

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

3	UNITED STATES OF AMERICA,)	
4	Plaintiff,)	
5	vs.)	CRIMINAL CASE NO. CCB-17-106
6	JEMELL LAMAR RAYAM,)	
7	Defendant.)	

Tuesday, May 28, 2019
Courtroom 7D
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

For the Defendant:

Dennis Boyle, Esquire

Also Present:

Special Agent Erika Jensen, FBI
Gina Swillo, U.S. Probation Officer

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
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P R O C E E D I N G S

(10:02 a.m.)

THE COURT: Good morning, everyone. You can be seated, please.

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

MR. HINES: We're here in the matter of United States versus Jemell Lamar Rayam, Criminal Docket No. 17-cr-106.

For the record, AUSAs Derek Hines and Leo Wise, appearing on behalf of the Government.

And at counsel table with us is Special Agent Erika Jensen of the FBI.

THE COURT: All right. Thank you.

Good morning.

MR. BOYLE: Good morning, Your Honor. Dennis Boyle on behalf of the defendant, Jemell Rayam.

THE COURT: Okay. Thank you. You can be seated.

All right. We are here for sentencing for Mr. Rayam following his guilty plea to Count 1, the racketeering conspiracy in this case.

I have the presentence report and also the sentencing memorandum from you, Mr. Boyle. Thank you.

As you know, I need to start with that presentence report and the calculation of the advisory guideline range.

Before I turn to the guidelines, anything else by way of addition, correction, or modification to the presentence

1 report, Mr. Hines?

2 **MR. HINES:** Not from the United States.

3 **THE COURT:** Okay. Mr. Boyle?

4 **MR. BOYLE:** Your Honor, we had filed an objection to
5 the presentence report and the sentencing guideline range. I
6 understand the Court has faced the same objection in other
7 cases and made a ruling; therefore, I will not argue it
8 further.

9 **THE COURT:** Okay. So no issues except as to the
10 guidelines, and the guidelines are what you presented in your
11 memo?

12 **MR. BOYLE:** Correct.

13 **THE COURT:** Okay. All right. Thank you.

14 And just for the record, has Mr. Rayam had the chance
15 to review the presentence report with you?

16 **MR. BOYLE:** He has, Your Honor.

17 **THE COURT:** Okay. All right. Thank you.

18 All right. Well, I do recognize that the guidelines,
19 as calculated in the presentence report, are somewhat different
20 from what counsel had perhaps anticipated.

21 Of course, I think the plea agreement also made clear
22 that I wasn't necessarily adopting the guideline range, that I
23 needed to see the presentence report. And I do think the
24 presentence report is correct. While, of course, it's only one
25 factor.

1 The point is that because of the number of robberies
2 and so forth involved in the racketeering conspiracy and the
3 way that they -- all of which are in the 31 to 34 range and
4 then the way that their grouping is calculated, you have a 34
5 plus an additional five, which is an offense level of 39.

6 Mr. Rayam would be entitled to a three-level downward
7 adjustment from that, with the Government moving for the third
8 level. So that's an offense level of 36. Of course, his
9 criminal history category is a I.

10 So the guideline range is from 188 to 235 months, I do
11 believe.

12 But does the Government have any disagreement with
13 that?

14 **MR. HINES:** No, Your Honor.

15 **THE COURT:** Now, we do have a policy in this district
16 of having a sealed portion of every proceeding discussing
17 cooperation, whether or not a defendant has been cooperating.

18 So what we're about to say will remain under seal if a
19 transcript of the proceeding is ordered.

20 Conference at the bench.

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

24 **THE COURT:** All right. So we have discussed the
25 advisory guideline range. That is only one factor, of course.

1 And I'm happy to hear any specific recommendation
2 counsel want to make.

3 I'll start with the Government, considering all the
4 factors under 3553(a).

5 **MR. HINES:** Your Honor presided over a trial in
6 October of 2017 of Glen Wells; and during that trial,
7 Your Honor heard testimony from a young woman, Te'Ana Cousin.

8 Ms. Cousin was an aspiring law student attempting to
9 obtain her JD and practice real estate law. She had a
10 Bachelor's from Morgan State University. She was at her home
11 on October 5th, 2015, laying in bed, falling asleep, when she
12 heard a boom at the door.

13 She testified that by the time she rolled over in bed,
14 two men were standing over top of her.

15 One of those men was Jemell Rayam. The men were
16 wearing black masks, hoodies, and jeans, and Mr. Rayam had a
17 firearm that he pointed at her.

18 Ms. Cousin testified that she was, quote, paralyzed
19 with fear. She was, quote, really scared, end quote.

20 And Mr. Rayam said, You know what this is. Where's
21 the money? And he said he was going to kill her if she didn't
22 tell him where the money was.

23 He displayed his handgun in his hand and told her to
24 lay down. He then stole money and other items from her
25 apartment and ran off with his co-conspirators.

1 So this Court is faced with a defendant who, after his
2 arrest in March of 2017, accepted responsibility for this
3 robbery, among others.

4 Mr. Rayam, along with his co-conspirators, were given
5 tremendous power and responsibility as police officers; and
6 with this power, Mr. Rayam preyed on the vulnerable and
7 victimized the very citizens that he had sworn to protect.

8 When taking into consideration all of Mr. Rayam's
9 actions, the sentences that this Court has given to his
10 co-conspirators, the other factors under 3553(a), the
11 United States submits that the appropriate sentence for
12 Mr. Rayam is a sentence of 12 years' imprisonment, which is
13 within the guideline range.

14 As outlined in his plea agreement, he committed over
15 15 robberies while acting as a police officer, and I'd like to
16 just discuss a couple of them that are referenced in the plea
17 agreement.

18 In June of 2014, Mr. Rayam, along with Mr. Allers,
19 Mr. Gondo, and other members of the Gun Trace Task Force went
20 and searched a pigeon store. This was a pigeon store in
21 South Baltimore, a pigeon store that sold pigeons, bird food,
22 birdseed, and bird-related accessories, among other items. One
23 of the last few local stores like that that we have in this
24 area.

25 The owners of that store, earlier in the day, had gone

1 to the municipal building with \$20,000 in cash in an attempt to
2 satisfy their outstanding debt obligations.

3 While waiting in the very long line at the municipal
4 building, they were -- they stood there waiting and they
5 learned that a neighbor at the pigeon store had fallen ill, so
6 they went back to tend to him with the goal of going back to
7 satisfy the municipal bills the following day.

8 Once Mr. Rayam was in the store and he learned that
9 the owners had \$20,000 in their pocketbook, he then left and he
10 recruited several associates to participate in another robbery
11 of their home later that evening.

12 He showed up at their house. He armed his
13 co-conspirators. One was Thomas Finnegan, who he had also been
14 supplying with narcotics; and the other was his cousin, who he
15 had been -- he armed them with his firearm, his police vest,
16 and they went into their home, pretending to be police
17 officers, while Mr. Rayam waited outside in his patrol car, and
18 they stole \$20,000 from this couple.

19 And Your Honor heard at the sentencing of Mr. Finnegan
20 the impact that that had on the victims of the offense, the
21 financial hardships that they thereafter faced with their
22 business, the burden that it caused on them, and the fear that
23 both they and their young minor granddaughter had moving
24 forward in the future.

25 This is just one example of 15 robberies in the plea

1 agreement.

2 On March 11th, 2015, Mr. Rayam participated in a
3 robbery of G.W., during which he stole between 8,000 and 10,000
4 dollars, along with Gondo and Sergeant Allers.

5 On April 3rd, 2015, he robbed D.M., where they -- he,
6 Allers, and Gondo took \$7,000 in cash in D.M.'s closet.

7 On July 31st, 2015, he and his co-conspirators
8 participated in the robbery of Z.N. at his residence. He,
9 Allers, and Gondo split up the proceeds of the robbery.

10 The robbery in October 2015 of A.A. was when Rayam and
11 Mr. Wells and others stole money and they also stole heroin.

12 Mr. Rayam and Wells and the other co-conspirators sold
13 that heroin, and Mr. Rayam recouped proceeds from the drug sale
14 of that approximately 800 grams of deadly substance.

15 On February 10th, 2016, Mr. Rayam robbed P.E., entered
16 his residence. He, Rayam, and Allers divided up cash that P.E.
17 had been counting in the residence.

18 February 23rd, 2016, Mr. Rayam participated in the
19 home robbery of B.C., and they stole -- he -- Allers and Rayam
20 and Gondo stole \$7,000 from B.C.'s bedroom.

21 May 11th, 2016 -- this is now in the time frame of the
22 FBI investigation of the GTTF -- Mr. Rayam participated in the
23 robbery of N.D. During a traffic stop, Mr. Rayam stole
24 approximately \$700 of N.D.'s, and it was at that time that the
25 FBI began investigating this task force for the commission of

1 robberies, taking money, filing false incident reports, and
2 things of that nature.

3 May 28th, 2016, robbery of A.C. There was a robbery
4 referenced in the plea agreement in which Mr. Rayam and his
5 co-conspirators stole marijuana and a firearm.

6 Jenkins, Gondo, and Rayam conducted a traffic stop on
7 Dickie Road near Forest Park. They did not report the
8 incident.

9 Rayam and Gondo recovered marijuana from the driver's
10 car.

11 Rayam and Gondo and Jenkins then went to the driver's
12 house and recovered additional marijuana and a firearm.

13 Jenkins told Rayam to sell the marijuana and the
14 firearm in order to pay Jenkins the money that Jenkins believed
15 that Rayam owed him for a drug debt.

16 Gondo subsequently arranged for the firearm and
17 marijuana to be sold, and Rayam received money for the sale of
18 the firearm and marijuana.

19 In July of 2016, Mr. Rayam participated in the robbery
20 of Ronald Hamilton and Nancy Hamilton. This Court heard
21 testimony from Ronald Hamilton during the trial.

22 And this Court and the jury could hear just the
23 devastating impact that it had on Mr. Hamilton's life and the
24 trauma that it caused him.

25 He said it ruined his family. And from the witness

1 stand, he bore out what we've seen through these victims time
2 and time again as Mr. Rayam and his co-conspirators have
3 victimized them by stealing their money, filing false incident
4 reports, selling drugs back on the streets of Baltimore, all
5 while wearing a police badge.

6 In August of 2016, Mr. Rayam participated in the
7 robbery of D.A. He went to a storage unit. And following the
8 heist at the storage unit, Hersl gave Rayam money that Hersl
9 had stolen from the arrestee's vehicle.

10 August 2016, robbery of J.B. Rayam stole money with
11 Hersl.

12 September 7th, 2016, robbery of S.S., that's
13 Mr. Summerville, who testified in the previous trial. This was
14 the episode in which Hersl showed up and told one of the
15 security officers, custodians there that they looked like
16 people that needed to be robbed, while Mr. Rayam did, in fact,
17 participate in the robbery. He took money and narcotics.

18 October 3rd, 2016, this is the robbery of G.H.,
19 Mr. Harding, which was an episode involved in the Snell trial.
20 During a high-speed chase near Mondawmin Mall, Mr. Harding
21 threw 9 ounces of cocaine out the window. Mr. Rayam retrieved
22 the cocaine and ultimately arranged to sell that cocaine
23 through another police officer, Mr. Snell, in Philadelphia.

24 As Mr. Rayam has admitted, he lied time and time again
25 to judges, courts, juries, both in probable cause, both on the

1 witness stand. He admitted to that over and over and over
2 again.

3 He admitted to coaching others in advance of
4 Internal Affairs investigations. He admitted to turning off
5 his body camera to conceal and disguise their conduct.

6 Next to Wayne Jenkins, Mr. Rayam's criminal conduct
7 was the worst out of any defendant in the Gun Trace Task Force.

8 And in addition to the harm and loss he caused to the
9 city through the commission of robberies and the trafficking of
10 deadly narcotics, Rayam also committed rampant time and
11 attendance fraud and stole from the taxpayers.

12 Stealing from the citizens was not enough. He chose
13 to also steal from a city that cannot even afford to provide
14 adequate heat and air conditioning for our school children.

15 Turning to the next 3553(a) factor, deterrence, this
16 Court should send a deterrent message to other officers who
17 face the same temptations that Mr. Rayam faced and ultimately
18 agreed to commit crimes under.

19 Officers in this environment are exposed to large
20 amounts of cash, cash on a daily basis. We rely on our police
21 officers to go out there, put themselves in harm's way, take
22 narcotics, guns, other illegal items off the street. And that
23 temptation is going to exist in the wake of the consent decree,
24 in the wake of any reform effort, and it requires significant
25 trust in our police officers.

1 This Court should send a message that any officer who
2 commits this kind of conduct will face significant penalties in
3 this court.

4 Time and time again, Mr. Rayam made the wrong
5 decision. And you saw when Mr. Kostoplis testified as the
6 final witness in the trial, a young man in his 20s, he was able
7 to say no to this kind of behavior. And as a result of
8 repercussions he faced as he was dismissed from the unit,
9 ostracized from the unit and pushed out to another area.

10 Mr. Rayam also had a choice. He could have done the
11 same thing as Mr. Kostoplis, but his -- not only did he engage
12 in the behavior, but next to Wayne Jenkins, he participated in
13 more crimes than anyone else in the unit.

14 This Court, under 3553(a), looks to avoid unwarranted
15 sentencing disparities.

16 The two supervisors of the unit, Mr. Jenkins, he
17 received 25 years; and Mr. Allers received 15 years'
18 incarceration from this Court.

19 Mr. Rayam was not a supervisor, and we believe a
20 sentence less than 25 and 15 years is warranted for Mr. Rayam.

21 But Mr. Rayam's crimes were more significant than
22 Mr. Allers'. Mr. Allers participated in approximately nine
23 robberies with Mr. Rayam. Mr. Rayam, of course, participated
24 in many more and sold drugs.

25 The two trial defendants, Detective Hersl and

1 Detective Taylor, received sentences of 18 years. They did not
2 accept responsibility.

3 We believe a sentence less than 18 years is
4 appropriate for Mr. Rayam, although Mr. Rayam's conduct was
5 significantly worse than both Detective Hersl and
6 Detective Taylor.

7 He committed significantly more crimes. He engaged in
8 more pervasive drug dealing. And the impact that he had on the
9 community was significantly more.

10 Turning to the Defendants Ward and Hendrix, they
11 received sentences of seven years by Your Honor.

12 They committed approximately four to five robberies,
13 as outlined in their plea agreements, and they did not engage
14 in any narcotics trafficking.

15 And as to -- the closest comparison, I think, the
16 Court can draw is to that of Mr. Gondo, but there is some
17 significant distinction in this case.

18 Mr. Gondo only committed eight robberies, as outlined
19 in his plea agreement.

20 Mr. Rayam committed twice that amount of robberies.
21 15 robberies over the course of eight years preceding his
22 arrest.

23 Not only did he commit more robberies than
24 Detective Gondo, but he sold significantly more drugs than
25 Detective Gondo did on the streets.

1 In other words, Detective Gondo, as the Court heard in
2 the Shropshire case, he was providing sort of this information,
3 this role of protection and looking out for Mr. Shropshire, and
4 on a couple of occasions brokered some deals with marijuana and
5 other narcotics.

6 The amount of drugs that Detective Rayam sold, both
7 through Eric Snell, both through Tom Finnegan, as well as
8 numerous others, was significantly more than that of
9 Detective Gondo, and that is an egregious, egregious breach of
10 the public trust.

11 So in sum, Your Honor, when the Court is considering
12 the need for the sentence to reflect the seriousness of the
13 offense, to promote respect for the law, this could not be a
14 more serious offense. Over 15 armed robberies is a huge amount
15 of armed robberies for any defendant that this Court sees, let
16 alone a sworn police officer.

17 Mr. Rayam's actions undermined the public trust and
18 confidence in law enforcement. It undermines respect for the
19 law. It destroys the trust between the community and police.
20 It has resulted in hundreds and thousands of cases being thrown
21 out of courts.

22 By my count, over 2,000 cases have been affected by
23 Mr. Rayam's actions.

24 The guilty will walk free in many of those cases.
25 Violent offenders will be back -- are back on our streets as a

1 result of Mr. Rayam's actions because we can't trust the word
2 of these --

3 **THE COURT:** When you say 2,000 cases have been
4 affected by this, can you just elaborate on that?

5 **MR. HINES:** Yeah. So the public -- there was --
6 according to the Baltimore Sun, I believe the number was 1700
7 cases were thrown out by the Baltimore City State's Attorney's
8 Office as of several months ago. And we've learned that
9 subsequently more cases have also been thrown out.

10 It's affected federal cases as well. Although
11 Detective Rayam was not involved in any known federal case, we
12 certainly have taken action to undo convictions, where
13 appropriate; vacate sentences, as needed.

14 And these are individuals that in some cases were --
15 where we vacated sentence were people who committed crimes, and
16 they're now back on the streets because of what these officers
17 did.

18 And we recommend that the Court sentence Mr. Rayam to
19 12 years' imprisonment.

20 **THE COURT:** Thank you, Mr. Hines. Appreciate it.

21 Mr. Boyle, I would be happy to hear from you or if
22 there's anyone that would like to speak.

23 **MR. BOYLE:** Your Honor, there are three individuals
24 who would like to speak on Mr. Rayam's behalf. Where would the
25 Court like them to testify --

1 **THE COURT:** If they come up to that podium so they can
2 speak into the mic and just state and spell their name.

3 **MR. BOYLE:** Okay. I would first call John Rayam to
4 the stand.

5 **THE CLERK:** Sir -- excuse me, sir. Please state and
6 spell your name for the record.

7 **JOHN RAYAM:** John L. Rayam, R-A-Y-A; M, like in Mary.

8 **THE CLERK:** J-O-H-N?

9 **JOHN RAYAM:** Yes, ma'am.

10 **THE CLERK:** Thank you.

11 **MR. BOYLE:** And what is your relationship to Jemell?

12 **JOHN RAYAM:** I'm the father.

13 **MR. BOYLE:** Okay. Is there anything you would like to
14 tell the Court?

15 **JOHN RAYAM:** Yes, I would.

16 **MR. BOYLE:** Please go ahead.

17 **JOHN RAYAM:** Good morning, Your Honor.

18 **THE COURT:** Good morning.

19 **JOHN RAYAM:** Your Honor, I stand here a father of a
20 convicted felon. That's not easy coming out my mouth.

21 I'm a retired police officer. I did 25 years, so I
22 know the meaning of trust, dedication, and honor. And I'm not
23 here to stand here and justify what my son did.

24 But what I'm here to tell you briefly is that -- what
25 kind of family Jemell came from. And, like I say, Your Honor,

1 I did 25 years as a police officer and retired.

2 My wife, Doreen, retired as a schoolteacher after 33
3 years of service.

4 My oldest son had done 17 years as a teacher.

5 My oldest daughter is a principal after 15 years.

6 My son-in-law, who is here, had done 15 years as a
7 teacher.

8 And my baby daughter has now done seven years as a
9 teacher.

10 So Jemell came from a family of public service and
11 community events.

12 And, Your Honor, I'm proud to say this also about my
13 family: All the children I just named, except for Jemell, had
14 their Master's degrees.

15 Jemell was raised in a disciplined house, a faith
16 house, a Lord house. And I'm looking at my son now, and he
17 know that he violated all -- everything that he's been taught.

18 I was once asked by somebody why do I think he did
19 this. And, Your Honor, I wasn't in his mind, but one thing,
20 because of my faith that there was the parable that came to
21 me -- and I discussed it with my wife -- and the parable is
22 about the Prodigal Son.

23 Jemell was taught the faith, he lived the faith, and
24 he know what we stand for.

25 Now, with the Prodigal Son, the Prodigal Son asked his

1 father for his riches. My wife and I are not rich, but we gave
2 him the knowledge, the faith, the hope, the trust that he would
3 be able to take this to go wherever he may go.

4 But what happened, Your Honor, he got sidetracked.
5 And what I mean by "sidetracked," I'm not trying to demean the
6 crime, but what I mean by this is that he forgot what his
7 belief is.

8 But I'm here to say to Your Honor that whatever time
9 you give my son, he does have a support group. The same way
10 that we supported him growing up, we will support him coming
11 back home. I will work with him.

12 And I will say this, that I still love you.

13 **THE DEFENDANT:** I love you too, Dad. I love you too,
14 Dad.

15 **JOHN RAYAM:** Thank you, Your Honor.

16 **THE COURT:** Thank you, Mr. Rayam.

17 **MR. BOYLE:** Your Honor, I would call Doreen Rayam to
18 the stand.

19 **THE COURT:** Okay.

20 **THE CLERK:** Ma'am --

21 **DOREEN RAYAM:** Good morning, Your Honor. My name
22 is --

23 **THE CLERK:** -- please state and spell your name.

24 **DOREEN RAYAM:** Doreen, D-O-R-E-E-N; Elaine,
25 E-L-A-I-N-E; Rayam, R-A-Y-A-M.

1 **THE CLERK:** Thank you.

2 **MR. BOYLE:** Mrs. Rayam, what is your relationship to
3 Jemell?

4 **DOREEN RAYAM:** I am Jemell's mother.

5 **MR. BOYLE:** Is there anything you would like to tell
6 the Court?

7 **DOREEN RAYAM:** I would.

8 Proverbs, it says to train up a child as he -- as he
9 shall go, and when he get older, he won't depart from it.
10 Jemell did deter from it. He was brought up in a home,
11 God-fearing home. He was given the foundation of God and the
12 foundation of love and truth and honor and respect.

13 For being a teacher, even while growing up, he gave
14 him -- he gave so much of himself to his friends in junior
15 high. There were so many kids that did not have both parents
16 in the home, and Jemell always reached out to those kind of
17 children that needed the love.

18 There were times when they needed uniforms or they
19 needed clothes or they needed something, and Jemell would share
20 with me, Mom, can you get this for this person or can you get
21 that?

22 And because of people gravitating to him because of
23 his personality and his character and his love and the God that
24 was in him, he was able to share his friends with us, and he
25 brought them to the home with us, and that was during his

1 junior high school years.

2 Also, as we grow up, and as he continued to grow up in
3 college, again, young men would gravitate to Jemell because
4 they saw the God that was in Jemell. They saw the love and
5 they saw the caring and compassion that we had, which also he
6 carried over into college.

7 They would come to my house. Jemell would also,
8 again, give whatever he had. Sneakers, if someone needed, he
9 gave it to them. A coat he [sic] needed, he gave it to them.
10 They would come and he would say, you know, if you needed a hot
11 meal, come on over to my mom's house, I'll give it to you.

12 As a teacher and as a minister, there were young men
13 in our church that needed guidance as well. These were the
14 same students that attended my school, and they went to church
15 and Jemell would look at the young men. And he took their
16 telephone numbers and they took his telephone number and he
17 would call them and he would get them things if they needed
18 for -- if it was clothes, if it was shoes, if they just needed
19 an ear to talk to.

20 So I say that even as growing up and even as giving so
21 much of himself and even as seeing other people that did not
22 have, my son is in the position where at times wherever he
23 worked, he was able to see and be able to see in the city where
24 I worked and where -- there were so many young men that were
25 deterring [sic] the wrong way where he was able to assist.

1 But I pray to God that he will get a second chance,
2 because the community service that we have given, that I know
3 that Jemell also will give.

4 He'll be that testimony now because actually he's in
5 that position that so many others were in that he's given so
6 much of himself. So he's in a position to help and to assist
7 and be able to be a living testimony, be able to give even more
8 so.

9 So to Jemell -- and not only as your father, I open my
10 arms up. I have never lost any love for my son. I have never
11 lost any faith in my son. I have never given up on my son,
12 because I believe, as my husband and as myself and as a woman
13 who know that God has a purpose and plan for everything that
14 happens in our life, that it's not over for Jemell. It's not
15 over.

16 And I know that God will use him and be able to be a
17 living witness and a living testimony. And I support you with
18 all my love, with all of my support, with all of my prayer, and
19 I will never, ever, ever give up on you or lose faith in what
20 God has given to me.

21 Thank you, Your Honor.

22 **THE COURT:** Thank you. Thank you, Mrs. Rayam.

23 **MR. BOYLE:** Finally, Your Honor, I would call
24 Dorrice Rayam to the witness stand.

25 **THE CLERK:** Ma'am, please state and spell your name

1 for the record.

2 **DORRICE RAYAM:** Dorrice, D-O-R-R-I-C-E; Rayam,
3 R-A-Y-A-M.

4 **THE CLERK:** Thank you.

5 **DORRICE RAYAM:** Good morning, Your Honor.

6 **THE COURT:** Good morning.

7 **DORRICE RAYAM:** I am Jemell's big sister. I can talk
8 about the great times we had growing up. I can talk about our
9 childhood. I think my parents pretty much touched on that
10 point. We had a great childhood. It was fun, adventurous.

11 We grew up in church. We know the Lord and we love
12 the Lord.

13 And I just want to touch on two points that just came
14 back to memory.

15 When we got older, Jemell, he used to work at a
16 detention -- youth center. And it was the summer. And Jemell
17 worked so many hours -- and we lived close to Dorney Park, and
18 we used to say -- you know, we used to go to the theme park and
19 the water park, and we had to pick him up afterwards because it
20 was right next door, almost.

21 And I asked him, I said, Jemell, why are you working
22 so many hours?

23 And his response was, They still need someone to
24 believe in them.

25 He felt like if he could just continue to talk to

1 them, then they wouldn't -- they wouldn't end up back in that
2 detention center for something worse.

3 We go -- we get older, Jemell becomes a Baltimore
4 police officer. And I became a principal for about six years
5 now.

6 And Jemell will call to say hello, and it's funny, my
7 mom said God has a plan and a purpose. And most of the times,
8 when Jemell called me, I had a student in my office who did
9 something.

10 And I work in the City of Newark, so it can range from
11 something big to something small.

12 And Jemell would say, Let me talk to him. Okay. I
13 would let Jemell speak to the young man. And the young man
14 sometimes didn't want to share what my brother said to him
15 because he felt like that was between him and my brother, which
16 I respected.

17 But then there were follow-up calls. So it's not just
18 that one time that Jemell would call -- would ask about that
19 student. He will call and follow them.

20 And some of them he's seen, they're in high school
21 now. And just the motivation and the support that he's given
22 my students, I want him to know that we're here to do the same
23 for him.

24 Jemell has always been a role model. And I hear what
25 the counselor has read, and it sounds bad. I know it's bad.

1 I'm not here to excuse any actions.

2 But the man I see before me today, my brother,
3 Jemell Rayam, I still see a person I would invite into my
4 school building to mentor my young black males.

5 I still see a person I would say, Please, come speak
6 at my eighth grade graduation. Please, come take these group
7 of students who you can now -- you already talked to them, but
8 now you can actually explain to them and -- and really tell
9 them how you felt going through this process.

10 So I'm not going to repeat that my parents say God has
11 a plan and a purpose. We know that. We are all believers. We
12 don't know why. It's not to say God made him sin. God didn't
13 do that; right? But God forgives. And we forgive.

14 And, Jemell, we love you so much. And I can't wait to
15 hear your story. I can't wait for my students to hear your
16 story.

17 And thank you for just giving us the time to speak on
18 his behalf.

19 **THE COURT:** Thank you very much. Appreciate it.

20 **MR. BOYLE:** Your Honor, Jemell Rayam wanted to be a
21 good cop. He was a good kid. He was a good student. He
22 graduated from college. And he wanted to follow his father
23 into the police force, and he wanted to be a good cop.

24 He wanted to be a good cop for his family, for his
25 friends, for his neighborhoods, and for society, for all of us.

1 And he was. He started out and he was a good cop.

2 He arrest -- he took lots of drugs off the street. He
3 took guns off the street. He was involved in a couple very
4 serious incidents, one in which he was shot by an assailant he
5 was attempting to arrest.

6 These were bad people, and he arrested a lot of bad
7 people and he took a lot of bad people off the street. He was
8 a good cop.

9 But the story of Jemell's life is going to now be
10 forever tinged by what Mr. Hines had to say.

11 And everything that Mr. Hines said was true. Jemell
12 was involved in a lot of robberies. He did a lot of things
13 that he shouldn't have done. He became a corrupt cop.

14 But, Your Honor, corruption doesn't start -- an
15 individual doesn't start out corrupt. Corruption is something
16 that occurs in little pieces, in little steps along the way.

17 As I think Jemell will tell the Court, for him,
18 corruption first started when he was a new officer in the
19 Baltimore City police force.

20 He was called to the scene of a traffic incident and
21 told to write up a report as to what happened.

22 Now, the individual who actually saw what happened was
23 a -- what's called a white shirt in Baltimore, an officer.

24 Jemell, as he was writing up his report, called his
25 sergeant to get the name of the officer, and he was told that

1 in Baltimore, officers aren't included in police reports
2 because they have too many things to do. They're too busy.
3 And the best thing to do is just to change the report, report
4 that you saw it rather than the officer.

5 That was a test of character, and it was a test of
6 character that Mr. Rayam failed. He did what he was told at
7 that point in time.

8 And as time went on, he got involved with other
9 people. He did other things. He became a principal in terms
10 of robberies and corruptions and things of that nature.

11 In the process, he strayed from the person that he
12 was. He was a good Christian, and he left his religion, at
13 least temporarily.

14 He was a good husband, but he did not treat his wife
15 properly.

16 He was a good father, but now he's not around to be a
17 good father anymore.

18 He failed in every significant respect, and that is
19 going to be part of Jemell's narrative for the rest of his
20 life.

21 But, as his family said, and as this Court knows, just
22 because one fails a test doesn't mean that they're forever lost
23 or that they can't redeem themselves.

24 As soon as Mr. Rayam hit bottom, as soon as he was
25 arrested, more so than anybody else, he came to grips and

1 accepted the person that he was, that he was corrupt, that he
2 was wrong, and he decided at that point in time he was going to
3 change his life and turn it around and do everything he could
4 to try to rectify the things that he had done wrong.

5 And Mr. Hines is again correct that not all bad deeds
6 can be undone.

7 We've submitted a comprehensive sentencing memorandum
8 that I think describes in detail the reasons for what we think
9 would be an appropriate sentence.

10 We've attached a number of letters from people who
11 have known Jewell his whole life, and I think that these facts
12 that I'm saying are uncontested.

13 So it leaves the Court, we would submit, with a bit of
14 a dilemma. Somebody who has done very bad things, but somebody
15 who is fundamentally a good person.

16 We think -- we've recommended a sentence of three
17 years, Your Honor. That may be too low in view of the gravity
18 of the offenses that have occurred.

19 However, we think that a sentence of 12 years would be
20 far too high.

21 Mr. Rayam can be a productive member of society, and
22 he will be a productive member of society.

23 We would ask the Court to carefully consider
24 everything that we've submitted and impose a sentence that the
25 Court believes to be appropriate.

1 As Mr. Rayam said here today, he understands that he's
2 at the mercy of the Court in terms of the sentence to be
3 imposed, and he understands that he deserves a significant
4 sentence. He is comfortable with whatever the Court believes
5 to be just.

6 Thank you, Your Honor.

7 **THE COURT:** Thank you, Mr. Boyle. I appreciate that.

8 And, of course, I did appreciate your advocacy and
9 your sentencing memorandum and all the letters and things that
10 were submitted on Mr. Rayam's behalf. Thank you for that.

11 **MR. BOYLE:** Thank you, Your Honor.

12 **THE COURT:** Before I turn to Mr. Rayam, let me also
13 just ask, would there be any specific recommendations? I think
14 you had mentioned a particular designation. Obviously, that's
15 up to the Bureau of Prisons, but anything in particular?

16 **MR. BOYLE:** We would request the federal facility at
17 Otisville, New York, Your Honor. That's close to his family
18 and we believe would support his rehabilitation.

19 **THE COURT:** And it does appear that there may be a
20 substance or at least an alcohol abuse issue, something that
21 could be addressed on supervised release.

22 **MR. BOYLE:** We believe that could be at that facility,
23 Your Honor.

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

25 Mr. Rayam, if there's anything you'd like to say

1 before I make a final decision about the sentence, you have the
2 right to do that. You certainly don't have to. But if you'd
3 like to speak, you have the right to do that.

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Okay. I'll be happy to hear whatever you
6 say. You can just stay right there at the bench. That's fine.

7 **THE DEFENDANT:** May I stand or be seated?

8 **THE COURT:** You can stand. Just pull the mic a little
9 closer there. Thank you.

10 **THE DEFENDANT:** I would like to say, first of all,
11 thank you, Your Honor, for giving me the opportunity to speak
12 in your court today.

13 I had quite some time to go over what I would say
14 today. And each time I thought about what I would say today, I
15 would stop myself because what I would say today, I didn't want
16 it to be scripted, but more so from the heart.

17 And if I leave anybody out or if I forget to apologize
18 to anyone, charge it to my head and not my heart.

19 There's a -- quite a long list of people that I need
20 to apologize to and ask forgiveness to, first being the
21 citizens of Baltimore. I did take an oath to protect and
22 serve, and I broke that oath.

23 To the city of Baltimore Police Department, to its
24 sworn and civilian members, I came into contact with a lot of
25 honest people, a lot of people that trusted me, that saw my

1 potential, and I took advantage of that. And I put a stain on
2 the Baltimore Police Department.

3 To the State's Attorney Office, I -- their job is hard
4 as it is, and I didn't make their job any easier in prosecuting
5 criminals, and I apologize to them as well.

6 To the Circuit and District Court judges, I swore
7 under oath, under penalty of law, that everything I said was
8 true, and things -- some things that I did say was not true.

9 I admit everything that I've done, Your Honor.

10 To my family, to my father, you know, Dad, I get more
11 emotional with you because you -- you was always there. You
12 was always right there by my side.

13 And I was aware of it, but I just never took the
14 opportunity to let you know what I was going through when I was
15 first met with the decision to be dishonest. I know I should
16 have and I could have come to you.

17 And even while I was doing -- doing what I was doing,
18 and I knew what I was doing was wrong, I still could have come
19 to you and used your wisdom, but I was just ashamed of myself,
20 ashamed to be a man, ashamed to be your son.

21 But through all of this, I've realized that love
22 conquers all. You've taught me that you do something, you pay
23 for it.

24 Your Honor, I'm -- I don't -- I care about how much
25 time I get, but I did it. I just know that I miss my family

1 and that I will miss my kids.

2 To my mother, to my whole family, you are the
3 definition of unconditional love.

4 Mom, there's no condemnation. You never judged me for
5 anything that I've done. You always loved me. And I
6 appreciate you, Mom, for the spiritual foundation that you
7 bestowed on me.

8 To my brother, you was always my protector as my older
9 brother. You showed up in this case, and I know that I can
10 always rely on you.

11 To my sister, you was like my second mom. You put up
12 with two years of me on the phone going back and forth with
13 you, and yet you was patient with me.

14 To my little sister, we pored into each other and we
15 got even closer. And I love you. You'll always be my little
16 sister and I'll always be your older brother.

17 And to Cherelle, thank you for allowing me to be in
18 our kids' life through all of this.

19 What can I teach my kids? I can teach my kids -- and
20 they know now that their father is in jail, that their father
21 made a mistake.

22 But as Mr. Hines said and as my lawyer said, they know
23 that their father made a mistake and they know that I love 'em,
24 whether good or bad.

25 But at the same time, it's never too late to do the

1 right thing. And no matter what, you'll have a great support
2 system.

3 How can I ask Your Honor for mercy when I took an oath
4 that you took, that the prosecution took, that my lawyer has
5 taken? And I've known better coming from the family that I
6 came from.

7 And I can't ask for mercy, but what I could ask,
8 Your Honor, if you could see a man that admit his fault, a man,
9 a father that's just someone who deeply regrets what he did.

10 I feel like I have much more to say, Your Honor, but
11 I'm coming for a loss of words.

12 But I'm sorry to the city of Baltimore. And I'm ready
13 to face my consequences.

14 **THE COURT:** Okay.

15 **THE DEFENDANT:** Thank you.

16 **THE COURT:** Thank you, Mr. Rayam. Thank you very
17 much.

18 Okay. Is there anything else that anybody wants to
19 say that they haven't had a chance to say?

20 **MR. HINES:** Not right now, Your Honor. Thank you.

21 **MR. BOYLE:** No, Your Honor.

22 **THE COURT:** Okay. All right. Well, again, thank you.
23 Thank you, counsel. And also thanks to the probation officer
24 for the presentence report.

25 I've reviewed a great deal of material. And, of

1 course, I'm familiar with these cases.

2 I can start by saying, I think it's obvious from what
3 Mr. Rayam just said, what his family said, that this is just a
4 real tragedy at very many levels, including Mr. Rayam himself
5 falling away from what his family had taught him, and that does
6 require serious consequences.

7 Starting with the seriousness, the nature of the
8 crime, the seriousness of the crime, as I have said before,
9 obviously this is a very serious offense, as Mr. Rayam
10 realizes. He abused his position of trust as a Baltimore City
11 police officer. He used the power of his badge and his gun to
12 rob people rather than to protect them.

13 He participated in the distribution of drugs, which
14 destroy people's families in the city of Baltimore.

15 These robberies -- and, unfortunately, they were many,
16 they were serious, and they had serious consequences for the
17 individual victims, as we heard during the trials.

18 And, of course, it contributes to the lack of trust
19 between the community and the police, which is a major problem
20 in our city.

21 The robberies and the drugs are the most serious. In
22 some ways, of course, also the overtime fraud and the false
23 reports under oath are significant themselves.

24 There is a need to recognize that seriousness, and, of
25 course, a need to deter any other officers, any other people

1 that are given this public trust and might seek to take
2 advantage of it, as Mr. Rayam did.

3 On the other hand, Mr. Rayam clearly has gone a very
4 long way to show that he is, in fact, remorseful; that he
5 understands what he did was wrong; and to fully accept his
6 responsibility.

7 And I'm sure he, as he has just said, very much
8 appreciates the strong love and support that his family has
9 shown him and the fact that they will welcome him home when it
10 is time.

11 But I need, in determining the amount of time that is
12 reasonable, to take into account the seriousness of what
13 Mr. Rayam did over the number of years before he was arrested
14 and to compare Mr. Rayam's conduct to those of other officers
15 that I have sentenced, particularly in regard to others who
16 have accepted responsibility in the way that Mr. Rayam has.

17 He did engage in a very substantial number of serious
18 and terrifying conduct against individuals and in distribution
19 of drugs; and that, while he is in many ways similarly situated
20 to Mr. Gondo, his conduct was more serious, both as to the
21 robberies and as to the drugs. And his acceptance of
22 responsibility, while extremely significant, was perhaps not
23 quite at the level of Mr. Gondo.

24 Now, obviously he was not a supervisor. This
25 acceptance of responsibility distinguishes him very

1 significantly from, for example, Sergeant Jenkins, whose
2 conduct was otherwise somewhat similar but aggravated by his
3 being a sergeant.

4 So I appreciate -- again, I appreciate Mr. Rayam's, I
5 believe, true and genuine remorse, but there still has to be a
6 sanction. There has to be consequences. I think he
7 understands that. And I have to do that in accordance with
8 fairness and equality of treatment to the others involved in
9 this case.

10 And for that reason, I do agree with the Government
11 that a sentence of 12 years in the custody of the Bureau of
12 Prisons on Count 1 is sufficient, without being greater than
13 necessary, taking into account all those factors that I have
14 just discussed.

15 I do believe and I hope that when Mr. Rayam comes
16 home -- and, of course, he'll have credit for the time that he
17 served, and I believe he will be able to earn good conduct
18 while he is incarcerated -- I do believe that he has a lot to
19 offer to his family and to his community, as his family
20 believes in him.

21 There will be a period of three years of supervised
22 release after the period of incarceration.

23 And special conditions of supervised release will be
24 participating in any substance or alcohol abuse treatment that
25 the probation officer recommends, testing or treatment; and any

1 mental health testing or treatment the probation officer
2 recommends.

3 I'm going to recommend to the Bureau of Prisons that
4 he be designated to Otisville to be close to his family. I do
5 not know whether that will be consistent with his security
6 level and other issues that the BOP, Bureau of Prisons, will
7 have to determine.

8 And I certainly will also recommend that he at least
9 be evaluated for and participate in any substance abuse program
10 that he may be eligible for while he's in the Bureau of
11 Prisons.

12 His financial circumstances don't permit a fine.
13 There's not going to be any fine.

14 There is a required \$100 special assessment that I
15 have to impose, so I'm doing that.

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

18 **MR. WISE:** Your Honor, on the issue of restitution.

19 **THE COURT:** Restitution.

20 **MR. WISE:** And if I could actually approach, we filed
21 this morning a motion (handing).

22 **THE COURT:** Has Mr. Boyle seen it?

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

24 If Your Honor -- Your Honor, may recall that at the
25 very first sentencing in this case, which happened to be

1 Mr. Allers, a decision was taken to defer restitution because
2 of the fact that a number of the robberies were committed by
3 multiple members of the conspiracy, but that the overlap wasn't
4 complete. It was sort of a constellation where some members of
5 the conspiracy participated in some robberies, but not others.
6 So it presented a particularly difficult, complex sort of
7 restitution calculation.

8 And so with each of the successive sentencings,
9 restitution has been deferred, as the judgment reflects.

10 What we've filed this morning is a global,
11 essentially, accounting of the amounts per defendant, including
12 where defendants would be joint and severally liable.

13 And the table that captures this starts at Page 4.
14 It's footnoted to the specific amounts in the plea agreements
15 that pled defendants have agreed to or to the presentence
16 report paragraphs where specific amounts, as alleged and proven
17 at trial, were included.

18 Where a specific amount was not known, there is no
19 restitution ordered because it's not -- it can't be determined.

20 With that in mind, the total figure for Mr. Rayam is
21 \$79,000. We will separately provide -- we are attempting to
22 locate the most recent address of the victims, which has
23 changed since the cases were charged. We want to give the
24 Clerk of Court the most updated address.

25 Some of the victims are transient, and it's difficult

1 to pin that down. But the FBI is diligently trying to do that.

2 We'll provide the most up-to-date list we have of
3 addresses. The amounts are obviously known. They're organized
4 by date order so as not to reveal the victims' names.

5 We think this is the most efficient way to address
6 this. Mr. Rayam is the last sentencing among the eight
7 members -- all the members of the Gun Trace Task Force who were
8 prosecuted.

9 And so I think the relief would be to amend the
10 judgments of the previously sentenced defendants to reflect
11 these figures and where they're joint and severally liable.

12 **THE COURT:** Yes, the joint and several part is going
13 to, it looks as though, vary.

14 **MR. WISE:** Yes.

15 **THE COURT:** I mean, for example, it's slightly
16 complicated here, because the 79,000 pieces of it may be joint
17 and several with other defendants and pieces of it are not.

18 **MR. WISE:** Exactly.

19 **THE COURT:** Yes.

20 **MR. WISE:** And we'll work with the Court to craft the
21 appropriate reflection of that.

22 I think what will likely happen is there will be
23 specific -- the way these are laid out, as I've seen them, is
24 specific amounts per victim with an indication of with whom
25 that is joint -- with whom the defendant is joint and severally

1 liable for that amount, and that in aggregate will total a
2 global number for that defendant.

3 But, you know, the payouts, to the extent there are
4 any, could theoretically be offset by others where there is
5 joint and several liability.

6 **THE COURT:** Okay. Mr. Boyle, have you had a chance to
7 review this?

8 **MR. BOYLE:** In all honesty, Your Honor, Mr. Wise did
9 give it to me before we came into court. I was busy talking to
10 Mr. Rayam and the family.

11 I understand the methodology, and it seems to make
12 sense, but I haven't had an opportunity to review it in depth.
13 If I could have until the end of the day?

14 **THE COURT:** Oh, certainly. Longer. I was going to
15 say that restitution, of course, can be deferred for up to 90
16 days. It doesn't sound as though we need anything like 90
17 days. At this point, you're very close, but you're still
18 trying to find addresses.

19 What I guess I would ask is whether -- we can do the
20 judgment and commitment order, leave restitution deferred. If
21 your client, if Mr. Rayam, is willing to waive his presence for
22 any determination of restitution, then we can just amend the
23 J&C when we need to.

24 (The defendant conferred with counsel.)

25 **MR. BOYLE:** Your Honor, Mr. Rayam is willing to waive

1 his presence.

2 **THE COURT:** Okay. So why don't we do that. We'll
3 defer restitution until you can get the best addresses you're
4 going to get and prepare, perhaps, a clear joint and several
5 chart for each defendant.

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

7 **THE COURT:** Okay. All right.

8 Mr. Rayam, in light of the plea agreement and the
9 sentence, I'm not sure there's anything you have a right to or
10 would want to appeal from.

11 But if you were going to be noting any appeal, that
12 would have to be within 14 days.

13 Do you understand that, sir?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** All right. And good luck.

16 **THE CLERK:** Excuse me.

17 **THE COURT:** Thank you, all.

18 Oh, yes. Sorry.

19 Counts to dismiss.

20 **MR. HINES:** Oh, and, Your Honor, we ask to dismiss
21 Count 2 of the indictment.

22 **THE COURT:** Okay.

23 **MR. HINES:** Thank you.

24 **THE COURT:** Thank you.

25 (Matter concluded at 11:10 a.m.)

1 I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify
2 that the foregoing is a correct transcript from the
3 stenographic record of proceedings in the above-entitled
4 matter.

5 _____
6 /s/

7 Douglas J. Zweizig, RDR, CRR, FCRR
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<p>/s [1] 41/5</p>	<p>able [10] 12/6 18/3 19/24 20/23</p> <p>20/23 20/25 21/7 21/7 21/16</p> <p>35/17</p>	<p>allowing [1] 31/17</p> <p>almost [1] 22/20</p>
<p>1</p>	<p>about [10] 4/18 17/12 17/22</p> <p>22/8 22/8 23/4 23/18 29/1 29/14</p> <p>30/24</p>	<p>alone [1] 14/16</p> <p>along [4] 6/4 6/18 8/4 25/16</p>
<p>10,000 [1] 8/3</p> <p>101 [1] 1/24</p> <p>106 [2] 1/4 2/7</p> <p>10:02 a.m [1] 2/2</p> <p>10th [1] 8/15</p> <p>11:10 a.m [1] 40/25</p> <p>11th [2] 8/2 8/21</p> <p>12 [4] 6/12 15/19 27/19 35/11</p> <p>14 [1] 40/12</p> <p>15 [8] 6/15 7/25 12/17 12/20</p> <p>13/21 14/14 17/5 17/6</p> <p>17 [1] 17/4</p> <p>1700 [1] 15/6</p> <p>18 [2] 13/1 13/3</p> <p>188 [1] 4/10</p>	<p>above [1] 41/3</p> <p>above-entitled [1] 41/3</p> <p>abuse [3] 28/20 35/24 36/9</p> <p>abused [1] 33/10</p> <p>accept [2] 13/2 34/5</p> <p>acceptance [2] 34/21 34/25</p> <p>accepted [3] 6/2 27/1 34/16</p> <p>accessories [1] 6/22</p> <p>accordance [1] 35/7</p> <p>according [1] 15/6</p> <p>account [2] 34/12 35/13</p> <p>accounting [1] 37/11</p> <p>acting [1] 6/15</p> <p>action [1] 15/12</p> <p>actions [5] 6/9 14/17 14/23</p> <p>15/1 24/1</p> <p>actually [4] 21/4 24/8 25/22</p> <p>36/20</p> <p>addition [2] 2/25 11/8</p> <p>additional [2] 4/5 9/12</p> <p>address [3] 37/22 37/24 38/5</p> <p>addressed [2] 28/21 36/17</p> <p>addresses [3] 38/3 39/18 40/3</p> <p>adequate [1] 11/14</p> <p>adjustment [1] 4/7</p> <p>admit [2] 30/9 32/8</p> <p>admitted [4] 10/24 11/1 11/3</p> <p>11/4</p> <p>adopting [1] 3/22</p> <p>advance [1] 11/3</p> <p>advantage [2] 30/1 34/2</p> <p>adventurous [1] 22/10</p> <p>advisory [2] 2/23 4/25</p> <p>advocacy [1] 28/8</p> <p>Affairs [1] 11/4</p> <p>affected [3] 14/22 15/4 15/10</p> <p>afford [1] 11/13</p> <p>after [4] 6/1 17/2 17/5 35/22</p> <p>afterwards [1] 22/19</p> <p>again [9] 10/2 10/24 11/2 12/4</p> <p>20/3 20/8 27/5 32/22 35/4</p> <p>against [1] 34/18</p> <p>Agent [2] 1/20 2/10</p> <p>aggravated [1] 35/2</p> <p>aggregate [1] 39/1</p> <p>ago [1] 15/8</p> <p>agree [1] 35/10</p> <p>agreed [2] 11/18 37/15</p> <p>agreement [7] 3/21 6/14 6/17</p> <p>8/1 9/4 13/19 40/8</p> <p>agreements [2] 13/13 37/14</p> <p>ahead [1] 16/16</p> <p>air [1] 11/14</p> <p>alcohol [2] 28/20 35/24</p> <p>all [31] 2/12 2/17 3/13 3/17</p> <p>3/18 4/3 4/24 5/3 6/8 10/4</p> <p>17/13 17/17 21/18 21/18 21/18</p>	<p>already [1] 24/7</p> <p>also [18] 1/19 2/20 3/21 7/13</p> <p>8/11 11/10 11/13 12/10 15/9</p> <p>17/12 20/2 20/5 20/7 21/3 28/12</p> <p>32/23 33/22 36/8</p> <p>although [2] 13/4 15/10</p> <p>always [9] 19/16 23/24 30/11</p> <p>30/12 31/5 31/8 31/10 31/15</p> <p>31/16</p> <p>am [2] 19/4 22/7</p> <p>amend [2] 38/9 39/22</p> <p>AMERICA [1] 1/3</p> <p>among [3] 6/3 6/22 38/6</p> <p>amount [6] 13/20 14/6 14/14</p> <p>34/11 37/18 39/1</p> <p>amounts [6] 11/20 37/11 37/14</p> <p>37/16 38/3 38/24</p> <p>another [3] 7/10 10/23 12/9</p> <p>anticipated [1] 3/20</p> <p>any [22] 4/12 5/1 11/7 11/24</p> <p>12/1 13/14 14/15 15/11 21/10</p> <p>21/11 24/1 28/13 30/4 33/25</p> <p>33/25 35/24 35/25 36/9 36/13</p> <p>39/4 39/22 40/11</p> <p>anybody [3] 26/25 29/17 32/18</p> <p>anymore [1] 26/17</p> <p>anyone [3] 12/13 15/22 29/18</p> <p>anything [11] 2/24 16/13 19/5</p> <p>28/15 28/25 31/5 32/18 36/16</p> <p>36/16 39/16 40/9</p> <p>apartment [1] 5/25</p> <p>apologize [3] 29/17 29/20 30/5</p> <p>appeal [2] 40/10 40/11</p> <p>appear [1] 28/19</p> <p>appearing [1] 2/9</p> <p>appreciate [7] 15/20 24/19 28/7</p> <p>28/8 31/6 35/4 35/4</p> <p>appreciates [1] 34/8</p> <p>approach [1] 36/20</p> <p>appropriate [6] 6/11 13/4 15/13</p> <p>27/9 27/25 38/21</p> <p>approximately [4] 8/14 8/24</p> <p>12/22 13/12</p> <p>April [1] 8/5</p> <p>April 3rd [1] 8/5</p> <p>are [23] 2/17 3/10 3/19 4/3</p> <p>6/16 11/19 14/25 15/14 15/23</p> <p>18/1 22/21 24/11 27/12 31/2</p> <p>33/21 33/23 34/1 37/21 37/25</p> <p>38/3 38/17 38/23 39/3</p> <p>area [2] 6/24 12/9</p> <p>aren't [1] 26/1</p> <p>argue [1] 3/7</p> <p>armed [4] 7/12 7/15 14/14 14/15</p> <p>arms [1] 21/10</p> <p>around [2] 26/16 27/3</p> <p>arranged [2] 9/16 10/22</p> <p>arrest [4] 6/2 13/22 25/2 25/5</p> <p>arrested [3] 25/6 26/25 34/13</p> <p>arrestee's [1] 10/9</p>
<p>2</p>	<p>2,000 [2] 14/22 15/3</p>	<p>amount [6] 13/20 14/6 14/14</p>
<p>2014 [1] 6/18</p> <p>2015 [5] 5/11 8/2 8/5 8/7 8/10</p> <p>2016 [9] 8/15 8/18 8/21 9/3</p> <p>9/19 10/6 10/10 10/12 10/18</p> <p>2017 [2] 5/6 6/2</p> <p>2019 [2] 1/8 41/8</p> <p>20s [1] 12/6</p> <p>21201 [1] 1/25</p> <p>235 [1] 4/10</p> <p>23rd [1] 8/18</p> <p>25 [4] 12/17 12/20 16/21 17/1</p> <p>28 [1] 1/8</p> <p>28th [1] 9/3</p>	<p>actually [4] 21/4 24/8 25/22</p> <p>36/20</p> <p>addition [2] 2/25 11/8</p> <p>additional [2] 4/5 9/12</p> <p>address [3] 37/22 37/24 38/5</p> <p>addressed [2] 28/21 36/17</p> <p>addresses [3] 38/3 39/18 40/3</p> <p>adequate [1] 11/14</p> <p>adjustment [1] 4/7</p> <p>admit [2] 30/9 32/8</p> <p>admitted [4] 10/24 11/1 11/3</p> <p>11/4</p> <p>adopting [1] 3/22</p> <p>advance [1] 11/3</p> <p>advantage [2] 30/1 34/2</p> <p>adventurous [1] 22/10</p> <p>advisory [2] 2/23 4/25</p> <p>advocacy [1] 28/8</p> <p>Affairs [1] 11/4</p> <p>affected [3] 14/22 15/4 15/10</p> <p>afford [1] 11/13</p> <p>after [4] 6/1 17/2 17/5 35/22</p> <p>afterwards [1] 22/19</p> <p>again [9] 10/2 10/24 11/2 12/4</p> <p>20/3 20/8 27/5 32/22 35/4</p> <p>against [1] 34/18</p> <p>Agent [2] 1/20 2/10</p> <p>aggravated [1] 35/2</p> <p>aggregate [1] 39/1</p> <p>ago [1] 15/8</p> <p>agree [1] 35/10</p> <p>agreed [2] 11/18 37/15</p> <p>agreement [7] 3/21 6/14 6/17</p> <p>8/1 9/4 13/19 40/8</p> <p>agreements [2] 13/13 37/14</p> <p>ahead [1] 16/16</p> <p>air [1] 11/14</p> <p>alcohol [2] 28/20 35/24</p> <p>all [31] 2/12 2/17 3/13 3/17</p> <p>3/18 4/3 4/24 5/3 6/8 10/4</p> <p>17/13 17/17 21/18 21/18 21/18</p>	<p>amount [6] 13/20 14/6 14/14</p> <p>34/11 37/18 39/1</p> <p>amounts [6] 11/20 37/11 37/14</p> <p>37/16 38/3 38/24</p> <p>another [3] 7/10 10/23 12/9</p> <p>anticipated [1] 3/20</p> <p>any [22] 4/12 5/1 11/7 11/24</p> <p>12/1 13/14 14/15 15/11 21/10</p> <p>21/11 24/1 28/13 30/4 33/25</p> <p>33/25 35/24 35/25 36/9 36/13</p> <p>39/4 39/22 40/11</p> <p>anybody [3] 26/25 29/17 32/18</p> <p>anymore [1] 26/17</p> <p>anyone [3] 12/13 15/22 29/18</p> <p>anything [11] 2/24 16/13 19/5</p> <p>28/15 28/25 31/5 32/18 36/16</p> <p>36/16 39/16 40/9</p> <p>apartment [1] 5/25</p> <p>apologize [3] 29/17 29/20 30/5</p> <p>appeal [2] 40/10 40/11</p> <p>appear [1] 28/19</p> <p>appearing [1] 2/9</p> <p>appreciate [7] 15/20 24/19 28/7</p> <p>28/8 31/6 35/4 35/4</p> <p>appreciates [1] 34/8</p> <p>approach [1] 36/20</p> <p>appropriate [6] 6/11 13/4 15/13</p> <p>27/9 27/25 38/21</p> <p>approximately [4] 8/14 8/24</p> <p>12/22 13/12</p> <p>April [1] 8/5</p> <p>April 3rd [1] 8/5</p> <p>are [23] 2/17 3/10 3/19 4/3</p> <p>6/16 11/19 14/25 15/14 15/23</p> <p>18/1 22/21 24/11 27/12 31/2</p> <p>33/21 33/23 34/1 37/21 37/25</p> <p>38/3 38/17 38/23 39/3</p> <p>area [2] 6/24 12/9</p> <p>aren't [1] 26/1</p> <p>argue [1] 3/7</p> <p>armed [4] 7/12 7/15 14/14 14/15</p> <p>arms [1] 21/10</p> <p>around [2] 26/16 27/3</p> <p>arranged [2] 9/16 10/22</p> <p>arrest [4] 6/2 13/22 25/2 25/5</p> <p>arrested [3] 25/6 26/25 34/13</p> <p>arrestee's [1] 10/9</p>
<p>3</p>	<p>31 [1] 4/3</p> <p>31st [1] 8/7</p> <p>33 [1] 17/2</p> <p>34 [2] 4/3 4/4</p> <p>3553 [4] 5/4 6/10 11/15 12/14</p> <p>36 [1] 4/8</p> <p>39 [1] 4/5</p> <p>3rd [2] 8/5 10/18</p>	<p>amount [6] 13/20 14/6 14/14</p>
<p>4</p>	<p>4th [1] 1/24</p>	<p>amount [6] 13/20 14/6 14/14</p>
<p>5</p>	<p>5th [1] 5/11</p>	<p>amount [6] 13/20 14/6 14/14</p>
<p>7</p>	<p>79,000 [1] 38/16</p> <p>7D [1] 1/8</p> <p>7th [1] 10/12</p>	<p>amount [6] 13/20 14/6 14/14</p>
<p>8</p>	<p>8,000 [1] 8/3</p> <p>800 grams [1] 8/14</p>	<p>amount [6] 13/20 14/6 14/14</p>

A

as [72]

ashamed [3] 30/19 30/20 30/20

ask [9] 23/18 27/23 28/13 29/20
32/3 32/7 32/7 39/19 40/20

asked [3] 17/18 17/25 22/21

asleep [1] 5/11

aspiring [1] 5/8

assailant [1] 25/4

assessment [1] 36/14

assist [2] 20/25 21/6

Assistant [1] 1/16

associates [1] 7/10

attached [1] 27/10

attempt [1] 7/1

attempting [3] 5/8 25/5 37/21

attendance [1] 11/11

attended [1] 20/14

Attorney [1] 30/3

Attorney's [1] 15/7

Attorneys [1] 1/16

August [2] 10/6 10/10

August 2016 [1] 10/10

AUSAs [1] 2/8

avoid [1] 12/14

aware [1] 30/13

away [1] 33/5

B

B.C [1] 8/19

B.C.'s [1] 8/20

baby [1] 17/8

Bachelor's [1] 5/10

back [10] 7/6 7/6 10/4 14/25
14/25 15/16 18/11 22/14 23/1
31/12

bad [8] 23/25 23/25 25/6 25/6
25/7 27/5 27/14 31/24

badge [2] 10/5 33/11

Baltimore [16] 1/9 1/25 6/21
10/4 15/6 15/7 23/3 25/19 25/23
26/1 29/21 29/23 30/2 32/12
33/10 33/14

Baltimore City [2] 15/7 25/19

Baltimore Sun [1] 15/6

basis [1] 11/20

be [66]

became [3] 23/4 25/13 26/9

because [19] 4/1 15/1 15/16
17/20 19/22 19/22 20/3 21/2
21/4 21/12 22/19 23/15 26/2
26/22 29/15 30/11 37/1 37/19
38/16

becomes [1] 23/3

bed [2] 5/11 5/13

bedroom [1] 8/20

been [10] 4/17 7/13 7/15 8/17
14/22 15/3 15/9 17/17 23/24
37/9

before [8] 1/11 2/24 24/2 28/12
29/1 33/8 34/13 39/9

began [1] 8/25

behalf [5] 2/9 2/15 15/24 24/18
28/10

behavior [2] 12/7 12/12

being [5] 14/20 19/13 29/20
35/3 35/12

belief [1] 18/7

believe [12] 4/11 12/19 13/3
15/6 21/12 22/24 28/18 28/22
35/5 35/15 35/17 35/18

believed [1] 9/14

believers [1] 24/11

believes [3] 27/25 28/4 35/20

bench [3] 4/20 4/22 29/6

best [2] 26/3 40/3

bestowed [1] 31/7

better [1] 32/5

between [4] 8/3 14/19 23/15
33/19

big [2] 22/7 23/11

bills [1] 7/7

bird [2] 6/21 6/22

bird-related [1] 6/22

birdseed [1] 6/22

bit [1] 27/13

black [2] 5/16 24/4

BLAKE [1] 1/11

body [1] 11/5

body camera [1] 11/5

boom [1] 5/12

BOP [1] 36/6

bore [1] 10/1

both [8] 7/23 10/25 10/25 13/5
14/6 14/7 19/15 34/20

bottom [1] 26/24

Boyle [8] 1/18 2/14 2/21 3/3
15/21 28/7 36/22 39/6

breach [1] 14/9

briefly [1] 16/24

broke [1] 29/22

brokered [1] 14/4

brother [6] 23/14 23/15 24/2
31/8 31/9 31/16

brought [2] 19/10 19/25

building [3] 7/1 7/4 24/4

burden [1] 7/22

Bureau [5] 28/15 35/11 36/3
36/6 36/10

business [1] 7/22

busy [2] 26/2 39/9

C

calculated [2] 3/19 4/4

calculation [2] 2/23 37/7

call [8] 2/5 16/3 18/17 20/17
21/23 23/6 23/18 23/19

called [4] 23/8 25/20 25/23
25/24

calls [1] 23/17

came [10] 16/25 17/10 17/20
22/13 26/25 29/24 30/16 30/18
32/6 39/9

camera [1] 11/5

can [25] 2/3 2/16 13/16 15/4
16/1 19/20 19/20 22/7 22/8
23/10 24/7 24/8 27/6 27/21 29/6
29/8 31/9 31/19 31/19 32/3 33/2
39/15 39/19 39/22 40/3

can't [6] 15/1 24/14 24/15
26/23 32/7 37/19

cannot [1] 11/13

captures [1] 37/13

car [2] 7/17 9/10

care [1] 30/24

carefully [1] 27/23

caring [1] 20/5

carried [1] 20/6

case [9] 1/4 2/5 2/19 13/17
14/2 15/11 31/9 35/9 36/25

cases [11] 3/7 14/20 14/22
14/24 15/3 15/7 15/9 15/10
15/14 33/1 37/23

cash [5] 7/1 8/6 8/16 11/20
11/20

category [1] 4/9

CATHERINE [1] 1/11

cause [1] 10/25

caused [3] 7/22 9/24 11/8

CCB [1] 1/4

CCB-17-106 [1] 1/4

center [2] 22/16 23/2

certainly [4] 15/12 29/2 36/8
39/14

Certified [1] 41/7

certify [1] 41/1

chance [4] 3/14 21/1 32/19 39/6

change [2] 26/3 27/3

changed [1] 37/23

character [3] 19/23 26/5 26/6

charge [1] 29/18

charged [1] 37/23

chart [1] 40/5

chase [1] 10/20

Cherelle [1] 31/17

child [1] 19/8

childhood [2] 22/9 22/10

children [3] 11/14 17/13 19/17

choice [1] 12/10

chose [1] 11/12

Christian [1] 26/12

church [3] 20/13 20/14 22/11

Circuit [1] 30/6

circumstances [1] 36/12

citizens [3] 6/7 11/12 29/21

city [11] 11/9 11/13 15/7 20/23
23/10 25/19 29/23 32/12 33/10
33/14 33/20

civilian [1] 29/24

clear [2] 3/21 40/4

clearly [1] 34/3

Clerk [1] 37/24

client [1] 39/21

close [4] 22/17 28/17 36/4
39/17

closer [2] 29/9 31/15

closest [1] 13/15

closet [1] 8/6

clothes [2] 19/19 20/18

co [8] 5/25 6/4 6/10 7/13 8/7
8/12 9/5 10/2

co-conspirators [8] 5/25 6/4
6/10 7/13 8/7 8/12 9/5 10/2

coaching [1] 11/3

coat [1] 20/9

cocaine [3] 10/21 10/22 10/22

college [3] 20/3 20/6 24/22

come [6] 16/1 20/7 20/10 20/11
24/5 24/6

comes [1] 35/15

comfortable [1] 28/4

coming [4] 16/20 18/10 32/5
32/11

commission [2] 8/25 11/9

commit [2] 11/18 13/23

commitment [1] 39/20

commits [1] 12/2

committed [8] 6/14 11/10 13/7
13/12 13/18 13/20 15/15 37/2

community [6] 13/9 14/19 17/11
21/2 33/19 35/19

compare [1] 34/14

comparison [1] 13/15

compassion [1] 20/5

complete [1] 37/4

<p>C</p> <p>complex [1] 37/6</p> <p>complicated [1] 38/16</p> <p>comprehensive [1] 27/7</p> <p>conceal [1] 11/5</p> <p>concerning [1] 4/22</p> <p>concluded [1] 40/25</p> <p>condemnation [1] 31/4</p> <p>conditioning [1] 11/14</p> <p>conditions [1] 35/23</p> <p>conduct [9] 11/5 11/6 12/2 13/4 34/14 34/18 34/20 35/2 35/17</p> <p>conducted [1] 9/6</p> <p>conference [2] 4/20 4/22</p> <p>conferred [1] 39/24</p> <p>confidence [1] 14/18</p> <p>conquers [1] 30/22</p> <p>consent [1] 11/23</p> <p>consent decree [1] 11/23</p> <p>consequences [4] 32/13 33/6 33/16 35/6</p> <p>consider [1] 27/23</p> <p>consideration [1] 6/8</p> <p>considering [2] 5/3 14/11</p> <p>consistent [1] 36/5</p> <p>conspiracy [4] 2/19 4/2 37/3 37/5</p> <p>conspirators [8] 5/25 6/4 6/10 7/13 8/7 8/12 9/5 10/2</p> <p>constellation [1] 37/4</p> <p>contact [1] 29/24</p> <p>continue [1] 22/25</p> <p>continued [1] 20/2</p> <p>contributes [1] 33/18</p> <p>convicted [1] 16/20</p> <p>convictions [1] 15/12</p> <p>cooperating [2] 4/17 4/23</p> <p>cooperation [1] 4/17</p> <p>cop [6] 24/21 24/23 24/24 25/1 25/8 25/13</p> <p>correct [4] 3/12 3/24 27/5 41/2</p> <p>correction [1] 2/25</p> <p>corrupt [3] 25/13 25/15 27/1</p> <p>corruption [3] 25/14 25/15 25/18</p> <p>corruptions [1] 26/10</p> <p>could [14] 9/22 12/10 14/13 22/25 27/3 28/21 28/22 30/16 30/18 32/7 32/8 36/20 39/4 39/13</p> <p>counsel [5] 2/10 3/20 5/2 32/23 39/24</p> <p>counselor [1] 23/25</p> <p>count [4] 2/18 14/22 35/12 40/21</p> <p>Count 1 [2] 2/18 35/12</p> <p>Count 2 [1] 40/21</p> <p>counting [1] 8/17</p> <p>Counts [1] 40/19</p> <p>couple [4] 6/16 7/18 14/4 25/3</p> <p>course [13] 3/21 3/24 4/8 4/25 12/23 13/21 28/8 33/1 33/18 33/22 33/25 35/16 39/15</p> <p>court [34] 1/1 1/24 3/6 4/21 6/1 6/9 9/20 9/22 11/16 12/1 12/3 12/14 12/18 13/16 14/1 14/11 14/15 15/18 15/25 16/14 19/6 25/17 26/21 27/13 27/23 27/25 28/2 28/4 29/12 30/6 37/24 38/20 39/9 41/8</p> <p>Courtroom [1] 1/8</p>	<p>courts [2] 10/25 14/21</p> <p>cousin [4] 5/7 5/8 5/18 7/14</p> <p>craft [1] 38/20</p> <p>credit [1] 35/16</p> <p>crime [3] 18/6 33/8 33/8</p> <p>crimes [5] 11/18 12/13 12/21 13/7 15/15</p> <p>criminal [4] 1/4 2/7 4/9 11/6</p> <p>criminals [1] 30/5</p> <p>CRR [3] 1/23 41/1 41/6</p> <p>custodians [1] 10/15</p> <p>custody [1] 35/11</p> <p>D</p> <p>D-O-R-E-E-N [1] 18/24</p> <p>D-O-R-R-I-C-E [1] 22/2</p> <p>D.A [1] 10/7</p> <p>D.M [1] 8/5</p> <p>D.M.'s [1] 8/6</p> <p>Dad [3] 18/13 18/14 30/10</p> <p>daily [1] 11/20</p> <p>date [3] 38/2 38/4 41/8</p> <p>daughter [2] 17/5 17/8</p> <p>day [3] 6/25 7/7 39/13</p> <p>days [3] 39/16 39/17 40/12</p> <p>deadly [2] 8/14 11/10</p> <p>deal [1] 32/25</p> <p>dealing [1] 13/8</p> <p>deals [1] 14/4</p> <p>debt [2] 7/2 9/15</p> <p>decided [1] 27/2</p> <p>decision [4] 12/5 29/1 30/15 37/1</p> <p>decree [1] 11/23</p> <p>dedication [1] 16/22</p> <p>deeds [1] 27/5</p> <p>deeply [1] 32/9</p> <p>defendant [13] 1/6 1/17 2/15 4/17 4/23 6/1 11/7 14/15 37/11 38/25 39/2 39/24 40/5</p> <p>defendants [6] 12/25 13/10 37/12 37/15 38/10 38/17</p> <p>defer [2] 37/1 40/3</p> <p>deferred [3] 37/9 39/15 39/20</p> <p>definition [1] 31/3</p> <p>degrees [1] 17/14</p> <p>demean [1] 18/5</p> <p>Dennis [2] 1/18 2/14</p> <p>Dennis Boyle [2] 1/18 2/14</p> <p>depart [1] 19/9</p> <p>Department [2] 29/23 30/2</p> <p>depth [1] 39/12</p> <p>Derek [2] 1/15 2/8</p> <p>Derek E. Hines [1] 1/15</p> <p>Derek Hines [1] 2/8</p> <p>describes [1] 27/8</p> <p>deserves [1] 28/3</p> <p>designated [1] 36/4</p> <p>designation [1] 28/14</p> <p>destroy [1] 33/14</p> <p>destroys [1] 14/19</p> <p>detail [1] 27/8</p> <p>Detective [10] 12/25 13/1 13/5 13/6 13/24 13/25 14/1 14/6 14/9 15/11</p> <p>Detective Gondo [4] 13/24 13/25 14/1 14/9</p> <p>Detective Hersl [2] 12/25 13/5</p> <p>Detective Rayam [2] 14/6 15/11</p> <p>Detective Taylor [2] 13/1 13/6</p> <p>detention [2] 22/16 23/2</p>	<p>deter [2] 19/10 33/25</p> <p>determination [1] 39/22</p> <p>determine [1] 36/7</p> <p>determined [1] 37/19</p> <p>determining [1] 34/11</p> <p>deterrence [1] 11/15</p> <p>deterrent [1] 11/16</p> <p>detrerring [1] 20/25</p> <p>devastating [1] 9/23</p> <p>Dickie [1] 9/7</p> <p>Dickie Road [1] 9/7</p> <p>did [30] 9/7 10/16 12/11 13/1 13/13 13/23 13/25 15/17 16/21 16/23 17/1 17/18 19/10 19/15 20/21 23/8 25/12 26/6 26/9 26/14 28/8 29/21 30/8 30/25 32/9 34/2 34/5 34/13 34/17 39/8</p> <p>didn't [5] 5/21 23/14 24/12 29/15 30/4</p> <p>different [1] 3/19</p> <p>difficult [2] 37/6 37/25</p> <p>dilemma [1] 27/14</p> <p>diligently [1] 38/1</p> <p>Diplomate [1] 41/7</p> <p>disagreement [1] 4/12</p> <p>disciplined [1] 17/15</p> <p>discuss [1] 6/16</p> <p>discussed [3] 4/24 17/21 35/14</p> <p>discussing [1] 4/16</p> <p>disguise [1] 11/5</p> <p>dishonest [1] 30/15</p> <p>dismiss [2] 40/19 40/20</p> <p>dismissed [1] 12/8</p> <p>disparities [1] 12/15</p> <p>displayed [1] 5/23</p> <p>distinction [1] 13/17</p> <p>distinguishes [1] 34/25</p> <p>distribution [2] 33/13 34/18</p> <p>district [4] 1/1 1/1 4/15 30/6</p> <p>District Court [1] 30/6</p> <p>divided [1] 8/16</p> <p>DIVISION [1] 1/2</p> <p>do [25] 2/5 3/18 3/23 4/10 4/15 17/18 23/22 24/13 26/2 26/3 27/3 29/2 29/3 30/22 31/25 35/7 35/10 35/15 35/18 36/4 38/1 39/19 40/2 40/13 41/1</p> <p>Docket [1] 2/7</p> <p>does [4] 4/12 18/9 28/19 33/5</p> <p>doesn't [4] 25/14 25/15 26/22 39/16</p> <p>doing [5] 30/17 30/17 30/17 30/18 36/15</p> <p>dollars [1] 8/4</p> <p>don't [5] 24/12 29/2 30/24 36/12 40/2</p> <p>done [9] 12/10 17/4 17/6 17/8 25/13 27/4 27/14 30/9 31/5</p> <p>door [2] 5/12 22/20</p> <p>Doreen [3] 17/2 18/17 18/24</p> <p>Doreen Rayam [1] 18/17</p> <p>Dorney [1] 22/17</p> <p>Dorney Park [1] 22/17</p> <p>Dorrice [2] 21/24 22/2</p> <p>Dorrice Rayam [1] 21/24</p> <p>Douglas [3] 1/23 41/1 41/6</p> <p>down [2] 5/24 38/1</p> <p>downward [1] 4/6</p> <p>draw [1] 13/16</p> <p>driver's [2] 9/9 9/11</p> <p>drug [3] 8/13 9/15 13/8</p> <p>drugs [9] 10/4 12/24 13/24 14/6</p>
---	---	--

D
 drugs... [5] 25/2 33/13 33/21
 34/19 34/21
 during [7] 5/6 8/3 8/23 9/21
 10/20 19/25 33/17

E
 E-L-A-I-N-E [1] 18/25
 E. [1] 1/15
 each [4] 29/14 31/14 37/8 40/5
 ear [1] 20/19
 earlier [1] 6/25
 earn [1] 35/17
 easier [1] 30/4
 easy [1] 16/20
 efficient [1] 38/5
 effort [1] 11/24
 egregious [2] 14/9 14/9
 eight [3] 13/18 13/21 38/6
 eighth [1] 24/6
 elaborate [1] 15/4
 Elaine [1] 18/24
 eligible [1] 36/10
 else [4] 2/24 12/13 26/25 32/18
 emotional [1] 30/11
 end [3] 5/19 23/1 39/13
 enforcement [1] 14/18
 engage [3] 12/11 13/13 34/17
 engaged [1] 13/7
 enough [1] 11/12
 entered [1] 8/15
 entitled [2] 4/6 41/3
 environment [1] 11/19
 episode [2] 10/14 10/19
 equality [1] 35/8
 Eric [1] 14/7
 Eric Snell [1] 14/7
 Erika [2] 1/20 2/11
 Erika Jensen [2] 1/20 2/11
 Esquire [3] 1/15 1/15 1/18
 essentially [1] 37/11
 estate [1] 5/9
 evaluated [1] 36/9
 even [8] 11/13 19/13 20/20
 20/20 20/21 21/7 30/17 31/15
 evening [1] 7/11
 events [1] 17/11
 ever [2] 21/19 21/19
 every [3] 4/16 4/21 26/18
 everyone [1] 2/3
 everything [7] 17/17 21/13
 25/11 27/3 27/24 30/7 30/9
 Exactly [1] 38/18
 example [3] 7/25 35/1 38/15
 except [2] 3/9 17/13
 excuse [3] 16/5 24/1 40/16
 exist [1] 11/23
 explain [1] 24/8
 exposed [1] 11/19
 extent [1] 39/3
 extremely [1] 34/22

F
 face [3] 11/17 12/2 32/13
 faced [5] 3/6 6/1 7/21 11/17
 12/8
 facility [2] 28/16 28/22
 fact [4] 10/16 34/4 34/9 37/2
 factor [3] 3/25 4/25 11/15
 factors [3] 5/4 6/10 35/13
 facts [1] 27/11

failed [2] 26/6 26/18
 fails [1] 26/22
 fairness [1] 35/8
 faith [7] 17/15 17/20 17/23
 17/23 18/2 21/11 21/19
 fallen [1] 7/5
 falling [2] 5/11 33/5
 false [3] 9/1 10/3 33/22
 familiar [1] 33/1
 families [1] 33/14
 family [18] 9/25 16/25 17/10
 17/13 24/24 26/21 28/17 30/10
 30/25 31/2 32/5 33/3 33/5 34/8
 35/19 35/19 36/4 39/10
 far [1] 27/20
 father [12] 16/12 16/19 18/1
 21/9 24/22 26/16 26/17 30/10
 31/20 31/20 31/23 32/9
 fault [1] 32/8
 FBI [5] 1/20 2/11 8/22 8/25
 38/1
 FCRR [3] 1/23 41/1 41/6
 fear [2] 5/19 7/22
 fearing [1] 19/11
 February [2] 8/15 8/18
 February 10th [1] 8/15
 February 23rd [1] 8/18
 federal [5] 1/24 15/10 15/11
 28/16 41/8
 feel [1] 32/10
 felon [1] 16/20
 felt [3] 22/25 23/15 24/9
 few [1] 6/23
 figure [1] 37/20
 figures [1] 38/11
 filed [3] 3/4 36/20 37/10
 filing [2] 9/1 10/3
 final [2] 12/6 29/1
 Finally [1] 21/23
 financial [2] 7/21 36/12
 find [1] 39/18
 fine [3] 29/6 36/12 36/13
 Finnegan [3] 7/13 7/19 14/7
 firearm [7] 5/17 7/15 9/5 9/12
 9/14 9/16 9/18
 first [6] 16/3 25/18 29/10
 29/20 30/15 36/25
 five [2] 4/5 13/12
 Floor [1] 1/24
 follow [3] 23/17 23/19 24/22
 follow-up [1] 23/17
 following [3] 2/18 7/7 10/7
 food [1] 6/21
 footnoted [1] 37/14
 force [6] 6/19 8/25 11/7 24/23
 25/19 38/7
 foregoing [1] 41/2
 Forest [1] 9/7
 Forest Park [1] 9/7
 forever [2] 25/10 26/22
 forget [1] 29/17
 forgive [1] 24/13
 forgiveness [1] 29/20
 forgives [1] 24/13
 forgot [1] 18/6
 forth [2] 4/2 31/12
 forward [1] 7/24
 foundation [3] 19/11 19/12 31/6
 four [1] 13/12
 frame [1] 8/21
 fraud [2] 11/11 33/22
 free [1] 14/24

friends [3] 19/14 19/24 24/25
 fry [1] 34/5
 fun [1] 22/10
 fundamentally [1] 27/15
 funny [1] 23/6
 further [1] 3/8
 future [1] 7/24

G
 G.H [1] 10/18
 G.W [1] 8/3
 gave [6] 10/8 18/1 19/13 19/14
 20/9 20/9
 genuine [1] 35/5
 get [11] 19/9 19/20 19/20 20/17
 21/1 23/3 25/25 30/10 30/25
 40/3 40/4
 Gina [1] 1/20
 Gina Swillo [1] 1/20
 give [8] 18/9 20/8 20/11 21/3
 21/7 21/19 37/23 39/9
 given [9] 6/4 6/9 19/11 21/2
 21/5 21/11 21/20 23/21 34/1
 giving [3] 20/20 24/17 29/11
 Glen [1] 5/6
 Glen Wells [1] 5/6
 global [2] 37/10 39/2
 go [8] 11/21 16/16 18/3 18/3
 19/9 22/18 23/3 29/13
 goal [1] 7/6
 God [13] 19/11 19/11 19/23 20/4
 21/1 21/13 21/16 21/20 23/7
 24/10 24/12 24/12 24/13
 God-fearing [1] 19/11
 going [16] 5/21 7/6 11/23 24/9
 24/10 25/9 26/19 27/2 30/14
 31/12 36/3 36/13 38/12 39/14
 40/4 40/11
 Gondo [17] 6/19 8/4 8/6 8/9
 8/20 9/6 9/9 9/11 9/16 13/16
 13/18 13/24 13/25 14/1 14/9
 34/20 34/23
 gone [2] 6/25 34/3
 good [23] 2/3 2/13 2/14 16/17
 16/18 18/21 22/5 22/6 24/21
 24/21 24/21 24/23 24/24 25/1
 25/8 26/12 26/14 26/16 26/17
 27/15 31/24 35/17 40/15
 got [4] 18/4 22/15 26/8 31/15
 Government [5] 2/9 4/7 4/12 5/3
 35/10
 grade [1] 24/6
 graduated [1] 24/22
 graduation [1] 24/6
 grams [1] 8/14
 granddaughter [1] 7/23
 gravitate [1] 20/3
 gravitating [1] 19/22
 gravity [1] 27/17
 great [4] 22/8 22/10 32/1 32/25
 greater [1] 35/12
 grew [1] 22/11
 grips [1] 26/25
 group [2] 18/9 24/6
 grouping [1] 4/4
 grow [2] 20/2 20/2
 growing [4] 18/10 19/13 20/20
 22/8
 GTTF [1] 8/22
 guess [1] 39/19
 guidance [1] 20/13
 guideline [6] 2/23 3/5 3/22

G
 guideline... [3] 4/10 4/25 6/13
 guidelines [4] 2/24 3/10 3/10 3/18
 guilty [3] 2/18 4/21 14/24
 gun [4] 6/19 11/7 33/11 38/7
 Gun Trace Task Force [3] 6/19 11/7 38/7
 guns [2] 11/22 25/3

H
 had [36] 3/4 3/14 3/20 5/9 5/16 6/7 6/25 7/5 7/9 7/13 7/15 7/20 7/23 8/17 9/23 10/9 12/10 13/8 17/4 17/6 17/13 20/5 20/8 22/8 22/10 22/19 23/8 25/10 27/4 28/14 29/13 32/19 33/5 33/16 39/6 39/12
 Hamilton [3] 9/20 9/20 9/21
 Hamilton's [1] 9/23
 hand [2] 5/23 34/3
 handgun [1] 5/23
 handing [1] 36/21
 happen [1] 38/22
 happened [4] 18/4 25/21 25/22 36/25
 happens [1] 21/14
 happy [3] 5/1 15/21 29/5
 hard [1] 30/3
 Harding [2] 10/19 10/20
 hardships [1] 7/21
 harm [1] 11/8
 harm's [1] 11/21
 has [26] 3/6 3/14 3/16 4/17 6/9 10/24 14/20 17/8 21/13 21/20 23/7 23/24 23/25 24/10 27/14 32/4 34/3 34/7 34/8 34/16 35/5 35/6 35/18 36/22 37/9 37/22
 have [47]
 haven't [2] 32/19 39/12
 having [1] 4/16
 he [158]
 he'll [2] 21/4 35/16
 he's [9] 17/17 21/4 21/5 21/6 23/20 23/21 26/16 28/1 36/10
 head [1] 29/18
 health [1] 36/1
 hear [7] 5/1 9/22 15/21 23/24 24/15 24/15 29/5
 heard [6] 5/7 5/12 7/19 9/20 14/1 33/17
 heart [2] 29/16 29/18
 heat [1] 11/14
 heist [1] 10/8
 hello [1] 23/6
 help [1] 21/6
 Hendrix [1] 13/10
 her [7] 5/9 5/10 5/14 5/17 5/21 5/23 5/24
 here [12] 2/6 2/17 16/19 16/23 16/23 16/24 17/6 18/8 23/22 24/1 28/1 38/16
 hereby [1] 41/1
 heroin [2] 8/11 8/13
 Hersel [6] 10/8 10/8 10/11 10/14 12/25 13/5
 high [5] 10/20 19/15 20/1 23/20 27/20
 high-speed [1] 10/20
 him [26] 5/22 7/6 9/15 9/24 18/2 18/10 18/10 18/11 19/14

19/22 19/24 21/16 22/19 22/21 23/12 23/14 23/15 23/22 23/23 24/12 25/17 33/5 34/9 34/9
 34/25 35/20
 himself [4] 19/14 20/21 21/6 33/4
 Hines [9] 1/15 2/5 2/8 3/1 15/20 25/10 25/11 27/5 31/22
 his [71]
 history [1] 4/9
 hit [1] 26/24
 home [11] 5/10 7/11 7/16 8/19 18/11 19/10 19/11 19/16 19/25 34/9 35/16
 honest [1] 29/25
 honesty [1] 39/8
 honor [50]
 HONORABLE [1] 1/11
 hoodies [1] 5/16
 hope [2] 18/2 35/15
 hot [1] 20/10
 hours [2] 22/17 22/22
 house [7] 7/12 9/12 17/15 17/16 17/16 20/7 20/11
 how [3] 24/9 30/24 32/3
 However [1] 27/19
 huge [1] 14/14
 hundreds [1] 14/20
 husband [2] 21/12 26/14

I
 I'd [1] 6/15
 I'll [4] 5/3 20/11 29/5 31/16
 I'm [21] 5/1 16/12 16/21 16/22 16/24 17/12 17/16 18/5 18/8 24/1 24/10 27/12 30/24 32/11 32/12 32/12 33/1 34/7 36/3 36/15 40/9
 I've [6] 30/9 30/21 31/5 32/5 32/25 38/23
 ill [1] 7/5
 illegal [1] 11/22
 impact [3] 7/20 9/23 13/8
 impose [2] 27/24 36/15
 imposed [1] 28/3
 imprisonment [2] 6/12 15/19
 incarcerated [1] 35/18
 incarceration [2] 12/18 35/22
 incident [4] 9/1 9/8 10/3 25/20
 incidents [1] 25/4
 include [1] 4/22
 included [2] 26/1 37/17
 including [2] 33/4 37/11
 indication [1] 38/24
 indictment [1] 40/21
 individual [3] 25/15 25/22 33/17
 individuals [3] 15/14 15/23 34/18
 information [1] 14/2
 Internal [1] 11/4
 Internal Affairs [1] 11/4
 investigating [1] 8/25
 investigation [1] 8/22
 investigations [1] 11/4
 invite [1] 24/3
 involved [7] 4/2 10/19 15/11 25/3 25/12 26/8 35/8
 is [77]
 issue [2] 28/20 36/18
 issues [2] 3/9 36/6
 it [52]

it's [14] 3/24 15/10 21/14 23/14 23/6 23/17 23/25 24/12 31/25 33/2 37/14 37/19 37/25 38/15
 items [3] 5/24 6/22 11/22
 its [1] 29/23

J
 J-O-H-N [1] 16/8
 J. [1] 1/15
 J.B [1] 10/10
 jail [1] 31/20
 JD [1] 5/9
 jeans [1] 5/16
 JEMELL [38] 1/5 2/7 2/15 5/15 16/11 16/25 17/10 17/13 17/15 17/23 19/3 19/10 19/16 19/19 20/3 20/4 20/7 20/15 21/3 21/9 21/14 22/15 22/16 22/21 23/3 23/6 23/8 23/12 23/13 23/18 23/24 24/3 24/14 24/20 25/11 25/17 25/24 27/11
 Jemell Rayam [4] 2/15 5/15 24/3 24/20
 Jemell's [4] 19/4 22/7 25/9 26/19
 Jenkins [9] 9/6 9/11 9/13 9/14 9/14 11/6 12/12 12/16 35/1
 Jensen [2] 1/20 2/11
 job [2] 30/3 30/4
 John [2] 16/3 16/7
 John L. Rayam [1] 16/7
 John Rayam [1] 16/3
 joint [8] 37/12 38/11 38/12 38/16 38/25 38/25 39/5 40/4
 JUDGE [1] 1/11
 judged [1] 31/4
 judges [2] 10/25 30/6
 judgment [2] 37/9 39/20
 judgments [1] 38/10
 July [2] 8/7 9/19
 July 31st [1] 8/7
 June [2] 6/18 41/8
 junior [2] 19/14 20/1
 juries [1] 10/25
 jury [1] 9/22
 just [29] 3/14 6/16 7/25 9/22 15/4 16/2 17/13 20/18 22/13 22/13 22/25 23/17 23/21 24/17 26/3 26/21 28/5 28/13 29/6 29/8 30/13 30/19 30/25 32/9 33/3 33/3 34/7 35/14 39/22
 justify [1] 16/23

K
 kid [1] 24/21
 kids [4] 19/15 31/1 31/19 31/19
 kids' [1] 31/18
 kill [1] 5/21
 kind [4] 12/2 12/7 16/25 19/16
 knew [1] 30/18
 know [25] 2/22 5/20 16/22 17/17 17/24 20/10 21/2 21/13 21/16 22/11 22/18 23/22 23/25 24/11 24/12 30/10 30/14 30/15 30/25 31/9 31/20 31/22 31/23 36/5 39/3
 knowledge [1] 18/2
 known [5] 15/11 27/11 32/5 37/18 38/3
 knows [1] 26/21
 Kostoplis [2] 12/5 12/11

L

L. [1] 16/7
 lack [1] 33/18
 laid [1] 38/23
 LAMAR [2] 1/5 2/7
 large [1] 11/19
 last [2] 6/23 38/6
 late [1] 31/25
 later [1] 7/11
 law [7] 5/8 5/9 14/13 14/18
 14/19 17/6 30/7
 law enforcement [1] 14/18
 lawyer [2] 31/22 32/4
 lay [1] 5/24
 laying [1] 5/11
 learned [3] 7/5 7/8 15/8
 least [3] 26/13 28/20 36/8
 leave [2] 29/17 39/20
 leaves [1] 27/13
 left [3] 7/9 26/12 36/16
 Leo [2] 1/15 2/8
 Leo J. Wise [1] 1/15
 Leo Wise [1] 2/8
 less [2] 12/20 13/3
 let [5] 14/15 23/12 23/13 28/12
 30/14
 letters [2] 27/10 28/9
 level [6] 4/5 4/6 4/8 4/8 34/23
 36/6
 levels [1] 33/4
 liability [1] 39/5
 liable [3] 37/12 38/11 39/1
 lied [1] 10/24
 life [7] 9/23 21/14 25/9 26/20
 27/3 27/11 31/18
 light [1] 40/8
 like [18] 6/15 6/23 10/15 15/22
 15/24 15/25 16/7 16/13 16/25
 19/5 22/25 23/15 28/25 29/3
 29/10 31/11 32/10 39/16
 likely [1] 38/22
 line [1] 7/3
 list [2] 29/19 38/2
 little [5] 25/16 25/16 29/8
 31/14 31/15
 lived [2] 17/23 22/17
 living [3] 21/7 21/17 21/17
 local [1] 6/23
 locate [1] 37/22
 Lombard [1] 1/24
 long [3] 7/3 29/19 34/4
 Longer [1] 39/14
 look [1] 20/15
 looked [1] 10/15
 looking [2] 14/3 17/16
 looks [2] 12/14 38/13
 Lord [3] 17/16 22/11 22/12
 lose [1] 21/19
 loss [2] 11/8 32/11
 lost [3] 21/10 21/11 26/22
 lot [7] 25/6 25/7 25/12 25/12
 29/24 29/25 35/18
 lots [1] 25/2
 love [16] 18/12 18/13 18/13
 19/12 19/17 19/23 20/4 21/10
 21/18 22/11 24/14 30/21 31/3
 31/15 31/23 34/8
 loved [1] 31/5
 low [1] 27/17
 luck [1] 40/15

M

ma am [3] 16/9 18/20 21/25
 made [6] 3/7 3/21 12/4 24/12
 31/21 31/23
 major [1] 33/19
 make [4] 5/2 29/1 30/4 39/11
 males [1] 24/4
 Mall [1] 10/20
 man [7] 12/6 23/13 23/13 24/2
 30/20 32/8 32/8
 many [11] 12/24 14/24 19/15
 20/24 21/5 22/17 22/22 26/2
 33/4 33/15 34/19
 March [2] 6/2 8/2
 March 11th [1] 8/2
 marijuana [7] 9/5 9/9 9/12 9/13
 9/17 9/18 14/4
 Mary [1] 16/7
 MARYLAND [3] 1/1 1/9 1/25
 masks [1] 5/16
 Master's [1] 17/14
 Master's degrees [1] 17/14
 material [1] 32/25
 matter [4] 2/6 32/1 40/25 41/4
 may [10] 1/8 8/21 9/3 18/3
 27/17 28/19 29/7 36/10 36/24
 38/16
 May 11th [1] 8/21
 May 28th [1] 9/3
 me [19] 16/5 17/21 19/20 21/20
 23/8 23/12 24/2 28/12 29/11
 29/25 30/22 31/4 31/5 31/7
 31/12 31/13 31/17 39/9 40/16
 meal [1] 20/11
 mean [4] 18/5 18/6 26/22 38/15
 meaning [1] 16/22
 member [2] 27/21 27/22
 members [6] 6/19 29/24 37/3
 37/4 38/7 38/7
 memo [1] 3/11
 memorandum [3] 2/21 27/7 28/9
 memory [1] 22/14
 men [7] 5/14 5/15 5/15 20/3
 20/12 20/15 20/24
 mental [1] 36/1
 mentioned [1] 28/14
 mentor [1] 24/4
 mercy [3] 28/2 32/3 32/7
 message [2] 11/16 12/1
 met [1] 30/15
 methodology [1] 39/11
 mic [2] 16/2 29/8
 might [1] 34/1
 mind [2] 17/19 37/20
 minister [1] 20/12
 minor [1] 7/23
 miss [2] 30/25 31/1
 mistake [2] 31/21 31/23
 model [1] 23/24
 modification [1] 2/25
 mom [5] 19/20 23/7 31/4 31/6
 31/11
 mom's [1] 20/11
 Mondawmin [1] 10/20
 Mondawmin Mall [1] 10/20
 money [11] 5/21 5/22 5/24 8/11
 9/1 9/14 9/17 10/3 10/8 10/10
 10/17
 months [2] 4/10 15/8
 more [17] 12/13 12/21 12/24
 13/7 13/8 13/9 13/23 13/24 14/8

14/14 15/9 21/7 26/25 29/16
 30/10 32/10 34/28
 Morgan [1] 5/10
 morning [10] 2/3 2/13 2/14
 16/17 16/18 18/21 22/5 22/6
 36/21 37/10
 most [6] 23/7 33/21 37/22 37/24
 38/2 38/5
 mother [2] 19/4 31/2
 motion [1] 36/21
 motivation [1] 23/21
 mouth [1] 16/20
 moving [2] 4/7 7/23
 Mr. [103]
 Mr. Allers [4] 6/18 12/17 12/22
 37/1
 Mr. Allers' [1] 12/22
 Mr. Boyle [6] 2/21 3/3 15/21
 28/7 36/22 39/6
 Mr. Finnegan [1] 7/19
 Mr. Gondo [5] 6/19 13/16 13/18
 34/20 34/23
 Mr. Hamilton's [1] 9/23
 Mr. Harding [2] 10/19 10/20
 Mr. Hines [7] 2/5 3/1 15/20
 25/10 25/11 27/5 31/22
 Mr. Jenkins [1] 12/16
 Mr. Kostoplis [2] 12/5 12/11
 Mr. Rayam [57]
 Mr. Rayam's [11] 6/8 11/6 12/21
 13/4 14/17 14/23 15/1 15/24
 28/10 34/14 35/4
 Mr. Shropshire [1] 14/3
 Mr. Snell [1] 10/23
 Mr. Summerville [1] 10/13
 Mr. Wells [1] 8/11
 Mr. Wise [1] 39/8
 Mrs. [2] 19/2 21/22
 Mrs. Rayam [2] 19/2 21/22
 Ms. [2] 5/8 5/18
 Ms. Cousin [2] 5/8 5/18
 much [10] 19/14 20/21 21/6 22/9
 24/14 24/19 30/24 32/10 32/17
 34/7
 multiple [1] 37/3
 municipal [3] 7/1 7/3 7/7
 my [61]
 myself [3] 21/12 29/15 30/19

N

N.D [1] 8/23
 N.D.'s [1] 8/24
 name [6] 16/2 16/6 18/21 18/23
 21/25 25/25
 named [1] 17/13
 names [1] 38/4
 Nancy [1] 9/20
 Nancy Hamilton [1] 9/20
 narcotics [6] 7/14 10/17 11/10
 11/22 13/14 14/5
 narrative [1] 26/19
 nature [3] 9/2 26/10 33/7
 near [2] 9/7 10/20
 necessarily [1] 3/22
 necessary [1] 35/13
 need [9] 2/22 14/12 22/23 29/19
 33/24 33/25 34/11 39/16 39/23
 needed [13] 3/23 10/16 15/13
 19/17 19/18 19/19 19/19 20/8
 20/9 20/10 20/13 20/17 20/18
 neighbor [1] 7/5
 neighborhoods [1] 24/25

N

never [7] 21/10 21/10 21/11
 21/19 30/13 31/4 31/25
 new [2] 25/18 28/17
 New York [1] 28/17
 Newark [1] 23/10
 next [4] 11/6 11/15 12/12 22/20
 nine [1] 12/22
 no [8] 1/4 3/9 4/14 12/7 31/4
 32/1 32/21 37/18
 No. [1] 2/7
 No. 17-cr-106 [1] 2/7
 NORTHERN [1] 1/2
 not [43]
 noting [1] 40/11
 now [17] 4/15 8/21 15/16 17/8
 17/16 17/25 21/4 23/5 23/21
 24/7 24/8 25/9 25/22 26/16
 31/20 32/20 34/24
 number [8] 4/1 15/6 20/16 27/10
 34/13 34/17 37/2 39/2
 numbers [1] 20/16
 numerous [1] 14/8

O

oath [5] 29/21 29/22 30/7 32/3
 33/23
 objection [2] 3/4 3/6
 obligations [1] 7/2
 obtain [1] 5/9
 obvious [1] 33/2
 obviously [4] 28/14 33/9 34/24
 38/3
 occasions [1] 14/4
 occurred [1] 27/18
 occurs [1] 25/16
 October [4] 5/6 5/11 8/10 10/18
 October 2015 [1] 8/10
 October 3rd [1] 10/18
 October 5th [1] 5/11
 off [6] 5/25 11/4 11/22 25/2
 25/3 25/7
 offenders [1] 14/25
 offense [6] 4/5 4/8 7/20 14/13
 14/14 33/9
 offenses [1] 27/18
 offer [1] 35/19
 office [3] 15/8 23/8 30/3
 officer [16] 1/20 6/15 10/23
 12/1 14/16 16/21 17/1 23/4
 25/18 25/23 25/25 26/4 32/23
 33/11 35/25 36/1
 officers [11] 6/5 7/17 10/15
 11/16 11/19 11/21 11/25 15/16
 26/1 33/25 34/14
 Official [2] 1/24 41/8
 offset [1] 39/4
 Oh [3] 39/14 40/18 40/20
 Okay [17] 2/16 3/3 3/9 3/13
 3/17 16/3 16/13 18/19 23/12
 29/5 32/14 32/18 32/22 39/6
 40/2 40/7 40/22
 older [5] 19/9 22/15 23/3 31/8
 31/16
 oldest [2] 17/4 17/5
 once [2] 7/8 17/18
 one [11] 3/24 4/25 5/15 6/22
 7/13 7/25 10/14 17/19 23/18
 25/4 26/22
 only [6] 3/24 4/25 12/11 13/18
 13/23 21/9

open [1] 21/9
 opportunity [3] 29/11 30/14
 39/12
 order [3] 9/14 38/4 39/20
 ordered [2] 4/19 37/19
 organized [1] 38/3
 ostracized [1] 12/9
 other [21] 3/6 5/24 6/10 6/19
 6/22 7/14 8/12 11/16 11/22 14/1
 14/5 20/21 26/8 26/9 31/14
 33/25 33/25 34/3 34/14 36/6
 38/17
 others [9] 6/3 8/11 11/3 14/8
 21/5 34/15 35/8 37/5 39/4
 otherwise [1] 35/2
 Otisville [2] 28/17 36/4
 ounces [1] 10/21
 our [9] 11/14 11/20 11/25 14/25
 20/13 21/14 22/8 31/18 33/20
 out [16] 10/1 10/21 11/7 11/21
 12/9 14/3 14/21 15/7 15/9 16/20
 19/16 25/1 25/15 29/17 36/16
 38/23
 outlined [3] 6/14 13/13 13/18
 outside [1] 7/17
 outstanding [1] 7/2
 over [16] 5/5 5/13 5/14 6/14
 11/1 11/1 11/1 13/21 14/14
 14/22 20/6 20/11 21/14 21/15
 29/13 34/13
 overlap [1] 37/3
 overtime [1] 33/22
 owed [1] 9/15
 owners [2] 6/25 7/9

P

P.E [2] 8/15 8/16
 Page [1] 37/13
 Page 4 [1] 37/13
 parable [2] 17/20 17/21
 paragraphs [1] 37/16
 paralyzed [1] 5/18
 parents [3] 19/15 22/9 24/10
 park [4] 9/7 22/17 22/18 22/19
 part [2] 26/19 38/12
 participate [3] 7/10 10/17 36/9
 participated [11] 8/2 8/8 8/18
 8/22 9/19 10/6 12/12 12/22
 12/23 33/13 37/5
 participating [1] 35/24
 particular [2] 28/14 28/15
 particularly [2] 34/15 37/6
 patient [1] 31/13
 patrol [1] 7/17
 pay [2] 9/14 30/22
 payouts [1] 39/3
 penalties [1] 12/2
 penalty [1] 30/7
 people [14] 10/16 15/15 19/22
 20/21 25/6 25/7 25/7 26/9 27/10
 29/19 29/25 29/25 33/12 33/25
 people's [1] 33/14
 per [2] 37/11 38/24
 perhaps [3] 3/20 34/22 40/4
 period [2] 35/21 35/22
 permit [1] 36/12
 person [6] 19/20 24/3 24/5
 26/11 27/1 27/15
 personality [1] 19/23
 pervasive [1] 13/8
 Philadelphia [1] 10/23
 phone [1] 31/12

pick [1] 22/19
 pigeons [1] 6/21
 pieces [9] 25/16 38/16 38/17
 pigeon [4] 6/20 6/20 6/21 7/5
 pin [1] 38/1
 Plaintiff [2] 1/3 1/14
 plan [3] 21/13 23/7 24/11
 plea [11] 2/18 3/21 4/21 6/14
 6/16 7/25 9/4 13/13 13/19 37/14
 40/8
 please [7] 2/4 16/5 16/16 18/23
 21/25 24/5 24/6
 pled [1] 37/15
 plus [1] 4/5
 pocketbook [1] 7/9
 podium [1] 16/1
 point [5] 4/1 22/10 26/7 27/2
 39/17
 pointed [1] 5/17
 points [1] 22/13
 police [20] 6/5 6/15 7/15 7/16
 10/5 10/23 11/20 11/25 14/16
 14/19 16/21 17/1 23/4 24/23
 25/19 26/1 29/23 30/2 33/11
 33/19
 policy [2] 4/15 4/21
 pored [1] 31/14
 portion [1] 4/16
 position [4] 20/22 21/5 21/6
 33/10
 potential [1] 30/1
 power [3] 6/5 6/6 33/11
 practice [1] 5/9
 pray [1] 21/1
 prayer [1] 21/18
 preceding [1] 13/21
 prepare [1] 40/4
 presence [2] 39/21 40/1
 Present [1] 1/19
 presented [2] 3/10 37/6
 presentence [10] 2/20 2/22 2/25
 3/5 3/15 3/19 3/23 3/24 32/24
 37/15
 presided [1] 5/5
 pretending [1] 7/16
 pretty [1] 22/9
 previous [1] 10/13
 previously [1] 38/10
 preyed [1] 6/6
 principal [3] 17/5 23/4 26/9
 Prisons [5] 28/15 35/12 36/3
 36/6 36/11
 probable [1] 10/25
 probation [4] 1/20 32/23 35/25
 36/1
 problem [1] 33/19
 proceeding [3] 4/16 4/19 4/22
 proceedings [1] 41/3
 proceeds [2] 8/9 8/13
 process [2] 24/9 26/11
 Prodigal [3] 17/22 17/25 17/25
 Prodigal Son [3] 17/22 17/25
 17/25
 productive [2] 27/21 27/22
 program [1] 36/9
 promote [1] 14/13
 properly [1] 26/15
 prosecuted [1] 38/8
 prosecuting [1] 30/4
 prosecution [1] 32/4
 protect [3] 6/7 29/21 33/12
 protection [1] 14/3

P

protector [1] 31/8
 proud [1] 17/12
 proven [1] 37/16
 Proverbs [1] 19/8
 provide [3] 11/13 37/21 38/2
 providing [1] 14/2
 public [5] 14/10 14/17 15/5 17/10 34/1
 pull [1] 29/8
 purpose [3] 21/13 23/7 24/11
 pushed [1] 12/9
 put [3] 11/21 30/1 31/11

Q

quite [3] 29/13 29/19 34/23
 quote [3] 5/18 5/19 5/19

R

R-A-Y-A [1] 16/7
 R-A-Y-A-M [2] 18/25 22/3
 racketeering [2] 2/18 4/2
 raised [1] 17/15
 rampant [1] 11/10
 ran [1] 5/25
 range [8] 2/23 3/5 3/22 4/3 4/10 4/25 6/13 23/10
 rather [2] 26/4 33/12
 RAYAM [85]
 Rayam's [11] 6/8 11/6 12/21 13/4 14/17 14/23 15/1 15/24 28/10 34/14 35/4
 RDR [3] 1/23 41/1 41/6
 reached [1] 19/16
 read [1] 23/25
 ready [1] 32/12
 real [2] 5/9 33/4
 realized [1] 30/21
 realizes [1] 33/10
 really [2] 5/19 24/8
 Realtime [1] 41/7
 reason [1] 35/10
 reasonable [1] 34/12
 reasons [1] 27/8
 recall [1] 36/24
 received [5] 9/17 12/17 12/17 13/1 13/11
 recent [1] 37/22
 recognize [2] 3/18 33/24
 recommend [3] 15/18 36/3 36/8
 recommendation [1] 5/1
 recommendations [1] 28/13
 recommended [1] 27/16
 recommends [2] 35/25 36/2
 record [5] 2/8 3/14 16/6 22/1 41/3
 recouped [1] 8/13
 recovered [2] 9/9 9/12
 recruited [1] 7/10
 rectify [1] 27/4
 redeem [1] 26/23
 referenced [2] 6/16 9/4
 reflect [2] 14/12 38/10
 reflection [1] 38/21
 reflects [1] 37/9
 reform [1] 11/24
 regard [1] 34/15
 Registered [1] 41/7
 regrets [1] 32/9
 rehabilitation [1] 28/18
 related [1] 6/22

relationship [2] 16/11 19/2
 release [3] 28/21 35/22 35/23
 relief [1] 38/9
 religion [1] 26/12
 rely [2] 11/20 31/10
 remain [1] 4/18
 remorse [1] 35/5
 remorseful [1] 34/4
 repeat [1] 24/10
 repercussions [1] 12/8
 report [15] 2/20 2/23 3/1 3/5 3/15 3/19 3/23 3/24 9/7 25/21 25/24 26/3 26/3 32/24 37/16
 Reported [1] 1/22
 Reporter [4] 1/24 41/7 41/7 41/8
 reports [4] 9/1 10/4 26/1 33/23
 request [1] 28/16
 require [1] 33/6
 required [1] 36/14
 requires [1] 11/24
 residence [3] 8/8 8/16 8/17
 respect [4] 14/13 14/18 19/12 26/18
 respected [1] 23/16
 response [1] 22/23
 responsibility [7] 6/2 6/5 13/2 34/6 34/16 34/22 34/25
 rest [1] 26/19
 restitution [10] 36/18 36/19 37/1 37/7 37/9 37/19 39/15 39/20 39/22 40/3
 result [2] 12/7 15/1
 resulted [1] 14/20
 retired [3] 16/21 17/1 17/2
 retrieved [1] 10/21
 reveal [1] 38/4
 review [3] 3/15 39/7 39/12
 reviewed [1] 32/25
 rich [1] 18/1
 riches [1] 18/1
 right [19] 2/12 2/17 3/13 3/17 3/18 4/24 22/20 24/13 28/24 29/2 29/3 29/6 30/12 32/1 32/20 32/22 40/7 40/9 40/15
 Road [1] 9/7
 rob [1] 33/12
 robbed [3] 8/5 8/15 10/16
 robberies [20] 4/1 6/15 7/25 9/1 11/9 12/23 13/12 13/18 13/20 13/21 13/23 14/14 14/15 25/12 26/10 33/15 33/21 34/21 37/2 37/5
 robbery [16] 6/3 7/10 8/3 8/8 8/9 8/10 8/19 8/23 9/3 9/3 9/19 10/7 10/10 10/12 10/17 10/18
 role [2] 14/3 23/24
 rolled [1] 5/13
 Ronald [2] 9/20 9/21
 Ronald Hamilton [2] 9/20 9/21
 ruined [1] 9/25
 ruling [1] 3/7

S

S.S [1] 10/12
 said [16] 5/20 5/21 9/25 22/21 23/7 23/14 25/11 26/21 28/1 30/7 31/22 31/22 33/3 33/3 33/8 34/7
 sale [2] 8/13 9/17
 same [7] 3/6 11/17 12/11 18/9 20/14 23/22 31/25

sanction [1] 35/6
 satisfy [2] 49/2 57/7
 saw [7] 12/5 20/4 20/4 20/5 25/22 26/4 29/25
 say [27] 4/18 12/7 15/3 16/25 17/12 18/8 18/12 20/10 20/20 22/18 23/6 23/12 24/5 24/10 24/12 25/10 28/25 29/6 29/10 29/13 29/14 29/15 30/8 32/10 32/19 32/19 39/15
 saying [2] 27/12 33/2
 says [1] 19/8
 scared [1] 5/19
 scene [1] 25/20
 school [5] 11/14 20/1 20/14 23/20 24/4
 schoolteacher [1] 17/2
 scripted [1] 29/16
 seal [1] 4/18
 sealed [1] 4/16
 searched [1] 6/20
 seated [3] 2/4 2/16 29/7
 second [2] 21/1 31/11
 security [2] 10/15 36/5
 see [7] 3/23 20/23 20/23 24/2 24/3 24/5 32/8
 seeing [1] 20/21
 seek [1] 34/1
 seems [1] 39/11
 seen [4] 10/1 23/20 36/22 38/23
 sees [1] 14/15
 sell [2] 9/13 10/22
 selling [1] 10/4
 send [2] 11/16 12/1
 sense [1] 39/12
 sentence [17] 6/11 6/12 12/20 13/3 14/12 15/15 15/18 27/9 27/16 27/19 27/24 28/2 28/4 29/1 35/11 36/17 40/9
 sentenced [2] 34/15 38/10
 sentences [4] 6/9 13/1 13/11 15/13
 sentencing [11] 1/12 2/17 2/20 3/5 4/22 7/19 12/15 27/7 28/9 36/25 38/6
 sentencings [1] 37/8
 separately [1] 37/21
 September [1] 10/12
 September 7th [1] 10/12
 sergeant [4] 8/4 25/25 35/1 35/3
 Sergeant Allers [1] 8/4
 Sergeant Jenkins [1] 35/1
 serious [9] 14/14 25/4 33/6 33/9 33/16 33/16 33/21 34/17 34/20
 seriousness [5] 14/12 33/7 33/8 33/24 34/12
 serve [1] 29/22
 served [1] 35/17
 service [3] 17/3 17/10 21/2
 seven [2] 13/11 17/8
 several [6] 7/10 15/8 38/12 38/17 39/5 40/4
 severally [3] 37/12 38/11 38/25
 shall [1] 19/9
 share [3] 19/19 19/24 23/14
 she [8] 5/9 5/10 5/11 5/13 5/13 5/18 5/19 5/21
 shirt [1] 25/23
 shoes [1] 20/18
 shot [1] 25/4

<p>S</p> <p>should [3] 11/16 12/7 30/15</p> <p>shouldn't [1] 25/13</p> <p>show [1] 34/4</p> <p>showed [3] 7/12 10/14 31/9</p> <p>shown [1] 34/9</p> <p>Shropshire [2] 14/2 14/3</p> <p>sic [2] 20/9 20/25</p> <p>side [1] 30/12</p> <p>sidetracked [2] 18/4 18/5</p> <p>significant [8] 11/24 12/2 12/21 13/17 26/18 28/3 33/23 34/22</p> <p>significantly [6] 13/5 13/7 13/9 13/24 14/8 35/1</p> <p>similar [1] 35/2</p> <p>similarly [1] 34/19</p> <p>sin [1] 24/12</p> <p>since [1] 37/23</p> <p>sir [3] 16/5 16/5 40/13</p> <p>sister [4] 22/7 31/11 31/14 31/16</p> <p>situated [1] 34/19</p> <p>six [1] 23/4</p> <p>slightly [1] 38/15</p> <p>small [1] 23/11</p> <p>Sneakers [1] 20/8</p> <p>Snell [3] 10/19 10/23 14/7</p> <p>so [39] 3/9 4/2 4/8 4/10 4/18 4/24 6/1 7/5 14/11 15/5 16/1 16/21 17/10 19/14 19/15 20/20 20/20 20/24 21/5 21/5 21/6 21/8 21/9 22/17 22/22 23/10 23/17 24/10 24/14 26/25 27/13 29/16 35/4 36/15 37/6 37/8 38/4 38/9 40/2</p> <p>society [3] 24/25 27/21 27/22</p> <p>sold [6] 6/21 8/12 9/17 12/24 13/24 14/6</p> <p>some [10] 13/16 14/4 15/14 23/20 29/13 30/8 33/22 37/4 37/5 37/25</p> <p>somebody [3] 17/18 27/14 27/14</p> <p>someone [3] 20/8 22/23 32/9</p> <p>something [8] 19/19 23/2 23/9 23/11 23/11 25/15 28/20 30/22</p> <p>sometimes [1] 23/14</p> <p>somewhat [2] 3/19 35/2</p> <p>son [13] 16/23 17/4 17/6 17/16 17/22 17/25 17/25 18/9 20/22 21/10 21/11 21/11 30/20</p> <p>son-in-law [1] 17/6</p> <p>soon [2] 26/24 26/24</p> <p>sorry [2] 32/12 40/18</p> <p>sort [3] 14/2 37/4 37/6</p> <p>sound [1] 39/16</p> <p>sounds [1] 23/25</p> <p>South [1] 6/21</p> <p>South Baltimore [1] 6/21</p> <p>speak [8] 15/22 15/24 16/2 23/13 24/5 24/17 29/3 29/11</p> <p>special [4] 1/20 2/10 35/23 36/14</p> <p>Special Agent [1] 2/10</p> <p>specific [7] 5/1 28/13 37/14 37/16 37/18 38/23 38/24</p> <p>speed [1] 10/20</p> <p>spell [4] 16/2 16/6 18/23 21/25</p> <p>spiritual [1] 31/6</p> <p>split [1] 8/9</p> <p>stain [1] 30/1</p>	<p>stand [10] 10/1 11/1 16/4 16/19 16/23 17/24 18/18 21/24 29/7 29/8</p> <p>standing [1] 5/14</p> <p>start [5] 2/22 5/3 25/14 25/15 33/2</p> <p>started [2] 25/1 25/18</p> <p>Starting [1] 33/7</p> <p>starts [1] 37/13</p> <p>state [5] 5/10 16/2 16/5 18/23 21/25</p> <p>State's [2] 15/7 30/3</p> <p>STATES [6] 1/1 1/3 1/16 2/6 3/2 6/11</p> <p>stay [1] 29/6</p> <p>steal [1] 11/13</p> <p>stealing [2] 10/3 11/12</p> <p>stenographic [1] 41/3</p> <p>steps [1] 25/16</p> <p>still [7] 18/12 22/23 24/3 24/5 30/18 35/5 39/17</p> <p>stole [11] 5/24 7/18 8/3 8/11 8/11 8/19 8/20 8/23 9/5 10/10 11/11</p> <p>stolen [1] 10/9</p> <p>stood [1] 7/4</p> <p>stop [3] 8/23 9/6 29/15</p> <p>storage [2] 10/7 10/8</p> <p>store [6] 6/20 6/20 6/21 6/25 7/5 7/8</p> <p>stores [1] 6/23</p> <p>story [3] 24/15 24/16 25/9</p> <p>strayed [1] 26/11</p> <p>street [5] 1/24 11/22 25/2 25/3 25/7</p> <p>streets [4] 10/4 13/25 14/25 15/16</p> <p>strong [1] 34/8</p> <p>student [4] 5/8 23/8 23/19 24/21</p> <p>students [4] 20/14 23/22 24/7 24/15</p> <p>submit [1] 27/13</p> <p>submits [1] 6/11</p> <p>submitted [3] 27/7 27/24 28/10</p> <p>subsequently [2] 9/16 15/9</p> <p>substance [4] 8/14 28/20 35/24 36/9</p> <p>substantial [1] 34/17</p> <p>successive [1] 37/8</p> <p>sufficient [1] 35/12</p> <p>sum [1] 14/11</p> <p>summer [1] 22/16</p> <p>Summerville [1] 10/13</p> <p>Sun [1] 15/6</p> <p>supervised [3] 28/21 35/21 35/23</p> <p>supervisor [2] 12/19 34/24</p> <p>supervisors [1] 12/16</p> <p>supplying [1] 7/14</p> <p>support [8] 18/9 18/10 21/17 21/18 23/21 28/18 32/1 34/8</p> <p>supported [1] 18/10</p> <p>sure [2] 34/7 40/9</p> <p>Swillo [1] 1/20</p> <p>swore [1] 30/6</p> <p>sworn [3] 6/7 14/16 29/24</p> <p>system [1] 32/2</p> <p>T</p> <p>table [2] 2/10 37/13</p> <p>take [6] 11/21 18/3 24/6 29/21</p>	<p>34/1 34/12</p> <p>take [3] 15/12 33/5 37/1</p> <p>taking [9] 6/8 9/1 35/13</p> <p>talk [5] 20/19 22/7 22/8 22/25 23/12</p> <p>talked [1] 24/7</p> <p>talking [1] 39/9</p> <p>task [4] 6/19 8/25 11/7 38/7</p> <p>taught [4] 17/17 17/23 30/22 33/5</p> <p>taxpayers [1] 11/11</p> <p>Taylor [2] 13/1 13/6</p> <p>Te'Ana [1] 5/7</p> <p>Te'Ana Cousin [1] 5/7</p> <p>teach [2] 31/19 31/19</p> <p>teacher [5] 17/4 17/7 17/9 19/13 20/12</p> <p>telephone [2] 20/16 20/16</p> <p>tell [6] 5/22 16/14 16/24 19/5 24/8 25/17</p> <p>temporarily [1] 26/13</p> <p>temptation [1] 11/23</p> <p>temptations [1] 11/17</p> <p>tend [1] 7/6</p> <p>terms [2] 26/9 28/2</p> <p>terrifying [1] 34/18</p> <p>test [3] 26/5 26/5 26/22</p> <p>testified [4] 5/13 5/18 10/13 12/5</p> <p>testify [1] 15/25</p> <p>testimony [5] 5/7 9/21 21/4 21/7 21/17</p> <p>testing [2] 35/25 36/1</p> <p>than [12] 12/13 12/20 12/21 13/3 13/5 13/23 13/24 14/8 26/4 26/25 33/12 35/12</p> <p>thank [35] 2/12 2/16 2/21 3/13 3/17 15/20 16/10 18/15 18/16 19/1 21/21 21/22 21/22 22/4 24/17 24/19 28/6 28/7 28/10 28/11 28/24 28/24 29/9 29/11 31/17 32/15 32/16 32/16 32/20 32/22 32/23 40/6 40/17 40/23 40/24</p> <p>thanks [1] 32/23</p> <p>that [220]</p> <p>that's [7] 4/8 10/12 16/20 28/14 28/17 29/6 32/9</p> <p>their [19] 4/4 7/2 7/9 7/11 7/12 7/16 7/21 7/23 10/3 11/5 13/13 16/2 17/14 20/15 30/3 30/4 31/20 31/20 31/23</p> <p>them [20] 6/16 7/15 7/22 10/3 15/25 19/25 20/9 20/9 20/17 20/17 22/24 23/1 23/19 23/20 24/7 24/8 24/9 30/5 33/12 38/23</p> <p>theme [1] 22/18</p> <p>themselves [3] 11/21 26/23 33/23</p> <p>then [7] 4/4 5/24 7/9 9/11 23/1 23/17 39/22</p> <p>theoretically [1] 39/4</p> <p>there [31] 7/4 9/3 10/15 11/21 13/16 15/5 15/23 16/13 17/20 19/5 19/15 19/18 20/12 20/24 23/17 28/13 28/19 29/6 29/9 30/11 30/12 32/18 33/24 35/5 35/6 35/21 36/14 37/18 38/22 39/3 39/4</p> <p>there's [6] 15/22 28/25 29/19 31/4 36/13 40/9</p> <p>thereafter [1] 7/21</p>
--	---	--

T
 therefore [1] 3/7
 these [12] 10/1 15/2 15/14
 15/16 20/13 24/6 25/6 27/11
 33/1 33/15 38/11 38/23
 they [45]
 they're [6] 15/16 23/20 26/2
 26/22 38/3 38/11
 thing [4] 12/11 17/19 26/3 32/1
 things [11] 9/2 20/17 25/12
 26/2 26/9 26/10 27/4 27/14 28/9
 30/8 30/8
 think [17] 3/21 3/23 13/15
 17/18 22/9 25/17 27/8 27/8
 27/11 27/16 27/19 28/13 33/2
 35/6 38/5 38/9 38/22
 third [1] 4/7
 this [57]
 Thomas [1] 7/13
 those [5] 5/15 14/24 19/16
 34/14 35/13
 though [2] 38/13 39/16
 thought [1] 29/14
 thousands [1] 14/20
 three [4] 4/6 15/23 27/16 35/21
 three-level [1] 4/6
 threw [1] 10/21
 through [9] 10/1 10/23 11/9
 14/7 14/7 24/9 30/14 30/21
 31/18
 thrown [3] 14/20 15/7 15/9
 time [23] 5/13 8/21 8/24 10/1
 10/2 10/24 10/24 11/10 12/4
 12/4 18/8 23/18 24/17 26/7 26/8
 27/2 29/13 29/14 30/25 31/25
 34/10 34/11 35/16
 times [4] 19/18 20/22 22/8 23/7
 tinged [1] 25/10
 today [6] 24/2 28/1 29/12 29/14
 29/14 29/15
 told [6] 5/23 9/13 10/14 25/21
 25/25 26/6
 Tom [1] 14/7
 Tom Finnegan [1] 14/7
 too [7] 18/13 18/13 26/2 26/2
 27/17 27/20 31/25
 took [12] 8/6 10/17 20/15 20/16
 25/2 25/3 25/7 30/1 30/13 32/3
 32/4 32/4
 top [1] 5/14
 total [2] 37/20 39/1
 touch [1] 22/13
 touched [1] 22/9
 Trace [3] 6/19 11/7 38/7
 traffic [3] 8/23 9/6 25/20
 trafficking [2] 11/9 13/14
 tragedy [1] 33/4
 train [1] 19/8
 transcript [2] 4/19 41/2
 transient [1] 37/25
 trauma [1] 9/24
 treat [1] 26/14
 treatment [4] 35/8 35/24 35/25
 36/1
 tremendous [1] 6/5
 trial [8] 5/5 5/6 9/21 10/13
 10/19 12/6 12/25 37/17
 trials [1] 33/17
 true [4] 25/11 30/8 30/8 35/5
 trust [10] 11/25 14/10 14/17
 14/19 15/1 16/22 18/2 33/10

33/18 34/1
 trusted [1] 28/25
 truth [1] 19/12
 try [1] 27/4
 trying [3] 18/5 38/1 39/18
 Tuesday [1] 1/8
 turn [3] 2/24 27/3 28/12
 turning [3] 11/4 11/15 13/10
 twice [1] 13/20
 two [5] 5/14 12/16 12/25 22/13
 31/12

U
 U.S [1] 1/20
 ultimately [2] 10/22 11/17
 unconditional [1] 31/3
 uncontested [1] 27/12
 under [8] 4/18 5/4 6/10 11/18
 12/14 30/7 30/7 33/23
 undermined [1] 14/17
 undermines [1] 14/18
 understand [3] 3/6 39/11 40/13
 understands [4] 28/1 28/3 34/5
 35/7
 undo [1] 15/12
 undone [1] 27/6
 unfortunately [1] 33/15
 uniforms [1] 19/18
 unit [6] 10/7 10/8 12/8 12/9
 12/13 12/16
 UNITED [6] 1/1 1/3 1/16 2/6 3/2
 6/11
 United States [3] 2/6 3/2 6/11
 University [1] 5/10
 until [2] 39/13 40/3
 unwarranted [1] 12/14
 up [27] 7/12 8/9 8/16 10/14
 16/1 18/10 19/8 19/10 19/13
 20/2 20/2 20/20 21/10 21/11
 21/19 22/8 22/11 22/19 23/1
 23/17 25/21 25/24 28/15 31/9
 31/11 38/2 39/15
 up-to-date [1] 38/2
 updated [1] 37/24
 us [5] 2/10 19/24 19/25 24/17
 24/25
 use [1] 21/16
 used [5] 22/15 22/18 22/18
 30/19 33/11

V
 vacate [1] 15/13
 vacated [1] 15/15
 vary [1] 38/13
 vehicle [1] 10/9
 versus [1] 2/7
 very [14] 6/7 7/3 24/19 25/3
 27/14 32/16 33/4 33/9 34/3 34/7
 34/17 34/25 36/25 39/17
 vest [1] 7/15
 victim [1] 38/24
 victimized [2] 6/7 10/3
 victims [5] 7/20 10/1 33/17
 37/22 37/25
 victims' [1] 38/4
 view [1] 27/17
 violated [1] 17/17
 Violent [1] 14/25
 vulnerable [1] 6/6

W
 wait [2] 24/14 24/15

waited [1] 7/17
 waiting [2] 7/3 7/4
 waive [2] 39/21 39/25
 wake [2] 11/23 11/24
 walk [1] 14/24
 want [8] 2/5 5/2 22/13 23/14
 23/22 29/15 37/23 40/10
 wanted [4] 24/20 24/22 24/23
 24/24
 wants [1] 32/18
 Ward [1] 13/10
 warranted [1] 12/20
 was [100]
 wasn't [3] 3/22 17/19 37/3
 water [1] 22/19
 way [11] 2/24 4/3 4/4 11/21
 18/9 20/25 25/16 34/4 34/16
 38/5 38/23
 Wayne [2] 11/6 12/12
 Wayne Jenkins [2] 11/6 12/12
 ways [2] 33/22 34/19
 we [60]
 we'll [3] 38/2 38/20 40/2
 we're [3] 2/6 4/18 23/22
 we've [7] 10/1 15/8 27/7 27/10
 27/16 27/24 37/10
 wearing [2] 5/16 10/5
 welcome [1] 34/9
 well [6] 3/18 14/7 15/10 20/13
 30/5 32/22
 Wells [3] 5/6 8/11 8/12
 went [7] 6/19 7/6 7/16 9/11
 10/7 20/14 26/8
 were [25] 5/14 5/15 6/4 7/4
 12/21 15/7 15/14 15/15 19/15
 19/18 20/12 20/13 20/24 20/24
 21/5 23/17 25/6 28/10 33/15
 33/16 37/2 37/17 37/23 38/7
 40/11
 what [42]
 what's [1] 25/23
 whatever [4] 18/8 20/8 28/4
 29/5
 when [16] 5/11 6/8 8/10 12/5
 14/11 15/3 19/9 19/18 22/15
 23/8 25/18 30/14 32/3 34/9
 35/15 39/23
 where [15] 5/22 8/5 15/12 15/15
 15/24 20/22 20/23 20/24 20/25
 37/4 37/12 37/16 37/18 38/11
 39/4
 Where's [1] 5/20
 wherever [2] 18/3 20/22
 whether [5] 4/17 4/23 31/24
 36/5 39/19
 which [14] 4/3 4/5 6/12 8/3 9/4
 10/14 10/19 20/5 23/15 25/4
 33/13 33/19 36/25 37/22
 while [12] 3/24 6/15 7/3 7/17
 10/5 10/16 19/13 30/17 34/19
 34/22 35/18 36/10
 white [1] 25/23
 who [19] 6/1 7/13 7/14 10/13
 11/16 12/1 15/15 15/24 17/6
 21/13 23/8 24/7 25/22 27/10
 27/14 27/15 32/9 34/15 38/7
 whole [2] 27/11 31/2
 whom [2] 38/24 38/25
 whose [1] 35/1
 why [4] 17/18 22/21 24/12 40/2
 wife [4] 17/2 17/21 18/1 26/14
 will [28] 3/7 4/18 12/2 14/24

W

will... [24] 14/25 18/10 18/11
 18/12 21/1 21/3 21/16 21/19
 23/6 23/19 25/17 27/22 31/1
 34/9 35/17 35/21 35/23 36/5
 36/6 36/8 37/21 38/22 38/22
 39/1
 willing [2] 39/21 39/25
 window [1] 10/21
 wisdom [1] 30/19
 Wise [3] 1/15 2/8 39/8
 within [2] 6/13 40/12
 without [1] 35/12
 witness [5] 9/25 11/1 12/6
 21/17 21/24
 woman [2] 5/7 21/12
 won't [1] 19/9
 word [1] 15/1
 words [2] 14/1 32/11
 work [4] 18/11 22/15 23/10
 38/20
 worked [3] 20/23 20/24 22/17
 working [1] 22/21
 worse [2] 13/5 23/2
 worst [1] 11/7
 would [45]
 wouldn't [2] 23/1 23/1
 write [1] 25/21
 writing [1] 25/24
 wrong [6] 12/4 20/25 27/2 27/4
 30/18 34/5

Y

Yeah [1] 15/5
 years [21] 12/17 12/20 13/1
 13/3 13/11 13/21 16/21 17/1
 17/3 17/4 17/5 17/6 17/8 20/1
 23/4 27/17 27/19 31/12 34/13
 35/11 35/21
 years' [3] 6/12 12/17 15/19
 yes [9] 16/9 16/15 29/4 36/23
 38/12 38/14 38/19 40/14 40/18
 yet [1] 31/13
 York [1] 28/17
 you [108]
 you'd [2] 28/25 29/2
 you'll [2] 31/15 32/1
 you're [3] 39/17 39/17 40/3
 You've [1] 30/22
 young [10] 5/7 7/23 12/6 20/3
 20/12 20/15 20/24 23/13 23/13
 24/4
 your [64]
 Your Honor [48]
 youth [1] 22/16

Z

Z.N [1] 8/8
 Zweizig [3] 1/23 41/1 41/6