

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

3	UNITED STATES OF AMERICA,)	
4	Plaintiff,)	
5	vs.)	
6	THOMAS ALLERS,)	CRIMINAL CASE NO. CCB-17-452
7	Defendant.)	
	_____)	

Friday, May 11, 2018
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING

For the Plaintiff:

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

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
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1 For the Defendant:

2 Gary Proctor, Esquire

3
4 Also Present:

5 Special Agent Erika Jensen, FBI

6 Special Agent Kevin Bodmer, FBI

7 Officer Jared Stern, Baltimore Police Department

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P R O C E E D I N G S

(10:37 a.m.)

THE COURT: Good morning, everyone.

MR. WISE: Good morning, Your Honor.

THE COURT: You can be seated, please.

Do you want to call the case, Mr. Wise.

MR. WISE: Thank you, Your Honor.

The case is United States of America versus
Thomas Allers, Criminal No. CCB-17-452. Leo Wise and
Derek Hines for the United States.

And with us in the courtroom are FBI Special Agents
and personnel Erika Jensen, Kevin Bodmer, and Jared Stern.

And we're here this morning, Your Honor, for
sentencing.

THE COURT: All right. Thank you.

Good morning.

MR. PROCTOR: Good morning, Your Honor. My name is
Gary Proctor. I represent Mr. Allers, who is present to my
right.

And with the Court's permission, I would like to have
my law clerk, Ms. Smith, sit up here with me.

THE COURT: Certainly. That would be fine. Thank
you.

All right. We are here for sentencing for Mr. Allers
on his guilty plea to Count 1, a racketeering charge.

1 As counsel know, I need to start with the presentence
2 report and the calculation of the advisory guideline range, so
3 let me do that.

4 As far as the presentence report, let me first ask the
5 Government, setting aside the advisory guideline range, any
6 objections, corrections, modifications?

7 **MR. WISE:** No, Your Honor.

8 **THE COURT:** Okay. Mr. Proctor, I obviously know that
9 you have read the presentence report. Just for the record, has
10 Mr. Allers had the chance to review it with you?

11 **MR. PROCTOR:** Yes, ma'am, he has.

12 **THE COURT:** Okay. And leaving aside for the moment
13 the guidelines, any additions, corrections, or modifications?

14 **MR. PROCTOR:** No, ma'am.

15 **THE COURT:** Okay. All right. Let me see where we are
16 on the guidelines.

17 The offense level starts at a 20 for the robbery.
18 There is an increase of five for a gun being brandished, an
19 increase of two for a person being restrained, an increase of
20 two for abuse of trust, an increase of two because Mr. Allers
21 was a manager or supervisor, and an increase of two for
22 obstruction of justice, so that's a 33.

23 The grouping, because there are nine robberies
24 involved over the course of two years, adds five levels to
25 that, so that's an offense level of 38.

1 Originally a total of a three-level downward
2 adjustment for acceptance of responsibility had been
3 contemplated. I'll see what the Government's position on that
4 is right now.

5 **MR. WISE:** Your Honor, in light of what was addressed
6 in the conference call we had, we are satisfied that the three
7 levels are appropriate in this instance.

8 **THE COURT:** I appreciate that.

9 All right. And I assume you agree, Mr. Proctor?

10 **MR. PROCTOR:** Yes, ma'am.

11 **THE COURT:** All right. We are at an offense level of
12 35, criminal history category is a I. So the advisory
13 guideline range is 168 to 210 months.

14 Obviously, the advisory guideline range is just one
15 factor I have to consider. There are a lot of other factors
16 under the law that must be considered in terms of sentencing.

17 And I will start with the Government. I obviously
18 have read the files and the various memos and am familiar with
19 the record, but I would be very interested in hearing the
20 Government's recommendation to start with.

21 And, of course, I'm always greatly concerned about
22 relative culpability, so I assume you will address that as
23 well.

24 **MR. WISE:** I will, Your Honor. Thank you.

25 **THE COURT:** Mr. Wise.

1 **MR. WISE:** Your Honor, Thomas Allers betrayed the
2 people of the city of Baltimore and the Baltimore Police
3 Department. He betrayed the trust placed in him and abused the
4 power that accompanied that trust to enrich himself.

5 And the damage he caused by his actions, and through
6 the actions of those he supervised, is immeasurable.

7 The factors that the Court must consider under the
8 statute that we think are of particular relevance in this
9 sentencing are, of course, the nature and circumstances of the
10 offense and the history and characteristics of the defendant;
11 the need for the sentence imposed to reflect the seriousness of
12 the offense; to promote respect for the law; and to provide
13 just punishment; to afford adequate deterrence; and, as
14 Your Honor just mentioned, the need to avoid unwarranted
15 sentencing disparities among the defendants in this case.

16 I would like to begin with discussing the nature and
17 circumstances of the offense. There is a lengthy statement of
18 facts, but I think it bears some examination in the context of
19 Your Honor's decision.

20 Paragraph 7 in the statement of facts describes, in
21 conceptual terms, the crimes this man committed.

22 Allers, Gondo, and Rayam stole cash from civilians
23 when searching their residences and businesses.

24 Second, Allers released detainees and chose not to
25 charge them criminally when he stole cash from them.

1 Third, in order to conceal their criminal conduct,
2 Gondo and Rayam and other members of the conspiracy authored
3 false incident reports and arrest reports, approved by Allers,
4 or the members of the conspiracy prepared no paperwork
5 whatsoever documenting their encounter -- encounters with
6 detainees and arrestees.

7 And, fourth, Allers became aware that Gondo and Rayam
8 were under investigation, and instead of holding that
9 information in confidence, tipped them off in order to thwart
10 law enforcement efforts.

11 Each of those four categories of criminal conduct, in
12 and of itself, is either a federal crime, a federal crime and a
13 state crime, or some of the most abusive conduct a
14 law enforcement officer could engage in.

15 The fact that all four of them were present in this
16 case speaks to the seriousness of this offense, which I think
17 cannot be overstated.

18 It represents a perversion of the criminal justice
19 system. And in a way, it shows the upside down world of the
20 Gun Trace Task Force, where the very powers that were entrusted
21 in these men to enforce the law were used to break them.

22 The defendant has admitted -- and this is in
23 Paragraph 10 of the statement of facts -- to nine specific
24 robberies, among others. And I want to put emphasis on the
25 phrase "among others."

1 But just the fact that there were nine robberies in
2 this case is breathtaking.

3 The first that he has acknowledged was on March the
4 11th of 2014, and this was the robbery of two victims
5 identified by the initials of G.W. and Y.W.

6 And what I want to emphasize for Your Honor -- and
7 this is described in Paragraph 13 -- is at this time Allers was
8 the sergeant in charge of the Gun Trace Task Force. And on
9 that task force were two individuals, Former Detectives Gondo
10 and Rayam, who had robbed civilians and detainees earlier in
11 their career.

12 And what happened in this episode was this man, who
13 was entrusted in a position of leadership, chose to not only
14 involve himself -- and that's -- I want to be very clear, I
15 think the argument from the defense will be to blame Gondo and
16 to blame Rayam to say that they pressured him, they pressured
17 Allers, or they -- Allers was fearful that if he didn't go
18 along with them that he could be harmed or he could be exposed.
19 I'm not exactly sure what the arguments will be to try to push
20 blame to them, but I'm absolutely certain that will be a main
21 thrust of the defense argument.

22 But what is so important about this episode is, as
23 described in the factual statement, when a drawerful of money,
24 literally, a drawerful of more than \$400,000 was discovered,
25 Allers, their sergeant, said that the homeowner wouldn't miss a

1 stack and took a stack of cash of money from the drawer. And
2 then, like locusts, Gondo and Rayam descend and take their cut.

3 And that set, that set how Allers, as the sergeant,
4 and Gondo and Rayam, as his subordinates, moved forward in time
5 from 2014 until he was transferred out of the unit. That's
6 what stopped the criminal conduct, as far as we know, not a
7 decision to go to law enforcement, to alert the authorities,
8 not a change of heart. It was simply the fact that he was
9 transferred out of this unit that their steady march of
10 robberies across the city, as the Gun Trace Task Force, ended.

11 The next robbery he has admitted to I think is also
12 instructive. This is a robbery where he alone took the money.
13 This is the October the 8th, 2014, robbery of a victim named
14 D.K.

15 And he, Allers, and, again, Gondo and Rayam and a
16 third officer went into a store owned by this man. The man
17 wasn't arrested, but he had cash upstairs.

18 And Allers stole \$3,000 of the \$9,000 that was there.
19 He wasn't pressured to do it by Gondo and Rayam. He didn't
20 even share the proceeds with Gondo and Rayam. He alone took
21 it.

22 The third episode he admitted to, April the 3rd, 2015,
23 the robbery of D.M. and D.R. Again, in the privacy of
24 someone's home -- and that's the pattern with the Allers
25 episodes, he chose to do them in homes, or in the case of D.K.,

1 within a store. Not on the street, like some of the other
2 defendants, where they might be observed, but where it would be
3 harder to detect and was harder to detect. That's why he
4 wasn't in the original indictment in March of 2017.

5 But in this episode, as he has admitted, during the
6 execution of the search warrant, Gondo located money in a
7 portfolio and gave the money to Rayam.

8 And, again, this is -- and Your Honor heard this in
9 the trial in January and February. These men made
10 opportunistic decisions when they encountered money. They made
11 risk/reward calculations. How much could they take? If they
12 took it, would the person complain? Did they have the ability
13 either to let the person go to buy their silence or could they
14 threaten them with charges? That was what the pattern was for
15 this unit.

16 So at this point Gondo has found the money, he's given
17 it to Rayam. And, again, Allers, in a leadership position,
18 says to Gondo and Rayam, Just do this here. He gives them
19 permission to take that money, and the three of them split it
20 up on the spot.

21 And what we see then happens next in the July 31st --
22 and this is the last one I'll probably emphasize or go through
23 in detail. Well, I have one other one I will.

24 What we see happens next in the robbery on July 31st,
25 2015, the robbery of Z.N. and C.J., as they're waiting for

1 Anne Arundel County Police to arrive, Gondo and Rayam find
2 \$10,000 and stole \$8,900 of it.

3 They then went to a restaurant and split it up with
4 Allers. So having not only not prevented them from committing
5 their crimes, but having authorized, empowered, facilitated,
6 blessed, encouraged, whatever you want to use to describe it,
7 now the pattern is set. Now he doesn't have to say the
8 homeowner won't miss a stack. Now he doesn't have to say let's
9 do it right here, because they -- it is now a unit that's
10 operating more like a criminal gang than a legitimate
11 law enforcement unit.

12 And that shows the effect and the power of the
13 leadership role he was in. And obviously that robbery in July
14 of 2015 wasn't the last. As the factual statement describes,
15 there was a robbery of an individual by the name of P.E. in
16 February, the robbery of an individual by the name of B.C.
17 in -- later that very same month.

18 A robbery in March of 2016 where -- and I mention this
19 just because of the source of the funds that were taken. This
20 is at Paragraph 34. The female occupant of this home had \$200
21 in her purse, which her daughter had received the previous day
22 during her birthday party. She had \$900 to pay her rent for
23 that month and \$300 to pay down the amount of money she owed
24 Baltimore Gas & Electric for utilities.

25 And then, as she and her boyfriend, the father of her

1 children admitted, there was money that was the proceeds of his
2 drug sales. And these men stole almost all of it.

3 Now, I mentioned the proceeds of drug sales because
4 that takes us to the robbery described on April the 28th, 2016,
5 the robbery of L.W. and D.R.

6 And in that case, L.W. and D.R. had over \$10,000 in
7 their home at the time of the search, and Allers stole over
8 \$10,000 during that search.

9 And following that search, D.R. was shot and killed
10 because he could not repay a drug-related debt. He was shot
11 and killed in front of his child and the woman he was living
12 with at that time, and that is the consequence, one of the
13 consequences, of this man's actions.

14 As I said, the harm he has caused and his
15 co-defendants caused is immeasurable. But in the realest of
16 terms, I think that episode demonstrates what they did and the
17 consequences of what they did.

18 Turning to the history and characteristics of this
19 defendant, as I've said -- and this cannot be overstated -- the
20 position of leadership he exercised in the Baltimore Police
21 Department in this unit made these crimes possible.

22 As Your Honor heard in the trial, these specialized
23 operational units are in the field under the control of a
24 sergeant.

25 The next layer, the lieutenants, are back at

1 headquarters or in a desk -- at a desk somewhere.

2 So the crucial, crucial actor in terms of oversight is
3 the sergeant. And in this case both Sergeant Allers and then
4 his successor, Sergeant Wayne Jenkins, not only didn't turn a
5 blind eye or didn't stop it, but actively led the criminal
6 conduct.

7 And unless the structure of these units is radically
8 changed, the risk that a sergeant in a specialized unit can
9 essentially take that unit rogue is going to be there.

10 And as the city and the police department struggles
11 with the fallout from what these men have done, they will never
12 be able to design a system that does not place trust in
13 leaders.

14 No matter how much technology, no matter how many
15 rules, no matter how many checks, there will always be a place
16 for trust in leaders, and that's why the sentence, in
17 particular for Mr. Allers and for Sergeant Jenkins, has such
18 important deterrent effect for the conduct of police officers
19 that are on the street right now going forward.

20 Now, in the sentencing memorandum submitted by the
21 defendant, his attorney describes some of the traumatic events
22 that Mr. Allers was exposed to, and they are no doubt traumatic
23 events.

24 But as we submitted in our reply, our sentencing
25 reply, the unfortunate fact is that in our city, which just

1 passed a hundred homicides, police officers are exposed to
2 traumatic events like this every day.

3 And on the day we submitted our sentencing memorandum,
4 which was just a week ago, looking at the Baltimore Sun that
5 day, we found the following two headlines, quote, Police:
6 Baltimore County Man Fatally Shoots Pregnant Wife. Baby
7 Survives and is in Critical Condition.

8 And then immediately beneath that, the headline, Man
9 Killed - Two Others Shot in Baltimore on Thursday.

10 And instance after instance like that is described.

11 So what are we to do? We have to rely on people in
12 Mr. Allers' position to try to stem the violence and to turn a
13 corner.

14 And what -- the argument defense counsel has made
15 somehow is that this trauma, which we don't doubt is trauma,
16 somehow bears on the criminal conduct. And that's where, if
17 this were a case of a violent domestic dispute where an
18 argument was that there was, because of a traumatic event, an
19 inability to control one's emotions or that a defendant had
20 violently acted out because of the effects of a traumatic
21 episode or because of a traumatic disorder.

22 But here these were crimes motivated by greed. There
23 is no link between the trauma that is described and any
24 potential mental health effects and the actual crime in this
25 case.

1 Now, that is not to say that the Court should not have
2 sympathy for Mr. Allers for having been exposed to trauma and
3 having potentially mental health effects.

4 But there is no link between what he did, in our view,
5 when you look at the actual crime, and what he was exposed to
6 as a police officer.

7 And, of course, you know, the argument that it was the
8 extension of his retirement period we think is even -- has even
9 less of a relationship to what he did.

10 If this man couldn't bear another day as a police
11 officer, he shouldn't have gone out on the street with a gun
12 and a badge for another day as a police officer. He's an
13 adult. He's a professional.

14 To have then sought increasing positions of
15 leadership, which is what he did, including taking command of
16 this citywide unit, and then to engage in at least nine, if not
17 more, armed robberies challenges the imagination to wonder what
18 relationship learning he had to work five more years could have
19 to any of that.

20 He's also argued that -- his counsel has also argued
21 that he accepted -- and this is the phrase -- that he accepted
22 responsibility at the earliest possible juncture. That's the
23 phrase. And the fact is he did not.

24 The members of the GTTF that had been under his
25 command were charged by federal indictment and arrested on

1 March the 1st, 2017.

2 Mr. Allers did not come forward at that time to
3 law enforcement and tell them, "I have participated in these
4 robberies" or at the very least "I know they happened. I have
5 seen them."

6 He was indicted in August of that year. The original
7 charges were brought on March the 1st and he was indicted on
8 August the 24th of 2017 and pled guilty on November the 30th of
9 2017.

10 And as we submitted in our papers, Mr. Allers'
11 original position, through not one but two counsel, was that he
12 had done nothing wrong, including, in an attempt to dissuade
13 federal authorities from charging him in July, more than a
14 month before the charges were brought, submitting a polygraph
15 examiner's report where he falsely denied having been involved
16 in these robberies, in an attempt to head off criminal charges.
17 That is not someone that accepted responsibility at the
18 earliest possible juncture.

19 In terms of reflecting the seriousness of the offense
20 and to promote respect for the law, I think the history and
21 characteristics that I've described speak volumes as to the
22 seriousness of the offense.

23 And in every sentencing the Court is instructed and
24 the Government argues about promoting respect for the law, but
25 I can't think of another case where that is as important a fact

1 because of the role the police play in our community.

2 Speaking just to the seriousness, if Your Honor had an
3 armed robber who had engaged in nine armed robberies standing
4 before her, a lengthy sentence would be appropriate.

5 But when you add that this was done by a police
6 officer, using police powers, and consider the essentially
7 collateral consequences of all of that, the seriousness is that
8 much greater.

9 The actions of the defendant and the other members of
10 the GTTF have undermined confidence in law enforcement. In
11 essence, it's undermined respect for the law in the most
12 profound way. It destroys trust between the community and the
13 police, which is essential for effective policing.

14 And that's not -- and all of that is true, and I think
15 uncontrovertible, but in this case it has actually resulted not
16 only in the loss of trust that can't be quantified, but it has
17 resulted in quantifiable numbers of cases that have been thrown
18 out, in the hundreds, and that are currently under review in
19 the thousands.

20 And what is so astonishing about that is not only
21 the -- as officers of the Court and participants in the
22 criminal justice system, not only how much that I think offends
23 one's notion of the importance of the rule of law in our
24 criminal justice system, but the very real fact that guilty
25 people are going free because of his actions. It's the right

1 thing to do to throw out these cases because the courts and the
2 prosecutors and the system can't trust what these officers said
3 happened.

4 But we know, we know that because these cases are
5 being thrown out, violent repeat offenders are going back onto
6 the streets of our city, at perhaps one of the worst times in
7 its history, and that is all because of the actions of these
8 men.

9 And I think that's a point that's sometimes lost in
10 proceedings like this. We're here not because Thomas Allers
11 got caught. And I see that sometimes in the letters that are
12 written. There's a tendency to blame the fact that someone has
13 been held to account for what they did and to talk about the
14 effect it's had on them just being held to account, just being
15 charged.

16 We're not here because Thomas Allers got caught.
17 We're here because of what Thomas Allers did. That's why we're
18 here.

19 In terms of adequate deterrence, as I said, this --
20 the risk -- you know, Willie Sutton, who was a famous bank
21 robber in the 20th century, said he robbed banks because that's
22 where the money was.

23 Well, in 21st century Baltimore, you rob drug dealers
24 'cause that's where the money is. And that set of incentives
25 is extant. It's not going anywhere.

1 And so units that encounter drug dealers -- and there
2 are drug organizations all over our city -- will encounter
3 every day large amounts of money.

4 And so the question is: How can we design a system or
5 how can the police department design a system that tries to
6 minimize the risks that officers will take that money?

7 Now, the criminal justice system, the courts, the
8 U.S. Attorney's Office, this prosecution has a role to play in
9 that through the ability to send a deterrent message, because,
10 as I said, there is no way to watch what these units are doing
11 24 hours a day, seven days a week.

12 I mean, as we saw in this case, even body cameras and
13 the other more recent checks that have been attempted to be put
14 in place can be thwarted by determined criminal participants.

15 And so we will always have to trust not only the
16 police officers will do the right thing, but that their leaders
17 will supervise them in such a way so that if they are faced
18 with temptation, they are deterred.

19 And I think about the last witness we called in the
20 Gun Trace Task Force case, Officer Kostoplis, who, when faced
21 with the choice of robbing people or not, told Sergeant Jenkins
22 that what separated them from criminals was that we didn't do
23 something like that. As a 27-year-old officer, just out of
24 patrol, he understood that.

25 But as veterans of the department, Sergeant Allers and

1 Sergeant Jenkins, as the leader -- leaders of that unit did
2 not.

3 But we have to have -- there is no way around a system
4 that depends on people in positions of leadership exercising
5 that power responsibly.

6 And that brings us to the issue of the range of
7 sentences in this case.

8 And in our sentencing memoranda, we submitted a table
9 that was meant to show that -- how the sentencing guidelines
10 are calculated for each of these defendants.

11 And the range of sentences go from at one end of the
12 spectrum Former Detective Hendrix, who faces a guideline range
13 of 11 to 14 years, to at the other end of the spectrum,
14 Former Sergeant Jenkins, who faces a guideline range of 24 to
15 30 years.

16 And in between, Former Detectives Gondo and Rayam face
17 ranges of 15 to 19 years.

18 Detective -- Former Detective Taylor faces a range of
19 17 to 22 years.

20 Detective Hersl, Former Detective Hersl, faces a range
21 of 19 to 24 years.

22 And so in the spectrum in front of Your Honor, we will
23 take the position that Defendants Ward and Hendrix are at the
24 low end of that range and Sergeants Jenkins and Allers are at
25 the high end of that range.

1 And part of what has to inform, we believe, the
2 relative allocation of sentences here is the fact that Gondo
3 and Rayam and Hendrix and Ward cooperated in very substantial
4 ways. And particularly in the case of Gondo and Rayam, whose
5 conduct, both in terms of the number of robberies and the
6 aggravating factors related to those robberies, is certainly
7 greater than Ward and Hendrix.

8 But having testified in not one but two federal
9 trials, having brought so much misconduct and information to
10 the attention of authorities, including the evidence that led
11 to the prosecution of Mr. Allers, those men's sentences, we
12 will recommend sentences that reflect that, and that's -- it's
13 essential, particularly in a case like this which was so
14 difficult to investigate and bring that -- those men made the
15 decision to take responsibility for what they did and then
16 assist in the ongoing investigation.

17 **THE COURT:** And I certainly understand and appreciate
18 that.

19 Let me ask you to address a specific point, though,
20 about the guidelines as calculated in your plea agreements with
21 Mr. Ward, Mr. Hendrix, Mr. Gondo, and Mr. Rayam are
22 significantly below that, more in the seven- to nine-year range
23 before any adjustment.

24 **MR. WISE:** And that's because of an error in the plea
25 agreement concerning the multiple counting.

1 **THE COURT:** And I understand that. But does that
2 reflect the Government's position about what they thought a
3 reasonable sentence was --

4 **MR. WISE:** No.

5 **THE COURT:** -- at the time?

6 **MR. WISE:** And I say that even before, even before we
7 knew that was an error in the grouping, because the obligation
8 of the U.S. Attorney's Office in that plea agreement was to
9 recommend a sentence that was sufficient but not greater than
10 necessary to meet the sentencing goals of 3553(a).

11 And we were up front with all parties. That provision
12 means that we were not bound by a guideline, by the guideline
13 range.

14 And, in fact, as we later learned, because of the
15 complexity of this case, the guideline ranges are actually
16 higher, and neither side has objected.

17 And we were always -- and I said this at the beginning
18 that, you know, that the robbery guideline is meant for people
19 committing robberies, and so it was a -- we thought an
20 imperfect tool to try to address the conduct in this case from
21 the very beginning.

22 And so we will be recommending -- we always intended
23 to recommend sentences that we thought reflected the
24 3553(a) factors and not be bound by the guideline range.

25 **THE COURT:** All right. You spoke also about

1 Mr. Taylor and Mr. Hersl. Their guideline range, again, I
2 believe, is above the range for Mr. Allers.

3 **MR. WISE:** Their guideline range is because they don't
4 benefit from the acceptance-of-responsibility points.

5 I will say that -- and this is an issue that's been
6 raised in the Eastern Correctional Institution cases that have
7 been in front of Judge Bredar. It is our view -- and this
8 informs, in part, the sentencing recommendation we made -- that
9 the abuse-of-position-of-trust dimension of this is not
10 captured by the guidelines, because if they committed one
11 robbery, it results in a two-level increase or if they engaged
12 in nine robberies, it results in a two-level increase.

13 And we have made that argument to Judge Bredar for
14 variant sentences for correctional officers in the prison case
15 for just that reason, that, as we often see, the guidelines are
16 a starting place and the facts and circumstances of the case
17 have to be addressed to them.

18 And so what Judge Bredar has been doing as we sentence
19 correctional officers is he has been varying upward three
20 levels to capture the fact that the abuse of position of trust
21 in the guidelines understates that dimension of the 3553
22 calculation.

23 And so if you, for the sake of argument, take a
24 similar approach here, then Mr. Allers, if you add three -- if
25 you -- for the purposes of under 3553 of varying upward, if you

1 add three, the range goes from 14 to 17 years to 20 to 24
2 years.

3 And we think that's an appropriate range for him. And
4 we have recommended -- and we are being as transparent -- we're
5 being totally up front with the Court and with the parties. As
6 I've said, we view the sergeants as at one end of the spectrum
7 and we are -- Sergeant Jenkins has entered into a (C) plea to
8 20 to 30 years, and we will recommend 30 years for
9 Sergeant Jenkins.

10 And for all of the reasons that I've articulated, as I
11 said in my sentencing memorandum, we are asking and
12 recommending 240 months or 20 years for Mr. Allers.

13 **THE COURT:** Could you also address -- it seems to me
14 there's a distinction to be made based on whether the
15 particular person I'm considering was or was not involved with
16 the taking and redistribution of drugs. I don't believe that's
17 applicable to Mr. Allers.

18 **MR. WISE:** That is not. The only defendants that is
19 applicable to are Jenkins, Gondo, and Rayam. It's also not
20 applicable -- applicable to, to our knowledge, to Hendrix and
21 Ward or to Taylor or Hersl.

22 **THE COURT:** Okay. I think I may have seen something
23 different as to Mr. Taylor, although not --

24 **MR. WISE:** I'm sorry. As to Taylor and Hersl --

25 **THE COURT:** -- certainly not as --

1 **MR. WISE:** Right.

2 **THE COURT:** -- extensive as to Mr. Taylor. But you're
3 not pushing -- you don't see that at this point as a
4 distinguishing factor for Mr. Taylor, just for Mr. Jenkins.

5 **MR. WISE:** I think certainly one of the distinguishing
6 factors, as we see the consequences of what -- and I've already
7 discussed it -- but the consequences of taking even just money
8 from drug dealers was demonstrated in this case in a way that's
9 absent from -- obviously Gondo and Rayam participated in that
10 event, but it's absent from the other defendants as well.

11 In addition, Your Honor, the amounts admitted to in
12 the individual robberies result in a restitution figure -- and
13 we have an order of restitution and a list of payees and
14 amounts -- of \$117,419.

15 We would ask that that be part of the sentence. And
16 the defendant has admitted and agreed to an amount equal to the
17 victims' losses in this case.

18 **THE COURT:** Has that number been discussed?

19 **MR. PROCTOR:** I only got the consent order of
20 restitution this morning, Your Honor. I haven't really
21 discussed it with my client.

22 **MR. WISE:** It's the amounts admitted to in the plea
23 agreement. There's nothing different over the plea agreement.

24 **THE COURT:** Okay. I mean, it's not -- that's not
25 clear to me. I mean, I wouldn't know that without going

1 through and adding up all of it. You're saying -- is that the
2 total that --

3 **MR. WISE:** It does --

4 **THE COURT:** -- anybody took in the whole nine
5 robberies, not what --

6 **MR. WISE:** It's what he took and what in joint -- in
7 episodes that involved other defendants what was taken
8 collectively, and that would obviously be adjusted as monies
9 are recouped.

10 We don't expect that any one of these defendants will
11 pay in full, frankly, at any point.

12 And so our posture in cases like this is that all
13 defendants in jointly conducted criminal activity should have
14 an obligation. And then if one were to have a windfall of some
15 amount, it could be satisfied and then the amounts owed by the
16 others would be reduced.

17 **THE COURT:** Okay.

18 **MR. WISE:** So for all those reasons, Your Honor, we
19 believe a sentence of 240 months in this case is sufficient but
20 not greater than necessary to reflect the factors under
21 3553(a), the defendant's conduct and the very real consequences
22 it has for the people that encountered him, as well as the
23 institution that at one time he was dedicated to serving.

24 **THE COURT:** Thank you, Mr. Wise.

25 Mr. Proctor.

1 **MR. PROCTOR:** Thank you, Judge.

2 I think it makes sense -- we have a few short people
3 that would like to come up and speak to Mr. Allers' character.
4 Would you like me to call them up one by one?

5 **THE COURT:** Sure. That would be fine.

6 **MR. PROCTOR:** There are four in total.

7 Would you rather they just come up to the podium,
8 Your Honor?

9 **THE COURT:** Yes, I think they need to be by a
10 microphone.

11 **MR. PROCTOR:** Yes. Absolutely.

12 Right here at the microphone.

13 If you could just state your name and spell it for the
14 benefit of the court reporter, and then whatever you'd like to
15 tell Judge Blake.

16 **STEPHEN MALEWAJKO:** Yes, sir.

17 How you doing, Your Honor?

18 **THE COURT:** Good morning.

19 **STEPHEN MALEWAJKO:** My name is Stephen Malewajko.

20 **THE COURT:** If you could spell it, sir, please.

21 **STEPHEN MALEWAJKO:** M-A-L-E-W-A-J-K-O, P-H.

22 **THE COURT:** Yes, sir.

23 **STEPHEN MALEWAJKO:** I spent 35 years and seven months
24 in the Baltimore City Police Department. I retired as a
25 lieutenant. In all that time, I was in the enforcement field,

1 basically, warrant units, drug units, operation units.

2 And I had known Tommy for -- since about '96, as
3 Tommy Allers was in and out of the Southern, worked in patrol,
4 operation units. He ran a, operations squad for me in the
5 Pigtown area, Washington Boulevard area from -- for a couple
6 years. That was '12 and '13. But I know I am early on from
7 being in patrol and working in other units in the Southern.

8 And in that whole period of 20 years, I never saw any
9 impropriety with Sergeant Tommy Allers. Never saw it. Never
10 heard it.

11 And when he had a squad and worked for me, I never had
12 any type of complaint of integrity. Whether it be drugs,
13 money, I never had any complaint on him or anybody in that
14 squad.

15 And to this day, I 100 -- as a cop of 35 years, I
16 trust my gut instincts and what I believe, and I believe in my
17 heart 110 percent that Tommy Allers didn't rob anybody and
18 never stole any money from anybody, 'cause that's not the
19 Tommy Allers I know.

20 And I don't think you wake up with 20 years on the job
21 and start robbin' people. And it just doesn't make any sense
22 to me that you do 20 great years and get all kind of guns and
23 lock up all kind of felons and you have, whatever, 18, 19 years
24 in and on that day you go to another unit and you start robbing
25 people.

1 I just -- I don't believe in it. And if I had any
2 complaint about anybody stealing money or robbing people or
3 selling drugs or messing with prostitutes or any impropriety, I
4 would have turned him in and I would have turned in anybody
5 that I had -- you know, that there was an accusation. I would
6 have turned 'em in, because it's the right thing to do. It's
7 the right thing to do.

8 And what I believe in life is that this GTF [sic]
9 stuff, I can only speak for Tommy Allers. I do not -- you
10 know, I know who those other are. I've never worked with 'em.
11 They've never worked around me. I have no inclination to say
12 anything about any of them.

13 But I know this man for 20 years. And, you know, the
14 bottom line is you're either a bad guy or a good guy. And once
15 you're out there, if you sold drugs or you stole money, you're
16 one -- you're one of the bad guys, and I have no use for it.

17 And, like I said, if I thought for one second that he
18 was under my command that he stole money or he sold drugs or he
19 did anything, I would have turned him in, 110 percent.

20 And, like I said, I know him as a selfless individual.
21 In his -- in his career, he did probably the greatest work I'd
22 say as a sergeant under me. He's locked up hundreds of people
23 with guns, drugs. Did an outstanding job.

24 And he actually loved his family life and his band and
25 everything, so he would give you 110 percent on the job, but he

1 would go home -- you know, because he wasn't an overtime guy.
2 He would work the overtime and then he would rather go do
3 his -- I think he rehabbed houses and did his band thing. He
4 plays guitar and the family life, and that's what he was all
5 about. He wasn't there to make all kind of overtime.
6 That's -- he just did his -- you know, that was his life.

7 And I'd just like to say in closing, reiterate that if
8 I thought for one second there was any impropriety, anything at
9 all, I wouldn't stand up here today, Your Honor, and I wouldn't
10 come in here today and speak for this man. If I thought there
11 was anything out there that he did, I wouldn't be here and I
12 wouldn't stand in front of you at all.

13 **THE COURT:** I appreciate it, sir.

14 **STEPHEN MALEWAJKO:** Thank you, Your Honor.

15 **MR. PROCTOR:** Mike.

16 Same deal, name, spell it, whatever you'd like to tell
17 the judge.

18 **MICHAEL DONOHUE:** Good morning, Your Honor.

19 **THE COURT:** Good morning.

20 **MICHAEL DONOHUE:** My name is Captain Michael Donohue.
21 And the last name is spelled D-O-N-O-H-U-E.

22 And if you'll pardon my notes, I just want to make
23 sure I don't miss anything.

24 **THE COURT:** That's fine.

25 **MICHAEL DONOHUE:** I'll try my best not to read, but

1 everything on here that I have is extremely sincere.

2 I've known Tommy for quite a long time. And not many
3 people in life will remember the first time they ever met
4 someone, and I remember that day that I met him.

5 A little bit of background for me, because my
6 background comes from him showing me what life's about, how to
7 achieve the best that you have in your heart, in your body, in
8 your mind, and your soul.

9 I'm a graduate of the Aviation Science Program at the
10 University of Maryland Eastern Shore where I instructed and
11 taught minority students. UMES is a historically black
12 college.

13 And shortly after that I was hired by NASA to -- as a
14 research pilot and a mission manager. My responsibilities were
15 to fly oceanic and atmospheric research airplanes throughout
16 the world. We did administrative operations in the continental
17 U.S. and we flew out over the ocean, help certified F18 E&F
18 models out of Patuxent River.

19 And -- pardon me, I was also a mission manager for the
20 space shuttle emergency landing systems locations throughout
21 the whole world. Again, he helped me get this in life. Okay.
22 This is the kind of man that Tommy is.

23 In addition to these positions at NASA, I was also an
24 aircraft instructor.

25 After leaving NASA, I turned to the airlines. And I

1 just recently retired from the airline December of 2017. And
2 since then I'm now a college professor and an aviation flight
3 instructor at a college here in Baltimore. Again, I credit a
4 lot of this to Tom.

5 I can say with great candor that he was quite the
6 inspiration for me to achieve what I wanted to do from a little
7 child.

8 Tom had the same dreams. We shared the baseball field
9 and lacrosse field many a times ever since he was a little boy.
10 I remember seeing a picture of him at 5, 6 years old flexing
11 his muscles. He started lifting weights, exercising to become
12 a good lacrosse player, a football player, a baseball player.
13 Natural athlete.

14 He wanted to become a Baltimore City police. That was
15 his goal. My goal was to become a pilot, and we had shared
16 interest. Okay. We had the goals of -- you know, we were born
17 with, and not many people can say that.

18 The first time that I met Tom, he was -- even to this
19 day -- warm and welcoming. I was new on a baseball team and --
20 he was eighth grade, I was seventh grade. And I didn't know
21 anybody on the team. And he came up to me, he says, oh, you're
22 the new guy on the team. Hi. My name is Tom. Let's go play
23 some catch.

24 We just embraced -- excuse me, he embraced me and made
25 that experience -- it was tough at first because I didn't know

1 anybody, but he made it more comfortable to be in that
2 situation.

3 My next encounter was against him on the football
4 field playing opposite teams, and I look up -- and I'm playing
5 left guard and he's playing right -- right guard, and I look up
6 and he sees me and he says, oh, hey, friend, how you doing,
7 Mike? And the ball snapped, and we just stood there, held each
8 other up, and chatted. I don't think we scored, but that's
9 okay.

10 Tommy and I are from pretty large families. I'm one
11 of 11 children and I think he's one of six.

12 He's -- his both mom and dad has passed away. He had
13 a wonderful upbringing. You know, his dad pushed him to be the
14 best at whatever he chose to do, on and off the field.

15 His mom, she lived life with the -- a tenderness and
16 a -- and a saltiness [sic] that nobody could compare to.

17 And I think that these attributes that he picked up,
18 he never gave up on his goal -- and I will get to that in a
19 second -- to become a police officer.

20 He's very -- spoke very proudly of his Native American
21 heritage.

22 So he -- he's a Blackfoot Indian. You know, he showed
23 me how important that part of his life was.

24 So this -- the dynamics that he got from his parents
25 made him who he is, made him drive through life, through

1 school, through the football field.

2 He's the -- one of the only persons that I know that
3 played at our school, started tenth grade. It was -- our high
4 school started tenth grade back in the day. He made varsity
5 football and lacrosse as a tenth grader.

6 He was our lacrosse Ironman, played most games ever
7 played, and which means he probably played and started every
8 game. Led the team in ground balls. Again, he was a year
9 older than me. He was the team captain.

10 I never played the sport in my life until tenth grade.
11 I was blessed to be able to be on the same field, same position
12 as him.

13 And instead of ignoring me 'cause I wasn't very good
14 at the game, he embraced me and he taught me the game. He
15 taught me so well that I was able to get a scholarship to go to
16 college with. He got a scholarship to go to college with. He
17 was like, again, our team captain.

18 He was selected to play on the Blue-Grey Football
19 Team, which most NFL players play on. Very gifted and
20 talented, but at the same time he was giving it to everybody
21 else.

22 You give him a compliment today, he'll give you one
23 right back. He's an extremely humble man. So today I've got
24 to unload to let him know. I say it, but I want everybody else
25 to know it, what a true gentleman he is and always has been.

1 We stayed close friends after school and we would
2 often play pickup lacrosse, golf. He showed me how to lift
3 weights. Again, instructing again. No judgment. He just
4 helped me.

5 And he was one of the, like I said, the most natural
6 athletes that I've met and his demeanor was very contagious. I
7 wanted to be like him. Again, I'm one of eleven. I'm
8 Number 10. I got older brothers and sisters.

9 When my mom died, I called him. When I had
10 difficulties in a marriage, 3 o'clock in the morning, I called
11 Tom. I have a lot of people I could have called. He's my
12 go-to. No better. None better than this man here.

13 We shared our dreams during the -- you know, playing
14 lacrosse out on the field together. Again, this is out of high
15 school. We would just call up each other, come on, he picked
16 me up, I'd pick him up, and we'd just go play together for
17 hours on end. And we talked about our dreams, me being a pilot
18 and him being a police officer for Baltimore Police.

19 So he didn't succeed at first. He got that
20 scholarship for college. And after the first semester he went
21 out and took the test several times, wasn't able to pass the
22 test.

23 And I hate to say this, but he has a learning
24 disability. Okay. It's hard for him to understand certain
25 things, and it held him back. But he never gave up. Never

1 gave up.

2 So he -- he has had a son, and he moved to California
3 to make a better life for themselves. All the time while he
4 was out there, he was studying even harder to pass the test.

5 I remember him calling me, I think it was March of
6 '96, to let me know that he finally passed the test and he was
7 going to be a Baltimore City policeman. We shared a few tears
8 that day, 'cause I knew how important and excited he was.

9 I remember the day when he called like it was
10 yesterday, the same as I do when I first met him. So he moved
11 back to live his desires that he had all his life, to father a
12 great young boy, and, again, make people, the police, all the
13 better, and he loved that interaction with the Baltimore
14 people.

15 I was on ride-alongs with him, and I'll talk about a
16 couple of those in a second too.

17 Until his son reached high school, he coached and he
18 went back again, his son in lacrosse and all his friends, and
19 in football. And I followed suit. My daughter's younger than
20 his son. When I had my daughter, I taught her the game of
21 lacrosse. Watching him, I'd try to follow his example how he
22 treated all those children. You believe in 'em, you make
23 yourself believe in themselves, you believe in each other, and
24 you believe in your coach, and that's -- he was the epitome of
25 that. He should write a book on promoting helping people.

1 They were all better off having him by their side.
2 Again, he was my inspiration of raising my daughter and
3 coaching her on the lacrosse field. Today she's a tenth
4 grader, made the varsity team at Saint Mary's Annapolis in the
5 top division in the country.

6 During the football season, the NFL football season, I
7 had a back surgery and I had to stay at my folks' house because
8 it was close to Annapolis. I was living in Salisbury,
9 Maryland, at the time. And so I stayed with my folks.

10 He came over to pick me up. Went out of his way to
11 come pick me up, take me to his house, and show me different
12 exercises.

13 At that time I was only able to walk with a walker,
14 and barely. He helps me out, puts me in a car, takes me to his
15 house, we watch the football games all day long at the same
16 time, and he showed me these different exercises to help
17 recuperate, get back to flying the airplanes. It was a very
18 quick recovery, thanks to Tom.

19 A couple years later I had a second surgery and was in
20 the hospital for eight days, and I had to use the restroom in
21 my room, I come out, you know, limping along with my walker,
22 and here he is sittin' at the hospital bed in a chair next to
23 me, and he had sat with me for four hours.

24 I was on medication at the time, so I was falling
25 asleep, waking up, but he stayed with me, nonetheless, and made

1 me feel better while I was in the hospital.

2 Next day his son T. shows up, does the same exact
3 thing for four hours.

4 We have a mutual childhood friend that had a severe
5 stroke, and he's on his deathbed. Tom would leave home an hour
6 early before he had to report to work to go sit by his side,
7 comfort him, even though he was unconscious, and pray for him.
8 And this is how he lives his life. Even today he's breaking up
9 the fights in the prison that he sits in, unfortunately.

10 With our friend that was on his deathbed, Tom left a
11 Baltimore Police Department patch to honor him and protect him,
12 just like some of us believe in the medallion of St. Michael.

13 His compassion is unsurpassed among any men that I
14 know, any.

15 He was the first person, again, that I called when my
16 mom passed away. He was by my side for the two days of the
17 funeral at the funeral parlor, and he was there at my side
18 during the funeral mass and the burial.

19 And every day on the anniversary of my mom's passing
20 he calls me up and says, "I'm thinking of you and your mom,
21 your brothers and sisters, your daughter, and I'm praying for
22 all of you." That's him. This is the man right here today.

23 When my mom passed away, he wrote my daughter and I
24 two beautiful songs. Instead of a letter, we get songs. He's
25 a musician. He's a writer. He's a poet.

1 And his -- as a guitar player, every song, poem, or
2 letter that he writes are immersed in pure selflessness and
3 true love. His expressions are living prayers or psalms.

4 The things that he writes I think each and every one
5 of us could live by.

6 I remind -- I think it was Disney, they used to sing a
7 song back in the '50s, our Proverbs are how we live today, and
8 he's writing his own, and they're all pure.

9 Tommy was in a band, so he has a unique guitar and a
10 singer as a musician. He had to -- because of his learning
11 disability, he had to have a -- the music in front of him so he
12 wouldn't forget the words.

13 I think he had a natural ear for the music so he could
14 play it, but make sure he knew the words, he had to have those
15 in front of him. But it didn't stop him from being in a band,
16 that learning disability. He conquered that.

17 I live -- again, Salisbury, and I would drive here to
18 watch him play and then go home. He played many a places in
19 Baltimore City.

20 And one time really strikes me is -- it was near the
21 Oriole Park baseball -- sorry --

22 **THE COURT:** That's okay.

23 **MICHAEL DONOHUE:** -- and he had -- there was an
24 open -- everybody could open the doors so you were on the
25 sidewalk. And he was on stage right there. And there was a

1 young African-American boy about the age of 14 that was walking
2 by, and Tommy and him recognized each other from one of the
3 neighborhoods that Tommy patrolled.

4 And the boy kept looking at Tom's guitar. Tommy's
5 like, "You like that, huh?"

6 He says, "Yeah, that's pretty."

7 He says, "Well, come on over here, let me help you."

8 So he taught the boy how to play guitar for 15 minutes
9 before he went on stage. Always reaching out for others and
10 helping them, making a sacrifice.

11 So I was lucky enough to see Tom and his craft on
12 stage and on the streets of Baltimore, so I could spend time
13 with him. Again, I would drive from Salisbury to go on
14 ride-alongs with him. I went on several ride-alongs with Tom.

15 His work was completely foreign to me. I could only
16 see what kind of work he did in the movies. I had no idea what
17 to expect.

18 I watched him treat every person with great dignity
19 and kindness and respect, and I mean everybody, every person
20 that I've seen him interact with.

21 I was flabbergasted that he treated every person that
22 he countered on the streets, whether a drug dealer or somebody
23 that was accused of throwing someone else's head through a
24 window, he treated -- he treated these people like they were
25 his friends and he cared deeply for their safety.

1 I watched him one time arrest a man. The guy had
2 drugs in his sock, and Tom asked him five times, "Please don't
3 lie to me. Do you have drugs on you?" And having the great
4 instincts of the officer he is, he didn't believe the guy. But
5 he kept asking him, "Look, you cannot be dishonest with me."
6 He has that virtue. It's ingrained in his life: Honesty.

7 So he was asking the guy over and over again, so he
8 checked the guy's sock and there's a drug. Okay. So he had to
9 arrest him and he didn't want to and it made him sad because he
10 cared so much about these people. He wanted them to be better
11 people, like, accomplish life like he did.

12 I watched him write the report, and while he's writing
13 the report he had a thesaurus and a dictionary. So I inquired,
14 I said, "What are those two books that you have there?" And he
15 explained to me what they were -- explained to me what they
16 were. And he says, "I have to use these to make sure I get my
17 reports right because of my learning disability, because
18 otherwise they might be rejected."

19 So he did everything that was appropriate and
20 according to his work. Took too much pride. He wanted it too
21 hard to give it up and do anything wrong.

22 Another time on the ride-along we get a call to shots
23 fired at a house, so we show up to the house and him and his
24 team, the guys that he was working with, I think there was four
25 of 'em, they quickly figured out that there were no shots

1 fired.

2 So they found the victim down the street with glass in
3 his head, and with that some boys up the street picked him up
4 and threw his head through a window.

5 So Tom's over there -- the guy's sittin' on the curb
6 and Tom's over from picking glass out of his hair to make sure
7 he's not harming himself any more than he already was. And the
8 guy looks up to Tom and says, "What, are you a medic too?"

9 So Tom just smiled and rubbed the guy's back to
10 console him, make him feel better. A Baltimore City citizen.

11 I think all of these folks are much better off having
12 Tom in their life, whether it's for that split second. I sure
13 know me and my daughter and my family all are.

14 I remember the pride that he took in becoming a police
15 officer.

16 One of his homes, I think the second-to-last home he
17 lived in, he had his own office. And in one side of the office
18 wall was all his accolades from the police department, all of
19 his recognitions, his awards, his letters of commendation from
20 Baltimore City Police Department, all of 'em. And the wall was
21 covered with them.

22 On the other side of the wall were his guitars. Both
23 passions of his that he took so much pride in each one of
24 those. He was equally proud of both and honored to practice
25 both with the passion and the virtues that he has and

1 possesses.

2 I think we all have the good of God in us somewhere
3 and no matter how hard it is to find in hardened, hardened
4 people, a good friend here found it. He would find it in
5 anybody, anybody today. Anybody in the courtroom.

6 He's a humble man, again, who trades his compliments,
7 gives them right back to somebody else. He finds all the good
8 in people.

9 So in closing, Your Honor, I pray to the Court to see
10 the beautiful soul that is here today awaiting his fate. The
11 people of Baltimore who he has served nobly, with grace and
12 honor, are better off for having him on their side, every one
13 of 'em. And I know as well.

14 And I thank you for your time, Your Honor, and I
15 appreciate it very much.

16 And I took up a lot of your time, but my daughter
17 wrote a letter. And if you would like to have it, I'd be more
18 than --

19 **THE COURT:** Whatever you'd like. I'm happy to take it
20 or --

21 **MICHAEL DONOHUE:** So can I approach?

22 **MR. PROCTOR:** Okay. Okay. All right.

23 **THE COURT:** Why don't you give it to Mr. Proctor.

24 **MR. PROCTOR:** I'll look it over and share it with the
25 Government and pass it up after our next witness.

1 **THE COURT:** That would be fine.

2 **MICHAEL DONOHUE:** Thank you.

3 **THE COURT:** Thank you. Thank you, Captain Donohue.

4 **MR. PROCTOR:** Mr. March. He's here somewhere. I saw
5 him earlier. There he is.

6 You know the routine very well, Mr. March.

7 **GORDON MARCH:** First time I've been on this side,
8 though. Very nice to see you again. My name is
9 Gordon W. March, M-A-R-C-H.

10 A little background, Your Honor, which I think you
11 already know.

12 I spent 46 years in law enforcement, 30 years with
13 Anne Arundel County Police Department, 16 years in the State's
14 Attorney's Office, and participated in eight OSHA death cases.

15 Your Honor, I've known Tommy Allers for over 35 years.
16 I've been his close friend, his mentor, his advisor, his high
17 school football coach, but most important, he's like an adopted
18 son to me. I love Tommy as if he was my own son.

19 Tommy has always dedicated his life to helping people.
20 I would have to say that Tommy's dedication in his life is to
21 God, family, community, and people. He loved to take care of
22 people.

23 Your Honor, I have total respect for Tommy Allers. I
24 had it as a -- one of my players. I had it when he was a
25 student in school, as a police officer, and as a son.

1 I've watched Tommy show kindness, sincerity,
2 generosity to many, many people. And I guess what bothers me
3 the most is this situation that he's in now, we've had many
4 conversations about it, and I guess probably more than most, I
5 understand what we're doing here.

6 But Tommy Allers is a person who was always there to
7 help people. If someone in the community -- and I lived two
8 minutes -- we used to live two minutes from each other -- in
9 the community people would say, when it's time to get something
10 done, "How about Tommy? Can he help?" And Tommy was always
11 there.

12 You know, it didn't make a difference whether he was
13 cutting grass for senior citizens or shoveling snow or
14 whatever. And then he worked with the youth in the community.

15 But, Judge Blake, one of the biggest things that I've
16 watched him do over the years is Tommy suffers from dyslexia,
17 and it took a lot for him to overcome this.

18 And I know you know the definition, so I won't bore
19 you again with it, as I did in my letter I sent you. But Tommy
20 overcame that.

21 And I asked Tommy many years ago if he would spend
22 some time with the children in the school since he was now a
23 Baltimore City police officer. He had a lot that he could
24 teach these children. Tommy showed up for 14 straight years.
25 These children loved him. And the main message that Tommy gave

1 to them was the education that they needed to stay in school
2 and the battle that he had with dyslexia.

3 Your Honor, I'm asking you to consider leniency in
4 sentencing Tommy Allers. Tommy Allers is not a threat to
5 society. He's an asset to our community.

6 I know you're a fair and very compassionate person,
7 through the conversations you and I had many years ago.
8 Whatever it is that I could do for Tommy, as far as living in
9 my home, trying to get him new employment, whatever it is, I
10 would do it.

11 I lost a son in 1996, and I don't want to lose this
12 one.

13 Thank you.

14 **THE COURT:** Thank you. I appreciate it, Mr. March.

15 **MR. PROCTOR:** And lastly, Your Honor, Mr. Allers' wife
16 would like to address the Court.

17 **THE COURT:** Certainly.

18 **MR. PROCTOR:** I think one at a time.

19 **ALEXANDRA REIDNAUER:** Hi, Your Honor.

20 **THE COURT:** Hello.

21 **ALEXANDRA REIDNAUER:** My name is Alexandra Reidnauer,
22 A-L-E-X-A-N-D-R-A, and my last name is R-E-I-D-N-A-U-E-R. I
23 just want to take a few minutes -- I'm Tom's stepdaughter, but
24 he's my dad. He has been since I was 4 or 5 years old. And he
25 just means the world to me. He is my go-to person.

1 Like most teenagers, I was not the best teenager. My
2 parents had a lot to deal with with me and my two siblings, but
3 they did the best they could.

4 And I currently work for the Department of Defense. I
5 have been for seven years. And like my dad, I took an oath to
6 protect the nation, and I did that because of who he is and the
7 things that he and my mom has taught me.

8 My boyfriend has even considered going into the Denver
9 Police Department, if we move there, because of my dad.

10 So he's just such a phenomenal person. My dad has
11 always been there for me. I played softball growing up, and he
12 was the parent that was at every single practice and game, even
13 if I didn't want him to be, but he was because he just knew
14 that he wanted to be there for me, for my sister. My sister
15 was diagnosed with multiple sclerosis.

16 He is our rock for the family, and we don't know what
17 we would do without him. And I just can't say enough good
18 things about him.

19 He's the first person I go to with anything. My mom
20 can certainly attest to that. Even though she is my biological
21 mother, Tom is my go-to. Whenever I have good news, whenever I
22 have bad news, I go to him.

23 And we go get pedicures together. You know, we just
24 have such a close relationship, and we always have. And like
25 so many people before me have said, I just really hope you give

1 him leniency on this because we really don't know what we would
2 do without him.

3 Thank you.

4 **THE COURT:** Thank you.

5 **MR. PROCTOR:** Same thing, spell your name.

6 **ANGEL ALLERS:** Your Honor, my name is Angel Allers,
7 A-L-L-E-R-S. I'm Thomas's wife. We've been together for about
8 17 years.

9 **THE COURT:** Good morning.

10 **ANGEL ALLERS:** You've heard a lot of things about him.
11 The things that you have heard from the people that actually
12 know him, these are the true things.

13 Tom has always been the person that has defended
14 people, stood up for people. Despite his stature, he always
15 stands up for -- to the bully.

16 He's in the system that he's at right now in the
17 facility, he has broken up multiple fights. You know, he's
18 probably one of the smallest people in there, but he gets in
19 the middle of it and breaks it up because he doesn't want to
20 see anybody gettin' hurt.

21 Other people stand off to the side, they don't want to
22 get involved in it. He puts himself right there in the middle
23 of it 'cause he doesn't want to see people getting hurt.
24 That's who he is.

25 Even in the facility that he's at right now, he's

1 still protecting people. It's ingrained in him. He can't help
2 it.

3 I mean, he has been there with me for 17 years raising
4 two stepdaughters as their own. He's been his son's biggest
5 advocate, despite his son's ten-year-plus battle with substance
6 abuse. You know, he's probably pulled his son out of a grave
7 multiple times to, you know, the detriment of Tom seeing it.
8 It's been very painful for him. It's weighed very heavily on
9 his shoulders, especially to be out there doing drug work
10 knowing that his son was doing that.

11 A lot of -- a lot of times he would look and see his
12 son on that street, and, you know, it broke his heart. He
13 did -- he became very compassionate for people that had
14 addictions problems because it hit home at that point. So, you
15 know, when he was offered the Gun Unit, he took it gladly.

16 I pushed him to become a sergeant. I thought it would
17 be him bettering himself. I'm always -- I'm all about thinking
18 of the future, you know, what can we do to better ourselves to
19 make ourselves in a better position for one day when we're
20 going to live hopefully a very good retirement.

21 And it was the biggest mistake of my life pushing him
22 to become a sergeant. I had no idea the level of
23 responsibility that he would have for the actions of others.

24 The Baltimore City Police Department should have not
25 put him in the position that he was in. He went into a unit,

1 he had suspicions about two of the employees. There's no need
2 for me to reiterate who they are. He tried to get those
3 employees removed from the unit multiple times. If you can't
4 go to your superiors when you have a problem, you're not in a
5 good position. They set him up for failure.

6 So as a supervisor, if you can't go to your higher-ups
7 for help, who can you go to? He had his suspicions, and he was
8 told no multiple times.

9 So I do believe that some of the -- some of this
10 responsibility should be on the police department's shoulders
11 for lack of supervising properly and doing what they needed to
12 do so that he had the proper tools to do his job right. You
13 can't do your job properly if you have bad tools.

14 He did the best that he could with what he had. Most
15 people are surprised that there was a secretary of the
16 Gun Unit. Everybody questions, they're like was there a
17 secretary there? And I'm like, yes, there was. Tom used her
18 all the time. He used her for background investigative work,
19 because doing the job, getting the guns off the street was his
20 number one priority. Keeping the citizens safe was his number
21 one priority.

22 Tom had a gun dance after he -- his goal was always to
23 get one firearm off the street. He thought that's a life saved
24 every week. John Clewell can attest that he had a dance that
25 he did after he did it -- after they retrieved a firearm.

1 This is not somebody that's out there willy-nilly
2 trying to be some kind of criminal in Baltimore City, somebody
3 that's happy to be taking a gun off the street. That was his
4 goal.

5 As I said, my mistake pushing him to become a
6 sergeant. I didn't realize, you know, the accountability that
7 he would have for other people's actions.

8 I mean, Tom's always been a great person. You know,
9 his heart knows no bounds. He's -- he's always been there for
10 everybody, no matter what anybody needs. If he's not feeling
11 good and somebody needs something, he's doing it for 'em.

12 He's pure. His soul is good. You can't take that
13 away from him. People can say words about him. Words can be
14 very bad. I understand that.

15 But the actions of somebody throughout their lifetime
16 to me speaks much more volume than the words of people that
17 they're going to speak against him.

18 How he's lived his life, the type of person he is, how
19 he treats people to me is the essence of who he is.

20 If anybody in the system deserves leniency, it's
21 somebody that has lived their life enriching others, and that's
22 him.

23 **THE COURT:** Okay.

24 **ANGEL ALLERS:** So, I mean, I'm -- I'm going to go
25 outside the box and I'm going to tell you that you are the

1 judge. And I'm going to beg for utmost leniency. Give him
2 time served. Give him lifetime community service. He would
3 love that, because it would be him helping people and it would
4 benefit society. He's not a threat to anyone. He's not.

5 And, I mean, I know you have to filter through what's
6 right and what's wrong. Everybody makes mistakes. Everybody
7 does. Everybody deserves a second chance. There's been a lot
8 of mistakes here on a lot of levels, and I can tell you
9 point-blank they're not all his mistakes.

10 Thank you for your time, Your Honor.

11 **THE COURT:** Thank you very much.

12 **MR. WISE:** Your Honor, can we approach on a scheduling
13 issue briefly?

14 **MR. PROCTOR:** And why don't we bring that letter up
15 while we're going.

16 **MR. WISE:** Sure.

17 **MR. PROCTOR:** I've shown it to the Government. The
18 letter from his daughter.

19 **THE COURT:** Sure, his daughter.

20 (Sealed bench conference.)

21 **THE COURT:** It seems as though this has been -- we've
22 been together for some period of time now. It seems as though
23 this is a good time for a short recess. We're going to take a
24 15-minute break.

25 **MR. PROCTOR:** And, Your Honor, I realize I didn't tell

1 my client to put the earpiece in, so I'll relate to him what
2 happened at the bench, and I'll make sure he knows how to do
3 it.

4 **THE COURT:** Absolutely. And if there's anything that
5 needs to be repeated, you'll let me know. I assumed he had the
6 headphones.

7 **MR. PROCTOR:** Yeah. That's my bad. Thank you.

8 **THE COURT:** Okay. All right. We'll take a 15-minute
9 recess.

10 (Recess taken.)

11 **THE COURT:** You can be seated, please.

12 I'll see counsel at the bench briefly.

13 (Sealed bench conference.)

14 **THE COURT:** All right. Thank you.

15 Mr. Proctor.

16 **MR. PROCTOR:** Thank you, Judge. I don't have that
17 many remarks.

18 I know, 'cause I've had many sentencings with you
19 before, that you read every word that I submit. Certainly a
20 lot of people have spoken today, both orally and written.
21 Numerous other letters to you and put it more eloquently than I
22 could, so I'll try and be brief.

23 **THE COURT:** That's fine. Absolutely fine. And I will
24 just confirm, yes, I've got your sentencing memorandum and many
25 letters, and I have read them.

1 **MR. PROCTOR:** So if I could address just a few of the
2 things that the Government said.

3 Acceptance of responsibility, you know, the
4 Government's right, other people were arrested in March. And
5 for five months Mr. Allers had a Damoclean sword hanging over
6 him. And he didn't go anywhere. He didn't take a trip. He
7 retained counsel.

8 I don't think you can denigrate his acceptance of
9 responsibility. In the e-mail the Government forwarded to the
10 Court, I think it was eight days after his detention hearing, I
11 said, "Can we get a plea agreement?"

12 My recollection is we talked about it earlier than
13 that and I just memorialized it in writing. But even if we
14 didn't, eight days later I'm asking for a plea agreement.

15 So the acceptance of responsibility, I submit,
16 couldn't have been more prompt.

17 And the polygraph, Judge, that's a lawyer's decision.
18 I don't know where Mr. Allers would even find a polygraph
19 analyst. I'm hoping I can work it out, but I have an incumbent
20 duty to knock on doors and talk to people to give my client
21 examinations, to retain experts, all that stuff. So I don't
22 think you can hold any of that against Mr. Allers. As soon as
23 he was charged, he promptly accepted responsibility, he came in
24 here, and he pled guilty.

25 You know, I also -- if we could talk for a moment

1 about the traumatic events. It's a small sample size. I don't
2 consider -- I don't have a lot of police friends, but I have a
3 hard time believing that that many officers have seen that many
4 horrific things in their time.

5 And, you know, Officer Schultz, in one of the
6 sentencing memos, told you 20 years later, it still haunts him.
7 He said, "Black hole eating him from the inside out."

8 You know, there's no doubt -- and everyone reacts to
9 trauma differently. You know, even if ten people saw that,
10 everyone's reactions are different.

11 And Mr. Allers, in addition to suffering significant
12 mental health history, he turned to the bottle.

13 And, Judge, the one thing you didn't see in those
14 letters, the one thing you didn't see when people came up here
15 are people talking about Mr. Allers becoming an alcoholic. No
16 one said it. He kept it and was ashamed. He kept it hidden.

17 He would -- you know, it's in Dr. Blumberg's memo, I
18 think, that he would drink before his wife got home and then
19 cover it up with mouthwash or something like that.

20 And none of this is to excuse his conduct. The
21 statement of facts speaks for itself. Mr. Wise did a good job
22 of drilling down on it further. It's to put it into context.
23 He's going to be 50 years old next month. 47 of those years,
24 he's an asset to everyone concerned. The three years he wasn't
25 in the Gun Trace Task Force. It's just to put it all into

1 context.

2 You know, I get why -- for 15 years, should he have
3 gotten another job? Absolutely. Don't disagree with that.
4 But for 15 years you can see the finish line.

5 And a police officer is not a glamorous job. It's not
6 a particularly well-paid job. What it is is everyone -- the
7 benefits. The retirement is great.

8 And you can see that finish line and all of a sudden
9 the goalpost double, the finish line goes further away. That,
10 coupled with this PTSD, I hope and I believe that today he
11 would have got counseling right away. He would have been
12 encouraged to receive counseling.

13 But back in the '90s, the machismo culture, you know,
14 you would have been seen as weak if you said, hey, I'm having
15 nightmares. I'm waking up in the middle of the night. You
16 would have been passed over for promotions.

17 So he dealt with it as best he could until he couldn't
18 anymore.

19 You know, Dr. Blumberg told you to a medical certainty
20 he has PTSD and depression, and all of that was prior to
21 joining the Gun Trace Task Force.

22 You know, because for 18 years he was a great cop, a
23 great cop. Running into burning buildings. The report of
24 Sergeant Callahan I forwarded to you probably saved the life of
25 a Patricia Ross.

1 Treating old people with dignity.

2 One supervisor in a letter told you he never got a
3 complaint. And then he flipped back to robbing people?

4 You know, there are no excuses, but his mental health,
5 his alcoholism, the problem he was going through with his son,
6 all of those have to be contributing factors. Have to be.

7 You know, and then after he left the
8 Gun Trace Task Force -- and I don't mean Mr. Wise is, you know,
9 going to say everyone's going to shift the blame to everyone
10 else, but the proof's in the pudding.

11 After he left the Gun Trace Task Force, there's no
12 allegation he did anything wrong thereafter. There's none.
13 You know, that letter from Stewart Title I forwarded to you,
14 how they wrongly conveyed property worth millions and he signed
15 it back.

16 You know, and why that matters is, you know,
17 Detective Rayam said he was involved in the drug trade since at
18 least 2008. He was doing this long before Tom Allers came
19 along.

20 And we know that when Sergeant Jenkins took over, he
21 was doing it a lot more than, many other things too.

22 You know, Don Schultz who worked for him said he
23 seized tens of thousands of dollars in the Southern, I think.
24 Not a hint of anything going missing.

25 Lieutenant Vandermeulen, same thing, "I was a superior

1 officer." No integrity issues.

2 You know, the one letter -- and his cooperator was
3 here today, Your Honor, and wanted to speak, and Mr. Allers
4 won't let him. He thinks it would be dangerous, and I agree
5 with him.

6 That really resonated with me, at least. "He wanted
7 to lose me as a cooperator 'cause that meant I wasn't
8 losing" -- "living the life anymore." That speaks -- you know,
9 again, Jemell Rayam selling drugs with his cooperator, and
10 Tom's hoping he turns his life around.

11 You know, another officer told you about taking an
12 addict to see his dad on his day off while Jenkins was looting
13 pharmacies after Freddie Gray. You have pictures of him on the
14 front line, on the barricades.

15 And then we have what I call positive mitigation, the
16 14 years he went back to school to speak, and those letters
17 speak for themselves. I read all of them last night. Wow. I
18 wish I could make that kind of an impact on so many lives.

19 The parents of Michael -- I'm probably going to
20 butcher his name -- Cowdrey, 2001, long before any of this,
21 wasn't attempting to create mitigation for sentencing. He was
22 doing it. He was playing benefits for him because he's a
23 thoroughly decent person.

24 Steve Zentarski, his wife got breast cancer and he put
25 on a benefit concert.

1 For 2014 -- until 2014, for decades, you'd have loved
2 him to be your neighbor: Raking leaves; shoveling snow;
3 leaving his car on your driveway to look like you were home;
4 cutting your grass; fixing your gutters; painting your shutters
5 because you're selling the place; fixing your faucet.

6 You'd have loved him to be your friend. I've never
7 had this many letters, Judge. I ask for them in every case the
8 same way. Never had this many letters.

9 Not only does many -- they go on for pages and pages
10 and pages. People want to speak. I told and I failed, by the
11 way, Mrs. Allers, you can only call four witnesses. I had
12 dozens wanting to speak. Three people have come up to me this
13 morning, "Can we speak?"

14 Never had this many people in a courtroom. I've never
15 had to move to 1A. That's the kind of impression he's left on
16 people's lives.

17 You know, I read the letters last night, and eight
18 people or more must have said he'd give you the shirt off his
19 back. It was the common refrain.

20 In fact, one guy, Corey, I think it was, told you he
21 did give him the shirt off his back because he wanted to look
22 nice for court.

23 You know, a half dozen or more said he's my best
24 friend. Everyone thinks that he's their best friend because
25 the dignity he treats people with, the compassion he treats

1 people with, the thoughtfulness he puts into his relationship
2 with others.

3 You know, his friend Penny was undergoing chemo and
4 her husband had just started a new job. He went with her to
5 chemo.

6 Talking his friend George out of committing suicide.
7 You have that letter. He tells you he's only alive today
8 because of what Mr. Allers did for him.

9 You'd have loved him to be your child's football
10 coach. Giving kids rides when they had none. Buying them
11 equipment when they couldn't afford it. You'd have loved --
12 and you heard from Alex -- him to be your stepdad or your dad.

13 And you'd have loved him to be your colleague on the
14 force.

15 You know, you have that letter from I think it's
16 Detective Ebberts of how he saved his life.

17 You've heard stories of how he brought food to people
18 that didn't have any, how he helped to find a cooperator a
19 hotel room on a cold night. That is so atypical. I've never
20 heard of that before.

21 You know, you have the lacrosse pictures after the
22 riots. You know, the time from the police academy to
23 suspension is almost exactly 20 years. It's 20 years, give or
24 take a month. His time on the Gun Trace Task Force was less
25 than three years.

1 The Government was kind enough this week to give me
2 the -- some of the Jencks statements of Mr. Gondo and
3 Mr. Rayam.

4 And in one of those Mr. Rayam tells, on the 21st of
5 March, 2017, tells the agent, "Jenkins' conduct was 20 times
6 worse than Allers'." That's what he says. "Jenkins conduct
7 was 20 times worse than Allers'."

8 And yet the Government asks for a sentence that's at
9 the bottom of Jenkins' range.

10 Again, the Government says the sergeant in charge, he
11 sets the tone. And to that I can only say that they were --
12 Gondo and Rayam admitted they were robbing people, selling
13 drugs, selling guns, planting guns before he became their
14 superior officers.

15 And they were also doing -- I mean, you heard the
16 testimony. You know what they were doing under
17 Sergeant Jenkins. It got worse, markedly worse.

18 Neil Blumberg tells you that the risk of re-offending
19 is low, and I don't think anyone disputes that here. I don't
20 think specific deterrence is a consideration for this Court.
21 It's general.

22 And in that regard, you know, I've provided the Court
23 with research that says the risk of apprehension is what deters
24 people, not the amount of sentence meted out.

25 Whether Sergeant Allers gets above the guidelines, top

1 of the guidelines, bottom of the guidelines, below the
2 guidelines, the message is going to be sent.

3 You know, it's -- I try never to say bad things about
4 my clients, but sometimes it's difficult to say good things.
5 That is so not true with this man. He's respectful. He's
6 remorseful. He's compassionate. Every time I go to see him,
7 he asks me how I'm doing, how I'm feeling. That's not typical.

8 I just have a few more things I'd like to add.

9 Judge, when Mr. Wise mentioned the detention hearing
10 in terms of the polygraph -- actually, I don't think he did
11 mention it in relation -- I'm sorry.

12 The same day Sergeant Allers turned himself in, a
13 search warrant was executed at his home.

14 **THE COURT:** Okay.

15 **MR. PROCTOR:** And my recollection -- Mr. Wise will
16 correct me if I'm wrong -- that under the socks in his bedroom,
17 they found what was a suicide note. And this came up at the
18 detention hearing in terms of we can't let him go, he's a risk
19 to himself.

20 Now, I'd just like to read you a portion of that. So
21 this was written prior to being arrested and tucked away. It's
22 obviously not something left out for the benefit of
23 law enforcement.

24 [Reading]: Angel, my love, I'm so sorry for all of
25 this mess. I had everything right in front of me, and I was

1 too stupid to see it.

2 [Reading]: These last 16 years have been the best
3 days of my life. I couldn't ask for a better wife and friend.
4 I'm sorry I let you down, along with everyone else.

5 [Reading]: I really don't know where to go from here.
6 I pray there is a heaven; and if I make it there, so we can
7 meet again, but I'm sure you will. And I wouldn't blame you if
8 you walked right past me.

9 [Reading]: I really don't know what else to do. I
10 wish I could have it over. But we both know that's not
11 happening.

12 [Reading]: I also know if I were to be found guilty,
13 I'd be doing time, and that would kill me being away from you.
14 I messed up, period.

15 And I changed the word to "messed up," Judge.

16 [Reading]: And I'm just tired of everything. I wish
17 I could take you with me; but, again, I'd be selfish.

18 [Reading]: I can't tell you how much I love you. I
19 am going to miss you. I am so sorry I let my best friend down.
20 So sorry, but I don't know what else to say.

21 [Reading]: Please take care of M. -- M. is his
22 grandchild.

23 [Reading]: Don't ever forget him, and I know you
24 won't because you have a great heart.

25 [Reading]: Please tell the girls I love them and I

1 never wanted to let them down as well.

2 [Reading]: Tell T. I love him, to stay strong. He
3 has a lot of life ahead of him.

4 [Reading]: My family, I am sorry to disgrace our
5 name. That kills me every time I think of them. Please tell
6 them I love them and will miss them all. Man, this is killing
7 me just writing it. I just don't know why, how I'm the most
8 stupid person in the world.

9 [Reading]: Like I said, I'm tired of everything. And
10 if I stay, I know it's going to be a lot worse. I don't want
11 to put you and my family and friends through this. I was
12 wrong, and I don't know what to do.

13 [Reading]: You don't deserve this and I don't deserve
14 you. I'm tired of not sleeping. And I have this feeling in my
15 stomach, I just want it to go away, but I know it's not.

16 So that was the note that -- the suicide note that was
17 recovered that day.

18 And, again, before he was arrested -- this is not
19 crocodile tears later on -- before he was arrested, he was so
20 upset, so ashamed -- used the word "disgraced" -- that he
21 planned to end his own life and had gone to all the trouble of
22 writing a note for his wife to find later.

23 You know, he's going to be 50 next month. And if you
24 give the sentence the Government asks, he's getting close to
25 his threescore and ten. I don't even know if

1 threescore and ten's applicable for someone with, you know,
2 prior alcoholism. But that would effectively nullify his
3 decision to promptly plead guilty. There would come a point
4 where the disparity between trial and a guilty plea would be
5 close to none.

6 And the Government's recommendation, to state the
7 obvious, couldn't have been higher if he was a Criminal History
8 Category VI.

9 Also, Judge, the Government talks about greed. You
10 haven't seen anything to suggest Mr. Allers lived a lavish
11 lifestyle.

12 We don't have Dominican Republic, Turks and Caicos
13 islands, I think I saw that in someone's Jencks the other day.
14 You don't have casino problems. You don't have going to
15 strippers. You don't have any of that, which in a way makes
16 what he did the more unfathomable.

17 But in a way it makes Dr. Blumberg's make sense. You
18 know, he was dysphoric, depressed, drinking just to sleep at
19 night. And it doesn't excuse it, but it does explain why he
20 took the path of least resistance, why we're here today.

21 There are also the collateral consequences we've seen.
22 His wife, since he's been arrested, has sold her house and
23 moved in with her mother. You know, it's -- what happened has
24 affected an extremely wide arc of people.

25 And the Court could note that certainly I have no

1 shortage of 922(g) cases in this courthouse. A lot of people
2 arrested going to federal prison for guns, and here we have a
3 sergeant in the Gun Trace Task Force also going to federal
4 prison.

5 It's not going to be easy for him. Jail is not --
6 he's going to be looking over his shoulder his entire time
7 there, even if he didn't have posttraumatic stress disorder to
8 start with.

9 You know, I hope -- I live in Baltimore City. My kids
10 go to Baltimore City public schools. I hope the landscape has
11 already changed. We have body cameras now. We have a
12 consent decree monitored by a member of this court. We have
13 civilians on police review boards. I hope it's already
14 changed.

15 But he pled guilty. He's going to receive a lengthy
16 sentence from this Court. I just think a sentence within the
17 guidelines doesn't send any greater of a message. It just
18 inflicts further punishment on most of the people in this
19 courtroom, not least of all, Sergeant Allers himself.

20 So with that, Your Honor, I know he does plan to
21 address you, if you'd like to hear from him.

22 **THE COURT:** Of course.

23 Mr. Allers, I'm happy to hear anything that you'd like
24 to say.

25 **MR. PROCTOR:** Can I pull the microphone close?

1 **THE COURT:** Yes, please.

2 **THE DEFENDANT:** This is the hardest thing I ever had
3 to do in my life, Your Honor.

4 I just want to apologize, from the bottom of my heart,
5 to my family and my friends, to the citizens of Baltimore, and
6 to anybody I've hurt.

7 I never wanted to hurt anybody a day in my life.
8 Every day I woke up, I try to be the best possible person I can
9 possibly be. That was it. That was my intentions. That was
10 it.

11 I will live with this until the day I die. Having
12 said that, when I see the Lord, I'll be all right when I look
13 him in the eyes, I'll be okay, because you know he's the truth,
14 and that's fine with me.

15 Since I've been incarcerated, I mean, it's terrible.
16 But the one good thing that every -- this is probably the worst
17 thing that's ever going to happen to me, but I always try to
18 look for the positives in everything. Everything happens for a
19 reason.

20 And in that time I've come to know the Lord, and
21 that's the best thing that's ever happened to me. So if that's
22 what I got to trade off, then I'll trade off on it every time.

23 Since I've been in there I've written over 50 poems,
24 enlightening his name, his grace, his forgiveness, and it's
25 awesome. And I'll continue it. And I know he has bigger plans

1 for me. I know he does. I know he does.

2 And whenever this nightmare is over, he's going to
3 guide me and he's going to just make -- make me so much of a
4 better person than I was before. I know that.

5 I can't take back what I did. I wish I could, but
6 that's just an ignorant statement, and I don't even want to do
7 that to you. I wouldn't do that to you.

8 I just -- I'm just praying for this nightmare to be
9 over, Your Honor. That's just -- that's it.

10 And for everybody that wants to bash me and call me
11 names on Facebook and write hate letters to me, the only thing
12 I have to say to you is God bless you. God bless you.

13 And the last thing I want to say is I know it's
14 Mother's Day, so I just want to wish everybody a happy
15 Mother's Day.

16 Thank you, Your Honor.

17 **THE COURT:** Thank you, Mr. Allers. Thank you very
18 much.

19 Mr. Proctor, let me also ask you about a couple of
20 other preliminary things.

21 **MR. PROCTOR:** Yes, ma'am.

22 **THE COURT:** Restitution, are you prepared to deal with
23 that today? Do you want to defer?

24 **MR. PROCTOR:** No. I'd rather defer. I hope I can
25 talk to the Government and work something out. I got the order

1 handed to me this morning, and I had bigger fish to fry, at
2 least this morning, Your Honor.

3 **MR. WISE:** It's a standard order, Your Honor. I just
4 want to make that clear. This isn't a surprise to Mr. Proctor.
5 The amounts are from the factual statement. I just want to
6 make that clear.

7 **THE COURT:** I understand. I understand, Mr. Wise.
8 And I'm sure you have also been extremely busy. But I can't
9 put Mr. Proctor in the position of agreeing --

10 **MR. WISE:** Understood.

11 **THE COURT:** -- without having a chance to look at it.
12 So it may very well be just what you say. But we can defer
13 that.

14 Presumably it would be joint and several with -- and
15 that's something else we need to figure out, which
16 co-defendants it would be joint and several with.

17 Recommendations to the Bureau of Prisons, Mr. Proctor,
18 any?

19 **MR. PROCTOR:** Obviously, any and all drug -- well,
20 alcohol treatment. He doesn't have a problem with drugs at
21 all. Alcohol treatment, including RDAP.

22 I'm not sure, because of the mention of guns, if he
23 will get the deduction, but he should do it anyway.

24 And, Judge, as close to Baltimore as possible.
25 Cumberland. I don't know. Part depends on the sentence as to

1 whether he goes to a low or a medium.

2 So I would ask Cumberland or in the alternative,
3 Fairton. And Fairton is a good one in the alternative, because
4 it has both a low and a medium.

5 **THE COURT:** I can recommend, certainly can recommend,
6 Fairton. It's got to be consistent with his security level,
7 and there may be other concerns.

8 **MR. PROCTOR:** Yes, I believe that's the virtue of
9 going first is there's no one else in any of the facilities.

10 **THE COURT:** Okay. Thank you.

11 All right. Anything else that anybody hasn't had a
12 chance to say?

13 **MR. WISE:** Not from the United States, Your Honor, no,
14 thank you.

15 Conference at the bench.

16 (It is the policy of this court that every guilty plea and
17 sentencing proceeding include a bench conference concerning
18 whether the defendant is or is not cooperating.)

19 **THE COURT:** Okay. Obviously, sentencing is extremely
20 difficult for everyone, including everyone here in the
21 courtroom today. There are a lot of things that have to be
22 taken into account.

23 We've talked about the guidelines. That's one of the
24 factors.

25 I'm going to talk about the nature and circumstances

1 of the offense, and I have to ask and say what I think the
2 harms are that have been caused by Mr. Allers' conduct.

3 There is harm to the individual victims whose money,
4 whose property was taken by the wrongful use of official force.

5 The gun and the badge enabled Mr. Allers and others to
6 take money, to rob people who would be unlikely to complain or
7 probably to be believed, if they did. It was a very
8 significant abuse of the public trust.

9 Officers, as we know, take an oath to uphold the law,
10 then they're given that right to have a gun and a badge so they
11 can enforce the law, not break the law.

12 There's enormous power that's entrusted to our police
13 officers in reliance on that oath which has been broken.

14 There is a related harm that is deepening the distrust
15 that many in our community already felt toward the police; it
16 becomes worse.

17 What Mr. Allers and others have done has resulted, as
18 well, in the dismissal of many other criminal cases because,
19 unfortunately, the credibility of the officers on which these
20 convictions rested has been destroyed.

21 This conduct has made much more difficult the job of
22 what I believe to be the majority of men and women in uniform
23 who face danger and hardship every day trying to protect the
24 public, and they do that with this increased lack of trust by
25 the community toward the police because of the actions of

1 Mr. Allers and others.

2 And it strikes at the foundation of our entire
3 criminal justice system when judges and juries cannot rely on
4 the word of sworn law enforcement officers because those
5 officers are covering up their own crimes. It's an extremely
6 serious offense.

7 I have to consider the history and characteristics, of
8 course, of the defendant. Mr. Allers has been a police
9 officer, was a police officer for many years.

10 I have no doubt he put himself in harm's way to
11 protect other people; that he has been involved in very
12 stressful and disturbing situations, which, it appears, led him
13 to abuse alcohol and perhaps suffer from PTSD or other mental
14 health conditions.

15 Similarly, I'm sure he has been loyal and helpful to
16 his family and his friends and done good things for his
17 community. I'm sure he appreciates the many letters of support
18 that were offered for him and all the people who are here and
19 who spoke for him today.

20 None of that, of course, either caused, in my opinion,
21 or excused his participation as a sergeant in the criminal
22 conduct that he has pled guilty to.

23 I know it is very hard, particularly for all his
24 friends and family here, because the crime that he has admitted
25 to doesn't match your experience with him.

1 Relative culpability is a very important thing for me
2 to consider as well. For Mr. Allers, on the aggravating side,
3 if you will, what makes it more serious is that he was a
4 sergeant. He was a supervisor. He was someone who should have
5 set an example, who should have turned people in, who should
6 have never tolerated misconduct by his subordinates.

7 He could have done more if he wanted to turn them in.
8 And instead, unfortunately, he joined in that activity and he
9 emboldened what other people in the task force were doing.

10 On the other hand, it does appear that he was not
11 involved with the taking and distribution of drugs, which I
12 think is a very serious issue that relates to some other
13 people, but not to him.

14 He did not cooperate or testify, but he did accept
15 responsibility by pleading guilty and admitting the facts of
16 his misconduct rather than going to trial.

17 It does appear that he's remorseful. It does appear
18 that he did a lot of good before what unfortunately he's done
19 since 2014 and what he's admitted to.

20 This -- well, some of the other factors -- and they
21 all relate together, but to reflect the seriousness of this
22 offense, to promote respect for the law, to provide just
23 punishment, there must be a significant period of
24 incarceration.

25 I don't think there's an issue of specific deterrence.

1 I don't think there's a need to protect the public from further
2 crimes of Mr. Allers, but this is one of those cases where the
3 factor of general deterrence has great importance.

4 There's got to be a clear message that officers who
5 break their oaths by robbery, by fraud, by false reports will
6 be prosecuted and will be justly punished for that conduct.

7 Considering the mitigating factors that I've
8 identified, including his acceptance of responsibility and
9 everything else I mentioned, I believe that the Government
10 recommendation is higher than it needs to be. That is the
11 maximum. It is higher than the guidelines.

12 And I do think there is mitigation here, but it is
13 still an extremely serious offense that requires a serious
14 sentence.

15 Mr. Allers, the sentence is going to be 15 years.
16 That is 180 months in the custody of the Bureau of Prisons.

17 I am going to recommend to the Bureau of Prisons that
18 you be designated to a facility consistent with your security
19 level that's close to Baltimore. I'll recommend Fairton.
20 That's up to the Bureau of Prisons.

21 I'm going to recommend that you participate in any
22 substance abuse program you're eligible for, as well as any
23 mental health counseling.

24 There is going to be a period of three years of
25 supervised release when you come out of the Bureau of Prisons.

1 Special conditions are going to include any substance,
2 and that includes alcohol abuse counseling or treatment, any
3 mental health counseling or treatment that the probation
4 officer recommends.

5 Your financial circumstances don't permit a fine.

6 There will be restitution when we come to that.

7 I have to impose a \$100 special assessment.

8 In light of your financial circumstances, whatever the
9 amount of restitution turns out to be will be repayable on a
10 nominal payment schedule of \$50 a month when you are released,
11 with the probation officer having the authority to recommend
12 either an increase or decrease, depending on your financial
13 circumstances.

14 And in this very difficult case, I think that is
15 sufficient without being greater than necessary.

16 Have I left anything out? Anything I have not
17 addressed?

18 **MR. WISE:** No, Your Honor. We have counts to dismiss.
19 But other than that, I don't believe.

20 **THE COURT:** Do you want to dismiss the counts?

21 **MR. WISE:** Yes, Your Honor.

22 The United States moves to dismiss Counts 2 through 7
23 of the indictment.

24 **THE COURT:** Okay. Mr. Allers, in light of the plea
25 agreement and the sentence, I don't believe there's anything

1 that you have a right to appeal from.

2 But you can consult with your counsel if you were
3 going to be noting any appeal. That would have to be within 14
4 days.

5 Do you understand that, sir?

6 **THE DEFENDANT:** Yes, ma'am.

7 **THE COURT:** Okay. All right. Thank you, all.

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

9 (Matter concluded at 12:55 p.m.)

10 I, Douglas J. Zweizig, RDR, CRR, FCRR do hereby certify
11 that the foregoing is a correct transcript from the
12 stenographic record of proceedings in the above-entitled
13 matter.

14 _____
15 /s/

16 Douglas J. Zweizig, RDR, CRR, FCRR
17 Registered Diplomate Reporter
18 Certified Realtime Reporter
19 Federal Official Court Reporter
20 DATE: January 17, 2019
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<p>/</p> <p>/s [1] 76/14</p>	<p>5</p> <p>50 [3] 55/23 64/23 67/23</p>	<p>8</p> <p>8th [1] 9/13</p>
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<p>2</p> <p>20 [13] 4/17 24/1 24/8 24/12 28/8 28/20 28/22 29/13 55/6 60/23 60/23 61/5 61/7</p> <p>2001 [1] 58/20</p> <p>2008 [1] 57/18</p> <p>2014 [6] 8/4 9/5 9/13 59/1 59/1 73/19</p> <p>2015 [3] 9/22 10/25 11/14</p> <p>2016 [2] 11/18 12/4</p> <p>2017 [6] 10/4 16/1 16/8 16/9 32/1 61/5</p> <p>2018 [1] 1/9</p> <p>2019 [1] 76/17</p> <p>20th [1] 18/21</p> <p>210 [1] 5/13</p> <p>21201 [1] 1/25</p>	<p>8</p> <p>8th [1] 9/13</p> <p>9</p> <p>922 [1] 66/1</p> <p>:</p> <p>: Angel [1] 62/24</p> <p>A</p> <p>A-L-E-X-A-N-D-R-A [1] 46/22</p> <p>A-L-L-E-R-S [1] 48/7</p> <p>a.m [1] 3/2</p> <p>ability [2] 10/12 19/9</p> <p>able [5] 13/12 34/11 34/15 35/21 37/13</p> <p>about [35] 5/21 8/22 16/24 17/20 18/13 19/19 21/20 22/2 22/25 28/2 29/2 29/12 30/5 31/6 35/17 36/15 40/1 41/10 45/4 45/10 47/18 48/7 48/10 49/17 50/1 51/13 54/12 55/1 55/15 58/11 62/3 65/9 68/19 70/23 70/25</p> <p>above [3] 23/2 61/25 76/12</p> <p>above-entitled [1] 76/12</p> <p>absent [2] 25/9 25/10</p> <p>absolutely [5] 8/20 27/11 53/4 53/23 56/3</p> <p>abuse [8] 4/20 23/9 23/20 49/6 71/8 72/13 74/22 75/2</p> <p>abuse-of-position-of-trust [1] 23/9</p> <p>abused [1] 6/3</p> <p>abusive [1] 7/13</p> <p>academy [1] 60/22</p> <p>accept [1] 73/14</p> <p>acceptance [6] 5/2 23/4 54/3 54/8 54/15 74/8</p> <p>acceptance-of-responsibility [1] 23/4</p> <p>accepted [4] 15/21 15/21 16/17</p>	<p>again [28] 9/15 9/23 10/8 10/17 23/1 31/21 32/3 34/8 34/17 35/3 35/3 35/7 35/14 36/12 36/18 37/2 38/15 39/17 40/13 41/7 43/6 44/8 45/19 58/9 61/10 63/7 63/17 64/18</p> <p>against [3] 33/3 51/17 54/22</p> <p>age [1] 40/1</p> <p>agent [3] 2/4 2/5 61/5</p> <p>Agents [1] 3/11</p> <p>aggravating [2] 21/6 73/2</p> <p>ago [3] 14/4 45/21 46/7</p> <p>agree [2] 5/9 58/4</p> <p>agreed [1] 25/16</p> <p>agreeing [1] 69/9</p> <p>agreement [7] 21/25 22/8 25/23 25/23 54/11 54/14 75/25</p> <p>agreements [1] 21/20</p> <p>ahead [1] 64/3</p>

A

aircraft [1] 31/24
 airline [1] 32/1
 airlines [1] 31/25
 airplanes [2] 31/15 37/17
 alcohol [4] 69/20 69/21 72/13 75/2
 alcoholic [1] 55/15
 alcoholism [2] 57/5 65/2
 alert [1] 9/7
 Alex [1] 60/12
 Alexandra [1] 46/21
 Alexandra Reidnauer [1] 46/21
 alive [1] 60/7
 all [65] 3/15 3/24 4/15 5/9 5/11 7/15 12/2 17/7 17/14 18/7 19/2 22/11 22/25 24/10 26/1 26/12 26/18 27/25 28/22 28/23 30/4 30/5 30/9 30/12 36/3 36/11 36/12 36/18 36/22 37/1 37/15 38/22 39/8 42/11 42/13 42/18 42/18 42/20 43/2 43/7 43/22 49/17 50/18 52/9 53/8 53/14 54/21 55/25 56/8 56/20 57/6 58/17 62/24 64/6 64/21 66/19 67/12 69/19 69/21 70/11 72/18 72/23 73/21 76/7 76/7
 allegation [1] 57/12
 ALLERS [71] 1/5 3/9 3/18 3/24 4/10 4/20 6/1 6/22 6/24 7/3 7/7 8/7 8/17 8/17 8/25 9/3 9/15 9/18 9/24 10/17 11/4 12/7 13/3 13/17 13/22 15/2 16/2 18/10 18/16 18/17 19/25 20/24 21/11 23/2 23/24 24/12 24/17 28/3 28/9 28/17 28/19 29/9 44/15 44/23 45/6 46/4 46/4 48/6 54/5 54/18 54/22 55/11 55/15 57/18 58/3 59/11 60/8 61/25 62/12 65/10 66/19 66/23 68/17 71/5 71/17 72/1 72/8 73/2 74/2 74/15 75/24
 Allers' [7] 14/12 16/10 27/3 46/15 61/6 61/7 71/2
 allocation [1] 21/2
 almost [2] 12/2 60/23
 alone [2] 9/12 9/20
 along [5] 8/18 37/21 41/22 57/19 63/4
 alongs [3] 36/15 40/14 40/14
 already [6] 25/6 42/7 44/11 66/11 66/13 71/15
 also [17] 2/3 9/11 15/20 15/20 22/25 24/13 24/19 31/19 31/23 54/25 61/15 63/12 65/9 65/21 66/3 68/19 69/8
 alternative [2] 70/2 70/3
 although [1] 24/23
 always [19] 5/21 13/15 19/15 22/17 22/22 34/25 40/9 44/19 45/6 45/10 47/11 47/24 48/13 48/14 49/17 50/22 51/8 51/9 67/17
 am [6] 5/18 28/6 63/19 63/19 64/4 74/17
 AMERICA [2] 1/3 3/8
 American [2] 33/20 40/1
 among [4] 6/15 7/24 7/25 38/13
 amount [5] 11/23 25/16 26/15 61/24 75/9
 amounts [6] 19/3 25/11 25/14

25/22 26/15 69/5
 analyst [1] 54/19
 Angel [2] 48/6 62/24
 Angel Allers [1] 48/6
 Annapolis [2] 37/4 37/8
 Anne [2] 11/1 44/13
 Anne Arundel County [2] 11/1 44/13
 anniversary [1] 38/19
 another [7] 15/10 15/12 16/25 28/24 41/22 56/3 58/11
 any [32] 4/5 4/13 14/23 15/19 21/23 26/10 26/11 28/8 28/12 28/13 28/18 28/21 29/1 29/3 29/12 30/8 38/13 38/14 42/7 54/22 58/20 60/18 65/15 66/17 69/18 69/19 70/9 74/21 74/22 75/1 75/2 76/3
 anybody [17] 26/4 28/13 28/17 28/18 29/2 29/4 32/21 33/1 43/5 43/5 43/5 48/20 51/10 51/20 67/6 67/7 70/11
 anymore [2] 56/18 58/8
 anyone [2] 52/4 61/19
 anything [16] 29/12 29/19 30/8 30/11 30/23 41/21 47/19 53/4 57/12 57/24 65/10 66/23 70/11 75/16 75/16 75/25
 anyway [1] 69/23
 anywhere [2] 18/25 54/6
 apologize [1] 67/4
 appeal [2] 76/1 76/3
 appear [3] 73/10 73/17 73/17
 appears [1] 72/12
 applicable [5] 24/17 24/19 24/20 24/20 65/1
 appreciate [5] 5/8 21/17 30/13 43/15 46/14
 appreciates [1] 72/17
 apprehension [1] 61/23
 approach [3] 23/24 43/21 52/12
 appropriate [4] 5/7 17/4 24/3 41/19
 approved [1] 7/3
 April [2] 9/22 12/4
 arc [1] 65/24
 are [63] 3/11 3/24 4/15 4/23 5/6 5/7 5/11 5/15 6/8 6/9 12/23 12/25 13/19 13/22 14/1 14/11 17/18 17/25 18/4 18/5 18/11 19/2 19/10 19/17 19/18 20/10 20/23 20/24 21/21 22/15 23/15 24/4 24/7 24/11 24/19 26/9 27/6 29/10 33/10 39/2 39/3 39/7 41/14 42/8 42/11 42/13 43/12 48/12 50/2 50/15 51/25 55/10 55/15 57/4 65/21 68/22 69/5 70/21 71/2 72/5 72/18 75/1 75/10
 area [2] 28/5 28/5
 argued [2] 15/20 15/20
 argues [1] 16/24
 argument [7] 8/15 8/21 14/14 14/18 15/7 23/13 23/23
 arguments [1] 8/19
 armed [3] 15/17 17/3 17/3
 around [3] 20/3 29/11 58/10
 arrest [3] 7/3 41/1 41/9
 arrested [8] 9/17 15/25 54/4 62/21 64/18 64/19 65/22 66/2
 arrestees [1] 7/6
 arrive [1] 11/1

articulated [1] 24/10
 Arundel [2] 11/1 44/13
 as [90]
 ashamed [2] 55/16 64/20
 aside [2] 4/5 4/12
 ask [8] 4/4 21/19 25/15 59/7 63/3 68/19 70/2 71/1
 asked [2] 41/2 45/21
 asking [5] 24/11 41/5 41/7 46/3 54/14
 asks [3] 61/8 62/7 64/24
 asleep [1] 37/25
 assessment [1] 75/7
 asset [2] 46/5 55/24
 assist [1] 21/16
 Assistant [1] 1/18
 assume [2] 5/9 5/22
 assumed [1] 53/5
 astonishing [1] 17/20
 athlete [1] 32/13
 athletes [1] 35/6
 atmospheric [1] 31/15
 attempt [2] 16/12 16/16
 attempted [1] 19/13
 attempting [1] 58/21
 attention [1] 21/10
 attest [2] 47/20 50/24
 attorney [1] 13/21
 Attorney's [3] 19/8 22/8 44/14
 Attorneys [1] 1/18
 attributes [1] 33/17
 atypical [1] 60/19
 August [2] 16/6 16/8
 authored [1] 7/2
 authorities [3] 9/7 16/13 21/10
 authority [1] 75/11
 authorized [1] 11/5
 aviation [2] 31/9 32/2
 avoid [1] 6/14
 awaiting [1] 43/10
 awards [1] 42/19
 aware [1] 7/7
 away [9] 33/12 38/16 38/23 51/13 56/9 56/11 62/21 63/13 64/15
 awesome [1] 67/25

B

B.C [1] 11/16
 Baby [1] 14/6
 back [19] 12/25 18/5 34/4 34/23 35/25 36/11 36/18 37/7 37/17 39/7 42/9 43/7 56/13 57/3 57/15 58/16 59/19 59/21 68/5
 background [4] 31/5 31/6 44/10 50/18
 bad [7] 29/14 29/16 47/22 50/13 51/14 53/7 62/3
 badge [3] 15/12 71/5 71/10
 ball [1] 33/7
 balls [1] 34/8
 Baltimore [31] 1/10 1/25 2/5 6/2 6/2 11/24 12/20 14/4 14/6 14/9 18/23 27/24 32/3 32/14 35/18 36/7 36/13 38/11 39/19 40/12 42/10 42/20 43/11 45/23 49/24 51/2 66/9 66/10 67/5 69/24 74/19
 Baltimore City [11] 27/24 32/14 36/7 39/19 42/10 42/20 45/23 49/24 51/2 66/9 66/10
 Baltimore County [1] 14/6

B

Baltimore Gas [1] 11/24
 Baltimore Police [1] 35/18
 Baltimore Sun [1] 14/4
 band [4] 29/24 30/3 39/9 39/15
 bank [1] 18/20
 banks [1] 18/21
 barely [1] 37/14
 barricades [1] 58/14
 baseball [4] 32/8 32/12 32/19 39/21
 based [1] 24/14
 bash [1] 68/10
 basically [1] 28/1
 battle [2] 46/2 49/5
 be [101]
 bear [1] 15/10
 bears [2] 6/18 14/16
 beautiful [2] 38/24 43/10
 became [3] 7/7 49/13 61/13
 because [55] 4/20 4/23 11/9 11/19 12/3 12/10 14/18 14/20 14/21 17/1 17/25 18/1 18/4 18/7 18/10 18/16 18/17 18/21 19/9 21/24 22/7 22/14 23/3 23/10 29/6 30/1 31/5 32/25 37/7 39/10 41/9 41/17 41/17 47/6 47/9 47/13 48/1 48/19 49/14 50/19 52/3 56/22 58/22 59/5 59/21 59/24 60/8 63/24 67/13 69/22 70/3 71/18 71/25 72/4 72/24
 become [7] 32/11 32/14 32/15 33/19 49/16 49/22 51/5
 becomes [1] 71/16
 becoming [2] 42/14 55/15
 bed [1] 37/22
 bedroom [1] 62/16
 been [44] 5/2 15/2 15/24 16/15 17/17 18/13 19/13 23/5 23/7 23/18 23/19 25/18 34/25 44/7 44/16 46/24 47/5 47/11 48/7 48/13 49/3 49/4 49/8 51/8 51/9 52/7 52/21 52/22 54/16 56/11 56/14 56/16 63/2 65/7 65/22 67/15 67/23 69/8 71/2 71/13 71/20 72/8 72/11 72/15
 before [19] 1/12 16/14 17/4 21/23 22/6 22/6 38/6 40/9 47/25 53/19 55/18 57/18 58/20 60/20 61/13 64/18 64/19 68/4 73/18
 beg [1] 52/1
 begin [1] 6/16
 beginning [2] 22/17 22/21
 being [14] 4/18 4/19 18/5 18/14 18/14 24/4 24/5 28/7 35/17 35/18 39/15 62/21 63/13 75/15
 believe [21] 21/1 23/2 24/16 26/19 28/16 28/16 29/1 29/8 36/22 36/23 36/23 36/24 38/12 41/4 50/9 56/10 70/8 71/22 74/9 75/19 75/25
 believed [1] 71/7
 believing [1] 55/3
 below [2] 21/22 62/1
 bench [6] 52/20 53/2 53/12 53/13 70/15 70/17
 beneath [1] 14/8
 benefit [5] 23/4 27/14 52/4 58/25 62/22
 benefits [2] 56/7 58/22
 best [13] 30/25 31/7 33/14 47/1

47/3 50/14 56/17 59/23 59/24 63/2 63/19 67/8 67/21 67/21 67/21 67/21
 betrayed [2] 6/1 6/3
 better [14] 35/12 35/12 36/3 36/13 37/1 38/1 41/10 42/10 42/11 43/12 49/18 49/19 63/3 68/4
 bettering [1] 49/17
 between [5] 14/23 15/4 17/12 20/16 65/4
 bigger [2] 67/25 69/1
 biggest [3] 45/15 49/4 49/21
 biological [1] 47/20
 birthday [1] 11/22
 bit [1] 31/5
 black [2] 31/11 55/7
 Blackfoot [1] 33/22
 Blackfoot Indian [1] 33/22
 BLAKE [3] 1/12 27/15 45/15
 blame [6] 8/15 8/16 8/20 18/12 57/9 63/7
 blank [1] 52/9
 bless [2] 68/12 68/12
 blessed [2] 11/6 34/11
 blind [1] 13/5
 Blue [1] 34/18
 Blue-Grey [1] 34/18
 Blumberg [2] 56/19 61/18
 Blumberg's [2] 55/17 65/17
 boards [1] 66/13
 Bodmer [2] 2/5 3/12
 body [3] 19/12 31/7 66/11
 body cameras [2] 19/12 66/11
 book [1] 36/25
 books [1] 41/14
 bore [1] 45/18
 born [1] 32/16
 both [9] 13/3 21/5 33/12 42/22 42/24 42/25 53/20 63/10 70/4
 bothers [1] 45/2
 bottle [1] 55/12
 bottom [4] 29/14 61/9 62/1 67/4
 Boulevard [1] 28/5
 bound [2] 22/12 22/24
 bounds [1] 51/9
 box [1] 51/25
 boy [5] 32/9 36/12 40/1 40/4 40/8
 boyfriend [2] 11/25 47/8
 boys [1] 42/3
 brandished [1] 4/18
 break [4] 7/21 52/24 71/11 74/5
 breaking [1] 38/8
 breaks [1] 48/19
 breast [1] 58/24
 breathtaking [1] 8/2
 Bredar [3] 23/7 23/13 23/18
 brief [1] 53/22
 briefly [2] 52/13 53/12
 bring [2] 21/14 52/14
 brings [1] 20/6
 broke [1] 49/12
 broken [2] 48/17 71/13
 brothers [2] 35/8 38/21
 brought [4] 16/7 16/14 21/9 60/17
 buildings [1] 56/23
 bully [1] 48/15
 Bureau [5] 69/17 74/16 74/17 74/20 74/25
 burial [1] 38/18
 burning [1] 56/23

businesses [1] 6/23
 buy [1] 62/8
 butcher [1] 58/20
 buy [1] 10/13
 Buying [1] 60/10

C

C.J [1] 10/25
 Caicos [1] 65/12
 calculated [2] 20/10 21/20
 calculation [2] 4/2 23/22
 calculations [1] 10/11
 California [1] 36/2
 call [8] 3/6 5/6 27/4 35/15 41/22 58/15 59/11 68/10
 Callahan [1] 56/24
 called [6] 19/19 35/9 35/10 35/11 36/9 38/15
 calling [1] 36/5
 calls [1] 38/20
 came [6] 32/21 37/10 54/23 55/14 57/18 62/17
 cameras [2] 19/12 66/11
 can [37] 3/5 13/8 19/4 19/5 19/14 29/9 32/5 32/17 43/21 45/10 47/20 49/18 50/7 50/24 51/13 51/13 52/8 52/12 53/11 54/8 54/11 54/19 54/22 56/4 56/8 59/11 59/13 61/11 63/6 66/25 67/8 68/24 69/12 70/5 70/5 71/11 76/2
 can't [13] 16/25 17/16 18/2 47/17 49/1 50/3 50/6 50/13 51/12 62/18 63/18 68/5 69/8
 cancer [1] 58/24
 candor [1] 32/5
 cannot [4] 7/17 12/19 41/5 72/3
 captain [4] 30/20 34/9 34/17 44/3
 Captain Donohue [1] 44/3
 Captain Michael Donohue [1] 30/20
 capture [1] 23/20
 captured [1] 23/10
 car [2] 37/14 59/3
 care [2] 44/21 63/21
 cared [2] 40/25 41/10
 career [2] 8/11 29/21
 case [27] 1/5 3/6 3/8 6/15 7/16 8/2 9/25 12/6 13/3 14/17 14/25 16/25 17/15 19/12 19/20 20/7 21/4 21/13 22/15 22/20 23/14 23/16 25/8 25/17 26/19 59/7 75/14
 cases [9] 17/17 18/1 18/4 23/6 26/12 44/14 66/1 71/18 74/2
 cash [4] 6/22 6/25 9/1 9/17
 casino [1] 65/14
 catch [1] 32/23
 categories [1] 7/11
 category [2] 5/12 65/8
 CATHERINE [1] 1/12
 caught [2] 18/11 18/16
 caused [5] 6/5 12/14 12/15 71/2 72/20
 CCB [2] 1/5 3/9
 CCB-17-452 [1] 1/5
 century [2] 18/21 18/23
 certain [2] 8/20 35/24
 certainly [10] 3/22 21/6 21/17 24/25 25/5 46/17 47/20 53/19 65/25 70/5

<p>C</p> <p>certainty [1] 56/19</p> <p>certified [2] 31/17 76/16</p> <p>certify [1] 76/10</p> <p>chair [1] 37/22</p> <p>challenges [1] 15/17</p> <p>chance [4] 4/10 52/7 69/11 70/12</p> <p>change [1] 9/8</p> <p>changed [4] 13/8 63/15 66/11 66/14</p> <p>character [1] 27/3</p> <p>characteristics [4] 6/10 12/18 16/21 72/7</p> <p>charge [4] 3/25 6/25 8/8 61/10</p> <p>charged [3] 15/25 18/15 54/23</p> <p>charges [4] 10/14 16/7 16/14 16/16</p> <p>charging [1] 16/13</p> <p>chatted [1] 33/8</p> <p>checked [1] 41/8</p> <p>checks [2] 13/15 19/13</p> <p>chemo [2] 60/3 60/5</p> <p>child [2] 12/11 32/7</p> <p>child's [1] 60/9</p> <p>childhood [1] 38/4</p> <p>children [6] 12/1 33/11 36/22 45/22 45/24 45/25</p> <p>choice [1] 19/21</p> <p>chose [4] 6/24 8/13 9/25 33/14</p> <p>circumstances [7] 6/9 6/17 23/16 70/25 75/5 75/8 75/13</p> <p>citizen [1] 42/10</p> <p>citizens [3] 45/13 50/20 67/5</p> <p>city [17] 6/2 9/10 13/10 13/25 18/6 19/2 27/24 32/14 36/7 39/19 42/10 42/20 45/23 49/24 51/2 66/9 66/10</p> <p>citywide [1] 15/16</p> <p>civilians [3] 6/22 8/10 66/13</p> <p>clear [5] 8/14 25/25 69/4 69/6 74/4</p> <p>clerk [1] 3/21</p> <p>Clewell [1] 50/24</p> <p>client [3] 25/21 53/1 54/20</p> <p>clients [1] 62/4</p> <p>close [9] 35/1 37/8 44/16 47/24 64/24 65/5 66/25 69/24 74/19</p> <p>closing [2] 30/7 43/9</p> <p>co [2] 12/15 69/16</p> <p>co-defendants [2] 12/15 69/16</p> <p>coach [3] 36/24 44/17 60/10</p> <p>coached [1] 36/17</p> <p>coaching [1] 37/3</p> <p>cold [1] 60/19</p> <p>collateral [2] 17/7 65/21</p> <p>colleague [1] 60/13</p> <p>collectively [1] 26/8</p> <p>college [6] 31/12 32/2 32/3 34/16 34/16 35/20</p> <p>come [13] 16/2 27/3 27/7 30/10 35/15 37/11 37/21 40/7 59/12 65/3 67/20 74/25 75/6</p> <p>comes [1] 31/6</p> <p>comfort [1] 38/7</p> <p>comfortable [1] 33/1</p> <p>command [3] 15/15 15/25 29/18</p> <p>commendation [1] 42/19</p> <p>committed [2] 6/21 23/10</p> <p>committing [3] 11/4 22/19 60/6</p> <p>common [1] 59/19</p>	<p>community [11] 17/1 17/12 44/21 45/7 45/9 45/14 46/5 52/2 71/15 71/25 72/17</p> <p>compare [1] 33/16</p> <p>compassion [2] 38/13 59/25</p> <p>compassionate [3] 46/6 49/13 62/6</p> <p>complain [2] 10/12 71/6</p> <p>complaint [4] 28/12 28/13 29/2 57/3</p> <p>completely [1] 40/15</p> <p>complexity [1] 22/15</p> <p>compliment [1] 34/22</p> <p>compliments [1] 43/6</p> <p>conceal [1] 7/1</p> <p>conceptual [1] 6/21</p> <p>concerned [2] 5/21 55/24</p> <p>concerning [2] 21/25 70/17</p> <p>concerns [1] 70/7</p> <p>concert [1] 58/25</p> <p>concluded [1] 76/9</p> <p>Condition [1] 14/7</p> <p>conditions [2] 72/14 75/1</p> <p>conduct [17] 7/1 7/11 7/13 9/6 13/6 13/18 14/16 21/5 22/20 26/21 55/20 61/5 61/6 71/2 71/21 72/22 74/6</p> <p>conducted [1] 26/13</p> <p>conference [5] 5/6 52/20 53/13 70/15 70/17</p> <p>confidence [2] 7/9 17/10</p> <p>confirm [1] 53/24</p> <p>conquered [1] 39/16</p> <p>consent [2] 25/19 66/12</p> <p>consent decree [1] 66/12</p> <p>consequence [1] 12/12</p> <p>consequences [7] 12/13 12/17 17/7 25/6 25/7 26/21 65/21</p> <p>consider [7] 5/15 6/7 17/6 46/3 55/2 72/7 73/2</p> <p>consideration [1] 61/20</p> <p>considered [2] 5/16 47/8</p> <p>considering [2] 24/15 74/7</p> <p>consistent [2] 70/6 74/18</p> <p>console [1] 42/10</p> <p>conspiracy [2] 7/2 7/4</p> <p>consult [1] 76/2</p> <p>contagious [1] 35/6</p> <p>contemplated [1] 5/3</p> <p>context [3] 6/18 55/22 56/1</p> <p>continental [1] 31/16</p> <p>continue [1] 67/25</p> <p>contributing [1] 57/6</p> <p>control [2] 12/23 14/19</p> <p>conversations [2] 45/4 46/7</p> <p>conveyed [1] 57/14</p> <p>conventions [1] 71/20</p> <p>cooperate [1] 73/14</p> <p>cooperated [1] 21/3</p> <p>cooperating [1] 70/18</p> <p>cooperator [4] 58/2 58/7 58/9 60/18</p> <p>cop [3] 28/15 56/22 56/23</p> <p>Corey [1] 59/20</p> <p>corner [1] 14/13</p> <p>correct [2] 62/16 76/11</p> <p>correctional [3] 23/6 23/14 23/19</p> <p>corrections [2] 4/6 4/13</p> <p>could [32] 7/14 8/18 8/18 10/11 10/13 12/10 15/18 24/13 26/15 27/13 27/20 33/16 35/11 39/5</p>	<p>39/13 39/24 40/12 40/15 45/23 46/8 47/3 50/14 53/22 54/1 54/25 56/17 58/18 63/10 63/17 65/25 68/5 73/7</p> <p>couldn't [6] 15/10 54/16 56/17 60/11 63/3 65/7</p> <p>counsel [7] 4/1 14/14 15/20 16/11 53/12 54/7 76/2</p> <p>counseling [5] 56/11 56/12 74/23 75/2 75/3</p> <p>Count [1] 3/25</p> <p>Count 1 [1] 3/25</p> <p>countered [1] 40/22</p> <p>counting [1] 21/25</p> <p>country [1] 37/5</p> <p>counts [3] 75/18 75/20 75/22</p> <p>Counts 2 [1] 75/22</p> <p>County [3] 11/1 14/6 44/13</p> <p>couple [4] 28/5 36/16 37/19 68/19</p> <p>coupled [1] 56/10</p> <p>course [7] 4/24 5/21 6/9 15/7 66/22 72/8 72/20</p> <p>court [19] 1/1 1/24 6/7 15/1 16/23 17/21 24/5 27/14 43/9 46/16 54/10 59/22 61/20 61/22 65/25 66/12 66/16 70/16 76/17</p> <p>Court's [1] 3/20</p> <p>courthouse [1] 66/1</p> <p>courtroom [6] 1/9 3/11 43/5 59/14 66/19 70/21</p> <p>courts [2] 18/1 19/7</p> <p>cover [1] 55/19</p> <p>covered [1] 42/21</p> <p>covering [1] 72/5</p> <p>Cowdrey [1] 58/20</p> <p>craft [1] 40/11</p> <p>create [1] 58/21</p> <p>credibility [1] 71/19</p> <p>credit [1] 32/3</p> <p>crime [6] 7/12 7/12 7/13 14/24 15/5 72/24</p> <p>crimes [6] 6/21 11/5 12/21 14/22 72/5 74/2</p> <p>criminal [21] 1/5 3/9 5/12 7/1 7/11 7/18 9/6 11/10 13/5 14/16 16/16 17/22 17/24 19/7 19/14 26/13 51/2 65/7 71/18 72/3 72/21</p> <p>Criminal No. CCB-17-452 [1] 3/9</p> <p>criminally [1] 6/25</p> <p>criminals [1] 19/22</p> <p>Critical [1] 14/7</p> <p>crocodile [1] 64/19</p> <p>CRR [3] 1/23 76/10 76/15</p> <p>crucial [2] 13/2 13/2</p> <p>culpability [2] 5/22 73/1</p> <p>culture [1] 56/13</p> <p>Cumberland [2] 69/25 70/2</p> <p>curb [1] 42/5</p> <p>currently [2] 17/18 47/4</p> <p>custody [1] 74/16</p> <p>cut [1] 9/2</p> <p>cutting [2] 45/13 59/4</p> <p>D</p> <p>D-O-N-O-H-U-E [1] 30/21</p> <p>D.K [2] 9/14 9/25</p> <p>D.M [1] 9/23</p> <p>D.R [4] 9/23 12/5 12/6 12/9</p> <p>dad [8] 33/12 33/13 46/24 47/5 47/9 47/10 58/12 60/12</p>
---	---	--

D

Case 1:17-cr-00452-CYB Document 46 Filed 01/18/19 Page 81 of 95

damage [1] 6/5

Damoclean [1] 54/5

Damoclean sword [1] 54/5

dance [2] 50/22 50/24

danger [1] 71/23

dangerous [1] 58/4

DATE [1] 76/17

daughter [9] 11/21 36/20 37/2 38/21 38/23 42/13 43/16 52/18 52/19

daughter's [1] 36/19

day [29] 11/21 14/2 14/3 14/5 15/10 15/12 19/3 19/11 28/15 28/24 31/4 32/19 34/4 36/8 36/9 37/15 38/2 38/19 49/19 58/12 62/12 64/17 65/13 67/7 67/8 67/11 68/14 68/15 71/23

days [7] 19/11 37/20 38/16 54/10 54/14 63/3 76/4

deal [3] 30/16 47/2 68/22

dealer [1] 40/22

dealers [3] 18/23 19/1 25/8

dealt [1] 56/17

death [1] 44/14

deathbed [2] 38/5 38/10

debt [1] 12/10

decades [1] 59/1

December [1] 32/1

decent [1] 58/23

decision [5] 6/19 9/7 21/15 54/17 65/3

decisions [1] 10/10

decrease [1] 75/12

decree [1] 66/12

dedicated [2] 26/23 44/19

dedication [1] 44/20

deduction [1] 69/23

deepening [1] 71/14

deeply [1] 40/25

defendant [11] 1/6 2/1 6/10 7/22 12/19 13/21 14/19 17/9 25/16 70/18 72/8

defendant's [1] 26/21

defendants [11] 6/15 10/2 12/15 20/10 20/23 24/18 25/10 26/7 26/10 26/13 69/16

defended [1] 48/13

defense [4] 8/15 8/21 14/14 47/4

defer [3] 68/23 68/24 69/12

definition [1] 45/18

demeanor [1] 35/6

demonstrated [1] 25/8

demonstrates [1] 12/16

denied [1] 16/15

denigrate [1] 54/8

Denver [1] 47/8

department [14] 2/5 6/3 12/21 13/10 19/5 19/25 27/24 38/11 42/18 42/20 44/13 47/4 47/9 49/24

department's [1] 50/10

depending [1] 75/12

depends [2] 20/4 69/25

depressed [1] 65/18

depression [1] 56/20

Derek [2] 1/18 3/10

Derek E. Hines [1] 1/18

Derek Hines [1] 3/10

descend [1] 9/2

describe [1] 11/6

described [1] 8/7 8/23 12/4 14/10 14/23 16/21

describes [3] 6/20 11/14 13/21

deserve [2] 64/13 64/13

deserves [2] 51/20 52/7

design [3] 13/12 19/4 19/5

designated [1] 74/18

desires [1] 36/11

desk [2] 13/1 13/1

despite [2] 48/14 49/5

destroyed [1] 71/20

destroys [1] 17/12

detail [1] 10/23

detainees [3] 6/24 7/6 8/10

detect [2] 10/3 10/3

Detective [7] 20/12 20/18 20/18 20/20 20/20 57/17 60/16

Detective Ebberts [1] 60/16

Detective Hersl [1] 20/20

Detective Rayam [1] 57/17

Detectives [2] 8/9 20/16

detention [3] 54/10 62/9 62/18

determined [1] 19/14

deterred [1] 19/18

deterrence [5] 6/13 18/19 61/20 73/25 74/3

deterrent [2] 13/18 19/9

deters [1] 61/23

detriment [1] 49/7

diagnosed [1] 47/15

dictionary [1] 41/13

did [40] 10/12 12/16 12/17 15/4 15/9 15/15 15/23 16/2 18/13 18/17 20/1 21/15 29/19 29/21 29/23 30/3 30/6 30/11 31/16 40/16 41/11 41/19 45/19 47/3 47/6 49/13 50/14 50/25 50/25 55/21 57/12 59/21 60/8 62/10 65/16 68/5 71/7 73/14 73/14 73/18

didn't [23] 8/17 9/19 13/4 13/5 19/22 28/17 32/20 32/25 35/19 39/15 41/4 41/9 45/12 47/13 51/6 52/25 54/6 54/6 54/14 55/13 55/14 60/18 66/7

die [1] 67/11

died [1] 35/9

difference [1] 45/12

different [5] 24/23 25/23 37/11 37/16 55/10

differently [1] 55/9

difficult [5] 21/14 62/4 70/20 71/21 75/14

difficulties [1] 35/10

dignity [3] 40/18 57/1 59/25

dimension [2] 23/9 23/21

Diplomate [1] 76/16

disability [4] 35/24 39/11 39/16 41/17

disagree [1] 56/3

discovered [1] 8/24

discussed [3] 25/7 25/18 25/21

discussing [1] 6/16

disgrace [1] 64/4

disgraced [1] 64/20

dishonest [1] 41/5

dismissal [3] 75/18 75/20 75/22

dismissal [1] 71/18

Disney [1] 39/6

disorder [2] 14/21 66/7

disparities [1] 6/15

disparity [1] 65/4

dispute [1] 14/15

disputes [1] 61/19

dissuade [1] 16/12

distinction [1] 24/14

distinguishing [2] 25/4 25/5

distribution [1] 73/11

DISTRICT [2] 1/1 1/1

distrust [1] 71/14

disturbing [1] 72/12

division [2] 1/2 37/5

do [43] 3/6 4/3 9/19 9/25 10/18 11/9 14/11 18/1 19/16 19/22 28/22 29/6 29/7 29/9 30/2 32/6 33/14 36/10 41/3 41/21 45/16 46/8 46/10 47/17 48/2 49/18 50/9 50/12 50/12 50/13 53/2 63/9 64/12 67/3 68/6 68/7 68/23 69/23 71/24 74/12 75/20 76/5 76/10

documenting [1] 7/5

does [13] 13/12 22/1 26/3 38/2 52/7 59/9 65/19 66/20 68/1 68/1 73/10 73/17 73/17

doesn't [9] 11/7 11/8 28/21 48/19 48/23 65/19 66/17 69/20 72/25

doing [18] 19/10 23/18 27/17 33/6 45/5 49/9 49/10 50/11 50/19 51/11 57/18 57/21 58/22 61/15 61/16 62/7 63/13 73/9

dollars [1] 57/23

domestic [1] 14/17

Dominican [1] 65/12

Dominican Republic [1] 65/12

Don [1] 57/22

Don Schultz [1] 57/22

don't [48] 14/15 23/3 24/16 25/3 26/10 28/20 29/1 30/23 33/8 41/2 43/23 46/11 47/16 48/1 48/21 52/14 53/16 54/8 54/18 54/21 55/1 55/2 56/3 57/8 61/19 61/19 62/10 63/5 63/9 63/20 63/23 64/7 64/10 64/12 64/13 64/13 64/25 65/12 65/14 65/14 65/15 68/6 69/25 73/25 74/1 75/5 75/19 75/25

done [8] 13/11 16/12 17/5 45/10 71/17 72/16 73/7 73/18

Donohue [2] 30/20 44/3

doors [2] 39/24 54/20

double [1] 56/9

doubt [4] 13/22 14/15 55/8 72/10

Douglas [3] 1/23 76/10 76/15

down [7] 7/19 11/23 42/2 55/22 63/4 63/19 64/1

downward [1] 5/1

dozen [1] 59/23

dozens [1] 59/12

Dr. [3] 55/17 56/19 65/17

Dr. Blumberg [1] 56/19

Dr. Blumberg's [2] 55/17 65/17

drawer [1] 9/1

drawerful [2] 8/23 8/24

dreams [3] 32/8 35/13 35/17

drilling [1] 55/22

drink [1] 55/18

drinking [1] 65/18

drive [3] 33/25 39/17 40/13

driveway [1] 59/3

drug [13] 12/2 12/3 12/10 18/23

D

drug... [9] 19/1 19/2 25/8 28/1
 40/22 41/8 49/9 57/17 69/19
 drug-related [1] 12/10
 drugs [12] 24/16 28/12 29/3
 29/15 29/18 29/23 41/2 41/3
 58/9 61/13 69/20 73/11
 during [6] 10/5 11/22 12/8
 35/13 37/6 38/18
 duty [1] 54/20
 dynamics [1] 33/24
 dyslexia [2] 45/16 46/2
 dysphoric [1] 65/18

E

e-mail [1] 54/9
 E. [1] 1/18
 each [9] 7/11 20/10 33/7 35/15
 36/23 39/4 40/2 42/23 45/8
 ear [1] 39/13
 earlier [3] 8/10 44/5 54/12
 earliest [2] 15/22 16/18
 early [2] 28/6 38/6
 earpiece [1] 53/1
 Eastern [2] 23/6 31/10
 Eastern Shore [1] 31/10
 easy [1] 66/5
 eating [1] 55/7
 Ebberts [1] 60/16
 education [1] 46/1
 effect [3] 11/12 13/18 18/14
 effective [1] 17/13
 effectively [1] 65/2
 effects [3] 14/20 14/24 15/3
 efforts [1] 7/10
 eight [5] 37/20 44/14 54/10
 54/14 59/17
 eighth [1] 32/20
 either [5] 7/12 10/13 29/14
 72/20 75/12
 Electric [1] 11/24
 eleven [1] 35/7
 eligible [1] 74/22
 eloquently [1] 53/21
 else [11] 34/21 34/24 43/7
 57/10 63/4 63/9 63/20 69/15
 70/9 70/11 74/9
 else's [1] 40/23
 emboldened [1] 73/9
 embraced [3] 32/24 32/24 34/14
 emergency [1] 31/20
 emotions [1] 14/19
 emphasis [1] 7/24
 emphasize [2] 8/6 10/22
 employees [2] 50/1 50/3
 employment [1] 46/9
 empowered [1] 11/5
 enabled [1] 71/5
 encounter [4] 7/5 19/1 19/2
 33/3
 encountered [2] 10/10 26/22
 encounters [1] 7/5
 encouraged [2] 11/6 56/12
 end [7] 20/11 20/13 20/24 20/25
 24/6 35/17 64/21
 ended [1] 9/10
 enforce [2] 7/21 71/11
 enforcement [10] 7/10 7/14 9/7
 11/11 16/3 17/10 27/25 44/12
 62/23 72/4
 engage [2] 7/14 15/16

engaged [2] 17/3 23/11
 enlightening [1] 67/24
 enormous [1] 71/12
 enough [3] 40/11 47/17 61/1
 enrich [1] 6/4
 enriching [1] 51/21
 entered [1] 24/7
 entire [2] 66/6 72/2
 entitled [1] 76/12
 entrusted [3] 7/20 8/13 71/12
 episode [6] 8/12 8/22 9/22 10/5
 12/16 14/21
 episodes [2] 9/25 26/7
 epitome [1] 36/24
 equal [1] 25/16
 equally [1] 42/24
 equipment [1] 60/11
 Erika [2] 2/4 3/12
 Erika Jensen [2] 2/4 3/12
 error [2] 21/24 22/7
 especially [1] 49/9
 Esquire [3] 1/17 1/18 2/2
 essence [2] 17/11 51/19
 essential [2] 17/13 21/13
 essentially [2] 13/9 17/6
 even [21] 9/20 15/8 15/8 19/12
 22/6 22/6 25/7 32/18 36/4 38/7
 38/8 47/8 47/12 47/20 48/25
 54/13 54/18 55/9 64/25 66/7
 68/6
 event [2] 14/18 25/10
 events [4] 13/21 13/23 14/2
 55/1
 ever [7] 31/3 32/9 34/6 63/23
 67/2 67/17 67/21
 every [22] 14/2 16/23 19/3 34/7
 38/19 39/1 39/4 40/18 40/19
 40/21 43/12 47/12 50/24 53/19
 59/7 62/6 64/5 67/8 67/16 67/22
 70/16 71/23
 everybody [11] 34/20 34/24
 39/24 40/19 50/16 51/10 52/6
 52/6 52/7 68/10 68/14
 everyone [9] 3/3 55/8 55/24
 56/6 57/9 59/24 63/4 70/20
 70/20
 everyone's [2] 55/10 57/9
 everything [9] 29/25 31/1 41/19
 62/25 63/16 64/9 67/18 67/18
 74/9
 evidence [1] 21/10
 exact [1] 38/2
 exactly [2] 8/19 60/23
 examination [1] 6/18
 examinations [1] 54/21
 examiner's [1] 16/15
 example [2] 36/21 73/5
 excited [1] 36/8
 excuse [3] 32/24 55/20 65/19
 excused [1] 72/21
 excuses [1] 57/4
 executed [1] 62/13
 execution [1] 10/6
 exercised [1] 12/20
 exercises [2] 37/12 37/16
 exercising [2] 20/4 32/11
 expect [2] 26/10 40/17
 experience [2] 32/25 72/25
 experts [1] 54/21
 explain [1] 65/19
 explained [2] 41/15 41/15
 exposed [5] 8/18 13/22 14/1

15/2 15/5
 expressions [1] 39/3
 extant [1] 18/25
 extension [1] 15/8
 extensive [1] 25/2
 extremely [7] 31/1 34/23 65/24
 69/8 70/19 72/5 74/13
 eye [1] 13/5
 eyes [1] 67/13

F

F18 [1] 31/17
 face [2] 20/16 71/23
 Facebook [1] 68/11
 faced [2] 19/17 19/20
 faces [4] 20/12 20/14 20/18
 20/20
 facilitated [1] 11/5
 facilities [1] 70/9
 facility [3] 48/17 48/25 74/18
 fact [12] 7/15 8/1 9/8 13/25
 15/23 16/25 17/24 18/12 21/2
 22/14 23/20 59/20
 factor [3] 5/15 25/4 74/3
 factors [10] 5/15 6/7 21/6
 22/24 25/6 26/20 57/6 70/24
 73/20 74/7
 facts [6] 6/18 6/20 7/23 23/16
 55/21 73/15
 factual [3] 8/23 11/14 69/5
 failed [1] 59/10
 failure [1] 50/5
 fair [1] 46/6
 Fairton [4] 70/3 70/3 70/6
 74/19
 falling [1] 37/24
 fallout [1] 13/11
 false [2] 7/3 74/5
 falsely [1] 16/15
 familiar [1] 5/18
 families [1] 33/10
 family [10] 29/24 30/4 42/13
 44/21 47/16 64/4 64/11 67/5
 72/16 72/24
 famous [1] 18/20
 far [3] 4/4 9/6 46/8
 Fatally [1] 14/6
 fate [1] 43/10
 father [2] 11/25 36/11
 faucet [1] 59/5
 FBI [3] 2/4 2/5 3/11
 FCRR [3] 1/23 76/10 76/15
 fearful [1] 8/17
 February [2] 10/9 11/16
 federal [9] 1/24 7/12 7/12
 15/25 16/13 21/8 66/2 66/3
 76/17
 feel [2] 38/1 42/10
 feeling [3] 51/10 62/7 64/14
 felons [1] 28/23
 felt [1] 71/15
 female [1] 11/20
 few [5] 27/2 36/7 46/23 54/1
 62/8
 field [10] 12/23 27/25 32/8
 32/9 33/4 33/14 34/1 34/11
 35/14 37/3
 fights [2] 38/9 48/17
 figure [2] 25/12 69/15
 figured [1] 41/25
 files [1] 5/18
 filter [1] 52/5

F

finally [1] 36/6

financial [3] 75/5 75/8 75/12

find [6] 11/1 43/3 43/4 54/18 60/18 64/22

finds [1] 43/7

fine [8] 3/22 27/5 30/24 44/1 53/23 53/23 67/14 75/5

finish [3] 56/4 56/8 56/9

firearm [2] 50/23 50/25

fired [2] 41/23 42/1

first [12] 4/4 8/3 31/3 32/18 32/25 35/19 35/20 36/10 38/15 44/7 47/19 70/9

fish [1] 69/1

five [5] 4/18 4/24 15/18 41/2 54/5

fixing [2] 59/4 59/5

flabbergasted [1] 40/21

flew [1] 31/17

flexing [1] 32/10

flight [1] 32/2

flipped [1] 57/3

Floor [1] 1/24

fly [1] 31/15

flying [1] 37/17

folks [2] 37/9 42/11

folks' [1] 37/7

follow [1] 36/21

followed [1] 36/19

following [2] 12/9 14/5

food [1] 60/17

football [11] 32/12 33/3 34/1 34/5 34/18 36/19 37/6 37/6 37/15 44/17 60/9

force [14] 7/20 8/8 8/9 9/10 19/20 55/25 56/21 57/8 57/11 60/14 60/24 66/3 71/4 73/9

foregoing [1] 76/11

foreign [1] 40/15

forget [2] 39/12 63/23

forgiveness [1] 67/24

Former [6] 8/9 20/12 20/14 20/16 20/18 20/20

Former Detective Hendrix [1] 20/12

Former Detective Hersl [1] 20/20

Former Detective Taylor [1] 20/18

Former Detectives [2] 8/9 20/16

Former Sergeant Jenkins [1] 20/14

forward [3] 9/4 13/19 16/2

forwarded [3] 54/9 56/24 57/13

found [6] 10/16 14/5 42/2 43/4 62/17 63/12

foundation [1] 72/2

four [7] 7/11 7/15 27/6 37/23 38/3 41/24 59/11

fourth [1] 7/7

frankly [1] 26/11

fraud [1] 74/5

Freddie [1] 58/13

Freddie Gray [1] 58/13

free [1] 17/25

Friday [1] 1/9

friend [12] 33/6 38/4 38/10 43/4 44/16 59/6 59/24 59/24 60/3 60/6 63/3 63/19

friends [8] 35/1 36/18 40/25

55/2 64/11 67/5 72/16 72/24

front [30] 12/11 28/22 22/11 23/7 24/5 30/12 39/11 39/15

58/14 62/25

fry [1] 69/1

full [1] 26/11

funds [1] 11/19

funeral [3] 38/17 38/17 38/18

further [4] 55/22 56/9 66/18 74/1

future [1] 49/18

G

G.W [1] 8/5

game [5] 34/8 34/14 34/14 36/20 47/12

games [2] 34/6 37/15

gang [1] 11/10

Gary [2] 2/2 3/18

Gary Proctor [2] 2/2 3/18

Gas [1] 11/24

gave [5] 10/7 33/18 35/25 36/1 45/25

general [2] 61/21 74/3

generosity [1] 45/2

gentleman [1] 34/25

George [1] 60/6

get [17] 28/22 31/21 33/18 34/15 37/17 38/24 41/16 41/22 45/9 46/9 47/23 48/22 50/2 50/23 54/11 56/2 69/23

gets [2] 48/18 61/25

gettin' [1] 48/20

getting [3] 48/23 50/19 64/24

gifted [1] 34/19

girls [1] 63/25

give [14] 29/25 34/22 34/22 41/21 43/23 47/25 52/1 52/2 54/20 59/18 59/21 60/23 61/1 64/24

given [2] 10/16 71/10

gives [2] 10/18 43/7

giving [2] 34/20 60/10

gladly [1] 49/15

glamorous [1] 56/5

glass [2] 42/2 42/6

go [32] 8/17 9/7 10/13 10/22 20/11 28/24 30/1 30/2 32/22 34/15 34/16 35/12 35/16 38/6 39/18 40/13 46/25 47/19 47/21 47/22 47/23 50/4 50/6 50/7 51/24 54/6 59/9 62/6 62/18 63/5 64/15 66/10

go-to [3] 35/12 46/25 47/21

goal [5] 32/15 32/15 33/18 50/22 51/4

goalpost [1] 56/9

goals [2] 22/10 32/16

God [4] 43/2 44/21 68/12 68/12

goes [3] 24/1 56/9 70/1

going [43] 13/9 13/19 17/25 18/5 18/25 25/25 36/7 47/8 49/20 51/17 51/24 51/25 52/1 52/15 52/23 55/23 57/5 57/9 57/9 57/24 58/19 62/2 63/19 64/10 64/23 65/14 66/2 66/3 66/5 66/6 66/15 67/17 68/2 68/3 70/9 70/25 73/16 74/15 74/17 74/21 74/24 75/1 76/3

golf [1] 35/2

Gondo [22] 6/22 7/2 7/7 8/9 8/15 9/2 9/4 9/15 9/19 9/20

10/6 10/16 10/18 11/1 20/16 21/2 21/4 21/21 24/19 25/9 61/2 61/12

gone [2] 15/11 64/21

good [27] 3/3 3/4 3/16 3/17 27/18 29/14 30/18 30/19 32/12 34/13 43/2 43/4 43/7 47/17 47/21 48/9 49/20 50/5 51/11 51/12 52/23 55/21 62/4 67/16 70/3 72/16 73/18

Gordon [1] 44/9

Gordon W. March [1] 44/9

got [18] 18/11 18/16 25/19 33/24 34/16 34/23 35/8 35/19 53/24 55/18 56/11 57/2 58/24 61/17 67/22 68/25 70/6 74/4

gotten [1] 56/3

Government [14] 4/5 5/17 16/24 43/25 52/17 54/2 54/9 61/1 61/8 61/10 64/24 65/9 68/25 74/9

Government's [5] 5/3 5/20 22/2 54/4 65/6

grace [2] 43/11 67/24

grade [5] 32/20 32/20 34/3 34/4 34/10

grader [2] 34/5 37/4

graduate [1] 31/9

grandchild [1] 63/22

grass [2] 45/13 59/4

grave [1] 49/6

Gray [1] 58/13

great [11] 28/22 32/5 36/12 40/18 41/3 51/8 56/7 56/22 56/23 63/24 74/3

greater [6] 17/8 21/7 22/9 26/20 66/17 75/15

greatest [1] 29/21

greatly [1] 5/21

greed [2] 14/22 65/9

Grey [1] 34/18

ground [1] 34/8

grouping [2] 4/23 22/7

growing [1] 47/11

GTF [1] 29/8

GTTF [2] 15/24 17/10

guard [2] 33/5 33/5

guess [2] 45/2 45/4

guide [1] 68/3

guideline [13] 4/2 4/5 5/13 5/14 20/12 20/14 22/12 22/12 22/15 22/18 22/24 23/1 23/3

guidelines [14] 4/13 4/16 20/9 21/20 23/10 23/15 23/21 61/25 62/1 62/1 62/2 66/17 70/23 74/11

guilty [11] 3/25 16/8 17/24 54/24 63/12 65/3 65/4 66/15 70/16 72/22 73/15

guitar [5] 30/4 39/1 39/9 40/4 40/8

guitars [1] 42/22

gun [18] 4/18 7/20 8/8 9/10 15/11 19/20 49/15 50/16 50/22 51/3 55/25 56/21 57/8 57/11 60/24 66/3 71/5 71/10

Gun Trace Task Force [10] 7/20 8/8 9/10 19/20 55/25 56/21 57/8 57/11 60/24 66/3

Gun Unit [2] 49/15 50/16

guns [7] 28/22 29/23 50/19 61/13 61/13 66/2 69/22

gut [1] 28/16

G

gutters [1] 59/4
guy [9] 29/14 29/14 30/1 32/22
41/1 41/4 41/7 42/8 59/20
guy's [3] 41/8 42/5 42/9
guys [2] 29/16 41/24

H

had [77]
hair [1] 42/6
half [1] 59/23
hand [1] 73/10
handed [1] 69/1
hanging [1] 54/5
happen [1] 67/17
happened [6] 8/12 16/4 18/3
53/2 65/23 67/21
happening [1] 63/11
happens [3] 10/21 10/24 67/18
happy [4] 43/19 51/3 66/23
68/14
hard [5] 35/24 41/21 43/3 55/3
72/23
hardened [2] 43/3 43/3
harder [3] 10/3 10/3 36/4
hardest [1] 67/2
hardship [1] 71/23
harm [3] 12/14 71/3 71/14
harm's [1] 72/10
harmed [1] 8/18
harming [1] 42/7
harms [1] 71/2
has [60] 4/9 4/11 7/22 8/3 9/11
10/5 10/16 12/14 13/17 14/14
15/8 15/20 17/15 17/16 18/12
19/8 21/1 22/16 23/18 23/19
24/7 25/16 25/18 26/22 33/12
34/25 35/23 36/2 39/9 41/6
42/25 43/11 44/19 46/24 47/7
47/8 47/10 48/13 48/13 48/17
49/3 51/21 52/21 56/20 64/3
65/22 65/23 66/10 67/25 70/4
71/13 71/17 71/20 71/21 72/8
72/11 72/15 72/22 72/24 74/3
hasn't [1] 70/11
hate [2] 35/23 68/11
haunts [1] 55/6
have [129]
haven't [2] 25/20 65/10
having [15] 11/4 11/5 15/2 15/3
16/15 21/8 21/9 37/1 41/3 42/11
43/12 56/14 67/11 69/11 75/11
he [346]
he'd [1] 59/18
he'll [1] 34/22
he's [66] 10/16 15/12 15/13
15/20 29/22 33/5 33/11 33/12
33/20 33/22 34/2 34/23 35/11
38/5 38/8 38/24 38/25 38/25
39/8 41/12 42/7 43/6 44/4 44/17
45/3 46/5 46/24 47/10 47/19
48/16 48/16 48/17 48/25 48/25
49/4 49/6 51/9 51/9 51/10 51/11
51/12 51/18 52/4 52/4 55/23
55/24 58/22 59/15 59/23 59/24
60/7 62/5 62/5 62/6 62/18 64/23
64/24 65/22 66/6 66/15 67/13
68/2 68/3 73/17 73/18 73/19
head [4] 16/16 40/23 42/3 42/4
headline [1] 14/8
headlines [1] 14/5

headphones [1] 53/6
headquarters [1] 43/1
health [7] 14/24 15/3 55/12
57/4 72/14 74/23 75/3
hear [2] 66/21 66/23
heard [9] 10/8 12/22 28/10
48/10 48/11 60/12 60/17 60/20
61/15
hearing [4] 5/19 54/10 62/9
62/18
heart [7] 9/8 28/17 31/7 49/12
51/9 63/24 67/4
heaven [1] 63/6
heavily [1] 49/8
held [4] 18/13 18/14 33/7 35/25
Hello [1] 46/20
help [7] 31/17 37/16 40/7 45/7
45/10 49/1 50/7
helped [3] 31/21 35/4 60/18
helpful [1] 72/15
helping [4] 36/25 40/10 44/19
52/3
helps [1] 37/14
Hendrix [6] 20/12 20/23 21/3
21/7 21/21 24/20
her [15] 11/21 11/21 11/22
11/22 11/25 11/25 17/4 36/20
37/3 50/17 50/18 60/4 60/4
65/22 65/23
here [39] 3/13 3/21 3/24 10/18
11/9 14/22 18/10 18/16 18/17
18/18 21/2 23/24 27/12 30/9
30/10 30/11 31/1 32/3 35/12
37/22 38/22 39/17 40/7 43/4
43/10 44/4 45/5 52/8 54/24
55/14 58/3 61/19 63/5 65/20
66/2 70/20 72/18 72/24 74/12
herby [1] 76/10
heritage [1] 33/21
Hersl [5] 20/20 20/20 23/1
24/21 24/24
hey [2] 33/6 56/14
Hi [2] 32/22 46/19
hidden [1] 55/16
high [5] 20/25 34/3 35/14 36/17
44/16
higher [5] 22/16 50/6 65/7
74/10 74/11
higher-ups [1] 50/6
him [112]
himself [9] 6/4 8/14 42/7 48/22
49/17 62/12 62/19 66/19 72/10
Hines [2] 1/18 3/10
hint [1] 57/24
hired [1] 31/13
his [140]
historically [1] 31/11
history [8] 5/12 6/10 12/18
16/20 18/7 55/12 65/7 72/7
hit [1] 49/14
hold [1] 54/22
holding [1] 7/8
hole [1] 55/7
home [12] 9/24 11/20 12/7 30/1
38/5 39/18 42/16 46/9 49/14
55/18 59/3 62/13
homeowner [2] 8/25 11/8
homes [2] 9/25 42/16
homicides [1] 14/1
Honesty [1] 41/6
honor [47] 3/4 3/7 3/13 3/17
4/7 5/5 5/24 6/1 6/14 8/6 10/8

12/22 17/2 20/22 25/11 25/20
26/18 27/8 27/17 30/9 30/14
30/18 38/11 43/9 43/12 43/14
44/10 44/15 44/23 46/3 46/15
46/19 48/6 52/10 52/12 52/25
58/3 66/20 67/3 68/9 68/16 69/2
69/3 70/13 75/18 75/21 76/8
Honor's [1] 6/19
HONORABLE [1] 1/12
honored [1] 42/24
hope [6] 47/25 56/10 66/9 66/10
66/13 68/24
hopefully [1] 49/20
hoping [2] 54/19 58/10
horrific [1] 55/4
hospital [3] 37/20 37/22 38/1
hotel [1] 60/19
hour [1] 38/5
hours [4] 19/11 35/17 37/23
38/3
house [6] 37/7 37/11 37/15
41/23 41/23 65/22
houses [1] 30/3
how [32] 9/3 10/11 13/14 13/14
13/15 17/22 19/4 19/5 20/9
27/17 31/6 33/6 33/23 35/2 36/8
36/21 38/8 39/7 40/8 43/3 45/10
51/18 51/18 53/2 57/14 60/16
60/17 60/18 62/7 62/7 63/18
64/7
huh [1] 40/5
humble [2] 34/23 43/6
hundred [1] 14/1
hundreds [2] 17/18 29/22
hurt [4] 48/20 48/23 67/6 67/7
husband [1] 60/4

I

I'd [10] 29/21 30/7 35/16 36/21
43/17 62/8 62/20 63/13 63/17
68/24
I'll [14] 5/3 10/22 30/25 36/15
43/24 53/1 53/2 53/12 53/22
67/12 67/13 67/22 67/25 74/19
I'm [48] 5/21 8/19 8/20 24/15
24/24 31/9 32/2 33/4 33/10 35/7
35/7 38/20 38/21 43/19 46/3
46/23 48/7 49/17 49/17 50/17
51/24 51/24 51/25 52/1 54/14
54/19 56/14 56/15 58/19 62/7
62/7 62/11 62/16 62/24 63/4
63/7 63/16 64/7 64/9 64/14
66/23 68/8 69/8 69/22 70/25
72/15 72/17 74/21
I've [28] 12/19 16/21 24/6
24/10 25/6 29/10 31/2 34/23
35/6 40/20 44/7 44/15 44/16
45/1 45/15 52/17 53/18 53/24
59/6 59/14 60/19 61/22 67/6
67/15 67/20 67/23 67/23 74/7
idea [2] 40/16 49/22
identified [2] 8/5 74/8
ignorant [1] 68/6
ignoring [1] 34/13
imagination [1] 15/17
immeasurable [2] 6/6 12/15
immediately [1] 14/8
immersed [1] 39/2
impact [1] 58/18
imperfect [1] 22/20
importance [2] 17/23 74/3
important [7] 8/22 13/18 16/25

I
important... [4] 33/23 36/8
44/17 73/1
impose [1] 75/7
imposed [1] 6/11
impression [1] 59/15
impropriety [3] 28/9 29/3 30/8
inability [1] 14/19
incarcerated [1] 67/15
incarceration [1] 73/24
incentives [1] 18/24
incident [1] 7/3
inclination [1] 29/11
include [2] 70/17 75/1
includes [1] 75/2
including [6] 15/15 16/12 21/10
69/21 70/20 74/8
increase [8] 4/18 4/19 4/19
4/20 4/21 23/11 23/12 75/12
increased [1] 71/24
increasing [1] 15/14
incumbent [1] 54/19
Indian [1] 33/22
indicted [2] 16/6 16/7
indictment [3] 10/4 15/25 75/23
individual [5] 11/15 11/16
25/12 29/20 71/3
individuals [1] 8/9
inflicts [1] 66/18
inform [1] 21/1
information [2] 7/9 21/9
informs [1] 23/8
ingrained [2] 41/6 49/1
initials [1] 8/5
inquired [1] 41/13
inside [1] 55/7
inspiration [2] 32/6 37/2
instance [3] 5/7 14/10 14/10
instead [4] 7/8 34/13 38/24
73/8
instincts [2] 28/16 41/4
institution [2] 23/6 26/23
instructed [2] 16/23 31/10
instructing [1] 35/3
instructive [1] 9/12
instructor [2] 31/24 32/3
integrity [2] 28/12 58/1
intended [1] 22/22
intentions [1] 67/9
interact [1] 40/20
interaction [1] 36/13
interest [1] 32/16
interested [1] 5/19
investigate [1] 21/14
investigation [2] 7/8 21/16
investigative [1] 50/18
involve [1] 8/14
involved [8] 4/24 16/15 24/15
26/7 48/22 57/17 72/11 73/11
Ironman [1] 34/6
is [165]
islands [1] 65/13
isn't [1] 69/4
issue [5] 20/6 23/5 52/13 73/12
73/25
issues [1] 58/1
it [159]
it's [42] 17/11 17/25 18/14
18/25 21/12 24/19 25/10 25/22
25/24 26/6 29/6 29/6 35/24 41/6
42/12 45/9 49/1 49/8 49/8 51/20

55/1 55/17 55/22 55/25 56/5
69/15 68/23 61/21 62/3 62/4
62/21 64/10 64/15 65/23 66/5
66/13 67/15 67/24 68/13 69/3
70/6 72/5
its [1] 18/7
itself [2] 7/12 55/21
J
J. [1] 1/17
Jail [1] 66/5
January [2] 10/9 76/17
Jared [2] 2/5 3/12
Jared Stern [1] 3/12
Jemell [1] 58/9
Jemell Rayam [1] 58/9
Jencks [2] 61/2 65/13
Jenkins [14] 13/4 13/17 19/21
20/1 20/14 20/24 24/7 24/9
24/19 25/4 57/20 58/12 61/6
61/17
Jenkins' [2] 61/5 61/9
Jensen [2] 2/4 3/12
job [12] 28/20 29/23 29/25
50/12 50/13 50/19 55/21 56/3
56/5 56/6 60/4 71/21
John [1] 50/24
John Clewell [1] 50/24
joined [1] 73/8
joining [1] 56/21
joint [3] 26/6 69/14 69/16
jointly [1] 26/13
judge [17] 1/12 23/7 23/13
23/18 27/1 27/15 30/17 45/15
52/1 53/16 54/17 55/13 59/7
62/9 63/15 65/9 69/24
Judge Blake [2] 27/15 45/15
Judge Bredar [3] 23/7 23/13
23/18
judges [1] 72/3
judgment [1] 35/3
July [4] 10/21 10/24 11/13
16/13
July 31st [2] 10/21 10/24
juncture [2] 15/22 16/18
juries [1] 72/3
just [63] 4/9 5/14 6/13 6/14
8/1 10/18 11/19 13/25 14/4 17/2
18/14 18/14 19/23 23/15 25/4
25/7 27/7 27/13 28/21 29/1 30/6
30/7 30/22 32/1 32/24 33/7 35/3
35/15 35/16 38/12 42/9 46/23
46/25 47/10 47/13 47/17 47/23
47/25 53/24 54/1 54/13 55/25
60/4 62/8 62/20 63/16 64/7 64/7
64/15 65/18 66/16 66/17 67/4
68/3 68/6 68/8 68/8 68/9 68/14
69/3 69/5 69/12 73/22
justice [6] 4/22 7/18 17/22
17/24 19/7 72/3
justly [1] 74/6
K
Keeping [1] 50/20
kept [4] 40/4 41/5 55/16 55/16
Kevin [2] 2/5 3/12
Kevin Bodmer [2] 2/5 3/12
kids [2] 60/10 66/9
kill [1] 63/13
killed [3] 12/9 12/11 14/9
killing [1] 64/6
kills [1] 64/5

kind [9] 28/22 28/23 30/5 31/22
49/15 51/3 58/18 59/15 61/1
kindness [2] 40/19 45/1
knew [4] 22/7 36/8 39/14 47/13
knock [1] 54/20
know [113]
knowing [1] 49/10
knowledge [1] 24/20
known [3] 28/2 31/2 44/15
knows [2] 51/9 53/2
Kostoplis [1] 19/20
L
L.W [2] 12/5 12/6
lack [2] 50/11 71/24
lacrosse [10] 32/9 32/12 34/5
34/6 35/2 35/14 36/18 36/21
37/3 60/21
landing [1] 31/20
landscape [1] 66/10
large [2] 19/3 33/10
last [10] 10/22 11/14 19/19
30/21 42/16 46/22 58/17 59/17
63/2 68/13
lastly [1] 46/15
later [7] 11/17 22/14 37/19
54/14 55/6 64/19 64/22
lavish [1] 65/10
law [21] 3/21 5/16 6/12 7/10
7/14 7/21 9/7 11/11 16/3 16/20
16/24 17/10 17/11 17/23 44/12
62/23 71/9 71/11 71/11 72/4
73/22
law enforcement [9] 7/10 7/14
9/7 11/11 16/3 17/10 44/12
62/23 72/4
lawyer's [1] 54/17
layer [1] 12/25
leader [1] 20/1
leaders [4] 13/13 13/16 19/16
20/1
leadership [6] 8/13 10/17 11/13
12/20 15/15 20/4
learned [1] 22/14
learning [5] 15/18 35/23 39/10
39/16 41/17
least [7] 15/16 16/4 57/18 58/6
65/20 66/19 69/2
leave [1] 38/5
leaves [1] 59/2
leaving [3] 4/12 31/25 59/3
led [4] 13/5 21/10 34/8 72/12
left [7] 33/5 38/10 57/7 57/11
59/15 62/22 75/16
legitimate [1] 11/10
lengthy [3] 6/17 17/4 66/15
leniency [4] 46/3 48/1 51/20
52/1
Leo [2] 1/17 3/9
Leo J. Wise [1] 1/17
Leo Wise [1] 3/9
less [2] 15/9 60/24
let [15] 4/3 4/4 4/15 10/13
21/19 34/24 36/6 40/7 53/5 58/4
62/18 63/4 63/19 64/1 68/19
let's [2] 11/8 32/22
letter [11] 38/24 39/2 43/17
45/19 52/14 52/18 57/2 57/13
58/2 60/7 60/15
letters [11] 18/11 42/19 53/21
53/25 55/14 58/16 59/7 59/8
59/17 68/11 72/17

L

level [9] 4/17 4/25 5/1 5/11
 23/11 23/12 49/22 70/6 74/19
 levels [4] 4/24 5/7 23/20 52/8
 lie [1] 41/3
 lieutenant [2] 27/25 57/25
 Lieutenant Vandermeulen [1]
 57/25
 lieutenants [1] 12/25
 life [31] 29/8 29/24 30/4 30/6
 31/3 31/21 33/15 33/23 33/25
 34/10 36/3 36/11 38/8 41/6
 41/11 42/12 44/19 44/20 49/21
 50/23 51/18 51/21 56/24 58/8
 58/10 60/16 63/3 64/3 64/21
 67/3 67/7
 life's [1] 31/6
 lifestyle [1] 65/11
 lifetime [2] 51/15 52/2
 lift [1] 35/2
 lifting [1] 32/11
 light [3] 5/5 75/8 75/24
 like [44] 3/20 6/16 9/2 10/1
 11/10 14/2 14/10 18/10 19/23
 21/13 26/12 27/3 27/4 27/14
 29/17 29/20 30/7 30/16 34/17
 35/5 35/7 36/9 38/12 40/5 40/5
 40/24 41/11 41/11 43/17 43/19
 44/17 46/16 47/1 47/5 47/24
 50/16 50/17 55/19 59/3 62/8
 62/20 64/9 66/21 66/23
 limping [1] 37/21
 line [5] 29/14 56/4 56/8 56/9
 58/14
 link [2] 14/23 15/4
 list [1] 25/13
 literally [1] 8/24
 little [4] 31/5 32/6 32/9 44/10
 live [8] 36/11 39/5 39/7 39/17
 45/8 49/20 66/9 67/11
 lived [6] 33/15 42/17 45/7
 51/18 51/21 65/10
 lives [3] 38/8 58/18 59/16
 living [5] 12/11 37/8 39/3 46/8
 58/8
 located [1] 10/6
 locations [1] 31/20
 lock [1] 28/23
 locked [1] 29/22
 locusts [1] 9/2
 Lombard [1] 1/24
 long [4] 31/2 37/15 57/18 58/20
 look [11] 15/5 33/4 33/5 41/5
 43/24 49/11 59/3 59/21 67/12
 67/18 69/11
 looking [3] 14/4 40/4 66/6
 looks [1] 42/8
 looting [1] 58/12
 Lord [2] 67/12 67/20
 lose [2] 46/11 58/7
 losing [1] 58/8
 loss [1] 17/16
 losses [1] 25/17
 lost [2] 18/9 46/11
 lot [20] 5/15 32/4 35/11 43/16
 45/17 45/23 47/2 48/10 49/11
 49/11 52/7 52/8 53/20 55/2
 57/21 64/3 64/10 66/1 70/21
 73/18
 love [8] 39/3 44/18 52/3 62/24
 63/18 63/25 64/2 64/6

loved [9] 29/24 36/13 44/21
 45/25 58/1 59/6 60/9 60/11
 60/13
 low [4] 20/24 61/19 70/1 70/4
 loyal [1] 72/15
 lucky [1] 40/11

M

M-A-L-E-W-A-J-K-O [1] 27/21
 M-A-R-C-H [1] 44/9
 ma'am [5] 4/11 4/14 5/10 68/21
 76/6
 machismo [1] 56/13
 made [17] 10/9 10/10 12/21
 14/14 21/14 23/8 23/13 24/14
 32/24 33/1 33/25 33/25 34/4
 37/4 37/25 41/9 71/21
 mail [1] 54/9
 main [2] 8/20 45/25
 majority [1] 71/22
 make [20] 28/21 30/5 30/22 36/3
 36/12 36/22 39/14 41/16 42/6
 42/10 45/12 49/19 53/2 58/18
 63/6 65/17 68/3 68/3 69/4 69/6
 makes [5] 27/2 52/6 65/15 65/17
 73/3
 making [1] 40/10
 Malewajko [1] 27/19
 man [17] 6/21 8/12 9/16 9/16
 14/6 14/8 15/10 29/13 30/10
 31/22 34/23 35/12 38/22 41/1
 43/6 62/5 64/6
 man's [1] 12/13
 manager [3] 4/21 31/14 31/19
 many [27] 13/14 13/15 31/2 32/9
 32/17 39/18 45/2 45/2 45/3
 45/21 46/7 47/25 53/17 53/18
 53/24 55/3 55/3 57/21 58/18
 59/7 59/8 59/9 59/14 71/15
 71/18 72/9 72/17
 march [13] 8/3 9/9 10/4 11/18
 16/1 16/7 36/5 44/4 44/6 44/9
 46/14 54/4 61/5
 markedly [1] 61/17
 marriage [1] 35/10
 Mary's [1] 37/4
 MARYLAND [5] 1/1 1/10 1/25
 31/10 37/9
 mass [1] 38/18
 match [1] 72/25
 matter [7] 13/14 13/14 13/15
 43/3 51/10 76/9 76/13
 matters [1] 57/16
 maximum [1] 74/11
 may [4] 1/9 24/22 69/12 70/7
 me [92]
 mean [11] 19/12 25/24 25/25
 40/19 49/3 51/8 51/24 52/5 57/8
 61/15 67/15
 means [3] 22/12 34/7 46/25
 meant [3] 20/9 22/18 58/7
 medallion [1] 38/12
 medic [1] 42/8
 medical [1] 56/19
 medication [1] 37/24
 medium [2] 70/1 70/4
 meet [2] 22/10 63/7
 member [1] 66/12
 members [4] 7/2 7/4 15/24 17/9
 memo [1] 55/17
 memoranda [1] 20/8
 memorandum [4] 13/20 14/3 24/11

53/24
 memorialized [1] 54/13
 memos [2] 57/18 55/6
 men [8] 7/21 10/9 12/2 13/11
 18/8 21/14 38/13 71/22
 men's [1] 21/11
 mental [7] 14/24 15/3 55/12
 57/4 72/13 74/23 75/3
 mention [3] 11/18 62/11 69/22
 mentioned [4] 6/14 12/3 62/9
 74/9
 mentor [1] 44/16
 mess [1] 62/25
 message [5] 19/9 45/25 62/2
 66/17 74/4
 messed [2] 63/14 63/15
 messing [1] 29/3
 met [5] 31/3 31/4 32/18 35/6
 36/10
 meted [1] 61/24
 Michael [3] 30/20 38/12 58/19
 microphone [3] 27/10 27/12
 66/25
 middle [3] 48/19 48/22 56/15
 might [2] 10/2 41/18
 Mike [2] 30/15 33/7
 millions [1] 57/14
 mind [1] 31/8
 minimize [1] 19/6
 minority [1] 31/11
 minute [2] 52/24 53/8
 minutes [4] 40/8 45/8 45/8
 46/23
 misconduct [3] 21/9 73/6 73/16
 miss [5] 8/25 11/8 30/23 63/19
 64/6
 missing [1] 57/24
 mission [2] 31/14 31/19
 mistake [2] 49/21 51/5
 mistakes [3] 52/6 52/8 52/9
 mitigating [1] 74/7
 mitigation [3] 58/15 58/21
 74/12
 models [1] 31/18
 modifications [2] 4/6 4/13
 mom [8] 33/12 33/15 35/9 38/16
 38/20 38/23 47/7 47/19
 mom's [1] 38/19
 moment [2] 4/12 54/25
 money [22] 8/23 9/1 9/12 10/6
 10/7 10/10 10/16 10/19 11/23
 12/1 18/22 18/24 19/3 19/6 25/7
 28/13 28/18 29/2 29/15 29/18
 71/3 71/6
 monies [1] 26/8
 monitored [1] 66/12
 month [7] 11/17 11/23 16/14
 55/23 60/24 64/23 75/10
 months [6] 5/13 24/12 26/19
 27/23 54/5 74/16
 more [22] 8/24 11/10 15/17
 15/18 16/13 19/13 21/22 33/1
 42/7 43/17 45/4 51/16 53/21
 54/16 57/21 59/18 59/23 62/8
 65/16 71/21 73/3 73/7
 morning [14] 3/3 3/4 3/13 3/16
 3/17 25/20 27/18 30/18 30/19
 35/10 48/9 59/13 69/1 69/2
 most [12] 7/13 17/11 34/6 34/19
 35/5 44/17 45/3 45/4 47/1 50/14
 64/7 66/18
 mother [2] 47/21 65/23

M

Mother's [2] 68/14 68/15
 Mother's Day [2] 68/14 68/15
 motivated [1] 14/22
 mouthwash [1] 55/19
 move [2] 47/9 59/15
 moved [4] 9/4 36/2 36/10 65/23
 moves [1] 75/22
 movies [1] 40/16
 Mr. [69] 3/6 3/18 3/24 4/8 4/10
 4/20 5/9 5/25 13/17 13/22 14/12
 15/2 16/2 16/10 21/11 21/21
 21/21 21/21 21/21 23/1 23/1
 23/2 23/24 24/12 24/17 24/23
 25/2 25/4 25/4 26/24 26/25 27/3
 43/23 44/4 44/6 46/14 46/15
 53/15 54/5 54/18 54/22 55/11
 55/15 55/21 57/8 58/3 60/8 61/2
 61/3 61/4 62/9 62/15 65/10
 66/23 68/17 68/19 69/4 69/7
 69/9 69/17 71/2 71/5 71/17 72/1
 72/8 73/2 74/2 74/15 75/24
 Mr. Allers [31] 3/18 3/24 4/10
 4/20 13/17 13/22 15/2 16/2
 21/11 23/2 23/24 24/12 24/17
 54/5 54/18 54/22 55/11 55/15
 58/3 60/8 65/10 66/23 68/17
 71/5 71/17 72/1 72/8 73/2 74/2
 74/15 75/24
 Mr. Allers' [5] 14/12 16/10
 27/3 46/15 71/2
 Mr. Gondo [2] 21/21 61/2
 Mr. Hendrix [1] 21/21
 Mr. Hersl [1] 23/1
 Mr. Jenkins [1] 25/4
 Mr. March [3] 44/4 44/6 46/14
 Mr. Proctor [9] 4/8 5/9 26/25
 43/23 53/15 68/19 69/4 69/9
 69/17
 Mr. Rayam [3] 21/21 61/3 61/4
 Mr. Taylor [4] 23/1 24/23 25/2
 25/4
 Mr. Ward [1] 21/21
 Mr. Wise [8] 3/6 5/25 26/24
 55/21 57/8 62/9 62/15 69/7
 Mrs. [1] 59/11
 Mrs. Allers [1] 59/11
 Ms. [1] 3/21
 Ms. Smith [1] 3/21
 much [16] 10/11 13/14 17/8
 17/22 21/9 41/10 41/20 42/11
 42/23 43/15 51/16 52/11 63/18
 68/3 68/18 71/21
 multiple [6] 21/25 47/15 48/17
 49/7 50/3 50/8
 multiple sclerosis [1] 47/15
 muscles [1] 32/11
 music [2] 39/11 39/13
 musician [2] 38/25 39/10
 must [4] 5/16 6/7 59/18 73/23
 mutual [1] 38/4
 my [84]

N

name [17] 3/17 11/15 11/16
 27/13 27/19 30/16 30/20 30/21
 32/22 44/8 46/21 46/22 48/5
 48/6 58/20 64/5 67/24
 named [1] 9/13
 names [1] 68/11
 NASA [3] 31/13 31/23 31/25

nation [1] 47/6
 Native [1] 33/20
 Native American [1] 33/20
 natural [3] 32/13 35/5 39/13
 nature [3] 6/9 6/16 70/25
 near [1] 39/20
 necessary [3] 22/10 26/20 75/15
 need [7] 4/1 6/11 6/14 27/9
 50/1 69/15 74/1
 needed [2] 46/1 50/11
 needs [4] 51/10 51/11 53/5
 74/10
 neighbor [1] 59/2
 neighborhoods [1] 40/3
 Neil [1] 61/18
 Neil Blumberg [1] 61/18
 neither [1] 22/16
 never [23] 13/11 28/8 28/9 28/9
 28/11 28/13 28/18 29/10 29/11
 33/18 34/10 35/25 35/25 57/2
 59/6 59/8 59/14 59/14 60/19
 62/3 64/1 67/7 73/6
 new [4] 32/19 32/22 46/9 60/4
 news [2] 47/21 47/22
 next [10] 9/11 10/21 10/24
 12/25 33/3 37/22 38/2 43/25
 55/23 64/23
 NFL [2] 34/19 37/6
 nice [2] 44/8 59/22
 night [5] 56/15 58/17 59/17
 60/19 65/19
 nightmare [2] 68/2 68/8
 nightmares [1] 56/15
 nilly [1] 51/1
 nine [8] 4/23 7/23 8/1 15/16
 17/3 21/22 23/12 26/4
 nine-year [1] 21/22
 no [36] 1/5 4/7 4/14 7/4 13/14
 13/14 13/15 13/22 14/23 15/4
 19/10 20/3 22/4 29/11 29/16
 35/3 35/12 40/16 41/25 43/3
 49/22 50/1 50/8 51/9 51/10 55/8
 55/15 57/4 57/11 58/1 65/25
 68/24 70/9 70/13 72/10 75/18
 No. [1] 3/9
 nobly [1] 43/11
 nobody [1] 33/16
 nominal [1] 75/10
 none [6] 35/12 55/20 57/12
 60/10 65/5 72/20
 nonetheless [1] 37/25
 NORTHERN [1] 1/2
 not [81]
 note [5] 62/17 64/16 64/16
 64/22 65/25
 notes [1] 30/22
 nothing [2] 16/12 25/23
 noting [1] 76/3
 notion [1] 17/23
 November [1] 16/8
 now [18] 5/4 11/7 11/7 11/8
 11/9 12/3 13/19 13/20 15/1 19/7
 32/2 45/3 45/22 48/16 48/25
 52/22 62/20 66/11
 nullify [1] 65/2
 number [5] 21/5 25/18 35/8
 50/20 50/20
 Number 10 [1] 35/8
 numbers [1] 17/17
 Numerous [1] 53/21

O

o'clock [1] 35/10

oath [3] 47/5 71/9 71/13
 oaths [1] 74/5
 objected [1] 22/16
 objections [1] 4/6
 obligation [2] 22/7 26/14
 observed [1] 10/2
 obstruction [1] 4/22
 obvious [1] 65/7
 obviously [9] 4/8 5/14 5/17
 11/13 25/9 26/8 62/22 69/19
 70/19
 occupant [1] 11/20
 ocean [1] 31/17
 oceanic [1] 31/15
 October [1] 9/13
 off [15] 7/9 16/16 33/14 37/1
 42/11 43/12 48/21 50/19 50/23
 51/3 58/12 59/18 59/21 67/22
 67/22
 offenders [1] 18/5
 offending [1] 61/18
 offends [1] 17/22
 offense [13] 4/17 4/25 5/11
 6/10 6/12 6/17 7/16 16/19 16/22
 71/1 72/6 73/22 74/13
 offered [2] 49/15 72/18
 office [5] 19/8 22/8 42/17
 42/17 44/14
 officer [23] 2/5 7/14 9/16 15/6
 15/11 15/12 17/6 19/20 19/23
 33/19 35/18 41/4 42/15 44/25
 45/23 55/5 56/5 58/1 58/11 72/9
 72/9 75/4 75/11
 Officer Jared Stern [1] 2/5
 Officer Kostoplis [1] 19/20
 Officer Schultz [1] 55/5
 officers [16] 13/18 14/1 17/21
 18/2 19/6 19/16 23/14 23/19
 55/3 61/14 71/9 71/13 71/19
 72/4 72/5 74/4
 official [3] 1/24 71/4 76/17
 often [2] 23/15 35/2
 oh [2] 32/21 33/6
 okay [22] 4/8 4/12 4/15 24/22
 25/24 26/17 31/21 32/16 33/9
 35/24 39/22 41/8 43/22 43/22
 51/23 53/8 62/14 67/13 70/10
 70/19 75/24 76/7
 old [5] 19/23 32/10 46/24 55/23
 57/1
 older [2] 34/9 35/8
 once [1] 29/14
 one [57] 5/14 10/22 10/23 10/23
 12/12 16/11 18/6 20/11 21/8
 23/10 24/6 25/5 26/10 26/14
 26/23 27/4 27/4 29/16 29/16
 29/17 30/8 33/10 33/11 34/2
 34/22 35/5 35/7 39/4 39/20 40/2
 41/1 42/16 42/17 42/23 43/12
 44/24 45/15 46/12 46/18 48/18
 49/19 50/20 50/21 50/23 55/5
 55/13 55/14 55/16 57/2 58/2
 59/20 61/4 67/16 70/3 70/9
 70/23 74/2
 one's [2] 14/19 17/23
 ongoing [1] 21/16
 only [18] 8/13 11/4 13/4 17/16
 17/20 17/22 19/15 24/18 25/19
 29/9 34/2 37/13 40/15 59/9
 59/11 60/7 61/11 68/11
 open [2] 39/24 39/24
 operating [1] 11/10

O
 operation [2] 28/1 28/4
 operational [1] 12/23
 operations [2] 28/4 31/16
 opinion [1] 72/20
 opportunistic [1] 10/10
 opposite [1] 33/4
 orally [1] 53/20
 order [6] 7/1 7/9 25/13 25/19
 68/25 69/3
 organizations [1] 19/2
 original [3] 10/4 16/6 16/11
 Originally [1] 5/1
 Oriole [1] 39/21
 Oriole Park [1] 39/21
 OSHA [1] 44/14
 other [33] 5/15 7/2 10/1 10/23
 17/9 19/13 20/13 25/10 26/7
 28/7 29/10 33/8 35/15 36/23
 40/2 42/22 45/8 48/21 51/7
 53/21 54/4 57/21 65/13 68/20
 70/7 71/18 72/11 72/13 73/9
 73/10 73/12 73/20 75/19
 others [11] 7/24 7/25 14/9
 26/16 40/9 49/23 51/21 60/2
 71/5 71/17 72/1
 otherwise [1] 41/18
 our [29] 13/24 13/24 13/25 14/3
 15/4 16/10 17/1 17/23 18/6 19/2
 20/8 23/7 24/20 26/12 34/3 34/3
 34/6 34/17 35/13 35/17 38/10
 39/7 43/25 46/5 47/16 64/4
 71/12 71/15 72/2
 ourselves [2] 49/18 49/19
 out [36] 9/5 9/9 14/20 15/11
 17/18 18/1 18/5 19/23 28/3
 29/15 30/11 31/17 31/18 35/14
 35/14 35/21 36/4 37/10 37/14
 37/21 40/9 41/25 42/6 49/6 49/9
 51/1 54/19 55/7 60/6 61/24
 62/22 68/25 69/15 74/25 75/9
 75/16
 outside [1] 51/25
 outstanding [1] 29/23
 over [23] 4/24 12/6 12/7 19/2
 25/23 31/17 37/10 40/7 41/7
 41/7 42/5 42/6 43/24 44/15
 45/16 54/5 56/16 57/20 63/10
 66/6 67/23 68/2 68/9
 overcame [1] 45/20
 overcome [1] 45/17
 oversight [1] 13/2
 overstated [2] 7/17 12/19
 overtime [3] 30/1 30/2 30/5
 owed [2] 11/23 26/15
 own [6] 39/8 42/17 44/18 49/4
 64/21 72/5
 owned [1] 9/16

P
 P-H [1] 27/21
 P.E [1] 11/15
 p.m [1] 76/9
 pages [3] 59/9 59/9 59/10
 paid [1] 56/6
 painful [1] 49/8
 painting [1] 59/4
 papers [1] 16/10
 paperwork [1] 7/4
 Paragraph [4] 6/20 7/23 8/7
 11/20

Paragraph 10 [1] 7/23
 Paragraph 13 [1] 6/7
 Paragraph 34 [1] 11/20
 Paragraph 7 [1] 6/20
 pardon [2] 30/22 31/19
 parent [1] 47/12
 parents [3] 33/24 47/2 58/19
 Park [1] 39/21
 parlor [1] 38/17
 part [5] 21/1 23/8 25/15 33/23
 69/25
 participants [2] 17/21 19/14
 participate [1] 74/21
 participated [3] 16/3 25/9
 44/14
 participation [1] 72/21
 particular [3] 6/8 13/17 24/15
 particularly [4] 21/4 21/13
 56/6 72/23
 parties [2] 22/11 24/5
 party [1] 11/22
 pass [3] 35/21 36/4 43/25
 passed [6] 14/1 33/12 36/6
 38/16 38/23 56/16
 passing [1] 38/19
 passion [1] 42/25
 passions [1] 42/23
 past [1] 63/8
 patch [1] 38/11
 path [1] 65/20
 Patricia [1] 56/25
 Patricia Ross [1] 56/25
 patrol [3] 19/24 28/3 28/7
 patrolled [1] 40/3
 pattern [3] 9/24 10/14 11/7
 Patuxent [1] 31/18
 Patuxent River [1] 31/18
 pay [3] 11/22 11/23 26/11
 payees [1] 25/13
 payment [1] 75/10
 pedicures [1] 47/23
 Penny [1] 60/3
 people [70] 6/2 14/11 17/25
 19/21 20/4 22/18 26/22 27/2
 28/21 28/25 29/2 29/22 31/3
 32/17 35/11 36/12 36/14 36/25
 40/24 41/10 41/11 43/4 43/8
 43/11 44/19 44/21 44/22 45/2
 45/7 45/9 47/25 48/11 48/14
 48/14 48/18 48/21 48/23 49/1
 49/13 50/15 51/13 51/16 51/19
 52/3 53/20 54/4 54/20 55/9
 55/14 55/15 57/1 57/3 59/10
 59/12 59/14 59/18 59/25 60/1
 60/17 61/12 61/24 65/24 66/1
 66/18 71/6 72/11 72/18 73/5
 73/9 73/13
 people's [2] 51/7 59/16
 percent [3] 28/17 29/19 29/25
 perhaps [2] 18/6 72/13
 period [6] 15/8 28/8 52/22
 63/14 73/23 74/24
 permission [2] 3/20 10/19
 permit [1] 75/5
 person [20] 4/19 10/12 10/13
 24/15 38/15 40/18 40/19 40/21
 45/6 46/6 46/25 47/10 47/19
 48/13 51/8 51/18 58/23 64/8
 67/8 68/4
 personnel [1] 3/12
 persons [1] 34/2
 perversion [1] 7/18

pharmacies [1] 58/13
 phenomenal [1] 47/10
 phrase [3] 7/25 15/21 15/23
 pick [3] 35/16 37/10 37/11
 picked [3] 33/17 35/15 42/3
 picking [1] 42/6
 pickup [1] 35/2
 picture [1] 32/10
 pictures [2] 58/13 60/21
 Pigtown [1] 28/5
 pilot [3] 31/14 32/15 35/17
 place [5] 13/12 13/15 19/14
 23/16 59/5
 placed [1] 6/3
 places [1] 39/18
 Plaintiff [2] 1/3 1/16
 plan [1] 66/20
 planned [1] 64/21
 plans [1] 67/25
 planting [1] 61/13
 play [10] 17/1 19/8 32/22 34/18
 34/19 35/2 35/16 39/14 39/18
 40/8
 played [7] 34/3 34/6 34/7 34/7
 34/10 39/18 47/11
 player [4] 32/12 32/12 32/12
 39/1
 players [2] 34/19 44/24
 playing [5] 33/4 33/4 33/5
 35/13 58/22
 plays [1] 30/4
 plea [12] 3/25 21/20 21/24 22/8
 24/7 25/22 25/23 54/11 54/14
 65/4 70/16 75/24
 plead [1] 65/3
 pleading [1] 73/15
 please [8] 3/5 27/20 41/2 53/11
 63/21 63/25 64/5 67/1
 pled [4] 16/8 54/24 66/15 72/22
 plus [1] 49/5
 podium [1] 27/7
 poem [1] 39/1
 poems [1] 67/23
 poet [1] 38/25
 point [8] 10/16 18/9 21/19 25/3
 26/11 49/14 52/9 65/3
 point-blank [1] 52/9
 points [1] 23/4
 police [42] 2/5 6/2 11/1 12/20
 13/10 13/18 14/1 14/5 15/6
 15/10 15/12 17/1 17/5 17/6
 17/13 19/5 19/16 27/24 32/14
 33/19 35/18 35/18 36/12 38/11
 42/14 42/18 42/20 44/13 44/25
 45/23 47/9 49/24 50/10 55/2
 56/5 60/22 66/13 71/12 71/15
 71/25 72/8 72/9
 policeman [1] 36/7
 policing [1] 17/13
 policy [1] 70/16
 polygraph [4] 16/14 54/17 54/18
 62/10
 portfolio [1] 10/7
 portion [1] 62/20
 position [15] 5/3 8/13 10/17
 12/20 14/12 16/11 20/23 22/2
 23/9 23/20 34/11 49/19 49/25
 50/5 69/9
 positions [3] 15/14 20/4 31/23
 positive [1] 58/15
 positives [1] 67/18
 possesses [1] 43/1

P

possible [5] 67/8 69/24
possibly [1] 67/9
posttraumatic [1] 66/7
posture [1] 26/12
potential [1] 14/24
potentially [1] 15/3
power [4] 6/4 11/12 20/5 71/12
powers [2] 7/20 17/6
practice [2] 42/24 47/12
pray [3] 38/7 43/9 63/6
prayers [1] 39/3
praying [2] 38/21 68/8
Pregnant [1] 14/6
preliminary [1] 68/20
prepared [2] 7/4 68/22
present [3] 2/3 3/18 7/15
presentence [3] 4/1 4/4 4/9
pressured [3] 8/16 8/16 9/19
Presumably [1] 69/14
pretty [2] 33/10 40/6
prevented [1] 11/4
previous [1] 11/21
pride [3] 41/20 42/14 42/23
prior [3] 56/20 62/21 65/2
priority [2] 50/20 50/21
prison [4] 23/14 38/9 66/2 66/4
Prisons [5] 69/17 74/16 74/17
74/20 74/25
privacy [1] 9/23
probably [10] 10/22 29/21 34/7
45/4 48/18 49/6 56/24 58/19
67/16 71/7
probation [2] 75/3 75/11
problem [3] 50/4 57/5 69/20
problems [2] 49/14 65/14
proceeding [1] 70/17
proceedings [2] 18/10 76/12
proceeds [3] 9/20 12/1 12/3
Proctor [11] 2/2 3/18 4/8 5/9
26/25 43/23 53/15 68/19 69/4
69/9 69/17
professional [1] 15/13
professor [1] 32/2
profound [1] 17/12
program [2] 31/9 74/22
promote [3] 6/12 16/20 73/22
promoting [2] 16/24 36/25
promotions [1] 56/16
prompt [1] 54/16
promptly [2] 54/23 65/3
proof's [1] 57/10
proper [1] 50/12
properly [2] 50/11 50/13
property [2] 57/14 71/4
prosecuted [1] 74/6
prosecution [2] 19/8 21/11
prosecutors [1] 18/2
prostitutes [1] 29/3
protect [5] 38/11 47/6 71/23
72/11 74/1
protecting [1] 49/1
proud [1] 42/24
proudly [1] 33/20
Proverbs [1] 39/7
provide [2] 6/12 73/22
provided [1] 61/22
provision [1] 22/11
psalms [1] 39/3
PTSD [3] 56/10 56/20 72/13

public [4] 66/10 71/8 71/24
74/1
pudding [1] 57/10
pull [1] 66/25
pulled [1] 49/6
punished [1] 74/6
punishment [3] 6/13 66/18 73/23
pure [3] 39/2 39/8 51/12
purposes [1] 23/25
purse [1] 11/21
push [1] 8/19
pushed [2] 33/13 49/16
pushing [3] 25/3 49/21 51/5
put [11] 7/24 19/13 49/25 53/1
53/21 55/22 55/25 58/24 64/11
69/9 72/10
puts [3] 37/14 48/22 60/1

Q

quantifiable [1] 17/17
quantified [1] 17/16
question [1] 19/4
questions [1] 50/16
quick [1] 37/18
quickly [1] 41/25
quite [2] 31/2 32/5
quote [1] 14/5

R

R-E-I-D-N-A-U-E-R [1] 46/22
racketeering [1] 3/25
radically [1] 13/7
raised [1] 23/6
raising [2] 37/2 49/3
Raking [1] 59/2
ran [1] 28/4
range [21] 4/2 4/5 5/13 5/14
20/6 20/11 20/12 20/14 20/18
20/20 20/24 20/25 21/22 22/13
22/24 23/1 23/2 23/3 24/1 24/3
61/9
ranges [2] 20/17 22/15
rather [4] 27/7 30/2 68/24
73/16
Rayam [25] 6/22 7/2 7/7 8/10
8/16 9/2 9/4 9/15 9/19 9/20
10/7 10/17 10/18 11/1 20/16
21/3 21/4 21/21 24/19 25/9
57/17 58/9 61/3 61/4 61/12
RDAP [1] 69/21
RDR [3] 1/23 76/10 76/15
re [1] 61/18
re-offending [1] 61/18
reached [1] 36/17
reaching [1] 40/9
reactions [1] 55/10
reacts [1] 55/8
read [8] 4/9 5/18 30/25 53/19
53/25 58/17 59/17 62/20
Reading [14] 62/24 63/2 63/5
63/9 63/12 63/16 63/18 63/21
63/23 63/25 64/2 64/4 64/9
64/13
real [2] 17/24 26/21
realist [1] 12/15
realize [2] 51/6 52/25
really [7] 25/20 39/20 47/25
48/1 58/6 63/5 63/9
Realtime [1] 76/16
reason [2] 23/15 67/19
reasonable [1] 22/3
reasons [2] 24/10 26/18

receive [2] 56/12 66/15
received [1] 11/21
recent [1] 19/13
recently [1] 32/1
recess [3] 52/23 53/9 53/10
recognitions [1] 42/19
recognized [1] 40/2
recollection [2] 54/12 62/15
recommend [10] 21/12 22/9 22/23
24/8 70/5 70/5 74/17 74/19
74/21 75/11
recommendation [4] 5/20 23/8
65/6 74/10
Recommendations [1] 69/17
recommended [1] 24/4
recommending [2] 22/22 24/12
recommends [1] 75/4
record [3] 4/9 5/19 76/12
recouped [1] 26/9
recovered [1] 64/17
recovery [1] 37/18
recuperate [1] 37/17
redistribution [1] 24/16
reduced [1] 26/16
reflect [5] 6/11 21/12 22/2
26/20 73/21
reflected [1] 22/23
reflecting [1] 16/19
refrain [1] 59/19
regard [1] 61/22
Registered [1] 76/16
rehabbed [1] 30/3
Reidnauer [1] 46/21
reiterate [2] 30/7 50/2
rejected [1] 41/18
relate [2] 53/1 73/21
related [3] 12/10 21/6 71/14
relates [1] 73/12
relation [1] 62/11
relationship [4] 15/9 15/18
47/24 60/1
relative [3] 5/22 21/2 73/1
release [1] 74/25
released [2] 6/24 75/10
relevance [1] 6/8
reliance [1] 71/13
rely [2] 14/11 72/3
remarks [1] 53/17
remember [6] 31/3 31/4 32/10
36/5 36/9 42/14
remind [1] 39/6
remorseful [2] 62/6 73/17
removed [1] 50/3
rent [1] 11/22
repay [1] 12/10
repayable [1] 75/9
repeat [1] 18/5
repeated [1] 53/5
reply [2] 13/24 13/25
report [8] 4/2 4/4 4/9 16/15
38/6 41/12 41/13 56/23
Reported [1] 1/22
reporter [5] 1/24 27/14 76/16
76/16 76/17
reports [4] 7/3 7/3 41/17 74/5
represent [1] 3/18
represents [1] 7/18
Republic [1] 65/12
requires [1] 74/13
research [3] 31/14 31/15 61/23
residences [1] 6/23
resistance [1] 65/20

R	S	seized [1] 57/23 selected [1] 34/18 selfish [1] 63/17
<p>resonated [1] 58/6 respect [7] 6/12 16/20 16/24 17/11 40/19 44/23 73/22 respectful [1] 62/5 responsibilities [1] 31/14 responsibility [13] 5/2 15/22 16/17 21/15 23/4 49/23 50/10 54/3 54/9 54/15 54/23 73/15 74/8 responsibly [1] 20/5 restaurant [1] 11/3 rested [1] 71/20 restitution [6] 25/12 25/13 25/20 68/22 75/6 75/9 restrained [1] 4/19 restroom [1] 37/20 result [1] 25/12 resulted [3] 17/15 17/17 71/17 results [2] 23/11 23/12 retain [1] 54/21 retained [1] 54/7 retired [2] 27/24 32/1 retirement [3] 15/8 49/20 56/7 retrieved [1] 50/25 review [3] 4/10 17/18 66/13 reward [1] 10/11 ride [4] 36/15 40/14 40/14 41/22 ride-along [1] 41/22 ride-alongs [3] 36/15 40/14 40/14 rides [1] 60/10 right [40] 3/15 3/19 3/24 4/15 5/4 5/9 5/11 11/9 13/19 17/25 19/16 22/25 25/1 27/12 29/6 29/7 33/5 33/5 34/23 38/22 39/25 41/17 43/7 43/22 48/16 48/22 48/25 50/12 52/6 53/8 53/14 54/4 56/11 62/25 63/8 67/12 70/11 71/10 76/1 76/7 riots [1] 60/22 risk [6] 10/11 13/8 18/20 61/18 61/23 62/18 risk/reward [1] 10/11 risks [1] 19/6 River [1] 31/18 rob [3] 18/23 28/17 71/6 robbed [2] 8/10 18/21 robber [2] 17/3 18/21 robberies [14] 4/23 7/24 8/1 9/10 15/17 16/4 16/16 17/3 21/5 21/6 22/19 23/12 25/12 26/5 robbery [17] 4/17 8/4 9/11 9/12 9/13 9/23 10/24 10/25 11/13 11/15 11/16 11/18 12/4 12/5 22/18 23/11 74/5 robbin' [1] 28/21 robbing [5] 19/21 28/24 29/2 57/3 61/12 rock [1] 47/16 rogue [1] 13/9 role [3] 11/13 17/1 19/8 room [2] 37/21 60/19 Ross [1] 56/25 routine [1] 44/6 rubbed [1] 42/9 rule [1] 17/23 rules [1] 13/15 Running [1] 56/23</p>	<p>sacrifice [1] 40/10 sad [1] 41/9 safe [1] 50/20 safety [1] 40/25 said [27] 8/25 12/14 12/19 18/2 18/19 18/21 19/10 22/17 24/6 24/11 29/17 29/20 35/5 41/14 47/25 51/5 54/2 54/11 55/7 55/16 56/14 57/17 57/22 59/18 59/23 64/9 67/12 Saint [1] 37/4 Saint Mary's [1] 37/4 sake [1] 23/23 sales [2] 12/2 12/3 Salisbury [3] 37/8 39/17 40/13 saltiness [1] 33/16 same [13] 11/17 30/16 32/8 34/11 34/11 34/20 36/10 37/15 38/2 48/5 57/25 59/8 62/12 sample [1] 55/1 sat [1] 37/23 satisfied [2] 5/6 26/15 saved [3] 50/23 56/24 60/16 saw [6] 19/12 28/8 28/9 44/4 55/9 65/13 say [28] 8/16 11/7 11/8 15/1 22/6 23/5 29/11 29/22 30/7 32/5 32/17 34/24 35/23 44/20 45/9 47/17 51/13 57/9 61/11 62/3 62/4 63/20 66/24 68/12 68/13 69/12 70/12 71/1 saying [1] 26/1 says [11] 10/18 32/21 33/6 38/20 40/6 40/7 41/16 42/8 61/6 61/10 61/23 schedule [1] 75/10 scheduling [1] 52/12 scholarship [3] 34/15 34/16 35/20 school [11] 34/1 34/3 34/4 35/1 35/15 36/17 44/17 44/25 45/22 46/1 58/16 schools [1] 66/10 Schultz [2] 55/5 57/22 Science [1] 31/9 sclerosis [1] 47/15 scored [1] 33/8 Sealed [2] 52/20 53/13 search [5] 10/6 12/7 12/8 12/9 62/13 search warrant [2] 10/6 62/13 searching [1] 6/23 season [2] 37/6 37/6 seated [2] 3/5 53/11 second [9] 6/24 29/17 30/8 33/19 36/16 37/19 42/12 42/16 52/7 second-to-last [1] 42/16 secretary [2] 50/15 50/17 security [2] 70/6 74/18 see [24] 4/15 5/3 10/21 10/24 18/11 23/15 25/3 25/6 40/11 40/16 43/9 44/8 48/20 48/23 49/11 53/12 55/13 55/14 56/4 56/8 58/12 62/6 63/1 67/12 seeing [2] 32/10 49/7 seems [3] 24/13 52/21 52/22 seen [7] 16/5 24/22 40/20 55/3 56/14 65/10 65/21 sees [1] 33/6</p>	<p>selfless [1] 29/20 selflessness [1] 39/2 selling [5] 29/3 58/9 59/5 61/12 61/13 semester [1] 35/20 send [2] 19/9 66/17 senior [1] 45/13 sense [3] 27/2 28/21 65/17 sent [2] 45/19 62/2 sentence [17] 6/11 13/16 17/4 22/3 22/9 23/18 25/15 26/19 61/8 61/24 64/24 66/16 66/16 69/25 74/14 74/15 75/25 sentences [7] 20/7 20/11 21/2 21/11 21/12 22/23 23/14 sentencing [21] 1/14 3/14 3/24 5/16 6/9 6/15 13/20 13/24 14/3 16/23 20/8 20/9 22/10 23/8 24/11 46/4 53/24 55/6 58/21 70/17 70/19 sentencings [1] 53/18 separated [1] 19/22 sergeant [30] 8/8 8/25 9/3 12/24 13/3 13/3 13/4 13/8 13/17 19/21 19/25 20/1 20/14 24/7 24/9 28/9 29/22 49/16 49/22 51/6 56/24 57/20 61/10 61/17 61/25 62/12 66/3 66/19 72/21 73/4 Sergeant Allers [5] 13/3 19/25 61/25 62/12 66/19 Sergeant Callahan [1] 56/24 Sergeant Jenkins [7] 13/17 19/21 20/1 24/7 24/9 57/20 61/17 Sergeant Tommy Allers [1] 28/9 Sergeant Wayne Jenkins [1] 13/4 sergeants [2] 20/24 24/6 serious [5] 72/6 73/3 73/12 74/13 74/13 seriousness [7] 6/11 7/16 16/19 16/22 17/2 17/7 73/21 served [2] 43/11 52/2 service [1] 52/2 serving [1] 26/23 set [6] 9/3 9/3 11/7 18/24 50/5 73/5 sets [1] 61/11 setting [1] 4/5 seven [4] 19/11 21/22 27/23 47/5 seventh [1] 32/20 several [4] 35/21 40/14 69/14 69/16 severe [1] 38/4 share [2] 9/20 43/24 shared [4] 32/8 32/15 35/13 36/7 she [5] 11/22 11/23 11/25 33/15 47/20 she's [1] 37/3 shift [1] 57/9 shirt [2] 59/18 59/21 Shoots [1] 14/6 Shore [1] 31/10 short [2] 27/2 52/23 shortage [1] 66/1 shortly [1] 31/13 shot [3] 12/9 12/10 14/9</p>

<p>S</p> <p>shots [2] 41/22 41/25</p> <p>should [10] 15/1 26/13 36/25 49/24 50/10 56/2 69/23 73/4 73/5 73/5</p> <p>shoulder [1] 66/6</p> <p>shoulders [2] 49/9 50/10</p> <p>shouldn't [1] 15/11</p> <p>shoveling [2] 45/13 59/2</p> <p>show [4] 20/9 37/11 41/23 45/1</p> <p>showed [4] 33/22 35/2 37/16 45/24</p> <p>showing [1] 31/6</p> <p>shown [1] 52/17</p> <p>shows [3] 7/19 11/12 38/2</p> <p>shutters [1] 59/4</p> <p>shuttle [1] 31/20</p> <p>siblings [1] 47/2</p> <p>sic [2] 29/8 33/16</p> <p>side [11] 22/16 37/1 38/6 38/16 38/17 42/17 42/22 43/12 44/7 48/21 73/2</p> <p>sidewalk [1] 39/25</p> <p>signed [1] 57/14</p> <p>significant [3] 55/11 71/8 73/23</p> <p>significantly [1] 21/22</p> <p>silence [1] 10/13</p> <p>similar [1] 23/24</p> <p>Similarly [1] 72/15</p> <p>simply [1] 9/8</p> <p>since [10] 28/2 32/2 32/9 45/22 46/24 57/17 65/22 67/15 67/23 73/19</p> <p>sincere [1] 31/1</p> <p>sincerity [1] 45/1</p> <p>sing [1] 39/6</p> <p>singer [1] 39/10</p> <p>single [1] 47/12</p> <p>sir [5] 27/16 27/20 27/22 30/13 76/5</p> <p>sister [2] 47/14 47/14</p> <p>sisters [2] 35/8 38/21</p> <p>sit [2] 3/21 38/6</p> <p>sits [1] 38/9</p> <p>sittin' [2] 37/22 42/5</p> <p>situation [2] 33/2 45/3</p> <p>situations [1] 72/12</p> <p>six [1] 33/11</p> <p>size [1] 55/1</p> <p>sleep [1] 65/18</p> <p>sleeping [1] 64/14</p> <p>small [1] 55/1</p> <p>smallest [1] 48/18</p> <p>smiled [1] 42/9</p> <p>Smith [1] 3/21</p> <p>snapped [1] 33/7</p> <p>snow [2] 45/13 59/2</p> <p>so [86]</p> <p>society [2] 46/5 52/4</p> <p>sock [2] 41/2 41/8</p> <p>socks [1] 62/16</p> <p>softball [1] 47/11</p> <p>sold [3] 29/15 29/18 65/22</p> <p>some [16] 6/18 7/13 10/1 13/21 26/14 32/23 38/12 42/3 45/22 50/9 50/9 51/2 52/22 61/2 73/12 73/20</p> <p>somebody [7] 40/22 43/7 51/1 51/2 51/11 51/15 51/21</p> <p>somehow [2] 14/15 14/16</p>	<p>someone [7] 16/17 18/12 31/4 40/23 45/7 65/1 73/4</p> <p>someone's [2] 9/24 65/13</p> <p>something [8] 19/23 24/22 45/9 51/11 55/19 62/22 68/25 69/15</p> <p>sometimes [3] 18/9 18/11 62/4</p> <p>somewhere [3] 13/1 43/2 44/4</p> <p>son [13] 36/2 36/17 36/18 36/20 38/2 44/18 44/18 44/25 46/11 49/6 49/10 49/12 57/5</p> <p>son's [2] 49/4 49/5</p> <p>song [2] 39/1 39/7</p> <p>songs [2] 38/24 38/24</p> <p>soon [1] 54/22</p> <p>sorry [8] 24/24 39/21 62/11 62/24 63/4 63/19 63/20 64/4</p> <p>sought [1] 15/14</p> <p>soul [3] 31/8 43/10 51/12</p> <p>source [1] 11/19</p> <p>Southern [3] 28/3 28/7 57/23</p> <p>space [1] 31/20</p> <p>speak [11] 16/21 27/3 29/9 30/10 51/17 58/3 58/16 58/17 59/10 59/12 59/13</p> <p>Speaking [1] 17/2</p> <p>speaks [4] 7/16 51/16 55/21 58/8</p> <p>special [5] 2/4 2/5 3/11 75/1 75/7</p> <p>Special Agent [2] 2/4 2/5</p> <p>Special Agents [1] 3/11</p> <p>specialized [2] 12/22 13/8</p> <p>specific [4] 7/23 21/19 61/20 73/25</p> <p>spectrum [4] 20/12 20/13 20/22 24/6</p> <p>spell [4] 27/13 27/20 30/16 48/5</p> <p>spelled [1] 30/21</p> <p>spend [2] 40/12 45/21</p> <p>spent [2] 27/23 44/12</p> <p>split [3] 10/19 11/3 42/12</p> <p>spoke [3] 22/25 33/20 72/19</p> <p>spoken [1] 53/20</p> <p>sport [1] 34/10</p> <p>spot [1] 10/20</p> <p>squad [3] 28/4 28/11 28/14</p> <p>St. [1] 38/12</p> <p>St. Michael [1] 38/12</p> <p>stack [3] 9/1 9/1 11/8</p> <p>stage [3] 39/25 40/9 40/12</p> <p>stand [3] 30/9 30/12 48/21</p> <p>standard [1] 69/3</p> <p>standing [1] 17/3</p> <p>stands [1] 48/15</p> <p>start [6] 4/1 5/17 5/20 28/21 28/24 66/8</p> <p>started [5] 32/11 34/3 34/4 34/7 60/4</p> <p>starting [1] 23/16</p> <p>starts [1] 4/17</p> <p>state [3] 7/13 27/13 65/6</p> <p>State's [1] 44/13</p> <p>statement [8] 6/17 6/20 7/23 8/23 11/14 55/21 68/6 69/5</p> <p>statements [1] 61/2</p> <p>STATES [7] 1/1 1/3 1/18 3/8 3/10 70/13 75/22</p> <p>stature [1] 48/14</p> <p>statute [1] 6/8</p> <p>stay [4] 37/7 46/1 64/2 64/10</p> <p>stayed [3] 35/1 37/9 37/25</p>	<p>steady [1] 9/9</p> <p>stealing [1] 29/2</p> <p>stem [1] 14/12</p> <p>stenographic [1] 76/12</p> <p>stepdad [1] 60/12</p> <p>stepdaughter [1] 46/23</p> <p>stepdaughters [1] 49/4</p> <p>Stephen [1] 27/19</p> <p>Stephen Malewajko [1] 27/19</p> <p>Stern [2] 2/5 3/12</p> <p>Steve [1] 58/24</p> <p>Steve Zentarski [1] 58/24</p> <p>Stewart [1] 57/13</p> <p>Stewart Title [1] 57/13</p> <p>still [3] 49/1 55/6 74/13</p> <p>stole [9] 6/22 6/25 9/18 11/2 12/2 12/7 28/18 29/15 29/18</p> <p>stomach [1] 64/15</p> <p>stood [2] 33/7 48/14</p> <p>stop [2] 13/5 39/15</p> <p>stopped [1] 9/6</p> <p>store [2] 9/16 10/1</p> <p>stories [1] 60/17</p> <p>straight [1] 45/24</p> <p>street [10] 1/24 10/1 13/19 15/11 42/2 42/3 49/12 50/19 50/23 51/3</p> <p>streets [3] 18/6 40/12 40/22</p> <p>stress [1] 66/7</p> <p>stressful [1] 72/12</p> <p>strikes [2] 39/20 72/2</p> <p>strippers [1] 65/15</p> <p>stroke [1] 38/5</p> <p>strong [1] 64/2</p> <p>structure [1] 13/7</p> <p>struggles [1] 13/10</p> <p>student [1] 44/25</p> <p>students [1] 31/11</p> <p>studying [1] 36/4</p> <p>stuff [2] 29/9 54/21</p> <p>stupid [2] 63/1 64/8</p> <p>submit [2] 53/19 54/15</p> <p>submitted [5] 13/20 13/24 14/3 16/10 20/8</p> <p>submitting [1] 16/14</p> <p>subordinates [2] 9/4 73/6</p> <p>substance [3] 49/5 74/22 75/1</p> <p>substantial [1] 21/3</p> <p>succeed [1] 35/19</p> <p>successor [1] 13/4</p> <p>such [4] 13/17 19/17 47/10 47/24</p> <p>sudden [1] 56/8</p> <p>suffer [1] 72/13</p> <p>suffering [1] 55/11</p> <p>suffers [1] 45/16</p> <p>sufficient [3] 22/9 26/19 75/15</p> <p>suggest [1] 65/10</p> <p>suicide [3] 60/6 62/17 64/16</p> <p>suit [1] 36/19</p> <p>Sun [1] 14/4</p> <p>superior [2] 57/25 61/14</p> <p>superiors [1] 50/4</p> <p>supervise [1] 19/17</p> <p>supervised [2] 6/6 74/25</p> <p>supervising [1] 50/11</p> <p>supervisor [4] 4/21 50/6 57/2 73/4</p> <p>support [1] 72/17</p> <p>sure [15] 8/19 27/5 30/23 39/14 41/16 42/6 42/12 52/16 52/19 53/2 63/7 69/8 69/22 72/15</p>
---	--	---

S
 sure... [1] 12/17
 surgery [2] 37/7 37/19
 surprise [1] 69/4
 surprised [1] 50/15
 Survives [1] 14/7
 suspension [1] 60/23
 suspicions [2] 50/1 50/7
 Sutton [1] 18/20
 sword [1] 54/5
 sworn [1] 72/4
 sympathy [1] 15/2
 system [12] 7/19 13/12 17/22
 17/24 18/2 19/4 19/5 19/7 20/3
 48/16 51/20 72/3
 systems [1] 31/20

T
 table [1] 20/8
 take [22] 9/2 10/11 10/19 13/9
 19/6 20/23 21/15 23/23 37/11
 43/19 44/21 46/23 51/12 52/23
 53/8 54/6 60/24 63/17 63/21
 68/5 71/6 71/9
 taken [5] 11/19 26/7 53/10
 70/22 71/4
 takes [2] 12/4 37/14
 taking [6] 15/15 24/16 25/7
 51/3 58/11 73/11
 talented [1] 34/20
 talk [6] 18/13 36/15 54/20
 54/25 68/25 70/25
 talked [3] 35/17 54/12 70/23
 talking [2] 55/15 60/6
 talks [1] 65/9
 task [12] 7/20 8/8 8/9 9/10
 19/20 55/25 56/21 57/8 57/11
 60/24 66/3 73/9
 taught [6] 31/11 34/14 34/15
 36/20 40/8 47/7
 Taylor [7] 20/18 23/1 24/21
 24/23 24/24 25/2 25/4
 teach [1] 45/24
 team [9] 32/19 32/21 32/22 34/8
 34/9 34/17 34/19 37/4 41/24
 teams [1] 33/4
 tears [2] 36/7 64/19
 technology [1] 13/14
 teenager [1] 47/1
 teenagers [1] 47/1
 tell [10] 16/3 27/15 30/16
 51/25 52/8 52/25 63/18 63/25
 64/2 64/5
 tells [4] 60/7 61/4 61/5 61/18
 temptation [1] 19/18
 ten [3] 49/5 55/9 64/25
 ten's [1] 65/1
 ten-year-plus [1] 49/5
 tendency [1] 18/12
 tenderness [1] 33/15
 tens [1] 57/23
 tenth [5] 34/3 34/4 34/5 34/10
 37/3
 terms [9] 5/16 6/21 12/16 13/2
 16/19 18/19 21/5 62/10 62/18
 terrible [1] 67/15
 test [4] 35/21 35/22 36/4 36/6
 testified [1] 21/8
 testify [1] 73/14
 testimony [1] 61/16
 than [24] 8/24 11/10 16/13 21/7

22/9 26/20 34/9 35/12 36/19
 42/7 43/18 45/4 51/16 53/21
 54/12 60/25 61/6 61/7 68/4
 73/16 74/10 74/11 75/15 75/19
 thank [27] 3/7 3/15 3/22 5/24
 26/24 27/1 30/14 43/14 44/2
 44/3 44/3 46/13 46/14 48/3 48/4
 52/10 52/11 53/7 53/14 53/16
 68/16 68/17 68/17 70/10 70/14
 76/7 76/8
 thanks [1] 37/18
 that [374]
 that's [59] 4/22 4/25 8/14 9/5
 9/24 10/3 11/9 13/16 14/16
 15/22 17/14 18/9 18/9 18/17
 18/21 18/24 21/12 21/24 23/5
 24/3 24/16 25/8 25/24 28/18
 30/4 30/6 30/24 33/8 36/24
 38/22 39/22 40/6 48/24 50/23
 51/1 51/3 51/21 53/7 53/23
 54/17 59/15 61/6 61/8 62/7
 63/10 67/14 67/17 67/21 67/21
 67/21 68/6 68/9 68/9 69/15 70/8
 70/23 71/12 74/19 74/20
 their [25] 6/23 7/1 7/5 8/11
 8/25 9/2 9/9 10/13 11/5 12/7
 19/16 23/1 23/3 37/1 40/25
 42/12 43/12 49/4 51/15 51/21
 55/4 59/24 61/13 72/5 74/5
 them [36] 6/25 6/25 7/9 7/15
 7/21 8/18 8/20 9/25 10/14 10/18
 10/19 11/4 16/3 16/5 18/14
 19/17 19/22 23/17 27/4 29/12
 40/10 41/10 42/21 43/7 46/1
 53/25 58/17 59/7 60/10 63/25
 64/1 64/5 64/6 64/6 64/6 73/7
 themselves [1] 36/23
 themselves [3] 36/3 36/23 58/17
 then [24] 9/2 10/21 11/3 11/25
 13/3 14/8 15/14 15/16 21/15
 23/24 26/14 26/15 27/14 30/2
 32/2 39/18 45/14 55/18 57/3
 57/7 57/21 58/15 67/22 71/10
 there [64] 4/18 4/23 5/15 6/17
 8/1 9/18 11/15 12/1 13/9 13/15
 14/18 14/22 15/4 19/1 19/10
 20/3 27/6 29/5 29/15 30/5 30/8
 30/10 30/11 33/7 36/4 38/17
 39/23 39/25 39/25 41/14 41/24
 41/25 42/5 44/5 45/6 45/11 47/9
 47/11 47/14 48/18 48/22 49/3
 49/9 50/15 50/16 50/17 50/17
 51/1 51/9 57/4 63/6 63/6 65/3
 65/21 66/7 67/23 70/7 70/21
 71/3 71/14 73/23 74/12 74/24
 75/6
 there's [16] 18/12 24/14 25/23
 41/8 50/1 52/7 53/4 55/8 57/11
 57/12 70/9 71/12 73/25 74/1
 74/4 75/25
 thereafter [1] 57/12
 thesaurus [1] 41/13
 these [29] 7/21 10/9 12/2 12/21
 12/22 13/7 13/11 14/22 16/3
 16/16 18/1 18/2 18/4 18/7 19/10
 20/10 26/10 31/23 33/17 37/16
 40/24 41/10 41/16 42/11 45/24
 45/25 48/12 63/2 71/19
 they [57] 8/16 8/16 8/17 10/2
 10/10 10/10 10/11 10/11 10/12
 10/13 11/3 11/9 12/16 12/17
 13/11 13/22 16/4 18/13 19/17

19/18 21/15 22/2 23/3 23/10
 23/11 27/7 27/9 31/3 37/1 39/6
 40/24 41/15 41/15 41/18 41/25
 42/2 46/1 47/3 47/3 48/21 50/2
 50/5 50/11 50/25 57/14 59/9
 60/10 60/11 61/11 61/12 61/15
 61/16 62/17 71/7 71/10 71/24
 73/20
 they're [6] 10/25 39/8 50/16
 51/17 52/9 71/10
 They've [1] 29/11
 thing [17] 18/1 19/16 29/6 29/7
 30/3 38/3 48/5 55/13 55/14
 57/25 67/2 67/16 67/17 67/21
 68/11 68/13 73/1
 things [17] 35/25 39/4 45/15
 47/7 47/18 48/10 48/11 48/12
 54/2 55/4 57/21 62/3 62/4 62/8
 68/20 70/21 72/16
 think [52] 6/8 6/18 7/16 8/15
 9/11 12/16 15/8 16/20 16/25
 17/14 17/22 18/9 19/19 24/3
 24/22 25/5 27/2 27/9 28/20 30/3
 33/8 33/11 33/17 36/5 39/4 39/6
 39/13 41/24 42/11 42/16 43/2
 44/10 46/18 54/8 54/10 54/22
 55/18 57/23 59/20 60/15 61/19
 61/20 62/10 64/5 65/13 66/16
 71/1 73/12 73/25 74/1 74/12
 75/14
 thinking [2] 38/20 49/17
 thinks [2] 58/4 59/24
 third [3] 7/1 9/16 9/22
 this [122]
 THOMAS [6] 1/5 3/9 6/1 18/10
 18/16 18/17
 THOMAS ALLERS [6] 1/5 3/9 6/1
 18/10 18/16 18/17
 Thomas's [1] 48/7
 thoroughly [1] 58/23
 those [20] 6/6 7/11 21/6 21/11
 21/14 26/18 29/10 36/16 36/22
 39/14 41/14 42/24 50/2 55/13
 55/23 57/6 58/16 61/4 72/4 74/2
 though [6] 21/19 38/7 44/8
 47/20 52/21 52/22
 thought [8] 22/2 22/19 22/23
 29/17 30/8 30/10 49/16 50/23
 thoughtfulness [1] 60/1
 thousands [2] 17/19 57/23
 threat [2] 46/4 52/4
 threaten [1] 10/14
 three [10] 5/1 5/6 10/19 23/19
 23/24 24/1 55/24 59/12 60/25
 74/24
 three-level [1] 5/1
 threescore [2] 64/25 65/1
 threescore and ten [1] 64/25
 threescore and ten's [1] 65/1
 threw [1] 42/4
 through [15] 6/5 10/22 16/11
 19/9 26/1 33/25 33/25 34/1
 40/23 42/4 46/7 52/5 57/5 64/11
 75/22
 throughout [3] 31/15 31/20
 51/15
 throw [1] 18/1
 throwing [1] 40/23
 thrown [2] 17/17 18/5
 thrust [1] 8/21
 Thursday [1] 14/9
 thwart [1] 7/9

T

thwarted [1] 19/14

time [42] 8/7 9/4 12/7 12/12
16/2 22/5 26/23 27/25 31/2 31/3
32/18 34/20 36/3 37/9 37/13
37/16 37/24 39/20 40/12 41/1
41/22 43/14 43/16 44/7 45/9
45/22 46/18 50/18 52/2 52/10
52/22 52/23 55/3 55/4 60/22
60/24 62/6 63/13 64/5 66/6
67/20 67/22

time served [1] 52/2

times [10] 18/6 32/9 35/21 41/2
49/7 49/11 50/3 50/8 61/5 61/7

tipped [1] 7/9

tired [3] 63/16 64/9 64/14

Title [1] 57/13

today [18] 30/9 30/10 34/22
34/23 37/3 38/8 38/22 39/7 43/5
43/10 53/20 56/10 58/3 60/7
65/20 68/23 70/21 72/19

together [6] 35/14 35/16 47/23
48/7 52/22 73/21

told [8] 19/21 50/8 55/6 56/19
57/2 58/11 59/10 59/20

tolerated [1] 73/6

Tom [20] 32/4 32/8 32/18 32/22
35/11 37/18 38/5 38/10 40/11
40/14 41/2 42/8 42/9 42/12
47/21 48/13 49/7 50/17 50/22
57/18

Tom Allers [1] 57/18

Tom's [6] 40/4 42/5 42/6 46/23
51/8 58/10

Tommy [28] 28/2 28/3 28/9 28/17
28/19 29/9 31/2 31/22 33/10
39/9 40/2 40/3 44/15 44/18
44/19 44/23 45/1 45/6 45/10
45/10 45/16 45/19 45/21 45/24
45/25 46/4 46/4 46/8

Tommy Allers [9] 28/3 28/17
28/19 29/9 44/15 44/23 45/6
46/4 46/4

Tommy's [2] 40/4 44/20

tone [1] 61/11

too [6] 36/16 41/20 41/20 42/8
57/21 63/1

took [16] 9/1 9/12 9/20 10/12
26/4 26/6 35/21 41/20 42/14
42/23 43/16 45/17 47/5 49/15
57/20 65/20

tool [1] 22/20

tools [2] 50/12 50/13

top [2] 37/5 61/25

total [4] 5/1 26/2 27/6 44/23

totally [1] 24/5

tough [1] 32/25

toward [2] 71/15 71/25

Trace [10] 7/20 8/8 9/10 19/20
55/25 56/21 57/8 57/11 60/24
66/3

trade [3] 57/17 67/22 67/22

trades [1] 43/6

transcript [1] 76/11

transferred [2] 9/5 9/9

transparent [1] 24/4

trauma [5] 14/15 14/15 14/23
15/2 55/9

traumatic [7] 13/21 13/22 14/2
14/18 14/20 14/21 55/1

treat [1] 40/18

treated [4] 36/22 40/21 40/24
40/24

treating [1] 57/1

treatment [4] 69/20 69/21 75/2
75/3

treats [3] 51/19 59/25 59/25

trial [4] 10/9 12/22 65/4 73/16

trials [1] 21/9

tried [1] 50/2

tries [1] 19/5

trip [1] 54/6

trouble [1] 64/21

true [5] 17/14 34/25 39/3 48/12
62/5

trust [14] 4/20 6/3 6/4 13/12
13/16 17/12 17/16 18/2 19/15
23/9 23/20 28/16 71/8 71/24

truth [1] 67/13

try [9] 8/19 14/12 22/20 30/25
36/21 53/22 62/3 67/8 67/17

trying [3] 46/9 51/2 71/23

tucked [1] 62/21

Turks [1] 65/12

Turks and Caicos [1] 65/12

turn [3] 13/4 14/12 73/7

turned [8] 29/4 29/4 29/6 29/19
31/25 55/12 62/12 73/5

Turning [1] 12/18

turns [2] 58/10 75/9

two [21] 4/19 4/20 4/20 4/21
4/24 8/4 8/9 14/5 14/9 16/11
21/8 23/11 23/12 38/16 38/24
41/14 45/7 45/8 47/2 49/4 50/1

two-level [2] 23/11 23/12

type [2] 28/12 51/18

typical [1] 62/7

U

U.S [1] 31/17

U.S. [2] 19/8 22/8

U.S. Attorney's [2] 19/8 22/8

UMES [1] 31/11

unconscious [1] 38/7

uncontrollable [1] 17/15

under [12] 5/16 6/7 7/8 12/23
15/24 17/18 23/25 26/20 29/18
29/22 61/16 62/16

undergoing [1] 60/3

undermined [2] 17/10 17/11

understand [8] 21/17 22/1 35/24
45/5 51/14 69/7 69/7 76/5

understates [1] 23/21

understood [2] 19/24 69/10

unfathomable [1] 65/16

unfortunate [1] 13/25

unfortunately [4] 38/9 71/19
73/8 73/18

uniform [1] 71/22

unique [1] 39/9

unit [15] 9/5 9/9 10/15 11/9
11/11 12/21 13/8 13/9 15/16
20/1 28/24 49/15 49/25 50/3
50/16

UNITED [7] 1/1 1/3 1/18 3/8
3/10 70/13 75/22

United States [4] 3/8 3/10
70/13 75/22

units [9] 12/23 13/7 19/1 19/10
28/1 28/1 28/1 28/4 28/7

University [1] 31/10

unless [1] 13/7

unlikely [1] 71/6

unload [1] 34/24

unpassed [1] 98/13

until [6] 9/5 34/10 36/17 56/17
59/1 67/11

unwarranted [1] 6/14

up [55] 3/21 10/20 11/3 22/11
24/5 26/1 27/3 27/4 27/7 28/20
28/23 29/22 30/9 32/21 33/4
33/5 33/8 33/17 33/18 35/15
35/16 35/16 35/25 36/1 37/10
37/11 37/25 38/2 38/8 38/20
41/21 41/23 42/3 42/3 42/8
43/16 43/25 45/24 47/11 48/14
48/15 48/17 48/19 50/5 52/14
55/14 55/19 56/15 59/12 62/17
63/14 63/15 67/8 72/5 74/20

upbringing [1] 33/13

uphold [1] 71/9

ups [1] 50/6

upset [1] 64/20

upside [1] 7/19

upstairs [1] 9/17

upward [2] 23/19 23/25

us [6] 3/11 12/4 20/6 38/12
39/5 43/2

use [5] 11/6 29/16 37/20 41/16
71/4

used [6] 7/21 39/6 45/8 50/17
50/18 64/20

using [1] 17/6

utilities [1] 11/24

utmost [1] 52/1

V

Vandermeulen [1] 57/25

variant [1] 23/14

various [1] 5/18

varsity [2] 34/4 37/4

varying [2] 23/19 23/25

versus [1] 3/8

very [33] 5/19 7/20 8/14 11/17
16/4 17/24 21/3 22/21 26/21
33/20 33/20 34/13 34/19 35/6
37/17 43/15 44/6 44/8 46/6 49/8
49/8 49/13 49/20 51/14 52/11
68/17 69/12 71/7 72/11 72/23
73/1 73/12 75/14

veterans [1] 19/25

VI [1] 65/8

victim [2] 9/13 42/2

victims [2] 8/4 71/3

victims' [1] 25/17

view [3] 15/4 23/7 24/6

violence [1] 14/12

violent [2] 14/17 18/5

violently [1] 14/20

virtue [2] 41/6 70/8

virtues [1] 42/25

volume [1] 51/16

volumes [1] 16/21

W

W. [1] 44/9

waiting [1] 10/25

wake [1] 28/20

waking [2] 37/25 56/15

walk [1] 37/13

walked [1] 63/8

walker [2] 37/13 37/21

walking [1] 40/1

wall [3] 42/18 42/20 42/22

want [25] 3/6 7/24 8/6 8/14

W

want... [21] 11/6 30/22 34/24
 41/9 46/11 46/23 47/13 48/19
 48/21 48/23 59/10 64/10 64/15
 67/4 68/6 68/13 68/14 68/23
 69/4 69/5 75/20

wanted [12] 32/6 32/14 35/7
 41/10 41/20 47/14 58/3 58/6
 59/21 64/1 67/7 73/7

wanting [1] 59/12

wants [1] 68/10

Ward [5] 20/23 21/3 21/7 21/21
 24/21

warm [1] 32/19

warrant [3] 10/6 28/1 62/13

was [192]

Washington [1] 28/5

Washington Boulevard [1] 28/5

wasn't [11] 9/17 9/19 10/4
 11/14 30/1 30/5 34/13 35/21
 55/24 58/7 58/21

watch [3] 19/10 37/15 39/18

watched [5] 40/18 41/1 41/12
 45/1 45/16

Watching [1] 36/21

way [12] 7/19 17/12 19/10 19/17
 20/3 25/8 37/10 59/8 59/11
 65/15 65/17 72/10

Wayne [1] 13/4

ways [1] 21/4

we [109]

we'd [1] 35/16

We'll [1] 53/8

we're [11] 3/13 18/10 18/16
 18/17 18/17 24/4 45/5 49/19
 52/15 52/23 65/20

we've [5] 45/3 48/7 52/21 65/21
 70/23

weak [1] 56/14

week [4] 14/4 19/11 50/24 61/1

weighed [1] 49/8

weights [2] 32/11 35/3

welcoming [1] 32/19

well [17] 5/23 10/23 18/23
 25/10 26/22 34/15 40/7 43/13
 44/6 56/6 64/1 69/12 69/19
 71/18 73/2 73/20 74/22

well-paid [1] 56/6

went [10] 9/16 11/3 35/20 36/18
 37/10 40/9 40/14 49/25 58/16
 60/4

were [35] 7/8 7/15 7/20 7/21
 8/1 8/9 11/19 14/17 14/22 15/25
 16/7 16/14 22/11 22/12 22/17
 26/14 31/14 32/16 37/1 39/24
 40/24 41/15 41/16 41/25 42/22
 54/4 59/3 61/11 61/12 61/15
 61/16 63/12 72/18 73/9 76/2

what [78]

what's [2] 52/5 52/6

whatever [10] 11/6 27/14 28/23
 30/16 33/14 43/19 45/14 46/8
 46/9 75/8

whatsoever [1] 7/5

when [31] 6/23 6/25 8/23 10/10
 15/5 17/5 19/20 28/11 35/9 35/9
 36/9 36/10 36/20 38/15 38/23
 44/24 45/9 49/15 49/19 50/4
 55/14 57/20 60/10 60/11 62/9
 67/12 67/12 72/3 74/25 75/6
 75/10

whenever [3] 47/21 47/21 68/2

where [37] 4/15 7/20 8/12 10/2
 10/2 11/18 14/16 14/17 16/15
 16/25 18/22 18/24 31/10 54/18
 63/5 65/4 74/2

whether [8] 24/14 28/12 40/22
 42/12 45/12 61/25 70/1 70/18

which [17] 7/16 11/21 13/25
 14/4 14/15 15/15 17/13 21/13
 34/7 34/19 44/10 65/15 69/15
 71/13 71/19 72/12 73/11

while [5] 36/3 38/1 41/12 52/15
 58/12

who [27] 3/18 8/10 8/12 17/3
 18/20 19/20 20/12 20/14 29/10
 33/25 43/6 43/11 45/6 47/6
 48/24 50/2 50/7 51/19 57/22
 71/6 71/23 72/18 72/19 73/4
 73/5 73/5 74/4

whole [3] 26/4 28/8 31/21

whose [3] 21/4 71/3 71/4

why [10] 10/3 13/16 18/17 43/23
 52/14 56/2 57/16 64/7 65/19
 65/20

wide [1] 65/24

wife [8] 14/6 46/15 48/7 55/18
 58/24 63/3 64/22 65/22

will [33] 5/17 5/22 5/24 8/15
 8/19 8/20 10/23 13/11 13/15
 19/2 19/6 19/15 19/16 19/17
 20/22 21/12 22/22 23/5 24/8
 26/10 31/3 33/18 53/23 62/15
 63/7 64/6 67/11 69/23 73/3 74/5
 74/6 75/6 75/9

Willie [1] 18/20

Willie Sutton [1] 18/20

willy [1] 51/1

willy-nilly [1] 51/1

windfall [1] 26/14

window [2] 40/24 42/4

Wise [10] 1/17 3/6 3/9 5/25
 26/24 55/21 57/8 62/9 62/15
 69/7

wish [5] 58/18 63/10 63/16 68/5
 68/14

within [3] 10/1 66/16 76/3

without [5] 25/25 47/17 48/2
 69/11 75/15

witness [2] 19/19 43/25

witnesses [1] 59/11

woke [1] 67/8

woman [1] 12/11

women [1] 71/22

won't [4] 11/8 45/18 58/4 63/24

wonder [1] 15/17

wonderful [1] 33/13

word [4] 53/19 63/15 64/20 72/4

words [5] 39/12 39/14 51/13
 51/13 51/16

work [12] 15/18 29/21 30/2 38/6
 40/15 40/16 41/20 47/4 49/9
 50/18 54/19 68/25

worked [6] 28/3 28/11 29/10
 29/11 45/14 57/22

working [2] 28/7 41/24

world [5] 7/19 31/16 31/21
 46/25 64/8

workse [6] 61/6 61/7 61/17 61/17
 64/10 71/16

worst [2] 18/6 67/16

worth [1] 57/14

would [61] 3/20 3/22 5/19 6/16

10/2 10/12 17/4 25/15 26/8
 26/15 27/3 27/4 27/5 27/7 29/4
 29/4 29/5 29/19 29/25 30/1 30/2
 30/2 35/1 35/15 38/5 39/17
 40/13 43/4 43/17 44/1 44/20
 45/9 45/21 46/10 46/16 47/17
 48/1 49/11 49/16 49/23 51/7
 52/2 52/3 52/3 54/18 55/17
 55/18 56/11 56/11 56/14 56/16
 58/4 63/13 65/2 65/3 65/4 69/14
 69/16 70/2 71/6 76/3

wouldn't [9] 8/25 25/25 30/9
 30/9 30/11 30/12 39/12 63/7
 68/7

Wow [1] 58/17

write [3] 36/25 41/12 68/11

writer [1] 38/25

writes [2] 39/2 39/4

writing [5] 39/8 41/12 54/13
 64/7 64/22

written [4] 18/12 53/20 62/21
 67/23

wrong [6] 16/12 41/21 52/6
 57/12 62/16 64/12

wrongful [1] 71/4

wrongly [1] 57/14

wrote [2] 38/23 43/17

Y

Y.W [1] 8/5

Yeah [2] 40/6 53/7

year [5] 16/6 19/23 21/22 34/8
 49/5

years [49] 4/24 15/18 20/13
 20/15 20/17 20/19 20/21 24/1
 24/2 24/8 24/8 24/12 27/23 28/6
 28/8 28/15 28/20 28/22 28/23
 29/13 32/10 37/19 44/12 44/12
 44/13 44/15 45/16 45/21 45/24
 46/7 46/24 47/5 48/8 49/3 55/6
 55/23 55/23 55/24 56/2 56/4
 56/22 58/16 60/23 60/23 60/25
 63/2 72/9 74/15 74/24

yes [13] 4/11 5/10 27/9 27/11
 27/16 27/22 50/17 53/24 67/1
 68/21 70/8 75/21 76/6

yesterday [1] 36/10

yet [1] 61/8

you [230]

you'd [10] 27/14 30/16 43/19
 59/1 59/6 60/9 60/11 60/13
 66/21 66/23

you'll [2] 30/22 53/5

you're [11] 25/2 26/1 29/14
 29/15 29/15 29/16 32/21 46/6
 50/4 59/5 74/22

You've [2] 48/10 60/17

young [2] 36/12 40/1

younger [1] 36/19

your [81]

Your Honor [45] 3/4 3/7 3/13
 3/17 4/7 5/5 5/24 6/1 6/14 8/6
 10/8 12/22 17/2 20/22 25/11
 25/20 26/18 27/8 27/17 30/9
 30/14 30/18 43/9 43/14 44/10
 44/15 44/23 46/3 46/15 46/19
 48/6 52/10 52/12 52/25 58/3
 66/20 67/3 68/9 68/16 69/2 69/3
 70/13 75/18 75/21 76/8

Your Honor's [1] 6/19

youth [1] 45/14

Z

Case 1:17-cr-00452-CCB Document 46 Filed 01/18/19 Page 95 of 95

Zentarski [1] 58/24

Zweizig [3] 1/23 76/10 76/15