

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

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, )  
5 vs. ) CRIMINAL CASE NO. CCB-17-106  
6 DANIEL THOMAS HERSL and )  
7 MARCUS ROOSEVELT TAYLOR, )  
8 Defendants. )  
9 \_\_\_\_\_ )

8  
9 Tuesday, January 23, 2018  
10 Courtroom 1A  
11 Baltimore, Maryland

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

13 VOLUME I

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16  
17 For the Plaintiff:

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

21 \_\_\_\_\_  
22 Reported by:

23 Douglas J. Zweizig, RDR, CRR  
24 Federal Official Court Reporter  
25 101 W. Lombard Street, 4th Floor  
Baltimore, Maryland 21201

1 For the Defendant Daniel Hersl:

2 William B. Purpura, Jr., Esquire  
3 Thomas W. Rafter, Esquire

4 For the Defendant Marcus Taylor:

5 Christopher C. Nieto, Esquire  
6 Jenifer Wicks, Esquire

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

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P R O C E E D I N G S

(10:13 a.m.)

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

Okay. I've been informed about the unfortunate technical difficulties, and I certainly hope this is not repeated. We should not be keeping a jury waiting for this kind of thing.

But I understand there are some preliminary issues that we can discuss in the meantime and perhaps arraign the defendants.

Mr. Purpura?

**MR. PURPURA:** Did you want to do the arraignment first, Your Honor?

**THE COURT:** Sure. Why don't we -- if Ms. Moyé is ready.

**THE CLERK:** Yes.

**THE COURT:** All right. Go ahead and do that.

**THE CLERK:** I'll begin with Mr. Taylor.

Please stand. Please state your name for the record.

**DEFENDANT TAYLOR:** Marcus Taylor.

**THE CLERK:** What is your age?

**DEFENDANT TAYLOR:** 30.

**THE CLERK:** What year were you born?

**DEFENDANT TAYLOR:** What was that, ma'am?

1           **THE CLERK:** What year were you born?

2           **DEFENDANT TAYLOR:** 1987.

3           **THE CLERK:** Mr. Taylor, how do you wish to plead to  
4 Counts 1, 2, 3, and 4 of the superseding indictment?

5           **DEFENDANT TAYLOR:** Guilty --

6           **MS. WICKS:** On behalf of Mr. Taylor, I'll enter a plea  
7 of not guilty to each count.

8           **THE CLERK:** Mr. Taylor, is that correct? You're  
9 pleading not guilty?

10          **MS. WICKS:** Yes, Your Honor.

11          **DEFENDANT TAYLOR:** Yes.

12          **THE CLERK:** Okay. Thank you.

13          **THE COURT:** Thank you. Thank you, Mr. Taylor.

14          **THE CLERK:** Mr. Hersl.

15          **DEFENDANT HERSL:** Yes, ma'am.

16          **THE CLERK:** Please state your name for the record.

17          **DEFENDANT HERSL:** Daniel Hersl.

18          **THE CLERK:** What is your age?

19          **DEFENDANT HERSL:** I'm 48 years of age.

20          **THE CLERK:** What year were you born?

21          **DEFENDANT HERSL:** ██████████ 69.

22          **THE CLERK:** Mr. Hersl, how do you wish to plead to  
23 Counts 1, 2, 5, and 6 of the superseding indictment?

24                 (The defendant conferred with counsel.)

25          **DEFENDANT HERSL:** Not guilty.

1           **THE CLERK:** Thank you. That's it.

2           **MR. PURPURA:** Thank you.

3           **THE COURT:** Thank you. You can be seated.

4           And, Mr. Purpura, you had an issue you wanted to put  
5 on the record.

6           **MR. PURPURA:** I do, Judge. Just I wanted to place on  
7 the record as the -- let me just do it right from the table.

8           As the Court is well aware, based on the Brady motion  
9 which I filed, in that Brady motion, I suggested that when an  
10 officer executes a lawful arrest, he is legally authorized to  
11 seize what he has probable cause to believe is evidence of the  
12 arrest itself.

13           The Government in their response to the Brady motion  
14 as well, they filed the second motion to keep out the, in  
15 essence, the probable cause defense which I raised.

16           In Document No. 305, although the Government -- it was  
17 a motion in limine, so we have to make sure it's on the record.  
18 Document No. 305 would be the response. I would ask that the  
19 entire document be placed on the record as my objection as to  
20 the limitation of our defense on the issue of probable cause.

21           **THE COURT:** All right. Does the Government want to  
22 add anything?

23           **MR. WISE:** Just briefly, Your Honor, as we argued in  
24 our motion, in our motion in limine, which is on the record,  
25 there is no authority for the proposition that the existence of

1 probable cause is a defense to the charges in this case.

2 The precedent that Mr. Purpura cites is from the area  
3 of suppression motions, most notably the Whren case, which is  
4 not a defense to criminal charges. And so for those reasons,  
5 we believe it is legally inaccurate to assert that the  
6 existence, the objective existence of probable cause is a  
7 defense to criminal charges in a case.

8 **THE COURT:** Okay.

9 **MR. PURPURA:** And I have nothing further to add on  
10 that. I'm sorry.

11 **THE COURT:** Okay. Well, let me reflect on parts of  
12 that.

13 My recollection regarding the Brady motion was that,  
14 while I did not agree with Mr. Purpura's legal analysis on that  
15 point, I nonetheless asked the Government if they had provided  
16 everything they had reasonably been able to obtain in terms of  
17 probable cause statements, arrest warrants, search warrants,  
18 and so forth for the incidents in question.

19 And the Government assured me that they had.

20 I agree with the Government in terms of this as a  
21 specific legal defense. The existence of probable cause does  
22 not in itself render the alleged subsequent conduct by  
23 Mr. Hersl lawful. They are -- they're distinct issues.

24 There may or may not have been probable cause at the  
25 time of a particular arrest or search. That in itself, again,

1 is not a defense to this particular charge, as I see it.

2 So . . .

3 **MR. PURPURA:** Thank you, Your Honor.

4 **THE COURT:** All right. Another issue?

5 **MR. PURPURA:** The only other issue I'll raise since we  
6 have a minute would be that the Court reviewed my motion which  
7 suggested that one of the counts, the Hobbs Act robbery, was  
8 duplicitous. And the Court ruled that it was not duplicitous.

9 I will just indicate to the Court, at this point we're  
10 minutes away from the Government's opening; I still don't know  
11 if the Government's theory of this case is a Hobbs Act robbery,  
12 physical robbery, and/or extortion at this point.

13 So I -- I just want -- as I indicated before, there is  
14 a due process argument. It was my belief that when the  
15 Government goes to the grand jury, they should know exactly  
16 what crime they intend to prosecute the defendant for. And in  
17 this case it's still left open minutes before opening.

18 And they are different. There's different elements in  
19 each one.

20 **THE COURT:** There are.

21 Government, want to respond to that?

22 **MR. WISE:** Just briefly, Your Honor. As in many  
23 cases, there are multiple statutes that cover the conduct in  
24 this case. The grand jury returned a valid indictment on its  
25 face.

1           There are factual issues that distinguish between  
2 Hobbs Act robbery and Hobbs Act extortion on the one hand and  
3 Hobbs Act extortion on the other. Those are factual  
4 determinations for the jury to make.

5           And there is nothing duplicitous about having charged  
6 the case the way we did. Ultimately, which version of the  
7 statute the Congress passed, the jury, if they find beyond a  
8 reasonable doubt the defendants violated, will be a question of  
9 fact for the jury.

10           **THE COURT:** And it would be the Government's position  
11 that you have provided factually the information through  
12 discovery to Mr. Purpura that he needs to be aware of what you  
13 intend to present?

14           **MR. WISE:** Absolutely.

15           **THE COURT:** Let me ask, there is also extortion with  
16 consent under color of official right. I did not see an  
17 instruction for that in your proposed instructions.

18           Are you withdrawing that?

19           **MR. WISE:** We are. For clarity purposes, we are  
20 proceeding -- because the 924(c) counts are possession of a  
21 firearm in furtherance of a crime of violence and both  
22 Hobbs Act extortion and Hobbs Act robbery are the crimes of  
23 violence --

24           **THE COURT:** Right.

25           **MR. WISE:** -- those counts refer to, for simplicity's



1 sake, to focus the jury for the purpose of those counts, we  
2 will not present on color of official right under the  
3 Hobbs Act.

4 Obviously, in the racketeering counts, Maryland  
5 extortion, which includes both violent extortion and extortion  
6 under color and pretense of office is a basis on which the jury  
7 could convict these defendants. And so we have submitted jury  
8 instructions on that version of Maryland extortion law and will  
9 be presenting evidence to that crime.

10 **THE COURT:** Okay. All right. Anything else  
11 preliminary and/or -- do we have it working?

12 **IT TECHNICIAN:** No, no, Judge. We need some time to  
13 test.

14 **THE COURT:** Some time to test?

15 **IT TECHNICIAN:** Yes.

16 **THE COURT:** Anything else preliminary, then?

17 **MR. PURPURA:** No, Your Honor, not by the defense.

18 Thank you.

19 **MR. WISE:** Not by the United States, Your Honor.

20 **THE COURT:** All right. We'll take a recess, which I  
21 hope will be short.

22 (Recess taken.)

23 (10:38 a.m.)

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

25 All right. I gather the equipment is working; is that

~~COURT'S OPENING INSTRUCTIONS~~

1 right?

2 **THE CLERK:** Yes. Yes.

3 **MR. PURPURA:** Judge, as the jury's coming in -- you  
4 can get the jury.

5 When the Government finishes -- I know we've had a  
6 delay already -- but I have to change things around a little  
7 bit. Can we have like a five-minute break?

8 **THE COURT:** In between opening and yours?

9 Yes. Of course, we're going to start with my  
10 preliminary instructions anyway, so they'll probably be ready  
11 for a break.

12 **MR. PURPURA:** Thank you.

13 (Jury entered the courtroom at 10:41 a.m.)

14 **THE COURT:** Good morning. And you can be seated.

15 So I will start by apologizing, ladies and gentlemen.  
16 It's the kind of bane of our modern existence. We have all  
17 this wonderful technology that allows the lawyers to show you  
18 evidence and present things on monitors. And it's just great  
19 except when it breaks, which is what happened this morning.  
20 And we did get it fixed as fast as possible. So I appreciate  
21 that you were on time. I apologize that we were not.

22 But we'll get started.

23 What I'm going to do is give you some just preliminary  
24 instructions as soon as you're sworn in, and then we'll move  
25 into openings.

~~COURT'S OPENING INSTRUCTIONS~~

1 But we'll go ahead and get you sworn in.

2 Ms. Moyé.

3 **THE CLERK:** Members of the jury panel selected in the  
4 present case, please stand and raise your right hand.

5 (Jury duly sworn/affirmed.)

6 **THE CLERK:** Thank you. You may be seated.

7 Jury sworn.

8 **THE COURT:** Thank you.

9 So, ladies and gentlemen, as you may already know, it  
10 is going to be your job to find, based on the evidence, what  
11 the facts in this case are. You and you alone are the judges  
12 of the facts.

13 Now, you do have to apply the law as I will instruct  
14 you. You have to apply the law to those facts, whether you  
15 agree with it or not. But it's entirely up to you to decide  
16 the facts. And so nothing that I may say or do during the  
17 course of the trial is intended to indicate what I think your  
18 verdict ought to be. That's not up to me. That's up to you.

19 The evidence that you're going to have to decide the  
20 facts is going to include the testimony of witnesses. They'll  
21 come and be sworn in and testify to you under oath from that  
22 witness stand.

23 There will be documents, maybe photographs, other  
24 items that are received into the record as exhibits. There may  
25 be some facts that counsel agree or stipulate to, stipulations

~~COURT'S OPENING INSTRUCTIONS~~

1 that you may consider as evidence.

2 There are also certain things that are not evidence  
3 and must not be considered by you as evidence. That includes  
4 statements and arguments and questions by the lawyers, as well  
5 as objections to questions.

6 Now, the lawyers have an obligation to their clients  
7 to make an objection if they think that the evidence that's  
8 being offered is improper for some reason under the Rules of  
9 Evidence.

10 You shouldn't be influenced by an objection or by my  
11 ruling on an objection; in other words, if I sustain an  
12 objection, just ignore that question. If I overrule it, treat  
13 the answer that comes in like any other piece of evidence.

14 Obviously, if I instruct you that some item of  
15 evidence is being admitted for a limited purpose only, you  
16 should follow that instruction. Or if I tell you to exclude or  
17 disregard or strike some evidence, then that is not evidence.

18 Anything that you may have seen or heard outside the  
19 courtroom or that you may see or hear outside the courtroom  
20 during the course of the trial, as you've probably gathered  
21 from yesterday's process, that is not evidence. It must be  
22 disregarded. You need to decide the case just based on the  
23 evidence presented here in the courtroom.

24 Another way of looking at the evidence is to say that  
25 it can be direct or circumstantial.

~~COURT'S OPENING INSTRUCTIONS~~

1           By direct evidence, we mean the testimony of something  
2 like the testimony of an eyewitness, a person that's present at  
3 an event, comes in and tells you what they saw or what they  
4 heard.

5           Circumstantial evidence just means proof of certain  
6 facts, and based on those facts you can conclude, using your  
7 common sense, that other facts exist.

8           Simple example of that is you go off to work in the  
9 morning. It's a bright, sunny day. You happen to work in an  
10 office where there's no windows. A couple hours later one of  
11 your co-workers comes in, taking off a wet raincoat, folding up  
12 a dripping umbrella.

13           You didn't see it rain because you couldn't see  
14 outside. But based on what you did see, you can conclude that  
15 it was probably raining outside. That's what we mean by  
16 circumstantial evidence. You may consider both kinds, direct  
17 and circumstantial, that you find helpful in this case.

18           It's going to be up to you to decide which witnesses  
19 to believe, which witnesses not to believe, or how much of any  
20 particular witness's testimony to accept or reject. And I'll  
21 give you some more guidelines on the credibility of witnesses  
22 at the end of the case, but essentially it's a matter of paying  
23 attention and using your common sense.

24           As you know, this is a criminal case. So there are  
25 several basic rules about a criminal case that you should keep

1 in mind.

2 First, a defendant is presumed innocent unless and  
3 until they're proven guilty beyond a reasonable doubt.

4 The indictment, the charge brought by the Government  
5 against a defendant, is only an accusation. Nothing more.  
6 It's not evidence. It's not proof of guilt or anything else.  
7 The defendants start the trial with a clean slate. And the  
8 burden of proof is on the Government throughout the entire  
9 case.

10 A defendant never has any burden to prove his or her  
11 innocence or to present any evidence or to testify. A  
12 defendant has the right to remain silent. And if that's their  
13 choice, you may not consider that in any way in arriving at  
14 your verdict.

15 And, as I've indicated, the Government has to prove  
16 the defendants' guilt beyond a reasonable doubt, which is a  
17 higher standard than in a civil case. And you must consider  
18 each charge against each defendant separately, as I will remind  
19 you at the end of the case.

20 There are several charges in this case. I will begin  
21 to tell you about them.

22 You will hear more about them from counsel, I'm sure,  
23 in their opening statements and later at the end of the case in  
24 their closing arguments.

25 And also at the end of the case, I will be giving you

~~COURT'S OPENING INSTRUCTIONS~~

1 much longer instructions, both reading them to you and giving  
2 them to you in writing so that you'll have them in the jury  
3 room at the end of the case when you deliberate.

4 But in this case, as you heard yesterday in voir dire,  
5 there are several charges.

6 The first is what's called a conspiracy. The  
7 defendants are charged with conspiracy to violate what we'll  
8 just call the RICO Act.

9 A conspiracy is simply an unlawful agreement. It  
10 means that Mr. Hersl and Mr. Taylor have been charged with  
11 conspiring, with agreeing to conduct or participate in the  
12 affairs of an enterprise through a pattern of racketeering  
13 activity.

14 So that is Count 1 is a conspiracy. And it says that  
15 beginning at a date that's unknown to the grand jury, but at  
16 least by in or about 2015 through sometime in 2017, here in  
17 Maryland and elsewhere, it says that Mr. Hersl and Mr. Taylor  
18 were employed by and associated with the Baltimore Police  
19 Department, an enterprise that engaged in and the activities of  
20 which affected interstate and foreign commerce.

21 It says that Mr. Hersl and Mr. Taylor, together with  
22 others, people that are both known and unknown to the  
23 grand jury, knowingly, intentionally, unlawfully conspired,  
24 agreed to violate the RICO Act; that is, to conduct and  
25 participate, directly and indirectly, in the conduct of the

1 enterprise's affairs, the police department's affairs, through  
2 a pattern of racketeering activity.

3 The racketeering activity includes various acts that  
4 are charged, including wire fraud under federal law and state  
5 law violations of robbery, attempted robbery, extortion, and  
6 attempted extortion.

7 Count 2 -- so Count 1 is the conspiracy, the agreement  
8 to violate the RICO Act.

9 And Count 2 is an alleged violation of the RICO Act  
10 that says that from approximately 2011 until 2017, that  
11 Mr. Hersl and Mr. Taylor, with others, were employed by and  
12 associated with the Baltimore Police Department -- again, an  
13 enterprise that's engaged in and the activities affect  
14 interstate and foreign commerce.

15 Says that they unlawfully and knowingly conducted and  
16 participated, directly and indirectly, in the conduct of the  
17 affairs of that enterprise, the police department, through a  
18 pattern of racketeering activity.

19 And those -- again, those alleged activities include  
20 the Maryland state crimes of robbery, attempted robbery,  
21 extortion, attempted extortion that I mentioned and federal  
22 wire fraud. And you will hear more about all of those offenses  
23 at a later point.

24 The third type of charge is what's called Hobbs Act  
25 robbery and extortion. It is a federal robbery or extortion



1 charge.

2 Count 3 of the indictment charges Mr. Taylor that on  
3 about March 22nd, 2016, that Mr. Taylor unlawfully obstructed,  
4 delayed, and attempted to obstruct or delay or affect commerce  
5 and the movement of articles and commodities in commerce --  
6 it's an interstate commerce piece of this offense -- that he  
7 did unlawfully, again, attempt to affect commerce by robbery  
8 and extortion. Those are federal robbery and extortion  
9 charges.

10 It says that he knowingly and unlawfully took and  
11 obtained and attempted to take and obtain from a person or the  
12 presence of a person currency, U.S. currency, approximately  
13 \$200,000; that he did so against the person's will by means of  
14 actual and threatened force, violence, and fear of injury,  
15 immediate and future, and with their consent induced by  
16 wrongful use of actual and threatened force, violence, and  
17 fear. So there's a robbery and extortion charge covered under  
18 the Hobbs Act, which is in Count 3.

19 There is a similar charge against Mr. Hersl in Count 5  
20 for an alleged offense occurring July 8th, 2016, involving the  
21 taking of approximately \$20,000 in U.S. currency. Those are  
22 Counts 3 and 5.

23 Corresponding to Counts 3 and 5, there is a Count 4  
24 and a Count 6. Count 4 charges Mr. Taylor with possession of a  
25 firearm in furtherance of a crime of violence, and that is

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1 specifically in connection with the March 22nd, 2016 Hobbs Act  
2 offense that he's charged with. So that was Count 3.

3 Count 4 then charges Mr. Taylor on or about  
4 March 22nd, 2016, with knowingly, intentionally, unlawfully  
5 possessing a firearm in furtherance of a crime of violence for  
6 which he may be prosecuted in a court of the United States.  
7 And that's Count 3.

8 So Count 4 follows Count 3, must be considered  
9 separately, has separate elements I'll tell you about. But  
10 it's related to Count 3. That is the alleged crime of  
11 violence.

12 And then we have, similar for Count 6, it charges  
13 Mr. Hersl with possession of a firearm in furtherance of a  
14 crime of violence on July 8th, 2016, and that is in connection  
15 with the Hobbs Act robbery, extortion with which he is charged.

16 That is a very brief summary, an outline of these  
17 offenses. As I've said, you'll hear more about it from counsel  
18 as well. And you will have a final set of instructions at the  
19 end of the case, which is what will control. If there's  
20 anything at all different from what you hear from me or counsel  
21 and what's in the final instructions, that is what will  
22 control.

23 Now, a few things about your conduct as jurors.

24 Again, you need to decide this just based on the  
25 evidence in the courtroom. Throughout the trial, everything I

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1 told you yesterday about not doing research and not talking  
2 about the case and not using social media in relation to this  
3 case continues to apply.

4           And the reason for that -- there are a number of  
5 reasons. But in addition to the fact that you need to make a  
6 case and make a decision just based on the evidence that you've  
7 all collectively heard in the courtroom, the reason for not  
8 talking about the case, it's important to keep an open mind  
9 until the end of the case, until you've heard everything that  
10 is going to be presented. All the way through the final  
11 closing arguments and final instructions, you really need to  
12 keep an open mind until you get to that point.

13           Now, you, I think, have been given paper and pencil.  
14 It is up to you, but you are certainly free to take notes  
15 during the course of the trial if you want to do that.

16           Obviously, it's also important to pay attention to the  
17 witnesses. If you do take notes, the individual notes don't  
18 control. When you're deliberating, everybody's individual  
19 recollection is to be considered.

20           And if you do take notes, don't take them home with  
21 you. They need to stay here. Ms. Moyé will let you know how  
22 to handle that. But they need to stay here in the courtroom or  
23 in the jury room.

24           In terms of the trial, the first thing that's going to  
25 happen is that the -- counsel have the opportunity to make

~~COURT'S OPENING INSTRUCTIONS~~

1 opening statements. The Government goes first with an opening  
2 statement. Defense counsel have the opportunity, although no  
3 obligation, to make openings to you.

4 Again, not evidence. It's just supposed to be an  
5 outline to kind of give you their idea of what the evidence is  
6 likely to be as it comes in.

7 The Government then goes first, calls witnesses. When  
8 they have finished questioning, defense counsel have the  
9 opportunity, if they wish, to cross-examine those witnesses.

10 Once the Government's case is done, defense counsel  
11 have the opportunity -- not the obligation -- to present  
12 witnesses if they choose to do that. If they do, of course,  
13 Government counsel have a chance to question, cross-examine  
14 those witnesses.

15 And then once all the evidence is done, the counsel  
16 have a chance to make closing arguments to you to summarize  
17 what they think the evidence has shown. And then you'll go out  
18 to deliberate on your verdict.

19 One of the first things we'll ask you to do when you  
20 go out to deliberate on your verdict is to elect a foreperson.  
21 It can be any one of you. We just put you in the box by your  
22 numbers.

23 The foreperson doesn't get an extra vote. We just  
24 need someone to preside over your deliberations and be your  
25 spokesperson in court.

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1 Other couple of things I'll tell you is that I think  
2 you'll find counsel do a good job asking questions. But as  
3 you're sitting there, if there's a question in your mind that's  
4 not being answered, don't discuss it among yourselves; but just  
5 write it down on a piece of paper, get Ms. Moyé's attention,  
6 and pass it up.

7 I'll talk to counsel. If there's a note, if there's a  
8 question that we can answer, I'm sure we will try to do that.

9 And I will also tell you that even though we have an  
10 outstanding court reporter here taking everything down, that  
11 does not mean that we have instantaneous transcript or that we  
12 will have transcripts to read back to you at the end of this,  
13 which, again, is why it's important to pay attention and take  
14 notes if you want to.

15 In general, we will be starting, absent circumstances  
16 like this morning, at about 10:00; try to have reasonable  
17 mid-morning mid-afternoon breaks, partly depending on the  
18 witnesses; obviously a lunch recess.

19 At any point if I seem to have forgotten about the  
20 idea of having a break, if some of you are uncomfortable,  
21 again, wave your hand, get Ms. Moyé's attention. We don't mean  
22 to make anybody uncomfortable.

23 All right. And I think, unless counsel have anything  
24 else, that's all preliminarily we need to --

25 **MR. PURPURA:** Nothing. Thank you.

~~GOVERNMENT'S OPENING STATEMENT~~

1           **MR. WISE:** No, Your Honor. Thank you.

2           **MS. WICKS:** No. Thank you, Your Honor.

3           **THE COURT:** All right. Then we will turn to the  
4 Government for its opening statement.

5           Mr. Wise.

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

7           In the course of this trial, you will go inside the  
8 Baltimore Police Department, inside the operations division,  
9 and into special elite units, including one called the  
10 Gun Trace Task Force where detectives and other senior officers  
11 operate, including these men, Defendant Daniel Hersl  
12 (indicating) and Defendant Marcus Taylor.

13           And the evidence will show that these men engaged in  
14 racketeering, specifically that they committed robberies and  
15 extortions and overtime fraud.

16           They stole money from people that they stopped and  
17 detained. They stole money from houses that they had gone in  
18 to search. And they stole money from taxpayers when they  
19 claimed overtime they did not work.

20           They did this on all these occasions that you will  
21 learn about.

22           And be clear, if they had done it once, we would be in  
23 this courtroom trying this case. Once would be one time too  
24 many.

25           But they did it again and again and again. And what

1 this shows is a pattern of criminal conduct, a pattern of  
2 racketeering activity, as Her Honor has referred to, over a  
3 number of years.

4 And a police officer who has served a long career  
5 doesn't get to rob people a couple of times in that long  
6 career. And a police officer who hasn't served for a long time  
7 doesn't get to rob people because it's what everyone around him  
8 is doing.

9 What these defendants did at its base was to abuse the  
10 trust placed in them as police officers, as senior officers  
11 assigned to elite units, to enrich themselves.

12 In the course of this trial, you will learn about the  
13 criminal conduct of these men, and that's what this case is  
14 about, criminal conduct.

15 This isn't a case about police tactics or aggressive  
16 policing. It's a case about greed.

17 This case isn't an indictment of all police officers.  
18 The indictment in this case was brought against these two  
19 officers (indicating) and their co-defendants for criminal  
20 conduct that isn't subject to debate. Regardless of one's  
21 views on crime, the role of the police in our community, the  
22 appropriateness of various police tactics, the law is clear:  
23 The police can't commit robbery and extortion and fraud.

24 My name is Leo Wise. I'm an Assistant United States  
25 Attorney. And along with Assistant United States Attorney

1 Derek Hines, we represent the United States.

2 With us in the courtroom is Special Agent Erika Jensen  
3 and Task Force Officer John Sieracki of the Baltimore Police  
4 Department. On behalf of the United States, I want to thank  
5 you for your service and for your time over the next several  
6 weeks.

7 This morning I would like to talk to you about three  
8 things:

9 First, I would like to give you an overview of the  
10 criminal conduct the evidence will show these two defendants  
11 engaged in.

12 Second, I want to summarize the specific charges in  
13 this case.

14 And, third, I want to talk to you about some of the  
15 evidence and witnesses you will see and hear.

16 Now, the Defendant Daniel Hersl joined the BPD in  
17 1999. He became a detective and joined the  
18 Gun Trace Task Force in early 2016.

19 When Hersl joined the Gun Trace Task Force,  
20 Former Detectives Momodu Gondo and Jemell Rayam were already  
21 assigned to the unit. Gondo and Rayam were also charged in  
22 this case and have pled guilty.

23 Gondo and Rayam admitted that they committed robberies  
24 and overtime fraud.

25 Gondo and Rayam will testify in this case from that



1 witness stand about the crimes they committed with these  
2 defendants.

3 Defendant Marcus Taylor joined the Baltimore Police  
4 Department in May of 2009. He also became a detective and  
5 joined at first what was called a special enforcement section  
6 unit.

7 The other members of that unit included Maurice Ward  
8 and Evodio Hendrix and Wayne Jenkins.

9 Taylor, Ward, Hendrix, and Jenkins then moved from  
10 that SES unit to the Gun Trace Task Force in June of 2016.

11 Both Ward and Hendrix were charged in this case and  
12 have pled guilty, admitting to committing robberies and  
13 overtime fraud. Both Ward and Hendrix will testify from that  
14 witness stand in this case about the crimes they committed with  
15 these defendants. Ward, in fact, will be the first witness  
16 called to testify.

17 So in the course of this case, you will hear from not  
18 one, not two, not three, but four former Baltimore Police  
19 Department officers who committed crimes with these men  
20 (indicating).

21 And when they were assigned together, these six  
22 officers and others, in June of 2016, ladies and gentlemen, the  
23 Gun Trace Task Force was a perfect storm of officers who took  
24 advantage of their positions to enrich themselves.

25 They did it on the street when they robbed and

1 extorted people, and they did it when they sat at a desk at the  
2 Baltimore Police Department and defrauded the taxpayers of  
3 Maryland by claiming to work overtime they did not work.

4 The Gun Trace Task Force wasn't a unit that went  
5 rogue. It was a unit made up of detectives that had already  
6 gone rogue, men that had crossed over from the side of those  
7 who uphold the law to the side of those who break it.

8 Both before they joined together in the GTTF and  
9 after, the defendants and their co-defendants stole money when  
10 they could, sometimes sharing it among themselves and sometimes  
11 keeping it for themselves. And they did it on multiple  
12 occasions, as you will hear about.

13 Sometimes they took hundreds of dollars; sometimes  
14 thousands; on one occasion, hundreds of thousands.

15 But when they worked together, they were able to  
16 accomplish two of the biggest robberies and extortions that any  
17 of them had ever participated in.

18 In March of 2016, Taylor, Hendrix, Ward, and Jenkins,  
19 who was their sergeant at the time, stole more than \$200,000  
20 and drugs from a man named Oreese Stevenson in Baltimore City.

21 And in July of 2016, Hersl, Gondo, Rayam, and Jenkins,  
22 now their sergeant at the GTTF, stole \$20,000 from a man who  
23 lived in Carroll County, in Westminster, named Ronald Hamilton.

24 And you will hear from Hendrix and Ward and Gondo and  
25 Rayam, the officers and co-defendants of Hersl and Taylor, who

1 participated in both these large-scale robberies and  
2 extortions.

3           Former Detectives Hendrix and Ward will tell you how  
4 they and Taylor and Jenkins robbed Orees Stevenson in March of  
5 2016. This robbery occurred before they joined the  
6 Gun Trace Task Force, when they were together in this special  
7 enforcement section.

8           Ward and Hendrix will tell you how they went into  
9 Stevenson's basement and discovered a safe and guns and  
10 kilograms of cocaine. And they got a search warrant and  
11 cracked open the safe and found hundreds of thousands of  
12 dollars.

13           Their sergeant, Wayne Jenkins, took most of the money  
14 out of the safe but left some behind.

15           And Ward and Hendrix will testify that they closed the  
16 safe back up and then made a video, a phony video of them  
17 opening it a second time, pretending it was the first time, to  
18 cover their tracks.

19           Taylor helped crack the safe, and he participated in  
20 making the coverup video.

21           And that night, in the middle of the night, they all  
22 went back to Taylor's house. And in Taylor's basement, Jenkins  
23 gave Ward and Hendrix and Taylor at least \$20,000 each.

24           Ward will admit that. Hendrix will admit that. And  
25 both of them will testify they saw Jenkins give Taylor at least

1 \$20,000.

2 Now, Former Detectives Gondo and Rayam will tell you  
3 how they and Hersl and Jenkins robbed Ronald Hamilton in July  
4 of 2016.

5 Ronald Hamilton and his wife were shopping for blinds  
6 at Home Depot for their new home in Westminster when Gondo and  
7 Rayam and Hersl showed up and started following them. Rayam  
8 had written a bogus search warrant, and he'll tell you that,  
9 based on the suspicion -- but just the suspicion -- that  
10 Ronald Hamilton was selling drugs.

11 Ronald Hamilton will testify, and he will tell you  
12 that he had sold drugs in the past and had gone to jail for it.  
13 But he will testify that when he came out, he stopped. And he  
14 made his living buying and selling cars, a cash business;  
15 running an assisted living facility with his wife; and gambling  
16 almost every day at the Maryland Live! Casino. That's what  
17 he'll tell you.

18 And by July the 8th of 2016, Ronald Hamilton had about  
19 \$70,000 in cash in his home in Westminster. Hersl and Gondo  
20 and Rayam arrested Ronald Hamilton and his wife after they left  
21 the Home Depot as they were going to pick up their dry  
22 cleaning. They didn't have any drugs on them. They didn't  
23 have any guns or anything else. All Ronald Hamilton had was  
24 some money which Rayam stole.

25 But then Hersl and Gondo and Rayam took them in

1 handcuffs to a Baltimore Police Department satellite office,  
2 referred to as the barn, to interrogate them.

3 And there they were interrogated about whether they  
4 had any guns or drugs or large amounts of money at their home  
5 in Westminster. And Ronald Hamilton told these officers that  
6 he didn't have any guns or drugs but that he did have money.

7 And so Hersl and Gondo and Rayam and now Jenkins, too,  
8 their sergeant, took the Hamiltons in handcuffs back to their  
9 house in Westminster. And when they got there, Hersl and Gondo  
10 and Rayam found a heat-sealed bag of money and beside it  
11 thousands of dollars of loose cash.

12 And Rayam will tell you he went to Sergeant Jenkins,  
13 and Jenkins told him to take it. And before they left, Rayam  
14 told Hersl he had taken it.

15 And after they took the loose cash, they called the  
16 Carroll County Sheriff's Office -- they're in Westminster --  
17 who came out and recovered the heat-sealed bag with the  
18 remaining money.

19 And after they finished robbing Ronald Hamilton, Hersl  
20 and Jenkins and Gondo and Rayam went out to dinner and then to  
21 a bar where they split the money.

22 And then, cash in hand, they all went to the  
23 casinos -- Hersl and Jenkins to the Horseshoe Casino here in  
24 Baltimore and Gondo and Rayam to Maryland Live! in  
25 Anne Arundel County.

1 Now, while all six defendants ultimately came together  
2 on the GTTF, as I said, the evidence will show that these men  
3 and their co-defendants robbed and extorted civilians before  
4 they joined the GTTF. And you will hear testimony about those  
5 robberies and extortions.

6 The robbery of Oreesse Stevenson is just one example of  
7 a robbery and extortion that Detective Taylor participated in  
8 before he joined the GTTF.

9 But the evidence will show that for him, for Taylor,  
10 it started even earlier than that.

11 In 2014, almost two years before he joined the  
12 Gun Trace Task Force, even before he joined the SES unit that  
13 Jenkins led, former Detective Maurice Ward will testify that he  
14 began robbing civilians with Defendant Taylor as early as  
15 January of 2014.

16 He will testify that when he and Taylor served on a  
17 drug squad together, they went into a house where a man named  
18 Shawn Whiting lived. Shawn Whiting sold drugs. He will take  
19 the stand and tell you that.

20 In the course of that search warrant, money was found.  
21 And Ward will admit to you that he stole \$3,000 of that money  
22 and shared it with Taylor.

23 Now, in the case of Detective Hersl, you will also  
24 hear evidence of him robbing and extorting civilians before he  
25 too joined the Gun Trace Task Force.

1 For example, you will hear testimony from two victims,  
2 Herbert Tate and Antonio Santiful, that Detective Hersl robbed  
3 on back-to-back days in November of 2015. He robbed  
4 Herbert Tate on November the 27th of 2015, and he robbed  
5 Antonio Santiful on November 28th, 2015, the very next day.

6 Now, as I said, this isn't a case about overzealous  
7 policing or police tactics. It's not even a case about  
8 policing at all. It's a case about greed.

9 And because it's not a case about policing, you're not  
10 going to be asked to decide whether these men made good arrests  
11 or bad arrests. They're not charged with making bad arrests.

12 They're charged with taking money from people they had  
13 detained and with defrauding the Baltimore Police Department  
14 and taxpayers here in Maryland.

15 And the fact that some of the arrests they made were  
16 good or may have been good isn't a defense, just like it's not  
17 a defense in a bank robbery case to talk about all the times a  
18 defendant went into a bank and didn't rob it.

19 In the course of this trial, you will learn that in  
20 addition to, and in some cases at the same time as whatever  
21 legitimate police work they were doing, they also robbed and  
22 extorted people and committed overtime fraud.

23 And these two things, legitimate police work and  
24 criminal conduct can and did occur side by side in this case on  
25 more than one occasion.

1           You will hear testimony that the defendants and their  
2 co-defendants went out most nights and looked for guns. And  
3 they seized guns when they found them. And their success as a  
4 unit was measured by the number of gun arrests they made.

5           And while they were out on the street stopping people,  
6 looking for guns, sometimes for good reason, but you will hear  
7 testimony sometimes for no reason at all or going into houses,  
8 sometimes with a search warrant, but you will hear testimony  
9 sometimes without a search warrant. And if they had the  
10 opportunity and found money, they took it.

11           The robberies and extortions in this case for the most  
12 part were, like nearly all crimes, crimes of opportunity.

13           The United States doesn't have to prove that the  
14 defendants' only purpose in stopping someone or going into a  
15 house was to steal money from them. That's not what the law  
16 requires.

17           The evidence will show that these defendants and the  
18 other members of the Gun Trace Task Force had both purposes:  
19 To seize guns in the exercise of their powers as  
20 law enforcement; and using or abusing those same powers to  
21 steal money. They were, simply put, both cops and robbers at  
22 the same time.

23           But you will learn even their seizure, seizures of  
24 guns or their motivations for those seizures of guns, was  
25 tainted by criminal intent.



1           They were motivated to seize guns and make gun arrests  
2 because then they could claim to have worked overtime.

3           And the evidence will show, however, that they didn't  
4 work all the overtime they claimed.

5           The evidence will also show that they didn't even work  
6 the number of hours in their regular shifts that they claimed.

7           In sum, you will hear evidence that these two  
8 defendants and their co-defendants engaged in an organized  
9 overtime fraud scheme.

10           You will hear testimony that while they were supposed  
11 to work often from 8:00 a.m. to 4:00 p.m., they rarely came in  
12 on time. More commonly, they would arrive hours later than  
13 their 8:00 a.m. start, sometimes even after 4:00 p.m.; in other  
14 words, after the end of their regular shift.

15           So why would they come in if their shift had ended, or  
16 why would they work past their shift? Because if they worked  
17 past the end of the shift, they could earn more money in  
18 overtime.

19           And if they got a gun, their sergeant, Jenkins, would  
20 let them claim to have worked more in overtime than they  
21 actually did.

22           You'll hear examples like if they got a gun at  
23 midnight, they could put in an overtime slip that said they  
24 worked until 2:00 a.m. or 5:00 a.m. or 7:00 a.m., hours after  
25 they had actually worked.

1           And you will hear testimony that if some part of the  
2 GTTF made a gun arrest, two of the members or three of the  
3 members, then the whole unit put in overtime slips as if they  
4 all had worked even if the other members had -- even if on some  
5 occasion the other members were on vacation.

6           Simply put, guns equaled phony overtime, and all the  
7 defendants, these two defendants and their co-defendants, knew  
8 it was wrong. They all falsified overtime slips for themselves  
9 and for one another.

10           And if anyone at the Baltimore Police Department  
11 questioned why they were working so much overtime, they pointed  
12 to the number of gun arrests they were making to justify it.

13           Now I'd like to give you an overview of the charges in  
14 this case.

15           Count 1 charges racketeering conspiracy.

16           Count 2 charges racketeering.

17           Counts 3 and 5 charge Hobbs Act robbery and extortion.

18           And Counts 4 and 6 charge possession of a firearm in  
19 furtherance of a crime of violence.

20           Now, as Her Honor has instructed you, a conspiracy is  
21 an agreement among two or more persons to achieve an unlawful  
22 object -- in this case, to violate the federal law against  
23 racketeering. That law, sometimes referred to as RICO, says  
24 that it shall be unlawful for any person employed by or  
25 associated with any enterprise engaged in, or the activities of

1 which affect, interstate or foreign commerce, to conduct or  
2 participate, directly or indirectly, in the conduct of such  
3 enterprise's affairs through a pattern of racketeering  
4 activity.

5 And I'd like to touch on a number of those concepts  
6 briefly.

7 An enterprise includes any legal entity, such as a  
8 government agency, a partnership or a corporation.

9 So an enterprise under the RICO statute is not just  
10 illegal organizations like the mob. The enterprise in this  
11 case is the Baltimore Police Department.

12 The Baltimore Police Department is a state agency of  
13 the State of Maryland, created by state statute.

14 And the employee -- the defendants were employees of  
15 that state agency. And the Baltimore Police Department  
16 affected interstate commerce, as you will hear from a witness,  
17 because it did things like buy guns and automobiles and other  
18 things that were made or manufactured outside the state of  
19 Maryland.

20 But the essence of this charge is that the defendants  
21 were able to abuse their positions as employees of the  
22 enterprise, as employees of the Baltimore Police Department, to  
23 commit crimes, and that is what the RICO statute targets.

24 Now, the evidence will show that the defendants  
25 engaged in a pattern of racketeering activities, and that's

1 what the Government is required to prove. And that pattern, as  
2 Her Honor has instructed you, includes violations both of state  
3 and federal law. The RICO law covers both violations of state  
4 and federal law.

5 In this case Maryland state law against conspiracy,  
6 robbery, and extortion is charged, and federal law against  
7 wire fraud is charged.

8 Now, as I said and as Her Honor instructed you,  
9 conspiracy is a criminal agreement. And a conspiracy, like a  
10 business or any other organization, has members who play  
11 different roles and engage in different activities, as you will  
12 hear about in the course of this trial.

13 Sometimes the members of a conspiracy work together.  
14 Sometimes they work separately. And that is what makes  
15 conspiracy so dangerous.

16 And the evidence of a conspiracy comes not in the form  
17 of some contract they all signed or a meeting where they all  
18 got together and said, This is what we're going to do, and this  
19 is when we're going to do it.

20 Evidence of a conspiracy, which is a criminal  
21 agreement, characterized by secrecy, comes in the form of both  
22 words and deeds.

23 So, for example, you will hear testimony from  
24 Former Detective Rayam that during a search warrant in June of  
25 2016, he and Defendant Hersl agreed that if either one of them

1 found money, they would steal it and share it.

2 And later, in July of 2016, when they were in the  
3 Hamilton's home in Westminster, Rayam found money, along with  
4 Hersl and Gondo, and Rayam stole it. And he shared it with  
5 Hersl and Gondo and Jenkins.

6 Now, there will be specific what are referred to as  
7 racketeering acts that you will see evidence in support of.  
8 And these racketeering acts are specific robberies and  
9 extortions and wires, interstate wires to the payroll company  
10 that managed the Baltimore Police Department's payroll system.

11 And the defendants are charged, first, in multiple  
12 racketeering acts with committing robbery in violation of the  
13 laws of the state of Maryland. And robbery is the taking and  
14 carrying away of property from someone else or someone's  
15 presence and control, by force or threat of force, with the  
16 intent to deprive the victim of the property.

17 The evidence will show that these defendants and their  
18 co-defendants took property from people they detained, both  
19 money and drugs and personal property. They took them from  
20 their pockets, the detainees' pockets. They took them from  
21 their cars and from their houses.

22 And the defendants and their co-defendants were armed.  
23 They were armed with their Baltimore Police Department service  
24 weapons. And the people they were stopping and detaining knew  
25 that.

1           And the defendants and their co-defendants used force  
2 to stop and search and take this property from the people they  
3 detained. The defendants and their co-defendants used  
4 handcuffs to physically restrain people while they were taking  
5 their property.

6           And the defendants and their co-defendants had the  
7 ability to use force and violence if someone resisted, if  
8 someone fought back. And the people they detained knew that.

9           Now, for these episodes, the defendants are also  
10 charged with multiple acts of extortion in violation of  
11 Maryland law.

12           And under Maryland law, an officer or employee of the  
13 state -- and, again, the Baltimore Police Department is a state  
14 agency -- may not wrongfully obtain or attempt to obtain money,  
15 property, or anything of value from a person with the person's  
16 consent, if the consent is obtained under color or pretense of  
17 office or by wrongful use of actual or threatened force.

18           The defendants acted under color or pretense of  
19 office. They were police officers, employees of the State,  
20 given authority and power on behalf of the State to act. And  
21 the people they stopped and detained knew that. And they  
22 abused that office to take property from the people they had  
23 stopped for themselves.

24           And as the evidence will show, they also used force  
25 and threatened force to obtain property from the detainees.

1 Now, as I said, the defendants are also charged with  
2 wire fraud, and multiple racketeering acts allege violations of  
3 wire fraud.

4 And the federal law prohibits interstate wires, using  
5 interstate wires to commit fraud.

6 The fraud in this case was that the defendants claimed  
7 to work more overtime than they actually did. And Baltimore  
8 Police Department uses a sort of old-school system of physical  
9 overtime slips, filled out by these defendants, sometimes  
10 themselves, sometimes on behalf of one another in the course of  
11 this organized scheme.

12 And on the overtime slip, these defendants and their  
13 co-defendants had to certify, certify not only that they worked  
14 their regular shift, which the evidence will show they often  
15 didn't, but also that they worked the number of hours of  
16 overtime they claimed for the reasons they gave.

17 At the heart of any fraud, ladies and gentlemen, is a  
18 lie. And the lie in this case was that they had worked these  
19 hours when they didn't.

20 These overtime slips, as you'll hear from a witness,  
21 were then loaded into a software run by the payroll company,  
22 ADP. And that software company, that software generated  
23 interstate wires.

24 And you will hear from a witness from ADP that will  
25 tell you all the data in the ADP system is managed out of two

1 data centers outside of Maryland.

2 Now, these specific episodes and other evidence will  
3 show that the acts of racketeering that are charged in this  
4 case are related to one another and pose -- posed at the time a  
5 threat of continued criminal activity. They are related, the  
6 evidence will show, because they had similar purposes: To  
7 obtain money and property; results, the defendants were  
8 successful participants; and you will hear about how they  
9 worked together as a unit to commit these crimes; and  
10 methods: stopping civilians on the street, abusing the  
11 authority that they had when they had it to go into a house to  
12 conduct a search warrant.

13 In other words, these robberies and extortions and  
14 fraud are not isolated events but part of a pattern, a pattern  
15 of racketeering activity.

16 And you will hear testimony about how the defendants  
17 posed a threat of continued criminal activity until they were  
18 arrested.

19 You will hear testimony that in the months before they  
20 were charged, their former sergeant, Wayne Jenkins, proposed  
21 two more robberies. And these robberies fit the pattern they  
22 had established perfectly: Jenkins proposed targeting two  
23 large-scale drug dealers, because where there are drugs,  
24 there's money.

25 Taylor (indicating) was present for both of these



1 proposals.

2 And Hersl, who by this time had been reassigned out of  
3 the Gun Trace Task Force to a shooting squad, came back from  
4 the shooting squad to hear the second proposal in the woods  
5 with the other members of the conspiracy.

6 Now, Counts 3 and 5 charge the Hobbs Act. And the  
7 Hobbs Act says [reading]: Whoever in any way or degree  
8 obstructs, delays, or affects commerce or the movement of an  
9 article or commodity in commerce, by robbery or extortion or  
10 attempts or conspires to do so, or commits or threatens  
11 physical violence to any person or property in furtherance of a  
12 plan or purpose to do anything in violation of this section  
13 commits a crime.

14 The Hobbs Act is a federal law that prohibits robbery  
15 and extortion. So in this case in the racketeering counts, you  
16 will be instructed on Maryland law against robbery and  
17 extortion; and in the Hobbs Act counts, about federal law  
18 against robbery and extortion.

19 And Counts 4 and 6, as Her Honor has instructed you,  
20 charge that the defendants possessed a firearm in furtherance  
21 of a crime of violence.

22 Under federal law, it is an additional offense to  
23 possess a firearm -- in this case the BPD service weapons they  
24 had been issued -- in furtherance of a crime of violence, which  
25 is the violation of the Hobbs Act.

1 Now, as you can see, these sets of counts work  
2 together. So Count 3 charges Defendant Taylor for the  
3 March 22nd, 2016 robbery and extortion of Oreese Stevenson  
4 where more than \$200,000 was taken.

5 And then Count 4 charges him and his co-defendants  
6 with possession of a firearm in furtherance of that crime.

7 Similarly, Count 5 charges Defendant Hersl with the  
8 robbery of Ronald Hamilton that occurred in July of 2016 where  
9 more than -- where \$20,000 was taken.

10 And Count 6 charges Defendant Hersl for possessing a  
11 firearm in furtherance of that crime of violence.

12 Now, I made reference and I've talked about a number  
13 of the witnesses you will hear from, the testimony that you  
14 will hear in this case.

15 But the evidence is not limited to testimony, although  
16 testimony in any case is crucially important.

17 You will also hear recorded telephone calls from a  
18 wiretap on Gondo's phone, and you will hear microphone  
19 recordings from a microphone that was put in the Baltimore  
20 Police Department car that was operated by Gondo without his  
21 knowledge. And you will also see documents and photographs and  
22 physical evidence.

23 I've already talked about the former detectives and  
24 co-defendants that will testify: Momodu Gondo, Evodio Hendrix,  
25 Jemell Rayam, and Maurice Ward.

1 But I want to mention a few things in general about  
2 their testimony. They have pled guilty, all of them, and  
3 entered into plea agreements, as they will tell you, where they  
4 have agreed to cooperate with the ongoing investigation into  
5 corruption in the Baltimore Police Department and to testify in  
6 this trial.

7 They will testify under oath and will have to tell the  
8 truth. They have to tell the truth about what they did and  
9 what these defendants did. They can't hold anything back, and  
10 they can't make anything up.

11 And they will tell you, as you would expect, that they  
12 hope -- and the word is "hope" -- that if they cooperate with  
13 the investigation and testify truthfully, that the  
14 United States will recommend -- and the word is "recommend" --  
15 that they receive a lower sentence.

16 To be clear, Judge Blake will decide these men's  
17 sentences. Judge Blake will decide whether there is any  
18 reduction at all in their sentence because of their cooperation  
19 in the investigation and their testimony in this case.

20 And if they do lie or if they were to lie, either hold  
21 something back or embellish or make something up, their plea  
22 agreement gets ripped up.

23 Now, you may hear arguments from the counsel for the  
24 defendants or in their questions they may argue that these  
25 witnesses are lying; but you are the judges of the credibility

1 of witnesses, not the defense lawyers, not me, and not  
2 Mr. Hines.

3 And you bring into that jury box your common sense and  
4 the tools you use to determine, in everyday life, if someone is  
5 telling the truth or making something up. And you don't leave  
6 those tools outside the jury box. You bring them with you into  
7 this courtroom every day.

8 So listen to the witnesses. Watch them and make your  
9 own determination about their credibility.

10 Having a plea agreement where you agree to cooperate  
11 doesn't mean someone will lie.

12 I would submit to you just the opposite. If someone  
13 has an agreement and that agreement is that they must tell the  
14 truth, they have every incentive to tell the truth.

15 And the defense attorneys may argue that the truth is  
16 whatever the United States says it is, but it's not, ladies and  
17 gentlemen. It's not. The truth is the truth.

18 Now, the United States will also call law enforcement  
19 officers to the stand. And in several cases, the defendants  
20 robbed someone and then called these other law enforcement  
21 officers to the scene to recover what was left.

22 These other law enforcement officers did not know that  
23 the defendants in this case had stolen some of the money the  
24 arrestee had before they called them to the scene.

25 You'll hear from law enforcement officers from

1 multiple agencies: the FBI, the Drug Enforcement Agency, other  
2 parts of the Baltimore City Police Department, Maryland State  
3 Police, and other local law enforcement in the surrounding  
4 counties.

5 And you may ask yourself, why would the defendants  
6 call in other law enforcement agencies if they're committing a  
7 crime? And why would they turn in some of the money? Why  
8 wouldn't they just keep it all?

9 Well, you will hear testimony that they called in  
10 other law enforcement agencies to cover their tracks. If  
11 another law enforcement agency recovered money and an arrestee  
12 complained, the defendants could blame the other  
13 law enforcement agency.

14 And they turned in some money, not always, but most of  
15 the time, so that they didn't arouse suspicion.

16 When Rayam testifies, he will explain that it would be  
17 a red flag if no money was reported. Most people have some  
18 money on them, and people engaged in drug dealing often have a  
19 lot of money on them.

20 So the defendants usually, usually turned some or even  
21 a large percentage of the money they stole in to BPD and kept  
22 the rest.

23 Now, you will also hear from victims, victims who had  
24 money and property stolen from them.

25 Some of these victims were drug dealers, and they will

1 admit that to you. They will tell you they were selling drugs,  
2 and that's how they made the money these defendants stole.

3 You will even hear about how one incident -- you will  
4 even hear about one incident where drugs were stolen, and  
5 Defendant Hersl got some of the money from the sale of those  
6 drugs.

7 But some of the victims were not drug dealers. They  
8 were just in the wrong place at the wrong time and got into the  
9 sights of these two men (indicating) and their co-defendants.

10 But to be clear, it doesn't matter if the victims in  
11 this case were or weren't drug dealers. The police can't rob  
12 drug dealers, just like they can't rob people who aren't drug  
13 dealers.

14 The law applies to the police just like it applies to  
15 anyone else and doesn't depend on the status of the victim.

16 Now, you might expect that all the victims in this  
17 case are serving prison sentences for convictions that arose  
18 out of when they were arrested by Defendant Hersl and  
19 Defendant Taylor. And that might cause you to question their  
20 motive to testify, whether they had a motive to testify against  
21 these officers in order to get out of jail, to get out from  
22 under the sentences they're serving.

23 In fact, all but one of the victims in this case were  
24 never even convicted of anything. The cases were dropped. And  
25 in this case and in the case of Ronald --

1           **MR. PURPURA:** Respectfully, I object to that argument.

2           **THE COURT:** All right. Are we moving on to the next  
3 point? This is just argument, not evidence, but you can move  
4 on to the next point.

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

6           In the case of Ronald Hamilton, he wasn't even charged  
7 with anything. They took him and his wife on this odyssey from  
8 Owings Mills to the barn to their house, never found any guns,  
9 never found any drugs, and they weren't even charged with  
10 anything.

11           At the end of the night, Hersl and the other  
12 defendants took the handcuffs off the dazed Hamiltons and left  
13 them in the house and left with their money.

14           The two men I mentioned earlier, Herbert Tate and  
15 Antonio Santiful, both of whom will testify that  
16 Detective Hersl robbed them, aren't facing criminal charges  
17 either.

18           **MR. PURPURA:** Objection.

19           **THE COURT:** Do you want to approach the bench.

20           (Bench conference on the record:

21           **THE COURT:** Basis of the objection?

22           **MR. PURPURA:** Basis of the objection is we don't know  
23 why the State's Attorney's Office in Baltimore City dismissed  
24 these cases. There's many reasons to dismiss the cases, not  
25 because of the evidence itself. They may want to dismiss it

1 now because these officers are charged. Simply the charge  
2 itself may be sufficient to dismiss the case.

3 So it's wrong. It's wrong for the Government to  
4 suggest right now these are bogus cases; that's why they got  
5 dismissed. And that's what they're suggesting. That's wrong.

6 **MR. WISE:** These cases were dropped in 2015 and 2016  
7 within months of them. It's important to the motive or bias of  
8 the witness. And they will testify to this, that they are not  
9 testifying because they're in jail or they want to get out of  
10 jail or they want to get charges dropped.

11 Before the FBI even contacted them, these cases had  
12 been dismissed, and so they're here with no incentive to  
13 testify against the defendant related to an ongoing criminal  
14 case. And that's critically important.

15 **MR. PURPURA:** That could be brought out in many  
16 different ways, not that the State's Attorney's Office has  
17 dropped these charges.

18 **MR. WISE:** I didn't say that.

19 **THE COURT:** I don't think he said that the State's  
20 Attorney dropped --

21 **MR. PURPURA:** Well, that's the inference when the  
22 cases are dismissed.

23 Now, the witnesses could be asked: Are these case --  
24 were these cases still pending when you came to -- when you  
25 came to us or came to whoever?



~~GOVERNMENT'S OPENING STATEMENT~~

1 And they would say, "No."

2 **THE COURT:** Right. And isn't that the point that the  
3 Government is trying to get across?

4 **MR. PURPURA:** Well, but that's not the way they're  
5 doing it. What they're saying is that the case -- that these  
6 are bogus cases, in essence, and they would --

7 **MR. WISE:** I didn't say that.

8 **MR. PURPURA:** -- be dismissed.

9 **MR. WISE:** We said they're not here under criminal  
10 charges, and that's important for their credibility.

11 **THE COURT:** Okay. Let me just ask the Government to  
12 rephrase what you just said and make that point, which is where  
13 I understood you were going, on the matter of credibility, not  
14 the validity of the charge.

15 **MR. WISE:** Right. Sure.

16 **THE COURT:** If you can just rephrase it that way.  
17 Okay.

18 **MR. WISE:** Sure.)

19 (Bench conference concluded.)

20 **THE COURT:** All right. Thank you, ladies and  
21 gentlemen. We're just going to rephrase a little bit of this.  
22 And, of course, this is, again, not evidence. It's the  
23 Government's position.

24 **MR. WISE:** To be clear, ladies and gentlemen, you will  
25 hear from Herbert Tate and Antonio Santiful that they are not

1 here testifying against Defendant Hersl because they want to  
2 get out of jail or get cases dismissed against them. Neither  
3 one of them is facing criminal charges when they take that  
4 stand.

5 So if the defense attorneys argue that the victims in  
6 this case are lying or saying they were robbed to get out from  
7 under criminal charges, it's not true. They're not.

8 The police officers in this case were entrusted with  
9 these (indicating): This is former -- this is  
10 Detective Taylor's badge (indicating); this is  
11 Detective Hersl's badge (indicating).

12 And these: This is Detective Taylor's gun  
13 (indicating); and this is Detective Hersl's gun (indicating).

14 These badges are symbols of authority. And these guns  
15 are weapons.

16 And before these badges and these guns, people yield.  
17 They give up their liberty. They give up their property. And  
18 they submit.

19 So these are powerful, powerful things, these badges  
20 and these guns. And they can be used for good to protect the  
21 community from those who break the law, but they can be used  
22 for evil by those who are entrusted with them but choose to  
23 break the law instead.

24 And as you will see over the course of this trial, the  
25 evidence will show that these men broke the law.

1           At the end of the evidence, I'll have a chance to talk  
2 to you again. And I will ask you to return verdicts of guilty  
3 as to all counts.

4           Thank you.

5           **THE COURT:** All right. Thank you, Mr. Wise.

6           Ladies and gentlemen, we're just going to take a brief  
7 recess before the next presentation.

8           (Jury left the courtroom at 11:42 a.m.)

9           (Recess taken.)

10          **THE COURT:** Be seated, please.

11          Are we ready for the jury?

12          **MR. PURPURA:** Ready. Thank you.

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

14          **THE COURT:** Okay.

15          (Jury entered the courtroom at 11:58 a.m.)

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

17          Okay. Mr. Purpura.

18          **MR. PURPURA:** Your Honor, thank you.

19          On March 1st, 2017, after 17 years as a Baltimore City  
20 police officer -- let me rephrase that -- as a street cop, a  
21 cop who was designated from his first year through his 17th  
22 year to go after street-level drug dealers and people carrying  
23 guns in the city of Baltimore, after 17 years, on March 1st,  
24 2017, Danny Hersl (indicating) was requested to come in  
25 directly from his home -- just moved out to Harford County,

1 Joppa -- to come to Internal Affairs.

2 He complied. He arrived. He was greeted by FBI task  
3 force officers. He was arrested. He was handcuffed. He was  
4 searched. His house in Joppa was searched. His vehicle was  
5 searched. He was brought here to this very courthouse, the  
6 United States District Court here in Baltimore. He was then  
7 brought to the seventh floor for initial appearance. He was  
8 detained, and he's been detained every day since.

9 The evidence will show -- and it will show -- that  
10 Danny Hersl, like every other Baltimore City police officer,  
11 pledge allegiance to this country and take an oath of office.

12 The evidence will show that in 1999, after  
13 Daniel Hersl completed the police academy, he took first the  
14 Pledge of Allegiance, that I pledge allegiance to the flag of  
15 the United States of America, and to the republic for which it  
16 stands, one nation, under God, indivisible, with liberty and  
17 justice for all.

18 In addition, after completion of the police academy,  
19 he took the following oath: I -- and he said "Daniel Hersl" --  
20 swear that I will support the Constitution of the  
21 United States, that I will be faithful and bear true allegiance  
22 to the State of Maryland and support the Constitution and laws  
23 thereof. And I will, to the best of my skill and judgment,  
24 diligently, without partiality or prejudice, execute the office  
25 of law enforcement officer according to the Constitution and

1 laws the laws of the State.

2 The evidence will show -- and it will show -- that  
3 Daniel Hersl did breach that oath, that his actions embarrassed  
4 the City, the Baltimore City Police Department, his family, and  
5 himself.

6 The evidence will show -- and it will show -- that on  
7 several occasions in a 17-year history of work for  
8 Baltimore City Police that Daniel Hersl either took money  
9 and/or received money which was taken.

10 The evidence will show -- and it will show -- that  
11 Daniel Hersl committed the crime of theft. That's not a crime  
12 of violence. That's not a crime of use of violence. That's a  
13 crime of dishonesty and a crime of stealth. Nothing to be  
14 proud of. That's what he did.

15 What he didn't do is commit the crime of robbery  
16 and/or extortion by force. Those are oversimplifications, but  
17 you know the difference.

18 We are here in a United States District Court before a  
19 United States District Court Judge, appointed by the President,  
20 confirmed by Congress, rather than down a few blocks to the  
21 north on Calvert Street in state court where the theft case  
22 would be and should be tried.

23 We are here -- and this may come as a shock to you,  
24 but we're here because the United States Government, the -- as  
25 they're referred to, the Twin Towers of Justice, overcharged in

1 this particular case and they overcharged Daniel Hersl.

2           The evidence will show that the Government lumped  
3 Daniel Hersl's wrong conduct, wrong conduct -- there's no  
4 excuse for it -- wrong conduct into a racketeering enterprise  
5 where other officers actually did commit a real robbery, real  
6 drug trafficking, and real extortion. And you'll hear from  
7 those officers -- in particular, Officers Gondo and Rayam.

8           The -- and the Court's going to give you instructions,  
9 so you don't have to worry about writing these things down.  
10 You're going to get a nice, big, thick packet of instructions,  
11 and it is going to be thick.

12           So long story short is that this is what the  
13 Government has charged, racketeering.

14           There's many, many more enumerated, major crimes in  
15 the RICO statute, approximately 35.

16           The Government has chosen to charge Mr. Hersl with the  
17 three, which is robbery, extortion, and fraud. Theft, theft,  
18 what he did is not an enumerated crime under this statute.

19           Mr. Hersl is also charged with a Hobbs Act robbery,  
20 and you heard that it's either robbery and/or extortion. And  
21 whether it's robbery and/or extortion, there has to be force,  
22 threat of force, and/or violence applied.

23           He's charged in the substantive -- that means a single  
24 count set aside for the RICO -- with a Hobbs Act robbery on  
25 July 8th, 2016, of Ronald -- and don't forget, Government,

1 Nancy was home too. And if the Government doesn't call  
2 Nancy Hamilton, I guess we're going to have to get her in here  
3 anyway. July 8th, 2016.

4 In addition, he's charged -- and this is an important  
5 count. It's called a 924(c) count. That's the shortened  
6 version of use of a handgun in the commission of a crime of  
7 violence. And you'll see where that's important in a moment.

8 You will hear from Detectives Gondo and Rayam and  
9 Detectives Ward and Hendrix.

10 Detectives Gondo and Rayam will tell you, as the  
11 others, that they have a cooperation agreement.

12 The cooperation agreement has a special section called  
13 a sealed supplement, which is in the back, which allows a  
14 reduced sentence. And they will tell you honestly that they  
15 hope to receive that.

16 And they will tell you from the witness stand why,  
17 'cause they will tell you in the federal system there is no  
18 parole; that you serve your time, except for maybe a modest,  
19 modest 47 to 54 days off per year. So it's basically day for  
20 day in the federal system.

21 And they will tell you that by pleading and by  
22 cooperating, that they will avoid this 924(c) count.

23 And they will tell you what that means to them. And  
24 what that means to them is the 924(c), the use of a handgun in  
25 the commission of a crime of violence, carries a mandatory five

1 years consecutive to any other charge. Five years consecutive  
2 to the RICO.

3 And they will tell you that if they were charged in  
4 all the robberies they participated in with the 924(c), it  
5 would be 5 for the first; 25 years for the second, so two  
6 robberies, two 924(c) counts; 30 years with no parole, not even  
7 including the robbery.

8 And they will tell you that they did commit -- and I  
9 use the word "real" -- a real robbery.

10 They will tell you, in particular --  
11 ex-Detective Gondo will tell you that he had a childhood  
12 friend. His name was Kyle Wells. They kind of broke paths.

13 Gondo went to the police; Wells went to be a major  
14 drug trafficker in Baltimore City. They stayed friends.  
15 Detective Gondo helped him while he was a police officer and  
16 ended up working in his drug conspiracy.

17 They will tell you that they targeted another drug  
18 trafficker, and his name was Anderson. And both Gondo and  
19 Rayam will tell you that they placed what's called a GPS  
20 tracker on Mr. Anderson's vehicle.

21 Now, they placed that tracker on his vehicle because  
22 they wanted to monitor where he was. They wanted to make  
23 sure -- now, listen, this is important.

24 They wanted to make sure that Anderson was away from  
25 the apartment when they were going to break into his house and



1 steal what they thought was going to be a large amount of cash  
2 and drugs. They didn't want him there.

3 What their intent -- it was not police work; that's  
4 for sure. Their intent was to commit what's called a burglary  
5 under state crime. That's breaking into someone's house when  
6 they're not there. That's why they put the GPS on there. They  
7 didn't want anybody home.

8 And Detective Rayam will tell you that even when he  
9 got to the house with Mr. Wells and Gondo is parked right out  
10 in front as a lookout, that he went to the extent to knock --  
11 (knocking) -- really hard on the door to make sure no one's  
12 home because he didn't want to commit a robbery. His intent  
13 was not police work. His intent was to commit a burglary, to  
14 go in the house and steal money.

15 Knocks on the door. No one's home. Kicks the door  
16 open, bang. He and Wells go in.

17 Best-laid plans go awry. There in the bedroom is the  
18 paramour of Mr. Anderson. Detective Rayam will say what  
19 started as a burglary now turns into a robbery. He takes his  
20 hoodie; he tightens it up around his face so he can't be seen.  
21 He takes his gun, his service revolver, and he points it at the  
22 young woman in the bed, in the bedroom.

23 And he says the following -- and I'm fairly accurate  
24 of what he's going to say because we have a transcript of his  
25 prior testimony, and he told you he's testified on this once

1 before.

2 He's going to tell you that I pulled out my gun to  
3 startle her, and I was trying to scare her. And I know I gave  
4 her some orders like, "Just don't move." I could have even  
5 said, "I'ma kill you. Where's the money?"

6 That, through the Government's own witnesses, will be  
7 illustrative of a robbery.

8 What the evidence will show -- and it will show --  
9 that in a 17-year career, that Dan Hersl arrested criminals  
10 doing criminal acts; that he seized their drugs, seized the  
11 guns, seized the money, seized what they had; and on a few  
12 occasions -- not with any forethought, but at that particular  
13 time when the money was there on those few occasions, it was a  
14 crime of theft, a crime of the moment.

15 As to the overtime fraud, the year 2015 is an  
16 important year. The year 2015, the city of Baltimore was  
17 gripped with riots.

18 In 2015, we had at that point a record number of  
19 homicides by handguns in Baltimore City that shocked not  
20 Baltimore City but shocked the country.

21 The mandate of the GTTF, their mandate was to get guns  
22 off the street. Quite frankly, we don't care how you do it,  
23 but do it.

24 In return -- and they got guns off the street. And  
25 what they did, they have violated the Fourth Amendment on a few

1 occasions, but they got guns off the street.

2 And as a result, they were given what's called  
3 slash days, slash days. Slash days is a back-end day off  
4 because you got one or two guns off the night before. Overtime  
5 signed for.

6 Or they're given four hours to eight hours per gun you  
7 get off the street, an incentive to do it.

8 This overtime was given with a wink and a nod, right  
9 up the chain of command, as long as we can say statistically  
10 we're gettin' guns off the streets of Baltimore City.

11 It's good afternoon now. My name is Bill Purpura.  
12 I'm a defense attorney, if you could have guessed. Along with  
13 Tom Rafter -- he's my colleague -- we're sitting here and we're  
14 going to represent to the best of our abilities Daniel Hersl.

15 You will hear that Daniel Hersl is 48 years old. He's  
16 the youngest of six children. He was born and raised here in  
17 Baltimore; educated at Patterson High School here in  
18 Baltimore City; lived here his whole life; just before his  
19 arrest, he'd moved out to a small rancher in Harford County in  
20 Joppa.

21 His mom, Dorothy, is still alive, still lives here in  
22 Little Italy. Now, I mention that because that actually is  
23 going to come into play in this case.

24 With his overtime, the Government's tracking  
25 Mr. Hersl's whereabouts. And his mom, Dorothy, she lives in

1 Little Italy. That's just a stone's throw from the main police  
2 headquarters on Baltimore Street, just a stone's throw.

3 And, you know, it is a fact -- the Government has  
4 surveillance on this. They even have his phone showing where  
5 he is in Little Italy a couple times, maybe -- maybe more than  
6 a couple times, because he does go there while he's working and  
7 on overtime. And he loves to visit his mom. He might bring  
8 her coffee and doughnuts, so he's done that. There's no  
9 question. We're not hiding that.

10 There are certain keywords in every criminal case, and  
11 the first keyword in this case is "reasonable doubt." And  
12 unlike state court -- remember I mentioned theft cases right  
13 down the street, Baltimore City Circuit Court? In state court,  
14 the judge would instruct you what reasonable doubt is.

15 Here in the Fourth Circuit, we believe that you all  
16 intuitively know when you see it, when you hear it, what  
17 reasonable doubt is. And I believe that as well. And you will  
18 see it, and you will hear it in this particular case.

19 And you'll know reasonable doubt without an  
20 instruction the same way you're going to know the difference  
21 between robbery and extortion and theft without an instruction,  
22 the same way.

23 The Government has the burden of proof. We need not  
24 do anything. Need not open, need not cross-examine witnesses,  
25 need not call witnesses for sure. It's the Government's burden

1 alone.

2 And if you picture the scales of justice in a civil  
3 case, as the Court mentioned, it's by a preponderance of the  
4 evidence. That's more likely than not. Just simply tipping  
5 the scales.

6 In a criminal case, picture those scales again, and  
7 it's proof beyond a reasonable doubt. And there's a reason for  
8 that. In a civil case, we're talking about money.

9 In a criminal case, we're talking about liberty.

10 Now, what specific acts does the Government allege in  
11 wrongdoing involving Daniel Hersl?

12 The Government is going to suggest that these acts  
13 here (indicating) are acts of robbery and acts of extortion.

14 The evidence will show -- and it will show -- that on  
15 each and every one of these instances in a 17-year career, that  
16 it was Daniel Hersl's intent when he first came up to make the  
17 arrest and his continued intent as he was making the arrest and  
18 seizing guns or drugs or money to do everything properly.

19 Jimmie Griffin, November 5th, 2014, you will hear  
20 Jimmie Griffin is a criminal. Prior to November 5th, 2014,  
21 Jimmie Griffin had a handgun conviction at the ripe age of 21  
22 here in Baltimore City. That doesn't stop him.

23 There is a valid search warrant. There's about ten  
24 Baltimore City task force officers. There's Detective Hersl as  
25 well at that time. They go to Jimmie Griffin's house. Mom

1 lives upstairs. Jimmie's got a basement, little apartment.  
2 And Mom apparently has no knowledge of what's going on in that  
3 house, because in that house on Pinewood Avenue, the detectives  
4 seize a loaded 9-millimeter handgun -- it's a big darned gun --  
5 100-plus grams of heroin, two digital scales -- digital scales,  
6 you're going to hear, are there to weigh and measure the heroin  
7 for street distribution here in Baltimore City -- and a  
8 kilo press.

9 Now, you might not know what a kilo press is, but it's  
10 going to be explained to you eventually. And the explanation  
11 is something like this: When a large-scale drug dealer gets a  
12 sizeable amount of drugs, they cut it, take out maybe 8 ounces  
13 of it. So that makes it look small. They got it in a wrapper  
14 'cause it comes in a kilo form, which is a thousand grams.  
15 It's a brick form. Drugs come in bricks from, not here in the  
16 United States. They come either from Asia or South America.  
17 And they come in brick forms.

18 And so to make it look, again, like it did when it  
19 came in, they add adulterants to it. It's called cut. They  
20 put those 8 ounces back in, and then they use that hydraulic  
21 press. And they press it down real hard to put it back the way  
22 it looked before, in a brick form.

23 And that's what Jimmie Griffin had in his basement, as  
24 well as everything else.

25 Detective Hersl was there, and you'll hear he said,

~~DEPENDANT HERBERT'S OPENING STATEMENT~~

1 You're going federal. You are going federal. We're not taking  
2 you to state court. You're going federal. You're going  
3 federal because of the amount of drugs, because of the second  
4 time with a gun, and because of the kilo press in the  
5 investigation.

6 There was also lawfully seized money in a safe and  
7 money off of Jimmie Griffin.

8 Herbert Tate, November 27th, 2015, also has knowledge  
9 of the criminal justice system. Herbert Tate, on  
10 November 27th, 2015, was on Robb Street here in Baltimore City,  
11 in East Baltimore. I'm going to show you in a second. It's  
12 just the little dead-end -- little dead-end street which, in  
13 essence, is an open-air drug market.

14 The evidence will show that this -- can we get --  
15 Ms. Moyé, can we get the -- back on again.

16 **THE CLERK:** Just touch it.

17 **MR. PURPURA:** It's not on.

18 All right. It's on there. It's not on my screen.  
19 I'm sorry. Good. I apologize.

20 Can you all see it?

21 Okay. Great.

22 This is Robb Street. The evidence will show -- and it  
23 will show -- that Herbert Tate, at least he gives his address  
24 as in Reisterstown. That's a ways off from Robb Street in  
25 East Baltimore.

1           And the evidence will show that Detective Hersl,  
2           Sergeant Burns, and Detective Fassl are working plainclothes  
3           narcotics. They know this is an open-air drug market. They  
4           pull up. They see Herbert Tate hand-to-hand. Herbert Tate  
5           sees the officers, and what does he do? He takes the drugs and  
6           he -- he's right back here. See there's a cut? We call it a  
7           cut. That's a passageway to another street right where those  
8           bushes are (indicating).

9           He takes the drugs; he throws them there. The  
10          detectives see where the drugs go. They pick up the drugs.  
11          They seize 'em. It turns out to be two bags. One has 15  
12          blue-and-white gelcaps of heroin. Another has 50  
13          blue-and-white gelcaps of heroin.

14          Now, you're going to hear in the statements that  
15          Mr. Tate said he had hundred-dollar bills and 20 on him. Well,  
16          if he had hundreds and 20s, that's really not indicative of a  
17          low-level drug trafficker, because when you're selling these  
18          small amounts of drugs, you're going to hear they go for \$10 or  
19          \$20 at a hit.

20          But, again, the evidence will show that Mr. Tate is  
21          incorrect, because the evidence received off of Mr. Tate when  
22          his money is presented into Baltimore City Police Department is  
23          going to be a lot of ones, a lot of fives, and some twenties.  
24          And that, you will hear, is indicative of low-level drug  
25          trafficking here on Robb Street in Baltimore City.



1 Antonio Santiful is a criminal. Antonio Santiful,  
2 before November 28th, 2015, had two prior drug convictions for  
3 possession of drugs: one in Harford County, one in  
4 Baltimore City. And get this: He had two prior handgun  
5 convictions here in Baltimore City.

6 On November 28th, 2015, again, Antonio Santiful  
7 doesn't live in the 2100 or the 2200 block of Aiken Street. As  
8 a matter of fact, he lives about three miles away, but that's  
9 not where he's going to be dealing his drugs. He takes his  
10 drugs to another neighborhood in the city, which, again, on the  
11 east side of Baltimore, is an open-air drug market, and he's  
12 there dealing.

13 He's dealing with another young man, Deontray Brown.  
14 Detective Hersl, other detectives see him dealing. They pull  
15 up. They see Deontray Brown throw or take the package of drugs  
16 that he has, puts them in his mouth. They come up to him; they  
17 make him spit it out. He spits it out. It's a Zip bag  
18 containing six more Zip bags of cocaine.

19 They stop Antonio Santiful. They get his keys. They  
20 go to where his car is located about a block away.

21 I guess if I just keep on pressing, we find out where  
22 the car is.

23 They call a K9. K9 comes, hits on the car. They go  
24 in the car. The car turns out to be owned by  
25 Shanequi Santiful, who is the sister of Antonio Santiful. In

~~DEPENDANT PERST'S OPENING STATEMENT~~

1 that car are two more zips which match exactly the zips found  
2 in Deontray Brown's mouth and a loaded Smith & Wesson  
3 .32-caliber revolver. Third gun.

4 Ronald Hamilton. Ronald Hamilton is a criminal.  
5 Ronald Hamilton in 1999 came into this very courthouse here,  
6 and he pled guilty to conspiracy to distribute 500 or more  
7 grams of cocaine. He received a substantial sentence and  
8 eventually was released.

9 And when you're released in the federal system, since  
10 we don't have parole, he was placed on supervised release. And  
11 while still on supervised release, he was back at it again.  
12 This time an even larger quantity. And in 2009 he comes back  
13 here to the Federal Court and again pleads guilty to conspiracy  
14 to distribute 5 kilograms or more of cocaine, receives a  
15 sentence, and is released sometime about a year or so before  
16 this incident.

17 What the evidence will show about this incident is  
18 that Detective Rayam was attempting to do an honest  
19 investigation, which they did 90 percent of the time.

20 He had a CI. A CI is a confidential informant. The  
21 CI is a cousin of Ronald Hamilton.

22 The CI gives information that my cousin is still  
23 trafficking. My cousin has got a gun.

24 At that point Detective Rayam will tell you that he  
25 had statewide authority. Now, he's a Baltimore City police

1 officer. But when you're involved in a task force involving  
2 major drug traffickers, the Maryland State Police can give you  
3 statewide authority. And that's what he had.

4 And the evidence will show just prior to July 8th,  
5 2016, Danny Hersl, he had nothing to do with that  
6 investigation. As a matter of fact, Danny Hersl was in  
7 Ocean City, Maryland, on vacation up to the day before this  
8 incident, maybe two days before this incident.

9 And this is an ongoing investigation.

10 Detective John Clewell will come in and say that he  
11 was doing independent surveillance of another Hamilton series  
12 of houses that Mr. Hamilton owns through relatives in  
13 Baltimore City before July 8th, 2016.

14 Now, July 8th, 2016, is what's called takedown day.  
15 They have a warrant. They have a warrant to go up to  
16 Carroll County to search his house and I believe to search his  
17 car as well.

18 Detectives Rayam and Gondo in one car;  
19 Detective Clewell, then, on July 8th calls Danny Hersl to be  
20 his passenger, his second set of eyes. They do observations in  
21 Baltimore County at a Home Depot.

22 They see the vehicle leave. They follow the vehicle.  
23 They're told by their supervisor at that time, who's  
24 Sergeant Jenkins, "Take him down. Stop him now."

25 He abides by orders. They arrest and stop and detain

1 both Nancy Hamilton and Ronald Hamilton. They take him back to  
2 a substation. And at that point three officers -- not Hersl --  
3 three officers -- Jenkins, Rayam, and Gondo -- interviewed  
4 Mr. Hamilton.

5 And then since they have a search warrant for the  
6 house, they're going to take the Hamiltons back to the house.  
7 They believe they're going to find drugs and guns in that  
8 house, as well as money. And if they did, they'd be arrested  
9 at that point and turned over to the Carroll County  
10 authorities.

11 Dan Hersl rides back, rides to the house with  
12 Detective Jenkins. Rayam and Gondo take Mr. and Mrs. Hamilton  
13 in their car.

14 They get to the house. Dan Hersl, for the vast  
15 majority of the time, sits in the living room with the  
16 Hamiltons, because you're not allowed to roam around your house  
17 when your house is being searched. So he's there with them,  
18 and someone's watching them. And that's what Ronald Hamilton  
19 is going to tell you Dan Hersl was doing.

20 There is money found upstairs. What the evidence will  
21 show, there is at least \$50,000. And that's called plastic,  
22 heat-sealed wrapping.

23 Now, I know y'all don't do that, take your money and  
24 put it in plastic wrapping like that, heat-sealed.

25 And you're going to hear there's a reason why drug

1 traffickers do that, because when they move their money from  
2 place to place, they want to avoid detection. And they believe  
3 that if it's heat-sealed like that, a K9 won't hit on it and  
4 will avoid the smell, because that type of money around those  
5 type of drugs sets off alarms.

6 But Ronald Hamilton will tell you that he's not a drug  
7 dealer, and the Government's going to vouch for his credibility  
8 because it fits their pattern of the case.

9 He's going to tell you that he won that money  
10 gambling, and we all know how lucky you can be day after day  
11 gambling and winning money.

12 As a matter of fact, we have his gambling records, and  
13 his gambling record shows that he lost \$153,000 in 2016.  
14 That's a man who just got out of jail.

15 2015, another 100,000-plus dollars lost.

16 But the Government's going to vouch for his  
17 credibility.

18 Rayam took \$20,000, put it in the back of the police  
19 car. Maryland State Police came in. Only thing they got was  
20 that \$50,000.

21 When they got back to Baltimore City, Gondo and Rayam  
22 split money. Jenkins got a share of money. Jenkins then gave  
23 Dan Hersl approximately \$3,000 of stolen money.

24 Not extortion. Not a robbery.

25 Dennis Armstrong, August 8th, 2016, the last incident.

1 Dennis Armstrong's coming out of a storage area. And the  
2 detectives or the police will tell you that storage areas, if  
3 you watch them, they're synonymous with people keeping drugs in  
4 there. They want to keep them away from their house or guns.  
5 So they watch 'em, especially here in Baltimore City.

6 Dennis Armstrong comes out. In the vehicle -- the  
7 police vehicle at that time is Jenkins; Detective Clewell, his  
8 passenger; Danny Hersl is in the back. Jenkins pulls the car  
9 over, basically says, "You don't have a seat belt on, young  
10 man."

11 And at that point Dennis Armstrong takes off.  
12 High-speed chase. And as he is driving down the streets of  
13 Baltimore, he will tell you, as well as John Clewell will tell  
14 you, that he was tossing snowball-sized chunks of cocaine  
15 outside of the car window, exploding on the street,  
16 (indicating).

17 And when he's stopped, 'cause he comes to a dead-end,  
18 he bails out and runs. John Clewell gets out, runs after him,  
19 and catches him. He's got more drugs on him.

20 And the car is coated -- front seat, backseat. You  
21 can imagine when you're throwing it out -- with cocaine.

22 They take him back to the storage area. They attempt  
23 to go get a warrant for the storage facility locker that he  
24 came from. And during that time, while he's present,  
25 Dennis Armstrong, who has three prior possession with intent to

1 distribute drugs here in Baltimore City -- it's Number 4  
2 (indicating) -- says he watches Hersl go through his car and  
3 search his car, and he sees money. And he sees the money being  
4 placed in a bag.

5 And there was money placed in a bag. It was placed in  
6 an evidence bag along with the rest of the evidence seized.

7 And the evidence will show -- and it will show --  
8 that, again, this is another time that before the evidence gets  
9 to the evidence storage locker, Dan Hersl takes maybe \$500 out  
10 of the bag -- there's multiple thousands in there -- he gave  
11 500 to Rayam and perhaps 500 to Gondo. The rest is turned in.

12 The crime of the moment, the crime of theft. No one's  
13 proud of it. Shouldn't be a police officer. He's not a police  
14 officer. But it's not, as all these incidents will show, what  
15 the Government's charged. That's really your duty in this  
16 case. You take one wrong versus another wrong. Just make the  
17 right decision which one it is.

18 Thank you.

19 **THE COURT:** Thank you, Mr. Purpura.

20 Can I see counsel at the bench for just a minute on  
21 the schedule.

22 (Bench conference on the record:

23 **THE COURT:** I just want to know -- I don't recall  
24 exactly how long -- do you think either of you would like to go  
25 ahead?

1           **MS. WICKS:** I would like to go ahead, and I should be  
2 done right around 1 o'clock. It should be less than a half an  
3 hour.

4           **THE COURT:** Okay. Great. Let's go ahead and finish.  
5 Thank you.)

6           (Bench conference concluded.)

7           **THE COURT:** All right. Ladies and gentlemen, we're  
8 going to go ahead.

9           Ms. Wicks.

10          **MS. WICKS:** Good afternoon, ladies and gentlemen.  
11 I'm Jenifer Wicks. And Christopher Nieto and I have  
12 the distinct pleasure of representing Marcus Roosevelt Taylor.

13          Together, Mr. Nieto and I speak, question, and  
14 advocate on Mr. Taylor's behalf.

15          Now, I'm going to ask you to do something; and that  
16 is, as you're sitting here right now and every day when you  
17 come into this courtroom and sit here and listen to the  
18 testimony from the stand, look at the evidence, listening to  
19 the recordings, but the important thing that I'm asking you to  
20 do is to remember what your job is. Your job is to be the  
21 trier of fact here.

22          Your job is to determine what is a fact and what, in  
23 fact, didn't happen. What, in fact, the Government cannot  
24 prove happened.

25          As I think both counsel have already talked to you



1 about, there's the credibility. Credibility of the witness is  
2 an important thing in this case.

3 You're here as the trier of fact to determine what  
4 happened. What was Detective Taylor doing? What were the  
5 other police officers doing? What the witness that's  
6 testifying, what is the witness's motivation? That's another  
7 fact. A fact here will be: What is motivating the person to  
8 say what they're saying? It's important what they're saying,  
9 but it's also just as important why are they saying that.

10 At the end of the trial, you will each give your  
11 verdict in this case based on your determination, your  
12 individual determination of the facts. And we ask that you  
13 don't ever forget that. Every day that you're in the  
14 courtroom, that's the thing for you to remember what your job  
15 is. Your verdict will be based on the evidence that you  
16 determine of what happened and why people are doing and why  
17 people are saying what they're saying.

18 You'll quickly understand, however, that the witnesses  
19 that come in here are motivated by a lot of different things,  
20 and that's basically the trial. The trial is to determine  
21 motivations, facts, what happened.

22 The case against Mr. Taylor is based on the word of  
23 people that you might think you might not believe. And your  
24 job is to consider if you can believe what they're saying.

25 You'll also quickly understand that the United States

1 Government here in this case has a considerable amount of  
2 power. They have already introduced to you several of their  
3 witnesses who were co-defendants of Mr. Taylor's who were  
4 former police officers with the Baltimore Police Department who  
5 committed armed home invasions with another -- with a drug  
6 dealer.

7 One of those officers, Officer Gondo, pled guilty to  
8 being the member of a narcotics conspiracy while he was a  
9 member of this elite task force. It's something that some  
10 people knew about; but he didn't tell many people about it  
11 'cause he kept trying to save his boy, Kyle Wells, who Gondo  
12 invaded and terrified the woman that Mr. Purpura described to  
13 you.

14 Gondo was not doing that out in the broad daylight.  
15 That was something he was doing. That was a secret he had.  
16 That was motivating him for a long time now and what he was  
17 doing.

18 But the Government has the key to help these people  
19 get out of prison, to get out of jail eventually, and that's a  
20 considerably compelling reason for people to be saying what  
21 they're saying now, to be turning the finger, and to be  
22 pointing it at Marcus Taylor (indicating). What they want,  
23 what they need for themselves.

24 The evidence in this case will be people from the  
25 stand saying, Well, Marcus Taylor did that, or Marcus Taylor

1 did this, or I heard Marcus Taylor say this, or So-and-so told  
2 me this is what they did or this is what he said.

3 But at the end of the day you have to believe the  
4 source of information. You have to be able to put your trust  
5 in that person.

6 And, again, as I will remind you and ask you to  
7 remember every day, that's for you to determine: Is that  
8 credible? Is that believable? Is that person testifying  
9 someone that I can believe?

10 And, ladies and gentlemen, the Government will be  
11 coming in here and vouching for what these witnesses have to  
12 say. And you will hear from Gondo and Rayam, who I believe one  
13 of the other lawyers already referenced, they've already  
14 testified in another proceeding.

15 But they have lied. They have lied to other officers.  
16 They have lied to prosecutors. They have lied to juries. They  
17 have lied to judges. And this is all before they are caught  
18 and arrested in March of 2017.

19 They have a career of lying, according to them.

20 But now somehow -- now somehow you can believe them.  
21 That's a tall one, ladies and gentlemen. And that's what the  
22 Government's asking you to do, someone that has lied  
23 repeatedly, 50 times at trial about what they're doing on the  
24 streets, somehow the Government can vouch for 'em and say, Oh,  
25 but you can believe what he's saying about Marcus Taylor.

1           No, ladies and gentlemen. The evidence will show that  
2 you couldn't believe them before and you can't believe them  
3 now.

4           For the most part in this case, the evidence that the  
5 Government is pointing to to try to convict Mr. Taylor in this  
6 case is not the type of evidence that doesn't lie. The type of  
7 evidence that the Government is using in this case against  
8 Mr. Taylor is the testimony of the witnesses from the stand.

9           There's not DNA. There's not hair fibers. It's not  
10 that kind of case. This is about you having to make an  
11 assessment of what is believable.

12           Some of these witnesses, as Mr. Purpura talked about,  
13 are drug dealers. They're people out there with guns and drugs  
14 that have gotten stopped and detained for guns and drugs, and  
15 evidence is seized. And they have an incentive at that very  
16 moment to be pointing the finger at Mr. Taylor and other  
17 officers saying they did something wrong.

18           So it didn't just all of a sudden happen because  
19 they're going to show up here in court today. This goes back  
20 to the very day that Oreese Stevenson, Raytawn Benjamin, Shawn  
21 Whitaker -- Shawn Whiting, pardon me, other gentlemen that are  
22 going to come in here and claim that something bad happened,  
23 they had the incentive at that very moment. So remember that  
24 and keep that in mind. A witness's incentive, when did that  
25 begin?

1 And, ladies and gentlemen, what I'm just talking about  
2 is someone's personal bias. The reason -- bias is what comes  
3 between that person and really their ability to tell the truth  
4 or even perhaps their ability to even see the truth. It's like  
5 a coloring of their lenses in the view of the world. It's  
6 colored by what is motivating them, by what they want to be  
7 true.

8 And just because they want it to be true and just  
9 because they think it should be that way doesn't mean it's  
10 true, ladies and gentlemen.

11 Going back to a moment for -- to Gondo, Gondo is the  
12 officer who was a member of a drug operation here in Baltimore  
13 while he was a police officer. Not something that he told  
14 everyone about except a certain select few.

15 And he had -- that motivated a lot of what he was  
16 doing. That motivated -- a lot of his activity was protecting  
17 his buddies in his drug organization, and that's something that  
18 he kept from other people.

19 The Government starts wiretapping his phone through  
20 that investigation. And then from his phone, they get onto --  
21 they put a microphone actually in his police car. And so  
22 that's some of the evidence. And that will be evidence about  
23 what's going on in Gondo's head, what's going on in Gondo's  
24 mind, not Mr. Taylor.

25 Before the indictment in this case -- and in other

1 investigations -- the Government is putting witnesses in the  
2 grand jury. Now, the grand jury is not like this in an open  
3 courtroom. It's a secret -- it's -- the Grand Jurors are sworn  
4 to secrecy. It's a proceeding that is a secret.

5 And so the witness goes into the grand juries and  
6 answers questions, and that's part of how the Government puts  
7 together a case and figures out how to charge people.

8 But the defense lawyers aren't there, but we're here  
9 now, and this is the time when we figure out what you all can  
10 believe.

11 And it's very different. You have more lawyers asking  
12 questions. As the judge already explained, if you all have a  
13 question that's something that may be asked, this is the place  
14 to put the light on day, on this allegation, and to figure out,  
15 for you all to figure out what really happened.

16 Part of what you'll hear about in this case has been  
17 the media blitz since day one. This was an important event in  
18 Baltimore. And a lot of information out there, a lot of  
19 information, as you may imagine, going around in jails and  
20 prisons and people talking about these police officers had been  
21 arrested and people trying to figure out, you know, how can  
22 that help me? Again, going back for a moment, how can that  
23 help me? How can I help myself?

24 And there will be people that are coming in here and  
25 trying to help themselves again, ladies and gentlemen.

1           Some criminals took advantage of this situation and  
2 are now again trying to point the finger, and why? Because  
3 they want to get out of jail, ladies and gentlemen.

4           Ladies and gentlemen, there will simply not be  
5 credible evidence presented at this trial to support the  
6 conspiracy charge, to support a finding that there was a RICO  
7 enterprise, and to support the charges of the Hobbs Act robbery  
8 and weapons offense.

9           You will learn about attempts that Gondo and Rayam and  
10 other people did of doing things that led them to be suspected  
11 well before this case, well before this case, and trying to  
12 secret a lot of their activities from even the other officers  
13 on the squad.

14           The sergeant, Sergeant Jenkins, of this unit was  
15 apparently doing, quote, police work with someone that wasn't a  
16 police officer. He was doing all sort -- he had a side  
17 business, it seems. And you'll learn -- hear more about that.

18           That's not Marcus Taylor. That's not what this case  
19 is about. That's what those people were about, but that's not  
20 what this case is about.

21           The motivation to come in here and to point the finger  
22 at Marcus Taylor for each one of these witnesses is unique and  
23 individual and something that we will all discover together.

24           We're almost there, ladies and gentlemen.

25           Ladies and gentlemen, on March 1st of 2017, Marcus

1 Roosevelt Taylor was arrested in this case. He was detained,  
2 arrested, locked up, and the nightmare started for him on that  
3 day.

4 Today is the day he's been looking forward to since  
5 then, when we start this trial, begin this case. After you  
6 listen to all the evidence, after you hear from all the  
7 witnesses, Mr. Nieto, myself, and Mr. Taylor ask that you  
8 consider the evidence and you find Mr. Taylor not guilty of all  
9 of the charges.

10 We thank you for your time and appreciate your  
11 willingness to come in here and to give Mr. Taylor the fair  
12 trial on these charges that he deserves.

13 Thank you.

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

15 Excuse me. I'm losing my voice.

16 Thank you.

17 All right. Ladies and gentlemen, this will be a good  
18 opportunity to take the lunch recess. And we will begin with  
19 evidence immediately after that.

20 You are excused with the usual instructions: Don't  
21 talk about the case. We'll see you all at 2 o'clock and begin  
22 some testimony.

23 (Jury left the courtroom at 12:56 p.m.)

24 **THE COURT:** Counsel, just briefly, any issue you want  
25 to anticipate for 2 o'clock?



1           **MR. WISE:** Not from us, Your Honor.

2           **MR. PURPURA:** I guess I do.

3           Can we approach the bench?

4           **THE COURT:** Sure.

5           (Bench conference on the record:

6           **MR. PURPURA:** I didn't go through the -- I didn't --  
7           excuse me.

8           I did not go through the Government's complete exhibit  
9           book. I'm not sure if they intend or were going to attempt to  
10          put in Mr. Ward's plea agreement. I would object.

11          **MR. WISE:** We're not. No. We don't put plea  
12          agreements in.

13          **MR. PURPURA:** That's number one. That's fine.

14          Number two would be, again, it's back to the robbery  
15          issue. What Mr. Ward has pled guilty to is the racketeering,  
16          conspiracy to commit racketeering. He is not --

17          **MR. WISE:** He's admitted to robberies.

18          **MR. PURPURA:** Well, that's --

19          **MR. WISE:** That's the sentencing guidelines that  
20          apply --

21          **MR. PURPURA:** No. That does not matter.

22          **MR. WISE:** -- and all the elements --

23          **THE COURT:** One at a time. One at a time.

24          **MR. WISE:** All the elements are in his plea agreement.

25          **MR. PURPURA:** No. He did not plead guilty to robbery.

1 He did not plead guilty to extortion. He pled guilty to  
2 racketeering. So the Government can ask him, "What did you  
3 plead guilty to?" and bring it out.

4 Normally the Government presents that information  
5 early on to take -- to dilute cross-examination. So you bring  
6 out your prior records or anything else, the bad acts.

7 Here they're trying to introduce that evidence to  
8 bootstrap that these are robberies and not thefts.

9 Now, there's a lot of reasons why he pled guilty, and  
10 I don't know if he spoke with his lawyer about whether he could  
11 or could not be introducing a robbery and a theft. I'm not  
12 sure about that, so I don't know. And I can't get into that  
13 because that's attorney-client privileged information.

14 There is no relevant reason for the Government to get  
15 into those acts if we're not going to impeach him on those  
16 issues.

17 Now, if I go in and say that you committed this act  
18 and this act, then, you know, the Government can come back and  
19 say, "You admitted it's a robbery." But that's not what's  
20 going to happen here.

21 **MR. WISE:** So RICO is an empty vessel. He pled to the  
22 predicates. The predicates are Maryland robbery, Maryland  
23 extortion. There is no such thing as just pleading to RICO.

24 The elements of the offense are the elements of the  
25 underlying predicate, and those are all laid out in his plea

1 agreement: force, restraint. I mean, they're all -- it's all  
2 in there as factual matters.

3 And if you ask him, "What did you plead guilty to?" I  
4 suspect he will say, "Robbing people and overtime fraud,"  
5 'cause that's the predicates.

6 That's what Gondo and Rayam testified to in the  
7 Shropshire trial, because factually in their minds, that's what  
8 they did.

9 And he is going to get into a number of the robberies  
10 and extortions he engaged in because he did it with Taylor and  
11 because there's other relevant evidence in terms of  
12 establishing a pattern of racketeering about those episodes. I  
13 mean, the Belvedere Towers incident, the Shawn Whiting  
14 incident -- and the Shawn Whiting incident, the  
15 Oreese Stevenson incident. Those are all in his plea  
16 agreement. Taylor's a co-defendant. Taylor's -- so he is  
17 going to go -- I mean, that's going to be most of his  
18 testimony.

19 **THE COURT:** I'll be happy to take a look at his plea  
20 agreement. Over the lunch hour I'll do that.

21 I recall when this came up before in terms of a motion  
22 in limine that my response was that this is ordinarily dealt  
23 with by a limiting instruction. And what he pled guilty to was  
24 his own personal decision and has nothing to do with, in  
25 itself, whether Mr. Hersl or Mr. Taylor committed those crimes.

1 And I would be happy, certainly in the closing instructions,  
2 but if you want me to give that instruction at some point in  
3 the course of the testimony.

4 **MR. PURPURA:** I would ask for that instruction, yes.

5 **THE COURT:** I will do that. So . . .

6 **MR. PURPURA:** That's helpful.

7 **THE COURT:** Okay. I'll take a look at the plea  
8 agreement.

9 **MR. PURPURA:** I'll object -- I'll object when I think  
10 it's appropriate, then, during the testimony.

11 **THE COURT:** I'm sure you will.

12 **MR. WISE:** I could say "armed robbery," if you would  
13 prefer. Would you prefer that?)

14 (Bench conference concluded.)

15 **THE COURT:** All right. See you all at 2:00.

16 (Luncheon recess taken.)

17 (2:04 p.m.)

18 **THE COURT:** Good afternoon. You can be seated.

19 I did -- having had a chance to look at the plea  
20 agreement, as well as the transcript of Mr. Ward's plea  
21 proceedings before Judge Bredar, it seems clear that he  
22 admitted to what were categorized as robberies.

23 Again, I'll go forward without ordering him not to say  
24 that. But I will, at an appropriate moment, give an  
25 instruction that is applicable to the witness only and may not

1 be considered in any way against the individuals on trial.

2 Just the fact of that guilty plea. Okay?

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

4 **THE COURT:** Other than that, are we ready for the  
5 jury?

6 **MR. WISE:** Yes, Your Honor. The first witness is in  
7 custody, so I think the marshals are bringing him down.

8 **MR. PURPURA:** Your Honor, I won't keep on objecting,  
9 but may I have a standing objection to that reference?

10 **THE COURT:** A standing objection to Mr. Ward saying  
11 that he admitted to being guilty of robbery?

12 **MR. PURPURA:** Yes, robberies.

13 **THE COURT:** Yes. Yes.

14 **MR. PURPURA:** That's enough.

15 **THE COURT:** Okay.

16 (Jury entered the courtroom at 2:08 p.m.)

17 **THE COURT:** You can all be seated.

18 Government is calling a witness?

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

20 The United States calls Maurice Ward.

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

22 MAURICE WARD, GOVERNMENT'S WITNESS, SWORN.

23 **THE CLERK:** Please be seated.

24 Please speak directly into the microphone.

25 State your full name for the record and spell your

~~WARD~~ ~~DIRECT~~

1 last name, please.

2 **THE WITNESS:** Maurice Ward, W-A-R-D.

3 **THE CLERK:** You may pull the microphone closer to you.

4 Thank you.

5 **THE COURT:** Would you like to proceed, Mr. Wise.

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

7 DIRECT EXAMINATION

8 **BY MR. WISE:**

9 **Q.** Mr. Ward, are you formerly a detective in the Baltimore  
10 Police Department?

11 **A.** Yes, sir.

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

13 **A.** Yes, sir.

14 **Q.** What have you pled?

15 **A.** Guilty.

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

17 **A.** The charges brought against me I done.

18 **Q.** And what were you charged with?

19 **A.** Robbery and overtime fraud.

20 **Q.** And we're going to go into this at some length, but what  
21 did you do, Mr. Ward? What did you admit to doing?

22 **A.** Committing robberies and also fraud in Baltimore City of  
23 overtime.

24 **Q.** And I want to take each of those separately.

25 When did you rob people?

~~WARD DIRECT~~

1 A. While at work.

2 Q. Whose work?

3 A. Police officer, Baltimore City.

4 Q. And where were they? Where were these people?

5 A. In the city, Baltimore City.

6 Q. And in what kind of situations?

7 A. Usually when we arrested them, they were detained.

8 Q. And what did you steal from them?

9 A. Money, but -- jewelry, clothing items.

10 Q. And if you had to -- if you had to try to sum up how much  
11 you stole from these people, what would it be?

12 A. Would that be including like the overtime or just the  
13 personal --

14 Q. Just from people that were arrested and detained.

15 A. Over \$20,000.

16 Q. Were there times when you robbed people just by yourself,  
17 not with any other members of the unit?

18 A. Yes.

19 Q. And how often did that happen?

20 A. I mean, more than once is too much, so pretty -- pretty  
21 often.

22 Q. And how much money, generally, would you take in those  
23 instances when you were doing it by yourself?

24 A. Sometimes two, three hundred dollars.

25 Q. Were there times when you robbed civilians with other

~~WARD DIRECT~~

1 officers on the GTTF?

2 **A.** Yes, sir.

3 **Q.** And which officers?

4 **A.** Hendrix, Taylor, Gondo, Rayam, Jenkins, Hersl.

5 **Q.** And were you armed when you robbed people?

6 **A.** Yes.

7 **Q.** Were other officers on the GTTF armed?

8 **A.** Yes.

9 **Q.** And did you physically restrain people with handcuffs when  
10 this -- when they were being robbed?

11 **A.** Yes, I did.

12 **Q.** And did other officers physically restrain people with  
13 handcuffs at those times?

14 **A.** Yes.

15 **Q.** And did you create false police reports?

16 **A.** Yes, we did.

17 **Q.** And why did you do that?

18 **A.** To cover up what we were doing.

19 **Q.** Now, as part of your plea agreement, did you agree to  
20 cooperate with the United States in this case and in the  
21 ongoing investigation into corruption at the Baltimore City  
22 Police Department?

23 **A.** Yes, sir.

24 **Q.** And what do you understand that to mean? What do you have  
25 to do, Mr. Ward?



~~WARD DIRECT~~

1 A. Tell the truth.

2 Q. And what, if anything, do you hope to get in return for  
3 telling the truth?

4 A. I hope to get a reduced sentence.

5 Q. Have you been sentenced?

6 A. No, sir.

7 Q. And who will sentence you?

8 A. A judge.

9 Q. And is the judge part of your plea agreement?

10 A. No, sir.

11 Q. Even if the United States were to recommend that you get a  
12 lower sentence, does the judge have to follow that  
13 recommendation?

14 A. No, sir.

15 Q. Have any promises been made to you about what your  
16 sentence actually will be?

17 A. No.

18 Q. What is the maximum penalty for the crime that you've pled  
19 guilty to?

20 A. I believe it's 20 years.

21 Q. So Judge Blake can sentence you up to 20 years?

22 A. Yes, sir.

23 Q. And are you in jail right now?

24 A. Yes, sir.

25 Q. Why?

~~WARD DIRECT~~

1 **A.** 'Cause of the crimes I committed.

2 **Q.** Mr. Ward, where did you grow up?

3 **THE COURT:** I'm sorry. Let me just interrupt.

4 If you've sort of finished the summarizing of the plea  
5 agreement, I just want to advise you, ladies and gentlemen,  
6 you're obviously hearing testimony from a witness who has pled  
7 guilty to charges arising in this case. And you've heard him  
8 and the Government characterize those charges.

9 I just need to tell you: You should not draw any  
10 conclusions or inferences of any kind about the guilt of either  
11 of the defendants who are here on trial or the charges they may  
12 be facing simply because of the fact that this witness pled  
13 guilty to certain charges.

14 His decision to plead guilty is a personal decision  
15 about his own guilt, and it may not be used by you in any way  
16 as evidence against or unfavorable to the defendants on trial  
17 here.

18 Obviously, you may consider the testimony you're about  
19 to hear, weigh it, give it the credibility and the weight you  
20 think it deserves; but simply the fact that he pled guilty to a  
21 certain charge is not evidence against these defendants.

22 All right?

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

24 **BY MR. WISE:**

25 **Q.** Mr. Ward, where did you grow up?

~~WARD DIRECT~~

1 A. Baltimore City.

2 Q. And how far did you go in school?

3 A. Some college.

4 Q. When did you join the Baltimore Police Department?

5 A. October the 8th, 2003.

6 Q. And where were you first assigned?

7 A. When I first came out, after the academy was DSU,  
8 District Stabilization Unit, which was pretty much a foot unit.  
9 And we used to work throughout the whole city.

10 Q. And how long were you on the DSU?

11 A. Maybe a year.

12 Q. And what happened after that?

13 A. After that they sent me to Western District patrol.

14 Q. And what did you do in the Western District on patrol?

15 A. I was a uniformed officer. I responded to calls.

16 Q. And you mentioned the Western District. What's the -- how  
17 is the BPD organized in terms of districts?

18 A. It's broken down into nine districts.

19 Q. And is the Western one of them?

20 A. Yes.

21 Q. And how long were you on patrol in the Western District,  
22 if I haven't already asked you that?

23 A. Maybe three, three to four years.

24 Q. And what happened after that?

25 A. After Western District patrol, I went to the operations

~~WARD DIRECT~~

1 unit, which is a plainclothes, nonuniformed unit. It's pretty  
2 much like a drug unit.

3 Q. And what kind -- you said that in the -- on patrol you  
4 responded to calls. What kind of work does or did the  
5 operation -- the operational unit do?

6 A. It was pretty much you go where you wanted to go in the  
7 Western District.

8 Q. And you said you were in plainclothes?

9 A. Yes, sir.

10 Q. And at some point did you become a detective?

11 A. Yes, sir.

12 Q. And what kind of unit did you work on when you became a  
13 detective?

14 A. It was SES. But before it was called SES, it was VCID or  
15 VCIS.

16 Q. And what is the -- what does SES stand for?

17 A. Special Enforcement Section.

18 Q. And just since you mentioned it, what does VCID stand for?

19 A. It was the Violent Crime Impact Section.

20 Q. And what kind of work did the SES unit do or supposed to  
21 do?

22 A. It was pretty much drugs, but it was kind of like a  
23 high-level drug unit.

24 Q. When were you first assigned to an operational unit? What  
25 year, if you remember?

~~WARD DIRECT~~

1 A. Might have been like '09, I believe.

2 Q. And what was the last operational unit you worked on?

3 A. The Gun Trace Task Force.

4 Q. Now, I want to direct your attention to 2014, to January  
5 of 2014.

6 What unit were you working on in January of 2014?

7 A. It would have been SES.

8 Q. And who was the sergeant at the time?

9 A. It would have been Sergeant Ivery.

10 Q. And who else was in the unit with you?

11 A. In the unit or in the squad?

12 Q. Which is -- I guess which is smaller?

13 A. The squad. The unit is a whole, but each -- it's squads  
14 on all the units, so . . .

15 Q. I see. So who was in that squad with you?

16 A. It was myself. It was Detective Pinto, Detective Young,  
17 Detective Thomas, Detective Taylor.

18 Q. Is that Detective Marcus Taylor?

19 A. Marcus Taylor, yes.

20 Q. And do you see him in the courtroom?

21 A. Yes, sir.

22 Q. And can you point to him and describe what he's wearing.

23 A. A suit, African-American male sitting down there with the  
24 suit (indicating).

25 MR. WISE: Your Honor, let the record reflect that the

~~WARD DIRECT~~

1 witness has identified the defendant, Marcus Taylor.

2 **THE COURT:** It will.

3 **BY MR. WISE:**

4 **Q.** Mr. Ward, did you search the home of someone named  
5 Shawn Whiting on January 24th, 2015?

6 **A.** Yes.

7 **Q.** And who participated in that search?

8 **A.** All the individuals who I just named that were on the  
9 squad that day.

10 **Q.** Including -- including Detective Taylor?

11 **A.** Yes, sir.

12 **Q.** And who wrote the search warrant for that search?

13 **A.** I did.

14 **Q.** Now, when you write a search warrant, are you responsible  
15 for what's seized at the location typically?

16 **A.** Yes, sir, the whole case is pretty much your case. You're  
17 responsible for the majority of it.

18 **Q.** And what are you supposed to do with property that's  
19 seized pursuant to a search warrant?

20 **A.** It's supposed to be documented, and it's usually submitted  
21 to Evidence Control Unit.

22 **Q.** And what's the Evidence Control Unit?

23 **A.** It's a unit that holds all the evidence for court  
24 purposes: drugs, guns, money. Everything like that.

25 **Q.** So is this a unit within the Baltimore Police Department?

1 A. Yes, sir.

2 Q. Now, was anything found at the home of Shawn Whiting when  
3 the search was conducted?

4 A. Yes, sir.

5 Q. What was found?

6 A. Drugs, guns, and money.

7 Q. And do you know how much money?

8 A. No, I'm not -- I'm not sure how much money.

9 Q. Okay. Who found the money?

10 A. Detective Taylor found the money.

11 Q. Did you see him find it?

12 A. Yes.

13 Q. And where did he find it?

14 A. It was in the master bedroom, in Mr. Whiting's room in the  
15 closet.

16 Q. And what happened -- what did you see when Mr. Taylor  
17 found the money?

18 A. He was digging into the closet. And once he found the  
19 money, he yelled, "I got it," out real loud and which brought  
20 everyone in the room.

21 And then once he came from out the closet, he was holding  
22 a bag. It was probably about that big (indicating). It was  
23 just full of money. It was a stack of money in the bag.

24 Q. And what did he do or, I guess, what happened to the money  
25 after he found it?

1 **A.** We -- we seized the money, but it was some task force  
2 officers that were there.

3 **Q.** Okay.

4 **A.** And usually when you get a big seizure like that, they  
5 normally would take the money. But for our case prep, we  
6 wanted a picture of everything. So we took all the drugs and  
7 all the money back to the Western District where we laid  
8 everything out and took a photograph of it for our case folder.

9 **Q.** Now, at the time that Detective Taylor took the money, did  
10 he say or do anything to you about what should happen to the  
11 money?

12 **A.** He had asked me to look out for him.

13 **Q.** And what did you understand "look out for him" to mean?

14 **A.** I mean we took some money to hold him down, gave him some  
15 money.

16 **Q.** So just to be clear, if -- if some money was taken --  
17 well, I guess who decides if money is going to be -- let me  
18 back up.

19 When you say "money was taken," how are you using that  
20 word? Are you talking about submitting it to BPD, or are you  
21 talking about stealing it?

22 **A.** Talking about committing robbery, yes, stealing it.

23 **Q.** All right. So when a search is conducted and there's  
24 money and it's stolen, in your experience, who decides how much  
25 everybody gets?



~~WARD DIRECT~~

1 **A.** If you typically -- if people that are involved when  
2 you're committing robberies and they're going to receive money,  
3 it's usually the person who's in charge of that case, because  
4 ultimately they're the one who have to answer for it. So they  
5 will determine if money is taken and how much money you should  
6 get.

7 **Q.** And, again, who was in charge of this Shawn Whiting case?

8 **A.** I was.

9 **Q.** Was this the first time you had ever stolen money?

10 **A.** No, sir.

11 **Q.** This was in 2014; right?

12 **A.** Yes.

13 **Q.** Approximately when do you think you started doing it?

14 **A.** Years before that. I'm not sure of the exact year.

15 **Q.** What -- were you on patrol or was it once you had gone to  
16 the operational unit?

17 **A.** Operations unit.

18 **Q.** Okay. And so you testified that Mr. Taylor asked you to  
19 look out for him, was that the phrase?

20 **A.** Yes, sir.

21 **Q.** And what did you understand that to mean?

22 **A.** That meaning when I got some money, to give it to him. If  
23 I was to skim some money off the pile, give some to him.

24 **Q.** Okay. Now, you testified that the money -- and I think  
25 you said the drugs; right?

~~WARD DIRECT~~

1 A. Yes.

2 Q. -- were brought back to a BPD office?

3 A. Yeah; and it was guns also.

4 Q. And guns.

5 Which BPD office were they brought back to?

6 A. We had a suboffice in the Western District. So we were in  
7 the Western -- actual Western District on the second floor. We  
8 had a small office in there.

9 Q. And where in the Western District is that office?

10 A. If -- you got to go up the steps. It's right by like a  
11 gym, like a little -- where the weights are at. It's a small  
12 office all the way in the back, close to the locker room, right  
13 by the gym.

14 Q. And where -- I guess just to orient us. Where is the  
15 Western District office in the city?

16 A. In Baltimore City.

17 Q. Okay. And where, like what neighborhood, if you --

18 A. Western District, like Gilmore Homes, Sandtown-Winchester.

19 Q. All right. And you testified that the money and guns and  
20 drugs were brought back so they could be photographed?

21 A. Yes.

22 Q. All right. So walk the jury through what happened, I  
23 guess, from the time that Detective Taylor found the money.  
24 Walk us through where the money went, including once it got  
25 back to that office.

1 **A.** Well, the money and everything went inside of a box. It  
2 was money, guns, and it was drugs all went back into a box. We  
3 also had a kilo press and we had -- it was a lot of items. So  
4 we actually had to get a powervan, like a big van to put all  
5 the evidence in there, and we drove it to the district. Once  
6 we got all that, we laid everything out to take a photograph  
7 for our case folder.

8 **Q.** And just if I could interrupt you, were you present for  
9 all of that?

10 **A.** Yes, sir.

11 **Q.** Okay. So back to -- you said now you're back at the  
12 district, and you're laying it out to photograph it. Where are  
13 you now?

14 **A.** We're in the office in the Western District, in our  
15 suboffice.

16 **Q.** Okay. And then -- and who's in that office with you with  
17 the money and the guns and the drugs?

18 **A.** The whole squad was in the office, all the individuals I  
19 named except Detective Pulliam. He was the only one. He left  
20 earlier. So he wasn't there during the process of laying out  
21 all the evidence and taking photos of it.

22 **Q.** Okay. And then where did -- so it was Detective Taylor  
23 there with the money?

24 **A.** Yes, Detective Taylor was present there too.

25 **Q.** All right. And then once the money was laid out, the

1 guns, I guess, and the drugs were put out to be photographed,  
2 what did you do?

3 **A.** Well, everything was laid out. It was photographed. And  
4 we had to take an inventory of it, because I would --  
5 Mr. Whiting was arrested. So I had to type up the probable  
6 cause, which is the arrest information. And everything that we  
7 recovered from that house had to be listed in the report.

8 So it was -- I mean, it was a lot of items that were  
9 recovered. And they had to go -- also submit all the stuff to  
10 Evidence Control Unit. So once everything was listed and  
11 photographed and all that stuff, I took the property listing  
12 sheet, which was everything that we recovered from the house,  
13 and I took it downstairs and started to process the arrest for  
14 Mr. Whiting.

15 **Q.** And so you said you took it downstairs. Where's the  
16 booking computer?

17 **A.** It's on the first floor in the Western District.

18 **Q.** All right. So you went from the room where the money was  
19 being photographed down to the booking computer; is that right?

20 **A.** Yes, sir.

21 **Q.** To, I think you said, to start typing up the statement of  
22 probable cause?

23 **A.** Yes; 'cause it was a lot of property was recovered,  
24 so . . .

25 **Q.** And did all of that have to go in the statement of

~~WARD DIRECT~~

1 probable cause?

2 **A.** Yes.

3 **Q.** All right. And so at that moment, who was left upstairs  
4 when you left with the money and the other property?

5 **A.** Everyone went to submit. It was me, Sergeant Ivery, and  
6 Taylor were the only ones left in the district.

7 **Q.** And you said, "Everyone went to submit." You're in the  
8 Western District. Where do police officers in the Baltimore  
9 Police Department go to submit evidence? Where's the actual  
10 Evidence Control Unit that you've talked about located?

11 **A.** It's at headquarters, which is downtown Baltimore City.

12 **Q.** All right. So you testified everybody else, all those  
13 names you mentioned, they had gone to bring, I guess, the guns  
14 and the drugs down to the Evidence Control Unit?

15 **A.** Yes. Like I said, it was a lot of property that had to be  
16 submitted, so more than one person went down there.

17 **Q.** Okay. Why was the money not taken down to the  
18 Evidence Control Unit? Why was it left behind?

19 **A.** As I was saying before, it was a task force officer --  
20 task force officer there. I think his name was  
21 Golomouski (ph), I think that was his name. And usually, when  
22 we get large seizures like that, they would usually take the  
23 money and submit it to their bank.

24 **Q.** And what kind of task force was that task force officer  
25 with?

~~WARD DIRECT~~

1 **A.** He was underneath HIDTA, which is -- he was a city  
2 officer, but he worked in the task force office -- officer, and  
3 he was underneath HIDTA.

4 **Q.** And what's HIDTA?

5 **A.** I'm not sure of the acronyms, but it's -- they're -- I  
6 guess they work with the feds.

7 **Q.** Okay. So just so I'm clear, when there's large amounts of  
8 money seized, are those monies turned over to HIDTA or other  
9 federal agencies?

10 **A.** Yes; because the process in Baltimore City is when we  
11 seize a lot of money, we have to take all that money -- each  
12 bill we have to lay out. And the serial number on any dollar  
13 bill has to be shown.

14 So if you got 10, 20, 30 thousand dollars, the table might  
15 be but so big, so it would take a long time to photograph all  
16 that money. Whereas though the task force officers can come,  
17 just take all the money; you put it in like a big Ziploc bag.  
18 They sign it; you sign it. They deposit it to a bank. The  
19 actual bank will count the money for you and get you an  
20 accurate count, whereas though it would take five minutes; it  
21 would take us a couple hours to do.

22 **Q.** Okay. So you said you didn't know how much money was  
23 taken, but this was enough money that you got HIDTA involved  
24 because they could process large amounts of money; is that  
25 right?

1 **A.** Looking at the amount, I believe it was probably over  
2 \$10,000.

3 **Q.** Okay. So who was left in the room when you went to the  
4 booking computer with the money?

5 **A.** It was Sergeant Ivery and Taylor.

6 **Q.** Okay. And when you came back, what did you notice about  
7 the amount of money?

8 **A.** Before I could actually take some of the money, that it  
9 was -- the pile was smaller, the money.

10 **Q.** So the pile of money had gotten smaller?

11 **A.** Yes.

12 **Q.** And then -- then what happened?

13 **A.** That's when I took 1500 off for me and \$1500 off for  
14 Taylor. And I gave him \$1500.

15 **Q.** Was anyone there when you took \$3,000 from what was left,  
16 1500 for you and 1500 for Taylor?

17 **A.** No. I was the only one in the room.

18 **Q.** Okay. So when you came back up from the booking computer,  
19 were Ivery and Taylor gone?

20 **A.** Yeah. The only thing -- like our office, you have to have  
21 a key to get in there. So it's not just anybody can walk in  
22 there. Someone who actually had a key to the office had to  
23 actually come in there, because once you close it, it locks.

24 **Q.** Was the door locked when you came back upstairs from the  
25 booking computer?

~~WARD DIRECT~~

1 A. Yes.

2 Q. And then you went in and you testified that you thought  
3 the pile of money looked smaller?

4 A. Yes.

5 Q. And then what did you do?

6 A. I still took money from it, even though it was smaller.

7 Q. How much did you take?

8 A. I took a total of 3,000: 1500 for me and 1500 for Taylor.

9 Q. And why -- why were you going to give half the money to  
10 Taylor?

11 A. He had asked me to look out for him.

12 Q. Back at the search scene?

13 A. Yes.

14 Q. Then what did you do with the -- well, where did you put  
15 the \$3,000 that you stole?

16 A. I believe I kept it on my -- on my persons, I believe.

17 Q. And what did you do with whatever money was now left over?

18 A. That money, because the task force officer,  
19 Golomouski (ph), he actually told me once I get finished taking  
20 the picture, I could bring the money back to him and then he  
21 would still submit it for me.

22 Q. And where was he?

23 A. He was located on the -- downtown in Baltimore City. I'm  
24 not sure what street it was. I believe it might be Calvert.

25 Right across from the courthouse.



1 Q. And is that where you went?

2 A. Yes. I met him in the lobby.

3 Q. Do you remember if you met anyone else in the lobby with  
4 him?

5 A. It was him and I'm not sure if it was a supervisor or  
6 another task force officer.

7 Q. But there were two of them there?

8 A. It was two of 'em.

9 Q. Okay. All right. And then where did you go? Where did  
10 you go after you submitted, actually submitted what was left of  
11 the money?

12 A. After I gave it to the task force, I came back to the  
13 district and finished typing up my probable cause.

14 Q. Okay. And then what happened to the \$3,000 that you had  
15 had on your person that you had stolen from that money?

16 A. Eventually, I had seen Taylor and met up with him and gave  
17 him his portion of the money.

18 Q. Do you remember where you met with him to give him his  
19 portion?

20 A. If it wasn't in the office, it might have been down in the  
21 locker room. The bottom -- the basement floor in the  
22 Western District.

23 Q. Was it that day or was it another day?

24 A. Same day.

25 Q. And what, if anything, did Taylor say to you when you gave

1 him the money?

2 **A.** He actually apologized because he was upset because when  
3 he found the money, he blurted out and alerted everybody else  
4 and they came in and they had observed the money. He felt as  
5 though if he wouldn't have said nothing, we could have took all  
6 the money.

7 **Q.** All right. Next I want to ask you about a search warrant  
8 at the home of someone named Vincent Lash. Did you participate  
9 in a search warrant at the home of Vincent Lash?

10 **A.** No. I think that Vince -- the search warrant I think  
11 you're talking about is -- he was the affiant.

12 **Q.** I see.

13 **A.** He was the officer who wrote the warrant.

14 **Q.** Okay. And what squad were you on when you participated in  
15 this search warrant that Vincent Lash was the affiant on?

16 **A.** The same squad, SES, underneath Sergeant Ivery.

17 **Q.** All right. And where was the house located that you all  
18 searched?

19 **A.** It was in Baltimore City at Edmondson and Fremont.

20 **Q.** Okay. So Edmondson Avenue and Fremont Avenue?

21 **A.** Yes. The intersection -- it was like the corner house  
22 there, the intersection.

23 **Q.** And what happened -- well, who was -- who participated in  
24 that search?

25 **A.** Pretty much all the same detectives I named before. That

1 was our squad, so we always went together. Anytime we were  
2 assigned to do a search warrant, that was typically while I was  
3 in that squad the same people who I executed search warrants  
4 with all the time.

5 **Q.** And was Detective Taylor there?

6 **A.** Yes, Detective Taylor was there.

7 **MR. PURPURA:** Judge, objection as to the same -- I  
8 don't know who the same people are. He should identify who's  
9 present, who's not present.

10 **THE COURT:** Well, Mr. Purpura, if you don't recall the  
11 names, would you ask him to repeat them.

12 **MR. WISE:** Sure.

13 **BY MR. WISE:**

14 **Q.** Could you repeat the names that you mentioned when you  
15 were describing the last search warrant, the people that you  
16 were -- that were on your squad at this time.

17 **MR. PURPURA:** Objection.

18 **THE WITNESS:** Sergeant Ivery was a supervisor. It was  
19 myself, Detective Pinto, Detective Pulliam, Detective Thomas,  
20 Detective Young, and Detective Taylor.

21 **BY MR. WISE:**

22 **Q.** Okay. So that was the squad; right?

23 **A.** Yes.

24 **Q.** And did all of those people participate in this search?

25 **A.** Yes.

1 Q. And what happened at the search?

2 A. It was a search warrant, so we actually had to, like, ram  
3 in the door, use a bucket and ram and clear the house. Once we  
4 got in there a couple people were detained, especially the  
5 female who room we were in they were searching. She was, I  
6 think, the target's girlfriend or baby's mother, one or the  
7 other. I'm not sure.

8 The house was photographed, and then it was searched. I  
9 was doing the inventory list.

10 Q. What's the inventory list?

11 A. It's pretty much anything that's going to be seized to be  
12 submitted. You would actually have to write down like where it  
13 was submitted from, who recovered it -- the officer who  
14 recovered it and where it was found.

15 Q. And I'm not asking you to remember specific items; but if  
16 you recall, what was found in this house?

17 A. I don't remember the specific items, any items that were  
18 recovered from the house.

19 Q. Was money found?

20 A. Money was found.

21 Q. And at some point did you learn that the woman you  
22 mentioned had made a complaint that money was missing after the  
23 search?

24 A. Yes, sir.

25 Q. How did you learn that?

~~WARD DIRECT~~

1 **A.** Actually, it was the same day. Lieutenant -- I think  
2 Devine was our lieutenant at the time, had called  
3 Sergeant Ivery and asked him about a female making a complaint  
4 about money was missing. But eventually, I think later on, we  
5 had got a complaint from IAD where we had to go down there and  
6 give a statement.

7 **Q.** What's IAD or IID?

8 **A.** That's like Internal Affairs. They're the ones who, like,  
9 investigate the police when you supposed to have done something  
10 wrong.

11 **Q.** And did you get any money that was stolen from that  
12 search warrant?

13 **A.** Yes, sir.

14 **Q.** How did you get it?

15 **A.** After we finished doing the warrants, I was on the way  
16 home when Taylor gave me a call, asked me was I going to eat  
17 breakfast.

18 I told him no; I was going home.

19 **Q.** So was this like a real early morning search warrant if  
20 you were headed to breakfast?

21 **A.** It was -- we call it mass raids. We did like numerous  
22 search warrants that morning.

23 **Q.** Okay.

24 **A.** So it was an early morning raid.

25 **Q.** All right. So you testified that you told Taylor no; you

1 were going home?

2 **A.** Yes.

3 **Q.** What happened next?

4 **A.** He asked exactly where I was at. And I think I was on --  
5 it was either Gilmor or I was on Carey Street. And he told me  
6 to drive slow; he going to catch up with me.

7 Then he caught up with me, I think I want to say -- I  
8 think it's Franklin. He pulled beside me and got out and  
9 walked to me and gave me a five; but as he gave me a five, he  
10 put money in my hand.

11 **Q.** How much money?

12 **A.** It was probably no more than two, three hundred dollars,  
13 if that.

14 **Q.** And where did you understand that money to have come from?

15 **A.** It had to come from that search warrant. That was the  
16 only location we went to.

17 **Q.** Now, you've testified that your sergeant at the time of  
18 these two robberies was Sergeant Ivery; right?

19 **A.** Yes, sir.

20 **Q.** At some point did you join a unit led by Sergeant Jane  
21 Wenkin -- Sergeant Wayne Jenkins?

22 **A.** Yes, sir.

23 **Q.** And what kind of unit was that?

24 **A.** It was still -- at first, initially, it was an SES unit;  
25 but usually later on we transferred over to

~~WARD DIRECT~~

1 Gun Trace Task Force.

2 Q. And when did you join the -- we'll start with the SES unit  
3 that was led by Jenkins.

4 A. It might have been early 2015, I believe.

5 Q. And how did you come to join that squad?

6 A. I just got a call out the blue from Jenkins asking me  
7 would I like to come to his squad. He got permission to form  
8 his own squad: all daywork, no weekends, unlimited overtime.

9 Q. And what kind of squad was the -- what kind of squad was  
10 this going to be? What was it supposed to be doing?

11 A. Pretty much just guns, making gun arrests.

12 Q. And who was on the squad when you joined it?

13 A. At first it was just myself, Detective Hendrix, and  
14 Sergeant Jenkins initially. We were the first ones in the  
15 squad.

16 Q. And then who was the next, I guess, person or persons to  
17 join?

18 A. Later on Taylor came. Taylor was still underneath  
19 Sergeant Ivery, but he was working a lot of overtime with us.  
20 So eventually Jenkins had pulled him over to our squad, and he  
21 stayed with us.

22 Q. How soon after you joined, I think you said in early 2015,  
23 did Taylor start working overtime with you guys?

24 A. Maybe a couple weeks.

25 Q. And then how long after that did he actually formally come

1 over and join the unit?

2 **A.** No more than two to three months, if that.

3 **Q.** And so you said the mission of this SES squad was to get  
4 guns. Can you describe how the squad did that?

5 **A.** Well, it was kind of like chaotic. It was wild the way --  
6 Jenkins was always the driver because he said he was the  
7 slowest, and he didn't like to run.

8 Taylor, typically, he always rode in the passenger seat  
9 because he was the fastest. And for some reason he couldn't  
10 ride in the backseat because he would have panic attacks.

11 So it was always myself -- I sat behind Sergeant Jenkins.  
12 And Hendrix would sit behind Taylor. Pretty much we would just  
13 go out, do our Baltimore City ride-around. Jenkins had this  
14 technique he called a door pop.

15 **Q.** What's a door pop?

16 **A.** It's pretty much he would pull up to -- if he seen a large  
17 crowd on a corner, he would pull up to them aggressively  
18 speeding and slam on his brakes. And then Taylor would be the  
19 passenger. He would prop his door open real quick and act like  
20 he was going to like run out and grab somebody, and it would  
21 startle 'em. It would scare 'em.

22 And usually he believed if someone had like drugs or guns,  
23 they knew we were coming to get them and they would take off  
24 running. So typically the person who ran from the door pops,  
25 that was the person who we would chase.



1 Q. Did you have any reason to -- I'm trying to remember the  
2 word you used. Sort of drive up fast to a crowd of people and  
3 do the door pop, was there any reason to do that to that  
4 particular crowd?

5 A. No.

6 Q. And then you said -- well, what happened if somebody ran?

7 A. We'd pursue 'em. We would chase 'em.

8 Q. And then what would happen?

9 A. They would be apprehended and seen if they had drugs or  
10 they had guns on 'em, anything illegal.

11 Q. How often -- well, what time of day would you do this?

12 A. It all depends because usually our typical schedule was  
13 8:00 to 4:00, but we never came in. Our time, we would usually  
14 come in like anywhere between 10:00 to noon.

15 So sometimes around that time we would go out, or maybe  
16 sometimes later we'd hit the street. We would come out; it  
17 would be dark and we would hit the streets. So we did this  
18 all -- all times of the day.

19 Q. All right. And I'm going to come back to this, but you  
20 said -- what was your typical -- what was your regular shift?

21 A. 8:00 to 4:00, 8:00 a.m. to 4:00 p.m.

22 Q. And that was on the SES unit?

23 A. Yes, because we had got permission to have permanent  
24 daywork.

25 Q. And was that also on the Gun Trace Task Force?

1 A. Yes.

2 Q. Now, you testified that if someone ran and was chased,  
3 they would be searched. Were guns and drugs sometimes  
4 recovered that way?

5 A. Yes; a lot of times.

6 Q. And so how many, if you can estimate, how many times --  
7 how many of those door pops would you do in an evening?

8 A. On a slow night, 15 to 20, a slow night. On a fast night,  
9 anywhere 50-plus, easy.

10 Q. And were there any reason to do these door pops targeting  
11 certain people other than they were crowds of people in certain  
12 parts of the city?

13 A. No.

14 Q. And out of the 15 or 20 or 50, how many -- how many guns  
15 would you get?

16 A. Typically, through a night, we'd usually average like two,  
17 two guns a night.

18 Q. Do you know if -- did you know if those arrests resulted  
19 in any convictions?

20 A. Yes, they did.

21 Q. Okay. How was your success measured?

22 A. On a conviction rate that we -- that we did.

23 Q. All right. And how were you rewarded?

24 A. As far as like when we got guns and stuff?

25 Q. Yeah. What happened when you got guns under Jenkins?

~~WARD DIRECT~~

1 **A.** We would get extra overtime, depending on -- the more guns  
2 we got, the more overtime we got. And we also had these things  
3 called slash days, and slash days are like a day off that's not  
4 in the books. So you're really off of work, but on the -- the  
5 chart, it wouldn't reflect that you were off. So no one would  
6 know that you were actually off.

7 **Q.** And just explain what that -- what -- just sort of so we  
8 can -- so everyone can imagine it, what is the -- why is it  
9 called a slash day?

10 **A.** I'm not typically sure why it's called a slash day. I  
11 just know how like --

12 **Q.** When your sergeant took roll, where would he take roll?

13 **A.** In the roll book. He would put it in the roll book.

14 **Q.** And how would he mark if someone was there?

15 **A.** The way they put it there, they would put -- like we would  
16 work -- whatever schedule we worked, we worked 8:00 to 4:00, he  
17 would put our hours in the book. If we weren't there, you were  
18 like a vacation day. So it would be like a V day if you were  
19 supposed to be off or like a personal day, which is a P day; he  
20 would put them in the roll book.

21 **Q.** And did the slash refer to actually marking down people  
22 who were present and working?

23 **A.** Yes.

24 **Q.** All right. So just to be clear, you said you got  
25 slash days. Were these days when you actually worked?

1 A. No.

2 Q. But were you getting paid as if you worked?

3 A. Yes.

4 Q. So you mentioned that, but you also mentioned getting more  
5 overtime; right?

6 A. Yes.

7 Q. What does that mean?

8 A. Well, we wasn't typically -- the way our overtime worked,  
9 we wasn't -- it wasn't based off how many hours. It was what  
10 we did.

11 So if we got two, three, or four guns, depending on how  
12 many guns we got that night, that's how much overtime. So we  
13 could typically -- we might could only work four or five hours  
14 of overtime that night. If we got three or four guns, we might  
15 have got 12 hours of overtime that night because we got so many  
16 guns.

17 Q. And who -- I guess who gave you these overtime -- who gave  
18 you credit for these overtime hours you didn't actually work?

19 A. Sergeant Jenkins was the one who authorized 'em.

20 Q. And was that true on the SES unit?

21 A. Yes, in the SES unit and the gun trace unit.

22 Q. And the gun trace unit. Okay.

23 Now, you testified that -- well, besides the door pops,  
24 how -- were there any other ways that you got guns? Were there  
25 other ways?

1 **A.** We also -- we did car stops also.

2 **Q.** Okay. And what were the circumstances for these car  
3 stops?

4 **A.** Really none. It was just, depending on a car, he --  
5 Jenkins like -- he liked to profile a lot. So he had his thing  
6 he called "dope boy cars."

7 **Q.** What's a dope boy car?

8 **A.** If -- a Honda Accord, like an Acura TL, any type of Acura,  
9 a Honda Odyssey, he claims those are typically cars that drug  
10 dealers in Baltimore City would drive. And those were the cars  
11 that he liked to pull over.

12 **Q.** And what reason, if any, would be given for the stop?

13 **A.** None. It was just usually -- I mean, he would always say  
14 seat belts or a tint violation, but those wasn't true. It was  
15 just the type of car. That's the reason why we stopped it.

16 **Q.** What's a tint violation?

17 **A.** When the tint is too dark, like you can't see inside of a  
18 car, like the tint on a window.

19 **Q.** Now, you testified that depending on how many of the --  
20 how many people you chased or car stops, I guess, you did, you  
21 would find -- you would find guns, but you also mentioned  
22 drugs; right?

23 **A.** Yes, sir.

24 **Q.** What -- when you joined the Jenkins SES unit, what  
25 happened to the drugs that were seized from people when you

1 were out doing these kinds of law enforcement operations?

2 **A.** Jenkins, whatever we recovered as far as drugs, Jenkins  
3 would always take control of 'em. He said he would -- first,  
4 when I first got to the unit, he said he was going to submit  
5 the drugs. But later on --

6 **Q.** Submit it to the ECU?

7 **A.** Submit it to the ECU to be -- to be submitted to ECU.

8 **Q.** Okay. Did you ever see him submit them to ECU?

9 **A.** No, I never seen him submit any drugs to ECU.

10 **Q.** When you first joined the SES unit, who would actually  
11 write up the report that would list whatever was seized in an  
12 encounter with a civilian?

13 **A.** When I first got there, it was me, Hendrix, and Taylor  
14 eventually later on came. But Jenkins would every night type  
15 up our probable cause, the arrests that we got.

16 **Q.** And would he type it up in his name or your name?

17 **A.** He would type it up in our name.

18 **Q.** And would he list the drugs that had been taken?

19 **A.** No, he never listed any drugs that we recovered off the  
20 streets or off that person that night.

21 **Q.** At some point did you start writing your own probable  
22 cause statements?

23 **A.** Yes.

24 **Q.** Did you include drugs that had been seized?

25 **A.** No.

~~WARD DIRECT~~

1 Q. Why not?

2 A. Well, it was the way Jenkins was writing the reports and  
3 also that I knew it was the coverup pretty much because our  
4 checklist, I knew when we took those drugs, we were supposed to  
5 submit 'em, even though we didn't arrest that person. And we  
6 never did.

7 Q. Who approved the reports once you started writing them  
8 yourself?

9 A. Jenkins.

10 Q. Did you ever discuss with any members of the SES unit that  
11 Jenkins was taking these drugs and not turning them in?

12 A. Yes.

13 Q. Who did you discuss that with?

14 A. Hendrix and Taylor.

15 Q. What, if anything, did the three of you -- well, what did  
16 you talk about?

17 A. Well, one night I was in -- this is when our office was  
18 in -- well, his office was still in headquarters. And I was  
19 on --

20 Q. Whose office?

21 A. Jenkins' office was still in headquarters.

22 I was the only one who got a handgun arrest that night.  
23 So Taylor and Hendrix, I'm not sure who would submit it for me  
24 that night, but they both went down to ECU, to the  
25 Evidence Control Unit, to submit it together.

1 Q. To submit the gun you had?

2 A. Yeah. The way the room was broken up was like if you  
3 walked through the door right here, it's cubicles set up all on  
4 the right-hand side. On the left-hand side was where all the  
5 supervisors would sit.

6 So the officers were actually with the supervisors;  
7 detectives had cubicles. It was a guy that -- we were on the  
8 undercover squad. We were on that -- on that floor. It was a  
9 guy -- well, a couple people didn't like us being on that desk  
10 'cause it was their desk, so we understood that. It was a guy,  
11 Detective White who -- that we knew; he had a cubicle up there,  
12 so we would typically use his desk.

13 But his cubicle was when you -- if you come out of  
14 Sergeant Jenkins' office, you would see the first row of  
15 cubicles; you couldn't see nobody. I was on the opposite side  
16 that night. And as I was processing arrests, I overheard  
17 Jenkins having a conversation. I'm not sure who he was talking  
18 to. And this night we had got a couple ounces of marijuana,  
19 recovered it, that we didn't submit.

20 Q. And what did you hear Jenkins say?

21 A. He was saying that -- talking to the individual on the  
22 phone saying that he got some good weed, and it's going to be  
23 the same price as last time if he wanted it.

24 Q. And did you tell anyone you had overheard this?

25 A. Yes. I told Hendrix and Taylor that I overheard that.



1 Q. And what, if anything, did Hendrix or Taylor tell you  
2 about any observations they had made about Jenkins and drugs?

3 A. We all seen him every time there was an arrest made or  
4 any -- even if we didn't arrest somebody, we would confiscate  
5 their drugs. And Jenkins would always keep the drugs himself,  
6 and everybody noticed that.

7 Q. Did you -- did the three of you, you and Hendrix and  
8 Taylor, talk about doing anything about this?

9 A. Yeah. That night I heard their conversation as we were  
10 leaving. We were walking in the garage down to headquarters in  
11 Baltimore City, and I told them what I heard.

12 And I told them from now on, like -- 'cause Taylor,  
13 typically he's the one who always chases the individual who  
14 runs. And he was usually the person who would catch them. So  
15 any times any drugs is recovered off of anybody and we're not  
16 going to submit it, hold it to yourself; don't let Jenkins  
17 know, so we can dispose of it.

18 Q. And did Taylor do that? Did he not tell Jenkins when  
19 drugs were recovered?

20 A. Sometimes, but then eventually we went right back to  
21 telling Jenkins that -- what was recovered off of people.

22 Q. And what would Jenkins do with the drugs after Taylor told  
23 them they had been recovered?

24 A. Take them from Taylor.

25 Q. All right. Now, I want to -- I want to turn your

1 attention to the spring of 2015, sort of moving forward in  
2 time.

3 What unit were you on in the spring of 2015?

4 **A.** I was still in the SES unit under Sergeant Jenkins.

5 **Q.** And who was in that unit in the spring of 2015?

6 **A.** Myself, Hendrix, and Taylor and Jenkins.

7 **Q.** What's Belvedere Towers?

8 **A.** We called it BT. It's a high-rise on Northern Parkway and  
9 Falls Road. It was a location that Jenkins had told us about.  
10 He said he heard over numerous wiretaps in his investigations  
11 through his career, Belvedere Towers -- we called it BT for  
12 short -- was like a prime real estate where large drug deals  
13 went down because it was right in the city, right by 83. So  
14 you can come off 83, go in the city, or you can get right off  
15 of -- go right back on 83, go out into the county.

16 **Q.** And so in the spring of 2015, did you and Jenkins -- well,  
17 was there a time when the SES unit went to Belvedere Towers and  
18 interrupted large-scale marijuana sale?

19 **A.** Yes, sir.

20 **Q.** And who was -- who was with you when that happened?

21 **A.** That was me, Jenkins, and Taylor.

22 **Q.** Where was Hendrix?

23 **A.** Hendrix was off that day. I think he was going out of  
24 town or something like that. We were actually on the way to  
25 meet him. And Jenkins wanted to stop at the Belvedere Towers

1 because it wasn't too far from the location, because he left --  
2 I think it was his wallet or his keys in the car, and we were  
3 meeting him.

4 **Q.** Hendrix had left his wallet or his keys in the car?

5 **A.** Yeah. And we were meeting him halfway to give him his  
6 property.

7 **Q.** Where did Hendrix live?

8 **A.** Baltimore County.

9 **Q.** So who was driving that day?

10 **A.** Jenkins. Jenkins is always the driver.

11 **Q.** And who's in the car with him?

12 **A.** Taylor was passenger, and I was in the backseat.

13 **Q.** And what happened when you got to Belvedere Towers? Sort  
14 of walk the jury through what happened.

15 **A.** We're coming off of Northern Parkway. We made the left  
16 onto Falls Way. It's a gas station, and it's like a windy road  
17 to go up to the high-rises. As we're going up to the  
18 high-rises, we see two cars parked -- as we go up to the windy  
19 road, it's two cars parked. It was two -- two black males.  
20 Both of them were outside of their vehicles.

21 We pull up. Jenkins, if -- both the cars are right here.  
22 We came up the windy road, and we pulled right here. Jenkins  
23 exited the vehicle and walked over towards 'em. And within a  
24 couple seconds, he flagged us to get out the car. And we  
25 walked over there, and we put cuffs on both individuals and set

1 'em down.

2 **Q.** Who cuffed -- can you -- can you describe the two  
3 individuals physically, just so I can ask you questions about  
4 one versus the other.

5 **A.** It was a slim, dark-skinned male. I'm not sure -- he had  
6 an accent -- where he was from. He was driving like an  
7 older-model Honda Accord.

8 And there was like a heavysset, light-skinned male. I  
9 think he might have been driving. I'm not sure. I'm not sure.  
10 He was driving a four-door sedan. I'm not sure of the make and  
11 model of his vehicle.

12 **Q.** And you said that Jenkins signaled you all to come out of  
13 the car, and then handcuffs were put on them?

14 **A.** Yeah. We handcuffed both individuals and sat 'em down.

15 **Q.** Who handcuffed the, I guess, lighter-skinned, slimmer man,  
16 if you recall?

17 **A.** He was -- light-skinned guy was the heavysset guy.

18 **Q.** I'm sorry.

19 **A.** The dark-skinned guy with the accent was the slimmer of  
20 the two.

21 **Q.** All right. So who handcuffed the slimmer of the two?

22 **A.** I believe I handcuffed the slim -- the slim guy.

23 **Q.** And who handcuffed the heavysset guy?

24 **A.** I think it was Jenkins and Taylor.

25 **Q.** And what happened to the two men once they were

1 handcuffed?

2 **A.** Jenkins said he could smell marijuana. Then he went on  
3 about the speech, saying that he was a federal agent.

4 **Q.** Was Jenkins a federal agent?

5 **A.** No, sir.

6 **Q.** All right.

7 **A.** That he was a federal agent and that the reason why we  
8 were here, because we were listening to a wiretap.

9 **Q.** Were you listening to a wiretap?

10 **A.** No, sir.

11 **Q.** All right.

12 **A.** We were listening to a wiretap and we overheard this  
13 conversation knowing that they were about to meet and do a drug  
14 deal.

15 He told 'em that they're not the main target of a wiretap;  
16 that he wasn't going to arrest them; but he was going to seize  
17 all of their property that they had.

18 **Q.** At this point were they just -- well, I guess before they  
19 were handcuffed, were they just standing at the back of these  
20 cars?

21 **A.** Yes.

22 **Q.** Were the trunks open?

23 **A.** No.

24 **Q.** Were the windows open?

25 **A.** The windows might have been down in the car. I'm not a

~~WARD DIRECT~~

1 hundred percent sure.

2 **Q.** All right. But so after Jenkins gave them this speech --  
3 and who's present for that speech?

4 **A.** It's me, Taylor, and Jenkins.

5 **Q.** All right. After Jenkins gives them that speech, what  
6 happens next?

7 **A.** We pop the trunk.

8 **Q.** Who popped the trunk?

9 **A.** Jenkins popped the trunk.

10 **Q.** How did he pop the trunk?

11 **A.** He went inside through the driver's side door, opened it,  
12 and hit the button and popped the trunk.

13 **Q.** Which of the two males' car was that?

14 **A.** That was the slim, dark-skinned guy.

15 **Q.** Had that slim guy given Jenkins permission to go in his  
16 car and pop the trunk?

17 **A.** No, sir.

18 **Q.** And when Jenkins popped the trunk, what did you all see in  
19 the trunk?

20 **A.** It was a large, large duffel bag in the back of the trunk.  
21 And then he -- zipping the duffel bag open, and it was a large  
22 sum of marijuana in the back of the --

23 **Q.** And who opened the duffel bag and found the large sum of  
24 marijuana?

25 **A.** Jenkins.

1 Q. All right. I'm showing you what's marked Government  
2 Exhibit FBI-24.

3 Do you recognize this?

4 A. Yes.

5 Q. What is it?

6 A. That's the duffel bag that was in the trunk full of  
7 marijuana.

8 Q. And then what happened?

9 A. Then he went to the heavysset, light-skinned guy and popped  
10 his trunk and picked out a duffel bag and brought it over there  
11 and sat it in the trunk where the marijuana was at. And he  
12 opened that one, and it was full of cash.

13 Q. And did the heavysset guy give Jenkins or any of you  
14 permission to pop his trunk and take this bag of money out?

15 A. No, sir.

16 Q. All right. Once Jenkins put the bag of money in the trunk  
17 with the bag of marijuana, what happened next?

18 A. He -- like I say, he went on saying that he was a federal  
19 agent and that they're not the main targets of this wiretap, so  
20 they're not going to be charge -- arrested this day; that they  
21 would get documentation in the mail from the U.S. Attorney's  
22 Office; and they were going to be free to go.

23 Q. Was any of that true?

24 A. No.

25 Q. Did anybody even write down -- well, did you know these

1 men's names?

2 **A.** We took their IDs because Jenkins believed that the slim  
3 guy with the accent probably had more marijuana, and he wanted  
4 to do a follow-up on him. So we actually did take their IDs  
5 and write down their information.

6 **Q.** Did any of that information ever make it into an official  
7 police report?

8 **A.** No.

9 **Q.** Do you know the exact date when this happened?

10 **A.** No, I don't know the exact date, no.

11 **Q.** And is that because there's no official report of it?

12 **A.** Correct.

13 **MR. NIETO:** Objection, Your Honor.

14 **THE COURT:** Sustained to the form of the question.

15 **BY MR. WISE:**

16 **Q.** Now, you describe how your car pulled up to these two  
17 cars. At this moment in time, you've testified the two bags  
18 are in the trunk of the one car; right?

19 **A.** Correct.

20 **Q.** What happened to your -- well, I should have asked you  
21 this before. Are you and Jenkins and Taylor in uniform at this  
22 time?

23 **A.** No, no uniform.

24 **Q.** What were you wearing? What kind of clothes?

25 **A.** We had plainclothes on. But we had our tactical vests on,



1 our police tactical vests.

2 **Q.** And the cars you were driving -- the car that Jenkins was  
3 driving, was it a marked car or an unmarked car?

4 **A.** An unmarked rental car that we get from NextCar. I think  
5 it was like a Malibu.

6 **Q.** Okay. So what happens -- what happened to the car, the  
7 Malibu after, I guess, Jenkins put the two bags in the one  
8 trunk? Where did -- what happened to the car?

9 **A.** He asked me to pull the car up kind of at a slant so that  
10 he can grab both of the bags and put 'em in the back -- put it  
11 in the car.

12 **Q.** And why did he ask you to move the car as opposed to put  
13 it in the car -- the Malibu where it was?

14 **A.** He had alerted to me and pointed up to on the side of the  
15 building there was a camera. He wasn't sure if it was facing  
16 directly towards us and could see us. But he figured if he had  
17 me pull the car to a slant, when he put the bags in the car,  
18 that they wouldn't be able to see it.

19 **Q.** And who was present when Jenkins was saying these things  
20 to you?

21 **A.** It was me, Taylor, and Jenkins. It was all three of us.

22 **Q.** And did you do what Jenkins asked you to do?

23 **A.** Yes, I did.

24 **Q.** And what did Jenkins do with the duffel bag full of  
25 marijuana and the duffel bag full of cash?

1 **A.** It went into the trunk of the car.

2 **Q.** Which car?

3 **A.** Our rental car.

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

5 **A.** After that, like I say, he advised them that they were  
6 free to go; then we left the location.

7 **Q.** And did you take the handcuffs off?

8 **A.** Yes, we took the handcuffs off, yes.

9 **Q.** And where did you and Jenkins and Taylor go from there?

10 **A.** Jenkins knew a spot, he said, where we could split the  
11 money.

12 So we drove all the way back down Northern Parkway. If  
13 you come to Northern Parkway and it's like Liberty Road and  
14 Liberty Heights before it turns to Baltimore County, we made a  
15 left going back into the city. And so it was Liberty Heights.

16 Once we made that left, we made our first right down like  
17 a residential area. And we pulled all the way down a block,  
18 and it was like woods on the side of us. We parked the  
19 vehicles, got out. We took our vests off.

20 **Q.** Why did you take your vests off?

21 **A.** We didn't want anybody to know it was police going in the  
22 back of the woods with two duffel bags.

23 **Q.** Well, I think you've said this, but why were you going  
24 back in -- why were you going back into the woods?

25 **A.** To split the money up.

1 Q. And did Jenkins tell you to leave anything in the car?

2 A. Cell phones.

3 Q. Why did he -- what was your understanding of why he told  
4 you to leave your cell phones in the car?

5 A. He -- he said if anybody ever tried to track or trace us,  
6 they wouldn't be able to pinpoint us directly back in the  
7 woods. You know, we could just say we just pulled over to use  
8 the bathroom, went into the woods, use the bathroom or  
9 something real quick.

10 Q. And what happened next?

11 A. We went back into the woods.

12 Q. Who went back into the woods?

13 A. It was me, Jenkins, and Taylor went back into the woods.

14 Q. And what happened back in the woods?

15 A. We got back in the woods. We didn't take the duffel bag  
16 of marijuana. We left that in the trunk. But we took the  
17 money. We went back in the woods, and Jenkins started to count  
18 the money to see how much money it was.

19 Q. And if you remember, how much money was it?

20 A. I think it was approximately somewhere around \$20,000.

21 Q. And what did Jenkins do with the \$20,000?

22 A. He counted it. He gave me \$5,000. He gave Taylor \$5,000.  
23 He had asked us, do we think we should give Hendrix any money.

24 And I said I didn't care. Taylor said the same thing.

25 Then he said he needed some money. Because we just got a

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1 new Impala, he wanted to put a crash bar in front of the car.

2 Q. Who wanted to do that?

3 A. Jenkins wanted to do that. So he need -- wanted extra  
4 money to do that.

5 Q. And what did you do with the \$5,000 Jenkins gave you?

6 A. Once we got back to the car, I put it in the duffel bag  
7 that the marijuana was in.

8 Q. In the trunk?

9 A. In the trunk, yes.

10 Q. Did you see what Taylor did with his money?

11 A. He still had his on his person.

12 Q. And what, if anything, did Jenkins say to you about what  
13 you should do with this money or not do with it?

14 A. He gave us this kind of lecture saying, "Don't deposit  
15 this money into a bank account. Don't pay off no credit card  
16 bills and things like that. Just use it for small, like pay  
17 for cash or buy small things. Don't go out and buy no big  
18 purchase."

19 Q. Why not?

20 A. It would draw attention because, for one, I mean, we just  
21 took, what? 20 pounds of marijuana, I believe it was, and  
22 \$20,000. It was no police report. Nothing was submitted to  
23 Evidence Control Unit. And then we didn't even know if we were  
24 caught on camera.

25 Q. Once you got back to the car, where did you go next?

~~WARD DIRECT~~

1 **A.** After that, we end up meeting up with Hendrix in  
2 Baltimore County right off Liberty Road.

3 **Q.** And why did you meet up with him?

4 **A.** Because that was initially the game plan. We were  
5 supposed to meet up with him because we had -- like I said, it  
6 was either his wallet or his keys. We were giving it back to  
7 him because he was about to go out of town.

8 **Q.** Okay. And then where did you go from there?

9 **A.** After we left that, Jenkins, he wanted to go to a  
10 strip club. He wanted to go to Norma Jean's. I told him  
11 not -- Norma Jean's was like a -- not a spot a police officer  
12 would like to hang at.

13 **Q.** Okay.

14 **A.** So he talked me and Taylor into going to -- I think it was  
15 Millstream's -- I think that's the name of it, a strip club in  
16 Baltimore County on Dogwood Road.

17 **Q.** All right. And then what happened?

18 **A.** We went to the strip club. We ate. We had a couple  
19 drinks. Jenkins eventually even got a lap dance.

20 **MR. NIETO:** Objection, Your Honor.

21 **THE COURT:** Sustained.

22 **BY MR. WISE:**

23 **Q.** At some point did you leave the strip club?

24 **A.** Yes.

25 **Q.** And just to be clear, you're all still in the same car;

1 right?

2 **A.** Yes, sir.

3 **Q.** All right. So when you left the strip club, where did you  
4 go?

5 **A.** I think it was either back to headquarters or to the barn,  
6 to our office.

7 **Q.** You said "the barn." What's the barn?

8 **A.** The barn is on Northern Parkway and, I believe,  
9 Park Heights. That's where the police academy is. But they  
10 also -- they used to have trailers out there. That's where the  
11 SES unit was predominantly -- everyone was out of the barn.  
12 That's where everyone's office was.

13 **Q.** Are those offices marked as, I mean, Baltimore Police  
14 Department offices? Or what -- describe what they look like.

15 **A.** I mean, when you pull up to the sign, it's -- I think it  
16 says "Public Safety Building" or something like that. And it  
17 has like the logo of the police department and a logo of the  
18 fire department.

19 But it's like a building -- I don't think civilians can go  
20 in there. You got to have a key or a code to get in there.

21 **MR. WISE:** Your Honor, if I could approach just to ask  
22 a question before I ask a question?

23 **THE COURT:** Sure.

24 Counsel want to come up.

25 (Bench conference on the record:

~~WARD DIRECT~~

1           **MR. WISE:** So in my haste to get out of the strip club  
2 series of questions, the one thing I do think is of evidentiary  
3 value is if he -- if they spent money there, so if he saw  
4 Taylor spending cash, the cash that they had taken. So I would  
5 just -- if I could just surgically go in and ask that question.  
6 I'm not going to get into the sort of sordid details about what  
7 they were doing there, but . . .

8           **THE COURT:** Okay. Any basis to object to that? I  
9 understand --

10           **MR. NIETO:** Yeah, Your Honor. I'm just objecting  
11 because I think with regards to the relevance as to whether or  
12 not -- I mean, he's testified that Mr. Taylor had the money and  
13 was part and parcel of the taking of the money. He's going to  
14 elicit testimony that he is spending money in a strip club. I  
15 think that the probative value is outweighed -- the prejudicial  
16 value outweighs the probative value on that particular line of  
17 questioning.

18           **THE COURT:** Okay. Well, as long as you don't get into  
19 any details of what he spent the money on. Did you see him  
20 spending cash at the strip club?

21           **MR. WISE:** Okay.

22           **THE COURT:** And move on.

23           **MR. WISE:** All right.)

24           (Bench conference concluded.)

25           **BY MR. WISE:**

1 Q. Mr. Ward, I want to back up just for a second. And  
2 without getting into any details, when you were at the  
3 strip club, did you see Defendant Taylor spending cash?

4 A. Yes, sir.

5 Q. Did you see Sergeant Jenkins spending cash?

6 A. Yes, sir.

7 Q. All right. So you were saying that when you left the  
8 strip club, you either went to headquarters or the barn; is  
9 that right?

10 A. Yes, sir.

11 Q. And then where did you go?

12 A. After that we went home. We were done for the day.

13 Q. What happened -- you testified that you had put your  
14 \$5,000 in the trunk in the bag with the marijuana.

15 Did you recover it from the trunk?

16 A. No. I had left it there.

17 Q. Why did you leave it there?

18 A. I was kind of paranoid, kind of scared. We just took  
19 \$20,000, 20 pounds of marijuana. There was no documentation.  
20 It's a possibility that it might have been put on camera.

21 And I was afraid that -- you never know who those guys  
22 are. They might have been working with federal agents. They  
23 might have been informants. They could have called in a  
24 complaint.

25 And if we're on camera, the next thing I know, I might be



1 getting my door kicked in or something like that and still had  
2 the evidence, because \$5,000 is a lot of money. I don't  
3 just -- could spend \$5,000 in one day. There was nowhere I  
4 could hide the money, put it anywhere.

5 **Q.** But just to be clear, prior to the spring of 2015, had you  
6 stolen money and kept it?

7 **A.** Yes, sir.

8 **Q.** Was this the first time you'd done something like this and  
9 not kept it?

10 **A.** Yeah, this was probably the most -- the most amount of  
11 money that I had received from a robbery like this, yes.

12 **Q.** And at any point did Jenkins tell you he still had it, or  
13 did it ever come up again?

14 **A.** No, it never came up again.

15 **Q.** Now, I want to move now into 2016, I believe.

16 And turning your attention to February 17th of 2016, did  
17 you stop someone named Raytawn Benjamin?

18 **A.** Yes.

19 **Q.** And where did you stop him, if you recall?

20 **A.** I was in Baltimore City in the Southern District, right  
21 off Washington Boulevard.

22 **Q.** And can you describe what happened.

23 **A.** We were riding around in the Southern District -- the  
24 Southern District that day.

25 **Q.** And who were you with? Who were you riding with?

1 **A.** Me, Jenkins, and Taylor --

2 **Q.** Okay.

3 **A.** -- were together that day.

4 And we were right off -- I'm not sure of the side street,  
5 but we were right off Washington Boulevard. We seen a couple  
6 individuals getting out of a car. And the technique I had told  
7 you before, the door pop where you pull up aggressively and  
8 open your door, act like you are, get out -- we used that  
9 technique. And that time when we did that, all the individuals  
10 took off running.

11 **Q.** How many were there?

12 **A.** It was three or four, I believe.

13 **Q.** Okay. And then what happened?

14 **A.** We pursued one individual, Mr. Benjamin. Taylor got out  
15 and pursued him on foot. End up seeing him just toss a handgun  
16 on the back of a pickup truck.

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

18 **A.** He was apprehended, put in handcuffs. And we went back to  
19 recover the handgun where he had threw it at.

20 **Q.** Was he searched?

21 **A.** Yes, he was searched.

22 **Q.** By who?

23 **A.** Jenkins searched him first and took out his cell phone.  
24 Taylor searched him second and took out some cash.

25 **Q.** And what happened to that cash?

1 A. It wasn't submitted. Taylor kept it.

2 Q. I'm just -- the cash wasn't submitted; is that what you  
3 said?

4 A. No, it wasn't submitted.

5 Q. All right. And you said Taylor kept it?

6 A. Yes, sir.

7 Q. Did he give you or Jenkins some of it?

8 A. I'm not sure if he gave Jenkins any, but I know he gave me  
9 some.

10 Q. How much did he give you?

11 A. Maybe one, two hundred dollars, if that.

12 Q. And when did he give you one or two hundred dollars?

13 A. Might have been somewhere like five to ten minutes after  
14 the incident while we were in the vehicle.

15 Q. Was Benjamin handcuffed when he was searched?

16 A. Yes.

17 Q. And, I mean, I asked you this at the very beginning, but  
18 I'll ask it now generally. This incident with

19 Raytawn Benjamin, were you armed with your BPD service  
20 revolver -- your service firearm when this occurred?

21 A. Yes, sir.

22 Q. And what about during Belvedere Towers?

23 A. Yes, sir.

24 Q. And what about the search warrant that had been written by  
25 Vincent Lash?

~~WARD DIRECT~~

1 A. Yes, sir.

2 Q. And the search warrant at Shawn Whiting's house?

3 A. Yes, sir.

4 Q. And was Detective Taylor armed for all of those episodes?

5 A. Yes, sir.

6 Q. Was it -- what was BPD policy as to having a service  
7 firearm during law enforcement operations?

8 A. You would be armed at all times.

9 Q. Now, I want to -- I want to move forward --

10 MR. WISE: May I just have one moment.

11 BY MR. WISE:

12 Q. I want to move forward to the next month. That was  
13 February. Now I want to ask you some questions about March.

14 Turning your attention to March 22nd, 2016, did you  
15 participate in an arrest of someone named Oreese Stevenson?

16 A. Yes, sir.

17 Q. And where was he arrested?

18 A. The initial arrest took place in Northwest District in  
19 Baltimore City. I'm not exactly sure the name of the street.

20 Q. What were the circumstances where he was initially  
21 arrested? Or what was going on, I guess?

22 A. We pulled up one way. Jenkins had this thing where  
23 anytime somebody over 18 had a book bag, a grown man with a  
24 book bag, he always thought it was concealed weapons or drugs.  
25 So he always wanted to stop 'em and check it out.

~~WARD DIRECT~~

1 We seen, I believe, Demetrius Brown was his name,  
2 Mr. Stevenson's co-defendant. We seen him coming out the house  
3 with a book bag. Jenkins observed him getting inside of the  
4 minivan.

5 Q. Who was in the minivan?

6 A. Mr. Brown got inside the passenger side of the van;  
7 Mr. Stevenson was the driver.

8 Q. And where was the minivan parked?

9 A. It was parked on the side of the road.

10 Q. And what was it in front of?

11 A. Houses.

12 Q. And were you doing surveillance at that time, I guess, of  
13 this minivan? Or what caused you to be there.

14 A. We just happened to go down that block, riding down a  
15 one-way.

16 Q. So you were driving the wrong way down a one-way?

17 A. Yes, sir.

18 Q. And I think you've testified that's when Jenkins saw  
19 Mr. Brown with his book bag?

20 A. Yes.

21 Q. And so what happened next?

22 A. We pulled up beside the van. Taylor typically uses the  
23 first person to get out. But because it was in the path of the  
24 vehicle Mr. Stevenson took off, he would have hit him; so  
25 Taylor or Hendrix did not get out. Jenkins and myself got out

1 because we were on the opposite side.

2 So we walked over there. Jenkins opened up the car door  
3 and grabbed Mr. Demetrius -- Mr. Brown's hands and asked him  
4 what he was doing. We opened -- I opened the back of the  
5 minivan. Like, it's a sliding door. I opened the back of the  
6 sliding door.

7 At that time, that's when Jenkins told everybody, you  
8 know, "Don't move. Put your hands up." It was a book bag  
9 sitting in the back, and I opened the book bag. That's when I  
10 seen cocaine in it, and I alerted Jenkins. And then I got the  
11 keys, and he alerted Taylor and Hendrix. And they got out, and  
12 both of them were handcuffed.

13 **Q.** Okay. So who was handcuffed, just to be clear?

14 **A.** Stevenson was handcuffed. He was the driver of the  
15 vehicle. And Brown was the passenger, got -- was handcuffed.

16 **Q.** And then what -- you said they started out actually in the  
17 car. Where were they taken from the car?

18 **A.** They were taken out, and we made 'em have a seat on the  
19 curb behind the van.

20 **Q.** Who took them out of the car, if you remember, or the van,  
21 I guess?

22 **A.** I'm not exactly sure who took who out.

23 **Q.** Okay. And then what happened?

24 **A.** They both were -- we had -- they both had a seat. Jenkins  
25 went on about the U.S. Marshal thing -- I mean the federal

1 agent thing. They --

2 **Q.** When you say he "went on about the federal agent thing,"  
3 what do you mean?

4 **A.** He said he was a federal agent on a task force. They were  
5 investigating something that got picked up on a wiretap, the  
6 same thing he used for the Belvedere Towers. He knew what's  
7 going on. They weren't the targets. They can cooperate and  
8 let 'em know what's going on because he know they had more  
9 drugs, or they would be charged.

10 **Q.** Okay. Now, where was Mr. Brown coming out of, I guess,  
11 when he -- when you all first apprehended him? You said he had  
12 a book bag on, but where was he coming from?

13 **A.** He was coming out of a house. We later found out it was  
14 his baby's mother's mother's house.

15 **Q.** Did you all go into that house?

16 **A.** Taylor and Jenkins went in the house. Myself and Hendrix  
17 stood by Mr. Stevenson and Mr. Brown.

18 **Q.** Did they have a warrant to go into that house?

19 **A.** No, sir.

20 **Q.** Did they find anything?

21 **A.** No, sir.

22 **Q.** Were Stevenson's keys taken from him?

23 **A.** Yes, sir.

24 **Q.** By who?

25 **A.** Jenkins.

1 Q. And did you or Jenkins or Taylor try to figure out where  
2 he lived?

3 A. Yeah. Once we got his ID, they asked him his address.  
4 And he gave -- I think the address was on his license. He had  
5 made a phone call to the -- we got a place called the  
6 Watch Center. That's a place where you can call and give them  
7 someone's name, a tag number, and they can run it through  
8 various databases to give you more information than what the  
9 dispatcher can give you.

10 So he had called the Watch Center to get a rundown on  
11 Mr. Stevenson, to get all his address listed.

12 Q. Why were you interested in getting his address?

13 A. Jenkins believed he had more drugs at one of these  
14 locations.

15 Q. Was he looking for anything else?

16 A. And money.

17 Q. And what -- I guess what was the plan if money was found  
18 at the house with drugs?

19 A. We were going to take -- split the money up.

20 Q. And I'm getting ahead of myself, but ultimately is that  
21 what happened?

22 A. Yes, sir.

23 Q. All right. So before we get there, was Stevenson  
24 interrogated at the scene of the car stop? Was he questioned?

25 A. Yes. Me and Taylor had stood back with Mr. Brown outside



1 of the van. Hendrix and Jenkins had took Mr. Stevenson, put  
2 him back in the minivan, and questioned him.

3 **Q.** And at some point did Jenkins come out?

4 **A.** Yes.

5 **Q.** And what did he say when he came out, if you recall?

6 **A.** He had two more addresses listed on Mr. Stevenson, and he  
7 said Mr. Stevenson had admitted to having X amount of money in  
8 the house and guns and more drugs.

9 **Q.** Okay. So then what happened next?

10 **A.** He said -- he called -- it was a Sergeant Jordan Moore of  
11 the Northeast District to go sit on the house in the  
12 Northeast District to make sure no one would go in and out of  
13 it.

14 And me, Taylor -- well, first, we -- the wagon came, the  
15 police wagon. Mr. Stevenson and Mr. Brown were arrested, and  
16 they were placed in the wagon and sent to Central Booking.

17 **Q.** Okay.

18 **A.** Then after that, that's when me, Hendrix, Taylor, and  
19 Jenkins, we had found, I think it was, three addresses. One  
20 was Mr. Stevenson's mother's house. There was another one  
21 listed off of Fulton and Presstman in North -- in  
22 West Baltimore. Then it was his address that was in  
23 Northeast Baltimore.

24 Us -- me, Taylor, Hendrix, and Jenkins, we went to  
25 Presstman and Fulton to one of the houses that was listed that

~~WARD DIRECT~~

1 he got back.

2 **Q.** So when you got to the house at Presstman and Fulton, what  
3 did you do?

4 **A.** We used Mr. Stevenson's keys and went in the house and  
5 searched it.

6 **Q.** Did you have a search warrant?

7 **A.** No, sir.

8 **Q.** Had Mr. Stevenson given you consent to search his house?

9 **A.** No, sir.

10 **Q.** Had he actually turned his keys over, or had those just  
11 been taken from him?

12 **A.** They were taken from him, yes.

13 **Q.** And did you find anything in the house?

14 **A.** No. The house was pretty much empty. I think the only  
15 thing that was there was like adult diapers, things for like a  
16 senior house or something like that, like one of them adult  
17 houses.

18 **Q.** And who's in this -- who went into Presstman, into the  
19 house on Presstman?

20 **A.** Myself, Hendrix, Taylor, and Jenkins.

21 **Q.** And what all were you looking for?

22 **A.** Drugs, guns, money.

23 **Q.** What would you have done if you found any of those things?

24 **A.** Drugs or the guns, we would have submitted them to  
25 evidence control. Money, we would have split it up.

~~WARD DIRECT~~

1 Q. Did anyone see you going into the house?

2 A. When we pulled up, it was an individual with -- he might  
3 have been there -- I'm not sure if he was there before we  
4 pulled up or during the time we were in the location he pulled  
5 up. He was there to deliver mattresses for the house.

6 Q. Okay. And what happened with this person who was  
7 delivering mattresses to the house?

8 A. He told us he was there to do a delivery to the location.  
9 And we told him someone would be there -- or Jenkins told him  
10 someone would be there and if you would help him out.

11 Q. What -- did Jenkins identify or did any of you identify  
12 yourself as police?

13 A. No. We had took -- we didn't have our vests on at that  
14 time.

15 Q. Okay. Again, were you in uniform or plainclothes?

16 A. We were plainclothes, but we had our tactical vests. But  
17 we actually took them off when we went to the location.

18 Q. Had you taken them off before you, I guess, left the cars  
19 or left the car?

20 A. Yes.

21 Q. And I'm not sure if you -- I'm not sure if I heard you  
22 right. What, if anything, was the mattress delivery person told  
23 about why you all were in this house?

24 A. I don't recall.

25 Q. Okay.

1 **A.** I don't think we told him the reason why we were there.  
2 I'm not sure.

3 **Q.** Did you act like it was your house?

4 **A.** Yeah. We acted like it was family or we were supposed to  
5 be in the house. We just told him the person -- someone would  
6 be there later on to help him deliver the mattress into the  
7 house.

8 **Q.** What happened next?

9 **A.** From Fulton and Presstman, we shot our way across town to  
10 Northeast Baltimore to Mr. Stevenson's primary residence.

11 **Q.** And was that at 1604 Heathfield?

12 **A.** Yes, sir.

13 **Q.** And why did you shoot -- I guess why did you shoot across  
14 town to 1604 Heathfield?

15 **A.** From the -- I guess when Jenkins and Hendrix was talking  
16 to Mr. Stevenson, that's where everything was at, the money,  
17 the drugs was at.

18 **Q.** Okay. And what happened when you -- what happened when  
19 you got there?

20 **A.** When we initially got there, Jenkins wanted to do a  
21 sneak-and-peek, this thing you call a sneak-and-peek.

22 **Q.** What's a sneak-and-peek?

23 **A.** It's pretty much if we have like a -- if we're trying to  
24 go in somebody house and he might think it was more money or  
25 drugs or guns in there, you would go in there without nobody

1 knowing and sneak around the house and take a peek and search  
2 through the house without a search warrant.

3 **Q.** And so just to be clear, who went to 1604 Heathfield to do  
4 this sneak-and-peek?

5 **A.** Jenkins, Taylor, Hendrix, and myself.

6 **Q.** And when you got there, what happened?

7 **A.** Jenkins also said we were going to write a search warrant.  
8 It was this thing he said because Mr. Stevenson did not  
9 register -- livin' at the house, that if he can go and use that  
10 key that he took off of him and use it inside the doorknob,  
11 ensured that it had access to the house, he can obtain a  
12 search warrant like that, plus with the drugs.

13 **Q.** So did Jenkins use Stevenson's key to get into  
14 1604 Heathfield?

15 **A.** Yeah, eventually; but when we pulled up, the next-door  
16 neighbor was out front the house.

17 **Q.** So what happened?

18 **A.** So we couldn't go in the house because she would have seen  
19 us go in the house without a warrant before that.

20 **Q.** Okay.

21 **A.** So Jenkins came up with this plan. He told Taylor to go  
22 around the back to make it seem like someone was coming out of  
23 the house and he chased 'em and he lost 'em on a foot pursuit  
24 to make it seem like exigent circumstances so that we can go in  
25 the house and hold the house until we got the search warrant.

~~WARD DIRECT~~

1 Q. All right. So what happened next?

2 A. Once we got into the house -- well, first --

3 Q. Is that what -- I guess is that what happened --

4 A. Yes.

5 Q. -- what you've just described?

6 A. Yes, that's exactly what happened, yes.

7 Q. Do you know if Taylor actually saw someone coming out of  
8 the back and chasing him?

9 MR. NIETO: Objection, Your Honor.

10 THE COURT: Sustained.

11 THE WITNESS: No.

12 BY MR. WISE:

13 Q. What, if anything, happened after the -- what you've  
14 described as sort of the plan?

15 A. There was a plan that Jenkins made up just so we can get  
16 inside of the house. After that little hoax we did, we went  
17 back into the front.

18 And Jenkins had asked the next-door neighbor, "Does any  
19 males live here, like 18 or 21 or something like that?"

20 And she said, "No."

21 And he was like, "It was funny because a man just came out  
22 the back door. Are you sure no one's fitting that age, around  
23 that age range lives in this house?"

24 And the female said, "No." It was only little kids that  
25 lived there.

1 Q. Okay. And at that point did the four of you actually go  
2 inside the house?

3 A. Yeah. We used the keys that we took from Mr. Stevenson  
4 and went inside the location.

5 Q. And at some point -- at some point did you -- well, was  
6 the basement searched?

7 A. Yes.

8 Q. And what was discovered in the basement?

9 A. Kilos of cocaine. It was a safe. It was loose cocaine in  
10 like a cooler. And handguns.

11 Q. And who found or if there were more than one person -- how  
12 were you alerted to the fact that these things were in the  
13 basement: the kilos of cocaine, the loose cocaine, the safe,  
14 and the guns, I think you said?

15 A. When we were initially searching the house, Jenkins had  
16 called, like, Come down the basement. Those might not have  
17 been his exact words, but he told us to come down to the  
18 basement.

19 When we got down to the basement, he was standing like  
20 down there and he had a kilo in his hand and asked, "When was  
21 the last time one of y'all seen one of these?" He said, "It's  
22 been a while."

23 Q. And who actually came down to the basement when he called?

24 A. Me -- me -- me and Taylor.

25 Q. And where was Hendrix?

1 **A.** I'm not sure if he was already down there or he went down  
2 there before us. But he was in the basement before we got down  
3 there, I believe.

4 **Q.** Okay. And then what happened?

5 **A.** We looked at all the -- all the drugs. There was guns  
6 laid out, and then there was a safe. And that's when we went  
7 back -- Jenkins went back out there and got a ram and it was a  
8 pry bar, and we came back and we started working our way into  
9 the safe.

10 **Q.** But before -- I guess before you started working on the  
11 safe -- you testified earlier that Jenkins had said you would  
12 try to get a warrant. Did anybody actually try to get a  
13 warrant for --

14 **A.** I'm sorry. Yeah. Jenkins, Hendrix, and Taylor had all  
15 left the location to go get a warrant.

16 **Q.** Who was left?

17 **A.** And they had left me at the location.

18 **Q.** Who was left?

19 **A.** I was left at the location by myself.

20 **Q.** All right. And what happened after they left, after  
21 Jenkins and Hendrix and Taylor left?

22 **A.** I mean, I was sitting there by myself. And it was kind of  
23 weird because it was four of us and they left me there by  
24 myself. And I had to worry about someone coming in the front  
25 door, someone possibly coming in the back door. Then it was



1 also a basement door.

2 And then it was -- it was -- also was money recovered from  
3 the first stop. So that was also kind of funny to me, that  
4 they would leave me there, at least not with somebody else, a  
5 partner. Typically you would leave two people there, not just  
6 one person.

7 **Q.** Now, you said it was funny that you were -- I forget the  
8 words you used. But you said -- you mentioned that money had  
9 actually been recovered at the traffic stop; is that right?

10 **A.** Yes.

11 **Q.** When the three of them left, what, if anything, did you  
12 suspect was going to happen to that money from the traffic  
13 stop?

14 **MR. NIETO:** Objection, Your Honor.

15 **THE WITNESS:** I thought they were --

16 **THE COURT:** Sustained to the use of the word  
17 "suspect."

18 **MR. WISE:** Yes.

19 **BY MR. WISE:**

20 **Q.** So when you say you thought it was funny that the three of  
21 them left and you mentioned that money had been seized or taken  
22 at the traffic stop, what was funny about them leaving? Why  
23 did you mention money from the traffic stop?

24 **A.** 'Cause when they left me there by myself, I figured they  
25 might have been going to split the money up amongst themselves.

1 Q. Without you?

2 A. Without me.

3 Q. Now, you said that -- well, you said that you had to watch  
4 at least three doors to make sure no one came in the house at  
5 that time; right?

6 A. Yes, sir.

7 Q. At some point did someone or people show up?

8 A. Yes. Mr. Stevenson, I'm not sure if it's his child's  
9 mother or it was his wife, her sister and her girlfriend showed  
10 up.

11 Q. Okay. And what did you do then?

12 A. I had advised them what was going on. But the sister's  
13 girlfriend was just giving me like a lot of hassle, very  
14 aggressive towards me.

15 So I had called Jenkins -- I got -- and asked for another  
16 unit and I called Jenkins and also asked Jenkins to send Taylor  
17 back, send somebody back 'cause I got these two females out  
18 here kind of acting a fool.

19 Q. And did you let them in the house?

20 A. No, I didn't let them in the house.

21 Q. Okay. And did Jenkins send Taylor back?

22 A. Yeah. Eventually Taylor had came back to the location.  
23 But before Taylor got there, I was dispatched -- a uniformed  
24 officer came to the scene and sat with me until Taylor got  
25 there.

1 Q. Okay. And at some point did someone else come to the  
2 house, not the uniformed patrol, but someone in addition to the  
3 two women you've just described?

4 A. Yes. Later on that night, Mr. Stevenson's mother actually  
5 showed up to the location and later on his wife. It was -- or  
6 his child's mother.

7 Q. And was all of this before anyone came back with a  
8 search warrant?

9 A. Yes.

10 Q. You testified that the first two women that came, you  
11 didn't let in the house. What about Mr. Stevenson's mother and  
12 his wife?

13 A. I let them in the house.

14 Q. And were they -- where were they in the house?

15 A. Just in the living room.

16 Q. Were they free to move around the house?

17 A. No. I told them they couldn't leave out the living room;  
18 just to stay in the living room.

19 Q. At some point did Hendrix and Jenkins come back with the  
20 search warrant?

21 A. Yes, sir.

22 Q. And how much time had elapsed between when you all first  
23 went into the house and when Jenkins and Hendrix finally came  
24 back with the search warrant?

25 A. It was a couple hours.

~~WARD DIRECT~~

1 Q. When Jenkins came back, did he make a video of putting the  
2 key in the door, if you know?

3 A. I'm not sure. I don't -- I don't recall.

4 Q. Okay. And what happened to Mr. Stevenson's wife and her  
5 mother once Jenkins and Hendrix came back with the  
6 search warrant?

7 A. When Jenkins and Hendrix got back with the search warrant,  
8 he told them that they couldn't be in the location; they had to  
9 leave.

10 Q. Where did Mr. Stevenson's wife go when she left -- well,  
11 did she leave?

12 A. Yeah, the mother left and the wife or his child's mother  
13 left.

14 Q. And where did she go, if you know?

15 A. She went and sat out in her car right out front the house.

16 Q. Could you see her?

17 A. Yes.

18 Q. This was a row house?

19 A. Yes, a row house.

20 Q. Was she literally just outside the house in the car?

21 A. Yes.

22 Q. So now that Jenkins and Hendrix are back with the  
23 search warrant, what happened then?

24 A. That's when we searched the house. And that's when  
25 everything, the money and the drugs and all that, was

1 recovered. And that's when we -- the pry bar and the ram were  
2 gotten, and we --

3 **Q.** What's a pry bar and a ram?

4 **A.** A pry bar is this tool. It's about this long  
5 (indicating). It's pretty much used to pry things open. It's  
6 almost kind of like a crowbar of sort.

7 **Q.** And what's a ram?

8 **A.** A ram is typically used -- it's probably about this long  
9 (indicating). It has two handles on it, and it's used to ram  
10 open a door to gain entrance inside a location.

11 **Q.** And why did Jenkins go and get those tools? What were you  
12 going to use them on?

13 **A.** To break inside the safe.

14 **Q.** Where was the safe?

15 **A.** The safe was in the basement of the house in like -- if  
16 you come down the steps, I guess it's like a -- I want to say  
17 like a utility closet or something like that in the basement.  
18 It was in there.

19 **Q.** Was this closet under the steps, or was it a freestanding  
20 closet?

21 **A.** Under the steps.

22 **Q.** And what kind of safe was it?

23 **A.** It was a pretty decent safe. It had like, I think -- I  
24 guess a digital -- like a knob for a little -- for the codes  
25 you had to put in.

1 Q. Was it locked?

2 A. It was locked, yes.

3 Q. And so once Jenkins got the pry bar and the ram -- well,  
4 where did he get them from?

5 A. In the back of our rental car.

6 Q. And then what happened?

7 A. We broke into the safe.

8 Q. And who was working on the safe?

9 A. Jenkins was primarily the one working into the safe.

10 Taylor and Hendrix had took turns using the ram.

11 Q. And so what were they doing with the ram, hitting the pry  
12 bar?

13 A. Yeah. They would take the pry bar and like the little --  
14 I guess like the creases in the safe, put the pry bar right  
15 there. Then they would take the ram and ram it in there just  
16 enough and then try to shimmy it to pop the safe open.

17 Q. Was the safe sitting with the door facing out, or was it  
18 sitting on its back?

19 A. It was sitting on its back.

20 Q. And were you -- were you all able to get it open?

21 A. Eventually, yes, we got the safe open.

22 Q. And what was inside of it?

23 A. A lot of money.

24 Q. What, if anything, did Jenkins say when the safe was  
25 finally pried open? Or what happened once the safe was finally

~~WARD DIRECT~~

1 pried open?

2 **A.** He had asked Hendrix, because those were the two who sat  
3 there and they had to brief -- well, talk to Mr. Stevenson in  
4 the car. And Mr. Stevenson had gave them an amount of money  
5 that was in the safe.

6 So he was asking Hendrix how much money did he say was in  
7 the safe. Was it a hundred grand? Or, you know, what was the  
8 amount that he said?

9 And Hendrix was saying -- he said it was 100,000 in the  
10 safe.

11 **Q.** And then what did Jenkins do?

12 **A.** He started taking the money out, started counting it. And  
13 he eventually put \$100,000 back in the safe, but anything extra  
14 was put into a bag, a black bag.

15 **Q.** And how much extra was there, if -- I'm not asking for a  
16 dollar number. But was it a lot of money or a little money?

17 **A.** Oh, it was a lot of money.

18 **Q.** And what did Jenkins do with that money?

19 **A.** He took the bag -- he put the money in a bag.

20 **Q.** And where did the bag go?

21 **A.** It went with us when we left out the location.

22 **Q.** Once the hundred thousand was back in the safe, what  
23 happened next?

24 **A.** Jenkins came up with this idea that we were going to close  
25 the safe back and someone was going to get their camera off

1 their camera phone and record it and re-enact us breaking into  
2 the safe.

3 **Q.** So is that what you all did?

4 **A.** Yes. That's exactly what we did.

5 **Q.** Was the safe -- were you able to relock the safe even  
6 though you pried it open?

7 **A.** Yes, I did relock, yes.

8 **Q.** And what happened after it had been closed up again? Or  
9 what was the plan to make this video? What were you supposed  
10 to do?

11 **A.** Just in case Mr. Stevenson had made a complaint saying  
12 that money was taken, we would say like, "No. Look, we have a  
13 video of us opening this safe. This was the first time the  
14 safe was opened and the only time the safe was opened."

15 **Q.** And --

16 **THE COURT:** Mr. Wise, just let me know when you've got  
17 a good breaking point. We should take a break.

18 **MR. WISE:** I think this would be a fine time to break,  
19 Your Honor, if it's convenient.

20 **THE COURT:** Okay. All right. We'll take a short  
21 break and resume.

22 (Jury left the courtroom at 3:33 p.m.)

23 (Recess taken.)

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

25 We're ready for the jury?



~~WARD DIRECT~~

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

2           **THE COURT:** Okay.

3           (Jury entered the courtroom at 3:50 p.m.)

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

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

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

7           **THE COURT:** If you'd like to continue, Mr. Wise.

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

9           **BY MR. WISE:**

10          **Q.** Mr. Ward, you testified that the -- well, you testified  
11          about the amount of money, I guess, Jenkins put back in the  
12          safe; right? Or what he said he was putting back, about  
13          \$100,000; right?

14          **A.** Yes, sir.

15          **Q.** How -- just so the jurors can understand this, how was the  
16          money packaged or bundled? What was it -- how was it put  
17          together?

18          **A.** It was like bundles of a thousand. So each little bundle  
19          that he counted out was like a thousand dollars. And I believe  
20          it was -- \$10,000 was each stack. So he took -- counted it was  
21          a thousand, so he took ten of those bundles each was 10,000 --  
22          I'm sorry, 20,000, I believe, 10 or 20 thousand and put 'em all  
23          back in there, in the safe.

24          **Q.** So just to be clear, he sort of counted one to figure out  
25          what one of these bundles were?

~~WARD DIRECT~~

1 A. Yes.

2 Q. And then counted out however many of those bundles equaled  
3 100,000?

4 A. Yes.

5 Q. Okay. Now, before the break you testified that after you  
6 all had opened the safe, there was this plan to close it back  
7 up and then make a video as if you were opening it for the  
8 first time; right?

9 A. Yes, sir.

10 Q. And I think I asked you if the safe -- were you able to  
11 relock the safe?

12 A. Yes, we were.

13 Q. And did it -- well, was it easy or hard to actually pop it  
14 again?

15 A. Yeah, it was easy -- it was easier the second time.

16 Q. Easier the second time.

17 And -- but did it actually pop the second time?

18 A. Yes, it popped.

19 Q. And what was your reaction to that?

20 A. We were shocked 'cause we didn't think that we would get  
21 that -- that pop.

22 Q. Okay. Why? Why didn't you think it would pop again?

23 A. Because initially we were just going to fake it to make it  
24 seem like we were struggling to open the safe. But when it did  
25 that pop, that's kind of what we were looking for.

~~WARD DIRECT~~

1 Q. Okay. And you -- I think you said it was on somebody's  
2 phone, but how was this video actually made?

3 A. You mean like -- it was recorded on a cell phone.

4 Q. Okay. Do you remember by who?

5 A. It was one of us. It was either me, Taylor, or Hendrix,  
6 because Jenkins had left out the room. He said once we popped  
7 the safe open, to call him downstairs. And he was going to  
8 walk down there and make it seem like it was the first time he  
9 had knew anything about the safe.

10 Q. Okay. And I think we're going to show you that video now,  
11 if we're ready. This is Government Exhibit OS-2A.

12 (Video was played but not reported.)

13 **BY MR. WISE:**

14 Q. Who's working on the safe?

15 A. I'm the one with the ram in my hand. Hendrix is the one  
16 that's prying the safe open right now. And Taylor is the one  
17 recording with his cell phone.

18 (Video was played but not reported.)

19 **BY MR. WISE:**

20 Q. Whose voice was that that said "stop"?

21 A. That was Jenkins' voice.

22 Q. All right.

23 (Video was played but not reported.)

24 **BY MR. WISE:**

25 Q. So you testified earlier -- are those -- about how it was

~~WARD DIRECT~~

1 packaged. Are those the bundles you're talking about?

2 **A.** Yes, sir.

3 **Q.** And the first time you all opened the safe, how full was  
4 it?

5 **A.** It was double that, probably a little bit more.

6 (Video was played but not reported.)

7 **BY MR. WISE:**

8 **Q.** And when Jenkins said, "We're calling the feds," what does  
9 that mean?

10 **MR. NIETO:** Objection, Your Honor.

11 **BY MR. WISE:**

12 **Q.** What did you understand it to mean?

13 **A.** That he was calling, like, the task force officers,  
14 someone from HIDTA to come to the location to seize the money.

15 **Q.** What you had described earlier, these high-value seizures,  
16 you all would call in the feds; is that right?

17 **A.** Yes. My understanding is anything over 5,000, they would  
18 come and they would recover and submit it for you.

19 **Q.** Okay.

20 (Video was played but not reported.)

21 **BY MR. WISE:**

22 **Q.** Whose voice was that: "I'll take the picture as well"?

23 **A.** That's Taylor's voice.

24 (Video was played but not reported.)

25

~~WARD DIRECT~~

1 **BY MR. WISE:**

2 **Q.** Now -- well, I guess, while it's on the screen, are those  
3 little bundles, I guess, the smaller amounts, whatever it is, a  
4 thousand, maybe --

5 **A.** Yes.

6 **Q.** -- with the black rubber band, this -- I'll just use the  
7 screen, that there (indicating)? Is that right?

8 **A.** Yes.

9 **Q.** And then together they're -- I think you said you thought  
10 it was either ten or twenty thousand that they're bundled up  
11 into?

12 **A.** I believe it's ten. 10,000.

13 **Q.** Okay. Now, on the video Jenkins said, "Call the feds," or  
14 words to that effect. And I asked you about that. Were task  
15 force officers or a task force officer actually called to the  
16 house at this point?

17 **A.** Yes. Detective Glover responded to the location.

18 **Q.** And who was Detective Glover with?

19 **A.** He's with Baltimore City, but he's also underneath HIDTA.  
20 He's a task force officer.

21 **Q.** And what was he called to 1604 Heathfield to do?

22 **A.** Recover the money.

23 **Q.** And did you see him do that?

24 **A.** Yes, sir.

25 **Q.** And just generally speaking, how did he -- what did he do

1 once he got to the house?

2 **A.** He had this big plastic like Ziploc bag. He took all the  
3 money, and he put it inside the bag. Then he sealed it. Then  
4 he signed it, and I believe Jenkins signed it also. Someone  
5 else signed it, so it was two signatures on the bag. And the  
6 bag was sealed.

7 **Q.** And then did the remaining money, I guess -- well, if you  
8 didn't testify to this earlier, where did Jenkins put the money  
9 that he had taken out of the safe the first time it was opened?

10 **A.** He had put it in a black bag, but eventually we took it  
11 with us when we left the location.

12 **Q.** And had he put it in the car you were driving?

13 **A.** Yes.

14 **Q.** And when you left the location, where did you go?

15 **A.** I had left. I had went home. I had to let my dog out.

16 So --

17 **Q.** At some point did you meet back up?

18 **A.** I met them back at headquarters, yes.

19 **Q.** And who did you meet back at headquarters?

20 **A.** Jenkins, Taylor, and Hendrix.

21 **Q.** And then where did you all go from there?

22 **A.** We went to Taylor's house.

23 **Q.** Why did you go to Taylor's house?

24 **A.** To split the money up.

25 **Q.** Why particularly Taylor's house?

1 **A.** Everyone else had a significant other living with 'em.  
2 There was no way we could go inside that location with money  
3 and sit down and count it and splittin' money amongst each  
4 other and, you know, spouses wouldn't know about it.

5 **Q.** Okay. What time of day is it now?

6 **A.** It's nighttime now.

7 **Q.** And if I didn't do this earlier, maybe I should have.  
8 When you first got to the 1604 Stevenson or 1604 Heathfield  
9 residence, what time of day was it?

10 **A.** It was daytime. Still daylight out.

11 **Q.** And you testified that it wasn't for several hours before  
12 Jenkins and Hendrix came back with the search warrant; right?

13 **A.** Yes. When they came back, it was night.

14 **Q.** And how much later than that was it that you went to  
15 Taylor's house?

16 **A.** About three hours. Probably -- about approximately three  
17 hours after that.

18 **Q.** So -- and what time of day would that be at that point?

19 **A.** Early morning.

20 **Q.** Okay. Where did you -- well, how did you get to Taylor's  
21 house?

22 **A.** Drove.

23 **Q.** Who else went to Taylor's house?

24 **A.** I went there. Taylor went there. Hendrix went there.  
25 And Jenkins went there.

~~WARD DIRECT~~

1 Q. And when you got there, where did you go? Where in the  
2 house?

3 A. He had like -- I think it was like a three-story. It was  
4 a brand-new townhouse. As soon as we walked in, I guess you  
5 want to say the basement or the lower level, we went straight  
6 into there.

7 Q. And who went in there?

8 A. Me, Hendrix, Taylor, and Jenkins.

9 Q. What did Jenkins have with him?

10 A. He had the black bag with him.

11 Q. And once you four got into the basement, what happened?

12 A. He opened the bag and dumped the money out.

13 Q. And then what happened?

14 A. He started to count it and divvy it out amongst me,  
15 Taylor, and Hendrix and himself.

16 Q. And who was doing that?

17 A. Jenkins.

18 Q. And how much money did he divvy up to you?

19 A. Approximately \$20,000.

20 Q. And did you see how much he gave to Hendrix?

21 A. Approximately 20,000.

22 Q. And what about to Taylor?

23 A. Approximately 20,000.

24 Q. And who kept the rest?

25 A. Jenkins.



1 Q. Do you know how much -- how much the rest was? Do you  
2 know how much Jenkins got, actually?

3 A. It was more than ours.

4 Q. How long were you four at Taylor's house, if you had to  
5 approximate it?

6 A. No more than an hour, probably.

7 Q. And where did you go from there?

8 A. I went home after that.

9 Q. And what did you do once you got home?

10 A. Well, I had some time on the way home to think, to weigh  
11 out the situation as far as the money: Should I keep it or  
12 should I not keep it? So once I got home, I discarded the  
13 money.

14 Q. Where did you discard it?

15 A. The way my house is, it's like a big field and you go  
16 across that into another community. It's like a lot of rental  
17 properties right there. I tossed it back there.

18 Q. And what kind of -- when you say you tossed it, what kind  
19 of -- where was it that you tossed it?

20 A. It's like you go through like a wooded path, and then it's  
21 like a residential area back there.

22 Q. Why did you do that? Why did you toss -- after having  
23 done all that, why did you not keep the money?

24 A. Well, for one, you don't want to be the one in the squad  
25 to be like, you know, I'm not with that. Like, you want not

1 think -- make them feel that you would tell on them. You don't  
2 want to get blackballed.

3 Second, it's like drugs was missing, and it's like  
4 20,000 -- between me, Hendrix, and Taylor, that's \$60,000.  
5 That's a lot of money. Who won't make a complaint about that  
6 money?

7 And I don't have, like -- I think I was the only one still  
8 renting my house. I don't -- I couldn't take \$20,000 and get  
9 my whole house redone, countertops and all that stuff, 'cause  
10 I'm renting. So I didn't have the means to put the money to  
11 anything.

12 I wasn't going to put that money and the family in my  
13 house, jeopardize and get them in trouble. So it's just too  
14 much. The bad outweighed the good, so . . .

15 **Q.** Now, the first thing you said is that you didn't want to  
16 get blackballed or you didn't want the rest of the unit to  
17 think you didn't want to do this.

18 Did you want to keep robbing small amounts?

19 **A.** No. I -- I would have loved to keep the 20,000 if it was  
20 a means that I could keep it and not get caught, but --

21 **Q.** I see. Okay.

22 What, if anything, did Jenkins say to the three of you, to  
23 you and Hendrix and Taylor, at Taylor's house about what you  
24 should or shouldn't do with all this money?

25 **A.** Don't go out and buy no cars. Don't spend the money.

1 Don't deposit it into a bank. Don't buy -- spend large sums of  
2 money on -- on stuff like that.

3 If anybody needed work to your house or anything like  
4 that, he had a buddy who fixed homes. And you could pay him  
5 and he could like finagle the receipts to make the price show  
6 something different to get work done to your house so it  
7 wouldn't come back on you.

8 **Q.** And did Taylor tell you what he did with his money?

9 **A.** I know he used some of it to get a brand-new deck built on  
10 the back of his house.

11 **Q.** Did he use the guy that Jenkins told you guys about?

12 **A.** Yes.

13 **Q.** Who would finagle the receipts?

14 **A.** Yes.

15 **Q.** After the robbery, did Jenkins listen to Stevenson's  
16 jail calls?

17 **A.** All the time. It's like he was obsessed with it.

18 **Q.** Now, just explain what -- what I -- explain what's meant  
19 by jail calls.

20 **A.** Whenever you're arrested and you're incarcerated, it's a  
21 pay phone you get to use. Every time you use that phone, it's  
22 recorded. So it's a database that law enforcement can go  
23 through and actually listen to the calls, listen to your  
24 conversation, everything you talked to.

25 So when Mr. Stevenson was making calls, talking to his

1 wife and his friends, we were able to listen to his whole  
2 conversation to see what he was talking about.

3 **Q.** And was Jenkins concerned about what Stevenson was saying  
4 on his jail calls?

5 **A.** Yeah. He talked about a lot of the money being missing,  
6 and he was trying to get a good lawyer. And Jenkins was kind  
7 of worried about that.

8 **Q.** Worried about what, that he was saying all the money  
9 was -- that a lot of money was missing?

10 **A.** Yeah, and that if they got a good enough lawyer, that, you  
11 know, they might look into it.

12 **Q.** And so what, if anything, did you all do?

13 **A.** He -- Mr. Stevenson's outlet was his wife. His wife was  
14 doing everything for him. So Jenkins figured if we could get  
15 his wife out of the equation, he wouldn't have nobody -- he  
16 would have to get a Public Defender and he would just go ahead  
17 and cop-out to the charges.

18 So we would listen to Mr. Stevenson's calls, and Jenkins  
19 had found out that he was talking to another female over the  
20 phone.

21 So when -- Jenkins came up with the idea that he was going  
22 to write a note and put it in his wife's door to make it seem  
23 like it was from the other female and leave her phone number  
24 and to call her and say that she's pregnant by Mr. Stevenson.

25 **Q.** And is that -- and who did he propose doing this to?

1 **A.** Myself, Hendrix, and Taylor.

2 **Q.** And what happened?

3 **A.** We executed it. We went to the location.

4 **Q.** Who wrote the note, I guess? Did someone write this note?

5 **A.** It was either Taylor or Hendrix --

6 **Q.** Okay.

7 **A.** -- one of them because they had neater handwriting.

8 Jenkins said he wouldn't write it because he had sloppy  
9 handwriting.

10 **Q.** Did you have neat handwriting?

11 **A.** Yeah, I had neat handwriting.

12 **Q.** And so once the letter -- I guess the note was written,  
13 what happened?

14 **A.** We went to the location, came up with the idea. Jenkins  
15 told Taylor to go up there, open this door, drop the note,  
16 knock on it, and run.

17 **Q.** Which location was this?

18 **A.** The one on Heathfield.

19 **Q.** The one you had searched?

20 **A.** Yes.

21 **Q.** Okay.

22 **A.** We got to the location and Taylor got out to go do it.

23 But he said there was a light on in like the living room, so he  
24 didn't feel comfortable doing it.

25 So Jenkins took it and went to the location and he did it.

~~WARD DIRECT~~

1 Q. All right. Now, you testified earlier that you were --  
2 that you're currently detained; right?

3 A. Yes, sir.

4 Q. When you were first arrested, where were you detained?  
5 Where were you actually housed?

6 A. Howard County.

7 Q. And who was housed in Howard County with you?

8 A. It was myself, Jenkins, Hersl, Taylor, Gondo, Rayam, and  
9 Hendrix.

10 Q. So all six of you?

11 A. All of us were detained. We were at Howard County at the  
12 beginning.

13 Q. Seven. I'm sorry. Seven.

14 And was the Stevenson robbery discussed among you when you  
15 were all at Howard County?

16 A. Yes.

17 Q. And I guess what was discussed?

18 A. Jenkins had came up with a proposition that if we did  
19 admit to the Steven [sic] incident, to lower the money amount  
20 to say it was only like \$5,000 was taken, not the total amount  
21 that we'd taken.

22 Q. And what about the -- what about the video? Did the video  
23 come up, the fake video?

24 A. Yeah. And the video was valid, that it wasn't a fake  
25 video.

1 Q. So that's what Jenkins, I guess, told you to say, that it  
2 was a valid video?

3 A. Right.

4 Q. Now, going back to the time when the Stevenson robbery  
5 happened, after that, did you participate in a search of a  
6 house on Water Street?

7 A. Yes, sir.

8 Q. And what, if anything, was the connection between what  
9 went on at the Stevensons' house and the search at the house on  
10 Water Street?

11 A. Jenkins had took Mr. Stevenson's phone and ended up  
12 getting another source. And what I mean by "source" is another  
13 person who sells large quantities [sic] of drugs.

14 So he put us on to this guy, supposed to be from like  
15 Texas. And they lived on Water Street, and they end up  
16 tracking their phone and later on obtained a search warrant.  
17 We went into the location.

18 Q. And this was the location on Water Street?

19 A. Yes, sir.

20 Q. At some point did you actually go to that location on  
21 Water Street?

22 A. Yeah. I think they began observations like the day  
23 before. And Jenkins wanted me and Taylor to come in, 'cause at  
24 this time Hendrix was out of town. And I didn't -- I didn't  
25 come in that time. I didn't come in until the next -- the next

1 morning.

2 So it was just Taylor and Jenkins, and they had got  
3 Sergeant Gladstone and some guys from his squad to help out  
4 with the surveillance and all that.

5 **Q.** And so when you got to the house on Water Street, what  
6 happened?

7 **A.** When I got there, Taylor and Jenkins were -- were gone,  
8 along with Gladstone. And it was just Gladstone' squad inside  
9 the house, and there was a whole bunch of people detained  
10 inside the location.

11 Maybe an hour or so later on, that's when Jenkins, Taylor,  
12 and Gladstone got back with a search warrant.

13 Jenkins told Taylor to tell me about something.

14 **Q.** And did Taylor tell you about something?

15 **A.** He looked at Jenkins like he didn't know what Jenkins was  
16 talking about.

17 **Q.** Okay.

18 **A.** And so that's when Jenkins had pulled both us to the side  
19 and walked us over a little bit away from everybody and said --  
20 talking about the money, the money that --

21 **Q.** So this is Jenkins talking to Taylor?

22 **A.** And me, yes.

23 **Q.** And you?

24 **A.** Yes.

25 **Q.** And so then what happened?



1 A. They had asked me to be the one to take this -- if it was  
2 some money that was stashed in the drawer, to ask me to take  
3 the money because no one would suspect it was me and they've  
4 been there all that time.

5 Q. So who had stashed some money in a drawer?

6 A. I'm not sure if they stashed the money or it was -- or it  
7 was already in the drawer.

8 Q. I see.

9 A. But they wanted me to take the money that was in the  
10 drawer.

11 Q. And who's "they"?

12 A. Jenkins and Taylor.

13 Q. And did you take the money that was in the drawer?

14 A. Yes.

15 Q. And how much was it?

16 A. It was anywhere between like 1500 to \$2,000.

17 Q. And what did you do with it?

18 A. We split it up amongst us three.

19 Q. Who did you split it with?

20 A. Taylor and Jenkins.

21 Q. And when --

22 A. And myself.

23 Q. When did you give them, I guess, their third of the money?

24 A. Once we finished the search, the search and seizure from  
25 that location, we went back to headquarters, so while we were

1 downtown at headquarters.

2 Q. And that's where you did it?

3 A. Yes.

4 Q. Now, you've testified about a number of robberies that  
5 occurred when you were with Jenkins in the SES unit; right?

6 A. Yes, sir.

7 Q. At some point did you move with Jenkins to the  
8 Gun Trace Task Force?

9 A. Yes. It was like June of, I believe, 2016 we went to the  
10 Gun Trace Task Force.

11 Q. And what was the mission of the Gun Trace Task Force?

12 A. It was dealing with guns, tracking and tracing guns,  
13 firearms, people who are prohibited, who are not allowed to  
14 carry guns.

15 Q. You testified earlier about how on the SES unit you all  
16 got guns. How did Jenkins run the Gun Trace Task Force?

17 A. When we first got there, it was kind of a little  
18 discrepancy because they were mainly an investigation squad  
19 when we first got there. But Jenkins switched it, and he  
20 wanted to do street rips, what it was called. And that's  
21 pretty much how he ran the squad, like that.

22 Q. So who was on the Gun Trace Task Force when you and  
23 Jenkins and Hendrix and Taylor got there?

24 A. It was Gondo, Rayam, Hersl, and Clewell.

25 Q. And you said they had been doing investigations, but then

1 Jenkins wanted to do street rips?

2 **A.** Yeah. He said -- the way they explained it to us, they  
3 were just doing straight search warrants, investigations. They  
4 might have got like a gun a week. That was like their quota to  
5 do, get a gun a week.

6 **Q.** Okay. And what's a street rip?

7 **A.** When you just pull up on somebody, how I explained it  
8 earlier. You pull up aggressively and jump out and you just  
9 stop people. We call those street rips.

10 **Q.** And what, if anything, did Jenkins tell you about Hersl  
11 when you joined the Gun Trace Task Force?

12 **A.** He said that Hersl -- Hersl -- is Danny. Danny's good.  
13 He's just like one of us.

14 **Q.** And what did you understand that to mean?

15 **A.** That we didn't -- took money, we would split with him. We  
16 wouldn't have to worry about him telling anybody or anything  
17 like that.

18 **Q.** Now, where were the GTF [sic] offices?

19 **A.** It was in headquarters in Baltimore City, I believe,  
20 eighth floor.

21 **Q.** And at some point were the offices supposed to get moved?

22 **A.** At one point I believe we were supposed to go to the barn,  
23 something like that, to the academy, close to the academy.

24 **Q.** Did Jenkins want to do that?

25 **A.** No.

~~WARD DIRECT~~

1 Q. Why not?

2 MR. NIETO: Objection, Your Honor.

3 THE COURT: Sustained.

4 BY MR. WISE:

5 Q. Did Jenkins tell you why he didn't want to move to the  
6 barn?

7 A. Yeah, 'cause several officers who -- in our unit before, a  
8 couple years ago, had got found -- arrested working out of the  
9 barn. It was supposed to be wired. They had -- the feds had  
10 wired up the barn and were listening to 'em, and they ended up  
11 getting arrested. And he was worried that it would still be  
12 wired up.

13 Q. Now, at some point when you were on the  
14 Gun Trace Task Force, did Sergeant Jenkins take 90 days of  
15 leave?

16 A. Yes, he did.

17 Q. And approximately when did that happen?

18 A. I believe it was in November.

19 Q. Of what year?

20 A. 2016.

21 Q. And did he eventually come back?

22 A. Yes.

23 Q. And what, if anything, did he propose to you and the other  
24 members of the GTTF when he came back?

25 A. It was one day I got to work late, and Taylor was coming

1 to pick me up. And I asked Taylor what was going on. What are  
2 we doing?

3 And he was saying Jenkins was talking about going back and  
4 hitting Mr. Stevenson's house again.

5 **Q.** And when you're saying "hitting Mr. Stevenson's house  
6 again," what do you mean?

7 **A.** Well, when they said that to me, "hitting," the way we  
8 used to say "hit someone's house," we're talking about getting  
9 a search warrant, how I explained before. You get the ram and  
10 you kick in the door -- hit in the door and all that thing.  
11 When you say "hit someone' house," that's what I was thinking  
12 that he was talking about.

13 **Q.** So Taylor said this to you, and what else did he say?

14 **A.** He -- he said that Jenkins was talking about going back to  
15 Mr. Stevenson' house -- hitting Mr. Stevenson' house again and  
16 another source and that he -- Jenkins wanted to meet up with  
17 us.

18 **Q.** And did you go and meet up with Jenkins?

19 **A.** Yeah. We eventually met up with Jenkins, yes.

20 **Q.** Where did you meet up with him?

21 **A.** Actually, right across -- I believe we talked about the  
22 Belvedere Tower incident, how -- actually, right across the  
23 street from there, it's an apartment complex we would frequent  
24 a lot. We met there in the night.

25 **Q.** And who was there? Who did you meet with?

1 **A.** It was me and Taylor. We rode together, and we met with  
2 Jenkins and Hersl.

3 **Q.** And at this point was Hersl still on the  
4 Gun Trace Task Force?

5 **A.** No. He was in citywide shootings at this time.

6 **Q.** So when you got to this -- was it a parking lot at this  
7 apartment building or where was it?

8 **A.** It was a parking lot, an apartment building, yes.

9 **Q.** All right. And when you got there, who was there already?

10 **A.** Jenkins and Hersl were there.

11 **Q.** And what, if anything, did you notice when you got there?

12 **A.** They were drinking. They had Twisted Teas.

13 **Q.** Okay. And then what was -- I guess what was Jenkins'  
14 proposal?

15 **A.** Yeah. Well, apparently he made a proposal to Taylor. And  
16 Taylor had ran it through me. And I told Taylor I wasn't -- I  
17 wasn't with it.

18 So Taylor had changed his mind, said that he wasn't going  
19 to do it.

20 So Jenkins had got upset with Taylor. That was the whole  
21 reason for us meeting up with him, because he said that I was  
22 talking Taylor out from doing the -- what they were planning.

23 **Q.** And what was he planning?

24 **A.** On going back -- well, like I said, initially he was  
25 sayin' hitting Mr. Stevenson's house and another source. I'm

1 thinking about doing a search warrant.

2 But to me, like I said, it was kind of blurred -- worried  
3 because we just hit the guy's house before and we took over  
4 \$60,000. Why do we chance it, hitting this guy's house again  
5 and robbing him again? Because that's what he wanted to do.  
6 He wasn't --

7 **Q.** Is that what it turned out to be?

8 **A.** Yes.

9 **Q.** And so what was your -- I guess what did -- what did  
10 Jenkins actually say, if you remember?

11 **A.** He asked me why wasn't I -- why wasn't I down with it.  
12 And I pretty much, how I explained to you, that's what I told  
13 to him -- told him.

14 And he said I had it all wrong. He wasn't actually going  
15 to obtain a search warrant and go in the house legally. He  
16 wanted to put trackers on the cars, sit back and watch them for  
17 a couple days, find out their routine; and when no one was  
18 there, kick in the door and take drugs and money if it was  
19 stuff in there.

20 **Q.** Okay. And was Hersl present when Jenkins said all those  
21 things?

22 **A.** Hersl and Taylor.

23 **Q.** Earlier I had asked you if you saw Mr. Taylor in the  
24 courtroom.

25 Do you see Mr. Hersl in the courtroom?

~~WARD DIRECT~~

1 **A.** Yeah. He's right behind you.

2 **Q.** And could you describe what he's wearing, for the record.

3 **MR. PURPURA:** We'll stipulate he's identified  
4 Danny Hersl.

5 **THE COURT:** Thank you.

6 **BY MR. WISE:**

7 **Q.** Now, was that the only time Jenkins ever proposed robbing  
8 someone like that?

9 **A.** No. We did it several times.

10 **Q.** And do you recall with any specificity those other times?

11 **A.** There was another incident, I believe, out in Randallstown  
12 where it was him and Taylor were following the individual, and  
13 they end up following an individual all the way out D.C.

14 **Q.** And how did you learn -- I want to just interrupt you for  
15 a second.

16 How did you learn about how -- what had happened?

17 **A.** Speaking with Taylor and speaking with Jenkins, they had  
18 both told me about the incident at the same time.

19 **Q.** All right. So you started to say they followed someone  
20 from Randallstown to D.C.?

21 **A.** Yes. They were out Randallstown. They were doing  
22 surveillance on a guy's house, and I think the guy came out  
23 with a bag or something like that. And they end up following  
24 him, following him from out Randallstown all the way out from  
25 close to D.C.



1 Q. How did they follow him?

2 A. They were in a vehicle, unmarked vehicle.

3 Q. Did they have a tracker on his car?

4 A. I believe they had a tracker on his car, so --

5 Q. And you mentioned a tracker earlier. You said that  
6 Jenkins wanted to use a tracker. Were these trackers you got  
7 warrants for, or what were these trackers?

8 A. No. These was -- I'm not sure where he got the trackers  
9 from. These were just -- they were illegal trackers. He just  
10 got 'em from somebody. He would just pop underneath somebody's  
11 car and start tracking them illegally.

12 Q. You said "illegally"?

13 A. Yes, sir.

14 Q. So what happened when Taylor and Jenkins, according to --  
15 you've testified Taylor and Jenkins followed this guy to D.C.?

16 A. They followed the guy all the way to D.C. And Jenkins had  
17 told Taylor that if the dude got out with a duffel bag or  
18 something like that, when in an exchange, he wanted Taylor to  
19 get out and punch -- knock the dude out, and they was going to  
20 take the duffel bag. Apparently Taylor didn't want to do it,  
21 so Jenkins said he would do it.

22 Q. And did Jenkins do it? Was he able to do it?

23 A. No, 'cause I remember Taylor saying that they believed  
24 that it was a -- an officer or a federal agent was following  
25 him.

1 So eventually, before they actually got to interact with  
2 the individual they were following, they were approached by a  
3 federal agent.

4 **Q.** So just to be clear, they were following this guy, and at  
5 some point Jenkins and Taylor got concerned that federal agents  
6 were following them?

7 **A.** It was more so Taylor, 'cause Taylor said he was telling  
8 Jenkins, but Jenkins didn't believe him. So Taylor was worried  
9 that someone was following them.

10 **Q.** Okay. Did Jenkins tell you he had a body shop friend that  
11 sold cocaine?

12 **A.** Yes.

13 **Q.** And did he ever propose anything in relation to that  
14 connection, I guess?

15 **A.** Yeah. Apparently a buddy had owned a body shop. And he  
16 was buying cocaine from this individual, and the individual  
17 shorted him.

18 **Q.** What does "shorted him" mean?

19 **A.** He didn't give him the amount he paid for. He owed him  
20 some, as far as drugs.

21 **Q.** So what was the plan or what came out of that?

22 **A.** Jenkins' friend had gave the guy's information for Jenkins  
23 to get him back.

24 **Q.** And how did you learn about this? Who told you this?

25 **A.** Jenkins had told me about it one night.

1 Q. And what did Jenkins propose to do when his body shop  
2 friend gave him this information about the supplier who shorted  
3 him?

4 A. To stake the guy out, follow -- he had a track on the  
5 guy's car.

6 Q. Whose car?

7 A. The individual who shorted his friend.

8 Q. Okay.

9 A. He had a track on the car. He wanted to track the dude,  
10 get a routine on him for a couple days, then eventually go  
11 inside the guy's house when the guy wasn't there. And he  
12 wanted to dress up as federal agents and wear masks while we  
13 went in there.

14 Q. And who was he proposing this to?

15 A. He had told me and Hendrix and Taylor.

16 Q. Now, you said that he wanted to wear masks. At some point  
17 did Jenkins show you that he actually had masks like that to  
18 wear?

19 A. Yes, sir.

20 Q. And I'm going to show you what's been marked as  
21 Government Exhibit 19A.

22 Are these the masks that Jenkins showed you?

23 A. Yes, one of 'em, yes.

24 Q. And did he show you the other gear in this bag, these  
25 pairs of shoes (indicating) and a balaclava to cover your face?

1 It's like a ski mask. Did he show you what else was in this  
2 bag?

3 **A.** Yeah. He showed us -- he showed me, yes, all was in that  
4 bag, yes.

5 **Q.** Maybe the easiest thing to do would be just to take it  
6 out.

7 You can stand up if you want. I'll show you these masks.  
8 Looks like a whole lot of black clothes.

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

10 May we approach?

11 **THE COURT:** Sure.

12 (Bench conference on the record:

13 **MR. NIETO:** So my objection is primarily -- we'll  
14 primarily wait.

15 Sorry. My objection is primarily on the leading  
16 basis, because it looks like Mr. Wise is pulling out articles,  
17 identifying them, and then he's simply saying "yes" to it  
18 rather than saying, "What did he show you?" and have him give  
19 him the rundown and see if, in fact, that's what's in the bag  
20 or not.

21 **THE COURT:** Okay. I'll sustain that. Can we do it  
22 that way.

23 **MR. WISE:** Should I just take them out of the bag?

24 **THE COURT:** I gather if you take it out without  
25 describing it and ask him --

~~WARD DIRECT~~

1           **MR. WISE:** Sure.

2           **THE COURT:** -- what it is. And the point -- what  
3 did -- did Jenkins actually show him this stuff or not?

4           **MR. NIETO:** That's my understanding, is this is a line  
5 of questioning as to what Jenkins had shown him. So if the  
6 question is what has been shown him, if he can itemize that --

7           **MR. WISE:** Sure.

8           **MR. NIETO:** -- the contents of the bag, to pull out  
9 items of the bag and like, did he show you this bag or this  
10 black piece of clothing? That's the issue that we have because  
11 the answer is clearly just going to be "yes."

12           **THE COURT:** Okay.

13           **MR. NIETO:** Thank you, Your Honor.)

14           (Bench conference concluded.)

15 **BY MR. WISE:**

16 **Q.** Mr. Ward, did Sergeant Jenkins actually show you this bag  
17 full of gear?

18 **A.** Yes, sir.

19 **Q.** Can you step down from the stand and take out the stuff  
20 that's in there that you -- that you remember seeing and  
21 describe it.

22           **MR. NIETO:** Your Honor, objection for the same  
23 reasons.

24           **THE COURT:** Overruled. I thought that -- overruled.

25           **MR. NIETO:** I'm sorry, Your Honor. May we approach

1 briefly again?

2 **THE COURT:** Okay.

3 (Bench conference on the record:

4 **MR. WISE:** I thought that's what I was supposed to do.

5 **THE COURT:** I did too.

6 **MR. NIETO:** I'm sorry. Your Honor, what I'm trying to  
7 avoid is the witness being led with the answer.

8 So he's identified that bag as being the bag that  
9 apparently Jenkins showed him. What about the black bag? I'm  
10 not quite sure on the outside we'd be able to confirm that  
11 precisely is the bag.

12 But then to open it and to start pulling things out  
13 and say, Oh, yeah, he showed me this and he showed me that.  
14 What I was hoping for was that he would simply be able to  
15 recall from his recollection what items Officer --  
16 Detective Jenkins -- Sergeant Jenkins had showed him in lieu of  
17 just going through a bag of items and say that Sergeant Jenkins  
18 showed him everything that's within the bag, if that makes  
19 sense.

20 **THE COURT:** If you -- we can do it in two steps, but I  
21 think they're still entitled to get to the second step. If you  
22 want to ask him what he recalls, get a description first of  
23 what items he recalls seeing from the bag, you can do that.

24 But I think he's still entitled -- again, without them  
25 leading him, to go to the bag -- if he himself was doing it,

~~WARD DIRECT~~

1 the witness, to go in, pull something out and say, Yes, I  
2 remember Jenkins showing me this; or, no, I don't remember  
3 Jenkins showing me that. I think we're going to get to the  
4 same place.

5 **MR. NIETO:** Thank you, Your Honor.

6 **THE COURT:** Okay. So ask first what he remembers  
7 generally.

8 **MR. WISE:** Okay.)

9 (Bench conference concluded.)

10 **BY MR. WISE:**

11 **Q.** So, Mr. Ward, I'm going to ask you to come down off the  
12 stand in a minute. But before I do that, what do you remember  
13 generally was in this bag Jenkins showed you? You started out  
14 by saying masks. What else do you remember?

15 **A.** I remember the shoes. It was like pry bars and black  
16 clothing in there.

17 **Q.** Okay. If you could come down now off the stand and look  
18 in that bag and take out the things that you remember him  
19 showing you.

20 **THE CLERK:** Mr. Ward, so that everyone may hear you.

21 **THE WITNESS:** Yes.

22 **THE CLERK:** Do you have pockets?

23 **THE WITNESS:** No.

24 I remember -- can you hear me?

25 **THE CLERK:** Yes. Thank you.

1           **THE WITNESS:** Both the ski masks, both these masks  
2 right here, like Halloween masks. I remember the tennis shoes.  
3 I remember the dark-colored clothing. I remember these ski  
4 masks. This is more clothing right here (indicating).

5           Pair of shoes.

6           At the time when he showed me the bag, the vest wasn't  
7 in there. The vest was on top of the bag, 'cause this was  
8 actually the vest that we wore when we worked, so he would need  
9 that. So it wasn't actually in the bag at the time when he  
10 showed me this.

11           And it was actually -- it was tools in there also.  
12 There were some tools.

13 **BY MR. WISE:**

14 **Q.** Hold on. Let me show you that.

15           Do you recall -- same thing: Do you recall the kind of  
16 tools he showed you?

17 **A.** It was like pry -- pry tools, things you would use to pry  
18 something open.

19 **Q.** And if you look in this bag, do you recognize things that  
20 he showed you, the tools he showed you?

21 **A.** Yes.

22 **Q.** And this bag, I'm sorry, is Government Exhibit 20A.

23           Do you recognize these tools?

24 **A.** Yes, some of 'em, yes.

25 **Q.** And which ones do you recognize?



1 **A.** I remember the rope. It was real funny that he had rope  
2 in the bag. I really didn't understand that part.

3 **Q.** And what's attached to the rope?

4 **A.** Like a grappler or something like that.

5 **Q.** A grappling hook?

6 **A.** Yes.

7 **Q.** All right. What else?

8 **A.** I remember this (indicating).

9 **Q.** What's that for?

10 **A.** It's like a pry tool. You can pry into things.

11 **Q.** Why don't you point, and I'll take out anything else you  
12 recognize rather than me touching it.

13 **A.** The snips, the big snips right there (indicating).

14 **Q.** What are these used for?

15 **A.** Cut a lock. Then the crowbar.

16 **Q.** Which one?

17 **A.** This one right here (indicating).

18 **Q.** This one?

19 **A.** That is a crowbar, yeah.

20 **Q.** Okay.

21 **A.** And the big yellow tool right here (indicating).

22 **Q.** What's the big yellow tool?

23 **A.** It's like another pry bar. That's what we actually -- one  
24 day he actually -- when he showed me all this stuff, it was a  
25 day that Hendrix had locked his keys in his car. And we were

1 about to call Pop-A-Lock. And he said, "Don't worry about it.  
2 Save your money. I can help you out."

3 And he backed up his -- his minivan at the time was a  
4 rental, a police rental. And he popped the back of the trunk,  
5 and that's when he showed us all this stuff. And he actually  
6 put the mask on and was, like, kind of making like a joke,  
7 dancing around with it on.

8 And eventually he pulled out these tools, and we actually  
9 popped -- pried the door open enough just to stick a hook down  
10 there to get his keys out so we didn't use Pop-A-Lock.

11 Q. And did you -- had you seen these tools before in any of  
12 your police work?

13 A. Like a pry bar.

14 Q. But like this actual pry bar (indicating)?

15 A. Not this actual, no --

16 Q. What about --

17 A. -- this one.

18 Q. -- any of the other stuff you've mentioned?

19 A. No.

20 Q. What about other than the Baltimore City vest, had you  
21 seen any of this gear in your police work?

22 A. I mean -- you mean have I actually seen him wear it or --

23 Q. Yeah.

24 A. Yes, I've seen him --

25 Q. Or use it, I guess?

~~WARD DIRECT~~

1 **A.** Yeah. I mean, when it was cold, he would wear those, I  
2 guess, the ski masks. He would wear 'em sometimes.

3 **Q.** What about the shoes and the black clothes and the masks?

4 **A.** He never wore those to work. Those were like his good  
5 shoes.

6 **MR. PURPURA:** I'm sorry. I can't really hear a word  
7 that the witness is saying with his back like that. I  
8 apologize.

9 **BY MR. WISE:**

10 **Q.** I think you can probably go back on the stand, Mr. Ward.

11 **MR. PURPURA:** Thank you.

12 **BY MR. WISE:**

13 **Q.** And if you know, Mr. Ward, were any of these -- is any of  
14 this gear, other than the vest or these tools, provided by the  
15 Baltimore Police Department for your duties?

16 **A.** None of it, no.

17 **Q.** I want to ask you about a couple of other topics,  
18 Mr. Ward. Did you participate in a car stop of an Audi coming  
19 out of the BB&T at Loch Raven and Northern Parkway?

20 **A.** An Audi at Loch Raven and Northern Parkway. An Audi.

21 **THE COURT:** Do you have a time frame on that,  
22 Mr. Wise?

23 **MR. WISE:** I guess the only way I can try to do that  
24 is -- that was actually one of my questions.

25 **THE COURT:** Okay. Well, then never mind. Go ahead.

~~WARD DIRECT~~

1 **BY MR. WISE:**

2 **Q.** And just -- I don't know if this would help, Mr. Ward.  
3 This involved a former confidential informant from  
4 Philadelphia?

5 **A.** Yes.

6 **Q.** Okay. Do you remember -- to the first question, do you  
7 remember around when this happened?

8 **A.** It was summertime, 'cause we actually stopped him. It  
9 was -- I think it was at -- BB&T Bank was right there, used to  
10 be an old, I think, Ruby Tuesday's that was closed down in the  
11 shopping center.

12 **Q.** In the summer --

13 **MR. PURPURA:** Objection, again, for relevance as to  
14 the "we." There has to be some -- who's present?

15 **THE COURT:** I think we're --

16 **MR. PURPURA:** You're getting it?

17 **THE COURT:** We might be getting there.

18 **MR. NIETO:** And actually, additionally, Your Honor, we  
19 have a -- know it's the summer, but I don't know what year.

20 **MR. WISE:** Getting there too.

21 **BY MR. WISE:**

22 **Q.** What year -- when you said "the summer," what year, if you  
23 remember?

24 **A.** I believe it was 2016, so it would have been more in GTTF,  
25 I believe.

1 Q. And when you say "we," who were you talking about?

2 A. Myself, Taylor, Her -- I'm sorry, Hendrix and Jenkins.

3 Q. And you said you thought this was -- this happened at the  
4 BB&T?

5 A. Yeah. The individual, I believe, was coming out of a  
6 bank, and we stopped him because he had a nice car.

7 Q. That's the reason you stopped him, 'cause he had a nice  
8 car?

9 A. I mean, that's -- Jenkins, yeah, that's the reason why he  
10 pulled up on him, 'cause he had a nice car.

11 Q. And what happened when you stopped him?

12 A. We got out and they ended up searching his vehicle.

13 Q. Did he, I guess, agree to have his vehicle searched?

14 A. No.

15 Q. Who searched it?

16 A. Everybody searched it. I know I searched it. Jenkins  
17 searched it. Taylor searched it. Hendrix. We took turns.

18 Q. Was anything found?

19 A. Not to my knowledge, no.

20 Q. What, if anything, did Jenkins ask this person?

21 A. He asked him was he in a gang, was he selling drugs.

22 And the guy said he just came home from doing time for  
23 selling drugs with the feds, and he was actually working  
24 with -- used to work with a federal agent. He was an  
25 informant.

1 Q. Okay. And did Jenkins ask him if he was going to rob  
2 someone, who would he rob?

3 MR. NIETO: Objection, Your Honor; leading.

4 THE COURT: Sustained.

5 BY MR. WISE:

6 Q. What, if anything, did Jenkins ask him?

7 A. Typically, anytime we ever stopped anybody with any type  
8 of like quantity of drugs on 'em, the big question that Jenkins  
9 would always ask them was like: If you could put your own crew  
10 together and rob the biggest drug dealer you know, who would  
11 that drug dealer be? That was the type question he would  
12 always ask 'em.

13 Q. And were there occasions when you all actually then robbed  
14 people based on what people said?

15 A. Yes. We would actually target them because of that, yes.

16 Q. Did you keep a BB gun, an air pistol in your car?

17 A. There was some in the trunk, yes.

18 Q. Why did you do that?

19 A. Jenkins had explained to us -- it was something that he  
20 did just in case we ever, like, accidentally hit somebody or  
21 got into a shootout and they didn't have a gun on 'em, so we  
22 could plant that BB gun or air pistol on 'em to make it seem  
23 like we thought they had a gun; that's why we shot 'em.

24 Q. And who did he say this to? Who in your presence did he  
25 say this to?

1 **A.** Myself, Taylor, and Hendrix.

2 **Q.** And is that why you had a BB gun in your car?

3 **A.** Yeah.

4 **Q.** Do you know if Taylor or Hendrix kept BB guns in their  
5 car?

6 **A.** Let me -- the car that we went out and did our rips in,  
7 that's where all the BB guns were, in that one car. Like the  
8 other cars that we drove around, the rental cars, they wasn't  
9 in that car. They were just in the one car that we went out on  
10 the street with.

11 **Q.** Now, you testified early on that you admitted to  
12 committing overtime fraud; right?

13 **A.** Yes, sir.

14 **Q.** When did the overtime fraud start?

15 **A.** As soon as I started working with Jenkins.

16 **Q.** And so which squad was that?

17 **A.** That was in the SES squad.

18 **Q.** And did the overtime fraud continue when you went with  
19 Jenkins and Hendrix and Taylor to the Gun Trace Task Force?

20 **A.** Yes, sir.

21 **Q.** And I'm going to ask you a series of questions about this.  
22 But to start, can you just describe sort of generally how this  
23 worked.

24 **A.** Well, the overtime, like I said, was never usually based  
25 off how many hours we worked. It was what we did. So, I mean,

1 there was --

2 **Q.** When you say what you did, do you mean how many guns you  
3 got --

4 **A.** How many guns we did, or we got a large seizure of drugs  
5 or something like that. I mean, there were nights where we  
6 would come in like a Sunday, 6:00, 7 o'clock and we would get a  
7 gun in 30 minutes. We would go home in two hours, and we'd get  
8 eight hours' worth of overtime for things like that.

9 So the overtime was always based off of how many guns we  
10 got or what was the quality of the arrest. But then it also  
11 always depended on Jenkins, how much he was going to give us.  
12 So he was always the one who would tell us the amount that we  
13 were going to get.

14 **Q.** Now, you testified earlier that a typical shift was 8:00  
15 to 4:00; right?

16 **A.** Yeah. We were permanently daywork, so our hours were  
17 usually 8:00 a.m. to 4:00 p.m. when we first started.

18 **Q.** And I think you said that started when you first joined  
19 the SES unit with Jenkins; right?

20 **A.** Yes, sir.

21 **Q.** If you were supposed to start at 8:00 a.m., is that when  
22 you started?

23 **A.** No.

24 **Q.** When did you typically start?

25 **A.** The earliest I would say we probably got in might have



1 been 10:00 a.m. at the earliest, typically around noon.

2 **Q.** And did that continue on the GTTF?

3 **A.** Yes.

4 **Q.** For all the members of the GTTF?

5 **A.** Yes.

6 **Q.** Including Hersl and Taylor?

7 **A.** Yes, sir.

8 **Q.** And how did you know when to actually come in if you  
9 didn't come in when your shift started?

10 **A.** Jenkins would send a text out to everybody. We were all  
11 in a group text. He would send us a group text. And it  
12 typically would say the same thing. It was pretty much: Break  
13 off your investigation and meet me at headquarters, and he  
14 would say a time.

15 So when he said that, I mean, we all knew what it meant.  
16 We were all home. We weren't working on an investigation. So  
17 when he said, "Break off your investigation. Meet me at  
18 headquarters at 3 o'clock," that would mean leave your house,  
19 be to work by 3:00.

20 **Q.** How much of your shift -- your actual -- I want to stick  
21 with the regular shift for a minute. But how much of your  
22 actual shift would you typically work, the 8:00 to 4:00 shift?

23 **A.** Maybe half, if that.

24 **Q.** Were there times that you didn't even start until after  
25 your shift was over?

1 **A.** A lot of times.

2 **Q.** And when you actually went into the GTTF office, would  
3 everyone work or what would you do?

4 **A.** No, not everyone worked 'cause that was a problem that  
5 kind of myself, Taylor, and Hendrix had, because it seemed like  
6 the rest of the guys, Hersl, Gondo, and Rayam, were kind of  
7 piggybacking off of us.

8 Like they went out sometimes. But majority of the time we  
9 were the ones to get the arrests, and they were the ones who  
10 would benefit from the overtime.

11 **Q.** And how is that? How is it that if Gondo and Rayam and  
12 Hersl didn't get the arrest, they benefited from the overtime?

13 **A.** They would just fill out an overtime slip and drop it, get  
14 Jenkins to sign it. They had a thing. He said we would take  
15 care of everybody. So even if you weren't at work that night,  
16 you would still be able to get an overtime slip.

17 **Q.** Now, I'm going to -- I'm going to ask to play a call.  
18 This is going to be Session 2591.

19 **MR. WISE:** Your Honor, this would be the first time  
20 we're using any recorded calls. We have transcript binders for  
21 the jury, if I could give them out.

22 **THE COURT:** Okay. Ladies and gentlemen, the -- there  
23 are apparently some recorded calls that you're going to be  
24 asked to listen to.

25 The recorded call is itself the evidence. The

1 Government is allowed to hand out, as they're about to do,  
2 transcripts of what they believe are the words that are on that  
3 recorded call.

4 It's important that you listen carefully. The call  
5 itself is the evidence, not the transcript. If you think you  
6 hear something different on the call, what you hear controls.  
7 The recording is the evidence, not the transcript. But it  
8 is -- the Government is certainly allowed to hand out the  
9 transcripts.

10 Is there going to be a binder generally of more than  
11 one session?

12 **MR. WISE:** There is, Your Honor.

13 **THE COURT:** Okay. I'll ask you, please don't just  
14 start flipping through the transcript book and reading  
15 different things. The Government and the witness will identify  
16 what specific recording is being played, and you should look  
17 only at the transcript for that particular recording while you  
18 listen to the recording itself. Okay?

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

20 **BY MR. WISE:**

21 **Q.** The first -- so that the call I'm going to play for you,  
22 Mr. Ward, is from June 14th of 2016.

23 Do you recall the date that you and Jenkins and Taylor and  
24 Hendrix joined the GTTF?

25 **A.** I know it was in June of 2016. I'm not sure of the exact

1 date.

2 **MR. WISE:** Okay. And if we could listen to this call.

3 **THE COURT:** Do we --

4 **MR. WISE:** If we could just pause it for one second.

5 **THE COURT:** I was going to ask, is the transcript in  
6 this large binder somewhere?

7 **MR. WISE:** It's Exhibit FBI-9, Your Honor.

8 **THE COURT:** Okay.

9 **MR. NIETO:** If it makes it easier, Your Honor, ours  
10 was just in the first inside flap of the binder, if that helps.

11 **THE COURT:** That's fine. Go ahead and explain what --  
12 you know, let's identify the call.

13 **MR. WISE:** And we'll put it on the screen, Your Honor.  
14 I apologize.

15 **THE COURT:** I think Mr. Nieto has told me where to  
16 find it. Thank you.

17 **MR. WISE:** So this is FBI-9, ladies and gentlemen.  
18 And if we can play the call.

19 (Audio was played but not reported.)

20 **MR. WISE:** Could you pause that for a second,  
21 Mr. Kerrigan.

22 **BY MR. WISE:**

23 **Q.** Mr. Ward, do you hear your voice on that call?

24 **A.** Yes, sir.

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

~~WARD DIRECT~~

1 **A.** Gondo.

2 **Q.** And you testified to this earlier, but was Gondo already  
3 part of the Gun Trace Task Force when you joined with Jenkins  
4 and Hendrix and Taylor?

5 **A.** Yes, he was.

6 **MR. WISE:** And can we enlarge the transcript so it's a  
7 little easier to read.

8 And if you could start again or pick up where we left  
9 off.

10 (Audio was played but not reported.)

11 **MR. WISE:** Pause it for a second.

12 **BY MR. WISE:**

13 **Q.** And who are you and Gondo talking about?

14 **A.** We're talking about Jenkins.

15 **Q.** All right.

16 (Audio was played but not reported.)

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

18 **BY MR. WISE:**

19 **Q.** So when you said, "He don't like to come in on time, yo,"  
20 who are you talking about?

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

22 **Q.** And Jenkins is the sergeant; right?

23 **A.** He's our supervisor, yes.

24 **Q.** So who decides -- or I guess who tells you -- well, when  
25 he says "he come in late every day," again, who are you talking

~~WARD DIRECT~~

1 to?

2 **A.** Talking about Jenkins.

3 **Q.** And when you say, "So we usually don't come in to work,  
4 like, 10:00, 11 o'clock," what was your typical shift at this  
5 time? When was it supposed to start?

6 **A.** 8:00 to 4:00.

7 **MR. WISE:** Okay. And if we could go to the next page  
8 of the transcript and then play the rest of the call.

9 And if you could enlarge that, Mr. Kerrigan.

10 (Audio was played but not reported.)

11 **MR. WISE:** If you can enlarge that again.

12 **BY MR. WISE:**

13 **Q.** So when he -- when you said, "He told us to put slips in  
14 for six hours for last night," were those -- had you worked  
15 those full six hours?

16 **A.** No.

17 **Q.** And who's the "he"?

18 **A.** Sergeant Jenkins.

19 **Q.** Now, I'm going to ask you about a specific search warrant  
20 from June 24th, 2016, so about ten days after this call; okay?

21 **A.** Okay.

22 **Q.** And it was at the home of someone named M.M. Are you  
23 familiar with this incident?

24 **A.** Yes, sir.

25 **Q.** And is this, in fact, one of the incidents you admitted to

~~WARD DIRECT~~

1 in your plea agreement that you robbed?

2 **A.** Yes, sir.

3 **Q.** And was -- what was the address of this incident, if you  
4 remember it?

5 **A.** I believe it was 1927 East Chase Street.

6 **Q.** And who was present for this search warrant at the home of  
7 M.M.?

8 **A.** Myself, Sergeant Jenkins. Gondo was there, and Hendrix  
9 was there.

10 **Q.** Was Detective Hersl there?

11 **A.** No.

12 **MR. WISE:** Now, if I could have Government  
13 Exhibit PP-2E on the screen.

14 And if you could enlarge the bottom part of that,  
15 Mr. Kerrigan.

16 **BY MR. WISE:**

17 **Q.** We haven't seen one of these before, so I just want to ask  
18 you a couple of questions about this.

19 **A.** Okay.

20 **Q.** What is this?

21 **A.** It's an overtime -- overtime slip. Pretty much every time  
22 we do overtime, these are the slips that we have to fill out.

23 **Q.** So did the BPD at this time actually have like a paper  
24 system where you had to fill out a piece of paper to put in for  
25 overtime?

~~WARD DIRECT~~

1 A. Yes.

2 Q. And the sticker's a little bit over it, but is this where  
3 you sign it (indicating)?

4 A. Yes.

5 Q. And can you read what it says where it says, "We certify."

6 A. [Reading]: We certify that the overtime hours reported  
7 herein are authorized, were in fact worked, and are correct.

8 Q. And then who also signs it?

9 A. Sergeant Jenkins.

10 Q. Okay. And now over here on the right it says "assigned  
11 shift"; right?

12 A. Yes.

13 Q. And so what are you certifying you worked, I guess, before  
14 the overtime started?

15 A. 8:00 a.m. to 4:00 p.m.

16 Q. And then the date you have is 6/30, but then 29 is written  
17 above it; right?

18 A. Yes.

19 Q. And what hours of overtime did you claim to have worked?

20 A. 16:15 to 0 -- 06:15.

21 Q. So that's 24-hour time; right?

22 A. Yes.

23 Q. So what is that -- in a 12-hour time, what is that?

24 A. I believe it's, what, 4:15 to 6:15.

25 Q. The next day, so 6:15 in the morning?



~~WARD DIRECT~~

1 A. Yes.

2 Q. So just to be clear, according to this slip, you're  
3 certifying that you worked from 8:00 a.m. to 4:00 p.m.; right?

4 A. Yes.

5 Q. And then from 4:15 in the afternoon to 6:15 in the morning  
6 of the following day; right?

7 A. Correct.

8 Q. For a total of 14 hours of overtime; right?

9 A. Correct.

10 Q. And did you, in fact, work these hours on June the 29th?

11 A. No.

12 Q. Now, I want to turn your attention to July, to July 14th,  
13 2016. Did you conduct or did you arrest someone on  
14 Grindon Avenue?

15 A. Yes, sir.

16 Q. And did you put an overtime slip in for it?

17 A. Yes, sir.

18 MR. WISE: And if I could have Government Exhibit PP-F  
19 or -- if I'm saying it right, yeah, PP-3F.

20 Thanks, Mr. Kerrigan.

21 BY MR. WISE:

22 Q. What's the date on this overtime slip?

23 A. July 14th, 2016.

24 Q. And what's the, I guess, overtime work performed  
25 explained? What does it say you all were doing?

~~WARD DIRECT~~

1 **A.** Crime suppression and HGV means handgun violation. And  
2 the location is 4600 Grindon Avenue.

3 **Q.** Is that where the arrest happened?

4 **A.** Yes.

5 **Q.** Did you actually make an arrest of someone for a handgun  
6 violation on July 14th of 2016?

7 **A.** Yes, sir.

8 **Q.** Now, on this slip, what did you certify you had worked in  
9 terms of your assigned shift?

10 **A.** 8:00 to 4:00.

11 **Q.** And then what did you put in for overtime?

12 **A.** 4:00 to 12:00.

13 **Q.** Who made this arrest with you?

14 **A.** It was myself, Taylor, and Hendrix made the arrest.

15 **Q.** And was Gondo present?

16 **A.** No.

17 **Q.** Was Hersl present?

18 **A.** No.

19 **Q.** Now, you testified earlier that you and Hendrix and, I  
20 guess, Taylor felt like Gondo and Rayam and Hersl -- I don't  
21 remember the words you used -- but were sort of riding your  
22 back or -- do you remember talking about that?

23 **A.** Yes, sir.

24 **Q.** Repeat that and then -- or tell us what you said, and then  
25 I want to ask you some follow-up questions. What did you mean

1 when you said that?

2 **A.** What I pretty much mean was like we were doing the bulk of  
3 the work, and they were reaping the benefits of us getting the  
4 overtime. And they wasn't putting in the work that we were  
5 putting in.

6 **Q.** So on the GTTF, if some part of the GTTF made a handgun  
7 arrest, would the other members who didn't make that arrest get  
8 overtime too?

9 **A.** Yeah. If they wasn't there, they would get overtime. And  
10 even if they were off work, they were able to put a slip in and  
11 get overtime.

12 **Q.** And I say "get overtime." I mean get paid for overtime;  
13 right?

14 **A.** Yes, sir.

15 **Q.** Not actually worked overtime?

16 **A.** Correct.

17 **Q.** And so did you put slips in for other members of the GTTF,  
18 for instance, when they weren't even there, when they were on  
19 vacation?

20 **A.** Yes, I've done it before.

21 **Q.** Who did you do it for?

22 **A.** Just about everybody in the squad.

23 **Q.** So if you could name them?

24 **A.** Jenkins, Taylor, Hersl, Hendrix, Gondo, Rayam.

25 **Q.** And did they sometimes do it for you?

~~WARD DIRECT~~

1 A. Yes.

2 Q. Who?

3 A. Mainly would be Taylor or Hendrix, but also Gondo and  
4 Rayam did it -- also did it before. I know Jenkins did it  
5 before. I know Hersl done did it before.

6 Q. Okay. In July of 2016, did Jenkins go to Myrtle Beach for  
7 a week?

8 A. Yes.

9 Q. And what did he ask you to do before he went to  
10 Myrtle Beach for the week?

11 A. He asked me, Taylor, and Hendrix to take care of him on  
12 the overtime tip. That mean he wasn't going to be there.  
13 Whatever we got, if we were able to get overtime, to actually  
14 fill him out an overtime slip also and get it signed.

15 Q. While he was in Myrtle Beach?

16 A. Yes, sir.

17 Q. And did you do that? Did you fill out overtime slips for  
18 him when he was in Myrtle Beach?

19 A. Yes, I did.

20 Q. Do you know if anyone else on the squad did too?

21 A. Hersl did also.

22 Q. How do you know that?

23 A. I originally found out later on from Jenkins.

24 Q. When did Jenkins tell you that Hersl had done that for  
25 him?

1 **A.** I had gave him the slips that I had done for him. I  
2 did -- wrote down and got signed for him, and he said he wasn't  
3 going to use 'em 'cause Danny had already tooken care of 'em.

4 **Q.** When you were all in Howard County Detention Center, did  
5 this come up too?

6 **A.** Yes.

7 **Q.** And what was -- I guess who did it come up with?

8 **A.** I think me and Jenkins was talking, I believe, and he was  
9 telling me that he was going to deny the slips because --

10 **MR. PURPURA:** Judge, objection at this point.

11 Can we approach the bench?

12 **THE COURT:** Sure.

13 (Bench conference on the record:

14 **MR. PURPURA:** As I was walking up, obviously --

15 **THE COURT:** It came to you.

16 **MR. PURPURA:** 801(d)(2), it could be a coverup and,  
17 yeah, so --

18 **THE COURT:** Furtherance of the conspiracy.

19 **MR. PURPURA:** Just was a long walk.

20 **MR. WISE:** Good thing we have these distances in this  
21 courtroom.

22 **THE COURT:** Is this close to a good breaking point?

23 **MR. WISE:** Yeah. I could ask this question, and then  
24 that would probably be a -- I might have -- I could either try  
25 to finish the overtime topic, and I have another topic or two.

~~WARD DIRECT~~

1 But I think it would be a good breaking point either with --  
2 where we are now or --

3 **THE COURT:** How much longer would it take you to  
4 finish the overtime?

5 **MR. WISE:** I didn't bring up my whole outline, but I  
6 don't think it's much more.

7 **THE COURT:** If we can get it done by the next five,  
8 ten minutes, let's go ahead and then break.

9 **MR. WISE:** Okay. And finish overtime, yes. I've got  
10 another thing to deal with.

11 **THE COURT:** Just finish the overtime, yes.

12 **MR. WISE:** Okay.)

13 (Bench conference concluded.)

14 **BY MR. WISE:**

15 **Q.** You were starting to say, Mr. Ward, what Sergeant Jenkins  
16 told you in Howard County Detention Center about, I guess,  
17 this -- these slips that were put in for him when he was in  
18 Myrtle Beach.

19 **A.** Yes.

20 **Q.** What did he tell you?

21 **A.** That he was going to deny 'em because they wasn't his  
22 handwriting.

23 **Q.** And -- well, I guess do you know why it wasn't his  
24 handwriting?

25 **A.** It wasn't his because someone else filled it out for him.

1 Q. Okay. Now, I want to ask you about -- I want to show you  
2 Government Exhibit PP-4G, and this is a slip from July 23rd;  
3 correct?

4 A. Yes, that's correct.

5 Q. And that's -- that's your name there; right?

6 A. Yes.

7 Q. And on this one, what's the assigned shift that you  
8 claimed to have worked?

9 A. 3:00 p.m. to 11:00 p.m.

10 Q. And then how much overtime?

11 A. Four hours.

12 Q. And did you work those hours?

13 A. No.

14 Q. Who told you how much overtime to put on these slips if  
15 you weren't actually working this overtime?

16 A. Jenkins was in control of all that.

17 Q. And did everyone on the squad put the same amount of  
18 overtime so that it wouldn't arouse suspicion?

19 A. Yes.

20 Q. And did you ever discuss with Jenkins or anyone else on  
21 the squad what would happen if someone at the Baltimore Police  
22 Department ever questioned why you were submitting for all this  
23 overtime?

24 A. That's the thing; he would always say about your work  
25 speaks for itself. So --

1 Q. What did that mean?

2 A. Like I said, if you go out and get three, four guns, he  
3 said we could vouch for getting eight, nine, ten, twelve hours'  
4 overtime.

5 Q. Even if you didn't work that much?

6 A. Even if we didn't work it, yes.

7 MR. WISE: Your Honor, I think that's a --

8 THE COURT: Good time? All right.

9 All right. Ladies and gentlemen, we seem to have come  
10 to a good breaking point for today.

11 As I think I mentioned yesterday, we're actually not  
12 going to be here tomorrow. You are going to come back Thursday  
13 and not Friday. So this week it will just be another day on  
14 Thursday.

15 I will ask you again, please just don't look, read,  
16 listen, pay any attention to anything about the case outside  
17 the courtroom. Keep an open mind. Don't talk about the case.

18 And please come back on Thursday a little before  
19 10:00. I certainly hope we'll be able to get started on time  
20 on Thursday, but if you could just come back a little bit  
21 before 10:00 on Thursday.

22 Thank you very much. You're excused for today.

23 (Jury excused at 5:01 p.m.)

24 THE COURT: Counsel, any issues you want to anticipate  
25 for Thursday?





<p>\$</p> <p>\$10 [1] 64/18</p> <p>\$10,000 [2] 103/2 161/20</p> <p>\$100,000 [2] 159/13 161/13</p> <p>\$1500 [2] 103/13 103/14</p> <p>\$153,000 [1] 69/13</p> <p>\$2,000 [1] 177/16</p> <p>\$20 [1] 64/19</p> <p>\$20,000 [13] 17/21 26/22 27/23 28/1 42/9 69/18 87/15 131/20 131/21 132/22 136/19 168/19 170/8</p> <p>\$200,000 [3] 17/13 26/19 42/4</p> <p>\$3,000 [5] 30/21 69/23 103/15 104/15 105/14</p> <p>\$5,000 [7] 131/22 131/22 132/5 136/14 137/2 137/3 174/20</p> <p>\$50,000 [2] 68/21 69/20</p> <p>\$500 [1] 71/9</p> <p>\$60,000 [2] 170/4 183/4</p> <p>\$70,000 [1] 28/19</p>	<p>12-hour [1] 208/23</p> <p>12:00 [1] 210/12</p> <p>12:56 p.m [1] 80/23</p> <p>14 [1] 209/8</p> <p>14th [4] 203/22 209/12 209/23 210/6</p> <p>15 [4] 64/11 114/8 114/14 217/19</p> <p>1500 [6] 103/13 103/16 103/16 104/8 104/8 177/16</p> <p>1604 [1] 167/8</p> <p>1604 Heathfield [6] 148/11 148/14 149/3 149/14 165/21 167/8</p> <p>16:15 [1] 208/20</p> <p>17 [2] 51/19 51/23</p> <p>17-year [3] 53/7 58/9 61/15</p> <p>17th [2] 51/21 137/16</p> <p>18 [2] 140/23 150/19</p> <p>1927 [1] 207/5</p> <p>1987 [1] 4/2</p> <p>1999 [3] 24/17 52/12 66/5</p> <p>19A [1] 187/21</p> <p>1A [1] 1/9</p> <p>1st [3] 51/19 51/23 79/25</p>	<p>29 [1] 208/16</p> <p>29th [1] 298/10</p> <p>2:00 [1] 84/15</p> <p>2:00 a.m [1] 33/24</p> <p>2:04 [1] 84/17</p> <p>2:08 p.m [1] 85/16</p> <p>2A [1] 163/11</p> <p>2E [1] 207/13</p>
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