

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	MARCUS ROOSEVELT TAYLOR,)	
7	Defendant.)	

Thursday, June 7, 2018
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

MOTION FOR NEW TRIAL - SENTENCING

For the Plaintiff:

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

For the Defendant:

Christopher C. Nieto, Esquire
Jenifer Wicks, Esquire

Also Present:

Manisha Garner, U.S. Probation Officer
Special Agent Erika Jensen, FBI
TFO John Sieracki
Special Agent Kevin Bodmer, FBI
Special Agent Jared Stern, FBI

Reported by:

Douglas J. Zweizig, RDR, CRR
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

(2:38 p.m.)

THE COURT: Good afternoon. You can all be seated.
Call the case, Mr. Wise.

MR. WISE: Thank you, Your Honor.

The case is United States of America versus Marcus
Roosevelt Taylor, Criminal No. CCB-17-106. And we're here this
afternoon for sentencing.

THE COURT: All right. And I believe for a motion for
new trial.

MS. WICKS: Good afternoon, Your Honor. Jenifer Wicks
and Christopher Nieto on behalf of Mr. Taylor, who is present.

THE COURT: Okay. All right. Thank you.

So let me take up the motion for new trial.

First, I'm referring to the motion that counsel filed
on Mr. Taylor's behalf. I have read the memos that you've all
filed, obviously, so I think I have an idea of the chronology
and so forth.

But I'll start with Ms. Wicks. Do you want to be
heard?

MS. WICKS: Your Honor, just briefly.

In addition to our representations in the motion --
and I understand and have read what the Government filed this
week and previously -- I would just note that the timing is a
little bizarre, that Mr. Santiful, the morning of February 1st,

1 is seen on the pole camera. And I would note that
2 apparently -- I have not seen the video, but that he's seen and
3 he's not wearing the work vest that he would have wore to work
4 the evening before.

5 But he does appear in the afternoon, when he comes to
6 court and testifies in this courtroom, to be wearing that vest
7 again. And it's discussed in the transcript how he wears that
8 for work.

9 So it just -- I can understand why he might not have
10 wanted to wear it during an apparent gun transaction, but it
11 still just, I think, added to what we would have wanted to
12 bring out if we had known of this information.

13 So otherwise, I would submit on the record before the
14 Court.

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

16 Mr. Wise.

17 **MR. WISE:** I'm just going to briefly address the new
18 trial motion, Your Honor, and then Mr. Hines will address the
19 sentencing.

20 I don't see the significance of his work vest. I
21 think the testimony was that he had -- he's testified in the
22 afternoon, and he said he was coming from a construction site.

23 I don't see how that's -- the fact that he wasn't
24 wearing it apparently at 9:47 in the morning is of any moment.

25 But as we laid out in the chronology, that's the

1 timing of when information was and wasn't known.

2 **THE COURT:** All right. Well, I have looked at it. I
3 appreciate the chronology. First of all, the chronology does
4 make it clear that there were not any -- apparently any
5 Government prosecutors that would have known this new
6 information about Mr. Santiful prior to February 13th of 2018.

7 I'll certainly accept that Mr. Wise and Mr. Hines
8 didn't know it until sometime later. That doesn't necessarily
9 excuse anything. The Government is sort of a collective
10 entity.

11 But even so, it does not appear that this information,
12 that he had been seen on a pole camera allegedly exchanging a
13 firearm, didn't come into the possession of the Government
14 until after the verdict in this case.

15 It also appears that the two counts for which he is
16 now charged -- and, of course, it's only a charge at this
17 point -- of drug involvement or distribution both occurred in
18 March of 2018. Again, well after the verdict in this case.

19 His testimony related to a specific crime offense
20 charged against Mr. Hersl and not Mr. Taylor.

21 Nonetheless, I will assume, for purposes of the
22 motion, that any defendant would have an interest in having
23 impeachment information against a Government witness when they
24 are being tried jointly and are attempting to discredit overall
25 the Government's case.

1 However, having said that, and looked carefully about
2 what this additional information would be, it is clear it is
3 impeachment information, arguably -- well, it is impeachment
4 information of Mr. Santiful.

5 Mr. Santiful, of course, was impeached in the course
6 of his testimony. It was brought out on direct, I believe,
7 that he had a 2008 conviction for possession of firearms and a
8 2015 for possession of drugs.

9 There was an earlier one which he says that related to
10 a gun that had been planted on him rather than admitting it,
11 but the facts of that were also discussed to some extent.

12 And, again, clearly the Government brought out that he
13 had a firearms and a drug conviction.

14 So the standard, it appears to me, is what is set
15 forth in Giglio versus United States at 405 United States 150,
16 United States versus Bagley, which is 473 U.S. 667, and then
17 recently applied by the Fourth Circuit in United States v. Wolf
18 at 860 F.3d 175.

19 And the points are -- I mean, the factors, first
20 consider whether the evidence, in fact, is favorable to the
21 defense, and I'll assume that it is, to some degree, in the
22 sense of being impeachment information.

23 But it is also -- to justify a new trial, there has to
24 be a showing of prejudice, which, according to the -- it means
25 it has to be material, and that means that there is a

1 reasonable probability that if that evidence had been disclosed
2 to the defense, the result of the proceeding would have been
3 different.

4 This is minimally additional impeachment, cumulative
5 information that I do not think demonstrates a reasonable
6 probability to undermine confidence in the outcome of the
7 jury's consideration of this case.

8 And the third factor as well is did the prosecution
9 have the materials and fail to disclose them. Again, only in
10 some very large sense does it appear that a Government agency
11 had some of this information. The prosecutors did not. And so
12 overall, I don't find that there's any basis to grant a new
13 trial.

14 So counsel's motion for a new trial is denied. We'll
15 proceed to sentencing.

16 We have the presentence report.

17 Mr. Taylor, of course, was convicted of one count of
18 racketeering conspiracy, a count of racketeering, and a
19 specific count of a Hobbs Act robbery.

20 Before I get to the guidelines, let me just ask about
21 the presentence report generally.

22 Does the Government have any additions, corrections,
23 or modifications?

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

25 **THE COURT:** Okay. Mr. Nieto?

1 **MR. NIETO:** Yes, Your Honor. We had -- April 13th I
2 had sent a letter to Ms. Garner filing -- noticing a variety of
3 objections that we had to the presentence report. If
4 Your Honor would like, I can start working my way through that
5 or --

6 **THE COURT:** Are you talking -- I have a number of
7 objections that related to the factual statements and the
8 guideline calculations; is that what you're talking about?

9 **MR. NIETO:** Yes, Your Honor.

10 **THE COURT:** Is there any other issue or objection?

11 **MR. NIETO:** No, Your Honor.

12 **THE COURT:** Okay. And, for the record, did Mr. Taylor
13 have the chance to review the presentence report and discuss it
14 with you?

15 **MR. NIETO:** Yes, Your Honor.

16 **THE COURT:** Okay. All right. Let me get to those
17 facts. You have a number of them.

18 Which specifically do you think affect the guideline
19 calculation? I mean, as I read this, even accepting all the
20 changes that you suggest, the guideline range would be a 36
21 instead of a 37; a 36, criminal history category is a I, 188 to
22 235 months.

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

24 **THE COURT:** Okay. There were a couple of them -- and
25 I'm happy to hear from Mr. Hines -- there were a couple of

1 objections having to do with -- I'm looking at -- Paragraph 22
2 was one of them. It's a discussion of the robbery of
3 Mr. Stevenson, and it contains an indication that Mr. Jenkins
4 stole 2 kilos of cocaine and gave it to Mr. Stepp to sell.

5 I'm not aware that the Government's taking the
6 position that Mr. Taylor was involved in those 2 kilos. Are
7 you?

8 **MR. HINES:** We're not suggesting that Mr. Taylor knew
9 going into the episode that Mr. Jenkins was going to steal
10 those 2 kilograms.

11 However, under 1B1.3, and jointly undertaking criminal
12 activity for purposes of the guideline calculation where
13 they've objected to Paragraph 53, Mr. Taylor is responsible for
14 the kilograms of cocaine that were taken by his co-conspirator
15 during the commission of this robbery.

16 It certainly was foreseeable to Mr. Taylor that
17 Mr. Jenkins would take the drugs, given that in prior
18 robberies, Mr. Jenkins, in front of Mr. Taylor, had stolen
19 drugs. This includes the robbery of Belvedere Towers. It
20 includes multiple robberies on the street where small amounts
21 of drugs were taken.

22 The testimony at trial from both Detective Ward and
23 Detective Hendrix were that Mr. Taylor saw this, on a number of
24 occasions, they discussed this. So certainly, when it comes to
25 1B1.3 in the application note, it's reasonably foreseeable to

1 him and he is responsible under the guidelines for that.

2 And because he's responsible, the adjusted offense
3 level for that offense, the Stevenson episode, is, in fact, 34.
4 And so because of the grouping calculation, no matter how the
5 rest of the objections are determined here, his calculations
6 still are correct, according to the presentence report and the
7 guideline range that the presentence report calculated.

8 **THE COURT:** You mean so long as the Level 34 is
9 properly calculated for Mr. Stevenson, which starts at
10 Paragraph 21 of the presentence report, the other objections
11 would not affect the guidelines?

12 **MR. HINES:** That is correct, Your Honor, because in
13 Paragraph 66 and 67, where the calculation is actually done,
14 the three levels for the -- under the grouping category are
15 added to the greater of the adjusted offense levels above.

16 So if Group 2 for the Stevenson episode remains at
17 Offense Level 34, the three levels are added to 34, and the --
18 although I don't think the defense objections have merit, the
19 remainder, it would not affect the guidelines calculations even
20 if they were to prevail in the presentence report.

21 **THE COURT:** Okay. Well, what was Group 1, which is
22 also at a --

23 **MR. HINES:** Group 1 is the racketeering conspiracy
24 robbery of Shawn Whiting.

25 **THE COURT:** Okay. Now, on the Shawn Whiting, there is

1 an objection as to whether Mr. Taylor took the 13,000 and
2 1 and a half kilos of heroin from Mr. Whiting. And I think
3 there's also an objection to the amount of loss. It appears --
4 and I will stand to be corrected if I'm misinterpreting this --
5 but that there's an increase of two for the loss being greater
6 than 95,000 as to that group.

7 **MR. NIETO:** Correct, Your Honor.

8 **THE COURT:** Which I don't think is correct.

9 **MR. HINES:** Your Honor, the value of the heroin that
10 was taken was included in that calculation. The defense
11 elicited during trial that the kilograms were worth \$70,000 per
12 kilogram, and there's a missing kilo and a half that was not
13 turned into evidence.

14 The testimony by Detective Ward was that
15 Detective Taylor was left with the money and the drug evidence.
16 And Mr. Whiting confirmed the amount of both the money and the
17 drugs that he had.

18 There was, in fact, a photo of the money, for example,
19 that was introduced into evidence, which was a photo of over
20 \$16,000 from just days before the episode from Mr. Whiting's
21 phone.

22 Mr. Whiting testified as to having 4 and a half kilos
23 of heroin, and the evidence paperwork showed that only
24 3 kilograms of heroin were turned in.

25 **THE COURT:** Okay. All right. Anything else

1 specifically, Mr. Nieto? I should say, I mean, I don't think
2 that I need to resolve all of this. There is no reason that
3 these objections and statements by the defendant cannot go
4 along, as part of the presentence report, to the Bureau of
5 Prisons. It is not surprising that there's some factual
6 differences between your position and the Government's
7 position.

8 **MR. NIETO:** Correct, Your Honor. And I understood
9 there's a variety of objections that, when it's all said and
10 done, amount to simply a potential one -- a 36 as opposed to a
11 37 as an adjusted offense level.

12 But with regards to the multiple-count adjustment,
13 from Mr. Taylor's perspective, we had -- our computation of
14 Group 1 was not 34 but rather was 29.

15 For Group 2, it was not 34 but rather 33, and that's
16 how we had -- and that's why I had -- our calculation had him
17 at a total final offense level of a 36 as opposed to that.

18 **THE COURT:** Sure.

19 **MR. NIETO:** And if you'd like, I can address some of
20 the things that Mr. Hines said as opposed to some of the other
21 issues that I had, but --

22 **THE COURT:** Okay.

23 **MR. NIETO:** -- the long and short of it, Your Honor, I
24 think that the evidence was pretty clear that Mr. Jenkins'
25 activity with the drugs was a separate conspiracy involving

1 Mr. Stepp and that the other police officers that were with
2 Mr. Jenkins at the time of the house raid were not privy to or
3 aware of those drugs being located or taken or anything to that
4 effect.

5 And so -- and its regard is the Government continues
6 to use the term "the co-conspirators." I understood the
7 co-conspiracy being for purposes of the monetary value, as was
8 proven at trial.

9 But the -- I think detective -- I think Mr. Stepp was
10 pretty clear about that. He and Jenkins had their own side
11 deal with regards to the drugs, and that's why that was our
12 objection, because there was nothing to suggest that Mr. Taylor
13 was aware of, privy to, or part of the theft of those drugs
14 from that house.

15 And that's why when -- I understood if it's reasonably
16 foreseeable or part of the conspiracy at the time that it would
17 apply; but in that particular instance, based on what the
18 information was at the trial, we felt that it was inapplicable,
19 which was part of our objection.

20 Additionally, with regards to Shawn Whiting -- and my
21 apologies, Your Honor, the testimony over the period of the two
22 weeks, specifically with regards to that incident, was a little
23 bit confusing.

24 But as our recollection was, he had suggested that
25 there were additional kilos of drugs and additional money that

1 were in the house that had been taken, as well as, I think
2 there were some video game controllers, other things to that
3 effect.

4 There had been no testimony, as I recall, there had
5 been no testimony to suggest that Mr. Taylor had been involved
6 in any of the superfluous thefts of that extra bit of money and
7 those drugs specifically.

8 The Government didn't -- and my apologies, the
9 Government didn't file anything in writing in opposition to
10 what we had proposed, so I'm sort of trying to divine from what
11 they've said recently what an appropriate response would be for
12 that.

13 But my recollection was that there was absolutely no
14 other evidence to suggest that Mr. Taylor had taken those drugs
15 or had done anything with those drugs whatsoever. I mean,
16 we're not talking about small amounts here that were just
17 crumpled up and thrown away.

18 The Government is alleging that Mr. Taylor
19 specifically was responsible for taking over a kilo of drugs,
20 and yet there had been absolutely nothing else presented at
21 that trial to support that motion.

22 In fact, respectfully, with the exception of
23 Mr. Whiting saying that there had been additional drugs taken,
24 there was nothing else to help corroborate that as well.

25 With respect to the additional money that had been

1 taken, once again, from my recollection, there had been no
2 witness testimony that that was Mr. Taylor, but that there had
3 been a veritable sea of police officers throughout the house
4 that were searching it.

5 And so I suppose my suggestion would be to the Court
6 that for purposes of guideline computation enhancement, the
7 Government did not meet their burden to establish that that
8 would be applicable for Mr. Taylor specifically.

9 There are also, it seems to be in every particular
10 grouping, before the subtotal, there is an adjustment for
11 obstruction of justice, but there is no explanation contained
12 within the presentence report as to why that -- why that
13 two-level bump would be appropriate or should be appropriate
14 for each of those particular counts.

15 And, once again, Your Honor, I had filed the
16 objections to it because I was unsure of the genesis for that.

17 With regards to the Stevenson matter, I can understand
18 why that would be an issue.

19 But with regards to the other particular
20 circumstances, there is nothing -- I mean, even the
21 explanation, for example, in Paragraph 46, I'm not sure if
22 that's taken directly from the sentencing guidelines or not,
23 but it doesn't provide the Court any guidance as to why those
24 two-level bumps should be appropriate.

25 And it's an aggregate issue. I mean, it adds up and

1 it begins to increase the advisory guideline levels to a point
2 that we think is not appropriate based on the testimony from
3 the trial.

4 So I can delve a little bit more, Your Honor, but I
5 think Your Honor understands what I'm saying.

6 **THE COURT:** Okay. Yes. Thank you. And I appreciate
7 it.

8 And I do agree it would be helpful if the Government
9 had responded to these objections in advance of today.

10 But would you like to tell me about the obstruction of
11 justice.

12 **MR. HINES:** Sure, Your Honor.

13 It's, again, under 1B1.3. For each episode, every
14 single co-defendant who testified in this case testified that
15 they lied repeatedly on incident reports, probable cause
16 statements involving each and every charged episode and the
17 victims who testified here. That was within the scope of their
18 agreement. It was jointly undertaken activity.

19 There's no doubt Mr. Taylor knew -- he did it himself
20 in some instances -- that they were going to lie about the
21 amount of money, the amount of drugs that were taken during
22 these episodes.

23 And in some cases -- and we'll talk about this more --
24 there's cases where they even lied about the basis for the
25 probable cause, you know, trash pulls, things of that nature.

1 So that was the jointly undertaken activity and
2 clearly obstruction of justice under the guidelines
3 enhancement.

4 **THE COURT:** Well, that was my assumption. But I agree
5 it's not completely clear in Paragraph 46. The obstruction
6 does not refer to the video over and over again, the safe, the
7 video of the safe. It is referring to the false reports that
8 were filed in connection with these robberies --

9 **MR. HINES:** Correct.

10 **THE COURT:** -- and similar. Okay. All right.

11 **MR. HINES:** And, Your Honor, I just would like to note
12 one thing on the fact of the drugs. The application note is
13 directly on point here about this.

14 The hypothetical posed in the application note is if,
15 say, Sergeant Jenkins and sergeant -- or Detective Taylor had
16 decided to commit a robbery. And even if Detective Taylor had
17 told Sergeant Jenkins, When we go in there, do not assault
18 anybody. We're going to do this the right way. We're not
19 going to assault anybody. We're just going to rob them, as if
20 that wasn't severe enough. If Sergeant Jenkins then goes in
21 there and commits an assault, that's jointly undertaken
22 activity in furtherance of the jointly undertaken activity,
23 that act, and Mr. Taylor's responsible for it.

24 So the same thing goes for the drugs here. It's clear
25 that Mr. Taylor knew Mr. Jenkins was stealing these drugs.

1 Whether Mr. Jenkins was going to sell them to Donald Stepp and
2 Mr. Taylor was not going to benefit from it, it was still part
3 of the robbery, and that's why the enhancement should apply.

4 **THE COURT:** Okay. All right. Anything else on the
5 guidelines issues at the moment?

6 (No response.)

7 **THE COURT:** Okay. All right. I'm not going to go
8 through all of these point by point.

9 I do agree that at least as to the Oreesse Stevenson
10 robbery that it was both jointly undertaken activity and
11 reasonably foreseeable to Mr. Taylor that Mr. Jenkins would be
12 stealing drugs, money.

13 I would not describe Mr. Jenkins' drug-related
14 activity as a separate conspiracy. I think this was undertaken
15 jointly. There were different levels of involvement,
16 certainly. Obviously, Mr. Jenkins being the most serious.

17 But my recollection of the evidence is it certainly
18 should have been clear to Mr. Taylor that Mr. Jenkins was
19 taking and reselling drugs on a number of occasions, so I
20 certainly think it is reasonably foreseeable and there is at
21 least a correct calculation of an Offense Level 34 as to
22 Mr. Stevenson and I think likely as to Mr. Whiting as well.

23 But, in any event, I think the guideline
24 calculation -- and we're only talking about one level anyway --
25 but I think it is correctly calculated at an Offense Level 37

1 and a criminal history category of I, so that is a range of 210
2 to 262 months.

3 Guidelines are only one factor.

4 Mr. Hines, do you want to address your specific
5 recommendation.

6 **MR. HINES:** Certainly, Your Honor.

7 At the latest in January of 2014, Detective Taylor
8 began his crime spree, committing robbery after robbery after
9 robbery.

10 He betrayed the city of Baltimore and the trust placed
11 in him, he abused his powers as a police officer, and he was
12 consumed by greed.

13 Marcus Taylor stole from the citizens years before he
14 ever even started working with Wayne Jenkins. These robberies
15 did not occur at the direction of his supervisors. These
16 robberies occurred because Marcus Taylor proposed them and
17 carried them out.

18 Marcus Taylor stands before Your Honor having been
19 involved in at least nine robberies, more than some of his
20 co-defendants.

21 He stole drugs during some of these robberies. He
22 obstructed justice by lying in incident reports and knowing
23 that his co-conspirators were also lying in those reports.

24 He also lied in a search warrant affidavit. As a
25 result of Mr. Taylor's lies, a man served over two and a half

1 years in federal prison before his conviction and sentence were
2 vacated by Judge Bennett.

3 The sentencing guidelines for the defendant are 17 and
4 a half to 22 years. When examining the sentencing factors
5 under 18 United States Code, 3553, the United States recommends
6 a sentence within the guidelines as the appropriate disposition
7 of the case.

8 Accordingly, we're asking the Court to impose a
9 sentence of 18 years' imprisonment.

10 I'd like to start, Your Honor, by discussing the first
11 robbery that was presented in the trial, that's the robbery of
12 Mr. Shawn Whiting.

13 The police arrested Mr. Whiting in his home, took him
14 down to his living room in his boxers. Mr. Taylor and his
15 co-defendant, Mr. Ward, remained in Mr. Whiting's bedroom.

16 While in the bedroom, Mr. Taylor found the money and
17 yelled "I got it."

18 Mr. Ward testified that Mr. Taylor asked
19 Detective Ward to look out for him, which Ward understood to
20 mean that Ward should steal some of the money and give it to
21 Detective Taylor.

22 Ward, in fact, did steal some of the money and gave
23 Detective Taylor a share of the \$3,000 that Ward took.

24 But Taylor -- Detective Taylor was also left with the
25 money and drugs before they were submitted into evidence, and

1 there was testimony from not only Mr. Whiting and Mr. Ward as
2 to the entire amount of money that was there, but
3 Detective Leimbach also testified that the amount was
4 significantly smaller than he saw as well.

5 The evidence showed that an additional \$13,000 and
6 1 and a half kilograms of heroin were taken during this episode
7 and not turned into evidence.

8 After the robbery, Detective Taylor apologized to
9 Detective Ward and said he should not have blurted out that the
10 money was there in the first place, because what
11 Detective Taylor said is that if he had not said anything, he
12 and Ward could have taken all of the money. This was
13 Detective Taylor's idea from the start.

14 The robbery was in January 2014, over a year prior to
15 working with the SES unit for Sergeant Jenkins.

16 The second robbery that Your Honor heard testimony
17 about was the robbery during a search warrant at
18 Edmondson Avenue and Fremont Avenue.

19 Ward testified that money was found. And after the
20 search, Ward was driving in a vehicle, Detective Taylor was in
21 another vehicle, when Detective Taylor called Ward and told him
22 to pull over.

23 Ward pulled over to the side of the road, Taylor
24 walked up to his vehicle, pretended to give him a high five
25 (indicating), and put cash into his hands, several hundred

1 dollars was the testimony, from the search warrant that had
2 just occurred at Edmondson Avenue and Fremont Avenue.

3 Again, no Jenkins involved, well before SES and GTTF,
4 and they were even called in -- both Taylor and Ward -- this is
5 the testimony of Detective Ward -- they were called into IID to
6 account for a complaint on this robbery and they lied about the
7 amount of money that was taken.

8 This is a slide from our closing argument. We've
9 discussed the robbery of Shawn Whiting and the robbery at
10 Edmondson Avenue, things occurred even before, to the right of
11 the orange line, the crime spree continued with
12 Sergeant Jenkins.

13 The third episode that I'd like to mention is the
14 search warrant of a man's home. That man was named Paul Jones.
15 He went by Pedro.

16 Detective Taylor and Detective Ward were conducting an
17 investigation of Mr. Jones. They pulled trash from a trash can
18 near his home. In the trash can was marijuana residue and
19 stuff that was indicative of drug packaging.

20 But they quickly discovered that they'd pulled the
21 wrong trash. The trash that they had pulled was not that of
22 Mr. Jones, and Mr. Ward testified to this on the stand. It
23 was, in fact, somebody else's trash.

24 Ward told Taylor that he didn't want to go forward
25 with writing the search warrant because they had messed up the

1 investigation.

2 Detective Taylor then wrote the search warrant, took
3 it to a judge, submitted the search warrant, referencing that
4 they had pulled trash from the residence that they had intended
5 to search -- this is Judge Lipman in the District Court -- lied
6 under oath to the judge and got a search warrant for Mr. Jones'
7 home.

8 That case was presented to the U.S. Attorney's Office
9 here. Mr. Taylor presented that case with others. It was
10 adopted. It was charged before -- I believe it was
11 Judge Bennett.

12 Mr. Jones -- and this is not a phenomenon we haven't
13 seen, given, for example, Mr. Burley and Mr. Matthews,
14 Mr. Jones pled guilty to the offense. In fact, he did have
15 heroin in his home, pled guilty, and it wasn't until two and a
16 half years later, when the U.S. Attorney's Office learned of
17 this information, corroborated Mr. Ward, that we were able to
18 file a motion to vacate his sentence and conviction.

19 This is indicative of many more cases that are out
20 there, less federally, but many in the city State's Attorney's
21 Office where, at a minimum, sentences are being -- and
22 convictions are being vacated because of the credibility of
23 Mr. Taylor and his co-defendants.

24 The defense in their submission claim that Mr. Taylor
25 was vulnerable and uncritically followed the chain of command.

1 That is not what the evidence actually showed at trial. These
2 three robberies are an example of how Mr. Taylor acted even
3 before supervisors were involved, even before he paired up with
4 Sergeant Jenkins.

5 And that's why not once when Detective Taylor joined
6 Mr. Jenkins did he ever hesitate, in any of these episodes, to
7 steal money with him. He was already committing his own
8 crimes, and this was further opportunity for him to commit
9 additional crimes.

10 Turning to the Belvedere Towers episode, this is the
11 first robbery with Wayne Jenkins and Maurice Ward and
12 Detective Taylor.

13 The testimony was that Jenkins found two individuals
14 who had parked near the Belvedere Towers, Jenkins went up to
15 them, he lied that he was a federal agent, they popped the
16 trunk of the two cars of these individuals. There was two
17 duffel bags in the car, one contained approximately 30 pounds
18 of high-grade marijuana, the other contained approximately
19 \$20,000.

20 Taylor, Ward, Jenkins took these bags, threw 'em in
21 the trunk, they drove off to a secluded location, divvied up
22 the money.

23 Jenkins and the marijuana and the rest of the money
24 remained in the vehicle with Jenkins and Ward and Taylor when
25 they left. It was never turned into evidence and these

1 individuals were never arrested.

2 Donald Stepp testified that, in fact, the bag of
3 marijuana was brought to his house. He sold the marijuana and
4 returned the proceeds to Wayne Jenkins.

5 This is another example of the drug crimes
6 intersecting here and Mr. Taylor, at a minimum, being aware
7 that drugs were being taken and that Jenkins was benefiting
8 from them.

9 The Stevenson episode has been talked about
10 significantly, so I'll be brief here.

11 Over \$200,000 were taken from Mr. Stevenson's home,
12 2 kilograms of cocaine, a Breitling watch.

13 And what's perhaps most significant is that after this
14 robbery occurred, one of the leaders proposed going to his
15 home -- that's Defendant Taylor -- to divide up the cash. He
16 had everyone back over at his house, they went over, they split
17 up the cash in Detective Taylor's basement.

18 Detective Taylor told his co-defendants he was going
19 to use that significant sum of cash, \$20,000, to put a new deck
20 on his home. And, in fact, he did put a new deck on his home.
21 Detective Hendrix said that Detective Taylor told him he did
22 that.

23 This is another example of Detective Taylor not being
24 a follower, but being an active participant in each and every
25 one of these robberies.

1 And then the string of robberies got even more and
2 more egregious. You heard testimony about Detective Taylor
3 having told his co-defendants about him and Wayne Jenkins
4 following a drug dealer down to PG County, Washington, D.C.
5 area, so that they could follow him and hit him over the
6 head -- they had, of course, that duffel bag of tools,
7 grappling hooks, sledgehammers. The testimony was that they
8 were going to hit him over the head to steal what they believed
9 was either cash or drugs, and it was only thwarted by
10 happenstance that Special Agent Todd Edwards happened to be
11 tracking the same target, but for legitimate reasons.

12 So Ward -- what we saw at trial was while at a certain
13 point in time, Hendrix and Ward, they realized that this was
14 getting -- the crime was just getting out of control and they
15 decided not to be as involved.

16 Detective Taylor did not make that decision. He went
17 along with Detective Jenkins. And the nine robberies that were
18 shown at trial, or attempted robberies that were shown at
19 trial, just include the ones that we know about.

20 There's testimony from Ward and Hendrix that Taylor
21 was with Jenkins, they were tracking people from a place called
22 The Joint. They were leaving and doing their own thing off the
23 books that Ward and Hendrix were not even involved in. These
24 were not legitimate operations.

25 It's clear to us that when we compare the relative

1 culpabilities, which I'll get to when discussing disparities,
2 that Detective Taylor was involved in almost twice as many
3 robberies as Mr. Hendrix and Mr. Ward.

4 The only example that could support the defense claim
5 that he was sort of a follower and didn't have the will to say
6 no potentially is that he did, in fact, follow Wayne Jenkins
7 and his advice and put a BB gun in his vehicle. That's not
8 something that's accounted for in the sentencing guidelines and
9 the PSR as far as any aggravator.

10 So that following of Wayne Jenkins and his agreement
11 to put a BB gun in there so that he could plant it on somebody
12 if he got into a bad shootout is not something that mitigates
13 Mr. Taylor's sentence from the guidelines as they currently
14 stand. If anything, it's an aggravating factor.

15 And when turning to unwarranted sentencing
16 disparities, Sergeant Jenkins was sentenced to 25 years.
17 Sergeant Allers was sentenced to 15 years.

18 Both of those individuals accepted responsibility and
19 received three points in their guideline calculation for that
20 acceptance.

21 I don't know, Your Honor, if I can think of a case
22 where those three levels have a greater effect on an individual
23 than in this case.

24 Your Honor saw witness after witness come in here
25 absolutely terrified. They did not want to testify against the

1 police. They did not want to have to be here in court, in an
2 open proceeding.

3 Some of them had criminal histories. Some of them
4 were, frankly, recently involved in drug dealing. And their
5 interactions with these cops led them to trust nobody.

6 So Sergeant Jenkins and Sergeant Allers, they did get
7 some credit for that acceptance, as well as the other
8 defendants in this case. That's not something that obviously
9 Detective Taylor or Detective Hersl will get.

10 Detective Hersl's guidelines are roughly 19 and a half
11 to 24 and a half years. Our office will be seeking a sentence
12 within that range.

13 Detective Rayam and Detective Gondo, even if they were
14 to receive the maximum amount of credit, both acceptance and
15 cooperation, their guidelines are, at a minimum, double digits,
16 10 to 13 years. And our office will be seeking a significant
17 sentence at least within those guidelines.

18 Detective Ward and Detective Hendrix, their
19 guidelines, after -- if they were to receive the maximum amount
20 of potential credit, Detective Ward's guidelines are 8 to 10
21 years and Detective Hendrix's guidelines are 7 to 9 years.

22 But, again, particularly when it comes to Ward and
23 Hendrix, Detective Taylor's actions are far distinct from their
24 culpability, given that he committed almost twice as many
25 robberies. And some of the robberies that he was involved in

1 were, one, by his design; or, two, he was one of the active --
2 most active participants in those robberies.

3 For example, Stevenson, he was the one that was
4 filming the video in the basement of the safe to cover up what
5 they had done.

6 Neither Detective Ward or Detective Hendrix lied.
7 Neither Detective Ward or Detective Hendrix obstructed justice
8 by tipping off others about an investigation.

9 Detective Taylor, as was shown through the testimony
10 of Detective Ward, told other people in the unit that he had
11 received intel from an Internal Affairs officer who had told
12 him that he was under federal investigation.

13 And even despite this information, despite being under
14 a consent decree and a monitorship and believing that there's
15 an active federal investigation, he continued his crime spree.

16 So Detective Taylor stole drugs, unlike Ward and
17 Hendrix; he carried BB guns, unlike several other of his
18 co-defendants. These things make Taylor's conduct far worse,
19 and his guidelines are appropriate in this case.

20 Your Honor, in conclusion, you know, we're here today.
21 Detective Taylor had that choice, just like we heard from
22 Detective Kostoplis. You know, that's -- I think about when
23 Detective Kostoplis testified, and he's 26 years old and he had
24 that conversation with Jenkins and Hersl.

25 And, you know, Detective Taylor was significantly

1 older than that, or at least several years older than that when
2 he began his crime spree. But, again, he had that choice.

3 And he was -- it wasn't something where his
4 supervisors -- Jenkins, Allers, others -- were hammering him,
5 encouraging him to get involved in these robberies, stealing
6 both drugs and money.

7 Detective Taylor chose to do this even before he
8 started working with Wayne Jenkins.

9 So for those reasons, Your Honor, we believe that a
10 sentence of 18 years is the appropriate disposition of this
11 case and is sufficient but not greater than necessary under
12 18 United States Code, 3553.

13 Thank you.

14 **THE COURT:** Okay. Thank you. Thank you, Mr. Hines.

15 **MS. WICKS:** Good afternoon, Your Honor.

16 **THE COURT:** Good afternoon.

17 **MS. WICKS:** Your Honor, as I set out in our sentencing
18 memorandum, we believe, given all of the information that the
19 Court has, including the information submitted under seal
20 regarding Mr. Taylor, that we think that the Court should take
21 that into consideration, the Court should take into
22 consideration the conditions that he has been detained under
23 and will serve his sentence under.

24 Because of his position as a prior police officer, he
25 is -- things have gotten worse for him. Unfortunately, when he

1 was moved from Harford County to Howard County right before
2 trial in January, the conditions of his confinement increased,
3 and it was apparent to us, his lawyers, that the stress and
4 conditions, being kept almost -- I mean, essentially in
5 segregation now at Howard County, which I believe may continue
6 in the Bureau of Prisons, affect him greatly.

7 And I think because of the issues as discussed in the
8 sealed information about Mr. Taylor, I think his -- the medical
9 conditions that he has, the confinement affect him differently
10 than other people, and we would ask the Court to take that into
11 consideration.

12 In considering the numbers that the Court -- the
13 sentences that the Court has already given out and what the
14 Court -- I think clearly the Court has to consider the
15 relativeness of each defendant in this case, and I submit
16 that's a very hard task.

17 Jenkins and Allers were supervisors. While the
18 Government contends that somehow taking the video, as opposed
19 to breaking open the safe, is a more important role, I think
20 the evidence that the Government presented was that everyone
21 was involved.

22 Perhaps saying it's a different conspiracy with Stepp
23 and Jenkins is the wrong words to use, but it was very clear
24 from Stepp, it was very clear from all of the testimony that
25 Jenkins was doing things that he was hiding from the other

1 people.

2 And I think the Court should take that into
3 consideration when looking at what Jenkins was doing, what
4 Rayam and Gondo were doing that was unrelated to the other
5 people.

6 And the truth of the matter is there is no evidence
7 that Mr. Taylor was involved in the Stepp and Jenkins activity
8 and there's no evidence that Mr. Taylor was involved in the
9 Rayam and Gondo involvement in the drug conspiracy and the
10 home invasion done while apparently off duty.

11 In investigating this case, the information that we
12 learned about Mr. Taylor and his -- and then-Detective Taylor
13 and his reputation in the Baltimore Police Department was
14 consistent with, I think it was -- it was either Hendrix or
15 Ward saying that the reason Jenkins wanted Taylor to come was
16 because he ran fast. He ran track in high school and he's the
17 guy that could run after people. He -- there was no nefarious
18 part of the reputation concerning Mr. Taylor.

19 And while the Government -- I understand the
20 Government's concerns and I understand the concerns about the
21 criminal justice system, that being concerned about the
22 credibility of the police officers is troubling. It is
23 troubling to me, as Mr. Taylor's lawyer, that he is being sent
24 to prison on the words of Ward, Hendrix, Rayam, and Gondo.
25 That's concerning to me.

1 I understand and we accept the jury's verdict, but
2 Mr. Taylor will continue to challenge it. And it is a sad day
3 for me that there are apparently hundreds and hundreds of
4 people in the criminal justice system in Baltimore who the
5 Government, the State's Attorney's Office, the federal
6 prosecutor's office are saying that their convictions could be
7 vacated because we're concerned about the credibilities of
8 these officers, but we're going to send Mr. Taylor to prison
9 and the Government's asking for 18 years for Mr. Taylor because
10 of the word of Rayam, Gondo, Ward, and Hendrix.

11 While Mr. Santiful did not specifically have anything
12 to say about Mr. Taylor, it is not surprising after trial that
13 we find out that even on the very day he was testifying, that
14 he was engaged in criminal activity.

15 It's not surprising to me that Dennis Armstrong --
16 who, again, I understand is not someone that pointed the finger
17 at Mr. Taylor -- but that he's been arrested since trial. It's
18 not going to be surprising to me if I hear that
19 Oreese Stevenson gets arrested.

20 The Government gave them immunity. They're able --
21 they're allowed to do that. They gave immunity and cooperation
22 agreements to Rayam, Gondo, Ward, and Hendrix to testify
23 against Mr. Taylor. But that doesn't mean it settles right
24 with me. It doesn't, Your Honor.

25 And so when we're considering the effect this has on

1 the criminal justice system, it's these very people that are
2 sending Mr. Taylor, it's their word -- I understand that the
3 jury accepted it, but their credibility continues to be suspect
4 to me.

5 Specifically the incident -- the fact that when the
6 search warrants are executed and in Mr. Taylor's car, there is
7 a BB gun, there was also testimony from Hendrix that Mr. Taylor
8 had taken a BB gun off of a child on the streets of Baltimore
9 for the reason that he didn't want the child to be shot by
10 someone because they thought it was a real gun.

11 So there are two sides to a story, and that's the
12 other side of why Detective -- then-Detective Taylor had a
13 BB gun in his car.

14 And I would also just remind the Court that Hendrix is
15 also the officer that testified that he had his concerns about
16 Taylor. He saw Taylor as a follower, and so he was very
17 concerned about him being on the unit with Jenkins because he
18 knew about Jenkins' reputation in the police department.

19 The Court has a lot of information in the PSI, and I
20 won't go over it. But I think it is notable that Mr. Taylor is
21 only 31 years old as he sits here today.

22 He's been in custody for well over a year. And he was
23 very young -- he was the youngest of the officers in this case.
24 He has a young child, and he has tried very hard to continue to
25 be a father to that child while he's been in custody. And he

1 has -- even with an 18-year sentence, he could come out of
2 prison with a life ahead of him.

3 But at the same time, I think given all of the
4 information that the Court has about Mr. Taylor, I think there
5 is a reason to go below the 15 years that Allers got and to
6 consider Mr. Taylor -- Mr. Taylor as a younger individual, a
7 person that can change, and a person that has -- I just think a
8 very different -- I think there's information that the Court
9 has that calls into question his relative culpability and his
10 capacity.

11 So for all of these reasons, on behalf of Mr. Taylor,
12 we are asking for the Court to consider a sentence below the
13 guidelines and below the 15 years that the Court imposed on
14 Sergeant Allers.

15 Thank you, Your Honor.

16 **THE COURT:** Thank you, Ms. Wicks.

17 Okay. Let me turn to Mr. Taylor.

18 **MS. WICKS:** Your Honor, I'm sorry, do you want us to
19 come to the bench briefly?

20 **THE COURT:** Oh, yes, I'm sorry.

21 We do have a policy in this district of having a
22 discussion of cooperation in every case, whether or not a
23 defendant is cooperating. So what we're about to say will
24 remain under seal.

25 And I will ask counsel if they would like to approach

1 the bench.

2 Conference at the bench.

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

6 **THE COURT:** Mr. Taylor, if there's anything you'd like
7 to say before I make a final decision in this case, you have
8 the right to do that. You don't have to. I won't hold it
9 against you if you don't. But if you'd like to speak, you have
10 the right to do that.

11 **THE DEFENDANT:** Yes, ma'am, I would like to say some
12 things.

13 **THE COURT:** Sure.

14 **MS. WICKS:** Stand up.

15 **THE DEFENDANT:** I'm sorry, ma'am.

16 **THE COURT:** That's fine. Just keep your voice up.
17 And I'm happy to hear whatever you have to say.

18 **THE DEFENDANT:** All right. No problem. I'll bring
19 this mic closer to me.

20 Yes, ma'am. This has been a rough year for me. About
21 a year -- about a year and four months if I -- a year and five
22 months. I can't really recall the time right now.

23 But nobody still knows the truth about what's going on
24 in the city. I'm very vocal, as everybody aware in here. I
25 have -- just to clarify, I never ran track, just 'cause my

1 attorney -- I never ran track. I played football, played
2 tennis, stuff like that.

3 But I joined the police department just -- to actually
4 just help people. I like helping people. My family have dealt
5 with family members dying over heroin overdoses like that.

6 I have, you know, helped individuals as far as, you
7 know, people that have been stabbed and, you know, families
8 that have -- can't play outside in the city due to the
9 violence.

10 Still to this day, no matter what, I respect the jury,
11 I respect the -- the outcome, but I still retain [sic] my
12 innocence and I will continue to fight to prove my innocence.

13 Another thing is, you know, from my understanding,
14 it's a lot of evidence that's been -- been pretty much
15 presented to this Court. And it's -- it's -- it's kind of sad
16 that I'm getting accused of being not credible and presenting
17 false evidence, as the state says. And that's pretty false.

18 I have just -- just two days ago, I received some
19 things in reference to overtime. They clearly says -- say
20 that, you know, overtime is -- you know, I was supposed to
21 know. I'm on vacation.

22 I think I went above and beyond to follow the rules
23 and regulations of my general orders of Baltimore City as far
24 as taking time off and submitting overtime -- submitting leave
25 slips and all that stuff like that.

1 But then I get contended with saying that I put in
2 false evidence of overtime for a New York trip when I'm on
3 vacation in the state of Maryland.

4 And on top of that, when I was in the
5 Dominican Republic, pretty much I'm on vacation. And I -- I
6 reached out to all the State's Attorney's -- the State's
7 Attorney's Office through e-mails, which we have not been
8 provided the e-mails of the stuff. I've done sent stuff to the
9 court liaison to let 'em know that I'm going to be on vacation.

10 But -- and then on top of that, you know, ADP system
11 has been down. The FOP has been in litigation as far as
12 overtime for not paying officers all the times that they
13 worked.

14 But still, the Government contends that I -- I'm being
15 fraudulent and trying to -- you know, out here committing
16 alleged robberies when I have not done such -- such thing.

17 And as far as the Edmondson and Fremont incident, I
18 never went to IID and I never been -- set foot in
19 Internal Affairs for -- for no -- no acts about that.

20 And from what I seen since -- since -- seeing the
21 discovery in December, it comes out as theft in the Internal
22 Affairs Division.

23 But yet they claim I'm robbing individuals. And --
24 and it's sad that the co-conspirators or my ex-co-workers have
25 lied repeatedly.

1 And just -- as my counsel said that I have -- I'm
2 going to jail for what -- you know, their credibility issues.
3 And -- and after reviewing, you know, Rayam's plea agreement,
4 Page 18, Line Number 66, it doesn't say that he gives me --
5 gives me any money.

6 And then on top of that, on -- on the indictment on
7 Page 23, Number 86 it says he taxed me -- he taxed
8 Mr. Sergio Summerville a little bit. He won't say anything. I
9 have to give Wayne \$100.

10 But yet in trial, the Government said that -- had
11 Rayam sit on the stand and say that he gave me 40 to 60 bucks
12 or 60 bucks -- I believe 60 bucks was the testimony, but -- but
13 initially told the -- the -- the attorneys 40 to 60 bucks, and
14 I don't understand how that -- how that flies, you know, when
15 you constantly lie.

16 And then trying to say that it's on a recording. I
17 listened to the recording probably about ten times with
18 assistance of the counsel and stuff like that, and it never
19 said that on that -- on the -- on the recording. It clearly
20 doesn't say it.

21 And then on top of that, you know, I haven't -- I
22 haven't -- just -- it doesn't make sense that I'm going to get,
23 you know, sentenced to a long time being away from my son
24 for -- for years for something I didn't do.

25 The funny thing is -- the funny thing they said it was

1 like -- my son told me a couple weeks ago, he was like, Dad,
2 you know, why are you in this position?

3 And I was like -- and I was kind of hesitant of
4 responding because with -- with young kids, they say crazy
5 stuff.

6 And he says, Because your co-workers lied on you.

7 And it takes my son, who has no idea, that ear hustles
8 on what everybody's saying, and then he -- and I said, Where do
9 you hear that from?

10 Oh, I Googled it.

11 Google?

12 And -- and I'm going to be away from my son for all
13 these years for something I didn't do. And -- and I will --
14 like, Your Honor, I sent, you know, letters. I try to reach
15 out. You know, I sent motions for discovery since -- since
16 July 6th, I believe, I wrote my motion for discovery, but I
17 never heard anything about it.

18 I done got rid of my last counsel because all the
19 games that's been playing on March 8th -- March 8th. And
20 March 31st, 30th with these -- these lies that the Government
21 tries to claim me for.

22 And it just gets kind of frustrating that, you know, I
23 don't know how else to reach out. You know, I try to reach
24 out, try to go through my counsel. I try to reach out to you,
25 ma'am, and I just don't know what avenues I need to take to --

1 to have this.

2 And then, you know, it's just the fact that I had
3 never -- my credibility has never been called into question. I
4 never had no -- no trouble.

5 And -- and it's just -- it's sad that all of these
6 other individuals just continue to lie just to -- they'll lie
7 to get less time. And it gets very, very frustrating for me,
8 ma'am.

9 You know, also, you know, when I went to
10 Dominican Republic, just to go back for the overtime, I also
11 was sick, and I have a doctor's note that I had presented to
12 the Government, advised the Government that I was sick as well.

13 So not only did I have the vacation days and I also
14 have -- I also had medication from a doctor in the
15 Dominican Republic in reference to a sickness for eating the
16 food over there.

17 And I'm -- you know, and I get charged for -- and --
18 for taking vacation. If it could happen to me, it could happen
19 to any one of my -- my colleagues. For taking vacation? And
20 then -- and then they keep -- you know, all I keep on seeing is
21 all this publicity saying that, oh, you know, for the first
22 probably about six or seven months, there was nothing about
23 Mr. Taylor or anything.

24 It gets close to trial, that's all they ever think
25 about, Mr. Taylor; Mr. Taylor did this; Mr. Taylor did that.

1 And -- you know, and it's -- it's -- the video that
2 they keep showing on thing -- on TV about a incident at the
3 BP Gas station, I'm nowhere near that.

4 It just gets frustrating with all the stuff like that.
5 And, you know, it's -- I been honest since Day One. And I have
6 been continuing to be called a liar. And it's like, well, what
7 do I need to prove? I mean, to prove that I -- that I'm
8 innocent and it's just -- you know, I respect the jury, I
9 respect the Court for, you know, everything, but it's just --
10 it's just not right. And I just want to let you know that I'm
11 not going to stop until I proved -- proved the thing.

12 And just to bring up what I was trying to say is I
13 just received this pay stub, notice of -- for ADP. And I
14 haven't seen -- I don't see anything saying that some -- I
15 guess a person came out of state to say it, but it says
16 M&T Bank, Manufacturer & Trader Company Trust Bank of
17 Baltimore, Maryland 21201.

18 And I see the Mayor and City of Baltimore,
19 401 East Fayette, Baltimore, Maryland. I don't see anything
20 that it says -- the times that you work, you're supposed to
21 know. It doesn't say that. It doesn't have that -- that type
22 of things. And, you know, I -- I just don't know what -- what
23 else to do. And it just gives you a cumulative hours of the
24 overtime you work.

25 And it's just -- I just don't know -- just -- I think

1 that's all I really have to say right now until, you know,
2 everybody -- it's just -- I thank you for your time,
3 Your Honor, and hearing me out and stuff like that.

4 But, you know, it's -- it's been -- it's real, real,
5 real frustrating, 'cause all these other events at overtime, I
6 had never even seen that on my indictment. You know, I
7 didn't -- it's -- and then they -- they said I wasn't involved
8 in none of these gun -- you know, handgun arrests, and I'm like
9 I'm there. And they -- they didn't provide anything showing
10 that I was not there. They didn't.

11 I'm not denying that I didn't go to the
12 Dominican Republic. I'm not denying I didn't go to New York.
13 But I'm on vacation. I don't need to -- to -- you know, I
14 don't need to put overtime slips in, and that's the only thing
15 they had initially.

16 And then they broadened it up and they're just
17 bringing up everything, Oh, you -- 'cause you went here, you
18 went here. You puttin' in overtime slips, and that's -- that's
19 not even right.

20 I told them since Day One, it's not my signature. We
21 haven't had an expert signature person to see who the
22 signatures is. And I said that in my -- in my -- in my -- when
23 I talked to him on March 1st and I said that throughout this
24 whole -- whole year. It has not changed.

25 I've been consistent with everything I've been saying

1 since Day One. And then my colleague -- my ex-colleagues have
2 been lying since -- multiple times to the Government until they
3 reached their -- what they believe it is.

4 Mr. Hines came up to me and tried to talk to me before
5 and then tried to say I lied to him and said I was saying
6 something I didn't do. And we went back and forth till
7 Mr. Hines -- I mean Mr. Wise said, you know, let's go back --
8 until Mr. Hines is the one that said I did not say that.

9 You know, and it's just -- it just gets -- it gets
10 frustrating, you know -- you know, that they -- they keep
11 con -- constantly coming at me.

12 And, you know, I didn't want to talk to the
13 Government. I never wanted to. And I -- when I
14 triggered [sic] my last counsel, I expressed that in front of
15 Judge Coulson. You know, I tried to express it to the Court.
16 I tried to put it in motions. I tried to put it in everything
17 to just -- just -- just bring it to the Court's attention. It
18 just -- it has not been fair to me. It has not been fair.

19 And I just -- I just -- I just want fairness.

20 And I apologize for taking this much time, ma'am, but
21 thank you very much. And that's all I have to say.

22 **THE COURT:** Okay. Thank you, Mr. Taylor, then, that's
23 fine. You can take as much time as you want.

24 Let me turn back to counsel for a minute.

25 Any specific recommendations to the Bureau of Prisons?

1 I recognize that given his status as an officer, designation
2 may be outside of the ordinary.

3 But if there are any specific recommendations or for
4 conditions of supervised release or anything like that, I'm
5 happy to hear it.

6 **MS. WICKS:** Your Honor, we would just ask that --
7 clearly, they'll have concerns and he has concerns for his
8 safety, but we'd also like them to consider keeping him close
9 to the state of Maryland so that he can visit with his child.

10 **THE COURT:** Okay. All right. Anything else that
11 anybody wants to say?

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

14 **THE COURT:** Okay. All right. Well, obviously there
15 are a lot of factors to consider in sentencing.

16 I appreciate that -- I mean, I regret that Mr. Taylor
17 feels, as he obviously does, that he has not been fairly
18 treated. I believe he has been.

19 I believe that the evidence in this case was very
20 strong; that the testimony of Former Officers Ward, Rayam,
21 Gondo, and Hendrix were well corroborated; and that the -- I
22 agree with the verdict of the jury in this case.

23 Obviously, Mr. Taylor has the absolute right to
24 contest it and to appeal, and I am sure he will. But I need to
25 sentence him based on the jury's verdict.

1 This is an extremely serious offense. I'm not going
2 to repeat everything that I've said in prior sentencings, but
3 you have harm to the individual victims whose money is taken
4 who are the victims of wrongful use of official force, the
5 wrongful use of the gun and the badge.

6 There's clearly an abuse of public trust, an increase
7 of distrust in the community towards the police.

8 As referenced by counsel, because of the demonstrated
9 false reports by a number of these officers, there have had to
10 be -- and probably will be -- more dismissal of other criminal
11 cases because of these credibility issues.

12 I do believe there was extensive overtime fraud, which
13 has deprived the city of Baltimore of money that it doesn't
14 have to spare. And it's made more difficult the job of the
15 majority of men and women in uniform who are trying to do their
16 job every day.

17 And it's very -- it undermines greatly our criminal
18 justice system when, again, judges and juries can't rely on the
19 word of police officers because of their own -- they need to
20 cover up their own criminal activity.

21 Mr. Taylor certainly has a number of mitigating
22 factors; everyone does. People have things that have occurred
23 in their past and medical or other conditions that are relevant
24 to why they wind up where they do, and I'm sure that Mr. Taylor
25 has done many good things and helped his family. But, again,

1 he has committed some very serious offenses in this case.

2 Relative culpability is important. He was not a
3 sergeant, a supervisor like Mr. Allers or Mr. Jenkins. He was
4 not extensively involved with the distribution of drugs as
5 Mr. Jenkins was.

6 But I do believe -- and I believe the evidence
7 showed -- that he robbed people, that he falsified reports, he
8 participated in overtime fraud, and that his criminal activity
9 began as early as 2014, which is prior to his coming under the
10 influence of Sergeant Jenkins or others.

11 It is also significant that Mr. Taylor did not accept
12 responsibility, obviously does not believe that he did anything
13 wrong. Again, he is not to be punished for that. He is not --
14 he has the absolute right to appeal.

15 But he also does not get the credit that other people,
16 such as Sergeant Allers or even Sergeant Jenkins did by
17 accepting responsibility, pleading guilty, not contesting what,
18 again, seems to me to be very strong evidence of guilt.

19 I believe that in this case a sentence within the
20 guidelines, as the Government requests, is the reasonable and
21 sufficient sentence to recognize the seriousness of the
22 offense, to act as a general deterrent, which is extremely
23 important in this case. Also perhaps in this instance as a
24 specific deterrent to Mr. Taylor.

25 So the sentence is going to be 18 years in the custody

1 of the Bureau of Prisons. That is going to be a concurrent
2 sentence on Count 1, Count 2, and Count 3 in this case.

3 I will say, going back to the initial guidelines
4 dispute, that it is within the range of both parties'
5 calculations. And this same sentence would be imposed
6 regardless of whether I'm right or wrong about the calculation
7 being at an offense level of 37. I think this is just a
8 reasonable sentence under all the factors for 3553(a).

9 There will be a period of supervised release as well,
10 and I need to look at that. I believe three years.

11 Counsel, tell me if I'm wrong, but I believe three
12 years is the guideline, appropriate guideline range. So it's
13 three years concurrent on each count.

14 There are going to be some special conditions of
15 supervised release, which will include providing any financial
16 information to the Probation Office that they want to see,
17 participating in any mental health treatment or counseling that
18 the probation officer recommends, and any substance or alcohol
19 abuse probation -- excuse me, counseling or treatment that the
20 probation officer recommends. I don't know that that will be
21 an issue, but I think it should be there in case it is.

22 Mr. Taylor's financial circumstances don't permit a
23 fine. There's not going to be a fine.

24 I realize we have not addressed restitution.

25 **MR. HINES:** Your Honor, we intend to submit a global

1 restitution request for all of the parties involved, and we'll
2 do that at a later date.

3 **THE COURT:** All right. Restitution is deferred.

4 There is a \$100 special assessment that needs to be
5 imposed on each count, so that I am imposing as well.

6 Have I left anything out? Anything I have not covered
7 in that sentence?

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

9 **MS. WICKS:** No, Your Honor.

10 **THE COURT:** Okay. All right. Mr. Taylor, as I'm sure
11 you're aware, you have the right to appeal from the conviction
12 and from this sentence. I'm sure counsel will assist you with
13 that. And any appeal needs to be noted within 14 days.

14 Do you understand that, sir?

15 **THE DEFENDANT:** Yes, ma'am. Thank you.

16 **THE COURT:** Okay.

17 **MR. HINES:** Your Honor, we move to dismiss the
18 original indictment as to Mr. Taylor at this time.

19 **THE COURT:** Sure. All right. The original indictment
20 is dismissed.

21 Thank you.

22 **MR. HINES:** Thank you, Your Honor.

23 (Court adjourned at 3:50 p.m.)

24

25

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

4
5 _____ /s/ _____

6 Douglas J. Zweizig, RDR, CRR
7 Registered Diplomate Reporter
8 Certified Realtime Reporter
9 Federal Official Court Reporter
10 DATE: August 17, 2018
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Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

<p>\$</p> <p>Case 1:17-cr-00106-CEB Document 479 Filed 08/17/18 Page 50 of 89</p> <p>\$100 [2] 38/9 48/4</p> <p>\$13,000 [1] 20/5</p> <p>\$16,000 [1] 10/20</p> <p>\$20,000 [2] 23/19 24/19</p> <p>\$200,000 [1] 24/11</p> <p>\$3,000 [1] 19/23</p> <p>\$70,000 [1] 10/11</p>	<p>37 [4] 7/21 11/11 17/25 47/7</p> <p>3-50 P.D. [1] 48/23</p> <p>4</p> <p>4 and a half [1] 10/22</p> <p>40 [2] 38/11 38/13</p> <p>401 East Fayette [1] 41/19</p> <p>405 United States 150 [1] 5/15</p> <p>46 [2] 14/21 16/5</p> <p>473 U.S. 667 [1] 5/16</p> <p>4th [1] 1/24</p>	<p>Additionally [1] 12/20</p> <p>additions [1] 6/22</p> <p>address [4] 3/17 5/18 11/19 18/4</p> <p>addressed [1] 47/24</p> <p>adds [1] 14/25</p> <p>adjourned [1] 48/23</p> <p>adjusted [3] 9/2 9/15 11/11</p> <p>adjustment [2] 11/12 14/10</p> <p>admitting [1] 5/10</p> <p>adopted [1] 22/10</p> <p>ADP [2] 37/10 41/13</p> <p>advance [1] 15/9</p> <p>advice [1] 26/7</p> <p>advised [1] 40/12</p> <p>advisory [1] 15/1</p> <p>Affairs [3] 28/11 37/19 37/22</p> <p>affect [5] 7/18 9/11 9/19 30/6 30/9</p> <p>affidavit [1] 18/24</p> <p>after [12] 4/14 4/18 18/8 18/8 20/8 20/19 24/13 26/24 27/19 31/17 32/12 38/3</p> <p>afternoon [7] 2/3 2/8 2/11 3/5 3/22 29/15 29/16</p> <p>again [16] 3/7 4/18 5/12 6/9 14/1 14/15 15/13 16/6 21/3 27/22 29/2 32/16 45/18 45/25 46/13 46/18</p> <p>against [5] 4/20 4/23 26/25 32/23 35/9</p> <p>agency [1] 6/10</p> <p>agent [5] 1/19 1/20 1/21 23/15 25/10</p> <p>aggravating [1] 26/14</p> <p>aggravator [1] 26/9</p> <p>aggregate [1] 14/25</p> <p>ago [2] 36/18 39/1</p> <p>agree [4] 15/8 16/4 17/9 44/22</p> <p>agreement [3] 15/18 26/10 38/3</p> <p>agreements [1] 32/22</p> <p>ahead [1] 34/2</p> <p>alcohol [1] 47/18</p> <p>all [42] 2/3 2/9 2/13 2/16 3/15 4/2 4/3 7/16 7/19 10/25 11/2 11/9 16/10 17/4 17/7 17/8 20/12 29/18 30/24 34/3 34/11 35/18 36/25 37/6 37/12 39/12 39/18 40/5 40/20 40/21 40/24 41/4 42/1 42/5 43/21 44/10 44/14 47/8 48/1 48/3 48/10 48/19</p> <p>alleged [1] 37/16</p> <p>allegedly [1] 4/12</p> <p>alleging [1] 13/18</p> <p>Allers [8] 26/17 27/6 29/4 30/17 34/5 34/14 46/3 46/16</p> <p>allowed [1] 32/21</p> <p>almost [3] 26/2 27/24 30/4</p> <p>along [2] 11/4 25/17</p> <p>already [2] 23/7 30/13</p> <p>also [22] 1/18 4/15 5/11 5/23 9/22 10/3 14/9 18/23 18/24 19/24 20/3 33/7 33/14 33/15 40/9 40/10 40/13 40/14 44/8 46/11 46/15 46/23</p> <p>although [1] 9/18</p> <p>am [2] 44/24 48/5</p> <p>AMERICA [2] 1/3 2/6</p> <p>amount [10] 10/3 10/16 11/10 15/21 15/21 20/2 20/3 21/7 27/14 27/19</p> <p>amounts [2] 8/20 13/16</p>
<p>'</p> <p>'cause [3] 35/25 42/5 42/17</p> <p>'em [2] 23/20 37/9</p>	<p>5</p>	<p>ADP [2] 37/10 41/13</p> <p>advance [1] 15/9</p> <p>advice [1] 26/7</p> <p>advised [1] 40/12</p> <p>advisory [1] 15/1</p> <p>Affairs [3] 28/11 37/19 37/22</p> <p>affect [5] 7/18 9/11 9/19 30/6 30/9</p> <p>affidavit [1] 18/24</p> <p>after [12] 4/14 4/18 18/8 18/8 20/8 20/19 24/13 26/24 27/19 31/17 32/12 38/3</p> <p>afternoon [7] 2/3 2/8 2/11 3/5 3/22 29/15 29/16</p> <p>again [16] 3/7 4/18 5/12 6/9 14/1 14/15 15/13 16/6 21/3 27/22 29/2 32/16 45/18 45/25 46/13 46/18</p> <p>against [5] 4/20 4/23 26/25 32/23 35/9</p> <p>agency [1] 6/10</p> <p>agent [5] 1/19 1/20 1/21 23/15 25/10</p> <p>aggravating [1] 26/14</p> <p>aggravator [1] 26/9</p> <p>aggregate [1] 14/25</p> <p>ago [2] 36/18 39/1</p> <p>agree [4] 15/8 16/4 17/9 44/22</p> <p>agreement [3] 15/18 26/10 38/3</p> <p>agreements [1] 32/22</p> <p>ahead [1] 34/2</p> <p>alcohol [1] 47/18</p> <p>all [42] 2/3 2/9 2/13 2/16 3/15 4/2 4/3 7/16 7/19 10/25 11/2 11/9 16/10 17/4 17/7 17/8 20/12 29/18 30/24 34/3 34/11 35/18 36/25 37/6 37/12 39/12 39/18 40/5 40/20 40/21 40/24 41/4 42/1 42/5 43/21 44/10 44/14 47/8 48/1 48/3 48/10 48/19</p> <p>alleged [1] 37/16</p> <p>allegedly [1] 4/12</p> <p>alleging [1] 13/18</p> <p>Allers [8] 26/17 27/6 29/4 30/17 34/5 34/14 46/3 46/16</p> <p>allowed [1] 32/21</p> <p>almost [3] 26/2 27/24 30/4</p> <p>along [2] 11/4 25/17</p> <p>already [2] 23/7 30/13</p> <p>also [22] 1/18 4/15 5/11 5/23 9/22 10/3 14/9 18/23 18/24 19/24 20/3 33/7 33/14 33/15 40/9 40/10 40/13 40/14 44/8 46/11 46/15 46/23</p> <p>although [1] 9/18</p> <p>am [2] 44/24 48/5</p> <p>AMERICA [2] 1/3 2/6</p> <p>amount [10] 10/3 10/16 11/10 15/21 15/21 20/2 20/3 21/7 27/14 27/19</p> <p>amounts [2] 8/20 13/16</p>
<p>/</p> <p>/s [1] 49/4</p>	<p>53 [1] 8/13</p> <p>6</p>	<p>ADP [2] 37/10 41/13</p> <p>advance [1] 15/9</p> <p>advice [1] 26/7</p> <p>advised [1] 40/12</p> <p>advisory [1] 15/1</p> <p>Affairs [3] 28/11 37/19 37/22</p> <p>affect [5] 7/18 9/11 9/19 30/6 30/9</p> <p>affidavit [1] 18/24</p> <p>after [12] 4/14 4/18 18/8 18/8 20/8 20/19 24/13 26/24 27/19 31/17 32/12 38/3</p> <p>afternoon [7] 2/3 2/8 2/11 3/5 3/22 29/15 29/16</p> <p>again [16] 3/7 4/18 5/12 6/9 14/1 14/15 15/13 16/6 21/3 27/22 29/2 32/16 45/18 45/25 46/13 46/18</p> <p>against [5] 4/20 4/23 26/25 32/23 35/9</p> <p>agency [1] 6/10</p> <p>agent [5] 1/19 1/20 1/21 23/15 25/10</p> <p>aggravating [1] 26/14</p> <p>aggravator [1] 26/9</p> <p>aggregate [1] 14/25</p> <p>ago [2] 36/18 39/1</p> <p>agree [4] 15/8 16/4 17/9 44/22</p> <p>agreement [3] 15/18 26/10 38/3</p> <p>agreements [1] 32/22</p> <p>ahead [1] 34/2</p> <p>alcohol [1] 47/18</p> <p>all [42] 2/3 2/9 2/13 2/16 3/15 4/2 4/3 7/16 7/19 10/25 11/2 11/9 16/10 17/4 17/7 17/8 20/12 29/18 30/24 34/3 34/11 35/18 36/25 37/6 37/12 39/12 39/18 40/5 40/20 40/21 40/24 41/4 42/1 42/5 43/21 44/10 44/14 47/8 48/1 48/3 48/10 48/19</p> <p>alleged [1] 37/16</p> <p>allegedly [1] 4/12</p> <p>alleging [1] 13/18</p> <p>Allers [8] 26/17 27/6 29/4 30/17 34/5 34/14 46/3 46/16</p> <p>allowed [1] 32/21</p> <p>almost [3] 26/2 27/24 30/4</p> <p>along [2] 11/4 25/17</p> <p>already [2] 23/7 30/13</p> <p>also [22] 1/18 4/15 5/11 5/23 9/22 10/3 14/9 18/23 18/24 19/24 20/3 33/7 33/14 33/15 40/9 40/10 40/13 40/14 44/8 46/11 46/15 46/23</p> <p>although [1] 9/18</p> <p>am [2] 44/24 48/5</p> <p>AMERICA [2] 1/3 2/6</p> <p>amount [10] 10/3 10/16 11/10 15/21 15/21 20/2 20/3 21/7 27/14 27/19</p> <p>amounts [2] 8/20 13/16</p>
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