

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

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

Wednesday, January 31, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME V

For the Plaintiff:

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

Reported by:

Douglas J. Zweizig, RDR, CRR
Federal Official Court Reporter
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

THE COURT: Good morning, everyone. Be seated, please.

Are we resuming with the witness, and are we ready?

MR. WISE: We are. Mr. Armstrong is back. Would Your Honor like him on the stand before the jury comes out?

THE COURT: Sure. Why don't we get him on the stand and then get the jury.

(Jury entered the courtroom at 10:08 a.m.)

THE COURT: Good morning. Welcome back. Be seated.

THE CLERK: Mr. Armstrong, you're still under oath.

DENNIS ARMSTRONG, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

THE COURT: All right. We'll be continuing with Mr. Armstrong.

Mr. Purpura.

MR. PURPURA: Your Honor. Thank you.

CROSS-EXAMINATION

BY MR. PURPURA:

Q. Good morning, Mr. Armstrong.

A. Good morning.

Q. Mr. Armstrong, I believe yesterday, yesterday afternoon Mr. Hines began the direct examination with you. He suggested you do -- as you know, you have a criminal record; is that correct?

A. Yes.

1 Q. Okay. And the one he pointed to was the possession with
2 intent to distribute -- that was cocaine in 2011 or was that
3 heroin?

4 A. I'm not sure. Probably cocaine.

5 Q. Okay. Good.

6 But you do have two prior distribution convictions as
7 well. That means two convictions before that for distribution
8 of drugs; is that correct, sir?

9 A. I'm not sure.

10 Q. You're not sure. Would you like to see your record?

11 A. Yes.

12 Q. Okay. Thank you.

13 MR. PURPURA: I'm now going to -- Defense 18,
14 Ms. Panas? 18?

15 THE CLERK: 19.

16 MR. PURPURA: 19. Yes.

17 BY MR. PURPURA:

18 Q. I'm now going to show you what's been marked as Defense
19 Exhibit 19 for identification. And I'm going to ask you, first
20 of all, just ask you from here, you are Dennis J. Armstrong; is
21 that correct?

22 A. Yes.

23 Q. And you were born on [REDACTED] 1980; is that correct, sir?

24 A. Yes.

25 Q. All right. And then did you appear in Baltimore City

1 Circuit Court, and you pled guilty to possession with intent to
2 distribute drugs; is that correct, sir?

3 **A.** Yes.

4 **Q.** Okay. And that was the year 2000; is that correct?

5 **A.** Yes.

6 **Q.** You are Dennis J. Armstrong; is that correct, sir?

7 **A.** Yes.

8 **Q.** You were born on [REDACTED] 1980; is that correct, sir?

9 **A.** Yes.

10 **Q.** And you do see that in 2003, that's two -- three years
11 later, you were again convicted in Baltimore City Circuit Court
12 where you pled guilty to possession with intent to distribute
13 drugs; is that correct, sir?

14 **A.** That's the same -- that's the same charge.

15 **Q.** It is the same charge, yeah, I know. You did the same
16 thing three years later.

17 **THE COURT:** I think he's saying it's the same charge.
18 I don't know if that's right, but . . .

19 **THE WITNESS:** Yeah, it's the same thing. It's just a
20 violation, but the same --

21 **BY MR. PURPURA:**

22 **Q.** Okay.

23 **A.** -- offense.

24 **Q.** Let's take a look at the charging numbers on these. Okay?

25 Do you see the complaint number in the year of 2000? The

1 complaint number is 2D17178.

2 Do you see that?

3 **A.** Yes.

4 **Q.** And you see the new, and also it says the filing date was
5 June 19th of 2000; correct?

6 **A.** Uh-huh.

7 **Q.** Okay. And then we turn to the second one, the 2003
8 conviction. Do you see the complaint number is different?

9 **A.** Yes.

10 **Q.** 33A18185; correct?

11 **A.** Yeah.

12 **Q.** So they're different complaint numbers; correct?

13 **A.** Yes.

14 **Q.** And it also shows the incident date for the 2003
15 conviction, which was on May 20th, 2003, your conviction. The
16 incident date, the date it occurred, was January 29th, 2003.

17 Do you see that, sir?

18 **A.** Yes.

19 **Q.** Okay. So they're two separate distribution cases;
20 correct, sir?

21 **A.** Yes.

22 **Q.** Okay. Thank you.

23 And then, of course, in 2011, as Mr. Hines brought out,
24 you had your third conviction for drug distribution; correct?

25 **A.** Yes.

~~ARMSTRONG~~ ~~CROSS~~

1 Q. All right. Good.

2 Now, I'm going to take you to June 1st of 2017. You may
3 not remember that particular day, June 1st, but do you remember
4 when you came to this courthouse here and you were with your
5 lawyer? Your lawyer was Paul Polansky; right?

6 A. Yes.

7 Q. And you came here and you met with Government counsel
8 before you appeared before the United States grand jury.

9 Do you remember doing that?

10 A. Yes.

11 Q. Okay. And you spoke to Government counsel before you
12 appeared before the United States grand jury; right? You spoke
13 to them. They talked to you?

14 A. Yes.

15 Q. Okay. And then you appeared before the United States
16 grand jury; correct?

17 A. Yes.

18 Q. I think upstairs in this courthouse; right?

19 A. Yes.

20 Q. All right. Good. We're on a run.

21 And before you actually testified, Mr. Wise, I believe --
22 I believe it was Mr. Wise. I could be wrong. Let me check.

23 Yes, it was Mr. Wise. That's the gentleman right here in
24 the middle with the good haircut (indicating). We share
25 barbers.

1 He's the one that put you before the grand jury. Do you
2 remember that? Remember him asking you questions before the
3 United States grand jury?

4 **A.** Yes.

5 **Q.** Okay. Great. And the first thing he told you is that you
6 were receiving what's called limited-use immunity. Do you
7 remember those -- those are kind of complicated words, but he
8 said "limited-use immunity."

9 Do you remember that?

10 **A.** No.

11 **Q.** No, I didn't think so.

12 The bottom line is he told you, in essence, that you were
13 not going to be prosecuted for what you said to the grand jury;
14 right?

15 **A.** Right.

16 **Q.** So you could feel free to talk truthfully to the
17 grand jury; right?

18 **A.** Yes.

19 **Q.** Okay. That's limited-use immunity, so that's what
20 Mr. Wise told you; right?

21 **A.** Yes.

22 **Q.** Okay. Good.

23 Now, you also have the same thing today; in other words,
24 what you're saying, because you're admitting that you were a
25 drug trafficker in 2016 -- right? You're admitting that today;

1 correct?

2 Hello. Are you admitting that or not?

3 **A.** No.

4 **Q.** You're not admitting it?

5 **A.** No, I don't understand the question.

6 **THE COURT:** Okay. You sort of put that question in
7 the middle of something else.

8 **BY MR. PURPURA:**

9 **Q.** I apologize, Mr. Armstrong.

10 You're admitting that in [sic] August 8th of 2016,
11 August 8th of 2016, you're admitting that you were throwing
12 cocaine out the windows of a car; correct?

13 **A.** Yes.

14 **Q.** And you're admitting -- eventually we'll get to it, but
15 you're also admitting you had possession on that date of at
16 least -- actually, more than 2 kilograms of cocaine; correct?

17 **A.** Yes.

18 **Q.** Okay. And that -- that's a fairly large amount of
19 cocaine; right?

20 **A.** Yes.

21 **Q.** And you know you could have been prosecuted federally for
22 that type of quantity of cocaine, especially someone who has
23 three prior convictions; correct?

24 **A.** Yes.

25 **Q.** Okay. And you know that what you say here, your

~~ARMSTRONG~~ ~~CROSS~~

1 admissions, that they're not going to prosecute you, right,
2 because that's what the immunity's about?

3 **A.** Yes.

4 **Q.** Okay. Thank you.

5 Now, you were leaving -- on August 8th, 2016, you were
6 leaving a storage area; right?

7 **A.** Yes.

8 **Q.** You had a storage locker there; correct?

9 **A.** Yes.

10 **Q.** And did you -- did you feel at that point or did you look
11 around -- did you think that you were being watched when you
12 left the storage area?

13 **A.** No.

14 **Q.** Okay. And is it fair to say -- or not fair to say. Do
15 you look around for those things when you leave your storage
16 area?

17 **A.** Yes.

18 **Q.** Because that's -- technically, it's called
19 countersurveillance; right? You want to make sure that the
20 police are not looking for you; right?

21 **A.** Yes.

22 **Q.** Because you know you got some bad -- you got some cocaine
23 in that storage area; right?

24 **A.** Yes.

25 **Q.** And you don't want the police to get it; correct?

~~ARMSTRONG~~ ~~CROSS~~

1 A. Correct.

2 Q. And you don't want to be arrested; correct?

3 A. Correct.

4 Q. So you were fairly careful that no one was around or
5 looking. You were not under surveillance when you left on
6 August 8th, 2016; correct?

7 A. Correct.

8 Q. All right. So then what happens after you leave and you
9 make a turn, then this police car -- it wasn't -- it was an
10 unmarked police car; correct?

11 A. Yes.

12 Q. What do you call them, like knockers?

13 A. Unmarked.

14 Q. Unmarked?

15 A. Police car.

16 Q. And then this unmarked car pulls up, and there is -- the
17 driver, he was a white male?

18 A. Yes.

19 Q. And the passenger, white or black, do you remember?

20 A. White.

21 Q. White. And there is also another white guy in the back --
22 in the back of the car; correct?

23 A. I'm not -- it was a number of persons. I'm not sure if he
24 was white or black.

25 Q. Okay. Fair enough.

~~ARMSTRONG~~ ~~CROSS~~

1 And then what happens is they pulled you over. Did they
2 stop you actually?

3 **A.** No. They pulled beside me, telling me to slow down, roll
4 down the window.

5 **Q.** Okay. So are you driving?

6 **A.** Yes.

7 **Q.** Okay. And so did you slow down?

8 **A.** Yes.

9 **Q.** And did you roll down your window?

10 **A.** Yes.

11 **Q.** And then at that point apparently the passenger in the
12 vehicle indicated like he was talking on his police radio
13 (indicating); correct?

14 **A.** Yeah. The driver.

15 **Q.** The driver?

16 **A.** Yeah.

17 **Q.** The driver.

18 And basically said something like, Sarge, we got the
19 suspect; right?

20 **A.** Yeah.

21 **Q.** And you heard that; right?

22 **A.** Yes.

23 **Q.** And when you heard that -- and then he said it loud enough
24 so you could hear it; correct?

25 **A.** Yes.

~~ARMSTRONG~~ ~~CROSS~~

1 Q. And when you heard that, you know you just left 2 kilos of
2 cocaine in your storage locker. You got a couple ounces of
3 cocaine on you, and you got some money on you; right?

4 A. Yes.

5 Q. In essence, you know you're dirty; right?

6 A. Yes.

7 Q. And so you take off; correct?

8 A. Yes.

9 Q. At that point you just go; right? Right?

10 A. Yes.

11 Q. And you go not only because you know what you have on you,
12 because you know what your record looks like; right?

13 A. Yes.

14 Q. And you can't take a fourth fall, can you?

15 A. Right.

16 Q. Just got through doing it with five years; right? You
17 just finished doing five years off a bit?

18 A. Yes.

19 Q. You're still on probation at that time too?

20 A. No.

21 Q. So you take off. And you take off fairly fast; correct?

22 A. I proceeded, yes.

23 Q. 'Cause you didn't want to get caught; right?

24 A. Yes.

25 Q. And at that point when you're taking off, you're trying to

~~ARMSTRONG~~ ~~CROSS~~

1 get rid of what you have in your car; correct?

2 **A.** Yes.

3 **Q.** And what you have in your car, at least what you told the
4 grand jury you had, you got rid of at least an ounce of cocaine
5 by throwing it out the windows; correct?

6 **A.** Yes.

7 **Q.** And there was more cocaine in the car. There was cocaine
8 residue probably all over the front seat and the floor, but
9 you're trying to throw it out; right?

10 **A.** Yes.

11 **Q.** It was all over the place; correct?

12 **A.** (No response.)

13 **Q.** And then you came into a dead-end area; right?

14 **A.** Yes.

15 **Q.** Do you remember hittin' your horn at that point? Did you
16 start beeping?

17 **A.** Yes.

18 **Q.** You were beeping to warn people that the police were
19 there?

20 **A.** No.

21 **Q.** Why did you start beeping?

22 **A.** For kids.

23 **Q.** Okay. Fair enough.

24 **A.** 'Cause it's a resident area. Get out the street.

25 **Q.** So you're beeping to get the kids out of the area;

~~ARMSTRONG~~ ~~CROSS~~

1 correct?

2 **A.** Yes.

3 **Q.** But then you -- it was a dead-end. You couldn't go any
4 further?

5 **A.** Correct.

6 **Q.** And so you bailed out; right?

7 **A.** Yes.

8 **Q.** And you started running?

9 **A.** Yes.

10 **Q.** And the shorter of the -- the shorter police officer
11 caught you; is that what happened? Who caught you, do you
12 know?

13 **A.** A short white guy, officer.

14 **Q.** So a short white guy actually caught you, and they
15 arrested you at that point; correct?

16 **A.** Yes.

17 **Q.** You were taken -- at that point you were taken back to
18 the -- you were handcuffed?

19 **A.** Yes.

20 **Q.** And you were handcuffed because, number one, I guess you
21 took flight from police officers; correct?

22 **A.** Uh-huh.

23 **Q.** You had cocaine you were throwing out the window of your
24 car; correct?

25 **A.** Yes.

~~ARMSTRONG~~ ~~CROSS~~

1 Q. And you had cocaine in the car at that time as well;
2 correct?

3 A. Yes.

4 Q. All right. So you were taken back in -- what vehicle took
5 you back to the storage area?

6 A. The unmarked.

7 Q. Unmarked police car?

8 A. Yeah.

9 Q. You were handcuffed at that point?

10 A. Yes.

11 Q. You were in the backseat of that police vehicle; correct?

12 A. Yes.

13 Q. You know you're under arrest; right?

14 A. Yes.

15 Q. You've been under arrest at least three times before, so
16 you know the procedure; correct?

17 A. Correct.

18 Q. And you know you're going to be transferred probably to
19 Central Booking center; correct?

20 A. Yes.

21 Q. And at that point you're probably thinking, can I make the
22 bail?

23 A. Yes.

24 Q. And then before they transferred you, while you're still
25 sitting in that police vehicle, you said that the white,

~~ARMSTRONG~~ ~~CROSS~~

1 heavier-set police officer -- do you know who Sergeant Jenkins
2 is?

3 **A.** Yes.

4 **Q.** Okay. Sergeant Jenkins came up to talk to you; right?

5 **A.** Yes.

6 **Q.** And Sergeant Jenkins, first of all, wanted to know, you
7 know, about where you're getting your drugs from, asking you
8 questions like that; correct?

9 **A.** Yes.

10 **Q.** And you didn't want to talk to the police; correct?

11 **A.** Correct.

12 **Q.** So you didn't talk to 'em?

13 **A.** Correct.

14 **Q.** He didn't force you or threaten you to talk to him, did
15 he?

16 **A.** No.

17 **Q.** He just left when you refused to talk to him; correct?

18 **A.** Yes.

19 **Q.** And while you were in that police vehicle waiting to go to
20 Central Booking, did anyone come up and force you or threaten
21 you to talk or anything like that whatsoever?

22 **A.** No.

23 **Q.** How did you actually get to Central Booking center?

24 **A.** I was transported.

25 **Q.** In what?

~~ARMSTRONG~~ ~~CROSS~~

1 **A.** I think -- I'm not sure. Either the paddy wagon or police
2 car.

3 **Q.** So if you recall, the paddy wagon came up and they took
4 you from the back of that unmarked police car and put you in a
5 paddy wagon; correct?

6 **A.** Yes.

7 **Q.** And that's kind of normal procedure what happens; correct?

8 **A.** Yes.

9 **Q.** And you were taken directly to Central Booking center;
10 correct?

11 **A.** Correct.

12 **Q.** But before you were taken down there, they left you in a
13 position where you could actually watch -- and you did watch --
14 the police officers search your vehicle; correct?

15 **A.** Correct.

16 **Q.** They didn't try to pull you away so you couldn't see what
17 was going on, did they?

18 **A.** No.

19 **Q.** They were searching your vehicle right in front of you;
20 right?

21 **A.** Correct.

22 **Q.** And that's where you had money in your glove compartment;
23 correct?

24 **A.** Correct.

25 **Q.** And you could see, I believe you indicated Detective Hersl

~~ARMSTRONG~~ ~~CROSS~~

1 and/or Jenkins were both in the front seat of the car; correct?

2 **A.** Correct.

3 **Q.** And you were able to watch them go through your glove

4 compartment, look under the seats of the car, and everything

5 else; right?

6 **A.** Correct.

7 **Q.** And you knew you had money in there; correct?

8 **A.** Correct.

9 **Q.** As well as the cocaine or cocaine residue you couldn't get

10 rid of; correct?

11 **A.** Correct.

12 **Q.** And, again, there was no effort at that time to take you

13 away before they searched the car. You were there during the

14 search of the car?

15 **A.** Yes.

16 **Q.** You don't really know exactly how much money you had in

17 there, do you?

18 **A.** Say -- repeat the question.

19 **Q.** Do you know exactly how much money you had in the glove

20 compartment?

21 **A.** Yes, close -- close to the amount, yes.

22 **Q.** You told -- when you spoke initially to the Government,

23 you said maybe seven or eight thousand dollars; is that about

24 right?

25 **A.** Yes.

~~ARMSTRONG~~ ~~CROSS~~

1 Q. So it could be 7; it could be 8, to the best of your
2 knowledge?

3 A. It could be more.

4 Q. It could be more?

5 A. Yes.

6 Q. Could be more; right?

7 A. Yes.

8 Q. Could be, what, 100,000?

9 A. No.

10 Q. No. Okay.

11 And you did have 2 kilos, according to you, of cocaine in
12 your storage locker; right?

13 A. Correct.

14 Q. And those kilos, back in 2016 you paid -- what you told
15 the Government, you paid \$35,000 per kilo; is that correct?

16 A. Correct.

17 Q. So that's \$70,000 you paid for the kilos in that storage
18 locker; is that correct?

19 A. Yes.

20 Q. And you were going to take those kilos and you were going
21 to break 'em down, and you were going to sell them; is that
22 correct, sir?

23 A. Correct.

24 Q. And by "break 'em down," that means break them into
25 smaller quantities so they could be distributed here in

~~ARMSTRONG~~ ~~CROSS~~

1 Baltimore City and elsewhere; is that correct, sir? Break them
2 down into smaller quantities for street distribution, that's
3 what you were going to do; correct?

4 **A.** No.

5 **Q.** You were going to break 'em down into what kind of
6 quantities?

7 **A.** You say street distribution?

8 **Q.** Yeah.

9 **A.** Like what do you mean? Like, reframe the question. I
10 don't understand.

11 **Q.** Okay. What were you going to do with those kilos?

12 **A.** Just, like, break 'em down, like you said.

13 **Q.** Okay.

14 **A.** But --

15 **Q.** Break them down to sell them; correct?

16 **A.** Yes.

17 **Q.** Okay. And you can break them down and try to either sell
18 it wholesale -- that's an ounce at a time or a half ounce at a
19 time -- or they can be broken down even further, all the way
20 down to a gram; correct?

21 **A.** Correct.

22 **Q.** Okay. And you intended to profit from doing that;
23 correct?

24 **A.** Yes.

25 **Q.** Okay. And at that time you were still working the same

~~ARMSTRONG~~ ~~CROSS~~

1 City job that you have now; is that correct?

2 **A.** Correct.

3 **Q.** Thank you.

4 **MR. PURPURA:** I have no further questions.

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

6 Mr. Nieto?

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

8 **THE COURT:** Okay.

9 **MR. HINES:** No redirect, Your Honor.

10 **THE COURT:** All right. Thank you, sir. You are
11 excused.

12 (Witness excused.)

13 **THE COURT:** I assume the Government will be calling
14 another witness.

15 **MR. WISE:** We will, Your Honor. The United States
16 calls Oreese Stevenson.

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

18 OREESE STEVENSON, GOVERNMENT'S WITNESS, SWORN.

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

20 Please speak directly into the microphone. Come up,
21 sir, please. Thank you.

22 State your full name for the record and please spell
23 your first and your last name.

24 **THE WITNESS:** Oreese Lamont Stevenson.

25 **THE CLERK:** Spell your first and your last name,

~~STEVENSON DIRECT~~

1 please.

2 **THE WITNESS:** O-R-E-E-S-E, S-T-E-V-E-N-S-O-N.

3 **THE CLERK:** Thank you.

4 **THE COURT:** Go ahead, Mr. Wise.

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

6 DIRECT EXAMINATION

7 **BY MR. WISE:**

8 **Q.** Good morning, Mr. Stevenson.

9 **A.** Good morning.

10 **Q.** Just to be clear, Mr. Stevenson, you are appearing here
11 today under a subpoena; right?

12 **A.** Yes.

13 **Q.** It's fair to say you don't want to be here, sir?

14 **A.** Not at all.

15 **Q.** Okay. And you testified in front of the grand jury in
16 this investigation back in February of 2017; right?

17 **A.** Yes.

18 **Q.** And you were subpoenaed to testify then too; correct?

19 **A.** Absolutely.

20 **Q.** And you and I haven't spoken or had any contact, frankly,
21 since February of 2017; right?

22 **A.** No.

23 **Q.** We didn't talk before you just walked out of that door
24 (indicating) just now; right?

25 **A.** No.

~~STEVENSON DIRECT~~

1 Q. At any point --

2 A. No.

3 Q. -- is that right?

4 Okay. And so I know this is uncomfortable for you and not
5 something you want to do; is that right?

6 A. Absolutely.

7 Q. Okay. I'm going to try to keep it brief. I have some
8 specific questions for you, Mr. Stevenson.

9 Back when you testified in front of the grand jury, you
10 had immunity to testify; correct?

11 A. I believe so.

12 Q. And you have immunity here today as well. We haven't, as
13 I said, talked, but I'm telling you you have immunity; okay?

14 MS. WICKS: Objection, Your Honor.

15 THE COURT: Overruled.

16 BY MR. WISE:

17 Q. Do you understand that, Mr. Stevenson?

18 A. Yes.

19 Q. And just briefly, could you tell the members of the jury
20 what you understand it to mean that you have immunity.

21 A. I guess that what I -- whatever we discuss in here is --
22 is --

23 Q. Won't be used against --

24 A. It can't be used against me.

25 Q. Sorry. I didn't mean to speak over you.

~~STEVENSON DIRECT~~

1 A. Right.

2 Q. And what do you have to do?

3 A. As what?

4 Q. Do you have to tell the truth?

5 A. Oh, yeah, tell the truth, like I just swore to tell the
6 truth.

7 Q. Right. And when you were in the grand jury, I told you
8 that if you didn't tell the truth, you could be charged with
9 the crime of perjury; is that correct?

10 A. Correct.

11 MS. WICKS: Objection.

12 THE COURT: Overruled.

13 BY MR. WISE:

14 Q. And that's -- and you understood that; correct?

15 A. Correct.

16 Q. And you understand that here today, too; right?

17 A. Correct.

18 Q. Okay. Mr. Stevenson, what do you do for a living?

19 A. Truck driver.

20 Q. How long have you been a truck driver?

21 A. Since 2012.

22 Q. Did you ever sell drugs, Mr. Stevenson?

23 A. At a point in my life.

24 Q. And in 2005, were you convicted of conspiracy to
25 distribute heroin?

~~STEVENS~~ ~~DIRECT~~

1 A. Yes.

2 Q. And how long did you serve in prison for that offense?

3 A. About seven.

4 Q. I'm sorry?

5 A. About six, seven years.

6 Q. Six or seven years.

7 And when were you released?

8 A. Like December, January -- December 2010, January 2011.

9 Q. Okay. So December 2010 or January of 2011.

10 Now, my questions today are not about that case, that
11 conviction. They're about what happened on March 22nd of 2016;
12 okay? Were you arrested on that day?

13 A. Yes.

14 Q. And were you charged --

15 A. Yes.

16 Q. -- based on your arrest?

17 A. Absolutely.

18 Q. And what were you charged with?

19 A. Drugs.

20 Q. Okay. Was that case dismissed?

21 A. Yes.

22 Q. And when was it dismissed?

23 A. In October.

24 Q. Of what year?

25 A. The same year.

~~STEVENS DIRECT~~

1 Q. So October of 2016.

2 And you testified that you went before the grand jury
3 after that in February of 2017; right?

4 A. Right.

5 Q. So at the time you testified before the grand jury, you
6 were not facing any criminal charges coming out of the arrest
7 on March 22nd of 2016; correct?

8 A. No.

9 Q. And today you're not facing any criminal charges coming
10 out of that arrest on March 22nd of 2016; right?

11 A. No.

12 Q. Now, you were arrested on March 22nd, 2016, when you were
13 sitting in a car; right?

14 A. Yes.

15 Q. Can you describe what happened?

16 A. I was sittin' there and the police car came up a one way
17 and blocked me in and they all jumped out.

18 Q. How many officers jumped out?

19 A. Four.

20 Q. And when they jumped out, what happened?

21 A. They surrounded the car and one ran up to the house I was
22 sittin' in front of.

23 Q. And were they armed?

24 A. Absolutely.

25 Q. Okay. And how were they dressed?

~~STEVENS~~ ~~DIRECT~~

1 A. In, like, you know, regular clothes, but vests.

2 Q. So plainclothes with vests?

3 A. Right.

4 Q. And the car that blocked you in, was it a police car or
5 was it an unmarked car?

6 A. An unmarked car.

7 Q. Do you know the officers that jumped out? Do you know
8 their names?

9 A. Not necessarily, no. I know it's a couple of 'em, but I
10 don't know, like, their names --

11 Q. Okay. Do you know --

12 A. -- per se.

13 Q. I'm sorry?

14 A. I say I know who was on my charge papers. The names was
15 on my charge papers.

16 Q. Who were the names on your charge papers?

17 A. Jenkins -- I can't pronounce his name. He -- either --

18 Q. Hendrix?

19 A. Hendrix, Ward, and Taylor.

20 Q. Okay. Now, when they got out, which officer approached --
21 if you know, which officer approached -- well, what seat were
22 you sitting in?

23 A. The driver.

24 Q. And which officer approached that seat?

25 A. Hendrix.

~~STEVENS DIRECT~~

1 Q. And did you have anyone in the car with you?

2 A. Yes.

3 Q. And where was that person?

4 A. Passenger.

5 Q. And did any of the four officers, other than Hendrix, go
6 to the passenger side?

7 A. Yes.

8 Q. Who was that?

9 A. Jenkins.

10 Q. Okay. And what happened -- and where did the other two
11 officers go, if you know?

12 A. I ain't for sure.

13 Q. Not sure? Is that what you said?

14 A. No. One of 'em ran straight to the house, like straight
15 up the steps and grabbed all the cell phones, any cell phones
16 that he could.

17 Q. Who did he grab cell phones from?

18 A. Like, you know, the relatives of the passengers.

19 Q. Had the passenger just come out of one of his relative's
20 homes?

21 A. Kind of. Just kind of.

22 Q. Kind of, what do you mean?

23 A. Like, he already had been in -- he already had been
24 sittin' in there.

25 Q. I see.

1 **A.** Like, yeah. He had just got out, but he ain't just get
2 in.

3 **Q.** Okay. Did he have a backpack with him?

4 **A.** Yeah.

5 **Q.** Did you say "yes" or "no"? I'm sorry.

6 **A.** Yes.

7 **Q.** And you said that Hendrix went to your side; Jenkins went
8 to your passenger side?

9 **A.** Right.

10 **Q.** And then one of the other of the two officers ran up to
11 the people that were outside the house and took their
12 cell phones?

13 **A.** Right.

14 **Q.** What happened once Hendrix and Jenkins were, I guess, at
15 the windows?

16 **A.** I mean, they was asking questions. Like, they say they
17 stopped -- I asked 'em what was the problem. He said he
18 stopped me 'cause I had dark wint on my tindow [sic] -- I mean
19 dark-tinted windows on my front window shield. When I told him
20 it wasn't any, he looked again and that was -- that was like it
21 on his end.

22 **Q.** And who was saying this?

23 **A.** Hendrix.

24 **Q.** Okay. So you didn't have tint on your front windshield
25 like they said?

~~STEVENS~~ ~~DIRECT~~

1 A. No, not at all.

2 Q. And just to be clear, were you moving --

3 A. No --

4 Q. -- when all this happened?

5 A. No. I was parked maybe -- way before they came; way, way
6 before they came, I was parked.

7 Q. And then what happened after that?

8 A. And Jenkins was questioning the guy on the passenger side.

9 Q. And then what happened?

10 A. Then he just opened the door and jumped in.

11 Q. Who did?

12 A. Jenkins.

13 Q. And when he jumped in, what did he do?

14 A. He said -- he grabbed the bag, grabbed the guy bag, and
15 said, We got a -- whatever their code is, an 830-something or
16 whatever. I don't know.

17 Q. What was in that bag?

18 A. I have no idea.

19 Q. Okay. What -- what were you -- why were you meeting with
20 this person? What was going to happen, I guess, if the police
21 hadn't come out -- come out of their car and just done what you
22 just described?

23 A. Say that again.

24 Q. What was about to happen? You know, why was this man in
25 the car with you?

~~STEVENS~~ ~~DIRECT~~

1 A. He probably about to pull off.

2 Q. Okay. And what did you have in the car?

3 A. That they -- that they found?

4 Q. Yeah.

5 A. Drugs.

6 Q. What kind of drugs?

7 A. Cocaine.

8 Q. How much?

9 A. About a half, a half a kilo of cocaine.

10 Q. Okay. Was that man going to buy the half a kilogram from
11 you?

12 A. Probably so.

13 Q. Okay. And you testified you didn't know what was in the
14 backpack, which I understand, but did you expect the man in the
15 car with you to have money?

16 A. Yes.

17 Q. Did you know -- well, what were you going to sell him the
18 half a kilogram for, how much money?

19 A. It's like -- what should have been in the bag?

20 Q. Yeah.

21 A. Maybe like twenty-one; twenty-one, five.

22 Q. So 21,500?

23 A. Yeah.

24 Q. Was that the going rate for a half a kilogram of cocaine
25 at the time?

~~STEVENS~~ ~~DIRECT~~

1 **A.** Depends on what -- who you are, I guess. I don't know.

2 **Q.** Is that what you were intending to sell it for?

3 **A.** Right.

4 **Q.** Did you know how much money -- I'm not asking you whether
5 you knew where it was, whether it was in his bag or in his
6 pocket. But did you know -- had you worked out how much money
7 this man was supposed to have to buy that half kilogram of
8 cocaine?

9 **A.** You said did I know?

10 **MS. WICKS:** Objection.

11 **THE COURT:** Overruled.

12 **BY MR. WISE:**

13 **Q.** Yeah.

14 **A.** I should know.

15 **Q.** Okay. And so what were you --

16 **A.** I don't know what he had.

17 **Q.** Sure. But what were you going to sell it to him for?

18 **A.** What I just told you.

19 **Q.** 21,500?

20 **A.** Yeah.

21 **Q.** When you saw your charge papers, did you see that money
22 had been seized from the car?

23 **A.** Oh, yeah, absolutely.

24 **Q.** And how much money was reported as having been turned in
25 by the police officer?

~~STEVENS DIRECT~~

1 A. 15,000.

2 Q. I'm sorry?

3 A. 15,000.

4 Q. Is that what you believe was in the car?

5 A. No.

6 Q. How much do you believe was in the car?

7 A. Twenty-one, five.

8 Q. 'Cause that's what you were going to -- that was the deal
9 you were going to sell it for; right?

10 A. Right.

11 Q. Did you see the money at any point before the police --

12 A. No.

13 Q. -- got there?

14 All right. Now, what happened after Jenkins, you said,
15 called out 830 or something on the radio? What happened after
16 that?

17 A. They handcuffed us and sat us on the curb.

18 Q. Do you remember who handcuffed you?

19 A. The guy that was on my side.

20 Q. Hendrix?

21 A. Yeah.

22 Q. And who handcuffed the passenger?

23 A. Jenkins.

24 Q. And once you were on the curb, what happened?

25 A. They searched the car.

~~STEVENS~~ ~~DIRECT~~

1 Q. All right. And then what happened?

2 A. They locked us up.

3 Q. At some point did any of the officers take your house
4 keys?

5 A. Oh, yeah. They took my house key. He took the keys. You
6 know, they pat you down and take everything out your pockets.

7 Q. And did you have your house keys on you?

8 A. Yes.

9 Q. And were those taken?

10 A. Yes.

11 Q. Where were you living at the time?

12 A. Twenty-one -- I mean 1604 Heathfield Road.

13 Q. Were you asked where you lived?

14 A. Yes.

15 Q. Did you tell them?

16 A. Yeah, I told 'em.

17 Q. Did you give them the -- that address or did you give
18 them --

19 A. No.

20 Q. -- a different address?

21 A. A different address.

22 Q. Why did you do that?

23 A. Because that was on my license.

24 Q. Okay. Did they ask you questions about what you had at
25 your house?

~~STEVENSON DIRECT~~

1 A. No, not that house.

2 Q. Did they want to talk to you, ask you questions in
3 general?

4 A. What you mean, like?

5 Q. Well, did they try to -- did they try to talk to you? Did
6 they try to interview you, ask you questions, whatever the
7 right word is?

8 A. No.

9 Q. All right. Did they take your license? You said -- you
10 gave them the address --

11 A. No, they ain't take my license.

12 Q. Did they take anything that showed where you lived?

13 A. I guess they seen it in the car. You know, I got the
14 paperwork in the car, everything in the car.

15 Q. What kind of paperwork did you have in the car?

16 A. Like the car -- the house that -- the car is registered
17 to, you know, the address the car is registered to --

18 Q. Okay.

19 A. -- and so forth.

20 Q. Did you have -- in addition to the house on Heathfield,
21 did you have a second house somewhere in the city that you and
22 your wife were going to use for a business?

23 A. Yeah.

24 Q. And where was that house?

25 A. Presstman.

~~STEVENS~~ ~~DIRECT~~

1 Q. On Presstman Street?

2 A. Yeah.

3 Q. And what kind of business were you and your wife going to
4 have there?

5 A. Like assisted living.

6 Q. You said assisted living?

7 A. Uh-huh.

8 Q. Now, I want to ask you some questions.

9 Did you have any -- did you have any money at that time in
10 the house on Presstman Street?

11 A. No.

12 Q. And what about the house at 1604 Heathfield; did you have
13 any money at that house?

14 A. Yes.

15 Q. And where was that money located?

16 A. In the safe.

17 Q. And how much money was in the safe?

18 A. Maybe like two hundred and some change.

19 Q. 200,000?

20 A. Yes.

21 Q. You said "and some change"?

22 A. Yes.

23 Q. Where was the safe in the house at 1604 Heathfield?

24 A. The basement.

25 Q. Where in the basement was it?

1 **A.** In the basement, in the -- in the back room.

2 **Q.** Okay. What kind of safe was it?

3 **A.** Like a Sentry, I guess.

4 **Q.** Was it like a combination lock safe?

5 **A.** Yeah, combination lock safe.

6 **Q.** Who had that combination?

7 **A.** Me.

8 **Q.** Anyone else?

9 **A.** No.

10 **Q.** In addition to the safe with 200,000 and some change in
11 it, did you have other money in the house too?

12 **A.** Yes.

13 **Q.** How much?

14 **A.** About forty.

15 **Q.** 40,000?

16 **A.** Yeah.

17 **Q.** And where was the 40,000?

18 **A.** In a black -- one was in a bag, and another one was in
19 like a black bag with leather -- with like leather jackets in
20 there.

21 **Q.** And where was the -- where was the one bag that just had
22 the money, if you remember?

23 **A.** It probably was sittin' plain like out, like right out.
24 But it had leathers in it. It was like a bag with leathers in
25 it, and a black bag was just sitting. It probably was like

~~STEVENS~~ ~~DIRECT~~

1 out. It's my house.

2 Q. Sure.

3 A. It's like . . .

4 Q. And then did you have cocaine at the house?

5 A. Yeah.

6 Q. Did you say "yes"?

7 A. Yes.

8 Q. And how much cocaine did you have at the house?

9 A. I don't recall.

10 Q. Do you recall being asked about that in the grand jury?

11 A. Kind of, yeah.

12 Q. If I showed you your grand jury testimony, would that help
13 refresh your recollection?

14 A. You can do -- you can.

15 Q. Okay. If I could just have a moment, I'll go to the
16 place.

17 I'm going to show you your grand jury transcript from
18 February the 2nd of 2017.

19 Do you see that?

20 A. Yes.

21 Q. And that's your name there (indicating)?

22 A. Yes.

23 Q. And if we go to Page 12 and Line 19, you were asked a
24 question about how much was in the house.

25 And you answered; right?

~~STEVENSON DIRECT~~

1 A. Yes.

2 Q. And so does that refresh your memory about how much was in
3 the house?

4 A. Maybe.

5 Q. All right. Well, you were asked, Mr. Stevenson [reading]:
6 So was the total more like closer to 10 kilograms?

7 Correct?

8 A. Yes.

9 Q. And your answer was "yes"; right?

10 A. Yeah.

11 Q. Okay. How was the cocaine packaged?

12 A. It was wrapped up.

13 Q. In kilogram-sized quantities?

14 A. Yes.

15 Q. Okay. Now, you've testified you had 200,000 and some
16 change in the safe, another 40,000 in the two bags. How much
17 was in each bag, if you remember?

18 A. Twenty.

19 Q. 20,000 in each bag; is that right?

20 A. Yes.

21 Q. And there was, you testified in the grand jury,
22 10 kilograms of cocaine in the house?

23 A. Yeah -- well, that's what it said on the paper.

24 Q. Right. And that's what you said in the grand jury; right?

25 A. Yes.

~~STEVENS DIRECT~~

1 Q. And did you also have a watch in the house, an expensive
2 watch?

3 A. Yes.

4 Q. What kind of watch was it?

5 A. A Breitling.

6 Q. And how much had you paid for that?

7 A. About 4,000.

8 Q. Did the officers take your cell phone?

9 A. They took everything. They took all my cell phones.

10 Q. All your cell phones?

11 A. Yeah.

12 Q. Did the cell phones -- one of the cell phones they took of
13 you have pictures of that watch on it?

14 A. Yes.

15 Q. All right. Now, you testified you were taken to
16 Central Booking from the --

17 A. From the street.

18 Q. From the street; right?

19 A. Yeah.

20 Q. And eventually, did you -- were you released?

21 A. When?

22 Q. Well, I guess at some point were you released?

23 A. The date I told you, about seven, eight months later.

24 Q. Okay. While you were in -- while you were in jail, did
25 you call anyone to find out what had happened at the house?

~~STEVENS DIRECT~~

1 A. Yes.

2 Q. Who did you call?

3 A. My wife.

4 Q. Your wife?

5 A. Yeah.

6 Q. What's your wife's name?

7 A. Keona.

8 Q. How long have you been with Keona?

9 A. A long -- about -- now probably about seven, eight years.

10 Q. Okay. And did you two talk about what was left at the
11 house?

12 A. Yes.

13 Q. And when you talked about that or later when you were
14 released, what happened to your watch? I'll start with that.

15 MS. WICKS: Objection.

16 THE COURT: Sustained.

17 BY MR. WISE:

18 Q. Did you -- was your watch back in the house when you
19 eventually went home?

20 A. No.

21 Q. And the very day that you were, I guess the next day you
22 were arrested, did you talk to Ms. -- is Ms. -- is Keona's last
23 name Holloway?

24 A. Yes.

25 Q. Did you talk to Ms. Holloway about your watch?

~~STEVENSON DIRECT~~

1 **A.** Yes.

2 **Q.** And --

3 **A.** Well, she asked me did I have it on.

4 **Q.** Okay. And did you?

5 **A.** No.

6 **Q.** Was it back at the house when you talked to her?

7 **A.** No.

8 **MS. WICKS:** Objection.

9 **THE COURT:** Sustained unless you have a basis for the
10 hearsay exception.

11 **MR. WISE:** We'll have Ms. Holloway after
12 Mr. Stevenson.

13 **THE COURT:** Okay. Then we'll strike this question and
14 answer and move on.

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

16 **BY MR. WISE:**

17 **Q.** Eventually, did you get a notice that money had been
18 seized from your house from law enforcement?

19 **A.** Yes.

20 **Q.** And how much did the notice say had been seized?

21 **A.** 100,000.

22 **Q.** And how much did you actually have in the house?

23 **A.** Close to 300,000.

24 **Q.** All right. When you saw that only 100,000 had been turned
25 in, did you tell anyone that you had had close to 300,000 in

~~STEVENS~~ ~~CROSS~~

1 the house?

2 **A.** My lawyer and her.

3 **Q.** Your lawyer and then Ms. Holloway?

4 **A.** Yeah.

5 **MS. WICKS:** Objection; leading.

6 **THE COURT:** Overruled.

7 **BY MR. WISE:**

8 **Q.** And on your charge papers, did you see how much cocaine
9 had been turned in?

10 **A.** Yeah.

11 **Q.** How much was it?

12 **A.** Eight.

13 **Q.** So not ten?

14 **A.** No.

15 **Q.** And your watch, was that anywhere on your charge papers?

16 **A.** No. Nope.

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

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

19 Ms. Wicks?

20 **THE CLERK:** Mr. Wise.

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

22 **THE CLERK:** Microphone.

23 **MR. WISE:** Oh, sorry.

24

25

CROSS-EXAMINATION

BY MS. WICKS:

Q. Good morning, Mr. Stevenson.

A. Hey, how you doing?

Q. Now, back on the day that you were arrested when you were stopped in that vehicle, there was -- the passenger had been in the car for a little while; correct?

A. A very little while, very little.

Q. Okay. A number of minutes?

A. Yeah.

Q. Okay. And he had got into the car with a book bag; correct?

A. Correct.

Q. And you couldn't see in the book bag; correct?

A. No.

Q. And so while you had the expectation that he was going to pay you a certain amount of money for the cocaine you were giving him, you didn't know what was in the bag; correct?

A. No.

Q. And you hadn't had a discussion yet that day in the car about what was going down; correct?

A. No.

Q. You anticipated at some point you were going to try to sell him the cocaine you had in the car, and hopefully he had the right amount of money; correct?

~~STEVENS~~ ~~CROSS~~

1 A. Correct.

2 Q. Sometimes when you're dealing with someone, they don't
3 have the right amount of money; correct?

4 A. Not correct.

5 Q. Pardon me?

6 A. Not correct.

7 Q. That's not correct?

8 A. No.

9 Q. They always have the correct money?

10 A. Yeah, when you know 'em.

11 Q. Okay. So this is someone that you knew?

12 A. Yeah.

13 Q. Mr. Brown; correct?

14 A. Yeah.

15 Q. Okay. And when -- were -- when he got in the car, were
16 you all just going to have the transaction and then you were
17 going to leave? Or were you all planning to do something
18 together that day?

19 A. No. We ain't do nothin' together.

20 Q. Just the drug deal; correct?

21 A. Correct.

22 Q. Okay. And the cocaine that you had, when the police
23 officers came, you threw the bag with the cocaine in it into
24 the backseat; correct?

25 A. Never.

~~STEVENS~~ ~~CROSS~~

1 Q. Never. The coke -- you're saying that the cocaine --

2 A. Was never in my hand.

3 Q. -- was never in your hand?

4 A. No.

5 Q. Where was it in the car?

6 A. In the back -- in the back.

7 Q. In the back?

8 A. Right.

9 Q. Okay. And so you're saying you never made a throwing
10 motion (indicating) when the --

11 A. No.

12 Q. -- police pulled up?

13 A. Never.

14 Q. Okay. And you're -- I guess you're also saying when
15 Mr. Brown and you were taken out of the car, you were read your
16 rights; right?

17 A. No.

18 Q. You don't think --

19 A. We was handcuffed.

20 Q. -- you were read your rights?

21 A. We was handcuffed first.

22 Q. Okay. I'm trying to -- you were handcuffed and read your
23 rights before you were taken away in the wagon; correct?

24 A. Before we was taken away.

25 Q. Okay.

~~STEVENS~~ ~~CROSS~~

1 A. Right.

2 Q. And you waived your rights and agreed to talk to some of
3 the officers inside your car; correct?

4 A. I ain't waive nothing. They pulled me in there. Get him
5 up off the ground. They pulled me up. They just -- I ain't
6 waive no rights. There's no way I could waive my rights.

7 Q. There's no way you can waive your rights?

8 A. No, not at that time. They got complete control of the
9 whole situation. There's no way you can do anything at that
10 point in time.

11 Q. You can --

12 A. Anything.

13 Q. I apologize for speaking.

14 You can make the decision to answer questions; correct?

15 A. Yeah, yeah, yeah, yeah.

16 Q. Pardon me?

17 A. Yes.

18 Q. Okay. And you made the decision to answer questions that
19 day; correct?

20 A. Correct.

21 Q. And so in the van that day, you were providing them with
22 information; correct?

23 A. No.

24 Q. No.

25 A. I mean, the questions they asked me about, like, where,

~~STEVENS~~ ~~CROSS~~

1 you know, where I live at. I told 'em where I live at.

2 Q. Okay. And when you told them where you lived at, you
3 didn't give them the Heathfield address; correct?

4 A. I gave them the address that was on my license.

5 Q. Okay. But the Heathfield address was actually where you
6 were living; correct?

7 A. Right. Correct.

8 Q. Okay. And as you were sitting there, you knew there was a
9 lot of money and drugs and guns in your residence; correct?

10 A. I knew it was a lot of money in my house, yeah, correct.

11 Q. Okay. And drugs; correct?

12 A. I know it was a lot of money in my house; correct.

13 Q. Okay. So you're saying when you're sitting there in the
14 van, you didn't know that there were 10 kilos of cocaine in
15 your house?

16 A. I ain't say I didn't know.

17 Q. Okay. So that's what I'm asking you. When you're sitting
18 there in the van, you knew there was a large amount of money;
19 correct?

20 A. Correct.

21 Q. You knew there was a large amount of cocaine; correct?

22 A. Okay. Yeah.

23 Q. And you knew that there were some guns; correct?

24 A. No.

25 Q. You didn't know there were guns in your house?

~~STEVENS~~ ~~CROSS~~

1 A. No.

2 Q. You didn't tell the officers that there were money, drugs,
3 and guns in the house?

4 A. No. He asked me. They asked me for real. He asked me
5 was it any drugs and money at 1802, 'cause Heathfield wasn't
6 discussed.

7 Q. Okay. Because you lied to them and told them that's not
8 where you lived; right? You gave them a different address?

9 A. No. I gave them the address that was on my license. I
10 didn't lie to 'em.

11 Q. Well, but the address on your license was not where you
12 were living; correct?

13 A. Absolutely.

14 Q. Pardon me?

15 A. I say absolutely.

16 Q. Okay. And when you were sitting in the van, they were
17 trying to get you to call your drug supplier; correct?

18 A. No. How they going to get me to call him? I'm
19 handcuffed.

20 Q. They weren't trying to get you to call your drug supplier?
21 They weren't asking you questions about your drug supplier?

22 A. Yeah, they was asking me questions. But how they going --
23 how I'm going to call anybody? I can't call nobody.

24 Q. Well, were they looking through your phone and trying to
25 get the number?

~~STEVENS~~ ~~CROSS~~

1 A. My phone got a lock on it.

2 Q. Okay. And you didn't -- you're saying you didn't unlock
3 it for 'em?

4 A. I got a fingerprint lock.

5 Q. Okay. And did you --

6 A. That's impossible for me to do it.

7 Q. -- unlock the phone for them?

8 A. Impossible. I got handcuffs on.

9 Q. Okay. So they didn't unhandcuff you --

10 A. No.

11 Q. -- and unlock --

12 A. No. No. It's impossible. They ain't going to do that.

13 Q. So it's your testimony that the officers that were in the
14 van with you did not get information about a phone number for
15 your supplier?

16 A. No.

17 Q. And the officers that were in the van with you talking to
18 you that day was the officer that was at the passenger side and
19 at the driver's side when they -- when the police first came to
20 the car; correct?

21 A. Say that -- what you mean?

22 Q. The officer -- there were two officers in the van with you
23 trying to talk to you?

24 A. It's only one officer talking to me. That's Jenkins.

25 Q. Oh, there was only one officer?

~~STEVENS~~ ~~CROSS~~

1 A. Yeah.

2 Q. Okay. So in the van with you trying to talk to you was
3 only Officer -- I'm sorry, Sergeant Jenkins; correct?

4 A. Yeah.

5 Q. That's your testimony?

6 A. Right.

7 Q. Okay. And the money that you expected Mr. Brown to have
8 was \$21,500; correct?

9 A. Right. Correct.

10 Q. But you yourself don't have personal knowledge of --

11 A. I didn't see the money, no.

12 Q. Right. So you don't actually know how much money he had
13 in the bag that day 'cause you didn't see it; right?

14 A. I didn't see it, no.

15 Q. Okay. And when . . .

16 **MS. WICKS:** Court's indulgence.

17 **BY MS. WICKS:**

18 Q. Now, while you were sitting there in the car, your
19 attention was on the two officers that were speaking to you and
20 the passenger; correct?

21 A. Right; the one officer that was speaking to me and the
22 passenger.

23 Q. Okay. And I believe your testimony was that --

24 A. I mean on -- on the driver's side.

25 Q. I'm sorry?

~~STEVENS~~ ~~CROSS~~

1 A. On my side.

2 Q. And I believe your testimony was that was an officer that
3 you later came to be -- know is Hendrix; correct?

4 A. Correct.

5 Q. Okay. Now, you testified on direct about that one of the
6 other officers went up to the house that Mr. Brown had come out
7 of; there were people out front; and that he took their
8 cell phones?

9 A. Right.

10 Q. Pardon me?

11 A. Right. Correct.

12 Q. Okay. And you observed that while you were sitting in the
13 car; correct?

14 A. No. I just know -- I know they did that.

15 Q. Okay.

16 A. I mean, from --

17 Q. So you actually don't -- you did not see that yourself?

18 A. No.

19 Q. Okay. So that information is based on information you
20 learned from somebody else --

21 A. Right.

22 Q. -- is that correct?

23 A. Correct.

24 Q. Okay. So that's not something that you had personal
25 knowledge on that day had occurred; correct?

~~STEVENS~~ ~~CROSS~~

1 **A.** Correct. But it's not -- I mean, I never seen you stop a
2 car and then run straight up to the house also. That's not
3 ordinary neither. Like, that's --

4 **Q.** I'm not asking you about whether or not that's ordinary.
5 I'm asking about what --

6 **A.** I mean, we throwing stuff out there. I just wanted to
7 give it to you right, you know, just tell you how it was.

8 **Q.** And my question has to do with what you yourself observed
9 that day, sir.

10 **A.** Okay.

11 **Q.** Not what other people saw.

12 **A.** All right.

13 **Q.** Okay?

14 **MS. WICKS:** Court's indulgence.

15 **BY MS. WICKS:**

16 **Q.** Now, you did testify on direct that you and Mr. Brown were
17 about to pull off; correct?

18 **A.** Right.

19 **Q.** And so you were going to go somewhere else to do the drug
20 transaction?

21 **A.** We was just going to pull off.

22 **Q.** And where were you going to go?

23 **A.** I mean, I don't know at the moment. That's a whole year
24 ago, over a year ago.

25 **Q.** Okay.

~~STEVENS~~ ~~CROSS~~

1 **A.** Okay.

2 **Q.** And so right now you don't recollect where the two of you
3 were going?

4 **A.** No.

5 **MS. WICKS:** Court's indulgence.

6 **BY MS. WICKS:**

7 **Q.** Now, Mr. Wise asked you some questions about your
8 testimony in the grand jury. And when you were first asked
9 about the drugs in the house, you were asked [reading]: What
10 else did you have in the house?

11 Answer: Drugs.

12 Question: How much -- and how much drugs?

13 Answer: About 8 kilograms.

14 That was your testimony under oath in the grand jury;
15 correct?

16 **A.** I -- I don't recall. You'd have to show me. I don't
17 know.

18 **MR. WISE:** Your Honor, may we approach?

19 **THE COURT:** Sure.

20 (Bench conference on the record:

21 **MR. WISE:** So I just want to be clear that it
22 doesn't -- the record doesn't get muddied, because he was
23 asked -- he said [reading]:

24 What else did you have in the house?

25 Drugs.

~~STEVENSON~~ ~~CROSS~~

1 How much drugs?

2 About 8 kilos.

3 And then he was asked [reading]:

4 And was there also -- in addition to the 8 kilos, was
5 there some additional cocaine like an Igloo Cooler?

6 Yeah.

7 And so was the total more like closer to 10 kilograms?

8 And he said: Yes.

9 So I just want to make sure that --

10 **MS. WICKS:** And I was going to bring that out as well.
11 That's the portion that Mr. Wise used on direct. And I'm
12 pointing out what he first said and that later on, for whatever
13 reason, he then agreed that there was actually more.

14 **MR. WISE:** Well, it wasn't --

15 **THE COURT:** Okay. As long as you take him through the
16 full sequence --

17 **MS. WICKS:** Yes. Exactly.

18 **THE COURT:** -- that's fine.

19 **MR. WISE:** That's fine. Thank you, Your Honor.

20 **THE COURT:** Stay up here, please.

21 Okay. It's, "Can the witness speak up."

22 **MS. WICKS:** That would be great.)

23 (Bench conference concluded.)

24 **BY MS. WICKS:**

25 **Q.** Mr. Stevenson, I'm going to show you what's marked as

~~STEVENS~~ ~~CROSS~~

1 Taylor 5 for identification at this point. And just directing
2 your attention to Page 12 -- well, look at the first page.

3 This is your testimony, correct, in the grand jury?

4 **A.** Correct.

5 **Q.** Okay. And looking at Page 12, Lines 3 through 6, those
6 are the questions you were asked and the answers that I -- that
7 you gave in the grand jury that I just read; correct?

8 **A.** That's what's on the paper.

9 **THE COURT:** I'm sorry, sir. You really need to speak
10 right into --

11 **THE WITNESS:** That's what's written on the paper.

12 **BY MS. WICKS:**

13 **Q.** And do you have a reason to quarrel with what's on the
14 paper?

15 **A.** It's something different written on his paper.

16 **Q.** Okay. Well, going on, actually on the same page, Mr. Wise
17 also later in the grand jury -- and it's Mr. Wise in the
18 grand jury. You go on to describe where the money is.

19 And then you're asked, Question: And there also -- in
20 addition to the 8 kilos, was there some additional cocaine in
21 like an Igloo Cooler?

22 Answer: Yeah.

23 Question: And so was the total more like closer to
24 10 kilograms, maybe?

25 Answer: Yeah -- yes.

1 Those were the questions, additional questions and answers
2 that you gave about the amount of drugs in your house on that
3 day; correct?

4 **A.** Correct.

5 **Q.** Okay. And so sitting here today, your best recollection
6 sitting here today, was it 8 kilos or was it 10 kilos?

7 **A.** I don't recall.

8 **Q.** Okay. Now, when you -- also, in the -- well, in -- being
9 interviewed by the FBI, you were interviewed by the FBI several
10 times; correct?

11 **A.** What you mean "several times"?

12 **Q.** Well, you had a lawyer, Mr. Bates; correct?

13 **A.** Correct.

14 **Q.** And with Mr. Bates, you met with the FBI agents and
15 prosecutors on November 21st of 2016; correct?

16 **A.** That was one time.

17 **Q.** Okay. And then you also met with them -- the day of your
18 grand jury, you also met with them outside of the grand jury;
19 correct?

20 **A.** No. We all met that same day, if I ain't mistaken.

21 **Q.** Pardon me?

22 **A.** We all met that same day. Like, he only came once, if I'm
23 mistaken [sic], when I came down to the grand jury.

24 **Q.** Okay. Well, your grand jury was on February 2nd; correct?

25 **A.** I don't know the date. I'm not --

1 Q. I'm going to show you again Defense --

2 A. It's no need to come up here. I mean, I was there.

3 Q. That's what the date is.

4 A. I was there, but I'm not -- I ain't write the date down
5 that I went down there.

6 Q. I understand that. But do you recall that there was an
7 earlier time --

8 A. That me, Ivan, and them met together?

9 Q. Yes.

10 A. No.

11 Q. You don't recall that?

12 A. No.

13 Q. And -- but you do recall --

14 A. All of us meetin' down at the grand jury date.

15 Q. Okay. And before you went into the grand jury, you had a
16 meeting where your lawyer was there; correct?

17 A. Right. My lawyer was there with me.

18 Q. Okay. Because when you're in the grand jury, your lawyer
19 can't actually be in the room with you, though; right?

20 A. I found that out.

21 Q. Okay. So you do recall a separate meeting on that day
22 where Mr. Bates was present; correct?

23 A. He came with me, accompanied with me down there to the
24 grand jury.

25 Q. Okay. And while Mr. -- in the grand jury -- well, I guess

~~STEVENS~~ ~~CROSS~~

1 on direct now, you said there were 200,000-odd dollars in the
2 house; correct?

3 **A.** Correct.

4 **Q.** You also have claimed that there was a total -- including
5 the money outside of the safe, there was a total of \$300,000 in
6 the house?

7 **A.** Approximately.

8 **Q.** Pardon me?

9 **A.** Approximately, yes.

10 **Q.** Okay. Is that your best estimate of how much money was in
11 the house?

12 **A.** Approximately, yes.

13 **Q.** Approximately?

14 **A.** Yeah. I mean, I -- I don't -- I can't give you, you know,
15 dollar for dollar, no.

16 **Q.** Okay. Well, there's a big difference between maybe
17 200,000 --

18 **A.** It was close to \$300,000.

19 **Q.** I'm sorry?

20 **A.** It was close to \$300,000.

21 **Q.** Okay. And so my question to you is: When you say 200,000
22 plus 20,000 in another bag and 20,000 in another bag, that's
23 about 240,000; correct?

24 **A.** Right. But it was 200-some-odd in the safe.

25 **Q.** Okay. So --

~~STEVENS~~ ~~CROSS~~

1 **A.** So you're closer -- you're closer to the three than you
2 are to the two. That's what I'm -- that's what I'm saying.

3 **Q.** So you're saying the odd is you think there may have been
4 up to 260,000 in the safe?

5 **A.** No. Then you would give me exact, 300,000. I say
6 approximately. That mean you're closer. You're going
7 closer -- I'm closer to this door (indicating) than you are.

8 **Q.** Exactly.

9 **A.** Right.

10 **Q.** You think the total amount of money, including the money
11 in the safe and the bags in your house --

12 **A.** Is approximately --

13 **Q.** -- was closer to 300,000 --

14 **A.** To 300,000, absolutely.

15 **Q.** -- total?

16 **A.** Absolutely.

17 **Q.** But you don't have a record somewhere to exactly keep
18 track of how much money that was; right?

19 **A.** Dollar for dollar, no.

20 **Q.** Okay. But by your best estimate today, there were
21 10 kilos of cocaine in that house; correct?

22 **A.** I said I don't recall.

23 **Q.** Okay. You don't recall?

24 **A.** Right.

25 **Q.** And you don't have your best estimate today of that?

~~STEVENS~~ ~~CROSS~~

1 A. No.

2 Q. But you do have a best estimate of it was closer to
3 \$300,000 total?

4 A. Right.

5 MS. WICKS: Court's indulgence.

6 BY MS. WICKS:

7 Q. The cocaine that was in the vehicle when you were stopped
8 that day, it was in four separate Ziploc bags; correct?

9 A. I don't recall.

10 Q. You don't recall?

11 A. No.

12 Q. Were you someone that would normally sell an eighth of a
13 key, or you were just half a key and one key?

14 A. To him, it was what it supposed to have been.

15 Q. Okay. To him it was what it was supposed to have been?

16 A. Right.

17 Q. And it's your testimony it was supposed to have been half
18 a kilo?

19 A. I -- that's what it was.

20 Q. Okay. But my question to you: Is that normally the
21 amount that you would sell him?

22 A. I don't know how it was packaged. No. I can't remember
23 how it was packaged. No.

24 Q. Okay. Would you sometimes sell someone an eighth of a
25 key?

~~STEVENS~~ ~~CROSS~~

1 **A.** I don't understand the line of questioning. I don't even
2 know where you're going with that.

3 **Q.** Well, you testified that you used to sell drugs; correct?

4 **A.** In my lifetime, yeah.

5 **Q.** Pardon me?

6 **A.** Yes.

7 **Q.** And at this time that you were living in a house where
8 there were 10 kilos of cocaine; correct?

9 **A.** I don't recall. You keep going back to the same thing.

10 **Q.** Well, kilos -- you do recall there was cocaine in the
11 house; right?

12 **A.** In the car? You talking about in the car?

13 **Q.** In the car, there were cocaine --

14 **A.** Excuse me. We was just talking about the car. Now you
15 talking about the house.

16 **Q.** Okay. And I'm also talking about the house that you were
17 living in.

18 **A.** At the same time?

19 **Q.** Yes. On that day, there was cocaine in that house;
20 correct?

21 **A.** Correct.

22 **Q.** And you were the person that was distributing that --
23 going to distribute that cocaine; correct?

24 **A.** I was the person that distributed that -- that had cocaine
25 in my car, yes.

~~STEVENS~~ ~~CROSS~~

1 Q. Okay. And you -- well, in addition to -- and being in the
2 plan of the day was to sell cocaine that was in your car;
3 correct?

4 A. That was in my car to the guy that I --

5 Q. Right.

6 A. Okay.

7 Q. Part of the plan at the time, though, was that you were
8 going to sell the other cocaine that was in your house;
9 correct?

10 A. I have no idea what you talking about.

11 Q. You have no idea what I'm talking about?

12 A. No, no. Like, you -- I don't -- no. You going too far.
13 Like, I don't --

14 Q. Well, you had -- sir, you had --

15 A. I mean, I'm just trying --

16 Q. -- kilos of cocaine in your house.

17 A. Wherever you going to, let's get there and I can answer
18 your question.

19 Q. Okay. And I'm asking you --

20 **THE COURT:** Stop. Stop. Stop.

21 Mr. Stevenson, to help us get there, only one person
22 needs to talk at a time.

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

24 **THE COURT:** Okay. Try a question again, Ms. Wicks.

25 **BY MS. WICKS:**

~~STEVENS~~ ~~CROSS~~

1 Q. The cocaine that was in 1604 Heathfield --

2 A. I don't recall. I'm sorry.

3 **THE COURT:** You just forgot what I told you,
4 Mr. Stevenson. Please let her finish the question before you
5 start talking. Thank you.

6 Ms. Wicks, try again.

7 **BY MS. WICKS:**

8 Q. So sitting here today -- well, you're saying you don't
9 recall there was cocaine in Heathfield?

10 A. I don't recall how much.

11 Q. Okay. But you recall there was some; correct?

12 A. Correct.

13 Q. And you recall that you were going to sell that cocaine;
14 correct?

15 A. Not correct.

16 Q. What were you going to do with the cocaine?

17 A. Not correct.

18 Q. My question to you is --

19 A. I'm answering. It's not correct.

20 Q. -- what were you going to do with the cocaine?

21 A. It's not correct.

22 Q. What's not correct?

23 **THE WITNESS:** I'm -- can we get -- I mean, I don't
24 understand where she's going.

25 **THE COURT:** She just wants to know whether you had

~~STEVENS~~ ~~CROSS~~

1 plans to sell the rest of the cocaine.

2 **THE WITNESS:** I said "not correct."

3 **THE COURT:** So you did not have any plans?

4 **THE WITNESS:** No plans.

5 **BY MS. WICKS:**

6 **Q.** What were you going to do with the cocaine?

7 **A.** No plans.

8 **Q.** You were just going to let the cocaine sit in your house?

9 **A.** No plans.

10 **THE COURT:** Okay. I think we've --

11 **MS. WICKS:** Thank you, sir.

12 I have no further questions, Your Honor.

13 **THE COURT:** All right. Mr. Purpura?

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

15 **THE COURT:** Mr. Wise?

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

17 **THE COURT:** All right. You are excused, sir.

18 (Witness excused.)

19 **THE COURT:** And is the next witness likely to be
20 lengthy or brief?

21 **MR. WISE:** Brief, I believe, Your Honor.

22 **THE COURT:** All right. Go ahead.

23 **MR. WISE:** The United States calls Keona Holloway.

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

25 KEONA HOLLOWAY, GOVERNMENT'S WITNESS, SWORN.

1 **THE CLERK:** Please be seated. Pull your chair all the
2 way up to the microphone.

3 State your full name for the record, and please spell
4 your first and your last name.

5 **THE WITNESS:** Keona Lacey Holloway, K-E-O-N-A,
6 H-O-L-L-O-W-A-Y, L-A-C-E-Y.

7 **THE COURT:** Go ahead, Mr. Wise.

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

9 DIRECT EXAMINATION

10 **BY MR. WISE:**

11 **Q.** Good morning, Ms. Holloway.

12 **A.** Good morning.

13 **Q.** Ms. Holloway, you're here today because you were
14 subpoenaed to testify; correct?

15 **A.** Yes.

16 **Q.** And you understood that meant you had to come to court?

17 **A.** Yes.

18 **Q.** Is it fair to say you don't want to be here, ma'am?

19 **A.** Yes.

20 **Q.** And you testified in the grand jury in this case, I
21 believe, on February the 2nd of 2017?

22 **A.** Yes.

23 **Q.** And that was also pursuant to a subpoena; right?

24 **A.** Yes.

25 **Q.** And since February of 2017, up until just now, you and I

~~HOLLOWAY DIRECT~~

1 or Mr. Hines or anyone haven't spoken; is that right?

2 **A.** No.

3 **THE CLERK:** Ms. Holloway, we need you to speak a
4 little louder, please.

5 **THE WITNESS:** Okay.

6 **BY MR. WISE:**

7 **Q.** Ms. Holloway, do you know Oreese Stevenson?

8 **A.** Yes.

9 **Q.** And how do you know him?

10 **A.** He's my boyfriend.

11 **Q.** And how long have you been together?

12 **A.** Like 15 years.

13 **Q.** So if he said seven or eight, do you think he made a
14 mistake?

15 **A.** Sorry?

16 **MS. WICKS:** Objection.

17 **THE COURT:** Sustained.

18 **BY MR. WISE:**

19 **Q.** Been 15 years?

20 **A.** Yes.

21 **Q.** And he said -- you said he's your boyfriend.

22 Are you -- do you consider each other common-law spouses,
23 like husband and wife?

24 **A.** Yes.

25 **Q.** And do you have children together?

~~HOLLOWAY DIRECT~~

1 A. Yes.

2 Q. And what do you do for a living, Ms. Holloway?

3 A. I'm a nursing assistant.

4 Q. And how long have you been a nursing assistant?

5 A. 11 years.

6 Q. How old are you, Ms. Holloway?

7 A. 33.

8 Q. Now, I want to ask you about March 22nd of 2016; okay?

9 A. Yes.

10 Q. And that's what you were asked about in the grand jury;
11 correct?

12 A. Yes.

13 Q. And at the time you appeared before the grand jury, you
14 had immunity to testify; correct?

15 A. Yes.

16 Q. And you have that today; is that your understanding?

17 A. I hope so, yes.

18 Q. Okay. And what do you understand that to mean?

19 A. That, I guess, whatever I say cannot be used against me.

20 Q. And what do you have to do?

21 A. Tell the truth.

22 Q. Okay. Were you charged with anything based on what
23 happened on March 22nd of 2016?

24 A. No.

25 Q. Ever?

~~HOLLOWAY~~ ~~DIRECT~~

1 A. Never.

2 Q. So when you testified in the grand jury, you weren't
3 facing any charges; correct?

4 A. No, I wasn't.

5 Q. And you're not facing any today?

6 A. No, I'm not.

7 Q. Now, where were you living on March 22nd of 2016?

8 A. At 1604 Heathfield Road.

9 Q. And who were you living with?

10 A. Oreese Stevenson and our two children.

11 Q. How old were your children?

12 A. 12 and 3.

13 Q. And was the 12-year-old a boy?

14 A. Yes.

15 Q. And was the 3-year-old a girl?

16 A. No. Boy.

17 Q. Both boys.

18 And were you at work that day, March 22nd, 2016,

19 Ms. Holloway?

20 A. Yes.

21 Q. What happened at around 5:30 in the evening?

22 A. I received a call from my son telling me that there was
23 someone in our house.

24 Q. And this is your 12-year-old?

25 A. Yes.

~~HOLLOWAY DIRECT~~

1 Q. Was he -- well, was he waiting for you to come home?

2 A. Yes.

3 MR. NIETO: Objection, Your Honor.

4 THE COURT: Overruled.

5 BY MR. WISE:

6 Q. What was he doing when he called? Was he waiting for you
7 to come home?

8 A. Yes, he was waiting --

9 MR. NIETO: Objection, Your Honor.

10 THE COURT: Overruled.

11 BY MR. WISE:

12 Q. And what did you do when he called you and said there were
13 people trying to get in the house?

14 A. I left work and came home.

15 Q. And when you got there -- well, did you call anyone on
16 your way home?

17 A. Yes; my mother-in-law.

18 Q. Your mother-in-law?

19 A. Yes.

20 Q. So Mr. Stevenson's mother?

21 A. Yes.

22 Q. And did you go home?

23 A. Yes, I went home.

24 Q. Did she go to your home too, Mr. Stevenson's mother, your
25 mother-in-law?

~~HOLLOWAY DIRECT~~

1 A. Yes, she did.

2 Q. And when you got home, who was at your house?

3 A. Two officers.

4 Q. And where were they?

5 A. They were in my living room.

6 Q. Okay. And you previously were shown -- well, in the
7 grand jury you were shown some pictures, do you recall?

8 A. Yes.

9 Q. And you picked out the officers that were in your living
10 room?

11 A. Yes.

12 Q. I'm going to show you FBI-2.

13 And if I could, is that -- FBI-2, is that the picture you
14 picked out as one of the officers that was in your living room?

15 A. Yes.

16 Q. And was he alone?

17 A. No.

18 Q. You said there was another officer there with him?

19 A. Yes.

20 MR. WISE: And if I could have FBI-7.

21 BY MR. WISE:

22 Q. Is this the other officer that was there with you?

23 A. Yes.

24 Q. Were these police officers in uniform?

25 A. I believe they were. I can't really remember, but I

~~HOLLOWAY DIRECT~~

1 believe they were.

2 Q. So you knew they were police officers?

3 A. Yes.

4 Q. Were they armed?

5 A. I'm not sure.

6 Q. Okay. So you -- do you remember if you could see their
7 guns or not?

8 A. I can't remember.

9 Q. Knowing that they were police officers, did you believe
10 they were armed?

11 A. Yes.

12 Q. Now, once you were in the living room, what happened?

13 A. They told me that they were here because Oreese was
14 arrested and they -- Oreese sent them there and --

15 Q. They said Oreese sent them there?

16 A. Yes.

17 Q. Okay.

18 A. And they told me that they sent -- he sent them there so
19 that I wouldn't be arrested.

20 Q. So that you --

21 A. That I wouldn't be arrested.

22 Q. So that you wouldn't be arrested?

23 A. Right.

24 Q. Do you remember which officer said that, the first picture
25 you saw or the second?

1 **A.** The first picture.

2 **MR. WISE:** So if I could have FBI-2 up again.

3 **BY MR. WISE:**

4 **Q.** This picture?

5 **A.** Yes.

6 **Q.** And when you were in the house, were you free to move
7 around the house?

8 **A.** No.

9 **Q.** What -- where did you have to stay?

10 **A.** In the living room.

11 **Q.** Did they tell you how they got in the house?

12 **A.** No. I can't recall them telling me how -- no.

13 **Q.** Okay. Now, you testified you're in the living room -- did
14 you say that's where you were? I'm sorry if I --

15 **A.** Yes, the living room.

16 **Q.** And you said you couldn't move around; is that right?

17 **A.** Yes.

18 **Q.** How long did that go on for?

19 **A.** Maybe -- maybe eight hours, even longer, they were there.
20 When I got home up until the next morning.

21 **Q.** Okay.

22 **A.** So it was a long time.

23 **Q.** So you testified you got the call from your son, your
24 12-year-old, at about 5:30 and then you went home; right?

25 **A.** Yes.

~~HOLLOWAY DIRECT~~

- 1 Q. And then do you remember how long it took you to get home?
- 2 A. Maybe 30 minutes, 35 minutes.
- 3 Q. Okay. So then 6:00 or 6:30 you're in the house?
- 4 A. Yes.
- 5 Q. And these two officers are in the house?
- 6 A. Yes.
- 7 Q. And how long did you actually, I guess, stay in that
- 8 living room before more officers came?
- 9 A. I would say maybe -- it was late -- maybe six hours, yeah,
- 10 probably about six hours before any other officer showed up.
- 11 Q. And what was going on while you were there for all those
- 12 hours before the other officers showed up?
- 13 A. We were just basically sitting there. Oh, the one
- 14 officer, he just kept moving, going from the living room to the
- 15 basement.
- 16 Q. Which officer, the first picture or the --
- 17 A. The first picture, yes.
- 18 **MR. WISE:** If we could have that up again, FBI-2.
- 19 **BY MR. WISE:**
- 20 Q. So you testified he kept going from the living room to the
- 21 basement?
- 22 A. Yes.
- 23 Q. Did you know what was in your basement? I mean, you
- 24 probably knew what was in your basement. Did you know there
- 25 was a safe in your basement?

1 **A.** No, I didn't.

2 **Q.** Did you know there were drugs in your basement?

3 **A.** No, I didn't.

4 **Q.** Did you know if there were any guns in the basement?

5 **A.** No, I didn't.

6 **Q.** So did you know why FBI-2 was going down to that basement?

7 **A.** No, I didn't.

8 **Q.** And then at some point you testified two other officers
9 came?

10 **A.** Yes.

11 **Q.** And in the grand jury you picked out pictures of those
12 officers.

13 Do you remember that?

14 **A.** Yes.

15 **MR. WISE:** And if I could have FBI-3.

16 **BY MR. WISE:**

17 **Q.** Is this one of the other officers that came?

18 **A.** Yes.

19 **MR. WISE:** And if I could have FBI-6.

20 **THE WITNESS:** Yes.

21 **BY MR. WISE:**

22 **Q.** That's another one?

23 **A.** Yes.

24 **Q.** Now, what happened when these two officers joined the
25 other two officers that were already there in your house? What

~~HOLLOWAY DIRECT~~

1 happened?

2 **A.** One came in; he read me my rights. He showed me a piece
3 of paper, said that it was a warrant.

4 **Q.** Which one?

5 **A.** The one to the right.

6 **Q.** So that's FBI-3, the officer on the right?

7 **A.** Yes.

8 **Q.** You said he showed you a piece of paper and said it was a
9 warrant?

10 **A.** Yes. He also told me that I would have to leave the house
11 because they were going to search. He also pulled out a set of
12 keys. And the other officer was recording, and he was putting
13 the keys in the door. And that's all that I can remember.

14 **Q.** So just to be clear, you said he -- you said the officer
15 on the right, FBI-3, he brought out a set of keys?

16 **A.** Uh-huh.

17 **Q.** Were those Oreese Stevenson's keys?

18 **A.** Yes.

19 **Q.** And what did he do with them?

20 **A.** He put them into our door while the other officer recorded
21 him doing it.

22 **Q.** And so they were already in the house; right?

23 **A.** Yes.

24 **Q.** And these other two officers had been there for hours;
25 correct?

~~HOLLOWAY DIRECT~~

1 A. Yes. Yes.

2 Q. But they made a video as if it looked like they were just
3 coming in?

4 A. Yes.

5 MR. NIETO: Objection, Your Honor.

6 THE COURT: Sustained.

7 BY MR. WISE:

8 Q. Now, when FBI-3 told you you had to leave, did you believe
9 you had to leave?

10 A. Yes.

11 Q. And what do you -- what did you think would happen to you
12 if you refused?

13 A. Arrested.

14 Q. Okay. Did you leave when you were told you had to?

15 A. Yes, I did.

16 Q. But where did you go then?

17 A. I sat in the car for a long time.

18 Q. Where was the car?

19 A. Parked like directly across the street from the house, so
20 I could still see my house.

21 Q. Okay. So you were still -- you didn't actually leave?

22 A. No, no.

23 Q. You sat in the car outside the house?

24 A. Yes.

25 Q. And how long did you sit in the car outside the house?

HOLLOWAY DIRECT

1 A. Maybe till maybe 4 o'clock in the morning, and then I
2 left.

3 Q. And were the officers -- where were the officers?

4 A. They were still inside.

5 Q. Okay. Why did you eventually leave?

6 A. It was late. I was tired.

7 Q. Did you have to go to work the next day?

8 A. I -- I had to, but I didn't go.

9 Q. Okay. Now, at some point did you come back to the house?

10 A. Yes.

11 Q. When did you do that?

12 A. The next day.

13 Q. And what did you find when you went into the house?

14 A. The first thing I seen was a piece of paper on the table
15 with a list of items that they had found in the house.

16 Q. Okay.

17 A. And then the rest of the house, just things that they had
18 moved around and looked through.

19 Q. What did you find when you went down to the basement?

20 A. The safe. And it was like opened with stuff all over the
21 place, like maybe they bust it open or whatever. I guess like
22 the stuff from the safe.

23 Q. If you could move just a little bit closer to the
24 microphone and maybe speak just a little bit louder.

25 A. I'm sorry.

~~HOLLOWAY~~ ~~DIRECT~~

1 Q. That's all right.

2 A. It was the safe, but it was opened. And it looked like it
3 may have been bust open, so like a lot of white powder, maybe
4 like cement-like things. It was all over the floor.

5 Q. Okay. And did you notice if anything was missing that you
6 knew about before the search?

7 A. The only thing that I knew that was missing was a watch
8 that was in our house.

9 Q. Okay.

10 A. And like bags of clothes that we had just purchased.

11 Q. Okay. At some point did you talk to Mr. Stevenson on the
12 phone where he -- when he was, I guess, in jail?

13 A. Yes, I did.

14 Q. And what did you two talk about?

15 A. The stuff that was missing from the house.

16 Q. Okay. Had you known that there was money in the house
17 before you talked to him?

18 A. No. I mean, I kind of suspected that it was something in
19 the safe because they broke into it. So . . .

20 Q. Okay. Did he tell you that there had been money in the
21 house?

22 A. After I spoke with him.

23 Q. After you spoke with him?

24 A. Uh-huh.

25 Q. Okay. Did you -- you testified you didn't even know the

~~HOLLOWAY~~ ~~CROSS~~

1 money was there. Did you know at the time if he was selling
2 drugs?

3 **A.** Not really, no.

4 **Q.** Okay.

5 **A.** But, you know, you kind of have your suspicions, so . . .

6 **Q.** Okay. Did you also have a security system at your house?

7 **A.** Yes.

8 **Q.** And what kind of security system?

9 **A.** ADT.

10 **Q.** And what was the condition of that security system when
11 you came back the next morning?

12 **A.** The motion sensors were ripped off of the wall.

13 **Q.** Okay. Had they been on the wall before the police got
14 there?

15 **A.** Yes, they were.

16 **Q.** And you testified that the safe was broken open when you
17 got there. Was there anything left inside of it?

18 **A.** No.

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

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

21 Mr. Nieto?

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

23 CROSS-EXAMINATION

24 **BY MR. NIETO:**

25 **Q.** Good morning, Ms. Holloway.

1 **A.** Good morning.

2 **Q.** All right. So you had been with Mr. Stevenson --

3 **THE CLERK:** Excuse me, Mr. Nieto.

4 **MR. NIETO:** Yes, ma'am.

5 **THE CLERK:** Microphone, please. Thank you.

6 **MR. NIETO:** Yes, ma'am.

7 **BY MR. NIETO:**

8 **Q.** Can you hear me, ma'am?

9 **A.** Yes.

10 **Q.** All right.

11 **THE CLERK:** Excuse me again. Is it on?

12 **MR. NIETO:** Can you hear me?

13 **THE CLERK:** Yes.

14 **BY MR. NIETO:**

15 **Q.** All right. So, Ms. Holloway, how long had you been with
16 Mr. Stevenson?

17 **A.** I said about 15 years.

18 **Q.** All right. So highs and lows, goods and bads, right?

19 **A.** Yes.

20 **Q.** You guys had been through it all; right?

21 **A.** Yes.

22 **Q.** And you were aware that he was dealing drugs?

23 **A.** No, I wasn't.

24 **Q.** At all throughout the pendency of your relationship?

25 **A.** No, I wasn't.

~~RELEVANT~~ ~~CROSS~~

1 Q. All right. Are you -- did you come to find out that he
2 was, in fact, selling drugs?

3 A. After the fact, yes.

4 Q. After the fact. Did you talk about that over the
5 jail calls?

6 A. No.

7 Q. When he called you or you guys spoke after he'd been
8 arrested, did you talk about his pending case?

9 A. Yes.

10 Q. Right. Did he tell you about the drugs that were found in
11 his car?

12 A. No.

13 Q. He didn't talk about that at all?

14 A. No.

15 Q. Did you ask him at all about that?

16 A. No.

17 Q. You didn't have any interest as to why he was arrested?

18 A. No. I mean, what -- he told me he was arrested, but he
19 didn't really say over the phone what he was arrested for. So
20 it wasn't --

21 Q. Over the phone. Did you get a chance to visit with him
22 and meet with him?

23 A. Yes, I did.

24 Q. And when you talked to him, did you guys talk about it
25 then?

1 A. Oh, yes, yes.

2 Q. Okay. So you -- did you choose not to talk about it over
3 the phone?

4 A. Yes.

5 Q. Was there a reason for that choice?

6 A. Not really.

7 Q. Okay. It wasn't because the calls are recorded; right?

8 A. Not really. We just didn't talk about it.

9 Q. Okay. And so did he admit to you that he had drugs in the
10 car?

11 A. No. I -- I can't really recall exactly if he said that he
12 had drugs in the car. I mean, he told me what they found, but
13 he didn't say if they were his or not, so -- but he did tell me
14 that they were in the car, drugs and money.

15 Q. So he -- but he did tell you there were drugs in the car?

16 A. Right.

17 Q. He just didn't say they were his?

18 A. Right.

19 Q. Okay. Did he talk to you at all about Demetrius Brown?

20 A. He just said that he was there.

21 Q. Okay. That is a fair question.

22 Do you know who Demetrius Brown is, ma'am?

23 A. No.

24 Q. Okay. You'd never met him before?

25 A. Never.

1 Q. Never come by the house to spend time with you and your
2 family?

3 A. Never.

4 Q. All right. And so I think you had said under direct, when
5 the Government asked you if you knew that he -- that
6 Mr. Stevenson was selling drugs, I believe you said "not
7 really, no"; am I correct?

8 A. Right.

9 Q. When you said "not really," it's not a definitive "no."
10 What did you mean by that, ma'am?

11 A. I mean, you know, you have your suspicions, you know. But
12 I didn't -- like, he didn't tell me, like, I'm selling drugs,
13 you know. But just some things, you know, just moving in and
14 out, you know, so . . .

15 Q. And I'm sorry, ma'am. My hearing's not that good.

16 When you say you had some suspicions --

17 A. Yes.

18 Q. -- what were these suspicions?

19 A. Because of the way he was moving, like, you know, in and
20 out of the house some, you know, times of the nights and stuff
21 like that. Again, like I said, I've been through this with him
22 before. So -- and that was the reason why for my suspicions.
23 But, no, I didn't know for sure.

24 Q. So when you say, ma'am, that you had gone through this
25 with him before, these suspicions had come to light previously

1 in your relationship?

2 **A.** Years ago, yes.

3 **Q.** Years ago?

4 **A.** Uh-huh.

5 **Q.** And were you able to confirm, either at the time or
6 sometime later, that those suspicions were, in fact, accurate
7 and that he was selling drugs?

8 **A.** No, not until the --

9 **Q.** Not until what, ma'am?

10 **A.** Not until he was arrested.

11 **Q.** Okay. In this case or previously?

12 **A.** Yes, until this case.

13 **Q.** Okay. And then that put all this other stuff in context?

14 **A.** Right.

15 **Q.** I see. Okay. Now, he wasn't employed at the time?

16 **A.** No.

17 **Q.** Right. He had been a truck driver, but he had been laid
18 off for a few months; right?

19 **A.** Yes.

20 **Q.** And then he was able to get a job thereafter?

21 **A.** Right.

22 **Q.** Okay. So were you surprised to find out that, according
23 to Mr. Stevenson, there was approximately \$300,000 in cash in
24 your house?

25 **A.** Yes.

~~RECEIVED~~ ~~CROSS~~

1 Q. And you lived in this house; right?

2 A. Yes.

3 Q. And your children lived in this house?

4 A. Yes.

5 Q. You had a 12-year-old son. And how old was your daughter,
6 ma'am?

7 A. Another son, 3-year-old.

8 Q. I'm sorry. Another son. I'm sorry. 3-year-old?

9 A. Yes.

10 Q. Okay. So were you concerned there were other things in
11 the house that you didn't know about?

12 A. No. Actually, I wasn't. Only because I didn't think that
13 he would do -- bring anything else into our house. So, I
14 mean . . .

15 Q. Well, did you know, ma'am, that there were guns found in
16 the house?

17 A. Later when I found out, yes.

18 Q. Okay. And did you know that there were substantial
19 quantities of drugs found in the house?

20 A. Later, when I found out, yes.

21 Q. Do you know how many -- what the quantities of drugs were?

22 A. No.

23 Q. Okay. Do you know the -- like are we talking kilos or
24 small amounts? Do you know any of that?

25 A. I can't remember. I -- I remember what they wrote on the

~~FOLLOWUP~~ ~~CROSS~~

1 paper that they found. Maybe I think they said six or
2 something like that, but I'm not sure.

3 Q. Okay. So it could be 6 kilograms of --

4 A. Yes.

5 Q. -- drugs?

6 A. Uh-huh.

7 Q. Okay. And did Mr. Stevenson ever talk to you about this?

8 A. No.

9 Q. Did you ever ask him about it?

10 A. No.

11 Q. You never asked him about drugs or guns in the house?

12 A. Why? What reason would I have?

13 Q. Well, I believe you said, ma'am, that you have young
14 children in the home; right?

15 A. Right. But why would I ask him about anything if I didn't
16 know about it?

17 Q. But subsequent to finding out about it --

18 A. I mean, after the fact --

19 Q. -- did you talk to him about it?

20 A. Oh, yes, of course.

21 Q. I'm sure you must have read him the riot act, right, after
22 he got arrested?

23 A. Of course.

24 Q. Told him he can't be bringing drugs and guns into the
25 house?

~~FOLLOWUP~~ ~~CROSS~~

1 A. Yes.

2 Q. Your children's safety is of incredible importance; right?

3 A. Right.

4 Q. Okay. And you're not selling drugs?

5 A. Of course not.

6 Q. Okay. And so did he acknowledge that the drugs in the
7 house were his?

8 A. Yes.

9 Q. Did he -- did he tell you what he was going to do with
10 those drugs?

11 A. No.

12 Q. All right. Were they for personal use? Was he going to
13 get high?

14 A. I don't know.

15 Q. Had you ever seen him get high before?

16 A. Never.

17 Q. Have you ever seen him snort 6 kilograms of cocaine
18 before?

19 A. Never.

20 Q. Okay. But you had no knowledge of the safe in the
21 basement?

22 A. No.

23 Q. So that was Mr. -- Mr. Stevenson kept that from you?

24 A. Yes.

25 Q. And you had no knowledge of the contents?

~~RELEVANT~~ ~~CROSS~~

1 A. No, I didn't.

2 Q. All right. Now, ma'am, the -- do you know if

3 Mr. Stevenson has a civil case against the police department or
4 the officers in this matter?

5 A. No, he doesn't.

6 Q. He does not?

7 A. No.

8 Q. All right. Do you or your family have a civil case
9 pending?

10 A. No, we do not.

11 Q. Have you been in contact with an attorney --

12 A. No.

13 Q. -- about that?

14 A. No.

15 Q. All right. Now, you had not spoken with the federal
16 prosecutors recently about your testimony; is that correct?

17 A. Yes.

18 Q. All right. And so you had received a subpoena --

19 A. Yes.

20 Q. -- and that's why you were brought here?

21 A. Yes.

22 Q. All right. Now, you had said that your 12-year-old son
23 was at the house --

24 A. Yes, he was.

25 Q. -- right?

1 And he was outside; right?

2 A. Yeah, yes.

3 Q. And he had sort of run off --

4 A. Yes.

5 Q. -- when the police officers were there?

6 A. Uh-huh.

7 Q. Okay. And -- strike that.

8 MR. NIETO: Court's indulgence.

9 BY MR. NIETO:

10 Q. So, ma'am, when Mr. Stevenson was laid off, you were still
11 working; right?

12 A. Yes.

13 Q. And you were working at an assisted-living facility?

14 A. Yes.

15 Q. So you were the primary or sole provider for the family?

16 A. Right.

17 Q. And there were four of you; right?

18 A. Yes.

19 Q. And so did Mr. Stevenson in any way whatsoever bring any
20 money or any cash or contributed to the family's finances
21 during that time period?

22 A. Yes.

23 Q. And did you ever ask him about where that money had come
24 from?

25 A. No.

~~FOLLOWUP~~ ~~CROSS~~

1 Q. Did he ever tell you where the money had come from?

2 A. No.

3 MR. NIETO: Court's indulgence, if I may.

4 BY MR. NIETO:

5 Q. And I'm sorry, ma'am. Just one or two more questions.

6 A. Uh-huh.

7 Q. The -- in the basement -- when you went back the next day,
8 you said you had seen the safe on the floor?

9 A. Yes.

10 Q. But you had never seen that safe before?

11 A. No.

12 Q. All right. Now, the washer and dryer are downstairs;
13 right?

14 A. Yes.

15 Q. And that's in fairly close proximity to where that safe
16 was?

17 A. Yes.

18 Q. Now, had you used the washer and dryer prior to the police
19 coming to your house on that day?

20 A. Yes.

21 Q. More than once?

22 A. Every day.

23 Q. Every day?

24 A. Uh-huh.

25 Q. And so in your -- in going up and down the stairs to the

1 basement and using the washer and dryer, you never once saw
2 kilos of drugs or this safe?

3 **A.** Never.

4 **Q.** Was the safe hidden?

5 **A.** Maybe. Could have or we have another area in our
6 basement.

7 **Q.** I'm sorry, ma'am?

8 **A.** We have another area in our basement that's closed off.

9 **Q.** All right. But I'm suggesting close to the washer and
10 dryer, if the safe were there, would you have seen it, do you
11 think?

12 **A.** Oh, of course, yes.

13 **MR. NIETO:** Okay. All right. Thank you.

14 Nothing further, Your Honor.

15 **THE COURT:** Any redirect?

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

17 **THE COURT:** Okay. Thank you very much. You are
18 excused.

19 **THE WITNESS:** Okay.

20 (Witness excused.)

21 **THE COURT:** We'll take a short recess and then another
22 witness.

23 (Jury left the courtroom at 11:37 a.m.)

24 (Recess taken.)

25 (11:54 a.m.)

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

2 But if I could see counsel at the bench for a minute.

3 (Bench conference on the record:

4 **THE COURT:** I just wanted to let you know I got a call
5 in chambers from Justin Fenton from the Sun asking about the
6 availability of reviewing and/or copying exhibits in the case.
7 He said apparently this happens in Circuit Court at the end of
8 the day; there's a clerk that facilitates it.

9 Specifically, he wants to ask if it is possible to
10 record with his cell phone the video that was played for the
11 jurors of the people breaking open the safe. It's just my
12 communication through my clerk.

13 My response had been essentially that we don't
14 ordinarily do that but that he could put it in writing if there
15 was something that he specifically wanted and why.

16 So first question just logistically, I mean, Ms. Moyé
17 doesn't have that video. You do.

18 **MR. WISE:** Right. We mark them, and then she gives
19 them back to us at the end of the day and then we hold them.
20 So we have it on a CD.

21 **THE COURT:** Okay. If you all want to think about
22 whether you want to take any position on that. I mean,
23 obviously we're not pretrial, so you will not be adding to any
24 pretrial publicity at this point.

25 **MR. NIETO:** I'm just sort of thinking here,

1 Your Honor. There was a great deal of pretrial publicity.
2 There's been a great deal of trial publicity. I have some
3 concerns about exhibits from our trial being provided to the
4 press for them to write stories on them and to release.

5 We already know that one alternate, although confessed
6 to it, did a little bit of digging on her own. That, of
7 course, cautions me that there may be others on the jury who
8 might be doing the exact same thing.

9 And I know the protective order wouldn't necessarily
10 apply to this. But in the sense that there is -- we're just
11 trying to maintain the integrity of this trial.

12 And I have some issues with it just sort of on a
13 rudimentary level with the press going through our exhibits and
14 opining about it and writing about it and essentially, from our
15 position, sentencing our clients before the jury has even begun
16 to deliberate, which they've done since March of last year.

17 But I have to think about it a little bit further.

18 **THE COURT:** All right. Sure. That's why I'm bringing
19 it up, so you can reflect on it, and maybe we'll talk about it
20 a little bit later during the day.

21 Okay. Thank you.

22 **MS. WICKS:** Is that another note?

23 **THE COURT:** That was the one that told our witness to
24 keep their voice up.

25 **MS. WICKS:** Oh, okay. Just checking. Thank you.)

1 (Bench conference concluded.)

2 **THE COURT:** All right. If the Government's ready for
3 the next witness, we'll bring in the jury; is that right?

4 **MR. WISE:** We are, Your Honor.

5 Do you want us to bring him in now before the jury,
6 Your Honor?

7 **THE COURT:** If he's outside, you can start getting
8 him.

9 **MR. WISE:** Okay.

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

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

12 **THE CLERK:** Please stand, sir. Please raise your
13 right hand.

14 SERGIO SUMMERVILLE, GOVERNMENT'S WITNESS, SWORN.

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

16 Please speak directly into the microphone.

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

18 **THE CLERK:** State your full name for the record and
19 spell your last name, please.

20 **THE WITNESS:** Sergio Shaw Summerville,
21 S-U-M-M-E-R-V-I-L-L-E.

22 **THE CLERK:** Please spell your first name.

23 **THE WITNESS:** S-E-R-G-I-O.

24 **THE CLERK:** Thank you.

25 **THE COURT:** Go ahead.

MR. WISE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. WISE:

Q. Good morning, Mr. Summerville.

A. Good morning.

Q. Mr. Summerville, what do you do for work?

A. Catering at the moment.

Q. Catering?

A. Yes.

Q. And without giving us your street address, where do you live?

A. In the -- in the city.

Q. Okay. And where did you grow up?

A. In the city.

Q. And how far did you go in school?

A. 12th grade.

Q. Now, Mr. Summerville, I'm going to be asking you some questions about something that happened on September the 7th of 2016; okay?

A. Yes.

Q. And you've testified about that day in the grand jury in this investigation; isn't that right?

A. Yes.

Q. And you were given immunity when you testified; correct?

A. Yes.

~~SUMMERVILLE DIRECT~~

1 Q. And you have immunity today as well; isn't that right?

2 A. Yes.

3 Q. And what do you understand that to mean?

4 A. That anything I say can't incriminate me.

5 Q. And what do you have to do?

6 A. What you mean, what do I have to do?

7 Q. Do you have the tell the truth, Mr. Summerville?

8 A. Yes. Yes.

9 Q. Okay. Now, were you ever charged for what happened on
10 September the 17th of 2016?

11 A. No, sir.

12 Q. So at the time you testified in the grand jury, you
13 weren't under any criminal charges; is that right?

14 A. No, sir.

15 Q. And you're not facing any criminal charges here today, are
16 you?

17 A. No, sir.

18 Q. Now, I asked you some questions about what you did for a
19 living now and where you live now. But back in September of
20 2016, did you have a home?

21 A. No, sir.

22 Q. Where were you living or how were you living?

23 A. I was here and there. I would go back and forth to the
24 storage place where the incident happened. That's where I kept
25 all my clothes and everything. I would go change clothes and

~~SUMMERVILLE DIRECT~~

1 stuff there.

2 Q. So just so I understand, you were using a storage unit to
3 store your clothes and other things?

4 A. Yes.

5 Q. But you didn't have a place to live?

6 A. No.

7 Q. Were you basically homeless at that time, Mr. Summerville?

8 A. Yes, yes.

9 Q. And you said you do catering now. Were you -- did you
10 have a job back in September of 2016?

11 A. No.

12 Q. How did you make whatever money you had to live on?

13 A. I sold drugs.

14 Q. What kind?

15 A. What kind? Cocaine and heroin.

16 Q. And what quantities?

17 A. Just small.

18 Q. Small amounts?

19 A. (Nods head.)

20 Q. Is that yes?

21 A. Yes.

22 Q. And did you also keep -- did you keep those drugs in the
23 storage unit along with your clothes and other things?

24 A. Yes.

25 Q. Now, on September the 17th of 2016, did you go to your

1 storage unit?

2 **A.** Yes.

3 **Q.** And why did you go there?

4 **A.** I was going to change clothes 'cause I was going out
5 somewhere with my friend.

6 **Q.** And how did you get there?

7 **A.** He gave me a ride.

8 **Q.** And what time of day was this?

9 **A.** This was in the evening. It just got dark, so it had to
10 be like 7:00, 6:40, between 6:40 and 7:00.

11 **Q.** Okay. And did your friend take you there?

12 **A.** Yes.

13 **Q.** What did you do at the storage unit?

14 **A.** I went in, changed clothes, grabbed a hat and pair of
15 glasses, and I came right out.

16 **Q.** What happened when you came out?

17 **A.** When I came out, I put the code in to exit -- to exit, and
18 that's when the officers confronted me.

19 **Q.** And how did the -- when you said the officers confronted
20 you, describe what happened as you were trying to leave the
21 storage facility.

22 **A.** After I put the code in there, I got in the car. I seen
23 headlights from a distance, probably like 20 feet across the
24 street parked at like an angle like they was watching the whole
25 time.

1 I really -- the car wasn't there when I went in; but when
2 I came out, the car was right there. So as soon as the gate
3 went to slide open (indicating), they closed in.

4 **Q.** Okay. How many cars were there?

5 **A.** Two.

6 **Q.** Now, what happened once they closed in the way you
7 described?

8 **A.** They rushed in, Get out the car. Get out the car. Put
9 your hands where I can see them.

10 All the -- you know, the usual. Then they told me they
11 had warrants and they would -- one of them said they was DEA
12 and all this. You know what's going on.

13 I'm like, No, I don't.

14 **Q.** So I'm going to ask you some questions about that.

15 But were you in your friend's car when they boxed you in?

16 **A.** Yes, we was still in the car.

17 **Q.** And you said the officers told you to get out of the car?

18 **A.** Yes.

19 **Q.** Did anyone take you out of the car?

20 **A.** Yeah. Yes.

21 **Q.** And I'm going to show you some pictures and then a video.

22 Did you know if there was a video-recording system at the
23 storage unit?

24 **A.** No, I didn't.

25 **Q.** Okay. But when you -- before you testified in the

~~SUMMERVILLE DIRECT~~

1 grand jury, you were actually shown a video and then some still
2 images from that video; isn't that right?

3 **A.** Yes.

4 **Q.** Okay. And I'm going to show you a couple of those today.
5 So we'll start just in the upper right-hand corner.

6 Do you see this picture (indicating)?

7 **A.** Yes.

8 **Q.** Who's this (indicating)?

9 **A.** That's me.

10 **Q.** All right. And were these -- is this from that night?

11 **A.** Yes.

12 **Q.** And who is this man here (indicating)?

13 **A.** That's -- that's my friend Fats.

14 **Q.** Was he the person that brought you there?

15 **A.** Yes.

16 **Q.** And these two officers were obviously there; right?

17 **A.** Yes.

18 **Q.** And then if we look at this picture, you said that's Fats;
19 right?

20 **A.** Yes.

21 **Q.** And we saw this officer up here or here; right?

22 **A.** Yes.

23 **MS. WICKS:** Objection.

24 **THE COURT:** Sustained.

25 **BY MR. WISE:**

~~SUMMERVILLE DIRECT~~

1 Q. And who's this? Was this another officer who was there?

2 A. Yes.

3 Q. All right. And then in this picture, is this a -- I guess
4 a third officer at this point?

5 A. Yes.

6 Q. And then if we go to the next page, is this another of the
7 officers that was there that night?

8 A. Yes.

9 Q. Okay.

10 THE CLERK: Mr. Wise, what was the exhibit number?

11 MR. WISE: I'm sorry, that was SS-2.

12 THE CLERK: Thank you.

13 BY MR. WISE:

14 Q. And so as you tell us about what happened, if it helps,
15 you can tell me which one of the officers in the picture said
16 something or did something, if you recall. Okay?

17 A. Well, the one that has me right here (indicating) in -- I
18 don't know which -- the picture right here to the right.

19 Q. This one (indicating)?

20 A. Yes.

21 Q. Okay. So you started to say that you were told that they
22 were DEA and they had a warrant.

23 A. Yes.

24 Q. Who was telling you that?

25 A. The one that has me right here (indicating), the one that

~~SUMMERVILLE DIRECT~~

1 has me, that's holding me right there.

2 **Q.** You know what you can do, Mr. Summerville? If you touch
3 the screen, it will make a mark. So when you say, "The one
4 that has me right here," you can touch the screen and put a
5 mark where he is.

6 **A.** Is the mark coming up? 'Cause I'm touching it. I don't
7 see no mark.

8 **THE CLERK:** Use your fingernail.

9 **MR. WISE:** Can we turn that on?

10 **THE CLERK:** It should be.

11 **MR. WISE:** Should I see if I can do it?

12 **THE CLERK:** Yeah, see if you can.

13 **MR. WISE:** That's a big one.

14 **BY MR. WISE:**

15 **Q.** Well, I'll use my pen. Is this the one -- is this the
16 officer -- the officer with the vest and the gray short
17 sleeves, is he the one that said he was DEA or something?

18 **A.** Yes.

19 **Q.** And who told you they had a warrant?

20 **A.** It was -- it was him and another guy speaking, another
21 officer speaking, said they had a warrant and all this.

22 **Q.** Do you see the other officer that was speaking in the
23 pictures? And I can show you the others too.

24 **A.** It's just one right now. The other one is in -- the other
25 officer isn't in these pictures right here.

1 Q. Okay. So -- well, I can show you the second page.

2 Just on this question of who told you they had a warrant,
3 was it any of the pictures I've shown you?

4 A. Yes.

5 Q. Which one?

6 A. This one right here.

7 Q. This picture right here?

8 A. Yes.

9 Q. The white gentleman with the blue T-shirt under his vest?

10 A. Yes.

11 Q. Were you shown a copy of the warrant?

12 A. No.

13 Q. Did you ask for it?

14 A. Yes. They -- they didn't even know my name. After they
15 talked for a while and said, "We got a warrant. We're DEA,"
16 all this, and then kept pushing the issues, then they asked,
17 "What's your name?"

18 I said, "If you have a warrant and you know everything
19 that's going on, why you asking my name?"

20 Q. And who did you say that to? Did you say it to this --

21 A. Yes.

22 Q. -- this gentleman?

23 And what did he say in response?

24 A. Then one in the background said, "F it. Take him down as
25 a John Doe."

~~SUMMERVILLE DIRECT~~

1 Q. Okay. Once you were out of the car, were you put in
2 handcuffs?

3 A. Yes.

4 Q. And who put you in handcuffs, if you remember?

5 A. The guy, the officer right here.

6 Q. Okay. And where did you go then? Where did he put you
7 then?

8 A. He walked me off, walked me to the side and started
9 talking to me.

10 Q. What did he talk to you about?

11 A. First he told me he knew who I was; he knew where I was
12 from. He told me I was from the avenue or something, that --
13 and he knew what I had in there. Told me I had over thirty,
14 forty thousand, or something like that, a couple bricks or
15 something, some outrageous number.

16 Q. Did you have thirty or forty thousand dollars --

17 A. No.

18 Q. -- in your storage unit?

19 A. No.

20 Q. Did you have a couple of bricks?

21 A. No. Then he made me an offer, like, give him a number.
22 If it was only a certain amount of money, he would let me go.
23 Or if I could meet him every week, like, some type of extortion
24 speech.

25 Q. What do you mean "some type of extortion speech"?

~~SUMMERVILLE DIRECT~~

1 **A.** Like for my freedom, I would have to let him know who I
2 was dealing with and have a certain amount of money every week.

3 **Q.** Who were you supposed to give this money to?

4 **A.** Him -- well, them.

5 **Q.** All of them?

6 **A.** I guess.

7 **Q.** Or this group?

8 **A.** Yes. They came at me like a gang or something.

9 **Q.** Did you agree to that?

10 **A.** No.

11 **Q.** Did you tell them which storage unit was yours?

12 **A.** No.

13 **Q.** Did you tell them they could go in it if they figured it
14 out without you telling them?

15 **A.** No.

16 **Q.** At some point did you see -- well, did you have your --
17 did you have keys in your pocket?

18 **A.** Yes.

19 **Q.** And were those taken from you?

20 **A.** Yes.

21 **Q.** Was the storage unit key on that?

22 **A.** Yes.

23 **Q.** Now, at some point did you see them go into the storage
24 unit office, the facility's office?

25 **A.** Yes.

1 Q. And then what happened after that?

2 A. I guess they -- they -- they scared the guy that works
3 there to tell -- pulling up the last code that was put in on
4 the thing (indicating). So when they put the code -- when they
5 found out what last code was put in, that's when the unit, my
6 unit came up.

7 Q. Okay.

8 A. So that's when he got my information. And he came to me,
9 patted me down. They said, Oh, here go the keys. And they
10 went in.

11 Q. And how many officers went -- well, could you see the unit
12 from where you were?

13 A. No.

14 Q. So I'm just going to ask you, then, in the direction of
15 the unit. How many officers went in the direction of the unit?

16 A. Three of them walked off. Two or three walked off. The
17 other one sat there with me.

18 Q. Okay. And looking at the pictures, do you recall which
19 officers walked off towards the unit?

20 A. These three that's in the picture (indicating).

21 Q. Which picture? Upper left? Upper right? Lower left?
22 Lower right? Is it this one (indicating)?

23 A. Yes.

24 Q. Oh, okay. Now the arrows are working.

25 So the three in the upper right picture, the officer in

1 the gray -- the white officer in the gray vest, the
2 African-American officer with the black hat that's sort of
3 molded around his head --

4 **A.** Yes.

5 **Q.** -- and then the African-American officer with the black
6 hat with the flat brim?

7 **A.** Yes.

8 **Q.** All right. Did you have money in your storage unit?

9 **A.** Yes.

10 **Q.** Approximately how much?

11 **A.** Like 4800.

12 **Q.** And what -- how had you made that money?

13 **A.** Selling drugs.

14 **Q.** When you were first interviewed by the FBI, did you tell
15 them that's how much money you had in your unit or did you tell
16 them something else?

17 **A.** I told them -- at first I was a little nervous and jittery
18 about the situation, so I really didn't speak truthfully about
19 all the money.

20 **Q.** Okay. How much money did you tell them at first?

21 **A.** I told them I think about seventeen, eighteen hundred,
22 something like that.

23 **Q.** All right. And what did you have the money in?

24 **A.** In a sock.

25 **Q.** Like a sock you wear on your foot?

~~SUMMERVILLE DIRECT~~

1 **A.** Yes.

2 **Q.** And did you have any drugs in the unit?

3 **A.** Yes.

4 **Q.** What kind of drugs?

5 **A.** Heroin, cocaine, and marijuana.

6 **Q.** How much?

7 **A.** Probably about 1,000 in heroin, a couple hundred in
8 cocaine, and a couple hundred in marijuana.

9 **Q.** At some point did the officers come back from your unit?

10 **A.** Yes.

11 **Q.** And what, if anything, did you notice one of the officers
12 had in his hand?

13 **A.** He had the sock in his hand.

14 **Q.** And what did he do with the sock?

15 **A.** He -- he came -- he came to me with the sock. He gave me
16 the sock. Then I noticed when he gave me -- after they talked
17 and all, they gave me the sock back. I noticed the sock was
18 different.

19 **Q.** Different how?

20 **A.** It was laid out flat, 'cause when I had the sock and I had
21 it balled up and wrapped to be in a circle like this
22 (indicating) so when he brought me the sock back, it was light
23 and it was laid flat like this (indicating).

24 **MR. WISE:** Okay. If we could have -- if I could have
25 SS-1. And before you start it, Mr. Kerrigan . . .

~~SUMMERVILLE DIRECT~~

1 **BY MR. WISE:**

2 **Q.** Just to orient this, Mr. Summerville, is this the storage
3 facility?

4 **A.** Yes.

5 **Q.** And if I didn't ask you this, I should have: Whereabouts
6 in the city or outside the city, if it's outside the city, was
7 this storage facility?

8 **A.** It's close to the casino.

9 **Q.** The Horseshoe?

10 **A.** Yes.

11 **Q.** So sort of down by the stadiums?

12 **A.** Yes.

13 **Q.** Okay. And -- well, I'll play it and then I'll ask
14 Mr. Kerrigan to stop and I'll ask you some questions about it.

15 **MR. WISE:** But if you could play SS-1.

16 (Video played.)

17 **MR. WISE:** If you could stop there.

18 **BY MR. WISE:**

19 **Q.** So, Mr. Summerville, where are you?

20 **A.** It's kind of blurry.

21 **Q.** Yeah.

22 **A.** At this point I was either up against the wall right here,
23 if they still had me against the wall right here, or I was
24 sitting in the backseat of the car.

25 **Q.** Well, I'll play the whole thing, and then I can ask you

~~SUMMERVILLE DIRECT~~

1 about it.

2 **MR. WISE:** Why don't we keep playing it.

3 (Video played.)

4 **BY MR. WISE:**

5 **Q.** Did you see yourself in that, Mr. Summerville?

6 **A.** Yes.

7 **MR. WISE:** All right. And so maybe if we go back to
8 the beginning.

9 **BY MR. WISE:**

10 **Q.** Where were you?

11 **A.** In this area here (indicating).

12 **Q.** Over there?

13 **A.** Yes.

14 **Q.** Is that where you had been put after you had been
15 handcuffed?

16 **A.** Yes.

17 **MR. WISE:** All right. And if you'd stop there,
18 Mr. Kerrigan.

19 **BY MR. WISE:**

20 **Q.** What does the man at the back of the car have in his hand
21 (indicating)?

22 **A.** The sock.

23 **Q.** And what was in the sock?

24 **A.** The remainder of the money.

25 **MR. WISE:** Okay. And then if we keep playing it.

1 (Video played.)

2 **BY MR. WISE:**

3 **Q.** And is this when you were given back the sock,
4 Mr. Summerville?

5 **A.** Yes.

6 **Q.** And when you testified, you noticed that there was money
7 missing?

8 **A.** Yes.

9 **Q.** What happened after you were given the sock back? Were
10 you taken to Central Booking?

11 **A.** No.

12 **Q.** Well, what happened?

13 **A.** They just gave me the sock back. And one of 'em took out
14 a camera phone and put up to me and asked if I was harmed in
15 any type of way, what was my name.

16 **Q.** Were you harmed in any type of way?

17 **A.** No, I wouldn't say harmed but, I mean, a little roughed up
18 but I wouldn't say harmed.

19 **Q.** Okay. Did any of the officers try to get the code for the
20 storage unit from you?

21 **A.** Yes.

22 **Q.** Who did that?

23 **A.** He's not up here. I can't see him clearly right now. But
24 he asked -- when -- when they was letting Fats go, I wanted to
25 go to him and tell him the code or put the code in myself. But

1 they already told me holler it out loud.

2 So when I hollered out the code loud, I seen one of the
3 officers saving it in his phone.

4 Q. And was it this officer (indicating) or one of these
5 officers (indicating)? I can show you the first page, and I
6 can show you the second page.

7 A. He showed twice. It's still a officer's picture that
8 isn't up here, 'cause it was more than one white gentleman.

9 Q. So here's one white gentleman that you've talked about
10 (indicating).

11 A. Yes.

12 Q. And here's the other one.

13 Do you recall which one of the two white gentlemen, if it
14 was one of them?

15 A. Turn the page again. It was that one that put the number
16 in his phone.

17 Q. And he put it in his phone?

18 A. Yes.

19 Q. What did you do when he was putting the code in his phone?

20 A. I tried to reach over and look in his phone and say, What
21 you doing?

22 Then he elbowed me like this (indicating), so I backed up.

23 Q. And then were you let go?

24 A. Yes.

25 Q. And were you ever charged?

~~SUMMERVILLE DIRECT~~

1 A. No.

2 Q. Did you complain that money had been taken?

3 A. I noticed it, but, no, I didn't make a complaint.

4 Q. Why didn't you make a complaint?

5 A. I mean, I was kind of nervous and jittery about the whole
6 situation. Everything that happened, that transpired that
7 night, it really kind of shocked me. I didn't -- really didn't
8 understand it, so I just took it as a loss.

9 Q. Were you afraid that if you made a complaint, you might
10 get charged for the drugs that were in the storage unit?

11 MS. WICKS: Objection.

12 THE COURT: Sustained. Sustained.

13 THE WITNESS: Yes.

14 BY MR. WISE:

15 Q. Were drugs seized from the storage unit?

16 MS. WICKS: Objection.

17 THE WITNESS: Yes.

18 THE COURT: There was an objection that was sustained,
19 so disregard that question and answer.

20 If you want to restate it, you can, Mr. Wise.

21 MR. WISE: Sure.

22 BY MR. WISE:

23 Q. Were drugs seized from the storage unit?

24 A. Yes.

25 Q. Were you concerned you could be charged for those drugs?

~~SUMMERVILLE DIRECT~~

1 **A.** Yes.

2 **Q.** Is that why you didn't make a complaint?

3 **A.** Yes.

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

5 **THE COURT:** Ms. Moyé, we have a question.

6 Counsel, want to come up to the bench.

7 (Bench conference on the record:

8 **THE COURT:** A question for Mr. Summerville: Did one
9 of the officers crossing the video have his gun drawn? If so,
10 were you handcuffed at that time?

11 **MR. WISE:** Okay. That's fine.

12 **THE COURT:** Do you want to see it?

13 **MR. WISE:** Could I just . . .

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

15 Judge, I have another issue as well.

16 **THE COURT:** Okay.

17 **MR. PURPURA:** The Government knows that the person
18 who's been identified as the bulldog or the one that did all
19 the talking, there's been a photographic identification of him
20 before. And that photographic identification, shockingly, is
21 Jenkins and not Hersl.

22 So I believe, respectfully, that the Government knew
23 during the direct examination that this person was
24 misidentifying Hersl. But if not --

25 **MR. WISE:** No. He said at first -- he said that he's

1 the one who said he's DEA and he's the one who said we've
2 got -- you know, he said other things, but then he said -- he
3 made the comment about if you give us money --

4 **MR. PURPURA:** Can I have the photograph? Is this the
5 photograph that he identified as the person, the bulldog? Or
6 is there another photograph? 'Cause I want that photograph.

7 **MR. WISE:** We gave you the -- I mean, his transcript
8 identifies who identified as the bulldog, but he didn't say the
9 bulldog is the one that said --

10 **MR. PURPURA:** No. I'm sorry. I'm not being clear,
11 perhaps.

12 Judge, I'll show you what I have. I have an FBI 302
13 where a photograph was shown to this person, and this person
14 identifies Jenkins as the bulldog. And you'll see the person
15 that did all the talking, and I'm asking for that photograph.

16 **MS. WICKS:** In addition, just related is the other
17 identifications done by him. I think it's in this 302 or the
18 other one where he's identifying three individuals that are the
19 people that went towards the storage area. One of -- it did
20 not include Marcus Taylor. So that I'm requesting those
21 photographs that were shown.

22 **MR. WISE:** You've received all the photographs that
23 were shown in the grand jury.

24 **MR. PURPURA:** They have not -- are they numbered? Is
25 this the photograph? We don't know. Is this the photograph?

1 **MR. WISE:** Is it numbered in that?

2 **THE COURT:** I will say I don't recall the word
3 "bulldog" in the course of the testimony. I recall that he was
4 asked who said he was DEA, who said he had a warrant, all that.
5 And it was Jenkins that was identified as doing the talking at
6 the beginning.

7 And Mr. -- we know to be Mr. Hersl, but the one with
8 the photograph on the second page was pointed to as the one
9 that he had that conversation about the sock. That may or may
10 not be inconsistent with what was in the grand jury. Let
11 me . . .

12 I can't tell from this 302 what pictures were shown --

13 **MR. WISE:** If I could see the numbers.

14 **THE COURT:** -- other than the three at the end which
15 are different people.

16 **MR. WISE:** I mean, this doesn't say he was shown a
17 picture.

18 **THE COURT:** No, it doesn't.

19 **MR. WISE:** So I don't understand what the -- if
20 there's an inconsistency, they can cross him on it. But, I
21 mean, it's live testimony, so I don't know what -- I mean, the
22 witnesses say what they say.

23 **MR. PURPURA:** I apologize. You know, you were here
24 when they showed the photograph. I can't believe, Mr. Wise,
25 you're contesting this, he's right there.

~~SUMMERVILLE DIRECT~~

1 **MR. WISE:** It's a live trial. I'm not the witness.

2 **THE COURT:** Wait a minute.

3 Okay. So it says that Mr. Summerville was shown still
4 photographs of video surveillance taken at the
5 U-Store Self Storage.

6 **MR. WISE:** Which is the exact same thing I showed him.

7 **THE COURT:** Those were the photographs that were used
8 to identify; right?

9 **MR. WISE:** It's the only ones we have.

10 **THE COURT:** Okay. Before you leave, there is an
11 additional question, which is: At the time of the incident,
12 were the officers armed?

13 **MR. WISE:** Okay.

14 **THE COURT:** So if you want to take those two questions
15 and finish.)

16 (Bench conference concluded.)

17 **BY MR. WISE:**

18 **Q.** Mr. Summerville --

19 **A.** Yes.

20 **MR. WISE:** I think this may have run out of power,
21 maybe.

22 **THE CLERK:** Okay. Use the regular microphone.

23 **BY MR. WISE:**

24 **Q.** Mr. Summerville, I have two or more additional questions.

25 Why don't we look at the video one more time, and then

~~SUMMERVILLE DIRECT~~

1 I'll ask you a question after we do that; okay?

2 **A.** Yes.

3 (Video played.)

4 **BY MR. WISE:**

5 **Q.** Mr. Summerville, did one of the officers crossing the
6 video have his gun drawn?

7 **A.** Not that I remember.

8 **Q.** Okay. And were you -- when were you let out of the
9 handcuffs?

10 **A.** When I went to retrieve the money.

11 **Q.** Okay. So when we saw you walk across and get the sock?

12 **A.** Yes.

13 **Q.** Did you see if the officers were armed?

14 **A.** Yes.

15 **Q.** So you could see their guns?

16 **A.** Yes.

17 **Q.** Were they ever drawn on you?

18 **A.** When they -- when they first rushed the vehicle; but then
19 after that when they pulled us out the vehicle, the guns were
20 put back.

21 **MR. WISE:** Okay. Nothing further, Your Honor.

22 **THE COURT:** All right. And at some point we'll
23 retrieve those notes.

24 Mr. Purpura?

25 **MR. WISE:** (Handing.)

THE CLERK: Thank you.

CROSS-EXAMINATION

BY MR. PURPURA:

Q. Mr. Summerville, good afternoon, sir.

A. Good afternoon.

Q. Sir, back in -- back on this date, you were -- you were involved in small-time drug distribution; is that fair to say, sir?

A. Yes.

Q. And what kind -- what quantities of drugs were you involved in at that time?

A. Small amounts.

Q. Like what?

A. What exactly are you asking? Small amounts can vary.

Q. Was it nickels? dimes? coke? crack? heroin?

A. Nickels and dimes.

Q. Of what?

A. Heroin and crack.

Q. Okay. And where would you sell these drugs?

A. On the streets.

Q. And you indicated that you'd go back to the storage area, and that's where you would store some of your drugs in between working; correct?

A. No.

Q. Did you store drugs --

1 **A.** Yes, stored there, but I wouldn't store there in between
2 working.

3 **Q.** Where would you put 'em?

4 **A.** It would be outside around the area. That was just
5 somewhere that would be stored, like, the -- at one time I
6 stored 'em. I never went back and forth to grab anything out.

7 **Q.** So as a street dealer, would you keep the drugs on you
8 while you're dealing?

9 **A.** No.

10 **Q.** Would you use, what, like a stash area?

11 **A.** Yes.

12 **Q.** And could that be an abandoned house?

13 **A.** Yes.

14 **Q.** It could be a stoop; right?

15 **A.** Yes.

16 **Q.** It could be some grass or some trees?

17 **A.** Yes.

18 **Q.** And the reason you keep the drugs off of you, that's so if
19 you get arrested, the drugs aren't on you; correct?

20 **A.** Yes.

21 **Q.** And so if a police officer comes up and says, "I saw you
22 dealing," you're going to say, "Drugs aren't on me"; right?

23 **A.** Yes.

24 **Q.** And that's fairly common; is that fair to say?

25 **A.** Yes.

1 Q. And an open air -- do you know what an open-air drug
2 market is, where people come in from either the county or other
3 areas of the city to buy drugs?

4 A. Yes.

5 Q. And in those areas, people use stashes in those areas as
6 well; is that fair to say?

7 A. I would guess so.

8 Q. But you know that from your own experience being in the
9 city; correct?

10 A. Yeah. I couldn't speak on what everybody else does.

11 Q. All right. Now, let me direct your attention back to the
12 very first time that the FBI came to see you. As you
13 indicated, you were a little nervous back then; right?

14 A. Yes.

15 Q. And you were kind of worried about what you were going to
16 say. And you were concerned 'cause you didn't want to
17 implicate yourself; correct?

18 A. Yes.

19 Q. But you did tell them -- and when I say "them," there was
20 an Agent Matt Smith. Do you remember him?

21 A. Yes.

22 Q. And there was another -- a Baltimore City Police
23 detective, a Jared Stern, I believe. Do you remember him?

24 A. Yes.

25 Q. Can you describe -- and I'm not testing you. Do you know

~~SUMMARY~~ ~~CROSS~~

1 what Jared Stern looked like: Was he kind of a short, heavier
2 guy?

3 **A.** Yes.

4 **Q.** Okay. About maybe my height but a lot stockier; right?

5 **A.** Yes.

6 **Q.** He wasn't tall, much -- like really tall (indicating);
7 right?

8 **A.** No.

9 **Q.** Okay. Fair. Good.

10 And then what you told both Mr. Stern and Mr. Smith was
11 about this -- the white male who was doing all the talking;
12 right?

13 **A.** Yes.

14 **Q.** As a matter of fact, you described that white male --

15 **A.** As the bulldog.

16 **Q.** Bulldog. 'Cause he was like that. He was kind of
17 shorter, fatter, mean; right?

18 **A.** Fairly aggressive, I would say.

19 **Q.** Okay. But the description I'm giving you is accurate;
20 correct?

21 **A.** Yes.

22 **Q.** He's shorter and he was stocky like Stern; right?

23 **A.** Yes.

24 **Q.** Okay. He was the bulldog?

25 **A.** Yes.

1 Q. And he's the man that believed you were in possession of a
2 lot of bricks; right?

3 A. Yes.

4 Q. And he was trying to shake you down as to where you kept
5 those bricks; correct?

6 A. Yes.

7 Q. He was also talking to you about the 80,000, supposed,
8 dollars that he thought you had; right?

9 A. Yes.

10 Q. And everything else; correct?

11 A. Yes.

12 Q. And he kept on coming at you; right?

13 A. Yes.

14 Q. And he had you cornered when he was doing that. He had
15 just you and him and he was laying onto you; right?

16 A. Yes.

17 Q. And then there came a time just three days later -- and he
18 was the man that was doing the talking; right? Everyone else
19 might have said a couple things, but he was the man who was --
20 seemed to be in charge; correct?

21 A. Yes.

22 Q. And then there came another time on February 16th, 2017,
23 just three days later, when, again, you interviewed. But this
24 time you're interviewed by Mr. Wise (indicating), Mr. Hines
25 (indicating), Agent Sieracki (indicating); right?

~~SUMMERVILLE~~ ~~CROSS~~

1 A. Yes.

2 Q. Special Agent Jensen (indicating)?

3 A. Yes.

4 Q. The whole group; correct?

5 A. Yes.

6 Q. You're a little more comfortable now because Mr. Wise has
7 told you what you say we're not going to use against you;
8 right?

9 A. Yes.

10 Q. And, again, in front of all of them, the four I just
11 pointed to, you talked about the bulldog again; right?

12 A. Yes.

13 Q. And you said that he was the man who was doing all the
14 talking; right?

15 A. Yes.

16 Q. And, again, you called him the bulldog; right?

17 A. Yes.

18 Q. And, again, that this bulldog was certain you had drugs
19 and money; right?

20 A. Yes.

21 Q. And at that point they asked you and they showed you those
22 clips again.

23 MR. PURPURA: Can I have those clips back, please.

24 MR. WISE: Sure (handing).

25 BY MR. PURPURA:

~~SUMMERVILLE~~ ~~CROSS~~

1 Q. And at that point when they showed you the clips in front
2 of the entire Government team here (indicating), you identified
3 the person who did all the talking as Sergeant Jenkins
4 (indicating), the bulldog; right?

5 A. Yes.

6 Q. And that's the man who was doing that talking; right?

7 A. Yes.

8 Q. He was the bulldog?

9 A. Yes.

10 Q. And he's the one who pressured you; right?

11 A. Yes.

12 Q. He's the one that talked about the drugs; right?

13 A. Yes.

14 Q. He's the one who cornered you?

15 A. Yes.

16 Q. And he certainly --

17 **MR. PURPURA:** Mr. Hersl, stand up, please.

18 **BY MR. PURPURA:**

19 Q. He certainly wasn't tall like Officer Hersl (indicating),
20 was he?

21 A. No.

22 **MR. PURPURA:** Sit down.

23 **BY MR. PURPURA:**

24 Q. And the bulldog, he's the one that told you that not only
25 was he DEA, but that he had a warrant for your house; right?

~~SUMMERVILLE~~ ~~CROSS~~

1 **A.** Yes. That officer there (indicating), that's the one that
2 saved the code in his phone.

3 **Q.** He's the one that saved the code in the phone. That's
4 what he did; correct?

5 **A.** And elbowed me.

6 **Q.** Elbowed you?

7 **A.** Yeah.

8 **MR. PURPURA:** All right. Thank you.

9 Nothing further.

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

11 **THE CLERK:** Ms. Wicks, microphone (handing).

12 **MR. PURPURA:** Judge, I apologize. One or two more
13 questions.

14 Ms. Wicks, is that okay?

15 **MS. WICKS:** (Handing.)

16 **MR. PURPURA:** Thanks.

17 **BY MR. PURPURA:**

18 **Q.** Sir, I'm sorry. We'll get you right off.

19 The code -- all right. I should have asked that. I
20 apologize. The code was to get -- open the gate up; correct?

21 **A.** Yes.

22 **Q.** Nothing more than to open the gate up; right?

23 **A.** Yes.

24 **MR. PURPURA:** Thank you.

25 Nothing further.

1 **THE WITNESS:** Well, why would they need the code again
2 if I already gave 'em --

3 **THE COURT:** Sir, sir, there's -- he hadn't asked you a
4 question. It's okay. We'll see what Ms. Wicks asks.

5 CROSS-EXAMINATION

6 **BY MS. WICKS:**

7 **Q.** Good afternoon, Mr. Summerville.

8 **A.** Good afternoon.

9 **Q.** I'm going to ask you some questions about these
10 photographs.

11 You were shown these photographs when you met with agents
12 back in February of last year; correct?

13 **A.** Yes.

14 **Q.** And you met with agents twice in February, and then I
15 guess on the second day you went in the grand jury; right?

16 **A.** Yes.

17 **Q.** And these were the only photographs that you were shown of
18 the officers from that night; correct?

19 **A.** Yes.

20 **Q.** And the video. I'm sorry.

21 **A.** Yes.

22 **Q.** But these are stills from various videos; correct?

23 **A.** Yes.

24 **Q.** And what you told them was that there were three officers
25 that you saw walking in the area -- walking towards the area of

~~SUMMERVILLE~~ ~~CROSS~~

1 your storage unit; correct?

2 A. Yes.

3 Q. And it was the two white officers and another officer;
4 correct?

5 A. Yes.

6 Q. And the other officer was this -- I'm pointing.

7 A. Yes.

8 Q. It was that officer (indicating)?

9 A. Yes.

10 Q. Okay. And did you ever come to learn his name?

11 A. No.

12 Q. Okay. But it's that same officer that then came back and
13 gave you the sock; correct?

14 A. Yes.

15 Q. So that this black officer on the far left side of the
16 picture on the lower right (indicating), that's the officer
17 that handed the sock back to you; correct?

18 A. Yes.

19 Q. And when we watched the video, that was at the -- that
20 incident occurred at the back end of Fats' car; correct?

21 A. Yes.

22 Q. Okay. And when this --

23 A. No. When they handed me the sock, Fats' car was already
24 gone. Fats was already gone when they handed me the sock.

25 When they --

~~SUMMARY~~ ~~CROSS~~

1 Q. The car in the video, well, whose car was that? Was that
2 a police car, then?

3 A. That I was in the back of when he was handing me the sock?
4 Yes, that was a police car.

5 Q. Okay. I apologize. Okay. But so at the point when the
6 officers go back to the storage unit, had Fats already left?

7 A. Yes.

8 Q. Okay. And you were giving Fats the code so that he could
9 get out?

10 A. Yes.

11 Q. And that's when he left; correct?

12 A. Yes.

13 Q. And Fats is a friend of yours that you knew from and met
14 at a bar, apparently; right?

15 A. Yes.

16 Q. So you didn't have any other information about that person
17 to provide to the police --

18 A. No.

19 Q. -- when they were investigating this; correct?

20 A. No.

21 Q. Okay. And now when they first came to speak to you, that
22 was in February of 2017; correct?

23 A. Yes.

24 Q. So that was about six months after this incident; correct?

25 A. Yes.

~~SUMMERVILLE~~ ~~CROSS~~

1 Q. And when you first talked to the police -- I'm sorry.

2 When you first talked to people investigating in this
3 case, you told them that it was 19,000 that was in the sock and
4 you only got back twelve?

5 A. 1900, you mean?

6 Q. Pardon me?

7 A. 1900, you mean.

8 Q. 1900, yes.

9 A. Yes.

10 Q. So that was your first story to them; correct?

11 A. Yes.

12 Q. And now you're claiming that there was 4800 in the sock
13 and you only got 2800 back; correct?

14 A. Yes.

15 Q. And you have immunity. So the fact that you apparently
16 lied to the police when you first talked to them, that's
17 something you're not going to get prosecuted for; correct?

18 A. Yes.

19 Q. And as far as you know -- well, the -- when you went back
20 to your storage unit, the drugs that you had stored there were
21 no longer there; correct?

22 A. Correct.

23 Q. And do you know that they were actually submitted to
24 Baltimore Police?

25 A. I don't know whether it was submitted, but I know they

~~SUMMERVILLE~~ ~~CROSS~~

1 took it.

2 **Q.** Okay. But so no one has told you that they were actually
3 submitted; correct?

4 **A.** No.

5 **Q.** No one's asked you to look at drugs to identify them as
6 the ones that were yours --

7 **A.** No.

8 **Q.** -- that were in that storage unit; right?

9 **A.** No.

10 **MS. WICKS:** Court's indulgence.

11 **THE CLERK:** Ms. Wicks, please turn on your microphone.
12 I don't think it is on.

13 Thank you.

14 **MS. WICKS:** I have no further questions. Thank you.

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

16 Any redirect?

17 **MR. WISE:** No redirect, Your Honor.

18 Thank you.

19 **THE COURT:** All right. Thank you, sir. You are
20 excused.

21 (Witness excused.)

22 **THE COURT:** Again, that clock is a little slow, but we
23 can get a start on the next witness.

24 **MR. HINES:** This will be a short witness.

25 **THE COURT:** I have to stop a little before 1:00.

1 all that kind of stuff.

2 **Q.** I'd like to direct your attention to September 7th, 2016.

3 Do you remember that evening?

4 **A.** Yes, sir.

5 **Q.** Can you describe what happened that evening.

6 **A.** Yes, sir. It was -- I don't remember the exact time, but
7 it was probably around 8 o'clock at night. It was already dark
8 outside. I was inside of our maintenance shop, which is -- the
9 maintenance shop and the office sit across from each other.
10 And in between them is our main gate.

11 And I heard some commotion outside, and I went outside.
12 And there were a lot of police officers there. One -- one of
13 their cars was at the gate with the gate open, blocking
14 somebody from coming out.

15 **Q.** How many cars -- how many police cars were there?

16 **A.** At least two. I know one -- I know there was at least one
17 of them inside of the gate, and one of them was at the gate
18 kind of like, you know, blocking the gate from shutting.

19 **Q.** And what happened after you observed that one of the cars
20 was blocking the gate?

21 **A.** Well, immediately the officers noticed that I had come out
22 of the garage. And then that's when two of them approached me,
23 Officer -- well, Former Officer Hersl and Jenkins. And I asked
24 them what was going on.

25 And one of our tenants by the name of Mr. Summerville was

1 there, and he wasn't there in his vehicle. He was there with a
2 friend, unknown to me. They were there in his friend's
3 vehicle. And that's the vehicle that was at the keypad trying
4 to exit, that they were blocking from -- blocking them from
5 coming out of the facility and --

6 **Q.** Okay. I'd like to -- sir, I'd like to show you what's
7 been previously admitted as Government Exhibit SS-2. You
8 mentioned two officers, Hersl and Jenkins. Do you see either
9 one of these -- there's two pages. I'll flip the page in a
10 moment.

11 Do you see either one of the officers on Page 1?

12 **A.** Yes, sir.

13 **Q.** Could you -- you have a computer screen up there. Could
14 you circle the officer that you're familiar with.

15 **A.** (Witness complies.)

16 **Q.** And who's that?

17 **A.** That's Officer Jenkins.

18 **Q.** And the officer you identified, do you see him on this
19 first page or on the second page?

20 **A.** This would be Officer Hersl.

21 **MR. HINES:** And, for the record, that's on the second
22 page of SS-2.

23 **BY MR. HINES:**

24 **Q.** Sir, what happened next?

25 **A.** Well, when I asked them what was going on, they proceeded

1 to tell me that they had found --

2 **MR. PURPURA:** Objection, Judge. Just -- can you
3 identify which person. Thank you.

4 **MR. HINES:** Sure.

5 **BY MR. HINES:**

6 **Q.** Who were you talking to at this time? Was it --

7 **A.** Officer Hersl and Jenkins.

8 **Q.** And what did you ask Officer Hersl and Officer Jenkins?

9 **A.** What was going on.

10 **Q.** And how did they respond?

11 **A.** That they had found --

12 **THE COURT:** The problem is the "they."

13 **MR. HINES:** Sure.

14 **BY MR. HINES:**

15 **Q.** Who responded to you?

16 **A.** I can't remember exactly which one of 'em responded. I
17 was speaking with both of them.

18 **Q.** Okay.

19 **A.** They were both talking.

20 **Q.** And what was said?

21 **A.** That they had found a lot of heroin in the vehicle.

22 **Q.** And were they together at this time?

23 **A.** Yes. They were both together. They were both about a
24 foot and a half away from my face.

25 **Q.** And what happened after either Sergeant Jenkins or

1 Mr. Hersl said that they had found heroin in the vehicle?

2 A. They wanted access to our security cameras in the office.

3 Q. And what did you say?

4 A. I told them they needed a warrant for that.

5 Q. What happened when you said that they needed to get a
6 warrant?

7 A. They basically got impatient, telling me that I was
8 impeding a police investigation.

9 Q. Do you remember which of the two officers said
10 specifically that you were impeding a police investigation?

11 A. No, sir.

12 Q. Was it either Jenkins or Hersl?

13 A. It was -- it was one of the two. As I said, they're the
14 two that -- they're the only two I had interaction with. There
15 were other officers there, but those are the only two that I
16 had any kind of interaction or conversation with.

17 Q. And when you had interaction with the officers, were Hersl
18 and Jenkins together during the entire time of your
19 interaction?

20 A. Yes.

21 Q. Okay. What happened after they asked for the code?

22 A. Well, after they asked for access to the cameras?

23 Q. Sorry. After they asked for access to the cameras, yes.

24 A. Well, I told -- as I said, I told them I couldn't do that
25 without a warrant. And I told them the best I could do was

1 call my manager and see if she would grant permission for me to
2 allow them into the office and find out what information they
3 needed.

4 **Q.** And what happened after you called your manager?

5 **A.** Well, before I -- ultimately, she gave me permission to
6 let them in the office. But before I could even make the phone
7 call to my manager, again, they -- they got impatient, saying I
8 was impeding their progress. And one of the gentlemen made a
9 comment to me, "Do you know what you remind me of?"

10 **Q.** What did you say in response to that?

11 **A.** I asked him, you know, "No. What do I remind you of?"

12 **MR. PURPURA:** Judge, objection. May we approach for
13 perhaps a proffer as to where we're going with this?

14 **MR. HINES:** It's in the Jencks, but I'm happy to . . .

15 **THE COURT:** Sure.

16 (Bench conference on the record:

17 **MR. PURPURA:** I apologize.

18 **MR. WISE:** Do you have it in the Jencks now?

19 **MR. PURPURA:** I don't have it yet, but go ahead.

20 **MR. HINES:** Okay. So Mr. Hersl says and Mr. Jenkins
21 say to him, "You know what you remind me of? You remind me of
22 someone who needs to get robbed."

23 **THE COURT:** Okay. Go ahead.)

24 (Bench conference concluded.)

25 **BY MR. HINES:**

~~THOMPSON~~ ~~CROSS~~

1 Q. Mr. Thompson, a moment ago you said that the two officers
2 were together when they asked you a question --

3 A. Yes, sir.

4 Q. -- is that right?

5 And what was their question again? What did they ask you?

6 A. You mean asked me what I reminded them of?

7 Q. Yes.

8 A. That I needed to -- that I looked like somebody that
9 needed to be robbed. That's what they said to me.

10 Q. And were both Jenkins and Hersl standing together when
11 this was said?

12 A. Yes, they were both standing together about a foot and a
13 half away from my face. I mean, we were in close proximity.

14 MR. HINES: Okay. No further questions, Your Honor.

15 THE COURT: Okay. Mr. Purpura?

16 MR. PURPURA: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. PURPURA:

19 Q. Mr. Thompson, how long -- first, good afternoon.

20 A. Good afternoon.

21 Q. How long have you been the manager at this storage
22 facility?

23 A. I'm not the manager.

24 Q. I apologize.

25 A. I am the maintenance person.

~~THOMPSON~~ ~~CROSS~~

1 Q. I apologize.

2 How long have you been the maintenance person at this
3 storage facility?

4 A. Since July of 2015.

5 Q. All right. And have you worked at storage facilities
6 before that as a maintenance person?

7 A. No, sir. This is the first time I've worked at a storage
8 facility.

9 Q. And this particular storage facility, is it close to --
10 where? What -- is it close to Camden Yards? What's it close
11 to? Give us a landmark.

12 A. It's close to M&T Bank stadium, the football stadium.
13 It's close to Camden Yards. It's also close to the
14 Horseshoe Casino.

15 Q. Okay. And have the police -- during the period of time
16 that you've been the maintenance person at the storage
17 facility, have the police come to the storage facility in the
18 past?

19 A. Not on this scale.

20 Q. Okay. Well, I mean, two cars coming in?

21 A. No, not like this.

22 Q. Okay.

23 A. Not like this incident.

24 Q. Well, how often have police come to the storage facility?

25 A. Not often. A couple of times that I can remember, usually

1 for minor things like people reporting their units being broken
2 into.

3 Q. Not looking for drugs, sort of people storing their drugs
4 in a storage unit?

5 A. Not since I've been there.

6 Q. Did you have any idea that Mr. Summerville had in his
7 storage unit drugs?

8 A. No, sir.

9 Q. And did you have any idea whether Mr. Summerville did or
10 did not have drugs in the car that he was in when the police
11 stopped that vehicle?

12 A. No, sir.

13 Q. You didn't know; correct?

14 A. No. All I know is that they told me they found drugs in
15 the vehicle.

16 Q. And the officer, do you know who Sergeant Jenkins is?

17 A. Yes, sir.

18 Q. You've seen his picture. You've actually followed this
19 probably in the news; is that fair to say?

20 A. Yeah. I mean, it has been in the media.

21 Q. And you've -- since -- you were part of it, apparently.
22 And you had a very bad interaction with the city police on this
23 particular day; would you agree with me?

24 A. It wasn't pleasant.

25 Q. Okay. And so as a result of that, you followed what's

1 going on; correct?

2 **A.** I follow a lot of what's going on in the news, and this
3 would be one of them.

4 **Q.** This was one of those things; is that --

5 **A.** Yes, sir.

6 **Q.** Okay. Very good.

7 And let me just -- the -- Sergeant Jenkins, he'd be -- was
8 he shorter or taller than Mr. Hersl, Officer Hersl, do you
9 remember?

10 **A.** I would say they're close to the same height, I guess.
11 I . . .

12 **Q.** Okay. And was it Sergeant Jenkins who seemed to be doing
13 most of the talking? Can you recall what Sergeant Jenkins --
14 let me just actually put a picture and see if you recognize
15 him.

16 I'm putting up FBI-1 -- FBI-3. Excuse me.

17 Do you recognize that photograph?

18 **A.** Yes, sir.

19 **Q.** And who is that?

20 **A.** That would be Wayne Jenkins.

21 **Q.** Okay. And Wayne Jenkins, along with at that time
22 Detective Hersl, approached you; is that correct?

23 **A.** Yes, sir.

24 **Q.** And they seemed very interested in looking at the video;
25 is that correct?

1 A. Yes, sir.

2 Q. Did they tell you why they wanted to look at the video?

3 A. No, sir.

4 Q. And you were not the manager, just the maintenance -- not
5 "just." But you were the maintenance person, so you couldn't
6 give that authority; correct?

7 A. That's correct. That's also why, as I said before, I
8 called my manager to get permission.

9 Q. All right. All right. Fair enough.

10 And is it fair to say that this man on the screen, he was
11 fairly impatient with you; is that correct?

12 A. Yes, sir.

13 Q. And is it fair to say that he was fairly rude with you as
14 well; is that correct?

15 A. I'd say that's fair.

16 Q. Okay. And he apparently really wanted to look at that
17 video pretty quickly; correct?

18 A. Yes, sir.

19 Q. And that's when he said that disparaging remark to you,
20 such as, "You look like a guy who should be robbed"; right?

21 A. As I said, I can't remember which one of 'em exactly said
22 that comment to me.

23 Q. All right. But it was --

24 A. As far as I'm concerned, they both said it. They were
25 both working together.

~~THOMPSON - REDIRECT~~

1 Q. Because they were standing there together; correct?

2 A. Yes, sir.

3 Q. And as a result of them standing there together, both
4 being Baltimore City Police, you put blame on both of them at
5 the same time; is that correct?

6 A. Yes, sir.

7 MR. PURPURA: Thank you.

8 I have no further questions.

9 THE COURT: All right. Anything from --

10 MS. WICKS: No. Thank you, Your Honor.

11 THE COURT: Okay. Thank you.

12 MR. HINES: Just briefly, Your Honor?

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 BY MR. HINES:

16 Q. Sir, were you first interviewed by the FBI prior to
17 learning that these gentlemen were arrested?

18 A. Yes.

19 Q. And was that on September 13th, 2016?

20 A. I can't remember the exact date they came for the
21 interview, but I believe that's accurate.

22 Q. And did you go to the FBI, or did the FBI come to you?

23 A. No. They came to our office.

24 MR. HINES: Okay. No further questions.

25 THE COURT: Okay. Anything else?

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

2 **THE COURT:** All right. Thank you, sir. You are
3 excused.

4 **THE WITNESS:** Thank you.

5 **THE COURT:** You may step down.

6 (Witness excused.)

7 **THE COURT:** And we'll take the lunch recess, resume at
8 2 o'clock. See you all then.

9 (Jury left the courtroom at 12:54 p.m.)

10 (Luncheon recess taken.)

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

12 Are we ready for the jury?

13 **MR. WISE:** We are, Your Honor.

14 **THE COURT:** All right.

15 **MR. PURPURA:** Yes. Thank you.

16 (Jury entered the courtroom at 2:09 p.m.)

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

18 Mr. Wise.

19 **MR. WISE:** The United States calls Ronald Hamilton.

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

21 RONALD HAMILTON, GOVERNMENT'S WITNESS, SWORN.

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

23 Please speak directly into the microphone.

24 State your full name for the record and spell your

25 last name, please.

THE WITNESS: Ronald Hamilton, H-A-M-I-L-T-O-N.

THE CLERK: Thank you.

Can you move up just a little. Thank you.

THE COURT: Go ahead.

MR. WISE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. WISE:

Q. Good afternoon, Mr. Hamilton.

A. Good afternoon.

Q. Mr. Hamilton, where do you live?

A. 1900 Ships Quarters Court.

Q. And what city is that in?

A. Westminster.

Q. And what county is Westminster in?

A. Carroll County.

Q. How long have you lived there?

A. Two years.

Q. And where did you live before that?

A. Owings Mills, 3514 Stoney Creek in Owings Mills.

Q. And what do you do for a living?

A. Used cars, sell used cars. And me and my wife have an assisted living business.

Q. And where is the assisted living business that you own located?

A. In West Baltimore.

1 Q. And do you have -- well, do you have a single facility or
2 more than one facility? What kind of business is it?

3 A. Residential assisted living. We assist senior citizens.

4 Q. And you mentioned that you buy and sell used cars?

5 A. Yes.

6 Q. Do you have a dealership, or how do you do that?

7 A. I have a dealer's license. I purchase cars from the
8 auctions, the dealer auctions.

9 Q. And where do you go to those dealer auctions?

10 A. Manheim, Pennsylvania; Bel Air; and Jessup.

11 Q. And then how do you sell the cars you buy at those
12 auctions?

13 A. Internet or word of mouth.

14 Q. And is that a cash business, Mr. Hamilton?

15 A. Yes.

16 Q. And why is that? Why do you have to use cash in that
17 business for someone in your position?

18 A. I basically buy cars at cost, like 1500, 2,000, 3,000.
19 And I'm not -- I don't have a -- what they consider a floor
20 plan.

21 Q. What's a floor plan?

22 A. Where you get funded basically like a banker, some type of
23 institution or monetary institution.

24 Q. Okay.

25 A. They might give you a line of credit for like --

1 Q. So does the -- will the auction give you a line of credit,
2 or do you have to pay in cash?

3 A. No. The auction doesn't give you a line of credit.

4 Q. Okay. And I think you started to say you buy -- you buy
5 cars, and you gave out some of the numbers. And then what do
6 you do after that?

7 A. What you mean? Say it again.

8 Q. How do you sell 'em?

9 A. On the streets, mostly through friends and families and
10 word of mouth.

11 Q. Okay. Mr. Hamilton, do you have a criminal record?

12 A. Yes.

13 Q. And in 2001, were you sentenced to 135 months for
14 possession with intent to distribute -- a conspiracy for
15 possession with intent to distribute?

16 A. Yes.

17 Q. And was that ultimately reduced to 108 months or 9 years?

18 A. Yes.

19 Q. And then in 2010, were you convicted or did you plead
20 guilty of conspiracy to possess with intent to distribute
21 cocaine? Did you plead guilty at that time?

22 A. Yes.

23 Q. And were you sentenced to 72 months?

24 A. Yes.

25 Q. And when did you come home from the second -- from your

1 second sentence?

2 **A.** December 2013.

3 **Q.** And what have you done for a living since December of
4 2013?

5 **A.** I was doing construction at DCF Staffing for like -- like
6 a year. From there we was in the process of startin' a
7 business, me and my wife. And then I got into the cars after
8 that.

9 **Q.** Was there also a time when you did a lot of gambling at
10 Arundel Mills, I guess, Maryland Live! Casino?

11 **A.** Yes.

12 **Q.** And how frequently were you gambling?

13 **A.** Every day.

14 **Q.** Did you have a gambling addiction?

15 **A.** I wouldn't consider it a gambling addiction, 'cause I have
16 control over it.

17 **Q.** Have you stopped? You said you were gambling every day.
18 Have you stopped?

19 **A.** No.

20 **Q.** How frequently do you gamble now?

21 **A.** I go there like four, five times a week.

22 **Q.** And do you win or do you lose or some of both?

23 **A.** Some of both.

24 **Q.** Do you also own some rental properties?

25 **A.** Yes.

1 Q. About how many?

2 A. We have five.

3 Q. And where are those located?

4 A. In West Baltimore.

5 Q. And do you have tenants in those rental properties?

6 A. We have tenants in two of the properties, and we have the
7 facility for the assisted living in the other.

8 Q. I see. Now, I want to ask you some questions about what
9 happened to you on July 8th, 2016; okay?

10 A. Yes.

11 Q. And have you testified about that day before in the
12 grand jury in this investigation?

13 A. Yes.

14 Q. And when you testified in the grand jury, were you given
15 immunity?

16 A. No.

17 Q. Do you recall if I gave you immunity in the grand jury,
18 Mr. Hamilton?

19 A. Not really. I just . . .

20 Q. Would it refresh your memory to see your transcript from
21 the grand jury?

22 A. Yes.

23 Q. Okay. I want to show you the transcript --

24 **MR. PURPURA:** Judge, I think -- we'll stipulate he was
25 given limited-use immunity.

1 **MR. WISE:** I'd like to make sure he understands that.

2 **THE COURT:** Yes.

3 **THE WITNESS:** Okay. Let me look.

4 Yes, I remember.

5 **BY MR. WISE:**

6 **Q.** All right.

7 **A.** Okay.

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

9 **A.** What I say can be used against me if that's -- that I say
10 what couldn't be used against me.

11 **Q.** And what obligation did you have? What did you have to
12 do?

13 **A.** Just tell the truth.

14 **Q.** Okay. And you have immunity here today, Mr. Hamilton, and
15 you have the same obligation.

16 Do you understand that?

17 **A.** Yes.

18 **Q.** Now, you were never charged for anything after -- related
19 to that arrest on July the 8th of 2016; correct?

20 **A.** Correct.

21 **Q.** So you weren't facing any criminal charges when you
22 testified in the grand jury on January the 19th, were you?

23 **A.** Correct.

24 **Q.** And you're not facing any criminal charges today, are you?

25 **A.** No, sir.

1 Q. Now, did the FBI contact you or did you contact the FBI
2 before you testified in the grand jury?

3 A. The FBI contacted me.

4 Q. Do you know how they found you?

5 A. I had went to -- they came to my "resident"; but from my
6 understanding, when I went to court concerning my -- the money
7 they seized from me, I was making a statement to one of the
8 detective about Detective Randall -- "Rannam" saying that --
9 and they got -- and Carroll County is the one who got in
10 contact with the FBI.

11 Q. Okay.

12 A. And the FBI got in contact with me.

13 Q. Now, I want to ask you some questions about July the 8th
14 of 2016.

15 Were you stopped by the police on that day?

16 A. Yes.

17 Q. And what were you doing before they stopped you? Take us
18 through what you were doing.

19 A. Me and my wife went to Home Depot on Reisterstown Road.
20 We was in Home Depot, and I had a contract for a guy who fixes
21 up my houses. I was in there buying materials.

22 Q. Had you just bought the house in Westminster, or close in
23 time had you bought the house in Westminster?

24 A. Close in time.

25 Q. If you could, tell us, how did you come to buy that house?

1 A. From working. I just put a down payment on it.

2 Q. Had that house been in foreclosure?

3 A. Yes.

4 Q. Okay. Did it need work?

5 A. A little bit.

6 Q. All right. So you started to testify you were in

7 Home Depot with your contractor?

8 A. Yes.

9 Q. And your wife?

10 A. Yes.

11 Q. And what were you doing?

12 A. We was shopping for materials for the house, and I was

13 also shopping for blinds for the house.

14 Q. Okay. And at some point did you notice something?

15 A. Yes.

16 Q. What did you notice?

17 A. One of the detectives was staring at -- he made visual
18 contact -- contact with me where he could see me in the aisle.

19 Me and my wife sat down. And I just noticed every time we
20 walked in one aisle, they would be in another or looking
21 directly where they could see me.

22 So I told my wife, I said, "Man, that guy is staring at
23 like a product for about 20 minutes, just lookin'."

24 Well, he had a good visual on me. Then

25 Detective Raymond [sic], I noticed he walked past me. But he

1 went to the bathroom, but he never came back to me. So I went
2 back up to the register. I paid for my material. I told my
3 contractor, "I'll just meet you at the house. My wife hasn't
4 made up her mind yet."

5 So I went back. We sat down for about --

6 **Q.** Let me just stop you for a second there.

7 So what did you -- who did you -- what did you think these
8 men were that you noticed were sort of watching you or moving
9 as you moved? Did you know --

10 **A.** No, I didn't know that they was police officers, no. I
11 just -- it was just strange -- they didn't like kept walking
12 back and forth, but it was just that way -- the way Home Depot,
13 where you order blinds at, you sit in the back kind of. And I
14 noticed that he was just staring at a product for a long time,
15 like wasn't -- he was just looking, just like (indicating).

16 So I didn't really like think nothin' of it, but I was
17 just like I just noticed he was just staring at it a long time.

18 **Q.** So then you said you sent the contractor back up to your
19 house?

20 **A.** Yes. I went and paid for my supplies.

21 **Q.** Okay.

22 **A.** And I sent them back to the house.

23 **Q.** And then where did you and your wife go?

24 **A.** We went back in -- well, we stayed in for a minute. Then
25 we left out -- for about another half hour, we left out, was

1 going to the cleaners. As we turned onto Reisterstown Road and
2 made another right -- we made a left on Reisterstown Road and
3 made a right into another shopping center where the cleaners at
4 near the Safeway. And as soon as I pulled in, they just -- all
5 the cops jumped out with guns. And it was like, "Get out the
6 car," dragged me out the car.

7 Q. So just to sort of walk us through that, you said you
8 were -- were you boxed in?

9 A. Yes.

10 Q. And you said officers had their guns out?

11 A. Yes.

12 Q. And they told you, "Get out of the car"?

13 A. They pulled me out the car.

14 Q. Someone pulled you out of the car?

15 A. Uh-huh.

16 Q. And what happened once you were pulled out of the car?

17 A. He -- he -- he put me against the car. And he said,
18 "Where your money at?"

19 And I was like, "Money?"

20 So he took the money I had in my pocket, stuck it inside
21 his vest (indicating). Grabbed my wife out. They had my wife,
22 like, probably like 10 feet away from -- pulled her out, had
23 her over, just standing over there. Patted me down and just
24 put me in the car.

25 Q. Now, you testified that this officer took money out of

1 your pocket. How much money did you have in your pocket?

2 **A.** Approximately 3400.

3 **Q.** And you said you saw the officer put it in his vest?

4 **A.** He put it in -- in his vest, like (indicating), just stuck
5 it right down in his vest (indicating).

6 **Q.** How many other police officers were, I guess, surrounding
7 your car or at your car at this time?

8 **A.** It was three carloads. So each one, probably like six or
9 seven guys.

10 **Q.** Okay. Now, were you put in handcuffs?

11 **A.** Yes.

12 **Q.** And then what happened to you?

13 **A.** I was taken down to Northern Parkway at a barrack station.

14 **Q.** Where was your wife? What happened to her?

15 **A.** She was in another -- in another car.

16 **Q.** Was she also -- did you see her get handcuffed?

17 **A.** She was handcuffed.

18 **Q.** And let me ask you: Did anyone tell you why you were
19 being arrested?

20 **A.** No. He was just saying -- I was in the car with "Gomdo."
21 And he was just saying, "Oh, that's not my investigation. I
22 don't know what's going on."

23 I was like, "Well, what's going on?"

24 He was like, "I don't know." Just . . .

25 **Q.** Now, you testified that one of the officers took money out

1 of your pocket; right?

2 **A.** Yes.

3 **Q.** Did he take anything else?

4 **A.** No, not at that time. Just the money that was in my
5 pocket.

6 **Q.** And did you have any drugs on you?

7 **A.** No, sir.

8 **Q.** Did you have any guns?

9 **A.** No, sir.

10 **Q.** Did you have any guns or drugs in your car?

11 **A.** No, sir.

12 **Q.** Had you been doing anything with guns or drugs before
13 these officers boxed you in?

14 **A.** No, sir.

15 **Q.** So you started to say that they took you to
16 Northern Parkway?

17 **A.** Yes.

18 **Q.** Where did they take you? Where did you wind up?

19 **A.** On Northern Parkway and Park Heights.

20 **Q.** So by Pimlico racetrack?

21 **A.** Yes. Yes.

22 **Q.** What kind of building was it that they brought you to?

23 **A.** It looked like a training facility to me.

24 **Q.** Okay. Did you know what it was?

25 **A.** No.

1 Q. And once you got there, what happened?

2 A. When I got out the car, who I know now, Officer Jenkins
3 walked up to me and was like, Hey, I'm such-and-such from the
4 United States office.

5 So I was like, "All right."

6 Briefly, he was take -- saying little stuff like, "We got
7 you under three controlled buys."

8 I said, "Man, that's a lie." So --

9 Q. When was he -- when was he saying this to you? When did
10 he tell you he was --

11 A. Outside, before we walked in -- before they took me
12 inside.

13 Q. All right. So he told you they had you in three
14 controlled buys?

15 A. Uh-huh.

16 Q. Had you done three -- three buys --

17 A. No, sir.

18 Q. -- with anybody --

19 A. No.

20 Q. -- controlled or not?

21 Then what happened?

22 A. Took me inside, asked me a whole bunch of questions.
23 Like, well, we got you -- threw some paperwork at me, said,
24 "Well, we got you. We been surveilling you."

25 I said, "Okay. I ain't doin' nothing."

1 So I don't -- he was like, "We got you."

2 So he said --

3 Q. Who was there when he was saying this to you?

4 A. Officer Jenkins -- it was Officer Jenkins talkin',
5 "Raymans" and that "Gumbo."

6 Q. Gondo?

7 A. And Detective Hersl.

8 Q. All right. And so you said he showed you some papers and
9 started --

10 A. Folders, yes.

11 Q. What else did he say?

12 A. Had me in there, was like, "Well, we know you doing this."

13 I said, "I ain't doing nothin', man."

14 So kept me in there for about 20 minutes; then was asking
15 me a whole bunch of questions like, "Well, we got you. We got
16 you."

17 I said, "You don't -- okay. If you got me, let's go down
18 to the Federal Courthouse."

19 So we walked outside. They took me outside -- no. They
20 took me on to another side where they had a little meetin' or
21 talkin' or whatever.

22 Q. Who had a little meeting or were talking?

23 A. The four officers that was in the room.

24 Q. And who were they again?

25 A. Jenkins, "Gumbo," "Raymans," and Hersl.

- 1 Q. Then you said -- you started to say they took you outside?
- 2 A. After that, they took me back. They was like separating
3 me from their little, whatever they was discussing. One of
4 them walked over and like stand there and me come back. Then
5 they took me outside, back into the car, put me back in the
6 car.
- 7 Q. Did you know where you were going at this point?
- 8 A. No. Until we started driving upwards towards, like,
9 Park Heights. So I was like, "Where we going at?"
10 He said, "We going to your house."
11 By this time he got me and my wife in the car.
- 12 Q. Who's driving?
- 13 A. "Raymans."
- 14 Q. All right. Let me ask you this before -- before we go
15 further: You said that Jenkins asked you questions. Did he
16 ask you if you had any guns or drugs or money at the house?
- 17 A. He asked me did I have any guns and drugs in my house. I
18 told him, "No."
- 19 Q. Did he ask you about money?
- 20 A. Yes.
- 21 Q. And what did you tell him?
- 22 A. I said I had some money at my house.
- 23 Q. Did you tell him how much money you had?
- 24 A. No, sir.
- 25 Q. So then you started to say -- I guess once you realized

1 you were going like towards Park Heights . . .

2 **A.** Once they got us, they put me -- when they was
3 transporting us, they put my wife in the car with me. So I was
4 like -- when they pulled out, they got up towards, going
5 towards Old Court and Park Heights.

6 So I said, "Where are we going?"

7 He's like, "We're going to your house."

8 I was like, "For what?"

9 So I leaned over to my wife and I was like -- I said,
10 "Just don't say nothin'." I said, "They getting ready to rob.
11 They trying to rob me." She was like (indicating) -- so I
12 said, "Don't say nothing."

13 **Q.** Is that what you thought was happening?

14 **A.** Yes. I was, like, once we started driving that way,
15 'cause I thought they was honestly getting ready to take me to
16 the marshals, 'cause after we -- 'cause he introduced us, so I
17 was like, "Take me down to the Federal Courthouse."

18 **Q.** So Jenkins introduced himself as some kind of federal
19 officer?

20 **A.** Yes.

21 **Q.** All right.

22 **A.** So we -- they get us to the house. They let my wife make
23 a phone call, 'cause we had kids in the house. They let all
24 the --

25 **Q.** What were the ages of the kids you had in the house?

1 **A.** 18, 9, and 8 was at the house.

2 **Q.** Okay.

3 **A.** So they allowed -- they had us in the back. They pulled
4 us in my driveway. So I -- I leaned down for that 'cause they
5 didn't want the kids to see us in the handcuff -- see us -- see
6 me get out with the handcuffs on.

7 My wife, when we got back to the car, she wasn't
8 handcuffed. She was handcuffed in the front.

9 So --

10 **Q.** Did she actually manage to get out of the handcuffs? Did
11 she sort of work her way --

12 **A.** Uh-huh. She got out when we -- when he said we could
13 use -- she could use the phone, to let them get out the car --
14 I mean let them leave the house. So they let them pack up, get
15 some stuff. They searched their bags. They let them drive
16 away.

17 **Q.** And this is all happening -- where are you when that's
18 happening?

19 **A.** I'm in the backseat in front of -- in my house. I'm
20 inside a car in the backseat.

21 **Q.** Okay. But out front of your house?

22 **A.** Yes.

23 **Q.** And where have the four officers you identify gone? Where
24 are they when you get to the house? Do they go inside?

25 **A.** Two went inside. One drove my truck back. And it was

1 another car.

2 Q. Another police car?

3 A. Yes.

4 Q. Okay.

5 A. Another unmarked car. It was a Hyundai -- I mean an
6 Altima.

7 Q. When you first arrived at the house and you described what
8 they did, I guess, to let your kids leave, did the officers go
9 inside the house?

10 A. Yes.

11 Q. Which officers?

12 A. "Raymans" went in and, I think, Jenkins. I'm not a
13 hundred percent sure which two, but I know "Raymans" went in my
14 house first.

15 Q. Okay.

16 A. Jenkins and "Raymans" definitely went in. I don't know
17 that the other two stayed out, because one stood near the car
18 with me.

19 Q. Do you remember which one stayed near the car with you?

20 A. Mr. -- Detective Hersl stayed outside, me and my car --
21 near the car that I was in. He didn't come in -- he didn't sit
22 in the car. They was just near the car, like, out -- outside
23 the car.

24 Q. Watching you?

25 A. Yes.

1 Q. And at some point, then, were you brought inside?

2 A. Yes.

3 Q. Where were you put?

4 A. I was put inside my living room with -- in the family
5 room.

6 Q. Were you in handcuffs?

7 A. Yes; the whole time.

8 Q. Now, at this point you testified that Jenkins said he was
9 a marshal or some kind of federal agent; right?

10 A. Yes.

11 Q. Is that what you thought all these -- who these police
12 officers were? I mean, did you know who they were?

13 A. I knew they wasn't federal officers once they took me back
14 to the house.

15 Q. You knew they weren't federal?

16 A. Wasn't, yes.

17 Q. Did you know if they were, in fact, even police officers?

18 A. Not really. To -- 'cause they never had no credentials
19 showing. But the way they was driving through the streets,
20 like get me back -- get me to North -- Northern Parkway, they
21 was driving in it like real reckless, 'cause it was more -- it
22 was more cars when we first went. But only a few cars came
23 back.

24 Q. I see.

25 A. And they was just driving like erratic, like just blowing

1 their horn, just going in and out through traffic, going to the
2 right -- to your right side and just going through -- on the
3 shoulders and just shoot -- and just driving real fast.

4 Q. And how were they dressed?

5 A. In street clothes with a vest on.

6 Q. What did the vest say?

7 A. "Police" on the front.

8 Q. Did it say which --

9 A. No.

10 Q. -- police department or agency or anything like that?

11 A. No, sir.

12 Q. And the cars they were driving, I think you've probably
13 said this already, but were they police cars or unmarked cars?

14 A. Unmarked car.

15 Q. Now, you start -- you testified that you were brought
16 inside and put in the living room; right?

17 A. Yes.

18 Q. Did Defendant Hersl come inside too?

19 A. Yes.

20 Q. All right. And then once -- well, where did they put your
21 wife?

22 A. In the living room also.

23 Q. Once you were in the house, what happened?

24 A. They sat me in the living room, next to my wife on the
25 chair. Detective Hersl was -- I guess was assigned to watch

1 us, 'cause he was sittin' there in the chair. They went
2 through my house, pulled me down the -- went through my house
3 for about -- about an hour, came back, and was like, "Where the
4 rest of your money and stuff?"

5 And I was like, "It's no more money in here."

6 He said, "Where the drugs at?"

7 I said, "There's no drugs in here, man. I don't sell
8 drugs."

9 So they took me back upstairs. "Gumbo" pulled me back
10 downstairs like, "Listen, ain't nobody telling" -- I said,
11 "Man, I'm not doing anything, man. I don't know what you
12 talking about."

13 He said, "I'm letting you know none of your friends -- "

14 I said, "I don't be with no one. I be with my wife and my
15 kids. Take me back upstairs."

16 So I told my wife, I said, "They playing a good cop/bad
17 cop."

18 So I'm still in the living room, I was in the living room
19 for about -- the whole time, probably upstairs about an hour
20 and a half. Then they called Carroll County to come in with
21 the dogs.

22 They was like, "Well, listen, if it's some drugs in here,
23 just give it -- just tell us. We'll put it up for you."

24 I said, "Man, there's nothing in -- "

25 Q. Who said that?

1 A. "Raymans."

2 Q. And what does "put it up for you" mean?

3 A. Like give it to them and they'll hide it somewhere, and
4 then you'll get it back.

5 Q. When Rayam said that to you, was that in the living room
6 or --

7 A. That was in the basement.

8 Q. In the basement?

9 A. Yes.

10 Q. And then what did you say in response?

11 A. I told him, "There's nothing in here."

12 Q. Was there anything in there?

13 A. No, sir.

14 Q. Did they ever find anything in there?

15 A. No, sir.

16 Q. Did Carroll County find anything in there?

17 A. No, sir.

18 Q. All right. So you said after about an hour or so is
19 when -- when they -- when, I guess, Carroll County showed up?

20 A. Yes.

21 Q. And so what happened once Carroll County showed up?

22 A. They did another search at the house where they was -- I
23 couldn't see what -- I was downstairs, so I'm --

24 Q. In the living room?

25 A. I was in the living room. So that's when they come back

1 with Carroll County. They got the dogs. And they going
2 through my stuff, like, pulling stuff out, throwing it down on
3 the -- just throwing everything, just trying to find stuff.

4 They came in there. I think they stayed probably like
5 40 minutes to an hour, did their thing, come back. They saying
6 that they found money in my house.

7 Q. Who said that?

8 A. Jenkins.

9 Q. Okay.

10 A. So they tried to get me to sign a paper. So I wouldn't
11 sign it 'cause I said -- I said, "Man, I had \$75,000."

12 So he said, "Well, we can't put no amount on it."

13 I said, "I'm telling you what I had in here."

14 So they pushed me back down. They -- they told me sit
15 back down, go back in --

16 Q. Who told you that?

17 A. Jenkins made me sit back down on the chair, 'cause he
18 didn't want me to interact with Carroll County.

19 Q. Okay.

20 A. So they -- I didn't -- I didn't -- I just signed it
21 anyway. He let me get back up and sign it. He said, "Just
22 sign the paper. Don't say nothing to them."

23 I signed the paper. I asked the officer before they sat
24 me down the first time, I said, "Man, put the amount. I want
25 to see what's the amount." So they didn't do it.

1 So I signed it after they sat me down. He said, "Just go
2 over there. Don't say anything to them. Just sign your
3 paper."

4 I signed it. They stayed in there. Carroll County left.
5 They took the handcuffs off me.

6 **Q.** Who took the handcuffs off you?

7 **A.** Carroll County -- they got a key from Carroll County
8 'cause they said they didn't have a cuff key.

9 **Q.** Okay.

10 **A.** Carroll County gave them a key. And they -- as
11 Carroll County was leaving out, they unlocked -- took the
12 handcuffs off me.

13 **Q.** This may seem like a strange question, Mr. Hamilton, but
14 at any point in this whole -- from the time you were handcuffed
15 until you were unhandcuffed, did you ever feel like you could
16 leave?

17 **A.** No.

18 **Q.** Did you ever feel like you could -- well, when they took
19 you from the Home Depot to this other office up to your house,
20 did you ever feel like you had any choice in any of that?

21 **A.** No, I ain't have no choice.

22 **Q.** What do you think would have happened if you had said,
23 "I'm not doing that," or had resisted?

24 **A.** Probably got the shit beat out me.

25 **Q.** All right. Now, once the cuffs were off, you said

1 Carroll County had left --

2 **A.** Yes.

3 **Q.** -- and the cuffs were off. What happened then?

4 **A.** They sat me back in the living room, you know.

5 **Q.** Who's there when they -- when they sat you back in the
6 living room?

7 **A.** Officer Jenkins, "Gumbo," Hersl, and "Raymans."

8 **Q.** All right. And then what happened?

9 **A.** Jenkins talking to me, like asked me questions, like, if
10 you -- "Just be honest, man. If -- you know, if you can help
11 us, we can help you."

12 I said, "Man, I'm not in the streets, man."

13 So he said, "If you was doing bad, who would you rob?"

14 I said, "What?"

15 He said, "Who would you rob?"

16 So I said -- I said, "I'd rob President Obama."

17 So he laughed. He said, "You want to be a smart-ass."

18 I said, "Man, I'm not in the streets, man."

19 So he said, "Man, you can wake up, man. You got 20 keys
20 laying in your yard."

21 **Q.** What does that mean? What did you understand that to
22 mean -- "you wake up and you got 20 keys laying in your yard"?

23 **A.** 20 keys of coke or heroin or whatever, either one.

24 **Q.** Okay. What did you say?

25 **A.** I just shook my head. I was like, "Man, you" -- I did say

1 something like, "Man, you crazy."

2 **Q.** And he's saying all this in front of Gondo and Rayam and
3 Hersl?

4 **A.** Yes. It was just my wife, they let my -- after
5 Carroll County, my wife went back upstairs and just looking at
6 what they done to the house. And it was just us five in the --
7 in the living room.

8 **Q.** Okay. Now, when you told him he was crazy when he said
9 that, what happened after that?

10 **A.** They was still asking me little questions. Then they
11 eventually got up, left. "Raymans" tried to put a -- gave me a
12 card with his number on it. He said, "Man, if you change your
13 mind, here go my card."

14 I go back through my house after they left. I called him
15 next day. I said -- I said, "You robbed me, man." I said,
16 "You robbed me."

17 And I left it as that. I didn't -- he didn't text back or
18 anything. I -- I text that number, said, "You robbed me."

19 **Q.** Who else did you call the next day?

20 **A.** I called Carroll County concerning my money. So I spoke
21 to Sergeant Stewart, Stafford, one of the officers. I was --
22 like he told me it was 50,000 -- I said, "Man, that's why I was
23 trying to" -- I said, "Man, there was \$75,000, man." I said,
24 "That's why I was trying to talk to you while they was there."

25 He said, "I know, but this is all that was recovered."

1 Q. And did you get -- did you ultimately get a forfeiture
2 notice -- I have --

3 A. Yes.

4 MR. WISE: RH-2, Mr. Kerrigan. And if you could
5 enlarge that.

6 BY MR. WISE:

7 Q. Is this the forfeiture notice you got --

8 A. Yes.

9 Q. -- from Carroll County?

10 And it says that only fifteen -- \$50,000 had been seized?

11 A. Yes.

12 Q. And, again, how much -- how much had actually been taken
13 from you on July the 8th?

14 A. 75,000.

15 Q. All right. I'm going to ask you about that.

16 So you -- I'm putting up what will be RH-9.

17 Now, this actually started at the car stop; right? Is
18 that part of the 75,000?

19 A. No. It was actually seventy-eight, if you want to --
20 \$78,400.

21 Q. Okay. So how much was taken at the car stop?

22 A. 3400.

23 Q. And that was at -- what did you say, the dry -- you were
24 stopped at the dry cleaner?

25 A. I was stopped at -- yes.

1 Q. And then at the house, how did you have -- how was the
2 50,000 packaged at the house?

3 A. It was in hundreds and twenties.

4 Q. And what was it in?

5 A. It was wrapped up -- it was like in the -- what the hell
6 they call 'em?

7 Q. A heat-sealed bag?

8 A. Heat-sealed bag, yes.

9 Q. And --

10 A. A heat-sealed bag.

11 Q. Why did you put the \$50,000 in a heat-sealed bag?

12 A. I just -- 'cause to make it smaller, just to make it real
13 tight.

14 Q. Okay. Why did you have -- and we'll go into this in more
15 detail, but why did you have so much cash in the house?

16 A. From car sales. And I -- I had just won like 40-something
17 thousand from the casino.

18 Q. Okay.

19 A. Officer Jenkins, when we was in the basement, he knew
20 about it. He was like, "You did pretty good the other night."

21 So I was like, "What are you talking about?"

22 He said, We -- at the casino.

23 I said, "Yeah." I said, "Oh," and I just left it as that.

24 Q. So we've got 50,000, and that's what you actually got the
25 forfeiture notice over, just the 50,000; right?

1 A. Yes.

2 Q. And this had been -- where in your house did you have the
3 50,000?

4 A. In my bedroom, in the closet.

5 Q. And I should have asked you this: For the 3400, what was
6 the source of that money? Where did it come from?

7 A. Cars, gambling.

8 Q. All right. And what about the 50,000?

9 A. Cars and gambling.

10 Q. And then in addition to the 50,000 that was in the
11 heat-sealed bag, how much other money did you have to get up to
12 the amount you'd given?

13 A. Say that one more time.

14 Q. Did you have other money besides the 50,000 in the house?

15 A. No. I had 75,000 in my house.

16 Q. Okay.

17 A. I counted that before -- that was -- I had that -- when I
18 won the day before -- before the arrest, I put all that
19 together --

20 Q. I see.

21 A. -- and I sealed it. And that's when he -- 'cause he
22 mentioned that to me. He said, "You had a good night the other
23 night."

24 And I was like, "What are you talking about?"

25 He said, "At the casino."

1 Q. Now, so that you had another -- you said 25,000 in the
2 house?

3 A. I had -- yes. I had 75,000 in my house altogether in
4 one -- one -- one heat-sealed bag. I had --

5 Q. Well, the Carroll County -- I'll show you. This is RH-1.
6 Carroll County recovered 50,000.

7 MR. PURPURA: Objection. Objection. Objection. This
8 is at this point leading. I think he just said he had 75,000
9 in a heat-sealed bag. He just said that.

10 THE COURT: Right. And Mr. Wise is about to show him
11 a picture of some money in a heat-sealed --

12 MR. PURPURA: Right. He's going to lead him as to how
13 much money is in that bag. He's going to tell us. He should
14 tell us.

15 THE COURT: What is your question, Mr. Wise? Let's
16 assume that you're not going to --

17 MR. WISE: I'll just ask it this way.

18 BY MR. WISE:

19 Q. How was all the money you had in the house packaged? Take
20 us through it. Break it down for us.

21 A. In bundles. I don't know what I had in each bundle. It
22 was in bundles wrapped, and it was sealed in a heat-form bag.

23 Q. And how much -- how many -- how much was in a heat-sealed
24 bag?

25 A. Okay. I had one -- I had one bag with seventy-five --

1 with 75,000. One had fifty in it. One had twenty-five in it.
2 But they were individually wrapped in the heat-sealed bag.
3 Like one had a bundle of 50,000. One had a bundle of
4 twenty-five with all hundreds. It was --

5 **Q.** So were these two -- I guess two bags or two heat-sealed
6 bags within a bigger heat-sealed bag?

7 **A.** Yes.

8 **Q.** Okay.

9 **A.** They popped -- they opened the -- when I saw -- when I saw
10 this, it was opened. They took the 25,000 out.

11 **Q.** Okay. Did you see them take the twenty-five --

12 **A.** No, I didn't see it. I made a -- I made a fuss about it
13 the next day. And that's why I was trying to get them to put
14 the amount, 'cause I said it that when they was -- I said,
15 "Man, it was 75,000 up there."

16 **Q.** Right.

17 **A.** He said, "We can't count it."

18 I said, "Man, can you just count it? 'Cause I need to
19 put -- I want you to put the amount on my paper before I sign
20 it."

21 So the next morning I called 'em. I called 'em bright and
22 early. He said, "It was only fifty."

23 I said, "Man, that's why I tried to talk to you before you
24 left, man. It was \$75,000."

25 **Q.** So why did you want -- why were you so insistent that it

1 be counted? What did you think was going to happen to some of
2 that money?

3 **A.** Get missing, like it did, just mysteriously got missing.

4 **Q.** Right. Now, I want to ask you -- well, I'm going to show
5 you a couple of exhibits. Well, I'll just finish this.

6 The 25,000, where was that?

7 **A.** In my closet.

8 **Q.** Also -- so that's closet. And what was the source of
9 that?

10 **A.** Cars and gambling.

11 **Q.** Okay. And how much was reported as seized?

12 **A.** 50,000.

13 **Q.** All right. I'll come back to that to do the math in a
14 second.

15 Mr. Hamilton, you actually -- you contested the seizure of
16 this money ultimately; right?

17 **A.** Yes.

18 **Q.** And in the course of that, you produced some business
19 records -- I'm just going to show you some of them. The first
20 one is RH-3. This is a receipt book that you kept; right?

21 **A.** Yes.

22 **Q.** And if we start at the top here, it's January -- receipt
23 dated January 2nd, 2015.

24 **A.** Yes.

25 **Q.** The amount is \$1,025. And what have you checked there?

1 A. I can't see your finger.

2 Q. I'm sorry.

3 A. Cash.

4 Q. And so is this a receipt for a sale of a car?

5 A. No. That's for -- that's for a rental property.

6 Q. Oh, that's for a rental property?

7 A. Yes.

8 Q. What about the next one?

9 A. That's 2750. That's a rental property.

10 Q. Okay. Oh, I see. I see what you mean. So is this all --
11 are these all receipts for your rental properties?

12 A. Yes.

13 Q. So we've got 1,025, 1,066, 1100, 916 all on this first
14 page, all just in cash -- I mean all in cash; right?

15 A. Yes.

16 Q. So all these tenants were paying you their rent in cash?

17 A. Sometimes they pay in money order; sometimes they pay with
18 a check and cash.

19 Q. Okay. And then that's just the first couple days of
20 January in 2015; right?

21 A. Yes.

22 Q. And if we go through, now we get the next batch for
23 February, again, similar amounts?

24 A. Yes.

25 Q. All in cash; is that right?

1 A. Yes.

2 Q. Now into March of 2015, cash, amounts of 1,006, that
3 1,025, 1,066; right?

4 A. Yes.

5 Q. And now March into April, same kind of amounts and all in
6 cash; right?

7 A. Yes.

8 Q. April into May, same amounts, all in cash.

9 Now, I'm not going to -- I'm not going to keep going. But
10 is it accurate to say that if you add up the rental income you
11 had in cash from the 1st of January of 2015 till just before
12 March 22nd, there's over \$75,000 in cash that you received in
13 that period; right?

14 A. Yes.

15 Q. And then in addition to that, you also have your auto
16 auction -- your buying-and-selling-cars business; right?

17 A. Yes.

18 Q. And this is about, almost an inch thick of receipts --

19 A. From the auction.

20 Q. -- and records from the auction; right?

21 A. Yes.

22 Q. And so this is RH-4, and we'll just go through a couple of
23 these.

24 What's this?

25 A. This is -- when I purchase a car -- say I paid 750 for it.

1 Q. That's over here (indicating)?

2 A. Yes. With the tax, with the auction fee, it came -- it
3 was \$115. This car was a -- it looked like --

4 Q. I want to say --

5 A. It was a Caravan that I paid 700 -- 750 for.

6 Q. Okay. And then --

7 A. So eight -- I paid \$865 altogether, total.

8 Q. Okay. And then if we go to the next page, you said it was
9 a Dodge van, and the VIN ends in 726; right?

10 A. Yes.

11 Q. If we go to the next page --

12 A. I sold it for 1500.

13 Q. All right.

14 A. So I made, what, 750, \$700 profit.

15 Q. Uh-huh. And is that the bill of sale?

16 A. Yes. That's -- that's what I give them.

17 Q. Give your customers?

18 A. Yes.

19 Q. And --

20 A. This is a BMW, an '04 BMW. I paid 1500 with the tax. I
21 paid \$170 with the auction fee; came to 1670.

22 Q. All right. And I think we already saw the receipt.

23 A. That's for the BM --

24 Q. For the BMW; right?

25 A. Yes.

1 Q. How much did you sell it for?

2 A. 3500.

3 Q. And if I didn't ask you this at the last one, what does
4 the receipt show you were paid in?

5 A. Cash.

6 Q. And then same thing for the one we saw before?

7 A. Yes.

8 Q. All right. And I'm not going to go through all of these,
9 Mr. Hamilton, but it looks like there's dozens and dozens of
10 them; is that accurate?

11 A. Yes.

12 Q. And did you pay taxes in the tax year before -- before
13 this --

14 A. Yes.

15 Q. -- episode, March 22nd?

16 A. Yes.

17 Q. And do you recall what you reported in taxable income?

18 A. Me and my wife together was like one-something, almost two
19 hundred, I think.

20 Q. All right. And that was made up of what? What was your
21 income?

22 A. Assisted living, the cars, the rental property.

23 Q. Okay.

24 A. And she was working for United -- United, well, it's Optum
25 now, but that's where she was at. That was that.

1 Q. Now, were you also -- you testified about making money or
2 winning money at the casino.

3 A. Yes.

4 Q. Did you also lose a lot of money?

5 A. Not really a lot, but I lost. I stay within a budget.

6 Q. Okay. So if there were records from Maryland Live! that
7 showed in 2016 that you had -- you had gambled about a million
8 dollars --

9 A. Yes.

10 Q. -- and lost about 150,000 overall, does that sound about
11 right?

12 A. Yes.

13 Q. And then in 2015, that you gambled about 742,000 and lost
14 about 137,000?

15 A. Yes.

16 Q. And how were you able to sustain that level of --

17 A. If -- like, how they do it, like, if I start off at like a
18 thousand dollars, if I go back and win 2,000, that's 3,000 I
19 got. But if I go back and cash -- and cash it in and come
20 back, it leaves -- cashing another thousand, that's 4,000. But
21 technically it was only just 1,000 I started off with.

22 Q. I see.

23 A. So that's how they keep a track of what goes out of the
24 table and what comes in on the table. It's really not as much
25 as it's written, as it seem on the paper.

1 Q. I see.

2 A. Because it's no way I'm going to lose nowhere like that.

3 Q. Sort of builds up over time?

4 A. Yeah, it builds up 'cause you can actually start off with
5 \$200 and play through the whole day and go through \$10,000 off
6 of \$200, but you don't have actually \$10,000 in your hand.

7 Q. I see.

8 A. You actually might win a little, go cash it in, come back,
9 play again, and they still just keep adding it up as you come
10 in with new money; but you're really just starting -- you're
11 just taking your winnings, going back to the window, and coming
12 back. That's how it goes.

13 Q. Okay. Now, you testified that you were never charged
14 after --

15 A. No.

16 Q. -- July 8th of 2016; right?

17 A. No, 'cause I -- I was never charged with any crime.

18 Q. Sitting here today, do you even know why these officers
19 arrested you on that day?

20 A. No. They was -- somebody put them on me and -- and when
21 they -- they just thought I was just another one -- another
22 person they can get.

23 MR. WISE: Nothing further, Your Honor.

24 THE COURT: All right. Mr. Purpura?

25 MR. PURPURA: Thank you, Your Honor.

1 **THE CLERK:** Excuse me, Mr. Purpura.

2 **MR. WISE:** And actually, Your Honor, I have one other
3 question. I apologize.

4 **THE COURT:** Okay. Well, why don't you come up --
5 everybody come up to the bench anyway.

6 (Bench conference on the record:

7 **THE COURT:** So we have some more questions.

8 One: Which officer took the money and put it in his
9 vest?

10 Two: Was he shown a warrant to search the house?

11 Three: Did Carroll County show a warrant?

12 **MR. WISE:** Like I said, I have one more question, so I
13 can cover these as well.

14 **THE COURT:** Okay.)

15 (Bench conference concluded.)

16 **BY MR. WISE:**

17 **Q.** Mr. Hamilton, which officer took your money at the car
18 stop and put it in his vest?

19 **A.** Ray -- "Raymans."

20 **Q.** And were you ever shown a warrant to search your house?

21 **A.** No. I was showed a folder.

22 **Q.** A folder?

23 **A.** Yes. It just had 1800 or something -- it was just the
24 folder -- he showed me a folder, like we got folders. It
25 wasn't never like they showed me a warrant. They wouldn't even

1 give me a copy of it or nothing. They told me I would get it.

2 I didn't get anything.

3 Q. So who did -- who showed you this?

4 A. "Raymans."

5 Q. And was it a -- I'm sorry. Was it a folder or a photo?

6 A. A photo -- a folder.

7 Q. A folder?

8 A. Yes.

9 Q. With your address written on it?

10 A. Just my address. It wasn't even my address.

11 Q. Oh.

12 A. They had a photo of my truck, the house, and my wife's
13 car.

14 Q. And did Carroll County, when they get there, did they show
15 you a warrant?

16 A. No, sir.

17 Q. I'm going to show you what's been marked RH-8. (Handing.)
18 Do you recognize that, Mr. Hamilton?

19 A. Yes.

20 Q. What is it?

21 A. My watch.

22 Q. And was your watch taken that night too?

23 A. Yes.

24 Q. Is this the first time you've seen it since March 22nd of
25 2016?

~~HAMILTON~~ ~~CROSS~~

1 **A.** Yes.

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

3 **THE COURT:** All right. Mr. Purpura.

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

5 CROSS-EXAMINATION

6 **BY MR. PURPURA:**

7 **Q.** Mr. Hamilton, I'm going to show you --

8 **THE CLERK:** Mr. Purpura, is your microphone on?

9 **MR. PURPURA:** Ms. Moyé, thank you. Works better when
10 you turn them on.

11 **THE CLERK:** Yes, it does.

12 **BY MR. PURPURA:**

13 **Q.** Good afternoon, Mr. Hamilton.

14 **A.** Good afternoon, sir.

15 **Q.** So I'm going to show you what has been admitted into
16 evidence as Hersl No. 11.

17 Do you recognize that residence?

18 **A.** Yes.

19 **Q.** Whose residence is it, sir?

20 **A.** My house.

21 **Q.** And this house was purchased when?

22 **A.** In May of 2016.

23 **Q.** And Mr. Wise asked you if the house needed a lot of work
24 or work. Looks fairly new. Is the house fairly new?

25 **A.** No.

~~HAMILTON~~ ~~CROSS~~

1 Q. The outside need any work?

2 A. Yes.

3 Q. A lot of work?

4 A. Yes.

5 Q. Tell me, what had to be done to the outside of the house?

6 A. Say that again.

7 Q. What did you do to the outside of that house?

8 A. Like, this is all -- right here, if -- well, you really
9 can't see it. It was like a whole bunch of trash. It was
10 like -- the house sat for like four years on the market. It
11 was -- what happened -- whoever had it, the tenant left the
12 water running, so it messed the whole inside of the house.

13 Q. So the inside of the house was damaged, and you had -- you
14 refurbished a lot of the house from water damage; is that fair
15 to say?

16 A. Yes.

17 Q. And this is right now what you've done; you've refurbished
18 the house; correct?

19 A. I don't think this is a picture of me -- because I don't
20 remember this black vehicle at all, so it could have been a
21 picture from somewhere else.

22 Q. Is that your house?

23 A. This is the house.

24 Q. Okay. Well, forget the vehicle.

25 A. Okay.

~~HAMILTON~~ ~~CROSS~~

1 Q. This is your house; correct?

2 A. Yes.

3 Q. Okay. And today, if we went to look at your house, would
4 it look like this?

5 A. No. It looks better.

6 Q. It would look better today?

7 A. Yes.

8 Q. You put a lot of money into the house?

9 A. Yes.

10 Q. How much money did you put into the house?

11 A. Probably like twenty.

12 Q. Twenty?

13 A. Thousand, yes.

14 Q. Just 20?

15 A. Yes. Not just. I mean approximately around 20.

16 Q. All right. So you put 20,000, cash?

17 A. Yes.

18 Q. All right. And you have a pool with that house; right?

19 A. Yes.

20 Q. Did you have to fix the pool up?

21 A. Yes.

22 Q. How much did you put into that pool? They're expensive.

23 A. It was a lot of debris in the pool, basically.

24 Q. Well --

25 A. The pool was already there when the house was --

~~HAMILTON~~ ~~CROSS~~

1 Q. So what did it cost you?

2 A. Probably like 3,000.

3 Q. All right. The bottom line is you got the house fixed up
4 and you got the pool running and it's nice; correct?

5 A. Yes.

6 Q. And when did you do this again? I'm sorry. What was the
7 year?

8 A. In '16.

9 Q. 2016?

10 A. Yes.

11 Q. And you got released from federal prison in -- when?

12 A. December 2013.

13 Q. So two years later, you were able to do all this?

14 A. Yes.

15 Q. And in addition to this, you also indicated that you have
16 rental properties and assisted living facilities as well;
17 correct?

18 A. One assisted living, yes.

19 Q. And that's -- the assisted living is 2723 Fairmount; is
20 that correct?

21 A. Yes.

22 Q. And that's a corporation that's been in your wife's name;
23 correct?

24 A. Yes.

25 Q. And do you know how many corporations she's formed for the

~~HAMILTON~~ ~~CROSS~~

1 assisted living?

2 **A.** Just one, to my knowledge, yes, one.

3 **Q.** All right. We'll get back to that in a second.

4 **A.** Okay.

5 **Q.** I'm going to show you what has been admitted into
6 evidence. Actually, are you sure it's for elderly?

7 **A.** Say again.

8 **Q.** Are you sure the assisted living is for elderly and not
9 for the mentally disabled?

10 **A.** It's for elderly and mentally disabled, both.

11 **Q.** All right. And so this would be the house; is that
12 correct?

13 **A.** Correct.

14 **Q.** All right.

15 **THE CLERK:** The exhibit number, please?

16 **MR. PURPURA:** I'm sorry. This is Defense
17 Exhibit No. 8.

18 **THE CLERK:** Thank you.

19 **BY MR. PURPURA:**

20 **Q.** And that's on Fairmount Street; right?

21 **A.** Yes.

22 **Q.** Whose house -- who's the titled owner of that house?

23 **A.** My brother.

24 **Q.** Okay. And who paid for that house?

25 **A.** My brother.

~~HAMILTON~~ ~~CROSS~~

1 Q. And 2721, Exhibit No. 9, on Fairmount Street, whose house
2 is that?

3 A. Me and my wife.

4 Q. Who paid for that house?

5 A. Me and my wife.

6 Q. How much you pay for that?

7 A. It was 5,000.

8 Q. You renovating that?

9 A. Yes.

10 Q. How much you pay for that?

11 A. It varies. Like five, six thousand.

12 Q. Cash; right?

13 A. Yes.

14 Q. Cash down on that house, 2721; right?

15 A. Yes.

16 Q. Cash payments to fix the house up; right?

17 A. Yes.

18 Q. Okay. We got -- well, I'll ask you -- Defense

19 Exhibit No. 20, I believe.

20 Do you recognize this (handing)?

21 A. Yes.

22 Q. What is it?

23 A. 2717.

24 Q. Fairmount; right?

25 A. Yes.

~~HAMILTON~~ ~~CROSS~~

1 Q. Who owns that house?

2 A. My brother.

3 Q. Defense Exhibit No. 20.

4 What's your brother's name?

5 A. Rajesh.

6 Q. And he owns this house?

7 A. Yes.

8 Q. And what do you have to do with this house?

9 A. What I have to do with it?

10 Q. Yeah.

11 A. I'm the manager.

12 Q. You're the manager?

13 A. Yes.

14 Q. What do you got to do to manage that house, 2717?

15 A. Well, we keep records of everything.

16 Q. Like what?

17 A. The rental agreement. The --

18 Q. People live there?

19 A. Yes, they do.

20 **THE COURT:** Mr. Purpura, let him finish.

21 **MR. PURPURA:** I'm sorry. I'm sorry. It's contagious.

22 It happens to a lot of people.

23 **THE WITNESS:** Yes, they do.

24 **BY MR. PURPURA:**

25 Q. And Rajesh can't collect rents himself?

~~HAMILTON~~ ~~CROSS~~

1 **A.** He's doing something else.

2 **Q.** Do you go fix things up there?

3 **A.** Yes, I do.

4 **Q.** So that's what you do; right?

5 **A.** Yes.

6 **Q.** How much do you get for doing that?

7 **A.** I get a portion of the rental.

8 **Q.** How much?

9 **A.** It depends. We put -- it just goes into an account.

10 **Q.** How much?

11 **A.** 10 percent.

12 **Q.** 10 percent of how much on 2717?

13 **THE COURT:** What do you mean "how much"?

14 **BY MR. PURPURA:**

15 **Q.** How much monthly -- how much monthly rent do you get for

16 2717?

17 **A.** 1100, 900. I don't -- I can't --

18 **Q.** 10 percent, maybe you get what, 100, 150, 200?

19 **A.** Uh-huh.

20 **Q.** Cash; right?

21 **A.** Yes, and the rest goes into the bank.

22 **Q.** It's not a lot of cash, though, is it?

23 **A.** No.

24 **Q.** Okay. Now, but -- but as you indicated, you do gamble;

25 right?

~~HAMILTON~~ ~~CROSS~~

1 A. Yes.

2 Q. And gambling is a source of income for you; right?

3 A. Yes.

4 Q. Let me see if I can get the right records. Defense
5 Exhibit No. 21A and B.

6 Showing you what has been marked as Defense Hersl 21A, and
7 this is what appears to be annual activity for the year of 2015
8 at Maryland Live! Casino. That's where you gamble; is that
9 correct?

10 A. Yes.

11 Q. In fact, you supplied this through your lawyer in an
12 effort to get back your \$50,000 which was seized; is that
13 correct, sir?

14 A. Yes.

15 Q. And so it appears, at least -- and that would be the last
16 four digits of your Social Security number, 3015; correct?

17 A. Correct.

18 Q. So we know it goes to you; correct?

19 A. Correct.

20 Q. But just out of curiosity, who lives at
21 8600 Gray Fox Road, Apartment 102, Randallstown, Maryland?

22 A. My mother.

23 Q. So you use your mother's address when you're gambling?

24 A. No. That's the address that was on my license.

25 Q. And it wasn't changed yet in 2015?

~~HAMILTON~~ ~~CROSS~~

1 A. No, sir.

2 Q. So since it's on your license, you have to use that at
3 Maryland Live!

4 A. Yes.

5 Q. And it shows, at least for 2015, that the dollars in was
6 \$742,888 in. That means dollars in at the pit -- you see it
7 says "pit" right there (indicating)?

8 A. Uh-huh.

9 Q. And what's the pit?

10 A. The table.

11 Q. The table. Could be tables, could be crap tables, could
12 be blackjack tables; right?

13 A. Yes, sir.

14 Q. It's not the slot machines?

15 A. No, sir.

16 Q. Okay. So at the pit, they kept a record. "Dollars in"
17 means dollars in that you're putting down to get chips for,
18 dollars in; correct? You put down a thousand dollars, they
19 give you 10 blacks back; right?

20 A. Correct.

21 Q. Dollars out, that's how much you cash out, 7 out, ah,
22 loser. What's left? And here's what you cash out with.
23 Dollars out, 604,910.

24 At the end of the year, this casino calculates that you
25 lost \$137,978, apparently in cash, for 2015. That's the annual

1 activity at Maryland Live! Casino; isn't that correct, sir?

2 **A.** Correct.

3 **Q.** That's a lot of cards. 3,000 a pop. I mean, I'm not good
4 at math, but, dude, you must be the best; right?

5 **A.** Unh-unh.

6 **THE COURT:** I don't think that was a question. You
7 can move on.

8 **MR. PURPURA:** I'm asking if he's the best car
9 salesman, Judge. I'm sorry.

10 **BY MR. PURPURA:**

11 **Q.** Let's go to 2016.

12 Now, this, you're going to see, is 2016. But it's not the
13 whole year, because you requested these records --

14 **MR. PURPURA:** Can we get it back up on the screen.
15 Mine seems to be off. Does it go to sleep?

16 **THE CLERK:** Yes.

17 **MR. PURPURA:** Wake up. Wake up. Wake up. Wake up.
18 It's like -- I'm not going to say anything else.

19 **THE CLERK:** Is it back on?

20 **MR. PURPURA:** I put the screen to sleep. Imagine what
21 I'm doing to everybody else.

22 **THE CLERK:** Is it back on?

23 **MR. PURPURA:** It is. Thank you.

24 **THE CLERK:** Okay. And your exhibit number, please?

25 **MR. PURPURA:** 21B.

~~HAMILTON~~ ~~CROSS~~

1 **THE CLERK:** Thank you.

2 **BY MR. PURPURA:**

3 **Q.** Now, you'll see, because you requested this, because your
4 lawyer was filing documents to get your \$50,000 back for you --

5 **A.** Yes.

6 **Q.** -- that Maryland casino printed this out as of July 18th,
7 2016. So for the calendar year of 2016, the year that the
8 police came to your house, again, you're at
9 Maryland Live! Casino; correct?

10 **A.** Correct.

11 **Q.** And, again, that's your Social Security number
12 (indicating); correct?

13 **A.** Correct.

14 **Q.** And whose address is this one, 1498-M Reisterstown Road,
15 Pikesville, Maryland?

16 **A.** P.O. box.

17 **Q.** That's a P.O. box?

18 **A.** Correct.

19 **Q.** So you're using a P.O. box this time?

20 **A.** Correct.

21 **Q.** All right. And, again, according to Maryland Live! Casino
22 in 2016, dollars in is \$751,900 in. We won't do it again, but
23 that's you taking cash -- 'cause you play with cash when you go
24 to the casino; correct?

25 **A.** Correct.

1 Q. You put the money on the table. The guy behind the group
2 here goes (indicating), 10,000 blacks or 10,000, what do we
3 have? And they pass it out to you, whoosh, chips across;
4 right?

5 A. Uh-huh.

6 Q. You get stacks when you go in there; correct?

7 A. Unh-unh.

8 Q. No?

9 A. No.

10 Q. We'll get to that in a second, then.

11 A. Yes.

12 Q. Hold on.

13 So, anyway, the money in is 751,900 in. Dollars out,
14 apparently a bad year, 681,240. So as of July 18th of 2016,
15 you are now in the hole \$70,000.

16 So 2015 through July of 2016, a hundred fifty and seventy,
17 two hundred -- almost a quarter million dollars, money out;
18 right?

19 A. I'm listening.

20 **THE COURT:** I'm sorry. I missed -- I missed your
21 math, Mr. Purpura.

22 **BY MR. PURPURA:**

23 Q. 137,000. Excuse me. I apologize.

24 Let's see if I can be a little better with my math.

25 Probably can't.

1 137 in 2015 and through July 2016, 70,000. So let's be
2 fair. \$200,000 in losses.

3 **A.** Uh-huh.

4 **Q.** But we're not finished with the year.

5 Now, what you said under oath when Mr. Wise asked you, to
6 show why you would just have \$75,000 in your house in a
7 plastic, sealed, wrapped container was that you just got lucky
8 at Maryland Live!; right? So now I'm going to show you
9 Defense Exhibit No. 22.

10 Defense Exhibit No. 22, again, is for the calendar year of
11 2016; right?

12 **A.** Correct.

13 **Q.** Same Social Security number, same -- what is that? That's
14 your -- what address is that?

15 **A.** Pikesville.

16 **Q.** Yeah. But, again, where is it?

17 **A.** P.O. box.

18 **Q.** It's a PO box. Same P.O. box?

19 **A.** Uh-huh.

20 **Q.** Now, this record goes all the way up to October 19th of
21 2016. And as of October 19th, 2016, money in is \$1,044,525,
22 and money out is \$892 -- or \$892,995; right?

23 **A.** Correct.

24 **Q.** For a net loss of \$151,000 as of October 19th, 2016;
25 correct?

1 A. Correct.

2 Q. Now, let's go back and look around July 8th to see how
3 lucky you were.

4 So July 18th, that's past that time. So the most recent
5 time would have been July 5th of 2016. And what you did on
6 July 5th, 2016, is you put money in, \$29,550.

7 A. Uh-huh.

8 Q. And you actually won. You got back 30,100. So that's a
9 net \$550; right?

10 A. Yes.

11 Q. And then if we go back to June 30th, 2016, money in --
12 again, that's a lot of money you're gambling with. You're
13 putting down \$13,400, and you're walking away with 14,100.

14 So, again, you won \$700; right?

15 A. Correct.

16 Q. And then we go to June 25th, 2016: Money in, 5500. Money
17 out, 5900. You won \$400.

18 Correct?

19 A. Correct.

20 Q. June 24th, you actually won: 1500 in. 6700 out. You
21 netted \$5,200.

22 Correct?

23 A. Correct.

24 Q. Then the next day's would be the 16th, and the 22nd you
25 won again, thirty-four and forty-two hundred; correct? Right?

~~HAMILTON~~ ~~CROSS~~

1 **A.** Right.

2 **Q.** But then here on June 12th, 13,530 in. You walked away
3 with nothing. 13,530 out.

4 That's June 8th.

5 June 7th -- or excuse me.

6 June 8th, 10,760 in. You walked away with nothing.

7 10,760 out.

8 So the month before, you have far greater losses, which is
9 23,000, than your small wins. Would you agree with me?

10 **A.** Uh-huh.

11 **Q.** Thank you.

12 **MR. PURPURA:** If the Court was going to take a break,
13 this will be a good time. I'll try to shorten everything else
14 I have up.

15 **THE COURT:** Okay. We'll take the mid-afternoon recess
16 in exchange for a promise of shortening.

17 (Jury left the courtroom at 3:17 p.m.)

18 (Recess taken.)

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

20 **MR. PURPURA:** We're ready.

21 **THE COURT:** Counsel --

22 **MR. PURPURA:** I think we've worked it out.

23 **THE COURT:** All right. Then we'll get the jury.

24 (Jury entered the courtroom at 3:36 p.m.)

25 **THE COURT:** You can be seated.

~~HAMILTON~~ ~~CROSS~~

1 **THE CLERK:** Mr. Hamilton, you're still under oath.

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

3 **THE COURT:** All right, Mr. Purpura.

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

5 **BY MR. PURPURA:**

6 **Q.** Mr. Hamilton, when Mr. Wise first asked you some
7 questions, he asked about your background and your convictions.

8 Do you remember those questions?

9 **A.** Yes.

10 **Q.** I'm just going to touch on those very briefly.

11 February 16th, 2001, you were in this very court -- not
12 this courtroom, but this very courthouse. And you were
13 sentenced by then-Judge Benson Legg to a fairly substantial
14 period of incarceration, correct, 135 months?

15 **A.** Yes.

16 **Q.** And that was for conspiracy to distribute 500 or more
17 grams of cocaine; isn't that correct?

18 **A.** Yes.

19 **Q.** And while you were serving your federal sentence,
20 something happened which caused you to get a reduced sentence;
21 correct?

22 **A.** Yes.

23 **Q.** And you know what happened. It wasn't because of your
24 good conduct or your bad conduct. What happened was that the
25 sentencing guidelines which you were sentenced under changed,

~~HAMILTON~~ ~~CROSS~~

1 and that change helped you. And so you came back for a
2 resentencing; is that correct?

3 **A.** I didn't come back. I just got resentenced.

4 **Q.** They shortened your sentence down; correct?

5 **A.** Yes, sir.

6 **Q.** So it went down from the 135 months, which is 11.25 years,
7 down to nine years; correct?

8 **A.** Yes.

9 **Q.** While you were in federal custody, you actually filed a
10 complaint or you filed a request to get your money back; right?

11 **A.** Yes.

12 **Q.** So what happened in the 2001 incident that you were
13 involved in with distribution, there was \$496,675 seized from
14 you; correct?

15 **A.** Correct.

16 **Q.** That's pretty close to a half a million dollars cash;
17 right?

18 **A.** Correct.

19 **Q.** Heat-sealed?

20 **A.** No.

21 **Q.** And you wanted to attempt to get that money back; is that
22 correct, sir?

23 **A.** Correct.

24 **Q.** And so you filed something with either the Government or
25 the DEA contesting the seizure of that money; isn't that

~~HAMILTON~~ ~~CROSS~~

1 correct, sir?

2 **A.** Correct.

3 **Q.** It's fair to say that the drug -- especially on the large
4 scale, that's a cash business; correct?

5 **A.** Correct.

6 **Q.** And once you got released from that first federal
7 conviction, since there's no longer parole, you were placed on
8 what's called supervised release; isn't that correct?

9 **A.** Yes.

10 **Q.** And you had a five-year supervised release; correct?

11 **A.** Yes.

12 **Q.** And as part of that supervised release, obviously you're
13 not supposed to break the law; fair to say?

14 **A.** Yes.

15 **Q.** You did break the law; correct?

16 **A.** Yes.

17 **Q.** Because you got arrested again and you were brought right
18 back here to this United States District Court on your second
19 federal drug-trafficking crime; correct?

20 **A.** Yes.

21 **Q.** And on November 3rd, 2010, you pled guilty to a conspiracy
22 involving more than 5 kilograms of cocaine; correct?

23 **A.** Say that again.

24 **Q.** You pled guilty to a conspiracy involving more than
25 5 kilograms of cocaine.

~~HAMILTON~~ ~~CROSS~~

1 A. Yes.

2 Q. And you received at that point another federal sentence;
3 is that correct?

4 A. Yes.

5 Q. Your second federal sentence; correct?

6 A. Yes.

7 Q. And you were serving that, and you were served your
8 federal sentence. Is there parole in the federal system?

9 A. No, sir.

10 Q. So you know better than I on this one -- correct me if I'm
11 wrong: We understand you get about 54 days' credit or good
12 time for each year; is that accurate or not?

13 A. Yes.

14 Q. So roughly 54 days off and nothing more than that; right?

15 A. Yes.

16 Q. So when you got out in 2013, you were again placed on
17 supervised release; right?

18 A. Yes.

19 Q. And if you violate that supervised release, that's -- you
20 can go back to jail again for up to five years; right?

21 A. Yes.

22 Q. So if, for whatever reason -- and you're still on
23 supervised release now; correct?

24 A. Yes.

25 Q. If a Magistrate Judge in this courthouse -- and you have

~~HAMILTON~~ ~~CROSS~~

1 some hearings -- you've had some hearings on that; right?

2 **A.** Say that again.

3 **Q.** You've had hearings on your supervised release violations?

4 **A.** Yes.

5 **Q.** If a Magistrate Judge in this courthouse thought that the
6 money was connected -- that was seized was connected to drug
7 trafficking, that could violate your conditions of supervised
8 release --

9 **MR. WISE:** Objection, Your Honor. "If the
10 Magistrate Judge thought." He's now asking him to testify
11 about what a Magistrate Judge would decide.

12 **MR. PURPURA:** Concluded, sure. Why not?

13 **MR. WISE:** He's not a Magistrate Judge.

14 **MR. PURPURA:** I apologize. Wouldn't be a Magistrate
15 Judge. I apologize.

16 **THE COURT:** Right. Right.

17 **MR. PURPURA:** As a matter of fact, the District Court
18 is busy enough that maybe a Magistrate Judge --

19 **THE COURT:** "If a judge."

20 **BY MR. PURPURA:**

21 **Q.** All right. A judge, United States District Court Judge --

22 **MR. PURPURA:** It was my error. And thank you,
23 Mr. Wise. If a United States District Court Judge --

24 **MR. WISE:** My objection is he's asking him to --

25 **THE COURT:** Why don't you come up to the bench.

1 (Bench conference on the record:

2 **THE COURT:** Your objection is?

3 **MR. WISE:** My objection is he's saying: If a
4 United States District Court judge thought or concluded that
5 your money was connected to drug dealing, they would violate
6 your supervised release.

7 So he's trying to argue that the fact that he is
8 fighting the forfeiture is because he has to because,
9 otherwise, he could be violated. I mean, there's so many links
10 in that chain of other people --

11 **THE COURT:** I don't think he got to fighting the
12 forfeiture.

13 **MR. WISE:** Well, that was the setup to this series of
14 questions.

15 **MR. PURPURA:** You give me more credit than I deserve.
16 No. That's not it. Just another question of his credibility.
17 He's testifying and why he's testifying --

18 **THE COURT:** I assumed that it -- obviously, the
19 defense theory is that he was, in fact, dealing drugs and does
20 not wish to admit it. And that is a credibility issue.

21 And I think what he's trying to point out is a motive
22 for Mr. Hamilton not to admit that he was dealing drugs,
23 because he's still on supervised release. And if he was
24 dealing drugs, he would be violating his supervised release.

25 **MR. WISE:** Except he has immunity.

1 **THE COURT:** He has immunity for what he's testifying
2 to; that's correct.

3 **MR. PURPURA:** "Immunity" means that they can't use
4 what he said against him, as the Government knows.

5 **THE COURT:** Correct.

6 **MR. PURPURA:** But they can use the drugs and any other
7 inferences like the K9 that hits the house and does a positive
8 test. The money, the way the money is packaged and the K9 with
9 the positive test. And, gosh -- well --

10 **MR. WISE:** He's asking how a judge would decide a
11 supervised released decision --

12 **THE COURT:** Well, what's your -- how would you like
13 him to phrase it, if it was proved that he was dealing drugs?

14 **MR. WISE:** I just think he's not competent to testify
15 what a judge would do if presented with certain facts. He's
16 not --

17 **THE COURT:** How would you like him to phrase it?

18 **MR. WISE:** I don't think he can ask what a judge would
19 do.

20 **THE COURT:** All right. Not what a -- if he is found
21 by a judge to have been dealing in drugs, would that violate
22 his supervised release?

23 How about that?

24 Not what the judge said; what the judge found.

25 **MR. WISE:** If you were dealing drugs, would that

~~HAMILTON~~ ~~CROSS~~

1 violate your supervised release?

2 **MR. PURPURA:** Whether he agrees -- if a judge found
3 that he was dealing drugs, would that violate your supervised
4 release? Thank you.

5 **THE COURT:** Okay.)

6 (Bench conference concluded.)

7 **THE COURT:** You can just rephrase that, Mr. Purpura.

8 **MR. PURPURA:** Thank you.

9 **BY MR. PURPURA:**

10 **Q.** Mr. Hamilton, I believe I left off, if a judge here in
11 this courthouse found that you were involved in drug
12 trafficking, in your opinion, would that violate your
13 supervised release?

14 **A.** Yes.

15 **Q.** And how much time could you receive for that violation
16 alone?

17 **A.** I don't know.

18 **Q.** But you know you're face -- you would be facing some time;
19 is that correct?

20 **A.** I don't know.

21 **Q.** All right. Fair enough.

22 Now, as to the incident on July 8th, 2016 -- let me first
23 ask you: How much money was in the heat-sealed bag?

24 **A.** 75,000.

25 **Q.** Are you sure that's not 70,000?

~~HAMILTON~~ ~~CROSS~~

1 A. Correct.

2 Q. 75,000?

3 A. Yes.

4 Q. When you spoke to TFO John Sieracki -- do you recognize
5 him, the gentleman in the back with the bald (indicating) --

6 A. Yes.

7 MR. PURPURA: I can say "bald" because I'm bald.

8 BY MR. PURPURA:

9 Q. So you recognize him. Do you remember talking to him?

10 A. Yes.

11 Q. You talked to him on December 7th, 2016?

12 A. Yes.

13 Q. And do you remember telling him it was \$70,000?

14 A. Yeah, I could have said seventy.

15 Q. Okay. That's all right. Fair enough.

16 A. I could have said 70-something.

17 Q. Now, you went to a -- when you were -- you were stopped in
18 Baltimore County; correct?

19 A. Correct.

20 Q. And then you were taken back to a police substation near
21 the Pimlico -- Pimlico racetrack; correct?

22 A. Yes.

23 Q. And you recognize -- and as you indicated before, that the
24 officers involved -- and you said there was three cars; right?

25 A. Yes, three or four cars.

~~HAMILTON~~ ~~CROSS~~

1 Q. Three or four cars, six or eight officers involved, to the
2 best of your recollection; correct?

3 A. Six or seven, yes.

4 Q. Okay. And they all had plainclothes, but they had police
5 vests on; fair to say?

6 A. Yes.

7 Q. You recognize -- did anyone have uniforms on,
8 Baltimore City Police uniforms?

9 A. No, sir.

10 Q. So in your recollection, it was a large group of tactical
11 squad officers that stopped you and your wife; correct?

12 A. Correct.

13 Q. And you were taken out of the car, and you know who took
14 you out of the car. That was Detective Rayam; correct?

15 A. Correct.

16 Q. And you were able to identify Detective Rayam by a
17 photograph; correct?

18 A. Correct.

19 Q. And you did that before the United States grand jury as
20 well; correct?

21 A. Correct.

22 Q. And you know it was Detective Rayam who went into your
23 pockets -- where was your money?

24 A. In my pocket.

25 Q. Okay. Front pockets? Back pockets?

1 A. Front.

2 Q. Front pocket?

3 A. Yes.

4 Q. And hundred dollar bills or?

5 A. Yes.

6 Q. And he grabbed that like a ball of money. And did he wave
7 it around say, "I got it, fellows. Everybody, I got the
8 money"? What did he do?

9 A. He stuck it in his vest (indicating).

10 Q. As quick as he could, right, boom, hid it right there,
11 kind of like mine; right (indicating)?

12 A. Say that again.

13 Q. He was like taking it, saying from you, it's coming to me;
14 it's mine now. Right?

15 A. Correct.

16 Q. Then you're taken back to the substation, and you
17 indicated you believe it looked like a police barracks rather
18 than --

19 A. Training facility.

20 Q. Training facility for Baltimore City Police or DEA or
21 federal?

22 A. Just for the police.

23 Q. For police generally. Fair enough.

24 But it had at least -- it wasn't like a random shack or a
25 warehouse. It was -- it had to do with some sort of police

1 work. That's where you're taken to; correct?

2 **A.** Yes.

3 **Q.** And you're put in a room; right?

4 **A.** Yes -- not a room. It was like a -- with a whole bunch of
5 desks, office-like tables.

6 **Q.** All right.

7 **A.** It wasn't like a small room. It was like a very large
8 room.

9 **Q.** Was it like a conference room?

10 **A.** Yeah, something similar to that.

11 **Q.** Conference room?

12 **A.** Something similar to that.

13 **Q.** And the primary officers that stayed with you during that
14 time would have been Rayam, Gondo, and Sergeant Jenkins; is
15 that correct?

16 **A.** And Hersl.

17 **Q.** And Hersl. Did he stay the whole time?

18 **A.** Yes.

19 **Q.** The whole time he was in there?

20 **A.** Yes.

21 **Q.** He didn't talk at all, did he?

22 **A.** Not really.

23 **Q.** Jenkins doing the talking?

24 **A.** Jenkins and "Raymans" and -- doing the talking, the
25 majority of the talking, and they huddled up.

1 Q. Jenkins and Rayam were doing most of the talking; is that
2 correct?

3 A. Yes. Right.

4 Q. And then you were taken -- at least you thought at that
5 point, you're going to be heading towards --

6 A. Downtown.

7 Q. Right here, U.S. courthouse; right? To be detained and
8 brought for initial appearance; right?

9 A. Correct.

10 Q. I'm sorry. Let me get this off the screen.

11 Okay. Good.

12 And you weren't -- they kept on taking you, and they
13 said -- they said they're going to take you to your home;
14 correct?

15 A. Did they say it?

16 Q. Yes.

17 A. Once we -- once I asked them -- when we turned on
18 Park Heights, we got near the Old Court.

19 Q. And who showed you this folder with the photographs of
20 your house and your cars, kind of surveillance pictures?

21 A. No, no pictures. Just -- just like a blue folder with my
22 wife, like -- now you right on the top of the photo, with
23 labels, like, my house, my car, and my wife's car.

24 Q. So you didn't see what was inside the folder, did you?

25 A. He said it was warrants. No, I didn't see, actually --

1 Q. But on the way there, they said they were going to search
2 your house. And they allowed someone to call in advance to
3 allow your children to get out of the house; correct?

4 A. Correct.

5 Q. So you knew they were going to search the house at that
6 point; correct?

7 A. No. They asked me -- I asked them, "Where we going at?"
8 They said, "To your house."

9 And I said, "For what?"

10 Q. Okay. And then?

11 A. Then they just kept driving.

12 Q. And they let you get the kids out of the house because --

13 A. They didn't let -- they let my wife make a phone call once
14 we got in my driveway.

15 Q. And they said they were going to search the house?

16 A. They didn't say "search the house." They said they going
17 in the house. They said, We going -- they just -- they went to
18 the house. It wasn't like they said, Hey, we going to go do
19 this.

20 Q. You pull up to the house, and you're kept out by the car
21 at that point; correct?

22 A. Correct.

23 Q. And the person that's with you is at that point
24 Detective Hersl (indicating); is that correct?

25 A. He's not with me. He's outside the car.

~~HAMILTON~~ ~~CROSS~~

1 Q. Outside the car?

2 A. Yes.

3 Q. You're inside the car?

4 A. I'm inside.

5 Q. Still handcuffed?

6 A. Still handcuffed.

7 Q. Hersl's outside the car, standing by you?

8 A. Yes.

9 Q. As you indicated before, Jenkins and Rayam went in the
10 house; correct?

11 A. Yes.

12 Q. And as you indicated before, you thought that Hersl was
13 assigned to you because when they brought you in the house,
14 Hersl sat down with you and your wife Nancy in the living room;
15 correct?

16 A. Correct.

17 Q. And I believe you didn't know Detective Hersl's name at
18 that time, did you?

19 A. No, sir.

20 Q. Okay. And I think you described him as the older white
21 guy; is that fair to say?

22 A. Yes.

23 Q. Then eventually Carroll County came; correct?

24 A. About an hour, hour and a half later.

25 Q. Okay. Carroll County had a K9 unit that came to the

~~HAMILTON~~ ~~CROSS~~

1 house?

2 **A.** Correct.

3 **Q.** Carroll County did a search of the house as well; correct?

4 **A.** Correct.

5 **Q.** And you indicated that you were taken downstairs to the
6 basement; right?

7 **A.** Correct.

8 **Q.** And then you were taken downstairs to the basement, where
9 was your wife?

10 **A.** Upstairs.

11 **Q.** And who took you downstairs to the basement?

12 **A.** First time was Gondo.

13 **Q.** And then the second time, was that Rayam?

14 **A.** Yes.

15 **Q.** Do you remember your wife going down the basement?

16 **A.** Yes.

17 **Q.** And she went down with Rayam at one time?

18 **A.** I -- I'm not a hundred percent sure who she went with.

19 **Q.** Okay. So you're taken down -- twice down to the basement.
20 And one time was Gondo and a second time was Rayam; correct?

21 **A.** Correct. Yes.

22 **Q.** And it wasn't Mr. Hersl; correct?

23 **A.** No, sir.

24 **Q.** Okay. Mr. Hersl was still seated at that point in the
25 living room where he was from the beginning to the end of the

~~HAMILTON~~ ~~CROSS~~

1 entire, whatever amount of hours it was; correct?

2 **A.** I don't know what he done when I was in the basement,
3 but --

4 **Q.** Okay. When you weren't in the basement, that's where he
5 was?

6 **A.** Correct.

7 **Q.** Thank you.

8 All right. Just one more moment.

9 **A.** Yes.

10 **Q.** Thank you.

11 Super Bowl Sunday's coming up. Are you going to the game?
12 Honest question.

13 **A.** You treatin'?

14 **Q.** No. I'm asking you.

15 **A.** No.

16 **Q.** All right. Last February, 2017, where were you? Did you
17 go to the game, Houston?

18 **A.** February? Yes.

19 **Q.** All right.

20 **A.** I didn't go to the game, but I went to the -- I went out
21 to Houston, me and my wife.

22 **Q.** And who's Margaret Cook Johnson?

23 **A.** My sister -- well, not blood sister. We just say we
24 sisters [sic].

25 **Q.** And --

~~HAMILTON~~ ~~CROSS~~

1 A. That's where I stayed.

2 Q. Does she own homes in the Houston area in your name?

3 A. In my name? No.

4 Q. Strike that.

5 A. Oh.

6 Q. I'm wrong.

7 Do you own homes --

8 A. No.

9 Q. -- in the Houston area in your sister's name?

10 A. No.

11 Q. How often do you go to Houston? Plane records -- strike
12 that.

13 When you go to Houston, do you use cash for tickets or do
14 you use credit card?

15 A. We pay cash.

16 Q. Does cash show record for travel?

17 A. No, but I had permission to go, if you want to know that.

18 Q. Is Houston -- based on your prior narcotic-distribution
19 days, is Houston --

20 A. No, sir.

21 Q. -- a source city for cocaine coming up from --

22 A. No, sir.

23 Q. Now, one last . . .

24 Now, did you tell your wife -- you actually -- you're
25 separated now from your wife; right?

~~HAMILTON~~ ~~CROSS~~

1 **A.** Say that one more time.

2 **Q.** Are you separated now?

3 **A.** No.

4 **Q.** All right.

5 **MR. WISE:** Your Honor, may we approach?

6 **THE COURT:** Yes.

7 (Bench conference on the record:

8 **MR. WISE:** So the question I heard is: Did you tell
9 your wife . . .

10 He has a spousal privilege. The communications that
11 he and his wife had or have are privileged. There is -- just
12 by way of background, they are in a divorce proceeding. It's a
13 bitter divorce proceeding.

14 **MR. PURPURA:** He just said they're not in divorce --

15 **THE COURT:** Let him finish.

16 **MR. WISE:** There's custody issues. If -- they
17 apparently intend to call Mrs. Hamilton. So questions about
18 Mrs. Hamilton, again, with the -- keeping in mind there is a
19 privilege, should be directed to her and not to him.

20 He -- he can't be forced to testify about
21 communications he had with his wife.

22 **MR. PURPURA:** Right.

23 **THE COURT:** Okay.

24 **MR. PURPURA:** She has the privilege if she wanted to
25 invoke --

1 **MR. WISE:** They both do.

2 **MR. PURPURA:** Not -- not on -- no. Just she has the
3 privilege to invoke if she wanted to invoke. Quite frankly, I
4 think that privilege is waived when she's already talked to the
5 FBI about it because it's in the 302. So we can't discuss it
6 openly and then claim privilege after that.

7 **MR. WISE:** He can.

8 **MR. PURPURA:** He does not have that privilege.

9 **MR. WISE:** His communications with her --

10 **THE COURT:** Wait a second. Wait a second. Hold on.

11 **MR. PURPURA:** His communication to her would be a
12 statement against criminal interest because he admits he's
13 still trafficking drugs. He's one of the biggest traffickers
14 on the East Coast. That's what he tells her.

15 **THE COURT:** Let me see.

16 **MR. PURPURA:** (Handing.)

17 I'm sure he'll deny it, but . . .

18 **THE COURT:** So you want to ask him whether he told her
19 that he was selling drugs.

20 **MR. PURPURA:** Yes.

21 **THE COURT:** How does he have a privilege --

22 **MR. WISE:** The basic spousal privilege is that you
23 can't call husbands and wives to testify against one another.
24 It's the bedrock of the spousal privilege. It's a bilateral
25 privilege that protects the marriage.

1 **THE COURT:** But this is -- he's not testifying against
2 her. I mean, this whole trial is not about --

3 **MR. WISE:** It's not about testifying -- you can't
4 ask -- you can't ask about their communications in an attempt
5 to, for instance, incriminate him. You can't say, "What did
6 you say to her? What did she say to you?" in an attempt to
7 incriminate him.

8 And it applies to all spousal communications. We
9 advise witnesses in the grand jury, if they're asked a question
10 that causes them to describe something they told to their
11 spouse or something their spouse has told them, they
12 shouldn't -- they have a privilege.

13 We have an obligation to do this, and we advise them
14 that they have a privilege and they not need waive it or answer
15 those questions. We do that all the time with husbands and
16 wives. It's the same privilege that applies in court.

17 **MR. PURPURA:** She could invoke the privilege, and I
18 suggest she no longer can invoke it because she's already
19 disclosed this information. You can't disclose it, then claim
20 privilege afterwards.

21 She would have that privilege, not him. His is an
22 admission against penal interest if he, in fact, said it.

23 **MR. WISE:** There's no case law that that -- an
24 admission against penal interest trumps the spousal privilege.
25 And he's asking him, "What did you say to your wife?"

1 He doesn't have to testify in court about what he said
2 to his wife.

3 **MR. NIETO:** And, Your Honor, just if I may chime in, I
4 do believe the Government's provided him immunity. So I don't
5 think these can be used against him.

6 So in the sense of, if we equate it to a
7 Fifth Amendment privilege in which the Government's provided
8 immunity, the Fifth Amendment issue is no longer one. So with
9 regard to spousal privilege, I don't know if that should factor
10 into Your Honor's calculation, but --

11 **MR. WISE:** Again, it doesn't change the fact that the
12 privilege exists.

13 **THE COURT:** Well, I don't know. This is obviously a
14 somewhat complex issue. I've never -- it would not have
15 occurred to me that you would even be raising this. I don't
16 know -- I mean, this is a fairly important question for you to
17 prevent the defense from asking this witness.

18 **MR. WISE:** They're calling her as a witness --

19 **MR. PURPURA:** Especially their own -- if I may, when
20 the Government sponsors him as a non-drug trafficker in this
21 case, as an innocent person, has these rental agreements and
22 all these other things -- and he's admitting what he is. So
23 that's huge. That's credibility.

24 **MR. WISE:** We don't -- we don't sponsor witnesses. We
25 called him because he was the person who was robbed. And all

1 the evidence that we have is that he's not a drug trafficker.

2 **THE COURT:** Except for this piece of evidence.

3 **MR. WISE:** This is someone else saying something he
4 said, that they can call. And they can -- they can say, "What
5 did he tell you?"

6 **MR. PURPURA:** There is more, which I attempted to get
7 into, but he denied those factors. There's another cooperating
8 witness who's given information to the Drug Enforcement Agency.

9 What the Government gave us is -- there's a 302 on
10 that, actually, a DEA-6 on that, which is very detailed about
11 multiple trips to Houston, contacts in Houston, houses owned by
12 his sister in her name for him in Houston, so --

13 **THE COURT:** I have another concern that this raises,
14 though. Does he know that she said this?

15 **MR. PURPURA:** Yeah, to the best of my knowledge.

16 **MR. WISE:** No, he doesn't.

17 **MS. WICKS:** May I ask Mr. Purpura a question that
18 may --

19 **THE COURT:** Yes.

20 (Counsel conferred.)

21 **THE COURT:** Okay. If the Government is insisting on
22 this, we're going to take the possibility of calling him back
23 to ask that. I don't -- I'm not prepared to rule on whether
24 there is a spousal privilege.

25 **MR. WISE:** Well, let him ask it. But there are -- I

1 mean --

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

3 **THE COURT:** I think there may be --

4 **MR. WISE:** I would also proffer --

5 **THE COURT:** I would prefer that you not use this. I
6 mean, were you planning to? Or is your question simply --

7 **MR. PURPURA:** I won't use that as like a --

8 **THE COURT:** Right.

9 **MR. PURPURA:** I won't say it's a 302 or a DEA-6. I
10 mean, I'll say specifically: Did you tell your wife whatever
11 it says there?

12 **THE COURT:** Can you do it without looking like you're
13 reading from some piece of paper which is her statement?

14 **MR. PURPURA:** I'll do my best. I will.)

15 (Bench conference concluded.)

16 **BY MR. PURPURA:**

17 **Q.** Mr. Hamilton, recently did you tell your wife that you
18 were still dealing drugs?

19 **A.** No, I didn't.

20 **Q.** Did your wife follow you and catch you in a drug
21 transaction?

22 **A.** No, she didn't.

23 **Q.** Did you brag to your wife that you are the man in Maryland
24 and that you move drugs from Virginia to New York?

25 **A.** No, I didn't.

~~HAMILTON~~ ~~CROSS~~

1 Q. Did you brag to your wife that you also deal with people
2 from other countries?

3 A. No, I didn't.

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

5 THE WITNESS: Thank you.

6 THE COURT: Mr. Nieto.

7 CROSS-EXAMINATION

8 BY MR. NIETO:

9 Q. Now, Mr. Hamilton --

10 THE CLERK: Mr. Nieto, is the microphone on?

11 MR. NIETO: I'll get it right.

12 BY MR. NIETO:

13 Q. All right. Mr. Hamilton, on July 8th, 2016, that's when
14 you had this encounter with the Baltimore City Police
15 Department; correct?

16 A. Correct.

17 Q. Okay. And at no point in time on that date had you seen
18 or interacted with Detective Taylor, who is seated at the end
19 of the table (indicating)?

20 A. Who, him (indicating)? Oh, no, sir.

21 Q. Right. Okay. Now, I just want to go back a little bit,
22 if I may. I'm not going to repeat the same questions that
23 Mr. Purpura made, but I had some questions of my own; okay?

24 So in November of 2000, you were convicted in
25 Federal Court for conspiracy to possess with intent to

~~HAMILTON~~ ~~CROSS~~

1 distribute cocaine.

2 Do you remember that?

3 **A.** Yes.

4 **Q.** Okay. And that in that particular case, there was a
5 package that was sent from Southern California to Maryland
6 addressed to Betty Wilson.

7 Do you remember that?

8 **A.** Yes.

9 **Q.** Okay. And DEA agents who were investigating followed that
10 package to the address. And in their presence, the residents
11 called for someone to come pick up that package. And do you
12 know who that individual was?

13 **A.** No, sir.

14 **Q.** That was you; right?

15 **A.** No, sir.

16 **Q.** That wasn't you?

17 **A.** No, sir.

18 **Q.** So you did not come to pick up the package and were then
19 arrested by federal agents?

20 **A.** I didn't come to pick up no package.

21 **Q.** All right. But you were -- you pled and were convicted
22 for 135 months?

23 **A.** No, sir.

24 **Q.** That's not true?

25 **A.** No, sir.

~~HAMILTON~~ ~~CROSS~~

1 Q. Well, what happened in that federal case?

2 Let me take a step back. Did you go to trial?

3 A. No, sir.

4 Q. Were the charges dismissed?

5 A. No, sir.

6 Q. Did you go to federal prison for that incident?

7 A. Yes, sir.

8 Q. Okay. And you were originally sentenced to 135 months,
9 which was later reduced; right?

10 A. Yes, sir.

11 Q. And that was reduced to 108?

12 A. Yes, sir.

13 Q. But you're now saying that you did not commit that
14 offense?

15 A. I didn't say -- I said I didn't go pick up no package.
16 That's what I said.

17 Q. I'm sorry. Did you say you didn't open up the package?

18 A. I didn't go pick up no package.

19 Q. Oh, well, how were you arrested in that case, then?

20 A. I went to someone house.

21 MR. WISE: Your Honor, can we approach?

22 THE WITNESS: That's what I did.

23 THE COURT: Okay.

24 (Bench conference on the record:

25 MR. WISE: Mr. Nieto is misreading the statement of

1 facts. It doesn't say that he picked up the package. It said
2 someone else picked up the package. I think that's why he's
3 fighting the issue. And it's confusing. "White males" --

4 **MR. NIETO:** That's the 2009 incident. I'm referencing
5 the 2000 incident. And the basis for my knowledge of that case
6 is a --

7 **THE COURT:** What is --

8 **MR. NIETO:** -- 404(b) motion that was filed -- I think
9 it was by Sujit Raman, in which he details out what happened in
10 2000, what happened -- for this particular case, the incidents
11 that have preceded it that they were intending to use against
12 Mr. Hamilton.

13 So the 2000 case, we are unable to pull up that
14 conviction. I do know, reading the docket sheet, that there
15 was a plea. Looks like on the day of trial he pled. But I can
16 only divine from what Mr. -- Assistant U.S. Attorney Raman
17 filed in the 2009 case. That is the basis for my inquiry.

18 **MR. WISE:** Under 609, he can get into the conviction.
19 But to re-litigate the facts of the underlying case, whether
20 the DEA called someone -- I mean, all of these questions are --
21 half of them are not within his personal knowledge anyway.

22 And it's just to make him look like he's fighting over
23 his conviction. Some of them he's just -- he's not going to be
24 able to answer. And he shouldn't have to answer. And he's
25 admitted the conviction. Mr. Purpura has already crossed him

1 on it.

2 I'm not even sure -- I mean, first thing Mr. Nieto
3 says is, "I'm not going to ask the same questions." And then
4 he immediately begins asking the same questions.

5 **MR. NIETO:** I'm sorry if I -- once again, the
6 Government is mystified by my cross-examination. The reason
7 why I'm doing what I'm doing is because in this particular
8 instance, the 2000 case, it is shipments of drugs coming from
9 interstate.

10 In 2009, it is 15 kilos of cocaine coming interstate.
11 Those are expensive, large-scale drug distributions, the likes
12 of which would result in heat-sealed packaging of fifty to
13 seventy-five thousand dollars in his house. It is laying a
14 foundation.

15 I'll be candid with you. I didn't think he was going
16 to fight me on this because I'm just reading what the facts are
17 as I understand it.

18 And if he wants to fight me on it, then I can back off
19 on it, but I think it's slightly disingenuous for the
20 Government to suggest in 2009 that that is their understanding
21 and now today it is something different.

22 **THE COURT:** You can go back and try to clear it up.
23 That's fine.

24 **MR. NIETO:** I'll try. Thank you, Your Honor.)

25 (Bench conference concluded.)

~~HAMILTON~~ ~~CROSS~~

1 **THE COURT:** If you want to rephrase that, Mr. Nieto.

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

3 **BY MR. NIETO:**

4 **Q.** So, Mr. Hamilton, the case in 2000, the one in which you
5 received initially over 11 years, involved the shipment of
6 2 kilograms of cocaine from California to Maryland; is that
7 correct?

8 **A.** Yes.

9 **Q.** Okay. And additionally, you had been convicted in
10 Baltimore City with Marvin Leach.

11 Do you know Marvin Leach?

12 **A.** Correct.

13 **Q.** Okay. Was -- is he a friend of yours?

14 **A.** Yes.

15 **Q.** All right. Was he involved in the 2009 federal case as
16 well?

17 **A.** Yes.

18 **Q.** Okay. And in that case you had been coming from
19 New York City, and you had crack on you; is that correct?

20 **A.** No, sir, that's not correct.

21 **Q.** But in 2009, you were arrested at BWI Airport.

22 Do you remember that?

23 **A.** Yes.

24 **Q.** And at that particular occasion, you had a Maryland
25 driver's license with the name of Marvin Keith Newton Leach on

~~HAMILTON~~ ~~CROSS~~

1 you --

2 **A.** Yes.

3 **Q.** -- right?

4 That's not your ID?

5 **A.** No.

6 **Q.** But that's what you had on you --

7 **A.** Yes.

8 **Q.** -- right?

9 And the screener recognized that it was fraudulent,
10 communicated that to you; you snatched the ID and ran out,
11 trying to get into a taxi but were apprehended.

12 Is that correct?

13 **A.** No, I didn't run out.

14 **Q.** You didn't run out?

15 **A.** No, sir.

16 **Q.** All right. And when interviewed by law enforcement, you
17 said you had purchased it online with the permission of
18 Mr. Leach; right?

19 **A.** Correct.

20 **Q.** Okay. And so then in 2009, I guess that would be in May
21 of 2009, maybe 18 days after the BWI incident, the DEA in
22 Los Angeles intercepts a package that's got 16 kilograms of
23 cocaine; correct?

24 **A.** Correct.

25 **Q.** And they were being shipped to a North Fulton address, to

1 the address of Michael Turner.

2 Do you remember that?

3 A. Correct.

4 Q. Right. And that was relevant because the DEA waited to
5 see who was going to pick up that package, and you were
6 arrested in connection with that; correct?

7 A. Correct.

8 Q. And that was with Marvin Leach, your friend from earlier;
9 right?

10 A. Correct.

11 Q. And that was with Edward Bryant and Keenan Hughes?

12 A. Correct.

13 Q. And you guys were driving in two different cars at the
14 post office?

15 A. No.

16 Q. That's not true?

17 A. Unh-unh.

18 Q. All right. So there wasn't a silver and a blue Honda
19 driving through Coastal Air Freight's parking lot on a number
20 of occasions doing countersurveillance?

21 A. No, that wasn't.

22 Q. That wasn't what was going on?

23 A. Unh-unh.

24 Q. All right. And that apparently Mr. Leach, Mr. Bryant,
25 Mr. Hughes, and you had enlisted the services of two other

~~HAMILTON~~ ~~CROSS~~

1 gentlemen to go in to pick up the package while you waited in
2 the parking lot; right?

3 **A.** Wrong.

4 **Q.** Wrong. All right.

5 But you were arrested in connection with that case and
6 received a sentence; right?

7 **A.** Correct.

8 **Q.** And so -- and I'm sorry. My apologies. The 2000 case,
9 the one that I referenced initially with the drugs coming from
10 California, you received 135 months, and you were released in
11 2008?

12 **A.** Correct.

13 **Q.** All right. And then subsequent to that, what looks to be
14 less than a year later, you are arrested and then convicted
15 again for the shipment of drugs from out of state --

16 **A.** Correct.

17 **Q.** -- right?

18 And so 16 kilograms of cocaine were at issue in 2009;
19 right?

20 **A.** Say that again.

21 **Q.** In 2009, 16 kilograms of drugs -- that was what was at
22 issue in that case; correct?

23 **A.** Correct.

24 **Q.** And you were involved in that importation and
25 distribution?

~~HAMILTON~~ ~~CROSS~~

1 A. I wasn't involved in the importation.

2 Q. You weren't involved in it?

3 A. I got convicted of the crime, yes, that's -- yes.

4 Q. So you got convicted of a crime --

5 A. Yes.

6 Q. -- but you weren't actually involved in it; right?

7 A. Yes.

8 Q. Okay. And so -- and that's right, and you also violated
9 for your supervised release from the 2000 case. But
10 Judge Bennett ran that concurrent; is that right?

11 A. No.

12 Q. You don't remember getting 18 months to run concurrent for
13 that violation?

14 A. No, can't remember.

15 Q. Were you on supervised release when you got the 16 kilos
16 of coke?

17 A. No.

18 Q. You were; right?

19 A. Yes.

20 Q. What happened with that supervised release, then?

21 A. What you mean what happened with it?

22 Q. Were you violated?

23 A. No. I -- they just ran -- I just went for a violation.
24 They just dropped it and put me with -- and made one case. I
25 got one sentence. That's all I got. I didn't get no separate

~~HAMILTON~~ ~~CROSS~~

1 sentence. I got one sentence.

2 **Q.** That's not true. You actually got two sentences. They
3 were just running at the same time; right?

4 **MR. WISE:** Your Honor, may we approach?

5 **THE COURT:** Does it really matter? It's one
6 sentence -- two sentences running at the same time.

7 **MR. NIETO:** I just didn't know if he understood,
8 Your Honor. That's all.

9 **BY MR. NIETO:**

10 **Q.** All right. If I may, then, when did you say you purchased
11 this house in Westminster?

12 **A.** May of 2016.

13 **Q.** All right. Are you sure it wasn't June 22nd, 2016?

14 **A.** No. It was in May, I think.

15 **Q.** It was in May?

16 **A.** Yes.

17 **Q.** Okay. And could you tell the ladies and gentlemen of the
18 jury for how much that house was purchased?

19 **A.** Five hundred, like five fifteen, five twenty, something
20 like that?

21 **Q.** \$535,800; right?

22 **A.** Could be. I don't -- yes, yes.

23 **Q.** Well, it's a half-a-million-dollar house that you
24 purchased. I'm assuming you remember the details; right?

25 **A.** Yes.

~~HAMILTON~~ ~~CROSS~~

1 Q. And that was less than two years after you've been out of
2 federal prison?

3 A. Yes.

4 Q. And you've been filing tax returns throughout that time;
5 right?

6 A. Yes.

7 Q. In which you tell the federal government that your
8 collective gross income between you and your wife is
9 approximately \$130,000 for the two of you --

10 A. Yes.

11 Q. -- right?

12 For both 2015 and 2016?

13 A. I think it was just '16. 7 -- '15.

14 Q. All right.

15 A. Okay.

16 Q. And so that, of course, includes all your car sales;
17 right?

18 A. It was some of it, the car sales. Yes, it include the car
19 sales.

20 Q. It would have to; right? Because it's income. So you
21 reported you making money from selling the cars, and you
22 reported the income from your rental properties?

23 A. And from DCF Staffing.

24 Q. I'm sorry?

25 A. And the construction job, yes.

1 Q. And your construction job; right?

2 A. Yes.

3 Q. And that was through a staffing company; right?

4 A. Yes.

5 Q. So that wasn't 40 hours a week, was it?

6 A. Yes, it was. It was more than 40 hours. I was --

7 Q. It was more than 40 hours?

8 A. Yes.

9 Q. How many hours were you working, sir?

10 A. It was a contract job. I was making -- I was working
11 almost a hundred-and-something hours every two weeks. Every
12 two weeks -- I was working over a hundred-and-something hours
13 every two weeks. I was working seven days a week.

14 Q. And yet you still had time to go to car auctions?

15 A. I wasn't selling cars then.

16 Q. You weren't selling cars. All right. But you were
17 managing the properties, right --

18 A. Yes.

19 Q. -- over in West Baltimore?

20 A. Yes.

21 Q. And they're all pretty much on the same block?

22 A. Correct.

23 Q. Okay. And you had time, of course, to go and make sure --

24 A. Yes.

25 Q. -- that they were running appropriately; right?

~~HAMILTON~~ ~~CROSS~~

1 A. Yes.

2 Q. If I may -- and if I could have it for Defense 2.

3 And, of course, sir, with the 50 hours that you were
4 working a week through the staffing construction job and the
5 sale of the property -- or the rental and all that stuff that
6 you were making, including your wife's income, we're still
7 talking about 130 grand a year, right, for the two of you?

8 A. Uh-huh.

9 Q. Is that correct?

10 A. Yes.

11 Q. All right. All right. So I'd like to show you what's
12 going to be marked as Defense Taylor Exhibit 6A.

13 Do you recognize this picture, sir?

14 A. Yes.

15 MR. NIETO: Court's indulgence 'cause I'm -- you can
16 see it up there (indicating).

17 BY MR. NIETO:

18 Q. Do you see that picture, sir?

19 A. Yes.

20 Q. All right. That's your house, isn't it?

21 A. Yes.

22 Q. Okay. And that's the condition of the house when you --

23 A. Yes.

24 Q. -- purchased it?

25 A. No.

~~HAMILTON~~ ~~CROSS~~

1 Q. No?

2 A. No.

3 Q. It didn't look like that?

4 A. No.

5 MR. WISE: Your Honor, objection; asked and answered.
6 It's the same questions that were asked by Mr. Purpura.

7 THE COURT: Overruled.

8 BY MR. NIETO:

9 Q. Okay. So this was not the condition in which you
10 purchased the house?

11 A. No.

12 Q. Okay. Have you subsequently posted this house for sale
13 online?

14 A. No.

15 Q. No? Okay.

16 So if I were to go online -- and you posted the sale of
17 your cars online; right? So you understand how the Internet
18 works; right?

19 A. Yes.

20 Q. Okay. So if I were to go online to Zillow or Zestimate
21 and I saw pictures of this house that indicated to me that this
22 was sold in 2016, you're saying those pictures were put in
23 after?

24 A. Say that one more time.

25 Q. Fair enough.

1 You're saying that these pictures were not the pictures
2 that you or your wife saw when you went to purchase the house
3 for a half a million dollars?

4 **A.** What pictures you talking about? Like --

5 **Q.** The picture that you see right in front of you.

6 **A.** The house wasn't -- the outside wasn't like that.

7 **Q.** All right.

8 **A.** The inside was white.

9 **Q.** Inside was white?

10 **A.** Yeah, I re -- I did a lot of work inside my house.

11 **Q.** All right. Well, how about this kitchen? That's the way
12 the kitchen looked; right?

13 **A.** That's how it used to look.

14 **Q.** That's how it used to look --

15 **A.** Yes.

16 **Q.** -- before you fixed it?

17 **A.** Yes.

18 **Q.** That's beautiful. I don't see any water damage. Was
19 there water damage in there?

20 **A.** Yeah, it was water -- it was in the basement. The house
21 sat on the market for like four years.

22 **Q.** Right. We'll get back to the house being on the market
23 for the four years, because I think you might be a little bit
24 off on that.

25 But with regards to this house --

~~HAMILTON~~ ~~CROSS~~

1 **MR. WISE:** Objection, Your Honor.

2 **BY MR. NIETO:**

3 **Q.** -- this is the way your kitchen looked when you purchased
4 it for a half-million dollars, isn't it?

5 **A.** No. It had a white refrigerator in there at first.

6 **Q.** Okay. But other than that, those beautiful wood floors,
7 that's the way it looked; right?

8 **A.** Yes.

9 **Q.** That island in the kitchen, that was there?

10 **A.** Yes.

11 **Q.** All right. If we can go to the next picture.

12 Here we go, this is the bathroom?

13 **A.** Uh-huh.

14 **Q.** And there would be no water damage up here because it was
15 all in the basement; right?

16 **A.** Right.

17 **Q.** This is the way the bathroom looked when you purchased it;
18 correct?

19 **A.** Yep.

20 **MR. NIETO:** All right. Next one.

21 **BY MR. NIETO:**

22 **Q.** Here we go. What's this a picture of, sir?

23 **A.** The --

24 **Q.** Is that the basement?

25 **A.** Uh-huh.

1 Q. Okay. Is that after you fixed it or before?

2 A. I didn't fix the basement. If -- the house had water
3 damage. This ceiling right here, it's another ceiling over top
4 of that. It was water damage in the house. That's why the
5 house sat so long.

6 Q. I'm asking you, sir, based on this picture of the
7 basement, do you see water damage?

8 A. No, not from the picture, no, you don't.

9 Q. But there was water damage down there?

10 A. Yes.

11 Q. And that's reflected in the carpet?

12 A. That's reflected under the carpet.

13 Q. Under the carpet. All right.

14 Is that a fireplace over there as well?

15 A. Yes.

16 MR. NIETO: All right. Next picture.

17 BY MR. NIETO:

18 Q. All right. And this is a picture of what, the main
19 hallway in the house?

20 A. Yes.

21 Q. And is that a fair and accurate representation of the way
22 that house looked when you purchased it for a half-million
23 dollars?

24 A. Yes.

25 Q. Okay. So these pictures, some of these pictures are

~~HAMILTON~~ ~~CROSS~~

1 accurate representations of the way the house looked.

2 **A.** Yes.

3 **Q.** The other ones, we don't know when they were taken; is
4 that your testimony?

5 **A.** I -- I redone my whole house over. That's what I said.

6 **Q.** Right. But you didn't post any pictures online of your
7 house --

8 **A.** No.

9 **Q.** -- after you had done it over, had you?

10 **A.** No.

11 **Q.** No. Okay.

12 (Counsel conferred.)

13 **MR. NIETO:** Your Honor, may we approach?

14 **THE COURT:** Sure.

15 (Bench conference on the record:

16 **MR. NIETO:** Good afternoon, Your Honor. I was going
17 to show this, and I was going to put it up on the ELMO. This
18 is the SDAT real property data search that you can do online
19 for individual addresses and information about it through the
20 state of Maryland.

21 I'll be candid. I was surprised with some of his
22 testimony on direct as to the date and the condition of the
23 house. And so I wanted to show this to him to see if it
24 changed his recollection, because as Your Honor can see, the
25 house had been purchased in 2015 for three hundred twenty-five

1 and then sold a year, 13 months later, for \$200,000 more, which
2 would be approximately when the Hamiltons purchased it, which
3 is consistent with the name of the owners, as well as
4 everything with regards to the property.

5 So when he says that there had been four years of the
6 house on the market, I don't think that's necessarily accurate.

7 And in addition, it also -- it also supports the idea
8 that the house had been rehabbed to some extent by the previous
9 owners prior to his purchase, because as I can tell the Court,
10 I can proffer the photos that I've gotten are, in fact, from
11 Zillow online. It says the property's not for sale, but that
12 was the advertisement that was posted when the house was
13 initially for sale. They are not pictures that Mr. Hamilton
14 posted.

15 So with regards to his credibility, I would like to
16 delve into this. But I understand the Government's going to be
17 objecting.

18 **THE COURT:** Okay. And would you object to using this
19 to see if that refreshes his recollection?

20 **MR. WISE:** If he says he doesn't remember. I don't
21 know that he said he doesn't remember. I just think this whole
22 line of -- Your Honor, I thought -- I mean, he said Taylor
23 wasn't even there. I thought the practice was one of the
24 defense counsel acts as the lead cross, and then the second
25 asks questions that are specific to their client or to

1 particular issues to the client.

2 This witness said he doesn't even know Taylor, and now
3 we're cross-examining him about the -- whether there's water
4 damage on the ceiling. I mean, the whole line of questioning
5 is, frankly, irrelevant.

6 Hersl isn't even denying that they took money from the
7 man, so what difference does it make whether his ceiling had
8 water damage or not?

9 I just think we're so far afield of any relevant issue
10 in this case. We could go on like this, frankly, forever.
11 That last set of cross with the pictures, I have no idea what
12 was going on.

13 **THE COURT:** Well, again, to the extent that
14 credibility is an issue in this case, those pictures, the
15 cross-examination that Mr. Nieto is going through at the moment
16 could make a person doubt the credibility of Mr. Hamilton's
17 explanation of his money. Whether that ultimately makes a
18 difference is another question.

19 **MR. WISE:** I was going to say, it doesn't --

20 **THE COURT:** He is entitled to attack Mr. Hamilton's
21 credibility.

22 **MR. WISE:** Mr. Purpura has already gone down this
23 road, and now we're just replowing it.

24 **THE COURT:** Well, we are -- if he were simply
25 re-asking the same things that Mr. Purpura did, I would agree

1 with you. But I don't recall Mr. Purpura going through this
2 series of questions about the house. So --

3 **MR. NIETO:** And in complete candor, Your Honor, we
4 could not have anticipated he would have said what he has said
5 because that was not in 302s and obviously strange credulity,
6 respectfully, about what he said is the truth. So insofar as
7 his credibility is at issue, specifically for the conspiracy
8 count, we would very much like to delve into this line.

9 **MR. WISE:** This is also not appropriate with this
10 witness because his -- so he says he thought it sat on the
11 market for four years. If it sold --

12 **MR. NIETO:** He said "sat on the market," not that he
13 thought it sat on the market.

14 **MR. WISE:** If it's sold between brokers or dealers
15 while it's sitting there with the "for sale" sign on it, he's
16 not going to know that. So you can't cross him with an SDAT
17 property printout and say, Well, if this said -- you can't use
18 the document to cross-examine him.

19 They can't say, Well, this says it was actually sold,
20 and you said it sat on the market for four years.

21 He's -- he can't be crossed with a piece of paper. I
22 mean, if it's his own statement, he can be crossed with it.
23 But, I mean, real estate records, he may or may not know about
24 it.

25 Houses, when they sit, can be sold from broker to

1 broker or owner to owner. And there's still a "for sale" sign;
2 the place is still empty; and nobody even knows it.

3 **MR. NIETO:** And I'll be candid, Your Honor. I think
4 he was released from jail in 2014. To suggest that the house
5 had been on the market for four years, I'm not quite sure of
6 the basis of knowledge for that.

7 **MR. WISE:** Then ask him that.

8 **MR. NIETO:** And I will. But I think that's what more
9 relevant is the fact that both the Government and the defense
10 know that he is either mistaken or lying about this.

11 **MR. WISE:** I don't know that.

12 **MR. NIETO:** The records speak for themselves.

13 **MR. WISE:** It's his state of mind. If he thought it
14 was on the market for four years, that's his state of mind.

15 **THE COURT:** Well, I agree with the Government to the
16 extent that I don't think this is admissible to prove what, in
17 fact, did or did not happen. I was looking to see, well,
18 where's the rest of it going back four years? And you don't
19 have that, and I don't know who these entities are. You just
20 can't tell from that.

21 The subject matter generally of -- and now why he
22 thought it sat on the market for four years, you can't ask him.
23 I'm actually not sure you can use this to prove that it, in
24 fact --

25 **MR. NIETO:** Your Honor, so if that's the Court's

1 decision, that's fine. It's the real property data search
2 through the State of Maryland that you can do online to plug in
3 particular addresses to find relevant information.

4 Like I said, I was confused by his testimony. So we
5 sort of did this last minute to try to get a better sense of
6 it.

7 Your Honor says this is inadmissible. Just for
8 authentication --

9 **THE COURT:** There may be another way to get it into
10 evidence.

11 **MR. NIETO:** Yeah.

12 **THE COURT:** I don't think you can now.

13 **MR. NIETO:** But I'll talk him through it. And, of
14 course, when his wife or estranged wife comes to testify, we
15 can ask her about that specifically as well.

16 Insofar as I will not put it on the ELMO, but I will
17 talk him through that if that satisfies the Government's
18 concerns --

19 **THE COURT:** Well, he's probably never seen it before.
20 It's not something that can refresh his recollection.

21 **MR. NIETO:** Can anything refresh his recollection if
22 he doesn't remember?

23 **THE COURT:** I don't know. I mean, he doesn't --

24 **MR. WISE:** He also hasn't said he doesn't remember.

25 **THE COURT:** You can ask him what the basis is for his

1 knowing that it sat for four years. Then, I mean, if he says,
2 "Well, I went and checked the records," that's a fair response.

3 If he said, "That's what my broker told me," or
4 something, then this isn't really fair cross. So I guess I'm
5 partially sustaining. You can -- I'm not stopping you from
6 this line of questioning.

7 But I think if you want to ultimately prove and, as
8 you said, maybe you'll be able to through his estranged wife,
9 but that he's not right about the four years, I think you have
10 to do that some other way. Okay?)

11 (Bench conference concluded.)

12 **MR. NIETO:** Can we just approach, Your Honor.

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

14 **THE COURT:** Oh, yes. Thank you.

15 (Bench conference on the record:

16 **THE COURT:** Okay. So this is not a question. This is
17 a note. Someone is saying -- Ms. Moyé, who is this from?

18 Okay. It is from a juror. But it says [reading]:
19 Man on sixth row, blue shirt, blue jeans, has been using what
20 looks like a cell phone on his lap.

21 Ms. Moyé, I would assume that we might get a CSO to
22 take a walk up that way and see if that's what's going on.

23 **MR. NIETO:** Did Your Honor just want to take a few
24 minutes to excuse the jury and do this or -- however you want
25 to do it.

~~HAMILTON~~ ~~CROSS~~

1 **THE COURT:** You know, I think we can just try and ask
2 him questions.

3 **MR. NIETO:** So to continue, Your Honor?

4 **THE COURT:** Yes.)

5 (Bench conference concluded.)

6 **BY MR. NIETO:**

7 **Q.** Mr. Hamilton, so prior to your purchase of this
8 half-a-million-dollar property in Westminster, did you and your
9 wife do any investigation to the property beforehand?

10 **A.** Yes.

11 **Q.** I mean, that's a pretty significant investment in a
12 property; right?

13 **A.** Yes.

14 **Q.** I mean, respectfully, you're two years out --

15 **A.** We went there a year before then.

16 **Q.** I'm sorry?

17 **A.** We went there a year before we purchased the house.

18 **Q.** Okay. So that would be early summer of 2015, you had
19 gone --

20 **A.** That's fair to say, yes.

21 **Q.** You saw it for sale; right?

22 Okay. And so did you know who the -- when the previous
23 owners had purchased the property?

24 **A.** No.

25 **Q.** Okay. I know you had looked at sort of comps in the area

~~HAMILTON~~ ~~CROSS~~

1 to see whether or not you were getting a good deal on the
2 house?

3 **A.** I was not really looking at the comps. I just wanted to
4 know why the house sat for so long.

5 **Q.** Okay. And so as far as your understanding, the house had
6 not been sold in May 14th of 2015 for \$325,000?

7 **A.** Say that one more time.

8 **Q.** As far as you knew, through your investigation, prior to
9 the purchase of this property, it's not -- so this is just a
10 question: This is not what happened. The house did not sell
11 on May 14th, 2015, for \$325,000?

12 **A.** Not that I know of.

13 **Q.** Not that you know of.

14 **A.** Unh-unh. That's --

15 **Q.** You were operating under the belief that this house had
16 been on the market for years.

17 **A.** Correct.

18 **Q.** Right. Four years, I think, is what you had said; right?

19 **A.** Yes.

20 **Q.** Okay. Now, the Government's Exhibit RH-3, which were the
21 receipts for the rental properties over in West Baltimore;
22 right?

23 **A.** Yes.

24 **Q.** You had provided those to Carroll County in attempts to
25 get back your money; right?

~~HAMILTON~~ ~~CROSS~~

1 A. Yes.

2 Q. All right. And you had reviewed those with the federal
3 prosecutors and the agents prior to coming here today; right?

4 A. Prior, yes.

5 Q. Right? Okay.

6 But the receipts -- you're not receiving all that money,
7 are you?

8 A. My wife handles that.

9 Q. I'm sorry?

10 A. My wife handles that.

11 Q. All right. Let me take a step back.

12 On cross by Mr. Purpura, as the manager but not the owner
13 of the properties, you receive about 10 percent of the rental
14 fees; right?

15 A. Yes.

16 Q. So on -- when they showed one page that had four separate
17 receipts at an average of about a thousand dollars, you're not
18 getting \$4,000, are you?

19 A. From -- only one I'm not getting the whole is '17.

20 Q. 710 is the only property --

21 A. 2717 is the one I don't get a full pay from.

22 Q. But you get the full pay on all of 'em?

23 A. Correct.

24 Q. Even though you're not the owner?

25 A. Correct.

1 Q. How does that work?

2 A. They are my family properties. One is -- that's -- the
3 house is my house, 50 -- 51 is my house, it's in my
4 grandmother's name. Queenie Wheeler.

5 Q. All right. But, sir, that's not your house. That's your
6 family's house.

7 A. It is my house.

8 Q. But it's not in your name?

9 A. No, it's not.

10 Q. Okay.

11 A. I didn't get a title over to me yet. My grandmother
12 deceased now. I just haven't getting my house turned over to
13 me yet.

14 Q. But it's not getting turned over to your brothers?

15 A. No. It's getting over to me.

16 Q. And why to you and not your brother?

17 A. Doesn't make a difference. It's getting -- it's still be
18 in the family. That's what it matters. It's in the family.

19 Q. Well no, no, no. Respectfully, sir, it does matter;
20 right? Because according to your testimony in the grand jury,
21 you're making the most -- the most of your income's coming
22 through your success in gambling; right?

23 A. No. No. I'm making most is in -- from the cars, the
24 house, and the assisted living. That's what I'm making the
25 most from. I gamble a lot. Yes, I do.

~~HAMILTON~~ ~~CROSS~~

1 Q. Right. And you told them that --

2 MR. NIETO: Court's indulgence.

3 BY MR. NIETO:

4 Q. And you make a significant income from legal gambling.

5 That's what you said?

6 A. Yes.

7 Q. Okay. So significant income is from the gambling?

8 A. I make money from gambling; yes, I does.

9 Q. Right. Despite the fact it looks like you lose more than
10 your entire family earns a year, you're saying you make money
11 from gambling?

12 A. Yes, I do.

13 Q. Okay. Enough where, for example, you can have \$50,000 in
14 cash --

15 A. Yes, I do.

16 Q. -- or \$70,000 in cash --

17 A. Yes.

18 Q. -- in your half-million-dollar house --

19 A. Yes.

20 Q. -- that sits on two acres in Carroll County --

21 A. Yes.

22 Q. -- right?

23 Based on temp construction work and your wife's income --

24 A. It wasn't a temp construction work. It was a scale job.

25 It was a -- it was under a temp agency. The job lasted two and

~~HAMILTON~~ ~~CROSS~~

1 a half years.

2 Q. That's fair.

3 A. It was on the highway. It was a highway job that lasted
4 two and a half -- you want to know it; right? It lasted two
5 and a half years on -- on 95. That's where I was working at.

6 Q. Right. And so your combined income --

7 A. Correct.

8 Q. -- 130 grand a year?

9 A. Correct.

10 Q. Yet you two buy a \$500,000 house?

11 A. Correct. I paid -- I paid \$17,000 down on the house.

12 That's what you want to know? I put \$17,000 down on the house.

13 Q. On the Carroll County house?

14 A. Yes, I did.

15 Q. Well, what are your mortgage --

16 A. Check the record.

17 Q. What are your mortgage payments?

18 A. Does that makes a difference? What's -- this right here
19 destroyed my whole fuckin' family.

20 Sorry. Sorry, Your Honor.

21 **THE COURT:** It's all right.

22 **THE WITNESS:** This destroyed my whole family. I am in
23 a divorce process right now because of this bullshit. This
24 destroyed my whole fuckin' family, man.

25 You sit here asking me questions about a fuckin'

1 house. My fuckin' wife stays in the fuckin' Walmart every
2 fuckin' night until I come home.

3 If you want to know that, worry about that. That's
4 what the fuck's the matter in here, man. Everybody's life is
5 destroyed, man.

6 My house don't have nothing to do with this. The
7 problem is my wife is taking medication 'cause of this.

8 **THE COURT:** Sir, sir --

9 **THE WITNESS:** Man -- I'm sorry, Your Honor. I'm sorry
10 to the courts. But the fact of the matter is, man, my house
11 don't have nothing to do with this.

12 The fact of the matter is, came in my house, destroyed
13 my family. I'm in a divorce process because of this. Because
14 of this.

15 This has put so much financial pressure on my family.
16 Kids, man, are scared to go in the house because of this.

17 **BY MR. NIETO:**

18 **Q.** And --

19 **A.** That's what you want to know. That's what you going to
20 hear, the facts, the truth. Same way with all them lies and
21 said I was driving -- I was going to 7-Eleven getting gas, but
22 they going to say something else.

23 They put addresses in there. I was going to Royal Farm,
24 getting gas. I was going to the auction every day. They
25 didn't say the auction.

1 That's what you want to hear is the facts. Worry about
2 the facts. Worry about the facts, sir.

3 **THE COURT:** Mr. Hamilton, Mr. Hamilton, I'm sorry. I
4 really need to ask you to stop.

5 **THE WITNESS:** I'm sorry, ma'am. He was getting me
6 so --

7 **THE COURT:** Can we come up to the bench, please.

8 (Bench conference on the record:

9 **THE COURT:** We need a little cooldown here. And do
10 you have anything new to ask? Anything else additional?

11 **MR. NIETO:** Well, yeah. I might rethink about it
12 strategically based on the outburst. If we want to take a
13 quick, little break, that's all.

14 But I know it is getting late in the day. I don't
15 imagine I'm going to go -- it's 4:40 right now. I would be
16 done before 5:00. I think I'd be done in another five minutes
17 or so.

18 **MR. WISE:** I think we should finish so that he can go
19 home and not have to come back tomorrow.

20 **THE COURT:** Oh, I definitely don't want him to have to
21 come back tomorrow. And, yeah, I felt when you started to get
22 into his brothers versus his deceased grandmother, I just --
23 you've made a lot of points. We're getting there. I think
24 you're going a little overboard. And so I -- yes, if you want
25 to redirect a bit.

1 **MR. NIETO:** I'm sorry, Your Honor. I have a map, but
2 sometimes we go off depending on what the answers are. And so
3 I'm trying to clarify this whole manager versus seller because
4 that was --

5 **THE COURT:** The point has been fairly clearly made.
6 Defense counsel believes that is improbable that he could
7 purchase this house and have this money shortly after he got
8 out of prison, as we have heard now multiple times.

9 I just -- I need something -- the assurance that this
10 is going to be something new.

11 **MR. NIETO:** Yes.

12 **THE COURT:** New cross-examination.

13 **MR. NIETO:** What I'll do is this, Your Honor: Is if I
14 start and, for whatever reason, Your Honor doesn't think it's
15 new, just call me back up and you can --

16 **THE COURT:** Okay. Thank you.)

17 (Bench conference concluded.)

18 **THE COURT:** Okay. We're all going to take a deep
19 breath and start over again. We are getting close.

20 Mr. Nieto.

21 **MR. NIETO:** Thank you, Your Honor.

22 **BY MR. NIETO:**

23 **Q.** All right. So, Mr. Hamilton, it's been your testimony
24 that you're not and you were not dealing drugs at the time of
25 this interaction with the police; right?

~~HAMILTON~~ ~~CROSS~~

1 **A.** I'm not dealing no drugs. Yes.

2 **Q.** Okay. And that you were not stashing drugs at the fourth
3 house from the corner of 2723 West Fairmount Ave.?

4 **A.** I don't deal in drugs at all, sir.

5 **Q.** So that's -- that's a "no," then? You were not --

6 **A.** That's false, yes.

7 **Q.** Okay. And that in your trip to Houston, Texas, last
8 February, that trip was not drug-related in any way; correct?

9 **A.** Correct.

10 **Q.** All right. And that -- this is a fair question: Do you
11 own houses in Houston that are in Margaret Johnson Cook's name?

12 **MR. WISE:** Asked and answered, Your Honor.

13 **THE WITNESS:** No, I don't.

14 **THE COURT:** Sustained. Sustained.

15 **BY MR. NIETO:**

16 **Q.** Okay. Are you opening a restaurant together in Houston?

17 **A.** No.

18 **Q.** All right. All right. And your brother owns
19 Cooper Tag and Title; is that correct?

20 **A.** No. His wife, his -- yes.

21 **Q.** Right. And they have large metal machinery in that
22 garage?

23 **A.** What garage?

24 **Q.** Is there a garage?

25 **A.** No, sir.

~~HAMILTON~~ ~~CROSS~~

1 Q. Okay. So with all these cars that you purchase that you
2 sell, where do you store them?

3 A. It's a lot next to my -- next to 27 -- 2821 Kinsey Avenue.
4 It's a lot right there.

5 Q. There's a lot that you use; right?

6 A. Yes.

7 Q. And you use Pro Plus as your business for those
8 transactions; right?

9 A. Correct.

10 Q. All right. Now, the address for Pro Plus is at a location
11 in Alabama.

12 A. Correct.

13 Q. What is that address?

14 A. What -- the address? Family Street.

15 Q. I'm sorry, sir?

16 A. It's in Family Street in Alabama.

17 Q. Right. But what is that address? Where do you get that
18 address from?

19 A. That's where the car dealership is at. I'm just saying I
20 represent the license -- I got a representative of the
21 dealership.

22 Q. So you've never been to that Alabama address?

23 A. No.

24 Q. You're just selling under the umbrella of another company?

25 A. Yes, sir.

~~HAMILTON~~ ~~CROSS~~

1 Q. Okay. Okay. In the winter of 2015, do you remember
2 taking a trip to Brooklyn, New York?

3 A. In -- no, sir.

4 Q. Do you remember meeting with a Jamaican male at a hotel?

5 A. A what?

6 Q. A gentleman, a Jamaican gentleman at a hotel in Brooklyn,
7 do you remember that, sir?

8 A. No, sir.

9 Q. Okay. Had you met with a Jamaican male at
10 Maryland Live! Casino over in Hanover?

11 A. No, sir.

12 MR. NIETO: Okay. All right. Nothing further,
13 Your Honor.

14 THE COURT: Okay. Any redirect?

15 MR. WISE: No redirect, Your Honor. No. Thank you.

16 THE COURT: Okay. Thank you, Mr. Hamilton. You are
17 excused.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 THE COURT: I'll see counsel at the bench on the
21 schedule.

22 (Bench conference on the record:

23 THE COURT: Got any short, noncontroversial witnesses?
24 Or shall we move on?

25 MR. WISE: Only long and controversial ones.

1 **THE COURT:** Okay. All right. Then we might as well
2 stop a little bit early this afternoon. And you can all stick
3 around for a minute, and I'll send the jury out.)

4 (Bench conference concluded.)

5 **THE COURT:** All right, ladies and gentlemen, this
6 appears to be a good time to break for today. So we will do
7 that. Thank you for your continuing attention and patience and
8 for not talking about the case and all the other rules.

9 We'll be resuming tomorrow morning at 10:00. As you
10 know, you will not be sitting here on Friday. But you are here
11 for tomorrow, Thursday, and we'll see you at 10 o'clock.

12 Thank you very much.

13 (Jury excused at 4:44 p.m.)

14 **THE COURT:** Okay. You can be seated. Just usual
15 questions. Who do you anticipate for tomorrow, Mr. Wise?

16 **MR. WISE:** Your Honor, we had a number of witnesses
17 waiting for a good part of the day. So I'm not -- that we had
18 previously indicated we anticipated calling: Stepp, Santiful,
19 Anderson, Swinton, Griffin, Irby, Harcum.

20 So I think those will either shift into tomorrow; or
21 if people have work conflicts or childcare conflicts, we'll try
22 to sub people in and we'll let the defense know.

23 But, yeah, we had anticipated there would be a number
24 more.

25 **THE COURT:** More witnesses today?

1 **MR. WISE:** Yeah.

2 **THE COURT:** Right. Okay. Well, then, just as usual,
3 then, if you would let the defense know by e-mail when you've
4 been able to straighten out what the schedule is.

5 Anything that we should anticipate for tomorrow?

6 **MR. PURPURA:** Judge, just one second. I think -- and
7 I'm trying to remember what it was. It might have been in.

8 If I come up with it, I'll let you know early
9 tomorrow.

10 **THE COURT:** Okay. Thank you, all. See you --

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

12 **THE COURT:** -- tomorrow.

13 (Court adjourned at 4:46 p.m.)

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

/s/

Douglas J. Zweizig, RDR, CRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: August 16, 2018

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