/21 147/22 148/5  148/5 149/3 149/17 149/17  149/21 149/21 150/1 150/6  152/13 152/18 155/3 157/24  157/25 158/1 158/6 158/9 158/17  158/19  Gun Task Force [2] 158/17  158/19  Gun Trace Task Force [7] 5/13  6/11 6/19 20/9 20/24 43/3 76/2  Gun Unit [7] 40/9 125/10 157/24  157/25 158/1 158/6 158/9  guns [15] 44/8 109/4 109/5  109/12 109/13 109/14 109/17  109/19 109/20 125/11 129/23  130/8 130/10 149/21 158/3  guy [7] 56/16 56/21 116/12  127/10 128/2 136/15 175/20  guy's [1] 56/23  guys [17] 26/21 32/12 43/22  43/23 47/24 100/12 109/3 109/13  109/17 122/2 132/7 141/24</p>	<p>142/19 145/14 152/11 172/22  175/11  had [135] 5/2 6/17 16/1 16/4  19/15 20/25 24/13 28/17 29/17  32/15 32/25 33/12 33/17 44/19  46/14 46/17 47/11 48/12 54/17  54/19 55/19 55/20 57/5 59/1  59/5 59/6 59/7 59/12 61/1 61/7  61/10 63/7 67/9 67/22 69/9  69/16 69/16 70/1 70/8 70/8  70/18 70/19 70/21 70/21 70/24  73/19 78/5 79/24 88/12 91/13  97/5 98/21 99/15 102/12 107/5  107/23 109/19 116/19 116/19  122/17 122/25 123/3 126/1 134/7  136/16 137/2 137/5 137/12  137/20 137/24 138/3 139/24  140/3 140/9 140/12 141/1 141/13  141/15 141/19 142/7 142/12  142/13 142/25 143/1 143/5 144/9  144/15 145/17 146/11 146/18  146/25 147/18 148/9 148/10  148/13 148/14 148/23 148/23  149/10 149/19 150/13 151/22  151/22 153/2 153/2 153/23 154/1  154/7 154/7 154/24 155/5 156/6  157/3 158/15 158/24 159/8  161/15 164/8 164/11 166/11  167/4 171/9 172/2 172/6 172/10  174/25 176/5 176/20 179/8  180/23 181/21 182/15 182/21  185/4 185/20  haircut [1] 10/21  half [2] 7/11 42/20  hammered [1] 161/25  hand [8] 3/9 22/10 22/10 93/7  112/22 128/19 168/5 168/6  hand-to-hand [1] 22/10  handcuffs [2] 6/20 131/9  handful [3] 112/19 112/21  112/23  handgun [4] 98/13 177/22 177/24  187/13  handguns [1] 158/3  handing [3] 93/10 139/20 170/19  handle [1] 50/3  hands [3] 50/4 69/15 69/17  hands-on [1] 50/4  hang [4] 122/5 122/8 122/8  122/22  hanging [1] 31/8  happen [7] 24/24 26/22 26/24  27/1 57/11 163/8 179/22  happened [33] 25/15 27/1 46/22  47/9 60/12 60/14 60/15 60/22  65/18 66/7 66/22 67/16 68/11  70/1 70/4 71/19 72/11 72/23  74/9 80/11 87/25 90/19 141/17  142/24 145/14 147/13 151/17  155/4 166/17 167/6 168/11  173/10 186/2  happening [2] 14/3 143/14  happens [2] 17/18 109/7  happy [2] 89/13 92/16  harassment [1] 91/5  Harford [1] 2/9  Harford County [1] 2/9  harm's [1] 31/13  Harry [1] 2/4  Harry D. McKnett [1] 2/4</p>

**H**

has [21] 10/7 10/23 35/24 36/15  
 40/18 57/20 60/4 82/3 82/5  
 103/6 114/14 114/17 115/21  
 115/23 118/14 120/10 134/24  
 135/7 156/23 191/12 191/15

have [181] 3/25 8/21 9/5 9/14  
 9/16 10/14 11/4 11/12 12/15  
 13/9 14/1 14/7 14/22 14/25  
 15/10 17/10 17/11 21/24 26/15  
 27/7 29/2 30/4 30/9 31/8 31/15  
 32/4 33/5 34/6 37/4 37/7 37/18  
 38/15 39/21 41/24 45/24 45/25  
 46/9 47/24 51/2 51/6 51/17 57/3  
 57/10 60/4 61/1 65/13 65/24  
 67/23 69/14 73/5 73/8 77/20  
 77/24 78/19 78/19 78/23 80/21  
 81/4 81/20 81/25 82/21 84/22  
 88/11 89/19 89/24 89/25 90/24  
 93/2 93/4 100/3 100/14 100/20  
 104/4 105/18 106/12 106/16  
 106/16 106/17 106/18 106/19  
 106/19 108/9 108/22 108/25  
 109/15 109/23 109/24 111/13  
 112/3 112/24 113/4 113/16  
 113/21 113/22 114/18 114/19  
 114/19 115/9 115/25 116/3 116/6  
 116/14 116/18 119/2 119/4  
 119/24 120/2 120/25 121/2  
 123/17 123/24 123/25 127/13  
 128/5 129/17 130/17 130/19  
 132/19 133/8 134/16 134/18  
 137/18 144/5 144/8 144/14  
 146/14 146/16 146/22 147/16  
 149/9 150/22 153/9 156/11 160/6  
 160/9 160/13 160/22 160/23  
 161/25 162/20 163/12 163/24  
 167/7 167/18 168/22 169/24  
 169/25 170/15 170/20 170/22  
 171/20 178/22 179/5 180/12  
 180/15 186/16 186/22 186/23  
 187/7 187/9 187/11 187/13  
 187/16 187/18 187/20 187/22  
 188/8 188/11 189/9 189/10  
 189/12 189/13 189/14 190/22  
 190/23 190/25 191/21 191/25  
 192/6 192/15 192/16

haven't [4] 12/18 155/21 160/17  
 170/8

having [12] 32/23 41/10 54/20  
 55/8 72/18 102/7 114/3 119/15  
 125/24 127/12 180/4 190/19

he [267]

he's [39] 10/3 10/20 22/16  
 23/18 28/6 30/23 30/25 31/4  
 32/10 32/17 32/18 32/19 41/10  
 43/4 43/11 45/14 45/15 49/17  
 50/3 50/4 50/21 50/22 50/24  
 51/6 52/13 55/14 56/12 56/20  
 64/15 66/20 89/22 89/24 90/5  
 90/22 91/20 103/16 104/17  
 134/18 134/20

head [1] 146/25

headed [1] 145/7

hear [6] 14/18 19/20 40/20  
 90/22 123/13 190/2

heard [12] 15/9 15/12 15/13  
 36/15 39/24 40/3 104/9 120/20  
 191/11 191/13 191/17 191/22

hearing [1] 104/10

heat [1] 31/11

heavy [1] 149/13

hell [5] 28/2 28/3  
 Hello [1] 15/3

help [5] 16/12 19/6 59/9 85/9  
 154/9

helping [4] 19/7 19/9 19/12  
 19/12

Hendrix [5] 4/16 43/20 106/18  
 129/16 158/13

Henslee [5] 2/6 58/4 74/15  
 155/11 155/14

her [9] 34/24 145/23 146/2  
 146/4 146/24 147/14 147/15  
 147/15 148/1

here [24] 13/19 44/23 47/14  
 61/22 75/24 78/11 78/20 78/25  
 78/25 81/3 82/10 84/23 85/7  
 115/3 134/15 159/23 159/23  
 160/6 160/11 160/13 163/10  
 191/1 191/18 191/21

hereby [1] 193/10

heroin [41] 11/14 11/19 11/20  
 12/21 70/11 71/5 71/6 71/8  
 71/15 71/20 71/23 72/19 72/19  
 72/24 73/5 73/16 73/19 74/5  
 83/14 121/9 135/6 135/24 148/23  
 148/24 150/12 150/13 150/14  
 150/17 150/20 150/21 151/4  
 152/20 152/25 153/1 153/13  
 153/15 153/18 153/21 154/12  
 154/13 155/4

Hers [1] 47/3

Hersl [11] 4/16 47/3 47/24  
 106/19 129/15 158/13 180/8  
 181/6 181/11 182/6 184/24

Hey [2] 20/15 143/2

high [2] 153/5 183/14

high-riser [1] 153/5

high-speed [1] 183/14

higher [1] 163/16

highly [1] 56/12

him [179] 9/25 10/10 10/11  
 10/18 11/2 11/4 11/10 11/17  
 11/22 12/4 12/4 12/5 13/17  
 15/15 15/25 16/1 16/9 16/10  
 16/12 16/16 17/21 18/5 18/8  
 18/25 19/5 19/6 19/7 19/9 19/9  
 19/12 19/12 21/8 21/11 21/24  
 22/8 22/11 22/25 23/1 23/2  
 23/20 23/22 24/7 24/10 24/25  
 25/3 25/4 25/5 26/11 26/22 28/9  
 28/15 28/18 29/16 29/18 29/21  
 29/24 31/23 32/15 32/18 33/11  
 33/13 33/15 33/18 33/23 34/1  
 37/17 37/18 38/1 38/19 38/24  
 39/1 39/2 39/6 39/8 39/15 39/15  
 39/17 40/7 40/20 41/8 42/8 42/9  
 42/14 42/16 43/9 43/14 43/14  
 44/14 44/15 44/17 44/19 47/10  
 47/11 47/12 48/1 48/4 48/14  
 49/14 49/22 49/23 53/6 53/24  
 53/25 54/20 54/24 55/14 55/25  
 56/1 56/2 56/13 58/17 58/18  
 58/20 58/21 58/21 59/19 59/21  
 60/2 60/6 60/7 60/20 60/21  
 60/25 62/24 64/22 64/23 65/9  
 65/11 65/12 65/13 65/19 66/8  
 66/10 66/25 69/10 73/5 80/8  
 93/4 93/7 100/14 101/23 101/23  
 102/7 102/8 104/3 104/7 104/7  
 104/8 104/17 104/20 122/5  
 122/17 122/20 122/22 134/5

134/10 134/10 134/20 135/4  
 135/8 135/8 135/9 136/15 144/5  
 144/15 148/17 148/18 148/19  
 151/2 151/20 151/21 153/14  
 181/10 181/12 182/24 184/1  
 190/20 191/13 191/21

himself [2] 105/18 153/23

Hines [2] 1/16 128/14

hired [1] 155/25

his [59] 11/20 13/1 16/3 16/5  
 18/7 18/23 20/19 23/19 29/10  
 29/10 29/19 36/8 36/8 36/18  
 42/6 42/6 48/2 48/3 54/6 54/12  
 54/12 54/20 59/1 61/7 62/1  
 62/15 66/9 67/7 69/15 69/17  
 69/22 71/21 80/8 89/22 90/3  
 90/20 91/19 99/24 102/16 106/18  
 106/19 136/12 136/12 136/16  
 136/18 137/2 137/6 138/25 140/5  
 145/3 148/10 151/11 152/14  
 162/23 163/7 163/9 180/5 190/24  
 191/17

history [3] 82/21 83/1 83/4

hit [2] 29/13 29/15

Hola [1] 15/5

hold [2] 45/23 119/14

holds [1] 119/18

hole [1] 18/15

home [37] 7/12 53/4 53/5 53/10  
 53/17 53/19 53/19 59/8 61/6  
 61/20 67/18 68/7 72/16 73/3  
 73/6 94/6 97/16 97/19 133/20  
 134/8 140/16 140/18 141/19  
 142/5 142/9 143/7 143/8 153/5  
 153/7 153/9 176/11 176/14 178/9  
 180/8 181/25 182/2 190/1

home invasion [2] 68/7 134/8

home invasion/robbery [1] 61/20

home invasions [2] 59/8 61/6

homes [1] 5/17

honest [10] 103/16 104/4 132/17  
 132/20 162/23 165/9 166/17  
 172/15 173/10 186/2

Honestly [1] 163/15

Honor [36] 3/6 10/6 10/22 12/9  
 19/16 34/5 34/13 34/20 35/6  
 74/13 74/16 80/7 89/15 91/23  
 93/15 93/16 93/19 93/24 102/3  
 111/13 111/25 121/2 128/9  
 128/15 128/18 134/23 154/20  
 155/9 155/12 170/13 188/12  
 188/25 190/23 191/4 191/25  
 192/6

HONORABLE [1] 1/10

hoodie [4] 68/14 146/25 147/4  
 147/6

hope [4] 8/25 132/21 132/21  
 132/23

hoping [1] 162/12

horny [1] 31/10

horse [2] 103/17 103/21

hour [1] 192/8

hours [5] 131/20 168/8 168/9  
 168/10 168/17

house [37] 42/25 46/25 56/24  
 59/8 61/14 61/15 62/15 92/25  
 95/6 96/18 99/22 105/1 136/17  
 140/13 141/25 142/2 150/15  
 151/9 151/21 152/14 152/17  
 153/24 153/25 154/1 155/7 171/2  
 171/8 171/9 173/16 173/19  
 174/16 174/19 175/7 175/20

**H**

house... [3] 177/12 180/5  
 182/18  
 housed [3] 107/3 107/6 185/1  
 how [105] 6/4 7/10 10/10 11/1  
 11/16 12/23 25/1 28/9 30/25  
 31/25 33/1 33/9 33/14 37/2  
 37/13 42/7 42/15 43/20 43/20  
 44/15 45/10 54/14 56/18 57/16  
 57/17 59/21 60/9 60/17 60/20  
 62/16 65/22 65/22 65/23 66/5  
 67/19 70/15 71/23 72/11 72/11  
 73/12 73/15 74/19 74/25 75/15  
 81/23 82/14 88/17 105/11 107/15  
 107/18 107/23 108/1 108/11  
 112/3 112/12 112/16 116/1 116/4  
 116/6 116/7 116/14 117/2 117/7  
 117/15 119/22 120/23 120/25  
 131/17 134/7 136/3 136/18  
 136/22 137/11 140/2 140/25  
 142/25 144/19 144/19 148/12  
 149/17 149/24 150/12 150/20  
 151/8 152/20 155/17 156/9  
 157/20 158/14 158/21 159/13  
 163/20 164/2 165/7 167/2 167/24  
 168/3 168/6 168/22 169/8 172/3  
 185/15 185/15 192/3 192/21  
 human [1] 31/10  
 hundred [4] 6/9 136/21 153/1  
 169/11  
 hundred grams [1] 153/1  
 hung [1] 19/4

**I**

I'd [7] 11/5 44/3 89/13 93/16  
 149/9 170/15 190/25  
 I'll [23] 14/8 14/15 14/16  
 23/11 23/24 24/1 25/4 33/21  
 33/22 33/23 33/25 34/11 35/11  
 58/14 70/12 90/13 91/22 92/16  
 103/23 130/25 148/24 189/5  
 191/25  
 I'm [90] 4/3 5/6 12/13 13/6  
 14/5 14/10 18/9 18/11 18/13  
 18/16 18/17 18/17 21/18 25/14  
 28/24 35/22 41/8 42/23 43/8  
 48/2 49/12 49/13 49/22 49/25  
 53/3 53/4 53/5 53/5 55/2 55/4  
 55/13 56/9 58/19 67/9 77/9  
 79/10 80/7 80/10 80/11 82/4  
 83/23 84/1 84/11 89/6 89/7  
 90/14 90/20 91/12 91/16 91/17  
 92/14 102/19 102/20 102/24  
 103/9 104/21 104/22 106/21  
 107/19 108/9 113/15 114/9  
 115/11 115/20 116/13 120/12  
 120/24 125/18 129/20 136/5  
 139/19 143/9 153/9 163/1 163/4  
 163/16 163/18 168/8 169/8 170/1  
 170/21 178/6 182/23 188/16  
 189/21 190/1 190/23 192/3 192/3  
 192/19  
 I'ma [4] 17/24 29/13 29/15  
 147/16  
 I've [9] 12/16 37/20 58/3 61/12  
 112/9 112/10 134/10 135/4  
 165/17  
 idea [10] 9/16 51/6 104/4  
 119/25 120/2 136/14 138/13  
 138/15 138/25 145/10  
 ideas [2] 138/3 140/12

identification [3] 93/18 93/20  
 170/16  
 identified [4] 107/7 107/23 58/16  
 134/24  
 identify [3] 14/2 124/24 134/20  
 III [1] 2/2  
 illegal [6] 32/13 39/9 53/8  
 53/10 54/4 137/1  
 illegally [1] 187/13  
 immediately [1] 156/4  
 immunity [4] 78/19 79/6 160/6  
 160/19  
 Impact [1] 157/2  
 impeach [1] 102/16  
 implication [1] 55/18  
 important [1] 161/18  
 impose [2] 91/3 118/9  
 impression [3] 102/1 103/2  
 104/2  
 inadmissible [1] 56/12  
 incarcerated [3] 3/21 107/9  
 185/5  
 incentive [6] 89/21 90/4 90/5  
 123/17 123/24 123/25  
 incentives [1] 115/8  
 incident [28] 5/10 86/11 90/10  
 90/11 90/16 94/24 95/1 97/3  
 97/7 98/17 99/1 103/9 103/10  
 105/7 110/10 110/22 141/17  
 157/17 164/4 165/14 172/19  
 172/21 178/6 180/25 181/18  
 182/11 183/11 187/24  
 incident/arrest [1] 182/11  
 incidents [9] 5/7 89/10 92/14  
 132/2 166/18 167/6 170/10  
 170/21 173/6  
 include [1] 30/1  
 included [2] 118/7 119/11  
 including [2] 4/18 112/4  
 indeed [1] 91/11  
 independently [2] 139/16 139/18  
 INDEX [1] 193/4  
 indicated [2] 99/21 178/17  
 indicating [12] 10/2 29/3  
 110/20 120/1 120/3 120/6 134/19  
 140/6 147/1 147/5 147/7 176/5  
 indictment [12] 8/14 102/18  
 121/8 121/11 121/16 126/4 126/9  
 126/12 126/13 126/21 126/21  
 127/6  
 indirectly [1] 55/22  
 individual [16] 36/8 37/19  
 54/20 65/5 71/10 72/16 74/7  
 104/11 109/19 113/12 126/20  
 132/3 138/14 139/5 141/21  
 142/21  
 individual's [1] 61/14  
 individuals [22] 15/20 26/12  
 101/7 101/12 101/18 107/20  
 125/7 126/22 126/23 127/1 127/6  
 129/22 129/24 130/1 130/13  
 137/5 137/7 140/16 158/12  
 178/19 179/13 180/1  
 indulgence [1] 155/13  
 infer [1] 103/13  
 informants [2] 108/19 186/14  
 information [34] 4/24 13/23  
 21/5 22/18 25/21 43/4 54/19  
 56/6 60/25 62/14 62/17 62/18  
 62/22 63/2 63/21 64/4 64/8 64/9  
 71/1 80/17 109/13 109/19 109/21  
 124/7 126/25 136/16 137/13

141/2 141/11 151/21 151/23  
 151/25 186/17 186/20  
 informed [1] 137/12  
 initially [4] 142/10 142/15  
 146/24 152/7  
 initials [20] 90/13 95/3 95/20  
 96/16 97/17 100/18 101/9 104/11  
 171/2 173/17 174/16 175/7  
 175/20 176/11 177/1 177/12  
 178/10 181/8 182/19 183/18  
 inquiring [1] 89/21  
 inside [8] 63/6 64/16 67/18  
 68/9 68/18 140/13 149/22 150/7  
 instance [1] 118/12  
 instances [2] 89/19 90/8  
 instead [5] 18/7 56/2 138/15  
 138/18 138/24  
 instructions [4] 190/4 192/16  
 192/23 192/25  
 intend [1] 190/20  
 intending [1] 43/9  
 intent [1] 83/14  
 intention [1] 140/17  
 interacted [2] 134/7 134/10  
 interaction [1] 122/17  
 interactions [2] 33/12 123/4  
 interference [1] 127/21  
 Internal [1] 5/2  
 internally [1] 4/25  
 interrogated [3] 104/12 180/2  
 180/4  
 interrogation [2] 91/6 104/25  
 interviewed [1] 180/3  
 intricacies [1] 91/14  
 invasion [3] 61/20 68/7 134/8  
 invasions [2] 59/8 61/6  
 investigated [2] 4/25 19/3  
 investigating [1] 15/21  
 investigation [9] 6/7 8/4 8/12  
 39/3 77/7 100/22 101/1 132/13  
 191/20  
 investigations [6] 8/11 15/22  
 31/12 39/3 39/5 124/12  
 investigators [1] 123/13  
 involve [2] 135/16 159/2  
 involved [18] 8/12 22/24 48/1  
 56/25 60/9 62/7 67/10 105/19  
 124/12 124/17 125/6 127/1 127/9  
 127/13 127/15 135/13 137/11  
 138/1  
 involvement [1] 121/12  
 involving [4] 22/10 110/23  
 111/1 183/14  
 iPhone [2] 16/21 25/16  
 Ironically [1] 63/25  
 is [260]  
 isn't [35] 11/6 56/8 83/21  
 86/11 86/20 87/4 87/18 90/3  
 90/4 90/12 90/15 90/15 90/16  
 94/2 96/13 97/2 97/13 98/11  
 100/15 105/6 107/11 107/14  
 164/14 165/4 165/14 165/23  
 166/9 167/20 170/24 171/11  
 171/13 171/17 172/10 173/15  
 180/18  
 issue [2] 170/3 191/12  
 issued [1] 139/10  
 issues [2] 91/5 191/23  
 it [379]  
 it's [105] 3/14 3/17 9/19 11/18  
 14/2 14/18 17/13 19/21 19/21  
 22/19 23/19 23/20 23/20 23/20

**I**

it's... [91] 24/4 28/10 28/11  
 28/23 30/19 31/20 34/20 35/10  
 37/8 38/5 38/13 45/21 52/12  
 54/6 55/12 56/4 56/15 57/17  
 60/5 60/5 65/25 66/1 72/15 79/6  
 80/8 81/5 81/11 85/15 85/18  
 86/8 88/4 90/4 90/5 90/21 90/22  
 91/2 92/18 95/1 99/7 100/9  
 101/8 101/15 102/10 103/4  
 103/12 104/19 104/21 114/14  
 118/23 119/17 120/1 120/2 120/3  
 120/8 139/24 140/8 143/14 144/8  
 153/5 154/17 154/22 157/5  
 161/11 161/18 161/20 161/23  
 162/12 163/10 163/19 164/5  
 167/8 167/9 169/12 170/24  
 171/11 171/23 173/2 173/2  
 173/15 174/13 177/24 178/5  
 179/20 180/18 182/25 186/6  
 191/19 191/19 192/15 192/18  
 192/19

items [4] 149/5 150/4 151/13  
 152/12

its [1] 158/4

itself [1] 14/17

**J**

J-E-M-E-L-L [1] 128/25

J. [1] 1/16

J.B [1] 181/25

J.S [1] 171/3

jail [5] 52/24 53/4 115/7 115/9  
 170/4

JEMELL [7] 1/13 40/8 47/3  
 128/16 128/20 128/25 193/8

JEMELL RAYAM [7] 1/13 40/8 47/3  
 128/16 128/20 128/25 193/8

Jencks [3] 55/24 56/4 57/4

Jenkins [67] 4/17 20/20 24/21  
 25/1 25/9 25/12 27/23 28/8  
 28/14 28/19 29/18 29/21 30/22  
 32/18 33/17 35/22 36/13 36/14  
 36/18 37/16 37/24 38/21 39/4  
 39/8 39/14 41/15 41/20 42/10  
 43/6 43/20 44/10 45/5 45/16  
 47/4 47/7 47/10 47/21 48/13  
 98/12 99/2 99/22 101/3 101/11  
 101/20 102/8 102/16 103/14  
 104/2 105/16 105/18 105/24  
 106/17 129/15 158/13 177/22  
 178/2 178/18 179/23 179/24  
 179/25 180/7 181/6 183/14  
 183/23 184/12 184/22 185/9

Jensen [1] 190/12

jewelry [1] 147/20

job [8] 75/10 76/11 76/17 78/7  
 156/4 156/6 157/10 164/11

John [2] 65/7 65/8

John Clewell [2] 65/7 65/8

judge [35] 1/10 9/4 9/8 9/9  
 34/24 82/3 82/5 82/12 84/24  
 99/8 100/6 100/10 100/12 100/13  
 108/9 115/16 115/21 115/22  
 118/4 118/14 119/1 119/6 120/8  
 133/1 133/2 133/5 133/14 159/18  
 162/24 163/13 163/16 169/14  
 179/5 179/7 179/10

Judge Blake [4] 133/1 133/2  
 133/5 133/14

judges [3] 110/18 120/20 187/20

July [18] 35/9 39/19 45/21 46/5  
 46/5 46/11 46/18 47/29 47/29  
 48/19 52/22 95/2 98/25 99/5  
 156/14 156/15 175/6 178/9

July 18th [3] 46/5 48/19 52/22

July 2007 [1] 156/15

July 31st [2] 95/2 175/6

July 5th [1] 47/20

July 8th [3] 98/25 99/5 178/9

July 9th [2] 46/5 47/20

jumped [2] 151/11 151/11

June [10] 19/21 19/23 24/18  
 25/7 27/8 79/11 98/11 161/1  
 170/25 177/21

June 2016 [1] 25/7

June 27th [1] 170/25

June 28th [1] 27/8

juries [8] 108/12 108/13 110/20  
 120/20 169/17 185/21 185/25  
 187/22

jurisdiction [1] 180/12

jurors [1] 120/22

jury [22] 1/11 4/22 14/16 34/14  
 34/18 35/2 36/4 36/15 90/22  
 103/13 106/11 108/8 108/10  
 108/13 108/14 111/17 111/20  
 111/21 186/6 190/8 192/16  
 192/22

jury's [2] 14/12 14/14

just [227]

**K**

K-E-N-T-O-N [1] 3/18

keep [1] 186/9

keeping [1] 184/11

Kelly's [1] 52/13

Kenton [1] 3/14

Kerrigan [17] 2/11 14/9 14/23  
 15/1 30/15 33/6 35/11 38/16  
 46/2 46/8 49/10 51/18 52/4 52/6  
 52/17 52/19 53/15

key [1] 119/18

kick [1] 51/22

kill [12] 56/1 58/18 58/21  
 58/21 137/5 137/6 138/14 140/21  
 145/12 147/16 148/1 152/7

Kilpatrick [1] 2/10

kind [20] 34/24 40/10 44/4 45/9  
 61/17 75/12 77/19 90/17 103/10  
 104/6 135/5 139/12 141/16  
 143/24 146/3 146/19 149/7  
 149/15 149/17 172/5

kinds [1] 5/4

kitchen [3] 148/11 148/14  
 148/15

knew [47] 8/19 11/2 11/6 11/10  
 11/24 13/12 17/4 18/13 22/22  
 24/7 24/10 32/11 32/14 32/14  
 33/14 33/17 42/8 45/16 56/21  
 56/24 59/6 60/24 61/5 64/14  
 77/12 80/2 99/10 99/12 99/13  
 100/6 105/9 113/4 113/11 117/1  
 122/11 136/19 136/22 141/10  
 142/5 146/5 146/7 153/15 157/16  
 159/13 159/15 164/22 171/8

knock [3] 141/20 142/4 142/8

knocked [1] 145/16

know [260]

knowing [5] 8/18 25/1 41/11  
 41/13 41/16

knowledge [11] 21/25 36/24 57/4  
 65/13 71/12 72/20 99/15 105/18

109/15 165/19 167/3

knows [7] 18/11 22/4 13/9 13/16  
 121/18 121/22 135/4

knows [9] 23/18 23/19 32/11  
 33/8 33/9 33/9 33/10 33/14 37/2

Kyle [73] 2/5 9/23 10/7 11/18  
 12/14 12/25 21/1 21/2 21/6  
 21/11 21/19 21/21 22/3 22/5  
 22/6 22/17 22/18 23/8 23/19  
 23/23 23/23 24/4 24/9 24/25  
 25/6 25/24 26/8 27/18 28/17  
 28/23 31/24 32/1 32/14 32/14  
 32/16 33/12 35/17 36/9 38/23  
 39/11 41/23 43/10 45/10 47/12  
 49/3 54/16 56/20 60/4 70/21  
 74/7 133/24 133/25 134/2 134/4  
 134/8 134/15 134/24 134/25  
 135/3 136/15 136/18 136/22  
 137/13 140/11 141/14 142/3  
 142/13 143/4 143/9 143/21  
 145/20 145/20 146/11

Kyle Wells [4] 21/21 134/15  
 134/24 135/3

**L**

ladies [2] 189/6 189/19

laid [7] 21/24 22/2 124/16  
 126/4 126/6 126/6 126/16

language [2] 42/13 42/14

large [2] 136/16 173/19

last [17] 3/13 3/14 13/10 13/15  
 13/16 19/22 82/5 102/7 115/21  
 123/1 123/4 128/24 129/1 129/8  
 156/9 168/5 191/14

late [1] 140/4

later [10] 19/21 40/20 48/20  
 98/15 159/2 171/12 176/22  
 179/13 179/16 180/17

latest [1] 191/11

laughed [1] 64/2

law [35] 8/19 11/23 13/21 15/19  
 17/6 17/20 17/23 18/13 19/10  
 19/12 21/10 21/12 23/21 25/20  
 27/3 29/11 29/19 29/21 31/1  
 33/18 37/8 37/13 38/9 38/10  
 40/13 43/6 43/17 44/17 71/21  
 87/19 89/19 124/18 167/10  
 167/12 171/16

law enforcement [34] 8/19 11/23  
 13/21 15/19 17/6 17/20 17/23  
 18/13 19/10 19/12 21/10 21/12  
 23/21 25/20 27/3 29/11 29/19  
 29/21 31/1 33/18 37/8 37/13  
 38/9 38/10 40/13 43/6 43/17  
 44/17 71/21 87/19 124/18 167/10  
 167/12 171/16

lawful [1] 100/20

laws [5] 77/20 77/25 78/2 159/3  
 159/5

lawyer [3] 117/4 117/5 118/1

lay [2] 123/25 126/14

laying [4] 54/24 58/17 58/20  
 59/14

leading [1] 143/19

leads [1] 103/12

learn [1] 150/13

learned [1] 141/11

least [3] 123/1 125/21 125/22

leave [8] 44/20 54/24 58/17  
 148/19 151/8 152/14 190/5 191/1

leaving [1] 58/20

led [1] 99/1

**L**

left [11] 147/7 34/14 73/17  
 111/17 142/12 142/13 142/19  
 142/24 152/16 156/1 158/24  
 Legal [1] 2/8  
 legitimate [1] 75/3  
 lengthy [1] 161/11  
 leniency [2] 9/2 9/3  
 Leo [1] 1/16  
 Leo J. Wise [1] 1/16  
 less [4] 119/16 119/19 134/12  
 138/21  
 lessen [1] 166/14  
 let [17] 10/6 10/22 29/16 44/15  
 66/25 89/14 92/16 93/9 100/8  
 101/3 104/24 116/8 124/3 124/3  
 134/23 143/13 153/25  
 let's [8] 3/4 51/7 51/17 106/9  
 112/20 125/18 127/12 149/5  
 letter [2] 117/14 117/23  
 letting [2] 25/6 41/8  
 level [10] 82/18 83/18 83/22  
 83/24 84/7 84/13 84/19 109/11  
 117/16 163/14  
 levels [3] 84/12 84/25 118/9  
 lie [7] 88/20 89/21 90/5 91/11  
 108/14 178/25 179/1  
 lied [20] 100/6 100/12 100/13  
 102/17 110/8 110/15 110/18  
 111/10 115/4 120/25 177/8  
 179/10 182/21 186/9 186/10  
 187/16 187/18 187/20 187/22  
 188/8  
 lies [3] 114/5 169/24 186/7  
 life [4] 10/11 13/13 121/22  
 122/12  
 lighter [7] 81/15 81/24 82/12  
 109/1 109/9 162/12 187/1  
 lightest [1] 83/3  
 like [117] 11/2 11/17 12/5  
 12/20 14/10 17/4 17/18 17/25  
 21/1 23/20 25/3 28/11 28/22  
 28/24 28/24 29/6 29/6 29/14  
 30/23 31/7 31/10 31/11 35/20  
 35/25 36/18 37/8 37/11 38/6  
 39/18 42/13 43/10 45/12 45/18  
 46/14 48/13 48/16 50/6 50/8  
 50/12 50/23 52/8 53/4 57/1  
 59/11 60/5 61/7 65/14 65/15  
 65/20 66/6 70/22 71/10 72/3  
 72/15 72/16 74/7 80/2 84/10  
 87/8 89/7 93/16 97/10 101/15  
 101/23 102/18 104/3 104/8  
 104/17 109/4 109/19 112/13  
 112/25 115/19 120/5 136/20  
 136/24 138/20 140/7 141/10  
 141/16 143/9 143/9 144/5 145/15  
 145/25 146/2 147/1 147/2 147/4  
 147/6 147/15 148/1 148/10 149/8  
 149/9 149/12 149/19 149/25  
 151/5 153/4 153/22 156/2 162/22  
 162/24 166/10 166/24 170/1  
 170/15 171/16 171/21 172/13  
 172/23 173/1 173/2 179/20  
 192/13 192/25  
 limit [1] 90/7  
 limited [2] 91/18 92/4  
 limits [2] 91/4 159/16  
 line [3] 102/18 102/18 149/8  
 list [1] 48/17  
 listed [2] 112/25 127/6

listened [1] 125/3  
 listened [3] 18/21 69/23 99/8  
 lit [2] 15/12 15/16  
 little [14] 7/4 21/23 22/19  
 22/20 38/17 53/14 70/18 70/20  
 70/22 75/19 102/20 138/21  
 161/12 183/5  
 live [5] 16/20 64/1 136/4 136/9  
 146/2  
 lived [1] 68/3  
 LiveViewGPS [2] 65/24 141/2  
 living [4] 135/3 136/13 142/6  
 148/13  
 located [2] 25/22 62/14  
 location [24] 22/17 25/17 26/13  
 27/23 43/4 44/3 59/13 66/9  
 66/25 67/1 67/21 68/25 70/9  
 71/3 72/15 105/5 136/7 136/8  
 136/17 136/19 136/23 139/14  
 141/3 152/1  
 locations [1] 90/2  
 Loch [1] 25/17  
 Loch Raven [1] 25/17  
 locked [9] 12/16 116/3 116/6  
 116/9 116/10 116/16 116/25  
 117/1 170/1  
 log [1] 141/2  
 log-in [1] 141/2  
 Lombard [1] 1/24  
 long [18] 66/5 74/19 74/25  
 75/15 78/23 81/5 91/20 116/1  
 116/6 126/12 127/25 155/17  
 156/9 160/9 160/20 162/1 163/11  
 167/24  
 long-term [1] 127/25  
 longer [1] 169/20  
 look [15] 19/1 26/18 26/23 37/8  
 52/21 70/6 125/6 134/14 143/9  
 145/25 147/2 162/11 170/22  
 171/16 172/15  
 looked [6] 12/5 12/20 37/11  
 61/17 72/3 112/12  
 looking [12] 8/11 12/7 19/9  
 32/8 65/12 65/16 114/1 114/2  
 114/2 140/10 167/10 192/19  
 lookout [6] 68/8 69/3 71/21  
 72/9 142/13 145/16  
 looks [2] 112/25 192/25  
 lost [1] 65/14  
 lot [24] 32/12 36/15 73/17 79/3  
 103/6 132/2 138/21 141/16  
 141/25 143/5 145/6 160/14  
 160/16 162/8 168/7 169/12  
 169/12 169/12 171/9 180/4 186/3  
 186/4 186/4 186/5  
 lots [1] 92/6  
 Lou [3] 10/15 24/10 134/6  
 Love [5] 28/6 28/7 35/20 35/25  
 47/6  
 Love's [2] 47/5 47/9  
 lower [1] 133/4  
 lunch [1] 34/10  
 Luncheon [1] 34/15  
 lying [7] 86/18 87/2 165/21  
 166/7 168/16 174/11 186/1

**M**

M-O-M-O-D-U [1] 3/17  
 M.A [1] 177/1  
 made [22] 9/14 13/24 22/8 24/17  
 34/23 37/15 47/21 48/13 57/12  
 57/14 60/6 72/13 73/18 120/10

122/15 127/3 127/4 127/20 133/8  
 153/23 157/3 182/24  
 magnet [2] 140/7 140/8  
 mail [1] 192/17  
 main [1] 109/4  
 mainly [1] 109/3  
 majority [4] 10/11 154/12 155/4  
 172/13  
 make [31] 27/1 27/3 37/8 46/3  
 49/13 56/22 69/3 80/19 81/9  
 92/13 92/21 114/25 116/22 118/5  
 118/13 118/18 118/20 118/25  
 119/2 142/5 142/8 145/16 151/19  
 151/23 156/25 163/12 167/9  
 169/2 171/16 172/12 189/9  
 makes [4] 42/21 82/2 115/21  
 172/15  
 making [3] 92/7 189/23 191/10  
 man [10] 29/14 29/15 42/23  
 42/25 42/25 42/25 42/25 43/1  
 53/18 122/6  
 mandatory [10] 113/7 114/3  
 114/15 114/24 115/1 117/21  
 118/10 118/23 119/10 119/20  
 manner [1] 163/23  
 many [28] 11/18 78/16 78/16  
 88/17 107/23 108/1 112/3 112/12  
 112/16 112/17 112/18 114/3  
 120/23 120/25 123/7 127/15  
 134/7 160/3 160/3 165/7 165/9  
 167/2 168/22 169/8 169/13  
 169/24 169/25 185/20  
 march [11] 19/22 90/2 92/18  
 94/2 106/4 106/5 116/10 116/11  
 173/15 184/14 185/18  
 March 11th [3] 92/18 94/2  
 173/15  
 March 1st [6] 106/4 106/5  
 116/10 116/11 184/14 185/18  
 Marcus [1] 106/20  
 Marcus Taylor [1] 106/20  
 marginally [1] 91/7  
 marijuana [7] 98/12 135/9  
 135/14 135/17 135/23 177/22  
 177/24  
 mark [2] 93/16 131/19  
 marked [2] 139/19 170/15  
 Marnat [7] 70/9 70/9 73/22  
 136/2 136/2 143/12 164/5  
 Marnat Road [4] 70/9 70/9 73/22  
 136/2  
 Marshall [1] 2/6  
 Marshall T. Henslee [1] 2/6  
 MARYLAND [12] 1/1 1/9 1/25  
 77/21 77/25 88/5 132/10 141/9  
 153/6 159/3 159/10 167/21  
 mask [2] 146/22 147/2  
 material [2] 55/24 56/4  
 matter [13] 79/15 80/23 81/21  
 82/25 83/11 83/13 93/13 97/2  
 97/4 106/12 143/3 143/10 193/12  
 matters [2] 88/21 103/11  
 Matthew [1] 2/11  
 Matthew Kerrigan [1] 2/11  
 Maurice [1] 106/17  
 Maurice Ward [1] 106/17  
 maximum [4] 9/17 9/20 85/12  
 133/11  
 may [20] 7/12 8/11 15/10 56/10  
 66/25 89/15 93/23 97/13 103/13  
 108/9 118/8 118/9 118/17 170/13  
 176/22 177/11 188/13 189/23

**M**  
 may... [2] 191/6 192/6  
 May 11th [1] 176/22  
 May 28th [2] 97/13 177/11  
 maybe [22] 22/2 29/3 38/5 52/25  
 90/11 109/1 109/9 109/22 112/13  
 114/3 115/7 123/12 154/25  
 156/11 156/14 161/4 161/12  
 168/2 168/7 186/19 187/1 192/21  
 McDougall [2] 2/9 191/9  
 McKnett [3] 2/4 34/19 192/5  
 me [78] 12/16 15/9 16/17 17/2  
 18/13 25/16 25/18 28/25 33/13  
 33/24 38/6 41/8 42/3 43/24  
 44/18 44/25 45/3 49/13 50/5  
 50/8 53/20 53/20 55/7 56/20  
 58/21 59/5 59/23 60/4 63/5 67/1  
 73/20 76/16 76/17 80/17 80/18  
 82/1 84/14 89/14 90/25 91/18  
 91/19 92/16 93/9 100/8 101/3  
 104/6 104/24 107/19 112/22  
 115/22 116/8 120/15 123/19  
 124/3 124/3 126/7 126/15 137/12  
 137/12 137/13 137/13 143/13  
 143/18 145/15 145/21 146/16  
 146/18 147/3 150/14 154/1 163/2  
 166/13 169/23 170/2 172/15  
 178/23 178/23 185/17  
 mean [90] 8/6 8/6 8/9 15/15  
 17/19 18/12 18/25 19/1 19/1  
 19/2 19/8 22/16 22/21 25/2  
 26/19 26/20 26/25 28/19 29/11  
 29/15 30/22 30/23 31/9 31/10  
 31/18 32/2 32/9 32/10 32/11  
 32/17 33/10 33/22 33/23 38/4  
 38/12 42/2 42/3 45/9 45/9 47/8  
 49/23 50/1 50/2 50/9 50/20  
 51/23 52/11 56/10 56/16 56/21  
 56/25 57/2 58/1 58/2 58/17  
 59/13 61/6 61/7 61/7 68/15 69/5  
 70/23 71/25 76/16 77/12 79/8  
 85/8 87/7 88/19 90/4 91/20  
 98/23 99/18 100/23 102/3 102/15  
 104/19 104/22 109/18 110/13  
 110/13 119/24 120/17 132/16  
 146/6 161/20 162/11 166/15  
 169/3 173/1  
 meaning [1] 58/18  
 means [6] 16/19 16/19 50/25  
 58/21 70/24 112/18  
 meant [1] 80/3  
 medallion [1] 149/10  
 medical [2] 191/12 191/15  
 meet [7] 25/19 59/19 60/2 60/6  
 60/18 67/1 145/6  
 meeting [5] 25/22 59/21 61/3  
 64/22 64/23  
 meetings [2] 123/11 123/16  
 member [3] 4/4 43/3 129/5  
 members [9] 4/22 6/11 6/19 7/14  
 7/16 20/9 24/21 127/21 131/8  
 memory [1] 167/7  
 mention [2] 97/4 106/10  
 mentioned [7] 34/22 40/7 43/2  
 181/1 181/18 182/12 185/20  
 mentioning [2] 174/8 183/11  
 mere [1] 57/18  
 message [6] 26/20 26/23 36/2  
 36/17 41/6 42/11  
 messages [3] 37/7 42/7 105/15  
 met [15] 13/20 26/21 26/25 60/7

60/18 60/25 69/25 70/4 70/6  
 72/16 141/15 142/4 143/5 148/13  
 148/13  
 metal [2] 140/5 140/6  
 mic [1] 92/22  
 microphone [2] 3/12 128/22  
 mid [1] 111/16  
 mid-afternoon [1] 111/16  
 middle [1] 50/23  
 might [17] 21/24 22/13 24/24  
 34/8 47/24 81/8 81/21 81/24  
 87/21 87/23 103/21 105/24  
 109/24 110/11 163/5 163/8  
 186/23  
 Miller's [4] 66/24 67/2 67/13  
 67/16  
 Mills [2] 69/25 70/5  
 mindful [2] 18/25 19/3  
 mine [1] 154/8  
 mines [2] 141/15 142/8  
 mini [1] 89/24  
 minimum [4] 114/15 115/1 118/10  
 118/24  
 minimums [2] 117/21 119/11  
 minus [1] 154/3  
 minute [4] 39/18 55/2 128/17  
 189/7  
 minutes [2] 30/11 191/5  
 mis [1] 116/22  
 misunderstood [1] 116/22  
 MO [2] 45/3 61/7  
 model [1] 56/23  
 moment [3] 21/20 45/24 93/15  
 momentarily [1] 102/24  
 moments [1] 39/14  
 MOMODU [7] 1/13 3/7 3/10 3/14  
 106/16 129/15 193/7  
 MOMODU GONDO [6] 1/13 3/7 3/10  
 106/16 129/15 193/7  
 money [102] 6/4 7/3 25/2 45/10  
 47/23 51/24 52/1 52/14 53/25  
 54/1 57/19 59/14 63/4 63/7  
 64/18 70/13 70/19 70/22 70/25  
 73/9 85/15 86/2 86/12 86/21  
 87/5 87/10 87/13 88/22 90/2  
 94/12 94/15 94/22 95/12 95/13  
 95/17 96/1 96/5 96/11 96/24  
 97/4 97/23 98/2 98/7 105/11  
 105/22 108/15 110/1 110/23  
 111/1 111/3 111/4 115/5 132/2  
 136/16 136/18 136/23 137/3  
 137/5 137/9 138/1 147/17 147/20  
 147/22 149/3 149/24 150/6  
 150/16 151/20 151/25 152/4  
 153/17 154/10 154/16 154/18  
 164/14 164/23 165/15 165/24  
 166/11 168/19 172/19 173/24  
 174/9 175/1 175/13 176/6 176/20  
 177/7 181/10 181/11 181/19  
 181/22 182/6 182/12 182/15  
 183/2 183/4 183/11 184/1 184/12  
 186/4 187/5  
 monitor [3] 14/7 140/23 141/3  
 monitoring [2] 140/18 141/5  
 months [5] 19/21 75/16 156/12  
 156/13 176/22  
 more [32] 21/21 21/23 22/9  
 23/13 24/14 40/20 50/4 53/14  
 54/20 91/13 91/16 93/23 95/23  
 103/8 103/10 103/20 112/8  
 112/16 112/17 112/18 121/9  
 121/18 134/12 134/13 151/22

154/10 161/12 165/8 168/10  
 189/24 189/24 193/7  
 morning [7] 34/23 189/15 190/2  
 190/7 191/12 191/16 193/1  
 most [9] 14/10 16/18 16/18 44/6  
 61/12 122/3 122/3 156/23 172/16  
 motion [6] 56/5 56/7 58/4  
 118/14 119/2 163/13  
 mouth [1] 182/23  
 move [6] 19/17 19/23 51/7 51/15  
 147/16 156/16  
 moved [4] 76/4 76/4 77/10  
 134/18  
 movement [1] 140/11  
 moving [2] 34/5 66/1  
 Mr [3] 64/3 90/25 93/22  
 Mr. [247]  
 Mr. A.C [1] 183/6  
 Mr. Anderson [16] 57/3 58/21  
 58/23 65/19 66/11 68/3 136/12  
 136/25 139/7 139/25 140/17  
 140/21 141/8 141/12 141/19  
 143/7  
 Mr. Anderson's [7] 62/14 62/16  
 63/16 66/24 140/2 141/25 142/2  
 Mr. Bonsib [2] 91/25 111/24  
 Mr. Brown [2] 82/1 117/11  
 Mr. Clewell [1] 139/9  
 Mr. Finnegan [3] 141/15 142/3  
 142/13  
 Mr. Fischer [2] 121/4 191/3  
 Mr. Gondo [77] 3/21 5/3 6/4  
 6/12 7/7 8/6 9/23 10/12 12/12  
 13/19 15/3 20/2 24/4 26/5 27/15  
 30/9 35/4 35/8 35/14 40/3 46/11  
 48/25 54/8 55/24 57/5 58/14  
 74/19 80/14 85/15 89/9 92/13  
 93/9 94/2 103/14 104/2 111/23  
 112/3 121/7 133/24 134/11  
 137/20 137/22 142/12 142/21  
 143/4 143/21 145/2 145/7 150/15  
 151/16 152/13 153/23 154/11  
 155/7 171/23 172/1 172/6 172/11  
 173/9 173/16 173/24 174/14  
 174/22 175/7 175/18 176/8  
 176/23 177/11 177/21 178/18  
 179/12 180/7 181/25 182/6  
 183/14 184/19 185/7  
 Mr. Gondo's [2] 151/6 151/8  
 Mr. Henslee [4] 58/4 74/15  
 155/11 155/14  
 Mr. Hersl [2] 180/8 182/6  
 Mr. Hines [1] 128/14  
 Mr. Jenkins [4] 178/2 178/18  
 180/7 185/9  
 Mr. Kerrigan [16] 14/9 14/23  
 15/1 30/15 33/6 35/11 38/16  
 46/2 46/8 49/10 51/18 52/4 52/6  
 52/17 52/19 53/15  
 Mr. Kyle [13] 133/24 133/25  
 136/15 136/18 140/11 141/14  
 142/3 142/13 143/4 143/9 143/21  
 145/20 145/20  
 Mr. Kyle Wells [3] 134/2 134/4  
 134/8  
 Mr. McKnett [2] 34/19 192/5  
 Mr. Rayam [21] 92/18 95/3 95/9  
 95/20 96/1 96/14 96/24 97/14  
 97/23 98/12 99/7 100/16 101/8  
 106/6 107/11 129/5 138/6 155/17  
 168/22 170/10 170/20  
 Mr. Shropshire [4] 14/6 121/18



**M**

Case 1:16-cr-00051-CEB Document 291-1 Filed 11/03/17 Page 209 of 221

Mr. Shropshire... [2] 122/24  
127/4  
Mr. Tom [1] 143/5  
Mr. Wells [54] 10/14 22/23 23/6  
23/15 35/24 105/16 105/25  
121/22 122/11 122/24 127/5  
136/22 137/2 137/6 137/22 138/3  
140/20 144/4 144/7 144/9 144/16  
144/21 144/24 145/1 145/4 145/7  
145/15 146/21 148/8 148/15  
150/12 150/18 150/20 150/24  
151/4 151/7 151/18 151/25 152/6  
152/14 152/19 152/25 153/12  
153/17 154/1 154/10 154/12  
154/14 154/16 154/19 155/3  
155/3 155/4 155/8  
Mr. Wells' [2] 56/7 145/10  
Mr. Wise [7] 35/5 50/17 85/12  
102/23 103/1 103/6 190/10  
Ms. [1] 192/17  
Ms. Childs [1] 192/17  
much [20] 6/4 18/12 18/16 33/10  
34/24 66/1 70/15 71/23 81/15  
103/8 105/11 112/6 117/13  
136/18 142/25 149/24 150/20  
157/23 189/16 190/6  
multiple [3] 130/13 144/15  
165/17  
Munch [2] 127/10 128/2  
must [2] 31/17 31/18  
my [79] 6/17 7/12 10/11 11/17  
12/13 12/16 12/19 18/15 20/18  
21/1 21/2 22/3 25/1 25/3 25/5  
25/18 26/9 27/4 28/14 37/20  
38/25 40/8 40/12 40/13 41/11  
41/14 42/25 43/11 44/14 47/13  
58/7 58/14 60/6 69/25 70/6 72/2  
76/16 77/11 81/10 82/1 82/13  
83/24 104/7 107/20 107/20 113/9  
114/9 115/22 115/24 116/2  
116/22 117/4 117/11 117/16  
119/22 124/25 132/3 132/18  
141/1 142/7 145/18 146/16  
146/25 146/25 147/14 147/20  
151/11 153/24 153/24 154/1  
154/1 157/18 161/14 161/23  
163/22 167/3 173/2 182/23 191/5  
myself [23] 4/18 7/12 25/19  
47/3 60/16 66/23 84/14 106/16  
124/25 139/4 141/13 142/3  
142/12 142/13 143/4 143/21  
145/20 155/7 158/12 168/10  
172/13 173/1 181/11

**N**

N.D [1] 177/1  
N.H [4] 100/18 105/1 178/10  
179/13  
name [23] 3/13 3/13 3/15 3/16  
10/14 11/12 20/19 34/22 36/18  
54/11 54/12 54/12 90/14 106/18  
106/20 106/22 109/24 128/23  
128/24 128/25 129/1 134/4  
145/23  
named [7] 92/19 94/3 95/3  
127/10 128/2 141/21 142/22  
names [8] 5/3 24/7 37/20 90/14  
106/14 108/25 109/8 186/22  
narcotics [22] 36/9 38/1 39/9  
53/8 53/10 54/4 85/21 86/3

86/13 86/22 87/6 110/6 164/19  
164/33 165/16 165/25 165/12  
183/20 183/23 184/8 187/9  
187/11  
nature [1] 144/18  
necessarily [2] 112/4 163/1  
necessary [3] 138/14 145/12  
152/7  
necklace [1] 73/23  
necklaces [2] 70/10 73/22  
need [16] 10/1 21/24 23/7 50/3  
55/10 60/23 73/2 85/6 89/14  
91/21 92/6 92/16 102/20 134/14  
189/6 192/15  
needed [5] 21/11 21/20 21/22  
23/16 59/23  
needs [1] 33/9  
negotiated [1] 113/3  
negotiations [1] 113/10  
neighborhood [3] 11/3 12/14  
121/25  
Neikirk [2] 191/10 191/12  
never [10] 28/22 61/12 61/13  
82/24 84/10 94/12 104/6 144/7  
145/5 182/25  
new [11] 28/14 28/14 28/15 56/8  
56/10 155/25 157/7 157/8 157/12  
157/15 157/18  
New York [1] 155/25  
news [1] 89/7  
next [29] 16/8 17/10 19/20  
22/17 26/1 27/8 29/2 30/9 31/15  
33/5 34/6 38/15 39/19 42/17  
45/20 46/4 52/25 60/12 60/14  
60/15 60/18 65/18 66/22 67/16  
91/24 92/22 95/1 101/15 147/13  
nickname [2] 10/14 11/12  
nicknames [1] 134/5  
night [5] 73/14 140/3 144/5  
144/9 191/14  
nightstand [8] 148/2 148/4  
148/6 148/6 150/4 150/5 150/7  
150/8  
nine [5] 48/20 90/1 112/8  
112/13 113/1  
no [114] 1/4 6/13 9/6 9/11 9/13  
9/16 9/16 17/24 18/24 23/14  
26/15 26/20 27/3 36/19 47/19  
50/22 51/6 51/22 62/7 69/4  
69/16 70/3 75/18 76/22 76/25  
77/4 77/9 77/18 81/19 81/22  
89/7 94/14 94/17 95/13 95/15  
96/6 98/3 98/19 100/2 100/5  
101/21 104/4 111/1 114/14  
115/13 115/14 115/15 116/19  
116/19 116/19 118/14 119/23  
119/24 120/2 120/12 122/25  
124/2 128/3 128/7 128/9 130/21  
131/2 133/3 133/10 139/11  
140/13 140/14 142/5 142/9  
142/10 143/2 143/8 143/10  
144/25 145/17 145/17 146/7  
153/14 155/9 156/21 157/14  
158/19 158/20 160/12 161/2  
162/12 162/19 162/23 163/1  
163/6 164/3 167/15 169/20  
169/23 171/22 174/2 175/14  
176/4 176/7 177/7 178/5 178/8  
180/14 181/2 181/20 182/10  
183/1 183/12 184/9 184/18 186/8  
188/18 188/22 188/25  
No. [5] 19/23 25/25 27/7 35/9

45/25  
nobody [1] 45/3  
none [1] 104/14  
normally [3] 25/2 25/11 31/22  
North [1] 33/9  
northeast [15] 10/13 21/1 22/6  
25/8 26/12 27/22 29/17 29/22  
30/2 32/11 59/16 59/18 72/14  
72/15 74/8  
Northeast Baltimore [3] 10/13  
22/6 59/18  
northeast/northern [1] 74/8  
northern [6] 1/2 72/15 74/8  
156/8 156/17 156/18  
Northwest [3] 75/11 76/1 157/1  
not [146] 5/3 5/6 7/12 8/13  
11/18 11/21 14/24 17/15 19/25  
22/14 23/20 23/20 23/20 26/2  
27/9 30/13 32/10 32/17 32/18  
32/19 35/12 39/22 43/12 43/16  
44/22 46/1 46/7 48/2 48/22 51/7  
51/19 52/5 52/9 52/10 52/13  
52/18 55/13 55/15 56/10 56/25  
57/2 57/9 57/20 58/1 58/4 66/24  
67/9 67/17 69/5 75/3 75/7 76/13  
77/17 78/24 79/9 79/10 80/10  
83/11 85/2 87/10 88/24 89/7  
90/5 90/14 90/17 91/9 91/13  
91/15 91/16 91/22 92/1 92/5  
94/18 95/14 96/7 97/4 97/25  
98/4 100/3 103/16 104/18 104/22  
106/12 108/9 109/1 109/9 112/4  
113/5 113/21 114/2 114/7 115/10  
115/11 116/17 117/3 118/17  
119/4 119/9 119/10 119/11  
119/18 120/8 120/13 130/2  
131/18 131/22 133/5 138/23  
140/17 140/20 141/19 144/12  
153/9 154/7 160/21 162/2 163/1  
166/5 166/6 166/16 172/4 172/23  
172/24 173/5 174/1 174/3 174/22  
176/5 176/22 178/4 178/5 178/21  
182/9 182/11 182/23 183/5  
185/17 186/1 186/6 186/8 187/4  
189/16 190/18 190/19 190/20  
192/3  
notes [1] 190/5  
nothing [8] 26/21 26/24 27/1  
27/1 74/13 121/2 128/5 162/24  
November [1] 193/16  
now [45] 7/7 7/21 13/19 14/6  
18/14 19/20 19/22 20/2 20/15  
24/13 25/11 27/7 28/24 33/15  
34/11 39/21 46/11 47/20 48/19  
54/8 55/8 55/14 55/22 64/19  
64/24 73/21 83/6 90/2 91/12  
98/25 102/4 102/17 117/1 120/24  
123/7 125/18 127/12 130/25  
133/16 158/12 169/21 178/9  
190/1 190/19 190/24  
number [8] 14/5 38/5 38/8  
112/23 143/22 143/25 158/5  
168/11  
numbers [2] 14/15 38/4  
numerous [6] 4/24 12/16 37/10  
61/8 169/1 169/10  
nursing [3] 72/16 73/3 73/6

**O**

o'clock [4] 34/12 190/2 191/13  
192/1  
oath [17] 35/4 78/11 78/14

oath... [14] 78/16 86/5 91/20  
 111/10 111/23 120/20 120/23  
 120/25 159/23 160/1 160/3  
 163/15 165/2 188/8  
 object [5] 55/14 57/6 80/7  
 89/18 102/20  
 objected [1] 56/11  
 objecting [1] 55/4  
 objection [29] 12/1 12/6 13/5  
 18/2 19/16 19/16 21/13 22/19  
 36/23 49/19 50/14 51/13 53/22  
 54/5 54/25 55/3 58/7 60/10  
 60/11 62/2 62/19 71/11 72/20  
 72/25 91/17 103/22 152/8 154/20  
 191/7  
 objections [1] 22/4  
 obligations [6] 81/4 81/7 82/13  
 132/19 162/15 162/15  
 observations [3] 22/23 24/17  
 101/2  
 observe [1] 69/9  
 observed [1] 66/8  
 observing [1] 65/19  
 obstruct [1] 87/18  
 obtain [5] 85/25 86/2 88/8  
 164/21 168/19  
 obtained [1] 178/12  
 obviously [5] 16/5 17/4 36/4  
 52/13 127/3  
 occasion [12] 22/9 24/14 125/22  
 135/8 135/9 135/12 135/13  
 135/16 135/23 135/23 141/15  
 145/2  
 occasionally [2] 78/8 109/8  
 occasions [4] 125/22 130/1  
 135/18 135/22  
 occur [1] 136/1  
 October [8] 1/8 54/15 133/21  
 134/9 135/25 161/4 164/4 183/13  
 October 2015 [1] 134/9  
 October 3rd [1] 183/13  
 odd [2] 45/9 45/13  
 Odom [1] 91/8  
 off [22] 5/11 6/17 14/20 14/20  
 19/23 29/7 34/8 47/12 55/10  
 55/12 72/15 84/12 87/21 101/15  
 104/6 108/22 109/14 146/6  
 167/14 167/19 178/1 186/16  
 off-duty [1] 6/17  
 off-site [1] 101/15  
 off-the-wall-type [1] 29/7  
 offenders [1] 158/2  
 offense [10] 82/18 83/18 83/22  
 83/24 84/7 84/13 84/19 114/9  
 114/10 163/14  
 offenses [2] 114/8 120/13  
 Office [8] 2/9 7/25 8/1 9/12  
 88/24 89/2 132/8 169/19  
 officer [52] 74/19 75/4 75/7  
 75/10 76/6 76/7 76/10 76/14  
 77/24 78/7 78/14 85/16 85/19  
 85/22 89/3 90/13 94/3 101/8  
 105/6 107/8 108/17 108/20 110/1  
 110/11 124/16 125/13 129/25  
 130/2 130/22 138/10 138/11  
 155/17 155/22 155/23 156/7  
 156/22 156/24 157/4 158/21  
 159/2 160/1 163/15 164/11  
 164/15 164/17 164/19 171/20  
 172/17 184/16 186/11 187/4

187/5  
 Officer Ryan [4] 90/13 84/3  
 105/6 107/8  
 officers [18] 76/13 87/23  
 100/16 106/6 106/11 106/11  
 107/6 107/12 107/18 110/8  
 110/13 116/4 127/20 171/17  
 180/15 184/19 185/5 187/16  
 official [4] 1/24 61/18 75/4  
 193/16  
 often [4] 168/3 168/6 168/11  
 169/17  
 Oh [18] 5/5 5/9 16/17 19/14  
 20/7 20/18 25/16 28/12 28/24  
 41/1 45/5 45/23 49/18 53/25  
 54/16 69/25 106/23 165/17  
 okay [97] 3/8 11/22 13/6 14/11  
 23/9 24/7 24/13 27/5 31/15 34/3  
 34/21 36/15 39/4 41/2 43/25  
 44/17 45/20 52/2 52/16 58/9  
 59/11 61/10 61/22 62/10 62/24  
 63/10 63/19 65/17 66/2 67/12  
 68/20 69/7 70/12 71/4 71/17  
 72/8 73/10 73/15 73/18 73/21  
 75/23 76/7 84/3 84/6 84/18  
 87/12 89/5 89/14 91/12 92/9  
 98/25 102/5 103/24 112/22  
 116/24 122/11 122/14 122/22  
 122/24 123/3 123/7 124/23  
 125/17 125/25 126/4 126/17  
 126/19 127/8 127/12 127/25  
 128/6 128/10 143/7 143/11  
 145/25 148/24 151/7 157/9  
 157/20 163/3 170/12 171/23  
 173/8 173/15 181/13 183/13  
 188/13 188/19 189/3 189/14  
 189/17 190/21 191/2 191/6  
 191/24 192/9 192/12  
 old [4] 153/6 153/7 153/11  
 156/4  
 Old York Road [3] 153/6 153/7  
 153/11  
 Omari [1] 2/3  
 Omari Thomas [1] 2/3  
 once [27] 19/4 26/20 26/24 62/7  
 63/24 64/13 64/15 65/17 65/25  
 66/12 66/21 67/15 68/12 99/18  
 99/24 116/25 116/25 126/25  
 141/11 146/24 148/12 157/2  
 168/7 168/13 168/15 169/6  
 190/25  
 one [53] 5/10 20/9 22/9 24/7  
 24/14 34/7 34/18 38/3 45/16  
 45/23 46/4 64/12 70/17 70/25  
 81/14 85/14 86/9 88/16 93/15  
 93/23 106/13 108/4 112/21  
 112/24 113/19 113/23 114/19  
 124/13 124/13 125/8 127/8  
 130/18 135/8 135/9 135/23  
 136/20 140/13 140/14 142/5  
 142/9 145/2 145/17 145/17 146/7  
 162/11 165/9 167/19 168/25  
 178/14 178/18 185/18 189/7  
 190/23  
 one's [1] 143/8  
 one-quarter [1] 70/25  
 ones [1] 112/4  
 ongoing [2] 8/3 132/12  
 only [15] 7/4 45/15 45/16 45/16  
 91/7 103/20 113/6 113/21 119/9  
 125/8 155/21 155/23 160/23  
 170/16 184/16

open [1] 145/19  
 openly [1] 120/16  
 operated [1] 25/2  
 operates [1] 33/14  
 operating [4] 21/2 22/7 22/18  
 25/9  
 operations [5] 29/22 31/1 33/18  
 43/6 43/17  
 opinion [1] 162/23  
 opportunity [4] 107/5 119/15  
 123/11 185/4  
 opposed [1] 61/20  
 order [16] 77/2 86/2 101/3  
 109/8 111/10 157/21 166/10  
 172/24 173/12 175/15 176/19  
 177/8 179/4 179/8 184/10 188/8  
 ordered [3] 100/25 101/11  
 179/22  
 orders [1] 147/15  
 organization [10] 19/15 121/13  
 121/15 124/14 126/2 127/14  
 127/15 127/18 127/22 128/1  
 originally [1] 158/2  
 origins [1] 158/4  
 other [67] 4/11 6/10 6/19 7/16  
 8/10 17/19 17/19 18/6 24/21  
 26/11 26/21 31/24 32/1 45/15  
 45/17 45/18 47/13 51/5 53/4  
 58/16 61/1 63/2 83/11 85/14  
 87/23 91/5 91/18 100/16 106/6  
 106/10 106/13 107/5 107/12  
 107/18 107/20 109/1 109/8 110/8  
 113/23 116/3 116/4 116/6 119/10  
 119/11 120/13 120/19 122/16  
 124/18 127/1 127/20 131/8  
 131/14 132/3 134/5 137/20 138/3  
 145/5 152/12 155/24 160/21  
 161/21 162/3 186/17 186/20  
 186/22 187/16 188/22  
 others [4] 5/1 15/22 112/13  
 179/12  
 otherwise [1] 103/22  
 our [17] 7/2 7/6 28/14 33/12  
 44/7 56/7 64/15 65/5 82/6 101/5  
 104/5 109/4 142/25 172/16  
 179/23 190/11 190/16  
 ours [1] 139/5  
 ourselves [1] 5/1  
 out [136] 8/9 14/15 16/12 19/1  
 19/9 20/24 24/22 25/12 28/20  
 29/1 31/8 31/22 36/10 36/11  
 38/13 43/21 44/23 45/11 47/13  
 48/5 48/6 50/20 50/22 51/3  
 51/22 52/8 52/10 52/12 55/21  
 56/19 56/24 57/18 59/1 66/8  
 68/13 68/13 69/7 69/12 69/15  
 69/17 69/23 69/24 70/16 71/23  
 72/18 73/8 75/18 75/21 76/16  
 77/1 77/11 80/25 81/12 85/24  
 94/15 95/12 96/5 97/3 98/2  
 99/25 100/14 101/16 101/17  
 102/13 104/15 107/15 109/11  
 110/10 110/22 110/25 111/2  
 111/5 115/4 122/5 122/8 122/8  
 122/20 122/22 123/17 123/25  
 125/11 126/16 134/18 140/4  
 141/9 141/10 141/12 145/3  
 145/21 146/21 147/14 147/24  
 148/9 148/14 148/14 149/21  
 150/18 150/20 152/22 154/9  
 155/5 161/25 162/9 162/16  
 164/21 165/1 166/15 168/5 168/6

Case 1:16-cr-00051-CB Document 291 Filed 11/03/17 Page 211 of 221

out... [27] 174/8 174/25 175/13  
 176/5 176/16 176/19 177/5  
 177/18 178/14 180/10 180/12  
 180/16 180/25 181/18 182/11  
 182/23 183/20 183/20 184/7  
 185/15 187/24 188/2 189/7  
 190/24 192/17 192/18 192/20  
 outright [1] 186/1  
 outside [7] 61/8 61/13 89/8  
 89/19 112/9 146/13 164/12  
 over [44] 6/9 10/11 12/14 31/21  
 31/21 31/21 32/12 32/18 35/11  
 63/6 63/10 70/6 71/25 72/3  
 79/17 80/20 81/17 88/19 89/9  
 99/18 99/19 107/25 117/11 121/1  
 122/12 122/12 124/12 126/5  
 144/9 146/23 146/25 147/19  
 148/1 152/16 152/17 157/1 161/8  
 161/13 161/14 162/18 169/15  
 181/8 188/8 188/8  
 overly [1] 31/13  
 overrule [2] 13/6 91/17  
 overruled [5] 12/10 19/18 54/6  
 58/11 154/22  
 overtime [12] 4/23 7/8 7/10  
 7/16 77/2 77/12 88/8 111/7  
 131/15 131/17 157/21 168/20  
 owed [3] 151/25 152/3 178/1  
 Owings [2] 69/25 70/5  
 Owings Mills [2] 69/25 70/5  
 own [6] 37/21 43/22 43/23 44/6  
 44/7 184/11  
 owned [1] 46/25

**P**

P.E [2] 95/20 175/21  
 p.m [9] 3/2 34/14 34/16 35/2  
 111/17 111/21 190/8 191/18  
 193/3  
 page [32] 14/15 14/21 14/25  
 16/8 17/14 19/24 26/1 26/1 27/8  
 27/11 29/2 30/5 30/10 30/14  
 31/15 32/5 33/5 35/10 38/15  
 39/20 41/25 42/18 45/22 46/6  
 46/9 48/20 49/9 52/21 52/21  
 53/15 117/23 126/12  
 Page 105 [1] 19/24  
 Page 106 [1] 26/1  
 Page 107 [1] 27/8  
 Page 110 [2] 30/10 30/14  
 Page 113 [1] 35/10  
 Page 116 [1] 39/20  
 Page 118 [2] 45/22 48/20  
 Page 121 [1] 52/21  
 Page 148 [1] 14/21  
 Page 151 [1] 46/6  
 Page 50 [1] 17/14  
 pages [2] 126/12 161/11  
 paid [4] 7/13 56/5 131/22  
 151/24  
 paperwork [1] 131/14  
 Papi [1] 15/5  
 parked [5] 67/21 67/21 68/4  
 68/12 68/12  
 parking [4] 141/16 141/25 143/5  
 145/6  
 part [32] 6/5 8/2 8/21 9/9  
 13/20 13/20 29/3 30/5 30/9 32/5  
 43/13 46/24 56/5 58/5 78/7 92/2  
 92/3 104/16 109/5 114/12 118/7

121/11 122/3 122/3 132/11  
 137/14 137/17 141/5 156/17  
 169/2 169/3 181/14  
 participate [2] 73/18 137/19  
 participated [4] 37/4 130/24  
 135/8 137/20  
 particular [1] 22/14  
 particulars [1] 93/2  
 partner [6] 40/8 40/10 40/12  
 40/12 40/13 59/6  
 party [2] 133/2 145/3  
 partying [1] 52/12  
 passed [1] 99/19  
 password [1] 141/3  
 past [2] 11/6 122/14  
 patience [1] 189/20  
 patrol [7] 75/11 75/19 75/21  
 76/10 156/8 156/22 157/4  
 pattern [5] 12/24 15/21 20/25  
 64/15 65/21  
 pause [6] 46/2 46/8 48/23 51/20  
 52/6 52/19  
 pay [8] 151/20 151/20 153/17  
 153/20 157/6 160/23 168/10  
 178/1  
 paying [4] 51/24 52/13 52/14  
 52/14  
 payments [3] 77/2 88/8 168/20  
 penalties [3] 9/17 113/6 161/21  
 penalty [2] 133/11 160/23  
 pending [2] 109/25 129/10  
 people [50] 5/4 6/20 6/24 12/16  
 16/18 17/25 25/2 28/21 31/13  
 45/15 45/17 46/25 47/13 51/5  
 85/16 85/19 85/21 86/22 87/6  
 87/13 100/17 100/20 100/25  
 101/4 102/8 105/1 105/19 105/22  
 109/1 109/8 116/3 116/6 122/8  
 122/11 131/3 131/5 131/9 131/12  
 164/14 164/17 164/19 171/2  
 171/12 176/24 178/10 180/19  
 186/23 187/5 187/7 187/9  
 people's [1] 45/17  
 perfect [1] 67/22  
 perfectly [1] 50/25  
 period [4] 11/10 121/16 122/12  
 122/12  
 perjury [4] 86/8 87/15 165/5  
 166/25  
 person [31] 16/21 20/4 31/20  
 32/24 43/4 45/15 45/16 58/16  
 59/19 59/22 90/6 95/3 95/20  
 96/16 97/17 101/9 119/6 151/20  
 151/21 151/24 152/3 173/17  
 174/16 175/7 175/20 176/11  
 177/12 181/8 182/18 183/17  
 183/20  
 person's [5] 37/19 59/8 92/25  
 94/6 95/6  
 personal [1] 105/18  
 persuade [1] 85/6  
 persuasive [1] 90/24  
 Philadelphia [2] 15/8 16/15  
 Philly [3] 15/8 16/11 16/14  
 phone [31] 14/2 17/8 18/12  
 18/23 19/4 25/19 29/13 29/15  
 29/20 34/23 36/8 36/8 37/19  
 45/2 45/14 45/17 45/18 60/21  
 72/13 72/13 105/15 127/20 141/1  
 141/4 143/20 143/22 143/24  
 143/25 144/4 144/9 144/24  
 phone-type [1] 45/2

phones [1] 64/15  
 photographs [3] 125/6 125/7  
 125/9  
 phrase [1] 70/24  
 physical [4] 50/11 50/12 146/3  
 146/4  
 physically [2] 6/20 131/8  
 pick [2] 51/17 52/16  
 picked [2] 30/15 42/16  
 pickin' [1] 52/10  
 pictures [1] 124/23  
 piece [3] 103/13 123/17 140/6  
 pieces [1] 190/13  
 pin [2] 25/14 25/16  
 pink [2] 10/21 31/7  
 pinpoint [1] 66/1  
 place [5] 64/11 139/14 151/6  
 172/16 179/16  
 placed [4] 64/9 139/6 140/5  
 140/9  
 places [1] 164/22  
 placing [2] 18/6 64/13  
 plainclothes [3] 156/18 156/19  
 156/20  
 Plaintiff [2] 1/3 1/15  
 plan [7] 67/18 90/9 90/10 137/3  
 137/4 137/22 144/20  
 planned [2] 152/6 191/16  
 planning [1] 190/18  
 play [6] 14/5 14/8 14/9 14/23  
 46/3 46/4  
 played [18] 14/2 14/24 17/15  
 19/25 26/2 27/9 30/13 35/12  
 39/22 46/1 46/7 48/22 51/19  
 52/5 52/18 103/15 104/15 105/15  
 plea [47] 8/2 9/9 79/11 79/17  
 79/20 80/20 80/21 81/1 81/10  
 81/11 82/25 83/17 84/12 89/11  
 89/13 90/14 90/21 92/15 93/3  
 93/12 112/5 112/11 112/24 113/3  
 113/9 113/13 114/7 114/9 114/17  
 117/14 117/23 118/7 119/12  
 119/22 130/18 132/11 133/2  
 160/13 160/19 160/22 160/25  
 161/8 161/25 162/9 162/16  
 170/11 170/22  
 plead [6] 4/2 4/19 20/13 82/17  
 113/16 129/19  
 please [17] 3/9 3/11 3/12 3/13  
 3/16 34/17 35/3 38/17 51/6  
 106/15 128/19 128/21 128/22  
 128/23 188/14 190/2 191/2  
 pled [13] 3/25 4/23 6/6 9/18  
 40/18 83/6 83/13 84/7 89/25  
 121/7 129/17 133/11 160/22  
 plenty [1] 47/13  
 plus [2] 126/23 150/14  
 point [19] 16/16 18/12 19/2  
 39/12 56/11 69/7 72/18 89/12  
 92/8 92/15 101/7 101/11 101/22  
 103/16 104/11 127/8 136/20  
 146/23 156/22  
 pointed [2] 56/24 147/18  
 police [93] 2/10 4/5 4/8 6/18  
 6/18 6/23 7/22 69/6 74/19 74/21  
 74/23 75/4 75/4 75/7 75/8 75/10  
 76/6 76/7 76/13 76/14 77/24  
 78/7 78/14 85/16 85/19 85/22  
 88/5 90/17 94/18 94/20 95/14  
 96/7 96/9 98/4 98/6 98/20  
 100/16 104/14 104/18 108/16  
 108/20 110/1 110/8 116/4 124/13

<p><b>P</b></p> <p>police... [48] 124/16 125/13</p> <p>127/20 129/6 129/25 130/2</p> <p>130/25 131/11 131/25 132/1</p> <p>132/13 138/9 138/11 139/10</p> <p>139/17 155/17 155/19 155/21</p> <p>155/23 156/1 156/2 156/7 156/24</p> <p>157/17 159/1 159/2 160/1 163/15</p> <p>164/11 167/21 168/16 171/15</p> <p>171/20 172/17 172/24 174/3</p> <p>177/5 177/18 178/4 179/20</p> <p>180/15 180/22 183/10 184/16</p> <p>184/19 187/4 187/4 187/16</p> <p>politicking [1] 41/9</p> <p>pop [1] 17/24</p> <p>popped [1] 145/19</p> <p>portion [5] 147/8 154/1 154/3</p> <p>154/9 154/13</p> <p>position [3] 75/15 127/25</p> <p>156/10</p> <p>possess [1] 83/14</p> <p>possessed [1] 91/11</p> <p>possession [2] 117/21 158/3</p> <p>possible [6] 62/8 81/21 123/18</p> <p>144/8 167/6 167/8</p> <p>possibly [3] 144/5 147/25</p> <p>192/25</p> <p>potential [2] 124/23 163/5</p> <p>potentially [1] 84/19</p> <p>pound [3] 98/12 135/9 177/22</p> <p>practically [1] 121/22</p> <p>practice [1] 37/18</p> <p>precisely [2] 57/24 57/25</p> <p>prejudice [1] 91/5</p> <p>prejudicial [2] 51/5 56/12</p> <p>premature [1] 22/20</p> <p>prepare [7] 86/11 86/20 87/4</p> <p>87/12 165/14 165/23 166/9</p> <p>presence [2] 27/4 69/6</p> <p>Present [1] 2/7</p> <p>presiding [1] 169/15</p> <p>pretend [1] 103/14</p> <p>pretending [1] 61/16</p> <p>pretty [2] 66/1 157/23</p> <p>previous [2] 17/11 191/20</p> <p>previously [4] 33/17 35/23</p> <p>47/15 143/5</p> <p>prior [10] 13/19 28/23 28/23</p> <p>33/13 43/23 46/17 126/11 127/12</p> <p>141/5 144/2</p> <p>prison [1] 133/14</p> <p>probably [14] 6/9 16/18 34/7</p> <p>44/25 47/22 88/19 104/4 104/8</p> <p>104/8 105/12 107/25 108/3 125/8</p> <p>136/25</p> <p>procedure [15] 94/18 94/21</p> <p>95/14 96/7 96/9 98/4 98/6 98/21</p> <p>104/15 104/18 131/1 172/24</p> <p>174/3 178/4 191/15</p> <p>proceed [1] 192/24</p> <p>proceedings [1] 193/12</p> <p>proceeds [8] 7/4 57/15 57/25</p> <p>70/18 137/1 154/10 154/13</p> <p>154/14</p> <p>process [1] 113/9</p> <p>proffer [10] 56/18 123/7 123/11</p> <p>124/11 124/17 124/20 124/25</p> <p>125/5 125/8 125/24</p> <p>proffered [1] 125/10</p> <p>proffers [1] 125/9</p> <p>progress [1] 189/24</p>	<p>promise [1] 120/15</p> <p>promised [2] 8/21 120/13</p> <p>promises [7] 9/14 115/12 115/13</p> <p>115/14 115/15 120/10 133/8</p> <p>promoted [8] 75/17 75/21 76/10</p> <p>76/14 76/19 77/10 157/12 157/15</p> <p>promotion [3] 157/4 157/5 157/9</p> <p>promotions [1] 76/3</p> <p>pronounce [1] 106/18</p> <p>pronouncing [1] 192/3</p> <p>proper [15] 90/17 94/18 94/20</p> <p>95/14 96/7 96/9 98/4 98/6 98/20</p> <p>104/14 104/18 130/25 172/24</p> <p>174/3 178/4</p> <p>property [15] 85/18 86/2 86/13</p> <p>86/22 87/6 98/15 110/4 164/17</p> <p>164/23 165/16 165/22 165/25</p> <p>166/11 186/5 187/7</p> <p>proposing [1] 61/22</p> <p>prosecute [1] 78/25</p> <p>prosecuted [6] 7/21 79/9 79/10</p> <p>132/5 160/9 160/11</p> <p>prosecution [3] 117/2 167/3</p> <p>172/14</p> <p>prosecutor [1] 159/20</p> <p>prosecutors [2] 110/16 187/18</p> <p>protect [8] 5/1 21/11 24/19</p> <p>29/24 39/8 111/10 174/11 188/8</p> <p>protecting [7] 21/8 24/25 29/18</p> <p>33/2 39/6 121/15 186/9</p> <p>protection [6] 21/20 21/22</p> <p>23/16 127/18 161/20 161/23</p> <p>protector [1] 127/25</p> <p>proud [1] 102/19</p> <p>prove [1] 85/9</p> <p>provide [2] 85/9 130/22</p> <p>provided [5] 13/23 64/2 64/4</p> <p>127/18 186/20</p> <p>provider [1] 143/24</p> <p>pull [6] 32/12 32/18 38/19</p> <p>39/14 42/23 43/9</p> <p>pulled [6] 68/11 68/12 147/1</p> <p>147/14 152/16 181/8</p> <p>pulling [1] 12/25</p> <p>pulls [1] 12/14</p> <p>purchased [3] 6/18 139/16</p> <p>139/18</p> <p>purpose [2] 64/17 142/4</p> <p>purposes [2] 93/20 170/16</p> <p>pursuant [1] 178/12</p> <p>put [18] 7/15 7/15 8/9 55/22</p> <p>56/23 64/20 65/2 65/17 109/25</p> <p>123/17 125/10 140/2 140/3 141/2</p> <p>152/17 156/19 166/20 168/8</p> <p>puts [1] 15/19</p> <p>putting [4] 28/20 31/13 52/14</p> <p>178/22</p>	<p>questions [28] 14/6 14/11 23/13</p> <p>27/12 30/9 79/24 89/10 90/10</p> <p>90/11 91/10 92/7 102/12 103/10</p> <p>111/14 120/24 124/8 124/21</p> <p>126/18 126/23 127/2 127/5</p> <p>143/13 148/24 155/9 161/15</p> <p>188/11 188/17 188/22</p> <p>quick [1] 65/15</p> <p>quickly [3] 34/18 65/1 189/24</p> <p>quite [3] 134/10 168/11 176/22</p>
	<p><b>Q</b></p> <p>quantities [1] 51/10</p> <p>quarter [1] 70/25</p> <p>question [33] 12/8 12/9 13/5</p> <p>17/24 21/19 22/13 22/14 22/21</p> <p>23/3 23/15 49/20 50/19 51/7</p> <p>58/14 60/10 89/12 101/3 102/7</p> <p>102/22 102/25 103/5 103/7 109/6</p> <p>115/8 116/22 124/3 126/14</p> <p>127/13 128/2 130/25 158/16</p> <p>163/22 169/3</p> <p>questioned [2] 125/25 180/3</p> <p>questioning [3] 21/21 91/18</p> <p>103/8</p>	<p><b>R</b></p> <p>R-A-Y-A-M [1] 129/1</p> <p>R.H [7] 100/18 101/9 104/11</p> <p>105/1 178/10 179/13 180/3</p> <p>racketeering [21] 4/12 4/13</p> <p>4/19 6/6 7/22 8/4 9/18 9/21</p> <p>20/11 20/21 40/15 83/9 83/18</p> <p>84/7 114/5 114/12 114/14 114/21</p> <p>116/25 129/13 132/6</p> <p>radio [2] 68/22 69/2</p> <p>raise [3] 3/9 128/19 157/6</p> <p>raised [1] 58/4</p> <p>ran [9] 145/20 145/21 145/22</p> <p>147/19 147/24 148/1 148/9</p> <p>148/14 149/21</p> <p>range [1] 162/21</p> <p>rank [7] 76/4 76/5 76/7 129/8</p> <p>156/20 156/25 157/3</p> <p>rarely [1] 116/20</p> <p>rather [1] 34/7</p> <p>Raven [1] 25/17</p> <p>RAYAM [82] 1/13 4/15 25/19 40/6</p> <p>40/7 40/8 41/1 41/6 42/2 43/19</p> <p>43/24 45/12 47/3 56/3 59/6</p> <p>60/16 60/19 60/23 61/3 61/5</p> <p>62/9 62/10 63/13 63/18 63/25</p> <p>64/23 65/22 66/2 66/13 66/23</p> <p>67/6 67/15 68/10 68/12 69/5</p> <p>69/7 69/14 69/14 69/17 69/19</p> <p>69/23 70/4 70/8 71/8 73/10</p> <p>73/15 73/18 73/19 90/13 92/18</p> <p>94/3 95/3 95/9 95/20 96/1 96/14</p> <p>96/24 97/14 97/23 98/12 99/7</p> <p>100/13 100/16 101/8 102/13</p> <p>102/15 105/6 106/6 107/8 107/11</p> <p>128/16 128/20 128/25 129/1</p> <p>129/5 138/6 155/17 168/22</p> <p>170/10 170/20 190/14 193/8</p> <p>RCR [1] 193/6</p> <p>RDR [4] 1/23 193/6 193/10</p> <p>193/14</p> <p>reaction [2] 48/2 48/3</p> <p>read [9] 42/7 93/2 99/18 99/19</p> <p>99/24 117/18 119/22 126/11</p> <p>126/13</p> <p>reading [3] 42/2 52/8 84/14</p> <p>real [6] 29/5 29/14 37/9 63/4</p> <p>65/15 151/19</p> <p>really [33] 26/20 37/8 38/8</p> <p>44/7 44/23 44/23 47/19 52/9</p> <p>57/3 67/10 67/10 75/2 77/5</p> <p>80/25 90/5 102/20 104/14 104/22</p> <p>109/5 109/11 109/15 109/15</p> <p>114/14 117/13 137/18 143/18</p> <p>143/18 146/2 146/3 153/24 157/5</p> <p>172/16 172/18</p> <p>realm [1] 61/13</p> <p>Realtime [1] 193/15</p> <p>reason [5] 91/11 98/6 116/19</p> <p>119/6 174/8</p> <p>reasonable [1] 91/3</p>

R		
<p>recall [7] 86/5 70/15 140/4 143/18 146/2 146/4 154/25 recalled [1] 147/25 receive [6] 81/9 81/21 84/24 105/11 133/9 163/5 received [3] 151/25 157/9 159/1 recently [1] 156/24 recess [3] 34/10 34/15 111/18 reckless [3] 28/19 30/23 30/25 recognize [3] 67/25 93/9 139/21 recognized [2] 37/13 42/12 recommend [4] 82/4 82/5 84/24 118/8 recommendation [10] 81/8 81/10 82/2 114/25 115/22 118/18 118/20 118/25 119/23 133/6 recommends [1] 133/4 record [15] 3/13 10/6 10/22 17/12 21/17 50/16 55/6 58/8 89/17 102/6 128/23 134/23 188/15 189/8 193/12 records [4] 88/6 111/5 188/6 188/6 recovered [2] 71/3 173/3 red [4] 30/19 30/20 30/21 30/22 redirect [3] 128/8 188/24 188/25 reduce [2] 163/13 163/25 reduced [1] 132/24 reduces [2] 85/2 85/3 refer [1] 51/10 reference [1] 32/20 referenced [1] 152/4 referred [3] 28/9 67/12 112/4 referring [1] 35/22 reflect [5] 10/6 10/22 91/19 134/23 170/22 reflected [1] 170/11 regard [2] 22/20 48/10 regarding [1] 77/20 Registered [1] 193/15 regular [1] 10/21 relate [2] 23/3 34/6 related [5] 4/7 8/4 90/4 90/5 190/13 relating [1] 114/4 relationship [4] 41/11 41/13 41/14 41/16 relevant [2] 51/1 91/7 reluctant [1] 102/20 rely [1] 110/11 remaining [1] 154/3 remember [14] 47/18 47/19 58/14 71/23 75/1 75/2 89/13 92/16 99/3 112/12 112/23 126/6 126/16 154/23 remembering [1] 170/20 remind [3] 14/16 16/19 43/2 repairs [1] 16/4 repeatedly [1] 115/5 repetitive [4] 91/6 91/21 92/1 92/6 rephrase [4] 49/20 116/8 124/3 154/21 report [41] 7/3 52/24 90/16 94/15 95/12 96/5 97/3 97/4 97/7 98/2 98/17 105/7 110/10 110/11 110/12 166/21 172/19 172/21 172/23 173/1 173/3 173/6 174/8 174/25 175/11 175/13 175/25</p>	<p>176/5 176/16 176/16 176/19 177/5 177/19 178/6 189/25 181/1 181/18 181/18 183/11 183/11 184/7 reported [15] 1/22 14/24 17/15 19/25 26/2 27/9 30/13 35/12 39/22 46/1 46/7 48/22 51/19 52/5 52/18 Reporter [4] 1/24 193/15 193/15 193/16 reports [33] 6/23 76/24 86/12 86/15 86/15 86/21 86/24 86/25 110/22 110/25 111/2 115/4 131/11 131/25 132/1 157/17 157/17 165/15 165/18 165/21 165/24 166/2 166/3 167/16 167/22 168/4 168/16 172/23 173/8 182/11 186/4 187/24 188/2 represented [2] 79/14 161/6 request [1] 118/9 required [2] 77/24 124/4 requirement [1] 119/12 residence [7] 54/21 63/24 64/24 70/6 95/23 99/16 175/23 resolved [1] 34/20 respect [3] 55/16 131/17 131/25 responded [1] 63/16 response [5] 56/5 56/7 124/2 128/7 188/18 responsibilities [1] 75/12 rest [3] 7/5 183/6 190/16 restrain [2] 6/20 131/8 restraint [1] 117/19 result [4] 81/15 81/24 82/11 104/24 retrieved [2] 139/4 183/23 return [2] 8/25 132/22 returned [1] 8/14 reviewed [1] 117/14 revolving [1] 110/23 reward [1] 76/11 RICO [1] 129/13 rid [1] 153/3 riding [1] 32/12 right [232] riser [1] 153/5 risk [1] 28/20 Road [11] 70/9 70/9 72/15 73/22 136/2 136/2 143/12 153/6 153/7 153/11 164/5 rob [12] 5/3 5/4 5/6 5/8 5/14 5/19 25/4 56/1 56/2 105/24 130/8 136/11 robbed [16] 6/21 6/23 46/25 47/1 56/16 61/15 70/9 90/13 129/22 129/24 130/1 130/4 131/3 131/9 131/11 171/12 robberies [26] 4/23 4/24 6/14 8/9 8/13 8/16 25/3 61/12 77/12 90/1 91/23 105/19 112/3 113/5 113/12 130/15 130/17 130/20 130/23 131/1 137/20 138/7 164/8 164/10 164/12 172/16 robbery [55] 47/2 48/13 48/17 48/18 55/9 55/17 55/20 61/2 61/20 73/12 92/19 94/3 95/2 95/20 96/14 97/14 113/6 113/22 113/23 114/10 114/11 130/24 133/21 133/23 134/8 135/25 136/10 136/14 137/11 137/23 139/1 139/3 141/5 141/8 143/19 144/2 144/6 144/10 144/14</p>	<p>144/20 144/24 164/5 170/24 173/16 174/14 175/6 175/17 176/9 176/23 177/11 181/5 181/24 182/18 183/14 190/15 Robert [1] 1/19 Robert C. Bonsib [1] 1/19 rode [2] 40/14 43/23 role [8] 59/4 62/1 62/5 67/8 68/6 126/1 159/18 159/20 Rolex [5] 70/10 71/17 74/2 147/23 149/16 room [2] 127/9 148/13 Rottweiler [1] 31/7 rough [2] 154/17 154/18 roughly [4] 112/16 152/21 153/1 155/5 run [9] 127/20 137/4 138/4 138/14 140/12 140/20 144/21 145/10 146/11 running [3] 59/8 143/10 146/21</p> <p><b>S</b></p> <p>S.S [1] 183/8 safe [2] 104/14 160/3 safety [1] 91/6 said [88] 13/12 15/16 15/24 16/9 18/16 18/19 20/15 22/6 22/8 24/14 25/8 26/17 26/18 28/12 29/5 38/5 39/13 39/18 48/3 48/16 49/22 49/25 50/5 50/8 51/22 55/25 55/25 56/2 57/12 58/17 58/22 58/25 59/14 60/17 61/5 61/10 63/7 65/17 66/21 68/4 68/11 70/19 70/24 72/23 73/10 73/22 80/11 82/6 83/22 83/23 84/10 85/12 103/2 107/19 107/24 108/4 116/9 121/1 125/3 129/24 130/4 131/20 135/13 137/6 138/3 138/7 141/21 142/4 143/2 143/9 143/11 143/14 145/6 145/15 146/9 147/16 147/19 148/1 149/5 150/12 151/18 153/8 163/12 163/24 168/13 172/6 172/13 182/24 salary [2] 88/8 168/20 sale [3] 73/13 153/20 153/23 sales [1] 73/18 same [29] 12/17 12/24 13/2 26/1 34/7 37/22 41/4 60/23 61/3 63/25 64/25 73/14 73/14 73/14 106/7 106/25 107/3 107/6 120/19 121/25 122/4 152/3 152/6 175/11 175/25 176/16 177/16 185/1 190/4 Sarah [1] 192/1 Sarah Ghatineh [1] 192/1 sat [2] 124/11 125/21 saw [19] 11/22 12/24 12/25 16/5 16/5 22/10 28/17 28/18 28/22 63/5 73/2 99/18 145/22 145/23 146/24 147/21 148/18 150/14 150/17 say [101] 11/5 18/8 18/10 18/10 20/15 23/24 24/4 26/9 26/24 27/19 28/6 28/11 28/12 29/6 29/13 29/15 30/20 31/4 32/1 32/17 33/20 33/22 33/25 35/20 35/24 37/15 38/11 38/19 40/10 41/6 41/18 41/21 42/6 42/23 42/24 43/8 43/8 44/22 45/1 47/5 48/15 50/21 50/23 51/6 55/19 56/20 56/21 58/19 62/5 63/12</p>

**S**  
 say... [51] 66/2 68/15 72/8  
 75/6 77/6 77/20 78/16 78/24  
 78/25 79/8 82/5 90/9 90/18  
 94/18 94/19 95/1 98/23 98/23  
 100/23 104/8 104/14 104/19  
 107/8 109/17 110/15 112/20  
 115/17 115/21 115/23 115/25  
 119/17 119/23 131/18 134/2  
 134/13 143/7 147/4 149/9 157/5  
 158/14 160/3 160/11 161/23  
 166/15 166/19 168/8 168/8  
 168/10 170/8 173/7 186/3  
 saying [21] 7/3 18/15 28/25  
 32/16 37/22 44/3 45/6 52/13  
 55/14 56/12 77/9 102/17 104/21  
 112/9 113/1 113/15 126/15  
 131/15 160/20 174/25 186/4  
 says [26] 15/3 15/5 15/11 16/7  
 17/24 20/4 20/5 25/14 28/2 28/2  
 30/18 31/4 31/7 31/17 32/7 32/8  
 33/8 37/22 38/3 52/8 52/24  
 53/13 53/17 118/8 118/13 119/6  
 scale [1] 151/1  
 scare [1] 147/15  
 scene [1] 32/22  
 school [1] 122/2  
 schools [1] 122/4  
 scooped [1] 140/5  
 scope [2] 89/22 90/3  
 Scott [1] 2/10  
 screen [2] 14/11 14/22  
 screenshot [4] 36/1 36/7 40/22  
 41/4  
 search [31] 5/15 46/21 46/22  
 47/22 61/16 61/17 85/25 97/16  
 99/8 100/8 100/9 100/15 100/17  
 104/5 104/7 137/24 138/7 138/15  
 138/18 138/19 138/24 164/22  
 171/6 178/9 178/12 178/15  
 178/17 179/5 179/8 182/22  
 182/25  
 search warrant [25] 46/21 46/22  
 47/22 61/16 61/17 97/16 99/8  
 100/9 100/15 100/17 104/5  
 137/24 138/7 138/15 138/18  
 138/19 138/24 171/6 178/12  
 178/15 178/17 179/5 179/8  
 182/22 182/25  
 search warrants [4] 5/15 85/25  
 104/7 164/22  
 searched [2] 96/18 97/19  
 searching [8] 92/25 94/6 95/6  
 173/20 174/16 174/19 175/20  
 182/2  
 seat [1] 134/14  
 seated [7] 3/11 34/17 35/3  
 111/19 111/22 128/21 190/9  
 second [12] 32/4 45/23 48/23  
 49/9 51/20 65/25 75/20 92/3  
 104/9 109/5 135/13 145/6  
 seconds [1] 30/11  
 secret [1] 162/12  
 Section [1] 157/2  
 see [36] 3/4 9/25 10/18 12/4  
 12/4 12/4 16/13 16/21 20/16  
 28/24 28/25 36/4 44/5 52/9  
 55/10 64/14 69/14 73/5 89/14  
 99/17 134/15 140/15 147/3  
 148/15 148/17 148/19 151/19  
 152/25 153/12 153/14 158/3

188/13 190/6 192/21 192/24  
 193/1  
 seem [2] 57/3 58/4  
 seemed [1] 45/13  
 seems [4] 55/7 55/18 58/5 91/18  
 seen [8] 12/18 37/7 37/20 42/25  
 43/10 63/7 134/7 134/10  
 segments [1] 14/9  
 seize [1] 7/2  
 seized [4] 97/5 174/25 176/6  
 176/17  
 seizing [1] 184/10  
 seizure [1] 46/24  
 sell [12] 11/14 12/5 12/21  
 19/14 71/9 71/15 71/20 72/24  
 130/6 135/4 153/15 184/1  
 selling [20] 11/20 11/24 12/5  
 13/3 13/4 13/17 22/6 22/18  
 22/24 23/6 25/7 27/5 30/1 32/3  
 39/9 53/8 53/10 54/4 127/22  
 184/11  
 sells [1] 135/7  
 send [4] 25/14 25/15 25/16  
 189/7  
 sending [1] 190/1  
 senior [3] 153/5 153/7 153/9  
 sent [12] 22/17 25/16 25/18  
 26/11 26/20 36/5 37/7 41/1 43/4  
 43/5 192/20 192/20  
 sentence [26] 9/7 9/15 9/20  
 81/8 81/9 81/15 81/25 82/12  
 85/3 109/2 109/9 113/7 113/21  
 113/23 114/21 115/22 118/10  
 132/24 132/25 133/5 133/8  
 133/14 162/12 162/21 163/25  
 187/1  
 sentenced [1] 9/5  
 sentences [3] 81/21 109/14  
 163/5  
 sentencing [15] 81/17 82/11  
 82/14 84/9 84/24 85/3 91/14  
 115/17 116/15 117/7 118/16  
 119/23 162/18 163/13 164/2  
 separate [5] 67/20 72/14 92/6  
 142/25 151/10  
 separately [1] 153/2  
 September [2] 161/5 182/17  
 September 7th [1] 182/17  
 sergeant [12] 4/17 20/20 20/23  
 28/8 28/14 28/19 103/14 106/17  
 106/23 106/24 158/14 158/17  
 Sergeant Allers [4] 106/23  
 106/24 158/14 158/17  
 Sergeant Jenkins [3] 4/17 28/14  
 103/14  
 Sergeant Wayne Jenkins [3] 28/8  
 28/19 106/17  
 serial [1] 158/5  
 series [4] 92/14 102/12 113/5  
 114/19  
 served [1] 126/8  
 service [3] 75/14 143/24 146/16  
 session [5] 17/12 17/14 39/20  
 45/21 124/25  
 Session 1435 [1] 45/21  
 Session 422 [1] 17/14  
 Session 554 [1] 39/20  
 sessions [7] 123/8 124/11  
 124/17 124/20 125/5 125/8  
 125/24  
 set [13] 22/10 36/20 37/20 38/1  
 40/22 41/7 44/25 45/19 72/11

117/15 139/1 139/3 158/2  
 setting [4] 40/21 48/16 55/20  
 57/5  
 setup [2] 55/8 59/21  
 seven [5] 4/18 112/13 112/25  
 113/7 113/22  
 seven-year [1] 113/22  
 sever [1] 56/8  
 several [2] 40/8 101/16  
 share [2] 21/6 25/23  
 shared [2] 25/24 57/24  
 sharing [1] 184/12  
 she [11] 34/25 49/13 52/9 52/10  
 91/10 146/1 146/3 146/9 147/2  
 147/18 147/19  
 she's [2] 192/20 192/20  
 sheets [4] 77/2 157/20 157/21  
 167/22  
 Sheriff's [1] 2/9  
 Sheriff's Office [1] 2/9  
 shirt [3] 10/4 10/21 134/22  
 shit [7] 20/16 28/24 29/5 29/7  
 32/7 32/20 45/2  
 shit's [1] 29/14  
 shocked [3] 41/10 41/15 146/8  
 shop [5] 15/11 15/25 16/3 16/9  
 16/13  
 shopping [4] 66/23 66/24 69/11  
 69/23  
 short [3] 146/3 189/12 192/7  
 shortly [1] 52/25  
 shot [1] 75/18  
 should [15] 17/11 51/2 53/19  
 53/19 53/20 57/8 63/5 63/10  
 90/7 90/8 92/5 101/23 119/16  
 192/13 192/16  
 shoulder [1] 145/18  
 shouldn't [2] 43/12 53/17  
 show [9] 17/1 84/6 89/13 90/25  
 91/10 92/17 117/16 124/23 141/7  
 showed [5] 17/2 132/3 141/8  
 143/6 145/4  
 showing [3] 136/5 139/19 141/19  
 shown [2] 35/24 147/11  
 Shropshire [26] 2/1 10/16 10/23  
 11/1 12/21 13/4 13/9 13/15  
 13/16 14/6 15/6 17/17 17/24  
 49/8 49/18 49/24 50/7 53/11  
 121/12 121/18 122/14 122/24  
 124/14 126/1 127/4 128/1  
 shrunk [1] 147/1  
 sic [15] 64/9 64/13 65/20 91/6  
 101/23 110/23 117/16 119/14  
 122/9 139/7 139/25 145/2 150/15  
 155/7 172/11  
 side [12] 17/19 17/19 25/18  
 28/21 31/24 32/1 40/8 40/12  
 124/18 151/5 151/5 188/23  
 sight [2] 72/6 72/7  
 signed [9] 79/11 80/2 80/20  
 93/12 100/15 117/14 117/22  
 160/25 161/4  
 significant [3] 71/22 113/6  
 120/10  
 simpler [1] 103/11  
 simply [2] 89/24 103/12  
 since [3] 11/5 16/14 141/19  
 single [1] 126/12  
 sir [13] 115/23 123/7 123/23  
 124/3 124/16 125/4 125/25 126/8  
 126/20 127/8 133/15 133/17  
 133/22

S		
<p>Case 1:16-cr-00051-ECB Document 291 Filed 11/03/17 Page 215 of 291</p> <p>sit [1] 123/12  site [1] 101/15  situation [6] 18/14 44/16 59/10 84/9 166/24 175/25  situations [2] 80/16 167/11  six [8] 6/5 6/10 90/11 112/25 126/22 153/1 153/22 156/12  size [1] 50/10  slang [4] 28/10 42/15 58/17 58/20  slip [1] 131/19  slurring [1] 46/15  small [1] 149/13  smaller [1] 149/14  smart [2] 116/12 116/13  Smith [2] 141/16 151/12  Smith Avenue [2] 141/16 151/12  snaps [1] 66/1  snaps fingers [1] 66/1  so [281]  socialize [1] 145/1  socialized [1] 145/5  sold [28] 11/19 24/15 57/23 57/23 71/6 71/7 71/8 71/8 72/19 72/19 73/10 73/16 73/19 74/5 74/6 98/15 129/22 130/10 135/9 135/20 154/2 154/6 154/12 154/13 155/4 177/24 187/11 187/13  solely [1] 82/2  some [60] 14/6 14/10 22/2 22/22 23/13 27/12 29/6 39/12 47/23 47/25 54/19 56/25 57/18 57/19 60/6 61/1 69/7 70/11 71/2 71/8 71/8 71/9 71/15 72/18 72/19 73/10 73/16 73/19 73/22 76/3 78/2 81/4 89/10 89/10 89/12 89/19 92/15 101/11 101/22 104/11 105/14 106/10 122/15 127/3 127/4 138/6 147/15 148/24 153/3 154/7 154/8 154/13 154/14 156/22 160/16 160/16 170/10 183/7 189/21 190/2  somebody [13] 16/5 17/21 17/25 55/14 56/13 57/18 57/19 57/19 61/5 61/15 98/13 109/23 119/15  somehow [2] 55/19 57/15  someone [9] 11/6 92/19 94/3 102/17 106/22 109/24 125/10 153/3 186/19  something [33] 17/18 31/21 32/15 38/6 42/11 42/12 42/13 42/16 42/24 43/8 50/3 55/8 55/15 55/19 60/4 60/8 60/8 60/24 61/10 61/17 65/13 65/16 84/16 90/22 90/24 136/24 139/16 149/10 173/3 189/10 189/13 191/7 191/15  sometimes [9] 7/11 7/19 37/18 38/7 44/1 122/20 122/22 166/9 187/4  somewhat [1] 91/15  somewhere [11] 66/18 66/20 113/1 135/10 136/20 137/1 141/10 152/24 153/22 161/5 173/22  sorry [6] 55/2 56/9 58/19 83/23 102/24 169/8  sort [21] 11/7 34/6 34/8 42/20 43/21 51/3 55/20 55/21 75/3</p>	<p>76/3 79/7 80/18 84/8 89/9 90/2 80/6 120/19 151/8 180/25 181/18 183/10  sound [2] 35/25 120/17  sounds [6] 17/4 35/20 46/14 57/1 57/17 192/13  sources [3] 45/18 108/16 186/11  speak [14] 3/12 44/18 76/16 80/5 80/14 92/21 92/21 104/20 107/5 115/19 128/22 162/5 163/4 185/4  speaking [4] 47/22 77/7 123/19 123/21  Special [4] 190/12 190/18 191/10 191/11  Special Agent [3] 190/12 191/10 191/11  Special Agent Wilde [1] 190/18  specific [11] 5/7 22/14 23/13 57/3 59/13 78/3 89/18 90/1 90/8 91/18 159/6  specifically [3] 11/19 80/10 125/25  specifics [1] 91/14  speculation [2] 56/25 57/2  speculative [1] 55/21  speed [2] 103/23 183/14  spell [3] 3/13 3/16 128/23  spelled [5] 3/15 80/25 81/12 162/9 162/16  spending [3] 51/24 52/1 52/15  spent [1] 118/1  split [11] 70/6 70/7 70/14 70/16 70/17 70/19 105/12 155/8 172/19 181/3 181/15  splitting [1] 47/25  spoke [7] 4/25 80/16 107/8 107/11 185/7 185/9 185/11  spoken [2] 6/10 170/8  spot [1] 52/9  Sprint [1] 144/1  squad [8] 7/11 28/14 28/14 33/12 65/5 139/6 139/8 157/2  stack [1] 119/11  staged [1] 66/23  staging [2] 67/12 67/13  stand [7] 9/25 108/14 115/17 134/14 134/16 134/17 186/6  standing [1] 132/18  stands [2] 114/7 118/13  start [6] 29/3 34/11 49/4 52/3 149/5 157/22  started [8] 53/6 56/21 63/12 65/19 66/2 72/8 157/23 168/1  startle [1] 147/14  starts [1] 53/10  state [18] 3/12 77/21 77/25 88/5 88/14 88/18 107/24 108/2 108/11 108/23 128/23 156/1 159/3 167/21 168/23 168/25 169/9 185/21  state court [7] 88/14 88/18 107/24 108/2 108/11 169/9 185/21  State's [6] 38/7 88/23 89/2 104/21 110/13 169/19  stated [1] 42/7  statement [9] 23/21 56/15 57/1 57/9 87/8 87/9 102/19 166/10 166/16  statements [2] 57/12 57/14  STATES [12] 1/1 1/3 1/17 3/6</p>	<p>8/3 9/10 91/1 128/15 132/7 132/8 132/12 133/4 133/9  stay [2] 68/20 156/9  stayed [2] 68/21 91/15  staying [4] 5/17 39/19 45/21 189/20  steal [14] 5/23 6/5 85/15 85/18 85/21 105/22 130/8 130/12 137/3 137/5 164/14 164/17 164/19 164/23  stealing [7] 86/12 86/21 87/5 87/13 165/15 165/24 166/20  stenographic [1] 193/11  step [3] 18/14 119/4 119/9  steps [1] 139/1  Stew [7] 28/6 28/7 35/20 35/25 47/5 47/6 47/9  Stew Love [5] 28/6 28/7 35/20 35/25 47/6  Stew Love's [2] 47/5 47/9  stick [1] 189/5  sticks [1] 140/6  still [5] 35/4 73/17 111/23 143/6 156/17  stole [29] 56/6 57/23 90/15 94/22 95/17 96/1 96/10 96/24 97/23 98/7 98/12 98/15 101/8 105/3 110/1 110/4 110/6 111/3 129/22 137/1 176/14 177/3 177/9 177/22 180/19 180/21 182/6 183/4 183/7  stolen [6] 98/22 181/22 182/15 187/5 187/7 187/9  stood [1] 107/19  stop [14] 29/3 32/12 32/15 32/17 32/18 32/19 38/25 38/25 39/4 44/17 44/19 100/20 176/24 179/13  stopped [2] 101/7 112/12  stopping [1] 32/10  stops [1] 5/20  storage [2] 182/18 183/2  story [2] 87/24 123/14  straight [5] 26/17 26/19 26/23 29/6 61/20  straight-up [1] 61/20  stranger [1] 122/25  street [12] 1/24 5/20 7/12 10/14 11/12 21/4 22/23 25/18 28/21 44/2 115/3 125/11  stressful [1] 138/21  stricken [1] 51/16  strike [4] 19/17 51/15 115/8 159/22  stuck [1] 25/4  study [1] 77/20  stuff [7] 45/18 55/8 55/21 90/17 148/12 152/17 166/13  subject [3] 34/7 100/17 191/6  submit [17] 7/4 95/9 96/3 96/24 97/25 98/17 99/14 100/8 131/19 174/1 174/22 176/3 177/16 178/6 181/17 182/9 183/10  submitted [7] 86/9 94/12 99/7 111/5 165/4 179/4 179/7  submitting [4] 99/12 99/13 166/23 168/15  substation [1] 179/20  successful [2] 48/8 142/11  successfully [1] 72/18  such [4] 90/12 90/12 91/4 132/1  such-and-such [1] 90/12</p>

S		
<p>suggest [3] 23/19 57/12 57/15  summarize [1] 110/1  superiors [3] 157/10 157/12 157/15  superseding [1] 126/9  superseding indictment [1] 126/9  supervisor [19] 20/18 25/1 25/5 28/15 28/16 28/16 76/19 76/21 76/23 77/1 77/11 77/13 99/19 101/6 104/5 104/7 104/17 179/23 191/17  supervisors [4] 76/17 77/6 77/13 77/17  supplied [1] 171/15  supply [2] 108/25 109/8  supplying [1] 186/17  supposed [2] 124/7 124/8  sure [29] 23/25 27/1 27/3 46/3 49/13 55/13 67/9 69/4 80/19 84/11 92/13 92/21 108/10 118/5 142/5 142/8 144/12 145/17 150/6 151/23 158/11 169/2 172/6 172/12 178/7 182/23 189/9 191/10 192/3  surprised [1] 146/5  surrounding [1] 131/6  surveillance [3] 99/22 100/3 178/18  suspect [2] 108/22 108/25  suspects [3] 15/20 124/21 124/24  suspicious [1] 37/23  sustain [1] 103/21  Sustained [6] 12/2 18/3 51/14 62/3 72/21 152/9  swear [2] 85/24 164/21  swearing [6] 86/15 86/24 97/10 102/13 165/18 166/2  sweater [3] 10/4 10/21 134/22  sweatshirt [1] 68/13  switch [1] 35/11  swore [1] 97/7  sworn [4] 3/10 86/5 128/20 165/1  system [4] 116/4 116/15 117/3 159/10  systems [1] 117/7</p>	<p>166/13  talk [30] 11/19 12/3 13/17 16/21 33/23 33/24 33/25 34/1 42/15 59/7 59/23 60/4 60/4 60/24 67/11 81/23 116/19 120/16 125/18 132/20 135/11 144/19 144/24 163/7 172/11 189/6 190/4 191/19 191/23 192/15  talked [12] 11/18 11/21 22/9 24/17 41/9 58/3 62/10 63/13 67/10 141/18 157/25 162/8  talking [57] 11/17 17/22 18/1 18/5 18/9 18/11 18/12 18/17 18/17 20/4 20/6 22/1 24/5 26/4 26/7 26/10 27/17 27/20 27/21 28/13 28/18 28/23 29/8 30/22 30/24 35/16 35/21 36/5 38/20 40/5 41/2 41/18 41/21 42/4 42/9 45/1 45/12 47/15 49/2 49/4 49/17 53/7 53/20 53/24 59/4 75/24 84/1 85/2 107/21 113/9 116/4 120/22 125/13 125/18 143/19 143/21 174/6  talks [3] 42/15 91/2 116/7  tangentially [1] 90/4  target [3] 25/3 43/16 47/14  targeted [3] 25/2 33/18 105/16  targeting [8] 38/25 39/1 39/2 39/5 44/7 45/10 47/11 109/3  task [14] 5/13 6/11 6/19 20/9 20/24 43/3 75/24 76/2 77/15 158/17 158/19 158/22 158/23 158/24  Taylor [4] 106/19 106/20 129/16 158/13  Te'Ana [1] 190/14  Te'Ana Cousins [1] 190/14  Technician [1] 2/11  technique [3] 31/20 38/9 38/10  teenage [1] 122/6  tell [31] 4/22 11/19 15/9 18/8 18/25 29/21 39/4 39/15 39/15 40/21 42/2 44/19 47/8 54/23 58/15 62/21 64/6 65/8 65/11 73/19 102/8 106/11 112/22 132/20 136/18 136/22 137/2 151/8 163/1 179/19 189/22  telling [6] 16/1 16/1 33/11 64/22 64/23 132/17  tells [3] 16/15 49/12 53/3  ten [6] 54/1 54/2 94/9 134/12 169/11 173/22  term [2] 51/10 127/25  terms [1] 57/11  testified [35] 7/7 13/23 23/18 24/10 24/13 24/18 35/23 40/21 43/5 58/25 62/10 64/22 73/1 73/21 74/2 81/5 84/23 88/11 88/16 88/17 98/25 105/14 108/2 116/21 120/23 121/1 159/24 160/20 164/4 168/25 169/6 169/13 169/14 185/20 185/25  testify [12] 8/22 13/19 22/17 78/8 78/11 81/3 85/8 102/7 107/24 120/20 159/23 168/23  testifying [4] 88/20 115/4 163/11 163/23  testimonies [1] 190/13  testimony [11] 1/13 22/22 36/15 78/20 85/9 97/10 99/3 122/25 132/19 160/6 190/20  text [25] 26/9 26/9 26/11 26/18</p>	<p>27/13 27/19 27/20 27/21 35/18 36/8 36/13 37/7 37/11 37/13 37/19 38/3 38/4 38/8 38/12 41/6 42/3 42/7 44/3 45/2 105/15  text message [3] 36/2 36/17 41/6  text messages [3] 37/7 42/7 105/15  text-back [1] 38/4  texting [3] 41/21 45/14 45/17  than [18] 22/9 24/14 34/7 50/5 50/8 53/5 53/6 81/25 103/10 112/8 119/16 119/19 121/18 134/12 145/5 165/8 189/24 192/8  thank [23] 24/1 34/13 35/6 38/17 42/21 58/10 74/16 92/10 92/24 111/25 128/5 128/10 128/12 128/18 129/2 155/12 188/19 189/1 189/3 189/19 190/6 191/2 192/5  thanked [1] 34/24  Thanks [2] 188/20 189/17  that [997]  that's [145] 4/18 9/2 12/19 19/5 22/16 23/17 24/7 24/7 25/13 25/18 26/23 29/14 30/23 31/10 31/22 31/25 32/15 32/16 33/1 33/2 33/2 33/15 33/20 34/4 37/22 38/3 38/5 38/10 40/14 41/2 41/18 42/15 44/2 45/10 45/12 46/3 47/13 47/14 50/25 56/18 57/16 58/2 58/5 58/20 58/22 60/3 61/22 68/3 70/23 78/18 78/22 79/2 81/11 82/5 83/3 83/12 83/23 84/16 85/5 86/10 90/17 90/20 92/20 92/23 94/5 94/8 94/11 94/18 94/19 95/5 95/8 95/11 95/13 95/14 95/22 95/25 96/2 96/4 97/6 98/1 98/16 98/24 99/6 100/11 100/19 101/10 101/13 103/6 104/13 104/18 106/1 107/2 108/18 108/21 110/3 110/5 110/7 114/16 114/23 115/2 115/6 115/20 117/17 118/11 119/8 119/13 120/7 120/9 120/17 120/19 121/10 121/14 121/17 121/20 123/11 123/15 124/15 125/15 132/8 136/7 136/8 137/9 138/4 138/4 140/15 145/22 145/22 145/23 146/17 147/18 147/21 150/15 157/3 157/4 160/23 166/24 166/25 167/5 169/24 172/22 173/11 178/4 179/7 185/18 186/18  theft [1] 175/3  thefts [1] 105/19  their [15] 5/17 16/21 26/13 43/22 43/23 44/4 44/6 61/15 68/15 68/16 82/2 106/14 114/25 137/4 180/8  theirs [1] 173/2  them [52] 5/6 5/19 5/23 7/19 8/10 14/3 14/6 22/19 25/19 25/22 26/24 26/25 27/4 32/12 43/23 44/3 45/11 56/22 56/22 70/2 79/9 79/25 85/9 85/9 89/23 92/7 98/15 114/20 120/1 120/2 120/3 120/6 123/1 124/7 124/8 124/23 130/18 153/25 161/16 162/8 167/7 170/9 177/3 178/22 179/16 180/22 184/11 185/17</p>
T		
<p>T. [1] 2/6  tactic [1] 60/23  tactics [1] 29/10  take [30] 7/5 19/4 34/10 54/9 64/18 74/25 78/14 84/12 101/18 107/20 107/20 111/15 119/4 137/9 139/1 147/19 147/20 147/20 149/1 149/15 149/17 149/24 150/20 152/15 160/1 172/12 172/22 173/4 178/22 192/7  taken [22] 27/4 34/15 46/23 46/24 71/23 73/21 74/2 84/2 87/10 100/10 111/18 114/18 132/2 148/21 150/12 150/13 155/5 166/11 176/20 177/7 180/23 186/5  takin' [1] 52/10  taking [8] 18/6 88/22 108/15 110/23 150/18 152/16 165/22</p>		



T  
them... [4] 189/10 191/5 192/20  
192/20  
themselves [1] 107/21  
then [104] 3/17 3/18 3/18 7/4  
12/10 13/2 14/10 16/7 16/7  
16/23 17/3 17/8 22/2 22/17  
25/21 28/2 28/6 28/11 29/2  
29/13 30/20 31/3 31/4 31/7  
31/17 32/8 32/23 33/6 33/8  
33/20 34/8 36/5 38/3 38/15  
41/24 42/7 42/17 42/23 43/5  
43/19 44/22 45/1 45/14 47/21  
49/9 50/5 50/19 51/2 53/13 56/5  
56/17 56/22 60/2 60/22 62/13  
63/12 64/8 64/23 66/7 68/11  
68/17 72/13 72/18 73/10 73/15  
73/15 75/19 75/23 76/1 76/1  
83/13 84/18 85/15 86/8 87/2  
90/18 91/8 100/15 101/11 103/1  
103/4 103/15 106/25 110/15  
111/1 111/16 117/2 140/13  
142/19 144/6 145/21 147/13  
150/12 156/12 168/9 169/8 173/2  
178/1 179/12 180/1 189/14  
190/14 190/15 191/21  
theory [1] 58/2  
there [106] 8/9 10/2 11/22  
18/23 22/21 27/13 33/11 42/11  
42/12 42/25 45/6 47/2 48/12  
51/20 55/3 57/14 63/3 63/4 63/5  
63/17 74/2 76/16 78/2 81/3 90/7  
97/5 99/21 101/20 104/12 104/25  
106/10 106/22 107/6 107/14  
107/17 109/22 112/11 112/12  
112/13 122/16 123/25 130/1  
131/20 131/21 134/18 135/10  
135/13 136/13 137/4 138/4  
138/14 138/20 138/21 140/12  
140/14 140/14 140/21 141/13  
141/13 141/18 142/6 142/6 142/7  
142/10 143/6 143/10 144/21  
145/17 146/2 146/8 150/18  
152/23 152/24 153/14 153/15  
156/1 158/21 159/5 161/5 164/22  
167/6 168/9 169/14 169/17 171/5  
171/8 172/2 173/5 173/8 175/9  
175/9 177/14 178/9 178/22  
178/23 180/16 182/2 182/25  
183/13 185/14 185/25 186/3  
186/7 186/19 189/21 192/21  
there's [8] 14/7 22/2 47/13  
82/17 82/20 91/23 112/6 135/18  
therefore [2] 163/16 163/17  
these [34] 6/14 14/9 14/12  
19/21 76/3 87/24 101/7 101/11  
103/10 103/11 106/10 106/11  
119/10 120/13 122/14 124/11  
124/17 130/20 131/1 131/3 131/5  
144/23 157/12 162/2 166/18  
167/11 167/18 168/3 168/15  
170/20 172/10 180/1 184/11  
185/4  
they [104] 5/17 5/20 6/20 7/13  
7/15 8/11 13/1 14/13 14/14  
16/15 20/25 21/3 22/6 22/9  
25/22 27/5 38/7 43/22 43/23  
44/1 44/6 47/1 56/6 56/23 56/24  
57/23 57/24 65/24 68/12 68/14  
68/15 68/17 68/18 69/15 69/16  
70/8 76/14 81/1 81/8 81/10 82/4

82/4 84/23 84/24 91/8 102/8  
107/31 109/23 113/16 114/19  
114/20 114/25 115/23 115/25  
118/18 118/20 118/25 119/2  
119/4 119/23 120/13 120/14  
120/15 120/15 124/7 124/11  
124/11 124/16 125/11 125/25  
126/4 126/6 126/14 126/16  
126/20 126/23 127/1 127/5  
127/22 131/9 137/5 153/25 154/1  
163/12 165/19 166/5 166/6 167/4  
169/23 170/2 170/3 170/3 170/7  
170/8 171/16 178/23 178/23  
180/17 180/18 180/21 186/20  
191/6 191/6 191/12  
they'd [1] 131/19  
they'll [1] 44/2  
they're [13] 15/20 32/12 44/22  
44/23 44/24 44/24 45/6 45/7  
55/18 57/12 78/24 89/5 191/7  
they've [3] 78/24 114/17 114/24  
thick [1] 149/13  
thing [20] 13/2 15/12 15/12  
15/16 20/15 21/18 31/8 34/18  
37/22 42/19 44/6 44/6 44/7  
129/20 132/23 161/24 163/19  
163/19 168/7 185/18  
things [9] 11/18 11/23 12/5  
13/4 13/24 48/17 88/2 91/5  
166/20  
think [68] 6/11 13/23 15/10  
16/18 21/14 21/23 22/16 23/7  
23/14 24/14 34/4 37/15 42/24  
46/3 50/25 55/10 61/10 63/12  
66/2 70/23 72/8 73/1 73/22 80/7  
80/9 88/17 89/25 90/3 90/7 90/8  
90/20 90/22 92/7 94/9 96/22  
102/20 102/22 103/9 104/20  
106/2 106/9 106/19 106/21  
106/24 107/23 107/24 108/2  
111/15 112/6 122/3 128/17  
135/11 136/20 145/2 160/25  
163/20 164/5 165/7 167/2 167/24  
168/3 168/13 169/6 183/17  
189/22 190/24 191/10 192/7  
third [5] 38/16 39/25 41/24  
49/10 126/9  
thirty [1] 30/11  
this [188] 3/23 5/9 6/12 7/22  
8/3 9/17 9/20 11/6 11/7 16/16  
16/23 17/6 17/13 17/14 19/4  
19/23 22/5 22/22 23/18 24/18  
25/7 25/25 27/8 28/22 28/25  
33/24 34/23 35/9 36/6 36/10  
36/17 36/17 36/20 37/11 39/13  
39/20 40/10 40/21 40/22 40/25  
41/2 41/6 41/11 45/20 45/21  
46/11 46/17 46/22 46/25 47/2  
48/14 48/20 50/17 50/23 52/22  
52/25 54/13 55/9 55/16 55/20  
55/24 56/1 56/4 56/7 56/8 56/11  
56/21 56/25 57/4 57/4 57/5  
57/10 57/15 58/1 58/15 59/4  
59/11 59/14 60/8 60/8 61/3  
61/11 62/11 64/23 64/24 66/12  
67/25 68/6 68/25 70/9 71/24  
72/5 73/1 73/12 73/14 75/24  
77/7 79/6 79/12 79/14 80/23  
81/21 82/25 83/11 83/13 85/10  
85/12 88/8 89/19 91/1 91/25  
92/25 93/13 98/20 99/22 100/4  
101/3 102/10 103/8 103/10

104/14 104/15 105/7 106/2  
106/12 106/25 107/45 108/6  
109/11 113/3 113/5 114/1 114/7  
115/19 115/24 116/8 117/1 119/6  
121/7 125/19 126/9 127/9 127/13  
127/15 127/18 127/21 128/10  
132/8 132/12 133/23 136/17  
136/19 136/23 137/11 139/10  
139/12 139/13 141/21 141/24  
143/2 143/6 143/25 144/21  
145/15 146/23 148/8 152/6 158/7  
160/22 160/22 161/6 162/16  
163/14 164/5 168/19 170/6  
170/15 171/9 171/19 171/20  
172/7 172/14 172/14 184/14  
185/15 189/2 189/20 189/23  
Thomas [1] 2/3  
thoroughly [1] 99/20  
those [63] 8/19 11/4 12/17 14/1  
15/22 22/3 38/3 43/22 47/24  
54/1 57/23 70/12 77/5 78/5 79/6  
86/5 86/9 86/15 86/15 86/24  
86/24 88/20 89/3 90/2 95/3  
100/20 100/25 101/4 101/18  
105/1 107/5 108/12 108/13 111/6  
113/12 113/19 123/11 123/16  
124/20 130/6 130/10 130/17  
135/22 144/18 150/4 154/6  
154/14 157/15 162/8 164/10  
165/1 165/1 165/18 165/21 166/2  
166/2 169/13 171/12 171/15  
172/1 178/19 179/12 180/19  
though [13] 18/17 23/15 27/19  
33/8 47/23 69/3 84/2 140/11  
146/1 161/25 162/2 167/17  
172/15  
thought [6] 42/6 42/7 55/20  
91/13 157/10 191/17  
thousand [12] 6/9 54/1 54/2  
71/25 72/3 94/9 105/12 136/21  
153/22 154/25 156/14 173/22  
thousands [1] 154/24  
threat [1] 133/19  
threatened [1] 147/25  
threatening [1] 147/25  
three [17] 34/6 65/25 70/13  
70/17 71/4 84/12 100/3 112/24  
125/21 125/22 155/8 156/2 168/9  
176/22 181/15 189/22 189/24  
three-second [1] 65/25  
threw [1] 183/20  
through [26] 54/13 54/16 55/22  
62/17 65/24 70/12 74/23 79/20  
89/18 90/2 92/14 102/18 106/9  
110/15 113/3 117/4 117/5 117/15  
117/22 118/4 119/24 123/7  
134/11 153/4 170/10 177/25  
till [1] 118/16  
time [92] 5/9 11/5 11/10 11/11  
12/7 12/19 13/7 16/9 18/23  
19/23 20/18 21/3 22/5 25/1 25/7  
28/8 29/18 34/5 34/8 38/7 44/9  
44/11 48/14 53/5 64/25 67/1  
73/12 75/3 75/13 75/20 76/1  
77/2 86/9 87/15 88/6 88/16  
93/24 100/22 100/24 102/14  
104/9 106/7 106/17 106/25 108/4  
109/14 109/14 111/5 113/7 114/3  
115/24 118/1 119/21 121/16  
123/4 131/22 135/9 140/4 141/8  
143/1 143/6 143/22 144/23  
145/15 146/23 148/8 157/1

T	139/13 141/3 backed [2] 18/7 140/18 tracker [21] 15/17 15/18 15/19	Twan's [1] 62/5 twelve [1] 113/1 twice [9] 168/7 168/13 168/15
<p>time... [25] 157/18 157/20 157/21 158/6 158/10 158/15 158/18 158/19 158/22 158/24 163/19 165/4 166/23 167/13 167/21 168/3 168/25 172/8 179/23 184/17 184/20 185/5 187/13 188/6 190/15 times [46] 11/22 37/10 61/8 78/16 88/17 107/23 107/25 108/1 108/1 108/11 108/12 109/22 120/23 120/25 121/1 122/16 134/7 134/10 134/12 144/15 160/3 165/7 165/8 165/13 165/17 167/2 167/5 167/18 168/8 168/22 169/1 169/9 169/10 169/13 169/14 172/2 172/10 173/5 173/8 185/7 185/9 185/20 185/25 186/3 186/5 186/19 tired [1] 163/18 title [8] 76/5 76/7 156/20 157/7 157/8 157/13 157/16 157/18 today [19] 9/25 11/7 13/19 78/11 78/20 79/1 81/3 82/11 85/7 97/10 115/7 120/25 126/11 134/15 143/10 143/15 159/23 160/6 189/20 together [8] 43/22 66/13 66/13 107/9 122/2 171/24 172/7 172/12 told [42] 17/17 17/21 22/3 22/25 22/25 23/2 23/20 24/14 47/10 47/12 55/14 56/20 58/25 59/25 62/21 62/24 65/12 73/20 79/21 80/8 84/11 92/13 101/22 102/8 102/17 112/14 120/15 124/25 135/7 136/15 137/13 138/13 143/14 150/14 163/2 167/3 167/5 169/24 172/14 179/7 184/1 189/22 Tom [9] 67/7 67/9 67/11 67/12 67/15 70/1 141/21 142/22 143/5 Tom's [1] 67/8 tomorrow [11] 189/21 190/2 190/3 190/6 190/10 190/22 190/25 192/14 192/21 192/22 193/1 tone [1] 60/3 tonight [2] 47/6 47/9 too [12] 11/18 18/12 18/16 66/24 67/9 108/9 112/6 117/13 155/1 165/9 167/12 172/18 took [43] 15/11 15/11 15/24 15/24 16/3 23/16 31/25 33/1 45/10 47/23 47/24 50/2 50/10 78/11 95/9 119/9 137/9 148/23 149/3 149/7 149/22 151/16 152/22 153/1 154/7 154/7 156/12 156/13 159/23 163/15 172/16 173/24 174/22 175/11 176/1 176/17 177/16 177/18 181/3 181/10 181/11 186/4 186/6 top [4] 38/16 39/25 113/23 150/7 topic [1] 19/21 total [4] 6/7 9/19 112/20 191/5 touch [1] 60/20 Towson [2] 141/9 141/9 trace [9] 5/13 6/11 6/19 20/9 20/24 43/3 76/2 158/3 158/4 track [5] 15/20 64/9 64/13</p>	<p>16/6 17/2 17/2 17/6 56/23 60/16 64/11 64/19 64/20 65/2 65/4 65/9 65/17 65/22 66/3 66/13 66/16 66/19 tracker's [1] 19/2 trackers [2] 65/14 65/24 tracking [11] 17/21 60/16 139/5 139/6 139/8 139/10 139/12 139/24 140/1 140/9 140/15 tracks [5] 7/2 7/6 132/3 132/4 139/14 traffic [3] 5/20 176/23 179/13 trafficking [5] 121/13 124/14 126/1 127/21 128/1 training [8] 11/24 12/13 12/16 12/19 77/19 77/23 156/13 159/1 transactions [2] 12/20 22/10 transcript [11] 14/8 14/11 14/17 14/21 15/10 17/14 19/24 26/1 30/11 48/21 193/11 transported [1] 179/16 traveled [1] 72/14 treat [3] 101/23 104/3 104/17 trial [11] 2/11 50/23 51/3 51/5 89/24 91/8 108/2 108/9 108/10 168/24 189/23 trials [1] 88/12 tried [2] 25/6 142/10 tries [1] 32/18 trouble [2] 19/10 170/20 true [53] 83/21 85/15 85/18 85/21 86/8 86/11 86/16 86/20 86/25 87/4 87/18 88/4 90/12 90/15 90/16 90/17 92/18 94/2 95/1 96/13 97/3 97/7 97/11 97/13 98/11 99/7 100/1 100/2 100/16 101/8 105/6 107/11 107/14 164/14 165/4 165/14 165/19 165/23 166/3 166/9 166/14 167/9 167/20 170/24 171/11 171/23 172/10 173/15 174/13 177/21 177/24 178/21 180/18 truly [2] 131/20 143/18 trust [3] 117/17 117/19 120/16 trustworthiness [1] 120/19 trustworthy [1] 120/17 truth [3] 88/2 132/18 132/20 truthful [6] 77/5 78/24 85/7 124/4 160/10 162/2 truthfully [7] 8/22 78/11 81/5 84/23 124/8 159/23 160/21 try [15] 16/12 16/12 36/20 44/24 44/24 44/25 45/7 45/7 45/18 55/19 91/22 103/23 119/15 158/4 191/2 trying [17] 5/1 18/14 18/18 24/19 36/9 36/10 36/11 37/20 38/1 39/7 41/7 42/15 44/13 51/22 55/22 113/15 147/14 turn [5] 55/10 87/21 167/14 167/19 167/19 Twan [33] 54/19 54/22 54/23 55/8 55/19 56/1 56/5 56/12 56/17 56/20 56/21 56/22 57/15 58/15 58/22 58/25 59/13 60/8 60/9 61/25 61/25 62/7 62/23 62/24 63/3 63/7 63/22 64/7 70/18 70/18 70/20 70/21 70/24</p>	<p>twelve [1] 113/1 twice [9] 168/7 168/13 168/15 two [39] 17/3 17/8 19/22 30/11 31/3 36/5 36/10 63/19 70/17 77/13 83/6 100/17 100/25 101/4 101/7 101/11 105/1 107/4 107/4 112/24 123/13 124/12 125/9 135/18 149/21 156/11 156/14 168/8 171/11 171/15 172/2 176/24 179/12 181/15 181/16 187/13 189/12 190/11 191/4 type [5] 29/7 32/7 32/20 45/2 47/25</p> <p>U</p> <p>U.S. [10] 5/24 7/25 8/1 101/24 102/9 103/15 104/3 104/18 104/21 123/12 U.S. Attorney [6] 101/24 102/9 103/15 104/3 104/18 123/12 U.S. Attorney's [2] 7/25 8/1 U.S. currency [1] 5/24 U.S. State's [1] 104/21 ultimately [7] 25/15 138/23 148/19 152/18 152/20 153/17 154/6 um [4] 11/21 15/11 15/12 18/8 uncommon [1] 33/24 uncover [1] 87/19 under [16] 5/7 35/4 77/13 82/7 82/21 86/5 91/20 111/10 111/23 120/20 120/23 120/25 124/4 140/5 165/2 188/8 undercover [3] 36/16 36/21 37/5 undercover buy [1] 36/21 undercover buys [2] 36/16 37/5 understand [30] 15/15 15/25 16/1 18/5 19/11 19/11 31/18 31/24 33/11 37/23 49/22 50/1 50/6 50/9 52/11 53/24 59/11 60/7 84/1 92/14 103/18 112/8 113/15 123/23 125/4 138/6 142/14 149/1 188/22 191/19 understanding [6] 54/6 82/10 82/24 83/4 163/10 163/22 understands [1] 163/20 understood [7] 23/3 57/2 58/3 103/23 118/1 118/5 169/2 unfair [1] 51/5 Unfortunately [1] 160/5 uniform [1] 171/20 unit [18] 5/1 5/12 20/24 40/9 44/4 75/22 75/25 125/10 131/8 156/18 156/20 157/24 157/25 158/1 158/6 158/9 182/18 183/2 UNITED [12] 1/1 1/3 1/17 3/6 8/3 9/10 91/1 128/15 132/7 132/8 132/12 133/4 United States [8] 3/6 8/3 9/10 128/15 132/7 132/8 132/12 133/4 United States versus Cropp [1] 91/1 units [2] 101/16 101/17 unless [3] 44/7 118/12 119/5 unrelated [1] 52/25 unsuccessful [1] 142/17 until [5] 75/3 75/4 75/7 156/25 158/6 up [118] 10/1 10/12 12/14 12/16 12/25 14/18 19/5 21/14 22/11 25/19 25/22 26/21 26/25 30/15</p>

**U**

up... [104] 33/21 33/22 34/11  
 36/20 37/20 38/1 38/19 39/14  
 40/21 40/23 41/7 42/16 42/23  
 43/9 44/18 44/25 45/19 47/5  
 47/9 51/18 52/14 52/16 55/5  
 55/20 57/5 59/13 61/20 67/17  
 67/17 68/11 68/12 72/12 75/3  
 76/4 76/4 83/25 84/14 87/24  
 88/2 94/21 95/16 96/10 98/7  
 98/21 100/8 103/23 105/1 107/19  
 111/2 114/20 115/17 116/3 116/6  
 116/9 116/10 116/16 116/25  
 117/1 117/15 118/8 120/1 120/2  
 120/3 120/5 120/8 121/25 132/3  
 132/18 133/14 134/16 134/17  
 137/4 137/12 137/23 138/4 138/5  
 138/14 139/1 139/3 140/20  
 143/13 143/19 144/21 145/4  
 145/10 146/11 146/14 148/12  
 148/13 150/16 151/13 152/11  
 152/18 155/8 158/2 158/6 167/17  
 170/1 176/19 177/8 182/14  
 184/10 186/7 186/22  
 updates [1] 189/25  
 upon [1] 27/4  
 upset [1] 103/1  
 urgency [1] 60/6  
 urgent [1] 60/24  
 us [12] 4/18 43/2 59/9 105/13  
 109/3 109/20 119/7 125/11  
 140/15 151/8 155/8 181/16  
 use [7] 38/7 65/8 65/15 78/24  
 109/20 144/2 184/11  
 used [17] 15/22 42/13 51/10  
 59/9 64/1 64/14 104/10 108/16  
 108/19 122/5 122/8 136/4 136/9  
 139/24 145/18 146/2 186/11  
 uses [1] 50/25  
 using [1] 45/18  
 usually [2] 53/4 76/14

**V**

vaguely [1] 89/9  
 variations [1] 89/23  
 various [1] 125/7  
 VCID [2] 75/25 76/1  
 vehicle [27] 13/1 16/3 18/6  
 18/7 18/7 19/2 64/2 64/8 64/9  
 64/10 64/11 64/13 64/14 68/21  
 68/23 139/7 139/13 139/14  
 139/15 139/25 140/2 140/5  
 140/10 140/13 141/4 151/11  
 151/11  
 vehicles [4] 12/25 15/20 67/20  
 151/10  
 Versace [1] 149/10  
 versus [1] 91/1  
 very [15] 13/1 24/14 28/19  
 34/24 34/24 65/1 77/14 79/21  
 124/12 161/13 189/12 189/16  
 190/6 190/11 192/7  
 vestibule [1] 68/18  
 victims [2] 90/1 117/19  
 view [1] 67/22  
 VII [1] 1/12  
 violated [2] 78/16 160/3  
 violence [2] 50/25 137/25  
 violent [2] 157/2 158/2  
 voice [11] 14/2 15/3 15/5 20/2  
 26/4 27/15 35/14 39/24 40/3

46/12 48/25  
 VOLUME [1] 1/13  
 W  
 W. [1] 1/21  
 Wait [1] 55/2  
 waitin' [1] 72/17  
 walk [1] 12/14  
 walked [3] 68/14 68/18 148/14  
 wall [1] 29/7  
 want [33] 15/9 21/14 23/12  
 23/19 25/3 36/24 37/2 46/3 46/4  
 50/20 62/7 65/13 67/11 79/8  
 80/14 80/18 82/4 89/9 90/25  
 92/13 93/4 123/13 138/17 142/7  
 152/14 152/15 152/16 153/24  
 169/2 170/10 174/9 180/22  
 191/21  
 wanted [23] 21/3 27/11 54/23  
 54/24 58/15 58/22 62/8 64/12  
 69/3 71/2 94/21 96/10 98/7  
 98/21 102/2 137/14 138/13  
 140/20 144/21 151/18 164/23  
 188/9 189/9  
 wants [1] 56/1  
 Ward [26] 4/16 20/4 20/6 20/7  
 20/8 25/11 25/11 25/11 25/12  
 25/14 42/23 42/24 43/2 43/2  
 43/3 43/8 43/10 43/20 44/9  
 44/12 47/16 47/18 47/19 106/17  
 129/16 158/13  
 warning [1] 105/16  
 warrant [28] 46/21 46/22 47/22  
 61/16 61/17 97/16 99/8 99/14  
 99/16 100/9 100/15 100/17 104/5  
 137/24 138/7 138/15 138/18  
 138/19 138/24 165/8 171/6  
 178/12 178/15 178/17 179/5  
 179/8 182/22 182/25  
 warrants [4] 5/15 85/25 104/7  
 164/22  
 was [455]  
 washed [2] 79/7 79/8  
 WASHINGTON [2] 1/5 1/18  
 wasn't [39] 5/10 5/10 12/18  
 26/20 32/15 33/24 36/17 48/17  
 52/12 56/14 61/10 67/10 100/1  
 100/2 102/13 104/9 109/15 111/1  
 112/17 117/12 122/16 130/14  
 131/16 131/20 133/19 141/9  
 143/5 143/7 151/5 157/18 158/19  
 158/23 165/8 165/9 165/10  
 167/12 168/9 172/18 178/23  
 watch [13] 65/22 66/5 70/10  
 147/23 148/6 149/3 149/15 150/1  
 150/7 151/17 151/18 152/11  
 155/3  
 watched [1] 66/2  
 watching [9] 49/13 49/14 49/17  
 49/22 65/19 66/8 66/13 66/16  
 66/19  
 wave [2] 31/4 31/5  
 way [18] 7/12 21/2 21/23 22/11  
 31/12 31/14 42/11 48/1 60/6  
 82/1 104/15 109/1 114/7 134/18  
 137/25 186/23 187/1 190/19  
 Wayne [57] 20/16 20/17 20/20  
 21/2 21/10 24/21 25/1 26/11  
 28/8 28/19 29/18 30/22 32/10  
 32/14 33/12 33/13 33/14 35/22  
 36/12 38/21 39/14 41/18 41/20  
 42/10 44/18 45/5 45/9 45/16

47/4 47/7 47/10 47/24 69/5 69/5  
 98/12 98/9 99/22 99/13 101/11  
 101/20 102/8 102/16 104/2 104/5  
 105/16 105/18 105/24 106/17  
 129/15 177/22 179/24 179/25  
 181/6 183/14 183/23 184/12  
 184/22  
 Wayne Jenkins [36] 20/20 24/21  
 25/1 29/18 30/22 35/22 38/21  
 39/14 41/20 42/10 45/5 45/16  
 47/4 47/7 47/10 98/12 99/2  
 99/22 101/3 101/11 101/20 102/8  
 102/16 104/2 105/16 105/18  
 105/24 129/15 177/22 179/24  
 179/25 181/6 183/14 183/23  
 184/12 184/22  
 Wayne's [2] 43/12 44/19  
 ways [2] 70/19 142/25  
 we [227]  
 we'd [2] 7/2 13/2  
 we'll [14] 7/5 34/10 35/5 39/13  
 39/18 71/17 111/15 135/11 189/9  
 189/13 189/15 190/6 192/21  
 192/24  
 we're [29] 14/8 18/21 19/20  
 19/22 22/1 30/7 36/11 39/12  
 40/20 45/20 46/3 46/5 48/19  
 55/7 55/13 55/22 57/8 65/15  
 75/24 85/2 102/3 102/9 102/17  
 114/2 114/2 143/2 160/21 190/19  
 191/10  
 we've [3] 55/15 73/2 91/15  
 weapon [2] 6/17 146/16  
 wearing [3] 10/3 10/20 134/21  
 Wednesday [1] 1/8  
 weed [1] 135/6  
 weeds [1] 102/9  
 week [4] 107/4 168/7 168/13  
 168/15  
 weeks [5] 107/4 156/2 161/4  
 189/23 189/24  
 weigh [3] 150/23 150/25 151/4  
 weighed [4] 72/5 150/24 151/2  
 152/13  
 weight [4] 50/6 50/9 50/9 51/10  
 weight-wise [3] 50/6 50/9 50/9  
 well [98] 4/15 14/5 14/14 20/20  
 21/14 22/16 26/4 32/14 34/23  
 36/11 37/15 42/18 44/18 44/19  
 46/12 50/12 50/20 50/24 51/2  
 56/9 56/18 57/6 58/7 59/3 60/17  
 62/21 63/12 64/19 67/17 70/1  
 70/17 70/21 72/23 73/2 73/12  
 75/25 76/13 77/11 77/13 78/3  
 78/5 81/4 87/2 88/15 91/1 91/25  
 95/23 102/1 104/17 104/24  
 106/23 112/8 112/11 112/22  
 113/16 115/16 122/9 122/17  
 122/20 124/3 126/8 130/4 131/14  
 134/6 135/14 137/18 137/19  
 137/24 138/11 141/13 142/5  
 143/21 145/4 146/5 148/6 148/9  
 148/18 151/5 151/24 154/8  
 156/11 157/18 158/15 158/22  
 159/8 163/1 163/20 165/9 166/19  
 167/16 168/7 170/1 170/3 172/13  
 173/1 178/24 183/5 191/10  
 Wells [184] 2/5 9/23 10/7 10/14  
 11/14 13/3 13/12 13/17 20/5  
 20/6 21/19 21/21 22/8 22/23  
 22/25 22/25 23/2 23/6 23/15  
 24/6 24/13 24/19 25/7 26/8 27/2

<p><b>W</b></p> <p>Wells... [159] 27/18 28/9 28/12  29/5 29/20 30/1 30/18 30/18  31/3 31/7 31/17 32/7 33/3 33/8  33/17 35/17 35/24 36/5 36/9  36/21 37/22 38/3 38/23 39/11  40/22 41/7 41/9 41/12 41/13  41/16 41/23 42/4 43/5 43/11  43/16 44/20 47/8 47/11 49/3  49/12 49/17 49/25 50/5 50/8  52/8 52/24 54/16 54/18 54/22  54/23 55/25 56/2 58/15 58/22  58/25 59/4 59/12 59/13 60/9  60/18 61/22 62/5 62/9 62/17  62/18 62/21 62/24 63/5 63/7  63/21 64/5 64/22 66/18 66/25  67/15 68/10 68/13 69/5 69/7  69/9 69/16 69/23 70/4 70/9  70/21 70/24 71/1 71/2 71/8 71/9  71/15 71/19 72/11 73/13 74/10  74/11 93/16 105/16 105/25  121/22 122/11 122/24 127/5  134/1 134/2 134/4 134/8 134/15  134/24 134/25 135/3 135/25  136/22 137/2 137/6 137/22 138/3  138/13 138/24 140/20 142/21  144/4 144/7 144/9 144/16 144/21  144/24 145/1 145/4 145/7 145/15  146/21 148/8 148/15 150/12  150/18 150/20 150/24 151/4  151/7 151/18 151/25 152/6  152/14 152/19 152/25 153/12  153/17 154/1 154/10 154/12  154/14 154/16 154/19 155/3  155/3 155/4 155/8 170/16</p> <p>Wells' [2] 56/7 145/10</p> <p>went [47] 56/3 56/3 61/1 67/17  69/19 71/19 72/14 73/6 74/23  75/22 75/24 75/25 76/1 76/1  76/5 76/18 79/20 89/9 117/11  117/22 118/4 118/4 122/4 123/7  124/11 141/19 141/24 142/2  142/25 143/11 145/3 146/14  148/10 150/15 151/12 153/2  156/1 156/4 157/1 161/8 161/13  161/14 167/24 171/11 176/11  180/8 180/16</p> <p>were [270]</p> <p>weren't [9] 7/16 77/5 90/19  107/17 142/11 171/19 173/9  178/23 184/16</p> <p>Western [1] 75/25</p> <p>Western District [1] 75/25</p> <p>Westminster [5] 46/21 46/22  99/1 180/10 180/12</p> <p>what [352]</p> <p>what's [24] 14/3 15/18 17/25  20/19 30/21 31/8 31/9 38/4  38/11 44/3 51/25 53/6 53/20  56/18 57/11 64/25 68/2 70/23  89/7 93/2 119/25 136/5 139/19  162/10</p> <p>whatever [11] 16/4 16/4 18/9  19/15 25/18 32/25 71/3 107/21  119/6 172/21 182/12</p> <p>when [197]</p> <p>whenever [2] 29/16 29/17</p> <p>where [58] 5/17 9/18 10/12 15/7  20/16 20/24 21/3 22/6 25/8  25/17 25/21 30/15 38/8 52/22  55/13 56/24 56/24 59/11 59/14</p>	<p>59/17 62/18 62/21 63/25 64/6  64/15 64/19 65/4 65/25 68/3  68/20 69/4 69/24 72/23 89/24</p> <p>99/1 101/16 112/22 114/21  122/16 123/12 135/25 136/9  136/9 139/13 141/17 143/5  146/11 148/8 150/2 150/15 151/4  156/1 156/16 158/3 164/22  172/22 174/4 186/1</p> <p>where's [2] 50/17 147/17</p> <p>wherever [1] 139/14</p> <p>whether [6] 8/18 51/4 118/17  119/18 119/19 192/24</p> <p>which [20] 18/21 27/7 30/11  48/19 57/24 57/25 59/9 65/21  91/14 102/19 103/5 103/13  113/24 126/12 131/22 153/5  156/12 156/13 172/23 173/9</p> <p>while [17] 66/18 75/18 77/22  107/3 107/6 107/8 129/25 130/1  130/13 130/14 138/9 155/7 167/7  172/16 174/19 185/1 185/5</p> <p>who [83] 4/13 5/3 7/21 9/3 9/7  17/22 18/9 18/11 18/16 18/17  20/5 22/18 24/5 25/22 26/4 26/7  27/17 35/16 37/19 38/13 40/5  40/14 41/18 41/21 43/2 47/2  49/2 49/22 50/6 54/8 54/14  54/22 60/17 61/5 63/17 64/4  65/6 68/9 70/19 71/7 71/9 73/25  74/4 74/6 76/13 87/23 100/17  100/25 106/11 109/24 118/4  123/13 126/22 127/6 129/14  130/12 130/22 132/5 132/25  133/23 136/11 139/8 141/24  142/2 143/17 143/18 143/19  143/24 144/21 151/15 152/18  157/12 157/15 158/2 158/9  178/14 179/22 183/17 184/19  186/23 190/10 190/14 190/22</p> <p>who's [17] 17/19 20/8 20/17  23/7 23/22 28/7 39/10 40/7 42/4  42/9 45/4 47/6 49/7 49/17 50/6  53/9 66/10</p> <p>Whoa [1] 26/9</p> <p>whoever [2] 27/2 183/20</p> <p>whole [4] 13/13 31/5 42/19  44/15</p> <p>whose [3] 15/5 38/22 136/14</p> <p>why [35] 4/2 4/19 7/1 16/9  18/10 18/10 19/6 19/6 20/23  21/7 23/17 25/12 38/5 39/4 44/2  46/14 47/15 55/5 56/2 59/3  64/11 69/2 102/1 102/1 102/2  102/8 103/2 104/2 129/19 131/25  133/18 137/16 138/17 138/17  145/21</p> <p>Wilde [1] 190/18</p> <p>will [26] 7/4 9/7 9/15 10/8  10/24 12/14 14/7 14/9 14/20  27/3 85/9 88/24 90/9 92/4  119/19 128/17 132/21 133/9  135/1 169/20 189/21 189/24  190/11 190/17 192/22 193/1</p> <p>window [1] 183/21</p> <p>wiretap [2] 18/20 18/23</p> <p>wise [11] 1/16 35/5 50/6 50/9  50/9 50/17 85/12 102/23 103/1  103/6 190/10</p> <p>wit [1] 16/7</p> <p>withdraw [1] 124/3</p> <p>within [5] 4/25 61/12 64/25</p>	<p>65/1 105/12</p> <p>without [2] 8/18 94/8  witness' [28] 3/5 5/10 10/7  10/23 22/22 88/12 88/24 90/21  91/10 93/23 102/16 128/10  128/13 128/20 134/24 163/21  168/23 169/20 169/23 170/7  170/13 189/2 189/4 190/16  190/17 190/23 191/25 193/6</p> <p>witness' [1] 91/6</p> <p>witnesses [7] 103/6 189/10  189/12 190/11 191/4 192/7  192/11</p> <p>woman [1] 190/14</p> <p>won't [5] 32/12 118/16 147/2  169/23 170/7</p> <p>wondering [1] 188/16</p> <p>word [1] 173/2</p> <p>words [2] 47/11 48/3</p> <p>work [22] 7/12 40/13 43/21 44/4  61/8 61/9 61/13 61/13 65/23  76/18 82/14 101/16 101/17  108/22 117/7 131/15 131/17  131/18 131/23 155/24 164/2  186/16</p> <p>worked [6] 28/15 75/11 77/13  104/6 117/3 168/10</p> <p>workin' [2] 31/17 31/19</p> <p>working [24] 5/10 7/11 7/13  7/15 7/17 11/7 11/8 17/25 25/5  31/11 31/22 31/23 33/13 33/15  37/17 46/19 46/20 109/12 130/13  130/14 168/8 168/17 172/16  190/24</p> <p>working-people [1] 17/25</p> <p>works [2] 116/5 116/15</p> <p>worried [4] 102/23 105/24  167/12 172/18</p> <p>worse [1] 161/21</p> <p>would [92] 7/3 7/4 7/11 7/14  7/15 13/1 13/1 23/15 34/8 37/18  37/19 41/15 44/1 44/1 51/3 54/1  78/7 78/8 81/4 81/9 81/25 83/1  84/9 85/15 85/18 85/21 85/24  86/11 86/20 87/4 87/12 87/18  89/18 93/2 93/19 102/23 105/22  109/20 113/21 113/22 122/8  123/24 123/25 124/20 124/21  124/23 125/5 131/18 131/19  132/23 134/13 134/16 137/6  137/19 138/1 138/17 138/20  138/21 140/14 140/14 140/17  140/18 146/8 147/2 162/24  164/14 164/17 164/19 164/21  165/14 165/23 166/9 166/13  167/9 168/8 168/9 168/9 168/10  170/8 172/2 172/11 172/20  172/20 172/22 173/1 173/3  190/15 190/16 190/24 191/13  191/21 192/7</p> <p>wouldn't [8] 48/15 104/19  109/22 127/22 137/25 140/16  161/23 173/4</p> <p>wound [1] 138/5</p> <p>wrapped [1] 146/25</p> <p>writ [1] 170/3</p> <p>write [1] 7/3</p> <p>writing [1] 166/17</p> <p>written [1] 42/12</p> <p>wrong [3] 31/12 53/18 163/18</p> <p>wrote [2] 102/18 105/6</p>
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**Y**

yeah [69] 6/8 11/8 11/8 13/18  
 17/17 24/9 24/9 24/16 28/2 28/2  
 28/3 28/6 28/10 29/10 29/10  
 30/20 31/4 31/17 32/19 32/24  
 38/10 38/10 42/21 42/23 42/24  
 44/18 47/1 48/7 54/2 61/12 63/5  
 71/1 72/2 79/10 84/15 85/8  
 87/10 87/11 89/5 98/23 98/24  
 99/24 101/10 107/25 108/3 108/3  
 110/13 110/14 115/11 116/13  
 122/3 122/4 122/21 122/21 127/3  
 134/16 136/20 137/4 156/14  
 169/12 169/12 169/23 170/1  
 172/20 189/12 189/15 189/16  
 190/19 191/9

year [12] 11/10 11/11 75/1  
 79/12 106/2 107/1 113/22 114/24  
 116/2 118/23 168/1 184/14

years [38] 9/19 9/20 9/21 10/11  
 11/2 11/4 11/6 11/7 13/10 13/15  
 13/16 40/8 85/13 113/7 114/3  
 114/20 115/7 115/9 115/11  
 118/10 118/15 118/19 118/23  
 119/5 119/16 119/19 119/20  
 121/19 122/6 122/14 123/1 123/4  
 127/15 133/13 133/14 157/24  
 167/25 168/5

yes [568]

yesterday [1] 27/20

yet [3] 95/19 182/17 183/13

yo [22] 17/18 20/15 28/11 29/14  
 33/21 35/20 35/25 37/22 38/19  
 38/19 40/4 45/3 45/4 50/5 50/6  
 50/6 50/8 51/23 52/9 52/10 53/6  
 53/19

York [5] 72/15 153/6 153/7  
 153/11 155/25

York Road [1] 72/15

you [1598]

you'd [4] 47/15 122/20 122/22  
 185/11

you'll [5] 95/1 100/14 160/23  
 189/14 190/22

you're [56] 16/15 19/1 19/3  
 20/4 25/12 25/17 28/25 29/8  
 29/20 29/20 33/2 33/2 35/4 41/2  
 41/15 42/4 42/9 45/6 46/14 72/5  
 75/3 75/7 79/9 82/17 85/7 92/7  
 97/10 103/16 109/7 110/10  
 111/23 113/1 113/15 114/7  
 114/10 115/7 115/9 115/10  
 116/12 124/4 124/7 124/8 124/12  
 125/13 141/3 144/12 161/6 162/1  
 162/2 162/12 163/11 166/23  
 168/16 174/6 189/10 190/18

you've [25] 4/20 6/10 13/16  
 13/20 13/23 24/18 43/10 58/16  
 79/3 79/14 81/3 82/24 107/23  
 121/18 121/22 122/15 124/16  
 126/11 126/13 127/14 127/15  
 133/11 160/16 169/6 187/5

young [2] 122/5 190/14

your [209]

Your Honor [34] 3/6 10/6 10/22  
 12/9 19/16 34/5 34/13 34/20  
 35/6 74/13 74/16 80/7 89/15  
 91/23 93/15 93/16 93/24 102/3  
 111/13 111/25 121/2 128/15  
 128/18 134/23 154/20 155/9  
 155/12 170/13 188/12 188/25

190/23 191/4 191/25 192/6  
 yours [11] 40/3  
 yourself [6] 111/10 116/14  
 117/2 174/11 186/9 188/9  
 yourselves [4] 176/1 176/17  
 177/18 181/3

**Z**

Z.N [2] 95/3 175/7  
 zipper [1] 147/6  
 Zweizig [3] 1/23 193/10 193/14