

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

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

8
9 Monday, January 29, 2018
10 Courtroom 1A
11 Baltimore, Maryland

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

13 VOLUME III

14
15
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

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(10:07 a.m.)

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

Are you ready to call a witness?

MR. WISE: We are, Your Honor. I just wanted to very briefly mention one or two things in advance of bringing out the jury.

So we have four very brief witnesses before Former Detective Hendrix. And they are witnesses to establish, I think, what are sort of noncontroversial elements that had been the subject of proposed stipulations but have not been stipulated to.

So we have Lieutenant Theodore Friel, who will testify that the employee -- the defendants were employees of the Baltimore Police Department.

We have Director Elaine Harder, the Director of Fiscal for the Baltimore Police Department, who will testify that the overtime slips are uploaded into an ADP system. She'll also testify that the Baltimore Police Department obtains goods like cars and weapons that move in interstate commerce.

We then have Mr. Christopher Matz, who flew up from Atlanta from ADP to testify. Their data center where the wires go is in Sioux City, South Dakota.

And then we have Robin Scott-Lyles from the payroll

1 department at BPD that will testify about the defendants'
2 payroll, both salary and overtime.

3 We think those will be very brief, and then we'll go
4 right into Former Detective Hendrix. He is an in-custody
5 witness, but I think he'll be back there ready to go.

6 It will be well before the mid-morning break, so I
7 just wanted to alert Your Honor to the fact that he's an
8 in-custody witness.

9 **THE COURT:** Okay.

10 **MR. WISE:** But these four witnesses should just take a
11 few minutes.

12 In connection with those four witnesses, the only
13 other issue I wanted to mention was that we have asked for a
14 stipulation that the Baltimore Police Department was a legal
15 entity. But we had also filed a motion in limine asking the
16 Court to take judicial notice of that fact since it's a legal
17 determination that the case law suggests is appropriate for the
18 Court to take judicial notice of.

19 So we would ask either that Your Honor do that this
20 morning or at some point. I have a copy of the motion in
21 limine which I can hand up if Your Honor would like. Or -- and
22 what we're asking is that the jury be told that the Baltimore
23 Police Department is a legal entity, basically a state agency.
24 So I can --

25 **THE COURT:** Sure. You can hand that up, again. And

1 I'll ask defense counsel, my recollection is that this is not
2 opposed, but . . .

3 **MR. PURPURA:** That's fine.

4 **THE COURT:** Is there any opposition, Mr. Purpura?

5 **MR. PURPURA:** No. Thank you.

6 **THE COURT:** Ms. Wicks?

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

8 **THE COURT:** Okay.

9 **MR. WISE:** One sort of final housekeeping matter.

10 Defense counsel had asked over the weekend when we anticipated
11 resting and things are moving, I think, at a good pace. So we
12 could, if the pace keeps up, potentially rest by the end of
13 this week, although it may flow into the following week since
14 we're just sort of estimating at this point.

15 But I just wanted to --

16 **THE COURT:** That's good news.

17 **MR. WISE:** -- make the Court aware of that too.

18 **THE COURT:** Okay.

19 **MR. WISE:** Thank you.

20 **THE COURT:** All right. Anything else preliminary?

21 (No response.)

22 **THE COURT:** Thank you. We'll get the jury.

23 (Jury entered the courtroom at 10:11 a.m.)

24 **THE COURT:** All right. Welcome back. You can all be
25 seated.

1 All right. The Government has some more witnesses to
2 call?

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

4 The United States calls Lieutenant Theodore Friel.

5 (Pause.)

6 **THE COURT:** He must be around somewhere.

7 **MR. WISE:** I think that door locks sometimes. I'm not
8 sure.

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

10 LIEUTENANT THEODORE FRIEL, GOVERNMENT'S WITNESS, SWORN.

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

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

14 **THE WITNESS:** Theodore David Friel, Jr., F-R-I-E-L.

15 **THE CLERK:** Thank you.

16 **THE COURT:** Mr. Wise.

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

18 DIRECT EXAMINATION

19 **BY MR. WISE:**

20 **Q.** Good morning, sir.

21 **A.** Good morning.

22 **Q.** What law enforcement agency do you serve with?

23 **A.** The Baltimore Police Department.

24 **Q.** And what is your position with the Baltimore Police
25 Department?

1 **A.** I'm a lieutenant in human resources.

2 **Q.** And I have a few questions for you, Lieutenant Friel,
3 based on your work as a lieutenant in human resources.

4 First, was Daniel Thomas Hersl a Baltimore Police
5 Department employee?

6 **A.** Yes.

7 **Q.** And when did Daniel Thomas Hersl begin his employment with
8 the BPD?

9 **A.** He was appointed a police officer trainee on 9/7/1999.

10 **Q.** And as of March the 1st of 2017, was he still an employee
11 of the Baltimore Police Department?

12 **A.** Yes, he was.

13 **Q.** And was he suspended without pay on that day?

14 **A.** Yes, he was.

15 **Q.** Same series of questions, Lieutenant Friel. Was Marcus
16 Roosevelt Taylor a Baltimore Police Department employee?

17 **A.** Yes, he was.

18 **Q.** And when did he begin his employment with the Baltimore
19 Police Department?

20 **A.** He began his employment on 5/18/2009.

21 **Q.** And as of March the 1st, 2017, was he still an employee of
22 the Baltimore Police Department?

23 **A.** Yes, he was.

24 **Q.** And was he suspended without pay on that day?

25 **A.** Yes, he was.

~~PRIME~~ ~~CROSS~~

1 **Q.** Okay. What is a gun day?

2 Go on. Tell us. Tell us.

3 **A.** So a gun day was a day that was given to officers after
4 they seized a handgun.

5 **MR. PURPURA:** Thank you.

6 Nothing further. Thank you.

7 **THE COURT:** Anything?

8 **MR. NIETO:** Nothing, Your Honor.

9 **THE COURT:** Okay. Any?

10 **MR. WISE:** No redirect, Your Honor. Thank you.

11 **THE COURT:** All right.

12 Thank you very much, sir. You can step down.

13 **THE WITNESS:** Thank you, ma'am.

14 (Witness excused.)

15 **MR. WISE:** The United States calls

16 Director Elaine Harder.

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

18 ELAINE HARDER, GOVERNMENT'S WITNESS, SWORN.

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

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

22 **THE WITNESS:** Elaine Harder, H-A-R-D-E-R.

23 **THE CLERK:** You may slide up just a little bit. Pull
24 the microphone down to you.

25 Thank you.

1 enlarge that.

2 **BY MR. WISE:**

3 **Q.** Is this an example of the paper overtime slips that
4 officers in the Baltimore Police Department submit?

5 **A.** Yes, it is.

6 **Q.** And I'm not going to ask you about any of the information
7 on this slip or any other slip. But if you could just tell us,
8 on a very basic level, what the process is. Once an officer, a
9 sergeant, whomever it is, fills out one of these slips, sort of
10 what happens in terms of the process?

11 **A.** Sure. The slip is then handed in to that unit's
12 timekeeper. The timekeeper will then enter the information
13 into eTIME®, which is also known as time and attendance.

14 At the weekly payroll close or the biweekly payroll close,
15 the unit -- each unit has an approver who systematically
16 approves the entries.

17 Once that is complete, it comes over to my unit, fiscal
18 services. We do a top-level review of all employees within the
19 department. Once we approve it, it goes over to central
20 payroll for further processing.

21 **Q.** And ultimately, is a, for lack of a better word, paycheck
22 produced out of this process?

23 **A.** Yes, it is.

24 **Q.** And is that a paper check or is that an electronic funds
25 transfer?

1 **A.** In most cases, it's an electronic funds transfer.

2 **Q.** Okay. And you mentioned the ADP time and attendance
3 system.

4 **MR. WISE:** If we go to the second page of this
5 exhibit. And if you could enlarge that.

6 **BY MR. WISE:**

7 **Q.** Is this an example just of a screenshot of what that time
8 and attendance system looks like?

9 **A.** Yes, it is.

10 **Q.** Okay. All right. Now, the second area I wanted to
11 briefly ask you about that you testified was within your
12 responsibilities is procurement.

13 How does the Baltimore City Police Department obtain --
14 we'll use the fancy word "procure" -- things like guns and
15 automobiles and the goods they need to do their job? How do
16 they get those?

17 **A.** We use the City software called CitiBuy, and we put a
18 requisition in for a particular item. The city agency
19 procurement will then go out to various vendors throughout the
20 United States and procure the items requested.

21 **Q.** And just very, very briefly, what are some examples of the
22 kind of things the City, on behalf of the department, goes out
23 across the United States to buy?

24 **A.** We purchase everything from cars to bullets to uniforms,
25 toilet paper, everything. Absolutely everything.

~~HARDER~~ ~~CROSS~~

1 Q. Okay. And this is in 2016 when you came on; is that
2 correct?

3 A. That's correct.

4 Q. You were not here in 2015; is that fair to say?

5 A. That is correct.

6 Q. And did you ever discuss with anyone, either from all the
7 way from the commissioner on down through lieutenants, about
8 G days or gun days?

9 A. No, sir.

10 Q. Anyone ever tell you about giving overtime for a gun or
11 gun days?

12 A. No.

13 MR. PURPURA: Thank you. I have no further questions.

14 THE COURT: Thank you.

15 Anyone else?

16 MR. NIETO: Nothing, Your Honor.

17 THE COURT: Okay. Any redirect?

18 MR. WISE: No, Your Honor.

19 Thank you.

20 THE COURT: All right. Thank you very much. You are
21 excused.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 MR. WISE: United States calls Christopher Matz.

25 THE COURT: All right.

~~MATZ DIRECT~~

1 **A.** Yeah. They use primarily two services. They process
2 payroll on our technology known as EPS, Enterprise Payroll
3 Services. And they use our timekeeping system, eTIME®.

4 **MR. WISE:** And, Mr. Kerrigan, if we could have the
5 last example I had up back on the screen, that last page.

6 If you could enlarge that.

7 **BY MR. WISE:**

8 **Q.** Mr. Matz, is this an example of the time and attendance
9 product that ADP -- that the City and the Baltimore Police
10 Department use that ADP offers?

11 **A.** Yes, it is.

12 **Q.** And what kind of system is this? Is it -- I'll let you
13 explain.

14 **A.** Yeah. It's a mainframe system.

15 **Q.** And what's that mean?

16 **A.** It means that ADP owns the servers and hosts it, and the
17 City just processes payroll through those servers.

18 **Q.** So when the City or the Police Department uploads time and
19 attendance information into this system, does that create
20 electronic wire communications?

21 **A.** It does.

22 **Q.** And you said this is a mainframe system where ADP owns the
23 servers. Where is the server or servers for this system and
24 the payroll system you also mentioned?

25 **A.** Sioux Falls, South Dakota.

~~MARZ DIRECT~~

1 **Q.** So is it accurate to say that the wires that are created
2 when the City or the Police Department uploads information into
3 this system go to South Dakota?

4 **A.** That's correct.

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

6 **MR. PURPURA:** No questions.

7 Thank you, Your Honor.

8 **MR. NIETO:** No questions, Your Honor.

9 **THE COURT:** Okay. Thank you very much, sir.

10 Appreciate your time.

11 **JUROR:** (Indicating.)

12 **THE COURT:** I'm sorry. Hang on just a minute.

13 Ms. Moyé, I think there's a question.

14 **THE CLERK:** (Handing.)

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

16 It's not a question that relates to this witness.

17 So thank you very much again, sir. You are excused.

18 **THE WITNESS:** Thank you.

19 (Witness excused.)

20 **THE COURT:** And I'll see counsel at the bench briefly.

21 (Bench conference on the record:

22 **THE COURT:** So the juror's question is for

23 Theodore Friel: Please clarify if gun days are an approved
24 policy.

25 **MR. WISE:** Maybe he's still here. We can bring him

1 back.

2 **THE COURT:** Do you want him brought back, counsel?

3 **MR. WISE:** Yeah, we'll bring him back.

4 **MR. PURPURA:** Let me think about it.

5 **THE COURT:** Okay.

6 **MR. PURPURA:** Are we bringing him back or not?

7 **THE COURT:** We're bringing him back. All right.)

8 (Bench conference concluded.)

9 **MR. WISE:** Your Honor, before we bring out our next
10 witness, we will re-call Lieutenant Theodore Friel.

11 Your Honor, he's not in the building, but they're
12 calling him. So if we could move on to the next witness, he'll
13 come back.

14 **THE COURT:** All right.

15 **MR. WISE:** United States calls Robin Scott-Lyles.

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

17 ROBIN SCOTT-LYLES, GOVERNMENT'S WITNESS, SWORN.

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

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

21 **THE WITNESS:** Robin Scott-Lyles. Last name spelled
22 S-C-O-T-T, hyphen, L-Y-L-E-S.

23 **THE CLERK:** Thank you.

24 **THE COURT:** Okay.

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

~~SCOTT LYLES DIRECT~~

DIRECT EXAMINATION

BY MR. WISE:

Q. Good morning, ma'am.

A. Good morning.

Q. Where do you work?

A. Central payroll for the City of Baltimore.

Q. And just briefly, what do you do in your position at central payroll for the City of Baltimore?

A. I am the payroll manager responsible for working our two systems, overseeing the two systems that we have, system of records, eTIME®; and the system of payment, which is the HR system on the payroll side.

Q. Okay.

A. We're responsible for quite a few things, but --

Q. I imagine.

A. -- basically, that's the basic process.

Q. And do you oversee that function for maybe, among other agencies, the Baltimore Police Department?

A. Every agency that's listed under the City of Baltimore Mayor and City Council.

Q. Does that include the Baltimore Police Department?

A. Yes, it does.

Q. Okay. Now, I want to ask you for some information about two employees of the Baltimore Police Department.

The first one is Daniel Hersl, and I'm going to put on the

~~SCOTT LYLES DIRECT~~

1 document camera -- we'll start with Mr. Hersl.

2 Can you tell me what Mr. Hersl's salary was in 2015.

3 **A.** His yearly salary was \$77,591.

4 **Q.** And what about his overtime in that year?

5 **A.** His overtime for that year was \$86,880.29.

6 **Q.** And how many hours of overtime was that for?

7 **A.** 1,692 hours .90. Our system is rounded in decimals, so
8 that's just -- you might as well say it's 1,693 hours --

9 **Q.** Okay.

10 **A.** -- if you want to round up.

11 **Q.** Thank you.

12 And so that, just by sort of arithmetic, the total is
13 164,471; correct?

14 **A.** Correct.

15 **Q.** And how about for 2016; what was Daniel Hersl's salary?

16 **A.** Regular salary was 78,289.

17 **Q.** All right. And how about overtime?

18 **A.** Overtime salary, overtime was 37,907.28.

19 **Q.** Okay. For how many hours?

20 **A.** One second. 685.54 hours.

21 **Q.** Okay. And for a total of 116,196; correct?

22 **A.** Correct.

23 **Q.** So now if we -- I'm going to ask you about a second
24 employee. This is Marcus Taylor.

25 Can you tell me what his salary was in 2015.

~~SCOTT LYLES - CROSS~~

1 **A.** 66,122.

2 **Q.** And overtime?

3 **A.** Overtime, 43,806.69.

4 **Q.** And how many hours of overtime?

5 **A.** For a total of 942.89 hours.

6 **Q.** For a total of, I believe that's 109,928?

7 And then for 2016, his salary?

8 **A.** 2016 salary is 69,373.

9 **Q.** And overtime?

10 **A.** Overtime is 44,952.70.

11 **Q.** How many hours is that?

12 **A.** 900 -- 941.57 hours.

13 **Q.** And that's for a total of 114,325; correct?

14 **A.** Correct.

15 **MR. WISE:** And, Your Honor, that -- this is FBI-25,
16 this exhibit, for the record.

17 **THE COURT:** All right.

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

19 **THE COURT:** Mr. Purpura?

20 **MR. PURPURA:** Thank you.

21 CROSS-EXAMINATION

22 **BY MR. PURPURA:**

23 **Q.** Good morning, Ms. Scott-Lyles.

24 **A.** Good morning.

25 **Q.** May I ask you, are you the same Robin Scott-Lyles in 2016

~~SCOTT LYLES~~ ~~CROSS~~

1 by the mayor was given the Richard Lidinsky Award of Excellence
2 in Public Service?

3 **A.** Yes, I am, same person.

4 **Q.** Congratulations.

5 **A.** Thank you.

6 **Q.** I'm going to put back FBI-25 on the screen again.

7 And other than Mr. Hersl and Mr. Taylor's overtime, were
8 you asked to give the records of anyone else's overtime for
9 this particular case?

10 **A.** No, I was not.

11 **Q.** Okay. Have you looked at records for overtime?

12 **A.** We have to. It's a matter of processing the payroll.

13 **Q.** And it's not unusual for a special ops officer or a
14 Homicide detective or any squad which is proactive to have a
15 lot of overtime; is that fair to say in Baltimore City?

16 **A.** That's fair to say.

17 **Q.** And even in particular, the year of 2015, that was a
18 rather -- it was a difficult year in Baltimore City; is that
19 correct, ma'am?

20 **A.** That's correct.

21 **Q.** And a lot of officers throughout the entire department,
22 because you were so shorthanded, received a large amount of
23 overtime in that particular year; is that correct, ma'am?

24 **A.** That's correct.

25 **Q.** And on the overtime slips, they would actually indicate

~~SCOTT LYLES~~ ~~CROSS~~

1 where the officer was, what type of work they were doing for
2 the overtime is that --

3 **A.** No. We don't require the overtime slips in central
4 payroll.

5 **Q.** Okay.

6 **A.** When we get it, it's already on the -- it's already on the
7 computer.

8 **Q.** So you don't get the overtime slips?

9 **A.** No; unless we -- we have a process in payroll. Anytime an
10 officer has more than 100 hours in overtime in the pay period,
11 we require overtime slips. That's what I require in my shop,
12 just so that we make sure things are running correctly.

13 **Q.** Thank you.

14 **A.** But we don't get overtime slips at all. That's not what
15 we do.

16 **MR. PURPURA:** I have no further questions. Thank you,
17 ma'am.

18 **THE WITNESS:** You're welcome.

19 **THE COURT:** Thank you.

20 **MR. NIETO:** Briefly, Your Honor.

21 **CROSS-EXAMINATION**

22 **BY MR. NIETO:**

23 **Q.** Good morning, ma'am.

24 **A.** Good morning.

25 **Q.** So as Mr. Purpura had asked you, you had not reviewed or

~~SCOTT-LYLES REDIRECT~~

1 looked at other Baltimore City police officers' overtime
2 submissions, base pay, or what their total pay was in
3 anticipation of today, did you?

4 **A.** No; just the two that was -- just these two.

5 **Q.** Okay. Now, looking at these particular overtime numbers,
6 I mean, there are other officers that have submitted -- have
7 been paid more for their overtime than what you see on
8 Government's Exhibit FBI-25; is that fair to say?

9 **A.** I cannot state "yes" or "no" because I haven't looked. I
10 just looked at these two individuals. So I can't -- I can't
11 sit here and actually say that it's more officers that have
12 more overtime or less, because I didn't -- I haven't looked.

13 **Q.** Okay. But as -- for purposes of your employment, do
14 you -- you are the one who submits or completes all that
15 paperwork for it or no?

16 **A.** No, not at all.

17 **Q.** Okay.

18 **A.** All I do is pay 'em.

19 **Q.** Understood, ma'am. Thank you so much.

20 **THE COURT:** Anything else?

21 **MR. WISE:** Briefly.

22 REDIRECT EXAMINATION

23 **BY MR. WISE:**

24 **Q.** When you pay them, Ms. Scott-Lyles, are you doing that
25 based on the belief that they're actually working those hours?

~~FRIEL DIRECT~~

1 **A.** Yes.

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

3 **THE COURT:** Okay. All right. Thank you very much.

4 **THE WITNESS:** You're welcome.

5 **THE COURT:** Appreciate your time. You're excused.

6 (Witness excused.)

7 **MR. WISE:** Your Honor, I believe Lieutenant Friel is
8 back. But before we have these four witnesses leave, I had
9 just one housekeeping matter. And that would be to move in
10 evidence the overtime slip exhibits for -- that we've marked on
11 the exhibit list. And I would just read those into the record,
12 if I could, unless there's an objection to any of them.

13 **THE COURT:** Okay. Go ahead.

14 **MR. WISE:** So this is -- this would be PP-2A, 2B, 2C,
15 2D, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 4D, 4E, 4F, 5A, 5B, 5C, 5D,
16 and then finally 6A, 6C, and 6D.

17 **THE COURT:** All right. Those are admitted. Thank
18 you.

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

20 Lieutenant Friel, if you could come back to the stand.

21 **THE CLERK:** Lieutenant, you're still under oath.

22 **THE WITNESS:** Yes, ma'am.

23 LIEUTENANT THEODORE FRIEL, GOVERNMENT'S WITNESS,
24 PREVIOUSLY SWORN.

25

~~FRIEL~~ ~~CROSS~~
DIRECT EXAMINATION

1
2 **BY MR. WISE:**

3 **Q.** Lieutenant Friel, Mr. -- counsel for Defendant Hersl asked
4 you a question about, I think it was G days or gun days?

5 **A.** Yes.

6 **Q.** Are gun -- are gun days an approved practice? Or can you
7 explain what that means, what a gun day means and whether it's
8 an approved practice.

9 **A.** It's not an approved practice.

10 **Q.** So just to be clear, there's no formal policy or directive
11 that authorizes anyone to get credit for a day that they didn't
12 work; is that right?

13 **A.** That's correct.

14 **Q.** Regardless of whatever reason may be given for why this
15 day they didn't work is being claimed; is that right?

16 **A.** That's correct.

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

18 **THE COURT:** Mr. Purpura?

19 **MR. PURPURA:** Thank you. Just a couple.

20 CROSS-EXAMINATION

21 **BY MR. PURPURA:**

22 **Q.** Lieutenant, when -- did you meet Mr. Wise before today?
23 Have you met with --

24 **A.** No. Just today.

25 **Q.** Just today?

~~WRIE~~ ~~CROSS~~

1 **A.** Just this morning.

2 **Q.** And they basically told you what you were going to testify
3 to; is that correct?

4 **A.** That's correct.

5 **Q.** It wasn't about gun days, though, was it?

6 **A.** No.

7 **Q.** Okay. You've testified that gun days are not an approved
8 policy; is that correct?

9 **A.** That is correct.

10 **Q.** It's not on the books. It's not on the books, so to say,
11 that Baltimore City Police for good work and special ops, you
12 take two guns off of violent offenders and you're going to get
13 a G day or gun day the next day? That's just not on the books;
14 is that correct?

15 **A.** That's correct.

16 **Q.** It's not in writing on the books; correct?

17 **A.** Correct.

18 **Q.** But it was widespread throughout Baltimore City Police in
19 2008, 2009, as long as you can remember, that if a cop did a
20 good job and got a violent offender, a large stash of drugs
21 and/or guns, they were given some sort of reward. And that was
22 a gun day or time off; is that correct, sir?

23 **A.** Yes.

24 **MR. PURPURA:** Thank you. No further questions.

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

1 **MR. NIETO:** Nothing, Your Honor.

2 **THE COURT:** Okay. Once again, you're excused. Thank
3 you.

4 **THE WITNESS:** Thank you.

5 **THE CLERK:** Judge.

6 **THE COURT:** Okay. Come back up, counsel.

7 (Bench conference on the record:

8 **THE COURT:** So the question this time says: Are all
9 approved policies in writing? If commissioner approves a
10 gun day, is that in writing?

11 **MR. PURPURA:** I don't think this witness can answer
12 that.

13 **MR. WISE:** Yeah. I don't think he's competent.

14 **THE COURT:** All right. We'll pass on that. Okay.)

15 (Bench conference concluded.)

16 **THE COURT:** All right. Sir, it appears that the
17 particular question is not something that we feel would be
18 appropriate or within necessarily your competence to answer, so
19 thank you. You are excused.

20 (Witness excused.)

21 **THE COURT:** All right. Next witness.

22 **MR. HINES:** United States calls Evodio Hendrix,
23 Your Honor.

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

25 EVODIO HENDRIX, GOVERNMENT'S WITNESS, SWORN.

~~HENDRIX DIRECT~~

1 Q. And what circumstances did you rob people?

2 A. Through contact on the street and through search warrants.

3 Q. Was this while you were acting as a Baltimore Police
4 Department officer?

5 A. Yes, sir.

6 Q. Who did you rob?

7 A. I robbed Oreese Stevenson and two other gentlemen. I
8 can't remember their name at this time.

9 Q. So were these citizens of --

10 A. Yes, they were citizens.

11 Q. And what did you steal from them?

12 A. Money.

13 Q. Approximately how much money did you steal from these
14 citizens?

15 A. Approximately twenty to twenty-two thousand dollars.

16 Q. Did you act alone?

17 A. No.

18 Q. Who did you rob people with?

19 A. My squad: Sergeant Jenkins, Detective Maurice Ward,
20 Detective Marcus Taylor.

21 Q. Were you armed when you robbed people?

22 A. Yes.

23 Q. Were other officers armed when you robbed people with
24 them?

25 A. Yes.

~~HENDRIX DIRECT~~

1 Q. Did you receive an enhancement in your sentencing
2 guidelines because of the firearm you possessed during the
3 robberies?

4 A. Yes.

5 Q. Did you and other officers physically restrain people with
6 handcuffs when they were being robbed?

7 A. Yes.

8 Q. Did you create false police reports when you robbed
9 people?

10 A. Yes, we did.

11 Q. Why did -- why did you all do that?

12 A. To cover up what we were doing.

13 Q. And can you sort of explain further what that means.

14 A. Well, we would actually create false reports to kind of
15 cover up to -- from what we were -- from the robberies that we
16 were involved in, to make it seem as if we were covering our
17 bases.

18 Q. So would that include, for example, making it appear as if
19 it was a legitimate search?

20 A. Yes.

21 Q. And failing to report the full amount of money that was
22 seized?

23 A. Yes.

24 Q. As part of your plea, did you agree to cooperate with the
25 United States in this case and in the ongoing investigation

1 into corruption at the Baltimore Police Department?

2 **A.** Yes.

3 **Q.** What are your obligations?

4 **A.** To tell the truth.

5 **Q.** What, if anything, do you hope will happen in return for
6 telling the truth?

7 **A.** Possibility to get prosecution to speak on my behalf to
8 the judge; but other than that, nothing.

9 **Q.** So is it your hope that the Government will recommend a
10 lower sentence to the judge?

11 **A.** Yes.

12 **Q.** Have you been sentenced yet?

13 **A.** No.

14 **Q.** Who will sentence you?

15 **A.** The judge, Judge Blake.

16 **Q.** Judge Blake?

17 **A.** Yes.

18 **Q.** Was Judge Blake a part of your plea agreement?

19 **A.** No, sir.

20 **Q.** Even if the United States recommends that you get a lower
21 sentence, does Judge Blake have to follow that recommendation?

22 **A.** No, sir.

23 **Q.** Have any promises been made to you about what your
24 sentence will actually be?

25 **A.** No, sir.

1 Q. What is the maximum penalty for the crime that you pled
2 guilty to?

3 A. 20 years.

4 Q. So Judge Blake can sentence you up to 20 years in jail?

5 A. Yes.

6 Q. And are you in jail right now?

7 A. Yes.

8 Q. Why is that?

9 A. For pleading guilty to my crimes.

10 Q. Mr. Hendrix, I'm going to ask you some questions about
11 your background.

12 Where did you grow up, sir?

13 A. Cleveland, Ohio.

14 Q. When did you move to Maryland?

15 A. In '06.

16 Q. 2006?

17 A. 2006.

18 Q. Why did you move to Maryland in 2006?

19 A. My wife is actually -- she was in the military at the
20 time.

21 Q. And your wife -- you said you're married?

22 A. Yes.

23 Q. Do you have children?

24 A. Yes.

25 Q. How many children do you have?

~~HENDRIX DIRECT~~

1 A. Five children.

2 Q. And what's the highest level of education that you
3 received?

4 A. 12th-grade degree.

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

6 A. In April of '09, 2009.

7 Q. When did you meet Detective Taylor?

8 A. We actually were in the academy together, in the same
9 class.

10 Q. That's the police academy?

11 A. Yes.

12 Q. Is that where you received training?

13 A. Yes.

14 Q. After the academy, where did you go next?

15 A. After the academy, I went to foot patrol around the city.
16 After that I went to the Western District. After that I went
17 to the Pennsylvania Avenue Initiative. And then I went to
18 Special Enforcement.

19 Q. Okay. So the jury's heard some testimony about this, but
20 can you describe generally what foot patrol is.

21 A. It's just once we got out the academy, we actually walked
22 foot in the communities, in the areas where there was high
23 crime, to try to lessen that crime and show a police presence.

24 Q. And are you uniformed while you're on foot patrol?

25 A. Yes, sir.

~~HENDRIX DIRECT~~

1 Q. And then you mentioned you went to an SES unit; is that
2 right?

3 A. Yes, Special Enforcement Section.

4 Q. And when was that?

5 A. That was approximately 2013.

6 Q. Is that a uniformed unit?

7 A. No. It's a plainclothes unit, detective unit.

8 Q. And what does "plainclothes" mean?

9 A. That means you wore regular clothing. You just had a
10 police vest ovetop, stating "police" in the front, "police" in
11 the back. After that you -- you just form -- formed your own
12 investigations on the street, and you went from there.

13 Q. Did you begin working with Detective Taylor again?

14 A. Yes.

15 Q. When was that?

16 A. I believe it was around the fall of 2016.

17 Q. Fall of 2015?

18 A. Yes -- was it 2015? Twenty -- yes, 2015.

19 Q. And that's -- with which unit were you on at that time?

20 A. That's when we were in SES.

21 Q. So Mr. Taylor worked with you in SES?

22 A. Yes.

23 Q. And then did you and Mr. Taylor ultimately join another
24 unit?

25 A. Yes. GTTF, Gun Trace Task Force.

1 Q. So who was with you on the unit in SES when you joined the
2 GTTF?

3 A. Myself, Detective Taylor, Detective Ward, and
4 Sergeant Jenkins.

5 Q. When did the four of you join GTTF?

6 A. The fall of '16.

7 Q. So roughly the summer of 2016, you think?

8 A. Yes, around -- I believe it was like July, August of 2016.

9 Q. And who was in the GTTF when you joined that unit?

10 A. When we got there, it was Detective Hersl,
11 Detective Gondo, and Detective Rayam.

12 Q. What, if anything, did Sergeant Jenkins tell you about
13 Detective Hersl?

14 A. After we went there, he told me that Detective Hersl
15 actually probably had the most --

16 MR. PURPURA: Objection.

17 Can we approach the bench?

18 THE COURT: Sure.

19 (Bench conference on the record:

20 MR. PURPURA: Your Honor, he's going to respond that
21 Hersl had the -- Jenkins -- Hersl has the most -- I'm trying to
22 think of the language -- internal investigation complaints.
23 That's not appropriate, and counsel knows that's not
24 appropriate.

25 THE COURT: What are you expecting the answer to be?

1 **MR. HINES:** It's a co-conspirator statement.

2 **THE COURT:** Go ahead.

3 **MR. HINES:** It's a co-conspirator statement.

4 Sergeant Jenkins tells Detective Hendrix, as well as other
5 officers in the unit that they can trust Detective Hersl, that
6 he's -- and he has multiple Internal Affairs complaints, and
7 he's one of them.

8 **MR. PURPURA:** Judge, look, unless --

9 **THE COURT:** I'm going to sustain.

10 **MR. PURPURA:** Thank you.

11 **THE COURT:** You don't need to get into past
12 Internal Affairs complaints. So you can either lead him on
13 that question, which is that he said you could trust him, or
14 just move on.

15 **MR. PURPURA:** No. You know why I'm objecting is
16 because I have his -- the 302s on this issue. And there's two
17 officers that -- in the 302 that apparently Hendrix had a
18 conversation with Jenkins about, and it's not Hersl.

19 He mentions two people that Jenkins said are okay and
20 you can trust them, and it's not Hersl. What he does say about
21 Hersl is that Jenkins says that he's got more overtime -- not
22 more overtime, more complaints from citizens than anybody else.
23 And that's all he says, and that's why it's wrong.

24 **MR. HINES:** So this has been our position from day
25 one. The defense has put this in issue and fought to put at

1 issue his record, his good arrests, his bad arrests.

2 We objected to that initially, and Mr. Purpura has
3 continued to put those in play. He's said in his opening that
4 Mr. Hersl has a record of good arrests; he was doing great
5 things for the city.

6 It's all relevant because Detective Hendrix is part of
7 the conspiracy, same as Sergeant Jenkins. They joined
8 together, and they all robbed people after that. And what
9 Sergeant Jenkins tells the other officers is relevant to that
10 comment.

11 **MR. PURPURA:** This is Internal Affairs complaints.
12 He's trying to put in, and it's wrong. And counsel --

13 **THE COURT:** At this point on this record, I am
14 sustaining as to the issue of prior Internal Affairs
15 complaints. I think that has much too risk of being unfairly
16 prejudicial.

17 I have no idea what these complaints are, whether they
18 were sustained, not sustained. We're not going to litigate all
19 those unless the door is opened, which I don't think it has
20 been yet, to get into Internal Affairs complaints.

21 Now, the objection about whether this particular --
22 whether Sergeant Jenkins also said you can trust Mr. Hersl, I
23 don't see that as objectionable.

24 Mr. Purpura, you're claiming it's wrong? I mean,
25 that's a separate factual issue.

1 **MR. PURPURA:** I think it was phrased in the question
2 that you can -- that Jenkins say you can trust. It wasn't
3 coming from Mr. Hendrix' testimony.

4 **THE COURT:** I thought that what I heard Mr. Hines say
5 was that a full answer to the question was going to be
6 Mr. Hersl -- words to the effect, has more Internal Affairs
7 complaints than anybody else; you can trust him, basically.

8 **MR. HINES:** So that's how Mr. Hendrix understood what
9 he understood Mr. Jenkins to be saying, so I could ask him
10 based on --

11 **THE COURT:** That's what he understood him to be
12 saying --

13 **MR. HINES:** Yes.

14 **THE COURT:** -- but not what he literally said.

15 **MR. HINES:** No.

16 **THE COURT:** All right. Then we'll just sustain and
17 move on to the next question.

18 **MR. PURPURA:** Thank you.

19 **THE COURT:** Thank you.)

20 (Bench conference concluded.)

21 **THE COURT:** All right. Let's just move to another
22 question.

23 **MR. HINES:** Sure.

24 **BY MR. HINES:**

25 **Q.** So you started working with Detective Hersl in June of

~~HENDRIX DIRECT~~

1 2016?

2 **A.** Yes.

3 **Q.** Now, I want to ask you some questions about the squad at
4 that time.

5 Can you -- you said when you pled guilty, you admitted to
6 overtime and time and attendance fraud?

7 **A.** Yes.

8 **Q.** Can you describe generally what that process was like.

9 **A.** Yes. We would actually -- we would receive slash days,
10 which are days for gettin' guns. They would actually give us
11 days off not on the books; just the sergeant would tell us,
12 "Don't come in."

13 We would come in at 12 o'clock when our hours were 8:00 to
14 4:00. We would come in sometimes at 4:00 to work, and we would
15 actually put in overtime as if we were there all day.

16 **Q.** All right. So I think I understand there's sort of three
17 different categories of what you said here.

18 You said slash days is one category?

19 **A.** Yes.

20 **Q.** Now, did you understand that slash days were --

21 **MR. PURPURA:** Objection, Your Honor. Form of
22 question.

23 **MR. HINES:** Sure.

24 **MR. PURPURA:** It's what his understanding, not what
25 counsel's question is.

~~HENDRIX DIRECT~~

1 **THE COURT:** Okay. Would you like to rephrase,
2 Mr. Hines.

3 **MR. HINES:** Yes.

4 **BY MR. HINES:**

5 **Q.** Were slash days authorized by the department?

6 **A.** No.

7 **Q.** Did you understand that getting paid for slash days was
8 improper?

9 **A.** Yes.

10 **Q.** Now, with respect to coming in at noon or later, sometimes
11 as late as 4:00 p.m., would you actually put in for time as if
12 you had worked an entire shift that day?

13 **A.** Yes.

14 **Q.** And what was your assigned shift, generally?

15 **A.** 8:00 to 4:00.

16 **Q.** 8:00 a.m. to 4:00 p.m.?

17 **A.** Yes.

18 **Q.** And the third category with respect to overtime, how did
19 overtime hours work?

20 **A.** Let's say we worked till 8:00 and we got a couple of
21 handguns; our sergeant would tell us to put in as if we worked
22 till 12:00, you know, things of that nature. He would actually
23 give us more time than what we were actually there for.

24 **Q.** So in your example, if you worked until 8:00 p.m. and got
25 guns, you would get sort of four additional hours?

~~HENDRIX DIRECT~~

1 A. Yes.

2 Q. Was that an authorized policy within the department?

3 A. No.

4 Q. Did you understand it was wrong to get paid for that time?

5 A. Yes.

6 Q. When did this practice start for you?

7 A. Once I got in the squad with Sergeant Jenkins.

8 Q. And when was that?

9 A. That was 2015.

10 Q. So was that before the death of Freddie Gray?

11 A. Yes.

12 Q. Jenkins was giving you overtime for time you didn't work
13 then?

14 A. Yes.

15 Q. Were you motivated to get guns?

16 A. Yes.

17 Q. Why were you motivated to get guns?

18 A. Because the more guns we got, the more money we would get
19 due to overtime.

20 Q. And that's more overtime for time you hadn't worked?

21 A. Yes.

22 Q. Now, I'd like to ask you about a couple of specific
23 examples.

24 Did you participate in a search on Grindon Avenue on
25 July 14th, 2016?

1 A. Yes.

2 Q. Did you locate a gun?

3 A. Yes.

4 Q. Who was present for that search?

5 A. Myself, Detective Taylor, and Detective Ward.

6 Q. Was Hersl present during that search?

7 A. No.

8 Q. Did he work with you at all that evening?

9 A. No.

10 Q. So if Detective Hersl put a slip in for a Grindon gun
11 arrest claiming he worked an entire shift from 8:00 a.m. to
12 4:00 p.m. and eight hours of overtime until 12:15 in the
13 morning, would that be true?

14 A. No, not to my knowledge, he was never with us.

15 Q. Were there other times when members of the unit claimed to
16 be working when you made a gun arrest?

17 A. Yes.

18 Q. And describe how that worked.

19 A. If someone's there and we get overtime, we would actually
20 call each other if someone was off and actually get each
21 other's information to write on the overtime slip and actually
22 put in overtime for that person. So it's been done for
23 everyone in the squad.

24 Q. So would you sort of look out for other members of the
25 squad that weren't working?

~~HENDRIX DIRECT~~

1 A. Yes.

2 Q. Were there times that other members of the squad would
3 look out for you?

4 A. Yes.

5 Q. Did that include Detective Taylor?

6 A. Yes.

7 Q. Did Detective Taylor put in for time for you that you
8 hadn't worked?

9 A. Yes.

10 Q. Did you do the same for him?

11 A. Yes.

12 Q. Did Sergeant Jenkins ever discuss with you and other
13 members of the unit the need to carry airsoft guns or BB guns?

14 A. Yes.

15 Q. What did he say?

16 A. He said just in case something happens and you need to get
17 yourself out of a situation, like -- 'cause basically we have
18 wife and kids, you know, that need us, so basically to -- to
19 protect yourself if something was to occur.

20 Q. And what did you understand "a situation" to mean?

21 A. Something that happens where you hurt someone and you need
22 to cover yourself, it's easy to put the BB gun down as if they
23 had a handgun.

24 Q. So did Sergeant Jenkins sort of say this so that you could
25 plant a BB gun?

~~HENDRIX DIRECT~~

1 **MR. PURPURA:** Objection, Your Honor. Form of question
2 again.

3 **THE COURT:** Sustained.

4 **BY MR. HINES:**

5 **Q.** When you said put a gun down, if need to, what did you
6 mean by that?

7 **A.** If -- if you got into a situation and you hurt someone and
8 you put the gun down in reference to planting evidence.

9 **Q.** Did you see Detective Taylor have or carry BB guns in the
10 car after Jenkins told him this?

11 **A.** Yes.

12 **Q.** I'm showing you what's been admitted in evidence as
13 Government's Exhibit FBI-15B.

14 **MR. HINES:** For the record, Exhibit 17B.

15 **BY MR. HINES:**

16 **Q.** Is this the kind of BB gun or air pistol that Jenkins
17 suggested that you guys carry with you?

18 **A.** Yes.

19 **Q.** What kind of tactics did Sergeant Jenkins and the unit use
20 to target people?

21 **A.** Multiple. We actually --

22 **MR. PURPURA:** Judge, objection. Could we get a time
23 frame? I'm not sure if we're talking 2015, SIS [sic] or
24 guns -- or GTTF at this point.

25 **MR. HINES:** I'll clarify.

1 **THE COURT:** Sure.

2 **BY MR. HINES:**

3 **Q.** Did the tactics that Sergeant Jenkins used change between
4 2015 when you were with him in the SES and when you were with
5 him in the GTTF?

6 **A.** No.

7 **Q.** So in both the SES unit and the GTTF, what kind of tactics
8 did Jenkins use to target people?

9 **A.** We would target large group of males. The understanding
10 was the more people, you know, the more likely you are to run
11 into someone who actually has something illegal on their
12 person.

13 We actually targeted adults with book bags because the
14 thought was if you're an adult, you know, and you're walking
15 the streets, why do you have a book bag? It could possibly be
16 something within the book bag that was illegal.

17 We would actually perform door pops, which is when you're
18 driving down the street, you see a group of people; you
19 actually pull up, open the door; if someone has something
20 illegal on them, more than likely they're going to try to run
21 out of the area to get away from you.

22 **Q.** When -- so are these tactics that the whole unit used?

23 **A.** No.

24 **Q.** Were these tactics that Sergeant Jenkins directed?

25 **A.** Yes.

~~HENDRIX DIRECT~~

1 Q. And when you -- there were door pops, what characteristics
2 did the people have that you targeted with the door pops?

3 A. No characteristics. Just a group of people on the street.

4 Q. Just people standing in the road?

5 A. Yes.

6 Q. While you were working with Sergeant Jenkins, did you see
7 Jenkins rob citizens?

8 A. Yes.

9 Q. What did you see Jenkins take?

10 A. Money, drugs.

11 Q. Did you talk about that with Ward?

12 A. Yes.

13 Q. Did you talk about seeing Jenkins take money and drugs
14 with Taylor?

15 A. Yes.

16 Q. Can you describe those conversations?

17 A. It was more of a, like: Did you see what just happened?
18 You know, so -- and then we'll talk about, like, yes, you know,
19 I seen it. And, you know, we'll talk about it as -- like that.

20 Q. And you -- so the conversations with Ward and Taylor
21 involved your observations of Jenkins taking money and drugs?

22 A. Yes.

23 Q. What kinds of situations would Jenkins take money and
24 drugs? What was his MO?

25 A. It was just people on the street that we came into contact

1 with, vehicle stops where it was large sums of money or drugs.

2 **Q.** Did Jenkins obtain tools or gear?

3 **A.** Yes.

4 **Q.** How did you become aware that Jenkins had obtained tools
5 and gear?

6 **A.** One day when we were walking, we were parked in the
7 headquarters parking garage. We were actually walking past his
8 van. He went to the back of his van --

9 **MR. PURPURA:** Your Honor, objection again. We've had
10 multiple people on trial, multiple people referenced to. And
11 it's a "we" -- unless counsel is going to clarify who the "we"
12 are at this point.

13 **MR. HINES:** I can follow up after the witness answers.

14 **THE COURT:** Sure.

15 **THE WITNESS:** Well, we were walking. Sergeant Jenkins
16 called us back to his van. He actually opened up the back of
17 the van. There were two black duffel bags. Opened one. He
18 had like all black clothing, like ski masks, like, other kind
19 of masks. And another one was like multiple tools, like
20 construction-type tools.

21 **BY MR. HINES:**

22 **Q.** So when you say, "We walked to the back of the van," who
23 does the "we" include?

24 **A.** It was me, Detective Taylor, Detective Ward and
25 Sergeant Jenkins.

1 Q. And this van that Jenkins had, was it a van given to him
2 by the Baltimore Police Department?

3 A. Yes.

4 Q. Now, I'm going to show you what's been marked as
5 Government's Exhibit 19-B.

6 Do you recognize the gear in this exhibit?

7 A. Yes. That's actually what he showed us within the -- one
8 of the bags.

9 Q. And does that include sort of black ski masks?

10 A. Yes. The masks, black clothing. Let me see. He got his
11 tactical vest as well.

12 Q. Did Jenkins describe what the black ski masks were for?

13 A. He said he had all that stuff just in case he ran into a
14 monster or a big -- a big hit.

15 Q. And what is a monster? What did you understand that to
16 mean?

17 A. Someone with a lot of money or drugs.

18 Q. And did he -- did you understand him to be saying that he
19 had these masks if he ran into a monster so that he could
20 arrest him?

21 A. No. I -- once I seen all that, I came to the conclusion
22 he was talking about robbing 'em.

23 Q. I'm going to show you what's been marked as
24 Government's Exhibit 20-B. Do you recognize the tools in this
25 exhibit?

~~HENDRIX DIRECT~~

1 **A.** Yes. Those are the tools that was in another black bag
2 that he actually showed us.

3 **Q.** Did he show you this tool (indicating)?

4 **A.** Yes. It was in the bag. It was actually one of the
5 things -- you know, it was like a grappling hook as if he was
6 going to climb -- climb a building or some type situation.

7 **Q.** I'll show you what's already been admitted from --

8 **MS. WICKS:** Your Honor, may we approach briefly?

9 **THE COURT:** Sure.

10 (Bench conference on the record:

11 **MS. WICKS:** Mr. Taylor needs a bathroom break. I know
12 it's a little bit before the morning break, but if we could
13 take it now.

14 **THE COURT:** Okay. Can we finish this, like this one
15 part with the bag?

16 **MS. WICKS:** Yes.

17 **THE COURT:** Okay.)

18 (Bench conference concluded.)

19 **BY MR. HINES:**

20 **Q.** Detective Hendrix, just a couple of questions about the
21 tools in the bag we just talked about.

22 Is this the grappling hook you referenced (indicating)?

23 **A.** Yes.

24 **Q.** And is this a tool that's given to the Gun Task Force by
25 the Baltimore Police Department?

1 A. Definitely not.

2 Q. Did you have any reason to use this tool in your duties as
3 a detective in the Gun Task Force?

4 A. Definitely not, no.

5 Q. Weren't scaling any tall buildings or anything?

6 A. No, sir.

7 Q. And this is a tool you just identified a moment ago. What
8 is this?

9 A. A machete.

10 Q. It's a machete?

11 A. Yes.

12 Q. Is this machete a tool that was given to you by the
13 Baltimore Police Department?

14 A. No, sir.

15 Q. Do you have any reason to use this tool in the field?

16 A. No, sir.

17 Q. I'll ask about just one more tool here.

18 Is this a sledgehammer?

19 A. Yes.

20 Q. Was this sledgehammer given to you by the Baltimore Police
21 Department?

22 A. No, sir.

23 Q. Did you ever use this tool in the field?

24 A. No, sir.

25 Q. When Jenkins showed you these tools -- the machete, the

1 grappling hook, the sledgehammer -- how did Mr. Taylor react?

2 **A.** I would guess, you know --

3 **MS. WICKS:** Objection.

4 **BY MR. HINES:**

5 **Q.** Well, what did you see --

6 **THE COURT:** All right. Sustained.

7 Let's try again.

8 **BY MR. HINES:**

9 **Q.** Did you have any conversations with Detective Ward after
10 you -- he showed you these tools?

11 **A.** Yes.

12 **Q.** What were your conversations with Ward?

13 **A.** Like Sergeant Jenkins is crazy.

14 **Q.** And how about -- how did that differ, if at all, with your
15 conversations with Detective Taylor?

16 **A.** Detective Taylor really didn't have much of a opinion at
17 that time in reference to everything that we seen.

18 **MR. HINES:** Your Honor, I was going to move on to the
19 next topic.

20 **THE COURT:** All right. We appear to be at a good
21 point for the mid-morning break. We'll take a mid-morning
22 break and then resume.

23 Thank you very much.

24 (Jury left the courtroom at 11:14 a.m.)

25 (Recess taken.)

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

2 Counsel, can I see you at the bench, please.

3 (Bench conference on the record:

4 **THE COURT:** So two things. I think Ms. Moyé may have
5 spoken about one. There was some issue about whether you all
6 could be heard as well as everyone in the courtroom would like.
7 So if you can just remember either to be wearing a mic or
8 speaking into a mic or just keeping your voice up as much as
9 possible.

10 We have a note from a juror which is: Did they put in
11 overtime when no guns were seized?

12 If you want to keep that in mind as we're going along?

13 **MR. PURPURA:** No questions on robbery versus theft?
14 So far, at least.

15 **THE COURT:** Not yet.

16 **MR. PURPURA:** Thank you, Judge.

17 **MS. WICKS:** I have a lot of those questions, but they
18 won't let me ask them.)

19 (Bench conference concluded.)

20 **THE COURT:** All right. We can get the jury.

21 And thank you, counsel, for speaking up and speaking
22 into the microphones.

23 (Jury entered the courtroom at 11:35 a.m.)

24 **THE COURT:** All right. Thanks. You can be seated.

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

~~HENDRIX~~ ~~DIRECT~~

1 **THE WITNESS:** Yes, ma'am.

2 **THE COURT:** All right. If you'd like to continue,
3 Mr. Hines.

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

5 **BY MR. HINES:**

6 **Q.** Mr. Hendrix, a question about overtime. Were there times
7 you put in for overtime when, in fact, no guns were seized?

8 **A.** Yes.

9 **Q.** Was that sort of a frequent occurrence?

10 **A.** Pretty frequent, yes.

11 **Q.** Are you aware if other members in the GTTF also put in for
12 time when no guns were seized?

13 **A.** Yes.

14 **Q.** Did that include Detective Taylor?

15 **A.** Yes.

16 **Q.** And Detective Hersl?

17 **A.** Yes.

18 **Q.** Now, before the break a moment ago, we were talking about
19 some of the tools that Jenkins had. And I think I heard your
20 answer was that -- was it along the lines that you and Ward
21 were sort of surprised by these tools?

22 **A.** Yes.

23 **Q.** But Taylor, I think you said, had no opinion?

24 **A.** Yes.

25 **Q.** Did Wayne Jenkins also carry brass knuckles?

1 **A.** Yes, I seen him carry them on occasions.

2 **Q.** I'm showing you what's been marked as
3 Government's Exhibit 22A and the photograph 22B.

4 **MR. HINES:** May I approach the witness, Your Honor?

5 **THE COURT:** You may.

6 **BY MR. HINES:**

7 **Q.** Do you recognize 22A?

8 **A.** Yes. Yes.

9 **Q.** And what is 22A?

10 **A.** A pair of brass knuckles.

11 **Q.** Is this a pair of brass knuckles that Jenkins carried with
12 him in the BPD van that he had?

13 **A.** Yes.

14 **Q.** Did Jenkins propose robbing a supplier of his body shop
15 friend?

16 **A.** Yes.

17 **Q.** Can you tell us about that?

18 **A.** When he came back from leave, he stated that one of his
19 friends who owned a body shop actually had some -- some sort of
20 drug deal with another guy who actually shorted him on his
21 money. And he said that we should actually target him to try
22 to rob him as well.

23 **Q.** Okay. So Jenkins was on leave. Did he come back sometime
24 in early 2017?

25 **A.** Yes.

1 Q. And who was present for this conversation?

2 A. Myself, Detective Taylor, Detective Ward.

3 Q. And he said he had a friend that worked at a body shop?

4 A. That owned a body shop, yes.

5 Q. And did this friend also deal drugs?

6 A. Yes.

7 Q. And he talked about his supplier?

8 MR. PURPURA: Judge, objection. These 611(c) -- these
9 are all leading, maybe -- maybe the witness can testify after a
10 while.

11 MR. HINES: Sure. I was just following up on what he
12 said, but I'll rephrase.

13 BY MR. HINES:

14 Q. The -- did Jenkins tell you that the body shop owner had a
15 drug supplier?

16 A. Yes.

17 Q. And what did Jenkins tell you about what he wanted to do?

18 A. He -- he stated that he wanted us to actually target him,
19 to basically do investigation to see where he lived, where he
20 possibly had his money and drugs at. And he actually wanted us
21 to rob him.

22 Q. Did Jenkins say anything about the tools?

23 A. He said that he -- he referred back to the tools and
24 basically said, He has everything, whatever we need, you know,
25 he -- that we know he got it.

1 Q. How did you and Mr. Ward react to this proposal?

2 A. Basically, no. We -- you know, he's gettin' out of
3 control. I stated, "No, I'm not doing it"; Detective Ward as
4 well.

5 Q. How did Mr. Taylor react?

6 A. Again, he just sat there as if -- as if he didn't really
7 have an opinion. So he could have went either way, so . . .

8 Q. Are you familiar with an attempted robbery near
9 Washington, D.C.?

10 A. Yes.

11 Q. How did you learn about this robbery?

12 A. Detective Taylor actually told myself and Detective Ward.

13 Q. What did Detective Taylor tell you and Ward?

14 A. They were watching some guy who actually brought a
15 duffel bag into his car, he said. So he knew it was more than
16 likely a large sum of money in there. He said they followed
17 him. They continued to follow him to the D.C. area.

18 At that time Detective Taylor told me that he believed
19 somebody was following them. He advised Sergeant Jenkins, who
20 didn't believe him.

21 They actually stopped in some sort of parking lot area
22 following a guy. Sergeant Jenkins actually told
23 Detective Taylor to get out the vehicle, hit the guy -- I don't
24 know, you know, how that was supposed to happen -- and take the
25 money, take the bag.

1 Q. So Detective Taylor told you that he and Jenkins followed
2 this guy to D.C.?

3 A. Yes. And after that, Detective Taylor said he think that
4 they were being followed. Again, him and Sergeant Jenkins
5 argued.

6 Sergeant Jenkins stated that he would do it since Taylor
7 didn't want to do it. He -- as he was about to get out of the
8 vehicle, someone did actually get out of their vehicle, come up
9 to Jenkins and Taylor, knock on the window, and actually he was
10 a federal agent.

11 Q. So when you say Taylor didn't want to do it, is that
12 because he was concerned that there was someone following him?

13 A. Yes. He was -- he believed that they were being followed
14 at the time.

15 Q. But up until that point, did Taylor tell you if he was
16 sort of down with this robbery?

17 A. Well, he -- he said they were following him. He said --
18 he never told me that he wasn't. He said they were following
19 him. He knew it was a large sum of money due to the guy
20 carrying it in a duffel bag. He just felt that it was a large
21 sum of money.

22 Q. And Taylor told you the plan was to hit him over the head?

23 A. He said that that's what Jenkins wanted him to do.

24 Q. Did Taylor specify which tool, if any, would be used to
25 hit him over the head?

1 **A.** No. He didn't actually tell me if there was a tool or he
2 just wanted him to hit him with his hands. He never told me
3 that.

4 **Q.** And just for the record, Mr. Hendrix, could you please
5 stand and identify Mr. Taylor in the courtroom.

6 **A.** Yes. Detective Taylor in the blue suit (indicating).

7 **MR. HINES:** Your Honor, we'd ask that the record
8 reflect that the witness has identified Marcus Taylor.

9 **THE COURT:** It will.

10 **BY MR. HINES:**

11 **Q.** Mr. Hendrix, I'd like to direct your attention to
12 March 22nd, 2016. Did you participate in a robbery on that
13 day?

14 **A.** Yes.

15 **Q.** Who did you rob?

16 **A.** Oreese Stevens [sic].

17 **Q.** Where did you first encounter Mr. Stevenson?

18 **A.** We actually encountered him in the Northwest District,
19 right off the Northern Parkway. I believe it was Jonquil.

20 **Q.** And how did you encounter Mr. Stevenson on Jonquil?

21 **A.** Him and another gentleman was actually sitting inside of
22 his van.

23 **Q.** Were you in a vehicle?

24 **A.** Yes, we were in a vehicle. We were patrolling through the
25 area. We observed Oreese Stevens [sic] and another gentleman

1 sitting in the vehicle. Sergeant Jenkins advised us to stop.
2 We got out of the vehicle to approach the van to see what the
3 gentlemen were sitting there for.

4 **Q.** Who -- when you mentioned Sergeant Jenkins, who else was
5 with you in your vehicle?

6 **A.** Sergeant Jenkins, Detective Taylor, Detective Ward, and
7 myself.

8 **Q.** And were -- did you observe Mr. Stevenson or his passenger
9 doing anything illegal?

10 **A.** No.

11 **Q.** You just stopped him on the side of the street?

12 **A.** Yes.

13 **Q.** Was this sort of a normal practice of Sergeant Jenkins
14 just to stop people?

15 **A.** Yes. If they were sitting in vehicles, just to stop, see
16 what's going on, talk to 'em.

17 **THE COURT:** Just so I'm clear, did Sergeant Jenkins
18 stop the van, or was the van already stopped?

19 **THE WITNESS:** No. The van was already stopped. We
20 stopped alongside the van.

21 **THE COURT:** Okay.

22 **BY MR. HINES:**

23 **Q.** Were you sort of blocking the van from leaving?

24 **A.** We were -- we were -- our front bumper was approximately
25 at their front tire. They could have -- they could have gotten

1 out if they tried, but, you know, when we got out of the
2 vehicle, they weren't going to try to leave at that point.

3 Q. So what happened when you got out of the vehicle?

4 A. We got out of the vehicle, actually went to speak to
5 Oreese Stevens, and the gentleman --

6 Q. Was Mr. Stevenson placed in handcuffs?

7 A. At -- at a point, yes, he was.

8 Q. And was the other gentleman placed in handcuffs?

9 A. Yes.

10 Q. Do you recall who placed them in handcuffs?

11 A. No, I couldn't tell exactly who put 'em in handcuffs. I
12 can't remember that.

13 Q. Were you, Mr. Taylor, Mr. Ward, and Sergeant Jenkins
14 armed?

15 A. Yes.

16 Q. Did each of you have your Baltimore Police Department
17 service firearms?

18 A. Yes.

19 Q. Okay. What happened after you put Mr. Stevenson in
20 handcuffs?

21 A. After we placed him in handcuffs, we -- we tried to see
22 where his residence was because Detective Ward had actually
23 found a large sum of cocaine in the van, and it was also money
24 in the van.

25 Q. Who found the money in the van?

~~HENDRIX DIRECT~~

1 **A.** I believe it was Detective Taylor.

2 **Q.** The other -- you referred to him as another gentleman who
3 was present. Did he live nearby?

4 **A.** He actually resided a couple of houses down from where
5 they were parked.

6 **Q.** How did you learn that?

7 **A.** Due to speaking with him, his girlfriend or wife and his
8 mother was actually at the home.

9 **Q.** Did you go to his home?

10 **A.** Sergeant Jenkins and Detective Taylor walked over to speak
11 to them at the house -- the home.

12 **Q.** And did Sergeant Jenkins and Detective Taylor actually go
13 into their home?

14 **A.** Yes.

15 **Q.** Did they have a search warrant to go into that home?

16 **A.** No.

17 **Q.** Are you aware if the owners of that home consented to
18 allow them in?

19 **A.** No. I was on the street with Detective Ward standing by
20 the gentlemen that were cuffed.

21 **Q.** What happened with the money once Detective Taylor got it
22 from the van?

23 **A.** At that point I didn't see it until we actually went back
24 to headquarters to --

25 **Q.** All right. We'll get to that sort of a little bit later.

~~HENDRIX DIRECT~~

1 Did Sergeant Jenkins interrogate Stevenson?

2 **A.** Yes.

3 **Q.** After Sergeant Jenkins interrogated Stevenson, what did
4 Sergeant Jenkins tell you?

5 **A.** At that point he said that this was a big one.

6 **Q.** And what did you understand that to mean, "This is a big
7 one"?

8 **A.** A guy with a large sum of money and drugs.

9 **Q.** Did Sergeant Jenkins say anything else?

10 **A.** He said we got to find his -- his residence.

11 **Q.** And at that moment, what did you understand
12 Sergeant Jenkins to be saying?

13 **A.** That it's a possibility that it's a large sum of money
14 that's at the residence that we could actually take.

15 **Q.** When you say you can actually take, for yourselves?

16 **A.** For ourselves, yes.

17 **Q.** So not for evidence?

18 **A.** No.

19 **Q.** How was Sergeant Jenkins acting when he said this?

20 **A.** Excited at that point.

21 **Q.** How about Detective Taylor; how was he acting?

22 **A.** Same thing, excited.

23 **Q.** So what happened next after Mr. Stevenson and this other
24 gentleman were in handcuffs?

25 **A.** At that point we sent them to Central Bookings, and we

~~HENDRIX DIRECT~~

1 went to locate the homes.

2 Q. So they were -- were they put in a wagon?

3 A. Yes.

4 Q. And sent to jail?

5 A. Yes.

6 Q. And how did you locate the home?

7 A. Through actual -- the address on, I believe, his driver's
8 license as well as they looked through databases to get to his
9 address. It was two -- it was one on Baker Street and one on
10 Heathfield.

11 Q. And who had been present when Jenkins said that this was a
12 big one?

13 A. All of us.

14 Q. So you, Detective Taylor --

15 A. Me, Detective Taylor and Detective Ward.

16 Q. Did you ultimately go to the address on Baker?

17 A. Yes.

18 Q. And how did you get there?

19 A. We drove there. We went to Baker Street. We actually
20 used the keys that were on Oreese Stevens' person to gain entry
21 to the house.

22 Q. Did Oreese Stevens give you consent?

23 A. No.

24 Q. Did he say, "You're welcome to go into my home on
25 Baker Street"?

~~HENDRIX DIRECT~~

1 A. No.

2 Q. Did you have a search warrant for his house?

3 A. No.

4 Q. Why did -- who went? Was it you and who else?

5 A. Me, Detective Taylor, Detective Ward, Sergeant Jenkins.

6 Q. Who went into his house on Baker Street?

7 A. We all did.

8 Q. And what was the purpose of going into the house?

9 A. To see if there was any evidence in there or anything that
10 could possibly be taken.

11 Q. So when you say "any evidence or anything that could be
12 taken," you didn't have a search warrant at this point; right?

13 A. No, we didn't.

14 Q. Was there a legitimate law enforcement reason to go in
15 there?

16 A. No.

17 Q. Was it just to take money?

18 A. Yes.

19 Q. Did you guys create a ruse for why you went into
20 Baker Street?

21 A. Yes.

22 Q. And what was that ruse?

23 A. Well, we just act as if we were -- as if we were allowed
24 to be in there, because it was actually a gentleman waitin' for
25 the owners of the residence to bring in mattresses.

~~HENDRIX DIRECT~~

1 Q. So there was like a delivery person there?

2 A. Yes.

3 Q. Trying to get a mattress inside?

4 A. Yes.

5 Q. And you acted like you lived there?

6 A. Yes.

7 Q. Did that include Detective Taylor?

8 A. Detective Taylor, Ward, myself, and Sergeant Jenkins, we
9 all went in there.

10 Q. What did you guys do with the vests that you had at this
11 time?

12 A. At that time we placed 'em into our vehicle. We took 'em
13 off, put 'em in our vehicle.

14 Q. Was that so that the mattress man wouldn't see that you
15 guys were actually police?

16 A. Yes.

17 Q. After you exited -- well, let me back up a second.
18 Was anything found in the Baker Street address?

19 A. No.

20 Q. What happened next?

21 A. At that point we left and went to Heathfield.

22 Q. And what was at Heathfield?

23 A. That was Oreese Stevens' other address.

24 Q. So that was his actual residence?

25 A. Yes.

~~HENDRIX DIRECT~~

1 Q. What happened when you got to Heathfield?

2 A. Once we got to Heathfield, we did the same thing that we
3 did in Baker. We actually went into the house.

4 Q. How did you get into the house?

5 A. Using keys that was on Oreese Stevens' person.

6 Q. Same questions: Did Mr. Stevenson give you consent?

7 A. No.

8 Q. Did anyone at the home allow you in?

9 A. No.

10 Q. Did you have a search warrant at this time?

11 A. No.

12 Q. What was the purpose of going into his house before
13 getting a search warrant?

14 A. To do a sneak-and-peek, which is basically to see if there
15 is anything worth going to get a search warrant for.

16 Q. And what would that mean?

17 A. Any evidence, anything that we could take to actually
18 basically cover up to see what -- if we were able to take
19 anything.

20 Q. When you say "cover up," was the purpose of getting a
21 search warrant to cover up robbery?

22 A. Yes.

23 Q. Did you guys ultimately get into the house?

24 A. Yes.

25 Q. Was there any kind of a ruse this time for getting into

1 the house?

2 **A.** Yes. Once -- well, after the first time we went in and we
3 found the evidence, we actually left out of the house. And
4 Sergeant Jenkins told Taylor to go to the back rear of the
5 house and once -- we go speak to a neighbor to act as if he
6 actually got into a foot chase from someone leaving the house.

7 **Q.** Okay. So you went in; you said that you saw some
8 evidence?

9 **A.** Yes.

10 **Q.** What do you mean by that?

11 **A.** Well, we saw kilos of cocaine, handguns. It was a safe
12 and bags of money.

13 **Q.** So then when you exit the house, why does Sergeant Jenkins
14 create this ruse?

15 **A.** So that we could actually go into the house to act as if
16 we're securing the dwelling until we get back with the
17 search warrant.

18 **Q.** So is that why Detective Taylor went running to the back
19 of the house?

20 **A.** Yes.

21 **Q.** And that -- there was no one actually exiting the house?

22 **A.** No.

23 **Q.** Okay. Were there neighbors nearby?

24 **A.** That -- yes. It was -- we were actually -- we spoke to
25 the neighbor. And while we were speaking to a neighbor, that's

1 when Taylor act as if he got into a physical foot chase,
2 chasing someone exiting the rear of the dwelling.

3 Q. After this ruse, did you ultimately go get a
4 search warrant?

5 A. Yes.

6 Q. Who went with you to get the search warrant?

7 A. Myself, Sergeant Jenkins, Detective Taylor, we went to
8 headquarters. Detective Taylor was supposed to take the money
9 and drugs that we got from the first stop and submit it into
10 evidence, and we were going to write the search warrant.

11 Q. So you and Jenkins were writing the search warrant while
12 Taylor submitted the money from the vehicle stop?

13 A. Yes.

14 Q. What happened during this time?

15 A. Once we got back there, Detective Ward called Taylor to
16 come back to the house because it was actually people coming to
17 the house and he was by himself, so Detective Taylor left and
18 went back to Detective Ward.

19 Q. So Taylor had had the money, but did he have time to
20 submit it before he went back?

21 A. No.

22 Q. Did you ultimately get a search warrant?

23 A. Yes.

24 Q. Was the search warrant based on the truth?

25 A. No.

1 Q. Did it contain lies?

2 A. Yes.

3 Q. Did it omit the fact that --

4 MR. PURPURA: Objection.

5 THE COURT: Sustained.

6 BY MR. HINES:

7 Q. What did it omit?

8 A. The fact that we -- we weren't -- we went into the home
9 without the warrant the first time, and the way we came about
10 with the stop and everything like -- everything of that --
11 pertaining to that stop.

12 Q. What happened after you had gotten the search warrant
13 based on lies?

14 A. We went back to the dwelling, the -- Oreese Stevens' wife
15 was present. Sergeant Jenkins told her to leave. At that
16 point we went to the basement, got all the money and the drugs,
17 and actually opened the safe as well.

18 Q. And how did you open the safe?

19 A. We used our ram, which is our -- our search warrant ram.
20 We used our Halligan as well to gain entry into the safe.

21 Q. So were those two tools actually tools that were given to
22 you guys by the Baltimore Police Department?

23 A. Yes.

24 Q. What happened this first time when you got into the safe?

25 A. After we opened it, Sergeant Jenkins took money out of the

1 safe. He re -- we reclosed it.

2 Q. Let me ask you some questions about -- when you opened the
3 safe, how full was it with money?

4 A. Pretty full. Possibly near the top of the safe.

5 Q. And you said Sergeant Jenkins took money out of the safe?

6 A. Yes.

7 Q. Did he take all of the money out of the safe?

8 A. No -- well, he took all the money out the safe the first
9 time to see exactly how much it was. At that point he asked
10 me, he said, Yeah, what did Oreese Stevenson admit to having in
11 the safe? He said, Like 100,000?

12 At that point he put back 100,000, closed the safe.

13 Q. And what was the purpose of leaving some of the money?

14 A. So he told Detective Taylor to actually videotape us as if
15 we were opening it -- opening the safe for the first time.

16 Q. And did Detective Taylor, in fact, do that?

17 A. Yes.

18 Q. What did he record?

19 A. He recorded myself, Detective Ward reopening the safe and
20 the money that was in the safe once we reopened it.

21 Q. And how much money was in the safe when you reopened it?

22 A. \$100,000.

23 Q. When's the last time you saw that video?

24 A. During prep for the actual trial for Oreese Stevens.

25 Q. So this is preparation with the City State's Attorney?

~~HENDRIX DIRECT~~

1 A. No. Within our squad.

2 Q. And is this prior to your arrest on March 1st, 2017?

3 A. Yes.

4 Q. And so was it prep with the FBI or anything like that?

5 A. No.

6 Q. So you haven't seen this video since your arrest?

7 A. No.

8 Q. After Jenkins had taken the money out of the safe and
9 Taylor had filmed the video of the second safe opening, what
10 happened next?

11 A. At that point we called HIDTA. And HIDTA comes, takes the
12 money from the safe, actually seals the bag, and goes and
13 submits it.

14 Q. And what was the purpose of calling HIDTA?

15 A. To have them come take the money as if we had nothin' to
16 do with, you know, any of the money.

17 Q. Is that further concealment?

18 A. Yes.

19 Q. Is HIDTA -- are they the feds? Is that what you
20 understand HIDTA to be?

21 A. Yes.

22 Q. Did you ultimately go back to headquarters?

23 A. Yes.

24 Q. And what did you do when you got back to headquarters?

25 A. At that point we packaged up all the evidence that we were

1 submitting.

2 Q. What evidence did that include?

3 A. The drugs from the stop, the drugs from the house, the
4 guns from the house, the money from the stop.

5 Q. Okay. So what happened to the money that HIDTA took?

6 A. The HIDTA personnel and Detective Taylor actually took it
7 to submit it.

8 Q. That's at -- do you remember the name of the HIDTA person?

9 A. Ethan Glover, I believe.

10 Q. Okay. And what happened to the money that Jenkins had
11 previously taken out of the safe?

12 A. He actually took it and placed it in one of the vehicles.

13 Q. And did the vehicle go back to headquarters?

14 A. Yes.

15 Q. And where was the money that Taylor had had from the
16 vehicle stop?

17 A. At that point I don't know.

18 Q. How about when you got back to headquarters?

19 A. Once I got back to headquarters, when we started all the
20 paperwork, Detective Taylor advised that it was \$15,000. We
21 filled out the paperwork. Everything was submitted at that
22 time.

23 Q. I see. So Detective Taylor had gone with Glover but then
24 came back to headquarters?

25 A. Yes.

~~HENDRIX DIRECT~~

1 Q. And he gives you the money from the vehicle stop?

2 A. Yes.

3 Q. And he told you it was --

4 A. \$15,000.

5 Q. What did you do with the \$15,000 that Taylor gave you?

6 A. It was submitted to ECU.

7 Q. I'm showing you what's been marked as Government's
8 Exhibit OS-1.

9 A. That's the ECU submission sheet.

10 MR. HINES: And if you zoom in on the top,
11 Mr. Kerrigan, please.

12 BY MR. HINES:

13 Q. Is that your name as the responsible officer?

14 A. Yes.

15 Q. Is this a sheet that you filled out?

16 A. Yes.

17 Q. And when it says "arrestee suspect," whose name did you
18 put this in?

19 A. Demetrius Brown. That was the passenger at the time.

20 Q. But this is the money that was taken from the vehicle that
21 Mr. Stevenson was in?

22 A. Yes.

23 Q. And the date -- what's the date on there on the top right?

24 A. March 22nd, 2016.

25 MR. HINES: And, Mr. Kerrigan, if you go to the

~~HENDRIX DIRECT~~

1 bottom, please. Yes, right there.

2 **BY MR. HINES:**

3 **Q.** How much money was turned in to ECU?

4 **A.** \$15,000.

5 **Q.** And that's the amount that Taylor gave to you?

6 **A.** Yes.

7 **Q.** What did you do after you submitted the \$15,000?

8 **A.** Did all the paperwork. At that time, once everything was
9 done, detective -- we all decided to go back to
10 Detective Taylor's house.

11 **Q.** Why did you guys decide to go to Detective Taylor's house?

12 **A.** To actually split the money up. Detective Taylor was the
13 only one at the time who didn't have anyone living with him, so
14 his house was empty.

15 **Q.** So, for example, were you concerned that your wife or kids
16 would be home?

17 **A.** Yes.

18 **Q.** And is that why Detective Taylor's house was chosen?

19 **A.** Yes.

20 **Q.** When did you arrive at Detective Taylor's house?

21 **A.** At the end of the night, after we were done with all the
22 paperwork and everything.

23 **Q.** And who got there?

24 **A.** Myself, Detective Taylor, Detective Ward,
25 Sergeant Jenkins.

~~HENDRIX~~ ~~DIRECT~~

1 Q. All four of you arrived?

2 A. Yes.

3 Q. What happens when the four of you arrived at
4 Detective Taylor's house?

5 A. We all go into his house in his little den area, and
6 Sergeant Jenkins actually splits the money up amongst
7 everybody.

8 Q. And this is the money that was taken out of the safe the
9 first time?

10 A. Yes.

11 Q. Jenkins divided it up?

12 A. Yes.

13 Q. How did he divide it up?

14 A. We actually figured out how much was in every bundle and
15 just divvied it amongst each other.

16 Q. How much did he give you?

17 A. \$20,000.

18 Q. How much did Taylor get?

19 A. The same, 20,000.

20 Q. And how about Ward?

21 A. It's 20,000 and Jenkins 20,000. It was actually a little
22 more. Jenkins actually told Taylor to go purchase like a
23 computer and printer for -- you know, so that when we on the
24 street and we do -- when we have to do other paperwork, we can
25 do it right there on the street instead of having to wait until

1 the end of the night.

2 **Q.** So Jenkins took some money in addition to the 20,000 and
3 gave it to Taylor?

4 **A.** Yes.

5 **Q.** And that was so that Taylor could buy a computer?

6 **A.** Yes.

7 **Q.** After you received the \$20,000, what -- what happened
8 next?

9 **A.** Everybody went home. I went to my house.

10 **Q.** What, if anything, did Taylor say he was going to do with
11 the \$20,000 he received?

12 **A.** Well, once everything was divided up, him and -- 'cause
13 Taylor had just got his house, him and Jenkins was actually
14 talking about him getting a deck put on his house. And Jenkins
15 actually told him he was going to get the guy who did the work
16 at his house to come put a deck on Taylor's house.

17 **Q.** Did Taylor, in fact, get a deck put on his new house?

18 **A.** Yes.

19 **Q.** I'm showing you what's been marked as Government's
20 Exhibit OS-6. What is OS-6?

21 **A.** Detective Taylor's house with the deck on it.

22 **Q.** After March 22nd, 2016, did you go back to
23 Detective Taylor's house?

24 **A.** Yes.

25 **Q.** And did he have a brand-new deck?

~~HENDRIX DIRECT~~

1 A. Yes.

2 Q. What did you do with the \$20,000 that you received?

3 A. I took it home, put it in my basement.

4 Q. Did Jenkins give you any instructions about what to do
5 with the money?

6 A. He just said basically, Don't make any big purchases, you
7 know, no cars or things that's going to basically show that you
8 had this money.

9 Q. And how did you end up spending the money that you
10 received?

11 A. Just everyday household spending. I had five kids, you
12 know, a wife that goes to school full time. So I just spent
13 it, you know, doing -- just taking care of them, basically.

14 Q. Did you learn about an investigation at some point?

15 A. Yes. Detective -- well, Detective Taylor advised me that
16 it was some kind of investigation going on. He advised me and
17 Ward. He said it was some kind of investigation going on with
18 us, but he never told us who it was or what the investigation
19 into -- you know, talked about.

20 Q. Did you ask Detective Taylor for more information?

21 A. Yes. And he just said he couldn't tell his sources.

22 Q. Mr. Hendrix, I'd like to show you what's been marked as
23 Government's Exhibit FBI-18A.

24 Do you recognize this exhibit?

25 A. Yes. Those are our tactical vests, and that's

1 Marcus Taylor's vest.

2 Q. And it says "M. Taylor" on the top?

3 A. Yes.

4 Q. Mr. Hendrix, when you wore this vest, how were you
5 treated?

6 A. With respect. You know, we were Baltimore police
7 officers. You know, we had authority.

8 Q. Did you feel like you had power?

9 A. Yes.

10 Q. When you were working as a Baltimore Police Department
11 officer, did you routinely carry your firearm?

12 A. Yes.

13 Q. Did you carry a badge?

14 A. Yes.

15 Q. And how did citizens react to you when you had those
16 items?

17 A. Treated us like we were police officers, you know, like we
18 were people of authority.

19 Q. Did they give up their liberty?

20 A. Yes.

21 Q. Did they submit?

22 A. Yes.

23 MR. HINES: No further questions, Your Honor.

24 THE COURT: All right. Thank you. Mr. Purpura.

25 MR. PURPURA: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. PURPURA:

Q. Good afternoon, Detective-- Mr. Hendrix, excuse me, good afternoon.

A. Good afternoon, sir.

Q. A few minutes ago Mr. Hines asked you about some of the tactics that you used at your squad, your group used at SES and GTTF. And by "your group," I believe it would be yourself, Jenkins, Taylor, and Ward; is that correct?

A. Yes.

Q. And you mentioned things such as you'd be driving around and you'd see a large group of males in the city and you would stop; is that correct?

A. Yes.

Q. And it was your intent -- for the vast majority of that time, you were stopping because you wanted to see if these -- some of these people were up to no good; is that fair to say?

A. Yes.

Q. And this is in 2015 when you're in SES, and it carries on to GTTF in 2016; is that correct, sir?

A. Yes.

Q. And you'd be looking for certain characteristics; is that correct?

A. Some -- sometimes, yes.

Q. I mean, if -- when the police show up and, as Mr. Hines

1 showed you, the tactical vest, I mean, if someone's up to no
2 good and they see the police come up and they've got the
3 tactical vest and the badges, sometimes, based on your
4 experience, they start to look a little nervous; is that fair
5 to say?

6 **A.** Yes.

7 **Q.** And that would be a characteristic that you would look
8 for, because if someone's not doing anything wrong, then
9 they're just, "How you doing, Officer?" And they keep on
10 moving; right?

11 **A.** Yes.

12 **Q.** So you look for these things; correct?

13 **A.** Yes.

14 **Q.** And you look for other things. You look for perhaps
15 bulges in the groin area that they call the dip area; correct?

16 **A.** Yes.

17 **Q.** And/or the pocket being weighted down on one side
18 (indicating), and that may or may not be indicative of carrying
19 a gun; is that correct?

20 **A.** Yes.

21 **Q.** And when people move away, as they would do, I would
22 assume, during many of the times when you pull up, you look to
23 see if they kind of grab that area so that -- be indicative
24 again trying to hold the gun as they're moving quickly away; is
25 that correct, sir?

~~HENDRIX~~ ~~CROSS~~

1 A. Yes.

2 Q. And these are things you'd be targeting; is that right?

3 A. Yes.

4 Q. And these are things you learn from experience by being on
5 the street; correct?

6 A. Yes.

7 Q. And these are things that you've learned from other
8 officers who have been on the street; correct?

9 A. Yes.

10 Q. And your task force, at least when you came to the GTTF,
11 you had citywide authority; is that correct?

12 A. Yes.

13 Q. And so as a result of that, you were able to make -- I
14 mean, citywide means the east side, the west side, and down to
15 South Baltimore, up to North Baltimore; correct?

16 A. Yes.

17 Q. And so you could -- and you were targeting high-crime
18 areas; is that correct?

19 A. Yes.

20 Q. And as a result of that, you were taking many, many guns
21 off the street; is that correct?

22 A. Yes.

23 Q. And that was really what the GTTF was supposed to be
24 about; is that correct?

25 A. Yes.

~~HENDRIX~~ ~~CROSS~~

1 Q. And you did do that; is that correct?

2 A. Yes.

3 Q. You also did some bad things, we heard about as well;
4 right?

5 A. Yes.

6 Q. But you did do some good things; correct?

7 A. Yes.

8 Q. Now, the -- you spoke also -- Mr. Hines asked you about
9 the airsoft guns. Now, was Detective -- excuse me,
10 Sergeant Jenkins -- and so we remember, using
11 Government Exhibit FBI-3 --

12 **MR. PURPURA:** Can we get the screens on.

13 Yeah, that's okay now. Thank you.

14 **BY MR. PURPURA:**

15 Q. Again, this would be Sergeant Jenkins; is that correct,
16 sir?

17 A. Yes.

18 Q. And so Sergeant Jenkins told you about the airsoft guns or
19 the BB guns; correct?

20 A. Yes.

21 Q. And when he told you about it, he was telling you, Ward,
22 and Taylor; is that correct?

23 A. Yes.

24 Q. And that was your group again; right?

25 A. Yes.

~~HENDRIX~~ ~~CROSS~~

1 Q. And you asked -- and I'll ask you a couple questions on
2 overtime as well.

3 You get overtime or slash days or four hours for a gun; is
4 that correct?

5 A. Yes. Whatever Sergeant Jenkins decided to give us at the
6 time.

7 Q. And it was up to your sergeant; right?

8 A. Yes.

9 Q. He had the authority to give you that; is that correct?

10 A. No.

11 Q. You didn't because you knew that you shouldn't be
12 receiving that time; correct?

13 A. Yes.

14 Q. But you also knew that was widespread amongst
15 Baltimore City Police at that time, not just in your squad, but
16 in many proactive squads; isn't that correct, sir?

17 A. But it's not right. Yeah, definitely, yes.

18 Q. It may not be right, but you knew that's what was going
19 on; right?

20 A. Yes.

21 Q. And if other people are getting it, you're going to get it
22 too; fair enough?

23 A. Yes, you could say that.

24 Q. And you did receive -- if you -- you didn't listen to
25 jail calls -- or did you ever listen to jail calls?

~~HENDRIX~~ ~~CROSS~~

1 A. Yes.

2 Q. And you would do that; is that correct?

3 A. Yes.

4 Q. And sometimes you would get -- that would be after hours,
5 your normal shift; is that fair to say?

6 A. Yes.

7 Q. And you would get overtime for that; correct?

8 A. Yes.

9 Q. Because that was proper to get overtime to listen to
10 jail calls; right?

11 A. Yes.

12 Q. And why would you listen to jail calls?

13 A. We would do it for State's Attorneys who were actually
14 working cases to see if anyone would be on the phone talking
15 about incriminating information.

16 Q. And despite the fact that there's normally a -- there is
17 every jail call, there is -- it says, "This call will be
18 recorded." That's on the jail calls; correct?

19 A. Yes.

20 Q. But despite that, oftentimes you, as a police officer, are
21 listening to these jail calls hearing incriminating
22 information; is that correct, sir?

23 A. Yes.

24 Q. You were also shown --

25 MR. PURPURA: Do you have 22A? Is that a picture or

~~HENDRIX~~ ~~CROSS~~

1 is that -- good. Good. Thank you.

2 **BY MR. PURPURA:**

3 **Q.** 22A, that's these brass knuckles; right?

4 **A.** Yes.

5 **Q.** All right. And that, again, unfortunately that was
6 something that was associated with Sergeant Jenkins; is that
7 correct, sir?

8 **A.** Yes.

9 **Q.** See if I can get it focused.

10 You weren't carrying brass knuckles around, were you?

11 **A.** No.

12 **Q.** Taylor wasn't carrying brass knuckles around, was he?

13 **A.** No.

14 **Q.** Ward wasn't carrying brass knuckles around, was he?

15 **A.** No.

16 **Q.** And, to your knowledge, Mr. Hersl wasn't carrying
17 brass knuckles around either, was he, sir?

18 **A.** Not that I know of.

19 **Q.** Okay. But you did know that Sergeant Jenkins had those
20 brass knuckles; right?

21 **A.** Yes.

22 **Q.** And I'll get back to this again; but 2017, just before --
23 just before you trans -- you were trying to get out of that
24 GTTF; is that fair to say?

25 **A.** Yes.

~~HENDRIX~~ - ~~CROSS~~

1 Q. You -- didn't you even go to the Mercy Hospital to try to
2 go on sick leave, or was that someone else? Am I confusing
3 myself?

4 A. No, that wasn't --

5 Q. That wasn't you?

6 A. No.

7 Q. I'm sorry. But you wanted out of GTTF; correct?

8 A. Yes.

9 Q. And right around that time, that's when Jenkins,
10 Sergeant Jenkins, came up to you and came up to, according to
11 you, Taylor and Ward and started saying he wants to target some
12 guy from a body shop because he has -- he's a large-scale drug
13 trafficker, and he's going to have a lot of money; right?

14 A. Yes.

15 Q. And, again, he came up to, as you mentioned before,
16 according to you, it was yourself, Taylor, and Ward; right?

17 A. Yes.

18 Q. Not Hersl (indicating); correct?

19 A. No.

20 Q. And then there was a D.C. robbery. Do you know when
21 that -- attempted supposed robbery, do you know when that was?

22 A. Approximately the beginning of 2017.

23 Q. 2017? Okay.

24 And when you received information about this incident, you
25 indicated that you were present and Ward was present; right?

~~HENDRIX~~ ~~CROSS~~

1 A. Yes.

2 Q. Not Detective Hersl or Mr. Hersl (indicating), was he?

3 A. No.

4 Q. Okay. Thank you.

5 Now, you were arrested, like everybody else,
6 unfortunately, on March 1st, 2017; correct?

7 A. Yes.

8 Q. And since that time, again, you've been detained; is that
9 fair to say?

10 A. Yes.

11 Q. Initially you were detained at the Howard County Detention
12 Center; is that correct?

13 A. Yes.

14 Q. And you were detained there along with Ward, Gondo, Rayam,
15 Jenkins, and Hersl; is that correct?

16 A. Yes.

17 Q. And how long were you all there together?

18 A. A couple weeks.

19 Q. And then there came a time -- and you had an attorney;
20 correct?

21 A. Yes.

22 Q. And your attorney actually -- you come from Cleveland,
23 Ohio; right?

24 A. Yes.

25 Q. And your attorney actually comes from Cleveland, Ohio, as

~~HENDRIX~~ ~~CROSS~~

1 well; correct?

2 **A.** Yes.

3 **Q.** And that was Harvey Bruner, B-R-U-N-E-R; is that correct?

4 **A.** Yes.

5 **Q.** And Mr. Bruner spoke to you -- don't tell me what he said.

6 But he spoke to you, I would assume, many times, hopefully --

7 not many, but a couple of times between March 1st, 2017, and

8 when you decided to cooperate with the Government; is that

9 correct?

10 **A.** Yes.

11 **Q.** And if I tell you on May 5th, 2017, was the first time

12 that you sat down with the Government, does that sound about

13 right? I can show you the reports.

14 **A.** I don't know the date, no.

15 **Q.** All right. If it sounds just about right, should be good

16 enough. But we'll go through 'em real quick.

17 Showing you now what's been marked as Defense Exhibit 5

18 for identification and showing you what appears to be an

19 FBI 302. And if you just take a quick look, maybe this

20 refreshes your recollection. Does this appear to be the date

21 of the meeting you first had with the Government team here?

22 **A.** Yes.

23 **Q.** Okay. And so that would be May 5th, 2017; is that

24 correct?

25 **A.** Yes.

~~HENDRIX~~ - ~~CROSS~~

1 Q. Okay. Thank you.

2 And on May 5th, 2017, you met with Mr. Hines (indicating),
3 Mr. Wise, FBI Agent Jensen (indicating), and TFO Sieracki
4 (indicating); is that correct?

5 A. Yes.

6 Q. And your attorney was present as well; right?

7 A. Yes.

8 Q. And when I say "a proffer session," that's a meeting where
9 you sit down and you talk; right?

10 A. Yes.

11 Q. And when you're sitting down and talking, FBI Agent Jensen
12 was taking notes.

13 Do you remember that?

14 A. Yes.

15 Q. Okay. And you had multiple -- not mult -- you had three
16 proffer -- you met three times with them in what's called a
17 proffer session.

18 Does that sound about right?

19 A. Yes.

20 Q. And if I told you the second one was about two weeks or
21 three weeks later, on May 24th, 2017, does that sound about
22 right?

23 A. Yes.

24 Q. Okay. And the last one would be July 21st of 2017, just
25 sound about right?

~~HENDRIX~~ - ~~CROSS~~

1 A. Yes.

2 Q. In addition to those proffer sessions -- and how long did
3 they last, do you remember?

4 A. No, not -- a couple hours, if that.

5 Q. A couple hours each one; right?

6 A. Yes.

7 Q. A lot of questions were asked, and you gave up a lot of
8 information; correct?

9 A. Yes.

10 Q. And they wanted to know -- Mr. Hines and Mr. Wise and
11 Agent Jensen -- they wanted to know all you knew about
12 Baltimore City police; correct?

13 A. Yes.

14 Q. And in particular, they wanted to know all you knew about
15 the people that were going to be going to trial or on trial;
16 correct?

17 A. Yes.

18 Q. And you tried to give them everything you knew based on
19 your being with them day in and day out for whatever period of
20 time; correct?

21 A. Yes.

22 Q. In addition to all that, you did prepare for your
23 testimony here today; correct?

24 A. Yes.

25 Q. Mr. Hines had all his questions typed out. Did he go

~~HENDRIX~~ ~~CROSS~~

1 with -- over those questions with you?

2 **A.** No.

3 **Q.** Before -- before you testified, did he -- did he prepare
4 you to testify?

5 **A.** Well, we just talked about the incident, but we didn't go
6 in depth like that.

7 **Q.** All right. You were hired in April of 2009; correct?

8 **A.** Yes.

9 **Q.** And you indicated you did go to the academy with
10 Mr. Taylor; is that correct?

11 **A.** Yes.

12 **Q.** And in 2015 -- let's jump right to 2015. That's the SES
13 unit you were in; correct?

14 **A.** Yes.

15 **Q.** And that SES unit, as you testified to, had yourself,
16 Taylor, and Jenkins; is that correct?

17 **A.** And Ward; yes.

18 **Q.** And Ward, the four of you?

19 **A.** Yes.

20 **Q.** And you were together working as a team in 2015 in the SES
21 unit; correct?

22 **A.** Yes.

23 **Q.** Hersl was not part of that unit; is that correct?

24 **A.** No.

25 **Q.** You came to GTTF approximately the end of June or early

~~HENDRIX~~ ~~CROSS~~

1 July of 2016; is that correct?

2 A. Yes.

3 Q. And while in GTTF, you basically partnered with the same
4 people that you partnered with in SES; is that correct?

5 A. Yes.

6 Q. So in the car driving around, when you're working most of
7 the time, Jenkins wanted to drive; correct?

8 A. Yes.

9 Q. Taylor was the fastest. He's the passenger; right?

10 A. Yes.

11 Q. And you and Ward -- you and Ward are in the backseat;
12 right?

13 A. Yes.

14 Q. And so it would be the four of you most of the time
15 working together. You were partnered up; correct?

16 A. Yes.

17 Q. And that's your time during GTTF; right?

18 A. Yes.

19 Q. Almost the same as it was in SES; correct?

20 A. Yes.

21 Q. Now, do you know who John Clewell is?

22 A. Yes.

23 Q. And he was in GTTF as well; correct?

24 A. For about a week or maybe two before he left, him -- he
25 went to HIDTA, I believe.

~~HENDRIX~~ - ~~CROSS~~

1 Q. All right. Any other members of GTTF at that point?

2 A. It was Detective Rayam and Gondo, Detective Gondo.

3 Q. Okay. Now, were you -- were you in the car often with
4 Mr. Hersl, Detective Hersl (indicating)?

5 A. Not often, no.

6 Q. Rather infrequently; is that correct?

7 A. Yes.

8 Q. And is it also fair to say that prior to joining the GTTF
9 in June or July of 2016, you knew of Detective Hersl, but you
10 didn't really know him; is that correct?

11 A. Yes.

12 Q. Did you ever talk to him before that time?

13 A. Maybe in passing, but nothing -- no real conversations.

14 Q. Now, let me just jump to two incidents, and I'll be quick
15 as I can.

16 March of 2016, you did testify in detail about
17 Oreese Stevenson; is that right?

18 A. March 22nd.

19 Q. March 22nd?

20 A. Yes.

21 Q. Now, at that time the people involved in going into
22 Oreese Stevenson, you indicated it was yourself -- going into
23 the houses, it was yourself and Ward and Jenkins and Taylor,
24 according to you; is that correct?

25 A. Yes.

~~HENDRIX~~ ~~CROSS~~

1 Q. Again, Oreese Stevenson was not Mr. Hersl (indicating); is
2 that correct?

3 A. No.

4 Q. And the initial stop of Oreese Stevenson, was there
5 something that brought Oreese Stevenson to your attention or to
6 Sergeant Jenkins' attention?

7 A. It was just two gentlemen sittin' in the van.

8 Q. And that was it?

9 A. Yes.

10 Q. Okay. But whatever, that van had some drugs in it; right?

11 A. Yes.

12 Q. And a fairly large amount of drugs; is that correct?

13 A. Yes.

14 Q. And then even assuming up to that point if it was lucky
15 police work, that you got a large amount of drugs and money in
16 a van, at that point something changed, because Jenkins,
17 according to you, said if they got this much drugs and money in
18 the van, they must have more at their house; correct?

19 A. Yes.

20 Q. And at that point you knew that was not going to be
21 legitimate police work because you knew what Jenkins was about;
22 correct?

23 A. Yes.

24 Q. And you knew that Jenkins wanted to take money from the
25 houses; is that correct?

~~HENDRIX~~ ~~CROSS~~

1 A. Yes.

2 Q. And you, for whatever reason -- maybe because you had five
3 kids and you just weren't making enough money -- whatever
4 reason you were going along with it at that point; is that
5 correct?

6 A. Yes.

7 Q. And when you went into these houses, you did not have a
8 warrant, as Mr. Hines brought up; is that correct?

9 A. Yes.

10 Q. You did not have consent, you can get consent by having
11 the owner of the house sign a piece of paper. He consents;
12 right?

13 A. Yes.

14 Q. You can do consent by even doing a video -- did you
15 ever -- well, you can take your cell phone; you can use your
16 camera portion. And you can ask the person, "You consent to
17 enter the house?" And they can say it in the video; right?

18 A. Yes.

19 Q. You can just get verbal consent as well; correct?

20 A. Yes.

21 Q. And these would be proper things, and you know this;
22 right?

23 A. Yes.

24 Q. But you didn't have any of that; correct?

25 A. No.

~~HENDRIX~~ - ~~CROSS~~

1 Q. And all as you had was a guess there was money and drugs
2 there; right?

3 A. Yes.

4 Q. But regardless, you were going to use, as Mr. Hines
5 pointed out, your authority because your intent at that point
6 was take the money?

7 A. Yes.

8 Q. And I think the word you all have been using is "rob" at
9 that point; is that right?

10 A. Yes.

11 Q. It wasn't good police work; correct?

12 A. No, it was not.

13 Q. It had nothing to do with Baltimore City Police work;
14 right.

15 A. No.

16 Q. And everything to do with greed and taking money from
17 people; correct?

18 A. Yes.

19 Q. And you knew that?

20 A. Yes.

21 Q. And Ward knew that?

22 A. Yes.

23 Q. And Jenkins obviously knew that; right?

24 A. Yes.

25 Q. Now, I'm going to jump. I'm going to jump all the way to

~~HENDRIX~~ ~~CROSS~~

1 Southern Blues, the restaurant. Do you remember talking to
2 Jenkins about the owners of Southern Blues?

3 **A.** Yes.

4 **Q.** He indicated to you all -- and "to you all," again, that
5 would be the group that you rode in, which would be Taylor,
6 Ward, yourself, and Jenkins -- that Jenkins thought that the
7 owners of Southern Blues were connected to Mr. Stevenson and
8 they were big drug dealers; right?

9 **A.** Yes.

10 **Q.** And this is near the end, just probably 2017, just about
11 when you're ready to get out of that unit; correct?

12 **A.** Yes.

13 **Q.** And you wanted to get out of the unit; right?

14 **A.** Yes.

15 **Q.** But you had a meeting when Jenkins brings up this idea;
16 right?

17 **A.** Yes.

18 **Q.** And the people that were present are the people I just
19 named; right?

20 **A.** Yes.

21 **Q.** Not Hersl?

22 **A.** No, we didn't have a meeting. He just said -- you know,
23 he just told us what -- he wanted to go do investigation on
24 those gentlemen, yes.

25 **Q.** And when you say the "we," the "we" is that group of

1 people you ride in the car with, the people you already named;
2 correct?

3 **A.** Yes, pretty much, yes.

4 **Q.** Okay. And right away you knew that was not going to be
5 police work; correct?

6 **A.** Yes.

7 **Q.** And you put that together because, as Mr. Hines showed
8 you, you saw in the trunk of Jenkins' car all this crazy stuff;
9 right?

10 **A.** Yes.

11 **Q.** Is it fair to say that Jenkins -- you know, off the
12 hook -- he was off the hook, right?

13 **A.** Yes.

14 **Q.** Way out there?

15 **A.** Yes.

16 **Q.** And he was kind of difficult to deal with, wasn't he?

17 **A.** Yes.

18 **Q.** He was kind of overpowering sometimes, wasn't he?

19 **A.** Yes.

20 **Q.** Very much so, wasn't he?

21 **A.** Yes.

22 **Q.** Demanding; right?

23 **A.** Yes.

24 **Q.** Almost crazy to an extent; is that fair to say?

25 **A.** Yes.

1 Q. And he showed you all these things, and they're kind of
2 scary things. Got a Halloween mask. He's got this
3 sledgehammer. He's got all these things that Mr. Hines showed
4 the jury; right? And these are scary things (indicating);
5 right?

6 A. Yes.

7 Q. And, again, the people that he showed it to was the group
8 he drove around with; right?

9 A. Yes.

10 Q. Beside being scary, he had money; right? He appeared to
11 have -- Jenkins, Sergeant Jenkins?

12 A. Oh, yes.

13 Q. You'd go to eat with him, your group; right?

14 A. Yes.

15 Q. And I think you even told these gentlemen (indicating)
16 that one of the proffers, that Jenkins seemed to have large wad
17 of cash. And he'd buy you all lunch or whatever, your drinks,
18 whatever you're doing; is that also correct?

19 A. Yes.

20 Q. And based on your eyeball experience, that he and Rayam,
21 they would be going to casinos as well?

22 A. Yes.

23 Q. And you didn't partake because, quite frankly, you didn't
24 have the money. You had children at home you had to feed;
25 right?

~~PENDIX~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** And you refused to go on just about every occasion; is
3 that correct?

4 **A.** Yes.

5 **Q.** And Jenkins would be the type of guy that would be at work
6 seven days a week --

7 **A.** Yes.

8 **Q.** -- correct?

9 Like he had no home life?

10 **A.** Yes.

11 **Q.** This was all what it was about; right?

12 **A.** Yes.

13 **Q.** And he would call you on weekends and say, "Come on down.
14 Come on in. We're going to follow somebody"; right?

15 **A.** Yes.

16 **Q.** And especially near the end, you didn't want to go in;
17 right?

18 **A.** Right.

19 **Q.** Because you thought he's up to no good at that point;
20 correct?

21 **A.** Yes.

22 **Q.** And you all, you and at least Ward, when you talked, you
23 concluded that -- kind of that you thought that Jenkins and
24 Rayam were doing things out there on the streets which were not
25 proper; right?

1 A. Yes.

2 Q. And that was your conclusion, that it was Jenkins and
3 Rayam; correct?

4 A. Yes.

5 Q. And I'm not sure if you were or you weren't, but I'm going
6 to take you back to July 8th, 2016, when you were in GTTF.

7 Were you ever part of the Hamilton investigation? Did you --
8 were you involved in executing some warrants with John Clewell
9 involving the Hamiltons? You may not have. I'm not sure.

10 A. I'm not sure.

11 Q. You don't? Okay.

12 A. I don't remember that.

13 Q. Okay. Just going back to the overtime, as you indicated
14 before, you know, you especially know now, it's improper to
15 take the overtime for four hours or eight hours for a slash day
16 for a gun; right?

17 A. Yes.

18 Q. But you already testified that it seemed to be common
19 practice in the department, despite the fact that it was
20 improper; correct?

21 A. Yes.

22 Q. And that opinion was bolstered because do you remember
23 Jenkins told you that -- probably it was 2016 that he actually
24 spoke to the commissioner, Commissioner Davis at that time?

25 And the commissioner asked, "How are you keeping your squad so

~~PENDIX~~ ~~CROSS~~

1 active and getting so many guns?"

2 And Jenkins told you that he told him, "I was giving
3 overtime, slash days for guns"; right?

4 **A.** He said "overtime." He was giving us overtime, yes.

5 **Q.** And according to Jenkins, the -- at that point the
6 Commissioner Davis response was, "Good job. Keep up the work";
7 right?

8 **A.** Yes.

9 **Q.** Now, whether that's true or not, that's what
10 Sergeant Jenkins told you; right?

11 **A.** I mean, yes, that's what he told us, yes.

12 **Q.** Yeah. And you know that it at least appeared that
13 Sergeant Jenkins, he had a pretty good connection with the
14 hierarchy in Baltimore City Police; correct?

15 **A.** Yes.

16 **Q.** He seemed to be like the golden boy, the untouchable;
17 correct?

18 **A.** Yes.

19 **Q.** And so when he told you that, you believed that; right?

20 **A.** I believed it to an extent, yes. But I knew that he
21 wasn't -- he didn't tell -- he wasn't telling what he was doing
22 with the overtime.

23 **Q.** He wasn't saying he was robbing and going out and
24 committing home invasions?

25 **A.** Right.

1 Q. But he did say that he was giving overtime for guns;
2 right?

3 A. Yes.

4 Q. "Keep up the good work" was the commissioner's response,
5 according to Jenkins; correct?

6 A. Yes.

7 Q. And, again, the reason why you did all this good work --
8 and it was good work -- because you had citywide jurisdiction;
9 correct?

10 A. Yes.

11 Q. And you were very proactive, as you've indicated; correct?

12 A. Yes.

13 Q. And you were motivated to get guns because you were
14 getting extra overtime; right?

15 A. Yes.

16 Q. And that money meant something to you, right, 'cause you
17 needed it; right?

18 A. Yes.

19 Q. So the more guns, the more overtime; the more money, the
20 more you could take care of your family; correct?

21 A. Yes.

22 Q. Now, you have a plea in this case; is that correct?

23 A. Yes.

24 Q. And you've reviewed that plea agreement with your
25 attorney; is that correct?

~~PENDRIX~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** And Mr. Hines said that there is a -- under the
3 guidelines, there's a five-level bump or five-level number
4 increase because of a gun.

5 Do you remember that?

6 **A.** Yes.

7 **Q.** Okay. And that's taken into consideration in the
8 guidelines; correct?

9 **A.** Yes.

10 **Q.** Okay. But you did not -- what you pled guilty to was
11 conspiracy to commit RICO violations; correct?

12 **A.** Yes.

13 **Q.** Okay. You did not plead guilty to use of a handgun in the
14 commission of a crime of violence, did you, sir?

15 **A.** No, not in my paperwork, no.

16 **Q.** Okay. And you did not plead guilty to any what's called a
17 substantive robbery, any individual robbery like an individual
18 robbery of Mr. Stevenson, did you, sir?

19 **A.** Mr. Stevenson, no.

20 **MR. PURPURA:** Okay. Thank you, sir. I have no
21 further questions.

22 **THE WITNESS:** Thank you.

23 **MR. PURPURA:** Good luck.

24 **THE WITNESS:** Thank you.

25 **MR. PURPURA:** You're welcome.

THE COURT: Ms. Wicks.

CROSS-EXAMINATION

BY MS. WICKS:

Q. Good afternoon, sir.

A. Good afternoon, ma'am.

Q. Now, back on -- back to the Oreese Stevenson incident, and on that day, when you -- you're in the car with Jenkins driving; Taylor's in the car and Ward's in the car; correct?

A. Yes.

Q. Along with you?

A. Yes.

Q. And you see a car -- a van that's stopped on the side of the street; correct?

A. Yes.

Q. And in the warrant, you went -- later that day you talked about you went and got a warrant; correct?

A. Yes.

Q. And you went and pled, swore to tell the truth and telling the truth to the judge about a set of circumstances in order to get a search warrant to go into the Heathfield address; correct?

A. Yes.

Q. And today you also told us perhaps a different version of what happened that day; correct?

A. Yes.

~~PENDIX~~ ~~CROSS~~

1 Q. Okay. But back on March 22nd, when you went in front of
2 the judge here in Maryland, you swore that you had -- that your
3 team had observed the driver of the minivan turn to his right
4 side and make a tossing motion with his right hand towards the
5 rear of the minivan; correct?

6 A. Yes.

7 Q. And is that the truth, or was that a lie --

8 A. No.

9 Q. -- that you made to the judge?

10 A. That was the truth.

11 Q. That was the truth?

12 A. Yes.

13 Q. So back on March 22nd of 2016, your team had observed the
14 driver of the minivan making a tossing motion (indicating) to
15 the back of the van; correct?

16 A. Yes. Once we got out of the vehicle and started walking,
17 approaching the van, yes.

18 Q. Okay. So that's not something that you made up in terms
19 of the investigation; correct?

20 A. Correct.

21 Q. Okay. So you all pull up on this van. There's -- you see
22 a gentleman get into the passenger side of the van; right?

23 A. Yes.

24 Q. And that is -- later you find out that's Mr. Brown; right?

25 A. Yes.

1 Q. And Mr. Brown is getting into the vehicle with a backpack;
2 correct?

3 A. Yes.

4 Q. And then -- and as you all are getting out of your car and
5 approaching the van, that's when you see the driver making the
6 throwing motion (indicating) towards the back; correct?

7 A. That's when Detective Ward observed that.

8 Q. And Detective Ward observed that?

9 A. Yes.

10 Q. Okay. And he told you he observed that?

11 A. Yes.

12 Q. So back on March 22nd of 2006 [sic], Detective Ward told
13 you that he observed Oreese Stevenson making the throwing
14 motion?

15 A. Yes.

16 Q. Did you yourself observe that?

17 A. No.

18 Q. Okay. But when you go in front of the judge, the
19 information that you're providing to the judge can both be
20 things that you personally observed and that other people
21 observed and told you about; correct?

22 A. Yes.

23 Q. And so you're -- when you're out there doing police work,
24 you're relying on the other detectives in your squad to be
25 telling you the truth about what they observed; correct?

~~PENDIX~~ ~~CROSS~~

1 A. Yes.

2 Q. And so it's your testimony that back on March 22nd of
3 2006, Detective Ward told you that he saw Oreese Stevens making
4 a throwing motion and that that was the truth; correct?

5 A. Yes.

6 Q. Okay.

7 **THE COURT:** 2016.

8 **BY MS. WICKS:**

9 Q. And later in the investigation, Detective Ward finds drugs
10 in the backseat of that car; right?

11 A. Yes.

12 Q. And putting two and two together, you're thinking he threw
13 the drugs back there; correct?

14 A. Yes.

15 Q. Okay. At the same time there's investigation of the other
16 person in the car; right?

17 A. Yes.

18 Q. And who is it that approaches the passenger side of the
19 car that morning?

20 A. Sergeant Jenkins and I'm not sure if it was myself or
21 Taylor.

22 Q. Okay. Well, sitting here today, can you recall being on
23 that side of the car?

24 A. I believe I was on that side of the vehicle.

25 Q. Okay. And at some point Mr. Brown is playing with what's

1 at his feet in the car; correct?

2 **A.** Yes. That's what Jenkins told me he observed.

3 **Q.** Okay. And what did Jenkins tell you he observed?

4 **A.** Him kicking at the box to -- with his feet to push it
5 under the seat.

6 **Q.** Okay. And from your investigation on that day, what was
7 in the box?

8 **A.** A large sum of money.

9 **Q.** Okay. A large sum along the lines of about \$15,000;
10 right?

11 **A.** Yes.

12 **Q.** Okay. And when -- so when you went to the judge to get
13 the search warrant, it was based on the amount of money that
14 was found in the car; correct?

15 **A.** Yes.

16 **Q.** It was based on Oreese Stevens throwing something towards
17 the back of the car where later half a kilo of cocaine is
18 found; right?

19 **A.** Yes.

20 **Q.** And then there's an attempt to interview Oreese Stevens
21 also in the van; correct?

22 **A.** Yes.

23 **Q.** So after Mr. Brown and Mr. Stevenson are taken out of the
24 car, you and Sergeant Jenkins get back into the van with
25 Oreese Stevens to question him; correct?

~~PENDIX~~ ~~CROSS~~

1 A. Yes.

2 Q. And Oreese Stevens is being evasive; is that fair to say?

3 A. Yes.

4 Q. He doesn't want to tell you where he lives; correct?

5 A. Right.

6 Q. He tells you about a Baker address?

7 A. Yes.

8 Q. But there's paperwork that you find in the car with the
9 Heathfield address?

10 A. Yes.

11 Q. And he actually -- he first claims that he lived at
12 4200 Heathfield; right?

13 A. Yes.

14 Q. And that doesn't match the paperwork that you found?

15 A. Correct.

16 Q. So you questioned him about that; right?

17 A. Correct.

18 Q. You're trying to get him to cooperate there on the scene
19 to figure out if you can get onto his supplier; right?

20 A. Yes.

21 Q. And he's telling you he can't call his supplier because
22 he -- the supplier has fronted him drugs and he's not ready to
23 pay; right?

24 A. Yes.

25 Q. So calls to the supplier don't go anywhere; right?

~~PENDIX~~ ~~CROSS~~

1 A. Right.

2 Q. And it sounds like basically the information that
3 Mr. Stevenson is giving you, some of it may be correct; but
4 some of it is clearly not, because it's not matching the
5 paperwork in -- that's also found in the car; right?

6 A. Right.

7 Q. Okay. So when you go to the judge later that day to get a
8 warrant for the address, according to you there had already
9 been a sneak-and-peek; right?

10 A. Yes.

11 Q. Okay. And when you went to the judge to get the warrant,
12 you told the judge that the amount of drugs and the amount of
13 money found in the van essentially matched; correct?

14 A. Yes.

15 Q. Because about -- it was about a half a kilo of cocaine,
16 and that could be purchased for around \$15,000; right?

17 A. Yes.

18 Q. Okay. And you were telling him the truth about drug
19 trafficking in Baltimore; right?

20 A. Yes.

21 Q. So in your mind, in terms of the investigation that day --
22 and this day started out as police investigation; right?

23 A. Yes.

24 Q. Okay. And in term -- in your mind in terms of the
25 investigation that day, you had basically intercepted Mr. Brown

1 bringing money to buy drugs from Mr. Stevenson; correct?

2 **A.** Yes.

3 **Q.** Okay. And so that's what you're telling the judge about;
4 right?

5 **A.** Yes.

6 **Q.** In addition, you tell the judge --

7 **MS. WICKS:** Court's indulgence.

8 **BY MS. WICKS:**

9 **Q.** You tell the judge that when Detective Jenkins is talking
10 to the neighbor at 1602 Heathfield, that Detective Taylor comes
11 from behind the house and talks about that there was someone
12 that had ran out from behind the house?

13 **A.** Yes.

14 **Q.** Okay. And your testimony here today is that was all a
15 ruse?

16 **A.** Yes.

17 **Q.** Okay. That you're saying the team had decided to make
18 that up because the neighbor was there, but to show that you
19 were allowed to go in the house to figure out what was going
20 on; right?

21 **A.** Yes.

22 **Q.** So from what you learned on the scene that day, there was
23 never anybody running from behind the house; correct?

24 **A.** Correct.

25 **Q.** There was no one in the house when you all got there, the

1 1604 address; correct?

2 **A.** Correct.

3 **Q.** And the -- from the time that you all got there and until
4 you left, the -- well, when you left, you left Detective Ward
5 there; correct?

6 **A.** Yes.

7 **Q.** But at that time no one had come in and out of the house
8 other than police officers, to your knowledge; correct?

9 **A.** Yes.

10 **Q.** Okay. And that's what you told the judge that day in
11 order to get the warrant to go in the house; correct?

12 **A.** Yes.

13 **Q.** And your -- but you also told the judge that the person
14 that was seen fleeing from the back of the house was carrying a
15 book bag; correct?

16 **A.** Yes.

17 **Q.** And, again, that was another sort of code for this person
18 might be carrying drugs or money as -- as part of the drug
19 trade in Baltimore; correct?

20 **A.** Yes.

21 **Q.** And so you were adding that in there because you're trying
22 to add those facts to your investigation to help get probable
23 cause to go in the house; right?

24 **A.** Yes.

25 **Q.** And actually before you had finished writing the affidavit

1 for the judge, you were contacted by Ward because Ms. Holloway,
2 who is Oreese Stevenson's child's mother, had come to the
3 residence; correct?

4 **A.** Yes.

5 **Q.** And she had actually told Ward that there had been -- her
6 son had run from the dwelling that day; correct?

7 **A.** It was a situation where we -- when we pulled up, we seen
8 a boy on the street, not over there by the house, and we just
9 put two and two together and asked her.

10 And she said -- she said he could have ran from --
11 basically, he could have ran from the house 'cause he was
12 scared 'cause y'all was the police. He was never at the house.
13 The way they -- we made it seem like he was at the house.

14 **Q.** Okay. So you're saying in your affidavit, you lied to the
15 officer -- you lied to the judge about what Ms. Holloway had
16 told you?

17 **A.** Yes.

18 **Q.** Well, I'm sorry. Actually --

19 **A.** No.

20 **Q.** -- you had lied to the judge about what Ms. Holloway had
21 told Detective Ward; correct?

22 **A.** Yes.

23 **Q.** Because you're not there on the scene when Ms. Holloway is
24 there --

25 **A.** No.

~~PENDIX~~ ~~CROSS~~

1 Q. -- correct?

2 A. Correct.

3 Q. Detective Ward is?

4 A. Yes.

5 Q. And you're at the station, and he's reporting to you about
6 his conversation with Ms. Ward [sic]?

7 A. Yes.

8 Q. I'm sorry. Ms. Holloway?

9 A. Ms. Holloway, yes.

10 Q. And Mr. -- Detective Ward tells you that Ms. Holloway
11 stated that her son ran from the dwelling earlier because he
12 was scared of the police; correct?

13 A. Yes.

14 Q. And she also advised that her son told her that the police
15 were chasing him down the street; correct?

16 A. Right.

17 Q. And this is what you put in the affidavit for the judge;
18 correct?

19 A. Yes.

20 Q. But now you're saying that's -- Detective Ward made that
21 up?

22 A. No. What I'm saying is basically he asked her about her
23 son, and she said her son was actually on the way home. And he
24 asked basically, "Why did he run?"

25 She said she don't know; maybe he ran because he saw the

1 police. She didn't know that -- if he ran or not.

2 Q. Okay. So Ms. Holloway told Ward that her son had been on
3 the way home. And that house, 1604, was his home; correct?

4 A. Yes.

5 Q. But this other -- and then she may -- she thought maybe he
6 ran because of the police --

7 A. Yes.

8 Q. -- but she wasn't sure?

9 A. Yes.

10 Q. Okay. But you put in here that she advised that her son
11 told her that he was running because the police were chasing
12 him; correct?

13 A. Yes.

14 Q. So -- and that was not true; right?

15 A. Correct.

16 Q. Okay. To your knowledge, even sitting here today, there
17 had not been a young boy behind that house; correct?

18 A. Correct.

19 Q. To your -- to your knowledge, sitting here today, there
20 had not been a young boy that ran down the alley while the
21 police were there; correct?

22 A. Correct. No -- no one ran down the alley. That was
23 all -- Sergeant Jenkins came up with the idea, and that's when
24 Taylor went to the back and acted as if he was actually in a
25 foot chase.

~~PENDIX~~ ~~CROSS~~

1 Q. Okay. And you're the person that went in front of a
2 judge --

3 A. Yes.

4 Q. -- and swore to tell the truth and told that story; right?

5 A. Yes.

6 Q. Okay. You also told the judge that you had been certified
7 as an expert witness in the District, Circuit, and Juvenile
8 Courts; correct?

9 A. Yes.

10 Q. That's not true; correct?

11 A. Yes, true.

12 Q. It's true?

13 A. Yes.

14 Q. You have testified as an expert witness?

15 A. Yes.

16 Q. In what area?

17 A. In drugs, in Juvenile, Circuit, and District Courts.

18 Q. Okay. So in both -- in all three of those --

19 A. All three.

20 Q. -- types of courts, you had testified as an expert
21 witness?

22 A. Yes.

23 Q. Okay. And each of those times, was it the same as this
24 time when you were under oath and lied about what had happened?

25 A. No.

~~PENDIX~~ ~~CROSS~~

1 Q. The other times you -- you're sitting here now under oath
2 saying, "No. I had told the truth before"?

3 A. Yes.

4 Q. Okay. Now, back on March 22nd, as you are doing your
5 investigation, you actually had contact with Mr. Brown's family
6 that was in the Jonquil -- that was in a home on Jonquil;
7 correct?

8 A. No. That was Taylor and Sergeant Jenkins.

9 Q. Okay. I'm marking this as Defense 3.

10 You don't recall having contact with Will de Ramirez?

11 A. Will de Ramirez.

12 **MS. WICKS:** May I approach, Your Honor, for
13 identification at this point, Defense 3?

14 **BY MS. WICKS:**

15 Q. (Handing.)

16 Is this your signature down at the bottom?

17 A. No, it's not.

18 Q. That's not your signature?

19 A. No.

20 Q. And so you're saying -- on March 22nd, did anyone in your
21 unit have contact with Mr. Brown's family that was visiting
22 someone on Jonquil?

23 A. They went into the house on Jonquil and stated that that
24 was the guy's family's house, yes.

25 Q. Okay.

1 **A.** I was on the street with the two suspects. I never went
2 into the house or had any contact with anyone in that house.

3 **Q.** Okay. But what your team learned from that interchange
4 was Mr. Brown was visiting his family that lived in that house;
5 correct?

6 **A.** Yes.

7 **Q.** And he was being -- he was meeting Mr. Stevenson,
8 apparently, to do a drug deal; correct?

9 **A.** Yes.

10 **Q.** And Mr. Brown and his wife lived out of town; correct?

11 **A.** Yes.

12 **Q.** Okay. So they did not live in the Jonquil address;
13 correct?

14 **A.** Yes.

15 **Q.** And so then the investigation turned towards what other
16 addresses in Baltimore are affiliated with Mr. Stevenson;
17 correct?

18 **A.** Yes.

19 **MS. WICKS:** Court's indulgence.

20 **BY MS. WICKS:**

21 **Q.** Now, Mr. Purpura asked you some questions about your
22 proffer sessions last year.

23 **A.** Yes.

24 **Q.** Prior to proffering with the United States, you don't have
25 a plea agreement at -- you did not have a plea agreement at

1 that point; correct?

2 **A.** Correct.

3 **Q.** Part of proffering is to show the United States, though,
4 that you're willing to be honest and to let them know
5 information that they might not know; correct?

6 **A.** Correct.

7 **Q.** And so the point of the proffer agreement is for you to be
8 truthful and honest with the agents and the prosecutors that
9 you're there meeting with; correct?

10 **A.** Yes.

11 **Q.** And when you -- you told them, just like you're saying
12 today, that the truth was when you observed the van with
13 Mr. Stevenson in it, that he threw something into the backseat
14 of the van?

15 **A.** Yes.

16 **Q.** And that was the truth; correct?

17 **A.** Yes.

18 **Q.** And that when you and Hendrix -- I'm sorry. When you and
19 Jenkins took Stevenson into the van, he tried to cooperate;
20 correct?

21 **A.** Yes.

22 **Q.** He tried to make phone calls to his drug supplier;
23 correct?

24 **A.** Yes.

25 **Q.** And -- but he also told you that his house was on

1 Baker Street?

2 **A.** Yes.

3 **Q.** And that -- through your investigation, you figured out
4 that was not correct; right?

5 **A.** Yes.

6 **Q.** And that was the house that you went to and took off your
7 vests and tried to con the mattress man into thinking that you
8 were associated with the people that lived there; right?

9 **A.** Yes.

10 **Q.** Did you search that house?

11 **A.** Yes.

12 **Q.** Okay. So you did go into that house. You didn't let --
13 did you let the mattress man deliver the mattresses?

14 **A.** No. He was waitin' for the owner of that house.

15 **Q.** Okay. So he wouldn't -- he --

16 **A.** 'Cause he was just sitting --

17 **Q.** -- wouldn't deliver even though you were there?

18 **A.** Yes.

19 **Q.** And you don't -- during the conversation or I guess we'll
20 call it -- the conversation in the van with you and Jenkins and
21 Mr. Stevenson, you don't think that he talked about a safe
22 being at his house; correct?

23 **A.** He told us he had a safe. He told us he had kilos of
24 cocaine. He told us he had guns as well.

25 **Q.** Okay. Well, that's your recollection today. When you

1 first met with the FBI back in May of last year, you couldn't
2 be specific -- well, Stevenson wasn't specific about where he
3 had the gun -- the drugs, the guns, and the money in his house;
4 correct?

5 **A.** Uh-huh.

6 **Q.** But today you're recollecting that he was?

7 **A.** No. He just told us he had it in the house.

8 **Q.** Okay.

9 **A.** He never told us the location of where it was in the
10 house.

11 **Q.** Okay. And when -- and it's your testimony that
12 Detective Taylor went downtown to submit the half a kilo of
13 cocaine and the \$15,000 that you all got out of the van;
14 correct?

15 **A.** Yes.

16 **Q.** There wasn't any money taken out of the money that was
17 taken out of the van that day; correct?

18 **A.** Not to my knowledge. I never touched it, so I don't know.

19 **Q.** Okay. Well, it looked -- you saw it --

20 **A.** Yes.

21 **Q.** -- when it was submitted because you're the one that
22 submitted it on the paperwork; right?

23 **A.** Yes.

24 **Q.** And it didn't look any different to you than it had when
25 it was in the oatmeal box; correct?

1 A. Correct.

2 Q. So that it didn't look like there was anything missing
3 from it; correct?

4 A. Correct.

5 Q. And you submitted it. You're the person that was
6 responsible for submitting it to Baltimore Police Department
7 Evidence Control; right?

8 A. Yes.

9 Q. And that's the form that the prosecutor showed you during
10 your direct where you signed off on that amount; correct?

11 A. Yes.

12 Q. Were you also the person that submitted the half a kilo?

13 A. I believe we -- I believe we all submitted it, yes. I
14 believe when we -- when we submit things at the end of the
15 night, whoever has the paperwork, they'll do the paperwork.
16 And they'll all take down the drugs together and submit. So
17 one of us could have been doing one thing and the other.

18 Q. Okay. To your knowledge, were there drugs taken out of
19 the house and not submitted?

20 A. No.

21 Q. And to your knowledge, there -- the drugs that were in the
22 van were submitted to BPU --

23 A. BPD.

24 Q. -- BPD? I'm sorry.

25 A. Yes.

1 Q. Right?

2 Okay. And to your knowledge, the money that was found in
3 the house was either the hundred thousand that HIDTA -- that
4 Task Force Officer Glover took or it's the money that Jenkins
5 had; correct?

6 A. You said -- repeat that for me.

7 Q. The money in the house was either the money that was
8 seized by Glover --

9 A. Uh-huh.

10 Q. -- right, or it's the money that Jenkins took out of the
11 house?

12 A. The money that Jenkins took out of the house.

13 Q. Right.

14 A. Yes.

15 Q. And to your knowledge, in terms of the money that Jenkins
16 took out of the house, you thought that was only about some --
17 somewhat above \$80,000; right?

18 A. Yes.

19 Q. So to your knowledge, there was perhaps a little bit over
20 \$180,000 in the house?

21 A. Yes.

22 Q. And then the \$15,000 that was in the car?

23 A. Yes.

24 Q. And the 15,000 that was in the car actually belonged to
25 Mr. Brown; right?

1 **A.** Yes.

2 **Q.** That was at his feet in the car; right?

3 **A.** Yes.

4 **Q.** The drug transaction hadn't happened?

5 **A.** No. We caught in the middle of the transaction, yes.

6 **Q.** Okay. So Oreese Stevens throws the cocaine in the back
7 and doesn't give it to Mr. Brown; right?

8 **A.** Yes.

9 **Q.** And so Oreese Stevens doesn't get the 15,000 from
10 Mr. Brown. The 15,000 --

11 **A.** Yes.

12 **Q.** -- is seized by your team and submitted?

13 **A.** Yes.

14 **Q.** Okay.

15 **MS. WICKS:** Court's indulgence.

16 **THE COURT:** Sure. Are you --

17 **MS. WICKS:** This is a good time to break.

18 **THE COURT:** -- at a good breaking point?

19 **MS. WICKS:** Yes.

20 **THE COURT:** All right. Ladies and gentlemen, we're
21 going to take the lunch recess, and I'll see you again at
22 2 o'clock.

23 (Jury left the courtroom at 12:57 p.m.)

24 (Luncheon recess taken.)

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

1 Just scheduling, I'm sorry. I should have told you
2 this morning. I do need to stop around 4:30-ish today.

3 **MR. PURPURA:** That's great. Thank you.

4 **THE COURT:** Do we know if Mr. Hendrix is here?

5 **THE MARSHAL:** He's on his way down right now.

6 **THE COURT:** Why don't we wait until he's actually
7 here.

8 (Pause.)

9 (Jury entered the courtroom at 2:14 p.m.)

10 **THE COURT:** All right. You can all be seated. Thank
11 you.

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

13 **THE WITNESS:** Yes, ma'am.

14 **MS. WICKS:** May I, Your Honor?

15 **THE COURT:** Yes, go ahead, Ms. Wicks.

16 **MS. WICKS:** Thank you.

17 **BY MS. WICKS:**

18 **Q.** Good afternoon, sir.

19 You -- on the squad you tried to keep Taylor away from
20 Jenkins because you felt that Taylor could be easily persuaded
21 by Jenkins; correct?

22 **A.** Yes.

23 **Q.** And you talked a little bit about these airsoft guns.

24 If you saw kids with airsoft guns, you would confiscate
25 them; correct?

1 **A.** Yes.

2 **Q.** Because you didn't want kids getting into a bad
3 situation --

4 **A.** Yes.

5 **Q.** -- with someone thinking it's a real gun; right?

6 **A.** Yes.

7 **Q.** Okay. And the prosecutor asked you questions about a
8 gun --

9 **MS. WICKS:** Can I have the one you pulled up, the
10 airsoft. Or the picture is fine. I think you showed him the
11 picture.

12 **BY MS. WICKS:**

13 **Q.** And, again, this is FBI-17B. And you testified that you
14 had seen this airsoft gun before?

15 **A.** Yes.

16 **Q.** And where did you see this airsoft gun?

17 **A.** On the streets. Like you said, we see kids with the BB
18 guns playing, and we'll just take 'em.

19 **Q.** Okay. So it's -- you're recognizing this gun as one of
20 the guns that your squad took off the street off of a child?

21 **A.** Yes.

22 **Q.** Because you were concerned that you didn't want the child
23 getting shot because someone thought they had a real gun;
24 right?

25 **A.** Yes.

1 Q. Okay. And is this a gun that you associated with
2 Detective Taylor having taken off a child?

3 A. Yes.

4 Q. Thank you.

5 And so part of GTTF, you're taking real guns and fake guns
6 off the street; right?

7 A. Yes.

8 Q. And that was doing police work; right?

9 A. Yes.

10 Q. When you were back in the police academy, you were at the
11 police academy with Detective Taylor; correct?

12 A. Yes.

13 Q. And in your -- in one of the squads -- and actually,
14 Detective Taylor's squad at the police academy -- it turned out
15 that there was someone that was a member of the Bloods gang.

16 Do you remember that?

17 A. Yes.

18 Q. And he got kicked out of the academy for that reason;
19 right?

20 A. Yes.

21 Q. And you remember knowing it was Detective Taylor that had
22 gone to the authorities to make sure that guy got out of the
23 police academy; right?

24 A. No, I didn't know that.

25 Q. You don't remember that?

1 A. No.

2 Q. But you do remember the guy that was in the Bloods that
3 got kicked out while you both were in the police academy;
4 right?

5 A. Yes.

6 Q. And that guy was in Detective Taylor's squad; right?

7 A. Yes.

8 Q. Not your squad; right?

9 A. No.

10 Q. When you had various proffer sessions with the Government,
11 they asked -- they asked you about some incidents that you were
12 not familiar with; correct?

13 A. Yes.

14 Q. Okay. Like, for instance, you never recalled a time that
15 you had to meet Jenkins, Taylor, and Ward to pick up your keys
16 or wallet because you were going out of town; correct?

17 A. No. Correct.

18 Q. That doesn't ring any bells with you; correct?

19 A. No.

20 Q. And there was never a time when you were off duty and had
21 to go meet Jenkins, Taylor, and Ward in a wooded area to split
22 up money; correct?

23 A. No.

24 Q. That never happened; correct?

25 A. No.

~~PENDIX~~ CROSS

1 Q. Now, prior to even getting charged in this case, you had
2 been sued by one Ivan Potts about an incident where he was
3 claiming that you, Jenkins, and Ward had planted a gun on him;
4 correct?

5 A. Yes.

6 Q. And he sued the three of you for \$1.5 million; correct?

7 A. Well, this all -- we got the paperwork while we were in
8 jail.

9 Q. Okay. But the lawsuit was actually filed in 2016;
10 correct?

11 A. Not to my knowledge. Like I said, I got it when I was
12 actually in jail.

13 Q. Would it refresh your recollection to look at the front of
14 that lawsuit as to what year it was filed?

15 A. I mean, if you show me.

16 Q. Okay. Just for --

17 A. I mean, but I'm just letting you know I got it, so --

18 Q. I understand. You were not served until you were in jail;
19 correct?

20 A. Yes. So -- yeah.

21 Q. Defense Exhibit 4, I think, just for identification?

22 THE CLERK: Yes, Exhibit No. 4.

23 BY MS. WICKS:

24 Q. (Handing.)

25 A. Yes.

1 Q. So does that refresh your recollection that it was filed
2 in September of 2016?

3 A. Okay. Yes.

4 Q. And, again, the complaint in that case was that Jenkins,
5 you, and Ward had planted a gun on him after beating him up;
6 correct?

7 A. Yes.

8 Q. That was his claim?

9 A. Yes.

10 Q. Okay. And you haven't filed an Answer in that case yet,
11 have you?

12 A. I'm not able to do anything right now.

13 Q. Well, is that something that the FBI has asked you about,
14 that incident?

15 A. No.

16 Q. You also worked with Jenkins and Ben Freeman; correct?

17 A. Yes.

18 Q. And there was a gentleman by the name of Levar Mullen that
19 you three pulled over; correct?

20 A. Yes.

21 Q. And he was a member of the Project Safe Streets?

22 A. Yes.

23 Q. And the three of you claimed that he wasn't wearing a seat
24 belt and he had made furtive gestures; correct?

25 A. It wasn't the three of us. They told me -- I was in the

1 backseat -- that's their reason for stopping him.

2 Q. Okay. And you filled out paperwork to that based on what
3 they were telling you; correct?

4 A. They filled out paperwork, yes.

5 Q. Okay. And the three of you, that case went to
6 Federal Court; correct?

7 A. I don't -- I didn't have any part in that case. Like, I
8 didn't go to court or anything in reference to --

9 Q. So you don't know what's happened in that case?

10 A. No.

11 Q. But you do know that he has since then claimed that he was
12 wearing a seat belt and that there was no furtive gesture;
13 correct?

14 A. Yes.

15 MS. WICKS: Court's indulgence.

16 BY MS. WICKS:

17 Q. When -- now, the incident that you testified about where
18 you're saying you were told by Detective Taylor that Jenkins
19 was trying to get him to hit a guy over the head and rob him of
20 his money, Taylor didn't agree to do that; correct?

21 A. Correct.

22 Q. Taylor was refusing to do that; correct?

23 A. He said he didn't do it. He said the reason was because
24 he felt like they were getting followed.

25 Q. Okay. Well, that -- that was --

1 A. So --

2 Q. That was the reason that he wouldn't do it, and then
3 apparently Jenkins didn't do it either; correct?

4 A. Correct.

5 Q. And they were following an individual that was a target of
6 investigation; correct?

7 A. I'm just going off of what he told me. I wasn't involved
8 in it. I wasn't there. So it's all what he told me.

9 Q. Okay. When you --

10 A. So I couldn't give you particular . . .

11 Q. When you -- when you were on the gun -- when you were on
12 the squad, their -- Rayam, Gondo, and Hersl were in another
13 car; correct?

14 A. Yes.

15 Q. And so your testimony today, you were talking about what
16 you -- you and the other detectives and your sergeant were
17 doing in your car; correct?

18 A. Yes.

19 Q. And when you weren't there, you wouldn't have personal
20 knowledge about what was going on; correct?

21 A. Correct.

22 Q. And so there were times when there were investigations
23 going on and you didn't have any knowledge of them; correct?

24 A. Correct.

25 Q. For instance, Mr. Purpura asked you about Ronald Hamilton

~~HENDRIX REDIRECT~~

1 and whether or not you had executed some search warrant;
2 correct?

3 **A.** Correct.

4 **Q.** And you had no recollection whether or not you had done
5 that; right?

6 **A.** Yes.

7 **Q.** And you have no recollection of that investigation 'cause
8 that wasn't an investigation that you were a part of; correct?

9 **A.** Correct.

10 **Q.** But there were other police work investigations going on
11 in the squad that you weren't a part of; correct?

12 **A.** Yes.

13 **MS. WICKS:** Thank you. No further questions,
14 Your Honor.

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

16 Any redirect, Mr. Hines?

17 **MR. HINES:** Yes, Your Honor.

18 REDIRECT EXAMINATION

19 **BY MR. HINES:**

20 **Q.** Mr. Hendrix, Mr. Purpura asked you a series of questions
21 about a conversation that Jenkins said he had with
22 Commissioner Davis?

23 **A.** Yes.

24 **MR. HINES:** Ms. Wicks absconded with the mic,
25 Your Honor. One moment, please.

~~HENDRIX REDIRECT~~

1 **THE COURT:** Yes.

2 **MS. WICKS:** (Handing.)

3 **BY MR. HINES:**

4 **Q.** If I may repeat the question, Mr. Hendrix, you'll recall
5 that Mr. Purpura asked you a series of questions about a
6 conversation that Jenkins said he had with Commissioner Davis
7 about overtime?

8 **A.** Yes.

9 **Q.** And what you said in response to them was that Jenkins did
10 not tell the commissioner what he was doing with the overtime;
11 is that right?

12 **A.** Correct.

13 **Q.** What did you mean by that?

14 **A.** He said that he was just giving us overtime money. He
15 didn't say, you know, the way that he was giving us the
16 overtime money. Like, I doubt very seriously a conversation
17 would occur with the Police Commissioner, telling him that you
18 were giving us extra overtime or time when we're not even
19 there. I doubt that happens.

20 **Q.** So Jenkins didn't tell you that he told the commissioner
21 that he was giving his guys fraudulent overtime?

22 **A.** Correct.

23 **Q.** And did Jenkins tell you that Danny Hersl (indicating) was
24 putting in for overtime that he didn't even work?

25 **A.** Yes.

~~HENDRIX REDIRECT~~

1 Q. Did Jenkins tell you that he told that to the
2 commissioner?

3 A. No.

4 Q. Now, Ms. Wicks asked you about the money from
5 Oreese Stevenson's safe.

6 Do you remember those questions?

7 A. Yes.

8 Q. Now, when the safe was opened the first time, was it your
9 testimony that Sergeant Jenkins took all of the money out of
10 the safe and --

11 A. Yes.

12 Q. And then did he put some of the money back in the safe?

13 A. Yes.

14 Q. How much money did he count and put back in the safe?

15 A. \$100,000.

16 Q. Did he count out in front of you the rest of the money
17 there at Heathfield?

18 A. No.

19 Q. What did he do with that money?

20 A. He took the money and actually took it upstairs while we
21 were in the basement. So I'm believing he took it to the car,
22 because once we got upstairs, he didn't have it in his hands at
23 that point.

24 Q. Then fast-forward, when you're at Mr. Taylor's house later
25 in the evening, Jenkins brings money inside?

1 **A.** Yes.

2 **Q.** How much money did he bring inside with him?

3 **A.** The -- approximately around eighty, eighty thousand, maybe
4 a little more.

5 **Q.** Could there have been more money, more than \$80,000 in the
6 safe that Jenkins did not share with you guys?

7 **A.** Yes.

8 **MR. HINES:** Nothing further, Your Honor.

9 **THE COURT:** Okay. Anything, Mr. Purpura?

10 **MR. PURPURA:** Just one second, if I may, Your Honor.

11 Thank you.

12 **THE COURT:** Sure.

13 **RECROSS-EXAMINATION**

14 **BY MR. PURPURA:**

15 **Q.** I'm sorry, Mr. Hendrix. Just a couple more quick
16 questions.

17 **A.** No problem.

18 **Q.** Just back to the overtime again, Mr. Hines just asked you
19 about what Jenkins told you what occurred after he met with the
20 commissioner; correct?

21 **A.** Yes.

22 **Q.** Okay. And this question -- this was asked to you during
23 one of your proffer sessions -- actually, the very first
24 proffer session, gentlemen. On May 5th, 2017, about 12 pages
25 into the proffer session, you were asked about -- or you told

1 the Government and the agents about the meeting that Jenkins
2 said he had with the commissioner; correct?

3 **A.** Yes.

4 **Q.** Okay. And what you told them back on May 5th, 2017, what
5 you told them (indicating), meaning the Government team and the
6 Special Agent, was that the commissioner had asked Jenkins how
7 he was keeping his squad motivated.

8 And then according to Jenkins, Jenkins told the
9 commissioner that he gave them overtime and slash days and that
10 the commissioner said, "Good job"; right?

11 **A.** Yes.

12 **Q.** What's a slash day?

13 **A.** A slash day is a day that we don't work and we're being
14 paid for off the books.

15 **Q.** Okay. And then you told them that you overheard a
16 conversation that Jenkins had with Miller.

17 And who's Miller? Colonel Miller?

18 **A.** Yes.

19 **Q.** And Miller and Jenkins -- it was kind of a laughing
20 conversation when Miller was kind of saying, "What, are you
21 crazy saying that to the commissioner?"

22 **A.** Yes, yes. That's what Jenkins was saying once he was
23 having a conversation. But then he said when -- when it was
24 over, he said who he was talking to.

25 **Q.** And he was talking to Colonel Miller at that --

~~EDWARDS - DIRECT~~

1 **A.** That's who he told me.

2 **Q.** Okay. And the bottom line, that after Jenkins had that
3 conversation with Commissioner Davis, Commissioner Davis said,
4 "Keep up the good work"; correct?

5 **A.** Yes.

6 **MR. PURPURA:** Thank you. I have no further questions.

7 **THE COURT:** Anything else, Ms. Wicks?

8 **MS. WICKS:** Nothing.

9 **THE COURT:** Mr. Hines?

10 **MR. HINES:** Nothing further, Your Honor.

11 **THE COURT:** All right. Thank you, sir. You're
12 excused.

13 (Witness excused.)

14

15 **THE COURT:** Government, have another witness?

16 **MR. HINES:** Yes, Your Honor. The United States calls
17 Todd Edwards.

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

19 SPECIAL AGENT TODD EDWARDS, GOVERNMENT'S WITNESS, SWORN.

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

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

23 **THE WITNESS:** Todd Edwards, E-D-W-A-R-D-S.

24 **THE CLERK:** Thank you.

25

DIRECT EXAMINATION

1
2 **BY MR. HINES:**

3 **Q.** Sir, where do you work?

4 **A.** The Drug Enforcement Administration.

5 **Q.** What's your position?

6 **A.** I'm a Special Agent and a group supervisor.

7 **Q.** How long have you been with the DEA?

8 **A.** Total, 23 years.

9 **Q.** And I'd like to direct your attention to September 1st,
10 2016. Were you conducting a surveillance on this date?

11 **A.** Yes.

12 **Q.** Why were you conducting surveillance?

13 **A.** At that -- at that time I was in a -- an all-agent group,
14 and we were looking at a major cocaine trafficker. And so I
15 was down in Upper Marlboro doing surveillance.

16 **Q.** Where is Upper Marlboro?

17 **A.** Prince George's County.

18 **Q.** That's just outside of Washington, D.C.?

19 **A.** Yes, sir.

20 **Q.** Where were you conducting surveillance in Prince George's
21 County? What kind of location?

22 **A.** I was looking at a light industrial trucking company, and
23 I was actually across the street in a church.

24 **Q.** And what, if anything, happened while you were conducting
25 surveillance?

1 **A.** I pulled into the church parking lot. And there's a --
2 there's a street that is between the church and the place that
3 I was looking at, looking for my target. And it's blocked by
4 some bushes, and I usually park in the corner.

5 When I pulled in, there was another car parked in that
6 corner, so I kind of parked off to the side. And that car had
7 tinted-out windows.

8 **Q.** Because the car had tinted-out windows, could you see in
9 the vehicle?

10 **A.** No.

11 **Q.** What, if anything, did you think about the fact that the
12 car had tinted-out windows?

13 **A.** I thought it was another police car, 'cause I had
14 tinted-out windows also.

15 **Q.** What happened next?

16 **A.** After about five minutes or so, a gentleman got out of the
17 car, and he walked over to my car. And he knocked on the
18 passenger window, and I rolled it down. And I asked who he was
19 with.

20 And he said, "Baltimore City PD."

21 So I told him to get in the car.

22 **Q.** What did you think when he said he was with the
23 Baltimore City Police Department?

24 **A.** He -- he got in and he showed me -- they have a -- not his
25 badge, but they have an ID card. So he showed me his badge or

1 his ID card, and he told me his name was Wayne Jenkins. And we
2 just started talking.

3 Q. He said his name was Wayne Jenkins?

4 A. Yes, sir.

5 Q. And what did you guys start to talk about?

6 A. So I asked him why he was there.

7 And he said, "Well, why are you here?"

8 And so we kind of looked at each other.

9 And I said, "Well, I'm looking at a target down here."

10 And he says, "Well, so are we."

11 And then we kind of talked, and we discovered it was the
12 same target.

13 So we talked about the target and kind of told each other
14 what we knew.

15 I told him that we had been tracking the guy. He's from
16 Baltimore. And we had been following him around down here in
17 PG County and also in D.C.

18 And he said, "So had we," meaning Baltimore City PD.

19 And I said, "Well, how did you get on to him?"

20 And he said, "Well, we have an informant that, you know,
21 we asked him, Who's the biggest drug dealer out there? And he
22 told us the name of the target and that he was a monster and
23 that, you know, they were looking for a quick hit for -- for
24 drugs and guns and money."

25 And so I asked Mr. Jenkins, I said, "Well, are you on the

1 task force?" meaning a federal task force.

2 And he said, "No. We're on the Gun Task Force."

3 And I said, "Is that a federal task force?"

4 He said, "No."

5 So I looked at him. I said, "Well, why are you down here,
6 then? Because you're outside of Baltimore City."

7 And he said, Well, you know, we're looking for a quick
8 hit, and we're looking -- kind of along the lines, again, of
9 this guy's got a lot of money and drugs, and we're just looking
10 to do something really quick.

11 And I said, "Well, this guy is a part of a larger
12 investigation than we are doing, and can I talk to your
13 informant?"

14 And he said, "Well, let's exchange numbers, and we can
15 talk next week."

16 So we did. And then after that, he got out of the car and
17 he left.

18 **Q.** And who left the parking lot first?

19 **A.** Mr. Jenkins.

20 **Q.** In the tinted-out vehicle that he was in?

21 **A.** Yes, sir.

22 **Q.** And when Jenkins described the person he was following as
23 a monster with lots of money, what at that time did you think
24 he was referencing?

25 **A.** Well, he was referencing that -- the same person that we

1 were looking at because our target was actually connected to a
2 case with a large amount of money and drugs that had already
3 been seized in a DEA investigation.

4 **Q.** During the course of your 20-year career with the DEA, can
5 you estimate the number of hours or days you've conducted
6 surveillance?

7 **A.** No. A lot. A lot. I said both -- I've been here in
8 Baltimore for 20 years. Before that I was in Chicago for three
9 years. And when you're an agent, as opposed to now I'm a
10 supervisor, what the most -- besides writing reports, what you
11 do is you are out on surveillance.

12 **Q.** Did you find it usual or unusual that Jenkins was down in
13 PG County?

14 **A.** I found it unusual. Not unusual that there was somebody
15 else looking at our target. Usually if that happens, DEA and
16 other federal and state and local people have deconfliction.

17 So if they're looking at a phone number or looking at an
18 address, we have a system for checks and balances to make sure
19 we're not looking at the same person and it's not a
20 blue-on-blue situation.

21 That didn't happen here.

22 I've come across a couple of times where I've been on
23 surveillance and another agency has also been on surveillance,
24 so it happens once in a while.

25 **Q.** So Wayne Jenkins didn't deconflict with you?

1 A. No.

2 Q. And have you ever been on surveillance and seen
3 Baltimore City police officers down in PG County?

4 A. No.

5 MR. HINES: Nothing further, Your Honor.

6 THE COURT: All right. Mr. Nieto?

7 MR. NIETO: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. NIETO:

10 Q. All right. So, Special Agent Edwards, you've been, what,
11 23 years DEA?

12 A. Yes, sir, total.

13 Q. Okay. And you've testified how many times at the
14 Federal Court as an expert on drug trafficking?

15 A. As an expert, over 20 times, depending on what you're
16 looking at, whether it's methods and means of drug
17 distribution, intercepting or decoding intercepted
18 conversations, firearms, things like that. So over 20.

19 Q. Okay. How many times have you testified just as an agent
20 but not as an expert?

21 A. I couldn't even tell you. More than that.

22 Q. Quite a few times; right?

23 A. Yes, sir.

24 Q. Okay. So it was your testimony today that when you parked
25 your car, somebody approached you and that was -- that was

1 Mr. Jenkins; right?

2 A. Yes, sir.

3 Q. You didn't approach his car and rap on the window and ask
4 who he was?

5 A. Nope.

6 Q. Okay. And the -- you shared, I guess, a common target,
7 right? It was somebody that you were investigating; correct?

8 A. Well, I don't know if "share" is the right word. We were
9 investigating somebody.

10 Q. And he said he was investigating somebody?

11 A. He was investigating somebody.

12 Q. So for purposes of that limited conversation, you shared a
13 similar interest in that individual?

14 A. Yes, sir.

15 Q. Okay. And he was not an informant or an undercover.
16 Rather, he was a target?

17 A. That's correct.

18 Q. Okay. Now, sir, in your experiences, both as a, for lack
19 of a better phrase, as sort of a regular agent versus an expert
20 agent --

21 A. Yes.

22 Q. -- as you've oftentimes been now in your supervisory
23 positions, have you -- in the drug context, have you come
24 across bundles of cash that have been heat-sealed?

25 A. Yes.

1 Q. Is that common in drug trafficking?

2 A. Yes.

3 Q. Could you explain just a little bit to the jury about why
4 that is -- why that happens.

5 A. Well, sure. It's several reasons. First of all, to -- if
6 you are a drug trafficker who deals in large amounts of
7 currency, because that is what they deal with -- I mean, drug
8 dealers don't write each other checks. So you collect money.
9 You count it and you wrap it and you heat-seal it because what
10 happens is when you heat-seal it, it compresses the air between
11 the money. So it gets down smaller so you can package more
12 money in a smaller area, and you can transport it easier.

13 Q. Okay. So if you -- just to give you sort of a
14 hypothetical, if you were a Special Agent that entered into a
15 house and found large quantities of cash heat-sealed, would you
16 believe that is indicative of drug distribution or drug
17 dealing?

18 A. If -- are you talking just in a vacuum if there was
19 nothing -- if I just walked into a house like that?

20 Q. I suppose that's not a fair question, right, because
21 there's a variety of variants going on --

22 A. Correct.

23 Q. -- right?

24 So let's say that you were aware of someone's criminal
25 past as being a drug dealer.

1 **A.** Yes.

2 **Q.** Okay. And let's say, for example --

3 **MR. HINES:** Your Honor, I'm going to object.

4 **THE COURT:** Let's come up to the bench.

5 **MR. NIETO:** Certainly.

6 (Bench conference on the record:

7 **THE COURT:** Yes?

8 **MR. HINES:** So it's one thing for Mr. Nieto to ask him
9 about the heat-sealed package, which he just did, but now we're
10 asking hypotheticals about hypothetical people with
11 hypothetical criminal histories and what Special Agent Edwards
12 thinks about them in his opinion. We're getting far off course
13 here.

14 **MR. NIETO:** Briefly, Your Honor, the information that
15 I'm attempting to elicit is going to be specifically in
16 relation to Ronald Hamilton, who is going to be a government
17 witness.

18 As Your Honor may know, these particular factors are
19 present in -- with regards to his situation. He has been
20 adamant that he's not a drug dealer, despite the fact that the
21 Government has information to the contrary.

22 And since Special Agent Edwards is in a very unique
23 position with his experience and his ability to be able to
24 weigh in on this, I thought now would be an appropriate time to
25 ask him some questions about it since we may not be able to

1 bring him back once Mr. Hamilton testifies.

2 **MR. HINES:** So he doesn't know Mr. Hamilton. If I
3 understand the question, Mr. Nieto is asking to opine on
4 whether someone who has a dated criminal history is a drug
5 dealer or maybe there's more information. But we're just
6 getting -- Mr. Edwards' opinion on that matter is not relevant
7 to the issues in this case.

8 **MR. NIETO:** Perhaps it was done in an inarticulate
9 fashion, Your Honor.

10 **THE COURT:** I think there's nothing wrong with, at
11 least in isolation -- I mean, the question, for example, about
12 heat-sealed money, is that a common technique?

13 I think where it may get to an unfair point is if you
14 try and make it too specific a hypothetical as to Mr. Hamilton
15 and then turn around and use it to say, Special Agent Edwards
16 said Mr. Hamilton is a drug dealer. I don't think we can do
17 that.

18 But if there are in general -- I mean, if there are
19 characteristics like having heat-sealed money, the jury's got
20 to evaluate Mr. Hamilton's testimony and everybody else's
21 testimony along here. And they need to know -- defense counsel
22 is entitled to have them know something about drug-trafficking
23 techniques and methods. So I'm partially sustaining, but you
24 can ask him --

25 **MR. NIETO:** If it please, Your Honor, I'll withdraw

1 the question and go about it in a way that's a little bit
2 better.

3 **THE COURT:** Thank you.)

4 (Bench conference concluded.)

5 **MR. NIETO:** Your Honor, I'll withdraw the question.

6 **THE COURT:** All right. Thanks.

7 **BY MR. NIETO:**

8 **Q.** Special Agent, with regards to drug distribution,
9 especially the distribution of kilogram quantity -- now, that's
10 considered fairly large quantities in the drug world; is that
11 fair to say?

12 **A.** Yes, sir.

13 **Q.** All right. And so are you familiar with the concept of
14 fronting drugs?

15 **A.** Yes.

16 **Q.** All right. By fronting drugs, that essentially means that
17 the distributor will provide drugs with the understanding that
18 they will then be paid after the purchaser has sold it; is that
19 fair?

20 **A.** That's correct.

21 **Q.** Okay. And have you heard of like partial payments? Or if
22 somebody were to front some drugs, then to come back and say,
23 Well, I don't have the full amount, but I can pay you some. Is
24 that consistent with your experience?

25 **A.** It happens, yes.

1 Q. Okay. And sort of, lack of a better phrase, maybe
2 good-faith payments towards a total that would be due?

3 A. I guess. They're drug traffickers. I don't know how much
4 good faith is involved. I mean, it's sometimes -- it can
5 happen. It does happen.

6 Q. Right. Perhaps "good faith" is an inarticulate way of
7 saying it. But you are familiar with fronting; right?

8 A. Yes.

9 Q. So there is some faith put into the purchaser where the
10 person receiving the drugs, that they will come back and repay
11 the drug dealer for the drugs; right?

12 A. Sometimes, yes.

13 Q. Okay. And as part of drug distribution, in your
14 experiences, do you see drug dealers try to launder their
15 money?

16 A. Yes, sir.

17 Q. All right. And have you seen drug dealers try to launder
18 their money through casinos?

19 A. Yes.

20 Q. Could you just explain just a little bit about how that
21 could work.

22 A. It happens in several different ways.

23 A very basic way would be, say a drug trafficker has under
24 \$10,000, say \$8,000. He will go into a casino and get \$8,000
25 worth of chips; play for an hour or so, maybe lose 10 percent

1 of his earnings or his money; take that 8,000, which is now
2 7200; go back in and cash it out. Now that money is good money
3 because he has gotten it from the casino and it's laundered.

4 A lot of times drug dealers use multiple people to do
5 that, so they can actually launder quite a bit of money very
6 easily.

7 **Q.** And it wouldn't just necessarily be on a one-time
8 occasion, would it?

9 **A.** No, sir.

10 **Q.** Would it be, in your experiences, common or uncommon to
11 see a large-scale drug distributor go to a casino multiple
12 times throughout the year?

13 **A.** It can happen, yes.

14 **Q.** And sometimes they might incur losses, quote/unquote, as
15 it were through their money, but that's laundered money; right?

16 **A.** That's correct.

17 **Q.** And so that losses, how do they equate for that? Is that
18 the part of doing business?

19 **A.** It's just the cost of doing business, yes.

20 **Q.** Cost of doing business. Okay.

21 **MR. NIETO:** All right. Nothing further, Your Honor.

22 Thank you.

23 **THE COURT:** Mr. Purpura?

24 **MR. PURPURA:** Thank you, Your Honor. Just a couple of
25 questions, if I may.

CROSS-EXAMINATION

BY MR. PURPURA:

Q. Special Agent Edwards --

A. Sir.

Q. -- good afternoon, sir.

You're not only 23 years in the DEA, you are also an attorney; correct?

A. Yes, sir.

Q. Notre Dame?

A. Yes, sir.

Q. All right.

A. You have a good memory.

Q. Recently, 2017, you spoke in, I believe, Anne Arundel County. And the acronym is ROSC, which is Recovery-Oriented Systems of Care.

Do you remember that?

A. Yes, sir.

Q. And in that speech, you indicated that large-scale drug traffickers just don't live in Baltimore City, but they live in the county, could live in Anne Arundel County. You mentioned, I believe, Bowie or Crofton or Pasadena.

Do you remember saying that?

A. Yes, sir.

Q. And that's a fact; isn't that correct?

A. That's true.

1 Q. Large-scale drug traffickers, as we know, can live in
2 Cecil County, Richard Wilford?

3 A. That is correct. Yes, sir.

4 Q. And also in Westminster, Carroll County, as well?

5 A. Yes, sir. They can live anywhere.

6 Q. Thank you.

7 Now, we've used these words, kilogram. Probably everyone
8 knows what a kilogram is, but why don't you tell us what a
9 kilogram is.

10 A. A kilogram is 2.2 pounds.

11 Q. And how many grams in a kilogram?

12 A. 1,000.

13 Q. And in the drug world, if you have a kilo and it's called
14 a brick, why would it be called a brick?

15 A. If a kilogram, usually when it's transported, it's made
16 into a brick size so it looks like a brick. May not be exactly
17 the size of a brick, but it's usually rectangular. And then
18 it's used for easy transport.

19 Q. And how does it get to be brick size basically?

20 A. It's compressed usually with a kilo press, whether it be
21 in a source city or here, somewhere here in Baltimore.

22 Q. And normally when a -- when cocaine or heroin comes in the
23 kilo form, there is an indicia that it is of greater purity; is
24 that fair to say?

25 A. It can be, yes.

1 Q. And why it may not be is that people can break up that
2 kilo, and they can recompress it; is that correct?

3 A. That's correct.

4 Q. And how would they recompress a kilo? What would you
5 need?

6 A. They would have what we refer to as a kilo press or a
7 press.

8 Q. Okay. And you've seized, gosh, probably fairly countless
9 amount of -- a lot of kilo presses; correct?

10 A. Yes.

11 Q. And you've heard a lot of different stories what people
12 say they used their kilo press for; correct?

13 A. Yes.

14 Q. And bottom line is they use it for recompressing cocaine
15 and heroin, no matter what they tell you; correct?

16 A. That's usually the case, yes, sir.

17 Q. Last question: 2015, Baltimore City, you were working in
18 Baltimore City in 2015; correct?

19 A. Yes, sir.

20 Q. We had riots. We had a high murder rate; correct?

21 A. That's correct. Yes, sir.

22 Q. You -- in fact, you rode around one time at least with an
23 ABC news correspondent named Brian Pitts, P-I-T-T-S. He's a
24 hometown boy.

25 Do you remember that?

~~EDWARDS REDIRECT~~

1 **A.** Yes, sir. I became the public information officer for DEA
2 about two weeks after the riots, yes.

3 **Q.** And you were quoted at that point as describing Baltimore
4 as Gotham City without Batman; is that correct?

5 **A.** That is correct.

6 **Q.** And that's the way it was, wasn't it?

7 **A.** Yes.

8 **MR. PURPURA:** No further questions.

9 **THE COURT:** Mr. Hines?

10 **MR. HINES:** Yes. Just a couple of questions,
11 Your Honor.

12 **REDIRECT EXAMINATION**

13 **BY MR. HINES:**

14 **Q.** Special Agent Edwards, Mr. Purpura asked you some
15 questions about the city being Gotham City without Batman; is
16 that right?

17 **A.** Yes. Yes.

18 **Q.** Are you -- in your experience as a DEA agent, are you
19 aware if law enforcement routinely carried grappling hooks in
20 the field (indicating)?

21 **A.** No, we don't.

22 **Q.** Do you know of any legitimate reason why
23 Sergeant Wayne Jenkins would have a grappling hook?

24 **A.** No.

25 **Q.** Now, you -- Mr. Purpura asked you about some of your

1 experience. In the course of your investigations and in your
2 training and experience, are drug dealers sometimes also the
3 victims of robberies?

4 **A.** Yes, sir.

5 **Q.** And why is that?

6 **A.** Well, because they have large amounts of drugs and large
7 amounts of money. So other drug dealers or what we call
8 stickup boys will seek them out and sometimes do surveillance
9 on their own, put trackers on their car, and sometimes rob
10 their homes or rob their stash houses for guns, drugs, and
11 money.

12 **Q.** And what kind of money or currency do drug dealers carry?

13 **A.** Large amounts.

14 **Q.** Cash?

15 **A.** Cash.

16 **Q.** In the drug business, is cash king?

17 **A.** Yes, sir, cash is king.

18 **Q.** Now, a couple of -- the jury's heard from a couple --
19 about a couple of different episodes.

20 In January of 2015, what was the value of a kilo and a
21 half of heroin?

22 **A.** Back in 2015, it would probably be around 38 to 40
23 thousand kilo. There was a -- what we call a drought. So
24 there wasn't a lot of -- so drug dealing is law of supply and
25 demand. So there was a supply, but the -- or the demand was

1 high and the supply was low, so the prices went up.

2 **Q.** And in March of 2016, what was the value of a kilogram of
3 cocaine?

4 **A.** Probably around the same.

5 **Q.** And how about a half kilogram of cocaine in March 2016?

6 **A.** Oh, it depends. It depends who you are. If you're
7 just -- if you just cut off half and sell a half a brick to
8 somebody, they might -- they might chalk down another thousand
9 for it if you're in the city. If you're going up in the
10 county, it might be more expensive.

11 **Q.** And how about three-quarters of a kilogram of cocaine in
12 August 2016?

13 **A.** You're going to make me do math now. So whatever three --

14 **Q.** Same?

15 **A.** Yeah, same. Whatever three-quarters of thirty-eight,
16 forty thousand is.

17 **Q.** And final question: 4 ounces of cocaine in August 2016,
18 what's the rough street value of that?

19 **A.** An ounce usually goes for right around a thousand dollars,
20 1200. So it would be thirty-six to four thousand.

21 I'm sorry. Did you say 4 ounces or 3 ounces?

22 **Q.** 4 ounces.

23 **A.** 4 ounces. So it would be forty-four to forty-eight.

24 **MR. HINES:** Thank you.

25 **THE COURT:** Sure. Did Mr. Nieto have anything else?

1 No. All right. Mr. Purpura.

2 RECROSS-EXAMINATION

3 **BY MR. PURPURA:**

4 **Q.** I just might have misunderstood. I think Mr. Hines asked
5 you 2015, the price of a kilo of cocaine, not heroin. So what
6 would cocaine --

7 **A.** Cocaine, yes, between like 2015 to 2017, there was a
8 drought, so the cocaine prices went up. A kilogram of heroin
9 is -- it can be anywhere from, depending, once again, on the
10 time and the purity, any -- when I got here in '97, it was
11 \$100,000. It's now -- you can get it for 55,000 to 60,000 now.

12 **Q.** So from heroin, it's anywhere -- when you first came about
13 20 years ago, it was 100,000-plus a kilo?

14 **A.** That's correct.

15 **Q.** And now it's somewhere, it could be fifty-five to sixty
16 thousand, depending on your source; is that correct?

17 **A.** Depending on your source. Depending -- right. Depending
18 if Fentanyl is in it, it might drop and make it cheaper because
19 you don't need as much.

20 **MR. PURPURA:** Thank you.

21 No further questions. Thank you.

22 **THE COURT:** Okay. Anything else?

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

24 **THE COURT:** All right. Thank you, sir. You are
25 excused.

1 Q. What did you do?

2 A. I was charged with and I did admit to robbing individuals
3 and selling drugs and guns.

4 Q. You robbed individuals, sold drugs and guns; is that what
5 you said?

6 A. Yes. Yes, sir.

7 Q. In what kinds of situations did you rob people?

8 A. While I was working in a law enforcement capacity.

9 Q. And while you were working in a law enforcement capacity,
10 what circumstances did you find these people?

11 A. During car stops and search warrants.

12 Q. Did you also on one occasion commit a robbery while not
13 acting as a Baltimore police officer?

14 A. Yes, sir. On two occasions where -- one incident where I
15 was informed by another colleague or ex-colleague of mines,
16 Gondo, of -- of one of his friends having -- knowing someone
17 who had drugs and a large amount of cash in their house.

18 And, also, on another occasion where I did do a
19 search warrant and I found out that the people had money, and I
20 wound up going back to their house and getting two other people
21 that weren't police officers to go in there acting as police
22 officers to rob the individuals.

23 Q. Mr. Rayam, we'll go into both of those episodes here
24 shortly.

25 When you committed robberies, did you act alone?

1 **A.** No.

2 **Q.** Who did you rob people with?

3 **A.** At the time Wayne Jenkins, Hersl, Taylor, Ward, Gondo,
4 myself, and Sergeant, at the time, Allers, and also a couple
5 other associates.

6 **Q.** So the names you just listed were members of the
7 Gun Trace Task Force?

8 **A.** Yes.

9 **Q.** You robbed --

10 **MR. PURPURA:** Objection, Judge. Can we approach the
11 bench at this time?

12 **THE COURT:** Okay.

13 **MR. PURPURA:** Thank you.

14 (Bench conference on the record:

15 **MR. PURPURA:** This is what we litigated about before
16 we filed a motion in limine on the issue of the Government
17 overusing the word "robbery." And that's going to be --
18 whether an incident is a robbery or not a robbery is going to
19 be decided by the jury. That's number one.

20 And here they're leading as to what these incidents
21 are; and that's what I thought they were not supposed to do,
22 saying that they're robberies.

23 If he thinks it's a robbery, he can say it's a
24 robbery. But the Government shouldn't be saying it's a
25 robbery. He should direct him to the incident and say, "What

1 happened?" That's all.

2 And that was -- I think we already litigated that, and
3 I think the Court agreed that the Government should not overuse
4 the word "robbery," which they are.

5 **THE COURT:** I agree with not overusing. I may have
6 missed exactly what was said. I thought he was just following
7 up on the witness's calling it a robbery.

8 But perhaps you can rephrase it without using the
9 word --

10 **MR. HINES:** Sure. It was his answer. I was just
11 echoing the term that he used in his answer.

12 **THE COURT:** Sure.

13 **MR. HINES:** We're just categorically in the beginning
14 covering --

15 **THE COURT:** I understand.

16 **MR. HINES:** -- some of the instances, and then we'll
17 go specifically. And I'll use his word moving forward.

18 **THE COURT:** Try to rephrase it so that you don't use
19 the word "robbery" unless it's necessary.

20 **MR. HINES:** Okay.

21 **MR. PURPURA:** Thank you.)

22 (Bench conference concluded.)

23 **BY MR. HINES:**

24 **Q.** Mr. Rayam, were you armed when you committed these crimes?

25 **A.** Yes.

1 Q. Were other officers armed when you committed these crimes?
2 A. Yes.
3 Q. Did you receive an enhancement in your sentencing
4 guidelines because you possessed a firearm during your
5 commission of these crimes?
6 A. Yes.
7 Q. Did you and other officers physically restrain people with
8 handcuffs?
9 A. Yes.
10 Q. And did you create false police reports after you stole
11 money from people?
12 A. Yes.
13 Q. Why did you do that?
14 A. To cover -- well, personally, to cover my tracks and to
15 cover the other officers' tracks as far as how much money was
16 there or taken.
17 Q. Did that include covering either of the defendants in
18 here, their tracks?
19 A. Yes.
20 Q. As part of your plea agreement, did you agree to cooperate
21 with the United States?
22 A. Yes.
23 Q. What does that mean?
24 A. That I tell the truth and admit to everything that I've
25 done.

1 Q. What, if anything, do you hope to get in return for your
2 cooperation?

3 A. Personally, mercy and a lower sentence.

4 Q. Have you been sentenced yet?

5 A. No.

6 Q. Who will sentence you?

7 A. Judge Blake.

8 Q. Is Judge Blake a part of your plea agreement?

9 A. No.

10 Q. Even if the United States recommends that you get a lower
11 sentence, can Judge Blake sentence you up to the maximum?

12 A. Yes.

13 Q. What is the maximum?

14 A. 20 years.

15 Q. Are you in jail right now?

16 A. Yes.

17 Q. Why is that?

18 A. I was considered a threat by the courts to -- to the
19 community.

20 Q. I'd like to ask you, first, some questions about your
21 background.

22 Mr. Rayam, where did you grow up?

23 A. I grew up in Newark, New Jersey.

24 Q. And when did you come to Maryland?

25 A. In July of 2005.

~~RAYAN DIRECT~~

1 Q. How far have you gone in school?

2 A. I got a Bachelor of Science degree in marketing.

3 Q. From where?

4 A. DeSales University in Pennsylvania.

5 Q. When did you start working for the Baltimore Police
6 Department?

7 A. My -- I started working July 12th of 2005.

8 Q. When did you become a detective?

9 A. Approximately somewhere around 2007.

10 Q. When were you arrested?

11 A. March 1st of 2017.

12 Q. Prior to your arrest, what was your most recent unit or
13 assignment?

14 A. I was assigned to the Gun Trace Task Force.

15 Q. When were you assigned to the Gun Trace Task Force?

16 A. Roughly around 2011.

17 Q. Now, a moment ago you testified that you committed a
18 robbery with Gondo, is that right --

19 A. Yes.

20 Q. -- involving drugs?

21 A. Yes.

22 Q. Where was that robbery committed?

23 A. Marnat Road, 2835 Marnat Road. And it was an apartment,
24 and I actually used to live adjacent to that apartment.

25 Q. You used to live in the apartment next door?

1 **A.** Yes.

2 **Q.** How was this episode planned?

3 **A.** Gondo had contacted me and told me that a friend of his
4 who I knew from another occasion and had told -- well, Gondo
5 told me that his friend had told him that this individual had
6 large sums of money, about, like, seventy, eighty thousand
7 dollars or so in his house, and they wanted to run in there and
8 get it.

9 And they called me and asked me, you know -- well, Gondo
10 had called me and asked me if I wanted to do it. And I told
11 him, "Yeah, I'll do it."

12 **Q.** How did you set this up?

13 **A.** We -- Gondo and I, we set it up by placing a tracker on
14 the person's vehicle so we can know where he's at at all times.
15 And the plan was to go in there when no one was there.

16 **Q.** Who did you get the tracker from?

17 **A.** At the time it was from Clewell. He was in our unit at
18 the time. I got it from another person in our unit.

19 **Q.** That's John Clewell?

20 **A.** John Clewell, yes.

21 **Q.** Did you put the tracking device on the target?

22 **A.** Yes. I put it on the target's vehicle.

23 **Q.** Did you ultimately break into the apartment on Marnat?

24 **A.** Yes. Myself and Mr. Kyle had -- I went up there, and I
25 pushed the door in. And once I went inside, I went into the

1 bedroom. And I noticed that it was a female in there, and I
2 was somewhat startled. And I was armed and I had pointed my
3 gun. And I -- I could have told her I would kill her or I
4 could have told her a lot of things just to scare her into
5 telling me where the money was at, and at the time she told me
6 it was in the "chester" drawer.

7 **Q.** Did you take items during this home invasion?

8 **A.** Yes. She pointed to the "chester." And I went over and I
9 saw a chain -- well, it was money in the drawer, and it was a
10 gun. I took that and the money and also a chain and a Rolex.

11 **Q.** The money and the other items that were taken, were they
12 ultimately sold and split up amongst you guys?

13 **A.** Yes. And Mr. Kyle, he had to -- drugs, about --
14 approximately about 800 grams of drugs. And, yeah, in all, we
15 wound up -- Mr. Kyle wound up selling the drugs and the gun and
16 the watch.

17 **Q.** As part of your cooperation, did you provide the
18 United States information about this episode?

19 **A.** Yes. I told the prosecution about what I did.

20 **Q.** And did you testify at a jury trial?

21 **A.** Yes.

22 **Q.** Now, you mentioned there was another home invasion. Who
23 did that involve? Who were the victims of that home invasion?

24 **A.** I can't remember the victim's name, but the people that
25 were with me was my -- my cousin and a friend of mine from --

1 and myself.

2 **Q.** What did the victims do for a living?

3 **A.** They had -- they owned a birdseed company -- a birdseed
4 store where they just provided bird -- food for birds.

5 **Q.** How did you learn about the birdseed store?

6 **A.** There was a -- we had conducted a search warrant on the
7 property and supposedly -- the individuals were supposed to
8 have a gun, but they didn't have a gun. But at the time I had
9 noticed that they had the -- well, they were -- I -- at the
10 time I noticed that they had cash, and I came to find out that
11 it was \$20,000 worth of cash.

12 **Q.** So this was -- it started as a search with you and members
13 of your unit?

14 **A.** Yes.

15 **Q.** And then what did you do with the cash when you saw it at
16 the birdseed store?

17 **A.** Nothing at the time.

18 **Q.** What did you do after the fact?

19 **A.** Later on that night, I knew where they lived at. And I
20 went there and I called two of my friends up, Mr. Finnegan and
21 Mr. Raheem. And I gave them my tactical vest and -- that said
22 "police" on it.

23 And I had -- I just told them to go inside and just knock
24 on the door and, you know, act like police and see if you can
25 find the money. And they did.

1 And they came back out, and I waited for them. And we
2 drove off and I wound up splitting \$12,000 between the three of
3 us. I don't know what happened to the other 8, but I was just
4 told it was 12,000.

5 **Q.** That Mr. Raheem you mentioned, is he a family member of
6 yours?

7 **A.** Yes.

8 **Q.** And is Mr. Finnegan a friend?

9 **A.** Yes. He was a childhood friend of mine from high school.

10 **Q.** As part of your cooperation with the United States, did
11 you provide information about this episode?

12 **A.** Yes.

13 **Q.** Did you agree to testify at a trial --

14 **A.** Yes.

15 **Q.** -- involving those two individuals?

16 **A.** Yes.

17 **Q.** Who was the first sergeant you had in the
18 Gun Trace Task Force?

19 **A.** Thomas Allers.

20 **Q.** Did you commit any crimes with him?

21 **A.** Yes.

22 **Q.** What -- can you give an example of a crime you committed
23 with Thomas Allers.

24 **A.** There were -- unfortunately, there were quite a few. We
25 just had a search warrant to where we went into one individual

1 house and he was counting money in -- upstairs in his room.
2 And we went there, and we did find a gun; however, we -- I
3 found a large sum of cash. And later on that night, myself,
4 along with Gondo and Allers, we split the money.

5 Q. Now, where was this house located?

6 A. I forget the exact street, but it was located in the
7 Western -- Western District.

8 Q. Was the money in a drawer?

9 A. This one it was just outside, but --

10 Q. Did you search a home off Edmondson Avenue?

11 A. Yes.

12 Q. In which money was located in a drawer?

13 A. Yes. That one was a search warrant with Detective Gondo
14 at the time conducted in -- with a drawer filled with a lot of
15 cash. And I had told Allers at the time, who was our
16 supervisor, that, "Hey, it's a lot of money in this drawer."

17 And I remember him saying, "He won't notice if a bundle is
18 missing." So, you know, myself, we all took cash, a bundle
19 with us. And Allers had took some -- Allers had his son with
20 him. And later on that night, we split the money up. And
21 Allers, you know, told me that he had gave his son a portion of
22 it as well.

23 Q. So the money was split up between you, Gondo, Allers, and
24 his son?

25 A. Yes.

1 Q. Now, did you commit -- what did -- what is that crime?
2 What did you do?

3 A. We robbed him.

4 Q. Did you commit that robbery while acting as a police
5 officer?

6 A. Yes.

7 Q. When did Sergeant Jenkins join the GTTF?

8 A. I believe sometime in June of 2016.

9 Q. Did you agree with Sergeant Jenkins to sell drugs and a
10 gun?

11 A. Yes.

12 Q. Can you tell us about that.

13 A. That was a time where we had did a vehicle stop in an
14 apartment complex. I know it was myself, it was Gondo. I know
15 Hersl was there. And -- was it -- and Wayne as well. But --
16 and we wound up going back to the person house who we had
17 stopped, and we searched the house and found some mar -- about
18 a pound and a half of marijuana and a gun.

19 And, you know, I had asked Sergeant Jenkins at the time,
20 you know, "What did you want to do? Should we get a warrant?"

21 But he was like, "No. Just go ahead and, you know, get
22 rid of it."

23 And I said, "Okay." So that's when I had got with Gondo,
24 and Gondo called an associate of his. And we were able to sell
25 the gun and the marijuana.

1 Q. And who had been involved in that search?

2 A. Well, the search, it was Hersl, myself, and Wayne in the
3 house.

4 Q. And was the gun and marijuana that was found in the house
5 turned in to Evidence?

6 A. No.

7 Q. Now, you've mentioned an episode with Sergeant Allers and
8 now Sergeant Jenkins. Did you agree to testify in the trials
9 against those two individuals?

10 A. Yes.

11 Q. Were you charged in Federal Court at the same time that
12 Daniel Hersl was charged?

13 A. Yes.

14 Q. When did you begin working with Hersl?

15 A. I began working with Hersl sometime in 2016. I can't
16 recall the month, but could have been maybe March, April,
17 somewhere around there, January, February. I don't -- I can't
18 recall, really.

19 Q. So early 2016?

20 A. Yes.

21 Q. Who was on the squad with you when you first began working
22 with Hersl?

23 A. When I first began working with Hersl, it was myself,
24 Allers, John Clewell, and Gondo.

25 Q. What was the culture like in that squad?

1 **A.** It was laid back. We pretty much -- we came into work
2 whenever we wanted to and left whenever we -- after we finished
3 working. We got away with a lot of things, just as far as
4 reports or just a little bit of overtime here or there at that
5 time.

6 **Q.** You say, "We got away with a lot of things." What do you
7 mean by that?

8 **A.** Well, it was one time where -- it's actually in my plea
9 agreement where I had admitted to taking money off of
10 North Avenue with a handgun investigation, but we didn't find a
11 gun. But it led us into a drug investigation to where we wound
12 up going to an individual's house and drugs was recovered.

13 And after the investigation, you could say, was over with,
14 Allers was like, "Hey, whatever happened to the drugs?"

15 And Hersl was like, "Oh, I got rid of it."

16 And then Allers was like, "Man, you guys going to get me
17 in trouble."

18 So basically that meant just, you know, the drugs weren't
19 turned in.

20 **Q.** So Hersl did not turn drugs in to Evidence?

21 **A.** Yes.

22 **Q.** And Allers reacted by suggesting that you guys might get
23 in trouble?

24 **A.** You guys are going to get me in trouble, just being that
25 he was a supervisor.

1 Q. What observations did you make about Hersl's work?

2 A. You know, just -- we were -- all of us were just
3 nonchalant, really. We cut corners. We didn't really complete
4 reports like we were supposed to. We took advantage of the
5 overtime.

6 Q. In what ways did you take advantage of the overtime?

7 A. Well, for me personally, just saying that I was at work
8 when I wasn't at work.

9 On one occasion I was told that -- on a few occasions I
10 was told that Hersl took off a whole month of work, working --
11 while he was working on his house. So it was just -- just got
12 away with a lot of stuff.

13 Q. Did Hersl tell you that he was working on his house?

14 A. Yes.

15 Q. So he wasn't coming into work for a whole month?

16 A. That's what I was told.

17 Q. Was he getting paid for that time?

18 A. I believe so, yes.

19 Q. Now, while you were working under Sergeant Allers, what
20 was sort of your MO, so to speak, your method when stealing
21 money?

22 A. When I was working under Sergeant Allers, we would have a
23 search warrant and we would go into the individual's house. And
24 if there were drugs and guns and a large amount of money, of
25 course, you know, we would submit the drugs and the gun;

1 however, if there was cash, we would take -- well, you know, I
2 would take a little bit of the cash and submit some of the
3 money.

4 And that was just in case if the individuals were to
5 complain that money was taken, it's kind of like them admitting
6 to the drugs and gun.

7 And it wasn't right. But -- so it was just kind of like
8 covering myself and, you know, the squad as far as, you know,
9 well, if you say that money was taken, then you're admitting to
10 the drugs and guns, so the majority of the time, people won't,
11 you know, complain.

12 **Q.** Would it look suspicious if you turned in no money?

13 **A.** Well, for me, I always wanted to turn some money in just
14 to, you know, make it look like -- I just didn't want to take
15 everything. But if it -- sometimes, yeah, if you took all the
16 money -- some people did take all the money, and that would
17 look suspicious.

18 **Q.** And so is that why you turned in a portion of the money?

19 **A.** Yes.

20 **Q.** How, if at all, did that MO sort of change once Jenkins
21 came onto the squad?

22 **A.** Well, I mean, with Jenkins, the -- we got a lot more
23 overtime. Like I said, as far as we didn't -- coming into work
24 late and leaving early or when -- getting paid till the last
25 person is at work, meaning like if we did get a gun lockup, one

1 person would submit; the other person would process -- that's
2 the primary officer; and everybody would go home.

3 And if the person got out, let's say, at 4:00, 5 o'clock
4 in the morning, then all of us pretty much got paid till
5 5 o'clock or 4:00, 5 o'clock in the morning.

6 **Q.** Were there times that you put in for overtime that you did
7 not work while on the GTTF?

8 **A.** Yes. Yes, there were times where an individual could get
9 a gun; and although I wasn't at work, I would tell them to put
10 me a slip in or, you know, I'll put a slip in and get paid as
11 well.

12 **Q.** Did Hersl do that for you?

13 **A.** Yes.

14 **Q.** Did Taylor do that for you?

15 **A.** We all did it for each other, yes.

16 **Q.** Did you do it for Hersl?

17 **A.** Yes.

18 **Q.** Did you do it for Taylor?

19 **A.** Yes.

20 **Q.** To be clear, what the "it" is, you're submitting time
21 sheets and overtime for time that they did not work?

22 **A.** It was just -- it was -- it was like a way of life. You
23 just -- "Hey, I took care of your overtime slip."

24 "All right. Thanks."

25 And that was it.

~~RAYAM DIRECT~~

1 **MR. HINES:** We can go to FBI-9, Page 12.

2 **THE COURT:** Let me know when you're at a good breaking
3 point, actually.

4 **MR. HINES:** Okay. Actually, now would be fine.

5 **THE COURT:** If this would be good, we'll take a short
6 mid-afternoon break. Thank you.

7 (Jury left the courtroom at 3:16 p.m.)

8 (Recess taken.)

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

10 Let's see. Do we have the witness?

11 **THE MARSHAL:** He's on his way down right now.

12 **MR. HINES:** He's on his way down.

13 **THE COURT:** On his way down. Okay.

14 And I'm hopeful it won't be an issue, but Ms. Moyé has
15 spoken with the jurors about the weather possibilities for
16 tomorrow morning. And I'm sure you all will also be able to
17 find out whether -- I hope we'll be starting at 10:00.

18 **MR. HINES:** News to me.

19 **THE COURT:** There is a forecast of snow.

20 (Pause.)

21 (Jury entered the courtroom at 3:30 p.m.)

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

23 **THE CLERK:** Mr. Rayam, you are still under oath.

24 **THE COURT:** All right, Mr. Hines.

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

1 **BY MR. HINES:**

2 **Q.** Mr. Rayam, before the break, you were testifying about how
3 it was like under Mr. Allers and your MO when working there;
4 right?

5 **A.** Yes.

6 **Q.** How, if at all, did it change when Wayne Jenkins and his
7 guys came to the unit?

8 **MS. WICKS:** Objection, Your Honor; asked and answered.

9 **THE COURT:** We had gotten started on that about the
10 overtime, so we can move on from there.

11 **MR. HINES:** Sure.

12 **BY MR. HINES:**

13 **Q.** With respect to the robberies, how did that change?

14 **A.** They increased a lot more, meaning as far as car stops,
15 search warrants, pretty much any individual that we came
16 across, if they had large sums of money, you know, money was
17 being taken.

18 **Q.** What did you observe regarding Mr. Taylor, Mr. Ward,
19 Mr. Hendrix when they had interactions with citizens?

20 **A.** Well, once -- like we did a lot of car stops throughout
21 our tour of duty, you can call it. And if the person had, you
22 know, drugs and/or cash, you know, money -- I seen money being
23 taken and put in the pockets. The drugs pretty much would just
24 be thrown out.

25 **Q.** Specifically, did you see Mr. Taylor take money?

1 **A.** Yes.

2 **Q.** On multiple occasions?

3 **A.** Yes.

4 **Q.** How did Jenkins decide who to target on the streets?

5 **A.** It really wasn't -- from my personal view and belief, it
6 wasn't really -- he just stopped anybody. Just anybody who he
7 believed, you know, had the assumption that they were doing
8 something illegal, he would just stop 'em. And we all just
9 followed.

10 **Q.** Did Mr. Taylor follow?

11 **A.** We all -- myself, Gondo, Hersl, Taylor, Ward, Hendrix, we
12 all just followed, making us just as guilty as the supervisor.

13 **MR. PURPURA:** Objection, Judge. There's no
14 question --

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

16 **MR. PURPURA:** -- that that's responsive.

17 **THE COURT:** Thank you. That was not responsive.
18 We'll strike that comment.

19 **BY MR. HINES:**

20 **Q.** Did you ultimately learn about a robbery of about
21 \$200,000?

22 **A.** Yes.

23 **Q.** Who did you learn this from?

24 **A.** I learned it from two people. Gondo had told me that
25 Wayne, Hersl and -- I'm sorry, not Hersl. Wayne, Hendrix,

1 Taylor, and Ward had came across somebody with like \$200,000,
2 and they split like \$20,000 each.

3 And then I was like, Wow, that's a lot of money.

4 And then myself and Wayne, one day while we were in the
5 office, we were talking about individuals who we can target
6 and, you know, who were big fish, basically, individuals who
7 sold a lot of drugs and has the possibility of having a lot of
8 money.

9 And Wayne had informed me that himself and Hendrix and
10 Ward and Taylor had came across an individual, about 200,000,
11 they all split it, you know, \$20,000 each and how Wayne was
12 just saying that, you know, it was his name and he did all the
13 work and that he should have just took the majority of the
14 money, like 60,000, and they -- and he should have just gave
15 them \$10,000, or something like that, each.

16 **Q.** Did you relay that conversation you had with Jenkins to
17 Gondo?

18 **A.** Yes. That same day, right before we went out on the
19 street, I had told Gondo what Wayne had told me in the office.

20 **Q.** I'm going to play audio for you from
21 Government's Exhibit FBI-10. And in the transcript books, we'd
22 ask that you follow along on Page 7 of FBI-11. It is Page 7 of
23 FBI-11.

24 **MR. HINES:** Ms. Moyé, is the volume on?

25 **THE CLERK:** Yes.

~~RAYAM DIRECT~~

1 **MR. HINES:** Okay.

2 (Audio was played but not reported.)

3 **MR. HINES:** You can pause it right there.

4 **BY MR. HINES:**

5 **Q.** Mr. Rayam, whose voices are those in this call?

6 **A.** Myself -- myself and Gondo.

7 **Q.** And is it you that says that he put you onto some big
8 shit?

9 **A.** Yes.

10 **Q.** And what did you mean by that?

11 **A.** Just a big case, a big individual who can have a lot of
12 money and just a big case, yeah.

13 **Q.** And so was this in reference to taking money from people?

14 **A.** Yes.

15 **Q.** And in the second line you asked [reading]: What you
16 doing in pockets, it's a waste of time, man.

17 What is that a reference to?

18 **A.** I can't really specifically say what I was talking about
19 at that point in time right now.

20 **Q.** Okay. Is it in reference to taking money?

21 **A.** It -- it would have been in reference to our conversation,
22 but I don't know what I was referring to as far as speaking,
23 like --

24 **Q.** And you're talking with Gondo in this recording?

25 **A.** Yes.

1 Q. And is this in your -- in the BPD vehicle?

2 A. Yes.

3 MR. HINES: All right. Continue playing,
4 Mr. Kerrigan.

5 (Audio was played but not reported.)

6 MR. HINES: Pause it right there.

7 If you blow up the bottom half of that paragraph,
8 Mr. Kerrigan.

9 BY MR. HINES:

10 Q. When you say, "And then I was like, Well, what's up with
11 the other dudes, your boys?" who is that in reference to?

12 A. Hers -- oh, Hendrix, Ward, and Taylor.

13 Q. So is it the guys that Jenkins brought with him into the
14 unit?

15 A. Yes.

16 Q. And then when he says, "They went outside. And after
17 eatin', everybody put up \$20. You know what I'm talking about?
18 Everybody was -- he talked about the time where everybody had
19 20 Gs," what is that in reference to?

20 A. That was just pretty much just me speaking slang,
21 basically talking about the \$20,000.

22 Q. And you testified earlier that Jenkins had told you they
23 split it up 20, 20, 20, 20?

24 A. Yes, that's what I was told.

25 Q. Is that what that means there?

1 **A.** Yes.

2 **MR. HINES:** And continue playing the call, please,
3 Mr. Kerrigan.

4 (Audio was played but not reported.)

5 **BY MR. HINES:**

6 **Q.** What is that in reference to when you say it should have
7 been like 60, 10, 10, and 10?

8 **A.** Meaning like Wayne, since he did the majority of the work,
9 he should have just took the -- most of the money.

10 **Q.** So was that sort of your proposal to Wayne, that he should
11 have taken more money if it had been with you?

12 **A.** Yes.

13 **Q.** And what -- when you say "doing most of the work," what
14 does that mean?

15 **A.** Meaning like whoever put their name as a primary officer,
16 they pretty much has -- have the most to -- to lose or to risk.
17 So it's like if my name go on it, then I would take the most of
18 the money.

19 **Q.** So your name's on all the paperwork; you have the most to
20 risk?

21 **A.** Yes.

22 **Q.** And that's why you should get a bigger share?

23 **A.** Yes. That's the proposal. I was making it to Wayne.

24 **MR. HINES:** All right. You can take that off,
25 Mr. Kerrigan.

1 **BY MR. HINES:**

2 **Q.** So when Wayne Jenkins comes to the squad in June of 2016,
3 what do you -- if anything, do you already know about
4 Wayne Jenkins?

5 **A.** Well, I, from -- Gondo had told me about the money, the
6 \$20,000 before Wayne came. Also, Gondo had told me that him
7 and Wayne had did a car stop before where they had taken money.
8 So I knew that Wayne was an individual who -- who took money
9 from individuals.

10 **Q.** And I'd like to go to the very first day when
11 Wayne Jenkins comes to the unit on June 13th, 2016.

12 Did you participate in a search warrant in the
13 Southwest District?

14 **A.** Yes.

15 **Q.** Was that on Culver Street?

16 **A.** Yes.

17 **Q.** Who was with you in this search warrant?

18 **A.** That -- well, the search warrant initially was myself,
19 John Clewell, and Hersl. We had did a car stop, and we stopped
20 a person in the vehicle. And we placed him in handcuffs, and
21 we drove him back to his house.

22 **Q.** Who drove the man back to his house?

23 **A.** Well, it was all of us, pretty much: myself, Hersl, and
24 John Clewell. And we were in front of his house, and we
25 questioned him. Then John Clewell had enough information to

1 get a warrant, so he went and got a warrant. And the
2 individual -- we called a wagon for the individual to take him
3 to the district.

4 **Q.** All right. So John Clewell leaves the location?

5 **A.** Yes.

6 **Q.** Who does that leave behind?

7 **A.** Myself and Hersl.

8 **Q.** Because the individual had been taken away in a wagon; is
9 that what you said?

10 **A.** Yes. Yes.

11 **Q.** What happened next?

12 **A.** Well, as we was -- we waited quite some time, myself and
13 Hersl, on the front porch until Clewell came back with the
14 warrant, until Wayne and Hersl -- not -- well, myself and Hersl
15 was there already.

16 My -- Wayne, Hendrix, Ward, and Taylor came. But while we
17 were there, Hersl and I just had a conversation as far as if
18 there was any money there, that him and I would split up the
19 money.

20 **Q.** And how did that conversation go?

21 **A.** It was just a normal conversation: Hey, if there's any
22 money, you know, we'll split it.

23 Okay. All right.

24 And that was it.

25 **Q.** So you guys specifically discussed splitting money and

1 taking it from the scene?

2 **A.** Yes, if there was money in his house, we would split it.

3 **Q.** Was anyone else present when you and Hersl were there
4 having this discussion about taking money?

5 **A.** No.

6 **Q.** Did you agree to take money and split it with Hersl?

7 **A.** Yes. We both agreed.

8 **Q.** He agreed as well, you said?

9 **A.** Yes.

10 **Q.** Did Clewell ultimately come back with a search warrant?

11 **A.** Yes.

12 **Q.** Was the house searched?

13 **A.** Yes.

14 **Q.** Was anything found in the house?

15 **A.** There was drugs and guns found in the house, but there was
16 no money. At the end of the warrant, at the end of the search,
17 Hersl came to me and just said, "Hey, did you get any money?"

18 And I was just like, "No, I didn't get any money," which I
19 was just surprised because there was a substantial amount of
20 drugs; and I figured, you know, it should be money in there,
21 but I didn't find any.

22 **Q.** So this was in June of 2016?

23 **A.** Yes.

24 **Q.** Was this a couple of weeks before a search in Westminster?

25 **A.** Yes.

1 Q. So I'd like to now direct your attention to July 8th,
2 2016. Just so I understand the timing leading up to this,
3 Hersl has already said that he would take money at the
4 Southwest District with you if you found any?

5 A. Yes. We talked about it, yes.

6 Q. And you had worked with Hersl on Allers' squad?

7 A. Yes.

8 Q. And there was times where Hersl did not come in for a
9 month while on Allers' squad?

10 A. No. That was on Wayne Jenkins' squad --

11 Q. Okay.

12 A. -- when he didn't come in.

13 Q. And I think the words you used before was that Hersl cut
14 corners; is that your -- were the words you said?

15 A. Yes. Yes.

16 Q. So going into the Hamilton episode, what, if anything, did
17 you believe regarding Daniel Hersl?

18 A. Well, I knew that you can just -- it's just that he was
19 part of the team, basically. He was okay with taking money and
20 that, you know, I could trust him.

21 Q. In the days leading up to July 8th, 2016, did you conduct
22 surveillance on Ronald Hamilton?

23 A. Yes.

24 Q. Who was with you?

25 A. The times that we had conducted -- I conducted

1 surveillance was -- the one time was myself, Gondo, and Wayne.

2 Q. Yourself, Gondo, and Jenkins?

3 A. Yes, Jenkins, yes.

4 Q. What happened during this surveillance?

5 A. It was at nighttime, and we just pretty much followed
6 Mr. Hamilton all around Baltimore City and Baltimore County.
7 He would just pull into parking lots and just sit there and
8 drive off.

9 And then we wound up -- we wound up following him -- we
10 always drive in three separate vehicles. And we wound up
11 following him to a side street off Liberty Road.

12 And at that time, after we did our surveillance, Jenkins
13 had came back to me and was like he -- and told me that he had
14 saw Mr. Hamilton -- Mr. Hamilton get out of the vehicle. And
15 Mr. Hamilton had a bag like the size of like a box or like a
16 PlayStation® box.

17 And he was like, Man, I know it was money in there or
18 something big in there. And, you know, I wish -- if I would
19 have known better, I felt like just hitting him and taking the
20 bag.

21 I thought like, Oh, all right. Okay.

22 Q. So Jenkins said to you that he felt like hitting
23 Mr. Hamilton and taking his bag of money?

24 A. Yes.

25 Q. This was before the search in Westminster?

1 A. Yes.

2 Q. Ultimately, did you agree to get a search warrant?

3 A. Yes.

4 Q. What was the purpose of getting the search warrant?

5 A. It was for two reasons: One was I felt that -- I was
6 informed that he could be in possession of a handgun; but at
7 the same time I believed that, you know, he had large sums of
8 money, from the observations. So it served two purposes.

9 And with that being said, it was a possibility to where if
10 he did have a lot of money, that -- being that I knew about,
11 you know, Wayne and I knew that we could take some money.

12 Q. Was the search warrant for 1908 Ships Quarters Road in
13 Westminster, Maryland?

14 A. Yes.

15 Q. Was it actually for the wrong address?

16 A. I think that's a possibility.

17 Q. Did the search warrant contain truths?

18 A. Some.

19 Q. Some truths?

20 A. Some truth, not a -- not all truth.

21 Q. So what were the lies that --

22 A. Well, you know, I conducted -- I conducted surveillance;
23 however, the times that I said I conducted it were wrong. I
24 said that I observed him coming out his house in the morning
25 time to where I didn't. I was actually using a tracker that I

1 didn't have a warrant for, basically using -- it was illegal --
2 and to track Mr. Hamilton' whereabouts and to get a pattern for
3 where he was at.

4 So I used that as my eyes and not me physically being
5 there.

6 **Q.** So that I understand this, you had an illegal tracker --

7 **A.** Yes.

8 **Q.** But in the warrant affidavit, you said that you actually
9 saw Mr. Hamilton?

10 **A.** Yes.

11 **Q.** But were you actually just following the device?

12 **A.** Yes.

13 **Q.** Can you follow like that on an app on your phone?

14 **A.** I had downloaded the app on my phone to where, once the
15 vehicle gets mobile, you can follow where the vehicle is at and
16 what street the vehicle is on.

17 **Q.** What, if anything, did Hersl know about your use of the
18 illegal tracker?

19 **A.** It was pretty much a common use throughout the whole
20 squad. Everybody -- you know, everybody knew if we were going
21 to use a tracker or not. It was just a common use.

22 **Q.** On this specific instance when you were tracking
23 Mr. Hamilton, did you tell Mr. Hersl that you were using one of
24 these illegal trackers?

25 **A.** You know, I can't really recall if I did or not.

1 **Q.** But Mr. Hersl participated in other searches where illegal
2 trackers --

3 **MR. PURPURA:** Objection, Judge. This is leading --

4 **MR. HINES:** Sure. I'll rephrase.

5 **THE COURT:** Sustained.

6 **MR. PURPURA:** -- again.

7 **THE COURT:** Sustained.

8 **MR. PURPURA:** Rephrase.

9 **BY MR. HINES:**

10 **Q.** Did -- apart from Westminster, did Mr. Hersl participate
11 in other searches where illegal trackers were used?

12 **THE COURT:** That sounds like the same question,
13 Mr. Hines.

14 **MR. PURPURA:** Very good.

15 **THE COURT:** Try again.

16 **BY MR. HINES:**

17 **Q.** Did Mr. Hersl use illegal trackers?

18 **A.** You know, right now -- I can't recall right now.

19 **Q.** Okay. Why -- so did a judge ultimately sign the
20 search warrant?

21 **A.** Yes.

22 **Q.** What happened after that?

23 **A.** The day that we did the search warrant, I was -- I saw
24 that Mr. Hamilton had left his house because I was using the
25 illegal tracker. And I observed him at Home Depot, him and his

1 wife, and we saw them leave.

2 It was myself, Gondo, Hersl, and Clewell. And we wound up
3 doing a car stop, and we pulled him over in Baltimore County
4 off Reisterstown Road somewhere and --

5 Q. So the illegal tracker was used to find them at the
6 Home Depot?

7 A. Yes.

8 Q. Did you go into the Home Depot?

9 A. Yes.

10 Q. What, if anything, did you see the Hamiltons doing in the
11 Home Depot?

12 A. I just went in there just to make sure that they were in
13 there. And I just saw them sitting in the back in like the
14 home -- the kitchen section.

15 Q. Who else went into the Home Depot with you?

16 A. I believe -- I just remember myself going in right now.
17 Somebody could have went in there to use the bathroom for some
18 reason, but I just can't think of it right now. But I know I
19 went in there.

20 Q. And the Hamiltons then left the Home Depot?

21 A. Yes.

22 Q. And you said you pulled them over on Reisterstown Road?

23 A. Yes.

24 Q. What happened next?

25 A. I -- I had came in contact with Mr. Hamilton, and he had

1 cash on him. And I had put the cash that he had on him in my
2 vest, and we placed him in handcuffs. And we drove them back
3 to the barn, we call it, where we use it as like a substation
4 for Baltimore City Police off of Northern Parkway.

5 Q. Who placed Mr. Hamilton in handcuffs?

6 A. I believe I -- I possibly could have did that since I took
7 the cash out of his pockets.

8 Q. And who placed -- was he with anybody?

9 A. Yes.

10 Q. Who was he with?

11 A. With his wife.

12 Q. Who -- was she placed in handcuffs?

13 A. Yes.

14 Q. Who placed her in handcuffs?

15 A. I -- you know, I can't really recall right now who placed
16 her in handcuffs.

17 Q. Were you armed at the time when Mr. Hamilton and
18 Mrs. Hamilton were placed in handcuffs?

19 A. Yes.

20 Q. Were Hersl and Clewell armed as well?

21 A. Yes.

22 Q. And you said you put them in a vehicle?

23 A. Yes.

24 Q. What's the barn?

25 A. The barn is like a substation where the plainclothes unit

1 operate out of, like where we had extra offices -- office --
2 offices at. It's right by the police academy.

3 **Q.** So is this like an off-site facility?

4 **A.** Yes.

5 **Q.** Are there markings on the buildings that it's a Baltimore
6 Police Department facility?

7 **A.** Actually, I don't think so.

8 **Q.** So unless you know what it is --

9 **MR. PURPURA:** Objection. It's about to be leading.

10 **BY MR. HINES:**

11 **Q.** Did the Hamiltons say that they knew where you were taking
12 them?

13 **A.** I -- they didn't know where we was taking 'em. I -- no, I
14 don't think they knew.

15 **Q.** Did the Hamiltons give you their permission to take them
16 to the barn?

17 **A.** No.

18 **Q.** Did you interrogate the Hamiltons at the barn?

19 **A.** I was with Wayne Jenkins when he questioned -- when he
20 interrogated Mr. Hamilton. Ms. Hamilton wasn't questioned.

21 **Q.** Was anyone else present during the interrogation of
22 Mr. Hamilton?

23 **A.** Throughout the whole thing, I primarily was there; Gondo
24 was there; and Hersl was there, but he was pretty much in and
25 out of the office where we was talking to 'em.

1 Q. Was Mr. Hamilton asked any questions about money?

2 A. Yes.

3 Q. What was he asked?

4 A. We just asked, you know, "Did you have any guns or drugs
5 or, you know, large sums of money?"

6 And Mr. Hamilton said, you know, "I don't have any guns or
7 drugs there, but I have about \$40,000 in cash."

8 Q. What happened after he said he had about \$40,000 in cash
9 at his house?

10 A. Well, we pretty much put them back into our vehicle, and
11 we transported them back to their house. And once we got to
12 their house in Westminster, their -- they had -- their kids
13 were there. So we let the kids call a family member up, and
14 they wound up driving to a family member house. And we brought
15 Mr. Hamilton and Ms. Hamilton inside the house.

16 Q. How did you get to their house?

17 A. We drove.

18 Q. What did you drive?

19 A. Me and Gondo drove them in -- in a BPD vehicle, and I
20 believe Hersl and Wayne drove in the pickup truck.

21 Q. Whose pickup truck was it?

22 A. Mr. -- Mr. Hamilton's.

23 Q. Did Mr. Hamilton consent to allow Mr. Hersl and
24 Mr. Jenkins to drive his vehicle?

25 A. No.

1 Q. Did Clewell go with you to Westminster?

2 A. No.

3 Q. Why not?

4 A. Well, we was -- we talked about it, and Wayne --

5 **MR. PURPURA:** Objection as to the "we," again, unless
6 we clarify who we're talking about here.

7 **THE WITNESS:** Wayne and I had talked about it. And
8 being that Clewell really, well, didn't take money, Wayne had
9 made a decision for Clewell to go and do a search warrant on
10 the other house where I had the search warrant at because
11 Clewell just wasn't -- you could just basically say he wasn't
12 part of the team, I guess. We knew that he wasn't -- he
13 wouldn't take any money.

14 **BY MR. HINES:**

15 Q. At this time did you know that Daniel Hersl was part of
16 the team?

17 A. Yes.

18 Q. So when you arrived at the Hamiltons' house, what happened
19 next?

20 A. So once we arrived, you know, the kids left and went to a
21 family member house, and we brought Mr. and Mrs. Hamilton
22 inside. And myself, Hersl, and Gondo, we checked the house
23 and -- to see if we can find anything. And we found large sums
24 of money. I found -- we -- when I say "we," 'cause we all was
25 in the bedroom, it was a heat-sealed pack of cash. And then it

1 was another plastic bag full of cash.

2 Gondo had counted it all out on the floor, and it was
3 \$20,000.

4 Q. Who was in the bedroom?

5 A. Myself, Hersl, and Gondo.

6 Q. And where was the money found in the bedroom?

7 A. The closet.

8 Q. And Gondo was the one that counted it out?

9 A. Yes.

10 Q. How was the money packaged in the heat-sealed bundle?

11 A. Like, by -- it was just packaged -- packaged in stacks
12 (indicating).

13 Q. So was that sealed?

14 A. It was sealed, yes.

15 Q. Could you count that money because it was sealed?

16 A. No.

17 Q. The other money, was that loose money?

18 A. Yes.

19 Q. And Gondo counted that out?

20 A. Yes.

21 Q. Was that in front of Hersl?

22 A. Yes.

23 Q. How much money was it?

24 A. 20,000.

25 Q. What happened after Gondo counted the \$20,000 in front of

1 Hersl?

2 **A.** Well, it wasn't -- we -- well, I -- I wasn't sure -- I
3 wasn't going to take the money at the time, basically. We just
4 put the money back in the bag. Well, Gondo put the money back
5 in the bag and put it back where -- back in the closet.

6 During that time, Wayne was calling Westminster to come
7 out and conduct a search warrant. I had went downstairs to
8 talk to Wayne. And I was like, "Hey, what do you want to do?
9 Do you want to take the money or not?"

10 And Wayne was like, you know, "Go ahead. Take the money.

11 And I said, "Okay."

12 So before Westminster police got there -- or the
13 State Police, I went back upstairs. And I took the cash, and I
14 put it in the BPD vehicle we were driving.

15 **Q.** What, if anything, did you say to Jenkins, Hersl, or Gondo
16 about the money before you'd put it in the BPD vehicle?

17 **A.** At some point I did tell them that, you know, well, Wayne
18 already knew, Gondo -- because I came to him and said, "Hey,
19 you know, are you okay with this?"

20 And he was like, "Yeah."

21 And I was just like, "Hey, you know, I took it. I got
22 it."

23 And that was just basically so we all could be on the same
24 page when --

25 **Q.** Who did you say that to, that you got it?

1 **A.** Gondo and Hersl.

2 **Q.** And how did Hersl react?

3 **A.** It was just, "Okay, whatever." Just wasn't like a
4 conversation. We already knew, you know.

5 **Q.** Why did you and Jenkins and Gondo and Hersl search the
6 home before Westminster or Carroll County got there?

7 **A.** Well, for me, I could say I checked it because, like I
8 said, just to see if there was any cash there, if there was any
9 drugs there. And being that no one else was there, then we can
10 pretty much take the money or take the drugs and everything;
11 and, you know, it would be no one else there to say if we did
12 or not.

13 **Q.** So was this -- this was an out-of-jurisdiction
14 search warrant?

15 **A.** It was an out-of-jurisdiction search warrant, yes.

16 **Q.** Generally, do you -- are you supposed to wait until the
17 local authorities arrive when conducting an out-of-jurisdiction
18 search warrant?

19 **A.** Yes. Yes.

20 **Q.** But you didn't on this occasion?

21 **A.** No.

22 **Q.** I'd like to show you what's been marked as Government
23 Exhibit RH-1.

24 What is RH-1?

25 **A.** That's the heat-sealed bag that was located.

1 Q. After you take the other bag, the \$20,000 that Gondo had
2 counted, does Westminster show up?

3 A. Yes.

4 Q. And what happens next?

5 A. They conducted an orderly search, and all they found was
6 the heat-sealed bag of money.

7 Q. Did they take the money?

8 A. Yes.

9 Q. Did you or Jenkins or Hersl or Gondo have any
10 conversations with the Hamiltons around this time?

11 A. Well, we had a conversation with them after -- pretty
12 much, yeah, like at the end of the -- at the conclusion of the
13 search warrant.

14 Q. What was said to Mr. Hamilton?

15 A. Wayne, I just asked him if -- if he knew of any other
16 bigwigs, you know, that he could -- that Mr. Hamilton can tell
17 us about.

18 And at first Mr. Hamilton was like, "What are you talking
19 about?"

20 And Wayne was like, you know, "Well, you know, bigwigs
21 that, you know, if that you would rob -- you know, we could
22 rob, that got, you know, that's big time as far as drugs."

23 And, you know, and -- and Mr. Hamilton blurted out some
24 name. I can't recall what he said, but -- and -- and that was
25 it. Just small talk as far as seeing if he could lead us to

1 any other -- to another investigation.

2 Q. Was Hersl present when Jenkins asked Mr. Hamilton if he
3 knew any bigwigs that he could rob?

4 A. We were all downstairs.

5 Q. Was that a yes?

6 A. Yes. Yes. We were all downstairs.

7 Q. What happened after you left the residence?

8 A. After we left the residence, it was all four of us in the
9 vehicle. And we just -- we went to get something to eat. We
10 went out to eat.

11 Q. And what did you guys get to eat?

12 A. I can't recall, but it was just -- just food and drinks at
13 a restaurant out in Westminster.

14 Q. What happened after you guys ate at the restaurant in
15 Westminster?

16 A. Well, with that, I wound up using the cash that was taken
17 from Mr. Hamilton' house and I paid for the meal and everybody
18 pretty much knew. You know, I had the hundred dollars, and I
19 paid for the meal. And then we all went back to the barn and
20 jumped in our individual cars, and then we went to Looney's
21 to --

22 Q. So at the restaurant you said that you had paid for the
23 meal with the cash from Mr. Hamilton?

24 A. Yes.

25 Q. And you said everybody pretty much knew?

1 **A.** Well, I didn't say -- I didn't really say, "Hey, I got
2 this money." But it was, you know, like everybody already knew
3 that I did take cash. And I was just like, "Hey, I'm going to
4 pay for it." And that was it.

5 **Q.** And then did you -- after dinner did you make any
6 observations about the cash that you had?

7 **A.** Yeah. Okay. So after dinner we went back to the barn,
8 and we jumped into our individual cars. I wound up taking the
9 cash with me.

10 And on our way down to -- we had decided to go out to a
11 bar. And on our way down to -- to Canton, I was counting the
12 cash. And when I counted it, it was only \$17,000 in the
13 cash -- it was only \$17,000. And at the time that's when I had
14 called Gondo up and I said, "Hey, it's \$3,000 short, you know.
15 What's going on?"

16 And Gondo had said that, you know, his count was right,
17 that he didn't make a mistake.

18 And I said, "Man, you know, something's weird. Then
19 somebody must have took, you know, the \$3,000."

20 And Gondo met me and we had counted the cash again. And,
21 you know, we wound up still splitting it up four ways.

22 **Q.** I'd like to direct your attention to the transcript books,
23 Page 11. This is Government's Exhibit 9. I'm going to play
24 for you the accompanying call from Government's Exhibit FBI-8.

25 (Audio was played but not reported.)

~~RAYAN DIRECT~~

1 **BY MR. HINES:**

2 **Q.** Who are the parties on this call?

3 **A.** Myself and Gondo.

4 **Q.** And what are you guys discussing?

5 **A.** That it was money missing from the original -- when he
6 originally counted.

7 **Q.** The original 20,000?

8 **A.** Yes, it was -- it was \$3,000 missing.

9 **Q.** Who did you believe took that money?

10 **MR. PURPURA:** Objection, Judge, as to his belief.
11 Rule 602.

12 **THE COURT:** Sustained.

13 **BY MR. HINES:**

14 **Q.** When you had gone back downstairs while you were at
15 Westminster, who was left upstairs in the bedroom?

16 **A.** Hersl.

17 **Q.** So what happened after you counted the money and
18 realized -- well, how much money was actually left?

19 **A.** It was 17,000.

20 **Q.** What happened next?

21 **A.** That's when Gondo and myself, you know, we counted it. It
22 was -- we was by the 7-Eleven on Boston Street, and we counted
23 the money. And we had -- Gondo had talked to -- to Jenkins and
24 said, "Hey, man, you know, it's \$3,000 missing. You know,
25 Hersl took it. He had to take it."

1 And -- and me and Gondo was like, "Well, are we going to
2 say something to him?"

3 And Wayne said, "No, you know, don't say anything to him.
4 Just leave it alone. Just -- just give me his half."

5 So we still split it up four ways. So I kept my portion.
6 I gave Gondo his portion along with Wayne Jenkins' portion and
7 the Hersl portion.

8 And then Gondo and -- I saw Gondo and Jenkins talking in
9 the near -- in the far distance. And they came back. And
10 Gondo was just like, "Yeah, Wayne's just going to give -- he
11 don't want no problems. Wayne's just going to give Hersl his
12 portion."

13 And I was like, "All right."

14 And he was like, "Don't say anything."

15 So we all -- like, all right. So money was split up, and
16 we all went inside the bar. And we all was buying each other
17 drinks and -- and all of us had cash on us.

18 And towards the end of the night, we all wound up
19 splitting up. Myself and Gondo went to Maryland Live! Casino,
20 and Hersl and Wayne went to the Horseshoe.

21 **Q.** The Horseshoe is another casino?

22 **A.** Yes. That's what -- that's what they told me the
23 following day, that they went to the casino.

24 **Q.** Did they tell you if they gambled at the casino?

25 **A.** Yes.

- 1 Q. Did they tell you how they did?
- 2 A. I can't recall. I think they lost a little bit of money.
- 3 Q. Now, were the Hamiltons arrested from this episode?
- 4 A. No.
- 5 Q. Did you find anything illegal in the Hamiltons' home?
- 6 A. No.
- 7 Q. Did you find any guns in Mr. Hamilton's house?
- 8 A. No.
- 9 Q. Did you find any drugs in his house?
- 10 A. No.
- 11 Q. Any heroin? Any cocaine?
- 12 A. No.
- 13 Q. Did you find any drugs at the traffic stop?
- 14 A. No.
- 15 Q. You testified that you did surveillance. Did you ever
- 16 directly see Mr. Hamilton engaged in a drug transaction?
- 17 A. I -- no, I didn't.
- 18 Q. Did you author an incident report for the search of the
- 19 Hamiltons' residence?
- 20 A. Yes.
- 21 Q. Was that report accurate?
- 22 A. No.
- 23 Q. Why was it not accurate?
- 24 A. Well, because money was taken. And I didn't -- I didn't
- 25 put the money that I took on there. It was money taken.

1 Q. I'd like to move on to another episode.

2 Did you participate in a search involving a storage unit?

3 A. Yes.

4 Q. Was this in August of -- August 8th, 2016?

5 A. Yes.

6 Q. Prior to that search, can you describe for us the
7 interactions, if any, you had with a person that was ultimately
8 arrested?

9 A. At the -- during the search, the person that was arrested
10 at the search?

11 Q. Let me ask a better question.

12 Did you stop somebody prior to that search?

13 A. Yes. Wayne Jenkins had conducted a car stop which turned
14 into a chase. And they caught the individual and brought him
15 back to the storage unit where they first saw the individual
16 come out of the -- come out at.

17 Myself and Gondo went there. And it was Wayne, Hersl, and
18 Clewell. And once we got there, the individual was already out
19 the vehicle. And once we got there -- and then that's when
20 John Clewell went back to -- John and Gondo went back to write
21 a search warrant.

22 Inside the minivan -- there was a bag of cash inside the
23 minivan at the storage unit. And while we were still waiting,
24 Hersl was like, "Hey, Rayam, let's go to 7-Eleven, you know.
25 We going to get something to drink. We going to split some of

1 the cash up."

2 And I was like, "Okay." I said, "Okay."

3 And he grabbed the bag. We went in -- we went to
4 7-Eleven, got some drinks. Then we went to the school next to
5 the 7-Eleven. This is in the Eastern District. And he counted
6 the cash out, and he handed me 500. He took 500. He was like,
7 you know, "We're not going to tell anybody this."

8 And I was like, "Okay. No problem."

9 And we went back to the storage unit, put the bag back in
10 the minivan. And when Clewell came with the warrant, you know,
11 we pretty much both at the same time was just like -- well,
12 both was like, "Hey, it's cash in the minivan," kind of make it
13 seem like we never touched it.

14 And Clewell was a little upset and -- about it, 'cause he
15 didn't know, and then he went and grabbed the cash.

16 **Q.** So did you and Hersl lie to Clewell to make it look as
17 though you hadn't touched the cash?

18 **A.** Basically, yes.

19 **Q.** But prior to that is where you had split it up at the
20 school, you said?

21 **A.** Yes.

22 **Q.** Do you remember the name of that school?

23 **A.** It was -- if I'm correct, it was the Archbishop Ryan --
24 Curley, right off of the -- right there by the 7-Eleven in the
25 Eastern District.

1 Q. And it was Hersl's idea to go and split the cash up?

2 A. Yes. He had approached me and said, "Hey, you want to
3 split the cash up?"

4 And I said, "Yes."

5 At the time we had drove the -- one of the Impalas; I
6 think it was a black Impala or something, or it could have been
7 blue. But we drove one of the Impalas there, not Gondo's
8 regular vehicle because he went to get the search warrant. But
9 we drove the Impala there.

10 And actually in March when we were locked up together,
11 Hersl had approached me, you know, and asked -- he was a little
12 worried and said, "Hey, you know, Rayam, did they have a -- did
13 they have a microphone in the Impala?" He had questioned that,
14 a little worried.

15 And I was like, "I don't know."

16 And he was like, "Okay. Okay." And, you know, he was
17 like, "Well, what are you going to do?"

18 And I was like, "Well" -- I told him I was going to do the
19 right thing.

20 And he just so happened to be a part of it. So with me
21 doing the right thing, it's me being honest and coming forward.
22 So that was it.

23 And then so -- yeah, once Clewell got back to the minivan,
24 the storage unit, he just grabbed the bag and that was it.

25 Q. During any portion of this episode, did the person consent

1 to being detained?

2 **A.** No.

3 **Q.** Did they -- did he consent to having his vehicle searched?

4 **A.** You know, once I got there, myself and Gondo, all the
5 commotion kind of had died down. So -- but -- so I can't
6 really say per se actually if he consented or not, really,
7 right there.

8 **Q.** Were you armed at this time?

9 **A.** Yes. Yes.

10 **Q.** Was Hersl armed?

11 **A.** Yes.

12 **Q.** You said at some point when you and Hersl were locked up,
13 he was acting worried? That was the word you used?

14 **A.** Yes. Yes.

15 **Q.** Where were you guys locked up together?

16 **A.** At Howard County.

17 **Q.** And what did he say about the Impala?

18 **A.** Well, we pretty much went over the incidents where his
19 name was involved. And he had mentioned the storage unit and
20 asked -- you know, the question was, "Hey, is the Impala, you
21 know, mic'd up? Is it bugged? Does it have a bug in it, a
22 recording device?"

23 And I was like, "I don't know." You know, and so he was
24 just a little worried about that incident between him and I,
25 but I -- yeah.

1 Q. Did you understand Hersl to be worried about the car being
2 bugged because you had taken the money?

3 A. Because of the money, yes.

4 Q. Okay. Did Hersl ever ask you to turn in 4 ounces of
5 cocaine that he later took from the storage unit?

6 A. No. No.

7 Q. Now, I'm going to show you what's been marked as
8 Government's Exhibit DA-1.

9 Do you recognize DA-1?

10 A. Yes.

11 Q. What is DA-1?

12 A. That's an ECU submission to the Evidence Control Unit, so
13 it's an ECU submission that I filled out with the money that
14 was taken and submitted in to Evidence.

15 But, of course, it wasn't -- that's not all the money that
16 was . . .

17 Q. So just for the record, at the top it says "Submitting
18 Officer." Whose name is that?

19 A. Rayam, myself.

20 Q. And the name of the person is Dennis Armstrong?

21 A. Yes. That's the suspect, the person that was arrested.

22 Q. He was the one that had gotten in the chase?

23 A. Yes.

24 Q. And did he have drugs on him during this chase?

25 A. You know, like I said, I wasn't initially there, but I

1 believe so. Yes, he did have drugs, yes.

2 **Q.** Okay. And if you scroll down here, it says \$2,833 in
3 U.S. currency was submitted?

4 **A.** Yes.

5 **Q.** Is that after Hersl had already given you a share and kept
6 a share of the money?

7 **A.** Yes, this is after we had taken the money -- taken some
8 money.

9 **Q.** Was this the only robbery of a storage unit that you
10 participated in?

11 **A.** Well, it was another storage unit, maybe a month later
12 where myself and Gondo -- and I know Wayne was there, and
13 Taylor was also there -- to where just another instance where a
14 vehicle was pulling out. And as the vehicle's pulling out,
15 Wayne just pretty much blocked -- blocked them so they couldn't
16 get out.

17 And they went ahead and searched the vehicle and, you
18 know, wound up parking the vehicle. And Wayne wind up finding
19 out what storage unit the individual that was in the passenger
20 side had, and --

21 **Q.** How did he find that out?

22 **A.** He went inside it. He asked the storage unit -- the
23 person that was working there.

24 **Q.** What happened after he found out the storage unit?

25 **A.** After he found out, I know Wayne was like, "Man, you know,

1 I'm tired of putting my name on stuff."

2 And I was like, "All right. You know what? I'll do it.
3 You know, I'll go in there and see, you know, what was in
4 there."

5 So myself and Taylor went into the storage unit and we
6 went inside, and we found some drugs and some cash that was
7 like in a sock.

8 And then, you know, I was like, "Hey, Taylor, what you
9 want to do?"

10 Taylor said, "Hey, I think it's some cameras around there.
11 I think we're good. We're inside."

12 And I just handed him a couple dollars. It wasn't really
13 much. But I just handed him a couple dollars, some money. And
14 then we put it in our pocket, and we just walked out. And I
15 gave the sock to the person that we had stopped, and he counted
16 the money and that was it.

17 **Q.** When you say "a couple dollars," what does that mean?

18 **A.** It could have been like 20, \$40. It wasn't . . .

19 **Q.** Okay. I'm going to ask the jurors to turn to Page 6 of
20 the transcripts, Exhibit 11. And I'm going to play the
21 accompanying recording from Exhibit 10.

22 Before I do that, let me just ask one foundation question:
23 Did you talk to Gondo about the money that you had taken?

24 **A.** I had made a comment to him about the money, yes.

25 **MR. HINES:** Go ahead.

1 (Audio was played but not reported.)

2 **BY MR. HINES:**

3 **Q.** Okay. When you said -- well, first of all, whose voices
4 are in this recording?

5 **A.** Myself and Gondo.

6 **Q.** And do you say, "But I'm like, Sarge, I taxed him a little
7 bit"?

8 **A.** "Taxing" meaning as far as I took a little bit of money.
9 I took some money.

10 **Q.** Is that sort of a common term?

11 **A.** That I -- that I use, yes, that -- yeah, we use as well
12 that I've heard throughout the -- throughout this -- being in
13 the unit. Just taxing, meaning just take some of the money.

14 **Q.** And you say, "Taylor was there. I had to give \$60"?

15 **A.** Yes.

16 **Q.** Was that in reference to money that you gave to Taylor?

17 **A.** Yes.

18 **Q.** And you said, "I had to give Wayne \$100"?

19 **A.** Yes.

20 **Q.** Did you ultimately, to your recollection, end up giving
21 Wayne any money?

22 **A.** I didn't give Wayne any money, no.

23 **Q.** Did you keep that hundred dollars?

24 **A.** Yes.

25 **Q.** And when you say in the following line [reading]: But I

1 was like, "Hey, tax him a little bit. He won't say nothin'."

2 Why did you believe he won't say nothin'?

3 **A.** Well, because that's just -- like I have testified
4 earlier, just one of the -- my MOs to where it was drugs
5 recovered as well; and I didn't think that with the drugs being
6 recovered and, you know, me letting him go and us just -- me
7 just taking a little bit of money, he wouldn't say anything.
8 So that's -- that's what I believed.

9 **Q.** So some of the money was given back to him?

10 **A.** Yes.

11 **Q.** All right. Mr. Rayam, I'd like to go back to what you
12 were discussing earlier about some of the overtime.

13 **MR. HINES:** Your Honor, may we approach quick?

14 **THE COURT:** Sure.

15 **MR. HINES:** Thank you.

16 (Bench conference on the record:

17 **MR. HINES:** Your Honor, I have a series of calls and
18 episodes involving some of the overtime fraud. I don't know
19 that -- I don't think I'll finish it before 4:30 today.

20 I don't know the Court's preference, if it makes more
21 sense for me to get into some of it and save the rest for
22 tomorrow morning. It might not make as much sense if we cut it
23 up like that.

24 **THE COURT:** I don't feel strongly about it. I gather
25 from Mr. Purpura's earlier comment that he might be just as

1 happy with a few extra minutes. I know you're not feeling
2 well.

3 **MR. PURPURA:** Thank you.

4 **THE COURT:** So --

5 **MR. HINES:** I hope you feel better.

6 **MR. PURPURA:** Thank you.

7 **THE COURT:** Sure. I'll just say that we have to stop
8 in a short time anyway, so we'll just break for now.

9 **MR. HINES:** Okay. Thank you.)

10 (Bench conference concluded.)

11 **THE COURT:** All right. Ladies and gentlemen, it looks
12 as though we're about to move into a series of questions and
13 some recorded calls which we might not be able to finish in the
14 time that we have left. I need to break a little earlier
15 today.

16 So in the interests of consistency and making it all
17 understandable, we're just going to break a little early and
18 the next -- therefore, the next -- but we have a question.
19 Okay.

20 Counsel, do you want to come up.

21 (Bench conference on the record:

22 **THE COURT:** The question this time is: Did the
23 Hamiltons ever report missing \$20,000 after the July 2016
24 search, question mark, to the police, question mark?

25 So I don't know if that's something that's for this

1 witness. I assume there will be opportunity later --

2 **MR. HINES:** Yes.

3 **MR. PURPURA:** Yes. We --

4 **MR. HINES:** Not for this guy.

5 **MR. PURPURA:** It's going to come out.

6 **THE COURT:** All right.

7 **MR. PURPURA:** Another witness.

8 **THE COURT:** I will just indicate that we do expect to
9 be able to answer the question, but probably with another
10 witness.

11 **MR. HINES:** Great.

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

13 **MR. HINES:** Thank you.)

14 (Bench conference concluded.)

15 **THE COURT:** Okay. Ladies and gentlemen, we did just
16 receive another question. Counsel advises me we will likely be
17 able to answer that, but probably with a later witness rather
18 than this witness.

19 So thank you.

20 All right. Depending on the weather, I'm hoping to
21 see you all tomorrow morning at 10 o'clock. I know Ms. Moyé
22 has given you advice and instructions, but obviously the same:
23 Leave your notes here. Keep an open mind. Don't talk about
24 the case. And we'll see, weather permitting, at 10 o'clock
25 tomorrow. Thank you.

1 Counsel can stick around for a minute.

2 (Jury excused at 4:23 p.m.)

3 **THE COURT:** I'm just wondering if you can give me an
4 idea of who to expect tomorrow.

5 **MR. WISE:** So tomorrow, after Former Detective Rayam,
6 we have Mr. Armstrong, the person that he's referenced in his
7 testimony.

8 We then, I believe, will have Mr. Stepp.

9 And then possibly Mr. Summerville and two associated
10 witnesses, Wade Adams and Gregory Thompson.

11 And potentially Mr. Santiful and an ECU very brief
12 witness, Ms. Anderson. Mr. Tate and an ECU witness,
13 Mr. Swinton.

14 So we'll have a number of witnesses. They're not as
15 lengthy as witnesses like Mr. Rayam and Mr. Hendrix, but we'll
16 be ready with a number of witnesses.

17 The schedule is -- we're moving up, so we have to make
18 calls this evening to make sure we can get people here a little
19 earlier than originally projected, but we'll be doing that.

20 **THE COURT:** Okay. All right. Any issues to predict
21 for tomorrow?

22 **MR. PURPURA:** No. Thank you.

23 **MS. WICKS:** No, no, Your Honor.

24 **THE COURT:** Okay. All right. Thank you, all. I hope
25 to see you tomorrow at 10:00.

1 (Court adjourned at 4:25 p.m.)

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

17 _____
 18 /s/

19 Douglas J. Zweizig, RDR, CRR
 20 Registered Diplomat Reporter
 21 Certified Realtime Reporter
 22 Federal Official Court Reporter
 23 DATE: August 15, 2018
 24
 25

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