

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

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

8  
9                   Tuesday, January 30, 2018  
10                  Courtroom 1A  
11                  Baltimore, Maryland

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

13                                        VOLUME IV - EXCERPT

14                                        TESTIMONY OF JEMELL RAYAM

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16  
17       For the Plaintiff:

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

21       \_\_\_\_\_  
22                                        Reported by:

23                                        Douglas J. Zweizig, RDR, CRR  
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  Baltimore, Maryland 21201

1 For the Defendant Daniel Hersl:

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

4 For the Defendant Marcus Taylor:

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

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(10:06 a.m.)

(Excerpted as follows:

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

Counsel, I have a preliminary matter to discuss with you at the bench.

(Bench conference on the record:

**THE COURT:** Good morning. So Ms. Moyé advised me that Alternate Juror No. 1 told her this morning, regretfully, that she had looked up the definition of the word "racketeering."

She says she realized as soon as she did that, first of all, that, in fact, the word "racketeering" had been discussed, I think referring to your opening. Also realized she should not have done that, did not share it with anybody else on the jury, but confessed to Ms. Moyé that she had done that.

So I don't know, if you all feel --

**MR. PURPURA:** Does she understand it? 'Cause I certainly don't. Maybe she could explain it to me.

**THE COURT:** It's obviously a concept that is going to be thoroughly discussed and explained in the instructions, and we always tell them to follow the instructions.

So, I mean, particularly given that she came forward and confessed, it doesn't seem terribly concerning to me.

But, I mean --

1           **MR. PURPURA:** On behalf of Mr. Hersl, I have no issue.

2           **THE COURT:** All right.

3           **MR. WISE:** Could we just think about it for a minute  
4 and maybe get back to the Court a little later in the day about  
5 it?

6           **THE COURT:** So go ahead and continue to have her sit  
7 for now?

8           **MR. WISE:** Yeah.

9           **MR. NIETO:** It was the alternate; correct, Your Honor?

10          **THE COURT:** It's Alternate No. 1.

11          **MS. WICKS:** I don't have a problem with it other than  
12 I think that we should make a record and, you know, just put  
13 this on the record with her and make sure that she understands  
14 that she's not supposed to do that and that she will continue  
15 to abide by your instructions not to look up anything related  
16 to the case: definitions, anything about the facts.

17          **THE COURT:** Okay. So your position would be to have  
18 her come in and do that?

19          **MS. WICKS:** Yes.

20          **MR. WISE:** It is my concern -- I'm sort of thinking  
21 out loud. I apologize -- is that it's sort of she did it once;  
22 I appreciate that she -- I'm glad she said she did it, but  
23 whether that's something that might happen again, particularly  
24 once, you know -- maybe once they are instructed or there's  
25 another term that catches her attention that she feels like she

1 doesn't know the definition of and might want to know?

2           **THE COURT:** I mean, I think we would address that with  
3 Ms. Wicks' suggestion of making sure that I tell her, again,  
4 that she can't do that.

5           I think the fact that she came forward and confessed  
6 seems to indicate that she's not likely to do it again if we  
7 tell her not to do it again.

8           But if you all -- if you want to think about it a  
9 little bit longer and then do this at the break or something, I  
10 mean, I don't think there's any --

11           **MR. WISE:** I think that would be fine.

12           **THE COURT:** -- great risk between now and the break.

13           **MR. WISE:** Yes. I agree that's a good way to do it.  
14 Thank you.

15           **THE COURT:** All right. We'll wait for the break.  
16 Thanks.)

17           (Bench conference concluded.)

18           **THE COURT:** All right, then, if we're ready for the  
19 jury.

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

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

22           **THE COURT:** All right. You can be seated. And good  
23 morning. Welcome back.

24           **THE CLERK:** Mr. Rayam, you're still under oath.

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

JEMELL RAYAM, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

**THE COURT:** All right. Mr. Hines, if you want to continue.

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

DIRECT EXAMINATION (CONTINUED)

**BY MR. HINES:**

**Q.** Good morning, Mr. Rayam.

**A.** Good morning.

**Q.** Yesterday before we recessed for the day, you were testifying about an episode involving a second storage unit.

Do you remember that?

**A.** Yes.

**Q.** And we showed you an exhibit from FBI-11 and a recorded conversation you had in which you said [reading]: I taxed him a little bit, but Taylor was there. I had to give \$60."

Do you remember testifying about that?

**A.** Yes.

**Q.** And is that the episode in which you did, in fact, give Taylor money?

**A.** Yes.

**Q.** I'd like to show you what's been marked as Government's Exhibit SS-2.

Mr. Rayam, do these appear to be photographs from the night of that episode?

**A.** Yes.

1 Q. I'd like to show you this -- walk you through the  
2 photographs one by one.

3 In the bottom left-hand corner, who is this individual  
4 right here (indicating)?

5 A. That right there is Ward.

6 Q. It's Mr. Ward?

7 A. Yes.

8 Q. And who is this person (indicating)?

9 A. That was one of the people we had detained, yeah, in  
10 cuffs.

11 Q. Is that the person who owned the storage locker or the  
12 other person that you testified about?

13 A. That was the driver.

14 Q. Okay. If I show you the bottom right-hand photo, who's  
15 this (indicating)?

16 A. That is myself, Jemell Rayam.

17 Q. And you're on the left-hand side of that photograph?

18 A. Yeah, that's me. And that is Taylor.

19 Q. That's Detective Taylor (indicating)?

20 A. Detective Taylor, yes.

21 Q. And is that the same man you identified in the prior  
22 photograph (indicating)?

23 A. Yes.

24 Q. And who is this?

25 A. That's the other individual that was there. I forget his

1 name.

2 Q. Is this the individual that owned the storage locker?

3 A. Yes.

4 Q. And looking in the top right-hand photograph, who is the  
5 individual that appears to be speaking with the owner of that  
6 storage locker (indicating)?

7 A. That was Wayne Jenkins, our sergeant at the time.

8 Q. And, again, is that you and Mr. Taylor?

9 A. Yes.

10 Q. And this photograph here in the top right-hand corner,  
11 who's this (indicating)?

12 A. That's Wayne.

13 Q. And what does he appear to be doing here?

14 A. He's restraining him. To me that's what it looks like  
15 he's doing, holding him. Holding him.

16 Q. And who is this (indicating)?

17 A. Taylor.

18 Q. And on the second page of SS-2, who's that (indicating)?

19 A. Hersl.

20 Q. Was Hersl present during the search of the storage locker?

21 A. No, not during the search of the storage locker.

22 Q. Was he at the storage facility --

23 A. Yes.

24 Q. -- during the episode?

25 A. Yes.



1 Q. Okay. Now, as promised yesterday, I'd like to ask you  
2 some questions about overtime fraud.

3 First, I'd like to direct your attention in the transcript  
4 books to Page 12 of FBI-9. That's Page 12, Session 1162.

5 Did you speak with or have conversations with  
6 Detective Gondo about overtime and time and attendance and  
7 things like that?

8 A. Yes.

9 Q. I'd like to play for you a call from July 14th, 2016.

10 (Audio was played but not reported.)

11 **MR. HINES:** If you'd pause it right there,  
12 Mr. Kerrigan.

13 **BY MR. HINES:**

14 Q. Mr. Rayam, who are -- who's speaking in this call?

15 A. Myself and Gondo.

16 Q. And when Gondo says, "They got a gun at 4:00," what did  
17 you understand that to mean?

18 A. They got a gun at 4 o'clock p.m. that day, around that  
19 time.

20 Q. And the time of this call is 7:16 p.m.; is that right?

21 A. As I can see, yes.

22 Q. And when you ask "the three dudes," what did you mean by  
23 that?

24 A. Hendrix, Taylor, and Ward.

25 Q. So not Hersl (indicating)?

~~RAYAM DIRECT~~

1 **A.** Um, you know, I -- I don't think it was Hersl. It depends  
2 what episode this was, but I don't -- I'm not sure if it was  
3 Hersl.

4 **Q.** When you went on to say, "If you can get one signed for  
5 me," what did you mean by that?

6 **A.** To get a slip signed.

7 **MR. HINES:** Okay. Can you continue playing the call,  
8 Mr. Kerrigan.

9 (Audio was played but not reported.)

10 **MR. HINES:** You can pause it there, Mr. Kerrigan.

11 **BY MR. HINES:**

12 **Q.** So, Mr. Rayam, are you working at this time of this call?

13 **A.** No.

14 **Q.** Was Gondo working?

15 **A.** At the phone call, it sounds like he went in a little  
16 later, around 6:00.

17 **Q.** And is that --

18 **MR. HINES:** If you zoom in on the top there,  
19 Mr. Kerrigan.

20 **BY MR. HINES:**

21 **Q.** When Gondo's -- when you asked Gondo, "Yeah, what time did  
22 you get down there?" and he says, "6:00, like 6:15," what does  
23 that mean?

24 **A.** He -- he just -- he was just gettin' into work.

25 **Q.** And what was your assigned shift in the unit, generally?

~~RAYAN DIRECT~~

1 **A.** Our general assigned shift was 8:00 to 4:00, Monday  
2 through Friday.

3 **Q.** And is that a reference to 6:15 p.m.?

4 **A.** Yes.

5 **Q.** Okay.

6 **MR. HINES:** You can continue playing the call,  
7 Mr. Kerrigan.

8 (Audio was played but not reported.)

9 **BY MR. HINES:**

10 **Q.** And directing your attention to the bottom of the page,  
11 when you say, "John ain't going to get me a slip signed. I'ma  
12 call him up, yo," what did you mean by that?

13 **A.** Just -- I was just going to call John up and just see if  
14 he can cover me as far as getting a slip signed directly  
15 instead of going through Gondo.

16 **Q.** And then you asked, "Where Dan at? Is Danny there?"

17 **A.** Yeah. I guess I made a mistake earlier. I had to -- as  
18 far as hearing the whole conversation, Dan was there earlier.  
19 So I was just seeing if -- yeah, if Dan was there, then I could  
20 call him up, then, to see if I could get a slip signed.

21 **Q.** How does Gondo respond to you when you ask, "Is Dan  
22 there?"

23 **A.** He just respond, "Dan probably at the bar." He left.

24 **Q.** So did you understand Daniel Hersl to be working at the  
25 time that Gondo was working?

~~RAVAN DIRECT~~

1 A. Yes, earlier, yes.

2 Q. Okay. Now, I'd like to direct your attention to PP-3D.

3 Is this an overtime slip in your name?

4 A. Yes.

5 Q. And what is the "overtime work performed" explanation on  
6 the bottom of the page?

7 A. [Reading]: Crime suppression handgun violation,  
8 4600 Grindon.

9 Q. Was this in reference to the search that Gondo had  
10 discussed with you on the previous call?

11 A. Yes.

12 Q. And this is -- you said you weren't working that day?

13 A. No.

14 Q. The top right-hand corner, it says "Other shift, 8:00 to  
15 6:00." Is that what that says up here?

16 A. Yes. Well, that -- it could have been 8:00 to 4:00.

17 Q. Okay. Or 8:00 to 4:00. I'm sorry.

18 A. I just --

19 Q. Did you work any of that time?

20 A. No.

21 Q. And then eight hours on the top, did you work any of that  
22 time?

23 A. No.

24 Q. I'd like to move on to the next call dated July 23rd,  
25 2016. This is on Page 17 of FBI-9.

1 (Audio was played but not reported.)

2 **MR. HINES:** Is this Page 14 of the transcript?

3 **THE COURT:** You mentioned Page 17.

4 **MR. HINES:** Okay. I misspoke.

5 If you could go to Page 14, Mr. Kerrigan. My  
6 apologies.

7 And, Ms. Moyé, I think these two screens are off.

8 **THE CLERK:** Okay.

9 **MR. HINES:** You can go ahead and play the call,  
10 Mr. Kerrigan.

11 (Audio was played but not reported.)

12 **MR. HINES:** You can stop it right there, Mr. Kerrigan.

13 Thank you.

14 **BY MR. HINES:**

15 **Q.** Mr. Rayam, who's speaking on this call?

16 **A.** Hold up.

17 It was myself and Gondo.

18 **Q.** And on the top of the page, when Gondo says, "It's just me  
19 and him," who's actually working on this date?

20 **A.** I think it was -- I think it was just him and Wayne.

21 **Q.** So Gondo is explaining to you that only he and Wayne are  
22 working?

23 **A.** You know, I can't -- I don't recall as far as who was  
24 working with -- it could have been him, but I -- I can't  
25 recall.

~~RAVAN DIRECT~~

1 Q. Were you working?

2 A. No.

3 Q. I'd like to show you an individual overtime report,  
4 Exhibit PP-4D for this date -- 4E. I'm sorry.

5 THE CLERK: Did you say E?

6 MR. HINES: E.

7 THE CLERK: Okay. Thank you.

8 MR. HINES: Thank you.

9 BY MR. HINES:

10 Q. Is this in reference to a mandatory 12-hour shift that you  
11 said that you worked on this day?

12 A. Yes. Yes.

13 Q. It says -- on the right-hand side does it say, "Other  
14 Shift, 3 p.m. to 11:00 p.m."?

15 A. Yes.

16 Q. And then a total of four hours of overtime in addition to  
17 that?

18 A. Yes.

19 Q. Did you work any of that time?

20 A. I don't think -- I don't believe so, no.

21 Q. And is this July 23rd date the same date as the call I  
22 just played between you and Gondo?

23 A. Yes.

24 MR. HINES: If we can go back to that call for a  
25 second, Mr. Kerrigan. Page 14. If you can continue playing

~~RAYAM DIRECT~~

1 where you left off.

2 (Audio was played but not reported.)

3 **BY MR. HINES:**

4 **Q.** So, Mr. Rayam, in this call there's discussions of "y'all  
5 too and Gondo and Wayne." Is there any mention of Hersl or  
6 Taylor working?

7 **A.** No, there wasn't no mention of that. But as you say, I  
8 missed it earlier, but it was Wayne that he was working with.

9 **Q.** He was working with Wayne?

10 **A.** Yes.

11 **Q.** So was it your understanding that Hersl or Taylor were  
12 working that day?

13 **MR. PURPURA:** Judge, objection, again, as to the  
14 leading nature of these questions is what --

15 **THE COURT:** Overruled.

16 **MR. PURPURA:** -- do you know, rather.

17 Thank you.

18 **THE WITNESS:** I don't know. I don't know, if I'm  
19 honest.

20 **BY MR. HINES:**

21 **Q.** Now, directing your attention to Page 24 of the  
22 transcripts, there's a call dated July 29th, 2016, at  
23 9:38 p.m.?

24 **MR. HINES:** Mr. Kerrigan, if you could please play  
25 this call.

1 (Audio was played but not reported.)

2 **BY MR. HINES:**

3 **Q.** Mr. Rayam, who are you speaking with on this call?

4 **A.** Gondo.

5 **Q.** And can you sort of generally summarize what you and him  
6 are talking about.

7 **A.** Just Taylor coming in -- well, not coming into work or  
8 coming into work late, actually, and not for the assigned  
9 shift. And just everyone else pretty much as a squad just  
10 coming into work and then leaving early as well or splitting  
11 our shifts up.

12 **Q.** And directing your attention to the top of Page 24, when  
13 Gondo says, "He just got here at 9:40," who is the "he" that  
14 he's referencing?

15 **A.** Taylor.

16 **Q.** And then turning to the following page on Page 25 --

17 **MR. HINES:** Near the bottom, Mr. Kerrigan.

18 **BY MR. HINES:**

19 **Q.** -- Gondo says, "You six hours. Your shift is 3:00 to  
20 3:00. You six hours late on top of that."

21 What did you understand that to mean?

22 **A.** Yeah. Our shift was 3:00 to 3:00 and he didn't come in  
23 until six hours after that.

24 **Q.** And on the following page, Page 26, when Gondo says  
25 [reading]: He went to PA. He was in PA, yo, when I was



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1 sending you those text messages -- or those messages.

2 Who's the "he" that he's referencing?

3 **A.** Can you repeat that? I can read it again.

4 **Q.** Sure. When Gondo says [reading]: He went to PA. He was  
5 in PA, yo, when I was sending you those messages --

6 **A.** Taylor.

7 **Q.** That's the "he" in that sentence?

8 **A.** Yes.

9 **Q.** And then on the bottom of Page 27, when you say [reading]:  
10 I mean, 4 times 5 is 20. So that's, like I said, you were  
11 going to get 40 hours a pay from now on; you feel what I mean?  
12 But we gonna get more than that, of course.

13 What did you mean by that?

14 **A.** I just figured if 5 hours a day of overtime, then we'll be  
15 able to get at least 20 hours -- well, and myself, I would be  
16 able to get 20 hours. But I also knew that it's possible that  
17 I can get more overtime than -- than -- than that.

18 **Q.** And is this an example of a day where you didn't even work  
19 your assigned shift?

20 **A.** It could be a mixture of both work, coming in late -- not  
21 working the assigned shift, but coming in late and doing it on  
22 the overtime or, you know, just to make sure -- or coming in  
23 and not doing all of the overtime that we had put on. Like,  
24 say, if we did -- we put in for eight hours, probably only  
25 stayed for two hours or so. So it's a mixture of everything.

1 Q. And I'll show you your overtime slip from this day, PP-5D.

2 And did you list an assigned shift of 3:00 to 11:00 plus  
3 8 hours and 15 minutes of overtime?

4 A. Yes. Like I testified earlier, we all pretty much took  
5 care of each other. So, you know, that's not even my  
6 handwriting. But that's me saying, yes, I worked -- I knew  
7 that the slip was being turned in. So --

8 Q. So did you know that someone was putting in a slip --

9 A. Yes.

10 Q. -- on your behalf?

11 A. Yes.

12 Q. And was it your -- who did you testify yesterday -- I  
13 won't repeat what you said, but who did you say would do that  
14 for you on your behalf?

15 A. Well, all of us. This one right here looks like Gondo'  
16 handwriting. And the one before on Grindon Avenue, that looked  
17 like Hersl' handwriting. So that's just like when I said I  
18 could call John up or call Dan up or you could call someone  
19 else or someone call me, you know, so --

20 Q. And did Hersl or Taylor or Gondo and others, did they ask  
21 you to put in slips for them as well?

22 A. Yes, yes.

23 Q. For times that they didn't work?

24 A. Yes.

25 Q. Now, the call that I had just played for you, you said

~~RAYAM DIRECT~~

1 that it was Taylor that didn't get there until 9:40 at night?

2 **A.** Yes.

3 **Q.** If Taylor put in a slip for this day for 3:00 to  
4 11:00 p.m. plus 8 hours and 15 minutes of overtime, would that  
5 have been false?

6 **A.** Yes.

7 **Q.** I'll show you what's been admitted as  
8 Government's Exhibit --

9 **MR. HINES:** Could you go to the slip for Mr. Taylor on  
10 this pay period 5, 5B.

11 **BY MR. HINES:**

12 **Q.** And this is July 29th, the same date; is that right,  
13 Mr. Rayam?

14 **A.** Yes.

15 **Q.** And does Mr. Taylor list his assigned shift as 3:00 to  
16 11:00 plus 8 hours and 15 minutes of overtime?

17 **A.** Yes.

18 **Q.** Okay. I'd like to move on from showing you the overtime  
19 slips but ask you some additional questions.

20 Do you recall being involved in a car chase and car wreck  
21 on August 31st, 2016?

22 **A.** Yes. Yes.

23 **Q.** Can you describe what happened on that day.

24 **A.** It was myself and Gondo and Wayne and Hersl. And we were  
25 at a gas station. Wayne pretty much always led the pack. You

1 can -- we called it the pack, as far as he led the group of  
2 cars. And we pretty much just followed him, and he pretty much  
3 initiated all the car stops.

4 So we saw a car at the gas station, and he attempted to  
5 stop him. And the car took off, and Wayne followed. And Hersl  
6 was in the car, and Gondo was driving the other vehicle. And  
7 I -- and, you know, I was the passenger, so we all followed.

8 And it was raining out. And the car wound up turning off  
9 on another street, and then it ran a red light and hit -- well,  
10 another vehicle hit the car that we were chasing and caused an  
11 accident.

12 **Q.** What happened to the driver of the car that got in the  
13 accident?

14 **A.** It was bad. It was a bad accident. It was -- it was real  
15 bad. And none of us -- none of us stopped. I don't know -- I  
16 mean, none of us stopped to render aid or to see if anyone was  
17 hurt. We just listened to the radio and -- to see if someone  
18 would call it in.

19 And then once we heard someone called it in, then, you  
20 know, we just continued to -- just to drive on. Wayne didn't  
21 want to -- he didn't want us to do anything.

22 **Q.** Why didn't any of you stop to render aid?

23 **A.** 'Cause we were foolish. I don't know. We just didn't.

24 I -- I had mentioned that we should stop to see if anyone  
25 was hurt because I saw it, and it was -- it was pretty bad.

1 And -- and it could have been any of us. It could have been  
2 any of you guys or my mother or father. And -- but we just --  
3 we just didn't stop.

4 **Q.** I'm going to play for you an audio recording from the  
5 vehicle that you were in and Mr. Hersl was in. It's Exhibit --  
6 it's Page 1 of FBI-11, I believe.

7 **MR. HINES:** Is that right, Mr. Kerrigan?

8 If you can zoom in on the top, Mr. Kerrigan.

9 **BY MR. HINES:**

10 **Q.** Is this -- is the date, Mr. Rayam, August 31st, 2016, the  
11 same night as the vehicle accident?

12 **A.** Yes.

13 (Audio was played but not reported.)

14 **MR. HINES:** Stop it right there, Mr. Kerrigan.

15 **BY MR. HINES:**

16 **Q.** When there's some cursing going on and then when Mr. Gondo  
17 says, "We may have to help out," what has happened at this  
18 point?

19 **A.** The car accident.

20 **Q.** Did you see the car accident?

21 **A.** Yes.

22 **Q.** And when you said, "It was bad," earlier, can you describe  
23 it?

24 **A.** It's just like the vehicle that we were chasing ran the  
25 light, and then another vehicle came and just pretty much

1 T-boned -- I believe T-boned the vehicle.

2 But I know both of them came -- collided with each other.  
3 And it seemed as if the vehicles went on the curb, on the  
4 sidewalk.

5 **MR. HINES:** And if you go to the previous page,  
6 Mr. Kerrigan, and zoom in on the participant section on the  
7 top.

8 **BY MR. HINES:**

9 **Q.** Who's in the vehicle with you, Mr. Rayam?

10 **A.** All right. So it was -- I believe it was just me and  
11 Gondo in one vehicle. And it had to be Taylor, Wayne, and  
12 Hersl in the other vehicle.

13 **Q.** And when you go to the -- below it where it says -- when  
14 Hersl says, "Might be able to get something dirty," was Hersl  
15 in your vehicle or is that radio chatter coming over into your  
16 vehicle?

17 **A.** I believe that could have been radio chatter. I -- I  
18 don't think Hersl was in our vehicle -- in our vehicle. I -- I  
19 just -- I know I was in the front seat, and Gondo was driving.  
20 But I can't recall if he was in our vehicle.

21 **Q.** And when Hersl says, "Get in, Taylor. Get in," was Taylor  
22 also involved in this episode?

23 **A.** Yeah, he -- he must have -- that must have been another  
24 voice from the vehicle saying, "Get in," get into the other  
25 vehicle.

~~RAVAN DIRECT~~

1           **MR. HINES:** All right. And if we go back to Page 2  
2 and continue the recording, please, Mr. Kerrigan.

3           (Audio was played but not reported.)

4           **MR. HINES:** Can you stop it right there, Mr. Kerrigan.

5 **BY MR. HINES:**

6 **Q.** So when Hersl says [reading]: Yeah, that's in the county,  
7 G, and laughs, what did you understand that to mean?

8 **A.** I don't know. I can't -- right now my mind isn't -- I  
9 can't really think of what he meant to say right there.

10           **MR. HINES:** Okay. And if you continue playing the  
11 call, Mr. Kerrigan.

12           (Audio was played but not reported.)

13           **MR. HINES:** Pause it right there.

14 **BY MR. HINES:**

15 **Q.** And when Hersl said, "Oh, he stopped?" what did you  
16 understand that to be asking?

17 **A.** You know, I'm sorry. Could you -- there was so many car  
18 accidents. Could you just refresh my memory as far as the  
19 location of this one or . . .

20 **Q.** Do you remember the car accident by -- downtown by the  
21 University of Maryland?

22 **A.** Yes. This -- okay. It's just when the county mentioned,  
23 I'm like, did we have one in the county? But okay.

24 **Q.** Were there multiple other car accidents like this one  
25 which your unit was involved in?

~~RAYAM DIRECT~~

1 **A.** Yeah. Chases and everything, yes.

2 **Q.** Were Mr. Hersl and Mr. Taylor --

3 **MR. PURPURA:** Objection, Judge. Objection.

4 **THE COURT:** Sustained.

5 **BY MR. HINES:**

6 **Q.** Now, my previous question, Mr. Rayam, when Hersl says,  
7 "Oh, he stopped," and questions that, what did you understand  
8 that to mean?

9 **A.** I can't -- I don't know. I can't really remember.

10 **Q.** And when Hersl says, "Oh, it's a hundred percent in that  
11 car, I told you," what did you understand that to mean?

12 **A.** It's something in the vehicle.

13 **Q.** And what is that something?

14 **A.** Oh, could be -- I don't recall getting anything, but it  
15 could be a gun, money, or drugs.

16 **Q.** And I think you testified to this yesterday, but what  
17 happened when you guys found money?

18 **A.** When we normally do find money, we would -- we'd take some  
19 or tax 'em or take a little bit of it.

20 **MR. HINES:** Continue with the recording, Mr. Kerrigan.

21 (Audio was played but not reported.)

22 **MR. HINES:** You can pause it right there.

23 You can go back to zoom in on that section,

24 Mr. Kerrigan.

25 **BY MR. HINES:**



1 Q. When you say, "Go back. We're recorded," and Hersl says,  
2 "Nah, no. We didn't chase," what did you understand that to  
3 mean?

4 A. Basically saying -- asking each other if, you know, there  
5 were cameras on the street and if -- if, you know, anyone would  
6 have saw us or any cameras would have saw us. And --

7 Q. Did you want to go back?

8 A. Yes. I wanted to get on the air at least, hurry up and  
9 get some help, although, like I said, you can hear initially we  
10 didn't take serious to it. But I kind of just wanted to be  
11 like, well, let's just see what's in the car and let's kind of  
12 just -- just something to where we can get some help. But as  
13 you can see, it was like "no," you know.

14 Q. And what did you observe regarding the state of the victim  
15 who had crashed at this point?

16 A. It was bad. It was real bad. It was -- it was bad.

17 Q. Does that -- does "bad" mean serious injuries?

18 A. From -- from my view, yes.

19 MR. PURPURA: Judge, objection; basis of knowledge as  
20 well.

21 THE COURT: Sustained.

22 MR. PURPURA: Thank you.

23 BY MR. HINES:

24 Q. On the bottom of this when Mr. Hersl says, "No," Wayne  
25 said, "I wouldn't say nothin' yet. We didn't run lights up,"

1 what did you understand Hersl to be saying?

2 **A.** Just don't say anything yet. Just wait and see if, you  
3 know, other vehicles -- well, other help would come somewhere  
4 else instead of from us.

5 **Q.** Did you and the other members of the unit wait?

6 **A.** We waited some time, yes, yes. We waited. And eventually  
7 I think a University of Maryland Hospital or another police  
8 officer in the area saw it and called it in, and they were able  
9 to get a ambulance there after a while.

10 **Q.** And why didn't you call it in?

11 **A.** One, because, you know, Wayne said, "No, don't do it."  
12 And everybody was like, "Don't -- don't do it. Just wait."  
13 And two was because I was being a follower, and I should have  
14 called it in and I just didn't.

15 **MR. HINES:** Continuing with the rest of that segment  
16 there.

17 (Audio was played but not reported.)

18 **MR. HINES:** And if we'll continue to the next section,  
19 Mr. Kerrigan, please.

20 (Audio was played but not reported.)

21 **MR. HINES:** You can pause it right there,  
22 Mr. Kerrigan.

23 **BY MR. HINES:**

24 **Q.** When Hersl brings up CityWatch, what did you understand  
25 that to be a reference to?

1 **A.** Just CityWatch cameras being in the area. And it was  
2 possible that since there was a car accident, CityWatch can go  
3 back and see, you know, how it happened. And if they did, then  
4 they would have saw our vehicles chasing the vehicle and what  
5 actually caused the accident.

6 **Q.** And is that why you wanted to go back?

7 **A.** Yes. Well, two reasons. I wanted to go back just to  
8 check on 'em, and I wanted to go back because we can get in  
9 trouble. I mean, although I was doing so much wrong, it was  
10 just to a certain point where like too much is too much.

11 And, you know, it's just when -- just too much was too  
12 much. And all of us was just as guilty as --

13 **MR. PURPURA:** Objection, Judge, again.

14 **MR. HINES:** I'll move on.

15 **THE COURT:** Sustained.

16 **BY MR. HINES:**

17 **Q.** When Taylor -- directing your attention two-thirds of the  
18 way down the page, when Taylor said, "That dude unconscious.  
19 He ain't sayin' shit," what did you understand that to mean?

20 **A.** Meaning like he's not going to say anything. He's not  
21 going to know -- well, he -- meaning he won't say police was  
22 chasing him, you know, and he may forget; or, you know, we  
23 don't have anything to worry about.

24 **MR. HINES:** You can continue playing the call,  
25 Mr. Kerrigan.

1 (Audio was played but not reported.)

2 **BY MR. HINES:**

3 **Q.** Mr. Rayam, does Hersl say, "These car chases, this what  
4 happens. It's a crapshoot, you know"?

5 **A.** Yes.

6 **MR. HINES:** And now continuing on to the next part of  
7 the recording, Mr. Kerrigan.

8 (Audio was played but not reported.)

9 **BY MR. HINES:**

10 **Q.** All right. On the bottom of Page 4, when Daniel Hersl  
11 says, "We could go and stop the slips at 10:30 before that  
12 happened," what did you understand him to be saying?

13 **A.** Stop the slips at -- before the accident happened, and  
14 that way if it came back to where our cars were possibly at the  
15 location to cause the accident, then we can say our slips were  
16 over at 10:30 and that we weren't at work, so to cover it up.

17 **Q.** So was this a suggestion to put in a false slip to cover  
18 up for being in the chase?

19 **A.** Yes. Yes, it was.

20 **Q.** If you'd turn to the following page, Page 5. I just want  
21 to play this one more time. Just one portion here.

22 (Audio was played but not reported.)

23 **MR. HINES:** All right. You can pause it,  
24 Mr. Kerrigan.

25 **BY MR. HINES:**

~~RAVAN DIRECT~~

1 **Q.** Does Daniel Hersl say, "Hey, I was in the car just driving  
2 home," and then laugh?

3 **A.** Yes.

4 **Q.** Does Daniel Hersl say [reading]: Hey, you, hey, listen.  
5 Listen. Where he got in the accident --

6 **MR. PURPURA:** Objection.

7 **THE COURT:** Can I see counsel at the bench, please.

8 **MR. HINES:** Yes.

9 (Bench conference on the record:

10 **THE COURT:** I really don't see why we're repeating  
11 this five times.

12 **MR. HINES:** So I was just going to repeat it this one  
13 time, which I played the recording.

14 **THE COURT:** You've played the recording now twice.  
15 We've all heard it. It's the transcript. People have read it.  
16 I just don't see why we're going over this again.

17 **MR. PURPURA:** And it's in English. It's not in code.

18 **MR. HINES:** Just sometimes the transcripts, the audio  
19 doesn't come up, so --

20 **THE COURT:** Okay. Well, I think this -- we've heard  
21 enough.

22 **MR. HINES:** Okay.)

23 (Bench conference concluded.)

24 **THE COURT:** All right. Let's just move on, Mr. Hines.

25 **MR. HINES:** Yes, Your Honor.

~~RAYAM DIRECT~~

1 **BY MR. HINES:**

2 **Q.** Mr. Rayam, were you, in fact, just driving home on this  
3 occasion?

4 **A.** No.

5 **MR. HINES:** No further questions, Your Honor.

6 **THE COURT:** All right. Then could I see counsel again  
7 at the bench for just a minute.

8 (Bench conference on the record:

9 **MR. HINES:** Sorry. I should have said that to the  
10 Court when I was -- before that was my last question.

11 **THE COURT:** Just schedule, do you want to go into  
12 cross for about 15 minutes?

13 **MR. PURPURA:** It makes sense to take a break.

14 **THE COURT:** Okay. All right. And let's think  
15 tactically a little bit about -- in terms of calling in the  
16 alternate juror, I guess we could do that at the very --  
17 immediately after the break.

18 It is going to be obvious that we are having a juror  
19 up here. So that's just something else to think about over the  
20 break, and you can let me know when we come back as to what you  
21 want to do.

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

23 **THE COURT:** Okay.)

24 (Bench conference concluded.)

25 **THE COURT:** All right. So, ladies and gentlemen,

1 we're going to take the break just a little bit early, and then  
2 we'll have cross-examination. You're excused for now.

3 (Jury left the courtroom at 11:07 a.m.)

4 (Recess taken.)

5 (11:21 a.m.)

6 **THE COURT:** Counsel, approach the bench, please.

7 (Bench conference on the record:

8 **MR. WISE:** Mr. Purpura is not coming.

9 **THE COURT:** Okay. Shall we bring in Alternate No. 1?  
10 Thoughts.

11 **MS. WICKS:** Yes.

12 **MR. WISE:** Yes.

13 **THE COURT:** Yes? Okay. Then let me ask if we can  
14 just ask Alternate 1 to come in.

15 (Pause.)

16 **THE COURT:** Hi.

17 **JUROR:** Hello.

18 **THE COURT:** So, for the record, you are Alternate  
19 Juror No. 1?

20 **JUROR:** Yes.

21 **THE COURT:** And I just wanted to put something on the  
22 record --

23 **JUROR:** Yes.

24 **THE COURT:** -- that we were advised, and I appreciate  
25 your coming forward with.

1           **JUROR:** Yes. I'm so sorry.

2           **THE COURT:** Just tell me if this is correct; you can  
3 add anything to it. What I understand from our courtroom  
4 deputy, Ms. Moyé, is that --

5           **JUROR:** Yes.

6           **THE COURT:** -- you came forward to her this morning --

7           **JUROR:** Yes, yes.

8           **THE COURT:** -- and said that you had looked something  
9 up.

10          **JUROR:** Yes.

11          **THE COURT:** Would you like to just tell us --

12          **JUROR:** I looked up the definition of the word  
13 "racketeering."

14          **THE COURT:** Okay. How did you look it up?

15          **JUROR:** On my phone.

16          **THE COURT:** On your phone. Okay.

17          And then what?

18          **JUROR:** That was it.

19          **THE COURT:** Okay. Do you recall what you read?

20          **JUROR:** Yes. I think it said, like, when a group of  
21 people act together to commit a crime, something like that.

22          **THE COURT:** Something like that.

23          **JUROR:** And it reminded me of what -- and I went, Oh,  
24 I heard that; that's what it was, in court.

25          **THE COURT:** Okay. You recall hearing that. When did



1 you recall hearing it?

2 **JUROR:** I think in the opening statements when the  
3 charges were read.

4 **THE COURT:** Okay. All right. I will just ask  
5 counsel: Do you want any additional factual information about  
6 this?

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

8 **MR. WISE:** No. Thank you.

9 **MR. RAFTER:** No.

10 **THE COURT:** Okay. Can I ask you to just step over  
11 there again for a minute.

12 Okay. Counsel, one other thing I'll verify: Ms. Moyé  
13 said that she didn't discuss this with anyone else on the jury.  
14 Assuming that's her answer, are you comfortable with leaving  
15 her on with an instruction, you know, never to do this again?  
16 Or do you have different feelings about it?

17 **MS. WICKS:** I'm comfortable.

18 **THE COURT:** Everybody's okay?

19 **MR. RAFTER:** That's fine, Your Honor.

20 **MR. WISE:** Yes.

21 **THE COURT:** All right. Hi. Just one other thing I  
22 forgot to clarify. I understand also that you did not tell  
23 anybody else on the jury?

24 **JUROR:** I did not.

25 **THE COURT:** Okay. Great.

1 All right. Well, here's what we would say, is: Thank  
2 you for letting us know you did that. Don't do it again.

3 **JUROR:** Got you.

4 **THE COURT:** I'm sure you can understand why it's  
5 important.

6 **JUROR:** Right. So I -- the reason I -- I just was  
7 reading the juror handbook. And that's when I said, Oh, a  
8 definition, not -- yeah, that counts. So I got it.

9 **THE COURT:** Okay.

10 **JUROR:** It makes sense.

11 **THE COURT:** Great. So you think for the rest of the  
12 time that you remain on the jury that you can refrain from  
13 doing any investigation on the Internet or otherwise?

14 **JUROR:** Yes.

15 **THE COURT:** All right. Again, just please don't  
16 discuss this with anybody else on the jury, and you can go back  
17 and continue. Thanks.

18 If that's all right, then we'll go ahead and move on.)

19 (Bench conference concluded.)

20 **THE COURT:** All right. We'll bring in the jury.

21 (Jury entered the courtroom at 11:28 a.m.)

22 **THE COURT:** All right. You can all be seated.

23 **THE CLERK:** Sir, you're still under oath.

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

25 **THE COURT:** Mr. Purpura.

**MR. PURPURA:** Your Honor, thank you.

CROSS-EXAMINATION

**BY MR. PURPURA:**

**Q.** Mr. Rayam, let me go right -- right to the conversation you just left off, August 31st, 2016. We just played some recordings.

Do you remember that, sir?

**A.** Yes.

**Q.** Okay. And in particular, what's happened this night, Jenkins is in the lead car; is that correct?

**A.** Correct.

**Q.** And in the trail car, there's actually four people in the trail car, as we can tell from the conversation. Gondo is driving. You're the passenger, I believe, on the right-hand side -- or, actually, Taylor is probably the passenger on the right-hand side.

Do you remember that?

**A.** I actually would like to clarify that, yeah, from the conversation. I know that we all was there, and I could have gotten the --

**Q.** It's okay.

**A.** -- the --

**Q.** Seating wrong --

**A.** -- the seating arrangements in the vehicle --

**Q.** Why don't you tell us quickly --

~~KAYAW~~ ~~CROSS~~

1           **THE COURT:** Wait. Wait.

2           **BY MR. PURPURA:**

3           **Q.** -- who was in the car.

4           **MR. PURPURA:** I'm sorry. I was just trying to --

5           **THE COURT:** I'm sorry. You were just talking over  
6 each other.

7           **MR. PURPURA:** I'm trying to get him to cut to the  
8 chase.

9           **THE COURT:** I understand. But we need just one at a  
10 time.

11          **BY MR. PURPURA:**

12          **Q.** Who's in the car?

13          **A.** You know what? Actually, honestly, I know that -- I don't  
14 remember exactly who was in the vehicle. I know that Wayne was  
15 driving a car. I know that Gondo was driving a vehicle. And I  
16 believe that I was in the passenger side.

17          **Q.** Okay. And --

18          **A.** Listening to the further recording, it seems as if Taylor  
19 could have -- also have been in our vehicle as well.

20          **Q.** And Hersl too; correct?

21          **A.** It's a possibility. It's a possibility. I'm not certain.

22          **Q.** Fair enough.

23                 But the bottom line is that you know that the vehicle that  
24 Wayne was driving, that was the chase vehicle; is that correct?

25          **A.** Yes.

~~KAYAW~~ ~~CROSS~~

1 Q. And as you indicated to the jury, that's what happens  
2 often. He's -- he's the chase person; correct?

3 A. Yes.

4 Q. And this is not unusual, what happened on August 31st of  
5 2016, when Wayne believes that there's a narcotics transaction  
6 going down and he takes off; correct?

7 A. Correct.

8 Q. Now, the -- part of the problem is that, number one, it  
9 was raining out; right?

10 A. Yes.

11 Q. And it makes it more dangerous; correct?

12 A. Yes.

13 Q. And, number two, there's a rule the Baltimore City Police  
14 have about city chases; correct?

15 A. Yes.

16 Q. What you're supposed to do in a situation like that would  
17 be to call in to a lieutenant or someone higher and to get  
18 permission, tell them what's going on. And he or she would  
19 then say, "Cut off the chase," or, "Continue," something like  
20 that; is that correct, sir?

21 A. I believe at that time it was no -- a no-chase policy, so  
22 we weren't even able to chase a vehicle.

23 Q. All right. And so you knew what you were doing is, in  
24 essence, a police protocol rule that was being broken; correct?

25 A. Correct.

1 Q. And that's what you all were concerned about. You all  
2 were talking about at the end, all about, you know, about  
3 cameras and they'll follow us and they'll tell we're here;  
4 correct?

5 A. Correct.

6 Q. But what you intended to do, at least in the beginning, it  
7 looked like Jenkins was trying to do a police stop of what he  
8 projected to be either a drug trafficker or someone carrying a  
9 gun; is that correct?

10 A. That was his assumptions, yes.

11 Q. Okay. And as you indicated before, Jenkins does this  
12 stuff way too often, correct, or he was doing that often?

13 A. Yes.

14 Q. And that's kind of why I think you testified or others --  
15 why you picked up so many guns when you worked with Jenkins,  
16 because he was -- not only was he citywide, but he was very  
17 proactive, so to speak, in his police techniques; correct?

18 A. He was very, yeah, proactive, aggressive.

19 Q. Yeah. All those things?

20 A. All those things.

21 Q. And doing wrong things too; right?

22 A. Correct.

23 Q. And, as a matter of fact, in the conversation -- I'm not  
24 sure the Government highlighted this part, but we're going to  
25 go to Page 4 of that conversation. I've put in yellow there,

~~KAYAW~~ ~~CROSS~~

1 Hersl is talking to Gondo; is that correct?

2 **A.** Yes.

3 **Q.** G is Gondo; right?

4 **A.** Yes.

5 **Q.** And Hersl says [reading]: See, G, that's the thing with  
6 Wayne. He's a little too much with this shit, you know.

7 What does that mean to you?

8 **A.** Wayne is a little too much. He's just too aggressive and  
9 just -- just too much.

10 **Q.** Okay. Now, he was your sergeant on August 31st; correct?

11 **A.** Yes.

12 **Q.** You were all still following orders from your sergeant  
13 August 31st; correct?

14 **A.** Yes.

15 **Q.** Now, did Jenkins or Hersl or you, did you ever file any  
16 false reports and date your time slips back to 10:30 on that  
17 night?

18 **A.** You know, I can't recall.

19 **Q.** But to the best of your knowledge, you didn't do that, did  
20 you?

21 **A.** I don't -- I don't recall.

22 **Q.** Now, you also testified about a storage locker incident  
23 involving Mr. Summerville. I think his name is Summerville.

24 Do you remember that?

25 **A.** Yes.

~~RAYAM~~ ~~CROSS~~

1 Q. Okay. And the Government showed you some photographs;  
2 correct?

3 A. Yes.

4 Q. And at this storage locker incident involving  
5 Mr. Summerville, literally the whole squad was there: Gondo,  
6 Rayam, you, Hendrix, Taylor, Hersl, Jenkins; right?

7 A. Yes.

8 Q. And you even identified a photograph of at that time  
9 Detective Hersl -- it should zoom in eventually.

10 And you identified that photograph as Detective Hersl;  
11 correct?

12 A. Yes.

13 Q. Now, Detective Hersl was part of the stop, is that fair to  
14 say, part of getting Mr. Summerville and the passenger out of  
15 the car; correct?

16 A. Yes.

17 Q. And I believe that incident, there was some marijuana that  
18 was actually found in the car; is that correct?

19 A. That's possible, yes.

20 Q. As a matter of fact, that's what you told the Government  
21 when you met with them on March 21st, 2017, which would be much  
22 closer to the incident. You said there was marijuana found in  
23 the car; right?

24 A. I just said that, yes.

25 Q. Okay. And what happened when you released everybody, you



~~KATAM~~ ~~CROSS~~

1 actually -- you didn't turn the marijuana in. It was just  
2 thrown out; right?

3 **A.** Correct.

4 **Q.** Okay. And that's 'cause you didn't find a gun at that  
5 point; correct?

6 **A.** No, we didn't find a gun. I didn't find a gun.

7 **Q.** And what you told this jury is that the -- you received --  
8 you stole some money that night; right?

9 **A.** Yes.

10 **Q.** And some money was given to Jenkins; correct?

11 **A.** No. That was just a -- I said that just as a coverup to  
12 Gondo so I wouldn't -- so I didn't have -- I didn't give him  
13 any money, so I wouldn't feel like -- I don't have to split any  
14 money with him.

15 **Q.** You didn't give Gondo any money; right?

16 **A.** No.

17 **Q.** And you gave it to one other person, you said; correct?

18 **A.** Correct.

19 **Q.** That person wasn't Mr. Hersl; correct?

20 **A.** No.

21 **Q.** And when you give money, you don't do it out in the open  
22 like in front of everybody, do you?

23 **A.** No.

24 **Q.** You kind of do it secretly; correct?

25 **A.** Yes; amongst the individuals that's involved. Yes.

~~RAYAM~~ ~~CROSS~~

1 Q. Right. And the individuals that were involved were you  
2 and the person you gave money to that particular night, the  
3 Summerville incident; correct?

4 A. Yes.

5 Q. So you didn't want to show it in front of anyone else, did  
6 you?

7 A. I didn't.

8 Q. When you testified yesterday, you testified about  
9 Westminster; correct? Do you remember that?

10 A. Yes.

11 Q. And one of the things you testified is that you actually  
12 seized the money, the \$20,000; correct?

13 A. Correct.

14 Q. And you took that money, and you took that money  
15 downstairs. And then you took that money out to the police car  
16 that you and Gondo drove up in on that particular night;  
17 correct?

18 A. Correct. Yes.

19 Q. And that you -- meaning Mr. Rayam -- put that money under  
20 the passenger seat; correct?

21 A. I could have said "passenger seat," but I believe it was  
22 the -- I probably said the front passenger, but it was the  
23 front seat, yes.

24 Q. But you, wherever you --

25 A. I did, yes.

~~KAWA~~ ~~CROSS~~

1 Q. -- you're the one that did that; correct?

2 A. Yes.

3 Q. But what you testified to yesterday was -- and correct me  
4 if I'm wrong -- what you say, after you seized that money, you  
5 took that money, you look at Hersl. And he gave you a nod like  
6 it's okay (indicating); right?

7 A. No, I didn't say that.

8 Q. What did you say?

9 A. I basically said sometime after in between that pretty  
10 much everybody -- I didn't know the exact words, but everybody  
11 knew that I had took the money. Like I was like, "Hey, I got  
12 it." But it wasn't like right directly as I was taking the  
13 money, 'cause as soon as I took the money, I went straight to  
14 the car.

15 Q. Right. So you didn't show the money to Hersl that you had  
16 in your hand, and he didn't nod (nods head), say like an okay;  
17 right?

18 A. I never testified that I showed him, showed anybody money.  
19 I just said I had the money; I took the money.

20 Q. You took the money --

21 A. Yes.

22 Q. -- and you took it to the car right?

23 A. Yes.

24 Q. And you didn't want -- you didn't want the homeowners to  
25 know that you took the money at that point, did you?

~~KAYAN~~ ~~CROSS~~

1 A. No.

2 Q. The Hamiltons; correct?

3 A. Correct.

4 Q. You also testified yesterday about an incident, and you  
5 remember the incident because you identified the incident as  
6 the very first day that Jenkins came on the squad.

7 Do you remember that?

8 A. Yes.

9 Q. And that would be June 13th of 2016; correct?

10 A. Yes.

11 Q. And that's when John Clewell wrote a warrant, I believe,  
12 as a result of a car stop; correct?

13 A. Correct.

14 Q. And that's what John Clewell did. He wasn't one of the  
15 guys who were out chasing. He was -- he wrote a lot of  
16 warrants for people; fair to say?

17 A. Yes.

18 Q. And then there was a -- so this warrant and  
19 John Clewell -- correct me if I'm wrong -- this would have been  
20 a truthful affidavit and warrant; correct?

21 A. Yes.

22 Q. So to the best of your knowledge and to the best of --  
23 well, strike that.

24 To the best of your knowledge, John Clewell was honest and  
25 truthful in preparing that warrant; right?

~~KATAM~~ ~~CROSS~~

1 A. Yes.

2 Q. And there was probable cause to search the house; is that  
3 correct?

4 A. Yes.

5 Q. And a judge here in Baltimore City confirmed that there  
6 was probable cause to search the house; correct?

7 A. Yes.

8 Q. And with that warrant, then you all had authority to be  
9 inside that house; correct?

10 A. Yes.

11 Q. And the person who was in the car who was the subject of  
12 that warrant, he was arrested a long time before you actually  
13 executed the warrant; correct?

14 A. Yes.

15 Q. So at the time when you're executing that warrant, that  
16 person has already been in that police car and taken down to  
17 Central Booking center, 'cause that's where you take 'em;  
18 right?

19 A. I just want to be clear. He could have been at the  
20 district, or he could have been at Central Booking. I just  
21 don't remember.

22 Q. So to be -- I know you're trying to be completely honest.  
23 So they could have taken him to the district, the district that  
24 you're all in at that point; correct?

25 A. Yes.

~~RAYAM~~ ~~CROSS~~

1 Q. And they have holding cells there.

2 A. Yes.

3 Q. And they can hold him there for a period of time and then  
4 transport him to Central Booking center; correct?

5 A. Yes.

6 Q. Okay. And Central Booking center is, as the name  
7 suggests, the Central Booking center for people who are  
8 arrested here in Baltimore City on state charges; correct?

9 A. Yes.

10 Q. So he's not present. He's lawfully taken to wherever he's  
11 being detained awaiting to go to Central Booking center when  
12 you're executing a lawful search warrant; correct?

13 A. Correct.

14 Q. And the people at the house at that time were whom?

15 A. It was myself, Hersl, Wayne Jenkins, Taylor, and Hendrix.  
16 Clewell came a little bit after.

17 Q. Yesterday you mentioned Ward as well.

18 A. And Ward. I'm sorry. Yes.

19 Q. So everybody was there?

20 A. Except Gondo.

21 Q. Except Gondo?

22 A. Yes.

23 Q. So you had Clewell, Jenkins, Hendrix, Ward, Taylor, and  
24 Rayam?

25 A. Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And you're conducting a search; correct?

2 A. Yes.

3 Q. And according to you, according to you -- and just before  
4 we do that, before -- before Hersl came to the GTTF, did you  
5 know him?

6 A. No, I didn't know, like, him personally, no.

7 Q. All right. You didn't have his phone number?

8 A. No.

9 Q. You didn't go out drinking with him?

10 A. No.

11 Q. You didn't have any actual -- even any police work with  
12 him before he came to the GTTF in 2016; right?

13 A. No.

14 Q. So you've known him now for a couple months; correct?

15 A. Correct.

16 Q. And according to you, what you testified to this jury is  
17 at that point Hersl says something to you like, If you -- let  
18 me know if you find any money; right?

19 A. Correct. We had a discussion about if there was any money  
20 to be found, that we would split it up.

21 Q. Okay. And was Ward there when this conversation went on?

22 A. No.

23 Q. Was Hendrix there when this conversation went on?

24 A. No.

25 Q. Was Jenkins there when this conversation went on?

~~KATAM~~ ~~CROSS~~

1 A. No.

2 Q. Was Taylor there when this conversation went on?

3 A. No.

4 Q. Just you?

5 A. Yes.

6 Q. And is there any corroboration other than what you have to  
7 say?

8 A. I'm just being truthful.

9 Q. Okay. Well, we'll talk about truthful in a while, but --

10 A. Okay.

11 Q. -- is there any corroboration other than what you have to  
12 say?

13 A. Someone to corroborate it? No. Just -- it was just  
14 myself and Hersl there.

15 Q. Was there any money seized?

16 A. No.

17 Q. Anybody complain about money missing?

18 A. To the best of my knowledge, no.

19 Q. Do you know what they found?

20 A. Yeah. We found a substantial amount of drugs and guns.

21 Q. Just one second.

22 And these were seized, and they were brought into  
23 Property; correct?

24 A. Yes.

25 Q. ECU, Evidence Control; correct?



~~KAYAW~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** You or Hersl didn't steal any drugs, did you?

3 **A.** No.

4 **Q.** You didn't steal any guns, did you?

5 **A.** No.

6 **Q.** And before that time, you were involved in selling drugs  
7 which were stolen from houses such as this; right?

8 **A.** Correct.

9 **Q.** But you didn't take any this time?

10 **A.** No.

11 **Q.** Now, the very first day that Jenkins came on, the very  
12 first day, not the second day, but the very first day, he  
13 indicated that there was a big drug trafficker that he was  
14 interested in.

15 Do you remember that?

16 **A.** You know, I can't recall that particular conversation.

17 **Q.** He called -- he called the squad together. And he said,  
18 There's a big-time person out there and you all -- you, Gondo,  
19 and Hendrix -- actually went into the house before a warrant  
20 was written and you stole \$1500.

21 Do you remember that?

22 **A.** I really don't. But if I did do that, I would be more  
23 than willing to say that I did. But I don't recall that.

24 **Q.** Well, do you remember -- you know you met with Government  
25 counsel (indicating); right?

~~KAYAW~~ ~~CROSS~~

1 A. Correct.

2 Q. And you met with Agent Jensen, and she was taking notes;  
3 correct?

4 A. Correct.

5 Q. And on March 28th, 2017, was one of the days you met with  
6 them; does that sound about right?

7 A. Okay. Okay.

8 Q. I'm going to approach for a second, and I'm going to have  
9 you read -- this is marked for identification  
10 Defense Exhibit No. 6 just for identification.

11 **MR. PURPURA:** Are you guys okay with that  
12 (indicating)?

13 **BY MR. PURPURA:**

14 Q. I'm going to ask you just to read to yourself, not out  
15 loud, this paragraph and then see if that paragraph refreshes  
16 your recollection about this particular incident.

17 A. (Witness complies.)

18 Q. Are you finished?

19 A. Okay. Yeah. Yes.

20 Q. You read the paragraph?

21 A. Yes.

22 Q. Okay. And now do you remember this incident at all?

23 A. Yeah. You had kind of confused me 'cause I think you said  
24 before he got to the squad, but that was after.

25 Q. One day after. I'm sorry. Apologize.

~~KAWA~~ ~~CROSS~~

1 **A.** Was it one day? I don't know if that was one day after,  
2 but okay.

3 **Q.** Do you remember the incident I'm talking about?

4 **A.** Yes.

5 **Q.** And this incident that -- Hersl was on the squad on  
6 that -- at that time period; correct?

7 **A.** Correct.

8 **Q.** But the people that actually went in the house and stole  
9 money at that time was yourself and Hendrix; is that correct?

10 **A.** Myself, Hendrix, and Gondo; correct.

11 **Q.** And Gondo?

12 **A.** Yes.

13 **Q.** And you all split that money amongst yourselves; correct?

14 **A.** Correct.

15 **Q.** And this is in June of 2016; correct?

16 **A.** I can't recall the date, but the --

17 **Q.** The day after Jenkins came to the squad would be June 17th  
18 of 2016; sound about right to you?

19 **A.** Okay.

20 **Q.** Okay. And Hersl was a squad member, but he did not  
21 partake in that money; is that correct, sir?

22 **A.** Correct.

23 **Q.** And you didn't give him any money that you took from  
24 there, did you, sir?

25 **A.** No.

~~KATAM~~ ~~CROSS~~

1 Q. Now, sir, you testified as well yesterday about Hersl  
2 spending a month, a month -- God bless you -- a month at his  
3 new house in Harford County, in Joppa, doing repair work.

4 Do you remember that?

5 A. Yes.

6 Q. Do you know if it was a month or maybe less?

7 A. Give or take. That's just what I was told. It was, give  
8 or take, a month.

9 Q. Who told you?

10 A. Well, Hersl a couple times, then Wayne a couple times.

11 "Hey, what's up? Where you at?"

12 "I'm out fixing my house up," 'cause he just bought a new  
13 house.

14 I'm like, "Okay."

15 Q. So they would tell you -- Hersl would tell you --  
16 sometimes you'd look to see why he's not there. He would be  
17 saying he'd be -- he was at his house, trying to fix it up; is  
18 that fair to say?

19 A. Yes.

20 Q. And Jenkins, if you asked him, "Where's Hersl?" he'd say,  
21 "Probably at his house, trying to fix it up"; right?

22 A. Well, I mean, it wasn't an everyday conversation, but  
23 everybody just knew -- or I knew. I can't speak for everyone  
24 else.

25 Q. So you don't know if it wasn't a month straight that he

~~KATAM~~ ~~CROSS~~

1 was there, was he?

2 **A.** Give or take a couple days. I can't say if it was a  
3 month, exactly 30 or 31 days.

4 **Q.** Can you say if it was a week or two weeks?

5 **A.** I just know that, you know, for some weeks, he wasn't at  
6 work for quite -- you know, for about a -- approximately a  
7 month, he wasn't at work. So whether he was at his house  
8 fixing it up or driving around town --

9 **Q.** Do you know if he used a vacation time during that period  
10 of time?

11 **A.** From -- no, I don't know.

12 **Q.** Okay. Do you know what a VMI time is?

13 **A.** Yes.

14 **Q.** What is it?

15 **A.** It's a vacation medical incentive.

16 **Q.** Okay. And tell the jury, what is that?

17 **A.** Vacation medical incentive is when you -- you work -- you  
18 don't take off of work when you're sick for a whole year, and  
19 the department rewards you with eight VMI days, so a vacation  
20 medical incentive. So you get like an extra eight vacation  
21 days. That's pretty much --

22 **Q.** And your year -- your fiscal year at the department is  
23 from July to July; correct?

24 **A.** You know, I never knew what the fiscal year was, but I  
25 just figure one year straight of not calling out.

~~KAYAW~~ ~~CROSS~~

1 Q. And then you get eight bonus days; right?

2 A. Yes.

3 Q. And so you don't know if Jenkins -- or, excuse me, if  
4 Hersl was repairing his home, if he was using VMI days; you  
5 don't know that. You don't know if he's using vacation days;  
6 you don't know that.

7 Correct?

8 A. Correct.

9 Q. And what are P days?

10 A. P days are personal days. It's like a holiday, Martin  
11 Luther King, Election Day, Thanksgiving. P days, that's what  
12 we call 'em.

13 Q. Why they give you P days in the department is because  
14 normally on holidays like Christmas and Easter, you all  
15 probably have to work. And so they allow you a holiday within  
16 45 days before or after the P day; correct? You can use it  
17 anytime?

18 A. Correct.

19 Q. So you can use your P day within 45 days of the actual  
20 holiday; correct?

21 A. Yes. You can use your P days 45 days before the holiday,  
22 45 days after. So if it was Christmas, 45 days before  
23 Christmas, 45 days after Christmas, that's your -- the timeline  
24 that you can use.

25 Q. Thank you.

~~KAWA~~ ~~CROSS~~

1 Now, I'm going to move to 2010, 2012. When did you start  
2 Baltimore City Police Department?

3 **A.** 2005.

4 **Q.** So within four years of you becoming a Baltimore City  
5 police officer, you had -- you were involved in an incident  
6 which gained the attention of Internal Investigation; correct?

7 **A.** Correct.

8 **Q.** And that incident -- that incident involved a police  
9 officer at that time by the name of Michael Sylvester; is that  
10 correct, sir?

11 **A.** Correct.

12 **Q.** And what -- there was an allegation, at least an  
13 allegation, that Michael Sylvester had improperly stopped a car  
14 in Baltimore City and that you and another police officer  
15 arrived at the scene to render aid, at least the officer who  
16 stopped the car; is that correct?

17 **A.** Correct.

18 **Q.** And then according to at least the first statement, that  
19 officer then, who was the first one there, waved you and your  
20 partner at that time away. And he remained there; is that  
21 right?

22 **A.** Yeah. We -- yes, I wound up leaving, yes.

23 **Q.** And so it turns out that the person that was stopped, who  
24 was Gary Brown, that \$11,000 was stolen; right?

25 **A.** Correct. Yes.

~~KAYAN~~ ~~CROSS~~

1 Q. And when you first went into Internal Affairs and you  
2 spoke to them, you indicated that you didn't know who the  
3 officer was.

4 A. Yes, I did indicate that I didn't know who the officer  
5 was, but I did know who the officer was.

6 Q. All right. So you -- we're going to get to that, but I  
7 take it slow.

8 A. Okay.

9 Q. You lied to 'em; right?

10 A. Yes, I lied.

11 Q. As a matter of fact, they showed you or you were shown  
12 cell phone records which showed that in the four months during  
13 this incident, you had over 500 contacts with  
14 Michael Sylvester.

15 Sound about right?

16 A. Yeah. They showed -- not the day I went down there  
17 initially, but eventually they showed me cell phone  
18 communication.

19 Q. And in particular on the very day of this incident, you  
20 had 36 phone contacts with Michael Sylvester; right?

21 A. If -- I don't -- I don't know the exact amount, but I did  
22 contact Michael Sylvester, yes.

23 Q. But you lied to Internal Investigation about that; right?

24 A. Yes, I did lie.

25 Q. As a matter of fact, they even showed you a six-pack.



~~KAYAW~~ ~~CROSS~~

1 What's a six-pack?

2 **A.** It's a photo array -- arrayment of the possible suspects  
3 that the -- that Internal Affairs were looking at; so, yes,  
4 they did.

5 **Q.** And Michael Sylvester was one of those people in those  
6 pictures; correct?

7 **A.** Yes.

8 **Q.** And you went to the academy with Michael Sylvester; right?

9 **A.** Yes.

10 **Q.** So you not only talked to him -- I was going to say a  
11 billion, but that's an exaggeration. You not only talked to  
12 him a lot, but you went to the academy with him. They show you  
13 a six-pack of his pictures. And you picked out four pictures,  
14 right, four pictures and said, "It could be any one of these  
15 four"; right?

16 **A.** Yes.

17 **Q.** That's a whopper of a lie; right?

18 **A.** You're correct, sir. I admitted -- admitted to  
19 everything.

20 **Q.** Now, did they ever ask you -- did you get some of that  
21 money, that \$11,000?

22 **A.** Yes. I told 'em.

23 **Q.** And did you?

24 **A.** Yes.

25 **Q.** All right. When you went back the following year, when

~~KAWA~~ ~~CROSS~~

1 you spoke again to Internal Investigation, you didn't tell 'em  
2 you'd gotten any money from that incident, did you?

3 **A.** I don't recall if I did, no.

4 **Q.** You lied again about that. You did -- what you did tell  
5 them is you recognize who Michael Sylvester is; you weren't  
6 truthful; you could identify him; he was there, but I had  
7 nothing to do with the incident.

8 Right?

9 **A.** Correct.

10 **Q.** And that was a lie a year later about the same incident;  
11 right?

12 **A.** Correct.

13 **Q.** Sylvester resigned; correct?

14 **A.** I don't -- I know he's not with the department. I don't  
15 know if he resigned or were fired, but --

16 **Q.** You got suspended for two years; right?

17 **A.** Correct.

18 **Q.** When you returned from that suspension, where did they  
19 place you?

20 **A.** I was in the Gun Unit.

21 **Q.** And just one second. Go back. Back in 2009, when you got  
22 a portion of that money that was taken, the \$11,000 taken from  
23 that car, there was no Jenkins at that time, was there?

24 **A.** No.

25 **Q.** There was no Hersl at that time, was there?

~~RAYAM~~ ~~CROSS~~

1 A. No.

2 Q. There was no Taylor at that time, was there?

3 A. No.

4 Q. There was no Gondo at that time, was there?

5 A. No.

6 Q. It was just Rayam; right?

7 A. Yes, sir.

8 Q. I'm sorry. I interrupted you.

9 When you -- after 2012, where did you come to?

10 A. I was in the Gun Trace Task Force, the unit that I was in  
11 when -- on March 1st when I got locked up, arrested.

12 Q. So after the suspension, Baltimore City Police -- after  
13 you lied, Baltimore City Police places you in -- it's a fairly  
14 elite task force, right, the gun -- at least it was supposed to  
15 be, the Gun Trace Task Force; right?

16 A. Yes.

17 Q. Now, obviously to be fair to yourself and to be fair to  
18 you, it's very dangerous out there doing what you were doing;  
19 is that correct?

20 A. Yes.

21 Q. As a matter of fact, you were involved in -- you were  
22 involved in a shooting in 2007; is that correct, sir?

23 A. Correct.

24 Q. You were shot at, and you returned fire; correct?

25 A. Yeah. I was shot and I returned fire, yes.

~~KATAM~~ ~~CROSS~~

1 Q. And then again in 2007, I believe, this time you were  
2 dragged by a car?

3 A. Yes.

4 Q. And you shot the person who was dragging you; correct?

5 A. Yes.

6 Q. And then there was a third shooting, and that was when you  
7 were protecting another Baltimore City police officer; is that  
8 correct, sir?

9 A. Yes.

10 Q. And at that point you shot and you killed that person; is  
11 that correct, sir?

12 A. Yes.

13 Q. There were three police-involved shootings within  
14 20 months; is that correct, sir?

15 A. If that's the timeline, yes.

16 Q. But you did put yourself in harm's way, and that's the  
17 result; is that correct, sir?

18 A. Yes.

19 Q. And as you told the Government, that when you are doing  
20 what you're supposed to do as a Baltimore City police officer,  
21 you can be and you were a good cop; is that fair to say?

22 A. Yes.

23 Q. And despite the fact that I think you've testified before  
24 that you've been involved in at least 13 incidents that  
25 involved 13 false reports, what's false in reports would be

~~KAYAW~~ ~~CROSS~~

1 that money's taken and/or the amount of money taken; is that  
2 correct, sir?

3 **A.** Yes.

4 **Q.** You never once -- you never once falsified a report about  
5 a gun, placing a gun in a car or placing drugs in a car; is  
6 that correct, sir?

7 **A.** No.

8 **Q.** It was just about money; correct?

9 **A.** Yes.

10 **Q.** So if there was a gun and drugs, the gun and "drug" would  
11 be seized and perhaps some money would be taken, at least in  
12 those 13 incidents. And that's why you falsified the reports;  
13 is that correct, sir?

14 **A.** I'm sorry. Just repeat that.

15 **Q.** That was a bad question. I apologize.

16 If -- in these 13 incidents where there's false reports  
17 that you've admitted to, if there were a gun and you write  
18 about a gun in the report, there actually was a gun found in  
19 the car or the house; correct?

20 **A.** Correct.

21 **Q.** And if there was drugs in the report, there actually were  
22 drugs found in the car or the house; correct, sir?

23 **A.** Correct.

24 **Q.** You did not place guns and/or drugs on citizens in  
25 Baltimore City, did you, sir?

~~RAYAM~~ ~~CROSS~~

1 **A.** No.

2 **Q.** As a matter of fact, what you told the Government is often  
3 when you, Mr. Rayam, did take some of their money, you would  
4 cut the drug dealer a break and maybe not turn in all the drugs  
5 or do something like that; is that fair to say?

6 **A.** That's fair to say. Just if I would take some of their  
7 money or if I didn't lock them up, I would just -- they  
8 wouldn't know, but I would take their money and the drugs; and  
9 I would submit the drugs but not all of the money. So it would  
10 just be partial, and I wouldn't arrest 'em.

11 **Q.** Excuse me. It's great to be mic'd up when you're sick. I  
12 apologize.

13 All right. Let's just -- just briefly on overtime, you  
14 indicated that you actually wrote out slips, overtime slips for  
15 Detective, at that time, Hersl; is that correct?

16 **A.** Well, yes. Over the course of months, I can't say --  
17 recall like what day; but over the course of a month, I pretty  
18 much -- I know that I would have filled out slips for everyone  
19 else.

20 **Q.** I'm not asking would have or could have. I'm asking --

21 **A.** Yes, I did, yes.

22 **Q.** You did; right?

23 **A.** Yes.

24 **Q.** And then I guess the fair question would be -- and I'm not  
25 sure you can answer it -- when?

~~KAWA~~ ~~CROSS~~

1 **A.** That's -- I can't recall the exact --

2 **Q.** Well, it had to be sometime between, I guess, Mr. Hersl  
3 coming to the squad, which is in January of 2016, through the  
4 arrest of March 1st, 2017; right?

5 **A.** You could -- you could say, yes, in between those times,  
6 yes.

7 **Q.** Can you narrow it down at all?

8 **A.** I mean, it happened often, but not as often. But it's  
9 just -- I can't really narrow it down. It was just -- just a  
10 way of life. We all filled out slips for each other.

11 **Q.** Well, let me ask you this, then: Did the Government  
12 try -- you met with the Government. I didn't get the details.  
13 But you actually met with them -- when I say "the  
14 Government" -- we've done this before -- Mr. Wise, Mr. Hines,  
15 and Special Agent Jensen and TFO Sieracki in the back. You met  
16 with them; my count, there was eight proffers. Sound about  
17 right, eight meetings?

18 **A.** I never kept count of them. But the -- yeah, if that's  
19 how many times they came to see me, then that's how many times  
20 they came to see me.

21 **Q.** And when they came to see you, as we know,  
22 Special Agent Jensen, she's the one who was taking -- trying to  
23 take copious notes or notes when you're speaking; correct?

24 **A.** Okay. Yes.

25 **Q.** And these eight times, these are fairly lengthy meetings.

1 It's not like 10 minutes or 15 minutes. They sit down with you  
2 and they kind of milk the cow. They get as much as they can  
3 from you; right?

4 **A.** I wouldn't say "milked the cow," but I just -- yeah, we --  
5 I talked to them. We talked.

6 **Q.** Now, at any of those meetings -- and we saw the overtime  
7 slips. How is your handwriting?

8 **A.** My handwriting is pretty legible. It's pretty neat.

9 **Q.** Distinctive? You'd recognize it?

10 **A.** Yes.

11 **Q.** Did they ever show you a slip, a Hersl slip with your  
12 handwriting on it?

13 **A.** No.

14 **Q.** You guys did get guns off the street. I mean, you and  
15 Gondo, you got -- you got guns off the street 2015, 2016?

16 **A.** Yes.

17 **Q.** And you did consider yourself a good police officer, at  
18 least when you were doing the right thing; correct?

19 **A.** Yeah, I was -- yes, but --

20 **Q.** Can you give us an estimate of how many guns you got off  
21 the street?

22 **A.** Estimate?

23 **Q.** Yeah.

24 **A.** Probably over a hundred, 150, maybe.

25 **Q.** Okay. And you knew that it was a common practice dating



~~KATAM~~ ~~CROSS~~

1 all the way back to when you first came on the force about  
2 overtime and slash days and getting bonus time; correct?

3 **A.** Yes.

4 **Q.** And that's nothing new. That's been going on before you  
5 became a cop; right?

6 **A.** Correct.

7 **Q.** You just kind of took advantage of it; right?

8 **A.** Yes.

9 **Q.** I'm going to talk in detail now about the Hamiltons,  
10 July 8th, 2016.

11 Ronald Hamilton, this was -- this was your investigation;  
12 correct?

13 **A.** Yes.

14 **Q.** And when you -- when I say it's your investigation, what  
15 does that mean? Can you explain for the jury a little bit.

16 **A.** My investigation, meaning I was just the primary officer.  
17 So it was up to me pretty much to come up with -- I was just  
18 the lead detective, just to come up with the case and the  
19 evidence and everything.

20 **Q.** And this Ronald Hamilton, he was -- he was a target that  
21 you had; correct?

22 **A.** Yes.

23 **Q.** You had a source of information on this target; correct?

24 **A.** Yes.

25 **Q.** And this source of information was actually -- he was a

~~KAWA~~ ~~CROSS~~

1 relative. He was a cousin of Ronald Hamilton; correct?

2 **A.** Yes.

3 **Q.** And -- I don't see why we can't say --

4 **A.** No. I just -- I didn't -- I thought it -- just because he  
5 was an informant, I didn't think --

6 **Q.** There ain't no secrets anymore.

7 **A.** All right.

8 **Q.** All right. So he was really close to the Hamiltons;  
9 correct?

10 **A.** Yes.

11 **Q.** And he not only gave you information about Mr. Hamilton;  
12 he gave you information about Mr. Hamilton, Ronald Hamilton's  
13 brother. That's Rajesh, R-A-J-E-S-H, Hamilton?

14 **A.** Yes.

15 **Q.** And when you get the Hamiltons' name, Ronald Hamilton, you  
16 did take a look and you look at his rap sheet. And you knew at  
17 that point that, as a good investigator would, that he had two  
18 prior, at that point, federal narcotics convictions for  
19 distribution of drugs; correct?

20 **A.** I did do a rap sheet. If that -- I can't really recall  
21 the priors. But if that's what it was, then, yes, he had -- he  
22 did have a prior of something, yes.

23 **Q.** And that's something you would do. You'd want to see  
24 who -- here's your target. You got information. And you take  
25 a look, and you see what he has; correct?

~~KAWA~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** And when a person has not one but two, especially federal,  
3 that kind of highlights him a little more; fair to say?

4 **A.** It doesn't matter if it's federal, state; but if he had a  
5 record, it would -- that would -- pretty much means, you know,  
6 it's possible that he's going --

7 **Q.** Let's take a second on that, just for a second. You know  
8 in your experience that when you get a big drug bust in the  
9 city, if it's a big drug bust, enough quantity, like  
10 16 kilograms, it gets kicked up to the Federal Court; right?

11 **A.** Sometimes. I've been in State where it was a big drug  
12 bust and the State kept it. So either way.

13 **Q.** So he was being targeted because of the informant, and he  
14 was being targeted for also 'cause the informant told you that  
15 he had guns as well; correct?

16 **A.** Correct.

17 **Q.** And then you learned that his home was -- at that point  
18 you learned it was 1908 Ships Quarter Court or you found that  
19 out, correct, in Westminster?

20 **A.** Yes. Yes.

21 **Q.** You even found out what kind of vehicle he drives;  
22 correct?

23 **A.** Yes.

24 **Q.** And then what you did was you used GPS; right?

25 **A.** Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And you put the GPS on Mr. Hamilton's vehicle, the vehicle  
2 you identified; correct?

3 A. Correct.

4 Q. And GPS is legal if you have probable cause and a judge  
5 signs, in essence, a warrant saying you could use it; correct?

6 A. Yes.

7 Q. But what you did here is you cut a corner right?

8 A. Yes.

9 Q. You placed the GPS on there, and you didn't have a court  
10 authority to do that; correct?

11 A. Correct.

12 Q. And you know that's wrong, but you did it anyway?

13 A. Yes, I did it anyway.

14 Q. You didn't tell Gondo that you did that, did you?

15 A. Gondo knew.

16 Q. Gondo knew you did that?

17 A. Yes.

18 Q. Okay. But in addition to that, there was also actual  
19 surveillance; correct?

20 A. Yes.

21 Q. Do you remember you did some surveillance; correct?

22 A. Yes.

23 Q. And in addition, John Clewell did some surveillance;  
24 correct?

25 A. Yes.

~~KATAM~~ ~~CROSS~~

1 **Q.** And you put all this in the warrant; right?

2 **A.** Yes.

3 **Q.** And there was an actual warrant; is that correct?

4 **A.** Yes.

5 (Counsel conferred.)

6 **MR. PURPURA:** Can we approach the bench, then, Judge?

7 **THE COURT:** Sure.

8 (Bench conference on the record:

9 **MR. PURPURA:** I intend to put into evidence, if he --  
10 once he identifies the actual affidavit and warrant for the  
11 Westminster address.

12 **THE COURT:** Okay. May I see.

13 **MR. PURPURA:** (Handing.)

14 It sets out his basis for probable cause in detail.

15 **THE COURT:** While I'm looking, the Government's  
16 objection?

17 **MR. WISE:** Your Honor, it's hearsay, and there's no  
18 exception. We could have put it in, arguing that it was an  
19 admission of a member of the conspiracy. They can't put it in.  
20 There's no exception that applies.

21 It also raises this issue of this probable cause  
22 defense that we've litigated. They can certainly ask him, as  
23 they've done: What did you see? What did you do? What did  
24 you talk about?

25 Mr. Hines asked him questions about whether he was

1 truthful in the warrant. But the warrant itself is  
2 inadmissible, and there's no exception to the Hearsay Rule that  
3 allows for its admission.

4 It's also full of hearsay within hearsay. It's full  
5 of other people's observations. It's not evidence, frankly, of  
6 anything, which is why the Hearsay Rule . . .

7 **THE COURT:** So why do you -- what's the hearsay  
8 exception, and why do you need it in?

9 **MR. PURPURA:** I believe the hearsay exception is --  
10 just a moment.

11 I believe -- I'm not sure of the exact number. I  
12 think it's 801(d)(2)(D). And the exception would be that it's  
13 a written report by a police officer -- I feel like I'm being  
14 mic'd here -- but by a police officer using it against him, his  
15 report.

16 **MR. WISE:** That specific rule says court documents can  
17 be introduced except police officer reports, and so this  
18 contains exactly what that exception says you can't move in  
19 evidence. So you could put a judgment in; otherwise, we could  
20 do that in every case.

21 **THE COURT:** Well, I'm going to have to look at that.  
22 I don't know at this point you're saying 801(d) --

23 **MR. PURPURA:** I can take a look at the rules, but it  
24 will take a minute. I just --

25 **THE COURT:** Okay. In the meantime, what do you want

~~RAYAM~~ ~~CROSS~~

1 to ask him out of this? I mean, what is the point of it?

2 **MR. PURPURA:** Well, I'm going to ask him a series of  
3 questions. Maybe -- maybe I can just ask him the questions and  
4 we'll see what happens.

5 **THE COURT:** Start with it for identification and ask  
6 some questions, and we'll see what happens in the meantime.)

7 (Bench conference concluded.)

8 **BY MR. PURPURA:**

9 **Q.** Detective Rayam, I'm now going to show you what has been  
10 marked for identification as Hersl Exhibit No. 7 and ask you to  
11 please take a moment and take a look at that document, see if  
12 you recognize that document (handing).

13 **A.** Was there something specifically you wanted me to look at?

14 **Q.** Do you recognize it?

15 **A.** Oh, yes, yes.

16 **Q.** And the document is -- in fact, it does contain your  
17 statement of probable cause which you used to obtain a warrant  
18 for the Westminster address; is that correct, sir?

19 **A.** Yes.

20 **Q.** That's the Hamilton house; is that correct, sir?

21 **A.** Yes.

22 **Q.** And that statement of probable cause was submitted to a  
23 District Court judge here in Baltimore City; is that correct,  
24 sir?

25 **A.** Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And it was submitted to a District Court judge because a  
2 District Court judge has statewide jurisdiction; is that  
3 correct, sir?

4 A. Yes.

5 Q. And you knew that you wanted to execute this warrant  
6 outside of Baltimore City because you're going to go to  
7 Carroll County; correct?

8 A. Correct.

9 Q. If you went to a Circuit Court Judge in Baltimore City,  
10 Circuit Court judges do not have statewide jurisdiction; and it  
11 would be basically -- it may be an invalid warrant; right?

12 A. Correct.

13 Q. So you wanted to make sure that you had a valid warrant,  
14 so you got a District Court judge to sign it; is that correct,  
15 sir?

16 A. Yes.

17 Q. And then in addition to the actual warrant authorizing you  
18 to search 1908 Ships Quarter Road in Westminster, Maryland,  
19 here's your affidavit as well; is that correct?

20 A. Yes.

21 Q. And in the affidavit, in the first few paragraphs or pages  
22 is your background; is that correct?

23 A. Yes.

24 Q. And there's nothing -- you're not lying about your  
25 background as a police officer, are you, in that affidavit?



~~KATAM~~ ~~CROSS~~

1 A. No.

2 Q. And then on Page 6 there is -- one, two, three -- there's  
3 four, four pages of what's called probable cause; right?

4 A. Yes.

5 Q. And in that probable cause, you're telling this  
6 District Court judge that, in fact, Mr. Hamilton is involved in  
7 large-scale drug trafficking; correct?

8 A. Yes.

9 Q. And you base that upon some surveillance which you  
10 actually did; is that correct?

11 A. Yes.

12 Q. You base that upon your confidential informant, who was  
13 actually a cousin of Mr. Hamilton; is that correct?

14 A. Yes.

15 Q. You base that upon some surveillance that John Clewell did  
16 at the Fairmount Street addresses; is that correct?

17 A. Yes.

18 (Counsel conferred.)

19 **BY MR. PURPURA:**

20 Q. I'm now showing you what has been marked as  
21 Defense Exhibit No. 8 for identification -- actually, 8 and 9.  
22 Do you recognize these two houses on Fairmount Street, these  
23 two row houses?

24 A. Yes. I believe that one of those houses where, you know,  
25 the warrant -- another warrant was written for.

~~KATAM~~ ~~CROSS~~

1 Q. Thank you.

2 And that would be the 2723, which is listed in your  
3 affidavit; is that correct?

4 A. Yes.

5 Q. Thank you.

6 MR. PURPURA: I would move 8 into evidence and 9.

7 THE COURT: Any objection?

8 MR. HINES: No objection, Your Honor.

9 THE COURT: All right. That's Defendant Hersl 8  
10 and 9.

11 BY MR. PURPURA:

12 Q. Showing you what has been entered into evidence as  
13 Defense Hersl 8, this is 2723 Fairmount, and this would be  
14 mentioned in your affidavit as one of the suspected storage  
15 facilities for Mr. Hamilton's drugs; is that correct, sir?

16 A. Yes.

17 Q. And 9 is 2721, and that's another Hamilton-owned row  
18 house, and that's right next door to 2723; is that correct?

19 A. It's right next door, yes.

20 Q. And is it usual or unusual for drug dealers to put houses  
21 or cars or their property in someone else's name?

22 A. Yes.

23 Q. It's usual; right?

24 A. It's usual as well.

25 Q. And they want to do that because they want to hide their

~~KAYAW~~ ~~CROSS~~

1 assets; correct?

2 **A.** Yes.

3 **Q.** So sometimes they use brothers or sisters or girlfriends;  
4 right?

5 **A.** Yes.

6 **Q.** You actually went out to the Hamiltons' house, correct,  
7 the Hamiltons' house in Westminster?

8 **A.** Yes.

9 **Q.** Did you ever do surveillance there before the actual raid  
10 or before the search warrant?

11 **A.** I did, yes.

12 **Q.** So you know what the house looks like; right?

13 **A.** Yes.

14 **Q.** I'm going to show you what has been marked as Hersl 10 and  
15 11 and ask you if you could identify 10 and 11.

16 **A.** Yes. That's their house.

17 **Q.** Is that the Hamilton house, both 10 and 11?

18 **A.** Yes.

19 **Q.** Thank you.

20 That's -- Defense Exhibit No. 11, that would be the --  
21 kind of an aerial view of the Hamilton house, the house that  
22 you all raided on July 8th of 2016; is that correct, sir?

23 **A.** Yes.

24 **Q.** And I believe you can -- it's a fairly large house;  
25 correct?

~~KAYAW~~ ~~CROSS~~

1 A. Yes.

2 Q. A lot of property surrounding the house; correct?

3 A. Yes, yes, land.

4 Q. Did it ever occur -- did you -- as a police officer, did  
5 you think perhaps, how could someone who just gets out of  
6 prison two years before acquire this type of property so  
7 quickly?

8 A. Not -- I was told that he dabbled in a lot of real estate.  
9 So, you know, I -- I wasn't sure.

10 Q. Okay. And as a detective on an elite squad as GTTF, you  
11 had citywide jurisdiction; correct?

12 A. Citywide, yes.

13 Q. Okay. In addition, you were able to obtain statewide  
14 lawful -- law authority; is that correct?

15 A. You said in addition we did or I did?

16 Q. You did.

17 A. I can?

18 Q. Yes.

19 A. Yes.

20 Q. And you did?

21 A. Wayne Jenkins did on our behalf, yes.

22 Q. Okay. And so when this -- when you stopped the  
23 Hamiltons -- prior to the vehicle stop of the Hamiltons, you,  
24 in fact, did have statewide law enforcement authority; and you  
25 had expiration date on that of August 6th of 2016. Sound about

~~KAYAW~~ ~~CROSS~~

1 right to you?

2 **A.** Yes.

3 **Q.** And what does that give you, statewide law authority?

4 You're a Baltimore City cop. What does that give you?

5 **A.** If I can recall, we just had to put the county that we  
6 were working in; and we were able to make car stops or do  
7 investigations throughout -- you know, throughout that given  
8 state -- well, area.

9 **Q.** Okay. It gave you greater flexibility because you were  
10 kind of flex squad at that point; right?

11 **A.** Yes.

12 **Q.** And at this point, especially, you ran down the Hamiltons,  
13 who has a house in Carroll County and, you know, I think  
14 another house in Owings Mills, in Baltimore County as part of  
15 this investigation; right?

16 **A.** Yes.

17 **Q.** So that's necessary in an investigation like this;  
18 correct?

19 **A.** Yes.

20 **Q.** You can't just be tied to Baltimore City, and you weren't  
21 just tied to Baltimore City, were you?

22 **A.** No.

23 **Q.** And your squad wasn't either, was it?

24 **A.** For this case, no.

25 **Q.** Now, did you ever discuss with Jenkins before you filed --

~~KATAM~~ ~~CROSS~~

1 before the search warrant was filed that you had some  
2 misstatements in the search warrant?

3 **A.** No.

4 **Q.** Did you ever tell Gondo that, you know, the stuff on  
5 surveillance I put in there is not accurate? Did you ever tell  
6 him that?

7 **A.** No.

8 **Q.** You didn't tell anybody in your squad that, did you?

9 **A.** No.

10 **Q.** So no one knew except you; right?

11 **A.** Correct.

12 **Q.** Everyone thought what you had was a darned good warrant  
13 signed by a District Court judge who has statewide  
14 jurisdiction; right?

15 **A.** I believe so.

16 **Q.** On July 8th, 2016, you did do surveillance in the  
17 Home Depot lot; is that correct?

18 **A.** Yes.

19 **Q.** Now, you indicated to the jury that you knew the vehicle  
20 was there because you cheated a little bit. You had the GPS;  
21 right?

22 **A.** Yes.

23 **Q.** But after you did cheat, you went there and you actually  
24 did eyeball surveillance. That means you were right there;  
25 right?

~~KATAM~~ ~~CROSS~~

1 A. Yes.

2 Q. And you were in the car with Gondo; correct?

3 A. Yes.

4 Q. You called for backup; right?

5 A. Yes. They -- I know Clewell and Hersl was somewhere in  
6 the area, but --

7 Q. But how did they get there?

8 A. Yeah, we called for backup. They were around.

9 Q. Who called?

10 A. It could have been myself.

11 Q. Your investigation, you wanted more than two people --

12 A. I could have called. I could have called them.

13 Q. Okay. Fair enough.

14 And you called John Clewell; remember that?

15 A. If -- I -- they were contacted, yes, okay, if -- I  
16 don't -- I know they were contacted.

17 Q. Do you know, just on July 6th or July 5th or July 4th, did  
18 you know where Hersl was during those days? He wasn't with the  
19 squad. Do you know where he was?

20 A. No, I don't --

21 Q. Did he talk about going on vacation with you just before  
22 this incident, the Hamiltons?

23 A. Did Hersl talk about going on vacation with me?

24 Q. Not with you; that he was away on vacation.

25 A. Oh. Yeah; I can't remember. That was -- I don't remember

1 if he was going on vacation back then or not.

2 Q. And you don't know if he just got back from vacation when  
3 he was called in to do the surveillance, do you?

4 A. You know, I can't remember those specifics.

5 Q. So bottom line is you're doing surveillance, Home Depot,  
6 the Hamiltons, Ronald and Nancy; you leave Home Depot, and you  
7 pull the car over; correct?

8 A. Yes.

9 Q. Who pulls the car over?

10 A. I believe -- well, I was in the car. I believe Gondo was  
11 the driver. So he -- we -- I pulled the car over, but Gondo  
12 was the driver.

13 Q. Okay.

14 A. Yeah.

15 Q. And then, of course, that Hersl and Clewell were in their  
16 car as well; correct?

17 A. Yes.

18 Q. And they were following directions, and they were part of  
19 the stop as well; correct?

20 A. Yes.

21 Q. And at this point you had a warrant to search the house  
22 and I think the vehicle; is that correct?

23 A. Yes.

24 Q. And you thought you had your target. You knew who he was,  
25 Ronald Hamilton; correct?



~~KATAM~~ ~~CROSS~~

1     **A.**    Yes.

2     **Q.**    You handcuffed Mr. Hamilton right?

3     **A.**    Yes.

4     **Q.**    You also put in the affidavit you thought Nancy Hamilton  
5     was involved in drug trafficking with her husband; isn't that  
6     correct?

7     **A.**    Yes, as far as the cash, I think it was, yes.

8     **Q.**    Okay.  So you handcuffed her as well; is that correct?

9     **A.**    Yes.

10    **Q.**    You thought you had lawful authority to do that; isn't  
11    that correct?

12    **A.**    Yes.

13    **Q.**    You took them back to a Baltimore City substation;  
14    correct?

15    **A.**    Yes.

16    **Q.**    It's called the barn; right?

17    **A.**    Yes.

18    **Q.**    Again, you think you can do that.  You think that you're  
19    doing exactly what you should be doing.  You've got a lawful  
20    warrant.  You've got statewide jurisdiction.  You've stopped  
21    the Hamiltons, who were suspected drug traffickers.  And you're  
22    bringing them back to the barn to question them; right?

23    **A.**    Yes.

24    **Q.**    And Jenkins, Sergeant Jenkins, said he wants to question  
25    them; correct?

~~RAW~~ ~~CROSS~~

1 A. Yes.

2 Q. And he wants to pose as either an Assistant United States  
3 Attorney -- God knows why he wanted to do that -- or he was  
4 going to be a federal agent; right?

5 A. Yes.

6 Q. And he wanted to do that because he wanted to intimidate  
7 the Hamiltons. That's just to play 'em; right?

8 A. Yes.

9 Q. There's nothing wrong with playing someone like that, is  
10 there?

11 A. I don't know. But as far as him posing as a  
12 U.S. Attorney, I don't know if you can do that or not, but --

13 Q. Maybe sketchy; right?

14 A. Yes.

15 Q. But the bottom line, that was Jenkins' style; correct?

16 A. Yes.

17 Q. And that was what Jenkins was going to do; right?

18 A. Yes.

19 Q. Because Jenkins wanted to see if they had any other  
20 sources, if they had drugs. He wanted to admit what they were  
21 doing; correct?

22 A. Yes.

23 Q. In that room -- 'cause it was a room you put Mr. Hamilton  
24 in; right?

25 A. Yes.

~~KAWA~~ ~~CROSS~~

1 Q. Okay. And Mrs. Hamilton was in the car with John Clewell,  
2 right, to your knowledge?

3 A. I remember her coming in 'cause she had to use the  
4 restroom or something like that, but -- so yes.

5 Q. So she was free to use the restroom which she did;  
6 correct?

7 A. Yes.

8 Q. And then Hersl -- well, actually, the people that  
9 interviewed Mr. Hamilton was Gondo and Jenkins; right?

10 A. I did say that. I know I was around as well.

11 Q. Okay. And you were there as well; correct?

12 A. Yes. Yes.

13 Q. And Hersl was not part of that interview, was he, sir?

14 A. Yeah. I just testified that I knew he was just back --  
15 people back and forth and everything; but directly, no. It was  
16 Wayne who was conducting it.

17 Q. Now, what Mr. Hamilton said was that he had \$40,000 at his  
18 house and nothing else; correct?

19 A. Correct.

20 Q. Now, normally I think good police work is you don't just  
21 take what you believe is a drug trafficker's word for that, do  
22 you?

23 A. No.

24 Q. And you have a warrant, so you're going to execute that  
25 warrant; correct?

~~KAWA~~ ~~CROSS~~

1 A. Correct.

2 Q. And that's good police work to follow up; correct?

3 A. Correct.

4 Q. And that you and Gondo put Mr. and Mrs. Hamilton in the  
5 back of a police vehicle, and you drove 'em to their home; is  
6 that correct?

7 A. Yes.

8 Q. And that, as you testified to, Jenkins and Hersl followed  
9 in -- I believe it was the Hamiltons' vehicle; correct?

10 A. Yes.

11 Q. So the point being, at least in your mind, would be that  
12 if you found drugs, if you found guns, the target of the  
13 investigation, in that house and they were arrested, they'd be  
14 in Carroll County and they'd be arrested right there; is that  
15 correct?

16 A. Yes.

17 Q. If you didn't find anything, then they're home and they've  
18 got their car and they get released; correct?

19 A. Yes.

20 Q. But you were hoping to find something; correct?

21 A. Yes.

22 Q. And when I say "something," you were looking for guns,  
23 drugs, and large amounts of money; is that fair to say?

24 A. Yes.

25 Q. Now, before you went out there, before you went out to the

1 Hamiltons' house, before you went out to this house here, you  
2 didn't have a little side meeting with Danny Hersl (indicating)  
3 and say, "Danny, we're going to go out to the Hamiltons' house,  
4 and we're going to play it like, whatever we get there, we're  
5 going to split four ways"? You didn't say that to him, did  
6 you, sir?

7 **A.** I didn't have direct contact -- I mean conversation like  
8 that, no.

9 **Q.** You didn't have a -- you didn't even have that  
10 conversation with Jenkins either before you went out there, did  
11 you, sir?

12 **A.** We had a conversation because that's why we sent Clewell  
13 with the other squad to do the search warrant because --

14 **Q.** Fair enough.

15 **A.** -- we wanted to be around people that --

16 **Q.** So you did have a conversation with Jenkins; correct?

17 **A.** Yes.

18 **Q.** But not with Danny Hersl (indicating); correct?

19 **A.** Well, like I said, it was understandable already at the  
20 time that I didn't have a direct conversation with --

21 **Q.** Sir, I'm not asking for your conversation.

22 **A.** Okay. I get --

23 **Q.** I'm asking if you said something to Danny. "Danny, you're  
24 part of this. We're going to go get a lot of money." You  
25 never said that to him, did you, sir?

~~KATAM~~ ~~CROSS~~

1 A. No, no.

2 Q. Now, who sat with both Nancy -- who sat with both Nancy  
3 and Ronald Hamilton?

4 A. All right. So in the beginning -- initially, it was  
5 myself, Hersl, and Gondo that went upstairs. And towards the  
6 end, Hersl sat with Mr. and Mrs. Hamilton.

7 Q. Okay. And is it proper to have Mr. and Mrs. Hamilton  
8 seated in one area during the search?

9 A. Yes.

10 Q. That's proper police protocol; correct?

11 A. Yes.

12 Q. You didn't want them wandering around the house during  
13 that time, do you?

14 A. No.

15 Q. As a matter of fact, when you all were driving up to the  
16 house, you in particular, I think Mrs. Hamilton suggested that,  
17 you know, I've got young children in the house. I'd like to  
18 get them out of the house.

19 And you allowed them to make a phone call; is that  
20 correct?

21 A. Yes.

22 Q. And they did and they were taken out of the house; right?

23 A. Yes.

24 Q. Now, when you went upstairs and you saw the money, what  
25 turns out to be \$50,000 in a heat-sealed envelope, you knew you

~~KAWA~~ ~~CROSS~~

1 had something at that point; right?

2 **A.** Yes.

3 **Q.** That's indicative of a drug trafficker; correct?

4 **A.** That's what I believed, yes.

5 **Q.** Okay. And then there's an additional \$20,000 in  
6 hundred-dollar bills which were loose, not heat-sealed; is that  
7 correct?

8 **A.** Yes.

9 **Q.** And at first you were not -- you were not going to take  
10 that money; is that correct?

11 **A.** Correct.

12 **Q.** As a matter of fact, you and Gondo were not going to take  
13 that money; is that correct?

14 **A.** Well, I could speak for myself. We -- you know, I saw him  
15 put it back, and I wasn't going to take it initially, no.

16 **Q.** And you weren't going to take it for a couple reasons.  
17 Number one, you were out in another jurisdiction in  
18 Carroll County, and you were somewhat nervous about that;  
19 right?

20 **A.** Yes.

21 **Q.** But Jenkins, when you told him, "There's money up there,"  
22 he told you to go take it; right?

23 **A.** Yeah. I approached him and said, "What do you want to  
24 do?"

25 He said, "Yeah, take it," and I took it.

~~KAWA~~ ~~CROSS~~

1 Q. So even at the point when you're in there and you get the  
2 \$20,000, in your mind, you're still not going to take it.  
3 You're not going to steal it at that point. For whatever  
4 reason, you're still not going to do it; right?

5 A. No, I'm not.

6 Q. And it wasn't until Jenkins said, "Go take it," that you  
7 took it; right?

8 A. Yes, that's when I took it.

9 Q. And you took it. And as you testified before, you took it  
10 from the bedroom and you brought it downstairs and you put it  
11 in the police vehicle; is that correct, sir?

12 A. Yes.

13 Q. And then after that, Ms. Hamilton approached you; correct?

14 A. I know during the time we talked, yes.

15 Q. Okay. And you actually -- you went downstairs with  
16 Mrs. Hamilton; right?

17 A. No. I was never alone with her, though.

18 Q. I'm not saying you were alone with her.

19 A. All right.

20 Q. You and Jenkins went downstairs with Ms. Hamilton?

21 A. At one point she was downstairs, yes. Yes, she was  
22 downstairs. I remember her being downstairs, yes.

23 Q. And you went down there?

24 A. Yes.

25 Q. Okay. And when you were down there, she told you, right



~~KAYAW~~ ~~CROSS~~

1 to you, that she was actually a confidential informant working  
2 for someone in the Southwest District; right?

3 **A.** Yes.

4 **Q.** What's a confidential informant?

5 **A.** An informant, just someone who gives information to the  
6 police.

7 **Q.** And she wanted to take you away from her husband when she  
8 told you that; right?

9 **A.** Yeah, she did, yes.

10 **Q.** And she actually wrote her number on a piece of paper and  
11 gave it to you, didn't she?

12 **A.** Yes.

13 **Q.** Now, a physical description, if you can, back in July of  
14 2016 between Jenkins and Hersl. If one was to be described as  
15 a stocky, white male and the other described as a scruffy,  
16 beard, older, perhaps with the smell of alcohol on him, which  
17 would be which?

18 **A.** I would believe that stocky would be Wayne. And the  
19 older, scruffy, it would be Hersl.

20 **Q.** Thank you.

21 I'm going to take you next to August 8th of 2016. This is  
22 the Dennis Armstrong incident.

23 Now, were you involved in a chase August 8th, 2016?

24 **A.** No.

25 **Q.** Okay. Did you see that -- did you see Jenkins and Clewell

~~ARMSTRONG~~ ~~CROSS~~

1 and Hersl in the vehicle before they started after

2 Mr. Armstrong?

3 **A.** Before --

4 **Q.** Before.

5 **A.** -- the chase?

6 **Q.** Yes, before the chase.

7 **A.** We were following them initially, but somehow they got  
8 ahead of us and a chase happened, but I wasn't -- no, we  
9 weren't there. Myself and Gondo wasn't there.

10 **Q.** Okay. Let's take a step back.

11 You're in a car with Gondo; right?

12 **A.** I believe it was just me and Gondo, yes.

13 **Q.** Okay. And you say you're following Jenkins' car at that  
14 point?

15 **A.** Yes.

16 **Q.** Where were you going?

17 **A.** We were just driving around, what Wayne does, looking for  
18 vehicles to stop.

19 **Q.** So you're doing -- you're citywide and you're being  
20 Wayne's type of proactive at this point; right?

21 **A.** Yes.

22 **Q.** And Wayne apparently got ahead of you guys, a little heavy  
23 on the gas pedal; right?

24 **A.** Yes.

25 **Q.** And you didn't see the pullover of Mr. Armstrong? You

~~KATAM~~ ~~CROSS~~

1 didn't see the chase of Mr. Armstrong?

2 **A.** No.

3 **Q.** Did you see the cocaine on the street which was thrown out  
4 from Mr. Armstrong's car?

5 **A.** No.

6 **Q.** So what you knew of the incident is that after  
7 Mr. Armstrong's arrested, he's brought back to the storage  
8 locker area where he came out of; correct?

9 **A.** Yes. Yes.

10 **Q.** And at that point what you see is you see at that time  
11 Detective Hersl in the Armstrong vehicle; correct?

12 **A.** I don't -- can't really recall if he was in there, but he  
13 could have -- I'm assuming that him, Clewell, and --

14 **Q.** Jenkins?

15 **A.** -- Jenkins searched the vehicle.

16 **Q.** Okay. Well, don't assume. I'm just asking what you saw.  
17 Did you see Mr. Armstrong?

18 **A.** You know, I want to be helpful. He could have -- I think  
19 he was brought back there and just taken in the wagon and taken  
20 somewhere else.

21 **Q.** Okay. So Mr. Armstrong was taken in a Baltimore  
22 City Police wagon --

23 **A.** Yes.

24 **Q.** -- 'cause he had been arrested; correct?

25 **A.** Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And why would a wagon pick somebody up?

2 A. Oh, because they're being arrested.

3 Q. Okay. So he was arrested. So Armstrong's in the wagon,  
4 and he's driven away; correct?

5 A. Yes.

6 Q. And at this point he's either going to the district or to  
7 Central Booking center; correct?

8 A. Yes.

9 Q. Because you know they've told you they found drugs,  
10 et cetera, in the car; correct?

11 A. Correct, yes.

12 Q. And then what happens is that Jenkins wants a warrant for  
13 a storage locker; right?

14 A. Yes.

15 Q. And John Clewell, who apparently is the best warrant  
16 writer, is being sent back downtown to write the warrant;  
17 right?

18 A. Yes.

19 Q. And Detective Gondo goes with him; correct?

20 A. Yes.

21 Q. That leaves on the scene, the Armstrong scene, would be  
22 yourself, Hersl, and Jenkins; right?

23 A. Yes.

24 Q. Hersl, according to your testimony, says, "Let's go for a  
25 ride to the 7-Eleven"; correct?

~~KAYAW~~ ~~CROSS~~

1 A. Yes.

2 Q. You go to Archbishop Curley parking lot?

3 A. Yes.

4 Q. And there's a bag in the car?

5 A. Yes.

6 Q. What kind of bag?

7 A. Just a bag with money in it, just like a -- it wasn't like  
8 a grocery bag, but like a -- just a plastic bag, though.

9 Q. And when money is seized, when -- let's say in a chase  
10 such as this and you seize money, you're supposed to take the  
11 money; you're supposed to take the drugs and seize them and  
12 turn them into ECU; correct?

13 A. Yes.

14 Q. Evidence Control Unit; correct?

15 A. Yes.

16 Q. At this point the -- Mr. Armstrong's already been -- he's  
17 already gone. He's been arrested; right?

18 A. Yes.

19 Q. So the money that's supposed to go from the bag to  
20 Evidence Control Unit is sitting in the car; right?

21 A. It was brought to the car; but, yeah, it was sitting in  
22 the car once we was at Archbishop, yes.

23 Q. Okay. And at that point Dan Hersl (indicating) says,  
24 "Take 500. I'll take 500." Right?

25 A. Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And that's what you took, was 500?

2 A. Yes.

3 Q. And apparently that's what he took as well; correct?

4 A. Yes.

5 Q. Money was still in the bag, some money?

6 A. Yes.

7 Q. Money was brought back, and eventually some money was  
8 turned in to ECU directly; is that correct?

9 A. Yes.

10 Q. There's no question that you stole \$500; right?

11 A. No question. Yes.

12 Q. There's no question that Dan Hersl stole \$500 at that  
13 point either, is there?

14 A. No, no question.

15 Q. Now, before you went out on August 8th, 2016, just before  
16 this incident, did Dan come up to you and say, "The first  
17 person we get or the first person we see, I'm going to pull  
18 them over; we're going to find money, and we're going to share  
19 it"?

20 A. No.

21 Q. Sir, I'm going to direct your attention to February 2016,  
22 the arrest of a Paul Edwards at 1110 McKean,  
23 M-c-K-E-A-N, Avenue. I know you've been involved in a lot. Do  
24 you remember this --

25 A. I'm sorry.

~~KATAM~~ ~~CROSS~~

1 Q. That's okay.

2 A. I remember the name.

3 Q. All right. This is one, if it helps a little bit, once  
4 you go into the residence, you see Mr. Edwards upstairs  
5 counting money.

6 Do you remember that?

7 A. Okay. Yes.

8 Q. Okay. And involved in that search or that arrest was  
9 yourself, Gondo, Clewell, and Hersl; right?

10 A. Yes.

11 Q. And Sergeant Allers, he was a sergeant at that time?

12 A. Yes.

13 Q. And you seized money -- there was a fairly large amount of  
14 money; right?

15 A. Yes.

16 Q. And you kept somewhere between 5 to 7 thousand dollars of  
17 that money; correct?

18 A. Kept it as far as individually or --

19 Q. Well, let's start with the first part.

20 A. Okay.

21 Q. You seized it and you kept it to begin with; right?

22 A. Yes.

23 Q. And then you split that money with Allers and Gondo;  
24 right?

25 A. Yes.

~~KATAM~~ ~~CROSS~~

1 Q. You didn't -- back in February of 2016, you didn't give  
2 any money to John Clewell, did you?

3 A. No.

4 Q. And you didn't give any money to Hersl (indicating), did  
5 you?

6 A. No.

7 Q. And you didn't give the money to Gondo or Allers in front  
8 of Hersl (indicating) or Clewell, did you?

9 A. No.

10 Q. You did that in secret; right?

11 A. Yes.

12 Q. 'Cause you wanted to keep that away from them, both  
13 Clewell and Hersl at that time; is that correct, sir?

14 A. Yes.

15 Q. As a matter of fact, Allers said, "Hersl's not part of it.  
16 I don't trust Hersl."

17 Do you remember saying that?

18 A. Yes, he said that to me before.

19 Q. And that's what you told the Government at the proffer  
20 sessions as well; correct?

21 A. Correct.

22 Q. Now I'm going to take you later in time. June 26th, 2017,  
23 there's a search of a dwelling which is parallel -- that's up  
24 and down -- parallel to North Avenue. If it helps you a little  
25 bit, there's a safe located there. And you get access to the



~~KATAM~~ ~~CROSS~~

1 safe by either a key or the combination?

2 **A.** Yes.

3 **Q.** Do you remember that?

4 **A.** Yes.

5 **Q.** And there's money in that safe; right?

6 **A.** Yes.

7 **Q.** And part of the people that are there on July 26th, 2017,  
8 part of the squad would be yourself, Gondo, Hersl, and Allers;  
9 right?

10 **A.** Yes.

11 **THE COURT:** I'm sorry. Is it June or July 26th?

12 **MR. PURPURA:** I'm sorry. June 26th, 2017.

13 **THE COURT:** June, okay.

14 **MR. PURPURA:** I might have said "July," though.

15 **BY MR. PURPURA:**

16 **Q.** And when you got in -- you actually got -- you got  
17 consent, I believe, to enter the safe; is that correct? Do you  
18 remember that?

19 **A.** Well, we had a search warrant, so -- and on the  
20 attachment, it was "safes." So, yeah, he gave us the password  
21 or key, whichever one, to get in.

22 **Q.** And you took about -- you didn't know how much it was, but  
23 you described it 3 to 4 inches (indicating) of stacks of money.  
24 You took it and you put it in your vest (indicating); right?

25 **A.** Yes.

~~KATAM~~ ~~CROSS~~

1 Q. And you did that -- you didn't want -- you didn't want  
2 Hersl to see you do it when you did it, did you?

3 A. No.

4 Q. And then when you took that money, you split that money;  
5 correct?

6 A. Yes.

7 Q. And you split that money with Sergeant Allers, Gondo, and  
8 yourself; correct?

9 A. Yes.

10 Q. This is June 26th, 2017; right?

11 A. Okay. Yes.

12 Q. Not Hersl (indicating)?

13 THE COURT: Wait a minute. 2016?

14 MR. PURPURA: '16.

15 THE COURT: '16.

16 MR. PURPURA: Judge, you're catching every time I say  
17 something wrong. You're right. 2016.

18 BY MR. PURPURA:

19 Q. And Hersl was not there when you split the money, was he?

20 A. No.

21 Q. And, again, Allers -- Allers said he didn't trust Hersl  
22 and not to give him any of the money; right?

23 A. Allers only said that one time.

24 Q. Okay. And when he told you not to give Hersl any money,  
25 he said it once; you never asked him again after that.

~~RAYAM~~ ~~CROSS~~

1 Correct?

2 **A.** Correct.

3 **Q.** And you knew that when Hersl first came to the squad --  
4 which would be sometime in January of 2016 -- that Hersl went  
5 in and spoke to Sergeant Allers. And he told Sergeant Allers  
6 that, you know, Sarge, I think that maybe Gondo and Rayam are a  
7 little sketchy. I'm a little worried. Allers ever tell you  
8 about that meeting?

9 **A.** No. Allers told me about Hersl, that he had, like,  
10 20-some complaints.

11 **Q.** Hold on a second.

12 **THE COURT:** Stop. Stop.

13 **MR. PURPURA:** Thank you.

14 **THE COURT:** Stop. Stop. Thank you.

15 **BY MR. PURPURA:**

16 **Q.** So you wanted to volunteer that, but you don't remember  
17 Allers --

18 **THE COURT:** No.

19 **BY MR. PURPURA:**

20 **Q.** You don't remember Allers saying --

21 **THE COURT:** Take out the first part of the question.  
22 Just repeat the question, Mr. Purpura.

23 **MR. PURPURA:** I am.

24 **THE COURT:** Oh, okay. Then I didn't -- sorry. I  
25 missed your beginning. Go ahead. Do it again.

1 **BY MR. PURPURA:**

2 **Q.** You don't remember Sergeant Allers telling you and Gondo,  
3 "Watch out for Hersl"?

4 **A.** No. You --

5 **Q.** This is "yes" or "no" now on this.

6 **A.** Say it -- okay. Do -- watch out for Hersl?

7 **Q.** Watch out -- "I don't trust Hersl"?

8 **A.** Yeah. I told you he said that one time, yes. He did say  
9 that, yes.

10 **Q.** Okay. Now, Hersl spoke to you all about gaining consent,  
11 consent in searches. You either have written consent, you have  
12 oral consent, or you can actually video-consent to the search;  
13 correct?

14 **A.** Okay. Correct.

15 **Q.** Okay. And you told the Government on June 26th, 2017,  
16 that it was Hersl's idea to document consents via phone video.

17 Do you remember that?

18 **A.** Oh, yes, yes.

19 **Q.** And that made Allers nervous too. Do you remember telling  
20 him that?

21 **A.** Yes.

22 **Q.** Because here you'd -- was worried that Hersl was really  
23 doing real police work and documenting consent; right?

24 **A.** No. I believed that Allers just didn't know that you  
25 could do that. I never heard of it either until Hersl came.

~~RAYAM~~ ~~CROSS~~

1 Q. You were concerned in the end of May, May -- exactly,  
2 May 27th of 2016, there was a phone call between yourself and  
3 Gondo, and the call in general was that Danny Boy just came  
4 back down to IAD, which is Internal Investigation.

5 Do you remember that?

6 A. Okay, yes.

7 Q. And then in -- I think I said -- yes, May, on May 27th,  
8 2016, in this phone call, either you or Gondo were concerned at  
9 that point that Hersl may be an informant, yo.

10 Do you remember that?

11 A. Yes.

12 Q. And by "informant" would be someone who would, you know,  
13 tell on you or Gondo or Allers for violating, stealing, doing  
14 whatever you're doing; correct?

15 A. Yes.

16 Q. And that phone call was recorded, and the Government had  
17 that phone call; right?

18 A. Yes, I guess they -- they had it.

19 Q. You admitted to the Government that you actually sold  
20 drugs as well; correct?

21 A. Yes.

22 Q. There was a time in August of 2016 when you were  
23 approached by -- when Jenkins approached both you and Rayam.  
24 He had a hundred gelcaps and a hundred grams of raw heroin.

25 Do you remember that time?

1 **A.** I don't know if those were the exact numbers, but I know  
2 he approached me as far as asking if I wanted to sell some  
3 drugs for him.

4 **Q.** How many times did he approach you to do that?

5 **A.** A couple -- you know, several times.

6 **Q.** So many times you can't remember any individual time?

7 **A.** Well, I say I didn't recall the exact amount. You said a  
8 hundred gelcaps, a hundred grams. I'm saying I don't recall  
9 him -- those numbers, but I recall him approaching me.

10 **Q.** Do you recall that you called your cousin in Jersey?

11 **A.** Yes.

12 **Q.** And you asked him to help split --

13 **A.** To help, yes.

14 **Q.** -- to help sell the drugs?

15 **A.** Yes.

16 **Q.** And he did help you sell the drugs?

17 **A.** Yes. He -- he contacted someone, yes.

18 **Q.** And as a result of that, you got some money; correct?

19 **A.** Yes.

20 **Q.** And you gave the money -- it was a split between yourself,  
21 Jenkins, and Gondo; right?

22 **A.** No; just me and Jenkins.

23 **Q.** Just you and Jenkins?

24 **A.** Yes.

25 **Q.** Not Hersl either?

~~RAYM~~ ~~CROSS~~

1 A. No.

2 Q. There was a time -- now we're near probably, I believe,  
3 near the end of your tour of duty with the GTTF where there's a  
4 car stop. You were present. Jenkins was present. Hersl was  
5 present. Ward was present, Taylor and Hendrix. This is the  
6 car stop with the 1.5 pounds of marijuana; do you remember that  
7 one?

8 A. Okay. Yes.

9 Q. And this is the car stop where you all went into a house  
10 at a dead-end. Jenkins got the consent to search the house?

11 A. Yes.

12 Q. Do you remember that?

13 You find 1.5 pounds of marijuana and a gun?

14 A. Yes.

15 Q. You actually wanted to submit -- as you told the  
16 Government --

17 A. Yes.

18 Q. -- you wanted to submit the drugs and guns; correct?

19 A. I figured we should get a search warrant and -- yeah, and  
20 submit it, yes.

21 Q. So you wanted to do it the right way; right?

22 A. Yes.

23 Q. Okay. But Jenkins said, "No." He was pressuring you  
24 'cause you owed him money; correct?

25 A. Yes.

1 Q. He came down on you fairly hard; right?

2 A. You could say, yes.

3 Q. You caved to his pressure; correct?

4 A. Yes.

5 Q. And I think you even described to the Government he was  
6 like a prince in the department; is that right?

7 A. I said that, yes.

8 Q. So then you took the gun and you took the pound and a half  
9 of marijuana; you contacted your friend Gondo, right --

10 A. Yes.

11 Q. -- got him involved?

12 A. Yes.

13 Q. Gondo helped or aided in the sell -- sale of the gun on  
14 the streets and the marijuana; correct?

15 A. Yes.

16 Q. And then you gave some of the money at that point to Gondo  
17 for his help; right?

18 A. Yes.

19 Q. You gave some of the money to Jenkins 'cause you owed him?

20 A. Yes.

21 Q. You didn't give any money to Hersl; right?

22 A. No.

23 Q. Despite the fact that Hersl was there at that search;  
24 correct?

25 A. Yes, correct.



~~RAYAN~~ ~~CROSS~~

1 Q. Your first robbery, robbery, June 27th, 2014. This is the  
2 bird food store.

3 Do you remember that?

4 A. Yes.

5 Q. You had a legitimate reason, apparently, to enter this  
6 bird food store as part of police work; right?

7 A. Yes.

8 Q. And when you're in there, you saw a lot of money; right?

9 A. Yes, yes, I saw.

10 Q. And as a result of that, you got greedy. You wanted some  
11 of that money; fair?

12 A. Yes.

13 Q. And as a result of that, you didn't get a warrant to do a  
14 police-type search or anything like that, did you?

15 A. No.

16 Q. What you did is you contacted two friends; correct?

17 A. Yes.

18 Q. Gentleman by the name of Finnegan; correct?

19 A. Yes.

20 Q. And your cousin?

21 A. Yes.

22 Q. And you got them and you gave them some police  
23 identification; correct?

24 A. Yes.

25 Q. You drove them to this store; right?

1 **A.** Yes.

2 **Q.** They went in there, acting as police officers with the  
3 force of the police to rob these people; right?

4 **A.** Yes.

5 **Q.** And they did rob the people; right?

6 **A.** Yes.

7 **Q.** And you took a part of those proceeds in 2014; correct?

8 **A.** Yes, I did.

9 **Q.** And this was robbery at that point done at force or threat  
10 of force when y'all went in there -- when they went in there  
11 acting as police officers to take their money; right?

12 **A.** Yes.

13 **Q.** And as Mr. Hines brought out, because you're in a bind  
14 right now -- you are in a bind; right?

15 **A.** I don't understand like a bind.

16 **Q.** A bind, you're facing a fairly harsh sentence of 20 years.  
17 You're trying to help yourself out; right?

18 **A.** Well, it's never too late to do the right thing. That's  
19 what I'm doing.

20 **Q.** And so the right thing is you're going to testify on your  
21 cousin in that case as well; right?

22 **A.** Correct.

23 **Q.** Your second robbery was Marnat Avenue, October 5th, 2015.  
24 Gondo, he had a drug dealer friend; right?

25 **A.** Yes.

1 Q. Glen Wells; correct?

2 A. Yes -- no, I don't know if his name is Glen Wells.

3 Q. Kyle Wells?

4 A. But Kyle, yes.

5 Q. It's Kyle Glen Wells.

6 A. Okay.

7 Q. Grew up with him; right?

8 A. Yes.

9 Q. He, Kyle Wells, received information that a man by the  
10 name of Anderson had a lot of money and a lot of drugs and  
11 perhaps a gun in his house; correct?

12 A. Well, initially it was just a lot of money.

13 Q. A lot of money?

14 A. Yes.

15 Q. And you all -- meaning you all, meaning Gondo, Wells, and  
16 you -- wanted to take that money; right?

17 A. Yes.

18 Q. And what you wanted to do initially back in October of  
19 2015, you didn't want anyone to be home; right?

20 A. Yes.

21 Q. So what you did, you put an illegal GPS under that car;  
22 right?

23 A. Yes.

24 Q. And you tracked that car; right?

25 A. Yes.

1 Q. The point being you wanted Mr. Anderson to be far away  
2 from that apartment; right?

3 A. Yes.

4 Q. 'Cause you wanted an empty apartment when you went in  
5 there; correct?

6 A. Yes.

7 Q. Because what you wanted to do -- and, you're a cop.  
8 That's a burglary; right? You wanted to break into someone's  
9 house at night with the intent to steal. That's what you  
10 wanted to do; right?

11 A. Yes.

12 Q. You didn't want to physically confront someone and  
13 overpower them through fear and take their money, did you?

14 A. No.

15 Q. So when that GPS recorded that car way over here, far away  
16 from the Anderson house, at that point you thought it was good  
17 to go in; right?

18 A. Yes.

19 Q. So you and Wells went up to the house; correct?

20 A. Yes.

21 Q. But even then, you wanted to take another precaution  
22 because you didn't want to do a robbery; you wanted to do a  
23 burglary. You didn't want to take something away by force or  
24 threat of force with a gun. So what you did was you  
25 (knocking) -- you knocked on the door real loud; right?

1 **A.** Yes.

2 **Q.** 'Cause you wanted to make sure no one's home; right?

3 **A.** Yes.

4 **Q.** Because if someone answered the door, you might have said,  
5 "Well, sorry. Wrong person." Right? That's something  
6 different; correct?

7 **A.** Correct.

8 **Q.** But what happened is that when you got inside,  
9 lo and behold, in the bedroom was either Ms. Anderson or --  
10 Anderson or Mr. Anderson's paramour, but there was a woman in  
11 the bedroom; right?

12 **A.** Yes.

13 **Q.** Last thing you wanted to see in the house was anybody, in  
14 particular a woman; right?

15 **A.** Yes.

16 **Q.** You had your gun?

17 **A.** Yes.

18 **Q.** You pointed your gun at her?

19 **A.** Yes.

20 **Q.** And you said, I'm just going to quote -- because you  
21 already testified to this once before; right?

22 **A.** Yes. Yes.

23 **Q.** "Just don't move." You could have even said, "I'ma kill  
24 you, and where's the money?" Right?

25 **A.** I said a lot of things that night. That's what I just --

~~RAYAN~~ ~~CROSS~~

1 Q. And you had the gun pointed at her (indicating); right?

2 A. Yes. Yes.

3 Q. And that's a robbery; right? No questions about it?

4 A. Yes.

5 Q. It's --

6 A. Yes.

7 Q. She was scared, wasn't she?

8 A. Yes.

9 Q. And as soon as --

10 A. I think so.

11 Q. -- you said that, she told you -- and she pointed to the  
12 "chester" drawers, just like that; right?

13 A. Yes.

14 Q. She pointed to them; right?

15 A. Yes.

16 Q. You had your hoodie pulled up. You tried to disguise  
17 yourself; correct?

18 A. Yes.

19 Q. And then you took the jewelry, and you took the money and  
20 you took drugs; correct?

21 A. Yes.

22 Q. Approximately \$12,000, Rolex watch. You said 800 grams of  
23 heroin?

24 A. Yes.

25 Q. And you left?

1 **A.** Yes.

2 **THE COURT:** Mr. Purpura, let me know when you're at a  
3 good breaking point. That clock is actually a little slow.

4 **MR. PURPURA:** Perfect.

5 **THE COURT:** Okay. All right. Ladies and gentlemen,  
6 we're going to take the lunch recess. We'll be resuming at  
7 2 o'clock. See you then.

8 (Jury left the courtroom at 12:53 p.m.)

9 (Luncheon recess taken.)

10 (2:13 p.m.)

11 **THE COURT:** Good afternoon. And would counsel  
12 approach the bench, please.

13 (Bench conference on the record:

14 **THE COURT:** Questions from the jury.

15 So we have an attentive jury here. A couple more  
16 questions.

17 First question: Was there any overtime slips or work  
18 hours submitted while Hersl was allegedly off for about a  
19 month?

20 Second, which I am assuming that we've already -- this  
21 witness does not know the answer to that --

22 **MR. WISE:** Right.

23 **THE COURT:** -- question. Presumably Mr. Purpura knows  
24 the answer to that question.

25 **MR. PURPURA:** That is a presumption.

1           **THE COURT:** That would totally be my presumption.

2           The second question: Sale of drugs and guns, dash,  
3           Hersl was there but did not get money. Did Hersl know what was  
4           going on?

5           **MR. PURPURA:** That's a good question.

6           **THE COURT:** It doesn't -- he doesn't have a particular  
7           date. I mean, you all may think you know which incident.

8           **MR. WISE:** Since we may get to Stepp today, there may  
9           be testimony linking Hersl to the sale of drugs. So that may  
10          answer that question. It just so happens that he's a likely  
11          witness this afternoon.

12          **THE COURT:** Okay. Well, what I would -- if anybody  
13          wants to look at them, those are the questions.

14          I would tell the jury, just say thank you; we have a  
15          couple more questions; and they may or may not be able to be  
16          answered by this particular witness, but counsel will do their  
17          best to address them, if possible. Something like that.

18          **MR. WISE:** Thank you.

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

20          (Bench conference concluded.)

21          **THE COURT:** We'll get the jury.

22          (Jury entered the courtroom at 2:16 p.m.)

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

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



~~RAYAM~~ ~~CROSS~~

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

2           **THE COURT:** And, ladies and gentlemen, let me just  
3 indicate, we did receive a couple of additional questions from  
4 a juror, and I have shared them with counsel. They may or may  
5 not be able to be answered with this particular witness, but  
6 counsel will do their best to keep those questions in mind and  
7 provide some testimony regarding that as applicable at a later  
8 point.

9           **MR. PURPURA:** Your Honor, thank you.

10           **THE COURT:** Go ahead.

11 **BY MR. PURPURA:**

12 **Q.** Mr. Rayam, I asked you earlier this morning about two  
13 incidents, just -- there were more, but just two incidents when  
14 you were involved in the searches of houses where you stole  
15 drugs or took drugs and you later sold those.

16           Do you remember that?

17 **A.** Yes.

18 **Q.** Okay. The first one I asked you about was in August of  
19 2016 where there were -- I suggest that there was a hundred  
20 caps of heroin and a hundred grams of raw heroin and that you  
21 eventually took those drugs and had your cousin in New Jersey  
22 sell those drugs.

23           Do you remember that?

24 **A.** You have to refresh my memory on August 16th and --

25 **Q.** Well, do you remember having your cousin in New Jersey

1 sell drugs?

2 **A.** Yes.

3 **Q.** Okay. Do you remember taking a certain amount of drugs or  
4 drugs from a house and then transporting them to New Jersey to  
5 have your cousin find someone to sell those drugs?

6 **A.** Well, no. Are you saying August 16th? I'm just asking if  
7 you could refresh my memory on --

8 **Q.** Well, forget August of 2016. Anytime, how many times did  
9 you steal drugs and take them to New Jersey to be sold?

10 **A.** Well, the one time was -- like I had testified earlier and  
11 admitted to, the home invasion that I did where the lady was  
12 at; and the other time was when Wayne had approached me and  
13 asked me to sell drugs for him.

14 **Q.** Okay. And that's -- the second time was the time that  
15 Wayne approached you and Gondo to see if you could sell drugs;  
16 is that correct?

17 **A.** Yes. Yes.

18 **Q.** Okay. And you indicated that you could sell the drugs; is  
19 that right?

20 **A.** Yes. I said I could do it, yes.

21 **Q.** And the drugs, who supplied those drugs to you?

22 **A.** Wayne.

23 **Q.** Wayne supplied those drugs?

24 **A.** Yes.

25 **Q.** Now, Hersl wasn't there for that conversation; correct?

1 **A.** No.

2 **Q.** Hersl didn't receive any money for those drugs; correct?

3 **A.** No.

4 **Q.** Hersl had no part of that; is that correct?

5 **A.** Correct.

6 **Q.** Okay. The second time you spoke about, at least on your  
7 testimony this morning -- let's go to the home invasion.

8 Again, with the home invasion, this is when you had the gun and  
9 you pointed the gun at this woman, Ms. Anderson or

10 Mr. Anderson's paramour, and you said you were going to kill  
11 her. At that point Hersl wasn't involved in any of that, was  
12 he, sir?

13 **A.** No.

14 **Q.** Okay. Now, let's go to the last time I think you  
15 mentioned, the time when you did a -- the whole squad did a  
16 search of the house and recovered this 1.5 kilograms of  
17 marijuana and a gun.

18 Do you remember that one?

19 **A.** Yes. You had asked me that earlier.

20 **Q.** I did, exactly.

21 **A.** Yes.

22 **Q.** And the 1.5 kilos of marijuana and the gun you intended to  
23 turn in, but Jenkins persuaded you not to turn them in;  
24 correct?

25 **A.** I don't know if kilos, but it was 1 and a half pounds of

~~RAYAN~~ ~~CROSS~~

1 marijuana.

2 **Q.** 1 and a half pounds?

3 **A.** Yes.

4 **Q.** Okay. I apologize.

5 Bottom line is that Jenkins wanted you to turn it in. You  
6 didn't turn it in; right?

7 **A.** No.

8 **Q.** And you sold it; correct?

9 **A.** Yes.

10 **Q.** That was you who sold it, right, or you had someone sell  
11 it for you?

12 **A.** Yes. I had contacted Gondo, and he got -- he was able to  
13 sell it through an associate of his.

14 **Q.** Okay. And Hersl didn't have anything to do with that,  
15 either, did he?

16 **A.** No.

17 **Q.** Okay. Thank you.

18 Now, how long have you known Mr. Gondo or Detective Gondo?

19 **A.** Maybe about -- 2007 . . .

20 Maybe since 2009 -- about 2009 or '10, around that time.

21 **Q.** And you did work with him for a period of time; is that  
22 correct?

23 **A.** Yes.

24 **Q.** And he became a friend; fair enough?

25 **A.** Yes.

1 Q. Despite whatever he was doing, and you thought he was  
2 doing some shady things, he was still your friend; correct?

3 A. Yes.

4 Q. And as a friend, he eventually confided certain things to  
5 you; is that correct?

6 A. Yes. It depends what you -- yeah, I guess, yeah, he  
7 talked to me.

8 Q. Okay. He actually told you about some bad things or some  
9 things that he was up to; correct?

10 Well, let me see if this refreshes your recollection.

11 A. Okay.

12 Q. Back on April 12th, 2017, when you were speaking to the  
13 Government team here (indicating), you told them that Gondo  
14 went with Nate G. to buy a gun that was used in a murder. Do  
15 you remember telling that to the Government team?

16 A. Yes.

17 Q. Okay. Who's Nate G.?

18 A. One of Gondo's associates or friends at the time.

19 Q. Was he a drug dealer?

20 A. Yes.

21 Q. Okay. And when you said that Gondo went with Nate G.  
22 who's a drug dealer, to buy a gun that was used in a murder,  
23 what did you mean by that?

24 A. Just what I said.

25 Q. That what?

1 **A.** He went to the guy Nate to go buy a gun that was used in a  
2 murder.

3 **Q.** So he helped him buy a gun that was eventually used in a  
4 murder; correct?

5 **A.** That's what I was told, yes, but I was just passing --

6 **Q.** And that's what Gondo told you?

7 **A.** Yes.

8 **Q.** In addition, Gondo talked about the time that he got shot.  
9 Do you remember that?

10 **A.** Yes.

11 **Q.** And he said that it was not related to police, being a  
12 police officer. It was actually in retaliation for drug  
13 trafficking; correct?

14 **A.** Yes, that's what I was told.

15 **Q.** By Gondo?

16 **A.** Yes.

17 **Q.** And then he told you that he'd been involved in shootings  
18 as well; is that correct?

19 **A.** Yes, like, before police and everything; that's what he  
20 told me, so I was just --

21 **Q.** Before he was police; right?

22 **A.** Yes.

23 **Q.** And finally, he told you that he laid someone out. That's  
24 what Gondo told you?

25 **A.** Did I use those exact words?

1 Q. Yes, in quotes. "Laid someone out."

2 A. I didn't take it for as far as him killing someone, but  
3 just slang, again, just for laying someone out. Probably  
4 putting hands on someone or something. So I didn't take it for  
5 where he actually killed someone.

6 Q. Do you remember telling the Government team that -- when  
7 you spoke to them on April 12th, 2017, that "laid someone out,"  
8 at least to you at that time in April of 2017, would mean that  
9 Gondo shot and killed someone?

10 A. I could have told them that as well. But, like I said,  
11 you could take it both ways. That's why. So if I told 'em  
12 that, I told 'em that. But you could still take it both ways.  
13 That's where I'm at today.

14 Q. Now, you do have a plea agreement in this case; is that  
15 correct?

16 A. Yes, sir.

17 Q. And your plea agreement, the letter date is June 28th,  
18 2017. You don't have it in front of you, do you?

19 A. No.

20 **MR. PURPURA:** Defense Exhibit, Crystal, for  
21 identification would be what number? 12. Make it 13.

22 **BY MR. PURPURA:**

23 Q. I'm going to now show you what has been marked for ID only  
24 Hersl 13. Do you recognize this? Take your time (handing).

25 Let me get to your signature page, help you out, speed

1 things along.

2 **A.** Yes. Yes.

3 **Q.** And this would be your plea agreement; is that correct,  
4 sir?

5 **A.** Yes.

6 **Q.** Okay. And the date of the letter is June 28th, 2017; does  
7 that refresh your recollection?

8 **A.** Yes.

9 **Q.** And it was signed, apparently, October 4th of 2017;  
10 correct?

11 **A.** Yes.

12 **Q.** Okay. And what you pled guilty to is a single count; is  
13 that correct? Do you need to look at it?

14 **A.** I mean, I'm not really caught up on terms as far as the --

15 **Q.** All right. Fair enough.

16 **A.** -- as far as how the law is stated, but I know what I  
17 "pledged" guilty to as far as --

18 **Q.** Okay. Let me ask you this: Did you -- it says [reading]:  
19 The defendant agrees to plead guilty to Count 1 of the  
20 indictment.

21 Is that what you pled guilty to?

22 **A.** Yes.

23 **Q.** Okay. And that's the only count you pled guilty to is  
24 Count 1 of the indictment, which is the racketeering  
25 conspiracy, is that correct, sir, in your plea agreement?



1 **A.** Yes.

2 **Q.** Okay.

3 (Counsel conferred.)

4 **MR. PURPURA:** Can we approach real quick, Judge?

5 **THE COURT:** Yes.

6 (Bench conference on the record:

7 **MR. PURPURA:** Judge, I'd like to use Hersl 12 as  
8 demonstrative with this witness (handing). It's illustrative  
9 as well. Maybe not illustrative. Demonstrative, to show that  
10 he has not pled to -- there's no -- it still feels like I'm --  
11 that he has not -- he's not pleading to any substantive charge.

12 **THE COURT:** I don't know what you mean by that or what  
13 you expect the jury to understand. I mean, conspiracy is  
14 certainly a criminal act carrying the same 20 years as the --

15 **MR. PURPURA:** But no other substantive charges, such  
16 as a 924(c) or such as a substantive robbery, which he's  
17 clearly admitted to two separate robberies.

18 **THE COURT:** Sure. But why can't you just ask him  
19 that? Why does he need to see something that says "Hobbs Act  
20 robbery" and has Mr. Hamilton's name on it?

21 **MR. PURPURA:** Fair enough.

22 **THE COURT:** Objection sustained.

23 **MR. WISE:** Just in terms of -- this 924(c) question  
24 keeps -- this 924(c) issue keeps coming up. I think he should  
25 have to lay a foundation that he even knows what 924(c) is.

1 I'm not sure he does.

2 **THE COURT:** Well, we won't ask it with just the  
3 number. I think he's been asking it with a description, use of  
4 a firearm in furtherance of a crime of violence.

5 **MR. WISE:** Yeah, but I think with a lot of this, like,  
6 they sort of hem and haw and sort of move their heads around  
7 like, Yeah; I didn't have to plead to that. But they don't  
8 actually -- I'm not sure they even know what he's really asking  
9 about.

10 **THE COURT:** Go ahead.

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

12 (Bench conference concluded.)

13 **BY MR. PURPURA:**

14 **Q.** We left off, Mr. Rayam, that you did plead guilty to the  
15 conspiracy to commit racketeering; correct?

16 **A.** Yes.

17 **Q.** You did not plead guilty to a separate count which charged  
18 you with use of a handgun in the commission of a crime of  
19 violence, in particular the Anderson home invasion, did you,  
20 sir?

21 **A.** No.

22 **Q.** You did not plead guilty to a separate count which charged  
23 you with use of a handgun in the commission of a crime of  
24 violence, in particular the invasion of the -- what was it, the  
25 retail bird seller's house?

1 A. No.

2 Q. Bird feed house, no; right?

3 A. No.

4 Q. And you do know that the one count that you pled guilty to  
5 has a maximum period of incarceration of 20 years; is that  
6 correct, sir?

7 A. That's what I was told, yes.

8 Q. Racketeering?

9 A. Yes. Yes.

10 Q. Okay. The -- just last few questions.

11 You've already indicated that back in 2009, 2010, you lied  
12 to Internal Affairs involving Michael Sylvester; correct?

13 A. Yes.

14 Q. And you lied multiple times during that time; is that  
15 correct, sir?

16 A. Yes.

17 Q. You've already indicated that in at least the 13 statement  
18 of probable causes that you can remember where you were the  
19 affiant or you were the author on those, that you lied on at  
20 least 13 of those; is that correct, sir?

21 A. Yes, I did.

22 Q. And there's also an oath with each one of those 13; is  
23 that correct?

24 A. Excuse me?

25 Q. There's an oath which goes with each one of those 13?

~~RAYAM~~ ~~CROSS~~

1 **A.** I broke my oath. Yes.

2 **Q.** That you swear what you're saying is the truth, the whole  
3 truth; correct?

4 **A.** Yes.

5 **Q.** And despite that, you lied at least 13 times there; is  
6 that correct, sir?

7 **A.** Yes.

8 **Q.** That you lied to a state District Court judge in a  
9 warrant, at least a one-warrant application; is that correct,  
10 sir?

11 **A.** Yes.

12 **Q.** And you know that each time you do lie to a District Court  
13 judge with a warrant, that's perjury; is that correct, sir?

14 **A.** I totally understand my faults, yes.

15 **Q.** The same thing, you also lied to Circuit Court judges with  
16 warrants as well in the same manner you lied to that  
17 District Court judge in the Westminster case; is that correct,  
18 sir?

19 **A.** Yes.

20 **Q.** And you know that's perjury as well; is that correct, sir?

21 **A.** Yes.

22 **Q.** And you know you did that on multiple times as well; isn't  
23 that correct, sir?

24 **A.** Yes.

25 **Q.** You lied to Circuit Court judges in motion hearings in

1 state court when you were there on issues of probable cause and  
2 you took the oath. You lied to 'em then; isn't that correct,  
3 sir?

4 **A.** Correct, yes.

5 **Q.** You lied to juries, juries like this, when you appeared in  
6 those cases and defendants were sitting there where Mr. Hersl's  
7 sitting there, and you gave a story which was not true. That's  
8 a lie as well; isn't that correct, sir?

9 **A.** With money being taken, yes.

10 **Q.** You stole money; correct?

11 **A.** Yes.

12 **Q.** You stole narcotics. You stole guns; right?

13 **A.** Yes.

14 **Q.** You resold or had people resell those narcotics in the  
15 city of Baltimore outside the city of Baltimore; isn't that  
16 correct, sir?

17 **A.** Yes, I did.

18 **Q.** You stole those guns and the guns you were mandated to  
19 take off the street, and you put 'em back on the street in some  
20 occasions; isn't that correct, sir?

21 **A.** On one occasion or two occasions, yes. It's the occasions  
22 I told you about, yes.

23 **Q.** You had a conversation, sir, when you were in  
24 Howard County Detention Center when you were thinking about all  
25 those lies and how you can't stop lying, the conversations with

1 Ward, Hendrix, Hersl, and others who were around you; and you  
2 thought you had a problem with lying, didn't you?

3 **A.** No.

4 **Q.** Do you have a problem with lying?

5 **A.** No.

6 **Q.** You just lie when you need to?

7 **A.** No. I'm not lying now, and it's never too late to do the  
8 right thing. That's just it.

9 **Q.** And now is the right thing?

10 **A.** The right thing was on March 1st when I got locked up.

11 **Q.** And, sir, you understand that your cooperation today --  
12 and you're trying to get cooperation; is that correct, sir?

13 **A.** Yes.

14 **Q.** And despite every other time that you've lied -- you can't  
15 even count the amount of times you've lied, can you?

16 **A.** I have a clean conscience.

17 **Q.** Well, can you answer that question?

18 **A.** Well, all the times I lied, I admitted to.

19 **Q.** How many, ballpark?

20 **A.** I told the state everything or the Government, the  
21 prosecution.

22 **Q.** Despite all those lies to judges, District Court,  
23 Circuit Court, to Internal Affairs, to juries, despite all  
24 those lies, why should this jury believe you today?

25 **A.** Like I said, it's never too late to do the right thing,

1 and I have a clean conscience. I go to sleep knowing that what  
2 I did was wrong, and I'm ready for my consequences and my  
3 punishment.

4 The judge could give me more time than what the  
5 Government, the plea deal is. I took an oath; I broke it. I'm  
6 not looking for any sympathy.

7 I know what I did. I'm not blaming Wayne for being the  
8 supervisor. I blame myself because at the end of the day, we  
9 all had that badge, the Baltimore City Police Department. So  
10 whether you were a sergeant, a lieutenant, or a captain, we  
11 still had a badge. I broke it, and I'm saying what I did was  
12 wrong.

13 **Q.** All right.

14 **A.** So I'm standing up for that.

15 **Q.** And you did wrong, and you did lie over and over again;  
16 correct? And you don't want to spend one extra day in jail  
17 than you have to, do you, sir?

18 **A.** I have a clean conscience.

19 **Q.** Do you want to spend one extra day than you have to, sir,  
20 in jail?

21 **A.** I'll spend as much time as the judge gives me.

22 **Q.** You will.

23 **MR. PURPURA:** Thank you. I have no further questions.

24 **MS. WICKS:** Good afternoon, sir.

25 **THE CLERK:** Ms. Wicks.

1           **THE COURT:** Ms. Wicks, we're going to get that  
2 microphone for you.

3   CROSS-EXAMINATION

4           **BY MS. WICKS:**

5           **Q.** Good afternoon, sir.

6           **A.** Good afternoon, ma'am.

7           **Q.** In addition to lying in an attempt to protect  
8 Michael Sylvester back in 2009, you also had a drug  
9 relationship with Mr. Sylvester; right?

10           **A.** I guess you could say that yes, yes. Yes. Yes, I did. I  
11 did.

12           **Q.** Well, okay, I guess I -- would you call it a drug  
13 relationship when he offered to flip money that you got from  
14 workmen's compensation, so you gave him part of that money; he  
15 was going to sell drugs and flip your money for you; right?

16           **A.** Yes. I told all that to the --

17           **Q.** Pardon me?

18           **A.** I admitted all of that to the Government. I told the  
19 Government that, yes.

20           **Q.** I'm not -- my question was: Is that a drug relationship?

21           **A.** Yes.

22           **Q.** Okay. And in addition to that, around 2008, he had 10 to  
23 15 pounds of weed, and you had called Snell up in Philadelphia  
24 to sell that; right?

25           **A.** Correct. I -- could have been 2008 or 2009, but correct.



1 Q. Okay. But it was back -- this is --

2 A. I know I said --

3 Q. Back when you weren't even on GTTF; correct, sir?

4 A. Correct.

5 Q. Okay. And there was also drugs that you all took during a  
6 search in Druid Park; right? And you sold those drugs too;  
7 correct?

8 A. I know I admitted to -- if you could refresh my memory on  
9 the Druid Park. What was --

10 Q. Well, you were there in Druid Park.

11 A. Yeah. What year was that?

12 Q. Back -- back in this time frame with Michael Sylvester,  
13 there's a search warrant at Druid Park. And you -- there were  
14 drugs taken and they were sold, and you made money off of that;  
15 right?

16 A. You will have to refresh my memory. But I know I told  
17 the -- if I could read the notes, but I'll admit to it. If  
18 it's down on paper I did, yes.

19 Q. Okay. So if it's on the paper and you told the FBI, then  
20 it must be true; correct?

21 A. Yes. It's just -- I'm just saying right now I can't  
22 recall it, but --

23 Q. Okay. And so when you took --

24 **THE COURT:** Wait. Wait. Wait. Wait. One at a time.

25 **BY MS. WICKS:**

1 Q. Are you done with your answer?

2 A. Yes, I'm done.

3 Q. Okay. And so when you told the FBI that  
4 Sergio Summerville had given consent and provided the key to  
5 his storage locker, that was the truth; correct?

6 A. Yes, that was the truth, yes.

7 Q. Okay. And when you told them --

8 MS. WICKS: Court's indulgence.

9 BY MS. WICKS:

10 Q. -- that possibly while you were in the  
11 Gun Trace Task Force, before Sergeant Allers was your sergeant,  
12 that you witnessed an officer carry a bag into a house and  
13 plant a gun; correct?

14 A. Oh, correct. Yes, yes.

15 Q. And you didn't tell anybody about that back then; correct?

16 A. No.

17 Q. And --

18 MS. WICKS: Court's indulgence.

19 BY MS. WICKS:

20 Q. Back in -- on April 12th of 2017, you met with the FBI.  
21 And you told them that you recovered 10 to 15 pounds of  
22 marijuana from a storage unit on Druid Park Avenue. When you  
23 got there, Sylvester had the guy and the marijuana. Sylvester  
24 took the marijuana, sold it, and gave you a few thousand  
25 dollars.

1 **A.** Yes.

2 **Q.** Do you remember that?

3 **A.** Yes, yes.

4 **Q.** And Snell, the person that you called about the marijuana  
5 that you had gotten from Sylvester, that's the same person that  
6 was a Philadelphia police officer that you called to sell drugs  
7 that were seized last year; correct?

8 **A.** Yes.

9 **Q.** I'm sorry. Not last year. 2016 --

10 **A.** I understand.

11 **Q.** -- correct?

12 **A.** Yes.

13 **Q.** Okay. And so in addition to your family members in  
14 New Jersey that you had selling drugs, you also arranged,  
15 through Snell, to sell drugs in Philadelphia; correct?

16 **A.** Yes. Yes.

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

18 **BY MS. WICKS:**

19 **Q.** Mr. Purpura was asking you some questions about lying in  
20 court documents. And at one point there was a case, I believe  
21 that was -- I believe the defendant was Gary Clayton?

22 **A.** Okay.

23 **Q.** And that's a case where you lost a Franks hearing;  
24 correct?

25 **A.** Yes.

1 Q. The judge there found that you had been untruthful in an  
2 affidavit; correct?

3 A. His words were that it was a sloppy case, 'cause I didn't  
4 do the correct paperwork.

5 Q. You're saying that was the judge's words?

6 A. Well, that's what I was told by another State's Attorney  
7 at the time, that it was just a sloppy case.

8 Q. Okay. So you were not in the courtroom -- you're not  
9 saying that you were in the courtroom when the judge  
10 commented --

11 A. Yeah. Well, yes, when the judge -- I was in the courtroom  
12 when the judge --

13 Q. You were in the courtroom?

14 A. Yes. Yes.

15 Q. And that's not what the judge said; right?

16 A. No.

17 Q. What the judge --

18 A. The judge said that --

19 **THE COURT:** I'm sorry. We really --

20 **BY MS. WICKS:**

21 Q. Well, my answer [sic] was: That's not what the judge  
22 said; right?

23 A. Correct.

24 Q. Okay. The judge found that you had lied, indicating that  
25 the woman -- first of all, you had lied about trying to ring

1 the doorbell that apparently didn't work; correct?

2 **A.** Well, I'm not sure what the judge -- the judge  
3 specifically didn't say what I lied on. He just said I wasn't  
4 credible. So I --

5 **Q.** Okay. He just found you were unbelievable, period; right?

6 **A.** For that case, yes.

7 **Q.** Okay. And you know that the woman that lived in that  
8 house had testified and provided an affidavit; correct?

9 **A.** Yes.

10 **Q.** And she had indicated that the doorbell didn't work;  
11 correct?

12 **A.** That was her testimony, yes.

13 **Q.** Okay. And that the door -- and there are pictures, and  
14 the doorbell was actually outside on the front -- on the --  
15 there were two doors. There was a door to the building and  
16 then a door to the apartment; correct?

17 **A.** Yes.

18 **Q.** And the doorbell was outside -- the outside door; correct?

19 **A.** Correct.

20 **Q.** And so when you were claiming to have been in the hallway  
21 ringing the doorbell, that couldn't have happened 'cause that's  
22 not where the doorbell was; right?

23 **A.** No. It did happen 'cause she came to -- she came to the  
24 door to answer the door, so she was alerted that we were there.

25 **Q.** Okay. The doorbell that she testified didn't work; right?

1 **A.** That was -- yes.

2 **Q.** Okay. And in addition, you claimed to be able -- to see  
3 in the apartment and that while she was trying to shut the  
4 door, you claimed she was also shoving part of a table  
5 underneath the couch; correct?

6 **A.** No, I didn't say it was simultaneously.

7 **Q.** Well, you did testify that she was trying to shut you out  
8 of the apartment; right?

9 **A.** Yes.

10 **Q.** And you did claim to have been able to see that before she  
11 shut the door; correct?

12 **A.** Yes. Yes.

13 **Q.** Yes. Thank you.

14 Now, there have been some questions about your -- you were  
15 close with Gondo; correct?

16 **A.** Yes.

17 **Q.** And he had close friends that he had grown up with;  
18 correct?

19 **A.** Yes.

20 **Q.** And they were drug dealers; right?

21 **A.** Yes.

22 **Q.** And you knew this; right?

23 **A.** Yes.

24 **Q.** And you knew that he, at least on one occasion, he -- he  
25 stopped Jenkins from arresting Kyle Wells; right?

1 **A.** Yes.

2 **Q.** And you knew on one occasion he stopped Glover from  
3 arresting Wells as well; correct?

4 **A.** Glover?

5 **Q.** Yes.

6 **A.** I don't know who Glover is.

7 **Q.** The HIDTA -- you don't -- you were never introduced to the  
8 HIDTA guy, Glover?

9 **A.** I probably was introduced, but I don't remember his name.  
10 That's all I'm saying.

11 **Q.** Okay. Were you aware of, other than -- were you aware of  
12 other occasions that Gondo intercepted people from arresting  
13 Brill or Kyle?

14 **A.** Yeah. It was the one time where Wayne and an  
15 African-American male detective that was there, he could have  
16 been -- I shouldn't say that. But he could have been Glover,  
17 but I don't know his name.

18 **Q.** So you know of two occasions?

19 **A.** No. It was just that one occasion.

20 **Q.** Well, Glover -- the African-American detective was with  
21 Jenkins or that was a separate occasion?

22 **A.** Maybe I -- I'm confusing things. I just know it was an  
23 incident where it was Wayne and it was another detective there.  
24 And that was the one occasion that I was talking about. I  
25 don't know who his name was, though.

1 Q. Okay. And speaking of getting confused, you weren't  
2 confused -- we listened to a recording from Gondo -- the  
3 wiretap of Gondo's phone earlier today when you were discussing  
4 with Gondo the search of the Summerville storage unit, and you  
5 claimed to Gondo that you had to give money to Jenkins.

6 Do you remember that call?

7 A. I did. I claimed that, yes.

8 Q. Okay. And your testimony today was at that point, you  
9 were actually lying to Gondo; right?

10 A. Yeah. I told the prosecution that initially, that I never  
11 gave money to Wayne.

12 Q. Okay. I'm not asking about what you first -- I'm talking  
13 about your testimony today under oath was that on that phone  
14 call, you had lied to Gondo; correct?

15 A. Yes.

16 Q. Okay. You told Gondo that you had to give money to  
17 Jenkins; right?

18 A. Yes.

19 Q. And you were telling Gondo that because you didn't want to  
20 have to give money to Gondo?

21 A. Correct.

22 Q. Okay. So that was over \$100 you were lying to your friend  
23 Gondo; right?

24 A. Correct.

25 MS. WICKS: Court's indulgence.



1 **BY MS. WICKS:**

2 **Q.** Back in 2009, you used to hang out with a woman named  
3 Tamaren Daniels; correct?

4 **A.** Yes.

5 **Q.** And Ms. Daniels was a person that hung out a lot with drug  
6 dealers; correct?

7 **A.** Yes.

8 **Q.** And she would let you know when she was out with drug  
9 dealers and where you could go to rob them; correct?

10 **A.** Yes.

11 **Q.** So you would be -- back in 2009, you would be breaking  
12 into drug dealers' residences while they were out socializing  
13 so you could get money and drugs and whatever else you found  
14 there; right?

15 **A.** Yes.

16 **Q.** Now, this plea agreement that you have with the  
17 Government, it also includes immunity for your testimony;  
18 correct?

19 **A.** Yes.

20 **Q.** Okay. So everything that you've talked to the Government  
21 about, even if it's not contained within the conspiracy charge  
22 that you pled to, you're not getting charged for those things;  
23 correct?

24 **A.** Correct.

25 **Q.** And so this -- these other times that you've robbed drug

1 dealers back for years now, these other times that you've sold  
2 drugs, these other times that you've lied, you're not getting  
3 charged for those things; correct?

4 **A.** Correct.

5 **Q.** In addition, you talked to the Government about some times  
6 that you were not truthful on your taxes; correct?

7 **A.** Correct.

8 **Q.** And, in fact, during this time period where you're saying  
9 you're making extra money by claiming overtime that you're not  
10 working, you also declared charitable donations that you hadn't  
11 even made; correct?

12 **A.** Yes. I did cheat on my taxes as well.

13 **Q.** Okay. And in addition, for the withholding for your  
14 Maryland and state taxes, you had changed your deductions and  
15 exemptions so there would be less money paid in taxes; correct?

16 **A.** Yes.

17 **Q.** And that's what you did for several years, 2012, 2013,  
18 2014, 2015; correct?

19 **A.** Yes.

20 **Q.** And that's in addition to the money that you're making  
21 from helping out Mr. Sylvester, robbing drug dealers with  
22 Ms. Daniels. Everything that you've been doing for years, that  
23 was tax-free money as well; correct?

24 **A.** Correct, yes.

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

1 **BY MS. WICKS:**

2 **Q.** And this -- the home invasion where you threatened this  
3 woman with a gun in her face and that you were going to kill  
4 her, that was a home invasion you committed with Kyle Wells;  
5 correct?

6 **A.** Yes.

7 **Q.** And he was not a police officer; right?

8 **A.** No, no.

9 **Q.** He was an old friend of Gondo's who was a drug dealer;  
10 correct?

11 **A.** Yes.

12 **Q.** And, in fact, he wanted to -- instead of just robbing, he  
13 actually wanted to kill the guy; right?

14 **A.** He -- they had -- well, Kyle had a mission that, yes. And  
15 I wasn't, of course, for that.

16 **Q.** Okay. Well, you weren't with that, and you didn't report  
17 it to anybody; right?

18 **A.** No.

19 **Q.** Okay. So a known drug dealer who you know carries guns  
20 wanted to kill somebody, thought it would be a good idea, was  
21 coming up with a plan to kill somebody, and you didn't tell the  
22 authorities; correct?

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

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

25 **BY MS. WICKS:**

~~RAYAM~~ ~~CROSS~~

1 Q. Now, there were drugs that -- well, I guess your claim is  
2 you started selling drugs for Jenkins to pay him back?

3 A. When -- do you want me to explain or just say yes or no?  
4 I don't know.

5 Q. A yes or no.

6 A. Yes.

7 Q. Okay.

8 A. On a couple occasions.

9 Q. And you were selling narcotics that had been stolen from  
10 people; correct?

11 A. With Jenkins or all together? I don't -- yes.

12 Q. Yeah. I mean --

13 A. Okay.

14 Q. You had drugs sold that apparently you and Ms. -- then, I  
15 guess, Officer Sylvester had stolen; correct?

16 A. Yes.

17 Q. Then you had drugs that were funneled to you from Jenkins;  
18 correct?

19 A. Yes.

20 Q. And you sold those narcotics; correct?

21 A. Yes.

22 Q. And that was cocaine, heroin, marijuana. Any other drugs?

23 A. That was it.

24 Q. Okay. And you profited from selling those narcotics;  
25 correct?

1 A. Yes.

2 Q. You didn't declare income from that over all these years;  
3 correct?

4 A. No.

5 Q. And then you also illegally sold handguns as well;  
6 correct?

7 A. On the one occasion, yes.

8 Q. Only on one occasion?

9 A. Well, I took -- I took it one -- Kyle had sold the other  
10 gun from the home invasion and from the car stop which led to  
11 the consent -- well, the search with the pound and a half of  
12 marijuana and the gun. I had sold that one through Gondo.

13 Q. Okay. And so -- and the home invasion that you committed  
14 with Kyle Wells, part of what he got was a gun that he then  
15 sold --

16 A. Yes.

17 Q. -- and you got other parts of the property that were  
18 stolen; correct?

19 A. Yes.

20 Q. But that was a joint effort; correct?

21 A. Yes.

22 Q. To get what you could from that house, from that drug  
23 dealer; correct?

24 A. Yes.

25 Q. And you have -- you lied to other police officers during

1 all of this time; correct?

2 **A.** Yeah. When it came to the money being taken, yes.

3 **Q.** Okay. Well, not just the money -- well, yeah, when it  
4 came to the money, you even lied to Gondo; right?

5 **A.** Yes.

6 **Q.** Okay. So on the unit, you were lying to other people on  
7 the unit because you didn't want them to be getting money. If  
8 you could avoid sharing the money, you would; correct?

9 **A.** I guess -- yeah, because of that one occasion, I guess.

10 **Q.** Well, you lied to Gondo on that one occasion; right?

11 **A.** We all was taking money, but I get your question. Yes,  
12 okay.

13 **Q.** Okay. And there were other times when you were able to  
14 secret the money and you didn't tell anybody else about it;  
15 right?

16 **A.** If I -- I don't know. I think I pretty much always shared  
17 it with someone.

18 **Q.** Are you sure about that?

19 **A.** I can't recall. But if I said it, I probably did. But I  
20 can't recall at a certain time right now.

21 **Q.** Okay. Well, I'm -- you're being called as a witness here,  
22 and I'm asking your recollection of what you did.

23 Do you recall a time when you took money from a person --

24 **A.** Oh, you know, yes, I do. I'm sorry. My -- just a long  
25 day. I understand. Yes. One on North Avenue and another one

~~RAYAM REDIRECT~~

1 in an apartment, yes. Yes, I do. Yes.

2 **Q.** Okay. So now there's two times that you can remember  
3 taking money --

4 **A.** It's in my plea agreement, yes.

5 **Q.** Pardon me?

6 **A.** It's in my plea agreement, yes.

7 **Q.** Okay. There's two times when you took money and you  
8 didn't let anyone else know about it; correct?

9 **A.** Correct. Correct.

10 **Q.** Until you came and told the Government about it; right?

11 **A.** Correct.

12 **Q.** There was no one suspected it until you told the  
13 Government; right?

14 **A.** Correct.

15 **Q.** Thank you.

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

17 I have no further questions, Your Honor. Thank you.

18 **THE COURT:** Thank you.

19 Any redirect, Mr. Hines?

20 **MR. HINES:** Yes, Your Honor.

21 REDIRECT EXAMINATION

22 **BY MR. HINES:**

23 **Q.** Mr. Rayam, I'd like to ask you a couple of questions about  
24 the questions that Mr. Purpura asked earlier today.

25 Mr. Purpura asked you about the search warrant affidavit

~~RAYAN REDIRECT~~

1 for Westminster.

2 **A.** Yes.

3 **Q.** And he -- he asked you, except for you, Jenkins, Hersl,  
4 and Gondo all thought it was a darned good warrant. Is that  
5 what he asked you?

6 **A.** Yes, yes.

7 **Q.** Now, did that darned good warrant include surveillance?

8 **A.** As far as what I did?

9 **Q.** Yes. Did it include your -- any surveillances that you  
10 wrote into the warrant affidavit?

11 **A.** I guess I don't -- I don't get the question. I'm sorry.

12 **Q.** So leading up to the Westminster search, did you conduct  
13 surveillances?

14 **A.** Yes.

15 **Q.** Was one of those surveillances the surveillance you  
16 testified about earlier involving Mr. Jenkins?

17 **A.** Yes.

18 **Q.** And what, again, did Mr. Jenkins say to you during this  
19 surveillance?

20 **A.** Oh, that he would -- he thought about knocking the person  
21 out with -- that had -- knocking Mr. Hamilton out that had the  
22 bag.

23 **Q.** And the surveillance was part of the warrant; is that  
24 right?

25 **A.** Yes.



1 Q. You said earlier that you had a conversation with Jenkins  
2 before Westminster when Jenkins sent Clewell to the other  
3 location?

4 A. Yes.

5 Q. What was that conversation?

6 A. Just -- we just knew that if it was going to be large sums  
7 of money, that, you know, we would take some -- you got to  
8 remember that, like I said also, the day before or a couple  
9 days before while we were doing the surveillance and he had  
10 that bag in his hand, we knew that he went straight back to his  
11 house.

12 So whatever Wayne Jenkins believed that was in the bag,  
13 which was money, we knew that it was in the house. So pretty  
14 much that's why we still were going to go back and was hoping  
15 to find drugs, but we didn't find anything. Then we still took  
16 the cash -- or I took the cash, but I informed him about it.

17 Q. When you answered Mr. Purpura's question, you said that  
18 Jenkins only wanted to be around certain people that -- and you  
19 didn't get a chance to finish your question -- or your answer.

20 What was your answer?

21 A. That he can trust.

22 Q. Was Hersl one of those people that he could trust?

23 A. Yes.

24 Q. What did you understand that Hersl could be trusted to do?

25 A. As far as just, you know, taking money. On top of that, I

~~RAYAM REDIRECT~~

1 was told -- I knew that he had multiple --

2 **THE COURT:** Wait. Wait. Wait. Wait. Please stop.

3 **MR. HINES:** I'll move on, Your Honor.

4 **BY MR. HINES:**

5 **Q.** Mr. Rayam, you were asked by Mr. Purpura about some of the  
6 drugs that you took and sold. And you said that you didn't  
7 give any of the money from that to Mr. Hersl, those drug sales;  
8 is that right?

9 **A.** Yes.

10 **Q.** Did Daniel Hersl give you any money from the sale of  
11 cocaine --

12 **MR. PURPURA:** Objection, Judge, there's -- can we  
13 approach the bench?

14 **THE COURT:** Sure.

15 (Bench conference on the record:

16 **MR. PURPURA:** There was a question early on by  
17 Mr. Hines which I didn't object to where he intimated that  
18 there was a sale of cocaine for four and a half -- 4.5 ounces  
19 by Hersl. And that was a question. There was no evidence of  
20 this. And now he's about to ask the same thing again.

21 There's no evidence at all that Hersl ever sold any  
22 cocaine, so what's the basis for the question? There has to be  
23 a good --

24 **THE COURT:** What are you expecting to get --

25 **MR. HINES:** So it's in the Jencks, Your Honor.

1 Mr. Hersl was involved in two aspects of the drug sale for  
2 Mr. Armstrong, the first being that Jenkins and Stepp and Hersl  
3 sold cocaine that was seized from the storage locker.

4 Stepp sold the drugs and returned the proceeds to  
5 Jenkins and Hersl. So that's part of the question which  
6 Mr. Purpura opened the door on by asking if Rayam ever gave  
7 money to Hersl.

8 Second part is Mr. Hersl recovered 4 ounces of cocaine  
9 from the storage unit himself, and that was never turned into  
10 evidence. So we should be able to ask Mr. Rayam, like  
11 Mr. Purpura was able to ask of him, whether he ever got drug  
12 sale money from Mr. Hersl. That's all I'm going to ask.

13 That way when it -- later on when Mr. Stepp testifies  
14 to this, you know, there can't be -- you know, we can argue  
15 that, just like Mr. Rayam didn't get money from -- didn't give  
16 money to Mr. Hersl, Mr. Hersl didn't give it back to him  
17 either.

18 **THE COURT:** I'm confused.

19 **MR. PURPURA:** The witness doesn't -- there's no  
20 good-faith basis the Government has. The witness has no idea  
21 what the Government's talking about here on these questions.  
22 He has no knowledge of any of these things.

23 This information comes to the Government through  
24 upcoming witness, at best. A witness was given multiple  
25 different stories.

~~RAYAM REDIRECT~~

1           **THE COURT:** Okay. Can I -- you said it's in the  
2 Jencks. Is it in the Jencks for this witness?

3           **MR. PURPURA:** No.

4           **MR. HINES:** I can ask: Did Mr. Hersl give you any  
5 money from the sale of cocaine?

6           And it's a yes or no --

7           **THE COURT:** But this witness has not so far, up until  
8 right now, told you that Mr. Stepp gave him money from cocaine  
9 that came from Hersl?

10          **MR. HINES:** He didn't get any money from Mr. Hersl.

11          **THE COURT:** He didn't get any money from Mr. Hersl.

12          **MR. HINES:** Correct. Right. Just like --

13          **THE COURT:** So does he know anything about this  
14 transaction?

15          **MR. HINES:** Just like Mr. Hersl evidently didn't know  
16 anything about the other drug transactions --

17          **THE COURT:** Okay. No. No. Objection is sustained.)  
18 (Bench conference concluded.)

19          **THE COURT:** We'll move on.

20 **BY MR. HINES:**

21 **Q.** Mr. Rayam, were there occasions when you saw Mr. Hersl  
22 recover drugs and not submit them into evidence?

23 **A.** Yes.

24 **Q.** Mr. Purpura asked you if you believed that Daniel Hersl  
25 was an informant or a plant for Internal Affairs. And you

1 said, "Yes, at one time you did"?

2 **A.** Yes.

3 **Q.** Why did you believe that?

4 **A.** Well, pretty much anybody that comes -- first of all, the  
5 unit was doing something that we shouldn't have been doing.  
6 And whenever anyone comes to a unit that's new that I didn't  
7 know of or we didn't know of, it was just -- pretty much we  
8 just thought, okay, be careful around this person until we get  
9 to know this person.

10 So that's what I was -- that's what I meant, like, you  
11 know, you don't know who this person can be until you get to  
12 know 'em. And I got to -- we got to know him. I got to know  
13 him.

14 **Q.** And what happened when you got to know him?

15 **A.** That he was okay with taking money, just as -- just as I  
16 was.

17 **Q.** And with respect to the search of the storage locker and  
18 the taking of money and splitting it at Archbishop Curley,  
19 Mr. Purpura asked you some questions about the bag that the  
20 money was in?

21 **A.** Yes.

22 **Q.** Was that a Baltimore Police Department evidence envelope  
23 that the money was in?

24 **A.** No.

25 **Q.** Was -- where did Hersl put the money after he got it from

~~RAYAM~~ ~~RE CROSS~~

1 the van?

2 **A.** Back in the minivan.

3 **Q.** And after he took it out of the minivan, did he give you  
4 some of that money?

5 **A.** Yes. He took it from the minivan. We went to 7-Eleven,  
6 got something to drink. Then we went to the parking lot and  
7 split the cash.

8 **Q.** At any point in between the time that he seized the money,  
9 took the money, and then gave you money, did he submit that  
10 into an evidence bag?

11 **A.** No.

12 **Q.** How about the money that was taken from Westminster, the  
13 20,000; did that go into a Baltimore Police Department evidence  
14 bag?

15 **A.** No.

16 **MR. HINES:** No further questions.

17 **THE COURT:** Okay.

18 **MR. PURPURA:** Just a couple of minutes, if I may.

19 Thank you, Your Honor.

20 RE CROSS-EXAMINATION

21 **BY MR. PURPURA:**

22 **Q.** Mr. Rayam, just a very few questions. Just give me a  
23 second.

24 I asked you questions about Westminster before; right?

25 **A.** Correct.

1 Q. Okay. And you spoke, as I indicated, in a proffer  
2 session, actually, the very first proffer session with the  
3 Government March 21st, 2017, or the second proffer session. In  
4 detail you told them about Westminster and what you did and  
5 what you didn't do.

6 Do you remember that?

7 A. Correct.

8 Q. And you told them in detail that Jenkins told you to take  
9 the money. You took the money; right?

10 A. Correct.

11 Q. And you told them in detail that up to that time, you were  
12 not going to take money out of Westminster; it wasn't your  
13 intent to take money. Right?

14 A. Correct, I wasn't going to take it at first, no.

15 Q. Thank you.

16 Now, when you said that you saw Hersl -- saw Hersl take  
17 drugs, was it an incident that drugs were thrown out because  
18 you weren't going to go after the defendant when you found a  
19 gun and you were looking for guns, and you didn't care about  
20 drugs 'cause that's what the Gun Squad was about? If you got a  
21 little bit of drugs, sometimes you wouldn't go to the steps of  
22 putting in Evidence Control. You just take the drugs and throw  
23 them out?

24 A. Each incident is wrong in itself.

25 Q. It may be wrong. It should be submitted. But that's what

1 happened; right? That's what we were talking about, that if  
2 you threw drugs out, it was because you weren't interested in  
3 drugs and you threw them out; right?

4 **A.** No. I was talking about a different incident.

5 **Q.** What incident and when?

6 **A.** This is North Avenue, one of the incidents where I  
7 admitted to taking money, which led to a drug investigation to  
8 where an individual -- we wound up getting consent for his  
9 house. And the individual had drugs, and we were looking for a  
10 gun.

11 So we didn't get a gun, but -- so we didn't lock the  
12 person up. And that's when I had testified earlier that  
13 Sergeant Allers said, "Hey, did you guys -- what did you do  
14 with -- did you guys submit the drugs?"

15 And Mr. Hersl was like, "I took care of it."

16 And that's when Sergeant Allers was like, "You guys are  
17 going to get me in trouble."

18 That's the incident that I was referring to.

19 **Q.** Did you follow up to see if the drugs were submitted?

20 **A.** (No response.)

21 **Q.** Did you follow up to see if the drugs were submitted?

22 **THE COURT:** Wait. Wait.

23 **MR. PURPURA:** I'm sorry.

24 **THE WITNESS:** The drugs weren't submitted.

25 **BY MR. PURPURA:**



~~RAYAN~~ ~~RECROSS~~

1 Q. Did you follow up to see if they were submitted?

2 A. It was no need for me. No, I didn't follow up to see --

3 Q. Do you know what kind of drugs they were?

4 A. I believe it was -- could have been Ziplocs or something  
5 of coke probably.

6 Q. What do you mean "probably"?

7 A. That's what I'm saying. I believe it could have been  
8 coke.

9 Q. How much coke?

10 A. I can't really recall. It was a small amount, but it  
11 was . . .

12 Q. And --

13 MR. PURPURA: No further questions.

14 Thank you.

15 THE COURT: Anything else, Ms. Wicks?

16 MS. WICKS: No.

17 THE COURT: Anything else?

18 MR. WISE: No, Your Honor.

19 THE COURT: Okay. All right. Thank you. This  
20 witness is excused.

21 (Witness excused.)

22 (End of excerpt.)

23 (3:03 p.m.)

24

25

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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 2, 2018

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