

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.)	

Monday, February 12, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME XI

For the Plaintiff:

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Reported by:

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1 For the Defendant Daniel Hersl:

2 William B. Purpura, Jr., Esquire

3 For the Defendant Marcus Taylor:

4 Christopher C. Nieto, Esquire

5 Jenifer Wicks, Esquire

6
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

P R O C E E D I N G S

(9:39 a.m.)

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

Before we bring in the jury, can I see counsel at the bench.

(Bench conference on the record:

THE COURT: I just wanted to confirm, especially for defense counsel, that you'd had a chance to discuss with your clients the question and the proposed answer.

And just to go through it again, I don't know if I put the question into the record last week. So this question came in at the end of the day on Thursday.

It says [reading]: We have reviewed in detail the instructions regarding extortion. We are concerned about the type and extent of consent that would constitute extortion versus a robbery.

For example, if an individual is handcuffed by an officer, what exact consent must be given that will allow the officer to keep the money for himself (unlawfully).

So that was the question.

What we discussed in chambers was that I would -- and I think perhaps this question I can read aloud back to the jury to make sure they all know what the question was as well and then say -- we have the jury coming in -- that I am not

1 completely clear about the focus of their question. And so for
2 now, I am going to refer them back to the instructions.

3 As far as the racketeering acts alleged in Counts 1
4 and 2 under Maryland law, the definitions of -- the whole
5 thing, the definitions of robbery and extortion at Page 29
6 through 31, in part there is a distinction between the types of
7 extortion and read to them just the little pieces, that
8 property was given with consent -- I'm not reading the full
9 sentence, but it's on Page 31 -- to the defendant, who knew the
10 property was given because of the official position.

11 So I'd read that and then say -- and then read the
12 definition of "wrongful use of actual or threatened force,"
13 which is obtaining the property with consent but compelled by
14 the wrongful use of force, violence, or fear.

15 And I would say, then: If you are considering
16 Counts 3 and 5, the definitions are at Page 39 through 41.

17 I'm thinking that perhaps I should read them on
18 Page 39. There is an element that says the person took the
19 property against the victim's will by actual or threatened
20 force, violence, or fear of injury.

21 On Page 41, regarding extortion, it says: Obtaining
22 another person's property or money with his consent when the
23 consent is induced or brought upon by use of force, violence,
24 or fear.

25 So I would just read those little pieces out of the

1 instructions, then remind them that, of course, I only read you
2 a little piece; you have to keep all the instructions in mind.
3 And if this does not answer your question, please send us
4 another question.

5 **MR. PURPURA:** That's acceptable to Defendant Hersl.

6 **MS. WICKS:** Acceptable to Defendant Taylor.

7 **MR. WISE:** And to the U.S.

8 **MR. PURPURA:** Your Honor, just very briefly, I'd like
9 to -- one of the early questions we had or the first question
10 was: If the jury decided on two of the racketeering acts in
11 Count 1, need not -- need they decide any further?

12 And I'm asking the Court, on behalf of Mr. Hersl, that
13 based on the Court's instruction, based on the verdict form the
14 way it's written and as written by the Government and agreed by
15 defense, that they need only find two. And there's no
16 indication that they should consider all the other racketeering
17 acts in Count 1.

18 The same as to Count 2 on racketeering. I believe the
19 appropriate instruction by the Court in the body of the
20 instruction was that they need -- they need consider at
21 least -- and find -- two of the 16 racketeering acts. And
22 that's repeated, that two specific racketeering acts would be
23 the elements defining racketeering.

24 Once they find those two, it would be our position
25 that they can move on to the substantive counts that -- to, in

1 fact, require the jury to go beyond those two acts. And with
2 the instruction so given is what I believe close to an Allen
3 charge on that, that they should look at those acts, and they
4 must find those acts as well. I think it's inappropriate,
5 especially at this early hour, that type of instruction.

6 **THE COURT:** All right. And I will reply that my
7 recollection is that when I responded to those questions last
8 week, I had the consent and agreement of defendants and defense
9 counsel for that, that I think it is appropriate, particularly
10 given the early time at which that question was asked, to at
11 least expect the jury to deliberate and try to reach an
12 agreement. I was careful to tell them that they would have to
13 be unanimous. If they couldn't reach a unanimous agreement,
14 then they don't have to.

15 But under those circumstances, I don't think it would
16 be justified to reverse my instruction at this point.

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

18 **MR. WISE:** Thank you, Your Honor.)

19 (Bench conference concluded.)

20 (Jury present.)

21 **THE COURT:** Good morning, ladies and gentlemen.

22 I have a question from you from late last Thursday.
23 I'm just going to read the question to make sure that we all
24 have the same thing in mind. It was last Thursday.

25 The question I have is: We have reviewed in detail

1 the instructions regarding extortion. We are concerned about
2 the type and extent of consent that would constitute extortion
3 versus a robbery. For example, if an individual is handcuffed
4 by an officer, what exact consent must be given that will allow
5 the officer to keep the money for himself unlawfully?

6 So at this point I apologize, but I will have to say
7 that we are not completely clear about the focus of your
8 question.

9 For now, the best I can do is to refer you back to the
10 instructions. If you were considering Counts 1 and 2 and the
11 acts of robbery and extortion under Maryland law, those
12 elements are defined at Pages 29 through 31. I'm not going to
13 read that all back to you right now.

14 There is a distinction made between extortion under
15 color or pretense of office and the other brought by wrongful
16 use of force. As to extortion under color or pretense of
17 office, it says that the -- in part that the defendant obtained
18 property or services not due him or his office and that the
19 property or service was given with the consent of the giver to
20 the defendant, who knew the property was given because of the
21 power of the defendant's official position.

22 Whereas, in order to convict the defendant of
23 extortion by wrongful use of actual or threatened force or
24 violence, the Government must prove, among other things, that
25 the defendant obtained the property with the victim's consent

1 but that this consent was compelled by the wrongful use or
2 threat of force, violence, or fear.

3 Now, on the other hand, if you are considering
4 Counts 3 and 5, the Hobbs Act, robbery and extortion, those
5 definitions are at Pages 39 through 41.

6 The second element of a robbery charge is that the
7 defendant or those whom he aided and abetted unlawfully took
8 this property against the victim's will by actual or threatened
9 force, violence, or fear of injury, whether immediately or in
10 the future.

11 And at Page 41 in the definition of "extortion," it
12 says that the defendant, among other things, that the defendant
13 wrongfully obtained the property of another and that the
14 defendant obtained this property with the victim's consent but
15 the consent was compelled by the wrongful use or threat of
16 force, violence, or fear.

17 Now, again, I've read to you only little pieces out of
18 the instructions. Obviously you need to consider all of them.
19 If this does not help in answering your question, of course you
20 can send out another question.

21 So thank you very much. And we will excuse you back
22 into the jury room.

23 (Jury left the courtroom at 9:49 a.m.)

24 **THE COURT:** Okay. Anything else at this point?

25 **MR. WISE:** Not from the United States, Your Honor.

1 **MR. PURPURA:** Nothing by defense here. Thank you,
2 Your Honor, again.

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

4 **THE COURT:** Thank you.

5 (Recess taken.)

6 (3:02 p.m.)

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

8 Counsel, want to come up to the bench.

9 (Bench conference on the record:

10 **THE COURT:** Okay. So on the record, we have two
11 questions. They appear to be on separate pieces of paper.

12 The first question is: Statute Title 18
13 United States Code, Section 924(c), says, quote: Any person
14 who, during and in relation to any crime of violence . . . for
15 which the person may be prosecuted in a court of the
16 United States, uses or carries a firearm, or -- and that's
17 underlined -- who, in furtherance of any such crime, possesses
18 a firearm, shall be guilty of a crime.

19 That appears to be a quote from what's on my Page 44,
20 the statute.

21 And then it says [reading]: However, on Page 45 and
22 46 of the instructions, it states that the Government must
23 prove, quote: Only -- and that's highlighted or underlined --
24 that the defendant knowingly possessed a firearm in furtherance
25 of the crime charged in Counts 3 and 5.

1 This is unclear to us. Should we follow the statute
2 as stated or the instructions?

3 Seems to me the answer to that is actually fairly
4 clear. It's the instructions. And, in fact, what is charged
5 in the indictment, which I could refer them to Count 4 and
6 Count 6, which are spelled out on Page 43 to 44, only charge
7 possessing a firearm in furtherance of a crime of violence. So
8 while we gave them more language out of the statute than we
9 probably needed to, I think, based on what's in the indictment,
10 that the instruction is correct.

11 **MR. PURPURA:** Yeah. On behalf of Mr. Hersl, I would
12 ask the Court just to tell -- instruct them just to follow the
13 instructions as set forth in the indictment.

14 **MR. WISE:** Your Honor, I mean, the only other comment
15 I potentially could make is that -- and this may just be
16 because they want to try to understand what's in front of
17 them -- is that the statute criminalizes two different kinds of
18 violations; and the indictment and the instructions charge the
19 latter, possession in furtherance as opposed to carrying and
20 use.

21 Just so they understand that this is not part of what
22 they have to find, possession in furtherance.

23 **THE COURT:** Okay. Anything else?

24 **MS. WICKS:** I agree with Mr. Purpura, on behalf of
25 Mr. Taylor.

1 **THE COURT:** All right. Well, I think that it would be
2 helpful to them to say, which I will, that they should follow
3 the instructions and that if they look at the language for the
4 specific of what's charged in Counts 4 and 6, they will see
5 that it charges possession in furtherance of a crime of
6 violence, therefore, they should just follow the instructions
7 rather than the statute.

8 Okay. The second question says: Please provide an
9 example (real or hypothetical) of a valid Hobbs Act crime.

10 I propose not to answer that.

11 **MR. WISE:** The Hamiltons.

12 **MR. PURPURA:** I was going to suggest Marnat Road with
13 Rayam.

14 **MR. WISE:** Good idea. How about we compromise. Can
15 we do all three or all four?

16 **MS. WICKS:** I think we have to answer.

17 **MR. PURPURA:** No, I don't think we can answer.

18 **MS. WICKS:** I think we have to say something.

19 **MR. WISE:** I don't think we can.

20 **THE COURT:** What do I say? I mean, I'll say that I
21 can't answer it.

22 **MS. WICKS:** That's what I mean.

23 **THE COURT:** I will acknowledge that we got the second
24 question, and I will tell them we are unable to provide that
25 kind of example.

1 **MR. WISE:** "That's up to you."

2 **THE COURT:** Right. Okay.

3 **MR. PURPURA:** Thank you.

4 **MR. WISE:** Thank you.)

5 (Bench conference concluded.)

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

7 (Jury entered the courtroom at 3:07 p.m.)

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

9 All right. Ladies and gentlemen, thank you. We have
10 another couple of questions.

11 So I'm going to read the first question and give you
12 an answer to that, and then we'll come to the second one.

13 But the first one recites some of the statutory
14 definition. It says [reading]: Statute Title 18
15 United States Code, Section 924(c), says, quote: Any person
16 who, during and in relation to any crime of violence . . . for
17 which the person may be prosecuted in a court of the
18 United States, uses or carries a firearm, or who, in
19 furtherance of any such crime, possesses a firearm, shall be
20 guilty of a crime.

21 That, I think, is actually on Page 44 of the
22 instructions, the recitation of that part of the statute.

23 The question then notes, however, that on Page 45 and
24 46 of the instructions, it states that the Government must
25 prove only that the defendant knowingly possessed a firearm in

1 furtherance of the crime charged in Counts 3 and 5.

2 And then the question is: This is unclear to us.
3 Should we follow the statute as stated or the instructions?

4 The short answer to that is the instructions.

5 If you look also on Page 43-44 that contains the
6 language of the indictment, the specific charge stated in
7 Count 4 and also in Count 6, it charges in each count each
8 defendant separately, but it charges possession of a firearm in
9 furtherance of a crime of violence.

10 So the short answer is you follow the instructions,
11 not the longer version of the statute, which is already also
12 included in the instructions.

13 The second question said: Please provide an example
14 (real or hypothetical) of a valid Hobbs Act crime.

15 That, I'm afraid, we are not able to answer. I can't
16 give you that kind of hypothetical.

17 All right. Thank you all very much.

18 (Jury left the courtroom at 3:11 p.m.)

19 **THE COURT:** Anything else at this point?

20 **MR. WISE:** Not from the United States, Your Honor.

21 **MR. PURPURA:** Not from the defense.

22 **MS. WICKS:** No, thank you, Your Honor.

23 (Recess taken.)

24 (4:54 p.m.)

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

1 I'll see counsel at the bench.

2 (Bench conference on the record:

3 **THE COURT:** I'm just going to send this in and ask
4 them if they want to continue deliberating.

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

6 **THE COURT:** You can just stay up here for a minute.
7 Ms. Moyé (handing).

8 While you're up here, I'll let you know that
9 Justin Fenton apparently e-mailed my chambers again indicating
10 that he had not -- which is correct -- he had not heard
11 anything about his earlier request to obtain a video, the video
12 of the opening the safe or other exhibits. You'll recall we
13 did discuss it.

14 **MR. WISE:** Right.

15 **THE COURT:** And counsel, particularly defense counsel,
16 did not wish that I would encourage it being released while the
17 trial is pending, so I didn't.

18 Obviously, we are getting, presumably, close to the
19 end of trial. And so the question is: Once the verdict is in,
20 is there any reason that the Government wishes to give him
21 access? Because you're the ones that have the access.

22 **MR. WISE:** Right.

23 **MR. PURPURA:** I can't think of fair reason at this
24 point -- at that point.

25 **THE COURT:** Yes.

1 **MS. WICKS:** Your Honor, I haven't thought about it
2 differently yet, but I would raise -- I mean, everything that
3 we have is subject to protective orders. So the defense is not
4 releasing anything to anybody or letting them look at anything.
5 And given that we're under that restraint, we would oppose it
6 being released.

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

8 **THE COURT:** They want to continue deliberating until
9 6 o'clock, is the answer that's come back.

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

11 **THE COURT:** Okay. Well, if you want to give me some
12 authority for that position as to why I shouldn't release to
13 the -- as an exhibit that's been admitted in court and played
14 in front of everybody, we can do that.

15 I'm not planning to do anything while the jury is
16 still deliberating. So, I mean, at the earliest, I'll get back
17 to them tomorrow and the position I'll take is once the trial
18 is over, they can have access unless you show me something
19 else.

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

21 **MR. PURPURA:** Are we excused until 6:00 or before?

22 **THE COURT:** I would say you are excused until 6:00 or
23 such earlier time as we may get a question.

24 **MR. WISE:** We'll be in the building.

25 **MS. WICKS:** You'd like us here so that they can be

1 called in at 6:00?

2 **THE COURT:** Yes. And in case they have anything
3 before 6:00. And, otherwise, just please be in the courtroom
4 at 6 o'clock.

5 **MS. WICKS:** Certainly.

6 **MR. HINES:** We'll be here in the building.)

7 (Bench conference concluded.)

8 **THE COURT:** Okay. As I've just advised counsel, the
9 jurors have indicated they want to continue deliberating until
10 6 o'clock, so please be available. If there's anything prior
11 to 6:00, we'll come back into court. Otherwise, everybody back
12 in court at 6 o'clock to excuse them for the day.

13 (Recess taken.)

14 **THE COURT:** All right. We have a verdict. So you can
15 all be seated.

16 (Jury entered the courtroom at 5:24 p.m.)

17 **THE COURT:** All right. Welcome back, ladies and
18 gentlemen. You can be seated. I understand that you have
19 reached a verdict.

20 **THE CLERK:** We are here to receive the verdict in
21 Criminal No. CCB-17-0106, United States of America versus
22 Daniel Thomas Hersl and Marcus Roosevelt Taylor.

23 Members of the jury, will you please answer to roll
24 call.

25 Juror No. 1?

1 **JUROR NO. 1:** Here.

2 **THE CLERK:** Juror No. 2?

3 **JUROR NO. 2:** Here.

4 **THE CLERK:** Juror No. 3?

5 **JUROR NO. 3:** Here.

6 **THE CLERK:** Juror No. 4?

7 **JUROR NO. 4:** Here.

8 **THE CLERK:** Juror No. 5?

9 **JUROR NO. 5:** Here.

10 **THE CLERK:** Juror No. 6?

11 **JUROR NO. 6:** Here.

12 **THE CLERK:** Juror No. 7?

13 **JUROR NO. 7:** Here.

14 **THE CLERK:** Juror No. 8?

15 **JUROR NO. 8:** Here.

16 **THE CLERK:** Juror No. 9?

17 **JUROR NO. 9:** Here.

18 **THE CLERK:** Juror No. 10?

19 **JUROR NO. 10:** Here.

20 **THE CLERK:** Juror No. 11?

21 **JUROR NO. 11:** Here.

22 **THE CLERK:** And Juror No. 12?

23 **JUROR NO. 12:** Here.

24 **THE CLERK:** Members of the jury, have you agreed on

25 your verdict?

1 **THE JURY:** Yes.

2 **THE CLERK:** Who shall speak for you?

3 **JURY FOREPERSON:** I am.

4 **THE CLERK:** Mr. Foreman, will you please rise.

5 Has the verdict form which was submitted to the jury
6 been answered, signed, and dated by you?

7 **JURY FOREPERSON:** Yes.

8 **THE CLERK:** It's desired by the clerk to present to
9 the Court.

10 (The Court reviewed the jury verdict form.)

11 **THE COURT:** Okay. All right. Mr. Foreperson, I'm
12 going to be asking you the questions and asking you to give us
13 the answer as it has been noted on your verdict sheet.

14 So Count 1 says: We, the jury, find the
15 Defendant Daniel Thomas Hersl, with respect to Count 1,
16 racketeering conspiracy --

17 **JURY FOREPERSON:** Guilty.

18 **THE COURT:** -- guilty.

19 And then there is a question which says: You must all
20 agree that either the defendant or another member of the
21 conspiracy agreed to commit at least two racketeering acts.

22 And you are asked to identify which racketeering acts
23 you unanimously find that either the defendant or another
24 member of the conspiracy agreed to commit.

25 Can you tell me, please, by their number which

1 racketeering acts the jury has unanimously identified.

2 **JURY FOREPERSON:** Racketeering Act 10.

3 **THE COURT:** 10.

4 **JURY FOREPERSON:** And Racketeering Act 14.

5 **THE COURT:** And Racketeering Act 14. 10 and 14.

6 All right. Thank you.

7 Continuing on Count 1, as to Mr. Taylor, it says: We,
8 the jury, find the Defendant Marcus Roosevelt Taylor, with
9 respect to Count 1, racketeering conspiracy --

10 **JURY FOREPERSON:** Guilty.

11 **THE COURT:** -- guilty.

12 And can you tell me which of the racketeering acts by
13 number the jury unanimously found that either the defendant or
14 another member of the conspiracy agreed to commit.

15 **JURY FOREPERSON:** Racketeering Act 8 and
16 Racketeering Act 20.

17 **THE COURT:** 8 and 20. Thank you.

18 As to Count 2, it says: We, the jury, find the
19 Defendant Daniel Thomas Hersl, with respect to Count 2,
20 racketeering -- and your answer is?

21 **JURY FOREPERSON:** Guilty.

22 **THE COURT:** All right. And then there are questions
23 about various racketeering acts.

24 It says: Which of the following racketeering acts did
25 you unanimously find that Defendant Hersl committed?

1 First is Racketeering Act 3, November 5th, 2014,
2 Jimmie Griffin. What did you find?

3 **JURY FOREPERSON:** We found act -- Letter A.

4 **THE COURT:** That Defendant Hersl committed robbery in
5 violation of Maryland Criminal Code?

6 **JURY FOREPERSON:** Yes.

7 **THE COURT:** That's proved. Okay.

8 As to Racketeering Act 4, November 27th, 2015,
9 Herbert Tate, what did you find unanimously?

10 **JURY FOREPERSON:** Letter A.

11 **THE COURT:** That Defendant Hersl committed robbery in
12 violation of the Maryland Criminal Code was proved?

13 **JURY FOREPERSON:** Yes.

14 **THE COURT:** All right. Racketeering Act No. 5,
15 November 28th, 2015, Antonio Santiful, what did you find there?

16 **JURY FOREPERSON:** Letter A.

17 **THE COURT:** That Defendant Hersl committed robbery in
18 violation of the Maryland Criminal Code has been proved?

19 **JURY FOREPERSON:** Yes.

20 **THE COURT:** All right. As to Racketeering Act 10,
21 July 8th, 2016, Ronald and Nancy Hamilton, what did you find?

22 **JURY FOREPERSON:** Letters A and B.

23 **THE COURT:** A and B. So that Defendant Hersl
24 unlawfully conspired, together with others, to commit robbery
25 in violation of the Maryland Code and committed robbery in

1 violation of the Maryland Code, both proved?

2 **JURY FOREPERSON:** Yes.

3 **THE COURT:** All right. As to Racketeering Act 11,
4 August 8th, 2016, Dennis Armstrong, what did you find?

5 **JURY FOREPERSON:** Not proved.

6 **THE COURT:** Okay. Not proved as to A.

7 **JURY FOREPERSON:** A and B both.

8 **THE COURT:** A and B both?

9 **JURY FOREPERSON:** Yes.

10 **THE COURT:** Okay. And what about C and D?

11 **JURY FOREPERSON:** Not proved.

12 **THE COURT:** Not proved. All right. So not proved as
13 to conspiracy to commit robbery, committing robbery, conspiracy
14 to commit extortion, or committing extortion. All were not
15 proved?

16 **JURY FOREPERSON:** Yes.

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

18 Racketeering Act 14, July 6th, 2016, the interstate
19 wire as to Mr. Hersl?

20 **JURY FOREPERSON:** Proved.

21 **THE COURT:** 15, the July 20th, 2016, interstate wire
22 as to Mr. Hersl?

23 **JURY FOREPERSON:** Proved.

24 **THE COURT:** Racketeering Act 18, August 3rd, 2016,
25 interstate wire as to Mr. Hersl?

1 **JURY FOREPERSON:** Proved.

2 **THE COURT:** Racketeering Act 21, August 17th, 2016,
3 interstate wire as to Mr. Hersl?

4 **JURY FOREPERSON:** Proved.

5 **THE COURT:** Okay. All right. Still on Count 2, but
6 moving to the Defendant Marcus Roosevelt Taylor, how did you
7 find with respect to Count 2, racketeering?

8 **JURY FOREPERSON:** Guilty.

9 **THE COURT:** Guilty.

10 Regarding Racketeering Act 2, January 24th, 2014,
11 Shawn Whiting, how did you find?

12 **JURY FOREPERSON:** A, proved.

13 **THE COURT:** A, proved?

14 **JURY FOREPERSON:** Yes.

15 **THE COURT:** That is, that Mr. Taylor committed
16 unlawful conspiracy with others to commit robbery in violation
17 of the Maryland Code?

18 **JURY FOREPERSON:** Yes.

19 **THE COURT:** All right. As to Racketeering Act 6,
20 February 17th, 2016, Raytawn Benjamin, how did you find?

21 **JURY FOREPERSON:** A and B, not proved.

22 **THE COURT:** All right. And C and D?

23 **JURY FOREPERSON:** Not proved.

24 **THE COURT:** Okay. So as to Racketeering Act 6, not
25 proved that Mr. Taylor conspired to commit robbery, committed

1 robbery, committed -- conspired to commit extortion or
2 committed extortion in violation of the Criminal Code?

3 **JURY FOREPERSON:** Yes.

4 **THE COURT:** All right. Racketeering Act 8,
5 March 22nd, 2016, Oreese Stevenson as to Mr. Taylor, how did
6 you find?

7 **JURY FOREPERSON:** A and B, proved.

8 **THE COURT:** A and B, proved. So proved conspiracy to
9 commit robbery and commission of robbery in violation of the
10 Maryland Criminal Code?

11 **JURY FOREPERSON:** Correct.

12 **THE COURT:** All right. Racketeering Act 12,
13 September 7th, 2016, Sergio Summerville, as to Mr. Taylor, how
14 did you find?

15 **JURY FOREPERSON:** A, proved.

16 **THE COURT:** A, proved. So Mr. Taylor conspired
17 together with others to commit robbery in violation of the
18 Maryland Code, that was proved?

19 **JURY FOREPERSON:** Correct.

20 **THE COURT:** All right. Racketeering Act 17, a
21 July 20th, 2016, interstate wire as to Mr. Taylor?

22 **JURY FOREPERSON:** Proved.

23 **THE COURT:** Racketeering Act 20, August 3rd, 2016,
24 interstate wire as to Mr. Taylor?

25 **JURY FOREPERSON:** Proved.

1 **THE COURT:** And Racketeering Act 22, August 17th,
2 2016, interstate wire as to Mr. Taylor?

3 **JURY FOREPERSON:** Proved.

4 **THE COURT:** As to Count 3, it is: We, the jury, find
5 the Defendant Marcus Roosevelt Taylor, with respect to Count 3,
6 Hobbs Act robbery and extortion?

7 **JURY FOREPERSON:** Guilty.

8 **THE COURT:** And then the second question: Was that
9 through robbery or extortion?

10 **JURY FOREPERSON:** Robbery.

11 **THE COURT:** Robbery. All right. Guilty of robbery.

12 Count 4: We find the Defendant Marcus Roosevelt
13 Taylor, with respect to Count 4, possession of a firearm in
14 furtherance of a crime of violence?

15 **JURY FOREPERSON:** Not guilty.

16 **THE COURT:** Not guilty. All right.

17 On Count 5, it says: We find the Defendant
18 Daniel Thomas Hersl, with respect to Count 5, the Hobbs Act
19 robbery and extortion --

20 **JURY FOREPERSON:** Guilty.

21 **THE COURT:** -- guilty.

22 And then is it robbery or extortion?

23 **JURY FOREPERSON:** Robbery.

24 **THE COURT:** Robbery.

25 As to Count 6, we find the Defendant

1 Daniel Thomas Hersl, with respect to Count 6, possession of a
2 firearm in furtherance of a crime of violence --

3 **JURY FOREPERSON:** Not guilty.

4 **THE COURT:** -- not guilty.

5 Okay. And that is signed and dated.

6 All right. Would anyone like the jury polled?

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

8 **THE CLERK:** Juror No. 2, please rise.

9 Having delivered the verdict of the jury, is that your
10 verdict?

11 **JURY FOREPERSON:** Yes.

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

13 Juror No. 1, please rise.

14 Having heard the verdict of your foreperson, is that
15 your verdict also?

16 **JUROR NO. 1:** Yes.

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

18 Juror No. 3, will you please rise.

19 Having heard the verdict of your foreperson, is that
20 your verdict also?

21 **JUROR NO. 3:** Yes.

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

23 Juror No. 4, will you please rise.

24 Having heard the verdict of your foreperson, is that
25 your verdict also?

1 **JUROR NO. 4:** Yes.

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

3 Juror No. 5, will you please rise.

4 Having heard the verdict of your foreperson, is that
5 your verdict also?

6 **JUROR NO. 5:** Yes.

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

8 Juror No. 6, will you please rise.

9 Having heard the verdict of your foreperson, is that
10 your verdict also?

11 **JUROR NO. 6:** Yes.

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

13 Juror No. 7, will you please rise.

14 Having heard the verdict of your foreperson, is that
15 your verdict also?

16 **JUROR NO. 7:** Yes.

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

18 Juror No. 8, will you please rise.

19 Having heard the verdict of your foreperson, is that
20 your verdict also?

21 **JUROR NO. 8:** Yeah. Yes.

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

23 Juror No. 9, will you please rise.

24 Having heard the verdict of your foreperson, is that
25 your verdict also?

1 **JUROR NO. 9:** Yes.

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

3 Juror No. 10, will you please rise.

4 Having heard the verdict of your foreperson, is that
5 your verdict also?

6 **JUROR NO. 10:** Yes.

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

8 Juror No. 11, will you please rise.

9 11. Oh, you switched seats. Okay.

10 Having heard the verdict of your foreperson, is that
11 your verdict also?

12 **JUROR NO. 11:** Yes.

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

14 And, Juror No. 12, will you please rise.

15 Having heard the verdict of your foreperson, is that
16 your verdict also?

17 **JUROR NO. 12:** Yes.

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

19 Members of the jury, you have heard the verdicts and
20 answers thereto as delivered by your foreperson, and they have
21 been recorded; and each of you do agree?

22 **THE JURY:** Yes.

23 **THE CLERK:** Verdict recorded.

24 **THE COURT:** All right. Counsel, anything further for
25 the jury?

1 **MR. PURPURA:** Nothing. Thank you, Your Honor.

2 **MR. WISE:** Not from the United States, Your Honor.

3 Thank you.

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

5 **THE COURT:** Okay. All right. Ladies and gentlemen, a
6 couple of things to tell you.

7 First of all, thank you very much for your service in
8 this case. It's been -- it was a lengthy trial. There are
9 many issues, and we really appreciate your attention to it.

10 A couple things: First of all, I have told you, as
11 you will recall throughout the trial, not to discuss the case
12 with anyone, not to read anything about it, and so forth and so
13 on.

14 At this point, now that your verdict has been
15 rendered, it is up to you if you choose to read anything about
16 this case, whether you wish to talk about the case with your
17 family or friends or whoever. It is up to you.

18 I will instruct you, you do not -- you're not required
19 to talk to anyone about the case and the lawyers are still not
20 permitted to speak to you about the case without leave of
21 court.

22 But you are not under the rule that I've been telling
23 you every day.

24 And the second thing is you are -- if you will go back
25 with Ms. Moyé into the jury room, you are, of course, free to

1 leave as soon as you like.

2 I do intend to come down and come back into the jury
3 room just for a few minutes to thank you in person, but you do
4 not have to stay for that. That is totally up to you as well.

5 So thank you, and you can go with Ms. Moyé.

6 (Jury discharged at 5:38 p.m.)

7 **THE COURT:** All right. Counsel, I suggest that we
8 confer by phone at a later point in terms of setting any
9 sentencing dates.

10 And thank you, all. I think we're excused.

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

12 **MR. PURPURA:** Your Honor, thank you very much.

13 (Court adjourned at 5:39 p.m.)

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

17

/s/

18

Douglas J. Zweizig, RDR, CRR
Registered Diplomat Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: August 16, 2018

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