

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, January 25, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME II - EXCERPT

TESTIMONY OF MAURICE WARD

For the Plaintiff:

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Reported by:

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1 For the Defendant Daniel Hersl:

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

4 For the Defendant Marcus Taylor:

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

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(10:03 a.m.)

(Excerpted as follows:

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

All right. Are we ready to resume testimony?

MR. WISE: We are, Your Honor.

THE COURT: Okay.

MR. PURPURA: Yes. Thank you.

THE COURT: Can we have the witness.

Counsel, I'm going to need to stop at about quarter of -- between quarter of and 10 of 1:00 just for the lunch break today.

(Jury entered the courtroom at 10:05 a.m.)

THE COURT: Welcome back, everyone. You can be seated.

I think we're going to be continuing, Mr. Wise.

MR. WISE: Thank you, Your Honor.

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

THE WITNESS: Yes, ma'am.

MAURICE WARD, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

DIRECT EXAMINATION

BY MR. WISE:

Q. Mr. Ward, you've testified about a number of people. And I want to show you, just to start, a series of photographs.

~~WARD DIRECT~~

1 These are going to be FBI-1 through 7.

2 **MR. WISE:** If I could have FBI-1 first.

3 **BY MR. WISE:**

4 **Q.** Who's this, Mr. Ward?

5 **A.** Mr. Hersl.

6 **MR. WISE:** And if I could have FBI-2.

7 **BY MR. WISE:**

8 **Q.** And who's that?

9 **A.** Mr. Taylor.

10 **MR. WISE:** And FBI-3.

11 **BY MR. WISE:**

12 **Q.** Who's that?

13 **A.** Mr. Jenkins.

14 **Q.** And FBI-4?

15 **A.** Mr. Gondo.

16 **Q.** And FBI-5?

17 **A.** Mr. Rayam.

18 **Q.** And FBI-6?

19 **A.** Mr. Hendrix.

20 **Q.** And FBI-7?

21 **A.** That's me.

22 **MR. WISE:** And, Your Honor, just for the record, I
23 believe on Wednesday I had played -- Session 2591 was the audio
24 call I played, and that was from FBI-8. I'm not sure I
25 actually said that that's the exhibit that the audio call came

~~WARD DIRECT~~

1 from.

2 **THE COURT:** All right.

3 **BY MR. WISE:**

4 **Q.** Now, Mr. Ward, I want to direct your attention to May of
5 2015.

6 Did you participate in the search of the home of someone
7 named Paul Jones, who also went by Pedro?

8 **A.** Yes, sir.

9 **Q.** And who wrote that search warrant?

10 **A.** Detective Taylor.

11 **Q.** And what, if anything, did you and Detective Taylor do
12 prior to Detective Taylor writing the search warrant for
13 Mr. Jones' home?

14 **A.** First, we did a trash run on the location.

15 **Q.** What's a trash run? Could you explain that to the jury.

16 **A.** It's when you go to a location, a target house, the person
17 you're investigating, and you pretty much take their trash and
18 you go through it to see if you can find paraphernalia for like
19 narcotics and things like that.

20 **Q.** And when you and Mr. Taylor did the trash run -- well,
21 where did you do the trash -- describe how that happened.
22 Describe what the trash run looked like.

23 **A.** We got Mr. Jones' address, went to the location at night,
24 went into the backyard, pulled the trash out, took it to a
25 location, and went through it.

~~WARD DIRECT~~

1 Q. What did you find, if anything?

2 A. I believe it was marijuana residue and things like that.

3 Q. In the trash?

4 A. In the trash, yes.

5 Q. And then what happened?

6 A. Well, what we recovered from the trash was later
7 submitted, and then a warrant was obtained.

8 Q. At some point did you learn something about that
9 trash run, I guess, prior to the warrant being presented to the
10 judge?

11 A. Yes; that the location that we pulled trash from wasn't
12 the right house. It was the wrong location.

13 Q. So it wasn't Mr. Jones' house?

14 A. No.

15 Q. And how did you learn that?

16 A. During a follow-up.

17 Q. And who was with you when you were doing the follow-up?

18 A. Myself and Detective Taylor.

19 Q. And did you and Detective Taylor talk about the fact that
20 the trash wasn't from Mr. Jones' home where the marijuana
21 residue had been found?

22 A. Yes, sir.

23 Q. And so did you -- what happened then?

24 A. Well, I told -- I said I wasn't going to do the warrant
25 because it was primarily my -- my investigation, but

~~WARD DIRECT~~

1 Detective Taylor said he would do it; he didn't care.

2 Q. So what was then actually presented to the judge?

3 A. A warrant for the wrong -- I mean for the right address
4 but the trash -- the evidence wasn't right. It was wrong.

5 Q. And what was the basis in the warrant for going into
6 Mr. Jones' house?

7 A. I did observations. It was a trash run. It was all for
8 narcotics.

9 Q. So was the fact that the trash had actually been pulled
10 from the wrong house told to the judge?

11 A. Yes, sir.

12 Q. But how -- was it -- was that disclosed? I mean, was the
13 judge told that you all pulled trash from the wrong house or
14 did the warrant say the trash had come from Jones' house?

15 A. The warrant said that it came from Mr. Jones' house.

16 Q. So was that true?

17 A. No, sir.

18 Q. And I think you said you didn't want to do the warrant at
19 that point?

20 A. Yes, sir.

21 Q. But Detective Taylor did?

22 A. Yeah, he said he would do it.

23 Q. And did he?

24 A. Yes, sir.

25 Q. And then was there a search at Mr. Jones' house?

~~WARD DIRECT~~

1 **A.** Yes, there was. We executed a search warrant at
2 Mr. Jones' house.

3 **Q.** And what was found at Mr. Jones' house, if you remember?

4 **A.** I know it was a couple guns, and I think like some heroin
5 or some cocaine, I believe.

6 **Q.** And was Mr. Jones subsequently arrested?

7 **A.** Yes, he was.

8 **Q.** I want to switch topics now. I think this will be my last
9 topic, Mr. Ward.

10 At some point did you learn that you and other members of
11 the Gun Trace Task Force were under investigation?

12 **A.** Yes.

13 **Q.** And we -- I'll break this up. But, first, who did you
14 learn that from? Who all did you learn that from?

15 **A.** The first person was our supervisor, Sergeant Jenkins.
16 He --

17 **Q.** And what did he tell you?

18 **A.** One day he advised us that Rayam and Gondo were under
19 federal investigation for stealing and selling drugs.

20 **Q.** And who did he -- who was with you when he told you that?

21 **A.** It was me, Taylor, and Hendrix.

22 **Q.** And how, if any -- or how did he tell you, if he did, how
23 he had learned that?

24 **A.** He told us he -- it was -- we were at the in-service at
25 the academy one day, and he had bumped into a former partner of

~~WARD DIRECT~~

1 his, Sergeant Guinn or Ginn -- I'm not sure how to pronounce
2 his last name -- he said told Jenkins that two federal agents
3 had approached him that day to question him about Gondo and
4 Rayam about them supposedly stealing drugs and reselling it on
5 the streets.

6 **Q.** Were Gondo and Rayam there when he told you this?

7 **A.** No.

8 **Q.** Do you know if he also told them what he had learned?

9 **A.** No, he didn't tell them.

10 **Q.** Was that the only time Sergeant Jenkins told you he had
11 learned that the Gun Trace Task Force was under investigation?

12 **A.** To my memory, yes.

13 **Q.** Were there other members of the Gun Trace Task Force who,
14 after Sergeant Jenkins told you this, also told you that they
15 had learned the task force was under investigation?

16 **A.** Yes; Taylor did also.

17 **Q.** And what did Taylor tell you?

18 **A.** He told me he met with a source one day from
19 Internal Affairs that told him that -- that they were
20 investigating our overtime; they were tracking our phone; they
21 had trackers on our cars and things like that.

22 **Q.** And I think you said this on Wednesday, but what's --
23 where is Internal Affairs? Is that part of the Baltimore
24 Police Department or the -- what agency is that part of?

25 **A.** Yes. It's part of the Baltimore City Police Department.

~~WARD~~ ~~CROSS~~

1 It's like the police who investigate the police.

2 **Q.** Okay. Did anyone else, after Jenkins and Taylor told you
3 this, tell you that they had learned that the
4 Gun Trace Task Force was under investigation?

5 **A.** No. Those were the only two that told me.

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

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

8 Mr. Nieto.

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

10 CROSS-EXAMINATION

11 **BY MR. NIETO:**

12 **Q.** All right. So just to piggyback on what Mr. Wise had just
13 asked you, you just testified with regards to a conversation
14 you had with Jenkins about an investigation into Rayam and
15 Gondo; correct?

16 **A.** Yes, sir.

17 **Q.** Okay. And you said that it was Sergeant Guinn or Ginn who
18 told him?

19 **A.** Yes, sir.

20 **Q.** All right. Now, did Sergeant Jenkins tell you this via
21 e-mail?

22 **A.** No. Face-to-face conversation.

23 **Q.** Okay. So he didn't text you. He didn't write you a
24 letter. This was an actual conversation that you guys had;
25 right?

~~Ward~~ ~~cross~~

1 A. Yes.

2 Q. But you don't know how to pronounce that sergeant's name?

3 A. No. I can spell it for you. G-I-N-N. I don't know --

4 Q. Right. I know. It's as if you'd seen the name written
5 down, and no one had actually said the name to you; right? I
6 mean, that's why you don't know how to pronounce the name.

7 A. No, 'cause I've heard it pronounced different, so I'm not
8 sure if it's "Guinn" or "Ginn."

9 Q. So which way did Jenkins pronounce it to you?

10 A. I don't recall the exact way he pronounced it to me.

11 Q. Okay. So your inability to pronounce the name has nothing
12 to do with just seeing it written. It just has to do with
13 other people pronouncing it differently?

14 A. Correct.

15 Q. But you don't remember how Sergeant Jenkins pronounced it
16 when he told you this piece of information?

17 A. No.

18 Q. Now, sir, you had met with federal agents and the
19 prosecutors to my left on more than seven occasions since April
20 of last year; is that right?

21 A. I believe so, yes.

22 Q. Take a moment and think about it, if you could recall the
23 number of times you met with them.

24 A. I couldn't tell you the exact amount. It was several
25 occasions though.

~~Ward~~ ~~Cross~~

1 Q. It was several; right? More than five?

2 A. Possibly, yes.

3 Q. And that's just in terms of you providing information and
4 cooperating; right?

5 A. Yes, sir.

6 Q. And that's not even considering the -- sort of the trial
7 prep; right? 'Cause I'm assuming you met with these agents to
8 prepare your testimony for today.

9 A. Yes, sir.

10 Q. And for earlier this week?

11 A. Yes, sir.

12 Q. How many times did you go through the questions and
13 answers that you were going to provide to this jury this week?

14 A. Repeat that question, please.

15 Q. Fair enough.

16 How many times did you meet with federal agents and
17 prosecutors to go through your testimony?

18 A. Maybe twice.

19 Q. Twice; right? Recently --

20 A. Yes, sir.

21 Q. -- right?

22 'Cause you started meeting with them back in April or
23 March of 2017.

24 A. Yes, sir.

25 Q. Okay. I'm not trying to trick you up. Just say the

~~WARD~~ ~~CROSS~~

1 answers if you know them, all right?

2 So -- and part of the whole process of prepping you for
3 your answers is that you come across more credible; right?

4 **A.** I believe so.

5 **Q.** Right. Because you've testified in court before, this
6 isn't the first time you've done that; right?

7 **A.** Yes, sir.

8 **Q.** Right. So they want to go through the questions and the
9 answers so there's some fluidity with your responses.

10 **A.** That was a question?

11 **Q.** Yes, sir. Is that correct?

12 **A.** Yes, sir.

13 **Q.** Right. And that's important for you, too, because
14 Judge Blake is the one who's going to be sentencing you when
15 this is all said and done; right?

16 **A.** Yes, sir.

17 **Q.** And you want her to believe that you're credible and that
18 you're substantially assisting this investigation; isn't that
19 correct?

20 **A.** Yes, sir.

21 **Q.** All right. Now, have you ever lied on the witness stand
22 before?

23 **A.** Yes, sir.

24 **Q.** How many times?

25 **A.** I'm not sure of the exact answer, number of that.

~~Ward~~ ~~Cross~~

1 Q. Can you guess?

2 A. Several times.

3 Q. "Several" meaning more than five?

4 A. Possibly, yes.

5 Q. More than ten?

6 A. No, I don't think so.

7 Q. All right. So a half dozen, something like that?

8 A. Yes.

9 Q. You've come into court -- I'm assuming state court?

10 A. Yes, sir.

11 Q. Federal Court or no?

12 A. No.

13 Q. All right. So in state court. And the oath that they
14 give you in state court is the same oath they give you -- that
15 they gave you this week; right?

16 A. Yes, sir.

17 Q. Okay. And do you remember what that oath is?

18 A. Not exactly, no.

19 Q. Right.

20 So do you remember which cases they were in which you lied
21 under oath in court?

22 A. Would have been cases in the Gun Trace Task Force.

23 Q. I understand that, sir.

24 Do you remember any of those cases in particular?

25 A. No, sir.

~~WARD~~ ~~CROSS~~

1 Q. Any of the names of the defendants?

2 A. No, sir, not off the top of my head no.

3 Q. Do you remember the name of the prosecutors involved in
4 the case?

5 A. Yes; Mr. -- ASA Kropp, yes.

6 Q. Okay. And is that --

7 A. That's one of the -- that's a State's Attorney. I'm
8 sorry. He was one of the State's Attorneys.

9 Q. Is that in relation --

10 THE COURT: Wait. One at a time, please.

11 MR. NIETO: I'm sorry, Your Honor.

12 THE COURT: Go ahead.

13 BY MR. NIETO:

14 Q. Assistant State's Attorney Kropp?

15 A. Yes, sir.

16 Q. Okay. Is that the Demetrius Brown/Oreese Stevenson
17 motions hearing?

18 A. Yes.

19 Q. You testified at that?

20 A. No.

21 Q. Okay. But you had lied to him?

22 A. Yes.

23 Q. All right. Who else had you lied to?

24 A. I can't name them off the top of my head, sir.

25 Q. Too many to remember?

~~Ward~~ ~~Cross~~

1 A. No. I just can't remember.

2 Q. Okay. Now, after you were arrested in this case, you
3 were -- how were you arrested? Let's go through that. How
4 were you arrested, do you remember?

5 A. For this case right here?

6 Q. Yes, sir.

7 A. We were called down to Internal Affairs to give a
8 statement, arrested.

9 Q. And I'm sorry. I don't mean to interject.

10 Have you been arrested in other matters?

11 A. No, sir.

12 Q. Okay. So in this particular case, how did they arrest
13 you?

14 A. I don't understand what you're asking, sir.

15 Q. Fair enough.

16 They called you down to Internal Affairs; right?

17 A. Yes. That's what I said, sir, yes.

18 Q. Yes. Right. Now, there wasn't an actual meeting with any
19 Internal Affairs officers at that point, was there?

20 A. No, sir.

21 Q. No. But it was not an ambush, but they set you up to show
22 up so that they could arrest you?

23 A. Yes, sir.

24 Q. Okay. And do you know -- is that your understanding
25 that's what happened with the other members of the task force?

~~Ward~~ ~~Cross~~

1 A. Yes, sir.

2 Q. All right. Now, when you were arrested -- and do you
3 remember what date that was?

4 A. March the 1st.

5 Q. March the 1st. Okay.

6 And then you were appointed an attorney?

7 A. Yes, sir.

8 Q. All right. And he's in the courtroom today; right?

9 A. Yes, sir.

10 Q. Over my right shoulder in the corner (indicating)?

11 A. Yes, sir.

12 Q. All right. And you met with him and you discussed the
13 case?

14 A. Yes, sir.

15 Q. And you had an opportunity to receive and review the
16 indictment; right?

17 A. Yes, sir.

18 Q. All right. Now, the indictment laid out the accusations.
19 It gave specific instances of what the Government said you
20 broke the law.

21 Do you remember reviewing that?

22 A. Yes, I remember looking at it, yes.

23 Q. Yeah. And it was like 15 to 20 pages, maybe. I mean
24 there was a lot there; right?

25 A. Yes.

~~WARR~~ ~~CROSS~~

1 Q. And after you reviewed the indictment, you had an initial
2 appearance?

3 A. Yes, sir.

4 Q. And that's when you came to court and they explained to
5 you what the charges were, made sure you had an attorney.

6 Do you remember that?

7 A. Yes, sir.

8 Q. And then the Government sought to keep you detained while
9 this case was pending?

10 A. Yes, sir.

11 Q. And you asked for, through your attorney, a detention
12 hearing; right?

13 A. Well, it was automatic -- one was automatically given to
14 us.

15 Q. Oh, that's fair. So you didn't ask for a detention
16 hearing. You just had a hearing as to whether you could be
17 released while this case was pending; right?

18 A. Yes.

19 Q. Okay. And do you remember when that detention hearing
20 was?

21 A. I believe it was March the 2nd, the day after we got
22 arrested.

23 Q. Right. So very close in time to when you got arrested,
24 you had your detention hearing; right?

25 A. Yes.

~~Ward~~ ~~Cross~~

1 Q. And your attorney stood up and advocated for you and
2 explained why you should go home?

3 A. Yes.

4 Q. All right. And then the Government, was it Mr. Hines or
5 was it Mr. Wise who stood up at that hearing?

6 A. Mr. Wise.

7 Q. Mr. Wise. So Mr. Wise stood up, and he further outlined
8 the information they had about this investigation.

9 Do you remember that?

10 A. Yes.

11 Q. And you were seated in the same courtroom listening to
12 Mr. Wise explain all the ways in which you broke the law.

13 Do you remember that, sir?

14 A. Yes, sir.

15 Q. Okay. And so you were detained?

16 A. Yes, sir.

17 Q. All right. Now, you were not housed in Baltimore City,
18 were you?

19 A. No, sir.

20 Q. Okay. And, in fact, you are currently -- you were moved
21 to Howard County, as I believe the questions have been posed;
22 right?

23 A. Yes.

24 Q. Okay. And you're no longer at Howard County?

25 A. No, sir.

~~Ward~~ ~~Cross~~

1 Q. You're much further away from Baltimore City?

2 A. Yes, sir.

3 Q. A few hours, to say, at least; right?

4 A. Possible, yes.

5 Q. Approximately; right?

6 And you have a family?

7 A. Yes.

8 Q. All right. And I'm sure coming to visit you can't be easy
9 for them?

10 A. They make it, so . . .

11 Q. Right. I mean it can't be easy because it's a long drive
12 to get to you; right?

13 A. It's a drive, yes.

14 Q. It's a drive. Well, it's a couple-hour drive; right?

15 A. Yes.

16 Q. One way. So it's even more hours coming back --

17 A. Yes.

18 Q. -- is that fair to say?

19 A. Yes, sir.

20 Q. Not to mention they have to see you in custody, behind
21 bars?

22 A. Yes, sir.

23 Q. All right. That's difficult?

24 A. Yes, sir.

25 Q. All right. And you know this, of course; right?

~~Ward~~ ~~Cross~~

1 A. Yes, sir.

2 Q. All right. Now, the -- as part of your agreement, you
3 signed -- strike that.

4 So after all of these things happened, right, you decided
5 to sit down with the Government and explain to them what was
6 going on; is that fair to say?

7 A. Yes, sir.

8 Q. Okay. And that happened the first time in April?

9 A. I believe so.

10 Q. April 19th, approximately; does that sound right to you?

11 A. It's possible, yes.

12 Q. Right. So a good six weeks after you had been arrested?

13 A. Yes.

14 Q. All right. You decided to sit down and talk with the
15 gentleman and lady to my left; right?

16 A. Yes, sir.

17 Q. All right. Now, during that session, they give you some
18 paperwork to give you some protection; right?

19 Do you remember signing the proffer agreement?

20 A. Yes.

21 Q. Okay. And that proffer agreement says: We're not going
22 to use any of this against you so long as you tell us the
23 truth?

24 A. Yes, sir.

25 Q. Okay. And they also say that if you are not 100 percent

1 truthful, if you withhold information, if you minimize your
2 role or try to protect anyone, deal's off; right? That was
3 your understanding of the agreement?

4 **A.** Yes, sir.

5 **Q.** Okay. And you had an attorney there to help explain it to
6 you?

7 **A.** Yes, sir.

8 **Q.** In fact, Mr. Wise then explained it to you before you
9 started talking, even though you had already gone through it
10 with your attorney?

11 **A.** Yes, sir.

12 **Q.** All right. Now, the definition of "truth," right, as to
13 if you are not truthful with us, that's the Government who
14 makes that determination; isn't that right?

15 **A.** Yes, sir.

16 **Q.** Okay. So if you say something that you believe to be the
17 truth and the Government or the agents disagree with you,
18 you're the one who's out of luck; right?

19 **A.** Yes, sir.

20 **Q.** Now, in your plea agreement that you had entered and
21 signed a few months later -- right? Do you remember that?

22 **A.** Yes, sir.

23 **Q.** All right. Now, there's a stipulation of fact. There's a
24 rundown that they say: You are admitting these are the facts
25 that the Government could prove if this case had proceeded to

~~Ward~~ ~~Cross~~

1 trial.

2 Do you remember that document?

3 **A.** Yes, sir.

4 **Q.** Okay. Now, you didn't -- or you weren't consulted with
5 the crafting of that language, were you?

6 **A.** It was reviewed, yes.

7 **Q.** Fair enough. It was reviewed with you, right, printed
8 out, sent to your attorney as a letter; right?

9 **A.** Yes.

10 **Q.** Now, you didn't write the statement of facts, did you?

11 **A.** No, sir.

12 **Q.** The Government wrote the statement of facts.

13 **A.** Yes, sir.

14 **Q.** All right. Did you make any changes?

15 **A.** No, sir.

16 **Q.** Okay. So you had accepted or had to accept what they were
17 saying were the facts of this case; otherwise, you get nothing?

18 **A.** Well, I didn't have to accept it, but . . .

19 **Q.** Oh, well, what would happen if you didn't accept it, sir?

20 **A.** I probably would have had to go to trial.

21 **Q.** Probably had to go to trial. And you didn't want to go to
22 trial?

23 **A.** No.

24 **Q.** Not to mention the fact you had already sat down with them
25 three times and told them everything you knew; right?

~~Ward~~ ~~Cross~~

1 A. Yes.

2 Q. Right. So you had to essentially sign that or get more
3 time; is that fair to say?

4 A. Yes, sir.

5 Q. And you didn't want more time, did you?

6 A. No, sir.

7 Q. You didn't want the time that the guidelines recommend,
8 did you?

9 A. That's correct.

10 Q. Or do you now? You still don't?

11 A. No, I don't.

12 Q. Right. And as part of the agreement, as long as you
13 testify to the truth as they define it, you will get a lesser
14 sentence; isn't that correct?

15 A. Yes, sir.

16 Q. All right. Now, have you ever heard a cooperator
17 testifying at a federal trial and not getting a lower sentence
18 than what that person would ordinarily get if they had remained
19 silent?

20 A. That's a question I can't answer. I'm not very familiar
21 with it.

22 Q. Okay. But you've never heard of that happening?

23 A. No, neither way, no.

24 Q. Okay. So you've never heard of someone testifying at a
25 federal trial and getting more time than if they had just said

~~WARD~~ ~~CROSS~~

1 nothing? You never heard that?

2 **A.** Correct.

3 **Q.** And you never heard it the inverse; right?

4 **A.** Correct.

5 **Q.** Which is somebody not testifying, someone not cooperating,
6 and somehow getting a better sentence than a cooperator; you've
7 never heard about that either?

8 **A.** No, sir.

9 **Q.** All right. So you had testified earlier this week that
10 the maximum sentence you are facing in this case is 20 years;
11 is that your understanding?

12 **A.** Yes, sir.

13 **Q.** All right. But you don't expect to get that, do you?

14 **A.** I don't know what to expect.

15 **Q.** You don't know what to expect?

16 **A.** No, sir.

17 **Q.** Are you familiar with the guidelines, sir?

18 **A.** Yes. The guidelines are 20 years. Yes.

19 **Q.** The guidelines are for 20 years?

20 **A.** Well, my maximum time I could be sentenced to is 20 years,
21 yes.

22 **Q.** Right. I understand this is part of the -- this is part
23 of the trial prep to answer these questions.

24 **MR. WISE:** Objection, Your Honor.

25 **THE COURT:** Sustained.

~~WARD~~ ~~CROSS~~

1 **BY MR. NIETO:**

2 **Q.** What I'm asking you, sir, is: Do you understand the
3 guidelines in this case?

4 **A.** No, sir.

5 **Q.** All right. Because it was part of your plea agreement;
6 right? You reviewed the plea agreement. That's what you said;
7 right?

8 **A.** Yes, sir.

9 **Q.** And you reviewed it with your attorney?

10 **A.** Yes, sir.

11 **Q.** And you have an offense level. Do you know that
12 terminology?

13 **A.** Yes, sir.

14 **Q.** Right?

15 And then based on your criminal history, the guidelines
16 give you roughly a recommended sentence.

17 **A.** Yes, I know what you're talking about now, yes, sir.

18 **Q.** Now, of course, that's not binding on the Court. It's one
19 of the factors Judge Blake would have to consider. That's your
20 understanding too; right?

21 **A.** Yes, sir.

22 **Q.** So what does the guidelines recommend for you without your
23 cooperation?

24 **A.** I don't have that in front of me, so I'm not sure of it.

25 **MR. NIETO:** Court's indulgence.

~~WARD~~ ~~CROSS~~

1 **BY MR. NIETO:**

2 **Q.** 87 to 108 months; does that sound about right to you?

3 **A.** Possibly, yes.

4 **Q.** It's about seven to nine years.

5 Would it help you to look at your plea agreement?

6 **A.** Yes.

7 **Q.** All right.

8 **MR. NIETO:** Court's indulgence.

9 (Counsel conferred.)

10 **MR. NIETO:** May I approach, Your Honor?

11 **THE COURT:** Sure. You're having this marked just for
12 identification?

13 **MR. NIETO:** Yeah, just for identification. I guess at
14 this point in time it would be Defense Taylor 1.

15 **BY MR. NIETO:**

16 **Q.** All right. Mr. Ward, do you recognize this document?

17 **A.** Yes.

18 **Q.** And is that your signature on this document?

19 **A.** Yes, it is.

20 **Q.** Now, is this the plea agreement that you signed and
21 entered into with the U.S. Attorney's Office?

22 **A.** Yes, it is.

23 **Q.** Okay. In the interest of time, let's just skip to -- take
24 a look at this, if you'd like (indicating).

25 I want you to have a greater understanding of what I'm

~~WARD~~ ~~CROSS~~

1 talking about.

2 Do you understand it, sir?

3 **A.** Yes.

4 **MR. NIETO:** Okay. If I may approach again,
5 Your Honor, briefly, just only for identification.

6 (Counsel conferred.)

7 **MR. NIETO:** Your Honor may we approach?

8 **THE COURT:** Sure. Sorry.

9 (Bench conference on the record:

10 **THE COURT:** First of all, what is it that you wanted
11 to show him?

12 **MR. NIETO:** Oh, it's just the guidelines, Your Honor.

13 **THE COURT:** The guidelines matrix?

14 **MR. WISE:** We had the same issue in the last trial.
15 Mr. Bonsib wanted to put the guidelines matrix in front of the
16 witness. The foundation needs to be laid as: Does he know --
17 has he seen the guidelines matrix? Does he know anything about
18 how it's calculated?

19 What happens time and time again is the witnesses
20 don't. And it gets sort of garbled as to what they could get,
21 what they couldn't get, why -- and it just -- it becomes the
22 lawyer testifying, you know, a symposium on the guidelines.

23 **MR. NIETO:** Your Honor, my focus here is only because
24 of the insinuations that he may receive 20 years.

25 **MR. WISE:** Not insinuations.

1 **MR. NIETO:** In reality, that's sort of a legal,
2 realistic standpoint. And I would like there to be some
3 clarification because I am presuming, as all CJA attorneys
4 would review the guidelines and what the advisory guidelines
5 would recommend before cooperation so that he has a sense as to
6 where that is.

7 Mr. Enzinna, I'm sure, reviewed that with him. If I'm
8 mistaken about that, that's okay. I've given him a number as
9 to where he would fall in the guidelines pre-cooperation. He's
10 not sure.

11 I don't want there to be some suggestion that I'm
12 putting words in his mouth, and I'm just trying to take him
13 through that in an appropriate and hopefully expeditious
14 fashion.

15 So insofar as I can streamline it or there's more of a
16 foundation that needs to be laid, I have no problem doing that.

17 **THE COURT:** I just don't -- we don't know yet whether
18 he even looked at those or what he was told about the
19 guidelines. I mean, the plea agreement itself, I'm not sure it
20 even comes to a final offense level that doesn't actually
21 subtract the three from the thirty-two, and it certainly
22 doesn't say exactly what the guidelines are.

23 Now, sure, I would assume, as you're assuming, that
24 normally his lawyer would have given him some idea. And I
25 think that's a fair question of what he's facing under the

1 guidelines, and then do you expect to get, you know, even less
2 than that?

3 But there's no promises and all --

4 **MR. NIETO:** Right, of course.

5 **THE COURT:** -- the familiar thing. But if you can do
6 it without actually showing him the matrix, I think that's
7 better. But if you think that's necessary, let's get some of
8 that foundation of whether he's actually even seen them.

9 And which one were you reading off, by the way, to get
10 to the 87 to 108?

11 **MR. NIETO:** That was my calculation that I had
12 previous -- I wasn't just looking at my notes. I had reviewed
13 that earlier. And I --

14 **THE COURT:** Where is that matrix?

15 **MR. NIETO:** The --

16 **THE COURT:** Somebody bring it?

17 **MR. NIETO:** No, Your Honor. I left it at the table.

18 **THE COURT:** Okay.

19 **MR. NIETO:** The 87 to 108 was my calculation based on
20 the 32 months, putting him at a 29 and his Criminal History
21 Category --

22 **THE COURT:** Category I.

23 **MR. NIETO:** That's my understanding. That's what my
24 notes say. So that's why I thought he would say "yes." And
25 when he said he didn't --

~~WARD~~ ~~CROSS~~

1 **MR. WISE:** I think he did actually say "yes." That's
2 the other thing. Yeah, he agreed with it, so I don't know that
3 we need to --

4 **MR. NIETO:** Oh, then we can move on.

5 **THE COURT:** Okay.

6 **MR. NIETO:** Keep things moving.

7 **THE COURT:** Thank you.

8 **MR. NIETO:** Thank you, Your Honor.)

9 (Bench conference concluded.)

10 **THE COURT:** Just rephrase that.

11 **BY MR. NIETO:**

12 **Q.** All right. Sir, so you recognize and understand this plea
13 agreement; correct?

14 **A.** Yes, sir.

15 **Q.** And this is the one that you signed?

16 **A.** Yes, sir.

17 **Q.** Okay. And you reviewed with your attorney the guidelines
18 for this case?

19 **A.** Yes, sir.

20 **Q.** And you reviewed with him the federal guideline matrix
21 that talked -- that gives you all the numbers?

22 **A.** Yes, the chart, yes.

23 **Q.** Right, and that -- the chart. And so do you remember if
24 you were right around seven to nine years for the guideline
25 range?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. Okay. Now, that's, of course, before you cooperate;
3 right?

4 A. Repeat it again.

5 Q. Fair enough. The seven- to nine-year range, that's what
6 you're facing if you just plead guilty; right?

7 A. Yes.

8 Q. Now, when you cooperate, you -- that number drops.

9 A. Possibly, yes.

10 Q. Possibly. It's your expectation that it's going to drop?

11 A. It's my hope, yes.

12 Q. Right. If everyone here believes you're telling the truth
13 and not minimizing anything; right?

14 A. Yes, sir.

15 Q. All right. But you were not charged with 924(c), were
16 you?

17 A. What is that, sir?

18 Q. That's fair enough.

19 You weren't charged with the use of a firearm in the
20 commission of a crime of violence, were you?

21 A. I'm not sure, sir.

22 Q. Did you plead to it, sir?

23 A. If it's in the paperwork, most likely, yes.

24 Q. Okay. I can show it to you again. But do you remember
25 saying that you are pleading to Count 1, which is just the

~~Ward~~ ~~Cross~~

1 racketeering conspiracy?

2 **A.** Yes.

3 **Q.** Okay. So you did not plead to the gun possession in
4 furtherance of a crime of violence?

5 **A.** I guess so, yes, sir.

6 **Q.** That wasn't even on your indictment, was it?

7 **A.** I can't remember my indictment at all.

8 **Q.** You can't remember your indictment?

9 **A.** Not the whole indictment word for word, no, sir.

10 **Q.** But the charges?

11 **A.** No, sir.

12 **Q.** Okay. So let's go back.

13 Prior to being on the Gun Trace Task Force, you were part
14 of VCID and SES; right?

15 **A.** Yes, sir.

16 **Q.** Now, VCID is Violent Crimes Initiative Department or
17 something to that effect?

18 **A.** Section, Division, yes.

19 **Q.** Yeah, something like VCIS, VCID.

20 And then there's the SES; right? What does the SES stand
21 for?

22 **A.** Special Enforcement Section.

23 **Q.** Special enforcements. Now, you obviously were not alone;
24 there were other people in these units?

25 **A.** Yes, sir.

~~WARD~~ ~~CROSS~~

1 Q. Citywide; right?

2 A. Yes, sir.

3 Q. All right. And you were not necessarily pigeonholed in a
4 certain area of the city?

5 A. No. They had us in certain -- certain districts at one
6 time.

7 Q. Right. But you could come and go into different parts of
8 the city as the investigations took you; right?

9 A. Correct.

10 Q. Okay. And you were focused at that point in time on
11 getting guns and bad people off the street; is that fair to
12 say?

13 A. Yes, sir.

14 Q. As were everyone else in those units?

15 A. Yes, sir.

16 Q. Correct?

17 And you would -- as an investigative technique, right, the
18 detectives and the police officers in those units would
19 commonly use traffic stops, for example, as a means of getting
20 certain targets stopped or off the streets or to be able to
21 search them; isn't that fair to say?

22 A. Yes.

23 Q. Right. So it would be common for someone from VCIS or
24 from SES to pull over someone that they believed might be dirty
25 for a seat belt violation; right?

1 A. Yes, sir.

2 Q. Or rolling through a stop sign or not using their blinker,
3 something like that?

4 A. Yes, sir.

5 Q. Now, those are relatively ticky-tack offenses, but it's
6 perfectly legal and it's recommended that you do that to help
7 further your investigation; right?

8 MR. WISE: Objection, Your Honor. The "perfectly
9 legal" question is not something he's capable of answering.

10 BY MR. NIETO:

11 Q. Per your understanding, sir, pulling someone over for a
12 minor traffic offense that they committed is a justifiable way
13 to stop a vehicle; is that correct?

14 A. Yes, sir.

15 Q. Right. Okay. So you legally -- I'm sorry. Strike that.

16 You would appropriately pull over a vehicle or other
17 people in these units, and maybe you'd see something in plain
18 view like drugs or guns. That's a possibility; right?

19 A. That's a possibility, yes.

20 Q. Right?

21 Or maybe they -- the guys in the car would look so nervous
22 or they would give you some sort of criminal indicators that
23 you and other members of the police force are trained to
24 decipher to give you additional reasons to maybe search the
25 car, that's fair to say; right?

~~Ward~~ ~~Cross~~

1 A. Yes, sir.

2 Q. All right. And -- or you might smell marijuana, which
3 would be a reason to search the car?

4 A. Yes, sir.

5 Q. Sometimes they'll even consent. You say, "Do you mind if
6 we look in the car?"

7 And they'll say, "No. Go ahead." And you find things;
8 right?

9 A. Yes, sir.

10 Q. Now, those things aren't planted. You find these things;
11 right?

12 A. That's correct.

13 Q. Right. Now, you -- I mean, I don't know. When you were
14 working there, did you have a citation book for like traffic
15 tickets?

16 A. Yes, we had a citation book, yes.

17 Q. Right. But that wasn't your -- you weren't there to
18 enforce traffic laws, were you?

19 A. No, sir.

20 Q. Right. You were there to find drugs and guns and arrest
21 these dangerous people in Baltimore City?

22 A. Yes.

23 Q. And you could use traffic stops as a means of doing that;
24 that's correct?

25 A. Yes, sir.

~~Ward~~ ~~Cross~~

1 Q. All right. Now, you know, per your experiences, was it
2 common or was it something that you saw that members of VCID or
3 VCIS or SES, these types of detectives, would make small
4 arrests, you know, for a marijuana possession, maybe from a
5 traffic stop, maybe not, and then instead of bringing these --
6 the accused to Central Booking to be processed and wait for
7 their court date, they bring them to the barn; right? Are you
8 familiar with that? Did you see that happen?

9 A. Yes.

10 Q. Right. Now, the barn, it's a -- sort of a satellite
11 police station off of Pimlico; is that about right?

12 A. You're correct.

13 Q. Right. So the barn's just a term that's thrown around,
14 but it's not a barn; right? It's an actual police station?

15 A. Yes, sir.

16 Q. Okay. And so it would be common or in your experience,
17 you saw it happen, you would arrest somebody for something
18 small and then bring them there for what is called debriefing;
19 right? You heard that term?

20 A. Yes, sir.

21 Q. Right. And debriefing is essentially an interrogation;
22 correct?

23 A. Yes, sir.

24 Q. Right. So if you can arrest somebody for drug possession,
25 small amounts, and you can bring them to the satellite police

1 station, maybe they will give you a gun or they will give you
2 information that can lead to a more significant arrest and
3 investigation; is that fair to say?

4 **A.** Yes, sir.

5 **Q.** And that was commonly used; correct?

6 **A.** Yes, sir.

7 **Q.** And as far as you know, there's nothing wrong with that,
8 is there?

9 **A.** Correct.

10 **Q.** Now, you would work in a plainclothes capacity; right?

11 **A.** Yes, sir.

12 **Q.** Now, would you be dressed the way you're dressed now?

13 **A.** No, sir.

14 **Q.** No. Right. I mean, the -- you weren't driving around in
15 police cars.

16 **A.** No, no, sir.

17 **Q.** They were rental vehicles; right?

18 **A.** Yes.

19 **Q.** Sort of four-door but small sedans, oftentimes?

20 **A.** Yes. Yes.

21 **Q.** And part of that is that you want to blend in; right?

22 **A.** You can say that, but the whole city knew what type of
23 vehicles we drove and so we weren't really blending in.

24 **Q.** That's fair.

25 But you're not going into bad neighborhoods in a

~~Ward~~ ~~Cross~~

1 black-and-white police car, are you?

2 **A.** No, sir.

3 **Q.** You're not going into these bad neighborhoods with the
4 blue and red lights flashing, are you?

5 **A.** No, sir.

6 **Q.** So there's an attempt to be covert about it. You don't
7 want everyone to know you're the police; otherwise, they're not
8 going to do anything in front of you. That's fair to say?

9 **A.** Yes, sir.

10 **Q.** Right. And so that's why they have unmarked vehicles;
11 right?

12 **A.** Yes, sir.

13 **Q.** That's also the same reason why you guys wouldn't wear
14 police uniforms; correct?

15 **A.** Yes, sir.

16 **Q.** Now, there is -- I mean, you're right. It's odd to see
17 four grown men in a four-door Dodge Neon driving around
18 West Baltimore; right? That stands out a little bit?

19 **A.** Yes, sir.

20 **Q.** Right. But there's still -- you guys do things to try to
21 offset that; is that fair to say?

22 **A.** I don't understand what you're saying.

23 **Q.** Well, did you, for example, you know -- and I don't know
24 if this is true, but had you -- were you aware or did you ever
25 see detectives put like baseball hats in the back windshield to

1 make it look like a more normal car? Did you ever hear that?

2 **A.** No.

3 **Q.** Did you ever hear of like putting teddy bears or doing
4 different things so that at first blush, it wouldn't look like
5 an undercover police officer?

6 **A.** No, sir.

7 **Q.** Did you do anything like that --

8 **A.** No, sir.

9 **Q.** -- to avoid detection?

10 **A.** No, sir.

11 **Q.** Okay. Now, with your outfits, right, I mean, the sort of
12 de facto plainclothes police officer uniform is oftentimes
13 jeans and running sneakers; is that fair to say?

14 **A.** It's 50/50.

15 **Q.** 50/50; right? I mean, when it's warm, it's shorts. But
16 you always have sneakers on; right?

17 **A.** Yes.

18 **Q.** Not like the sneakers that you're wearing today; correct?

19 **A.** No, sir.

20 **Q.** Right. And you wouldn't wear shoes, the likes of which
21 I'm wearing (indicating). You'd have sneakers because you may
22 have to run --

23 **A.** Yes, sir.

24 **Q.** -- right?

25 And so guys will notice if a group of four men are going

1 around with jeans and running sneakers. They might think that
2 they're the police; right?

3 **A.** Yes.

4 **Q.** Okay. So you want -- you're trying to blend in as best
5 you can because you don't want people to identify you as police
6 officers before you can do your job; is that fair?

7 **A.** Yes, sir.

8 **Q.** Okay. And there's a term, they call undercovers knockers;
9 right? Have you heard that term?

10 **A.** Yes, sir, I've heard it.

11 **Q.** And so if you drive into an area and you hear someone yell
12 "knockers," what does that mean to you?

13 **A.** They alerting us -- the area that the police are there.

14 **Q.** Right. And if you're the police, that means you've been
15 identified?

16 **A.** Yes.

17 **Q.** What happens, in your experience, when someone yells
18 "knockers" when police are in the area?

19 **A.** Everybody's on standstill and trying to find out where the
20 knockers are at, the police.

21 **Q.** Right. Nobody does anything; right?

22 **A.** Some people might walk away, but no one really does
23 anything.

24 **Q.** Right. Drug dealing ceases for that brief time; right?

25 **A.** Yes.

~~Ward~~ ~~Cross~~

1 Q. Or people just leave the area because police are there?

2 A. Correct.

3 Q. Okay. Now, you specifically were interested in joining
4 the Gun Trace Task Force because the hours were better and
5 there was unlimited overtime; correct?

6 A. No.

7 Q. That's not true?

8 A. No.

9 Q. Well, you didn't have to work weekends with the task
10 force; right?

11 A. No.

12 Q. Right. And there were eight-hour days; correct?

13 A. Yes.

14 Q. So you didn't tell the agents that part of the benefit of
15 joining this group was the unlimited overtime and the better
16 hours?

17 A. That was with the SES unit.

18 Q. That was with the SES unit?

19 A. We initially were SES, and then we were just merged with
20 Gun Trace.

21 Q. Okay. So --

22 A. I didn't apply to be in Gun Trace.

23 Q. So the SES is -- I'm sorry.

24 So SES is sort of like the precursor to the

25 Gun Trace Task Force; right?

1 **A.** There is SES. The side I was on was enforcement. Then
2 there's the Gun Trace Task Force, which is like the
3 investigative side.

4 **Q.** Okay. So you joined the SES because of the unlimited
5 overtime and because you didn't have to work weekends?

6 **A.** Well, no. I joined Jenkins' squad because of that, not
7 the SES.

8 **Q.** Okay. All right. And you were working with Hendrix,
9 Ivery, and Suiter in the undercover squad; right?

10 **A.** No, sir.

11 **Q.** No? Did you work with Hendrix, Ivery, or Suiter at any
12 point?

13 **A.** Yes; different times, yes, I worked with them.

14 **Q.** Different times, okay. And you had a longstanding working
15 relationship with Hendrix, didn't you?

16 **A.** I just met Hendrix when I joined Jenkins' squad.

17 **Q.** And when was that?

18 **A.** It was in 2015, I believe.

19 **Q.** Okay.

20 **A.** 2014, 2015.

21 **Q.** But you guys were friends?

22 **A.** Once I got to know him, yes.

23 **Q.** You guys knew each other's families?

24 **A.** Eventually, yes.

25 **Q.** Right. Spent time together?

~~Ward~~ ~~Cross~~

1 A. Yes.

2 Q. All right. When you were incarcerated in Howard County
3 Detention Center, you spoke with him?

4 A. Yes.

5 Q. You discussed the case with him?

6 A. No, not really.

7 Q. Not really?

8 A. No.

9 Q. Or not at all?

10 A. No, not really, no.

11 Q. Well, what does that mean, "not really"?

12 A. That mean we didn't sit down every day and talk about the
13 case. We tried to keep our minds off of it.

14 Q. Okay. But you did talk to him about it?

15 A. Yeah, of course. When we first got arrested, yes, we did
16 talk about it. But --

17 Q. And that, of course, all -- you discussed the case with
18 him prior to meeting with the federal agents in March?

19 A. Yes.

20 Q. Or April; right?

21 All right. Now, as you testified initially,
22 Detective Taylor was not part of the squad, was he?

23 A. Originally, no.

24 Q. Correct.

25 So it was you, Jenkins, right, your friend Hendrix, that

~~Ward~~ ~~Cross~~

1 was the group?

2 **A.** Yes.

3 **Q.** All right. And then Detective Taylor started off because
4 he was working overtime with you guys?

5 **A.** Yes, sir.

6 **Q.** Okay. And he was a fast runner; is that fair to say?

7 **A.** Yes, sir.

8 **Q.** And not to mention his motion-sickness issues, but he
9 would sit in the front seat because he was the guy who would
10 inevitably be the one tasked with chasing suspects; right?

11 **A.** Yes, sir.

12 **Q.** Okay. So he caught many of the people that he chased;
13 right?

14 **A.** Yes, sir.

15 **Q.** Okay. And that's an invaluable aspect to the work that
16 you're doing; isn't that fair to say?

17 **A.** Yes, sir.

18 **Q.** So it's -- and maybe -- I don't want to put words in your
19 mouth. Would you agree that it's common in your line of work
20 for targets or suspects to run when they detect police?

21 **A.** Is it common?

22 **Q.** Would you say it's common, sir?

23 **A.** No.

24 **Q.** Does it happen?

25 **A.** It happens, yes.

~~Ward~~ ~~Cross~~

1 Q. Does it happen often?

2 A. No, not often.

3 Q. Not often?

4 A. Unless they're -- unless they're being chased.

5 Q. Unless they're being chased. Okay.

6 So a rental car filled with police officers not in uniform
7 drive into an area, and you guys get out of the car to
8 investigate crime. You're telling me that those individuals
9 don't run?

10 A. No, not all times, no.

11 Q. Not all the time. Okay.

12 But, you know, part of the reason that you're wearing
13 sneakers is because you've got to run sometimes; right?

14 A. Yes.

15 Q. It doesn't happen so infrequently that you can get by
16 wearing regular dress shoes, can you?

17 A. Correct.

18 Q. Okay. And obviously the point of this group, the point of
19 what you were doing even before the Gun Trace Task Force, is to
20 get guns off the street; that fair to say?

21 A. Yes, sir.

22 Q. And that's dangerous work, isn't it?

23 A. Yes, sir.

24 Q. All right. Many of the people you are targeting are armed
25 with weapons; right?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. And they've got criminal histories for crimes of violence.
3 That's common or you've seen that happen?

4 A. Yes.

5 Q. All right. They've been arrested before, often, as I
6 said, for crimes of violence, sometimes for drug distribution;
7 right?

8 A. Yes.

9 Q. You don't know what you're walking into, do you?

10 A. No, sir.

11 Q. So you've got to be prepared for the worst-case scenario?

12 A. Yes, sir.

13 Q. All right. In fact, there was an officer -- and officers
14 can obviously get hurt in this line of work --

15 A. Yes, sir.

16 Q. -- right?

17 So there was an Officer McCauley, who I believe who had
18 actually injured his wrist during a foot chase and an eventual
19 takedown at one point in time; right?

20 A. Yes, sir.

21 Q. Was he in the Gun Trace Task Force, or was he SES?

22 A. That was SES.

23 Q. That was SES. Okay.

24 Now, of course, as part of your job and as part of what
25 the detectives are doing, much of the work you have is not

~~Ward~~ ~~Cross~~

1 focused on patrolling some of the better parts of the city, is
2 it?

3 **A.** No, sir.

4 **Q.** Right. You're not targeting Roland Park or Fells Point,
5 some of those nicer areas; right? You're focused on where
6 violent crimes happen; right?

7 **A.** Yes, sir.

8 **Q.** And you patrol those areas often and repeatedly?

9 **A.** Yes, sir.

10 **Q.** So you'll start to see some of the same individuals on the
11 same street corners; right?

12 **A.** Yes.

13 **Q.** And maybe you'll go up to them under some ruse to be able
14 to get their identification so that you know who they are;
15 right?

16 **A.** I don't understand what you mean by "ruse."

17 **Q.** All right. So you can go up to -- per your understanding,
18 right, you can go up to a group of guys or some guy that's sort
19 of loitering on the corner and ask him for his identification;
20 right?

21 **A.** Yes, sir.

22 **Q.** And you can try to identify who that person is?

23 **A.** Yes, sir.

24 **Q.** And once you take that identity, well, then you can go and
25 investigate; is that fair to say?

~~WARR~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. You can run him through, figure out if he's got a rap
3 sheet; right?

4 A. Yes, sir.

5 Q. Run him through to see if he has any open warrants,
6 anything like that?

7 A. Yes, sir.

8 Q. You have these central databases in the police department
9 which will tell you if you're members of a gang or if there's
10 some particular issues of note; is that fair to say?

11 A. Yes, sir.

12 Q. Right. And so then if you patrol these areas often and
13 repeatedly and you see that same gentleman, you know a little
14 bit more about him than you did initially; right?

15 A. Yes, sir.

16 Q. All right. Now, when you're doing this work, you develop
17 a sense about the people you're targeting; is that fair to say,
18 or is that too open-ended?

19 A. Yeah. I don't understand what you mean by "sense."

20 Q. That's poorly constructed. Okay.

21 So you're trained, both through the police department and
22 through everyday work, to notice things about their person or
23 about their pockets or about the way they walk that regular
24 laypeople may not understand; right?

25 A. Yes, sir.

1 Q. Right. You're trained to identify signs of someone being
2 armed; right?

3 A. Yes, sir.

4 Q. Because for the most part, for the most part, you don't
5 have people just walking down the street with a gun in their
6 hand, waving it out in the open (indicating), are there?

7 A. Correct.

8 Q. Right. So they'll have it in their hoodie pockets.
9 They'll have it in their dip area; right? Which is the
10 waistband area; right?

11 A. Yes, sir.

12 Q. They'll have it in their pockets, or they'll use a stash.
13 Like they'll hide it behind a tree. Or they'll put it in a
14 stash house; right? Which is another area like a building
15 where they can stash things; right?

16 A. Yes, sir.

17 Q. Right. So you're trained to be able to look at these
18 people and see, oh, this pocket's hanging a little bit lower
19 than this one. That's a sign to me, as a police officer, that
20 they may be armed; right?

21 A. Possibly, yes.

22 Q. Possibly; right? And that -- and then you can go forward
23 with your investigation; correct?

24 A. Yes, sir.

25 Q. In fact, there's case law -- are you familiar -- were you

~~WARD~~ ~~CROSS~~

1 trained on the case law on how to determine if someone's armed
2 or not?

3 **A.** Yes, we've had training on case law, yes.

4 **Q.** Right. Exactly. So you can stay within the boundaries of
5 the law while you do your investigations; right?

6 **A.** Yes, sir.

7 **Q.** And that's not just you, Mr. Ward. That is the police
8 department; right? And the other detectives working in these
9 same force -- these same squads; right?

10 **A.** Yes, sir.

11 **Q.** Okay. And obviously the identification of these clues,
12 they're very important for you, number one, to determine if
13 it's going to be an arrest, but also, number two, to make sure
14 that you are safe; right?

15 **A.** Yes, sir.

16 **Q.** Okay. Because people in Baltimore City often, who are
17 carrying guns or are selling drugs, will do things to avoid
18 arrest; right?

19 **A.** Yes, sir.

20 **Q.** Sometimes they might even be on probation; right?

21 **A.** Yes, sir.

22 **Q.** So there's an added penalty if they get arrested; correct?

23 **A.** Yes, sir.

24 **Q.** Or God forbid they're on parole, which means they're
25 technically still serving a sentence, so they've got even more

~~Ward~~ ~~Cross~~

1 to lose; right?

2 **A.** Yes, sir.

3 **Q.** So they're trying to avoid detection; they're trying to
4 avoid arrest; and they're trying to avoid going to jail; is
5 that fair to say?

6 **A.** Yes, sir.

7 **Q.** Now, through you and the squad's work, you are targeting
8 drug dealers and violent criminals; right?

9 **A.** Yes, sir.

10 **Q.** Okay. Now, you would not and you did not, the four of
11 you, roll up on Grandma or Grandpa, who are just sitting on a
12 park bench, unless you had some reason to believe that they
13 were involved in some criminal activity; right?

14 **A.** Yes, sir.

15 **Q.** Now, you would use other investigative tools to your
16 advantage. So, for example, you would locate and surveil, for
17 lack of a better phrase, like a head shop; right? Do you
18 remember doing that?

19 **A.** Say it again.

20 **Q.** Like a head shop?

21 **A.** A head shop?

22 **Q.** Head, like where they sell bong and rolling papers and
23 stuff like that. Did you ever do that?

24 **A.** No.

25 **Q.** Did you ever go to one of the gun ranges like on the

~~Ward~~ ~~Cross~~

1 outskirts of the city?

2 **A.** Did I personally do it? No.

3 **Q.** But you're aware of that technique; right?

4 **A.** Yes.

5 **Q.** Because when you go to the gun ranges, you have to sign in
6 and you've got to use your ID; right?

7 **A.** Yes, sir.

8 **Q.** And so it's real simple for a police officer or a
9 detective to go get the list of who was there and just see
10 whether or not they have criminal convictions; correct?

11 **A.** Yes, sir.

12 **Q.** Because with a criminal conviction that carries a penalty
13 more than a year, you're not allowed to possess a firearm, are
14 you?

15 **A.** No, sir.

16 **Q.** And that's both a state and a federal offense, isn't it?

17 **A.** Yes, sir.

18 **Q.** So it's easy arrests because guys will do that, won't
19 they?

20 **A.** Yes, sir.

21 **Q.** All right. Now, what about the -- what are herbal stores
22 that will sell drug-packaging materials; are you aware of
23 those?

24 **A.** Yes, sir.

25 **Q.** Okay. And so in those particular locations, they sell

~~Ward~~ ~~Cross~~

1 large quantities of gelcaps and packaging materials that are
2 oftentimes used by drug dealers; right?

3 A. Yes, sir.

4 Q. And so you can go to a place like that, and you can take a
5 look at it and you can observe who comes and goes; right?

6 A. Yes, sir.

7 Q. And that's something that you guys actually did; right?

8 A. Correct.

9 Q. Called The Joint; do you remember that place?

10 A. Yes, sir.

11 Q. Okay. And so you had a standing agreement or
12 understanding with the owners of that store; right?

13 A. No, I didn't.

14 Q. You didn't, but did the squad?

15 A. I believe just Jenkins.

16 Q. All right. What was that understanding as best you knew?

17 A. If someone went in there he believed was like a drug
18 dealer, when they came out, he could call the storeowner and
19 they would tell him what -- what the individual purchased.

20 Q. Right. 'Cause the storeowner doesn't want that stuff
21 happening in his store or her store, does he?

22 A. No, sir.

23 Q. So you could use these types of legal and acceptable,
24 acceptable investigation tactics, right, to continue your
25 investigations to get search warrants and to arrest pretty much

1 people doing bad things in the city; right?

2 **A.** Yes, sir.

3 **Q.** Okay. Now, you had talked about -- and maybe this was
4 when you were in SES. I'm not sure 'cause the notes are
5 unclear.

6 But when you first started on the sixth floor at the
7 Baltimore Police Department headquarters, was that with the
8 Gun Trace Task Force or was that prior?

9 **A.** That was before.

10 **Q.** That was before. Right.

11 And some days, as a group, you guys would come in at 8:00
12 or 9:00 a.m. and work until 3:00 in the morning; right?

13 **A.** No, I don't ever recall coming in at 8:00 a.m. in the
14 morning and staying that late.

15 **Q.** Okay. So you never told the federal agents that you guys
16 would get there at 8:00 or 9:00 and work until 3:00 a.m. the
17 next morning?

18 **A.** I don't recall doing that.

19 **Q.** Do you remember saying that some officers slept in their
20 offices or in their cars rather than driving all the way home?

21 **A.** One person did that.

22 **Q.** Do you remember who that was?

23 **A.** Sergeant Jenkins.

24 **Q.** Right. And, of course, this isn't easy work, is it?

25 **A.** Say it again.

~~WARR~~ ~~CROSS~~

1 Q. This isn't easy work, is it?

2 A. No, sir.

3 Q. Okay. So in the Gun Trace Task Force, the driver of the
4 vehicle was Jenkins?

5 A. Yes.

6 Q. Right. And then Detective Taylor sat in the front seat.
7 You and your friend Mr. Hendrix are in the back; right?

8 A. Yes.

9 Q. Okay. And I think you had said that, you know, Mr. --
10 Detective Taylor lacked some of the experience that the other
11 guys on the task force had; is that fair to say?

12 A. Yes, sir.

13 Q. All right. He was the youngest?

14 A. Yes, sir.

15 Q. All right. In fact, I believe Jenkins would often fill
16 out his, you know, search-and-seizure warrants in his name
17 because he didn't know how to do it?

18 A. He would assist him, yes.

19 Q. Right. Okay. Now, you had testified the other day about
20 this door pop technique.

21 Do you remember that?

22 A. Yes, sir.

23 Q. Okay. If you could, just explain again what the door pop
24 technique was.

25 A. It was when we pulled up on a crowd of individuals and you

~~Ward~~ ~~Cross~~

1 would pop the door hard as you could to make it seem like you
2 were aggressively getting out to make someone run.

3 **Q.** Okay. But isn't it true, sir, that when the car would
4 pull up on people, Detective Taylor would pretend like he was
5 talking on the radio?

6 **A.** Sometimes, yes.

7 **Q.** Sometimes; right? Well, because you didn't say that
8 earlier, but I know that's what you had told the federal
9 government --

10 **MR. WISE:** Objection, Your Honor.

11 **THE COURT:** Sustained.

12 **BY MR. NIETO:**

13 **Q.** Right. So Detective Taylor would pretend that he was
14 talking on the radio sometimes; right?

15 **A.** Yes, sir.

16 **Q.** And he would call out a description of a person in the
17 group and then act like he was acknowledging that he had ID'd
18 that person?

19 **A.** Say it again.

20 **Q.** That's fair enough.

21 Detective Taylor would pretend he was talking on the radio
22 and would call out a description of a person in the group and
23 then act like he was acknowledging that he had identified that
24 person?

25 **A.** Yes.

1 Q. Right? That happened?

2 A. Yes.

3 Q. Right. And that would give the impression that dispatch
4 had sent you guys looking for someone in particular?

5 A. Yes.

6 Q. Okay. And then Detective Taylor would start to get out of
7 the car. You guys would see if anybody ran?

8 A. Yes.

9 Q. Okay. And so if somebody ran and if they looked like they
10 were holding something in their waist that could be a gun, you
11 guys would give chase; correct?

12 A. Yes, sir.

13 Q. Now, sometimes you guys would approach when you were out
14 and about as a group, right, and that was acceptable?

15 A. Approach, you mean by approach as a group?

16 Q. Right. So if you are driving and you see someone who's
17 showing signs of being armed, you guys would get out of the
18 car, the four of you; right? It wasn't all door pops, was it?

19 A. No. That's true. Yes.

20 Q. Right. Okay. All right.

21 So, like I said, maybe someone's holding their side a
22 little more than the other or walking with a decided limp that
23 looks like they're trying to prevent a gun from swinging in
24 their pockets; you know what I'm talking about?

25 A. Yes, sir.

~~WARR~~ ~~CROSS~~

1 Q. Okay. So as a police officer, is it your understanding
2 that you were allowed and it's acceptable to use some deception
3 during your investigations?

4 A. Yes.

5 Q. Right. In the same manner in which you were arrested;
6 right?

7 A. Yes.

8 Q. They misled you to get you to come to IAD so you could be
9 arrested?

10 A. Yes.

11 Q. They didn't go to your house. They didn't arrest you at
12 work. They didn't roll up on you when you were on the street;
13 right? They were able to use that subterfuge to apprehend you;
14 is that true?

15 A. Yes, sir. Yes, sir.

16 Q. And that's done lots of times for safety purposes; right?

17 A. Yes, sir.

18 Q. And additionally, like, it would be acceptable if you
19 arrest two people in the same car and there's a gun in the
20 center console, right, and you bring them back to the satellite
21 office for debriefing?

22 Are you following me so far?

23 A. Yes, I'm following you.

24 Q. All right. Now, it would be acceptable for you to go to
25 Suspect A and say, "Suspect B told us all about it. He's

1 puttin' the gun all on you. You better tell us what's really
2 going on." Right? Even if Suspect B never said that, you can
3 do that; right?

4 **A.** Yes.

5 **Q.** Right? And then that's going to elicit a response from
6 Suspect A, who's going to say, "No, no, no. It's his gun."
7 And you can do that back and forth to them to either get
8 incriminating statements or information that's going to help in
9 prosecution; isn't that true?

10 **A.** Yes, sir.

11 **Q.** And that's acceptable; correct?

12 **A.** Yes, sir.

13 **Q.** And you're within your rights to do that as a police
14 officer, aren't you?

15 **MR. WISE:** Objection, Your Honor.

16 **THE COURT:** I think he's already answered the
17 question.

18 **BY MR. NIETO:**

19 **Q.** All right. Now, you know through your -- what was that,
20 13 years of experience, 14 years of experience?

21 **A.** 13.

22 **Q.** -- 13 years of experience that despite catching somebody
23 redhanded with a gun or drugs, they can still say that that
24 didn't happen; right?

25 **A.** Yes, sir.

~~Ward~~ ~~Cross~~

1 Q. Right. And so it's, as we've talked about in your direct,
2 jail calls are recorded; correct?

3 A. Yes, sir.

4 Q. So if someone's locked up and detained, every call they
5 make from the facility, it's all on tape; and you're allowed to
6 listen to them, aren't you?

7 A. Yes, sir.

8 Q. In fact, there's a warning before the calls that say, "All
9 calls are monitored and may be listened to"?

10 A. Yes.

11 Q. Make sure, legally speaking, they're okay; right?

12 A. Yes.

13 Q. And so it's common in an investigation or prior to a trial
14 for the prosecution or the detectives to listen to jail calls;
15 right?

16 A. That's something I can't answer. I don't think --
17 everybody doesn't do that.

18 Q. Right. Not everybody?

19 A. Yes.

20 Q. Did you ever do it?

21 A. Yes.

22 Q. Right. Did you see other detectives do it?

23 A. Yes.

24 Q. Are you aware of prosecutors who would ask detectives to
25 do it?

~~WARD~~ ~~CROSS~~

1 A. Yes.

2 Q. Are you aware of prosecutors doing it themselves?

3 A. Yes.

4 Q. Right. And so when you listened to these calls, the guys
5 on the phone aren't necessarily telling the truth, are they?

6 A. Correct.

7 Q. Right. They're talking to their girlfriends or to their
8 family members or to their friends, and they're not saying
9 necessarily what you know to be true; is that fair?

10 A. Yes, sir.

11 Q. Right. Their mom calls; they're not going to tell them
12 they got caught with a gun. They're going to say, "The cops
13 planted it on me." You've heard that?

14 A. Yes.

15 Q. Right? Or they call to their girlfriend, and they're
16 going to mislead or try to deflect or not answer or say, "Oh,
17 no, they never saw me throw the gun." You've heard that kind
18 of stuff; right?

19 A. Yes, sir.

20 Q. But those would be, obviously, lies; right?

21 A. Yes, sir.

22 Q. Right.

23 All right. So in any given night, I believe you had said
24 that this particular task force could pull up on a slow night
25 25 different groups of people; right?

~~WARD~~ ~~CROSS~~

1 A. 20, yes.

2 Q. 20. Okay.

3 And that there might be at least ten foot chases?

4 A. Approximately, yes.

5 Q. Approximately. On a fast night, maybe even more like 50
6 pullups and who knows how many get-out-and-run events; right?

7 A. Yes.

8 Q. So it is by definition a running-and-gunning-type
9 operation?

10 A. Yes.

11 Q. All right. And when the task force was able to catch the
12 individuals who were dirty -- I mean, they had drugs or guns on
13 them -- that was usually because of Detective Taylor's speed;
14 right?

15 A. Yes, sir.

16 Q. Now, the unit -- did you guys win any awards?

17 A. Yes, we got an award.

18 Q. You got an award; right? Again, in October of 2016,
19 right, Lieutenant O'Ree with the ATF Task Force had applauded
20 the efforts you guys were making as a group.

21 Do you remember that?

22 A. I don't think it was O'Ree.

23 Q. What type of awards had you received?

24 A. I think it was a deputy commissioner's pen we got.

25 Q. Right. Because in 2016, at least in October, your team

~~Ward~~ ~~Cross~~

1 had made 110 arrests for handgun violations and had seized 132
2 illegal handguns in the city; is that about right?

3 **A.** That sounds about right.

4 **Q.** Those are pretty good numbers, aren't they?

5 **A.** Yes, sir.

6 **Q.** Now, do you remember when the Freddie Gray riots happened?

7 **A.** Yes, sir.

8 **Q.** When was that, sir?

9 **A.** Oh, I remember -- I don't remember the exact month. I'm
10 sorry.

11 **Q.** Okay. But you remember the riots; right?

12 **A.** Yes, sir.

13 **Q.** That was a bad time for Baltimore, wasn't it?

14 **A.** Yes, sir.

15 **Q.** Now, after those riots, Sergeant Jenkins told the
16 commissioner that he was using unlimited overtime and
17 slash days to keep you guys motivated; is that true?

18 **A.** Yes, sir.

19 **Q.** Right. And at that time, of course, as I said, it was a
20 bad time for Baltimore; right? There was public distrust. The
21 police felt, I think, a little overworked and underpaid, maybe
22 marginalized; is that fair to say?

23 **A.** Yes, sir.

24 **Q.** Morale was low, probably lowest you've seen it since you
25 started working there?

~~WARD~~ ~~CROSS~~

1 A. All correct, yes.

2 Q. Yeah. And violence is increasing. Murder rate is at
3 almost one death a day in the city.

4 Do you remember that?

5 A. Yes, sir.

6 Q. Okay. In fact, it was a political nightmare. You had the
7 State's Attorney, Ms. Mosby, going on and on about how police
8 are terrible. You have the Police Commissioner try and defend
9 the work you're doing.

10 THE COURT: Sustained.

11 BY MR. NIETO:

12 Q. You couldn't put a price on keeping those guns off the
13 streets, could you?

14 MR. WISE: Your Honor --

15 THE COURT: Sustained.

16 BY MR. NIETO:

17 Q. So after Jenkins told the commissioner about the unlimited
18 overtime and slash days, the commissioner told him to keep the
19 task force working and to do what he had to do; right?

20 A. I'm not sure if he said that.

21 Q. Do you remember Jenkins telling you that?

22 A. I remember the conversation, but I'm not exactly sure that
23 that was the ending words of it.

24 Q. But that was the gist of it?

25 A. Yes.

~~Ward~~ ~~Cross~~

1 Q. Right. Now, Jenkins was the sergeant?

2 A. Yes, sir.

3 Q. Right. So he's the more senior member of the task force?

4 A. He's a supervisor.

5 Q. He's a supervisor. Okay. So you had to follow his lead?

6 A. Yes.

7 Q. All right. If he gave orders or whatever his command is,
8 you were asked to fall in line; right?

9 A. Yes.

10 Q. So he was essentially the leader of the group?

11 A. Pretty much.

12 Q. Right. And so he had the authority, as we discussed, to
13 give you days off if he thought that were appropriate; right?

14 A. Yes, he did.

15 Q. Right. Okay. So let's go back a little bit, then.

16 So it was your testimony this week that you had witnessed
17 Jenkins take drugs during the time he was working and not
18 submit them to Evidence Control; correct?

19 A. Yes, sir.

20 Q. And you did nothing to stop it, did you?

21 A. No, sir.

22 Q. And you lied in your statements of probable cause; right?

23 A. Yes, sir.

24 Q. And you signed reports for Jenkins, but you didn't go to
25 any higher-ups to report what he was doing, did you?

~~WARD~~ ~~CROSS~~

1 A. No, I didn't.

2 Q. 'Cause you were profiting from it; is that fair to say?

3 A. Yes, sir.

4 Q. Both the crimes that you, yourself, were personally
5 committing as well as that that Jenkins did; right?

6 A. Yes.

7 Q. In fact, you and your friend Hendrix had agreed not to
8 tell Jenkins when drugs are recovered.

9 Do you remember that?

10 A. And Taylor also, yes.

11 Q. Right. And that was so that you could still submit them
12 and write them into the reports without him knowing.

13 A. I would say we were going to submit 'em and write 'em in a
14 report.

15 Q. Okay. Now, there was -- I think you had referenced a
16 conversation on the eighth floor of the police department
17 between Jenkins and when he was on the phone.

18 Do you remember that?

19 A. Yes.

20 Q. Now, Detective Taylor wasn't present for that, was he?

21 A. No, he wasn't.

22 Q. And so you heard him talk about what seemed like he was
23 going to sell the marijuana?

24 A. Yes, sir.

25 Q. And then Jenkins came out and saw you?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. Okay. Now, you guys had been working together for some
3 time at that point?

4 A. Yes.

5 Q. All right. He didn't tell you, "Oh, yeah, I'm selling the
6 weed on the side," did he?

7 A. No, sir.

8 Q. All right. Do you remember what he told you?

9 A. That night, that conversation?

10 Q. Yeah.

11 A. I believe he told me that he gives it to Shawn --
12 Sergeant Edwards on K9 so he can train the dogs.

13 Q. Okay. So he gave you an explanation that, for all intents
14 and purposes, was probably a lie; right?

15 A. Yes, sir.

16 Q. All right. Okay. Now, you had talked a little bit on
17 your direct about the Belvedere Towers, that marijuana bust.
18 Do you remember that?

19 A. Yes, sir.

20 Q. And you had said that after the bust, that you had -- with
21 the group, you had walked into the woods to split up the money?

22 A. Yes, sir.

23 Q. Right. But there really wasn't a need to get out of the
24 car to do that, was there?

25 A. I mean, we could have probably, yeah, split the money in

~~Ward~~ ~~Cross~~

1 the car. But --

2 Q. Right.

3 A. -- it was Jenkins' idea to go back in the woods.

4 Q. Go back in the woods, I mean, it seems a bit like
5 overkill, isn't it?

6 A. It's better safe than sorry.

7 Q. So the theory is that it would be safer to leave your
8 phone and vests in a car and then walk into the woods with some
9 duffel bags?

10 A. Yes.

11 Q. That was safer than just splitting it up in the car?

12 A. It's not like we in the hunting grounds and we going to
13 get shot or something like that. It was woods in a residential
14 area.

15 Q. Right. But the whole idea was to not -- not to invoke
16 suspicion; correct?

17 A. Yes.

18 Q. That's why you guys didn't have the vests on?

19 A. Correct.

20 Q. 'Cause apparently there was a concern that the residents
21 in the area were going to see three or four police officers
22 walking into the woods with duffel bags. You guys didn't want
23 that?

24 A. Correct.

25 Q. So it's better, I guess, three or four guys to walk into

~~Ward~~ ~~Cross~~

1 the woods with duffel bags without police vests?

2 **A.** I believe so.

3 **Q.** That's the plan?

4 **A.** Yes.

5 **Q.** That's the plan?

6 **A.** Yes.

7 **Q.** And the theory of leaving the phones in the car is so that
8 it couldn't be tracked?

9 **A.** That's what he told me, yes.

10 **Q.** Right. But it's not like you walked a mile away from the
11 car, did you?

12 **A.** No, sir.

13 **Q.** In fact, you could still see the car from where you went?

14 **A.** Yes, sir.

15 **Q.** Right. Okay.

16 And you had also said that after the dispersion of the
17 money in the woods, that Jenkins left the bag there?

18 **A.** Yes.

19 **Q.** Okay. Do you know if the bag was ever recovered?

20 **A.** No, sir.

21 **Q.** No, you don't know; or, no, it wasn't recovered?

22 **A.** No, it wasn't recovered.

23 **Q.** How do you know it wasn't recovered?

24 **A.** That's what I was told; it wasn't recovered.

25 **Q.** Who told you that?

~~Ward~~ ~~Cross~~

1 A. The agents did a follow-up.

2 Q. Oh, okay. So the agents are providing you information
3 about the investigation that's going forward?

4 A. Yes.

5 Q. Okay. So there's nothing, then, to corroborate the "cash
6 in the woods" story other than your word; right?

7 A. Yes.

8 Q. You also said that, I guess, afterwards you guys went to a
9 strip club; is that right?

10 A. Yes, sir.

11 Q. Okay. And you thought it would look suspicious to have
12 cash in a strip club.

13 Do you remember telling the agents that?

14 A. The amount of money we had, yes.

15 Q. The amount of money, not just cash in general?

16 A. Yes.

17 Q. Well, you didn't take any of the cash, did you?

18 A. No.

19 Q. You left it in a bag?

20 A. Correct.

21 Q. Never touched it again?

22 A. Never touched it again.

23 Q. In fact, you just left it with Jenkins?

24 A. Yes, sir.

25 Q. So Jenkins, who, according to your testimony, is operating

~~WARD~~ ~~CROSS~~

1 on a honor system -- or maybe a dishonor system is probably a
2 better way to call it -- with other people that are doing the
3 same thing, right, taking money?

4 **MR. WISE:** Your Honor, I'm just confused.

5 **MR. NIETO:** Fair enough, Your Honor.

6 **BY MR. NIETO:**

7 **Q.** So let me make sure I understand this correctly. You
8 thought: I'm going to leave the money in the trunk, which was
9 \$5,000, and that was your testimony?

10 **A.** Yes, sir.

11 **Q.** Do you know where that money ended up?

12 **A.** No.

13 **Q.** Well, \$5,000 probably still isn't in the trunk right now,
14 is it?

15 **A.** No, sir.

16 **Q.** And it was left in the bag?

17 **A.** Yes, sir.

18 **Q.** Who had that bag?

19 **A.** Sergeant Jenkins.

20 **Q.** Okay. So Sergeant Jenkins probably has your money?

21 **A.** Probably, yes.

22 **Q.** Right?

23 You don't think it would have arose some suspicion with
24 Jenkins if you don't take that money?

25 **A.** No.

~~Ward~~ ~~Cross~~

1 Q. I mean, according to your testimony, you guys are
2 operating on the same wavelength here; right? Like, he can
3 trust you to steal this money because he knows you steal money
4 too; right?

5 A. Yes, sir.

6 Q. But you don't take this money?

7 A. Correct.

8 Q. And that's not an issue for Jenkins?

9 A. No, sir.

10 Q. In fact, everything just keeps going afterwards the same
11 way it was before?

12 A. I wouldn't say the same way. It kind of got worse, but --

13 Q. All right. In your own words, it even got worse; right?

14 A. Yes.

15 Q. So despite the fact you didn't take the money, he still
16 felt comfortable with you on that unit?

17 A. Yes.

18 Q. Did you think that it would help your cause by telling the
19 federal agents that you didn't take the money?

20 A. No.

21 Q. You didn't think so at all; right?

22 A. No, sir.

23 Q. So you're not trying to minimize your actions there at
24 all, are you?

25 A. No, sir.

~~WARD~~ ~~CROSS~~

1 Q. Okay. Now --

2 MR. NIETO: Court's indulgence.

3 BY MR. NIETO:

4 Q. You know, we talked a little bit about the Stevenson stop.
5 I sat there and I listened to you testify with specificity on
6 the three addresses that you guys were able to pull up or that
7 Mr. Stevenson provided.

8 Do you remember that?

9 A. Yes.

10 Q. Okay. And do you remember what those addresses were?

11 A. One of them was Heathfield. It was one on Fulton and
12 Presstman. And it was his mother's address.

13 Q. Right. Now, it's been almost two years since that
14 incident; right?

15 A. Approximately, yes.

16 Q. Yeah. And you've made hundreds of arrests, 150, 150
17 arrests since then?

18 A. Numerous arrests, yes. I'm not sure of the number.

19 Q. Numerous, that's fair.

20 But you remember the specifics of that information, fairly
21 offhanded comment, but you were able to remember the streets
22 and the addresses?

23 A. Yes.

24 Q. And that's not because that information was provided to
25 you, was it, during your proffer sessions?

~~Ward~~ ~~Cross~~

1 **A.** No, sir.

2 **Q.** Did you remember those specific addresses and street names
3 when you first met with agents back in April of 2017?

4 **A.** I believe so, yes.

5 **Q.** And you told them that information at that time?

6 **A.** Yes.

7 **Q.** So that wasn't information that was gleaned during your
8 trial prep sessions, were it -- was it?

9 **A.** No.

10 **Q.** Okay. You had also -- this might be sort of going back to
11 the Belvedere Towers; right? You were able to testify about
12 each of these individuals' appearances?

13 Do you remember that?

14 **A.** Yes.

15 **Q.** You were able to talk about their height, their build,
16 where they worked; right?

17 You had even given the agents possible directions on where
18 they could go to find these guys.

19 Do you remember that?

20 **A.** Yes.

21 **Q.** You told 'em they were like -- they owned body shops or
22 auto shops, and you gave them particular areas of the city
23 where that's oftentimes where they would work.

24 Do you remember doing all that?

25 **A.** Yes.

~~WARD~~ ~~CROSS~~

1 **Q.** So that didn't bear any fruit, though, did it? I mean,
2 they didn't find any of these guys?

3 **A.** I'm not sure.

4 **MR. WISE:** I don't know if this witness can answer as
5 to what --

6 **THE COURT:** He said he didn't know.

7 **MR. NIETO:** All right. Okay.

8 **BY MR. NIETO:**

9 **Q.** Now, Mr. Stevenson --

10 **THE COURT:** Mr. Nieto, I'm sorry to interrupt. Just
11 let me know when you have a good breaking point, unless you're
12 almost done.

13 **MR. NIETO:** No, but we can break now if it's okay with
14 the Court.

15 **THE COURT:** Okay. All right. Ladies and gentlemen,
16 we're going to take a mid-morning stretch, and then we'll
17 continue.

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

19 (Recess taken.)

20 **THE COURT:** All right. You can be seated, please.

21 One other scheduling thing. I will need to stop
22 around 4:30 today for something else I've got.

23 **MR. NIETO:** And at 12:45 is for the afternoon;
24 correct?

25 **THE COURT:** 12:45 or -- between 12:45 and 12:50; but

~~WARD~~ ~~CROSS~~

1 yes.

2 (Jury entered the courtroom at 11:34 a.m.)

3 **THE COURT:** All right. You can be seated, please.

4 **THE CLERK:** Mr. Ward, you're still under oath.

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

6 **THE COURT:** Mr. Nieto.

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

8 **BY MR. NIETO:**

9 **Q.** All right, sir. Let's talk a little bit about
10 Oreese Stevenson. Okay? Do you remember testifying about him
11 earlier this week?

12 **A.** Yes, sir.

13 **Q.** Okay. Now, Mr. Stevenson is a drug dealer; right?

14 **A.** Yes, sir.

15 **Q.** Okay. And it's a fairly large -- I'm sorry.

16 And there was a large-scale drug dealer that actually went
17 to court for him in the city.

18 Do you remember that?

19 **A.** Yes, sir.

20 **Q.** Okay. And Mr. Stevenson had been mentioned in a news
21 article as having been involved in a large-scale distribution
22 organization.

23 Do you remember that?

24 **A.** Yes, sir.

25 **Q.** Okay. Now, obviously Jenkins was focused on going after

1 the big fish in the investigation; all right? But there was no
2 doubt --

3 **MR. WISE:** Your Honor, I'd just -- the statement about
4 what Jenkins --

5 **THE COURT:** Right.

6 **MR. WISE:** -- was interested in is -- he's not
7 testified to that.

8 **THE COURT:** If you'd like to make it a question, if
9 you think it's something he has knowledge of, or we can just
10 rephrase it.

11 **MR. NIETO:** Of course.

12 **BY MR. NIETO:**

13 **Q.** Sir, in your conversations with Jenkins, did you get the
14 impression that he was trying to go after the big fish in that
15 organization?

16 **A.** Yes.

17 **Q.** Okay. And so you had, through your investigation and what
18 you learned, did you have any doubts that Stevenson was a
19 large-scale drug dealer?

20 **A.** Yes.

21 **Q.** You had some doubts?

22 **A.** Oh, you said did I have some doubts? Oh, no, sir. No.
23 I'm sorry.

24 **Q.** No doubts. Okay.

25 So you participated in the Stevenson traffic stop; right?

~~Ward~~ ~~Cross~~

1 A. Yes.

2 Q. And I suppose, technically speaking, it's not really even
3 a traffic stop, is it, because the car wasn't moving?

4 A. Correct.

5 Q. Right. So it's a stationary vehicle, do you remember?

6 A. Yes, I remember.

7 Q. And then the gentleman with the backpack gets in the car;
8 right?

9 A. Yes, sir.

10 Q. And then Mr. Stevenson throws the backpack in the back of
11 the car when you guys show up; right?

12 A. No, that wasn't true.

13 Q. No, that wasn't true?

14 A. That was part of the lie that we put in the probable
15 cause, that he threw the backpack.

16 Q. No throwing of the backpack?

17 A. No throwing of the backpack. The backpack was just laying
18 in the back of the minivan.

19 Q. So it was just the backpack, then?

20 A. Yes.

21 Q. Okay. And the windows were tinted; right?

22 A. Yes.

23 Q. Okay. Because -- my apologies. You had testified earlier
24 this week that you guys would lie about seat belts and tinted
25 windows and that there was no basis for these stops. But in

~~Ward~~ ~~Cross~~

1 this particular case, there was tinted window in the car;
2 right?

3 **A.** Yes. The windows were tinted, yes.

4 **Q.** Right. And it was too dark for you to see inside to see
5 the drugs or the money, wasn't it? Right?

6 **A.** Yes, sir.

7 **Q.** Do you understand what -- I'm sorry. I'm -- my tongue's
8 all over the place.

9 You had to open the door to be able to see the contraband;
10 right?

11 **A.** Yes, I had to open the door to see it, yes; the back door.

12 **Q.** You couldn't see through the windows because they were
13 tinted?

14 **A.** Yes, sir.

15 **Q.** Tinted to a point that you couldn't see through them?

16 **A.** No, not visibly. We can see through it. It -- the tint
17 was dark, but we would still see through the vehicle to see who
18 was in there.

19 **Q.** Right. You could see who was in there, but you could not
20 see the contraband without opening the door?

21 **A.** Oh, no, 'cause it was in the backpack laying on the
22 ground. Even if the window was untinted, it was in the
23 backpack; we wouldn't be able to see it.

24 **Q.** Wasn't there also a bag of money?

25 **A.** Yes.

~~Ward~~ ~~Cross~~

1 Q. And that was at the foot of the front-seat passenger,
2 Mr. Brown?

3 A. Yes, but it wasn't recognized that it was money. It was
4 still in a container. So unless we had to open the car to go
5 in there, physically open up the box to see there was money in
6 there, that would be the only way we knew it was money.

7 Q. Okay. So you opened the door. Which door did you open?

8 A. I opened the --

9 Q. What door did you open to --

10 A. The back door behind the passenger.

11 Q. Behind the passenger?

12 A. Yes.

13 Q. So the backpack that the passenger had was in the
14 backseat?

15 A. No. It was in the front seat.

16 Q. But you went through the back door to see it?

17 A. No. The drugs you're talking about?

18 Q. What was in the backpack, sir?

19 A. It was two backpacks.

20 Q. Okay.

21 A. It was a backpack with drugs in it, and it was a backpack
22 with the money in it.

23 Q. Which backpack did Mr. Brown have when he got into the
24 vehicle?

25 A. The one with the money.

~~Ward~~ ~~Cross~~

1 Q. That was in the front seat?

2 A. Yes, sir.

3 Q. So you just happened to stumble upon a bag of drugs in the
4 backseat?

5 A. Yes, sir.

6 Q. And you didn't see the bag getting thrown in the back by
7 Mr. Stevenson?

8 A. It didn't.

9 Q. It didn't happen at all?

10 A. No, it didn't.

11 Q. You -- how do you know it didn't happen at all?

12 A. Because we discussed the incident before he typed
13 everything up, and that was something that Jenkins came up
14 with, saying that we saw him throw the backpack in the back.

15 Q. Okay. All right. So during your conversation or
16 during -- you arrest these gentlemen, right, for the contraband
17 found in the car?

18 A. Yes, sir.

19 Q. Okay. And Stevenson starts cooperating?

20 A. Yes, sir.

21 Q. Right? 'Cause Jenkins wants to find out who his source of
22 supply is?

23 A. Yes.

24 Q. Moving up the chain; right?

25 A. Yes, sir.

~~WARD~~ ~~CROSS~~

1 Q. And Stevenson provides some information?

2 A. Yes, sir.

3 Q. Right. He also provided information about what he had in
4 his house and where he lived; right?

5 A. Yes, sir.

6 Q. But he wasn't telling the truth about where he lived?

7 A. Correct.

8 Q. Right. So even though he was cooperating, trying to get
9 himself out of trouble, he was still lying to protect
10 himself --

11 A. Yes, sir.

12 Q. -- right?

13 So you guys were able to discern actually where he lives,
14 and then you go there; right?

15 A. Yes, sir.

16 Q. Okay. And there was a concern that somebody, either
17 Mr. Stevenson or someone, was going to alert Mr. Stevenson's
18 family that the police were coming to the house; right?

19 A. Yes.

20 Q. And Mr. Stevenson had told you there were going to be
21 drugs in the house?

22 A. He didn't tell me, no. He spoke to Sergeant Jenkins and
23 Hendrix.

24 Q. Okay. So Hendrix heard him say, "There are drugs, guns,
25 and money in my house"?

~~WARD~~ ~~CROSS~~

1 **MR. WISE:** Objection, Your Honor. I think Hendrix has
2 to testify to that, not Mr. Ward.

3 **THE COURT:** Well, you'll have to find out whether this
4 witness heard it or not or was told it.

5 **BY MR. NIETO:**

6 **Q.** Did Jenkins or Hendrix tell you about their conversation
7 with Mr. Stevenson?

8 **A.** Yes. Jenkins did, yes.

9 **Q.** Okay. And Jenkins told you that that's what Stevenson
10 told him, that there were drugs, guns, and money in the house?

11 **A.** Yes.

12 **Q.** That's the whole reason why you're going to go there;
13 right?

14 **A.** Yes, sir.

15 **Q.** If he had told you he had nothing, you may not have gone.
16 Right?

17 **A.** We still -- we still would have went.

18 **Q.** You still would have gone to the house?

19 **A.** Yes.

20 **Q.** Okay. The real one or the fake one?

21 **A.** Both of 'em.

22 **Q.** Okay. Now, did you -- did you hear -- did you see any
23 neighbors come out on Jonquil, on that street when you were
24 arresting Mr. Brown and Mr. Stevenson?

25 **A.** Yes. Mr. Brown's baby's mother's family.

~~WARD~~ ~~CROSS~~

1 Q. All right. And do you remember what they said to you?

2 MR. WISE: Your Honor, we're getting into hearsay now,
3 what the neighbor said.

4 MR. NIETO: Not offered for the truth of the matter,
5 Your Honor. It's for the influence that it had on you.

6 BY MR. NIETO:

7 Q. Did you hear what she said?

8 A. No, I don't remember.

9 Q. Do you remember her saying, "I'm going to call
10 Mr. Stevenson's family. I'll let your people know you got
11 locked up"?

12 Do you remember that?

13 A. Possibly she said that.

14 Q. Possibly?

15 A. Yeah. I don't recall.

16 Q. Well, if you don't recall, how is it possible, sir?

17 A. 'Cause that's something she could have said.

18 Q. Okay. So you're guessing. You have no idea?

19 A. I said I don't recall, so I just said, possible, that's
20 something she could have said.

21 Q. Okay. But then obviously there's a concern that somebody
22 at the Stevenson house will know that police are coming; right?

23 A. Yes, sir.

24 Q. And the concern is that they're going to destroy or remove
25 contraband from the house; right?

~~WARD~~ ~~CROSS~~

1 **A.** Yes, sir.

2 **Q.** Because it's one thing to get caught in a car with the
3 backpack of drugs, but it's something very different to have
4 your house contain kilos and guns; right?

5 **MR. WISE:** Your Honor, I'm just -- I'd object to the
6 form of the question. It's one thing; it's the other. I'm not
7 sure what that means.

8 **THE COURT:** Well, overruled. If the witness can
9 answer it.

10 **THE WITNESS:** Can you repeat the question, please.

11 **BY MR. NIETO:**

12 **Q.** Yeah, that's fine.

13 So in terms of the charges that could be placed against
14 somebody, right, to be arrested with a bag of drugs in a car,
15 there's charges for that; right?

16 **A.** Yes, sir.

17 **Q.** But there could be additional charges for contraband found
18 in their house --

19 **A.** Yes, sir.

20 **Q.** -- right?

21 So there's an incentive for Mr. Stevenson's family,
22 friends, or whomever, to remove that contraband from the house
23 so you guys don't find it?

24 **A.** Yes, sir.

25 **Q.** That's why you guys sent someone from the

~~WARD~~ ~~CROSS~~

1 Northeast District?

2 **A.** Yes, sir.

3 **Q.** To make sure that nobody went in and out of the house --

4 **A.** Yes, sir.

5 **Q.** -- and destroyed evidence?

6 **A.** Yes, sir.

7 **Q.** Right? Okay.

8 So you guys arrive, and I thought you said on direct that
9 Jenkins had made up the fact that there was a young man in the
10 backyard that had -- that's seeming to come from the house to
11 create this exigency to enter the house; is that true?

12 **A.** Yes, sir.

13 **Q.** So there was nobody in the backyard?

14 **A.** No, sir.

15 **Q.** No one?

16 **A.** No one.

17 **MR. NIETO:** Court's indulgence.

18 **BY MR. NIETO:**

19 **Q.** And when you met with federal agents on April 19th of
20 2017, in attempts to better your situation, you started --

21 **MR. WISE:** Objection, Your Honor. An attempt to
22 better his situation? I don't --

23 **THE COURT:** Overruled.

24 **BY MR. NIETO:**

25 **Q.** Do you remember meeting with agents on April 19th, 2017?

~~WARD~~ ~~CROSS~~

1 A. I believe so, yes.

2 Q. Right. You were there to cooperate?

3 A. Yes.

4 Q. Why are you cooperating?

5 A. Say it one more time.

6 Q. Why are you cooperating?

7 A. To try to receive a lesser sentence.

8 Q. Okay. So in an attempt to get a lesser sentence, if I'm
9 quoting you correctly, you met with agents. And you talked
10 about how Detective Taylor called out on the radio that someone
11 was running from the back of the house.

12 Do you remember telling them that?

13 A. Yes.

14 Q. Is that true?

15 A. Yes, but it was part -- all of us together, that was the
16 hoax that we came up with.

17 Q. So when they -- when you told them they weren't able to
18 catch the person who ran from the back of the house, that's
19 just -- that was just the lie that had been told and not
20 actually true?

21 A. Correct.

22 Q. Okay. And Detective Taylor wasn't sure if the person came
23 out of the house --

24 **THE COURT:** A little slower. A little slower. A
25 little slower.

~~WARD~~ ~~CROSS~~

1 **MR. NIETO:** Of course, Your Honor.

2 **BY MR. NIETO:**

3 **Q.** And so you told them Detective Taylor was not sure if the
4 person came out of the house but was a hundred percent sure
5 that they were in the backyard. That was part of the lie too?

6 **A.** Yes.

7 **Q.** So Detective Taylor didn't lie and say that the person
8 came out of the house, which would give you
9 exigent circumstances to enter; in part a lie, he's like, Oh, I
10 don't know if he really came from the house.

11 That's what your testimony is?

12 **A.** Yeah.

13 **THE COURT:** I'm confused.

14 **MR. WISE:** Yeah, I am too, Your Honor.

15 **MR. NIETO:** I know. I'm sorry, Your Honor. That was
16 terrible.

17 **BY MR. NIETO:**

18 **Q.** Okay. So if you know, as part of this ruse or as part of
19 this lie, why would Detective Taylor say he wasn't a hundred
20 percent sure this person came from the house?

21 **MR. WISE:** Your Honor --

22 **THE COURT:** Sustained.

23 **MR. WISE:** Yeah.

24 **BY MR. NIETO:**

25 **Q.** All right. And then Detective Taylor, you told them that

~~WARD~~ ~~CROSS~~

1 Detective Taylor estimated the age of the person to be between
2 18 and 25, and that never happened either?

3 **A.** Say it one more time.

4 **Q.** Detective -- Detective Taylor estimated the age of this
5 fictitious person to be between 18 and 25.

6 Do you remember saying that?

7 **A.** Yes.

8 **Q.** Okay. But that was a fabrication made by Jenkins at the
9 time of the Stevenson search warrant house; right?

10 **A.** That was all a plan when we first got to the location to
11 gain exigent circumstances to go inside the house.

12 **Q.** Okay. So there was nobody, then, in the backyard?

13 **A.** No, sir.

14 **Q.** No one's child, no 12- or 15-year-old kid who was in the
15 back of the house? None of that?

16 **A.** No, sir.

17 **Q.** All right. Now, you had said that you were left alone at
18 the house, right?

19 **A.** Yes.

20 **Q.** And Jenkins, Hendrix, and Detective Taylor went to get a
21 search warrant.

22 Do you remember doing that?

23 **A.** Yes, sir.

24 **Q.** All right. And you had said in your testimony that you
25 were -- you thought that was odd, and you were concerned that

1 they were going to split up money that they had gotten
2 previously without sharing it with you?

3 **A.** That wasn't my concern about them splitting up the money.
4 I just said that it was odd that you usually leave one
5 detective at a house to hold the house. You usually -- usually
6 leave more than one --

7 **Q.** Right.

8 **A.** -- for a big house and that.

9 **Q.** Right. I'm sorry. Maybe I misunderstood you from the
10 other day.

11 I thought you said, "I thought it was weird they left, and
12 I was concerned they were going to split up the money and cut
13 me out."

14 **A.** No, that wasn't my exact words, no.

15 **Q.** No, not exact words; but that was what you said, right, or
16 no?

17 **A.** All that was in the context, but it wasn't -- that wasn't
18 how I said it. I was not concerned about the money. I was
19 concerned about being in the house by myself.

20 **Q.** Right.

21 **A.** That was my concern.

22 **Q.** Right. And you were a little put out because you were the
23 senior member of the group and you're left at the house by
24 yourself?

25 **A.** Yes.

~~WARR~~ ~~CROSS~~

1 Q. Right. Okay.

2 And Jenkins said that he wanted to take Detective Taylor
3 in order to teach him about writing warrants; right?

4 A. Yes.

5 Q. Okay. So staying at the house waiting for the warrant by
6 yourself was beneath someone of your stature; is that what
7 you're saying?

8 A. No, I'm not saying that at all. It's just not safe.

9 Q. Okay. 'Cause -- did you tell the agents that you were
10 concerned about being there because it was unsafe, or did you
11 tell them you were a little put out because you were the senior
12 member of the group?

13 A. No, that wasn't -- it wasn't safe.

14 Q. Okay. So isn't it true that Detective Taylor stayed
15 upstairs with Mr. Stevenson's girlfriend and/or mother near the
16 living room while the warrant was getting executed?

17 A. Yes.

18 Q. Okay. And it's true that, in fact, he was told by Jenkins
19 to come downstairs because the evidence had been found and they
20 needed him to record it; right?

21 A. Say that one more time.

22 Q. Isn't it true that Detective Taylor was, in fact, told by
23 Jenkins to come downstairs to the basement because the evidence
24 was recovered and they needed to videotape it?

25 A. Which evidence? You talking about the safe or you talking

~~Ward~~ ~~Cross~~

1 about the drugs?

2 Q. All of it.

3 A. He told everyone to come downstairs.

4 Q. Okay. Now, you had -- when you had met with agents
5 previously, you had told them in April of last year that you
6 were the one who recorded the video. Do you remember telling
7 them that?

8 A. Yes.

9 Q. Okay. And then in a subsequent meeting with them, you
10 told them, "I'm not really sure who recorded the video. Could
11 have been me. It could have been somebody else."

12 Do you remember doing that?

13 A. Yes, sir.

14 Q. Then you said, "Oh, it was Detective Taylor who did the
15 recording"; correct?

16 A. Yes, sir.

17 Q. And that's what you had said the other day; right?

18 A. Yes, sir.

19 Q. But you had told federal agents, not once but twice, in
20 both the spring and winter of last year, that it was you who
21 recorded the video. But that's not true.

22 A. Yes, sir.

23 Q. I mean, that's -- that's a detail I would think you would
24 remember; right? You would remember videotaping the opening of
25 the safe, wouldn't you?

~~Ward~~ ~~Cross~~

1 **A.** It's possible you -- I could forget it, I mean . . .

2 **Q.** I guess it's possible to forget, sir. But you remember
3 the three addresses that Mr. Stevenson gave, right --

4 **A.** Yes.

5 **Q.** -- with specifics? You remember that, but you don't
6 remember who actually videotaped it?

7 **A.** Correct.

8 **Q.** Okay. Now, you had testified that after the Stevenson
9 incident, everybody went to Detective Taylor's basement and
10 split up the money; right?

11 **A.** Yes, sir.

12 **Q.** Okay. And you, of course, you threw away your money?

13 **A.** Yes, sir.

14 **Q.** Okay. You tossed it into the woods by your house; is that
15 correct?

16 **A.** It's not actually woods. It's like a little path you walk
17 through. You cut through the woods, and you go to another
18 residential area.

19 **Q.** When you say "we," who do you mean we walked through the
20 woods?

21 **A.** I say we?

22 **Q.** Was it just you or --

23 **A.** Well, I was by myself. I was by myself.

24 **Q.** No, no, I understand, sir. But is that path traversed by
25 more than just you? Do other people use it?

~~Ward~~ ~~Cross~~

1 A. Yes.

2 Q. Are you in an apartment complex, or are you a standalone
3 home?

4 A. Townhomes.

5 Q. Townhomes?

6 A. Townhomes, yeah.

7 Q. So anyone in that area can go up or down that path?

8 A. Yeah. It's like a big field you go through; then it's
9 like a pathway you cut through the woods, and it leads to
10 another residential area.

11 Q. Okay. So where did you put the bag, then? Are you on
12 that path or in the woods near it? Where did you put it?

13 A. I don't recall what I did with the bag.

14 Q. You don't recall where you put the bag?

15 A. No.

16 Q. A bag of \$20,000; right?

17 A. I didn't -- I dumped the money out of the bag. I didn't
18 toss the whole bag. I dumped the money out of the bag.

19 Q. You just dumped \$20,000 in cash on a path --

20 A. Yes, sir.

21 Q. -- near a wooded area?

22 A. It wasn't a wooded area. It was a residential area. I
23 cut through the wooded area.

24 Q. So \$20,000 just blowing around in the breeze?

25 A. Pretty much, yes, sir.

~~Ward~~ ~~Cross~~

1 Q. Was it wrapped with rubber bands?

2 A. Yes, it was still in rubber bands, yes, the way I received
3 it.

4 Q. Oh, so it wouldn't be blowing around in the breeze, then,
5 would it?

6 A. I mean, it could still blow if the wind is strong enough,
7 but I didn't stick around to see.

8 Q. So you just took a bag with \$20,000 in cash, dumped it on
9 a path, and walked away?

10 A. Well, I didn't dump it like that. Kind of chucked it,
11 tossed it, but yes.

12 Q. Chucked it?

13 A. Yes.

14 Q. And just left?

15 A. Yes, sir.

16 Q. Did you hear anything else about that money ever?

17 A. I never did a follow-up on it, no.

18 Q. No. Didn't hear anyone in the neighborhood scream like,
19 "Oh, my God, I just found 20 grand in cash"?

20 A. No. It's two separate -- two separate areas. So I don't
21 really frequent that side of the residential area, so . . .

22 Q. Okay. So you didn't keep the money?

23 A. No, sir.

24 Q. You didn't hide the money?

25 A. No, sir.

~~WARD~~ ~~CROSS~~

1 Q. You just dumped it on a path?

2 A. Yes, sir.

3 Q. Okay. Now, when Mr. Stevenson went to Circuit Court for
4 his motions hearing, you didn't go; right?

5 A. No, sir.

6 Q. You said your aunt had passed?

7 A. Yes, sir.

8 Q. Did she?

9 A. No, sir.

10 Q. Okay. So you lied about your family member dying so you
11 didn't have to go to court?

12 A. Yes, sir.

13 Q. Okay. Let's talk about Raytawn Benjamin.

14 Now, Mr. Benjamin, you remember that incident; right?

15 A. Yes, sir.

16 Q. Okay. Now, a gun was recovered; correct?

17 A. Yes, sir, a gun was recovered.

18 Q. Gun wasn't planted?

19 A. No, sir.

20 Q. He was on the streets of the city with a gun; correct?

21 A. Yes, sir.

22 Q. Okay. Now, you testified earlier this week that

23 Detective Taylor gave you a hundred or \$200 a few minutes after
24 the arrest.

25 Do you remember saying that?

~~Ward~~ ~~Cross~~

1 A. Yes, sir.

2 Q. Okay. You testified that Detective Taylor searched
3 Mr. Benjamin a second time and had taken cash that was never
4 submitted?

5 A. Yes, sir.

6 Q. Okay. Now, you knew Mr. Benjamin from before, right, from
7 prior interactions?

8 A. No, not me, no.

9 Q. You didn't know him?

10 A. No. Taylor knew him. He's from the Southern District. I
11 don't frequent down that area.

12 Q. Okay. So you didn't say to him -- or you didn't call him
13 Mr. Benjamin when he was arrested?

14 A. I don't believe so, no. And if I was, I was just probably
15 being respectful calling him Mr. Benjamin.

16 Q. I'm sorry. If you --

17 A. If I called him Mr. Benjamin --

18 Q. If you did call him Mr. Benjamin, it was because you were
19 being respectful?

20 A. Yes, called him his name, yes.

21 Q. Okay. Now, when you were again interviewed by the federal
22 agents on this case, now it's a little bit later in the year.
23 Now it's March -- I'm sorry, June 14th of 2017 they asked you
24 about this incident.

25 Do you remember that?

~~Ward~~ ~~Cross~~

1 A. Yes, sir.

2 Q. Okay. And I'm sure you went over it in your trial prep
3 sessions last month; correct?

4 A. Yes, sir.

5 Q. All right. Now, you told them in June of last year you
6 did not recall money being stolen from Benjamin.

7 Do you remember saying that?

8 A. Yes, sir.

9 Q. Okay. You also told the agents and the federal
10 prosecutors that you never received any stolen money from
11 Mr. Benjamin?

12 A. Yes, sir.

13 Q. But your testimony this week is not that?

14 A. Yes, sir.

15 Q. All right. So let's go on to Mr. Whiting. Okay? You had
16 talked a little bit about Mr. Whiting on Tuesday, and you had
17 testified that the amount of money that was stolen was
18 approximately \$10,000; right?

19 A. Approximately, yes.

20 Q. Okay. Now, when we talk approximately, we're not talking
21 about \$23,000, are we?

22 A. No.

23 Q. No. We're not talking about \$23,970, are we?

24 A. No.

25 Q. No. We're talking roughly 10 grand?

~~WARD~~ ~~CROSS~~

1 **A.** Approximately.

2 **Q.** That's your testimony; right?

3 And as far as you knew, no one took a computer --

4 **A.** No.

5 **Q.** -- right?

6 No one took video game controllers?

7 **A.** No.

8 **Q.** No one took Jordan sneakers?

9 **A.** No.

10 **Q.** No one took video games?

11 **A.** No.

12 **Q.** Now, there was a K9 unit that was called at one point.

13 Do you remember that?

14 **A.** No, sir, I don't remember that.

15 **Q.** Do you remember the K9 being called by the vehicle?

16 **A.** Yes. Yes, sir.

17 **Q.** Okay. So there was a -- the K9 unit, and that's

18 essentially a police officer handler that's got a dog that's

19 trained to smell either drugs or guns or whatever the training

20 might be; right? Is that what a K9 unit is?

21 **A.** Yes, sir.

22 **Q.** Okay. Now, did you see the dog take anything?

23 **A.** No, sir.

24 **Q.** Right. Did you see the handler take anything?

25 **A.** No, sir.

~~WARD - CROSS~~

1 Q. Now, when the raid of the house happened, was Mr. Whiting
2 home or no?

3 A. He was home.

4 Q. He was home. Okay.

5 Now, through your time at the task force, it was your
6 impression that Jenkins wanted to keep Gondo and Rayam away
7 from you, Detective Taylor, and Hendrix; right?

8 A. Say it one more time.

9 Q. It was your impression that Jenkins wanted to keep Gondo
10 and Rayam away from you, Hendrix, and Detective Taylor?

11 A. Yes, that's what he initially said, yes.

12 Q. And you didn't contact Internal Affairs when you realized
13 that Gondo and Rayam were criminals, did you?

14 A. No.

15 Q. After -- and I think you had talked a little bit about
16 Ronald Hamilton; right? That was the Westminster
17 search warrant, the one in Carroll County?

18 Do you remember that?

19 A. Yes.

20 Q. All right. Now, after that warrant was executed, Jenkins
21 told you, Clewell, Hendrix, and Detective Taylor that you guys
22 could go; right?

23 A. Yes, sir.

24 Q. Jenkins told you that he would take care of the overtime
25 slips; right?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. So he would write up the overtime slips and sign 'em, get
3 that taken care of from that incident?

4 A. Yes, sir.

5 Q. Generally, the slips, the overtime slips that would be
6 completed, they'd be completed for people that weren't actually
7 present or there to sign it; right?

8 A. Yes.

9 Q. And so somebody, whomever, would sign those forms for that
10 other officer?

11 A. Yes, sir.

12 Q. Now, there was actual overtime put in on the Hamilton
13 case; right? I mean, you guys were working late into the
14 evening.

15 A. Which case was that?

16 Q. That's the Carroll County.

17 Let me -- did you execute a search warrant at
18 Mr. Hamilton's house in Westminster, Carroll County, Maryland,
19 during the hours of 8:00 to 4:00 p.m.?

20 A. Did I? No, I didn't.

21 Q. Okay. Between 9:00 and 5:00?

22 A. No, I didn't.

23 Q. No. It was dark out; right? It was nighttime?

24 A. I didn't execute a warrant in Westminster.

25 Q. Okay. Now, overtime sheets are submitted when people do

~~WARD - CROSS~~

1 work overtime; right?

2 **A.** Yes, sir.

3 **Q.** Okay. And there's often -- when you submit your overtime
4 sheets, it's not as if you get paid for that overtime the next
5 day; right?

6 **A.** Correct.

7 **Q.** It's got to get processed, and it can take a couple of
8 weeks for that to be reflected in your paycheck; right?

9 **A.** No. As long as you get it in a timely manner, it's like a
10 deadline. It should be on your check. If you get it on the
11 day after, then it would take a couple of weeks.

12 **Q.** Okay. So it can take a couple weeks, depending on when
13 they're submitted?

14 **A.** Yes.

15 **Q.** Okay. So, for example, you could work overtime the first
16 week of January; but depending on when it's submitted, your
17 paycheck may not reflect that until the end of January or maybe
18 even the beginning of February; right?

19 **A.** That's correct.

20 **Q.** Okay. Now, you told agents that you never worked a full
21 shift.

22 **A.** Yes.

23 **Q.** Okay. Now, Jenkins was responsible for determining
24 overtime; right? And he would dictate the hours that you guys
25 would work?

~~WARD - CROSS~~

1 A. Yes, sir.

2 Q. And he instituted slash days in the unit.

3 A. Yes, sir.

4 Q. Now, he was your supervisor. He was the sergeant. He was
5 running the show.

6 A. Yes, sir.

7 Q. And Jenkins told you and everyone that if they got a
8 certain number of guns off the street, you get a day off as a
9 reward; right?

10 A. Yes, sir.

11 Q. And that was the order from your supervisor?

12 A. Yes, sir.

13 Q. In fact, as we had talked about, Jenkins had told the
14 commissioner about how he kept you guys motivated; right?

15 A. Yes, sir.

16 Q. And as you said, I think on Tuesday you said Jenkins was
17 in control of all that. Do you remember saying that?

18 A. Yes, sir.

19 Q. Now, Jenkins would routinely twist stories around; is that
20 fair to say?

21 A. True.

22 Q. Right. So he'd tell you one thing but then maybe tell
23 Hendrix something else?

24 A. Yes, sir.

25 Q. Right?

~~WARD - CROSS~~

1 And he was convincing the way he did it?

2 **A.** Yes, sir.

3 **Q.** And that's -- for example, that K9 example, right, he just
4 sort of came right out with the K9 example. I was talking with
5 Sergeant Edwards about that, but you didn't think that was
6 true; right?

7 **A.** Correct.

8 **Q.** But it's a pretty good response being caught coming right
9 out of the office; right?

10 **A.** Yes, sir.

11 **Q.** Now, Jenkins didn't tell you or the squad everything he
12 was doing.

13 **A.** No, sir.

14 **Q.** And he would lie to other officers about what he was
15 doing; right?

16 **A.** I don't know if I can answer that. I'm not sure.

17 **Q.** Okay. He told people what he thought they needed to know.
18 He would talk to you and tell you things that he thought you
19 needed to know; right?

20 **A.** Yes.

21 **Q.** Now, on Tuesday the Government had presented to you a
22 duffel bag, and you had identified that positively as the
23 duffel bag that you had seen in Jenkins' van. Do you remember
24 that?

25 **A.** Yes, sir.

~~WARD - CROSS~~

1 Q. Okay. Now, were there one or two bags in his van?

2 A. It was two.

3 Q. There were two.

4 And the two bags that you saw, were those -- were those
5 specifically those bags?

6 A. Yes, sir.

7 Q. Okay. Now, when he needed to access one of those bags to
8 get into, I think you said it might have been
9 Detective Taylor's car, did he open up both bags or just the
10 one that had the pry bar?

11 A. Both of 'em.

12 Q. He opened up both?

13 A. Yes.

14 Q. Okay. And you were able to see all of the contents
15 contained within it?

16 A. Most of it, yes.

17 Q. Okay. Did you -- did it have a police vest in the bag?

18 A. At the time, no.

19 Q. Well, do you know why there was a police vest, then, in
20 the bag on Tuesday?

21 A. That must have been in there, I guess, when they were
22 seized.

23 Q. So when you saw it and you said, Yeah, this is the stuff
24 that I saw, that vest wasn't in there?

25 A. The day -- no.

~~WARD - CROSS~~

1 Q. No. Okay. Now, Paul Jones, we talked a little bit about
2 him today. Remember that case?

3 A. Yes, sir.

4 Q. Okay. Now, you never discussed with the federal agent or
5 the prosecutors anything about that case until November 8th;
6 right?

7 A. If that's the date on the paper. I'm not good with --

8 Q. You had met with agents for about six months, and you
9 never brought this case up, did you?

10 A. No.

11 Q. They brought it to you?

12 A. Yes, sir.

13 Q. And they started asking you about it?

14 A. Yes, sir.

15 Q. And then you remembered it, and you started talking to
16 them about it; right?

17 A. Yes, sir.

18 Q. Okay. So take me back.

19 Was any money taken from Mr. Jones?

20 A. To my knowledge, no.

21 Q. No. And you would know because you submitted money in
22 that case; right?

23 A. I don't think I submitted the money that day.

24 Q. You remember recovering money from the house?

25 A. I probably recovered money, but doesn't mean I'm the one

~~WARD - CROSS~~

1 that submitted it.

2 **Q.** Well, surely in your preparations, you guys -- you and the
3 agents talked about the Jones situation, didn't you?

4 **A.** Yes.

5 **Q.** Right?

6 And they showed you some paperwork about the case?

7 **A.** Incident report, yes.

8 **Q.** Incident report. All right.

9 And did you see like the search-and-seizure warrant and
10 the return?

11 **A.** No. I just saw the incident report.

12 **Q.** Ah, okay. So they didn't really prep you for this, did
13 they?

14 **MR. WISE:** Objection, Your Honor.

15 **THE COURT:** Sustained.

16 **BY MR. NIETO:**

17 **Q.** So you -- you remember recovering and submitting \$233
18 taken from the master bedroom of that search-warranted house?

19 **A.** I don't remember submitting it. I remember recovering it.

20 **Q.** Oh, so you did recover money from the house now. You
21 remember that?

22 **A.** Yes.

23 **THE COURT:** That's what he said before.

24 **MR. NIETO:** Right.

25 **BY MR. NIETO:**

~~WARD - CROSS~~

1 Q. But you don't remember the amount?

2 A. No, I don't.

3 Q. You didn't take any money from him?

4 A. No, I didn't.

5 Q. Okay. Now, you had said that you had determined that the
6 trash was pulled from a -- the wrong area?

7 A. The wrong house, yes.

8 Q. How did you figure that out?

9 A. We did, I guess, pre -- pre -- pre-raid. We went through
10 the area before we obtained the warrant and all that.

11 Q. Well, you're the one who pulled the trash; right?

12 A. Me and Taylor.

13 Q. Right. Who got the trash can?

14 A. I don't know exactly who -- who pulled the trash.

15 Q. Okay. Where was the trash pulled from?

16 A. The house number, you're asking me?

17 Q. Yeah.

18 A. I don't know what house number it was pulled from, but it
19 wasn't Mr. Jones' house.

20 Q. How do you know it wasn't his house?

21 A. Because when we went through there later on in the
22 daytime, we found his house.

23 Q. I'm a little confused.

24 Did you know his house before the trash run was done? Did
25 you know the address?

~~WARD - CROSS~~

1 A. Yes, we did.

2 Q. Okay. And it's got an alley in the back; right?

3 A. Yes, sir.

4 Q. And the houses are up on a little bit of a hill; correct?

5 A. Yes.

6 Q. I know you remember this, don't you?

7 A. Yes.

8 Q. Okay. So there's fenced-in backyards; correct?

9 A. Yes, sir.

10 Q. And they're numbered and labeled.

11 A. Not all of 'em.

12 Q. Not all of 'em.

13 So where did you find this trash can that you thought
14 belonged to that house?

15 A. In the -- it was at the wrong house. It wasn't Mr. Jones'
16 address.

17 Q. On the same block? In the same city? In the same state?
18 Where did you find it, sir?

19 A. In the same block, sir.

20 Q. On the same block. In that alley?

21 A. Yes.

22 Q. Now, you had said you saw Mr. Jones or, as you called him,
23 Pedro -- right? Where did you get that name from?

24 A. I knew it. Somebody told me that information.

25 Q. Okay. A confidential informant?

~~WARD - CROSS~~

1 **A.** You could say that, yes, a source.

2 **Q.** A source. Okay.

3 So they had provided you information about this individual
4 selling drugs on that block, and that's why you went there;
5 right?

6 **A.** No, they didn't -- they didn't provide me information with
7 it. I witnessed with my own eyes.

8 **Q.** So what were you doing there?

9 **A.** I was meetin' somebody.

10 **Q.** Who?

11 **A.** A friend.

12 **Q.** Who?

13 **A.** A friend who used to work for the police department.

14 **Q.** Who?

15 **A.** A Detective Young.

16 **Q.** Okay. So while you were there meeting Detective Young,
17 what were you doing meeting Detective Young there?

18 **A.** He was a friend, so I was just meeting there to talk to
19 him.

20 **Q.** Just a social visit?

21 **A.** Social visit, yes.

22 **Q.** Did he live there?

23 **A.** No. His father lived there in the block.

24 **Q.** On the block. Okay.

25 And so you had seen -- let me put it this way, all right:

~~WARD - CROSS~~

1 So did the confidential source explain to you that Pedro is not
2 a small-time dealer?

3 **A.** Yes.

4 **Q.** Okay. And that he only deals with exclusive clientele in
5 which they call and order up what they want to be purchased by
6 phone and meet at a location, usually on Collins Ave.?

7 **A.** Yes.

8 **Q.** Okay. And that's true?

9 **A.** Yes.

10 **Q.** And you were able to use the database to positively
11 identify him as Mr. Jones.

12 Do you remember doing that?

13 **A.** Yes, sir.

14 **Q.** Okay. Now, armed with this information, you set up to
15 monitor that area; is that true?

16 **A.** Yes, sir.

17 **Q.** Okay. And that's why you were there on this social
18 occasion with this other detective, and you were able to see
19 him make hand-to-hand transactions; right?

20 **A.** No. I think you're going at it backwards. The whole
21 thing --

22 **Q.** Okay. Take me through it, then.

23 **A.** The whole thing started because I went to go visit this
24 other detective. That's when I observed hand-to-hand
25 transactions by Mr. Jones. That led me to go into the

~~WARD - CROSS~~

1 investigation.

2 Q. So you did see the hand-to-hands then?

3 A. Yes.

4 Q. But you didn't put that in the search warrant?

5 A. I'm not sure. I don't have the search warrant in front of
6 me.

7 Q. Do you remember putting it in the search warrant?

8 A. I can't recall.

9 Q. It would be an important piece of information to put in
10 there, don't you think?

11 A. Yes.

12 Q. Right. In your experience, it would help establish he's a
13 drug dealer; right?

14 A. Yes, sir.

15 Q. That's something that the Court would want to know if
16 they're going to authorize you to enter his house; right?

17 A. Yes, sir.

18 Q. Okay. Have you had a chance to look at the search warrant
19 at all?

20 A. No, sir.

21 Q. Okay. Did you see it before it was submitted?

22 A. No, sir.

23 Q. Okay. Okay. So after you saw Jones selling drugs, that's
24 when you started up this investigation. And you were able to
25 identify his address as -- well, you might remember the

~~WARD - CROSS~~

1 address. Do you remember the address?

2 **A.** I believe it was 32 Upmanor.

3 **Q.** Precisely right. Do you remember that from your own
4 recollection or because they told you?

5 **A.** My own recollection.

6 **Q.** Okay. So you remember that address. But you don't
7 remember where you got the trash, do you?

8 **A.** No.

9 **Q.** Okay. So you had been to that house?

10 **A.** To pull the trash?

11 **Q.** No, no, no. As part of your investigation; right? I
12 mean, you were there. Did you -- did you go to that house to
13 surveil it?

14 **A.** Yes.

15 **Q.** Okay. And it's sort of at the corner of the block, right?

16 **A.** Yes.

17 **Q.** So it's actually sort of like this -- it kind of looks
18 like a Franken-house. It's kind of split in half. One is one
19 color, and the other one is a different color.

20 Do you know what I'm talking about?

21 **A.** I don't remember the color of the house.

22 **Q.** You don't remember the color of the house?

23 **A.** No.

24 **Q.** But in the back in the alley, that is where the trash
25 would be recovered; correct?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. Now, was it out for pickup, or did you pull it out of the
3 backyard?

4 A. Took it out of the backyard.

5 Q. Was it up against the fence, or did you have to enter into
6 the property to get it?

7 A. You have to reach over into the property to get it.

8 Q. But you were able just to reach over and pull it out?

9 A. Yes.

10 Q. Okay. But you're convinced it's the wrong house?

11 A. Yes.

12 Q. But you can't remember the address from where you pulled
13 it, can you?

14 A. No, sir.

15 Q. All right. Now, when you searched the house, do you
16 remember what you guys recovered?

17 A. Not exactly. I know it was some handguns, drugs.

18 Q. Right. And do you remember Mr. Jones making any
19 statements?

20 A. No, I don't remember.

21 Q. Well, do you remember talking about this incident with the
22 agents and remembering these things or no?

23 A. Say it one more time.

24 Q. That's fine. That's fine.

25 Okay. So you had told the agents on November 8th, 2017,

~~WARD~~ ~~CROSS~~

1 that you didn't take any money during the incident?

2 **A.** Yes.

3 **Q.** And you don't remember money being seized?

4 **A.** Yes, sir.

5 **Q.** Right. But you very well could have seized money, but you
6 just don't recall?

7 **A.** Yes, sir.

8 **Q.** All right. But you remember that Mr. Jones complained
9 that he didn't have a chance to fire the guns that had been
10 seized that day?

11 **A.** I remember that now, I recall.

12 **Q.** You remember that; right?

13 **A.** Yes.

14 **Q.** Do you remember him complaining about any money having
15 been taken?

16 **A.** No.

17 **Q.** No.

18 **MR. NIETO:** Court's indulgence.

19 **BY MR. NIETO:**

20 **Q.** Okay. Do you know Ivan Potts?

21 **A.** Ivan Potts, yes, I'm familiar with it, yes.

22 **Q.** How are you familiar with Mr. Potts?

23 **A.** It was an arrest we made.

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

25 **A.** An arrest.

~~WARD - CROSS~~

1 Q. Right. He's suing you; right?

2 A. Yes, sir.

3 Q. Okay. So he's suing you for \$1.5 million for an illegal
4 arrest; correct?

5 A. I'm not sure of the amount.

6 Q. Okay. And you have an attorney, and you've spoke to him
7 about that?

8 A. Not yet, no.

9 Q. Okay. And so are you aware of the allegations placed
10 against you?

11 A. Yes.

12 Q. Okay. So did you use excessive force with Mr. Potts?

13 A. No, sir.

14 Q. Did you hit him with a baton in any way?

15 A. No, sir.

16 Q. Did anyone plant a gun on him?

17 A. No, sir.

18 Q. Now, it was you, Hendrix, and Jenkins; right?

19 A. Yes, sir.

20 Q. Okay. So in that particular instance, nothing was done
21 wrong?

22 A. Correct.

23 Q. Okay. So Mr. Potts is just trying to, what, take
24 advantage of the situation?

25 **MR. WISE:** Objection, Your Honor.

~~WARD~~ ~~CROSS~~

1 **THE COURT:** Sustained.

2 **BY MR. NIETO:**

3 **Q.** Have you been sued by other individuals based on your
4 involvement in the Gun Trace Task Force?

5 **A.** To my knowledge, no.

6 **Q.** Have other people been coming, trying to get out from
7 underneath convictions because you were involved in the
8 arrests, if you know?

9 **A.** That I know of, no.

10 **Q.** Okay. So you became a police officer in 2003?

11 **A.** Yes, sir.

12 **Q.** So for the past 13 or 14 years, how many years would you
13 say that you were a professional liar?

14 **MR. WISE:** Your Honor, I'm just going to -- I'm going
15 to object to the "professional liar."

16 **THE COURT:** Sustained.

17 **MR. NIETO:** I'm sorry. That was poor.

18 **BY MR. NIETO:**

19 **Q.** Okay. So, sir, you spent one year in the
20 District Stabilization Unit; right?

21 **A.** Yes, sir.

22 **Q.** And then three or four years with the Western District
23 patrol, sort of on the streets; right?

24 **A.** Yes, sir.

25 **Q.** And you weren't stealing or lying or submitting false

~~WARD~~ ~~CROSS~~

1 affidavits or perjuring yourself or doing anything during that
2 time right?

3 **A.** No, sir.

4 **Q.** So sort of happened after you got into VCID and SES?

5 **A.** You can say that, yes.

6 **Q.** Right. So for the better part of a decade,
7 professionally, you've been lying; right?

8 **A.** Yes, sir.

9 **Q.** Yes or no, sir?

10 **A.** Yes, sir, I have.

11 **Q.** So you've lied on affidavits; correct?

12 **A.** I don't think so.

13 **Q.** Never lied on an affidavit?

14 **A.** I don't think I lied on a search warrant, no.

15 **Q.** But you lied on statements of probable cause --

16 **A.** Yes, sir.

17 **Q.** -- right?

18 You lied to prosecutors?

19 **A.** Yes, sir.

20 **Q.** Right. You killed off an aunt, apparently, to get out of
21 going to court; that was a lie?

22 **MR. WISE:** Objection, Your Honor.

23 **THE COURT:** Sustained.

24 **BY MR. NIETO:**

25 **Q.** You lied to Assistant State's Attorney Kropp about a death

~~WARD~~ ~~CROSS~~

1 in your family to avoid going to work --

2 **A.** Yes, sir.

3 **Q.** -- right?

4 And you lied to them about what happened in these
5 instances; correct?

6 **A.** Yes, sir.

7 **Q.** And you lied to the citizens who you arrested about what
8 was going on?

9 **A.** Yes, sir.

10 **Q.** And you lied to your family; right?

11 **A.** Yes, sir.

12 **Q.** And you've sort of tacitly lied to the police department
13 by not informing them about what Jenkins was doing?

14 **A.** Yes, sir.

15 **Q.** Okay.

16 **MR. NIETO:** Nothing further, Your Honor.

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

18 Mr. Purpura?

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

20 CROSS-EXAMINATION

21 **BY MR. PURPURA:**

22 **Q.** Mr. Ward, good afternoon, sir.

23 **A.** Good afternoon, sir.

24 **Q.** Mr. Ward, what seems like a long time ago Mr. Wise was
25 asking you questions this morning, and he started with

~~WARD - CROSS~~

1 Paul Jones.

2 Do you remember that?

3 **A.** Yes, sir.

4 **Q.** And that was -- who was the affiant on that warrant?

5 **A.** Detective Taylor.

6 **Q.** And you -- and according to your testimony, you and
7 both -- Detective Taylor came to the realization that this was
8 the wrong trash pull; it was not related to that house; is that
9 correct?

10 **A.** Yes, sir.

11 **Q.** And so the proper procedure would have been to go back and
12 rewrite a warrant and see if there's sufficient probable cause
13 and present it to a judge; is that correct?

14 **A.** Yes, sir.

15 **Q.** But that's not what happened; is that correct?

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

17 **Q.** But according to you, you both knew that there was
18 information which was probably not accurate in that warrant at
19 that time; is that correct, sir?

20 **A.** Yes, sir.

21 **Q.** But you didn't steal any money; you didn't take any money;
22 and that was not your intent when you went in that house; is
23 that correct, sir?

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

25 **Q.** Your intent to go in that house was to take guns and drugs

~~WARD - CROSS~~

1 off the streets; is that correct, sir?

2 **A.** Yes, sir.

3 **Q.** And that's what you did on that particular day; is that
4 correct?

5 **A.** Yes, sir.

6 **Q.** Mr. Wise also asked you this morning about the -- were you
7 forewarned about the coverup? Do you remember those questions?

8 **A.** Yes.

9 **Q.** And you received information from Detective or
10 Sergeant Jenkins; is that correct?

11 **A.** Yes, sir.

12 **Q.** And present with you, I think, was two other police
13 officers, but not Mr. Hersl (indicating); is that correct, sir?

14 **A.** That is correct.

15 **Q.** And there was a second time you received information about
16 there was a possible federal investigation. You received other
17 information about that; is that correct, sir?

18 **A.** Yes, sir.

19 **Q.** And when you received that information, Mr. Hersl wasn't
20 with you at that time either, was he, sir?

21 **A.** No, sir.

22 **Q.** There were some questions on Tuesday when Mr. Wise had
23 that duffel bag out here. Do you remember that duffel bag
24 being out here?

25 **A.** Yes, sir.

~~WARD - CROSS~~

1 Q. He had the -- looked like hockey masks which were black
2 and crowbars and all sorts of things in that duffel bag; right?

3 A. Yes, sir.

4 Q. And it appeared to you that it really wasn't police-type
5 instruments in that duffel bag; right, sir?

6 A. Yes, sir.

7 Q. As a matter of fact, it appeared to you like it would be
8 instruments used more like for home invasions rather than
9 police work; is that correct, sir?

10 A. Yes, sir.

11 Q. Who was present with you when detective -- strike that,
12 Sergeant Jenkins showed you that duffel bag?

13 A. It was myself, Hendrix, and Taylor.

14 Q. Not Mr. Hersl (indicating); is that correct, sir?

15 A. No, sir, he wasn't there.

16 Q. You were asked some questions about -- just a couple
17 minutes ago about a Westminster search. You were not part of
18 the Westminster search, were you, sir?

19 A. No, sir.

20 Q. As a matter of fact, your team was split up for that
21 particular investigation; is that correct, sir?

22 A. Yes, sir.

23 Q. Detectives Rayam, Gondo, Hersl, and Sergeant Jenkins went
24 out to Carroll County in Westminster; is that correct, sir?

25 A. Yes, sir.

~~WARD - CROSS~~

1 Q. And you, along with Hendrix and others, including
2 Detective John Clewell, went and executed a search warrant here
3 in Baltimore City which was related; is that correct, sir?

4 A. Yes, sir.

5 Q. And that was all part of a larger investigation involving
6 this somewhat major drug trafficker, Ronald Hamilton; is that
7 correct, sir?

8 A. Yes, sir.

9 Q. And this wasn't just a spur-of-the-moment investigation,
10 was it?

11 A. It wasn't my investigation. I wasn't fully involved in it
12 so I don't know.

13 Q. Fair enough. Your involvement was just the
14 search warrants on the -- July 8th, is that correct, sir, of
15 2016?

16 A. If that's the date, yes.

17 Q. Thank you.

18 You started in the Western District; is that correct?

19 A. Yes, sir.

20 Q. I'm now going to show you what has been marked as
21 Defense Exhibit No. 1.

22 Let me get it on the screen a little bit.

23 And thanks to Google, we've pinpointed where the
24 Western District is in Baltimore City; is that correct, sir?

25 A. Yes, sir.

~~WARD - CROSS~~

1 **THE COURT:** Just to -- it's not on my monitor. Is it
2 on everybody else's?

3 **MR. PURPURA:** This monitor is not working either.

4 **BY MR. PURPURA:**

5 **Q.** Anyway, so this is Western District; is that correct, sir?

6 **A.** Yes, sir.

7 **Q.** And you were working at Western District for approximately
8 five years, according to your testimony; is that right?

9 **A.** Yes, sir.

10 **Q.** And all around the Western District, all around the
11 Western District, from the Lexington Terrace area to
12 Pennsylvania Avenue to North Avenue, that's all what's
13 considered to be high-crime area; isn't that correct, sir?

14 **A.** Yes, sir.

15 **Q.** As a matter of fact, it's -- I think maybe before your
16 time, but was it at a time that Western District was referred
17 to as Fort Apache?

18 **A.** I'm not sure about that.

19 **Q.** And, anyway, so there's a huge amount of crime in
20 Baltimore City, a large amount, right surrounding your police
21 station in Western District; is that correct, sir?

22 **A.** Yes, sir.

23 **Q.** It's a very busy district; is that correct, sir?

24 **A.** Yes, sir.

25 **Q.** And there's another district literally on the east side --

~~WARD - CROSS~~

1 that's the west side -- and that's Eastern District, and you
2 also worked there. This is Defense Exhibit No. 2.

3 Is that correct, sir?

4 **A.** Yes, sir.

5 **Q.** And the Eastern District is also another busy narcotics,
6 guns, and murder district; is that correct, sir?

7 **A.** That's correct, yes.

8 **Q.** And that's also where you were part of working; is that
9 correct, sir?

10 **A.** Yes, sir.

11 **Q.** And during that time, you did a job and you did your job
12 well; is that fair to say, sir?

13 **A.** Yes, sir.

14 **Q.** And because you were doing your job so well, there came a
15 time in 2015 when Sergeant Wayne Jenkins --
16 Government Exhibit FBI-3 -- that man there, as your sergeant,
17 he contacted you; is that correct, sir?

18 **A.** Yes, sir.

19 **Q.** And you didn't really know him that well before the spring
20 of 2015, did you?

21 **A.** No.

22 **Q.** And he said he was looking for some hard workers; correct?

23 **A.** Yes, sir.

24 **Q.** And you were a hard worker; right?

25 **A.** Yes, sir.

~~WARD - CROSS~~

1 Q. You came from those busy districts, and you did your job;
2 correct?

3 A. Yes, sir.

4 Q. And the time period when Jenkins came to you and asked you
5 to come in as a hard worker, that was the spring of 2015;
6 correct?

7 A. Yes, sir.

8 Q. And we know what happened here in Baltimore City in the
9 spring of 2015. That was the death of Freddie Gray; right?

10 A. I believe so, sir, yes.

11 Q. And there were riots after that; right?

12 A. There was riots, yes.

13 Q. And you're familiar what happened to the Western District
14 and the Eastern District about the murder rate in 2015; is that
15 correct, sir?

16 A. Yes.

17 Q. Blew up; right?

18 A. Yes, sir.

19 Q. The largest ever in Baltimore City's history; is that
20 correct, sir?

21 A. I'm not sure of the numbers, but it was an increase.

22 Q. And you were, as a police officer, you were aware. And it
23 was pressure on you and your fellow officers to do something;
24 correct?

25 A. Yes, sir.

~~WARD - CROSS~~

1 Q. But what really happened during that time? Is it fair to
2 say that a lot of officers on the west side, on the east side
3 after the Freddie Gray incident said, "I don't want to get
4 involved"? Is that fair to say?

5 A. Yes, sir.

6 Q. So there were a lot fewer arrests by a lot of officers out
7 there, isn't that correct, sir, during that time period?

8 A. Yes, sir.

9 Q. And the mandate of your SES, Special Enforcement Section,
10 back in 2015, 2016 -- 2015 and the GTTF starting in 2016 was to
11 get the guns off the street; right?

12 A. Yes, sir.

13 Q. And that wasn't just in the Western District or the
14 Eastern District or South Baltimore or North Baltimore. You
15 had citywide jurisdiction; correct?

16 A. Yes, sir.

17 Q. And there was a lot of pressure on you and your fellow
18 officers to do exactly what you were mandated to do; is that
19 correct, sir?

20 A. I wouldn't say -- I didn't really feel the pressure,
21 so . . .

22 Q. You didn't feel the pressure?

23 A. No.

24 Q. But you were out there doing like what you said, 20 to 25
25 or more attempted stops every night, day in and day out when

~~WARD - CROSS~~

1 you were working; is that correct, sir?

2 **A.** Yes.

3 **Q.** And you were ripping and roaring; right?

4 **A.** Yes, sir.

5 **Q.** And that's what Jenkins liked to do. He never got tired;
6 right?

7 **A.** Absolutely.

8 **Q.** This man here never got tired; right?

9 **A.** Right.

10 **Q.** And he kept ripping and roaring, and you and the other
11 GTTF members tried to keep up with him doing the same thing on
12 the east side and the west side of Baltimore City; isn't that
13 correct, sir?

14 **A.** Yes, sir.

15 **Q.** As to the overtime, now, that concept of overtime to you,
16 that didn't commence when you came onto the GTTF, did it, sir?

17 **A.** I'm not understanding. What's the question?

18 **Q.** Getting overtime for guns, excuse me, getting bonus
19 overtime, getting overtime for good work, that was something
20 you knew about before you came to GTTF; is that correct, sir?

21 **A.** It had happened before, yes.

22 **Q.** As a matter of fact, that's one of the things that the
23 Government questioned you about; right?

24 **A.** Yes.

25 **Q.** And if I tell you, your first proffer was April 19th of

~~WARD - CROSS~~

1 2017. And your second proffer was about a week or two later,
2 April 28th of 2017. Does that sound about right to you, sir?

3 **A.** Yes, sir.

4 **Q.** And when I say "proffer," that's when you sat down with
5 Government counsel (indicating), right, Mr. Wise,
6 Mr. Hendrix [sic]; correct?

7 **A.** Yes, sir.

8 **Q.** You also sat down with FBI Agent Jensen at the front desk;
9 is that correct?

10 **A.** Yes, sir.

11 **Q.** And others may have been present as well, including your
12 attorney (indicating); is that correct?

13 **A.** Yes, sir.

14 **Q.** And these proffers, Detective-- excuse me, Agent Jensen
15 was taking notes; right?

16 **A.** Yes, sir.

17 **Q.** And you spoke sometimes for an hour or two hours or maybe
18 even three hours during these sessions; is that correct, sir?

19 **A.** That's correct.

20 **Q.** And in particular on April 28th, 2017, Mr. Wise and others
21 directed your attention to overtime and what's going on about
22 overtime which may not be proper overtime.

23 Do you remember that?

24 **A.** Yes.

25 **Q.** And you told them that the first time you heard about the

~~WARD - CROSS~~

1 concept of getting overtime for guns or overtime for good work
2 was from a Hans Nicolas; is that right?

3 **A.** Yes, sir.

4 **Q.** He was a sergeant with the SES at that time; is that
5 correct, sir?

6 **A.** Yes, sir.

7 **Q.** And there were complaints that this particular sergeant
8 wasn't giving overtime for guns and drugs; right?

9 **A.** Yes, sir.

10 **Q.** And then you learned -- and this is before Jenkins; right?

11 **A.** Yes, sir.

12 **Q.** And then you learned, I believe you indicated to this
13 group of Government officials here (indicating), that there was
14 a Lieutenant Dombroski, D-E-M-B-R-O-K-S [sic]; right?

15 **A.** Yes, sir.

16 **Q.** And that he gave eight hours of overtime or slash days for
17 a gun; right?

18 **A.** Yes, sir.

19 **Q.** And that was an accepted procedure; correct?

20 **A.** Yes, sir.

21 **Q.** Even though you actually didn't work it; right?

22 **A.** Yes, sir.

23 **Q.** But because during this time period when the murder rate
24 was blowing up and there was havoc, you had a gun or two guns,
25 you get a reward and that's a slash day; correct?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. And it was also during this period there was a limit or
3 there was a budget issue for overtime.

4 Do you remember that?

5 A. Yes, I do.

6 Q. That overtime was limited; correct?

7 A. Yes.

8 Q. But it was not limited to your group; is that correct,
9 sir?

10 A. Yes, sir.

11 Q. And that's because your group was out there proactively
12 doing what they should have been doing at that point, getting
13 guns off the street during a time of crisis; is that correct,
14 sir?

15 A. Yes, sir.

16 Q. And we heard already that you got rewarded for it, that
17 Deputy Commission Palmere gave your group and the others
18 working with you getting these guns off the street an award;
19 right?

20 A. Yes, sir.

21 Q. And Jenkins basically says, "Gentlemen, your work speaks
22 for itself." That was your defense; right?

23 A. Yes, sir.

24 Q. Now, on Tuesday the Government showed you some overtime
25 slips.

~~WARD~~ ~~CROSS~~

1 Do you remember that?

2 **A.** Yes, sir.

3 **Q.** And they were your overtime slips; right?

4 **A.** Yes.

5 **Q.** Government Exhibit PP -- it's 2E, 2E, putting back on the
6 screen, this was one of the overtime slips that Mr. Wise went
7 over with you; is that correct, sir?

8 **A.** Yes, sir.

9 **Q.** And when you were on the witness stand, that wasn't the
10 first time you saw that slip because in one of those proffer
11 sessions and/or one of the prep sessions, Mr. Wise showed you
12 that slip and said he was going to be asking you questions
13 about that; is that correct?

14 **A.** I'm not sure. I don't . . .

15 **Q.** Well, did -- you indicated that you filed some overtime
16 slips for Mr. Hersl; is that correct?

17 **A.** Yes.

18 **Q.** Did Mr. Wise ever show you those slips?

19 **A.** No.

20 **Q.** So all this -- how many slips did they show you?

21 **A.** I'm not sure.

22 **Q.** But out of all the slips they showed you, they never
23 showed you one slip that you could identify that you actually
24 filed for Mr. Hersl (indicating); is that correct?

25 **A.** Yes.

1 (Counsel conferred.)

2 **BY MR. PURPURA:**

3 **Q.** Now, also, do you remember hearing a phone conversation
4 that was played -- Mr. Wise played between yourself and
5 Mr. Gondo?

6 **A.** Yes.

7 **Q.** And you were asked some questions about that.

8 Do you remember that?

9 **A.** Yes, sir.

10 **Q.** Well, I'm going to put on the screen, if I may, which
11 would be FBI-9, which is the transcript, and I'm going to turn
12 to Page 2 of that.

13 Now, I don't believe Mr. Wise directed your attention to
14 this section of the conversation. But you're saying
15 [reading]: And depend on how he feel, we roll out regular time
16 or but he'll try to make you see, see if you want to make
17 overtime every day, yo. That's how he is, yo. And then we
18 just got the green light, seen O'Ree last night, said the
19 overtime budget has opened back up. Work as much as you want.

20 Right?

21 **A.** Yes, sir.

22 **Q.** Now, who is O'Ree?

23 **A.** He was our lieutenant for a time.

24 **Q.** And O'Ree indicated that your budget now on overtime was
25 wide open again; is that correct?

~~WARD~~ ~~CROSS~~

1 A. Yes, sir.

2 Q. And this was June 14th of 2016; is that correct, sir?

3 A. Yes, sir.

4 Q. And that's when you were at the GTTF; is that correct,
5 sir?

6 A. I believe so, yes, sir.

7 Q. And that's when you were receiving overtime for guns
8 and/or slash days for guns; is that correct, sir?

9 A. Say the question one more time.

10 Q. At this point in June 2016, when the overtime was opened
11 back up by Lieutenant O'Ree, you all were receiving slash days
12 or four hours per gun; is that correct, sir?

13 A. We were receiving slash days and extra overtime; but it
14 wasn't a number like if we got one gun, it was four hours.

15 Q. Right. It just depended; fair enough?

16 A. Yes.

17 Q. The Shawn Whiting incident, I believe that's January of
18 2014; is that about right?

19 A. Yes.

20 Q. Did you write the search warrant for that?

21 A. Yes, I did.

22 Q. So you're what's called the affiant on that incident; is
23 that correct, sir?

24 A. Yes, sir.

25 Q. And was it your intent when you wrote that search warrant

~~WARD - CROSS~~

1 to be honest and truthful to either the District Court judge or
2 a Circuit Court judge who that warrant was presented to?

3 **A.** Yes, sir.

4 **Q.** And it was your intent -- when you wrote that
5 search warrant, was it your intent to do a proper and lawful
6 search of the premises of Mr. Whiting?

7 **A.** What do you mean by a "proper" and --

8 **Q.** Was it your intent to steal, or was it your intent to get
9 drugs and guns off the street?

10 **A.** 50/50, I would say.

11 **Q.** So at that point, when you wrote that, when you wrote that
12 with Shawn Whiting, it was in your mind that I'm going to go
13 into this house; correct?

14 **A.** Uh-huh.

15 **Q.** And I'm going to get guns, get drugs; and if he's got
16 money, I'm going to steal at that point. Correct?

17 **A.** Yes, sir.

18 **Q.** So you had a criminal intent at the very beginning of that
19 incident; is that correct, sir?

20 **A.** Yes, sir.

21 **Q.** And that criminal intent was shared with some police
22 officers' intent as well that you were going to try to do the
23 right thing; right?

24 **A.** Yes, sir.

25 **Q.** But you clearly were a criminal on that incident; is that

~~WARD~~ ~~CROSS~~

1 correct, sir?

2 **A.** Yes, sir.

3 **Q.** And when you intended to take that money that you found,
4 you used force to get that money; isn't that correct, sir?

5 **A.** Yes, sir.

6 **Q.** And you know that's wrong; right?

7 **A.** Absolutely.

8 **Q.** But that was your intent from the beginning; correct?

9 **A.** Yes, sir.

10 **Q.** Because you wanted to take money; right?

11 **A.** Yes, sir.

12 **Q.** Belvedere Towers, Defense Hersl 3.

13 Does that look like the Belvedere Towers, sir, we're
14 talking about, spring 2015?

15 **A.** Yes, that's the Belvedere Towers, yes.

16 **Q.** And this is the incident where Jenkins makes this random
17 stop; is that correct?

18 **A.** Yes, sir.

19 **Q.** And he sees two black men, somewhat different
20 descriptions. And he sees two cars. And you end up at that
21 point -- or Jenkins ends up questioning both men; is that
22 correct?

23 **A.** Yes, sir.

24 **Q.** And you, with Jenkins in 2015, what you did, you cuffed
25 these people; right?

~~WARD - CROSS~~

1 A. Yes, sir.

2 Q. And you knew at that time that Jenkins was doing something
3 wrong; right?

4 A. Yes, sir.

5 Q. And you knew at that time that Jenkins has stolen money
6 from people before; correct?

7 A. I'm not sure about the money part. I know about drugs,
8 and I'm not sure about the money.

9 Q. Okay. Well, this was not part of an investigation;
10 correct?

11 A. No.

12 Q. You never saw these people before?

13 A. No, I didn't.

14 Q. You had no prior knowledge as to who they were?

15 A. No.

16 Q. You had no probable cause whatsoever?

17 A. Right.

18 Q. You had no warrant; right?

19 A. Right.

20 Q. You weren't even actually out there trying to make
21 arrests. You were going to try to meet Hendrix; correct?

22 A. Yes, sir.

23 Q. When Jenkins took that duffel bag out of the car and the
24 money, you knew he wasn't going to turn it in; right?

25 A. It was a slight -- I thought he might have turned it -- I

~~WARD - CROSS~~

1 didn't think he was going to take all of it. I thought he was
2 going to submit and keep a portion of it, not everything.

3 **Q.** You didn't arrest any of these men, did you?

4 **A.** No, sir.

5 **Q.** So no one gets arrested. You take the duffel bag, and you
6 take their money; correct?

7 **A.** Yes, sir.

8 **Q.** And you did it by force; right?

9 **A.** Yes.

10 **Q.** Because at that time you were aiding and abetting Jenkins
11 in obtaining these goods; right?

12 **A.** Yes, sir.

13 **Q.** And you did it by force?

14 **A.** Yes, sir.

15 **Q.** Never once did you have the lawful thought that I'm doing
16 police work here, did you?

17 **A.** No, sir.

18 **Q.** And it wasn't police work, was it?

19 **A.** No, it wasn't.

20 **Q.** You aided and abetted Jenkins in a robbery; correct?

21 **A.** Yes, sir.

22 **Q.** And this is the one that after you aid and abet
23 Sergeant Jenkins in a robbery, that you take the \$5,000 and you
24 leave it in his car, right, in the trunk of his car?

25 **A.** Yes, sir.

~~WARD~~ ~~CROSS~~

1 Q. Did Jenkins ever say, "Dude, thanks for the 5 grand"?

2 A. No.

3 Q. Just -- let me just segue real quick to the \$20,000
4 Stevenson, the -- did Jenkins ever -- strike that.

5 Just before -- after the \$5,000, did Jenkins ever approach
6 you and say, "I found 5,000 extra dollars in the trunk of my
7 car"?

8 A. No.

9 Q. Did Jenkins ever indicate at all that he found the extra
10 \$5,000 in the car?

11 A. No.

12 Q. He never approached you at all?

13 A. No.

14 Q. When you're down in the basement and you're divying up
15 Mr. Stevenson's money, does Jenkins say, "Do you really want
16 this 20,000?"

17 A. No.

18 Q. Did he say anything like that?

19 A. No.

20 Q. Did he ask you, "Why don't you just leave it in the trunk
21 of my car again like you did last time with the 5,000?"

22 A. No.

23 Q. Did you refuse to take the \$20,000?

24 A. No, I didn't.

25 Q. Now, when I asked you about proffers and meeting with

~~WARD - CROSS~~

1 Government counsel and the FBI agents and TFO Sieracki in the
2 back row there, if I said you met with them on April 19th,
3 April 28th, May 10th, June 14th, July 5th, July 19th, and
4 November 8th, would that sound about reasonable as to the
5 amount of meetings you had and proffer sessions with Government
6 counsel and the agents?

7 **A.** Yes, sir.

8 **Q.** In addition to that, you had at least two meetings with
9 Government counsel in preparation for your testimony; is that
10 correct, sir?

11 **A.** I'm not sure it was two meetings.

12 **Q.** How many?

13 **A.** It might have been -- it might have been two, one or two,
14 yes.

15 **Q.** And, of course, at that time, as good a counsel as
16 Mr. Wise is, of course, he reviewed with you the questions he
17 was going to ask you and the areas he was going to ask you on
18 the witness stand; is that fair to say, sir?

19 **A.** Yes, sir.

20 **Q.** So when he questioned you, it was not a surprise, the
21 questions; is that correct, sir?

22 **A.** It still was 'cause it was kind of rephrased a little
23 different, so . . .

24 **Q.** Just rephrased, turned them around a little bit?

25 **A.** Yes.

~~WARD - CROSS~~

1 Q. Now, you were asked on cross-examination if you were
2 charged with a 924(c) or, to put it another way, use of a
3 handgun in the commission of a crime of violence such as a
4 robbery.

5 Do you remember that?

6 A. Yes.

7 Q. Well you do -- your lawyer here -- not here at the
8 moment -- but you did receive a copy of the indictment; is that
9 correct?

10 A. Yes, sir.

11 MR. PURPURA: And this will be marked as Defense
12 Exhibit No. 5 for identification.

13 BY MR. PURPURA:

14 Q. And when you appeared before a Magistrate Judge -- not
15 Her Honor Judge Blake, but originally in front of a
16 Magistrate Judge, the judge asked you, "Did you receive a copy
17 of the indictment?"

18 And you said, "Yes"; correct?

19 A. Yes.

20 Q. And he asked you also, "Did you read that indictment or
21 review it with your attorney?"

22 And you said, "Yes"; isn't that correct, sir?

23 A. Yes.

24 Q. Okay. I'm going to show you what has been marked as
25 Defense Exhibit 4 for identification and ask you, sir, does

1 this appear to be the indictment in your particular case?

2 **A.** Yes.

3 **Q.** The original and only indictment against you in your case;
4 is that correct?

5 **A.** Yes, sir.

6 **Q.** Okay. And if you'll look here, you can see on the
7 right-hand side, it basically says what you're charged with.
8 And you've reviewed this before; is that correct, sir?

9 **A.** Yes, sir.

10 **Q.** And so you knew you were charged with a conspiracy to
11 violate the RICO statute, Title 18 U.S.C. 1962(d). And you had
12 a second count in a two-count indictment charging you with an
13 actual --

14 **MR. WISE:** Your Honor, we're just reading the
15 indictment now to the jury.

16 **THE COURT:** He's reading the two -- he's reading the
17 two charges. I don't think he's going to read the entire
18 indictment.

19 **MR. PURPURA:** That's it, just the two charges, the
20 only two charges in the indictment.

21 **BY MR. PURPURA:**

22 **Q.** And the second charge would be membership in the RICO
23 organization; is that correct, sir?

24 **A.** Yes, sir.

25 **Q.** So there is two charges, two counts; correct?

~~WARD~~ ~~CROSS~~

1 **A.** Yes, sir.

2 **Q.** There is not -- there is not a charge for a substantive
3 robbery; correct?

4 **A.** Yes, sir.

5 **Q.** There is not a charge for a 924(c) count, which is use of
6 a handgun in the commission of a robbery; correct?

7 **A.** Yes, sir.

8 **Q.** And you've discussed this with your attorney (indicating)
9 is that correct?

10 **A.** Yes, sir.

11 **Q.** Because your attorney told you, he told you how serious a
12 924(c) count is; isn't that correct, sir?

13 **MR. WISE:** Your Honor --

14 **THE COURT:** I think we're getting a little bit close
15 to the line on that one.

16 **MR. PURPURA:** A little close. A little close. Okay.

17 **THE COURT:** Attorney-client.

18 **BY MR. PURPURA:**

19 **Q.** You know -- you know that a 924(c) count -- or do you know
20 that that handgun count carried five additional years
21 consecutive to the underlying charge?

22 **A.** We might have spoke about it, yes.

23 **Q.** And you also knew that that count could apply to each and
24 every robbery you committed; right?

25 **A.** Yes.

~~WARD - CROSS~~

1 Q. So if you committed just three robberies and you used a
2 handgun in every one of those robberies, you could have
3 received five years consecutive for the first handgun
4 violation. And then you knew that it enhanced -- it increased
5 up to 25 years for the second handgun violation; isn't that
6 correct, sir?

7 A. Yes, sir.

8 Q. So for two robberies alone, you could receive 30 years on
9 a handgun violation alone; correct?

10 A. Yes, sir.

11 Q. But in this indictment that you pled to, you do not have
12 that handgun violation. And in your plea agreement, you do not
13 have that handgun violation; isn't that correct, sir?

14 A. Yes, sir.

15 Q. So that was a consideration which caused you to plead as
16 well, isn't that correct, to avoid that type of horrific
17 sentence?

18 A. Yes, I was -- yes.

19 **THE COURT:** Mr. Purpura, we're getting pretty close --
20 that clock's actually a little slow, but whenever you can break
21 in another minute or two.

22 **MR. PURPURA:** We can stop right now. And I won't have
23 much after lunch, because I'm going to eat lunch.

24 **THE COURT:** Okay. All right. Recognizing that that's
25 a little slow, ladies and gentlemen, we're going to take the

~~WARD - CROSS~~

1 lunch recess. I'll ask you to be back a little bit before
2 2 o'clock. We'll try to get started promptly at 2 o'clock.

3 Thank you all very much.

4 (Jury left the courtroom at 12:46 p.m.)

5 (Luncheon recess taken.)

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

7 All right. We'll get the jury.

8 (Jury entered the courtroom at 2:06 p.m.)

9 **THE COURT:** All right. I hope everyone had lunch.

10 And now you can be seated.

11 **THE CLERK:** Mr. Ward, you're still under oath.

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

13 **THE COURT:** Mr. Purpura.

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

15 **BY MR. PURPURA:**

16 **Q.** Mr. Ward, just a -- and I mean just a few more questions.

17 I'm going to direct your attention -- you testified on

18 Tuesday about an incident when this man, Government

19 Exhibit FBI-3, Jenkins, again, had a meeting with some of the

20 officers in your squad about BB guns and air pistols. Remember

21 testifying about that?

22 **A.** A meeting about BB guns and air pistols?

23 **Q.** Telling you to carry them or not to carry them; keep them

24 in the trunk in case you needed to plant something?

25 **A.** That wasn't a meeting. That was just something he told

~~WARD - CROSS~~

1 us.

2 Q. Well, who told you?

3 A. Jenkins.

4 Q. Jenkins told whom?

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

6 Q. Okay. And Detective Hersl (indicating) wasn't there, was
7 he, sir?

8 A. No, sir.

9 Q. Thank you.

10 Now, you know that cooperation -- and that's what you're
11 trying to get, some cooperation from testifying; is that
12 correct?

13 A. Yes, sir.

14 Q. First of all, you know you've done wrong; right?

15 A. Yes, sir.

16 Q. So you're admitting what you've done; correct?

17 A. Yes, sir.

18 Q. In addition to that, in addition to accepting
19 responsibility, you're also trying to seek some cooperation
20 credit; is that correct, sir?

21 A. Yes, sir.

22 Q. And the bottom line is because you don't want to have to
23 spend a day more in a federal prison than you have to; correct?

24 A. Yes, sir.

25 Q. And you know, by being a police officer for 13 years and

~~WARD - CROSS~~

1 now being a part of the federal system, that the more you have
2 to offer these guys (indicating), the Government in this
3 particular case, the more cooperation you can offer, the more
4 credit you get; is that fair to say?

5 **A.** I'm not sure.

6 **Q.** You're not sure?

7 **A.** I never been involved in nothing like this, so I can't say
8 that's how it goes.

9 **Q.** Well, let's just go -- when you're on the streets, did you
10 ever deal with a cooperator on the street?

11 **A.** Yes.

12 **Q.** And if they could give you a lot of information, that
13 cooperator would be more valuable; right?

14 **A.** That's true.

15 **Q.** Okay. Same thing with you, don't you think?

16 **A.** There's still a difference, though. It's the federal and
17 the state side, so it's still a big difference.

18 **Q.** And they sought your cooperation at least seven times when
19 they had proffer sessions with you; right?

20 **A.** Yes.

21 **Q.** And they asked you questions about -- just about everybody
22 in Baltimore City Police Department that you knew about;
23 correct?

24 **A.** Yes.

25 **Q.** And you were trying to be at least as forthcoming as you

~~WARD - CROSS~~

1 could be; is that fair to say?

2 **A.** Yes, sir.

3 **Q.** And you testified on Tuesday and you tried to be as
4 forthcoming as possible on Tuesday; is that correct, sir?

5 **A.** Yes, sir.

6 **Q.** And you know, speaking of the federal system, that in the
7 federal system, different than the state system, because in the
8 federal system, there just isn't any parole; is that right,
9 sir?

10 **A.** Yes, sir.

11 **Q.** Now, in your testimony on Tuesday and in your proffer
12 session -- your sessions, you never said that you gave
13 Daniel Hersl (indicating) any money which was stolen; is that
14 correct, sir?

15 **A.** Yes, sir.

16 **Q.** And you never saw Daniel Hersl steal or take money
17 unlawfully; isn't that correct, sir?

18 **A.** Yes, sir.

19 **Q.** You never saw Daniel Hersl steal or take drugs unlawfully;
20 is that correct, sir?

21 **A.** Yes, sir.

22 **Q.** And you never saw Daniel Hersl steal or take anything of
23 value, such as a watch or jewelry, unlawfully; is that correct,
24 sir?

25 **A.** Yes, sir.

~~WARD REDIRECT~~

1 **MR. PURPURA:** I have no further questions. Thank you,
2 sir.

3 **THE COURT:** All right. Any redirect, Mr. Wise?

4 **MR. WISE:** Yes, Your Honor. Thank you.

5 REDIRECT EXAMINATION

6 **BY MR. WISE:**

7 **Q.** Mr. Ward, both -- counsel for both defendants asked you
8 about your plea agreement. Do you remember being asked those
9 questions?

10 **A.** Yes, sir.

11 **Q.** And I believe they both asked you about the issue of
12 whether you were charged with having used or possessed a
13 firearm.

14 Do you remember being asked about that?

15 **A.** Yes, sir.

16 **Q.** Now, as part of your plea agreement, you admitted that you
17 used a firearm in the commission of robberies, the robberies
18 you admitted to; right?

19 **A.** Yes, sir.

20 **Q.** And as part of your plea agreement, you received a
21 five-level enhancement to your sentencing guidelines --

22 **MR. PURPURA:** Judge, objection. Objection. Can we
23 approach the bench?

24 **THE COURT:** Excuse me. Excuse me. Calm down.

25 **MR. PURPURA:** Thank you.

~~WARD REDIRECT~~

1 **THE COURT:** Yes, you can come up to the bench.

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

3 (Bench conference on the record:

4 **MR. PURPURA:** I believe Mr. Wise cited, I think, in
5 the last trial Cropp. The case law in this circuit is really
6 clear that counsel for the defense -- 'cause that's what the
7 case law is addressed to -- cannot get into the specifics now
8 as to what the guidelines are because they're just too
9 complicated, in essence, for the layperson to understand, and
10 we are precluded from doing that. And if defense can't do it,
11 certainly the Government can't do it.

12 And in this case it is extremely misleading because
13 the five-level bump doesn't equate to anything near to five
14 consecutive years for 924(c). And that would be ridiculously
15 complicated for even a lawyer to understand, let alone --
16 'cause I don't know what the Government does -- to -- let alone
17 the jury.

18 **THE COURT:** Mr. Wise.

19 **MR. WISE:** So Mr. Nieto specifically asked him what
20 his guideline range were. He asked him about his base offense
21 level. The only -- I'm not going to get into a calculation or
22 a counterfactual calculation. The only point I want to make is
23 they've both made the point that he wasn't -- he didn't admit
24 to 924(c).

25 **THE COURT:** Can you just do it without getting into

~~WARD~~ ~~REDIRECT~~

1 five levels. Can you just say "that increased your guideline
2 range" --

3 **MR. WISE:** Yes.

4 **THE COURT:** -- which I think is fair response.

5 **MR. WISE:** Thank you.

6 **MR. PURPURA:** Okay. If it's limited to that.)

7 (Bench conference concluded.)

8 **THE COURT:** Can you just rephrase that, Mr. Wise.

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

10 **BY MR. WISE:**

11 **Q.** Mr. Ward, as part of your plea agreement, you agreed to an
12 enhancement for a firearm that increased your guidelines; isn't
13 that right?

14 **A.** Yes, sir.

15 **Q.** Now, you were also asked some questions about overtime.

16 Do you recall being asked those questions?

17 **A.** Yes, sir.

18 **Q.** Did you know it was wrong to submit overtime slips for
19 time you didn't work?

20 **A.** Absolutely.

21 **Q.** And did it matter that Sergeant Jenkins told you you could
22 do it?

23 **A.** No.

24 **MR. WISE:** And if I could have Government PP-2E.

25 **BY MR. WISE:**

1 Q. This was the overtime slip I showed you and then I think
2 Mr. Purpura showed you.

3 MR. WISE: If you could move that up just a little
4 bit, Mr. Kerrigan.

5 BY MR. WISE:

6 Q. Could you -- can you read to the jury what it says above
7 the signatures.

8 A. [Reading]: I certify that the overtime has -- overtime
9 hours reported herein are authorized, were in fact worked, and
10 are correct.

11 Q. And that's on every one of these slips you ever signed or
12 signed for other members of the GTTF; right?

13 A. Yes.

14 Q. So is it -- sounds like a simple idea, but overtime is
15 supposed to be for time --

16 MR. PURPURA: Objection, Your Honor. Objection.
17 611(c). This is obviously a leading question. He's
18 testifying.

19 THE COURT: Would you -- he's assuming that you're
20 about to ask a leading question. I'm not sure if he is
21 correct.

22 If it is about to be a leading question, could you
23 rephrase it, please.

24 MR. PURPURA: Thank you.

25 MR. WISE: I wasn't, but I will anyway.

~~WARD~~ ~~REDIRECT~~

1 **BY MR. WISE:**

2 **Q.** What is overtime supposed to be for?

3 **A.** Overtime after your shift is worked, that's what overtime
4 is.

5 **Q.** Right. Work; right?

6 **A.** Yes.

7 **Q.** Did you understand that the whole time this was going on?

8 **A.** Yes, I did.

9 **Q.** Based on your interactions with these defendants, did
10 everybody on the GTTF understand that?

11 **A.** We all knew.

12 **Q.** And I think you testified to this, but did you get
13 overtime for arrests that you had nothing to do with?

14 **A.** Yes.

15 **Q.** Did you submit slips for Hersl that -- for arrests that he
16 had nothing to do with?

17 **A.** Yes.

18 **Q.** What about for Taylor?

19 **A.** Yes.

20 **Q.** So that's overtime for nothing; right?

21 **A.** Yes, sir.

22 **MR. PURPURA:** Objection.

23 **THE COURT:** Sustained.

24 **BY MR. WISE:**

25 **Q.** What was -- what was that overtime for?

~~WARD~~ ~~REDIRECT~~

1 **A.** For nothing, no work that we did.

2 **Q.** And how about what you testified to about not starting
3 shifts on time; was that systematic?

4 **A.** No.

5 **Q.** Well, did it happen all the time?

6 **A.** All the time, yes.

7 **Q.** And did you see Hersl start hours after the shift was
8 supposed to start?

9 **A.** Yes.

10 **Q.** Did you see Taylor start hours after the shift was
11 supposed to start?

12 **A.** Yes.

13 **Q.** And you testified on direct that Jenkins even used like a
14 code when he would text all you guys about when to come in;
15 right?

16 **A.** Yes.

17 **Q.** Remind the members of the jury what that code was.

18 **A.** Usually every day before we started work, he would send
19 out a group text. And it would always say something to the
20 fact that: Stop doing your surveillance, following your
21 target, and meet me at headquarters at 10 o'clock, 11:00,
22 12:00, whichever time we were coming into work.

23 **Q.** Was anybody on surveillance at that time?

24 **A.** No.

25 **Q.** Where were you?

~~WARD~~ ~~REDIRECT~~

1 A. Home.

2 Q. And when everybody got to BPD, where had they come from?

3 MR. NIETO: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. WISE:

6 Q. Did you ever talk about where you had just been -- where
7 you had just been when you all finally got to BPD?

8 A. Yes.

9 Q. And where was it?

10 A. No one was at work. Either home or out doing something.

11 Q. Now, you were asked some questions about policing in the
12 city after the death of Freddie Gray.

13 Do you remember being asked those questions?

14 A. Yes, sir.

15 Q. Now, when did you join the SES section, the SES unit with
16 Jenkins? I think you've testified to this, but remind us
17 approximately when.

18 A. Approximately, what, 2014, early 2015.

19 Q. And was that before or after the death of Freddie Gray?

20 A. I believe it was before Freddie Gray.

21 Q. And I think you testified or were asked questions that
22 Freddie -- and I know you don't remember the specific day, but
23 Freddie Gray's death was in the spring of 2015; right?

24 A. Yes.

25 Q. Now, the door pops that you testified about, stopping

~~WARD~~ ~~REDIRECT~~

1 people for no reason, did that start before or after the death
2 of Freddie Gray?

3 **A.** Before.

4 **Q.** And overtime for no work that you testified about, did
5 that start before or after the death of Freddie Gray?

6 **A.** Before.

7 **Q.** And did the door pops and stopping people for no reason,
8 did that continue when you joined the GTTF?

9 **A.** Yes.

10 **Q.** And that was a year after the death of Freddie Gray;
11 right?

12 **A.** Yes, sir.

13 **Q.** And the overtime for no work, did that continue when you
14 and Jenkins and Taylor and Hendrix joined the GTTF?

15 **A.** It continued, yes.

16 **Q.** After the death of Freddie Gray, did anyone in the
17 department tell you you could put in for overtime you didn't
18 work?

19 **A.** No.

20 **Q.** Did anyone tell you you could steal money from people
21 after the death of Freddie Gray?

22 **A.** No.

23 **Q.** Both Mr. Purpura and Mr. Nieto asked you about the fact
24 that you testified that you didn't keep the \$5,000 from the
25 Belvedere Towers robbery or the \$20,000 from the Stevenson

~~WARD~~ ~~REDIRECT~~

1 robbery. Do you remember being asked those questions?

2 **A.** Yes, sir.

3 **Q.** Just to be clear, you admitted to both those robberies in
4 your plea agreement; right?

5 **A.** Yes, sir.

6 **Q.** And you didn't get any credit for the fact that you didn't
7 keep the money; right?

8 **A.** Correct.

9 **Q.** Now, Mr. Purpura asked you a series of questions about
10 your intent. I think they started with he asked you about your
11 intent in the Shawn Whiting search warrant.

12 And he asked you: Was it your intent -- I'm just going to
13 try to remember the words he used -- was it your intent to do
14 the search warrant the right way or legitimately?

15 And you said it was 50/50; right?

16 **A.** Yes, sir.

17 **Q.** Tell us what that means. What does 50/50 mean?

18 **A.** That mean if it was a large sum of money, I was going to
19 take some of it. But drugs and all that stuff, I still was
20 going to submit it. So there was going to be a report, and he
21 still was going to be arrested and everything.

22 **Q.** So did you have both those intents in your mind as you
23 went into that search warrant?

24 **A.** Yes.

25 **Q.** Did that happen again and again where you went into a

1 search warrant or a stop and had both those intents in your
2 mind?

3 **A.** Yes.

4 **Q.** On the one hand, to seize a gun but, on the other hand, to
5 take money if you could?

6 **A.** Yes.

7 **Q.** And Mr. Purpura also asked you about the
8 Belvedere Towers -- the Belvedere Towers robbery. And he asked
9 you something like: Did you know that Jenkins was up to no
10 good? Or something like that.

11 And my -- what I wrote down your response being was that
12 you didn't know if he was going to submit some and keep a
13 portion of it.

14 Remember saying that?

15 **A.** Yes.

16 **Q.** What did you mean by that?

17 **A.** Well, I didn't have no idea he was going to take all --
18 keep all the marijuana. I thought he would at least submit the
19 marijuana and take some of the money, not all the money and all
20 the marijuana.

21 **Q.** And what was the practice on the GTTF? Was it to keep
22 everything? Or was it to submit something, whether money or
23 drugs or something, and then steal the rest?

24 **A.** Usually a proportion was submitted.

25 **Q.** And why would you do that? Why would you submit some

~~WARD~~ ~~RE CROSS~~

1 money, not keep all of it, or the drugs or something else?

2 **A.** It didn't look good if a complaint came out that all this
3 drugs and all this money was missing and then we say it didn't
4 happen; but then mysteriously it's on camera or some type of,
5 you know, to say that it happened.

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

7 **THE COURT:** Okay. Any recross, Mr. Nieto?

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

9 RE CROSS-EXAMINATION

10 **BY MR. NIETO:**

11 **Q.** Mr. Ward, I mean, Jenkins authorized overtime; right?

12 **A.** He signed our slips, yes.

13 **Q.** Right. So he authorized it?

14 **A.** He signed our slips, yes.

15 **Q.** Is that the same thing?

16 **A.** Yes.

17 **Q.** Okay. So he authorized it; correct?

18 **A.** Yes.

19 **Q.** Okay. And he also authorized slash days; right?

20 **A.** Yes, sir.

21 **Q.** Some Fridays you guys didn't even have to work.

22 **A.** Yes, sir.

23 **Q.** Remember that?

24 Right. So there was some authorization from your
25 sergeant, from your supervisor, telling you: You don't have to

~~WARD~~ ~~RE CROSS~~

1 come in this day, or don't come in this day; right?

2 **A.** Yes.

3 **Q.** And he was the one who would authorize you to be paid for
4 things you did not do; right?

5 **A.** Yes, sir.

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

7 **A.** I said, "Yes, sir."

8 **Q.** Okay.

9 **MR. NIETO:** Nothing further, Your Honor.

10 **MR. PURPURA:** Just a couple quick questions. Sorry.
11 Really quick.

12 **RE CROSS- EXAMINATION**

13 **BY MR. PURPURA:**

14 **Q.** The -- you were asked by Mr. Wise about the door pops
15 pre-Freddie Gray. That's basically been some tactics used by
16 Baltimore City Police for years; isn't that fair to say?

17 **A.** No. I never learned it until I started working with
18 Sergeant Jenkins.

19 **Q.** Okay. And before Jenkins, you never heard about that?

20 **A.** No.

21 **Q.** How about profiling, looking for people with maybe BMWs,
22 tinted windows? That's been going on for a while; correct?

23 **A.** Yes.

24 **Q.** Did Jenkins invent that too?

25 **A.** No, sir.

~~WARD RECROSS~~

1 Q. Okay. So these are tactics which are used by
2 Baltimore City Police to ferret out perhaps drug traffickers or
3 people with guns; correct?

4 A. I can't answer that. I can't speak for everybody in
5 Baltimore City.

6 Q. And when people -- when you saw people on the streets, as
7 you indicated before, you would look for certain
8 characteristics. If one pocket was weighted down or if they
9 ran when police came up, that would be indicative of some sort
10 of criminal activity; correct?

11 A. Yes, sir.

12 Q. You weren't just pulling up every citizen just because
13 they're citizens walking the street of Baltimore City, were
14 you?

15 A. No, sir.

16 Q. You were targeting what you thought would be groups of
17 people or individual people who are committing crimes; correct?

18 A. Yes, sir.

19 Q. Now, what happened after -- in 2015, as you already
20 testified to, is that police officers here in Baltimore City,
21 they became apprehensive about making arrests in the city;
22 correct?

23 A. Yes, sir.

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

25 **THE COURT:** Mr. Wise, anything else?

~~WARD REDIRECT~~

1 **MR. WISE:** Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 **BY MR. WISE:**

4 **Q.** So I know Mr. Purpura asked you about other police
5 officers in Baltimore City, but did the things you were doing
6 with Jenkins change after the death of Freddie Gray?

7 **A.** No.

8 **Q.** And Mr. Nieto asked you -- he used the word "authorized."

9 And I'll ask the same question: Did you know it was wrong
10 to claim overtime you didn't work even with Sergeant Jenkins'
11 authorization?

12 **A.** Yes, sir.

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

14 **THE COURT:** Okay. All right. Thank you. This
15 witness is excused.

16 (Witness excused.)

17 (2:25 p.m.)

18 (End of excerpt.)

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

/s/

Douglas J. Zweizig, RDR, CRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: February 4, 2018

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