

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.)	
	_____)	

Thursday, February 8, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME X

For the Plaintiff:

Leo J. Wise, Esquire
Derek E. Hines, Esquire
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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

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P R O C E E D I N G S

(10:06 a.m.)

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

Mr. Purpura.

MR. PURPURA: Can we just approach the bench briefly?

THE COURT: Sure.

MR. PURPURA: Thank you.

(Bench conference on the record:

MR. PURPURA: Good morning, Your Honor.

Just -- yesterday Mr. Hines' closing was great, and the PowerPoint was brilliant. The only issue that I have is that the transcript actually was used a lot as if he had access to the transcript.

I know I checked the local rules. I know we don't have the local rule on use of the transcripts in the proceeding to close, but it always has been the policy that we cannot indicate that it's the actual transcript recording from -- because the jury doesn't have access to that, and the jury wants to have access to the transcript.

So I just -- I bring that up only because I'm concerned that Mr. Wise may do the same thing in his rebuttal, quote from the transcript.

And I think the way it should be done is that "My recollection is as follows. It's your recollection which

1 controls," rather than quoting from transcript. So I don't
2 want to object, but that is my objection preliminarily.

3 **MR. WISE:** So what I have is some slides that I may or
4 may not use, depending on the arguments, where I have bullets
5 with what -- and I'll say this: It's your memory that
6 controls. This is my recollection.

7 I do identify, so they're not wondering, the trial
8 testimony of -- and I have the witness. But I'll tell them:
9 This is my memory, and your memory controls.

10 **THE COURT:** Okay.

11 **MR. PURPURA:** That's --

12 **MR. WISE:** I don't have, like, screenshots of
13 pages out of the transcript or anything like that.

14 **THE COURT:** Okay. As long as you include that. And
15 if you think there's anything else that needs to be said, I
16 mean, I will have a couple of words for them at the end. But,
17 I mean, that's exactly what I would say.

18 **MR. PURPURA:** Okay. And if you'd just repeat that as
19 well, that this is the memory of counsel and not from the
20 transcript itself.

21 **THE COURT:** Well, what I was saying is I think he's
22 going to say that during --

23 **MR. PURPURA:** Right.

24 **THE COURT:** -- during his remarks. I mean, if you
25 want me to make a general statement: You've heard the

1 arguments. Just to remind everybody, the arguments themselves
2 and what counsel recall the testimony to be is -- that's their
3 recollection. And it's your recollection that controls --

4 **MR. PURPURA:** Thank you. That's it.

5 **THE COURT:** -- for everybody.

6 **MR. PURPURA:** Thank you very much.

7 **THE COURT:** Sure. I'll be happy to do that. Okay.)

8 (Bench conference concluded.)

9 **THE COURT:** All right. Then we're ready for the jury?

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

11 **THE COURT:** Ms. Wicks, Mr. Nieto, you'll be ready to
12 go?

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

14 **THE COURT:** Okay. All right.

15 (Pause.)

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

17 **THE COURT:** Good morning, everyone. And welcome back.
18 You can be seated.

19 All right. We'll be continuing with closing
20 arguments.

21 Ms. Wicks.

22 **MS. WICKS:** Thank you, Your Honor.

23 Good morning, ladies and gentlemen.

24 The Government has gone to the depths of the criminal
25 underworld in Baltimore. And what have they found, ladies and

1 gentlemen? They have found convicted criminals who are
2 authorized, with immunity, to come in here and testify.

3 They have found professional liars who want and need
4 to help themselves get out of jail. It's deplorable, and it's
5 nauseating.

6 Think about each witness coming here and putting up
7 their right hand (indicating) and swearing to tell the truth,
8 taking the oath that they will answer the questions truthfully
9 to you.

10 What is the gut feeling you have as you think about
11 each of those witnesses swearing to tell the truth and
12 answering questions in this courtroom in front of you?

13 What is your gut feeling after the parade of witnesses
14 that all have bias and reasons to lie? That is a reason to
15 doubt, ladies and gentlemen.

16 Mr. Taylor, Marcus Roosevelt Taylor (indicating), is
17 sitting here innocent before you. He is in trial because he's
18 innocent of what he's been accused of. Unless and until you
19 believe the testimony that came in here and lied to you
20 repeatedly, until you can believe that, he is innocent.

21 What is the truth here, and what is the lie? That's
22 for you to determine, and I'd submit you all heard a lot of
23 lies.

24 How can you even be sure? How can you even be sure of
25 what happened on any of those days based on one version with

1 someone with a lot of different reasons to lie; two different
2 versions that are mutually exclusive, don't make any sense;
3 three versions; or simply insufficient evidence.

4 As the judge has already instructed you, if you have a
5 reasonable doubt as to Mr. Taylor's guilt, you should not
6 hesitate for any reason to find him not guilty of each charge.

7 You and only you are the judges of the facts in this
8 case. You have to base your decision in this case on the
9 evidence presented in this courtroom. Do not assume about
10 other facts.

11 Your job is to determine based on the evidence, the
12 testimony, the pieces of paper, the recordings that you can
13 listen to. Based on all of that, that is what you consider and
14 weigh.

15 The so-called conspiracy. The Government has strung
16 together a rather tattered litany of events; activities that
17 Wayne Jenkins, who appears to have been involved in, hiding
18 things from one -- from other people on his squad, hiding
19 things from his wife, hiding things from his partner in crime,
20 Donald Stepp. He tried hard to keep information and knowledge
21 about his wrongdoings from people on his squad. He tried hard
22 to keep knowledge of wrongdoings of some people on his squad
23 from other people on his squad.

24 One other example is Rayam, who, when stopping
25 Ronald Hamilton, steals something like \$3,000 out of his

1 pocket, sticks it in his pocket, and apparently made no attempt
2 to share it with anybody. Is that really a conspiracy?

3 Hendrix tried to keep Mr. -- Sergeant Jenkins away
4 from Mr. Taylor, because he was concerned about Jenkins. He
5 was concerned about what Jenkins was doing.

6 Gondo is protecting -- during all of this time,
7 Gondo's protecting his childhood friend, a drug dealer on the
8 streets of Baltimore, from getting arrested. He's intervening,
9 trying to keep Sergeant Jenkins from him, keeping that
10 conspiracy in the know about what the police is doing, and
11 trying to keep -- now he's trying to keep himself out of jail
12 in two cases.

13 Jenkins has this sidekick career drug user and drug
14 pusher, Donald Stepp, a thief, career thief, robbing before,
15 during, and after his police work. During this time, during
16 the time of the conspiracy that the Government has charged,
17 Detective Kostoplis, who was the last witness, having already
18 worked several months with Wayne Jenkins before he left and
19 went to New Jersey, when he comes back to Baltimore, he
20 specifically asked to go work with Wayne Jenkins.

21 He didn't see anything bad going on when he worked
22 with Wayne Jenkins before. And other than this one incident
23 that after the fact he realized was -- seemed a little off, he
24 didn't see anything else that gave him concern from October
25 until February, I believe his testimony was, the period that he

1 worked in GTTF.

2 Think about that. There's an officer in GTTF that
3 doesn't see anything wrong with what's going on. He doesn't
4 see anything. Things are going on. We know Wayne Jenkins --
5 now, during that time period, I submit, he's out for a couple
6 months. But before Wayne Jenkins leaves, while Wayne Jenkins
7 has left, and after Wayne Jenkins comes back, there's nothing
8 that that officer is concerned about.

9 Many of the witnesses testified about things that
10 Sergeant Jenkins told them. And the Government wholeheartedly
11 uses this evidence to try to prove the charges in this case,
12 the conspiracy, the racketeering enterprise.

13 But every witness in one way or the other agreed that
14 you can't believe Sergeant Jenkins. So if you can't believe
15 Sergeant Jenkins, someone else repeating what he said doesn't
16 make it true. It means, yeah, he said that, or maybe not; but
17 even if he said that, the truth of what he said is probably not
18 true. You can't rely on that.

19 Even the story -- and several witnesses said this, Oh,
20 Jenkins told us that we needed to keep a BB gun or something in
21 case something went down back.

22 Well, the only BB gun that you heard about in this
23 case was the BB gun that the Government seized from
24 Detective Taylor's car, work car, when he got arrested. And
25 you heard from one of the detectives that Detective Taylor had

1 taken that off a child.

2 A child had that gun that looked just like a real gun.
3 And you'll have pictures or that back in -- that you can look
4 at. And the testimony was Detective Taylor took it off of a
5 child so that he wouldn't get hurt, so that someone wouldn't
6 think that child had a gun, a real gun.

7 Shawn Whiting. Now, the Government claimed in their
8 closing that he had nothing to report because he didn't count;
9 that somehow, back when this all happened, he had nothing -- he
10 could report it was anybody because he didn't count.

11 Well, as I recall, Shawn Whiting said he did complain,
12 he complained to IAD when he got the paperwork back where he's
13 saying the money didn't match. Maybe someone didn't listen,
14 but he spoke up. He had a voice.

15 Now, the problem is, he's complaining about his money.
16 The evidence is from Ward -- Ward claims he processed the money
17 on the scene and he's the one that brings it to HIDTA. Ward's
18 story somehow is he claimed that Taylor seized the money and
19 says to Ward, Look out for me.

20 This doesn't make much sense. If Taylor is one of the
21 officers there on the scene looking for evidence and finds the
22 money, why is Taylor then telling Ward, Hey, look out for me?
23 Because I'm too busy? I can't take it? You got to take it?

24 This doesn't make sense.

25 So Ward says he recovers it. He says he takes \$3,000.

1 And you have his word that he gave Detective Taylor part of it.

2 You have Shawn Whiting's word that there's -- were
3 really 4 and a half kilos of heroin in this house when he's
4 trying to get you to believe that the 20-ton hydraulic press is
5 a hydraulic lift for a car to do the brakes?

6 One other thing about Shawn Whiting is -- recall his
7 testimony. He would cut heroin. So he's thinking he had 4 and
8 a half kilos. But maybe he hadn't cut it yet, because if he
9 cut -- his testimony -- and I believe Jimmie Griffin also --
10 when they had heroin, they would cut it so that they could make
11 even more money than selling undiluted heroin.

12 Shawn Whiting also, as you may recall, is the person
13 that was asked twice on direct by the Government if he had a
14 pending case. And both times he said "no."

15 The reason why that's relevant, ladies and gentlemen,
16 is because he lied to you. He did have a pending case,
17 unrelated to the search warrant at his house. But as he was
18 sitting here on the stand testifying to you and saying "no," he
19 had a pending case. He has a pending case.

20 Now, it didn't seem as remarkable at the beginning of
21 the trial. But the other thing you may remember is
22 Maurice Ward was asked to identify Danny Hersl and
23 Marcus Taylor in the courtroom, and he identified them.

24 Shawn Whiting was asked to identify Detective Taylor,
25 the person who had been in his house, and he pointed in that

1 general direction.

2 And then when asked to describe what that person was
3 wearing, he could not.

4 The evidence was he identified Detective Taylor in the
5 grand jury from the picture. But when he came into the
6 courtroom and was asked to identify that person and describe
7 that person by their clothing, he could not do that.

8 Maurice Ward is one of the professional liars that the
9 Government brought in to testify to you.

10 Prior to being arrested, even, we know he had lied
11 about a death in his family to get out of a meeting about the
12 Oreese Stevenson case with the federal government about whether
13 or not Oreese Stevenson would be prosecuted federally. He lied
14 and said he had a death in the family so he couldn't attend
15 that meeting.

16 He lied to agents in his proffers after he got
17 arrested. He lied to judges and juries, just like you, before
18 he got arrested.

19 And I'll submit, he then came in here and over the
20 first day and the second day, which was two days later, he lied
21 repeatedly to you, repeatedly violated his oath as a police
22 officer and as a witness.

23 It's clear that the oath really doesn't mean anything
24 to him.

25 He made ridiculous statements to you that the \$5,000,

1 the \$20,000, he just sort of left behind in Wayne Jenkins' car
2 and got rid of near his house.

3 Now, first of all, we know there's nothing to
4 corroborate that. The agent was a little skeptical of that and
5 went to look, and there was nothing there. There's nothing
6 reported in that neighborhood.

7 But recall he also first said that the money flew off
8 in the breeze when he left it in the woods. But perhaps
9 because he's reminded that the money was rubber-banded, he
10 changed his story and said he just tossed it in the woods.

11 He came in here and lied to you all about who
12 videotaped this safe opening in Oreese Stevenson's house.

13 He had told the agents repeatedly it wasn't him. Then
14 he came in here and said it was. And then he said it was
15 Detective Taylor. That's two different stories from one
16 witness.

17 Whatever Maurice Ward thought the Government needed,
18 he is willing to say.

19 Raytawn Benjamin -- now, the Government closed. And
20 in their closing argument they said, Well, you heard from every
21 one of the complainants for each of these incidents.

22 Ladies and gentlemen, that's not true. Maurice Ward
23 is the only person that testified about an incident with
24 Raytawn Benjamin. Maurice Ward said Raytawn Benjamin threw a
25 gun into a pickup truck as Detective Taylor and Detective Ward

1 were chasing after him, that they both searched him. There was
2 a cell phone and money and only, according to Detective Ward,
3 no other evidence that Raytawn Benjamin had been arrested, that
4 Raytawn Benjamin had run, that Raytawn Benjamin had a gun, that
5 Raytawn Benjamin had money, that Raytawn Benjamin had a
6 cell phone. There's no evidence. Only Maurice Ward.

7 The Government claims that every complainant came in
8 here. Not Raytawn Benjamin. No police report, no pictures, no
9 gun even to show any corroboration with what Maurice Ward said.

10 There's another incident that Maurice Ward talked
11 about. He claimed that there's a guy named Paul Jones, also
12 known as Pedro, that he saw selling drugs in his friend's
13 neighborhood, repeatedly selling drugs on the street,
14 hand-to-hand sales. Based on that, he starts investigating.
15 He says he goes and pulls trash from the backyard of Mr. Jones'
16 house.

17 Based on that, they get a search warrant. They go
18 back and check it out. And it's his testimony that he then
19 figures out that he didn't pull the trash from the right
20 location.

21 And what does Maurice Ward do when he comes in here
22 and testifies? Blames it on Detective Taylor.

23 Oh, well, I knew of the mistake, and I told
24 Detective Taylor. But he said, No. Let's go ahead and do it
25 anyway.

1 So there's apparently a search warrant. There's
2 apparently an arrest of Paul Jones, guns and drugs recovered.
3 This is something Maurice Ward claimed in November for the
4 first time. He didn't volunteer this to the Government in his
5 proffer sessions when he started cooperating. They came to him
6 to ask him about this, and that's the story he comes up with.

7 So this is not like Maurice Ward wants to get all this
8 off the weight of his chest. He's coming up with a story when
9 approached about a situation.

10 And the Government is telling you, Well, we brought in
11 all these witnesses. There's nothing to corroborate
12 Maurice Ward's testimony about what happened with Paul Jones or
13 even if Paul Jones was arrested. Think about that. You only
14 have Maurice Ward's words.

15 Sometime in the spring of 2015, Maurice Ward was the
16 first witness that claimed \$20,000 and 25 pounds of weed were
17 stolen from these two guys at Belvedere Towers. His story is
18 Hendrix isn't there that day, but part of the story of that day
19 is that we have to meet up with him. And that's why he's
20 meeting up with us in the woods afterwards, because he either
21 left his wallet or his keys at work; I don't remember which,
22 but Ward is trying to put Hendrix there, 'cause he's trying to
23 take the weight off himself and point at other people.

24 But the problem is Hendrix says he never met up at the
25 woods. There was never a time when he was off work and he had

1 to go back and get his wallet and his keys. Never.

2 So not -- not that day. Hendrix says never.

3 About the same incident, Donald Stepp, again, telling
4 you what Wayne Jenkins told him -- well, no. First, he
5 claims -- it was his testimony under oath, I recall, was --
6 first, he says it's 60 pounds of marijuana. It was 60 pounds
7 of marijuana that Sergeant Jenkins brought him to sell. Two
8 questions later, it becomes 30 pounds of marijuana.

9 Then you had his little story about, well, when
10 Jenkins first showed up with this big bag, the big bag that
11 Stepp apparently leaves at his house and identifies as the bag
12 the marijuana came in, which conveniently is at Stepp's house
13 so that he has something to help himself with, he says, Yeah,
14 that's the bag. He says when Jenkins showed up, first he told
15 me it was cocaine.

16 Do you remember practically the twinkle in his eye?
17 This is a cocaine user and a cocaine seller. And he told you
18 that was his drug. That was his drug of choice when he was
19 using. When he got out of prison after many years in prison
20 because of his using drugs, he started to sell cocaine. He had
21 the clientele. He had the business. He has this international
22 connections that over years he has cultivated.

23 So when -- even when testifying here and thinking back
24 to that day of Jenkins telling him, Oh, it's this huge amount
25 of cocaine, he was pretty excited.

~~DEPENDANT TAYLOR'S CLOSING ARGUMENT~~

1 And that's who Donald Stepp is, ladies and gentlemen.
2 He's the guy that got out of prison and started selling,
3 according to him, massive amounts of cocaine. And his
4 testimony was, Yeah, I was using a little and I was buying --
5 and I was selling a little. A little of both.

6 We know that Maurice Ward is lying about these
7 incidents. And he's lying about these incidents because the
8 only time when he gets immunity is when the Government has
9 confronted him about it.

10 When he can finger someone here at trial, then he's
11 going to help himself, ladies and gentlemen. When he's just
12 getting himself into more problems, that's not helping himself.

13 So when confronted here about accusations involving
14 him, Jenkins, and Hendrix in which they're being sued for 1
15 point million dollars [sic], he says nothing happened. There
16 was nothing wrong with that one.

17 There's nothing wrong with that one 'cause he can't
18 point the finger at Detective Taylor (indicating).

19 A man walks out of a house with a backpack and gets
20 into a van on Jonquil Avenue --

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

22 **THE COURT:** All right.

23 (Bench conference on the record:

24 **MR. WISE:** I thought this was the issue Mr. Purpura
25 just raised, transcripts.

1 **MS. WICKS:** This is Oreese Stevenson's grand jury.
2 This is admitted as a defense exhibit.

3 **MR. WISE:** It's not admitted as a defense exhibit.
4 It's for ID only.

5 **MS. WICKS:** No. It's a prior inconsistent statement
6 under oath.

7 **MR. WISE:** No, no. It was not admitted in evidence.
8 It's not in the -- we've looked at the exhibits. It's not
9 admitted. It's not evidence.

10 **THE COURT:** Okay.

11 **MS. WICKS:** A prior inconsistent statement under oath
12 comes in as substantive evidence, so --

13 **MR. WISE:** But when he was on the stand, this was not
14 introduced into evidence.

15 **THE COURT:** Ms. Moyé, what exhibit number is it?
16 Can you tell me the exhibit number.

17 **MS. WICKS:** I think it's 3, but I --

18 **THE COURT:** Do you have anything for Defense Exhibit 3
19 as to whether --

20 **MS. WICKS:** It's grand jury of Oreese Stevenson.

21 **THE COURT:** -- it was or was not admitted?

22 **THE CLERK:** Taylor No. 3 was the sentencing guideline
23 matrix, and that was ID only.

24 Grand jury testimony was Exhibit No. 5, and that was
25 ID only.

1 **THE COURT:** Number 5, okay.

2 **MS. WICKS:** Well, I think that's a mistake because
3 it's testimony under oath, so it's substantive evidence as an
4 inconsistent statement. It was --

5 **MR. WISE:** It wasn't --

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

7 **MS. WICKS:** I didn't refresh his recollection. The
8 Government refreshed his recollection with the bottom part. I
9 impeached him with the top part.

10 And we came to the bench because the Government was
11 objecting because they wanted me to use the whole part. And so
12 I -- I have the complete statement from the grand jury, but the
13 top part was the part that I impeached him with.

14 **THE COURT:** So what else did you have in the house?

15 Answer: Drugs.

16 How much?

17 8 kilos.

18 **MS. WICKS:** Right. And then later on on the page, he
19 says 10. So I included the second part because the Government
20 thought that was the complete statement.

21 **THE COURT:** Okay. And so it may or may not be
22 admissible with that second part coming in. As I'm beginning
23 to recall it now, it sort of changed the effect of what he'd
24 said.

25 It's already on the witness stand. It's not going to

1 be admitted. It's not going to go back. Just go ahead and
2 refer to it --

3 **MS. WICKS:** I'll just refer to it as what
4 Mr. Whiting --

5 **MR. WISE:** It just has to be taken down, and you can
6 argue about it if they're going to be thinking this is evidence
7 by seeing it on the screen.

8 **MS. WICKS:** I think I can clear it up that that's what
9 he was confronted with and what he had said in the grand jury,
10 and I'll just leave it at that.

11 **THE COURT:** That's fine.

12 **MS. WICKS:** Okay.)

13 (Bench conference concluded.)

14 **MS. WICKS:** A man walks out of a house with a backpack
15 and gets into a van on Jonquil Avenue. Officers go to talk to
16 the gentleman in the van. And according to the testimony, then
17 they go talk to the residents outside of the house on Jonquil.

18 Oreese Stevenson, in the grand jury -- and he was
19 confronted with this here in court -- after here in court, he
20 could not recall how many kilos of cocaine were in this house.

21 In the grand jury, when asked, "What else do you have
22 in the house?" he said, "Drugs."

23 "How much drugs?"

24 He first said, "8 kilos."

25 Then later on when asked, "And was there also, in

1 addition to the 8 kilos, was there additional cocaine in, like,
2 an Igloo Cooler?" in the grand jury he said, "Yeah."

3 "Question: So what was the total? More like closer
4 to 10 kilograms, maybe?

5 "Yeah."

6 Oreese Stevenson tries to claim personal knowledge of
7 what's inside an oatmeal bag inside a backpack being carried by
8 the guy that gets into his van. He is claiming and keeps
9 trying to claim that there's \$21,500 in that box. Only you
10 know now, because he's been confronted on the stand, that he
11 didn't have personal knowledge. He hadn't counted that money.
12 He didn't know what was in that box.

13 What we do know is that \$15,000 was seized that day
14 and submitted by Detective Taylor.

15 No one came here and testified -- not Mr. Brown, not
16 anyone else, none of the detectives said that there was any
17 money taken from that box. The money in the box was submitted.

18 Then we have a little bit of a problem with the
19 stories because Oreese Stevenson, according to the testimony of
20 the detectives, he sits in the van and talks to
21 Detective Hendrix and Detective Jenkins, and he's trying to get
22 out of the situation he's in. He's in a van with a lot of
23 money, \$15,000, at least, according to him, 21,500, and a half
24 a kilo of cocaine.

25 The detectives -- Detective Ward's claim is: We made

1 up -- that he made up the fact that Oreese Stevenson threw it
2 in the back, and that's how they knew to go look for the
3 cocaine.

4 But according to Hendrix, that's not a made-up fact.
5 Oreese Stevenson, seeing that the police are stopping them, is
6 trying to get away from the cocaine, throwing it in the back of
7 the car.

8 The detectives are saying Oreese Stevenson provided
9 information and is trying to call his supplier right there that
10 day in the afternoon in the van.

11 So Oreese Stevenson was trying to help himself out
12 right there, right then.

13 Yeah. He said -- he testified he didn't want to come
14 to court. He didn't want to come testify. He doesn't --
15 wouldn't want to admit that. And he's not admitting that,
16 although there are some officers claiming he did that.

17 Detective Hendrix is in the van with him.
18 Detective Ward is outside with the other guy when
19 Oreese Stevenson is in the van. What would they be doing in
20 the van?

21 But he's trying to cut himself a break on that very
22 day, and he's still trying to cut himself a break.

23 No one else is saying there were \$300,000 in that
24 house except Oreese Stevenson, who's also trying to claim
25 there's \$21,500 in that oatmeal box. That's not his money.

1 That belonged to Mr. Brown.

2 However much money was in that box, Mr. Brown knew.
3 Mr. Brown didn't come in here and say there was twenty-one
4 five. But Oreese Stevenson is trying to say it's close to
5 300,000 in his house, between the safe and the bags of money
6 around the house, and eight or ten, depending on what time he's
7 asked the question, kilos of cocaine.

8 And the Government brought in Ms. Holloway to testify.
9 Ms. Holloway, who has no knowledge of \$300,000 being in the
10 house, has no knowledge of any cocaine, much less 10 kilos of
11 cocaine in the house. Ms. Holloway, who has no knowledge of
12 multiple guns in her basement where her children live.

13 Oreese Stevenson was apparently lying to her about
14 that. And then he came in here and lied to you all about that.
15 He lied to the police on that day in the van. He was not
16 claiming Heathfield Road. He did not want to be living at
17 Heathfield Road with money, drugs, and guns. He gave them the
18 Baker Street address.

19 They have apparently in their investigation of a
20 large-scale drug transaction that they just intercepted,
21 they're investigating and they get to the Heathfield address.

22 Again, Mr. Ward's version is that he -- the officers
23 made up someone coming out of the back of the house and being
24 in the alley. Only according to Donald Stepp, the one thing
25 that he has eyewitness testimony about is he sees this guy, the

1 teenager in the back the first time he goes through. And he's
2 talking to Jenkins. And Jenkins says, Go through again. He
3 goes through again, and the guy leaves.

4 Jenkins and Stepp are communicating that day because
5 they're in that conspiracy that day. They're the ones trying
6 to get the cocaine out of the house to sell. The other
7 detectives don't even know what Jenkins is doing.

8 And according to the numbers that Ward and Hendrix are
9 claiming, Wayne Jenkins, by -- between Orees Stevenson's
10 calculations and their calculations, Sergeant Jenkins stole, I
11 think if I get the math right, there's \$100,000 that was placed
12 into evidence. That was the testimony of HIDTA Officer Glover.
13 There's \$100,000 that's seized by the State of Maryland. So
14 that's not something that they can blame and point the finger
15 at Detective Taylor for.

16 But according to Orees Stevenson, there's another
17 \$200,000 in that house between the safe and the bags of money
18 that he had conveniently packaged -- for what? Apparently more
19 drug dealing that Ms. Holloway is not aware of, although she's
20 on the phone with him and he's telling -- he's the first person
21 she's -- she is the first person he's telling about, Hey,
22 that's not all the money.

23 So for a woman that comes in here and claims she knows
24 nothing about that, wouldn't she have been a little surprised
25 that there's money in bags all over the house and a safe in the

1 basement full of money?

2 Maurice Ward claims that the throw was made up.

3 Maurice Ward claims that the person in the back of the house is
4 made up. And then Orees Stevenson can't keep straight what
5 story he's trying to tell. And he didn't complain to the
6 authorities when this all happened. He got immunity, like many
7 of the witnesses, when they came to him. And he -- his case
8 got dismissed in court without him having to say anything.

9 Donald Stepp, who's mysteriously called by
10 Wayne Jenkins because of the little side business, Jenkins
11 tells him -- and this is how Jenkins gets into Stepp's mind.
12 You can sort of see the scenarios here.

13 Sergeant Jenkins telling him he has a guy in his
14 office and there's a quarter of a million dollars on top of a
15 small safe and there are half a million dollars of cash in that
16 safe. And 6 feet to the left of the safe, Sergeant Jenkins
17 tells Donald Stepp there's a closet that contains 10 kilos of
18 cocaine. That's what gets Donald Stepp going on that day.

19 He tells him, Donnie, you're looking at a total take
20 of \$1.75 million on this. He says, If you get into that house,
21 we can split it.

22 On that day, Donald Stepp says, Oh, yeah, I believed
23 him. He sees a young teenage boy when he shows up with a
24 large, empty bag. And after a second pass down the alley, that
25 guy leaves.

1 Donald Stepp refuses to go into the house, 'cause he's
2 concerned that there may be somebody there. But he still
3 meets -- not right outside. As I recall, his testimony was a
4 block or so away, Jenkins meets him to give him the 2 kilos of
5 cocaine, because Jenkins is hiding this from everybody else.
6 Jenkins is doing his own thing with Stepp.

7 The big risk assessor here, Donald Stepp, refuses to
8 go in the house.

9 And Wayne Jenkins is selling him these kilos of
10 cocaine at half price. He is saying he's getting a kilo for
11 15,000, not a half kilo like Oreese Stevenson was selling for
12 \$15,000. Donald Stepp was getting a kilo for \$15,000 from
13 Wayne Jenkins.

14 And apparently he -- Wayne Jenkins hides over \$100,000
15 from the other officers.

16 If you are believing Oreese Stevenson's version of "I
17 had close to \$300,000 in the house," then that's Jenkins
18 putting over \$100,000 in his pocket alone.

19 Now, Ms. Holloway also claims to have been watching
20 the house till 4:00 or 5 o'clock in the morning, and she says
21 the officers were still there. And that really doesn't fit
22 with the testimony of the other officers that early in the
23 morning hours of the 23rd, they're at Detective Taylor's house
24 splitting up the money.

25 So either the officers still had to be in the house

1 till 4:00, 5 o'clock in the morning; or according to the
2 Government's evidence, they're at Marcus Taylor's basement
3 splitting up the money.

4 But either way, there's nothing to corroborate either
5 version of this story. Wouldn't it make sense that this would
6 be one point that there's four detectives' cell phones all in
7 one place at Marcus Taylor's residence? That would be a great
8 piece of evidence for you all to have to corroborate somebody's
9 story. What time was it that they were at that house, if they
10 were even at the house, if Marcus Taylor even got anything from
11 this?

12 And if you have questions about that, you look to the
13 Government, ladies and gentlemen.

14 If you have questions about why the witnesses to this
15 somewhat simple allegation on one day of this case, why the
16 witnesses' versions, the detectives, the civilians, why are
17 their versions all so different, look to the Government, ladies
18 and gentlemen.

19 Why are there no drugs? There were apparently
20 8 kilograms of drugs recovered that day. Why did they not
21 bring the drugs? Why is there no forensic analysis? Why is
22 there no cell phone evidence?

23 Ladies and gentlemen, there's nothing to corroborate
24 any of these stories.

25 And then let's think about -- yes, I'm showing you the

1 ankle.

2 Sorry, Bill.

3 If I could figure out how to just show you the date, I
4 would. But this is a pretty short point, ladies and gentlemen.

5 The Government introduces Exhibit DA-9 with a date on
6 the Exhibit of August 9th, 2016. The problem with this now is
7 that you know that's not the correct date, because the file in
8 Donald Stepp's phone was created on August 8th, 2006 -- 2016.

9 I'll just move on so you don't have to look at it
10 anymore. But you'll have that back there with you, the defense
11 exhibit that shows the date that that file was created, which
12 was August 8th, 2016, at 10:29 p.m.

13 Why does that matter? That matters because the
14 Government labeled an exhibit as August 9th, 2016. And they
15 labeled an exhibit as of August -- for August 9th, 2016. And
16 you have Donald Stepp -- again, another person telling you what
17 Wayne Jenkins told him.

18 And what did Wayne Jenkins tell you through
19 Donald Stepp about that day? That Detective Taylor messed up
20 the investigation; that Detective Taylor didn't do what he was
21 supposed to do. He was supposed to go sit on the other house.
22 And the lady came out of the house with the big two huge bags,
23 and Detective Taylor messed up that investigation.

24 How is that possible? How is that possible?

25 You learned later in the trial from records that

~~DEPENDANT TAYLOR'S CLOSING ARGUMENT~~

1 appear to be reliable that in April of 2006, Marcus Taylor made
2 a reservation to go to the Dominican Republic on
3 United Airlines. And the records show that he went to the
4 Dominican Republic on the 5th and came back the late evening on
5 the 9th.

6 So Wayne Jenkins, from the records, it appears, is
7 lying to Donald Stepp. Marcus Taylor had nothing to do with
8 that incident. Marcus Taylor wasn't there. And the records
9 show that. The Government brought in bank records of
10 Marcus Taylor's to show that he rented a car in the
11 Dominican Republic.

12 It matters when the Government labels an exhibit
13 August 9th and the actual evidence that it's relying on is
14 August 8th. That's a problem, ladies and gentlemen.

15 These pictures of Donald Stepp's -- we won't go back
16 and look at the picture. But he's taking a picture I guess to
17 memorialize, I had to jump over -- crawl over a fence; but I'm
18 motivated -- he's motivated. And he told you he was motivated by
19 10 kilos of cocaine and \$220,000 that he thought was in the
20 storage unit of Police Officer Thomas Wilson's brother-in-law,
21 is what he's told by Wayne Jenkins, 'cause Wayne Jenkins is
22 making up some pretty good stories to motivate Donald Stepp.

23 And then when there isn't 10 kilos and there is not
24 \$220,000, Wayne Jenkins has to make up another story. And
25 he -- back then he puts the finger on Marcus Taylor.

1 Marcus Taylor messed up this investigation, the stupid guy,
2 according to Gondo and Rayam, which is how they referred to
3 Detective Taylor on some of the recordings you listen to.
4 Detective Taylor wasn't messing up that investigation at all,
5 as Wayne Jenkins claimed to Donald Stepp.

6 Now, these United records and the bank records appear
7 to be easy to explain, and Special Agent Jensen didn't have a
8 problem explaining those records to you.

9 But when you have Special Agent Jensen testifying
10 about records that are from BPD and ADP that she can't explain
11 and you have questions, that's a reason to doubt, because those
12 records aren't explaining everything to you, because they don't
13 have the person here that can answer all of your questions.

14 If you have questions about these records, you look to
15 the Government because they bear the burden, as you were
16 instructed.

17 VMI, what is that? Where does it show up? What does
18 it mean? Vacation days, Detective Jensen wasn't quite sure how
19 that's reflected. These are individuals that are salaried
20 employees, and so they're getting paid. And then the real
21 issue is: Is it vacation time? Is it work time? But she
22 wasn't sure about how that's reflected in the records.

23 If you look at the records carefully, the BPD overtime
24 records have former GTTF Sergeant Allers signing off in
25 July 2016.

1 That's not something that any of the officers could
2 explain. They could not testify about which ones they
3 signed -- well, they could testify they knew that wasn't their
4 signature. They don't know whose signature it was, and they
5 didn't know which -- there weren't any slips that they could
6 confirm that they had signed off for someone who wasn't at
7 work.

8 Now, the other part of Donald Stepp's story in this
9 case is he claims to have hired Wayne Jenkins' security firm to
10 provide security for his business client, a Dominican drug
11 dealer, and that the security firm -- firm is BPD officers that
12 have secondary employment. And one of those officers happens
13 to be Detective Taylor.

14 And on that night when Detective Taylor is providing
15 security in his secondary employment with Wayne Jenkins'
16 security firm, Officer Thomas Wilson is one of the other
17 officers also providing security.

18 And Donald Stepp, not in front of Detective Taylor,
19 Donald Stepp claims that Thomas Wilson asks Wayne Jenkins,
20 "How's that newbie, Marcus Taylor, working out?"

21 And Stepp claims that Sergeant Jenkins replies, "He's
22 doing great. He was that 30 pounds that came from
23 Belvedere Towers."

24 Now, the testimony from the officers that claim to
25 have been on the scene -- and that's Detective Ward -- was that

1 it was 25 pounds and \$20,000.

2 So the facts there don't even match up. The testimony
3 was Belvedere Towers was a place that they went by and checked
4 often. So the 30 pounds that came from Belvedere Towers could
5 have been a completely different incident. It doesn't seem to
6 match up, ladies and gentlemen.

7 Also, what doesn't seem to match up is the testimony
8 of DEA Special Agent Todd Edwards, September 1st, 2016.

9 He says he is providing surveillance over a target
10 closer to D.C., in the Upper Marlboro, near a church and a
11 trucking area. And he says he's sitting in his car on
12 surveillance, not trying to really be noticed, since he's
13 watching somebody.

14 And he claims that he sees this other car pull up, and
15 he thinks it's a police car because it's tinted and that
16 Wayne Jenkins hops out and comes over, knocks on his window,
17 and talks to him. That's Detective -- I'm sorry, Special Agent
18 Todd Edwards' version.

19 According to Maurice Ward, Taylor is in that car, and
20 the agent comes over to Jenkins' car. And the concern was the
21 guy that they were targeting for those game of telephone that
22 we're playing of what Jenkins then told Ward and then Ward
23 repeats and tell you, Jenkins claiming that the agent told them
24 that it was an informant and that he was there to make a buy.
25 And so that's why they had to get out of there.

1 Ward claims Jensen [sic] went over and knocked on the
2 agent's car, which I guess that's another lie of
3 Detective Jenkins. Or did that really even happen? And who
4 was there?

5 Special Agent Todd Edwards can't see whether there was
6 anyone else in that car.

7 And then we hear from Gondo that Hendrix was there.
8 Oh, no. He told the agents when he proffered last year that he
9 had been told it was Hendrix, Marcus Taylor, and Jenkins that
10 were together that day. And then he told you he never told the
11 agent that. And then the agent came in here and testified,
12 yes, he had said that.

13 But either way, what we do know is Special Agent
14 Todd Edwards didn't see anyone else in that car. He interacted
15 with Jenkins that day, and Jenkins left. And there's no
16 evidence to corroborate whether Marcus Taylor was there,
17 whether Marcus Taylor and Hendrix was there, or was
18 Donald Stepp perhaps in the car with Jenkins that day? Because
19 that's the guy that was doing those kind of things with Jenkins
20 back then.

21 Sergio Summerville came in here and testified, and he
22 pointed to -- this is the lower right-hand picture on the first
23 page of the Government's exhibit. There's four photographs.
24 In the lower right-hand picture, this is that picture, and
25 Sergio Summerville pointed to the black officer on the left

1 side, which is Rayam, and said, He and the two white officers
2 went into the storage unit.

3 According to Rayam, Sergio Summerville also gave
4 consent and provided a key to his locker.

5 Now, that may or may not be true, but
6 Sergio Summerville certainly didn't have a reason to lie about
7 who are the officers that went into the storage unit. And he
8 was very clear: It was this guy, the guy on the left-hand
9 side, Detective Rayam. And he and the two white officers went
10 in the storage unit.

11 When those officers came back, that officer, which is
12 Detective Rayam, hands him the sock back.

13 Detective Taylor was on the scene that night. He's in
14 the picture right there. He would have had no reason to even
15 know if the sock was lighter when Detective Rayam gave it back
16 to Summerville.

17 The sock is taken out of the storage unit where
18 Detective Taylor is not, where Detective Rayam is.
19 Detective Rayam comes out to the area that you see in the video
20 where Sergio Summerville was with Detective Taylor. And
21 they're at the back of the car, and he puts the sock down and
22 gives it back.

23 Now, of course, like many of the witnesses,
24 Sergio Summerville tells the FBI, Well, it was like around
25 seventeen or nineteen thousand -- I mean, I'm sorry, seventeen

1 or nineteen hundred, and I only got twelve hundred back. And
2 then by the time he gets to the grand jury, he says, No. It
3 was more like 4800, and I only got 2800 back.

4 But what is interesting about this again is the greed.
5 Detective Rayam is very motivated by greed, and the Government
6 has a recording. And it's Microphone Recording Session 89 that
7 they played for you, and they have a transcript.

8 But I'll ask you to listen to it again. And what you
9 will hear is some unintelligible that does not sound like he
10 had to give Taylor anything.

11 But what Detective Rayam did admit was he lied on
12 there. He lied to Gondo that night, complaining that he had to
13 give \$100 to Jenkins. According to Sergio Summerville, Rayam
14 stole \$2,000. And now he's complaining in the car with Gondo
15 about the fact that he had to give Wayne Jenkins \$100.

16 But what do we find out from Detective Gondo on the
17 stand? He didn't even give Jenkins any money.

18 So let's listen to it.

19 (Audio was played but not reported.)

20 **MS. WICKS:** There's no credible evidence that
21 Marcus Roosevelt Taylor took money that night or even was aware
22 that the sock that was returned to Mr. Summerville was lighter
23 than when Rayam took it out of the storage unit. And this is
24 the very greedy Rayam, who admitted taking Ronald Hamilton's
25 money when no one else was looking. He took \$3,000 out of

1 Ronald Hamilton's pocket and put it in his and had no
2 compunction about not sharing that with the other officers. No
3 compunction whatsoever.

4 Ladies and gentlemen, there's no forensic evidence
5 that Marcus Roosevelt Taylor conspired with anyone, robbed
6 anyone. No fingerprints of his on any of this evidence.

7 We don't even have drugs or money -- or the money that
8 was submitted to Evidence Control in these incidents that the
9 Government's talking about relate to him. His DNA is not on
10 something to make you believe he had something to do with
11 hurting anyone, taking anything. No hair or fibers linking
12 Mr. Taylor to anything.

13 The type of evidence from this FBI investigation
14 started with records, and you have a lot of the records -- and
15 you will have a lot of the records with you while you're
16 deliberating.

17 But the records can only say so much.

18 When you sit down and look at the evidence, you will
19 have questions that aren't answered by the records. These
20 records from Baltimore Police Department and ADP, these
21 overtime slips, who is changing or correcting the information
22 on the overtime forms? Who is even filling out the forms? Who
23 is signing off on these forms?

24 The testimony was, in terms of whether or not
25 someone's present and whether or not someone's getting overtime

1 is the roll book. There's not -- you don't have any pages from
2 the roll book where the officers are working.

3 These are salaried individuals, and -- but someone's
4 changing on these forms by a minute, by an hour the time that
5 someone's working. We don't know who's signing -- we don't
6 know whose signature it is on the form. The Government is
7 claiming for a lot of these it's not the person it purports to
8 be, but there's no testimony about who is it that's doing the
9 signing.

10 Who signs off on the overtime? Why is Allers, who's
11 left GTTF, signing off on the overtime? Or is someone using
12 that? Is someone else faking his signature? We don't know.

13 The Government listened to jail recordings of people
14 after they were arrested. Oreese Stevenson told you he was on
15 the phone talking to his girlfriend and complaining when she's
16 telling him that the money is gone, the money that she
17 apparently didn't know about before.

18 Just because he said he said that on the calls, can
19 you believe that he did that?

20 Witnesses -- the Government would get the records, the
21 jail recordings, police reports from incidents. And then they
22 started interviewing witnesses. And they brought in a parade
23 of witnesses that are criminals with immunity. Every single
24 one of them testified with immunity. Even Ronald Hamilton, who
25 claims during the period of time he was not a drug dealer.

1 That's his claim to you, ladies and gentlemen.

2 But the criminals with immunity is symbolic of the
3 glaring flaw in the Government's case. Not one person was
4 truly honest with them, and not one person was truly honest
5 with you.

6 Each of these drug dealers lied to agents. And then
7 after they took an oath to tell the truth before you, to tell
8 the truth, each of them lied under oath repeatedly.

9 So, yes, ladies and gentlemen, it matters when
10 Ronald Hamilton claims he's not a drug dealer. It's not about
11 whether or not he is a drug dealer. It's about the fact that
12 he had the audacity to come in here and lie to you.

13 You saw the pictures of the house where he claims
14 there's water damage. You saw the records and you'll have the
15 records where he's claiming all of this income when he's trying
16 to get his money back from Carroll County. And then he comes
17 in here and tells you, Well, no, actually, I didn't get that
18 \$1100. I would only get 10 percent.

19 You can't accept his testimony in the overwhelming
20 evidence that he has a huge cash business that he laundered
21 through his casino gambling. You have the records back there.
22 Mr. Purpura brought them.

23 Huge amounts of cash that he's playing at the casino
24 so he can launder his really large cash business, not the
25 rental properties, not the cars. The drugs, ladies and

1 gentlemen.

2 It is absolutely relevant to your consideration of
3 that witness. Look at the credibility instructions. It is
4 outrageous that the Government is telling you that doesn't
5 matter. It matters, because if the witness that they're
6 calling comes in here and lies to you about something, that's
7 part of the calculus for whether or not you can credit what
8 he's saying.

9 It is outrageous for the Government to think that you
10 wouldn't consider that. That's why that evidence was presented
11 to you, because he's been a drug dealer. Those convictions and
12 the convictions of the other witnesses, you were instructed
13 about that that affects the credibility. That's why that's
14 relevant. That's why that's relevant, because the credibility
15 of witnesses is incredibly important.

16 There's no way that Ronald Hamilton, on his alleged
17 joint income of \$130,000, before taxes, would be able to afford
18 a half-a-million-dollar home. No one's saying he doesn't
19 deserve it. But the problem is he can't have it unless he's
20 also selling drugs and laundering the money through the casinos
21 and paying his mortgage. That's how he's getting it, ladies
22 and gentlemen. That's why that's relevant.

23 Ronald Hamilton didn't just lie to you; he lied,
24 first, to Carroll County about his income, and now his
25 explanation of his income is another lie. So he just keeps

1 lying.

2 The testimony from the former detectives was that
3 Ronald Hamilton offered up his supplier on that very day. When
4 brought down to the barn and questioned, he gave up his drug
5 supplier. And now he tries to come in here and testify and say
6 he wasn't a drug dealer.

7 Jenkins wanted to keep Gondo and Rayam away from his
8 squad when he first comes to GTTF because of their side
9 business. He's aware of what Gondo's doing. He is aware of
10 Gondo helping Kyle Wells, his childhood friend. He is aware of
11 Gondo being mixed in and under investigation for a federal
12 narcotics conspiracy.

13 The Government wants you to believe Wayne Jenkins
14 selects the people that are on his squad. Do you think
15 Wayne Jenkins wanted Rayam and Gondo on his squad if he's
16 trying to keep them away from everyone else on his squad
17 because of what they're doing?

18 Talk about deplorable and nauseating. The testimony
19 of Rayam and Gondo. Rayam and Gondo each fingered each other
20 for a murder. Rayam says Gondo says, "I laid a guy out," and
21 that to Rayam means he killed somebody.

22 Gondo says Rayam admitted cold-blooded murder. When
23 he stopped a guy and the guy was trying to get away, first
24 Rayam lies and says the guy was going to hit his partner. That
25 was not true. And the reality is what he says to Gondo is, "I

1 shot him because I didn't want to chase after him." Those are
2 the -- two of the people that the Government brings to testify
3 and for you to consider their credibility when they're pointing
4 at each other for committing murders and neither one agrees.

5 They tried to get their stories straight at
6 Howard County Detention Center before they got separated. And
7 even in there, it's somewhat ironic. Rayam is letting Gondo
8 know, Hey, the Government might ask you about a murder.

9 Is Rayam warning him that he may -- the Government may
10 ask Gondo about Rayam's murder? Or is Rayam warning him
11 because they may ask Gondo about Gondo's murder?

12 Either way, he's still trying to look out for his
13 buddy.

14 The testimony was that each of them lied multiple
15 times going back a decade.

16 Rayam conspired with his fellow officer,
17 Michael Sylvester, his police academy buddy. They -- he lied
18 in an investigation of Michael Sylvester. They took drugs.

19 And Rayam admitted, even back then, the now police
20 officer who's his cousin, I believe, in Philadelphia, that he
21 sold drugs through in present day, that was who he and
22 Michael Sylvester got selling marijuana that they seized and
23 stole a decade ago.

24 This is Rayam, who's off the force for two years. But
25 then Baltimore police brings him back and sticks him on the

1 Gun Trace Task Force.

2 And the Government wants you to believe their
3 testimony. They operated outside of the unit. They committed
4 their own armed home invasion. Rayam pointed his gun at a
5 woman in that house. And he thinks he probably said, I could
6 kill you.

7 But they've been rewarded. Like many of the
8 witnesses, they have been rewarded because they're going to get
9 credit for coming into this courthouse and testifying before
10 you and lying and lying and pointing the finger at
11 Marcus Taylor.

12 For their purposes, the truth is not the actual truth;
13 rather, it's what they want you to believe so that at the end
14 of the day, they can go home sooner.

15 They are facing 20 and 60 years. And they want to go
16 home, ladies and gentlemen. So they have to come up with
17 something, because telling on themselves isn't going to do it.

18 They need you to believe that Marcus Roosevelt Taylor
19 has done something wrong, because that would serve the
20 Government's needs. And they need the Government to need them.

21 However, as you know, there's no immunity if the
22 Government thinks either one of them are lying. How do we
23 reconcile that fact with the fact that each of them told the
24 federal agents that the other one was responsible for murder?
25 And even after all of that, they are here testifying under

1 oath. Are they taking the oath? Are they saying, No, not
2 really, pinky finger (indicating), so I don't have to tell the
3 truth.

4 Witness 1, Rayam, says Witness 2, Gondo, committed the
5 murder.

6 Witness 2, Gondo, says witness -- that he never did
7 that. So one of them is lying about either one of these
8 murders.

9 Gondo talked about specific conversations he had had
10 with Rayam in which he literally admitted to murder. And yet
11 Rayam testifies in front of you, talking about how he has a
12 clean conscience now.

13 A clean conscience? Ladies and gentlemen, that's a
14 witness with blood on his hands. His hands are dirty. His
15 hands are filthy. He doesn't have a clean conscience.

16 But no one wants you to actually focus on that. To
17 me, this is the most glowing example of what I'm talking about:
18 The Government turning a blind eye, relying on the
19 uncorroborated and untruthful testimony of professional liars
20 just to convict one man (indicating), Marcus Roosevelt Taylor,
21 the man who is the youngest, the man who's inexperienced, and
22 the one who is working in the unit.

23 And you heard from the other young officer that was in
24 the unit that didn't see anything going on. And the
25 Government, because these other people are coming in here and

1 pointing the finger at Detective Taylor (indicating), they want
2 you to believe that he was part of it.

3 You heard evidence from the wiretap of Gondo's two
4 phones and his Baltimore police car. Marcus Taylor is not on
5 the wiretap, and he's not inside the police car.

6 One day you hear a recording where he's outside of the
7 car, and he's the one in the unit that's checking on the guy in
8 the crash. And at one point in that recording he says, We
9 could have just gotten out.

10 He's the one that checked on that person, ladies and
11 gentlemen.

12 Read again, please, each of the Government's
13 instructions on evaluating the credibility of witnesses, the
14 credibility of drug users, the credibility of people with plea
15 agreements, co-conspirators, cooperators, people with criminal
16 convictions, and witnesses with immunity.

17 These people, every single one of these witnesses that
18 the Government wants you to rely on, has baggage, suitcases of
19 reasons of why they are biased, biased against one of the
20 defendants, biased for the Government because they're trying to
21 get something from the Government, biased because they don't
22 want to get charged with that murder, biased because they got
23 immunity for what they said to the agents and what they testify
24 about in this Court.

25 And with this bias, they know that if they in some way

1 finger Marcus Roosevelt Taylor (indicating), they can get out
2 of jail. They can go home. Maybe they can get their drug
3 money back. They're certainly getting a break on what they
4 did, selling kilos of cocaine and heroin on the streets of
5 Baltimore.

6 All of these witnesses have been around the block, in
7 the streets, and they don't want to go to jail and they don't
8 want to stay in jail. They want to come home. And they know
9 that the Government gives benefits for information and assists
10 the people that are providing information in this
11 investigation.

12 Corroboration of each witness's testimony would be
13 independent evidence, ladies and gentlemen, that establishes
14 what the witness is saying. Repetition by others is not
15 corroboration.

16 Evidence has shown that their own stories of each
17 witness do not even corroborate each other. Are these stories
18 the truth or are they lies, ladies and gentlemen? How can you
19 be sure? I would submit you simply cannot.

20 There is reasonable doubt all over this case. It
21 walked in the front door. It walked in the side door. It
22 walked in the back door (indicating).

23 The witnesses argued with me, and they argued with the
24 other lawyers.

25 I would ask you to consider, when making the decision

1 in this case, an important decision that you'd have to make in
2 your own lives.

3 Would you trust the word of these witnesses to assist
4 you in making that decision or even to assist you from getting
5 from Point A to Point B?

6 If your travel agent was Jemell Remell -- Jemell Rayam
7 and he promised you that he made a reservation on the airline
8 for your ticket and that he debited your card for the price of
9 the ticket and he told you that the price would be \$700, are
10 you trusting that your bank statement will say \$700 was taken
11 out of your account or maybe 2,000?

12 You get to the airport after -- hopefully you have a
13 ticket. And you're checking in with Agent Donald Stepp. Yep,
14 he tells you, you're checked in and your bags are marked to get
15 to your destination. Or are you? Is he going to rifle through
16 them and sell the contents?

17 Security Agent Gondo, don't worry; he checked everyone
18 coming through security, and no one is traveling with anything
19 dangerous on this flight.

20 Do you feel safe getting on that plane?

21 As you're sitting waiting to get on the plane, you
22 look out the window at the gate where the plane is and you see
23 the baggage handler, Shawn Whiting. And he's using his
24 hydraulic press or hydraulic lift to put luggage on the plane.

25 When you get to the plane, you gate-check your child's

1 car seat with Maurice Ward. No problem. Or do you have a
2 concern that it might not make it there?

3 When he shows up, might it be a little lighter?

4 Pilot Oreese Stevenson is -- you're sitting on the
5 plane, and Pilot Oreese Stevenson is calling the tower to get
6 clearance for takeoff, or is he? His co-pilot says he is. His
7 co-pilot, Hendrix, says he called. He called.

8 Oreese Stevenson says, No, that's not correct.

9 If these are the people to get you from Point A to
10 Point B on a plane, would you make different plans? You would,
11 ladies and gentlemen. And, therefore, I submit you cannot
12 convict Marcus Roosevelt Taylor on this evidence.

13 Mr. Taylor has a right to ask questions in this trial.
14 He has a right to ask questions that will help you assess the
15 credibility of the witnesses. And the Government seemed to
16 make fun or light of that in their closing argument.

17 But when you look at the instructions, I'll submit
18 that's what the defense lawyers did here for you, help you get
19 the information that you need to check out these witnesses and
20 assess their credibility.

21 The Government has not proven beyond a reasonable
22 doubt that Mr. Taylor did anything. There's no evidence of a
23 single conspiracy. There's no evidence that he attempted to
24 conspire. And he simply did not rob anyone.

25 With this wishy-washy, "Well, I didn't sign, but

1 somebody did," you cannot convict Mr. Taylor on the evidence
2 brought in this courtroom.

3 There's many reasons to doubt, ladies and gentlemen.
4 If you do not believe that a witness said -- if you do not
5 believe something that a witness said -- and you have heard
6 many examples of the trial of what you cannot believe and
7 reasons why you cannot believe the witnesses, if believing two
8 witnesses gives you two different versions of the events, if
9 believing a witness or trying to believe a witness gives you
10 two or three multiple versions.

11 You sat there very patiently and listened to all of
12 this. And Mr. Taylor and I thank you for that. You have been
13 patient for the time, and I'm sure you're excited to finally
14 get to talk about it and to examine the evidence.

15 Your doubt about the evidence may not be your
16 neighbor's doubt, but listen to each of you and listen to it
17 all and consider the evidence.

18 The Government argues last because they bear the
19 burden of proof in this case, ladies and gentlemen. Hold them
20 to that burden. That's your job.

21 You simply cannot convict Mr. Taylor on the evidence
22 that was brought into this courtroom.

23 A doubt that gives you a pause is enough to say that
24 the Government has not proved their case.

25 The Government gets the chance to argue last. I can't

1 make an argument after the Government. Please consider when
2 you deliberate what arguments Mr. Nieto and I would have made
3 to what the Government argues now.

4 On March 1st, 2017, Detective Marcus Roosevelt Taylor
5 was arrested and he fell into this nightmare. He is sitting
6 before you innocent.

7 The Government's so-called evidence cannot take that
8 away from him. You have listened so carefully. We ask you --
9 we implore you to weigh this evidence and return the correct
10 verdict. And the correct verdict for Marcus Roosevelt Taylor
11 is not guilty.

12 Thank you.

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

14 We'll take a short break.

15 (Jury left the courtroom at 11:28 a.m.)

16 (Recess taken.)

17 **THE COURT:** You can all be seated. I'll see counsel
18 at the bench briefly.

19 (Bench conference on the record:

20 **THE COURT:** So I just wanted to tell you so you
21 wouldn't be -- I just wanted to tell you so you wouldn't be
22 surprised when I get to the beginning of what I'm going to say
23 and I mention that counsel's argument is not evidence and, you
24 know, which there's no transcripts of testimony in evidence and
25 your recollection controls, I am also going to mention that

1 counsel may have addressed issues related to the elements of
2 the offense, witness credibility, definitions such as
3 "reasonable doubt." And I will just remind you all that,
4 again, it is the written instructions controlling.

5 **MR. WISE:** We are going to ask to refer to that. The
6 argument that it's a pause is obviously not what the law --

7 **THE COURT:** Right. It's not correct.

8 **MR. WISE:** -- is not correct.

9 **THE COURT:** Right.

10 **MR. WISE:** And so we would actually ask that if the
11 Court could read again from the instructions on Page 10 that
12 the Government's burden is not to prove guilt beyond a
13 reasonable doubt but, rather, not to prove guilt beyond all
14 possible doubt, which is what the pause suggests, but, rather,
15 beyond a reasonable doubt.

16 **THE COURT:** I'm not going to re-read that, but I will
17 tell them that they need to look at the instructions and follow
18 the instructions.

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

20 **MR. NIETO:** Your Honor, since we're up here, I just
21 wanted to remind the Court, because of the sort of state
22 practice with the reporters, just a reminder to the alternates
23 if they're released that they don't have to --

24 **THE COURT:** Yes. Thank you. I did make a note of
25 that for myself at the end, that I'm going to tell them not --

1 **MR. NIETO:** It's partially for them and partially for
2 the audience so they know sort of the rules and the way things
3 work.

4 **THE COURT:** Okay.

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

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

7 (Bench conference concluded.)

8 **THE COURT:** All right. Are we ready for the jury?

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

10 **THE COURT:** Okay.

11 (Jury entered the courtroom at 11:44 a.m.)

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

13 Okay. All right. The Government does have the
14 opportunity for rebuttal.

15 Mr. Wise.

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

17 Ms. Wicks just told you that in the course of this
18 investigation, the United States went to the depths of the
19 criminal justice system, and she's right.

20 And what we found in those depths were
21 Daniel Thomas Hersl (indicating) and Marcus Roosevelt Taylor
22 (indicating).

23 And she criticized the course of this case for putting
24 on what she described as a parade of witnesses whose acts were
25 deplorable and nauseating.

1 Now, those witnesses weren't chosen by the
2 United States. Those witnesses were chosen by that man
3 (indicating) and that man (indicating). They were the people
4 they chose to victimize and they were the people they chose to
5 commit crimes with.

6 And what is deplorable and nauseating is not that it
7 was exposed in this courtroom, but that they (indicating) did
8 those things.

9 We told you at the beginning of this case that you
10 were going to go inside the Baltimore Police Department, and
11 inside not one but two rogue units: The SES unit, led by
12 Wayne Jenkins; and then the Gun Trace Task Force, and that's
13 where this trial took you.

14 And it took you into all kinds of places that you've
15 probably never been before and showed you things more horrible
16 in some cases than you could have imagined.

17 But to go inside those units, to find out what really
18 happened, who would testify but Jemell Rayam and Momodu Gondo
19 and Evodio Hendrix and Maurice Ward?

20 And what these men hoped, as they committed the crimes
21 that have been proven beyond a reasonable doubt, was that
22 someday, if they were ever called to account for their actions,
23 that they could hide behind the arguments of a lawyer like
24 Ms. Wicks and Mr. Nieto and Mr. Purpura and say those people,
25 those people that had money taken from them, those people that

1 were locked up and left in their living room as they ran
2 through their house, those people don't deserve to be believed.
3 They don't deserve to be believed because either they committed
4 crimes or they were committing crimes or ironically of all
5 because they won't admit that they're committing crimes that
6 the defense lawyers believe they're committing.

7 Now, this morning I'm going to try to address some of
8 the arguments Ms. Wicks made and then Mr. Purpura made
9 yesterday.

10 But at the end of the day, as Her Honor instructed
11 you, arguments don't change facts. Arguments don't change
12 evidence. And the evidence in this case is overwhelming.

13 Now, Ms. Wicks started by pointing to the jury
14 instructions that talked about knowledge of the conspiracy, and
15 she read to you here (indicating), or she put it on a
16 PowerPoint slide.

17 Well, I want to draw your attention to what appears
18 just above that, because she said Wayne Jenkins hid things.
19 Well, that's true, because in a conspiracy, as you heard, a
20 criminal agreement, members of the conspiracy hide things from
21 one another. They steal dirty money when no one's looking.
22 And as you were instructed, to become a member of the
23 conspiracy, the defendant need not have known the identities of
24 each and every other member, nor need he have been aware of all
25 their activities.

1 Moreover, the defendant need not have been fully
2 informed as to all of the details or the scope of the
3 conspiracy in order to justify an inference of knowledge on his
4 part.

5 And that is exactly what you saw and heard in this
6 courtroom. Sometimes they stole together. Sometimes they
7 stole on their own. Sometimes they kept it for themselves.
8 Sometimes they split it up.

9 But what they all agreed to do was when the
10 opportunity presented itself, when they had someone vulnerable,
11 locked up, on the street or in their house, they took money
12 from them, and that was robbery and it was extortion.

13 Ms. Taylor [sic] talked about the fact that you heard
14 that Jenkins told members of the units to keep BB gun pistols
15 in their car to plant on people in case there was a shooting or
16 an accident and nothing was recovered.

17 And I was surprised she brought this up, because who
18 is the one person, when he was arrested, that had one of these
19 BB gun pistols in his car? Marcus Roosevelt Taylor. And what
20 did Ms. Wicks say, well, he had taken it from someone. Well,
21 if he took it from someone, why didn't he turn it in? And he
22 didn't turn it in because Wayne Jenkins had told him to keep it
23 to plant it if he needed to.

24 She then said why would Taylor tell Ward, in the
25 Shawn Whiting search warrant, to look out for him, to cut him

1 in on the proceeds if there was a robbery?

2 Ward explained that to you. That was his
3 search warrant and that's how they operated. If it was your
4 search warrant, you made the call about who got money and how
5 much they got. The Hamiltons was Rayam's search warrant, and
6 he took the money out of the house and split it up with his
7 co-defendants.

8 She said that Ward couldn't keep his story straight
9 about whether Taylor took the video after they broke into
10 Oreese Stevenson's safe and then closed it up and broke it open
11 again.

12 Well, you'll remember. You saw that video. We showed
13 it to you. And who is in that video? Ward and Hendrix working
14 on the safe and then they call down Jenkins. So who's taking
15 the video? It's Taylor. It's Taylor.

16 Ms. Wicks talked about Oreese Stevenson, the man who
17 could not have wanted to be anywhere else more. What was that
18 man's incentive to lie to you and say he had \$300,000 in drug
19 proceeds taken from him?

20 He wasn't in jail. He wasn't brought in here to beat
21 charges. He wasn't trying to reduce a sentence. He testified
22 he didn't want to come within a mile of this courthouse. He
23 testified he wouldn't meet with us. He showed up because he
24 had a subpoena and he told you what happened.

25 And when he was asked -- and he clearly didn't want to

1 have to say this in open court. He told you he had
2 10 kilograms of cocaine in the house. And Ms. Wicks tried to
3 say, well, first he said 8, then he said 10. He said 10.

4 And you heard testimony about what was turned in,
5 8 kilograms.

6 And you heard testimony from Donald Stepp about where
7 the other 2 kilograms went. Wayne Jenkins brought it out of
8 the front door, met up with Donald Stepp, and gave it to him to
9 sell.

10 So Oreese Stevenson told you the truth. He had
11 10 kilograms to start. Donald Stepp got 2 from Jenkins and 8
12 were left over.

13 Now, all throughout the argument -- and Mr. Purpura
14 did this too -- there's this flip-flop that Ward and Hendrix
15 and Gondo and Rayam, they're all liars except when they say
16 something they like. And when they say something they like,
17 then you should believe them.

18 You get to decide who is credible, using the skills
19 and the common sense you bring into this courtroom.

20 And every one of those witnesses testified and
21 testified about events that they engaged in with other people,
22 both co-defendants and victims. And those witnesses were
23 called. And other law enforcement agents, and those witnesses
24 were called.

25 And to the extent there was evidence in wiretaps and

1 microphones, that evidence was presented. And together it
2 paints a picture of what happened. And the evidence
3 corroborates what happened in each of these instances.

4 You know, Ms. Wicks said that Oreese Stevenson was
5 here to cut himself a break. A break for what? What did he
6 get from coming in here and having to be questioned in
7 Federal Court about his drug dealing? What did he get for
8 claiming to have \$200,000 more than what was turned in?

9 That man, like the other victims in this case, had no
10 incentive to lie.

11 And Ms. Wicks told you, believe Ward and Hendrix when
12 they said they didn't take any money from the car stop. But
13 don't believe them when they said they took money from the
14 house, from Oreese Stevenson's safe.

15 Why on earth would they lie about taking \$200,000 --
16 about cracking open a safe and taking hundreds of thousands of
17 dollars out of it?

18 If it's not true, why on earth would they admit to it
19 and come in here and describe it to you in strikingly similar
20 detail?

21 Ms. Wicks criticized Mr. Ward in this episode for
22 saying that he claims there was a person, the person in the
23 back of the house was made up. But he testified he didn't
24 actually go to the back of the house.

25 And then who does Ms. Wicks want you to believe that

1 there was someone in the back of the house? Donald Stepp;
2 that's what he testified to.

3 So wait, wait. I thought Donald Stepp was a
4 professional liar. Well, I guess he's not when he says
5 something they like.

6 And at the end of the day does it matter if there was
7 someone at the back of the house? Does it change the fact that
8 money was stolen from Orees Stevenson's basement?

9 I mean, listening to the way the defense attorneys
10 flipped and flopped through the testimony of the witnesses in
11 this case, it was like gum in hair. The more they tried to
12 work it, the worse and more confusing it got.

13 We got shown that Stepp photo again. And what was the
14 argument? That the date on the photo is a day later than the
15 date it was taken. Well, Stepp testified -- and this is the
16 evidence. Ms. Wicks says, well, the Government labeled the
17 photo. There's no evidence the Government labeled the photo.

18 Stepp testified -- and if I talk about testimony, it's
19 your memory that controls. And I will talk about testimony,
20 just like Ms. Wicks did and Mr. Purpura did and Mr. Hines did,
21 but it's your memory that controls. So if I put up a slide or
22 talk about testimony to you, that's my recollection, but yours
23 is the only one that matters.

24 But my recollection is that Stepp testified that if
25 the picture comes back into my phone through a different -- if

1 I put it in my favorites or something, it might have
2 timestamped it differently.

3 But at the end of the day, what were they arguing for?
4 Ms. Wicks was arguing that the photo was actually taken on
5 August the 8th. That's the day the Dennis Armstrong storage
6 locker was robbed.

7 So what does all that prove? It proves that when
8 Donald Stepp tells you he climbed over that fence to rob that
9 storage locker, it happened, 'cause he busted his ankle and he
10 took a picture of it.

11 It proves that when the professional liars, as they
12 call them, describe what happened at that storage unit, they're
13 corroborated by independent evidence of what happened at that
14 storage unit.

15 And I guess, I guess, 'cause it's hard to know, that
16 the reason for all that time spent on that -- on the date on
17 the picture was Ms. Taylor's [sic] argument that when Jenkins
18 said Taylor had screwed up the search, that can't be right,
19 because Taylor was in the Dominican Republic from the 5th to
20 the 9th of August, and you saw evidence of that.

21 And so the argument boiled down to, well, he wasn't at
22 the storage unit committing a crime. No, he was in the
23 Dominican Republic committing time and attendance fraud.
24 That's what you're left with. That's what you're left with.

25 And Ms. Wicks said, well, Special Agent Jensen, she

1 couldn't answer questions about what was on the ADP time sheet,
2 even though she did. And she couldn't answer questions about
3 Baltimore Police Department human resources practices. And
4 somehow that means you shouldn't rely on the evidence of the
5 time and attendance fraud.

6 Well, the Government called a witness from ADP, flew
7 him up from Atlanta to testify about the ADP eTIME® system.
8 And the Government called Lieutenant Friel, the head of human
9 resources from the Baltimore Police Department. And any
10 questions that they may have had about ADP or the Baltimore
11 Police Department they had the opportunity to ask.

12 Now, Ms. Wicks said that -- she talked about the
13 instance where Donald Stepp used Jenkins and Taylor and a
14 number of other Baltimore Police Department officers to provide
15 security for his cartel drug-supply connection.

16 And she reminded you all that Stepp said that at that
17 strip club, he was told, when he asked one of the other
18 officers how Taylor was doing, that he had participated in the
19 Belvedere Towers robbery where the marijuana and money was
20 taken.

21 And she reminded you that, of course, Ward testified
22 that Taylor was there with him and Jenkins when they took that
23 marijuana and that money. And she argued, well, Ward said it
24 was 25 pounds of marijuana, Stepp said it was 30. So that
25 means that they somehow made it up?

1 I mean, Maurice Ward has been in jail since March the
2 1st of 2017. He's never met Donald Stepp. What is the
3 likelihood that Ward and Stepp would make up, independent of
4 one another, that Taylor participated in the Belvedere Towers
5 robbery?

6 And when you see the jury instructions, you will see
7 that Belvedere Towers is not one of the racketeering acts.
8 It's not in the indictment. So when Stepp testified he had the
9 indictment, he had no independent way of knowing about
10 Belvedere Towers.

11 What he did have, what he did have was the physical
12 evidence that was put in front of him and Maurice Ward, the bag
13 the marijuana came in.

14 And, again, without ever meeting, Maurice Ward, who
15 sat in jail since March the 1st, and Donald Stepp independently
16 testified that was the bag that was taken at Belvedere Towers
17 and brought to Donald Stepp.

18 Now, Ms. Wicks asked the question: Who is filling out
19 the overtime slips? That there's doubts on how because --
20 because for specific slips or specific signatures, you didn't
21 hear who that was or who did that.

22 Well, you heard testimony from all four co-defendants
23 that this rampant, rampant fraud, that frankly the defense
24 wants you to believe is even worse than what was charged -- and
25 it may be, which doesn't make it right one bit. But the

1 co-defendants testified this rampant fraud was going on and
2 they all filled out slips for each other.

3 And you heard wiretap calls where they're talking
4 about that. Can you fill in a slip for me? Who's signing the
5 slips? Ward's signing the slips. John Clewell won't do it.
6 You heard all of that from the time when they didn't know
7 anyone was listening.

8 So then the argument is, well, who signed the slip?
9 Well, on that point, ladies and gentlemen, you know, your boss
10 can't authorize fraud.

11 You hear in the jury instructions that there's
12 something about good faith. Good-faith is a belief that what
13 you're doing is right. If your boss signs a fraudulent
14 overtime slip for time you knew you didn't work -- and this is
15 not a complicated concept, ladies and gentlemen. We've got a
16 17-year veteran (indicating) and a veteran of the Baltimore
17 Police Department (indicating). These are grown men. They
18 know you get an honest day's wage for an honest day's work.
19 It's not a complicated concept.

20 So if your boss is signing a fraudulent overtime slip,
21 he or she isn't authorizing it. He or she is in on it.

22 And at the end of the day, at the end of the day, who
23 got the paychecks? Who saw that they were getting thousands
24 and thousands and thousands of dollars in overtime that they
25 hadn't earned?

1 Daniel Hersl more than doubled his salary in 2015. He
2 made more in overtime than he made in his base pay. And in
3 2016, he made almost \$38,000. Marcus Taylor, in 2015, made
4 \$43,000 in overtime. And in 2016, a remarkably similar number
5 of 44,000.

6 They saw these paychecks. They knew they weren't
7 working that much time. They can't hide behind the fact that
8 you can't say who a scribble on a slip was. Of course you
9 can't. That's how this thing was carried out. If somebody
10 wanted to question a scribble on a slip, who are they going to
11 ask?

12 Now, Ms. Wicks talked about how Ronald Hamilton had
13 immunity. All the witnesses had immunity, and we brought that
14 out on direct.

15 So just think through this for a second.
16 Ronald Hamilton had immunity. Whatever he said couldn't be
17 used against him. So when he said he wasn't selling drugs, he
18 had no incentive to lie.

19 If he didn't have immunity and he got on that stand
20 and he had been selling drugs, he's probably not going to tell
21 you about it.

22 So the witnesses were given immunity so that no matter
23 what they did, they could honestly testify about it.

24 And so what did they attack him over again and again
25 and again? This house in Carroll County. It was too big. It

1 was too nice for a man like that.

2 **MS. WICKS:** Objection.

3 **THE COURT:** This is just argument. It's not evidence.
4 The jury's recollection of what everybody's -- counsel's
5 argument has been will control.

6 **MR. WISE:** It was an ugly, ugly argument in an ugly
7 case.

8 Mr. Hamilton wasn't on trial. Mr. Hamilton was never
9 even charged. Like all the other witnesses in this case that
10 came in here from the street, he had no incentive to lie to you
11 about what happened.

12 And he was another example of where they want you to
13 believe some of the things he says but not others, and they
14 can't explain the difference.

15 So Ms. Wicks wants you to believe that when
16 Ronald Hamilton said, "I had money taken," that was a lie.

17 Mr. Purpura told you that's true, 'cause Mr. Purpura
18 told you Mr. Hersl got some of that money.

19 And what's the central question in this case? Is it
20 how did Ronald Hamilton make his money? Or is it was
21 Ronald Hamilton's money taken? That's the central -- that's
22 the central question in all of these instances.

23 How the money was made doesn't matter. Whether it was
24 made selling drugs or selling Girl Scout cookies, it doesn't
25 matter.

1 And some of the witnesses said they sold drugs, and
2 then they attacked them for that. And some of the witnesses
3 said they didn't sell drugs, and then they attacked them
4 because they wouldn't say they sold drugs.

5 But time and time again, the only issue that mattered,
6 whether money was taken, was established. In some cases
7 admitted to.

8 Dennis Armstrong said he was a drug dealer, and
9 Mr. Purpura told you Mr. Hersl took some of his money.
10 Mr. Armstrong wasn't lying about that.

11 You know, Ms. Wicks wants you to believe Rayam when he
12 says he committed crimes with Michael Sylvester. That's one of
13 the names that they elicited as they went through their
14 cross-examination. And they did that -- they did it as much as
15 they could. And they want you to believe all that. They want
16 you to believe Rayam and Gondo and Ward and Hendrix when they
17 tell you about the crimes they committed and who they committed
18 them with except, except when they talk about the crimes they
19 committed with this man, Daniel Hersl (indicating), and that
20 man, Marcus Taylor (indicating). But they can't have it both
21 ways.

22 If they want you to discount the testimony because
23 these witnesses are robbers, you have to believe they committed
24 these robberies.

25 But there's no consistent or even comprehensible

1 theory for why Rayam would admit to crimes he wasn't charged
2 with, admit to crimes that they claim he didn't commit,
3 implicate people that aren't even on trial, and then make up
4 stories about the witness -- the defendants that are.

5 And, you know, you heard Gondo and Rayam and Ward and
6 Hendrix. The four of those witnesses didn't say all these
7 robberies I committed with Hersl (indicating) and Taylor
8 (indicating) and more.

9 They were very clear about what they did with these
10 men and what they didn't do, and that's an indicia of
11 reliability. That shows you they're being credible.

12 Both counsel pointed this out again and again, that
13 Rayam went into a house on Marnat Road and pointed a gun in a
14 woman's face, and they want you to believe that, because they
15 want you to hate Rayam and think he's a horrible person.

16 Well, how do we know he did that? 'Cause he told you
17 he did that.

18 Again and again, both lawyers talked about the rewards
19 the witnesses are going to get, and we went over this with each
20 witness. The United States Attorney's Office doesn't sentence
21 these witnesses; Judge Blake does.

22 We don't have get-out-of-jail-free cards like
23 Mr. Purpura put up on the screen and we don't decide what their
24 sentences are or if they serve one day less in jail because
25 they cooperated with the Government. They have tried to

1 confuse you on that issue over and over and over again.

2 It's Judge Blake that will decide a just punishment
3 for those men.

4 Now, turning to Mr. Purpura, I've mentioned a couple
5 of the places they overlapped, and I may do that again.

6 But Mr. Purpura started his argument with this "thief,
7 not a robber" argument, and that's all it is, that Daniel Hersl
8 received stolen property or was a thief but didn't commit
9 robberies or extortion.

10 And if you step back and think about this for a
11 second, you know, imagine five people go into -- are going to
12 rob a bank and one of them's going to drive the lookout car and
13 four of them go inside. Three of them hold down the customers
14 and one goes to the teller and says, "Put the money in the
15 bag." And then they all come out and get in the car and go
16 back to one of their houses to split up the money.

17 Well, under Mr. Purpura's theory, four of those five
18 could say "I'm not a bank robber. I just received stolen
19 property."

20 **MR. PURPURA:** Objection, respectfully, Your Honor.
21 Just misleading.

22 **THE COURT:** I think I'll strike that particular
23 characterization of Mr. Purpura's argument and just ask you to
24 rephrase.

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

1 Let me use an example that Mr. Purpura gave you. I'll
2 use two.

3 So Mr. Purpura called the Marnat Road robbery, the
4 robbery where Gondo and Rayam went in -- or Rayam went in and
5 Gondo waited outside with Gondo's childhood friend Wells and
6 robbed that woman. He called that a real robbery.

7 Where was Gondo during the robbery? He was sitting
8 outside. Under this receipt-of-stolen-property theory, Gondo
9 didn't commit robbery.

10 **MR. PURPURA:** Again, respectfully object, Your Honor,
11 again --

12 **THE COURT:** Do you want to come up to the bench.

13 **MR. PURPURA:** Certainly.

14 (Bench conference on the record:

15 **MR. PURPURA:** I apologize for objecting, but I believe
16 this is misleading to the jury. The issue is his intent to the
17 point of taking. If he would phrase it that way, then it's not
18 misleading, and that's the point. That's the instruction.
19 That's the argument. That's what I made from beginning to end.
20 And what he's suggesting now is misleading.

21 **MR. WISE:** Your Honor, we have never commented -- we
22 did not object when they characterized what we said, when they
23 characterized what we were arguing. I think I should be
24 allowed to argue -- which is all it is -- the logical
25 implication of Mr. Purpura's argument using the same examples

1 he gave, and they can decide who they think is persuasive on
2 that.

3 **THE COURT:** Right. But I think the point is that --
4 and it was limited to two particular instances, as I recall,
5 really, the money being admitted and Mr. Purpura offering this
6 theory, that part of his point was that Mr. Hersl was not in on
7 it at the beginning.

8 **MR. WISE:** But that's his argument. But that's his
9 argument.

10 **THE COURT:** No. But now we're getting into a question
11 of the legal elements as well. I mean, he's not arguing that
12 if Mr. Hersl had gone and sat outside, as I understand it, that
13 if Mr. Hersl had gone and sat outside at what he knew was going
14 to be a robbery and was being the lookout and, you know, in
15 that way facilitating what was clearly a robbery, but that was
16 not his argument.

17 **MR. WISE:** Our argument is that Hersl did all those
18 things.

19 **THE COURT:** That's fine.

20 **MR. PURPURA:** You can argue that, but you can't say,
21 by analogy, here's -- you know, if you're sitting outside, the
22 getaway driver of the bank robbery, you can't say it's a theft.

23 **THE COURT:** Why don't -- yes, why don't we just not
24 try to characterize his legal argument, because I agree with
25 him in terms of what his theory was. You can just argue it in

1 terms of what the elements are and what you think the evidence
2 showed.

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

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

5 (Bench conference concluded.)

6 **THE COURT:** Okay. We're just going to rephrase
7 without reference to Mr. Purpura's argument.

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

9 It was elicited on cross-examination, from both Gondo
10 and Rayam, that Marnat Road was a robbery. And there is no
11 difference between the robberies they admitted to committing at
12 Marnat Road and the robberies they admitted to committing when
13 they wore their police uniforms.

14 And the most striking example of that is the other
15 robbery that both Gondo and Rayam were asked about by defense
16 counsel, the birdseed store robbery. And that wasn't one of
17 the racketeering acts in this case. It's not a robbery that is
18 alleged to have involved these two defendants, although I'll
19 note that if you believe the defense arguments, that Gondo and
20 Rayam are making all this up, they certainly could have said
21 they were there, but they didn't.

22 So what you heard about this birdseed store robbery
23 was that Rayam went to someone's house and he sent in two
24 people wearing Baltimore Police Department vests with badges
25 and a gun, and those people believed their house was being

1 searched and they had money taken.

2 And that is exactly what happened to the Hamiltons.
3 Exactly what happened to the Hamiltons. And that is why what
4 happened to the Hamiltons was a robbery, not a receipt of
5 stolen property; it was a robbery.

6 **MR. PURPURA:** Judge, again, I respectfully object.

7 **THE COURT:** That's based on his interpretation of the
8 evidence.

9 **MR. PURPURA:** Thank you.

10 **MR. WISE:** And Mr. Purpura put up a slide when he
11 started that had a summary of the elements of robbery and
12 extortion, and then it also had some language about this
13 receipt-of-stolen-property argument and theft. And you may
14 have paused for a moment and said, wait a minute, I don't
15 remember the judge instructing us on receipt of stolen property
16 or theft.

17 **THE COURT:** Counsel, come back up to the bench.

18 **MR. PURPURA:** Objection again.

19 **THE COURT:** Come back up to the bench.

20 (Bench conference on the record:

21 **THE COURT:** I kept it out of the instructions on the
22 theory that he could argue that it was theft.

23 **MR. WISE:** But then he put the elements in his slide.

24 **THE COURT:** He put elements in his slide because he
25 probably already had them there.

1 **MR. WISE:** And all I want -- I'm afraid they're
2 confused. All I want to do is say it's not in the jury
3 instructions and you should not consider those elements, 'cause
4 if they wrote them down, they're going back now with an
5 alternate set of instructions. So that's all I want to say.

6 **MR. PURPURA:** Your Honor, I think -- again, I
7 requested an instruction on theft. The Court did not give me
8 an instruction on theft. I believe, even without an
9 instruction, I can tell the jury generally what theft is,
10 because that's a theory of our case, and that's what I did.

11 I'm not saying these are the Court's instructions.
12 I'm not saying anything else except this is what theft is.
13 That's -- I think I can say that. I think I did say that.

14 What's wrong now is for the Government to suggest that
15 the Court did not give that instruction to the jury, because --

16 **THE COURT:** It's going to sound as though they can't
17 consider his defense.

18 **MR. WISE:** But the problem is that slide had Page 28,
19 here's the elements of robbery. Page 28, here's the elements
20 of theft. And then --

21 **MR. PURPURA:** No, no, no.

22 **MR. WISE:** Let me finish.

23 -- here's the elements of receipt of stolen property
24 and here's the elements of theft. I think he was thinking you
25 were going to give the instruction.

1 **MR. PURPURA:** No. I can show you the slide. The
2 only -- the elements of robbery -- the Court just changed in
3 the morning the robbery, and I put that on there with the page
4 number on that portion. I can show you the slide. There was
5 nothing on any other -- and that's -- I referenced the Court's
6 instructions on that only, not the others, at all. And I can
7 show you the slide on it if you want.

8 **THE COURT:** I think you're right. I'm going to --
9 again, as I told you, I'm going to remind the jury, before I go
10 into my conclusion, as far as the elements of offense, there's
11 legal definitions, reasonable doubt, anything else they need to
12 be guided by the instructions.

13 But I do not want to take away from Mr. Purpura the
14 argument that I think he had a right to make that this amounted
15 to -- I think you wound up arguing more receipt of stolen
16 property than a theft.

17 **MR. PURPURA:** One incident.

18 **MR. WISE:** I understand. If I could just preview what
19 I want to do so we don't have to keep coming back up.

20 I do want to say that those offenses are not charged
21 in this case, and that's a factual point. I think there's
22 going to be some confusion as to that if they're not told that.

23 I do want to say that it's not a defense to say that
24 this is one crime and not -- and that that means that it's not
25 this one. Something to that effect.

1 I mean, I'm on the fly now because I'm departing from
2 what I intend, but I want to make that clear, that it's not a
3 defense to say because he committed some uncharged crime, he's
4 not guilty of this one. They have to decide if we've met the
5 elements. And whether there are other uncharged crimes that he
6 may have committed, the decision is whether we met the
7 elements. Something like that.

8 **THE COURT:** You can say that, but the decision is
9 whether -- you know, they have to make is whether you've
10 satisfied all the elements.

11 **MR. PURPURA:** That's it.

12 **THE COURT:** But to say that -- I mean, if all
13 Mr. Hersl did was receive stolen property, he's not guilty.

14 **MR. WISE:** Agreed.

15 **THE COURT:** And that is an argument that Mr. Purpura
16 had made, and I really don't think it would be a good idea for
17 you to say anything that takes that defense away.

18 So it's not correct, necessarily, to say -- you know,
19 it comes across as, well, he's guilty of receiving stolen
20 property, that's not a defense. It is to the extent that
21 that's all he's guilty of. You've got additional elements --

22 **MR. WISE:** Right.

23 **THE COURT:** -- that you have to prove.

24 I think -- I mean, if you want to say, look, as a
25 result of robbery, yes, you know, you wind up with property

1 that was taken from someone, but here's why we've satisfied
2 all -- you know, wasn't just possessing stolen property. It
3 was this, this, this, and this, and here's how we proved it.
4 That would be fine.

5 **MR. WISE:** Got it.

6 **MR. PURPURA:** Thank you.)

7 (Bench conference concluded.)

8 **THE COURT:** Okay. We're going to rephrase again,
9 ladies and gentlemen.

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

11 The defendants in this case are charged with robbery
12 and extortion and overtime fraud, and you were instructed on
13 the elements of those offenses and you've been presented with
14 evidence that meets those elements and the argument -- and it's
15 just an argument -- that that might also, or that after these
16 robberies were committed, if you find they were committed, that
17 that might also or could also be charged as the receipt of
18 stolen property or theft doesn't change the fact that if you
19 find the evidence meets the elements of robbery and extortion,
20 then that's what these defendants did.

21 Now, Mr. Purpura talked about the dynamic under
22 Sergeant Allers, and he said Allers didn't trust Hersl. And
23 here again was an instance where, after calling Gondo and Rayam
24 a liar 43 times and their court appearances and everything that
25 we brought out on direct, then he flips and says, But believe

1 them when they say that. Believe them when they say that, that
2 Allers didn't trust Hersl. And they testified to both of those
3 facts.

4 And, again, if they were making it up, wouldn't they
5 have said, Allers, we robbed people with Allers and Hersl? No.
6 They told you what happened. They told you that Allers didn't
7 trust Hersl, and so they didn't cut Hersl in when they
8 committed robberies with Allers when he was the sergeant.

9 Now, keep in mind -- and we're going to talk about in
10 a moment what happened when Jenkins became the sergeant -- keep
11 in mind that Hersl had robbed people before he joined the GTTF,
12 as you heard from Herbert Tate and Antonio Santiful and
13 Jimmie Griffin.

14 But what changed when Sergeant Jenkins took over the
15 GTTF? Well, the dynamics changed, because if Allers didn't
16 trust Hersl, Jenkins certainly did.

17 And you saw that, you saw that from multiple
18 witnesses. And, again, it's your memory that controls.

19 But Jenkins -- Gondo testified that Jenkins told him
20 Hersl was straight, and Gondo explained that that meant that he
21 had taken money before, Hersl had taken money before, which he
22 had, and that if money comes up, you can basically split the
23 money and he'll keep his mouth shut.

24 And Jenkins told Ward something similar. He said,
25 "Danny's good. He's just like one of us."

1 And Ward and Hendrix and Taylor and Jenkins had been
2 robbing people before they joined the GTTF, together in a
3 conspiracy. They joined -- they committed the Oreese Stevenson
4 robbery before they joined the GTTF. They committed the
5 Belvedere Towers robbery before they joined the GTTF. So when
6 Jenkins joins, this is what he tells someone he trusts.

7 And what happens in this new dynamic with Jenkins in
8 charge, the very same day Jenkins becomes the sergeant? You
9 heard Rayam testify about this search warrant on Culver Street
10 where he and Hersl discussed how if either one of them found
11 money, they would keep it and they would split it.

12 And, ladies and gentlemen, the conspiracy began on the
13 SES unit between Jenkins and Ward and Hendrix and Taylor. And
14 when those men came together to the GTTF, Gondo and Rayam and
15 Hersl joined that conspiracy.

16 And actions speak louder than words. And you can see
17 evidence of Hersl's role in the conspiracy again and again and
18 again. Jenkins picked Hersl to go to Westminster with him and
19 Gondo and Rayam. He sent Clewell away. Jenkins picked Hersl
20 for the attempted robbery on July 25th of 2016.

21 On August the 8th, when Jenkins went to threaten that
22 maintenance man at the storage facility, who did he take with
23 him? He took Hersl. And that maintenance worker testified
24 these two men said to him, "You look like someone who needs to
25 get robbed."

1 And when Jenkins took Kostoplis for a ride -- and
2 Mr. Purpura commented on how there were other people in the
3 office that day -- who did Jenkins choose to propose to
4 Kostoplis that he join the conspiracy? Jenkins chose Hersl.

5 And even after Hersl left the GTTF to go to
6 Citywide Shootings, when Jenkins gets a crew together to talk
7 about going back to rob Oreese Stevenson, what Mr. Hines
8 referred to as the Twisted Tea proposal because of what Hersl
9 and Jenkins were drinking, who does he pull together to propose
10 that robbery? Hersl and Taylor and Ward.

11 And so on July 8th -- and Mr. Purpura talked a lot
12 about Westminster, and it's a Racketeering Act, it's part of
13 the conspiracy, and it's the Hobbs Act count, the subject of
14 the Hobbs Act count for Defendant Hersl and the possession of a
15 firearm in furtherance of a crime of violence count, so I'm
16 going to talk about it with you.

17 Jenkins chose Rayam and Gondo and Hersl to go to
18 Westminster. And why did he do that? Well, he did that, Rayam
19 told you, because Hersl was part of the team. He testified
20 that going into Westminster, they were going to take money if
21 they found it. Hersl was part of the team. He was okay with
22 taking money. And Clewell was not.

23 And, again, actions speak louder than words. Clewell
24 was sent to the dud house, that's what Gondo testified to,
25 where they didn't expect to find money.

1 And you heard again and again from these witnesses
2 about the intent they had in their mind, that if they found a
3 gun, they'd turn it in, because, frankly, then they could bang
4 on the overtime. If they found drugs, they'd sometimes turn it
5 in, although you heard from Donald Stepp that Sergeant Jenkins
6 routinely did not. And if they found money, they would take
7 some of it and submit some of it.

8 They'd submit some of it to BPD to cover their tracks,
9 but this is what they had going into Westminster. This was the
10 team: Hersl and Gondo and Jenkins and Rayam and not
11 John Clewell.

12 And Gondo told you, just like Rayam did, that if they
13 found money, their intent going into that robbery, if they
14 found money, they would take it.

15 And even Mr. Hamilton, the victim, he knew what was
16 going on. He told you as he sat handcuffed in the back of that
17 police car, after having told the -- who he thought was the
18 U.S. Attorney -- that's how Jenkins presented himself at the
19 barn -- that he had tens of thousands of dollars in his house,
20 knowing he didn't have any drugs, knowing he didn't have any
21 guns, he said to his wife, "They're gettin' ready to rob.
22 They're going to rob me." He knew what was going on.

23 And the idea that Detective Hersl didn't, a 17-year
24 detective has all this swirling around him and a dim bulb
25 doesn't go off after the conversation with Rayam at

1 Culver Street that if we find money, we're taking it? That as
2 they dragged the Hamiltons from place to place to place on the
3 hunt for their money, he didn't know exactly what was going on
4 and what was going to happen is preposterous.

5 And now Mr. Purpura and Ms. Wicks want you to believe
6 Ronald Hamilton is a liar; right? I mean, they both said this.

7 But as I've said, Mr. Purpura said Hamilton was
8 telling the truth when he told you money was taken, which is
9 the central issue in this case. And also he's telling the
10 truth when he provides an alibi, or what Mr. Purpura, I guess,
11 thinks is an alibi, for Daniel Hersl. 'Cause Mr. Purpura
12 argued that Hamilton said -- and, again, it's your memory that
13 controls -- that Hersl was with him in the living room.

14 Well, search your memories. And I would submit to you
15 that what Mr. Hamilton said was he was brought downstairs. And
16 he wasn't brought downstairs by Hersl. And he didn't know
17 where Hersl went when he was brought downstairs.

18 And Gondo and Rayam testified that they went upstairs
19 with Hersl, and that's where the money was found. And Gondo
20 and Rayam testified they left Hersl in the room with the money
21 when the \$3,000 went missing.

22 And Rayam testified he went to Sergeant Jenkins, the
23 leader of the conspiracy, to ask him what to do. Again, they
24 all went in with the intent that if they found money, they'd
25 take it. That's a conspiracy.

1 The fact that the leader of the conspiracy was
2 consulted as to what to do next is consistent with that, and
3 Jenkins said take it. And Rayam did take it.

4 And what was Mr. Hersl doing while Rayam was executing
5 on that? He was downstairs in the living room guarding the
6 Hamiltons, who were handcuffed on the couch, with his weapon at
7 his side, making sure they couldn't go elsewhere in the house
8 to see what was happening to them, to see what Mr. Hamilton
9 knew was going on.

10 And you know who you never hear about? You never hear
11 about Mrs. Hamilton. What crime did she commit? Even if you
12 believe the defense argument that because Ronald Hamilton owned
13 that house, he had to have been a drug dealer, Mrs. Hamilton
14 was pulled out of a car after she was looking at blinds at
15 Home Depot, put in handcuffs, dragged to some off-site facility
16 referred to as the barn, while her husband was interrogated,
17 then dragged back to her house, put in the living room, under
18 guard, in handcuffs, while men went through her home and stole
19 her money. Mrs. Hamilton is a victim too.

20 And before they left -- you know, they're running
21 around in the house looking for money before the real cops get
22 there, the Maryland State Police.

23 So, again, as to intent, what does Hersl think is
24 going on as they're searching the house before the real search
25 team gets there? What's the story about how he could possibly

1 claim not to have known? That he was actively participating in
2 an ongoing robbery.

3 So the real cops get there, they recover the \$50,000,
4 and then they leave. And what does Jenkins say to Hamilton?
5 He says, "Well, if you were going to rob somebody, who would
6 you rob?" And he says this in front of Gondo and Rayam and
7 Hersl.

8 And both Mr. Hamilton testified that's what he said
9 and the others testified as to what they said.

10 And then where did they go? Where did the team go
11 after Westminster? Well, they went to dinner after robbing the
12 Hamiltons. And what did they talk about? Jenkins told them,
13 "We can do this three times a year, but don't get greedy." "We
14 can rob people three times a year, but don't get greedy."

15 And then where'd the team go? Well, a couple weeks
16 later you heard Jenkins, on a wiretap -- not witness
17 testimony -- on a wiretap with the excitement in his voice
18 talking about this condo where there's a \$200,000 Mercedes in
19 front of it, and who does Jenkins want? "I only have Danny and
20 you coming in. You need to call Rayam and say Jenkins needs
21 you."

22 Why? Because they were going to rob that house if
23 they found money, and that's what they discussed on the way,
24 and Gondo told you that.

25 That Jenkins said there might be 40 to 50 thousand

1 dollars in it. And Hersl, who had just closed on his house
2 five days earlier, said he could really use that money.

3 And where does the team go next? Well, in August they
4 find Dennis Armstrong. This is another instance where
5 Mr. Purpura said money was taken. So Dennis Armstrong's not
6 lying.

7 He saw Hersl go into his glove compartment where he
8 had \$8,000. After the paddy wagon left, Hersl took Rayam aside
9 and they went off to 7-Eleven and the parking lot of a school
10 and split up the money.

11 Now, Mr. Purpura spent a lot of time attacking
12 Antonio Santiful and Herbert Tate. And you heard them and you
13 listened to them and you know they had no reason to come in
14 here and lie. All they got was a day off at work to be
15 subjected to questioning in a Federal Courthouse. They didn't
16 have charges they were trying to beat or sentences they were
17 trying to reduce.

18 Mr. Purpura argued to you that Santiful's lying
19 because he played a jail call where, the way Mr. Purpura
20 understands it, it means he admitted that he had drugs when he
21 was arrested.

22 Well, what other -- what else was played on that
23 jail call? Mr. Santiful said he had \$700 taken.

24 So if Mr. Purpura wants you to rely on the jail call
25 to believe that Antonio Santiful really had sold drugs that

1 day -- again, which doesn't matter -- then he has to accept
2 that when he said "I had \$700 taken," he was telling the truth
3 too. And, of course, only \$216 of that was turned in.

4 And how about Mr. Tate? Well, Mr. Tate had small
5 bills on him and was in the wrong neighborhood. That's the
6 argument why Mr. Tate was a liar.

7 You heard again and again that Mr. Hersl would take
8 money, stick it in his pocket, stick it in his vest. Who knows
9 what he eventually turned in to cover up the money he took.

10 And this whole idea of the wrong neighborhood, that
11 makes Mr. Tate a drug dealer? It was the neighborhood he grew
12 up in. It was the neighborhood he coached basketball in. It
13 was the neighborhood where he had friends that he considered
14 family. That's why he was there. That's what he told you.
15 And there's no evidence he had anything less than the \$530 he
16 said he had that was taken from him and only \$218 was turned
17 in.

18 And let me ask you: What do you think the likelihood
19 is that two men that have never met one another concoct a story
20 that the same detective robbed them, on back-to-back days, and
21 there's a \$2 difference between the amount of money that was
22 turned in? What do you think the likelihood is that that could
23 happen?

24 Now, Mr. Purpura also talked about Jimmie Griffin.
25 Jimmie Griffin was the one witness who was in jail, and he was

1 in jail because he admitted the drugs at Pinewood were in his
2 house. Mr. Purpura claimed he proved that. That's like
3 proving the sun rose. That wasn't in contest. Mr. Griffin
4 told you he was a drug dealer, and he told you he had \$6,000 on
5 him.

6 And Mr. Purpura called two witnesses to tell you what?
7 That George Lee was arrested coming out of the Pinewood house
8 and he had \$8,000 on him.

9 The problem is for the defense argument, there's no
10 evidence Jimmie Griffin was at the house when George Lee bought
11 the drugs.

12 His testimony was he met his aunt in
13 Northeast Baltimore, she gave him \$6,000, he went and bought
14 weed with it, that's what he said, and then went to Evesham to
15 smoke it. And where was he arrested? At Evesham. He wasn't
16 arrested at Pinewood.

17 And he testified that his cousin, Tyrone Creighton,
18 who also sold drugs, lived at the Pinewood house.

19 So the argument that George Lee, the guy in the tight
20 pants, means that Jimmie Griffin couldn't have had \$6,000
21 doesn't hold up.

22 Now, briefly -- and you're probably tired of this, but
23 the overtime evidence is overwhelming, and I'm not going to go
24 through it again.

25 Mr. Purpura said, well, you didn't see -- you didn't

1 see cell phone location information for the days that are
2 charged as racketeering acts like you saw for the month that
3 Mr. Hersl was spending working on his house on the Government's
4 dime.

5 But what you did see was a day or more in each of the
6 charged racketeering acts when he wasn't working where he
7 claimed to be working or doing what he claimed to be doing.

8 He wasn't at the raid on Milton Miller's house. Ward
9 and Gondo were there. They testified he wasn't.

10 Special Agent Jensen testified he's not even on the paperwork.

11 Neither Hersl or Taylor worked the hours they claimed
12 for the Grindon arrest. Hersl wasn't even there. Hendrix and
13 Ward were, and they testified to that.

14 Gondo was back at headquarters when they got back. He
15 said Hersl's out at the bar on a call to Rayam when he didn't
16 think anyone was listening. And Ward testified that the time
17 they put down for that Grindon arrest wasn't what they actually
18 worked.

19 July 23rd, Gondo and Rayam described -- discussed on a
20 call that it was just going to be Gondo and Jenkins that night
21 working, that everybody else had plans. And they all
22 miraculously put in the same overtime slips, including Hersl
23 and Taylor.

24 July 29th, Hersl showed up from Pennsylvania at 9:40
25 at night. Hersl's not even there.

1 And August the 8th, the Armstrong search, testimony
2 was they didn't work the hours they claimed to have worked.
3 Taylor wasn't even in the country at the time.

4 Very briefly, both defense lawyers -- and this always
5 happens -- say you could have done this, you could have done
6 that, what about hair? What about DNA? What about satellite
7 images? It happens so commonly, there's an instruction that
8 tells you the Government doesn't have to use specific
9 investigative techniques.

10 The evidence as to the crimes charged in this case and
11 the elements of those crimes is overwhelming. Could the FBI
12 have done more? Could we have called more than 32 witnesses?
13 Could they have tapped more than two phones? Could they have
14 bugged more than one Baltimore Police Department vehicle? Yes.

15 But does that mean there isn't sufficient evidence to
16 establish the elements of this crime? No.

17 And on this point about why wasn't anything recovered
18 from Hersl's house, well, Gondo testified that Hersl told him
19 that Hersl knew Gondo was on a wiretap, so Hersl's not talking
20 to Gondo on the phone. Hersl's not talking in Gondo's car.
21 And when we got to their houses, they knew we were coming.
22 That's what you can infer from the fact that every one of these
23 defendants -- Taylor and Hersl included -- and Ward and Hendrix
24 told you this, that Taylor knew about the investigation too --
25 knew we were coming, and these are law enforcement officers

1 that know how to cover their tracks.

2 So in sum, ladies and gentlemen, none of the defense
3 arguments changed the facts in this case. So what you are left
4 with are these two men (indicating) and the evidence of what
5 they did.

6 And these two men were supposed to be sentinels,
7 guarding this city from the people that would break the law,
8 people like these officers, the good cops that testified in
9 this case.

10 But instead, these men became hunters and they had big
11 kills, like Oreese Stevenson.

12 But more often than not, they preyed on the weak and
13 the vulnerable. The weak, like Antonio Santiful, who came in
14 here in the reflective vest he wears at the construction site
15 he works. And the vulnerable, people who are committing
16 crimes, and, therefore, the defendants thought couldn't
17 complain or wouldn't complain. And people like Mr. Hamilton,
18 who, because of a record that will follow him for the rest of
19 his life, the defendants counted on no one believing.

20 But these two men had a choice to make, just like
21 Officer Kostoplis. And Officer Kostoplis presented you with
22 the path not taken. He told Jenkins and Hersl that the badge
23 on his chest is what separated him from the criminals.

24 And at the end of the day, this is a simple case. You
25 heard from victim after victim with appalling similarity about

1 how these men (indicating) operated as both cops and robbers.

2 And robbers carry guns and sometimes they wear masks
3 to hide their face. But these men, these men, they hid behind
4 their badges.

5 And they hid on August the 31st, 2016, when they
6 chased that car in the rain at night and stood on the roadside
7 after it crashed.

8 And Ms. Wicks said Taylor wanted to get out, but we
9 know what Taylor said.

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

11 May we approach?

12 **THE COURT:** Sure.

13 (Bench conference on the record:

14 **MS. WICKS:** Your Honor, that wasn't the argument I
15 made. He was -- I said that wasn't the argument I made. And
16 the recording shows he was out, he did go look. I brought that
17 up.

18 **THE COURT:** I don't think that's what the recording
19 shows. It's going to be up to the jury to decide what the
20 recording shows.

21 **MS. WICKS:** He told him to get in the car. He's
22 outside. And he comments on the fact that he went in and saw
23 the person.

24 **MR. WISE:** If I objected every time I disagreed with
25 the way they characterized something, I would have been up 300

1 times.

2 **MS. WICKS:** I mean, I think he's mischaracterizing
3 what I said. He can characterize the evidence differently, but
4 I think he's mischaracterizing my argument.

5 **THE COURT:** Well, wasn't your argument that Taylor was
6 out of the car, that Taylor wanted to help?

7 **MS. WICKS:** Yes; and he's --

8 **MR. WISE:** I'm going to play what he said.

9 **THE COURT:** He's going to play what the recording
10 actually is.)

11 (Bench conference concluded.)

12 **MR. WISE:** So let's hear what Taylor said.

13 (Audio was played but not reported.)

14 **MR. WISE:** He said, "Dude's unconscious. He ain't
15 sayin' shit." That's what Taylor said.

16 And then Hersl said they could falsify their overtime
17 slips to make it look like they weren't there, and he even
18 practiced what he would say if anyone asked him.

19 (Audio was played but not reported.)

20 **MR. WISE:** And why is that recording so relevant?
21 'Cause that man might have been their next victim.

22 The badges and the guns they carried were powerful,
23 power they chose to abuse.

24 But now, now you have the chance and the
25 responsibility to speak truth to power.

~~JURY INSTRUCTIONS~~

1 The evidence in this case establishes beyond a
2 reasonable doubt that Hersl and Taylor committed the crimes
3 with which they are charged, and they should be found guilty.

4 Thank you.

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

6 **THE COURT:** Ladies and gentlemen, you have heard quite
7 lengthy arguments from all counsel, and they have reminded you
8 of this; but I will remind you as well: What counsel say in
9 their arguments is not evidence. It is, as they're properly
10 entitled to do, their interpretation of what the evidence is
11 shown. It is what they all reminded you, that what you recall
12 is what controls.

13 There have been some references to witness testimony.
14 Again, that's perfectly appropriate. I just want to be sure
15 you understand there are not any transcripts of testimony that
16 are admitted in evidence in this case. Your recollection of
17 the evidence and the testimony will control.

18 The only transcripts that you will have are the
19 transcripts of the recorded conversations. And as I've already
20 told you, that's just an aid as well. What's actually on the
21 recordings is for you to consider.

22 You've also heard from -- again, all counsel have
23 probably talked about some of the elements of the law, the
24 offenses that are charged here, issues relating to witness
25 credibility, reasonable doubt, and other matters.

~~JURY INSTRUCTIONS~~

1 I'll just remind you that what is in my instructions
2 is what controls in terms of the law in this case.

3 So in conclusion, I'm going to remind you that your
4 verdict has to be unanimous, reflecting the judgment of each
5 and every one of you.

6 You should consider it in the jury room deliberately
7 and carefully in light of the instructions I've given you and
8 that you will have in writing.

9 Use the same common sense and the same intelligence
10 that you would use in determining any important matter you have
11 to decide in the course of your own affairs.

12 It is your duty as jurors to consult with one another
13 and deliberate with a view to reaching an agreement, if you can
14 do so without violence to your individual judgment.

15 Each of you must decide the case for yourself, but do
16 so only after a careful consideration of the evidence with your
17 fellow jurors.

18 In the course of your deliberations, don't hesitate to
19 re-examine your own views and change your opinion if convinced
20 it is erroneous.

21 But don't surrender your honest conviction as to the
22 weight or the effect of evidence solely because of the opinion
23 of your fellow jurors or for the mere purpose of returning a
24 verdict.

25 If after carefully considering all the evidence and

~~JURY INSTRUCTIONS~~

1 the arguments of your fellow jurors you entertain a
2 conscientious view that differs from the others, you're not to
3 yield your conviction simply because you are outnumbered.

4 Now, when you go back to the jury room, as I think
5 I've told you, your first duty will be to elect a foreperson.
6 Again, the foreperson doesn't have an extra vote. We just need
7 someone to preside over your deliberations and to be your
8 spokesperson in court.

9 If it becomes necessary during your deliberations to
10 communicate with the Court, you can send out a note, something
11 in writing. There will be a court security officer posted
12 outside the door. You should not attempt to communicate with
13 the Court except in writing.

14 And you'll notice from the oath that the court
15 security officer takes that they, as well as everyone else, are
16 forbidden from communicating in any way or manner with any
17 member of the jury on anything that relates to the merits of
18 the case.

19 Your deliberations, your discussion of the evidence,
20 any votes you take in the jury room, that is for you alone.
21 You should not tell the Court or anyone else how you stand in
22 terms of any numerical division or vote you've taken until
23 after you've reached a unanimous verdict.

24 To record your verdict in this case, you will have a
25 verdict form. I believe you saw some parts of that in one of

~~JURY INSTRUCTIONS~~

1 counsel's presentation. You'll have that in writing.

2 And I'm going to go over it with you just a bit.

3 So it starts with Count 1, which is the racketeering
4 conspiracy. And Count 1 happens to start with Mr. Hersl. So
5 there is an initial question or statement, but it's really a
6 question for you.

7 It says: We, the jury, find the Defendant
8 Daniel Thomas Hersl, with respect to Count 1, racketeering
9 conspiracy -- and there's a place for you to fill in guilty or
10 not guilty, depending on your unanimous verdict.

11 If you answered guilty, however, it must have been on
12 the basis of certain other decisions that you've already made.

13 If you answer guilty, you will be asked to identify
14 which two racketeering acts you unanimously find that either
15 the defendant you're considering or another member of the
16 conspiracy agreed to commit.

17 So there will be a list of racketeering acts for you.
18 Some of them, the alleged robbery and/or extortion; some of
19 them, the alleged wire fraud. And if you are finding Mr. Hersl
20 guilty, you will also need to indicate which racketeering acts,
21 again, you've unanimously found that either he or another
22 member of the conspiracy agreed to commit.

23 Also on Count 1, but then separately as to Mr. Taylor,
24 you will be asked to answer the same questions: Do you find
25 that he is guilty or not guilty of the racketeering conspiracy?

~~JURY INSTRUCTIONS~~

1 If you find that he is guilty, you will ask to
2 identify at least two racketeering acts that he or another
3 member of the conspiracy agreed to commit. And you do have to
4 be unanimous.

5 Now, if you find -- starting with Mr. Hersl, if you
6 find Mr. Hersl guilty, you will then be asked -- well, you are
7 also asked, as far as Count 2, the actual RICO charge -- that's
8 Count 2. That next question will be, again: We, the jury,
9 find the Defendant Daniel Thomas Hersl with respect to Count 2,
10 racketeering, guilty or not guilty.

11 If your answer is guilty, again, you will have to
12 answer specific questions about what racketeering act or acts,
13 if any, you found unanimously that he committed.

14 So if you find him not guilty, you will not fill in
15 those questions.

16 But if you found him guilty, you will have to indicate
17 on which racketeering acts you unanimously find the Government
18 has proved its case.

19 Continuing on Count 2, you are asked separately to
20 consider as to Mr. Taylor whether you unanimously find him
21 guilty or not guilty. And if you find him guilty, you must
22 indicate which racketeering acts you unanimously found the
23 Government proved as to Mr. Taylor. And they're all listed
24 there. I'm not going to read them for you.

25 Then you come to Counts 3 and 4 and Count 5 and 6.

~~JURY INSTRUCTIONS~~

1 Count 3, you will be asked whether the defendant,
2 Mr. Taylor, is guilty or not guilty of Hobbs Act robbery and
3 extortion.

4 If you find him not guilty, you do not go on to
5 Count 4.

6 Count 4 is the charge of possession of a firearm in
7 furtherance of a crime of violence. One of the elements is
8 that he committed a crime of violence. So if you found him not
9 guilty on Count 3, you would stop there.

10 But if you find him guilty of the Hobbs Act robbery
11 and extortion charged in Count 3, you would continue to
12 Count 4: Did he possess a firearm in furtherance of a crime of
13 violence? Has the Government proved that beyond a reasonable
14 doubt?

15 There is a similar relationship between Counts 5 and 6
16 as to Mr. Hersl. You are first asked whether the Government
17 has proved him guilty of Count 5, a Hobbs Act robbery and
18 extortion. If not guilty, you stop; you don't go on to
19 Count 6.

20 If you find him guilty as to Count 5, the Hobbs Act
21 robbery and extortion, you continue to Count 6: Did the
22 Government prove possession of a firearm in furtherance of a
23 crime of violence?

24 So there are a number of questions for you to look at
25 and answer. You will have the verdict form to do that.

~~JURY INSTRUCTIONS~~

1 What we ask is that when you have reached a unanimous
2 verdict, your foreperson, whoever that is, should fill out this
3 verdict form in accordance with your agreement and sign it and
4 date it. There's a place for signature and date at the end of
5 this form.

6 And then somebody should knock on the door and let the
7 clerk or the court security officer who answers, just let that
8 person know that you have agreed upon a verdict. You shouldn't
9 say what it is at that point, because the verdict is to be
10 announced for the first time in open court.

11 So when you come back to the jury box at the end of
12 your deliberations, the clerk will ask something like "Have you
13 agreed upon your verdict?"

14 And we hope you collectively respond that you have.

15 And the clerk will then ask something like, "Who shall
16 speak for you?"

17 And you should also respond your foreperson, whoever
18 that is.

19 The foreperson will be asked to stand and present the
20 verdict form to the clerk. She will show it to me. And after
21 I review it, it is returned to the clerk and to the foreperson
22 for reading aloud in open court.

23 Now, the last thing I have to do -- and I never know
24 whether this is going to make people happy or not -- we do have
25 four alternates. I'd like to be able to say you should all go

~~JURY INSTRUCTIONS~~

1 back and deliberate, but I can't. I can only send 12 back in
2 to deliberate. So I have to excuse the four of you who are
3 alternates.

4 However, as long as the trial is continuing, until the
5 end of the deliberations and the return of the verdict, until
6 this is all done, I assume that Ms. Moyé will know how to get
7 in touch with you in case it becomes necessary. And I still
8 need to ask you not to talk about the case, not to do any
9 research on the case, not to go on the Internet, read the
10 newspaper, anything like that, until we are positive that we
11 will not need to ask you for anything further. Those same
12 rules control, but I do have to excuse you at this point.

13 So I'm going to ask Ms. Moyé at this point to take
14 the -- go with the four alternates. And I'll ask counsel to
15 approach the bench for a minute.

16 (Alternate jurors excused at 12:59 p.m.)

17 (Bench conference on the record:

18 **THE COURT:** Okay. I found a couple more very tiny,
19 minor edits in my jury instructions so that I'll get a full,
20 clean copy for the jury.

21 The verdict form, anybody have any concerns about the
22 current jury instructions or verdict form that they haven't
23 already had a chance to address?

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

25 **MS. WICKS:** No.

1 **MR. PURPURA:** No.

2 **THE COURT:** Where are you in terms of exhibits?

3 **MR. PURPURA:** I think we're just about ready to
4 have -- at least all defense exhibits are ready to go in.

5 **MR. WISE:** And Mr. Kerrigan has been doing it every
6 evening, so we're all caught up.

7 **THE COURT:** You're all pretty much ready?

8 **MR. WISE:** Uh-huh.

9 **THE COURT:** Well, I'm going to tell the 12 jurors that
10 it may take a few minutes, but we'll gather up the exhibits and
11 send things in.

12 Now, obviously, so if they want to hear any of the
13 recordings, we'll need to bring them back out here to listen to
14 it.

15 Is there any other piece of evidence that's not going?

16 **MR. WISE:** The mic, the -- yeah, the mic recordings,
17 the wiretap recordings, I guess the video from
18 Sergio Summerville.

19 **THE COURT:** The video?

20 **MR. WISE:** Yeah, I think that's the only video, yeah.
21 Oh, and the guns --

22 **THE COURT:** Are there guns?

23 **MR. WISE:** Yeah, there's guns.

24 **MR. HINES:** BB gun.

25 **MR. WISE:** Drugs.

1 **THE COURT:** Actual drugs in?

2 **MR. WISE:** Yes.

3 **MR. PURPURA:** They're not going in.

4 **MR. WISE:** Oh, all the machetes and things, grappling
5 hook.

6 **MR. HINES:** We can specify all that.

7 **MR. WISE:** So there's two huge bags.

8 **THE COURT:** I'll just say the bags of tools, you're
9 not planning to send any. You've got photographs of all of
10 that.

11 **MR. WISE:** Yeah.

12 **THE COURT:** Okay. All right. Anything else?

13 **MR. PURPURA:** Are you going to send the jury to lunch
14 first? Or are they going to have --

15 **THE COURT:** We ordered lunch for them, so they will
16 have their lunch to eat.

17 And, yes, and so you all need to be close by in case
18 of questions, obviously.

19 **MS. WICKS:** Your Honor, did they give -- I didn't know
20 if we had a sense of how late if -- I mean --

21 **THE COURT:** Sure. Good question. And I'll tell them
22 what -- my plan would be to invite them back in here at
23 5 o'clock or at least send a note in at 5 o'clock and ask them
24 at that point if they want to continue to deliberate. And I
25 give them a choice of 5:30 or 6:00, not later than that, and it

1 will be up to them.

2 **MS. WICKS:** And then tomorrow, assuming we're here
3 tomorrow, they would come in at 10:00?

4 **THE COURT:** I probably would give them the option of
5 coming in at 9:30 if they want to, but it would be up to them.

6 And then we'll just have to work around -- I
7 understand there are other court proceedings tomorrow, but I
8 hope you'll all be close by.)

9 (Bench conference concluded.)

10 **THE COURT:** Okay. Just a couple last words, ladies
11 and gentlemen.

12 It may take a few minutes; but we are going to gather
13 up a copy of the instructions, a copy of the verdict form, the
14 exhibits that have been admitted into evidence. Pretty much
15 all of that will be sent back into the jury room for you to
16 look at.

17 There are certain things that we will not be sending
18 back: The recordings of the conversations themselves, either
19 from the wiretap or the mic in the car. There's a video.

20 If you want to listen to them, which it's completely
21 up to you, we would bring you back into the courtroom to
22 listen. You'll have the transcripts, but you can listen to the
23 recordings back here in the courtroom if you'd like to.

24 There were at least one or two exhibits involving guns
25 and drugs, and there are some tools that were in a couple of

1 large black bags. We're not planning to send those back with
2 you either. But if there's anything that you want to look at
3 that's physical evidence of that type, again, you can send out
4 a note and let us know. And we'll bring you back into court
5 and give you an opportunity to look at that if you want to for
6 some reason.

7 Other than that, I think the first thing, I'm hoping
8 that there will be some lunch for you --

9 **THE CLERK:** There is.

10 **THE COURT:** Good.

11 -- when you go back in there and deliberate. We'll
12 wait to hear from you.

13 Again, as I think I mentioned to you the other day,
14 the length of your deliberations in general is entirely up to
15 you. I will send in a note, probably, or either bring you out
16 or send in a note if we hadn't heard anything by about
17 5 o'clock, just to ask if you want to continue deliberating a
18 little bit later today. Do you want to go home and come back
19 tomorrow? That will be totally up to you.

20 I don't keep everybody here any later than 6:00, for
21 sure, but it's entirely up to you how long you need to
22 deliberate on the case.

23 Thank you very much.

24 **THE CLERK:** CSO.

25 **THE COURT:** We will have the oath taken by the court

1 security officer.

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

3 FRANK ALSTON, COURT SECURITY OFFICER, SWORN.

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

5 **COURT SECURITY OFFICER:** Frank Alston.

6 **THE COURT:** All right. Thank you, ladies and
7 gentlemen. You can go with the court security officer out that
8 way.

9 (Jury retired to begin deliberations at 1:05 p.m.)

10 **THE COURT:** We're going to go get the binders back.
11 Ms. Moyé is going to go do that right now.

12 **MR. WISE:** Can I just collect my things, Your Honor,
13 while --

14 **THE COURT:** Sure, you can go ahead and collect your
15 things.

16 But could I see counsel at the bench on these binders.

17 (Bench conference on the record:

18 **THE COURT:** So we're getting them back because
19 Mr. Kerrigan just pointed out that there's things in the
20 binders that haven't actually been admitted. Now, the problem
21 with that is if we're taking back all the binders, which we're
22 doing, immediately, does that mean they don't have the
23 transcripts of what was admitted?

24 **MR. HINES:** So for each victim, there was a jail call
25 that was on -- that was ready to go in case there was a prior

1 inconsistent -- prior consistent statement that came into play,
2 so I think those are the only transcripts we need to remove.
3 We'll double-check and make sure everything else is there.

4 **THE COURT:** So you'll give it back. You'll take out
5 what was --

6 **MR. WISE:** We'll can do that. The three of us will do
7 it together. We'll help Mr. Kerrigan.

8 **THE COURT:** Okay. And obviously if defense counsel
9 want to be involved, they can be involved as well. Make sure
10 that only the exhibits admitted into evidence actually --

11 **MS. WICKS:** Crystal can look at it.

12 **THE COURT:** I'm sorry?

13 **MS. WICKS:** She has our list. The paralegal, Crystal,
14 has the list.

15 **THE COURT:** Great. If you all want to just cooperate
16 and make sure it's only what it should be.

17 **MS. WICKS:** Yes. Thank you.

18 **THE COURT:** Good. Thank you.)

19 (Bench conference concluded.)

20 **THE COURT:** Okay. So, for the record, the binders are
21 all being brought back and counsel are going to go through them
22 and remove whatever should not be in there and then send them
23 back in with what should be in there.

24 I will go make some copies of the verdict form and
25 jury instructions and get them back down and wait and see what

1 happens.

2 Thank you, all.

3 (Recess taken.)

4 (3:24 p.m.)

5 **THE COURT:** Counsel, we have a question from the jury.
6 Do you want to come up to the bench.

7 (Bench conference on the record:

8 **MR. PURPURA:** They wanted the definition of "theft"?
9 Just kidding.

10 **THE COURT:** I thought -- did Ms. Moyé not check?

11 **MR. PURPURA:** She did. Just being my silly self.

12 **THE COURT:** So as you know, and I've just invited you
13 up to the bench at this point because of the possibility of the
14 press hearing this.

15 The question is: After we have two acts that we have
16 found the defendant to be guilty, are we obligated to look at
17 any others of the acts?

18 I'm happy to hear what you all have to say. Seems to
19 me as to Counts 1 and 2, as I look at the verdict form, we've
20 asked them to identify at least two.

21 **MR. WISE:** So our position would be that the statute
22 does require at least two. It's not unique federal statute in
23 that regard. But, I mean, we would ask that the Court ask them
24 to continue deliberating as to the other charged racketeering
25 acts. Obviously, if they can't reach a unanimous decision,

1 they can stop. But it would seem to me that they should
2 continue until they reach that point.

3 **THE COURT:** I had drafted something along those lines
4 that said you may consider the questions in the verdict form in
5 any order you choose; in other words, if they're stuck, you
6 know, I don't want them to feel that they can't move on to
7 Count 2, Count 3, 4, 5, 6.

8 But if you can come to a unanimous agreement, you
9 should indicate as to each alleged Racketeering Act whether or
10 not you find it has been proved.

11 **MR. PURPURA:** I could not object to that instruction.
12 I think it's probably appropriate.

13 **MS. WICKS:** I agree, Your Honor.

14 **THE COURT:** All right. Then if you like -- and I'm
15 assuming -- and, of course, as we have throughout the trial,
16 your clients can listen in. But if you want to consult with
17 them just to make sure that this is satisfactory, I would
18 propose, rather than bringing the jury back in and reading this
19 aloud, that I would just handwrite more neatly what I've just
20 told you.

21 **MR. PURPURA:** We would ask the Court to do that on
22 behalf of Mr. Hersl. Thank you.

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

24 **THE COURT:** All right. Why don't you just check with
25 your clients to see if it's satisfactory to them.

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

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

3 (Bench conference concluded.)

4 (The defendants conferred with counsel.)

5 (Bench conference on the record:

6 **MS. WICKS:** On behalf of Mr. Taylor, that's fine,
7 Your Honor.

8 **MR. PURPURA:** Yes, Mr. Hersl as well. Thank you.

9 **THE COURT:** Okay. Let me just read it into the record
10 one more time. This is what will go back in writing:

11 "Dear jurors, you may consider the questions in the
12 verdict form in any order you choose. But if you can come to a
13 unanimous agreement, you should indicate as to each alleged
14 racketeering act whether or not you find it has been proved."

15 **MR. PURPURA:** That's fair.

16 **THE COURT:** Satisfactory?

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

18 **MR. WISE:** Yes.

19 **MR. PURPURA:** Obviously, no one's going to say
20 anything public on this; correct? I mean defendants or
21 Government?

22 **MR. WISE:** We don't say anything public anytime.

23 **MR. PURPURA:** Thank you.

24 **THE COURT:** No. That's why it's up at the bench.)

25 (Bench conference concluded.)

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

2 (Recess taken.)

3 (4:04 p.m.)

4 **THE COURT:** Counsel, would you like to approach the
5 bench.

6 (Bench conference on the record:

7 **THE COURT:** All right. So, for the record, again, I
8 assume you've seen this note.

9 And it says: For Count 1, if/after we are unanimous
10 on two acts as guilty, are we obligated to deliberate the
11 remaining acts within Count 1 for each defendant? For example,
12 Act A, guilty; Act B, guilty? Acts C through F, do they need
13 to be deliberated?

14 It seems to me that this is very similar to the
15 question just answered.

16 **MR. WISE:** I mean, my take on it was that the last
17 note pertained to Count 2. Because Mr. Hines in his opening
18 sort of said, I'm going to focus on Count 2 to start. And then
19 he went back -- he said, You can go through the counts any way
20 you want.

21 **MR. PURPURA:** The first note.

22 **MR. WISE:** The first note, yeah.

23 **THE COURT:** Ms. Moyé, do you have the first note?

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

25 **THE COURT:** Thank you.

1 How are you getting Count 2 out of that?

2 **MR. WISE:** When he said --

3 **MR. PURPURA:** It's his guess based on the opening
4 argument by Mr. Hines.

5 **THE COURT:** Okay. I mean, it may mean that, but I
6 don't think it's at all clear that it relates to Count 2. It
7 just says: Finding two acts.

8 So --

9 **MS. WICKS:** Your Honor, are they -- I didn't see them.
10 Are they written by the same juror?

11 **THE COURT:** No.

12 **MS. WICKS:** Oh, okay.

13 **MR. PURPURA:** This is not who the foreperson is?

14 **THE COURT:** It is not. The first note, which is
15 clearly different handwriting, indicates Juror No. 4.

16 The second note indicates Juror No. 3. So I do not
17 know whether either one of them is the foreperson or not. They
18 are completely different jurors.

19 What I've drafted, subject to, obviously, your
20 conversation -- and I'll show you this in a minute -- is: Yes,
21 you may move ahead to consider Counts 2, 3, 4, 5, and 6, if you
22 prefer, without deciding all the acts alleged in Count 1.

23 But eventually you should indicate as to all alleged
24 racketeering acts whether or not you find they have been
25 proved, if you can reach a unanimous decision.

1 **MS. WICKS:** Well, Your Honor, looking at the verdict
2 form for Count 1, there's not a place for them to say -- on the
3 verdict form, it's only --

4 **MR. WISE:** Right. It's which one -- whether -- said:
5 Agreed to commit.

6 **MS. WICKS:** Right.

7 **MR. WISE:** So it's a different issue whether it's
8 proved or not.

9 **MS. WICKS:** It's different than --

10 **MR. WISE:** Than Count 2.

11 **MS. WICKS:** Right.

12 **THE COURT:** So the word --

13 **MS. WICKS:** It actually gives me a little concern
14 because of the difference between the counts. The question as
15 to Count 1 -- can I see the note again. I'm sorry.

16 **THE COURT:** Sure (handing).

17 I mean, I can use the language out of the verdict
18 form, which is: You should identify as to all alleged
19 racketeering acts whether you find that either the defendant or
20 another member of the conspiracy agreed to commit that, if you
21 can reach a unanimous decision.

22 I mean, I can use the language if you think that's
23 preferable.

24 **MR. PURPURA:** Your Honor, my position would be that on
25 Count 1, since it's the conspiracy count, that if they do, as

1 they're required to do, find two of the racketeering acts, that
2 is sufficient and they need not deliberate any further on that.
3 The more substantive acts are broken down in Count 2. As a
4 matter of fact, Count 2 contains more acts than set out in
5 Count 1.

6 So I would then -- my request would be to instruct
7 them to consider all the racketeering acts set forth in Count 2
8 and then go forward to Counts 3, 4, and 5. The answer to the
9 first question is: Yes, it is sufficient on Count 1 if you
10 find two racketeering acts, period.

11 **THE COURT:** It's not actually a "yes" because of the
12 way they phrased the question, but I understand your point. As
13 long as we then tell them to go ahead and consider all the
14 alleged racketeering acts as to Count 2 --

15 **MR. PURPURA:** Yes. Great. And then continue on to 3,
16 4, and 5.

17 **THE COURT:** And 6.

18 **MR. PURPURA:** Yes, 6. Thank you.

19 **MS. WICKS:** And, Your Honor, my concern on Count 1 is
20 that because of the way the verdict form reads, they're making
21 a -- they're making a decision as to guilty or not guilty on
22 the count; and then they're agreeing -- they're not asked --
23 maybe I'm getting too much into the wording of the question.
24 But since they're not being asked -- the question literally is
25 not guilty on the racketeering acts as to Count 1. It's

1 checking a box if they unanimously find that. I mean, I
2 agree --

3 **THE COURT:** But you're agreeing with the concept?

4 **MS. WICKS:** Yes. That's fine.

5 **THE COURT:** Let me start writing something. I'll give
6 this back.

7 **MR. WISE:** I'm just thinking out loud. I think our
8 position is the same as to the other note, which is they should
9 deliberate until they are no longer reaching unanimous
10 decisions and then they can stop.

11 This just seems like a time-saving issue at this
12 point. You know, we've got two; can we just stop?

13 And I think the issue is evidence was presented as to
14 all of these. They've been instructed as to all of these.
15 They should consider them. If they can't reach a unanimous
16 decision, then it would seem appropriate to stop if they've got
17 more than two. But if they haven't . . .

18 **MS. WICKS:** Your Honor, I think they're literally
19 following the instruction, because there isn't someplace to say
20 it's not proven. They only have to find two that are proven.
21 So I think we would be -- I think --

22 **MR. WISE:** It's agreed to.

23 **MS. WICKS:** Right. But I'm saying they don't have --
24 there's not two different boxes to check. There's only -- I
25 don't know if that makes sense, but . . .

1 **THE COURT:** I don't think that's -- I mean, I think
2 they understand that. I think they have -- they either check
3 or leave blank.

4 **MS. WICKS:** Right.

5 **THE COURT:** And the issue is: Do we ask them to check
6 all of them that they can agree on unanimously? Which is what
7 I'm hearing is the Government's position.

8 **MR. WISE:** Yes.

9 **THE COURT:** Or Mr. Purpura's position: Do you tell
10 them that if they have unanimously found two of these acts --
11 again, could use the exact language. If they've found that
12 either the defendant or another member of the conspiracy agreed
13 to commit at least two acts, at that point --

14 **MS. WICKS:** Yes, I agree with Mr. Purpura.

15 **THE COURT:** -- you can stop and move on --

16 **MR. PURPURA:** Right, yes.

17 **THE COURT:** -- as to the other ones.

18 **MR. PURPURA:** And the reason being, which really makes
19 sense, because we really want to find the individual guilt or
20 innocence on these particular acts as it applies to Taylor and
21 Hersl. And obviously in the overall conspiracy, it could be
22 Jenkins or it could be Hendrix or anybody else at that time.

23 And so I think it's more than sufficient for them at
24 this point because, in essence, they will resolve all these
25 questions in Count 2, one way or the other, to move on to the

1 substantive count of RICO.

2 **MR. WISE:** I mean, what would look strange -- I'm just
3 thinking out loud -- is if they find the defendants committed
4 certain racketeering acts in Count 2 and then because they just
5 stopped deliberating on Count 1, those racketeering acts are
6 not identified as racketeering acts that were even agreed to be
7 committed.

8 **MR. PURPURA:** And the point -- because they didn't
9 have to find those. And if you're concerned about appeal,
10 let's assume that they do -- which I understand --

11 **MR. WISE:** Right? Let's assume.

12 **MR. PURPURA:** Let's assume they find the acts that you
13 want them to find in Count 2, which they would, one way or the
14 other; then I think you're appeal-proof on that issue. They
15 clearly followed the Court's instructions; found the
16 conspiracy, two acts; and the other acts they found as well.

17 If they -- 'cause they're all -- or they are all
18 contained in Count 2. It's just clear -- and I think they're a
19 little confused right now because it's repetitive.

20 **MR. WISE:** I think it's a time -- I mean, I think it's
21 a time issue, that if they don't have to deliberate more than
22 they have to, then I think they're being sort of practical
23 about it. Do they have to keep going?

24 But I think the issue is: We had a three-week trial,
25 and they've been instructed on all of this. And . . .

1 **THE COURT:** Aren't they going to answer virtually all
2 of these if they go on to Count 2?

3 **MR. WISE:** See, the issue is, let's say they find that
4 one of these defendants didn't commit one of those racketeering
5 acts. So let's say they -- let's say they find that Mr. Hersl
6 didn't commit Racketeering Act 10, which is the Hamiltons in
7 Count 2. They certainly could find that Rayam did; and they,
8 therefore, certainly could identify that as one of the two
9 count -- one of the two racketeering acts that a member of the
10 conspiracy agreed to commit.

11 I mean, if they buy the argument: He really didn't
12 know; he really wasn't involved, but there's no doubt Rayam did
13 it.

14 **MR. PURPURA:** That's why -- you know, even -- I'm a
15 bad example, but it's a difficult concept, I think. And that's
16 what I think they're struggling with. And that's why I
17 believe -- and what we're really looking for here is not really
18 the numbers counting. You're really looking for the individual
19 responsibility of these particular defendants, and that's in
20 Counts 2, 3, 4, 5, and 6.

21 Rayam, Hendrix, Ward, Gondo, they've all already pled
22 guilty. So --

23 **MR. WISE:** But the conspiracy count, it's important
24 that we know what they're basing the conspiracy count on.

25 **MR. PURPURA:** Wire fraud.

1 **MS. WICKS:** And we would know by Count 2.

2 **MR. PURPURA:** Yeah.

3 **MR. WISE:** But if there's a sufficiency argument as to
4 Count 1 or if there's some argument -- if there wasn't
5 sufficient evidence as to the racketeering acts that they find
6 were agreed to commit, if we -- if they've just stopped
7 deliberating, we're prejudiced by that. I mean, they could
8 ignore all of this and just decide: We're not going to try
9 very hard to reach unanimity.

10 **MR. PURPURA:** But we're not letting them do that
11 because we're asking them to go through and detail Counts 2.

12 **MR. WISE:** It just depends on how hard they want to
13 actually do it.

14 **THE COURT:** I think why the answer that I gave them
15 originally is going to make just as much sense is because if
16 we're telling them your alternative, that they have to answer
17 all of the questions in Count 2, by the time they do that,
18 they'll be able to come back and fill them in on Count 1.

19 **MR. PURPURA:** I guess the fundamental part which I'm
20 struggling with is the Counts 2 through 6 are individualized to
21 these defendants here. And I think that's the issue with the
22 jury right now, that they're not sure if they're supposed to
23 be -- if these counts are individual for Hersl or Taylor or are
24 they for the other co-conspirators who have actually pled.

25 I mean, we could fill it in for them. I mean,

1 clearly, if our clients are part of the conspiracy, as Mr. Wise
2 said, that Gondo, Rayam, and Jenkins and others were -- you
3 know, committed racketeering acts with the Hamiltons and other
4 people.

5 So I think we're trying to get a clean verdict without
6 confusing the jury. And I think if we get them fundamentally
7 on to Count 2 to address those individual acts which are laid
8 out clearly and crisply, we'd be in a better position.

9 So perhaps the Court can phrase the question that at
10 this point the suggestion is to go on to Count 2 and to answer
11 the questions in Count 2 to the best of your ability and then
12 continue to Counts 3, 4, 5, and 6.

13 **THE COURT:** Then you can come back to Count 1.

14 **MR. PURPURA:** And then you can come back to Count 1.

15 **THE COURT:** That's the concept that I was trying to
16 get across, that they could go ahead -- and I think if they do
17 that, by the time they answer all the questions for those,
18 they --

19 **MR. PURPURA:** Let's see if that helps move the bar.

20 **THE COURT:** Okay. All right.

21 **MR. PURPURA:** I'm glad you're writing this, Judge.

22 **THE COURT:** Okay. So I'll have to rewrite it again,
23 but what I've got as a short answer is "yes." I can say: But
24 you may move ahead to consider Counts 2, 3, 4, 5, and 6, if you
25 prefer, without deciding all the acts alleged in Count 1.

1 Eventually you should return to Count 1 to identify as to all
2 alleged racketeering acts whether you find that either the
3 defendant or another member of the conspiracy agreed to commit
4 that act.

5 **MR. PURPURA:** I know it's not on the verdict form.
6 But for sentencing purposes, wouldn't it be helpful if they
7 identified who committed those acts if it was another member of
8 the conspiracy versus Hersl or --

9 **MR. WISE:** Well, you'll be able to tell from Count 2
10 and Count 1.

11 **THE COURT:** We'd better rely on Count 2 for that, I
12 think, rather than --

13 **MR. PURPURA:** All right. We'll see. Thank you.

14 **THE COURT:** Let me try to write this down while you go
15 consult with your clients.

16 (The defendants conferred with counsel.)

17 (Pause.)

18 **MR. WISE:** I agree.

19 **MR. PURPURA:** Your Honor, I agree. But, again, I
20 believe in the conspiracy count for sentencing purposes,
21 whether -- that they should identify if it's these defendants,
22 Hersl or Taylor, or another defendant as to Count 1.

23 **MR. WISE:** They'll know that from Count 2, because if
24 they find them guilty of the Hamiltons in Count 2 and they
25 check it in Count 1, that means Hersl -- they found that Hersl

1 committed it. If they find it's not proved as to Hersl in
2 Count 2 but it's checked in Count 1, that means Rayam committed
3 it.

4 **MR. PURPURA:** See, the problem I'm having is that they
5 may consider, then, that if a co-conspiracy -- if they find in
6 Count 1, let's say that a co-conspirator such as Rayam and
7 Gondo did do the Hamiltons, then they would spill over onto the
8 actual involvement that --

9 **MR. WISE:** The subpredicate is a conspiracy, too. So
10 they actually could find that Hersl was part of the conspiracy
11 for the Hamiltons and for Count 1, so it's not -- I mean,
12 there's symmetry there.

13 **MR. PURPURA:** Again, I think it's confusing, and
14 that's the reason.

15 **THE COURT:** I think at this point it would be more
16 confusing to the jury to change the verdict sheet, which is
17 what we'd have to do to ask them to now identify which --
18 whether it was the defendant or another member of the
19 conspiracy. And I do think we'll get enough information from
20 the answers to Counts 2 through 6 to address any sentencing.

21 **MR. PURPURA:** Thank you.

22 **THE COURT:** Okay. Let me read into the record, and
23 then I'm just going to ask Ms. Moyé to make a copy of this note
24 before it goes back in.

25 Okay. But we're going to tell them: Dear jurors,

1 yes, you may move ahead to consider Counts 2, 3, 4, 5, and 6,
2 if you prefer, without deciding all the acts alleged in
3 Count 1.

4 But eventually, you should return to Count 1 to
5 identify as to all the alleged racketeering acts whether or not
6 you find that the defendant or another member of the conspiracy
7 agreed to commit those acts, if you can reach a unanimous
8 decision.

9 **MR. PURPURA:** Thank you.

10 **MR. WISE:** Thank you.

11 **MS. WICKS:** Thank you, Your Honor.

12 **THE COURT:** Okay.)

13 (Bench conference concluded.)

14 (Pause.)

15 **MR. PURPURA:** May counsel approach the bench?

16 **THE COURT:** Sure.

17 (Bench conference on the record:

18 **MR. PURPURA:** I'm noticing it's 4:30 now. Would the
19 Court consider sending back the note at this point whether they
20 wish to leave at 5:00 or stay till 6:00 tonight? Because it
21 gives us . . .

22 **THE COURT:** Sure. We can do that.

23 We were just -- Ms. Moyé had just advised the marshals
24 wanted to know if we were -- the jury was going to be
25 deliberating on Friday.

1 What I'm suggesting for her to tell them is that if
2 they do not reach a verdict today, then, yes, we will have them
3 back tomorrow, Friday, to deliberate, if that's their question.

4 **THE CLERK:** Yes, that was their question.

5 **THE COURT:** So what I asked you to do, Ms. Moyé, was
6 just to make a copy of that note before you take it back in.
7 While you're making a copy, I will write another note asking
8 them to indicate if they want to continue deliberating until
9 5:00, 5:30, or 6:00, check one.

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

11 **THE CLERK:** I'll have to go to the fourth floor to
12 make a copy, unless I can see if Judge Gordon has a copier in
13 his chambers.

14 **MS. WICKS:** Do you want us to take a picture?

15 **MR. WISE:** We can go up to ours on fifth, on five.

16 **THE CLERK:** I can easily go to the fourth floor.

17 **THE COURT:** It's all right.

18 All right. I already read it into the record.

19 All right. Let me give you that.

20 **THE CLERK:** I can see if the CSOs have a copier and
21 make a copy of it before I take it back to them in the office.

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

23 **MS. WICKS:** Thank you, Your Honor.)

24 (Bench conference concluded.)

25 (Pause.)

1 **THE COURT:** We'll just wait for the answer on the
2 deliberation question.

3 (Pause.)

4 **THE COURT:** Counsel, come back up to the bench.

5 (Bench conference on the record:

6 **THE COURT:** So they checked 5 o'clock, but they then
7 indicated that Juror 12 cannot attend Friday due to multiple
8 commitments and doctors' appointments.

9 Juror 8 has a midday meeting in D.C. tomorrow, Friday.

10 Juror No. 1 has work-related meetings.

11 They can't deliberate on Friday. So that's three of
12 them. I think we'll bring them back on Monday.

13 **MR. PURPURA:** Okay.

14 **MS. WICKS:** Okay. I guess we should wait the next 18
15 minutes.

16 **THE COURT:** You guys may sit in the courtroom for the
17 next 18 minutes. I think that probably makes sense. If the
18 marshals feel strongly that they want to bring your clients,
19 bring them back, as long as everybody's in the courtroom at
20 5 o'clock.

21 **MR. PURPURA:** Are you going to bring the jury back in
22 and dismiss them?

23 **THE COURT:** I'm going to bring the jury back in at
24 5 o'clock and warn them, give them the usual instructions, and
25 tell them to come back Monday, yes.

1 Just trying to get on my calendar. There's no
2 reason -- I'll give them the option of coming back at 9:30.

3 **MR. HINES:** I think we had a motions hearing Monday in
4 the Fields case.

5 **THE COURT:** We do. Starts at 10:00. I believe we're
6 down to one.

7 **MR. HINES:** I'm going to be trying that now.

8 **THE COURT:** Right. So, no. And we'll do that here.
9 We'll just have to move it.)

10 (Bench conference concluded.)

11 (Recess taken.)

12 (5:01 p.m.)

13 **THE COURT:** Okay. Can I see counsel at the bench,
14 please.

15 (Bench conference on the record:

16 **THE COURT:** Okay. So now that we have the defendants
17 back in the room, let me just read this note into the record.
18 I don't think we'll be trying to answer it today. This is a
19 note from Juror No. 6.

20 It says: We have reviewed in detail the instructions
21 regarding extortion. We are concerned about the type and
22 extent of consent that would constitute extortion versus a
23 robbery.

24 For example, if an individual is handcuffed by an
25 officer, what exact consent must be given that will allow the

1 officer to keep the money for himself (unlawfully)?

2 So for this one, perhaps we'll get somebody to make
3 copies of it all, to have a copy of that and think about it
4 between now and when the jury comes back.

5 I sent a note in to the jury about whether they wanted
6 to come back at 9:30 or 10:00 on Monday. And they asked if
7 they could come back at 9:00, which is fine.

8 So what I usually tell them is we don't all need to
9 meet here at 9:00. We just wait until they're all here and the
10 court security officer locks them in and then they start
11 deliberating.

12 Obviously, based on what we've been seeing so far,
13 please be close around. And perhaps we should try to meet in
14 chambers at 9:00. Are you all available Monday to talk about
15 this note?

16 **MS. WICKS:** I am.

17 **MR. NIETO:** I think so. I had mentally mapped out
18 Monday for trial when we originally scheduled it, so . . .

19 **MS. WICKS:** That's fine.

20 **THE COURT:** Okay. All right. Then you can all go
21 back and sit down.)

22 (Bench conference concluded.)

23 **THE COURT:** All right. We can bring the jury back in.

24 (Jury entered the courtroom at 5:05 p.m.)

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

1 So I am aware that, apparently, in terms of continuing
2 deliberations, that there are some of you for whom coming back
3 tomorrow would be a hardship. And I'm also aware that we have
4 been sitting Monday through Thursday. And I did not
5 particularly warn you about that Friday possibility in advance,
6 so that's perfectly understandable.

7 So instead, we'll be asking you to come back on Monday
8 to resume deliberating. I have a note indicating that you'd
9 like to come at 9 o'clock. That's absolutely fine. We'll all
10 be here by then.

11 So that's fine.

12 When you come back, in fact, at 9 o'clock on Monday,
13 we don't need to bring everybody in here at 9 o'clock. Just
14 wait until all of you are here; and then once all of you are
15 here -- and there will be a court security officer -- you can
16 just go ahead and resume deliberating.

17 We will, of course, endeavor to answer questions as
18 they occur.

19 Over this time period, the Friday/Saturday/Sunday, of
20 course, leave your notes here. Don't talk about the case.
21 Usual instructions: No research, et cetera, et cetera.

22 Thank you very much, and you are all excused until
23 9 o'clock on Monday. Thank you.

24 (Jury excused at 5:06 p.m.)

25 **THE COURT:** All right. So, Ms. Moyé, if you can let

1 the marshals know that we will not be here tomorrow. And if
2 someone can make a copy of this note so we can all have a look
3 at it.

4 And unless you all decide if you want to call, if you
5 want to try to call and talk about anything tomorrow,
6 otherwise, we'll just meet in chambers at 9:00 on Monday and we
7 can talk about what comes next.

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

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

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

11 (Court adjourned at 5:07 p.m.)

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

15 _____
16 /s/

17 Douglas J. Zweizig, RDR, CRR
18 Registered Diplomat Reporter
19 Certified Realtime Reporter
20 Federal Official Court Reporter
21 DATE: August 16, 2018
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10 kilos [4] 23/10 25/17 29/19 29/23

10 percent [1] 38/18

101 [1] 1/24

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10:06 a.m [1] 3/2

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10:29 p.m [1] 28/12

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29th [1] 86/24

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